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of America

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, February 25, 1999*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, gracious God, to take the good words we say with our lips and translate those words into deeds of justice and mercy. Encourage us to take ideas of compassion and peace, of respect and goodwill, and allow those thoughts to be made whole and complete by making them part of our daily lives. We pray, O God, that the gift of faith will find fulfillment in good deeds and that the blessings of this day will be shared by us and all people. In Your name we pray. Amen

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EHRLICH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. EHRLICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 28, answered "present" 2, not voting 41, as follows:

[Roll No. 27]

YEAS—362

Abercrombie
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—28

Borski
Brady (PA)
Brown (CA)
Clay
Costello
Crane
DeFazio
English
Filner
Ford
Gutknecht
Hill (MT)
Hilliard
Kucinich
LoBiondo
McDermott
Moran (KS)
Oberstar
Peterson (MN)
Pickett
Ramstad
Sabo
Schaffer
Stupak
Taylor (MS)
Thompson (MS)
Visclosky
Waters

ANSWERED "PRESENT"—2

Gutierrez
Stenholm

NOT VOTING—41

Ackerman
Archer
Becerra
Bishop
Brown (FL)
Canady
Capps
Coburn
Conyers
Cox
Davis (IL)
Doyle
Etheridge
Fattah
Goodling
Hastings (FL)
Herger
Kasich

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Kolbe
Lee
Martinez
McIntosh
Meeks (NY)
Moakley
Pastor
Payne
Pelosi
Rangel
Reyes
Rogan
Rogers
Roybal-Allard
Royce
Rush
Salmon
Taylor (NC)
Towns
Watkins
Waxman
Weller
Young (AK)

□ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Mr. Speaker, I was unavoidability absent. As a result, I missed rollcall votes 22–27. Had I been present, I would have voted "Aye" on rollcall 22; "Aye" on rollcall 23; "Aye" on rollcall 24; "Aye" on rollcall 25; "Aye" on rollcall 26, and "Aye" on rollcall 27.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SANDLIN) come forward and lead the House in the Pledge of Allegiance.

Mr. SANDLIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 4. An act to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

The message also announced that pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Vice President, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control—

the Senator from Iowa (Mr. GRASSLEY), Chairman;

the Senator from Ohio (Mr. DEWINE);

the Senator from Michigan (Mr. ABRAHAM); and

the Senator from Alabama (Mr. SESSIONS).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Linda W. Beazley, Director, Elections Division, Office of the Georgia Secretary of State, indicating that, according to the unofficial returns for the election held February 23, 1999, the Honorable Johnny Isakson was elected Representative in Congress for the Sixth Congressional District, State of Georgia.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE JOHNNY ISAKSON OF GEORGIA AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia, Mr. JOHNNY ISAKSON, be permitted to take the oath of office today. His Certificate of Election has not yet arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Will the Representative-elect and the Members of the Georgia delegation present themselves in the well.

Mr. ISAKSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 106th Congress.

WELCOMING THE HONORABLE JOHNNY ISAKSON TO THE HOUSE OF REPRESENTATIVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise this morning, as the dean of the Georgia delegation, to welcome our newest Member to the House of Representatives. JOHNNY ISAKSON won an impressive victory in Tuesday's special election in Georgia's 6th Congressional District. He received 65 percent of the vote in a crowded field of contenders.

Mr. ISAKSON brings with him a wealth of experience, having served in both the Georgia House and Senate. Back home, JOHNNY has developed a reputation as a bridge builder, a man who has strong beliefs but is also willing to work with others to get things done. I believe that trait will serve him very well here in Congress.

JOHNNY, on behalf of all the members of the Georgia delegation, Democrats and Republicans, we welcome you to this great institution, the people's House. We look forward to working with you to improve the lives of the people of the 6th Congressional District, of Georgia, and the people of the Nation.

Welcome. Welcome here. Work hard and enjoy yourself and have some fun as you work.

OPENING REMARKS OF THE HONORABLE JOHNNY ISAKSON

(Mr. ISAKSON asked and was given permission to address the House for 1 minute.)

Mr. ISAKSON. Mr. Speaker, ladies and gentlemen of the House, distinguished Congressman JOHN LEWIS and all of my friends in the Georgia delegation, I am very honored and privileged to be here today.

I am particularly honored that 150 of my closest family members are in the gallery. I have the most wonderful family a man could have and the most wonderful friends in the world. And anytime you get 65 percent of the vote, there are a lot more than 150 folks back home that helped you. But I could not be prouder than to be associated with and to represent these people.

□ 1030

I am sure there are probably a lot of wise words I ought to say today, but I can only really think of two things that seem appropriate. One is an admonition I got from a great friend of mine by the name of Carl Harrison who on the first day of my swearing in to the Georgia House of Representatives said, "JOHNNY, the best way to learn is to keep your mouth shut." And so I intend to be a very good listener and learn.

And then from my father and mother who always admonished me to do what was right and always talked about Mark Twain's great quote: "Just do what's right. You'll gratify few but you'll astonish the rest."

I will do the very best I can to do what is right in the service of my State and in cooperation with you. I am well aware that to all of you I am nothing more today than the fellow that replaced Newt. I hope in the years to come I will be a respected friend and one who joined with you to make a difference for the United States of America.

FAREWELL REMARKS OF HONORABLE BOB LIVINGSTON

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, I want to offer my most sincere and hearty congratulations to the gentleman from Georgia (Mr. Isakson) as he embarks on this wonderful opportunity to serve the people of his State and the people of this country in the United States Congress.

I take this opportunity for a slightly different purpose to address the House because this marks my last official day before the House of Representatives after 21½ years. In that time I have had many successes and a few failures, many good times and a few moments of heartache. I have watched with just admiration the many statesmen and I have just watched those who are less so.

I have learned some lessons along the way. Public service is a virtue. Term limits in my opinion is a stupid idea that deprives government of experience and small States of participation in leadership. Tolerance is a necessity. Politician is not a dirty word. And compromise is the glue that renders democracy possible.

To my friends on the left, government left unwatched can lead to injustice. To my friends on the right, government is not inherently evil. Compassion is desired, but in its extreme it will deprive us of our freedom.

My friends, America in the new millennium is like the great forests of the West some 200 years ago. Our ideologues on the left and the right are scouting the terrain and lighting the path to the future. Our trendsetters in both parties survey, decipher and construct the roads and bridges. And the American people follow in waves taking the routes most appropriate for their ultimate destination.

Where are they headed? I cannot say for certain. Ronald Reagan said it was for the shining city on the hill and I certainly will not argue with that. But with commitment to public service, with tolerance and with compromise, I know that the roads to the future of America will be straight and true and headed toward justice and freedom not just for all Americans but for all the people of the world.

I thank the people of southeast Louisiana for allowing me to serve here in the greatest of all institutions, the United States Congress. I thank my colleagues for their great friendship, my colleagues on both sides of the aisle. I thank my wife Bonnie and my children, Shep and his lovely wife Sissy, Rich, Dave and Susie, and my very new beautiful grandchild Caroline and my parents and all my family for their love and their support through these 21½ wonderful years.

Thank you all and God bless America.

FAREWELL TO THE HONORABLE BOB LIVINGSTON

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I think it is ironic that on a day when we are swearing in a new colleague, the House is losing one of its best Members.

I have known the gentleman from Louisiana a long time. He came here a little over 20 years ago. He served as my ranking member on the Foreign Operations appropriations subcommittee. We had many differences. But I have to say that never for one moment did I doubt that he felt that he was putting the national interest above every other consideration in dealing with American foreign policy.

I have to say that I think the chances of the peace process moving forward in the Middle East would have been much less without his steadfast commitment to sometimes taking the tough actions on this floor that were necessary to help promote that process. I also have to say that I think that we would not see countries such as Poland and some of the other former East European captives of the Soviet Union, we would not see those countries in nearly the good shape they are in today if it were not for the very active efforts made on a bipartisan basis by the gentleman from Louisiana and his predecessor in that same committee slot, Mickey Edwards.

He served honorably and fairly when he served as my ranking member on the committee. He then succeeded me as chairman of the full committee and again we had very large differences, but we never surprised each other and we learned to trust each other implicitly.

We all have conflicting responsibilities and conflicting loyalties in this place. We have responsibilities to our party, to our country and to our institution. The gentleman from Louisiana in every case that I know of always put those priorities in the right order. He put country first, he put this institution second and he put his party third, and sometimes his own self-interest fourth.

He and his wife Bonnie Livingston have graced this institution with their presence. They are both wonderful people. I will miss them both.

I respect Bob. Sometimes I think he has been off the wall. I am sure he feels the same about me. And sometimes we probably both were. But I also love him. And I especially want to honor him because I think he has demonstrated that the word politician is not a bad name. As John Hume, that great leader for peace in Northern Ireland, said, politics is the alternative that democracies have to war in sorting out and settling our major differences. I think the gentleman from Louisiana has always recognized that. The House has been better for his being here. The House will certainly be lesser for his leaving. I know that Bob and I are living examples of what Will Rogers meant when he said that if two people agree on everything, one of them is unnecessary, but nonetheless we have been good friends. I think we can all agree that as Bob leaves this place, we can say that he has indeed been a good and faithful servant.

FAREWELL TO HONORABLE BOB LIVINGSTON

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, let me first thank the gentleman from Wisconsin for those most kind and warm and generous remarks about the gentleman from Louisiana. I know that there are many others who would like to similarly make comments for the record. There is leave to do so. The day before yesterday we held an hour special order to honor and extend our respect and admiration and best wishes to the gentleman from Louisiana on behalf of the people of Louisiana and this grateful Nation. If Members would like to submit words for the record, there is 5-day leave and I would encourage them to do so.

In that special order, we wanted the Nation to know a few very important things about this man. One of them is that he comes from an extraordinary lineage. It was his ancestor of many great degrees back, Robert Livingston, who as Minister to France signed the Louisiana Purchase on behalf of President Jefferson and purchased the territory from which 13 States or parts of States have been carved. Yet with that amazing lineage behind him, Bob Livingston rose from very humble beginnings. Losing his father at a very early age, his mother nevertheless went to work in a shipyard in Louisiana to raise Bob and his sister and to give them a chance at an education. Bob himself returned to that shipyard to work as he got his own education in his later years.

But Bob's life has been spent in public service. Bob did a stint in the U.S. Navy, the U.S. Navy Reserve. He worked most of his career as a U.S. Justice Department prosecutor in New Orleans as a prosecutor for the criminal court system in New Orleans and for the Attorney General of the State of Louisiana before coming to this body and serving for those 21½ years. He has given his life to public service.

And our State and our Nation are deeply grateful, Bob, for all you have done in your whole life for this country and for the people of our great State of Louisiana. More importantly, Bob Livingston has been a remarkable legislator in this House of colleagues who all rise to different levels of greatness. Bob Livingston, acknowledged by many Members of the Committee on Appropriations the other night, is probably the single individual most responsible for finding the consensus in the last 4 years as chairman of the Committee on Appropriations that has delivered for this country a surplus for us to talk about this year, has taken us out of deficit, not in 5 or 7 years as predicted but in a short 2-year period.

□ 1045

Mr. Speaker, for all the things he will be remembered for and for all the good things he has done in this body and throughout his public career, I think this Nation owes him a debt of gratitude for that most important thing of taking us out of deficit and giving us a surplus to debate this year.

The gentleman from Louisiana (Mr. BOB LIVINGSTON) may not ever get the credit he deserves, Mr. Speaker, but I will tell my colleagues that I know it in my heart and the people of Louisiana know it in their heart: We have rarely seen a man of that kind of dedication and spirit and deep respect and love and compassion and, as was said, tolerance for different opinions represent our State than has BOB LIVINGSTON. Louisiana will miss him sorely, and on behalf of all the people of his great district, and by the way BOB leaves with not a 60 or 70 or 80 percent approval rate, Mr. Speaker. He leaves Congress with an over 90 percent approval rate. On behalf of those people in his district and the entire State of Louisiana and, I know, this great Nation, I thank my friend for all the years he gave us. God bless him and Bonnie and his family.

Mr. Speaker, I want to wish the gentleman from Louisiana the great Cajun wish of joie de vie. I hope his life is full of joy, that his life is rich and that the retirement he justly deserves is one that he and his family will fully enjoy.

Again, BOB, thank you. God bless you.

CONGRATULATIONS ON A JOB WELL DONE

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I am saddened by this day because we are saying an official farewell to a very dear friend and a very distinguished Member of this House, and the gentleman from Louisiana (Mr. LIVINGSTON) and I have served together on the Committee on Appropriations for many years. We served on the same subcommittee and sat side-by-side. And I can tell my colleagues that here is a man who is totally honest. What you see is what he is. When he says something, we can depend on it. He is not afraid to buck the tide of public opinion, if that need be the case on a given occasion, in order to stand for what his conscience tells him is right, for what his convictions tell him is right.

Mr. Speaker, he is an example for people in public life to follow through his dedication to the constituents that he represented, his dedication to the country, the entire United States of America and his willingness to stand up and take whatever heat was necessary to do what he felt was right for America.

Personally, I will miss BOB LIVINGSTON, and I hope that he will feel free to stay in touch with this Member and, I think, with all of us, because he has been a good friend, and he has been an outstanding Member. And he became Chairman of the Committee on Appropriations when many of us had never ever served in the majority before, and we were wondering:

What do we do next?

Mr. Speaker, of all the things that have to be done in a Congress, appropriations bills have to pass. Those are the things that have to be done. And BOB LIVINGSTON, as the new chairman and the first Republican chairman of the Committee on Appropriations in 40 years, had a major, major task and a major responsibility, and he had problems not only in the House within his own party on occasion. But he stood tall, and he stood strong, and he guided this appropriations process for those 4 years in such a way that most of us thought never would work.

To the gentleman from Louisiana (Mr. LIVINGSTON) I say:

Congratulations on a job well done. Your friends will miss you dearly, and that comes from our heart.

WIRELESS PRIVACY ENHANCEMENT ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 77 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 77

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 514) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose and in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 77 is an open rule providing for consideration of H.R. 514, the Wireless Privacy Enhancement Act, a bill that will improve wireless communication privacy and make it more difficult for scanners to be altered for unlawful purposes. H. Res. 77 is a wide-open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of Rule 13 which requires a 3-day layover for committee reports, and the rule provides that each section of the bill shall be considered as read.

H. Res. 77 further allows the Chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. The rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question provided voting time on the first in any series of questions is not less than 15 minutes. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, when an American citizen picks up his telephone, we want to believe that the right to privacy is protecting us. Unfortunately, the rapid advance of technology permits the interception of phone calls rather easily, and relatively simple modifications to devices can provide anyone with an electronic stocking device. The bill before us today is designed to ensure that the current penalties for intercepting and divulging communications are strengthened.

It is important to note that many consumers are not even aware that current penalties even exist, and current law unfortunately encourages a relaxed attitude among those who casually intercept communications. As a result, this bill will improve the enforcement of privacy laws by increasing penalties for violators and encouraging the use of warning labels by the manufacturers of scanners and parts.

The bill also addresses the concern that current prohibitions on the manufacture of scanners capable of receiving cellular frequencies do not extend to other wireless technology such as personal communications and paging services. In addition, current statutes require both interception and divulgence of communications to trigger a violation, which again engenders a relaxed attitude among those that intercept communications. To fix the weakness in the current statute, H.R. 514 will protect privacy and provide effective enforcement mechanisms.

A point of concern has been made about police, fire and other emergency service communications, and I do believe that the assistance of the emergency service personnel should not be interrupted. It is my understanding that language in the committee report will explain that nothing in the bill is intended to interfere with the lawful reception of these emergency communications.

Finally, I want to congratulate the gentlewoman from New Mexico (Mrs. WILSON) for her hard work in drafting this legislation. She has played an instrumental role in guiding this bill through the committee process and deserves special recognition for leadership on this issue. I certainly expect that her management of this bill on the House floor today will ensure its passage with the support of an overwhelming majority of Members.

Mr. Speaker, H.R. 514 will directly improve wireless communications privacy, and this legislation was approved by the Committee on Commerce without amendment by voice vote. We will have ample time to discuss the merits of the bill during the general debate later today.

This is a fair rule, and I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today will be the last day of service of my aide on the Committee on Rules Thomas Bantle who came with me from our hometown in 1986, and during those years Tom has served with great distinction in my office and for the people of the 28th congressional district. But also during the time that I was the Chair of the Organization, Study and Review Committee, he had a great impact on the rules of the House, and I want to thank him for the great service that he is given me with integrity and faithfulness and wish him the very best in his new post.

Mr. Speaker, I want to thank my colleague, the gentleman from Georgia (Mr. LINDER), for yielding me the customary 30 minutes, and I rise in support of this open rule providing for the consideration of H.R. 514, the Wireless Privacy Enhancement Act.

Similar legislation passed the House in the 105th Congress by a vote of 414 to 1. While the Senate took no action on the bill, the need for this kind of privacy protection requires us to move ahead this year in the hopes that the legislation can soon become law.

Mr. Speaker, current legislation provides protection for some older technology wireless communications, but this bill extends that protection to newer technology including digital wireless communication. In addition, the bill requires the Federal Communications Commission to step up its enforcement actions against the violations of the newly-expanded privacy laws. H.R. 514 also prohibits the manufacture or modification of off-the-shelf radio scanners that could intercept digital cellular telephone communications, and this updates federal law to deal with the changes in technology since the 1986 Electronic Communications Protection Act became law.

Mr. Speaker, passage of this legislation might stop some of the predatory practices that threaten the privacy of millions of cellular conversations placed each and every day. I urge support of this open rule, and I support the underlying bill.

Mr. Speaker, I have no further requests for speakers, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 77 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 514.

□ 1057

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 514) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are here to protect the privacy of the near 68 million Americans who use wireless telecommunications services and the countless millions who will use those services in the future.

Privacy is important to all of us.

Mr. Chairman, I want to thank the gentlewoman from New Mexico (Mrs. WILSON) for introducing H.R. 514 and for shepherding this important bill through the Subcommittee on Telecommunications of the Committee on Commerce. I want to thank my friend, the gentleman from Massachusetts (Mr. MARKEY), and his staff, again for the excellent cooperation and again the bipartisan spirit that our committee so often shows in these telecommunication issues and other matters before our committee.

We began our review of this issue in the 105th Congress. Two years ago the Subcommittee on Telecommunications held a hearing on wireless privacy. What our Members learned at that hearing was astonishing. Off-the-shelf scanners can be easily modified to turn them into electronic stalking devices.

□ 1100

With the clip of a wire, a scanner can pick up a cellular conversation in a nearby vicinity. In fact, we actually did that. I demonstrated the soldering of a small wire and within 3 minutes converted a scanner, a legal scanner, into an illegal listening device; and my friend, the gentleman from Massachusetts (Mr. MARKEY), helped with the demonstration by making a private telephone conversation.

We picked it up in the committee room, with his consent in advance, and we listened to him as he plotted an overthrow of the committee, a coup d'etat, and we demonstrated in fact how easy it was to listen in on somebody's private conversation.

I want everyone to know that we thwarted that coup d'etat, and we have been good friends ever since.

What our Members indeed learned was that privacy was deeply at risk in America, and although current law and FCC rules prohibit such eavesdropping, the technology was readily available to intercept cellular phone calls.

We also learned at the hearing that some people believed that the present law did not prohibit them from modifying legal scanners to turn them into eavesdropping devices. In fact, a whole modification industry had developed. It was openly advertising in print media and over the Internet, complete with easy-to-follow instructions on how to listen in on neighbors.

H.R. 514 was introduced to crack down on those modification scanners and to prevent a new scanning market from developing for new digital wireless services. The bill prohibits the modification of legal scanners for that purpose. It requires the FCC to adopt regulations that extend current protections, this is very important, to the new digital service, such as the personal communication services; protecting the paging and specialized mobile services, the new digital so-called secure communications, to make sure they remain secure.

What our Members discovered was a residual belief out there, harkening to the early days of radio, that because the airwaves are a public good, all communications traversing over them are public as well. We discovered an almost right-to-listen mentality, and that mentality is directly inconsistent with cellular users' expectations and, of course, would hamper the growth of wireless communication services that promise so much good for our personal and our professional lives.

Our Members were disturbed by such a callousness for privacy of communications, an intent on establishing the policy that, regardless of the media, private communications deserved to remain private. H.R. 514, therefore, provides that interception alone of wireless communications is illegal. Current provisions in the Communications Act provide that an interception without divulgence is legal. In other words, eavesdropping alone is not illegal under the Communications Act today.

Divulgence alone is also prohibited. Existing Communications Act provisions prohibit a person from divulging an intercepted communications, wireless communication. While we abhor electronic stalking and the violation of privacy rights divulgence brings, we did not intend to punish unintentional behavior. We therefore prohibit in H.R. 514 only intentional interception.

The gentlewoman from New Mexico (Mrs. WILSON), who has done such a great job on this bill, will offer an amendment today that will clarify that our intent is only to punish divulgence that is in fact intentional. The unintentional divulgence will not be punished. I thank her in advance for her efforts to safeguard the consumers' privacy, while ensuring that first amendment freedoms of the press and of free speech are not in fact hampered by our bill.

When we first began our examination 2 years ago, we were dismayed that the FCC, the most likely enforcer of violations against scanning abuses, was deferring to the FBI and the Justice Department for enforcement. These law enforcement agencies obviously have serious crimes to investigate, so often eavesdropping and divulgence of private communications violations was simply not pursued. We were surprised to hear this, despite the fact that one of our witnesses at our hearings 2 years ago, the FBI official in charge of the TWA crash investigation on Long Island, told us that FBI agents were unable to use their cellular phones during that investigation because the press was scanning and then divulging their intercepted calls when writing articles about the investigation, in fact hampering their ability to find what happened in that awful plane crash.

This illegal interception and divulgence of communications over commercial cellular services was hampering a major FBI investigation. Because of the current lack of aggressive enforcement, the bill now requires that the FCC, regardless of what other enforcement agencies are doing, that they must investigate alleged violations and in fact take action to prevent them.

H.R. 514 leaves undisturbed legitimate uses of scanners. Let me say it again for all Members. This bill does not affect the legitimate scanner, the legal scanner such as those that are used for public safety channels or listening to NASCAR communications for automobile races. Legal scanners, not modified to listen to your cellular phone, are legal today, will remain legal tomorrow. The bill only seeks to prohibit the interception of communications for services that are exclusively allocated for commercial service, for which consumers have the expectation of privacy. We believe we have successfully balanced a number of competing concerns, and I ask all Members to vote for this very good bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I want to commend the chairman, the gentleman from Louisiana (Mr. TAUZIN), for bringing this bill to the floor today and to thank him and the gentleman from Virginia (Mr. BLILEY) for the way in which the minority have been treated on this excellent bipartisan legislation.

We have crafted this bill over a couple-of-years period, and it reflects that very close consultation between majority and minority that has always characterized the Subcommittee on Telecommunications, Trade and Consumer Protection. And I want to particularly single out the gentlewoman from New Mexico (Mrs. WILSON) for her work on this legislation. She has helped us to fine-tune it in her brief time here on the committee, and she is the lead sponsor here today, and I want to thank her for her work on this legislation.

The bill that we have before us today offered by the gentlewoman from New Mexico (Mrs. WILSON) is essentially the same wireless scanner legislation that the House of Representatives overwhelmingly approved last session. No action was taken on that legislation in the Senate, and so we return early this session, under the leadership of the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN), and the chairman, the gentleman from Virginia (Mr. BLILEY) to approve it again in the hopes that the other body will do likewise.

There is a very important amendment that the gentlewoman from New Mexico (Mrs. WILSON) has crafted, which I think should be included. This legislation modifies the wireless scanner prohibitions contained in the Communications Act and updates them to address digital wireless technologies. The legislation clarifies our intention that legally protected conversations should not be readily available to scanner enthusiasts who buy scanners for entertainment or for other interests, but they should not be able to eavesdrop on their neighbors. It leaves available those public frequencies utilized often by police and fire and emergency service personnel for scanner hobbyists to continue listening in on.

It ensures that everyday wireless conversations, legally protected conversations, are not easily picked up and listened to.

The bill on the floor this morning has four main parts.

First, the bill extends current scanner receiver manufacturing restrictions to prevent the manufacture of scanners that are capable of intercepting communications in frequencies allocated to new wireless communications, namely personal communications services and protected paging and specialized mobile radio services.

Second, the bill prohibits the modification of scanners and requires the Federal Communications Commission to strengthen its rules to prevent the modification of scanning receivers. This is very important, because committee records from this year and last year make clear that some entities are restoring scanners that comply with the Federal Communications rules so that these scanners can obtain protected frequencies.

Third, the bill makes it illegal to intentionally intercept or divulge the content of radio communications.

Finally, penalties are increased for violations; and the legislation requires the Commission to move expeditiously on investigations of alleged violations.

Mr. Chairman, I think it is important that we point out that digital cellular, the next generation of cellular services, and digital personal communications services are less susceptible to unauthorized eavesdropping than analogue cellular that most people in our country have been using over the last decade. Yet, digital cellular and PCS are not completely immune from eavesdropping because, in a never-ending saga of technical one-upmanship, the equipment for intercepting digital calls and converting digital conversations is becoming more available and more affordable.

Currently, such digital scanners remain vastly more expensive and complex than existing off-the-shelf scanners that intercept analogue communications. However, one of the purposes of the bill is to prevent a market from developing for less expensive digital scanners by clearly prohibiting the authorization of such scanners by the Federal Communications Commission.

In the final analysis, Mr. Chairman, consumers will best be protected through a combination of the scanner provisions we are poised to approve today and the implementation of encryption technology so that consumers can encode their own conversations and their own private data. For this reason, we must make sure that the United States encryption policy avails consumers of the opportunity to utilize the best, most sophisticated technology, so that they can help to protect themselves, and I urge the wireless industry to help make these encryption technologies available to consumers in an affordable way.

Mr. Chairman, this is a good bill, and I want to again commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. BLILEY), because the gentleman from Michigan (Mr. DINGELL) and I and the other Members on our side feel that we were very fairly treated. We feel it is a good piece of legislation. We compliment the chairman, the gentlewoman from New Mexico (Mrs. WILSON) and all involved in it.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), a new, extremely bright new voice, on our committee and the author of the legislation.

Mrs. WILSON. Mr. Chairman, almost 70 million Americans have cellular or digital phones or those new PCS phones that have everything on them from caller IDs to voice messaging and paging all in one little phone that can fit in someone's pocket.

In America, 1997 was a milestone year. That was the first year in American history that more cordless and cell phones were sold than hard wire phones to hang on our walls or set on our telephone tables at home.

People expect the calls that we make on those little phones in our pockets to be private, because we are used to it. We are used to it on the hard line phones in our homes and in our offices, and we have a right to expect the same thing on the ones that more and more people are carrying with them, are using in their car, sometimes dangerously, or in restaurants or outside office buildings or walking down the street or on the subway. They expect privacy, and we need to give it to them.

While the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Louisiana (Mr. TAUZIN) were here in Washington busy with their soldering irons and plotting coup d'etats in the Subcommittee on Telecommunications Trade and Consumer Protection, I was back in New Mexico in my home State.

I am not really a technology person, but shortly after my baby was born, I heard voices coming from her room and went in there and found that the baby monitor was picking up the conversations of my neighbor, and while that is not exactly on point it proved to me how easy it is for technology to inadvertently pick up the private conversations of someone that thought that conversation and had a right to believe that conversation should be private.

The law in privacy has loopholes, and technology has outstripped our privacy protection laws. I would note that it was the gentleman from Massachusetts (Mr. MARKEY) in 1992 who wrote the original law here that covers cell phones, but it needs to be expanded today, and that is what this bill is all about.

We should not have companies in America advertising scanners that can be easily modified to pick up private conversations. There should not be a business for that in America, and this bill would eliminate that kind of business. The bill updates scanner manufacturing bans so that new frequencies, including digital and PCS phones are covered, in addition to cell phones. It prohibits the modification of scanners to intercept calls.

□ 1115

So there is no more messing around in the hearing room.

Mr. Chairman, it makes it illegal to intentionally intercept calls or to intentionally divulge the content of private calls, and it increases the penalties for violators and requires the FCC to investigate violations, instead of just referring them over to somebody else who is overburdened as it is.

I think it is also important to make clear what this bill does not do, because I think it can be confusing, especially for those of us who are not really used to dealing with some of these telecommunications widgets. There are a lot of people who listen to the police and fire departments on the scanners because they are volunteer firefighters or just because they like to. They like to know what is going on in their town and where they can help. There are also ham operators that enjoy their hobby, and they provide a public service, and that is okay.

It is okay now, and it will continue to be okay with this bill. Those are public service and amateur radio frequencies, and people should be able to listen to them and to use them. Just to make it perfectly clear, we have added report language to the bill that makes this intent very clear to the FCC. There will be no interference with those rights and public frequencies and the ability to have scanners for public service and fire and police.

Mr. Chairman, I will also have an amendment that clarifies that those who unintentionally divulge information that they do not know comes from an illegally intercepted conversation are not penalized. One should not be held accountable for something if they had no intention or no knowledge, and we will clarify that with an amendment in a few minutes here.

Of course, we also have to be sensitive to the needs of law enforcement agencies and national security; and the bill also, by cross-reference to Title 18 in the Criminal Code, makes clear that the procedures that exist now for fighting terrorism and drug traffickers and other criminal acts remain as they always have been.

Mr. Chairman, I want to commend the gentleman from Virginia (Chairman BLILEY) and the gentleman from Louisiana (Chairman TAUZIN), as well as the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) for working on this bill for so long and tolerating some of the tweaking that we have been doing to it. Their staffs have been very cooperative, and I think we have a good, solid piece of legislation that is supported by both sides of the aisle.

Mr. Chairman, I appreciate particularly the prompt action of the gentleman from Louisiana in bringing this to the floor today. This bill will give Americans privacy they expect and they deserve, and I thank him for his leadership.

Mr. TAUZIN. Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. WILSON) on behalf of all of us on the committee for the excellent job on this bill, and I look forward to working with her on many other high-tech issues as we learn them together.

Mr. Chairman, I yield such time as he may consume to the gentleman from Richmond, Virginia (Mr. BLILEY), who is not only the chairman of our Committee on Commerce but the chairman of what we consider to be the most important committee in the House of Representatives.

Mr. BLILEY. Mr. Chairman, yesterday, the House considered and passed the first of a couple of wireless bills and, like its brother of yesterday, the bill before us today both increases the usefulness of wireless services for our constituents and promotes an important public interest.

H.R. 514 will increase the privacy of the 70-odd million subscribers of wireless services in this country. The bill outlaws modifications of off-the-shelf scanners to intercept personal wireless communications, not communications over shared frequencies where the parties expect to be heard, like in NASCAR racing, boating or police or fire channels, but of private communications enabled by commercial services where users have an expectation of privacy.

Mr. Chairman, I remember a hearing in the last Congress when the chairman of the subcommittee and the ranking member put on a demonstration of just how easy it is to take an off-the-shelf scanner and modify it. Nobody has the right to listen to private communication merely because one has the technical expertise to intercept. This bill will outlaw such interception and force the FCC to deal with electronic stalking as a serious breach of our privacy rights enforceable under this new law.

The bill will also prevent the development of a market for next generation digital scanners, so that from the get-go digital wireless service will remain private.

Mr. Chairman, I would like to thank the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Louisiana (Chairman TAUZIN), as well as the gentleman from Massachusetts (Mr. MARKEY), ranking member of the subcommittee, and the gentleman from Michigan (Mr. DINGELL), ranking member of the full committee.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to also single out again the work of the staff who have always, as I said, toiled long hours to help us bring bills like this, complex in nature, technical in nature, to the floor.

I want to again acknowledge and thank Andy Levin and Colin Crowell, and from the majority, Tricia Paoletta, Mike O'Rielly, Cliff Riccio and Luke Rose for their excellent work on this bill and for our entire committee and subcommittee.

Again, I say thanks for the work of the gentleman from Virginia (Chairman BLILEY) in helping us to move this legislation to the floor, as well as to the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their excellent cooperation.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for giving me this opportunity to address this important bill, H.R. 514, that will extend our federal privacy protections to protect the users of wireless technologies.

Many historians would agree, that it is our country's long tradition of innovation and ingenuity that made us, and keeps us, a superpower. However, the rewards of innovation do not always come without a price.

First, there is the cost of developing the innovation. Our government often participates in that innovation through agencies and programs like NASA, the Science Foundation (NSF), and the Advanced Technology Program (ATP).

Second, new technologies often have hidden costs. One example is the Y2K problem, which manifested itself in part because technology developers did not believe that their products would still be in use in the 21st century.

Third and unfortunately, because the law is sometimes unable to adjust quickly enough to these rapidly-changing technologies, there are other costs that come about because of fraudulent or criminal activity. This bill addresses one such problem that has developed because of the rise in the use of wireless technologies, such as cellular phones.

With the demand for wireless technologies growing at a near-exponential rate, we have seen the development of technologies that are capable of intercepting wireless transmissions, and in some instances, decoding those transmissions. That means that with a simply modified scanner, an individual with criminal intentions could readily listen into cellular phone conversations undetectably.

Furthermore, there are some scanners that even have the ability to decode the digital transmissions that up until now were a strong selling point for high-end cellular phones. Many of the purchasers of digital phones, in fact, purchased them in part because they felt that their conversations and cellular phone profiles are more secure than with the use of analog technology.

This bill works to better protect those consumers, and in fact, all consumers of wireless technologies, by making it illegal to intentionally intercept or disclose any wireless communication. By criminalizing both behaviors, we will be protecting all consumers from the fraudulent misuse of their conversations and transmissions.

It is our responsibility as a Congress to preserve the principles put forth in our Constitution. I feel that this bill is a logical extension of the Right of Privacy recognized by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), and I support this bill as a result.

I urge all of you to vote in favor of this bill, and to further protect our citizens from high-tech fraud.

Mr. PAUL. Mr. Chairman, I rise in opposition to H.R. 514, and in support of the Wilson amendment. The passage of this legislation will, as does so much of the legislation we pass, move our nation yet another step close to a national police state by further expanding a federal crime and empowering more federal police—this time at the Federal Communications Commission. Despite recent and stern warnings by both former U.S. attorney general Edwin Meese III and current U.S. Supreme Court Chief Justice William H. Rehnquist, the Congress seems compelled to ride the current wave of federally criminalizing every human misdeed in the name of saving the world from some evil rather than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from totalitarianism.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently. Of course, there will be those who will hand their constitutional "hats" on the interstate commerce or general welfare clauses, both of which have been popular "headgear" since the plunge into New Deal Socialism.

Perhaps, more dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, as mentioned above, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). "Concurrent" jurisdiction crimes, such as alcohol prohibition in the past and eavesdropping today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same crime. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide values as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Yet, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

As government becomes more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police power in the national government and, accordingly, H.R. 514.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Privacy Enhancement Act of 1999".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. COMMERCE IN ELECTRONIC EAVESDROPPING DEVICES.

(a) Prohibition on Modification.—Section 302(b) of the Communications Act of 1934 (47 U.S.C. 302a(b)) is amended by inserting before the period at the end thereof the following: ", or modify any such device, equipment, or system in any manner that causes such device, equipment, or system to fail to comply with such regulations".

(b) Prohibition on Commerce in Scanning Receivers.—Section 302(d) of such Act (47 U.S.C. 302a(d)) is amended to read as follows:

"(d) Equipment Authorization Regulations.—

"(1) Privacy protections required.—The Commission shall prescribe regulations, and review and revise such regulations as necessary in response to subsequent changes in technology or behavior, denying equipment authorization (under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of—

"(A) receiving transmissions in the frequencies that are allocated to the domestic cellular radio telecommunications service or the personal communications service;

"(B) readily being altered to receive transmissions in such frequencies;

"(C) being equipped with decoders that—

"(i) convert digital domestic cellular radio telecommunications service, personal communications service, or protected specialized mobile radio service transmissions to analog voice audio; or

"(ii) convert protected paging service transmissions to alphanumeric text; or

"(D) being equipped with devices that otherwise decode encrypted radio transmissions for the purposes of unauthorized interception.

"(2) Privacy protections for shared frequencies.—The Commission shall, with respect to scanning receivers capable of receiving transmissions in frequencies that are used by commercial mobile services and that are shared by public safety users, examine methods, and may prescribe such regulations as may be necessary, to enhance the privacy of users of such frequencies.

"(3) Tampering prevention.—In prescribing regulations pursuant to paragraph (1), the Commission shall consider defining 'capable of readily being altered' to require scanning receivers to be manufactured in a manner that effectively precludes alteration of equipment features and functions as necessary to prevent commerce in devices that may be used unlawfully to intercept or divulge radio communication.

"(4) Warning labels.—In prescribing regulations under paragraph (1), the Commission shall consider requiring labels on scanning receivers warning of the prohibitions in Federal law on intentionally intercepting or divulging radio communications.

"(5) Definitions.—As used in this subsection, the term 'protected' means secured by an electronic method that is not published or disclosed except to authorized users, as further defined by Commission regulation.".

(c) Implementing Regulations.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe amendments to its regulations for the purposes of implementing the amendments made by this section.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. UNAUTHORIZED INTERCEPTION OR PUBLICATION OF COMMUNICATIONS.

Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) in the heading of such section, by inserting "**INTERCEPTION or**" after "**UNAUTHORIZED**";

(2) in the first sentence of subsection (a), by striking "Except as authorized by chapter 119, title 18, United States Code, no person" and inserting "No person";

(3) in the second sentence of subsection (a)—

(A) by inserting "intentionally" before "intercept"; and

(B) by striking "and divulge" and inserting "or divulge";

(4) by striking the last sentence of subsection (a) and inserting the following: "Nothing in this subsection prohibits an interception or disclosure of a communication as authorized by chapter 119 of title 18, United States Code.";

(5) in subsection (e)(1)—

(A) by striking "fined not more than $2,000 or"; and

(B) by inserting "or fined under title 18, United States Code," after "6 months,"; and

(6) in subsection (e)(3), by striking "any violation" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation";

(7) in subsection (e)(4), by striking "any other activity prohibited by subsection (a)" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation of subsection (a)"; and

(8) by adding at the end of subsection (e) the following new paragraph:

"(7) Notwithstanding any other investigative or enforcement activities of any other Federal agency, the Commission shall investigate alleged violations of this section and may proceed to initiate action under section 503 of this Act to impose forfeiture penalties with respect to such violation upon conclusion of the Commission's investigation.".

The CHAIRMAN. Are there any amendments to section 3?

AMENDMENT OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. Wilson:

Page 5, strike lines 14 and 15 and insert the following:

(B) by striking "communication and divulge" and inserting "communication, and no person having intercepted such a communication shall intentionally divulge";

(4) in the fourth sentence of subsection (a)—

(A) by inserting "(A)" after "intercepted, shall"; and

(B) by striking "thereof) or" and inserting "thereof); or (B)";

Page 5, line 16, strike "(4)" and insert "(5)".

Page 5, line 21, strike "(5)" and insert "(6)".

Page 6, line 1, strike "(6)" and insert "(7)".

Page 6, line 5, strike "(7)" and insert "(8)".

Page 6, line 10, strike "(8)" and insert "(9)".

Mrs. WILSON. Mr. Chairman, concern was raised during the consideration of this bill by several folks who were concerned about first amendment rights. It was a drafting point, but it needed to be fixed in order to make it perfectly clear. We do not want to make it a crime to divulge or publish information that someone does not know came from an intercepted cell call. That would criminalize unintentional acts.

Mr. Chairman, say a reporter gets a scoop from a source, not knowing that it came from an intercepted call, for example. We do not want that to be a crime, even if the interception is a crime. But we do wish to prohibit people divulging information that they know was illegally intercepted, even if they were not the ones that actually intercepted the call. If we did not do that, that would be a loophole to drive a truck through.

How could that happen? Let us say I am illegally monitoring cell calls, whether for pleasure or just systematically, and I intercept a cell call of a builder who is talking over his phone who talks about information on a bid that he is going to give on a job. I give it to my buddy, and my buddy divulges it to another builder or divulges it publicly. It should be a crime to divulge that information if one knows that it came from an intercepted call. It should be a crime for me to do it or for my buddy to do it, if he knows that I have been scanning those calls.

This amendment makes that clarification, that it is a crime to intentionally intercept. It is a crime to intentionally divulge. It is not a crime to divulge it if one does not know where the information came from. It sounds a little bit confusing, but this amendment will protect first amendment rights while criminalizing eavesdropping and those who are a part of eavesdropping schemes.

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is a very important clarifying amendment which will protect innocent people from being swept up in a statute which is clearly aimed at wrongdoers. I want to congratulate the gentlewoman from New Mexico (Mrs. WILSON) for this important refinement, which I think at the point of enforcement is going to be very helpful to law enforcement officials because it will make it quite clear what it was that Congress intended. I would urge all Members to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YOUNG of Florida) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 514) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, pursuant to House Resolution 77, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 403, nays 3, not voting 28, as follows:

[Roll No. 28]

YEAS—403

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Hinchey
McDermott
Paul

NOT VOTING—28

Ackerman
Bonior
Capps
Davis (VA)
Dickey
Eshoo
Frank (MA)
Gephardt
Goodling
Kasich
Kennedy
Kolbe
Lee
Livingston
Meeks (NY)
Miller, George
Moakley
Pastor
Payne
Pelosi
Regula
Reyes
Rogan
Royce
Rush
Towns
Waters
Woolsey

☐ 1147

Mr. HINCHEY changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LEE. Mr. Speaker, on rollcall No. 28, I was traveling with the Chairman, Subcommittee on Africa and was unavoidably absent for the vote on H.R. 514. Had I been present, I would have voted "yes."

Mr. GOODLING. Mr. Speaker, regrettably I was unavoidably detained for rollcall vote 28. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. KASICH. Mr. Speaker, on Thursday, February 25, 1999, I was unavoidably detained and unable to record a vote by electronic device on roll No. 27. Had I been present, I would have voted "aye" on roll No. 27.

On Thursday, February 25, 1999, I was unavoidably detained and unable to record a vote by electronic device on roll No. 28. Had I been present, I would have voted "aye" on roll No. 28.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes this week. Had I been here I would have made the following votes: Rollcall No. 22—"aye"; rollcall No. 23—"aye"; rollcall No. 24—"aye"; rollcall No. 25—"aye"; rollcall No. 26—"aye"; rollcall No. 27—"aye"; rollcall No. 28—"aye".

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 434

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent to have my name removed as an original cosponsor of H.R. 434. My name was inadvertently included as a cosponsor of that bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill just passed, H.R. 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 669, AMENDING PEACE CORPS ACT TO AUTHORIZE APPROPRIATIONS FOR FY 2000 THROUGH 2003 TO CARRY OUT THAT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 83 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 83

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 83, Mr. Speaker, is an open rule providing for the consideration of H.R. 669, the Peace Corps Reauthorization Act. The purpose of the bill is to authorize funds for the Peace Corps for fiscal years 2000 through 2003, expanding the Peace Corps from the current number of volunteers to the goal of 10,000 by the year 2003.

The rule provides for the customary 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. In addition, the rule provides the bill shall be considered as read. The rule permits the Chair to grant priority in recognition to Members who have preprinted their amendments and consider them as read.

Further, as has become standard practice for open rules, the Chair is allowed to postpone votes and to reduce the time for electronic voting on postponed votes.

Finally, the rule provides for one motion to recommit with our without instructions.

Mr. Speaker, to keep our record of fair rules for the 106th Congress, I am pleased to report to the House that House Resolution 83 is another open rule that affords any Member the opportunity to offer any germane amendments.

H.R. 669, the Peace Corps Reauthorization Act, is in line with an effort started by President Reagan in 1985 to expand the Peace Corps to 10,000 volunteers. Since the Peace Corps was established, first by President Kennedy and affirmed by the 87th Congress, over 150,000 Americans have served in 134 countries and have learned 180 languages and dialects.

We are fortunate to have five former Peace Corps volunteers working with us in the U.S. House of Representatives: The gentleman from California (Mr. FARR), the gentleman from Ohio (Mr. HALL), the gentleman from Wisconsin (Mr. PETRI), the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. WALSH).

I commend these gentlemen as well as the thousands of other volunteers for their tireless efforts in providing basic health and agriculture education, working so communities have access to clean water, as well as teaching English and other skills to extraordinarily needy populations.

I am honored to serve on the Committee on Rules with my esteemed and distinguished colleague from Ohio (Mr. HALL), whose Peace Corps experience, no doubt, had much to do with his clear and long-time commitment to fighting hunger throughout the world.

H.R. 669 fulfills the effort which President Reagan proposed in 1985 to expand the number of volunteers, and this expansion has been requested by President Clinton. I urge my colleagues to support this open rule, this fair rule, and hope that they will give careful consideration to supporting the underlying positive legislation as well.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from

Florida (Mr. DIAZ-BALART) for yielding me the time and certainly his many kind words about me.

Mr. Speaker, this is an open rule. It will allow for full and fair debate on H.R. 669. As my colleague from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member on the Committee on International Relations.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

In 1985, President Reagan set a goal for the Peace Corps of 10,000 volunteers and, unfortunately, low levels of funding have prevented us from getting there. The bill before us would finally accomplish that goal. The bill would also expand the work of the Crisis Corps, a group of experienced Peace Corps volunteers who assist in emergencies.

Since it was founded by President Kennedy in 1961, the Peace Corps has been one of our most important tools of international diplomacy. The people-to-people style of the Peace Corps has won friends for America all over the world, and I know this because I was a Peace Corps volunteer in Thailand in 1966 and 1967.

In the rural villages and urban communities where they serve, Peace Corps volunteers are educating the children, they are caring for the sick, and they are teaching the poorest of the poor how to help themselves. They are on the front lines every day fighting the major health threats to young children.

□ 1200

But, most importantly, these volunteers are the face of America for people all across the globe.

The Peace Corps' exciting new Crisis Corps initiative is well under way, in which experienced volunteers and return volunteers provide short-term assistance during humanitarian crises and natural disasters. Crisis Corps volunteers were recently dispatched to Central America to aid in recovery from the Hurricane Mitch disaster. They have also worked with refugees from Liberia and Sierra Leone in Guinea and the Ivory Coast.

The Peace Corps represents the best that our country has to offer, I think. It brings together bright, dedicated, energetic people and arms them with the tools to work in foreign countries as ambassadors of peace.

The Peace Corps is one of the best known and loved of our foreign aid programs. Its budget represents only a tiny fraction, about 1 percent, of our international affairs accounts. It is a remarkable return from a very modest investment.

Last month, I had the opportunity to visit the town in Thailand where I served as a Peace Corps volunteer. It is no longer this sleepy rural village I remembered but a very large urban center of a million people. The old school where I taught English was not only still standing but was thriving, and so were the lasting bonds of friendship that I established with so many wonderful people in that community.

I am pleased to be an original cosponsor of this bipartisan legislation. I urge adoption of the rule and the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the open rule that will govern the debate for the Peace Corps Act (H.R. 669). This bill authorizes appropriations for fiscal year 2000 through 2003. This organization has a legacy of service that has become an important part of American history.

President John F. Kennedy first proposed the idea of the Peace Corps during a campaign stop at the University of Michigan in 1960. He challenged the students to give two years of their lives to help people in the developing world.

Since its inception, the Peace Corps has trained 150,000 volunteers to work in 134 countries. Some of these volunteers include members who have served here in the House: Representative SAM FARR of California, Representative TONY HALL of Ohio, Representative THOMAS PETRI of Wisconsin, Representative CHRISTOPHER SHAYS of Connecticut and Representative JAMES WALSH of New York.

Currently there are 6,700 volunteers serving in 80 countries. The increased funding would allow the Peace Corps to expand to its goal of 10,000 volunteers. It would also allow the Peace Corps programs to expand to South Africa, Jordan, China, Bangladesh, Mozambique and other countries in Central Asia, the Middle East, South America, Eastern Europe and Africa.

The Peace Corps is an important part of our foreign assistance program. It helps communities gain access to clean water, grow food, prevent the spread of AIDS and work with to protect the environment.

I look forward to the improvements on this bill via the amendment process on the floor of the House. I urge my colleagues to vote in favor of the rule on this bill.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LEE. Mr. Speaker, I was traveling with the Chairman, Subcommittee on Africa and was unavoidably absent from debate on the rule on H.R. 669. Had I been present, I would have voted in favor of agreeing to the rule.

APPOINTMENT TO TRADE DEFICIT REVIEW COMMISSION

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, and pursuant to the provisions of subsection (c)(3) of the Trade Deficit Review Commission Act (Division A of Public Law 105–277) the Chair announces the Speaker's appointment of the following person on the part of the House to the Trade Deficit Review Commission:

Mrs. Carla Anderson Hills, Washington D.C.

There was no objection.

APPOINTMENT OF MEMBER TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 6(B) of the National Foundation of the Arts and Humanities Act of 1965 as amended by section 346(e) of Public Law 105–83, the Chair announces the Speaker's appointment of the following Member of the House to the National Council on the Arts:

Mr. BALLENGER of North Carolina.

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H.DOC. 106–30)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1999, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

BIENNIAL REPORT ON ADMINISTRATION OF COASTAL ZONE MANAGEMENT ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I am pleased to transmit the Biennial Report to Congress on the Administration of the Coastal Zone Management Act (CZMA) of the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1996 and 1997. This report is submitted as required by section 316 of the CZMA of 1972 as amended, (16 U.S.C. 1451, *et seq.*).

The report discusses progress made at the national and State level in administering the Coastal Zone Management and Estuarine Research Reserve Programs during these years, and spotlights the accomplishments of NOAA's State coastal management and estuarine research reserve program partners under the CZMA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES
Washington, DC, January 27, 1999.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find a copy of a letter to the Louisiana Secretary of State announcing my intention to resign from the U.S. House of Representatives on February 28, 1999. Upon receipt of this letter, I expect the Governor to notice and call an election to fill my vacancy. My hope is that it will occur as quickly as possible so as to result in as little inconvenience as possible to the Republican Conference.

Sincerely,

ROBERT L. LIVINGSTON,
Member of Congress.

ADJOURNMENT TO MONDAY, MARCH 1, 1999

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 2, 1999

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 1, 1999, it adjourn to meet at 10:30 a.m. on Tuesday, March 2, 1999, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TASK FORCE AGUILA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, General George Patton once said, "There is no limit to what you can accomplish, if you don't care who gets the credit."

This quote is very fitting for the 5,000 men and women of Task Force Aguila, who left their homes and loved ones during the holidays last year to provide humanitarian relief to the victims of Hurricane Mitch.

As members of the Task Force prepare to end their mission, I feel it is important to take note of the following. Mr. Speaker, there are many accomplishments of our U.S. military in Central America that are not known by my colleagues here or, for that matter, most Americans; like the over 15,000 sick and injured people that were treated and cared for, the delivery of almost 2,000 tons of food and other humanitarian aid, millions of gallons of water purified, and the miles and miles of roads repaired and washed out bridges rebuilt.

All of these will be lasting reminders of the goodwill and ambassadorship provided by every airman, soldier and Marine as part of our U.S. diplomacy there.

I rise today to express my thanks and give national recognition to our Armed Forces for a job well done.

COMPARABLE TREATMENT OF FEDERAL WORKERS, MEMBERS OF CONGRESS, AND THE PRESIDENT DURING FEDERAL GOVERNMENT SHUTDOWN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in the past when we shut the Federal Government down, the government employees were not paid but Members of Congress and the President and the Senate of course were. So today I am introducing legislation to provide for comparable treatment of Federal employees, Members of Congress, and the President if there is a Federal Government shutdown.

I think, in good conscience, if we are asking our Federal employees to suffer the consequences, then we in this House should, too. Maybe we would think more carefully about shutting this place down. If my colleagues believe, as I do, that it is only right and just that we also forgo our paychecks, then I hope they will join with me in asking Congress and the President to put our paychecks where our values are and not expect special treatment in the event we shut the Federal Government down. Show their support for Federal workers by cosponsoring my bill, which I intend to drop this morning. I look forward to the support of my colleagues.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING INTERIM BUDGET ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999–2003

The SPEAKER. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Section 2 of House Resolution 5, I submit for printing in the CONGRESSIONAL RECORD interim budget aggregates and allocations for fiscal year 1999 and for the period of fiscal years 1999 through fiscal year 2003.

These interim levels will be used to enforce sections 302(f), 303(a) and 311(a) of the Congressional Budget Act of 1974. Section 303(a) prohibits the consideration of legislation that provides new budget authority or changes in revenues until Congress has agreed to a budget resolution for the appropriate fiscal year. Sections 302(f) and 311(a) prohibit the consideration of legislation that exceeds the appropriate budgetary levels set forth in budget resolution and the accompanying report.

Without these interim levels, the House would be prohibited under section 303(a) of the Budget Act from considering legislation with even negligible budgetary effects in certain fiscal years because a budget resolution is not in effect for the current fiscal year. There would be no levels to make determinations under sections 302(f) and 311(a) for fiscal year 1999 and such determinations for the five year period would be based on the now-obsolete levels set forth under H. Con. Res. 84 (H. Rept. 105–116) in 1997.

The interim allocations and aggregates are essentially based on current status levels.

They reflect enacted and House-passed legislation as estimated by the Congressional Budget Office (CBO). In the case of the Committee on Appropriations, the allocations are identical to the levels set forth in H. Res. 477 (H. Rept. 105–585) except that they reflect adjustments for emergencies, arrearages and other items under section 314 of the Congressional Budget Act.

These levels are effective until they are superseded by a conference report on the concurrent budget resolution.

If there are any questions on these interim allocations and aggregates, please contact Jim Bates, Chief Counsel of the Budget Committee, at ext. 6–7270.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

[Committees other than Appropriations]

Committee		Budget year					Total 1999–2003
		1999	2000	2001	2002	2003	
Agriculture Committee:							
Current Law	BA	17,337	9,727	8,499	6,967	2,738	45,268
	OT	14,885	5,927	5,729	4,374	51	30,966
Reauthorizations	BA	0	0	0	0	28,328	28,328
	OT	0	0	0	0	27,801	27,801
Total	BA	17,337	9,727	8,499	6,967	31,066	73,596
	OT	15,885	5,927	5,729	4,374	27,852	58,767
Armed Services Committee:							
Current Law	BA	47,809	49,218	50,895	52,579	54,366	254,867
	OT	47,672	49,108	50,792	52,476	54,273	254,321
Banking and Financial Services Committee:							
Current Law	BA	3,442	4,586	5,431	5,297	5,027	23,783
	OT	874	−2,016	−473	−24	186	−1,453
Committee on Education and the Workforce:							
Current Law	BA	3,303	4,503	5,061	5,495	5,424	23,786
	OT	2,744	3,829	4,366	4,835	4,995	20,729
Discretionary Action	BA	0	0	0	305	305	610
	OT	0	0	0	92	275	367
Total	BA	3,303	4,503	5,061	5,800	5,729	24,396
	OT	2,744	3,829	4,366	4,927	5,230	21,096
Commerce Committee:							
Current Law	BA	8,663	10,247	12,263	15,747	16,015	62,935
	OT	5,421	8,351	10,963	16,458	16,942	58,135
International Relations Committee:							
Current Law	BA	10,924	9,888	9,982	9,557	8,711	49,062
	OT	12,162	11,516	10,860	10,415	9,698	54,651
Government Reform Committee:							
Current Law	BA	57,886	59,661	61,516	63,577	65,822	308,462
	OT	56,644	48,365	60,164	62,174	64,396	301,743
Discretionary Action	BA	0	2	4	4	4	14
	OT	0	2	4	4	4	14
Total	BA	57,886	59,663	61,520	63,581	65,826	308,476
	OT	56,644	58,367	60,168	62,178	64,400	301,757
Committee on House Administration:							
Current Law	BA	93	90	90	90	93	456
	OT	56	262	49	13	57	437
Resources Committee:							
Current Law	BA	2,296	2,391	2,370	2,319	2,351	11,727
	OT	2,253	2,254	2,332	2,205	2,326	11,370
Judiciary Committee:							
Current Law	BA	4,759	4,548	4,550	4,539	4,631	23,027
	OT	4,578	4,371	4,461	4,617	4,622	22,649
Transportation and Infrastructure Committee:							
Current Law	BA	49,121	48,697	49,721	50,714	51,714	249,967
	OT	16,114	16,021	16,026	15,834	15,722	79,717
Discretionary Action	BA	1,205	2,410	2,410	2,410	2,410	10,845
	OT	0	0	0	0	0	0
Total	BA	50,326	51,107	52,131	53,124	54,124	260,812
	OT	16,114	16,021	16,026	15,834	15,722	79,717
Science Committee:							
Current Law	BA	38	38	35	32	32	175
	OT	33	36	36	36	34	175
Small Business Committee:							
Current Law	BA	−414	0	0	0	0	−414
	OT	−585	−156	−140	−125	−110	−1,116
Veterans' Affairs Committee:							
Current Law	BA	1,182	1,144	1,077	990	931	5,324
	OT	1,296	1,358	1,331	1,316	1,355	6,656
Discretionary Action	BA	0	394	874	1,367	1,868	4,503
	OT	0	360	833	1,325	1,824	4,342
Total	BA	1,182	1,538	1,951	2,357	2,799	9,827
	OT	1,296	1,718	2,164	2,641	3,179	10,998
Ways and Means Committee:							
Current Law	BA	671,063	676,265	692,412	705,685	728,575	3,474,000
	OT	659,770	666,279	684,407	696,184	721,486	3,428,126
Reauthorizations	BA	0	0	0	0	19,553	19,553
	OT	0	0	0	0	17,312	17,312
Discretionary Action	BA	0	−2	0	0	0	−2
	OT	0	−2	0	0	0	−2
Total	BA	671,063	676,263	692,412	705,685	728,575	3,473,998
	OT	659,770	666,277	684,407	696,184	721,486	3,428,124

UNITED STATES NEEDS TO FOCUS ON INDONESIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, one aspect of livable communities is the global connections that we are facing today as trade interrelates our economies, world peace is affected as one destabilized area can have serious consequences for others, how environmental exploitation has global consequences for us all as we have increasingly destructive capacity in an increasingly smaller world.

There is need for people who care about livable communities to focus on Indonesia, focus across four time zones, over 15,000 islands, and a population of over 210 million people. It is a spectacular, diverse, and extremely vulnerable region. It is one in political transition, moving from three political parties and really no Democratic election in the last 40 years, to approaching over 150 and its first election in two generations this June.

We have seen in East Timor, home of tragic violence, as it was invaded by the Indonesian military 25 years ago, we have seen the death of over 200,000 people in an island that still has only perhaps a population of 800,000 and a situation that cries for a peaceful resolution.

Indonesia is a nation of great financial turmoil today. Less than 2 years ago, it was one of those successful Asian financial tigers, so successful that we were on the verge of withdrawing our aid programs. Today, it is now an economic basket case, with half its population at or below the Indonesian poverty level and virtually not a single solvent financial institution in the entire country.

We have seen long simmering racial, ethnic and religious tensions bubble to the surface, aggravated by the serious economic difficulties that have led to the death of hundreds of its citizens. Indonesia was the backdrop for the movie "The Year Of Living Dangerously" a third of a century ago when Sukarno lost power to Suharto.

Today, in the post-Suharto era, Indonesia is still living dangerously. We have serious potential for violence even as the ray of hope dawns on East Timor and the government is talking about a potential for independence. Yet at the same time there is pervasive evidence that the military has provided weapons to paramilitary agents on the island, and there could be the potential for bloodshed upon their withdrawal.

There continues to be the potential for violence in Indonesia's urban centers, and there is definitely violence that is being visited upon its ecology as the nation struggles to get economic gain at the expense of its forests, fishing stock, coral reefs and endangered species.

I sincerely hope that my colleagues will put Indonesia on the radar screen. It will be on the radar screen for the administration and for the American public. It is time for the United States to take a strong and aggressive action to help resolve the situation in East Timor so that the potential news of the military withdrawal is not an open invitation for greater bloodshed against the Timorees.

It is important that our Secretary of State, who is due to visit Indonesia after a China visit later this month, is prepared to put the full force of American attention into this area. It is important that we be thoughtful in terms of our economic assistance so the world environment does not suffer as a result of this economic collapse.

We need to press for as much support, monitoring, and observation as possible for these critical elections taking place in June spread across over 100,000 polling places in a country that has no election infrastructure.

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It may be a little effort, a little time, it may be a little trouble for the United States to be involved in Indonesia during these troubled times, but I can think of no place in the world where our investment would have more impact on the global economy and on the lives of ordinary men and women.

TAX REFORM

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise to speak briefly this afternoon, in this raspy, cold-driven voice, about the need for tax reform in America today.

I would like to begin my remarks by reading part of a letter from one of my constituents, Mr. Gerald Racine, of Green Bay, Wisconsin. This letter is one that I believe speaks for a majority of people in northeastern Wisconsin and I trust and hope for a majority of Americans. He writes:

> Representative Green: We just finished doing our 1998 Federal income tax returns and we agree with you that it must be simplified. Doing those calculations seems impossible and when we get done, we don't know if it makes sense. We just keep our fingers crossed that we did it right. Being a retired banker and accountant, we don't feel that we should have to go to a tax expert to file what should be a simple income tax return.

Mr. Racine, I agree. We have a frightful tax problem in America today, Mr. Speaker. Not only do our families pay nearly 40 percent, almost half, of their income in taxes, they are also forced to endure a difficult, frustrating and confusing maze of paperwork and bureaucracy that can challenge even a retired financial expert like Gerald Racine.

According to the IRS's own numbers, it will take an American who has a few investments and itemizes his deductions some 22 hours to file his Federal income taxes this year. That is more than a half a week of work, and it is 3 hours longer than it took just last year.

So, Mr. Speaker, as we get this session under way in earnest, let us remember that while tax relief is a key priority for us in Congress, tax reform is also an issue that must be addressed.

I am proud to be a supporter of the Date Certain Tax Code Replacement Act. This bill would scrap the current Tax Code and enable us to replace it with a simpler, more reasonable tax system. It would ensure that we have a serious debate in this Nation, a long-overdue debate, about what our Tax Code should look like. I believe that new Tax Code will be simpler, more fair and less burdensome.

I urge my colleagues to join me in support of this proposal and in a larger effort to reduce and reform taxes for our working families.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman for his excellent statement and remind him that last year the gentleman from Texas (Mr. ARMEY) and I toured this country and debated in 30 of our great cities in America the issue of replacing the current Income Tax Code with a simple, fair code, either a flat income tax or no income tax and a national sales tax which is a plan that I have espoused. The crowds were enormous. Americans are ready for this Congress to act.

I just had a great conversation with the chairman of our Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), who is also a strong supporter of repealing the IRS and the Income Tax Code and replacing it with a consumption tax like a sales tax. He has assured me that before he leaves Congress this session he intends to give us a chance to not only debate this issue but perhaps even resolve it.

I want to congratulate the gentleman for being a soldier in this quest and wish him the best of luck because not only the people of Green Bay but the people of America are depending on us.

DECENNIAL CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, yesterday the Census Bureau announced a new plan to conduct the decennial census in the year 2000. It was disappointing. The Census Bureau has flip-flopped and now wants to have a two-number census.

What they want is that, after the Supreme Court ruled last month that you have to do a full enumeration as the Constitution clearly states, a full enumeration will be conducted and that is the good thing, they announced yesterday that they will go out and make every effort they can to count everybody in this country on April 1, 2000. But what they want to do is, once they get that number and so we will have a Supreme Court-accepted number that every city, county, census tract, census block in the country will have, they then want to do a manipulation of that number. They want to take that actual count and manipulate it and get a second number. That second number they want to say, that is going to be the official number. It kind of baffles my mind.

I thought when the Supreme Court ruled, I thought when six Federal judges last year ruled that sampling was illegal that we would just move on and get the job done. But, no, this administration is playing politics with the census, and it is very clear now that they have flip-flopped to go to a second number. Because for the past 7 years they have been focused on one number and have said, "We can't do two numbers. We can't do two numbers." Now, yesterday, they say, "Oh, yeah, we want to do two numbers."

They argued against two numbers, because it will not be trusted by the

American people, it will add tremendous confusion and it is the lawyers' dream. When every city, county and each census tract in this country sees two numbers, they are going to want the number that is best for them. If they do not get the best number, they are going to file suit. This is going to be tied up in the courts for years to come.

Every State's efforts to do redistricting, and this involves whether it is a city council, a county commission, a State legislature or the House of Representatives, if they use these manipulated numbers, that second census set of numbers, it is going to be thrown out, I feel quite confidently, by the court, but it is going to be tied up in the courts.

Why in the world are we wasting the time, the money and the effort to do that? Unless we really like to support trial lawyers to give them this area. In fact, at the Supreme Court hearing last November, Justice Scalia even raised the question, "Are we going to be creating a whole new area of law called census law?" I guarantee you we are if we go with the two-number census.

What they are going to do is take that original set of numbers, the real count, and then they are going to take another sample, a sample of 300,000. This was attempted in 1990. It failed in 1990. Now, they want to take the failure of 1990 and say we are going to do that in the year 2000.

In 1990, when they tried to do it, what they did is did regions of the country. That is what they are proposing now again. Instead of using 750,000, where they are going to have a sample in each State as originally conceived, now they are going to have to group States together. So my home State of Florida, it is very likely, and we do not know yet, lumped in with Georgia, Mississippi Alabama and South Carolina.

They will get all these States together, and then they will use that sample to go back and adjust Sarasota, Florida, to adjust Bradenton, Florida, my home area, or to adjust Miami. As if Atlanta has a lot in common statistically with Miami.

That is what they are going to be doing. That is one reason it is going to get thrown out in the courts, but it is just not going to be trusted.

I have proposed, as chairman of the Subcommittee on Census in Congress, ideas to improve the census. We are fully supportive of all the resources that the Census Bureau needs to do the best job possible next year. In fact, this Republican Congress is giving the Census Bureau $200 million more than requested by the administration during the past 2 years to get prepared for this census.

For example, one area that we have already passed out of subcommittee and that is something called post-census local review. I think that is very important to build trust in our census. It was used in 1990. What it basically consists of is, after the Census Bureau conducts the census, they will send the numbers to the local cities and counties to give them a brief time to review the numbers and check for errors. It is kind of an audit. And then if they have questions or problems with it, they can let the Census Bureau know and the Census Bureau will go back and check those numbers.

Now, in 1990, Detroit added 45,000 people. Cleveland added people. The gentleman from Wisconsin (Mr. PETRI) talked about a whole ward that was mistakenly left out of one of his areas in his congressional district in Wisconsin. Mistakes are made. The Bureau is not perfect. But they are refusing to allow cities and counties the opportunity to check the numbers before they become official.

Every elected official in the country should be supportive of this. It is only the Census Bureau that says, "Oh, it's a pain. It's too much trouble. We don't want to deal with trouble."

We have got to build trust in this census. What you are doing by not allowing post-census local review as was allowed in 1990 is you are building up distrust already because you are trying to hide something. That is wrong. We need to build up that confidence that we are doing the right thing. Why not let the local cities and counties have the opportunity to review the numbers? But, no, they are so fixated on this second number census that they will not do anything to improve and build on the full enumeration.

Mr. Speaker, we need to go to a full enumeration for all Americans to be counted in the year 2000.

INTRODUCING LEGISLATION TO PROTECT SATELLITE HOME VIEWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, I want to yield half of that time to the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, but let me first inform the House and the American public that, as many now know, consumers across America have been notified that they will soon lose access to network programming signals that are currently delivered via satellite.

Satellite television distributors are under now a Federal court order to terminate delivery of these network signals because of a finding that distributors have violated the Satellite Home Viewers Act. What we learned in the subcommittee yesterday was that, with new FCC findings, some 220,000 American citizens who are scheduled to be terminated from network signal delivery are, in fact, qualified to receive those signals legally under the act.

What we are announcing today is the filing of a moratorium bill, with the support of the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) and a lot of other members of our committee and Members of this Congress, a moratorium bill to give us 90 days to work this problem out without unnecessarily cutting off Americans from network programming delivered by satellite. It is intolerable that over 200,000 citizens would be terminated in that service without giving them a chance to qualify under the act according to the FCC's new findings.

Let me point out we are not suggesting in our legislation that any violations of law be tolerated. Those folks who can receive local signals are going to have to do so. But the hundreds of thousands who are going to get cut off this weekend unnecessarily should not be cut off, and we are hopeful that this moratorium bill can become law quickly next week in order to protect their rights.

We had hoped that the parties could settle this. We still encourage them to do so this weekend. We had hoped that the broadcast and satellite industries would walk into court this weekend together and ask the court to modify its injunction to incorporate the new FCC findings so that these hundreds of thousands of Americans would not lose their network signals.

But unless the parties go to court this weekend and modify the injunction, our only way to protect those consumers while we work with the Committee on the Judiciary and the Committee on Commerce on a new Satellite Home Viewers Act to provide those local signals to consumers, our only hope will be this moratorium bill which we are filing today and which we intend to move expeditiously next week absent an agreement by the parties to do so.

I yield to my friend from Massachusetts.

Mr. MARKEY. Mr. Speaker, as the gentleman points out, there are thousands of people across the country who are affected by this court ordered cutoff of distant TV signals, meaning that people with satellite dishes cannot pick up the national NBC or CBS or ABC or Fox feed. Specifically here I think CBS and Fox are in question.

The legislation that we are introducing today will help give consumers limited relief to reapply for permission to obtain these signals or to apply for waivers from their local broadcasters, that is, write or visit their local TV station and say, "Please, I can't get your signal here locally. Let me take this national feed so I can gain advantage to the programming, news and entertainment that are so valuable for my family."

Equally important, it will give Congress additional time to develop a long-term plan to update the Satellite Home Viewer Act and to include permission for satellite local-to-local broadcasts. Meaning that we have to now develop as a strategy a way in which an individual with an 18-inch dish now, to pick up their local TV stations.

Today, they cannot do that. Today, it is impossible. If you want to have a satellite dish, you have to give up access to your local TV stations. You have got to put up your own antenna. You have got to subscribe to the cable service as a supplement.

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But you cannot get it all from a satellite dish.

What we are going to try to do this year is craft legislation that will make it possible for you to buy an 18-inch satellite dish, pick up all of that great cable and satellite programming and have access to your local TV stations at the same time. Then people will have real consumer choice.

So, the legislation, which has been drafted by the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. BLILEY) working with the gentleman from Michigan (Mr. DINGELL) and I and other members of our committee, the gentleman from Virginia (Mr. BOUCHER) and a long list of Members is something which we think makes lot of sense. But again, we have this moment arriving where on March 31 all regulation of the cable industry goes off the books, and we, as the committee, are going to have to respond. We are going to have to find ways of insuring that the consumers have access to more competition and that there is a real protection.

PROVIDING FOR COMPETITION IN THE CABLE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for doing so because I would be remiss if I did not second what the gentleman has just said, that we are about to see the complete deregulation of cable in America at the end of March. If American citizens cannot receive network programing over their satellites when they are entitled to receive it, they are going to be forced to either climb up on the roof and try to put up antennas that may or may not get good signals or go back to the monopoly cable company which will be deregulated.

We in this Chamber, and the gentleman from Massachusetts (Mr. MARKEY) has been a valiant soldier in this effort along with me and others, have tried to desperately make sure that cable has a competitor out there before they are deregulated. This court decision means for thousands of Americans, hundreds of thousands of Americans, they are forced back into a cable monopoly instead of a competitive choice.

It is critical that we find a solution this year to get local signals into the satellite feed so that Americans have a real choice when cable is deregulated. You and I know when there is only one store in town, you get bad prices, bad service and bad quality of products. But when you got a choice, when there are two stores in town, prices get better, service gets better, quality gets better.

Americans deserve a choice in television. This moratorium is just a stopgap measure to help us find that solution, and I thank the gentleman for yielding.

Mr. MARKEY. Reclaiming my time, Mr. Speaker, for a consumer, if they subscribe to cable today, they can get all of their local TV stations on that cable system. If they subscribe to satellite, they cannot get the local channels. The gentleman from Louisiana (Mr. TAUZIN) and I, and the other members of our committee, we are going to try to rectify this.

If Tip O'Neill was here today and looking at these issues, he would say that all politics of satellites are local, into local. How do we provide local people with their local TV stations? We are going to try to do that this year, and, I think, provide real competition through wireless, through satellite and other technologies to the cable industry and give the consumer a real break.

Mr. Speaker, I want to congratulate the gentleman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today through March 10, on account of illness in the family.

Mr. PASTOR (at the request of Mr. GEPHARDT) for today, on account of official business, traveling to the district with the President of the United States.

Mr. KOLBE (at the request of Mr. ARMEY) for today, on account of traveling with the President to Arizona for meetings on Social Security.

Mr. ROYCE (at the request of Mr. ARMEY) for today, on account of observing the elections in Nigeria.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MARKEY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for this approval, a bill of the House of the following title:

H.R. 433. To restore the management and personnel authority of the Mayor of the District of Columbia.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 1, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

749. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Order Amending Marketing Agreement and Order No. 956 [Docket Nos. 98AMA-FV-956-1; FV98-956-1] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

750. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Nebraska-Western Iowa Marketing Area; Suspension of Certain Provisions of the Order [DA–98–10] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

751. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Rice Inspection (RIN: 0580–AA67) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

752. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Small Hog Operation Payment Program (RIN: 0560–AF70) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

753. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7706] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

754. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Impact Aid—received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

755. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

756. A letter from the Director, Regulations Management and Policy Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Standards for Animal Food and Food Additives in Standardized Animal Food [Docket No. 95N–0313] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

757. A letter from the Director, Regulations Policy and Management Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Laxative Drug Products for Over-the-Counter Human Use [Docket No. 78N–036L] (RIN: 0910–AA01) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

758. A communication from the President of the United States, transmitting an Agreement Between the Government of the United States of America and the Government of the Russian Federation extending the Agreement on Mutual Fisheries Relations of May 31, 1988, with annex, as amended and extended, pursuant to 16 U.S.C. 1823(a); (H. Doc. No. 106–31); to the Committee on Resources and ordered to be printed.

759. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Summer Flounder Commercial Quota Transfer from North Carolina to Virginia [I.D. 010699B] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models B300 and B300C Airplanes [Docket No. 97–CE–16–AD; Amendment 39–11008; AD 99–02–16] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A–1 and 205B Helicopters [Docket No. 98–SW–21–AD; Amendment 39–11011; AD 98–11–14] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

762. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Establishment of Port of Entry in Fort Myers, Florida [T.D. 99–9] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

763. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Foreign-Based Commercial Motor Vehicles in International Traffic (T.D. 99–10) (RIN: 1515–AB88) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

764. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Revenue Procedure 99–17] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

765. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1999 Calendar Year Resident Population Estimates [Notice 99–10] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

766. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—ROTH IRAs [TD 8816] (RIN: 1545–AW62) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. DUNN (for herself and Mr. TANNER):

H.R. 8. A bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 849. A bill to provide for adjustment of status for certain nationals of Bangladesh; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Ms. LOFGREN, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. DAVIS of Virginia, Mr. COX, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. GEPHARDT, Mr. BONIOR, Mr. FROST, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. GEJDENSON, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. BRYANT, Mr. CHABOT, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. PEASE, Mr. CANNON, Mr. ROGAN, Mrs. BONO, Mr. BACHUS, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BOUCHER, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. ACKERMAN, Mr. ANDREWS, Mr. ARCHER, Mr. BALLENGER, Mr. BARCIA, Mr. BARRETT of Nebraska, Mr. BARRETT of Wisconsin, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mrs. CAPPS, Mr. CHAMBLISS, Mrs. CHENOWETH, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COLLINS, Mr. COOK, Mr. COOKSEY, Mrs. CUBIN, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DEUTSCH, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH, Ms. ESHOO, Mr. EWING, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. FOSSELLA, Mr. FRANKS of New Jersey, Mr. GILLMOR, Mr. GOODE, Mr. GOODLING, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HILL of Montana, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOUGHTON, Mr. INSLEE, Mr. ISTOOK, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Mr. KASICH, Mrs. KELLY, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAMPSON, Mr. LARGENT, Mr. LATHAM, Ms. LEE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTOSH, Mr. MALONEY of Connecticut, Mr. MANZULLO, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mrs. MEEK of Florida, Mr. METCALF, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NORWOOD, Mr. NUSSLE, Mr. OLVER, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. POMBO, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RADANOVICH, Mr. RAHALL, Mr. RANGEL, Mr. REYNOLDS, Ms. RIVERS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SALMON, Ms. SANCHEZ, Mr. SANDERS, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SESSIONS, Mr. SHAYS, Mr. SHERMAN, Mr. SHIMKUS, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SOUDER, Ms. STABENOW, Mr. STARK, Mr. SUNUNU, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mr. Thompson of Mississippi, Mr. Thune, Mr. Tiahrt, Mr. Tierney, Mr. Upton, Mr. Vento, Mr. Walsh, Mr. Wamp, Mr. Watkins, Mr. Weller, Mr. Whitfield, Mr. Wicker, Ms. Woolsey, and Mr. Wu):

H.R. 850. A bill to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. Markey, Mr. Bliley, Mr. Dingell, Mr. Oxley, Mr. Upton, Mr. Gillmor, Mrs. Cubin, Mr. Stearns, Mr. Largent, Mr. Pickering, Mr. Blunt, Mr. Bilbray, Mr. Hill of Montana, Mr. Lewis of California, Mr. Hilleary, Mr. John, Mr. Goss, and Mr. Boehlert):

H.R. 851. A bill to require the Federal Communications Commission to establish improved predictive models for determining the availability of television broadcast signals; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaHOOD:

H.R. 852. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture.

By Mr. NUSSLE (for himself, Mr. Cardin, Mr. Kasich, Mr. Dreier, Mr. Goss, Mr. Minge, Mr. Sununu, Mr. Radanovich, and Mr. Stenholm):

H.R. 853. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountablility for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN:

H.R. 854. A bill to amend title XIX of the Social Security Act to provide for the presumptive eligibility of Medicare beneficiaries for the qualified Medicare beneficiary and special low-income Medicare beneficiary programs, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H.R. 855. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 856. A bill to amend the Internal Revenue Code of 1986 to increase the deduction allowed for interest on education loans; to the Committee on Ways and Means.

H.R. 857. A bill to amend the Internal Revenue Code of 1986 to allow employers a 200 percent deduction for amounts paid or incurred for training employees; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. Moran of Virginia, Ms. Norton, and Mrs. Morella):

H.R. 858. A bill to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia; to the Committee on Government Reform.

By Ms. DUNN (for herself, Mr. Dicks, Mr. Packard, Mr. Bilbray, and Mr. Cunningham):

H.R. 859. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. Ney, Mr. Ackerman, Mr. Olver, Mr. Smith of Washington, Mr. Sherman, Mr. Peterson of Minnesota, Mr. Strickland, Mr. Pallone, Mr. Romero-Barcelo, Mr. Evans, Mr. Wexler, Mr. Moran of Virginia, Mr. Gejdenson, Mr. Davis of Virginia, Mrs. Morella, Mr. Frost, Ms. Norton, Mr. Kucinich, Mr. Gilman, Mr. Shows, Mr. DeFazio, Mr. Rahall, Mr. Crowley, Mr. Dixon, Mr. Traficant, Mr. Waxman, Mr. Wynn, and Mr. McGovern):

H.R. 860. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. Pickett, Mr. Scott, Mr. Sisisky, Mr. Goodlatte, Mr. Boucher, Mr. Wolf, and Mr. Condit):

H.R. 861. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 862. A bill to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; to the Committee on Resources.

By Mr. HERGER (for himself, Mr. Minge, Mr. Bass, Mr. Peterson of Minnesota, Mr. Smith of Michigan, Mr. Gutknecht, Mr. Franks of New Jersey, Mr. Hoekstra, Mr. Ballenger, Mr. Thomas, Mr. McCrery, Ms. Woolsey, Mr. Crane, and Mr. Campbell):

H.R. 863. A bill to require appropriate off-budget treatment of Social Security in official budget pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Neal of Massachusetts, Mrs. Johnson of Connecticut, Mr. Matsui, Mr. Jefferson, Mr. Ramstad, Mr. Watkins, Mr. Cook, Mr. Hayworth, Mr. Tanner, Mr. Bilbray, Mr. Lewis of Georgia, Mr. Shows, Mr. Dixon, Mr. McDermott, Mr. Weygand, Mr. Sherman, Mr. Leach, Mr. McHugh, Mr. Foley, Mr. Becerra, Mr. Boehlert, Mr. Bass, Mr. Dooley of California, Mr. Kuykendall, Mr. Shaw, Mr. Levin, Mr. McInnis, Mr. Lantos, Mr. Coyne, Ms. Rivers, Mr. Doyle, Mrs. Mink of Hawaii, Mr. Waxman, Mr. Ackerman, Mr. English, Mr. McCrery, Mr. Cardin, Mrs. Thurman, Mr. Lazio, and Mr. McNulty):

H.R. 864. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 865. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service in determining the exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Horn, Mr. Underwood, Mr. Gillmor, Mr. Hall of Texas, Mr. Burr of North Carolina, Mr. Pallone, Mr. Shimkus, and Mr. Whitfield):

H.R. 866. A bill to amend the Communications Act of 1934 to protect critical infrastructure radio systems from interference and to promote efficient spectrum management of the private land mobile radio bands, and for other purposes; to the Committee on Commerce.

By Ms. KAPTUR:

H.R. 867. A bill to amend title 10, United States Code, to require, in the evaluation of bids and proposals for a contract for the procurement by the Department of Defense of property or services, the consideration of the percentage of work under the contract planned to be performed in the United States, and for other purposes; to the Committee on Armed Services.

H.R. 868. A bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. LoBIONDO:

H.R. 869. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. McCRERY (for himself, Mr. Livingston, Mr. Baker, Mr. Cooksey, Mr. John, Mr. Tauzin, Mr. Jefferson, Mr. Sam Johnson of Texas, Mr. Thornberry, Mr. Sandlin, Mr. Largent, Mr. English, Mr. Schaffer, Mr. Watts of Oklahoma, Mr. Watkins, Mr. Istook, Mr. Coburn, Mr. Hefley, Mr. Lucas of Oklahoma, and Mr. Pickering):

H.R. 870. A bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. Bartlett of Maryland, and Mr. Pomeroy):

H.R. 871. A bill to provide for investment in private sector securities markets of amounts held in the Federal Old-Age and Survivors Insurance Trust Fund for payment of benefits under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mrs. MORELLA):

H.R. 872. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself, Mr. MOAKLEY, Mr. MARKEY, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. DELAHUNT, Mr. OLVER, Mr. TIERNEY, and Mr. CAPUANO):

H.R. 873. A bill to amend the Internal Revenue Code of 1986 to clarify that employees of a political subdivision of a State shall not loose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. BACHUS, Mr. SANFORD, Mr. ISTOOK, Mr. SHAYS, and Mr. SMITH of Michigan):

H.R. 874. A bill to reform Social Security by creating individual Social Security retirement accounts; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. CUMMINGS, Mr. NADLER, Mr. SERRANO, Mr. PAYNE, Mr. FORD, Ms. DELAURO, Mr. BRADY of Pennsylvania, Mrs. CHRISTIAN-CHRISTENSEN, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. FROST, Ms. SCHAKOWSKY, Mr. HILLIARD, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. RANGEL, Mr. BARRETT of Wisconsin, Mr. KUCINICH, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SMITH of New Jersey):

H.R. 875. A bill to provide for programs to develop and implement integrated cockroach management programs in urban communities that are effective in reducing health risks to inner city residents, especially children, suffering from asthma and asthma-related illnesses; to the Committee on Commerce.

By Mr. SAXTON (for himself, Mr. ARMEY, Mr. FROST, Mr. STUMP, Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. BAKER, Mr. BACHUS, and Mr. CHABOT):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount of contributions to individual retirement accounts and the amounts of adjusted gross income at which the IRA deduction phases out for active participants in pension plans, and to allow penalty-free distributions from individual retirement accounts and 401(k) plans for certain purposes; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mrs. MORELLA):

H.R. 877. A bill to provide for the comparable treatment of Federal employees and Members of Congress and the President during a period in which there is a Federal Government shutdown; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. ROYCE, Mr. BACHUS, Mr. PAUL, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. SALMON, Mr. STUMP, Mr. SHADEGG, Mrs. ROUKEMA, Mr. LARGENT, Mr. SESSIONS, Mr. BUYER, Mr. COBURN, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. COLLINS, Mr. WATTS of Oklahoma, Mr. EHRLICH, Mr. FOLEY, Mr. BLUNT, Mrs. CUBIN, Mr. BARR of Georgia, Mr. WELDON of Florida, Mr. SENSENBRENNER, and Mr. RYUN of Kansas):

H.R. 878. A bill to amend the National and Community Service Act of 1990 to repeal the National Service Trust Program under which certain persons who perform national or community service receive stipends and educational awards for such services; to the Committee on Education and the Workforce.

By Ms. WOOLSEY:

H.R. 879. A bill to amend the Communications Act of 1934 to exempt licenses in the instructional television fixed service from competitive bidding; to the Committee on Commerce.

By Mr. STUMP (for himself, Mr. EVANS, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. FILNER, Mr. BILIRAKIS, Mr. GUTIERREZ, Mr. SPENCE, Ms. BROWN of Florida, Mr. EVERETT, Mr. DOYLE, Mr. BUYER, Mr. PETERSON of Minnesota, Mr. QUINN, Ms. CARSON, Mr. BACHUS, Mr. REYES, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. RODRIGUEZ, Mr. HAYWORTH, Mr. SHOWS, Mrs. CHENOWETH, Ms. BERKLEY, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. SIMPSON, Mr. COBLE, Mr. HUNTER, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, Mr. SAXTON, and Mr. CUNNINGHAM):

H.J. Res. 34. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on Veterans' Affairs.

By Mr. RUSH (for himself, Mr. PALLONE, Mr. PAYNE, Mr. EVANS, Mr. FORD, Mr. HINCHEY, Ms. BROWN of Florida, Mr. SHOWS, Ms. KILPATRICK, Mrs. MORELLA, Mr. WATTS of Oklahoma, Ms. LEE, Ms. NORTON, Mr. BARRETT of Wisconsin, Mrs. JONES of Ohio, Mr. STARK, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. KUCINICH, Mr. CLYBURN, Mr. WYNN, Mr. GONZALEZ, and Mr. BONIOR):

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General in 1999, that such a stamp be issued; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MCINTYRE introduced a bill (H.R. 880) for the relief of Rabon Lowry; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. BOEHLERT, Mr. GILMAN, and Mr. GANSKE.

H.R. 17: Mr. BRYANT.

H.R. 38: Mr. PICKETT.

H.R. 40: Mr. PASTOR, Mrs. CHRISTIAN-CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, and Mr. DIXON.

H.R. 49: Mr. CLEMENT.

H.R. 50: Mr. COBLE.

H.R. 70: Mr. SWEENEY, Mr. GOODLATTE, Mr. LUCAS of Oklahoma, Mr. LAZIO, and Mr. PICKETT.

H.R. 72: Mr. SHADEGG, Mr. TAYLOR of Mississippi, and Mr. HAYWORTH.

H.R. 104: Mr. SENSENBRENNER and Mr. TERRY.

H.R. 105: Mr. SENSENBRENNER.

H.R. 106: Mr. SENSENBRENNER.

H.R. 107: Mr. SENSENBRENNER.

H.R. 108: Mr. SENSENBRENNER and Mr. TRAFICANT.

H.R. 133: Mr. HOEFFEL and Mr. BASS.

H.R. 148: Mr. GEJDENSON, Mr. BARCIA, Mr. CLYBURN, Mr. SHOWS, Mr. BONIOR, Mr. BOUCHER, Mr. TAYLOR of North Carolina, Mr. HORN, Mr. WEINER, and Mr. LAMPSON.

H.R. 216: Ms. KILPATRICK.

H.R. 220: Mr. TIAHRT.

H.R. 315: Mr. CONYERS and Ms. DELAURO.

H.R. 323: Mr. BONIOR, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. ETHERIDGE, and Mr. MCGOVERN.

H.R. 352: Mr. HALL of Texas and Mr. SIMPSON.

H.R. 355: Mr. RAHALL, Mr. DICKEY, Mr. RANGEL, Mr. FILNER, Mr. JOHN, and Mr. MCGOVERN.

H.R. 373: Mr. GARY MILLER of California.

H.R. 380: Mr. WYNN, Mr. SHIMKUS, Mr. HOYER, Mr. PITTS, Mrs. JOHNSON of Connecticut, Mr. PASCRELL, Mr. ROTHMAN, and Mr. PICKETT.

H.R. 408: Mr. DINGELL, Mr. BARRETT of Nebraska, Mrs. THURMAN, Mr. BOEHLERT, Mr. OBERSTAR, Mr. DOOLITTLE, Mr. BROWN of California, Mr. STUPAK, Mr. KILDEE, Mr. BALDACCI, Mr. MINGE, Mr. HOLDEN, Mr. BOSWELL, Mr. TRAFICANT, Mr. LUTHER, Mr. TAUZIN, and Mr. SANDLIN.

H.R. 415: Mr. ENGEL.

H.R. 464: Mrs. BONO, Mr. SWEENEY, Mr. EHLERS, Mr. DELAY, Mr. MICA, Mr. GOODLATTE, Mrs. KELLY, and Mr. DOOLITTLE.

H.R. 488: Mr. BARRETT of Wisconsin and Mr. MOORE.

H.R. 492: Mr. MICA, Mr. MCINTYRE, and Mr. COLLINS.

H.R. 506: Mrs. NAPOLITANO, Mr. REYES, Mrs. EMERSON, Mr. GREENWOOD, Mr. SOUDER, Mr. PICKETT, and Ms. BALDWIN.

H.R. 537: Mr. KASICH.

H.R. 543: Mr. GARY MILLER of California.

H.R. 544: Mr. FILNER, Mrs. MYRICK, Mr. SHOWS, Ms. KILPATRICK, Mr. PASTOR, and Mr. KOLBE.

H.R. 586: Mr. KING of New York, Mr. DIAZ-BALART, and Mr. WOLF.

H.R. 620: Mr. HOLT.

H.R. 623: Mr. PETERSON of Minnesota.

H.R. 647: Mr. TANCREDO.

H.R. 681: Mr. LEVIN, Mr. MCGOVERN, and Mr. HAYWORTH.

H.R. 685: Mr. PHELPS and Mr. MINGE.

H.R. 707: Mr. TERRY, Mr. DOOLITTLE, Mr. NADLER, and Ms. BERKLEY.

H.R. 719: Mr. GRAHAM, Mr. FORD, and Mr. DEFAZIO.

H.R. 725: Mr. MCNULTY, Mr. STARK, and Mr. RANGEL.

H.R. 730: Mr. FORD and Mr. BONIOR.

H.R. 756: Mr. ARMEY.

H.R. 763: Mr. SMITH of Michigan and Mr. SHOWS.

H.R. 774: Mr. UDALL of New Mexico.

H. Con. Res. 8: Mr. MCNULTY and Mr. PICKETT.

H. Con. Res. 14: Ms. DANNER, Mr. SKELTON, Mr. MCINTOSH, Mr. THUNE, Mr. BONIOR, Mr. ADERHOLT, Mrs. EMERSON, Mr. LEACH, Mr. LAHOOD, Mr. PEASE, and Mr. SHIMKUS.

H. Con. Res. 29: Mr. WATTS of Oklahoma, Mr. BARRETT of Nebraska, Mr. RILEY, Mr. CANADY of Florida, Mr. HAYWORTH, Mr. HILL of Montana, and Mr. GRAHAM.

H. Con. Res. 34: Mr. CARDIN, Mr. LANTOS, Mr. BATEMAN, Mrs. JONES of Ohio, Mr. BALDACCI, Mr. GILMAN, Mr. WOLF, Mr. JENKINS, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. FROST, Mr. FORD, Mr. PASTOR, Mr. DELAHUNT, Mr. HALL of Ohio, and Mr. MORAN of Virginia.

H. Res. 34: Mr. DAVIS of Illinois, Mr. LUTHER, Mr. KUYKENDALL, Mr. ENGEL, Mr. CLYBURN, Mr. PASTOR, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. MOORE, Mr. KENNEDY of Rhode Island, and Mr. INSLEE.

H. Res. 41: Mr. RANGEL, Mrs. THURMAN, Mr. HOLDEN, Mr. LAHOOD, Mr. LIPINSKI, Mr. MCGOVERN, and Mr. MOORE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 434: Mr. STRICKLAND.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

2. The SPEAKER presented a petition of the Estate of Jurgen Wanderlich, relative to a demand for damages for the estate of Jurgen Wanderlich, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

3. Also, a petition of the Estate of Egon Uwe Renkewitz, relative to a demand for damages for the estate of Egon Uwe Renkewitz, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

4. Also, a petition of the Estate of Michael Potschke, relative to a demand for damages for the estate of Michael Potschke, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

5. Also, a petition of the Estate of Irene Annelie Urban, relative to a demand for damages for the estate of Irene Annelie Urban, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

6. Also, a petition of the Estate of Dieter Frank Blumenfeld, relative to a demand for damages for the estate of Dieter Frank Blumenfeld, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

7. Also, a petition of the Estate of Harald Urban, relative to a demand for damages for the estate of Harald Urban, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

8. Also, a petition of the Estate of Marina Mandy Renkewitz, relative to a demand for damages for the estate of Marina Mandy Renkewitz, resulting from the Cavalese, Italy tragedy; to the Committee on the Judiciary.

SENATE—*Thursday, February 25, 1999*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Father Peter Chrisafideis, St. George Greek Orthodox Church, Bangor, ME.

It is a pleasure to have you with us.

PRAYER

The guest Chaplain, Rev. Father Peter Chrisafideis, St. George Greek Orthodox Church, Bangor, ME, offered the following prayer:

O Almighty God of the universe and of all space, we pray that You be with us this day, as we gather in Your name. How dependent we are upon You for our very being and mere existence. Man's temporal systems and civil parties have appeared and vanished, but Your eminent wisdom was and is forever.

Truly nothing has sustained our planet and world more than our sternest belief in Your omnipotent protection, love, and compassion. Continue, O Lord, to sustain and direct our great Nation in Your way, for we are a truly great and genuinely God-fearing people.

We pray for our President, for Gov. Angus King of the State of Maine, our Maine representatives, Senators OLYMPIA J. SNOWE and SUSAN COLLINS, our Maine Representatives JOHN BALDACCI and TOM ALLEN, and all the Members of the U.S. Congress. Grant them health first and then the strength to continue programs, initiatives, and directives in the interest and well-being of others, notwithstanding their age, color, creed, and religious espousal.

Assist those in great need, who suffer bodily from malnutrition and live in unhealthy and inhuman surroundings. Preserve, O Lord, the cornerstone of democracy and freedom that flourishes in our Nation so that we may continue and remain the land of the free and the home of the brave, the torch and example of all peoples of the world.

Let all people from the rising and dawning of the Sun cry aloud praise to Your holy and sublime name. We ask this in Your name. Amen.

* * *

WELCOMING FATHER PETER CHRISAFIDEIS TO THE UNITED STATES SENATE

Ms. SNOWE. Mr. President, I would like to welcome Father Peter Chrisafideis to the United States Senate this morning, and to thank Dr. Ogilvie for graciously extending his hospitality to him.

Allowing guest chaplains to open the United States Senate with prayer helps to highlight the important role that clergy of different faiths play throughout the United States—from the largest cities to the smallest towns. It is a statement that we are a nation of men and women for whom spiritual guidance and fulfillment is a vital part of daily life. Our country's spiritual leaders play an indispensable role in helping us to forge a sense of community, and I would like to take this opportunity to thank each and every one of them for their service.

For me personally, growing up, the Greek Orthodox religion was a constant and important presence in my life. My father was a Greek immigrant; my mother, the daughter of immigrants. So, ever since my early childhood, Greek Orthodox religious traditions have been at the center of my upbringing, and have helped shape my beliefs and my life.

Father Peter, as he is referred to by his congregation, has been a part of that tradition for me, serving formerly at Holy Trinity Church in Lewiston, Maine, where I am a member of the congregation. In fact, while it's hard for me to believe it could have been that long ago, Father Peter officiated at my own wedding almost exactly ten years ago. And he must have done a great job, because we are still going strong and looking forward to the next ten years!

Today, Father Peter leads the congregation of the St. George Greek Orthodox Church, where he serves the spiritual needs of Greek-Americans in the greater Bangor community. In addition, he has served a number of parishes outside the State of Maine throughout the years, helping members of the Church to nourish their beliefs and come to know their faith.

I again want to thank Father Peter for his service to the Church, as well as his personal friendship and support. And I want to extend my appreciation once more not only to Dr. Ogilvie, but to all of the nation's spiritual leaders for the tremendous inspiration and wise guidance they provide in helping people to live happier, better, and more fulfilling lives.

* * *

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning the Senate will begin consideration of Senate Resolution 45, regarding human rights violations in China. There will be 1 hour for debate on the resolution equally divided between myself and Senator WELLSTONE. No amendments are in order. At the conclusion of debate time, the Senate will proceed to vote on adoption of the resolution. That vote will occur at approximately 12 noon. Following that vote, the Senate will begin a period of morning business to allow Members to make statements and to introduce legislation.

I thank my colleagues for their attention.

* * *

EXPRESSING SENSE OF SENATE REGARDING HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 45) expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Senators SPECTER, HAGEL, COLLINS, and THURMOND be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I yield to Senator WELLSTONE for a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Bradshaw and Sarah Nelson, a fellow and an intern, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I am grateful to our leadership for affording us this time this morning to debate and to vote on Senate Resolution 45. Some would say this is a sense-of-the-Senate resolution so this isn't important and that this is filling time, or whatever. I suggest that there are a couple of things that have happened just recently which underscore the value and the importance of the time we are spending on the Senate floor this morning and the vote on this resolution.

Mr. President, just this morning the Associated Press reported that two more members of the Chinese Democracy Party were detained. They were taken from their homes for trying to set up a human rights meeting in Wuhan. That was reported just this morning. It has become all too frequent, and almost daily, that there are news reports of the continued crackdown on human rights in China.

These today were detained only for being members of the Chinese Democracy Party, the fledgling opposition party advocating democracy and human rights in China. I think this incident, just reported this morning, underscores the value and the importance of what we are doing and what we are about today.

Then it is reported this morning as well that Secretary of State Madeleine Albright, in her testimony before the Senate Foreign Relations Committee yesterday, said the administration is still deciding the most effective way for the United States to persuade China to improve its human rights record.

The fact that the Secretary of State admitted before the Senate Foreign Relations Committee yesterday that the administration has not yet decided what they are going to do, that they have not yet determined what course of action they will take to try to persuade the Chinese to improve their human rights record, I believe, underscores the importance and the value of the resolution that is before us, one that is incredibly important.

One of my colleagues yesterday, in seeing the agenda for today, said, "Well, TIM, there you are slamming the Chinese again." Let me say that I have the utmost respect and admiration for the Chinese people. In fact, I cannot think of any group that I have higher admiration for than those Chinese citizens today who are fighting courageously and standing up for human rights within their own country and fighting for the democracy movement in China.

This resolution today has nothing to do with the Chinese people, but it has everything to do with the intolerable practices of the Chinese Government in which they continue to abuse the basic fundamental human rights of the Chinese people. This resolution is important because the administration has all but said they are looking for a signal from Capitol Hill. They are looking for direction from the Congress as to whether or not they should sponsor a resolution in Geneva this summer calling the world's attention to those abuses that are ongoing in China today. We need to send them that signal. This resolution affords us that opportunity.

If there is one thing the Chinese Government does take seriously, it is international opinion. To the extent that by this resolution and by our Government offering a resolution in Geneva this summer we can marshal the international community in protest to the ongoing human rights crackdown in China, we will have done something very significant and very worthwhile.

Mr. President, the resolution before us today urges the administration to sponsor a resolution at the United Nations Human Rights Commission critical of China's human rights abuses. The Commission will meet in March and April in Geneva, Switzerland.

By passing this resolution, which enjoys very strong bipartisan support, we give Secretary Albright a clear message to bring with her to China when she travels there in the beginning of March. That message is that the United States will not accept China's wholesale violation of internationally accepted human rights standards. It is an important signal. I have had discussions with the administration and with the Department of State, and I know they are looking for the sentiment of the Senate and the Congress on this issue.

The Communist Government of China has long committed a litany of human rights abuses. Thousands of political prisoners remain in prison, many of them sentenced after unfair trials, others today languishing in prison without any trial at all. At least 200 of these prisoners are still suffering because of their participation in or their support of the 1989 Tiananmen Square demonstrations.

Religious persecution runs rampant in China. People who dare to worship outside the aegis of officially sponsored religious organizations face fines, they face detention, arrest, imprisonment and, too often, torture as well.

And the human rights movement in China, the democracy movement in China, and the house church movement are very much intertwined. And many of these home churches have become, in fact, bases of the democracy movement and human rights efforts within China today. Thousands of peaceful monks and nuns have been detained and tortured in Tibet where the Chinese Government is imposing a harsh patriotic so-called education campaign.

Mr. President, under China's one-family-one-child policy, couples face punitive fines and loss of employment for having unapproved children. But it does not stop with monetary penalties. Local authorities, with or without the approval of the Communist Party cadre, forcibly perform abortions or sterilizations on women who are pregnant with their second child. Relatives are held hostage until couples submit to this coercion.

Furthermore, incredibly, prisoners are executed in China after grossly unfair trials, and then their organs are sold on the black market. The pattern of abuse is clear. And in the eyes of the Chinese Communist Government human life seems to bear no value at all.

What has been this administration's response to these abuses? Under President Clinton's policy of so-called constructive engagement, the administration effectively disengaged human rights practices from trade practices in 1994, while promising that efforts to pass a resolution at the U.N. Human Rights Commission would be increased.

However, Mr. President, last year, President Clinton further unhinged his policy by deciding not to pursue a resolution at the Commission in Geneva, Switzerland, which was critical of China. We historically had done that. Year after year, we offered that resolution, but last year supposedly the administration said in a good-faith gesture we withheld offering that resolution.

That commitment was given to China in exchange for their promise to sign the International Covenant on Civil and Political Rights, the ICCPR, a covenant which affirms free speech and free assembly. It is highly ironic that the ICCPR itself is a product of U.N. Human Rights Commission meetings. China did sign the ICCPR in October, only to turn around and violate its every principle since they put their signature to that document.

Since the President's trip to Beijing in July 1998, the Communist Government of China has renewed its crackdown on all who would dare to oppose the Communist Party. Some 100 members of the fledgling Chinese Democracy Party, the CDP, have been detained, excluding the two that were announced this morning. Some have been released, others await trial, and the most unfortunate have been sentenced to very long prison sentences.

Three visible leaders of the CDP, Xu Wenli, Qin Yongmin, and Wang Youcai were sentenced to 13, 12 and 11 years in prison, respectively, on charges of subversion and endangering state security, after highly dubious trials. In reality, these democracy activists exercised their legal rights under Chinese law to create and to form a political party. Their true crime, in the eyes of the Communist Party, was simply their love for democracy.

But the crackdown does not end there. In fact, incidents of harassment and imprisonment are almost too numerous to list. I will highlight just a few examples.

The Communist Government sentenced businessman Lin Hai to prison for 2 years for—listen to this crime—providing e-mail addresses to a prodemocracy Internet magazine.

Zhang Shanguang is in prison now for 10 years for this crime: Providing Radio Free Asia with information about farmer protests in Hunan Province.

The Government sentenced poet and writer Ma Zhe to 7 years in prison on charges of subversion for publishing an independent literary journal.

In addition, the Communist Government is cracking down on film directors, artists, computer software developers and the press, and continues to harass and detain religious activists. The list goes on.

In 1998, police imprisoned 70 worshipers from house churches in Hunan Province. And the pattern of human rights violations is undeniable. Rather than improving since the good-faith gestures of the American Government and our rewarding of the Chinese Government with favorable trade status, we have seen not a favorable response on the part of the Chinese Government but an exacerbated attack upon those who would simply advocate freedom and democracy.

I see that my friend and colleague from Florida, Senator MACK, has come to the floor to speak on this resolution. I appreciate his outstanding leadership on this issue. He was the lead sponsor of a similar resolution last year. And if Senator MACK is prepared to speak at this time, I will yield to Senator MACK. Is the Senator ready to speak now?

Mr. MACK. I am prepared.

Mr. HUTCHINSON. I ask Senator MACK, how much time would you desire?

Mr. MACK. No more than 3 minutes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, if there is ever a time and place to raise human rights concerns, it is at the annual meeting of the United Nations Human Rights Commission in Geneva, Switzerland. That Commission is meeting right now. And I rise today to urge my fellow Senators to join with me and the 17 other cosponsors of this resolution to make a simple statement. We disapprove of the human rights abuses occurring in China and in Tibet.

Since last year, when we passed this resolution with 95 votes, the President has engaged in two summits with Chinese President Jiang. During that time, many promises were made and agreements were concluded, and the United States did not introduce a human rights resolution in Geneva.

We were told the United States would make progress by not introducing a resolution. And Wei Jingsheng, a prominent dissident, was released. Tomorrow, Mr. Wei will be here in Washington, DC, and he will urge the United States not to make the same mistake as last year. Mr. President, we must now make this statement of condemnation of China's human rights practices.

We received many promises from the Chinese Government last year as well. But we know that the human rights conditions have only deteriorated. The State Department's human rights report clearly delineates the atrocities occurring in China and Tibet. And we know from press accounts that the crackdown on human rights and political activists has hardened.

It is unconscionable that the United States would not take a stand against these blatant atrocities, especially when they are documented by our own State Department. By remaining silent, we do a great injustice to those fighting for freedom, democracy, and the rule of law inside China and Tibet.

Mr. President. I want to quote from a statement made by Mr. Wei not long after he was released and exiled from his country. And this is what he said:

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights, in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation and massacres.

Mr. President, this is an easy one. It does not matter whether the world votes with us or against us or abstains in Geneva. It does not even matter if this resolution will change the minds of anyone in Beijing. We do know, however, from the firsthand testimony of released dissidents, that the actions of the United States are important to those engaged in the struggle for freedom. We know from those released that by simply making this statement we demonstrate our solidarity with those who are engaged within the daily struggle for freedom, justice, and the respect for human dignity.

I hope my colleagues will join me in calling for this expression of solidarity—this stand for freedom.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUTCHINSON. I thank the Senator from Florida. He has truly been a champion for human rights around the world, not just in China but around the world. I thank him for his leadership on this issue and his willingness to urge the administration to take this very appropriate action in Geneva this summer. And I thank him for his very eloquent statement.

Mr. President, at this time I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I thank my colleague, Senator MACK, and I am certainly pleased to be here on the floor with Senator HUTCHINSON.

Mr. President, I want to build on the remarks of Senator MACK for a moment. He was talking about Wei Jingsheng. Wei Jingsheng wrote an oped piece in the New York Times in December. I ask unanimous consent to have this printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 24, 1998]

CHINA'S DIVERSIONARY TACTICS

(By Wei Jingsheng)

Last Saturday, when Liu Niachun, a prominent dissident, left his Chinese prison cell and arrived in the United States, many Western reports said he had been "freed" or "released." One year ago, after 18 years in a Chinese prison, I, too, was "released" and sent here. A Chinese official said that if I ever set foot in China again, I would immediately be returned to prison. I cannot identify any legal principle that explains how my expulsion or Mr. Liu's could be construed as a release.

Yet the State Department, in a report last January, used my forced exile as evidence that China was taking "positive steps in human rights" and that "Chinese society continued to become more open." These "positive steps" led the United States and its allies to oppose condemnation of China at a meeting of the United Nations Commission on Human Rights in April. In the months that followed, President Clinton and other Western leaders traveled to China, trumpeting increased economic ties and muting criticism on human rights.

Thus, without fear of sanction, the Chinese Government intensified its repression in 1998. Once the leaders achieved their diplomatic victories, they turned to their main objective: the preservation of tyrannical power. This year, about 70 people are known to have been arrested, and in recent weeks the Government has greatly stepped up that pace.

On Monday, Xu Wenli, another dissident, was sentenced to 13 years in prison for "subversion of state power." He was given only four days to prepare for his trial and was denied a lawyer of his choice. Two others, Wang Youcai and Qin Yongmin, were sentenced to 11 and 14 years, also for subversion. Both were denied legal representation.

It was widely believed that Mr. Liu's "release" was an attempt to deflect world attention from these harsh punishments. This time, at least, the State Department didn't buy the deception. Deploring China's actions, a spokesman called the sentences "a step backward."

Whether this statement constitutes a change of American policy or merely a cosmetic change remains to be seen. If the American Government really wanted to punish China, it could, say, restrict Chinese imports to the United States. Or it could halt all questionable technology transfers to China.

Despite the Chinese Government's occasional lip service to "openness," the authorities have consistently and swiftly moved to quash not only political organizations but also trade unions, peasants' associations and unapproved religious gatherings.

As Li Peng, the speaker of the National People's Party Congress, declared recently, "If an organization's purpose is to promote a multiparty system in China and to negate the leadership prerogatives of the Chinese Communist Party, then it will not be permitted to exist."

This statement clearly shows that the Communist Party's primary objective is to sustain its tyranny, and to do so it must deny the people basic rights and freedoms. We must measure the leaders' progress on human rights not by the "release" of individuals but by the people's ability to speak,

> worship and assemble without official interference and persecution. Only that can be called progress.

Mr. WELLSTONE. The article talks about the release of Mr. Liu, a prominent dissident, who left his cell. He will be with us at a press conference tomorrow. What Wei Jingsheng had to say is that after Mr. Liu was released,

> . . . many Western reports [the administration talked about this as a triumph] said he had been "freed" or "released" [to Wei Jingsheng].

He goes on to say,

> One year ago, after 18 years in a Chinese prison, I, too, was "released."

Of course, the problem is he was told by the Chinese Government that if he ever set foot in the country again, he would be immediately returned to freedom. It is hard to argue that this is what in the United States we would call freedom at all.

> Yet the State Department, in a report last January, [Wei Jingsheng goes on to say] used my forced exile [and that is what it is] as evidence that China was taking "positive steps in human rights" and that "Chinese society continued to become more open."

These "positive steps" led the United States and its allies to oppose condemnation of China at a meeting of the United Nations Commission on Human Rights last April. Senator HUTCHINSON, I, and Senator MACK came to the floor. We got 95 votes calling on our Government to take the lead with the resolution condemning these widespread violations of human rights in China.

Here is the key part of Wei Jingsheng's piece:

> Thus without fear of sanction, the Chinese government intensified its repression in 1998. Once the leaders achieved their diplomatic victories, they turned to their main objective: The preservation of tyrannical power. This year, about 70 people are known to have been arrested, and in recent weeks the government has greatly stepped up the pace.

My colleague, Senator HUTCHINSON, talked about Zhong Ji and Shao She Chang today. I want to quote from the Washington Post: "Chinese police detained two dissidents." What did they want to do? Why are they now detained? Why do they face imprisonment? They want to meet with our Secretary of State when she visits China to talk about human rights. For that, they have been detained and face possible, probable imprisonment.

We have offered a resolution today that condemns China's human rights record. We call upon our Government to introduce a resolution condemning China's human rights record at the next session of the U.N. Commission on Human Rights which meets in March. We also call on our Government to begin immediately contacting other governments to ask them to cosponsor such a resolution.

When President Clinton formally delinked trade and human rights in 1994, he pledged on the record that the United States would "step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China." That is what the President of the United States of America has said.

Now, he also said that we would speak out on human rights, but the fact of the matter is, we have increased our trade, our military contacts, we have gone forward with high-level summits. In the meantime, Chinese Government leaders continue to crack down on every last dissident in a country of over 1 billion people. We have seen what has happened this past year.

It is time for our country, the United States of America, which stands for democracy and freedom, to go to this United Nations Commission on Human Rights and to introduce this resolution supporting the brave people in China who stand up for human rights. That is what this resolution is all about.

The Chinese Government—and my colleague has talked about this—continues to commit widespread abuses and, since the President's visit in June, has flagrantly violated international human rights agreements.

Examples: Recently it sentenced three of China's most prominent prodemocracy advocates, Xu Wenli, Wang Youcai, and Chin Yougmin, to a combined prison term of 35 years. These disgraceful arrests were part of a crackdown by the Government on efforts—to do what? These Chinese citizens wanted to form a political party. For that, they face a combined 35-year prison sentence.

Further, a businessman in Shanghai, Lin Hai, is now being tried for providing e-mail addresses to a prodemocracy Internet magazine in the United States. Bill Gates, America Online, it is time for you to get engaged in this. You ought to be supporting human rights in China.

Another democracy activist, Zhang Shanguang, was convicted and sentenced to 10 years in prison for giving Radio Free Asia information about protests by farmers in the Hunan province. This is all about organizing. I say to labor, this is all about the right of people to organize and to speak out. And for this, this man is now been sentenced to 10 years in prison.

These events are all part of a pattern of growing repression, with legislation passed, when artists and press are told: If you do anything to "endanger social order" or attempt to "overthrow state power," we will round you up and we will throw you in prison.

Mr. President, these dissidents and these courageous men and women in China deserve our full backing.

At the June meeting in Beijing, President Clinton engaged in a spirited debate on human rights with President Jiang Zemin. In light of this brutal recent crackdown, all of which has taken place since the President visited China, all of which has taken place since the United States refused to bring a resolution before the Human Rights Commission in the United Nations, I and my colleague, Senator HUTCHINSON, urge, and I think we will have 90-some votes that will urge, the administration to bring a resolution at Geneva in March and to continue to register our deep concern about the absence of freedom of expression and association and the use of arbitrary detention in China. Past experience has shown that if we apply the pressure, it can make a difference. By sponsoring a resolution at the United Nations Human Rights Commission, the United States will be showing our commitment to international human rights standards.

Mr. President, my colleague from Arkansas spoke about this. On October 5, 1998, China finally signed the International Covenant on Civil and Political Rights. When I talked to Sandy Berger, a friend, last year, he said to me: Look, we don't think we need to go forward with this resolution condemning China on human rights abuses at the U.N. Commission on Human Rights, because they are going to make a commitment, and they will sign this International Covenant on Civil and Political Rights.

What have they done? They have not taken the steps to make it binding, and, more importantly, they violated what the whole agreement is.

We have seen in this last year a very clear pattern of more and more and more repression, Chinese citizens imprisoned for trying to form a political party, Chinese citizens imprisoned for writing articles, Chinese citizens in prison for trying to organize so they can get a better price as farmers, so they can get better wages as workers. It is time for the United States Government to provide the leadership which the courageous people in China depend upon.

Mr. President, I have had the great honor—and I don't know about Senator HUTCHINSON, but I think he would say the same thing—of becoming friends, and I feel almost small saying that, because Wei Jingsheng is such a great man, I have to pinch myself to remind me there is somebody who spent over 20 years in prison because he had the courage to stand up against a government, he had the courage to write and to speak out for what he thought was good and right for people in China. I don't think I could ever have the courage to do so. Thank God, I live in the United States of America. He is a Chinese dissident who spent so much time in prison because of his courage.

In an article published shortly after his release, Mr. Wei Jingsheng stated,

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human

> rights in particular, should not allow their own personal happiness [this is what he said, Mr. President] to numb them into forgetting that many others who are still struggling against tyranny, slavery and poverty, and all those who are suffering from unimaginable forms of repression, exploitation and massacres.

We shouldn't forget such people. We shouldn't take our freedom for granted. And we, the United States of America, ought to take the lead in bringing this resolution before the United Nations Commission on Human Rights.

When you talk to people around the world—and we are talking about China today—Senator HUTCHINSON, they will tell you that maybe Senators don't realize this, maybe we have this debate on the floor of the Senate, and then we have a vote, but what a difference this makes to the people in these countries who have the courage.

We are going to get a strong vote at 12 o'clock today and we are sending a signal to the White House it is time for our Government to take the lead. I hope we will get the leadership from the White House. I hope we get the leadership from the Secretary of State. I certainly hope that the U.S. Senate will go on record today with a strong bipartisan vote.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I want to thank Senator WELLSTONE for his commitment to the issue of human rights. When PAUL WELLSTONE comes to the floor and I come to the floor and we work own human rights issues together, we both want to make it clear that we can agree very rarely. There are few political issues that we are going to be united on, and our votes will more often than not cancel each other out on the issues coming before the U.S. Senate. But I admire and respect PAUL WELLSTONE for his deep commitment to democracy and to human rights around the world, and for his involvement in this issue. I am glad to be able to work with him on this. I think it is a very important resolution.

I reiterate that this resolution is important, and it is important for several reasons. It is important because it will be a message to the administration. It is very timely, and I appreciate our majority leader for ensuring that this vote occur this week because our Secretary of State will be traveling to China next week. It is important for this vote to occur. It is important for it to be a strong bipartisan vote and for our Secretary of State to have that message as she goes to China. So I think it is important from that standpoint.

It is also a very, very important message to our European allies. Many of our allies in Europe are looking for our leadership. Germany has had a change in government. They are much more sympathetic to the cause of human rights, in my estimation. The French press reported that this vote in the U.S. Senate was going to occur today. They are looking for a message and a signal from political leaders in the United States. So it is important from that standpoint as well. It is a message to the Chinese Government, not just through our Secretary of State, but that we as the elected Representatives of the people—the U.S. Senate, the House of Representatives—as we speak out on this issue, it conveys a strong message to the Chinese Government, and they are concerned about what this country thinks.

I think one of the great failings of this administration has been that it has rewarded human rights abuses and crackdowns in China, whether it is religious freedom crackdowns, press crackdowns, Internet crackdowns, or any host of human rights abuses; they have, in effect, rewarded that by increasing economic opportunities through trade with the United States—most recently, their plan to bring China into the World Trade Organization, almost as a reward for the very terrible abuses that have occurred during the last several months.

And then, may I say that this resolution is critically important because of the message it sends—as my colleague from Minnesota said, the message that it sends to the Chinese activists for democracy and human rights within China today, which is that when we take the floor of the U.S. Senate and speak on this issue, they are listening—Radio Free Asia—through the Internet and through other means by which our activities and the news of our activities gets into China. They are listening and they are interested and it is an encouragement to them to know that there are those who stand with them in the cause of freedom in our country and our Government.

Mr. President, in my opinion, it is wholly appropriate for the United States to advance a resolution at the Commission in Geneva critical of China's ongoing human rights abuses. The Commission is a multilateral forum authorized to deal with the very abuses perpetrated by the Chinese Government today—a resolution that the Commission will pierce any notions that China's violations of human rights will be quietly accepted by the world community.

There are some in the administration—and I think it is reflected in Secretary Albright's statement yesterday—that are undecided on how they are going to proceed, and whether or not they are going to offer this resolution. There are some within the administration who argue that a resolution critical of China at the Human Rights Commission should not be pursued and is in effect pointless because, as they put it, it is certain to fail.

I think Senator MACK said, "Well, I don't believe it is certain to fail"; but whether it was certain to fail or not, it should be offered on the basis of principle, on the basis of the encouragement and the emboldenment it will provide for those within China. But the very sentiment that the administration expresses when they say it is certain to fail becomes a self-fulfilling sentiment, a self-fulfilling prophecy. The more halfhearted the administration is in its attempts to advance such a resolution, the less chance that such a resolution will have to pass.

The longer the administration refrains from exercising leadership in the international community on this matter of human rights, the less likely it is that the resolution will be successful. Bringing forth a resolution at the Commission is, as Senator MACK so accurately put it, a matter of principle. Success will be measured by the statements of truth that flow from the debate at the Commission. A resolution at the Commission this summer will proclaim boldly that the human rights abuses in China are an affront to the international community and its values.

Mr. President, these values are not uniquely American values. There are those who have argued in the past that it is wrong for us to speak of these values and to try to, as they put it, force these values upon the Chinese Government. But I would assert—and I believe that this country is built on this belief—that these values are not uniquely American values, that they transcend any national boundary, that they are fundamental human values and human rights. Thus, it is highly appropriate that we pursue such a resolution. The U.S. must take steps to protect internationally recognized human rights, or we will take a back seat to those who openly and blatantly abuse them.

As Senator WELLSTONE said, last year, this body passed a resolution very similar to the one before us today by an overwhelming bipartisan vote of 95–5. I hope we can send an equally strong signal to the administration again this year. In light of the affront to the administration's policy that the Chinese Government has committed in the recent crackdown of the last 2 to 3 months, I think it is a very timely resolution and an appropriate time for the administration to reverse field, to reverse its decision last summer in not pursuing such a resolution and, in fact, to say the abuses, the crackdowns, have been so flagrant that now the administration will pursue with a new aggressiveness a human rights resolution in Geneva, Switzerland.

Mr. BIDEN. Mr. President, promoting human rights is now, and must remain, an important component of our overall relationship with China. That is why I support Senate Resolution 45, calling on the administration to voice our concerns about China's human rights abuses before the United Nations Human Rights Commission in Geneva.

Even as we try to expand cooperation in areas of mutual interest—stability on the Korean peninsula, nonproliferation, trade, and the environment—we must take note of China's violation of international norms in the area of human rights.

Last year, the administration decided to remain silent in Geneva, arguing that more progress could be achieved through quiet diplomacy than through public pressure. China did, in fact, release some high profile political prisoners. China also signed the International Covenant on Civil and Political Rights.

In recent months, however, we have witnessed a crackdown on dissent, including the arrest of prominent democracy party organizers. China continues to jam the broadcasts of Radio Free Asia and to closely monitor China's domestic media.

With respect to Tibet, China's leaders have yet to establish a dialogue with the Dalai Lama, and they refuse even to meet with U.S. officials responsible for coordinating U.S. policy on Tibet.

Mr. President, we should not stand mute in the face of China's continuing violation of basic human rights. Our silence would be deafening.

If we are not going to call on China to respect human rights before the UN Human Rights Commission, where will we make our concerns known?

And if we must act alone, without support from our European and Asian allies, so be it. There is no shame in being alone on the right side of history.

Ten years ago this June the world watched in horror as Chinese authorities used lethal force to suppress the Tian-an-men democracy movement. I am convinced that the gradual improvement in human rights in China over the past decade would not have occurred without concerted diplomatic pressure—public and private.

Now is not the time to let up.

Mr. DORGAN. Mr. Chairman, I rise today in support of the resolution. In the past, the U.S. has rightfully been the strongest critic of human rights abuses in China. So I was disappointed, as I think most in the Senate were, that the President chose not to sponsor a resolution condemning China's human rights practices at last year's annual meeting of the United Nations Commission on Human Rights. The United States has sponsored such a resolution at each of these annual meetings since 1990.

Although I didn't agree with that decision, I understood the reasoning behind it. China seemed to be making some progress. It had signed the UN Covenant on Social, Economic, and Cultural Rights, and committed itself to signing the International Covenant on Civil and Political Rights (ICCPR). Perhaps reform was at hand. And I certainly favor building a constructive and mutually beneficial relationship with China.

But recent history indicates that China often makes such concessions until the world's attention is focused elsewhere, and then quickly reverts back to it's policy of severe intolerance and repression. In 1993, for instance, when human rights became an issue in Beijing's bid to host the Olympics, China released its most prominent dissident, Wei Jingsheng. The Olympics were awarded to Australia, and Wei was detained again the following year.

Similarly, just last December, 6 months after signing the ICCPR, China sentenced three democratic activists to prison terms of 10 years or more for trying to organize a political party. A fourth dissenter was given a 10-year sentence for allegedly "providing intelligence to hostile foreign organizations." His crime? He gave an interview to Radio Free Asia about farmer protests. And the Chinese premier, Jiang Zemin, recently stated that China needed to "nip those factors that undermine social stability in the bud, no matter where they come from," and that "the Western mode of political systems must never be copied."

However, this is not about "western political systems," it is about internationally recognized human rights. Respect for these rights must be real, and it must be systemic. Empty commitments and token gestures are meaningless, and we should not allow them to sway us from advocating on behalf of those who are imprisoned in China, or will be, for exercising freedoms acknowledged by the world community. An international resolution condemning China's human rights practices is strongly supported by human rights groups like Amnesty International and Human Rights Watch. By passing such a resolution, the international community can demonstrate that we will no longer be duped by false promises.

Mr. THOMAS. Mr. President, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, I rise in begrudging support for S. Res. 45. I say begrudging only because while I agree that the UN Human Rights Commission should address China's human rights record, I neither believe that the UNHRC will place the issue on its agenda nor do I feel that this resolution has been brought to the floor in the most constructive manner.

I agree with the other Senators who have spoken this morning that there has been a disturbing increase in China in the last six months in crackdowns on the freedom of expression, crackdowns evidenced by an increase in the number of arrests and convictions of prodemocracy activists. Moreover, despite attempts to establish a dialog with Beijing, China still refuses to meet with His Holiness the Dalai Lama to discuss the future of Tibet and instead continues to facilitate the increasing immigration of Han Chinese into Tibet and the jailing of Buddhist nuns and lamas. Christian churches not registered with the central government continue to be subject to harassment and closure and their congregants subject to arrest.

I believe I understand, although I certainly in no way condone, the impetus behind the crackdown. China has recently embarked on a program to restructure its economy to a market-oriented system and to open more to the world around it. These changes are obviously potentially destabilizing for a communist regime governing 1.3 billion people. And as with other campaigns in China's past designed to restructure society, such as the "Let 100 Flowers Bloom" campaign, once the program took hold and began to accelerate, the central authorities got anxious about continuing to be able to control the pace of reform and about it getting out from underneath them. They have consequently begun slamming on the brakes and stifling any perceived dissent. And it is that movement to stifle peaceful dissent and universal human freedoms that should prompt the US to press this issue before the UNHRC.

In a perfect world one would think that these are exactly the type of actions the UNHRC would want to address, but sadly we all know the reality of the eventual outcome. This year, as in years past, the United States will fail by a significantly wide vote margin to place China on the Commission's agenda. We will be deserted by most of our purported allies who, while nominally paying lip service to the sanctity of human rights, appear more interested in securing their commercial interests in the PRC. Well Mr. President, so be it. As Senator BIDEN has noted, there is no shame in standing alone on the right side of history, and I fully support that stand under the conditions prevailing in China this year.

But Mr. President, while I support the consideration of this resolution today, I am less enthused about the terms of the unanimous consent agreement which brought it here. As the Chairman of the subcommittee of jurisdiction, in past Congresses I have strongly disfavored the practice of discharging the Foreign Relations Committee from the consideration of legislation which the Committee has not had the opportunity to address first. My disapproval of discharges is especially acute when the legislation in question is sponsored by a Senator not a member of the Committee. I intend this to be my practice in this Congress as well.

I have, however, made exceptions in the case of legislation which is completely non-controversial or is somehow time-sensitive. Since the UNHRC meetings this year in Geneva are imminent, and since there was not enough time to consider the legislation in Committee, it made sense in this narrow case and for those reasons I agreed to the discharge.

I am also uneasy with the terms of the unanimous consent agreement because they preclude any amendment to the resolution, thereby preventing members from offering what I feel would be constructive changes to the text. In addition, Mr. President, I am unsure why—when the Senate should be focused on more pressing domestic issues such as the Y2K problem or Social Security—we are taking the Senate's time to debate and then vote on a resolution about which there is no difference of opinion and which will most likely pass 100 to 0. This could have just as easily been disposed of by unanimous consent yesterday. For those that argue that a unanimous roll call vote somehow sends a stronger signal than passing legislation by unanimous consent, I would note that it is my longstanding experience that very few people if any outside the Beltway—especially in foreign countries—understand the nuanced differences between the two.

Mr. HUTCHINSON. Mr. President, how much time is remaining that I control?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. HUTCHINSON. Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, how much time do I have?

The PRESIDING OFFICER. A little over 19 minutes.

Mr. WELLSTONE. I yield 5 minutes to my colleague from Wisconsin, Senator FEINGOLD. I think his model is one of consistency. He is consistent on human rights questions, and he is absolutely one of the most forceful and effective leaders in the U.S. Congress for human rights.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Chair. I especially thank my friends from Arkansas and Minnesota. I am extremely proud of their leadership on this issue. Having this matter become one of the first matters we take up in this Congress is exactly the right way to go. We need to be as aggressive as we can on this issue. That is why I am cosponsoring the resolution. I strongly commend them for their leadership on this.

The resolution expresses the sense of the Senate that the United States should initiate active lobbying at the United Nations Commission on Human Rights for a resolution condemning human rights abuses in China. And it calls specifically for the United States to introduce and make all efforts necessary to pass a resolution on China and Tibet at the upcoming session of the Commission, which is due to begin next month in Geneva.

This resolution makes a simple, clear statement of principle: The Senate believes that there should be a China resolution in Geneva, period.

The Commission is a focal point for the protection of human rights, and as such, is an ideal multilateral forum in which the United States should voice its concerns. Under the pressure of previous Geneva resolutions, China has finally reacted. China signed the U.N. Covenant on Social, Economic and Cultural Rights in 1997 and the International Covenant on Civil and Political Rights in October 1998. Unfortunately, neither of these important documents has been ratified or implemented.

But at least the kind of pressure the United States put on this situation led them to sign these documents.

The effort to move a resolution in the Commission is particularly important this year, in light of the Administration's decision, contrary to the nearly unanimous sentiment of the Senate, not to sponsor such a resolution last year. That was a real disappointment for all of us.

Their misguided belief that progress could be achieved by other means was clearly not borne out by events in 1998, when, particularly in the last quarter, China stepped up its repression.

As we all know, for the past few years, China's leaders have aggressively lobbied against efforts at the Commission earlier and more actively than the countries that support a resolution. Last year, Chinese officials basically succeeded in getting the European Union Foreign Ministers to drop any European cosponsorship of a resolution. In the past, China's vigorous efforts have resulted in a "no action" motion at the Commission.

I will say, on a bright note, that in 1995 a "no action" motion was defeated and a resolution was almost adopted. But, unfortunately, on a downbeat note, it lost by only one vote. A little more effort could have made the difference. I sincerely hope that we do not end up with that kind of a loss at this year's meeting.

Nearly five years after the President's decision, which I deeply regretted, to delink most-favored-nation status from human rights, we cannot forget that the human rights situation in China and Tibet remains abysmal. While the State Department has not yet provided its most recent human rights report, I have no doubt it will be as critical of China as the 1997 report was when it noted that "the Government of China continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion." I encourage Secretary Albright to actively raise these concerns with her counterparts during her visit to Beijing next week. Unfortunately, in the past bilateral discussions have produced only empty promises from China's leaders on the subject of human rights. Regardless of what assurances China may provide to the Secretary, we should not let Beijing's easily abandoned promises deter us from seeking international condemnation of its practices. Only through strong US leadership can we gain the broad international consensus necessary to maintain the pressure on China to demonstrate sustained progress in providing the basic human rights its people deserve.

Mr. President, again my thanks to these two Senators. The time is now, and the place is Geneva. We are going to keep pushing this until it gets done.

I thank the President, and I thank my colleagues.

I yield the floor.

Mr. WELLSTONE. Mr. President, I want to say to my colleague from Wisconsin that we are really going to put the pressure on. We are going to have this vote today. It is going to be an overwhelmingly strong vote.

Tomorrow, the State Department will be releasing its report on human rights conditions in other countries. It surely has to be critical about China, because of the action we are going to take.

The Chinese Embassy is going to have a press conference here in Washington as well. We are going to have a press conference tomorrow bringing together any number of different people—those Senators and Representatives who are still here. We are going to be joined by Mr. Wu, a very courageous man, Harry Wu, Wei Jingsheng, and human rights organizations.

We are going to keep the pressure up. We are going to keep the pressure on.

The end of our resolution says:

> *Resolved*, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution calling upon the People's Republic of China to end its human rights abuses in China and Tibet.

As I said to my colleague, Senator HUTCHINSON, we haven't talked much about Tibet. Let me just say in deference to some of the work of Senator HELMS, who really wanted us to have an ambassador to Tibet, the compromise agreement was to have Julia Taft become our Special Coordinator on Tibet out of the U.S. State Department. The Chinese Embassy has refused to meet with Julia Taft. They won't even meet. The Chinese Embassy, whatever they say in their press conference tomorrow, will not even meet with Julia Taft, State Department Special Coordinator on Tibet. What we were told last year was, no, we shouldn't go forward as a government and introduce this resolution on human rights at the Human Rights Commission in Geneva.

Senator HUTCHINSON is right. This is the forum. This is the place. This is the international body. When we do, as an international community, focus on human rights issues—and we were silent last year. Silence is betrayal. And we are insisting today on the floor of U.S. Senate that our Government no longer be silent on these questions.

We were told last year, first of all, there will be a lessening of repression. The Chinese Government is going to sign this covenant. They did. We see more repression. We were told that in Tibet that visitors would be allowed to Tibet. You know what happened. Mary Robinson, who was our ambassador on human rights to the United Nations, went to China. Her visit took place in September 1998. But Chinese officials produced none of the information she requested on prisoners, denied her access to Panchen Lama. Panchen Lama is the youngest political prisoner that we know of in the world. She had no access to him. And they made no specific commitments on ratification of two U.N. human rights treaties. They signed the International Covenant on Civil and Political Rights, but they produced no timetable for ratifying it. And they clearly violated it.

I ask you. I ask the administration. I ask the President. The President made a commitment that when we deal in trade in human rights—that is what this debate is about. This is not a debate about MFN. It is not about whether or not trade should be linked to human rights. I think that it should and others don't. I don't know if Senator HUTCHINSON and I agree or not agree. This is about a different issue. The President of the United States of America said he would put the pressure on at Geneva at the Human Rights Commission. That is the place. And we haven't done it.

Last year we had this vote. We have a stronger vote this year. And in spite of our vote, our Government ignored the wishes of the U.S. Senate. This time we are saying don't do that. We are saying you can't argue, our Government can't argue, the State Department can't argue, the President can't argue, the Secretary of State can't argue—that what has happened is, after the President's visit, we have seen now more respect for human rights. They can't argue that there is less repression. They can't argue that there is progress in China or Tibet.

We are saying today that if our Government does not introduce this resolution condemning the widespread violations of human rights by the Chinese Government at this important U.N. Human Rights Commission gathering in Geneva in March, then our silence will be betrayal.

We should introduce this resolution. As Senator HUTCHINSON said, we should garner support for it. We should urge the European Community also to come out with a strong resolution.

I want to tell Senator HUTCHINSON that I understand the German Government is looking at the wording of this resolution, and they may very well lead the way with other European countries. It is time to do so.

I feel strongly about this. I don't want to be self-righteous at all, but my father fled persecution in Russia in 1914 when he was 17 years of age with czarist Russia. Then there was the revolution. And he thought all the country would be better. And then his parents wrote and said, "Don't come back." The Communists had taken over. And he never went back.

My dad passed away in 1983. Sheila and I finally visited where my dad grew up in 1991. It was pretty clear to us that his family was probably all murdered by Stalin. All communication was broken off during the Stalin era. The letters stopped.

I was raised in a home where I was told by my dad really almost every day—every night, at 10 at night, starting in high school—he was kind of an embarrassment when I was younger, because he was very "old country." He was almost 50 when I was born, and he wasn't "cool." But when I got to be high school age, I realized what a treasure he was. He could speak 10 languages fluently, and was the wisest, best person I ever knew in my life.

We would have hot tea and sponge cake at 10 at night—not on the weekend, but Monday through Thursday, and I would listen to him talk about the world. My father Leon would talk about the importance of the first amendment rights, about the importance of human rights, and about the importance of freedom.

I am telling you that I feel as if that is what our Government is all about. That is what the United States of America is all about. That is what we are all about. And we ought to be speaking out on this and we ought to be taking the lead in Geneva. That is what our resolution says, I say to the Senator.

Mr. President, I think what I will do, we will have a vote coming up soon, and although I love to speak on this and I am very committed to this, I would like for Senator HUTCHINSON to make our concluding remarks, because I want to say to Senator HUTCHINSON, he is right, we don't agree on everything. In fact, this could be the end of my reputation, being out on the floor of the Senate with him.

Actually, being a little more serious, it has been a labor of love, working with Senator HUTCHINSON on this. We are just starting. We are not going to let up. I would like the Senator to conclude on this. I thank the Senator very much for his leadership.

The PRESIDING OFFICER. Is the Senator yielding back his time?

Mr. WELLSTONE. I yield back the rest of my time.

Mr. HUTCHINSON. Mr. President, I am also glad to join in this effort, one that we will continue to fight and one on which we will ultimately prevail, I believe.

Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I think we have covered many of the reasons why this is important. We have reiterated them. I do believe we will have a strong vote today.

One of the individuals whose name has been mentioned several times by Senator MACK, by myself, Senator WELLSTONE, is Wei Jingsheng, truly one of the courageous heroes of our generation. And I, too, am glad to be able to call Wei Jingsheng a friend. Wei Jingsheng has been in my office on numerous occasions, and he will be at our press conference tomorrow.

As I am able to conclude our presentation of this resolution today, I want to just mention a little bit about Wei Jingsheng.

I see Senator FEINSTEIN has come to the floor.

Mrs. FEINSTEIN. I thank the Senator.

Mr. HUTCHINSON. I have a little problem in that Senator WELLSTONE has yielded his time.

Mrs. FEINSTEIN. If possible, I would like to speak in favor of this resolution for 5 minutes, if I may.

Mr. WELLSTONE. I wonder if I could ask unanimous consent to gain my time back. I would like Senator HUTCHINSON to finish. How much time do I have remaining?

The PRESIDING OFFICER. Without objection, we can yield back 6 minutes.

Mr. WELLSTONE. May I give 5 minutes to the Senator from California?

Mr. HUTCHINSON. Absolutely. Certainly.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank you. I would like to thank the Senators for their courtesy.

I rise to add my support to the resolution offered by the Senator from Minnesota and the Senator from Arkansas.

I do so with a considerable sense of disappointment because for much of 1998, politics in the People's Republic of China appeared headed toward an authentic transformation. The government began to tolerate—and even encourage—discussion among intellectuals, academics, and reformers of the gradual development of democracy in China, to the point that many began to speak of a "Beijing Spring."

After many years of stalling, China signed the U.N. International Covenant on Civil and Political Rights, which, when ratified, would require China to allow much closer international scrutiny of its human rights practices. Cross-strait discussions resumed with Taiwan.

And during President Clinton's visit to China last summer, President Jiang Zemin, an old friend of mine, did two extraordinary things; he allowed the Chinese people to hear President Clinton directly by televising both his speech at Beijing University and the two leaders' joint press conference; and, in the press conference, President Jiang implied that the Chinese leadership would be prepared to meet with the Dalai Lama to discuss the question of Tibet if the Dalai Lama would make certain statements about the principle of One China and Tibet and Taiwan's status as a part of China.

That was a major step forward for many of us who have advocated this for years.

Each of these developments seemed to represent a hopeful shift toward a new, more open attitude by the Chinese government. It seemed to reflect the confidence of a new generation of Chinese leaders, firmly in control, unafraid to allow their people to stretch their minds, and willing to deal forthrightly with difficult political questions like Tibet and Taiwan through negotiations. But now these hopes appear to be in abeyance.

I now believe that the hardliners appear to be strengthening their hand, and in so doing are causing their President, Jiang Zemin, to lose face as they prevent him from allowing a further opening-up of Chinese society and from carrying out a negotiation to solve real issues of deep concern to six million Tibetans.

The recent spate of arrests of dissidents of China, followed by summary trials and convictions of several of the most prominent among them—Xu Wenli, Wang Youcai, and Qin Yongmin—raise the ugly specter of a renewed tightening on political freedom in the months leading up to the tenth anniversary of the Tiananmen Square tragedy.

On Tibet, the Dalai Lama abandoned plans to use his recent visit to the United States to make far-reaching statements intended to open the door to negotiations with China, amid unmistakable signals from Beijing that it was not prepared to begin a dialog regardless of what he said. Meanwhile, China's persecution in Tibet has only intensified. The brutal tactics of brainwashing, intimidation, and torture—tools of the Cultural Revolution—are now in use in Tibet.

The United States can continue to make contributions toward systemic changes that will instill the rule of law in China, which would, for example, make summary trials a thing of the past. Congress failed to fund the President's rule of law initiative last year; we should not repeat that mistake this year. Congress and the Administration should continue to resist sanctions and economic penalties that will only make the situation worse, but we must develop a stronger policy to put pressure on China to begin a dialog with the Dalai Lama on providing autonomy for the people of Tibet. An important step was taken last month when Assistant Secretary of State for Population, Refugees and Migration Julia Taft was named the State Department's Special Coordinator for Tibet.

This resolution argues for an additional step the United States can take. It urges the Administration to support and work for the passage of a resolution condemning China's human rights abuses at the U.N. Human Rights Commission in Geneva.

Mr. President, I ask unanimous consent that precise individual documentation and statements of this be printed in the RECORD following my remarks. These statements were recently given by refugees coming out of China directly to some of our friends in Nepal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. FEINSTEIN. I thank the Chair.

Whatever the reason for China's entrenchment, it now presents a serious challenge to strengthening of relationships between our two countries.

I happen to remain convinced that sustained, active dialog and engagement with the Chinese leadership is the wisest course, but in these discussions we must be frank and open and the interests of both our Nations must be served. The United States can continue to make contributions towards systemic changes that will instill the rule of law in China which would, for example, make summary trials a thing of the past.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Is it possible——

Mr. WELLSTONE. I say to my colleague, the problem is we are going to have a vote soon.

Mrs. FEINSTEIN. May I ask unanimous consent just for 2 minutes?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. FEINSTEIN. Congress failed to fund the President's rule of law initiative last year. We should not make that mistake this year. Congress and the administration should continue to resist sanctions and economic penalties that will only make the situation worse, but we must develop a stronger policy to put pressure on China to begin a dialog with the Dalai Lama and providing autonomy for the people of Tibet.

An important step was taken last month when Assistant Secretary of State for Population, Refugees, and Migration Julia Taft was named as the State Department's Special Coordinator for Tibet.

This resolution argues for an additional step the United States can take. It urges the administration to support and work for the passage of a resolution condemning China's human rights abuses at the United Nations Human Rights Commission in Geneva. While we should acknowledge China's progress in many areas and continue to encourage China in search of greater progress, we should also use the forum of the United Nations Human Rights Commission to let China and the world know that China's human rights abuses are unacceptable.

Ultimately, China's leaders must come to understand that the economic freedom that they have until recently championed—and which they still know is necessary for China to fully modernize its economy—must advance together with social and political freedom. As in Hong Kong and Taiwan, China's ability to withstand economic turmoil will depend in part on the ability of Chinese citizens to make judgments for themselves. Political leaders cannot expect to draw a line between economic and political judgments. Both must be allowed to flourish hand-in-hand. And that means viewing the efforts of Xu Wenli, Wang Youcai, and Qin Yongmin to organize a more pluralist Chinese polity, and viewing the efforts of the Dalai Lama to promote dialogue and religious and cultural freedom, as encouraging signs of China's modernization, not as dangerous signs of China's instability.

EXHIBIT 1

TESTIMONY OF TIBETAN REFUGEES IN NEPAL—NOVEMBER 1998

(Names have been removed for their protection)

I rode on trucks and other vehicles many days' travel from Kham to Lhasa, where I purchased a business permit for Yuan 250 to travel onward. There, a younger cousin and I paid Yuan 1,200 each to a Nepali guide to smuggle us across the border at night. We completed our walk mostly at night.

I was a monk at Rinchen Lingpa monastery in Dzong, and had to leave because of a new policy reducing the number of monks from 45 to a maximum of 30. But already, severe economic conditions were forcing me to look for other opportunities; my father, who was imprisoned for 15 years after 1959, is 73 years old now and unable to support me and himself. Because of Dzong's proximity to the recent summer's flooding along the Yangtse, officials were coming and "shaking down" the monasteries for contributions to the relief efforts. Also, livestock, farm product and head taxes and other fees have increased steeply and consistently over the past few years, and especially so recently. So many people want to escape from Tibet, but most are afraid of getting caught, shot at or encountering great hardship along the way.

I would like to go to Drepung Monastery, in southern India, and resume my Buddhist practice there.

In Tibet, I lived for many years in Ko-lung, a Nyingma sect nunnery, except for one trip to India in 1994. Earlier, there were 60 nuns, and recently that number was officially reduced and limited to 45, along with enactment of other strictures such as a ban on all morning prayers [an important foundation of Tibetan Buddhist practice].

In April of 1998, I was drawn into an argument with the head nun, who accused me of being aligned with the Tibetan community in exile. (When I returned to Nagchu from my trip to India in '94, I was kept in solitary confinement for 20 days before being released). As a result, I was turned over to the authority in charge of the political re-education program, which I was inducted into. I, and others, were forced to renounce our allegiance to and relinquish all photos of the Dalai Lama (which we tried to hide), and to state in writing that Tibet is and always has been an inalienable part of China. However, knowing that I faced imprisonment in doing so, I refused to write that I agreed with their "re-education" points. I was not imprisoned, but fined Yuan 1,400. My parents and I realized that we were unable to pay my fine, and that without the nunnery there was nothing left for me there, so I decided to leave.

From the age of 15, I had been a monk at Ganden monastery, and a teacher and part time translator for tourists. I was expelled in September, 1996, along with 200 other monks as a result of suspicions that authorities had developed following the Ganden uprising on May 6 of that year: 50 officials had arrived at Ganden, and the monks began throwing stones. That night, the monastery was surrounded and about 100 monks were arrested the next morning; most of those are now serving 9–15 years sentences. During the night, I had helped a photographer escape with film, resulting in a news story that was broadcast on VOA wherein the photographer thanked the Ganden teachers for advising him to escape that night. I became very cautious, careful to clean my quarters and hide all my Dalai Lama photographs, but officials tracked me down on the basis of that VOA news report.

The situation in Tibet is getting worse, month by month. Monks are being expelled from monasteries, and now and entrance exam in which you have to write well in Chinese is required for every job, even low level jobs. The culture of Lhasa has also deteriorated, with Chinese prostitution and other vices found everywhere, now.

In Lhasa, I bought a fake internal travel pass to the border, and came with my pregnant wife. We paid Rs. 30,000/—and were smuggled across.

When I was 15, I left Amdo to train as a monk at Ganden, but I was there for less than 2 years. In 1987 and '89, I witnessed the uprisings and demonstrations in Lhasa, and was emotionally very moved by them. That's when I realized that I had to stand up to the Chinese, and I have been helping the Tibet cause since that time.

After 1992, I was constantly on a PSB (Public Security Bureau) watch list, and several times was harassed, interrogated and detained. I was first arrested in 1992, and was held in solitary confinement and interrogated and beaten for 8 days. Continuously, three policemen had me kneel on a cement floor and kicked me on the body and face. One of them did all the kicking and beating, one watched, and the other sat at a desk and took notes. They were Chinese and Tibetan, but I don't harbor ill feelings toward the Tibetans because I feel their circumstances in being there were not their fault.

They couldn't get any information out of me, so they fined me Yuan 6,700 and made me swear that I would never reveal the place of confinement—which looks like a normal government office, but with confinement rooms attached at the back. I believe that there are many other such places of confinement; I know others who have been similarly interrogated and beaten.

In 1993, I went on pilgrimage to India to attend His Holiness's Kalachakra initiation in Sikkim, and when I returned to Lhasa I had to hide and move my residence frequently, in order to avoid being arrested. Even my parents were being watched, in Amdo. I had opened a shop in Amdo with a friend, and he was arrested and sentenced to five years imprisonment, so I realized that I was in imminent danger of arrest.

In 1994, I returned to Amdo and changed my name, stopped wearing monks' robes, and stayed mostly in remote areas. But in August of 1995 I came back to Lhasa, and in October opened a restaurant there. In December of 1995, right at the time when the Chinese appointed their selection for the Panchen Lama, one of my teachers was arrested and kept in confinement, and I was arrested shortly thereafter. The PSB questioned me about my time in India, and tried to force me to agree that the Chinese-selected Panchen Lama was the genuine one. They closed and ransacked my restaurant, which they suspected of being a meeting place for people to talk about freedom for Tibet.

I was sentenced to 2 years in prison on 3 counts: for going to India to see the Dalai Lama, for running a restaurant suspected of being connected to the Tibet freedom movement, and for being suspected of engaging in political activity. I was first held at Gutsa prison, about 5 kilometers from Lhasa, for 10 months. I was kept chained and was beaten for the first 15 days (one of my testicles was crushed), and was given no food or water for the first 5 days. They offered food and water, trying to tempt me to tell them what I had been doing. I was beaten so much that I really thought I had died and gone to Hell. I had a cell that was only big enough to lie down in, with a pan to use as a toilet. Our child died during delivery, in June, 1996, when I was in prison.

On January 10, 1997, I was transferred to Tolong Dzong prison, where I stayed for the remaining 14 months of my sentence. I was released on April 2 of 1998, and then on May 30 was re-arrested by a plain clothes PSB officer, on political grounds, and held for 45 more days. After that, I had to report every month to the police, and was not allowed to travel. That's when my wife and I decided to leave for Nepal.

My wife gave birth to a boy on November 3. Now, my first priority is to find work, in order to repay a large loan that I own in Lhasa. I'd also like to learn at least some rudimentary English, to work for the Tibet cause, and to help my friends who are still in Tibet, many of them in prison.

My brother was killed by the Chinese in 1958, and since then the situation in Tibet has only been getting worse. In 1975 and '76, the state took possession of all the private farm lands in our area, and has been leasing them back to the farmers. Beginning this year, we have not been allowed to sell our crops (primarily barley and wheat) to the open market, but are forced to sell 70–80% of it to the government at a fixed rate that is about half the open market rate. And now, we're not allowed to keep pictures of the Dalai Lama even in our homes.

I came over a high pass, though we started as a group of only 18 and merged with other groups from Amdo and Lhasa.

This year at the Gawa monastery, where I was a monk, officials recently forced us to publicly denounce the Dalai Lama, and they now prohibit monks younger than 18 from joining the monastery. This is a very shrewd tactic on the part of the Chinese, because they understand that by the time young people are 18 they have already been exposed to modern distractions and bad habits, such as drinking and gambling and prostitution, which spoils their desire for religious practice. Historically (before 1959), our monastery had 800 people, but in recent years it has remained at around 300. About 3 months ago, though, 225 monks were expelled, including me and most of the senior monks. It is now nearly impossible to get admitted to a monastery—and entrance to Sera, Drepung or Ganden is impossible—because the officials are reducing the numbers of monks allowed at monasteries everywhere. Some of the Gawa monks have nowhere to go, and so they wait until the officials are gone and then discreetly join the activities in the monastery, hiding when necessary.

The Chinese have appointed their own Panchen Lama, and we don't even know where the genuine Panchen Lama is. I have been told that the public is prohibited from meeting the genuine Panchen Lama's parents.

Also, taxes have increased beyond what Tibetans can afford. We used to pay pasture taxes of 7 per yak and Yuan 200 per horse each year, but these have been raised recently, plus farmers and herders have to pay in-kind taxes of meat and butter each year to the authorities—taxes totaling about 30% of our total production. I don't have parents, nor any livestock, and all else that I owned I gave to the monastery. But now my brother and I have had to repay many debts that my parents accumulated, and we have no livestock as a source of income for this.

During the severe snowstorms of 1996, we heard on American radio that we would be receiving relief in the form of blankets and money. Some foreign donors did come, and in front of them the officials handed us blankets and Yuan 200 each, but after they left the officials returned and collected all the blankets and money. I think the Chinese are very skilled at tricking outsiders.

My brother (age 36) joined me on this trip, and we are relieved to finally be outside of Tibet. After an audience with His Holiness the Dalai Lama, I want to become a monk at the Sera Monastery in southern India.

Eighteen years ago, my parents owned a house near the Mosque. A few years ago, the authorities said they would tear down the house and provide us with improved housing there, in the same place. The new complex was built, but then promptly sold to developers. We did get compensation of Yuan 30,000, but this is half what the old house was worth.

My mother and I had a very small table on the Bargkor (market area and circumambulation route) where we sold cloth and shirts. We had to pay a Yuan 300 monthly fee to 3 different government departments—for a business permit, for the space itself and also income tax.

When I was around 10 years old, I remember getting tear gassed during the rioting, and then staying inside for several days. Nowadays, you might occasionally see a small group of monks or nuns demonstrating, but they never make it more than half a circuit around the Bargkor before being arrested. In August of this year, the authorities entered all the homes in our area, banging on doors loudly and threatening severe penalties, in a search for Dalai Lama photos. We had hidden all of ours ahead of time.

My parents and I decided that if our family was to get ahead financially, one of us would have to leave, and we agreed that I should go, hopefully to get an education. I wasn't able to study in Tibet because I didn't have a residency permit for Lhasa, and studying there is very expensive, anyway—as is living there. Right now we are paying Yuan 450–500 for tuition for my younger brother, which doesn't include his uniform or books. Each year it is getting worse. We don't have a family member in government service, but many Tibetans now are being fired, and you now have to take a written exam in Chinese for even a low level job. Tibetan language is hardly used in Lhasa, there are no high lamas left there, there are far fewer monks than there used to be, and anyone showing a sign to resistance to the Chinese is sentenced to 6–7 years' imprisonment. The Chinese immigrants are bringing infectious diseases to Tibet with them [likely in reference to STDs], while prostitution, gambling and night clubs are thriving.

In October 1997, four women from our village were called for sterilisation.

Two had children already and two did not. One evening the Chinese took the four of them to another place and sterilised them. Two got sick and the others remained healthy. About one month before this, officials from the birth control office came and summoned a meeting. During the meeting the Chinese said that they would operate on women from the age of 18 to 40. They said that those women who didn't undergo the operation would be expelled from their jobs. All of them were farmers.

I heard from the people of the village that one evening a truck belonging to the birth control office arrived in our village and the 4 of them were taken away to get operated on, totally by force. The officials told the 4 of them that the government would pay everything and no problems would result from the operations. They said that one needed rest for 7 days after the operation, and should take proper medicine, and the food and expenses would be provided by the government. But the women were in bed for more than 2 weeks and hardly recovered, and the expenditures were paid by their families and not by the government.

I used to distribute booklets and other literature that dealt with our cause and also I put up posters. As a result, I was caught three times by the Chinese authorities and suffered from imprisonment and torture.

When I was first arrested, apart from handcuffing me, they gave me a few kicks and slaps but I wasn't beaten very badly. On the third day I was specifically charged with possession of a book. It was Friday and I was given the ultimatum to hand over any books or literature dealing with Tibetan affairs by Monday. When I reported on Monday, I was asked where the book was, I told them that I didn't have it and was once again imprisoned.

For the next two months I was interrogated by using all sorts of tactics but I refused to hand over the book. In the end, my friends paid 2000 yuan and I was released on the conditions that I report daily to the police, confine myself within the monastery and not engage in any subversive activity. I was also told to be an informer. If I did well as an informer, I would be paid secretly and if not I would be rearrested. For the next year I was constantly harassed by the police. Sometimes, they visited me in the middle of the night in my monastic room and asked me questions like whether I had been working sincerely for them and whether I was doing any subversive work.

In July 1994 I was arrested for the 3rd time by the Chinese authorities. I was bound in chains both on my hands and feet and taken to the local detention centre. This prison is an interrogation centre for those prisoners who had not confessed their crimes of mistakes. There were no permanent prisoners there. The main reason I was taken to this prison was to keep me away from contacting any Tibetans. While I was being interrogated at this prison, no one knew anything about my whereabouts. I learned later that on the day of my arrest my grandmother died, out of shock and worry.

The torturing began every day at 8 in the morning and went on till 9 in the evening. They adopted all sorts of methods to torture me. My hands were tied at the back in a most painful manner and they put electric rods in my mouth. They used the electric stick on me so many times, I can't say how many times. They made me kneel on the floor with a stick under my knees and another stick on the calves of my legs so that the skin was rubbed off my knees. At the same time my hands were handcuffed together on my back, with one arm over my shoulder and the other arm over my lower back. In addition to this, I received countless numbers of slaps and kicks throughout the day.

In the coldest month in Amdo, every morning before the sun rose, I was subjected to 2 hour cold baths and I was told to strip myself completely naked and then they kept on pouring buckets of icy cold water on me until I completely blacked out. Sometimes I was subjected to a treatment in which they hit with me with thin, sharp bamboo all over my body. After some time, my whole body became like a plucked chicken, very blue with patches of white. Sometimes after throwing countless buckets of ice cold water on me, they would bring me before a red glowing fireplace, if they felt I was about to faint. They gave me this type of torture for 15 days.

I was also fed very poorly with 2 glasses of black tea and some meagre food. I was almost starving because sometimes if I could chew a single pea, I used to feel very happy. However, no matter what type of torture that it was, I didn't admit or confess anything except the possession of the book, which I had already done earlier. I suffered rigorous torture for about 4 months in this prison and since I didn't confess anything they eventually transferred me. In the new prison I was chained and made to sit on a chair, and the security personnel kept me from sleeping for 14 days. The food given to me was the same as they gave to their pigs. I was charged for being a spy of the Tibetan government. The final verdict was that I was a counter-revolutionary who had been engaged in propagating their cause. Thus, I was sentenced for two years and 7 months imprisonment. They took away my political rights for a period of 2 years. After serving my imprisonment I was finally released at the beginning of 1997. After my release I was constantly harassed by the local police.

I was arrested and imprisoned because I called for Tibet's independence. At Gutsa detention center, we were placed in a room with a cement floor where there were no beds and blankets. It was mid winter, and they kept us for over 3 months without blankets, which they allowed only when our relatives brought them from home. We were given small amounts of food, just 2 dumplings per day. It didn't fill our stomachs.

When we were interrogated they questioned us about who was behind the demonstration, but we told them that we had done it independently. Then they beat us with the use of an electric baton. They put it everywhere, on my head, hands, mostly on the veins, and here where it is very painful. We would lose memory because of that. They also kicked us and slapped us in the face. They interrogated me three times a day, every day for one or two hours at a time. They asked the same questions and we wouldn't answer them properly. There were 3 or 4 police questioning us.

They kept us in Gutsa for one year and 9 months and interrogated us. After that they brought us to court to pass our sentences. I got 4 years imprisonment. They then took us to a hospital where we were supposed to get a medical check up. But they didn't give us any treatment and instead took one bottle of blood from each of us forcibly. Because of that we became thinner and thinner. Then finally they took us to Drapchi prison where we had to do work with wool for making carpets. There wasn't any education and the food was very poor. They treated the political prisoners very harshly while they treated normal prisoners better.

We were kept in the prison for a very long time and were not allowed to meet our family. We were able to receive small things such as things to eat. They didn't allow us to meet our family members except after we were sentenced. After our sentencing, they allowed us to meet our family, but only one person could visit at a time.

I suffered from a stomach disorder while at Drapchi, from food which was not properly cooked. We used to eat packaged noodles which led to stomach ailments, and whatever I ate, I had to vomit with blood. I suffered from this for about 8 months after I was released from prison. I start vomiting when the weather turns cold. In prison I asked to visit the hospital, but they only used to take (prisoners) to the hospital when they were almost dead. Otherwise they don't care for political prisoners.

When I was in prison there were some foreign visits but we were watched all the time so we couldn't talk to them. Before they came we were made to clean the rooms and then we had to do whatever work we had to do. They brought big pieces of meat to the kitchen and stuck up list of food telling the visitors that they give us such food. But in reality we didn't get to eat this meat. After the heads had left they took it away.

They put at least one female common law prisoner in each cell to watch the nuns so that we wouldn't talk about things like independence. She would tell the authorities information about us and because of that her sentence was decreased. They were put in a separate room because they feared that we would harm them. They were very happy in their rooms which were better than ours.

In Drapchi prison we were made to do exercises which were not for the purpose of our health. It was like military training. When we were doing the exercises we had to shout something in Chinese which meant that we were confessing to our mistakes and that we would come out to society as a new person. Once we understood the meaning of the words we protested and didn't say them.

> Then many soldiers came and beat us. It was during winter and at that time it is very cold in Tibet. We were made to stand on the cold cement floor in the shade barefooted for a whole day, our shoes and socks removed. This made our feet cold as ice. Then we had to run while they didn't give us any water. Some of us fell unconscious. If someone fell down they said we were not allowed to help. They also stopped the monthly opportunity for our families to visit us. We had to stand in the sun and put our faces in the direction of the sun as a result of which some of us had blisters on our face.

Mr. HUTCHINSON. Mr. President, I thank the Senator from California for her very significant statement. I know we have not always agreed on China, but I think that was a very candid and very honest statement. I appreciate her making it.

I want to publicly thank, on behalf of Senator WELLSTONE and myself, our staffs: On Senator WELLSTONE's staff, Charlotte Oldham Moore and John Bradshaw, for their very persistent and hard work on this issue; on my staff, Samuel Chang, for his hard work and continued interest in the human rights issues in China.

As I said, one of my heroes, and I think one that has been mentioned repeatedly, one that will be with us at the press conference tomorrow, is Wei Jingsheng, who spent about 20 years in solitary confinement in China back in the 1970s, arrested for his involvement at the Democracy Wall effort.

At that time he was sentenced to spend 14½ years in solitary confinement, went out and was involved in Tiananmen Square. He was truly a friend and truly a hero. I thought, when I visited with him in my office, while I was going on annual vacations, while I was rearing three boys and seeing them grow up and going out and playing basketball with them and coaching their soccer games, this man, who is about my age, was languishing in a Chinese prison.

I recently read the book "China Live" by Mike Chinoy. Mike was the CNN correspondent and before that, the NBC correspondent—in Beijing, then Hong Kong. He went to China as a young man in the seventies, very idealistic, believing the Chinese regime was going to bring human rights and democracy and freedom to the people of China. He left disillusioned to a great extent, but he tells about the trial of Wei Jingsheng. I want to read this as I conclude. He talked about Wei Jingsheng, on October 9, 1979, going on trial.

> Pictures from the proceedings were broadcast on Chinese TV. They showed a youthful-looking Wei, dressed in prison garb, his head shaved and bowed, listening to the verdict before a panel of stony-faced judges and a carefully selected audience of five hundred people. I had read his essays and seen for myself the hope generated by Democracy Wall. Now, working late at the NBC bureau in Hong Kong on the day Wei was sentenced to fifteen years in jail for "counterrevolutionary incitement", I was angry and upset.
>
> Although intellectually I recognized that profound changes were still under way in China—holding out, over the long term, the possibility of a more humane society—it was hard to be neutral and dispassionate watching such a travesty of justice. My feelings became even stronger when I acquired a copy of the transcript of Wei's trial, which had been surreptitiously tape-recorded and distributed by other activists not yet under detention. Standing before his accusers, Wei refused to admit to any crime. Instead he forcefully defended his ideas of democracy. His courage in the face of a certain guilty verdict and long prison term was astonishing. I wished I could do something to help.

He said, "I wished I could do something to help." Twenty years after that trial, things are not better in China, and we see a new round of the same kind of show trials, phony trials and repression. Mike Chinoy said, "I wished I could do something to help." Ladies and gentlemen of the Senate, we have a chance today to do a little something to help. This year marks the 10th anniversary of the Tiananmen massacre. This is an incredibly important year in China and for the democracy movement in China. We can take an important step and cast an important vote with overwhelming bipartisan support for this resolution today.

I ask my colleagues to call upon the administration to sponsor this resolution in Geneva this summer, condemning the human rights abuses ongoing in China today.

Mr. President, at this time I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I do have a unanimous consent request to propound, and I know we would, then, be prepared to go to a recorded vote. But before we do that, I want to take a moment to commend the distinguished Senator from Arkansas for the work he has done and the fact that he has been joined by the Senator from Minnesota in addressing this very important issue. I know they have been joined by a number of Senators on both sides of the aisle.

This is not something new with the Senator from Arkansas. Senator HUTCHINSON has been trying to emphasize his concerns about the terrible human rights policies in the People's Republic of China ever since he has been in the Senate. I know he worked on it last year. He has been trying to make the point this is a serious problem, and I think the justification for this serious expression is the fact that it is still not what it should be. He has been talking about it for quite some time, as have others, and there continue to be terrible human rights violations.

So I think it is appropriate that the Senate, in its second legislative action of this year, would express its very strong concern regarding this human rights situation in the People's Republic of China. I have read the resolution. I think it is well stated. And the timeliness is also very important. As we now are about to have the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, for the Senate to go on record taking a stand for this human rights position, I think, is very commendable. I am glad I have been able to work with Senator DASCHLE and both sides of the aisle to make it possible for us to consider this separately, to highlight the fact that we are not just sticking this on as a sense-of-the-Senate resolution in a bill, this is a Senate resolution that states clearly our concern and our position. I am very pleased to be supportive of my colleague's efforts.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. I know Senator HUTCHINSON thanked the majority leader. I also want to thank the majority leader for his support in doing this. He is right. It is timely. We do want to ask for the yeas and nays.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR MONDAY, MARCH 1, 1999 AND TUESDAY, MARCH 2, 1999

Mr. LOTT. Mr. President, before we go to the yeas and nays, let me propound my unanimous consent request. We have worked this out on both sides of the aisle with the chairman of our select committee with regard to the Y2K issue and the ranking member, Senator DODD. This will be the schedule, then, for the balance of this week and Monday and Tuesday of next week.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday, March 1, for a pro forma session only. Immediately following the convening on Monday, I ask that the Senate then adjourn over until 9:30 on Tuesday, March 2, and proceed immediately to consideration of S. 314, providing for small business loans regarding the year 2000 computer programs, and that there be 1 hour of debate to be equally divided between Senators BOND and KERRY of Massachusetts, with no amendments or motions in order.

I further ask that the vote occur on passage of S. 314 at 10:30 a.m. on Tuesday, and that paragraph 4 of rule 12 be waived.

I also ask that, immediately following the passage of that bill, Senator BENNETT be recognized to make a motion to recess the Senate in order to allow the Senate to hear confidential information regarding the Y2K issue in S-407 of the Capitol, and I further ask the Senate stand in recess for the weekly party caucuses between the hours of 12:30 and 2:15 on Tuesday, March 2.

I further ask at 2:15 on Tuesday, the Senate immediately proceed to S. Res. 7, having discharged the resolution from the Rules Committee, and there be 3 hours of debate, being equally divided between Senators BENNETT and DODD, with no amendments or motions being in order, and a vote to occur on adoption of that resolution at the conclusion or yielding back of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, in light of that order, the Senate will not be in session on Friday and will be in pro forma session only on Monday. The Senate will debate the Y2K loan program bill on Tuesday morning, with a rollcall vote on passage at 10:30 a.m. on Tuesday. Therefore, the next rollcall vote will be at 10:30 on Tuesday. Following that vote, the Senate will proceed to the briefing in S-407. I want to encourage Senators to attend this briefing because it does involve very important, classified information with regard to the Y2K issue.

At 2:15, the Senate will proceed to the funding resolution for the special committee on the year 2000 technology and related issues, for up to 3 hours.

I thank my colleagues for their cooperation and, again, I commend those who have been involved in S. Res. 45. I yield the floor.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

The Senate continued with the consideration of the resolution.

VOTE

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered on S. Res. 45.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Torricelli

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 45

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet and continues the coercive implementation of family planning policies and the sale of human organs taken from executed prisoners;

Whereas such abuses stem from an intolerance of dissent and fear of civil unrest on the part of authorities in the People's Republic of China and from a failure to adequately enforce laws in the People's Republic of China that protect basic freedoms;

Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights;

Whereas the People's Republic of China recently signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the covenant legally binding;

Whereas the President decided not to sponsor a resolution criticizing the People's Republic of China at the United Nations Human Rights Commission in 1998 in consideration of commitments by the Government of the People's Republic of China to sign the International Covenant on Civil and Political Rights and based on a belief that progress on human rights in the People's Republic of China could be achieved through other means;

Whereas authorities in the People's Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, writers, and others who petitioned the authorities to release those arbitrarily arrested; and

Whereas these efforts underscore that the Government of the People's Republic of China continues to commit serious human rights abuses, despite expectations to the contrary following two summit meetings between President Clinton and President Jiang in which assurances were made regarding improvements in the human rights record of the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution calling upon the People's Republic of China to end its human rights abuses in China and Tibet.

Mr. FRIST. I move to reconsider the vote.

Mr. HUTCHINSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The distinguished Senator from Tennessee is recognized.

Mr. FRIST. Under a previous agreement, this time has been allotted to Senator COVERDELL or his designee, and I have been designated to oversee this next 45 minutes to an hour to talk about the Education Flexibility Partnership Act of 1999.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. FRIST. Mr. President, we will be discussing two critical areas as we address the education of our youth in this country. Those two areas are flexibility and accountability. Discussing this topic with me will be Senators CHAFEE, BOND, CRAIG, VOINOVICH, GREGG, HUTCHINSON, and COLLINS.

The issue that we will discuss is called Ed-Flex. Specifically, it is the Education Flexibility Partnership Act of 1999. The shorthand version is "Ed-Flex." That is the way it will be referred to, I am sure, over the next several hours and the next several days as we look at this particular bill which I expect to come to the floor next week.

Let me begin by discussing what Ed-Flex is so people will know what we are talking about. It is really pretty simple. Ed-Flex is a State waiver program that allows schools and school districts at the local level to obtain or have the opportunity to obtain a waiver to carry out and accomplish a specific educational mission, but with flexibility free of Washington red tape, free of the administrative regulatory burden which too often—and we hear it as we travel across the State again and again—shackles them in terms of meeting those specific goals. These regulations are often well intentioned.

We create them right here in this room in Washington, DC, and then we expect them to fit every local community. They simply don't fit. That is No. 1. That is what Ed-Flex is.

No. 2, we as a country recognize we are failing our children today in terms of education. We are trying hard, teachers are trying hard, local schools are trying hard, but we simply are not doing the job that our children deserve in preparing them for the next millennium.

Ed-Flex allows every State the option of participating in a demonstration program which has been enormously successful; this program was first established in 1994 and expanded in 1996. So we have a track record. Right now Ed-Flex is in 12 States. What this bill does is strengthen the accountability provisions and then gives all 50 States the opportunity to participate in Ed-Flex to help our States, to help our localities.

Education is primarily a local issue. That is where these decisions should be made. Washington must give these localities, these schools, these school districts, the flexibility they need in order to innovate, to do a better job, to do what they know is best.

Let me cite some examples that really make it clear to people. They understand Ed-Flex is a State waiver program that allows schools and school districts to accomplish goals free of red tape. Here are some examples:

In Maryland, Ed-Flex reduced class size for math and science students from 25 to 1 to 12 to 1. It has cut it in half. They wouldn't have been able to do it without Ed-Flex.

In Oregon, Ed-Flex allowed high schools and community colleges to work together to provide advanced computer courses to students who would otherwise not be able to receive this technical instruction.

A third example: In Kansas, waivers provide all-day kindergarten, preschool for 4-year-olds, and new reading strategies for all students. It would not be possible without Ed-Flex.

It is common sense. It is bipartisan. It is a plan that has been supported by every Governor in this country. It is one that we are going to move ahead, doing the Nation's business in a bipartisan way to accomplish what I believe is one of the most important goals before us, and that is to improve education in this country.

Now, that describes the flexibility, innovation, and creativity. The accountability is an important issue, because if you strip away Washington red tape, you have to be accountable. Accountability is built strongly into this bill. It is even tiered-in so that you have local accountability, State accountability, and Federal accountability to make sure that those missions are accomplished.

At the local level, schools have to demonstrate why this waiver is necessary, what the objectives will be; they have to have specific, measurable goals.

At the State level, there must be in place an accountability system in three ways: You have to have content standards, No. 1; No. 2, you have to have performance standards; and No. 3, you have to have assessment standards. Backing that up at the Federal level, the Secretary of Education is required to monitor the performance of States, and in fact the Secretary can terminate the State's waiver authority at any time.

So we have a three-tiered approach to accountability.

Ed-Flex expansion has passed twice in the Senate Labor Committee. It has the support of 38 Senators from both sides of the aisle. It has the support of the National Governors' Association. It has the support of the Democratic Governors' Association. The Secretary of Education and the President have all called for Ed-Flex expansion.

Last year, we ran out of time to pass Ed-Flex. It has already gone through the Health, Education, Labor, and Pension Committee this year. We need to keep the bill clean and simple. There will be an unfortunate tendency to put a lot of amendments on the bill and attach your favorite education bill. We have an opportunity to have a bill passed in this body next week, passed by the House of Representatives within a couple of weeks, and at the President's desk within 6 weeks. It is a simple message: Congress cares about education.

Congress respects local control, local innovation, local creativity. And we, by passing this bill, demonstrate to the American people that we can work together in the interest of our children, preparing them for that next century, the next millennium. Let's untie the hands of local government. Let them do the jobs they are entrusted to do. Ed-Flex is a modest bill, but an important first step at administrative regulatory simplification with strong accountability built in. I look forward to the Senate's consideration of this bill next week, again, with strong bipartisan support.

I thank the Chair. At this juncture, I will yield to my distinguished colleague from Rhode Island. I will yield to colleagues, and they can take from my time as we go forth over the next 45 minutes.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the Chair and the manager of this legislation. I rise in support of this legislation introduced by the Senator from Tennessee, the Education Flexibility Partnership Act. Last week, while the Senate was in recess, I spent time in Rhode Island talking with educators about Ed-Flex. I had a group of educators from our schools come in; principally, they were principals of our schools. As a result of those conversations, I became a cosponsor of this legislation, Ed-Flex.

First, it is important to point out what it is not. It is not a block grant proposal. Senator FRIST's bill, which will be the next order of business, as I understand it, next week, expands a demonstration program, as he pointed out, for six States where it was created in 1994. Now, 2 years later, it is expanded from 6 to 12 States. This bill would permit all 50 States to benefit from it.

Now, what is this bill? Ed-Flex allows State departments of education to apply for waivers of Federal requirements for State administrative programs. Examples of these programs are: the title I program, the Eisenhower Professional Grants Program, and the Safe and Drug-Free Schools Program. The States must agree to waive any corresponding State regulations for these programs. If we are going to waive the Federal regulations, we are going to waive the State regulations as well. The States must have made demonstrable progress in creating and putting into place the challenging statewide content standards. In other words, States must have a place in statewide school reform, and that is what this is designed to do.

One of the best examples of how Ed-Flex can benefit schools was offered by an elementary school principal in my State when I talked to him last week. He noted that for several years, his school district's emphasis had been on raising achievement in math and science. Professional development had been squarely focused on math and science, and students in his school were showing the results through increased test scores. Now he would like to be able to use the funds he receives from the Eisenhower Professional Grants Program, which is targeted to math and science—he wants to use it for professional development in reading, have his teachers become better reading teachers. Ed-Flex would allow him to do that. Absent Ed-Flex, he could not use these professional development moneys for anything except science and math. He could not use it for reading. This permits this legislation to be used with this flexibility.

Since enactment of Goals 2000, States and school districts have been working hard to develop schoolwide reform plans that will improve the quality of education for all children. I believe this legislation will help give schools the needed reforms that they seek. It has, as was mentioned, strong bipartisan support. A companion bill, I understand, is moving through the House, and the President has indicated his willingness to sign it. So this is a hopeful sign for all of us, and I think it is excellent legislation. I commend it to my colleagues.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my colleague from Tennessee for his great leadership.

Mr. President, I rise in strong support of Ed-Flex because it gives States and local officials in 12 States now greater freedom from regulation in the use of Federal education dollars. We need to expand that. This is moving in the right direction. It is not all the way there. They should be encouraging innovation, creativity, and flexibility on the local level in regard to education. We should not be handcuffing teachers, principals, and others from trying to do what is right for the kids in their schools.

I think expanding Ed-Flex is a step in the right direction of putting our Nation's children first and not the red tape and bureaucracy.

Ed-Flex is a step in the right direction because it moves in the direction of putting decisionmaking back where it belongs, on the local and State level. It proposes consolidating funding and removing the strings that Washington has put on.

My colleague from Rhode Island has talked about his meetings with local educators in Rhode Island. Over the last 2 years, I have met with principals, teachers, superintendents, parents, and school board members in every section of my State. It is amazing what they tell me when I ask them about how our Federal programs are helping them. They say, "They are burying us in red tape. We have to hire people to write grant applications, and to try to play 'Mother May I' with the Federal Government. We are taking away time from our task, which should be educating our children and providing them with a quality education." They say that too many of them—if they fight and finally get a competitive grant for 3 years, that grant runs out and then they are faced with taking away money from their basic programs of providing quality education to fund a Federal program that was stuffed down their throats.

At our best count, we have about 763 Federal education programs. I challenge every single one of my colleagues to go back home and ask the educators: Do you really need 763 different Federal prescriptions? Are they really helping you educate your children? I can tell you that the response from my State is overwhelming, and I believe it will be from your States as well.

When we think about the tremendous waste in time and bureaucracy with 4,500 people in the DOE, the bureaucracy overseeing them, and 13,000 at the State bureaucracies, those are dollars that are not going to the classrooms. Who is accountable for education? Are we as a Congress? I don't think so. I don't think anybody elected us to a national school board. Ed-Flex is moving away from the concept that we have come to Washington to be a national school board.

I say to you, to the President, and I say to the Secretary of Education: If you want to run local education, run for the school board, or be a superintendent or a principal.

Now, I hope we can pass this bill cleanly out of here and send it on to the President, get it signed. Let's expand on this program. I will tell you one thing for sure. If they start adding amendments to it, I have something called a "Direct Check for Education." Direct check for education would put the money directly in the schools, not on the basis of a complicated formula, but on the basis of average daily attendance. I have explained that program to school districts throughout my State.

I have a sampling of letters from school superintendents. I ask unanimous consent that these may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARRISBURG R–VIII SCHOOL DISTRICT,
Harrisburg, MO.

Hon. CHRISTOPHER S. BOND,
U.S. Senator,
Washington, DC.

SENATOR BOND, The Harrisburg School District is in support of "Direct Check for Education" proposed by yourself. The Senator's office indicated funds available at $76.00 per pupil. The funds from this "Direct Check" would significantly enhance our educational offerings.

Sincerely,
WILLIAM E. VIEW,
Superintendent.

ROLLA PUBLIC SCHOOLS,
Rolla, MO, February 9, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: As per your request, I have reviewed your "Direct Check" proposal and am responding to your idea. I am very interested in what you are proposing through the "Direct Check" alternative. Our school district is, I assume, fairly typical of many within our great state in that we participate and offer many of the federally subsidized programs. Through your "Direct Check" proposal, our district will not only receive more dollars than it presently does, but also have the latitude to utilize those dollars as deemed appropriate by our Board of Education and this school system.

I fully understand the potential turf issues that you face with this "Direct Check" for Education proposal. I am also cognizant of the bureaucracy that is affiliated with each of these programs subsidized by federal education dollars. I am most appreciative of and agree with your assessment that this is substantive reform, and, therefore, our district would gladly offer any assistance that we might. If there is anything that we might do to further your "Direct Check" for Education proposal, please do not hesitate to ask. Again, we very much appreciate your concern for public education and this demonstration of a return to local control.

Sincerely,
LARRY E. EWING, Ed. D.,
Superintendent of Schools.

CARTHAGE R–9 SCHOOL DISTRICT,
Carthage, MO., February 10, 1999.

Senator CHRISTOPHER S. BOND,
Russell State Office Building,
Washington, DC.

DEAR SENATOR BOND: I appreciate the recent opportunity to attend the news conference in Joplin, Missouri, concerning your Direct Check proposal. Likewise, it was encouraging to receive your recent correspondence concerning the proposal.

On behalf of the Carthage R-9 School District in Carthage, Missouri, I want to express our strong support for the proposal. It is our belief the plan will bring about equity and benefit our students in numerous ways.

Your work to reform this payment process is highly valued. If at any time our district can be of service to you, please let us know.

Sincerely,
KENNETH C. BOWMAN, Jr.,
Superintendent of Schools.

VALLEY R–VI SCHOOLS,
Caledonia, MO.

CHRISTOPHER S. BOND,
U.S. Senator,
St. Louis, MO.

DEAR SENATOR BOND: I am writing to let you know that I fully support your "Direct Check for Education" proposal. After so many false promises by lawmakers regarding help for education, your idea is one that I have hoped to see for many years. It should truly be the job of local decisionmakers to decide how funds are spent on each school. We do not mind being held accountable for producing results when we have the freedom to spend dollars as the local board sees fit. I congratulate you for the stand you have taken on this issue. I doubt it is popular among other lawmakers, because it will no doubt rock the boat in some circles.

Again, thank you for this initiative.

Sincerely,
LARRY GRAVES,
Superintendent.

BLUE SPRINGS SCHOOL DISTRICT,
Blue Springs, MO, February 8, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I am writing in response to your proposal to include a "Direct Check for Education" into the reauthorization of the Elementary and Secondary Education Act.

The Blue Springs R–IV School District overwhelmingly supports such a proposal. The "Direct Check" proposal would allow us, at the local level, to make the decisions we need to make without the restrictions that are often applied at the state and federal levels.

We encourage you to press forward with this initiative.

Sincerely,
CHARLES MCGRAW,
Superintendent.

REEDS SPRING R–IV SCHOOL DISTRICT,
Reeds Spring, MO, February 9, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Your "Direct Check" proposal does what legislation should do. It puts the money where it can do the most good. Leaders in local schools will be able to address specific needs of students rather than conform to directives from bureaucratic number crunches.

Respectfully,

Dr. BILL WHEELER,
Superintendent.

KIRBYVILLE PUBLIC SCHOOL,
Kirbyville, MO.

Senator CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: "Direct Check" is one small "step" in the right direction. Sending tax money back to the people it came from has never been a bad idea. Eliminating federal and state bureaucratic taxpayer payrolls has always been a good idea but appears to be an impossibility.

Local boards of education should be held accountable for the quality of public education programs within their own communities. If state and federal governments want to support programming efforts through certification standards, a simple process that ties certification to funding would seem appropriate. If student performance is the primary indicator used for certification, it shouldn't require multi-billion dollar bureaucracies to manage the process.

Public education in America is in serious trouble. Solutions to the problems will require a comprehensive approach from every level, i.e., federal, state and local. I applaud your leadership with this effort at the federal level.

I encourage you to look for different funding approaches for public education. The local property tax is a very useful tool, but it has been extended beyond its limits. State funding is also very useful and has been a lifesaver for many Missouri Schools. However, the "Big Dogs", i.e., the industries that produce "adult" products, when used as directed can kill, have been allowed to advertise their products over airways owned by the federal government without regard to the collateral damage to the minds of our youth.

Public education should not be required to spend taxpayer money to remediate problems cause by these irresponsible industries that target the youth of our nation as future addicts of their products. It is my understanding that the top five contributors to the nations two political parties are: the tobacco industry, the liquor industry, the movie (media) and music industries and trial lawyers. Local taxpayers should not be the only responsible agent for the costs associated with drug education, violence prevention, sex education and character development programs for public schools. If the "Big Dogs" are going to play the game they should have the opportunity to pay for the dance.

Sincerely,

LONNIE SPURLOCK,
Superintendent

WEBB CITY SCHOOL DISTRICT R-7,
Webb City, MO, February 4, 1999.

Senator CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Please accept my enthusiastic support for the "Direct Check" education initiative you are sponsoring. It is my opinion that a program of this nature is long overdue. Those of us who have spent a career in education have repeatedly experienced the jubilation of anticipation that arose from promises made by the Federal Government toward education. Unfortunately, however, excitement was then always tempered by the reality of the red tape that accompanied the promise. As the result, frustration was generally the only product forthcoming.

It is my opinion that one size does not fit all in anything, especially education. I would welcome your program and see it as an opportunity for real improvement of results that would arise from federal dollars that flow toward education. You can count on me as a supporter of your efforts.

Sincerely,

RONALD LANKFORD,
Superintendent.

PEMISCOT COUNTY
SPECIAL SCHOOL DISTRICT
Hayti, MO, February 5, 1999.

SENATOR BOND, As a school administrator, parent, and taxpayer, I would like to commend your Direct Check efforts and offer my support in its passage.

I must remind myself daily that, even though some decisions appear to be more easily made from our Central Office, the best decisions are those that are made from the source of need.

The Direct Check concept would allow the decisions about utilizing education funds to rest in the hands of our constituents without losing some of the funds in state administrative procedures. I feel confident that our Board of Education indeed represents the wishes of our constituents and frequently engages in dialogue with parents and students to determine educational needs.

Thank you for your efforts. Please don't hesitate to contact me for additional support.

NICHOLAS J. THIELE,
Superintendent.

Mr. BOND. Mr. President, the direct check for education doesn't block grant education funds; it doesn't affect title I or include vocational education, special education, or Eisenhower Professional Development; it just says send the money directly back to the school districts, eliminating the time spent reviewing grant applications and the paperwork burden. It replaces a cumbersome and costly process with a resource of flexible funding.

Do we need 100,000 new teachers? In many small school districts, they figure it comes out to about .16 students for their entire district, or .1. How do you hire .16 teachers? Some districts may need to use that money to pay more so they can keep good teachers. This would allow them to do it. Some of my colleagues say you will take power away from the States and the States ought to be running it. I say the State regulations can still stay in effect, but the accountability is going to be at the local level.

We have school boards that we elect to take care of our educational needs and to make sure that our children get a quality education. I have a really radical proposal: Let's go back to the old system where school boards are responsible through the superintendents and principals and teachers and allow them to use the good ideas. We have lots of good ideas up here, and we ought to offer those voluntarily and say: Here is a good idea; do you want to try it?

The President just came up with a whole new series of standard things he wants to do for every school district in the Nation. They may well be good ideas. If you were a school superintendent, they might be just the thing to do. Let's suggest to them that these are things they might want to require. They may have a different way of going about it. I am willing to take the chance on putting that money in the hands of the people, the local educators who know our kids, know kids' names, and know their problems.

I believe Ed-Flex is a tremendous step in the right direction. I urge that we pass it without amendment. If we do start amending it, I am going to give my colleagues an opportunity to vote on sending the money directly back to the schools. Let's be radical, and let's do something that can make a difference.

Mr. President, I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I join my colleague from Missouri and others who have spoken on the floor in relation to the legislation that we will begin to debate next Tuesday, I believe, Senate bill 280. We are calling it the Ed-Flex bill because of a demonstration project that has now gone on in 12 other States in our country where school districts have demonstrated that, given the flexibility to move dollars around, they can accomplish great things for the young people they are responsible for educating.

So for the rest of our country, I think the Senator from Missouri and I want to see a similar kind of flexibility.

What does it mean? It is very clear what it means. It means that when it comes to educating the young people of our country, we basically trust parents a great deal more than we trust bureaucrats.

For a long time, we felt that the promotion of education in our country would come only if you could have a national department of education, and from that would flow all good things to the rest of the country, and they would serve as the leaders to project our States and our school districts into the dynamics of improving our public education system. We found out that while there is a department of education necessary on occasion, that the real energy comes from a local school district, or a State, or a group of parents who do not like what they see, or the direction their children's education is heading in, and they want to make changes.

I am not at all opposed to public education. How could I be? I, my wife, and all of our children are the products of the public education system. And we are very proud of it. In Idaho we have a very good public education system that could be a great deal better. The Governor of the State of Idaho, former Senator here in this body, just elected, has recognized in our State that one of the greatest needs is in the area of reading. Should he be allowed, along with local school districts, to shift to more concentration on reading from the first grade through to the fourth or fifth grade? If that is what Idaho needs, that is what he should be allowed to do. Even within that context, in some school districts in our State reading has already been a higher priority, and those students are doing better.

In the State of Texas, which has been able to operate under this demonstration project that we now want to send nationwide, the students there are outperforming others, because once again school districts are allowed to focus, to target, and on their standardized test scores they are moving up faster than they are in other States.

In Maryland, students are receiving a one-on-one tutoring—again, a demonstration on the part of the school districts that in Maryland they needed to focus on reading. That one-on-one relationship might otherwise be denied under the concept that a one-size education program fits all which would not have allowed the students to do so.

There are a good many stories out there. It is from those stories, those clear examples of understanding, that we bring S. 280 to the floor. I think it has the kind of dynamics we ought to be involved in. For some time we Republicans have recognized that bureaucracies just don't educate. They burn up a lot of money. They direct a lot of very well-meaning people sometimes in the wrong directions.

Where it works is when the money gets to the local levels where parents, along with their educators, can determine what the needs are in a given area. That, of course, has always historically produced one of the most dynamic public systems in the Nation, in the world, and that is our public education system, stalled out in a good number of years simply because it did not have the flexibility to respond.

At this level we are going to put more dollars into education. We believe that is a high national priority. Unlike those of the past where money should have come from the State and local units, we are committed in our opportunity of surplus years to put some of those dollars into education, and in so doing, we don't want them to get hung up here where 25 or 30 percent will be spun over into bureaucratic inertia. We want them to flow directly to our units of education at the local level.

Ed-Flex, Senate bill 280, offers us that opportunity. We begin to debate it next week. I hope we can have strong bipartisan support in what is an extremely valuable initiative.

I yield the floor, Mr. President.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise in strong support of Senate 280, a bill to extend educational flexibility to all of the 50 States.

One of the nice things about becoming a Member of the U.S. Senate is that I am going to have an opportunity as a Member of Congress to promote some of the programs I lobbied for while I was mayor of the city of Cleveland and president of the National League of Cities, and programs that I promoted as Governor and chairman of the National Governors' Association.

Way back in 1991, we did a study in the State of Ohio in regard to our department of education to find out if there were ways we could change its direction. One of the things we discovered was that there were all kinds of reports that needed to be filed. What was astounding is that half the reports that were being filed by school districts were to the Federal Government and the Federal Government was only participating to the extent of about 6 percent of the money that was being spent in those school districts.

So at that time I came to Washington and I met with Lamar Alexander, who was at that time the Secretary of Education, and said to him that something had to be done about this. At that time he started to put some things together. I think he may have coined the word "Ed-Flex." Also, Secretary Riley, an enlightened former Governor, realized that the Department of Education could be of help to the States. They extended the right to local State secretaries to grant waivers to local school districts where they wanted to use certain Federal programs for different purposes.

Prior to—we have to put this in perspective—Ed-Flex, if a local school district had a Federal program and they wanted to use it differently, they had to go to their respective State capital, kiss the ring of the superintendent of education, and then that superintendent of education would have to go to Washington and do the same thing.

So Ed-Flex basically says to those States that want to participate, if you put together an overall plan of how you are going to in your own State eliminate a lot of excess regulations, if you will put together an overall plan on how you intend to take these Federal dollars and use them better to really make a difference for the kids in the classroom, we will allow you the authority that we have in Washington to grant those waivers to the local school districts—in Ohio, 611 of them.

One of the really unique things that came about as a result of Ed-Flex in our State was that every school district had to prepare eight reports to the State department of education for Federal money, and then they would submit eight to the Federal Government. Today, they only provide one report to the State, and the State provides one to the Department of Education.

I think it is important also to point out that Ed-Flex is just the beginning of education reform in the 106th Congress. I would like to congratulate my colleagues on the Republican side and on the Democratic side for their willingness to allow Ed-Flex to be the first step in education reform in this session of Congress.

We all know that there are different ideas on how we need to reform education. The President has his ideas and some of us have a little different idea. You have heard from Senator BOND of Missouri about his program.

Many of us believe that the first thing we ought to do before we reauthorize elementary and secondary education is to inventory the 550 education programs that the GAO says we have or the 760 that the Congressional Research Service says we have and figure out what we are doing there, get rid of the ones that are not working, consolidate the money or save it, put it into a block grant, and send it back to the States and local governments so they can do a better job with the money we are making available to them. In other words, be a better partner with State and local government because they have the major responsibility for education in this country.

I am looking forward to working with my colleagues to see if we can't come up with a program that is really going to make a difference for our boys and girls throughout the United States of America.

In Ohio, this program has only really been in existence for 2 or 3 years, and there are some who say, why aren't you doing a lot more with it?

One of the things that needs to be emphasized is that school districts are interested in moving forward and taking advantage of Ed-Flex, but they are being very careful about when they ask for a change in the waivers and use the money differently because they want to make sure, if they ask for a change in the waiver, in fact they are really going to make a difference for the kids. They don't want to do this just to go through the motions.

In our State, we have testing in the fourth, sixth, and ninth grades, and we have a tough high school proficiency test. One of the things we are trying to do is to bring up the test scores in those first two tests, fourth and sixth grade. Through the use of Ed-Flex, we have been able to allow a local school district to use the Eisenhower professional grant money in a different way than is required under the Federal statute, and they are taking that money and putting it into emphasizing reading and social studies. We have seen, as a result of reallocating those resources, a marked improvement in the students' performance on their fourth- and sixth-grade proficiency tests.

I would love to see the rest of this country take advantage of this Ed-Flex Program so that they can do the same thing for their boys and girls. So I strongly urge that we pass this Ed-Flex legislation, as I say, the first phase of our education reform program.

I would like to underscore one other thing. One of the most important things the Congress of the United States did was to reform the welfare program in the United States of America. Prior to that reform, it was an entitlement program. We came and we lobbied Congress and said change it to a block grant, give us the flexibility so we can make a difference for our customers, the recipients of the welfare program.

We have seen a dramatic change in what is happening in our welfare program. For example, in my State we have 560,000 fewer people on welfare—a 60-percent reduction since 1992—because we have given the people closest to the customer the power and the authority to make a difference in their lives.

We never would have had welfare reform in the United States if it had not been for the fact that waivers were granted to the States prior to welfare reform and, as a result of that, Governors were able to show that with flexibility we can really make a difference in people's lives.

Ed-Flex will give Governors and local school district people that authority to change some of these Federal programs, these one-size-fits-all programs, change them and make a difference for our youngsters, and it will be a way we can show America that if you give people closest to the kids, the parents, the teachers in the classroom, give them the power and the authority to take those dollars and utilize them in a way that is really going to make a difference in the lives of our children, we will see the most revolutionary change and measured improvement we have seen in this country in terms of our public education system.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Chair.

I want to applaud my colleagues who have been in the Chamber speaking of education reform, and my colleagues on the Republican side I think have come forward with a very progressive and innovative reform program for education. I know Senator VOINOVICH from Ohio led the way in education reform in that State.

But Ed-Flex, providing those waivers for State educational establishments to be able to avoid the kind of heavy-handed bureaucratic mandates that are imposed upon them; the Dollars to the Classroom Bill, which I am sponsoring, which would consolidate 31 of those hundreds of education programs and allow new flexibility to State governments in ensuring that 95 cents of every dollar get to the classroom as opposed to the 65 cents that currently get there; and the proposal to increase funding for disabilities programs, mandates that we placed on local schools but have not funded, I think are all very important ingredients to our education reform package which will truly lead to improvement in education in this country.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HUTCHINSON. I thank the Chair. I yield the floor.

Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. I thank the Chair.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S. 468 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise today to add my voice to those who are sponsoring the Education Flexibility Partnership Act of 1999 which would afford states important exemptions from burdensome federal regulations. Indeed, the bill would expand a 12-state demonstration program to all 50 states, and would allow for the waiver of statutes and regulations that hinder State and local educational improvement plans. I thank my colleagues, Senator FRIST and Senator WYDEN, for their leadership on this innovative legislation. It is, indeed, a landmark bill that I am confident will improve the performance of our Nation's public schools by placing the control back where it belongs—in the hands of teachers, parents, school board members and the administrators of local school districts.

I am delighted to join my colleagues as an original cosponsor of this legislation, because I am confident that it will improve the academic performance of students in my home State of Maine and in States across the Nation. Our Nation's public school system is the foundation upon which the American dream is built. Time and time again, we see that education is the difference between poverty and prosperity, ignorance and understanding.

There is no doubt that America's public schools are in need of a boost, but not one that is dictated by the Federal Government in a "one size fits all" approach. Rather, we need a boost for our Nation's schools; a boost conceived of and built from the bottom up by the people who know best what our students need; namely, educators and administrators at the State and local levels.

The Ed-Flex plan does just that by cutting the bureaucratic strings that now entangle Federal education dollars. It would allow local communities to spend Federal dollars as they think best, as long as their programs accomplish the objectives of Federal guidelines.

In short, the Ed-Flex bill will help our public schools attain and, indeed, in many cases exceed Federal standards without resorting to a "Washington knows best" approach.

I note, Mr. President, that this approach is totally contrary to that proposed by the Clinton administration. The President wants to be the Nation's principal. He wants to decide everything from promotion policies to curriculum standards. That is not the approach that this bill takes. Rather, this bill reflects our philosophy that those who are most committed and best able to improve education are found at the State and local level—our parents, our school board leaders, our principals, and our teachers.

In Maine, our students rank near the top in many national tests. The State Department of Education, the State's elementary and secondary schools and the University of Maine have worked diligently to design and use challenging statewide learning standards.

National test results show that these efforts have been successful. Even more important, they demonstrate that a strong K–12 education system designed and supported by State and local officials, school board members, teachers, and parents can produce first-rate students.

And, indeed, I am very proud of the accomplishments of Maine schools.

Dozens of schools across the country have participated in the current Ed-Flex Partnership Program. They have proven that test scores and learning increase most rapidly when guided by locally designed programs, not by Federal ones. We need to expand the Ed-Flex Program so that students in every State can reap these same benefits.

Public schools in Maine and across the Nation have made a good-faith effort to repair the deteriorated foundation of our system of public education. There is, however, much more that needs to be done. Our States cannot do it alone. They need assistance but not the dictates of Washington.

The Education Flexibility Partnership Act of 1999 directly addresses the need for change within public schools by putting the power to plan, brainstorm, build, and implement back in the hands of State and local communities. Expanding the opportunity for the Ed-Flex Program will give every State the chance to experiment and innovate and to chart a path for better schools. I urge my colleagues to join me in supporting this very important initiative.

Thank you, Mr. President. I yield back the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair and welcome the Presiding Officer in that very important position that he has undertaken. We all have had an opportunity to do it in our careers.

I ask unanimous consent to proceed for up to 5 minutes. I take it we are in morning business.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 469 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to speak as in morning business. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business, and there is a grant of 5 minutes per Senator.

Mr. GREGG. I thank you.

Mr. President, I rise today in support of the Ed-Flex bill we are going to take up next week, which has been brought to the floor by Senators FRIST and WYDEN and which is an excellent piece of legislation, a commonsense idea. The Ed-Flex bill simply gives freedom to the States to assist local school districts in meeting the particular needs of their particular students.

As a former Governor, I was very frustrated when I would receive Federal funds that were chock full of strings and Federal directions—strings that limited the ability of local school districts to address the educational needs of their students.

Had Ed-Flex been an option when I was Governor, schools could have chosen whether they would use Federal funds to hire more math teachers or instead if they wanted to use them to hire more reading teachers. Those choices should have been dependent upon the particular needs of each school.

They should have been dependent upon the particular needs of the students. Instead, those choices were being made by the Federal Government.

Under the current system, 38 States are prohibited from issuing the type of waivers the Department of Education can issue under the Ed-Flex Program. New Hampshire is one of those States. This means that someone at the Department of Education who doesn't even know the name of one student at, for example, the Rumford Elementary School in Concord, NH, has more authority over whether the Rumford Elementary School principal and the Rumford schoolteachers can decide whether they need math help or reading help for that student than the principals and the teachers have. It is difficult to fathom that some of my colleagues believe that the Federal bureaucrat, however well-intentioned, rather than a Concord school district principal or a Concord elementary district schoolteacher or a parent is a better judge of what a child needs in the Rumford Elementary School than they are.

It is hard for me to understand how we can turn to a Federal bureaucracy to make decisions about local schools rather than have the local schools make decisions about how the education should proceed.

This philosophy of Federal control over local education is insulting to the principals, to the teachers, to the superintendents, to the school board, to the parents. And more importantly, it is counterproductive because it doesn't put the resources where we need them. It doesn't help the student with the needs that that student has been identified as needing by the local school district, but rather with a set stringent regulated framework which has been determined by a Federal bureaucracy.

Furthermore, this philosophy of Federal control is unjustified. Twelve Ed-Flex States, in the words of Secretary Riley, have used their authority to grant waivers "judiciously and carefully." There is no compelling reason to delay expansion of Ed-Flex authority to all the States. In fact, Secretary Riley, President Clinton—both of whom are former Governors—and the National Governors' Association support expanding Ed-Flex to all 50 States. I congratulate the President and I congratulate Secretary Riley for his support of this initiative.

With that said, Ed-Flex is a modest but important first step to driving more flexibility and control to the locals, thereby giving them the schools to improve education. However, it still leaves the bulk of decisionmaking and control regarding Federal education programs in the hands of the Department of Education rather than with the States and local communities. I hope that later on in this year we will address those additional regulations.

At this time, we are taking up Ed-Flex. That, at least, is a first step and a positive step. Ed-Flex is a bipartisan, widely supported bill with proven effectiveness. We should take this opportunity to provide much needed flexibility to the States.

Finally, I take this opportunity to commend Senator FRIST and Senator WYDEN for their diligent, bipartisan effort to expand Ed-Flex to all 50 States. They led the fight last year to ensure that all States benefit from the increased flexibility and innovation that Ed-Flex provides. I thank them for their efforts to bring Ed-Flex again to the floor of the Senate.

I believe the very fact that Ed-Flex will be considered on the Senate floor next week sends a clear signal to the American public that the top priority of this Senate is education and educational programs that are sensitive to the needs of the parents, the students, and the local schools. Ed-Flex is proof positive that the Senate is prepared to hit the ground running and promote proven educational reform measures such as the expansion of the Ed-Flex Program. I hope that in a strong, bipartisan manner we can work together to pass Ed-Flex and give the Governors, the local schools, the parents, teachers, and the principals this much needed tool which will free them from much unneeded Federal regulation.

Mr. BIDEN. Mr. President, may I make a parliamentary inquiry? How are we operating at the moment?

The PRESIDING OFFICER. The Senate is in morning business and the general grant is each Senator speaking has 5 minutes.

Mr. BIDEN. I see the distinguished Senator from Maine is on the floor, ready to speak. The statement may take me as long as 10 minutes. I ask unanimous consent I be able to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RABBI HERBERT E. DROOZ: "THE RABBI SPEAKS"

Mr. BIDEN. Mr. President, it is with great honor, yet immense sadness that I stand today to pay tribute to a man—

Rabbi Herbert Drooz—whose spirit, vision, and voice will live on for generations to come in my State of Delaware.

As a respected religious leader and social activist for 30 years, he was a builder—literally and figuratively—who dreamed big and made big things happen.

When I got back to Delaware from law school—I went out of State, we didn't have a law school in the State at the time, in 1968—Rabbi Drooz was one of the first civic activists that I came in contact with. He oversaw the building of a new synagogue for the reform congregation of Beth Emeth, that he led, which is now the largest synagogue in Delaware, along with the construction of the school on Lea Boulevard, not far from where I had gone to school in Wilmington, Delaware. These two buildings stand as not only monuments to his vision and his dedication to religious service, but they also had the very practical impact of enhancing the region and the neighborhood, and causing people to invest not only physically and financially, but psychologically in our city.

He built a community esprit de corps as well—founding the Delaware Chapter of the National Conference of Christians and Jews, which recently was renamed the National Conference for Community and Justice, which is one of the most significant civic organizations and moral barometers in my State. At the University of Delaware, my alma mater, he organized the popular student Hillel group. When I was a student at the University of Delaware in 1961 to 1965, it had a very small Jewish student body. It now has a vigorous, engaged and involved Jewish student body, and the Hillel group at the University is, again, a major force for justice, focusing on the moral dilemmas of our time.

What most Delawareans remember about Rabbi Drooz was his voice. He was known as the Rabbi who speaks. Every Sunday morning, you could turn on WDEL radio station, one of the largest radio stations in my State, and hear his words of wisdom and compassion, on a program that was titled, "The Rabbi Speaks."

He spoke to and reached out to more than Delaware's proud Jewish community. He was one of the first people who went the extra mile to reach out to the non-Jewish community.

He spoke during times of social unrest in my State. He spoke about more than religious issues. In 1954, he used his leadership and oratorical skills to speak out forcefully against the racist hatred exhibited by a militant in the southern part of my State, in a city called Milford, who tried to defy the U.S. Supreme Court's decision in Brown v. the Board of Education, to end racial segregation in our public schools. It may come as a surprise to many, but to my great shame, my great State has the blot upon its history that we were segregated by law, and in 1954 it was not particularly popular to speak out on that issue.

His words from the Beth Emeth pulpit still ring out.

He questioned, quote:

> Why no leader has risen from among the citizens of Milford to combat this merchant of hate from another. We have been tardy. Hath not one God created us? Why do we deal treacherously, brother against brother?

The Rabbi speaks, indeed. He spoke, and he spoke at a time when few were willing to speak.

In 1966, he joined with bishops from the local Catholic and Episcopal dioceses in leading the Methodists and Presbyterians in opposing American involvement in the war in Vietnam—not very popular at the time and not always popular among his congregation.

Rabbi Drooz led the Rabbinical Association of Delaware for two terms as President. He spoke out as a board member on the board of the Fair Housing Council, Pacem In Terris, the American Red Cross, the Mental Health Association, and Delaware's Urban Coalition.

Everything that mattered, every issue that required some moral bearing, every issue that people tended to shy away from because they were controversial, Rabbi Drooz spoke out.

A point of personal privilege, Mr. President. You know as a former Governor and a former mayor and a Senator now, occasionally things get said about us that are totally untrue. We never fail to forget those voices in the community who have significant standing, who are willing to risk their reputations to speak out for us.

Rabbi Drooz spoke out for JOE BIDEN, too. He spoke out for me at a time that could have stopped me in my tracks from winning the election in 1972.

Please allow me this point of personal privilege to tell this brief story. Just days before that election, I was falsely accused of being anti-Semitic in an unfounded charge by a disgruntled, former campaign worker. I was 29 years old. Hardly anybody knew me. Those who knew me knew, and my record as a Senator has demonstrated, I am far from an anti-Semite. As a matter of fact, I am accused these days by my opponents of being the other way.

At the time, as a 29-year-old guy from a family with no influence or money running for the U.S. Senate in a year when George McGovern was being trounced in my State. I was accused in this sort of Pearl Harbor sneak attack the weekend before the Tuesday of being an anti-Semite, and it was printed in our largest paper.

Rabbi Drooz immediately went into action on the Sunday prior to the election. Rabbi Drooz organized a meeting of Delaware's Jewish community, enlisting the support of the very influential Governor of Pennsylvania who happened to be Jewish, Milton Shapp. Rabbi Drooz spoke out for JOE BIDEN and supported me against this untrue, unfair accusation. Needless to say, he was effective in setting the record straight, or I would not be standing here today. The mere fact that Rabbi Drooz said, "I know JOE BIDEN," was good enough for the entire community in my State.

I will forever hold Rabbi Drooz in the highest esteem for his courage, his leadership, his boldness and for getting me back on my feet at a time when I needed his courage, leadership and boldness the most.

After I became a Senator, on a regular basis I would brief Rabbi Drooz on the situation in the Middle East. He would put together people for me to speak to. Seldom did we disagree, but when we did, there was no question about my independence, and he never questioned whether or not I should be.

Rabbi Drooz was a fighter to the end. Alzheimer's stole his mind, but not his spirit. Just six months before he died, as an octogenarian, he agreed to participate in a study for Alzheimer's to test new medication.

Mr. President, in conclusion, I point out that I truly believe his spirit lives on in his son Daniel and his daughter Johanna, his brother Arnold and his six grandchildren. They are respected in the community and continue to participate in the community.

I say goodbye to Rabbi Drooz. Shalom and peace be with you, my friend, and may all that you did for the good of Delaware be remembered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized under the previous order for 1 hour.

Mr. DURBIN. Thank you, Mr. President.

EDUCATION IN AMERICA

Mr. DURBIN. Mr. President, during the course of this 1 hour I will be yielding to other Members on this side of the aisle. We will be discussing a range of topics, primarily focusing on questions of education.

Let me say at the outset, Mr. President, last week I journeyed back to my home State of Illinois—a welcome interlude from our impeachment proceedings—to address issues which I consider to be very critical to the future not only of my State but this Nation. In the span of 4 days I visited a variety of communities and had nine different meetings with educators, teachers, administrators, students, parents, and interested people in the community to talk about the state of education. It was an eye-opener.

As we started to discuss education from a brand-new perspective, to throw out some of the assumptions and some of the rules, to take a look at education today, I found that there were three basic fallacies in educational thinking today which these educators understood and many in Congress do not. The first fallacy is the belief that children start to learn at age 6, and therefore, we have a social responsibility to put children in school at age 6.

Any parent will tell you, and certainly those who study the issue can confirm it, children start learning at a much earlier age. Teacher after teacher told me of students who showed up in kindergarten already far behind where they should be—students who had fallen behind because of family problems or the lack of family initiative or the lack of exposure to an educating environment. Of course, it took the teachers a long time to bring these kids up to speed. They challenged the premise, the assumption, that education starts at the age of 6.

When I asked my staff, incidentally, to research why we put kids in school at age 6, they couldn't find a reason. We looked at history. We asked the experts. They couldn't come up with a reason. The best we came up with is most kids can sit still at age 6, and in the old days that is what a classroom was all about—kids sitting still at their desks. It is not the modern threshold and should not be the threshold education of decision.

The second notion we challenged is the premise of the schoolday. Why on God's green Earth are students dismissed from school at 3 in the afternoon? Why? There was a day, of course, when they would go home to a parent or their parents, but the days of Ozzie and Harriet with cookies and milk waiting for the kids, I am afraid, are long gone. Most kids have no adult supervision. I am not surprised to find reports from those who know that kids, between the hours of 3 o'clock and the arrival of an adult for supervision at, say, 6 o'clock, are the kids most prone to get in trouble—kids who are involved in scrapes with the law, exposure to drugs, gang activity, teen pregnancy. These things are happening during unsupervised hours.

That is why when we discussed in our proposals on Capitol Hill afterschool programs, it is in the best interest of all of these children—those who are coming out of school who need remedial help, as well as those who are doing well in school and need enrichment.

The final point that came through loud and clear is that summer months with 3 months of vacation is something that we all look forward to as kids, but it doesn't make as much sense anymore. There was a time when kids needed the summer months off to go work on the farm. Not many kids do that anymore. Frankly, kids need an opportunity to do something constructive, positive, and supervised during the summer months, as well.

I am happy the democratic proposal on education addresses these three issues and addresses many others. At this point, I will yield to several of my colleagues who have joined me on the floor.

I see my colleague from California, Senator BOXER. I am happy you have joined in this discussion. I yield to the Senator as much time as she needs to express her thoughts on this issue.

Mrs. BOXER. I ask my colleague if he would engage in a colloquy. I don't have a speech, but I was so moved by what the Senator just described as what we need to do.

Oftentimes I wonder if the Senator would agree that what we see happening here with the leadership on the Republican side is that they know that education is a key issue and they bring before the Senate these very narrow bills. For example, last time we had a bill that would have given a benefit of about $7 a year, allowing some children to get $7 more to go to a private school. We were arguing that we needed a broader vision.

I say to my friend, does he not see this in somewhat the same fashion? We have a narrow bill when, as the Senator says, we need to look at afterschool, we need to look at more teachers, see that the classrooms are smaller; we need to look at what is happening to kids when they need mentoring. We have to look at what kind of classrooms they are in. And my colleague misses Senator Moseley-Braun, who worked so hard on school construction. I wanted to ask my friend if he saw a pattern here developing where certain folks take a poll and they see there is an important issue, and they come back with a very narrow answer when what we need is a broader vision for the next century.

Mr. DURBIN. I agree with the Senator from California. There is no doubt that the funding for education is primarily State and local. The responsibility follows the funding. But we are remiss at the Federal level if we don't realize we have an important role here. As I have traveled around and have spoken to school administrators, the source of the funding was secondary. They were talking about solving problems and what to do with those problems.

I see that we have been joined by the Senator from Washington, Senator MURRAY, who was a teacher in the classroom before she came to the Senate. I welcome her to join us in this colloquy. She knows, as well, that there are practical problems. When the administration starts talking about technology in schools, they are sometimes heartened by the fact that they have the new computers, but they quickly add, "Senator, don't forget, we have to bring the teachers up to speed now." Many teachers my age, as decrepit as I am, and even older, are trying to become well versed in technology in order to keep up with the students. If the kids don't get the technology and the teachers don't get the training to give it to them, then we are all going to be losers. I agree, that is a central part of this.

Mrs. BOXER. Mr. President, I am going to finish quickly because I want to give the Senator from Washington the floor.

When I think about kids and schools, I think about Senator MURRAY because of her hands-on experience. But I can tell you that as a parent—now a grandparent—decrepit as you are, I say to the Senator from Illinois, and even a little more, in my younger days, I volunteered to work in the auxiliary, going down to schools in San Francisco where they needed volunteers, and this whole issue of keeping the kids busy after school is an education issue and it is a crime issue. A lot of people hear say they are tough on law and order. What better way than to give our children something to say yes to?

The FBI tells us that between 3 o'clock and 6 o'clock are the hours kids get into trouble, when juvenile crime peaks. You don't need a degree in criminology and psychology to know that this makes sense. The President has a tremendous expansion of "after school" in his budget. We need to talk about that when we get this Ed-Flex bill before us. Kids should not be going into classrooms where they can't read because it is so musty. I have been in those rooms. I had to run out of one particular classroom in Sacramento, which was so musty because there were leaks that hadn't been fixed; it was a disaster. To think that our children are in that atmosphere—that is not right.

After school children need to be kept busy, and during school they need small class sizes. We know what we have to do when we get a little bill that is very narrow here. And it may make some people feel happy that they are doing something. But I think it is our obligation—those of us on both sides of the aisle who care about our children—to point out that just passing a bill that has the title "education" in it doesn't mean that we are really doing right by our kids. It is just a sham. I am very proud to be here with my colleagues, and I am very much looking forward to this debate on the Ed-Flex bill, to make it a bill that really meets the needs of our young people.

I yield back to my friend, Senator DURBIN.

Mr. DURBIN. I thank the Senator from California. I notice that the Senator from Nevada is on the floor, and I know he wants to address some education issues. I will be happy to yield to the Senator from Nevada, Senator REID.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, first of all, I want to express my appreciation to the senior Senator from Illinois for arranging this opportunity for us to talk about education.

Mr. President, what I want to talk about today is an amendment that Senator BINGAMAN from New Mexico and I are going to offer on the Ed-Flex bill. Senator BINGAMAN and I offered this amendment, which passed the Senate last year. The problem has gotten no less complicated and no less important. Every day in America 3,000 children drop out of high school; that is 500,000 a year. This is something about which this country should be embarrassed. "So what," some say. Well, each child who drops out of high school is less than they could be.

It also complicates societal matters by increasing the cost of welfare and the criminal justice system. It even complicates increasing costs in our educational system.

If you look at the people in prison, 82 percent of the people in prison are high school dropouts. I repeat, 82 percent of the people in our prisons are high school dropouts. That should say it all.

We need to be concerned about high school dropouts. We know statistically without any question that the children of dropouts have a much higher dropout rate than those who finish high school.

The median income of college graduates is more than three times that of high school dropouts. The probability of falling into poverty is three times higher for high school dropouts than those who had finished high school. Unemployment rates of high school dropouts are more than twice those of high school graduates.

The statistics are replete with evidence that we should do something about this. What should be done? There are a number of things that we can do.

But the legislation that has been offered by Senator BINGAMAN and I, which will be an amendment to the legislation that will be before this body next week, would establish a department within our Department of Education whose sole function, sole responsibility, would be to focus on high school dropouts.

There are programs around the country that some of the school districts have adopted mostly on a very small basis that work, and work quite well. We want someone to be gathering information to find out which of these programs work and which programs don't work.

We would provide $30 million a year for this program, and a total of $150 million.

Think of the money it costs us to keep people in prison. Is it $20,000 a year? Is it $30,000 a year. It is a huge amount of money to keep somebody in prison. Remember, Mr. President, that 82 percent of the people in prison are high school dropouts.

Our legislation would establish within middle and high schools around the country—those that have high dropout rates—an ability to compete for grants that would enable them to implement proven and widely replicated models of comprehensive reform.

The State of Nevada, I am not proud to say, leads the Nation in high school dropouts. I wish we didn't, but we do. We worked on a number of programs, one of which I am sure will be, if this legislation passes, one of the model programs. It is a program in Carson City, NV, our capital, where Hispanics are in a program called Ola, Carson City. It is a program where these young Hispanic students have a little TV station. They do TV programs. It has kept scores of these young people occupied and in high school. They are proud of the fact that they are going to be high school graduates. This is a program that has been going for 6 years.

Mr. President, I don't know of anything that we could do that would be more important in the education field than keeping our young people in school; in high school. There are 3,000 dropouts a day; 500,000 a year.

I hope that as we proceed through this debate, we will understand that the problems are not the same with every ethnic group.

For example, in the State of Nevada, 25 percent of the students—actually more than 25 percent of the students—in our Clark County school district, Metropolitan Las Vegas area, are Hispanic children. I am sorry to report that the Hispanic children have a dropout rate that is about 20 percent higher than any other ethnic group. Some ask why. There are a number of reasons. Most of the Hispanic students in Nevada come from Mexico. Mexico doesn't have a tradition of public education. There are at times language problems. And also one of the problems is Hispanics have such a great work ethic. They are willing to work as young kids, and they perform so well that their employers really do not in any way inspire these young people to complete high school. As a result of that, they are doing the same thing when they are 55 years old that they are doing when they are 16 or 17 years old.

We need to recognize that within a few years. In fact, by the year 2030, in America, Hispanics will make up 20 percent or more of our population. The Hispanic leaders in this country know that the most important thing for them is educating their youth. We have to participate so that we join with the Hispanic leaders in this country to keep Hispanic youth in high school.

I hope that we all realize that this legislation, the Ed-Flex bill, is something that gives us a vehicle to focus on education.

I heard the Senator from Illinois talk about the fact that we no longer are an agrarian society. Why should kids be out of school 3 months out of the year in the summertime? Should we have year-round school? That is a debate that should take place.

I remember when I went to the State legislature almost 30 years ago I talked about year-round schools. People laughed at me at the time. But now in Nevada we have year-round schools in a number of places, mainly because of the population growing so large they can't build the schools fast enough. And now we have year-round schools.

In short, Senator BINGAMAN and I are going to do everything we can to see that this legislation passes.

I, again, express my appreciation to the Senator from Illinois for allowing me to come and speak on this very important issue.

Mrs. MURRAY. Mr. President, will the Senator from Nevada yield for a question?

Mr. REID. Yes. I also say, before yielding, as the Senator from Illinois has already pointed out, that it is tremendous to have someone who has been in the classroom teaching children. We talk about it from an outside perspective, but the Senator from Washington has been in effect in the trenches.

Mrs. MURRAY. I thank the Senator from Nevada.

I wanted to ask a question and share a story with him, because I think what we are talking about in terms of the dropout prevention is so important today.

I am sure the question that the Senator from Nevada hears so often, and the Senator from Illinois hears so often in these debates today is, What role does the Federal Government have in this? Should this be a local decision? Should we just hand the dollars down to our local districts?

What I want to share with you is that I met with a number of students last week in Washington State who had fallen through the cracks. I come from a State where the constitution says it is the paramount duty of the State to provide funding for education, and we do a good job. But we are struggling like everyone else with our budgets at home. This school happened to be in a district that has well-founded schools. This was a young student who had fallen through every single crack and dropped out of school. What brought him back was the Federally funded School-to-Work Program. When I asked the student if the Federal Government had a role, he said, "Absolutely yes. You need to be there when everybody else fails."

I am wondering if the Senator from Nevada has heard that as well.

Mr. REID. I say to the Senator from Washington, without question, the answer is yes. There are programs that work. I would also say that the Federal Government has to identify national problems in all areas. Education is an area where we have to identify national problems. I believe that if there was ever a problem that this country has, it deals with high school dropouts.

I repeat. There are 3,000 children a day dropping out of school. Can you imagine how much better society would be if we could keep only 500 of those children in school so that we only—and I emphasis "only"—had 2,500 children dropping out of high school a day.

I have heard every day the constant refrain that the Federal Government has no business dealing with local education.

The program that Senator BINGAMAN and I are sponsoring is a program that gives local school districts absolute control. We are not telling them what to do. All we are saying is we are going to be a resource for you. Washington, DC, is going to be a resource. We have all of these programs that we have analyzed and evaluated. Here is how they work. If you have a problem in your school with a dropout, make an application and we will give you a grant and we will extend the money to the local school districts. They can implement the program, if they think it will help their kids.

Mr. DURBIN. Mr. President, if the Senator from Nevada will yield, I think it is interesting to step back for a second and look at what Congress does. We believe that because there is a problem of crime in America, we should Federalize a lot of crimes. Even the Chief Justice of the United States recently noted that if we continue this trend of Federalizing crime, we are going to dramatically change law enforcement in the United States. The enforcement of laws involving crime used to be a State and local responsibility. But because of our interest on Capitol Hill in crime, we continue to Federalize more and more crime. Yet, when it comes to prevention programs such as the one suggested by the Senator from Nevada, many people argue, "Keep your hands off." If you want to prevent crime, it has to be done at the State and local basis.

I hope we can find a balance here.

As I traveled around Illinois, I found some extraordinary ideas coming out of local school districts about afterschool programs, bringing kids up to the reading levels in school, remedial activities, and the like. I want to express that.

I notice the Senator from Nevada was careful to say that he wanted to see this local creativity, that we were not going to send down a Federal rule book, a manual of instruction. We are looking for results. We want accountability. I think if we take that approach, we can build Federal programs that are welcomed at the local level, and not rejected.

Mr. REID. I say to my friend from Illinois, I keep throwing these statistics out because to me they are overwhelming. They are mindboggling. I didn't take a lot of mathematics courses in high school or college. But I don't have to be a mathematician to understand that 82 percent of people who are in prison who are not high school graduates, that there is some reason people who do not graduate from high school are more likely to go to prison. We have to recognize if we can keep kids in high school, we are going to keep them out of prison. I don't know how much more we need to talk about prevention. That is one of the biggest prevention programs. We don't need to build youth centers, although that is a help. We don't have to come up with new inventions every day to keep kids in school to realize that if we keep them in school we keep them out of prison.

Mrs. MURRAY. Mr. President, I thank the Senator from Illinois. I thank the Senator from Nevada for his work on this extremely important issue and wish him well as he offers this amendment next week on this important bill. I thank my colleagues for allowing us today to talk about issues that are really going to make a difference in our classrooms across the country.

Mr. President, across this country families are having conversations at their breakfast tables about how we can improve education. They are talking about reducing class size. They are talking about afterschool programs. They are talking about dropout prevention. They are talking about teacher training, because parents know that is what is going to make a difference for their own child, for their family, for their neighborhood, and for their community. That is the type of conversation we need to be having on this floor in this Senate in this Congress, as well. I am delighted that we are finally going to have the opportunity to do that.

Mr. President, I am pleased that one of the first bills that is going to be considered is S. 280, which is the Ed-Flex bill. It is a bill that will help States develop new and innovative programs, and it is an important issue and one that I am glad we are going to address and that I am happy to support.

I think it is really important to note that merely improving the process is not enough. We also have to make an immediate and a direct impact on the overcrowded classrooms that our children across this country find themselves in every single day in this country.

That is why I am going to be introducing an amendment that will authorize a 6-year effort to continue to help local school districts hire 100,000 new, well-trained teachers nationally to begin to reduce class size in first through third grade where it will have the most impact.

My amendment builds on the bipartisan success of last year's agreement. It is based on local control and flexibility, and it focuses on improving teacher quality, which is so important. Local school districts will make all the decisions about hiring and training their new teachers. Any school district that has already reduced class size in those early grades to 18 or fewer students will be able to use the funds to either further reduce class size in the early grades or to reduce class size in other grades or carry out activities to help improve teacher quality.

My amendment will also provide accountability and ensure that schools communicate with parents which is so essential today. These funds are supplementary, and they cannot replace current spending on teachers or teachers' salaries. School districts will be required to send a report card in easily understood language to their local community including information about how achievement has improved as a result of reducing class size, and they won't have to fill out any new forms. Reducing red tape and improving local decisionmaking in education programs is a bipartisan effort, and both Ed-Flex and my class size reduction amendment accomplish both.

Last year's bipartisan agreement that we reached included my legislation to provide $1.2 billion as a downpayment on the goal of hiring 100,000 new teachers, and it did it without requiring any new reports or any new forms. Governors and legislators across this country are now responding to our budget agreement last year and addressing this at their local levels. Local school districts are putting together their budgets right now as we speak and teachers are writing their lesson plans for next year with the expectation that we will deliver on the promise that we made to them last year. They are all counting on us. We must take this opportunity to now fulfill our commitment to reduce class size.

Mr. President, smaller classes mean a better education for children. Studies have shown it. Teachers know it. Parents know it. And they know it from experience. I have seen it with my own eyes. Controlling a room of 30 children is not teaching. It's crowd control. We need to return to teaching.

Just yesterday, I heard from Christi Rennebohn-Franz, who is a first and second grade teacher in Pullman, WA, and she wrote and told me that "without small class sizes, we cannot reach all children and give them the time that they deserve. If you have too many students in your class, you go home every day knowing that you came up short giving them the attention they need."

Another teacher from Fircrest, WA, wrote to me to say that "since I teach at an at-risk school, lower class size means that I can more effectively work with students on a variety of problems they bring to my classroom every day."

Mr. President, I am looking forward to working with Senators from both sides of the aisle to ensure that we meet our promise to these teachers and all the other parents and students across America to reduce class size and truly make a difference in the education of our children and our country's future.

Thank you, Mr. President. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I checked with the Republican cloakroom. I ask unanimous consent that morning business be extended a half an hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION IN AMERICA

Mr. DURBIN. Mr. President, as the Senator from Nevada said earlier, many of us have theories on education as parents who watched our kids go through school and met with teachers and administrators. The Senator from Washington has spent enough time in classrooms to teach all of us, and I think her suggestions are very valuable suggestions.

What I have found as I have traveled around my state, and I think other Senators have as well, is that the basics of what they need in education and a helping hand can make such a difference.

When we talked about after school programs in school district after school district, they said, Senator, can you help us with transporting the kids safely from a school to an after school program and back home again?

A practical concern that stops them from doing things that are so important. And I think there are ways we can help here. Yesterday, we passed an important bill about military salaries. We decided to put $11 billion more in the bill than the President's budget requested, and many of us raised questions about where that figure came from, why there had been no hearings on it. And they said, of course, we want to help the military. We all do. But it really raises the question, if we were to come up with $11- or $12-billion today for education for after-school programs, I am afraid there would be a firestorm of opposition. People would say, wait a minute, you didn't have a hearing; it's too much of an undertaking by the Federal Government. I really hope that we can get this priority right.

People across America identify education as the No. 1 concern. I think it's because of their personal experience and also the realization that opportunity in this country comes with achievement, achievement in school is really I guess the best way to get started on a good life in America and many other places.

I am happy today to join with the Senator from Washington to discuss this. Isn't it interesting, President Clinton's suggested 100,000 more teachers to reduce classroom size. My Republican Governor in Illinois, in the State of the State message, George Ryan, suggested 10,000 new teachers for our State. The reaction from local school districts? "Where are we going to put them? We need classrooms. You can't just give us more teachers and expect smaller classroom sizes without new classrooms."

That is why the President's proposal to help school districts modernize their schools, expand their schools, build new schools is really a timely suggestion. The GAO report a few years ago said that we need 6,000 new schools in America by the year 2006. One-third of all schools in America, serving 14 million kids, need extensive repair and replacement. So I think we understand that the President's proposal for teachers and classrooms is the only sensible way to have class room size reduction in a way that will be handled effectively.

Mrs. MURRAY. Will the Senator from Illinois yield on that point.

Mr. DURBIN. I am happy to yield.

Mrs. MURRAY. Mr. President, the Senator from Illinois brought up an extremely important point, and that is that hiring new teachers is one part, hiring well trained teachers is the second part, and providing classrooms for them clearly is a critical part. That is one of the reasons why in my amendment we make sure that it is very flexible language, so that local school districts that do have a school construction, a very real school construction crunch can use those dollars in a very flexible way so the teachers can work jointly in classrooms, that it isn't just one teacher per classroom, that we can do some local ways of providing extra one-on-one help with youngsters who need it the most.

We also must address the school construction problem. It is a real challenge to crumbling schools that exist across our country where our kids are in unsafe classrooms, where they are crowded simply because there is no space to put them. It is an area we have to address, and I am delighted the Senator from Illinois recognizes that.

Mr. DURBIN. I thank the Senator from Washington. I have noted this on the Senate floor before, but it struck me that at the turn of the last century one of the most amazing things that happened in America was that between the years 1890 and 1920 we built in America on average one new high school every day. We started our new century with a dedication to public education. We Democratized education unlike any country in the world. And we said, whether you are rich or poor, you are going to have a chance to go to high school.

That wasn't a Federal mandate. That sprung up from local communities that said, if we are going to build a community in Washington or Illinois, and it is going to be a real community, we are going to have a real high school, we are going to hire teachers, and we will have all the kids go to school.

Look at the benefits we have reaped as a nation because of that kind of forward thinking, that kind of vision that said in 20th century America will be different, our commitment to education will be different. And look what we have seen as a result of it. We have gone from the Wright Brothers at Kitty Hawk to a space program; we have gone from Henry Ford's tin lizys* moving across that assembly line to the point where we have the most modern computer chip factories in the world here in the United States.

I don't think it is a coincidence. I think what happened here is the fact that we dedicated ourselves to improving our work force and elevating the intelligence and training and skills of Americans. And look at the benefits we reaped. We had an American century in the 20th century. Will we have an American century in the 21st? If we take a view that it is a hands-off subject and we can't talk about that in Washington and the people at the local level can't raise the money we are missing another opportunity.

But to bring in talented teachers to have smaller classroom sizes, to have more modern classrooms, has to be an investment of the 21st century to continue what has become the American way of doing things. I want to salute not only Senator MURRAY and Senator REID by those who have joined us in supporting the President's program. I think it is a program that is balanced, a program that takes a portion of this surplus, a surplus we worked hard to put together, and says we are going to put that portion into education. It's an investment that will pay off in generations to come. At this point I don't know that any other Senators are seeking time on the issue of education, and, Mr. President, I would reserve the remainder of my time or yield perhaps to the Senator from Florida if he would like to speak on another subject.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Colton Campbell, Mr. Bryan Giddings, Ms. Lisa Page, and Ms. Marilyn Lewis of my staff be afforded the privilege of the floor during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I understand we are in morning business and Senators are permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. That is correct.

Mr. KERREY. I ask unanimous consent to speak for such time as necessary to get through this stack of paper.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW GOVERNMENT IN IRAQ

Mr. KERREY. Mr. President, on the heels of passing a much-needed pay and benefits increase for the men and women who give up their freedom to serve us in our armed services, I want to direct my colleagues' attention to one longstanding military mission these men and women have been assigned. That is the mission of containing the threat of Saddam Hussein in Iraq.

Mr. President, I do this for a couple of reasons. First is that I have argued for a stronger military operation in Iraq. Indeed, I have argued to change the objective from containment to replacement. And oftentimes people come back and say, well, if we do that, we will risk lives.

I would like to describe to my colleagues—in fact, we have a military operation going on today, have had since 1991; and this military operation is costing us dearly both in lives and in money.

Mr. President, last Tuesday I had the opportunity to give a speech to the cadets at the Air Force Academy in Colorado Springs and they asked me to speak on patriotism, for which I was only too anxious to oblige.

I talked to them about something that I think is causing the decline in enrollment—in addition to the inadequate pay and retirement benefits—and that is that Americans are less willing to volunteer for service in our Armed Forces as a consequence, in my judgment, of our not doing enough to tell them —especially our younger citizens—the stories of heroism which are being written every single day by the brave men and women who wear the uniform of one of our services. Instead of role models of people who have given themselves to a higher cause, Mr. President, unfortunately our young people are being told an increasing number of stories, especially on television, of self-gratification and indulgency. It is no wonder as a consequence that a patriotic decision to serve seems like a nonmainstream choice.

Before I gave my speech at the Academy, the superintendent warned me I needed to remember how young my audience was. "Half your audience," he said, "wasn't even 10 years of age when Saddam Hussein invaded Kuwait in 1990." Mr. President, I must tell you that gave me some pause because that seemed like yesterday that happened, but, in fact, a great deal of time has expired since then.

For me, the statement was more than just a reminder to be careful what language I used when talking to these young people, but also a wakeup call not to take for granted the military mission that we have in place in Iraq today. It is a dangerous military operation. It is a military operation that costs us a great deal of money, and I hazard a guess that most of us who have looked at the objective of containing Saddam Hussein would say that the mission is dangerously close to unraveling.

This military strategy began in August 1990 when Saddam Hussein invaded Kuwait. In response to this active aggression, the United States, under President Bush's leadership, assembled and led an international coalition of forces against Iraq. It was a costly war, both in terms of our financial commitment but also in terms of the human cost to the more than 540,000 men and women in our military forces deployed to the Persian Gulf. Sixty billion dollars was spent prosecuting the war, but this does not compare to the price paid by 389 American families who lost loved ones in Operation Desert Storm.

At the end of the war, most Americans assumed our military commitment to Iraq would come to an end. After all, the war had been fought. We had been victorious. Saddam Hussein had sued for peace. It was time to bring home the troops. But almost from the beginning, Saddam Hussein refused to abide by the terms of the cease-fire agreements his government had signed. From violating the no-fly zones to obstructing the work of weapons inspectors to provoking troop deployments, Iraq's continual challenges and our policy of containment forced us to maintain a very strong military presence in the region. With each crisis generated by the Iraqi regime, the United States and our allies responded to the deployment of more troops and at times with the use of military force. While it is difficult to quantify the monetary cost of the numerous redeployments and military confrontations that have taken place with Iraq over the last 8 years, it is even more difficult to quantify the effect these deployments have had on our troops. How many families have had to be separated for months at a time? What has been the cost in morale for troops deployed to the Desert?

We must also examine the broader costs of our military strategy in Iraq. The continual need for large numbers of American troops in Saudi Arabia has created a strong sense of resentment throughout the Arab world, and it has also increased the danger of terrorist acts against Americans.

Again, I have urged a different military strategy with a different objective in the past. The reason I bring this story to the floor, Mr. President, is oftentimes people will say, "Americans don't want to risk the lives of our soldiers, sailors, airmen and marines in a military operation." In 1996, 19 Americans were killed in the Khobar Towers bombing and they died as a result of the anger directed at the American military presence in the gulf. Indeed, the terrorist bombings of U.S. Embassies in Nairobi, Kenya, and Dar es Salaam, in which 12 Americans were killed, were directed by Osama bin Laden, a man who had been stripped of his Saudi citizenship for financing Islamic militants in Algeria, Egypt, and Saudi Arabia. Today, bin Laden remains at large and remains a significant threat not just to people of the world but especially to American citizens around the world. The reason he is a threat and the reason he has killed not just Americans but Kenyans is we are deploying a military operation in Saudi Arabia. It is our presence that he objects to. It is our presence and our military strategy that is being met with his terrorist activities.

Again, I raise these points because I think we have a tendency to forget the price that we paid for our policy in Iraq. We forget the price that we are paying today for our policy in Iraq. This policy has been described as containment. It has been expensive and, in my judgment, it has failed. Recent events may indicate that there is a light at the end of the tunnel. The Iraqi people may be closer to their freedom than at any time in years. America must be prepared for sudden change in that country.

The Iraqi people are suffering. The Iraqi regime of Saddam Hussein is among the most brutal and repressive in the world. Americans can be proud of the leading role we are playing in confronting this dictatorship. Last fall President Clinton and Congress took a big step towards delegitimizing Saddam by passing and signing the Iraqi Liberation Act. The world was placed on notice that America wanted to see

Saddam's dictatorship gone and would work with democratic opposition groups to attain that goal.

The administration and our British allies took another big step in December with the Desert Fox airstrikes. By attacking the underpinnings of Saddam's power, the Special Republican Guards and the intelligence services, Operation Desert Fox reduced Saddam's ability to terrorize his people and showed Iraqis we and our allies were truly opposed to Saddam in a way previous air campaigns had not done.

Saddam responded to Desert Fox by undertaking regular violations of the northern and southern no-fly zones, trying to entice allied aircraft into air defense missile ambushes. The allied counter has been highly effective. Rather than simply chasing retreating Iraqi aircraft, United States and allied warplanes have been attacking the Iraqi air defense missile and radar and communication sites, which would support such ambushes. Almost every day so far in 1999 we have attacked some Iraqi air defense installation in response to a no-fly zone violation. The effectiveness and readiness of Saddam's air defense forces decline daily. Equally important, the complete impotence of Saddam's military relative to the allies is made plain to all Iraqis. In military terms, the Iraqi regime has never looked weaker.

Last weekend, the world saw signs of a political rally to match the decline of Iraq's military. The Grand Ayatollah of the Shiites, the spiritual leader of 65 percent of Iraqis who are Shiite Muslims, was murdered Thursday night with two of his sons. According to press reports, the Grand Ayatollah had reportedly opposed the regime's directive to all Muslims that they pray at home rather than at Friday services in mosques. Opposition sources said the Grand Ayatollah had preached against the regime and had blamed it for the misery of Iraqis. Perhaps for these reasons, Shiite Muslim Iraqis suspected the government of the crime and took to the streets in Baghdad and in several southern cities.

The Iraqi opposition groups claim scores, perhaps hundreds, of Iraqis were killed in the government's harsh response. Two other Shiite leaders of international reputation have also been mysteriously murdered in southern Iraq within the last year. The murder of the Grand Ayatollah, coming on these earlier murders and in the background of longstanding Shiite resistance to Saddam's regime, sparked demonstrations and violent government responses in Baghdad and several other cities, according to opposition reports. By Sunday night, the regime had apparently quelled the demonstrations. The human cost and the extent of continuing Shiite hostility to Saddam's regime are simply not known to us, but the episode demonstrates the Iraqi government's lack of legitimacy in the eyes of its people, as well as the extent to which Saddam would go to suppress any opposition. The episode reveals a weakening Iraqi regime lashing out in an increasingly desperate effort to maintain power. When dictatorships act this way, it may signal that their end is near.

But when the end comes, it may come quickly. The question will be, Is America prepared for the end? If we have done our homework on the various Iraqi opposition groups and actively supported the groups which qualify under the criteria set forth in the Iraq Liberation Act, we will be well positioned to help Iraq make the transition to democracy. However, if we delay full implementation of the act and take a wait-and-see posture toward the opposition, we should not be surprised if our influence on events in post-Saddam Iraq is slight. Similarly, if we do not have humanitarian supplies ready to be forwarded to Iraq as soon as Saddam falls, and if we do not have international consensus for forgiving the debts of a post-Saddam Iraq, we should not be surprised to see him replaced by another hostile dictator.

Mr. President, we have a vital national interest in Iraq's future. The lives of young Americans are invested there—our honored dead from the gulf war, as well as from the terrorist attack on Khobar Towers. The valor of our young warriors—now being demonstrated daily in the skies over Iraq—is invested there.

Tens of thousands of soldiers, sailors, airmen and marines have spent months of their lives on deployments to the Persian Gulf and to Turkey in support of the U.S. policy to contain Iraq. We have invested billions of dollars supporting this policy: $1.36 billion on deployments in fiscal year 1998 alone, and $800 million so far in fiscal year 1999.

The American people have made this heavy investment and they have the right to a good return—a democratic Iraq at peace with its neighbors and with its people, so we can bring our troops, ships, and planes home for good. To attain this return, we must be ready for an internal crisis in Iraq, which could occur sooner than we expect.

Mr. President, on later occasions, I intend to come to the floor to describe why I believe a policy other than containment is necessary. I understand there are people who are very suspicious and very guarded in their assessments of our success. But I ask them merely to look at previous examples of where the United States of America has been successful in the face of considerable skepticism about our ability to get that done.

In addition, Mr. President, we have, as I have tried to outline here, a considerable military investment and a risky operation going on today that puts every single one of these men and women, their health, safety, and well-being at risk, and we should not and dare not take that for granted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION POLICY IN KOSOVO

Mr. NICKLES. Mr. President, I wish to speak on a couple of issues that concern me greatly in the arena of foreign policy.

First, a couple of comments concerning the administration's recent policies in Kosovo. I am very, very concerned that the administration, in the negotiations in France, is making a mistake. I hope that is not the case. I wish that is not the case. Maybe I don't have all the information the administration has. But I have been to Kosovo. I have been in Pristina. I have met with Mr. Milosevic. I do happen to think he is a tyrant. I think he has conducted a lot of atrocities in Bosnia and Kosovo against people—right now the Albanians in Kosovo. I think he is a bad guy. I think the international community needs to stand up to him.

But I am very, very concerned about the administration's policy, or objective, where they are talking about committing 4,000 U.S. troops out of a contingency of 28,000, where they are sending our military in without a militarily achievable objective and without an exit strategy. I am really concerned because I think we are going to be there for a long, long time. It seems like we are duplicating what happened in Bosnia, which the administration calls an outstanding success. But it looks to me like we are stuck in Bosnia. We are spending billions and billions of dollars there. Nobody seems to know exactly how much money we have spent in Bosnia. I heard some people say we have already spent $12 billion in Bosnia. Some people say the real figure is closer to $20 billion or $22 billion. But we are spending billions of dollars.

I remember in 1995 the President, when he committed the troops, said they would only be there for a year. As a matter of fact, the year would expire right around election time in 1996. He thought he was going to get them out before election time. But he didn't. Then he said he would extend them another year. And now they are on 3 years plus, and they are still in Bosnia, and we know they will be in Bosnia for a long, long time.

I visited our troops there. They are very dedicated and very committed. They are also very, very expensive peacekeepers. I have urged the Secretary of Defense and the Secretary of State, that if we are going to get involved in Kosovo let's not repeat what we have done in Bosnia. It is not the same amount of cost and consternation for European troops, who live in Poland or live in Germany or live in Italy, to spend a little time in Bosnia or Kosovo as it is for somebody in the United States. They are able to go home at various points. We are not able to do that. We are awfully expensive.

So I just make the point that I am very concerned about the administration's strategy. I am concerned about this idea that if we just get the Kosovars to agree, then we can bomb Mr. Milosevic and he will now be a compliant partner for peace. That has not proven to be the case. I don't think it will be the case. I think we will be stuck there for a long time.

That is the main point I wish to bring as far as my objective. I don't see an exit strategy. I am afraid that we will be there for tens of years instead of 1 year or a very short period of time.

Mr. President, I make those comments on Kosovo.

FAILED POLICY ON IRAQ

Mr. NICKLES. Mr. President, the primary reason I came to the floor this afternoon is to speak about the administration's failed policy on Iraq. I say it is a failed policy. I wish that weren't the case, but it is. It is a failed policy.

The administration, this administration, President Clinton, inherited a situation where President Bush and the Secretary of State had won the war with Iraq. We achieved our military objective, which was to get Iraq out of Kuwait. We stated that was our objective. We accomplished that objective. We came home. We implemented sanctions against Iraq for its invasion of Kuwait in the summer of 1990. We had a total embargo on Iraqi products, including oil. Oil was the No. 1 product, or commodity, that Iraq exported. It provided 95 percent, I believe, of its foreign currencies.

We put that embargo on because they invaded a neighbor. And, frankly, they probably intended to invade other neighbors—maybe Saudi Arabia—and really became the dominating power in the Persian Gulf. We didn't think that was right. We sent 550,000 troops. We stopped them. We kicked them out of Kuwait, and we imposed sanctions to make sure that we would get rid of their weapons of mass destruction, because we knew they were building chemical and biological weapons and possibly nuclear weapons.

And so we set up an international regime called UNSCOM to inspect to make sure they wouldn't be doing this again, that they wouldn't be building these weapons of mass destruction to cause more problems for their neighbors and surrounding countries in the foreseeable future. The entire world community supported us, applauded us in that effort. I think we had 30 countries that were involved in the coalition aligned against Iraq in 1990, 1991, 1992. That is what President Clinton inherited.

Well, what has happened since? Let me walk you through what has happened since.

Saddam Hussein and the Iraqis and the Iraqi Government have really baffled the Clinton administration and, in my opinion, they have beaten the Clinton administration if you look at their objectives.

I will show you. The war was in 1991. They were producing over 2 million barrels of oil per day in 1990. After the embargo, they averaged—in 1991, 1992, 1993, 1994, 1995, 1996, about 4- or 500,000-barrels per day. We really curtailed their production. Basically, we had the implied reward that said, if you will allow arms control inspectors—if we know that you are not building weapons of mass destruction, we will allow you to produce more oil, there won't be an embargo, but we have to know that you are not building weapons to export throughout the world.

What did this administration do? Well, we had a conflict. Actually it happened in 1994 and 1995; Iraq amassed about 80,000 troops near the Kuwaiti border. We started activating troops. We said, well, we wouldn't let this stand; we will respond militarily, if necessary, and then the problem went away. How did they go away? In April of 1995, the United Nations approved Resolution 986, and this resolution allowed Iraq to sell $2 billion worth of oil every 6 months, $4 billion of oil per year.

Well, you might notice, all right, this happened in April of 1995. Their oil infrastructure took awhile to be rebuilt, but, as a result of the U.N. resolution, a couple of years later they doubled their oil production. And this was supposedly to get their cooperation. We didn't have to go to war at the time. We were able to, supposedly, have arms control inspectors, and so they had a little cooperation.

In March of 1996, Iraq blocked inspections. In June of 1996, we passed U.N. Resolution 1060 that deplores the refusal of Iraqi authorities to allow access to sites designated by UNSCOM. In August, Iraq launched a campaign against the Kurds. The United States launched a few cruise missiles. The crisis continues. Our arms control inspectors are continually denied access.

In June of 1997, Iraq demands that UNSCOM finish their business. In June, the United Nations passed a resolution that demands—demands—Iraq comply fully with UNSCOM. In October of 1997, Iraq bars American inspectors totally. In October, the United Nations passed Resolution 1134 which condemned Iraq's refusal to allow UNSCOM access to certain sites. Boy, the United Nations is standing tough.

In November of 1997, we passed another resolution, Resolution 1137. We, again, condemned Iraq because they wouldn't allow these arms control inspectors to have access. We are getting close to finding their weapons of mass destruction.

Now, this is only a year ago. A year ago in January this administration was sending 35,000 troops to the Persian Gulf. We are getting ready to go to war again. We are going to have a significant strike. We had significant debate in this body: Is this the right thing to do? Will this bring about compliance? The administration is getting close to going to war. And then what happened? The standoff continues. The inspectors are not allowed access to any of these sites. And then you might remember, the Secretary General of the United Nations, Kofi Annan, well, he flies to Baghdad and they come to an agreement. Peace is at hand. Arms control inspectors will be allowed back in.

Well, guess what. There was a little deal made that not too many people were aware of. I venture to say there weren't two colleagues in the Senate who were aware the administration already cut a deal with Iraq and on U.N. Resolution 1153, they allowed Iraq to sell $5.2 billion worth of oil every 6 months; in other words, allowed Iraq to more than double its oil sales.

This is in February of last year. One year ago, February of 1998, the administration signed a deal. We are getting ready to go to war with Iraq because they wouldn't let us have our arms control inspectors in, and all of a sudden we delegate the authority to the Secretary General. He runs to Baghdad. They signed a deal. Everybody is shaking hands. War is avoided. Everybody can be at ease—no real problems now. We have an agreement. We have Kofi Annan's signature. We have the Iraqis saying they are going to comply; they are going to let in arms control people. And, yes, there was a little deal that they could double oil sales, the Iraqis could double their oil exports to as much as $5.2 billion of oil every 6 months. That was February, a year ago, 12 months from this time.

What happened last August? Let's see. Last August, the Iraqis stopped inspectors again. Now, they have done this repeatedly.

What happened in September and October? They announced they would no longer cooperate. We withdrew the inspectors because they weren't doing anything. They were sitting in hotel rooms. They weren't allowed to have any inspections. And so we started saying this is not satisfactory.

President Clinton, again, he is talking tough—we are going to go to war. We are going to bomb them. We have the international community on our side now because they kicked the arms control inspectors out. We have the international community on our side. We are ready to go.

Well, the administration wasn't ready to go to war so we will give peace a little more of a chance. And we gave peace a little more of a chance, but they still didn't cooperate. We negotiated more. And so in September the United Nations passed another resolution demanding Iraq cooperate. That was in September.

In November, we passed another resolution, U.N. Resolution 1205. We demanded that Iraq cooperate. And then in December we had 3 days of bombing, December 17, 18, and 19. Iraq didn't cooperate. We had 3 days of bombing. Some people called them the impeachment bombings. They happened to be on the day of impeachment. Maybe that is coincidence; maybe it isn't. I don't know.

So we had 3 days of bombing. Boy, that taught them a lesson because they weren't complying, and we are going to make sure they are going to comply. So we bombed them for 3 days. And then what happened? And I don't know if anybody can read this or not, but then on December 23 "U.S. Offers To Raise Crude Sales Cap." Just days after the bombing, Clinton administration officials are negotiating to lift the oil sales cap.

My point is that we have rewarded Iraq three times in the past for noncompliance with arms control inspectors by raising the oil sales cap. In April of 1995, we allowed them to go from a total embargo to where they could sell $2 billion of oil every 6 months.

That was in April of 1995. Why? Because they weren't allowing the inspectors. Then in February of 1998—again, we are ready to go to war, Kofi Annan, negotiates this deal that will allow them to double it again. So, yes, we had a promise that the inspectors would be allowed to have access. Maybe they had access for a few months. The inspectors start getting close to finding something and Saddam Hussein kicks them out again. We threatened to go to war again. This time we actually did bomb them for 3 days and then, guess what. Days later, we can't wait; we run back and say, hey, we are going to reward you for your noncompliance. That has been the administration's policy dealing with Iraq. Let's reward their noncompliance with arms control inspectors. Let's reward them; we will let them sell more oil. And that is exactly what has happened.

This was the administration's statement days after the bombing. But it is interesting. And this was made by Tom Pickering.

Incidentally, I might mention, Mr. President, we are trying to get the administration to testify at a hearing, and they have been very reluctant to do so. But I think we have a commitment from Secretary of Energy Richardson, and I hope we will have Secretary Albright, or at least Under Secretary Pickering to testify, to explain this position.

His statement is interesting. It says:

> Outlining U.S. policy in the wake of last week's airstrikes against Iraq, Undersecretary of State Thomas R. Pickering said the United States would be prepared to review the economic sanctions imposed on Iraq after the 1991 Persian Gulf War if Iraqi President Saddam Hussein gives guaranteed cooperation to U.N. weapons inspectors. If not, the sanctions will remain in place in perpetuity and the United States will use force as needed to block weapons development.

In other words, if Iraq doesn't give cooperation, we are going to guarantee that those sanctions will remain in place forever. That was our administration's policy on December 23, just days after the bombing.

Well, guess what. I am critical of this administration. Their policy here, 3 weeks later, on January 14—again in the Washington Post, it says, "Gore Signals Flexibility on Iraq Sanctions; France Proposes Ending Oil Embargo, Changing Weapons Inspections."

But guess what. Vice President GORE proposed eliminating weapons sanctions. That is our own Vice President who said that. Three weeks after we said we would never lift sanctions unless we had total cooperation, we had the Vice President of the United States talking about—I will just quote part of the article:

> A ceiling on how much oil Iraq can sell to provide humanitarian aid to its people should be lifted and the approval process streamlined, Vice President Gore said tonight. . . .

"The ceiling should be lifted." He didn't say in exchange for cooperation. He didn't say in exchange for having arms control inspectors in. He just said we should lift it. That is very inconsistent, totally overriding what the Under Secretary said 3 weeks before, but totally consistent with what this administration has done.

What this administration has done—Saddam Hussein has tested them. He has pushed them up to the edge of going to war, defied arms control, defied the international community and the arms control community—by kicking the inspectors out. We would talk tough, and then at the last second we would say, "Well, wait a minute, just give us a little inspection, let us have some inspections, let us do it, and you can sell more oil."

So what has happened? The Iraqis have done just that. Their oil sales have gone way up. Guess what. They have no inspections—none—zero. They are selling as much oil today as they were prior to the war. That is 95 percent of their currency that they earn for all sorts of things.

The administration will say this is only used for food or humanitarian reasons. Hogwash. Money is fungible. If they are ready to take care of humanitarian needs with this money, that means with the other money they have, they can use that to buy arms and weapons and anything else they desire—maybe more castles that they happen to have.

So the administration's policy has been a total disaster. Here is just the oil production charts. It shows for years, 1996 and so on, they were only producing 550,000 barrels a day. Then the administration policy where they allow more and more changes—and you notice now we are up to over 2½ million barrels per day, exactly 2 million barrels a day more than it was in 1996. That has also had the consequence of glutting an already flooded market and is driving a lot of producers totally out of business—totally out of business.

We have a depression going on right now in the oil industry. You have 111 oil rigs running today. Last year we had 372. You go from 370 rigs to 111 in 12 months, and part of the reason happens to be this administration's policy dealing with Iraq.

So I have some concern on what is happening with the domestic oil industry. But my biggest concern is that the administration has had a habit of rewarding Iraqi noncompliance with more oil sales. Now the administration's policy, as stated by the Vice President of the United States, is we should not have a cap on oil sales.

Incidentally, we do not need—or, they don't say this, but we do not have arms control inspectors in; so there is no connection. We are not saying, "Hey, you can sell all the oil you want to; all you have to do is make sure we have access, have arms control inspection; then we'll take all the embargo off." That should be our policy. But until they do that, we should keep the embargo on. Let's put a little squeeze on.

I said, "What are we doing today?" We are flying daily flights over the no-fly zones. They are shooting at our pilots. Thank goodness they haven't been successful yet. But how successful is our policy? We have already proven to Saddam Hussein, if he denies us, we will reward him. That is what we have done. This is what this administration has done throughout their policy.

Our administration policy has been pretty poor in dealing with Iraq. We have continued to reward their noncompliance, going all the way back to April 1995, and I think it has made the world a lot more dangerous as a result. Saddam Hussein is able to produce all the oil he wants. He is able to generate the moneys he needs, able to build the weapons of mass destruction without anybody checking him whatsoever—not the United States, not the United Nations. As a result, the world is a much more dangerous place.

The administration should be held accountable for their failed policies in Iraq. I also think it is important that we speak up now so we don't have failed policies in Kosovo.

Mr. President, I ask unanimous consent to have the newspaper articles and tables to which I referred printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 23, 1998]

U.S. Offers to Raise Iraqi Crude Sales Cap

(By Thomas W. Lippman)

The Clinton administration offered yesterday to allow Iraq to export more crude oil to raise money for food and medicine, but held out little prospect that Iraq can escape from other U.N. economic sanctions any time soon.

Outlining U.S. policy in the wake of last week's airstrikes against Iraq, Undersecretary of State Thomas R. Pickering said the United States would be prepared to review the economic sanctions imposed on Iraq after the 1991 Persian Gulf War if Iraqi President Saddam Hussein gives guaranteed cooperation to U.N. weapons inspectors. If not; the sanctions will remain in place "in perpetuity" and the United States will use force as needed to block weapons development, he said.

Given the administration's conviction that Saddam Hussein will never give the inspection force known as UNSCOM the unfettered access that the United States and Britain demand—a view supported by official Iraqi pronouncements this week—Pickering's statement amounted to a declaration that Russia, France and other advocates of modifying the inspection system and the economic sanctions will confront strong U.S. and British opposition.

Senior U.S. officials have made clear that they will not return to the previous situation in which Iraq promised to cooperate with inspectors and then obstructed their work, controlling the agenda and forcing Washington to choose between military force or breaking its word to defend the inspections.

Pickering's tone, however, was conciliatory toward the Security Council. He welcomed Russia's announcement that its ambassador to Washington, recalled last week for "consultations," will return this week.

He also raised the possibility of U.S. assent to an increase in the amount of crude oil Iraq is allowed to sell through U.N.-supervised channels to buy food and medicine. Now Iraq is permitted to sell $5.2 billion of oil every six months.

Administration officials described Pickering's remarks as part of an effort to assuage anger in the Security Council about the four days of U.S. and British airstrikes.

Russia in particular has complained that the strikes circumvented the will of the Security Council and violated international law. Foreign ministry spokesman Vladimir Rakhmanin said in Moscow yesterday that "there is now a chance to reaffirm the leading role of the Security Council," an important objective for Russia because its veto in the council is one of its few sources of diplomatic leverage over Washington.

France, which also opposed the strikes, has proposed a modification of the inspection system to make it more palatable to Iraq. Both countries have called for the replacement of UNSCOM Chairman Richard Butler, who is anathema to the Iraqis.

Senate Armed Services Committee Chairman John W. Warner (R–Va.) said the president should "seize the initiative" to make a deal with the Russians, French and other nations to restructure UNSCOM.

But Pickering said UNSCOM was created to be a technically competent weapons inspection force and should not be replaced by an alternate mechanism developed for political reasons.

[From the Washington Post, Jan. 14, 1999]

Gore Signals Flexibility on Iraq Sanctions—France Proposes Ending Oil Embargo, Changing Weapons Inspections

(By John M. Goshko)

UNITED NATIONS, Jan. 13—A ceiling on how much oil Iraq can sell to provide humanitarian aid to its people should be lifted and the approval process streamlined, Vice President Gore said tonight as Security Council members searched for agreement on how to deal with Iraq in the aftermath of a U.S.-led bombing campaign.

France proposed ending the embargo on Iraqi oil sales and replacing intrusive weapons searches by the United Nations with a plan that would ensure that Iraq does not acquire more of the weapons of mass destruction forbidden by the council following Iraq's defeat in the 1991 Persian Gulf War. Until now, the focus of U.N. efforts has been on locating and destroying any prohibited weapons in Iraq's existing arsenal.

Iraqi resentment of that policy caused President Saddam Hussein's government to defy the inspectors from the U.N. Special Commission (UNSCOM) and led to American and British air and missile strikes against Iraq from Dec. 16 to 19. Since then, the defiant Iraq government has refused to permit UNSCOM to return, and the U.N. council has been divided about how to coax or force Iraq to resume cooperation.

The division has been especially deep among the Security Council's five permanent members, each with the power to veto any decision. Gore's speech tonight to the Israel Policy Forum in New York was designed to show U.S. openness to the flexibility France, Russia and China have sought as a way to ease the crippling economic sanctions.

"The United States is looking at ways to improve the effectiveness of humanitarian programs in Iraq, including lifting the current ceiling on funds which can be used to purchase food and medicine," Gore said of the oil-for-food program, now capped at slightly more than $5 billion a year.

The goal is twofold: to keep the permanent Security Council members, which also include Britain, united, and to demonstrate that the fight is with President Saddam Hussein, whom Gore called "a ruthless dictator ruling unjustly," and not with the Iraqi people themselves.

"It was Saddam's regime that for four long years, at great cost and human suffering, refused to allow his people the benefits of this program," Gore said. "Saddam has consistently shown he has cared more about developing weapons of mass destruction than developing the welfare of his people."

Gore's remarks reflected a position stated by other administration officials soon after the bombings began last month: The United States would agree to lift the ceiling on oil exports for humanitarian needs but will not go as far as lifting the sanction entirely. Gore added that U.N. approval of what Iraq can purchase with its modest oil profits, which can take weeks or months, should be revised to speed the approvals.

Earlier today, State Department spokesman James P. Rubin said the French proposal contains "some positive elements that deal with the essential task of ensuring that Iraq does not rearm and is disarmed."

The French plan calls for:

Long-term weapons monitoring under a "renewed control commission" that would either replace or substantially modify UNSCOM "so that its independence will be ensured and its professionalism strengthened." Monitoring "would no longer be retrospective but would become preventive," relying on sensors and television cameras to keep track of what Iraq does in the future.

Ending the embargo on Iraq's sales and exports of oil, its principal commodity. Under present council resolutions, the sanctions are supposed to remain in place until the council determines that Iraq no longer has prohibited weapons.

A program of strict economic and financial controls allowing the United Nations to monitor Iraqi oil sales and ensure that export revenue is not used to acquire new military equipment or dual-use items. However, this monitoring would not interfere with the purchase of legitimate civilian goods and services.

[From the Washington Post, Jan. 15, 1999]

U.S. Seeks to Alter Iraq "Oil for Food" Program

(By John M. Goshko)

UNITED NATIONS, Jan. 14—The United States tried today to defuse growing international criticism of American-backed sanctions on Iraq by proposing eliminating the ceiling for how much oil Iraq can sell abroad as long as the proceeds are used to buy food and medicine.

The proposal was presented by acting U.S. Ambassador A. Peter Burleigh as the Security Council renewed its search for agreement on how the United Nations should deal with Iraq in the aftermath of last month's U.S.-led bombing campaign. The U.S. plan followed a more far-reaching proposal by France that would end the embargo on Iraq oil sales and replace intrusive U.N. weapons searches with a program to monitor any future attempts by Iraq to obtain weapons of mass destruction.

The 15-nation council's consensus on Iraq, intact through most of the decade since Saddam Hussein's 1990 invasion of Kuwait was repelled by U.S.-led forces in the Persian Gulf War, has crumbled in recent months because of differences among the five permanent members with the power to veto any decision. The divergences have pitted the United States and Britain, both insistent on maintaining a hard line, against Russia, France and China, which advocate a more flexible and tolerant approach.

Burleigh told reporters that Washington does not regard its proposals as "an alternative to the French plan" because the U.S.

ideas deal only with humanitarian issues and do not address the question of how best to pursue Iraqi disarmament. He said the United States disagrees with France's approach to arms inspections, which would shift the focus of U.N. efforts away from locating and destroying prohibited weapons in Iraq's existing arsenal.

"The U.S. government does not believe that it is documented that the disarmament process for Iraq has been completed," he said. "It appears that the French proposal makes that assumption—either that Iraq is disarmed or that there is nothing further to be known."

The United States, he added, believes that overseeing Iraqi disarmament should continue to be the responsibility of the U.N. Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), the two organizations originally assigned that job by the Security Council. The UNSCOM and IAEA inspectors left Iraq before last month's bombing, and Iraq has vowed that those from UNSCOM, which it charges are American spies, will not be allowed to return.

The U.S. proposals would overhaul aspects of the "oil for food" program designed to allow Iraq to reduce suffering caused by the broad U.N. sanctions on the economy. In addition to liberalizing Iraq's opportunities for oil sales, the U.S. proposals call for streamlining procedures for approving Iraqi contracts to buy food and medicine, and allowing Iraq to borrow money from an escrow account held by the United Nations to finance such purchases on condition the funds are repaid when Iraqi oil sales reach a higher level. The plan also would expand U.N. programs for the health and welfare of Iraqi children and make it easier for Iraqi Muslims to make the pilgrimage to Mecca.

But the most important U.S. proposal was to end restrictions on how much oil Iraq can sell under the oil-for-food exemption. At present, Iraq may sell $5.25 billion worth of oil every six months under tight U.N. controls. As a practical matter, its oil industry, which is badly in need of repair and modernization, has been barely able to produce and sell about $3 billion worth of oil each six months.

To help alleviate that problem, Burleigh said, the United States is willing to relax the scrutiny it has applied to contracts for spare parts and other equipment needed to get the Iraqi industry working better. But he warned that Washington opposes any equipment purchases that would increase Iraq's ability to refine its oil domestically because the refined product could be smuggled out of the country, with the proceeds being pocketed by the regime rather than put to humanitarian purposes.

"Our problem is with the Iraqi government; we have no quarrel with the Iraqi people," Burleigh told reporters. He repeated the frequent U.S. contention that Saddam Hussein's government has failed to take advantage for the oil-for-food program in order to use the propaganda value of the populace's deprivation to win international support for ending sanctions.

The growing sense in many countries that the sanctions have outlived their usefulness seemed a major factor in spurring the U.S. proposals. It is an open secret that a growing majority of countries on the Security Council favor or are leaning toward lifting the sanctions. If the trend continues, many diplomats here believe the United States soon may be so isolated that it would be able to maintain the sanctions only by using its veto. In that case, the same diplomats predict, it would be only a matter of time before Arab countries and possibly France and Russia, which are in line to win concessions in the Iraqi oil industry, start to break the embargo.

By proposing measures that could relieve substantially the shortages and hardships affecting the Iraqi people, the United States hopes to turn aside the mounting pressure for ending sanctions. And if the Iraqi government, which has accepted the oil-for-food program with great reluctance, fails to take advantage of any liberalized opportunities, Washington, would be able to argue that the continued plight of the people is the fault of Saddam Hussein.

Whether the U.S. move will succeed was not immediately clear. Delegates from other council nations said they would have to study the U.S. proposals more closely and consult with their governments before making any judgments. Iraq's ambassador to the United Nations, Nizar Hamdoon, was quoted by Reuters as saying the U.S. proposal was meaningless. "It is a cover up for their entire Iraq policy," he said.

Most attention for the moment was on the French plan, whose elements were made known to council members earlier in the week and have been the subject of informal discussion among various delegations. Delegates said privately that given the strong U.S. opposition to ending sanctions outright and Washington's continued insistence on tough inspections, there seems little chance of the French plan being accepted in anything like its present form.

But as French diplomats said, the potential value of their plan is as "a catalyst" that might stimulate fresh thinking about Iraq and eventually lead to a narrowing of the differences that recently have paralyzed the council.

IRAQ TIMELINE

Iraq	US response
1990:	
Aug.—Iraq invades Kuwait.	UN Resolution 661 bars the export of oil.
1994–1995:	
October—Iraq amasses 80,000 troops on the Iraq/Kuwait border.	April 1995—approved UN Resolution 986. This resolution allows Iraq to sell $2 billion in oil every six months.
1996:	
March—Iraq blocks inspections.	June—UN Resolution 1060 deplores the refusal of Iraqi authorities to allow access to sites designated by UNSCOM.
Aug.—Iraq launches a campaign against the Kurds.	Sept.—U.S. launches cruise Missile attacks.
1997:	
June—Iraq demands UNSCOM finish.	June—UN Resolution 1115 "Demands that Iraq cooperate fully with UNSCOM."
Oct.—Iraq bars American inspector.	Oct.—UN Resolution 1134 condemned Iraq's refusal to allow UNSCOM access to certain sites.
	Nov.—UN Resolution 1137, another condemnation of Iraq's action.
1998:	
Jan.—Iraq continues standoff.	Feb.—UN Resolution 1153 allows Iraq to sell $5.2 billion in oil every six months.
Aug.—Iraq stops inspections of new facilities.	Sept.—UN Resolution 1194 demands Iraq cooperate.
Oct.—Iraq announces it will no longer cooperate with UNSCOM.	Nov.—UN Resolution 1205 demands Iraq cooperate.
	Dec.—Three day bombing campaign.
1999:	
No UNSCOM activity ..	Press reports possible removal of oil sale caps.

WORLD OIL PRODUCTION: PERSIAN GULF NATIONS, NON-OPEC AND WORLD

[In thousand barrels per day]

	Persian Gulf Nations[a]	Selected Non-OPEC Producers									Total Non-OPEC	World
		Canada	China	Egypt	Mexico	Norway	Former U.S.S.R.	Russia	United Kingdom	United States		
1973 average	20,668	1,798	1,090	165	465	32	8,324	NA	2	9,208	25,050	55,679
1974 average	21,282	1,551	1,315	150	571	35	8,912	NA	2	8,774	25,366	55,716
1975 average	18,934	1,430	1,490	235	705	189	9,523	NA	12	8,375	26,058	52,828
1976 average	21,514	1,314	1,670	330	831	279	10,060	NA	245	8,132	27,018	57,334
1977 average	21,725	1,321	1,874	415	981	280	10,603	NA	768	8,245	28,814	59,707
1978 average	20,606	1,316	2,082	485	1,209	356	11,105	NA	1,082	8,707	30,694	60,158
1979 average	21,066	1,500	2,122	525	1,461	403	11,384	NA	1,568	8,552	32,094	62,674
1980 average	17,961	1,435	2,114	595	1,936	528	11,706	NA	1,622	8,597	32,994	59,600
1981 average	15,245	1,285	2,012	598	2,313	501	11,850	NA	1,811	8,572	33,595	56,076
1982 average	12,156	1,271	2,045	670	2,748	520	11,912	NA	2,065	8,649	34,703	53,481
1983 average	11,081	1,356	2,120	727	2,689	614	11,972	NA	2,291	8,688	35,759	53,256
1984 average	10,784	1,438	2,296	822	2,780	697	11,861	NA	2,480	8,879	37,047	54,489
1985 average	9,630	1,471	2,505	887	2,745	788	11,585	NA	2,530	8,971	37,801	53,982
1986 average	11,696	1,474	2,620	813	2,435	870	11,895	NA	2,539	8,680	37,952	56,227
1987 average	12,103	1,535	2,690	898	2,548	1,022	12,050	NA	2,406	8,349	38,149	56,666
1988 average	13,457	1,616	2,730	848	2,512	1,158	12,053	NA	2,232	8,140	38,413	58,737
1989 average	14,837	1,560	2,757	865	2,520	1,554	11,715	NA	1,802	7,613	37,792	59,863
1990 average	15,278	1,553	2,774	873	2,553	1,704	10,975	NA	1,820	7,355	37,371	60,566
1991 average	14,741	1,548	2,835	874	2,680	1,890	9,992	NA	1,797	7,417	36,932	60,207
1992 average	15,970	1,605	2,845	881	2,669	2,229	—	7,632	1,825	7,171	35,814	60,212
1993 average	16,715	1,679	2,890	890	2,673	2,350	—	6,730	1,915	6,847	35,119	60,238
1994 average	16,964	1,746	2,939	896	2,685	2,521	—	6,135	2,375	6,662	35,482	60,992
1995 average	17,208	1,805	2,990	920	2,618	2,768	—	5,995	2,489	6,560	36,327	62,331
1996:												
January	17,265	1,788	3,115	920	2,795	3,085	—	5,839	2,600	6,495	36,964	63,455
February	17,340	1,718	3,100	920	2,800	3,165	—	5,944	2,625	6,577	37,271	63,856
March	17,390	1,814	3,050	920	2,870	2,990	—	5,830	2,570	6,571	37,019	63,704
April	17,180	1,854	3,020	920	2,860	3,160	—	5,839	2,467	6,444	37,104	63,559
May	17,190	1,768	3,195	920	2,875	2,980	—	5,866	2,512	6,394	37,037	63,558
June	17,305	1,829	3,205	920	2,880	3,150	—	5,839	2,457	6,458	37,225	63,885
July	17,395	1,808	3,150	920	2,870	3,201	—	5,813	2,537	6,338	37,236	63,976

WORLD OIL PRODUCTION: PERSIAN GULF NATIONS, NON-OPEC AND WORLD—Continued

[In thousand barrels per day]

	Persian Gulf Nations[a]	Selected Non-OPEC Producers									Total Non-OPEC	World
		Canada	China	Egypt	Mexico	Norway	Former U.S.S.R.	Russia	United Kingdom	United States		
August	17,325	1,872	3,130	920	2,830	3,022	—	5,857	2,385	6,360	36,886	63,646
September	17,425	1,854	3,140	920	2,860	3,095	—	5,826	2,517	6,482	37,271	64,111
October	17,385	1,936	3,165	920	2,860	3,005	—	5,813	2,642	6,481	37,528	64,468
November	17,355	1,889	3,190	930	2,860	3,210	—	5,909	2,743	6,476	37,966	64,926
December	17,842	1,905	3,115	930	2,900	3,198	—	5,830	2,760	6,506	37,989	65,501
Average	17,367	1,837	3,131	922	2,855	3,104	—	5,850	2,568	6,465	37,290	64,054
1997:												
January	18,040	1,874	3,210	885	2,940	3,268	—	E 5,789	2,693	6,402	37,941	65,676
February	18,245	1,920	3,240	885	2,970	3,263	—	E 5,729	2,660	6,514	38,041	65,041
March	18,460	1,900	3,215	890	2,970	3,063	—	E 5,772	2,638	6,452	37,883	66,018
April	18,615	1,823	3,230	890	2,945	3,388	—	E 5,893	2,515	6,441	38,171	66,571
May	18,385	1,737	3,275	880	2,990	3,194	—	E 5,902	2,315	6,474	37,738	65,908
June	17,980	1,835	3,220	870	3,005	3,025	—	E 5,902	2,135	6,442	37,343	65,128
July	17,965	1,889	3,190	880	3,035	3,194	—	E 5,923	2,447	6,409	37,786	65,576
August	18,975	1,895	3,190	870	3,080	2,890	—	E 5,945	2,407	6,347	37,534	66,474
September	19,005	1,930	3,195	860	3,105	2,927	—	E 5,958	2,483	6,486	37,907	66,827
October	19,045	1,956	3,195	860	3,087	3,209	—	E 5,954	2,610	6,467	38,301	67,361
November	18,810	1,970	3,158	860	3,085	3,192	—	E 5,945	2,602	6,459	38,342	67,207
December	18,416	1,985	3,090	860	3,056	3,229	—	E 5,893	2,700	6,531	38,536	67,007
Average	18,496	1,893	3,200	874	3,023	3,153	—	E 5,884	2,517	E 6,452	37,955	66,317
1998:												
January	19,061	1,912	3,240	860	3,085	3,293	—	E 5,979	2,597	E 6,438	38,514	67,458
February	19,513	1,944	3,155	860	3,140	3,230	—	E 5,997	2,583	E 6,538	38,578	67,989
March	19,380	1,952	3,170	860	3,160	3,123	—	E 5,962	2,600	E 6,465	38,468	67,863
April	19,680	1,988	3,140	860	3,140	3,160	—	E 5,876	2,602	E 6,484	38,361	67,674
May	19,680	1,943	3,210	870	3,149	2,917	—	E 5,789	2,499	E 6,384	37,923	67,168
June	19,225	1,932	3,260	870	3,050	3,140	—	E 5,928	2,495	E 6,290	38,188	66,888
July	19,290	2,045	3,200	880	3,120	3,120	—	RE 5,923	2,525	E 6,322	R 38,290	R 66,855
August	19,250	R 2,016	R 3,180	R 870	3,055	2,440	—	E 5,910	R 2,536	E 6,276	R 37,487	R 65,772
September	19,385	2,033	3,160	870	2,906	2,896	—	E 5,902	2,632	E 6,069	37,567	65,932
9-Mo. Avg	19,383	1,974	3,191	867	3,090	3,033	—	E 5,918	2,563	E 6,362	38,149	67,059
1997 9-Mo. Avg	18,408	1,866	3,218	879	3,005	3,133	—	E 5,869	2,476	6,440	37,808	66,022
1996 9-Mo. Avg	17,313	1,812	3,123	920	2,849	3,093	—	5,850	2,519	6,457	37,110	63,748

[a] The Persian Gulf Nations are Bahrain, Iran, Iraq, Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates. Production from the Neutral Zone between Kuwait and Saudi Arabia is included in "Persian Gulf Nations."

R=Revised. NA=Not available. —=Not applicable. E=Estimate.

Notes: (1) Crude oil includes lease condensate but excludes natural gas plant liquids. (2) Monthly data are often preliminary figures and may not average to the annual totals because of rounding or because updates to the preliminary monthly data are not available. (3) Data for countries may not sum to World totals due to independent rounding. (4) U.S. geographic coverage is the 50 States and the District of Columbia.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

(The remarks of Mr. ABRAHAM pertaining to the introduction of S. 482 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ABRAHAM. Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

OPERATION WALKING SHIELD

Mr. DORGAN. Mr. President, this Congress, now that it will turn its attention to the committee structure and the agenda that will be developed in the authorizing committees and Appropriations Committee, will talk about a lot of different issues, will describe many different priorities. Among those priorities will be, for example, a piece of legislation we just passed in the Senate dealing with military pay. I assume that very soon there will be a national missile defense bill that will come to the floor that will be subject to dramatic and interesting debate, and there are a range of these kinds of issues. I want to raise one issue today that I think we ought to act on with some priority.

There is a program that not many people know of called Walking Shield. It is a program to move houses that are surplus houses scheduled to be demolished on our military bases when those houses are to be replaced with more modern houses. Instead of demolishing the old houses, they are now moved out increasingly under the project Operation Walking Shield and moved to Indian reservations where there is a desperate need for good housing.

Operation Walking Shield is a wonderful program that takes houses that would have been demolished and moves them to a foundation someplace on an Indian reservation to provide housing for those Americans who do not have housing.

We have a real emergency in this country, particularly on Indian reservations, dealing with housing, health care, and education.

I want to read a few paragraphs from a letter to describe this emergency and why this Congress must respond to it with some priority and why I hope the President will do the same.

I want to read about a woman named Sarah. Her name was Sarah Swift Hawk. Sarah died January 2. Sarah Swift Hawk died on the Rosebud Indian Reservation in South Dakota. She froze to death. Let me read to you a letter that describes the circumstances leading to Sarah's death:

> The night of January 2 was truly a dreadful night for the Swift Hawk family. They had run out of propane to heat their house. They also had no wood for their wood stove, although they tried desperately to obtain some wood, but without any success.
>
> The Swift Hawk house is but one of 100,000 terribly substandard houses that exist on our nation's Indian reservations. The house had only thin plastic sheeting covering two large openings where windows were supposed to be. As night fell, and the temperature plummeted from 16 degrees below zero to 45 degrees below zero, Sarah's daughter and her son-in-law, who live in the same house with their six children, put two blankets on Sarah in an attempt to keep her warm. The mother then took the other two blankets they had, and placed them over her six children who were all huddled together on the floor where she and her husband would also sleep. Since there was only one cot in the house, that bed was given to Sarah who was the grandmother in the family. Everyone else in the Swift Hawk family has to sleep on the floor because the family is too poor to buy any furniture.
>
> When the Sun came up on Sunday morning, January 3rd, the daughter got up from the floor to check on her mother, and she found that her mother had died during the night, frozen to death as a result of exposure to extreme cold. Fortunately, the body heat from the parents and the children, all huddled together on the floor, kept them alive that terrible night.
>
> Sarah Swift Hawk's needless death is repeated again and again on our nation's Indian reservations, particularly those in the Northern Plains States.

This is a letter from Phil Stevens. Phil Stevens runs the program called Walking Shield. I have met with him a number of times, helped them on legislation to try to move some houses to Indian reservations. I have seen the joy on the faces of those who received a home—one put on a foundation for them—a home that they could move into for the first time, a home for their children. But, frankly, there is just a trickle—a few hundred homes here and there to meet the needs that are so desperate of people like Sarah Swift Hawk and her family.

When you hear stories like this you think, well, that happens in a Third World country someplace, someone laying down and freezing to death in their home. This wasn't a Third World country, it was in our country.

The poverty in these areas is so desperate, housing so inadequate, the health care so minimal and the education needs so substantial. And frankly, we have so many other priorities that folks come to the floor of the House and the Senate and they debate this or that with great gusto, and as we do, Sarah Swift Hawk dies, frozen to death in a house, a house without windows, a house with thin plastic sheets where windows should have existed at 45 degrees below zero.

Is that a shame? Yes. I think it is shameful that this happens in our country. This is not some mysterious illness for which there is not a cure. We know this happens, and we know how to address these questions.

I hope President Clinton and the 106th Congress will decide that these are emergency conditions that exist in housing, health care, and education on our Indian reservations and that we ought to address them.

I have spoken on the floor previously about a third grader in a school in Cannon Ball, ND, a young Native American girl who said to me, "Mr. Senator, will you be building us a new school?" Because that young third grade Indian child goes to a school that is not fit. It is not a school that Members of the Senate would send their children to, and it is not the fault of the school board, not the fault of the superintendent, and not the fault of the teachers who are trying very hard.

This is a school without a tax base, 150 kids, one water faucet, two bathrooms. They cannot connect to the Internet because about half the school is too old, too condemned, not able to access the wiring. This is a school that is in desperate need of repair. One of the rooms has sewer gas seeping up into it that requires the room to be evacuated occasionally because they can't keep children in a room where the sewer gas keeps backing up. That is the kind of school we have a third grader walk through the door of, and we say to that third grader, "This is your school."

Are we proud of that? I don't think so. Ought we do something about it? Does that young third grader's life depend on us doing something? It does, and we should.

We all know the problems in health care. I just met with a group a few minutes ago, this afternoon. Let me just tell you about health care for a moment. This group was talking about foster children. On one of the reservations, a young 4-year-old boy had been in two foster homes and was being moved again, and the caseworker noticed some substantial stench when he was in the vicinity of the 4-year-old boy.

What was it that smelled so bad? A 4-year-old boy wearing a cast on his arm because he had a broken arm, but through two foster homes no one had bothered to take him back to the doctor and the cast had been on 6 months. He had gangrene on his arm. Now, is that an emergency in health care? I think so. It is just a symptom, just the tip of the iceberg of massive problems—massive problems—that exist in health care, education and housing.

You know, I am talking now about the problems on Indian reservations. I want to tell you about pinning medals one day on the pajamas of an Indian named Edmond Young Eagle, a Native American who grew up on the Standing Rock Reservation, Fort Yates, ND, a proud member of the Standing Rock Sioux Tribe.

He went overseas to fight for this country—Africa, Europe—fought for America in the Second World War. And if you look at the Indian population of this country and the percentage of veterans they have and who fought in our country's wars, you will find a very high percent of the Indian population went off to fight for this country. Edmond did—fought across the world in the Second World War.

When I met Edmond, he was dying, laying in a VA hospital. His family had contacted me and said Edmond had never received his medals for his service in the Second World War. They wanted to know if there was any chance to get these medals he was owed from the Defense Department before he died. I got the medals and I took them to the VA hospital on a Sunday morning in Fargo, ND.

Edmond Young Eagle had lung cancer. I did not know it that Sunday morning, but 7 days later Edmond Young Eagle would die from lung cancer. But that Sunday morning they cranked up his bed to a sitting position, and he was wearing his pajamas. And in a ceremony, witnessed by his doctors and nurses and his sisters and some people who had come from the Old Soldiers Home, I pinned medals on Edmond Young Eagle's pajamas, the medals he had earned for his service to our country in the Second World War.

And this man dying of lung cancer said to me, "You know, this is the proudest day of my life." I thought to myself, what a paradox it is that this man, who served his country honorably in the Second World War, fought for America's freedom, and then never had much the rest of his life, at the end of his life, lying in the hospital, suffering from lung cancer, felt so strongly about his service to his country and was so proud of receiving medals from his country for his service to America that he said it was one of the proudest days of his life.

We have a responsibility, it seems to me, to the memory of Edmond Young Eagle, to the third grade girl that I talked about going to a school that ought to be improved, to the memory of Sarah Swift Hawk, who goes to sleep in a house at 45 below zero, and dies in her sleep, freezes to death, we owe it to these folks—to their memories, to their children—we owe it to them to do something about these issues on an emergency basis.

There are a lot of things that we will debate back and forth on the floor of this Senate, as I said—defense policy, education policy, health care policy—so many issues day after day. But these are the kinds of things that we must put at the front of the line, to say people ought not to be freezing to death in our country because they run out of fuel in the winter, because they live in houses that ought not be inhabited in the winter, because they do not have housing, because they do not have health care. We can do something about this.

Let me conclude again by saying, I am trying to see that the White House determines this is a priority and an emergency, that we have an emergency, a housing emergency and health care emergency on our Indian reservations that we ought to address.

This isn't a case where any of us can just say, well, gosh, that is somebody else's problem. It is not somebody else's problem.

When we have young children who are not receiving the medical attention they need, who are put in foster homes that are unsafe and where they are beaten—I ve told a story about a young girl with her nose broken, hair pulled out at the roots, her arm broken in a foster home, placed in a foster home by one worker who had 150 cases to work on.

So you put a child at age 3 in a foster home without understanding what kind of home this is. And then there is a drunken party, and a 3-year-old girl gets her arm broken, her nose broken, and her hair pulled out by the roots. Is that what we want in this country? Of course not. It is our responsibility to address these issues. And it is, indeed, an emergency when a 3-year-old girl is beaten, when a third grade girl is denied an adequate education, when a grandmother named Sarah Swift Hawk freezes to death. These are emergencies. And we need to do something about them.

I am hoping the White House will declare these as emergencies. And I am hoping the Congress will understand that we can, with a small investment, make life so much better for a lot of folks who matter in this country—folks like Edmond Young Eagle—who have served this country with great distinction and great honor. In their memory, and just because it is the right thing to do, our country has a responsibility to decide this is a priority.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 487, S. 488, S. 489, and S. 490 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BLACK HISTORY MONTH

Mr. DASCHLE. Mr. President, Dr. Carter G. Woodson was the son of former slaves. He believed passionately that the solution to injustice was education. If Americans from different backgrounds could learn to see our similarities and appreciate our differences, he believed, we could end the fear that is at the heart of racial discrimination.

So, in February 1926, Dr. Woodson proposed the first Negro History Week as a way to preserve African American history and promote greater understanding among all Americans. Over the years, as the civil rights movement progressed, Negro History Week evolved into what we now know as Black History Month.

This month, as our nation once again pauses to reflect on the achievements and experiences of African Americans, we celebrate the birthdays of several renowned leaders, including Frederick Douglass, Rosa Parks, and Barbara Jordan. We also celebrate the founding 90 years ago of the National Association for the Advancement of Colored People, one of this century's most powerful engines for social and economic justice.

It is right and fitting that we acknowledge such famous people and important milestones. But it is also important to recall the contributions of other African Americans who were less well known, but who contributed much to their communities. Today I want to pay tribute to two such men from my home state of South Dakota: Oscar Micheaux and Ross Owens.

Oscar Micheaux was a gifted, early filmmaker who settled in Gregory, South Dakota, in the early 1900s. His company, the Micheaux Film Corporation, was responsible for producing films that ran counter to Hollywood's negative portrayal of African Americans at that time.

Ross Owens was a 1925 graduate of my alma mater, South Dakota State University. Not only was he inducted into SDSU's Athletic Hall of Fame, but his masters thesis, "Leisure Time Activities of the American Negro Prior to the Civil War", became a classic in African American history and physical education.

One can only wonder what else Mr. Micheaux and Mr. Owens might have achieved had they been born later, after the civil rights movement toppled many of the barriers to equality that existed during their lifetimes.

Today, thanks to the vision of leaders like Dr. Martin Luther King, Thurgood Marshall and John Lewis, as well as countless other Americans whose names are less well known but whose courage was no less real, many of those barriers are gone. Our nation no longer tolerates legal discrimination. We no longer permit injustices like poll taxes, "separate but equal" schools, and segregated public facilities. We have moved closer to that ideal on which our nation was founded: that all men—and women—are created equal. And we are all better for it.

Today, as our country thrives, millions of African Americans are sharing the benefits of the best economy in decades. But not all African Americans have been given the opportunity to share in America's economic progress. Not all of the barriers have been torn down. There is still work to be done. As we prepare to enter the new century, we must remain committed to equal educational opportunity, and economic and social justice—for all Americans.

This month, as we celebrate Black History Month, let us recall the words of the poet Langston Hughes, who wrote of a land "where opportunity is real, life is free, and equality is in the air we breathe." And let us rededicate ourselves to finishing the task of establishing that land here, in the United States.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 24, 1999, the federal debt stood at $5,620,229,439,635.41 (Five trillion, six hundred twenty billion, two hundred twenty-nine million, four hundred thirty-nine thousand, six hundred thirty-five dollars and forty-one cents).

One year ago, February 24, 1998, the federal debt stood at $5,522,503,000,000 (Five trillion, five hundred twenty-two billion, five hundred three million).

Five years ago, February 24, 1994, the federal debt stood at $4,541,555,000,000 (Four trillion, five hundred forty-one billion, five hundred fifty-five million).

Ten years ago, February 24, 1989, the federal debt stood at $2,722,784,000,000 (Two trillion, seven hundred twenty-two billion, seven hundred eighty-four million).

Fifteen years ago, February 24, 1984, the federal debt stood at $1,454,599,000,000 (One trillion, four hundred fifty-four billion, five hundred ninety-nine million) which reflects a debt increase of more than $4 trillion—$4,165,630,439,635.41 (Four trillion, one hundred sixty-five billion, six hundred thirty million, four hundred thirty-nine thousand, six hundred thirty-five dollars and forty-one cents) during the past 15 years.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, every February, since Dr. Carter G. Woodson first initiated the idea in 1926, Americans have celebrated the contributions of African-Americans to our history, literature, arts, sciences, politics and every other facet of American life. What was in the beginning only a week-long event, has blossomed into a month-long celebration.

This year's theme, as selected by the Association for the Study of Afro-American Life and History (ASALH), is "The Legacy of African-American Leadership for the Present and the Future." This theme captures one of the primary objectives of Dr. Woodson in creating this annual celebration. Dr. Woodson believed that you must look back in order to look forward. He dedicated his entire life to the research and documentation of African-American history, and his efforts were intended to educate and inspire contemporaneous and future generations of Americans.

In keeping with this theme and Dr. Woodson's vision, I rise today to share with my colleagues of the Senate and the American people a few of the legacies of outstanding African-Americans from Maryland. While this is not an exhaustive listing, it exemplifies the legacy of African-Americans in the areas of science, engineering, abolitionism, literature, religion, theater, education, civil rights, law, business, athletics, diplomacy and politics. I believe you will find—as I have found—their stories and accomplishments inspiring, and it is my fervent hope that today's African-American youth will find in these men and women role models to inspire their own efforts as we move into the 21st Century.

Benjamin Banneker (1731-1806) of Ellicott's Mill, Maryland is credited with building the first clock in America in 1753. He was an inventor, scientist and surveyor who played an important role in the layout and design of our nation's capital city.

Harriet Tubman (1820–1913) of Dorchester County, Maryland escaped from slavery and was responsible for assisting more than 300 slaves reach freedom in the north through the underground railway.

Francis E.W. Harper (1825–1911) of Baltimore, Maryland was the first African-American writer to have a published short story. She also had her poetry and other verse published, including a novel in 1892.

Billie Holiday (1915–1959) of Baltimore, Maryland is to this day regarded as one the greatest jazz vocalists in history, and as one of America's premier artists of the 20th Century.

Zora Neale Hurston (1891–1960) of Baltimore, Maryland was a distinguished author, folklorist and anthropologist.

Charles Randolph Uncles (1859–1933) of Baltimore, Maryland became the first African-American priest ordained in the United States on December 19, 1891, beginning a line of American ministers that has included Martin Luther King, Jr. and the Reverend Jesse Jackson.

Eubie Blake (1883–1983) of Baltimore, Maryland was a popular ragtime pianist and composer who first learned to play the piano at age six and went on to break color barriers on Broadway and theaters across the nation.

Mary Church Terrell (1864–1954) of Annapolis, Maryland was an outstanding educator and early civil rights leader.

Edward Franklin Frazier (1894–1962) of the Eastern Shore of Maryland was a teacher of mathematics, professor of sociology and author who created and furthered the academic knowledge and understanding of the African-American community.

Clifton Wharton (1899–1990) of Baltimore, Maryland became the first African-American foreign service officer named chief of an American mission overseas when he was appointed U.S. Minister to Romania in 1958.

Leon Day (1916–1995), a Hall of Fame baseball player from Baltimore, Maryland, was one of the most consistently outstanding pitchers in the Negro Leagues during the 1930's and 1940's. His consistency was interrupted only by two years of service in the Army during World War II where he distinguished himself on Utah Beach during the Allied invasion of France.

Reginald F. Lewis (1942–1993) of Baltimore, Maryland created first African-American law firm on Wall Street and led the first African-American owned company with annual revenue exceeding $1 billion.

Thurgood Marshall (1908–1993) of Baltimore, Maryland served as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund (NAACP-LDF) at a time when the NAACP brought, argued and won Brown v. Board of Education, the seminal 1954 civil rights Supreme Court case. He went on to serve his nation as a federal Appellate Court judge, Solicitor General, and the first African-American member of the United States Supreme Court.

I am also sorry to report that Maryland recently lost one of its legal and political leaders when Judge Harry A. Cole passed away earlier this month. Judge Harry A. Cole was both the first African-American to hold the office of an Assistant State Attorney General in Maryland, and the first African-American named to the Maryland Court of Appeals, which is my State's highest court. During his fourteen year tenure on the Court of Appeals, Judge Cole distinguished himself with his scholarly and independent opinions, and we will miss him dearly in Maryland.

Mr. President, as this short account makes evident, Maryland is and has been proud to be the home of some of America's greatest African-Americans. These are people who did not let economic or racial barriers stop them from reaching their goals or achieving their dreams. These outstanding individuals, and many others from Maryland and across the United States, have opened doors and set high standards for later generations of African-Americans. Most importantly, however, these are people who continue to serve as role models for all Americans.

Indeed, the State of Maryland continues to be blessed and enriched with outstanding African-American leaders who have built on Maryland's rich African-American legacy. I speak here of such individuals as Baltimore Mayor Kurt Schmoke and NAACP President and CEO Kweisi Mfume.

I would like to observe that the State of Maryland is currently benefiting from a continued growth in our African-American population. Between 1990 and 1997, when the last set of complete figures were available from the Census Bureau, the number of African-Americans calling Maryland "home" grew to 1.4 million—an increase of 200,609 people. This makes Maryland the state with the eighth largest African-American population in the United States. Nearby Prince George's County was second in the nation in terms of growth during this seven-year period with 68,325 new African-American residents.

Mr. President, in closing, Maryland is fortunate to have such a rich legacy of African-American leadership as well as a growing population of young African-American men and women to whom this legacy will provide inspiration and examples. As I noted at the outset, Dr. Woodson believed in looking back in order to look forward. As I look back at the deeds and accomplishments of the Marylanders listed above, and of the many outstanding African-Americans who have contributed to American science, engineering, abolitionism, literature, religion, theater, education, civil rights, law, business, athletics, diplomacy and politics, I see much to inspire our forward march into the next century, during which I hope we will eradicate forever the scourge of prejudice and racial bias from our society.

DEATH OF LAUREN ALBERT

Mr. SPECTER. Mr. President, on February 18, 1999, Pennsylvania lost one of its finest citizens, with the death of Lauren Albert.

I had the pleasure to know Mrs. Albert. She was the mother of three wonderful children, Stuart, Elliot, and Emily and the husband of one of Pennsylvania's finest orthopedic surgeons, Todd J. Albert, M.D. For seventeen years, Lauren had served at the side of Richard I. Rothman at the Rothman Institute and Reconstructive Orthopedic Associates. She was a leader in our community.

As fate would have it, Lauren and her husband Todd were traveling with eight other Pennsylvanians, including my son Shanin and his wife Tracey. Also on the trip were Barbara and Richard Barnhart, Leslie and Al Boris and Jaimie and David Field.

Lauren was killed when the Land Rover in which she was a passenger was caused to tumble down a mountainside of the High Atlas Mountains. Her husband and the Barnharts were passengers in the same vehicle.

I was notified of the accident as soon as the party had access to a telephone. Contemporaneously, the Department of State, our Ambassador in Rabat, Edward Gabriel and our Consul general in Morocco, Evan G. Reade, Casablanca, were notified.

Consul Reade, accompanied by other Embassy officials, immediately flew to meet the Americans in nearby Ouerzazate.

Although Consul Reade had been in Morocco for only 8 months, he immediately assumed control of the situation and worked to solve complex and pressing problems.

First, there was a significant question of the medical stability of the three surviving passengers. Consul Reade and I worked in tandem with the Department of Defense, particularly Colonel Joe Reynes, Executive Secretary to the Secretary of Defense. Over the next several hours, well through the night, local time, Colonel Reynes worked diligently to place a military medical aircraft in Europe on alert to fly to Morocco. An enormous amount of work was undertaken with our military's European command, the State Department, Moroccan officials, Consul Reade in Ouerzazate and Ambassador Gabriel in Rabat.

In the final analysis, a medical evacuation was not needed. Nonetheless, it was most reassuring to know that our military could be counted upon to assist.

Second, Consul Reade, working in connection with others in the State Department, were instrumental in accomplishing the rapid evacuation of the three injured passengers as well as the remainder of the party from Morocco. This was accomplished through detailed coordination and airport assistance for four commercial flights enabling all to return home safely by 5:30 p.m. on the following day.

Third, Consul Reade arranged for the return of the body of Lauren Albert to Pennsylvania. For numerous reasons, this process is highly complicated. Consul Reade arranged, with the assistance of the Morocco officials, to have Mrs. Albert's body returned to Pennsylvania on Sunday, February 21, 1999. This permitted a timely funeral and burial, which was very important to the Albert family.

Finally, I wish to recognize the superb assistance of Lt. Colonel Driss Ferar, Commandant of the Morocco Police in the Ouerzazate region. Colonel Ferar was notified of the accident within minutes. He sped to the scene in the High Atlas Mountains, an hour and a half away from his headquarters. He immediately assumed control and effectuated the safe return of the party to Ouerzazate that night. Colonel Ferar made sure that the entire party was comfortable and led Dr. Albert, the tour director, and my son to his office which served as a center for all the operations that evening and well into the night. Colonel Ferar worked on the matter without interruption and without attending to any of his other important duties until 2:00 a.m. In addition to offering his valuable assistance in all aspects of this tragedy, Colonel Ferar was also unfailingly courteous and helpful. He had his family make dinner for all of the concerned, which was brought into the Police Headquarters. He offered his wisdom and counsel to Dr. Albert. Since the party has returned to the United States, Colonel Ferar has forwarded a gift to the Albert family. I am informed that Colonel Ferar has been of similar assistance to Americans who have suffered grievous injuries in this region of Morocco in the past. Colonel Ferar is to be highly commended for his commitment to duty and to the very personal human needs of all concerned.

The tragic death of Lauren Albert leaves an indelible mark on the fabric of our community. Our prayers are with Dr. Albert and his family. We are grateful to the American and Moroccan officials, who accomplished everything possible to help with this tragedy and assure the safe and speedy return of our citizens.

REPORT ON THE ADMINISTRATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA) FOR FISCAL YEARS 1996 AND 1997—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit the Biennial Report to Congress on the Administration of the Coastal Zone Management Act (CZMA) of the Office of the Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1996 and 1997. This report is submitted as required by section 316 of the CZMA of 1972 as amended, (16 U.S.C. 1451, et seq.).

The report discusses progress made at the national and State level in administering the Coastal Zone Management and Estuarine Research Reserve Programs during these years, and spotlights the accomplishments of NOAA's State coastal management and estuarine research reserve program partners under the CZMA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

REPORT CONCERNING THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1999, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

MESSAGES FROM THE HOUSE

At 12:01 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 409. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

H.R. 436. An act to reduce waste, fraud, and error in government programs by making improvement with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes.

H.R. 438. An act to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

ENROLLED BILL SIGNED

At 12:42 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 409. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

H.R. 436. An act to reduce waste, fraud, and error in Government programs by making improvement with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes; to the Committee on Governmental Affairs.

H.R. 438. An act to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1939. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report entitled "Theater Missile Defense Architecture Options in the Asia-Pacific Region"; to the Committee on Armed Services.

EC-1940. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Iraq that was declared in Executive Order 12722; to the Committee on Banking, Housing, and Urban Affairs.

EC-1941. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual operations report for fiscal year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-1942. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a request for the approval of the consolidation of certain judicial offices in the Southern District of West Virginia; to the Committee on the Judiciary.

EC-1943. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality, as Amended; Photograph Requirement" received on February 17, 1999; to the Committee on Foreign Relations.

EC-1944. A communication from the Chairman and Chief Executive Officer of the Farm

Credit Administration, transmitting, pursuant to law, the Agency's proposed budget for fiscal year 2000 and a response to the General Accounting Office's report "Government-Sponsored Enterprises: Federal Oversight Needed for Nonmortgage Investments"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1945. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Physical and Scientific Consultants in the Medical Consultant Program" received on February 19, 1999; to the Committee on Environment and Public Works.

EC–1946. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983" (FRL6234–8) received on February 19, 1999; to the Committee on Environment and Public Works.

EC–1947. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" received on February 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1948. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Medicare+Choice Program" (RIN0938–AI29) received on February 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1949. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Program" (RIN0970–AB31) received on February 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1950. A communication from the Chief of the Regulations Branch, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Gray Market Imports and Other Trademarked Goods" (RIN1515–AB49) received on February 19, 1999; to the Committee on Finance.

EC–1951. A communication from the United States Trade Representative, Executive Office of the President, transmitting, a draft of proposed legislation to authorize appropriations for the Office of the United States Trade Representative for fiscal years 2000 and 2001; to the Committee on Finance.

EC–1952. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Proce in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 99–11) received on February 19, 1999; to the Committee on Finance.

EC–1953. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–11) received on February 19, 1999; to the Committee on Finance.

EC–1954. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Notice of Bidding Systems, Sale 172" received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1955. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Alaska Regulatory Program" (Docket AK–007–FOR) received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1956. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Abandoned Mine Land Reclamation Plan" (SPATS No. UT–032–FOR) received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1957. A communication from the Executive Director of the American Battle Monuments Commission, transmitting, a draft of proposed legislation entitled "The World War II Memorial Fund Raising Enabling Act"; to the Committee on Energy and Natural Resources.

EC–1958. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation entitled "The Hoover Dam Miscellaneous Sales Act"; to the Committee on Energy and Natural Resources.

EC–1959. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–1960. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to the Committee's Procurement List dated February 17, 1999; to the Committee on Governmental Affairs.

EC–1961. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report under the Government In the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1962. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's performance plan for fiscal year 2000; to the Committee on Governmental Affairs.

EC–1963. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Statement of Federal Financial Accounting Standards No. 10, "Accounting for Internal Use Software" received on February 17, 1999; to the Committee on Governmental Affairs.

EC–1964. A communication from the Vice President for Governmental Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, Amtrak's 1998 Annual Report, and Amtrak's fiscal year 2000 Legislative Report and Grant Request; to the Committee on Commerce, Science, and Transportation.

EC–1965. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers" (Docket 98–25) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1966. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Amendments to Rules of Practice and Procedure" (Docket 98–21) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1967. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (I.D. 020999F) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 51. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library.

S. Res. 52. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

By Mr. SHELBY, from the Select Committee on Intelligence:

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 466. A bill to provide that "Know Your Customer" regulations proposed by the Federal banking agencies may not take effect unless such regulations are specifically authorized by a subsequent Act of Congress, to require a comprehensive study and report to the Congress on various economic and privacy issues raised by the proposed regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself and Mr. Kohl):

S. 467. A bill to restate and improve section 7A of the Clayton Act, and for other purposes; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. Thompson, Mr. Lieberman, and Mr. Durbin):

S. 468. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself, Mr. Conrad, Mr. Burns, and Mr. Baucus):

S. 469. A bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. Moynihan, Mr. Warner, Mr. Bond, Mr. Graham, and Mr. Gorton):

S. 470. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Jeffords, Ms. Collins, Mr. Cochran, and Mr. Abraham):

S. 471. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Reid, Mr. Conrad, Mr. Hollings, Mr. Johnson, Mr. Durbin, Ms. Collins, Mr. Daschle, and Mr. Dorgan):

S. 472. A bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. Moynihan):

S. 473. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Finance.

By Mr. SCHUMER:

S. 474. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for contributions to education individual retirement accounts, and for other purposes; to the Committee on Finance.

S. 475. A bill to amend the Higher Education Act of 1965 to increase the amount of loan forgiveness for teachers; to the Committee on Health, Education, Labor, and Pensions.

S. 476. A bill to enhance and protect retirement savings; to the Committee on Finance.

S. 477. A bill to enhance competition among airlines and reduce airfares, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 478. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of a principle residence within an empowerment zone or enterprise community by a first-time homebuyer; to the Committee on Finance.

S. 479. A bill to amend title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Health, Education, Labor, and Pensions.

S. 480. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit card holders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 481. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. Lott, Mr. Ashcroft, Mr. Helms, Mr. Inhofe, Mr. Bunning, Mr. DeWine, Mr. Cochran, and Mr. Mack):

S. 482. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Graham, and Mr. Voinovich):

S. 483. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. CAMPBELL:

S. 484. A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 485. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ASHCROFT (for himself, Mr. DeWine, Mr. Bond, and Mr. Enzi):

S. 486. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. Ashcroft):

S. 487. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Finance.

By Mr. GRAMS:

S. 488. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of social security benefits; to the Committee on Finance.

S. 489. A bill to provide an automatic tax rebate when the Federal tax burden grows faster than the personal income of working Americans, and for other purposes; to the Committee on Finance.

S. 490. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. Biden, Mr. Abraham, Mrs. Boxer, Mr. Cochran, Mr. Breaux, Mr. Dodd, Mr. DeWine, Mr. Durbin, Mr. Domenici, Mr. Edwards, Mr. Fitzgerald, Mrs. Feinstein, Mr. Grassley, Mr. Hollings, Mr. Gregg, Mr. Inouye, Mr. Hagel, Mr. Kennedy, Mr. Lugar, Mr. Kerrey, Mr. Murkowski, Mr. Kerry, Mr. Roth, Mr. Kohl, Mr. Sessions, Mr. Lautenberg, Mr. Shelby, Mr. Levin, Mr. Smith of New Hampshire, Mr. Lieberman, Mr. Smith of Oregon, Ms. Mikulski, Ms. Snowe, Mr. Moynihan, Mr. Stevens, Mrs. Murray, Mr. Thomas, Mr. Reed, Mr. Thompson, Mr. Reid, Mr. Warner, Mr. Robb, Mrs. Hutchison, Mr. Rockefeller, Mr. Hatch, Mr. Sarbanes, Mr. Schumer, and Mr. Torricelli):

S. Res. 50. A resolution designating March 25, 1999, as "Greek Independence Day: A Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. Res. 51. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 52. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. HUTCHINSON (for himself, Mr. Bunning, Mr. Specter, Mrs. Feinstein, Mr. McConnell, Mr. Sessions, Mr. Ashcroft, Mr. DeWine, Mr. Jeffords, Mr. Helms, Mr. Dorgan, Mr. Murkowski, Mr. Abraham, Mr. Coverdell, Mr. Grams, Mr. Thurmond, Mr. Enzi, Mr. Wellstone, Mr. Hatch, Mr. Brownback, Mr. Reid, Mr. Robb, Mr. Biden, Mrs. Hutchison, Mr. Conrad, Mr. Kennedy, Mr. Bingaman, Mr. Baucus, Mr. Johnson, Mr. Edwards, Mr. Levin, Mr. Sarbanes, Mr. Burns, Mr. Cleland, Mr. Reed, Mr. Daschle, Mr. Campbell, Mr. Lautenberg, Mrs. Boxer, Mr. Kohl, Ms. Landrieu, Mr. Kerrey, Ms. Collins, Ms. Mikulski, Mrs. Lincoln, and Mr. Lieberman):

S. Res. 53. A resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. Frist, Mr. Biden, Mr. Jeffords, Mr. Wellstone, and Mrs. Feinstein):

S. Res. 54. A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 466. A bill to provide that "Know Your Customer" regulations proposed by the Federal banking agencies may not take effect unless such regulations are specifically authorized by a subsequent Act of Congress, to require a comprehensive study and report to the Congress on various economic and privacy issues raised by the proposed regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL INSTITUTIONS PRIVACY ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today to introduce the "American Financial Institutions Privacy Act of 1999." This legislation will delay the implementation of the "Know Your Customer" regulations proposed by the federal banking agencies. Additionally, this legislation would require these agencies to perform a comprehensive study, to be submitted to Congress in 180 days, on the privacy, freedom of association and economic issues implicated by these regulations. Only with Congressional authorization will these regulations be allowed to take effect.

These regulations mandate that banks identify each customer, find out the normal source and use of his or her funds and then watch transactions in the account to see if they deviate from "normal" and "expected" patterns. If the unexpected transactions seem "suspicious" banks are required under current law to report them to the Suspicious Activity Reporting System, a federal database that can be searched by the Internal Revenue Service, bank regulators, the FBI and other federal agencies.

Mr. President, I have heard from my constituents expressing great concern over the privacy implications of these regulations, and I think a resolution recently adopted by the Vermont House best expresses the concerns of Vermonters. The resolution states, ". . .the regulation will result in a substantial invasion of privacy and an illegal search in violation of innocent customers' rights. . . ." I will include a complete copy of this resolution in the RECORD.

The stated purpose behind these rules is to guard the banking system against harm from those who would launder money from drugs and other criminal activities. This is an admirable goal and one that is important in our continuing battle against crime. However, these regulations have moved beyond just a tool used to combat crime and into the realm where the government needs to know all of your personal, financial information. This is an unacceptable change.

Mr. President, the study is a necessary part of this legislation and will give Congress the factual basis to evaluate the effects of this regulation on people's privacy and freedom of association, as well as its economic implications. These facts will allow Congress to properly evaluate the regulations and reach a final determination on the regulation's ultimate fate. The study will also give the federal banking agencies time to consider clarifications to the regulations, or rescind them.

I would encourage all of my colleagues to join me as cosponsors of the American Financial Institutions Privacy Act of 1999 and help stop this privacy infringement on all Americans.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATE OF VERMONT—J.R.H. 35

Whereas, the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS) and the Federal Reserve have proposed to issue a new regulation requiring banks to develop and maintain "Know Your Customer" programs, and

Whereas, as proposed, the regulation would require each bank to develop a program designed to determine the identity of its customers, determine its customers' sources of funds, determine the normal and expected transactions of its customers, monitor account activity for transactions that are inconsistent with those normal and expected transactions, and report any transactions of its customers that are suspicious, and

Whereas, in order to carry out the proposed regulation, banks will be forced to probe into the legitimate activities of its customers and into the sensitive private affairs of its customers, and

Whereas, the proposed "Know Your Customer" program would substantially change the relationship between banks and their customers, and

Whereas, the regulation will result in a substantial invasion of privacy and an illegal search in violation of innocent customers' rights under the constitutions of both the United States and Vermont, and

Whereas, the proposed regulation is clearly beyond the scope of authority granted the agencies by Congress, now therefore be it

Resolved by the Senate and the House of Representatives:

That the FDIC should not be allowed to issue this "Know Your Customer" regulation, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Deposit Insurance Corporation, the Office of the Comptroller of Currency, the Office of Thrift Supervision, the Federal Reserve, the banking committee of the United States House of Representatives, the banking committee of the United States Senate and Vermont's congressional delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

By Mr. VOINOVICH (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. DURBIN):

S. 468. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I am pleased to introduce the "Federal Financial Assistance Management Improvement Act of 1999", legislation that was championed in the previous Congress by my friend and predecessor, Senator JOHN GLENN. As a Governor, I supported this bill as an important step toward detangling the web of duplicative federal grants available to States, localities and community organizations. As a Senator, I am pleased to pick it up where Senator GLENN left off. I would also like to thank Senator THOMPSON, Senator LIEBERMAN and Senator DURBIN for joining me as original cosponsors of this bill.

Scores of programs, often administered by the same federal agency, have similar purposes but are subject to different application and reporting requirements. This unnecessary duplication of effort wastes time, paper, and does nothing to improve program performance for the benefit of our constituents. The Federal Financial Assistance Management Improvement Act is intended to streamline the grant application process, allowing those who serve their communities to focus on the job at hand—not on page after page of paperwork. The legislation directs federal agencies to simplify and coordinate the application requirements of related programs. The result, I hope, will be service to the public which is better, faster and more effective than before.

In other words, today in this country, if you want to apply for Federal assistance, every agency has a different form. If you have to report on what you are doing with that Federal assistance, every agency has a different form. We want to make those forms uniform across the board, which we know will relieve a lot of pressure and paperwork on the folks who are involved in these programs.

Another important component of this bill is the requirement that agencies develop a process to allow State and local governments and non-profit organizations to apply for and report on the use of funds electronically. Using the Internet as a substitute for cumbersome paperwork is a welcome innovation in the way the federal government does business, and I am pleased that the Federal Financial Assistance Management Improvement Act is leading the effort.

We need to bring technology into the Federal Government and allow people to do the same thing that they do when they are dealing with the private sector.

This bill was crafted in the last Congress by Senator GLENN after bipartisan, bicameral negotiations with the

Administration, and while I was sorry that it was not enacted before the end of the 105th Congress, I am pleased to be able to introduce it today. The legislation is supported by the National Governors' Association and others in the State and local government and non-profit community because of the real potential it has to reduce red tape and improve services to our communities. I urge all my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support from State and local government organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1999".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term "non-Federal entity" means a State, local government, or nonprofit organization.

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term "tribal government" means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term "uniform administrative rule" means a Government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(b) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-Federal entities, shall direct, coordinate, and assist Federal agencies in establishing—

(1) a common application and reporting system, including—

(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies; and

(2) an interagency process for addressing—

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with section 552a of title 5, United States Code; and

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Upon the request of the Director, agencies shall submit to the Director, for the Director's review, information and other reporting regarding agency implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which shall be available to the public through the Office of Management and Budget's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act, the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective 5 years after such date of enactment.

COUNCIL OF STATE GOVERNMENTS, INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,

February 24, 1999.

Hon. FRED THOMPSON,
Hon. GEORGE V. VOINOVICH,
Hon. JOSEPH I. LIEBERMAN,
Hon. RICHARD J. DURBIN,
U.S. Senate,
Washington, DC

DEAR SENATORS THOMPSON, LIEBERMAN, VOINOVICH, AND DURBIN: On behalf of the elected leaders of the respective organizations of Governors, legislators, mayors, county officials, and city managers, we are pleased that you will be introducing the Federal Financial Assistance Management Improvement Act. This bill was passed by the Senate last year and has the strong support of all our organizations.

The bill would require the Office of Management and Budget (OMB) to reevaluate its array of over 75 crosscutting regulations that govern all funds going to state and local governments. We support a requirement that OMB establish lead agencies to develop uniform common rules for crosscutting regulations, base data information for multiple grants to the same state or local government, and electronic filing of most intergovernmental paperwork.

We greatly appreciate your leadership for these reforms and urge all Senators to support passage of your bill.

Sincerely,

Governor Thomas R. Carper, State of Delaware, Chairman, National Governors' Association; Representative Dan Blue, North Carolina State House of Representatives and President, National Conference of State Legislatures; Commissioner Betty Lou Ward, Wake County, North Carolina, President, National Association of Counties; Mayor Deedee Corradini, Salt Lake City, Utah, President, The U.S. Conference of Mayors; Bryce (Bill) Stuart, City Manager, Winston-Salem, North Carolina, President, International City/County Management Association; Mayor Clarence Anthony, South Bay, Florida, President, National League of Cities; Senator Kenneth McClintock, Puerto Rico Senate, Chairman, Council of State Governments.

Mr. THOMPSON. Mr. President, I am pleased to support the Federal Financial Assistance Management Improvement Act of 1999. As a strong believer in our federalist system of government, I am pleased to be an original cosponsor of this legislation, which will cut red tape and waste in Federal grant and other assistance programs that impact State and local government, as well as nonprofit organizations. It is fitting that my good friend from Ohio, GEORGE VOINOVICH, is now providing leadership on this effort in the Senate. As a governor and Chairman of the National Governors' Association, GEORGE VOINOVICH strongly supported this bill from outside Congress. While we reported the bill out of the Governmental Affairs Committee and passed it through the Senate last year, unfortunately it did not become law. It's time to get the job done.

This legislation will improve the performance of Federal grant and other assistance programs by streamlining their application, administration, and reporting requirements for grant recipients—including State, local and tribal governments and nonprofit organizations. The Federal agencies, with guidance from the Office of Management and Budget, would develop plans within 18 months to streamline application, administrative and reporting requirements, develop uniform applications for related programs, develop and expand the use of electronic applications and reporting via the Internet, demonstrate interagency coordination in simplifying requirements for crosscutting programs, and set annual goals to further the purposes of the Act.

Agencies would then consult with outside parties in developing their plans. The agencies would submit their plans and annual reports to the Director of OMB and to Congress, and they could be made a part of other management reports required under law. In addition to overseeing and coordinating agency activities, OMB would develop more common rules to cut across programs and would develop a release form to allow grant information to be shared across programs.

This legislation has been endorsed by many organizations representing our State and local government partners, including the National Governors' Association, the National Conference of State Legislatures, the National League of Cities, the Council of State Governments, and the National Association of Counties. It is a good government, common sense initiative. Let's pull together and pass this bill into law.

By Mr. BREAUX (for himself, Mr. BURNS, and Mr. BAUCUS):

S. 469. A bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE TRANSPORTATION COST REDUCTION ACT

Mr. BREAUX. I take the time today, Mr. President and my colleagues, to introduce a bill which I happen to think addresses a very important issue that this Nation is facing; and that is the question of trying to devise a system where the United States can continue to be the world's leader in the space launch business.

Every day, every month, more and more satellites around the world are being put into service. I daresay that most people really do not follow the details of how this is accomplished, but I do know that over the last several months people in this country have heard a great deal about Chinese rockets, Ukrainian rockets, Russian rockets and all the problems that they have been involved with related to the U.S. aerospace industry.

One may wonder, why would a U.S. company have to use a Ukraine launch vehicle or a Chinese launch vehicle or a Russian launch vehicle or a European launch vehicle in order to launch a U.S. satellite to serve the technological and communications needs of the world. The reason is not that hard to figure out when you look at the fact that these countries that I just mentioned are not countries that are under the same economic obligations that we are. Many of those are not free market economies. Many are still government-run economies. Many of those countries have governments that have put a great deal of money in their launch industries and are now able to provide those launch vehicles for use at a cut-rate or subsidized price.

I do not think that is particularly good for our country to have to buy space transportation on a Ukraine rocket to launch a U.S. satellite. When those rockets malfunction, then we are in a problem area trying to tell them based on our technological expertise why the failure happened. Our companies could get into trouble because of the risk that they are sharing with them technology that could be used for military purposes.

So I, for one, do not think I would want to drive a Ukrainian car let alone ride in a Ukrainian rocket. But that is what is happening because of a situation where we do not have enough access in the private industry to U.S.-built space transportation vehicles that can launch U.S.-built satellites for communications purposes.

We have learned that one of the reasons is the fact that there is inadequate private sector funding for U.S. companies to engage in building space transportation vehicles for this purpose. It is, of course, a high-risk business. This is much more risky than building a ship or building a car or building just about anything else. A lot can go wrong. So it is a high risk. And there is inadequate funding in the private sector.

To solve this problem, what do you do? Do you make the Government take it over? Do you make the Government own the launch vehicles and make the Government pay for the building of the launch vehicles? In our society the answer is no. But I think that the legislation that I am introducing today, along with Senator CONRAD BURNS of Montana, sets up a program which would be a loan guarantee program where the U.S. Government can pattern in the space transportation industry what we have done very successfully in the shipbuilding industry under what is known as a Title XI shipbuilding loan guarantee program, where the Federal Government comes to a qualified builder who is having a difficult time getting adequate financing because of the nature of the industry, and that the Federal Government will be in a position to guarantee the loan to a company which company would go out into the private market and borrow the money but have the loan guaranteed by the Federal Government. Under that scenario, we have built literally hundreds and hundreds of vessels, probably thousands, through the Title XI loan guarantee program.

What I am proposing in the "Commercial Space Transportation Cost Reduction Act of 1999" is to set up a loan guarantee program which would be patterned after the Title XI Shipyard Loan Guarantee Program. We would vest the Secretary of Transportation in our Government with the administrative responsibilities for the program operations. The legislation would initially provide up to $500 million of funding for the loan guarantee program. That would represent the possibility of generating up to $5 billion in loans for U.S. space transportation companies to engage other U.S. companies and U.S. workers in building space transportation vehicles for use in our society.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. And by having that type of a system, I think that we would give our private companies the ability to compete with all of these other companies in countries which have their governments supporting them in these areas.

We have had a number of Senators who have expressed an interest in participating with us in this legislation. Let me just mention Senator LOTT, Senator BACCHUS, Senator BINGAMAN, Senator GRAHAM of Florida and Senator LANDRIEU of Louisiana. I hope—and now that the bill has been introduced, that the Commerce Committee can have some hearings on it—that we can continue to improve it and move forward with establishing something that will allow the private sector of the United States to continue to be, and even increase the ability to be, the world leader in space transportion. In particular, the ability to launch our satellites with our vehicles and not have to rent space from the Russians or from the Chinese or from the Ukrainians or from any other part of the world. This is a vitally important industry, and the United States should be the technological leader now and for the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commercial Space Transportation Cost Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE 1—INCREASING THE AVAILABILITY OF PRIVATE SECTOR FINANCING FOR THE UNITED STATES COMMERCIAL SPACE TRANSPORTATION INDUSTRY THROUGH A LOAN GUARANTEE PROGRAM

Sec. 101. United States Commercial Space Transportation Vehicle Industry Program.
Sec. 102. Functions of the Secretary of the Department of Transportation.
Sec. 103. Space Transportation Loan Guarantee Fund.
Sec. 104. Authorization of Secretary to Guarantee Obligations.
Sec. 105. Eligibility for Guarantee.
Sec. 106. Defaults.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States commercial space transportation vehicle industry is an essential part of the national economy and opportunities for U.S. commercial providers are growing as international markets expand.

(2) The development of the U.S. commercial space transportation vehicle industry is consistent with the national security interests and foreign policy interests of the United States.

(3) United States trading partners have been able to lower their commercial space transportation prices aggressively either through direct cash payments for commercially targeted product development or with indirect benefits derived from nonmarket economy status.

(4) Because United States incentives for space transportation vehicle development have historically focused on civil and military rather than commercial use, U.S. launch costs have remained comparatively high, and U.S. launch technology has not been commercially focused.

(5) As a result, the U.S. share of the world commercial market has decreased from nearly 100% twenty years ago to approximately 47% in 1998.

(6) In order to avoid undue reliance on foreign space transportation services, the U.S. must strive to have sufficient domestic capacity as well as the highest quality and the lowest cost per service provided.

(7) A successful high quality, lower cost U.S. commercial space transportation industry should also lead to substantial U.S. taxpayer savings through collateral lower U.S. government costs for its space access requirements.

(8) The key to maintaining United States leadership in the world market is *not* another massive government program, but rather provision of just enough government support on an incremental and timely basis to enable the more cost effective U.S. private sector to build lower-cost space transportation vehicles.

(9) Private sector companies across the United States are already attempting to develop a variety of lower-cost space transportation vehicles, but lack of sufficient private financing, particularly in the early stages of development, has proven to be a major obstacle, an obstacle our trading partners have removed by providing direct access to government funding.

(10) Given the strengths and creativity of private industry in the United States, a more effective alternative to the approach of our trading partners is for the U.S. government to provide limited incentives, including loan guarantees which would help qualifying U.S. private-sector companies secure otherwise unavailable private "bridge" financing for the critical developmental stages of the project, while at the same time keeping government involvement at a minimum.

SEC. 3. PURPOSES.

Therefore the purposes of this Act are—

(1) to ensure availability of otherwise unavailable private sector "bridge" financing for U.S. private sector development of commercial space transportation vehicles with launch costs significantly below current levels;

(2) and, as a result—

(A) to avoid undue reliance on foreign space transportation services;

(B) to reduce substantially United States Government space transportation expenditures;

(C) to increase the international competitiveness of the United States space industry;

(D) to encourage the growth of space-related commerce in the United States and internationally; and

(E) to increase the number of high-value jobs in the United States space-related industries.

SEC. 4. DEFINITIONS.

In this Act:

(1) TOTAL CAPITAL REQUIREMENT.—The term "total capital requirement" of a United States commercial space transportation provider means the aggregate, as determined by the Secretary, of all Cash Requirements paid or to be paid by or on the account of the Obligor prior to the achievement by the Obligor of positive cash flow generation. For the purposes of this definition, the term "Cash Requirements" shall include all cash expended or invested by the Obligor (including but not limited to design, development, testing and evaluation (DDT&E)), construction, reconstruction, reconditioning, placing into operation, working capital, interest expense and initial operating and marketing expenses in connection with space transportation prior to the achievement of positive cash flow generation from ongoing operations.

(2) LOAN.—The term "loan" means an obligation.

(3) OBLIGEE.—The term "obligee" means the holder of an obligation.

(4) OBLIGOR.—The term "obligor" means any party primarily liable for payment of the principal of or interest on any obligation.

(5) OBLIGATION.—The term "obligation" means any note, bond, debenture, or other evidence of indebtedness issued for one of the purposes specified in section 105(a) of this Act.

(6) SECRETARY.—The term "Secretary" means the Secretary of the United States Department of Transportation.

(7) SPACE LAUNCH SITE.—The term "space launch site" means a location from which a launch or landing takes place and includes all facilities located on, or components of, a launch or landing site which are necessary to conduct a launch, whether on land, sea, in the earth's atmosphere, or beyond the earth's atmosphere.

(8) SPACE TRANSPORTATION VEHICLE.—The term "space transportation vehicle" includes all types of vehicles, whether in existence or under design, development, construction, reconstruction or reconditioning; constructed in the United States by United States commercial space transportation vehicle providers as defined below and owned by those commercial providers, for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload.

(9) STATE.—The term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(10) UNITED STATES COMMERCIAL PROVIDER.—The term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(II) SMALL BUSINESS.—For the purposes of this Act, a "small business" is a commercial provider as defined by the Secretary according to criteria established in consultation with the commercial space transportation vehicle industry and professional associations.

(12) UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE PROVIDER.—The term "United States commercial space transportation vehicle provider" means a United States commercial provider engaged in designing, developing, producing, or operating commercial space transportation vehicles.

(13) UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY.—The term "United States commercial space transportation vehicle industry" means the collection of United States commercial providers of space transportation vehicles.

(14) COST TO THE GOVERNMENT.—"Cost to the Government" means the Risk Rate multiplied by the amount of the guarantee issued by the Secretary. The Cost to the Government reduces the amount of the Fund until such time as part or all of the guarantee has been retired as described in Section 103 of the Act.

(15) RISK RATE.—"Risk Rate" means the percentage applies to a guarantee of an entity assigned to a specific Risk Category by the Secretary and used in calculating the Cost to the Government of the guarantee.

(16) RISK CATEGORY.—"Risk Category" means the category into which the Secretary assigns an entity applying for a guarantee based on the risk factors identified in Section 104(f). The Risk Category is assigned for the purpose of arriving at a Risk Rate in the calculation of the Cost to the Government.

(17) FUND.—The "Fund" means the amount appropriated under the Act as described under Section 103 of the Act.

TITLE 1—INCREASING THE AVAILABILITY OF PRIVATE SECTOR FINANCING FOR THE UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY THROUGH A LOAN GUARANTEE PROGRAM

SEC. 101. UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a United States Commercial Space Transportation Vehicle Industry Loan Guarantee program to provide loan guarantees to support the private development of multiple qualified United States commercial space transportation vehicle providers with launch costs significantly below current levels.

(b) ADMINISTRATION OF PROGRAM.—The program shall be carried out by the Secretary of Transportation under a streamlined application process pursuant to the terms of this Section and any regulations that may be promulgated hereunder, in consultation with other U.S. Government officials, and private sector representatives, as necessary, to ensure fair, effective and timely program administration.

(c) SCOPE OF PROGRAM.—

(1) TEMPORARY GOVERNMENT SUPPORT.—The United States Commercial Space Transportation Vehicle Industry Loan Guarantee program is intended to provide loan guarantees to support financing of qualified commercial space transportation vehicle development ventures during their startup phases and is not intended as a permanent source of financing for such ventures. Applications for guarantees under this program must include specific plans for the timely transition from guaranteed financing to standalone private sector financing as soon as the venture becomes commercially viable.

(2) EXCLUSION OF SPACE LAUNCH SITES.—The program does not provide for loan guarantees pertaining to the construction, reconstruction, or reconditioning of space launch sites.

(3) EXCLUSION OF EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.—The United States Commercial Space Transportation Vehicle Industry Loan Guarantee program shall not remove, restrict, or replace funding provided by the Department of Defense to commercial providers participating in the Evolved Expendable Launch Vehicle (EELV) program. Commercial providers already receiving Department of Defense funding for the development of specific expendable launch vehicles under the Evolved Expendable Launch Vehicle program shall not be eligible to apply for loan guarantees pertaining to this same program, under the United States Commercial Space Transportation Vehicle Industry Loan Guarantee program.

(4) SMALL BUSINESS SET ASIDE.—Depending upon the number of applications, not less than ten percent and up to 20 percent of the loan guarantee fund shall be set aside for small businesses as defined by the Secretary. In no event shall a single commercial provider be the sole beneficiary of loan guarantees available under this Act.

(5) COMPETITION ENCOURAGED ON INITIATIVES ATTEMPTING TO MEET UNIQUE U.S. GOVERNMENT SPECIFICATIONS.—When possible and economically feasible, in order to allow U.S. taxpayers to receive the benefits and disciplines of private sector competition, the Secretary shall administer the loan guarantee program to permit the participation of multiple United States space transportation vehicle commercial providers that are targeting unique U.S. government specifications.

(6) NONDISCLOSURE OF CONFIDENTIAL MATERIALS.—Materials that are submitted by a United States commercial space transportation vehicle provider to the Secretary in connection with an application submitted under the United States Commercial Space Transportation Vehicle Industry Loan Guarantee program and deemed by the commercial provider to be confidential, and that contain trade secrets or proprietary commercial, financial, or technical information

of a kind not customarily disclosed to the public, shall not be disclosed by the Secretary to persons other than Government officers, employees or contractors notwithstanding any other provision of law.

(d) SUNSET.—This Act shall sunset 10 years from date of enactment.

SEC. 102. FUNCTIONS OF THE SECRETARY OF TRANSPORTATION.

The Secretary shall carry out the following functions—

(a) CONSULTATION.—Consultation, to the extent deemed necessary for effective implementation of the Act with appropriate federal agencies, Congressional, and space transportation industry representatives, and members of the risk management industry concerning—

(1) assessments of international competition, potential markets for space transportation vehicles, and availability of private investment captial;

(2) recommendations of commercial entities, partnerships, joint ventures, or consortia regarding effective implementation of the loan guarantee program; and,

(3) recommendations on how to make U.S. government space access requirements more compatible with U.S. commercial space transportation assets.

(b) PROGRAM MANAGEMENT.—Management of the loan guarantee program consistent with the purposes of this Act.

Sec. 103. AUTHORIZATION OF APPROPRIATION OF FUNDS.

(a) The Act authorizes an annual appropriation of the sum of $400,000,000 to be deposited in a Fund to be used by the Secretary for the purpose of carrying out the provisions of the Act. The Fund will be reduced by the Cost to the Government (as defined) of each loan guarantee extended by the Secretary as further described in Section 104(f). As an Obligor releases its government guarantees on the schedule agreed to up front with the Secretary, this Cost to the Government shall be reduced or eliminated, thus replenishing the Fund for new guarantees.

Sec. 104. AUTHORIZATION OF SECRETARY TO GUARANTEE OBLIGATIONS

(a) PRINCIPAL AND INTEREST.—The Secretary is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this Act. A guarantee, or commitment to guarantee, made by the Secretary under this Act shall cover 100 percent of the amount of the principal and interest of the obligation.

(b) SECURITY INTEREST.—No obligation shall be guaranteed under this Act unless the obligor conveys or agrees to convey to the Secretary a security interest such as the Secretary may reasonably require to protect the interests of the United States.

(c) PRIVATE INSURANCE.—If the Secretary determines that other potential measures, as described in this Act, are not sufficient to provide adequate security, the Secretary, as a condition of processing or approving an application for guarantee of an obligation, may require that the obligor obtain private insurance with respect to a portion of the government's risk of default by the obligor on the obligation, including both the amount of the obligation still outstanding and the accrued interest. Such private insurance may be funded from the proceeds of any obligation guaranteed under this Act. If the obligor fails to renew such private insurance on a timely basis, the Secretary may take such action as deemed necessary, with regard to seizure of security interest conveyed by the obligor or the assessment of additional fees to the obligor, to ensure that the appropriate insurance renewal is obtained without delay.

(d) PLEDGE OF UNITED STATES.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this Act with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) PROOF OF OBLIGATIONS.—Any guarantee, or commitment to guarantee, made by the Secretary under this Act shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarntee, or commitment to guarantee, so made shall be incontestable. Notwithstanding an assumption of an obligation by the Secretary under section 106 (a) or (b) of this Act, the validity of the guarantee of an obligation made by the Secretary under this Act is unaffected and the guarntee remains in full force and effect.

(f) DETERMINATION OF ESTIMATED BENEFIT AND COST TO GOVERNMENT FOR LOAN GUARANTEE PROGRAM.—

(1) The Secretary shall in consultation with the private risk management industry and consistent with the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.)—

(A) establish in accordance with this subsection a system of risk categories for obligations guaranteed under this Act, that categoriezes the relative risk of guarantees made under this Act with respect to the risk factors set forth in paragraph (3); and

(B) determine for each of the risk categories a risk rate equivalent to the cost of obligations in the category, expressed as a percentage of the amount guaranteed under this Act for obligations in the category.

(2) Before making a guarantee under this section for an obligation, the Secretary shall apply the risk factors set forth in paragraph (3) to place the obligation in a risk category established under paragraph (1)(A).

(3) The risk factors referred to in paragraphs (1) and (2) are the following:

(A) The technological feasibility of the proposed venture and the magnitude of its projected overall space launch cost reduction;

(B) The period for which an obligation is to be guaranteed, such period not exceeding 12 years;

(C) The amount of obligations which are guaranteed or to be guaranteed, in relation to the Total Capital Requirement of the proposed venture;

(D) The financial condition of the applicant;

(E) The availability of private financing, including guarantees (other than the guarantees issued pursuant to this Act) and private insurance, for the proposed venture;

(F) The projected commercial and government utilization of each space transportation vehicle or other article to be financed by debt guaranteed pursuant to this Act (including any contracts, letters of intent, or other expressions of agreement under which the applicant will provide launch services using a space transportation vehicle or other article financed by debt guaranteed pursuant to this Act);

(G) The adequacy of collateral provided in exchange for a guarantee issued pursuant to this act;

(H) The management and operating experience of the applicant;

(I) Commercial viability of the business plan for the venture of the Obligor;

(J) The extent of private equity capital in the project;

(K) The applicant's plans for achieving a transition from Government-guaranteed financing to private financing;

(L) The likelihood that the venture would serve an identifiable national interest;

(M) The likelihood that the successful completion of the project would result in savings that would offset anticipated Government expenditures for space-related activities;

(N) The likelihood that the project will open new markets or result in the development of significant new technologies;

(O) other relevant criteria; and

(4) The amount of appropriated funds required by the Federal Credit Reform Act of 1990 in advance of the Secretary's issuance of a guarantee of an obligation, or a commitment to guarantee an obligation, may be provided, in whole or in part, by a non-Federal source and deposited by the Secretary in the financing account established under the Federal Credit Reform Act of 1990 for obligation guarantees issued by the Secretary. These non-Federal source funds may be in lieu of or combined with Federal funds appropriated for the purpose of satisfying the requirements of the Federal Credit Reform Act of 1990. The non-Federal source funds deposited into that financing account shall be held and applied by the Secretary in accordance with the provisions of the Federal Credit Reform Act of 1990, in the same manner as that legislation controls the use and disposition of Federally appropriated funds. Non-Federal source funds must be paid to the Secretary in cash prior to the issuance of any guarantee or commitment to guarantee an obligation. The payment of said non-Federal source funds shall not, in any way, relieve any entity from its responsibility to meet any other provision of this Act or its implementing regulations relating to the application for, issuance of, or administration of a guarantee of an obligation.

(5) In this subsection, the term "cost" has the meaning given that term in the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 105. ELIGIBILITY FOR GUARANTEE

(a) PURPOSE OF OBLIGATIONS.—Pursuant to the authority granted under section 104(a) of this Act, the Secretary, upon such terms as he shall prescribe, consistent with the provisions and purpose of the Act, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation for the purpose of—

(1) Financing the Total Capital Requirement, as defined, of the DDT&E, construction, reconstruction, reconditioning, placing into operation, working capital, interest expense, and initial operating and marketing expenses in connection with space transportation vehicles with launch costs significantly below current levels.

(2) Financing the purchase, reconstruction, or reconditioning of space transportation vehicles to achieve launch costs significantly below current levels for which obligations were guaranteed under this Act that, under the provisions of section 106 of this Act are space transportation vehicles for which obligations were accelerated and paid and that have been repossessed by the Secretary or sold at foreclosure instituted by the Secretary.

(b) CONTENTS OF OBLIGATIONS.—

Obligations guaranteed under this Act—

(1) shall have an obligor approved by the Secretary as responsible and possessing or having the ability to obtain the technical capability, experience, financial resources, and

other qualifications necessary to the adequate development, operation and maintenance of the space transportation vehicle or space transportation vehicles which serve as security for the guarantee of the Secretary;

(2) subject to the provisions of subsection (c)(1) of this section, shall be in an aggregate principal amount which does not exceed 80 per centum of the total Capital Requirement, as determined by the Secretary, of the space transportation vehicle which is used as security for the guarantee of the Secretary;

(3) shall have maturity dates satisfactory to the Secretary but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twelve years from the date of the issuance of the guarantee.

(4) shall provide for payments by the obligor satisfactory to the Secretary;

(5) shall provide, or a related agreement shall provide that the space transportation vehicle shall meet such safety, reliability, and performance standards as are necessary for U.S. commercial licensing; and

(6) shall provide that the space transportation vehicle provider guarantee to the United States Government, launch services at the targeted significantly reduced launch cost or the prevailing commercial launch cost, which ever is lower.

(c) SECURITY.—

(1) The security for the guarantee of an obligation by the Secretary under this Act may relate to more than one space transportation vehicle and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one space transportation vehicle as security for the guarantee of the Secretary under this Act may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each space transportation vehicle.

(2) If the security for the guarantee of an obligation by the Secretary under this Act relates to more than one space transportation vehicle, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such space transportation vehicles: Provided, that the Secretary may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for the guarantee.

(d) RESTRICTIONS.—

(1) RESTRICTION ON USED SPACE TRANSPORTATION VEHICLES.—No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this Act for the purchase of a used space transportation vehicle unless—

(A) the used space transportation vehicle will be reconstructed or reconditioned in the United States and will contribute to the development of the United States commercial space transportation vehicle industry; and

(B) the reconstruction or reconditioning of the used space transportation vehicle will result in a magnitude of projected space transportation cost reduction comparable to that which development of new space transportation vehicles would be required to project, in order to be eligible for guarantee of obligations.

(e) APPLICATION AND ADMINISTRATIVE FEES.—

(1) The Secretary may assess a fee for applications for loan guarantees submitted under this Act and/or a fee for administration of an obligation under this Act.

(2) Application fees under this subsection shall be assessed and collected at the time a U.S. commercial space transportation vehicle provider submits an application for loan guarantees under this Act. Administrative fees under this section shall be assessed and collected not later than the date of issuance of the debt guaranteed pursuant to this Act.

(3) Administrative fees collected under this subsection shall not exceed one-eighth of one percent of the guaranteed amount of the face value of the debt covered by the guarantee.

(4) A fee paid under this subsection is generally not refundable. However, an obligor shall receive credit for the amount paid for the remaining term of the guaranteed obligation if the obligation is refinanced and guaranteed under this Act after such refinancing.

(5) A fee paid under this subsection shall be included in the amount of the actual cost of the obligation guaranteed under this Act and is eligible to be financed under this Act.

(6) There are authorized to be appropriated such sums as may be necessary for salaries and expenses to carry out the responsibilities under this title.

(f) ADDITIONAL REQUIREMENTS.—Obligations guaranteed under this Act and agreements relating thereto shall contain such other provisions with respect to the protection of the financial security interests of the United States as the Secretary may, in his or her discretion, prescribe.

SEC. 106. DEFAULTS.

(a) RIGHTS OF OBLIGEE.—In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this Act, the obligee or his agent shall have the right to demand (unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed the obligor's rights and duties under the obligation and agreements and shall have made any payments in default), at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of the unpaid principal amount of such obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: Provided, That the Secretary shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) NOTICE OF DEFAULT.—In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary, the Secretary may upon such terms as may be provided in the obligation or related agreement, either:

(1) assume the obligor's rights and duties under the agreement, make any payment in default, and notify the obligee or the obligee's agent of the default and the assumption by the Secretary; or

(2) notify the obligee or the obligee's agent of the default, and the obligee or the obligee's agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such notice, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or the obligee's agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) TO COMPLETE, SELL OR OPERATE PROPERTY.—In the event of any payment or assumption by the Secretary under subsection (a) or (b) of this section, the Secretary shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor. The terms of the sale shall be as approved by the Secretary.

(d) ACTIONS AGAINST OBLIGOR.—In the event of a default under any guaranteed obligation or any related agreement, the Secretary shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary shall have the right, in his discretion, to accept a conveyance of Act to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event that the Secretary shall receive through the sale of property an amount of cash in excess of the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary shall pay the excess to the obligor.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. BOND, Mr. GRAHAM, and Mr. GORTON):

S. 470. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction; to the Committee on Finance.

THE HIGHWAY INNOVATION AND COST SAVINGS ACT

Mr. CHAFEE. Mr. President today, I am introducing legislation which will allow the private sector to take a more active role in building and operating our nation's highway infrastructure. The Highway innovation and Cost Savings Act will allow the private sector to gain access to tax-exempt bond financing for a limited number of highway projects. I am pleased that my distinguished colleagues, Senators MOYNIHAN, WARNER, BOND, GRAHAM, and GORTON have agreed to join me in this effort.

In the United States, highway and bridge infrastructure is the responsibility of the government. Governments build, own, and operate public highways, roads and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major highway transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs. To help meet the nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built and operated by the government can be financed using tax exempt debt, but those built and operated by the private sector, or those with substantial private sector participation, cannot. As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the tax code's bias against private sector participation must be addressed.

The Highway Innovation and Cost Savings Act creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st Century. It makes tax exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to 15 billion dollars.

The fifteen projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of Treasury. To qualify under this program, projects selected must: serve the general public; assist in evaluating the potential of the private sector's participation in the provision, maintenance, and operation of the highway infrastructure of the United States; be on publicly-owned rights-of-way; revert to public ownership; and, come from a state's 20-year transportation plan. These criteria ensure that the projects selected meet a state or locality's broad transportation goals.

This proposal was included in the Senate's version of last year's transportation reauthorization bill. Unfortunately, it was dropped during the conference with the House.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a state's tax exempt volume cap.

This legislation has been endorsed by Project America, a coalition dedicated to improving our nation's infrastructure, the American Consulting Engineers Council, the Bond Market Association, the American Road and Transportation Builders Association, the Institute of Transportation Engineers, and the ITS America.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design and to build the nation's transportation infrastructure.

I encourage my colleagues to join me as cosponsors of this important initiative.

Mr. President, I ask unanimous consent that the text and a description of the bill be printed into the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Innovation and Cost Savings Act".

SEC. 2. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that section 146 of such Code shall not apply to such bond.

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term "qualified highway infrastructure project" means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision, maintenance, and operation of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B), based on the extent to which—

(I) the projects use new technologies, construction techniques, or innovative cost controls that result in savings in building or operating the projects, and

(II) the projects address local, regional, or national transportation needs.

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

SUMMARY OF HIGHWAY INNOVATION AND COST SAVINGS ACT

The U.S. Department of Transportation estimates a substantial shortfall in funding for meeting our highway and bridge infrastructure needs, even with the increased investment levels under TEA 21. Closing the gap will require full access to private capital as well as government resources.

Existing tax laws discourage private investment in highway infrastructure by making lower cost tax-exempt financing unavailable for projects involving private equity investment and private sector management and operating contracts.

Today, U.S. companies, which have invested billions of dollars in foreign infrastructure projects, have participated in only a few such projects in the United States. This pilot program will demonstrate the benefits of bringing the full resources of the private sector to bear on solving our own nation's transportation needs for the 21st century.

Increasing the private-sector's role in major highway transportation projects offers opportunities for construction cost savings and more efficient operation, as well as opening the door for new construction techniques and technologies.

A substantial barrier to private-sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built and operated by government can be financed using tax exempt financing but those built and operated by the private sector cannot. As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private-sector participation in the provision of highway infrastructure, the tax code's bias against private-sector participation must be addressed, or the benefits that the private-sector can bring to infrastructure development will never be fully realized.

Highways, bridges, and tunnels are the only major category of public infrastructure investment where projects involving private participation (commonly referred to as private-activity bonds) are denied access to tax-exempt debt financing. See Attachment.

PILOT PROGRAM UNDER HICSA

Tax-exempt financing for up to 15 projects is made available under this pilot program. The aggregate amount of bonds issued under this program is limited to $15 billion.

Pilot projects are to be selected by the Secretary of Transportation, in consultation with the Secretary of the Treasury, based on the following criteria: the project must serve the general public; the project must be necessary to evaluate the potential of the private sector's participation in the provision of highway transportation infrastructure; the project must be located on a publicly-owned right-of-way; the project must be publicly owned or the ownership of the project must revert to the public; and the project must be consistent with transportation plans developed under Title 23 U.S.C.

Benefits resulting from the private sector participation include those resulting from using alternative procurement methodologies (including design-build and design and design-built-operate-maintain contracting), shortening construction schedules, reducing carrying costs, transferring greater construction and operating risk to the private sector, and obtaining from contractors long-term warranties and operating guaranties.

Private investors and operators are encouraged under this program to achieve efficiencies in design, construction, and operation by affording them a share in the project's net returns.

Projects will be subject to applicable environmental requirements, prevailing state design and construction standards and applicable state and local labor laws similar to any other transportation facility financed with tax-exempt bonds.

In the absence of this program, state and local governments could still build these projects with conventional tax-exempt financing, but at greater cost, on delayed time schedules, without contribution of private equity capital and without transferring to the private sector long term operating and maintenance risk.

TAX-EXEMPT BONDS FOR INFRASTRUCTURE

	Governmental only	Private activity bonds
Facility:		
Airport	Yes	Yes
Docks, Ports	Yes	Yes
Highways & Bridges	Yes	No
Mass Transit	Yes	Yes
High Speed Rail	Yes	Yes
Water Facilities	Yes	Yes
Sewage Facilities	Yes	Yes
Solid Waste Facilities	Yes	Yes
Hazardous Waste	Yes	Yes

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues to introduce the Highway Innovation and Cost Savings Act of 1999. As you know, last year on June 9, President Clinton signed into law, the Transportation Equity Act of 1998. TEA 21 established many new programs, and a new budget treatment for highways. Throughout the debate on TEA 21, I always focused on one goal: to be able to promise my constituents that by 2003, the last year of TEA 21, our roads and bridges would be in better shape than they are today. In 1991, when ISTEA passed, I was not able to make that pledge, because I knew that the United States Department of Transportation had already estimated that the level of funding in the ISTEA bill would not close the gap between highway needs and money to meet those needs.

TEA 21 was a landmark piece of legislation. TEA 21 established a new budget category for funding the highway program which calls for funding levels each year to match the intake of gas taxes the year prior. This will be the first year we test the philosophy that we can commit to spending user fees exclusively to keep up the system. Unfortunately, this amount of funding is still not enough to maintain the quality of roads in Florida or any other state. Traditional grant programs will not be able to ever meet the infrastructure needs of the nation. We must look at innovative solutions to our congestion problems. We need to use innovative methods to finance construction projects. We need to get the private sector involved in transportation improvements.

The distinguished Chairman of the Environment and Public Works Committee and I worked very hard to develop and implement an innovative financing program called transportation Infrastructure Finance and Innovation Act (TIFIA). TIFIA was incorporated into TEA 21 and is now being implemented by the United States Department of Transportation. The program will extend federal credit to major, high cost transportation projects so as to enhance the project's ability to acquire private credit. The TIFIA program authorizes $530 million to be extended in federal credit over six years. The $530 million can be used to leverage up to $10.6 billion in private loans and lines of credit. The TIFIA program offers the sponsors of major transportation projects a means to amplify federal resources up to twenty times. The objectives of the program are to stimulate additional nonfederal investment in our Nation's infrastructure, and encourage private sector participation in transportation projects.

Mr. President, I am very excited about the prospects for the TIFIA program. I believe that Congress must continue to look for new and innovative ways to meet our nation's infrastructure needs. I believe the bill we are introducing today, the Highway Innovation and Cost Savings Act of 1999 (HICSA), will be another tool in the financing toolbox. HICSA creates a pilot program which allows tax-exempt financing for up to 15 transportation projects. The amount of bonds issued under the pilot will be limited to $15 billion. The projects for the pilot will be selected by the Secretary of Transportation based on numerous criteria.

HICSA will encourage more private sector investment in highway and bridge construction by making lower cost, tax-exempt financing available. Under current law, other forms of public infrastructure, such as airports and seaports, are eligible for tax-exempt debt financing for projects with private capital. Highway, bridge, and tunnel projects are not eligible for this type of financing. Increasing the private sector's role in major highway projects will not only help to close the needs gap, but will also open the door for new cost saving techniques in construction and the use of new technologies.

U.S. companies continually invest billions of dollars in foreign infrastructure projects, but have only participated in only a few projects in the United States. Why should American companies feel the need to invest their money overseas, when the United States is in such desperate need of funds for roads. American companies want to invest in American infrastructure. HICSA will demonstrate the benefits of private sector involvement in infrastructure projects, and will finally establish the private sector as an honored partner in building the road to the 21st century.

Mr. President, I want to be able to travel to Florida and tell my constituents that in 2003, their roads and bridges will be in better shape than they are today. I believe with the combination of TEA 21 traditional grant funding, new programs like TIFIA, and clearing hurdles in the tax code with HICSA, we will be well on our way. I look forward to working with my colleagues on the Senate Finance Committee to pass this much needed legislation.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. JEFFORDS, Ms. COLLINS, Mr. COCHRAN, and Mr. ABRAHAM):

S. 471. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions; to the Committee on Finance.

LEGISLATION TO EXPAND THE TAX DEDUCTION FOR STUDENT LOAN INTEREST

Mr. GRASSLEY. Mr. President, today I am introducing legislation to expand the tax deduction for student loan interest. Senators BAUCUS, JEFFORDS, COLLINS, COCHRAN and ABRAHAM are joining me in introducing this legislation.

Under the Tax Reform Act of 1986, the tax deduction for student loan interest was eliminated. This action, done in the name of fiscal responsibility, blatantly disregarded the duty we have to the education of our nation's students. This struck me and many of my colleagues as wrong. Since 1987, I have spearheaded the bipartisan effort to reinstate the tax deduction for student loan interest. In 1992, we succeeded in passing the legislation to reinstate the deduction, only to have it vetoed as part of a larger bill with tax increases. Finally, after ten long years, our determination and perseverance paid off. Under the Taxpayer Relief Act of 1997, we succeeded in reinstating the deduction. In our success, we sent a clear message to students and their families across the country that the Congress of the United States understands the financial hardships they face, and that we are willing to assist them in easing those hardships so they can receive the education they need.

In 1997 we took steps in the right direction, and did what had to be done. Regrettably, due to fiscal constraints, we were not able to go as far as we wanted to go. The nation was still in a fiscal crisis at that time. In order to control costs, we were forced to limit the deductibility of student loan interest to only sixty loan payments, which is equivalent to five years plus time spent in forbearance or deferment.

This restriction hurts some of the most needy borrowers. Many of these borrowers are students who, due to limited means, have borrowed most heavily. The restriction discriminates against those who have the highest debt loads and lowest incomes. It makes the American dream harder to achieve for those struggling to pull themselves up—for those who started with less. It is unjust.

Today, our situation is vastly different. In these times of economic vitality and budget surplus, we have a responsibility to do what we were unable to do before. Student debt is rising to alarming levels, and additional relief must be provided. We must eliminate the sixty month restriction on the deductibility of student loan interest and show that the United States Congress stands behind all of our nation's students in their endeavors to better themselves.

Eliminating the sixty payment restriction will bring needed relief to some of the most deserving borrowers. The restriction weighs heavily on those who, despite lower pay, have decided to dedicate themselves to a career in public service. We will be rewarding civic virtue as we provide relief to these admirable citizens.

Additionally, eliminating this restriction will eliminate difficult and costly reporting requirements that are currently required for both borrowers and lenders. In supporting our nation's students, we will also be cutting costly bureaucracy.

Currently, to claim the deduction, the taxpayer must have an adjusted gross income of $40,000 or less, or $60,000 for married couples. The amount of the deduction is gradually phased out for those with incomes between $40,000 and $55,000, or $60,000 and $75,000 for married couples. Additionally, the deduction itself was phased in at $1000, and will cap out at $2500 in 2002.

Many in our country are suffering from excessive student debt. More can and must be done to help them. In this time of economic plenty, it is our duty to invest in our students' education. Doing so is an investment in America's future. To maintain competitiveness in the global marketplace, America must have a well-educated workforce. By eliminating the sixty payment restriction on the deductibility of student loan interest we recommit ourselves to education and to maintaining the position of this country at the pinnacle of the free world.

The administration supports this direction as well. In his 2000 budget, President Clinton has proposed to eliminate the sixty payment restriction on the deductibility of student loan interest, starting after 1999. Our legislation takes a more fair and inclusive approach by including payments between 1997 and 1999, which the administration leaves out.

I urge members to join us in this effort to relieve the excessive burdens on those trying to better themselves and their families through education by expanding the tax deduction for student loan interest payments.

By Mr. GRASSLEY (for himself, Mr. REID, Mr. CONRAD, Mr. HOLLINGS, Mr. JOHNSON, Mr. DURBIN, Ms. COLLINS, Mr. DASCHLE, and Mr. DORGAN):

S. 472. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

THE MEDICARE REHABILITATION BENEFIT IMPROVEMENT ACT OF 1999

Mr. GRASSLEY. Mr. President, I rise today to introduce the Medicare Rehabilitation Benefit Improvement Act of 1999 with my colleague, Senator REID. This legislation will enable seniors to receive medically necessary rehabilitative services based on their condition and health and not on arbitrary payment limits. We introduced similar legislation last Congress.

The Balanced Budget Act (BBA) of 1997 is a very important accomplishment and one that I am proud to say I supported. However, in our rush to save the Medicare Trust Fund from bankruptcy, Congress neglected to thoroughly evaluate the impact the new payment limits on rehabilitative services would have on Medicare beneficiaries.

The BBA included a $1500 cap on occupational, physical and speech-language pathology therapy services received outside a hospital setting. This provision became effective January 1, 1999, and after just 31 days of implementation, an estimated one in four beneficiaries had exhausted half of their yearly benefit. According to a recent study, these limitations on services will harm almost 13 percent or 750,000 of Medicare beneficiaries because these individuals will exceed the cap. While many seniors will not need services that would cause them to exceed the $1500 cap, others, like stroke victims and patients with Parkinson's disease, will likely need services beyond what the arbitrary caps will cover. Unfortunately, it is those beneficiaries who need rehabilitative care the most who will be penalized by being forced to pay the entire cost for these services outside of a hospital setting.

The bill I am introducing would establish certain exceptions to the $1500 cap, for beneficiaries who have medical needs that require more intensive treatment than this benefit limit would allow. The Secretary of the Department of Health and Human Services would be required to implement the exceptions, and providers would be required to demonstrate medical necessity based on the criteria outlined in the bill. In essence, the bill attempts to accomplish the primary goal of the $1500 cap, budgetary savings, but without harming the Medicare beneficiary. Payment is based on the patient's condition and not on an arbitrary monetary amount. Help us provide access to services for those beneficiaries who will need these services or risk further complications, establish a system that makes sense, and still achieve the budget savings sought from the BBA without reducing Medicare benefits.

Please join me and my colleagues in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional materials be printed in the RECORD.

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Rehabilitation Benefit Improvement Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)).

(2) To direct the Secretary of Health and Human Services to conduct a study on the implementation of such exemption and to submit a report to Congress that includes recommendations regarding alternatives to such financial limitations.

SEC. 3. ESTABLISHMENT OF EXEMPTION TO CAP ON PHYSICAL, SPEECH-LANGUAGE PATHOLOGY, AND OCCUPATIONAL THERAPY SERVICES.

(a) IN GENERAL.—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended by adding at the end the following:

"(4)(A) The limitations in this subsection shall not apply to an individual described in subparagraph (B).

"(B) An individual described in this subparagraph is an individual that meets any of the following criteria:

"(i) The individual has received services described in paragraph (1) or (3) in a calendar year and is subsequently diagnosed with an illness, injury, or disability that requires the provision in such year of additional such services that are medically necessary.

"(ii) The individual has a diagnosis that requires the provision of services described in paragraph (1) or (3) and an additional diagnosis or incident that exacerbates the individual's condition, thereby requiring the provision of additional such services.

"(iii) The individual will require hospitalization if the individual does not receive the services described in paragraph (1) or (3).

"(iv) The individual meets other criteria that the Secretary determines are appropriate.

"(C) Nothing in this paragraph shall be construed as affecting any requirement for, or limitation on, payment under this title (other than the financial limitation under this subsection).

"(D) Any service that is covered under this title by reason of this paragraph shall be subject to the same reasonable and necessary requirement under section 1862(a)(1) that is applicable to the services described in paragraph (1) or (3) that are covered under this title without regard to this paragraph.".

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (3) of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) are each amended by striking "In the case" and inserting "Subject to paragraph (4), in the case".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after the date of enactment of this Act.

SEC. 4. STUDY AND REPORT TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the amendments to section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) made by section 3 of this Act, including a study of—

(1) the number of medicare beneficiaries that receive exemptions under paragraph (4) of such section (as added by section 3);

(2) the diagnoses of such beneficiaries;

(3) the types of physical, speech-language pathology, and occupational therapy services that are covered under the medicare program because of such exemptions;

(4) the settings in which such services are provided; and

(5) the number of medicare beneficiaries that reach the financial limitation under section 1833(g) of the Social Security Act in a year (without regard to the amendments to such section made by section 3 of this Act) and subsequently receive physical, speech-language pathology, or occupational therapy services in such year at an outpatient hospital department.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a detailed report to Congress on the study conducted pursuant to paragraph (1), and shall include in the report recommendations regarding alternatives to the financial limitations on physical, speech-language pathology, and occupational therapy services under section 1833(g) of the Social Security Act and any other recommendations determined appropriate by the Secretary. Such report shall be included in the report required to be submitted to Congress pursuant to section 4541(d)(2) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note).

MEDICARE REHABILITATION BENEFIT IMPROVEMENT ACT OF 1999—SUMMARY

This bill will provide certain Medicare beneficiaries with an exemption based on medical necessity to the financial limitation imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program. It will also direct the Secretary of Health and Human Services (HHS) to conduct a study on the implementation of such an exemption, and then submit a report to Congress that includes recommendations regarding alternatives to such financial limitations.

The Balanced Budget Act (BBA) of 1997 imposed a $1500 cap on all therapy effective January 1, 1999. There is a combined $1500 cap for physical and speech-language pathology and a separate $1500 cap on occupational therapy services received outside a hospital setting. An estimated 750,000 beneficiaries will reach the cap this year. These patients may be victims of stroke, brain-injury, or other serious conditions requiring additional services.

This bill establishes certain criteria in order for Medicare beneficiaries to be eligible for an exemption from the $1500 cap and allows the Secretary of HHS to establish additional criteria if necessary. The criteria include:

(1) the beneficiary must be diagnosed with an illness, injury, or disability that requires additional physical, speech-language pathology, or occupational therapy services that are medically necessary in a calender year, or

(2) the beneficiary has a diagnosis that requires such therapy services and has an additional diagnosis or incident that exacerbates his/her condition (ie: diabetes), which would require more services, or

(3) the beneficiary will require hospitalization if he/she does not receive the necessary therapy services, or

(4) the beneficiary meets other requirements determined by the Secretary of HHS.

The bill also requires the Secretary of HHS to conduct a study and to report to Congress two years after the date of enactment of this Act. This study will include:

(1) the number of Medicare beneficiaries that receive exemptions to the cap;

(2) the diagnoses of the beneficiaries;

(3) the types of therapy services that are covered due to such exemptions;

(4) the settings in which such services are provided; and

(5) the number of beneficiaries that reach the $1500 cap.

AMERICAN SPEECH-LANGUAGE-
HEARING ASSOCIATION,
Rockville, MD, February 19, 1999.
Hon. CHARLES E. GRASSLEY,
Chairman, U.S. Senate Special Committee on Aging, Washington, DC

DEAR CHAIRMAN GRASSLEY: The American Speech-Language-Hearing Association (ASHA) is pleased to support the "Medicare Rehabilitation Benefit Improvement Act of 1999." ASHA is the professional and scientific organization of more than 96,000 speech-language pathologists, audiologists, and speech, language, hearing scientists. Our members provide services in a number of practice settings, including hospitals, clinics, private practice, and home health agencies.

There is a clear need for exemptions from the Medicare financial limitations for beneficiaries receiving outpatient rehabilitation services. Since the provision went into effect on January 1, 1999, ASHA has received numerous calls and letters of concern from our members regarding the problems created by the financial limitation. Patients are actually refusing medically necessary treatment for fear that they may have a more acute episode or injury later in the year and want to keep their $1500 "banked" for such a possibility. Essentially, the cap's arbitrary limit is indirectly forcing patients to inappropriately ration needed care that we believe will ultimately cost the Medicare program more.

A patient who requires both speech-language pathology services and physical therapy services is placed in a true dilemma. If the patient who has suffered a stroke chooses to receive speech-language pathology services, the patient may not have sufficient funding for physical therapy at the conclusion of the speech-language pathology treatment. Conversely, the patient who selects physical therapy may not have adequate funding for the speech-language pathology services. A third situation arises when the patient receives both rehabilitation services concurrently and the programs for both are inadequate because the financial limitation is not sufficient for receipt of both health care services.

I am enclosing a copy of a letter addressed to Congress that ASHA received early this year from a family member whose mother is receiving speech-language pathology services for a swallowing disorder. Ms. Carol Eller McCaffrey of Lawrence, Kansas, begins her letter with:

"I am the daughter of an 87-year-old woman whose brain stem stroke left her unable to swallow or speak well and weakened her right side, and whose quality of life will suffer greatly with $1500 Medicare cap.

"The new cap will all but completely discontinue . . . treatment thus requiring increased hydration through an alternative feeding tube which we have left intact for these emergencies. Taking away the very important . . . therapy causes the need for more nursing care. Also, her quality of life is 'down the tubes' when mother is unable to eat and drink comfortably."

This is but one example of the problems that arise because of the arbitrary Medicare financial limitation. As 1999 progresses, there will undoubtedly be more examples of difficulties caused by the cap unless legislation such as yours can restore reasonable benefits in the program.

The members of the American Speech-Language-Hearing Association are committed to improving the health and safety of those who suffer communication and related disorders. Your legislation will make it possible for more Americans to receive the care they need. ASHA commends you for your efforts to seek a remedy to the cap that ensures patient access to medically-needed services through the "Medicare Rehabilitation Benefit Improvement Act of 1999."

Sincerely,

DONNA GEFFNER,
President.

JANUARY 1, 1999.

HONORABLE CONGRESSIONAL LEADERS: I am not a professional in the medical world nor am I very knowledgeable about the logistics of medicare. I am the daughter of an 87 year old woman whose brain stem stroke left her unable to swallow or speak well and weakened her right side and whose quality of life will suffer greatly with the $1500.00 medicare gap.

With them help of our speech and physical therapists, Mother has come a long way. Although she still doesn't speak well, she eats normal food in the dining room with fellow residents. Mother has a problem with thin liquids that causes choking and probable aspiration. A new treatment called Deep Pharyngeal Neuromuscular Stimulation (DPNS) is being taught; our speech therapist has treated Mom with DPNS, resulting in a 90% improvement. In my mother's case, the problem is that several months after treatment, the benefits wear off. Periodically, Mother needs another round of DPNS.

The new cap will all but completely discontinue this treatment thus requiring increased hydration through an alternative feeding tube which we have left intact for these emergencies. Taking away the very important DPNS therapy causes the need for more nursing care. Also, her life quality of life is "down the tubes" when mother is unable to eat and drink comfortably.

Mom also needs continual assertive physical therapy to keep her strength up but the guidelines, even before the medical cap, require a decrease in her function to qualify for treatment. So, periodically, as Mother weakens, therapists have to start over. This seems backwards to me. I thought that as a nation, we were making great strides in the care of our elderly and disabled. In my opinion, the recent medicare cap is a huge backslide. Does the left hand of the government know what the right hand is doing? And look who's suffering? Obviously those making the rules have not had personal experiences in this area.

The paperwork for all medical personnel is already overwhelming. Our professionals are spending more time with paper than with patients! All this, I presume, to try and thwart cheaters. I feel the cheaters are the minority and it all comes down to punishing the patients.

You are smart people. Come up with a reasonable way to deal with this situation without losing sight of what is truly important—the patients.

Private pay is exorbitant—Have you checked? There is no way normal families can take up where medicare leaves off.

Please, rethink this decision to cap medicare part B benefits. It is, after all, this particular generation who have supported the US Government through thick and thin. Don't let them down, visit nursing home/care facilities. Speak with hard working, caring therapists and the red white, and blue Americans who need your help. It is in your own best interests . . . you'll be there yourself one day.

Sincerely,

CAROL ELLER MCCAFFREY.

AMERICAN PHYSICAL
THERAPY ASSOCIATION,
Alexandria, VA, February 22, 1999.

Hon. CHARLES GRASSLEY,
Chairman, Senate Special Committee on Aging, Washington, DC.

CHAIRMAN GRASSLEY: On behalf of the more than 74,000 members of the American Physical Therapy Association (APTA) and the patients our members serve, I am writing to express our strong support and appreciation for your leadership in introducing the "Medicare Rehabilitation Benefit Improvement Act of 1999."

As you know, section 4541(c) of the Balanced Budget Act of 1997 imposes annual caps of $1,500 per beneficiary on all outpatient rehabilitation services except those furnished in a hospital outpatient department. The new law has been interpreted to establish two separate limits—$1,500 cap for physical therapy and speech-language pathology services and a separate $1,500 cap for occupational therapy services. These limits are effective for services rendered on or after January 1, 1999.

APTA maintains concern with the impact this limitation on services will have on Medicare beneficiaries who require physical therapy treatment. Senior citizens and disabled citizens eligible for Medicare benefits suffering from a range of conditions including stroke, hip fracture, Parkinson's Disease, cerebral palsy and other serious conditions that require extensive rehabilitation may not be able to access the care they require to resume normal activities of daily living due to the present limitation on coverage. Enactment of your legislation provides the Secretary of the U.S. Department of Health and Human Services the authority to establish exceptions to the present $1,500 cap for patients with conditions that would likely exceed such a limitation on coverage. APTA applauds the inclusion of this provision.

APTA maintains concern that the $1,500 cap is completely arbitrary and bears no relation to the medical condition of the patient nor the health outcomes of the rehabilitation services. There exists absolutely no medical or empirical justification for such a cap. The caps are by definition completely insensitive to patients with chronic injuries and illness or who have multiple episodes of care in a given calendar year. Enactment of your legislation would provide relief from the $1,500 annual cap for Medicare beneficiaries who experience multiple episodes of care in a given calendar year for services that are deemed medically necessary. APTA applauds the inclusion of this provision.

APTA maintains concern that the $1,500 cap dramatically reduces Medicare beneficiaries' choice of care giver. Under the present statute, beneficiaries who have exceeded their cap in need of additional rehabilitation services are restricted from receiving care from facilities other than outpatient hospital departments. This restriction is a notable step backward in Congress' efforts to expand access to care, especially in rural and urban underserved communities. Enactment of your legislation would better ensure access to a wide range of community settings in which Medicare beneficiaries could receive care, to include rehabilitation agencies, Comprehensive Outpatient Rehabilitation Facilities, and physical therapy private practices. APTA applauds the inclusion of this provision.

Lastly, APTA continues to object to the inclusion of physical therapy and speech-language pathology under the same $1,500 cap. Confusion has surrounded the interpretation of how the $1,500 cap is to be applied. As the Medicare Policy Advisory Committee (MedPAC) reported to Congress in its July 1998 report, 70 percent of outpatient therapy expenditures under the program are for physical therapy services, while 21 percent are for occupational therapy, and 9 percent for speech therapy. The combination of physical therapy and speech therapy has no rational basis. Speech therapy is a distinct and separate benefit provided under the Medicare program and should not be included as a part of the physical therapy benefit. While your legislation does not clarify this issue, APTA is hopeful that Congress will address this issue with common sense clarifications as it considers Medicare revisions this year. APTA will continue to work with you to achieve this end.

Physical therapists across Iowa and the nation applaud your leadership on this important issue. Passage of the Medicare Rehabilitation Benefit Improvement Act of 1999 can ensure that patients in need of outpatient physical therapy services receive appropriate care in the setting of their choice without the fear of exceeding their coverage. APTA stands ready to assist you in any way to ensure that swift enactment of this important legislation.

Sincerely,

NANCY GARLAND, ESQ.,
Director of Government Affairs.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, February 24, 1999.

Hon. CHARLES GRASSLEY,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the American Health Care Association, long term care providers, and those for whom we provide care, I'm writing you to commend you on your leadership in introducing legislation designed to protect America's most frail and elderly from the adverse effects of arbitrary caps on certain medical services.

One of the provisions contained in the 1997 Balanced Budget Act (BBA) has the potential to harm senior citizens who rely on Medicare for their health care needs. Congress changed Medicare by imposing arbitrary annual limits of $1500 for outpatient rehabilitation services. This includes a $1500 cap on occupational therapy and a $1500 cap on physical therapy and speech-language-pathology combined. Arbitrary caps do not reflect the real rehabilitation needs of Medicare beneficiaries and target the sickest and most vulnerable.

Your efforts will protect senior citizens suffering from common medical conditions such as stroke and hip fractures. These seniors may not be able to obtain the rehabilitative care they require to resume normal activities of daily living because the $1500 limits are too low to pay for the services which responsible medical practice deem necessary.

Once again, thank you for taking the lead to redress the problem posed by these arbitrary caps. On behalf of the American Health Care Association, we commend you and stand eager to assist you in your efforts.

Sincerely,

BRUCE YARWOOD,
Legislative Counsel.

THE AMERICAN OCCUPATIONAL
THERAPY ASSOCIATION, INC.,
Bethesda, MD, February 23, 1999.
Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: On behalf of the 60,000 members of the American Occupational Therapy Assn., I would like to commend and thank you for your leadership in introducing the Medicare Rehabilitation Benefit Improvement Act of 1999.

The financial limitation on outpatient rehabilitation, including occupational therapy, imposed by the Balanced Budget Act of 1997 was, in AOTA's view, a misguided attempt to constrain Medicare costs which is having a harmful effect on patient care. The payment limitation interposes government between a patient and a health care provider; it restricts patient choice, and could have the unintended consequence of exacerbating patient conditions causing Medicare cost increases.

Your bill will allow for patients such as those with multiple injuries, illnesses or disabilities; those with more than one incident of need in a year and, through the Secretary's authority to establish criteria, those whose diagnosis or condition requires extensive therapy to receive the treatment which the Medicare coverage criteria guarantees them.

AOTA has been very concerned that individuals with conditions such as severe strokes, spinal cord injury, traumatic brain injury, extensive fractures, severe burns, or diseases such as Parkinson's or multiple sclerosis will be restricted in their access to needed occupational therapy before the rehabilitation process is completed. Your bill will allow for these and other individuals to have access to appropriate care.

Your efforts will move policy forward and establish some necessary protections for Medicare beneficiaries. AOTA appreciates your efforts to ameliorate the impacts of this unwise policy.

We look forward to working with you as the bill moves through the legislative process. Please contact me if I can be of further assistance.

Sincerely,

CHRISTINA A. METZLER,
Director, Federal Affairs Department.

NATIONAL ASSOCIATION OF
REHABILITATION AGENCIES,
Reston, VA, February 23, 1999.
CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The National Association of Rehabilitation Agencies ("NARA") strongly endorses the Medicare Rehabilitation Benefit Improvement Act of 1999 and applauds your initiative in introducing this important legislation. NARA represents over 225 Medicare-certified rehabilitation agencies which provide physicial therapy, speech-language pathology, and occupational therapy services to hundreds of thousands of Medicare beneficiaries annually.

The $1500 financial limitation on outpatient rehabilitation services, as established by the Balanced Budget Act of 1997, constitutes an arbitrary limit on the amount of services which a Medicare enrollee may receive. The caps bear no relation to the patient's medical need for rehabilitation services nor the beneficial health outcomes which would flow from the provision of such services. The most pernicious aspect of the limitations is that they will deprive Medicare patients who are most in need of rehabilitation—*e.g.* stroke victims and those suffering from traumatic brain injury—of the very care they require.

Your legislation is a workable and realistic solution to many of the patient care and access problems caused by the $1500 limitations. NARA's members are deeply appreciative of the time and effort which you and your staff have expended in developing the Medicare Rehabilitation Benefit Improvement Act of 1999. NARA pledges to work with you to ensure that this critical proposal becomes law.

Sincerely,

LARRY FRONHEISER,
President.

PRIVATE PRACTICE SECTION, AMERICAN PHYSICIAL THERAPY ASSOCIATION,
Washington, DC, February 23, 1999.
CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The Private Practice Section of the American Physical Therapy Association has carefully reviewed your proposed legislation, the Medicare Rehabilitation Benefit Improvement Act of 1999, and is pleased to express its support for this legislation.

The membership of the Private Practice Section is comprised of physical therapists in independent practice who, for many years, have been subject to a financial limitation on the amount which Medicare will pay for their services furnished to any Medicare beneficiary. As a result, the Section's members understand all too well the harmful effects which the arbitrary $1500 caps will have on Medicare beneficiaries who require outpatient rehabilitation services. Your proposal is a sensible and practical approach to protecting those patients.

Your legislation is entirely consistent with the Private Practice Section's goals and objectives for ensuring that Medicare beneficiaries have access to all necessary rehabilitation services. Accordingly, we are pleased to proffer our commitment to help secure its enactment.

Thank you for your leadership on this essential piece of legislation.

Sincerely,

LISA WADE,
Chief Executive Officer.

NATIONAL ASSOCIATION FOR THE
SUPPORT OF LONG TERM CARE,
Alexandria, VA, February 24, 1999.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association for the Support of Long Term Care (NASL), we applaud your leadership and your colleagues who have joined you in the introduction of legislation entitled the "Medicare Rehabilitation Benefit Improvement Act of 1999." You have developed a rational, good policy that will help beneficiaries who would otherwise be limited in their availability of rehabilitation services.

The National Association for the Support of Long Term Care (NASL) is an organization that represents over 150 providers offering services in the long term care setting. We work daily with patients who need rehabilitation services and this limitation is hurting seniors access to services. There are seniors in America who are already reaching the cap and they need additional services that are medically necessary. These are seniors who have had strokes. These are seniors who have Parkinson's disease. These are seniors who have had hip replacements and an additional illness. Senator Grassley, we want to thank you for helping these patients get services that are medically necessary.

We are ready to help you share information about the adverse effects of this cut in benefits that was enacted in the BBA in 1997. We are certain that this was not the intent of the law—and now that it is implemented, seniors will be denied care. Your legislation will go a long way to ensure that the most disadvantaged and ill seniors will get the care that they need. The stroke patient that needs speech-language pathology to learn how to swallow will get care. The Parkinson's patient who is learning how to walk with an exacerbating illness will get physical therapy in order to improve.

Again, we applaud your leadership and strongly support this legislation. Please feel free to call on us for support and help.

Sincerely yours,

PETER CLENDENIN.

EASTER SEALS,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, February 25, 1999.
Hon. CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, Washington, DC.

DEAR MR. CHAIRMAN: Easter Seals is very pleased to support the introduction of the "Medicare Rehabilitation Benefit Improvement Act of 1999." This legislation begins to eliminate damaging limitations on needed therapy services for Medicare beneficiaries. Easter Seals is committed to assisting you and your colleagues to improve and enact this critical measure.

Easter Seals is dedicated to assisting children and adults with disabilities to live with equality, dignity, and independence. Each year, Easter Seals 106-affiliate network serves more than one million people nationally. Thousands of Medicare beneficiaries and their families rely on Easter Seals for community-based physical therapy, occupational therapy, and speech-language pathology services. Without such services, these beneficiaries would experience diminished health, function, and quality of life.

Current Medicare policy limiting payment for outpatient medical rehabilitation services to $1,500 for occupational therapy and $1,5000 for physical therapy and speech-language pathology services combined is out-of-step with the real medical needs of a significant share of Medicare beneficiaries. It will cause beneficiaries with serious medical needs resulting from illness, injury, and disability, including stroke, traumatic brain injuries, total joint replacement, and other serious conditions, to forfeit needed care or seek such care in less cost-effective, often inappropriate institutional settings.

For many Easter Seals Medicare clients the impact of current policy is devastating. One client's situation, if constrained by a $1,500 cap, illustrates this point.

Eighty-four-year old Richard H. lived independently with his wife when, on February 27, 1997, he experienced a serious stroke. Prior to the stroke he had high blood pressure, heart disease, and diabetes. The stroke paralyzed his left side, seriously impaired his vision, and left him very depressed.

Physical therapy helped him learn to move independently and to walk safely again. Occupational therapy retrained him in the tasks of daily living, including preparing food, toileting, and home safety. Speech and swallowing therapy eliminated his choking on food, which presented a high risk of aspiration pneumonia. This therapy, combined with much determination and effort by Richard and his wife, has enabled him to resume living independently at home.

The doctors, therapists and family agree that without this full course of medical rehabilitation, Richard would now be helpless, severely depressed, and confined to a very expensive nursing home for care. The current Medicare policy limiting medical rehabilitation therapy services under the $1,500 cap, with no exemptions, would have deprived Richard of 62% of his needed rehabilitation treatment.

Easter Seals believes that the "Medicare Rehabilitation Benefit Improvement Act of 1999" is a necessary, timely, and thoughtful approach to correcting serious problems for Medicare beneficiaries requiring comprehensive services. Easter Seals will work with you and your Senate colleagues to refine this legislation, as appropriate, and promote its enactment into law.

Thank you very much for your commitment to assuring Medicare beneficiaries the services that they need to live healthy, productive lives.

Sincerely,

RANDALL L. RUTTA,
Vice President, Government Relations.

Mr. REID. Mr. President, I rise in strong support of the "Medicare Rehabilitation Benefit Improvement Act of 1999". This legislation is designed to protect our sickest, most vulnerable seniors from the adverse effects of arbitrary limits on crucial rehabilitative services.

The Balanced Budget Act of 1997 (BBA) created annual caps for two categories of therapy provided to beneficiaries under Medicare Part B: a $1500 annual cap on physical therapy and speech language combined; and a separate cap for occupational therapy. These arbitrary limits on rehabilitation therapy were hastily included in the BBA without the benefit of Congressional hearings or thorough review by the Health Care Financing Administration. As a result, the $1500 limits bear no relation to the medical condition of the patient, or the health outcomes of the rehabilitative services.

The $1500 caps would create serious access and quality problems for Medicare's oldest and sickest beneficiaries. Senior citizens who suffer from common conditions such as stroke, hip fracture, and coronary artery disease, will not be able to obtain the rehabilitative services they need to resume normal activities of daily living. A stroke patient typically requires more than $3,000 in physical therapy alone. Rehabilitation therapy for a patient suffering from Multiple Sclerosis or ALS costs even more. Without access to outpatient therapy, patients must remain in institutional settings longer, be transferred to a higher cost hospital facility, or in some cases, just go without necessary services.

Coverage for rehabilitative therapy should be based on medically necessary treatment, not arbitrary spending limits that ignore a patient's clinical needs. During the 105th Congress, I joined with Senator GRASSLEY to introduce legislation that would correct this problem. The "Medicare Rehabilitation Benefit Improvement Act of 1999" builds on our effort to ensure that all Medicare beneficiaries have access to the crucial therapy services they need.

Our bill establishes criteria by which Medicare beneficiaries would be eligible for an exemption from the $1500 cap. According to our bill, any beneficiary who would require hospitalization if he did not receive the necessary therapy services would be allowed to exceed the cap. Beneficiaries suffering from a diagnosis that requires therapy services and has an additional diagnosis that exacerbates this condition would also be eligible for therapy services above the $1500 limit. In addition, any beneficiary that is diagnosed with an illness, injury, or disability that requires additional physical, speech-language pathology, or occupational therapy services that are medically necessary will receive the therapy services he or she requires. Finally, our bill gives the Department of Health and Human Services Secretary the flexibility to establish additional criteria if necessary.

The $1500 therapy caps penalize our most frail and elderly citizens. Not only does allowing our seniors to have access to critical outpatient therapy services makes sense, it is the right thing to do. I urge you to join me in protecting Medicare's most vulnerable beneficiaries by supporting the "Medicare Rehabilitation Benefit Improvement Act of 1999".

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 473. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Finance.

MAKE COLLEGE AFFORDABLE ACT

By Mr. SCHUMER:

S. 474. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for contributions to education individual retirement accounts, and for other purposes; to the Committee on Finance.

SAVE FOR COLLEGE ACT

By Mr. SCHUMER:

S. 475. A bill to amend the Higher Education Act of 1965 to increase the amount of loan forgiveness for teachers; to the Committee on Health, Education, Labor, and Pensions.

TEACHERS LOAN FORGIVENESS ACT

By Mr. SCHUMER:

S. 476. A bill to enhance and protect retirement savings; to the Committee on Finance.

COMPREHENSIVE PENSION AND SECURITY RETIREMENT ACT

By Mr. SCHUMER:

S. 477. A bill to enhance competition among airlines and reduce airfares, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE COMPETITION ACT OF 1999

By Mr. SCHUMER:

S. 478. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of a principal residence within an empowerment zone or enterprise community by a first-time homebuyer, to the Committee on Finance.

EMPOWERING COMMUNITIES LEGISLATION

By Mr. SCHUMER:

S. 479. A bill to amend title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Health, Education, Labor, and Pensions.

EQUITY IN WOMEN'S HEALTH ACT

By Mr. SCHUMER:

S. 480. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit card holders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT CARD CONSUMER PROTECTION ACT OF 1999

By Mr. SHUMER:

S. 481. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL CRIMES ACT

Mr. SCHUMER. Mr. President, today I am introducing my first bills as a United States Senator. I said over the last year that the picture that I want to keep at the forefront of my mind is that of families sitting around their kitchen table paying their bills, planning for retirement, affording a home, paying for college for their children, and discussing the quality of their local schools.

Today I am introducing my first bills for those families at the kitchen table. And let me tell you a little bit about these families. They are the same in Brooklyn and Buffalo, Mt. Vernon and Massapequa, Syracuse and Setauket.

They are living in a time of both overwhelming promise and overwhelming challenge.

The promise—the upside—is that America remains indisputably the preeminent economy in the world. The challenge—the downside—is that for most families there is a great deal of uncertainty about the future. They are concerned that forces beyond their control—rising college costs, inferior schools, struggling communities—put them behind the eight-ball.

Their concern isn't so much that the U.S. economy will turn sour. It's that they, or their town, or their children may be washed aside in the economic tide. The families of Upstate New York have lived that reality for six years.

The nine bills that I am introducing today are designed to help families deal and thrive with the changing times of a global, competitive economy.

I am introducing two bills to make college affordable for working families. The Make College Affordable Act, which I am honored to introduce with Senator MOYNIHAN, makes all college tuition tax deductible for families with less than $140,000 in income.

The Save for College Act allows families to contribute up to $2,000 per year in an education IRA that is tax-free when the money goes in and tax-free when it comes out so long as it is spent on college costs. Families earning up to $200,000 are eligible for the IRAs.

Let me make two points about these bills. Since 1980, the cost of attending college has increased at more than twice the rate of inflation and has risen even faster than health care. At the same time, the necessity of a college education is greater now than at any time in our history.

If our country is to remain economically strong and if we want families to be able to get ahead, then college—whether it's SUNY or NYU—must not put families in the poorhouse.

The Teachers Loan Forgiveness Act will recruit new, high quality professionals to teaching by forgiving all student loans for public and private school teachers.

It is expensive to become a teacher. The pay is low. And we wonder why there is a shortage of young, eager, qualified teachers to educate our children. We must make the teaching profession more financially attractive to put excellence in the classrooms.

The Comprehensive Pension & Security Retirement Act makes all pensions portable. If you lose a job, if you take time off to raise a child, if you change jobs—your pension will stay with you and grow. Pension portability and reform is the most important retirement security issue next to Social Security.

Specifically for Upstate New York, with Senator MOYNIHAN I am introducing the Airline Competition Act of 1999 to end predatory pricing and to direct the Transportation Department to grant take-off and landing slots to underserved airports within a 500 mile radius of New York. Monopolistic airfares in Rochester, Syracuse and Buffalo are slowly strangling the economy of Upstate and the Southern Tier. I believe the days of sky-high airfares to these cites are numbered.

To rebuild struggling neighborhoods through homeownership I am introducing legislation to offer a $2,000 tax credit to first time homebuyers in Enterprise Zones and Empowerment Communities. In New York, that includes the South Bronx, Harlem, and parts of Albany, Schenectady, Troy, Buffalo, Kingston, Newburgh, and Rochester.

Because women pay more for health care than men, the Equity in Women's Health Act bars any health plan from discriminating on the basis of gender or sexual orientation through their coverage options. It also requires each health plan to include a short prospectus to describe exactly what they will and will not cover.

To protect consumers, the Credit Card Consumer Protection Act of 1999 closes loopholes in existing law that allows credit card companies to offer low teaser rates that increase dramatically unbeknownst to the cardholder.

And last, the Environmental Crimes Act increases fines and penalties for criminally negligent polluters and it also trains new personnel to investigate environmental crimes.

These are not all—but some of my priorities for the year. As I have said many times, my passion is legislating in ways that make people's lives better. With the impeachment over, I am anxious to get started on the issues that matter to New Yorkers and all Americans.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. ASHCROFT, Mr. HELMS, Mr. INHOFE, Mr. BUNNING, Mr. DEWINE, Mr. COCHRAN, and Mr. MACK):

S. 482. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the Social Security benefits; to the Committee on Finance.

LEGISLATION TO REPEAL THE TAX ON SOCIAL SECURITY

Mr. ABRAHAM. Mr. President, I rise now in conjunction with the distinguished majority leader, Mr. LOTT, and with the distinguished Senator from Missouri, Mr. ASHCROFT, to introduce legislation which will repeal the 1993 increase in the tax on Social Security benefits.

As my colleagues are aware, senior citizens pay Federal taxes on a portion of their Social Security benefits if they receive additional income from savings or from work. Before 1993, seniors paid taxes on half their Social Security benefits if their combined income, as it is described—which means their adjusted gross income and one-half the amount of the Social Security benefits they receive—exceeded $25,000 for individuals or $32,000 for couples.

Soon after coming into office, however, the new administration increased this tax on these middle-income retirees as part of the 1993 tax bill. For individuals now, after that, with combined incomes exceeding $34,000, and couples with combined incomes exceeding $44,000, the tax increase on the percentage of their Social Security benefits subject to taxation went from 50 percent to 85 percent. This provision increased taxes for nearly one-quarter of Social Security recipients. It in large part produced an increase of 7.5 percent in the tax burden on America's seniors, a tax increase that was more than double the 3.5 percent that the rest of that legislation imposed on other Americans.

This tax increase is unfair. It penalizes senior citizens, and it penalizes them for exactly the wrong reason—for saving to achieve security in their retirement. It also unfairly punishes seniors who have the capacity and choose to continue to work.

We are engaged, as you know, in an important debate here in Congress, the debate over the future of our Social Security system. Republicans have joined with Democrats in pledging to set aside the entire Social Security trust fund surplus over the next 15 years, to shore up that system, to make certain it is available for the senior citizens both of today and tomorrow.

At such a time, with dire warnings of impending bankruptcies still ringing in our ears, it seems the last thing the Federal Government should be doing is to discourage people from work and saving for their retirement.

Wise Americans have always saved for their retirement. They have sought to be independent in their old age by working hard and by putting aside a portion of their income. Yet the 1993 tax increase proposed by the President and ultimately passed into law by the Congress changed the rules for these wise savers. After plans and investment decisions had already been made, this proposal came in and declared that savings and hard work would be taxed significantly more heavily than they had been before.

As we work to shore up Social Security, we must not allow the Federal Government to punish people for working and saving. We must not allow the Federal Government to tell people they might as well not save for retirement, that they must depend solely on Social Security benefits for their well-being once they retire.

What is more, we should not forget that the projected Federal budget surplus over the next 10 years alone is slated to reach approximately $2.565 trillion. We have agreed, wisely in my view, to save the bulk of this surplus to shore up Social Security. But surely, at a time when we foresee at least $787 billion in surpluses in addition to those earmarked for Social Security, the Federal Government can afford, in my judgment, to give seniors and those planning for their retirement the kind of tax relief they need to prepare for their futures and to keep our economy strong.

That means, in my view, that we must repeal this onerous tax hike for the sake of our seniors and for the sake of our economy as a whole. Discouraging savings has always been a recipe for economic disaster because it reduces the amount of money available for investment in new jobs and a growing economy.

Now is the time to reduce the extent to which Washington discourages savings. It is time to repeal this tax hike so we may increase savings, investment, and the financial security of our senior citizens.

Mr. President, this legislation has a simple purpose: It repeals the 1993 ill-considered Social Security tax hike returning our seniors to the position they were in prior to 1993.

It restores a modicum of fairness to our Byzantine tax structure and to our dealings with senior citizens. It is important legislation for our seniors, for our Social Security system and for the future of our Nation, and I urge my colleagues' strong support.

In short, Mr. President, I think we should do everything possible to make it feasible for seniors, both today and especially in the future, to be able to live in retirement in a comfortable way and to not solely depend on the Social Security system. We know the burdens that system will take.

By discouraging savings during people's working years, by discouraging people from continuing to work after they reach retirement age, we are actually, I think, undermining our chances of providing the kind of long-term income security that Americans deserve in their old age.

For that reason, we should, in my judgment, repeal this tax hike. We should make that a priority this year, and we should then couple that action with other action aimed at shoring up the Social Security system so it not only works for today's seniors, but for the seniors of our future as well.

By Ms. SNOWE (for herself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 483. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Govermental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

SURPLUS PROTECTION ACT OF 1999

Ms. SNOWE. Mr. President, I rise today, along with my friend and colleague from Florida, Senator GRAHAM, to introduce the "Surplus Protection Act of 1999"—legislation that will reform the budget process by tightening the manner in which emergency spending legislation is considered in the Senate. Not only will these reforms ensure that there is greater accountability in the emergency spending process, but they will also ensure that the unified budget surplus we now enjoy will be protected from spending raids that are designed to circumvent the normal budget process—and that could undercut our ability to utilize the surplus for strengthening Social Security.

Mr. President, as my colleagues are aware, last year the federal government enjoyed its first balanced budget since 1969. To be precise, the federal government actually achieved a unified budget surplus of $70 billion in fiscal year 1998. According to the Congressional Budget Office (CBO), this surplus will not be a one time occurrence; rather, unified budget surpluses will continue to accrue during the next 10 years if CBO's projections for economic growth, federal revenues, and federal spending hold true.

While the surplus is welcome news after decades of annual deficits and burgeoning debt, we must never forget how easily this valuable national asset can be squandered if we fail to be vigilant in protecting it. For too long, the federal government treated the budget like a credit card with an unlimited spending limit, and such bad habits—even if broken for a few years—can quickly return, especially when there is a surplus just burning a hole in the pocket of Congress and the President!

Therefore, in an effort to ensure the surplus is protected from future spending raids, we are offering legislation today that will crack down on arguably the most insidious manner in which budgetary spending limits and protections can be circumvented: the emergency spending designation. In light of the $21.4 billion in emergency spending that was contained in last year's omnibus bill, the need to provide safeguards against the abuse of this provision—and the squandering of the surplus—could not be more clear.

Mr. President, the emergency spending designation was created for a very important reason. If a sudden, urgent, unforeseen, and temporary event occurs, the strict spending limits imposed in the budget resolution can be exceeded through the designation of that event as an "emergency." This exception is understandable when considering that the hands of Congress and the Administration should not be tied when the pressing needs of our nation override the need for strict budget discipline.

For instance, recent earthquakes in California, floods in the Midwest, hurricanes in the South, and ice storms in the Northeast—which were devastating to my home state of Maine—are all examples of natural disasters that warranted the emergency designation because they were completely unexpected and unforseen, and could not have been addressed in a timely manner through the regular budget process. By the same token, the tragic bombing in Oklahoma City is an example of an unexpected and unforeseeable event that also warranted emergency treatment.

Yet even as the emergency designation is necessary and warranted for these and other unexpected disasters, it can also be used as a major loophole by those who wish to circumvent the normal budget or legislative process. Rather than restricting the use of the emergency designation to only those bills or items that are truly unforseen and urgent, some may use this designation to either fund programs or projects that are debatable as to their emergency nature, while others may use emergency bills to push through unrelated legislation or spending programs without the normal level of scrutiny provided in the normal legislative process.

For example, the omnibus bill adopted at the close of the 105th Congress contained $21.4 billion in emergency spending that came directly out of the surplus. While some of the provisions in that package undoubtedly deserved the emergency designation, several items were either debatably an "emergency" or were an outright effort to circumvent the regular budget process. Specifically, the $2 billion in emergency funding for our three-year-old mission in Bosnia was hardly unexpected and should have been included in the President's budget at the beginning of the year. It should not have be designated an "emergency" simply to avoid the budget caps that ensure fiscal restraint.

Ultimately, regardless of the manner in which the emergency designation can be misused—whether it is to fund a military operation that has been ongoing for years, or to fast-track a piece of legislation that has no relationship to the emergency in question—it is a practice that we must stop.

The legislation we are offering today will do just that. Specifically, the bill establishes three new rules to ensure that bills or individual provisions receiving the emergency designation are subject to careful—but reasonable—scrutiny.

The first provision—which is patterned after the "Byrd Rule" that applies to reconciliation bills—will ensure that non-emergency items will not be attached to emergency spending bills by creating a point of order for striking these provisions. Simply put, because emergency spending bills are often put on a "fast-track" to ensure rapid consideration, we should not allow non-emergency spending or legislative riders to be attached to these bills in an effort to avoid the normal, deliberative legislative process. To waive this restriction, an affirmative vote by three-fifths of the members of the Senate would be required—a level that will be easily achieved for a true emergency.

The second provision—which is also patterned after the Byrd Rule—will ensure that the validity of any item that is designated as an emergency—in either an emergency spending bill or a non-emergency bill—can be challenged by the members of the Senate. The bottom line is that just because an item placed in a bill is given the emergency designation does not mean it deserves that designation—and this point of order will ensure that members agree that the designation is warranted.

As outlined earlier, the omnibus bill adopted at the close of the 105th Congress contained a variety of provisions that were debatable "emergencies"—in particular, the funding for troops in Bosnia, because this cost was hardly unforeseen, sudden, or temporary. This point of order will ensure that such provisions do not avoid budget scrutiny, and that the surplus is protected for Social Security accordingly.

The final provision will ensure that any legislation that contains emergency spending will require a three-fifths vote for final passage. Because members may feel compelled to act quickly on bills that contain even a single item designated as an emergency, this provision will ensure that such bills do not slide through the regular legislative process without full consideration and without more than simple majority support. While the previous two points of order will prevent improper abuse of the emergency designation, this requirement will serve as a final safeguard in the process.

Mr. President, the bottom line is that although the emergency designation is a vitally important means of ensuring the unexpected needs of our nation can be addressed, it can also become a loophole that subverts budget discipline, drains our new-found surplus, and potentially impacts our ability to strengthen the Social Security program. But with proper safeguards put in place, we can ensure that this potential loophole is closed while still ensuring legitimate emergencies are addressed.

The legislation I am offering today along with Senator GRAHAM provides such thoughtful and reasonable safeguards, so I urge that my colleagues support the "Surplus Protection Act of 1999."

Mr. GRAHAM. Mr. President, earlier today our colleague, Senator SNOWE of the State of Maine, introduced legislation, of which both I and Senator VOINOVICH of the State of Ohio are the cosponsors, relating to reforms in the emergency appropriations law. Mr. President, I would like to discuss the rationale for this legislation.

Mr. President, we received some good news just a few months ago. We learned that after 5 years of fiscal austerity and economic growth, we had transformed a $290-billion annual deficit into the first budget surplus in more than a generation.

I am dedicated to strengthening the Nation's long-term economic prospects through prudent fiscal policy. The discipline that helped us to create favorable economic, fiscal, demographic, and political conditions to address the long-term Social Security and Medicare deficits that will accompany the aging of our population will be fully required if we are to meet these challenges. These deficits threaten to undo the hard work and fiscal discipline of recent years, as well as to undermine our potential for future economic growth.

But that success, the success that we had in converting a $290-billion annual deficit into this year's surplus, did not give to Congress a license to return to the free-spending ways of the past. That absence of license is especially true since over 100 percent of the surplus was the result of surpluses in the Social Security trust fund.

I say over 100 percent because the only surplus we had is Social Security, and a portion of that surplus is still being applied to the deficit that is being run in the general accounts, a deficit which will continue for the next 2 to 3 years. We owe it to our children and our grandchildren to save this Social Security-generated surplus until Social Security's long-term solvency is assured.

As you know, what we have been doing for the last 30 years is asking our grandchildren to pay our credit card bill. Now what we are saying to our grandchildren is that we are going to give them a secure Social Security system that will last for our generation, for their parents' generation, and for their generation—to the year 2075.

Unfortunately, both the last legislative action of the 105th Congress and the first legislative action passed by the Senate in the 106th Congress have made a mockery of our promise to our grandchildren. Last night the Senate passed a military pay bill without simultaneously approving a way to fund it, an action that, if not corrected in the conference committee, could subtract as much as $17 billion from our children's and grandchildren's chances of having a secure Social Security system.

I wish I could say that last night's vote was an aberration, nothing more than a momentary lapse of judgment, an inadvertent mistake in the haste to turn from impeachment to legislation. Sadly, I cannot make that claim. It is the second time in less than 4 months that we have proven ourselves willing to sacrifice future generations' well-being on the altar of immediate expediency.

In the waning hours of last fall's budget negotiations, mid-October 1998, we passed a $532-billion omnibus appropriations bill. Included in that $532 billion was $21.4 billion in so-called emergency spending. Since that $21.4 billion could be approved without having to find an offsetting funding source, those $21.4 billion came directly out of the surplus.

Some of you who might have been making speeches to the effect that we were going to have an $80-billion surplus at the end of the last fiscal year therefore had to strike out "80" and insert "59" as the amount of surplus we would have, because that was the figure that remained after we had paid out of the Social Security surplus for $21.4 billion in emergencies.

That action would have been possibly more palatable had all of that $21.4 billion been allocated to true emergencies, to those kinds of incidents which in the past Congress has recognized as being appropriate to not require an offset in spending or increase in revenue. While some of the $21.4 billion was used to fund what have traditionally been accepted as emergencies, defined as necessary expenditures for sudden, urgent, or unforeseen temporary needs, much of the $21.4 billion was not. Let me give some examples.

The Y2K computer problem, the problem that at the turn of the millennium our computers might be rendered inoperative because of the failure to account for the new century, received $3.35 billion of the $21.4 billion. It is hard to argue that it took us until October of 1998, and then under urgent duress circumstances, to wake up to the fact that the millennium was coming and that there might be a problem with our computers. In fact, here in the Senate, our colleagues in the House of Representatives and in the executive branch, as well as in the private sector community and State and local governments, had been aware of and working on this problem long before October of 1998.

Another smaller example of a non-emergency emergency was $100 million that was appropriated for a new visitors center here at the Capitol. A new visitors center has been under consideration for a decade or more—hardly an emergency that just came to our attention in October of 1998.

These expenditures might have been desirable, might have been appropriate, but to label them "emergency," and therefore remove them from the fiscal discipline requiring offsetting spending or additional revenue to support them, threatens to undermine the safeguards that we have built in to protect our Social Security surplus.

This budgetary sleight-of-hand was also used to increase funding for projects that had already been funded through the traditional appropriations process. For example, after previously allocating $270.5 billion to the Department of Defense in the emergency appropriations provision without any offsetting spending reductions or revenue increases, Congress provided an additional $8.3 billion in "emergency" defense spending in the omnibus appropriations bill.

That is not all. Because these pseudoemergency spending provisions were included in an omnibus appropriations conference report—that is, a bill that was the result of reconciliation of differences between the Senate and the House—then, under the normal rules governing a conference report, that legislation was not subject to amendment. Therefore, there could be no motion made that would have removed, reduced, or otherwise modified the provisions that were labeled as "emergency appropriations."

Members of the Congress were left with an unpalatable choice: Shut down the Government in mid-October of 1998 by failure to pass this significant appropriations bill that covered approximately one-third of the Federal budget, or steal from our children's and grandchildren's Social Security surplus. Mr. President, that is not a choice; that is a national disgrace. It is vital that we institute an emergency spending process that responds expeditiously to true emergencies without maintaining this open door to abuse. We must establish procedural safeguards to deter future Congresses from misusing the emergency spending procedures. We should not attach, as an example, any emergency spending to nonemergency legislation.

We should not designate emergency spending measures that do not meet our own definition of an emergency.

Mr. President, as I indicated earlier, I am pleased to join with Senator OLYMPIA SNOWE of Maine in introducing legislation that will protect our newly won budget surplus from false emergency budgetary alarms. Senators SNOWE, VOINOVICH and I are introducing the Surplus Protection Act to amend the Congressional Budget and Impoundment Control Act of 1974. This will limit consideration of nonemergency matters in emergency legislation.

Specifically, we propose the following three reforms: First, to create a point of order, similar to the Byrd rule which currently exists, that prevents nonemergency items from being included in emergency spending. This will enable Members to challenge the validity of any individual item that is designated an emergency without defeating the entire emergency spending bill.

Second, we would require a 60-vote supermajority in the Senate for passage of any bill that contains emergency spending, whether it is designated an emergency spending bill or not. This will encourage Congress to either pay for supplemental appropriations or make certain that they do, in fact, represent a true emergency, as that term has been defined.

And third, to make all proposed emergency spending subject to a 60-vote point of order in the Senate. This rule will help to prevent nonemergency items from ever being included in emergency legislation by providing a forum in which they can be appropriately challenged on the Senate floor.

Even if passed, our legislation would not be the total cure for Congress' apparent addiction to emergency spending. In the short term, it is vital that we immediately replenish the surplus with the funds that were "borrowed" last fall.

Let me repeat that, Mr. President. We have a challenge before us in the next few weeks to recoup to the Social Security surplus those funds that were improvidently labeled as emergency spending and thus became the means by which the Social Security surplus was raided last October. We will face that challenge when we deal with the budget resolution and subsequent appropriations bills.

The day after the passage of the Omnibus Appropriations Act on October 21, 1998, I wrote the President and asked that the Federal Government commit itself to restoring funding for the nontraditional "emergency" items which were included in that omnibus legislation. I must state with disappointment that I have not yet received a response. So, in January, I again wrote to the President and made the same request for a commitment to fiscal discipline. Once again, I have not received a response.

On January 18, 1999, Roll Call published an opinion piece which I had written in which I asked the President to address this subject in his State of the Union Address. Mr. President, he did not.

Fortunately, the U.S. Constitution says that the Congress need not wait for the President. We can and must take steps necessary to restore the budget surplus to its previous levels, and we must do that now, before the urge to spend the surplus becomes a full-fledged addiction.

We must also realistically fund existing emergency accounts. While the Congress cannot anticipate the precise nature or cost of future emergencies, we do know that emergencies will occur. For instance, Congress prospectively budgets an annual amount not to exceed $320 million in emergency funding for the Federal Emergency Management Agency disaster relief fund. That is the good news. Now the bad news.

Over the past 12 years, the average emergency outlays from the Federal Emergency Management Agency disaster relief fund have exceeded by $1.7 billion per year. What we have consistently done is underfund the account based on 12 years of experience, so that we have mandated that we are going to have unfunded emergencies. It would be as if homeowners consistently underinsured their homes or the contents of their homes, knowing that when the disaster struck, they were not going to have sufficient funds to rebuild or to recoup their losses.

If we are to save the surplus of Social Security, Congress should stop systematically underfunding the emergency accounts and, thus, shifting anticipated emergency spending off budget. We should require emergency accounts to be funded through the normal appropriations process based on our historical experience.

Mr. President, I join Senator SNOWE in the hopes that our colleagues will support this important legislation. It is vital that we assure that we do not misuse our emergency spending powers. The next Congress that leaves the door wide open to raids on the surplus will be the one that passes on more debt and a less secure future for our children and our grandchildren.

By Mr. CAMPBELL:

S. 484. A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary.

THE BRING THEM HOME ALIVE ACT OF 1999

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Bring Them Home Alive Act of 1999. This bill would persuade foreign nationals to take the bold steps needed to return any possibly surviving American POW/MIAs home alive. I am pleased to be joined today by Senators GREGG and HELMS as original cosponsors.

With the passage of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999, the Senate this week has made great strides in providing for the men and women of our armed forces. I am continuing this effort today.

This bill would grant asylum in the United States to foreign nationals who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States. Citizens of Vietnam, Cambodia, Laos, China, or any of the states of the former Soviet Union who deliver living American POW/MIAs from the Vietnam War would be granted asylum here. Similarly, citizens of North Korea, China, or any of the states of the former Soviet Union who deliver living American POW/MIAs from the Korean War would also be granted asylum. Of course, that foreign national's immediate family, including their spouse and children, would also be granted asylum in the U.S. since their safety, and even their lives, would most likely be imperiled by such a daring rescue of surviving American POW/MIAs.

While some may doubt that any American POW/MIAs from these two wars remain alive, official U.S. policy distinctly recognizes the possibility that U.S. POW/MIAs from the Vietnam War could still be alive and held captive in Indochina. As the Defense Department's current position states:

> Although we have thus far been unable to prove that Americans are still being held against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

The bill I am introducing today supports this official position and enables the possibility of bringing any surviving U.S. servicemen home alive.

Since the fall of South Vietnam in 1975, there have been reports of live sightings of American POW/MIAs being held in Indochina. While the majority of these live-sightings have been resolved over the years, and have decreased in recent years, the possibility of Americans still being held remains. Two Russian translations of Vietnamese documents were discovered in Soviet archives in 1993 which contain detailed statistics indicating that approximately twice as many American POWs were being held by Vietnam in late 1972 than were actually ever returned to the United States.

Furthermore, the Senate Select Committee on POW/MIA Affairs' final report in 1993 concluded that about 100 U.S. POWs that were expected to be returned by Vietnam were never returned and that at least some of them may still be alive and held captive in Indochina.

It is also possible that American POW/MIAs are still being held in North Korea. A few years ago a 1996 Defense Department internal report was uncovered that concluded that between 10–15 POW/MIAs may still be alive and held against their will in North Korea.

The Bring Them Home Alive Act includes the states of the former Soviet Union, for just cause. Longstanding rumors that American POW/MIAs from both the Vietnam War and the Korean War were transferred to the Soviet Union were recently reinforced by the memoirs of recently deceased Soviet General Dmitri Volkogonov. As reported in a January 12, 1999, Washington Times article, Gen. Volkogonov wrote of seeing a secret KGB document from the 1960s outlining a plan to transfer U.S. POWs being held in Vietnam to the Soviet Union. The goal of this secret KGB plan was "to bring knowledgeable Americans to the Soviet Union for intelligence (gathering) purposes." During a Congressional Delegation visit to Russia late last year, Russian General Sergeyev tacitly confirmed the existence of this document. While some officials contend this plan was never carried out, this is far from certain. In addition, the cumulative weight of compelling circumstantial evidence supports the assertion that American POWs were also transferred to the Soviet Union during the Korean War.

Finally, a key section of this bill would help spread news of the Bring Them Home Alive Act around the world. This is needed to help make sure that the key foreign nationals who need to hear about this act, do so. My bill calls on the International Broadcasting Bureau to use its assets, including Worldnet Television and its Internet sites, to spread the news. The bill also calls on Radio Free Europe and Radio Free Asia to participate.

If this bill leads to even one long-held POW/MIA being returned home to America alive, this effort will be well worth it, 10,000 times over. Even though it has been many years since these two wars ended, they have not ended for any Americans who may have been left behind and are still alive. As long as there remains even the remotest possibility that there may be any surviving POWs, we owe it to our Soldiers, Sailors, Airmen and Marines, and their families, to do everything possible to bring them home alive. This is the least we can do after all they have sacrificed.

Key groups involved in Veterans and POW/MIA issues have endorsed this legislation, including the National Vietnam & Gulf War Veterans Coalition, the VietNow National POW/MIA Committee, and the Coalition of Families of Korean and Cold War POW/MIAs. Naturally, I welcome any additional endorsements that any of the other important organizations involved in POW/MIA related issues may wish to provide.

Mr. President, I ask unanimous consent that the text of the Bring Them Home Alive Act of 1999, the Washington Times article, and the letters of endorsement be included in the RECORD. I urge my colleagues to support passage of this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bring Them Home Alive Act of 1999".

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN VIETNAM WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "American Vietnam War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) MISSING STATUS.—The term "missing status", with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) VIETNAM WAR.—The term "Vietnam War" means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN KOREAN WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "American Korean War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) KOREAN WAR.—The term "Korean War" means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

(3) MISSING STATUS.—The term "missing status", with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula; or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE "BRING THEM HOME ALIVE" PROGRAM.

(a) REQUIREMENT.—

(1) IN GENERAL.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio or otherwise, information that promotes the "Bring Them Home Alive" refugee program under this Act to foreign countries covered by paragraph (2).

(2) COVERED COUNTRIES.—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 10-day period that begins on the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—International Broadcasting Bureau shall ensure that information regarding the "Bring Them Home Alive" refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) DEFINITION.—The term "International Broadcasting Bureau" means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

[From the Washington Times, Jan. 12, 1999]

STATE DEPARTMENT ACCUSED OF STIFLING POW-MIA PROBE—WELDON SAYS RUSSIAN LAWMAKER TOLD HIM OF U.S. EFFORT

(By Bill Gertz)

A Russian parliamentarian who worked on prisoner-of-war issues claims the State Department discouraged Moscow from pursuing the fate of missing Americans, according to a senior member of Congress.

Rep. Curt Weldon said he is upset by the claim of the Duma member who told him about the State Department comments during a meeting in Moscow last month.

"During a conversation, the official told me 'I can tell you, we were told by your government, your State Department, not to pursue these issues,'" Mr. Weldon, Pennsylvania Republican, said in an interview.

The statement bolsters private criticism by some Pentagon officials that the State Department is refusing to press the Russian government to investigate cases of missing Americans.

Pentagon officials told The Washington Times last month that Secretary of State Madeleine K. Albright delayed for months contacting senior Russian officials about a secret KGB plan to transport "knowledgeable Americans" to the Soviet Union during the late 1960s for intelligence purposes.

Mrs. Albright also failed to raise the issue directly with Russian Foreign Minister Yevgeny Primakov, who is now prime minister, during several meetings. Mr. Primakov would have had direct knowledge of the secret plan while he was director of Russian intelligence in the early 1990s.

Mr. Weldon said he is investigating the claim and has written to Mrs. Albright asking for an explanation.

The Russian official was not identified by name, but Mr. Weldon said the official had worked on the U.S.-Russian Joint Commission on POWs headed by retired Russian Gen. Dmitri Volkogonov. The Duma members told Mr. Weldon about the problem in a private meeting.

"His accusation is quite disturbing in light of the administration's initial reluctance to aggressively pursue the matter with the Russian government," Mr. Weldon states in a Jan. 6 letter to Mrs. Albright, "I urge that you investigate this charge and inform me of your findings."

Ann Johnson, a State Department spokeswoman, said the matter was "looked into," but no one in the State Department relayed such a message to any Duma members.

Asked if Mrs. Albright would raise the issue of the POW document during her upcoming meetings with Russian officials in Moscow, Miss Johnson said the agenda has not been set. "We do look forward to getting a look at the results of the Russian investigation of this matter, as Prime Minister Primakov promised Vice President [Al] Gore in Kuala Lumpur in November," she said.

Gen. Volkogonov, who died in December 1995, disclosed in a memoir published in September that he had uncovered the secret plan by the KGB intelligence service during the late 1960s "to bring knowledgeable Americans to the Soviet Union for intelligence purposes."

After the plan was disclosed by The Times in November, White House spokesmen initially said President Clinton would not raise the issue in meetings with Mr. Primakov set for late November in Kuala Lumpur, Malaysia. Later, the White House reversed its position and said the president would bring up the issue if talks at the POW commission in Moscow failed to resolve the matter.

After Mr. Clinton canceled his trip to Malaysia because of the crisis with Iraq, Mr. Gore raised the issue with Mr. Primakov.

Mr. Clinton said in a letter to a POW activist last month that he is "very concerned" about the Russian plan "given that American personnel were held as POWs in Southeast Asia during this same period." He promised to "press" the Russians to provide answers.

The president stated in a Dec. 18 letter to Delores Alfond, chairman of the National Alliance of Families, that his administration is trying to find out about the authors of the KGB plan, whether it was carried out, and "the names of any Americans who were transferred." If the plan was not carried out, "we have requested documentation that convincingly proves this point," he said.

Mr. Weldon said in his letter to Mrs. Albright that he was encouraged by the administration's discussions, "but I remain deeply disappointed that you deferred pursuit of this matter for so long after it first came to your attention."

"With hundreds of U.S. POW-MIAs still unaccounted for, we must aggressively pursue all evidence which might help us determine their fate," he said. "The United States has no basis on which to turn its back on information which may lead us to closure on the POW issue. Nor should we fear repercussions from the Russian government, as it will not suffer the reputation of its predecessor's excesses, but may actually enhance its own reputation by fully disclosing the fact."

Mr. Weldon said that Mrs. Albright should investigate the Duma official's charge and "reaffirm the strong U.S. commitment to leave no stone unturned in the effort to determine the fate of all U.S. POWs."

VIETNOW NATIONAL HEADQUARTERS,
Rockford, IL, February 18, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: I wanted to write and thank you and Larry Vigil for your efforts to bring our "Live" POWs home. Sir, there is overwhelming evidence that living American POWs were left behind and in enemy hands at the conclusion of the U.S. involvement in both the Vietnam and Korean Wars. There is reason to believe that some of these fellow Americans are still alive. Your approach to gain their release, as outlined in your bill titled "The Bring Them Home Alive Act of 1999", is viable and provides incentive for those who may be able to secure our POWs release to do so.

I have written my two senators, Boxer and Feinstein, with a request that they join your effort and cosponsor your bill. A copy of my letters to them is enclosed for your review and file. In addition, I have sent information regarding your bill to each VietNow chapter POW/MIA chairman and various other POW/MIA organizations and individual activists. I have encouraged these people to contact their respective U.S. Senators and to urge them to also cosponsor this bill.

Thank you for caring about our "Live" POWs and taking a positive step to gain their release!

Sincerely,

RICH TEAGUE, *Chairman.*

NATIONAL VIETNAM & GULF
WAR VETERANS COALITION,
Washington, DC, February 17, 1999.

Re the Bring Them Home Alive Act of 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

(Attention of Larry Vigil).

DEAR SENATOR CAMPBELL: The National Vietnam & Gulf War Veteran's Coalition is a federation of 101 Vietnam and Gulf War veteran support organizations that work together on ten (10) goals. One of the most important goals of our Coalition is the return of any living missing American servicemen in Southeast Asia.

Your legislative initiative of introducing the "Bring Them Home Alive Act of 1999" is the right bill at the right time. This bill will grant asylum or refugee status to any foreign national that helps bring out a live American prisoner of war (POW) from the Vietnam War. This applies to nationals of Vietnam, Cambodia, Laos, North Korea, China and the former states of the Soviet Union. It would also grant asylum or refugee status to the rescuer's family.

Passing this legislation is the least we can do for any Soldier, Sailor, Airman or Marine that may still be held as a POW. As long as there remains even the remotest possibility that there may be surviving POWs we owe this to them to bring them home.

In conclusion, our National Vietnam & Gulf War Veterans Coalition hereby endorses the "Bring Them Home Alive Act of 1999" and will utilize our resources to secure passage of this legislation as our promised legislative effort in this session of Congress.

Sincerely yours,

J. THOMAS BURCH, Jr.,
Chairman.

By Mr. McCAIN:

S. 485. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

URBAN HOMESTEAD ACT

Mr. McCAIN. Mr. President, today I introduce the Urban Homestead Act, a bill designed to reform the way in which the Department of Housing and Urban Development (HUD) disposes of unoccupied and substandard housing stock.

In summary, the Urban Homestead Act would require HUD, every six months, to publish in the National Register a complete listing of all single, and multi-family housing stock that has been in the Department's inventory for at least six months. Further, HUD is required to publish a complete listing of all substandard housing stock in the same manner. Locally based community development corporations would then be allowed to petition HUD for possession of these properties. HUD would be required to transfer the properties to the CDC free of cost.

There are few more obnoxious examples of government inefficiency and ineffectiveness than that of HUD's inability to address the housing needs of low-income families. HUD is notorious for its bloated bureaucracy and malfeasance in administering our nations public housing assistance programs. Nowhere is this ineptitude more glaringly obvious than in HUD's disposition of housing stock.

In our nation's inner cities, there are thousands of quiet heroes, struggling against and conquering near-insurmountable obstacles in efforts to revitalize their communities. They are winning the battle one house, one street, one neighborhood at a time.

These organizations are as unique as the communities and neighborhoods in which they work their magic. It is their ability to adapt to the local demands of their neighborhoods which is the key to their success. However, one challenge which is the same, regardless of what community they are operating in, is the vacant house. These abandoned houses play host to all types of criminal activity. They are crack houses, centers of gang activities, and prostitution. You name it. The abandoned house has become a symbol of urban blight.

I ask my colleagues, who do you think is to blame for this outrage? A slum lord, or an absentee owner, perhaps a greedy land speculator? In some instances, this may be the case. But a principal culprit responsible for kneecapping the efforts of these neighborhood heroes is non-other-than the Department of Housing and Urban Development. Many of these homes are the product of FHA foreclosures. They are the product of lax lending habits and pathetic administration of the HUD property disposition program.

Well, Mr. President, it is my intention to put HUD out of the slumlord business. The legislation I introduce today sends a very simple message to HUD. They have six months to get a property on the market and sold. If they fail to get the job done, they're going to have to turn the property over to a CDC and they'll get the job done for them.

By channeling these properties into the hands of CDCs providing home ownership opportunities to low-income families, we will be accomplishing several important objectives. First, we will be placing a valuable resource into the hands of not-for-profits who may otherwise lack the capital resources to purchase the housing stock. Secondly, we get the property back in circulation. In doing so, it ceases to be a center for criminal activity and a symbol of blight. Finally, and most important, these organizations will use this housing stock to do what HUD has failed to accomplish. They will provide low-income families a piece of the American dream—a chance at home ownership.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urban Homestead Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term "community development corporation" means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities to low-income families.

(2) LOW-INCOME FAMILIES.—The term "low-income families" has the same meaning as in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) MULTIFAMILY HOUSING PROJECT.—The term "multifamily housing project" has the same meaning as in section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11).

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(5) SEVERE PHYSICAL PROBLEMS.—A dwelling unit shall be considered to have "severe physical problems" if such unit—

(A) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(B) on not less than 3 separate occasions, during the preceding winter months was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(C) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced not less than 3 blown fuses or tripped circuit breakers during the preceding 90-day period;

(D) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

(E) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(6) SINGLE FAMILY RESIDENCE.—The term "single family residence" means a 1- to 4-family dwelling that is held by the Secretary.

(7) SUBSTANDARD MULTIFAMILY HOUSING PROJECT.—A multifamily housing project is "substandard" if not less than 25 percent of the dwelling units of the project have severe physical problems.

(8) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(9) UNOCCUPIED MULTIFAMILY HOUSING PROJECT.—The term "unoccupied multifamily housing project" means a multifamily housing project that the Secretary certifies in writing is not inhabited.

SEC. 3. DISPOSITION OF UNOCCUPIED AND SUBSTANDARD PUBLIC HOUSING.

(a) PUBLICATION IN FEDERAL REGISTER.—

(1) IN GENERAL.—Subject to paragraph (2), beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary shall publish in the Federal Register a list of each unoccupied multifamily housing project, substandard multifamily housing project, and other residential property that is owned by the Secretary.

(2) EXCEPTION FOR CERTAIN PROJECTS AND PROPERTIES.—

(A) PROJECTS.—A project described in paragraph (1) shall not be included in a list published under paragraph (1) if less than 6 months have elapsed since the later of—

(i) the date on which the project was acquired by the Secretary; or

(ii) the date on which the project was determined to be unoccupied or substandard.

(B) PROPERTIES.—A property described in paragraph (1) shall not be included in a list published under paragraph (1) if less than 6 months have elapsed since the date on which the property was acquired by the Secretary.

(b) TRANSFER OF OWNERSHIP TO COMMUNITY DEVELOPMENT CORPORATIONS.—Notwithstanding section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) or any other provision of Federal law pertaining to the disposition of property, upon the written request of a community development corporation, the Secretary shall transfer to the community development corporation ownership of any unoccupied multifamily housing project, substandard multifamily housing project, or other residential property owned by the Secretary, if the project or property is—

(1) located in the same unit of general local government as the community development corporation; and

(2) included in the most recent list published by the Secretary under subsection (a).

(c) SATISFACTION OF INDEBTEDNESS.—Prior to any transfer of ownership under subsection (b), the Secretary shall satisfy any indebtedness incurred in connection with the project or residence at issue, either by—

(1) cancellation of the indebtedness; or

(2) reimbursing the community development corporation to which the project or residence is transferred for the amount of the indebtedness.

SEC. 4. EXEMPTION FROM PROPERTY DISPOSITION REQUIREMENTS.

No provision of the Multifamily Housing Property Disposition Reform Act of 1994, or any amendment made by that Act, shall apply to the disposition of property under this Act.

SEC. 5. TENANT LEASES.

This Act shall not affect the terms or the enforceability of any contract or lease entered into before the date of enactment of this Act.

SEC. 6. PROCEDURES.

Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this Act.

By Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. BOND, and Mr. ENZI):

S. 486. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes, to the Committee on the Judiciary.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METH ("DEFEAT METH") ACT

Mr. ASHCROFT. Mr. President, we live in a time of unparalleled prosperity. The stock market continually hits new highs, while unemployment and gasoline plunge to record lows. This prosperity brings many blessings, chief among them material comfort. But sometimes prosperity can mask problems as well as solve them. As Francis Bacon said, "Prosperity is not without many fears and distastes; and adversity is not without comforts and hopes." Prosperity can breed apathy and complacency, weakening a society's ability to respond to the challenges facing it. And as for adversity, it is only when people realize the true extent of their challenges that they can overcome them.

One of the greatest challenges we face is drugs, especially the recent rise in the production and use of methamphetamines. Despite the continued challenge drugs present, we have not heard enough about this problem recently. This administration has chosen not to make it a priority. A few years ago, Democrat Representative CHARLES RANGEL lamented this administration's inaction on the drug war: "I've been in Congress over two decades, and I have never, never, never found any administration that's been so silent on this great challenge to the American people." Former Drug Czar William Bennett agrees, having testified before our colleagues in the House of Representatives that: "The Clinton Administration has been AWOL in the war on drugs." We have gone from an era of "just say no" to an era of "I didn't inhale," and the numbers concerning youth drug use show that these contrasting messages make a difference.

While the financial numbers continue to move in the right direction, the numbers concerning youth direction have gone in the wrong direction. In 1998, the percentage of 12th graders who had tried illegal drugs was a shocking 54%—133% of the level in 1992. This figure, which had decreased during the 1980s, increased in the 1990s. Similarly, in 1998, the reported illicit drug use by 12th graders in the last 30 days was more than 177% of the level seven years earlier.

What is particularly alarming is the drastic increase in the use of heavy drugs by teenagers. In 1998, the percentage of 12th graders who used cocaine in the last 30 days was 178% of the level in 1992. Moreover, the percentage of heroin use was 250% of the 1992 level. The plain facts are that drug use among our nation's youth is far too common and becoming more so. Our nation appears to be sliding backward from the strides we made in the 1980s.

The increases in drug use among our children are alarming. Our children are our greatest asset and they are at great risk from drugs. They are the most vulnerable members of our society. And, more than any other group, young people face the highest risk of being lost to drugs forever.

The more than half of the nation's high school seniors who have already tried drugs run much greater risks of future drug use than their peers. According to the National Household Survey on Drug Abuse, those who do not try drugs by their mid-twenties are unlikely ever to use drugs. Protecting our children from drugs is the best way to stop adults from using drugs.

The challenge before us—protecting our children from drugs—becomes ever more difficult in a society plagued by divorce, single-parent households, diffuse communities, and the never-ending beat of "live for today" messages coming from our culture. Every one of these factors makes it harder to impart the right messages to the next generation and to keep our children off drugs.

Protecting our children from drugs is more difficult than ever. In the last few years, a new enemy has emerged to join the other, more familiar, threats of cocaine, heroin, and marijuana. That new threat is methamphetamine or "meth," a dangerous, addictive substance that is ruining lives and weakening communities across this great land. Meth is to the 1990s what cocaine was to the 1980s and heroin was to the 1970s. And the problem is growing exponentially, in both Missouri and the nation at large. In 1992, DEA agents seized 2 clandestine meth labs in the State of Missouri. By 1994, there were 14 seizures. That was serious enough. However, in 1997, they seized 421 labs.

Meth ensnares our children, endangers us all, and causes users to commit other crimes. In 1998, the percentage of 12th graders who used meth was double the 1992 level. Meth-related emergency room incidents are up 63 percent over that same period. The National Institute of Justice released a report just a couple of months ago that showed meth use among adult arrestees and detainees has risen to alarming levels across the country.

Meth is one of the most serious drug problems in our nation—and, in states like Missouri—it remains the most serious problem. Just ask the McClelland family in Kansas City. Their 11-year-old daughter was bludgeoned to death by a family friend who was high on meth. Her murderer admitted to beating her in the head repeatedly with a claw hammer after she resisted his sexual advances.

This is not an isolated incident. Meth kills. Law enforcement officers in Missouri refer to it as a triple threat. It can kill the user; it can make the user kill and, in many cases, even its production can kill.

Meth labs have been called toxic time bombs because volatile chemicals are mixed in the manufacturing process. There have been dozens of lab explosions. There are also numerous cases of meth abusers booby-trapping their abandoned labs, resulting in serious injuries to law enforcement agents. Even when not booby trapped, abandoned labs are like toxic waste dumps. Clean up is both dangerous and expensive.

Meth production poses a unique challenge to law enforcement because of the difficulties in effective interdiction. Although some meth comes into the United States from Mexico, much of it is home produced from readily-available materials. It can be manufactured in clandestine labs and even in the kitchen of a moving RV—a literal moving target for law enforcement. Meth also can be manufactured in batches large or small. Law enforcement officials in Missouri have told me that as we have poured more resources into the fight against meth, some meth cooks have resorted to smaller and smaller batches to reduce the chances of detection. Other law enforcement officers report meth operations that contract out the various steps in the manufacturing process to different sites to reduce the chances of detection.

Meth also has some unique attributes which appeal to users. Smoking meth produces a high that lasts 8 to 24 hours. Cocaine, in contrast, produces a high that lasts for 20 to 30 minutes. Meth appeals not only to those looking for an extended high. It appeals to vanity as well. Meth suppresses appetite and is enticing to young adults trying to lose weight.

While meth is different from other drugs in some ways—more dangerous, more difficult to police—at its core, it is the same as other narcotics in that it imposes costs. According to Bill Bennett, the use of drugs "makes every other social problem much worse."

Meth contributes to a host of societal ills—violence, unemployment, homelessness, family breakup. I have heard too many stories of neglected children all but abandoned in a home turned into a meth lab. There are enough threats to our children that we do not need meth adding to our burden.

I want to fight the scourge of meth because of the violence it causes. I want to fight meth because of the costs it imposes, on society and on families, on taxpayers and on communities. But there is another factor that motivates my opposition to meth: I want to fight meth because its use and production is wrong. And too few people are willing to stand up these days and call drugs wrong.

This laissez faire attitude leads to too much permissiveness on the subject of drugs. And permissiveness on drugs imposes terrible moral and psychic costs on America's youth.

In fact, much of our current predicament stems for the permissive attitudes that emerged from the 1960s. The decay of enforcement that began in the 1960s helped to cause the problems of the succeeding decades.

Make no mistake. Enforcement is an extremely effective tool in diminishing drug use. During the 1960s and 1970s, the period coinciding with the dawn of this country's second great drug crisis, incarceration rates plummeted from 90 per 1,000 arrests in 1960 to only 19 per 1,000 arrests by 1980. Laws are what protects society from anarchy. And when we choose not to enforce our laws, our laws lose their effectiveness, and the bulwark against anarchy withers.

While our society too often tends towards laxness, we also have a history of responding to challenges. America has never faced a problem that has proven too great for us to meet or too big for us to tackle. The meth challenge, while daunting, is no exception. If we make a determined and full engagement in our war against meth, we will win. We will defeat meth.

In my four years in the United States Senate, I have fought the growth of meth trafficking. In the last Congress, I introduced the "Trafficking Penalties Enhancement Act" to provide more severe penalties for manufacturing, trafficking, or importing meth. That legislation, which was signed into law last fall, increases prison terms for meth possession to a 10-year minimum for possession of 50 grams of meth or more, and a 5-year minimum for 5 grams or more. That law also made more meth crimes eligible for the death penalty in situations in which a murder is committed in conjunction with the meth offense. In light of the triple threat nature of meth, the availability of the death penalty is particularly relevant and appropriate.

In order to protect residents of public housing, I worked with my colleague from Missouri, Senator BOND, to place a "one strike and your out," lifetime ban from public housing premises for individuals who manufacture or produce methamphetamine.

I also worked to set up a regional High-Intensity Drug Trafficking Area (or HIDTA) that covers Missouri. More recently, I organized a bipartisan effort by the Missouri congressional delegation that led to increased funding for anti-meth initiatives, including resources for law enforcement and lab cleanup. These steps are all important. When I talked with representatives of Missouri law enforcement earlier this week, they underscored that these programs are having a positive effect in the fight against meth. But winning the battle against meth once and for all will take continued hard work and effort.

Mr. President, today I rise to take the next step in the fight against meth, the Determined and Full Engagement Against the Threat of Meth Act, or the "DeFEAT Meth Act" for short.

My anti-methamphetamine legislation will have five main components.

First, the bill directs the U.S. Sentencing Commission to adjust its guidelines to increase penalties for meth crimes. In the last Congress we were able to raise the mandatory minimum sentences for meth trafficking crimes involving over 5 grams. This provision complements last year's legislation by increasing penalties for meth crimes that do not come under the mandatory minimums, and adding a special sentencing enhancement for meth crimes that endanger human life. This provision completes the process of imposing appropriate and severe penalties on those who wish to tear apart the very fabric of our society by distributing meth.

Second, my legislation will provide law enforcement officers with more resources for combating meth. Specifically, it is time to authorize more funding for the Drug Enforcement Administration's meth initiative. This funding is essential. In order to stop the spread of meth, the DEA needs to hire more agents, and provide additional training for state and local law enforcement officers. These agents will participate in the DEA's comprehensive plan for targeting and investigating meth trafficking, production and abuse. The DEA also needs to provide additional support for local law enforcement. When law enforcement busts a meth lab, they are taking over the equivalent of a toxic waste dump. The serious and unique problems cleanup problems created by meth demand a serious and unique response.

Third, we need to educate our children about the dangers of meth. While DEA interdiction is vital, we also need to educate parents, teachers, and children—who may not yet be familiar with the dangers of meth—about the size of the threat. We should authorize new funding for programs to educate parents and teachers of the dangers of methamphetamine. Missouri law enforcement officers estimate that as many as 10% of high-school students know the recipe for meth. We must make sure that 100% of them know that meth is a recipe for disaster.

Fourth, we need to recognize that, more than any other narcotic, meth can be made all too easily, in home grown laboratories, with readily-available chemicals. To counteract this problem, we must ensure that the list of banned precursor chemicals used to make meth is kept up to date. It seems that when a precursor chemical is added to the list, meth cooks figure out how to manufacture meth with a new unlisted chemical. We must remain vigilant in the battle against meth. After consulting with people on the front line—in the crime labs in Missouri—we have proposed adding two new precursor chemicals: red phosphorous and sodium dichromate.

Finally, the bill amends the federal drug paraphernalia statute to cover meth. The current law covers paraphernalia used to ingest a number of specific drugs including marijuana and cocaine. It does not cover meth. There is no basis for this differential treatment, and the bill adds meth to the statute.

This comprehensive plan is an essential step in the war against meth. While no plan will not stop the spread of meth overnight, we must continue the long process of stopping this onslaught. Defeating meth will be a struggle that takes place in schools, in communities, in churches, within families. We must teach the next generation the danger of drugs and give them alternatives to the easy short term answers that drugs provide.

Meth presents us with a formidable challenge. We have overcome other challenges in the past and we can conquer this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All we need to succeed is to marshal our will and channel the great indomitable American spirit. The experience of the past few years demonstrates that you cannot win the war on drugs with a half-hearted effort. However, experience also shows that we can win if we commit to a determined and full engagement against the threat of drugs. This bill provides full engagement. With it, we will meet the meth challenge and we will defeat it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Determined and Full Engagement Against the Threat of Methamphetamine" or "Defeat Meth" Act of 1999.

SEC. 2. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall, with respect to each offense described in paragraph (1)—

(A) increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of danger to the health and safety of another person (including any Federal, State, or local law enforcement officer lawfully present at the location of the offense), increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 3. INCREASED RESOURCES FOR LAW ENFORCEMENT.

(a) AUTHORIZATION OF DEA FUNDS TO COMBAT METHAMPHETAMINES.—

(1) PURPOSE.—From amounts made available to carry out this subsection, the Administrator of the Drug Enforcement Administration shall implement a comprehensive approach for targeting and investigating methamphetamine production, trafficking, and abuse to combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas, which approach shall include—

(A) training local law enforcement agents in the detection and destruction of clandestine methamphetamine laboratories, and the prosecution of any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture methamphetamine in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), or applicable State law;

(B) investigating and assisting in the prosecution of methamphetamine traffickers, establishing a national clandestine laboratory computer database, reducing the availability of precursor chemicals being diverted to clandestine laboratories in the United States and abroad, and cleaning up the hazardous waste generated by seized clandestine laboratories; and

(C) allocating agents to States with the highest rates of clandestine laboratory closures during the most recent 5 fiscal years.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $30,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas, including the hiring of new laboratory technicians in rural communities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $25,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) EXPANDING METHAMPHETAMINE ABUSE PREVENTION EFFORTS.—

(1) PREVENTION PROGRAMS AND ACTIVITIES.—

(A) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall—

(i) carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine abuse and addiction;

(ii) assist local government entities to conduct appropriate methamphetamine prevention activities;

(iii) train and educate State and local law enforcement officials on the signs of methamphetamine abuse and addiction and the options for treatment and prevention;

(iv) carry out planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

(v) monitor and evaluate methamphetamine prevention activities, and report and disseminate resulting information to the public; and

(vi) carry out targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

(B) PRIORITY.—In carrying out this paragraph, the Director of National Drug Control Policy shall give priority to assisting rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

(C) ANALYSES AND EVALUATION.—

(i) IN GENERAL.—Of the amount made available to carry out this subsection in each fiscal year, not less than $500,000 shall be used by the Director of National Drug Control Policy, in consultation with the heads of other departments and agencies of the Federal Government—

(I) to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction; and

(II) for the development of appropriate strategies for disseminating information about and implementing those programs.

(ii) ANNUAL REPORTS.—The Director shall annually submit to Congress a report on results of the analyses and evaluations under clause (i) during the preceding 12-month period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $25,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

SEC. 4. PRECURSOR CHEMICALS.

Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended—

(1) by inserting ", or immediate precursor," after "chemical)"; and

(2) by adding at the end the following:

"(K) Red phosphorous.

"(L) Sodium dichromate.".

SEC. 5. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended by inserting "methamphetamines," after "PCP,".

By Mr. GRAMS (for himself and Mr. ASHCROFT):

S. 487. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individual; to the Committee on Finance.

SMALLER EMPLOYER EGG ACT

By Mr. GRAMS:

S. 488. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of social security benefits; to the Committee on Finance.

REPEAL OF SOCIAL SECURITY TAX

By Mr. GRAMS:

S. 489. A bill to provide an automatic tax rebate when the Federal tax burden grows faster than the personal income of working Americans, and for other purposes; to the Committee on Finance.

NATIONAL TAX REBATE ACT OF 1999

By Mr. GRAMS:

S. 490. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

FEDERAL UNRELATED BUSINESS INCOME TAX LEGISLATION

Mr. GRAMS. Mr. President, at the beginning of this session, I, along with Senator ROTH and others, introduced S. 3, the Tax Cuts for All Americans Act, which calls for a 10 percent across-the-board tax cut on the federal income taxes of hard-working Americans.

If enacted, this will be the largest middle-class tax relief since President Ronald Reagan's 1981 tax cuts. I believe this legislation is imperative for our economic security and growth in the new millennium. I will address this issue more fully later this week.

But today I also rise to introduce four bills representing some other tax relief priorities on which I hope we can also focus in this Congress. These bills will help reform our tax system and will help to terminate some unfair and unjust tax provisions in the Tax Code, again, with the aim and the goal of allowing working Americans to keep a little bit more of their own money rather than sending it to Washington.

Mr. President, the first bill I am introducing today, the National Tax Rebate Act, requires the Government to refund taxes collected to taxpayers when Federal revenue grows faster than the income of working Americans.

The rationale for this legislation is simple: and that is, the Federal Government's taxes should not grow faster than working Americans' income. Our growing tax burden should not reduce the standard of living that we work hard to achieve. This legislation will ensure that it does not.

Eighteen of the last 19 Democrat-controlled Congresses passed tax increases. President Clinton's whopping $241 billion tax increase in 1993 was the largest tax hike we have had. We had only two Federal personal income tax rates at that time. They were 15 and 28 percent, those under President Ronald Reagan.

Today, after President Clinton has been in office for 6 years, we have five Federal tax brackets. The top one has reached nearly 40 percent. More hard-working, middle-income families have been pushed into higher tax brackets because of an unfair tax system. So we have gone from two brackets of 15 percent and 28 percent to now five tax brackets, the highest being nearly 40 percent. No wonder Washington's income is growing and growing much faster than the income of the taxpayers. That is one reason why we have a surplus in Washington today, because incomes have gone up for Americans, and Washington has taken a larger share of that in the form of taxes.

Thanks to our exceptionally strong economy, more Americans are working today, and are earning more than ever before as a result. Government data show that real median family income is now at a near-historic high and per capita income is at a record $19,241.

We should not be here penalizing those who work long and hard to achieve the American dream of higher earnings and better jobs by slapping higher taxes on them.

Unfortunately, a large share of the newly earned income of hard-working Americans has not been spent on family priorities but siphoned off by Washington.

The progressive Federal tax system created by Washington allows Federal Government income to grow faster by taking a larger bite from any newly earned income increases. That is because it pushes us into one of these higher tax brackets.

According to Scott Hodge, a leading economist at Citizens for a Sound Economy, total personal income since 1993 has grown by an average of 5.2 percent a year, while Federal taxes have grown by 7.9 percent a year—so taxes have grown 52 percent faster than personal income growth.

In fiscal year 1998 alone, federal taxes grew 70 percent faster than personal income.

Mr. President, this is not justifiable. Uncle Sam's income should by no means grow faster than the income of the people who earn it.

While broad-based tax relief for every American, such as S.3, would certainly correct the unfairness of the tax system, we need a mechanism that ensures Washington's income will never grow faster than the income of taxpayers.

This is all my legislation does. It limits federal taxes by prohibiting the growth rate of federal revenues collected for any fiscal year from exceeding the average growth rate of personal income of working Americans.

Set a guidepost. Set a marker as to how fast Washington should grow in the money it collects and spends.

It requires a two-thirds vote of both the House and the Senate to waive this limit. Whenever Washington's tax revenues grow faster than the personal income of working Americans, an automatic national tax rebate will be triggered as a result.

The federal government must refund taxpayers the excessive taxes pro rata based on liability reported on federal income tax annual returns filed in the previous tax year.

The national tax rebate is not a new idea. A number of states, such as Florida and Missouri, have either statutory laws or constitutional amendments requiring state governments to give back tax money if the revenue exceeds these limits.

My own State of Minnesota is currently deciding how best to refund excess tax collection to Minnesota taxpayers.

If it works at the state level, there is no excuse for the federal government not to adopt a similar mechanism.

By passing this simple tax limitation and rebate legislation, taxpayers will be fully protected and better represented in Washington.

Mr. President, this piece of legislation would repeal taxation of our senior citizens' Social Security benefits.

As you know, Mr. President, Social Security benefits were exempt from the federal income tax since the creation of the program.

They were never taxed by the Federal Government. Retirement benefits shouldn't be.

But as Social Security encountered a financial crisis in early 1980s, Congress began taxing Social Security benefits, and thus causing financial hardship to many seniors.

The amount of taxable benefits was the lesser of one-half of Social Security cash benefits or one-half of the excess of the taxpayer's provisional income over the thresholds of $25,000 per single person and $32,000 for couples.

In 1993, when President Clinton needed more money to fund his new spending programs, he increased the taxable proportion of Social Security benefits from 50 to 85 percent for Social Security recipients whose threshold incomes exceed $34,000 for singles and $44,000 for couples.

These two tax increases have seriously injured a significant number of senior citizens. In fact, a quarter of recipients are affected by this provision, creating enormous financial hardship for them as well.

I believe taxation on Social Security benefits is wrong and unfair because Social Security benefits are earned benefits for many senior citizens. Federal income tax is paid when Social Security contributions are made to the program. Taxing Social Security benefits is clearly double taxation.

In other words, those benefits are paid when the money is put into Social Security, and now the government wants to tax them again as it takes the money out.

In addition, Congress never intended to tax Social Security benefits when it first established the program. In fact, for half a century Social Security benefits were exempted from federal taxes.

Millions of senior citizens who planned for their retirement based on their understanding of the Social Security law were penalized. As the tax rate continues to grow, the incomes of more and more senior citizens are falling along with their standard of living.

This tax hurts seniors who choose or must work after retirement to maintain their standard of living or to pay for costly health insurance premiums, medical care, prescriptions and many other expenses which increase in retirement years.

It also discourages today's workers to save and invest for the future. It won't help protect Social Security for our children and grandchildren.

I believe this is not acceptable.

Repealing all taxation on Social Security benefits would reverse this trend, and help responsible senior citizens. The federal government has entered into a sacred covenant with the American people to provide retirement benefits once contribution commitments are made.

It is the government's contractual duty to honor that commitment. The government cannot and should not change the covenant without consent of the people whom these changes would affect.

Mr. GRAMS. Mr. President, this bill deals with a relatively smaller tax matter. This bill calls for exemption of additional charitable gambling activities from the Federal unrelated business income tax (UBIT).

As you know, Mr. President, the fundamental difference between charitable gambling and regular gambling is where and how the profit is spent.

Most of the income derived from charitable gambling games is spent in communities to fund charitable activities such as the Boy and Girl Scouts, Head Start, and many city and school programs that help local residents and students.

In my State alone of Minnesota, more than 1,500 local charities conduct a variety of games such as bingo and pull tabs, and in doing so contribute some $75 million per year to their local communities.

Beneficiaries include youth recreation and education, as well as organizations serving the sick and disabled, and many other community programs, as well.

My state leads the nation in charitable non-profit gaming, but some 35 other states are involved in similar activities.

In 1978, President Carter signed into law a bill that classified bingo income as related business income.

As a result, this charitable game is not subject to the Federal UBIT. But the law did not include other forms of charitable gambling. Consequently, the income of these charitable gambling games is taxed under the UBIT.

Taxes take a big bite out of charitable gambling income and seriously undermine the ability of nonprofit organizations to provide charitable assistance.

Now, while the IRS has not collected UBIT on these charities as they anticipate Congressional action, without my legislation, the IRS could begin collections in the near future. My legislation would remove this uncertainty as charities attempt to go on with their good works.

This legislation is not controversial. It should have bipartisan support. In the last Congress I introduced a similar bill with Senator WELLSTONE which the Senate adopted. I hope we can pass it again in the 106th Congress.

The last bill I am introducing today would provide a tax incentive for small business employers to set up pension plans for their workers.

Working Americans' retirement security is based on Social Security, private pensions, and personal savings. But even though Social Security is fast approaching a financial crisis, our national savings rate remains among the lowest, and many workers do not have company pension plans to help make up the Retirement Benefits.

Despite recent congressional action to improve private pension plans, the complexity of qualification requirements under current law and the administrative expenses associated with setting up retirement plans, including the SIMPLE plan, remain significant impediments to widespread implementation of employer-based retirement systems, especially for small business.

This is particularly true for small employers with less than 100 employees, for whom the resulting benefits do not outweigh the administrative costs.

Consequently, only 42% of individuals employed by small businesses now participate in an employer-sponsored plan, as opposed to 78% of those who work for larger businesses.

To address this problem, I am introducing the Small Employer Nest Egg Act of 1999. This legislation will create a new retirement option for small business owners with 100 or fewer employees.

It would allow the same level of benefits both to employers and employees as larger employers who maintain traditional qualified plans. Upon retirement or separation of service, employees would receive 100% of their pension account value.

To offset the high costs associated with starting a pension plan, my proposal calls for a tax cut equal to 50% of the administrative and retirement education expenses incurred for the first five years of a plan's operation.

Mr. President, small businesses are the lifeblood of our communities, providing millions of jobs nationwide. Small business owners want to help their employees save for their retirement.

Yet, because of the costs, many are unable to do so and, also, because of the rigid Government policies and, again, the administrative costs that go with it.

This legislation, I believe, will help millions of workers begin building their retirement security. I urge the support of my colleagues for the four bills I have offered today.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. ABRAHAM, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 11, a bill for the relief of Wei Jingsheng.

S. 241

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 241, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture for beef and lamb may not be used for imported beef or imported lamb.

S. 256

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 256, a bill to amend title XVIII of the Social Security Act to promote the use of universal product numbers on claims forms submitted for reimbursement under the medicare program.

S. 271

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 314

At the request of Mr. BOND, the names of the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. HARKIN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 325

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 325, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 352

At the request of Mr. THOMAS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 352, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 445

At the request of Mr. JEFFORDS, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from Maine (Ms. COLLINS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. NICKLES), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 45

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 45, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Maine (Ms. COLLINS), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Resolution 45, supra.

SENATE RESOLUTION 50—DESIGNATING GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Mr. BIDEN, Mr. ABRAHAM, Mrs. BOXER, Mr. COCHRAN, Mr. BREAUX, Mr. DODD, Mr. DEWINE, Mr. DURBIN, Mr. DOMENICI, Mr. EDWARDS, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HOLLINGS, Mr. GREGG, Mr. INOUYE, Mr. HAGEL, Mr. KENNEDY, Mr. LUGAR, Mr. KERREY, Mr. MURKOWSKI, Mr. KERRY, Mr. ROTH, Mr. KOHL, Mr. SESSIONS, Mr. LAUTENBERG, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Ms. SNOWE, Mr. MOYNIHAN, Mr. STEVENS, Mr. WARNER, Mr. ROBB, Mrs. HUTCHISON, Mr. ROCKFELLER, Mr. HATCH, Mr. SARBANES, Mr. SCHUMER, and Mr. TORRICELLI) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 50

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1999, marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore be it

Resolved, That the Senate—

(1) designates March 25, 1999, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, I am pleased to submit today a resolution along with 49 of my colleagues to designate March 25, 1999, as "Greek Independence Day: A Celebration of Greek and American Democrary."

One hundred and seventy-eight years ago, the Greek people bagan a revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosphy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government. It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

Mr. ABRAHAM. Mr. President, I rise today to cosponsor the Senate resolution designating March 25, 1999 as "Greek Independence Day." March 25 marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

America is composed of a wide variety of cultures, joined together by their belief in fundamental principles of human dignity. Through their arts, literature, culture, food and dance, Greek-Americans have contributed to the diversity and strength of the United States. Immigration from Greece first started in 1767 and then began in earnest in the late 19th century, when 1,309 immigrants arrived at Ellis Island between 1890 and 1900. A steady stream continued during the ensuing decades, especially during the Greek Civil War from 1944 to 1949. I am proud to represent the state of Michigan which boasts a large Greek-American community.

Greece, the birthplace of philosophy and of democracy, has given the world Plato and Aristotle, Homer and Sophocles. Greeks have brought their rich tradition to America, making our nation stronger. I join the Greek-American community in Michigan and throughout our nation in celebrating this anniversary of the modern revolution which brought freedom to the Greek people.

I take great pleasure in cosponsoring a resolution designating March 25, 1999 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 51—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 51

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mitch McConnell, Thad Cochran, Don Nickles, Dianne Feinstein, and Daniel K. Inouye.

Joint Committee on the Library: Ted Stevens, Mitch McConnell, Thad Cochran, Christopher J. Dodd, and Daniel Patrick Moynihan.

SENATE RESOLUTION 52—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 52

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 53—TO DESIGNATE "NATIONAL SCHOOL VIOLENCE VICTIMS' MEMORIAL DAY"

By Mr. HUTCHINSON (for himself, Mr. BUNNING, Mr. SPECTER, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SESSIONS, Mr. ASHCROFT, Mr. DEWINE, Mr. JEFFORDS, Mr. HELMS, Mr. DORGAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. COVERDELL, Mr. GRAMS, Mr. THURMOND, Mr. ENZI, Mr. WELLSTONE, Mr. HATCH, Mr. BROWNBACK, Mr. REID, Mr. ROBB, Mr. BIDEN, Mrs. HUTCHISON, Mr. CONRAD, Mr. KENNEDY, Mr. BINGAMAN, Mr. BAUCUS, Mr. JOHNSON, Mr. EDWARDS, Mr. LEVIN, Mr. SARBANES, Mr. BURNS, Mr. CLELAND, Mr. REED, Mr. DASCHLE, Mr. CAMPBELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. KOHL, Ms. LANDRIEU, Mr. KERREY, Ms. COLLINS, Ms. MIKULSKI, Mrs. LINCOLN, and Mr. LIEBERMAN) submitted the resolution; which was referred to the Committee on the Judiciary:

S. RES. 53

Whereas approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–97 school year;

Whereas in 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States;

Whereas during 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States;

Whereas because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school;

Whereas efforts must be made to decrease incidences of school violence through an annual remembrance and prevention education; and

Whereas the Senate encourages school administrators in the United States to develop school violence awareness activities and programs for implementation on March 24, 1999: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 24, 1999, as "National School Violence Victims' Memorial Day"; and

(2) requests the President to issue a proclamation designating March 24, 1999, as "National School Violence Victims' Memorial Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. HUTCHINSON. Mr. President, I rise today to submit a resolution which is very much related to the educational crisis in our country. This resolution will designate March 24 as National School Violence Victims' Memorial Day and encourage the citizens of our Nation to honor and remember the victims of school violence on that day.

The resolution also will encourage our school administrators to conduct programs on that day designed to prevent any further occurrences of school violence.

I am deeply saddened that the introduction of such a resolution is even necessary.

No words can ever adequately express the incredible shock, horror, and grief that struck me when I heard the news reports of the tragedy which left 5 dead and 11 wounded at the Westside Middle School in Jonesboro, AR.

No words will ever be able to completely convey the cruel and senseless loss that the families and friends of Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Brittheny Varner, and Shannon Wright experienced on March 24, 1998.

And no words will ever be able to sufficiently honor Shannon Wright's memory and her heroic sacrifice. I know that the actions she took to protect her students at the cost of her own life will forever be remembered. Her actions were motivated out of love for her students and touched the lives of thousands of Arkansans, one of whom, Ms. Jennifer Morris, a student in Harrisburg, AR, was so inspired by Ms. Wright's loving and courageous sacrifice that she wrote and asked me to introduce legislation which would create a National Shannon Wright Day.

Tragically, other communities, other families, and other friends know the pain of such senseless losses as well.

Paducah, KY, Pearl, MS, Richmond, VA, Springfield, OR, Edinboro, PA, are just a few of the communities that will forever remember the tragic results of school violence.

According to the Departments of Education and Justice, over the course of the 1996–1997 school year 10 percent of all public schools reported at least one serious violent crime to a law enforcement agency; and in 1996, 225,000 of our students between the ages of 12 and 18 were victims of nonfatal violent crime in our schools. Between 1992 and 1994, 76 students and 29 nonstudents lost their lives in murders or suicides committed in American schools.

Finally, Mr. President, the percentage of our students who are afraid that they will be attacked or harmed at school is rising dramatically.

I am not here today to discuss the causes and solutions to school violence. Rather, I am simply here to honor and remember the victims of school violence. Many of my colleagues who cosponsored this resolution have differing approaches on what we do to solve the problem. Many have different ideas on what the causes and solutions to school violence are. However, we all agree that we must end this violence in our classrooms and restore the peace that our children once had in their hearts and are entitled to enjoy once again.

Accordingly, I now introduce this resolution to create National School Violence Victims' Memorial Day to ensure that we remember and that we honor those who have been victims of school violence and do all that we can to remove violence from our schools and restore peace in the hearts of our students.

Mr. BAUCUS. Mr. President, I rise today to co-sponsor a Senate Resolution to designate March 24, 1999 as National School Violence Victims Memorial Day.

Just last week I spoke to the Montana State Legislature and introduced an education action plan, a major part of which is making sure our kids are safe in America's schools. While I was home I saw Steve Bullock. Steve works for our Attorney General, and every time I see Steve I remember his stepbrother, Jeremy.

You see, Jeremy was 11. He and his twin brother Joshua left for school together as they always did. The day was April 12, 1994. Jeremy didn't come home from school that day. He was shot and killed on the playground, leaving a family and a community forever changed.

By recognizing March 24th as National School Violence Victims Memorial Day we will be honoring the memory of Jeremy Bullock and countless other children, families and communities by saying clearly, with one voice that we as Americans will meet the challenge of eradicating violence from our schools.

It is, in many ways a challenge to decide what kind of a people we are. A challenge to stand up for peace and safety against violence and hatred. This is about remembering the victims of school violence and it is about what we are going to do in their names.

The easy reaction to this kind of senseless violence is to cast blame and to turn our communities into one big episode of the Jerry Springer show. But we have as a nation, more often than not, chosen what has historically been the more difficult road. The road to peace through dialogue, understanding and compassion. That is what National School Violence Victims Memorial Day is all about.

Seventy five years ago, Mahatma Ghandi put it this way. He said "I discovered that pursuit of truth did not permit violence being inflicted on one's opponent but that he must be weaned from error by patience."

We must use this day to teach and to learn. We must talk about the 225,000 victims of violent crime. We must act to make schools safer for parents, teachers and students and we must learn from our mistakes.

And we are always learning. Learning the lessons of the past, committed to using that knowledge to build a better tomorrow. So let us enact this resolution, resolved to working together as one community of people to make America a better place. A place where patience wins out over bloodshed and where truth, as Ghandi said, does not permit violence.

And let us always remember Jeremy Bullock. For though he is gone, his memory will help fuel our work. When I think of Jeremy I am always reminded of a poem called For The Fallen that goes this way:

They shall not grow old, as we that are left
to grow old:
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the
morning we will remember them.

SENATE RESOLUTION 54—CONDEMNING THE ESCALATING VIOLENCE, THE GROSS VIOLATION OF HUMAN RIGHTS AND ATTACKS AGAINST CIVILIANS, AND THE ATTEMPT TO OVERTHROW A DEMOCRATICALLY ELECTED GOVERNMENT IN SIERRA LEONE

By Mr. FEINGOLD (for himself, Mr. FRIST, Mr. BIDEN, Mr. JEFFORDS, Mr. WELLSTONE, and Mrs. FEINSTEIN):

S. Res. 54. A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone; to the Committee on Foreign Relations.

Whereas the Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) in Sierra Leone mounted a campaign of "Operation No Living Thing" in 1997 and have recently renewed the terror;

Whereas the atrocities and violence against the citizens of Sierra Leone, which include forced amputations, raping of women and children, pillaging farms, and the killing of the civilian population, has continued for more than 8 years;

Whereas the AFRC and RUF continue to kidnap children, forcibly train them, and send them as combatants in the conflict in Sierra Leone;

Whereas the Nigerian-led intervention force, Economic Community Monitoring Group (ECOMOG), which has deployed nearly 15,000 troops to Sierra Leone, has made a considerable contribution towards ending the cycle of violence there, despite the fact that some of its members have engaged in violations of humanitarian law;

Whereas the United Nations High Commissioner for Refugees (UNHCR) estimates that in 1998 more than 210,000 refugees fled Sierra Leone to Guinea, bringing the total number of Sierra Leonean refugees in Guinea to 350,000, in addition to some 90,000 Sierra Leonean refugees who sought safe haven in Liberia;

Whereas the refugee camps in Guinea and Liberia are at risk of being used as safe havens for rebels and staging areas for attacks into Sierra Leone;

Whereas the humanitarian crisis in Sierra Leone has reached epic proportions with people dying from lack of food and medicine; and

Whereas the escalating violence in Sierra Leone threatens stability in West Africa and has the immediate potential of spreading to neighboring Guinea: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to aiding in the resolution of the conflict in Sierra Leone and to bringing stability to West Africa, including active participation and leadership in the Sierra Leone Contact Group;

(2) condemns—

(A) the violent atrocities committed by the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) throughout the conflict, and in particular its attacks against civilians and its use of children as combatants; and

(B) those external actors, including Liberia, Burkina Faso, and Libya, for contributing to the continuing cycle of violence in Sierra Leone by providing financial, political, and other types of assistance to the AFRC or the RUF, often in direct violation of the United Nations arms embargo;

(3) supports continued efforts by the regional peacekeeping force, ECOMOG, to restore peace and security and to defend the democratically elected government of Sierra Leone;

(4) recognizes that basic improvements in ECOMOG's performance with respect to human rights and the management of its own personnel would markedly improve its effectiveness in achieving its goals and improve the level of international support needed to meet those goals;

(5) supports appropriate United States logistical, medical and political support for ECOMOG and notes the contribution that such support has made thus far toward achieving the goals of peace and stability in Sierra Leone;

(6) calls for an immediate cessation of hostilities and respect for human rights, and urges all members of the armed conflict in Sierra Leone to engage in dialogue to bring about a long-term solution to such conflict; and

(7) expresses support for the people of Sierra Leone in their quest for a democratic, prosperous, and reconciled society.

Mr. FEINGOLD. Mr. President, I rise today to offer S. Res. 54 with regard to the escalating violence, the gross violation of human rights and attacks against civilians in the West African country of Sierra Leone. I am joined in this effort by my colleagues, Senators FRIST, BIDEN, JEFFORDS, WELLSTONE, and FEINSTEIN.

This resolution expresses in the strongest terms the condemnation of the ongoing atrocities committed by rebel forces in Sierra Leone, including forced amputations, the rape of women and children, the pillaging of farms, and the murder of unarmed civilians. It urges all parties in the brutal violence to cease hostilities and engage in a dialogue to bring about a lasting solution that will support the people of Sierra Leone in their quest for a democratic, prosperous, and reconciled society. It further calls upon the President and the Secretary of State to give high priority to solving the conflict and supporting United Nations efforts to monitor respect for human rights and humanitarian law by all parties to this deplorable situation.

Mr. President, since it gained independence in 1961, Sierra Leone has endured a series of military regimes and rebellions in struggles over economic and political power. However, the latest round of violence is unique in the scale and brutality of the attacks On innocent civilians. Let me provide a little history to help set the stage for the current human tragedy faced by the people of Sierra Leone. In May 1997, a group of military officers, the Armed Forces Revolutionary Council (AFRC) seized power. During their nine month tenure, the AFRC joined forces with the armed rebel Revolutionary United Front (RUF) to form a regime characterized by serious human rights abuses and a complete breakdown of the rule of law. In response to this situation, in February 1998 the Economic Community of West African States Monitoring Group (ECOMOG), a Nigerian-led African peacekeeping force that helped restore stability to neighboring Liberia, forced the AFRC/RUF out of power, restoring President Ahmad Kabbah, who had been elected in March 1996 in Sierra Leone's first multi-party elections in almost three decades. Since their ouster, the AFRC/RUF forces have waged an increasingly vicious struggle against the weak Kabbah government. The situation is further complicated by the apparent participation by neighboring governments, Liberia and Burkina Faso, in supporting the rebel forces. Libya, too, has been identified as providing support to the rebels.

In recognition of the unacceptable state of human rights and the massive humanitarian crisis brought on by the civil war, the United Nations took action in July 1998, when the Security Council established the UN Observer Mission in Sierra Leone (UNOMSIL) for an initial period of six months, until January 1999. UNOMSIL, formed of up to 70 military observers and a small medical unit, was tasked with monitoring the military and security situation in the country, including the disarmament and demobilization of former combatants, and the adherence to international humanitarian law. Unfortunately, a rebel assault on the capital in January forced the evacuation of UNOMSIL to neighboring Guinea.

Mr. President, it is difficult for most of us to comprehend the extent and the brutality of the human crisis in Sierra Leone. The United Nations has estimated that over 400,000 Sierra Leoneans have fled the fighting, either as refugees to neighboring Guinea and Liberia or to camps for the internally displaced. Conditions for both internally displaced persons and refugees are often severe due to a lack of access to camps and poor security conditions.

Mr. President, words cannot adequately describe the horrors that have been waged by the AFRC/RUF forces, which have included some of the most heinous acts ever committed in wartime. Human Rights Watch estimates that thousands of Sierra Leonean civilians have been raped, deliberately mutilated (often by amputation), or killed outright by the AFRC/RUF. In February 1998, these rebel groups launched two loosely organized campaigns of terror, "Operation No Living Thing" and "Operation Pay Yourself," designed to loot, destroy, or kill anything in the path of the combatants. During these campaigns, rebel fighters were encouraged to actively target women and commit sexual violence, including rape. Children, too, have not been spared from the gross violations of human rights committed by both sides to the conflict. The AFRC/RUF has abducted as many as 2,500 children—probably in the thousands—for use as laborers, fighters, and in the case of girls, sexual prisoners. They have abducted many children, some as young as eight or ten years old, and turned them into some of the rebels' fiercest fighters.

In December, the Chairman of the UN Security Council's Sierra Leone Sanctions Committee stated that it was hard to find words strong enough to describe the atrocities committed by the rebels. He cited instances where AFRC/RUF forces have cut off body parts with large machetes or burned civilians alive. He estimated that more than 4,000 people had been summarily executed or mutilated, just since April. Given the restrictions on access to a significant portion of the country, these numbers are likely just the tip of the iceberg.

The scope of the catastrophe is overwhelming, yet it is even more heart rending when viewed through the lens of the stories of individual experiences. International human rights groups have interviewed hundreds of survivors of the violence, each with a tale of suffering that is incomprehensible to many Americans. One woman described how she was captured, cut with a machete by a child rebel, had her hand amputated, and was left to bury her own hand. A reporter for the "Herald Guardian" reported seeing rebels cut off the foot of a boy and then execute him, with the final words of "You're too tall." Another woman recounted being captured, beaten, raped, and having the backs of her ankles sliced just below the Achilles tendon to ensure that she could not run away. Hundreds of Sierra Leoneans, who have swelled the refugees ranks in border camps in Guinea and Liberia, have similar stories.

Mr. President, although the bulk of the condemnation must go to the rebel forces of the AFRC and the RUF, the Kabbah government is itself no paragon of liberty and the rule of law. In particular, the Kamajor civilian defense forces affiliated with the Kabbah regime have been cited for indiscriminate killings and torture. Many of the more than 2,000 prisoners in Sierra Leone have been held under the 1998 Public Emergency Regulations, which provide for indefinite detention without trial. Section 13 of the same Public Emergency Regulations even declares that "disturbing reports" by the media are punishable offenses. Further exacerbating human rights abuses, government prisons are often overcrowded, unsanitary, and lacking in health care and the regular provision of food.

In other examples, the High Court of Sierra Leone sentenced to death twenty-seven civilians convicted of treason, including five journalists and a seventy-five-year-old woman. International observers questioned the appropriateness of the treason charges for the journalists, and criticized the lack of a right to appeals in sentencing by the military court. In October, the government of Sierra Leone executed by firing squad, without benefit of an appeal process, twenty-four soldiers.

Unfortunately even elements of the otherwise admirable ECOMOG forces must also shoulder some of the responsibility for the devastation that wracks Sierra Leone. According to international humanitarian groups, shelling by ECOMOG during its assault on Freetown, Sierra Leone's capital, in February 1998, took a high toll on civilians. Its forces have also obstructed humanitarian assistance and some members may seek to prolong their mission in order to exploit the conflict for economic gain.

Mr. President, it is unconscionable to allow this situation to continue without exerting every effort to help resolve the conflict that generates such atrocities. While no other country or international organization can impose a settlement on Sierra Leone, it is incumbent upon us to offer our assistance in ending the catastrophic violence. We must call on the combatants to come to the negotiating table, and on neighboring governments to cease their support for the rebel forces that have prolonged Sierra Leone's political and humanitarian agony. We should be prepared to support such a process through provision of additional logistical support to the regional peacekeeping force and through encouragement of a renewed commitment for UNOMSIL to carry out its mandate. To provide for a long term solution, we must also actively support multinational humanitarian operations to address the wide-ranging needs of a displaced and brutalized population. But even if the humanitarian disaster can be stemmed, we must not walk away until there is the prospect of a government that adheres to the rule of law and supports the universally recognized standards of human rights.

Mr. President, it does not please me to have to introduce this kind of resolution here in the Senate. But I believe it is important for the Senate to be on record in strong condemnation of the atrocities currently raging in Sierra Leone. I hope we can all move quickly to pass this resolution through the Committee on Foreign Relations and through the full Senate.

Mr. BIDEN. Mr. President, I am pleased to co-sponsor the resolution being submitted by Senator FRIST and Senator FEINGOLD condemning the escalating violence and violation of human rights in the nation of Sierra Leone. The past six weeks we have seen the end to peace and security in that country as a result of the renewed offensive by the combined forces of the Armed Forces Revolutionary Council military junta, known as the AFRC and a rebel group known as the Revolutionary United Front, or RUF in a effort to once again overthrow the democratically elected government of Sierre Leone.

The Economic Community of West African States stepped in almost a year ago, sending its Military Observer Group, called ECOMOG, to restore President Tejan Kabbah to power. Since that time, ECOMOG has been the sole thin line standing between notoriously inhumane AFRC/RUF forces and the fall of the democratically elected government.

Unfortunately on January 6 of this year, the AFRC/RUF once again attacked Freetown and continued waging an inhumane and unbelievably brutal war on the civilian population in the countryside. There are disturbing reports both in the media and from our embassy in Sierra Leone that the AFRC/RUF has rounded up civilians including men, women and children for the purposes of torture and mutilation. AFRC/RUF soldiers use machetes to amputate one or both hands, feet, ears, arms, and fingers of their civilian victims.

These reports indicate that victims are sometimes instructed to take a severed limb, body part or note to the government or ECOMOG stating that the government should replace the amputated body part, and that ECOMOG should leave Sierra Leone. These atrocities are carried out regardless of age or gender, and do not appear to be ethnically or religiously motivated.

Women and girls are kidnaped and forced into sexual slavery. Some kidnap victims are used as labor in rebel camps. Boys and young men are compelled to join the AFRC/RUF as soldiers against their will. Witnesses say that children as young as seven years have been forcibly recruited by the rebels.

The result of the escalated violence has been the exodus of over 450,000 people into neighboring Guinea and Liberia. Nearly twice as many are wandering around within the borders of Sierra Leone, their homes and villages destroyed, vulnerable to further attacks from insurgents, without access to food or medicine.

With the help of external actors who are acting in direct violation of a United Nationals arms embargo, the AFRC/RUF has been able to effectively sustain its assaults against civilians and ECOMOG troops. However, the AFRC/RUF has demonstrated no organized political platform or agenda. It enjoys no popular support among the people of Sierra Leone. In short, this group can accurately be described as a band of well armed, determined thugs.

I applaud the administration for providing aid to ECOMOG. However, as I wrote to the Secretary of State this week, and as this resolution indicates, the United States can and should do more to support ECOMOG financially. While ECOMOG is far from perfect, it is the only thing standing between the civilian population the fall of the duly elected government to indiscriminate, brutally violent AFRC/RUF forces.

It is for all of the above reasons that I join my colleagues Senators FRIST and FEINGOLD in sponsoring this resolution.

In addition to condemning the heinous actions of the AFRC/RUF rebels and the involvement of external actors in support of the rebels, the resolution urges the Administration to continue to give a high priority to solving this conflict.

Thousands of innocent men, women and children have been wounded, maimed and killed in the past months alone. We must do all we can do to bring about a swift and long-term political solution to this war. This is the only way to put a decisive end to the suffering of the population of Sierra Leone.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 4, 1999 at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Robert W. Gee to be an Assistant Secretary of the Department of Energy for Fossil Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 25, 1999, at 9:30 a.m. in open session, to receive testimony on U.S. policy regarding Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, February 25, 1999, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the fiscal year 2000 defense authorized request and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 25, 1999, to conduct a hearing on financial services legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the Department of Energy and the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 25, for purposes of conducting a full committee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Antimicrobial Resistance: Solutions to a Growing Public Health Threat during the session of the Senate on Thursday, February 25, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, February 25, 1999, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 25, 1999 at 9:30 a.m. to conduct its organizational meeting for the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to hold a hearing during the session of the Senate on Thursday, February 25, 1999 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building, on: "The Third Anniversary of the Telecom Act: A Competition and Antitrust Review."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 25, 1999, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MEAT LABELING ACT OF 1999

• Mr. FEINGOLD. Mr. President, I rise today to speak on the subject of the Meat Labeling Act of 1999. This measure, introduced earlier this year by South Dakota Senator, TIM JOHNSON, would require the country-of-origin labeling of beef, lamb, and pork prior to their sale at a retail level in the United States.

This bill will protect the consumers—who right now have no way of telling what country their meat is coming from—and come to the aid of an industry which has had to face severe competition from foreign countries in recent years.

Mr. President, last year, the U.S. agriculture industry faced devastating losses. Bad weather, pest infestation, decreased demand stemming from the Asian financial crisis, and increased imports, especially from Canada, all contributed to the record low prices in nearly every sector.

In Wisconsin, the hog industry took a big hit as cash prices dropped an average of 55%. Incomes were slashed, farms were sold for pennies on the dollar, and over 600 producers left the business.

This year, the Asian crisis continues, as well as the financial problems in Russia, in Brazil and other countries. The truth is that the market for U.S. agriculture products is bleak and it does not appear to be changing anytime soon.

America's meat producers face not only tough global competition from abroad, but a big disadvantage here at home, because their products aren't marked "made in the USA."

That means consumers can't distinguish a U.S.-grown pork chop from a Mexican one. This raises health and safety concerns, since meat-handling standards in other countries may not be as stringent as our own, and it means that consumers can't choose to put their buying power behind American farmers in the check-out aisle.

Right now the only guidance consumers do have is misleading at best—since many of us would assume that a steak that carries a USDA inspection and grade label is U.S. produced. But in many cases, this couldn't be farther from the truth. That steak could be from Mexico, Canada, or Nicaragua. And for a variety of reasons, I think Wisconsinites want to know if the pork chop they are buying is from Marquette or Mexico.

Recent scares over food imported from foreign countries make this issue more important than ever to consumers. Cases of disease and numerous problems with the quality of some foreign products make it all the more vital that we provide our consumers with as much information as possible so that they may make informed decisions about the food they purchase for themselves and their families.

Mr. President, this measure is supported by the Administration and prominent agriculture groups like the National Farmers Union, the American Farm Bureau, and the National Cattlemen's Association to name a few. Most importantly, this measure is supported by American consumers. In January, a survey conducted by Wirthlin Worldwide showed an overwhelming percentage of Americans, 78%, want to know more about the origin of the meat they purchase.

I urge my colleagues to join me in supporting this important measure. I urge you to give your constituents the right to know more about the origin of the food they buy and to allow them the opportunity to make choices that support their nation's agriculture industry.•

NATIONAL TRIO DAY

• Ms. COLLINS. Mr. President, I rise to bring my colleagues' attention to the celebration of National TRIO Day on February 27th. The 99th Congress designated the last Saturday in February as the day to celebrate these very important and successful federal programs designed to raise the educational aspirations of students by providing services that help them overcome social, cultural, and other barriers to success in higher education.

Currently, two thousand colleges, universities, and community agencies sponsor TRIO programs. More than 780,000 lower-income middle school, high school, and adult students benefit from the services of such TRIO programs as Talent Search, Upward Bound, and Student Support Services. Not only do students personally benefit from their participation in higher education, but also our nation benefits from a better-educated population motivated to serve their communities and their country.

My home state of Maine has one of the country's lowest rates of participation in postsecondary education. The fifteen TRIO programs operating in Maine are working successfully to increase this number. Each year, these programs serve 6,000 students, building their aspirations for higher education and providing them the counseling, confidence, and academic support they need to pursue higher education.

Father James Nadeau, a native of my hometown in Aroostook County, is a graduate of the Bowdoin College Upward Bound program. His story tells why the TRIO programs are so important. His parents did not have the opportunity to pursue an education beyond the eighth grade. Father Jim's participation in Upward Bound changed his life and opened up a world of opportunity to him.

Beginning in 1977, Father Jim spent three summers enrolled in Upward Bound and then attended Dartmouth College and studied in France and Scotland. Subsequently, he studied for five years at the Gregorian University in Rome and received two graduate degrees in theology. His ministry has spanned from Mother Teresa in Calcutta to school children in Portland, Maine and continues to affect lives all over the world. He is an excellent role model for the youth of Maine and remains a terrific example of the success of the TRIO programs. There are many similar stories of TRIO graduates in all professions and walks of life. These are stories of successful, educated individuals who were introduced by a TRIO program to the endless possibilities that become attainable through education.

I encourage all of my colleagues to visit TRIO programs in their states as I have done in Maine. You will see for yourselves why these programs are vital to our efforts to promote equal educational opportunity for all our citizens.•

MONTANA IS PROUD OF THE BOZEMAN HIGH SCHOOL BAND

• Mr. BAUCUS. Mr. President, I come to the floor today to recognize an outstanding group of Montana students. Recently, the Bozeman High School Marching Band and Color Guard earned the opportunity to perform in the Rose Bowl Parade in Pasadena, CA. By the sounds of the crowd of onlookers, it is safe to say that they stole the show. It was a beautiful day for a parade, and the Bozeman High School Marching Band and Color Guard took advantage of the opportunity to make a name for themselves. Over the past few years, Montana students have truly become competitive in academics, athletics, and the arts. The Bozeman High School band is just one of the many examples where Montana students are gaining national recognition. There are few appearances by Montana High Schools at events of this caliber, but rest assured, there are many more to come.

Under the direction of Russ and Loralee Newbury, these students worked extremely hard to prepare for this prestigious event. They represented their school, city, county, and state with great enthusiasm and talent. I know that I speak for the people of Bozeman and the State of Montana when I say that I am very proud of these students. I would like to take this opportunity to congratulate every one of these students on a job well done.

Mr. President, I ask that articles from the Bozeman Daily Chronicle of December 29, 1998, and January 2, 1999, be printed in the RECORD.

The articles follow:

[From the Bozeman Daily Chronicle, Dec. 29, 1998]

CALIFORNIA, HERE THEY COME

(By Gail Schontzler)

Three hundred Bozeman High Marching Band members boarded charter planes in the wee hours Monday morning to fly to Los Angeles in advance of Friday's big Tournament of Roses Parade.

Two hundred lucky friends and family members flew down with them and will be able to see the New Year's Day parade in person. The rest of us will just have to try to catch the band on TV.

Two television networks, CBS and NBC, and one available only by satellite, Home & Garden TV, plan to carry the 110th Tournament of Roses Parade.

The parade itself begins at 9 a.m. MST and that's when NBC plans to begin its 90-minute coverage. CBS will start at 8 a.m MST with an hour-long pre-parade show. Home & Garden TV is the only station that will carry the entire parade live and uninterrupted, but you have to be a satellite subscriber to receive its programming.

So when's the best time to try to see the Bozeman band? According to the official parade program, Bozeman is scheduled to march in spot No. 71 out of the 103 parade entries, right after a group of fezwearing Shriners on horseback. All together there will be 56 floats, 22 marching bands and 25 equestrian teams.

There's no way to know how many seconds of fame Bozeman's band will get from CBS or NBC—there's no guarantee some jovial commentator or commercial break won't blot the Bozeman band out entirely. But the band's boosters did their best to make Bozeman sound colorful.

In the advance publicity sent to the parade organizers and the Home & Garden channel, Bozeman listed its famous alumni as actor Gary Cooper and New York Giants middle linebacker Corey Widmer, "who played trumpet in the band"; reported that Bozeman High was named one of the nation's top 10 schools by Redbook magazine; and said it snows every month in Bozeman.

The marching band has practiced in weather as low as 10 degrees with 40-mph gusts of wind blowing snow down the sousaphones," the school reported. "Airplane hangers are preferred practice sites in such weather."

It also boasted that Bozeman is the fly-fishing capital of the world and that Bozeman led the state in National Merit Scholars in 1997 and 1998.

Bozeman will be competing for air time with the likes of the Los Angeles Unified All District High School Honor Band, which reported logging 100 miles around Dodger Stadium to get in shape for the parade, and the Lincoln High School Band from Stockton, Calif., one of the nation's asparagus-growing leaders.

To hear the bands and see the flower-covered floats, one million people will line the five-and-a-half-mile parade route, according to the Pasadena Police Department. Many will bring sleeping bags and camp overnight.

In honor of the end of the century, this year's Rose parade will have four grand marshals, actress and diplomat Shirley Temple Black, David Wolper, who produced "Roots," a friend representing the late baseball great Jackie Robinson and astronaut Buzz Aldrin, who walked on the moon.

[From the Bozeman Daily Chronicle, Jan. 2, 1999]

BOZEMAN HIGH BAND TAKES ITS PLACE IN ROSE PARADE HISTORY

(By Ann Arbor Miller)

PASADENA, Calif.—Instruments in hand, shoelaces double-knotted and hair tucked inside hats topped with red and black plumes, the Bozeman High School Marching Band took its place in parade history.

The band, 298 teen-agers strong, marched the five-and-a-half mile route Friday through the heart of this Southern California city.

"I'm felling awesome," said junior Brandon Warwood during a brief break eight blocks from the end of the 110th Tournament of Roses Parade. "I could do this all day."

An estimated one million spectators, seated in stadium bleachers, lawn chairs and on the curb, lined the streets for the New Year's Day spectacle. They took to the roof tops of local businesses and apartment buildings. They built makeshift bleachers with stepladders and wooden boards, topping the seats with blankets for padding.

Many shouted praise and cheers for the Bozeman band, whose members wore their stately, wool uniforms of black, red and silver.

"Go Bozeman."

"Looking good."

"Happy New year."

"Take the cold weather home with you."

Parade-goers left a trail of confetti, silly string and tortillas along the parade route.

Bozeman's appearance here was a first in the school's history and is certainly a rarity among Montana high schools. Many young musicians were still trying to comprehend their arrival here during the hour before the parade start at 9 a.m.

"It doesn't seem real," said freshman Jamie Booth. "It is so much bigger than any parade we've ever been in."

For Jeff Knacht, a 1998 Bozeman High graduate, Friday's event was a chance of a lifetime.

"We actually get to do it—a little nowhere town in Montana," said an amazed Knacht, one of half a dozen or so recent graduates asked to rejoin the band for this parade.

A full moon shone over the group as it made its way from a hotel in Buena Park, Calif., to Pasadena in the early morning. The band arrived in Pasadena at 8 a.m. MST, sleepy and groggy after the more than an hour drive.

On one of seven buses carrying band members to the parade the sounds of the Beach Boys and Aretha Franklin blared from the charter's sound system, courtesy of a Los Angeles radio station. The music prompted some musicians to dance in the aisle and sing along.

But the students' attention soon turned to more important tasks like adjusting chin straps and warming up their hands.

Band director Russ Newbury called a last minute check for all instruments.

A sense of nervousness and excitement loomed as band members settled in their positions and waited to take spot No. 71—behind the Araret Shrine Mounted Guard and its 17 horses and in front of an impressive float with a giant pair of Tyrannosaurus Rex.

Augel Medina, of California, knows the importance of a good seat. His grandson spent the night babysitting eight empty chairs on Colorado Boulevard to ensure the family had good views of the floats and bands.

"It's more fun to be closer," Medina said. "You can talk to the participants and even shake their hands."

Bozemen's marchers earned high marks from Medina, who admitted he's a huge fan of a good parade.

"It is always a beautiful day for a parade," he said.

Almost two hours after the Bozeman band began this parade trek, members passed a child holding a Magna Doodle that read: "Almost there."

Minutes later, the Bozeman High School Marching Band completed its journey with sore feet, much pride and a desperate thirst for water.•

MOTHER GERALDINE WRIGHT'S BIRTHDAY

• Mr. ABRAHAM. Mr. President, it gives me great pleasure to rise today to honor an outstanding individual, Mother Geraldine Marvel Miller Wright, on the occasion of her birthday on Sunday, February 28, 1999.

Mother Geraldine Wright, the wife of one of the nation's most prominent Bishops, the Bishop Earl J. Wright, Sr., the mother of three children, Earl Jr., Michael and Marvie; has learned how to labor in the ministry standing beside her husband and helping him in the work. This task is not new to Mother Wright—her lineage is made up of a host of leaders. Her father was a Bishop, her brother is a Bishop, and she has a brother-in-law who is also a Bishop.

Mother Geraldine Wright is an extraordinary example of what one can achieve through tenacity and a giving and loving heart. Through her love for God, family, church, and others, Mother Wright has made an impact in the lives of many hurting people. She untiringly stands by her husband's side, she visits and ministers to the sick, encourages others, helps others, gives to others, prays for others, but most of all, she is a trainer and builder of others. Training individuals to love God and work for the Lord seems to be one very important aspect of her calling.

Along with being the First Lady and Director of the Women's Department of Greater Miller Memorial Church of God in Christ and the Davis Memorial Church of God in Christ, Mother Wright is also a District Missionary in the New Creation District of the Second Ecclesiastical Jurisdiction of Southwest Michigan. She is the Founder of the Geraldine Marvel Miller Wright Institute for Women in the Ministry, which is one of Mother Wright's most outstanding accomplishments. This Institute serves as a catalyst of change in the lives of many young women who have dedicated their lives to the service and calling of the Lord Jesus Christ. Proverbs 31:28–30 sums up Mother Geraldine Wright best. It reads as follows:

> Her children arise up, and call her blessed; her husband also, and he praiseth her. Many daughters have done virtuously, but thou excellest them all. Favour is deceitful, and beauty is vain: but a woman that feareth the Lord, she shall be praised. Give her of the fruit of her hands; and let her own words praise her in the gates.

So let it be known on this day, Sunday, February 28, 1999, that Mother Geraldine Marvel Miller Wright has been a leader of women and has impacted this nation and world, has left an indelible mark on the history of mankind.●

NOMINATION OF BILL LANN LEE

● Mrs. BOXER. Mr. President, I note with great pride that the President has announced his intention to nominate Mr. Bill Lann Lee, a native of my State of California, to be Assistant Attorney General for Civil Rights in the Department of Justice.

The Senate will recall that Bill Lann Lee was nominated for this post more than a year and a half ago, in July 1997. His nomination died in the Judiciary Committee at the end of the 105th Congress. The majority of that Committee denied the full Senate a vote on the nomination because it knew Bill Lann Lee would have been confirmed if a vote had been taken.

Mr. President, I hope that the Judiciary Committee will not make the same mistake twice. Bill Lann Lee is fully qualified for this position. Indeed, I believe that he is the best person for the position. His personal history and his professional credentials both make him the perfect candidate to be Assistant Attorney for Civil Rights.

Bill Lann Lee was born in Harlem, the son of immigrants. He learned early in life about patriotism, from his father, who volunteered for military service in World War II in order to serve the adopted country that he loved so much. Bill Lee also learned from his parents, who ran a laundry, the value of hard work, a good education, and commitment to excellence.

Bill Lee spent most of his 24-year legal career with the NAACP Legal Defense and Education Fund, which was founded by Thurgood Marshall. He also spent several years in the 1980's working for the Center for Law in the Public Interest. Throughout his career, Bill Lee has demonstrated a talent for consensus building—surely one of the most important attributes for the top civil rights job.

Elected officials and other leaders from both parties have strongly endorsed Bill Lann Lee, including Los Angeles Mayor Richard Riordan, who said, in a letter to the White House: "Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court."

He has the endorsement of the National District Attorneys Association, which wrote: ". . . as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the U.S. to be provided effective, efficient and fair law enforcement services. . . . he will do his utmost to ensure that honest and hardworking police officers are not tarnished by the acts of a few miscreants."

I join the many people across the country—lawyers, law enforcement, elected officials, and others—who want the Senate to finally confirm this splendid nominee for this very important post.●

TRIBUTE TO FRED B. KFOURY, JR.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Fred Kfoury, Jr., as the 1998 Manchester Chamber of Commerce "Citizen of the Year." I commend his outstanding achievement.

Fred is the President of Center Paper Products Company in Manchester, New Hampshire. His company employs forty-five people and is a fixture in the Manchester business community. He is described by his business associates as a very generous, thoughtful businessman. His company, that was passed on to him from his father, continues to grow and thrive.

Fred has always tempered his business success with a great devotion to volunteerism. His own philosophy, "Service to one's community is an integral part of his company's culture," has been readily apparent in his actions through the years. Fred has constantly maintained a record of service to his community that is highly admirable. He has been active in organizations from his college alumni association to the annual Christmas party for students and families at Notre Dame College.

As a former small business owner, I understand the demands of running a business. I commend Fred for his diligent work in his business as well as the devotion he has shown to the community. Once again, I wish to congratulate Fred on being named 1998 "Citizen of the Year" by the Manchester Chamber of Commerce. It is an honor to represent him in the United States Senate.●

NATIONAL ENGINEERS WEEK

● Mr. GRAMS. Mr. President, I rise today to pay tribute to those men and women who have made the world we live in a better place through their advances in engineering. February 21–27 is the 49th annual observance of National Engineers Week to increase public awareness and appreciation of the engineering profession and of technology. Thousands of engineers, engineering students, teachers, and leaders in government and business participate each year.

Engineering is so intertwined in our everyday activity that it can often be taken for granted. The National Society of Professional Engineers and a consortium of more than 100 engineering, scientific and education societies and major corporations are working to increase the public's awareness during this week.

This year's theme, "Engineers: Turning Ideas into Reality," will focus on participants interesting with children from elementary to high school through demonstrations and question and answer sessions. Seventh and eighth-grade students are invited to design future cities and build three-dimensional scale models with the help of their teachers and volunteer-engineer mentors. The National Engineering Design Challenge will team up high school students to design, build, and demonstrate a working model of a new product. And the Discover E program will reach more than five million elementary, junior and senior high school students to help them discover how engineering is applied in math, science and technology. Over 40,000 engineers nationwide will work with these students through hands-on activities in the classroom.

In Minnesota, "Discover E! in Minneapolis" was held on February 23 with the help of engineering students from the University of Minnesota and engineers from local businesses visiting 5th and 6th graders. The students were able to explore mechanical, biomedical, and environmental engineering through demonstrations and discussions about work and studies.

This week honors the birthday of one of the nation's first engineers, a surveyor named George Washington. It also recognizes the countless other engineers who have influenced nearly every aspect of our lives with their dedicated work and numerous technological advances. Their contributions to science include discoveries, for example, that have resulted in the development of ultra-lite materials such as Kevlar, and environmentally beneficial technologies such as a wastewater treatment system that effectively recycles 100% of all wastewater.

Schools have focused their teachings on the body of scientific knowledge, often times neglecting the process of discovery that engineers use to help create the new advances for our modern world. With the support of groups such as NASA and Minnesota-based 3M, programs during Engineers Week will integrate this process of discovery and the use of technology into mathematics, science, language arts, and other topics. I am a strong supporter of exposing our children to the world around them and hope this awareness will get them involved and spark interest in the future of engineering.•

TELECOMMUNICATIONS ACT OF 1996

• Mr. BROWNBACK. Mr. President, three years ago this month, Congress and the President hailed the enactment of the Telecommunications Act of 1996. This piece of legislation was intended to increase competition, expand consumer choice, foster new technologies and create new jobs. The Act contemplated the achievement of these goals through reliance on the marketplace rather than on a sluggish and burdensome regulatory mandate.

The implementation of the Act by the Federal Communications Commission has sailed way off course. Congress provided the universal service program as a means of ensuring that residents of rural and high-cost areas receive the same high quality services and the same affordable rates as their urban counterparts. Yet universal service, one of the most important topics addressed in the Act, remains virtually unchanged by the FCC after three years despite the Commission's statutory responsibility to finish universal service reform in a "single proceeding" and within 15 months of passage of the Act. The FCC did complete a small part of the universal service mandate, the program bringing advanced services to schools and libraries. However, the Commission continues to ignore the most significant aspect of universal service reform, "the preservation and advancement of universal service" and high-cost areas. The Act commands that the Commission make the support mechanisms explicit and predictable. The Commission's failure to do so threatens the affordability of rural residential rates.

The uncertainty created by the FCC's failure to implement universal service is perpetuating the absence of local competition, especially in rural areas. As a consequence, local residential competition will remain at the current inadequate levels until the FCC addresses universal service. Congress intended that carriers providing service to residents of rural and high-cost areas would receive support for the "provision, maintenance, and upgrading of facilities and services" which would otherwise be absent in these areas. Accordingly, the Commission must make the now implicit subsidies explicit and sufficient in order to fulfill Congress' mandate.

Congress is still looking for more competition and more choice in all communications services, especially for rural residents. Let's allow the marketplace to work, which will give consumers in rural areas some real choices at affordable rates.

Mr. President, this year Congress will consider reauthorization of the FCC. I am extremely disappointed with the Commission's track record on implementation of the Act. As we contemplate legislation to change the FCC, its actions over the next several months will determine the outcome of our deliberations. I hope that the FCC will complete the universal service proceeding by July 1, and act in a manner consistent with the Act. I will not accept a universal service proceeding that puts upward pressure on rural rates, and I will hold the FCC accountable it fails to comply with the Act.

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TRIBUTE TO BRIGADIER GENERAL RANDALL M. "MARK" SCHMIDT

• Mr. CRAIG. Mr. President, it is my distinct privilege to rise today to thank Brigadier General Randall M. "Mark" Schmidt for his service as commander of the 366th Wing, Mountain Home Air Force Base, Idaho. General Schmidt has been at Mountain Home since August of 1997, and will soon move on to reassignment as commander, Joint Task Force, Southwest Asia.

I have long been proud of the 366th Wing. The Wing's motto is, "Anywhere, anytime," Mountain Home is unique because it is the Air Force's only air intervention composite wing. The 366th is ready to deploy on a moment's notice with its own integrated command, control, communications, and intelligence capabilities. The Wing is a composite force already built and trained, ready to fight and intervene anytime, anywhere. However, it is clear that the reason this concept has been a success is because of the dedicated patriots who have had the privilege to serve at Mountain Home. Commander Schmidt has exemplified that tradition.

By all accounts, General Schmidt's service has been nothing short of extraordinary. He has made the goal of "one community" a reality at Mountain Home. He has integrated every airman, regardless of rank, to be part of the 366th team. He puts his words into action. The biggest testament to his talent is the fine work of men and women who are part of the 366th. Indeed, Mountain Home and Idaho have been fortunate to have him.

However, Commander Schmidt's talents do not come as a surprise to me. As a Westerner, a former rancher, and a history buff, I have always been captivated by the pioneer spirit. It is that spirit which brought many of our ancestors to America, and some of them across America to settle in the West. It is that same spirit that isn't afraid of challenges, hardships or hard work, which can be measured and found throughout this great nation, and is at certainly home in the men and women of the United States Air Force.

In addition to saying thank you, let me also take this opportunity to congratulate Commander Schmidt. Secretary Cohen has selected him to be one of a small, select group of Brigadier Generals nominated for promotion to Major General. As he prepares to leave for the desert to serve on joint command, I hope and believe that he will always consider himself an Idahoan.

General Schmidt, thank you, congratulations, and godspeed.●

NINTH CIRCUIT DIVISION

● Mr. MURKOWSKI. Mr. President, today I rise to clarify a production and printing problem that occurred with regard to the Congressional Record. On January 19, 1999, I, with my distinguished colleague from the State of Washington, Senator Gorton, introduced legislation to reorganize the Ninth Circuit Court of Appeals. Unfortunately, the legislation we introduced, S. 186, was an incorrect draft. I reintroduced the correct draft as S. 253. However, through a glitch in the publishing of the Record, the incorrect language of the bill was again reproduced in the Record.

The language appearing in today's record is the correct language of S. 253. This language is identical to the recommendation of the White Commission, the congressionally-mandated Commission structured to study the alignment of the U.S. Court of Appeals.

Mr. President, I ask that the "star print" of S. 253, the Ninth Circuit Reorganization Act of 1999, be printed in the Record.

The material follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Ninth Circuit Reorganization Act of 1999".

SEC. 2. DIVISIONAL ORGANIZATION OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT.

(a) Regional Divisions.—Effective 180 days after the date of enactment of this Act, the United States Court of Appeals for the Ninth Circuit shall be organized into 3 regional divisions designated as the Northern Division, the Middle Division, and the Southern Division, and a nonregional division designated as the Circuit Division.

(b) Review of Decisions.—

(1) Nonapplication of section 1294.—Section 1294 of title 28, United States Code, shall not apply to the Ninth Circuit Court of Appeals. The review of district court decisions shall be governed as provided in this subsection.

(2) Review.—Except as provided in sections 1292(c), 1292(d), and 1295 of title 28, United States Code, once the court is organized into divisions, appeals from reviewable decisions of the district and territorial courts located within the Ninth Circuit shall be taken to the regional divisions of the Ninth Circuit Court of Appeals as follows:

(A) Appeals from the districts of Alaska, Idaho, Montana, Oregon, Eastern Washington, and Western Washington shall be taken to the Northern Division.

(B) Appeals from the districts of Eastern California, Northern California, Guam, Hawaii, Nevada, and the Northern Mariana Islands shall be taken to the Middle Division.

(C) Appeals from the districts of Arizona, Central California, and Southern California shall be taken to the Southern Division.

(D) Appeals from the Tax Court, petitions to enforce the orders of administrative agencies, and other proceedings within the court of appeals' jurisdiction that do not involve review of district court actions shall be filed in the court of appeals and assigned to the division that would have jurisdiction over the matter if the division were a separate court of appeals.

(3) Assignment of judges.—Each regional division shall include from 7 to 11 judges of the court of appeals in active status. A majority of the judges assigned to each division shall reside within the judicial districts that are within the division's jurisdiction as specified in paragraph (2), except that judges may be assigned to serve for specified, staggered terms of 3 years or more, in a division in which they do not reside. Such judges shall be assigned at random, by means determined by the court, in such numbers as necessary to enable the divisions to function effectively. Judges in senior status may be assigned to regional divisions in accordance with policies adopted by the court of appeals. Any judge assigned to 1 division may be assigned by the chief judge of the circuit for temporary duty in another division as necessary to enable the divisions to function effectively.

(4) Presiding judges.—Section 45 of title 28, United States Code, shall govern the designation of the presiding judge of each regional division as though the division were a court of appeals, except that the judge serving as chief judge of the circuit may not at the same time serve as presiding judge of a regional division, and that only judges resident within, and assigned to, the division shall be eligible to serve as presiding judge of that division.

(5) Panels.—Panels of a division may sit to hear and decide cases at any place within the judicial districts of the division, as specified by a majority of the judges of the division. The divisions shall be governed by the Federal Rules of Appellate Procedure and by local rules and internal operating procedures adopted by the court of appeals. The divisions may not adopt their own local rules or internal operating procedures. The decisions of 1 regional division shall not be regarded as binding precedents in the other regional divisions.

(c) Circuit Division.—

(1) In general.—In addition to the 3 regional divisions specified under subsection (a), the Ninth Circuit Court of Appeals shall establish a Circuit Division composed of the chief judge of the circuit and 12 other circuit judges in active status, chosen by lot in equal numbers from each regional division. Except for the chief judge of the circuit, who shall serve ex officio, judges on the Circuit Division shall serve nonrenewable, staggered terms of 3 years each. One-third of the judges initially selected by lot shall serve terms of 1 year each, one-third shall serve terms of 2 years each, and one-third shall serve terms of 3 years each. Thereafter all judges shall serve terms of 3 years each. If a judge on the Circuit Division is disqualified or otherwise unable to serve in a particular case, the presiding judge of the regional division to which that judge is assigned shall randomly select a judge from the division to serve in the place of the unavailable judge.

(2) Jurisdiction.—The Circuit Division shall have jurisdiction to review, and to affirm, reverse, or modify any final decision rendered in any of the court's divisions that conflicts on an issue of law with a decision in another division of the court. The exercise of such jurisdiction shall be within the discretion of the Circuit Division and may be invoked by application for review by a party to the case, setting forth succinctly the issue of law as to which there is a conflict in the decisions of 2 or more divisions. The Circuit Division may review the decision of a panel within a division only if en banc review of the decision has been sought and denied by the division.

(3) Procedures.—The Circuit Division shall consider and decide cases through procedures adopted by the court of appeals for the expeditious and inexpensive conduct of the division's business. The Circuit Division shall not function through panels. The Circuit Division shall decide issues of law on the basis of the opinions, briefs, and records in the conflicting decisions under review, unless the Circuit Division determines that special circumstances make additional briefing or oral argument necessary.

(4) En banc proceedings.—Section 46 of title 28, United States Code, shall apply to each regional division of the Ninth Circuit Court of Appeals as though the division were the court of appeals. Section 46(c) of title 28, United States Code, authorizing hearings or rehearings en banc, shall be applicable only to the regional divisions of the court and not to the court of appeals as a whole. After a divisional plan is in effect, the court of appeals

shall not order any hearing or rehearing en banc, and the authorization for a limited en banc procedure under section 6 of Public Law 95–486 (92 Stat. 1633), shall not apply to the Ninth Circuit. An en banc proceeding ordered before the divisional plan is in effect may be heard and determined in accordance with applicable rules of appellate procedure.

(d) CLERKS AND EMPLOYEES.—Section 711 of title 28, United States Code, shall apply to the Ninth Circuit Court of Appeals, except the clerk of the Ninth Circuit Court of Appeals may maintain an office or offices in each regional division of the court to provide services of the clerk's office for that division.

(e) STUDY OF EFFECTIVENESS.—The Federal Judicial Center shall conduct a study of the effectiveness and efficiency of the divisions in the Ninth Circuit Court of Appeals. No later than 8 years after the effective date of this Act, the Federal Judicial Center shall submit to the Judicial Conference of the United States a report summarizing the activities of the divisions, including the Circuit Division, and evaluating the effectiveness and efficiency of the divisional structure. The Judicial Conference shall submit recommendations to Congress concerning the divisional structure and whether the structure should be continued with or without modification.

SEC. 2. ASSIGNMENT OF JUDGES; PANELS; EN BANC PROCEEDINGS; DIVISIONS; QUORUM.

(a) IN GENERAL.—Section 46 of title 28, United States Code, is amended to read as follows:

§46. Assignment of judges; panels; en banc proceedings; divisions; quorum

"(a) Circuit judges shall sit on the court of appeals and its panels in such order and at such times as the court directs.

"(b) Unless otherwise provided by rule of court, a court of appeals or any regional division thereof shall consider and decide cases and controversies through panels of 3 judges, at least 2 of whom shall be judges of the court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness. A court may provide by rule for the disposition of appeals through panels consisting of 2 judges, both of whom shall be judges of the court. Panels of the court shall sit at times and places and hear the cases and controversies assigned as the court directs. The United States Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel-to-panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than 2, who constitute a panel.

"(c) Notwithstanding subsection (b), a majority of the judges of a court of appeals not organized into divisions as provided in subsection (d) who are in regular active service may order a hearing or rehearing before the court en banc. A court en banc shall consist of all circuit judges in regular active service, except that any senior circuit judge of the circuit shall be eligible to participate, at that judge's election and upon designation and assignment pursuant to section 294(c) and the rules of the circuit, as a member of an en banc court reviewing a decision of a panel of which such judge was a member.

"(d)(1) A court of appeals having more than 15 authorized judgeships may organize itself into 2 or more adjudicative divisions, with each judge of the court assigned to a specific division, either for a specified term of years or indefinitely. The court's docket shall be allocated among the divisions in accordance with a plan adopted by the court, and each division shall have exclusive appellate jurisdiction over the appeals assigned to it. The presiding judge of each division shall be determined from among the judges of the division in active status as though the division were the court of appeals, except the chief judge of the circuit shall not serve at the same time as the presiding judge of a division.

"(2) When organizing itself into divisions, a court of appeals shall establish a circuit division, consisting of the chief judge and additional circuit judges in active status, selected in accordance with rules adopted by the court, so as to make an odd number of judges but not more than 13.

"(3) The circuit division shall have jurisdiction to review, and to affirm, reverse, or modify any final decision rendered in any of the court's divisions that conflicts on an issue of law with a decision in another division of the court. The exercise of such jurisdiction shall be within the discretion of the circuit division and may be invoked by application for review by a party to the case, setting forth succinctly the issue of law as to which there is a conflict in the decisions of 2 or more divisions. The circuit division may review the decision of a panel within a division only if en banc review of the decision has been sought and denied by the division.

"(4) The circuit division shall consider and decide cases through procedures adopted by the court of appeals for the expeditious and inexpensive conduct of the circuit division's business. The circuit division shall not function through panels. The circuit division shall decide issues of law on the basis of the opinions, briefs, and records in the conflicting decisions under review, unless the division determines that special circumstances make additional briefing or oral argument necessary.

"(e) This section shall apply to each division of a court that is organized into divisions as though the division were the court of appeals. Subsection (c), authorizing hearings or rehearings en banc, shall be applicable only to the divisions of the court and not to the court of appeals as a whole, and the authorization for a limited en banc procedure under section 6 of Public Law 95–486 (92 Stat. 1633), shall not apply in that court. After a divisional plan is in effect, the court of appeals shall not order any hearing or rehearing en banc, but an en banc proceeding already ordered may be heard and determined in accordance with applicable rules of appellate procedure.

"(f) A majority of the number of judges authorized to constitute a court, a division, or a panel thereof shall constitute a quorum.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 28, United States Code, is amended by amending the item relating to section 46 to read as follows:

"46. Assignment of judges; panels; en banc
    proceedings; divisions;
    quorum.".

(c) MONITORING IMPLEMENTATION.—The Federal Judicial Center shall monitor the implementation of section 46 of title 28, United States Code (as amended by this section) for 8 years following the date of enactment of this Act and report to the Judicial Conference such information as the Center determines relevant or that the Conference requests to enable the Judicial Conference to assess the effectiveness and efficiency of this section.

SEC. 3. DISTRICT COURT APPELLATE PANELS.

(a) IN GENERAL.—Chapter 5 of title 28, United States Code, is amended by adding after section 144 the following:

"§145. District Court Appellate Panels

"(a) The judicial council of each circuit may establish a district court appellate panel service composed of district judges of the circuit, in either active or senior status, who are assigned by the judicial council to hear and determine appeals in accordance with subsection (b). Judges assigned to the district court appellate panel service may continue to perform other judicial duties.

"(b) An appeal heard under this section shall be heard by a panel composed of 2 district judges assigned to the district court appellate panel service, and 1 circuit judge as designated by the chief judge of the circuit. The circuit judge shall preside. A district judge serving on an appellate panel shall not participate in the review of decisions of the district court to which the judge has been appointed. the clerk of the court of appeals shall serve as the clerk of the district court appellate panels. A district court appellate panel may sit at any place within the circuit, pursuant to rules promulgated by the judicial council, to hear and decide cases, for the convenience of parties and counsel.

"(c) In establishing a district court appellate panel service, the judicial council shall specify the categories or types of cases over which district court appellate panels shall have appellate jurisdiction. In such cases specified by the judicial council as appropriate for assignment to district court appellate panels, and notwithstanding sections 1291 and 1292, the appellate panel shall have exclusive jurisdiction over district court decisions and may exercise all of the authority otherwise vested in the court of appeals under sections 1291, 1292, 1651, and 2106. A district court appellate panel may transfer a case within its jurisdiction to the court of appeals if the panel determines that disposition of the case involves a question of law that should be determined by the court of appeals. The court of appeals shall thereupon assume jurisdiction over the case for all purposes.

"(d) Final decisions of district court appellate panels may be reviewed by the court of appeals, in its discretion. A party seeking review shall file a petition for leave to appeal in the court of appeals, which that court may grant or deny in its discretion. If a court of appeals is organized into adjudicative divisions, review of a district court appellate panel decision shall be in the division to which an appeal would have been taken from the district court had there been no district court appellate panel.

"(e) Procedures governing review in district court appellate panels and the discretionary review of such panels in the court of appeals shall be in accordance with rules promulgated by the court of appeals.

"(f) After a judicial council of a circuit makes an order establishing a district court appellate panel service, the chief judge of the circuit may request the Chief Justice of the United States to assign 1 or more district judges from another circuit to serve on a district court appellate panel, if the chief judge determines there is a need for such judges. the Chief Justice may thereupon designate and assign such judges for this purpose.".

(a) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 28, United States Code, is amended by adding after the item relating to section 144 the following:

"145. District court appellate panels.".

(c) Monitoring Implementation.—The Federal Judicial Center shall monitor the implementation of section 145 of title 28, United States Code (as added by this section) for 8 years following the date of enactment of this Act and report to the Judicial Conference such information as the Center determines relevant or that the Conference requests to enable the Conference to assess the effectiveness and efficiency of this section.●

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. McCONNELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On February 25, 1999, the Committee on Rules and Administration held a business meeting during which the members of the committee unanimously adopted the rules to govern the procedures of the committee.

Consistent with Standing Rule XXVI, today I am submitting for printing in the Congressional Record a copy of the rules of the Senate Committee on Rules and Administration.

The rules follow:

Rules of Procedure of the Senate Committee on Rules and Administration

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period or no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.●

RULES OF THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. THOMPSON. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On January 20, 1999, the Committee on Governmental Affairs held a business meeting during which the members of the Committee unanimously adopted the rules to govern the procedures of the Committee. In addition, a majority of members of the Committee's Permanent Subcommittee on Investigations adopted subcommittee rules of procedure on February 12, 1999.

Consistent with Standing Rule XXVI, today I am submitting for printing in the Congressional Record a copy of the rules of the Senate Committee on Governmental Affairs and its Permanent Subcommittee on Investigations.

The Rules follow:

Rules of Procedure of the Committee on Governmental Affairs Pursuant to Rule XXVI, Sec. 2, Standing Rules of the Senate

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within 3 calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen, requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. *Meeting transcript.* The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking testimony.* One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. *Subcommittee quorums.* Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. *Polling.* (1) The Committee, or any Subcommittee thereof, may poll (a) internal

Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any Subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; *provided, however,* that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(1) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(2) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(3) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittees.* All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittees.* The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; *provided, however,* that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the

Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however*, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on Confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

SENATE RESOLUTION 49, 106th CONGRESS, 1st SESSION (CONSIDERED AND AGREED TO FEBRUARY 24 (LEGISLATIVE DAY, FEBRUARY 00), 1999)

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 1999 THROUGH SEPTEMBER 30, 1999

* * * * *

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,836,961, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1999, through September 30, 1999, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 54, agreed to February 13, 1997 (105th Congress) are authorized to continue.

106TH CONGRESS RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS, AS ADOPTED FEBRUARY 12, 1999

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman/or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five (5) Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a matter as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights. Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel for the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such request shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Subcommittee supervision; a copy of any testimony given in public sesssion or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of, Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff member shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.•

RULES OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE

• Mr. SHELBY. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each Committee shall be published in the RECORD.

In compliance with this provision, I ask that the Rules of the Select Committee on Intelligence be printed in the RECORD.

RULES OF PROCEDURE OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legisative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Committee or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10. RELEASE OR NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff work for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 49th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102-166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETING

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

94TH, CONGRESS, 2D SESSION, S. RES. 400, [REPORT NO. 94–675] [REPORT NO. 94–770], IN THE SENATE OF THE UNITED STATES, MARCH 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations.

MAY 19, 1976, CONSIDERED, AMENDED, AND AGREED TO

resolution—To establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designate by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agencies: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the department or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception or a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B

94TH CONGRESS, 1ST SESSION, S. RES. 9, IN THE SENATE OF THE UNITED STATES, JANUARY 15, 1975

Mr. Chiles, (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration

RESOLUTION—Amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person. Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.".

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe (Helsinki): The Senator from Texas (Mrs. HUTCHISON), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Kansas (Mr. BROWNBACK).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services, and

The Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, and

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services, and

The Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

ORDERS FOR TUESDAY, MARCH 2, 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate reconvenes on Tuesday, March 2, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. Mr. President, for the information of Senators, the Senate will not be in session on Friday and will be in a pro forma session on Monday. The Senate will then reconvene on Tuesday at 9:30 a.m. and will begin consideration of S. 314, a bill providing small business loans regarding the year 2000 computer problems. There will be 1 hour for debate on the bill, equally divided between Senators BOND and KERRY of Massachusetts, with no amendments in order, to be followed by a vote on passage of the bill at 10:30 a.m.

Following that vote, the Senate will recess to allow Members to attend the confidential hearing regarding the Y2K issue in room S-407 of the Capitol.

The Senate will recess for the policy luncheons between the hours of 12:30 and 2:15 p.m. and, upon reconvening at 2:15, will begin consideration of S. Res. 7, a resolution to fund the special committee dealing with the Y2K issue. There will be 3 hours for debate on the resolution, with no amendments or motions in order. A vote will occur on adoption of the resolution upon the expiration or yielding back of time, or at approximately 5:15 p.m.

ADJOURNMENT UNTIL 10 A.M. MONDAY, MARCH 1, 1999

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:12 p.m., adjourned until Monday, March 1, 1999, at 10 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE CIVIL RIGHTS PROCEDURES PROTECTION ACT OF 1999

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. MARKEY. Mr. Speaker, I am proud to join today with Representative CONNIE MORELLA to introduce the Civil Rights Procedures Protection Act of 1999. This bill is designed to reassert workers' rights to have their claims of unlawful employment discrimination settled by a court of law.

During the last decade, our nation has witnessed a sharp increase in the use of binding arbitration as a means of resolving legal claims. In particular, the number of employers using arbitration to resolve complaints of illegal employment discrimination or sexual harassment in the work place has skyrocketed. According to the U.S. General Accounting Office, in just two years the number of employers using arbitration almost doubled; jumping from 10 percent of employers in 1995 to 19 percent of employers in 1997. The nation's leading association of arbitration professionals, the American Arbitration Association, concurred, noting that their caseload of employment arbitration disputes more than doubled between the years 1993 and 1996.

This rise in the use of arbitration has produced largely positive results. Voluntary arbitration, when it is administered in an impartial manner, can provide employees and employers alike with a fair, fast and inexpensive mechanism to resolve disputes. But too many employers have taken this potentially impartial judicial forum and tainted it by requiring arbitration of all employment discrimination claims.

As a condition of employment or promotion, a growing number of employers are requiring workers to agree to submit any future claims of job discrimination to mandatory binding arbitration panels. By forcing employees to sign away their fundamental rights to a court hearing, employers across the country have succeeded in circumventing our nation's civil rights laws. Employees who sign mandatory arbitration contracts give up their right to due process, trial by jury, the appeals process, full discovery and other "guaranteed" rights. In essence, mandatory arbitration contracts reduce civil rights protections to the status of the company car: a perk which can be denied at will.

The United States Constitution guarantees every citizen "equal justice under law". Forcing employees to choose between their civil rights and their job denies them their right to equal justice.

Mandatory arbitration of civil rights is wrong even if the arbitration process is balanced. But, too often, it has a semblance of impartiality. Mandatory arbitration panels are often comprised solely of members hand picked by the industry they are supposed to regulate. At best such a setting has the appearance of unfairness; at worst, it is a tainted forum in which an employee can never be guaranteed a truly fair hearing. Like forcing employees to buy goods at the company store, the price of such so-called justice is just too high.

The legislation Mrs. MORELLA and I are introducing would protect the rights of workers to bring claims against their employers in cases of employment discrimination. By amending seven Federal civil rights statutes to make it clear that the powers and procedures provided under those laws are the exclusive ones that apply only when a claim arises, the Civil Rights Procedures Protection Act would prevent discrimination claims from being involuntarily sent to binding arbitration. In short, this bill prevents employers in all industries from forcing employees to give up their right to go to court when they are discriminated against on account of race, sex, religion, disability, or other illegal criteria.

This legislation has the endorsement of numerous civil rights groups, including the National Organization for Women, the American Civil Liberties Union, the National Partnership for Women & Families, the National Council of La Roza, Women Employed, the National Employment Lawyers Association, and the National Association of Investment Professionals.

By reinforcing the fundamental rights established under various civil rights and fair employment practice laws, our bill restores integrity to employer-employee relationships. No employer should be permitted to ask workers to check their Constitutional and civil rights at the front door.

TRIBUTE TO THE LATE WILLIS PARKISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. MCINNIS. Mr. Speaker, it is with great sadness that I wish to take this opportunity to pay tribute to the remarkable life of my friend, Willis Parkison. Sadly, Willis died on February 5, 1999. Though friends and family will no doubt miss him greatly, everyone who has known Willis can take great solace in the memories of this truly exceptional individual.

As those familiar with the area would surely testify, Willis Parkison was one of the ablest and most respected attorneys in Western Colorado during his over thirty years in the legal profession between 1938 and 1978. In fact, except for being called into service during WWII as a Special Agent in the FBI, Willis practiced law in Glenwood Springs, Colorado continuously and with great distinction, specializing in probate work, wills and tax law.

As the fourth of six successive generations of Parkisons living in the Glenwood Springs area, Willis was also a proud member and active participant in his community. What's more, as the proud husband of Ruth Parkison for 57 years, the father of Don, Susan, and Sarah, and the grandfather of Jessica and Amanda. Willis was, above all else, a family man. It is with these that our friend Willis' legacy now rests.

Like his family, all of Willis' friends, including myself, feel a great sense of loss in this difficult time. Though family, friends and the community of Glenwood Springs are clearly worse off in his absence, I am hopeful, Mr. Speaker, that each of these will find comfort and strength in the knowledge that they are better off for having known Willis Parkison, a truly remarkable man.

LIFETIME ACHIEVEMENT AWARD FOR WARREN M. DORN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mrs. CAPPS. Mr. Speaker, I am pleased to share with all of my colleagues the award for Lifetime Achievement that was presented to my distinguished constituent Warren Dorn by the Alumni Association of the University of California, Santa Barbara. Warren Dorn, UCSB class of 1941, has had a remarkable record of public service.

He served as the Mayor of Pasadena, California which is famous for its Rose Bowl and Caltech University.

He served four terms as a member of the Los Angeles County Board of Supervisors. His service to L.A. County was honored in 1986 by the dedication of the Warren M. Dorn Recreation Complex at Castaic Lake.

Following his retirement from the Board of Los Angeles County, Warren Dorn was persuaded to continue his public service as the Mayor of Morro Bay, California in my district. Morro Bay is noted for its distinctive coastal beauty and excellent restaurants!

Warren Dorn remains active in his community as President of the Morro Bay Beautiful Foundation. Based on his record, I am confident that Mr. Dorn has many more lifetimes of achievement remaining to be recognized. I wish to join the entire UCSB community in honoring this outstanding individual for his lifelong dedication to local public service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SALUTING THE SECURITY FEDERAL CREDIT UNION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating the Security Federal Credit Union on its 50th anniversary. Security Federal Credit Union will be celebrating this anniversary at its annual meeting on February 28 in my hometown of Flint, Michigan.

For the past 50 years, Security Federal Credit Union has been an integral part of the financial community in the Flint area. Since signing the organizational charter in 1949, Security Federal Credit Union is committed to supplying the best service to its members. The staff and officers have forged a relationship with the over 40,000 members based upon respect, understanding and cooperation.

Security Federal Credit Union has helped families realize their dreams of new homes, and college educations for their children, through the savings program and the extensive loan program. The Credit Union has issued a billion dollars in loans since 1949. To help its members purchase the vehicles they make, Security Federal Credit Union offers a special loan rate for automobiles made in Flint.

The Credit Union has grown from one office in Flint to three locations in Flint and Saginaw. It now serves Buick employees and their families, Saginaw Metal Casting Operations employees and their families, members of the National Association for the Advancement of Colored People, the Genesee County Bar Association and numerous other businesses and groups.

Striving to provide the most current technology to its members, Security Federal Credit Union now maintains a web-site. This enables the members to access information and make transactions through electronic media from anywhere in the world.

Mr. Speaker, Security Federal Credit Union has reached a milestone this year. I ask the House of Representatives to rise and applaud their achievement. This Credit Union has made my hometown and mid-Michigan a better place to live through its commitment to the men and women it serves.

TRIBUTE TO ST. MARCELLIN CHAMPAGNAT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to a great man of God, a visionary who founded the order of the Marist Brothers of the Schools and a Saint-to-be, Marcellin Champagnat.

Born in France in 1789, Marcellin Champagnat acquired a deep and unshakeable faith in God and in the protection of Mary. Remembering his own educational deprivation as a child, Marcellin made a sincere commitment to catechize poor children and provide them with a basic education. During his time in the major seminary of the Archdiocese of Lyons, Marcellin spread his contagious fervor, forming the nucleus of what was to later become the Society of Mary, or Marist Fathers.

As the Marist family continued to grow, the Marist Sisters, the Marist Missionary Sisters, and the Third Order of Mary were formed in addition to the Marist Fathers and Brothers. Today, there are over 6,200 Marist Brothers worldwide doing God's work in 75 different countries and 14 states which continue to carry out educational ministries in the Marist tradition.

On Sunday, April 18, as the Roman Catholic Church canonizes Marcellin Champagnat at a ceremony in St. Peter Basilica in Rome, the Cuban Maristas Alumnae Association, of my Congressional district will be preparing a mass at St. John Vianey Seminary and a reception at Christopher Columbus High School in my Congressional district to pay homage to Father Marcellin Champagnat.

INTRODUCTION OF THE PAUL ROBESON COMMEMORATIVE POSTAGE STAMP

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. RUSH. Mr. Speaker, I am pleased today to join with several of my colleagues, to introduce a Concurrent Resolution urging the U.S. Postal Service's Citizen Stamp Advisory Committee to issue a commemorative postage stamp honoring Paul Leroy Robeson.

This bill marks an important step towards the Federal Government acquiescing additional African-Americans for all their contributions in this country. Paul Robeson throughout his career has left this country with a legacy that is unchangeable.

Paul Robeson was a famous African-American who inspired the spirit of millions of people in his lifetime. Robeson made significant contributions in many areas of academics, sports, entertainment, and politics. Paul Robeson, was born in Princeton, New Jersey, on April 9, 1898. He sojourns even after his death for his magnificent abilities as an athlete, actor, and advocate for the civil rights of people around the world. The youngest of five children, Robeson emerged to illustriousness in a time when people were being oppressed around the world, black individuals were being lynched by whites, especially in the South and segregation was legal in America.

Paul Robeson became even more celebrated because of his role as a world notable singer and actor with exquisite performances that included Shakespeare's Othello and Showboat. In counting, outfitted with the appreciation of twenty-five languages, Paul Robeson sang for peace and justice throughout the world.

Last year marked the 100th Birthday of Paul Robeson. It is only fitting that we celebrate Robeson's legacy by issuing a commemorative postage stamp in his honor.

CLARIFICATION OF THE HI TAX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation to clarify that the employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State.

This issue has arisen because in 1997 Massachusetts abolished county government in the State, assumed those few functions which counties had performed, and made certain county officials employees of the State. Specifically, the law provided that the sheriff and all his personnel "shall be transferred to the commonwealth with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation."

However, the issue of whether or not these consolidated employees were required to pay the Medicare portion of the FICA tax needed to be clarified. Federal law creates an exemption from this tax from state and local employees who were employed on or before March 31, 1986 and who continue to be employed with that employer. The law is written so it is clear that consolidations between local entities, and consolidations between State agencies, do not in and of themselves negate the grandfather rule. However, the issue of a consolidation between a political subdivision and a State is not directly addressed and I doubt it was thought of during the Consideration of the federal law.

The Internal Revenue Service has taken the position that a State, and a political subdivision of a state, are separate employers for purposes of payment of the Medicare tax and therefore any grandfathered employees merged in a consolidation between a State and a political subdivision lose the benefit of the grandfather rule even if such employees perform substantially the same work.

In a Sixth Circuit Court case, Board of Education of Muhlenberg Co. V. United States, the court ruled on this general issue in terms of a consolidation of boards of education in Kentucky. The plaintiffs in this case argued that the consolidation of school districts did not create a new employer or terminate the employment of any teacher, and the Court agreed that Congress did not intend that exempt employees who have not been separated from previously excluded employment should lose their grandfather and be forced to pay the HI tax. While this case did not go to the issue of the consolidation between a State and a political subdivision, the logic indicates that this issue matters less than the overarching issue of whether the employees continue in the same or essentially the same positions. In Massachusetts this is clearly the case.

Therefore, Mr. Speaker, I urge the Congress to enact this legislation to clarify that local employees do not lose the benefit of the grandfather rule merely because they have been consolidated with a State government.

REPRESENTATIVE ROSEMARY POTTER—MILWAUKEE NOW WOMAN OF THE YEAR

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to offer my congratulations to Representative Rosemary Potter. I look forward to joining Milwaukee National Organization for Women (NOW) on Saturday, February 27th, to honor Rosemary Potter as the Woman of the Year.

Rosemary Potter was elected to Wisconsin's Assembly in 1989, the year I moved over to the State Senate. We worked closely on several occasions, and I was quickly impressed by her drive and her keen eye for policy analysis. She has a skill that every elected official wants: an ability to look at an idea and understand immediately whom it will help, whom it will hurt, and whether it will work at all.

Rosemary has applied her talents to making Wisconsin government more efficient and more responsive. She supported Wisconsin's Student Achievement Guarantee in Education class-size reduction program, and she challenged the administration and her colleagues in the legislature to fully fund the program and fulfill the state's promise to our children. She also played a leadership role in efforts to modernize Wisconsin's electric power production and delivery system.

Rosemary's colleagues recognized her leadership ability by electing her chair of the Assembly Democratic Caucus in 1993. She was the first woman to lead the Caucus while the Democratic Party controlled the Assembly. As Caucus Chair, she earned the further respect of her peers.

I share that respect for Rosemary and admire her for her many talents. Rosemary Potter has consistently raised the bar for Wisconsin government. She has challenged our leaders to expect more of themselves and encouraged our constituents to hold us to a higher standard. She has also paved the way for a new era in Wisconsin politics, an era offering new leadership opportunities for women. Milwaukee NOW could have made no better choice for Woman of the Year, and I offer Rosemary Potter my congratulations on this well-deserved honor.

TRIBUTE TO THE LATE SENATOR TONY GRAMPSAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. McINNIS. Mr. Speaker, it is with heavyheart that I now take this moment to recognize the remarkable life and extraordinary contributions of one of the leading statesman in Colorado's proud history, State Senator Tony Grampsas. Sadly, Colorado lost this leading member of its political community to cancer on February 8, 1998. While his overwhelming presence will be missed greatly by friends, family and colleagues alike, Senator Grampsas' larger than life persona, and his multitude of personal achievements, will echo in the corridors of the Colorado General Assembly for many years to come.

After his election to the Colorado House of Representatives in 1984—a seat that he would hold until 1998, then Representatives Grampsas quickly became one of the most influential and beloved members in the Colorado legislature. As a legislator, Representative Grampsas rapidly moved through the thicket of the rank and file becoming chairman of two of the Colorado General Assembly's most powerful committees: the House Appropriations and Joint Budget Committees. In these positions, Representative Grampsas served distinguishedly, acutely balancing his fiscal conservatism with his deeply rooted support for social programs like child welfare and education.

After leaving the state House in 1998, Representative Grampsas became Senator Grampsas, again, swiftly rising to positions of great import within the state Senate. In his first session as a State Senator—the current legislative session, Senator Grampsas served as chairman of the Senate Finance Committee.

Beyond his legislative accomplishments, Senator Grampsas also served distinguishedly in the private sector for 26 years as the director of national affairs for Coors Brewing Company. For 15 of those years, Senator Grampsas admirably balanced the significant time demands of his job with Coors with the weighty requirements of serving in elected office.

While the annals of Colorado history will likely remember Senator Grampsas for his multitude of legislative and professional accomplishments, for those, like myself, fortunate enough to know him as a friend, Senator Grampsas will long be remembered for his wit, wisdom and unyielding charity. In the final analysis, for those who have known him, Senator Grampsas was a genuinely kind and unassuming individual worthy of the proud legacy that he has left behind.

It is with this, Mr. Speaker, that I say thank you to Senator Tony Grampsas for endeavoring tirelessly on behalf of Coloradans and for providing leadership and inspiration to many, including myself, I am hoping that Senator Grampsas' family—particularly his wife Sandy and children Lisa and Samuel—will find strength in this difficult time.

TEACHING AWARD RECOGNIZES DR. BARRY TANOWITZ

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mrs. CAPPS. Mr. Speaker, it is with special pride that I share with my colleagues the recognition given to Dr. Barry Tanowitz, professor of Biology at the University of California, Santa Barbara for his teaching skills. The 1999 Teaching Award given by the UCSB Alumni Association recognizes university professors who are able to combine scholarly achievements with pedagogical talent.

Dr. Tanowitz, who received his Masters and Doctorate at UCSB, teaches three popular lower division biology courses, making difficult material both accessible and exciting for over a thousand students every year. In addition, he personally maintains a website in order to provide additional instruction.

We often hear that college professors do not pay enough attention to students or to teaching skills. Dr. Tanowitz is an active leader in efforts to improve university level pedagogy across the campus. And he is still able to find time to devote to his scholarly investigations and writings, and to his family.

Mr. Speaker, this award holds a special place in my heart as well. In 1998 the UCSB Teaching Award was presented posthumously to my husband, Walter Holden Capps. I can attest to the challenges of combining outstanding teaching with the rigors of research and scholarship which is faced by all university professors. I can also attest to its rewards, and the wonderful way in which these rare individuals have managed to touch so many lives. I am proud to join my friends at UCSB in recognizing the wonderful achievements of Professor Tanowitz and with him many, many years of continued success.

HONORING REVEREND FRANK O. HOCKENHULL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Reverend Frank O. Hockenhull, of Flint, Michigan. On Friday, March 26, the congregation of Flint's First Trinity Missionary Baptist Church will honor Reverend Hockenhull for the many contributions he has made over the last 30 years to both City and State in the name of the Lord.

It is difficult to imagine what the Flint community would be like today had Reverend Hockenhull not been called to become Pastor of First Trinity on January 5, 1969. We have been truly blessed to have a man with his sense of dedication and selflessness among us. Over the years Pastor Hockenhull has become a national authority on stewardship, traveling across the country to speak on the subject. He is a constant teacher of the Lord's word, incorporating various Bible studies with his congregation as well as a Bible Clinic, designed to further people's understanding of the Word. The First Trinity family has grown considerably over the last 30 years under Pastor Hockenhull's leadership. The church's congregation settled into a beautiful new facility in 1988, and six men have also entered the ministry as a result of Pastor Hockenhull's influence.

Pastor Hockenhull's time with the ministry has allowed him to develop a strong support network that extents outside the church. The pastor has been affiliated with and has held leadership positions in groups such as the Great Lakes District Congress, Wolverine Baptist State Congress, and the National Baptist Congress of Christian Education, to name a few. To further his personal growth, he has undertaken a pilgrimage to the Holy Land in March 1992.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 106th Congress to join me in saluting Pastor Frank O. Hockenhull, Self-evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people. I am grateful that there are people like that who serve as examples of what we all should strive to be.

IN HONOR OF THE WORLD FEDERATION OF FORMER CUBAN POLITICAL PRISONERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, an organization located in my Congressional district, the World Federation of Former Cuban Political Prisoners, represents an organized effort of commitment and action of former political prisoners of the Castro dictatorship who continue their historic struggle against the despotic regime of Fidel Castro.

As the organization's constitution expresses, the World Federation of Former Cuban Political Prisoners finds its historic roots in those brave men and women who forged the Cuban nation, and in particular, in the ideological leader of Cuban independence, Jose Marti.

Thousands of Cubans, following Marti's example, have been personal witnesses to the horrors of Castro's political prisons because of their tireless battle for Cuba's independence, national sovereignty and respect for freedom within a democratic political system.

During the closing session of the XVI Annual Congress of this glorious organization, I want my Congressional colleagues to acknowledge with admiration and respect all former and present Cuban political prisoners who have given and continue to give their all for the restoration of freedom in Cuba.

A TRIBUTE TO LA ACTUALIDAD SPANISH NEWSPAPER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor La Actualidad Spanish Newspaper which was founded 25 years ago by a group of Hispanic businessmen who felt that a newspaper was needed in the Delaware Valley to keep the Hispanic community informed about issues that impacted on their lives.

Since its inception, La Actualidad's mission has been to provide its readers with the most current information on community events, cultural programs, education, business and political issues. The paper also offers a wide array of local, national, and international news and sports that pertain to its Hispanic readers.

Through the years, La Actualidad has become the echo of the Delaware Valley for the Hispanic community. It provides a vital link between the community and local, state and federal governments. It also provides as an important forum for the community to address critical issues.

As it celebrates a quarter of a century, La Actualidad remains committed to continuing as an unifying force in the Hispanic Community and as an advocate for social change.

THE NEED FOR A PRAGMATIC AND COHERENT SOUTH ASIA POLICY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. PALLONE. Mr. Speaker, I rise today to draw attention to recent developments in South Asia, a region of growing importance to U.S. diplomatic, political, security and economic interests.

This past week, the news from the region has been positive. India's Prime Minister Atal Bihari Vajpayee personally inaugurated the new bus service with Pakistan. Prime Minister Vajpayee crossed the border into Lahore, Pakistan, where he was greeted by Pakistani Prime Minister, Nawaz Sharif. Their embrace, seen on television sets around the world, was full of powerful symbolism, which we all hope will be matched by progress toward easing tensions between these two South Asian nations.

During 1998, of course, the news from this region was dominated by the nuclear tests conducted by India and Pakistan, which resulted in the automatic imposition of unilateral American sanctions on both countries. The result, particularly in the case of India, has been a set-back in the promising trend towards increased trade and investment we saw during most of the 1990s. Late last year, through bipartisan cooperation between Congress and the Administration, we succeeded in easing some, but far from all, of the sanctions that were imposed.

Today, Mr. Speaker, I wanted to outline a new approach, a new pragmatism, that I hope will mark our future relations with India—the world's largest democracy, a country whose population will exceed one billion people in the next decade, a country with enormous potential for trade and cooperation, and a country with legitimate defense concerns that we must recognized and respect.

While we may not necessarily welcome a world with more nuclear powers, I believe that India, in particular, would be a responsible partner in non-proliferation efforts. This would require a major shift in our focus, from simply condemning India for becoming a nuclear power—which, whether we like it or not, is the reality—to adjusting our thinking to this new reality and working to promote peace, security, confidence building and non-proliferation in South Asia.

This will require on our part a greater recognition of India's legitimate security needs and the prospects for greater Indo-U.S. cooperation in responding to the threats posed by another Asian country that must be taken into consideration when we address the India-Pakistan issue. That country is China.

I believe that China is the real threat to India, as well as to U.S. interests and to regional security. It is in this context, India's potential role as a partner for peace and stability should be understood.

In particular, India has legitimate concerns about China's support for Pakistan's nuclear and missile programs, as well as potential Chinese designs on India territory. Since the U.S. must also view China as a potential adversary, there is a growing convergence of American and Indian objectives for responding to China."

Talks between our Deputy Secretary of State Strobe Talbott and Indian Foreign Minister Jaswant Singh have shown some progress, but I believe the U.S. needs to do much more to create a framework for cooperation that recognizes the new realities in the region. I believe we have to be more pragmatic and flexible in working with India, including a greater appreciation of the security concerns that prompted India to conduct nuclear tests in the first place.

I would like to draw attention to a recent report by the Center for Strategic and International Studies (CSIS) South Asia program, which noted that India and Pakistan are beginning to define "minimum deterrence" in similar ways.

The U.S. should work to build on this emerging notion of minimum deterrence, combined with a declared policy of no-first-use of nuclear weapons.

I also wanted to mention a report that appeared in the January 19, 1999, edition of the newspaper India Abroad, outlining the views of Mr. Tariq Rauf, director of the International Organizations and Non-proliferation Project at the Monterey Institute of International Studies in Monterey, California. Mr. Rauf sees Washington opting for a strategy of greater accommodation in its negotiations with both India and Pakistan, recognizing that neither nation is likely to give up its nuclear weapons. Writing in the latest edition of "The Bulletin of Atomic Scientists," Rauf said India and Pakistan should not only be encouraged, but assisted, to consider a variety of bilateral and multilateral discussions and agreements "to maintain their current tacit non-deployment practices regarding nuclear weapons and ballistic missiles."

Rauf also said both countries should be encouraged to agree "on some measure of sufficiency in terms of weapons-usable fissile material stocks, warheads and weapons systems; to negotiate and implement a package of regional confidence and security-building measures; and to actively contribute to the universalization of current global non-proliferation norms.

Rauf's conclusion: "a nuclear South Asia is here to stay." Thus, he calls on us to help address the security concerns that led both nations to develop nuclear weapons in the first place. He stresses that, "Pragmatic arms control strategies must therefore focus on accommodation, not appeasement or confrontation."

Our goal should be to make India a partner in the American foreign policy goal of minimizing the threat of nuclear war. One way of accomplishing this is to take the long overdue step of accepting India as a permanent member of the UN Security Council. The key is to make India a partner for peace, and not to isolate India and further contribute to the perception that India's legitimate security concerns are not receiving adequate attention or respect.

Mr. Speaker, I hope that 1999 will be a better year in U.S.-India relations than 1998 was. Karl Inderfurth, Assistant Secretary of State for South Asian Affairs, recently indicated that President Clinton is hoping to visit India and Pakistan this year, pending progress on the current talks. It's been 20 years since an American President was last in India, Mr. Speaker. I hope we don't have to wait too much longer.

REPRESENTATIVE BARBARA NOTESTEIN—MILWAUKEE NOW WOMAN OF THE YEAR

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, on Saturday, February 27th, Milwaukee National Organization for Women (NOW) will honor Wisconsin Representative Barbara Notestein as the Woman of the Year. I appreciate this opportunity to share with my colleagues my admiration for one of my state's most distinguished leaders.

Barbara Notestein and I were both elected to the Wisconsin Assembly in 1984. We grew into the job together, and I learned a lot from her empathetic approach to public policy and political leadership. She never forgot that the bills we considered and the policies we crafted affected real people with real families. She always considered how a bill might affect our community's most disadvantaged families, and she often helped and sometimes forced the legislature to see through their eyes.

Barbara's legislative accomplishments reflected this focus. She took the lead in establishing Wisconsin's Children at Risk program and the state's Birth to Three Program, as well as a family leave system and an initiative to even the playing field for under-resourced schools. She also led the fight to fund programs that helped women to start or expand their own businesses, and she established and funded programs to curb sexual harassment and to support the victims of sexual assault.

Barbara Notestein's strong stands on key issues and her ability to forge working coalitions won her a leadership role. She was the first woman elected to serve as the Wisconsin Assembly's Assistant Majority Leader.

As a legislator, I admire Barbara Notestein. She reminds me that, to be an effective public servant, you need heart as much as you need smarts. I admire Barbara as an advocate for the public good. She reminds me that the most compelling way to lead others is by example.

Mr. Speaker, Representative Barbara Notestein has been a clear, strong and consistent voice for women and women's issues in the Wisconsin Legislature. I commend Milwaukee NOW on a perfect choice for Woman of the Year, and I warmly congratulate Barbara Notestein on her remarkable career of public service.

PRIVATE ACTIVITY BOND EXPANSION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. NEAL of Masschusetts. Mr. Speaker, today Representative HOUGHTON and I are introducing the State and Local Investment Opportunity Act of 1999. This legislation would raise the annual limit on states' authority to issue their own tax-exempt private activity bonds to the greater of $75 times population or $225 million, and index the limit to inflation.

Tax-exempt private activity bonds finance affordable single and multifamily housing, manufacturing facilities, environmental, energy and utility projects, redevelopment of blighted areas, and student loans, in every state. The bond volume cap was set in 1986, and is adjusted only by growth in state population. Since 1986, inflation has cut the purchasing power of these bonds by almost 50 percent. In 1997 the demand for this bond authority exceeded supply by almost 50 percent, according to the National Council of State Housing Agencies.

In my own state, the Massachusetts Housing Finance Agency has financed first-time homes for more than 37,000 working families with mortgage revenue bonds, as well as financing more than 55,000 affordable apartments with multifamily housing bonds, both subject to the cap.

Since 1979, 5,241 loans resulting from the sale of mortgage revenue bonds have been made to my constituents, representing $313 million of mortgage financing. And multifamily housing bonds account for 40 developments in my district, making 5,399 apartments available for low and moderate income workers.

Nationwide, mortgage revenue bonds have helped more than two million working families achieve the American Dream of home ownership. Many more families still need this help to achieve this Dream—help we can provide through this program.

Last year the Chairman of the Ways and Means Committee, BILL ARCHER, recognized the importance of this program and included an increase in the bond volume cap as part of the tax section of the Omnibus Consolidated and Emergency Supplemental Appropriations Act. This was an important step forward. However, the current bond volume cap remains in place until 2003 at which time the increase begins to phase in, becoming fully effective in 2007. The phase-in provision makes clear the importance of making this adjustment to the bond volume cap, and reduces the revenue costs. Now I hope we can complete the job in this session of Congress by making the expansion of the bond volume cap effective this year, and by indexing the cap for inflation.

Mr. Speaker, I urge my colleagues to cosponsor the State and Local Investment Opportunity Act of 1999, so their states can continue making vital investments in their citizens and communities.

INTRODUCTION OF THE URBAN ASTHMA REDUCTION ACT OF 1999

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. RUSH. Mr. Speaker, I am pleased today to join with several of my colleagues upon the introduction of The Urban Asthma Reduction Act of 1999.

My bill takes an important step towards increasing the federal commitment to reducing the high rate of asthma-related illnesses and hospitalizations of inner city children who suffer from asthma and who also are allergic to cockroach allergen. In 1997, the National Institutes of Health (National Institutes of Allergy and Infectious Diseases) reported conclusively that asthmatic children who were both allergic to cockroaches, and exposed to high cockroach allergen levels, were hospitalized 3.3 times more often than children who were either only exposed or allergic.

The link between asthma and allergy to cockroaches is a serious public health concern. In light of the NIH findings, there should be increased federal assistance to communities to address this problem.

Asthma is on the rise, especially in inner cities. Last year, the Centers for Disease Control (CDC) and Prevention reported that more than 15 million Americans suffer from asthma—an increase of 75 percent between 1980 and 1994.

Asthma is a growing concern for the poor and minority communities, especially African-American and Latinos. In 1993, among children and adults, African Americans were 3 to 4 times more likely to die from asthma.

The social and economic costs are high. These children are more likely to miss school more often, go to the doctor or emergency room more frequently, and lose sleep. Consequently, the adults who care for these children may have to miss work to care for them. According to the Washington Post (April 24, 1998) the Centers for Disease Control reported that costs related to asthma were estimated to be $6.2 billion in 1990, and expected to more than double by the year 2000.

The Urban Asthma Reduction Act of 1999 asks for action. The bill proposes to amend the Preventive Health and Health Services Block Grant Program, authorized by the Public Health Service Act, by adding integrated cockroach management to rodent control as an eligible activity for funding.

Integrated cockroach management is a multi-faceted approach to controlling the prevalence of cockroaches while minimizing pesticide use. It involves a range of techniques that include building cleaning and maintenance, and using pesticides as a means of last resort. The funds could be used for structural rehabilitation of buildings. This includes patching holes or open pipes that allow cockroaches entry; caulking cracks in walls; moving bushes away from buildings so cockroaches do not have easy access; and ensuring that all windows are properly screened.

The Urban Asthma Reduction Act creates new possibilities for communities that are serious about making integrated pest management a component of a comprehensive public health policy. My hope is that the Urban Asthma Reduction Act of 1999 will prove a viable tool for urban communities to improve the quality and life of all residents, but especially children who suffer from asthma.

A TRIBUTE TO TAYLOR COUNTY FIRE AND RESCUE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the Taylor County Fire Rescue Department, for their courage and devotion in the face of disaster.

This past summer, the Florida Gas Transmission Company's Perry Gas Compressor exploded. Flames raged for nearly seven hours, injuring five people and leveling six homes in the area. Taylor County Fire Rescue responded first, with firefighters from other areas offering assistance.

Taylor County Rescue Chief Ashley Newell, firefighter Lt. Peter Bishop, firefighter Danny Hunter and volunteer Sonny Buckhalter demonstrated considerable courage under pressure. While fighting the fire from the first explosion, a secondary explosion caught the men off guard, trapping them near advancing flames. Only hasty action on their part prevented injuries from becoming fatalities. Their quick decisions saved the lives of several citizens and averted extensive property damage.

Mr. Speaker, It is with great honor that I pay tribute to Taylor County Fire Rescue Department. By placing their lives in danger, these firefighters have shown great courage and devotion to the protection of their community.

BANGLADESH IMMIGRATION BILL, H.R. 849

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I rise to introduce H.R. 849 a bill to provide for the adjustment of status of certain nationals of Bangladesh who have resided in the United States for over a decade. Despite attempts at promoting democracy and pluralism in Bangladesh, nearly half of that nation's populations still live below the poverty line. Per capita income is approximately $260 per year making Bangladesh one of the poorest nations in the world.

The monsoons of 1998 have magnified Bangladesh's problems making it ever more difficult for the people of that nation to distribute the scarce resources available. With 830 people per square kilometer, Bangladesh is one of the world's most densely populated places. In 1992, nearly ⅔ of Bangladeshi children suffered from severe malnutrition. The current picture in Bangladesh remains exceedingly bleak.

The recent nuclear threats emanating from Bangladesh's larger neighbors have placed further burdens on a nation which has traveled so far in its quest for democracy yet remains precariously perched in a very dangerous neighborhood. These issues highlight the needs of this country and its people. We can do something vital and tangible to demonstrate our commitment to help a limited number of Bangladeshi people who have lived in the United States for at least a decade, contributed to American society and in many cases raised their American children.

The perils of living in poverty and in the climatic devastation in Bangladesh has forced some of these people to follow the same route of our own ancestors and seek refuge in the United States. Some of these people are suspended in a state of permanent illegality, entangled in a labyrinth of changing complex immigration laws. These people are not on our welfare roles and will not become wards of the state. They are good, hard working people with whom I have been proud to associate.

Mr. Speaker, let us do what is right, let us do what is just and let us do what is humane. Let us respect that role that immigrants have played in the cultural mosaic that is our United States. Accordingly, I invite my colleagues to join me in supporting this limited action to legalize those who truly are deserving of permanent residency in this great nation.

Accordingly, Mr. Speaker, I request that a copy of this bill be inserted into the RECORD following my remarks.

H.R. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bangladeshi Adjustment Act".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF BANGLADESH.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before July 1, 2001; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Bangladesh and who has been physically present in the United States for a continuous period, beginning not later than July 1, 1989, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than July 1, 1989, an alien—

(A) shall demonstrate that the alien, prior to July 1, 1989—

(i) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(ii) applied for any benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to July 1, 1989; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Bangladesh;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than July 1, 1989, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before July 1, 2001.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than July 1, 1989, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) FEE.—The Attorney General shall impose a fee of $1,000 on each alien filing an application for adjustment of status under this section.

(f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(g) LIMITATION OF JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

BLACK HISTORY MONTH

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. CLAY. Mr. Speaker, as we celebrate Black History Month, I am honored to pay tribute to one of this century's greatest poets, a native of my home state of Missouri, the late Melvin B. Tolson (1898–1966). Tolson was a Renaissance man who spent his adult life in the East Texas Black Bible Belt. He was a man of prodigious talent, energy and accomplishment who was singularly devoted to championing the rights and the virtues of the common man. He served his fellow human beings in every way he could. Today he is remembered as a great teacher and a celebrated writer, but Melvin Tolson was also a painter, a cook, a waiter, a janitor, a shoeshine boy, a soldier, an actor, a boxer, a mayor, a newspaper columnist, a packinghouse worker and even the poet laureate of Liberia.

Melvin Tolson was, above all, a committed humanist who devoted his life to enhancing the dignity of every human being. As an outspoken leader and champion of lost causes and underdogs, he organized black sharecroppers in the South and was known to narrowly escape a lynch mob on more than one occasion. Tolson spent more than forty years teaching at Wiley and Langston colleges where he coached championship winning Black College debate teams through a ten year winning streak during which they defeated Oxford along with two national champion teams. As a poet, Melvin Tolson's contributions to literature earned him only modest recognition toward the end of his lifetime. Like so many artists, his greatest critical acclaim came after his life ended.

Ralph Ellison, writing in "Shadow and Act", described the rich emotion of Tolson's "Richard Wright's Blues":

> The blues is an impulse to keep the painful details and episodes of a brutal experience alive in one's aching consciousness, to finger its jagged grain, and to transcend it, not by the consolation of philosophy but by squeezing it from a near-tragic, near-comic lyricism. As a form, the blues is an autobiographical chronicle of personal catastrophe expressed lyrically . . . Their attraction lies in this, that they at once express both the agony of life and the possibility of conquering it through sheer toughness of spirit.

Mr. Speaker, Melvin Tolson is a source of inspiration to Black Americans. He is one of the shining stars of our history and one of this nation's greatest artists. Tolson created a poetic legacy. His writings will bless and enrich the lives of generations to come. I am happy to report that the Tolson Project has been established to enhance our knowledge and understanding of the works of Melvin B. Tolson and under its leadership, the "Collected Works of Melvin B. Tolson" will be re-issued this year. In closing, I would like to take this opportunity to share some of this distinguished man's immortal words.

DELTA

Art
is not barrel copper easily separated
from the matrix
it is not fresh tissues
—for microscopic study—
one may fix:
unique as the white tiger's pink paws and
  blue eyes,
Art
leaves her lover as a Komitas
deciphering intricate Armenia neums,
with a wild surmise.

—

RENDEZVOUS WITH AMERICA

I see Joe DiMaggio
As his bat cuts a vacuum in the paralyzed
  air:
In brown Joe Louis, surged in white acclaim,
As he fights his country's cause in Madison
  Square.

A TRIBUTE TO PATRICIA STAFF OF ONALASKA, WISCONSIN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to Patricia Staff, a true hometown hero from Wisconsin.

Last month, Patricia Staff, who is a resident of my district, took action that potentially saved the life of a young student. Patricia is a school crossing guard in Onalaska, Wisconsin. On Friday, January 8, she was working at her usual crossing location at Quincy Street and Sand Lake Road in Onalaska. While helping students cross this busy intersection, she noticed a car swerving through traffic with no intention of stopping. Patricia quickly grabbed a young boy crossing the intersection and pulled him out of harms way. According to the police, Patricia's actions saved the child from certain injury and possibly death.

Every day, throughout our nation, dedicated men and women serve our country as school crossing guards. It is easy to overlook their work. The job they do, however, is vital to the millions of students who walk to school each day. Crossing guards assist students at busy intersections, they keep an eye out for strangers who may threaten children, they provide parents with the security of knowing their children are safe, and often they become good friends to the students. School crossing guards are essential to the safety and wellbeing of our children.

Patricia Staff is a tribute to the people of western Wisconsin and all crossing guards. Patricia Staff put the protection of those children going to school above all other concerns, and because of that she potentially saved a life. I rise today to commend Patricia Staff for her work, thank her for dedication to her community, and praise her as a true hero.

TRIBUTE TO THE LATE DICK DAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of one of Colorado's leading journalists for the past thirty years, Dick Day. Tragically, Dick died in an automobile accident on December 8, 1998. While family, friends and colleagues remember the truly exceptional life of Dick, I, too, would like to pay tribute to this remarkable man and friend.

As the managing editor of the Montrose Daily Press for 31 years, Dick's work ethic was the stuff of legend. According to his colleagues, Dick never missed a day of work in his thirty plus years as managing editor. Often, Dick could be found reading reports off the press wire as early as 4:00 in the morning. Dick's unwavering dedication to the Daily Press has been described by those who worked under his leadership as "legendary" and "inspirational." Such accolades seem befitting a man who was widely recognized to be one of Colorado's most accomplished journalists.

As a native of Grand Junction and graduate of Grand Junction High School in 1958, Dick returned to the Grand Valley after leaving the Montrose Daily Press to become the special sections editor of the Grand Junction Daily Sentinel. In this capacity, Dick served with the same distinction and dedication that he had so readily demonstrated in his time with the Daily Press. And as was the case with his time at the Daily Press, the quality of Dick's work brought widespread acclaim both to himself and the Daily Sentinel.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember Dick Day, above all else, as a friend. It is clear that the multitude of those who have come to know Dick as a friend, including myself, will be worse off in his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Dick Day can take solace in the knowledge that each is a better person for having known him.

LIFETIME ACHIEVEMENT AWARD FOR ROBERT SHERMAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mrs. CAPPS. Mr. Speaker, I rise to share with my colleagues the award for Lifetime Achievement that was presented to my remarkable constituent Bob Sherman by the Alumni Associations of the University of California, Santa Barbara. Bob Sherman, UCSB Class of 1947, has had a phenomenal record of success as a national and international senior tennis champion. He has won more senior tennis titles than all but one other player ever. Over the past thirty-five years there have been only a few in which he did not win a national or international championship. As recently as 1996 he won the singles Grand Slam. Yet in our hometown of Santa Barbara, he is better known as a very popular tennis pro and instructor who is eager to work with students of all ages.

Bob Sherman remains active and competitive, with many lifetimes of achievement remaining in his wonderful career. He is a member of the UCSB Athletic Hall of Fame and is a testimonial that excellence can be achieved at every age, and therefore an example to us all. I am proud to join my friends at UCSB in recognizing Bob Sherman's on-going lifetime of achievement.

IN HONOR OF THE PROMOTION TO MAJOR OF CAPTAIN JOHN F. "JACK" DROHAN

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. NUSSLE. Mr. Speaker, let me take this opportunity to say a few words in tribute to USAF Captain John F. "Jack" Drohan. Captain Drohan is currently serving as the Chief of Acquisition Career Management Policy working for the Under Secretary of Air Force Acquisition in the Pentagon. Tomorrow, February 26, 1999, Captain Drohan, a loyal and dedicated Air Force officer, will be promoted to the rank of Major. With this promotion, he was also selected for attendance at the Air Force's Intermediate Service School.

After completing his B.S. degree in Aerospace Engineering at the University of Florida, Captain Drohan was commissioned as a 2nd Lieutenant in the United States Air Force on May 2, 1987. He served at Wright Patterson Air Force Base in Dayton, Ohio where he received a M.S. in Engineering Management from the University of Dayton. Captain Drohan also served in the Air Force's Education with Industry program for 10 months with Tracor Aerospace in Austin, Texas before serving at Lackland Air Force Base in San Antonio. Captain Drohan is also a distinguished graduate of Squadrons Officer School and has represented his squadron at the Top Tech Air Force Instructor Competition.

Mr. Speaker, I congratulate Captain Jack Drohan on his promotion to Major, and extend to him my best wishes for continued service to the Air Force and our great country.

TRIBUTE TO MACK WILLIE RHODES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. CLYBURN. Mr. Speaker, I ask my colleagues to join me in paying tribute to a pillar in my hometown, Mr. Mack Willie Rhodes of Sumter, South Carolina. An African-American great great-grandfather, Mr. Rhodes has been a champion in his community for many years. He is continually offering his assistance to neighbors, friends and family in many capacities. Mr. Rhodes is the oldest member of Melina Presbyterian Church, where he has worshiped since 1915. Mr. Rhodes is an Elder in his church and was a Sunday School Superintendent for many years. He also taught Sunday school at the Goodwill Presbyterian Church and has been a member of Masonic Lodge Golden Gate No. 73 since 1948.

Mr. Rhodes was born in Sardinia, South Carolina, on February 25, 1898 to Robert and Olivia Williams Rhodes. Mr. Rhodes is the second oldest of 15 children. Family, good values, and good living are Mr. Rhodes' most cherished possessions.

At an early age Mr. Rhodes married Annie Elizabeth Hammett Rhodes (deceased). They had 14 children: Calvin Oliver Rhodes, John Tillman Rhodes, Adranna Olivia Cooper, Susanna H. Hannibal, Annie Elizabeth Muldrow, Hattie Jane Burgess, Mack Willie Rhodes, Sam J. Rhodes, Daisy B. Sims, Willie Rhodes, Albert Rhodes, Viola Rhodes Montgomery, MacArthur Rhodes, and Paul Rhodes. Mr. Rhodes later married Mrs. Carrie Smith Rhodes (deceased), who brought two children to their union: Maggie and Johnny Smith. He is affectionately known as "Papa" by his 7 children (9 deceased), 41 grandchildren (5 deceased), 41 great-grandchildren (2 deceased) and 10 great-great-grandchildren.

Mr. Rhodes' favorite pastime is reading the Bible, newspapers and magazines. He also enjoys watching baseball, the news, and news related programs on television. He still takes time to visit the sick in his community to offer any assistance he may be able to provide. His favorite Bible scripture is the 23rd Chapter of Psalms. Mr. Rhodes also lives by a motto, "Treat others as you would have them treat you."

Mr. Speaker, please join me in wishing Mr. Mack Willie Rhodes a prosperous and happy 101st birthday. He is truly a living example of the American spirit.

BLACK HISTORY MONTH

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. COYNE. Mr. Speaker, I rise today in observance of Black History Month.

The United States has officially observed Black History Month every February since 1976. The idea of observing Black History Month must be credited to Dr. Carter G. Woodson, a prominent educator, historian and author, who created Negro History Week in 1926. For over 70 years, each February Americans have been encouraged to reflect upon the contributions that African Americans have made to American life and culture—and to think about the unfinished business this great country faces in addressing what has been referred to as America's own original sin—slavery and racism.

The Association for the Study of Afro-American Life and History, an organization established by Dr. Woodson in 1915 to promote a better understanding and appreciation of the contributions that African Americans have made to this country, has selected "The Legacy of African Americans in Leadership for the Present and Future" as the theme for this year's observance of Black History Month. Accordingly, I wish to address my remarks today to some of the great African American leaders with which this country has been blessed over its lifetime.

There is no shortage of articulate, influential African American leaders in our nation's history. These individuals influenced both the African American community and our society at large in powerful ways as they fought to win freedom, fair treatment, and better lives for all African Americans.

African American leaders have been influential throughout this country's history—even in the time of slavery. Brave men like Nat Turner, Gabriel Prosser, and Denmark Vesey, for example, organized and led doomed but valiant slave rebellions against slave owners and the militias that maintained the institution of slavery with force. Abolitionists like Frederick Douglas and Sojourner Truth undermined the institution of slavery by speaking, writing, and lobbying against it—at considerable personal risk. And brave individuals like Harriet Tubman risked their lives and their hard-won freedom to return to slave-holding states to lead other African Americans north to freedom along the Underground Railroad. During the Civil War, over 200,000 African American men fought in the Union Army and Navy—to free their enslaved brethren, to prove that African Americans were as brave and as tough as whites, and to improve the claim of all African Americans to the rights already enjoyed by whites.

In the post-Reconstruction era, African Americans like Booker T. Washington, W.E.B. DuBois, and Mary Church Terrell shaped attitudes within the African American community and won the respect of many white Americans across the country.

In the early 1900s, prominent African Americans like W.E.B. DuBois and Ida Wells-Barnett worked to form the National Association for the Advancement of Colored People, an organization dedicated to the elimination of segregation and discrimination. Also in those years, Marcus Garvey led an influential black nationalist movement and fought institutional racism in the United States.

In the 1920s, '30s, and '40s, A. Philip Randolph worked to organize African American workers and end the division of the labor movement along racial lines. He also worked diligently to end discrimination in the military and the government.

And since the end of World War II, African American leaders like Thurgood Marshall, Martin Luther King, Adam Clayton Powell, Jesse Jackson, Colin Powell, and Ralph Bunche have made their mark on American history—in our courts, our schools, our government, our politics, the military, and in foreign affairs. African American women like Fannie Lou Hamer, Shirley Chisholm, and Barbara Jordan broke old barriers and won the respect of millions of Americans for their integrity, their intelligence, their dedication, and their professional accomplishments.

This recitation of African American leaders is by no means all-inclusive. In fact, it touches upon only a few of the African American leaders who have shaped this country's history. Their names are intended merely to document the observation that African American leaders have played an important positive role in our nation's past.

As part of the annual observation of Black History Month, it is instructive to remind ourselves that in the face of racism, discrimination, and violence, many African Americans have successfully taken action to change our society and determine their own destiny within it. I believe that African Americans today can draw great satisfaction and strength from that history.

A BILL TO INCREASE THE ANNUAL CAP ON STATES' AUTHORITY TO ISSUE THEIR OWN TAX-EXEMPT PRIVATE ACTIVITY BONDS AND TO INDEX SUCH AMOUNTS IN THE FUTURE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of other colleagues, in introducing our bill, "The State and Local Investment Opportunity Act of 1999." The bill would raise the annual cap on states' authority to issue their own tax-exempt "Private Activity" bonds to $75 times population ($225 million if greater) and provides for an inflation adjustment based on the consumer price index for calendar years after 2000. The bill would be effective for calendar years after 1999.

A similar bill was introduced in the 105th Congress and was enacted without the indexation provision and the increase in the annual cap is being phased in starting in 2003. Thus, our new bill is the same as last year's bill except for the indexation and effective date. Chairman ARCHER of the Ways and Means Committee was totally cooperative in our effort last Congress, and indeed was key in including our original proposal in the Taxpayer Relief Act of 1998, which the House passed but the Senate did not take up. Nevertheless, the Chairman persisted in including the phased-in provision in the smaller so-called "extender bill" that was enacted.

We believe this change is important to all of us, in that tax-exempt Private Activity Bonds finance affordable ownership and rental housing, manufacturing job creation, environmental cleanup, infrastructure and student loans. Nationwide, demand for bond authority exceeded supply by nearly 50 percent in 1997, according to the National Council of State Housing Agencies. This is a bipartisan issue. Three-quarters of the House supported our bill in the 105th Congress and a majority of the Senate cosponsored identical Senate legislation. The nation's governors and mayors, other state and local governmental groups, and the public finance community all strongly support full bond cap restoration.

On the possibility that a large tax package moves forward this session, we believe it is important to reconsider the effective date issue, as well as the indexing for inflation going forward.

We urge our colleagues to join us in cosponsoring this important legislation—"The State and Local Investment Opportunity Act of 1999."

IN HONOR OF CASIMIR PULASKI

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Ms. SCHAKOWSKY. Mr. Speaker, on behalf of the millions of Polish Americans, the city of Chicago, the people of illinois and citizens of our nation, I rise today in honor of Casimir Pulaski, a patriot and military hero and the Father of the American Cavalry.

While countless words have been spoken and many volumes have been written about Casimir Pulaski's life, I believe this contributions to his native home and his bravery on behalf of his adopted land are immeasurable.

Casimir Pulaski was born on March 4, 1747 in Warka, Poland. He was a valiant fighter during Poland's war of independence from Russia. But for his distinguished service toward freedom and independence on behalf of his people and his beloved Poland, he was forced to flee and became an exile.

He remained a voice for just causes and an unwavering spirit for freedom. That is why he joined in America's struggle against the colonists and fought along side General George Washington during the Revolutionary War. He was named brigadier general and the first commander of the American cavalry. For his bravery and service, he was bestowed, and rightly so, the title of "Father of the American Cavalry."

He paid the ultimate price for his convictions and was fatally wounded during the Battle of Savannah.

Casimir Pulaski is an American hero, who fought for freedom, with honor and courage. As we commemorate this legend, I also wish to recognize the countless accomplishments and great contributions of Polish Americans to our nation.

INTRODUCTION OF THE DEATH TAX ELIMINATION ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Ms. DUNN. Mr. Speaker, it's been said that only with our government are you given a "certificate at birth, a license at marriage, and a bill at death."Today I am introducing the Death Tax Elimination Act, which seeks to phase-out the onerous death tax. The death tax rates will be reduced by 5 percentage points each year until the highest rate bracket—55 percent—reaches zero in 2010. As these rates are lowered to zero, more and more families will no longer be forced to give the family savings to Uncle Sam and the family business will be saved. In an era when the productivity of American workers is creating huge budget surpluses, it is incomprehensible for this tax to live on. The death tax deserves to die.

One of the most compelling aspects of the American dream is to make life better for your children and loved ones. Yet, the current tax treatment of individuals and families at death is so onerous that when one dies, their children are many times forced to sell and turn over more than half of their inheritance just to pay the taxes. It takes place at an agonizing time for the family; when families should be grieving for a loved one with friends and relatives, rather than spending painful hours with lawyers and bureaucrats.

By confiscating between 37 percent and 55 percent of an estate, the death tax punishes life-long habits of savings, discourages entrepreneurship and capital formation, penalizes families, and has an enormous negative effect on other tax revenues. Americans today are living longer and enjoying their retirement. At a time when this Congress is discussing the future of Social Security, and how to personalize and modernize the system, we also need to encourage private investment. We should be encouraging people to plan for their future with retirement plans and IRAs, rather than encouraging reckless spending and a me-first attitude. This country was born on the promise of hope and opportunity, and by taxing families and businesses at their most agonizing time, we destroy their hope for the future.

By today's tax system, it is easier and cheaper to sell a business before death rather than try to pass it on after. More than 70 percent of family business and farms do not survive through the second generation. Nine out of ten successors whose family-owned businesses failed within three years of the principal owner's death said trouble paying estate taxes contributed to the company's demise. For family owned business, this is a tax just because the business is changing ownership due to the death of an owner.

Aside from being a source of revenue, another express purpose of the estate tax was to break up large concentrations of wealth. 75 years later, however, reality suggests that rather than being an important means for promoting equal economic opportunity, the estate tax is in fact a barrier to economic advancement for people of all economic circumstances. In effect, the death tax, which was established to redistribute wealth, hurts those it was meant to help—namely, America's working men and women. When small businesses close their doors, loyal employees lose their jobs.

The saying goes that death and taxes are the only certainties in life. I believe it is ridiculous that the government force the American people to deal with both on the same day. Families should be allowed—and encouraged—to save for future generations. I invite my colleagues to join JOHN TANNER and me in our bi-partisan effort to eliminate this detrimental and cruel tax.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE JUDSON CENTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. LEVIN. Mr. Speaker, I rise to honor the Judson Center on the occasion of their 75th Anniversary.

The Judson Center began as a children's home with a single matron tending to the emotional, physical and spiritual growth of only a few children. As children and families became more fragmented and victimized by poverty, disabilities, abuse and neglect, the Judson Center grew to meet these new challenges.

Under the 17 year leadership of Mounir W. Sharobeem, the Judson Center has 365 employees and is a comprehensive, multi-faceted, community-based human service center providing care for over one thousand individuals on any given day. It serves individuals in Wayne, Oakland, Macomb, Washtenaw and Kalamazoo counties.

In 1991, the agency won Crain's Detroit Business "Best Managed Non-Profit Award," and the Peter F. Drucker Award for Non-Profit Innovation. In 1994, Judson Center was a finalist in the Innovations in State and Local Government Award program, sponsored by the Ford Foundation and the John F. Kennedy School of Government. The Richard Huegli Award sponsored by United Community Services has been presented to the agency on two occasions. In 1994 it received this award for its innovative Supported Employment program, and in 1998 for its Living in Family Environment initiative.

Judson's leader, Mounir W. Sharobeen was awarded Executive of the Year by United Community Services in 1990, and Michiganian of the Year by the Detroit News in 1992.

Mr. Speaker, I ask my colleagues to join me in congratulating Judson Center for 75 years of fulfilling its mission to help children, adults and families reach their fullest potential. I wish them success in continuing to serve so many communities in need.

IN MEMORY OF WILMER "VINEGAR BEND" MIZELL

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. OXLEY. Mr. Speaker, I'd like to offer a tip of the old baseball cap to a great team player—Wilmer Mizell.

I was saddened to learn of Wilmer's death this past Sunday at the age of 68. It's appropriate that Congress put its appreciation of one of its most genial Members in the record books.

I first came across Wilmer Mizell not as a Congressman from North Carolina, but as a cagey major league pitcher known as "Vinegar Bend" on his baseball cards. Truly the kind of great baseball nickname I fondly remember from my boyhood in the 1950's.

Anyway, I was a 14-year-old fan when I met Wilmer and some of his fellow St. Louis Cardinals in Milwaukee. He gave me his autograph—in fact, I still treasure those Cardinal autographs today—and tickets to the game. That's when ballplayers really were heroes to their fans, and when baseball was the indisputable National Pastime.

You'll find Wilmer Mizell permanently listed in the baseball fan's bible, the Encyclopedia of Baseball. He pitched for the Cardinals, the Pittsburgh Pirates, and the New York Mets. He was a key addition for the Pirates in 1960, when Pittsburgh capped an improbable World Series victory over the Yankees on Bill Mazeroski's stunning home run. Wilmer then performed the ultimate sacrifice on behalf of the grand old game by toiling for the expansion Mets.

After a few years, Wilmer Mizell broke into another exclusive lineup. He was elected as a Congressman from North Carolina. Wilmer served his district with distinction from 1968 to 1974. He would later serve in the Commerce Department under President Ford and in the Agriculture Department under President Reagan. His easy-going style masked a savvy mind.

When I was a boy, I couldn't have imagined that I would meet Wilmer Mizell on the baseball field again * * * only this time, as a Congressman. For years, Wilmer was a fixture at the congressional baseball game. As a long-time player, I can't tell you how much it meant to have Wilmer at practice and at the game itself. One of my great regrets in my first year as manager of the Republican team is that Wilmer won't be there to share his advice, wisdom, and wit.

But we will all remember Wilmer Mizell when we rise for the National Anthem before the game this June. He was the essence of two traits common to success in baseball and politics: good-hearted competition and real camaraderie. We'll miss this great ballplayer, great American, and truly good friend.

TRIBUTE TO CAPE AND ISLANDS EMERGENCY MEDICAL SERVICES

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. DELAHUNT. Mr. Speaker, I rise today to recognize the important work of Cape and Islands Emergency Medical Services on the occasion of its twenty-fifth anniversary on February 25, 1999.

The Cape and Islands Emergency Medical Services system was created in 1974 by a group of physicians, fire fighters and chiefs, local officials and educators who recognized the need to develop a comprehensive paramedic training program and who had the vision to create a system to provide advanced life support ambulance services to the people of the Cape and Islands.

Today, Cape and Islands EMS provides these comprehensive services to 26 towns, 29 provider agencies, 5 hospitals and a fluctuating population of 200,000 in the winter months and over 1,000,000 during the summer.

Cape and Islands EMS has made significant contributions to the delivery of health care on Cape Cod, Martha's Vineyard and Nantucket through education, medical direction and oversight, communications and administrative services for EMS providers.

After twenty-five years, Cape and Islands EMS has become a leader in the delivery of high-quality emergency medical services. Its team has set a high standard of excellence, always striving to exceed the needs and expectations of the Cape and Islands medical community as well as area residents.

Today, I ask my colleagues to join me in congratulating the Cape and Islands EMS System for twenty-five years of outstanding service.

SENATE—*Monday, March 1, 1999*

The Senate met at 10 o'clock and 28 seconds a.m. and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, MARCH 2, 1999

The PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow, Tuesday, March 2, 1999.

Thereupon, the Senate, at 10 o'clock and 41 seconds a.m., adjourned until Tuesday, March 2, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 1, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 1, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We thank You for Your spirit, O God, that dwells in us in all the moments of life, whether in joy or sorrow, celebration or mourning, in peace or in pain. We are thankful this day, O God, for those times of joy and celebration that can mark our lives, and we are grateful that Your spirit abides in our hearts. At this beginning of our week, we acknowledge Your wonderful gifts to us and to all people and pray that Your blessings of grace and peace will be with us this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

OMISSION FROM THE CONGRESSIONAL RECORD

(The following letter from the Secretary of State of Georgia was inadvertently omitted from the CONGRESSIONAL RECORD of Thursday, February 25, 1999.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Linda W. Beazley, Director, Elections Division, Office of the Georgia Secretary of State, indicating that, according to the unofficial returns for the election held February 23, 1999, the Honorable Johnny Isakson was elected Representative in Congress for the Sixth Congressional District, State of Georgia.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

SECRETARY OF STATE,
ELECTIONS DIVISION,
Atlanta, GA, February 24, 1999.

Hon. JEFF TRANDAHL,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Tuesday, February 23, 1999, for U.S. Representative from the Sixth Congressional District of Georgia show that Johnny Isakson received 51,548 votes or 65.1% of the total number of votes cast for that office.

It would appear from these unofficial results that Johnny Isakson was elected as the U.S. Representative from the Sixth Congressional District of Georgia.

To the best of our knowledge and belief, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, the official "Certificate of Election" will be prepared and forwarded to the Governor's Office for transmittal to you as required by Georgia Law.

If we can assist you further, please let us know.

Sincerely,

LINDA W. BEAZLEY,
Director.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 1999.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find a copy of a letter to the Louisiana Secretary of State announcing my intention to resign from the U.S. House of Representatives on February 28, 1999. Upon receipt of this letter, I expect the Governor to notice and call an election to fill my vacancy. My hope is that it will occur as quickly as possible so as to result in as little inconvenience as possible to the Republican Conference.

Sincerely,

ROBERT L. LIVINGSTON,
Member of Congress.

CORRECTION TO THE CONGRESSIONAL RECORD

HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 1999.

Hon. W. MCKEITHEN,
Secretary of State, State of Louisiana,
Baton Rouge, LA.

DEAR MR. SECRETARY: For 21 and a half years, it has been my honor and privilege to serve the people of southeast Louisiana as the United States Congressman for the First Congressional District of Louisiana. In concurrence with earlier statements about my pending retirement, I do hereby serve notice that I shall resign unconditionally and unequivocally from the U.S. House of Representatives effective February 28, 1999. This notice is timed to permit Governor Foster to call an election for my vacancy in the House of Representatives.

Sincerely,

ROBERT L. LIVINGSTON,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE MUST NOT PRIVATIZE SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise in support of our Social Security system and in opposition to radical and unnecessary plans to privatize this system.

My constituents and their families know how important Social Security is in their lives. Almost 44 million beneficiaries each year count on Social Security each and every month. It is the most successful antipoverty program in our history. We all contribute, we all benefit, and we all have a responsibility to strengthen the system for future generations.

That is why I will fight to stop the push by a few special interests to privatize our Social Security system, to

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enshrine into law a winner-take-all, win-or-lose philosophy that would leave millions of Americans at risk.

Today, nearly every family in America counts on Social Security. In years past, old age meant poverty. Social Security has changed that.

For women, Social Security is particularly important. Women over 65 count on Social Security for nearly three-quarters of their entire retirement income.

For people of color, Social Security is indispensable. On average, people of color have lower lifetime earnings and fewer pensions. As a result, for more than three-quarters of all older African-American and Latino households, Social Security is more than half of their retirement income. When we consider that the Latino elderly population is expected to triple by the year 2030, we see that Social Security is growing in importance.

For younger workers, too, Social Security matters. Today's jobs are leaving them with fewer resources. Only about 18 percent of employees in small businesses have a retirement plan and about 3 percent of temporary workers have one. For young people in these jobs of the future, Social Security's rock solid foundation is more important than ever.

And let us not forget about the nearly one-third of all Social Security beneficiaries who are not retired. They are our friends and neighbors who have dealt with a tragic death or disability in their families and who are counting on Social Security to help them get back on their feet.

Social Security means guaranteed protection no matter who you are, what you look like or what your luck in the market happens to be.

But despite all this, people in my district and all across the country are anxious, because they have heard a consistent message that Social Security will not be there for them when they need it. Mr. Speaker, this is simply not true.

The reality is that Social Security will be able to pay 100 percent of promised benefits for the next 30 years. One hundred percent. That is the reality. Our challenge is to strengthen the system so that it lasts well beyond that.

Despite all the talk in Washington and in the media about privatizing Social Security, my constituents back home oppose it. They are opposed to gambling away the security that their families depend on for a risky alternative.

It seems that the ideologues and Wall Street financiers are out of touch with America. They are selling a plan that would do nothing to fix Social Security but would eliminate its rock solid guarantee, and it would in fact make the system's financing even worse. To pay for their idea, Mr. Speaker, they would hike the retirement age to 70 or even higher and cut guaranteed benefits by 20 to 30 or 40 percent. In exchange for these benefit cuts, they would force every American to buy a Wall Street account that they say will make up the difference, on average.

But it is important to remember that we are talking about averages here. Some may clean up but many will get cleaned out. Privatization forces all of us to carry that risk, but, win or lose, Wall Street will clean up with exorbitant fees to manage these mandatory accounts.

All of this is unnecessary. We can make the minor repairs Social Security needs in a sensible way and maintain the vital guarantee our families depend on. Privatization plans fail this test.

Last year the President and many of us pledged to save Social Security first. This year the President released a plan to do just that. It is a good start for this historic opportunity to strengthen Social Security for generations to come.

I pledge to follow the will of my constituents in San Diego, California, to settle for nothing less. We must not privatize Social Security.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, Pursuant to rule XI, clause 2(a)(2) of the Rules of the House of Representatives, I am pleased to transmit herewith the Rules of Procedure for the Permanent Select Committee on Intelligence for the 106th Congress. The enclosed rules were adopted by the Committee on February 24, 1999.

Rules of Procedure for the Permanent Select Committee on Intelligence (Revised February 1999)

1. SUBCOMMITTEES

(a) Generally

(1) Creation of subcommittee shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of subcommittees

The Committee establishes the following subcommittees:

(1) Subcommittee on Human Intelligence, Analysis, and Counterintelligence; and

(2) Subcommittee on Technical and Tactical Intelligence.

(c) Subcommittee membership

(1) Generally. Each Member of the Committee may be assigned to at least one of the two subcommittees.

(2) Ex Officio Membership. In the event that the Chairman and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or both of the subcommittees, each is authorized to sit as an *ex officio* Member of the subcommittees and participate in the work of the subcommittees. When sitting as *ex officio* Members, however, they shall not:

(A) have a vote in the subcommittee;

(B) be counted for purposes of determining a quorum.

2. MEETING DAY

(a) Regular meeting day for the full committee

(1) Generally. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

(2) Notice Required. Such regular business meetings shall not occur, unless Members are provided reasonable notice under these rules.

(b) Regular meeting day for subcommittees

There is no regular meeting day for either subcommittee.

3. NOTICE FOR MEETINGS

(a) Generally

In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition

For purposes of this rule, "reasonable notice" means:

(1) Written notification;

(2) delivered by facsimile transmission or regular mail, which is

(A) delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, DC; or

(B) delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, DC.

(c) Exception

In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

4. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally

Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee Members in preparation for such meeting; and

(2) determine which matters Members wish considered during any meeting.

(b) Briefing materials

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) the staff director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at any meeting of the Committee.

5. OPEN MEETINGS

(a) Generally

Pursuant to Rule XI of the House, but subject to the limitations of subsection (b), Committee meetings held for the transaction of business, and Committee hearings, shall be open to the public.

(b) Exceptions

Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if:

(1) the Committee determines by record vote, in open session with a majority of the Committee present, that the matters to be discussed may:

(A) endanger national security;

(B) compromise sensitive law enforcement information;

(C) tend to defame, degrade, or incriminate any person; or

(D) otherwise violate any law or Rule of the House.

(2) Notwithstanding paragraph (1), a vote to close a Committee hearing, pursuant to this subsection and House Rule XI shall be taken in open session—

(A) with a majority of the Committee being present; or

(B) regardless of whether a majority is present, so long as at least one Member of the Minority is present and votes upon the motion.

(c) Briefings

All Committee briefings shall be closed to the public.

6. QUORUM

(a) Hearings

For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee Members.

(b) Other committee proceedings

For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 5(b)(2)(B), a quorum shall consist of a majority of Members.

7. REPORTING RECORD VOTES

Whenever the Committee by record vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice

Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or affirmation

The Chairman may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of oath or affirmation

Upon the determination that a witness shall testify under oath or affirmation, any Member of the Committee designated by the Chairman may administer the oath or affirmation.

(d) Interrogation of witnesses

(1) Generally. Interrogation of witnesses before the Committee shall be conducted by Members of the Committee.

(2) Exceptions.

(A) The Chairman, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chairman and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the witness

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of Members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chairman may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the Members of the Committee may vote to overturn the decision of the Chairman to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) may submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) may suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by witnesses

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statements shall not exceed five minutes in length, unless otherwise determined by the Chairman.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceedings shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and ruling

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chairman, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chairman may be overturned upon a majority vote of the Committee.

(h) Transcripts

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) shall have the appropriate clearance necessary to review any classified aspect of the transcript; and

(B) should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical.

(B) Corrections may not be made to change the substance of the testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witness.

(D) Any questions arising with respect to such corrections shall be decided by the Chairman.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to testify

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) a request to appear personally before the Committee;

(B) a sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) proposed questions for the cross-examination of other witnesses.

(3) Committee's Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt procedures

Citations for contempt of Congress shall be forwarded to the House, only if:

(1) reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) the Committee has met and considered the contempt allegations;

(3) the subject of the allegations was afforded an opportunity to state, either in writing or in person, why he or she should not be held in contempt; and

(4) the Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of name of witness

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing investigations

(1) Generally. The Committee shall conduct investigations only if approved by the full Committee. An investigation may be initiated either:

(A) by a vote of the full Committee;

(B) at the direction of the Chairman of the full Committee, with notice to the Ranking Minority Member; or

(C) by written request of at least five Members of the full Committee, which is submitted to the Chairman.

(2) Full Committee Ratification Required. Any investigation initiated by the Chairman pursuant to paragraphs (B) and (C) must be brought to the attention of the full Committee for approval, at the next regular meeting of the full Committee.

(b) Conducting investigations

An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally

All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena contents

Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

(1) the attendance of witnesses and testimony before the Committee; or

(2) the production of memoranda, documents, records, or any other tangible item.

(c) Signing of subpoenas

A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena service

A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Other requirements

Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition

For the purpose of these rules, "Committee Staff" or "staff of the Committee" means:

(1) employees of the Committee;

(2) consultants to the Committee;

(3) employees of other Government agencies detailed to the Committee; or

(4) any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of committee staff

(1) Chairman's Authority. The appointment of Committee Staff shall be by the Chairman, in consultation with the Ranking Minority Member. The Chairman shall certify Committee Staff appointments to the Clerk of the House in writing.

(2) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) the results of a background investigation; and

(B) a determination by the Chairman that requirements for the appropriate security clearances have been met.

(c) Responsibilities of committee staff

(1) Generally. The Committee Staff works for the Committee as a whole, under the supervision and direction of the Chairman of the Committee.

(2) Authority of the Staff Director.

(A) Unless otherwise determined by the Committee, the duties of Committee Staff shall be performed under the direct supervision and control of the staff director.

(B) Committee Staff personnel affairs and day-to-day Committee Staff administrative matters, including the security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

(3) Staff Assistance to Minority Membership. The Committee Staff shall assist the Minority as fully as the Majority of the Committee in all matters of Committee business, and in the preparation and filing of supplemental, minority, or additional views, to the end that all points of view may be fully considered by the Committee and the House.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee Staff shall not at any time, either during that person's tenure as a Member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose:

(A) the classified substance of the work of the Committee;

(B) any information received by the Committee in executive session;

(C) any classified information received by the Committee from any source; or

(D) the substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, Members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with—

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;

(ii) the chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and

(iii) the chairman and ranking minority member of the Subcommittee on National Security of the House Committee on Appropriations and staff of that subcommittee as designated by the chairman of that subcommittee.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committee on Armed Services and the staff of those committees designated by the chairmen of those committees.

(C) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(b) Non-disclosure agreement

(1) Generally. All Committee Staff must, before joining the Committee, agree in writing, as a condition of employment, not to divulge any classified information, which comes into such person's possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, Members and Committee Staff must follow any determination by the House of Representatives, with respect to the protection of classified information received while a Member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing, to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of classified information

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-disclosure of classified information

Generally. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accord with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security measures

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the staff director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to classified information by members

All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the staff director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath

(1) Requirement. Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed: I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry

(1) Generally. The Committee shall maintain a registry that:

(A) provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) lists by number all such documents.

(2) Designation by the Staff Director. The staff director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by members of other committees

Pursuant to the Rules of the House, Members who are not Members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a nonparticipatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a nonparticipatory basis, must notify the Chief Clerk of the Committee in writing.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee Members at the earliest practicable opportunity. The Committee shall determine, by roll call vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) the likelihood of its being directly or indirectly disclosed;

(C) the jurisdictional interest of the Member making the request; and

(D) such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the Member's request, the Committee may take any action it may deem appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) denying the request; or

(C) providing the requested information or material in a different form than that sought by the Member.

(4) Consultation Authorized. When considering a Member's request, the Committee may consult the Director of Central Intelligence and such other officials it considers necessary.

(5) Finality of Committee Decision.

(A) Should the Member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that Member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or other committees

Pursuant to section 501 of the National Security Act of 1947 (50 U.S.C. §413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions affecting the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable opportunity to examine materials

Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House

The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(j) Method of disclosure to the House

(1) Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) to request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) to publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement to protect sources and methods

In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of information to other committees

The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of materials

The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House.

(n) Ensuring clearances and secure storage

The Director of Security and Registry shall ensure that such other committee or Member (not a Member of the Committee) receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log

The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or Member (not a Member of the Committee), the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or Member (not a Member of the Committee) receiving such document or material.

(p) Miscellaneous requirements

(1) Staff Director's Additional Authority. The staff director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or Member (not a Member of the Committee).

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a Member (not a Member of the Committee) or to another committee, the Chairman may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally

The Chief Clerk, under the direction of the staff director, shall maintain a printed calendar that lists:

(1) the legislative measures introduced and referred to the Committee;

(2) the status of such measures; and

(3) such other matters that the Committee may require.

(b) Revisions to the calendar

The calendar shall be revised from time to time to show pertinent changes.

(c) Availability

A copy of each such revision shall be furnished to each Member, upon request.

(d) Consultation with appropriate government entities

Unless otherwise directed by the Committee, legislative measures referred to the Committee shall be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE TRAVEL

(a) Authority

The Chairman may authorize Members and Committee Staff to travel on Committee business.

(b) Requests

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the staff director and the Chairman.

(c) Notification to members

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a Member.

(2) Content. All Members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip reports

(1) Generally. A full report of all issues discussed during any Committee travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) available for the review of any Member or Committee Staff; and

(B) considered executive session material for purposes of these rules.

(e) Limitations on travel

(1) Generally. The Chairman is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chairman may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule—

(A) at the specific request of a Member of the Committee; or

(B) in the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions

For purposes of this rule the term "reasonable period of time" means:

(1) no later than 60 days after returning from a foreign trip; and

(2) no later than 30 days after returning from a domestic trip.

17. DISCIPLINARY ACTIONS

(a) Generally

The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any Rule of the House of Representatives or to these rules.

(b) Exception

In the event the House of Representatives is:

(1) in a recess period in excess of 3 days; or

(2) has adjourned *sine die*;

the Chairman of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available actions

Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to members

All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (b).

(e) Reconsideration of chairman's actions

A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

18. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or greeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

19. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of withholding

The Chairman shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any Member of the Committee.

20. CHANGES IN RULES

(a) Generally

These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of proposed changes

A notice, in writing, of the proposed change shall be given to each Member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

COMMUNICATION FROM THE HONORABLE BILL McCOLLUM, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BILL McCOLLUM, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 18, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the House that I received a subpoena for documents and testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

BILL McCOLLUM,
Member of Congress.

SPECIAL ORDERS GRANTED

(By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today and March 2.

Mr. JONES of North Carolina, for 5 minutes, on March 2.

Mr. GOSS, for 5 minutes, today.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 2, 1999, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

767. A communication from the President of the United States, transmitting requests for emergency FY 1999 supplemental appropriations for the Department of Agriculture; (H. Doc. No. 106—32); to the Committee on Appropriations and ordered to be printed.

768. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes; to the Committee on Banking and Financial Services.

769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quality Assurance Guidance Document—Model Quality Assurance Project Plan for the PM2.5 Ambient Air Monitoring Program at State and Local Air Monitoring Stations (SLAMS)—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

770. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quality Assurance Guidance Document—Method Compendium—PM 2.5 Mass Weighing Laboratory Standard Operating Procedures for the Performance Evaluation Program—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

771. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quality Assurance Guidance Document—Method Compendium—Field Standard Operating Procedures for the PM 2.5 Performance Evaluation Program—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

772. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Implementation Plan—PM2.5 Federal Reference Method Performance Evaluation Program—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

773. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guideline on Ozone Monitoring Site Selection—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

774. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Using Continuous Monitors in PM2.5 Monitoring Networks—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

775. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Selecting and Modifying the Ozone Monitoring Season Based on an 8-Hour Ozone Standard—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

776. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; Approval of Expansion of State Program Under Section 112(1); State of Wyoming [WY-001a; FRL-6234-3] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

777. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate Interexchange Marketplace [CC Docket No. 96-61] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

778. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Singapore (Transmittal No. 06-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 28 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on International Relations.

780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1999 "International Narcotics Control Strategy Report," pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

781. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

782. A letter from the Executive Secretary, National Labor Relations Board, transmitting a report of activities concerning the implementation of the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

783. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal that would establish a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes; to the Committee on Government Reform.

784. A letter from the Director, Financial Services, Library of Congress, transmitting the United States Capitol Preservation Commission Annual Report for the fiscal year ended September 30, 1998; to the Committee on House Administration.

785. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B-1 Helicopters [Docket No. 98-SW-28-AD; Amendment 39-11009; AD 99-02-17] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

786. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters [Docket No. 98-SW-20-AD; Amendment 39-11010; AD 98-11-15] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

787. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes [Docket No. 98-CE-78-AD; Amendment 39-11007; AD 99-02-15] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

788. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 2000 Airplanes [Docket No. 98-CE-34-AD; Amendment 39-11006; AD 99-02-14] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

789. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Government Securities Act Regulations: Reports and Audit (RIN: 1505-AA74) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

790. A letter from the Assistant Commissioner, Internal Revenue Service, transmitting the Service's final rule—Congressional Review of Market Segment Specialization Program (MSSP) Audit Techniques Guides—received February 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

791. A letter from the Director, Office of Government Ethics, transmitting a draft bill to extend the authorization of appropriations for the Office of Government Ethics through Fiscal Year 2007; jointly to the Committees on Government Reform and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 818. A bill to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small businesses (Rept. 106-33). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 32. Resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen and protect the retirement income security of all Americans through the creation of a fair and modern Social Security Program for the 21st century; with amendments (Rept. 106-34). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following occurred on February 26, 1999]

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than April 30, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HASTERT:

H.R. 1. A bill to provide for Social Security reform; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. PETERSON of Minnesota, Mr. SESSIONS, Mr. ROHRABACHER, Mr. GOSS, Mr. McCOLLUM, Mr. CUNNINGHAM, Mr. ENGLISH, Mr. PAUL, Mr. UNDERWOOD, Mrs. MORELLA, Mr. BURTON of Indiana, Mr. HORN, Mr. HOSTETTLER, Mr. McCRERY, Mr. HEFLEY, Mr. NEY, Mr. RAMSTAD, Mr. BOUCHER, Mr. LoBIONDO, Ms. RIVERS, Mr. GREEN of Texas, Mr. KING of New York, Mr. McINTOSH, Mrs. MYRICK, Mr. TAYLOR of North Carolina, Mr. KUYKENDALL, Mr. WELLER, Mr. ROGERS, Mr. BARTON of Texas, Mr. KNOLLENBERG, Mr. TERRY, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Ms. DUNN, Mr. BRADY of Texas, Mr. TIAHRT, Mr. STUMP, Mr. SENSENBRENNER, Mrs. BONO, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. PACKARD, Ms. ROS-LEHTINEN, Mr. METCALF, Mr. FALEOMAVAEGA, Mr. BLILEY, Mr. CHAMBLISS, Mr. WATTS of Oklahoma, Mr. SWEENEY, Mr. DREIER, and Mr. HASTINGS of Washington):

H.R. 5. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. LIPINSKI):

H.R. 7. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 9. A bill to express the sense of Congress that a comprehensive effort is required to revitalize and sustain the all-volunteer force and address the decline in the quality of life for members of Armed Forces and their families and to provide a 4.8 percent increase in the rates of monthly basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. GEKAS (for himself, Mrs. BONO, Mr. BRYANT, Mr. BUYER, Mr. COMBEST, Mr. ENGLISH, Mr. GOODLATTE, Mr. GRAHAM, Mr. McINTOSH, Mr. GARY MILLER of California, Mr. PICKETT, Mr. SESSIONS, Mr. SISISKY, and Mr. TALENT):

H.R. 881. A bill to provide that under certain conditions no sanction shall be imposed on a person by an agency for a violation of a rule and no civil or criminal sanction may be imposed by a court for a violation of a rule; to the Committee on the Judiciary.

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. BARRETT of Nebraska, and Mr. MINGE):

H.R. 882. A bill to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Ms. DANNER, Mr. DeLAY, Mr. PICKETT, Mrs. EMERSON, Mr. TRAFICANT, Mr. COBURN, Mr. GOODE, Mr. POMBO, Mr. BARCIA, Mrs. CHENOWETH, Mr. HALL of Texas, Mrs. CUBIN, Mr. SHOWS, Mr. HASTINGS of Washington, Mr. BISHOP, Ms. DUNN, Mr. SISISKY, Mr. HERGER, Mr. CRAMER, Mrs. BONO, Mr. McINTYRE, Mr. TAYLOR of North Carolina, Mr. GREEN of Texas, Mr. HILLEARY, Mr. DUNCAN, Mr. NORWOOD, Mr. KASICH, Mr. McINTOSH, Mr. CUNNINGHAM, Mr. THOMAS, Mr. SKEEN, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. McKEON, Mr. HOSTETTLER, Mr. STUMP, Mr. DOOLITTLE, Mr. STEARNS, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. LoBIONDO, Mr. WALDEN of Oregon, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. TANCREDO, Mr. BLILEY, Mr. HILL of Montana, Mr. EVERETT, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mr. HUNTER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. PAUL, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. LATHAM, Mr. BLUNT, Mr. LINDER, Mrs. MYRICK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. PICKERING, Mr. NEY, Mr. McINNIS, Mr. ROYCE, Mr. BAKER, Mr. CALLAHAN, Mr. WATKINS, Mr. DEAL of Georgia, Mr. PACKARD, Mr. ROGERS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. SCHAFFER, Mr. LEWIS of Kentucky, Mr. WICKER, Mr. BURR of North Carolina, Mr. TIAHRT, Mr. COOKSEY, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GRAHAM, Mr. DeMINT, Mr. HAYWORTH, Mr. ROGAN, Mr. OXLEY, Mr. PITTS, Mr. WELLER, Mr. BARR of Georgia, Mr. GOSS, Ms. GRANGER, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BASS, Mr. MORAN of Kansas, Mr. WAMP, Mrs. FOWLER, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. ADERHOLT, Mr. RILEY, Mr. GOODLING, Mr. SIMPSON, Mr. BARTON of Texas, and Mr. FLETCHER):

H.R. 883. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Resources.

By Mr. GEPHARDT (for himself, Ms. PELOSI, Mr. BONIOR, Mr. SMITH of New Jersey, Mr. FROST, Mr. WOLF, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. FRANK of Massachusetts, Mr. CARDIN, Mr. HUNTER, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. SHOWS, Ms. KILPATRICK, Mr. SHERMAN, Mr. VENTO, Mr. KUCINICH, Mr. HINCHEY, Mr. TRAFICANT, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. SANDERS, Mr. BORSKI, Mr. LIPINSKI, Mr. PASCRELL, Ms. WOOLSEY, Mr. DeFAZIO, Mr. STARK, Mr. KLINK, Mr. GREEN of Texas, Mr. ALLEN, and Mr. STUPAK):

H.R. 884. A bill to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 885. A bill to amend the Internal Revenue Code of 1986 to modify the average area purchase price of residences taken into account under the qualified mortgage bond rules; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. CARDIN, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. OBEY, Ms. SLAUGHTER, Mr. McGOVERN, Mr. SANDERS, Mr. CAPUANO, Mr. OLVER, and Mr. MEEHAN):

H.R. 886. A bill to require the Secretary of Health and Human Services to submit to Congress a plan to include as a benefit under the Medicare Program coverage of outpatient prescription drugs, and to provide for the funding of such benefit; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. OXLEY, Mr. TOWNS, and Mr. COX):

H.R. 887. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Commerce.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. MEEHAN, Mr. LAZIO, Mr. LEVIN, Mr. PALLONE, Mr. BONIOR, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. NORTON, Ms. RIVERS, Mr. BROWN of Ohio, Ms. STABENOW, Ms. KILPATRICK, Mr. BOUCHER, Mr. McDERMOTT, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mrs. CAPPS, Mr. FARR of California, Mr. TOWNS, Mr. CAPUANO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Mr. ALLEN, and Mr. STARK):

H.R. 888. A bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles; to the Committee on Commerce.

By Mrs. MALONEY of New York (for herself, Mr. WAXMAN, Ms. NORTON, Mr. FORD, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. BROWN of California, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. LEE, Mr. MATSUI, Mrs. McCARTHY of New York, Mr. McGOVERN, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. SANDLIN, Mr. SHOWS, Mrs. THURMAN, and Mrs. JONES of Ohio):

H.R. 889. A bill to amend the Public Health Service Act to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Commerce.

By Mrs. MALONEY of New York (for herself, Mr. WAXMAN, Mr. BROWN of California, Ms. NORTON, Mr. FORD, Mr. SANDERS, Mr. FROST, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms.

Lee, Mr. Matsui, Mrs. McCarthy of New York, Mr. McGovern, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Ms. Pelosi, Mr. Sandlin, Mr. Shows, Mrs. Thurman, and Mrs. Jones of Ohio):

H.R. 890. A bill to provide for research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and similar products used by women with respect to menstruation pose any risks to the health of women, including risks relating to cervical cancer, endometriosis, infertility, ovarian cancer, breast cancer, immune system deficiencies, pelvic imflammatory disease, and toxic shock syndrome, and for other purposes; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII,

4. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4003 memorializing the United States Government to prohibit federal recoupment of state tobacco settlement recoveries; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. Waters.

H.R. 54: Mr. Sherwood.

H.R. 73: Mr. Shays, Mr. Tancredo, Mr. Deal of Georgia, Mr. Cox, and Mr. Burr of North Carolina.

H.R. 116: Mr. Rush.

H.R. 206: Mr. Delahunt and Mr. Costello.

H.R. 208: Mr. Moore.

H.R. 229: Mr. George Miller of California, Ms. Kilpatrick, Mr. Meeks of New York, Ms. Eshoo, Mr. Frank of Massachusetts, Mr. Barrett of Wisconsin, and Mr. Coyne.

H.R. 230: Mr. Sabo, Mr. Abercrombie, Mr. Lewis of Georgia, Mr. Markey, Mr. Hinojosa, Ms. Eshoo, Mr. George Miller of California, Mrs. Capps, and Ms. Lofgren.

H.R. 254: Mr. Hefley, Mr. Diaz-Balart, Mr. Graham, Mr. Ehlers, and Mr. DeLay.

H.R. 275: Mr. Hostettler, Ms. Ros-Lehtinen, and Mr. Borski.

H.R. 316: Mr. Souder, Mr. Coburn, and Mr. Aderholt.

H.R. 347: Mr. Rahall.

H.R. 351: Mr. Saxton, Mr. Hayes, Mr. Sensenbrenner, Mr. Pickett, Mr. Lampson, Mr. Gilman, Mrs. Roukema, Mr. Aderholt, Mr. Goss, Mr. King of New York, Mr. Tancredo, Mrs. Kelly, and Mrs. Northup.

H.R. 357: Ms. Sanchez.

H.R. 389: Mr. Shows, Mrs. Meek of Florida, Mr. Frost, and Mr. Bonior.

H.R. 430: Mr. Baldacci, Mr. McGovern, Mr. Clement, Mr. Moore, and Mr. Tauzin.

H.R. 469: Ms. Jackson-Lee of Texas, Mr. Burr of North Carolina, Mr. Hastings of Washington, Mr. Hinchey, and Mr. Sweeney.

H.R. 472: Mr. Combest.

H.R. 483: Mr. Petri, Mr. Sandlin, and Mr. Matsui.

H.R. 500: Mr. Gejdenson and Mr. McGovern.

H.R. 541: Mr. Strickland, Mr. Borski, Mr. Phelps, Mr. Coyne, and Mr. Hoyer.

H.R. 555: Mr. Boucher, Ms. Norton, and Mr. Stark.

H.R. 576: Mr. Edwards.

H.R. 637: Mr. Price of North Carolina, Mr. Gillmor, and Ms. Kaptur.

H.R. 645: Mr. Menendez, Ms. McCarthy of Missouri, Mr. Porter, Mr. Sawyer, and Mr. Gordon.

H.R. 661: Mr. LaTourette, Mr. Shows, Mr. Bereuter, Mr. Metcalf, and Mr. Gejdenson.

H.R. 710: Mr. Royce, Mr. Shows, Mrs. Bono, Mr. Baldacci, Mr. Burton of Indiana, Mr. Hall of Texas, Mr. Knollenberg, Mr. Lucas of Kentucky, Mr. Tauzin, Mr. Edwards, Mr. Hayes, Mr. Bachus, Mrs. Roukema, Mr. Moran of Kansas, Mr. Ramstad, Mr. Boyd, Mr. Turner, Mr. Walsh, Mr. Watkins, Mr. Green of Wisconsin, Mr. Largent, Mr. Baker, Mr. Riley, Mr. Ballenger, Mr. Aderholt, Mr. Shimkus, Mr. McIntyre, Mr. Burr of North Carolina, Mrs. Kelly, Mrs. Johnson of Connecticut, Mr. Thornberry, Mr. John, and Mr. Bereuter.

H.R. 716: Mr. Nussle, Mr. English, Mr. Gejdenson, Mr. Crane, Mr. Pickett, Mr. Radanovich, Mr. Foley, and Mrs. Northup.

H.R. 730: Mr. Mascara.

H.R. 735: Mr. LoBiondo, Mr. Traficant, and Mr. Doolittle.

H.R. 754: Mr. Barrett of Wisconsin, Mr. Brown of Ohio, Ms. Kaptur, Mr. Shows, Mr. LaTourette, Mrs. Jones of Ohio, Mr. Pallone, Mr. English, Mr. Oberstar, Mr. Green of Texas, Mr. Sanders, and Mr. McGovern.

H.R. 796: Mr. Shows, Mr. Jefferson, Mr. Watkins, Mr. Boucher, and Mrs. Myrick.

H.R. 800: Mr. Hoyer, Mr. Regula, Mr. Davis of Florida, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Moore, Mr. Wu, and Mr. Ford.

H.R. 832: Mr. Goode and Mr. Kildee.

H.J. Res. 25: Mr. Watts of Oklahoma, Mr. Shows, Mr. Brown of California, Mrs. Christensen, Mr. Chambliss, Mr. Hayes, Mr. Abercrombie, Mr. Smith of Washington, Mr. Romero-Barcelo, Mr. Terry, Ms. Danner, Mr. Sherman, Mr. Cunningham, Mr. Clement, Mr. Bryant, Mr. Hostettler, Mr. Green of Texas, Mr. McKeon, Mr. Portman, Mr. Pastor, Mr. LaHood, Mr. Goode, Mr. Pickett, and Mr. Barr of Georgia.

H. Con. Res. 8: Mr. Condit, Mr. Ganske, and Mr. Hinchey.

EXTENSIONS OF REMARKS

SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. GOODLATTE. Mr. Speaker, I am pleased, along with 204 of my colleagues, to introduce the Security And Freedom through Encryption (SAFE) Act of 1999.

This much-needed, bipartisan legislation accomplishes several important goals. First, it aids law enforcement by preventing piracy and white-collar crime on the Internet. If an ounce of prevention is worth a pound of cure, then an ounce of encryption is worth a pound of subpoenas. With the speed of transactions and communications on the Internet, law enforcement cannot possibly deal with pirates and criminal hackers by waiting to react until after the fact.

Only by allowing the use of strong encryption, not only domestically but internationally as well, can we hope to make the Internet a safe and secure environment. As the National Research Council's Committee on National Cryptography Policy concluded, "If cryptography can protect the trade secrets and proprietary information of businesses and thereby reduce economic espionage (which it can), it also supports in a most important manner the job of law enforcement. If cryptography can help protect nationally critical information systems and networks against unauthorized penetration (which it can), it also supports the national security of the United States."

Second, if electronic commerce is to reach its true potential, consumers and companies alike must have the confidence that their communications and transactions will be secure. The SAFE Act, by allowing all Americans to use the highest technology and strongest security available, will provide them with that confidence.

Third, with the availability of strong encryption overseas and on the Internet, our current export controls only serve to tie the hands of American business. According to a number of industry studies, failure to remove our export controls will cost our economy hundreds of thousands of jobs and tens of billions of dollars.

The SAFE Act remedies this situation by allowing the export of generally available encryption products without a license, and custom-designed encryption products if they are approved for use by banks or are commercially available from foreign companies. Removing these export barriers will free U.S. industry to remain the world leader in software, hardware, and Internet development. And by allowing the U.S. computer industry to use and export the highest technology available with the strongest security features available, America will be leading the way into the 21st century information age and beyond.

This bipartisan legislation enjoys the support of members and organizations across the spectrum of all ideological and political beliefs. Groups as varied as Americans for Computer Privacy, American Civil Liberties Union, National Rifle Association, Law Enforcement Alliance of America, Americans for Tax Reform, Netscape, America Online, Microsoft, Business Software Alliance, Novell, Lotus, Adobe, Electronic Industries Alliance, Software and Information Industry Association, Information Technology Association of America, Citizens for a Sound Economy, Telecommunications Industry Association, Computer Electronics Manufacturers Association, U.S. Telephone Association, SBC Communications, Bell Atlantic, Bell South, U.S. West, Competitive Enterprise Institute, Business Leadership Council, IBM, Small Business Survival Committee, Sybase, RSA Data Security, Semiconductor Industry Association, Telecommunications Industry Association, Center for Democracy and Technology, and U.S. Chamber of Commerce, Direct Marketing Association, American Financial Services Association, Intel, Compaq, Network Associates, National Association of Manufacturers strongly support this legislation, to name just a few.

The SAFE Act enjoys this support not only because it is a common-sense approach to solving a very immediate problem, but also because ordinary Americans' personal privacy and computer security is being assaulted by this Administration. Amazingly enough, the Administration wants to mandate a back door into peoples' computer systems in order to access their private information and confidential communications. In fact, the Administration has said that if private citizens and companies do not "voluntarily" create this back door, it will seek legislation forcing Americans to give the government access to their information by means of a "key escrow" system requiring computer users to put the keys to decode their encrypted communications into a central data bank. This is the technological equivalent of mandating that the federal government be given a key to every home in America.

The SAFE Act, on the other hand, will prevent the Administration from placing roadblocks on the information superhighway by prohibiting the government from mandating a back door into the computer systems of private citizens and businesses. Additionally, the SAFE Act ensures that all Americans have the right to choose any security system to protect their confidential information.

Mr. Speaker, with the millions of communications, transmissions, and transactions that occur on the Internet every day, American citizens and businesses must have the confidence that their private information and communications are safe and secure. That is precisely what the SAFE Act will ensure. I urge each of my colleagues to join and support this bipartisan effort.

The original cosponsors are Representatives LOFGREN, ARMEY, DELAY, WATTS, TOM DAVIS, COX, PRYCE, BLUNT, GEPHARDT, BONIOR, FROST, DELAURO, JOHN LEWIS, GEJDENSON, SENSENBRENNER, GEKAS, COBLE, LAMAR SMITH, GALLEGLY, BRYANT, CHABOT, BARR, HUTCHINSON, PEASE, CANNON, ROGAN, BONO, BACHUS, CONYERS, FRANK, BOUCHER, NADLER, JACKSON-LEE, WATERS, MEEHAN, DELAHUNT, WEXLER, ACKERMAN, ANDREWS, ARCHER, BALLENGER, BARCIA, BILL BARRETT, TOM BARRETT, BARTON, BILBRAY, BLUMENAUER, BOEHNER, KEVIN BRADY, ROBERT BRADY, CORRINE BROWN, GEORGE BROWN, BURR, BURTON, CAMP, CAMPBELL, CAPPS, CHAMBLISS, CHENOWETH, CHRISTIAN-CHRISTENSEN, CLAYTON, CLEMENT, CLYBURN, COLLINS, COOK, COOKSEY, CUBIN, CUMMINGS, CUNNINGHAM, DANNY DAVIS, DEAL, DEFAZIO, DEUTSCH, DICKEY, DOOLEY, DOOLITTLE, DOYLE, DREIER, DUNCAN, DUNN, EHLERS, EMERSON, ENGLISH, ESHOO, EWING, FARR, FILNER, FORD, FOSSELLA, FRANKS, GILLMOR, GOODE, GOODLING, GORDON, GREEN, GUTKNECHT, RALPH HALL, HASTINGS, HERGER, HILL, HOBSON, HOEKSTRA, HOLDEN, HOOLEY, HORN, HOUGHTON, INSLEE, ISTOOK, JACKSON, JR., JEFFERSON, E.B. JOHNSON, NANCY JOHNSON, KANJORSKI, KASICH, KELLY, KILPATRICK, KIND, KINGSTON, KNOLLENBERG, KOLBE, LAMPSON, LARGENT, LATHAM, LEE, RON LEWIS, LINDER, FRANK LUCAS, LUTHER, KAREN MCCARTHY, MCDERMOTT, MCGOVERN, MCINTOSH, MALONEY, MANZULLO, MARKEY, MARTINEZ, MATSUI, MEEK, METCALF, MICA, MILLENDER-MCDONALD, GEORGE MILLER, MOAKLEY, JIM MORAN, MORELLA, MYRICK, NAPOLITANO, NEAL, NETHERCUTT, NORWOOD, NUSSLE, OLVER, PACKARD, PALLONE, PASTOR, COLLIN PETERSON, PICKERING, POMBO, POMEROY, PRICE, QUINN, RADANOVICH, RAHALL, RANGEL, REYNOLDS, RIVERS, ROHRABACHER, ROS-LEHTINEN, RUSH, SALMON, SANCHEZ, SANDERS, SANFORD, SCARBOROUGH, SCHAFFER, SESSIONS, SHAYS, SHERMAN, SHIMKUS, ADAM SMITH, CHRIS SMITH, SOUDER, STABENOW, STARK, SUNUNU, TANNER, TAUSCHER, TAUZIN, TAYLOR, THOMAS, THOMPSON, THUNE, TIAHRT, TIERNEY, UPTON, VENTO, WALSH, WAMP, WATKINS, WELLER, WHITFIELD, WICKER, WOOLSEY, and WU.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, on Tuesday, February 23, 1999, I was unavoidably detained while conducting official business and missed rollcall votes 22 and 23. Had I been present I would have voted "yea."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF "THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT"

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today, on behalf of myself and 126 cosponsors I am introducing the American Land Sovereignty Protection Act. Last Congress, this bill, known as H.R. 901, passed the House by a vote of 236–191. I am confident that this Congress will pass the American Land Sovereignty Protection Act.

H.R. 901 will: (1) prevent the Executive Branch from using World Heritage Site, Biosphere Reserve, and RAMSAR designations to guide domestic land use policies without consulting Congress, (2) restore meaningful Congressional oversight of these programs, (3) protect the rights of owners on non-federal lands adjacent to or intermixed with these land reserves, and (4) protect our domestic land use decision-making process from international interference.

United Nations' land designations, such as UNESCO Biosphere Reserves and World Heritage Sites, currently take place without the approval of Congress and virtually no Congressional oversight. The Constitutional power of Congress "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States" cannot be bargained away by the President in a Treaty.

International land use designations, such as the Biosphere Reserve program, also enable the Executive Branch to implement international treaties, such as the Convention on Biological Diversity, without ratification by the United States Senate. For example, a prime objective of the biosphere reserve program is to create a national network of biosphere reserves that will implement Article 6 of the Convention on Biological Diversity.

The Biosphere Reserve program is not authorized by a single U.S. law nor is it even governed by an international treaty. That is wrong. Executive branch appointees cannot and should not do things that the law does not authorize.

Congress must act to keep international commitments from interfering with Constitutional rights, such as the right to own property, guaranteed all American citizens. Our system may be messy at times, but it is designed to protect rights that Americans value, rights which are only a dream for citizens of many other countries. Otherwise, the rights of our citizens and the boundary between public land managed by the government and private property can be too easily ignored.

The public and local governments are almost never consulted about creating World Heritage Sites and Biosphere Reserves. Designation efforts are almost always driven by unelected federal bureaucrats. Despite claims to the contrary by proponents of these programs, World Heritage Sites and Biosphere Reserves face strong local opposition.

So that everyone understands, my concern is that the United States Congress—and therefore the people of the United States—have been left out of the domestic process to designate Biosphere Reserves and World Heritage sites. This legislation restores the Constitutional role of Congress in governing lands belonging to the United States thereby making the people of this country relevant in this process.

The American Land Sovereignty Protection Act requires that Congress approve international land designations in the United States on a case by case basis, because according to the United States Constitution, Congress possesses the ultimate decision-making power over lands belonging to the people of the United States.

HONORING NEW PENSACOLA CHIEF OF POLICE, JERRY W. POTTS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. SCARBOROUGH. Mr. Speaker, today I wish to share with my colleagues the outstanding accomplishments of a great Floridian, Mr. Jerry W. Potts, Chief of Police in the City of Pensacola, Florida.

Chief Potts' professional and personal life have been characterized by excellence, leadership and service to others. The resume he has compiled is extraordinary. He embarked on his long and successful career in public service in 1965 when he joined the U.S. Army 82nd Airborne Division.

Chief Potts began his law enforcement career in 1973 when he joined the Pensacola Police Department as a dispatcher. Jerry quickly worked his way up the ranks being promoted to police officer, Sergeant, Assistant Chief of Police, and early this year, Chief of Police.

Jerry Potts' service to others goes beyond law enforcement. Chief Potts has always been involved in our community. He has served on the Judges' Task Force for Children, the Mayor's Task Force on Community Values, and the Board of Governors for Fiesta of Five Flags.

Mr. Speaker, by any measure of merit, Chief Potts is one of America's best and brightest law enforcement professionals, and he will continue to be an asset for Northwest Florida in his new role. And a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of his life-long efforts.

Chief Jerry Potts has devoted his life to preserving the public safety enjoyed by the people of the City of Pensacola and the entire State of Florida. We are grateful for his continuing public service.

TRIBUTE TO ASSEMBLYWOMAN CARMEN E. ARROYO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. SERRANO. Mr. Speaker, I rise today to congratulate and to pay tribute to Assemblywoman Carmen E. Arroyo, an outstanding individual who has dedicated her life to public service.

Born in Corozal, Puerto Rico, Carmen moved to New York City in 1964 after graduating from Corozal High School and Sixto Febus Business School, where she received her Secretarial-Bookkeeper degree. She has shown the importance of life-long learning as she has continued to take post-graduate courses. In 1978 she received her Associate of Arts Degree from Eugenio Maria de Hostos Community College and in 1980, at the age of 44, she earned her Bachelor of Arts Degree from the College of New Rochelle. I have known her personally for many years, and I am very familiar with her background, experience, character, and personality. She is a person of the highest personal and professional integrity.

Mr. Speaker, when Carmen moved to New York, she worked long hours in a factory in order to bring her seven children from Puerto Rico. In 1965, they joined her in New York, but, unable to find day care services, she was forced to receive public assistance for nine months, during which time she organized the welfare mothers of her community and founded the South Bronx Action Group (SBAG) in 1966. The South Bronx Action Group received funding and Carmen served as the Executive Director. She expanded the notion of tenant advocacy to include interrelated employment, health, adult education, and welfare services. Today, the SBAG is still operating.

In 1978, Carmen became Executive Director of the South Bronx Community Corporation, where she was responsible for implementation of policy and overall supervision of program budgeting. As Executive Director, she implemented a successful feeding program where over 400 senior citizens and drug addicts were served hot meals on a daily basis. Under her leadership, the SBCC had the largest Summer Youth Employment Program in New York City, employing over 5,000 each year. Carmen was also instrumental in raising funds from public resources and private foundations. She initiated a grant for funds under Section 202 of the Federal Housing Act and received two grants totaling over 8.4 million dollars to construct 194 housing units for senior citizens. Carmen was also instrumental in the development of private housing for working class families in the South Bronx. As a result of that, she became the first Puerto Rican woman housing developer in New York State.

In 1978, Carmen was elected Female District Leader of what today is the 74th Assembly District, which she served until 1993. She served as Member and President of Community School Board 7 from 1973 to 1993. She served as member of the Lincoln Hospital Advisory Board for 17 years and in 1973 was appointed by former Governor Nelson Rockefeller to the NYS Medicaid Council, on which she served a 4-year term. She was also Member and Chairperson of Planning Board One for 20 years.

Mr. Speaker, in February 1994, Carmen won a special election and became the first Puerto Rican Woman elected to the New York State Assembly.

This is the kind of issue that should be discussed in the classrooms. Assemblywoman

Arroyo is a role model for all Hispanics. She has set an example of how success is available for all of those who persevere to achieve their goals. She is an inspiration for many Puerto Ricans and for the people in the Bronx who are trying to break the cycle of poverty.

Carmen is the mother of seven and the grandmother of fourteen. She continues to reside in the South Bronx with her husband Hector Ramirez.

Mr. Speaker, I ask my colleagues to join me in commending Assemblywoman Carmen E. Arroyo for her outstanding achievements and in wishing her continued success.

TRIBUTE TO LEO CIANFLONE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. PALLONE. Mr. Speaker, On Saturday, February 27, 1999, Mr. Galileo F. Cianflone of Long Branch, NJ, was honored by the Long Branch Amerigo Vespucci Society at its annual dinner-dance at Palumbo's in Tinton Falls, NJ. My wife Sarah and I were proud to be on hand for this tribute to Leo Cianflone, a committed leader of the community and a good friend to all who know him.

Mr. Cianflone was born in Miglierina, Italy, on April 9, 1925, the son of the late Thomas and Carolina Cianflone. He is one of seven children. He attended school in Miglierina, learning the trade of cabinet maker and the art of music. At the age of 17, he enrolled in the Carabinieri, and was assigned to the Florence headquarters. During the war, he volunteered his services against Germany in the partisan company, Garibaldi. In 1946. Mr. Cianflone returned home to Miglierina as Lieutenant. He met Maria Anastasio and was married on December 2, 1948. During his years in his native hometown in Italy, he showed the same type of commitment to civic affairs that he would later demonstrate in his adopted hometown in America.

In December 1953, Mr. Cianflone came to the United States. In 1959 he opened his business, Leo's Cabinet Shop, on High Street in Long Branch. In 1974, he was employed by the Long Branch Board of Education as a foreman of the Maintenance Department. He retired in 1993. From 1991 to 1995, he served as member representing the City of Long Branch at the Long Branch Sewerage Authority.

Mr. Cianflone and his wife Maria have two children: his son Thomas, who resides in Union Beach, NJ, with his wife Joanni; and his daughter Carol, who lives in Spring Lake, NJ, with her husband Gary Mennie. Leo couldn't be more delighted over the success that his son and daughter have achieved. Leo's pride and joy are his two grandsons, Joseph Cianflone and Anthony Mennie.

Galileo Cianflone has been a member of the Amerigo Vespucci for 41 years. He has served in capacity of every office, including President for seven years. He has always been extremely active in the Society's endeavors. As everyone who has had the privilege of knowing him and working with him will attest, Leo Cianflone is unfailingly hardworking and dedicated, always willing to help in every way possible.

Mr. Speaker, it is a real pleasure for me to pay tribute to an outstanding leader and a fine citizen of my hometown of Long Branch, Mr. Galileo Cianflone.

IN HONOR OF ILANA LEVY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. SHAYS. Mr. Speaker, I rise today to recognize a resident of my district, Ilana Levy of Westport, Connecticut.

I had the pleasure of hearing Ilana speak at a Veteran's Day ceremony at the Westport Town Hall on November 11, 1998. Ilana delivered a speech of tremendous depth and maturity. She was articulate beyond her years and all in attendance were moved by her words.

Mr. Speaker, ! am proud to submit a copy of the text of Ilana's speech for the RECORD of the 106th Congress.

VETERAN'S DAY SPEECH—ILANA LEVY

I have a confession to make. I have studied about World War I and II in history class and I have certainly known about Veterans Day since I was a child. But over the last couple of weeks, I concentrated on the two as I have never before. It probably all started with the movie 'Saving Private Ryan'. I went to see it somewhat under protest because I like happy movies. (the fact that Matt Damon was in it did help). I had heard that the movie was gruesome and I did not expect to like it. Well I did not like it. No I do not think I could use the term like with such a movie. What I can say about this movie was it truly affected me. I think it even diminished me in a certain way. I started looking at my life and asking myself what if. What if we did not win the war? What if we did not have men and women willing to fight for America? What if we were no longer free? What if we become more and more apathetic and take certain rights for granted? And that's where the diminishing part came in. Yes. I started looking at myself and my life and realized how much I have taken for granted.

I am free. Sure I have parents who tell me what to do and give me certain rules to follow. But I am free. When I was little I complained about going to Sunday school but I have that freedom to pray. My relatives were not always that lucky. During World War II Jewish people were killed just because they were Jewish. They were taken to concentration camps just because they were Jewish. I can remember seeing actual footage of the people in the concentration camps when the American soldiers came to set them free. The soldiers were shocked and sickened about what they saw. What if those soldiers had not gone over to Europe to fight Hitler? Who knows what would have happened to the Jews in the world, or to any of us? Hitler's views could have spread and I might not have been standing here talking to you today. How different the world would have been for everyone had our soldiers not believed in fighting for freedom. How grateful I am for the brave men who were willing to sacrifice their lives so that others could live free.

Saving Private Ryan starts out with the allies storming Omaha Beach. It was during this scene that I began to see what our soldiers actually had to experience. Of course I have seen films on WWII in class but this was different. These scenes made me understand the true horrors of war. I saw the dead, the wounded and the survivors there on the beach. This was truly a scary feeling for me. I have always been lucky enough to be removed from all of the realities of war but there I was—right in the middle of battle. How quickly lives were ended. How quickly other lives were changed forever. I cannot even fathom having to be put in such a position. I don't think I would have the courage or strength to be in a combat situation. I cannot imagine what it must have been like to leave one's families to fight in lands that are unfamiliar knowing that you might never return home to them. I feel such a profound respect and appreciation to all who have served our country. There are certain experiences which change people forever. I have to believe that serving in the army and fighting in a war does that. Watching friends and fellow soldiers die is too awful to imagine. Veterans are true heroes. I live, no we live in the best country in the world. Certainly we have our problems but we are free. I will never take that for granted again. I am young enough to be idealistic and to hope that some day there will be peace in the world. But I am old enough now to understand what Veterans Day really means. I live in America land of the free. And I am free because of all the wonderful, brave heroes who fought to keep us free. I have another confession to make. Today I am celebrating my first real Veteran's Day. But I promise you it will not be the last. I hope it is not too late to say thank you to all for all that you have done for our country. Thank you for serving the United States of America. God bless you, and God Bless America.

INTRODUCTION OF THE REGULATORY FAIR WARNING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Mr. GEKAS. Mr. Speaker, today I am introducing the Regulatory Fair Warning Act along with thirteen cosponsors. This legislation codifies principles of due process, fair warning, and common sense that were always intended to be required by the Administrative Procedure Act (APA). The bill would require that an agency give the regulated community adequate notice of its interpretation of an ambiguous role. Agencies and courts would be barred from imposing penalties based on rules or policies that are not clearly known to the regulated community. They would consequently be encouraged to make known what is required or prohibited by their rules.

Specifically, the Regulatory Fair Warning Act would prohibit a civil or criminal sanction from being imposed by an agency or court if:

a rule or regulation is not available to the public or known to the regulated community;

a rule or regulation does not give fair warning of what is prohibited or requested; or

officials have misled the public about what a rule prohibits or requires.

In our large and complex regulatory system, these simple principles can be forgotten.

I am pleased to introduce this simple, yet necessary measure. Without its fundamental protections, individuals and businesses must live in an atmosphere of uncertainty as to whether they are compliance with an agency's most recent interpretation or reinterpretation of its regulations. If and when the day arrives that an agency chooses to enforce a new interpretation against a regulated party, that party has two alternatives: (1) roll the dice on expensive, protracted administrative processes and litigation, or (2) pay the penalty, regardless of culpability.

Nothing in this measure is intended to weaken the enforcement powers of federal agencies. In fact, by requiring rules to be clear, the Regulatory Fair Warning Act would promote compliance and make violators easier to catch, because the lines dividing right and wrong would be more clear. This moderate measure would provide a minimum of security and predictability to regulated individuals and businesses. It would surely improve the relationship between federal agencies and the American public.

I originally introduced fair warning legislation in the 104th Congress as H.R. 3307. That bill had strong, bipartisan support and it was favorably reported by the Judiciary Committee. I reintroduced the predecessor of this bill in the 105th Congress as H.R. 4049. Many of the same Members who cosponsored that bill are cosponsors of this one, and I thank them for their support and their work on ensuring fairness in the regulatory process.

There is wide consensus that the government and all its agencies should provide citizens with fair warning of what the law and regulations require. Likewise, citizens should be able to rely on information received from the government and its agencies. Though these principles are embodied in the Due Process Clause of the Fifth Amendment to the United States Constitution, legislation to codify and enforce them in the regulatory context would help ensure that members of the public—in addition to having due process rights—are actually treated fairly.

TRIBUTE TO VERNICE D. FERGUSON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a model of excellence, Ms. Vernice D. Ferguson. Vernice Ferguson was a Senior Fellow in the School of Nursing at the University of Pennsylvania holding the Fagin Family Chair in Cultural Diversity. She is immediate Past President of the International Society of Nurses in Cancer Care.

For more than twenty years she served as a top nurse executive at two VA Medical Centers affiliated with academic health science centers in Madison, Wisconsin and Chicago, Illinois. For twelve years, she was the nurse leader for the Department of Veterans Affairs, the largest organized nursing service in the world with more than 60,000 nursing personnel. Prior to the VA assignment, she served as the Chief, Nursing Department of the Clinical Center, the National Institutes of Health.

Ms. Ferguson is a Fellow of the Royal College of Nursing of the United Kingdom, the second American nurse so honored, and is a Fellow of the American Academy of Nursing and Past President. She is Past President of Sigma Theta Tau, nursing's international honor society, and served as Chair of the Friends of the Virginia Henderson Library Advisory Committee.

Her awards and honors are numerous, including seven honorary doctorates. She was the recipient of two fellowships, one in physics at the University of Maryland and the other in alcohol studies at Yale University. She was a scholar-in-residence at the Catholic University of America. Ms. Ferguson was also the Potter-Brinton Distinguished Professor for 1994 at the School of Nursing at the University of Missouri at Columbia. In 1995, Ms. Ferguson spent nine weeks in South Africa where she served as Visiting Associate Professor in the Department of Nursing Science at the University of the North West.

While in South Africa, in her capacity as President of the International Society of Nurses in Cancer Care, she toured the country extensively, meeting with health care providers in university nursing programs, voluntary associations, hospitals, and homes in townships and squatters camps. She conducted workshops and offered presentations in a variety of settings throughout South Africa.

Ms. Ferguson serves on the Board of Directors of the Bon Secours Health Care System, The Washington Home, the Board of Visitors, Indiana University School of Nursing, and the National Institutes of Health Alumni Association.

Mr. Speaker, I ask that each Member join me in this tribute to Vernice D. Ferguson.

TRIBUTE TO MARY JEANNE "DOLLY" HALLSTROM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to Mary Jeanne "Dolly" Hallstrom, a woman of undaunting spirit and a pillar of courage.

Dolly Hallstrom began her journey of public service following World War II, and became actively engaged on behalf of children with disabilities. She founded the National Association for Children with Learning Disabilities in 1963, and was appointed chair in 1965 of the Illinois Advisory Council on the Education of Handicapped Children. She was elected a state representative and served two terms. Since 1991, she has been serving on the Illinois Human Rights Commission.

Dolly Hallstrom remains the consummate public servant and a powerful voice, whose extraordinary and unselfish contributions on behalf of children, the disabled, and women is remarkable. Her life's work to improve the quality of life and to protect the rights of the most vulnerable among us is immeasurable.

I am honored to call Dolly Hallstrom a friend and a mentor.

DO SOMETHING, DON'T JUST BE SOMEBODY

(By Grace Kaminkowitz)

No one has nominated a politician for sainthood lately. But some politicians are saintly, despite the recent behavior of Washington types to the contrary. We were exploring the notion that women enter politics to do something while men run for office to be someone. During the course of an interview with Mary Jeanne "Dolly" Hallstrom of Evanston, it became clear how unique she is.

The facts: Dolly started going to nursing school at St. Francis Hospital but love and World War II interfered. She went east supposedly to visit her grandparents but really because her sailor boyfriend was stationed at the Brooklyn Navy Yard. They were married, and after some years they returned to Evanston. Dolly recalls that at the time her nursing school classmates were graduating, she was giving birth to her son, the first of her two children.

In Evanston, she had worked at St. Francis' special needs nursery and was hooked on helping children such as the infants with Down Syndrome.

In the early years of her marriage, she did the usual things such as the junior women's club and being a Girl Scout leader. As time went on, she revived her earlier interest in handicapped children and began working on their behalf. As she tells it, the time was right to pay attention to their problems. "God had an angel on my shoulder and directed me."

By 1963 she had founded the National Association for Children with Learning Disabilities. Her work was being recognized, and she and other volunteers had begun hearing from people all over the country. By 1965 she was appointed chair of the state's Advisory Council on the Education of Handicapped Children. She was a volunteer lobbyist for handicapped youngsters, so it occurred to her she might make a difference in their lives as a member of the state legislature. She ran as a Republican in 1970, but lost.

In that race, she'd been rebuffed in her quest for precinct lists by the head of the local Republican Party because, he said there already was one Evanston Republican woman in the legislature and that was enough. Dolly remedied that by becoming a precinct committeeman, thus assuring herself access to the lists she needed if she ever ran again.

In 1978, then State Rep. John Porter decided to run for Congress and asked Dolly to run for his soon-to-be-vacant seat. She hesitated because Gordon, her husband of 33 years, was dying of cancer. He urged her to do it, so after he died, she fulfilled her husband's deathbed wish, ran and won.

She served just two terms but made her mark, working with the late Eugenia Chapman, an Arlington Heights Democrat, on the bill that created the current guardianship and advocacy laws for the state. She also proved to be a staunch feminist, backing bills supporting women's equality.

The 1982 census resulted in new districts, and Dolly landed with another Republican. She could have run against him in a primary or against a Democratic in a general election. She liked both potential opponents but ran against the Democrat and lost.

She worked as a protection and advocacy lobbyist for years. Then in 1991 Governor Edgar named her to the Human Rights Commission, which she graces with her wisdom to this day.

None of this would be remarkable if you didn't know that Dolly had a disabling stroke and is paralyzed on her left. She now gets around on a motor scooter. Her disability hasn't kept her from flying to Springfield in small planes.

To arrive on time for a 10 am meeting downtown, she must awaken at 4 or 5 am to get dressed. As if that were not difficulty enough, she also has lost much of her vision and "reads" with a computerized device that speaks the words on a page to her. Despite these limitations, she's always perfectly groomed.

The Biblical Job has nothing on this woman who also has been hospitalized for weeks with shingles and countless other ailments. But when someone commented that no one person should be burdened with so many illnesses, she answers, "God gives them to me because He know I can handle it."

That's what is most remarkable—her undaunted spirit and her resolute refusal to quit even when the odds are all against her. She retains a disposition so bright it's virtually unreal. She's warm and passionate, funny and unfailingly kind. And that's why no one doesn't love Dolly Hallstrom. People, from the most conservative to the most liberal, are all her friends, and all adore her.

There are people who will get their just rewards in heaven. That's assured for Dolly Hallstrom but she deserves all the rewards she can get right now for her continuing contributions to society and for proving how saintly some of our public servants are.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 2, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

9 a.m.

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold oversight hearings on on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act.
SD–406

9:30 a.m.

Indian Affairs
Energy and Natural Resources
To hold joint hearings on American Indian trust management practices in the Department of the Interior.
SD–106

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Education.
SD–138

Health, Education, Labor, and Pensions
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act.
SD–430

10 a.m.

Armed Services
Personnel Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on recommendations pertaining to military retirement, pay and compensation, and the Future Years Defense Program.
SR–222

Governmental Affairs
To resume hearings on the future of the Independent Counsel Act.
SH–216

Budget
To hold hearings on the President's proposed budget for fiscal year 2000.
SD–608

Finance
To hold hearings to examine education savings incentives, education financing and school construction financing proposals.
SD–215

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Capitol Police Board, and the Architect of the Capitol.
SD–116

Commerce, Science, and Transportation
Business meeting to markup S.96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; and S.303, to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems.
SR–253

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense.
SD–192

1:30 p.m.

Armed Services
Airland Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on Army modernization, and the future years defense program.
SR–222

2 p.m.

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings on the commercial viability of a Caspian Sea export energy pipeline.
SD–419

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2000 for the Bureau of Recalmation, Department of the Interior, and the Power Marketing Administrations, Department of Energy.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings on the 21st century seapower vision overview and maritime implications of 21st century threats.
SR–232A

MARCH 4

9 a.m.

Environment and Public Works
To hold hearings on the nomination of Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.
SD–406

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345, Cannon Building

Commerce, Science, and Transportation
To hold hearings on internet filtering.
SR–253

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Federal Emergency Management Agency.
SD–192

Joint Economic Committee
To hold hearings on issues relating to economic growth through tax cuts.
SD–562

Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Office of National Drug Control Policy.
SD–138

Energy and Natural Resources
Business meeting to considerpending calendar business.
SD–366

Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold hearings on S.385, to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments.
SD–430

10 a.m.

Governmental Affairs
To hold hearings on proposed budget reform measures.
SD–342

Energy and Natural Resources
To hold hearings on the nomination of Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).
SD-366

Banking, Housing, and Urban Affairs
Business meeting to mark up proposed legislation to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.
SD-538

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Transportation.
SD-124

Judiciary
Business meeting to markup S.249, to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act; and S.461, to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.
SD-226

2 p.m.
Foreign Relations
International Operations Subcommittee
To hold hearings on the proposed buget request for fiscal year 2000 for foreign assistance programs.
SD-419

3 p.m.
Intelligence
Closed business meeting to consider pending intelligence matters.
SH-219

MARCH 5

9:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on international Y2K computer problem issues.
SD-192

Joint Economic Committee
To hold joint hearings on the employment-unemployment situation for February.
SD-562

MARCH 8

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD-342

MARCH 9

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD-342

MARCH 10

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the condtion of the services' infrastructure and real property maintenance programs for fiscal year 2000.
SR-222

Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs Capacity and Mission.
SR-485

MARCH 11

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-628

MARCH 16

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee.
To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-366

MARCH 17

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
Room to be announced

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345, Cannon Building

MARCH 24

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of welfare reform.
Room to be announced

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345, Cannon Building

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345, Cannon Building

HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 1999*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 2, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Guam (Mr. UNDERWOOD) for 5 minutes.

INTRODUCTION OF GUAM IMMIGRATION BILL AND MAGISTRATE BILL

Mr. UNDERWOOD. Mr. Speaker, today I am introducing two pieces of legislation which are important to the people of Guam. Today I am introducing a bill which will significantly impact human rights violations and criminal activity on Guam. During the past year, Guam has experienced a significant influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of Chinese to illegally enter the United States for an exorbitant fee of $8,000 to $10,000 per person. After undergoing an arduous journey under fetid, unsanitary conditions, the Chinese reach Guam dehydrated, hungry, disease-ridden and sometimes beaten. Upon arrival, the smuggled Chinese become indentured servants as they attempt to pay their passage to America.

Unlike other streams of illegal immigrants coming into the United States, these immigrants come as a result of a well-organized series of activities organized by crime syndicates. What they do, Mr. Speaker, is they utilize the existing INS regulations, they utilize the INA law in order to apply for political asylum when they arrive on Guam.

Guam's geographical proximity and asylum acceptance regulations make it a prime target for crime syndicates. According to Guam's INS officer in charge, Mr. David Johnston, about 700 illegal Chinese immigrants traveled to Guam last year. Since the beginning of this year alone, 157 have been apprehended by INS, local Guam officials and the U.S. Coast Guard. Since the INS does not have enough funds to detain the Chinese illegal immigrants on Guam, they have proposed to release them to the general populace without assistance. Fortunately, the Government of Guam has offered its already strained resources to detain the illegal aliens until they are ready to be adjudicated.

Mr. Speaker, Chinese crime syndicates have exploited Immigration and Nationality Act asylum regulations for too long. The bill I introduce does three things:

It would prohibit immigrants from applying for political asylum on Guam, an exception from the INA law which is applicable to territories; it would stipulate that the illegal immigrants have to be shipped or deported out of Guam within 30 days; and that the Government of Guam should be compensated for funds spent on the detention of immigrants pursuant to this act. We must put a stop to this gross offense of human rights and promotion of criminal activities.

Secondarily, Mr. Speaker, I am introducing a companion measure introduced in the other body by Senator DANIEL INOUYE, S. 184. This legislation permanizes a temporary judgeship in the State of Hawaii and authorizes the addition of another judgeship for the State. It also extends statutory authority for magistrate positions in Guam and the CNMI.

Guam and the CNMI are the only jurisdictions, the only territories, that are not allowed to have additional magistrates, and Guam's district court is ranked number five in terms of its caseload nationwide. We get a lot of cases because of the illegal immigrants, because Guam is a central location. We have opportunities for drug dealers and gun runners to use Guam as a transshipment point. Bankruptcy, tax and civil cases have tripled in 1998.

This is a cost-saving measure. This will allow the Federal judiciary to send an additional magistrate and not send one temporarily, which runs about $400,000 a year.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district, probably the most diverse district in the State of Illinois representing part of the city of Chicago and the south suburbs, Cook and Will counties, and a lot of bedroom and rural and farm communities.

When you represent a district as diverse as the one I have the privilege of representing, you really have to listen to learn the common concerns of such a diverse constituency. I find a pretty clear message as I listen and learn the concerns of the people of the south side of Chicago and the south suburbs and that is that the folks back home want us to work together, they want us to find solutions, they want us to meet the challenges, they want us to offer and work together to find solutions.

I am pleased that, over the last 4 years, this Congress has responded to that request to get things done. We have got some real accomplishments that we all should be proud of:

Balancing the budget for the first time in 28 years, a balanced budget that is now projected to produce a $2.7 trillion overpayment of extra tax revenue that is now known as a surplus.

The first middle-class tax cut in 16 years. It is going to benefit 3 million Illinois children who qualify for the $500 per child tax credit.

The first welfare reform in a generation. That has now seen the results of reducing Illinois welfare rolls by 28 percent.

And IRS reform that tames the tax collector and shifts the burden of proof off the backs of the taxpayer and onto the IRS, so a taxpayer is innocent until proven guilty with the IRS.

Folks back home say, "That's pretty good. What are you going to do next?" When I listen to the folks back home over the last few weeks, they tell me they want good schools, they want lower taxes, they want a secure retirement. And it is our obligation to respond. That is really what our Republican agenda is: to help our schools, to put more dollars into the classroom and ensure that our schools are run by local teachers and local parents and local administrators and locally elected school board members, to lower the tax burden on the middle class and to secure retirement by saving Social Security, providing greater incentives to save for your own retirement.

But we also face what can be considered a great challenge but also an opportunity and that is, what do we do with this so-called surplus, this $2.7 trillion of extra money that is burning a hole in the pocket of Washington? Somebody wants to do something with it. We know that. But what are we going to do? That is a big debate, what to do with the overpayment of $2.7 trillion.

The President says we should take 62 percent of that so-called surplus and use it to save Social Security, and then he wants to spend the rest on new government programs. Republicans say, we agree. We will take 62 percent of the surplus for saving Social Security, but we want to give the rest back in paying down the debt and lowering the tax burden on the middle class, because our philosophy is that you can spend your hard-earned dollars better back at home than we can for you here in Washington.

Some say, "Well, gee, why do we really need to lower taxes? You know, people don't mind paying taxes." Here is why. Today our tax burden is at its highest level ever in peacetime history for our country. Today, for the average family back home in Illinois, 40 percent of their income goes to government at local, State and Federal levels. In fact, 21 percent of our gross domestic product goes to the Federal Government alone. And, since 1992, and I find this very disturbing, the amount of taxes collected from individuals has gone up 63 percent. Clearly, the tax burden is too high, and the middle class is paying the price.

I believe as we focus on ways to lower the tax burden on the middle class that we should start with simplifying our Tax Code, looking for the provisions in our Tax Code that discriminate against the middle class, that discriminate against families. I believe it is time that we eliminate discrimination in the Tax Code and work to simplify the Tax Code.

As we set priorities, let us make the top priority eliminating the discrimination against 21 million married working couples who, on average, pay $1,400 more in higher taxes just because they are married under our Tax Code. Is it not wrong that, under our Tax Code, if you are married and work, you are going to pay higher taxes than an identical couple living together outside of marriage? That is wrong.

$1,400 back home in Illinois is a year's tuition at Joliet Junior College. It is 3 months of day care at a local day care center. It replaces a washer and a dryer in a home for a middle-class Illinois family.

I am pleased to tell you that 230 Members of this House, Republicans and Democrats, have joined together to sponsor the Marriage Tax Elimination Act. This year, as we work to lower the tax burden on middle-class families, let us make elimination of the marriage tax penalty the number-one priority to help families.

Mr. Speaker, we can do it if we work together. The same way that we balanced the budget, the same way that we cut taxes for the middle class, the same way that we reformed welfare, the same way that we tamed the IRS, we can eliminate the marriage tax penalty.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

Many may recall in January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus. Although we were prepared to dedicate 90 percent of the budget surplus to saving Social Security, we agree with the President that at least 62% of the Budget Surplus must be used to save Social Security.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending for new big government programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong.

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	$31,500	$31,500	$63,000	$63,000
Less personal exemption and standard deduction	6,950	6,950	12,500	13,900 (singles 2)
Taxable income	24,550 (.15)	24,550 (.15)	50,500 (partial .28)	49,100 (.15)
Tax liability	3,682.5	3,682.5	8,635	7,365

Marriage penalty: $1,270.
Relief: $1,270.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a downpayment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act, will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 230 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate the marriage tax penalty and do it now!

[From the Chicago Tribune, January 31, 1999]

HOW TO HANDLE THE BUDGET SURPLUS

WASHINGTON.—Four years ago when I was first elected to Congress, I ran on the need for fiscal restraint in Washington, D.C., and a return of power to people back home. We fought for our belief that we could balance the budget and provide tax relief for America's working families. For months we were told by Washington insiders and the media that it couldn't be done. Well, we proved them wrong, and we did it ahead of schedule.

Today Congress has a great opportunity as well as a significant challenge before it. A massive surplus of extra tax revenue is projected as a result of a balanced budget. The challenge lies in what Congress chooses to do with the budget surplus.

Saving Social Security is the first priority for the surplus. It's a bipartisan consensus. Last fall, House Republicans showed tremendous responsibility and leadership by passing a plan that earmarked 90 percent of the surplus for Social Security. President Clinton used this month's State of the Union message to call for setting aside a minimum of 62 percent of the surplus ($2.7 trillion over 15 years) for Social Security.

Although we were prepared to set aside much more to save Social Security, Republicans agree to the president's request to set aside 62 percent of the surplus for Social Security. But the question remains of what to do with the rest. President Clinton proposes to spend it on big, new, expensive programs; Republicans want to give this back as tax relief.

Those who oppose tax cuts will fight tooth and nail against lowering today's tax burden. According to the U.S. Treasury, the total income tax take from individuals and families has increased 63 percent since 1992. In fact, according to the Tax Foundation, if you add up the local, state and federal tax burden, taxes are almost 40 percent of the average family's income. Wouldn't most people agree that today's tax burden is too high?

We can save Social Security and cut taxes at the same time. Some say we can't—they were the same ones who opposed balancing the budget and cutting taxes. We proved them wrong. For example, using only 25 percent of the surplus (allowing for an additional 13 percent of the surplus to be dedicated to shoring up Social Security or paying down the national debt) we could enact a 10 percent across-the-board tax cut for all American taxpayers while still eliminating the unfair marriage tax penalty and relieving family farms and family businesses of the inheritance or "death" tax.

The president's step gives us a window of opportunity to save Social Security. We commend the president for his new-found willingness to work with us to save Social Security, secure retirement savings, provide sorely needed tax relief and equip the next generation to compete in a global economy. But now that we have agreed on the first step in saving Social Security, we need to focus on the details. It is irresponsible to spend the people's surplus on new, big government programs. We must give this money back to the American people. Saving Social Security, paying down our national debt and offering real and substantial tax relief to all working Americans are three strong ways to spur our economy and lead the way into the next century.

U.S. Rep. Jerry Weller (R–Ill.)

INTRODUCTION OF LEGISLATION REQUIRING POST OFFICE TO OBEY LOCAL LAND USE LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as somebody who has worked for years on helping communities find ways to promote livability, I am excited to see the attention that has been accorded lately to the livable communities movement.

It is clear that we do not need a lot of new rules and regulations and mandates and stipulations to be able to make sure that we achieve that goal. It is indeed the simplest step for us to take for the Federal Government to just be a constructive partner with State, local governments and the private sector, working with them to make communities work better. One small but important step would be to have Federal agencies like the post office obey the same rules and regulations requirements that we require on homeowners and businesses.

There are over 40,000 post offices all across America who are these little outposts that bring communities together, and there are opportunities from coast to coast, border to border to be able to promote livable communities by being constructive partners. Unfortunately, the post office has not always lived up to that ideal. Today, in the USA Today, there is an article about Tully, New York, and their struggle with the post office. Last week, it was Byron, California, and Discovery Bay.

Now, I bring this forward not with any animosity toward the Postal Service. To the contrary. I think it is terrific that we can, for less than a dollar, send three handwritten letters all across the country, have them be delivered in a matter of days, that they are delivered by employees who give back to the community, who usually do not just give the postal service but they do so with a smile.

It is a critical function that helps unite and bring people together. In fact, main street post offices are one of the anchors of small town America that add to the business district, that add to the flavor of those communities; and, in fact, that is why it is so important that the post office be a good citizen and a full partner for livability.

That is why my legislation has been endorsed by the Trust for Historic Preservation, by main street associations representing small- and medium-sized businesses all across the country, why the National Governors Association is concerned about this, why the post office itself has recently declared a moratorium on closing and is readdressing its relationship with the community. They claim far fewer problems than in the past and that there is a new era under Postmaster Henderson.

I have met with the Postmaster General. I am impressed with his commitment, but I think the best way to express this commitment is to stop fighting this legislation and get behind it, to make clear its support for a new era of partnership.

Why should the post office be exempt from planning, zoning and building codes that homeowners and businesses in communities across the country must adhere to? Why, since the post office is such a critical part of our community, should the community not be as involved with potential relocation issues as they are in helping pick which version of the Elvis stamp we are going to have?

I have discussed on the floor of this House in the past problems we have had in Leon County, Florida, where the Postal Service decided that it would not abide by the same groundwater environmental standards for runoff on their parking lot as other private businesses; or where in Ball Ground, Georgia, the Postal Service was not going to abide by a comprehensive plan to help metropolitan Atlanta deal with its critical environmental problems.

□ 1045

Well, after making, as it were, a Federal case out of it, the personal intervention, I think, of the Postmaster General, it looks like we are moving towards resolution in Leon County, Florida, and in metropolitan Georgia.

But it should not have to be a major battle. It is time for the post office to stop fighting this legislation. It is time for the post office to institutionalize with us to make sure that the Postal Service is a full partner for the next millennium of livable communities in America.

Mr. Speaker, this small step can lead the way for the Federal Government itself across the country to provide that sort of partnership for livability.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 416, FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. DREIER. Mr. Speaker, I would like to make an announcement. I want to inform the House of the Committee on Rules' plans in regard to H.R. 416, the Federal Retirement Coverage Corrections Act. The bill was favorably reported by both the Committee on Government Reform and the Committee on Ways and Means.

The Committee on Rules will meet on Wednesday to grant a rule which may require that amendments be preprinted in the CONGRESSIONAL RECORD and which may limit amendments to the bill. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table by the close of legislative business on Wednesday. Members should use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House. It is not necessary to submit amendments to the Committee on Rules or to testify as long as the amendments comply with House rules.

Mr. Speaker, a Dear Colleague letter announcing this potential amendment process was mailed to all Member offices yesterday.

COMMANDANCY OF THE ALAMO

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. SESSIONS) is recognized during morning hour debates for 3 minutes.

Mr. SESSIONS. Mr. Speaker, today I rise, as is tradition by members of the Texas delegation. Today is Texas Independence Day, and today I would like to follow in the tradition that has been done for years, to read a letter that was written from Colonel Travis, who was the commandant, who was the head of the Texans who were in the Alamo that was written on February 24, 1836, from Bexar in Texas.

> To all people of Texas and all Americans in the world:
>
> Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of liberty and patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in 4 or 5 days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and to that of his country—victory or death.
>
> Signed, William Barret Travis, Lieutenant Colonel Commander of the Texans in the Alamo.
>
> P.S. The Lord is on our side. When the enemy appeared in sight, we had not three bushels of corn. We have since found in deserted houses 80 or 90 bushels and got into the walls 20 or 30 head of cattle.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

AMERICAN CITIZENS OF PUERTO RICO AND THE TERRITORIES MUST BE RECOGNIZED AS EQUALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am sure that many of you saw the article "Talking About a Revolution" in Roll Call yesterday. The article highlighted the 45th anniversary of the attack perpetrated by a group of terrorists on the U.S. House of Representatives on March 1, 1954. Just like Russell Weston, Timothy McVeigh, Terry Nichols and others, the terrorists in the 1954 attack were also American citizens.

In commemorating such an anniversary, I wish that the same consideration to detail was provided on other issues concerning Puerto Rico. In our society it seems that it is the negative that consumes our attention, and it is a shame that this terrorist and cowardly act continues to be resurfaced without ever mentioning that the perpetrators were part of a small Fascist party then existing in Puerto Rico.

The article did not choose to highlight also that today, March 2, is the 82nd anniversary of the day when all Puerto Ricans and those born in Puerto Rico thereafter became U.S. citizens through an act of Congress and that it is also the 100th anniversary of the founding of the Puerto Rico regiment of volunteers which later became the 65th Infantry Army regiment, one of the most decorated U.S. Army units of this century. Thus, 100 years ago today, our predecessors in this U.S. Congress were discussing the issue of Puerto Rico and voted on and approved the organization of the first body of troops on the territory which they called the Porto Rico Regiment of Voluntary Infantry, 18 years before we were granted citizenship. We have been equals in war and death, but we are discriminated against in peace and life.

Our rights to liberty and free speech are intrinsic rights of our democracy that have been defended since our Nation's inception. As troops from the United States have fought to ensure and maintain freedom and democratic values everywhere and anywhere that has been needed in this world in this century, 197,034 soldiers hailing from Puerto Rico have fought shoulder to shoulder with our fellow citizens from every other State.

When we consider the century that binds us together, it is clear that the interrelationship between the United States and its citizens in Puerto Rico is most evidenced in our participation in defense of democracy. Military leaders such as General Douglas MacArthur, the supreme commander for the allied power during the Korean War, described it best:

"The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination and a resolute will to victory give daily testament of their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle, and I am proud indeed to have them in this command. I wish that we may have many more men like them."

It is unquestionable that every one of the 197,034 soldiers who have served in the U.S. Armed Forces take the responsibility as U.S. citizens very seriously, willing to give their lives for American democratic values. But their sacrifice would not have been possible without the patriotism and honor to duty evidenced by the support of their families and all other American citizens in Puerto Rico. Who in my generation in America does not know the story of the Sullivan brothers in the Second World War? But how many Americans know that during the Korean War Mrs. Asuncion Rodriguez Acosta from the town of Juana Diaz, Puerto Rico, was the only American mother who had five sons serving in the Korean front at the same time?

Despite this brilliant record of gallantry and courage, the policy of the U.S. Government sets apart its 4 million American citizens in Puerto Rico and the territories. We are good enough to defend democracy throughout the world, but we are not good enough to have the same rights, nor good enough to receive the same benefits as all other American citizens in the 50 States. Are our sacrifices worth any less by virtue of living in a territory?

The bottom line is, can the United States continue to support a policy of discrimination in the Federal programs that are designed to protect our Nation's most needed citizens, be it in health, housing and economic prosperity?

A superficial mention of the terrorist attack dated 45 years ago only detracts attention from the real issues and should not be allowed to take the place of the in-depth discussions that the Nation should now be engaged in, including how and when to eliminate discrimination.

I urge you, Mr. Speaker, and I urge all of my colleagues to take the necessary steps to ensure that American citizens of Puerto Rico and the territories be recognized as equals and that we be granted equal consideration in all Federal programs together with our fellow citizens in the 50 States. Not only have we earned that right, but not to do so violates the most basic tenets of our democratic system which is based on the principle of equal rights to all. We cannot focus our attention on what a terrorist chooses to do and ignore the responsibility of Congress to direct a stop to discrimination. We must focus in our commitment to and the defense of our cherished American values.

THE INDEPENDENT COUNSEL STATUTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MICA) is recognized during morning hour debates for 5 minutes.

Mr. MICA. Mr. Speaker, as Congress this week begins the debate on reinstating the independent counsel law, I think, as a student of history, it is interesting to review what has taken place regarding that law.

Regarding congressional action on that matter certain questions are raised:

Should an administration investigate itself?

Should the alleged wrongdoing of a major administration official be left to the attorney general or to a special counsel or an independent counsel?

Those are the questions that are now being asked as we face the expiration of the current independent counsel law.

Some say the problem is the law, some say the problem is the independent counsel. It is interesting to note, if we review history, what goes around comes around both in law and also in politics. A brief review of the independent counsel law, if folks would just take a moment to do that, reveals that we are about to return to where we started if the independent counsel law is not renewed.

Mr. Speaker, even in 1972, President Nixon suggested the appointment of a special prosecutor to investigate the Watergate scandal. As we know from history, President Nixon in 1973 also ordered the Attorney General to fire the Watergate special prosecutor. Those actions led Congress and President Carter to enact in 1973 an Ethics in Government Act. All totaled, the special prosecutor law was invoked 11 times from 1978 to 1982 with three appointments of special prosecutors.

In 1983, that law was revised and renewed for another 5 years. In 1987, with the Iran-Contra statute, when it came up for reauthorization, and although it gave great heartburn, President Reagan in December of 1987 signed the reimplementing bill into law. With three investigations during the Bush administration, President Bush let the statute expire in 1992.

With a new administration and new scandals, the Attorney General, Janet Reno, under the general law authority, appointed Robert Fisk as a special counsel, not an independent counsel, but under her general authority to investigate Whitewater, and she initiated that action on June 30, 1994.

Vowing to head up an administration with the highest ethical standards, President Bill Clinton took the step of being the first President since Carter to endorse the institution of an independent counsel law. On July 1, 1994, President Clinton signed the reauthorization bill and commented about the law, and let me quote from the President: "a foundation stone for trust between the government and our citizens." He dismissed charges that it had been, and I quote, "a tool of partisan attack and a waste of taxpayer funds." Instead, he said the statute was, and let me quote, "has been in the past and is today a force for government integrity and public confidence," end quote.

The Attorney General spoke before Congress, the same Attorney General who will be having the Department of Justice advocate the end of the independent counsel law, and stressed the government's and her own support for the bill, and let me quote what she said:

> As a vehicle to further the public's perception of fairness and thoroughness, and to avert even the most subtle influence of what may appear in an investigation of highly-placed executive officials.

□ 1100

How interesting it is how the law comes around and goes around. How interesting it is that today the shoe is on the other foot. The administration is about to advocate the abolition of the Independent Counsel law. I think we just need to take a few minutes and look at history and see how people have taken various stands, depending on whose ox is getting gored.

I like to reflect on history, and I think this is a little lesson in history, particularly as it deals with the appointment of an Independent Counsel.

MEDICARE REFORM: DO NOT TAKE THE EASY WAY OUT

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the National Commission on the Future of Medicare will wrap up its work sometime this month. The Commission members were given the task of putting Medicare on solid financial footing. Unfortunately, they want to save Medicare by privatizing it.

Under the Commission proposal, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government, so-called traditional Medicare, or join a private plan.

The Commission proposal creates a system of health coverage, but it abandons the principles of comprehensiveness and egalitarianism that make Medicare such a valuable national program, an essential national service for America's elderly.

Today the Medicare program is income-blind. All seniors have access to this same level of care. The Commission proposal markets a class-based health care system of two-tiered health care: excellent care for the affluent, only barely adequate or worse health care for the less well off.

The idea that vouchers would empower seniors to choose a health plan that best suits their needs is a myth. The reality is that they will be forced to accept whatever health care plan that they can afford. Medicare beneficiaries have been able to enroll in private managed care plans for sometime now, and their experience, unfortunately, does not bode well for a full-fledged privatization effort.

Most managed care plans are for profit. The theory that they can sustain significantly lower costs than traditional Medicare simply is not panning out. Because managed care plans are profit-driven, they do not tough it out when those profits are not so forthcoming. We learned that the hard way last year, when 96 HMOs deserted more than 400,000 seniors because the business did not meet their profit objectives.

Before the Medicare program was launched in 1965, private insurance was the only option for seniors, and more than half of them were uninsured. Insurers did not want to sign seniors up because they tend to actually use their health care coverage.

The private insurance market has changed a good deal since then, but it still avoids high-risk enrollees, and tries not to pay for high-cost services. The fact that 43 million Americans under age 65 are uninsured and the broad-based support for managed care reform in this Congress and all over the country should at the very least give us pause when we consider turning over the Medicare program to the private sector.

Medicare Commission leaders would also save Medicare money by raising the Medicare eligibility age from 65 to 67. It is interesting timing for such a proposal, given the growing number of uninsured in the 55 to 64 age range. These individuals cannot find an insurer now who will take them, and they were certainly a better risk as 55- to 64-year-olds for insurers than 65- and 66-year-olds.

Shell games simply do not work in health care. Someone still has to pay the bill when a person not yet eligible for Medicare becomes sick. Delayed care received in emergency rooms does not serve the individual or the public.

What is perhaps the most disturbing aspect of the Medicare Commission likely proposal is what it does not tell us. It does not tell us how we could make the current program more efficient while still maintaining its egalitarian underpinnings and its orientation in providing the right care to everyone, rather than simply the least expensive care.

The bottom line is this, Mr. Speaker. If we privatize Medicare, we are telling America that not all seniors deserve the same care. We are betting on a private insurance system that may not save us any money in the long run, and certainly minimizes care by avoiding individuals who are health care risks.

All this is to avoid the difficult questions. Selling off the Medicare program, privatizing Medicare, turning over America's best government program to insurance companies may be easy, but it is simply wrong.

AMERICA'S SALMON STOCKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise today to talk about an issue of great importance to me and to my constituents in Washington State. I have long been deeply concerned about our salmon stocks. I spent two summers working on salmon rehabilitation in Alaska more than 50 years ago. This little salmon pin that I'm wearing was a symbol for the organization my father started in 1949. I have not come just lately to an interest or commitment to salmon recovery.

Recently the Pacific Northwest salmon runs have drawn national attention as the Puget Sound chinook salmon has been proposed for listing as a threatened species under the Endangered Species Act later this month. This listing could have a devastating impact on the economy and lifestyle we enjoy in the Northwest if we do not use our technology and common sense. Disaster can be averted if we are granted enough funding to make salmon recovery measures effective, and if we can continue to engage local communities in the fight.

Of course, we must utilize all of the available science and technology in our efforts to restore salmon populations. The people of the Northwest have been around salmon all their lives. I believe the will exists in our community not only to save but to enhance the salmon runs.

Grass roots organizations have sprung up all over the region to deal with this problem, and local governments in the area are forming their own recovery plans. As long as citizen involvement remains a part of the process and we rely on sound science and proper use of technology available, I am confident that salmon runs can be shepherded back to historic levels.

Federal dollars are absolutely essential if we are serious about restoring salmon runs. The President has included $100 million in his budget to help the salmon recovery. While I am encouraged that the administration is turning its attention to this issue, the amount of money the President has announced is wholly inadequate to address the problem.

We cannot afford to waste time or money with small, ineffectual measures. A large investment is necessary now if we want to avoid larger costs in the future. It will be up to the Pacific Northwest to spend our salmon dollars wisely, to make good on our commitment to restore salmon runs.

Many people focus only on habitat restoration and natural spawning when talking about this issue. These are vitally important, but we must not lose sight of other elements in salmon recovery. Sound science and technology must play a crucial role in any plan. We cannot use 1924 technology to solve a 1999 problem.

During my lifetime we in the Pacific Northwest have developed salmon technology that has been successful around the world to accomplish miracles in salmon production in Japan, Chile, and Scotland. It would be foolish not to use it now in our own State. We know how to successfully use remote egg boxes, spawning channels, over-wintering sloughs, culvert mitigation, small stream rehabilitation, the downstream migration of salmon stocks, returning adult salmon, and predator control, and, yes, hatcheries. We have the technological knowhow to avoid the pitfalls of the past. Thoughtfully and carefully, we can bring the salmon back if we use all the tools that are available.

Finally, our research into the life cycle of the salmon must continue. We do not know all the factors that have led to a decline in salmon populations, but we do know that more research is needed on the subject. More data must be included on the GIS maps. Research is needed on a variety of ocean and near-shore issues.

Bringing the salmon back to robust levels will not be an easy task, but with the determination of the citizens of the Northwest, combined with state-of-the-art technology and the proper level of Federal support, we will be able to accomplish our goals with minimal impact.

TEXAS INDEPENDENCE DAY, AND WHERE WE SHOULD GO FROM HERE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me join my colleague who spoke earlier to acknowledge Texas Independence Day, today, March 2nd, 1999. But as my 7th grader said, who has the challenge of studying Texas history, what a difference a century makes. I am very proud that we can stand before us today acknowledging Texas Independence Day, in a State that is diverse and recognizes all of the contributions that all of the citizens have made to this great State.

Mr. Speaker, I would like to talk about where we should go from here. The impeachment process is over and the Constitution has been preserved. Although this week we will see a number of confessions and testimonies on television, I believe the American people want us to move forward. Now is the time for reconciliation and healing, mending and building relationships that were damaged that can be replaced.

Furthermore, I am ready to begin working toward enacting legislation that will enhance the quality of life for all Americans. The President's behavior, yes, was unacceptable, but they were not impeachable offenses of treason, bribery, and other high crimes and misdemeanors. To dwell on that, Mr. Speaker, does not get us where we need to go.

I would simply like to ask us to get on with the people's business. There is great responsibility in saving social security and preserving Medicare. Social security is an obligation that Congress must protect now and in the future. Millions of Americans are depending upon this program and its benefits. Social security is a lifeline for older Americans. It is time to get on with the people's business. It is time to address the crises in America.

I come from Texas. Today is its Independence Day. But it does not mean that I rejoiced or was proud of the act, the heinous act against James Byrd, Junior. I am proud of Jasper, Texas. I am proud of the conviction. I am proud of the laws of this Nation. But we need to do more to ensure that these heinous hate crimes are prevented, and that we as a Nation make a national statement against hate crimes.

I want to see the Hate Crimes Prevention Act of 1999 passed by this Congress expeditiously. I have named it after James Byrd, Junior, and Matthew Shepherd. I would like to collaborate with members of the Committee on the Judiciary and members of this House to pass once and forever a Hate Crimes Prevention Act in this country. How can we go forward and say that this was a heinous crime, and yet we do not want to act against it? There is documentation that there are increased hate crimes in America, and we must stand against them.

Just this morning I was in a hearing on Y2K and its relation to the compliance with Y2K needs for the Defense Department. Let me thank the Subcommittee on Technology of the Committee on Science and the oversight committee for looking at this important issue.

Many Americans are listening to disparate thoughts about this. Some say, prepare like it is a natural disaster. I say, get the United States prepared. We must work together in this Congress to ensure that we are not unprepared for Y2K.

The census must be done right, and I hope my Republican friends will join us and recognize that statistical sampling is the way to go. One American should not be left out. We have work to do.

I come from the oil patch, the energy sector. Many believe that the economy is going well, the engine of this country is strong. Let me tell the Members, there are over 50,000 people who have been laid off in the oil patch. We cannot leave them behind. I am appreciative of the Secretary of Labor, who will be working with me.

I look forward to my colleagues supporting the Jobs Protection Initiative Act, to get people back to work. I call upon the administration to make a strong stand to help those who have been laid off by low energy prices, and tell those laid-off individuals that they do count. We are going to work together and make a difference.

Let me also say, Mr. Speaker, that we have a world responsibility. I want to congratulate those who have come back from Nigeria and seen a positive count and democracy growing in Africa. I want us to pass the African Growth and Opportunity Act, to establish business bonds between small and medium minority and women-owned businesses and Africans. I want to see peace in Ethiopia and Sierra Leone.

Finally, Mr. Speaker, let me say one thing, as I proceed to the Committee on the Judiciary and a hearing later on this afternoon on the Independent Counsel.

My good friend mentioned the comments of President Clinton about the Independent Counsel being the foundation stone of trust between our government and its citizens. The gentleman is right, he did say that. But all of us say now that unfortunately, this past series of events with Mr. Starr and his activities have broken the bonds of trust.

□ 1115

I worked under Leon Jaworski, the special prosecutor for the Watergate proceedings. That is the standard of which we can comply. I believe this country can get rid of corruption, but we do not need to have an independent counsel that spends more time abusing the Constitution than supporting it.

Mr. Speaker, I will go on record for looking forward to the independent counsel statute expiring and getting rid of a fourth estate of government and working with the Constitution and beginning to heal this Nation, making sure, of course, that we do not have corruption in government.

INTRODUCTION OF THE BROADCAST OWNERSHIP FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to announce that I will be introducing the Broadcast Ownership for the 21st Century Act with the gentleman from Texas (Mr. FROST) and the gentleman from Ohio (Mr. OXLEY).

Our bill will broadly deregulate the confining ownership limitations imposed by the FCC on the television broadcast industry. As we approach the dawn of a new century, it is time to reform the antiquated rules and regulations of the FCC that they cling to in an effort to replicate the communications world of the 1950s.

Mr. Speaker, today's entertainment choices are numerous and varied. There is cable. There is direct satellite broadcast. There is Internet. We are moving into high-definition television. Back in the 1950s, we had three, four, five channels; today we have over 200-plus channels, and many of them are digital.

We must allow our American corporations in the broadcast industry to compete in the international area as well. So the objective of our bill is deregulate and allow competition.

The FCC has failed to properly respond to a vastly different marketplace. This agency appears to be consumed with a regulatory model of government rather than the trimmed down, free-market approach that the American people would like and one that the rest of the world is beginning to embrace.

The modern economics of free, over-the-air television is rapidly changing. The local broadcasters and networks continue to see steady decline in viewers who are attracted to cable and satellite programming, or who are using the Internet more and more as an entertainment option.

In addition, the broadcasters and networks are faced with ever-increasing costs for programming, especially sports programming. Profitability and success hinges on their ability to create and own more and more of their own programming.

The broadcast industry has also begun their conversion to digital by beginning to deploy digital facilities. They have already begun delivering a digital signal in America's top markets. The industry will spend the better part of the next decade creating digital programming and transforming their facilities to an all-digital environment. The estimated cost of one digital television camera alone runs into the hundreds of thousands of dollars. When all is said and done, each individual broadcaster will have to spend millions and millions of dollars converting to digital.

Mr. Speaker, if we deregulate this industry, they will be able to compete and succeed. As everyone can see, the economics of the broadcast industry today are based upon increasing costs and shrinking profits. Unless that formula is changed, the era of free over-the-air television will never be the same.

What the American people have come to expect as quality network and local programming may be altered to a world of syndicated reruns and limited original programming. The heart and soul of America's favorite form of entertainment will become one based on pay services.

The Telecommunications Act of 1996 attempted to provide relief for broadcast ownership. For instance, the Telecom Act asked the FCC to review all existing rules and regulations and eliminate those that were unnecessary. In addition, the act required the FCC to review the existing duopoly rules, which limit ownership to just one television station in a local market, in order to provide relief when needed. The act also specifically instructed the FCC to grandfather all television local marketing agreements, LMAs.

Well, Mr. Speaker, three years later, the FCC has failed to act and we need to move forward. Let us get the FCC to act today. This bill will provide a great nudge. The Stearns-Frost-Oxley bill will revise the duopoly rules to allow UHF-VHF ownership combinations in the same local market and to allow UHF-VHF combinations in separate local markets that may have overlapping coverage contours, such as in the Washington, D.C. and Baltimore markets. This bill will also permanently grandfather all LMAs.

But, Mr. Speaker, within this bill, it still allows the FCC to have unusual powers. If the applicant demonstrates to the satisfaction of the commission that permitting such ownership, operation, or control will not significantly harm competition or will not significantly harm the preservation of the diversity of media voices in the television market, then it will allow them to move forward.

Mr. Speaker, many nations prevent American companies from owning any percentage of their domestic broadcast industry. We must institute reciprocity and this bill starts this process now. Our bill will allow only those nations that will allow reciprocal ownership arrangements for American companies or individuals to move into American markets.

So this legislation will fundamentally change the economic dynamics of the broadcast industry to continue its vibrant tradition. To provide reciprocity. To help broadcasters to eliminate duplicative efforts. To make them more competitive and decrease regulation. That, Mr. Speaker, is the purpose of the bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

May Your blessing, O God, be with all who seek to serve in public service as elected leaders or as associates, in government service or in private endeavor. You have called each person, O gracious God, to use the talents and gifts that are theirs in ways that promote peace in our world and right attitudes and respect in our communities and neighborhoods. May not the words of understanding and reconciliation, of esteem and awareness, of freedom and liberty be the only words that we speak with our lips, but may those good words find home in our actions and in our hearts. May Your benediction, O God, be with those in public service and with every person now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NATIONAL TRIO DAY

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, I would like to bring to my colleagues' attention the celebration of National TRIO Day this past Saturday, February 27. National TRIO Day was designated by concurrent resolution on February 24, 1986, by the 99th Congress. It is celebrated on the last Saturday of each February.

The TRIO program is a Federal program that works. Students volunteer their time to learn about how to better educate themselves, to become more gainfully employed. Employees of TRIO are there to help them and encourage them. This is for families that have income of under $24,000.

We need more funds for this program so that we could fill more slots across the country. There are more people who want to get in the program than we have slots available.

One last thing, I would like to commend Lindsey Burkett of my hometown of Pine Bluff. She is in the Upward Bound program at the University of Arkansas at Pine Bluff and is the 16-year-old daughter of Nadine Burkett and the late Ray Burkett. She is a junior honor student at Dollarway High School. I want to commend her for her work and TRIO for it also.

READ ACROSS AMERICA DAY

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, I rise today to celebrate Read Across America Day. The National Education Association, partnering with some of the Nation's leading literacy education and community groups, is calling for every child and every community in America to celebrate reading today.

Reading is critically important as a platform for future learning. As a father of a 4-year-old, I enjoy the positive emotional charge of our reading experience as she soaks in every word and picture. We are forming her prereading skills, and she will enter school prepared to read.

Unfortunately, there are thousands of children in America who do not have their parents reading to them. Responsible adults must fill this gap for the sake of all of our children.

It is important that this Congress do all that it can to support and further child development from the rural communities of the heartland to the inner city of Baltimore, my home district. Today is a perfect opportunity to help all of our children reach their full potential.

CUBAN TRIAL CONVENED AGAINST FOUR DISSIDENTS WITH NO CHARGES FILED

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, for 594 days, Cuban dissidents Vladimiro Roca, Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano have been behind Fidel Castro's prison bars, with no charges filed against them, for disseminating the document entitled, "The Homeland Belongs to All of Us," that dares to speak of counterrevolutionary beliefs, such as freedom, democracy, and human rights.

Yesterday, the regime began a kangaroo court trial behind closed doors against these four brave freedom fighters who face even more jail time. The trial of these four dissidents comes only days after the regime imposed a new law that severely punishes those who promote anti-revolutionary information.

Foreign diplomats and reporters who had expressed an interest in being present at this show trial were summarily dismissed. Foreign observers are not even allowed less than two blocks from the building in which these mock trials are being held.

On the eve of this mockery of justice, dozens of Cuban independent journalists and other dissidents, who risk their lives in an attempt to inform the international community about the reality inside Cuba, were arbitrarily arrested to prevent them from reporting on the proceedings.

Mr. Speaker, it is evident that the last tyrant of our hemisphere is not about to change his totalitarian nature.

RUSSIA IS USING U.S. MONEY TO BUILD MISSILES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Uncle Sam gives billions to Russia. Russia builds missiles with our money. Russia then illegally dumps steel in America, destroying jobs in industry. Uncle Sam gives Russia more billions to stop the dumping.

Russia then takes this money and builds more missiles. This is no joke. The Pentagon says Russia has developed a new missile they call invincible because no system can stop it.

Beam me up here, ladies and gentlemen. Russian economy is so bad they cannot buy toilet paper, but they are building missiles threatening our freedom with our dollars. This is unbelievable.

Mr. Speaker, I yield back all the bureaucrats who are sitting on their brains here in Washington, D.C.

CHILD PORNOGRAPHY SOLD IN RETAIL BOOKSTORES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, people would be astounded to learn in America that many public, commercial bookstores throughout the United States are allowed to sell child pornography. I am not talking about adult book stores.

I was shocked recently to learn that bookstores like Barnes and Noble and Borders are selling books that show young girls and boys completely nude in suggestive, erotic positions. These children are photographed alone or shown erotically entangled with other young children. Further, many of the captions for the pictures are sexually explicit.

Mr. Speaker, this is an outrage. Child pornography feeds the sick minds of child molesters who sexually prey on defenseless children who live in our neighborhoods.

What has the Clinton administration done to protect these children? They have turned a blind eye to some of the most offensive child pornography there is. The administration has not enforced Federal obscenity laws, after promising to make this a priority.

Please join me in calling on the administration to enforce our existing Federal obscenity laws.

SOCIAL SECURITY AND MEDICARE

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise this afternoon to pass along some comments that my mother, Nancy Lampson, made to me after church just recently. She, like millions of other senior citizens, is worried about the future of Medicare and Social Security. She is afraid that it will not be there for me and my brothers and sisters.

My mother knows that saving Social Security and Medicare is not just good for retirement security for her. She knows it is also good for me, her grandchildren, and her great grandchildren.

Why? Because putting aside 62 percent of the surplus for Social Security and another 15 percent for Medicare will also reduce the national debt and reduce the billions of dollars we waste each year on interest payments. Winnowing down the national debt will be good for my mother's great grandchildren.

Currently, the United States of America spends nearly as much on interest payments as it does on national defense. If we wisely invest the surplus in Social Security and Medicare today, we can reduce our interest payments from 14 percent of the budget in 1999 to 2 percent in 2014.

Investing in Social Security and Medicare will not only reduce the debt but also will lower interest rates, boost the economic growth, and increase the financial security of working families. You do not have to be a Harvard economist to know that this makes good sense to the American people.

So, on behalf of my mother and the millions of Americans we represent, I urge all of you to invest in the present and the future by investing the budget surplus in Social Security and Medicare—it makes good sense for America.

OUR STUDENTS DESERVE THE BEST EDUCATION

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, as a former teacher, I understand the importance of a good education and the foundation it builds for our youth. Our schools, both public and private, must establish curricula designed to challenge students and to reward classroom successes. American students, parents, and teachers must maintain the highest level of quality in the field of education.

Achieving this goal is possible when educational guidelines are drawn by parents and local school districts. It takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards, and commissions at a cost of nearly $100 billion annually.

It is thus not surprising that only approximately 70 cents of each dollar makes it directly to the classroom. We must do better. We must consolidate these programs and ensure that at least 95 percent of the funds are directed to the classrooms. Our students deserve the best possible education.

PUT OUR FINANCIAL HOUSE BACK IN ORDER

(Mr. MALONEY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to comment on the fiscal situation in which we find ourselves and the opportunity that we have.

For 25 years, on a bipartisan basis, this government has mismanaged its financial house, its financial matters. We have, after 25 years, the opportunity to make fundamental progress. We have the opportunity to restore the nearly $700 billion that has been, quote-unquote, borrowed from the Social Security Trust Fund. We have the opportunity to put our fiscal house back in order. If we do that, it is not only good for the government fundamentally, it is good for the people of this country.

By reducing our interest payments, by reducing the demand on the credit market, we will do great things for the American people. The average cost of a home mortgage can be reduced by $200 a month by adhering to the financial responsibility that we have the opportunity to pass this year in the Congress. I urge my colleagues, do it this year. Fix the financial situation. We have the opportunity. Do not let it lapse.

KEEP SOCIAL SECURITY SOLVENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I would like to challenge the other side to a pledge, a pledge that has been notably absent from the proposals of the other side of the aisle.

The Republican plan to protect and strengthen Social Security does not raise taxes, and it does not reduce benefits. The President's plan, however, leaves that option wide open. It would not take a rocket scientist or a fortune teller to figure out what that means.

The key issues for the current and future retirees is, will my retirement be secure and will Social Security remain a good deal? Social Security, unless dramatically reformed, fails on the first question.

As for the second, Social Security is a good deal for current retirees; but, very soon, it will be a terrible deal for future retirees.

The President's proposal does nothing about that. A worker's return on investment will continue to head down if real structural reforms are not made.

Let us keep Social Security solvent and a good deal for workers when they retire.

□ 1215

LION'S SHARE OF SURPLUS SHOULD PAY DOWN FEDERAL DEBT

(Mr. DAVIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Speaker, I rise today to support the position advocated by the President in his budget proposal that we use the lion's share of the surplus to pay down the Federal debt. The proposal to use 62 percent of the surplus for Social Security and 15 percent for Medicare will have that effect.

We have a chance for the first time in decades to begin to bring the debt held by the public, the money the Federal Government owes to other people, down to a level that we all try to exercise in our homes and businesses. This will allow the Federal Government for the first time to more responsibly manage our debt and run the Nation's business.

Now, what impact does that have for those of us at home? In Hillsborough County, my home, the average mortgage balance on a home is about $115,000. With a 2 percent drop in interest rates, which we can expect to occur as we begin to pay down the debt, a monthly mortgage payment could drop from $844 to $689. That is $155 a month in the pocket of a homeowner that he or she would not otherwise have.

That is better than most any tax cut this Chamber could pass. It could be done by paying down the debt, using the lion's share of the surplus to protect Social Security and Medicare. I urge my colleagues to adopt that.

OPPOSE H.R. 45 TO PROTECT HEALTH AND SAFETY OF CITIZENS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, H.R. 45, the Nuclear Waste Policy Act of 1999, opens the door to the dangerous transportation of high-level nuclear waste and yet fails to address the concerns of the safety of millions of Americans.

By mandating the construction of an interim storage facility in Nevada, H.R. 45 would require the shipment of the most toxic substance known to man to go through 43 States. Fifty million Americans within a half mile of the transportation routes could be exposed to the deadly hazards of 77,000 tons of nuclear waste moving through their neighborhoods for the next 30 years.

H.R. 45 does nothing to address the weakness in the design of the waste caskets. It does nothing to fund the training of emergency personnel who would be required to respond to any accidents. H.R. 45 is the "speak no evil, see no evil, hear no evil" effort by the nuclear power industry to pull the wool over the eyes of Americans.

We must protect our constituents, their health and their safety and oppose H.R. 45.

SOCIAL SECURITY

(Mrs. Napolitano asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Speaker, we have all heard about the need to dedicate the 62 percent of the surplus over the next 15 years to saving Social Security and then, of course, the 15 percent to saving Medicare, which cannot be understated.

However, in addition to that, we need to recognize that simply securing the solvency of Social Security and Medicare is not enough. We also need to address the structure and quality of Social Security and Medicare programs.

We need to discuss covering prescription drugs, a difficult issue because of the cost involved, yet vital for so many seniors in America.

We need to address the earnings test so that seniors who work to supplement their pensions are not penalized by cuts in their Social Security benefits.

We also need to talk about improving service so that individuals do not get lost in a bureaucratic cobweb that leaves them frustrated and without the benefits they deserve.

We have already agreed to dedicate the 62 percent of the surplus for Social Security in order to fully protect America's retirement security, but I urge my colleagues on the other side to take the next step and join us in resolving the entire Medicare issue.

AMERICA'S OIL INDUSTRY ON VERGE OF COLLAPSE

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, what is wrong with this picture? Today in America there is a total collapse, a crisis of survival for the oil industry. The small independent producers are going bankrupt every day bringing pain and hurt in oil patch.

What is wrong with this picture? American family farms are being destroyed. The families are having to leave because of low pricing and farm bankruptcies. Wheat just dropped to $2.20 a bushel.

What is wrong with this picture? Today we are bombing Iraq but, at the same time, they are increasing by over 2 million barrels a day their oil sales which is helping destroy our domestic oil industry. Our small independent producers are dying in this country. They have also threatened and said they will not buy America's wheat with those funds from selling oil, again contributing to the collapse of the American farm.

I agree with my colleague from Ohio (Mr. TRAFICANT) when he says, "Beam me up, Mr. President." What is wrong with this picture is Iraq is benefitting and our American farmers and independent producers are dying under the policy.

DO NOT FORGET ABOUT PAYING DOWN NATIONAL DEBT

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, recently, I was in White County, Arkansas, a county that recently had some very devastating tornadoes, and was having my Saturday morning office hours in a store; and one of my constituents came through and what he wanted to talk about was our national debt. He said to me that, while we are all talking about the surplus, he urged me to please not to forget paying down the national debt. He said, we are talking too much about surpluses, but we are forgetting the debt.

I think that is good advice from my constituent from Arkansas. If we use the surplus and pay down the debt, we will protect Social Security, we will protect Medicare, we will protect working families, and we will protect all generations that want to benefit from Social Security and Medicare in the future.

This is good common sense, Mr. Speaker, from White County, Arkansas; and I recommend this Congress heed my constituent's advice.

H.J. RES. 32, SOCIAL SECURITY GUARANTEE INITIATIVE

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, today the House will be considering H.J. Res. 32, the Social Security Guarantee Initiative. I recently introduced this resolution that expresses Congress' commitment to protecting Social Security benefits for all current and future retirees. This bipartisan resolution sends an important message that sets the stage for what will soon be an historic debate on how best to reform our Nation's Social Security System.

I recently completed 21 town hall meetings during our congressional recess on a listening tour throughout Wisconsin's First Congressional District. At every stop a great number of people I represent expressed their grave concerns over any changes that would be made to the Social Security System. Quite frankly, many of them felt that Washington could not be trusted to fix their problem. We have to prove them wrong.

This resolution sends a very clear signal to our constituents that any reforms made by Congress will not result in a loss of benefits or place any increased costs upon them. Mr. Speaker, it is critical that we make this bipartisan commitment before we move forward on any Social Security reform proposals so that current and soon-to-be retirees will not have their benefits cut.

I urge my colleagues to vote "yes" on this resolution.

REDUCING THE DEBT IS THE RIGHT THING TO DO

(Mr. HILL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Indiana. Mr. Speaker, $17 billion is just a drop in the bucket here in Washington, but back in Indiana it is serious money.

Seventeen billion dollars is enough to operate all eight Indiana university campuses for 10 years. Seventeen billion dollars almost equals the entire 2-year budget of the State of Indiana.

The government projects that this year we will spend $17 billion less on interest payments than we did last year. When we reduce the government's debt, we are given billions of dollars back to the private sector to invest, create jobs and strengthen our economy. By reducing the debt, we are also improving our ability to honor the promises we have made to our seniors through the Social Security and Medicare programs.

Other arguments aside, reducing the debt we pass on to our children is just the right thing to do. Not only do we owe it to our American seniors to reduce the debt, but we owe it to future generations as well.

CONGRESS AND ADMINISTRATION SHOULD FOLLOW ICELAND'S LEAD

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, the country of Iceland recently made the news with two separate announcements, one instructive and the other intriguing.

First, Iceland announced it will not sign, it will not sign, the U.N.'s questionable Kyoto climate treaty because it would destroy its economy and bring unnecessary suffering to its citizens.

Secondly, on February 17th, an Icelandic consortium signed an agreement for a joint venture to investigate the potential of transforming Iceland into the world's first hydrogen-based economy.

One of the first results could be a hydrogen fuel cell-powered bus service. This would be an interesting development to monitor because of the environmental and energy security implications. Hydrogen fuel cells create their own electrical energy, with clean water as a by-product. Some estimate that vehicle efficiency can be improved by 50 percent, with no exhaust emissions.

Mr. Speaker, it may be wise for Congress and this administration to follow Iceland's lead on both of these counts.

CONGRESS SHOULD TAKE THIS OPPORTUNITY TO GET THE NATION'S FISCAL HOUSE IN ORDER

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, economists and the Congressional Budget Office agree: We have a budget surplus starting in the year 2001, which will grow to $164 billion by the end of the year 2009.

Let me tell my colleagues when I talk to people in Oregon what they say about the budget. First of all, Oregonians believe we need to keep our budget balanced, we need to pay off the huge national debt, and we need to make sure our future generations are not left holding the bag for our generation's party.

Leaving behind a debt that we did not have the moral fortitude to pay off is simply wrong. Reducing the national debt now, economists predict, will result in a further decline in interest rates. Now, let me tell my colleagues, lower interest rates are good for the homeowner, they are good for the businessperson, they are good for the farmer, and they are good for the student in the classroom.

Mr. Speaker, last year we spent, listen to this number, $243 billion, billion, of Federal taxpayers' money on the interest. That is four times what we spent on education. Four times. As a member of the House Committee on the Budget, I want to take this opportunity to get our fiscal house in order.

HAITI'S FRIENDS AND NEIGHBORS SHOULD HELP REVIVE HAITI'S FAILED DEMOCRACY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today Haiti is a very grim place. The economy is in shambles, crime is prevalent, and the parliament is dysfunctional. There has been no progress scheduling necessary elections, despite President Preval's recent assurances he would.

Another indication of how bad the situation has become in Haiti is the Clinton administration's refusal to certify Haiti as meeting its obligation in the war on drugs, even though U.S. taxpayers have spent millions of dollars in the past few years trying to build a competent police force in Haiti.

Now we learn of the politically motivated murder, the brutal assassination of one of Haiti's nine remaining Senators on Monday. The predilection for solving Haiti's problems through violence continues as does the slide towards authoritarianism. Later this week I will join several of my colleagues in introducing a bipartisan resolution calling on the Organization of American States to intervene.

The crown jewel of Clinton's foreign policy is tragically tarnished. It is time we stopped adding more to this bad debt.

PROTECT SOCIAL SECURITY AND MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we are faced with an historic opportunity. Due to a robust economy, the Federal Government has a surplus for the first time in three decades. We should seize this moment to do what is fair, right and fiscally responsible: Protect Social Security and Medicare.

Social Security and Medicare are the twin pillars of retirement security. Two-thirds of our seniors rely on Social Security for over half of their income. Medicare ensures that 99 percent of our seniors have the health coverage that they need. Combined, these two programs allow our parents to live with dignity, independence and peace of mind.

Now that we have the opportunity, we should use the vast majority of this surplus, a full 77 percent, to strengthen Social Security and Medicare for the long-term security of our parents, ourselves and our children.

Protecting Social Security and Medicare must come before a Republican tax plan, which would spend the surplus on a one-time, feel-good tax break that benefits mostly the wealthy. It is irresponsible and it is risky. Let us not jeopardize the long-term health of Social Security and Medicare for the short-term goal of an overzealous tax break.

Let us do what is right, let us protect Social Security and Medicare.

PAYING DOWN NATIONAL DEBT ENSURES PRESERVATION OF SOCIAL SECURITY AND MEDICARE

(Mr. DOOLEY of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY of California. In 1992, Mr. Speaker, when President Clinton took office, we were looking at budget deficits that were approaching almost $300 billion. Well, thanks to the good work of Congress and the good work of the administration, we are no longer talking about budget deficits, but we are, in fact, talking about budget surpluses.

It is important for us to continue down the path of fiscal responsibility, and that requires this Congress to support the efforts of the administration and others who are committed to using the significant majority of the budget surpluses that we are going to see in the next 10 years to pay down the national debt and, in doing so, ensuring that we can preserve Social Security and Medicare.

That makes good sense for our families and makes good sense for our businesses. Because if we pay down the national debt, which is costing us $243 billion a year in interest, we will be ensured that we can see a reduction in interest rates of over 2 percent. A reduction of 2 percent in interest rates means about $155 to people who have a home mortgage of $115,000.

□ 1230

It means to farmers of this country, who have an operating loan of $250,000, a $5,000 savings. Let us take the path of fiscal responsibility. Let us pay down the debt.

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore (Mr. STEARNS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I am pleased to transmit the Nineteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1997.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 2, 1999.*

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, February 23, 1999.

Hon. DENNIS HASTERT,
Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER, on Feb. 12, 1999, I was appointed by the House Democratic Caucus to serve on the Permanent Select Committee on Intelligence. According to Rule 19 E of the Rules of the Democratic Caucus, "no Democratic Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during the Member's term of service on the select committee."

Rule 19 E also states that "Members shall be entitled to take leaves of absence from service on any committee (or subcommittee thereof) during the period they serve on the select committee and seniority rights on such committee (and on each subcommittee) to which they were assigned at the time shall be fully protected as if they had continued to serve during the period of leave of absence."

Accordingly, I am requesting a leave of absence from the House Committee on Science for the 106th Congress, with the understanding that my seniority rights on the Committee will be fully protected in accordance with Rule 19 E of the Democratic Caucus. Thank you for your consideration of this request.

Sincerely,

TIM ROEMER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

PERMITTING CERTAIN YOUTH TO PERFORM CERTAIN WORK WITH WOOD PRODUCTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 221) to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, as amended.

The Clerk read as follows:

H.R. 221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

"(7)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

"(i) is at least 14 but under the age of 18, and

"(ii) is a member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

"(B) The employment of an individual under subparagraph (A) shall be permitted—

"(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

"(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

"(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

"(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 221, which is a bipartisan bill introduced by the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from California (Mr. MARTINEZ). The bill will address a unique problem resulting from the application of the child labor provisions of the Fair Labor Standards Act to individuals in the Amish community.

We are considering a substitute amendment which makes one technical change for the purpose of renumbering the paragraphs in the bill.

My colleagues will remember that the House passed a similar bill, exactly the same, as a matter of fact, last year by voice vote under suspension of the rules. The Senate did not consider the bill prior to the close of the last Congress, and so we are taking early action on the bill in order to allow ample time for the Senate to act.

Children in the Amish community complete their formal classroom education at age 14 or 15. In fact, the Amish faith teaches that their children's formal classroom education should end after the eighth grade, after which they, quote, learn by doing, while working under the supervision of their parents or another community member.

Amish youth have traditionally worked in agriculture on their family farms. However, economic pressures in recent years, including the rising cost of land, have forced more and more Amish families to enter other occupations. Many have gone into operating sawmills and other types of woodworking. So, increasingly, the opportunities for Amish young people to "learn by doing" are in these types of workplaces.

The problem is that the Department of Labor's regulations prohibit 14- and 15-year-olds from working in any sawmill or woodworking shop and severely limit the work of 16- or 17-year-olds in these workplaces.

The Department has undertaken a number of enforcement actions against Amish employers in recent years. As a result, Amish youth no longer have the opportunity to learn skills and work habits through the community's traditional means.

We have no reason to believe that Amish young people will be placed at risk or allowed to engage in unsafe activities in the workplace. As some of my colleagues have said, who would care more about the well-being of Amish children than their parents? The fact is that, as the Amish struggle to preserve their way of life, the Department of Labor's actions are, in effect, undermining the Amish culture.

H.R. 221 is a narrow bill that addresses this specific problem. It would allow individuals who are at least 14 years old to work in sawmills and woodworking shops, so long as they do so under the supervision of an adult relative or member of the same faith. The young person would not be permitted, under any circumstances, to operate or assist in the operation of any power-driven woodworking machines.

The young person must be protected from wood particles or other flying debris by a barrier or by maintaining an appropriate physical distance from machinery in operation. In addition, the young person must be protected from excessive levels of noise and sawdust by the use of personal protective equipment.

I want to particularly commend the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Indiana (Mr. SOUDER), the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from California (Mr. MARTINEZ) for their work on this issue. This legislation comes only after Members of Congress made repeated effort to work out an administrative solution with the Department. Unfortunately, the Department has been unwilling or unable to alleviate the conflict between the current regulation and the Amish community's way of life. That is why we are now addressing the problem through legislation.

The bill will allow the Amish to continue in their traditional way of training their children in a craft or occupation while ensuring the safety of those who are employed in woodworking occupations. I would certainly urge my colleagues to support the bipartisan legislation.

I would also indicate that I believe it is our responsibility to legislate. It is the responsibility of the Court to determine whether it meets Amish law or American law, not the Congress of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 221. This bill permits 14-year-old children to work in sawmills, one of the most dangerous worksites in the country. The occupational fatality rate in the lumber and wood products industry is five times the national average. The fatality rate exceeds that of the construction, of the transportation and of the warehouse industry.

Inexperience, small size and lack of maturity can all act to increase the risk of accidents for 14-year-old children employed in sawmills.

I oppose this bill because it poses undue jeopardy to the health and safety of children too young to legally smoke, too young to legally consume alcohol products, too young to defend this country in the military.

Mr. Speaker, there are good, sound, logical reasons why 14-year-olds are prohibited from engaging in these activities, and the same reasons exist for keeping them out of sawmills.

I also oppose this legislation because it undermines job opportunities for adults by encouraging the replacement of older workers with teenagers who will work for less pay. Mr. Speaker, replacing fathers with their sons was a pervasive and devastating pastime for the robber barons of American industry at the beginning of the 20th century. Why are we contemplating renewing this horrendous policy at the beginning of the 21st century?

Finally, Mr. Speaker, I oppose this bill because it violates the establishment clause of the Constitution's first amendment, which forbids preferences to one religion over another. This bill, if enacted, will sanction a discriminatory provision of law for the Amish members against other religions that do not enjoy this preference. I am sympathetic to the desire to accommodate the Amish lifestyle but am opposed to accommodating that lifestyle in a manner that places other religious groups and business interests at a disadvantage.

Encouraging the displacement of adult workers by teenagers in this hazardous worksite is bad safety policy, is bad health policy, is bad employment policy and, most of all, Mr. Speaker, it is bad constitutional policy. I oppose the bill because it is an assault on the very principle enacted years ago to prevent the exploitation of child labor.

Mr. Speaker, I ask my colleagues to oppose this ill-conceived, unnecessary bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS), the coauthor of the legislation.

Mr. PITTS. Mr. Speaker, today we are addressing an issue important to the Amish community who reside in over 20 States in this country, and I especially want to thank the gentleman from California (Mr. MARTINEZ) and the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and the other Members who have helped us craft this bipartisan bill.

People around the world know of the Old Order Amish as people who till their land and direct their lives with faith, simplicity and discipline.

Traditionally, Amish communities are centered around the family farm, which requires input from the whole family. While caring for crops and animals, Amish parents show their children how to make a living without exposure to outside influences that contradict their beliefs. However, due to the high growth rate, the soaring price of farmland, many Amish have been forced to look for alternatives to farming. Now Amish can be found in small businesses making raw lumber, clocks, wagons, cabinetry and quilts.

Therefore, as they did on the family farm and still do, and I might say that in farm work the children are totally exempt from child labor laws, one can find a 10-year-old boy driving a team of mules. I would like to see the gentleman from Missouri (Mr. CLAY) try that. The Amish now wish to have their youth work with them in these vocational settings.

Typically, the youth will learn a trade after the completion of Amish school, or the eighth grade, and be self-sufficient by age 18. The Amish view this work as part of their schooling, since they often accompany a parent to the workplace, very similar to an apprenticeship, and they call this learning by doing.

Unfortunately, these small Amish-owned businesses have received costly fines from the Department of Labor for having their young adults work alongside their fathers and uncles, even in family businesses.

Mr. Speaker, recently a businessman, an Amish businessman in my congressional district, was fined **$10,000** for having his own child in the front office of his business. The teenager, 15 years old, was simply learning to use the cash register alongside her father. She was far from harm's way.

Mr. Speaker, these actions by the Department of Labor have severely threatened the lifestyle and the religion of this respected and humble community. The Amish expect diligence, responsibility and respect from their youth. They do not contribute to the social ills of our society, and they do not accept any assistance from government programs.

Our government should not interfere with this humble community. Several of my colleagues, along with our Amish constituents, met with the Department of Labor several times last year for a solution. Unfortunately, we received nothing but negative responses from Labor. The Amish have a very unique situation, and they do not benefit from shop or vo-tech like the youth of our schools.

My son, at age 14, made furniture on a band saw in a shop class with 15 other students around. We have a responsibility to evaluate the Amish in light of these things, and that is why the gentleman from California (Mr. MARTINEZ) and I and others have introduced this legislation, narrowly crafted, and we urge support.

□ 1245

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise to oppose the bill, particularly on suspension. I offered an amendment in committee to try to make this bill a little better by having a reporting requirement, that it would be reported the number of injuries that might take place in this type of workshop with this reduced age limit so we could determine what the effect of this bill might be. Now, that amendment was defeated on a pretty well party line vote in the committee. We are precluded from offering, I think, and even discussing that amendment here on the floor under this suspension of rules. So I feel that the process is wrong.

I have serious problems about the bill, but we cannot even discuss the amendment that was defeated by a party line vote in committee. I urge defeat of the bill.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I am pleased to stand in the House today and support this legislation. I want to commend the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MARTINEZ), the gentleman from Indiana (Mr. SOUDER) and all of those who were a part of bringing this issue together.

We should not be here today. The Department of Labor and Industry should not be in this issue. There was not a history of danger out there, not a history of people being harmed. A lot of the criticism, or all of it has been about safety. This legislation includes supervision by an adult relative or an adult of the same religious sect; the placement of protective barriers. We just heard that the lumber industry is the most dangerous. Yes, it is. The most dangerous part is the falling of trees. They are not going to be doing that. The next most dangerous part is running saws and planers and equipment. They are not going to be doing that. They are going to be doing odd jobs in the mill, stacking lumber, cleaning up, office work, running errands, helping out, learning a trade.

Young people in the Amish community when they are finished with school at 14, they learn a trade and when they work around the edges of a mill, when they work around the edges of an operation, they learn that business over a period of time. We are not putting them in harm's way. In my view, this is legislation that is needed to be done to preserve the Amish life. As someone just mentioned, they are not a part of the difficulties in our society. They are a quiet people who teach their youth to work and carry on whatever the tradition of that family was. This is a very sensible, well-thought-out solution that will allow this community to preserve its way of life.

I urge the Members of this Congress to tell the Department of Labor and Industry to go on and deal with real problems and leave our Amish to raise their children as they have in the past with a very good record.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, last September this body considered a piece of legislation identical to this bill before us today. Then as now, I support the bill very much. You might ask why someone from an urban area like myself would support a bill such as this, because there are no Amish in Los Angeles County. Well, I do not care where you live in this country, when it comes to keeping our young people engaged productively and out of trouble, the challenges are the same no matter where you are. And although the answer is different in different parts of the country, the goal is the same, to keep those kids out of trouble, keep them working, keep them interested in something that will make a good life for themselves.

I supported that bill last year, because I understand the Amish way and where they face problems that are different than those that we face in Los Angeles, I believe that for their youth, they have the appropriate answer. And I supported the bill because it offers a real solution to a real problem for the Amish and because it made good sense to me.

As I mentioned during the debate last September, Amish children finish their education at 14 years of age. Historically Amish boys have joined their fathers in the fields of the family farm. However, due to technological advances, the rising price of real estate, the Amish have found it difficult to compete and many have had to abandon their farms for other types of occupations. Today nearly 50 percent of the Amish men work in nonfarm occupations, primarily in the lumber industry. However, when the Amish take their young men to work with them in the sawmills, they are in violation of child labor law.

Therefore, last Congress the gentleman from Pennsylvania (Mr. PITTS) introduced a bill to amend the child labor laws to permit the Amish to take their young men to the sawmill with them. In response to this concern about exposing young men to hazards that has been mentioned here by a couple of Members, we saw that, too. We wondered if we were not doing the same. But we worked with the gentleman from Pennsylvania (Mr. PITTS) to come up with a solution to that problem. I worked with him to add a number of safety provisions such as requiring earplugs, face masks, adult supervision, et cetera. We must have done a good job because it passed out of committee by a voice vote and passed on the floor by a voice vote. Because the Senate ran out of time is the only reason we are here considering this noncontroversial legislation again.

This bill before us is identical to the bill that was passed by the House in the last Congress. It addresses the same problems and contains the same safety provisions and still makes good sense. Therefore, although you may not have a large number of Amish in your district, I urge you to support this bill.

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time and I rise in support of this legislation. I want to commend the gentleman from California (Mr. MARTINEZ) and the gentleman from Pennsylvania (Mr. PITTS) for exercising common sense and bipartisanship in crafting this legislation. It is extremely important that we strike a delicate balance between honoring the differences in our different religions in this country, our different traditions in this country and having a safe and healthy workplace. I believe this legislation, in a commonsense and bipartisan manner, strikes this principled compromise between these two interests, of respecting the Amish for their cultural and religious differences and on insisting on a safe and healthy work environment.

The Amish community, as has been stated on the House floor here this afternoon, has a little bit different education system than some of the rest of us, and we should respect and honor those differences. They have a formal education for their young men and young women up until about the eighth grade, and then after the eighth grade many of their children, young minors, are enrolled in informal vocation classes learning directly under the supervision of parents and teachers.

In Indiana, let me give my colleagues an example, this is primarily done in small cabinet-making shops where people have worked with the Amish community for decades and where they are small, family-owned businesses. This is not an instance where young people are out in harm's way from falling trees or with big sawmills. They are in working environments in small business communities.

We have four major protections outlined in this bill that I will not go into articulating but I will again urge this body to support this bipartisan, commonsense bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I get nervous when I find myself on the opposite end of a labor issue from the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), but in this instance I come from a different perspective. I grew up in a small town called Summit Mills in southwestern Pennsylvania. That town is mostly Amish. And so as I grew up in that community as a young man, 12, 13, 14, 15, 16 years of age, I worked in Amish farms, I worked in Amish sawmills, I worked and learned carpentry with my friends the Amish. I worked in their maple sugar camps. I understand their way of life because I lived it with them. I know that there is no danger. I also know that if they do not employ their children, it does not mean that they are going to employ someone else, it means they are going to work that much longer and that much harder themselves or they are not going to make that much more money. They are going to in fact have to live with less.

In my district now, the 4th District of Pennsylvania, in Lawrence County, the Amish live there, they are quiet people, they do not drive cars, they do not listen to radio or watch TV. But what they do is when their children are finished with school at the eighth grade, they teach their children how to make a living. They in essence are the trade school themselves. If the family business is carpentry, if it is a sawmill, if it is a maple sugar camp in the spring, if it is farming, they teach their children to do this. If the children have other interests, they may go off and work with an uncle or someone else on their farm.

This bill, H.R. 221, of which I am an original cosponsor, does specify that the young Amish people would not be permitted to operate power-driven woodworking machinery. Regarding the workplace safety of this bill, the bill requires a barrier or some other means of protection to be used to protect these teenagers from flying wood particles.

I have a very strong voting record to maintain our labor laws. This bill simply amends the Fair Labor Standards Act and would allow these young people ages 14 to 18 who are members of this religious sect to work with their parents, to work with adults, those who are like the Amish to be able to be employed in a family business where wood is processed with machinery.

I ask my colleagues to suspend the rules and pass H.R. 221.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time. As a member of the Committee on Education and the Workforce, I rise today in support of this bill. I believe this is a commonsense measure allowing the Amish to preserve their culture as well as the control of the upbringing of their children while maintaining important child labor enforcement policies.

I want to take this opportunity to commend the gentleman from California (Mr. MARTINEZ), the gentleman from Pennsylvania (Mr. PITTS) and especially the gentleman from Pennsylvania (Mr. PETERSON) for the leadership that they have shown in crafting what I think is a very commonsense measure. To this day the Amish continue to make great contributions to our Nation's heritage across the country and as well in my congressional district in western Wisconsin. Traditionally Amish children's formal education ends at a very early age. They continue to learn by doing. Their youth attend school until the age of 14, after which they work with an adult member of the community to gain hands-on experience, oftentimes in small, family-owned woodworking shops. In the past the practice has come into conflict with certain child labor provisions of the Fair Labor Standards Act.

Yes, woodworking machines can be very dangerous, especially for young children, but thanks to my colleagues I think there have been some commonsense safeguards built into this legislation that we can all support. First, that teenagers must be supervised by an adult who is a member of the same sect or division; second, the teenagers are not allowed to operate or even assist in the operation of power-driven woodworking machines; and, finally, they must be protected by an appropriate barrier to the potential hazard of flying debris and wood particles.

Mr. Speaker, I think we have to do all that we can to preserve our Nation's distinct and diverse heritage without sacrificing personal safety and well-being, especially when it comes to the safety of our children. I believe this bill is a commonsense step in that direction. Therefore, I urge my colleagues today to support what I feel is an appropriate bill with the appropriate safeguards.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Pennsylvania (Mr. PETERSON) as well as our bipartisan help from the gentleman from California (Mr. MARTINEZ), the gentleman from Indiana (Mr. ROEMER), the gentleman from Wisconsin (Mr. KIND), the gentleman from Pennsylvania (Mr. KLINK) and others on the other side of the aisle who have helped to finally bring this remedy hopefully to closure this year.

For the record, I want to say I am not just a bystander in this. Not only do I represent the 3rd, 7th and 10th largest old order communities in the country, and by old order I mean that they do not have tops on their buggies and they are not allowed to marry the Amish in many of these other gentlemen's districts who have tops on their buggies and are much, therefore, more liberal Congressmen and members. Furthermore, this has nothing to do with voting. Out of the 20,000 Amish in my district, I think approximately 150 voted. Three in my hometown of Grabill went out to vote and then got kicked out of church for going out because they wanted to vote for me and they had to work that through in their church. My great grandfather in 1846 was one of the first Amish settlers in Allen County. He left the Amish faith around the turn of the century, but I still have many cousins and many, many friends in the Amish community and I grew up in a small town surrounded by an old order Amish community and went to school with many of them.

So I have been very involved with this issue even though the original points of contention with the Department of Labor came up in Pennsylvania and most of the Amish who were at the meetings that we had with the Department of Labor were from Pennsylvania, a few from Holmes County, Ohio, and very few from Indiana and mostly up from the district of the gentleman from Indiana (Mr. ROEMER) because the Amish in my district do not take part in any governmental activities and therefore are completely vulnerable and helpless when the government comes in and tries to alter their life-style.

For 18 months we have negotiated with the Department of Labor. We have negotiated through several rounds through our committee.

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I am frustrated how long this has taken. This is a tad ridiculous, quite frankly. At the same time, I am glad we are to this point, and I am glad we are finally making progress.

We have heard particulars in this bill, that in fact this is an endangerment. It is not a question of whether the Amish are old enough to smoke or old enough to do many things, because they are certainly old enough to sweep a floor. This is not a matter of working the woodworking equipment. It is a matter of doing the tangential jobs. We, as my colleagues have heard, put restrictions that limit that endangerment.

Furthermore, as we see the pressures in our communities in Indiana, in Ohio, Pennsylvania, Wisconsin, Illinois, Iowa, where there are Amish communities, we have a fundamental question we have to answer in this country: Can you practice religious freedom within the confines of what we expect in public health and safety? As they cannot divide their farms any further, they have turned to other crafts like woodworking, and if they cannot practice woodworking, and if they cannot practice their religious faith, they will leave our country or have to change their religion, and that is not what America was based on.

I would argue that many of the arguments that have been put forth through the past few years are absurd. I have seen in print that there could be forklifts running over these kids. They do not have forklifts in Amish factories because they do not have electricity. I just heard a reference to robber barons. As my colleagues know, the Amish parents are not robber barons, and we have to be very careful about confusing past labor disputes with one of the most innocent, helpless and vulnerable segments of our society. I do not understand how anybody could oppose these poor, low-income people, who are at the mercy of everybody else, having their ability to work with their children in their factories.

So, in their woodworking, whether it is furniture or whether it is pallets or whatever they do, so that they can continue their way of life, they are not the people with the gang problems, they are not the people with drug problems, they are not the people with the social problems we see elsewhere. So why would we come barreling into their community and try to change their lifestyle when they should be a model for the rest of us, not somebody who we try to destroy their culture?

Mr. EWING. Mr. Speaker, as a co-sponsor of this important legislation, I urge my fellow colleagues on both sides of the aisle to support H.R. 221. The bill amends the Fair Labor & Standards Act to allow youths between the ages of 14–18, who are members of a religious sect or division, to work in businesses where machinery is used to process wood products.

This legislation is of great importance to me since my district has the greatest population of Amish residents in Illinois. Instead of continuing formal education past the 8th grade, Amish children typically go to work with their parents or another adult leaning a trade, usually woodworking or farming. This is not an example of "sweatshops" where children are forced to work against their will—this is a tradition that the Amish community has held near and dear to their hearts.

Current FLSA language allows the Department of Labor to levy fines up to $20,000 on several Amish businesses, and to confiscate their equipment. This is not only a financial hardship that small business must absorb, but an imposition on secular values. This is not the role of government.

This legislation allows Amish children to begin their life's work under the proper supervision of an adult and requires the youth to be properly protected in the various work areas. We should not penalize a religious community and their citizens from pursuing life-long traditions.

Once again, I urge my colleagues to support this legislation.

Mr. OWENS. Mr. Speaker, I rise in opposition to H.R. 221.

This bill permits children to work in one of the most hazardous industries in the country. Fourteen-year-old children do not possess the full autonomy of choice and may not possess the full capacity for choice possessed by adults. They should not be allowed to place themselves or be placed by others in occupational situations that may be life threatening. The occupational fatality rate in the Wood Products Industry is five times higher than the national average. One of the witnesses who testified on behalf of this legislation told of how he lost several fingers when during a moment of inattention, he carelessly set his hand on a conveyor belt and it ran his hand into a saw. This accident happened to an adult with years of experience in the wood processing industry. Inexperience and lack of maturity serve to make the potential risks faces by minors even greater than they are by minors even greater than they are for adults. It is unreasonable to expect a fourteen year-old to maintain the kind of continuous safety concern we expect for adults. In this industry, a moment of inattention can be fatal. Secretary Herman in a letter to Chairman GOODLING opposing this legislation said, "While we are sensitive to the cultural and religious traditions of the Amish and similar American communities, we believe the benefits of accommodating those traditions must be carefully balanced against the nation's longstanding concern for the safety and welfare of children." Secretary Herman provides the focus which should guide this Congress in its deliberations concerning child-labor issues. We should always place the protection of our children's health and safety first.

To employ children in an industry where the occupational fatality and injury rates are five times the national average is irresponsible. If enacted, H.R. 221 will inevitably result in the serious injury or death of a minor. Attached for the RECORD are letters from the Department of Labor and the Department of Justice.

Mr. GEKAS. Mr. Speaker, I rise today to applaud the passage of H.R. 221, legislation which will permit a unique culture to continue practicing traditions vital to its way of life. This bill changes current law so that Amish teenagers may continue work in businesses where machinery is used to process wood products.

Child labor provisions in the 1938 Fair Labor Standards Act (FLSA) prevent Amish young people from learning the practical skills they need to successfully contribute to their community. The U.S. Department of Labor has followed a rigorous enforcement policy in the arena of child labor. The Department of Labor has levied fines of up to $20,000 on several Amish businesses. These actions are not just intrusive, they are insulting to a proud culture which has long prospered within the boundaries of our laws.

While enforcement of child labor laws is laudable and necessary, it is detrimental to the Amish people. In their culture, Amish youth finish organized schooling at the age of 14, when they go to work with their parents or other adults in their community to learn a trade. Due to the nature of their lifestyle, these occupations are primarily in agriculture and woodworking, work which requires long periods of apprenticeship to learn the proper and safe use of the required machinery.

H.R. 221 recognizes this fact by providing specific requirements for the sake of safety-requirements that the Amish have implemented long before the Fair Labor Standards Act came into effect. Individuals working in these trades must be between the ages of 14 and 18, and be a member of a religious sect or division which mandates no formal education beyond the eighth grade. Other provisions include the proper wear of protective gear, as well as proper adult supervision at all times.

The Amish are a people who take great pride in their secular values, and rightfully take great umbrage to any attempts to influence their lifestyle. I am thankful that we in the Congress can take pride in the fact that today we did the right thing, and corrected an error in bureaucracy which threatened the culture of a group of people.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 221, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 221, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DISASTER MITIGATION COORDINATION ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 818) to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small businesses.

The Clerk read as follows:

H.R. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Mitigation Coordination Act of 1999".

SEC. 2. PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 2000 through 2004, to establish a disaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis) as the Administrator may determine to be necessary or appropriate to enable small business concerns to implement mitigation measures pursuant to a formal disaster mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business concern under this subparagraph unless the Administration finds the concern is otherwise unable to obtain credit for the purposes described in this subparagraph.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2000.

"(2) $15,000,000 for fiscal year 2001.

"(3) $15,000,000 for fiscal year 2002.

"(4) $15,000,000 for fiscal year 2003.

"(5) $15,000,000 for fiscal year 2004.".

(c) EVALUATION.—

(1) IN GENERAL.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act, as added by subsection (a) of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by thanking my colleague, the ranking member on the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), for her assistance in moving this bill and also my colleague from Washington (Mr. BAIRD) for his assistance in handling it.

Mr. Speaker, H.R. 818, the Disaster Mitigation Act of 1999, is a commonsense approach to applying the principle of preventive care in coping with natural disasters. H.R. 818 is substantially identical to a measure reintroduced by Senator CLELAND, the measure which actually passed the Senate last year. It is part of the administration's budget request, and it has substantial bipartisan support.

Since 1953, the Small Business Administration has administered the Disaster Loan Program authorized by section 7(b) of the Small Business Act. This program provides loans to help small businesses rebuild after natural disasters.

In past years, the loan program has spent billions of dollars helping small businesses recover from natural disasters. For example, in fiscal year 1998, the SBA lent $728 million for 30,154 disaster loans. In 1997, it lent $1.1 billion for 49,515 disaster loans. In 1994, the SBA's highest demand came when it loaned over $4.1 billion for damage done due to the Northridge Earthquake in California. It was important, Mr. Speaker, that we do this to help people recover from the damage inflicted by natural disasters.

We should also recognize that the cost of disaster assistance has risen over the past several years due to increases in construction and other costs, and it is clear that efforts must be made to help prevent this kind of damage in the first place, both to prevent the human injury and toll and also to hold down costs to the taxpayers. Implementing the program to help small businesses use techniques to lessen damages caused by natural disasters offers the potential to save much anguish for many people across the United States and also to save millions of dollars in the future.

The Federal Emergency Management Agency currently manages Project Impact which works in conjunction with communities and businesses on such mitigation policies and techniques. Passage of H.R. 818 will complement and further these efforts at mitigation by offering small businesses low-interest loans for disaster mitigation through the Small Business Administration.

H.R. 818 authorizes the SBA to establish a pilot program to make loans to small businesses for purposes of mitigating the effects of natural disasters. These loans will be made in support of the mitigation program established at the Federal Emergency Management Agency. The mitigation techniques are varied. They include a wide range of activities, including building improvements, relocation and the like.

H.R. 818 will authorize SBA to lend up to $15 million each year through fiscal year 2004 in support of the Disaster Mitigation Pilot Program. These funds will come from existing section 7(b) disaster loan appropriations and will be subject to appropriations available for that program, so the bill does not authorize any new Federal spending.

Finally, H.R. 818 will require the SBA to report to Congress on January 31, 2003. The report will document the number of loans made, the areas served by the pilot and the estimated savings to the government as a result of the program.

I want to again thank my colleagues, the gentlewoman from New York (Ms. VELÁZQUEZ), and my friend, the gentleman from Washington (Mr. BAIRD), for their assistance in moving the measure before us. Mr. Speaker, I urge my colleagues to support H.R. 818.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my distinguished colleague from the great State of Missouri, the chairman of the Committee on Small Business, for his work in bringing this bill to the floor today and for his initiative in seeking measures to assist and prevent disasters throughout the country. I would also like to thank my colleague from New York, the distinguished ranking member, who has joined in working to prevent disasters and provide assistance for the victims of disasters.

Mr. Speaker, today we are talking about the need to adequately support people whose lives have been devastated by natural disasters. I happen to live in a district where disasters are not uncommon. With Mount Saint Helens in our district, with heavy rainfall and, unfortunately, with recent landslides, we face a growing need, unfortunately, to have our citizens prepared to prevent and to respond to disasters when they do occur.

Just last week I spent dozens of hours working with a group of citizens from a neighborhood in Kelso, Washington, whose homes have been completely destroyed by a slow-moving landslide. From this experience I have learned a great deal about what happens to families and to neighborhoods when disaster strikes, and I know how imperative it is to help those folks cope with disasters once they occur. I also believe that we need to do more to focus on disaster prevention, and it is to that issue that we speak today.

In the past 10 years, FEMA has spent over $20 billion to help rebuild communities after natural disasters, and the SBA has approved billions more in loans during that same period of time. In 1998 alone, SBA approved over 30,000 loans valued at approximately $728 million. As I speak to my colleagues today, the Cascade Mountains in Washington State are laden with more than two times the normal average snow pack, and if we have an unfortunate weather occurrence, the probability of flooding is quite high. So clearly any approach, such as that which we are discussing today, to minimize damages resulting from natural disasters has the potential to reduce costs to all our taxpayers and, more importantly, to save peoples' lives and homes.

For that reason, I have been strongly supportive of the Impact Program of FEMA that incorporates a simple philosophy: Invest today in long-term prevention so that we may reduce damages resulting from natural disasters. By taking modest steps in advance, we really can save money; and, more importantly, we can save lives.

The operative notion today is money spent in prevention will save all of us money in post-disaster assistance. This legislation will create a demonstration program at SBA. It will provide low-interest loans to small businesses to finance measures that might reduce property loss and increase worker safety in the event of a natural disaster. It authorizes SBA to finance up to $15 million in new loans each year for 5 years and to award those loans to businesses who want to make the necessary changes to reduce disaster impact. This bill also contains an accountability measure. It requires the SBA administrator to report to Congress in the fourth year of the program regarding the number of loans it provided and the estimated savings to the taxpayers and the government that will result from the mitigation efforts.

Mr. Speaker, in our own lives we all try to anticipate risks and try to do what we can to prevent them. Today's effort represents a common-sense, bipartisan approach to minimizing disaster impact. It has the support of Republicans and Democrats alike because it has the potential to save taxpayers' money and to save the lives of our citizens.

So, again, I want to express my profound appreciation to the chairman and to the ranking member and encourage my colleagues in joining me today in support of this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from Washington (Mr. BAIRD) for yielding this time to me.

Mr. Speaker, I rise today in strong support of H.R. 818, the Disaster Mitigation Pilot Program.

Traditionally, business owners have only been able to get help after a natural disaster has struck and caused damage to their business. For many small businesses, this assistance comes too late to save them from economic ruin. The loss of revenue and time needed to recover causes countless businesses to fail. Instead of being able to rebuild, many communities are faced with a loss of jobs as many businesses permanently close after a disaster.

We have seen this happen again and again over the past few years. Hurricanes, floods and wildfires have threatened economic stability and the future of communities across this Nation. However, until today, businesses have only been able to get help after it is too late. Today's legislation will change this story.

Mr. Speaker, today we are taking an important step in being proactive rather than just reactive to natural disasters. H.R. 818, the Disaster Mitigation Pilot Program, authorizes $75 million to be used by SBA in cooperation with FEMA over the next 5 years to help businesses in disaster-prone areas take preventive measures to avert or minimize damage should disaster strike. By enabling businesses to take preventive measures which mitigate the damages caused by floods, hurricanes and other disasters, this program would allow them to recover much faster. Therefore, instead of going out of business, they will be able to get back to business much quicker than ever before.

The Disaster Mitigation Program is a common-sense approach to helping businesses cope with disasters. The program also makes fiscal sense. Some estimates show that every dollar spent on mitigation saves $2 in money that will otherwise have to be spent on post-disaster response. Not only will businesses and taxpayers come out ahead, but the American economy will as well.

Finally, I would like to thank the gentleman from Washington (Mr. BAIRD) and the gentleman from Missouri (Mr. TALENT). Their constituents face the threat of natural disaster, and their insight and hard work on this legislation have been a great help to all of us. I strongly support H.R. 818, and I urge my colleagues to vote for this important piece of legislation.

Mr. BAIRD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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Mrs. CHRISTENSEN. Mr. Speaker, I thank my esteemed colleague, the gentleman from Washington (Mr. BAIRD) for yielding time to me.

I also want to take this opportunity to commend our hard-working chairman, the gentleman from Missouri (Mr. JIM TALENT), and the ranking member, the gentlewoman from New York (Ms. NYDIA VELÁZQUEZ) for their leadership and creativity which is providing unprecedented support for small businesses across the country.

Mr. Speaker, I rise today to join my colleagues and express my strong support for H.R. 818, a bill which authorizes $15 million for the Disaster Mitigation Pilot Program of the Small Business Administration. Although there is hardly a part of this country that has not been victimized by natural disasters, as Members know, I represent a district, the U.S. Virgin Islands, which has been devastated by over 5 major hurricanes over the past 10 years. I therefore know firsthand the importance of the Small Business Disaster Assistance Program.

As a matter of fact, the Virgin Islands has utilized $388 million in disaster loan assistance since that time, third only to California and Florida.

Mr. Speaker, we need to pass this legislation. Once H.R. 818 is enacted into law, the SBA will be joining FEMA's Project IMPACT in providing a means for businesses to mitigate the effects of hurricanes. It will be reducing the overall damage to the community that these storms can cause.

I am a resident of the island of St. Croix, which is a Project IMPACT designee, and has been cited by FEMA for its successful mitigation efforts in decreasing damage, injuries, and recovery costs to that agency. Hurricane Georges came through the Virgin Islands, but we heard very little about it because we were prepared. We are a testimony to the fact that mitigation works.

This is a program that I know will be embraced by communities across the country as they try to deal with disasters. I urge the passage of H.R. 818.

Mr. BAIRD. Mr. Speaker, it is encouraging to hear how successful this program can be.

Mr. Speaker, it is a pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 818, the Small Business Disaster Mitigation Coordination Act. This is a $15 million effort to help small businesses in disaster-prone areas to take preventative measures to avert and minimize damage due to natural disasters.

This bill, as we have already heard, will further assist FEMA and the SBA in reducing disaster losses by focusing the energy of these departments on the importance of helping small businesses prepare and recover from natural disasters.

By passing H.R. 818, Congress will help FEMA and the SBA provide more disaster assistance to one of the most vulnerable segments of our society, small and very small businesses.

For instance, on August 16th, 1997, severe thunderstorms released heavy amounts of rain in a short period of time. The National Weather Service reported that over 4 inches of rain fell in less than 2 hours on the West Side of Chicago and in neighboring suburban communities. As much as 6.1 inches of rain were recorded in some areas.

The rate of rainfall produced flash flooding that severely overloaded the stormwater drainage system. With nowhere else to flow, the rainwater backed up into literally thousands of basements in the city of Chicago, destroying homes and businesses alike. This bill will enable these businesses to apply and receive loans to prepare before disasters like this one strike.

Mr. Speaker, I think this is an excellent proposal put forth by the Committee on Small Business. I think once again this committee has risen to the occasion. It saw a need, recognized a problem, and got in front of it. So I want to commend the gentleman from Missouri (Chairman TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for making sure that we as Congress do our part to prevent disasters from devastating the small businesses of our Nation.

Mr. BAIRD. Mr. Speaker, it is a pleasure to yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a very important issue for California, and I am sure Members understand that California has been through floods, fire, and earthquakes in the last 5 years that have necessitated the heavy assistance from FEMA that comes in reactively.

We certainly endorse the thrust of this H.R. 818, and commend both sides for the effort they are putting into working effectively to help small businesses be able to be proactive in an area that is of vital concern to the whole Nation, not just California.

This would enable my small businesses to be able to move some of their infrastructure to where the damage, whether it is a fire or flood, will be less devastating, and in earthquakes, be able to assist a small business survive the rock and rolling that happens in an earthquake in California by being able to strap down their most important pieces of equipment, so they are not damaged.

So it is very essential for us, and I would hope that it would be a slightly larger amount than $15 million a year for 5 years. I think California alone would be able to use that amount, but the effort is what counts. I am sure that both sides will understand, and small business will thank their representatives for being able to understand how important this piece of legislation will be.

I heartily ask both sides to consider that this bill will be a very highly proactive small business bill, because it will be small business that will benefit from it.

Mr. BAIRD. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand in strong support of H.R. 818, and I congratulate the gentleman from Missouri (Mr. TALENT), the chairman, the gentlewoman from New York (Ms. VELÁZQUEZ), and the gentleman from Washington (Mr. BAIRD) for their efforts in this regard.

For many people nationwide, I think Guam is synonymous with a number of things. One of them is certainly natural disasters. Guam's location as the "center arrow" of the Pacific Ocean's typhoon alley has made my island community prone to disasters, sometimes on an annual basis. In this decade alone, Guam has been subjected to at least a dozen typhoons. At one time, five had hit Guam in the span of 3 months.

As many may recall, the most recent storm, Typhoon Paka, devastated the island in December of 1997 and caused property damage of over $100 million. On top of these storms, Guam also became a victim of an 8.2 earthquake in 1994, which has been one of the strongest recorded in the Pacific in this century.

H.R. 818 is good legislation. It is proactive, and it will prepare communities, and in particular small businesses, for recovery. SBA already assists my island community by giving SBA disaster loans, and along with FEMA, SBA provides a Federal team that almost every citizen in Guam knows about. I think very few communities could state that their citizens know of what FEMA and SBA disaster loans are all about.

This legislation will help small businesses prepare for disasters, perhaps reducing expenses at the other end of disasters, help communities recover quickly, because small businesses help generate economic activity, which will cause immediate recovery.

Reacting to a storm plagues many communities with confusion. This pilot program aims to empower the business community with information and mitigation activities which will prevent serious losses.

As the previous speaker noted, $15 million is a very small amount, and we understand that this is a pilot project. We understand, too, that the territories are full partners in this program. We certainly hope that in coming years the amounts will be expanded, and we will do everything we can to make sure this pilot project is a success.

I thank both sides for their efforts in this regard.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the statements of my colleagues clearly indicated, the need for preventative, proactive, advanced measures to prevent the damages of natural disasters is clear.

I would like to commend the chairman of this committee for his foresight, his initiative, in moving this bill forward. I would like to thank him and thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for her support as well. This is a bill that has common sense, it will save the taxpayers money, and it has bipartisan support. I strongly urge my colleagues on both sides to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close briefly. I appreciate very much the comments from my colleagues in support of this legislation.

I want to make a couple of points in closing, Mr. Speaker. One is that we certainly are given to understand that it is the intention of the administration to implement this legislation quickly, and I would hope that is the case.

It is just a pilot program. There is no reason why it should not be more than a pilot program. It makes perfect sense, and it is going to help a lot of people. That is what it comes down to. So we hope that the administration, the executive branch, will move quickly in implementing this, and the Committee on both sides of the aisle is going to assist in any way that we can.

The second point I wanted to emphasize, Mr. Speaker, is as we have all noted, we hope that this does save dollars for the Federal government, for the Federal Treasury. I am confident it will do that. But the human cost of disasters is what we really have to look at here.

On a very practical level, to the extent we can make this program a working program, it means that small business people on flood plains, small business people on coasts that are consistently battered by typhoons or hurricanes, will have the opportunity to prevent this damage from occurring. They can get glass windows replaced by plexiglass. If they are a small accounting firm in a building, they can get the building raised so that the flood does not affect them as much as it otherwise would.

Anybody, Mr. Speaker, who has talked to individuals whose lives have been devastated by natural disasters knows how important it is that we give them an opportunity to prevent that from occurring in the first place. That is what H.R. 818 does. I commend it to all the Members of the House.

I thank, once again, my colleagues on the other side of the aisle, and in particular, the gentlewoman from New York (Ms. VELÁZQUEZ) for her assistance.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXPORT APPLE ACT

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 609) to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

The Clerk read as follows:

H.R. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCOPE OF EXPORT APPLE AND PEAR ACT.

(a) SHORT TITLE.—The Act of June 10, 1933 (7 U.S.C. 581 et seq.; commonly known as the Export Apple and Pear Act), is amended by adding at the end the following new section:

"SEC. 11. This Act may be cited as the 'Export Apple Act'.".

(b) DEFINITION OF APPLES.—Section 9 of such Act (7 U.S.C. 589) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) The term 'apples' means fresh whole apples, whether or not the apples have been in storage.".

(c) ELIMINATION OF REFERENCES TO PEARS.—Such Act is further amended—

(1) by striking "and/or pears" each place it appears in the first section and sections 5 and 6; and

(2) by striking "or pears" each place it appears in the first section and sections 2, 3, and 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Export Apple Act replaces the Export Apple and Pear Act, which was enacted on June 10, 1933. Currently, this 66-year-old legislation requires that apples and pears meet certain standards prior to export in order to ensure only high-quality U.S. fruit moves into foreign commerce.

H.R. 609 amends the 1933 act by removing pears from the language, and it will be permitting the means to increase the export of pears.

H.R. 609, which is sponsored by the gentleman from Oregon (Mr. WALDEN) removes pears from the act, thereby allowing U.S. exporters greater flexibility in the changing international marketplace and the opportunity to increase exports by gaining a foothold in emerging markets.

The USDA has advised the committee that mandatory Federal quality standards for pears are no longer needed to assure the high quality of exporting pears. The USDA supports enactment of H.R. 609. As world economies improve and areas of trade continue to decrease, new market opportunities for fresh pears arise. In order to provide the flexibility to meet the requirements of these new opportunities, H.R. 609 should be passed, and I would urge that my colleagues support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 609, which updates the Apple and Pear Export Act. For many years, the Apple and Pear Export Act served pear growers well by ensuring a quality product to consumers overseas. The pear industry is now seeking greater flexibility to sell its product in emerging markets around the world.

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Recently, the sale of 200,000 cartons of pears to Russia was made possible by a January, 1997, amendment to the act that allowed for the shipment of a more competitive grade of pears to that country. Our farmers are increasingly dependent on foreign markets. It is therefore essential that regulations governing the agricultural industry be designed to help producers compete in those markets.

Mr. Speaker, I urge my colleagues to support this regulatory improvement that will give pear growers greater flexibility to market their product.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the gentleman who sponsored this bill and has done a great job in just a few weeks of getting this bill moved forward. We appreciate and commend his work.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their support of this legislation, and I appreciate the opportunity to speak on this measure.

Mr. Speaker, H.R. 609 will help expand export markets for our Nation's pear growers. The Export Apple and Pear Act passed in 1933 required that apples and pears meet certain standards prior to export to ensure that only the top quality pears and apples were exported.

The United States Department of Agriculture has stated that, because of private contractual arrangements between buyers and sellers, increasingly those arrangements are controlling the quality of U.S. pear exports. The USDA believes that mandatory Federal quality standards, as currently established under the act, are no longer needed to assure the high quality of exported pears.

As new markets have opened up in the last decade, opportunities for sale of lower grade and less expensive pears have arisen. Because of the 1933 act, U.S. producers and exporters of pears have been unable to meet the demand for lower grade pears in other countries without receiving a waiver of the act from USDA.

The pear industry has on two occasions over the past decade petitioned and received a waiver from the USDA to sell non-U.S. Grade Number One and Fancy Grade winter pears in the emerging markets of Central and South America and Russia. The waiver for Russia allowed the industry to sell 200,000 cartons of pears to that Nation in 1997. Past experience indicates that when these markets can afford it, they will move on to purchase our higher grade fruit.

As world economies improve and barriers to trade continue to decrease, new market opportunities for fresh pears arise. This legislation will allow our pear growers to get a foothold in emerging foreign markets. In order to provide the flexibility to meet the requirements of these two opportunities without having to seek new exemptions, the fresh pear industry is seeking to be removed from the 1933 Export Apple and Pear Act.

Mr. Speaker, this legislation, as I mentioned, has the support of the USDA, pear industry and is not opposed by the apple industry. Furthermore, the Congressional Budget Office has determined that this legislation would not impose any costs on the Federal Government. H.R. 609 is sound policy that allows U.S. pear growers and exporters the flexibility to compete in emerging foreign markets.

Mr. Speaker, I appreciate the opportunity to speak on this important legislation to our pear growers, especially those of the Northwest, and I commend and thank the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) of the House Committee on Agriculture for passage of this measure to the floor.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 609.

The question was taken.

Mr. COMBEST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NULLIFYING RESERVATION OF FUNDS FOR GUARANTEED LOANS UNDER CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 882) to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

The Clerk read as follows:

H.R. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NULLIFICATION OF RESERVATION OF FUNDS DURING FISCAL YEAR 1999 FOR GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT FOR QUALIFIED BEGINNING FARMERS OR RANCHERS.

Amounts shall be made available pursuant to section 346(b)(1)(D) of the Consolidated Farm and Rural Development Act for guaranteed loans, without regard to any reservation under section 346(b)(2)(B) of such Act.

SEC. 2. QUALIFIED BEGINNING FARMERS AND RANCHERS TO BE GIVEN PRIORITY IN MAKING GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT FROM SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

In making guaranteed loans under the Consolidated Farm and Rural Development Act from funds made available pursuant to any Act making supplemental appropriations for fiscal year 1999, the Secretary of Agriculture shall, to the extent practicable, give priority to making such loans to qualified beginning farmers and ranchers (as defined in section 343(a)(11) of such Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring to the floor a bill, H.R. 882. This bill costs nothing but will provide immediate relief to the Nation's farmers and ranchers who are today experiencing a serious credit crunch brought on by natural disasters and low commodity prices.

I am pleased to be joined by the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the Committee on Agriculture, as well as the gentleman from Nebraska (Mr. BARRETT), the gentleman from Minnesota (Mr. MINGE), and a number of other Members in introducing this measure.

Our bill is simple and straightforward. Currently, funds for guaranteed ownership loans are exhausted in more than half of the States. Money for guaranteed operating loans with interest assistance has dried up in most of the Corn Belt States and several others as well. There is simply no money currently available for those farmers desperately needing credit assistance now.

Meanwhile, there is approximately $470 million in loan guarantee funds sitting in the Department of Agriculture that has gone unused and will continue to go unused for another month unless Congress acts. By law, these funds are tied up until April 1, 1999, for the Beginning Farmers and Ranchers program, a worthwhile program that is nonetheless not being tapped at this time.

This bill simply releases these unused funds one month early to enable the Secretary of Agriculture to meet the very immediate need for guaranteed loans in farm communities.

Mr. Speaker, while this bill is very important, I do want to advise my colleagues that it does nothing to eliminate or in any way diminish the tremendous need for the supplemental appropriations for agriculture requested last week by the President. This bill is only a stopgap measure to temporarily fill an immediate need that simply cannot wait for a supplemental appropriation.

In short, the demand for credit is now. As many of my colleagues know, American farmers and ranchers borrow more money every year than most us will borrow in a lifetime, only to risk it all. Sometimes the gamble pays off, and sometimes it does not. Last year, for many of America's farmers, it did not. As a result, cash-strapped farmers who have already made their planting decisions for the coming growing season desperately require cash in-hand right now to make another go of it.

This is the immediate short-term problem our bill would address if enacted quickly.

Again, this bill does not cost the U.S. Treasury any additional money. The funds in question have already been appropriated. In addition, I want my colleagues to know that this measure enjoys the support of the administration and a broad bipartisan support in the Congress.

Mr. Speaker, for these reasons, I urge immediate passage of H.R. 882.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 882 and urge its passage by the House. H.R. 882 would provide available guaranteed loan funds to farmers and ranchers currently working with their local lenders to ready their finances for planting or in deciding whether to keep their livestock herds intact.

The Department of Agriculture is projecting they will run out of guaranteed operating funds nationwide by March the 15, with interest assisted operating loan funds depleted by the end of this week. Many of my colleagues may already be receiving phone calls from constituents who are getting ready to plant and need to buy seed, but they have been told there are no USDA loan funds available so they cannot go out and buy their needed inputs.

H.R. 882 would speed up the needed release of available guaranteed loan funds that have been reserved for beginning farmers and ranchers until April 1. Since we are not certain when a supplemental spending bill may be approved by the Congress, we could face a situation where ag producers are left without the ability to purchase needed inputs.

H.R. 882 will provide a bridge to agriculture producers and lenders until we are able to provide additional credit funds and supplemental appropriations legislation. While it does help by providing needed credit that is already available on a more timely basis, it does not do away with the need for Congress to act on this front.

This is especially true since H.R. 882 only deals with the guaranteed loan programs and does not help ease the immediate need for additional emergency loan funds and the pending need for additional direct operating and ownership loan funds.

Mr. Speaker, again, I urge my colleagues to support this modest, fiscally responsible step to help ease the financial strain facing our farmers and ranchers as well as their hometown banks and local communities.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT), chairman of the Subcommittee on General Farm Commodities, Resource Conservation, and Credit of the House Committee on Agriculture.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in support of H.R. 882, which is a bill to provide some stopgap funding for some guaranteed loans for our agricultural producers.

This bill would eliminate the restrictions on about $470 million worth of guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers and ranchers. This is a much-needed piece of legislation that would provide for stopgap funding for many States that have exhausted their available allocations of guaranteed loan funds, including my own State of Nebraska.

It is important to stress that this money that the U.S. Department of Agriculture has has not been used. The beginning farmer targets would be lifted on April 1. It would not be possible for the Department to use the "fenced" $470 million by April 1.

Of particular concern as we prepare for spring planting in the Midwest is the ability of producers to show an adequate cash flow as they meet with their lenders. This legislation would make valuable use of this money now as farmers are preparing for their spring planting.

Mr. Speaker, there is no question that we have producers in rural areas that are struggling with low market prices and adverse weather conditions. With current market prices, some farmers are being faced with the added difficulty of obtaining operating loans.

Freeing up the beginning farmer guaranteed loan money that has not been used will be of great benefit to our producers. Nullifying any reservation of funds will potentially benefit a producer who otherwise would not have had a loan funding available.

As the gentleman from Texas (Chairman COMBEST) has indicated, I would also stress to my colleagues that there is still a need for what the President has requested in the supplemental. This legislation is not meant to replace the supplemental, but it will get our producers through perhaps the next 30, 45 days or so.

If a beginning farmer needs money, they probably have gotten it by now, as it has been available since late October. However, for those still in the USDA bureaucratic pipeline, this legislation says that beginning farmers will have priority under the supplemental.

Mr. Speaker, Congress has been doing its part to help our beleaguered producers; and this legislation is yet another effort to ensure that our farmers and ranchers will have adequate capital this spring. I urge the passage of H.R. 882.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time.

I want to take this opportunity this afternoon to thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for their hard work in bringing this important piece of legislation to the floor this afternoon in such a quick manner.

I am proud to be a cosponsor on this legislation, and I am glad that we are passing a bill that will help farmers through some of the most difficult times that they will face in decades.

Mr. Speaker, for more than a year now, farmers have been excluded from the robust economy that the rest of this country has enjoyed. While many citizens debate whether or not to roll over their IRAs, farmers are just trying to figure out how they can survive and put food on the table until this crisis has been turned around.

We have to take action to make sure that they survive and they have an opportunity to prosper. If we do not, consumers will want to know why the grocery store shelves are empty and food prices are so high, while farmers are left to pick up the pieces. We have to act now.

Mr. Speaker, yesterday, Secretary Glickman came to a farm breakfast in my district. More than 300 farmers showed up for breakfast. That is twice the number that normally come in any given year. From the comments of what those folks said at that breakfast, they are hurting and hurting badly.

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These loans will determine whether or not some of those farmers and their families and their neighbors can stay on the farm. I am glad we are taking action to help farmers make it through the dire straits that they now face and that we will act today.

Our small farmers are a vital part of our economic fiber in this country. They are important to the character of rural North Carolina and America, and we cannot afford for those small farmers to cease to exist.

I am proud of what we are doing this afternoon, and I want to make sure that this important program is available to farmers as they approach the critical spring planning season.

This is the first, as you have already heard, in many steps, including crop insurance reform and supplemental funding for this year as we look at the 1999 year that this Congress must take to strengthen the safety net for our farmers.

I urge unanimous passage of H.R. 882, and I look forward to working with my colleagues on the Committee on Agriculture and others in this Congress to make sure that we provide a safe and secure future for American farmers so the rest of us might enjoy a safe and secure future and good food.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. ETHERIDGE) for pointing out the fact that, while so many people in this country think the economy is doing so well, it is obvious those who say that have not been in the farm communities recently. There are some very, very difficult times ongoing there.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of H.R. 882. Natural disasters and low commodity prices have forced many farmers and ranchers to seek government loans to cover operating and ownership expenses. In fact, in many states, funds available for these USDA programs have already been exhausted, creating a credit crunch at a time when these loans are absolutely necessary to cover producers expenses.

H.R. 882 will immediately make available to the Secretary of Agriculture $450 to $500 million in unused funds in order to guarantee loans to farmers and ranchers. These unused funds are currently set aside for the Beginning Farmers and Ranchers program but were not to be available until April 1. Because it is not anticipated that these funds will ever be used by this program it makes sense to have them available for those most in need.

This bill requires no new net government outlays and will have no effect on the federal budget. It is a common-sense reaction to the problems facing rural America today and it deserves our full support.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 882.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 882, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SOCIAL SECURITY GUARANTEE INITIATIVE

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 32) expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen and protect the retirement income security of all Americans through the creation of a fair and modern Social Security Program for the 21st Century, as amended.

The Clerk read as follows:

H.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Social Security Guarantee Initiative".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Social Security program provides benefits to 44,000,000 Americans, including more than 27,000,000 retirees, 5,000,000 people with disabilities, and 2,000,000 surviving children, and is essential to the dignity and security of the Nation's elderly, disabled, and their families;

(2) the Social Security program's progressive benefit structure is of particular importance to women, due to their (A) longer life expectancies than men, making the Social Security program's lifetime, inflation-adjusted benefits a critical income support especially for widows; (B) lower average earnings; and (C) lower pension and other retirement savings, stemming in part from their lower incomes and their spending an average of 11 years out of the paid workforce caring for families;

(3) the approaching retirement of the Baby Boom Generation will result in the Social Security program's benefit costs exceeding its tax revenues beginning in 2013;

(4) the Social Security program faces looming insolvency and instability in the next century so that by 2032 the Social Security Trust Funds will be fully depleted and the program will be able to honor less than 75 percent of benefit commitments; and

(5) prompt action is necessary to restore Americans' confidence that their retirement benefits will be protected.

SEC. 3. SENSE OF THE CONGRESS.

The President and the Congress should join in strengthening the Social Security program and protecting the retirement income security of all Americans for the 21st century in a manner that—

(1) ensures equal treatment across generations to all Americans, especially minorities and other low-income workers;

(2) recognizes the unique obstacles that women face in ensuring retirement, disability, and survivor security and the essential role that the Social Security program plays in protecting financial stability for women;

(3) provides a continuous benefit safety net for workers, their survivors, their dependents, and individuals with disabilities;

(4) protects guaranteed lifetime benefits, including cost-of-living adjustments that fully index for inflation, for current and future retirees; and

(5) does not increase taxes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 32.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our work on Social Security is well under way. We have held numerous Social Security hearing already this year, and the President has provided us with a framework for the Congress to consider as we work towards a bipartisan solution to Social Security's problems.

In fact, we are in agreement with President Clinton on many of the major issues relating to preserving and strengthening our Social Security system; namely, one, action is necessary now to shore up Social Security's financial underpinnings; two, 62 percent of the Federal budget surplus should be set aside until Social Security is indeed saved; three, investment in markets can be a part of the long-term solution for Social Security; and, four, personal savings accounts are both technically feasible and a necessary part of the solution.

Passage of H.J. Res. 32 will add to this strong start and will further strengthen our bipartisanship as we face the challenges ahead. The joint resolution says that Congress and the President should protect benefits for current and future retirees while avoiding any tax increases.

On a program as vital to our country as Social Security, I am sure all of my colleagues will agree that we must work together, and H.J. Res. 32 is a measure that deserves all of our support. I hope they will join with me in showing the American people that Congress is committed to strengthening and preserving Social Security for the future and for future generations.

Let me also add that I view this resolution as a test of whether the two parties can work together. We certainly did in the passage of this in the full committee. If we divide into partisanship over a simple, noncontroversial resolution affirming our support for Social Security, why should the American people expect us to be able to work together to actually save Social Security.

Whatever our differences may be, and I am sure we will have plenty of differences, surely we can agree on this resolution as it is vitally necessary to the future of Social Security that we do work together and we work together in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the old partisan days, I would say this resolution is good because Santa Clause is coming through. But recognize that we have not had too many legislative accomplishments. Being very anxious to display some degree of bipartisanship, let me congratulate the majority for this resolution for whatever it means.

In the olden days, when people saw a problem, they started legislating. But if this is a new thing, where you send a message that I recognize the problem and I do intend to legislate, well, who can be against that?

So let me join with my Republican colleagues and say we have a very, very serious problem with Social Security in its present form. The majority party is acknowledging that it is going to do something about it. They have met the President halfway in terms of identifying the set-aside of the 62 percent. But they have a great deal of difficulty in stating that they will not entertain a tax cut from using the surplus until such time as we take care of the Social Security system and the Medicare trust system as we know it.

Now, I do not know why these things are omitted. I have no idea as to why they are difficult to talk about. But let me join with my friend the gentleman from Florida (Mr. SHAW) and say that half a loaf is better than nothing. I sincerely hope that we get beyond these resolutions and see what we can do in a bipartisan way to find a solution to this serious problem.

The reason I say this, Mr. Speaker, is that the gentleman from Florida (Mr. SHAW) and I know that this problem does not lend itself to a Republican answer or to a Democratic answer. If it is going to be done, and we both hope that it will be done, it has to be done in a bipartisan way.

What has been done to move us closer to a bipartisan effort besides this resolution, I do not know. But if, with a great deal of imagination, I can say that let this be that one first step toward a journey which has to be concluded this year if we are going to do anything at all, then I want to be on the floor to join with the gentleman from Florida in this resolution.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. MATSUI), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), the architect of this joint resolution.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security for yielding me this time.

Mr. Speaker, I agree with the gentleman from New York (Mr. RANGEL) and the comments that were made. We do have to get beyond resolutions and get to real solutions. But as we debate what we are going to do on Social Security, we need to send a message to our Nation's Social Security retirees, our current beneficiaries, that they will be held harmless in this debate as we move forward on Social Security.

I authored this resolution because I believe it is vital that Congress send a very clear message to the millions of Americans who rely on Social Security today.

As we debate how best to fix and preserve Social Security, we must also commit ourselves to guaranteeing this generation of retirees that their benefits will be there when they need them.

I recently completed 21 town hall meetings over the Congressional recess on Social Security throughout southern Wisconsin. At every single one of these meetings, I had constituents who are concerned about the talk they hear on Social Security. Whether it is 62 percent, 38 percent, whatever percent, they are concerned that their current level of benefits will be diminished.

I think it is very important that we, as a conference, on a bipartisan basis, send a signal that their benefits will not be cut; that we have to preserve guaranteed benefits for current retirees and people who are about to retire. Then we have to look at how we are going to keep Social Security solvent for future generations.

This is the most important task that is facing this Congress this year. I think that this resolution gets us off to a good start, gets us off to a bipartisan agreement.

From the western edge of my district in Brodhead, Wisconsin, to the shores of Lake Michigan in Racine, at every stop, I heard these types of comments. There was one thing that I learned, that I heard from an older gentleman in Evansville, Wisconsin; and this is a remarkable recommendation. I want to quote him. He said, "If Congress allows Social Security to go broke, and seniors can no longer receive their benefits, then Members of Congress should not be allowed to receive their pensions."

The people will hold this Congress and this administration accountable, and they should. Thousands of other seniors throughout my district have echoed these concerns. They have great concerns about whether Social Security will be there as we negotiate and as we put together a bipartisan agreement to fix this program for the seniors in the future.

But I want to be very clear about what this resolution does. One, for current and soon-to-be retirees, there will be no loss of benefits, no additional costs to beneficiaries, and no increased payroll taxes. Two, for the next generation of retirees who are now paying into the Social Security program, we must guarantee that the program will be saved and that their benefits will be there in their retirement years.

Mr. Speaker, we have a historic opportunity to preserve what has been one of our Nation's most successful programs. I look forward to working with both seniors in my district and my colleagues in Congress on this important issue.

I urge Members on both sides of the aisle to vote in favor of the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, Social Security is the most successful domestic program in the history of our Nation, keeping 40 percent of our elderly out of poverty and 800,000 children out of poverty.

I support this resolution. But the real issue is whether Congress will finish the work begun by the President when he introduced the framework for Social Security, strengthening our system. The President's plan lays out a good foundation of reducing public debt and shoring up the program's assets.

Social Security is too important of a program to play partisan politics. We must focus on improving the Trust Fund rate of return, restoring long-term solvency, and protecting benefits for current and future retirees. We should also focus on helping Americans save for their retirement to supplement the guaranteed benefit they receive from Social Security.

Finally, Mr. Speaker, we should make strengthening Social Security and Medicare our top fight and enact those reforms before any other aspect of our budget. Let us make it our top priority. Let us get it done. Let us get it done in a bipartisan way, and let us move on, really, to the bill itself rather than just this resolution.

Mr. SHAW. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I rise in favor of House Joint Resolution 32. I want to thank my fellow freshman, the gentleman from Wisconsin (Mr. RYAN) for his leadership on this issue.

This bill is our opportunity to stand up and say our government will pay what it owes the people. We are committed to keeping the promise of Social Security.

When our constituents look at their pay stubs, they see a large portion of their hard-earned money going to Social Security. Ninety-six percent of all workers pay 12.4 percent of payroll taxes. That is 148 million workers and their employers.

□ 1400

Every one of those workers sees the exact dollar amount on the Social Security portion of their paychecks. In exchange for that money, they expect a certain amount of help in their retirement years. They expect that money to come back to them in later years. I repeat, they expect that money to come back to them in later years. They do not care about charts and graphs here in Washington, they just know that money is going out of their pockets and expect to have some of it come back. They have paid for Social Security, they have been promised the money will come back to them when they retire, and we are committed to making sure that promise is kept.

I know that some changes, some of them possibly difficult changes, will have to be made to make Social Security solvent, but we need to keep our promise.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this resolution recognizes the historic importance of Social Security and commits the Congress to protect guaranteed lifetime benefits, including cost-of-living adjustments that fully index for inflation, for current and future retirees. For this reason, I will vote for it, but I must note several flaws in the resolution.

We should have included a provision that states that Social Security should be strengthened in a way that does not cut benefits, does not raise the retirement age, and does not place individuals at financial risk in their senior years by diverting Social Security tax revenues to individual private accounts. These ought to be the guiding principles of the Social Security debate.

This resolution also states as fact the prediction of the trustees that by 2032 the trust funds will be fully depleted and the program will be able to honor less than 75 percent of benefit commitments. But this prediction will be correct only if the trustees' other prediction, that our economic growth rate will decline from 3.8 percent to 1.5 percent, and stay at that absurdly low level for 70 years, is also correct.

All of the budget calculations of the administration, the House Committee on the Budget, the Senate Committee on the Budget, and CBO assume much higher growth rates. Nobody really believes that the 1.5 percent prediction of the trustees is anywhere near correct. So we should not make a congressional finding of fact we do not really believe to be true.

But even granting the trustees' projection for the sake of argument, the shortfall predicted by the trustees is still small and manageable, can be completely funded in a way that does not cut benefits, raise the retirement age, raise tax rates or shift economic risk to individuals by shifting to a system of individual accounts.

I plan on introducing legislation later this week that will do just that.

Raising the retirement age, which is a key component of many so-called "reform" proposals, is cruel and unnecessary, especially for those whose careers demand hard physical labor, and this resolution ought to say so.

Cutting benefits, either directly or by replacing the defined benefit nature of Social Security with a defined contribution program, would devastate millions of Americans who are just barely getting by right now. Benefits should not be reduced and the basic guarantee of Social Security must not be undermined in any way. This is crucial, and it ought to be included in this resolution.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), who has early on been working very hard on a reform package.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for his good words.

This resolution is good. All resolutions are good that move us ahead with a commitment to fix this significant problem. I think maybe we will start believing these resolutions and we will do it.

But, look, everybody needs to understand it is not easy. A Committee on the Budget staffer just figured out if we put every cent of the surplus into Social Security at a nominal return of 10.5 percent, every cent of the surplus over the next 5 years, it would only keep Social Security solvent until the year 2040.

I mean this is a tough question. It is so easy to demagogue. I hope there will be a commitment by both sides of the aisle and the President of the United States to not criticize parts of the program as we try to move ahead with a very serious effort to make a solution. I would ask the Democrats to give us their ideas and their proposals that can be scored to keep Social Security solvent and, likewise, Republicans do the same, to try to seriously move ahead with saving a very important program.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank my friend for yielding me this time, and I wish to use this opportunity for a little prekindergarten 101 budget talk.

Through all the rhetoric we hear today and we are soon to hear as we anxiously await the budget for 2000, let us remind ourselves today there is no surplus to be divided for any purpose for the next 2 years, other than by using Social Security Trust Fund. And for the next 5 years there is $82 billion that are non-Security Trust Fund.

Let us remind ourselves of that and use this opportunity in a bipartisan way, as we unanimously vote for this resolution today, that what we are saying is, unequivocally, that a lot of the rhetoric we hear about who and how much we are going to spend, and how much we are going to cut taxes, will not fit within the spirit of the resolution that is voted on today.

Let us remind ourselves of that today as we vote for this and use this in a positive way to do what all of us want to do, both sides of the aisle. And I agree with the gentleman from Michigan, there are some of us on this side, as on that side, that are willing to make some of the tough choices. That will come through committee work.

Mr. Speaker, I rise in support of this resolution. This resolution doesn't do anything to actually strengthen Social Security, but I hope that it is the beginning of a bipartisan process to honestly address the financial problems facing Social Security.

Social Security reform should start by walling off the Social Security surplus and saving it for Social Security. We shouldn't even talk about budget surpluses until we have truly taken Social Security off-budget by balancing the budget without counting the Social Security surplus. All of the Social Security surplus should be saved for Social Security by using them to reduce the debt held by the public.

There is no surplus today unless you count the Social Security surplus. A tax cut that is not paid for will require us to increase borrowing from Social Security trust fund for purposes other than saving it for Social Security.

I want to remind all of my colleagues that there is no free lunch. The promised benefits under Social Security will cost $9 trillion more than we can afford over the next 75 years—that money will have to come from somewhere. The Directors of the Congressional Budget Office and the General Accounting Office and Federal Reserve Chairman Alan Greenspan have all testified that Congress and the President must make tough choices to bring Social Security costs in line with revenues. Many proposals that appear on the surface to offer painless resolutions have significant hidden costs and shortcomings which must be taken into consideration.

I have been critical of the President's plan for avoiding the heavy lifting of proposing reforms to deal with the unfunded liabilities of the system. I am equally troubled by the proposals being floated by some of my friends on the other side of the aisle that suggest that individual accounts are a magic bullet that offers a painless solution to save Social Security without making any structural reforms.

Rhetorically acknowledging that tough choices are inevitable is not enough. Reaching agreement on fiscally responsible legislation that truly makes Social Security financially sound without simply shifting costs to future taxpayers will require leadership by the President and Congressional leadership. I encourage both the President and the Leadership hear in Congress to provide the leadership necessary to move the debate beyond the misleading suggestion that projected surpluses alone will save Social Security and begin a serious discussion about the tough choices that remain.

There is a bipartisan bill that meets all of the principles in this resolution which makes Social Security financially sound and gives future generations the flexibility to address other priorities. JIM KOLBE and I have proposed legislation, the 21st Century Retirement Security Plan, which would preserve the best features of the current system while modernizing it for the 21st century. Our plan would strengthen the safety net, restore the long-term solvency of the Social Security Trust Fund, reduces future liabilities and increase individual control over retirement income, all without increasing taxes.

The plan would create individual security accounts, funded through a portion of the current payroll tax, to explicitly replace unfunded liabilities by prefunding a portion of future retirement income. The plan also establishes a minimum benefit provision which, for the first time, guarantees that workers who work all their life and play by the rules will be protected from poverty, regardless of what happens to their individual accounts. We make benefit changes in a progressive manner through bend point changes that affect middle and upper income workers, who will benefit from individual accounts. Perhaps most importantly, our legislation ensures that future governments will have resources to deal with other problems in addition to providing Social Security by honestly confronting the future unfunded liabilities of the system that will threaten other budgetary priorities if we do not take action.

I encourage all my colleagues to follow through on the bipartisan rhetoric embodied in this resolution and roll up our sleeves to tackle the tough choices necessary to strengthen and preserve Social Security for the 21st Century.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a daunting challenge at hand, and part of that challenge of saving Social Security is to approach this problem not as Republicans or as Democrats, but as Americans; understanding the dependence of many in their old age on this program, understanding the concerns of those of generations just entering the work force, understanding the concerns of baby boomers who have paid into the system and hope to see it continue.

As we begin this debate, as we work to solve this problem, this resolution is a good starting point. In committee we accepted many amendments from our friends in the minority. Now, there is not unanimity, to be sure, but with this resolution we reaffirm the primacy, necessity and commitment of this Congress to the Social Security program. And, more importantly, we say, let us save it without increasing taxes and protecting against inflation. So that is where we start.

I would echo the comments of my colleague from Michigan; that we should avoid the temptation to point fingers, to engage in fear rather than facts. And the reality must be borne out by our rhetoric and, more importantly, our resolve. The American people look to us and count on us, and in this spirit today it begins now with the passage of this resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I basically support this resolution. Americans have been misled by some to doubt that Social Security will provide retirement security. In fact, Social Security does not face a financial crisis. A projected shortfall occurring 34 years in the future is not a crisis, it is a projection. No other organization, public or private, has a plan for operation nearly two generations into the future.

Social Security does face a political crisis if Congress abandons its commitments to guarantee benefits. This resolution is a good first move and should put to rest whether Social Security will pay full benefits. With this resolution Congress pledges to guarantee paying full benefits to current and future retirees.

A pledge is good. Making it the law would be better. Congress will have to add this concept in any reform legislation we adopt to make the words of this resolution meaningful. We must work to ensure that any reform legislation Congress passes also upholds the Social Security guarantee that promised benefits are as good as money and are backed by the full faith and credit of the United States, just like our currency and bonds.

I hope everyone will join me in adding meaning to this resolution by writing the Social Security guarantee into law.

Mr. SHAW. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I applaud the efforts of my colleague from Wisconsin (Mr. RYAN) for his introduction of a resolution that undertakes the Social Security Guarantee Initiative. Through this resolution we establish a framework for debate and reaffirm our commitment to the long-term solvency of Social Security.

It is clear to me that the moment is prime for a national debate on Social Security. The citizens of our Nation understand the importance of Social Security's fiscal health, not only for the time being but for generations yet to come. They expect their elected officials to come together in a bipartisan fashion to provide solutions.

I recently had the opportunity to lead a forum on the future of Social Security reform. What struck me the most about this particular event was that its main participants were not a panel of experts or a group of politicians. Instead, those most interested were concerned North Carolinians who have a stake in the system and expect a fair return on their investment. They do not need policy experts from Washington to explain to them that in a few years the government will not have enough money to keep the promises it made when the program began.

Mr. Speaker, ensuring the viability of Social Security is a tall challenge, and I realize there is no silver bullet, but we must take one step at a time. I support the resolution before us now and the spirit of cooperation that it represents. Citizens from my district, the Eighth District of North Carolina, expect their elected officials, Republicans and Democrats alike, to work together for a better future.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman from California.

The resolution calls for equal treatment in Social Security across generations, especially for workers of minorities. It says Congress must recognize the unique obstacles facing women and the disabled. The resolution says we must guarantee a lifetime benefit for America's elderly and those future retirees and avoid, in the process, increasing taxes.

Now, I support these principles, and I believe the President's framework also advances these principles in the administration's proposal for dealing with Social Security. I am, therefore, going to vote for this resolution. But I want to note the resolution, in and of itself, does nothing.

A point of concern I would have about it is that sometimes I have seen resolutions offered by majorities that have no intention on actually advancing legislation to get something done. I have also seen resolutions extolling principles advanced when the plan is to advance legislation that actually achieves something quite different.

Now, the ultimate question, and the point of uncertainty, can only be addressed by a plan. So I say to the majority, give us a plan. Let us move the debate past meaningless resolutions to actual debate.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution because it involves the most important of all issues, preserving Social Security and Medicare. But while I appreciate the sentiments, I think it is most important we really get down to legislation.

In a sense, this is a baby step when we need a great leap forward. It is entitled Social Security Guarantee Initiative, but it really guarantees nothing. We have to get busy on legislation. The President has proposed his position, now we need to hear from the majority and then begin to compare notes and to act.

This resolution would be more meaningful if it had said that the first priority should be to save Social Security and Medicare as we proposed in the full committee. But in any event, let us pass this resolution and then get down to a bipartisan effort to secure Social Security and Medicare for the long run.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I stand here today in support of this resolution, and I want to commend the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) for the statements they have made publicly to work together in a bipartisan way.

One statement we will make very clear today is every Member of the House, I expect, will vote for this. Because even though we may disagree a little bit on how to do it, we all stand here because we want to save Social Security. In fact, we are committed to saving Social Security not just for today's seniors but for future generations, the next three generations, who depend on Social Security.

When I think of Social Security, I think of my own mom and dad, now in their 70s. I think of my nieces and nephews that are college age and entering the work force out of high school. They all look for Social Security. They have paid their dues into Social Security, and they want Social Security to be there when it is their turn.

Social Security today, as some have pointed out, is sound for today's seniors. But the question is how are we going to make Social Security sound for future generations. That is the challenge that is before us.

I hope we remember as we go through this process the importance of looking at how Social Security impacts women as we look at the numbers; as we look at ways to ensure that we treat women equally and fairly when it comes to Social Security. Because it is clear that statistics show that elderly women have been almost twice as likely as elderly men to live in poverty. That is a challenge we need to meet, and I hope we can do it in a bipartisan way.

Once again, I also plan to offer an additional solution to help supplement Social Security. I believe that we should reward retirement savings. I believe that we should eliminate discrimination against retirement savings and allow people to contribute more to their 401(k)s and their IRAs.

□ 1415

We should also allow working moms to make up missed contributions through catch-up IRAs, allow them to make up the contributions for their retirement accounts that they could have made had they stayed working and instead chose to stay home with their children.

We should allow working moms to have that opportunity. Catch-up IRAs will be a big help for women. Let us work in a bipartisan way.

Mr. Speaker, as a member of the Social Security Subcommittee, I strongly support H.J. Res. 32. This resolution expresses the willingess of Congress to work with the President to strengthen and protect the Social Security system for current and future generations. Just last week, this resolution passed the Ways and Means Committee with a unanimous, bipartisan vote of 32–0.

Social Security affects the majority of Americans, whether it be a 70 year old retiree, a 40 year old parent, or a 19 year old college student. We all pay our Social Security taxes with the promise that when we retire, we will collect the benefits that are due to us. Unfortunately, our Social Security system is in dire straits and it is our responsibility as Members of Congress to make sure that the program remains healthy and stable far into the 21st century.

As we discuss ways to change the system, we must also remember that women, even more than men, rely on the Social Security system for financial security in their golden years. Over their lifetime, because of family commitments, many women cannot accumulate adequate pension savings. By the mid-1990s, only 18 percent of women over the age of 64 received their own pension benefits and their pension benefits were less than half of those received by men.

Additionally, we must keep certain important statistics in mind. In 1997, elderly women were almost twice as likely as elderly men to live in poverty. Additionally, the poverty rate for unmarried elderly women was 19 percent in 1997. This is a crucial statistic because 60 percent of elderly women are unmarried. Also significant, nearly 30 percent of elderly black and Hispanic women lived in poverty in 1997, making Social Security especially important to minority, elderly women.

To help women save for their later years, I plan to again offer legislation to help improve retirement savings opportunities for women and other individuals who opted out of the workforce to raise families. These Catch-up IRAs will also allow individuals approaching retirement the ability to save more for their golden years, and for all savers the ability to make additional "after tax" contributions to their savings plans.

I am encouraged by H.J. Res. 32 and I hope that President Clinton will join us in finding bipartisan solutions to the problems that plague our Social Security System. Additionally, I hope that we can continue to work together to find Social Security reform solutions which protect the special needs of women in their retirement years.

Mr. Speaker, thank you for the opportunity to speak on this important resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the debate on H.J.Res. 32 in the Committee on Ways and Means was not a debate about whether we should save Social Security or give the American people a tax cut. Both the Democrats and Republicans favor tax cuts so long as they are paid for. The debate was about whether we would memorialize our commitment and then keep our promise to the American people not to touch a dime of the surplus until we have saved Social Security for future generations. This resolution does not make that commitment.

Mr. Speaker, the Social Security system is the most respected and successful system in U.S. history. While my remarks will not change the resolution, I want to let the American people know that I, along with my Democratic colleagues, are serious about addressing the long-term solvency problems facing the Social Security system and stand by our commitment to save Social Security first.

We owe it to the over two-thirds of older Americans who rely on Social Security for 50 percent or more of their total income. We owe it to the hardworking American families who rely on Social Security for continued prosperity as they enter into retirement. And, most of all, we owe it to our children who deserve to know that Social Security is going to be there for them.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I rise in support of the resolution of my colleague, the gentleman from Wisconsin (Mr. RYAN). Today, this Chamber takes an important step toward strengthening our Nation's Social Security system. However, this goal can only be achieved if we work together to find a permanent solution to the problems facing this important program.

The American people deserve more than Washington simply placing a Band-Aid on the problem by offering a temporary solution. This would not be leadership. It would be politics as usual. In order to assure retirement income security for all Americans, both sides of the aisle will have to work together, not against one another.

Ronald Reagan once said, there is no limit to what a man can do or where he can go if he does not mind who gets the credit.

As we debate Social Security reform, it must not be about who gets the credit but how can we shore up the system, provide equal treatment, protect benefits and avoid tax increases for our fellow Americans.

Citizens of the Sixth District of Kentucky and across America want genuine leadership. Let us give them just that and let us support this resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding; and I want to thank the committee for bringing this resolution to the floor.

Mr. Speaker, I strongly support this resolution, but let us understand that this resolution is only the beginning. It pledges all of us to save Social Security. That pledge will also have to include a decision not to invade those Social Security trust funds.

This week, on the cover of Barron's Magazine, they have the headline which screams to people in Washington, D.C. This week, the Dow Jones financial magazine says there is no budget surplus. And they are quite correct; there is no budget surplus. There is only money that is in excess in the Social Security trust fund, and whether or not we save Social Security will depend upon the decisions we make in this Congress about whether we are going to break the budget caps that restrain spending in this Congress; whether or not we are going to invade these trust funds for a whole range of spending proposals that are currently before the Congress.

If we do that this year and if we do that before 2001, every dollar we spend will come out of the Social Security trust funds. Because Barron's has it right. There is no other surplus. There is only the Social Security trust funds.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, as we have heard today and just heard from the previous speaker, both in terms of politics and substance, reforming Social Security and making the needed changes to preserve the system over time is going to be very, very difficult. It is going to require bipartisanship; it is going to require trust; and it is going to require small steps, many small steps, to get us there.

That is what I see this resolution being all about, it is a small step in the right direction. It is not a solution. It is not the plan to save Social Security. But it does lay out for the first time in this Congress principles, basic principles, that I hope we can agree on, on a bipartisan basis. That seems to me to be a very good starting point.

I would say also that there is a need to supplement Social Security with more private retirement savings, and I hope that we can work on a bipartisan basis on that as well. This is our 401(k) plans, our IRA plans and so on. Because, ultimately, that is an important part of retirement security for all Americans.

There is no reason, Mr. Speaker, that we cannot get this done and get it done this year, so long as we reach out across the aisle and work on a bipartisan basis. And I see us beginning to do that with this resolution today; and, therefore, I strongly support it.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, it has been said that here in Washington a promise is never really a guarantee. And so the resolution that we have before us today has been self-styled by the Republican leadership as the "Social Security Guarantee Initiative." But it is important for every American to understand that there is no guarantee in the Guarantee Initiative. It guarantees absolutely nothing in the way of any substantive improvement in the Social Security system.

I believe it was not a Democrat but a Republican member of the committee that studied this measure, the gentleman from Iowa (Mr. NUSSLE), who conceded that this resolution, H.J. Res. 32, is solely, in his words, and I quote, "a political document. It has no teeth." No teeth, indeed. I would suggest that this resolution offers less promise than an ill-fitting set of dentures.

On day one of this Congress, we Democrats proposed a rule to save Social Security first, to see that the surplus was not dissipated, that we utilized it to preserve the future of the Social Security system. That was rejected on day one of this Congress; and, since that time, now entering month three of this Congress, not much progress, a few hearings but not much progress, has been made towards strengthening and preserving Social Security.

Instead of meaningful action, as Americans will remember in 1995 our Republican colleagues said they wanted a revolution. We have now come another 4 years, and they present us a resolution. I believe what we really need is a bipartisan solution to preserve and protect and strengthen the Social Security system.

What might that bipartisan solution, not a meaningless resolution like we are considering today, what might it include and what might it exclude? We have an excellent idea of that today in a new report.

One of the groups that has been working toward a solution of this problem is the National Committee to Preserve Social Security and Medicare. They turned to a Republican economist, who did a simulation, looking at various proposals to reject the Social Security system as we have known it for the last many decades and substitute for it some type of private system. This study is entitled "Winners and Losers from 'Privatizing' Social Security."

What this study concluded was that there are many losers and not very many winners. In fact, the conclusion of the study is that, with these various schemes to reject our current Social Security system, instead of to strengthen and preserve it, that every person alive today, in these United States or anywhere else, who is drawing Social Security or could draw Social Security in the future, every person will lose under the various schemes to privatize fully or partially the Social Security system instead of to strengthen and preserve it.

The only people who might stand to gain, we were told in this simulation, which fortunately is just that, a simulation instead of an experiment on the American people as some have advanced, but the only people who would gain are a few high-income males to be born somewhere 20 or 30 years from now after the full transition costs to a private system are effected.

So with that kind of information now available, it is time to reject ideology and focus on real, meaningful changes in this system that will strengthen and preserve it.

Mr. Speaker, I believe this is an important study with important findings. There has been so much held out about how if we had a revolution in Social Security and we rejected the system as we have known it for the last many decades, that everybody would be the winner. But when one looks at the facts, the winners just are not there.

Everyone loses if we reject this system and substitute the kind of revolutionary system that some of these Washington think-tank ideologues have been advancing. So I hope we will come together behind some of the proposals the President has advanced to strengthen and preserve Social Security in a truly bipartisan manner.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just comment on the comments of the gentleman from Texas (Mr. DOGGETT) with respect to what the Subcommittee on Social Security has been doing and what the full Committee on Ways and Means has been doing since the beginning of this Congress.

We have already had more hearings on Social Security than we did on welfare reform, and that is just from the beginning of this year, than we had in drafting the welfare reform bill.

The gentleman from Texas (Mr. DOGGETT), a valuable member of the Subcommittee on Social Security, knows this well. He has attended these hearings, and he has been very attentive in these hearings, so I would not want anyone listening to this proceeding to in any way think that Congress has been sitting on its hands. It has not. There will be proposals out there, and these proposals will be in the form of draft legislation.

I would hope and I intend to, as the subcommittee chairman, to be part of a majority bill that will be put in place and hopefully will become the framework for moving forward on a bipartisan solution.

I would also invite the minority to put forth their bill. I would also invite the President to put forth his bill. They will be received with great courtesy and cooperation, and I would pledge hearings on any such bills that would come before my subcommittee that have the backing of the minority party or the White House.

I believe this is very important. That is how strongly I feel about a bipartisan solution and a bipartisan effort. The Committee on Ways and Means is working very, very hard. The system is in crisis and we do need to find a solution, because we can avoid this crisis very early and be sure that the Social Security system is in place and continues to be a very safe system for all Americans, both of this generation and generations to come.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to comment on the comments of the gentleman from Florida (Mr. SHAW).

First of all, the gentleman is correct. We have had four full committee hearings and we have had three, I believe, subcommittee hearings. But I have to say, and I think most people would confirm my comments, and I have sat through almost all of the hearings except maybe 3 hours of the 20 hours of hearings, and most of the purposes of these hearings and most of the people talking at these hearings have been basically just trashing the President's proposal.

The Republicans asked that the President come up with his proposal last year. The President has come up with an outline that everyone understands. There is no complexity to it. We have just been spending all our time just trashing the President. We have spent very little time on real substance.

And I think what the gentleman from Texas (Mr. DOGGETT) was referring to is a comprehensive study that actually was done by John Mueller. John Mueller, for those who were here in the 1980s, was the economist for the Republican Conference under the leadership of then Jack Kemp; and Mr. Mueller came in with the idea of doing this study with a bias actually toward private accounts.

What basically happened is that he completed the study and now he believes that private accounts would really do bad damage. This was commissioned, by the way, by Martha McSteen, who happened to be the administrator for the Social Security Administration in 1983 to 1986, under the leadership of Ronald Reagan.

So we had two Reagan people, one Reagan and one Jack Kemp, and they basically have said private accounts are the wrong way to go. It is easy to figure out why. There is $8 trillion of unfunded liability, $8 trillion of unfunded liability. If we go with private accounts, we have those people living today in the workforce and paying for the retirement of their parents or grandparents.

□ 1430

That means they are going to be paying twice the amount for half the benefit. That is the real problem with private accounts. You can talk about private accounts all you want, but the real person that is going to benefit from private accounts will be born 25 years from now in the year 2025, and he will be a single male. Every other economic group will lose. The biggest losers, believe it or not, are going to be women. Because women live longer than men, they are going to have to set up an annuity, they will get less even though they may have made the same amount in the workforce.

In addition, we all know that women make about 70 percent of what men make normally in the workforce. So they are going to start off way behind, anyway. This is going to do damage to Democratic women, Republican women, conservative women and liberal women.

This is not an issue of ideology. It is a question of getting the facts and making sure we know the facts before we move. I am afraid all those hearings and everything we have been doing over the last 2 months have been basically to create a partisan division against the President's plan rather than to do anything really substantive and trying to understand this issue. But I do appreciate what the gentleman has done. He has come up with this resolution. I think, as the previous speaker said, resolutions really do not mean much. On the other hand, I guess we might as well do something since we are not doing much else. We are going to be out at 3 o'clock today so we might as well use some of that time at least pretending like we are doing something significant, but we all know that this resolution will not advance the cause of reforming the Social Security system one second.

As a result of that, we will pass it with a unanimous vote, but let us not kid ourselves. We have got to come up with a proposal. The President has. I like the President's proposal. Let us hear from the Republicans and let us see how they deal with an $8 trillion transition cost if they want to go to private accounts and protect women and minorities and middle-income people and suburban people at the same time. You will not be able to do it. I hope you try but you will not be able to do it. Instead what we should be doing is picking up the President's plan, moving forward with it and at least solving this problem for the next 55 years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I would like to respond to the gentleman from California with regard to the remarks that he has made. We have heard the minority trash a proposal which has been characterized as a Republican proposal which has not been made as yet. There is no Republican proposal out there. We have had hearings, we have had statements with regard to the direction we should go, but there has not been a concrete proposal laid upon the table.

By contrast, I think it is interesting to note that on this side not one single speaker has gotten up and trashed the President's proposal. The President's proposal is out there. I am treating it with great courtesy. I want to encourage the President and his staff and the Treasury Department and all those connected with the Social Security system to come forward with a concrete proposal in writing that we can receive. So I am hopeful yet that we do receive a formal proposal from the President.

The purpose of this resolution is to bring us together, to show that there is some unity in this House between Democrats and Republicans. I am not going to spoil the day by going out and trying to retaliate and bring about argument or try to accent what separates us, because this resolution is what brings us together.

Both sides have said that we are going to preserve the Social Security system. Both sides have said that we are not going to raise payroll taxes. Both sides have said that we are not going to cut benefits. When you have that as a perimeter, there is not too many other places you can go except to look at the investment of the system itself. That is where we are going to concentrate. That is where we are going to have to move forward.

This resolution is a good step forward, albeit a single step forward, but it is a good step forward in trying to show that there is unity in this House, that we do have unity of purpose and that we are going to draw together.

I will be actually out there soliciting help from the minority side in trying to craft this legislation to see that we can come up with something that is quite meaningful. This task is far too important than to bicker in a partisan manner. This is the most important item to come before this Congress either this year or next year. It would be a terrible tragedy if we were to back away from this point of history. We have a surplus. We have divided government. Both of those are very important. Because we need the divided government to be sure it is bipartisan, and we need the surplus to be sure that we save Social Security.

Mr. Speaker, I urge the passage of the resolution.

Mr. PACKARD. Mr. Speaker, I strongly support H.J. Res. 32, which expresses Congress' desire to strengthen and protect Social Security. Saving Social Security must be our top priority as we prepare America for the next century.

Without fundamental changes in the Social Security program, either massive tax increases or a reduction in benefits will be required or the program will reach financial crisis by 2013. This is of special concern for most women, who have a vital interest in Social Security. The fact is, on average, women live longer than men, earn less, and are more likely to be dependent on Social Security for most or all of their retirement income.

Mr. Speaker, having paid into Social Security myself for over forty years, I will never support hasty reforms that threaten the financial futures of those who have committed a lifetime of earnings to the system. As a father and a grandfather, I will insist that our reforms provide more choices for those now entering the workforce. It is time we take action to ensure this program will be available to our children and grandchildren.

Mr. Speaker, I urge my colleagues to support H.J. Res. 32 to ensure a stable future for Social Security.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of H.J. Res. 32, the "Social Security Guarantee Initiative." As we all know, one of the most important questions facing Congress today is how best to preserve Social Security and Medicare for this and future generations. We need to ensure that benefits are not cut for today's Social Security recipients, while at the same time guaranteeing that our children and grandchildren will have the piece of mind that Social Security brings.

Before Social Security was enacted in 1935, retirement meant financial insecurity and poverty for many seniors. This program, however, has dramatically changed that and has allowed millions of Americans to enjoy their later years with greater tranquility and less worry. President Franklin Delano Roosevelt said it best when, upon signing the Social Security Act, he stated that "[t]he Social Security Act was primarily designed to provide the average worker with some assurance that when cycles of unemployment come or when his work days are over, he will have enough money to live decently."

It is imperative that Congress and the President work together in a bipartisan manner to achieve this goal. Arguably the most successful domestic government program in world history, it is our duty to do everything in our power to ensure its existence for years to come. I urge my colleagues to vote for this resolution. And even more importantly, I urge my colleagues to put partisan differences aside, and to take concrete actions beyond this resolution, to strengthen the Social Security system.

Mr. McKEON. Mr. Speaker, I rise in support of this legislation that focuses on the need to restore our Social Security program in a fair manner for all Americans.

With the looming prospect that its funds will be depleted by 2032, the issue of ensuring the solvency of Social Security needs to be addressed. But there are a number of priorities we must keep in mind as the debate on reforming Social Security begins to take form.

First, it is important that any reform to Social Security guarantees equal benefits to all Americans, including women and minorities.

We also need to ensure that cost-of-living adjustments and a continuous benefit safety net are provided for all Social Security recipients.

Most importantly, we want to do all we can to save Social Security without raising taxes. Americans are already over-burdened by high taxes, and it is our duty to ensure that more of their money stays in their pockets. We owe it to the American people to provide them with a fair plan that saves Social Security for generations to come without increasing their tax burden.

I am proud to support this initiative and want to thank the gentleman from Wisconsin (Mr. RYAN) for introducing this important piece of legislation.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, House Joint Resolution 32, as amended.

The question was taken.

Mr. RYAN of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8(c) of rule XX, this 15-minute vote will be followed by a 5-minute vote on H.R. 609.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting, 17, as follows:

[Roll No. 29]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Berman
Bilbray
Buyer
Callahan
Cannon
Capps
Cooksey
Dunn
Evans
Everett
Granger
Hansen
Hilliard
Hunter
McCollum
Rogers
Thompson (CA)

□ 1455

So the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century."

A motion to reconsider was laid on the table.

Stated for:

Mr. COOKSEY. Mr. Speaker, on rollcall No. 29, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. HANSEN. Mr. Speaker, on rollcall No. 29, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. BILBRAY. Mr. Speaker, on rollcall No. 29, I was inadvertently detained. Had I been present, I would have voted "yes."

EXPORT APPLE ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 609.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CONDIT) that the House suspend the rules and pass the bill, H.R. 609, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 30]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Berman
Buyer
Callahan
Cannon
Capps
Dunn
Evans
Everett
Granger
Hilliard
Hunter
McCollum
McKinney
Rogers
Rush
Spence
Watkins

☐ 1505

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 603, CLARIFYING THE APPLICATION OF THE ACT POPULARLY KNOWN AS THE "DEATH ON THE HIGH SEAS ACT" TO AVIATION INCIDENTS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–37) on the resolution (H. Res. 85) providing for consideration of the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 661, CONDITIONALLY PROHIBITING THE OPERATION OF SUPERSONIC AIRCRAFT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–38) on the resolution (H. Res. 86) providing for consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 87) and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from California?

Mr. HOYER. Reserving the right to object, Mr. Speaker, I will not object, but I yield to the gentleman from California (Mr. THOMAS) for the purpose of explaining the resolution.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

It is my pleasure to announce that the Committee on House Administration now has its full complement of members on both sides of the aisle, and this resolution constitutes the Joint Committee of Congress on the Library, consisting of the chairman and ranking member, the gentleman from Ohio (Mr. BOEHNER), the gentleman from Michigan (Mr. EHLERS), the gentleman from Maryland (Mr. HOYER), and the gentleman from Florida (Mr. DAVIS); and the Joint Committee on Printing, the chairman, the gentleman from Ohio (Mr. BOEHNER), the ranking member, the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), and the gentleman from Pennsylvania (Mr. FATTAH).

Mr. Speaker, I thank the gentleman.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 87

Resolved, That the following named Members be, and they are hereby, elected to the following joint committees of Congress, to serve with the chairman of the Committee on House Administration:

Joint Committee of Congress on the Library: Mr. Boehner, Mr. Ehlers, Mr. Hoyer, and Mr. Davis of Florida.

Joint Committee on Printing: Mr. Boehner, Mr. Ney, Mr. Hoyer, and Mr. Fattah.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. THOMAS. Mr. Speaker, I offer a resolution (H. Res. 88) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That the following named Member be, and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and the Workforce: Mr. Isakson.

Committee on Transportation and Infrastructure: Mr. Isakson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONDEMNING THE CUBAN DICTATORSHIP'S CRACKDOWN ON THE INTERNAL OPPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, in recent weeks the Cuban dictatorship has carried out a brutal crackdown of the brave internal opposition and independent press, taking Cuba's four best known internal opponents, Felix Bonne Carcasses, Marta Beatriz Roque Cabello, Vladimiro Roca Antunez, and Rene Gomez Manzano, to trial on trumped-up charges, and arresting scores of other peaceful opponents without cause or justification.

The internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation, and continues to strengthen and grow, despite the Stalinist repression, in its opposition to the Castro dictatorship.

At this time of extraordinary repression, the internal opposition requires and deserves the firm and unwavering support and solidarity of the international community. The Cuban dictatorships repressive crackdown against the brave internal opposition and the independent press must be condemned in the strongest possible terms.

□ 1515

The internal opposition and independent press of Cuba have our profound admiration and firm solidarity.

We must demand of the Cuban dictatorship the release of all political prisoners, the legalization of all political parties, labor unions and the press, and the scheduling of free and fair internationally supervised elections.

Mr. Speaker, I call on the government of Spain, of Prime Minister Aznar, to cancel the announced trip to Castro's Cuba of the King of Spain; and I call upon the member states of the Ibero-American summit to boycott the upcoming meeting that has been, incredibly, scheduled for November in the capital of the Cuban dictatorship.

Martin Luther King rightfully declared that an injustice anywhere is an affront to injustice everywhere. Going to Cuba to shake the Cuban tyrant's hand would be an ultimately immoral act. Now, more than ever, it is incumbent upon the entire international community to demonstrate firm solidarity with the oppressed people of Cuba and with the brave internal opposition.

According to press reports from Cuba, the following dissidents and journalists have been arrested by the Cuban dictatorship in the last few days:

Efren Martinez Pulgaron, Ana Maria Ortega Jimenez, Marisela Pompa, Angel Polanco, Odilia Collazo, Arnaldo Ramos, Lazaro Rodriguez, Jose Orlando Gonzalez Bridon, Lazaro Cala, Felix Perera, Oswaldo Paya Sardinas, Ofelia Nardo Cruz, Regis Iglesias, Angel Moya Acosta, Miriam Cantillo, Benigno Torralba, Ramon Alfonso William, Gisela Concepcion Bolanos, Marvin Hernandez Monzon, Jesus David Martinez Garcia, Julian Martinez Baez, Juan Francisco Monzon Oviedo, Nestor Rodriguez Lobaina, Ivan Hernandez Carrillo, Felix Navarro Rodriguez, Pedro H. Rojas, Leonel Morejon Almagro, Reinaldo Cosano Allen, Jesus Llanes Pelletier, Maria Menendez Villar, Oscar Elias Biscet, Rolando Munoz Yyobre, Miriam Cantillo, Omar Rodriguez Saludos, Diosdado Gonzalez Marrero, Ileana Somiellan Fleitas, Nanci Sotolongo, Odalys Curbelo, Juan Antonio Sanchez, Hector Cruz, Israel Bayon, Raul Rivero and Orlando Bordon.

There are certainly many others who have been arrested but who we have not been able to find out about as of yet.

Mr. Speaker, our admiration, our support, and our prayers go out to all of these brave Cuban patriots and to all of the suffering and oppressed Cuban people.

TEXAS INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, today is a special day, particularly in Texas, because in Texas March 2 is Texas Independence Day. In 1836, 163 years ago today, the Republic of Texas was born. As I left Houston this morning, spring is coming to Texas. The bluebonnets are blooming, and we are actually seeing a lot of changes, and that is what has happened in Texas.

Mr. Speaker, let me set the stage for what happened 163 years ago. On March 1, 1836, 54 delegates representing settlements across Texas gathered for the Texas Convention of 1836 in a small farm village at Washington-on-the-Brazos.

From the beginning, it was an event marked by haste and urgency because Santa Anna's forces were closing in on the defenders of the Alamo. Within days it would fall, setting off a chain reaction of defeats for the small Texas Army, which would nevertheless emerge victorious at the battle of San Jacinto 6 weeks later on April 21. March 2 is when the delegates in Washington-on-the-Brazos actually drew up the Constitution and declared independence.

Mr. Speaker, what were these brave Texans fighting for? Up to this point, it was simply to restore the Mexican Constitution of 1824, which had been suspended by Santa Anna.

On the night of March 1, a group of five men stayed up late into the night drafting the document that would be approved the next day by the full convention, a document that echoes the lines of its American counterpart, the Texas Declaration of Independence.

It started off in much the same way, with the words, "When a government has ceased to protect the lives, liberty and property of the people." It spoke of the numerous injustices inflicted upon the settlers of the state of Coahuila y Tejas: the elimination of the state's legislative body, the denial of religious freedom, the elimination of the civil justice system, and the confiscation of firearms being the most intolerable, particularly in Texas.

Finally, it ended with the declaration that, because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves "a free, sovereign, and independent republic . . . fully invested with all the rights and attributes" that belong to independent nations; and a declaration that they "fearlessly and confidently" committed their decision to "the Supreme arbiter of the destinies of nations."

Over the next 2 weeks, a constitution was drafted and an interim government was formed, despite daily reports from the front detailing the collapse of the Alamo and subsequent advance of the Mexican Army through Texas. On March 17, 1836, the government was forced to flee Washington-on-the-Brazos on the news of the advance of General Santa Anna.

Just over a month later, however, independence would be secured in the form of a victory over that same army by Sam Houston, a delegate at the very convention, and his courageous fighters at the battle of San Jacinto.

Mr. Speaker, let me remind folks from Tennessee that Sam Houston served in this Congress from the State of Tennessee. I have at times kidded my friends from Tennessee saying, "The best of Tennessee immigrated to Texas in the 1830s."

From that point on, Texas was firmly established in the community of nations; and for 10 years she stood and remained an independent nation, until President James K. Polk signed the treaty admitting Texas to the United States in 1845.

Mr. Speaker, I hope the Congress and the whole country will join us today on March 2 in a day that in Texas we celebrate, our schoolchildren celebrate, Texas Independence Day.

GOOD EDUCATION FOR OUR CHILDREN WILL ENSURE AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I ran for Congress, and I am here today, because I believe that our children's education must be the number one priority in this country. We must prepare all of our children for the high-skill, high-wage jobs that will ensure America's leadership in the world marketplace and, at the same time prevent dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education must be available to all, and it must be the best in the world. Public education does not discriminate; and it must be strengthened, not weakened.

This Congress, we have an opportunity that comes along only once every 5 years, and that is the opportunity to review and update the Elementary and Secondary Education Act, ESEA.

ESEA is best known for Title I, the education for the disadvantaged. ESEA is known for the dollars it sends to schools. Title I is important because it helps disadvantaged children achieve along with their more fortunate peers, and it helps poor and impacted schools and school districts keep up with the more advantaged schools and school districts in this Nation.

Title I must be supported; and, as well, we must ensure that every child gets individual attention in the early grades to build a solid foundation for future learning. We can do this by making the administration's initiative to reduce class size permanent. This initiative helps school districts recruit, hire, and train enough qualified teachers to reduce class size to an average of 18 in grades 1 through 3.

Current research findings prove what parents and teachers have known for years: Kids who are in smaller class sizes learn better, especially in the lower grades. Our schools need 100,000 new, well-trained teachers.

We also know how hard it is for children even in small classes to learn in trailers or in old school buildings that are crumbling around them. I support the President's proposal to make it easier for school districts to fund needed schools and to build new ones by providing interest rate subsidies for school construction bonds over the next 2 years. Is it not time to show all of our children that their school is as important as a shopping mall or as a prison?

While I certainly support the current emphasis on ending social promotions, ESEA is also the place to assist all schools in preventing students from failing in the first place. Title XI of ESEA lets school districts spend up to 5 percent of their Federal education funds on coordinated services, services that will bring schools and their local communities together to make sure that, every day, every student comes to school ready to learn. Services such as health care, before and after school care, and tutoring ensure that no child is doomed to fail before they even enter the classroom.

There are wonderful examples all around the Nation of schools and communities working together to lift children and their families out of an endless cycle of failure and into a future of success.

Students who are ready to learn need well-trained teachers who are experts in their subjects. They need a challenging curriculum and up-to-date technology to prepare them for the sophisticated world we live in. Every student, regardless of family income, race or gender must have access to the most modern technological education available.

In addition, teachers as well as students must have mentors; and they must have support for learning to use technology so that they will be comfortable and knowledgeable in a technological environment.

As a member of both the Committee on Education and the Workforce and the Committee on Science, I am excited to have this significant opportunity to make positive changes in our children's education; to remove any economic or gender gap in science, math and technology; to ensure small classes with well-trained teachers; to provide funding for modern, safe schools; and to give all students a world-class education.

Mr. Speaker, children are only 25 percent of our population, but they are 100 percent of our future. A sound public school system is how we protect that future. A good education for all of our children will ensure America's future.

CONGRESS MUST HELP THE PEOPLE OF SOUTHERN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to speak on the issue of Sudan. But, before I do, I want to just pay tribute to the gentleman from Colorado (Mr. TANCREDO) for taking his time and getting involved in a very important issue with regard to slavery in Sudan.

I also want to congratulate the students at Highline Community School in Aurora, Colorado. They have done an amazing thing with regard to getting people who were in slavery in southern Sudan free.

Mr. Speaker, I have been in Sudan on three different occasions. The world does not know it, but these students in Colorado know it. There is slavery going on in Sudan, and these students are making a tremendous effort. Because of them, 1,000 slaves have been released, and I just want to take out this special order in tribute to them.

Mr. Speaker, for the past several months, the students of Barbara Vogel's fourth grade class have been raising money to help free slave children as part of the public awareness campaign called S.T.O.P., Slavery That Oppresses People. These young people, modern-day abolitionists, are an inspiration to many. If my colleagues saw the CBS Dan Rather show, one of the youngsters I believe called himself a modern-day abolitionist. If only the Congress could follow their lead or if the administration could follow their lead.

Almost 2 million people have died, 2 million have died in Sudan in the past 15 years. More have died in Sudan than have died in Somalia, in Kosovo, in Rwanda and in Bosnia combined. The most recent statistics available put the number dead at 1.8 million, but that does not cover the 200,000 who have died from the famines this past summer.

Mr. Speaker, millions of people are starving in southern Sudan, kept alive only by the brave efforts of international humanitarian organizations like World Vision, Save the Children, Catholic Relief, UNICEF, and others. Millions are being displaced. An entire generation has been lost, and another generation is ready to be lost.

□ 1530

The word "genocide" is now used with regard to what is taking place in Sudan. In the Numba Mountains, the Christians and Muslims are being persecuted. The Sudanese government are persecuting these people because of their faith. The government planes use high-altitude bombings to demolish civilian targets like hospitals and terrorize the population.

We know that women and children from Southern Sudan are being sold into slavery; and today, March 2, 1999, Sudanese women and children are being bought and sold as we sit and stand here today. They are kidnapped by slave raiders who sweep into the destabilized regions following the government attacks. They capture the women and children and then they take them off for slavery.

I want to commend my colleagues' attention to this excellent booklet which hopefully will be sent to every Congressional office from the U.S. Committee For Refugees. Tomorrow they will announce a nationwide public awareness campaign about Sudan. I urge the Members of this body to get a copy of this booklet.

In closing, Mr. Speaker, I want to commend the gentleman from Colorado (Mr. Tancredo) for his coming here quickly, getting started on a very powerful, very important issue. This may be the major human rights issue of the world. Two million people have died. Also, the students of Highline School are trying to help to save one life at a time by raising money to free women and children from the trading block.

Last week, Mr. Speaker, I received letters from the youngsters which I would like to put in the Congressional Record.

Nicole Limino said to me, "Dear Congressman Wolf, it makes me feel so sad that people just like me are being treated like animals. This needs to be stopped. Someone needs to take a stand. Please help eradicate slavery by writing the government and telling them something needs to be done."

Doni Tarplus said, "Will you please help us abolish slavery? The President isn't helping even when he promised to make the world a better place."

A boy who identified himself as Melvin said, "I'm Melvin. I'm demanding you ask people if they want to help. The United Nations isn't doing anything about slavery in Sudan. I was broken-hearted when I found that 409 people were found and brought from slavery."

David Walker said, "You are a congressman so you can help. Millions of lives are in danger and you can get the government to help. Slavery is going on and we need to stop it."

Then there are many other letters which I would like to put in the Congressional Record.

In closing, slavery is a problem. Starvation is a problem. The United States can do more to help. We can appoint a special envoy. He can go back and tell the students from Highline Community School that the Clinton administration has a special envoy. They appointed an envoy, Senator Mitchell, who deserves a Nobel Peace Prize for bringing people together in Ireland, Northern Ireland, Southern Ireland.

Let us appoint a Sam Nunn, a Senator Nunn to be the special envoy to bring peace in this region and stop the slavery, stop the suffering, stop the agony and the pain.

The students from the area of the gentleman from Colorado (Mr. Tancredo), from Highline Community School, are, frankly, I hate to say this, they are doing more than the Congress is doing, both parties, Republican and Democratic Party, they are doing more than both parties. Lastly, they are doing much more, much more than the Clinton administration is doing.

I just hope that their effort as a witness by what they are doing will sensitize this administration whereby President Clinton, within the next week or so, will appoint a special envoy who will go to Sudan and go back and forth and mediate between the warring parties whereby these people will know that they can have a future for their children and grandchildren, and slavery will stop, and people will not be persecuted because they happen to accept Christ and they happen to be Christians, because of their faith.

Mr. Speaker, the letters that I referred to are as follows:

Highline Community School,
Aurora, CO, February 22, 1999.

Dear Congressman Wolf: I know you are also a freedom fighter and this is one reason we need you! We need your strong caring voice to help us end slavery in Sudan. Please hear the cry for freedom that these beautiful, young, Americans put to their government! The media is giving a lot of attention to these young voices can you help us too?

In Freedom,

Barb Vogel.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: At the beginning of the year I found out that slavery was still going on. I also found out that the class before us had started a campaign called S.T.O.P., S.T.O.P. stands for Slavery That Oppresses People. It makes me feel terrible that people just like me are being treated like animals. This needs to be stopped. Someone needs to take a stand. Please help us eradicate slavery by writing the government and telling them something needs to be done. If you have any questions please call us at (303) 364-7657 or look for information at www.anti-slavery.org.

Help Them,

Nicole Cimino.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: Slavery should not be going on: It should be eradicated. A few weeks ago on February fourth, 409 people were put into slavery. That makes me really mad! I am Doni Tarplus in Barbs fourth grade class. I am an abolitonist, an abolitionist is a person who wants to free slaves.

Will you please help us abolish slavery? The president isn't helping when he promised to make the world a better place. For more information please call us at, (303) 364-7657 or try our website at www.anti-slavery.org.

Thanks,

Doni Tarplus.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: I'm Melvin and I'm demanding you ask people if they want to help or you help because the United Nations aren't doing anything about slavery in Sudan! Barb's old class made S.T.O.P. but we're continuing this campaign.

S.T.O.P. stands for Slavery That Oppresses People. I was broken-hearted when I found out that 409 people were found and brought into slavery. If you want to do a donation, you can contact Christian Solidarity International, American anti-slavery group, or visit us on the web at WWW.anti-slavery.org.

Sincerely,

Melvin.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: You are a congressman so you can help. Millions of lives are in danger and you can get the government to help. Slavery is going on and we need to stop it that is why we started a campaign called S.T.O.P. It stands for Slavery That Oppresses People. We started this campaign because the government won't take a stand. Please help us eradicate slavery.

Sincerely,

David Walker.

P.S. On February 4, 1999 John Eibner gave the south of Sudan an urgent appeal about the north attacking them but they didn't listen so now 409 women and children are in slavery.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Wolf: Hi! My name is Alex Persinger and I feel like a dead hog, because on February 4, 1999, on that day 409 people were inslaved! Please give the government awareness about slavery. People like us work all day because of lazy people.

Please remember the urgent appeal by John Eibner. I love to help but I can only tell so many! People like you can make a difference.

Love,

Alex Persinger.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: My name is Thomas Turner, an adolescent abolitionist that is trying to eradicate slavery, but that is not the reason I'm writing you. The reason is because a man named John Eibner had urgently appealed the U.N. to take a stand about the slavery issue, but they all probably sat lazier than ever and because of that 409 people are slaved in modern day slavery. We'll get up and take a huge stand right now! You can contact us at www.anti-slavery.org or 1-800-884-0719. Make a difference.

Love,

Thomas Turner.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: I am an abolitionist in a campaign called S.T.O.P. S.T.O.P. stands for Slavery That Oppresses People. We heard a very disappointing thing about some slaves. John Eibner, a man who works for a humanitarian group called C.S.I sent a urgent appeal to the government about this and that the soldiers were going to raid the villages, but they didn't do anything. On February 4, 1999 four hundred nine innocent people were taken into a miserable life being treated like animals. When I found out about this, I was heartbroken to know that so many people could be taken into bondage. The good news is that we freed 850 slaves.

Join us to eradicate and abolish slavery. Please help us by writing to people that are important. If you have any questions you can reach us at (303) 364–7657.

Please help us,

Lindy de Spain.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Wolf: I'm Miriam a concerned youngster in the STOP campaign it stands for Slavery That Oppresses People. This is a human rights campaign, we try to end slavery. I thought slavery had been eliminated. We freed slaves last week but Sudan was attacked and four hundred-nine people were put into slavery it was shocking. We need your help and spread the word that slavery exists please helps us! The government has sat idly by, for years and years. John Eibner works for CSI he goes to Sudan and frees slaves. He had sent an urgent appeal that Sudan was being attacked to the United Nations but no response, they ignored this awful issue and they ignored this awful issue too often!

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Wolf: Hi! I am Josh Hook, an abolitionist. I have some devastating news to tell you. A few days ago John Eibner went to Sudan and he was told that the north was ready to fight. So John told the U.N. but they ignored him. Then four hundred nine people were put in slavery. Just because the government did not do a single thing!

We started a campaign called S.T.O.P. S.T.O.P. stands for slavery that oppresses people. Will you use your voice to tell your fellow colleagues or contact C.S.I. or A.A.S.G.

Love,

Josh Hook.

Highline Community School,
Aurora CO, February 17, 1999.

Dear Congressman Frank Wolf: Hi! My name is Dong, this is devastating news! On February 4, 1999 four hundred nine people were put in slavery! John Eibner sent a urgent appeal to the United Nations, but they did nothing. Right now I feel distraught. Please help us! Please join our S.T.O.P. campaign and help us free slaves! Women and children just like me are now put in slavery. I demand you to help us! My heart is frowning because this is going on, my heart is crying. I forgot to tell you that the north attacked a village. John Eibner warned them but they did nothing. Also S.T.O.P. stands for Slavery That Oppresses People. Please help us abolish slavery and please bring awareness to the world!

Sincerely,

Dong Cha.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: I'm so furious at the government for not listening to us. Last Week 409 people were enslaved because the government did not listen to us. Just like you and me inslaved. Women and children are enslaved. The bad part too is that the government ignored John Eibners warning. He found out that the soldiers were going to raid them. He also sent an urgent appeal to the United Nations.

P.S. We will eradicate slavery.

Love,

Joshua Fleming.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: My name is Alphonso Terell McDonald and I am nine years old. I am a young abolitionist and I am writing to you because I want to tell you about what happened just recently, four hundred-nine slaves were captured and were brought back into slavery because the government is sitting idly by instead of taking a stand. We would like to know if you'd contact the United States Government and let them know what is going on. We would be so grateful if you did this because we want people to be aware of this so they can help us.

The quote that is on the back of our shirts "The greatest sin of our time is not the few who have destroyed, but the vast majority who have sat idly by."

Love,

Alphonso.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: I want to tell you what just happened, there were 409 nice, beautiful, innocent, people put into to slavery.

I almost cried; but I realized if I'm a abolitionist, I can put a stop to this slavery issue! This should not be happening to these people! "These are our people we should stop this slavery!" You can help us by writing letters to the government and tell them to put a stop like all of the abolitionist like Frederick Douglas, Dr. Martin Luther King, Jr.,

Love,

Cynthia Jurango.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: Hi! My name is Heather Pedigo, with a strong urge to fight for freedom of other people! I want to tell you something because of the governments act of turning their back on the issue of slavery, because of that, on February fourth, four hundred and nine people were put into slavery! Just think all of those scared and hurt women and children. We are very ashamed. Please contact us at WWW.Anti-Slavery, or or you can call us at 1–800–804–0719.

Sincerely,

Heather Pedigo.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank: Hi, My name is Christina Manalastas. On February 4th, four hundred nine slaves went into slavery. I'm not happy about what is going on all around the world! It is, of course, the moral thing, when seeing a other human being suffer, to look after them. The person Dalai Lama had said that quote. Here is my quote, "We care about happiness, we care about sadness but we just want to help."

Sincerely,

Christina Manalastas.

P.S. Will you please join us.

Highline Community School,
Aurora, CO, February 17, 1999.

Dear Congressman Frank Wolf: Hi! From Barb's class. Im a young abolitionist and a fourth grader at Highline. I am in a group that is called S.T.O.P. S.T.O.P is Slavery That Oppresses People. Just last week 409 people went into slavery. The United Nations did not help! I felt so bad! I'm going to eradicate slavery this year! As I was saying on the fourth of February, 1999 John Eibner went to Sudan to warn them about people coming and taking them from their homes. So stand up and do what is right! I will not give up will you? Will you help us stop slavery?

Love,

Stacy Caruso.

DO NOT FORGET ABOUT THE KASHMIRI PANDITS

The SPEAKER pro tempore (Mr. Shimkus). Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the world witnessed an exciting event last month when India's Prime Minister Vajpayee met with his Pakistani counterpart, Prime Minister Sharif, to inaugurate a new bus service between the two countries.

I applaud Prime Minister Vajpayee's courage in visiting his neighboring country with whom relations have been tense, to put it mildly. But amidst the celebrations about the meeting between the India and the Pakistani prime ministers, a disturbing development from the Indian state of Jammu and Kashmir reminds us of what is at stake in the conflict that has hung over the subcontinent for decades.

As the New York Times reported, "On the eve of Mr. Vajpayee's visit to Lahore, Islamic militants, whom Indians generally believe are backed by Pakistan, massacred 20 Hindu civilians in three places in Jammu, part of the Indian state of Jammu and Kashmir, apparently in an attempt to derail the peace efforts. In one case, they opened fire on a wedding party, killing eight celebrants." This is from the New York Times, February 23.

The article noted that Prime Minister Vajpayee did not publicly address the massacres during his visit to Pakistan, perhaps understandable in light of the positive atmosphere that the meeting of the two prime ministers was intended to generate. But Prime Minister Vajpayee stressed that he had warned his Pakistani counterpart that the continued campaign of terrorism against innocent civilians in Jammu and Kashmir is unacceptable.

Mr. Speaker, the issue of Kashmir frequently gets mentioned in the geopolitical calculations over the larger India-Pakistan conflict. There is overwhelming evidence of Pakistani covert support for the continued terror campaign in Jammu and Kashmir. There has, at the same time, been an overt Pakistani effort to internationalize this issue by bringing the United States, or other world powers and international organizations, into the negotiations. The one aspect of this tragedy that frequently is overlooked is the plight of the Hindu community of this region, the so-called Kashmiri Pandits.

I would like to take this opportunity, Mr. Speaker, to reiterate my calls for increased American and world attention to the plight of the Kashmiri Pandits, victims of massacres and displacement, such as the atrocity of last month.

As I have gotten to know the Kashmiri-American community and hearing about the situation facing the Kashmiri Pandits, I have become increasingly outraged, not only at the terrible abuses they have suffered but at the seeming indifference of the world community.

At the same time, I am impressed by the dignity and the determination that the Kashmiri Pandits have maintained despite these horrible conditions. I am touched by the deep concern that the Kashmiri-Americans feel for their brothers and sisters living in Kashmir or in the refugee center set up in India to accommodate the Pandits driven from their homes in the Kashmir Valley.

Recently, my colleagues in the Congressional Caucus on India and Indian-Americans asked me to co-chair a Task Force on Kashmir. I look forward to working with my colleagues to focus increased Congressional attention on this issue.

Some of my colleagues and I have already been pressing these issues, but clearly we need to give the plight of the Kashmiri Pandits greater recognition.

Mr. Speaker, I have asked India's National Human Rights Commission to consider declaring the Kashmiri Pandits an Internally Displaced People and provide conditions for the safe return of the Pandit community to the Kashmir Valley.

I have also asked the Commission to substantiate the ongoing genocide that the Pandits are suffering. I would also encourage the Indian government to consider officially recognizing the Kashmiri Pandit community as a minority under Indian law to provide additional benefits and protection.

Mr. Speaker, the Kashmiri Pandits have an ancient and a proud culture. Their roots in the Valley run deep. Virtually the entire population of 300,000 Kashmiri Pandits has been forced to leave their ancestral homes and property. Today, only 2,000 Kashmiri Pandits remain in the Valley. Threatened with violence and intimidation, they have been turned into refugees in their own country.

Although Pakistani officials maintain that their country only provides "moral and political support" for the insurgency, evidence shows that Pakistan has been playing a direct role in arming and training the militants who have converted the Kashmir Valley from an earthly paradise into a living hell.

Last year, I urged Secretary of State Madeleine Albright to raise the Kashmiri Pandit issue whenever Kashmir is discussed by the United States and India. I have also asked the Indian government to bring up the Pandits issue in any bilateral discussion between India and Pakistan.

The United Nations Human Rights Commission also needs to address the Kashmiri Pandit issue, including it in its periodic reports on Kashmir, as well as through the Commission Subcommittee on Minorities. I will also continue urging action by UNICEF to provide educational grants to benefit the Kashmiri Pandit children and the World Health Organization support to improve health and sanitation.

Mr. Speaker, lastly, in the great international debate over arms control and security issues, it is sometimes all too easy to overlook the so-called small problem of one persecuted ethnic group. I just hope that the United States and India, as the world's two largest democracies, will show determination to finally address this humanitarian catastrophe that the Kashmiri Pandits are facing in an effective and humane way.

PROMISES MADE AND PROMISES KEPT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, in 1995, we talked about promises that were made and promises that we needed to keep. We talked specifically about the budget. It is hard to remember, but just 4 years ago, the deficit was nearing $300 billion. The debt was skyrocketing. What did that mean to Americans? That meant that interest rates on mortgages, on cars, on college loans were soaring through the roof. In fact, it looked like there was no end in sight to deficit after deficit after deficit.

So we stepped up to the challenge. We presented the first plan to balance America's budget in a generation. We heard the President. We heard the Vice President. We heard many Members on the left. We heard the media talking about how balancing the budget under our plan in 7 years would destroy the economy. In fact, that is what the President said.

Well, we did not listen to the naysayers. We fought. We passed our plan. The President still objected. In fact, that fall, he vetoed nine bills, shut down the Federal Government and, as only the President can do, blamed it on us.

Well, we kept the fight alive. Finally, in 1997, amid troubling reports that if the President did nothing the budget would balance itself, he decided to come to the table and sign the plan that would balance our budget for the first time in a generation.

We listened to Alan Greenspan in 1995. Greenspan said, in 1995, if we followed the Republican plan, the John Kasich plan to balance the budget, we would see unprecedented growth in our time. We would see college loans and interest rates go down. We would see mortgages interest rates going down. We would see economic explosion. Well, we kept our word. We kept the fight alive. Finally, the President came to the table. We signed the plan, and the economy has prospered because of it.

Now, 2 years later, we are again faced with a decision. Do we follow political expediency? Do we follow the easy route that was followed by the Democratic Chamber in this House for 40 years? Do we play the game the way they used to play the game? Or do we keep our word on budgetary issues?

We laid out budget caps in 1997. We said, this is how we are going to run our Federal Government for the next 5 years. It was very simple. The caps were laid out. The gentleman from Ohio (Mr. KASICH) said, this is the way we need to go. Well, I agreed with him then, and I agree with him now.

We have to continue remaining fiscally disciplined. If we do that, we will not only see the economy continue to explode, we will not only continue to see interest rates going down, we will see something else happen that has not happened in Washington for a long time. We will see a group of leaders who are truly respected across the country for keeping their word.

Because, in the end, this is not about a deficit. This is not about budgetary issues. This is about whether our elected leaders in Washington, D.C., say what they mean and mean what they say. Promises made, promises kept. It made sense in 1995, and it makes sense in 1999.

SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, last week, we had Secretary of State Madeleine Albright in front of the Committee on International Relations delivering an address detailing activities of the Department of State over the last year, identifying all of the hot spots in the world where American interests were at stake, identifying what the United States of America was doing about them.

It was intriguing, Mr. Speaker, because, in over half an hour of a normal presentation and certainly maybe 20 or 30 pages of written presentation that discussed in every way all of the issues that we could possibly confront in foreign policy position, there was one that was conspicuous for its absence, one spot in the world that was never mentioned, one nation that was never brought to the attention of the Committee on International Relations or, as a matter of fact, it has not been brought to the attention of this Nation by this administration, and that is the nation of Sudan.

There, as the gentleman from Virginia (Mr. WOLF) said so eloquently a little bit ago, in the last 15 years, over 2 million people have died in that civil war. That is more than have died in Somalia, Bosnia, Kosovo, and Rwanda combined. Yet, in the face of this tragedy, what we have seen has been a lackluster attempt on the part of this administration to deal with it.

Mr. Speaker, I was asked by a teacher at Highline Community School, which is in the Cherry Creek School District in my District, a class again to which my colleague, the gentleman from Virginia, referred, I was asked by her to deliver a message to the Secretary of State; and I did.

The message was in the form of a question from Ms. Vogel, the teacher of this class, this fourth and fifth grade class, to the Secretary of State; and it said essentially this, "Why is it that you, the government of our own country, and members of the world community, have decided to turn a blind eye to the tortured land of the Sudan?"

□ 1545

And I communicated that concern to the Secretary and I got a response, a written response, from someone in her office. I delivered that response yesterday to the school in my district. It was one of the most incredible experiences of the time I have spent in public life; to look at these children and this teacher, who have committed and dedicated themselves to the ominous task of raising money to free human beings that have been dragged into slavery in a country all the way around the world.

This class read about this situation over a year ago and became so concerned that they organized a group that is now worldwide. They call it STOP, Slavery That Oppresses People. It has raised over $100,000. This 4th grade class in Highline Community School has raised $100,000 and purchased the freedom of over 1,000 individuals in the Sudan. Mr. Speaker, in the entire world we have been able to muster enough support to purchase the freedom the a total of 5,000, yet 1,000 come from this one classroom, this one elementary school. It is really quite extraordinary, and it was an extraordinary day yesterday.

I will enter them into the RECORD, but I want to read a couple of the cards I received yesterday. Each student wrote a personal card, a personal message to me, and some of them are really quite moving. I will not go through them all, but just some of them. And, remember, these are, again, 5th graders.

"Our hearts are noble, so we use the noble heart to do good for others." By Dong Cho.

"Dear Congressman: Hi, I'm Christina Manalostas. We bring love and courage from our life, and give it to others in sadness."

"God must have put us here on earth for a reason. That reason was not to put people in slavery or to separate races. He put us here to live free, to have freedom. He just wanted to give everyone an opportunity for everything. Love, Charles."

"There is nothing worse than seeing a person suffer for what they believe in." Deven Eastman.

I can go on and on like that, Mr. Speaker, but I will not. I will enter them into the CONGRESSIONAL RECORD.

I will tell my colleagues that what these children have done and what they are continuing to do far surpasses the efforts that the whole government of the United States has put forward to date, and I simply want to commend them and thank them from the bottom of my heart for such an inspirational day as I spent yesterday.

The personal messages referred to above are as follows:

I thank God for using these children to remind me of the true spirit of giving! We have love for all people in the world!

BARB VOGEL.

"Caring is living the meaning of life."—Richard Lucas, Age 13, Upper Arlington, OH.

If we can eradicate slavery then the world will be a better place.

Love,

CYNTHIA JARANGO.

"Maybe if we looked deep inside ourselves we would find the roots of today's problems and also the solutions. Man creates problems through his temptation; maybe he could solve them through caring."—Alicia Hartman, Age 17, Northeast, PA.

A lot of beautiful souls are in slavery and it needs to stop.

KRISTIN YOUNG.

"A nation with citizens who care and look out for each other is a great nation; it will not fall apart."—Dwain Simmons, Age 14, Houston, TX.

DEAR CONGRESSMAN DAN: Thank you for coming to our class. Also, thank you for supporting our campaign. I am an abolitionist and my name is Lè Shai.

Sincerely,

LÈ SHAI.

When you put your mind to something, you can achieve anything.

JOSHUA FLEMING.

If we didn't eradicate slavery how would other people be free?

Sincerely,

DAVID WALKER.

Power is in people! Don't be lazy take action to help others.

Love,

ALEX J. PERSINGER.

Even though Frederick Douglass is dead, I still believe that his spirit lives in every abolitionist in the world.

MELVIN HARMON.

The greatest power of our time is love for all people!

Love,

THOMAS TURNER.

Unless the world is perfect, without any problems, we need to take a stand and help others.

LINDY DESPAIN.

The world needs the caring majority.

Love,

ALPHONSO MCDONALD.

DEAR CONGRESSMAN: I would like to thank you for joining our campaign. We appreciate your work.

Love,

JAMES COLEMAN.

Slavery is wrong, and someone needs to take a stand. Adults are not doing enough, so kids are doing something more.

NICOLE CIMINO.

We can't have just a little group of abolitionists we need a large group.

Love,

JOSH HOOK.

There is a sin, from the past, it is slavery and kids are doing something about it!

Love,

MIRIAM MORENO.

God made us different, because He knew that we would be beautiful!

STACY CARUSO.

Freedom is one of the world's greatest treasures. What has happened to it?

DONI TAIKALUS.

Our hearts are noble, so use the noble heart to do good for others.

DONG CHO.

DEAR CONGRESSMAN: Hi, I'm Christina Manalastas. We bring love and courage from our life, and give it to others in sadness.

Sincerely,

CHRISTINA MANALASTAS.

God must have put us here on earth for a reason. That reason was not to put people in slavery, or to separate races. He put us here to live free, to have freedom. He just wanted to give everyone an opportunity for everything.

Love,

CHARLES.

There is nothing worse than seeing a person suffer for what they believe in.

KEVEN EASTMAN.

CUBA REMAINS A STALINIST STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the past few weeks the Castro dictatorship has initiated an all-out crackdown on the internal opposition and the independent press, who day after day fight for freedom, for democracy and for human rights in Cuba.

Yesterday, under strict secrecy, four of Cuba's most prominent dissidents, Felix Bonne, Marta Beatriz Roque, Vladimiro Roca and Rene Gomez Manzano were put on trial after spending almost 600 days in prison with no charges filed against them.

The crime committed by these four freedom-loving individuals: Drafting a document that criticizes the Cuban communist regime's repressive policies. And it was entitled "The Homeland Belongs to All of Us." This document called for the establishment of democracy in Cuba and the holding of free elections on the island. The dissidents now face up to 5 years in prison and more on these trumped-up charges.

It has been reported that dozens of independent journalists and other dissidents were summarily rounded up this past weekend on the eve of the trial. The purpose of this massive wave of arrests was to assure that opponents of the regime did not tell the international community of the Roman circus that the dictatorship dares to call a fair and a just trial.

Despite the strengthening totalitarian nature of the Castro regime, the internal opposition in Cuba continues to work tirelessly to call to the attention of the world the plight of the Cuban people. In response to the valiant efforts of the Cuban internal opposition, merely 2 weeks ago Fidel Castro imposed yet a new law on the island that punishes up to 15 and more years in jail any Cuban who disseminates what the regime considers counterrevolutionary information.

Leading human rights organizations around the world have noted the intensification of human rights abuses on the island of Cuba. Human Rights Watch, Amnesty International, the Inter-American Commission on Human Rights, and the recently released U.S. State Department Human Rights Report all concur that the Cuban regime continues to systematically violate the fundamental civil and political rights of all of its citizens.

Cuba today remains the Stalinist state that it has been for 40 years under Fidel Castro. The rights of freedom of expression, freedom of association, freedom of religion, and all of the other rights that free men and women enjoy are denied to the Cuban people. The latest crackdown is but the most recent example of this four-decade old nightmare that has engulfed the island.

Mr. Speaker, the United States Congress must continue to raise our voice in support of the freedom fighters in Cuba who day in and day out put their lives on the line to create a Democratic opening on the island.

Last year, during his visit to Cuba, Pope John Paul II called on the Castro dictatorship to open up Cuba to the world. A year after the Pontiff's visit, Castro has not even opened Cuba up to its own people. On the contrary, the regime continues to tighten the noose of repression around the necks of the people of the island.

The people of Cuba need the solidarity of the United States and all the nations of the world. Let us not turn our backs on them at this critical time.

This week my congressional colleagues and I will be submitting a resolution which will detail facts on the Castro regime and on the international community. We call upon the United Nations Commission on Human Rights in Geneva to help the Cuban people, because this provides a forum for discussing the human rights situation throughout the world, for condemning abuses and gross violations of these liberties, and for establishing an international mechanism to express support for the protection and defense of these inherent natural rights.

The actions taken by the United Nations Commission on Human Rights establishes a precedence for a further course of action, and it sends a message to the international community that the protection and promotion of human rights is indeed still a priority for all of us. The universal declaration of human rights guides global human rights policy and it asserts that all human beings are born free and should live in dignity with rights.

Religious freedom in Cuba is severely restrained, and we have clergy and lay people who are suffering sustained repression by the Cuban state security apparatus.

The government of Cuba continues to violate the rights of the child as well by engaging in child labor and in child prostitution. It routinely restricts workers' rights, including the right to form independent unions.

Mr. Speaker, we will continue to be vigilant in fighting against these violations, and we call on the international community to help us in this hour of need.

PRESERVING, PROTECTING, AND ENHANCING SOCIAL SECURITY SYSTEM

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, over the course of the next hour, a number of Members, Democrats here in the House, want to explore with our colleagues and with the American people our commitment to preserving and protecting and enhancing our Social Security System. It is my belief that Social Security is one of the best programs that ever came out of this House of Representatives and this Congress and this Nation.

If we reflect back on the history of this program to a time in this very chamber in the 1930s, a time when most of our seniors were left in poverty, left often in disgrace to live destitute in their final years in this country after having built it into the great country that it is, and we reflect back on that time and compare it to the standard of living available to most seniors in this country today, it is a remarkable development. Over the course of some 60-plus years, thanks to the leadership of the great Franklin Delano Roosevelt and a Democratic Congress, we have a Social Security System that really is something that all of us can be very thankful for.

That was a system that came into effect over very significant Republican opposition, and it took from the 1930s until the 1960s, decades of effort by Democrats in this Congress to move to the second pillar that is so important to the security of our seniors, and that is Medicare.

When my fellow Texan, Lyndon Johnson, signed Medicare into law to assure that those who had some retirement security also had a certain element of health security, nine out of ten of our Republican colleagues in this House, nine out of ten, voted no. They did not believe in Medicare.

And so I think it is important, as we begin what I hope will be a bipartisan effort to bring us together to resolve the issues now about Social Security, that we do so in a bipartisan fashion, not bound by our history, but we also must be mindful of our history. And much of the history of the viewpoints brought to this debate about Social Security is really fairly recent.

The current leader of the Republican House group, the majority leader, the gentleman from Texas (Mr. ARMEY), my colleague from Texas, has a far different attitude about Social Security and about Medicare than I have had and that our great President Lyndon Johnson had, and I believe that most Texans have about Social Security. He has referred to it, back in 1984, as "a bad retirement" and "a rotten trick" on the American people. And he said, just a few years ago, that "I would never have created the Social Security System."

In addition to the comments about Social Security, he said of Medicare, after the Republicans took control of this House, "I resent the fact that when I am 65 I must enroll in Medicare. I deeply and profoundly resent that," he said. "It is an imposition on my life."

So we know that at least when some of the leadership of the Republican Party here in the House come to discuss Social Security and Medicare, though they profess an interest in the same bipartisan solution that ultimately will be necessary, they have a different perspective about Social Security and Medicare than those of us who come from a party that has made Medicare and Social Security a mainstay of our efforts.

Likewise, I was troubled, just after coming to the House here in 1995, to read the banner headline of the newspaper of the Progress in Freedom Foundation. This is the group that was created by our recent Speaker of the House Newt Gingrich. It said, "For freedom's sake, eliminate Social Security." And it proceeded in this banner editorial, on the front page of this publication, to say, "It is time to slay the largest entitlement program of all: Social Security. A more important reason than financial returns for privatizing Social Security is freedom. The government shouldn't be in the business of confiscating people's retirement money and giving them no say where it is invested."

That is perhaps a perspective that could be subject to debate here, but it is a perspective that has characterized the leadership of this Republican Party. So that when they come and offer a meaningless resolution, like that which the House adopted today, that has various platitudes but really does nothing to accomplish any real reform of the Social Security System, we cannot help but be mindful of the perspective and the rigid idealogy that they bring that is very negative towards Social Security and Medicare.

I hope that over the course of this debate we can reflect on some of the, I guess the remainder, the leftovers of this rigid ideology that are continuing to serve to restrict our ability to get meaningful changes in Social Security, to preserve and strengthen it, rather than to reform and wreck it.

Now, the leader of our efforts in this regard has been my colleague from California, who is the ranking member on the Subcommittee on Social Security of the Committee on Ways and Means, and I participated with him earlier today, with the National Committee to Preserve Social Security and Medicare, in a discussion of a new study to explore who the winners and losers are of the various proposals like that advocated by the Progress in Freedom Foundation and the other people that do not really believe in Social Security and want to abandon the system of the last 60-plus years, and I wonder if my colleague from California (Mr. MATSUI) might focus some attention on the significance of this particular study to our ongoing discussion of Social Security.

□ 1600

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Texas (Mr. DOGGETT) for yielding.

The distinguished gentleman from Texas, as many people know, is on the Subcommittee on Social Security; and his expertise obviously is greatly needed for not only this entire institution but obviously for the country. I appreciate today that he has put together this opportunity for a number of us to speak on the floor of the House on this very, very critical and important issue of Social Security.

I might just mention the importance of Social Security to all Americans. It is probably the most significant program that the Federal Government has put together in the last 100 years, perhaps in the history of our country.

Every American is touched by Social Security; and, unlike what many people think, Social Security is not just a program for those people 62 or 65 and older. One-third of the benefits of Social Security goes basically to women, surviving spouses, and minor children, either through the form of survivor's benefits when the breadwinner of a family dies before reaching the age of 65 or, alternatively, when the breadwinner becomes disabled.

All of us understand and know the fact that, without Social Security, many young people in America today would not be able to go on to community college or State college or perhaps a university if, in fact, that breadwinner is injured or perhaps dies. So this program is perhaps the most important program that this Congress, perhaps in our lifetime as Members of Congress, will have to deal with.

Yes, there is a problem with Social Security, demographically. When Social Security was first established, it was considered then a widows' and orphans' fund back in the 1930s, as the distinguished gentleman from Texas (Mr. DOGGETT) has said. There were about 30 people working for each retired individual. Today, there is about three in the workforce for every retired individual; and sometime in the year 2025 there will only be a little over two.

So we must change, we must make modifications, but we must also preserve Social Security as we know it in America today.

I have to say that one area that has me greatly concerned is in the area of tax cuts. The story in the Washington Post and the New York Times, major newspapers throughout the country, over the weekend, is that the Republican leadership would like to lift the so-called spending caps so that we can accommodate additional spending in the defense budget, perhaps additional spending in other areas. That would be fine, I suppose, and we will have to debate that issue when we prepare the budget, hopefully by April 15 when it is due under the budget rules.

There is also talk about a significant huge tax cut, and everyone relates this tax cut to the surplus. We heard the chairman of the Committee on the Budget talk about a $700 billion tax cut over the next 6 or 10 years. We have heard the Senate Budget Committee chairman talk about an $800 billion or $900 billion tax cut over the next decade.

The problem we have, of course, is that over the next 5 or 6 years only $86 billion of the hundreds of billions of dollars of surplus will be in the form of income tax, both income taxes from corporations and income taxes from individuals. The greatest percentage, 90 percent, of the surplus will be from the Social Security payroll taxes. We cannot afford to use those sums, basically coming out of that very regressive payroll tax, to pay for tax cuts that essentially go to higher income folks.

The chairman of the Committee on Ways and Means already said that. It is going to go to people in the high income bracket because he says they pay more. In fact, we estimated that somebody that makes $300,000 a year will get about a $30,000 tax cut, whereas somebody making $30,000 a year, one-tenth of that, will get about a $99 per year tax cut, or maybe $8 a month.

Mr. DOGGETT. Some have suggested that this 10 percent tax cut is just principally designed to help the top 10 percent of Americans.

Mr. MATSUI. There is no question about that.

Mr. DOGGETT. Or maybe the top 1 percent.

Mr. MATSUI. It just goes to the very, very high income groups.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Maybe another way to put this then is, if we take this surplus, the dollars that are coming in from the payroll taxes, which would be hard-earned folks' money that they spend out of their check, actually would then go to fund a tax cut across the board or potentially across the board, leaving us in a deficit for when they get ready to retire?

Mr. MATSUI. Well, there is no question. I think the gentlewoman from Florida (Mrs. THURMAN) is absolutely correct. They are basically taking money so there is immediate gratification but at the expense of folks down the road, 5, 10, 15, 20 years down the road.

Mrs. THURMAN. It is out of their tax dollars?

Mr. MATSUI. It is out of their tax dollars.

I will conclude by being very brief, because I would like to talk a little bit about this program that the gentleman from Texas (Mr. DOGGETT) spoke about today very briefly. It is very interesting, because Martha McSteen is the chair of the National Committee to Save Social Security and Medicare. Martha McSteen had been a Social Security administrator for 39 years before she retired in 1986. She was the acting administrator of the entire Social Security program from 1983 to 1986, just before she retired.

Believe it or not, that was under the Reagan administration. She was part of this press conference.

And also John Mueller. And I want to just mention John Mueller's background. He is an economist, and he was the chief economist for the Republican Conference, that is the Republican caucus, under the leadership of then chair of the caucus Jack Kemp. They put together this report to look into the whole concept of whether or not we should privatize Social Security. In other words, allow private accounts of either 2 percent or 5 percent or 4 percent, maybe 3 percent, whatever it might be, or maybe all of it.

They have concluded, in their very comprehensive study, that in terms of winners and losers almost every American alive today will be losers under this program of private accounts, private individual accounts. The only winners will be single males born in the year 2025, 25 years from now and beyond.

The reason for that is because, as all of us know, we have an $8 trillion unfunded liability because Social Security is basically a pay-as-you-go system. It is a system in which current generations pay for the retirement of past generations, and it is not funded. It is paid out of the payroll taxes and immediately paid out of the Treasury.

As a result of that, if one moves to a new system, where there are private accounts, essentially what happens is that the current generation of workers will be paying two taxes: one for their own retirement maybe 20 or 30 years down the road and the retirement of their mothers and fathers, aunts and uncles and perhaps even their grandparents.

So once we move over to private accounts, we are going to end up doing great damage to every American that is alive today and probably will be alive, born in the next 20 years. The only beneficiary will be somebody who will be born in the year 2025 and beyond. It will be basically a male who is single.

The gentlewoman from Florida (Mrs. THURMAN) can talk about the impact of this on women.

It is a major study. We hope that people will look at it because it confirms the Galveston plan, which the gentleman from Texas (Mr. DOGGETT) is so familiar with, in which they do private accounts. A GAO study showed that the Galveston plan is not working.

Mr. DOGGETT. Mr. Speaker, I know the gentleman has some constituents that he is going to meet with now, but I appreciate his comments and his leadership.

I think the kind of participation that Mr. Mueller provides as an economist, as a Republican, is the very kind of Republican participation that we need. He conceded in his comments that he began with a strong ideological predisposition against our current Social Security system, but he was willing to let the facts overcome that ideological predisposition.

That is really what we are saying to some of our Republican colleagues who have made these very harsh criticisms of Social Security, to look at the facts; and when they show, as this study that the gentleman referred to, they show that no one alive in the world today would gain from wrecking the system and changing it so much that we would not recognize it, then we ought to try to improve the system rather than to reject it.

I appreciate the gentleman's participation.

I know that the gentleman from Washington State (Mr. McDERMOTT), one of the few physicians here in the House, serving on the Medicare Commission as well as working on Social Security, has some insight on this issue as well.

Mr. McDERMOTT. Mr. Speaker, the gentleman from Texas (Mr. DOGGETT) is to be commended for having scheduled this the day that we passed the most irrelevant resolution that I can imagine. It was empty in all its aspects.

I would say to the gentleman from Texas, as I sit here and think about this, I was thinking about my grandfather. He was a second generation American who went to the second grade. He could read the newspaper and he could write, basically, but had no assets. But in the investment industry in the 1920s there was a guy named Samuel Insole who had the electrical industry all locked up, and he was selling stock all over the United States. This was the time when we had private retirement. Everybody had their own retirement. There was no Social Security. So someone saved their own money.

Well, Insole came down into central Illinois, where my grandfather was, selling this stock. My grandfather, no economist, no great education, said to his wife, if this stuff is so good why are they selling it in the cornfields of Illinois? Why don't they sell it in Chicago?

When it crashed and all the old people in this country had nothing, that is when Franklin Delano Roosevelt came with Social Security. Because when people tried to invest their own money in the stock market, some people made it and some people got clobbered.

So this has been a system now in place for 70-some years, I guess 60 years, that has basically been protecting senior citizens. When people come here talking about let us privatize it, let us get away from a situation where we all pay into the same pot and we take out as long as we live and we share the risk, all Americans share the risk together, the move in the Committee on Ways and Means now is, let us privatize it and give everybody a little book, and they will put their money in their little book, and they will know how much they have, and they can get rich or they can go in the ditch. That will be their choices. Who knows?

The model they use comes out of Chile. People in this country ought to take a very careful look at the Chilean example.

First of all, it took a dictator, Augusto Pinochet, to wipe out the system in Chile of a universal system and give everybody individual books. They had to wipe out the labor unions, and they ultimately set this system up.

Two years ago, when the stock market was not doing well, the Chilean government said to people, please do not retire because the stock market is down and people will not have enough to live on.

My view is that we ought to be creating a solid system that goes into the future and not go back to the 1920s in this country.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentlewoman from Florida.

Mrs. THURMAN. There is another fallacy within the Chilean issue and I think it is one that all of us are very comfortable with and one that certainly the gentleman from California (Mr. MATSUI) has spoken about and that is, what happens to women and children, to this family issue? What happens to people who become disabled? If one looks at that system, there is in no way any kind of a benefit built into their system; where in ours we have a guaranteed benefit for those particular folks that find themselves in those very difficult situations.

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from California.

Mr. MATSUI. If I may just indulge for a minute, I noticed that sitting in the Speaker's seat, as Speaker pro tempore for the day today, is a new colleague of ours, the gentleman from California (Mr. OSE). Actually, he comes from the Sacramento area, as many of my colleagues know who have met him. He has just taken our distinguished colleague Vic Fazio's seat, who retired.

I would just like to acknowledge the gentleman from California (Mr. OSE) and say that I am honored to be on the floor of the House in the gentleman's first opportunity, since he has been elected to the Congress, as Speaker pro tempore of the House. So I just wanted to say, and probably breaching some kind of rule here, but I just wanted to acknowledge the gentleman this evening and say I am very, very pleased that he is here and part of this. It is a very historic moment, obviously, for the gentleman from California (Mr. OSE) and his family.

Mr. DOGGETT. We are pleased to have the gentleman from California (Mr. OSE) presiding over us this afternoon. And we are going to keep talking to the gentleman and with the gentleman, because we do need everybody from California joining in to help us get Social Security legislation here, a piece of legislation that we can all be proud of that will be there for our retirees.

□ 1615

As the gentlewoman from Florida is pointing out, for what I believe is about 16.7 million children and adults here in the United States that are not relying on Social Security as the retirement system but it is absolutely vital to them that Social Security is there for people with disabilities or family members with disabilities.

I believe she was pointing out that it does not work that way under this great model that some of our colleagues have been advocating.

Mrs. THURMAN. The other thing that I might add to that is the issue of an independent business owner. About 80 percent of them are covered under no kind of retirement plan and were actually given an option not to participate at all. We have no clue or idea what would happen if their business failed in some way when they reach that magical year of retirement for themselves, of what would happen to them. Would they become a ward of the country? What happens to this person?

Mr. DOGGETT. The gentlewoman is saying in Chile if we followed that model, there would be businesses in California, in Florida, in Texas that would be totally outside of the system.

Mrs. THURMAN. And that is exactly what happened in Chile. In fact, they said I think 80 percent of the small businesses in fact do not even participate. We do not know, as I said, if they have no income. I think that takes us right back to where we are and have been such strong supporters of Social Security, because when it was developed, it was specifically developed to lift people up and have some dignity in their retirement years. In this case we do not know where that dignity would be, which is why I would be very concerned. It is also happening in some of the other countries that we are seeing, with privatization, in the UK and in France and in some other areas where they are looking at 5 years, they could go bust in those areas and do not have a clue as to what they are going to do at this point, quite frankly because of administrative costs in these retirement issues.

Mr. MCDERMOTT. I think there is one other thing that I want to emphasize. Sometimes you cannot say something too many times. That is, this whole disability business, because I have got an incident in my own district right now that is right in the middle of my mind. This is the best disability income program in the world. You cannot buy one any better than this. We had a policeman who was injured and subsequently died, 38 years old, a wife, kids 5 and 3. Now, they go into the Social Security system and she is guaranteed a benefit for herself and those children for the rest of her life and for the kids up to the age of 18. Most young people in this country do not know that they are walking around with this insurance policy in their pocket. It is not one you want to collect on but it is like your fire insurance. You buy fire insurance on your house hoping you will never collect on it. The same is true in terms of this. To make this appear that this is just a program for old people is simply to misrepresent what the Social Security system is all about.

Mr. DOGGETT. Let me, if I might, just on that point quantify, because we had some excellent testimony the other day in our Ways and Means Subcommittee on Social Security from Marty Ford representing the Consortium for Citizens with Disabilities. She pointed out that for the average wage earner, much as the gentleman was saying for the law enforcement officer, for the average wage earner with a family, Social Security that we have today, the insurance benefits, are the equivalent of a $300,000 life insurance policy or a $200,000 disability insurance policy. I think that is the kind of benefit that we are talking about that many people, a small business owner of the type our colleague from Florida was mentioning, an individual employee could not go out and afford to buy that kind of policy. But with all of us working together in this government program, everyone gets that policy of disability insurance and of life insurance.

Mr. MCDERMOTT. I think there is one other thing that the gentlewoman from Florida (Mrs. THURMAN) brought up and I think needs to be emphasized, and that is the effect on women. If you have individual accounts and you work and on the basis of your job you put in whatever percentage, most women in this society make less than men do.

Mrs. THURMAN. If the gentleman will yield, we make about 74 cents on a dollar as versus a male. However, I will say that during the State of the Union, it seemed to be one of the areas where there was a lot of bipartisan support, that we should have parity in the workforce. I am ready to work on that issue any time the gentleman is ready.

Mr. MCDERMOTT. But there is another way in which women, if you have individual accounts, not only do they make less but they work less numbers of quarters, for reasons of childbirth and for reasons of staying home and taking care of family members. Generally men do not leave their job and take care of their mother or their father or their in-laws.

Mrs. THURMAN. The average is about 11 years less than what men work in the workforce.

Mr. MCDERMOTT. And then women live longer. So they have less money as income, they have worked less number of years and then they live longer, so that they are impoverished or they will be impoverished by this kind of system.

Mrs. THURMAN. The way that that would work is they would have to buy under an individual account an annuity and when they buy that annuity it would be based on an actuarial life span. Because women are predicted to live longer, so when they bought theirs at 64, 65, whenever they were ready to retire, when the insurance folks would settle this out, they would say you would actually get a lesser per month check than the male would just because of your life span issue, which is the reason that that would happen.

Mr. MCDERMOTT. Anybody who looks at this with an open mind realizes that women will suffer if we go to privatization and do not have this generalized program we have today. That reason alone ought to be enough to make us keep this program together, if we care about our mothers and our sisters and our aunts and all the rest.

Mr. DOGGETT. The gentlewoman from Florida was at this briefing today with the National Committee to Preserve Social Security and Medicare. The Republican economist who did that simulation on these various privatization schemes, his conclusion was that no group in our society would be a bigger loser than women, and that it did not make any difference, well, it makes a difference in degree, I guess, but regardless of income class, regardless of race, regardless of marital status, because of the factors that the two of you have just been describing, women will lose more than any other part of our society if we reject the Social Security system that has served us so well and go off with some of these ideological experiments.

Mrs. THURMAN. If the gentleman will yield, just from the synopsis and summary of findings, it said women would be particularly affected by the loss of spousal and widows benefits, the lack of benefit progressivity, and the loss of unisex annuities provided under our Social Security system as we know it today. And the Social Security benefit for surviving widows is higher than the benefit widows would receive under a privatized system. This is true in married couples when the wife is college educated with even full earnings. So there are really some issues that would have to be particularly looked at.

I will say, even in the resolution that was passed today, women was an area that was considered under this and one of the things that I would like to say to my colleagues is that it is okay to put it in words but now let us make sure it turns into action and that we do not reduce these benefits or these concerns.

If the gentleman will let me just say something else, too, because this goes into another area but still I think is the whole idea of security in your retirement years and specifically with the issue of Medicare and the idea that we would add this additional 15 percent to take us into the year 2020. I think the gentleman from Texas mentioned the security of health care. In one of our same hearings, and I know we are not going to get much into this, but one of the things that was said during one of our committee hearings, Mr. Lew said basically if Congress fails to enact this legislation, 15 percent, we have only three options in the Medicare issue and I hope that we are all listening to this because he stated that we would have to reduce provider payments, raise payroll taxes or cut benefits. I am just adding that in because that is another part of the whole Social Security issue as we are looking at this debate.

Mr. McDERMOTT. I think one of the things that we need to talk about a little bit so people really understand it, because sometimes I know that I think I understand about something until I really begin to feel about or actually look at it. This Social Security issue really, if you want to take a point when it got acute was in 1983. We in the Congress, not any of us, but the Congress decided they were going to save Social Security, so they raised the contribution rate so that people were putting more money into the pot that was being paid out in that year, the so-called pay-as-you-go idea. You put in as much as you have to pay out. Well, we were putting in more than we had to pay out, so a surplus developed in there. During the 1980s, under Mr. Reagan, for the Cold War reasons and a lot of reasons, we borrowed all of that. We borrowed that money out of the Social Security and we have been paying—we, meaning the government, borrowed it—and we have been paying interest. Every year, one dollar out of seven in the Federal budget goes to pay interest to the Social Security system. It is almost our biggest expenditure outside of Social Security itself, just a little less than we spend on defense, we are spending in interest on this money.

The President's proposal in his State of the Union message was absolutely a stroke of genius, because he is not only paying off the national deficit but he is also strengthening the Social Security system by putting in 62 percent of the surplus until the year 2014, and the amount of national debt will be markedly reduced. I personally think that it is inconceivable that if you have any conservative bones anyplace in your body that you would, having received this benefit, say, well, let us spend it on a tax break rather than pay this enormous debt that faces this country. I think the people have to understand, the Congress created the debt, and it is now, when we have surplus, the time to pay it off. It is like your credit card. If you get a Christmas bonus and you say, well, let us just buy some more rather than paying down your credit card, you would say that person was irresponsible. The Congress will be irresponsible in my view if it does not use this money to pay down that debt.

Mr. DOGGETT. That is the whole meaning of the phrase "save Social Security first." We save Social Security first, ahead of anything else, and we do it by the very fiscally responsible step of paying down these trillions of dollars of Federal debt that has been accumulated over the last many decades.

Mrs. THURMAN. Again through the hearings that we have had, if anybody has been watching the news or reading the newspaper or looking at Newsweek or any one of the organizations that have been writing about what is going on up here, Greenspan, both in the Senate Finance Committee and Ways and Means, Banking, wherever he has appeared over the last couple of months in his report to Congress has been, this is the best thing you can do for this country. And then the beneficiaries are all Americans, because we continue to see a robust economy with jobs being created, businesses having capital to expand and extend their businesses, we have lower interest rates or continued lower interest rates. We know how that has been spurring this economy, the fact that people have been able to refinance their mortgages so they have more money in their pockets for disposable income, maybe for possibly even putting a little money aside for children to go to college or buy health care or help with long-term care for an elderly person, whatever that case may be. We all recognize that that is what we should be doing.

I have to tell you, it was interesting, I am going to try to get it right. This morning I was going back over some clips. It seemed that there was this continuing, "Well, if we don't do this, we've got all this surplus, should we then give this tax cut?" And Greenspan said, "Well, you know, it is the last thing I would like you to do, but the worst thing you need to do is be spending it on new programs. So if you can't save it and use it to pay down the debt, well, then maybe you should do that."

But quite frankly the first thing we should be doing with this money is paying down our debt.

Mr. McDERMOTT. The actual quote, if the gentlewoman will yield for a second, "My first preference," he said, "is to allow the surpluses to run for a while and unwind a good deal of the debt to the public which we have accumulated over the years." Here is the man that has brought in large measure the present economy to its present state. He is saying, pay off the debt. I do not see how anybody can be against this. It is going to be interesting to hear the debate that will go on while they try and justify, "Well, since we've got the money, rather than pay it off, we'll just give it back."

□ 1630

It is the people are the ones who are going to benefit from stabilizing Social Security and Medicare. There is a tie between these two. Because when we talk about these older women, there are about 6 million women in this country living on $8,000 of Social Security, and it is those people that we are talking about raising the premiums on Medicare.

Mrs. THURMAN. Sixty percent of the Social Security recipients are women in this country.

Mr. McDERMOTT. Yes.

Mr. DOGGETT. Let me ask you in that regard from your service on the Medicare Commission. Now I have heard some people on our Committee on Ways and Means say that they, as Republicans, would agree with the President to set aside 60–62 percent of future surpluses to take care of Social Security, but they wanted the rest of it, I guess, for various other schemes, and they did not want to focus on the Medicare aspect. If we only do the 62 percent and we do not have any long-term solution otherwise to Social Security and we do not address Medicare, what would be the effect on the health security of our seniors?

Mr. McDERMOTT. Well, I think that, first of all, anybody who would try and separate them and say one is important and the other is not simply is not old, because if you are old, you think about two things: How you are going to pay for your house and your food and how you are going to pay for your doctor bills. And when Medicare started, 1965, less than 50 percent of people had health insurance above the age of 65. Now 100 percent are covered. It is the second leg of the economic security for senior citizens in this country, and you have to stabilize that plan. Otherwise, the Social Security check is going to go simply to pay for more health care benefits.

Seniors already spend $2,500 on average in this country out of pocket on Medicare for medical things that are not covered by Medicare. So the Social Security and the Medicare are linked very tightly, but it is absolutely crucial that people have an income to live on. If you do not have that one stabilized and you start making that one unstable and then make their health care unstable, you will have taken away all the emotional security that senior citizens feel in this country because of these two programs.

Mr. DOGGETT. A colleague of ours who was a leader even before coming to this House as a State official in dealing with pensions, retirement security, insurance, is EARL POMEROY of North Dakota. And I am pleased that you join us this afternoon, also now as the co-chair of our entire Democrat Caucus Task Force on Social Security, and I know you have some thoughts about this ongoing debate.

Mr. POMEROY. I certainly do, Congressman, and I want to thank you for your leadership as well as, Congressman MCDERMOTT and Congresswoman THURMAN, for your leadership on the Committee on Ways and Means. I know that you have been having many hearings on this topic awaiting the reform proposal of the majority.

While it is difficult to try and see what they may be proposing, I know, as you have told me, the thrust of the debate seems to be shaping up to be between those that want to reform and reduce Social Security protections and those that want to strengthen and protect and extend those protections so that the next generation has the same protections that our parents, grandparents and we will have as well.

I think that, as we see this take focus, it appears as though those who want to reduce Social Security will be advancing a proposal of individual accounts replacing the guarantees and assurances that today protect one in six families in this country, one in six Americans in this country receiving a Social Security payment in exchange for an individual account proposal.

You have mentioned earlier a study that was released today, and I also want to call it to the attention of the body, a study authorized by the Committee to Preserve Social Security and Medicare conducted by a Republican economist that shows there are distinct winners and losers under a proposal to go to the individual account. But most of us, virtually all of us living today, fall in the losing category. The individual account winner fell to one narrow class of males in affluent earnings that will be born in about 20 years. All of the rest of us lose, and we lose for one fundamental reason: You have to continue making payments on the existing structure, the structure that today is meeting the needs of more than 40 million Americans, even while you begin to create these individual accounts and direct money to those so that that is going to work to replace the Social Security payments in the future.

The thought behind this economist's study was a very simple but straightforward one. It is always, always more expensive to pay for retirement twice than once. And so if we fund the existing system and fund the individual account system, we are in essence paying twice, and that is the cost that ultimately reduces what Social Security offers to Americans.

Mrs. THURMAN. Mr. POMEROY, within that, and so we can kind of look at this debate and maybe kind of give the audience or whoever is out there listening to us the word or the captured word that what you are talking about, and this is the transition tax. It may be called something else, but the fact of the matter is it is the dollars that are going to have to be spent to cover those people that are on Social Security today and within the system.

Now to that, Mr. POMEROY, one of the things that John Mueller talked about specifically was these other studies and why these other studies were wrong when looking at the Social Security system, specifically as we privatize or if it were to be privatized. And they said that these are some of the issues that were left out of their models.

And maybe you can help me with this, that they have left out or underestimated transition costs, which would be this transition tax, and administrative fees for private accounts, that they have used a so-called typical household that in reality does not parallel the actual earnings or employment history of most workers. And, three, they have used exceptionally high projections for market returns that do not track with the extremely slow economic growth or cash used by the Social Security actuaries when we are predicting the future of Social Security funding.

Mr. POMEROY. That is precisely correct. The gentlewoman is exactly right. These earlier studies have been flawed, and they are being corrected by a spate of recent studies done by all perspectives out there analyzing this very important issue. I cite for the gentlewoman's attention a November, 1998, EBRI study.

Now EBRI is the Employee Benefits Research Institute, a business-funded research group assessing the impact of administrative fees on these individual accounts. The thrust of the study, quite likely the administrative fees certainly eclipse any enhanced earning opportunity under the individual account proposal, if they are administratively possible in the first place.

Mr. MCDERMOTT. What is the administrative cost under Social Security? Do you know?

Mr. POMEROY. The administrative cost under Social Security is under 1 percent. It is truly the most efficient mechanism of getting benefits available to Americans.

Mr. MCDERMOTT. And the administrative costs in an investment house, Wall Street Journal kind of private investment account, what would that be?

Mr. POMEROY. Well, they run considerably more than that. In fact, the least expensive individual account structure could be brought on line potentially for 8 percent, 800 times what we are presently paying; and a more likely scenario could be 30 to 40 percent in a completely privatized environment, reducing benefits in favor of administrative costs while you reduce the assurances. It is just not the way to go.

Mr. DOGGETT. And while the study that we heard about today was a simulation using an economic model by a Republican economist, is there not some experience in some of the foreign countries that have moved to these private systems that they have actually experienced administrative costs of the level that you are referring to?

Mr. POMEROY. Well, the fact of the matter is is you are precisely right, and pensioners and near-to-be pensioners have lost millions, all told. In the experience of Chile, in the experience of the United Kingdom, two prevalent examples asserted by those that want to create individual accounts, look a little deeper and you see that the administrative expense component is really coming home to roost in those experiments.

The other real-life example we have is a private alternative to a Social Security program being run down in Galveston, Texas.

Mr. DOGGETT. We usually think everything is a little bigger and better down in Texas, but in fact the study that you referred to in Galveston, Texas, most everybody there that was left out of Social Security. According to the objective study on it, they came out a looser; did they not?

Mr. POMEROY. Well, this is a study by the General Accounting Office, and this is not a group with any stake in this debate. They are providing the strict analysis, and they find precisely that those that have gone not with the Social Security but with this alternative plan for the local public employees have not fared as well as they would have done under Social Security.

As we approach this vitally important program, it is really important, because of its critical importance to American families, that we not deal with, you know, ideology and theories and concepts. If we would make this change, we would not be able to change back, and so it is vitally important that the research come up a good measure from what those favoring individual accounts are presently asserting.

For example, they say that African Americans would benefit under a move to individual accounts. Today's study shows quite conclusively that African Americans would lose and lose big. They hold this out as an opportunity for modest income workers to accumulate wealth. Today's study shows that middle income, modest income workers lose and lose significantly, as opposed to the assurances they now have with Social Security. And then finally women, the biggest losers of all under the shift to individual accounts.

I look at the perspective from my own family. I cite the three women in my life: my 78-year-old mother, my 46-year-old wife and my 5-year-old daughter spanning three generations. All lose, moving away from the guarantees of our Social Security program into the untested uncertainties of the individual account environment. The study today shows it is a loser and we leave people less well off, with greater risk and lower benefits.

Clearly, this is absolutely not the way to go with a program as important to Social Security. I think at this point in time, if the majority wants to continue to pursue this radical reform proposal, reducing the assurances of Social Security in exchange for the individual account proposal, it is time for them to stop shooting at the framework advanced by President Clinton that preserves the guarantees and advances specific proposals that would establish the individual accounts. I am convinced, in light of what these studies have shown, that when analysis is run on any individual account proposal they will bring forward, we will show reduced benefits, higher risk, lower assurances and a step backwards in terms of providing retirement, income security for American families.

I thank the gentleman for this discussion.

Mr. McDERMOTT. Before you walk away, I would like to ask you a question. You quote that Galveston study. What were the reasons why people who choose not to go into Social Security but to do their own investing, why did they come out worse off? I mean, my son has given that argument to me. He said, dad, we do not need Social Security. Just give me my money, and I will invest it, and I will be just fine. I would like to hear what happened to them.

Mr. POMEROY. Well, in fact, they run into the things that we have been discussing, higher administrative fees, greater investment return uncertainty, the same things that would face, in fact, the reform of Social Security.

The fact of the matter is that I think we need to appreciate the fact that as individuals deal with at-work retirement plans, they are already taking on a good deal more risk than they traditionally have. In the past you had your pension, the assets were managed elsewhere, and you put in your time, and you got your retirement check.

Presently, you have a 401(k) plan. Workers in the work force today struggle to make a matching contribution so they get some money accumulating in their 401(k) accounts. We know that over half the 401(k) accounts in the marketplace have less than $10,000 in them, hardly anything that is going to sustain a comfortable retirement.

We also know that those 401(k) accounts carry a level of investment risk, and quite often workers are mystified, bewildered by the investment choices that confound them. The last thing they want to do is take the one piece of security they have in retirement, Social Security, the bedrock, the foundation, and put risk into the foundation as well.

□ 1645

This is what we build on for retirement security. We do not want to crack the bedrock assurances social security has offered, creating even more uncertainty as to the ability to make it in retirement years.

Mrs. THURMAN. One of the other things we have found, not maybe with the Galveston but just generally, particularly when we are using another form of an IRA 401(k), those kinds of issues, again, this comes back to women. In many cases, if they only work maybe 4.7 years at one job, therefore, for many companies they cannot even vest or participate in any kind of a retirement system outside of social security, which creates one problem for them.

Then say that they get into that situation and they do have an opportunity to vest in something like this, or they have put some money aside in an IRA. Women are the first ones that give up that security to give security to their other family members. So if they have a child that needs to go to school, it becomes an education benefit for their child. If maybe they need a house or a down payment, they are the first ones to give up that security that would be used for themselves in that later time of retirement. So again, here is another little pitfall that happens for women in these situations.

I think the one about the 4.7 years, so much of this is based on vesting in any one system. Sometimes it takes as much as 10 years. We just do not stay at a job for that period of time.

Mr. McDERMOTT. I think EARL really put his finger on it. It is there and we know it is there, and our job has got to be to stabilize it and make it so that there is no question that it will be there for our kids.

I think all of us my age or around my age have kids who say, well, I heard that this is not going to be there when I get to be old. The first thing we have to get out to them is the message that if we did nothing, if we did nothing, there would be three-quarters of the benefits in social security forever. There is no question that we can do that. The question is whether we are going to have to reduce the benefits if we do not do something about it.

I think that the mythology of those people who want to privatize it and get rid of the Federal program has been to say to our kids in an advertising campaign over and over again, social security is not going to be there when you get there, so why are you paying for it? You are paying in, but you are not going to get anything out of it, you know. That has begun to take effect among young people in this country, when in fact it is not true. It is a lie that is being pushed by people who want to destroy the social security system as we have come to know it.

I personally think our biggest job will be, and if we fail in educating the public about this, at some point they may buy this kind of mythology, about if they had their own money. But the thing we have to remember about the United States is that we are not a country which has done things individually. We do not put out fires individually. We do not build highways individually. We do not build schools individually. A social security system, some may be able to build one, but for everybody who can, there is going to be somebody who cannot. Our problem here is to make sure that everybody has something. Otherwise we will be back in the thirties.

Mr. DOGGETT. Mr. Speaker, a couple of points there that I think are really important, because I have gotten some of those same kinds of communications. I expect every Member has, particularly from younger Americans, saying, just show me the money and I will do it on my own.

One of the things we know from the study that came out today that we have referred to, prepared by a Republican economist who had a leading staff position with House Republicans in this House during the Reagan administration, is finding that every one of those people, the young person that wrote you, the young person that talked with you at a town meeting in Florida, the young person who contacted me in Austin, Texas, every one of those people and every single person alive today is going to come out worse under these experimental plans, according to this simulation, is going to come out worse than if we maintain and strengthen the system that we have right now.

Mr. McDERMOTT. How do people get that report? Where is that report?

Mr. DOGGETT. This report is available from the National Committee to Preserve Social Security and Medicare. I am sure they will have it up for many of our young people who are web literate on their website. I know my office will be pleased to supply information, and I am sure yours, as well, to people from your part of this country who want to get more information about how they would be affected.

Then I would just add, with reference to what you said about going back to the thirties, I have to feel that one of the reasons that some of these Washington think tank ideologues want to break apart the social security system is that they are so committed ideologically against anything that has government in it. They do not agree with the government highways, they certainly do not agree with government schools. They want to voucher some students out. They will not vouch for public education. They feel if they can tear apart the bonds that have tied Americans together around social security, then they can eliminate any government program.

I think it is that ideological fervor, it is the kind of thing I was referring to at the beginning of this special order in the Newt Gingrich Progress and Freedom Foundation, that it was not just about financial returns, but it was about some very distorted idea of freedom; that if you could break apart the social security system, you could break apart anything else.

I think when we stand up for social security, we are not only standing for the security of our seniors and our disabled Americans, but we are standing for some common bonds that tie us together; that I have an interest in what happens to your family, you have an interest in what happens to mine; in our retirement, if we are faced with the loss of a breadwinner, if we are faced with an unexpected disability, that there is something there to provide us with a little bit of a safety net in that kind of tragic situation.

I know the gentlewoman has some observations on this.

Mrs. THURMAN. I was just going to say, when the gentleman was talking about the young person and the report, if we go to page 11 of that report, and under conclusions, No. 2, and the gentleman from Washington can say this back to his son, because of the transition tax, and again, I go back to that, inherent in any move away from pay-as-you-go social security, no cohort now alive could avoid serious economic losses from partly or fully privatizing social security, even under the most unrealistic set of assumptions. All cohorts now living would be substantially better off with even a scaled-back, balanced, pay-as-you-go retirement program.

Mr. McDERMOTT. May I ask a question?

Mrs. THURMAN. Certainly.

Mr. McDERMOTT. What is a cohort?

Mrs. THURMAN. I would think that would be one of us; a people, a person.

Mr. McDERMOTT. A group, right?

Mrs. THURMAN. These are scientific terms they use when they are putting together these reports.

But also the question that has to go back to that young person today is, if they are relying on a study, they need to ask the hard question, too, because this is about their security. Just as important, it is about their mother's or father's security, so that that does not fall upon them when they have children and are trying to rear their children, and all of a sudden they have a parent who has no income, or any of those kinds of things that could happen to them.

But the hard questions go back to why the other studies are fundamentally flawed. Why were those questions not asked? Again, they left out the underestimated transition costs, they have used a so-called typical household, and the fact that they look at exceptionally high projections for market returns. Those are the questions we need to send back to our children.

I would also say, I am not giving up on our children, our sons and our daughters. They see the benefit to their parents or, in some cases, their grandparents. They understand that their parents are being able to pay for their education. They are able to help them buy that first home, because their parents' parents are not reliant on them for their everyday household needs. I think that that is very important.

So if we just let them kind of capture back in, look around and see the benefits social security has provided in their own family, in their own family today, and then look at friends who might have had a loss of a parent, or if they have had somebody who has been on disability at an early age, they can truly look and see what this program has provided. I hope we will continue to do these kinds of things, to continue to bring these issues to the American people.

The gentleman from Texas (Mr. DOGGETT) has been great, and I have enjoyed this, I say to the gentleman from Washington (Mr. McDERMOTT).

Mr. DOGGETT. I thank both Members for their continuing work on this topic.

I would just summarize in these closing minutes and say that the first thing is to put social security first. We say, save social security first. Do not engage in a bunch of new spending programs. Do not dissipate the surplus with some politically-motivated changes in the tax code. Use the resources that are available at this great time in the American economy to see that social security is saved first.

Then second, it is a matter of our working towards a bipartisan agreement. I believe that we can do that in a constructive way. We must do that. We should move forward immediately with the President's program and see how we can make it even better to preserve this very valuable system.

TRIBUTE TO PATRICK EARLE McCAMMOND, AN EAGLE SCOUT FROM CARTERET COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, this is not an easy time for young children in America. Mixed messages from our society about morality and the value of truth can confuse an already difficult time for our Nation's children.

When so many young people today are finding destructive means to cope with everyday frustrations and concerns, I am proud to bring to Members' attention an outstanding young man from the Third District of North Carolina who has taken positive steps to ensure a bright future for himself and his community.

At just 14 years of age, Patrick Earle McCammond recently achieved the rank of Eagle Scout in the Boy Scouts of America. The Eagle Scout rank is the highest rank in scouting. In fact, only about 2.5 percent of Boy Scouts ever achieve Eagle Scout. It is an accomplishment reserved for young men who incorporate the principles in the Boy Scout oath and the Boy Scout motto in their daily lives, and earn 21 merit badges in areas ranging from community service and leadership to physical fitness. Patrick not only handled and met these standards, but he far surpassed the minimum requirements. In all, Patrick has earned a total of 55 merit badges, with more in the works. That is more than double what is required.

He has also received a number of honors and awards within Boy Scouts in his community, which include the Arrow of Light, World Conservation Award, International Catholic Awareness Medallion, and the High Adventure Patch.

While achieving this rank itself is an accomplishment, Patrick has literally dedicated his youth to helping his community. When I learned of Patrick's achievements at such a young age, I certainly was impressed. But only when I learned about a project he developed for his community did I fully recognize the impact of scouting on Patrick's life and his future.

One additional requirement for Eagle Scout is the completion of a service project to benefit a religious institution, school, or community. We have a strong military presence in North Carolina. In the Third District alone, which I have the privilege to represent, we have four military bases with 77,000 retired veterans and another 10,000 retired military. Knowing this, Patrick created a website designed to assist the veterans in his Carteret County community.

Mr. Speaker, there are many young men in the Third District of North Carolina like Patrick who have achieved the rank of Eagle Scout, and even more who will in the future. As their congressman, I am proud of each and every one.

What makes Patrick McCammond's efforts special to me is his concern for our veterans. No matter what age, we as a Nation must never forget the men and women who have served this Nation to protect the freedoms we enjoy today.

Patrick paid tribute by taking steps to research, create, and implement his project. First he worked with computer professionals and area veterans' organizations to develop the website, which he named carteretvets.org. He obtained technical and financial support from local businesses in order to print informative guides he designed to publicize the website. He worked with his fellow scouts and classmates to check the site to ensure it was complete, and to check for flaws.

☐ 1700

Finally, he led demonstrations to introduce his complete project to local veterans groups. Hundreds of veterans across the country have now visited and benefit from Patrick's web site.

Outside of his life as a member of the Boy Scouts, Patrick serves as the eighth grade class representative to his school student council at Annunciation Catholic School. He maintains a B average in his studies and is a state-level swimmer on the Carteret Currents swim team.

Patrick also serves as one of the 32 students who were selected from hundreds in the entire State of North Carolina to be a First Flight Ambassador for the Class of 2003, First Flight Centennial.

Mr. Speaker, in today's society it is easy to lose sight of the values of honor, integrity, and character, yet they are the foundations that make our citizens and our Nation strong.

I would like to thank the Boy Scouts, Girl Scouts, Little League, and all programs and organizations within our communities that work to help teach our children values and help them to recognize their own potential.

Mr. Speaker, Patrick McCammond exemplifies all that is good in the youth of America today. I am proud of him and the example that he is setting for his peers by taking pride in his family, his faith, and his country. In his actions and in his deeds he, and all who participate in Scouting, reflect the values and spirit of community service that will build the future leaders who will make us all proud.

OBVIOUS BENEFITS OF A CONSERVATIVE, HUMANITARIAN APPROACH TO GOVERNING IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, before I start, let me just invite all of our colleagues who are watching and following the floor proceedings on the Republican side who have been looking forward to this evening's special order as an opportunity to showcase and feature a number of the successes of the Republican Conference here in Congress.

Our agenda is one, of course, of fighting for lower taxes, fighting for strong national defense, insisting that we find methods to secure and safeguard the Social Security Administration, and creating and providing the world's best education structure. I want to talk about the obvious benefits of a conservative, humanitarian approach to governing in America.

I want to do that, Mr. Speaker, by highlighting a couple of articles that appeared in the Denver Post over the last few days. Here is the headline: "Welfare rolls drop 42 percent. State's decline is faster than the U.S. average."

This is important to note because Colorado, among the 50 States, is considered a low-tax State. Colorado is a State where the regulatory burden on Colorado businesses and those who create job opportunities is relatively low. It is a State where we have been serious, quite serious about putting the welfare reform proposals passed by this Congress into place at the State level, and the result is very dramatic and very positive for the people of Colorado. Again, a 42 percent drop in the welfare caseloads over the last 18 months.

It is a real credit and a dramatic bit of evidence as to what can be achieved through lower taxation at the Federal level, lower regulation burdens on those who are creating jobs, and a healthy economy and business climate.

Mr. Speaker, here is a quote from one individual. He said that this is primarily due to employment opportunities and to a "work-first" model of welfare reform. This is a quote by Maynard Chapman, Welfare Reform Program Manager for the Colorado Department of Human Services.

"But if job opportunities are not out there, I don't care what type of welfare reform design you're using, it is not going to work because the job opportunities are not out there."

It highlights, that comment, what the Republican Party has been suggesting and promoting for a long time. That by focusing on a stronger, more vibrant economy we can structure welfare reform in a way that works, as it has for a woman named Teri Higgins who was quoted in the article.

Reform for her has meant a new way of life. After being on welfare for 3½ years, she is almost completely self-sufficient. She was a full-time student halfway through her associates degree program in business administration when welfare reform kicked in 2 years ago. Under the new system she had to work, so she decided to work in a work-study program at Community College of Denver. Within a year, the 37-year-old single mother of three boys went from being a welfare recipient to the office manager for the Division of Business and Government Studies at CCD.

Mr. Speaker, here is what she says. "What made the difference were the extra things," such as helping her provide for day care so she could go to school, the emotional support from counselors. She said that she still struggles. She makes a decent wage and it is hard to make ends meet, "but when I sit down and write checks out for all my bills and everything is paid, that is really a good feeling."

I suggest that for Teri Higgins, and for millions of people just like her, this pathway to self-sufficiency is the definition of liberty and freedom in America. It is made possible by the Republican majority in the United States House of Representatives and the United States Senate that, for the last 4 years that we have had the majority, heading into our fifth year, we have focused on tax relief. We have focused on families. We have focused on reducing the regulatory burden on those who provide the kind of jobs that Teri now enjoys. That, in the end, is by far a better definition of a caring, compassionate, humanitarian, conservative philosophy designed to put people first and help Americans help themselves.

Mr. Speaker, with that I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding to me. I am especially interested in some of the definitions that tend to waft around inside the Beltway here, one being "compassion." I think, if one saw the New York Times last week, they saw an example of this. The noted commentator and columnist, Tony Snow, mentioned it this past Sunday on Fox News Sunday when a front page article in the New York Times bemoaned the reduction in applications for food stamps.

Mr. Speaker, let me simply affirm that the truest form of compassion is not adding people to the welfare rolls, not adding people to the food stamps program. The true definition of compassion is helping those people, just as the gentleman from Colorado mentioned, move from welfare to work so that they have the opportunity to provide for themselves and their families, so that they have the chance to realize their hopes and their dreams. That is the true measure of compassion.

Mr. Speaker, I must also note with great interest some of the comments in the preceding hour. It is sad to hear some come to this floor and so passionately try to sell an agenda of fear to the American public, rather than facts, to merchant or to market the politics of fear as opposed to the policies of hope.

Mr. Speaker, this common-sense conservative majority, in the tradition of welfare reform, is moving four major goals:

Number one, to protect, save and improve Social Security and Medicare.

Number two, to offer meaningful tax relief for working Americans.

Number three, to improve education, not by micromanagement from Washington bureaucrats but by empowering parents and students and teachers and local school districts.

And, number four, to strengthen our national defense and security.

Indeed, I was walking over with a constituent, a man who lives in Winslow, Arizona, part of the Guard and Reserves and also a Federal employee. He was telling me on the way over to this Chamber how he and his wife embrace the notion of lower taxes for everyone because they do not want to see someone punished for succeeding. They understand that as they will experience this year, with a child under 17 still at home, a $400 per child tax credit. That $400 stays in their pocket to save, spend, or invest as they see fit.

Mr. Speaker, that is the challenge, is it not? Is there not a central choice here? Who do we trust, Washington bureaucrats or our family, to make decisions? That is the key and that is what we champion in this common-sense majority.

Mr. Speaker, I am pleased to see another of our colleagues, the gentleman from Colorado (Mr. TANCREDO), one of our newcomers. I welcome him to the Chamber. We are glad that he is here.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Arizona, my friend and colleague, for yielding to me. I certainly concur with the remarks that have been made to date with regard to the issue of taxation, the impact it has on the country, the effect it has on productivity, the ability for this Nation to move ahead, to create jobs, to create wealth.

Mr. Speaker, everyone knows that whatever we tax, we get less of; whatever we subsidize, we get more of. The fact is that when we tax productivity, when we tax jobs, we are going to get less of them. It is not, as they say, "rocket science" to realize that this is the effect of overtaxation.

We are now at a rate of taxation in this country that has never before been seen. Many people do not realize that because times are good. We hear it all the time: Times are good. And so there is an assumption that if everybody is employed, that everybody enjoys paying a high level of taxes just because they have a job.

But, Mr. Speaker, they do not. As a matter of fact, even those people who are employed and making good wages deserve a tax break, deserve a tax reduction. Even those people who are on farms and who have spent a lifetime investing in the land and bring food to our tables, those people need a tax break. Those people need to have the abolishment of the inheritance tax. This is something that this Republican Congress is going to put forward. It is one of the many issues that we will drive forward to attempt once again to bring into line this Federal Government that is, in fact, oppressive enough to actually raise almost 20 percent of the GDP now going to taxes. Most families in this country are paying upwards of 40 percent of their income in taxes.

I cannot believe that there are people even here in this body, but certainly on that side of the aisle, who would suggest that that is anything even remotely near fair. There is nothing fair about taking 40 cents out of every single dollar that a man or woman working in this Nation makes and giving it to the government. There is nothing fair out of that. We do not get that much out of it.

Mr. SCHAFFER. Mr. Speaker, when we listen to our constituents, as the gentleman from Arizona mentioned a little earlier, our constituents will tell us and help us to understand how important this issue is. I want to share with my colleagues a letter I received from a woman in Fort Morgan, Colorado. She said, "Since Republicans gained control of the House and Senate in 1994, my husband and I have been eagerly looking forward to some kind of tax reduction." And she said this January she is going to be retiring early. Her biggest concern, number one urgent need, is further tax relief to allow her and her husband to do some better financial planning and to deal with the situation that is about to change in their lives.

Mr. Speaker, I brought a stack of letters from constituents back home and over and over and over again these constituents tell us that the upwards of 40 percent of taxes, when we consider the Federal, State and local taxes and when we consider the cost of regulation on top of that, the cost of being an American citizen is well over 50 percent of income. By no one's definition can that be regarded as being fair.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) who has joined us.

Mr. KINGSTON. Mr. Speaker, I think we get some of the same letters. I have a letter from a woman in Savannah, Georgia. "Dear Mr. Kingston, I recently heard you say how much taxes have increased since the 1950s. Can you give me those statistics again? I am a homemaker in Savannah, Georgia, with four children and would greatly appreciate the ability of our family to keep more of its hard-earned money. Signed, Elizabeth Morris."

The income tax burden in the 1950s, as the gentleman from Arizona knows well, being on the Committee on Ways and Means, was 5 percent. In the 1970s when we were growing up, most of us in this room, it was 16 percent. Today it is 24 percent.

That is just the income tax. That is not talking about the property taxes and all the other incurred taxes that our constituents and hard-working middle-class people have to pay. But the reality is the higher our tax burden, the less time we have to spend with our family, with our children imparting values, teaching them the work ethic, teaching them right from wrong, because that second income in the family often is going to pay for Uncle Sam and our excesses.

Mr. HAYWORTH. Mr. Speaker, a point that needs to be brought home is something borrowing from the gentleman from Colorado who talked about the percentage of our gross domestic product that now goes to taxation. Though I fear, Mr. Speaker, from time to time that is a very salient point and factually correct, sometimes we need to translate that into everyday language by offering other examples, and the gentleman from Georgia has done so.

I would say it this way, borrowing from my other colleague from Colorado: There has come to be in this Nation an observance of a day that is not exactly a holiday, though it offers emancipation from the burden of taxation.

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We call it tax freedom day. Depending on the calculation, whether we are talking exclusively about Federal taxes or if we combine them all, as the gentleman from Colorado pointed out, the cost of all taxation and the hidden costs of regulation, quite often, American citizens work from January 1 through our Independence Day or close to it on an annual basis to free themselves from the yoke of taxation. That is what we are talking about here.

These deal with flesh and blood human beings who are facing decisions, who, oft times, in a household, we will see both parents working, not by choice but by necessity, as my colleague, the gentleman from Georgia, points out, because one spouse is working essentially to continue to pay and satisfy the gaping wall of taxation.

It is a very simple concept here. One works hard for the money one earns. One should hang onto more of it and send less of it here to Washington, D.C., because now we find ourselves in the day of an overcharge. We are overcharging for government services.

When money hangs around the Federal Treasury, it is kind of like cookies in the jar in the Hayworth household. Somehow somebody gets to it. In the case of the money, it is spent by bureaucrats. As the attorneys would say, there is a preponderance of physical evidence to say what happens to the cookies in the cookie jar and who might get them from time to time.

So what we again must embrace is this notion of broad-based tax reform. Despite the calls of those who would offer the politic of fear, we embrace the policies of hope when we say that every American who succeeds ought to have the opportunity to hang on to more of what he or she earns and send less of it to the Federal Government; and understand that those who have succeeded through their investment, through their risk taking, if you will, in the marketplace, create jobs and create more opportunity and help to fuel an economic boom.

So that is what we champion here, along with our three other pillars of policy in the 106th Congress, to strengthen and protect Medicare, to improve education by empowering parents and local communities and, thirdly, to improve and bolster our national defense.

Mr. SCHAFFER. Mr. Speaker, our new colleague, the gentleman from Colorado (Mr. TANCREDO), has been sworn in for a little less than 2 months; and I am curious, what has his constituents been telling him? Has he been hearing about the issue of taxes in the short time that he has been a Member of Congress?

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank my colleague, the gentleman from Colorado, for yielding to me.

Mr. Speaker, I have certainly been hearing a great deal. As a matter of fact, I do not believe that I can put it more succinctly or more profoundly than a constituent from Aurora who writes, "The American dream has always been to get married and raise a family, to own your own business, to own your own farm, to build a secure and better future for your children to enjoy, to pass on what you have worked so hard for and paid taxes along the way for the next generation.

"For the past 20 years, I have successfully built several dealerships, providing jobs and revenue to several communities. These past years, I have given my all to build and make a secure future for my heirs. This can all be taken away from them if I should die and they should have to pay 55 percent on the estate. Would they have to liquidate or sell to be able to pay the estate tax? What would happen to everything that I worked so hard to provide for them? I support the estate tax reform so that not just me but all who have worked hard and built a nest egg for the future generation can keep it, not the government."

Now I say, Mr. Speaker, again, a profound communication from a constituent who understands fully the implications of this. I recognize that, for years, the idea behind an estate tax or let us call it what it is, it is a death tax, the idea behind that, it is a class envy thing, to a certain extent, where people felt, well, if people amass too much, we should actually just take it away from them and divvy it up again; that is only fair. Well, it is not fair. Again, this idea of fairness, to whom is it fair? It is not fair to this gentleman. It is not fair to his family.

Another thing, if one cannot accumulate for oneself and for one's heirs, for whom will one accumulate? The government? Would we be expecting the people in this country to go out and work day in and day out, again, creating real value, something the government knows very well about the actual creation of value? Do we expect John and Jane Q. Citizen to go out every single day to do that, only to give it away upon their death so they cannot pass it on to their heirs? No, of course not.

This is as socialistic a tax as we have in this country, and it should be done away with; as well as all tax reform efforts I think on the part of this Congress should move forward dramatically.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time for one question. The common misconception by the liberals on the House floor when we debate reductions in the death tax or the inheritance tax is that this is a tax that one only needs to be concerned about if one is extraordinarily wealthy. But the inheritance tax applies to anyone who has parents and who is part of a will or a trust or estate. It is virtually every American.

Mr. Speaker, does the gentleman from Colorado (Mr. TANCREDO) agree with me that this is a tax that every single American ought to be concerned about?

Mr. TANCREDO. Mr. Speaker, it is certainly a tax that every American should be concerned about. Not only that, the idea that the only people who pay it are the wealthy, I mean, go and look at the farmers of America today. Find me, this wealthy farmer out there who has wealth, as I say, yes, he has got wealth in the land, but it is just in the land. In order to transfer that wealth into true, hard, honest dollars, he has to dispose of it or his heirs do in order to pay this tax.

So it is bogus to suggest it is Daddy Warbucks, as the liberals and the Democrats want to suggest. That is the kind of picture they want to conjure up when we talk about eliminating the inheritance tax or the death tax. Well, it is not. It is the family farmers in Kansas and Colorado and Oklahoma and throughout this land that work every single day to put food on our tables. So my distinguished colleague, the gentleman from Colorado (Mr. SCHAFFER), is absolutely right in that respect.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield to me, just to bring home the point again, mindful of the letters the gentleman brought from constituents, and as pleased as I am, Mr. Speaker, that one of my constituents from Winslow, Arizona, joined me on the stroll over, this topic of death taxes came up at a town hall meeting last year in Winslow, Arizona. As our schedule worked out, this was a noontime meeting.

One of the great satisfactions of this incredible honor of serving in the Congress of the United States is we meet so many people who want to make a difference. Two young men had gotten an excuse from school on their lunch hour, an early dismissal, to come to the town hall. These two young men had aspirations of attending one of our military academies.

They came, and they heard some of the seniors and other citizens in the room discussing just what my colleagues have pointed out, Mr. Speaker, this incredible unfairness of the death tax. Indeed, Mr. Speaker, it was reminiscent of the franchise that Art Linkletter used with such great effect over the years, "Kids say the darnedest things."

Here was this young man standing there just at the height of his youth and enthusiasm and wanting to do the right thing and wanting to join the military. He stood there ramrod straight and said, "Congressman, sir, do you mean to tell me the Federal Government taxes you when you die?" And there was laughter, just as this response comes. But as I reminded the citizens assembled, it really was not funny.

My colleague, the gentleman from Colorado (Mr. SCHAFFER), was quoted in the Wall Street Journal during his first term who evoked memories of our early colonial days when he said of the death tax, "No taxation without respiration." That particular observation has stuck with me.

But, Mr. Speaker, it goes further than that. Understand that this tax is so oppressive and our mission as a constitutional republic has gone so far afield. Remember what Benjamin Franklin wrote in Poor Richard's Almanac, "There are only two certainties in this life: death and taxes."

But even Dr. Franklin with his tax and his ability to invent and to almost see into time and foretell the future, even Dr. Franklin would be shocked to come back to this constitutional republic that he helped to found, and his reaction would be much like the reaction of the young man. Do you mean to tell me this government taxes you when you die?

We have seen it in our districts, in our States, across the country. Energetic enterprises, businesses that are not huge conglomerates but family-owned businesses, whether on Main Street or on the ranch or on the farm, those businesses broken apart, the assets sold, to satisfy or try to satisfy this most egregious tax that reaches in even to the grave to rob those who have accomplished.

Mr. SCHAFFER. Mr. Speaker, the gentleman mentioned young people, mentioned those who are trying to establish businesses. My colleague, the gentleman from Colorado (Mr. TANCREDO), mentioned farmers and ranchers, that literally every American is affected by the inheritance taxes.

I want to share with my colleagues another letter that I received just a few weeks ago. This was sent as a Mailogram, as it was addressed to me. It says, "The administration's 2000 budget plan presented to Congress on February 1 imposes new taxes that will make it harder for millions of American families to save for their own retirement needs and will seriously jeopardize the financial protection of families and businesses."

The writer goes on, and this is a writer from Loveland, Colorado in my district, "Providing for retirement and securing your family's financial security should not be a, quote, taxing experience. Americans are taking more responsibility for their own financial futures, and they have made it clear that they oppose both direct and indirect tax bites that jeopardize their retirement security and their ability to protect their families. Congress on a bipartisan basis soundly rejected a similar approach last year."

I will interject, it is true that the President, under the administration's budget, proposed a litany of new taxes on the American people, which the Republican Congress was fortunately here to prevent.

He goes on, "And I strongly urge you to do the same this time around. Please oppose any new direct or indirect taxes."

At a time when the Federal Government confiscates upwards of 40 percent of an average family's income, it is almost incomprehensible that, at the other end of Pennsylvania Avenue, they are conjuring up new plans for the 2000 budget to raise approximately 73 new taxes, new taxes on businesses, on farmers, ranchers, on financial institutions.

In the end, what it does is it takes away the liberty and freedom and the success that is being discovered throughout the country in States like Colorado where we are seeing again headlines like this, "Welfare Rolls Drop 42 Percent."

The reason those welfare rolls are dropping is because Colorado in this case is a State with relatively low State taxes with a very high regard for a favorable and growing business climate. These high taxes rob the American people of opportunity. They rob average families from the ability, from the assets necessary to do the simple things in life, like raise a family and keep a roof over your head and put food on the table.

It makes it virtually impossible for the entrepreneurs to fully captivate and capture the great American spirit of self-sufficiency, not only to provide for themselves through an economic enterprise, but to provide jobs for others who need them, jobs like those that I mentioned that used to be welfare recipients who are now self-sufficient. That is really what is at stake.

The tax debate in Congress is not about simply cutting taxes or trying to win elections on the basis of tax reform. The tax relief debate is about real people, about real Americans, real farmers and ranchers who are struggling today, real business owners who are trying to provide more jobs and allow for more people to escape welfare. It is about the children of these families who deserve the same kind of America that we all enjoy and rally around.

That is what this tax debate is about. It is a very personal, humanitarian debate. It is one that we need to win. We do need to stand in the way of those people over in the executive branch of government who think this is the perfect year to raise more taxes, new taxes on the American people.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, it is so true that the perception that is held by so many people, even here in this town, certainly on the other side of the aisle and over at the White House, is that the country will actually not only survive another tax increase but we can get away with it because, again, as I say, times are good. Somehow this blanks out everything else.

We assume that we can then start promising everything to everybody again. We can come up with how many hundred programs were mentioned, how many hundreds of billions of dollars of expenditures were suggested by the President in his budget? All of this, with keeping a straight face and suggesting that we are not going to, quote, bust the budget; we are going to maintain an agreement.

Of course, the only way that he could possibly make that statement, Mr. Speaker, the only way is because he was able to play a shell game with the Social Security issue. He was able to suggest that we could take, as he says, 62 percent, the President of the United States in his State of the Union message, and since then has suggested that we could take 62 percent of the "Social Security surplus," apply it toward Social Security and, somehow or other, that would solve our problem; and that would allow for, of course, us to do other things. It would create other programs.

Well, we know why, my friends, is because if we are talking about not correcting and not reforming the Social Security system, if we are talking about not actually building a firewall between the Social Security fund and the rest of the government expenditures, then we can do it.

□ 1730

Because what he is really suggesting is an increase over whatever 62 percent represents of this "surplus", however much money that is. That is what he is suggesting he is going to do to increase the Social Security debt. Because it is truly debt. It is not money.

When our friends and neighbors pay money to the government, when they send in their FICA taxes, they think they are actually putting money in a bank. That is the thought, because it is a fund. It is called the Social Security fund. Well, that is not it at all. There is nothing in the fund. There are no dollars in the fund. There are $750 billion worth of papers stamped nonnegotiable bonds. That is the only place an instrument like that is in use in this whole Nation. Nonnegotiable bonds.

Well, what the President is suggesting is that he is going to correct this by adding 62 percent of the surplus to that debt, to those nonnegotiable bonds, and take the actual revenues, bringing it into the general fund again and creating more new programs. It is a shell game. But he is masterful at it, there are no two ways about it.

So I suggest to my colleagues that we should clear up this issue and we should bring to the attention of the American public the facts regarding Social Security and tax reduction. We should, in fact, create that fire wall between the Social Security fund and the general fund, and we should still move, I think quickly and dramatically, toward tax reduction and reform.

Mr. HAYWORTH. My colleague makes a very, very good point. It has been echoed by several economists and several columnists. Indeed, Robert J. Samuelson in this town talks about the double counting.

We have dealt so much for so long on so many topics, sadly, in an atmosphere of doublespeak from the other end of Pennsylvania Avenue. Indeed, my colleague from Colorado, perhaps unintentionally, was describing quite accurately the feeling of many Americans when he used the phrase "get away with it", an abdication of responsibility so breathtaking and shocking not only in terms of personal conduct but also in terms, Mr. Speaker, of the sacred trust which we assume as constitutional officers.

Mr. Speaker, it is a wonder to see some who come to this chamber, as did our President for his State of the Union message, and stand at the podium behind me here. I took my own copious notes, and by my count the President proposed 80 new programs, 80 new programs, in the span of 77 minutes. And now, when our friends put a sharp pencil to paper and check the very real cost of those programs, to really pay for those programs we must have close to 80 new taxes or fee increases. And yet those who would tell us that they would guard the surplus, that they somehow are true guardians of the public trust, are engaged, in fact, in double count and doublespeak.

Indeed, Mr. Speaker, we heard it in this very chamber in the hour preceding this one, when those who look for shortcuts to political advantage continue to market and play upon the politics of fear rather than the policies of truth and hope. That is what we hear, Mr. Speaker, even in the wake of today's passage of a bipartisan resolution recommitting this Congress to the safety and sanctity of Social Security. We had one gentleman from Texas come to this floor and, in essence, say that Social Security was going to be destroyed. How sad and how false.

We have a responsibility to our constituents who have called upon us to represent them, to govern, because we have been selected by the people and for the people. And, oh, how I yearn for straight talk and taking a look and making the tough decisions. Because as I said in this chamber earlier today, Mr. Speaker, we cannot approach this as Republicans or as Democrats but as Americans to solve this problem. And yet the temptation of political advantage and the siren song of notoriety inside the beltway tends to propel others in these very partisan directions.

Let us at long last, Mr. Speaker, call for truth in personal conduct and in leveling with the American people both on matters of demeanor and policies of government. Is that too much to ask?

Mr. Speaker, I was saddened to hear the Vice President of the United States say to the assembled press corps 1 year ago, "My legal counsel informs me there is no controlling legal authority." I think the Vice President was wrong. There is a controlling legal authority. It is called the Constitution of the United States.

And, moreover, there is a compelling and controlling moral authority, and it is called the oath of office that each of us take. And how those succumb to temptations to "get away with it", whatever "it" may be, is both galling and not to be easily understood; and, in the final analysis, reprehensible, because it ignores and it counterfeits the sacred trust that citizens have placed in us.

That is the challenge we face; not to be facile and glib and get away with it, but to be about the business of the people; not to fly from place to place for campaign-like rallies, but to join with us and govern; and not to double count or double deal or doublespeak, but to work out legitimate differences and speak as best we can with one voice to confront these problems. These are the challenges we face.

Mr. SCHAFFER. Mr. Speaker, these unfortunate strategies that the gentleman has described that we typically see coming out of the White House are really emblematic of, I think, what the White House realizes the American people want to see, what they want to hear, and what they intuitively know and believe, and that is the belief that a large Federal Government is inherently bad for the American society. So they do go through all of these machinations and smoke and mirror strategies to try to mask and conceal what it is they really are pushing for and pushing toward.

The bottom line is their vision for America is a larger Federal Government that defines a society. Our vision as a Republican majority is for a smaller Federal Government and a greater American people. And I say a greater American people in the context of what the budget debate in this Congress is generally all about.

Thomas Jefferson said that there will always be two prevailing parties in a political system, the side that believes that we organize ourselves around a central government structure and there is the other side that believes that we organize ourselves around the strength of individuals. Those two parties are alive and well today.

The Democrat party that the gentleman described is one that is using remarkable linguistic gymnastics to double count imaginary money to suggest we should feel safe and secure that the government is not growing, when, in fact, it is growing by leaps and bounds. The national debt continues to grow on a year-by-year basis.

Our mission as a Republican Party is precisely the opposite. We want to invest the public's wealth in appropriate ways. We believe, however, that that wealth is better invested with the people who earn it. We want to shrink the amount of cash that makes its way to Washington, D.C., thereby strengthening the amount of cash that stays in the pockets of the American families, the American farmers, the American business men and women who work hard every day, who are the true individuals who define what it means to be an American.

In the end, we care about saving and rescuing the Social Security System and rescuing the Medicare trust fund. We care about a strong national defense and having world class schools second to none. In order to do that, we can raise the resources necessary to accomplish these goals by focusing on economic growth, not a growth in the tax rate. And that is a key distinction and a key difference.

I notice the gentleman from Georgia is here, and I will yield the floor to him.

Mr. KINGSTON. I have a letter that somewhat ties into this, and I wanted to bring it up. It is from Mr. Jones Taylor of Saint Simons Island, Georgia, and he just says, paraphrasing here, that "I was disappointed in the Republican lack of agenda during 1998. Are you guys going to do that again or what is your agenda?"

I can say very easily what my agenda is, and I regret that I have not been here the whole time, so my colleagues may have discussed it, but I call it the BEST military, health care and agriculture: "B" for balancing the budget and paying down the debt; "E" for excellence in education; "S" for saving Social Security; "T" for lowering taxes. A strong military, a health care system that is affordable and accessible and a safe and abundant food supply.

Now, in that context, the gentleman mentioned stimulating the economy. One of the great ways to do that, of course, is to pay down the debt. We pay down the debt and then the big bear, the big monster in the interest market, in the borrowing market, the Federal Government, takes a smaller percentage of the interest out there. And that is a great way to stimulate the economy.

And if we do have a strong economy, revenues to the Federal Government go up and we will have a lot of money for expanding and strengthening our military, to increase the pay for our hard working soldiers, and, of course, to give the teachers in the classroom the educational funds that they need, and to shore up Social Security and Medicare. BEST military, health care and agriculture. That is a very solid agenda.

I know in each area of the country there are different things that we can emphasize. Agriculture in Colorado will be a little different than agriculture in Georgia, but the fundamentals of having a safe and abundant food supply is just as important in Colorado or Arizona as it is in Georgia.

Mr. SCHAFFER. Does the gentleman from Colorado have anything else to add?

Mr. TANCREDO. Well, I would just say that I have learned a lot of things in this last month and a half from my experience here in the Congress, and I must tell my colleagues that one of the scariest realizations that I have come to is that there is the possibility that there are, I do not know, certainly a large number, maybe a majority of the people even in this body who believe that, in fact, the government is not big enough; that, in fact, we have not paid enough taxes and that we need to pay more.

I keep thinking to myself that either I am certainly out of touch or the rest of these people are. My colleague from Colorado knows, because we have spoken to some of the same groups, I can go home and there is a group called the Jefferson County Men's Club and there is the Arapaho County Men's Club, and I always think to myself when I hear people say things like this, that taxes are not high enough, that government is not big enough, I think how would this play in front of the Jefferson County Men's Club or the Arapaho County Men's Club? What would they say if I came back to them and said there are a lot of people there who think government is not big enough and ask them what they think. I can tell my colleagues I know what they would say; that we are out of our minds. And sometimes it sounds like it.

Mr. SCHAFFER. Let me once again, Mr. Speaker, bring this issue to the perspective of those who are not business owners, who are not those who enjoy extravagant wealth, but every day Americans who are struggling hard to make ends meet.

Once again I use the State of Colorado as an example: A low-tax State. A small government State. Here is another news article from my State that is just a couple days old. It says, "The boom boosts fringe: Transients among many landing jobs. Colorado's booming job market has given a boost to those who historically have lived on the outskirts of the economy, from the homeless veterans to the working poor. Clients of the Salvation Army, the Harbor Program", which is in downtown Denver, "are landing jobs above minimum wage." That is according to the resident manager Mark Garramone. Here is a quote from him. He says, "As a matter of fact, they are finding a lot of good jobs." He says, "Among those jobs cited were car salesmen, chauffeur, a few work at U.S. West." At the Department of Veterans Affairs, listen to this, here is a quote, "We placed in jobs the highest number of veterans in 1998 that we have ever placed." That according to Greg Bittle, Chief of the VA's Regional Office for Vocational Rehabilitation and Counseling. He says, "In fact, the booming economy tends to pull people away. We are basically a training and education program, and the economy has been so robust that we will have vets drop out of school to take jobs." It just goes on and on.

□ 1745

Here is another example that was mentioned in here. Laurie Harvey, Executive Director of the Center for Women's Employment and Education, I went and visited this facility in Denver 2 years ago. It places low-income women, largely from the welfare rolls, in jobs. They say that so many of Colorado's welfare recipients have moved off the rolls and into employment that her nonprofit is now seeing more and more people who are harder to serve.

So when it comes to public assistance for those who are looking for employment, we are narrowing our focus to those who have the legitimate needs for some kind of assistance, whether it is some kind of disability or handicap or whatever the case is.

It even goes beyond that. Listen to this last quote I will mention. It says, I would say there is probably a shortage of entry level labor. This is from Timothy Hall, chief executive officer for Larinden, which trains and places developmentally challenged people. He says, it is easier to convince employers to hire people with disabilities.

Low taxes, low regulation, small government in a State like Colorado is the model that we ought to look toward here at the Federal Government. The model of Colorado is putting people back to work who are veterans, those who suffer from disabilities, those who have been on welfare for years and years and years, those who are clients of the Salvation Army. Charity after charity after charity is celebrating the positive benefits of a strong, vibrant economy accomplished through smaller government, lower taxation, less regulation and more attention to growing a prosperous economy.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend, the gentleman from Colorado (Mr. SCHAFFER), for yielding.

Mr. Speaker, I would just follow the observation and say it is my honor to serve on the House Committee on Ways and Means; and our good friend and colleague, the gentleman from Florida (Mr. SHAW), currently chairs the Subcommittee on Social Security but in the 104th Congress it was his job as chairman of the Subcommittee on Human Resources to put in place welfare reform.

Mr. Speaker and my colleagues, I cannot help but remember that essentially the same welfare reform package intact was passed once by this Congress and vetoed by the President; again by this Congress and vetoed by the President; and finally, when it was sent the third time, as we understand from press accounts, one of the President's political consultants used the baseball analogy, saying, Mr. President, you do not want three strikes and you are out; sign this legislation.

I appreciate the fact and indeed, Mr. Speaker, we all know from our civics class, that we enact laws, but the President must execute his signature to see those laws implemented. So we welcomed at long last his signature. This is an example of a contentious challenge that was met head-on even in the atmosphere of contention in that 104th Congress to bring about a desired change, to now where we can measure compassion by a more accurate barometer by the number of people who voluntarily leave the welfare rolls in favor of work; by the news that there are fewer applicants for food stamps because people are becoming self-sufficient.

Again understand, we make no pretense of ripping away the social safety net, but welfare reform helps prevent that safety net from turning into a hammock. That is what we have accomplished on both sides of the aisle. And that spirit, that example, should serve us well as we deal with this very difficult question of Social Security reform. How do we best save it? How do we maximize opportunities for all of our citizens, regardless of their age or their station in life?

Mr. SCHAFFER. In our remaining few minutes, I want to really talk about the importance of communicating with Members of Congress. The four of us who are here tonight I think are very representative of the Republican majority Members who serve in the House of Representatives. We rely heavily on the letters and phone calls from constituents, those who show up at the town meetings and find ways to communicate with their Members of Congress directly.

Those kinds of letters, phone calls and communications from constituents really arm us, as Members, with the real-life examples that are necessary to take on the party of the large bureaucracy, take on the White House and those who believe that, in a year like this, that higher taxes, for example, is a good idea. It is letters from constituents that tell us and remind us every day that bigger government is a thing of the past.

Let me use one more example from my district. This is under the letterhead of Tri-City Sprinkler and Landscape. It is from Loveland, Colorado. It says, Dear Representative Schaffer, I am your constituent from Loveland. As a business owner and grandparent, I am very concerned about the serious economic problems facing our country. I feel our current income tax structure is having a very negative impact by taxing production, savings and investment, the very things which can make our economy strong. Therefore, I support replacing the income tax and the IRS with a national consumption tax such as suggested in H.R. 2001, the National Retail Sales Tax Act. I urge you and your staff to look into it and cosponsor it. Please let me know where you stand on this important matter.

I will write back to the constituent and give her my opinions and thoughts on that. I mention this letter and others that we have gone through tonight just to let the American people know that this government does not belong to the President. This government does not belong to any single Member of Congress. It does not belong to the Supreme Court. It belongs to the people just like the woman who wrote this letter, just like the people who write all of these other letters, and we really do rely on their advice and their assistance and their help in helping make the case on behalf of individual Americans.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) the remaining few minutes that we have left.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I would like to mention when the gentleman talks about the issue of tax reform and going to a simpler and fairer tax system, Newsweek Magazine a few months ago on its cover had a story, a cover story about the IRS; and it said, The IRS: Lawless, Abusive, Out of Control.

When any major department or agency of the Federal Government can be described by a mainstream magazine like Newsweek as lawless, abusive and out of control, things have gotten to a pretty sad state. It is especially sad when an agency as intrusive as the Internal Revenue Service can be accurately described in that way. So I think we basically should just take the Internal Revenue Code that we have now and junk it and start over again. I think about 85 or 90 percent of the American people feel that way.

Mr. SCHAFFER. On the matter of constituent input, how helpful do you find that representing your district in Tennessee?

Mr. DUNCAN. I find it very helpful. For those who think that we have cut taxes too much, a few years ago we had a $90 billion tax cut spread over 5 years because that was the most we could get through at that time. Some of the more liberal Members kicked and screamed about that, but that was spread over 5 years.

That was a tax cut of slightly less than 1 percent of Federal revenues over that 5-year period. Now the average person pays about 40 percent of his or her income in taxes and another 10 percent in government regulatory costs, at a minimum. So today you have one spouse working to support the government while the other spouse works to support the family.

I know the President said in Buffalo that he could not support a tax decrease because the American people would not spend it wisely. I can say I think they would spend it much more wisely than this wasteful, inefficient Federal Government that we have today.

Mr. KINGSTON. Following up on the comments of the gentleman from Tennessee (Mr. DUNCAN), it is amazing that the President would say that the hardworking people who earn the money cannot spend it as well as some of the people here in Washington, maybe including the four of us. But I can say one thing. I believe people can spend their money better than we can spend their money.

The tax cut that you alluded to last year, it was an $18 billion tax cut for one year; $18 billion out of a $1.7 trillion budget. It was just a slither of a slither in this huge $1.7 trillion pot, and it was killed by the Senate.

Now, the Senate and the White House ganged up on the House to kill the Marriage Tax Penalty Relief Act, and I think that it is ridiculous to have that kind of obstruction to doing something that is common sense for the tax system. I hope this year that if we pass it that the other body will find their senses and quit siding with the liberal White House on everything and act like conservatives and pass tax reductions.

Mr. SCHAFFER. In the remaining minute, I would ask the gentleman from Arizona (Mr. HAYWORTH), is there anything he can do to dramatize the difference between the Democrats and the White House and what they stand for and the Republican majority in Congress and what we stand for?

Mr. HAYWORTH. Mr. Speaker, it is funny my colleague from Colorado should ask me that question. Because, just as our good friend from Tennessee pointed out in paraphrasing the words of our President, Mr. Speaker, these are the words of the President, if memory serves, one day, probably less than 12 hours, after he outlined 80 new programs involving close to 80 new taxes. Mr. Speaker, he said in Buffalo, New York, and I quote, speaking of the budget surplus, "We could give it all back to you and hope you spend it right but," closed quote. There, Mr. Speaker, therein lies a major difference. It comes down to a question of who do you trust? The President thinks you ought to trust him to spend your money for you.

We say, if there is ever a choice between Washington bureaucrats and the American people, Mr. Speaker, then we side with the American people, because, Mr. Speaker, Americans know best how to save, spend and invest for themselves and their families. Therein lies a difference, a difference of freedom and a real contrast between the politics of fear from those who make outrageous claims about Social Security and our budgetary process and the true policies of hope that we embrace with lower taxes, stronger schools, a stronger military and a real plan to save Social Security and Medicare.

Mr. SCHAFFER. Mr. Speaker, I want to thank my Republican colleagues who joined me here on the floor tonight to talk about our Republican vision for America. I want to thank the thousands of constituents who write to our offices individually virtually on a weekly basis. Their voice does matter. We are here tonight to assure them that the Republican majority is listening. It is important for the American people to express their thoughts and sentiments on whether the government should continue to grow as the President would propose or whether the government should be constrained in its growth as the Republican Party proposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair reminds all Members that it is not in order to cast reflections on the Senate.

RITALIN AND THE ROLE IT PLAYS IN THE LIVES OF STUDENTS IN NORTHEAST OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, my colleague, the gentleman from California (Mr. OSE), I am glad to see the gentleman standing up there. He looks wonderful.

Mr. Speaker, I rise today in this great Chamber to talk about a report recently aired on my local NBC affiliate, News Channel 3. The report highlighted ritalin and the role this drug now plays in the lives of students in northeast Ohio. The report raised such concern that the gentleman from Ohio (Mr. KUCINICH) and I met with Department of Education officials today to direct their attention to this problem and request an investigation into the indiscriminate promotion and use of this drug and the potential harmful effects.

The gentleman from Ohio (Mr. KUCINICH) and I believe the decision to prescribe ritalin to a child should rest with that child's physician and their parents.

Oftentimes, ritalin is prescribed to address attention deficit disorder or attention deficit hyperactivity disorder. It is widely accepted as the remedy of choice for people who suffer from this brain disorder. Unfortunately, the medical community has not been able to develop a definitive test to properly diagnosis ADD or ADHD related behavior. This oftentimes leads to a misdiagnosis.

The report has highlighted many examples. One, for example, is of Pam Edwards whose son Romeal attended a Catholic school in my district and was instructed to have her son use ritalin to address his behavior problem. In the alternative, her son would not be allowed to return to the school the next year if she did not. She refused to put him on this drug because she knew the root of her son's problems resulted from outside factors instead of an ill-diagnosed case of ADD.

□ 1800

I am happy to report that Romeal is doing fine in a new school and he did not need Ritalin. This is a success story, but there are many more Romeals out there whose parents might not have the insight to seek alternatives to Ritalin.

ADD or ADHD is a multiple symptom disorder coupled with the fact that many children exhibit a wide range of behavior that might be attributed to ADD or ADHD. In actuality it may or may not be that. Kids in fact will be kids.

ADD or ADHD is defined as a persistent pattern of inattention or hyperactivity that occurs at four times more frequently in boys than girls.

When a person has been properly diagnosed with ADD or ADHD and Ritalin is prescribed, it has a remarkable track record of success. Oftentimes the drug is viewed as a godsend by parents and teachers alike because its effect is dramatic once prescribed to people who are hyperactive or easily distracted as a way to focus their minds, calm down and improve their attention spans.

Recently, at the urging of the National Institutes of Health, medical experts from around the country convened a panel discussion with doctors to address how Ritalin is being used in our society.

The use of Ritalin is not only a medical concern but it also is a big business. 1.3 million children take Ritalin regularly and sales of the drug topped $350 million in 1995.

According to the Drug Enforcement Administration, the number of prescriptions for this drug has increased by over 600 percent in the last 5 years. To address this concern, manufacturers sent letters to doctors and pharmacists warning them to exert greater control over the drug.

No, I am not pointing fingers at the teachers or administrators because I know that they are one of America's greatest treasures. I am not pointing fingers at doctors or psychologists, but there appears to be a trend in my district, and I would guess the 11th Congressional District of Ohio is not unique in the use of Ritalin for behavioral purposes.

Nearly half a million prescriptions were written for controlled substances like Ritalin in 1995 for children between the ages of 3 and 6. The percentage of children with an ADHD diagnosis has jumped from 55 percent in 1989 to 75 percent in 1996. ADHD is estimated to affect 3 percent to 5 percent of children aged 5 to 14 years old, or about 1.9 million youngsters. About 10 million prescriptions were written in 1996. According to the IMS Health Association, 13.9 million prescriptions of stimulants, including Ritalin, were dispensed to children during the last school year, an 81.2 percent increase from 7.7 million 5 years earlier.

There is not a set guideline for diagnosing ADD or ADHD. No studies have been conducted in children younger than 4 years. For example, in Chicago, one of the ways that they have begun to deal with the issue is a public school system will address ADHD by offering teaching techniques.

Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for assisting me and supporting me in this effort.

IMPORTANT ISSUES FACING THE NATION

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 60 minutes.

ON RITALIN PRESCRIPTIONS

Mr. DUNCAN. Mr. Speaker, before I begin with the comments that I came to make tonight, I would like to say that I think the previous speaker has pointed out some very important things about the prescriptions of Ritalin in this country. I remember a few months ago reading in the Knoxville News-Sentinel that a retired DEA official, in fact I think he was second in command of the DEA at one time who now has retired to east Tennessee, he wrote an article pointing out that our medical community was prescribing Ritalin at over six times the rate of any other industrialized nation. I think there is a serious question as to whether or not that very serious drug, that very serious controlled substance has been overprescribed in this country, and I think we need to be very, very careful with that and make sure that it is not being used in cases where particularly small children and particularly small boys might simply be a little more active or rambunctious than some others. I do raise that cautionary note.

ADMINISTRATION PROPOSED SPENDING

Mr. DUNCAN. Mr. Speaker, I would also like to comment about the last comments of the gentleman from Arizona (Mr. HAYWORTH) who mentioned the some 80 new programs that the President proposed in his State of the Union address. The National Taxpayers Union put out a report saying that those programs if all were enacted would cost us $288.4 billion in the first year. Newsweek had an even more interesting table a few weeks ago and had a chart which showed that if we enacted all of those programs that the President proposed, that it would lead to a $2.3 trillion shortfall in the first 15 years. We have a good economy now but if we do something like that and allow at least a $2.3 trillion shortfall to accumulate over these next 15 years, we could not pay the Medicare bills, we could not pay the Social Security bills, we could not do many of the most important things that the people of this country want us to do.

I rise though, Mr. Speaker, today to speak on several unrelated but very important issues facing this Nation right at this time. First, we are bombing Iraq and sending troops to Kosovo without votes by the Congress to do so. We still have troops in Bosnia in 1999 even though the President originally promised that they would stay in Bosnia no longer than the end of 1996. Yes, 1996. A few years ago, as I have mentioned before on this floor, the front page of the Washington Post had a story reporting that our troops in Haiti were picking up garbage and settling domestic disputes. Then about a year ago, I heard another Member of this body say that we had our troops in Bosnia, among other things, giving rabies shots to dogs. Certainly none of us have anything against the Haitians or the Bosnians. We want to try to help them, but I believe, Mr. Speaker, that most Americans believe that the Haitians should pick up their own garbage and the Bosnians should give their own rabies shots. We have spent billions and billions of hard-earned tax dollars in recent years in Haiti, Rwanda, Bosnia and Somalia, and now in Kosovo we are going to be spending more, trying to settle or end ethnic or religious conflicts that have gone on in many cases for hundreds of years. We have spent several billions, and I am saying billions with a B, over the last few months in Iraq bombing people that our leaders tell us are not our enemies. Saddam Hussein is a ruthless, mentally ill dictator who apparently has killed many people in order to stay in power. I would agree with any bad thing you wanted to say about Hussein. In fact, I voted for the bill at the end of the last Congress to spend $100 million to try to help remove him. Eight years ago I voted for the original Gulf War. But at that time Hussein had moved against another country, Kuwait, and he was threatening others. He had what at that time was considered to be the most powerful military in the Middle East, although we now know that his military strength had been greatly exaggerated or overestimated. But we had to stop Hussein from moving throughout the Middle East and taking over several other countries.

Now, though, his military was almost wiped out by the earlier war. He had been greatly weakened even further by the years of economic embargoes and sanctions since then. Hussein did not move against us or anyone else this time or even threaten to do so. We justify this bombing by alleging that Iraq had weapons or has weapons of mass destruction but they were weapons that U.N. inspectors did not find. Also, several countries have weapons of mass destruction, including us and most of our strongest allies. We cannot bomb everyone or every nation which has a weapon of mass destruction.

Robert Novak, the nationally syndicated columnist, called this war against Iraq a phony war. He is correct, but unfortunately it is a phony war that is costing U.S. taxpayers billions, billions that we could be using for many better purposes.

Former Congressman and Cabinet Secretary Jack Kemp said this: "The bombing is wrong, it's unjustified, and it must stop. The Iraqi people have done nothing to America or Great Britain to warrant the dropping of bombs in Baghdad."

U.S. News & World Report said: "Displays of American military might often leave the rest of the world puzzled, and this one was particularly discomfiting to both the usual carpers and friends. People spread around the world were left to wonder, like many Americans, whether this was a justified attack, or just a tack, by an American President desperate to forestall impeachment."

We are basically bombing a defenseless nation, and most Americans do not even feel like we are at war. It is unbelievable that we are dropping bombs on people and not even giving it a second thought.

After the President's apology last August was such a monumental flop, he then ordered bombs to be dropped on Afghanistan and the Sudan, some people felt, to draw attention away from his personal problems. We now know from national press reports that we bombed a medicine factory and other civilian locations.

Also, we know that the President rushed into that bombing without notifying the Joint Chiefs of Staff or even the head of the FBI who is usually notified of actions against terrorists.

Also, the Sudan and Afghanistan bombings were done over the objections of the Attorney General. Now most people do not even remember that we did those bombings last August. Now we are bombing once again a country that cannot take one hostile or overt step against us and did not even threaten to do so. We are making enemies all over this world out of people who want to be our friends.

We started this latest Iraqi bombing on the eve of impeachment proceedings in the House, once again very questionable timing. We found out later from U.N. weapons inspector Scott Ritter that the UNSCOM report had been rigged with the White House in a lame attempt to try to justify the bombing.

The Christian Science Monitor, one of our leading national newspapers, and a newspaper, I might say, that usually supports the President, reported a few days ago that there are conflicts, fighting going on right now in 46 different locations around the world. Are we going to send troops to all 46? Are we going to send troops into every country? Obviously we cannot do this. It would cost far too many billions, and even our wasteful Federal Government does have some limits.

Right now our young people and many others are concerned about the future of Social Security. We really do not know how we will pay the staggering medical bills of the future. At a time when both air passenger traffic and air cargo traffic are shooting way up and all economic development is so tied into aviation, the President's budget is cutting aviation spending by several billion by reducing the Airport Improvement Program and eliminating the general fund contribution to the FAA. Yet we are spending billions to turn our military into international social workers.

We should try to be friends with every nation in the world, but we should not mortgage our own future in the process. We should send advisers in every field to help other nations which want us to do that. But we cannot continue sending billions and billions every time some other nation has a serious problem. Also, where there is an international tragedy of some sort, we need to quickly convene a meeting and ask Sweden and Germany and France and Japan and all other nations how much they will contribute. Right now we are carrying far too much of these burdens on our shoulders alone.

And we basically are following a CNN foreign policy. We seem to get involved in a big way in whichever situation is being given the most prominence at the moment on the national news. Now we are going into Kosovo against the recommendations of former Secretary of State Henry Kissinger, columnist Charles Krauthammer and many, many others.

George Washington in his farewell address warned us against entangling ourselves in the affairs of other nations. Dwight Eisenhower, a career military man, warned us against the military-industrial complex.

Why are we doing these things? Why are we attempting to be the world's policeman? Why are we so eager to drop bombs and doing so in such a cavalier, even careless manner?

Part of it involves money, the military-industrial complex that President Eisenhower warned us about. Eisenhower believed, and I believe, that national defense is one of the most important and most legitimate functions of our national government. But some leaders of the military, now that most Cold War threats have diminished, are desperately searching for military missions so that their appropriations will not be cut. How else can you explain such eagerness to send troops or to drop bombs on countries which are no threat whatsoever to our national security and where no vital U.S. interest is at stake? Those should be the key tests, whether our national security or whether a vital U.S. interest is at stake. Certainly that is not present in Kosovo or many of these other places where we have gone and where we have spent so many billions in recent years.

Then, too, I think we are doing it in part because of the psychology of power and of human beings. Most men when they are running for President want that position more than anything they have ever wanted. But I think they soon become dissatisfied with running only the United States and then start wanting more. They want to be seen as world statesmen, great leaders of the world, not simply just a great leader of the U.S. alone. It seems to be human nature to always want more or something different, and this is especially true of hard-charging, ambitious, driven people. And these desires, these ambitions are always encouraged and supported by companies which benefit from billions in military expenditures, the military-industrial complex about which Eisenhower warned us.

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Many liberals and big-government types, even some big-government conservatives, resort to name calling and childish sarcasm against anyone who opposes spending all these billions overseas. They will not discuss these issues on the merits but simply dismiss as isolationist anyone who speaks out against any foreign adventure that they dream up.

Our first obligation though, Mr. Speaker, as the Congress of the United States, should be to the citizens and taxpayers of the United States. It should not be to take billions and billions of their money and spend it on problems in Haiti, Bosnia, Kosovo, and on, and on, and on. What we need are foreign policies that put this Nation and its people first for a change. What we need is an American-first foreign policy, even if it is not politically correct or fashionable to say so.

Apparently, many people accept wasting all these billions today because they think our economy is stronger than it really is. Well, I might just say a few things about that. Levi Strauss has just announced that it is moving 6,000 more jobs to other countries. Last year, that company closed its largest facility in my hometown of Knoxville; and 2,200 people lost their jobs.

Last year was a record layoff in this country, a record year in this country for layoffs. Personal bankruptcies are at an all-time high, 1.4 million this past year alone. Our trade deficit hit a record 170 billion which means conservatively, according to the economists, we lose at least 20,000 jobs per billion, 3.4 million jobs, 3,400,000 jobs to other countries.

Many college graduates today cannot find jobs except in restaurants, and certainly there is nothing wrong with working in a restaurant, but you hope that people who get bachelors and masters degrees from colleges can find something a little better than that.

Our trade deficit with Japan reached 64 billion. The deficit with China was 57 billion, 57 billion. This is the same China that funneled millions in campaign contributions to influence the last presidential election.

The President has done several things, this administration has done several things, that will be very harmful for this Nation for many years long after he has left office and the administration has left office, when the problems that have been caused will be blamed on someone else. One involves the Chinese. The President ordered the sale of missile technology to the Chinese unbelievably over the objections of the State Department, the Defense Department and the Justice Department. Now the Chinese have, according to our intelligence reports, at least 13 nuclear warheads aimed at the U.S., missiles they could not have gotten here without the technology that millions of campaign contributions apparently got for them. Some apparently came from top executives of the Hughes Electronic Corporation, which sold some of this technology to the Chinese.

Now the Chinese have missiles pointed at Taiwan, our ally that we have a legal obligation to defend. We will now have to spend billions, extra billions, in the years ahead to defend against this Chinese threat, the same Chinese who are eating our lunch in trade to the tune of a $57 billion trade deficit with that country alone last year.

Nations like China at 57 billion, I might repeat, would be 1.4 million jobs, 1,400,000 jobs lost from this country to China last year because of that trade deficit. Nations like China, like Japan, nations all over this world need access to our markets far more than we need theirs. We need free trade, but it needs to be free in both directions, and we have economic leverage that we have not used in recent years because we have not put our own country first. We need trade policies that put America and its workers first even if our President and the national media and multinational businesses do not agree.

Another example of how the President's policy will hurt people for many years to come is the decision to lock up the largest low-sulfur coal deposit in the world in Utah, once again apparently in return for hundreds of thousands or possibly millions in campaign contributions from the Riady family of Indonesia, the owners of the second-largest low-sulfur coal deposit. Because our utilities are required to buy mostly low-sulfur coal, people all over this Nation will have to pay higher utility bills for years because of a political decision done in secret which had the double whammy effect of gaining huge campaign contributions and pleasing environmental extremists.

That brings me to another but related point. Environmental extremists are the new radicals, the new socialists, the new leftists in this country today. Many people do not realize how extreme many of them have become. They almost always, these environmental extremists almost always come from wealthy or upper middle income backgrounds and usually have sufficient wealth to insulate themselves from the harm they do to the poor and working people of this country. Everyone wants clean air and clean water, but some of these environmental extremists are not satisfied that we have the toughest clean air and clean water laws and other tough environmental laws, the toughest in the world. They constantly demand more, often supported by large contributions from many of our biggest corporations.

And I might say that the administration is trying to convince us to enter into the Kyoto agreement. Well, the Kyoto agreement is really just an attempt by some people that are upset that we have only 4 percent, a little over 4 percent of the world's population, yet we have about 25 percent of the world's wealth, and they want do a massive transfer of that wealth to other less developed countries. And so there is something like 125 less developed countries who do not have to participate and abide by the Kyoto agreement, but we have to.

And if we go through with that, if the Senate was to ratify that or if we try to go through the back door and enact all the Kyoto protocols in appropriations bills and in various other ways through regulations, we will destroy so many thousands of jobs in this country and drive up prices, and once again the people that will be hurt the most will be the poor and working people of this country.

I mentioned that many of these environmental extremists are supported by some of our biggest corporations. The big corporations can comply with all the rules and regulations and red tape. They have the money and the staff and the lobbyists and the political connections to do so. And what happens? The big keep getting bigger and the small and now even the medium-sized business struggle to survive or go by the wayside.

When I was growing up, a poor man could start a gas station. Now, primarily due to all the environmental and governmental regulatory overkill, only the wealthy or big corporations can do it. Environmental extremists destroy jobs and opportunities, drive up prices and in the process become the best friends extremely big businesses have ever had.

There is a big move now to cut down on agricultural run-off or spill-off. Here again the regulations are making it even harder for small farmers to survive while big corporate farms, agrabusiness really, can benefit by seeing much of their competition with small farmers removed.

Big government in the end, Mr. Speaker, has really helped primarily extremely big businesses and the bureaucrats who work for the Federal Government, and that is really all they have. The poor and the working people in this country and the small business people and the small farmers get the shaft. Everyone else gets the shaft. The intended beneficiaries get a few crumbs from most programs, but more jobs would be created and prices would be lower if more government money was left in the private sector.

In fact, government money does create jobs, but money left in the private sector creates on the average about two and one half times as many jobs. Why? The private sector, especially small business, is simply less wasteful and more efficient in their spending. They have to be to survive.

Edward Rendell, the Democratic mayor of Philadelphia, said in a congressional hearing a few years ago, quote:

> Government does not work because there is no incentive for people to work hard, so many do not. There is no incentive for people to save money, so much of it is squandered.

How true that statement is.

The easiest thing in the world, Mr. Speaker, is to spend other people's money. Also, when it comes to politicians, usually those who proclaim their compassion the loudest usually have the least with their own personal money.

Talk about the efficiency of the private sector. I had the privilege of meeting a few days ago with the head of Embraer, a Brazilian company that produces regional jets. He said that when Embraer was a government corporation in late 1994, it was producing $40,000 of product per employee. The company privatized in December of 1994 and now produces $240,000 per employee, six times as much in just a little over 4 years.

When speaking of the great benefits of a private, free-enterprise economy, we should remember that private property is one of the keys, one of the foundation stones of prosperity. Today, however, the Federal Government owns over 30 percent of the land in this country, and State and local governments and quasi-governmental units own another 20 percent. Approximately half the land today is in some type of government control, and the really worrisome thing is the rapid rate at which governments at all levels are taking on even more.

In addition, governments are putting more and more restrictions on what private land owners can do with their own land, taking away or putting limitations on a very important part of our freedom. They also, if they take over much more land, will drive out of reach for many young Americans a big part of the American dream, and that is to own their own homes. Once again, much of this is done or accepted in this misguided worship of the environment, leading to a very great expansion of government control over our lives.

Some environmental extremists even advocate something called the Wildlands Project, which has the goal of turning 50 percent of the United States into wilderness where it is not already designated that way. This may sound good on the surface, but it would require moving millions of people out of their homes and off of land that they presently own.

People take better care of land they personally own than they do of property that is publicly owned. Look at the big city housing projects that have had to be blown up after just 15 or 20 years because no one felt the pride of ownership, and the properties deteriorated unbelievably fast.

We would be better off and could sustain a good economy far longer if we had more land in private ownership and less in public or government control. Yet we are going very rapidly in the opposite direction, and our wonderful environmental extremists fight the Federal government giving up even one acre of land. They want more and more and more.

What an environmentalist should realize is that the socialist and communist nations have been the worst polluters in the world. Their economic systems did not give people incentives or put pressure on them to conserve and instead really encouraged or at least did not prevent wasteful use of resources.

Also, our environmentalist should realize that only capitalist free market economies can produce the excess funds necessary to do the good things for the environment that we all want done. Environmental extremists have done such a good job in recent years brainwashing young people that I bet very few even realize that we have far more land in forests in the U.S. today than we did 50 years ago or that forests, to remain healthy, some trees need to be cut.

When control of Congress changed, and I will talk about the economy again for a minute, when control of the Congress changed hands in November of 1994, the stock market was at 3800. Today, the Dow Jones average is almost at 9400. The economy has done well for several reasons, among which are we reformed the welfare system against two presidential vetoes and several million people are now contributing and paying in rather than taking out. Also, the Congress brought Federal spending under control by passing a balanced budget, once again against three presidential vetoes, but at least we brought Federal spending under control.

There is a misunderstanding or misimpression among some that we have cut Federal spending. Federal spending has gone up each year. It is just that instead of giving, as we routinely were, just 8 or 10 years ago giving 10 and 12 and 15 and 18 percent increases to almost every department and agency, we are now giving 2 or 3 percent increases.

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We have Federal spending under control. Also the Federal Reserve has acted in a very conservative manner, and we have reduced the capital gains tax and stopped the trend towards higher and higher Federal taxes.

However, Federal taxes are still far too high. They are taking more of our GDP than at any time in the last 55 years since World War II. As I mentioned a few minutes ago in the colloquy with some of my colleagues on the Floor, today the average person, not the wealthy but the average person, is paying about 40 percent of his or her income in taxes of all types, Federal, State, and local, and at least another 10 percent in government regulatory costs.

One member of the other body said not too long ago that one spouse works to support government while the other spouse works to support the family. Yet, the President said in Buffalo recently, as we quoted here earlier, that we cannot give the people a tax cut because they would not spend it wisely. They would do a far better job, Mr. Speaker, spending it than our wasteful, inefficient Federal Government would.

One example, and I could give many today, the Federal Government spends about $26,000 per year per student in the Job Corps program. Most of this money goes to fat cat government contractors and bureaucrats, so these students would be shocked to know that we are spending this much on them each year. But we could give each of these students a $1,000 a month allowance, send them to some expensive private school, and still save money, and the young people involved would probably feel like they had won the lottery.

Finally, Mr. Speaker, let me spend a few minutes discussing one topic of great importance. Before I get into this final topic, let me just give another example of how harmful all of this overtaxation and over government spending has hurt the American people, and particularly, American families.

Before I came to Congress I spent 7½ years as a criminal court judge trying felony criminal cases. About 96 or 97 percent of those people plead guilty in the criminal courts throughout the country. Then they apply for probation. So I received, in that 7½ years, several thousand reports going into the backgrounds of all of these defendants.

The first day I was judge, Gary Tulick, the chief probation counselor for East Tennessee, told me that 98 percent of the defendants in felony cases came from broken homes. I would read over and over and over and over again reports like, defendant's father left home to get pack of cigarettes and never came back. Defendant's father left home when defendant was 2 and never returned.

I know that many wonderful people have come from broken homes, but I also know that, particularly with young boys, that the breakup of a home has had an extremely harmful effect on many young boys.

I saw a report in the Washington Times a few years ago in which two leading criminologists had studied 11,000 felony cases from around the country. They said the biggest single factor in serious crime, bar none, nothing else was even close, was father-absent households. How true that is.

In 1950 the Federal Government was taking about 4 percent from the average family, and State and local governments were taking another 4 percent, roughly. Many women had the choice of staying at home to raise their children, and many families were able to stay together, because most marriages—I saw one study which showed that 59 percent of all marriages break up in arguments over finances. That is the biggest single factor, disagreements about money.

But today, and for many years, the government at all levels has been taking so much money from the families of America that I think it has caused many serious problems. Many families I think have not been able to stay together or have ended up getting in serious disputes that have led to divorces and the breakup of families because government at all levels has been taking so much money from them.

I believe that the best thing we could do to lower the incidence of serious crime in this country would be to greatly decrease the size and cost of the government at all levels, so that the families of this country could keep more of their own money to spend on their children in the ways that they see fit and that they know are best for them and their children.

Finally, Mr. Speaker, let me talk on one last topic for a few minutes, discussing something that is of great importance to everyone. That is health care.

Today health care is the only thing all of us pay for through a third-party payer system. If we bought food through a third-party payer system, millions would be starving. If we bought cars through a third-party payer system, a Yugo probably would have cost us $300,000.

Before the Federal Government got into medical care in a big way in the mid sixties, medical costs were low and flat for many years. A lot of young people ought to look at that, and look back and see how low and flat medical costs were for all those years that the Federal Government stayed out of it. But when the Federal Government got into it in a big way in the mid sixties, we took what was a very minor problem for a very few people and turned it into a major problem for everyone.

I remember in the late seventies when the liberals were saying Medicaid would save the medical system. Four or five years ago the Washington Post ran a series of front page stories about Medicaid. A member of the other body, Senator ROCKEFELLER, who I think was one of the people who helped found the Medicaid system, was quoted as saying about Medicaid, "It is a horrible system, a vile system, and it ought to be abolished."

A scholar from the Brookings Institution said about it, "It is a success story of the American political system. We create a system so horrible that we are forced to go to total reform."

I was told yesterday by one of the leaders of the Tennessee legislature that TennCare, our replacement or reform of Medicaid, will go up 12 percent this year, and maybe as much as 15 or 20 percent a year in future years. If it does, we would be in a catastrophic situation. Third-party payer systems are inevitably doomed to failure. They will never work. In any politicized medical system, those who are the best organized or most politically powerful get rich, but it is a disaster for everyone else.

In recent years we have seen some doctors, nursing home operators, big home health care operators, and big hospital chain owners get rich, but we have turned health care into a major problem for everyone except possibly Bill Gates and Warren Buffett.

In a private free market system, we get much more fairness and we do not have the big winners and even bigger losers that we have in a politicized big government medical system.

In fact, the main point of what I have been saying here tonight is just that. Poor and working people can get lower prices and many more job opportunities and have much better lives in a true free market system than in any other way.

If Members do not believe that, all they have to do is look around the world. I remember in the former Soviet Union the leaders of the former Soviet Union had, before their total collapse that they are undergoing right now, they had their dachas by the sea and their limousines and their special department stores. Other people, which was the great, great majority, 99-plus percent of the people, had to line up for hours to buy, say, a pound of sausage, or something that we run into a store for and take for granted as being able to purchase.

Every place in the world where the people have let the government get too big, people have ended up starving. It really is pretty simple, Mr. Speaker. Big government means a very small elite upper class, a huge underclass, and almost no middle class. A very small government means a very small elite, a huge middle class, and very few at the bottom.

We really should pay for medical care the same way that we pay for food. Then it would be cheap. If we could get the government and the insurance companies out of medical care, medical costs probably would not even be 5 percent of what they are. However, too many doctors and nursing home owners and health care providers are getting rich off the system the way it is today to get the government and the insurance companies out.

So since we cannot realistically do that, the only real hope is to go to a medical savings account or medical voucher system to get the consumer involved once again, to give people some incentives to shop around for medical care.

Right now we are distorting the law of supply and demand, because the number of doctors is going way up but so are the costs. We need to get at least some free market incentives into the system, because we are headed for a collapse within our medical system if we do not. Then the people will start demanding, if we let it collapse, they will start demanding national government-run health care, which is the worst of all worlds, as has been shown in country after country all over this world. Then we would end up with shortages, waiting periods, rationing, the closing of many small and rural hospitals, people having to go further and further distances for health care, a rapid decline in the quality of care, and on and on.

If the government had not gotten into medical care to the extent it already has, we never would have had HMOs and people being kicked out of hospitals way too early, or denied treatment in the first place.

We need major reform in medical care, Mr. Speaker, but if we give even more government control and involvement, the system will become even more expensive as it grows worse and worse. The few will get rich and the many will suffer, as with any and every big government program.

AMERICA'S BIGGEST SOCIAL PROBLEM: ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I come before the House tonight and the American public to talk about a problem which I believe is our biggest social problem as a country, our biggest social problem as a Congress. That is the problem of illegal narcotics and the damage it is doing to our population, and particularly to our young people across this land.

Some people in Congress or some people in leadership positions would have us think that the Y2K problem is the major problem, or that other dotting I and crossing T of legislation is the major problem facing Congress. But I believe that we have no more important responsibility as legislators of this Nation than to see that we do the best job possible in addressing a problem, an epidemic that is ravaging havoc, particularly among our young people.

The statistics are mind-boggling. Last year over 14,200 Americans lost their lives because of drug-related deaths. Let me cite a few other statistics that every Member of Congress and every American should be aware of, when they turn away from the question of a drug problem, when they are given some other problem, smoking or Y2K or whatever the issue of the day may be that rates in the polls. Let me talk about the hard facts of what illegal narcotics are doing to us as a Nation.

The overall number of past month heroin users increased 378 percent from 1993 to 1997 in this country. Between 1992 and 1997, drug-related emergency room episodes nationwide increased 25 percent, and they increased 7 percent between 1996 and 1997. Between 1993 and 1997, LSD emergency room incidents increased 142 percent; not declined, but inclined.

Additionally, from 1993 to 1997, our youth aged 12 to 17 using drugs has more than doubled. It has increased 120 percent. There has been a 27 percent increase between 1996 and 1997. This is a 1998 national household survey.

In 1998, more than three-quarters, actually 7 percent, of our high school teens reported that drugs are sold or kept at their schools, an increase of 6 percent over 1996.

During 1997, statistically significant increases in heroin emergency room incidents were observed in Miami, a 77 percent increase; in New Orleans, a 63 percent increase; in Phoenix, a 49 percent increase; and in Chicago, a 47 percent increase.

Let me also add this statistic. Significant increases in methamphetamine, speed, emergency room incidents were observed in Detroit, a 233 percent increase; Seattle, a 207 percent increase; Atlanta, a 151 percent increase; and St. Paul, Minneapolis, 110 percent increase.

Mr. Speaker, we have, as a result, 1.8 million Americans behind bars, and the estimates are 60 to 70 percent of those Americans behind bars are there because of a drug-related offense. What is absolutely staggering is the cost of all of this to the American taxpayers. Let me tell the Members, from the drug czar's office in a recent report, what the cost is to the American taxpayers.

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American taxpayers footed a $150 billion bill for drug-related criminal and medical costs in 1997 alone. That is more than what we set in our 1997 Federal budgets for our programs to fund education, transportation improvements, agriculture, energy, space and all foreign aid combined. That is the cost to this Nation.

One of the most staggering statistics, and I have quoted this before on the floor of the House of Representatives, is that our young people, our kids from age 12 to 15, in this population range, first-time heroin use, which has proven to kill, deadly heroin, surged a whopping 875 percent from 1991 to 1996.

Mr. Speaker, what concerns me as someone from a wonderful district in central Florida, my district runs from

Orlando to Daytona Beach, is not just the national statistics, the national impact, the national lives that are lost, but the local devastation that this problem has imposed on my rather affluent, good economy, highly educated population. A wonderful placid area.

Mr. Speaker, every time I pick up the paper, and here is the latest newspaper, another individual, this one the latest, a death of a woman, age 38, died of a heroin overdose this weekend in central Florida. And this is in addition to another young man who died a horrible death, the sheriff told me, in a central Florida restroom of a heroin overdose.

A recent headline in my area newspapers stated that drug overdose deaths exceeded homicides, and most of these were heroin, a very deadly drug which has come across our border and into our streets in record numbers.

Now, how did we get ourselves into this situation? Let us go back to 1993 when the Clinton administration took over and they had a majority in both this House and the other body. What did they do? They changed our national drug policy.

Under the Reagan administration, and I was there, I worked as a staffer for Senator Hawkins in the 1980s, there were many initiatives adopted by Congress that tried to get a handle on the national and international drug problem that at that time was facing Florida and our country. What we did was a number of things. First, we tried to stop drugs at their source. Then we created an Andean Strategy, eradication of crops of coca and heroin at their source.

We also tried to interdict drugs using the military, using whatever means we had available, our Coast Guard, to stop drugs before they got into our border. And then we tried tough enforcement.

What happened in that period of time, from 1992 to 1995, is that the Clinton administration made a policy decision to cut some of those programs. They cut interdiction from $2 billion to $1.2 billion in 1995. So, they went down 37 percent in the period from 1992 to 1995.

The international programs to stop drugs at their source, the Andean Strategy, stopping drugs by eradicating the drugs and by crop substitution programs and other programs that stop drugs as they were being produced in the fields, was cut from $633 million to $289 million in 1996, a 54 percent decrease.

These are the figures. Let me put these up here. Again, a 37 percent decrease in drugs interdiction budgets and the source country programs, the international programs. These are the exact figures, a 53 percent decrease.

So what happened there? We had, in fact, a flood of drugs coming into this country. For example, with those decisions came some administrative decisions and let me cite some of those again that took place in the period of 1994 and 1995.

National Guard container searches using the military to help in the war on drugs dropped from 237 in 1994 to 209 in 1995. Other National Guard workday drug interdictions fell from 597 in 1994 to 530 in 1996.

Drug interdiction budget and asset cuts in the Department of Defense in 1995. The flight hours devoted to counterdrug missions was decreased from 51,000 to 50,000 in one year, and also shipdays active in drug interdiction were cut from 2,268 in 1994 to 1,545 in 1995.

As a result, we have seen a flood of illegal narcotics coming into the United States. Additionally, there were some policies at that time that did incredible damage to us as a Nation. In addition to the source country decreases, in addition to drug interdiction cuts in the activities of the military, the administration first out cut the office of the drug czar and the drug czar's budget.

The next really offensive move by the administration was to appoint a Surgeon General who sent a message to our young people of "Just say maybe." Additionally, what hurt us tremendously in the effort to curtail cocaine production, coca production and also heroin production, was the abolition and the decision by the administration to stop a shootdown policy. We had provided information and assistance to South American countries, primarily Peru, Bolivia and Colombia, which were engaged in trying to curtail illegal narcotics trafficking and we provided them some information and assistance. A liberal decision out of one of our agencies stopped that type of assistance and, in turn, there was a period in which this shootdown policy was shot down by this administration, and it took a concerted effort and over a year to get that put back in place. We have done that.

And, of course, they took the military out and cut the Coast Guard budgets, so we saw a flood of illegal narcotics coming into this country.

During the period from 1995 onward in the country of Colombia, another administrative action did a great deal of damage. It was the policy of Congress, and we passed laws, we passed appropriations, asking that assistance go to Colombia. Because of concern of human rights violations, because of other problems with the last administration in Colombia, the administration basically stopped getting helicopters to Colombia, getting resources to Colombia, getting assistance to stop the production of coca and also heroin poppies in that country.

What has happened in the meantime is an incredible flood of coca cultivation. In fact, the subcommittee which I chair recently visited Colombia, Peru, Bolivia, Mexico and Panama, and I will report on that in just a minute. One of the things that we found that was most startling was that now Colombia produces more cocaine than any other country in the world. It formerly was a processing center for cocaine and now is a producer.

This policy, again from the 1993 to 1995, 1996 period of the administration, basically shut down our efforts and our assistance to Colombia to stop illegal narcotics cultivation, so we have cocaine major production there.

Additionally, we had an incredible flood of heroin coming out of Colombia. It is coming up through the Caribbean into Florida and it is also coming up through and transiting through Mexico, working with the Mexican cartels.

So these are the results of a failed policy that this administration adopted some years ago. The death in our streets, the dramatic increase in heroin on our streets. That cultivation is there for a reason. It is specifically because of a failed policy.

Now, recently I received, as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, a presentation by the Office of National Drug Control Policy. The 1999 proposed drug control strategy, and also the budget for this administration.

I have raised some great concerns about this budget and this strategy. This is a strategy for losing. This is not a war on drugs. This is a mild effort to eliminate some drug trafficking, some drug production. I believe that we can expedite what is proposed in this strategy. I believe there are some fundamental flaws in what has been proposed by the administration and this is a losing strategy and a losing budget and we certainly should have learned from the past.

First of all, the most effective way to stop drugs are to eliminate drugs at their source. If one cannot grow coca, they cannot produce cocaine. There have traditionally only been two countries that have produced cocaine in large quantities: Bolivia and Peru. Both of those countries, where we visited and met with the presidents of those countries, have committed within the last 2 or 3 years, working primarily with this new majority in Congress, to eradicate drugs at their source. Very cost-effective. Very few dollars spent.

Now, we learned through the budget that was proposed from 1991 to 1995 how not to do things and it is amazing that this new budget by this administration does not address proper funding for the microherbicide program. That is a program to eliminate drugs through a chemical process, conducting the R&D to deal biologically with the production of coca and other hard drugs such as heroin and poppies.

Did we not learn that when we cut Customs and interdiction and do not properly fund them that drugs come from where they are grown to the next stage? Again, the President's budget, the President's strategy is lacking in adequate funding to provide the resources necessary to stop drugs at their next stage. And each of these stages I view as cost-effective frontiers in this effort.

Once we get to the streets, once we get to local enforcement, it is extremely expensive and costly in lost lives and enforcement to try to catch those drugs when they are in our schools and in our communities and with our young people.

This budget by this administration also fails to address one of the most fundamental needs, and that is that we have proper intelligence, adequate intelligence. If I have learned anything in this war on illegal drugs, it is that intelligence is so important, particularly in enforcement and interdiction and even eradication. If we know where the drugs are, if we know who is dealing the drugs, if we have the proper intelligence, we can save lives. Again we can cost-effectively stop traffickers in pursuit of their deadly profession purveying, again, heroin, cocaine, methamphetamines and other hard drugs.

So, not spending the adequate resources or funding for intelligence is lacking in the President's strategy and in the drugs czar's proposal to Congress.

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Once again, we have seen the cuts for the Coast Guard that the administration made, and I cited some of those just a few minutes ago, that were mistakes and will be mistakes in this budget. So they have not adequately funded the operations of the Coast Guard.

Let me give an illustration in central Florida. Some of the heroin that we have coming into central Florida has transited through Puerto Rico. Why through Puerto Rico? This is a new pattern in the last 5, 6 years. Because back in 1995, this administration and the years before that, several years before that cut the Coast Guard operations almost 50 percent.

The Coast Guard is the line of defense around Puerto Rico and has kept that secure, again, through the 1980s and early 1990s from drugs transiting through there. That Guard was let down. Here again, an incredible error on the part of the administration and the drug czar's office.

The President's strategy, if you call it a strategy, is to let down the funding for the Coast Guard for operation and maintenance, one of the most important ingredients for success.

Finally, properly funding U.S.-Mexico border security. Now if we know that 60 to 70 percent of the hard drugs coming into the United States are coming in through Mexico, transiting through Mexico, then we know where we have a major drug transiting problem. It does not take rocket science to figure this out. So, again, we have another perimeter of defense that is not being secured by the proposal of this administration.

What is of major concern to me is that some of the money in this budget in big chunks is being spent to correct mistakes and errors. One of the biggest mistakes and errors that we found in visiting some of the producing and transiting countries that our subcommittee visited was in Panama.

In Panama, the United States of America is getting its clock cleaned. There is no other way to put it. We have been out-negotiated. We have lost basically our interest in the Panama Canal.

We will be turning over, we will be giving the keys to the Panama Canal. I wanted to pull out my keys here as an illustration. These are the keys to the Panama Canal. We will be giving them to Panamanian officials by December of this year.

What is scary is all of our forward drug reconnaissance efforts are located in Panama right now as we speak. The administration is scrambling at this hour because they lost the treaty agreements. They could not negotiate them. They got to the end. The whole thing collapsed.

We are turning over $10 billion in assets, 5,000 buildings. We basically in May have to stop all of our overflights. So they are scrambling now to find another location, which we asked questions about, for our forward reconnaissance in the war on drugs.

They will probably be relocated in Ecuador and also in Aruba and that area as they, again, are working at this point to patch together some forward reconnaissance operation. Not to mention that we will have to relocate such assets as AWACS and other reconnaissance equipment and airplanes from that area.

So the situation in Panama is pure chaos. The situation regarding even the operation of the ports, we were told that corruption has dictated how the awards for control of those ports will be determined, and that the Red Chinese, in fact, will control one of those port activities and gain that through corrupt activities.

A very scary scene, when it comes to dealing with the Panama Canal, with the billions of United States dollars invested in that area all lost. Also, from my perspective, the war on drugs, where we are being booted out, and at great cost in this budget, as I started to say, one of the biggest items is moving that operation, which will cost the taxpayers $73.5 million. I think that is just the tip of the iceberg. So those are how some of the dollars are being spent in a strategy that does not make sense.

If you think that the administration would want to spend more than we spent last year and would come out and say we need to spend more resources, I am not a big spender, I am one of the lowest spenders in Congress, but of all of the things we should be spending more money on, it is this effort, whether it is education and prevention and treatment and interdiction, law enforcement, but actually from a total spending of $17.9 billion in last year's full appropriations for this effort to stem illegal narcotics, the administration drops down to $17.8 million, 109 net million dollars less in spending.

In addition, if we add in the mistakes to correct in Panama, we are probably looking at $250 million in funds less than we spent the year before. Additionally, what concerns me is that the administration talks a good line about helping our communities' education and prevention.

I might say that a Republican Congress added $195 million for the ads that are now being aired on television for the information program that is being conducted by the Office of National Drug Control Policy and matched by the private sector.

But, additionally, the administration played games with their proposal and their budget and their strategy by not funding some of the programs that we passed. For example, the Drug-Free Communities Act, they came in $8 million below our authorization and request.

So if we want to do something about drugs in our communities, we have got to interdict. We have got to educate. We have got to enforce. But we have to have an honest proposal on the table from the administration. I do not believe that is the case.

I would like to turn now, to the latest chapter in the war on drugs, and I will be addressing the Congress and the Nation on a repeated basis. People may get tired of hearing about it. But, again, since it has such a big impact on our communities, I will be here talking about it.

Since the Speaker of the House has given me that responsibility as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I will, again, be bringing this consistently to the attention of the public and the Congress.

The latest chapter is another sad chapter and mistake. Again, I said earlier, if we knew where 60 to 70 percent of the drugs were coming from, we would do something about it. We would target that. Now, we know where 60 to 70 percent of the drugs are. These are not my figures. These are the administration's figures, the Office of Drug Control Policy, the Office of the Chief DEA Administrator of the land. These are, again, their figures.

We know where hard drugs, cocaine, heroin, methamphetamine are coming from. They are coming from Mexico. Again, the latest chapter is that, yesterday, the President of the United States, and last week he said he was going to do it, but he did it on the deadline, yesterday, March 1, he certified Mexico as fully cooperating with the United States on the war on drugs.

Let me say something about the certification process since I helped draft that with Senator Hawkins back in the mid 1980s, that law. The law is a simple law. The law says that the State Department shall review the progress of every country that is involved in narcotics production and trafficking and determine whether they are fully cooperating with, eliminating, or helping to reduce drug production and drug trafficking.

That is what certification is. They must certify honestly, and the President must present honestly whether a country is cooperating, fully cooperating, those are the terms of the law, in eliminating drug production and drug trafficking.

Why are they certifying? They are certifying to make that country eligible for foreign aid, foreign assistance, foreign trade benefits, and foreign financial assistance of the United States. These are benefits of the United States, again, in trade and finance and foreign aid. So if they are fully cooperating, they are eligible for foreign aid and foreign assistance.

It is a simple law. The law has been convoluted. The law has not been properly interpreted by this administration. It certainly has not been applied appropriately by this President.

The President ironically went to Mexico and met with President Zedillo several weeks ago. He said Mexico should not be penalized for having the courage to confront its problems. Now, that is a new Clinton-speak.

What are the facts about cooperation, full cooperation? What is the pattern of conduct of officials there in trying to stop production and stop trafficking.

Let me quote, if I may, the DEA Administrator Tom Constantine who has great courage, an official of this administration, in charge of our Federal Drug Enforcement Agency. He testified in a recent Congressional hearing on the other side of the Congress, and let me quote, "In my lifetime, I have never witnessed any group of criminals that has had such a terrible impact on so many individuals and communities in our nation," Mr. Constantine said. "They have infiltrated cities and towns around the United States, visiting upon these places addiction, misery, increased criminal activities and increased homicides."

"There is no doubt that those individuals running these organized criminal drug-trafficking syndicates today are responsible for degrading the quality of life not only in towns along the Southwest border of the United States, but increasingly, cities in middle America."

This is what the chief law enforcement officer of our Nation said regarding Mexico's participation. This article further went on to state, and let me quote this, that "No major traffickers were indicted in Mexico last year; drug seizures dropped significantly; fewer drug laboratories were seized; total arrests declined; the number of drug cases dropped; and seizures of drug-carrying automobiles, boats, and trucks also declined."

Is this a pattern of cooperation? Is this a pattern that deserves certification so that Mexico is eligible for benefits and foreign assistance of the United States?

Let me cite from another article and some other statistics about Mexico's performance. Again, 60 to 70 percent of the cocaine and heroin that come into the United States come in through Mexico. It is estimated that 85 percent of the methamphetamine, the foreign methamphetamine comes in from Mexico. It is produced in Mexico.

Another recent article said that Mexico has increased heroin production by sixfold in the last 2 years.

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Not only are they transiting hard drugs, they are now becoming a significant producer of heroin from that country. Chemical precursor laws are not being enforced in Mexico. Mexican heroin seized in the United States between 1995 and 1996 quadrupled.

Now, another significant thing, and every American should listen to this, and every young person who is listening should listen to this, the purity of the heroin coming into the United States from Mexico and from these other countries in the last 2 years has jumped from a purity level of 7 to 20 percent to 50 to 76 percent. That is why we are seeing so many deaths. That is why we are seeing the destruction of so many lives, because this is deadly heroin. These are deadly drugs with high purity and high potency coming into the United States. And any time a young person or anyone else abuses these drugs and mixes it with anything else, they risk death and they risk destroying their lives.

Last year, 15 metric tons of heroin came into the United States through Mexico. We had a 27 percent increase in heroin use in the United States between 1996 and 1997. So more heroin is coming in, more heroin is being used, and most of the heroin that we see, again, is coming through Mexico or now being produced in Mexico.

Now, we are neighbors, we are partners, we are friends. There are millions of Mexican-Americans in the United States who are good citizens. We have a long relationship of friendly trade, of finance, communication, and cultural exchanges between our two countries. I think the United States, and the Congress in particular, and this administration, have gone even overboard to extend benefits to Mexico as a partner, as a friend, as an ally and a neighbor. We have given probably some of the best trade benefits to Mexico as to any country in the world.

When Mexico's pesos were faltering and the economy was heading down the tubes a few years ago, we, as friends and neighbors, went in and helped bail them out. In return, we heard the gentleman from Tennessee (Mr. JIMMY DUNCAN), talk about jobs that are lost in the United States and lowered opportunity. And what has happened is we have actually given up much of our trade, much of our manufacturing to Mexico.

We just got the recent figures for 1998, and our trade deficit was $15.7 billion. That means more goods being sold by Mexico in the United States, contributing to our whopping trade deficit. So here we are good friends, we are good allies, and we ask for cooperation, and what do we get? We get an unbelievable quantity and quality of hard, deadly drugs coming into our country from Mexico.

Let me again cite the statistics of the cost of drug abuse in this country. Last year, we had 14,218 Americans, and this is actually last year. They have the wrong date up here. They were killed last year at a cost of $67 billion. This is the cost in lives and Americans who will no longer see the light of day. And if we calculate 60 to 70 percent of the hard narcotics coming into the United States, we can figure that we have 8,000 or 9,000 Americans dying from drugs that came in through Mexico.

I am not the only one that questions the certification of Mexico, and this should not be a partisan question. Let me, if I may, read a quote from the minority leader of the House of Representatives. "After reviewing the past year's record, I am compelled to disagree with the President's decision to certify Mexico as fully cooperating with our government in the fight against drugs." And that is the gentleman from Missouri (Mr. GEPHARDT), who said that in a quote last Saturday in the Dallas Morning News. So, again, there is bipartisan concern about what is happening with Mexico.

Why that concern? The statistics, again, speak for themselves.

Mexican drug seizures for opium from 1997 to 1998, a 56 percent reduction in drug seizures. Is this fully cooperating to stop drugs at their source or as they transit through that country?

Cocaine, a 35 percent reduction in seizures in the period from 1997 to 1998.

And if we want to look at methamphetamine, how it is affecting some of the heartland of America, about 85 percent of the methamphetamines in

Minnesota is smuggled from Mexico. And this is the source, the Minneapolis Star Tribune, Sunday September 27th of last year. Again, hard drugs coming in through Mexico; Mexico certified by this administration.

Finally, the DEA administrator, Tom Constantine, again questioned what this administration is doing and talked about Mexico. He said, "The truly significant principals have not been arrested and appear to be immune from any law enforcement effort." So this administration has certified a country as fully cooperating that, again, is dealing in death and destruction at every level of our effort to eradicate illegal narcotics from coming into this country.

Now, what is my role? Again, I chair the House Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform. Today I join my colleague, the gentleman from Alabama (Mr. BACHUS), who introduced a resolution to decertify Mexico. I did not sign on that resolution, although I now support that resolution because of the evidence I have found.

However, the Speaker has asked me and other chair members of the majority to conduct a thorough review of the drug policy of the Congress, the drug policy of the Nation and also of the certification and decertification of Mexico and other countries that are dealing in illegal narcotics. I, as chairman, intend to conduct that review to see if drug decertification is the answer, to see what other mechanisms we can enact to hold Mexico's feet to the fire and other nations who deal in illegal narcotics and do not make an effort to fully cooperate and yet receive benefits from the United States Government. So that will be my task and my responsibility to work with others.

We launch that investigation, that review and that oversight process tomorrow. One of the subcommittees of the Committee on International Relations will begin tomorrow looking at the drug policy issue in Latin America. We know, again, that almost all of the heroin coming into the United States, the huge quantities of heroin, comes from Colombia and is also produced in Mexico and transits to the United States. We know that cocaine is produced in Peru and coca in Bolivia, and now a majority of cocaine in Colombia, and that also is transited through Mexico.

So we know where the problem is. What we do not know are the solutions on how to get a handle on it. We do know that we must restore a few dollars into the programs that are most effective, the most cost effective. Stopping drugs at their source, where they are grown, the crop eradication programs, we have now seen are so effective. And substitution programs in Bolivia and Peru we know are stopping production, they are stopping cultivation and providing alternative development for people in those regions so they do not go back to producing the basis for hard drugs.

We know we have to work with President Pastrana, the new president in Colombia. We must get him the resources to eradicate the hectares of poppy that have grown while the administration stopped equipment and resources from reaching that region. We know we must do that.

We must get a handle on the situation in Mexico. Mexico is losing control of its Nation. The Baja peninsula is now controlled by drug lords. Ironically, where the President met, in Merida, the Yucatan peninsula is now controlled by the drug lords; and other areas, regions and states of Mexico are totally controlled by narco-terrorists who are raining destruction, who have gone from corruption to terrorist intimidation of people in that country.

I will say that there are people at the top, President Zedillo, a brave attorney general who we met with, that are trying their best, but I am concerned that they are about to lose control of their nation to narco-terrorists. So we must find a solution. We must find some way to hold their feet to the fire, to aid them, as good neighbors.

We must reach across the aisle when the minority leader of the House says that what the President has done is not correct relating to Mexico, and we must find a solution that is correct. We cannot afford to let this go on. We cannot fill our jails with any more Americans. We cannot subsidize the quarter of a trillion dollar loss to our economy, not to mention the destroyed lives of our young people and other Americans who could have been so productive.

So that is our task. It is an important task. It is, again, I believe the biggest social problem facing this Nation.

Stop and think if we could eliminate 60 percent of the crime. Stop and think if we could eliminate 60 to 70 percent of those deaths. Stop and think if we could have more productive citizens rather than people strung out on drugs, ruining again their lives and their loved ones' lives, of what we could do in this Nation.

So I believe it is an important task. I do not plan to let up for a minute. I do not have the answers at this point, but we will review every possible solution. We extend our hand of cooperation across the aisle to our colleagues and to anyone who is interested, who wants to come forward and help us with a problem that we must address, that we must resolve in the best interest of the Congress, in the best interest of our Nation, and in the best interest of those who hope to have any future in this country, our young people.

INTRODUCING H.R. 948, THE DEBT DOWNPAYMENT ACT

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Kansas (Mr. MORAN) is recognized for 60 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress a letter I received today. It is a letter from Mr. and Mrs. Alan Paul of Ellsworth, Kansas. The Pauls write to suggest that Congress use its good sense and to do what is best for the country.

Mr. Paul specifically writes, "Comes now a budget surplus. You know and I know that the 'surplus' can be what we want it to be depending on how we cook the books. Fact is, without Social Security, there is no surplus. Suddenly, Democrats see new programs we cannot get along without, Republicans get those tax cut dollar signs in their eyes, and our collective brains get all mushy. I have a revolutionary idea," Mr. Paul writes. "Let's do nothing. No new programs, no tax cuts, nothing. Let the surplus reduce the debt, thereby reducing the annual interest payments out of the budget and thereby bolstering Social Security."

Mr. Paul is right. Mr. Speaker, today I introduced the Debt Downpayment Act, legislation that will establish a plan for paying down our national debt. While many in Washington celebrate the idea that we have balanced the books, Americans, and especially Kansans, have not forgotten that our national debt stands at $5.6 trillion. That is over $20,000 for every American. Twenty thousand dollars per person is not balanced, and using the Social Security Trust Fund to mask the true extent of the debt is not balanced either.

Debt is certainly not a glamorous issue in Washington. It is much more exciting to talk about new programs that our surpluses could fund. In each of our districts there are great needs. In Kansas, all of our major industries face record low prices. Wheat, oil, hogs and cattle prices are wiping out family farmers, ranchers and small oil producers.

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Our hospitals are struggling to meet the needs of an aging and rural population. I rise this evening not to suggest that we should ignore the pressing needs of the American people but to remind Members of Congress that as we meet these needs we must continue to make the difficult choices that can help us reduce our national debt.

Mr. Speaker, despite the claims, we do not have surpluses as far as the eye can see. In fact, we have a very short window of time where demographics and a strong national economy will allow us to pay down a portion of our national debt.

The Congressional Budget Office, the General Accounting Office, the chairman of the Federal Reserve Board, Dr. Greenspan, have all warned us repeatedly that the good times will not last forever. Assuming we continue with our current economic growth, deficits are still expected to return in the near future.

Mr. Speaker, the chart shows where we are today in 1998, and we are headed on the right path but, lo and behold, doing nothing still sends us back and in 2040 the projected debt levels are two times our gross national product.

Those are not good signs. This is the window of opportunity for us to do something right, and we cannot afford to let this chance pass us by.

The legislation I have introduced is simple. If Congress does nothing to botch this opportunity, the amount of our publicly-held debt is expected to be reduced by $2.4 trillion by 2009. This bill simply locks in today's once in a lifetime opportunity to pay down the debt by establishing gradually reduced debt limits each year. Doing so provides an average annual down payment on the debt of $240 billion each year for the next 10 years and requires no new spending cuts.

I urge all my colleagues to consider the benefits of paying down the debt. Today, nearly 15 percent of the Federal budget goes to make interest payments on the national debt.

Mr. Speaker, 15 percent of our budget goes to pay interest on the national debt. That is almost as much as national defense, almost as much as Social Security, and more than income security or Medicare. It is a huge portion of the problem we face each year.

The budget today looks too much like bad credit card spending. We pay only the minimum amount each month. We spend a hefty sum on interest and we never establish a plan to pay down the principal.

My bill would save an estimated $730 billion in interest payments over the next 10 years. That is good for the Federal budget and it is good for the economy. We can lower interest rates for America's car loans, our mortgages, our student loans and our farm debt and free up 11 percent of the budget for tax cuts or other important priorities.

Foremost, reducing our debt strengthens our ability to meet our obligations for Social Security. In 2013, just 14 years from now, as the babyboomers retire, payroll taxes are expected to be insufficient to meet the promised Social Security benefits. Congress will either need to raise taxes or tap into general revenue. By reducing the debt, we can do something today that makes it much easier to meet the needs of the next generation's retirement.

This legislation also removes Social Security trust fund revenues from all calculations of the surplus. We must be honest with ourselves and with the American people.

H.R. 948 offers a simple, straightforward plan for paying down our national debt. With the right decisions today, we can strengthen economic growth into the next generation, but if we fail we could see an expansion of the size and scope of government and a debt burden that lowers the standard of living for every American. I urge each of us to make the necessary commitment and seize this historic opportunity to do the right thing for ourselves, our children and our grandchildren.

Mr. Paul's letter concludes, "And maybe, Jerry, just maybe, if you pull off this miraculous feat, God will forgive us all for the terrible sins we have committed against our future generations."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT), for today, on account of family illness.

Mr. BUYER (at the request of Mr. ARMEY), for today, on account of illness.

Mr. MCCOLLUM (at the request of Mr. ARMEY), for today and the balance of the week, on account of family medical reasons.

Ms. GRANGER (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

Mr. EVERETT (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. FOSELLA) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes each, today and March 3.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. HAYES, for 5 minutes, on March 4.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. JONES of Ohio for 5 minutes today.

ADJOURNMENT

Mr. MORAN of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 39 minutes p.m.), the House adjourned until Wednesday, March 3, 1999, at 10 a.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of June 18, 1998 through January 6, 1999, shall be treated as though received on March 2, 1999. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDS of the 105th Congress.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

792. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Sugar to be Imported and Re-exported in Refined Form or in Sugar Containing Products, or Used for the Production of Polyhydric Alcohol (RIN: 0551-AA39) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

793. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting A report identifying the percentage of funds that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads, pursuant to Public Law 105—85 section 358(e) (111 stat. 1696); to the Committee on Armed Services.

794. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Television-Audio Support Activity [DFARS Case 98–D008] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

795. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulations Supplement; Specifications and Standards Requisition [DFARS Case 98–D022] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

796. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulations Supplement; Flexible Progress Payments [DFARS Case 98–D400] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

797. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; People's Republic of China [DFARS Case 98–D305] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

798. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Singapore Accession to Government Procurement Agreement [DFARS Case 98–D029] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

799. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management [DoD 6010.8–R] (RIN: 0720–AA30) received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

800. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received February 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

801. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions—received February 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

802. A letter from the Deputy Executive Secretary to the Department, Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970—AB31) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

803. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Michigan: Correction [MI67–02–7275; FRL–6302–3] received February 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

804. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wyoming: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6302–1] received February 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

805. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry [AD–FRL–6301–6] (RIN: 2060–AH–47) received February 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

806. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule— Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology for Oxides of Nitrogen [DC017–2013a; FRL–6234–6] received February 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

807. A letter from the Director, Regulations Policy and Management Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Standards for Animal Food and Food Additives in Standardized Animal Food; Correction [Docket No. 95N–0313] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

808. A letter from the Director, Regulations Policy and Management Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Foods and Drugs; Technical Amendments; Correction—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

809. A communication from the President of the United States, transmitting a supplement report about the continuing deployment of U.S. military personnel in Kenya; (H. Doc. No. 106—33); to the Committee on International Relations and ordered to be printed.

810. A letter from the Managing Director for Administration, Overseas Private Investment Corporation, transmitting the Corporation's final rule— Production of nonpublic records and testimony of OPIC employees in legal proceedings (RIN: 3420–AA02) received February 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

811. A letter from the Director, Congressional Budget Office, transmitting notification that the Congressional Budget Office has waived the deduction-of-pay requirement for a reemployed annuitant, pursuant to Public Law 102—190; to the Committee on Government Reform.

812. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1999 Annual Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform.

813. A letter from the Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform.

814. A letter from the Office of Inspector General, National Science Foundation, transmitting the semiannual report of the National Science Foundation for September 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

815. A letter from the Chairman, National Transportation Safety Board, transmitting the report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

816. A letter from the Director, Office of Management and Budget, transmitting the performance plan for fiscal year 2000; to the Committee on Government Reform.

817. A letter from the Secretary of Transportation, transmitting notification of a vacancy where an appointment is required for the Department of Transportation; to the Committee on Government Reform.

818. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Central Gulf of Mexico, Sale 172, scheduled to be held in March 1999, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

819. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Alaska Regulatory Program [AK–007–FOR, Amendment No. VII] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

820. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Abandoned Mine Land (AML) Reclamation Program; Enhancing AML Reclamation (RIN: 1029–AB89) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

821. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting an annual report on actions taken in respect to the New England fishing capacity reduction initiative; to the Committee on Resources.

822. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area [Docket No. 981222313–8320–02; I.D. 020999B] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

823. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Greater than 99 feet LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 981222313–8320–02; I.D. 021199A] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

824. A letter from the Chief Justice of the Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 15, 1998, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

825. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Nonimmigrant Visa Exemption for Certain Nationals of the British Virgin Islands Entering the United States Through St. THOMAS, United States Virgin Islands [INS No. 1956–98] (RIN: 1115–AF28) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

826. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Exceptions to the Educational Requirements for Naturalization for Certain Applicants [INS No. 1702–96] (RIN: 1115–AE02) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

827. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 98–012] (RIN: 2115–AA97) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Drawbridge Operation Regulation; Chef Menteur Pass, LA [CGD8-96-053] (RIN: 2115-AE47) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Shlofmitz BatMitzvah Fireworks, Hudson River, Manhattan, New York [CGD01-99-001] (RIN: 2115-AA97) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Back Bay of Biloxi, MS [CGD8-96-049] (RIN: 2115-AE47) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fees for Services Performed in Connection with Motor Carrier Registration and Insurance (RIN: 2125-AE24) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98-NM-144-AD; Amendment 39-11025; AD 99-04-01] (RIN: 2120-AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Hunter Army Airfield (AAF) [Airspace Docket No. 99-ASO-2] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees For Services Performed In Connection With Licensing and Related Services—1999 Update— received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting a list of donations under the "Computers for Learning" (K-12) program for the period July 1998 through December 31, 1998; to the Committee on Science.

836. A letter from the Assistant Commissioner (Examinations), Internal Revenue Service, transmitting the Service's final rule—Qualifying wages under section 41 in determining the tax credit for increasing research activities—received February 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

837. A letter from the Assistant Commissioner (Examiniation), Internal Revenue Service, transmitting the Service's final rule—All Industries Coordinated Issue: Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

838. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Congressional Review of Market Segment Specialization Program (MSSP) Audit Techniques Guides— received February 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

839. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in respect of losses attributable to a disaster [Revenue Ruling 99-13] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

840. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99-11] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

841. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Gray Market Imports and Other Trademarked Goods [T.D. 99-21] (RIN: 1515-AB49) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

842. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the intent to obligate Fiscal Year 1999 SEED funds by the the United States Information Agency; jointly to the Committees on International Relations and Appropriations.

843. A letter from the Assistant Secretary, Department of State, transmitting notification of the intent to obligate Fiscal Year 1999 SEED funds by the Department of State; jointly to the Committees on International Relations and Appropriations.

844. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the MedicareChoice Program [HCFA-1030-F] (RIN: 0938-AI29) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

845. A letter from the Secretary of Health and Human Services, transmitting a report on the schedule for the development of a prospective payment system (PPS) for home health services furnished under the Medicare program; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 661. A bill to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations (Rept. 106-35). Referred to the Committee of the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. H.R. 609. A bill to amend the Export Apple and Pear Act to limit the applicability of the Act to apples (Rept. 106-36). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 85. Resolution providing for consideration of the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents (Rept. 106-37). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 86. Resolution providing for consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations (Rept. 106-38). Referred to the House Calendar.

Mr. SPENCE: Committee on Armed Services. H.R. 4. A bill to declare it to be the policy of the United States to deploy a national missile defense (Rept. 106-39, Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged from further consideration. H.R. 4 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4. Referral to the Committee on International Relations extended for a period ending not later than March 2, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KANJORSKI:

H.R. 891. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H.R. 892. A bill to renew education in this country by providing funds for school renovation and construction, scholarships that allow parents choice in education, and tax incentives; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 893. A bill to provide that the National Assessment Governing Board has the exclusive authority over all policies, direction, and guidelines for establishing and implementing certain voluntary national tests; to the Committee on Education and the Workforce.

By Mr. SALMON (for himself, Mr. WELDON of Pennsylvania, Mr. DELAY, Mr. LARGENT, Mr. FROST, Mr. WELLER, Mr. GRAHAM, Mr. CHABOT, Mr. SMITH of Washington, Ms. PRYCE of Ohio, Mr. KASICH, Mr. CANNON, Mrs. FOWLER, Ms. DANNER, Mrs. BONO, Mr. GILMAN, Mrs. MYRICK, Mr. LOBIONDO, Mr. SCHAFFER, Mr. SCARBOROUGH, Mr. HILLEARY, Mr. ENGLISH, Mr. LAZIO, Mr. SAXTON, Mr. HORN, Mr. TRAFICANT, Mr. HAYWORTH, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. PITTS, Mr. BURR of North Carolina, Mrs. KELLY, Mr. KING of New York, Mr. HALL of Texas, Mr.

Bartlett of Maryland, Mr. Foley, Mr. Mica, Mr. Gary Miller of California, Mr. Linder, Mr. Barton of Texas, Mr. Cunningham, Mr. Ney, Mr. Goode, Mrs. Cubin, Mr. Shadegg, Mr. Calvert, Mr. Green of Wisconsin, Mr. Packard, Mr. Green of Texas, Mr. Regula, Mr. Tiahrt, Mr. Sessions, Mr. Sweeney, Mr. Riley, Mr. Aderholt, Mr. Pickering, Mr. Knollenberg, and Mr. Kingston):

H.R. 894. A bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mrs. Morella, Mr. Porter, Mrs. Lowey, Mrs. Kelly, Mr. Moran of Virginia, Mr. Gilman, Mr. Hinchey, Mr. Greenwood, Mr. Waxman, Mr. Shays, Ms. Jackson-Lee of Texas, Mr. Baird, Ms. McKinney, Mr. Campbell, Mr. Conyers, and Mr. Boehlert):

H.R. 895. A bill to restore a United States voluntary contribution to the United Nations Population Fund; to the Committee on International Relations.

By Mr. FRANKS of New Jersey:

H.R. 896. A bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance; to the Committee on Commerce.

By Mr. FORBES:

H.R. 897. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Transportation and Infrastructure.

By Mr. MCINNIS (for himself, Mr. Schaffer, Mr. Hefley, Mr. Tancredo, and Mr. Udall of Colorado):

H.R. 898. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. LoBiondo):

H.R. 899. A bill to provide for the liquidation of Libyan assets to pay for the costs of travel to and from the Hague of families of the victims of the crash of Pan Am flight 103 for the purpose of attending the trial of the terrorist suspects in the crash; to the Committee on International Relations.

By Mr. LAFALCE (for himself, Mr. Frank of Massachusetts, Mrs. Maloney of New York, Mr. Bentsen, Ms. Lee, Mr. Inslee, Ms. Schakowsky, Mr. Gonzalez, Mrs. Jones of Ohio, Mr. Capuano, Mr. Brown of California, Mr. Olver, Mr. Green of Texas, Mr. Hinchey, Mr. Shows, Mr. Brady of Pennsylvania, Mr. Faleomavaega, and Mrs. Mink of Hawaii):

H.R. 900. A bill to amend the Truth in Lending Act to enhance consumer disclosures regarding credit card terms and charges, to restrict issuance of credit cards to students, to expand protections in connection with unsolicited credit cards and third-party checks and to protect consumers from unreasonable practices that result in unnecessary credit costs or loss of credit, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BLAGOJEVICH (for himself, Mr. Bonior, Mr. Quinn, Mr. Sessions, Ms. Schakowsky, Mr. Gutierrez, Mrs. Maloney of New York, and Mr. Frost):

H.R. 901. A bill to amend the Support for East European Democracy (SEED) Act of 1989 to provide for the transfer of amounts of the Polish-American Enterprise Fund upon the termination of that Enterprise Fund to a private, nonprofit organization located in Poland; to the Committee on International Relations.

By Mr. BLAGOJEVICH (for himself, Mr. Shays, Mr. Castle, Mr. Conyers, Mr. Scott, Mrs. McCarthy of New York, Mrs. Morella, Mr. Kennedy of Rhode Island, Mr. Weygand, Ms. Kilpatrick, Mr. Underwood, Mrs. Maloney of New York, Mr. Moran of Virginia, Mr. Ford, Mr. Markey, Mr. Waxman, Mr. Wexler, Mr. Pascrell, Mr. Jackson of Illinois, Mr. Nadler, Mr. Davis of Illinois, Ms. DeGette, Ms. DeLauro, Mr. Lipinski, Ms. Pelosi, Mr. McGovern, Mrs. Tauscher, and Mrs. Christensen):

H.R. 902. A bill to regulate the sale of firearms at gun shows; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. Bateman, Mr. Boucher, Mr. Sisisky, Mr. Pickett, Mr. Goodlatte, Mr. Goode, Mr. Bartlett of Maryland, Mr. Bilbray, Mr. Bilirakis, Mr. Blunt, Mr. Burr of North Carolina, Mr. Coble, Mr. Coburn, Mr. Cook, Mr. Cunningham, Mr. Ehrlich, Mr. English, Mr. Fossella, Mr. Green of Wisconsin, Mr. Hall of Texas, Mr. Hayworth, Mr. Horn, Mr. Jenkins, Mr. Kasich, Mrs. Kelly, Mr. Lazio, Mr. LoBiondo, Mr. Metcalf, Mrs. Myrick, Mr. Norwood, Mr. Pallone, Mr. Pickering, Mr. Pitts, Ms. Pryce of Ohio, Mr. Riley, Mr. Saxton, Mr. Shadegg, Mr. Shays, Mr. Shimkus, and Mr. Weldon of Florida):

H.R. 903. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Articles of Amendment, on the reverse side of such currency; to the Committee on Banking and Financial Services.

By Mr. CARDIN (for himself, Mrs. Roukema, Mr. Shays, Mr. Tierney, Mr. Campbell, Mr. Berry, Mr. Serrano, Mr. Delahunt, Mr. Bentsen, Mr. Cooksey, Mr. Abercrombie, Mr. Underwood, Mr. Stark, Mr. DeFazio, Mr. Kleczka, Mrs. Johnson of Connecticut, Mr. Weygand, Mr. Green of Texas, Mr. McNulty, Mr. Boehlert, Mr. Gallegly, Mr. LaFalce, Mr. Ackerman, Ms. Slaughter, Mr. Doyle, Mrs. Maloney of New York, Mrs. Thurman, Mr. Hinchey, Mr. Inslee, Mr. Lewis of Georgia, Mr. Coyne, Mr. Rothman, Mr. English, Mrs. Mink of Hawaii, Mr. Walsh, Mr. Klink, Ms. Hooley of Oregon, Mrs. Emerson, Mr. Levin, Mr. Davis of Florida, Mr. Upton, Ms. Eddie Bernice Johnson of Texas, Mr. Gonzalez, and Mrs. Myrick):

H.R. 904. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 905. A bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. Frost, Mr. Rangel, Ms. Jackson-Lee of Texas, Mr. Meehan, Ms. Waters, Mr. Clyburn, Mr. Lewis of Georgia, Mrs. Meek of Florida, Mr. Davis of Illinois, Mr. Brown of Ohio, Mr. Meeks of New York, Mr. Thompson of Mississippi, Mr. Rush, Mr. Owens, Ms. Kilpatrick, Mr. Wynn, Mr. Jackson of Illinois, Mr. Hastings of Florida, Mr. Fattah, Ms. Lee, Mr. Cummings, Mr. Hilliard, Mr. Brady of Pennsylvania, Mr. Ford, Mrs. Jones of Ohio, and Ms. Schakowsky):

H.R. 906. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. DeFAZIO:

H.R. 907. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DeFAZIO (for himself, Mr. Lipinski, and Ms. Slaughter):

H.R. 908. A bill to improve consumers' access to airline industry information, to promote competition in the aviation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DeGETTE (for herself, Mr. Allen, and Mr. Waxman):

H.R. 909. A bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs; to the Committee on Government Reform.

By Mr. DREIER (for himself, Mr. Horn, Mr. Martinez, Mrs. Napolitano, Mr. Gary Miller of California, and Ms. Roybal-Allard):

H.R. 910. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of groundwater contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ETHERIDGE (for himself, Mr. Coble, Mr. Price of North Carolina, Mrs. Clayton, Mr. Hayes, Mr. Watt of North Carolina, Mr. Burr of North Carolina, Mr. Taylor of North Carolina, Mr. McIntyre, Mr. Jones of North Carolina, Mr. Ballenger, and Mrs. Myrick):

H.R. 911. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts (for himself, Mr. Campbell, Mr. Conyers, Mr. Olver, Ms. Pelosi, Mr. Stark, and Ms. Woolsey):

H.R. 912. A bill to provide for the medical use of marijuana; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself and Mr. STARK):

H.R. 913. A bill to provide retrospective application of an amendment made by the Violent Crime Control and Law Enforcement Act of 1994 pertaining to the applicability of mandatory minimum penalties in certain cases; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. PAYNE, Mr. SERRANO, Mr. SANDERS, Mr. LAFALCE, Mrs. CHRISTENSEN, Mr. VENTO, Mr. WYNN, Mr. FROST, Mr. BOEHLERT, Mr. COYNE, Mr. SMITH of Washington, Ms. PELOSI, Ms. WATERS, Mr. THOMPSON of Mississippi, Mr. HALL of Ohio, Mr. NEAL of Massachusetts, Mr. ACKERMAN, Mr. OBERSTAR, Mr. BOUCHER, Mr. OLVER, Mr. QUINN, Mr. KLECZKA, Mr. UNDERWOOD, Mr. GOODE, Mrs. MINK of Hawaii, Mr. FILNER, and Mr. HINCHEY):

H.R. 914. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (for himself, Mr. GILMAN, Mr. DAVIS of Virginia, Mr. FILNER, Mr. WOLF, and Mrs. MORELLA):

H.R. 915. A bill to authorize a cost of living adjustment in the pay of administrative law judges; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 916. A bill to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 917. A bill to designate the Federal building and United States Post Office located at 705 N. Plaza Street in Carson City, Nevada, as the "Paul Laxalt Federal Building and United States Post Office"; to the Committee on Transportation and Infrastructure.

By Mr. HOLDEN:

H.R. 918. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent the amount of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 919. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 920. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms; to the Committee on the Judiciary.

By Mr. LAHOOD:

H.R. 921. A bill to direct the Secretary of Agriculture to provide emergency market loss assistance to swine producers for losses incurred due to economic and market conditions in the United States beyond their control that occurred during a three-month period in 1998, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 922. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount allowable as an annual contribution to education individual retirement accounts from $500 to $2,000, phased in over 3 years; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mrs. THURMAN, Mr. WATTS of Oklahoma, Mr. BARRETT of Wisconsin, Mr. CAPUANO, Mr. KUCINICH, Mr. FILNER, Ms. PELOSI, Mr. LANTOS, Mr. HINCHEY, Mr. DIXON, Mr. TOWNS, Ms. NORTON, Mr. CUMMINGS, Mr. FORD, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. UNDERWOOD, Mr. FROST, Mr. SISISKY, Mr. BROWN of Ohio, Mr. FATTAH, Mrs. JONES of Ohio, Mr. WATT of North Carolina, Ms. CARSON, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. BERMAN, Mrs. CLAYTON, Mr. HASTINGS of Florida, Mr. OWENS, Ms. BROWN of Florida, Mr. CLYBURN, Mr. PAYNE, Mr. STEARNS, Mr. MEEKS of New York, Mr. BROWN of California, Mr. SANDLIN, and Mr. SPRATT):

H.R. 923. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MALONEY of Connecticut (for himself and Mr. SPRATT):

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to allow vendor refunds of Federal excise taxes on undyed kerosene used in unvented heaters for home heating purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Mr. PASCRELL, Mrs. KELLY, Mr. GREEN of Texas, Mr. COOK, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mrs. THURMAN, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. HOOLEY of Oregon, Ms. DELAURO, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. WEINER, Mr. CROWLEY, Mr. SHOWS, Mr. MCNULTY, Mr. KLECZKA, Mr. GUTIERREZ, Mr. FILNER, Mr. RUSH, Mr. SHERMAN, Mr. NADLER, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. SANDLIN, Mr. BISHOP, Mr. CUMMINGS, Mr. HINCHEY, Mr. FORD, Mr. BROWN of California, Mr. UNDERWOOD, Mr. DIXON, Mr. BORSKI, Mr. SANDERS, Mr. CLEMENT, Mr. MASCARA, and Mr. FALEOMAVAEGA):

H.R. 925. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 926. A bill to require the Secretary of the Army to issue an environmental impact statement before the International Joint Commission implements any water regulation plan affecting the water levels of Lake Ontario or the St. Lawrence River; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS (for himself, Mr. HOUGHTON, Ms. DUNN, Mr. ENGLISH, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WATKINS, Mr. FOLEY, Mr. TANCREDO, and Mr. SHOWS):

H.R. 927. A bill to amend the Internal Revenue Code of 1986 to increase the annual exclusion from the gift tax to $20,000; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 928. A bill to require that the 2000 decennial census include either a general or targeted followup mailing of census questionnaires, whichever, in the judgement of the Secretary of Commerce, will be more effective in securing the return of census information from the greatest number of households possible; to the Committee on Government Reform.

By Mr. MILLER of Florida (for himself, Mr. RYAN of Wisconsin, Mr. DAVIS of Virginia, and Mr. SOUDER):

H.R. 929. A bill to amend title 13, United States Code, to require that the questionnaire used in taking the 2000 decennial census be made available in certain languages besides English; to the Committee on Government Reform.

By Mrs. MINK of Hawaii:

H.R. 930. A bill to amend the Radiation Exposure Compensation Act to remove the requirement that exposure resulting in stomach cancer occur before age 30, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 931. A bill to amend the Internal Revenue Code of 1986 to provide that an individual who leaves employment because of sexual harassment or the loss of child care will, for purposes of determining such individual's eligibility for unemployment compensation, be treated as having left such employment for good cause; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 932. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mr. MEEHAN, Mr. WAXMAN, Mrs. MALONEY of New York, Ms. PELOSI, Mrs. MEEK of Florida, Mr. UNDERWOOD, Mr. DIXON, Mr. DELAHUNT, Ms. MILLENDER-MCDONALD, Mr. BENTSEN, Mr. CUMMINGS, Mr. GOODE, Mr. FORD, Ms. KILPATRICK, Mr. HINCHEY, Mr. NADLER, Mr. KLECZKA, Mr. GREEN of Texas, Mr. FROST, Mr. PASCRELL, Mr. FILNER, Ms. BERKLEY, Mrs. KELLY, Mr. SANDLIN, Mr. METCALF, Mr. SHOWS, Mr. MORAN of Virginia, Mr.

Faleomavaega, Mr. Foley, and Mrs. Myrick):

H.R. 933. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 934. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. PAUL (for himself and Mr. Hostettler):

H.R. 935. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 936. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extra-curricular activities; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. Green of Texas, Mr. Radanovich, Mr. Deal of Georgia, Mr. Stearns, and Mr. Hinchey):

H.R. 937. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

. By Mr. RANGEL (for himself, Ms. Waters, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mrs. Meek of Florida, Mr. Pallone, Mr. Nadler, Ms. Lee, Mr. Neal of Massachusetts, Mr. Faleomavaega, Ms. Carson, Mr. Rush, Mr. Snyder, Mr. DeFazio, Mr. Matsui, Mr. Dixon, Mr. Ford, Mr. Moakley, Ms. Norton, Mr. Cummings, Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Payne, Mr. Coyne, Mr. Conyers, Mr. Engel, Mr. Jefferson, Mr. Clay, Mr. Scott, Mr. Brown of California, Mr. Gejdenson, Mr. Kennedy of Rhode Island, Mrs. Clayton, Mr. Ackerman, Mr. Meeks of New York, Mr. Levin, Mr. McGovern, Mrs. Mink of Hawaii, Mr. Watt of North Carolina, Mr. Quinn, Mr. Sabo, Mr. Kucinich, Mr. Underwood, Ms. Brown of Florida, Mr. LaFalce, Ms. Kilpatrick, Mrs. Maloney of New York, Mr. Portman, Mr. Frost, Mr. Brady of Pennsylvania, Mrs. Jones of Ohio, Mr. Watts of Oklahoma, Mr. Waxman, Mr. Crowley, and Mr. Etheridge):

H.R. 938. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. Conyers, Mr. Towns, Mr. Thompson of Mississippi, Mrs. Christensen, Mr. Cummings, Ms. Lee, Mr. Wynn, Ms. Millender-McDonald, Ms. Carson, Mr. Lewis of Georgia, Mr. Ford, Mr. Clay, Mr. Rush, Mr. Dixon, Ms. Kilpatrick, Mr. Hilliard, Mrs. Clayton, Ms. Norton, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Payne, Mr. Owens, Ms. Brown of Florida, Mrs. Meek of Florida, and Ms. Pelosi):

H.R. 939. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERWOOD:

H.R. 940. A bill to establish the Lackawanna Heritage Valley American Heritage Area; to the Committee on Resources.

By Mr. STARK (for himself, Mr. Horn, Mr. Spence, Mr. Inslee, Mr. Lewis of Georgia, Mr. Moakley, Mr. Kleczka, Mr. Brown of Ohio, Mr. Frost, Ms. Eshoo, Mr. Luther, Ms. Kilpatrick, Mr. Barrett of Wisconsin, Ms. Slaughter, Mr. Thompson of Mississippi, Mrs. Thurman, Mr. Rangel, Mr. Wynn, Mrs. Clayton, Mr. Hall of Ohio, Ms. Norton, Mr. Waxman, and Ms. Ros-Lehtinen):

H.R. 941. A bill to establish a congressional commemorative medal for organ donors and their families; referred to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Frost, Mr. Oxley, Mr. McCollum, Mr. Foley, Mrs. Meek of Florida, and Mr. Sessions):

H.R. 942. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. Clyburn, Mr. Clay, Ms. McKinney, Mr. LaFalce, Ms. Jackson-Lee of Texas, Mr. King of New York, Mrs. Mink of Hawaii, Mr. Frank of Massachusetts, Mr. Hilliard, Ms. Kilpatrick, Mr. Faleomavaega, Mr. Lantos, Mr. Brady of Pennsylvania, Mr. Wynn, Mrs. Clayton, Mr. Owens, Mr. Sabo, Mr. Ford, Mr. Cummings, Mr. Scott, and Mr. Rush):

H.R. 943. A bill to reimburse an individual who is the subject of an independent counsel's investigation and is indicted but found not guilty for attorneys' fees; to the Committee on the Judiciary.

By Mr. UNDERWOOD (for himself, Mr. Abercrombie, and Mrs. Mink of Hawaii):

H.R. 944. A bill to convert a temporary Federal judgeship in the district of Hawaii to a permanent judgeship, to authorize an additional permanent judgeship in the district of Hawaii, extend statutory authority for magistrate positions in Guam and the Northern Mariana Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. UNDERWOOD:

H.R. 945. A bill to deny to aliens the opportunity to apply for asylum in Guam; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 946. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 947. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Resources.

By Mr. MORAN of Kansas (for himself and Mr. Pickering):

H.R. 948. A bill to amend chapter 31 of title 31, United States Code, to establish lower statutory limits for debt held by the public for each of fiscal years 2000 through 2009, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. Shaw, Mr. Brown of Ohio, Mr. Burton of Indiana, Mr. English, Mr. Traficant, Mrs. Myrick, Mr. Istook, Mr. Chabot, Mr. Rush, Mr. Barr of Georgia, Mrs. Northup, and Mr. Hostettler):

H.J. Res. 35. A joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1999; to the Committee on International Relations.

By Mr. WATKINS (for himself and Mr. Thornberry):

H. Con. Res. 39. Concurrent resolution urging the President to oppose expansion of the Oil-for-Food Program in Iraq, condemning Saddam Hussein for the actions the Government of Iraq has taken against the Iraqi people and for its defiance of the United Nations, and for other purposes; to the Committee on International Relations.

By Mr. GILMAN:

H. Res. 84. A resolution recognizing the positive steps and achievements of the Republic of India and the Islamic Republic of Pakistan to foster peaceful relations between the two nations; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 87. A resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

By Mr. THOMAS:

H. Res. 88. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEKAS (for himself, Mr. Bentsen, Ms. Pelosi, Mr. Callahan, Mr. Porter, and Mr. Nethercutt):

H. Res. 89. A resolution to express the sense of the House of Representatives that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000; to the Committee on Commerce.

By Mr. PALLONE:

H. Res. 90. A resolution recognizing the "Code Adam" child safety program, commending retail business establishments that have implemented programs to protect children from abduction, and urging retail business establishments that have not implemented such programs to consider doing so; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GREENWOOD introduced A bill (H.R. 949) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRIDE OF MANY; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. SANCHEZ and Mr. FARR of California.

H.R. 13: Mr. TAYLOR of Mississippi.

H.R. 17: Mr. LIPINSKI, Mr. BLUNT, and Mr. TURNER.

H.R. 19: Mr. WAMP, Mr. PICKETT, Mr. ENGLISH, Mr. SESSIONS, and Mr. NORWOOD.

H.R. 22: Mr. NEY.

H.R. 36: Ms. LOFGREN, Mr. BROWN of California, Mr. MEEKS of New York, and Mr. BERMAN.

H.R. 38: Mr. COOKSEY.

H.R. 49: Mr. LAMPSON.

H.R. 53: Ms. GRANGER.

H.R. 61: Mr. SMITH of New Jersey.

H.R. 89: Mr. HINCHEY, Mr. ADERHOLT, Mr. RADANOVICH, Mr. SUNUNU, Mr. REYES, and Mr. MANZULLO.

H.R. 110: Mr. HOYER, Mr. WAXMAN, Mr. FILNER, Mr. SHOWS, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, Ms. PELOSI, Mr. KLECZKA, Mr. SANDLIN, and Mr. OLVER.

H.R. 111: Mr. MCINTOSH, Mr. ANDREWS, Mr. JENKINS, Mr. BOUCHER, Mr. WELLER, Mrs. CHRISTENSEN, Ms. DUNN, Mr. FORD, Mr. THOMPSON of Mississippi, Mr. SISISKY, Mr. GORDON, Mr. MCNULTY, Mr. GOODE, Ms. SLAUGHTER, Mr. MATSUI, Mr. DELAHUNT, Ms. DEGETTE, Mrs. MALONEY of New York, Mr. HASTINGS of Washington, Mr. GEJDENSON, Mr. GIBBONS, Mr. WYNN, Mr. MARTINEZ, and Mr. COYNE.

H.R. 116: Mr. BROWN of California, Mrs. EMERSON, and Mrs. MYRICK.

H.R. 119: Mr. JENKINS, Mr. FORBES, Mr. HAYES, Mr. FOLEY, Mr. NORWOOD, Mr. LIPINSKI, Mr. THOMPSON of Mississippi, Mr. MICA, Mr. LUCAS of Oklahoma, Mr. BRYANT, Mr. FORD, Mr. LAHOOD, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. GARY MILLER of California, and Mr. SCARBOROUGH.

H.R. 125: Mr. LEWIS of Georgia.

H.R. 150: Mrs. CHENOWETH and Mr. SCHAFFER.

H.R. 165: Mr. WEXLER, Mr. STARK, and Ms. LOFGREN.

H.R. 206: Mr. PAYNE, Mr. ANDREWS, Mr. OLVER, Mrs. MYRICK, and Mr. KUCINICH.

H.R. 218: Mr. DOOLITTLE and Mr. HUTCHINSON.

H.R. 219: Mr. SALMON, Mr. HOSTETTLER, and Mr. HAYWORTH.

H.R. 220: Mr. SCHAFFER.

H.R. 232: Mr. PETERSON of Pennsylvania.

H.R. 235: Mr. GOODLING and Mr. LEWIS of Kentucky.

H.R. 271: Mr. SHOWS, Mr. DEFAZIO, Mr. DIXON, Mr. DAVIS of Illinios, Mr. MOORE, Ms. SANCHEZ, and Ms. VELÁZQUEZ.

H.R. 318: Mr. WEXLER and Mr. BILIRAKIS.

H.R. 323: Mr. DAVIS of Illinois, Mr. BLUMENAUER, Mr. HEFLEY, Mr. LEACH, Mrs. MYRICK, and Mr. PAYNE.

H.R. 351: Mr. COMBEST and Mr. LUCAS of Kentucky.

H.R. 357: Mrs. JONES of Ohio, Mr. MATSUI, and Mr. HOYER.

H.R. 363: Mrs. MINK of Hawaii and Mrs. THURMAN.

H.R. 364: Mr. SHERMAN.

H.R. 365: Mr. SHERMAN.

H.R. 366: Mr. SHERMAN.

H.R. 371: Mr. KENNEDY of Rhode Island, Mr. KIND of Wisconsin, Mr. BORSKI, Mr. ENGLISH, Mr. LUTHER, Mr. HERGER, Mr. POMBO, Mr. PETRI, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mr. HORN.

H.R. 372: Mr. BORSKI.

H.R. 382: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mrs. NAPOLITANO, Mr. WYNN, Mr. BROWN of California, and Mr. BENTSEN.

H.R. 393: Mr. PALLONE.

H.R. 394: Mr. PALLONE and Mrs. CAPPS.

H.R. 395: Mr. PALLONE and Mrs. CAPPS.

H.R. 397: Mr. PALLONE and Mrs. CAPPS.

H.R. 405: Mr. BARRETT of Nebraska, Mr. SHIMKUS, Mr. RAHALL, Mr. GOODLING, Mr. FOLEY, Mr. LAFALCE, Mr. WELDON of Pennsylvania, Mr. LEACH, and Mr. COSTELLO.

H.R. 406: Mr. BARRETT of Wisconsin, Mr. CANADY of Florida, Mr. GOODLING, and Mr. DOOLEY of California.

H.R. 412: Mr. BONIOR, Mr. GOODLING, Mr. RADANOVICH, Mr. MINGE, and Mr. TOOMEY.

H.R. 415: Mrs. JONES of Ohio and Ms. BROWN of Florida.

H.R. 417: Mr. ENGEL and Mr. THOMPSON of California.

H.R. 423: Mr. PETERSON of Pennsylvania.

H.R. 424: Mr. BARRETT of Nebraska, Mr. DELAHUNT, Mr. HAYWORTH, Mr. NUSSLE, Mr. SCARBOROUGH, Mr. TOWNS, and Mr. COYNE.

H.R. 443: Mr. OLVER, Mr. BILBRAY, and Mr. CONYERS.

H.R. 449: Mr. SAXTON and Mr. PETERSON of Pennsylvania.

H.R. 455: Ms. NORTON, Mr. HINCHEY, and Mr. PAYNE.

H.R. 457: Mr. LUTHER, Mr. BARRETT of Wisconsin, Mr. CLYBURN, Mr. KENNEDY of Rhode Island, Mr. WYNN, Mr. HOYER, Ms. SLAUGHTER, Mr. KLECZKA, Mr. MOAKLEY, and Mr. INSLEE.

H.R. 472: Mr. SHAW and Mrs. MYRICK.

H.R. 483: Mrs. CAPPS, Mr. GANSKE, Mr. BLUNT, Mr. SISISKY, Mr. PALLONE, and Mr. SANDERS.

H.R. 488: Mr. OLVER.

H.R. 489: Mr. DAVIS of Illinois, Mr. INSLEE, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Mr. FALEOMAVAEGA.

H.R. 502: Mr. MICA.

H.R. 506: Ms. VELÁZQUEZ, Mr. WAMP, Ms. DEGETTE, Mr. GILLMOR, Mr. WATT of North Carolina, and Mr. GUTKNECHT.

H.R. 515: Mr. HOEFFEL, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. RUSH, Mr. ROTHMAN, Mr. THOMPSON of Mississippi, Ms. WOOLSEY, and Mr. MOORE.

H.R. 516: Mr. DUNCAN, Mr. SAXTON, Mr. GORDON, Mr. STUMP, Mr. BLUNT, Mr. GIBBONS, and Mr. SUNUNU.

H.R. 517: Mr. SCHAFFER.

H.R. 518: Mr. SCHAFFER.

H.R. 530: Mr. RILEY, Mr. NEY, Mr. DEAL of Georgia, Mr. ISTOOK, Mr. WELLER, Mr. TIAHRT, and Mr. GIBBONS.

H.R. 532: Mr. BARRETT of Wisconsin, Mr. SABO, Mr. SNYDER, and Mr. VENTO.

H.R. 537: Mr. BLUNT.

H.R. 540: Mr. PICKERING, Mr. BARRETT of Wisconsin, Mr. WYNN, Ms. ESHOO, Mr. TOWNS, Mr. MICA, Mrs. CAPPS, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. PASCRELL, Mr. SMITH of New Jersey, and Mrs. MYRICK.

H.R. 541: Mr. BERMAN and Mr. FALEOMAVAEGA.

H.R. 548: Mr. HINCHEY and Mr. WATT of North Carolina.

H.R. 573: Mr. SERRANO, Mr. PHELPS, Mr. DAVIS of Florida, Mr. BURTON of Indiana, Mr. BROWN of California, Mrs. NORTHUP, Mr. FILNER, Mr. MCNULTY, Mr. WISE, Mr. LIPINSKI, Mr. GONZALEZ, Mr. PICKETT, Mr. GARY MILLER of California, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. MCINTOSH, Mr. HOSTETTLER, Mr. SAWYER, Mr. GREENWOOD, Mr. CALVERT, Mr. LUCAS of Oklahoma, and Mr. HALL of Ohio.

H.R. 576: Ms. LOFGREN.

H.R. 595: Mr. FORD, Mr. QUINN, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.

H.R. 608: Mr. ENGLISH, Mr. RUSH, and Mr. GUTIERREZ.

H.R. 609: Mr. NETHERCUTT.

H.R. 617: Mr. GOODLING, Mr. STARK, and Mr. PALLONE.

H.R. 621: Mr. KASICH and Mrs. EMERSON.

H.R. 623: Mr. GILLMOR.

H.R. 628: Mr. DICKEY, Mr. STEARNS, Mrs. MYRICK, Mr. ENGLISH, and Mr. HUTCHINSON.

H.R. 647: Mr. FOLEY and Mr. BLUNT.

H.R. 654: Mr. INSLEE, Mr. LAFALCE, and Mr. PALLONE.

H.R. 656: Mr. PETERSON of Pennsylvania and Mrs. MYRICK.

H.R. 664: Mr. MASCARA and Mr. GONZALEZ.

H.R. 670: Mr. PAYNE, Mr. PETERSON of Pennsylvania, and Mr. BEREUTER.

H.R. 682: Mr. HOUGHTON, Mr. ENGLISH, Mr. FOLEY, and Mr. GOODE.

H.R. 691: Mr. FILNER, Mr. NEY, Mr. BALDACCI, Mr. LAHOOD, Mr. DICKEY, Mr. TAYLOR of Mississippi, Mrs. MALONEY of New York, and Mr. ALLEN.

H.R. 696: Mrs. JONES of Ohio.

H.R. 701: Mr. LINDER, Mr. TAYLOR of Mississippi, Mr. STUMP, Mr. SANDLIN, Mr. WELDON of Pennsylvania, Mr. TURNER, Mr. GREEN of Wisconsin, Mr. BARCIA, Mr. WHITFIELD, and Mr. BENTSEN.

H.R. 707: Mr. SWEENEY.

H.R. 708: Mrs. THURMAN and Mr. TAYLOR of Mississippi.

H.R. 718: Mr. BONIOR, Mr. FALEOMAVAEGA, Mr. ENGLISH, Mr. DOOLEY of California, Mr. PETERSON of Minnesota, and Mr. ADERHOLT.

H.R. 735: Mr. BAKER.

H.R. 750: Mr. PETERSON of Minnesota, Mr. BONILLA, Mrs. CHRISTENSEN, and Mr. MARKEY.

H.R. 756: Mr. ADERHOLT and Mr. PETERSON of Pennsylvania.

H.R. 763: Mr. HILL of Montana and Mr. SANDLIN.

H.R. 773: Mr. MCNULTY, Mr. KIND of Wisconsin, Mr. JENKINS, Mr. WISE, Mr. PAYNE, Mr. GEKAS, Mr. FALEOMAVAEGA, Mrs. CAPPS, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. HAYWORTH, Mr. HUTCHINSON, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. SANDLIN, and Mr. STEARNS.

H.R. 780: Ms. KILPATRICK.

H.R. 788: Mr. KASICH.

H.R. 798: Mr. CLAY, Mr. OLVER, Mr. GUTIERREZ, Mrs. NAPOLITANO, Ms. MCKINNEY, Mr. HOEFFEL, Mr. ABERCROMBIE, Mr. FILNER, Mr. HINCHEY, Mr. VENTO, and Mr. BROWN of Ohio.

H.R. 800: Ms. PRYCE of Ohio, Mr. PETERSON of Pennsylvania, Mr. TERRY, Mr. UNDERWOOD, Mr. PHELPS, Mr. FROST, Mr. HERGER, Mr. HOEFFEL, Mr. TANCREDO, Mr. KIND of Wisconsin, Mr. LUCAS of Kentucky, Mr. LARGENT, and Mr. FLETCHER.

H.R. 804: Mr. KENNEDY of Rhode Island, Mr. STUPAK, and Mr. FALEOMAVAEGA.

H.R. 808: Mr. BEREUTER, Mr. ENGLISH, Mr. POMEROY, Mr. RILEY, Mrs. MINK of Hawaii, and Mr. HILL of Montana.

H.R. 833: Mr. COOK, Mr. COOKSEY, Mr. ENGLISH, Mr. GOODE, Mr. HILL of Montana, Mr. HILLEARY, Mr. METCALF, Mr. OXLEY, Mr. ROYCE, Mr. SISISKY, Mr. STUMP, Mr. TANNER, and Mr. TAUZIN.

H.R. 852: Mr. SHOWS, Mr. ISTOOK, and Mr. COOKSEY.

H.R. 872: Mr. RUSH, Mrs. MINK of Hawaii, Mr. LEWIS of Georgia, Mr. OLVER, Mr. TIERNEY, Ms. WATERS, Ms. LOFGREN, Mr. BROWN of Ohio, Mr. TOWNS, and Ms. MILLENDER-MCDONALD.

H.R. 877: Mr. PETERSON of Pennsylvania.

H.R. 882: Mr. TANNER, Mr. EWING, Mr. POMEROY, Mr. THUNE, Mr. COOKSEY, Mr. BOSWELL, Ms. DANNER, Mr. HILL of Indiana. Mr. GORDON, Mr. GUTKNECHT, Mr. CLEMENT, Mr. JEFFERSON, Mr. BALDACCI, Mr. BISHOP, Mr. ETHERIDGE, Mr. PHELPS, Mrs. CLAYTON, and Mr. WALDEN of Oregon.

H.J. Res. 1: Mr. MICA, Mr. PETERSON of Pennsylvania, and Mr. RAMSTAD.

H.J. Res. 31: Mr. STEARNS and Mr. THOMPSON of Mississippi.

H. Con. Res. 8: Mr. LEACH, Ms. PRYCE of Ohio, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mrs. MYRICK, Mrs. CAPPS, and Mr. FOLEY.

H. Con. Res. 17: Mr. LUTHER.

H. Con. Res. 22: Mr. ENGLISH and Mr. CALVERT.

H. Con. Res. 24: Mr. HOYER, Mr. STEARNS, Mr. SHAYS, Mr. GANSKE, Ms. DUNN, Mr. BRYANT, Mr. HUTCHINSON, Mr. SHAW, Mr. SMITH of Washington, Mr. STUPAK, Mr. DAVIS of Virginia, Mr. METCALF, Mr. KING of New York, Mr. PICKERING, Mr. BILBRAY, Mr. BARR of Georgia, Mr. KINGSTON, Mr. FRANK of Massachusetts, Mr. CRAMER, Mr. TERRY, Ms. DELAURO, Mr. COYNE, Mr. GOODLATTE, Ms. PRYCE of Ohio, Mr. ARMEY, Mr. DEMINT, Mr. BURR of North Carolina, Mr. PHELPS, Mr. DIXON, Mr. EHLERS, Mr. TANNER, Mr. HALL of Ohio, Mr. KUYKENDALL, Mr. LEACH, and Mr. SHADEGG.

H. Con. Res. 30: Mr. COMBEST, Mr. CALVERT, and Mr. GREEN of Wisconsin.

H. Con. Res. 31: Mr. STUPAK.

H. Con. Res. 34: Mr. COSTELLO, Mrs. KELLY, Mr. ENGLISH, Mr. FOLEY, Mr. OLVER, Mr. BRADY of Pennsylvania, and Ms. DELAURO.

H. Res. 32: Mr. FALEOMAVAEGA, Mr. LEACH, Mr. BERMAN, Mr. KING of New York, and Mr. UNDERWOOD.

H. Res. 41: Mr. BALLENGER, Mr. FOLEY, Mr. FOSSELLA, Mr. GUTIERREZ, Mrs. KELLY, Mr. MEEHAN, Mr. OLVER, Mr. STUPAK, Mr. TIERNEY, and Ms. VELÁZQUEZ.

H. Res. 79: Mr. LAHOOD, Mr. DAVIS of Illinois, Mr. WELLER, Mr. SHOWS, and Mr. JACKSON of Illinois.

SENATE—*Tuesday, March 2, 1999*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle, Mordecai, sound in our souls: "You have come to the kingdom for such a time as this."—Esther 4:14.

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems like coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, "I have plans for you, plans for good and not for evil, to give you a future and a hope."—Jeremiah 29:11.

Grant the Senators a heightened sense of the special role You have for each of them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

Today, during Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that "though the wrong seems oft so strong, You are the Ruler yet." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. BOND. Thank you, Mr. President.

THE CHAPLAIN'S PRAYER

Mr. BOND. Mr. President, I thank the Chaplain for the most wonderful words of guidance.

SCHEDULE

Mr. BOND. Mr. President, this morning the Senate will begin consideration of S. 314, a bill providing small business loans regarding the year 2000 computer problems. Under a previous order, there will be 1 hour for debate on the bill equally divided between Senators BOND and KERRY of Massachusetts with no amendments in order to be followed by a vote on passage of the bill at 10:30 a.m. Following that vote, the Senate will recess to allow Members to attend a confidential hearing regarding the Y2K issue in room S. 407 of the Capitol. At 2:15 p.m., under a previous order, the Senate will begin consideration of S. Res. 7, a resolution to fund a special committee dealing with the Y2K issue.

There will be 3 hours for debate on the resolution with no amendments or motions in order. A vote will occur on adoption of the resolution upon the expiration or yielding back of the time, which we anticipate to be approximately 5:15 p.m.

I thank my colleagues for their attention.

SMALL BUSINESS YEAR 2000 READINESS ACT

The PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 314) to provide the loan guarantee program to address the year 2000 computer problems of small business concerns, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I thank you very much. I will begin, although my colleague and my cosponsor on this measure is on his way over. Let me begin the discussion of this measure.

I thank my colleagues, Senators BENNETT and DODD, particularly for the work of the Special Committee on the Year 2000 Technology Problem communicating to both the government agencies and the private sector about the seriousness of the year 2000 computer problem. I look forward to their presentations to the Senate today on the potential economic and national security concerns that this problem raises. I also thank Senators BENNETT and DODD, and particularly my ranking member, Senator KERRY, the ranking member of the Small Business Committee, for their cooperation and valuable assistance in the drafting of this important piece of legislation.

As my colleagues on the Committee on Small Business and the Special Committee on the Year 2000 Technology Problem know very well, the year 2000 computer problems may potentially cause great economic hardships and disruptions to numerous Americans and to numerous sectors of our economy. I am very pleased that the Senate has decided to make this problem one of its top priorities and has scheduled discussions on this topic early in the legislative session this year. It is commendable that the Senate is taking action on this problem quickly, and that we are taking action before the calamity happens, instead of after it occurs, which could otherwise be the case.

It is imperative that we move quickly on this measure. And I hope that we can work with our colleagues in the House to pass it and send it to the President, because by definition, since this is 1999, the year 2000 problem grows closer every day with the coming of the end of this calendar year.

The bill before us is an important step toward ensuring the continuing viability of many small businesses after December 31, 1999. The bill will establish a loan guarantee program to be administered by the Small Business Administration that will provide small businesses with capital to correct their Year 2000 computer problems and provide relief from economic injuries sustained as a result of Y2K computer problems. Last year I introduced a similar bill that the Committee on Small Business adopted by an 18–0 vote and that the full Senate approved by unanimous consent. Unfortunately, the House of Representatives did not act on the legislation prior to adjournment. I reintroduced the bill this year because the consequences of Congress not taking action to assist small businesses with their Y2K problems are too severe to ignore. My colleagues on the Committee on Small Business unanimously approved this legislation once again and I sincerely hope that we can pass this bill, and as I said earlier, that the House of Representatives will act on this legislation promptly.

The problem that awaits this country, and indeed the entire world, at the end of this year is that many computers and processors in automated systems will fail because such systems will not recognize the Year 2000. Small businesses that are dependent upon computer technology, either indirectly or directly, could face failures that could jeopardize their economic futures. In fact, a small business is at risk if it uses any computers in its business, if it has customized software, if it is conducting e-commerce, if it accepts credit card payments, if it uses a service bureau for its payroll, if it depends on a data bank for information, if it has automated equipment for communicating with its sales or service force or if it has automated manufacturing equipment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Last June, the Committee on Small Business, which I chair, held hearings on the effect the Y2K problem will have on small businesses. The outlook is not good—in fact it is poor at best, particularly for the smallest business. The Committee received testimony that the entities most at risk from Y2K failures are small and medium-sized companies, not larger companies. Two major reasons for this anomaly is that many small companies have not begun to realize how much of a problem Y2K failures could be for them, and many may not have the access to capital to cure such problems before they cause disastrous results.

A study on Small Business and the Y2K Problem sponsored by Wells Fargo Bank and the NFIB found that an estimated 4.75 million small employers are potentially subject to the Y2K problem. The committee has also received alarming statistics on the number of small businesses that could potentially face business failure or prolonged inactivity due to the Year 2000 computer problem. The Gartner Group, an international information technology consulting firm, has estimated that between 50% and 60% of small companies worldwide would experience at least one mission critical failure as a result of Y2K computer problems. The committee has also received information indicating that approximately 750,000 small businesses may either shut down due to the Y2K problem or be severely crippled if they do not take action to cure their Y2K problems.

Such failures and business inactivity affect not only the employees and owners of small businesses, but also their creditors, suppliers and customers. Lenders will face significant losses if their small business borrowers either go out of business or have a sustained period in which they cannot operate. Most importantly, however, is the fact that up to 7.5 million families may face the loss of paychecks for a sustained period of time if small businesses do not remedy their Y2K problems. Given these facts, it is easy to forecast that there will be severe economic consequences if small businesses do not become Y2K compliant in time and there are only 10 months to go. Indeed the countdown is on.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of Lloyd Davis, the owner of Golden Plains Agricultural Technologies, Inc., a farm equipment manufacturer in Colby, Kansas. Like many small business owners, Mr. Davis' business depends on trailing an international information technology consulting firm, has estimated that between 50% and 60% of small companies worldwide would experience at least one mission critical failure as a result of Y2K computer problems. The Committee has also received information indicating that approximately 750,000 small businesses may either shut down due to the Y2K problem or be severely crippled if they do not take action to cure their Y2K problems.

Such failures and business inactivity affect not only the employees and owners of small businesses but also their creditors, suppliers and customers. Lenders will face significant losses if their small business borrowers either go out of business or have a sustained period in which they cannot operate. Most importantly, however, is the fact that up to 7.5 million families may face the loss of paychecks for a sustained period of time if small businesses do not remedy their Y2K problems. Given these facts, it is easy to forecast that there will be severe economic consequences if small businesses do not become Y2K compliant in time and there are only 10 months to go. Indeed the countdown is on.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of Lloyd Davis, the owner of Golden Fields Agricultural Technologies, Inc., a farm equipment manufacturer in Colby, Kansas. Like many small business owners, Mr. Davis' business depends on trailing technology purchased over the years, including 386 computers running custom software. Mr. Davis uses his equipment to run his entire business, including handling the company's payroll, inventory control, and maintenance of large databases on his customers and their specific needs. In addition, Golden Fields has a web site and sells the farm equipment it manufactures over the internet.

Unlike many small business owners, however, Mr. Davis is aware of the Y2K problem and tested his equipment to see if it could handle the Year 2000. His tests confirmed his fear—the equipment and software could not process the year 2000 date and would not work properly after December 31, 1999. That is when Mr. Davis' problems began. Golden Fields had to purchase an upgraded software package. That cost $16,000. Of course, the upgraded software would not run on 386 computers, so Golden Fields had to upgrade to new hardware. Golden Fields had a computer on each of its 11 employees' desks, so that each employee could access the program that essentially ran the company and assist filling the internet orders the company received. Replacing all the hardware would have cost Golden Fields $55,000. Therefore Golden Fields needed to expend $71,000 just to put itself in the same position it was in before the Y2K problem.

Like many small business owners facing a large expenditure, Mr. Davis went to his bank to obtain a loan to pay for the necessary upgrades. Because Golden Fields was not already Y2K compliant, his bank refused him a loan because it had rated his company's existing loans as "high-risk." Golden Fields was clearly caught in a Catch-22 situation. Nevertheless, Mr. Davis scrambled to save his company. He decided to lease the new hardware instead of purchasing it, but he will pay a price that ultimately will be more expensive than conventional financing. Moreover, instead of replacing 11 computers, Golden Fields only replaced six at a cost of approximately $23,000. Golden Fields will be less efficient as a result. The experience of Mr. Davis and Golden Fields has been and will continue to be repeated across the country as small businesses realize the impact the Y2K problem will have on their business.

A recent survey conducted by Arthur Andersen's Enterprise Group on behalf of National Small Business United indicates that, like Golden Fields, many small businesses will incur significant costs to become Y2K compliant and are very concerned about it. The survey found that to become Y2K compliant, 29% of small businesses will purchase additional hardware, 24% will replace existing hardware and 17% will need to convert their entire computer system. When then asked their most difficult challenge relating to their information technology, more than 54% of the businesses surveyed cited "affording the cost." Congress must ensure that these businesses do not have the same trouble obtaining financing for their Y2K corrections as Mr. Davis and Golden Fields Agricultural Technologies. Moreover, Congress must deal with the concerns that have recently been raised that there may be a "credit crunch" this year with businesses, especially small businesses, unable to obtain financing for any purposes if they are not Y2K compliant.

In addition to the costs involved, there is abundant evidence that small businesses are, to date, generally unprepared for, and in certain circumstances, unaware of the Y2K problem. The NFIB's most recent survey indicates that 40 percent of small businesses don't plan on taking action or do not believe the problem is serious enough to worry about. In addition, the Gartner Group has estimated that only 5 percent of small companies worldwide had repaired their Y2K computer problems as of the third quarter of 1998.

The Small Business Year 2000 Readiness Act that the Senate is considering today will serve the dual purpose of providing small businesses with the means to continue operating successfully after January 1, 2000, and making lenders and small firms more aware of the dangers that lie ahead. The act requires the Small Business Administration to establish a limited-term loan program whereby SBA guarantees the principal amount of a loan made by a private lender to assist small businesses in correcting Year 2000 computer problems. The problem will also provide working capital loans to small businesses that incur substantial economic injury suffered as a direct result of its own Y2K computer problems or some other entity's Y2K computer problems.

Each lender that participates in the SBA's 7(a) business loan program is eligible to participate in the Y2K loan program. This includes more than 6,000 lenders located across the country. To ensure that the SBA can roll out the loan program promptly, the act permits a lender to process Y2K loans pursuant to any of the procedures that the SBA has already authorized for that lender. Moreover, to assist small business that may have difficulty sustaining sufficient cash flows while developing Y2K solutions, the loan program will permit flexible financing terms so small businesses are able to service the new debt with available cash flow. For example, under certain circumstances, a borrower may defer principal payments for up to a year. Once the Y2K problem is behind us, the act provides that the loan program will sunset.

To assure that the loan program is made available to those small businesses that need it and to increase awareness of the Y2K problem, the legislation requires that SBA market this program aggressively to all eligible lenders. Awareness of this loan program's availability is of paramount importance. Financial institutions are currently required by federal banking regulators to contact their customers to ensure that they are Y2K compliant. The existence of a loan program designed to finance Y2K corrections will give financial institutions a specific solution to offer small companies that may not be eligible for additional private capital and will focus the attention of financial institutions and, in turn, their small business customers to the Y2K problem. To increase awareness of this program, I have already contacted the governor of each State to make them aware of the potential availability of the program. Moreover, so that we can state that we directed our best efforts to mitigating the Year 2000 problem, I am seeking to find other ways that the Federal government can assist State efforts to help small businesses become Y2K compliant.

The Small Business Year 2000 Readiness Act is a necessary step to ensure that the economic health of this country is not marred by a substantial number of small business failures following January 1, 2000, and that small businesses continue to be the fastest growing segment of our economy in the Year 2000 and beyond.

Mr. President, I thank the Chair, and I yield to my good friend and distinguished colleague from Massachusetts, the ranking member of the Small Business Committee.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair. I thank my colleague, the chairman of the committee. I thank him for his work on this act and for his leadership within the committee so that we can proceed as he has described.

Most of the media attention with respect to the Y2K problem has been on big businesses, the challenges they face and the costs they are going to bear in order to fix the problem. But as my colleague has mentioned, small businesses face the same effects of Y2K as big businesses. However, they often have little or no resources available to devote to detecting the extent of the problem or to developing a workable and cost-effective solution. That is why we on the Small Business Committee are proceeding with this particular response which I think is most important.

It is in our economic best interest to make sure that all of our small businesses, some 20 million if we include the self-employed—are up and running soundly and effectively, creating jobs and providing services, on and after January 1 of the year 2000.

There are a lot of questions about what the full impact of the Y2K problem is going to be. Is it going to bring a whole series of nationwide glitches? Could it, in fact, induce a worldwide recession?

One hears differing opinions on the extent of that. I was recently at the World Economic Forum in Davos, Switzerland, and there was a considerable amount of focus there from sizable numbers of companies on this issue. I think it is fair to say that here in the United States we have had a greater response than has taken place in Europe or in many other countries. But it is interesting to note that the Social Security Administration, I understand, spent about 6 years and some 600 people, and spent upwards of $1 billion, in order to be ready and capable of dealing with the Y2K problem. Other Departments have spent significant amounts of money as well and have had very large teams of people working in order to guarantee that they are going to be safe. Compared to that, you have very large entities in Europe and elsewhere that are only just beginning.

So, if you look at the numbers of people and the amount of money and the amount of years people have been spending in order to try to put together solutions—obviously those experiences can be helpful to many other entities around the world as we cope with this problem. But the bottom line is, we know our economy is interdependent. We know that most of our technology, interdependent as it is, is date-dependent, and much of it is incapable of distinguishing between the years 2000 and 1900.

We have 10 short months now to become completely Y2K compliant, and national studies have found that the majority of small businesses in the United States are not ready and they are not even preparing. Specifically, the 1998 "Survey of Small and Mid-Sized Business" by Arthur Andersen Enterprise Group and National Small Business United found that only 62 percent of all small- and mid-sized businesses have even begun addressing Y2K issues. The good news is that a greater percentage of small- and mid-sized businesses are preparing for Y2K than last summer. The bad news is that they have only just begun that process and a significant group is taking a "wait and see" approach.

On a local level, Y2K consultants and commercial lenders in Massachusetts, from Bank Boston to the Bay State Savings Bank, tell us of reactions to the Y2K dilemma that vary from complete and total ignorance, or complete and total denial, to paralysis or simply to apathy.

I will give you an example. Bob Miller, the president of Cambridge Resource Group in Braintree, MA, shared with us what he has observed. Though his company specializes in the Y2K compliance of systems with embedded processors for Fortune 1000 companies and large State projects, he knows how real the technology problem is and how expensive a consultant can be. He has tried to help small companies through free seminars, but literally no one shows up. One time, in Maine, only 2 out of 400 companies responded. "Small businesses just don't get it. Many think it is a big company problem, but it is not. It will bite them," says Mr. Miller. He advises companies to start now, and to build a contingency plan first, because it is so late in the game.

The owner of Coventry Spares, Ltd., a vintage motorcycle parts company, would not disagree with that. John Healy was one of those small business owners who thought it was somebody else's problem. It couldn't happen to him. Luckily for John Healy and his business, he got a scare and so he decided to test his computer system by creating a purchase order for motorcycle pistons with a receivable date of early January 2000. So what happened when he put the order into his system? He punched a key and he waited for his software to calculate how many days it would take to receive the order. He got back a series of question marks.

Then he turned to the company's software that publishes its "Vintage Bikes" magazine and he tested it with a 2000 date. His indispensable machine told him the date was not valid.

Mr. Healy's computer problems are, ironically, compounded by his own Yankee ingenuity. As his business evolved, he combined and customized a mishmash of computer systems. It saved money, it worked well, handling everything from the payroll to inventory management, but making these software programs of the various computers Y2K-compliant is all but impossible. As Mr. Healy said:

> "[These programs] handle 85 percent of the business that makes me money. If I didn't fix this by the year 2000, I couldn't do anything. I'd be a dead duck in the water."

When all is said and done, Mr. Healy estimates he is going to pay more than $20,000 to become Y2K-compliant, and that includes the cost of new hardware, operating system and database software and conversion.

So, how do we reach those small business owners who have been slow to act, or who, to date, have no plans at all to act? How do we help them facilitate assessment and remediation of their businesses? We believe the way we do that is by making the solution affordable.

According to the same Andersen and NSBU study that I quoted a moment ago, 54 percent of all respondents said "affording the cost [was the] most difficult challenge in dealing with information technology."

That sentiment was echoed by David Eddy, who is a Y2K consultant who owns Software Sales Group in Boston, and who testified before the Small Business Committee when we were putting this legislation together last June. Mr. Eddy recently wrote:

> "Basically, all of our customers are having trouble paying for Y2K. . ..The cost varies from client to client, but no business has "extra" money around, so they are struggling."

So, Mr. President, cost is a very legitimate, albeit risky, reason to delay addressing the Y2K problem—saving until you are a little ahead or waiting until the last possible moment to take on new debt to finance changes. Those are strategies that many companies are forced to adopt, but those are strategies that can still leave you behind the eight ball as of January 1, year 2000.

If you own your own facility, you have to ask yourself, Is the security system going to need an upgrade? What will the replacement cost be? Will simple things work? Will the sprinklers in your plant work? What happens if there is a fire? If you own a dry cleaning store and you hire a consultant to assess the equipment in your franchise, will remediation eat up all of your profit and set you back?

These are the basic questions of any small business person in this country. Some business owners literally cannot afford to hear the answers to those questions. It may come down to a choice between debt or dissolution, or rolling the dice, which is what a lot of small companies are deciding to do. They say to themselves: I can't really afford to do it, I am not sure what the implications are, I am small enough that I assume I can put the pieces together at the last moment—so they are going to roll the dice and see what happens.

There is another problem with waiting. Just as regulators have forced lenders to bring their systems into compliance, the lenders themselves are now requesting the same compliance of existing borrowers and loan applicants. In Massachusetts, for instance, the Danvers Savings Bank, one of the State's top SBA lenders, has stated publicly that it will not make loans to businesses unless they are in control of their Y2K problems. The bank fears that if a small company isn't prepared for Y2K problems, it could adversely affect its business, which could then, obviously, adversely affect the loan that the bank has made and the small business ability to repay the loan, which adversely affects the bottom line for the bank.

The Year 2000 Readiness Act gives eligible business owners a viable option. And that is why we ask our colleagues to join in supporting this legislation today.

This legislation will make it easy for lenders, and timely for borrowers, and it is similar to the small business loan bill that I introduced last year in Congress. It expands the 7(a) loan program, one of the most popular and successful guaranteed lending programs of the Small Business Administration.

Currently, this program gives small businesses credit, including working capital, to grow their companies. If the Year 2000 Readiness Act is enacted, those loans can be used until the end of the year 2000 to address Y2K problems ranging from the upgrade or replacement of date-dependent equipment and software to relief from economic injury caused by Y2K disruptions, such as power outages or temporary gaps in deliveries of supplies and inventory.

The terms of 7(a) loans are very familiar to those, obviously, within the small business community, and they have taken advantage of them. The fact is, these loans are very easy to apply for and to process. They are structured to be approved or denied, in most cases, in less than 48 hours. So for those who fear paperwork or fear the old reputation of some Government agencies, we believe this is a place where they can find a quick answer and quick help to their problems. We expect the average Y2K loan to be less than $100,000.

In addition, Mr. President, to give lenders an incentive to make 7(a) loans to small businesses for Y2K problems, the act raises the Government guaranties of the existing program by 10 percent, from 80 percent to 90 percent for loans of $100,000 or less, and from 75 to 85 percent for loans of more than $100,000. Under special circumstances, the act also raises the dollar cap of loan guarantees from $750,000 to $1 million for Y2K loans.

Eligible lenders can use the SBA Express Pilot Program to process Y2K loans. Under this pilot, lenders can use their own paperwork and make same-day approval, so there can be a streamlined process without a whole lot of duplication for small businesses, which we know is one of the things that most drives small business people crazy. The tradeoff for the ease and loan approval autonomy is a greater share of the loan risk. Unlike the general 7(a) loans, SBA Express Pilot loans are guaranteed at 50 percent.

We know that many small-business owners also have shoestring budgets, and that they are going to be hard-pressed to pay for another monthly expense. With this in mind, we have designed the Small Business Year 2000 Readiness Act to encourage lenders to work with small businesses addressing Y2K-related problems by arranging for affordable financing terms. For example, when quality of credit comes into question, lenders are directed to resolve reasonable doubts about the applicant's ability to repay the debt in favor of the borrower. And, when warranted, borrowers can get a moratorium for up to 1 year on principal payments on Y2K 7(a) loans, beginning when the loans are originated.

Mr. President, one final comment. As important as this Y2K loan program is, in my judgment, it has to be available in addition to, not in lieu of, the existing 7(a) program. It is a vital capital source for small businesses. We provided 42,000 loans in 1998, and they totaled $9 billion. That is not an insignificant sum. What we do not want to have happen is to diminish the economic up side of that kind of lending. With defaults down—and they are—and recoveries up and the Government's true cost under the subsidy rate at 1.39 percent, we should not create burdens that would slow or reverse the positive trend that we have been able to create.

To protect the existing 7(a) program, we have to make certain that it is adequately funded for fiscal years 1999 and 2000. And because the Y2K loan program is going to be part of the 7(a) business lending program, funds that have already been appropriated for the 7(a) program can be used for the Y2K loan program.

Already this year, demand for that lending is running very high. Typically, the demand for 7(a) loans increases by as much as 10 percent in the spring and in the summer. So we are entering the high season of cyclical lending within the SBA itself. If that holds true for the current fiscal year, the program may use nearly all of its funds to meet the regular loan demand. There may be even greater demand for Y2K lending as people become more aware of the problem with increased publicity and discussion of it in a national dialogue.

Under these circumstances, we need to be diligent about monitoring the 7(a) loan program to make certain there is adequate funding. I appreciate that Chairman BOND, who also serves on the Appropriations Committee, shares this concern and has agreed to work with me to secure the necessary funds targeted specifically for the Y2K loan program, and I thank Chairman BOND for his commitment.

I also thank Senators BENNETT and DODD and the Small Business Administration for working with our committee on this important initiative. We have tackled some tough policy issues, and the give-and-take, I believe, has made this legislation more helpful for businesses that face the Y2K problems.

I am very hopeful that all of our colleagues will join with us in voting yes today and that our friends on the House side will act as quickly as possible to pass S. 314. It is, obviously, a good program that will have a profound impact on the year 2000 and on the long-term economic prospects of our Nation.

Mr. President, I reserve the remainder of our time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Senator BOND.

Mr. BOND. Mr. President, I thank the ranking member, once again. His work on this measure, as so many others, and the work of his staff has been essential to assuring a product that meets the needs of small business and also deals with legitimate concerns which were raised initially by the SBA and others, and we are grateful to him for that effort. I thank him for his strong leadership and the very compelling case he makes.

Obviously, all the members of the Small Business Committee believe very strongly that small business needs some help, and we would love to have more people talking about the Y2K problem, but I should advise my colleagues, and those who are watching, that there is, as we speak, a hearing going on in the Y2K Committee where Senator DODD and Senator BENNETT are exploring some of the other issues.

This is really "Y2K Day" in the Senate because, as I stated in the opening, when we finish the vote on this measure—which I hope will be overwhelming in favor of it—there will be a confidential hearing regarding the Y2K issue in room S–407, and at 2:15 p.m., we will begin consideration of a resolution to fund this special committee dealing with the Y2K issues.

I noticed on one of the morning television shows that we are getting some good coverage and discussion in the media about the Y2K problem, and today certainly the Senate has explored in many, many different aspects how we can help smooth the transition to January 1, 2000, and beyond, when computers, if they are not fixed, might think that it is 1900 all over again.

Mr. President, we invite Members who want to come down to speak on this issue to do so. We hope they will have some time. We have 20 minutes more. And after, I may use some time on another matter, but I want to find out if there are other Members who wish to address the Y2K problem first.

I yield the floor.

Ms. LANDRIEU. Mr. President, today I rise in support of S. 314, the Small Business Year 2000 Readiness Act. I also want to thank Chairman BOND and Senator KERRY for their leadership on this issue. Without this legislation a large percentage of the 97,000 small businesses in Louisiana and nearly 5 million small business nationwide would not have access to needed credit necessary to repair Year 2000 computer problems.

According to recent studies and information provided to the Senate Small Business Committee, as estimated 750,000 small businesses are at risk of being temporarily shut down or incurring significant financial loss. Another four million businesses could be affected in other ways. In fact, any small business is at risk if it uses any computers in its business or related computer applications. For example, any e-commerce business or other businesses that use credit card payments, the use of a service bureau for its payroll, or automated manufacturing equipment could be affected. It is difficult to predict how serious the implications could be. But it is clear that if the Congress does not act, millions of small businesses, so important to our national economy, and millions of families dependent on these enterprises will suffer greatly.

A recent survey conducted on behalf of National Federation of Independent Business, NFIB, by Arthur Andersen indicated that many small businesses will incur significant costs to become Y2K compliant and are very concerned. The survey found that to become Y2K compliant, 29 percent of small to medium sized businesses will purchase additional hardware, 24 percent will replace existing hardware and 17 percent will need to convert their entire computer system. Then, when asked their most difficult challenge relating to their information technology, more than 54 percent of the businesses surveyed cited "affording the cost."

However, according to the NFIB, while these studies indicated many are worried, 40 percent of small businesses don't plan on taking action or do not believe the problem is serious enough to worry about. Fortunately, the Small Business Year 2000 Readiness Act, tries to address this problem as well as other credit issues, facing small businesses. First and foremost, it allows the Small Business Administration the authority to expand its guaranteed loan program to provide these businesses with the means to continue operating successfully after January 1, 2000. Moreover, it will provide technical assistance in order to help educate lenders and small firms about the dangers that lie ahead. And, finally, this measure allows small businesses to use Y2K loan proceeds to offset economic injury sustained after the year 2000, due to associated computer glitch problems.

Mr. President, with less than a year to go, and many small businesses not prepared for the unforeseeable consequences, Congress must respond expeditiously with the passage of this legislation. Without adequate capital and computer related costs that could result in millions of dollars of damages, the economic consequences could be severe. This legislation is a very positive step to help mitigate the potential loss of thousands of small businesses and the associated impact on our States' and national economies.

I ask that my colleagues join me in support of this critical legislation and know that the Congress will be able to send a positive message with the enactment of this legislation in the very near future.

Thank you, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. LEAHY. Mr. President, there have been a number of hearings on Y2K. One was held yesterday in the Judiciary Committee. And in that meeting I offered a very simple and direct principle: Our goal should be to encourage Y2K compliance. No matter how much we talk about liabilities or who is to blame, or anything else, the bottom line is for people who want to go from December 31 to January 1, at the end of this year, we should look for compliance. That is what we are doing by passing this, the Small Business Year 2000 Readiness Act, S. 314. It offers help to small businesses working to remedy their computer systems before the millennium bug hits.

I want to commend Senators BOND and KERRY for their bipartisan leadership in the Small Business Committee on this bill. It is going to support small businesses around the country in the Y2K remedial efforts. I am proud to be a cosponsor of this legislation.

We know that small businesses are the backbone of our economy, whether it is the corner market in a small city, or the family farm, or a smalltown doctor. In my home State of Vermont, 98 percent of the businesses are small businesses. They have limited resources. That is why it is important to provide these small businesses with the resources to correct their Y2K problems —but to do it now.

Last month, for example, I hosted a Y2K conference in Vermont to help small businesses prepare for the year

2000. Hundreds of small business owners from across Vermont attended this conference. They took time out of their work so they could learn how to minimize or eliminate Y2K computer problems. Those who could not join us at the site joined us by interactive television around the State.

Vermonters are working hard to identify their vulnerabilities. They should be encouraged and assisted in these efforts. That is the right approach. The right approach is not to seek blame but to fix as many of the problems ahead of time as we can. Ultimately, the best business policy—actually, the best defense against Y2K-based lawsuits—is to be Y2K compliant.

The prospect of Y2K problems requires remedial efforts and increased compliance, not to look back on January 1 and find out who was at fault but to look forward on March 2 and say what can we do to fix it.

Unfortunately, not all small businesses are doing enough to address the year 2000 issue because of a lack of resources in many cases. They face Y2K problems both directly and indirectly through their suppliers, customers and financial institutions. As recently as last October the NFIB testified: "A fifth of them do not understand that there is a Y2K problem. . . . They are not aware of it. A fifth of them are currently taking action. A fifth have not taken action but plan to take action, and two-fifths are aware of the problem but do not plan to take any action prior to the year 2000." Indeed, the Small Business Administration recently warned that 330,000 small businesses are at risk of closing down as a result of Y2K problems, and another 370,000 could be temporarily or permanently hobbled.

Federal and State government agencies have entire departments working on this problem. Utilities, financial institutions, telecommunications companies, and other large companies have information technology divisions working to make corrections to keep their systems running. They have armies of workers—but small businesses do not.

Small businesses are the backbone of our economy, from the city corner market to the family farm to the small-town doctor. In my home State of Vermont, 98 percent of the businesses are small businesses with limited resources. That is why it is so important to provide small businesses with the resources to correct their Y2K problems now.

Last month, I hosted a Y2K conference in Vermont to help small businesses prepare for 2000. Hundreds of small business owners from across Vermont attended the conference to learn how to minimize or eliminate their Y2K computer problems. Vermonters are working hard to identify their Y2K vulnerabilities and prepare action plans to resolve them. They should be encouraged and assisted in these important efforts.

This is the right approach. We have to fix as many of these problems ahead of time as we can. Ultimately, the best business policy and the best defense against Y2K-based lawsuits is to be Y2K compliant.

I am studying the Report from our Special Committee on the Year 2000 Technology Problem and thank Chairman BENNETT and Vice Chairman DODD for the work of that Committee. I note that they are just beginning their assessment of litigation. As they indicate in the Report released today: "The Committee plans to hold hearings and work closely with the Judiciary and Commerce Committees to make legislative proposals in this area."

I understand that the Special Committee is planning hearings on Y2K litigation soon. As best anyone has been able to indicate to me, only 52 Y2K-related lawsuits have been commenced to date. Of those, several have already been concluded with 12 having been settled and 8 dismissed.

At our Judiciary Committee hearing earlier this week we heard from a small businessman from Michigan who was one of the first Y2K plaintiffs in the country. He had to sue to obtain relief from a company that sold him a computer and cash register system that would not accept credit cards that expired after January 1, 2000 and crashed.

We also heard from an attorney who prevailed on behalf of thousands of doctors in an early Y2K class action against a company that provided medical office software that was not Y2K compliant.

Recent legislative proposals by Senator HATCH and by Senator MCCAIN raise many questions that need to be answered before they move forward. I look to the hearings before the Special Committee and to additional hearings before the Judiciary Committee to gather the factual information that we need in order to make good judgments about these matters. We heard Monday of a number of serious concerns from the Department of Justice with these recent proposals. Those concerns are real and need to be addressed.

If we do not proceed carefully, broad liability limitation legislation could reward the irresponsible at the expense of the innocent. That would not be fair or responsible. Removing accountability from the law removes one of the principal incentives to find solutions before problems develop.

Why would congressional consideration or passage of special immunity legislation make anyone more likely to expend the resources needed to fix its computer systems to be ready for the millennium? Is it not at least as likely to have just the opposite effect? Why should individuals, businesses and governments act comprehensively now if the law is changed to allow you to wait, see what problems develop and then use the 90-day "cooling off" period after receiving detailed written notice of the problem to think about coming into compliance? Why not wait and see what solutions are developed by others and draw from them later in the three-month grace period, after the harm is done and only if someone complains?

I would rather continue the incentives our civil justice systems allows to encourage compliance and remediation efforts now, in advance of the harm. I would rather reward responsible business owners who are already making the investments necessary to have their computer systems fixed for Y2K.

I sense that some may be seeking to use fear of the Y2K millennium bug to revive failed liability limitation legislation of the past. These controversial proposals may be good politics in some circles, but they are not true solutions to the Y2K problem. Instead, we should be looking to the future and creating incentives in this country and around the world for accelerating our efforts to resolve potential Y2K problems before they cause harm.

I also share the concerns of the Special Committee that "disclosure of Y2K compliance is poor." We just do not have reliable assessments of the problem or of how compliance efforts are going. In particular, I remain especially concerned with the Special Committee's report that: "Despite an SEC rule requiring Y2K disclosure of public corporations, companies are reluctant to report poor compliance." I have heard estimates that hundreds if not thousands of public companies are not in compliance with SEC disclosure rules designed to protect investors and the general public.

I hope that the Special Committee will follow through on its announced "plans to address certain key sectors in 1999 where there has been extreme reluctance to disclose Y2K compliance." We should not be rewarding companies that have not fulfilled their disclosure responsibilities by providing them any liability limitation protections.

On the contrary, after all the talk earlier this year about the importance of the rule of law, we ought to do more to enforce these fundamental disclosure requirements. As the Special Committee reports: "Without meaningful disclosure, it is impossible for firms to properly assess their own risks and develop necessary contingency plans.

Disclosure is also important in the context of congressional oversight. The Special Committee will continue to promote this important goal in 1999." The Senate should do nothing to undercut this effort toward greater disclosure in accordance with law.

Sweeping liability protection has the potential to do great harm. Such legislation may restrict the rights of consumers, small businesses, family farmers, State and local governments and the Federal Government from seeking redress for the harm caused by Y2K computer failures. It seeks to restructure the laws of the 50 states through federal preemption. Moreover, it runs the risk of discouraging businesses from taking responsible steps to cure their Y2K problems now before it is too late.

By focusing attention on liability limiting proposals instead of on the disclosures and remedial steps that need to be taken now, Congress is being distracted from what should be our principal focus—encouraging Y2K compliance and the prompt remedial efforts that are necessary now, in 1999.

The international aspect of this problem is also looming as one of the most important. As Americans work hard to bring our systems into compliance, we encounter a world in which other countries are not as far along in their efforts and foreign suppliers to U.S. companies pose significant risks for all of us. This observation is supported by the Report of the Special Committee, as well. We must, therefore, consider whether creating a liability limitation model will serve our interests internationally.

The Administration is working hard to bring the Federal Government into compliance. President Clinton decided to have the Social Security Administration's computers overhauled first and then tested and retooled and retested, again. The President was able to announce on December 28 that social security checks will be printed without any glitches in January 2000. That is progress.

During the last Congress, I joined with a number of other interested Senators to introduce and pass into law the consensus bill known as "The Year 2000 Information and Readiness Disclosure Act." We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance. The new law, enacted less than five months ago, is working to encourage companies to share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers.

The North American Electric Reliability Council got a great response from its efforts to obtain detailed Y2K information from various industries. We also know that large telephone companies are sharing technical information over websites designed to assist each other in solving year 2000 problems. Under a provision I included, that law also established a National Y2K Information Clearinghouse and Website at the General Services Administration. That website is a great place for small businesses to go to get started in their Y2K efforts.

If, after careful study, there are other reasonable efforts that Congress can make to encourage more computer preparedness for the millennium, then we should work together to consider them and work together to implement them.

Legislative proposals to limit Y2K liability now pending before the Commerce and Judiciary Committees were printed in last Wednesday's CONGRESSIONAL RECORD. Given the significant impact these bills might have on State contract and tort law and the legal rights of all Americans, I trust that the Senate will allow all interested Committees to consider them carefully before rushing to pass liability limitation provisions that have not been justified or thoroughly examined.

The prospect of Y2K problems requires remedial efforts and increased compliance, which is what the "Small Business Year 2000 Readiness Act," S.314, will promote. It is not an excuse for cutting off the rights of those who will be harmed by the inaction of others, turning our States' civil justice administration upside down, or immunizing those who recklessly disregard the coming problem to the detriment of their customers and American consumers.

Ms. SNOWE. Mr. President, I rise today in support of the Small Business Year 2000 Readiness Act, of which I am an original cosponsor.

I would like to begin by thanking Senator BOND, who serves as Chairman of the Senate Small Business Committee, for his leadership on this important issue. As a member of the Small Business Committee and a Senator from a state where virtually all the businesses are small businesses, I strongly believe that assisting small businesses prepare for the Year 2000 must be a top priority.

So many aspects of our lives are influenced by computers. I believe the Y2K computer glitch is an issue of such importance that it demands decisive action on our part, because any delay at this point will make this problem exponentially more difficult to solve.

The bill before us today authorizes loan guarantees for small businesses to help with Y2K compliance. Loan guarantees will permit small businesses to assess their computers' Y2K compatibility, identify changes to assure compatibility, and finance purchase or repair of computer equipment and software to ensure that is compatible with Y2K. The loans will also allow small businesses to hire third party consultants to support their efforts.

Maine has an historical record of self-reliance and small business enterprise, and I am extremely supportive of the role the federal government can play in promoting small business growth and development. Small businesses are increasingly essential to America's prosperity, and they should and will play a vital role in any effort to revitalize our communities if we help them enter the 21st Century in a strong position.

As we all know, this problem stems from a simple glitch—how the more than 200 million computers in the United States store the date within their internal clocks.

Some computers and software may not run or start if the internal clock fails to recognize "00" as a proper year. The computer can continue waiting for you to enter what it thinks is a correct date and prevent you from accessing your records until you have done so. Without access to your records, you will be unable to track your inventory, sales, or even your bank accounts.

I began to wonder what the effects would be on small business when the Commerce Committee held a hearing on the issue last year. And after questioning officials, specifically Deputy Secretary of Commerce Robert Mallett, it became evident that many small businesses simply didn't have the kind of time and resources that many larger business may have at their disposal to fix this potentially serious problem.

At the Maine forums I sponsored last year as a member of both the Commerce and Small Business Committees, I worked to educate small businesses on the Y2K threat, and it was a learning experience for me as well.

The impact of Y2K on the small business community could be devastating. According to a National Federation of Independent Business and Wells Fargo Bank study, 82 percent of small businesses are at risk.

Fortunately, it doesn't have to be that way. With the benefit of foresight and proper planning, we can diffuse this ticking time bomb and ensure that the business of the nation continues on without a hitch—or a glitch.

From a technical standpoint, the necessary corrections are not difficult to make. However, determining that there's a problem, finding people qualified to fix the problem, and crafting a solution to fit the individual needs of different computers and programs poses significant challenges.

We must put ourselves in the position that a small business or entrepreneur is in. Consider that this problem effects more than just your business. By checking your system you are only halfway to solving the problem. You must also take time to ensure your supplier, distributer, banker, and accountant are also "cured" of the Year 2000 problem.

For example, if you manufacture a product on deadline, you'll want to make sure your computers will be able to keep track of your delivery schedule, inventory, and accounts receivable and payable. If your system fails to do this, the consequences could be debilitating for a business.

But think about this: suppose your suppliers aren't compatible, and their system crashes. You may not receive the raw materials you need to get your product to market on time—devastating if you're in a "just in time" delivery schedule with your supplier. And what happens when your shipper's computers go down for the count?

That is why it is so important that we take steps to fix the problem now. The year 2000 is almost upon us, and each day that goes by trades away valuable time.

For the vast majority of businesses, there are five simple steps toward compliance. First, awareness of the problem. Second, assessing which systems could be affected and prioritizing their conversion or replacement. Third, renovating or replacing computer systems. Fourth, validating or testing the computer systems. And fifth, implementing the systems.

The bill before us today will help small business address these steps, and I urge my colleagues to join in an overwhelming show of support for our nation's small businesses by voting for this important legislation.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, as a member of the Senate Small Business Committee and cosponsor of this legislation, I am pleased the Senate is acting expeditiously on S. 314, the Small Business Year 2000 Readiness Act. Making affordable government guaranteed loans available to small businesses to correct the computer problem associated with the Year 2000, or Y2K, is a critical part of that the federal government can do to ensure that all businesses can become Y2K compliant by the turn of the century.

As everyone knows by now, experts are concerned that on January 1, 2000, many computers will recognize a double zero not as the year 2000 but as the year 1900. This technical glitch could cause the computers to stop running altogether or start generating erroneous data. It is a serious problem that should be taken seriously by businesses, large and small.

Unfortunately, surveys show that many small businesses are not taking the action they should be taking to fix the problem and as a result could face costly consequences on January 1, 2000. According to recent research, nearly 25 percent of all businesses, of which 80 percent are small companies, have not begun to prepare for the serious system issues that are predicted to occur on January 1, 2000.

One of the reasons for this lack of preparedness by small businesses could be the lack of access to funds to pay for the needed repairs. That is why the Senate Small Business Committee reported by a unanimous vote this legislation to establish a special loan program for small businesses to pay for Y2K repairs. Our hope is to move this legislation expeditiously through the 106th Congress so that the special loan program established by this bill will be available in time to do Y2K repairs. The full extent of the year 2000 problem is unknown, but we can reduce the possibility of problems by taking action now.

System failures can be costly and that's why it's better to avoid them rather than fix them after failure. As we count down the remaining months of this century, let's give small businesses who have been the backbone of our great economic prosperity access to the funds they need to correct the Y2K computer bug. For many of our small businesses, S. 314 could help keep them from suffering severe financial distress or failure.

S. 314 requires the Small Business Administration to establish a limited-term government guaranteed loan program to guarantee loans made by private lenders to small businesses to correct their own Y2K problems or provide relief from economic injuries sustained as a result of its own or another entity's Y2K computer problems. It offers these loans at more favorable terms than other government guaranteed loans available to small businesses and it allows small businesses to defer interest for the first year. The bill report language also includes a provision I suggested allowing the favorable terms of this lending program to be applied to loans already granted to small businesses that were used primarily for Y2K repairs but under less favorable terms than offered under this program. Since this loan program already passed the Senate last year as a component of a larger bill, some small businesses may have already made the decision to take out small business loans to pay for Y2K repairs based on the reasonable expectation that this program would be enacted into law.

Ms. COLLINS. Mr. President, I rise in support of S. 314, the Small Business Year 2000 Readiness Act. The bill establishes a guaranteed loan program for small businesses in order to remediate existing computer systems or to purchase new Year 2000 compliant equipment. The loan program would be modeled after the Small Business Administration's popular 7(a) loan program, which has provided thousands of small businesses funding to grow their operations.

Many small businesses are having difficulty determining how they will be affected by the millennium bug and what they should do about it. Many of them face not only technological but also severe financial challenges in becoming Y2K-compliant. This legislation will help provide peace of mind to the small business community throughout the nation, which we must help prepare now for the coming crisis.

The Small Business Year 2000 Readiness Act would encourage business to focus on Year 2000 computer problems before they are upon us. A successful program being operated in my State underscores the benefits to such forethought.

Through the efforts of the Maine Manufacturing Extension Partnership (MEP), a program funded through the National Institutes of Science and Technology, small businesses have been successful in addressing their Y2K problems. With the use of an assessment tool, the Maine MEP is able to provide small business owners road maps for addressing critical Y2K issues concerning accounting systems, computerized production equipment, environmental management systems, and supplier vulnerabilities.

Once the Maine MEP completes an assessment of technical Y2K problems, it instructs the small business owner on how to apply for a loan from the Small Business Administration. As it turns out, this step is crucial. Small business owners have commented that, while they need help in determining their Y2K exposure, it is just as important to have a place to turn for funding so that they can take action to correct possible problems. Because businesses often do not budget for Y2K problems, it is vital to give businesses some assurance that they will be able to borrow the funds necessary to remediate their systems. The Small Business Year 2000 Readiness Act does exactly that.

My home State of Maine has over 35,000 small businesses, which were responsible for all of the net new jobs created in our State from 1992 through 1996. With their diversity and innovation, small businesses are the backbone of our economy and the engine fueling job growth.

Mr. President, by their very definition entrepreneurs are risk managers. In the years that I have been working with small businesses, I am aware of countless experiences where the entrepreneurial spirit has propelled business owners to overcome major obstacles to succeed. With the financial assistance that this new SBA loan program will offer, it is my expectation that small businesses will indeed succeed in squashing their Y2K bug.

Mr. MOYNIHAN. Mr. President, I am delighted to see that the Senate passed S. 314, the Small Business Year 2000 Readiness Act, today. I introduced this bill with Senators CHRISTOPHER S. BOND, JOHN F. KERRY, ROBERT F. BENNETT, CHRISTOPHER J. DODD, and OLYMPIA SNOWE on January 27, 1999. S. 314 establishes a loan guarantee program to help small businesses prepare for the year 2000. Because our economy is interdependent, we must make sure that our small businesses are still up and running and providing services on January 1, 2000. This bill will help ensure that that is the case.

I began warning about the Y2K problem 3 years ago. Since that time, people have begun to listen and progress has been made on the Y2K front. The federal government and large corporations are expected to have their computers functioning on January 1, 2000. Good news indeed. But small businesses continue to lag behind in fixing the millennium problem. I am confident that the Readiness Act will help small businesses remediate their computer systems and I urge the House to consider it forthwith. There is no time to waste.

Mr. JEFFORDS. Mr. President, most small businesses in Vermont rely on electronic systems to operate. Many of these businesses are looking to the Year 2000 with apprehension or outright despair. Small businesses rely on microprocessors for manufacturing equipment, telecommunications for product delivery, and the mainstay of data storage—computer chips. These businessmen and women are concerned about the financial effects of the Year 2000 Computer Bug will have on their efforts to remedy the problem, as well as those after-effects caused by system failures. This is why I firmly believe that the quick enactment of Senator BOND's bill, S. 314, the Small Business Year 2000 Readiness Act should be a top priority for Congress.

The legislation will go a long way toward providing vitally needed loans for the nation's small businesses. This bill serves three purposes: first, it will authorize the U.S. Small Business Administration (SBA) to expand its guaranteed loan program so eligible small businesses have the means to continue operating successfully after January 1, 2000. Second, the bill will allow small businesses to use Y2K loan proceeds to offset economic injury sustained after the year 2000 as a result of Y2K problems. Third, the legislation will highlight those potential vulnerabilities small businesses face from Y2K so small businessmen and women understand the risks involved.

Unfortunately, while many small businesses are well aware of the Y2K Millennium Bug, recent surveys indicate that a significant proportion of them do not plan on taking action because they do not believe it is a serious enough threat. This bill will raise awareness of Y2K risks so small businesses who may face problems will choose to upgrade their hardware and software computer systems. As costs of doing so could be prohibitive for small businesses the legislation will meet the financial needs of small businesses by ensuring access to guaranteed SBA loans.

The operation of this legislation will remain the same as the current SBA loan program, where the agency guarantees the principal amount of a loan made by a private lender to assist new small businesses seeking to correct Y2K computer problems. Those lenders currently participating in the SBA's 7(a) business loan program will also be able to participate in the Y2K loan program by accessing additional guaranteed loan funds.

Mr. President, I commend the efforts of Chairman BOND on this legislation and I hope for its quick enactment. While this legislation will not eradicate the potential effects Y2K may have on electronic systems, it will at least ensure that resources are available to those small businesses who try to protect themselves from the threat, or recuperate following a Y2K-related difficulty.

Mr. KERREY. Mr. President, I rise to make a few remarks concerning S. 314. I am pleased that the Senate took a step forward today to help small businesses prepare for the Year 2000 Problem. I am very concerned about Y2K's potential affect on small businesses and rural communities, particularly in my home state of Nebraska where technology is increasingly playing a vital role in all aspects of commerce. In addition to the many small businesses that use technology in everyday transactions, Nebraska is home to a growing high-technology industry that could be derailed if we fail to take additional steps to solve the Year 2000 problem.

High-technology companies account for a significant portion of Nebraska's economic output. According to the United States Bureau of Labor Statistics, forty-four of every one-thousand private sector workers in Nebraska are employed by high-tech firms at an average salary of $37,000. Astonishingly, that's nearly $15,000 more than the average private sector wage.

This rapidly growing sector of Nebraska's economy is a testament to the ingenuity and work ethic that characterize the citizens of our state. From the data processing industry in Omaha to the telecommunications and technology interests in Lincoln to electronic retail commerce and agribusiness interests in the panhandle, Nebraskans are using and developing unique technologies to improve their lives. It's clear that the information age has arrived on the plains as nearly one-fourth of Nebraska's exports come through high-tech trade.

Currently, Nebraska ranks 32nd in high-tech employment and 38th in high-tech average wage. The hard work of community leaders across the state has encouraged new technology companies to put down roots in Nebraska. One of my top priorities is fostering the continued development of advanced communications networks and providing Nebraska's kids with the math, science and technology skills they need to become productive members of this industry. Telemedicine, distance learning and other telecommunications services offer exciting new possibilities for our businesses, schools and labor force. I mention these successes, to underscore how important technology has become not only to Nebraska's economy but to the nation's economy.

S. 314 provides a new resource to guarantee that the nation's small businesses, high-tech and otherwise, will have somewhere to turn to for financial help in solving this difficult problem. I hope the House will follow the Senate's lead and quickly take up this important bill.

Mr. ASHCROFT. Mr. President, I want to take an opportunity to congratulate the senior Senator from my home State for introducing and reporting the Small Business Year 2000 Readiness Act. This is an important bill that I am happy to co-sponsor and support. The bill represents an important step in Congress' ongoing efforts to limit the scope and impact of the Year 2000 problem before it is too late. Last year, we passed the Year 2000 Information and Readiness Disclosure Act, which was an important first step in removing any legal barriers that could prevent individuals and companies from doing everything possible to eliminate Year 2000 problems before they happen. I was particularly gratified that I was able to work with Senators HATCH and LEAHY to include the provisions of my temporary antitrust immunity bill, S. 2384, in last year's act. However, as I said at the time, the Disclosure Act must be understood as only the first step in our efforts to deal with this problem. Senator BOND'S bill, along with the liability bills working their way through the Commerce and Judiciary Committees, on which I sit, are the next logical steps in this ongoing effort.

Countless computer engineers and experts are busy right now trying to solve or minimize the Year 2000 and related date failure problems. Part of what makes this problem so difficult to address is that there is no one Year 2000 problem. There are countless distinct date failure problems, and no one silver bullet will solve them all. The absence of any readily-available one-size-fits-all solution poses particularly serious challenges for small business.

The Small Business Year 2000 Readiness Act addresses this problem by providing loan guarantees to small businesses to remedy their year 2000 problems. The act provides the necessary resources so that small businesses can nip this problem in the bud, so that the Year 2000 problem does not become the Year 2000 disaster.

The act is narrowly targeted at enabling small business to remedy Year 2000 issues before they lead to costly damages and even more costly litigation. Like the antitrust exemption I authored in the last Congress, this provision automatically sunsets once the window of opportunity for avoiding Year 2000 problems closes.

Finally, let me say, that like Year 2000 Information and Readiness Disclosure Act we enacted last year, this law does not offer a complete solution to the Year 2000 problem. There are many aspects to this problem—both domestic and international—and there may be limits to what government can do to solve this problem. These loan guarantees are one constructive step Congress can take. Another constructive step is to remove government-imposed obstacles that limit the ability of the private sector to solve this problem. For example, Congress needs to address the liability rules that govern litigation over potential Year 2000 problems. That process is ongoing in both the Commerce and Judiciary Committees, and I look forward to working with my colleagues on both committees to reach an acceptable approach that can be enacted quickly.

The remaining issues are difficult, but we cannot shrink from tackling the tough issues. Many have talked about the unprecedented prosperity generated by our new, high-tech economy. I want to make sure that the next century is driven by these high-tech engines of growth and is stamped made in America. But we will not make the next century an American Century by dodging the tough issues and hoping the Year 2000 problem will just go away. We need to keep working toward a solution.

Resources to address the Year 2000 problem, particularly time, are finite. They must be focused as fully as possible on remediation, rather than on unproductive litigation. This issue is all about time, and we have precious little left before the Year 2000 problem is upon us. I hope we can continue to work together on legislation like this to free up talented individuals to address this serious threat.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that the Senator from Kentucky, Senator BUNNING, be added as a cosponsor to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, if there are no colleagues who wish to speak on the Y2K bill, I ask unanimous consent that time continue to be charged against me on S. 314 but that I may be permitted to speak up to 5 minutes as in morning business to introduce a piece of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the introduction of S. 495 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now proceed to vote on passage of S. 314.

Mr. BOND. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

McCain

The bill (S. 314) was passed, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Year 2000 Readiness Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'eligible lender' means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

"(ii) the term 'Year 2000 computer problem' means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

"(I) from, into, or between—

"(aa) the 20th or 21st centuries; or

"(bb) the years 1999 and 2000; or

"(II) with regard to leap year calculations.

"(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

"(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

"(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

"(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

"(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

"(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

"(D) LOAN AMOUNTS.—

"(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $750,000.

"(ii) Exception.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $1,000,000.

"(E) Administration participation.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

"(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds $100,000;

"(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to $100,000; and

"(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

"(F) Periodic reviews.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

"(G) Annual report.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

"(i) the total number of loans guaranteed under this paragraph;

"(ii) with respect to each loan guaranteed under this paragraph—

"(I) the amount of the loan;

"(II) the geographic location of the borrower; and

"(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

"(iii) the total number of eligible lenders participating in the program.".

(b) Guidelines.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) Requirements.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

(c) Repeal.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I ask unanimous consent for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTRAINING CONGRESSIONAL IMPULSE TO FEDERALIZE MORE LOCAL CRIME LAWS

Mr. LEAHY. Mr. President, every Congress in which I have served—I have served here since 1975—has focused significant attention on crime legislation. It doesn't make any difference which party controls the White House or either House of Congress, the opportunity to make our mark on the criminal law has been irresistible. In fact, more than a quarter of all the Federal criminal provisions enacted since the Civil War—a quarter of all Federal criminal provisions since the Civil War—have been enacted in the 16 years since 1980, more than 40 percent of those laws have been created since 1970.

In fact, at this point the total number is too high to count. Last month, a task force headed by former Attorney General Edwin Meese and organized by the American Bar Association released a comprehensive report. The best the task force could do was estimate the Federal crimes to be over 3,300. Even that doesn't count the nearly 10,000 Federal regulations authorized by Congress that carry some sort of sanction.

I have become increasingly concerned about the seemingly uncontrollable impulse to react to the latest headline-grabbing criminal caper with a new Federal prohibition. I have to admit, I supported some of the initiatives. Usually, the expansion of Federal authority by the creation of a new Federal crime is only incremental. Some crime proposals, however, are more sweeping, and they invite Federal enforcement authority into entirely new areas traditionally handled by State and local law enforcement.

In the last Congress, for example, the majority on the Senate Judiciary Committee reported to the Senate a juvenile crime bill that would have granted Federal prosecutors broad new authority to investigate and prosecute Federal crimes committed by juveniles—crimes now normally deferred to the State. In addition, it would have compelled the States to revise the manner in which they dealt with juvenile crime, overridden all the State legislatures and told them to comport with a host of new Federal mandates. I strenuously opposed this legislation on federalism and other grounds.

Even the Chief Justice of the U.S. Supreme Court went out of his way in his 1997 Year-End Report of the Federal Judiciary to caution against "legislation pending in Congress to 'federalize' certain juvenile crimes." The Meese Task Force also cites this legislation "as an example of enhanced Federal attention where the need is neither apparent nor demonstrated."

The Meese Task Force report chided Congress for its indiscriminate passage of new Federal crimes wholly duplicative of existing State crimes. This Task Force was told by a number of people that these new Federal laws are passed not because they were needed "but because Federal crime legislation in general is thought to be politically popular. Put another way, it is not considered politically wise to vote against crime legislation, even if it is misguided, unnecessary, and even harmful." We all appreciate the hard truth in this observation.

While the juvenile crime bill was not enacted, we have not always generated such restraint. The Meese Task Force examined a number of other Federal crimes, such as drive-by shooting, interstate domestic violence, murder committed by prison escapees, and others, that encroach on criminal activity traditionally handled by the States—almost reaching the point that jaywalking in a suburban subdivision could become a Federal crime because that street may lead to a State road which may lead to a Federal road. You see where we are going. The Task Force found that federal prosecution of those traditional State crimes was minimal or nonexistent. Given the dearth of Federal enforcement, one is tempted to conclude that maybe the Federal laws do not encroach and that any harm to State authority from passage of these laws is similarly minimal. But the task force debunks the notion that federalization is "cost-free."

Federalizing criminal activity already covered by State criminal laws that are adequately enforced by State or local law enforcement authorities raises three significant concerns, even if the Federal enforcement authority is not exercised.

First, dormant Federal criminal laws may be revived at the whim of a federal prosecutor. Even the appearance—let alone the actual practice—of selectively bringing Federal prosecutions against certain individuals whose conduct also violates State laws, and the imposition of disparate Federal and State sentences for essentially the same underlying criminal conduct, offends our notions of fundamental fairness and undermines respect for the entire criminal justice system. The Task Force criticizes the "expansive amount of unprincipled overlap in which very large amounts of conduct are susceptible to selection for prosecution as either federal or state crime is intolerable."

Second, every new Federal crime results in an expansion of Federal law enforcement jurisdiction and further concentration of policing power in the Federal government. Americans naturally distrust such concentrations of power. That is the policy underlying our posse comitatus law prohibiting the military from participating in general law enforcement activities. According to the Task Force, Federal law enforcement personnel have grown a staggering 96 percent from 1982 to 1993 compared to a growth rate of less than half that for State personnel. The Task Force correctly notes in the report that:

> Enactment of each new federal crime bestows new federal investigative power on federal agencies, broadening their power to intrude into individual lves. Expansion of federal jurisdiction also creates the opportunity for greater collection and maintenance of data at the federal level in an era when various databases are computerized and linked.

Finally, and most significantly, Federal prosecutors are simply not as accountable as a local prosecutor to the people of a particular town, county or State. I was privileged to serve as a State's Attorney in Vermont for eight years, and went before the people of Chittenden County for election four times. They had the opportunity at every election to let me know what they thought of the job I was doing.

By contrast, Federal prosecutors are appointed by the President and confirmed by the Senate, only two Members of which represent the people who actually reside within the jurisdiction of any particular U.S. Attorney. Federalizing otherwise local crime not only establishes a national standard for particular conduct but also allows enforcement by a Federal prosecutor, who is not directly accountable to the people against whom the law is being enforced. The Task Force warns that the "diminution of local autonomy inherent in the imposition of national standards, without regard to local community values and without regard to any noticeable benefits, requires cautious legislative assessment."

Distrust and dismay at the exercise of Federal police power fueled the public outcry at the tragic endings of the stand-offs with Federal law enforcement authorities at Ruby Ridge in 1992 and at Waco in 1993. I participated in the Judiciary Committee oversight hearings into those incidents, and was struck that both of those standoffs were sparked by enforcement of Federal gun laws. The regulation of firearms is a subject with extraordinary variance among the States and requires great sensitivity and accountability to local mores.

Vermont has virtually no gun laws, and we also have one of the lowest crime rate in the country, but our laws reflect our needs. We should be very careful not just about federalizing a prohibition that already exists at most State levels, but also creating a Federal criminal prohibition where none exists at the State level, like mine.

Proposals to create new Federal crimes that run roughshod over highly sensitive public policy choices normally decided at the local level prompt significant concern over Federal overreaching and the exercise of Federal police power. For example, the majority on the Judiciary Committee reported in the last Congress a bill that would have made it a Federal crime to travel with a minor across State lines to get an abortion without complying with the parental consent law of the minor's home State. This law, if enacted, would invite Federal prosecutors to investigate and prosecute the violation of one State's parental consent law even if neither State would subject the conduct to criminal sanction. Establishing a national standard through creation of a new Federal crime to deal with conduct that the States have addressed in a different manner is a dangerous usurpation of local authority.

The death penalty is a good example. Congress has increasingly passed Federal criminal laws carrying the death penalty, even though twelve States, including Vermont, and the District of Columbia have declined to adopt the death penalty. Federal prosecutors in those States are free, with the Attorney General's approval, to buck the State's decision and seek the death penalty in certain Federal cases which have resulted in murder—for which every State has overlapping jurisdiction. In Vermont, for example, we are for the first time confronting a Federal death penalty case. These cases always present facts that could have been prosecuted by the State, and often involve high-profile cases that have generated press attention.

In the aftermath of a heinous murder, the public may cry out for blood vengeance. But the considered judgment of the State against the death penalty should not be easily bypassed, and Federal prosecutors should not be encouraged to find some basis for the exercise of Federal jurisdiction merely to be able to seek the death penalty.

The Task Force report concludes with a "fundamental plea" to legislators and members of the public alike "to think carefully about the risks of excessive federalization of the criminal law and to have these risks clearly in mind when considering any proposal to enact new federal criminal laws and to add more resources and personnel to federal law enforcement agencies." This is a plea I commend to all Senators as we return to the business of legislating and are asked to consider any number of crime proposals in this Congress.

Mr. President, I urge Senators to think very carefully. We should not feel that the only way we show that we are against crime is to suddenly federalize all crimes and basically tell our State legislatures, our State law enforcement, our State prosecutors that they are insignificant. Let us resist that impulse. Maybe we can pass a resolution saying that all Senators are opposed to crime—as we are. But let the States do what they do best.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized to make a motion to recess the Senate.

RECESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 today in order for Members to attend a confidential briefing in room S. 407 of the Capitol, and this briefing is in respect to the Y2K event.

There being no objection, the Senate, at 10:58 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today to talk about a point of important history in our Nation; that is, to commemorate this day 163 years ago, Texas Independence Day.

Each year, I look forward to March 2nd. This is a special day for Texans, a day that fills our hearts with pride. On this day 163 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. For instance, when my great, great grandfather was there, signing the declaration of independence, and then, as most of the delegates did, went on eventually to fight the Battle of San Jacinto, he didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Indians and the Mexicans who they feared were coming after them. Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom—freedom, in that instance, of Texas at that time. But that is something, of course, all Americans cherish greatly.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops were marching on the Alamo to challenge this newly created republic. Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> FELLOW CITIZENS AND COMPATRIOTS: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—VICTORY OR DEATH.
>
> WILLIAM BARRETT TRAVIS, *Lt. Col. Commander.*

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve?

In fact, Colonel Travis' dire prediction came true—4,000 to 5,000 Mexican troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. But the Alamo, as we all in Texas know, was crucial to Texas' independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots laid down their lives and treasure for freedom. Each day on this day, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by my friend, Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great great grandfather, it was something that was ingrained in us—fighting for your freedom was something you did.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad, who made it possible for us to win the Battle of San Jacinto and become a nation, which we were for 10 years before we entered the Union as a State.

I might add, we entered the Union by a margin of one vote, both in the House and in the Senate. In fact, we originally were going to come into the Union through a treaty, but the two-thirds vote could not be received and, therefore, President Tyler said, "No, then we will pass a law to invite Texas to become a part of our Union," and the law passed by one vote in the House and one vote in the Senate. Now we fly both flags proudly—the American flag and the Texas flag—over our capitol in Austin, TX.

I am very pleased to, once again, commemorate our great heritage and history. Thank you, Mr. President.

INCREASING FUNDING OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY-RELATED PROBLEMS

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Committee on Rules and Administration is discharged from further consideration of S. Res. 7, and the Senate will proceed immediately to its consideration.

The clerk will report.

The bill clerk read as follows:

> A resolution (S. Res. 7) to amend Senate Resolution 208 of the 105th Congress to increase funding of the Special Committee on the Year 2000 Technology-Related Problems.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Under the previous order, the time for debate on the resolution shall be limited to 3 hours, equally divided between the Senator from Utah, Mr. BENNETT, and the Senator from Connecticut, Mr. DODD.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that for the duration of this debate, the following members of the staff detailed to the Special Committee on the Year 2000 Technology Problems be granted the privilege of the floor: Frank Reilly, John Stephenson, Paul Hunter, J. Paul Nicholas, Ron Spear and Tom Bello.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the consent agreement with respect to the consideration of S. Res. 7 be modified to allow one technical amendment to the resolution, to be offered by myself and Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 30

(Purpose: To make a conforming change)

Mr. BENNETT. The technical amendment is now at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Utah [Mr. BENNETT], for himself and Mr. DODD, proposes an amendment numbered 30.

The text of the amendment follows:

> On page 1, line 5, strike "both places" and insert "the second place".

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 30) was agreed to.

Mr. BENNETT. Thank you, Mr. President.

As I have said somewhat facetiously, today is "Y2K Day in the neighborhood." We have had a series of events with respect to Y2K legislation, starting with the debate this morning on the Small Business Administration bill offered by Senator BOND of Missouri. We then went into a closed session where it was my privilege, along with Senator DODD, to make a presentation to Members of the Senate with respect to the impact of Y2K on our national defense and our intelligence capabilities. And now this afternoon, we have 3 hours to discuss the funding request for the Special Committee on the Year 2000 Technology Problems and, in that process, take the opportunity of the debate to lay out for the Senate and for the television public exactly what we are dealing with.

To summarize "Y2K in the neighborhood," I have a single chart that we used in the press conference earlier that outlines what it is we are talking about.

Specifically, as you see, Mr. President, it says, "Y2K—What is it?" There are some who think it is a rock band and we will make that clear. And then, Why are we vulnerable? Where are the greatest risks? What is being done? What should we be doing next? And what can we expect? It is in the framework of those questions that I will be making my presentation today.

In the closed session, we talked about national defense issues, international assessments country by country and the preparedness of the U.S. intelligence community. I report to the Senate as a whole, for those Senators who were not able to be there, that we announced these conclusions to the Senators who were there and, I might say, Mr. President, we were very gratified by the number of Senators who did appear. The room was full, and the Senators were very attentive, which I think is appropriate given the significance of this issue.

We believe that there is a low-to-medium probability of exploitation of Y2K by any terrorist groups. People in the press conference asked me, "Well, can you be specific?" And the answer is no. We know of no intention on the part of terrorist groups to exploit Y2K uncertainty, but these groups are there, they are up to mischief, and so we say there is a probability, but it is at the low end of things.

There is a low probability of a nuclear launch coming by accident as a result of Y2K. Again, we cannot rule it out absolutely, but we think the probability of it is very low.

There is a medium probability of economic disruptions that could lead to civil unrest in various parts of the world, and we will discuss that here in the open session as we outline for you how vulnerable some parts of the world may be to Y2K interruptions.

There is a high probability of an economic impact with consequences unknown. Here we can only guess, but I think there is a high probability that Y2K will, in fact, produce some kind of economic dislocation that we will feel.

As far as U.S. preparedness is concerned, the U.S. Armed Forces will not lose their mission-critical capability, their war-fighting capacity. The United States will remain the world's superpower, and the U.S. intelligence community will not lose its capability to carry out its duties.

To go to, first, the question—What is Y2K?—in case there is anyone who really doesn't understand what we are talking about here, it goes to the inability of a computer to recognize the difference between 1900 and 2000 as a date if that computer is programmed for only two digits for the date field for years. This goes back to the 1960s, maybe even the 1950s when memory space was very, very expensive, very, very crucial and, in order to save space, programmers said, "Well, we can just drop the "19" off the year and go to "69" for 1969, "70" for 1970, and so on. And when someone said, "Well, what happens when you get to the year 2000 and you get two zeros and the computer will think it is 1900?" The answer on the part of those programmers was, "This program will be obsolete and abandoned long before we get to the year 2000."

They didn't realize the ingenuity of programmers. They figured out a way to preserve those ancient programs and to lay other layers of programming on top of them in such a fashion that the old programs look like the new ones, but deep down in the bowels of all of that programming, you have programs that are scheduled to fail when they get to the crucial time when they go over from 99 to 00.

There are many other manifestations of it, going down to embedded chips, computers no bigger than my little fingernail that nonetheless have in them the capacity to fail over this issue. But basically that is the issue. That is what Y2K is. The failure of computers, when they have to transition from 1999 to 2000, those computers that are programmed with two digits for the annual date may fail—some of them certainly will fail—and that is what Y2K is all about.

By the way, people ask, What does "Y2K" stand for? "Y" stands for year, "2" stands for 2—that is fairly easy to follow—and "K," from the Greek, standing for kilo, meaning 1,000. It is computer speech for the year 2000. My wife says to me, "Why do you use that acronym? You just confuse people. Why don't you say 'year 2000' instead of 'Y2K.'" And I say, "Well, it's quicker." She says, "'Y2K,' 'year 2000,' you only save one syllable. What is the point? You just do it to confuse people." But I guess I have been in Government long enough now that confusing people is part of the program.

So what is Y2K? I think that is the answer to the question.

Why are we vulnerable? We are vulnerable because at virtually every point of importance in the modern economy and modern activity there stands the computer—whether it is on a chip or in a huge mainframe—with the capacity to fail.

Let's take an event that we hope never happens to any of us, but that is a demonstration of a true emergency—a fire in a building—and see what happens. Here is a picture of a burning building.

In order to muster the firefighting capability to deal with this emergency, you have a number of people and a number of systems that are involved. There is the computer-aided dispatching system to send the firefighter to where the challenge is. There is the telecommunications system where the telephone calls go back and forth to send the message from the dispatching system; the building security and fire detection systems that make the phone call back to the dispatching system.

The firefighters jump in their cars or their trucks. The trucks have to be filled with fuel. And the pumps that control the fuel supply that goes into the firetrucks all have computers in them—embedded chips. The traffic control system that controls the ability of the fire engine to get through town all has computers in it. The water supply, when they get to the hydrant, is regulated by computers. And, of course, the personnel management systems that get the firefighters into the fire station in the first place now are all managed by computers.

A single event we take for granted, all of the things that are done to bring to bear on this event—some firefighting capability, but there are computers at virtually every step of the way.

Now, just another example of how interconnected we are in this world. Let's take a single transaction that takes place this time across international lines. This will be, perhaps, a little hard to follow because the chart is relatively smaller and less dramatic than a burning building, but just let me walk you through this as to what happens when there is a commercial transaction that goes across national lines.

An import-export kind of transaction. Every red arrow that you see there on the chart, Mr. President, is a transmission of information by computer. Every single time something takes place with the purchase and delivery of an item across national lines—you start the contracts, the negotiations by the Internet, a checking of credit, the contract by the Internet—all the way through. The white arrows on the chart are where something physically moves, when you are moving a piece of merchandise out of a factory onto a ship or out of the truck into a retail store or whatever.

Without going through all of the steps, I just point out that there are more red arrows than there are white ones. There are more opportunities for computer failure to ruin the ability of this transaction to go forward than there are physical opportunities for it to fail. We are so heavily interconnected in this world now that we are completely vulnerable to a computer failure. And at every red arrow on that chart right now there is a computer with a potential Y2K problem.

Someone once said to me, This problem is really very simple. You just get into the computer and find out where the date is and fix it; change it from two digits to four digits. And I say, yes, that is very simple, very simple problem, very simply solved. The only problem is, you do not know where that date field is, particularly in those old programs that I talked about.

It has been likened to this kind of a challenge: Suppose someone said to you, Mr. President, the Golden Gate Bridge has some bad rivets in it, and if you do not replace those faulty rivets, the Golden Gate Bridge will fall down. All you have to do is very simple: Knock out the bad rivet, put in a good rivet, and the bridge is made secure.

Now, one out of seven of those rivets in the Golden Gate Bridge is bad, and we cannot tell you which ones they are. You have to go through the Golden Gate Bridge and check every rivet to see which seventh rivet has to be fixed. And by the way, if you do not get every single one, the bridge will collapse, and you do this remediation work at rush hour while the bridge is being used. That is roughly comparable to the challenge that we face here. And that is why we are vulnerable. OK.

The next question is, Where are the greatest risks? Well, we can answer that two ways. On our committee, we have decided to rate the greatest risks in terms of which sectors of the economy have the greatest importance to us. And when you rank risk by importance, No. 1 immediately leaps to the top of the list; and that is power.

If the power goes off, it does not matter if your computer works otherwise. The only computers that will work in the world, if the power goes off, will be those that have batteries, and that is about 2 or 3 hours, and they are all gone. So we have put our first focus on power.

Second, telecommunications. If the telephone goes off, the power grid fails, because many of the signals that keep the power grid functioning go over telephone lines. So once again, everything stops.

Third, transportation. If transportation fails, you cannot get coal, for example, from coal mines into power-generating plants. If the switches on all of the railroad lines fail—and they are controlled by computers—there is no coal in the powerplants. The power grid fails, everything fails.

You begin to see, again, how interconnected everything is.

Fourth, finance. If the banks cannot clear checks, if there can be no transfer of funds, if the financial system collapses, then business collapses. Once again, the chain starts, and you end up ultimately with no power, all the rest of it.

Then, general government. We are so dependent on government services to keep the economy running that if the general government services were to fail—in the Federal Government, for example, if the Health Care Financing Administration were to fail and be unable to make any Medicare reimbursements, it would ultimately destroy the health care industry, because 40 percent of the health care reimbursements are Medicare reimbursements. And you simply could not keep a health care facility going if you cut their cash by 40 percent and left it that way for a while.

Finally, general business.

Those are the ranks of importance that we have looked at in our committee.

Let me take this opportunity to make this statement about what we found. The committee has been operating for roughly a year now, and in that process people who have looked at the list I have just recited have gotten very excited. Indeed, they have begun to create a cottage industry of panic.

You can get on the Internet and you can look up any kind of web site, and they will take the possibility of computer failure in any of the areas I have just outlined and translate that into what has come to be known in the world of Y2K hyperbole as TEOTWAWKI. Now, TEOTWAWKI is the acronym that stands for "The End Of The World As We Know It." They use that phrase so often, they created an acronym. Now you can get on the Internet and they will talk about TEOTWAWKI.

Mr. President, I am here to announce that TEOTWAWKI is not going to come to pass. We are satisfied, as a result of the hearings we held, and the interviews we held, and the investigations we have undertaken on the Senate Special Committee on the Year 2000 Technology Problem, that the world is not, in fact, going to come to an end over this problem—certainly not in the United States. We will have problems. There is no question, given the ubiquitous nature of the problem, that it will cause interruptions and difficulties in the United States, but it will not bring everything to a halt. It will not cause the shutdown of vital services. In our opinion, it will be a bump in the road for the United States.

Now, people say: What does that mean? How serious a bump and how long will it last, Senator BENNETT? I don't know, and I don't know anybody who does, because this is a moving target, there are so many potentials for challenge, that we cannot quantify it with the kind of accuracy that the press always searches for when they ask you these questions. It will have an impact. It will be felt. But how long it will last and how deep it will go I don't know. That is why the committee is going to continue, so that we can continue to study it, and as we get closer to it, we will be in a better position to make that kind of assessment.

Now, if we ask the question, Where are the greatest risks? —not in the pattern of the impact on the economy that I have talked about, but on our current state of readiness—we find that the greatest impact, based on what we now know in the committee, is probably going to be in the health care field. This is the field that we think is the least prepared to deal with the year 2000 problem in the United States.

One of the reasons for that is it is so fragmented. There are so many hospitals. There are so many separate doctors' offices. Some of them have done nothing to prepare for the year 2000. Frankly, some of them can solve their problem in an afternoon. Some of them that are operating off of a single PC can get a patch downloaded from the Internet that can solve their problem. Some of them are going to require substantially more than that. And some of them, frankly, are far enough behind the curve, if they are not on top of it by now, it is too late and they ought to start thinking about contingency plans. We simply do not know. What we do know causes us to believe that health care is vulnerable.

Senator DODD, I am sure, will be addressing this in greater detail because he is the one who has focused on this to a greater extent than any other member of the committee.

Another area of readiness that we are concerned about is local government. I gave this Y2K speech at a Rotary Club meeting in a small town in Utah and people asked me, "What should we do to get ready for Y2K?" I gave them the same answer I always give them, which is, you should take charge of your own life; you should check with your own bank to make sure they are going to be Y2K compliant; you should check with your own employer to be sure he or she is getting things under control; and, among other things, I said, call your mayor to make sure your water system is going to be all right in your local community.

I have done that in Salt Lake City. I have had some long discussions with the mayor of Salt Lake, and she assures me it will be safe for me to be in Salt Lake on New Year's Eve because the water system will work.

After I gave the speech, a man came up, shook my hand, and said, "You have caused me some problems." I asked why, and he said, "I am the mayor." I said, "Mr. Mayor, is your water system going to be all right?" He said, "I don't have the slightest idea but I am sure going to find out." He said, "It never occurred to me that we had computer problems in our water purification plant."

We have held hearings on this issue. I have been in a water purification plant. While I think most local governments are responsible enough and will be on top of it, I am concerned that there will be local governments where there will be critical emergency response systems that will fail—fire departments, ambulances, and so on, water systems, federally funded services. Many of the federally funded services are administered at the local level. Welfare checks are mailed out by county governments, not by the Federal Government, in many instances. And in these communities, there can be serious disruption even while the Nation as a whole is doing fine.

In the economy as a whole, the area that is at the greatest risk is where we find medium-sized businesses. The big businesses are probably just fine. Citigroup announced when we first got into this they were going to spend $500 million fixing their year 2000 problem. That went up to $650 million by the time we got around to drafting the report. Now, the day the report is issued, we are told they are spending closer to $800 million to get this solved. But Citigroup will get it solved. They have the money and the muscle and the will to get it taken care of.

The very small businesses will probably get it solved because, again, for them, they are dealing with a single computer that runs their payroll and maybe does their taxes, and they do everything else by hand. They can solve that problem in a short-term period of time. The middle-sized businesses that don't have the money of a Citigroup and that have a much bigger problem than a mom-and-pop store are running into difficulty. The surveys we are conducting tell us that these companies are where the problems are going to be.

Now you may say, so what? We should really care if an individual business here or an individual business there should fail or should have serious problems. In today's economy, we live in a world of outsourcing and just-in-time inventory. That means that General Motors has literally tens of thousands of suppliers. General Motors does not make everything themselves; they outsource. That is a fancy name for buying it from somebody else. They are dependent on these medium-sized businesses for their parts. One of the scary things is that many of these medium-sized businesses on which General Motors and other big manufacturers are dependent are overseas.

I used to run a very small business, so small that it wouldn't really attract anybody's attention, but the key component of our business, without which we had no product, was manufactured in Taiwan, and if we were unable to get that from Taiwan because of Y2K problems in Taiwan, we were out of business. We sold our product to a much bigger company. They were dependent upon us. They could have all of their computers Y2K compliant and be unable to get product from us and therefore have to drop a major product line for them. We couldn't supply it because we couldn't get this product from Taiwan. You see the chain of suppliers that runs throughout the economy in this just-in-time inventory world.

When I say I am concerned about medium-sized firms as an area of high risk, it could affect big firms and could affect the economy as a whole.

Now, the next question after where is the greatest risk: What are we doing about it? What is being done? Here, I think, it is time for the Senate and the Congress, if I might, to be a little bit self-congratulatory. When this problem first came to the attention of the Congress, Senator BURNS of Montana has said he held hearings on this issue, or had been involved in hearings on this issue back in the early 1990s. He said we couldn't get anybody interested; nobody paid any attention. He was on the Commerce Committee. He said the thing just kind of dropped without a trace.

We first became aware of this on the Senate Banking Committee in 1996. That is where Senator DODD and I became zealots on this issue, and we began to work on this with respect to the financial services area. The more we got into that, the more we realized that it encompassed all of the things that I have described here this afternoon.

One example demonstrates what I am talking about when I say that Congress can be a little bit self-congratulatory about the question of what is being done. My son-in-law works for one of the major banks in this country. He said at a family gathering, "You know, I don't know what's happened, but the bank examiners from the Federal Reserve who come into our bank now have only one thing on their minds, and that is Y2K, and they have made it the top priority in the bank." I thought, you know, we have finally done something in Congress that has produced a result because, at Senator DODD's suggestion, we got the bank regulators before our subcommittee of the Banking Committee and we raised this issue with them; we discovered several things. No. 1, they were not raising it as part of the safety and soundness examination they were doing in banks. No. 2, their own computers weren't going to work in the year 2000. They would not be able to conduct their regulatory activities if we didn't get it fixed. The mere act of holding a hearing and bringing these people forward produced a salutary result that actually got out into the economy and changed the way things are being done.

Well, now, I think we can take some credit for having raised that alarm. Senator MOYNIHAN wrote to the President and urged him to appoint a Y2K czar or coordinator. The President did not respond. I wrote to the President after we had our hearings in the Banking Committee and recommended it. He did not respond to me, either. But in February of 1998, he did, in fact, appoint a Y2K coordinator. I think the track record says it is the Congress that possibly spurred that. And we now have a President's Council on the Year 2000 Conversion, headed by John Koskinen, working very diligently to make sure the Federal Government and the economy as a whole is ready for this. We are doing everything we can to create awareness of the challenge. At the same time, we want to be sure, in words that we have used before, that while we are "Paul Revere," we are not "Chicken Little." We have to get everybody aroused to the fact that the British really are coming. They have to get out of their warm beds and pick up their muskets and get ready for this; but the sky is not falling and it will not be TEOTWAWKI; it will not be the end of the world as we know it.

Well, I see that the vice chairman of our committee, Senator DODD, has come on to the floor. Soon I will reserve the remainder of my time and give him an opportunity for a statement about this.

Other members of the committee have expressed an interest to come to the floor and talk about this issue. I want to acknowledge the tremendous support we have had on this committee. This is a unique kind of committee in that we have had tremendous bipartisan support. My staff and Senator DODD's staff function almost as one on this committee. We have made every effort to keep any kind of partisanship out of it. We go out on field visits together. Senator DODD has been indefatigable in his effort to keep this thing going, and he prods me in areas where I need it and keeps the committee focused in areas where sometimes I stray in other places. It has been one of the most satisfying legislative experiences that I have ever had.

Other members of the committee, the same way. Senator MOYNIHAN was into this issue before we even discovered it and came onto the committee with great enthusiasm. Senator SMITH of Oregon, who came to the Senate as a businessman, took charge of dealing with business and Y2K's impact on business and has been tremendously helpful. We have had Senator BINGAMAN, who we have asked to focus on the national defense issues. Senator COLLINS, as a representative of the Governmental Affairs Committee, has held hearings in that committee based on what she has come up with out of our committee. Senator KYL did all of the heavy lifting on the committee for last year's bill on disclosure and has been enormously valuable.

And then we have, unlike any other committee in the Senate, two ex officio members, TED STEVENS of Alaska and ROBERT C. BYRD of West Virginia; and the fact that the Federal Government received literally billions of dollars in emergency funds in the last supplemental, which, I think, have dealt with the true emergency. I think we are responsible for our being where we are in many of the government agencies. I don't think that would have happened if the chairman and ranking member of the Senate Appropriations Committee were not involved directly and particularly in the work of this particular special committee.

So, with that tribute to my fellow Senators on this committee and the work that has been done, I will reserve the remainder of my time, Mr. President, to allow the vice chairman of the committee and the ranking Democrat, Senator DODD, to make his statement.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Without breaking into the colloquy, I wonder if I can have 5 seconds to introduce a bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Alaska be recognized for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 501 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Mr. President, let me begin these remarks by seconding everything that my colleague from Utah has said about the other members of this committee. I will add, as I know he has expressed on numerous occasions, the tremendous work done by our respective staffs. They have done a tremendous amount of work in providing us with the kind of detailed information that we have been able to produce at this juncture in our interim report, which we released today.

Let me also, on behalf of other members of the committee, say to you and to our colleagues here that we have been truly fortunate to have BOB BENNETT lead this effort. I have said this on numerous occasions. He has literally been the leader on this in the Senate. He began early on and insisted that the Banking Committee have a subcommittee that would look at the implications of this year 2000 "bug," as it is affectionately referred to, on financial institutions. It was as a result of his efforts that my curiosity was piqued.

As a member of that committee—not as the ranking Democrat, but as a member of that committee—I attended a number of hearings we had on financial services, and I quickly learned through that process that this issue went far beyond the individual institutions that had to do their own assessments. What Senator BENNETT discovered very early on and what others of us who sat in on those committee hearings soon learned, was that it wasn't enough to be a financial service and have your own house in shape when it came to the Y2K issue, and that the bank, or the savings and loan, or the stock brokerage, or any other financial service, insurance agent, or company—if they were in good shape internally, that wasn't enough. They had to also determine whether or not suppliers and customers, all sorts of contractors with whom they do business, would also have to be in good shape.

That obviously drew us to the conclusion that this was an issue that deserved broader attention than just looking at the financial services sector. As a result, Senator BENNETT and I went to our respective leaders and asked and urged them to support this special committee that has no legislative authority. We have no authority to pass any laws or do anything, but merely try to make an assessment as we now approach the millennium date 304 days from today.

As a result of those efforts, beginning last year, TRENT LOTT, our majority leader, and TOM DASCHLE, the Democratic leader in the Senate, supported our efforts to form this committee. We owe them a great debt of gratitude, as well, as leaders for giving us the kind of support that has been necessary to do our jobs.

Today, at the conclusion of this discussion, there will be a vote on a matter that would provide an additional $300,000 over the next year for us to complete our work as we now enter this second phase of this assessment of how the Nation and the world is responding to this issue. So we hope that our colleagues will be supportive of that effort to allow us to complete our work.

Again, at the outset, I want to thank my friend and colleague from Utah whose own background in business—and a successful business, I might add—has brought some wonderful awareness and knowledge to all of this. It has been truly enjoyable to work with him and his staff over these past number of months which has brought us to the place we are today.

The Senate special committee, which formed in April, as I have said, has been working hard to assess a variety of industry sectors. Some sectors have been very cooperative. We should tell you that in this kind of effort so much information and so much news is focused on what is wrong. We need to take some time to tell you about what is right, too.

There is a lot that is going on that is right when it comes to this issue. It doesn't get the same attention. The old axiom that the media doesn't report about planes that fly is certainly true in the Y2K issue. The headlines are going to tell you about where the problems are. That is the nature of the news media and what gets covered. But there are a lot of planes that are flying, if you will, both literally and figuratively when it comes to the year 2000 issue. Those that have been doing the work getting the job done deserve to be recognized as well. Others have needed more persuasion, unfortunately. We will get to that.

After 10 months of research, we have now completed our report, which I have referred to already, which gives you the status on seven major sectors. It is not an all-conclusive list. But we came up with this list. Senator BENNETT did. He came up with a list of seven critical areas that we thought most people would have questions about and legitimate concerns. I will get to that in a second. I know Senator BENNETT has already discussed that to some degree.

The report was intended to provide as comprehensive as we could an analysis, and described as thoroughly as we could in a single document how ready we are to face this millennium issue that is going to be upon us in 304 days; in some cases before.

Reflecting on what we have learned from our research and hearings, I think it would be an understatement to say that Y2K is an important issue. Expert opinions on the subject have ranged from denial to the coming of Armageddon.

While we don't foresee any major disruptions, anyone who hasn't begun to consider the ramifications of this problem should do so immediately, in our opinion. Some businesses within different industries have been extremely forward thinking in their year 2000 preparation efforts. George Washington Memorial Hospital, right in our own Nation's Capital in the city of Washington, began its remediation efforts a half a decade ago in order to be ready for the year 2000 issue. State Street, an international financial service in Boston, MA, began fixing its year 2000 problem 6 years ago and is projected to spend some $200 million on remediation efforts. The cost has been significant. For some it will continue to rise as companies continue to discover problems and work through them.

Consider for a moment, if you would, Mr. President, the cost of not being ready, especially with regard to exposure to litigation. Projected litigation costs have ranged from $500 billion to $1 trillion. You can be sure that these costs in one way or another will be passed on to consumers in other groups.

Let me just mention the litigation issue. As my colleague from Utah knows, and others know, I have been a strong advocate of litigation reform. Senator GRAMM of Texas, Senator

DOMENICI, myself, and others authored the securities litigation reform bill, and then last year we passed the uniform standards legislation to reduce the proliferation of computer-driven complaints where mere stock fluctuations would generate lawsuits. I think it was a good effort and was endorsed by the Securities and Exchange Commission, and overwhelmingly supported by our colleagues on both sides of the aisle. I am a supporter of litigation reform in this area, too. I think it is going to be very important that we do something in this area to reduce the potential costs of unwarranted litigation.

Having said that, however, Mr. President, I also want to say that there should be no mistake out there that this committee and this Congress are not about to create some firewall that protects businesses or industries when they should have known better and done better and didn't do so. If you are sitting back and saying, I hear Congress is about to pass some legislation that is going to insulate me and protect me from consumers and businesses and others that would have a legitimate complaint against a company that did not do its Y2K work, you would be mistaken. I think I am speaking for most of us here who feel that way. That is not to say we will not be able to pass a bill. I hope we can. But we shouldn't leave the impression that this is going to be somehow an abolition of tort law in this country.

There is a reason why we call these problems bugs or viruses. Like a disease, this issue can corrupt the functioning of vital systems, can cause damage, shutdown, and can bring the flow of work to a halt. They can take a business out of business very quickly. They can stop the flow of information and communication.

As concerned as I am, let me make the point that we believe the United States is one of the most prepared nations in the world. We have the resources we need both in terms of economics and expertise. However, most countries lag behind the United States in the year 2000 preparation.

I cannot stress to you enough, Mr. President, the serious nature of this topic. This is not an imaginary problem just because we can't at this time quantify as exactly as we would like, or forecast as exactly as we would like, the extent of this problem. We don't know for sure what is going to happen, and where it is going to happen. So we must prepare, in our view, for a bad situation. We hope it doesn't occur. There is no information we have that it is likely to occur. But we don't know. We just don't know with the kind of certainty we would like to share with our colleagues and share with the Nation.

Some chief executive officers and government leaders assume because this is a technical problem and they lack technical expertise that their hands are somehow tied. This is not the case. There is no singlehanded resolution to this crisis. A successful resolution will call for cooperation across the board. This is not just a technology problem. It will require managers who are willing to get involved at all levels. It will take leaders in business, in the U.S. Congress, and at the executive branch level to take the initiative and find out where companies and organizations, nonprofits and for-profits, are in their Y2K remediation and contingency planning.

Large, medium and small businesses must cooperate to find solutions. Chief executive officers must be aware of the extent of their companies' Y2K exposure. Companies must develop contingency plans. In fact, this is a critical issue right now. It doesn't mean you ought to stop remediation, but if you are concerned that you are not going to be able to get ready in 304 days, you ought to be actively involved in looking at contingency planning.

If there were no other message I could leave our colleagues with, or others who may be following this discussion today, the most important point I would like to make is the need for contingency planning. I can't think of anything more important. You ought to know how important contingency planning will be.

They also must insist that vital suppliers and vendors resolve their own problems and have their own contingency plans in place. The true heroes on January 1, 2000, will be those organizations, private and public companies—small, medium and large—that have found a way to adapt to this potential problem. A business owner who wants to prosper in the new millennium must prepare for the Y2K problem in such a way that the business—that their business, his or her business—does not skip a beat come New Year's Day.

As of today, as I have said repeatedly now today, we have 304 days remaining, but much can still be done in that time, as short as it is.

If you have lived in the Southeast of our country where there are hurricanes on almost an annual basis, or the Midwest and South where tornadoes are common, you may have heard warnings that gave you little time to make survival decisions. The year 2000 is a storm on the not-too-distant future horizon. It is a disaster, in some cases pervasive throughout the First World and beyond, but is one for which we can prepare.

It is one that we can work to neutralize. We on this committee have been assessing all that we can to understand more about this coming storm, and we have learned a great deal. Small businesses do not have any compliance plans in place.

Preparation for the continued health of our Nation's businesses and industries is vital, but paramount is the health of our health care. It is not an exaggeration to say that lives could be lost as a result of this crisis. I point to disturbing examples of what could happen relative to health care and the Y2K issue not to be an alarmist, quite the contrary, but to shed light on something that needs the attention of everyone in this country. Sixty million people are dependent on medication for the treatment of health problems from cancer to heart disease. Some require daily doses of life-sustaining medicines to keep their bodies from rejecting transplanted organs or to prevent cancers from spreading.

Let me just cite one example of what I am talking about of which this committee has become keenly aware. Laurene West is a registered nurse and a computer expert. She brings together some wonderful talents. And if you were to meet her, you would see a seemingly healthy woman. Were it not for the fact that I tell you now, you would never guess that her state of health will put her more at risk than any of us when the year 2000 arrives. Ms. West had a tumor removed from her brain and requires daily medication to prevent the regrowth of that tumor.

During her first of 13 surgeries, she developed a staph infection that does not respond to any known oral antibiotic. She is dependent on IV antibiotics which she cannot store because they have no shelf life. Any disruption to the supply of these antibiotics could be fatal to her. She knows health care. She knows computers. And she knows all too well the impact that the year 2000 could have on her health care.

Ms. West has been the most proactive voice calling upon us to take action. She worries that HMOs and physicians, to a certain extent, view the impending crisis with a degree of disbelief and apathy. Many health insurance organizations will not pay for the storage of even the most critical of drugs. We now are aware that as much as 80 percent—80 percent—of the ingredients of drugs manufactured in the United States of America come from overseas.

Let me repeat that. As much as 80 percent of the ingredients of drugs manufactured in this country come from overseas. Foreign companies account for 70 percent of the insulin market in the United States. Unfortunately, patients have been prevented from stocking lifesaving drugs because of restrictions placed on pharmacists by insurers and physicians who may not fully understand the magnitude of this problem. Ms. West has brought this to our attention. We applaud her efforts, and we are going to try to do something about her case and cases like it.

Health care is this Nation's single largest industry. It generates $1.5 trillion annually. There are 6,000 hospitals in America, 800,000 physicians, and

50,000 nursing homes, as well as hundreds of biomedical equipment manufacturers, health care insurers, suppliers of drugs and bandages that may be unprepared for the year 2000. According to the Gartner Group, 64 percent of our Nation's 6,000 hospitals have no plans to test their Y2K preparedness. About 80 to 85 percent of doctors' offices are said to be unaware of the Y2K problem.

Struggling compliance efforts by the Health Care Finance Administration and unaddressed concerns about medical devices are major roadblocks to the industry's year 2000 readiness. In short, the health care industry is one of the least prepared with 304 days to go for dealing with the Y2K problem and carries, in my opinion, the greatest potential for harm at this juncture. Due to limited resources and a lack of awareness, rural and inner-city hospitals are particularly at high risk.

Each industry we have examined is critical to the functioning of our society. We have all heard the analogies about making a phone call on December 31 around midnight and getting the bill the next month with a charge for 100 years of long-distance calls. But what if the phone doesn't work at all; what if you lose contact with your work, your family doctor, your 911 dispatcher. Think what would happen if the ability to communicate was taken from governments, militaries, businesses and people.

The U.S. has never experienced a widespread telecommunications outage, yet the telecom network is one of the most Y2K-vulnerable systems. And while 95 percent of telephone systems are expected to be compliant in time, there is no industry-wide effort to test data networks, cellular and satellite communications systems or the Nation's 1,400 regional telecom carriers. Despite telecom infrastructure readiness, customer equipment and company switchboards may experience some problems, leaving no guarantee of getting a dial tone on January 1.

A forum that included the Nation's largest telecom companies was formed in 1997 to address the year 2000 concerns and was early, to their credit, in formulating a compliance plan. We are awaiting a final industry report which is expected early this year.

With all of our assessment, research and hearings, we have learned a great deal about many sectors of our infrastructure. We have learned who is compliant and who is making headway, who is lagging behind, and who has failed to disclose their status. We discuss and recommend legislation to move the process forward, and we must look hard into the mirror. The Federal Government should be setting an example, in our view, for the rest of our country in preparing for the Y2K issue, yet the Federal Government's Y2K preparations vary widely.

The Social Security Administration, for instance, got an early start and is well prepared—we commend them for their efforts—while other agencies such as the Department of Defense and the Health Care Finance Administration are lagging somewhat behind. The Federal Government will spend somewhere, we are told, between $7.5 billion—and I apologize for the disparity—and $20 billion. I would like to make that number more definitive for you, but we are getting wide-ranging cost figures here. Those are the numbers we are being told just for the remediation at the Federal agencies, but it will not be able to renovate, test, and implement all of its critical missions in time. After a late start, the Federal Emergency Management Administration is now engaged in national emergency planning in the event of year 2000 disruptions, but many State and local governments are not prepared to deliver critical services such as benefit payments, 911, and emergency services.

Both Senator BENNETT and I have had a particular interest in small businesses. This is because small businesses fulfill such a crucial role in our Nation's economy, providing 51 percent of the total private sector output. Small businesses are absolutely vital to the economic well-being of our Nation. There are approximately 14 million small businesses in the United States today and, according to the NFIB Education Foundation, nearly a quarter of these 14 million businesses haven't spent a dime on year 2000 remediation. Fifty-five percent of them correspond with suppliers via electronic interaction and 17 percent say that they would lose at least half their sales or production if automated processes were to fail. Many of these companies are playing wait and see—in reality, gambling that the problems are small, or at least they will be able to repair the damage before they go out of business.

In our February 5 hearing, we heard testimony from Mr. Ken Evans, president of the Arizona Farm Bureau Federation. Part of the responsibility of his organization is to look out for a type of small business that is literally the bread and butter of our country—the family farm. Some reports have indicated that these small businesses may not be affected by the year 2000 problem since few of the systems used by family farms are automated. However, as Mr. Evans pointed out before our committee hearing, smaller farms rely heavily on vendors, telecommunications services, bankers, and transportation companies that are all highly automated.

I know the Presiding Officer in the Chair comes from one of our rural States and knows better than most about just what I have said here, that people have sort of a mythological perception about the family farm and how it works. But today to succeed as a family farmer you have to be connected with these other vehicles to provide the services you need and to get your products and produce to the consumers.

The smooth functioning, as Mr. Evans pointed out, of day-to-day business on the small farm requires that phones work, the refrigeration is in service, and the transportation services are available.

In general, we think the level of preparedness seems to be determined by the relative size of the business or by how much the business is regulated by State and Federal agencies. While the heavily regulated insurance, investment, and banking industries are the furthest ahead in the Y2K compliance efforts, health care, oil, education, agriculture, farming, food processing, and the construction industries are lagging behind.

The cost to regain lost operational capability for mission-critical failures will range, we are told, from $20,000 to $3.5 million per business, depending upon the size of your company. It is estimated that it will take an average of 3 to 15 days to fix the problems. Large companies with greater resources, of course, are better able to deal with the year 2000 problem. Small and medium-sized businesses, however, are the most vulnerable to the year 2000 disruptions. One survey shows that more than 40 percent of 14 million small businesses do not have any compliance plans in place.

Mr. President, I am only going to speak briefly about the problem of litigation. I already mentioned my concerns about this and my desire for legislation. I think the price tag of $500 billion to $1 trillion speaks for itself. That would be a staggering cost to our Nation, not to mention to the individual businesses that may be the subject of litigation. It would be contrary, in my view, to our goal of preparation, to walk blindly into the next year without taking into consideration the question of litigation reform.

Any reform would have to be, in my view, specific. It ought to be bipartisan, especially considering this is a very unusual circumstance. There is no established precedent upon which to rely in making recommendations for reform. Reform would have to be narrowly tailored, in my view, for a very specific purpose. It would have to encourage businesses and organizations to seek solutions and disclose progress without fear of litigious retribution. At the same time, companies and organizations must not be allowed to choose to do nothing and escape responsibility. We will be looking at this in the coming weeks. Clearly, much is left to be resolved.

Again, Senator BENNETT has spoken about the interconnected relationships of governments, all organizations, all companies and people. To say that everything is connected is to put simple words to a very complex reality. To those chief executive officers who have told us that their Y2K exposure is nonexistent, due to early planning and remediation efforts, I would only ask: What will you do if power is disrupted on the grids? What will you do if you cannot ship products? What will you do if your vendors are not Y2K compliant? To government leaders at the local and State level who have not planned for this, we would ask: What will you tell the people you serve if their government cannot function? To those HMOs and physicians who are not anticipating a Y2K-related problem, my question to you is: What will happen if you are wrong and you do nothing?

Even if our country solves this problem, the fact that many of our industry sectors are tied closely to international businesses and economies will have an unknown effect on all of us. Plants grown overseas affect the supply of pharmaceuticals here. America imports goods ranging from produce to electronic equipment. How will our economy be affected if some of these products do not arrive on our shores? The fact is, what I am saying here, and what Senator BENNETT has said over and over again, is we are all in this together. You are not protected by geographical boundaries, by political entities, or by lamenting what is not happening offshore.

There is a storm on the horizon. We have seen the warning signs. The question is, do we have the ability to weather this storm? We think we do, but we have to work hard and all of us need to work together. In weathering this potential storm, we need to continue to look closely at the sectors of infrastructure that we have reported on in this interim report. We need to work closely with our international neighbors who are of particular interest to the United States, both economically and politically, in order to better assess their problems and better anticipate the effect that problems in their countries will have on us.

Our list of priorities for the coming months include the following: We need to revisit the domestic industry and infrastructure sectors first examined last year. As I indicated, we need to place increased emphasis on international Y2K preparedness. We hope to identify national and international security issues and concerns, some of which we have been briefed on even as late as today, as Members of this body, by the respective agencies of our Federal Government. We will continue to monitor Federal Government preparedness, but also turn our attention more to State and local government preparedness. Evaluating contingency emergency preparedness and planning is a high priority for this year. We need to determine the need for additional Y2K implementation or delaying implementation dates of new regulations.

I should have made note, by the way, when speaking about our paying attention to local governments and to municipalities, our colleague from New York, who I think is going to come shortly to the floor, has raised the issue.

Here he is. He has already raised the issue of how we might help the municipalities and State governments, and I commend him once again for bringing to this chamber the kind of vision he historically has brought on so many other matters. I leave it to the Senator from New York to discuss his ideas in that regard, and I leave him to comment on those matters.

In closing, I want to reiterate the words of our colleagues when they said we must work together. We must not let our differences keep us apart. If we are going to cooperate, if we are going to keep this from becoming a larger problem than it has to become, then the finger-pointing and name-calling and recriminations that can often be associated with this kind of an issue need to be eliminated entirely.

Again, I commend my colleague from Utah who has led this effort so well over the past year or two—several years, now. I am very, very confident that, whatever else may happen, we will be doing our very best in these coming 10 months to keep our colleagues and the American public well informed about this issue, raising concerns where we think they are legitimate, not engaging in the hyperbolic kind of rhetoric that can create a panic which poses its own set of problems, but to be realistic with people, backup what we say with the kind of evidence we think is important for the American public and others to have as we try to work our way through this issue.

With that, I reserve the remainder of my time and am glad to yield to my colleague from New York. I apologize, I didn't see him come in earlier or I would have yielded to him earlier.

The PRESIDING OFFICER (Mr. CRAPO). The senior Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in the first instance to congratulate the chairman of our committee and his vice chairman for the extraordinary work they have done in less than a year. I make the point, it is a point of Senate procedure, that it is rare there is a chairman and vice chairman, not chairman and ranking member. This has been a wholly bipartisan effort from the first, and I think we can see that from the results in so brief a span.

The issue has been with us for some while, and it would be derelict of me not to mention that it was brought to my attention by a dear friend from New York, a financial analyst, John Westergaard, who began talking to me about the matter in 1995. On February 13 of 1996, I wrote to the Congressional Research Service to say: Well, now, what about this? Richard Nunno authored a report which the CRS sent to me on June 7 saying that "the Y2K problem is indeed serious and that fixing it will be costly and time-consuming. The problem deserves the careful and coordinated attention of the Federal Government, as well as the private sector, in order to avert major disruptions on January 1, 2000."

I wrote the President, on July 31 of that year, to relay the findings of the CRS report and raise the issue generally. And, in time, a Presidential appointment was made to deal with this in the executive branch, to which I will return. But last spring—less than one year ago—the majority leader and the minority leader had the perception to appoint this gifted committee, with its exceptional staff, and now we have its report before us.

Two points, followed by a coda, if I may. Shortly after the committee's establishment, Senator BENNETT and I convened a field hearing—on July 6—in New York in the ceremonial chamber of the U.S. Federal Court House for the Southern District of New York at Foley Square. We found we were talking to the banks, the big, large, international banks in the city, and the stock exchange. And we found them well advanced in their preparations regarding this matter. I think my colleague from Connecticut would agree. They were not only dealing with it in their own terms, they had gone to the Bank for International Settlements in Basel where a Joint Year 2000 Council had been established at our initiative. They were hard at work on their own problems. They were worried about others.

One witness told us that 49 Japanese banks planned to spend some $249 million as a group on Y2K compliance; 49 banks are thinking of spending in combination $249 million. Citicorp was planning $600 million, and it already expended a goodly share of that.

Indeed, it was not all our initiative, but certainly it was serendipitous, if I can use that term, that the security industry commenced massive testing just a week later—on July 13, 1998. The tests went very well. The industry was on to this subject. The point being, if you are on to this, you can handle it. It is those who aren't who will leave us in the greatest trouble. There will be another industry-wide test later this month. So much for private initiative.

We should be grateful for what we have learned, here and abroad. As the Senator from Utah and the Senator from Connecticut have made clear, there are countries that have understood this, as we have done, and are on top of this. But there are too many other countries that don't know the problem exists or might as well not.

As a sometime resident in India, I was interested to find that Indian enterprises, concentrated in the Bangalore area, are very much involved in doing the computer remediation. If you would like to know something about the world we live in, Mr. President, the work for the day is sent to them from San Francisco or New York or Chicago; they do it overnight, which is not overnight for them, it is the daytime, and it is back on our desks in the morning. It is that kind of world we live in.

Hence, to the second subject, which is the nuclear one. There is potential here for the kind of unintended disaster of an order we cannot describe in terms of medical care or financial statements or, for that matter, air travel at New Year's—which is to say that the failure of computer systems in Russia to give the correct information about early warning systems, such that 6,000 nuclear warheads still in Russia are not inadvertently launched. They could be, you know. They are in place—not all—but enough. A hundred would do. Three would be a calamity. Two were dropped on Japan and ended the Second World War. These are all huge weapons, far above the tonnage and of a different chemical composition than the early atomic bombs, as we have come to know them.

The Russians seem to know they have a problem—or they may have a problem. Or they don't know whether they do or they don't. In that situation, "we didn't quite catch it" could bring incomprehensible catastrophe just at the moment when we thought that long, dark half a century was ended, the half century that began in 1946, when the Soviets exploded their first nuclear device.

We have a danger here and we have an opportunity, and we ought to respond to the one and seize the other. We are given to understand that our Department of Defense officials have begun some negotiations, discussions in Moscow to invite a Russian team to Colorado Springs—where it happens our facilities in these regards are located—to let us watch each other's nuclear launches, nuclear alerts, false alarms.

We can think, Mr. President, that this was something behind us, surely a matter of passing. It wasn't. We have learned just recently that in 1983, one Soviet officer, a Stanislav Petrov, a 44-year-old lieutenant colonel, was in the Serpukhov-15 installation where the Soviet Union monitored its early warning satellites over the United States, and all of a sudden the lights began to flash "Start," because the warning time is very short.

He made a decision on his own: they only supposed that they had picked up a launching; the equipment picked up five ICBMs. Mankind was spared by one lieutenant colonel in the Soviet Army who knew enough strategic doctrine to know that the United States would never launch five. It might launch 5,000. So as the information went up, by the nanoseconds, through the chain of command, it was decided not to launch a counterstrike.

That is how close we came, probably never in a more mortal way. He is still alive and has told his tale. I ask unanimous consent that at the end of my remarks David Hoffman's account of this in the Washington Post be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MOYNIHAN. Mr. President, I suggest that we seek to reach an agreement for the Russians to come and bring with them all their codes and their classified communications modes, learn what our early warning system is, tell us what they will of theirs, perhaps be open about its own weaknesses, which are so great. These are the people who still have the fate of mankind in their hands, and they haven't been paid in 6 months. What they talk about, evidently, is the need for money. How in God's name we cannot provide it, I fail to see. The maintenance of our nuclear system in the course of a half century cost $5.5 trillion. I sometimes forget this, but in my years on the Finance Committee, I have learned that a billion minutes ago, Saint Peter was just 30 years dead. A billion is a large number. A trillion is beyond our capacity. They are asking thousands of millions. Very little.

I hope Beijing might want to join. I would invite Islamabad and New Delhi, places which are unstable and have nuclear devices. Out of that, Mr. President, out of this immediate crisis, we might find a longrun institution or institutions—they need not be here, exclusively—they can be in many places—in which we would monitor one another's nuclear activity while, pray God, we develop it down, and relearn the confidence-building measures that were so important in the cold war. That telephone between the Kremlin and the White House made more of a difference than we probably know. It is this kind of thing.

I note to my dear friends—and I will get complete agreement—this body has known fewer persons with a greater understanding of the cold war than Senator Sam Nunn and the late Senator Henry Jackson who, in the early 1980s, brought up the concept of a joint early warning system. And then the MX was deployed, and we moved from essentially a deterrence position on nuclear matters, a second-strike, if you will, to a first-strike capacity, such that the Soviet systems had to be constantly alarmed.

Now, maybe that idea of Senators Nunn and Jackson will come, come at last. I would hope for two things. And I do not want to impose, and I do not want to presume, but I will do. This is not a time for too much delicacy.

I would hope that our chairman and vice chairman—I make that point: the Intelligence Committee and, I believe, the Ethics Committee have a chairman and vice chairman; all the rest is majority rule around here, which is fine, but this is bipartisan—if they might find it possible to visit Moscow and talk with members of the Duma there where the START II treaty, which we took all the 1980s to negotiate, lies unratified. And our plans for START III are, accordingly, on hold. They might go or they might invite—some action from the Congress, I think, is in order. And it would be no harm to point out to the Russian Government that they now have a legislative branch. And if it acts in ways that are not always agreeable to the executive, well, that is not an unknown phenomena. It has been going on for two centuries in the United States. It is an important and necessary initiative we ought to somehow pursue.

One final point. I hope my friends will not feel I am trespassing on their—our concerns, as I am a member and am honored to be a member of the committee—the Pentagon is too much disposed to discuss this matter in secret session. This is a time for more openness. This is a time the American people can be trusted with information which the Russian authorities already have.

One of the phenomenons of the cultural secrecy which has developed over the last century is that the U.S. Government is continuing to keep information from us which our adversaries know perfectly well. It is only we who do not know. This has done a perceptible harm to American democracy. We have no idea how distant it is from the beginning of the century when Woodrow Wilson could proclaim, as a condition of peace to conclude the First World War, "open covenants openly arrived at."

Now, mind you, that same President Wilson, to whom I am devoted, in the day after he asked for a declaration of war, he sent a series of 17 bills, which were rolled together and called the Espionage Act. It provided for prior restraint, as lawyers call it, censorship of the press. First Henry Lodge, on this floor, the chairman of the Foreign Relations Committee, said, "Yes, I think that is a good idea." The next day he came back and said, "You know, I don't think it's a good idea. The press should be free in this country."

President Wilson wrote the bill manager on the House side, and said, "Please keep it." It was not kept. But it was assumed it was kept, so much so that when the Pentagon Papers were released, the executive branch of our Government just assumed that was a crime and proceeded to prevent their publication and find out more about the person who had released them. And the next thing you know, we had an impeachment hearing in the Federal Government—a crisis that all grew out of secrecy and presumptions of secrecy.

I would hope—I doubt there is anybody in the Pentagon listening, but I see the chairman and vice chairman listening—I would hope they would say we could have an open briefing. The American people will respond intelligently to dangers of which they are appropriately apprised. And this surely is one.

But, sir, I have spoken sufficiently. I beg to say one last thing. On the House side, our colleague and friend, Representative STEPHEN HORN of California, has been very active producing "report cards" on the status of the different departments of the Government and keeping it up regularly. As the Senator from Connecticut observed, the Social Security Administration got A's all along. Others have not.

It would not be a bad idea for the chairmen and ranking members of our standing committees to review Representative HORN's report cards and keep an eye on the departments that report to them.

Other than that, I think I have spoken long enough. I do not think, however, I have sufficiently expressed my admiration and at times awe of the performance of our chairman and vice chairman. The Senate is grateful, is in their debt. So is the Nation. The Nation need not know that; it just needs to pay attention to their message, sir.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, Feb. 10, 1999]

"I HAD A FUNNY FEELING IN MY GUT"—SOVIET OFFICER FACED NUCLEAR ARMAGEDDON

(By David Hoffman)

MOSCOW—It was just past midnight as Stanislav Petrov settled into the commander's chair inside the secret bunker at Serpukhov-15, the installation where the Soviet Union monitored its early-warning satellites over the United States.

Then the alarms went off. On the panel in front of him was a red pulsating button. One word flashed: "Start."

It was Sept. 26, 1983, and Petrov was playing a principal role in one of the most harrowing incidents of the nuclear age, a false alarm signaling a U.S. missile attack.

Although virtually unknown to the West at the time, the false alarm at the closed military facility south of Moscow came during one of the most tense periods of the Cold War. And the episode resonates today because Russia's early-warning system has fewer than half the satellites it did back then, raising the specter of more such dangerous incidents.

As Petrov described it in an interview, one of the Soviet satellites sent a signal to the bunker that a nuclear missile attack was underway. The warning system's computer, weighing the signal against static, concluded that a missile had been launched from a base in the United States.

The responsibility fell to Petrov, then a 44-year-old lieutenant colonel, to make a decision: Was it for real?

Petrov was situated at a critical point in the chain of command, overseeing a staff that monitored incoming signals from the satellites. He reported to superiors at warning-system headquarters; they, in turn, reported to the general staff, which would consult with Soviet leader Yuri Andropov on the possibility of launching a retaliatory attack.

Petrov's role was to evaluate the incoming data. At first, the satellite reported that one missile had been launched—then another, and another. Soon, the system was "roaring," he recalled—five Minuteman intercontinental ballistic missiles had been launched, it reported.

Despite the electronic evidence, Petrov decided—and advised the others—that the satellite alert was a false alarm, a call that may have averted a nuclear holocaust. But he was relentlessly interrogated afterward, was never rewarded for his decision and today is a long-forgotten pensioner living in a town outside Moscow. He spoke openly about the incident, although the official account is still considered secret by authorities here.

On the night of the crisis, Petrov had little time to think. When the alarms went off, he recalled, "for 15 seconds, we were in a state of shock. We needed to understand, what's next?"

Usually, Petrov said, one report of a lone rocket launch did not immediately go up the chain to the general staff and the electronic command system there, known as Krokus. But in this case, the reports of a missile salvo were coming so quickly that an alert had already gone to general staff headquarters automatically, even before he could judge if they were genuine. A determination by the general staff was critical because, at the time, the nuclear "suitcase" that gives a Soviet leader a remote-control role in such decisions was still under development.

In the end, less than five minutes after the alert began, Petrov decided the launch reports must be false. He recalled making the tense decision under enormous stress—electronic maps and consoles were flashing as he held a phone in one hand and juggled an intercom in the other, trying to take in all the information at once. Another officer at the early-warning facility was shouting into the phone to him to remain calm and do his job.

"I had a funny feeling in my gut," Petrov said. "I didn't want to make a mistake. I made a decision, and that was it."

Petrov's decision was based partly on a guess, he recalled. He had been told many times that a nuclear attack would be massive—an onslaught designed to overwhelm Soviet defenses at a single stroke. But the monitors showed only five missiles. "When people start a war, they don't start it with only five missiles," he remembered thinking at the time. "You can do little damage with just five missiles."

Another factor, he said, was that Soviet ground-based radar installations—which search for missiles rising above the horizon—showed no evidence of an attack. The ground radar units were controlled from a different command center, and because they cannot see beyond the horizon, they would not spot incoming missiles until some minutes after the satellites had.

Following the false alarm, Petrov went through a second ordeal. At first, he was praised for his actions. But then came an investigation, and his questioners pressed him hard. Why had he not written everything down that night? "Because I had a phone in one hand and the intercom in the other, and I don't have a third hand," he replied.

Petrov, who was assigned to the satellite early-warning system at its inception in the 1970s, said in the interview that he knew the system had flaws. It had been rushed into service, he said, and was "raw."

Petrov said the investigators tried to make him a scapegoat for the false alarm. In the end, he was neither punished nor rewarded. According to Petrov and other sources, the false alarm was eventually traced to the satellite, which picked up the sun's reflection off the tops of clouds and mistook it for a missile launch. The computer program that was supposed to filter out such information was rewritten.

It is not known what happened at the highest levels of the Kremlin on the night of the alarm, but it came at a climactic stage in U.S.-Soviet relations that is now regarded as a Soviet "war scare." According to former CIA analyst Peter Pry, and a separate study by the agency, Andropov was obsessed with the possibility of a surprise nuclear attack by the West and sent instructions to Soviet spies around the world to look for evidence of preparations.

One reason for Soviet jitters at the time was that the West had unleashed a series of psychological warfare exercises aimed at Moscow, including naval maneuvers into forward areas near Soviet strategic bastions, such as the submarine bases in the Barents Sea.

The 1983 alarm also came just weeks after Soviet pilots had shot down Korean Air Lines Flight 007 and just before the start of a NATO military exercise, known as Able Archer, that involved raising alert levels of U.S. nuclear forces in Europe to simulate preparations for an attack. Pry has described this exercise as "probably the single most dangerous incident of the early 1980s."

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Senator from New York for his generous remarks. He is always generous and gracious. I never deserve all the nice things he says about me, but I am always glad to have him say them nonetheless. I am grateful on this occasion as well.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Tania Calhoun, a detailee to the committee, be granted floor privileges for the balance of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Thank you, Mr. President.

Mr. MOYNIHAN. Mr. Chairman, would you allow me to request a similar privilege of the floor?

I ask unanimous consent that Jason Klurfeld of my staff, a designee on the committee, have privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

Mr. BENNETT. Thank you.

In the list of questions I laid out at the beginning of my presentation, we are now at the point where we are asking the two questions: What should we be doing next and what can we expect?

The Senator from Connecticut talked about the liability bill. I agree with him absolutely that we cannot take this particular emergency and turn it into a stealth operation to slip through other legislation, even though I would be for it. The Senator from Connecticut would be opposed to it. I would love to do that. But I think that would be an inappropriate thing to try to do.

It has just come to my attention a demonstration of why we need some kind of limited liability relief tied to this. I had an interview with an individual who is following Y2K matters, and she said, "What are you going to do about insurance companies that are canceling policies over Y2K?" And quite frankly, I was skeptical. I said, "I don't know of any insurance companies that are canceling policies."

Well, she sent me one. And here it is; it arrived today. I think that is appropriate since this is the day we are talking about Y2K. Here—in an area that the Senator from Connecticut has pioneered, health care—is an insurance company that has sent out an endorsement on one, two, three, four, five, six, seven, eight different health care policies that they write.

They say:

> The following exclusion is added to Section III [of these policies]:
>
> This Policy does not apply to, and the Company will not pay any DAMAGES or CLAIM EXPENSES . . . arising out of, or in any way involving any actual or alleged failure of any . . . "equipment" . . . [relating to]:
>
> (A) any date or time after September 8, 1999;

The reason for that, Mr. President, is because the 9th day of the 9th month of the 99th year could trigger four 9's in a computer program and cause it to fail.

> (B) any date, time, or data representing or referring to different centuries or more than one century;
>
> (C) the change of the Year 1999 to the Year 2000;
>
> Or,
>
> (D) the Year 2000 as a leap year.

The reason for that, Mr. President, is that the algorithm used in computers to compute dates—for reasons I won't take the time to explain—will not recognize the 29th of February, a leap year, in the year 2000; it recognizes it in every other leap year but it does not recognize it in the year 2000.

Here is an insurance company that says, "We will not pay any claims arising from these predictable Y2K kinds of problems." So you have that added burden to a company that is doing its very best to get the Y2K thing under control and suddenly finds that their insurance policy is being unilaterally canceled.

Now, as I have said on this floor before, I am unburdened with a legal education, so I don't know quite how to deal with this one, but I am sure this is something that ought to go in the mix of what we might do with respect to some kind of legislation this year.

Another thing we should be doing next—should be doing now—has to do with more disclosure. Here we are working very closely with the SEC. Chairman Arthur Levitt of the SEC has been in close touch with the committee, with Senator DODD and me, as we have gone through this. The SEC is working very hard to get more disclosure. Unfortunately, we haven't had the kind of disclosure that I think shareholders are entitled to in this area. This is one thing we ought to keep pushing for. We ought to have more hearings. The Senator from New York talked about that.

The authorizing committees, committees of jurisdiction, should take up the burden of conducting oversight hearings of the Departments that they have responsibility for. This has already happened. The Armed Services Committee of the Senate held a very useful hearing last week with the level of preparedness of the Secretary of Defense. I won't repeat all the information that was developed there because it is already in the RECORD, but there ought to be more of that going on as we get closer to this. The burden of paying attention to what is going on in the executive branch should not fall exclusively on John Koskinen and the President's Council on the Year 2000. It should be shared by the Congress. We should have more activity rather than less, as the Congress stays involved in this.

Finally, we have suggested to Senators that they should meet with their own constituents. Senator DODD has done this in Connecticut, as I have in Utah. Senator SMITH has done it regularly in Oregon and as part of his own education as a member of this committee. But other Senators who are not members of the committee have been working in this way. We on the committee are prepared to help them in this effort. We are going to put together, in addition to the report that has been released today, talking points and guidance information for Senators who decide they want to hold town meetings or other meetings while they are back in their own home States.

That is very worthwhile. It helps accomplish the twin goals of the committee: No. 1, to calm down the panic so that people are not Chicken Little; and, at the same time, raise the awareness in a responsible way. Individual Senators speaking in their individual States have a higher profile than speeches on the floor of the Senate. That is something we ought to be doing and something that our committee will do its very best to facilitate.

Now, this is a moving target, as we have both said. One of the areas that has just come to light that we are going to need more information on is the chemical industry. We were assured that everything was all right in the chemical industry, and now we are discovering that maybe that is not the case. The chemical industry might replace the health care industry as an industry that we look at. This is going to require us to pay attention through the remainder of this year, which is why the resolution funding the committee for the coming year is the subject of this debate.

There have been some questions, by the way, raised as to: Where is this money coming from, and how is Senator BENNETT going to pay for it? Where is the offset? I can assure all Senators, this is part of the overall allocation of Senate business. This is not new money; this is money that is already in the budget. It is just being allocated to this committee as opposed to some other use. We do not have to come up with an offset for it under the Budget Act. For those who are concerned about that, I assure you that is not of concern. It is a little heartening and indicates that Senators are indeed watching this on their television sets in their own offices. They are making these phone calls. If they weren't calling the cloakroom asking this, then we would know they were not paying attention.

The final question which we get all the time with respect to Y2K—Senator DODD gets it, I am sure; I get it almost everywhere I go—What can we expect? Are we going to be all right? We addressed this in our opening remarks in saying yes, we are probably going to be all right, generally. The United States is going to have some problems, but it is not going to be the end of the world as we know it.

I want to now focus on what I think we can expect outside of the United States, because that is the area of greatest concern as we have gone through this situation. There are far too many countries in the world where Y2K has not been given the kind of attention it deserves. Recently, to his credit, John Koskinen, the President's Y2K czar, working with officials at the United Nations, helped put together a Y2K Day at the United Nations and invited the Y2K coordinators from all of the countries around the world to come to New York and participate in this discussion at the United Nations. I went to New York, along with Congressman HORN, to represent the legislative branch there and demonstrate that it was not just the executive branch of the Government that was concerned about this.

There was a very heartening turnout. A large number of countries sent Y2K coordinators. It was a very useful day. That is the good news. The bad news is that many of these Y2K coordinators didn't know anything about Y2K up to about 2 weeks before they were appointed coordinator and given a ticket to New York. They had no idea what this was about. The fact that the United Nations was holding a day and they were invited to come, their government said, "Maybe we need a Y2K coordinator to go; you go; name somebody"—he or she got on the airplane, flew to New York, and didn't have the slightest idea what we were talking about. That is the bad news.

The other bad news is that some of them simply could not afford a ticket. The World Bank funded the airline tickets for some of these Y2K coordinators, which raises the demonstration of the problem we have in many countries around the world. As our consultants have spanned out and talked to these people, many of them say, "We recognize we have a problem; we recognize it is very serious. We are completely broke. What do you suggest we do about it? We simply can't afford the kind of remediation that you are going through in the United States."

We just had a team of consultants that came back from Russia and they did a very valid job of assessing where things are in that country. But they said every official that they spoke to began the conversation by asking for money. Every single one said, "We have a problem. Now, can you help us solve it, because we can't afford to do anything about it." Senator MOYNIHAN was talking about the Russian military not having been paid for months and months, and they say, "If we haven't got any money to pay to our military, we don't have any money to deal with the Y2K problem."

What will be the impact? There will be economic dislocation in many countries as a result of this. In some countries it will be more serious than others. The unknowable question is, What will be the impact on the United States? I cannot quantify that for you, but I will give you this overall assessment. I think Y2K will trigger what the economists call a "flight to quality." That is, I think investors around the world, as they decide that infrastructure problems are going to arise in certain countries, will decide as a matter of prudence on their part, to withdraw their financial support for economic activity in that country, which will cripple the country further. The speed with which money moves around the world is now very different than it used to be as recently as 10 or 15 years ago. It used to be when there was foreign investment in a country, getting that investment out meant couriers going through airports with attache cases filled with crinkly pieces of paper handcuffed to their wrists.

Senator Dole assigned me to work on the Mexican peso problem in early 1995 when the Mexicans devalued the peso. The flight of foreign investment from Mexico took place in a matter of hours, and it was all done electronically—a few keystrokes at a keyboard and the money was gone. The speed with which foreign investment fled Mexico stunned a number of economists who had no idea that the foreign money would disappear virtually overnight.

I think you are going to see that kind of thing repeated as foreign investors say: Our Y2K assessment says Country X's infrastructure is going to fail, their power system is going to go down, their telecommunications system will fail and they won't be able to function. Even though we are confident in the management of the company we are backing in that country, we can't run the risk of having them shut down because of an infrastructure failure. We are going to call the loan, sell the stock, and do whatever is necessary to get our money out before it really hits.

This "flight to quality" may very well mean that the rich get richer and the poor get poorer as a result of Y2K, which raises the other two unknowables, but that we need to be concerned about: One, civil unrest in some of these countries and what that might mean to their economies and their place in the world markets; second, humanitarian requirements.

I say, somewhat facetiously, that we have foreign policy by CNN in this country. That is, when the CNN cameras go into a particular area of the world and send images back to the United States, we then respond. CNN cameras showed starving children in Somalia and George Bush sent in troops. I am not criticizing that decision to send in troops, but I wonder if there might not have been starving children in other parts of Africa that CNN didn't get into and that was the reason we didn't intervene in those countries as well. I have a nightmare of CNN cameras in villages or cities where there is no power, no telecommunications, the banking system is broken down, widespread rioting, and then the request is: What is the United States going to do about it? The United States has its Y2K problem under control—the richest country in the world—and we will be faced with the humanitarian challenge of some real hardship in some real areas.

So, again, Mr. President, that is one of the reasons why the special committee on year 2000 should be funded and continued, so that we can monitor these things in the way we have in the past and provide information and guidance to policymakers who have come to depend upon us as a repository of information in this whole situation.

Mr. DODD. Will the chairman yield?

Mr. BENNETT. Yes, I am through with my formal statement.

Mr. DODD. I see that our colleague is here, and I won't be long.

First, I want to commend Senator MOYNIHAN from New York for an excellent statement. He has been a real value to us on the committee. He brings such a wealth of knowledge, information and experience. I thought his observation about at least some of the material the Defense Department has is a worthwhile suggestion. We might want to explore how to make more of that information available to the general public. I think those who are skeptical about whether or not there is legitimacy in pursuing this committee and making the information available as we require it, their concern would be further dispelled were they to have the ability to share some of the information we have come across.

I commend my colleague from Utah. I think this memo where he has left off the name—and I will respect that as well here, although I will point out that it is not a Connecticut company. Most people would assume that since it is an insurance company, it is probably located in Connecticut; but it is not. We may want to compose a letter to send to the industry as a whole. I would be very curious as to whether or not this is a unique, isolated case, or whether or not it is being duplicated by others.

For those who may not have heard this, we have come across a memo which details a number of different kinds of health care policies that would be significantly affected. In fact, they would be excluded from payment if, in fact, the damages occur "as a result of failure of any machine, equipment, device, system, or component thereof, whether it is used for the purposes or whether or not the property of the insurer to correctly recognize, accept, and process or reform any function: any date or any time after September 8, 1999, to January 1."

Clearly, this is the insurance companies saying "we are not covering you here on this one," which is a very important piece of information. I think we ought to examine and look at that.

This is an early version of OMB's March report that we have been given which rates the Federal agencies in terms of their year 2000 compliance. Basically, there is good news here, Mr. President. An awful lot of agencies are doing pretty well. Some have a long way to go here. I think this may be a worthwhile item to be included in the RECORD.

I ask unanimous consent that Predictions by Country and Worldside Predictions by Industry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREDICTIONS BY COUNTRY

Rate (percent)	Country
15	Australia, Belgium, Bermuda, Canada, Denmark, Holland, Ireland, Israel, Switzerland, Sweden, United Kingdom, United States.
33	Brazil, Chile, Finland, France, Hungary, Italy, Japan, Korea, Mexico, New Zealand, Norway, Peru, Portugal, Singapore, Spain, Taiwan.
50	Argentina, Armenia, Austria, Bulgaria, Columbia, Czech Republic, Egypt, Germany, Guatemala, India, Japan, Jordan, Kuwait, Malaysia, Poland, Puerto Rico, Saudi Arabia, South Africa, Sri Lanka, Thailand, Turkey, U.A.E., Venezuela, Yugoslavia.
66	Afghanistan, Bahrain, Bangladesh, Cambodia, Chad, China, Costa Rica, Ecuador, El Salvador, Ethiopia, Fiji, Indonesia, Kenya, Laos, Lithuania, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Philippines, Romania, Russia, Somalia, Sudan, Uruguay, Vietnam, Zaire, Zimbabwe.

WORLDWIDE PREDICTIONS BY INDUSTRY

Rate (percent)	Industry
15	Aerospace, Banking, Computer Manufacturing, Insurance, Investment Services, Pharmaceuticals.
33	Biotechnology, Chemical Processing, Consulting, Discrete Manufacturing, Heavy Equipment, Medical Equipment, Publishing, Semiconductor, Software, Telecom, Power, Water.
50	Broadcast News, Hospitality, Food Processing, Law Enforcement, Law Practices, Medical Practices, Natural Gas, Ocean Shipping, Pulp and Paper, Television, Transportation.
66	City and Town Municipal Services, Construction, Education, Farming, Government Agencies, Healthcare, Oil.

Mr. DODD. Lastly, I don't have this with me, but I am going to ask unanimous consent that it be printed in the RECORD as well, Mr. President. I spent a couple of hours yesterday in my State with the Garner Group, a successful firm that represents 35,000 clients worldwide—public and private entities—and has a pretty good fix on what is happening at home and abroad. They have a new assessment, an updated assessment, an industry-by-industry assessment worldwide, national assessments, and for major nations around the globe as to where they are in all of this. I thought it might be worthwhile for the public and our colleagues to see that most recent information.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENT-WIDE SUMMARY—YEAR 2000 STATUS MISSION-CRITICAL SYSTEMS

[In percent]

Agency status	All systems	Systems being repaired			
	Y2K complaint [1]	Assessment complete	Renovation complete [2]	Validation complete [3]	Implementation complete [4]
Tier Three:					
NASA, FEMA, Education, OPM, HUD, Interior, GSA, VA, SBA, EPA, NSF, NRC, SSA	96	100	100	99	96
Tier Two:					
Agriculture, Commerce, Defense, Energy, Justice, Labor, State, Treasury	77	100	94	83	74
Tier One:					
U.S. Agency for International, Development Health and Human Services, Transportation	63	100	98	79	42
All Agencies	79	100	96	87	76

[1] Percentage of all mission-critical systems that will accurately process data through the century change; these systems have been tested and are operational and includes those systems that have been repaired and replaced, as well as those that were found to be already compliant.

[2] Percentage of mission-critical systems that have been or are being repaired; "Renovation complete" means that necessary changes to a system's databases and/or software have been made.

[3] Percentage of mission-critical systems that have been or are being repaired; "Validation complete" means that testing of performance, functionality, and integration of converted or replaced platforms, applications, databases, utilities, and interfaces within an operational environment has occurred.

[4] Percentage of mission-critical systems that are being or have been repaired; "Implementation Complete" means that the system has been tested for compliance and has been integrated into the system environment where the agency performs its routine information processing activities. For more information on definitions, see GAO/AIMD-10.1.14, "Year 2000 Computing Crisis: An Assessment Guide," September 1997, available at http://cio.gov under year 2000 Documents.

Mr. DODD. I point out to my chairman that one of the industries they point out that is not doing very well—it is not doing badly, but not very well—in terms of being Y2K compliant; it is the broadcast news industry, and particularly television. So when my colleague refers to "foreign policy by CNN," he is accurate, but one of the problems is that CNN may have a problem—and I am sure they will respond very quickly. But I thought it was interesting when I went over this last evening detailing some of the industries identified as ones that have work to do, and broadcast news was one that is lagging behind.

I also see our colleague from Oregon. Before he shares his thoughts, I want to thank him as well. He has been a tremendous asset to our committee. He has brought a wonderful perspective since he joined this body, and comes from the public sector as well as the private sector. He served in the legislature in his own State with great distinction, but also he comes with a private sector perspective, which has been tremendously helpful throughout the hearings. And I thank him for his attention and for the time he has brought to this issue as well.

I yield the floor.

Mr. BENNETT. Mr. President, I join my friend from Connecticut in thanking the Senator from Oregon for his diligence on this committee. He comes to the hearings and he contributes. He pays attention. He has blazed a way with the meetings he held in his home State. As I say, I would encourage all other Senators to follow his example. I am happy to yield to him such time as he may require.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Thank you, Mr President. I thank Chairman BENNETT and Senator DODD. It has been a great pleasure and a real privilege for me to participate in this committee with them.

I can tell you that I sought membership on the committee when I heard about its creation. I sought membership not because I am some computer whiz—in fact, my kids are always trying to teach me new things we can do with it—but, frankly, because I recognized that my State, as well as yours, is very much focused on the development of the high-tech industry. Oregon has grown in high-technology in a remarkable fashion in the last decade. So I thought it would be important. I didn't realize how important it would be until feeling my oats as a member of this new committee.

Last year, I held a town hall meeting in Medford, OR. We published notice of it. Usually at a town hall you get 20 or 30 people to show up who want to talk about some public policy. But we said it was going to be about Y2K. There were over 1,000 people who came to that meeting. I realized we were on to something here.

If any of my colleagues are listening to me at this time, I would say to them that no matter what State you are from, if you want to get the attention of the people you are trying to serve, call a Y2K town hall. You will be amazed. And you will perform a great public service to the people who are becoming aware of this, mindful of it, some afraid of it, some panicked by it.

What I have found in Oregon is that by going home to meet with my constituents and saying, "Look, don't panic, but begin to be prepared," has had a calming effect on my State. I thank these two leaders in the Senate, these men who led this committee, because when they first began talking about this issue —and I know in the Republican caucus Bob BENNETT was sort of Chicken Little; he is Paul Revere now, and I honor him and salute him as that. I think, frankly, Chris DODD has done the same thing in the Democratic caucus. We all look to them with renewed respect, and deserved respect, because they have been the Paul Reveres for this country on this issue. It has been a great pleasure to serve with them.

I encourage my colleagues to vote for this bill that will allow the committee to continue to do its wonderful work. I was proud to vote this morning for another bill that would allow the SBA to help small businesses become Y2K compliant.

Chairman BENNETT asked me to focus my service on the committee on the whole business industry. Having come from the private sector, I will tell you that businesses have a ways to go, but they are making great progress, because the motive of the business man or woman is to make a profit. I found that for a food processor, for example—whatever the Government standard was, it was an important standard. It was always the floor and was never the ceiling. And when I wanted to sell frozen peas, I wasn't trying to sell it to the Government, I was trying to sell it to Campbell Soup, whose standard is much higher than those of the Government.

So for me as a business person, when Y2K would come to my desk, I would say, "How does this affect my ability to sell my product and make a profit?"

So I say to all business people, this could affect your ability to stay in business and make a profit. So if you are interested in a profit, get interested in Y2K and figure out how it is that this computer glitch might affect either your energy supply, your financial services, your transportation, and your ability to communicate with the world. These things are all interconnected.

I never realized as fully as I do now as a member of the committee just how interconnected we are as a country, and now as an entire world. I would predict, as others have, that our problems in this country will be theirs. This is real. But it will not be of a millennial nature, like some fear. But in some parts of the world it may well be. And a business man or woman is going to have to figure out how to deal with an international trade world that is having to adjust to these Y2K problems.

I want to also say, to comfort the people out there, that the United States is prospering right now relative to the rest of the world in a remarkable way, in part because during the 1980s and the 1990s American industry began to retool. As we have retooled and restored our industrial base, we have done so with Y2K-compliant equipment and computerization. This will all make the bump in this country much smaller than it otherwise would be.

So there are lots of reasons for optimism. But there is still much work to be done.

I am just pleased to participate with my colleagues today, and I know that a vote is pending. So, Mr. President, without further delay, I encourage all of my colleagues to vote for this legislation. Today, I think has become something of a Y2K Day, and it does a great service to our whole country to alert them to the real dangers and not the mirages.

In a hearing I recently held in my State, I heard a tragic story about a gentleman who had listened to some literature that caused him to panic. He went out and took all of his savings from his personal account, roughly $30,000. But somebody heard that he had done it and went and robbed him of his life savings.

So don't panic; just simply be prepared. Find a reasonable level of storage for food and water for your family, take some copies of your financial statements, check your own computers, but don't do things that are unwarranted, because that will be something of a self-fulfilling prophecy. We are not here to be self-fulfilling prophets; we are here to be Paul Reveres, as Senator BENNETT and Senator DODD have shown us how to be.

Mr. President, I yield the remainder of my time. I urge an "aye" vote on this bill.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am prepared to yield back all time, both for myself and Senator DODD, and call for the yeas and nays on the underlying question.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 7, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) is absent attending a funeral of a family member.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—92

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Allard
Gramm
Gregg
Helms
Hutchison
Thomas

NOT VOTING—2

Byrd
McCain

The resolution (S. Res. 7), as amended, was agreed to.

S. RES. 7

Resolved, That section 5(a)(1) of Senate Resolution 208, agreed to April 2, 1998 (105th Congress), as amended by Senate Resolution 231, agreed to May 18, 1998, is amended by—

(1) striking "$575,000" the second place it appears and inserting "$875,000"; and

(2) striking "$200,000" and inserting "$500,000".

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to take just a moment to once again express my appreciation to the leaders on the subject matter just passed overwhelmingly. The Senator from Utah, Senator BENNETT, and the Senator from Connecticut, Senator DODD, have done outstanding work.

I think they have served not only the Senate but the country well by highlighting the problems in this area with Y2K, but doing it in a way that does not cause undue alarm or panic. But it has been very helpful to Senators to hear what they have had to say, both in the closed session and also here on the floor this afternoon. I believe they have contributed mightily to the prospect of us dealing much more with the problems adherent in this area and getting some results before we face the turn of the century. So I commend them for their fine work.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to a motion to proceed to the education flexibility bill, S. 280, and there be 30 minutes under the control of Senator WELLSTONE tonight with 3 hours 30 minutes under his control tomorrow and 30 minutes under the control of Senator JEFFORDS, or his designee, and following the conclusion or yielding back of that time, the Senate proceed to a vote on the motion.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object. I am just inquiring of the leader—since this is the legislation, I would like to, as the ranking member, make a brief opening statement, as we proceed to this motion, for 10 minutes. I ask for 10 minutes tonight.

Mr. LOTT. That probably would even be helpful if the Senator could do that tonight.

Mr. KENNEDY. Yes. And then if it is agreeable——

Mr. LOTT. Do I need to modify, then, my unanimous consent request to that effect? I don't believe I would. I will take care to make sure we get that 10 minutes designated in the balance of our request.

Mr. KENNEDY. At the start.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the motion to proceed.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 280.

Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I need to just clarify a couple points before we begin this time. I further ask unanimous consent that before we proceed to the time designated for Senator WELLSTONE that Senator KENNEDY have 10 minutes to make an opening statement as the manager of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Therefore, in light of this consent, there will be no further votes this evening. The Senate will debate the motion to proceed to the education flexibility bill this evening.

Mr. President, I appreciate the cooperation of my colleagues on both sides of the aisle in working out this agreement. I know the Senator from Minnesota wishes to have some extended time to talk on this matter, but we have worked it out in a way he will have his time to talk, we will get the vote, and we can go on to debate the substance of this very important, broadly bipartisan supported bill.

I thank Senator DASCHLE for his cooperation in helping make this arrangement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes and the Senator from Minnesota will be recognized for 30 minutes.

Mr. KENNEDY. Mr. President, first of all, I welcome the opportunity that the Senate of the United States now in this early part of March will be considering various education policy questions because I believe, like other Members of this body, that the issues of education are of central concern to families all over America. I firmly believe that what families all over America are looking for is some form of partnership between the local community, the State, and the Federal Government, working in harmony to try to enhance the academic achievement and accomplishment for the young people in this country.

I think all of us are very much aware that enhancing education achievement is a complex issue, and therefore we have a variety of different kinds of ideas about how best that can be achieved. I think all of us understand that the Federal role has been a limited role. It has been a limited role in identifying where, as a matter of national policy, we want to give focus and attention to children in this country. Historically, that has been the focus and attention in terms of the neediest, the disadvantaged children in this country.

There have been other areas. For example, those that have some special needs. We have also been helpful in providing help and assistance to schools in terms of nutrition programs, breakfast and lunch programs. There has been a program in terms of the bilingual, help and assistance in Goals 2000 under President Clinton to try and help and assist local communities to move ahead in terms of education reform, and a number of other very important areas.

Tomorrow we will begin the debate on education policy. The issue that is going to be before the Senate will be whether we are going to provide additional kinds of flexibility to the States and the school districts in their use of a number of the Federal programs that reach out into the communities.

In 1994, we had reauthorization of the title 1 program. I joined in the initiative with Senator Hatfield. It was his initiative in providing a test program where we permitted a number of States to effectively waive the regulations on the title I programs with the assurance that the objective of the title I programs would be maintained and that the resources could be targeted to needy children. We have seen over a period of time a number of States take advantage of this flexibility.

There have been other school districts which have had the opportunity to make application—some of them have, but not many. What is before the Senate now is the consideration to effectively permit greater flexibility in the States and local communities for the using of title I funds. Ninety percent of the waivers that have been considered to date have been on the title I programs. There are other programs that can be waivers, but those have been the title I programs.

By and large, it is for reasons that have been best established within the local community. There have been waivers granted when they have not been able to reach a 50-percent standard of poor and needy children. It might be 48 or 45 or in some instances 40-percent poverty children. Without that waiver, there would not be the kinds of additional resources that would be available to that school to help and assist the needy children.

Now we are embarked on a more extensive kind of a consideration of a waiver program. What I think we understand is if we are going to get into providing additional waivers, we need to have important accountability about how these resources that are going to be expended are going to be used to help and assist the academic achievement of the targeted group, which are the neediest children. Tomorrow we will have an opportunity to go over that particular issue with Senator FRIST and others after we have an opportunity to move toward the bill.

Mr. President, I think, quite frankly, I would have agreed that there is a certain logic in considering the waiver provisions when we reauthorize the total bill. I don't have an objection to the consideration of this legislation. It may be a valuable tool in terms of a local community if we are going to be assured that these scarce resources that we have available that today are targeted on the neediest children, are going to go to the neediest children; that we are going to ensure that parents are going to be involved in any decisions; that it is going to affect those children, and that we are going to maintain our content and performance standards which are out there now so we can have some opportunity to be assured that those children are actually benefiting from any alteration or change from what has been the Federal policy; and that there will be ultimately the judgment of the Secretary of Education that if the measure is going to violate the fundamental principle of the intent of the legislation, then the power still retains within the Secretary of Education not to permit such a waiver to move ahead. That is basically the initial issue that we will be debating.

We will also, I think, have an important opportunity to debate the President's proposal for smaller class size. That is something which is very, very important. We made a downpayment with Republicans and Democrats alike at the end of the last session to ensure additional schoolteachers in local school districts, and now the school districts themselves are going to wonder whether that was really a one-time only or whether it will be as the President intended to be—a commitment over a period of some 6 years. The afterschool programs which have been such a success, which the President and Secretary Riley have talked about—there will be initiatives, hopefully, in those areas. There are excellent programs by Senator BINGAMAN in terms of school dropouts that has been accepted in the past by this body; I hope we will be able to give attention to that area.

There will be a limited but important group of amendments which we think can be enormously helpful and valuable to our local communities in terms of being that kind of constructive partner in enhancing the education for the children of this country.

So that is where we are going, and I welcome the chance to have that debate over the period of these next several days. There are many things that are important in this session, but this will be one of the most important.

Finally, let me say I want to pay tribute to my friend and associate from Minnesota, Senator WELLSTONE, who has very strong views in terms of making sure these resources are going to actually be targeted to the neediest children in this country. He has been an effective and forceful fighter for those children. I know he will speak for himself, but he really questions whether any of these kinds of waivers can still give the kinds of assurances, as we have them in the current legislation, that will target those funds to the children. It is a powerful case that he makes—one that should be listened to by our colleagues—and it is a very persuasive case that he makes. We have come to a different conclusion, but I have enormous respect and friendship for him.

I must say that our colleagues should listen to him carefully on the points he is making, because I think he speaks for the neediest children in this country, as he has so often. It is a position that is a respectable position and I think a very defensible position, and I think it underlies the kind of central concerns many of us have if we fail to have the kind of accountability that hopefully will be included in the legislation. So I thank him for all of his work and for his consistency in protecting the title I children. I hope that all of our colleagues will pay close attention to what I know will be a very important statement.

I yield whatever time I have back, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has 30 minutes.

Mr. WELLSTONE. Mr. President, first of all, let me thank Senator KENNEDY for his very gracious remarks. There is nobody in the Senate that I have more respect for, and I much appreciate what he had to say. I hope that we will, in fact, be in partnership on some critical amendments. In fact, I know we will be in partnership on some critical amendments that the Senate will be voting on.

Mr. President, I am debating this motion to proceed, and I am going to use a half hour tonight to kind of spell out or give an outline of where I am going to be heading, and then I will use 3½ hours tomorrow.

Mr. President, this is what I want to say on the floor of the Senate, and I hope that it is important. We have a piece of legislation that is on the floor of the Senate and I wonder why. This bill is called the Ed-Flex legislation, the Ed-Flex bill. But we never had a hearing in the U.S. Senate—not one hearing in one committee, the Labor and Human Resources Committee, on this bill. We never had an opportunity to listen to different people who are down in the trenches working with children. We never had an opportunity to carefully evaluate the pluses and minuses. Yet, my Republican colleagues bring this bill to the floor.

Secondly, it is absolutely true—and Senator KENNEDY did an excellent job of summarizing this—that there are a number of States that have moved forward. I voted for the legislation—and Senator KENNEDY was a coauthor of it—to give the States flexibility. I thought the agreement was that we would then be able to see what States have done and then reach a final judgment as to whether or not we wanted to pass such a sweeping piece of legislation. I will talk about why I think it is sweeping, not in the positive but in the negative. As the General Accounting Office pointed out, we don't have any evaluation of what these different States have done with this flexibility. Have they used this Ed-Flex bill to dramatically improve the opportunities for poor children in their States or not? We don't know. Yet, this bill is now on the floor of the U.S. Senate.

Mr. President, I am opposed to this piece of legislation. It passed 18–1 in committee, but I am opposed to this piece of legislation. I hope other colleagues will join me as this debate goes forward, for several reasons. First and foremost, I believe this legislation—just taking this bill for what it is—is a retreat from a commitment that we made as a nation in 1965 to poor children in America. We made this commitment and had title I as a provision in the Elementary and Secondary Education Act because we knew, unfortunately, that for all too many poor children and their families—you know, they are not the ones with the clout—they were not receiving the educational assistance and support that they deserved; thus, the title I program. It is now about $8 billion a year. I want to talk about the funding level of this program a little later on.

What this legislation does is it essentially turns the clock back 30 or 35 years. This legislation now says that we no longer, as a nation, as a Federal Government, will continue with this commitment. We will give money to States and they will decide what they want to do.

I am all for flexibility. I just wonder, where is the accountability? At the very minimum, in such a piece of legislation shouldn't there be clear language that points out that the basic core provisions of title I, which provide the protection for poor children in America, are fenced off and no State will be exempt from those provisions? That is to say that these children, low-income children, will have highly qualified teachers who will be working with them, that these low-income children will be held to high standards, that these low-income children will have an opportunity to meet those standards, and that the poorest communities with the highest percentage of low-income children will have first priority on the title I funding that is spent. All of that, with the legislation that is before us, can be waived. No longer will we have any of these standards.

So you have two issues. No. 1, you have the lack of accountability on the very core provisions of title I that are so important in making sure that this is a program that works for poor children. No. 2, you have a problem just in terms of dilution of funding.

One of the amendments I will have on the floor will say that this title I funding that goes to different States—that those schools with 75 percent low-income students, or more, will have first priority in that funding. The funding has to first go to those schools. Right now, with this legislation, we have moved away from that. In 1994, when we went through this, we had an amendment that said that schools with over 75 percent low-income students had first priority for this funding. Now we abandon that in this legislation. So, first of all, let me be crystal clear about why I object to this. I object to this piece of legislation because it represents an abandonment of a national commitment to poor children in America, and, frankly, I am disappointed in my colleagues. I am disappointed in my colleagues on both sides of the aisle, but I am especially disappointed in my Democratic colleagues. Where is our sense of justice? Whatever happened to our fight for poor children? How could we have let this legislation just move forward and come right to the floor in its present form? Where is our voice? I don't understand it.

I am sorry if I sound—well, I am worried about sounding self-righteous; I don't want to, but I certainly feel strongly about this. I think the silence of the Democrats is deafening on this question.

Now, second of all, Mr. President, I am going to take time tonight—I won't take much time tonight, but I will have a lot of time tomorrow—to raise another question about this legislation. No wonder people in our country become cynical about politics because this Ed-Flex bill—see, I understand the politics of it. It is hard to vote against it. It is called Ed-Flex, which is a great title.

Then we say get the money to the States, get the Federal Government out, it is politically—yes. I see how it works. But do you want to know something? I don't want to let anybody —any Republican or any Democrat—pass this legislation off as some great step forward in expanding opportunities for children. It is not a great step forward for children. It is a great leap backwards. It is a great leap backwards because it is an abandonment of our commitment to poor children. It is an abandonment of our standard which should be met by title I programs for poor children. I will tell you something else; it is a great leap backwards, or a great leap sideways, because it doesn't represent what we should be doing for children in this country. Tomorrow I will have an opportunity to outline some of the directions that I am going to go in. But let me just raise a few questions.

When I am home, what most people in communities tell me that are down in the trenches working with children, and what most of the State legislators tell me who are education legislators, is, "PAUL, the Federal Government is a real player in a number of different areas." Title I is one, and another is early childhood development. Here is how you can help us out pre-K. We have a White House conference on the development of the brain. We have all this literature that has come out. I have read a lot of it about the development of the brain. The fact is irrefutable and irreducible—that if we don't get it right for children by age 3, many of them will never be prepared for school. They will come to kindergarten way behind and then they will fall further behind and further behind and then they will wind up in prison.

But we don't have a piece of legislation out here on early childhood development. And, frankly, the President's budget is pathetic, much less the Republicans' proposing even less. I mean, in the President's budget, I think maybe at best 20 percent of those low-income families that would be eligible for assistance are going to be able to receive any. And what about middle-income? I cannot believe that we are continuing to play symbolic politics with children's lives.

If we were serious about a piece of legislation on the floor of the U.S. Senate that would really do something positive for children, then we would be about the business of making sure that working families can afford the very best child care for their children. And we don't do that. Instead, we get Ed-Flex, which won't do one additional positive thing that will help expand educational opportunities for children in this country, especially among poor children of this country.

Mr. President, let me talk about another area that I think is really important.

Children's Defense Fund study this past year: Every day in America three young people under age 25 die from HIV infection, 6 children commit suicide; 13 children are homicide victims; 14 children are killed by firearms; 81 babies die; 280 children arrested for violent crime; 434 babies are born to mothers who have late or have no prenatal care; 781 babies are born at low-birth weights; 1,403 babies are born to teen mothers; 1,087 babies are born without health insurance; 2,430 babies are born into poverty; 2,756 children drop out of high school every schoolday; 3,346 babies are born to unmarried mothers; 5,753 children are arrested; 8,470 children are reported abused or neglected; 11.3 million children are without health insurance; and, 14.5 million children live in poverty.

Do we have a piece of legislation out here on the floor that deals with the fact that one out of every four children under the age of 3 in America are growing up poor? Do we have a piece of legislation that deals with the reality that one out of every two children of color under the age of 3 in America are growing up poor?

I was talking to about 350 principals in Minneapolis-St. Paul about 2 weeks ago. And they said to me, "There is another issue, PAUL." It is not just that so many kids come to school way behind. Ed-Flex does nothing for those children. It is also that a lot of children come to school emotionally scarred. These children have seen violence in their homes. They have seen violence in their neighborhood. And they need a whole lot of additional support.

Is there a piece of legislation out on the floor that calls for the Federal Government to get resources to local communities, then let them be flexible, let them design the programs that can provide the support for these children? No. Not at all. Instead we get Ed-Flex.

Mr. President, we have a program in this country called Head Start. It does just what the title says it does. It is an attempt to give a head start to children who come from impoverished backgrounds. I am amazed at the men and women that are Head Start teachers. I am amazed at the men and women that are child care workers. Their work is so undervalued. They barely make above minimum wage. Do we have a piece of legislation out here on the floor that provides more funding for Head Start? No. Mr. President, instead, we have a budget from the President that essentially says that we will get the funding to one-half of the eligible Head Start families and children at best. It is an embarrassment. It is an embarrassment. We have a program, a Head Start program, to provide a head start for children from impoverished backgrounds. We know it makes a real difference, and we don't even provide the funding for half of the children that could benefit. I don't think that is pre-teen. I think that is just 4 and 5-year-olds, much less early Head Start.

Does Ed-Flex do anything about providing the support for children for the Head Start program? No. Does it speak to early childhood development? No. Does it speak to afterschool care? No. My colleagues will have amendments on the floor. And good for them. We will be supporting them and speaking for them about smaller class sizes, about rebuilding crumbling schools, about involving parents, about giving children hope. All of that is important. Does this piece of legislation deal with any of that? No.

Mr. President, I am going to present some jarring statistics that translate into personal terms tomorrow about the whole lack of equity financing in education. I will draw from my friend, Jonathan Kovol, who wrote "Savage Inequality." It is incredible that some children in our country—probably not the children of Senators and Representatives—go to schools without adequate lab facilities, without enough textbooks, without proper heat, delapidated buildings. And they don't have the financing. They don't have the financing for computers. They don't have the financing so students can be technologically literate. They don't have the financing for the best teachers. There are huge disparities.

Does this piece of legislation called Ed-Flex do anything to deal with the fact that we have such dramatic inequalities in access to good education for children in America? Does this piece of legislation, Ed-Flex, say that since our economy is doing so well, surely today we can provide a good educational opportunity for every child? No. It doesn't do any of that. What it does is it turns the clock back.

I can't believe so many of my colleagues have caved in to this. How could we have let a bill come to the floor pretending to be a great initiative to improve the education of our children when it doesn't, and, in addition, turns the clock back and takes the accountability and takes some of the core requirements of title I, and no longer makes that the law of the land, no longer says that we have a national commitment, and essentially says to the States do what you want without any accountability? What do you think is going to happen to these children? Some States may be better. I hope it will be in Minnesota. I will tell you what. I will make some of my colleagues angry in other States. It will be worse. It will be worse.

That is why we have title I. That is why we have the IDEA program. We know that unless you have a real commitment to children—IDEA is not covered in this bill. But unless you have a real commitment to children with disabilities, or low-income children, they are not going to get the assistance or the support.

Let me now turn to the third argument I want to make tonight, and I will develop this in much more detail tomorrow.

Here is the other thing that is so disingenuous about this Ed-Flex legislation. We ought to have some direction—and I will try to have an amendment that talks about this—for funding. We are spending $8 billion a year, and that is about a third, according to the Congressional Research Service, of what we need to be spending if we are, in fact, going to reach all the children who are eligible for this help and all the schools that are eligible. And you know what. When I met with the teachers, when I met with the principals, when I met with the educators in my State of Minnesota, they could not identify one provision in title I right now that needs to be changed in order for them to have the flexibility to do their best for children. And when we get into the debate, I am going to ask my colleagues to list what exactly the provisions are that create the problem, that create the impediment for the reform to do our best by these children. So far I haven't heard of any. I haven't heard of one statute. I haven't seen any of my colleagues identify one statute.

I will tell you what the men and women who are involved in education and who care about children tell me about title I. "Senator, we don't have enough funding." That is what this is all about. We don't provide enough funding, and then it becomes a vicious zero sum game. So, for example, if you are a school with over 50 percent low-income children, you get some help for those children, but if you are under 50 percent, even though you have a lot of children, you don't get any funding at all. That is because we have such a limited amount of funding, and when we divide it up in our school districts, we allocate it to the schools with the highest percentage of poor children, but then many other schools with many poor children don't get any funding at all.

Let me give some examples. St. Paul. There are about 60 K–12 public schools in the St. Paul School District in Minnesota. There are 20 schools in St. Paul with at least 50 percent free and reduced lunch that receive no title I funds at all. One-third of St. Paul schools have significant poverty and receive no title I funds to help eliminate the achievement or learning gap.

There it is right there. Where is the discussion of the funding? We are making Ed-Flex out to be some great thing for our school districts and our local communities and we are not providing the resources that are needed.

Example. Five senior high schools receive no title I funding. Humboldt Senior High has 68 percent of its students on free and reduced lunch, no title I. A school with a 68 percent low-income population doesn't receive any title I funding because after we allocate it, there is so little that it goes to schools with an even higher percentage of low-income students. There is nothing left.

Let's get honest and let's get real and let's talk about funding if we want to make a difference.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent free and reduced lunch but receives no title I funds. Frost Lake Elementary School, 68 percent free and reduced but no title I. Eastern Heights Elementary School, 64 percent free and reduced but no title I. Mississippi Magnet Elementary School, 67 percent of the students are low income, no title I.

The St. Paul School District in Minnesota, if it had another $8 million, could reduce class size, it could increase parental involvement, it could have good community outreach, and it could hire additional staff to work with the students who have the greatest need. But we don't have the funding. And we have a bill out here called Ed-Flex that pretends to be some great, some significant commitment to children and to education in our country. Can't we do better than that?

Let me talk about Minneapolis, and this is just a draft of what Minneapolis is expecting on present course. Here is what Minneapolis is going to get with Ed-Flex but no additional funding. This is basically what is going to happen. Of the 87 K–12 schools in Minneapolis, 31 schools will receive no title I funds, 14 schools which have at least a 50 percent low-income student population will receive no title I. That is unbelievable. Schools that have over 50 percent low-income student population do not receive any funding because there is not enough funding. I don't hear any discussion in this Ed-Flex bill about funding or pointing us in the direction of additional funding.

Let me give some examples. Burroughs Elementary School, 43 percent free and reduced, will receive no title I funding. Anthony Elementary School, 42 percent low-income, no title I funding. They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing and to improve parental involvement. Marcy Open Elementary School, 44 percent low-income, no title I funding. The school is in danger of losing 10 educational assistants because the funding level doesn't keep up with the kids and what needs to be done. Kenny Elementary School, 39 percent low-income, no title I funding. This school would use the additional resources, if they had them, for additional tutors in small group instruction, to buy certain computer-assisted instruction, make the "Read Naturally" Program available to more students, and focus on the students who are English language learners. No funding. Dowling Urban Environmental Learning Center, 45 percent free and reduced lunch, no title I, and they would use this to help prevent students from becoming special ed students, do early intervention to help students succeed.

Well, Mr. President, I don't know how much time I have remaining tonight. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. WELLSTONE. Six minutes. Well, let me just kind of read from—I will give plenty of examples tomorrow of great success, but I have just a few comments from constituents of mine. Vicki Turner says:

> The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now as a teacher for the program.

Gretchen Carlson Collins, title I director, Hopkins School District, said:

> There is no better program in education than title I of the ESEA. We know it works.

John and Helen Matson say:

> How can anyone question the need for a strong ESEA. Ed-Flex waivers are an invitation to undermine the quality of public school systems.

High school senior Tammie Jeanelle Joby was in title I in third grade.

> Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica. I may specialize in special education or kindergarten.

And the list goes on.

Mr. President, tomorrow I will develop each of these arguments. Tonight, let me just kind of signal to my colleagues that I am debating this motion to proceed, and I will have amendments and I will fight very hard on this piece of legislation because this is a rush to recklessness. Unfortunately, the recklessness has to do with the lives of children in America, specifically poor children in America. And I find it hard to believe that we have a piece of legislation which will have such a critical and crucial impact on the lack of quality of lives of children in our country that we brought this piece of legislation to the floor of the Senate without even a hearing, and we brought this piece of legislation to the floor of the Senate without even seeing how different Ed-Flex States, which are part of the demonstration projects, are doing right now.

Mr. President, I am not going to let my colleagues, Republicans or Democrats, pretend that this piece of legislation represents some major step forward for education for children in America. It does not. I think at least some of my colleagues—Senator KENNEDY spoke about this—are going to have some amendments that I think really will make a difference.

Second, I am going to make it as clear as I can tomorrow, and as crystal clear as I can with amendments and with debate—and I am ready for the debate—that in no way, shape or form is it acceptable for the U.S. Senate to support a piece of legislation which essentially turns its back on or abandons our national commitment to poor children in America to make sure that the standards are met, that there are good teachers, that the money goes to the neediest schools and the neediest children, that there are high standards, that the schools are required to meet those standards, that we have some evidence of progress being made. The core requirements of title I must remain intact.

This piece of legislation on the floor right now does not require this to be the case. This piece of legislation essentially removes those core requirements and leaves up to the States what they want to do. This piece of legislation essentially wipes away the requirement that the money should go to the neediest schools first and allows States to do what they want to do. That is not acceptable. That is an abandonment of our commitment to low-income children in America. I look forward to this debate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, the topic which I would like to speak about during this brief time on the floor is one which is important to millions of Americans and involves two of our most important and successful programs: Social Security and Medicare.

They are so important to so many families that President Clinton has proposed that 77 percent of the surplus which we anticipate over the next few years be invested in both of these programs so that they will be available for future generations of Americans.

There are some who believe that the surplus, as it is generated, should be spent instead and invested in tax cuts for Americans. Of course, any politician, any person in public life, proposing a tax cut is going to get a round of applause. People would like to pay less in taxes, whether they are payroll taxes, income taxes, or whatever. But we have to realize that a tax cut is instant gratification and what the President has proposed instead is that we invest the surplus in programs with long-term benefits to not only current Americans but those of us who hope in the years ahead to take advantage of them as well.

We have to keep the security in Social Security and the promise of good medical care in our Medicare Program. And I think we have to understand that just solving the problems of Social Security is not enough; income security goes hand in hand with health care security.

One of the proposals coming from some Republican leaders suggests that there would be a tax cut. And as you can see from this chart, the Republican investment in Medicare under this plan is zero, and the Republican investment in tax cuts, $1.7 trillion.

Now, of course, that is quite a stark contrast. Instead of prudent investments, I am afraid that many of those who suggest tax cuts of this magnitude are not really giving us the bread and butter that we really need for these important programs like Social Security and Medicare. Instead, they are handing out these candy bar tax cuts. I do not think that that is what America needs nor what we deserve. Let me take a look at the tax cut as it would affect individual American families.

There is a question that many of us have when we get into the topic of tax cuts, and that is the question of fairness, progressivity: Is this tax cut really good for the average working family? One of the proposals which has been suggested by a Republican leader and Republican candidate for President, who serves in the House of Representatives, is an across-the-board tax cut. Well, take a look at what this means for the families of average Americans.

For the lower 60 percent of wage earners in America, people making $38,000 or less, this Republican tax cut is worth $99 a year, about $8.25 a month—not even enough to pay the cable TV bill. But if you happen to be in the top 1 percent of the earners, with an average income of $833,000, your break is $20,697.

I listened over the weekend while one of our noted commentators, George Will, who was born and educated in my home State of Illinois, suggested: Well, of course, because people who make this much money pay so much more in taxes, they should get a larger tax cut.

We have been debating this for a while, but we really decided it decades ago. In a progressive tax system, if you are wealthy, if you have higher income, then in fact you will pay more in taxes. So I do not think it is a revelation to suggest that people making almost a million dollars a year in income are going to end up paying more in taxes. Well, the Republican tax cut plan, as it has been proposed, an across-the-board tax cut, does very little for the average person, but of course is extremely generous to those in the highest income categories.

Today in America, 38 million citizens rely on Medicare, including 1.6 million in my home State of Illinois. By the time my generation retires, this number will have increased substantially. With these increasing numbers of Americans relying on Medicare, and advances in health care technology currently increasing costs, any way you look at it, you need more money for the Medicare Program, unless you intend to do one of several things:

You can slash the benefits; you can change the program in terms of the way it helps senior citizens; you can ask seniors and disabled Americans who use Medicare, who are often on fixed incomes, to shoulder substantially higher costs; you can significantly reduce the payments to providers, the doctors and the hospitals; or you can increase payroll taxes by up to 18 percent for both workers and their employers.

A report that was released today by the Senate Budget Democrats lays out some of these harsh alternatives that would be necessary if the Republicans refuse to make investments in the Medicare Program.

President Clinton says, take 15 percent of the surplus, put it in Medicare; it will not solve all the problems of Medicare, but it will buy us 10 years to implement reforms in a gradual way. The Republicans, instead, suggest no money out of the surplus for Medicare, and instead put it into tax cuts. I think that is a rather stark choice.

Mrs. BOXER. Will my friend yield?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I am so pleased that the Senator from Illinois has once more come to the floor to discuss something so fundamental to our country. I think if you asked people in the country, "What is good about your national Government?" yes, they would say a strong military; they would also say Social Security and Medicare.

Has the Senator talked about the 1995 Government shutdown yet?

Mr. DURBIN. Go ahead.

Mrs. BOXER. I want to ask him a few questions and then let him finish his remarks.

As the Senator was talking and showing this chart, it brought back to me the 1995 Government shutdown. We remember what that was about. Essentially, the President took a very firm stand in favor of Medicare, the environment, and education, and against the kind of tax cuts for the wealthy that would have meant devastating those programs. And the Government actually shut down over this. I am sure my friend remembers, it was a stunning thing. But it was really tax cuts for the wealthy, taking it straight from Medicare.

Now what we have is a situation that is very similar. We know we have to fix Social Security. The Republicans have said they agree with that, but they are silent on the issue of Medicare. They do nothing about shoring it up whatsoever. And yet they propose the same kind of tax cuts.

So I say to my friend, in 1995 Republicans essentially shut down the Government because they wanted these tax cuts at the expense of Medicare. And this year it looks like they are shutting down Medicare so they can go back to these tax cuts.

I wonder if he sensed, as I did, as we watched this budgetary debate unfold—

if it did not bring back all these memories, and how he feels about that, because it was a pretty tough time we went through and I do not want to see those times repeated.

I ask my colleague to comment.

Mr. DURBIN. Of course I remember that period of time. It was an amazing period. I recall particularly the commentator, Rush Limbaugh, who enjoys some notoriety across America. He said: You know, if they closed down the Federal Government, no one would even notice. They were kind of goading us to go ahead and call the bluff of those who wanted to shut it down.

Well, in fact the Government was shut down when Congress failed to pass the necessary bills to continue the funding of Government agencies. And across America people started noticing. I am sure the Senator from California—I was then a Congressman from Illinois—received phone calls from people saying, "Wait a minute. You mean to tell me that these workers cannot go to work and they're going to be paid ultimately? You mean to say the services that we depend on, that Government needs to do, aren't going to be performed?" And that is exactly what happened.

I think the American people were outraged over this, outraged that the Government would shut down. If there were those on the other side who believed that the American people would rally to their cause over this Government shutdown and say, "Oh, you've got it right, give tax cuts to wealthy people, and go ahead and cut Medicare and cut the environmental protection and cut education programs," that did not happen.

Mrs. BOXER. I wonder if the Senator would share with us the chart that he has there, because that goes back to 1995.

Mr. DURBIN. Yes. I am happy to.

Really, it is a good illustration of what happened. Back in 1995 with the Government shutdown, this was a time when the Republican Party was calling for tax cuts of $250 billion and was going to cut Medicare for that to occur. And that is exactly what led to the President's veto of their bill and ultimately led to the shutdown of the Government.

Mrs. BOXER. Let me say to my friend again, I appreciate his leadership on this. We did hold a press conference today, the Democratic members of the Budget Committee, to call everyone's attention to this.

When you deal with a budget the size of this Federal budget, it has a lot of important things that we do. But this is one thing that we need to call attention to, the fact that if we are going to protect Social Security and Medicare, we are going to have to defer these tax cuts for the wealthiest people, some of them earning millions of dollars, who would get back tens of thousands of dollars, while the average person would get back $99. As a result, we would see Medicare essentially shut down as we know it, and we don't want to go through another Government shutdown of that nature. We don't want a Medicare shutdown; we don't want an education shutdown. We want a budget that addresses these issues.

Again, I thank my colleague. He and I have known each other a long time. We have both gone through the situation of aging parents together. We have talked many times about how important Medicare is. I will never forget my friend and I being on the floor of the Senate when there was a move to raise the eligible age for Medicare. He and I stood here and fought. We said right now people are praying that they will turn 65 so they can get some health insurance, and then if we increase that age when we should actually be reducing the age that people can get Medicare—we should allow the President's plan to go forward on that as well, to allow people to buy in if they have no Medicare at 55, 60, and 62. This was going to raise the age. We told the stories of our families and how Medicare brought peace to our aging parents.

So we are, I think, going to stand shoulder to shoulder through to the fight.

I want to again thank him for yielding.

Mr. DURBIN. I thank the Senator from California.

Of course, she raises a point near and dear to all of us. Some people think Medicare is a program that seniors worry about. I think it is a program that their children worry about. They want to make sure that their mothers and fathers—grandparents in some instances—have the protection of Medicare. It is hard to believe this program only dates back about 35 years. It is a program that has now become so essential, and it is a program that has worked.

As a result of the Medicare Program, people are living longer, the quality of health care for elderly people has improved. At the same time, the Medicare Program has really democratized health care across America. Hospitals, which once might have served the very elite clientele, now serve virtually everyone because they are part of the Medicare Program. I think that is a plus. I think that says a lot about our country.

I worry when I look at the alternative budget plans here because the Democratic plan is very specific. It says if there is to be a surplus—and we think there will be—that this surplus should be used for specific purposes: to save Social Security and to preserve Medicare. Unfortunately, on the other side, there is no mention of Medicare. The Republican proposal doesn't talk about putting any of the surplus into Medicare.

That, I think, is shortsighted, because if you don't put the surplus, a portion of it, into Medicare, it causes some terrible things to occur. For instance, to extend Medicare to 2020 without new investment, without the influx of capital which we are talking about in the surplus, and without benefit cuts and payroll tax increases, we would need to cut payments to providers by over 18 percent. That is a cut of $349 billion. For the average person, these figures, I am sure, swim through their head. They think, What can that mean?

What it means is your local hospital, your local doctor, the people who are providing home health care for elderly people to stay in their homes, would receive less in compensation. As they reduce their compensation, many of them will not be able to make ends meet. I have seen it happen in Illinois already.

I have been somewhat critical of the Clinton administration. Some of the changes they have made in home health care services, I think, are very shortsighted. Many seniors, for example, would love to stay in their homes. That is where they feel safe and comfortable. They have the furniture and the things they have collected through their lives and their neighbors who they know. They don't want to head off to some other place, a nursing home or convalescent home. They would much rather stay in their home. What do they need to stay there? Many times just a visit by a nurse, a stop by a doctor once in a while. Although that seems extraordinary in this day and age, the alternative is a much more expensive situation where someone finds himself in a nursing home with extended and expensive care.

I hope that we realize that we made a mistake in 1995 when we had this Republican tax cut of $250 billion at the expense of Medicare and the Government was shut down. I hope we don't repeat it. We called the hospitals in our State of Illinois back in 1995 and asked what would this mean to you, if, in fact, you lost some $270 billion in Medicare reimbursement; what would it mean? Most of the hospitals were reluctant to speak openly and publicly and on the record. They told us privately many of them would have to close because many hospitals in my home State of Illinois and rural States like Kansas depend to a great extent on Medicare and Medicaid to reimburse their services and to keep their doors open. So, cutbacks can cost us the kinds of hospitals we need in areas that, frankly, are underserved medically.

Large cuts that might be envisioned without dedicating part of the surplus could threaten many of these hospitals. When a hospital closes, it isn't just the seniors who are affected. The whole community suffers. It is a situation in many of my rural towns and downstate Illinois where that emergency room is literally a matter of life or death. Farmers, miners and people who work around their homes count on the availability of their services. When a hospital's financial security is put under significant strain, they are forced to look for other sources of revenue. Cost shifting becomes inevitable. So virtually every American would pay for Congress' failure to invest in Medicare.

The second option, if we don't invest a portion of the surplus into Medicare, is one that would ask seniors and disabled to pay more for their own medical care. They would need to double their contributions to extend the solvency of Medicare to the year 2020 if the President's proposal of investing 15 percent of the surplus into Medicare is not made.

Take a look at this chart to get an idea of what it means to a senior citizen. This is a chart which shows the current amount that is being paid in part B premium of $1,262; then take a look, if we do not dedicate a part of the surplus, what the senior will have to pay instead. Instead of $100 a month, it is over $200 a month.

Some might say it is not too much to go from $100 to $200. I think they don't understand that many senior citizens live on fixed incomes, very low incomes, and that this kind of premium increase in order to continue Medicare as they know it would cause a great hardship to many of their families.

Today, on average, seniors pay 19 percent of their income to purchase the health care that they need. Medicare is currently only paying about half of their bills. These seniors living on fixed incomes are really going to face some sacrifice if this increase takes place. The medium total annual income of Americans over the age of 65 is a mere $16,000; for seniors over 85, it is even less, $11,251; for the oldest and frailest among us, such as those using home health services, the average income is less than $9,000. Now, can someone making about $800 a month, for example, see an increase in their Medicare premium from $100 to $200 without some personal sacrifice? I don't think so. Medicare as it is currently drawn up helps seniors to live with dignity. Medicare reform may involve tough choices but it shouldn't involve mean choices. This Medicare reform on the backs of seniors and disabled, unfortunately, leads us to that.

Reform and investment are clearly needed to strengthen Medicare. There are some who will say all you want to do is spend more money; you have to do more fundamental things like reform. I don't disagree with the concept of reform. I think it is part of the package. But the reality is, the Medicare Program has grown, the number of beneficiaries has doubled since the program was enacted, and Americans are living longer.

I think there is a fair argument to be made that one of the reasons that Americans are living longer is because of Medicare and the access to health care that it provides. Before Medicare, less than 50 percent of retirees had health insurance. Now, virtually every one of them does. This is a question of priority. How much do we value increased life expectancy? Are people in my generation who are working and actually contributing to the surplus—a surplus that we hope to soon have—willing to put off a tax cut to make sure that Social Security and Medicare are there for decades? Are we willing to invest in what is basically our own retirement health insurance program in the years to come?

By not enacting a massive tax cut that benefits the most wealthy Americas, but instead passing more limited tax cuts targeted to help working families, we can, in fact, get a tax cut that is reasonable and consistent with saving Social Security and Medicare. It seems very unwise to enact large tax cuts before we secure both of these important programs.

Let me close by saying that this budget season is one that causes many people's eyes to glaze over. I have served a combination now of about 8½ years on Budget Committees in the House and the Senate. I do my best to keep up with it. It is an arcane science to follow this budget politics. But I have to say that it does reflect our values. We have to decide what is important.

Last week, we had a bill on the floor here that was, on its face, a very good proposal—a bill that would have increased military pay and retirement benefits. I believe that those things should happen. The President proposed it, the Republican Party and Democratic Party agree on it. But the bill that came to the floor was significantly different than the President's proposal. In fact, it spent about $17 billion more over 6 years than the President had proposed.

This bill came to the floor of the Senate without one committee hearing. Some came to the floor and said we need to do this so that men and women will stay in the military, and that we give them adequate pay and the reward of retirement. So they suggested we vote for the bill. I didn't think it was a responsible thing to do. I can remember that, two years ago, on the floor of the Senate we tied ourselves in knots over amending the Constitution to provide for authority to the Federal courts to force Congress to stop deficit spending. We had reached our limits and we had said that the only thing that could control congressional spending is a constitutional amendment and court authority. Well, that constitutional amendment failed by one vote. But that was only two years ago. We were so despondent over dealing with deficits two years ago that we were at the precipice where we were about to amend the Constitution and virtually say we have given up on congressional responsibility in this area.

Well, here we are two years later, and the first bill we consider is not a constitutional amendment about deficits, but rather one over spending this surplus on military pay raises that we cannot justify in terms of their sources. I have asked a variety of members and people in the administration where would the extra money come from—the extra $17 billion—for military pay raises. They say, "Frankly, we don't know." I don't think that is a good way to start the 106th Congress, in terms of its substantive issues; but it is a reminder that we need a budget resolution that honestly looks at our budget to maintain not only a balanced budget, but surpluses for years to come, and investment of those surpluses in a way that we can say to future generations that, yes, we understood; we had a responsibility not only to the seniors, but to the families and their grandchildren, to make sure that those programs would survive.

So, Mr. President, I hope that as this debate continues we can find some common ground to work together to make sure that the surplus as it exists in the future is invested in programs of real meaning to American families for many years to come.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAX FREEDOM ACT AND THE ADVISORY COMMISSION ON ELECTRONIC COMMERCE

Mr. LOTT. Mr. President, the last Congress passed the Internet Tax Freedom Act. it was not an easy process, and compromises were reached. In the end, the debate resulted in a bill which made a good law. It calls for a 3-year moratorium on new taxes. This was important, Mr. President. The Internet is not only a new tool of communication and information but is fast becoming the most vibrant new marketplace as

America goes into the next millennium. Having said that, I am aware of the concerns expressed by those on main street as well as mayors—from Greenwood to Belzoni to Shuqualak, Mississippi—and in towns all across America.

Mr. DASCHLE. Mr. President, I share the distinguished Majority Leader's enthusiasm for the potential of electronic commerce and his assessment of the role of the Internet Tax Freedom Act in the encouragement of that potential. I also appreciate the concerns he referenced about the need for balance on the Advisory Commission on Electronic Commerce. The advisory panel can provide policymakers with valuable perspective on many of the issues that must be resolved if the potential of electronic commerce is to be fully realized.

Mr. LOTT. Mr. President, that is correct. Congress did recognize that an examination of e-commerce was needed to fully understand the ripple effects of taxing access to or transactions conducted on the Internet. During Senate deliberations on the bill, my colleagues and I listened intently to varying viewpoints. Consequently, the statute created a national Commission reflecting the stakeholders who would provide recommendations to Congress. Mr. President, the balance required by the statute has yet to be achieved. The Congressional leadership involved in the selection is taking another look at the current makeup of the membership and considering options to resolve the impasse.

Mr. DASCHLE. Mr. President, I concur with the Majority Leader. When Congress debated the Internet Tax Freedom Act, considerable attention was paid to the section of the bill that delineated the membership of the Advisory Commission. The legislation is very clear in specifying a balanced makeup of this panel. While some adjustments have already been made in an effort to achieve that goal, further discussion of the make up of the Commission and the requirements of the statute is clearly required.

As the Majority Leader knows, state and local governments have a lot at stake with respect to the deliberations of this Commission, and the Internet Tax Freedom Act anticipates their full participation on the panel. If we hope to reach consensus on a uniform taxation system that allows electronic commerce to flourish without eroding state and local tax bases, a balanced, representative Commission is in all parties' self-interest.

Mr. LOTT. Mr. President, the Internet has arrived, and it is worldwide. Let me share a few statistics. There are an estimated 66,000 new users a day, e-commerce is growing at about 200% a year, web sites went from 10,000 to 3.2 million in just 3 years. Congress needs the Commission's recommendations, and I look forward to reviewing them.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 1, 1999, the federal debt stood at $5,643,045,679,358.32 (Five trillion, six hundred forty-three billion, forty-five million, six hundred seventy-nine thousand, three hundred fifty-eight dollars and thirty-two cents).

Five years ago, March 1, 1994, the federal debt stood at $4,554,537,000,000 (Four trillion, five hundred fifty-four billion, five hundred thirty-seven million).

Ten years ago, March 1, 1989, the federal debt stood at $2,743,808,000,000 (Two trillion, seven hundred forty-three billion, eight hundred eight million).

Fifteen years ago, March 1, 1984, the federal debt stood at $1,473,047,000,000 (One trillion, four hundred seventy-three billion, forty-seven million).

Twenty-five years ago, March 1, 1974, the federal debt stood at $470,866,000,000 (Four hundred seventy billion, eight hundred sixty-six million) which reflects a debt increase of more than $5 trillion—$5,172,179,679,358.32 (Five trillion, one hundred seventy-two billion, one hundred seventy-nine million, six hundred seventy-nine thousand, three hundred fifty-eight dollars and thirty-two cents) during the past 25 years.

HANNAH COVINGTON McGEE, AN EXCEPTIONAL LADY

Mr. HELMS. There are times, Mr. President, when every Senator, on one occasion or another, for one reason or another, feels the need to share with his colleagues a moment of grief or happiness or sadness or hope.

This being a time like that for me, Mr. President, my purpose is to share a few thoughts about a wonderfully gifted, beautiful, thoughtful lady named Hannah Covington McGee.

I suppose I should begin, Mr. President, by stating that Hannah married a young fellow named Jerry McGee 33 years ago. Dr. Jerry McGee today is president of Wingate University, a splendid Baptist institution in North Carolina. Jerry is the kind of friendly, caring and active husband and father with an enthusiasm for his responsibility as a top-flight educator—and his privilege of being Hannah's husband all those years.

Mr. President, Jerry and Hannah this past weekend were enjoying a six-week sabbatical at Tortola Island, one of the British Virgin Islands. Their stay on Tortola had been, both said last week, the happiest weeks of their lives. It all ended when Hannah was awakened Sunday morning suffering an excruciating numbness which quickly developed into the massive cerebral hemorrhage that claimed Hannah McGee's life at such an early age.

Hannah grew up in Rockingham in North Carolina. At age 14 she caught the eye of a star athlete at Richmond County Senior High School. She married that star athlete years later—after both of them had finished college. They immediately began together devoting their lives to young people.

A mutual friend asked Jerry about Hannah. Jerry's response was that Hannah provided the kind of relationship that everyone dreams of; he confirmed that he had been in love with Hannah since his high school football days when she was that 14-year-old girl with the ponytail.

Mr. President, services for that beautiful, loving and caring Hannah will be held at the Wingate Baptist Church tomorrow very close to the campus of Wingate University. She will be remembered as one who was forever and tirelessly doing things for others and, as Jerry McGee put it, "It never once occurred to her that anybody ought to do anything for her."

Mr. President, I certainly know nothing more than anyone else about the hereafter, or what will happen on that inevitable day for all of us. But I suspect that Saint Peter was standing at the Pearly Gate Sunday motioning for Hannah to come in and take her seat on the right hand of God who loves her just as all of us who know her do.

Mr. President, The Charlotte (N.C.) Observer this morning published a detailed story, written by Wendy Goodman, praising Hannah McGee. I ask unanimous consent that Wendy Goodman's fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte (NC) Observer, Mar. 2, 1999]

WINGATE PRESIDENT'S WIFE—AND MUCH MORE—DIES

(By Wendy Goodman)

WINGATE.—When Wingate University celebrates the opening of the George A. Batte Fine Arts Center later this year, a woman who had a hand in making the center a reality won't be there.

Hannah McGee helped lead the fund-raising campaign and decorate the new building's interior. An art lover, McGee hoped Wingate would serve as a cultural center for Union County.

McGee died Sunday morning in San Juan, Puerto Rico, of a brain aneurysm. She was 54.

"She had a great eye for things beautiful and artistic," said friend Stelle Snyder. "You could see her love for the arts in her home, in her work at Wingate, in anything she did.

"Hannah had so many responsibilities behind the scenes, and she loved her work."

Monday, flags at Wingate University flew at half-staff in honor of Hannah McGee. As the wife of Wingate President Jerry McGee, she left a lasting impression on the university and the entire community.

A Rockingham native, she moved to Wingate about 6½ years ago when her husband was named president of the university. But Hannah McGee was more than a president's wife, friends said.

"Hannah touched so many things in her own special way here at Wingate," said friend Barbara Williamson. "People never even knew all the hard stuff Hannah did because it was all behind the scenes."

Hannah McGee helped launch English as a second language program in Union County. As a board member of the Union County Players, she made costumes and worked backstage for several performances.

She played a major role in beautifying and restoring the M.B. Dry Memorial Chapel at the school. She never hesitated to open the doors to her home and entertain students, faculty and other guests.

"Bit by bit, we'll see Hannah's no longer with us," Snyder said.

Jerry McGee had taken a three-month sabbatical leave from the university in January to relax and spend more time with his wife of 33 years. The McGees were childhood sweethearts, and Jerry McGee often referred to Hannah as "the girl with the ponytail who stole my heart."

The couple were in Tortola in the British Virgin Islands when Hannah McGee got sick. She was flown to a San Juan hospital and died Sunday morning.

"She was the mother, wife, daughter and sister that everyone dreams of—one of the easiest people to love who ever lived," Jerry McGee said in a news release Monday.

Hannah McGee is survived by her husband and two adult sons, Ryan and Sam.

Funeral services will be 11 a.m. Wednesday at Wingate Baptist Church and burial will follow at Dockery Family Center in Rockingham. A memorial service also will be March 9 in Austin Auditorium on the Wingate University campus.

JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate belatedly begins this congressional session, I look forward to working with the Democratic Leader, the Majority Leader, Senator HATCH, the Chairman of the Senate Judiciary Committee, and all Senators again this year with respect to fulfilling our constitutional duty regarding judicial nominations.

Last year the Senate confirmed 65 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. That was 65 of the 91 nominations received for the 115 vacancies the federal judiciary experienced last year.

Together with the 36 judges confirmed in 1997, the total number of article III federal judges confirmed during the last Congress was a 2-year total of 101—the same total that was confirmed in one year when Democrats made up the majority of the Senate in 1994. The 104th Congress (1995–96) had resulted in a 2-year total of only 75 judges being confirmed. By way of contrast, I note that during the last two years of the Bush Administration, even including the presidential election year of 1992, a Democratic Senate confirmed 124 federal judges.

As we begin this year there are 64 current judicial vacancies and seven more on the horizon. In 1983, at the beginning of the 98th Congress there were only 31 vacancies. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced by a Democratic majority in the Senate for a Republican President to only 41 at the start of the 101st Congress in 1989.

After the first Republican Senate in a decade, during the 104th Congress (1995–96), the number of unfilled judicial vacancies increased for the first time in decades without the creation of any new judgeships. Vacancies went from 65 at the start of 1995, to 89 at the start of the 105th Congress in 1997. That is an increase in judicial vacancies of 37 percent without a single new judgeship having been authorized.

We made some progress last year when the Senate confirmed 65 judges. That only got us back to the level of vacancies that existed in 1995. If last year is to represent real progress and a change from the destructive politics of the two preceding years in which the Republican Senate confirmed only 17 and 36 judges, we need to at least duplicate those results again this year. The Senate needs to consider judicial nominations promptly and to confirm without additional delay the many fine men and women President Clinton is sending us.

We start this year already having received 19 judicial nominations. I am confident that many more are following in the days and weeks ahead. Unfortunately, past delays mean that 26 of the current vacancies, over 40 percent, are already judicial emergency vacancies, having been empty for more than 18 months. A dozen of the 19 nominations now pending had been received in years past. Ten are for judicial emergency vacancies. The nomination of Judge Paez to the Ninth Circuit dates back over three years to January 1996. Judge Paez along with three others were reported favorably by the Judiciary Committee to the Senate last Congress but were never considered by the full Senate. I hope that the Senate will confirm all these qualified nominees without further delay.

In addition to the 64 current vacancies and the seven we anticipate, there is also the longstanding request by the Federal judiciary for additional judges who are needed to hear the ever growing caseload in our Federal courts. In his 1998 Year-End Report of the Federal Judiciary, Chief Justice Rehnquist noted: "The number of cases brought to the federal courts is one of the most serious problems facing them today." Criminal cases rose 15 percent in 1998, alone. Yet the Republican Congress has for the past several years simply refused to consider the authorization of the additional judges requested by the Judicial Conference.

In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration.

In 1997, the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S. 678, as it should have, the Federal judiciary would have 115 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

In order to understand the impact of judicial vacancies, we need only recall that more and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. Last year the Senate adjourned with 15 nominations for judicial emergency vacancies left pending without action. Ten of the nominations received already this year are for judicial emergency vacancies.

In his 1997 Year-End Report, Chief Justice Rehnquist focused on the problem of "too few judges and too much work." He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

During the entire four years of the Bush Administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorable vote and 9 of those 10 extended over a year to a year and one-half. In 1998 another 10 confirmations extended over 9 months: Professor Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States—Hilda Tagle's confirmation took 32 months, Susan Oki Mollway's confirmation took 30 months, Ann Aiken's confirmation took 26 months, Margaret McKeown's confirmation took 24 months, Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Rebecca Pallmeyer's confirmation took 14 months, Dan Polster's confirmation took 12 months, and Victoria Roberts' confirmation took 11 months.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again, and that was during the first year of a presidential term. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days. Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year, in 1998, the Senate broke the record, again. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days.

At each step of the process, judicial nominations are being delayed and stalled. Judge Richard Paez, Justice Ronnie L. White, Judge William J. Hibbler and Timothy Dyk were each left on the Senate calendar without action when the Senate adjourned last October. Marsha Berzon, Matthew Kennelly and others were each denied a vote before the Judiciary Committee following a hearing. Helene N. White, Ronald M. Gould and Barry P. Goode, were among a total of 13 judicial nominees never accorded a hearing last year before the Judiciary Committee.

At the conclusion of the debate on the nomination of Merrick Garland to the United States Court of Appeals for the District of Columbia, as 23 Republicans were preparing to vote against that exceptionally well-qualified nominee whose confirmation had been delayed 18 months, Senator HATCH said "playing politics with judges is unfair, and I am sick of it." I agree with him. I look forward to a return to the days when judicial nominations are treated with the respect and attention that they deserve.

It is my hope that we can start in the right spirit and move in the right direction by reporting out the nominations of Timothy Dyk to the Federal Circuit; Judge Richard Paez and Marsha L. Berzon to the Ninth Circuit; William J. Hibbler and Matthew F. Kennelly to the District Court for the Northern District of Illinois; and Ronnie L. White to the District Court for the Eastern District of Missouri. They have each already had confirmation hearings before the Senate Judiciary Committee. Four of the six have previously been reported favorably by the Committee. The Senate should act to confirm these six nominees before the end of the month.

We should proceed to confirmation hearings for Helene N. White, Ronald M. Gould, Barry P. Goode, Lynette Norton, Legrome D. Davis and Virginia Phillips. Each of these nominations has been before the Committee for more than nine months already. It is time for us to proceed.

With the continued commitment of all Senators we can make real progress this year. We can help fill the longstanding vacancies that are plaguing the Federal judiciary and provide the resources needed to the administration of justice across the country.

VETERANS' ACCESS TO MEDICARE

Mr. BURNS. Mr. President, I am pleased to join Mr. JEFFORDS in cosponsoring the Veterans' Equal Access to Medicare Act. This bill requires the Secretary of Veterans Affairs and the Secretary of Health and Human Services to create a demonstration program to allow Medicare-eligible veterans to receive their treatment at VA treatment facilities. This is a thoughtful approach to try to help our veterans, especially our elderly veterans, receive all of their treatments in one place. In the process, we hope to save money for the taxpayers and get greater benefits for our treatment dollars.

This is a voluntary program to establish 10 regional sites nationwide to provide this new service. This bill calls out several criteria for potential sites: one must be near a closed military base, one must be in a predominantly rural area, and no new buildings must be built as part of this program. I'm especially interested in the potential for Montana to be the rural site. We currently have veterans traveling hundreds of miles for their VA treatments. By establishing some type of joint VA/Medicare program, we create opportunities to expand access and improve continuity of medical care for Montana Veterans.

I'm encouraged by the awareness being raised in the VA recently for our State. The recent town meetings by the VA officials are just the beginning. My presence there was intended to show the VA how serious we take the necessity of improvement. We have to get better. My commitment through the coming months is to look for additional ways to ease communication between Montana Veterans and the Washington, D.C. establishment. We also need to increase the opportunities for Veterans to hear more about the future plans for Veterans' health care. Again, I'll be working on both of these topics this spring.

We owe our veterans a debt of service for their sacrifices for our country. The program in this bill is a great opportunity for us to be fiscally responsible while improving the care and treatment of a group of honored citizens. I strongly encourage my colleagues to support this bill.

SPACE TRANSPORTATION LOAN GUARANTEES

Mr. BURNS. Mr. President, I am pleased to join Mr. BREAUX in co-sponsoring the Commercial Space Transportation Cost Reduction Act. This is a appropriate extension of programs that we have used to encourage other fledgling industries such as shipbuilding and rail. Through this legislation, we hope to build a commercially competitive launch industry here in America that brings the world's satellites to our doorstep for launch into orbit.

This bill sets up loan guarantee programs; not grant handouts, but loan guarantees to help encourage commercial investment in start-up space industries. We want to encourage anyone with an idea good enough to raise some start up funds to approach the financial market with some assurance that their request for business loans will be approved. By placing $500 million in a NASA account in a guarantee program, we will leverage growth and investment to many times that. To encourage truly competitive ideas, we've placed a number of guidelines on this bill. We will only guarantee a maximum of 80% of the capitol required for a space vehicle construction project, the rest must be raised privately. Ten to twenty percent of the pool is set aside for small businesses, and we've specifically excluded the DoD launch vehicle development programs currently underway. There is a credit-worthiness requirement with specific loan criteria for being eligible for the loan. Finally, it guarantees the U.S. Government the best price for any launch system developed under this program. To make sure that no launch companies become dependent on this funding, we've provided for an expiration of this program in 10 years.

I'm especially interested in the potential benefit to Montana. Many start-up companies choose to locate in Western states where they have room to actively test their ideas and inventions. When combined with VentureStar's interest in Montana, this loan guarantee program could help develop a space technology region in our state that would attract high-tech companies with high-tech jobs. Montana already has a lot to offer, and I'm convinced that this program is one more way to give potential businesses a reason to make Montana their headquarters.

As seen this past summer, launching rockets is a risky business even for well-established companies. We need to find ways to encourage banks to qualitatively judge the overall risks and invest in creative new ways to get satellites into orbit. By providing loan guarantees to qualified companies, we can grow our capable domestic launch program into the world's choice for getting access to space. I strongly encourage my colleagues to support this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I am pleased to transmit the Nineteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1997.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 2, 1999.*

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 350. An act to improve congressional deliberations on proposed Federal private sector mandates, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes (Rept. No. 106–6).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 313. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes (Rept. No. 106–7).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 247. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James B. Armor, Jr., 7031
Col. Barbara C. Brannon, 0424
Col. David M. Cannan, 3149
Col. Richard J. Casey, 7432
Col. Kelvin R. Coppock, 0425
Col. Kenneth M. Decuir, 9876
Col. Arthur F. Diehl, III, 6363
Col. Lloyd E. Dodd, Jr., 5193
Col. Bob D. Dulaney, 3361
Col. Felix Dupre, 5938
Col. Robert J. Elder, Jr., 7484
Col. Frank R. Faykes, 4797
Col. Thomas J. Fiscus, 5444
Col. Paul J. Fletcher, 5438
Col. John H. Folkerts, 4060
Col. William M. Fraser, III, 9314
Col. Stanley Gorenc, 8279
Col. Michael C. Gould, 3374
Col. Paul M. Hankins, 1000
Col. Elizabeth A. Harrell, 1522
Col. Peter J. Hennessey, 1571
Col. William W. Hodges, 4545
Col. Donald J. Hoffman, 5449
Col. William J. Jabour, 2791
Col. Thomas P. Kane, 9763
Col. Claude R. Kehler, 6600
Col. Frank G. Klotz, 6089
Col. Robert H. Latiff, 2190
Col. Michael G. Lee, 9675
Col. Robert E. Mansfield, Jr., 9591
Col. Henry A. Obering, III, 3819
Col. Lorraine K. Potter, 9945
Col. Neal T. Robinson, 0542
Col. Robin E. Scott, 8526
Col. Norman R. Seip, 6765
Col. Bernard K. Skoch, 2109
Col. Robert L. Smolen, 7953
Col. Joseph P. Stein, 2625
Col. Jerald D. Stubbs, 0457
Col. Kevin J. Sullivan, 2930
Col. James P. Totsch, 3674
Col. Mark A. Volcheff, 3790
Col. Mark A. Welsh, III, 4911
Col. Stephen G. Wood, 7553
Col. Donald C. Wurster, 1815

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael B. Smith, 0409

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Leo V. Williams, III, 3893

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John R. Baker, 3934
Brig. Gen. John D. Becker, 8234
Brig. Gen. Robert F. Behler, 1612
Brig. Gen. Scott C. Bergren, 1312
Brig. Gen. Paul L. Bielowicz, 8502
Brig. Gen. Franklin J. Blaisdell, 5802
Brig. Gen. Robert P. Bongiovi, 5760
Brig. Gen. Carrol H. Chandler, 9115
Brig. Gen. Michael M. Dunn, 3491
Brig. Gen. Thomas B. Goslin, Jr., 2970
Brig. Gen. Lawrence D. Johnston, 1244
Brig. Gen. Michael S. Kudlacz, 4038
Brig. Gen. Arthur J. Lichte, 5483
Brig. Gen. William R. Looney, III, 5052
Brig. Gen. Stephen R. Lorenz, 2664
Brig. Gen. T. Michael Moseley, 1516
Brig. Gen. Michael C. Mushala, 4529
Brig. Gen. Larry W. Northington, 0293
Brig. Gen. Everett G. Odgers, 2279
Brig. Gen. William A. Peck, Jr., 3626
Brig. Gen. Timothy A. Peppe, 8336
Brig. Gen. Richard V. Reynolds, 1156
Brig. Gen. Earnest O. Robbins, II, 3677
Brig. Gen. Randall M. Schmidt, 1246
Brig. Gen. Norton A. Schwartz, 7542
Brig. Gen. Todd I. Stewart, 1167
Brig. Gen. George N. Williams, 5397

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably 40 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the Congressional Records of February 3, 1999, and February 4, 1999 and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

In the Air Force nominations beginning Bruce R. Burnham, and ending Mahender Dudani, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Malcolm M. Dejnozka, and ending Gaelle J. Glickfield, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning *Les R. Folio, and ending Daniel J. Feeney, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nomination of Vincent J. Shiban, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nomination of Kymble L. Mccoy, which was received by the Senate and appeared in the Congressional Record of February 3, 1999. ·

In the Air Force nominations beginning Robert S Andrews, and ending David J Zollinger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Richard L Ayres, and ending William C Wood, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Peter C Atinopoulos, and ending George T Zolovick, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George L. Hancock, Jr., and ending Sidney W. Atkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Samuel J. Boone, and ending Donna C. Weddle, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Frederic L. Borch, III, and ending Stephanie D. Willson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Wendell C. King, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George A. Amonette, and ending Kenneth R. Stolworthy, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning *Craig J. Bishop, and ending David W. Niebuhr, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Dale G. Nelson, and ending Frank M. Swett, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Dennis K. Lockard, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Stuart C. Pike, and ending Delance E. Wiegele, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Franklin B. Weaver, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Thomas J. Semarge, and ending *Jeffrey J. Fisher, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of *William J. Miluszusky, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of *Daniel S. Sullivan, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Christopher A. Acker, and ending X1910, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George L. Adams, III, and ending Juanita H Winfree, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Lisa Andersonlloyd, and ending Peter C Zolper, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Mark O. Ainscough, and ending Arthur C Zuleger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Gregg T. Anders, and ending Carl C Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Robert V. Adamson, and ending Jack W Zimmerly, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Terry G. Robling, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Milton J. Staton, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Stephen W. Austin, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of William S. Tate, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Robert S. Barr, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of John C. Lex, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Lance A. Mcdaniel, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Joseph M. Perry, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Myron P. Edwards, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nominations beginning David J Abbott, and ending Kevin H Winters, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nomination of Jose M. Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nomination of Douglas L. Mayers, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nominations beginning Errol F. Becker, and ending Eduardo R. Morales, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Tim O. Reutter, and ending *John M. Griffin, which nominations were received by the Senate on February 3, 1999, and appeared in the Congressional Record of February 4, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 491. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. SANTORUM):

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS):

S. 493. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. MACK, Mr. BREAUX, Mr. KERREY, Ms. MIKULSKI, Mr. BRYAN, Mr. HOLLINGS, Mr. INOUYE, Mr. HARKIN, Mr. BAYH, Mr. ROBB, and Mr. MURKOWSKI):

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program; to the Committee on Finance.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. INHOFE):

S. 495. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Environment and Public Works.

By Mr. REED (for himself and Mr. WYDEN):

S. 496. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 497. A bill to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 498. A bill to require vessels entering the United States waters to provide earlier notice of the entry, to clarify the requirements for those vessels and the authority of the Coast Guard over those vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. DEWINE, Mr. MURKOWSKI, Mr. THURMOND, Mr. DURBIN, and Mr. INOUYE):

S. 499. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, and Mr. HELMS):

S. 500. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 501. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Energy and Natural Resources.

By Mr. ASHCROFT (for himself and Mr. DOMENICI):

S. 502. A bill to protect social security; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. ALLARD:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 504. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S. 505. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. MOYNIHAN, Mr. BREAUX, Mr. KERREY, Ms. LANDRIEU, and Mr. COCHRAN):

S. 506. A bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BENNETT, and Mrs. BOXER):

S. 507. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. ALLARD):

S. 508. A bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies; read the first time.

By Mr. DODD (for himself and Mr. COVERDELL):

S. 509. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. CAMPBELL (for himself, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GORTON, and Mr. GRAMS):

S. 510. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 511. A bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes; to the Committee on Rules and Administration.

By Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. LIEBERMAN, and Mr. EDWARDS):

S. 512. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 55. A resolution making appointments to certain Senate committees for the 106th Congress; considered and agreed to.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ROBB):

S. Res. 56. A resolution recognizing March 2, 1999 as the "National Read Across America Day", and encouraging every child, parent and teacher to read throughout the year; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 491. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Health, Education, Labor, and Pensions.

THE "EDUCATION FOR THE 21ST CENTURY ACT"

Mr. LAUTENBERG. Mr. President, I rise to introduce "E–21"—the Education for the 21st Century Act.

The E–21 Act will help ensure that all middle school graduates attain basic computer literacy skills that will prepare them for high school and beyond, and ultimately, for the 21st Century workplace. The E–21 Act will also allow all school districts to obtain and utilize the latest high-quality educational software, free of charge.

Mr. President, the first piece of legislation I introduced in the Senate was to provide financial assistance to introduce computers into schools, to help students learn and expand their horizons. That was in 1983. Back then, it was the exceptional school that even had a computer. It was an unusual teacher or student who knew how to use one.

That legislation was enacted into law. Along with other resources, it helped bring computers into our schools as part of everyday learning.

Mr. President, as many of my colleagues know, I got my start in the computing business. Back then, computers filled large rooms and were so expensive that only the largest corporations could afford their own computing centers. Today, even more powerful computers sit on a desktop in millions of homes, schools and businesses across the nation.

Mr. President, we've made great strides toward introducing computers into schools, but too many of these computers are not being utilized to their potential due to lack of updated computer training for teachers.

Mr. President, a recent study by the Educational Testing Service confirmed that computers do increase student achievement and improve a school's learning climate. However—and this is critical—the study specified that to achieve those results, teachers must be appropriately trained and use effective educational software programs. Otherwise, these computers become mere furniture in a classroom.

To boost student achievement through computers and technology, my "Education for the 21st Century Act" will provide up to $30 million per year to train a team of teachers from every middle school in the nation in the most up-to-date computing technology. These Teacher Technology leaders could then share their training with the rest of the faculty in their schools, so all teachers are ready to pass these skills on to their students.

Mr. President, the E–21 Act will also create national educational software competitions, open to high school and college students, to work in partnership with university faculty and professional software developers. The best of these software packages would be available free-of-charge over the Internet through the Department of Education's web page.

Mr. President, I want to make clear to my colleagues that this emphasis on computer training is not at the expense of the fundamental, basic skills that underlie education: reading, writing and arithmetic. It's still important to master these traditional basics. But we should also add a "new basic" to the list—computer literacy. Americans will need those skills to compete in the 21st Century.

Mr. President, this proposal is part of President Clinton's FY 2000 Budget, and as Ranking Member of the Budget Committee and a member of the Appropriations Committee, I will work to see that it is funded for years to come.

Mr. President, as a businessman who got his start at the beginning of the computing age, I am proud to see the way our nation has led the world in computer technology. I want to make sure that we continue to lead—through the second computer century—the 21st Century.

I therefore ask my colleagues to support "E–21"—the Education for the 21st Century Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education for the 21st Century (e–21) Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Establishing computer literacy for middle school graduates will help ensure that students are receiving the skills needed for advanced education and for securing employment in the 21st century.

(2) Computer literacy skills, such as information gathering, critical analysis and communication with the latest technology, build upon the necessary basics of reading, writing, mathematics, and other core subject areas.

(3) According to a study conducted by the Educational Testing Service (ETS), eighth grade mathematics students whose teachers used computers for simulations and applications outperformed students whose teachers did not use such educational technology.

(4) Although an ever increasing amount of schools are obtaining the latest computer

hardware, schools will not be able to take advantage of the benefits of computer-based learning unless teachers are effectively trained in the latest educational software applications.

(5) The Educational Testing Service (ETS) study showed that students whose teachers received training in computers performed better than other students. The study also found that schools that provide teachers with professional development in computers enjoyed higher staff morale and lower absenteeism rates.

(6) Some of the most exciting applications in educational technology are being developed not only by commercial software companies, but also by university faculty and secondary school and college students. The fruit of this academic talent should be channeled more effectively to benefit our Nation's elementary and secondary schools.

SEC. 4. MIDDLE SCHOOL COMPUTER LITERACY CHALLENGE.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants to States that integrate into the State curriculum the goal of making all middle school graduates in the State technology literate.

(b) USES.—Grants awarded under this section shall be used for teacher training in technology, with an emphasis on programs that prepare 1 or more teachers in each middle school in the State to become technology leaders who then serve as experts and train other teachers.

(c) MATCHING FUNDS.—Each State shall encourage schools that receive assistance under this section to provide matching funds, with respect to the cost of teacher training in technology to be assisted under this section, in order to enhance the impact of the teacher training and to help ensure that all middle school graduates in the State are computer literate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2000 through 2004.

SEC. 5. HIGH-QUALITY EDUCATIONAL SOFTWARE FOR ALL SCHOOLS.

(a) COMPETITION AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to secondary school and college students working with university faculty, software developers, and experts in educational technology for the development of high-quality educational software and Internet web sites by such students, faculty, developers, and experts.

(b) RECOGNITION.—

(1) IN GENERAL.—The Secretary of Education shall recognize outstanding educational software and Internet web sites developed with assistance provided under this section.

(2) CERTIFICATES.—The President is requested to, and the Secretary shall, issue an official certificate signed by the President and Secretary, to each student and faculty member who develops outstanding educational software or Internet web sites recognized under this section.

(c) FOCUS.—The educational software or Internet web sites that are recognized under this section shall focus on core curriculum areas.

(d) PRIORITY.—

(1) FIRST YEAR.—For the first year that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas of mathematics, science, and reading.

(2) SECOND AND THIRD YEARS.—For the second and third years that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas described in paragraph (1) and in social studies, the humanities, and the arts.

(e) JUDGES.—The Secretary shall designate official judges to recognize outstanding educational software or Internet web sites assisted under this section.

(f) DOWNLOADING.—Educational software recognized under this section shall be made available to local educational agencies for free downloading from the Department of Education's Internet web site. Internet web sites recognized under this section shall be accessible to any user of the World Wide Web.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2000 through 2004.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. SANTORUM):

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

THE CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. SARBANES. Mr. President, today, I am introducing along with a number of my colleagues, a bill to continue and enhance the efforts to clean up the Chesapeake Bay. Joining me in sponsoring this bill are my colleagues from Maryland, Virginia, and Pennsylvania, Senators MIKULSKI, WARNER, ROBB, and SANTORUM.

Mr. President, the Chesapeake Bay is the largest estuary in the United States and the key to the ecological and economic health of the mid-Atlantic region. The Bay, in fact, is one of the world's great natural resources. We tend to take it for granted because it is right here at hand, so to speak, and I know many Members of this body have enjoyed the Chesapeake Bay. The Bay provides thousands of jobs for the people in this region and is an important component in the national economy. The Bay is a major commercial waterway and shipping center for the region and for much of the eastern United States. It supports a world-class fishery that produces a significant portion of the country's fin fish and shellfish catch. The Bay and its waters also maintain an enormous tourism and recreation industry.

The Chesapeake Bay is a complex system. It draws its life-sustaining waters from a watershed that covers more than 64,000 square miles and parts of six states. The Bay's relationship to the people, industries, and communities in those six states and beyond is also complex and multifaceted.

I could continue talking about these aspects of the Bay, but my fellow Senators are aware of the Bay's importance and have consistently regarded the protection and enhancement of the quality of the Chesapeake Bay as an important national objective.

Through the concerted efforts of public and private organizations, we have learned to understand the complexities of the Bay and we have learned what it takes to maintain the system that sustains us. The Chesapeake Bay Program is an extraordinary example of how local, State, regional, and Federal agencies can work with citizens and private organizations to manage complicated, vital, natural resources. Indeed, the Chesapeake Bay Program serves as a model across the country and around the world.

When the Bay began to experience serious unprecedented declines in water quality and living resources in the 1970s, the people in my state suffered. We lost thousands of jobs in the fishing industry. We lost much of the wilderness that defined the watershed. We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem. We began to recognize that untreated sewage, deforestation, toxic chemicals, agricultural runoff, and increased development were causing a degradation of water quality, the loss of wildlife, and elimination of vital habitat. We also began to recognize that these negative impacts were only part of a cycle that could eventually impact other economic and human health interests.

Fortunately, over the last two decades we have come to understand that humans can also have a positive effect on the environment. We have learned that we can, if we are committed, help repair natural systems so that they continue to provide economic opportunities and enhance the quality of life for future generations.

We now treat sewage before it enters our waters. We banned toxic chemicals that were killing wildlife. We have initiated programs to reduce nonpoint source pollution, and we have taken aggressive steps to restore depleted fisheries.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the Bay and its watershed on the road to recovery. All three States have had major cleanup programs. They have made significant commitments in terms of resources. It is an important priority item on the agendas of the Bay States. Governors have been strongly committed, as have State legislatures and the public. There are a number of private organizations—the Chesapeake Bay Foundation, for example—which do extraordinary good work in this area.

But there has been invaluable involvement by the Federal Government as well. The cooperation and attention of Federal agencies has been essential. Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of Chesapeake Bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding improving the water quality of the Bay and is succeeding in bringing back many of the fish and wildlife species.

The Chesapeake Bay is getting cleaner, but we cannot afford to be complacent. There are still tremendous stresses on the Bay. This is a fast-growing area of the country, with an ever increasing population, development, and continuous changes in land use.

We need to remain vigilant in continuing to address the needs of the Bay restoration effort. The hard work, investment, and commitment, at all levels, which has brought gains over the last three decades, must not be allowed to lapse or falter.

The measure I am introducing today reauthorizes the Bay program and builds upon the Federal Government's past role in the Chesapeake Bay Program and the highly successful Federal-State-local partnership to which I made reference. The bill also establishes simple agency disclosure and budget coordination mechanisms to help ensure that information about Federal Bay-related grants and projects are readily available to the scientific community and the public.

As I mentioned before, the Chesapeake Bay Program is a model of efficient and effective coordination. Still, there is always room for improvement as experience informs and enlightens our judgments. While coordination between the various levels of government has been exemplary, coordination among Federal agencies can be strengthened. This legislation begins to develop a better coordination mechanism to help ensure that all Federal agency programs are accounted for.

In addition, this bill requires the Environmental Protection Agency to establish a "Small Watershed Grants Program" for the Chesapeake Bay region. These grants will help organizations and local governments launch a variety of locally-designed and locally-implemented projects to restore relatively small pieces of the larger Chesapeake Bay watershed. By empowering local agencies and community groups to identify and solve local problems, this grant program will promote stewardship across the region and improve the whole by strengthening the parts.

This bill was carefully crafted with the advise, counsel, and assistance of many hard working organizations in the Chesapeake Bay region, including the Chesapeake Bay Commission, the Chesapeake Bay Foundation, The Alliance for the Chesapeake Bay and various offices within the state governments of Maryland, Virginia, and Pennsylvania.

Mr. President, it is the hope of the cosponsors that this bill will ultimately be incorporated into a larger piece of legislation that is due to be reauthorized or considered this year. However, if such legislation is not considered or should become stalled in the legislative process—the larger legislation covers a wide range of issues—it is our intention to try to move forward with this legislation separately.

The Chesapeake Bay cleanup effort has been a major bipartisan undertaking in this body. It has consistently, over the years, been strongly supported by virtually all members of the Senate. I strongly urge my colleagues to join with us in supporting this legislation and contributing to the improvement and the enhancement of one of our Nation's most valuable and treasued natural resources.

Mr. President, I ask unanimous consent that the full text of the bill, a section-by-section analysis, and letters of support of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Restoration Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—

"(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

"(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

"(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

"(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(e) IMPLEMENTATION AND MONITORING GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

"(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate;

"(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

"(2) PROPOSALS.—

"(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

"(B) CONTENTS.—A proposal under subparagraph (A) shall include—

"(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

"(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

"(A) all projects and activities funded for the fiscal year;

"(B) the goals and objectives of projects funded for the previous fiscal year; and

"(C) the net benefits of projects funded for previous fiscal years.

"(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

"(3) BUDGET COORDINATION.—

"(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

"(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

"(g) CHESAPEAKE BAY PROGRAM.—

"(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

"(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

"(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

"(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

"(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

"(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

"(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

"(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

"(2) REQUIREMENTS.—The study and report shall—

"(A) assess the state of the Chesapeake Bay ecosystem;

"(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

"(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

"(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

"(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

"(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

"(2) REQUIREMENTS.—The study shall—

"(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

"(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.".

CHESAPEAKE BAY RESTORATION ACT OF 1999—SECTIONAL SUMMARY

SECTION 1. SHORT TITLE.

This section establishes the title of the bill as the "Chesapeake Bay Restoration Act of 1999."

SECTION 2. FINDINGS AND PURPOSE.

This section states that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SECTION 3. CHESAPEAKE BAY.

(a) DEFINITIONS

This section defines the terms "Administrative Cost," "Chesapeake Bay Agreement," "Chesapeake Bay Ecosystem," "Chesapeake Bay Program," "Chesapeake Executive Council," and "Signatory Jurisdiction."

(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM

This section provides authority for EPA to continue to lead and coordinate the Chesapeake Bay Program, in coordination with other members of the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

The Chesapeake Bay Program Office is required to provide support to the Chesapeake Executive Council for implementing and coordinating science, research, modeling, monitoring and other efforts that support the Chesapeake Bay Program.

The section requires the Chesapeake Bay Program Office, in cooperation with Federal, State and local authorities, to assist Chesapeake Bay Agreement signatories in developing specific action plans, outreach efforts and system-wide monitoring, assessment and public participation to improve the water quality and living resources of the Bay.

(c) INTERAGENCY AGREEMENTS

This section authorizes the Administrator of the EPA to enter into interagency agreements with other Federal agencies to carry out the purposes and activities of the Chesapeake Bay Program Office.

(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS

This section authorizes the EPA Administrator to provide technical assistance and assistance grants to nonprofit private organizations, State and local governments, colleges, universities, and interstate agencies.

(e) IMPLEMENTATION AND MONITORING GRANTS

The section authorizes the EPA to issue grants to signatory jurisdictions for the purpose of monitoring the Chesapeake Bay ecosystem.

The section establishes criteria for proposals and establishes limits on administrative costs (no more than 10% of grant amount) and the allowable "Federal Share" (no more than 50% of total project cost).

The EPA Administrator is required to produce a public document each year that describes all projects funded under this section.

(f) FEDERAL FACILITIES AND BUDGET COORDINATION

The Section requires Federal agencies that own or operate a facility within the Chesapeake Bay watershed to participate in regional and subwatershed planning and restoration programs, and to ensure that federally owned facilities are in compliance with the Chesapeake Bay Agreement.

The section establishes a mechanism for budget coordination to ensure efficiency across government programs.

(f) CHESAPEAKE BAY PROGRAM

This section directs the Administrator, in consultation with other members of the Executive Council, to ensure that management plans are developed and implementation is begun by signatory jurisdictions to achieve and maintain: the Chesapeake Bay Agreement goals for reducing and capping nitrogen and phosphorus entering the mainstem Bay; water quality requirements needed to restore living resources in the bay mainstem and tributaries; the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goals; and the Chesapeake Bay Agreement habitat restoration, protection, and enhancement goals are achieved.

This section also authorizes the EPA Administrator, in consultation with other members of the Executive Council, to offer the technical assistance and financial grants assistance grants to local governments, nonprofit organizations, colleges, and universities to implement locally-based watershed protection and restoration programs or projects that complement the Chesapeake Bay tributary basin strategy.

(h) STUDY OF THE CHESAPEAKE BAY PROGRAM

This section requires the Administrator and other members of the executive Council to study and evaluate the effectiveness the Chesapeake Bay program management strategies and to periodically (every 5 years) submit a comprehensive report to Congress.

(i) SPECIAL STUDY OF LIVING RESOURCES RESPONSE

The section requires the EPA Administrator to conduct a five-year study of the Chesapeake Bay and report to Congress on the status of its living resources and to make recommendations on management actions that may be necessary to ensure the continued recovery of the Chesapeake Bay and its ecosystem.

(j) AUTHORIZATION OF APPROPRIATIONS

The section authorizes appropriations to the Environmental Protection Agency of $30,000,000 for each fiscal year from 2000 through and including 2005.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
February 23, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR PAUL: Thank you for your continuing to support environmental initiatives that benefit Maryland citizens. You have long been a champion of our great Chesapeake Bay, and an outstanding advocate for the protection and restoration of all our State's natural treasures. Your current proposed legislation to amend the Federal Water Pollution Control Act to assist in restoration of the Chesapeake Bay is just another example of how you have been able to translate your concern into action. The work you have facilitated through the Chesapeake Bay Program has been an outstanding example of interstate cooperation and progressive environmental programs that have been invaluable to Maryland and Bay restoration.

If we are to be successful in the next century, we must look ahead and be ready to face new challenges as well as continue to meet the old ones. Your proposed legislation embodies that vision and therefore has my full support. Its content demonstrates your understanding of the needs of Maryland and the other states in the watershed. It also recognizes the critical role played by local governments and citizen groups. The legislation clearly moves the Bay cleanup in the direction needed. In addition to my personal support, the bill has been reviewed by the Maryland Bay Cabinet and received its endorsement as well. We are all eager to see the legislation move forward and would be happy to assist you.

Thank you again for taking this initiative. Should you require our assistance, you may contact John Griffin, Secretary, Department of Natural Resources at (410) 260-8101.

Sincerely,

PARRIS N. GLENDENING,
Governor.

COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR,
February 23, 1999.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Commonwealth of Virginia supports the language of the proposed Chesapeake Bay Restoration Act, as shown in the attached copy dated February 8, 1999.

The cooperative Chesapeake Bay Program has been and will continue to be essential to the restoration of the Chesapeake Bay system. Reauthorization will strengthen an already successful Program and help support an increased level of effort.

The proposed increase in Federal support is already more than matched by state monies put into the recently created Virginia Water Quality Improvement Fund. Since its creation in 1997 the Virginia General Assembly approves Governor Gilmore's current legislative initiative, it will appropriate an additional $45.15 million for 1999.

We thank you for being the sponsor of this bill, and we will assist in whatever way is appropriate to help ensure its passage by Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.

CITIZENS ADVISORY COMMITTEE TO
THE CHESAPEAKE EXECUTIVE COUNCIL,
February 22, 1999.

Senator PAUL SARBANES,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Citizens Advisory Committee to the Chesapeake Executive Council (CAC), I would like to express our appreciation for your leadership in developing the draft Chesapeake Bay Restoration Act. Provisions such as those embodied in this proposed legislation are vital to building upon one of the most successful partnerships ever assembled, involving every level of government and the private sector, to restore the health of an entire ecosystem.

The Citizens Advisory Committee was created by the Chesapeake Executive Council to represent residents and stakeholders of the Chesapeake Bay watershed in the Bay restoration efforts. By serving as a link with stakeholder communities in Maryland, Pennsylvania, Virginia and the District of Columbia, CAC provides a non-governmental perspective on the Bay cleanup effort and on how Bay Program policies affect citizens who live and work in the Chesapeake Bay watershed.

The successes of the past twelve years in restoring the health of the Bay are a direct result of hard work, funding, and the dedicated commitment of the partners. Each and every one of these factors is essential to continue fulfilling the long-term restoration goals, particularly as the Bay Program partners embrace a renewed Bay agreement in the next year. Reauthorization and enhancement of Bay Program legislation will signal to the states, local governments and citizens that the Congress and the federal government will continue to be a strong partner with them as they renew their commitment to these goals and to a cleaner, healthier Chesapeake Bay. I am particularly encouraged by the provisions to continue the Small Watershed Grant program which provides a mechanism for local groups and governments to take an active, hands-on role in the Bay restoration activities.

The members of CAC look forward to working with you and the other members of Congressional delegations from the Bay Program jurisdictions toward successful passage of this legislation. Again, thank you for your leadership. Please feel free to call upon CAC if there is any assistance that we can provide.

Sincerely,

ANDREW J. LOFTUS,
Chair.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, February 19, 1999.
Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am writing, in my new capacity as Chairman of the Chesapeake Bay Commission, to commend you for your endeavors to reauthorize the Chesapeake Bay Program through the introduction of the Chesapeake Bay Restoration Act of 1999. The Commission strongly supports this legislation. We commit to you our resources and expertise in working to secure its passage.

We believe that the cooperation of government at the federal, state and local level is, and will continue to be, essential to protecting and restoring the Bay. Your bill helps to establish the blueprint and financial support for that collaboration.

We strongly support the small watershed provisions of the bill. The health of the Bay depends on the cumulative effect of thousands of daily decisions that either compromise or improve water quality in our subwatersheds. Offering community groups financial support and direct access to the tremendous informational resources of the Chesapeake Bay Program can only help them to make environmentally-sound decisions.

We would also like to commend you for pursuing improved coordination of federal agency budgets. One of the great hallmarks of the Program is EPA's close coordination with the states in its expenditure of Bay Program monies. The Act calls for each federal agency with projects related to the Chesapeake Bay ecosystem to submit a plan detailing how the expenditure of these funds will proceed. This enhanced communication can only help to avoid unnecessary duplication and cultivate cooperation among our federal partners.

Finally, we are encouraged by your inclusion of a special study to better relate the health of our living resources to water quality improvements. Establishing better linkages will improve the public's support of restoration efforts.

Again and again you have proven yourself to be a tremendous leader for the Chesapeake Bay restoration effort. We hope that this legislation, with your support, will be enacted by the 106th Congress.

With gratitude, I remain
Sincerely yours,

ARTHUR D. HERSHEY,
Chairman.

CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
Easton, MD, February 17, 1999.
Hon. PAUL S. SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Local Government Advisory Committee supports all efforts to sustain and enhance Chesapeake Bay Program activities through renewal of Federal legislation in the "Chesapeake Bay Restoration Act of 1999."

To date, the Chesapeake Bay Program has made great strides in solidifying multijurisdictional efforts to improve the condition of watershed resources in and around the Bay. It has magnified the importance of continued efforts to enhance water quality and to restore the living resources native to the Bay. The Chesapeake Bay Program has elevated the role and importance of local governments participating not only in the Bay Program, but in completing watershed restoration projects in their own jurisdiction.

On behalf of the Chesapeake Bay Local Government Advisory Committee, I thank you for your continuing leadership and commitment to the Bay Restoration effort. If there is any way that the Committee or its staff can assist you, please don't hesitate to call.

Sincerely,

RUSS PETTYJOHN,
Chairman, Chesapeake Bay Local Government Advisory Committee.
LITITZ BOROUGH,
Mayor, Pennsylvania.

ALLIANCE FOR THE CHESAPEAKE BAY,
February 25, 1999.
Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the board of directors of the Alliance for the Chesapeake Bay, I am writing to you to express our support for your efforts to draft new legislation to reauthorize the Chesapeake Bay Program.

Your leadership has been vital over the years in keeping congressional attention focused on the work being conducted in Maryland, Virginia and Pennsylvania to restore the Bay. There is ample evidence that the unique collaborative effort which was formalized in the 1987 amendment to the Clean Water Act is producing positive results for the Bay. It is also apparent that there is much left to do. The bill you have drafted adds some significant features to the Bay Program; the increase in the authorization level to $30 million will substantially enhance the ability of the Bay partners to meet the needs of the Bay in the next decade.

We are conveying our support for the reauthorization of the Bay Program to other members of Congress from the Bay states in the hope that all will join as co-sponsors.

Again, thank you for your vigilance and your vision with regard to the Bay.

Sincerely,

JOHN T. KAUFFMAN,
President.

CHESAPEAKE BAY FOUNDATION,
March 3, 1999.
Hon. PAUL S. SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's support for the Chesapeake Bay Restoration Act of 1999. Although I realize that no single piece of legislation can save the Chesapeake Bay, I believe this bill will help push the Bay Program towards an increased effort to carrying out the commitments made by the signatories.

I am particularly glad to see the section enhancing the oversight and reporting responsibilities of the Environmental Protection Agency. CBF has long felt that it is important for the Environmental Protection Agency to take a stronger leadership role in assuring that the participants are held accountable for their commitments.

I am also enthusiastic about the provisions providing for a small watershed grant program. Restoration of the Bay's essential habitat—its forests, wetlands, oysters, and underwater grass beds—is a critical component of the effort to save the Bay, and this legislation should help move that effort forward.

In summary, this legislation provides a step forward for the Bay Program, and will help steer it in the right direction. I would like to thank you and your cosponsors for your efforts on behalf of this legislation and on behalf of the Chesapeake Bay.

Very truly yours,

WILLIAM C. BAKER,
President.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS):

S. 493. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

TOXIC MICROORGANISMS ABATEMENT PILOT PROJECT ACT

Mr. SARBANES. Mr. President, last Thursday's Baltimore Sun reported that Pfiesteria, a sometimes toxic microorganism, has been found in five more Maryland rivers. The article explained that new research is proving what scientists have suspected since serious outbreaks of toxic Pfiesteria first occurred in 1997—namely that Pfiesteria exists in a wide area. While the organism isn't always toxic, the fact that it has been found in a wide area coupled with the fact that it has proved injurious in the past, strongly supports the assertion that Pfiesteria poses a potential threat to the economic well-being of thousands of businesses in the fishing, recreation, and tourism industries along the east coast.

In 1997, Maryland, Virginia, and North Carolina suffered from several separate incidents that involved fish behaving in an erratic manner, a large number of fish with lesions, and fish kills. State and outside scientists concluded that Pfiesteria was the most likely cause of the problem. In Maryland, the fishing industry alone, lost millions of dollars in revenue.

In 1998, the magnitude of reported Pfiesteria outbreaks was considerably less, however, we cannot become complacent. The report in the Baltimore

Sun confirms that the 1997 Pfiesteria outbreaks may not have been a one-time phenomenon. We must begin to safeguard the economy, both regional and national, from the impacts of Pfiesteria.

Today, I am joined by my colleague from Maryland, Senator MIKULSKI, and my colleague from North Carolina, Senator EDWARDS in introducing a bill, entitled the Toxic Microorganism Abatement Pilot Project Act, which would authorize the Army Corps of Engineers to begin developing tools and techniques to abate the flow of nutrients into our waters and thereby prevent or at least minimize the effects of future toxic Pfiesteria outbreaks.

In 1997, the Administration directed that an interagency research and monitoring strategy be developed in response to the outbreaks of Pfiesteria in the Chesapeake Bay. Several Federal agencies participated in the development of this strategy including the National Oceanographic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), the Centers for Disease Control, and the Departments of Interior and Agriculture. Funding to implement the plan was included in the fiscal 1998 and 1999 budgets. Unfortunately, the key federal agency with expertise in habitat maintenance, water resources and engineering principles—the Army Corps of Engineers—was not included in the interagency task force and the agency's unique qualifications were not integrated into the strategic plan. While research into the exact causes of toxic Pfiesteria blooms is imperative, it is just as important that we take early, aggressive, and concrete steps to prevent such blooms if we can.

This bill is designed to ensure that all available expertise is brought to bear in combating these biotoxins. The legislation would authorize the Army Corps of Engineers to conduct an evaluation and to engage in pilot projects to develop tools and techniques for combating Pfiesteria and other toxic microorganisms. At the end of each pilot project, the Army Corps of Engineers will be required to submit a report to Congress that describes the project, its success, and the general applicability of the methods used in the project.

Because of its expertise in construction and watershed management, the Army Corps of Engineers has a vital role to play in responding to the threats posed by toxic microorganisms. This legislation provides the funding and authority for the agency to do so.

I ask unanimous consent that a copy of the bill and a copy of the Baltimore Sun article be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Microorganism Abatement Pilot Project Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) effective protection of tidal and nontidal wetlands and waters of the United States is essential to sustain and protect ecosystems, as well as recreational, subsistence, and economic activities dependent on those ecosystems;

(2) the effects of increasing occurrences of toxic microorganism outbreaks can adversely affect those ecosystems and their dependent activities;

(3) the Corps of Engineers is uniquely qualified to develop and implement engineering solutions to abate the flow of nutrients;

(4) because nutrient flow abatement is a new challenge, it is desirable to have the Corps of Engineers conduct a series of pilot projects to test technologies and refine techniques appropriate to nutrient flow abatement; and

(5) since the States of Maryland, North Carolina, and Virginia have recently experienced serious outbreaks of waterborne microorganisms and there is a large store of scientific data about outbreaks in those States, pilot projects in those States can be effectively evaluated.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term "State" means Maryland, North Carolina, and Virginia.

(3) TOXIC MICROORGANISM.—The term "toxic microorganism" means Pfiesteria piscicida and any other potentially harmful aquatic dinoflagellate.

SEC. 4. PILOT PROJECTS FOR AQUATIC HABITAT REMEDIATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall evaluate, develop, and implement a pilot project in each State (on a watershed basis) to address and control problems associated with the degradation of ecosystems and their dependent activities resulting from toxic microorganisms in tidal and nontidal wetlands and waters.

(b) REPORT.—Not later than 1 year after the completion of the pilot project under subsection (a), the Secretary shall submit to Congress a report describing—

(1) the pilot project; and

(2) the findings of the pilot project, including a description of the relationship between the findings and the applications of the tools and techniques developed under the pilot project.

(c) FEDERAL AND NON-FEDERAL SHARES.—

(1) FEDERAL SHARE.—The Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be provided in the form of—

(A) cash;

(B) in-kind services;

(C) materials; or

(D) the value of—

(i) land;

(ii) easements;

(iii) rights-of-way; or

(iv) relocations.

(d) LOCAL COOPERATION AGREEMENTS.—Subject to subsection (c), in carrying out this section, the Secretary shall enter into local cooperation agreements with non-Federal entities under which the Secretary shall provide financial assistance to implement actions taken to carry out pilot projects under this section.

(e) IMPLEMENTATION.—The Secretary shall carry out this section in cooperation with—

(1) the Secretary of the Interior;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the National Oceanic and Atmospheric Administration;

(5) the heads of other appropriate Federal, State, and local government agencies; and

(6) affected local landowners, businesses, and commercial entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

[From the Baltimore Sun, Feb. 25, 1999]

PFIESTERIA FOUND IN 5 MD. RIVERS—PRESENCE WIDESPREAD IN RIVERS, STREAMS BUT NOT ALWAYS HARMFUL

NO "ONE-TIME PHENOMENON"

TOXIC MICROORGANISM DETECTED FOR FIRST TIME IN OCEAN CITY AREA

(By Heather Dewar)

New research is proving what scientists long suspected: that the toxic microorganism Pfiesteria piscicida lives in many Maryland rivers and streams, even though it doesn't always kill fish or make people sick.

Pfiesteria expert Dr. JoAnn Burkholder has found the dangerous dinoflagellates in samples taken from the bottom muck of five Maryland waterways, including two where it had not been found before. One of those waterways, the St. Martin River, flows into the state's coastal bays west of Ocean City.

It was the first time the toxic microorganism had turned up in a river that flows toward the Atlantic Coast tourist mecca, though it has not caused any known fish kills or human illnesses there, said David Goshorn of the Maryland Department of Natural Resources.

"We have suspected all along that Pfiesteria is pretty widespread," Goshorn said, "and what she has done is to confirm our suspicion."

A spokesman for the Maryland Coastal Bays Program said the finding of Pfiesteria cells in local waters was "not surprising, but it is worrisome at the very least."

"My guess is that Pfiesteria being there, as long as it isn't toxic in the real world, is not that harmful," said Dave Wilson Jr., a spokesman for the coastal bays conservation effort. "Hopefully, people will understand that Pfiesteria is not running rampant in the coastal bays, but it does have the potential to do so."

The aquatic organism has been found in coastal waters from New Jersey to Georgia, but it causes fish kills or human illnesses only when conditions are just right or just wrong, Burkholder said.

Pfiesteria "is probably all over the bay," said Burkholder, who presented preliminary findings to Maryland officials at a two-day scientific meeting of Pfiesteria experts near Baltimore-Washington International Airport yesterday. "It's just that most of the time it's going to be pretty benign."

WEATHER AS A FACTOR

Experts say Pfiesteria seems most likely to multiply, attack fish and sicken people in warm, shallow, still waters that are a mix of fresh and salt, are rich in nutrients—like the pollutants that come from human sewage, animal manure or farm fertilizer—and also rich in fish, especially oily fish like menhaden. Weather also plays a role, but scientists aren't certain what it is.

Maryland experts think unusual weather patterns, combined with high nutrient levels, helped trigger significant Pfiesteria outbreaks in the Pocomoke River and two other Eastern Shore waterways in 1997. The three waterways were closed, and 13 people were diagnosed with memory loss and confusion after being on the water during the outbreaks.

Researchers think a different set of weather quirks helped limit Pfiesteria to three small incidents last year, none of which killed fish or caused confirmed cases of human illness.

A spokesman for Gov. Parris N. Glendening, who pushed for controversial controls on farm runoff after the 1997 incidents, said Burkholder's latest findings show that action was justified.

"What they point to is that this is not a one-time phenomenon," said Ray Feldmann of the governor's office. "We cannot take a bury-our-heads-in-the-sand approach to the phenomenon we saw in the summer of 1997. We still need to be concerned about this.

"We're encouraged that we've got a plan in place that has the potential for helping to hold off future outbreaks."

Burkholder, a North Carolina State University researcher who helped discover Pfiesteria in the late 1980s, said Maryland waters do not seem to be as prone to toxic outbreaks as the waters of North Carolina, which has experienced 88 Pfresteria-related fish kills in the past eight years.

The latest finding "tells me that Chesapeake Bay is not ideal for toxic Pfiesteria, but you have the potential to go a lot more toxic unless you take appropriate precautions," Burkholder said. "Do you want to be a center for toxic outbreaks, or do you not?"

The preliminary results are part of a study for the DNR, which is trying to map the extent of Pfiesteria in Maryland waters.

In October and November, when the dinoflagellate is usually burrowed into bottom mud, DNR workers took 100 sediment samples from 12 rivers. They were the Patuxent and Potomac on the Western Shore; the Chester, Choptank, Chicamacomico, Nanticoke, Wicomico, Manokin, Big Annemessex and Pocomoke, all flowing into the Chesapeake Bay on the Eastern Shore; and the St. Martin, which flows into Assawoman Bay near Ocean City, and Trappe Creek, which enters Chincoteague Bay near Assateague Island National Seashore.

In the first 30 samples, Burkholder found Pfiesteria piscicida in concentrations high enough to kill fish in the Big Annemessex, Chicamacomico, Pocomoke, and St. Martin. She found the same organism on the Wicomico, but the cells did not kill fish in her laboratory. In Trappe Creek, she found a dinoflagellate that did not kill fish and has not been identified.

Burkholder and other experts stressed that there have been no recent fish kills or signs that people have gotten sick at the sites where DNR workers took the Pfiesteria-infested samples in October and November.

The Patuxent, Potomac, Chester and Choptank turned up no traces of Pfiesteria, but Burkholder said she has about 70 more sediment samples waiting to be analyzed, and expects to find signs of the microorganism in at least some of them.

RHODE RIVER DISCOVERY

Another marine scientist discovered Pfiesteria almost by accident in the Rhode River south of Annapolis this fall.

Park Roblee of the University of North Carolina has developed a test that can spot Pfiesteria in the water, but he cannot tell whether the organism is in its toxic stage. He told scientists at this week's meeting that he got samples from the Rhode River expecting them to be Pfiesteria-free but to his surprise they came up positive. Again, there were no signs of a fish kill in the area.

Roblee said workers from his laboratory traveled the coast from New Jersey to Florida, taking water samples "basically wherever I–95 crossed a river or stream that flowed into an estuary." The samples showed signs of Pfiesteria at eight out of 100 sites, he said.

In other findings reported yesterday, University of Maryland researcher David Oldach said no signs of serious illness were found in 1998, the first year of a five-year study of people who might come in contact with Pfiesteria. Oldach said 90 Eastern Shore watermen and 25 people who don't work near the water have volunteered for the study and undergone testing.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. MACK, Mr. BREAUX, Mr. KERREY, Ms. MIKULSKI, Mr. BRYAN, Mr. HOLLINGS, Mr. INOUYE, Mr. HARKIN, Mr. BAYH, and Mr. ROBB):

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program; to the Committee on Finance.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. GRAHAM. Mr. President, I would like to take this opportunity to commend Senator GRASSLEY, Chairman ROTH and Senator MOYNIHAN for their bipartisan commitment to protect our nation's seniors from indiscriminate dumping by their nursing homes. I would like to request that their statements be added to the RECORD.

The Nursing Home Residential Security Act of 1999 has the support of the nursing home industry and senior citizen advocates. It is with their support that we encourage the Senate to take action on this important piece of legislation. I also have letters of support from the American Health Care Association, the National Seniors Law Center, and the American Association for Retired Persons which I will include in the RECORD.

Mr. President, last year, it looked like 93-year-old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she had called home for the last four years. Her son Nelson and daughter-in-law Geri feared that they would have to move Adela when officials at the Rehabilitation and Healthcare Center of Tampa told them that their Alzheimer's Disease-afflicted mother would have to be relocated so that the nursing home could complete "renovations."

As the Mongiovis told me when I met with them and visited their mother in Tampa last April, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program. Ms. Mongiovi passed away during the holiday season and I send my heartfelt condolences to her family.

The nursing home chain which owns the Tampa facility and several others across the United States wanted to purge its nursing homes of Medicaid residents, ostensibly to take more private insurance payers and Medicare beneficiaries which pay more per resident.

This may have been a good financial decision in the short run, however, its effects on our nation's senior citizens, if practiced on a widespread basis, would be even more disastrous.

In an April 7, 1998, Wall Street Journal article, several nursing home executives argued that state governments and Congress are to blame for these evictions because they have set Medicaid reimbursements too low. While Medicaid payments to nursing homes may need to be revised, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress. And while I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, my colleagues and I are not willing to allow nursing home facilities to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their bottom-line is bad enough. What is even worse is their attempt to evade blame for Medicaid evictions. The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for inability to pay.

If a facility decreases its number of Medicaid beds, state and federal governments are no longer allowed to pay the affected residents' bills. They can then be conveniently and unceremoniously dumped for—you guessed it—their inability to pay.

Nursing home evictions have a devastating effect on the health and well-being of some of society's most vulnerable members. A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon knows as "transfer trauma." For these seniors, the consequences are stark. The death rate among these seniors is two to three times higher than that for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans need to think again. A three year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

On April 19, 1998, the Florida Medicaid Bureau responded to evidence of Medicaid dumping in Tampa by levying a steep $260,000 fine against the Tampa nursing home. That was a strong and appropriate action, but it was only a partial solution. Medicaid funding is a shared responsibility of states and the federal government.

While the most egregious incident occurred in Florida, Medicaid dumping is not just a Florida problem. Nursing homes which were once locally-run and family-owned are increasingly administered by multi-state, multi-facility corporations that have the power to affect seniors across the United States.

Mr. President, let me also point out that the large majority of nursing homes in America treat residents well and are responsible community citizens. Our bill is simple and fair and designed to prevent future abuses by bad actors. It would prohibit current Medicaid beneficiaries or those who "spend down" to Medicaid from being evicted from their homes.

Adele Mongiovi was not just a "beneficiary." She was also a mother and grandmother. To Ms. Mongiovi, the Rehabilitation and Health Care Center of Tampa was not just an "assisted living facility"—it was her home.

Mr. President, let us provide security and peace of mind for all of our nation's seniors and their families. Mr. President, I ask unanimous consent that letters of support for the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, February 3, 1999.
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to lend the support of the American Health Care Association to the Nursing Home Protection Amendments of 1999, which you introduced as S. 2308 last year and plan to reintroduce this year. This legislation helps to ensure a secure environment for residents of nursing facilities which withdraw from the Medicaid program.

We know firsthand that a nursing facility is one's home, and we strive to make sure resident are healthy and secure in their home. We strongly support the clarifications your bill will provide to both current and future nursing facility residents, and do not believe residents should be discharged because of inadequacies in the Medicaid program.

The bill addresses a troubling symptom of what could be a much larger problem. The desire to end participation in the Medicaid program is a result of the unwillingness of some states to adequately fund the quality of care that residents expect and deserve. Thus, some providers may opt out of the program to maintain a higher level of quality than is possible when relying on inadequate Medicaid rates. Nursing home residents should not be the victims of the inadequacies of their state's Medicaid program.

In 1996, the Congress voted to retain all standards for nursing facilities. We support those standards. In 1997, Congress voted separately to eliminate requirements that states pay for those standards. These two issues are inextricably linked, and must be considered together. We welcome the opportunity to have this debate as Congress moves forward on this issue.

Again, we appreciate the chance to work with you to provide our residents with quality care in a home-like setting that is safe and secure. We also feel that it would be most effective when considered in the context of the relationship between payment and quality and access to care.

Finally, we greatly appreciate the inclusive manner in which this legislation was crafted, and strengthened. When the views of consumers, providers, and regulators are considered together, the result, as with your bill, is intelligent public policy.

We look forward to working with you to further clarify Medicaid policy and preserve our ability to provide the best care and security for our residents.

Sincerely yours,
BRUCE YARWOOD,
Legislative Counsel.

NATIONAL SENIOR CITIZENS
LAW CENTER,
Washington, DC, February 3, 1999.
Senator BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: Last spring, the Vencor Corporation began to implement a policy of withdrawing its nursing facilities from participation in the Medicaid program. The abrupt, involuntary transfer of large numbers of Medicaid residents followed. Although Vencor reversed its policy, in light of Congressional concern, state agency action, and adverse publicity, the situation highlighted an issue in need of an explicit federal legislative solution—the rights of Medicaid residents to remain in their home when their nursing facility voluntarily ceases to participate in the federal payment program.

I supported the legislation you introduced in the last Congress and have read the draft bill that you will introduce to address this issue in this session. The bill protects residents who were admitted at a time when their facility participated in Medicaid by prohibiting the facility from involuntarily transferring them later when it decides to discontinue its participation. As you know, many people in nursing facilities begin their residency paying privately for their care and choose the facility in part because of promises that they can stay when they exhaust their private funds and become eligible for Medicaid. In essence, your bill requires the facility to honor the promises it made to these residents at the time of their admission. It continues to allow facilities to withdraw from the Medicaid program, but any withdrawal is prospective only. All current residents may remain in their home.

This bill gives peace of mind to older people and their families by affirming that their Medicaid-participating facility cannot abandon them if it later voluntarily chooses to end its participation in Medicaid.

The National Senior Citizens Law Center supports this legislation. We look forward to working with your staff on this legislation and on other bills to protect the rights and interests of nursing facility residents and other older people. In particular, we suggest that you consider legislation addressing a related issue of concern to Medicaid beneficiaries and their families—problems of nursing facilities' discriminatory admissions practices.

Many facilities limit the extent of their participation in the Medicaid program by certifying only a small number of beds for Medicaid. As a consequence of their limited participation in the Medicaid program, they discriminate against program beneficiaries by denying them admission. In addition, residents who pay privately and become eligible for Medicaid during their residency in the facility because of the high cost of nursing facility care are also affected by limited bed, or distinct part, certification. Once such residents become impoverished and need to rely on Medicaid to help pay for their care, they are often told that "no Medicaid beds are available" and that they must move. Facilities engage in other practices that discriminate against people who need to rely on Medicaid for their care. We would be happy to work with your staff in developing legislative solutions to these concerns.

Thank you for your work and leadership on these important issues.

Sincerely,
TOBY S. EDELMAN.

AARP
Washington, DC, February 25, 1999.
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC

DEAR SENATOR GRAHAM: AARP appreciates your leadership in sponsoring the Nursing Home Residential Security Act of 1999, a bill that protects low-income nursing home residents from discharge when a nursing home withdraws from the Medicaid program.

Across the country, some nursing home operators have been accused of dumping Medicaid residents—among the most defenseless of all health care patients. As with similar complaints about hospitals and physicians, these violations can be serious threats to people's health and safety. Yet, federal and state governments have been limited to their oversight and enforcement capacities. This bill would establish clear legal authority to prevent inappropriate discharges, even when a nursing home withdraws from the Medicaid program. AARP believes that this is an important and necessary step in protecting access to nursing homes for our nation's most vulnerable citizens.

This bill offers important protections because of the documented that Medicaid patients face, especially people seeking nursing home care. For years, there has been strong evidence demonstrating that people who are eligible for Medicaid have a harder time gaining entry to a nursing home than do private payers. In some parts of the country, there is a shortage of nursing home beds. Under such circumstances, only private-pay patients have real choice among nursing homes. Medicaid patients are often forced to choose a home that they would not have otherwise chosen, despite concerns about its quality of care or location.

Under the proposed legislation, government survey, certification, and enforcement authority would continue, even after the facility withdraws from the Medicaid program, and the facility would be required to continue to comply with it. The bill also protects prospective residents by requiring oral and written notice that the nursing home has withdrawn from the Medicaid program. Thus, the prospective nursing home resident would be given notice that the home would be permitted to transfer or discharge a new resident at such time as the resident is unable to pay for care.

Access to quality nursing homes has been a long-standing and serious concern for AARP. It is an issue that affects, in a real way, our members and their families. The current patchwork system of long-term care forces many Americans to spend down to pay for expensive nursing home care. Therefore, it is unfair to penalize such order, frail nursing home residents who must rely on Medicaid at a critical time in their lives.

Again, thank you for your leadership on this issue. If we can be of further assistance, please give me a call or have your staff contact Maryanne Keenan of our Federal Affairs staff at (202) 434-3772.

Sincerely,

HORACE B. DEETS.

Mr. GRASSLEY. Mr. President, today I am pleased to join Senators GRAHAM, ROTH, and MOYNIHAN in introducing legislation that will be an important step in safeguarding our most vulnerable citizens. The Nursing Home Residential Security Act of 1999 will protect nursing home residents who are covered by Medicaid from being thrown out of a facility to make room for a more lucrative, private-pay patient.

It is hard to believe that a facility would uproot a frail individual for the sole purpose of a few extra dollars. However, in the past year there have been documented cases of Medicaid beneficiaries who have been at risk of being forced to leave a facility based solely on reimbursement status. The result is often severe trauma and a mortality rate that is two to three times higher than other nursing home residents. This is no way to treat our elderly.

I want to make it clear that these situations are rare. The vast majority of nursing homes are compassionate and decent facilities. My state of Iowa has been privileged to have many nursing homes that stand as models of quality care. Unfortunately, a few bad apples can damage the reputation of an entire industry. That is why I am pleased that this bipartisan legislation has the support of the nursing home industry as well as senior citizens' advocates.

This commonsense proposal would prevent nursing homes who have already accepted a Medicaid patient from evicting or transferring the patient based solely on payment status. Nursing homes would still be entitled to decide who gains access to their facilities, however, they would be required to inform new residents that if they spend down to Medicaid, they are entitled to discharge or transfer them to another facility.

This legislation is an important step in protecting these frail individuals. People move into nursing homes for around-the-clock health care in a safe environment. The last thing they expect is to be put out on the street. That's also the last thing they deserve. This bill prevents residents from getting hurt if their nursing home pulls out of Medicaid and ensures that people know their rights up front, before they enter a facility.

This commonsense proposal has also been introduced in the House of Representatives by Congressman BILIRAKIS where it has received strong bipartisan support. I encourage my colleagues in the Senate to cosponsor this worthwhile proposal. And, I look forward to the passage of this resolution this year.

Mr. ROTH. Mr. President, today, I am pleased to join with Senator MOYNIHAN, Senator GRAHAM, and Senator GRASSLEY to introduce important legislation to protect some of our most vulnerable citizens—nursing home residents. Our bill will keep nursing home residents who rely on Medicaid from being "dumped" out of the facility they call home, should that facility decide to drop participation in the Medicaid program.

The problem we will solve with this bill does not occur often. In fact, nearly 90 percent of all nursing homes participate in the Medicaid program. Pullouts are very rare and usually result from facilities deciding to close. But when a still-functioning facility decides to stop serving Medicaid clients, our bill will ensure that current residents do not find themselves pushed out of the place they view as home.

Recently, Medicaid beneficiaries in facilities in Indiana and Florida found themselves in precisely this horrible situation. They were forced out of nursing homes that decided to drop participation in the Medicaid program. Residents' well-being was disrupted and families were forced to scramble to develop other care alternatives.

Our new legislation, and H.R. 540, its companion bill in the House, will protect current residents from displacement. The bill simply requires that facilities withdrawing from the Medicaid program continue to care for current residents under the terms and conditions of the Medicaid program until those residents no longer require care. Facilities would essentially phase-down participation in Medicaid rather than dropping from the program overnight.

Both the nursing home industry and senior citizens' advocates support our legislation. This is a common sense, good-government bill that will enhance the peace of mind of low-income elderly and disabled individuals.

I applaud the House Conference Committee for having already held a hearing on H.R. 540, and Representatives BILIRAKIS and DAVIS are to be congratulated for their leadership on this important issue. As we introduce our bill in the Senate today, I would like to particularly thank Senator BOB GRAHAM, whose commitment to this legislation has been pivotal. Working with him, Senator MOYNIHAN, Senator GRASSLEY, and other original Finance Committee cosponsors Senators CHAFEE, MACK, ROCKEFELLER, BREAUX, BRYAN, and KERREY, I look forward to taking up the bill up in our committee.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleagues Senators GRAHAM, ROTH and GRASSLEY in introducing this legislation—the Nursing Home Residential Security Act of 1999. It is a modest modification providing an enormous protection for nursing home residents.

The situation today is as follows. Frail elderly individuals who require nursing home care are faced with costs of $40,000 to $50,000 on average per year. These sums quickly deplete family savings. As a result, about two-thirds of nursing home residents at some point spend down their assets and require the assistance of Medicaid coverage. Because Medicaid typically has low reimbursement rates, nursing homes, in turn, must carefully balance their finances by screening which patients to accept, limiting the number of Medicaid residents. When nursing homes can no longer operate with low Medicaid rates, they may choose to reduce the number of beds available for Medicaid residents or no longer participate in the Medicaid program altogether.

What, then, happens to the residents who depend on Medicaid to cover their nursing home costs? The Wall Street Journal first reported on April 7 of last year what has occurred: Vencor Inc., with the nation's largest nursing home chain of 310 facilities, decided to withdraw participation in the Medicaid program. Residents covered by Medicaid were so notified and told they would have to leave the nursing homes—their homes.

Industry analysts had predicted that some other companies may follow Vencor's lead in jettisoning Medicaid residents. For example, Renaissance Healthcare Corp. withdrew from Medicaid the year before due to rising expenses.

The evictions in Vencor's Indiana and Florida nursing homes caused panic among residents and their families, and aggravated some patients' frail medical conditions. In all, it was a wrenching experience for residents and their families.

Our legislation is a small modification amid an otherwise larger problem. The bill would merely protect current Medicaid residents in nursing homes from evictions if their nursing home decides to withdraw from the Medicaid program. Nursing homes will be able to continue to screen patients for acceptance into their facility. The screening process is quite sophisticated and includes collection of information about assets and income to determine when the individual will likely spend down his or her resources before requiring Medicaid coverage.

The larger dilemma still exists. We need a system that both covers our frail elderly in nursing homes after they spend themselves into poverty due to nursing home costs and ensures that nursing homes can stay in business in order to provide such services.

Momentum is moving behind this legislation. Our bill enjoys bipartisan support in Congress as well as support from the nursing home industry and advocates. On the Senate side, we introduce this bill today with a total of 15 sponsors. Last week, the House Commerce Subcommittee on Health and Environment held a hearing on this legislation. Chairman ROTH and I are committed to marking up this bill in our Committee in the near future. I commend Senator GRAHAM for his leadership in initiating this proposal, and urge its early adoption.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. INHOFE):

S. 495. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Environment and Public Works.

LEGISLATION TO REPEAL CLEAN AIR ACT TO REPEAL THE HIGHWAY SANCTIONS

Mr. BOND. Mr. President, the purpose of this bill is simple and clear. The only thing the bill does is to repeal the highway sanction provisions in the Clean Air Act.

I want to start by saying that I know what the so-called environmental community is going to say. Actually, they have already said it. I recall a press release that said, "Another smoggy stealth attack is in the works," and "sharpening the dirty-air knives." Well, that sounds fancy and exciting, but it is just flat wrong.

Mr. President, I ask you, where is the common sense? I do not want dirty air. And I do not think anybody in this room, in this body, wants dirty air. But any attempt to change the status quo gets some spinmeisters at work.

Let me explain where there is a real problem. There is a provision in the Clean Air Act that allows the EPA Administrator, with the approval of the Secretary of Transportation, to halt highway funding for a nonattainment area. For instance, if a State does not have an approved clean air plan, after a certain period of time sanctions apply, and those sanctions include halting highway funding. Now, transit funding can continue and bike path money can go forward. There is also a "safety" exemption where the Secretary of Transportation determines that a "project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, accidents."

I have several problems with that provision.

First, highway funding is a matter of safety. We dedicate transportation funds to specific improvement programs, like railroad crossings and programs on drunk driving. But highway safety is also an issue when it comes to road conditions.

In my own State of Missouri, I can tell you that highway fatality rates are higher than the national average because roads are more dangerous. In the period 1992 to 1996, 5,279 people died on Missouri highways. Nationally, Federal Highways estimates that road conditions are a factor in about 30 percent of traffic fatalities. Well, I believe that figure is higher in Missouri, because I have been on the narrow two-lane roads and have seen the white crosses where people have died.

Highway improvements, such as wider lanes and shoulders, adding or improving medians, and upgrading roads from two lanes to four lanes can reduce traffic fatalities and accidents. The Secretary can grant exemptions from the current law to allow a project to go forward, but he can also deny them. I have a problem with the Government, the Federal Government, micromanaging a State's transportation plan.

The law also says the State will have to submit data to justify that the "principal purpose of the project is an improvement in safety." Tell that to the grandmother who has lost her granddaughter on a stretch of highway. She will never go to the prom, because she was killed on that highway.

I would argue that highway construction and improvements are almost always a matter of safety and that to have to seek an exemption is an unnecessary and inappropriate delay. Any further delay imposed by the Federal Government on highway projects which are necessary for safety is unacceptable.

Second, taking away or imposing any kind of delay on highway funding does nothing to improve air quality or to reduce congestion. According to the American Association of State Highway and Transportation Officials, "Congestion damages air quality, increases travel times, costs an estimated $43 billion annually in delays in the country's 50 largest urban areas, and generates additional delay costs in rural and suburban areas."

Some will argue, "If you build it, they will come." That normally applies to baseball diamonds, but they are talking about highways. I am not denying that there is some truth to that, but congestion already exists. They are already there. People in our State and rural Missouri are driving, and they are driving on narrow highways because they have to. There are no trolleys; there are no regularly scheduled buses. Halting or delaying funds to address the problem is inappropriate.

I think the cliche, "Pay now or pay more later," is appropriate. What we would be "paying" for is potentially the loss of life, loss of economic opportunities, and the loss of convenience for the traveling public. Isn't this an issue of quality of life? I think so.

Third, the Highway Trust Fund is supported by highway users for highway construction and maintenance. It is a dedicated tax for a dedicated purpose. The people of Missouri are paying highway fund taxes and not getting a full dollar back for their highways. And to take away some of the money that they have put in because of totally unrelated concerns is inappropriate as a punitive sanction.

The 105th Congress spent the entire Congress, almost, working on a transportation policy.

One of the most contentious debates we had at the time and the significant outcomes of that debate was the issue of the trust fund. The Congress finally agreed to and the President signed into law what I refer to as the Bond-Chafee provision which says that the money goes in as the money comes out the next year for transportation and programs authorized by law.

Included in TEA-21—highway dollars being spent on—is $8.1 billion over 6 years for the Congestion Mitigation and Air Quality Improvement Program. This is money dedicated to helping States and local governments meet the requirements of the Clean Air Act. Under current law, CMAQ—as it is called—funding will continue without interruption, but highway construction could be halted or face a delay.

Using a "dedicated tax for a dedicated purpose" as a hammer in this instance is, I believe, inappropriate and unfair.

I do not view this legislation as an attack on the Clean Air Act. It is a matter of common sense.

Some may ask, if they do not already know, what precipitated the introduction of this legislation. I contemplated introducing this bill in the past but had other matters that were more important. But on November 8, 1998, the San Francisco-based Sierra Club filed suit in the District of Columbia District Court against the EPA to force the EPA to mandate sanctions not just on St. Louis and the nonattainment area but on the entire State of Missouri and to make these sanctions retroactive. That action, I believe, is irresponsible and extreme.

The EPA itself chose not to impose sanctions on the St Louis area or the State of Missouri because the State and the nonattainment area are doing everything that is necessary to come into compliance. The St. Louis area has adopted an inspection/maintenance program. They have instituted a plan to reduce volatile organic compound emissions by at least 15 percent. They have opted into EPA's reformulated gasoline program. And the St. Louis Regional Clean Air Partnership has been formed to encourage voluntary actions. In these circumstances, the Sierra Club lawsuit is purely punitive and purely unwarranted, but it is possible as long as we have this legislation on the books.

I do not personally know one Member of the Senate who fought for highway funding for his or her State's highway needs who would support actions to take that funding away, especially in a frivolous lawsuit by a group with a different agenda, with different priorities than the citizens of the State who are paying in the money. If this provision of law is left in place, what is happening in Missouri could happen elsewhere. Highway sanctions are in place for Helena, MT, and a situation is developing in Atlanta, GA, which has been brought to my attention.

There are those who say you can count the number of times highway sanctions have been imposed on one hand, but that still is too many. I disagree with the linking of highway funds and clean air attainment. We must address both. Quality of life requires both clean air and safe highways. I am dedicated to both. I hope we can have hearings and move on this measure in the near future.

By Mr. REED (for himself and Mr. WYDEN):

S. 496. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I rise today to introduce the Health Care Consumer Assistance Act, along with my colleague from Oregon, Mr. WYDEN. This legislation creates a consumer assistance program that is key to patient protections in the health insurance market.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and providers. Today, only a loose patchwork of consumer assistance services exists. And, while a number of sources provide assistance, most are limited. Many consumer groups have advocated for the establishment of consumer assistance programs to support consumers' growing need of information.

The legislation I am introducing today gives states grants to establish nonprofit, private health care ombudsman programs designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under my bill, the Secretary of Health and Human Services will offer funds for states to select an independent, nonprofit agency to provide the following services to consumers: information relating to choices, rights, and responsibilities within the plans they select; operate a 1-800 telephone hotline to respond to consumer requests for information, advice and assistance; produce and disseminate educational materials about patients' rights; provide assistance and representation to people who wish to appeal the denial, termination, or reduction of health care services, or a refusal to pay for health services; and collect and disseminate data about inquiries, problems and grievances handled by the consumer assistance program.

This program has been championed by Ron Pollack of Families USA and Beverly Malone of the American Nurses Association, who served as members of the President's Commission on Quality, as well as numerous other consumer advocates.

Mr. President, I have joined with many of my Democratic colleagues in sponsoring S. 6, the Patients' Bill of Rights Act of 1999. I am pleased that S. 6 would establish a consumer assistance program, similar to that established by my legislation. My purpose today is to emphasize the importance of such a consumer protection program. This legislation is not without controversy, but I believe that American consumers deserve protection and assistance as they attempt to navigate the often confusing and complex world of health insurance.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Consumer Assistance Act".

SEC. 2. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall award grants to States to enable such States to enter into contracts for the establishment of consumer assistance programs designed to assist consumers of health insurance in understanding their rights, responsibilities and choices among health insurance products.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will solicit proposals for, and enter into a contract with, an entity eligible under section 3 to serve as the health insurance consumer office for the State; and

(2) the manner in which the State will ensure that advice and assistance services for health insurance consumers are coordinated through the office described in paragraph (1).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

SEC. 3. ELIGIBILITY OF STATE ENTITIES.

To be eligible to enter into a contract with a State and operate as the health insurance consumer office for the State under this Act, an entity shall—

(1) be an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers (particularly low income and other consumers who are most in need of consumer assistance);

(2) prepare and submit to the State a proposal containing such information as the State may require;

(3) demonstrate that the entity has the technical, organizational, and professional capacity to operate the health insurance consumer office within the State;

(4) provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care; and

(5) demonstrate that, using assistance provided by the State, the entity has the capacity to provide assistance and advice throughout the State to public and private health insurance consumers regardless of the source of coverage.

SEC. 4. USE OF FUNDS.

(a) BY STATE.—A State shall use amounts received under a grant under this Act to enter into a contract described in section 2(a) to provide funds for the establishment and operation of a health insurance consumer office.

(b) BY ENTITY.—

(1) IN GENERAL.—An entity that enters into a contract with a State under this Act shall use amounts received under the contract to establish and operate a health insurance consumer office.

(2) NONCOMPLIANCE.—If the State fails to enter into a contract under subsection (a), the Secretary shall withhold amounts to be provided to the State under this Act and use such amounts to enter into the contract described in paragraph (1) for the State.

(c) ACTIVITIES OF OFFICE.—A health insurance consumer office established under this Act shall—

(1) provide information to health insurance consumers within the State relating to choice of health insurance products and the rights and responsibilities of consumers and insurers under such products;

(2) operate toll-free telephone hotlines to respond to requests for information, advice or assistance concerning health insurance in a timely and efficient manner;

(3) produce and disseminate educational materials concerning health insurance consumer and patient rights;

(4) provide assistance and representation (in nonlitigative settings) to individuals who desire to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan;

(5) make referrals to appropriate private and public individuals or entities so that inquiries, problems, and grievances with respect to health insurance can be handled promptly and efficiently; and

(6) collect data concerning inquiries, problems, and grievances handled by the office and periodically disseminate a compilation and analysis of such information to employers, health plans, health insurers, regulatory agencies, and the general public.

(d) AVAILABILITY OF SERVICES.—The office shall not discriminate in the provision of services regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(e) SUBCONTRACTS.—An office established under this section may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are met by the office.

(f) TRAINING.—

(1) IN GENERAL.—An office established under this section shall ensure that personnel employed by the office possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) CONTRACTS.—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) LIMITATION.—Not to exceed 7 percent of the amount awarded to an entity under a contract under subsection (a) for a fiscal year may be used for the provision of training under this section.

(g) ADMINISTRATIVE COSTS.—Not to exceed 1 percent of the amount of a block grant awarded to the State under subsection (a) for a fiscal year may be used for administrative expenses by the State.

(h) TERM.—A contract entered into under subsection (a) shall be for a term of 3 years.

SEC. 5. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out this Act.

(b) REPORT OF SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which this report is being prepared are sufficient to fully fund this Act in such fiscal year; and

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources.

By Mr. WYDEN:

S. 498. A bill to require vessels entering the United States waters to provide earlier notice of the entry, to clarify the requirements for those vessels and the authority of the Coast Guard over those vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL PROTECTION AND VESSEL CONTROL IMPROVEMENT ACT

Mr. WYDEN. Mr. President, as we speak, rescue crews are fighting valiantly to contain the damage from the wreck of the tanker New Carissa off of Coos Bay, Oregon three weeks ago. But the clock is ticking, the water is rising, and time is running short. An environmental disaster of truly alarming proportions is staring my state in the face.

Thousands of gallons of fuel oil have already leaked out of the wrecked ship and thousands more may be spilled along our precious coastline within days, if not hours.

As Oregonians struggle to make the best of a bad situation, it is not too early to start talking about how we prevent the next addition to the legacy of New Carissa. It seems clear to me that we need to look at the pernicious practice of foreign flagging. How many gallons of oil need to spill and how many miles of coastline have to be destroyed before we stop allowing unseaworthy vessels manned by untrained crews into our coastal waters.

It seems easier to register a supertanker in some foreign countries than it is to register an automobile in Portland, Oregon. As long as this so-called Flag of Convenience system continues, it's only a matter of time before the next New Carissa runs aground on a local beach. Yet our maritime policy continues to allow it.

Grave concerns have also been raised about the amount and quality of information being released to the public about this disaster. People who live in the area simply have not been told what to expect. That is unacceptable. When disaster strikes, government has an ironclad responsibility to give people as much information as possible.

Today, I am introducing legislation that focuses on avoiding disasters like the New Carissa. We need to stop playing Russian roulette with our coastal resources and the communities that depend on them.

Congressman DEFAZIO has authored companion legislation in the House of Representatives, which was adopted as an amendment to the Coast Guard Reauthorization Bill.

This legislation requires all vessels, foreign and domestic, to notify the Coast Guard when they intend to enter our country's territorial waters, allows the Coast Guard to bar them from entry if there are safety concerns, and gives the Coast Guard the authority to direct the movements of such vessels in our waters in hazardous situations. This bill would have given the Coast Guard the ability to block the New Carissa from allowing its deadly course of sailing so close to shore during a hazardous gale, a practice that local pilots shun.

In other words, had this bill been in place, the Coast Guard would have had the ability to stop this tragedy before it occurred, instead of having to clean up after it.

I urge my colleagues to support this important legislation, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

"(a) NOTIFICATION OF COAST GUARD.—

"(1) NOTIFICATION.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry.

"(2) INFORMATION.—The regulations under paragraph (1) shall specify that the notification shall contain the following information:

"(A) The name of the vessel.

"(B) The port or place of destination in the United States.

"(C) The time of entry into the territorial sea.

"(D) With respect to the fuel oil tanks of the vessel—

"(i) the capacity of those tanks; and

"(ii) the estimated quantity of fuel oil that will be contained in those tanks at the time of entry into the territorial sea.

"(E) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

"(F) If the vessel is carrying dangerous cargo, a description of that cargo.

"(G) A description of any hazardous conditions on the vessel.

"(H) Any other information requested by the Secretary.

"(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

"(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

"(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

"(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by

Federal or State law, weather, casualty, vessel traffic, or the poor condition of the vessel.”.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. DEWINE, Mr. MURKOWSKI, Mr. THURMOND, Mr. DURBIN, and Mr. INOUYE):

S. 499. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1999

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1999. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to over 52,000 Americans who have end-stage disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative Congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through public education.

Any one of us, or any member of our families, could need a life saving transplant. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has more than doubled since 1990—and a new name is added to the list every 18 minutes. In my home State of Tennessee, 62 Tennesseans died in 1998 while waiting, and more than 775 people are in need of a transplant. Nationally, because of a lack of organs, close to 5,000 listed individuals died in 1998.

However, the official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end-stage disease, the number of people potentially needing organs or bone marrow, very likely over 120,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are between 15,000 and 20,000 potential cadaveric donors each year, yet inexcusably, in 1997 there were only some 5,400 actual donors. That's why we need you to help us educate others about the facts surrounding tissue and organ donation.

Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, and Mr. HELMS):

S. 500. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

UNITED STATES SENTENCING COMMISSION LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a bill that I sponsored in the last Congress to give victims of crime a greater voice in sentencing. My bill, which is being cosponsored by Senators JEFFORDS and HELMS, would reserve two of the seven seats on the United States Sentencing Commission for victims of violent crimes.

Mr. President, the Sentencing Commission is an independent entity within the judicial branch that establishes sentencing policies and practices for the Federal courts. This includes sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of Federal crimes.

The U.S. sentencing Commission is composed of seven voting members who are appointed by the President, with the advice and consent of the Senate, for six-year terms. The Commission also includes two non-voting members. Of the seven voting members of the Sentencing Commission, three must be Federal judges.

Under my bill, two of the four seats on the Sentencing Commission that are not filled by Federal judges would be reserved for victims of a crime of violence or, in the case of a homicide, an immediate family member of such a victim. My bill utilizes the definition of a crime of violence that is found in section 16 of title 18 of the United States Code.

All seven voting seats on the Sentencing Commission are vacant. Now is the right time to give victims of crime a voice by requiring that two of those vacant seats must be filled by Americans who have been victimized by violent crimes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by inserting after “same political party,” the following: “Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim.”.

(b) APPLICABILITY.—The amendment made by this section shall apply with respect to any appointment made on or after the date of enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 501. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Energy and Natural Resources.

GLACIER BAY FISHERIES ACT

Mr. MURKOWSKI. Mr. President, I am today introducing—together with my good friend Senator STEVENS—new legislation to ensure that the marine waters of Glacier Bay National Park remain open to the fisheries that have been conducted there for many, many years.

For a number of years, the Park Service has attempted to seize authority over fisheries management in Glacier Bay from the State of Alaska, which holds title to the marine waters and submerged lands within Glacier Bay National Park. This is an infringement of the State's sovereignty under the constitutional doctrine of equal footing, as confirmed by Congress in the Submerged Lands Act, and the Alaska Statehood Act.

As my colleagues should all be aware, commercial fisheries have been conducted in these waters for well over 100 years, since long before the federal government became interested in them. Subsistence fishing and gathering by local residents has been practiced for up to 9,000 years, and perhaps longer.

Yet today, officials of the National Park Service want Glacier Bay off limits to those who have depended on it for their sustenance and livelihoods for generations.

Most recently, agents of the Park Service harassed a number of commercial crab fishermen who were fishing in areas which have always been open to them. Some of these were areas which may be closed under legislation adopted last year, but for which the Park Service has not yet promulgated regulations to effect the closure.

Although Park Service officials now say they merely asked for voluntary compliance and attempted to educate fishermen about their plans, the fishermen tell a different, and more sinister, story.

This particular crab fishery is only six days long, with the first two days being crucial to a fisherman's financial success. Because of this, fishermen must work literally around the clock for the first 48 to 72 hours. After the first two days, their earning potential—even for a top fisherman—drops from almost $60,000 per day to less than $20,000.

It is important to note that these are not large scale fisheries. We are talking about a small handful of fishermen, some working solely with their families.

Out of the 14 vessels working in the Bay during the recent fishery, 11 were boarded—right in the middle of those crucial first two days—by armed and intimidating Park Service agents. Many were either told they were in closed waters, or threatened that if they did not move, they would be prosecuted. Needless to say, these fishermen are law-abiding members of society, so they pulled up their fishing gear and moved, taking very serious financial losses as a result.

Mr. President, let me ask you how difficult it would have been to write a letter before the season opened and send it to these 14 fishermen? How hard would it be to send a letter to 20 fishermen? or to 50? In other words, Mr. President, how hard would it have been to avoid such confrontational and damaging tactics?

It would not have been hard at all, Mr. President, and the fact that the agency did not choose to do so is just one more example of how unfairly the Park Service has behaved to those who live and work in Alaska.

It is time for this to stop, and to ensure that it does, I am today offering a simple, clean solution. First, the bill authorizes subsistence fishing and gathering under the existing federal governing authority for such activities. Second, the bill authorizes the State of Alaska to conduct its marine fisheries without interference, except a fishery for Dungeness crab, for which a compensation plan has already been adopted. And third, the bill authorizes the use of up to $2,000,000 per year—which the Park Service is already collecting but which it has failed to use for the purpose intended by Congress—to be used to pay damages to fishermen who were unfairly harmed.

Mr. President, this is a matter of simple fairness. These are not new fisheries, but old ones—fisheries which throughout their long history have never caused a problem, and are today more tightly controlled than ever by State of Alaska law and regulation.

Fishermen have caused no harm here. The only harm has been caused either by the arrogant demands of those who want the park to themselves, or those who are well-meaning but ignorant of the facts. It is time the former become better neighbors, and time for the latter to learn the truth.

I ask unanimous consent that the text of our legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay Fisheries Act".

SEC. 2. RESOURCE HARVESTING.

(a) In Glacier Bay National Park, the Secretary of the Interior shall accommodate—

(1) the conduct of subsistence fishing and gathering under Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et. seq.); and

(2) the conduct by the State of Alaska, in accordance with the principles of sustained yield, of marine commercial fisheries, except fishing for Dungeness crab in the waters of the Beardslee Islands and upper Dundas Bay.

SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91-383 (16 U.S.C. 1a-2(g)) is amended—

(1) in paragraph (1), by striking "and" at the end

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons that, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency, that interferes with any person legally fishing or attempting to fish in such commercial fisheries.

By Mr. ASHCROFT (for himself and Mr. DOMENICI):

S. 502. A bill to protect social security; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE PROTECT SOCIAL SECURITY BENEFITS ACT OF 1999

Mr. ASCHROFT. Mr. President, there is no more worthy government obligation than ensuring that those who paid a lifetime of Social Security taxes will receive their full Social Security benefits. Social Security is a national, cultural and legal obligation. Social Security is our most import social program, a contact between the government and its citizens. Americans, including one million Missourians, depend on this commitment.

This is more than just a governmental commitment. We have a responsibility as a culture to care for the elderly. Social Security is the only retirement income most of our seniors receive. It is our obligation, passed down from generation to generation, to provide retirement security for every American.

As individuals, all of us care about Social Security because we know the benefits it pays to our mothers and fathers, relatives and friends. And we think of the Social Security taxes we and our children pay—up to 12.4 percent of our income. We pay these taxes with the understanding that they help our parents and their friends, and we hope that our taxes will somehow, someday make it possible to help pay for our own retirements.

In my case, thinking of Social Security brings to mind friends and constituents such as Lenus Hill of Bolivar, MO, who relies on her Social Security to meet living expenses. Billy Yarberry lives on a farm near Springfield and depends on Social Security. And there is Rev. Walter Keisker of Cape Girardeau, who will be 100 years old next July and lives on Social Security. These faces bring meaning to Social Security.

Whenever I meet with folks in Missouri, I am asked, "Senator, you won't let them use my Social Security taxes to pay for the United Nations, will you?" Or, "Why can't I get my full benefits if I work after 65?" Or, "You know I need my Social Security, don't you?"

And then there are the letters on Social Security I get every day.

Ed and Beverly Shelton of Independence, MO, write: "Aren't the budget surpluses the result of Social Security taxes generating more revenue than is needed to fund current benefits? Therefore, the Social Security surplus is the surplus!* * * Yes, we are senior citizens and receive a very limited amount of Social Security. We are children who survived the Great Depression and World War II so we know how to stretch a dollar and rationed goods—just wish Congress were as careful with spending our money as we are!"

These concerns are why I am introducing today the Protect Social Security Benefits Act. Americans who have devoted 12% of their wages to the Social Security Trust Fund deserve their full Social Security payments now and in the century to come. The bill is part of a five part package that, taken together, seeks to provide greater protection for the Social Security Trust Fund.

The substance and message of these provisions is that Social Security must be protected: protected from politicians who raid Social Security to finance additional deficits; protected from those who want to gamble with Social Security in the stock market; protected so that investment decisions ensure current and future benefits; protected so that seniors who work get full benefits; protected so that we keep our commitment to America's retirees.

The Ashcroft Protect Social Security Benefits Act of 1999 prevents the use of surpluses in the Social Security Trust Funds to finance deficits in the rest of the federal budget. We must build a wall so high around the Social Security Trust Funds so that it cannot be used to pay for new government spending. Social Security should not finance new spending. But that is exactly what has happened in the past, is now happening, and will continue happening in the future, unless changes are made. It must end.

Specifically, the bill makes it out of order for the House or Senate to pass, or even debate, a budget or bill that uses Social Security surpluses to finance deficits in the rest of the budget. In both the House and Senate, a three-fifths vote, or a super majority, would be required to change that. Let me assure you that this is extremely unlikely. We have enough trouble getting 51 Senators to agree to anything, let alone 60. Thus, it would be extremely difficult to use the Social Security surplus to fund new deficit spending.

Two other bills I am supporting will also reduce debt and thereby strengthen our economy, Social Security and our future. The first bill structures the payment of the national debt by amortizing it—paying it off in installments—over the next 30 years. The second bill reduces the public debt limit every two years as an additional incentive to reduce borrowing. Additional surpluses in the Social Security Trust Fund can buy down publicly-held debt. By reducing the public debt, my plan will make it easier for America to meet its Social Security obligations in three ways. First, over the long run, paying off the debt will lower interest payments, which are now over $200 billion annually, equaling about 15% of the budget. Second, by relieving America of the burden of the $3.8 trillion national debt over the next 30 years, it will free up more resources that may be able to meet Social Security obligations in the future. Finally, a debt-free America will have a stronger, faster-growing economy, and will be better equipped to come up with the money to redeem the Trust Fund when we need it.

We must remember that federal debt incurs very real costs, in the form of interest payments and higher interest rates. With that in mind, we cannot afford not to pay off the debt. While it will cost money to pay off the debt, it is better to budget for those costs now. On this point, I agree with President Clinton. His idea to use Social Security surpluses to pay down our existing debt is a wise one, and I am offering a responsible plan to make it happen.

Finally, and given the fact that Social Security surpluses are routinely being used to finance deficits in the rest of the budget of the federal government, it is time to decide carefully how Social Security should be treated in any proposed constitutional amendment to balance the budget. I have always supported a balanced budget amendment. In the past, I have supported an effort that did not distinguish between Social Security accounts and the rest of the federal budget. However, last year's raid of the Social Security surplus to fund other government spending under the guise of "emergency spending" has convinced me that Social Security must be protected under our constitution. Social Security must be walled off for special treatment in any proposed balanced budget amendment. We must make clear that the federal budget should be balanced without counting any Social Security surpluses.

Walling off the trust funds is the first step, not the only step, needed to protect Social Security. This is the right way to start the effort to improve Social Security so it is strong for our children and grandchildren.

To do this, we need to be honest, realizing that, for now, time is on our side to make thoughtful improvements. For the past few months, I have comprehensively reviewed Social Security. My conviction is that understanding must always come before reforming. The following summarizes the facts about Social Security.

Social Security does now and will in the near future accumulate annual surpluses. Together, income from payroll taxes and interest is greater than the amount of benefits being paid out. The Social Security Trustees believe that these surpluses will continue each year for the next 14 years. In that time, a $2.8 trillion total surplus will accumulate.

In the year 2013, however, when more baby boomers will be in retirement, annual benefit payments will exceed annual taxes received by Social Security through taxes and interest. As a result, Social Security will run an annual deficit. By 2021, annual benefit payments will exceed annual taxes received by Social Security and interest earned on the accumulated surpluses. In the year 2032, Social Security payroll taxes will not only be insufficient to pay benefits; the surpluses will be used up. Social Security will be bankrupt.

Bipartisan efforts are underway to address this long-term situation. I will take an active part in this work. We must strengthen Social Security's capacity to pay benefits in full beyond the year 2032.

But there is no getting around the fact that a key to the long-term solvency of Social Security is how the current mushrooming Social Security surplus is invested, managed and spent. That's why the Protect Social Security Benefits Act focuses on how the current Social Security surplus is invested and managed.

Where is the Social Security surplus? This question helps us understand what the Social Security surplus is, and is not. In truth, the Trust Funds have no money, only interest-bearing notes. It would be foolish to have money in the trust fund that earned no interest or had no return. In return for the Social Security notes, Social Security taxes are sent to the U.S. Treasury and mingled with other government revenues, where the entire pool of cash pays the government's day-to-day expenses. While the Trust Funds records now show a total of $857 billion in the fund, these assets exist only in the form of government securities, or debt. According to the Washington Post, "The entire Social Security Trust Fund, all [$857] billion or so of it, fits readily in four ordinary, brown, accordion-style folders that one can easily hold in both hands. The 174 certificates reside in a plain combination-lock filing cabinet on the third floor of the bureau's office building."

In recent years, Social Security surpluses have been used to finance deficit spending in the rest of the federal budget. Take Fiscal Year 1998 for example. The Social Security surplus was $99 billion. The deficit in the rest of the government budget was $29 billion. So $29 billion—or 30% of the Social Security surplus—financed other government programs that were not paid for with general tax revenues. this occurred despite President Clinton's promise to save "every penny of any surplus" for Social Security.

For next year, this money shuffling is even greater. To quote the Senate Budget Committee's February 1, 1999, analysis:

> Conclusion: the President's budget, despite the rhetoric, not only spends all the non-Social Security surplus over the next five years, while providing no meaningful tax relief to American families, but also dips in the Social Security surplus for $146 billion to pay for the President's spending priorities.

This kind of money shuffling must end. I cannot go back to Lenus Hill or Billy Yarberry and tell them that I stood by silently as the government devoted—spent half of their retirement money to paying for the President's new spending initiatives. We must stop the dishonest practice of hiding new government deficits with Social Security surpluses.

The Protect Social Security Benefits Act of 1999 is designed to cripple attempts to use surpluses in the Social

Security Trust Funds to pay for deficits in the rest of the federal budget. Specifically, the bill states that it is out of order for the House and Senate to pass—or even debate—a budget that uses Social Security surpluses to finance new debt in the rest of the budget. This provision could only be overridden if three-fifths of the House or Senate openly vote to bypass this rule.

Three times Congress has passed laws that tried to take Social Security off-budget. These efforts have called for accounting statements that require the government to keep the financial status of Social Security separate from the rest of the budget. But these efforts are inadequate unless Congress puts in place safeguards that protect surpluses in Social Security from financing new government spending.

Right now, such procedures do not exist in current law or in senate rules. On the contrary, current law and senate rules create 21 separate points of order that apply to spending increases and tax increases, making it difficult to protect Social Security surpluses. But none actually stop these surpluses from paying for new budget deficits. We need a point of order protecting Social Security surpluses from irresponsible government raiding.

The Protect Social Security Benefits Act would create precisely such a point of order. This would prohibit the federal government from running a federal funds (on-budget) deficit without 60 votes, or what is known as a super-majority. With no on-budget deficit to finance, we would use the entire Social Security surplus to shrink the publicly-held federal debt. Reducing the publicly-held debt would cut annual interest costs that now cost $200 billion and 15% of the entire federal government budget. Eliminating this interest cost would provide more flexibility to address the long-term financing difficulties Social Security now faces that could someday jeopardize payment of full benefits.

The only exception to this point of order would be in time of war. If Congress were to declare war, and the government needed to go into deficit in order to protect our national security, then the point of order would not apply. It would remain in effect at all other times. In the event that the House or Senate did not pass a budget resolution, the point of order would apply to all appropriations bills passed after September 1. This fail-safe would ensure that the President and the Congress could not raid the Social Security fund for irresponsible spending, as they did last year to the tune of $22 billion.

The Ashcroft Protect Social Security Benefits Act is the first provision in a multi-part Social Security package that will address vital issues relating to the management, investment, and taxation of Social Security. This plan is designed to protect the Social Security system. More importantly, it is designed to protect the American people—from debt, from bad investments, from misinformation, and from attempts to spend our retirement dollars on current government spending. While I value the Social Security system, I value the American people, people like Lenus Hill and the one million other Missourians who receive Social Security benefits, more. My primary responsibility is to them. My plan to protect the Social Security system will protect the American people first, and I urge my colleagues to join me in support of this plan.

By Mr. ALLARD:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; to the Committee on Energy and Natural Resources.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. ALLARD. Mr. President, wilderness is described in the law as lands that are, "* * * in contrast with those areas where man and his own works dominate the landscape, * * * an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." With today's introduction of the Spanish Peaks Wilderness bill congressmen SCOTT MCINNIS, BOB SCHAFFER and I are setting aside around 18,000 acres of land that more than meets the intent of the authors of the 1964 Wilderness Act. This land will be an important addition to wilderness in Colorado.

Spanish Peaks had been considered for inclusion in previous wilderness bills. However, because of unresolved issues it was not appropriate to designate it in the past. Those issues included various inholdings, the use of an old access road in the wilderness area, as well as the potential coal bed methane production on portions of the land. Those issues have either been resolved in this bill or they have been resolved through other methods. The resolution of these issues has maintained the integrity of the proposed wilderness area as well as protecting the needs of the local community.

Because of this, the legislation should have the backing of the local community, Colorado environmental groups, and the majority of the Colorado delegation. There is no reason why it cannot be passed quickly.

All Colorado wilderness bills should go through the process this bill went through. Congressman MCINNIS, Congressman SCHAFFER and I decided that cooperation, consensus, and communication were essential to success. Therefore, we casted our net broadly for concerns, and when they were raised in good faith we actually sat down and worked them out. I have been struck by the fact that when people are given the opportunity to be part of the process they feel like they have a stake in the outcome and they try to be constructive in their criticisms. Because of constructive critics like the Huerfano County Commissioners, this legislation is better now then it was when they first looked at it.

While the legislation is complete, we are still seeking clarification on one point. The Huerfano County Commissioners are seeking to have a trail that is slightly inside the wilderness area, as designated in the legislation, excluded. My staff has spoken with the local Forest Service staffer and they appear to have no objection to this change. It is still uncertain whether we actually need to change the legislation to do this or whether the map can be adjusted by the Forest Service without any legislative changes. If it is the former than we will make that change prior to passing it out of the Senate. If it is the latter, we will exchange letters with the Forest Service to ensure we are talking about the same trail in the same place. This change should not be of concern. It is only slightly inside the boundaries and any changes we make to exclude it would be of only a slight impact on the entire designation.

I want to thank Congressman MCINNIS, Congressman SCHAFFER, and the local community for working through this process. When the Colorado delegation works as a team they work the best for the State of Colorado.

By Mr. CLELAND:

S. 504. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

THE FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

Mr. CLELAND. Mr. President. I rise today to address the important issue of campaign finance reform. As we begin the 106th Congress, campaign finance reform continues to be an important national need. Therefore, I am again introducing my Federal Election Enforcement And Disclosure Reform Act with the hope that this will be the year that Congress makes positive strides towards meaningful reform.

After participating in the Governmental Affairs Committee's extensive 1997 campaign finance hearings, it was apparent to me that there is a critical need for reform of our entire campaign finance system. What I witnessed, heard and read made me even more convinced that we must strengthen our campaign financing laws, and provide strong enforcement through the Federal Election Commission of these laws, or risk seeing our election process be swept away in a tidal wave of money. In spite of public support, and positive action in the House, the Senate failed last year to enact meaningful legislation addressing these problems, and we have now gone through yet another election cycle in which the abuses continued to persist. With the record high of $1 billion spent in pursuit of federal office in 1996—a 73 percent increase since 1992, I had hoped that the 1998 election would at least reflect a natural decline from the grossly inflated figures. However, post-election reports filed with the FEC show that spending in Senate general election campaigns went from $220.8 million in 1996, to $244.3 in 1998, an 11% increase. It has been estimated that if these trends continue, by 2025 it will take $145 million to finance an average Senate campaign. This absurd trend cannot continue.

Although the Senate failed last year to enact meaningful reform, I am hopeful that, with a new Congress, we will take up this important issue in earnest. The legislation I am re-introducing today, the Federal Election Enforcement and Disclosure Reform Act, addresses one of the most serious problems with our current system, the inability of the Federal Election Commission (FEC) to adequately enforce our existing campaign laws. I recently read a compelling article entitled "No Cop on the Beat," which appeared in the January 23, 1999 issue of the National Journal. The author, Eliza Newlin Carney, perhaps summarizes best the current judgment on the effectiveness of the FEC when she states that "[a] long-standing joke around town is that the commission is a government success story: It is precisely the weak and ineffective agency that Congress intended it to be."

The article was written following a December 1998 FEC hearing on the 1996 elections during which FEC auditors alleged that the national campaign committees of both major parties violated campaign finance rules with respect to broadcast advertising. Although party leaders maintained that the advertisements in question were legitimate "issue" ads appropriately paid for by millions of dollars in "soft" money, based on their investigation, the FEC auditors alleged that they were illegal ads which caused both major party Presidential campaigns to exceed the federal spending limit and, more importantly, allowed both campaigns to "essentially bilk . . . the federal Treasury out of no less than $25 million." The auditors recommended that the campaigns repay the money. However, the commissioners unanimously rejected these recommendations and refused to specifically address the alleged grievous violations of federal campaign laws.

Although the author of the National Journal piece is very critical of the enforcement system, her criticism correctly does not end with the FEC. "[T]he FEC isn't the only cop that seems to have deserted the beat." According to the author, the FEC's refusal to enforce the campaign regulations has also had a chilling effect on the Justice Department's willingness to complete thorough investigations of the abuses in the 1996 election cycle. Furthermore, she points out that last year Congress again failed to enact new campaign finance laws to help correct the problems. She concludes by mentioning the movement by some politicians to totally deregulate the system—"By default, the no-holds-barred camp seems to be winning. Their deregulation model is starting to look an awful lot like the system we have today."

As we can see in the preliminary preparations already underway, the 2000 election cycle is likely to be heading in the same direction and I believe that this is the optimal time for us to act in order to prevent such abuses. Although my bill will not address all of the campaign finance system problems, it will revitalize the Federal Election Commission to enable it to more effectively enforce current campaign finance laws, and to close some loopholes in current campaign disclosure requirements in order to provide the American people with more comprehensive and more timely information on campaign finances.

As I made clear last year, I do not intend my legislation to fix all of the problems with the campaign finance system. It is my understanding that Senators McCAIN and FEINGOLD also intend to re-introduce their important legislation, which I intend to again cosponsor. I continue to believe that enactment of McCain-Feingold or similar legislation is an essential step for the Senate to take this year in beginning the process of repairing a campaign finance system which is totally out of control. Banning soft money and imposing disclosure and contribution requirements on sham issue ads aired close to an election, as provided for under McCain-Feingold, are absolutely vital reforms, without which the campaign finance system will only grow less accountable, and more vulnerable to the appearance, if not the fact, of undue influence by big money.

However, I want to broaden the scope of debate, and to begin the process of seeking common ground on important reforms which go beyond the problems of soft money and issue ads. As previously discussed, one of the most glaring deficiencies in our current federal campaign system is the ineffectiveness of its supposed referee, the Federal Election Commission. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations.

Thus, the first major element of my bill is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of federal campaign laws. Among the most significant FEC-related changes I am proposing are the following:

Alter the Commission structure to remove the possibility of partisan gridlock by establishing a 7-member Commission, appointed by the President based on qualifications, for single 7-year terms. The Commission would be composed of two Republicans, two Democrats, one third party member, and two members nominated by the Supreme Court.

Give the FEC independent litigating authority, including before the Supreme Court, and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, both of which should dramatically improve the prospects for timely enforcement of the law.

Provide sufficient funding of the FEC from a source independent of Congressional intervention by the imposition of filing fees on federal candidates, with such fees being adequate to meet the needs of the Commission—estimated to be $50 million a year.

A second major component of the Federal Election Enforcement and Disclosure Reform Act is to create a new Advisory Committee on Federal Campaign Reform to provide for a body outside of Congress to continually review and recommend changes in our federal campaign system. The Committee would be charged, "to study the laws (including regulations) that affect how election campaigns for Federal office are conducted and the implementation of such laws and may make recommendations for change," which are to be submitted to Congress by April 15 of every odd-numbered year. As with the FEC, the Advisory Committee would receive independent and sufficient funding via the new federal candidate filing fees.

The impetus for the Advisory Committee is two-fold: (1) to build a "continuous improvement" mechanism into the Federal campaign system, and (2) to address the demonstrable fact that Congress responds slowly, if at all, to the need for changes and updates in our campaign laws. In both instances, the conclusion is the same: we cannot afford to wait twenty-five years or until a major scandal develops to adapt our campaign finance system to changing circumstances.

The final section of my bill seeks to enhance the effectiveness of campaign contribution disclosure requirements. As Justice Brandeis observed, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most effective policeman." This is certainly true in the realm of campaign finance, and perhaps the most enduring legacy of the Watergate Reforms of a quarter-century ago is the expanded campaign and financial disclosure requirements which emerged. By and large, they have served us well, but as with everything else, they need to be periodically reviewed and updated in light of experience. Therefore, based in part on testimony I heard during the 1997 Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my bill will make several changes in current disclosure requirements.

Specifically, I am recommending two reforms which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by, first, preventing a campaign from depositing a contribution until all of the requisite disclosure information is provided; and second, requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national, and is not the result of a contribution in the name of another person.

In addition, my legislation adopts a number of disclosure recommendations made by the FEC in its 1997 report to Congress, including provisions: requiring all reports to be filed by the due date of the report; requiring all authorized candidate committee reports to be filed on a campaign-to-date basis, rather than on a calendar year cycle; and mandating monthly reporting for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

It is easy to be pessimistic when considering campaign finance reform efforts especially after last year's inaction by the Senate. The public and the media are certainly expecting Congress to fail to take significant action to clean up the scandalous campaign system under which we now run. But ladies and gentlemen of the Senate, I suggest that we cannot afford the luxury of complacency. We may think we will be able to win the next re-election because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. But I am confident that it is only a matter of time, and perhaps the next election cycle—which will undoubtedly feature more unaccountable soft money, more sham issue ads of unknown parentage, more circumvention of the spirit and in some cases the letter of current campaign finance law—before the scales are decisively tilted in favor of reform.

We will have campaign finance reform. The only question is whether this Congress will step up to the plate, and fulfill its responsibilities, to give the American people a campaign system they can have faith in and which can preserve and protect our noble democracy as we enter a new century.

Mr. President, I ask unanimous consent that a summary of my bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

I. FEC REFORM

A. The Federal Election Commission (FEC) would be restructured as follows:

The Commission will be composed of 7 members appointed by the President who are specially qualified to serve on the Commission by reason of relevant knowledge: two Republican members appointed by the President; two Democratic members appointed by the President; one member appointed by the President from among all other political parties whose candidates received at least 3% of the national popular vote in the most recent Presidential or U.S. House or U.S. Senate elections; in the event no third party reached this threshold, the President may consider all third parties in making this appointment; and two members appointed by the President from among 10 nominees submitted by the U.S. Supreme Court. One of these two members would be chosen by the Commission to serve as Chairman.

Relevant knowledge (for purposes of qualification for appointment to the FEC) is defined to include:

A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

A minimum of two years experience in working on or in relation to Federal election law or other Federal electoral issues, or four years of such experience at the state level.

Commissioners will be limited to one 7 year term.

B. The FEC would be given the following additional powers:

Electronic filing of all reports required to be filed with the FEC would be mandatory, with a waiver permitted for candidates or other entities whose total expenditures or receipts fall below a threshold amount set by the Commission. The requirement for the submission of hard (paper) copies of such reports would be continued.

The Commission would be authorized to conduct random audits and investigations in order to increase voluntary compliance with campaign finance laws.

The FEC would be authorized to seek court enforcement when the Commission believes a substantial violation is occurring, failure to act will result in "irreparable harm" to an affected party, expeditious action will not cause "undue harm" to the interests of other parties, and the public interest would best be served by the issuance of an injunction.

The Commission would be authorized to implement expedited procedures for complaints filed within 60 days of a general election.

Penalties for knowing and willful violations of the Federal Election Campaign Act would be increased.

The Commission would be expressly granted independent litigating authority, including before the Supreme Court.

Private individuals or groups would be authorized to independently seek court enforcement when the FCC fails to act within 120 days of when a complaint is filed. A "loser pays" standard would apply in such proceedings.

The Commission would be authorized to levy fines, not to exceed $5,000, for minor reporting violations, and to publish a schedule for fines for such violations.

Candidates for the Senate would be required to file with the FEC rather than the Secretary of the Senate.

C. The FEC would be provided with resources in the following manner:

Consistent with its expanded duties, the FEC would be authorized to receive $50 million in FY2000 and FY2001, with this amount indexed for inflation thereafter.

The funding would be derived from a "user fee" imposed on federal candidate and party committees. The FEC would establish a fee schedule and determine the requisite fee level to fund the operations of the FEC and the new Advisory Committee on Federal Campaign Reform. This determination will include a waiver for the first $50,000 raised by campaigns.

II. ADVISORY COMMITTEE ON FEDERAL CAMPAIGN REFORM

A. A new Advisory Committee on Federal Campaign Reform would be created.

B. The Committee would be composed of 9 members, who are specially qualified to serve on the Committee by reason of relevant knowledge, to be appointed as follows: 1 appointed by the President of the United States, 1 appointed by the Speaker of the House, 1 each appointed by the Majority and Minority Leaders of the U.S. House and Senate, 1 appointed by the Supreme Court, 1 appointed by the Reform Party (or whatever third party's candidate for President received the largest number of popular votes in the most recent Presidential election), and 1 appointed by the American Political Science Association. Committee members would elect the Chairman.

C. Committee members would each serve four-year terms, and would be limited to two consecutive terms.

D. The appointees by the Supreme Court, the Reform Party (or other third party), and the American Political Science Association must be individuals who, during the five years before their appointment, have not held elective office as a member of the Democratic or Republican Parties, have not received any wages or salaries from the Democratic or Republican Parties, or have not provided substantial volunteer services or made any substantial contribution to the Democratic or Republican Parties, or to a Democratic or Republican party public office-holder or candidate for office.

E. Relevant knowledge (for purposes of qualification for appointment to the Committee) is defined to include:

A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

A minimum of two years experience in working on or in relation to national campaign finance or other electoral issues, or four years of such experience at the state level.

F. The Committee would be authorized to spend $1 million a year in its first year, indexed for inflation thereafter. Funding would be provided by the new campaign user fee discussed above.

G. The Committee would be required to monitor the operation of federal election laws and to submit a report, including recommended changes in law, to Congress by April 15 of every odd numbered year.

H. Congress would be required to consider the Committee's recommendations under "fast track" procedures to guarantee expeditious consideration in both houses of Congress.

III. ENHANCED CAMPAIGN FINANCE DISCLOSURE

A. Campaign would be prohibited from putting contributions which lack all requisite contributor information into any account other than an escrow account from which money cannot be spent. Contributions placed in such an account would not be subject to the current ten-day maximum holding period on checks.

B. A new requirement would be placed on contributions in excess of $200 (aggregate): a written certification by the contributor that the contribution is not derived from any foreign income source, and is not the result of a reimbursement by another party.

C. The current option to file reports submitted by registered or certified mail based on postmark date would be deleted, thus requiring all reports to be filed by the due date of the report.

D. Authorized candidate committee reports would be required to be filed on a campaign-to-date basis, rather than on a calendar year cycle.

E. Monthly reporting would be mandated for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

F. The requirement for filing of last-minute independent expenditures would be clarified to make clear that such report must be received within 24 hours after the independent expenditure is made.

G. Campaign disbursements to secondary payees who are independent subcontractors would have to be reported.

H. Political committees, other than authorized candidate committees, which have received or spent, or anticipate receiving or spending, $100,000 or more in the current election cycle would be subjected to the same "last minute" contribution reporting requirements as candidate committees. (Under current law, all contributions of $1,000 or more received after the 205th day, but before 48 hours, before an election must be reported to the FEC within 48 hours.)

By Mrs. LINCOLN (for herself, Mr. MOYNIHAN, Mr. BREAUX, Mr. KERREY, Ms. LANDRIEU, and Mr. COCHRAN):

S. 506. A bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability; to the Committee on Finance.

THE WORKING FAMILIES TAX RELIEF ACT

Mrs. LINCOLN. Mr. President, today I am introducing legislation to ensure that middle income working families receive the tax credits that Congress intended for them.

There are many absurdities in our tax code, and I look forward to working with my colleagues to reform and simplify our entire tax system. Today, however, I offer a small first step toward making our tax laws sensible. The legislation I am introducing will protect millions of working families by allowing taxpayers to deduct their nonrefundable personal credits without having to include those credits in any determination of Alternative Minimum Tax (AMT) liability. Tax laws created to deal with wealthy folks who overuse tax shelters simply should not apply to middle income families. This legislation is necessary, and it will actually remove language from the tax code making it more simple and more user friendly.

Imagine for a moment two working parents in Arkansas making $33,800. They work hard to spread their incomes far enough to pay their mortgage and care for their two school-age children and one in college. It may surprise you to know that this family falls under a tax burden that was created to ensure that the very wealthy pay their fair share of taxes. This family would have to pay the AMT.

While the threshold income limits of the AMT have been set since 1986, incomes have slowly crept up due to inflation. This, coupled with the inclusion of family tax credits in AMT liability determination, has led to the ironic situation that my legislation seeks to correct. The Alternative Minimum Tax must be changed so that a family will not be strapped with an added tax burden simply because they choose to have children or educate them.

Not only must we change the AMT, we must change it permanently. Last year, Congress provided a one year provision which removed the nonrefundable personal credits from AMT liability determination. I was pleased to see the President extend this provision for two more years in his budget. But we need to fix this problem permanently rather than using a band-aid approach of year-to-year alterations.

The AMT is a looming peril for a massive number of middle-income Americans. Two Treasury Department economists recently projected that the number of households earning from $30,000 to $50,000 that are subjected to the AMT will more than triple in the coming decade. Because the individual AMT parameters are not indexed for inflation, 2.8 million taxpayers will completely lose these important family credits by 2008. On top of this injustice, many unwitting taxpayers will owe penalties and interest on underpaid taxes. Such a situation cannot be allowed to exist. While Congress must soon address the issue of indexing the AMT for inflation, permanently removing the nonrefundable personal credits from the reach of the AMT is the first step to ensuring that America's middle-income taxpayers will receive the financial relief they deserve while avoiding the confusion and frustration of year-to-year tax legislation.

American families were given a child tax credit to help them raise their kids. Education credits were created to help make a college education more affordable for all Americans. These tax credits are good for families. They are important to working people and they are great for the long term future of our economy. As our law currently stands, however, many middle-income families will not be able to use these credits because they will be either totally eliminated or significantly reduced by the AMT. The education and child credits are not, however, the only credits that stand to be voided by the growing menace of the AMT. People who bring children into their homes will lose the value of the adoption credit. The credit for the elderly and the disabled will lose its value, and the dependant care credit will be effectively canceled by the AMT. This is absurd and the problem must be rectified.

I would like to thank the ranking member of the Finance Committee, Senate MOYNIHAN, and his very capable staffer, Stan Fendley, for working with me on this legislation. And I'd like to thank Senators MOYNIHAN, COCHRAN, BREAUX, KERREY, and LANDRIEU for signing on as original co-sponsors. I encourage our colleagues to join us in this common sense approach to helping working families.

Mr. President I ask unanimous consent that this bill be printed in the RECORD with these comments as well as the January 10, 1999 New York Times article by David Cay Johnston titled "Funny, They Don't Look Like Fat Cats."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY.

(a) IN GENERAL.—Section 26(a) of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended to read as follows:

"(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the taxpayer's regular tax liability for the taxable year."

(b) CONFORMING AMENDMENTS.—Section 24(d) of the Internal Revenue Code of 1986 is amended by striking paragraphs (2) and by redesignating paragraph (3) as paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

[From the New York Times, Jan. 10, 1999]

FUNNY, THEY DON'T LOOK LIKE FAT CATS

(By David Cay Johnston)

Three decades ago, Congress, embarrassed by the disclosure that 155 wealthy Americans had paid no Federal income taxes, enacted legislation aimed at preventing the very rich from shielding their wealth in tax shelters.

Today, that legislation, creating the alternative minimum tax, is instead snaring a rapidly growing number of middle-class taxpayers, forcing them to pay additional tax or to lose some of their tax breaks.

Of the more than two million taxpayers who will be subject this year to the alternative minimum tax, or A.M.T., about half have incomes of $30,000 to $100,000. Some are single parents with jobs; some are people making as little as $527 a week. Over all, the number of people affected by the tax is expected to grow 26 percent a year for the next decade.

But many of the wealthy will not be among them. Even with the A.M.T., the number of taxpayers making more than $200,000 who pay no taxes has risen to more than 2,000 each year.

How a 1969 law aimed at the tax-shy rich became a growing burden on moderate earners illustrates how tax policy in Washington can be a fall of mirrors.

While some Republican Congressmen favor eliminating the tax, other lawmakers say such a move would be an expensive tax break for the wealthy—or at lest would be perceived that way, and thus would be politically unpalatable. And any overhaul of the system would need to compensate for the $6.6 billion that individuals now pay under the A.M.T. This year, such payments will account for almost 1 percent of all individual income tax revenue.

"This is a classic case of both Congress and the Administration agreeing that the tax doesn't make much sense, but not being able to agree on doing anything about it," said C. Eugene Steuerle, an economist with the Urban Institute, a nonprofit research organization in Washington.

Mr. Steuerle was a Treasury Department tax official in 1986, when an overhaul of the tax code set the stage for drawing the middle class into the A.M.T.

In eliminating most tax shelters for the wealthy, Congress decided to treat exemptions for children and deductions for medical expenses just like special credits for investors in oil wells, in they cut too deeply into a household's taxable income.

Congress decided that once these "tax preferences" exceeded certain amounts—$40,000 for a married couple, for example—people would be moved out of the regular income tax and into the alternative minimum tax. At the time, the threshold was high enough to affect virtually no one but the rich. But it has since been raised only once—by 12.5 percent, to $45,000 for a married couple—while the cost of living has risen 43 percent. And so the limits have sneaked up on growing numbers of taxpayers of more modest means.

"Everyone knew back then that it had problems that had to be fixed," Mr. Steuerle recalled. "They just said, 'next year.'"

But "next year" has never come—and it is unlikely to arrive in 1999, either. While tax policy experts have known for years that the middle class would be drawn into the A.M.T., few taxpayers have been clamoring for change.

Among those few, however, are David and Margaret Klaassen of Marquette, Kan. Mr. Klaassen, a lawyer who lives and works out of a farmhouse, made $89,751.07 in 1997 and paid $5,989 in Federal income taxes. Four weeks ago, the Internal Revenue Service sent the Klaassens a notice demanding $3,761 more under the alternative minimum tax, including a penalty because the I.R.S. said the Klaassens knew they owed the A.M.T.

Mr. Klaassen acknowledges that he knew the I.R.S. would assert that he was subject to the A.M.T., but he says the law was not meant to apply to his family. "I've never invested in a tax shelter," he said. "I don't even have municipal bonds."

The Klaassens do, however, have 13 children and their attendant medical expenses—including the costs of caring for their second son, Aaron, 17, who has battled leukemia for years. It was those exemptions and deductions that subjected them to the A.M.T.

"What kind of policy taxes you for spending money to save your child's life?" Mr. Klaassen asked.

The tax affects taxpayers in three ways. Some, like the Klaassens, pay the tax at either a 26 percent or a 28 percent rate because they have more than $45,000 in exemptions and deductions. Others do not pay the A.M.T. itself, but they cannot take the full tax breaks they would have received under the regular income tax system without running up against limits set by the A.M.T. The A.M.T. can also convert tax-exempt income from certain bonds and from exercising incentive stock options into taxable income.

It may be useful to think of the alternative minimum tax as a parallel universe to the regular income tax system, similar in some ways but more complex and with its own classifications of deductions, its own rates and its own paperwork. The idea was that taxpayers who had escaped the regular tax universe by piling on credits and deductions would enter this new universe to pay their fair share. (Likewise, there is a corporate A.M.T. that parallels the corporate income tax.)

At first, the burden of the A.M.T. fell mainly on the shoulders of business owners and investors, said Robert S. McIntyre, executive director of Citizens for Tax Justice, a nonprofit group in Washington that says the tax system favors the rich. Based on I.R.S. data, Mr. McIntyre said he found that 37 percent of A.M.T. revenue in 1990 was a result of business owners using losses from previous years to reduce their regular income taxes; an additional 18 percent was because of big deductions for state and local taxes.

But that has begun to shift, largely as a result of the 1986 changes, which eliminated most tax shelters and lowered tax rates.

When President Reagan and Congress were overhauling the tax code, they could not make the projected revenues under the new rules equal those under the old system. Huge, and growing, budget deficits made it politically essential for the official estimates to show that after tax reform, the same amount of money would flow to Washington.

One solution, said Mr. Steuerle, the former Treasury official, was to count personal and dependent exemptions and some medical expenses as preferences to be reduced or ignored under the A.M.T., just as special credits for petroleum investments and other tax shelters are.

Mortgage interest and charitable gifts were not counted as preferences, according to tax policy experts who worked on the legislation, because they generated more money than was needed.

But the A.M.T. has not stayed "revenue neutral," in Washington parlance.

The regular income tax was indexed for inflation in 1984, so that taxpayers would not get pushed into higher tax brackets simply because their income kept pace with the cost of living.

The A.M.T. limits, however, have not been indexed. The total allowable exemptions before the tax kicks in have been fixed since 1993 at $45,000 for a married couple filing jointly. For unmarried people, the total amount is now $33,750, and for married people filing separately, it is $22,500.

If the limit had been indexed since 1986, when the A.M.T. was overhauled, it would be about $57,000 for married couples filing jointly—and most middle-income households would still be exempt.

Mr. Steuerle said he warned at the time that including "normal, routine deductions and exemptions that everyone takes" in the list of preferences would eventually turn the A.M.T. into a tax on the middle class.

That appears to be exactly what has happened.

For example, a married person who makes just $527 a week and files her tax return separately can be subject to the tax, said David S. Hulse, an assistant professor of accounting at the University of Kentucky.

And the Taxpayer Relief Act of 1997, which allows a $500-a-child tax credit as well as education credits, may make even more middle-class families subject to the A.M.T. by reducing the value of those credits.

Two Treasury Department economists recently calculated that largely because of the new credits, the number of households making $30,000 to $50,000 who must pay the alternative minimum tax will more than triple in the coming decade. The economists, Robert Rebelein and Jerry Tempalski, also calculated that for households making $15,000 to $30,000 annually, A.M.T. payments will grow 25-fold, to $1.2 billion, by 2008.

Last year, many more people would have been subject to the A.M.T. if Congress had not made a last-minute fix pushed by Representative Richard E. Neal, Democrat of Massachusetts, that—for 1998 only—exempted the new child and education credits. The move came after I.R.S. officials told Congress that the credits added enormous complexity to calculating tax liability. Figuring out how much the A.M.T. would reduce the credits was beyond the capacity of most taxpayers and even many paid tax preparers, the I.R.S. officials said.

Even if Congress makes a permanent fix to the problems created by the child and education credits, it will put only a minor drag on the spread of the A.M.T. as long as the tax is not indexed for inflation. The two Treasury economists calculated that revenues from the tax would climb to $25 billion in 2008 without a fix, or to $21.9 billion with one.

In 1999, if there is no exemption for the credits, a single parent who does not itemize deductions but who makes $50,000 and takes a credit for the costs of caring for two children while he works, will be subject to the A.M.T., estimated Jeffrey Pretsfelder, an editor at RIA Group, a publisher of tax information for professionals.

If the tax laws are not changed, 8.8 million taxpayers will have to pay the A.M.T. a decade from now, the Congressional Joint Committee on Taxation estimated last month. Add in the taxpayers who will not receive the full value of their deductions because they run up against the limits set by the A.M.T., and the total grows to 11.6 million taxpayers—92 percent of whom have incomes of less than $200,000, the two Treasury economists estimated.

While many lawmakers and Treasury officials have criticized the impact of the tax on middle-class taxpayers, there are few signs of change, as Republicans and the Administration talk past each others.

Representative Bill Archer, the Texas Republican who as the chairman of the House Ways and Means Committee is the chief tax writer, said the A.M.T. should be eliminated in the next budget.

"Unfortunately, the A.M.T. tax can penalize large families, which is part of the reason why Republicans for years have tried to eliminate it or at least reduce it," Mr. Archer said. "Unfortunately, President Clinton blocked our efforts each time."

Lawrence H. Summers, the Deputy Treasury Secretary, said the Administration was "very concerned that the A.M.T. has a growing impact on middle-class families, including by diluting the child credit, education credits and other crucial tax benefits, and we hope to address this issue in the President's budget.

"Subject to budget constraints, we look forward to working with Congress on this important issue," he continued.

That revenue concerns have thwarted exempting the middle class runs counter to the reason Congress initially imposed the tax.

"You need an A.M.T. because people who make a lot of money should pay some income taxes," said Mr. McIntrye, of Citizens for Tax Justice. "If you believe, like Mr. Archer and a lot of Republicans do, that the more you make the less in taxes you should pay, then of course you are against the A.M.T. But somehow I don't think some people see it that way."

The Klaassens, meanwhile, are challenging the A.M.T. in Federal Court. The United States Court of Appeals for the 10th Circuit is scheduled to hear arguments in March on their claim that the tax infringes their religious freedom. The Klaassens, who are Presbyterians, said they believe children "are a blessing from God, and so we do not practice birth control," Mr. Klaassen said.

When Mr. Klaassen wrote to an I.R.S. official complaining that a $1,085 bill for the A.M.T. for 1994 resulted from the size of his family, he got back a curt letter saying that his "analysis of the alternative minimum tax's effect on large families was interesting but inappropriate" and advising him that it was medical deductions, not family size, that subjected him to the A.M.T.

Under the regular tax system, medical expenses above 7.5 percent of adjusted gross income—the last line on the front page of Form 1040—are deductible. Under the A.M.T., the threshold is raised to 10 percent.

Still doubting the I.S.R.'s math, Mr. Klaassen decided to test what would have happened had he filed the same tax return, changing only the number of children he claimed as dependents. He found that if he has seven or fewer children, the A.M.T. would not have applied in 1994.

But the eighth child set off the A.M.T., at a cost of $223. Having nine children raised the bill to $717. And 10 children, the number he had in 1994, increased that sum to $1,085—the amount the I.R.S. said was due.

"We love this country and we believe in paying taxes," Mr. Klaassen said. "But we cannot believe that Congress ever intended to apply this tax to our family solely because of how many children we choose to have. And I have shown that we are subject to the AMT solely because we have chosen not to limit the size of our family."

The IRS, in papers opposing the Klaassens, noted that tax deductions are not a right but a matter of "legislative grace."

Mr. Klaassen turned to the Federal courts after losing in Tax court. The opinion by Tax Court Judge Robert N. Armen Jr. was summed up this way by Tax Notes, a magazine that critiques tax policy: "Congress intended the alternative minimum tax to affect large families when it made personal exemptions a preference item."

Several tax experts said that Mr. Klaassen had little chance of success in the courts because the statute treating children as tax preferences was clear. They also said that nothing in the AMT laws was specifically aimed at his religious beliefs.

Meanwhile, for people who make $200,000 or more, the AMT will be less of a burden this year because of the Taxpayer Relief Act of 1997, which included a provision lowering the maximum tax rate on capital gains for both the regular tax and the AMT to 20 percent.

Mr. Rebelein and Mr. Tempalski, the Treasury Department economists, calculated recently that people making more than $200,000 would pay a total of 4 percent less in AMT for 1998 because of the 1997 law. By 2008, their savings will be 9 percent, largely as a result of lower capital gains rates and changed accounting rules for business owners.

"This law was passed to catch people who use tax shelters to avoid their obligations," Mr. Klaassen said. "But instead of catching them it hits people like me. This is just nuts."

THREE WAYS TO DEAL WITH A TAXING PROBLEM

President Clinton, his tax policy advisers and the Republicans who control the tax writing committees in Congress all agree that the alternative minimum tax is a growing problem for the middle class. But there is no agreement on what to do. Here are some options that have been discussed.

Raise the exemption—Representative Bill Archer, the Texas Republican who is the chairman of the House Ways and Means Committee, two years ago proposed raising the $45,000 AMT exemption for a married couple by $1,000. But that would leave many middle-class families subject to the tax, because it would not fully account for inflation. To do that would require an exemption of about $57,000, followed by automatic inflation adjustments. That is the most widely favored approach, drawing support from people like J.D. Foster, executive director of the Tax Foundation, a group supported by corporations, and Robert S. McIntyre, executive director of Citizens for Tax Justice, which is financed in part by unions and contends that the tax system favors the rich.

Exempt child and education credits—For 1998 only, Congress exempted the child tax credit and the education tax credits from the AMT. But millions of taxpayers will lose these credits, or get only part of them, unless Congress makes a fix each year or permanently exempts them.

Eliminate it—Mr. Archer and other Republicans want to get rid of the AMT but have not proposed how to make up for the lost revenue, which in a decade is expected to grow to $25 billion annually. Recently, however, Mr. Archer has said that in a period of Federal budget surpluses, it may be time to scrap the budget rules that require paying for tax cuts with reduced spending or tax increases elsewhere.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BENNETT, and Mrs. BOXER):

S. 507. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. WARNER. Mr. President, I am pleased to introduce today legislation to reauthorize the civil works mission of the Corps of Engineers.

I am joined today by the Chairman of the Committee on Environment and Pubic Works, Senator CHAFEE; the Committee's Ranking Member, Senator BAUCUS; the new Chairman of the Subcommittee on Transportation and Infrastructure, Senator VOINOVICH; Senator BENNETT, Senator LAUTENBERG, and Senator BOXER in cosponsoring this legislation.

Since 1986, it has been the policy and practice of the Congress to reauthorize Corps of Engineers civil works activities—projects for flood control, navigation, hurricane protection and erosion control, and environmental restoration—on a two-year cycle. Last year, the Senate passed S. 2131 by unanimous consent. Regrettably, the House was unable to consider companion legislation.

In an effort to keep these critically needed projects on schedule, I am pleased that the Chairman CHAFEE and Majority Leader LOTT have indicated their strong support for promptly considering this bill this year. The bill I am introducing today mirrors S. 2131 passed last year with updated cost estimates and project revisions provided by the Corps of Engineers.

This legislation authorizes the construction of 37 new flood control, navigation, environmental restoration, hurricane protection and shoreline erosion control and recreation projects. It modifies 43 previously authorized projects and calls on the Corps of Engineers to conduct 29 studies to determine the economic justification of future water resource projects.

Mr. President, the landmark Water Resources Development Act of 1986 established the principle of cost-sharing of economically justified projects that have a federal interest. Local interests are required to share 35 percent of the cost of construction of flood control and hurricane protection and shoreline erosion control projects. The non-federal financial requirements for navigation projects depend on the depth of the project and range from 25 percent to 50 percent of the cost of construction.

The legislation we are introducing today is consistent with the cost sharing provisions of prior water resource laws. Also, the Committee has been consistent in requiring that every new construction project receive a cmpleted project report by the Chief of Engineers before it is included in this legislation.

As the former Chairman of the Subcommittee on Transportation and Infrastructure, I commend Chairman CHAFEE and Senator BAUCUS for standing firm in support of these cost-sharing and economic benefits tests. These policies have proven effective in authorizing projects that are worthy of federal investment and have the strong support of local sponsors. No other approach has been more effective in weeding out questionable projects than requiring either a state or the local government to contribute to the cost of engineering, design and construction of a project.

I am pleased that this financial commitments from local sponsors, that have been thoroughly evaluated and received a report from the Chief of Engineers, and have demonstrated that the economic benefits to be achieved by the project exceed the federal costs.

These fundamental requirements are applied to each project and only those that meet all of these tests are included in this legislation.

Mr. President, this legislation is critically important to many communities who have already contributed significant resources to prepare these projects for authorization. There is ample evidence to confirm that the federal investment in water resource projects is a wise investment of taxpayer dollars. In 1997 alone, Corps flood control projects prevented approximately $45.2 billion in damages. The continued maintenance and deepening of our commercial waterways remains critical to the U.S. successfully competing in a one-world marketplace. The value of commerce on these waterways totaled over $600 billion in 1996, generating 15.9 million jobs.

It is important for the Committee to enact this bill prior to the appropriations cycle this year. I pledge to work with my colleagues so that the full Senate can soon consider this bill.

At this time, Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.
Sec. 202. Shore protection.
Sec. 203. Small flood control authority.
Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 205. Everglades and south Florida ecosystem restoration.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Voluntary contributions by States and political subdivisions.
Sec. 209. Recreation user fees.
Sec. 210. Water resources development studies for the Pacific region.
Sec. 211. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 212. Outer Continental Shelf.
Sec. 213. Environmental dredging.
Sec. 214. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 215. Control of aquatic plant growth.
Sec. 216. Environmental infrastructure.
Sec. 217. Watershed management, restoration, and development.
Sec. 218. Lakes program.
Sec. 219. Sediments decontamination policy.
Sec. 220. Disposal of dredged material on beaches.
Sec. 221. Fish and wildlife mitigation.
Sec. 222. Reimbursement of non-Federal interest.
Sec. 223. National Contaminated Sediment Task Force.
Sec. 224. Great Lakes basin program.
Sec. 225. Projects for improvement of the environment.
Sec. 226. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 227. Irrigation diversion protection and fisheries enhancement assistance.
Sec. 228. Small storm damage reduction projects.
Sec. 229. Shore damage prevention or mitigation.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Dredging of salt ponds in the State of Rhode Island.
Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 303. Small flood control projects.
Sec. 304. Small navigation projects.
Sec. 305. Streambank protection projects.
Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 307. Guilford and New Haven, Connecticut.
Sec. 308. Francis Bland Floodway Ditch.
Sec. 309. Caloosahatchee River basin, Florida.
Sec. 310. Cumberland, Maryland, flood project mitigation.
Sec. 311. City of Miami Beach, Florida.
Sec. 312. Sardis Reservoir, Oklahoma.
Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 314. Upper Mississippi River management.
Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 317. Larkspur Ferry Channel, California.
Sec. 318. Comprehensive Flood Impact-Response Modeling System.
Sec. 319. Study regarding innovative financing for small and medium-sized ports.
Sec. 320. Candy Lake project, Osage County, Oklahoma.
Sec. 321. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 322. Eyak River, Cordova, Alaska.
Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
Sec. 324. Kanopolis Lake, Kansas.
Sec. 325. New York City watershed.
Sec. 326. City of Charlevoix reimbursement, Michigan.
Sec. 327. Hamilton Dam flood control project, Michigan.
Sec. 328. Holes Creek flood control project, Ohio.
Sec. 329. Overflow management facility, Rhode Island.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $505,400,000, with an estimated Federal cost of $329,300,000 and an estimated non-Federal cost of $176,100,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the

Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(5) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal share of $23,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration, and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(7) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of $137,600,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $93,600,000.

(8) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Bay coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $538,200, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

(10) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The project for ecosystem restoration and shore protection, Delaware Bay coastline: Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $234,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

(11) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(12) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(13) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $12,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $6,121,000.

(15) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimated Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(16) BEARGRASS CREEK, KENTUCKY.—The project for flood damage reduction, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of $11,172,000, with an estimated Federal cost of $7,262,000 and an estimated non-Federal cost of $3,910,000.

(17) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $73,400,000 and an estimated non-Federal cost of $39,500,000.

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $28,430,000, with an estimated Federal cost of $19,000,000 and an estimated non-Federal cost of $9,430,000.

(19) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

(20) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, ecosystem restoration, and shore protection, New Jersey coastline, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $2,000,000, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(21) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $28,100,000, with an estimated Federal cost of $18,265,000 and an estimated non-Federal cost of $9,835,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(22) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1999:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,608,000, with an estimated first Federal cost of $19,660,000 and an estimated first non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated first Federal cost of $4,364,000 and an estimated first non-Federal cost of $7,876,000.

(3) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(4) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,340,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $70,890,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $42,310,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The project for navigation mitigation, shore protection, and hurricane and storm damage reduction, Delaware Bay coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $196,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

(6) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,584,000, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(7) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(8) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(9) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(10) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(11) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $42,875,000 with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

(12) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,114,000, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

(13) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $465,000, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(14) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(15) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled "Bank Stabilization Concept, Laurel Street Extension", dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(2) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

(3) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(4) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $276,800,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $93,600,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,900,000.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88-253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn

Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(2) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(3) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $103,267,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $26,358,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(h) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(i) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(j) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(k) Miami Dade Agricultural and Rural Land Retention Plan and South Biscayne, Florida.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

"(D) Credit and reimbursement of past and future activities.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

"(i) the Secretary determines that—

"(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

"(II) the work is necessary for a critical restoration project; and

"(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.".

(l) Lake Michigan, Illinois.—

(1) In general.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) Credit or reimbursement.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) Reimbursement.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(m) Measurements of Lake Michigan Diversions, Illinois.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking "$250,000 per fiscal year for each fiscal year beginning after September 30, 1986" and inserting "a total of $1,250,000 for each of fiscal years 1999 through 2003".

(n) Project for Navigation, Dubuque, Iowa.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(o) Louisiana State Penitentiary Levee.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(p) Jackson County, Mississippi.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(q) Richard B. Russell Dam and Lake, South Carolina.—

(1) In general.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) Land description.—

(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21-3-85-1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) Management of excluded parcels.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21-3-85-1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) Perpetual status.—

(A) In general.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) Fish and wildlife mitigation agreement.—

(A) In general.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21-3-85-1904.

(B) Failure of performance.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(r) Land Conveyance, Clarkston, Washington.—

(1) In general.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68-1-97-22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) Additional land.—The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) Terms and conditions.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) Use of land.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(s) White River, Indiana.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(t) Fox Point Hurricane Barrier, Providence, Rhode Island.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) Bridgeport Harbor, Connecticut.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) Bass Harbor, Maine.—

(1) Deauthorization.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) Description.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) Boothbay Harbor, Maine.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) East Boothbay Harbor, Maine.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

"(9) East boothbay harbor, maine.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).".

SEC. 104. STUDIES.

(a) Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(b) Fields Landing Channel, Humboldt Harbor, California.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(c) Strawberry Creek, Berkeley, California.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(d) West Side Storm Water Retention Facility, City of Lancaster, California.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(e) Apalachicola River, Florida.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(f) Broward County, Sand Bypassing at Port Everglades, Florida.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(g) City of Destin-Noriega Point Breakwater, Florida.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(h) Gateway Triangle Redevelopment Area, Florida.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) Studies and reports.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(i) City of Plant City, Florida.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) Studies and reports.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(j) Goose Creek Watershed, Oakley, Idaho.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related purposes along the Goose Creek watershed near Oakley, Idaho.

(k) Acadiana Navigation Channel, Louisiana.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(l) Cameron Parish West of Calcasieu River, Louisiana.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(m) Beneficial Use of Dredged Material, Coastal Louisiana.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(n) Contraband Bayou Navigation Channel, Louisiana.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(o) Golden Meadow Lock, Louisiana.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(p) Gulf Intracoastal Waterway Ecosystem Protection, Chef Menteur to Sabine River, Louisiana.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) Matters to be addressed.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(q) Lake Pontchartrain, Louisiana, and Vicinity, St. Charles Parish Pumps.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(r) Lake Pontchartrain and Vicinity Seawall Restoration, Louisiana.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(s) Detroit River, Michigan, Greenway Corridor Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) Potential modifications.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(t) St. Clair Shores Flood Control, Michigan.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(u) Woodtick Peninsula, Michigan, and Toledo Harbor, Ohio.—The Secretary shall conduct a study to determine the feasibility of utilizing dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

(v) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(w) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(x) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(y) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(z) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(aa) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(bb) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(cc) CLEVELAND HARBOR, CLEVELAND, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

(dd) EAST LAKE, VERMILLION AND CHAGRIN, OHIO.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction at East Lake, Vermillion and Chagrin, Ohio.

(2) ICE RETENTION STRUCTURE.—In conducting the study, the Secretary may consider construction of an ice retention structure as a potential means of providing flood damage reduction.

(ee) TOUSSAINT RIVER, CARROLL TOWNSHIP, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements at Toussaint River, Carroll Township, Ohio.

(ff) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(gg) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(hh) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(ii) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(jj) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(kk) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(ll) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(mm) Apra Harbor Fuel Piers, Guam.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(nn) Maintenance Dredging of Harbor Piers, Guam.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(oo) Alternative Water Sources Study.—

(1) In general.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) Requirements.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) Report.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) In General.—

(1) Authorization.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) Studies.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) Participation.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) Nonstructural approaches.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) Cost-Sharing Requirements.—

(1) Studies.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) Projects.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) In-kind contributions.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) Responsibilities of the non-federal interests.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) Project Justification.—

(1) In general.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) Selection criteria; policies and procedures.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) Reporting Requirement.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) Priority Areas.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) the upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) Per-Project Limitation.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) Program funding levels.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 202. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking "Costs of constructing" and inserting the following:

"(1) Construction.—Costs of constructing"; and

(2) by adding at the end the following:

"(2) Periodic nourishment.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

"(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

"(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.".

SEC. 203. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking "construction of small projects" and inserting "implementation of small structural and nonstructural projects"; and

(2) in the third sentence, by striking "$5,000,000" and inserting "$7,000,000".

SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: ", but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities".

SEC. 205. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking "1999" and inserting "2000".

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking "Construction" and inserting the following:

"(1) In general.—Construction"; and

(2) by adding at the end the following:

"(2) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

"(g) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 208. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting "or environmental restoration" after "flood control".

SEC. 209. RECREATION USER FEES.

(a) Withholding of Amounts.—

(1) In general.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army

under section 4(b) of that Act (16 U.S.C. 460l-6a(b)).

(2) Use.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) Availability.—The amounts withheld shall remain available until September 30, 2005.

(b) Use of Amounts Withheld.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) Availability.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 210. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking "interest of navigation" and inserting "interests of water resources development (including navigation, flood damage reduction, and environmental restoration)".

SEC. 211. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) Definitions.—In this section:

(1) Middle Mississippi river.—The term "middle Mississippi River" means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) Missouri river.—The term "Missouri River" means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) Project.—The term "project" means the project authorized by this section.

(b) Protection and Enhancement Activities.—

(1) Plan.—

(A) Development.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) Activities.—

(i) In general.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) Required activities.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) Implementation of activities.—

(A) In general.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) Use of existing authority for unconstructed features of the project.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) Integration of Other Activities.—

(1) In general.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) New authority.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) Public Participation.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) Compliance With Applicable Law.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) Cost Sharing.—

(1) Non-federal share.—The non-Federal share of the cost of the project shall be 35 percent.

(2) Federal share.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) Operation and maintenance.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 212. OUTER CONTINENTAL SHELF.

(a) Sand, Gravel, and Shell.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: "or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b)".

(b) Reimbursement for Local Interests.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

"(6) Snake Creek, Bixby, Oklahoma.".

SEC. 214. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking "Benefit-Cost Analysis" and inserting "Elements Excluded From Cost-Benefit Analysis";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) Elements Included in Cost-Benefit Analysis.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects."; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking "(b)" and inserting "(d)".

SEC. 215. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting "Arundo dona," after "water-hyacinth,"; and

(2) by inserting "tarmarix" after "melaleuca".

SEC. 216. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) Lake Tahoe, California and Nevada.—Regional water system for Lake Tahoe, California and Nevada.

"(20) Lancaster, California.—Fox Field Industrial Corridor water facilities, Lancaster, California.

"(21) San Ramon, California.—San Ramon Valley recycled water project, San Ramon, California.".

SEC. 217. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

"(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia."; and

(B) by adding at the end the following:

"(14) Clear Lake watershed, California.

"(15) Fresno Slough watershed, California.

"(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

"(17) Kaweah River watershed, California.

"(18) Lake Tahoe watershed, California and Nevada.

"(19) Malibu Creek watershed, California.

"(20) Truckee River basin, Nevada.

"(21) Walker River basin, Nevada.

"(22) Bronx River watershed, New York.

"(23) Catawba River watershed, North Carolina.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.".

SEC. 218. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

"(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

"(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

"(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.".

SEC. 219. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) Practical end-use products.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

"(5) Assistance by the secretary.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.".

SEC. 220. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

(a) In General.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking "50" and inserting "35".

(b) Great Lakes Basin.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

SEC. 221. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: "Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.".

SEC. 222. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking "subject to amounts being made available in advance in appropriations Acts" and inserting "subject to the availability of appropriations".

SEC. 223. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) Definition of Task Force.—In this section, the term "Task Force" means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) Convening.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) Reporting on Remedial Action.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) Areas.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) Activities.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) Contents.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection' of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 224. GREAT LAKES BASIN PROGRAM.

(a) Strategic Plans.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Corps of Engineers in the Great Lakes basin.

(2) Contents.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) Great Lakes Biohydrological Information.—

(1) Inventory.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) Relevant information.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) Report.—

(A) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) Recommendations.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) Considerations.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) Great Lakes Recreational Boating.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) Cooperation.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) Water Use Activities and Policies.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) Cost Sharing.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 225. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(2) by adding at the end the following:

"(2) Control of sea lamprey.—Congress finds that—

"(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

"(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.".

SEC. 226. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) In General.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) Cooperation.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Corps of Engineers.

SEC. 227. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

SEC. 228. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 229. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting "(a) In General.—The Secretary";

(2) in the second sentence, by striking "The costs" and inserting the following:

"(b) Cost Sharing.—The costs";

(3) in the third sentence—

(A) by striking "No such" and inserting the following:

"(c) Requirement for Specific Authorization.—No such"; and

(B) by striking "$2,000,000" and inserting "$5,000,000"; and

(4) by adding at the end the following:

"(d) Coordination.—The Secretary shall—

"(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

"(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.".

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

"(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.".

SEC. 303. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

"(15) Repaupo creek and delaware river, gloucester county, new jersey.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey."; and

(3) by adding at the end the following:

"(24) Irondequoit creek, new york.—Project for flood control, Irondequoit Creek watershed, New York.

"(25) Tioga county, pennsylvania.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.".

SEC. 304. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) Fortescue inlet, delaware bay, new jersey.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.".

SEC. 305. STREAMBANK PROTECTION PROJECTS.

(a) Arctic Ocean, Barrow, Alaska.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) Saginaw River, Bay City, Michigan.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701r).

(c) Yellowstone River, Billings, Montana.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) Monongahela River, Point Marion, Pennsylvania.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

(a) In General.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) Non-Federal Share.—The non-Federal share, excluding lands, easements, rights-of-way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 308. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as "Eight Mile Creek, Paragould, Arkansas", shall be known and designated as the "Francis Bland Floodway Ditch".

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: ", including potential land acquisition in the Caloosahatchee River basin or other areas".

SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 311. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ", including the city of Miami Beach, Florida".

SEC. 312. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking "(e)" and all that follows through the end of paragraph (2) and inserting the following:

"(e) UNDERTAKINGS.—

"(1) IN GENERAL.—

"(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

"(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

"(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

"(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

"(i) to the maximum extent practicable, simulate natural river processes;

"(ii) include an outreach and education component; and

"(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

"(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

"(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

"(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

"(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

"(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

"(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

"(A) contains an evaluation of the programs described in paragraph (1);

"(B) describes the accomplishments of each program;

"(C) includes results of a habitat and natural resource needs assessment; and

"(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).";

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)"; and

(ii) by striking "Secretary not to exceed" and all that follows and inserting "Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.";

(C) in paragraph (4)—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)"; and

(ii) by striking "$7,680,000" and all that follows and inserting "$10,420,000 for each of fiscal years 1999 through 2009.";

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

"(6) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

"(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A)."; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting "(i)" after "paragraph (1)(A)"; and

(II) by inserting before the period at the end the following: "and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent"; and

(ii) in subparagraph (B), by striking "paragraphs (1)(B) and (1)(C) of this subsection" and inserting "paragraph (1)(A)(ii)";

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

"(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.".

SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

"(a) SALMON SURVIVAL ACTIVITIES.—

"(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

"(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

"(A) impacts from water resources projects and other impacts on salmon life cycles;

"(B) juvenile and adult salmon passage;

"(C) light and sound guidance systems;

"(D) surface-oriented collector systems;

"(E) transportation mechanisms; and

"(F) dissolved gas monitoring and abatement.

"(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

"(A) studies of juvenile salmon survival in spawning and rearing areas;

"(B) estuary and near-ocean juvenile and adult salmon survival;

"(C) impacts on salmon life cycles from sources other than water resources projects;

"(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

"(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

"(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

"(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

"(b) ADVANCED TURBINE DEVELOPMENT.—

"(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

"(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

"(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

"(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.".

SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term "fair market value" means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma,

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 321. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 322. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 325. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking "for the project to be carried out with such assistance" and inserting ", or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)".

SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.

Section 585(a) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "river" and inserting "sewer".

Mr. CHAFEE. Mr. President, today I am pleased to join other members of the Committee on Environment and Public Works in introducing the Water Resources Development Act of 1999. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, 1992, and 1996, is comprised of water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works program.

The bill we are proposing today is virtually identical to legislation that was approved unanimously by the Senate last October. That measure, S. 2131, was sent to the House late in the previous Congress and, despite and best efforts of our colleagues in the other body, went no further. As such, it is our desire to advance this year's bill as expeditiously as possible.

We have carefully reviewed each item within the bill and have included those that are consistent with the committee's traditional authorization criteria. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the Committee to judge project authorization requests.

On November 17, 1986, President Reagan signed into law the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the Executive Branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and nonfederal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the federal government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

This legislation, only slightly modified from last year's Senate-passed bill, authorizes the Secretary of the Army to construct some 36 projects for flood control, navigation, and environmental restoration. The bill also modifies 43 existing Army Corps projects and authorizes 29 project studies. In total, this bill authorizes an estimated federal cost of 2.1 billion dollars. The only significant changes in this year's version are that we have extracted projects authorized in the FT99 Omnibus Appropriations Act.

Mr. President, this legislation includes other project-specific and general provisions related to Army Corps operations. Among them are two provisions sought by Senator BOND and others to enhance the environment along the Missouri and Mississippi Rivers. We have also included a modified version of the Administration's so-called Challenge 21 initiative to encourage more non-structural flood control and environmental projects. In addition, we are recommending that the cost-sharing formula be changed for maintenance of future shoreline protection projects.

Finally, Mr. President, I want to indicate that we have encouraged our colleagues in the House of Representatives to try to resolve their differences on the proposed Sacramento, California, flood control project. It seems to me that there are legitimate concerns and issues on both sides, but I am optimistic that they will reach an agreement. I stand ready to do whatever I can to facilitate a successful resolution.

This legislation is vitally important for countless states and communities across the country. For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment. I ask for the cooperation of colleagues so that we can swiftly complete this unfinished business from 1998. It would be my strong desire to complete action on this bill within the next several weeks so that we can prepare for WRDA 2000.

By Mr. DODD (for himself and Mr. COVERDELL):

S. 509. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

PEACE CORPS ACT AMENDMENTS

Mr. DODD. Mr. President, I rise today to speak about the Peace Corps and to join with my colleague Senator PAUL COVERDELL to introduce legislation to make technical modifications to the Peace Corps Act.

The changes made by this legislation are purely technical and largely designed to remove certain outmoded restrictions on Peace Corps activities. I would ask unanimous consent to have printed in the RECORD a section-by-section analysis of this bill at the conclusion of my remarks.

Now let me turn to the general subject of the Peace Corps as today is the thirty eighth anniversary of its establishment. Thirty eight years ago, a young President recognized the power that American ingenuity, idealism and, most of all, volunteerism could have on the lives of people around the world. In order to harness that energy, President Kennedy formed a small army, not of soldiers to make war, but of volunteers to build peace through mutual understanding.

Since its inception in 1961, more than 151,000 Peace Corps volunteers have battled against the scourges of malnutrition, illiteracy and economic underdevelopment in 132 countries around the world. I can speak with some personal experience about the Peace Corps as I have had the privilege to serve as a volunteer. In fact, slightly more than thirty years ago, I arrived back in the United States after spending two years as a Peace Corps Volunteer in a rural village in the Dominican Republic. Like many who heeded President Kennedy's call to do something larger than ourselves, to be a part of something greater than our own existence, my service in the Peace Corps remains one of the most important periods in my life.

When I served in the Peace Corps, nearly all of us volunteers had similar experiences. We worked in small isolated villages with little in the way of modern conveniences. The world since that time has changed and the Peace Corps has been evolving to meet new demands. Today's volunteers specialize in education, the environment, small business, agriculture and other fields. In 1996, the Peace Corps developed a "Crisis Corps" to provide short term emergency and humanitarian assistance in situations ranging from natural disasters to refugee crises. While many volunteers continue to live in remote villages, this is no longer an iron clad rule. Some now labor in urban areas, passing on the skills needed to start and run businesses.

The more than 6,500 volunteers who today serve in 87 nations are a more diverse group than the one I joined three decades ago. When I served, the Corps was mostly male and mostly young. Today, however, nearly sixty percent of all volunteers are women, a quarter are over 29, and six percent are over fifty. While the face and methods of the Peace Corps have changed over the years, its goal has remained constant: to help people of other countries meet their needs for trained personnel; to help promote understanding of the American people by those we serve; and to help promote better understanding among the American people about the world beyond our borders.

By building bridges between the United States and other countries, the Peace Corps advances our foreign policy by communicating America's values and ideas to other peoples around the globe.

It is an indication of the success of the Peace Corps that, while the current class of volunteers is providing new services and working in countries never served before, the demand continues to outpace supply. We need only look at a newspaper, Mr. President, to see where Peace Corps volunteers are needed. In the Caribbean countries ravaged by Hurricane Georges and Mitch, in formerly war-torn areas of Africa and in countries where the skills needed to start a business have been nearly erased by decades of communist rule. In order to meet these needs, Congress and President Clinton have set the admirable goal of reaching 10,000 Peace Corps volunteers by 2000.

The Peace Corps, Mr. President, stands as an example of what is great about the United States. Our volunteerism, humanity and sense of justice are proudly displayed in the face of each volunteer we send overseas. And every time I meet volunteers about to embark on their two years of service, I share their sense of excitement. If each of us, in our daily lives, work in the same spirit as those volunteers—helping those around us and sharing the values of our nation—the United States will indeed have a proud and bright future.

Mr. President, I ask unanimous consent that a summary and the text of the bill be printed in the RECORD.

There being no objection, the material was orderd printed in the RECORD, as follows:

S. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $270,000,000 for fiscal year 2000, $298,000,000 for fiscal year 2001, $327,000,000 for fiscal year 2002, and $365,000,000 for fiscal year 2003.

"(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.".

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT.

(a) INTERNATIONAL TRAVEL.—Section 15(d) of such Act (22 U.S.C. 2514(d)) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.".

(b) TECHNICAL AMENDMENTS.—(1) Section 5(f)(1)(B) of such Act (22 U.S.C. 2504(f)(1)(B)) is amended by striking "Civil Service Commission" and inserting "Office of Personnel Management".

(2) Section 5(h) of such Act (22 U.S.C. 2504(h)) is amended by striking "the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.)" and all that follows through "(31 U.S.C. 492a)," and inserting "section 3342 of title 31, United States Code, section 5732 and".

(3) Section 5(j) of such Act (22 U.S.C. 2504(j)) is amended by striking "section 1757 of the Revised Statutes of the United States" and all that follows and inserting "section 3331 of title 5, United States Code.".

(4) Section 10(a)(4) of such Act (22 U.S.C. 2509(a)(4)) is amended by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code".

(5) Section 15(c) of such Act (22 U.S.C. 2514(c)) is amended by striking "Public Law 84-918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code".

(6) Section 15(d)(2) of such Act (22 U.S.C. 2514(d)(2)) is amended by striking "section 9 of Public Law 60-328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code".

(7) Section 15(d)(6) of such Act (22 U.S.C. 2514(d)(6)) is amended by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)".

(8) Section 15(d)(11) of such Act (22 U.S.C. 2514(d)(11)), as amended by this section, is further amended by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

SECTION-BY-SECTION ANALYSIS

SEC. 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT

This section amends the Peace Corps Act to provide the following authorizations of appropriations: Fiscal Year 2000—$270 million, Fiscal Year 2001—$298 million, Fiscal Year 2002—$327 million, Fiscal Year 2003—$365 million. The Committee understands that these amounts are consistent with Office of Management & Budget and Peace Corps estimates of amounts required to meet the 10,000 volunteer target by the end of Fiscal Year 2003. The Committee also understands that these amounts are already part of the Administration's outyear projections for Fiscal Years 2001–2003.

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT

Section 2(a) adds a new paragraph (13) to subsection 15(d).1

[Footnote] The new paragraph would exempt the Peace Corps from 49 U.S.C. 40118 with respect to flights between two points abroad to the same extent other foreign service agencies are exempt from that section.

[Footnote] 122 U.S.C. subsection 2214(d).

Under 49 U.S.C. subsection 40118(d), the Department of State and the Agency for International Development (AID) are exempt from the requirements of 49 U.S.C. 40118 for travel between two places outside the United States by employees and their dependents. Determining which carriers overseas are U.S. certified or have agreements with the U.S. that qualify them under section 40118 is a complex undertaking. Posts and individuals must make decisions in this area at the risk of having their travel costs disallowed. The Committee believes that administrative provisions affecting foreign service agencies should be as consistent as possible. For instance, a Peace Corps employee who is flying with an AID employee to attend a meeting should be able to fly on the same plane without fear of being penalized under section 40118. This provision would extend to Peace Corps employees and Volunteers the same treatment now available to other foreign service agency employees.

Section 2(b) makes technical changes to sections 5, 10 and 15 of the Peace Corps Act (hereinafter the Act) to reflect changes in statutory citations that have occurred since enactment of the Act.

Section 2(b)(1) strikes out 'Civil Service Commission' in section 5(f)(1)(B) and inserts in lieu thereof 'Office of Personnel Management.' The Civil Service Commission was replaced by the Office of Personnel Management in 1966.

Section 2(b)(2) amends section 5(h) of the Act (22 U.S.C. 2504(h)) in several respects. It strikes out references to the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5, the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a) and inserts references to 5 U.S.C. 5732 and 31 U.S.C. 3342. The Federal Voting Assistance Act has been repealed and replaced by a provision (42 U.S.C. 1973cc et seq.) which is available to all American citizens overseas. It is unnecessary, therefore, to consider Volunteers federal employees to provide them with the benefits of the Act; therefore, the reference to voter assistance in this provision can be deleted. The replacement of references to sections of titles 5 and 31 with references to 5 U.S.C. 5732 and 31 U.S.C. 3342 reflect recodification of provisions relating to reimbursement for the cost of transportation of baggage and effects, and check cashing privileges in those titles. No substantive change is involved.

Section 2(b)(3) replaces the reference to 'section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)' with 'section 3331 of title 5, United States Code,' reflecting the codification of the statutory oath for employees in 1966.

Section 2(b)(4) replaces the reference to 31 U.S.C. 665(b) with '31 U.S.C. 1342,' reflecting the 1982 revision of title 31.

Section 2(b)(5) amends section 15(c)2

[Footnote] by striking out 'Public Law 84–918 (7 U.S.C. 1881 et seq.)' and inserting in lieu thereof subchapter VI of chapter 33, title 5, United States Code (5 U.S.C. 3371 et seq.).' Section 15(c) of the Peace Corps Act authorizes training for employees at private and public agencies. The statutory provisions relating to employee training were transferred from title 7 to title 5 in 1970.

[Footnote] 222 U.S.C. subsection 2514(c).

Section 2(b)(6) amends paragraph 15(d)(2)3

[Footnote] by striking out 'section 9 of Public Law 60–328 (31 U.S.C. 673)' and inserts in lieu thereof 31 U.S.C. 1346.' This section of the Peace Corps Act authorizes the payment of expenses to attend meetings related to the Peace Corps Act. No substantive change is intended. It is another change required by the 1982 revision of title 31.

[Footnote] 322 U.S.C. subsection 2514(d)(2).

Section 2(b)(7) strikes out 'without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)'. This statute, which contained a restriction on currency exchanges, has been repealed and apparently was not replaced.

Section 2(b)(8) strikes out 'Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)' and inserts in lieu thereof: 'Foreign Service Act of 1980, as amended (22 U.S.C. 3901 et seq.)'. The Foreign Service Act was rewritten and renamed in 1980.

Mr. COVERDELL. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, and my colleagues in the House, in introducing a reauthorization of the Peace Corps Act. This legislation authorizes a 12 percent increase for the fiscal year Peace Corps budget and is part of a multi-year plan to enable the Peace Corps to reach its goal of 10,000 volunteers. Reaching this level has been a long standing goal—set into law in 1985—and I am pleased that this legislation would accomplish this as the Peace Corps readies to enter the 21st century.

As former Director of the Peace Corps, I have learned first-hand of the tremendous impact that the relatively small amount we spend on the Peace Corps has throughout the world. Not only does the Peace Corps continue to be a cost effective tool for providing assistance and developing stronger ties with the international community, it has also trained over 150,000 Americans in the cultures and languages of countries around the world. Returned volunteers often use these skills and experiences to contribute to myriad sectors of our society—government, business, education, health, and social services, just to name a few. What a rich resource the Peace Corps is for the United States as the world grows closer.

Peace Corps volunteers continue to provide unique leadership around the world by representing the finest characteristics of the American people: a strong work ethic, generosity of spirit, and a commitment to service. The interpersonal nature of the Peace Corps has allowed volunteers to establish a collective record of public service that is well respected and recognized in all corners of the world.

Several Members of Congress, including Senator DODD, have contributed to this legacy of service and volunteerism. I believe they have experienced the value of the Peace Corps and its commitment to serving others, and I am certain that my colleague from Connecticut would consider this Peace Corps experience invaluable to his work today. As I have said before and I think it deserves repeating, virtually every ambassador and official representative I have met from countries with volunteers is an enthusiastic supporter of the Peace Corps. They all have viewed the Peace Corps as the most successful program of its kind.

Mr. President, I believe that the time is right to expand the number of Peace Corps volunteers. As the needs of people in developing countries continue to grow, so too does the number of enthusiastic Americans desiring to serve. Over the last 4 years, the number of Americans requesting information about joining the Peace Corps increased by almost 40 percent. Yet, during the same period, the Peace Corps has only been able to support a 2 percent-increase in volunteers.

In addition, the Peace Corps has taken steps to streamline agency operations to channel more resources in support of additional volunteers. Headquarter staffing has been reduced 13 percent since 1993. Five of 16 domestic recruiting offices and 13 country programs have been closed since fiscal year 1996. Financial savings in basic business operations have been achieved by realigning the headquarters organization and improving overseas financial operations. The sum of all the financial savings have contributed to a 14 percent-reduction in the average cost per volunteer (in constant dollars) since 1993.

Today, nearly 6,700 volunteers serve in 80 countries around the world, working with local communities to build a better future. This increase in Volunteers will help the Peace Corps expand in areas such as the Caucasus, Central Asia, and Africa as well as in Jordan, China, Bangladesh, and Mozambique. Increased funding will also help expand the work of the "Crisis Corps," a group of experienced Peace Corps volunteers who have the necessary background to make valuable contributions in emergency situations. Crisis Corp volunteers, by the way, are serving today in Central America, assisting the region in its recovery from the terrible devastation of Hurricane Mitch.

Finally, this proposed authorization will serve to strengthen the Peace Corps as it prepares to enter the 21st century, putting it on the firm footing it needs and deserves. I firmly believe that a rejuvenated Peace Corps will help ensure that America continues to be an engaged world leader, and that we continue to share with other countries our own legacy of freedom, independence, and prosperity. This is an investment in our country and our world that we need to make.

By Mr. CAMPBELL (for himself, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GORTON, and Mr. GRAMS):

S. 510. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. CAMPBELL. Mr. President, today I introduce the American Land Sovereignty Protection Act of 1999. I am pleased to be joined by my colleagues, Senators CRAIG, KYL, CRAPO, GORTON, and GRAMS who are original cosponsors of the bill.

This bill enforces our position as strong supporters of American public lands and private property rights, and is based upon legislation which I introduced in the 105th Congress, S. 2098. Since then I have received input from Coloradans and revised the bill accordingly, as I am concerned about the setting aside of public lands by the federal government for international agreements and oversight.

The absence of congressional oversight in such programs as the United Nations Biosphere Reserve is of special concern to me. The United Nations has designated 47 Biosphere Reserves in the United States which contain a total area greater than the size of my home state of Colorado.

The United Nations remains the only multi-national body to share perspectives on a global scale. The United States, as the leading economic and military world power, should maintain an influential role. However, the intrusive implications of the U.N. Biosphere Reserve program have created a problem that must be addressed by the Congress.

A Biosphere Reserve is a federally-zoned and coordinated region that could prohibit certain uses of private lands outside of the designated international area. The executive branch is agreeing to manage the designated area in accordance with an underlying agreement which may have implications on non-federal land outside the affected area. For example, when residents of Arkansas discovered a plan by the United Nations and the administration to advance a proposed Ozark Highland Man and Biosphere Reserve without public input, the plan was withdrawn in the face of public pressure. This type of stealth tactic to accommodate international interests does not serve the needs and desires of the American people. Rather, it is an encroachment by the Executive branch on congressional authority.

We are facing a threat to our sovereignty by the creation of these land reserves in our public lands. I also believe the rights of private landowners must be protected if these international land designations are made. Even more disturbing is the fact the executive branch elected to be a party to this "Biosphere Reserve" program without the approval of Congress or the American people. The absence of congressional oversight in this area is a serious concern.

In fact most of these international land reserves have been created with minimal, if any, congressional input or oversight or public consultation. The current system for implementing international land reserves diminishes the power and sovereignty of the Congress to exercise its constitutional power to make laws that govern lands belonging to the United States. Congress must protect individual property owners, local communities, and state sovereignty which may be adversely impacted economically by any such international agreements.

As policymaking authority is further centralized by the executive branch at the federal level, the role of ordinary citizens in the making of this policy through their elected representatives is diminished. The administration has allowed some of America's most symbolic monuments of freedom, such as the Statue of Liberty and Independence Hall to be listed as World Heritage Sites. Furthermore the United Nations has listed national parks including Yellowstone National Park—our nation's first national park—as a World Heritage Site.

Federal legislation is needed to require the specific approval of Congress before any area within the borders of the United States is made part of an international land reserve. My bill reasserts Congress' Constitutional role in the creation of rules and regulations governing lands belonging to the United States and its people.

I ask unanimous consent that the bill be printed in the RECORD and urge my colleagues to support its passage.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Land Sovereignty Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (Public Law 96-515; 94 Stat. 2987) is amended—

(1) in subsection (a) in the first sentence, by—

(A) striking "The Secretary" and inserting "Subject to subsections (b), (c), (d), and (e), the Secretary"; and

(B) inserting "(in this section referred to as the 'Convention')" after "1973"; and

(2) by adding at the end the following new subsections:

"(d)(1) The Secretary of the Interior may not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention, unless—

"(A) the Secretary finds with reasonable basis that commercially viable uses of the nominated lands, and commercially viable uses of other lands located within 10 miles of the nominated lands, in existence on the date of the nomination will not be adversely affected by inclusion of the lands on the World Heritage List, and publishes that finding;

"(B) the Secretary has submitted to the Congress a report describing—

"(i) natural resources associated with the lands referred to in subparagraph (A); and

"(ii) the impacts that inclusion of the nominated lands on the World Heritage List would have on existing and future uses of the nominated lands or other lands located within 10 miles of the nominated lands; and

"(C) the nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act and after the date of publication of a finding under subparagraph (A) for the nomination.

"(2) The President may submit to the Speaker of the House of Representatives and the President of the Senate a proposal for legislation authorizing such a nomination after publication of a finding under paragraph (1)(A) for the nomination.

"(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

"(1) the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a report describing—

"(A) the necessity for including that property on the list;

"(B) the natural resources associated with the property; and

"(C) the impacts that inclusion of the property on the list would have on existing and future uses of the property and other property located within 10 miles of the property proposed for inclusion; and

"(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress after the date of submittal of the report required by paragraph (1).

"(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and of the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is amended by adding at the end the following new section:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after that date of enactment and before December 31, 2000;

"(2) consists solely of lands that on that date of enactment are owned by the United States; and

"(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

"(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.".

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is further amended by adding at the end the following new section:

"SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

"(b) A nomination, classification, or designation, under any international agreement, of lands owned by a State or local government shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

"(c) A nomination, classification, or designation, under any international agreement, of privately owned lands shall have no force or effect without the written consent of the owner of the lands.

"(d) This section shall not apply to—

"(1) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

"(2) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

"(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.".

SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1(b)) is amended by striking "Committee on Natural Resources" and inserting "Committee on Resources".

By Mr. McCAIN:

S. 511. A bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes; to the Committee on Rules and Administration.

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT AMENDMENTS

Mr. McCAIN. Mr. President, today I am introducing legislation with my dear friend Senator JOHN KERRY which would protect every American's fundamental right to vote. Our bill, "Improving Accessibility to Voting for Disabled and Elderly Americans" will ensure that every citizen who wants to vote will be able to vote despite physical disabilities.

The McCain-Kerry bill would strengthen and redefined the existing law, "Voting Accessibility for the Elderly and Handicapped." As many of my colleagues know, Congress implemented this law in 1984 in an attempt to ensure that all Americans has access to voter registration and polling places. At the time this was quite a progressive initiative since it was 15 years prior to the landmark Americans with Disabilities Act which as since helped opened the door for millions of disabled Americans in many aspects of their lives.

As a Member of the House of Representatives, I proudly supported the original 1984 law and was confident that it would eliminate the barriers facing millions of disabled and elderly citizens when they exercise their basic right to vote. Unfortunately, it did not. While it was a step in the right direction it has not completely eradicated inaccessible polling facilities. According to the most recent Federal Election Commission report, which relies on self-reporting by local election officials during the 1992 election, there were at least 19,500 inaccessible polling places. This is not including 9,500 polling places which did not file reports. And since this information is based on self-reporting I am afraid that the actual number of inaccessible polling places may be much higher.

It is deplorable that millions of disabled and elderly voters are not voting because they are faced with too many obstacles, including inaccessible polling places and ballots which are not accessible to blind or visually impaired voters. I find it particularly disconcerning that many of our nation's disabled veterans, the very men and women who have sacrificed so much for our country, are unable to cast their vote because of polling facilities which are not accessible. This is simply wrong. The right to vote is the heat and soul of our democracy, and we must work together to eliminate barriers preventing millions from participating in our democracy.

As America works together for our journey into the new millennium we must ensure that our Democracy continues to include everyone and address the unique needs of each citizen. I am concerned about voter turnout in the last election cycle, 1998 was the lowest since 1942—only 36 percent of eligible voters participated. It is difficult to have representation of the people by the people if the majority of people are not participating.

I find this lack of participation quite disturbing, particularly as our Nation prepares to enter the next century facing a multitude of important issues. What is even more disturbing is the number of citizens who wanted to participate in our election process but were unable to because of inaccessible polling facilities. This is why I am committed to working with Senator KERRY to get this bill passed so that every citizen, particularly the men and women who pledged their lives, fortunes and sacred honor to preserve and protect our Nation, can participate in the voting process.

I hope that my colleagues in the Senate will work with us to enact this important piece of legislation this year so that all Americans can exercise their right to vote with dignity and respect.

This legislation is supported by the Paralyzed Veterans of America, American Foundation for the Blind, New Hampshire Disabilities Rights Center, New Hampshire Developmental Disabilities Council, Granite State Independent Living Foundation, and National Association of Protection and Advocacy Systems. I would like to thank each of them for their commitment to protecting the rights of disabled and elderly Americans.

Mr. President, I request unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection the test of the bill was to be printed in the RECORD, as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.

(a) PURPOSE.—Section 2 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee) is amended by—

(1) striking "It" and inserting "(a) It"; and

(2) adding at the end the following:

"(b) It is the intention of Congress in enacting this Act to ensure that—

"(1) no individual may be denied the right to vote in a Federal election on the basis of being disabled; and

"(2) every voter has the right to vote independently in a Federal election.".

(b) ACCESSIBILITY OF POLLING PLACES.—Section 3 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1) is amended—

(1) in subsection (a), by striking "each political subdivision" and all that follows through "conducting elections" and inserting "the chief election officer of the State";

(2) by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply to a polling place in the case of any unforeseeable natural disaster such as a fire, storm, earthquake, or flood."; and

(3) by striking subsection (c) and inserting the following:

"(c) The chief election officer of a State shall ensure that all polling methods selected and used for Federal elections are accessible to disabled and elderly voters, including—

"(1) the provision of ballots in a variety of accessible media;

"(2) the provision of instructions that are printed in large type, conspicuously displayed at each polling place;

"(3) the provision of printed information that is generally available to other voters using a variety of accessible media; and

"(4) ensuring that all polling methods used enable disabled and elderly voters to cast votes at polling places during times and under conditions of privacy available to other voters.".

(c) ACCESSIBILITY OF REGISTRATION FACILITIES AND SERVICES.—Section 5(a) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-3(a)) is amended—

(1) in paragraph (1), by striking "and" at the end; and

(2) by striking paragraph (2) and inserting the following:

"(2) registration information by telecommunications devices for the deaf and in a variety of accessible media; and

"(3) accessible registration procedures to allow each eligible voter to register at the residence of the voter, by mail, or by other means.".

(d) ENFORCEMENT.—Section 6 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-4) is amended—

(1) in subsection (b), by striking "45" and inserting "21"; and

(2) by striking subsection (c) and inserting the following:

"(c) In an action brought under subsection (a), the State or political subdivision shall be fined an amount—

"(1) not to exceed $5,000 for the first violation of such section; and

"(2) not to exceed $10,000 for each subsequent violation.".

(e) RELATIONSHIP WITH OTHER LAWS.—Section 7 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-5) is amended—

(1) in the heading, by striking "VOTING RIGHTS ACT OF 1965" and inserting "OTHER LAWS;

(2) by striking "This" and inserting "(a) This"; and

(3) by adding at the end the following:

"(b) Nothing in this Act shall be construed to invalidate or limit the laws of any State or political subdivision that provide greater or equal access to registration or polling for disabled and elderly voters.".

(f) DEFINITIONS.—Section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-6) is amended—

(1) in paragraph (1), by striking "chief election" through "involved" and inserting "Access Board";

(2) in paragraph (4), by striking "permanent physical disability; and" and inserting "permanent disability;";

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

"(6) 'Access Board' means the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792);

"(7) 'chief election officer' means the State officer or entity, designated by State law or established by practice, responsible for elections within the State;

"(8) 'independently' means without the assistance of another individual; and

"(9) 'media' includes formats using large type, braille, sound recording, or digital text.".

(g) REFERENCES.—

(1) IN GENERAL.—The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) is amended by striking "handicapped" each place it appears and inserting "disabled".

(2) REFERENCES IN OTHER LAWS.—Except where inappropriate, any reference to "handicapped" in relation to the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) in any law, Executive Order, rule, or other document shall include a reference to "disabled".

(h) CONFORMING AMENDMENT.—Section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)) is amended by inserting before the semicolon "and section 3 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1)".

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations implementing this Act. Such regulations shall be consistent with the minimum guidelines established by the Access Board.

(b) ACCESS BOARD GUIDELINES.—Not later than 9 months after the date of enactment of this Act, the Access Board shall issue minimum guidelines relating to the requirements in the amendments made by section 1(b) of this Act.

(c) DEFINITION.—In this section, the term "Access Board" means the Architectural and Transportation Barriers Compliance Board.

SEC. 3. TRANSITION PLAN.

(a) IN GENERAL.—Not later than 3 months after the date on which regulations are promulgated under section 2(a), the chief election officer of each State shall develop a transition plan to ensure that polling places in the State are in compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended by this Act.

(b) COORDINATION WITH LOCAL ELECTION OFFICIALS.—The plan under subsection (a) shall be developed in coordination with—

(1) local election officials; and

(2) individuals with disabilities or organizations representing individuals with disabilities.

(c) CONTENTS AND AVAILABILITY OF PLAN.—The plan under subsection (a) shall—

(1) include specific recommendations necessary to comply with the requirements of the Voting Accessibility for the Elderly and Handicapped Act; and

(2) be available for public inspection in such manner as the chief election officer determines appropriate.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 1 of this Act shall apply beginning on the earliest of—

(1) the date that is 6 months after the date on which regulations are promulgated under section 2(a); or

(2) the date of the first Federal election taking place in the State after December 31, 2000.

Mr. KERRY. Mr. President, I am pleased to join my good friend JOHN MCCAIN to introduce the Voting Accessibility for the Elderly and Handicapped Act, to ensure that our disabled and elderly citizens have the same opportunity to vote as the rest of us—in private and at a polling place. Despite the intention of a voter accessibility law passed in 1984, many individuals with physical challenges are literally left outside the polling place, unable to exercise their fundamental right to vote without embarrassing themselves or relying on others to cast their ballot for them.

As abysmally low as voter turnout is for the population as a whole, it is estimated that the rate of voter participation by persons with disabilities is even lower—as much as 15–20 percent according to some surveys. Among the reasons for this gap is that polling places are not accessible to people with physical disabilities. This is the case, despite the Voting Accessibility for the Elderly and Handicapped Act (VAEHA) of 1984, which requires polling places to be physically accessible to both older voters and voters with disabilities. Unfortunately, the VAEHA does not define an "accessible" voting place, nor does it place responsibility for making a voting place accessible with any particular agency or official.

Since the 1984 act was passed, many polling places have improved their accessibility. Nevertheless, according to the Federal Election Commission, which tracks accessibility under the 1984 act, there were some 19,500 inaccessible polling places in 1992—the last time for which statistics are available. And, since the FEC report relied on self-reporting by voting precincts, the actual number of inaccessible polling places in likely to be even higher.

The result is that there are still too many instances where disabled voters must resort to what is known as "curbside voting." According to a survey by the National Voter Independence Project, 47 percent of polling places are inaccessible because they don't have a wide enough path from the street, there are no signs directing disabled people where to go, or stairs or narrow doorways block wheelchair access. Disabled voters who go to inaccessible polling places are told to honk their car horn, or ask a passerby to get the attention of the polling official, who must then bring a ballot out to the disabled voter or carry him or her into the voting place. Rather than face this indignity, many disabled voters choose not to vote.

Why shouldn't they just vote by absentee ballot? Because voting is a community event in which those without disabilities can choose to participate. Disabled voters deserve the same voting rights as everyone else. If they vote by absentee ballot, they should do so because they choose to, not because they have to.

Visually impaired voters—many of whom are older Americans—also often face certain indignities when they attempt to exercise their fundamental right of a secret vote. If they cannot see the ballot, they are told to bring someone into the voting booth with them, to read the ballot for them and cast their vote. An extraordinary 81 percent of visually impaired individuals had to rely on others to mark their ballots for them, according to the National Voter Independence Project. The secret ballot is so basic to our democratic system that it is shocking that it is denied to so many.

The right to vote at a polling place and in private can be provided to the elderly and disabled for a very low price. State election agencies may incur some costs in bringing their polling places into compliance, however, these are expenses already required of the states by the 1984 law. More importantly in most cases, the costs are not likely to be high. The FEC noted that improvements seen in 1992 "were in many cases achieved merely by relocating polling places to accessible buildings at no cost to the taxpayers." Where polling places are not accessible to individuals with physical disabilities, they can be moved to already accessible buildings, such as malls, public libraries and schools. In many instances, access would be improved by putting up signs directing persons with disabilities to accessible entrances. These and other simple solutions have been implemented by some precincts at only minimal cost.

Improving access for the visually impaired can also be a low-cost endeavor for states. Many visually impaired individuals would be able to vote independently if the ballots were simply in larger type. Providing a tape recording of the ballot for the visually impaired to listen to is another solution that has been implemented by a few precincts for very low cost. It is a small price to pay to guarantee our fundamental rights to all of our citizens.

Those who would benefit from this bill include the men and women who were injured serving our country in the armed forces. Other beneficiaries would be elderly citizens who may have voted regularly throughout their lives, and only their failing vision keeps them from voting now. Still others on whose behalf we offer this bill are victims of accidents, illnesses, or genetic disorders. Is there any one among those individuals who should be denied the right to participate in the voting process? Of course not. It is for them, Mr. President, that we offer this very important piece of legislation.

By Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. LIEBERMAN, and Mr. EDWARDS):

S. 512. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism; to the Committee on Health, Education, Labor, and Pensions.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. GORTON. Mr. President, today, I will introduce legislation that will build on current scientific advances in understanding autism and will promote additional research in this promising field. I introduced a very similar bill last year and am greatly encouraged by the progress in this field. In the last 12 months, we've seen an increase in the number of researchers interested in this field, additional funding for autism research and greater public awareness about this disability. It is my hope that we can continue this momentum and pass meaningful legislation this year.

Many think autism is rare. In fact, it is the third most prevalent childhood disability, affecting an estimated four hundred thousand Americans and their families. It is also a condition that doctors and scientists believe can be cured. It is not something that we simply must accept.

When people think of autism they might remember the character played by Dustin Hoffman in the movie "Rainman." Yet autism has many faces; it affects people from every background, social and ethnic category. Children with autism may be profoundly retarded and may never learn to speak, while other may be extremely hyperactive and bright. Some may have extraordinary talents, such as an exceptional memory or skill in mathematics. However, all share the common traits of difficulty with communication and social interaction. And for reasons we do not yet understand, eighty percent of those with autism are males.

But autism is not about statistics or medical definitions—it is about children and families. The Kruegers, from Washington state, have an all too typical story. Their little girl Chanel developed like any other child—she happily played with her parents, took her first steps, learned some of her first words and then she started to regress. In four short months, by the time she was two, Chanel had become almost completely enveloped in her own private world. Chanel's mother told me "it was like somebody came in the middle of the night and took my child."

Like many children with autism, the Krueger's daughter no longer responded when her parents called her name; words she once spoke clearly became garbled; and socializing became more and more difficult. Fortunately, due to her parents' dedication and intervention Chanel Krueger at age 5, is doing remarkably well.

But, many autistic children completely lose the ability to interact with the outside world. The hours these kids should be spending in little league or playing with their friends are often spent staring out the window, transfixed by the dust floating in the sunlight or the pattern of leaves on the ground.

Even today, with advances in therapy and early intervention, few of these children will go to college, hold a regular job, live independently or marry. More than half never learn how to speak.

The facts about autism can be sobering—but there is hope. Early intervention and treatment has helped many children. Science has also made great strides in understanding this disorder. We now know that autism is a biological condition, it is not an emotional problem and it is not caused by faulty parenting. Scientists believe that autism is one of the most heritable developmental disorders and is the most likely to benefit from the latest advances in genetics and neurology. Once the genetic link is discovered, the opportunities for understanding, treating, and eventually curing autism are endless.

The promise of research is exactly why I am introducing this legislation. This bill will increase the federal commitment to autism research. Its cornerstone is authorization for five Centers of Excellence where basic researchers, clinicians and scientists can come together to increase our understanding of this devastating disorder.

Because so little is known about the prevalence of autism, I have added a provision that establishes at the Centers for Disease Control at least three centers of expertise on autism in an effort to identify the causes of autism. The epidemiology research will help us confirm or dismiss whether a genetic disposition to autism may be triggered by environmental factors. If so, identifying those factors may help us in taking steps to prevent autism from developing.

A library of genetic information will be a valuable tool for researchers trying to identify the genetic basis for autism. The bill includes a provision to fund a gene and brain tissue bank developed from families affected with autism to be available for research purposes.

While we are hoping to advance our understanding and treatment of autism through research, it is also important that pediatricians and other health professionals have the most current information so that children and their families can receive help as early as possible. The bill includes authorization for an Autism Wareness Program to educate doctors and other health professionals about autism.

Finally, it is vital that we encourage collaboration among the scientists conducting this important work throughout the Department of Health and Human Services. The bill establishes an Inter-Agency Autism Coordinating Committee to bring together the scientists at the various Institutes at the NIH, at the Centers for Disease Control and other agencies conducting autism research.

While the focus of this bill is on autism, advances in this area are also likely to shed light on related problems such as attention deficit disorder, obsessive compulsive disorders, and various seizure disorders and learning disabilities.

Research is the key to unlocking the door and freeing those with autism from the isolation and loneliness of their private world. This bill is intended to give the NIH and the CDC the resources to take advantage of the tremendous opportunity before us to find more effective treatments and ultimately a cure for autism. The promise is real. Fulfillment of that promise only requires our commitment. I urge my Senate colleagues to support this important investment in the future of our children and our Nation.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 51

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 52

At the request of Mr. BOND, the names of the Senator from Florida (Mr. MACK) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 52, a bill to provide a direct check for education.

S. 67

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 67, a bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 98

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 101

At the request of Mr. LUGAR, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 148

At the request of Mr. ABRAHAM, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 211

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 260

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 271

At the request of Mr. FRIST, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 280, a bill to provide for education flexibility partnerships.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 314

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. REED), the Senator from Montana (Mr. BURNS), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 314, supra.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 314, supra.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 349

At the request of Mr. HAGEL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 349, a bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

S. 351

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 351, a bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 389

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 389, a bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

At the request of Mr. ROBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 389, supra.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 395

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 456

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 458

At the request of Mr. HAGEL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 458, a bill to modernize and improve the Federal Home Loan Bank System, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. CONRAD) was withdrawn as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. BRYAN), the Senator from Idaho (Mr. CRAIG), the Senator from Georgia (Mr. COVERDELL), the Senator from Wyoming (Mr. ENZI), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 5, supra.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. SMITH), and the Senator from Montana (Mr. BURNS) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of Congress with respect to the fair and equitable implementation of the amendments made by the Food Quality Protection Act of 1996.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 11, supra.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CLELAND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. BOND), the Senator from Wisconsin (Mr. KOHL), the Senator from Montana (Mr. BURNS), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. BROWNBACK), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Nevada (Mr. REID), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), the Senator from Utah (Mr. HATCH), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as "National Girl Scout Week."

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the names of the Senator from Washington (Mr. GORTON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE RESOLUTION 55—MAKING APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 106TH CONGRESS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 55

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of rule XXV, the following shall constitute the membership on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Veterans' Affairs: Mr. Specter (Chairman), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, Mr. Hutchinson of Arkansas, Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Special Committee on Aging: Mr. Grassley (Chairman), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Hagel, Ms. Collins, Mr. Enzi, Mr. Bunning, Mr. Hutchinson of Arkansas, Mr. Breaux, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Mr. Wyden, Mr. Reed of Rhode Island, Mr. Bayh, Mrs. Lincoln, and Mr. Bryan.

Committee on Indian Affairs: Mr. Campbell (Chairman), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, Mr. Inhofe, Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on the Year 2000 Technology Problems: Mr. Bennett (Chairman), Mr. Kyl, Mr. Smith of Oregon, Ms. Collins, Mr. Stevens (ex-officio), Mr. Dodd (Vice Chairman), Mr. Moynihan, Mr. Edwards, and Mr. Byrd (ex-officio).

SENATE RESOLUTION 56—RECOGNIZING MARCH 2 AS "NATIONAL READ ACROSS AMERICA DAY," AND ENCOURAGING READING THROUGHOUT THE YEAR

Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Whereas reading is a fundamental part of life and every American should be given the chance to experience the many joys it can bring;

Whereas National Read Across America Day calls for every child in every American community to celebrate and extoll the virtue of reading on the birthday of America's favorite Doctor—Dr. Seuss;

Whereas National Read Across America Day is designed to show every American child that reading can be fun, and encourages parents, relatives and entire communities to read to our nation's children;

Whereas National Read Across America Day calls on every American to take time out of their busy day to pick up a favorite book and read to a young boy or girl, a class or a group of students;

Whereas reading is a catalyst for our children's future academic success, their preparation for America's jobs of the future, and our nation's ability to compete in the global economy;

Whereas the distinguished Chairman Jim Jeffords and Ranking Member Ted Kennedy of the Senate Health, Education, Labor and Pensions Committee have provided significant leadership in the area of community involvement in reading through their participation in the Everybody Wins! program;

Whereas Chairman Jim Jeffords has been recognized for his leadership in reading by Parenting Magazine;

Whereas prominent sports figures such as National Read Across America Day Honorary Chairman Cal Ripken of the Baltimore Orioles baseball team, Sandy Alomar of the Cleveland Indians, and members of the Atlanta Falcons football team have dedicated substantial time, energy and resources to encourage young people to experience the joy and fun of reading;

Whereas the 105th Congress made an historic commitment to reading through the passage of the Reading Excellence Act which focused on traditionally successful phonics instruction, tutorial assistance grants for at-risk kids, and literacy assistance for parents: Now, therefore, be it *Resolved*, That the Senate—

(1) recognizes March 2, 1999 as National Read Across America Day; and

(2) expresses its wishes that every child in every American city and town has the ability and desire to read throughout the year, and receives the parental and adult encouragement to succeed and achieve academic excellence.

AMENDMENTS SUBMITTED

RELATIVE TO THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY-RELATED PROBLEM

BENNETT (AND DODD) AMENDMENT NO. 30

Mr. BENNETT (for himself and Mr. DODD) proposed an amendment to the resolution (S. Res. 7) to amend Senate Resolution 208 of the 105th Congress to increase funding of the Special Committee on the Year 2000 Technology-related Problems; as follows:

On page 1, line 5, strike "both places" and insert "the second place".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, March 2, 1999 in SD–106 at 9:00 a.m. The purpose of this meeting will be to review federal child nutrition programs.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, March 2, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Medical Necessity: From Theory to Practice. For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to Mark-up the Committee's Budget Views & Estimates letter to the Budget Committee for FY 2000 Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior will immediately follow). The Meeting/Hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Aging will be held on Wednesday, March 3, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Older Americans Act: Oversight and Overview. For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Employment, Safety, and Training, Senate Committee on Health, Education, Labor, and Pensions, will be held on Thursday, March 4, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "the New SAFE Act." For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on "The President's Fiscal Year 2000 Budget Request for the Small Business Administration." The hearing will be held on Tuesday, March 6, 1999, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 2, 1999. The purpose of this meeting will be to review Federal child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 2, 1999, at 9:30 a.m. in open session, to receive testimony on the defense authorization request for fiscal year 2000 and the future years defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 2, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this oversight hearing is to consider the President's budget for FY2000 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Medical Necessity: From Theory to Practice" during the session of the Senate on Tuesday, March 2, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BENNETT. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association. The hearing will be held on Tuesday, March 2, 1999, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM SPECIAL

Mr. BENNETT. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on March 2, 1999 at 8:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION/ MERCHANT MARINE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/ Merchant Marine be allowed to meet on Tuesday, March 2, 1999, at 9:30 am on reauthorization of the Surface Transportation Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 2, 1999, at 3:00 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING THE NEBRASKA ARMY NATIONAL GUARD'S 24TH MEDICAL COMPANY ON THEIR DEPLOYMENT TO BOSNIA

• Mr. KERREY. Mr. President, now that the Senate has passed the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999, I would like to take a few moments to express my appreciation for a group of dedicated Nebraskans who have chosen to serve their country in the Nebraska Army National Guard.

Most of the fifty-nine members of the Nebraska Army National Guard's 24th Medical Company left Lincoln on February 21st, for Fort Benning, Georgia. This week, having completed some additional training, these soldiers from the Nebraska Guard are traveling, along with five of the unit's UH-60 Blackhawk helicopters, to participate in Operation Joint Forge in Bosnia, where they are scheduled to serve up to 270 days overseas. The 24th Medical Company will be only the second air medical evacuation unit deployed to Bosnia, where their mission will be to care for casualties as they are flown from the front lines to hospitals.

Earlier this month, I visited with members of the medical unit in their hangar in Lincoln, Nebraska. Mr. President, I am very impressed by the dedication and training of these fine individuals. We are increasingly calling upon our nation's Reserve units to provide support for missions such as Bosnia, as part of America's down-sized military. Unlike the active duty forces, the citizen soldier puts a uniform on, serves his or her country, takes the uniform off, and goes back to work. We Americans should not take this dedication for granted. This current deployment may last for nine months, and that is nine months of time away from their families, their jobs, their education, and their lives. They realize the importance of their mission, and they are willing to make the sacrifices such a mission entails.

Mr. President, I am encouraged by last week's vote in this chamber to increase base pay and benefits for our military forces. The men and women who dedicate their lives to keeping our nation safe need and deserve a pay raise. The decision to join the military is extraordinary, and those who do so need to be properly compensated. However, money has never been and never will be the motivating factor for people who wish to join the Armed Services. We must ensure that the soldiers in our military are not driven away from service by a poor quality-of-life standard. We can accomplish this by making sure that our military have adequate housing, a good, responsive medical care system, proper training and equipment, and support for their families. Even more importantly, we who are not actively involved in military service must continue to hold up individuals such as the 24th Company as exemplars of service and sacrifice in our country. Theirs are the stories that need to be told.

In closing, I would like to give a personal "Thank you" to each and every one of the fifty-nine members of the Nebraska Army National Guard's 24th Medical Company. I wish you success in your journey and look forward to your return from what is the noblest mission in the Army, the mission to save lives.•

AFRICAN-AMERICAN HISTORY MONTH

• Mr. SANTORUM. Mr. President, the month of February has been designated as African-American History Month, however, African-American history is American history. The contributions of African-Americans to America encompass almost every area of American life. African-Americans are recorded in America as early as 1619, one year before the Mayflower landed at Plymouth Rock. The oldest established African-American family are descendants of William Tucker, born in Jamestown, Virginia in 1624.

Unfortunately for many of our youth, African-American role models are limited to those known for their achievements in the world of sports and entertainment. Although their accomplishments in this field are substantial and important, few of our youth know, for instance, about the many African-Americans who, throughout history, displayed tremendous courage and honor in times of war. Cripus Attuk, an African-American, was killed in the Boston Massacre in 1770, becoming the first casualty of the American Revolution. Most of the 5,000 blacks that fought in the Revolutionary War were slaves that fought in place of their owners. After the war had been won, they were immediately put back to work on their plantations, still slaves. More than 200,000 African-Americans served in the Civil War. After the Civil War, many of these trained soldiers were sent west and were reorganized as the 9th & 10th Cavalries, where they were called the "Buffalo Soldier" by the Indians they were fighting. The Tuskeegee Airmen of World War II, an air squadron, had the most impressive war record in their theater of action, never losing a bomber they were assigned to escort. Against almost insurmountable odds and racial discrimination, African-Americans have faithfully served America.

Significant in another aspect of America's history are the African-Americans whose endeavors helped fuel the industrial revolution, contributing to the economic prosperity and standard of life all Americans enjoy today. George Washington Carver discovered over 500 products with the peanut, the sweet potato, and corn. Many important inventions were made by African-Americans with thousands of patents made that have benefitted not only America, but the world. Jan Matzeliger invented the first shoe making machine. Elijah McCoy had forty-two patents, most for lubricating different types of steam engines and machines, as well as the first graphite lubricating device. Garrett A. Morgan invented the three-way traffic light which he sold to General Electric. Frederick McKinley Jones invented a workable way to refrigerate trucks and railroad cars, as well as manufactured movie sound equipment. George R. Curruthers invented image converters for detecting electromagnetic radiation. He was also one of the two people responsible for the development of the lunar service ultraviolet camera/specter graph. Dr. Charles R. Drew is credited with the discovery of blood plasma which supplants blood in transfusions, as was the first person to set up and establish blood banks. Dr. Daniel Hale Williams is the first doctor to successfully perform open heart surgery.

Some of the people mentioned played an important role in America's past wars. Many African-Americans I encounter today, however, are the unsung heroes of a different kind of war. They battle for the hearts and minds of our inner city youth. For example in Philadelphia, The Reverend Herb Lusk, and "People for People," are providing welfare to work training, after school tutoring for grade school children, as well as GED and computer training for the poor and disadvantaged. The Reverend Dr. Ben Smith's Deliverance Church, which owns and operates a shopping mall and sixty-five outreach ministries, has long served the greater community. C. Delores Tucker currently organizes the largest Martin Luther King Center for Non-violence in the nation. One of the many things she does for the community is to arrange for many to gather and celebrate our great Civil Rights leader on his birthday at an annual luncheon.

It is fitting that all Americans salute the invaluable services and contributions of African-Americans and the role that they have played and continue to play in American History.●

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS

● Mr. DURBIN. Mr. President, I support giving our troops a pay raise, and I support improving the retirement package of career military personnel. However, the bill the Senate has considered, S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights, is not only too expensive, it was also brought to the floor too hastily, without holding hearings on its provisions, and before we considered how the bill might affect the rest of the budget. Even though I want to see a pay raise and retirement reform, I had to vote against this excessively costly bill.

When S. 4 was reported out of committee, it already cost $12 billion more than the President requested over the next five years. The bill as passed by the Senate is estimated to cost $17 billion more than the President asked for. That is just for the next five years. Using Congressional Budget Office (CBO) figures, S. 4 would consume one-quarter of the projected non-Social Security surplus in the next fiscal year. Once personnel start to retire under its provisions, costs will skyrocket. CBO estimates that the retirement changes in S. 4 will eventually raise the costs of military pensions by a whopping 18 percent. These increased costs will come due at the same time the baby boom generation retires, with the attendant strain on Social Security and Medicare.

It is impossible to justify these steep increases in costs, particularly since not one hearing was held on S. 4. We all agree there are problems with recruitment and retention in the military, but we did not get the benefit of expert testimony—or any testimony at all—as to why, nor did we get input on how best to address these problems before passing this very expensive solution. Last year Congress asked the General Accounting Office (GAO) to do a detailed study of recruitment and retention problems. GAO has been conducting surveys and interviewing troops in the field to find out why they may plan to leave the service. GAO's preliminary findings show that "money has been overstated as a retention factor." GAO's report is due in just a few months. Similar studies by CBO and the Pentagon are due out shortly. Some experts have said that dissatisfaction over military health care and the operations tempo were more important issues for those leaving the military.

I find it most troubling that this bill was brought to the floor before we passed a budget resolution, and outside of the normal Defense Authorization bill. With no budget caps, and no other defense priorities to consider, the bill brought us into a never, never land of wishful thinking. The bill sets out the most generous package of benefits, but does not consider what might happen to the rest of the defense budget if these cost increases go into effect. Will we have to cut readiness, operations and maintenance, or procurement accounts? Will we be able to fund steps that could reduce the operations tempo or make it more predictable? Will we be able to fund improvements in military health care?

The so-called firewalls between defense and domestic discretionary spending are down. That means that, rather than cutting other parts of the defense budget to pay for these increases, we may have to cut domestic programs instead, like education, the environment, or transportation. According to the Concord Coalition, 57 percent of the budget was devoted to entitlements in 1998, but we are now on track to devote 73 percent of the budget to entitlements by 2009. This bill will worsen the entitlement picture, and mean that more and more discretionary spending will have to be cut to cover growing entitlements.

This was a very sad first bill for the Senate to consider after we finally turned the corner on deficits. We cannot go back to pre-1974 Budget Act spending patterns. We must not abandon fiscal discipline and spend the surplus before we even see a penny of it. I hope and expect that fiscal sanity will be restored and that, when the bill returns from conference or as part of a larger measure, I will be able to vote for a well-deserved pay raise for our military personnel and a reasonable retirement package, but a package that fits within the budget framework and discipline we have all embraced.●

FUTURE LEADERS OF THE BIG SKY STATE

● Mr. BAUCUS. Mr. President, in my view, public service is the most noble human endeavor. Today, more than ever, we must look to the younger generation as leaders for tomorrow. For their commitment to community service, I am pleased to recognize two of Montana's young leaders.

Their community work demonstrates an ability to make a difference in the lives of others. The work of these two young Montanans sets an impressive standard for their peers.

I would like to congratulate and honor two young Montana students who have achieved national recognition for exemplary volunteer service in their communities. Mindi Kimp of Corvallis, Montana, and Jill Lombardi of Helena, Montana, have been named State Honorees in The 1999 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school and one middle school student in each state, the District of Columbia and Puerto Rico.

Ms. Kimp is being recognized for her work in coordinating a "senior citizen prom" for seniors living in Missoula and Ravalli counties. Mindi, a 4-H member and junior class president, enjoys a close relationship with her grandparents. In helping to plan her own Hamilton High School prom, she conceived the idea of a senior citizen prom. She believed that this would be a great way to honor grandparents and help restore faith in today's younger generation. Mindi worked closely with the Council on Aging in planning the event. She solicited donations to make the event free to all seniors. She also used it to provide prizes, decorations, and a rose for every lady. The event was so successful that she will speak at the State Student Council Convention on how to plan a senior citizen prom. The event will now be held annually at Hamilton High School.

Ms. Lombardi, a member of the Helena Youth Advisory Council, is being recognized for her leadership role in two projects: a skateboard park and "Martin Luther King Volunteer Day." Jill served on and established the first-ever Helena Youth Advisory Council. As a member, Jill recruited interested skateboarders to advise the council on the design of the park. She also helped to obtain a $50,000 grant from the Turner Foundation for the park's construction. In planning the volunteer day, Jill worked with the council to organize activities such as community clean-up and youth reading programs. She recruited volunteers, analyzed community needs, arranged volunteer projects, and coordinated celebration activities. The event's success has inspired the council to host the event again next year.

Young volunteers like Ms. Kimp and Ms. Lombardi are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow. It is important that we recognize their achievements and support their contributions. Numerous statistics indicate that Americans today are less involved in their communities than they once were, and it is critical that the work of these young people is encouraged.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only four years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 50,000 youngsters participating.

Ms. Kimp and Ms. Lombardi should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 1999 Spirit of Community honorees from across the country. While here in Washington, ten will be selected as America's top youth volunteers of the year by a distinguished national selection committee.

I heartily applaud Ms. Kimp and Ms. Lombardi for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of Montanans. I also would like to salute two young people in Montana who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service: Nadia Ben-Youssef and Angela Bowlds.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. These young Montana leaders show commendable community spirit and tremendous promise for America's future.•

CUMBERLAND ISLAND NATIONAL SEASHORE WITH SPECIAL THANKS TO DON BARGER AND TAVIA McCUEAN

• Mr. CLELAND. Mr. President, last week, after more than two years of negotiations, an agreement was finally reached to release funding for land acquisition on Cumberland Island National Seashore. Located off the coast of Georgia, Cumberland provides a unique experience for visitors by enabling them to view seemingly endless undeveloped beaches and dunes in pristine condition. The beautiful coastline is contrasted by marshes and vast forests of mixed hardwoods. The natural environment plays a critical role in habitat protection for several threatened and endangered species including the bald eagle, the loggerhead sea turtle and the manatee.

The Island also allows individuals to visit the incredible cultural and historical remnants which exist on the Island. The remarkable history of the island indicates human habitation dating back thousands of years. First occupied by the Spanish in the early days of the colonial period, the island was eventually claimed by the English in the mid-1700s. Cumberland also has historical connections to the Revolutionary and Civil Wars. One unique historical reference to the island—brought to my attention by the Senate's own resident historian, the distinguished Senior Senator from West Virginia, relays the story that after his duel with Alexander Hamilton on July 11, 1804, Aaron Burr fled to Cumberland Island in exile—only to eventually leave after being snubbed by the island residents.

With this agreement, we have not only preserved the Island in accordance with its designation as a National Seashore, but we have taken the critical steps necessary to restore and maintain the historic and cultural resources on Cumberland which had been seriously neglected for several years. The agreement also provides additional access to individuals wishing to visit the historic resources on the island. By releasing the monies for the land purchase and implementing these changes, we will be making the ultimate benefactors the future generations of Americans who will have the opportunity to experience the natural and historical treasures possessed by Cumberland Island.

I would like to take a moment to publicly recognize and express my sincere appreciation to Don Barger, Southeast Regional Director of the National Parks and Conservation Association (NPCA), for his assistance in resolving the issues on Cumberland Island National Seashore. Don has been with NPCA since 1992. Having once climbed Mount Rainier, Don transfers this same motivation and dedication to his work. He is an avid and passionate defender of preserving and protecting our National Park System.

Don played a vital role in crafting the Cumberland agreement by actively engaging and compromising with numerous interested stakeholders while at the same time fulfilling his duty to preserve the integrity of the Wilderness Act and the National Park System. His tireless effort and willingness to commit his time, energy and enthusiasm to this process reflect well upon him and on the National Parks and Conservation Association.

I would like to pay special thanks to Tavia McCuean, Georgia State Director of The Nature Conservancy, who vigilantly pursued the critical land acquisition funds for Cumberland. The Cumberland agreement would not have been possible without the generous commitment of The Conservancy to contribute $6 million for the land purchase.

There were certainly several occasions over the past two years in which Tavia and The Nature Conservancy could have lost all patience as repeated efforts to obtain the land acquisition funds were blocked. However, Tavia tirelessly and patiently focused her energy and that of her dedicated staff towards securing the release of these funds. Future generations visiting Cumberland Island will owe a great debt of gratitude for this experience to the efforts of Tavia McCuean and The Nature Conservancy.

President Theodore Roosevelt once said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value." Both Tavia McCuean and Don Barger have done well in upholding this doctrine and truly represent the best of public spiritedness.•

RETIREMENT OF HENRY WOODS

• Mrs. LINCOLN. Mr. President, if you consult any of the numerous Congressional directories that are published here in Washington, you will see that they all list six members of the Arkansas Congressional Delegation—two Senators and four House members. But for the past 25 years, there has been an unofficial seventh member of our delegation: a dynamic, hard-working, can-do staffer named Henry Woods. After two decades in the nation's capital, Henry is retiring, and the state of Arkansas is losing a Washington institution.

Henry has helped one Congressman and three Senators from Arkansas to court and inform constituents, direct Arkansans to the assistance they need, provide intern opportunities for the state's young people, and stage events to advance his members' priorities at home and the state's interest in Washington. For the past 25 years, people working in the state congressional delegation knew that if you wanted to launch an ambitious project and have it done well, you wanted Henry Woods to be in charge of it.

His institutional memory is as incredible as it has been invaluable. It is not uncommon for him, at a moment's notice, to recall the name of a constituent's wife, the ages of their children and which schools they attend, which of his cousins serve in the State Legislature, and what civic groups he belongs to and who he supported in the last campaign. He can also cite zip code after zip code, not to mention phone prefixes for cities and towns across Arkansas.

Over the years he has made many friends in the halls of the House and Senate, from the doorkeepers to the printing clerks, from the restaurant workers to the Rules Committee staffers who have all helped him accomplish things for the members and constituents. He has an amazing way of finding the people and the resources to accomplish any project he is given.

Henry, a proud Hot Springs native, is legendary for his political savvy and quick wit. His fellow staffers often wondered why someone as busy as Henry was so willing to serve as driver for his employer whenever one was needed. After a while, they realized that those occasions gave Henry as much as a half-hour of interrupted access to the member, which he used to full effect. He has often been heard cautioning members and staffers alike that certain visitors waiting to see them "may not be right, but they're convinced." Another popular Henryism has been an admonition to disgruntled staffers that they "can just get glad in the same clothes they got mad in."

Henry has set up and run intern programs that have easily helped more than 1,000 Arkansas students become familiar with the working of Congress and the federal government. His intern program has been so successful that it has been emulated by countless other congressional offices. Henry's interns never sat idly in the office waiting for the next tour, softball game or free reception. He made sure each one had the chance to work in a variety of capacities and learn a number of skills in the offices. It is not surprising that many of his interns have gone on to run for public office and serve in the state's leading corporations, commissions, and charitable organizations.

In addition to his official efforts, he kept the Arkansas State Society and the University of Arkansas alumni society running efficiently for many years, working countless hours of his personal time to organize events ranging from the cherry blossom reception to football watch parties and trips to the horse races—all aimed at keeping Arkansans in Washington in touch.

Several of his friends established an award in his name last year at his beloved University of Arkansas, where he served on the Board of Directors of the Alumni Association. A cash award will be given each year to a student who shows an interest in internships or government services. The award will be formally announced at the University on April 22.

To put it briefly, no matter which office he was working in, Henry quickly became indispensable, a fact that was recognized by countless people both on and off the Hill as the following letters attest. Now he is leaving for sunnier climes in the southern-most point of the continental United States. We are going to miss him, and we are going to be poorer without him. We wish him well, and we want to let him know that the key will be under the doormat for him any time he wants to come back.

Mr. President, I ask that the four letters regarding Henry Wood's retirement be printed in the RECORD.

The letters follow:

THE WHITE HOUSE,
Washington, DC, February 23, 1999.

HENRY WOODS,
Washington, DC.

DEAR HENRY: As you retire from your lifetime of public service on Capitol Hill, I want to congratulate you and thank you for your commitment, hard work, and generous leadership.

In particular, I am so grateful for your efforts on behalf of the people from our home state. The warm hospitality you have provided to Arkansas visiting the Capitol throughout these 25 years has given them a special feeling of connectedness to their representatives here in Washington. The guidance you have provided people of all ages—and especially youth and students—leaves a wonderful legacy . . . and big shoes to fill!

Hillary joins me in sending our best wishes for all possible happiness in this next phase of your life.

Sincerely,

BILL CLINTON.

FEBRUARY 22, 1999.

Mr. HENRY WOODS,
Office of Senator Lincoln, Washington, DC.

DEAR HENRY: You came to Washington for a summer and stayed a career! And what an illustrious career you've had working in both the House of Representatives and the Senate.

You've held many positions during your tenure, and done a superb job in each one. You developed an intern program that has proved to be one of the best on Capitol Hill. Over the years, you have been very involved with the Arkansas State Society. Some would say, "If it wasn't for Henry, there wouldn't be a State Society." You've worked in more campaigns than I have run. Your tent parties are legendary. You helped coach the winning Capitol Hill softball team in 1982—the Pryorities. You are—the Razorbacks' biggest fan!

Henry, how can we thank you for the tremendous contribution you made to our state, our country—and to all of us.

Barbara and the entire Pryor family join me in wishing you the very best in the years ahead.

Sincerely,

DAVID PRYOR.

ATTORNEY GENERAL OF ARKANSAS,
Little Rock, AR, February 19, 1999.

Mr. HENRY WOODS,
Office of Senator Lincoln, Washington, DC.

DEAR HENRY: First let me add my congratulations to the many I know you are receiving from friends and colleagues on Capitol Hill as you retire from 25 years of government service. I can't imagine the Arkansas delegation without Henry. You have done so much for so many (including myself) over the years, we cannot begin to properly thank you.

I remember one of my early campaigns for the Arkansas State Legislature. You took time off and came to Arkansas to help organize a "Get Out the Vote" effort. You and your army of "intern alumni" worked tirelessly to get me elected, and I will never forget it.

Henry, Capitol Hill will miss you—but not half as much as Arkansas will miss you!

I wish you all the best in your new life.

With warm regards,

MARK PRYOR.

LITTLE ROCK, AR, *February 11, 1999.*

Mr. HENRY WOODS,
Senator Blanche Lincoln's Office,
Washington, DC.

DEAR HENRY: I'm still in denial. I can't imagine Washington without you, and if I could change your mind, I would do so in a heartbeat.

But knowing that's not possible, let me just say that "friends are friends forever" and our friendship—which began at the University of Arkansas and continues through today—will always be special.

I thank you for being so responsive to so many. I thank you for designing and implementing the best intern program on Capitol Hill. I thank you for giving so many Arkansas young people the chance to participate.

In just a few weeks, we will dedicate the "Henry Woods Award" at the University of Arkansas. It has already been endowed by your many friends and will be presented annually to the outstanding student leader on the campus. From this day forward, the most honorable student leader at your alma matter will be recognized with an award bearing your name.

Now, I have a new project for you. Certainly a book about your experiences is in order. I hope you will consider it, and I look forward to talking with you—and the University of Arkansas Press—about it.

Billie is already making Key West family vacation plans. All the Rutherfords wish you much happiness and continued success.

Thank you for making Arkansas very proud.

Best Wishes,

SKIP RUTHERFORD.•

MENTAL RETARDATION AWARENESS MONTH

• Mr. GRAMS. Mr. President, I rise today to help increase the public's awareness of mental retardation as we focus on the needs and abilities of the nation's 7.2 million Americans with mental retardation. The Arc, the nation's largest organization of volunteer advocates for people with mental retardation, consists of more than 1,000 local and state chapters. For 21 years, the Arc has sponsored the recognition of March as National Mental Retardation Awareness Month.

The Arc began in 1950 as a small army of friends and parents in Minneapolis, Minnesota came together to create the National Association of Parents and Friends of Mentally Retarded Children. From this spark in 1950, Arc members have become advocates not only for their own children, but all children and other Americans denied services and opportunities because of mental retardation.

According to Arc, a person with mental retardation is one who, from childhood, develops intellectually at a below-average rate and experiences difficulty in learning, social adjustment and economic productivity. Otherwise, he or she is just like anyone else—with the same feelings, interests, goals, needs and desire for acceptance. This intellectual delay requires not only personal support, but environmental support for them to live independently.

There are more than 250 causes of mental retardation. Among the most recognized are chromosomal abnormalities, such as Down syndrome, and prenatal influences, such as smoking or alcohol use by a pregnant mother, which may lead to fetal alcohol syndrome or other complications. Malnutrition, lead poisoning and other environmental problems can also lead to mental retardation in children.

Experts estimate that 50% of mental retardation can be prevented if current knowledge is applied to safeguarding the health of babies and toddlers. Some of the keys are abstinence from alcohol use during pregnancy, obtaining good prenatal care, education programs for pregnant women, and the use of child seats and safety belts for children.

The theme for this year's observance is the elimination of waiting lists for community-based services. In a study conducted by the Arc, more than 218,000 people were identified as waiting for placement in a community-based residential facility, a job training program, a competitive employment situation or other support.

In Minnesota, over 6,600 members in fifty chapters make up the Arc network, each working to both prevent the causes of mental retardation and lessen its effects. With the guidance of the Arc, it is these local and state chapters working at the grassroots levels which have made and continue to make the greatest impact for Americans with mental retardation.

Mr. President, I truly appreciate the unabated commitment to the needs and abilities of people with mental retardation the Arc has demonstrated over the years and am honored to help further public awareness.•

LEO MELAMED REFLECTS ON THE ACHIEVEMENTS OF THE TWENTIETH CENTURY

• Mr. DURBIN. Mr. President, I rise today to share with my colleagues an essay written by a great Chicagoan, and the father of our modern-day futures industry, Leo Melamed. I believe his essay, Reflections on the Twentieth Century, eloquently captures the essence of this great nation.

Mr. President, Leo Melamed had to travel a long hard road to reach the pinnacle of success. As a boy, he survived the Holocaust, coming to the United States to find a better life for his family. Growing up on the streets of Chicago, Leo was able to climb the ladder of opportunity and make that better life for himself and his family. His early experiences gave him a deep appreciation of the importance of a free society and an open economy.

Leo Melamed's heroic story embodies the American Dream. The young man who came to Chicago with little has, through hard work, tenacity, intellect and energy, given much to the world. In 1972, he launched the International Monetary Market (IMM), the first financial futures market. He has also achieved the position of Chairman Emeritus and Senior Policy Advisor for the Chicago Mercantile Exchange (CME), and is the author of several books. His leadership over the past quarter century has been critical in helping transform the Chicago Mercantile Exchange from a domestic agricultural exchange to the world's foremost financial futures exchange.

Currently, Melamed serves as chairman and CEO of Sakura Dellaher, Inc., a global futures organization which he formed in 1993 by combining the Sakura Bank, Ltd., one of the world's largest banks, and Dellaher Investment Company, Inc., a Futures Commission Merchant (FCM) he established in 1965. As a member of the Chicago Mercantile Exchange and the Chicago Board of Trade, and with an ability to operate in all world futures markets, Sakura Dellaher, Inc., assists financial institutions in their management of risk. Because of Leo's exemplary accomplishments and contributions to the field of financial futures, he has been recognized as "the father of the futures market concept."

I should also add, Mr. President, that the March 1999 issue of Chicago magazine has chosen Leo Melamed as one of the Most Important Chicagoans of the 20th Century. The article states: "As de facto leader of the Chicago Mercantile Exchange for a quarter of a century, Melamed transformed the moribund exchange, introducing foreign currency and gold as commodities to be auctioned off in the trading pits. Thanks to those decisions, Chicago is today the world capital of currency futures trading." Leo Melamed deserves great recognition for his outstanding contributions to the city he loves so much.

Mr. President, I ask that the full text of Leo Melamed's essay, Reflections on the Twentieth Century, be printed in the RECORD.

The essay follows:

REFLECTIONS ON THE TWENTIETH CENTURY

(By Leo Melamed)

The Twentieth Century, my father told me before his death, represented a new low in the history of mankind. "The Holocaust," he said, "was an indelible blot on human conscience, one that could never be expunged."

Still, my father always tempered his realism with a large dose of optimism. He had, after all, against all odds, managed to save himself and his immediate family from the inevitability of the gas chambers. Were that not the case, this kid from Bialystok would not be here to receive this incredible Weizmann Institute honor nor tell his story. And quite a story it is!

I don't mean simply the story of how my father snatched his wife and son from the clutches of the Nazis. I don't mean simply the story of how my parents outwitted both the Gestapo and the KGB during a time in history when, in Humphrey Bogart's words, "the world didn't give a hill of beans about the lives of three people." I don't mean simply the story of our race for freedom across Europe and Siberia during a moment in history when the world had gone quite mad. And I don't mean simply the story of Consul General Chiune Sugihara, the Japanese Oscar Schindler who chose to follow the dictates of his God rather than those of his Foreign Office and, in direct violation of their orders, issued life saving transit visas to some 6000 Jews trapped in Lithuania—the Melamdoviches among them. Six months later all of us would have been machine-gunned to death along with 10,000 others in Kovno.

No, I don't mean simply all of that, although all of that is a helluva story. But there is yet another dimension to the story here. I mean the story of the splendor of America! For it was here, here in this land of the free and home of the brave that the kid from Bialystok was given the opportunity to grow up on the streets of Chicago, to climb the rungs of social order without money or clout, and to use his imagination and skills so that in a small way he could contribute to the growth of American markets. In doing so he not only justified fate's decision to spare his life, but more important, attested to the majesty of this nation.

Because within my story lies the essence of America, the fundamental beauty of the United States Constitution and the genius of its creators. For throughout the years, thru ups and downs, thru defeats and victories, thru innovations which challenged sacred market doctrines, and ideas which defied status quo, no one ever questioned my right to dream, nor rejected my views simply because I as an immigrant, without proper credentials, without American roots, without wealth, without influence, or because I was a Jew. Intellectual values always won out over provincial considerations, rational thought always prevailed over irrational prejudice, merit always found its way to the top. Say what you will, point out the defects, protest the inequities, but at the end of the day my story represents the real truth about America.

For these reasons, after all was said and done, my parents were optimists. They agree, that in spite of the two World Wars, in spite of the horrors and atrocities, the Twentieth Century was nevertheless a most remarkable century. They watched the world go from the horse and buggy—to main form of transportation at their birth—to Apollo Eleven which in 1969 took Neil Armstrong to the moon.

Indeed, it is hard to fathom that at the dawn of my parent's century, Britannia was still the empire on which the sun never set; the railroads were in their Golden Age, automobiles were considered nothing but a fad, the phonograph was the most popular form of home entertainment, and life expectancy for the American male was but 48. Sigmund Freud first published his "Interpretation of Dreams," and Albert Einstein, the foremost thinker of the century, had just published his theory of relativity.

Of course, the event that would have the most profound effect on the direction of our present century occurred back in 1848—smack dab in the middle of the Nineteenth Century: Karl Marx and his associate, Friedrich Engels, published the Communist Manifesto. The concept of communism would dominate the political thought of Europe and later Asia for most of the Twentieth Century.

Today, some 150 years after the concept was conceived, we know it to have been an unmitigated failure. Indeed, those of us, citizens of planet Earth fortunate enough to be present in the final decade of the Twentieth Century, have been privileged to witness events equal to any celebrated milestone in the history of mankind. In what seemed like a made for TV video, we were ringside spectators at a global rebellion. In less than an eye-blink the Berlin Wall fell, Germany was unified, Apartheid ended, Eastern Europe was liberated, the Cold War ceased, and a doctrine that impaired the freedom of three generations and misdirected the destiny of the entire planet for seven decades was decisively repudiated.

What a magnificent triumph of democracy and freedom. What a glorious victory for capitalism and free markets. What a majestic tribute to Thomas Jefferson, Adam Smith, Abraham Lincoln, and Milton Friedman. What a divine time to be alive. Surely these events represented some of the defining moments of the Twentieth Century. Ironically, the lynch-pin of all that occurred will not be found in the political or economic arena, but rather in the sciences. One hundred years after the Communist Manifesto, to be precise, on December 23, 1947—smack dab in the middle of the Twentieth Century—two Bell Laboratory scientists invented the first transistor. It was the birth of a technology that would serve to dominate the balance of this century and, I dare say, much of the Twenty-first as well. The Digital Age was upon us.

Transistors and their offspring, the microchip, transformed everything: the computer, the space program, the television, the telephone, the markets, and, to be sure, telecommunications. Modern telecommunications became the common denominator which gave everyone the ability to make a stark, uncompromising comparison of political and economic systems. The truth could no longer be hidden from the people. We had migrated said Walter Wriston of Citicorp from the gold standard to the "information standard."

In a very real sense, the technology of the Twentieth Century moved mankind from the big to the little. It is a trend that will surely continue. In physics, this century began with the theory of General Relativity; this dealt with the vast, with the universe. From there we journeyed to comprehension of the infinitesimal, to quantum physics. Physicists were now able to decode nature's age-old secrets. Similarly, in biology we also moved from macro to micro—from individual cells to gene engineering. We entered an era of biomedical research where we can probe the fundamental components of life and remedy mankind's most distressing afflictions.

Thus, in stark contrast to the signals at the turn of the last century, the evidence today is overwhelming that the next century will be dominated by the information standard. Today, millions of transistors are etched on wafers of silicon. On these microchips all the world's information can be stored in digital form and transmitted to every corner of the globe via the Internet. This will change the way we live, the way we work, and the way we play. Indeed, the Digital Revolution will direct the next century just as the Industrial Revolution directed much of the Twentieth.

So there you have it: the pain, the progress, and the promise of my parent's century. It would be grand to believe that we have learned from our mistakes, that only enlightened times await us, but I am afraid that would be a bit pollyannaish. Still, we stand on the threshold of immense scientific breakthroughs and the future looks brighter than it ever was. Indeed, the Weizman Institute of Science symbolizes the scientific miracles of the Twentieth Century and points the direction for the world as we enter the Twenty First. If my parents were still present, they would surely tell this kid from Bialystok to await the next century with great anticipation and with infinite optimism.

Thank you.●

RETIREMENT OF SOUTH CAROLINA CHIEF JUSTICE ERNEST FINNEY

● Mr. HOLLINGS. Mr. President, today it is my great privilege and honor to salute one of South Carolina's foremost jurists and public servants, South Carolina Supreme Court Chief Justice Ernest A. Finney.

On February 23, Chief Justice Finney announced he would retire from the Court after 14 years. This is a bittersweet day for my state. All of us who admire Judge Finney and appreciate his legacy are sorry to see him leave the bench; but we also are happy for Judge Finney if he has decided it is time to take a richly deserved rest from the rigorous demands of public service—demands he has shouldered over five decades.

When Ernest Finney graduated from law school in 1954, blacks were not allowed to join the South Carolina bar or serve on juries. Judge Finney worked as hard as anyone in the country to change that. One of only a handful of black lawyers in South Carolina in the 1950s, he began his legal career as an advocate for equal rights and desegregation.

Ernest Finney and his law partner, Matthew Perry, who went on to become the first black federal Judge in South Carolina, tirelessly represented over 6,000 defendants arrested during civil rights demonstrations in the 1960s. Although they lost all the cases at the state level, they won almost all of them on appeal in federal courts.

After helping lead the fight to desegregate South Carolina, Ernest Finney turned his attention to another form of public service. In 1973, he became one of the first blacks elected to the South Carolina House in this century. He served until 1976, during which time he founded the South Carolina Legislative Black Caucus.

From 1976 to 1985, Judge Finney sat on the South Carolina Circuit Court bench. Always the pioneer, he was the first black Circuit Court judge in South Carolina.

In 1985, he became the first black member of the state Supreme Court since Reconstruction. He served with great distinction as an Associate Justice and earned respect and accolades from his peers and from attorneys appearing before the Court.

In 1994, Judge Finney was elected Chief Justice, the first black South Carolinian to attain that position. Without a doubt, he is one of the finest jurists in South Carolina history. As senior Associate Justice Jean Toal commented on the announcement of Judge Finney's retirement: "He's a giant of the judicial system in South Carolina. His tenure will be remembered as one of the outstanding tenures of the modern system."

Mr. President, today it is my immense pleasure to salute the gigantic achievements of Judge Ernest Finney, one of the most estimable public servants in recent South Carolina history. I join his friends and admirers in wishing him well as he begins his retirement, during which I suspect he will continue influencing South Carolina for the better.●

HUMAN RIGHTS AND JUSTICE IN SIERRA LEONE

● Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues from Wisconsin and Tennessee in co-sponsoring Senate Resolution 54, which was introduced on February 25. This resolution makes a strong, and much needed statement about U.S. concern and commitment to African peace and stability.

In the past several years, Sierra Leonians have seen their country go through a tumultuous period. On May 24, 1997, the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) seized control of Sierra Leone. The United States demanded that democratically elected President Tejan Kabbah be reinstated immediately.

Although diplomatic efforts by the United States and the Economic Community of West African States failed, a West African intervention force, (ECOMOG), was authorized by the international community to intervene, and it was successful in removing the unrecognized military rulers from power. On March 10, 1998, President Kabbah returned after 10 months in exile and reassumed control.

Unfortunately violence continues to ravage the country. In January of this year, RUF launched an offensive to take the capital, Freetown. Though ECOMOG drove rebel forces from the city, numerous reports of rape, mutilations, kidnapping of children for forced combat, and killings of innocent civilians by RUF forces continue to surface.

Official estimates report that in the last 2 months alone, the death toll has reached 2,000 to 3,000 people, with many also dying from lack of food and medicine. The United Nations High Commissioner for Refugees estimates the number of refugees fleeing to Guinea and Liberia at 440,000.

The administration has expressed shock and horror regarding the desperate situation in Sierra Leone and I am pleased that they have indicated they will provide $1.3 million for logistical support for ECOMOG in 1999, and $55 million for humanitarian assistance for the people of Sierra Leone. This Resolution builds on the administration's efforts, and calls for a strong U.S. commitment to end the violence and suffering in Sierra Leone.

First, it condemns the violence committed by the rebel troops and those that provide them with financial, political, and other types of assistance.

Second, it supports increased U.S. political and logistical support for ECOMOG, while recognizing the need for ECOMOG to improve its performance and increase its respect for humanitarian law.

Third, it calls for immediate cessation of hostilities and the observance of human rights.

Fourth, it supports a dialogue between members of the conflict in order to bring about a resolution.

Finally, it expresses support for the people of Sierra Leone in their endeavor to create and maintain a stable democratic society.

The situation in Sierra Leone and the influx of refugees to neighboring countries threatens the stability of the entire West African region. This is not a time for the United States and the international community to turn our backs. The people of Sierra Leone have already suffered too much and will suffer even more if we do not act. Rather, this is the time to stand firmly on the side of peace and democracy and the betterment of the lives of all Sierra Leonians.

By passing this legislation, we are making a strong statement in support of the efforts to contain and bring to a peaceful end this conflict. We have seen all too many times, in all too many places around the world the price that is paid if we choose to avert our eyes and allow violence to flourish. We should not make that mistake. We should not hesitate to raise our voice. I encourage all my colleagues to vote in favor of this resolution and in favor of human rights and justice in Sierra Leone.●

DR. GLENN T. SEABORG

● Mr. MOYNIHAN. Mr. President, I rise today to salute a pioneering scientist and a great American, Dr. Glenn T. Seaborg, who died on February 25 at the age of 86. Although a chemist by training, Dr. Seaborg is best remembered for his contributions to nuclear physics. Dr. Seaborg was the co-discoverer of plutonium, and led a research team which created a total of nine elements, all of which are heavier than uranium. For this he was awarded the Nobel Prize in Chemistry in 1951 which he shared with Dr. Edwin M. McMillan.

In 1942, as a member of the Manhattan Project, Dr. Seaborg was assigned to a laboratory at the University of Chicago. There he headed a unit that worked to isolate plutonium from uranium—the fuel used in the atomic bomb dropped on Nagasaki. After the war ended, Dr. Seaborg returned to the University of California at Berkeley until 1961, when, at the request of President John F. Kennedy, he became chairman of the Atomic Energy Commission (AEC). It was a position he held for ten years, spanning three administrations. Dr. Seaborg was the first scientist to direct the Commission. It was in this capacity that Dr. Seaborg acted as an advisor to the U.S. negotiator, Averell Harriman, in talks that led to the Limited Test Ban Treaty and was an advocate for the peaceful use of atomic energy.

Dr. Seaborg kept a journal while chairman of the AEC. The journal consisted of a diary written at home each evening, correspondence, announcements, minutes, and the like. He was careful about classified matters; nothing was included that could not be made public, and the journal was reviewed by the AEC before his departure in 1971. Nevertheless, more than a decade after his departure from the AEC, the Department of Energy subjected two copies of Dr. Seaborg's journals—one of which it had borrowed—to a number of classification reviews. He came unannounced to my Senate office in September of 1997 to tell me of the problems he was having getting his journal released, saying it was something he wished to have resolved prior to his death. I introduced a bill to return to Dr. Seaborg his journal in its original, unredacted form but to no avail, so bureaucracy triumphed. It was never returned. Now he has left us without having the satisfaction of resolving the fate of his journal. It is devastating that a man who gave so much of his life to his country was so outrageously treated by his own government.

Dr. Seaborg continued to lead a productive life until the very end. After his tenure as chairman of the AEC, Dr. Seaborg returned to the University of California at Berkeley where he was a University Professor—the highest academic distinction—and later a professor in the university's graduate school of education as a result of his concern about the quality of science education. He was the director of the Lawrence Berkeley Laboratory and until his death its director emeritus.

And there were well deserved accolades. In 1991 Dr. Seaborg was awarded the nation's highest award for scientific achievement, the National Medal of Science. In 1997 the International Union of Pure and Applied Chemistry named an element after a living person for the first time. Thus element 106 became Seaborgium (Sg), and Dr. Seaborg was immortalized as a permanent part of the periodic table to which he had already added so much.

So today I remember Dr. Seaborg for his contributions to nuclear physics, and I salute him for his service as chairman of the Atomic Energy Commission. Dr. Seaborg's family is in my prayers at this time of great loss; his wife of 57 years, Helen, and five of their six children: Lynne Annette Seaborg, Cobb, David Seaborg, Stephen Seaborg, John Eric Seaborg, and Dianne Karole Seaborg. Their son Peter Glenn Seaborg died in May of 1997.

Mr. President, I ask that Dr. Seaborg's obituary, which appeared in the Washington Post on Saturday, February 27, 1999, be printed in the RECORD.

The obituary follows:

[From the Washington Post, Feb. 27, 1999]

NOBEL-WINNING CHEMIST GLENN SEABORG DIES

(By Bart Barnes)

Glenn T. Seaborg, 86, the chemist whose work leading to the discovery of plutonium won a Nobel Prize and helped bring about the nuclear age, died Feb. 25 at his home near Berkeley, Calif.

He had been convalescing since suffering a stroke in August while being honored at a meeting in Boston of the American Chemical Society.

Dr. Seaborg was a major player on the team of scientists that developed the world's first atomic bomb used in warfare, which was dropped on Hiroshima, Japan, on Aug. 6, 1945, in the closing days of World War II. His research was later a critical element in the peacetime operation of nuclear power plants.

For 10 years, during the Kennedy, Johnson and Nixon administrations, he was chairman of the U.S. Atomic Energy Commission. It was a period of Cold War tension and mounting international anxiety over the nuclear arms race. As the president's primary nuclear adviser, Dr. Seaborg participated in negotiations that led to the Limited Nuclear Test Ban Treaty of 1963, and he was an articulate and forceful advocate for the peaceful use of atomic energy.

A former chancellor of the University of California at Berkeley, Dr. Seaborg returned to the university as a chemistry professor on leaving the AEC chairmanship in 1971.

It was at the Berkeley laboratories three decades earlier that he created from uranium a previously unknown element that he called plutonium. The amount was infinitesimally small, about a millionth of a millionth of an ounce, and it could not be seen with the naked eye.

The process by which this was achieved—the transmutation of uranium into plutonium by bombarding it with neutrons—would win the 1951 Nobel Prize in chemistry, which Dr. Seaborg shared with a Berkeley colleague, Edwin M. McMillan. A form of this new element—known as plutonium 239—was found to undergo fission and to release great energy when bombarded by slow neutrons.

That, Dr. Seaborg would say later, gave plutonium 239 "the potential for serving as the explosive ingredient for a nuclear bomb."

In 1942, at the age of 30, Dr. Seaborg took a leave of absence from the University of California to join the Manhattan Project, the code name for the U.S. World War II effort to develop an atomic bomb. Since Nazi Germany was believed to be engaged in a similar effort, the project was given the highest wartime priority.

Assigned to a laboratory at the University of Chicago, Dr. Seaborg was chief of a Manhattan Project unit that was trying to devise a way of isolating large amounts of plutonium from uranium. By 1943, they had separated enough plutonium to send samples to the Manhattan Project scientists working at the laboratories at Los Alamos, N.M., where it was needed for some crucial experiments.

To arrange for the return of the plutonium to the Chicago laboratory, Dr. Seaborg had to devise a shortcut around the cumbersome and top secret wartime security apparatus. Lacking clearance to enter the Los Alamos laboratories, he took his wife on a vacation to nearby Santa Fe, where one morning he had breakfast with one of the Los Alamos physicists. At the restaurant after the meal, the physicist handed over the plutonium, which Dr. Seaborg placed in his suitcase and took back to Chicago on a train.

By 1945, there had been enough plutonium produced to build two atomic bombs, including the one dropped on Nagasaki, Japan, three days after the atomic bombing of Hiroshima. Shortly thereafter, Japan capitulated and on Aug. 14, 1945, the war ended.

In 1946, Dr. Seaborg returned to Berkeley as a full professor, where he continued his prewar research on the discovery of new elements. He was associate director of the Lawrence Radiation Laboratory and chief of its nuclear chemistry research section from 1954 to 1958. He became chancellor of the University of California at Berkeley in 1958 and served in that capacity until his 1961 appointment as chairman of the AEC.

Glenn Theodore Seaborg was born in the small mining town of Ishpeming, on the Upper Peninsula of Michigan. At the age of 10, he moved to a suburb of Los Angeles with his family. He was first in his class and valedictorian in high school, and in September 1929, he entered the University of California at Los Angeles. To raise money for his college expenses he was a stevedore, an apricot picker, a laboratory assistant at a rubber company and an apprentice Linotype operator for the Los Angeles Herald. He was an assistant in the UCLA chemistry laboratory and a member of Phi Beta Kappa.

On graduating from UCLA, he transferred to the University of California's Berkeley campus where he had a teaching assistantship and a fellowship to study nuclear chemistry under the noted chemist, Gilbert N. Lewis. He received a doctorate in chemistry at Berkeley in 1937, then became a research associate under Lewis and later an instructor in chemistry.

He was a popular classroom teacher, but it was in the laboratory that Dr. Seaborg made his mark in the scientific community. There his co-worker, McMillan, he demonstrated that by bombarding uranium with neutrons, a new element—heavier than uranium—could be identified and produced. He called it neptunium after Neptune, the planet beyond Uranus in the solar system.

Building on this demonstration, Dr. Seaborg directed a team that employed a similar process to isolate the next of what came to be known as the transurnium elements—those with nuclei heavier than uranium, which had been the heaviest of the known elements. This next new element was named plutonium, after Pluto, the planet beyond Neptune in the solar system.

This would become the critical element in the development of atomic war weapons. After World War II, Dr. Seaborg continued his work on transuranium elements in the Berkeley laboratories, discovering substances later called berkelium, californium, einsteinium, fermium, mendelevium, nobelium and "seaborgium," which was officially accepted as the name for element 106 in August 1997.

In his presentation speech on the awarding of the 1951 Nobel Prize, A.F. Westgren of the Royal Swedish Academy said Dr. Seaborg had "written one of the most brilliant pages in the history of discovery of chemical elements."

As a member of the General Advisory Committee of the AEC, Dr. Seaborg endorsed—reluctantly—the postwar crash program that developed the hydrogen bomb.

"Although I deplore the prospect of our country's putting a tremendous effort into the H-bomb, I must confess that I have been unable to come to the conclusion that we should not," he said.

On his appointment as chancellor of the University of California at Berkeley in 1958, Dr. Seaborg gave up his research work. For the next three years, he supervised what Newsweek magazine called "possibly the best faculty in the United States."

His 1961 appointment as AEC chairman made him the first scientist to direct the commission, and he was an insider and adviser to President Kennedy and U.S. negotiator Averell Harriman in the talks with the Soviet Union that led to the Limited Test Ban Treaty. Ratified by the Senate in September 1963, the treaty banned aboveground nuclear tests and committed the United States and the Soviet Union to seeking "discontinuance of all test explosions of nuclear weapons for all time." For Dr. Seaborg, who had hoped for comprehensive prohibition of nuclear tests, the treaty was only a partial victory.

On leaving the AEC in summer 1971, Dr. Seaborg told NBC's "Meet the Press" that the commission's major achievement under his leadership was "the development of economic nuclear power and the placement of that in the domain of private enterprise." In addition to the Limited Nuclear Test Ban Treaty, he also mentioned the start-up of the International Atomic Energy Agency and the signing of the Nuclear Nonproliferation Treaty.

He observed, somewhat ruefully, that it was the Department of the Defense, not the AEC, that had full control of the U.S. nuclear weapons program.

On rejoining the faculty of the University of California at Berkeley, following his departure from the AEC, Dr. Seaborg held the rank of university professor—the highest academic distinction. In 1983, concerned with the quality of science education, he became a professor in the university's graduate school of education.

He was a former president of the American Association for the Advancement of Science, and a recipient of the Enrico Fermi Award of the AEC and the Priestly Medal of the American Chemical Society. In 1991, he received the National Medal of Science, the nation's highest award for scientific achievement.

In 1942, Dr. Seaborg married Helen L. Griggs, with whom he had four sons and two daughters. When his children were young, the Nobel Prize-winning scientist was an enthusiastic participant in family baseball, volleyball and basketball games and in swimming contests.

One of his sons, Peter Glenn Seaborg, died in May of 1997.●

RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. HATCH. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on the Judiciary.

The Rules follow:

COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified

by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

● Mr. JEFFORDS. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD of the first year of each Congress. On January 20, 1999, the committee on Health, Education, Labor, and Pensions held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Health, Education, Labor, and Pensions.[1]

The rules follow:

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(As adopted in executive session January 20, 1999)

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of the subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional view, and appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) the committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee, designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it

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[1] Pursuant to S. Res. 20, Committee on Labor and Human Resources name was changed to Committee on Health, Education, Labor, and Pensions on January 19, 1999.

is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(*d*) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(*e*) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities[2]
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[3] The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

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[2] Effective Jan. 21, 1999, pursuant to the Committee Reorganization Amendments of 1999 (S. Res. 28), is amended by striking "Handicapped individuals", and inserting "Individuals with disabilities."

[3] Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record

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GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. Seven days prior to public notice of each committee or subcommittee hearing, the committee or subcommittee should provide written notice to each member of the committee of the time, place, and specific subject matter of such hearing, accompanied by a list of those witnesses who have been or are proposed to be invited to appear.

3. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, each member of the committee or a subcommittee (as appropriate) should provide to all other such members two written copies of any amendment or a description of any amendment which that member proposes to offer to each bill, joint resolution, or other legislative matter to be considered at such executive session.

4. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE REPORTS, PUBLICATIONS, AND RELATED DOCUMENTS

Rule 16 of the committee rules requires that the minority be given an opportunity to examine the proposed text of committee reports prior to their filing and that the majority be given an opportunity to examine the proposed text of supplemental, minority, or additional views prior to their filing. The views of all members of the committee should be taken fully and fairly into account with respect to all official documents filed or published by the committee. Thus, consistent with the spirit of rule 16, the proposed text of each committee report, hearing record, and other related committee document or publication should be provided to the chairman and ranking minority member of the committee and the chairman and ranking minority member of the appropriate subcommittee at least forty-eight hours prior to its filing or publication.●

RULES OF THE SPECIAL COMMITTEE ON AGING

● Mr. GRASSLEY. Mr. President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Special Committee on Aging.

The rules follow:

RULES OF THE SPECIAL COMMITTEE ON AGING

(Rules of Procedure)

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

(3) Notice and Agenda: (a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion on whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting: (1) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum of the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling: (a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman of the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel: (a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may: (a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member of by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notices. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witness may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failutre to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee Clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Staffing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document:

"Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. SPECTER. Mr. President, pursuant to paragraph 2 of Rule XXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Veterans' Affairs for the 106th Congress, as adopted by the Committee on March 1, 1999.

The rules follow:

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) No meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicted in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.●

MILITARY PAY AND BENEFITS BILL

● Mr. DODD. Mr. President, I ask that the article entitled "A Military Problem Money Can't Solve," which appeared in this morning's New York Times, be printed in the RECORD. It helps to illustrate why the Senate should have taken a closer look at the provisions of S. 4 before voting on it. Had hearings been held on the bill, and had we awaited the completion of studies by the CBO, GAO and Defense Department, perhaps some Senators would have had a chance to become familiar with the reasons that our service men and women leave the military. As this article makes clear, retention may depend more on improving quality of life than increasing pay and pensions.

The article follows:

[The New York Times, Tuesday, Mar. 2, 1999]

A MILITARY PROBLEM MONEY CAN'T SOLVE

(By Lucian K. Truscott 4th)

LOS ANGELES.—While members of the armed services are underpaid and overworked, the bill recently passed by the Senate that gives them a pay raise doesn't address the real problem: keeping skilled officers and noncommissioned officers from leaving in mid-career.

The Army, Navy and Air Force now face serious enlistment shortfalls. For example, last year the Navy fell 7,000 short of its recruitment goal. The bill would raise military pay 4.8 percent and increase reenlistment bonuses and retirement benefits.

But even if the improved benefit package helps attract more recruits, there will continue to be a shortfall unless the military does more to keep mid-career soldiers from resigning.

Over the past few years, I have been in touch with more than 100 men and women who have resigned from the service, chiefly because my last two books have been about the military. Not once have I heard them say that they left the service because the pay was low. For many, quality-of-life factors drove them away.

They complain that junior officers and enlisted men and women with families are assigned to military housing that is old and badly maintained. On many bases both here and abroad, there is a shortage of housing, forcing many young families to live off the base. Civilian landlords in neighborhoods near military bases often charge above-market rents because they know military families are a captive market.

Deployments to far-off "peace-keeping" missions are another reason for mid-career attrition. With all of the services short-handed, assignments to these hardship missions are far more frequent than in the past. Moreover, to soldiers who have been trained to fight, many of these peacekeeping missions seem pointless.

But the complaint I've heard as often as any other has been about the system for advancement. One former officer told me that the military's traditional "zero defects" policy now applies to careers, not just to the readiness of a unit or to effectiveness in combat. One bad rating from a senior officer can end a career. "Everyone seems afraid to take the slightest chance at making a mistake," he said, for fear of getting a bad review.

So the mid-level officers may be jumping ship because the solution—which would include dissolving the unfair ratings system—is too radical to ever be considered.

Dissatisfaction with the overall ratings system for officers also helps to explain why the 20 percent increase in retirement benefits called for in the Senate bill is unlikely to improve retention rates. There are fewer slots as you go higher in rank, so promotions get harder.

In the past, for example, a major who wasn't promoted to lieutenant colonel could stay at the same rank and still get full retirement benefits after 20 years of service. Now many of those who don't get promoted are asked to leave the military.

The new officer rating system, established a year ago, has rigorous quotas that insure that only a certain number of soldiers are promoted—and reach retirement age. The ratings system uses four levels, but no more than half of the soldiers a superior officer oversees can be given the top rating. Soldiers who consistently score at the top are the ones who will qualify for retirement benefits, the bulk of which kick in at 20 years of service.

But that means the other half has little or no chance of qualifying for retirement, and it's this group that is more likely to resign from the service at mid-career. Several former military men have told me that after receiving what they considered to be unfair low ratings as junior officers they drew the conclusion that they would never be able to serve 20 years and reach retirement. Each of them decided to resign early rather than stick around and learn late in his career that his services were no longer wanted by the military.

"They tell you that if you're not going to go all the way to 20, you'd better get out by the end of your eighth year, because the corporate world won't take you after that," one former soldier explained.

Many former soldiers I have corresponded with have described their decisions to resign from the military as complex and painful. But the emotion they express most frequently is anger.

"I think the most important reason for leaving is that the Army pays lip service to taking care of its own, but it really doesn't," one former officer wrote.

Still another former military man described the plight of the mid-career professional soldier this way: "They are sent to far-off places with inadequate support, pointless missions and foolish rules of engagement so the cocktail party set back in D.C. . . . can have their consciences feel good."

Many of the military men and women I've interviewed see no one in senior leadership positions standing up and telling the politicians that while a pay raise is nice, there are a lot of other problems that need to be addressed. As one former officer wrote me, "Money would help, but it will not cure."●

NATIONAL TRIO DAY

● Ms. SNOWE. Mr. President, I rise to bring my colleagues attention to the celebration of National TRIO Day which took place on Saturday, February 28. National TRIO Day—which was created by a concurrent resolution during the 99th Congress—is celebrated every year on the last Saturday of February, and serves as a day of recognition for the Federal TRIO Programs.

As my colleagues are aware, the TRIO Programs actually consist of several educational programs: Talent Search; Upward Bound; Upward Bound Math/Science; Veterans Upward Bound; Student Support Services; Ronald E. McNair Postbaccalaureate Achievement Program; and Educational Opportunity Centers. These programs, established over 30 years ago, provide services to low-income students and help them overcome a variety of barriers to obtaining a higher education, including class, social, and cultural barriers.

Currently, 2,000 colleges, universities and community agencies sponsor TRIO Programs, and more than 780,000 low-income middle school, high school, and adult students benefit from the services of these programs. By lifting students out of poverty, these students can pursue their highest aspirations and achieve the American dream, even as our nation is collectively lifted to new heights.

Mr. President, there are 15 TRIO Programs in my home State of Maine that serve 6,000 aspiring students each year. I know that these programs work because I have seen and heard of the tangible impact the programs have had—and continue to have—on individuals in Maine.

The impact of the TRIO Programs speaks for itself when considering that TRIO graduates can be found in every occupation one can think of, including doctors, lawyers, astronauts, television reporters, actors, state senators, and even Members of Congress. In fact, two of our colleagues in the House of Representatives—Congressman HENRY BONILLA and Congressman ALBERT R. WYNN—are graduates of the TRIO Programs.

In closing, as we celebrate National TRIO Day, I would like to encourage my colleagues to learn more about the TRIO Programs in their respective states, and see for themselves the impact the programs have had—and continue to have—on their constituents.

Ensuring that all of our nation's students who desire a higher education are able to attain it is a goal that I think we can all agree on—and TRIO makes it possible.●

UNANIMOUS CONSENT AGREEMENT—S. RES. 51 AND S. RES 52

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Senate resolutions 51 and 52, which are on the calendar.

I further ask consent that the resolutions be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

The PRESIDING OFFICER. The clerk will state the first resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 51) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library.

The resolution was considered and agreed to, as follows:

S. RES. 51

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mitch McConnell, Thad Cochran, Don Nickles, Dianne Feinstein, and Daniel K. Inouye.

Joint Committee on the Library: Ted Stevens, Mitch McConnell, Thad Cochran, Christopher J. Dodd, and Daniel Patrick Moynihan.

AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

The PRESIDING OFFICER. The clerk will state the second resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 52) to authorize the printing of a collection of the rules of the committees on the Senate.

The resolution was considered and agreed to, as follows:

S. RES. 52

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

MEASURE READ THE FIRST TIME—H.R. 350

Mr. ALLARD. Mr. President, I understand that H.R. 350 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 350) to improve Congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. ALLARD. I now ask for its second reading and would object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 508

Mr. ALLARD. Mr. President, I understand that Senate bill 508, which was introduced earlier by Senators SANTORUM and ALLARD, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 508) to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Mr. ALLARD. I now ask for its second reading and would object to my own request.

The PRESIDING OFFICER. Objection is heard.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 106-2

Mr. ALLARD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 2, 1999, by the President of the United States:

The Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Korea (Treaty Document 106-2).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Korea, signed at Washington on June 9, 1998 (hereinafter the "Treaty").

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Treaty. The Treaty will not require implementing legislation.

The Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the United States and Korea. It will provide, for the first time, a framework and basic protections for extraditions between Korea and the United States, thereby making a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 2, 1999.*

MAKING APPOINTMENTS TO CERTAIN SENATE COMMITTEES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 55 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 55) making appointments to certain Senate committees for the 106th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 55) reads as follows:

S. RES. 55

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the membership on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Veterans' Affairs: Mr. Specter (Chairman), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, Mr. Hutchinson of Arkansas, Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Special Committee on Aging: Mr. Grassley (Chairman), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Hagel, Ms. Collins, Mr. Enzi, Mr. Bunning, Mr. Hutchinson of Arkansas, Mr. Breaux, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Mr. Wyden, Mr. Reed of Rhode Island, Mr. Bayh, Mrs. Lincoln, and Mr. Bryan.

Committee on Indian Affairs: Mr. Campbell (Chairman), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, Mr. Inhofe, Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on the Year 2000 Technology Problems: Mr. Bennett (Chairman), Mr. Kyl, Mr. Smith of Oregon, Ms. Collins, Mr. Stevens (ex-officio), Mr. Dodd (Vice Chairman), Mr. Moynihan, Mr. Edwards, and Mr. Byrd (ex-officio).

APPLICATIONS SUBMITTED BY THE DODSON SCHOOL FOR CERTAIN IMPACT AID PAYMENTS FOR FISCAL YEAR 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that Senate bill 447 be discharged from the Labor Committee and, further, that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 447) to deem timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and, finally, that any statements related to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was deemed read the third time, and passed as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPACT AID.

The Secretary of Education shall deem as timely filed, and shall process for payment, an application for a fiscal year 1999 payment under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) from a local educational agency serving each of the following school districts if the Secretary receives that application not later than 30 days after the date of enactment of this Act:

(1) The Dodson Elementary School District #2, Montana.

(2) The Dodson High School District, Montana.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 9.

I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the nomination.

Mr. SHELBY. Mr. President, I rise today to urge my colleagues to vote in favor of the nomination of James M. Simon, Jr., to be the Assistant Director of Central Intelligence for Administration. As part of the Intelligence Authorization Act for Fiscal Year 1997 (S. 1718), the Senate Created the Office of the Director of Central Intelligence (ODCI), clarified the DCI's responsibilities for managing the Intelligence Community, and crated three new leadership positions in the ODCI: the Assistant Director of Central Intelligence (ADCI) for Collection, the Assistant Director of Central Intelligence for Analysis and Production, and the Assistant Director of Central Intelligence for Administration. According to the Act, the ADCIs were to be appointed by the President and confirmed by the Senate.

At Conference, the House agreed to create the three new positions provided that the position of Deputy Director of Central Intelligence for Community Management (DDCI/CM) also be created as a position requiring the advise and consent of the Senate. Therefore the Conference Report included the three ADCI positions and added the DDCI/CM position within the Office of the DCI. The ADCIs report directly to the DDCI/CM. This new leadership structure was enacted into law by P.L. 104–293.

The intent was to create a "Goldwater-Nichols" equivalent legislation for the intelligence Community by breaking down the barriers to effective community management erected by the very powerful directors of various intelligence agencies. In many cases, these directors act unilaterally on the day-to-day decisions concerning collection, production, and administration within the Community. On May 22, 1998, the Committee favorably reported the nomination of Joan Dempsey to be the first DDCI/CM. The Senate confirmed her on May 22, 1998.

A great deal of the responsibility for management improvement within the Intelligence Community will lie with the Assistant Director of Central Intelligence for Administration. Therefore, the position requires a strong and determined individual that is prepared to confront and overcome the inevitable resistance of an entrenched and calcified bureaucracy.

Mr. James M. Simon, Jr., a career intelligence officer, was nominated by the President to be the first Assistant Director of Central Intelligence for Administration, and the Senate Select Committee on Intelligence held open hearings on his nomination on February 4, 1999. On February 24, 1999, the Committee voted to favorably report the nomination of Mr. Simon to he full Senate.

Mr. Simon was born in Montgomery, Alabama on 1 July 1947. He is married to Susan Woods of Tuscaloosa, Alabama.

Mr. Simon was commissioned in the US Army in 1969, retiring in 1997 from the active reserve. Trained as a signal officer and in intelligence, he has commanded a SIGINT/EW company and has been operations officer of a psychological warfare battalion. He is a graduate of the Military Intelligence Officers Advanced Course, the Command and General Staff College, and has completed the Security Management Course from the national War College.

After discharge, Mr. Simon became a research intern at Radio Free Europe and served as teaching assistant to the Dean of the University of Southern California's Graduate Program in International Relations in Germany prior to returning to the United States to study for a Ph.D.

Mr. Simon has a B.A. in political science from the University of Alabama and a M.A. in international relations from the University of Southern California. He held both Herman and Earhart fellowships while pursuing a Ph.D at USC with emphasis in national security, bureaucracy, Soviet studies, and Marxism-Leninism. He has given lectures at Harvard, Cornell, Utah State, the Joint Military Intelligence College, the Command and General Staff College, the Navy War College, the Air War College, and the national War College. For two years, he taught Soviet war fighting at the Air University's course for general officers.

Mr. Simon left USC before completing his dissertation and joined the CIA in 1975 through its Career Training Program. He served briefly in the clandestine service before joining the Directorate of Intelligence's Office of Strategic Research as a military analyst specializing in tactics and doctrine. He served as chief of a current intelligence branch as well as of two branches concerned with Soviet military strategy, doctrine, and plans. From 1986 to 1990 he was in charge of the intelligence community organization responsible for asking the imagery constellation. In 1990, he was assigned as the senior intelligence representative to the US delegation for the Conventional Forces in Europe (CFE) Treaty in Vienna where he was principal negotiator for the Treaty's information exchange protocol. After ratification, in 1991, Mr. Simon was reassigned as Chief of ACIS Rhein Main in Frankfurt; the Community's facility responsible for the preparation, debriefing, and reporting of information gained by arms control inspection teams throughout Europe. In 1993, Mr. Simon became chief of a division in the Office of European Analysis and in 1996 was named Chief of the Collection Requirements and Evaluation Staff.

The Intelligence Committee believes that Mr. Simon is well qualified for this new position. Accordingly, I again urge my colleagues to support this nomination and vote in favor of the Nominee.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in recommending to the Senate that Mr. James M. Simon be confirmed as the new Assistant Director of Central Intelligence for Administration. Mr. Simon has demonstrated the essential qualities required for this position, and I believe the Director of Central Intelligence has acted wisely in proposing to the President Mr. Simon's nomination.

I am glad the Director of Central Intelligence is fulfilling one of the obligations imposed by the Fiscal Year 1997 Intelligence Authorization Act. In that Act, Congress—after extended discussions among the relevant committees—created a new management structure for the Office of the DCI. That structure included the new positions of Assistant Directors of Central Intelligence—one for intelligence collection, one for intelligence analysis, and one for community administration. The nomination to be considered by the Senate, the Assistant Director for Administration, will help to play an important role in ensuring the Intelligence Community is effectively managed.

To date, the DCI has taken the interim steps of appointing acting Assistant Directors for collection and for analysis. I expect Presidential nominations for these positions will be forthcoming soon. I must say, the Senate's wisdom in the Fiscal Year 1997 Intelligence Authorization Act has been confirmed by the DCI's interim appointments. Prior to the appointments of Mr. Charles Allen and Mr. John Gannon, Congress and the American people looked to the DCI to manage both the collection of intelligence information and the analysis of that information. Without any assistance in these areas, it was literally his personal responsibility. When the intelligence community fails to collect adequate information to prevent policy-makers from being surprised, Congress and the American people blame the DCI. Further, when the intelligence community fails to marshal its resources to analyze tough intelligence targets, Congress and the American people again blame the DCI. The blame was clear, for example, in last year's Indian nuclear test incident. Affixing the responsibility on the DCI was warranted, but he did not have the management structure in place to help him fulfill his responsibilities. The Fiscal Year 1997 Intelligence Authorization Act created a structure to help the DCI discharge his responsibilities and, following the Indian nuclear tests, the DCI began filling the new structure. So far, the results of Mr. Allen's and Mr. Gannon's work demonstrate that community-wide coordination is appropriate and sorely needed.

Mr. Simon is eminently qualified. He is a career intelligence officer. He has demonstrated throughout his career the ability to make tough calls and to be held accountable for those calls. In his most recent assignment as the head of the CIA's Requirements Evaluation Staff, he has taken on a task to fix something that has long been broken. He is working on a way to place a value on the different kinds of intelligence we collect. To the uninitiated this may sound fairly unimportant and, perhaps, even easy. But is not. It is hard because it directly challenges the directors of the heads of the agencies within the Intelligence Community. For example, it forces the head of signals intelligence to justify the quality of his efforts relative to the efforts of another agency that controls human intelligence. It has a similar effect on judging the value of satellite collection relative to the other ways we obtain our intelligence information. No agency director likes this evaluation because it forces questions to be answered on such fundamental issues as to whether or not community-wide budget and personnel resources are being directed in the right areas. Directors naturally resist a comparison of the value of their agency's work versus the value of the work of other agencies. Nonetheless, Mr. Simon chose to take on the agency heads in the Intelligence Community because it was the right thing to do.

The DCI has made an excellent choice in recommending Mr. Simon to the President. Mr. Simon should be confirmed by the Senate. I believe his services as the Assistant Director of Central Intelligence for Administration will have a significant and lasting impact on the Intelligence Community. I urge my colleagues to support this nomination.

The nomination considered and confirmed follows:

CENTRAL INTELLIGENCE

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

LEGISLATIVE SESSION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GIRL SCOUT WEEK

Mr. ALLARD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 48 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 48) designating the week beginning March 7, 1999, as "National Girl Scout Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, I am very proud to introduce this Resolution with my colleague Senator HUTCHISON, who, like me, is a former Girl Scout. This Resolution designates next week as National Girl Scout Week. I am so happy that we are able to recognize the important achievements of the Girls Scouts with such broad bipartisan support. Scouting instills the values that really matter—duty, honor, patriotism and service. I am so proud to honor the Girl Scouts for all they do to prepare our young women to be leaders for the future.

As a Girl Scout, you participate in a broad range of activities—from taking nature hikes to taking part in the arts. You serve in local food banks and learn about politics. The skills, values and attitudes you learn as a Girl Scout can help guide you through your life. As your skills grow, so will your self confidence. Eventually you will earn your badges which will serve as symbols that you are succeeding and doing something constructive for your community. You learn the importance of treating other people fairly and with the dignity they deserve. You have the confidence to know that you can reach your goals. You can learn to be a leader.

In today's hectic world, Scouts are more important than ever. Young boys and girls desperately need before and after school activities to keep their active minds' focused. They need adult role models like their Girl Scout leaders, who are dedicated to inspiring young people.

As the Senator from Maryland, one of my highest priorities is to promote structured, community-based after school activities to give children more help and more ways to learn. After school activities also keeps children stay out of trouble and keeps them productive. That's just what the Girl Scouts do. They promote character & responsibility. They teach the arts and cultural activities. They give kids the tools for success.

I applaud the Girl Scouts. I also thank them for what they did for me and what they do for millions of young women across the country. I hope the Resolution that Senator HUTCHISON and I have introduced here today calls more attention to the good work of the Girl Scouts. I hope it shows that there are solid after school activities that children can actively participate in while learning real life skills. Mr. President, I congratulate the Girl Scouts as they celebrate their 87th anniversary. I hope my colleagues will join me in supporting this important Resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 48), with its preamble, reads as follows:

S. RES. 48

Whereas March 12, 1999, is the 87th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts has a membership of nearly 3,000,000 girls and over 850,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts, for 87 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 7, 1999, as "National Girl Scout Week"; and

(2) requests the President to issue a proclamation designating the week beginning March 7, 1999, as "National Girl Scout Week" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL READ ACROSS AMERICA DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 56 introduced earlier today by Senators COVERDELL and TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 56) recognizing March 2nd, 1999, as the "National Read Across America Day," and encouraging every child, parent and teacher to read throughout the year.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLARD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 56), with its preamble, reads as follows:

S. RES. 56

Whereas reading is a fundamental part of life and every American should be given the chance to experience the many joys it can bring;

Whereas National Read Across America Day calls for every child in every American community to celebrate and extoll the virtue of reading on the birthday of America's favorite Doctor—Dr. Seuss;

Whereas National Read Across America Day is designed to show every American child that reading can be fun, and encourages parents, relatives and entire communities to read to our nation's children;

Whereas National Read Across America Day calls on every American to take time out of their busy day to pick-up a favorite book and read to a young boy or girl, a class or a group of students;

Whereas reading is a catalyst for our children's future academic success, their preparation for America's jobs of the future, and our nation's ability to compete in the global economy;

Whereas the distinguished Chairman Jim Jeffords and Ranking Member Ted Kennedy of the Senate Health, Education, Labor and Pensions Committee have provided significant leadership in the area of community involvement in reading through their participation in the Everybody Wins! program;

Whereas Chairman Jim Jeffords has been recognized for his leadership in reading by Parenting Magazine;

Whereas prominent sports figures such as National Read Across America Day Honorary Chairman Cal Ripken of the Baltimore Orioles baseball team, Sandy Alomar of the Cleveland Indians, and members of the Atlanta Falcons football team have dedicated substantial time, energy and resources to encourage young people to experience the joy and fun of reading;

Whereas the 105th Congress made an historic commitment to reading through the passage of the Reading Excellence Act which focused on traditionally successful phonics instruction, tutorial assistance grants for at-risk kids, and literacy assistance for parents: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes March 2, 1999 as National Read Across America Day; and

(2) expresses its wishes that very child in every American city and town has the ability and desire to read throughout the year, and receives the parental and adult encouragement to succeed and achieve academic excellence.

ORDERS FOR WEDNESDAY, MARCH 3, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 3. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then proceed to the time for debate on the motion to proceed to S. 280.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, the Senate, then, will convene tomorrow at 9:30 and resume consideration of the motion to proceed to the education flexibility partnership bill. There will have been a total of 4 hours for debate on the motion tomorrow morning, and following adoption of the motion, we will begin consideration of the bill itself. Amendments to the bill are expected to be offered and debated throughout Wednesday's session and for the remainder of the week. Therefore, Senators should expect rollcall votes throughout the day on Wednesday and Thursday and possibly Friday in an effort to make substantial progress on this important piece of legislation. After I have a chance to consult with the Democratic leader, we will give further information about the schedule on Friday and on Monday of next week.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, March 3, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 2, 1999:

DEPARTMENT OF DEFENSE

LAWRENCE J. DELANEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE ARTHUR L. MONEY.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE L. RONALD SCHEMAN, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WARREN J. CHILD, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARY E. REVELT, OF FLORIDA
JOHN H. WYSS, OF TEXAS

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WEYLAND M. BEEGHLY, OF VIRGINIA
LARRY M. SENGER, OF WASHINGTON
RANDOLPH H. ZEITNER, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANNY J. SHEESLEY, OF VIRGINIA

DEPARTMENT OF LABOR

RICHARD M. MCGAHEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE OLENA BERG, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate March 2, 1999:

CENTRAL INTELLIGENCE

JAMES M. SIMON, JR., OF ALABAMA, TO BE ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PUT THE DECENNIAL CENSUS BACK ON TRACK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. CRANE. Mr. Speaker, I come to the floor today in opposition to the plan of the Census Bureau to use sampling techniques in the Decennial Census.

The situation is clear: we must abide by the Constitution as we have in every census for over 200 years. As we all know, Article I Section II says that "an actual enumeration" must be done every 10 years. Now, for the first time in our history, this is not good enough. Some feel that counting part of the population and guesstimating the rest is better than actually counting the population head by head, as the Constitution requires.

The Director of the Census Bureau, Kenneth Prewitt, said last Wednesday he would abide by the Supreme Court ruling by using two sets of numbers in the Decennial Census. Recognizing part of the Court's decision, Prewitt plans to use enumeration for apportionment. However, the Census Bureau plans to create a second set of numbers, using sampling techniques, for redrawing House districts. Although they were not asked to rule on the constitutionality of sampling, four Justices said that using sampling for a census is illegal. But, the Administration continues to include sampling techniques in the Decennial Census, despite the contradictory rulings of several courts.

Mr. Speaker, this plan will only create more problems. Holding two censuses, which is exactly what the Bureau is doing by creating two figures, will double costs, lead to an increase in litigation with discrepancies over figures, and increase the chance that the census will not be done in a timely fashion. For the past six years, the Census Bureau was against a two-figure census for the very same reasons. This dual-track census is wrong, and they know it.

We in Congress have the responsibility to stand up for the American people. They do not want two versions of how many people live in our nation, and have to deal with the resulting confusion for ten years. I encourage my colleagues to consider this dual-track census plan as we consider releasing funding for the Commerce, State, and Justice Departments that is set to expire on June 15. This may be the last opportunity to put the Decennial Census back on track.

INTRODUCING THE EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. PAUL. Mr. Speaker, I rise to introduce the Education Improvement Tax Cut Act of 1999. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $3,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $3,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of, if not the top priority of the American people. After all, many members of Congress have proposed education reforms and a great deal of their time is spent debating these proposals. However, most of these proposals either expand federal control over education or engage in the pseudo-federalism of block grants. I propose we go in a different direction by embracing true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful Representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over the ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act of 1999.

INTRODUCING THE GRATON RANCHERIA RESTORATION ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. WOOLSEY. Mr. Speaker, today I am proud to introduce legislation that would restore federal recognition for the Federated Indians of Graton Rancheria, which is primarily composed of the Coast Miwok and Southern Pomo tribal members. This is a matter of simple justice, because in 1966 the United States government terminated the tribe's status under the California Rancheria Act of 1958.

My bill, the Graton Rancheria Restoration Act, restores all federal rights and privileges to the tribal members. It reinstates their political status and makes them eligible for benefits now available to other federally recognized tribes, such as Native American health, education, and housing services. The bill also specifically prohibits gambling on tribal lands affected by the bill.

The earliest historical account of the Coast Miwok peoples, whose traditional homelands include Bodega, Tomales, Marshall in Marin County and Sebastopol in Sonoma County, dates back to 1579. Today there are 355 members of the Federated Indians of Graton Rancheria.

Legislation passed by Congress in 1992 and later amended in 1996, established an Advisory Council in California to study and report on the special circumstances facing tribes whose status had been terminated. The Council's final report, which was submitted to Congress in September 1997, recommended the restoration of the Federated Indians of the Graton Rancheria.

Mr. Speaker, the tribes of the Graton Rancheria are a rich part of the North Bay's cultural heritage. Terminating their status was wrong then, and it would be wrong now for us to continue to deny them the recognition that they deserve.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE LIFE OF JUDGE ED J. HARRIS

HON. GENE GREEN

OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. GREEN of Texas. Mr. Speaker, my colleague (Mr. LAMPSON) and I ask all of our colleagues in Congress to join us in paying tribute to an outstanding individual, Judge Ed J. Harris. Ed passed away on February 10th after leading a long and distinguished life of public service and civic duty.

Ed Harris devoted his professional and private life to serving his home state of Texas. After graduating from Southwestern University in 1941, Ed entered the United States Navy to bravely fight for his country for six years during World War II.

After devoting his energy towards completion of both his law degree and master's degree, Ed joined the law firm of Martin, Carmona, Cruse, Micks & Dunten in 1956. Ed was admired by his colleagues for his devotion to the law and constant strive for excellence, and within two years he became senior partner. He distinguished himself as a respected leader and accomplished attorney for the next 21 years.

Ed spent thirty-three years of his extraordinary professional career as an elected public official, which in of itself is a testament of his outstanding leadership capacity and desire to serve the community he loved. He won the first of his 17 successful elections in 1961 when he was elected as Galveston City Councilman, where he served for three years. In 1962, Ed's devotion to service led to his election to the Texas Legislature as a State Representative, where he honorably served for fourteen years.

After Ed completed his tenure as State Representative, he became State District Judge, where he presided over the administrative, civil, and criminal dockets until his 1993 retirement. Ed is remembered by all he encountered for his kindness and his dedication to the law.

Ed lead a rich and active civic life that enhanced the lives of the people in his community. He was a devoted parishioner of Moody Memorial First United Methodist Church in Galveston and was a board member of McMahan's Chapel, the oldest protestant church in Texas. He continued his long dedication to the law through his activity in many county and state bar associations and in the American Judges Association. Ed also maintained his Navy ties through his participation in the Retired Officers association and VFW. Ed's desire to help those less fortunate than he was a constant force in the community. In fact, in 1986 and 1987, Ed rode in the 175 mile, two-day Houston Muscular Dystrophy Bike Tour, where he earned $14,000 in pledges for this cause. In 1991, Ed received the 1st Annual Independence Award from North Galveston County Democrats for his lifetime of devotion to this community.

The death of Ed Harris is a blow to all that loved and respected him. His years of public service and devotion to his community touched thousands of lives. Those who were fortunate enough to have known Ed will never forget his kind spirit, his leadership in the community, and his dedication and understanding of the law. He has left a legacy that will never be forgotten.

Mr. Speaker, please join us in paying tribute to the life of Ed Harris. Those of us fortunate enough to have known him are truly blessed.

* * *

HONORING OUR NATION'S BEST AND BRIGHTEST

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. ACKERMAN. Mr. Speaker, I rise to honor and congratulate four outstanding high school students from my Congressional District, who were recently named as finalists in the Intel Science Talent Search. The talent search has given each of these students an opportunity to demonstrate their unique talents and capacity for innovation. The students will be honored this week in Washington with the thirty-six other finalists. Indeed, it is both humbling and inspirational to listen to the accomplishments of these dynamic individuals.

Trevor Bass, of Great Neck, used a genetic algorithm to analyze the theory of evolution. At Great Neck South High School, Trevor is the coach of the math team and has won several awards in math, computer science and physics. He hopes to attend Harvard University in the fall.

Lauren Cooper, of Roslyn, studied how gender based language influences our perceptions of Presidential candidates. At Roslyn High School, Lauren is active in student government and president of the math club. Lauren plans to attend Duke University in the fall.

Lisa Schwartz, of Roslyn, examined patterns in two-way sequences of positive integers for her project. At Roslyn High School, Lisa is the captain of her forensics team and the editor in chief of both her yearbook and newspaper. She is currently ranked first in her class of 221 students and hopes to attend Harvard University in the fall.

Eric Stern, of Great Neck, has studied the nature of Alzheimer's disease. At Great Neck South High School, Eric has led the marching band and science club and has won many music, math, and science awards. Next year, David hopes to attend Yale University.

I would also like to take this opportunity to congratulate all the schools in the Fifth Congressional District of New York. These students' achievements underscore our community's commitment to excellence in education. These four scholars truly embody the ideals of innovation, perseverance, and leadership. I ask all of my colleagues to join me in honoring and congratulating these young men and women, on their many accomplishments, and extending to them our best wishes for continued success in what appears to be a very bright future.

TRIBUTE TO BOB LIVINGSTON, REPRESENTATIVE FROM THE FIRST DISTRICT OF LOUISIANA

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. WALSH. Mr. Speaker, Today I would like to extend my best wishes and prayers to BOB LIVINGSTON and his family as he retires from the House of Representatives. I know he has put the best interests of the family ahead of politics and I respect him deeply for that.

Chairman LIVINGSTON'S leadership skills and productive energy will be sorely missed on appropriations and in the House. I know that others have praised BOB for his humor and his intellect. I want to echo those words while I add that BOB LIVINGSTON is also a very good friend.

Since I came to Congress, he has been a mentor and much more. He has provided campaign support when I needed it, but more importantly he has assisted me with professional guidance as I learned the ropes in the Appropriations Committee.

The House of Representatives has been affected positively by the work of our colleague BOB LIVINGSTON. I know his future endeavors will be equally successful. I hope he will remember us as fellow combatants in a fight to cut government waste and return control to the American people. It is a great honor to have served during this period with BOB LIVINGSTON and I know his work will be a testament to his dedication to public service for many, many years to come.

* * *

INTRODUCING THE FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. PAUL. Mr. Speaker, I rise today to introduce the Family Education Freedom Act of 1999, a bill to empower millions of working- and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control.

Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system. According to a recent study by The Polling Company, over 70% of all Americans support education tax credits! This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $3,000 tax credit will make a better education affordable for millions of parents. Mr. Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Although public schools are traditionally financed through local taxes, increasingly, parents who wish their children to receive a quality education may wish to use their credit to improve their schools by helping financing the purchase of educational tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

Greater parental support and involvement is surely a better way to improve public schools than funneling more federal tax dollars, followed by greater federal control, into the public schools. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful method, of educating children. According to recent studies, home schooled children outperform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Mr. Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. WOOLSEY. Mr. Speaker, had I been present for rollcall vote No. 28 on February 25, 1999, I would have voted "yea" on final passage of the Wireless Privacy Enhancement Act.

HONORING FIRE MARSHAL J.J. PRUITT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. GREEN of Texas. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual, Fire Marshal J.J. Pruitt. J.J. will retire after nearly a half-century of fighting and investigating fires.

J.J. began his career in 1950 when he entered the Houston Fire Department. He soon distinguished himself among his colleagues and all who encountered him through his selflessness, courage, and quick thinking in the most serious of circumstances.

J.J.'s years of distinguished service lead him to a position of responsibility and leadership at the head of Harris County's Fire Marshal's Office. As Marshal, J.J. oversaw a $1.3 million annual budget, seventeen employees, and 29 full-time volunteer departments. He led his office in planning and coordination of fire prevention and control services in the unincorporated areas of Harris County and investigated arson.

J.J.'s decision to retire is definitely a blow to the Harris County community. His almost fifty years of dedicated service will leave a legacy for future fire marshals. Those people who have had the opportunity to work with J.J. are very fortunate to have benefitted from his leadership and courageous devotion to saving lives.

Mr. Speaker, please join me in thanking Fire Marshal J.J. Pruitt for his service to Harris County. Those of us who know J.J. are truly grateful for his leadership and wish him well in all his future endeavors.

STERNBERG MUSEUM OF NATURAL HISTORY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. MORAN of Kansas. Mr. Speaker, I would like to recognize the dedication of Dr. Edward H. Hammond on the occasion of the opening to the new Sternberg Museum of Natural History on the Fort Hays State University Campus in Hays, Kansas.

In the early 1990's, Fort Hays State University President Edward H. Hammond made the commitment to raise the funds necessary to move the impressive Sternberg fossil collection to an equally impressive facility. After eight years and $11 million dollars, his vision has been realized. The collection's new home is a state of the art 100,000 square foot dome and adjoining facility which will not only house the artifacts but provide a realistic journey through the world of prehistoric flora and fauna.

The Sternberg Collection has long been one of the premier collections of fossils in the world. It holds the largest collection of fossil grasses; it has the third largest collection of flying reptiles, and it's mammal collection ranks in the top 20 in North America. The Collection's volume of more than 3,750,000 artifacts and specimens ranks it the world's largest at a small university.

Dr. George M. Sternberg, an army surgeon began the collection in 1866. His sons developed a love for fossil hunting, and his son George F. eventually established his paleontology headquarters in 1927 at Kansas State Teachers College of Hays, now Fort Hays State University. George was made Curator of Geology and Paleontology and continued to manage and add to the Sternbery Collection until his retirement in 1961. In 1994, the Sternberg Collection was combined with the Museum of the High Plains under one director, Dr. Jerry Choate.

The completion of this project marks a major achievement for Fort Hays State University and the community of Hays. The new facility promises to draw scholars and curious travelers from around the globe and provide them with an exciting experience in prehistoric times. I commend University President Edward H. Hammond and Museum Director Dr. Jerry Choate for their creativity and tenacity in envisioning and completing this project. It is truly a landmark accomplishment.

H. CON. RES. 38, PAUL ROBESON COMMEMORATIVE POSTAGE STAMP

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. RUSH. Mr. Speaker, I am pleased today to join with several of my colleagues in introducing a Concurrent Resolution urging the U.S. Postal Service's Citizen Stamp Advisory Committee to issue a commemorative postage stamp honoring Paul Leroy Robeson.

This bill marks an important step in recognizing the many contributions Paul Robeson made to America, especially to the African-American community. Paul Robeson was a well renown African-American athlete, singer, actor, and advocate for the civil rights of people.

In the midst of segregation, Paul Robeson managed to attend Rutgers University and Columbia law school where he rose to academic prominence. Unfortunately, discrimination in the legal field forced Paul Robeson to leave the practice of law. However, he was able to use his artistic talents in the theater and music to promote African-American history and culture.

Paul Robeson is revered around the world for his artistic talents. Robeson became even more celebrated because of his role as a world famous singer and actor with exquisite performances that included Shakespeare's Othello and Showboat. Armed with the knowledge of twenty-five languages Robeson was able to sing for peace and justice throughout the world.

Last year marked the 100th birthday of Paul Robeson. It is only fitting that we celebrate Robeson's legacy by issuing a commemorative postage stamp in his honor.

HONOR AFRICAN-AMERICAN HISTORY WITH A MUSEUM ON THE MALL

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation to establish an African-American Museum on the mall, in Washington, D.C., as part of the Smithsonian Institution.

The story of black people in America has yet to be told in its entirety. African-American history is an integral part of our country, yet the richness and variety of that history is little-known and little-understood. As tourists from all over the world come to visit our Nation's Capital, they will not be able to learn the full history of black people in America. This museum represents a great opportunity—to showcase our history in its diversity and breadth, and to make the understanding of American history more complete.

Did you know that Dr. Daniel Hale Williams was a pioneering heart surgeon that played a vital role in the discovery of open-heart surgery? And that Ernest Everett Just, Percy Julian and George Washington Carver were all outstanding scientists? Educators such as W.E.B. DuBois and Benjamin E. Mays left an indelible mark on this country. The Harlem Renaissance produced poets, writers and musicians like Countee Cullen, Langston Hughes and Duke Ellington. The civil rights movement changed the face of this country and inspired movements toward democracy and justice all over the world—producing great leaders like Martin Luther King, Jr., and Whitney Young. Too few people know that Benjamin Banneker, an outstanding mathematician, along with Pierre L'Enfant, designed the District of Columbia. There are many more and their stories must be told.

Until we understand the African-American story in its fullness and complexity, we cannot understand ourselves and our nation. We must know who we are and where we have come from so that we may move forward together. And we recognize the importance of all our people and all of our history. The establishment of the museum would be one important step toward achieving greater understanding as a nation and as a people.

It is my hope and prayer that as we preserve these important moments in history, we will inspire future generations to dream, to write, to march and to teach. As they are able to look back at all that has been accomplished, they will be able to look forward and believe in the future of our great country.

I am pleased and delighted that many of my colleagues have joined me in cosponsoring this bill. I urge all my colleagues of the 106th Congress to support this worthwhile and important legislation.

INTRODUCING THE TEACHER TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. PAUL. Mr. Speaker, I rise to introduce the Teacher Tax Cut Act. This bill provides every teacher in America with a $1,000 tax credit, thus raising every teacher's take-home pay without increasing federal spending. Passage of this bill is a major first step toward treating those who have dedicated their lives to educating America's children with the respect they deserve. Compared to other professionals teachers are underappreciated and underpaid. This must change if America is to have the finest education system in the world!

Quality education is impossible without quality teaching. If we want to ensure that the teaching profession attracts the very best people possible we must make sure that teachers receive the compensation they deserve. For too long now, we have seen partisan battles and displays of heightened rhetoric about who wants to provide the most assistance to education distract us from our important work of removing government-imposed barriers to educational excellence.

Since America's teachers are underpaid because they are overtaxed, the best way to raise teacher take-home pay is to reduce their taxes. Simply by raising teacher's take-home pay via a $1,000 tax credit we can accomplish a number of important things. First, we show a true commitment to education. We also let America's teachers know that the American people and the Congress respect their work. Finally, and perhaps most importantly, by raising teacher take-home pay, the Teacher Tax Cut Act encourages high-quality professionals to enter, and remain in, the teaching profession.

In conclusion, Mr. Speaker, I once again ask my colleagues to put aside partisan bickering and unite around the idea of helping educators by supporting the Teacher Tax Cut Act.

INTRODUCTION OF CIVIC PARTICIPATION AND REHABILITATION ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. CONYERS. Mr. Speaker, I am pleased to today introduce, along with 27 cosponsors, the Civil Participation and Rehabilitation Act of 1999. This legislation grants persons who have been released from incarceration the right to vote in Federal elections. At a time when our Nation faces record low voter participation, this legislation represents an historic means of both expanding voting rights while helping to reintegrate former felons into our democratic society.

The practice of many states denying voting rights to former felons represents a vestige from a time when suffrage was denied to whole classes of our population based on race, sex, and property. However, over the past two centuries, these restrictions, along with post-Civil War exclusions such as the poll tax and literacy requirements, have been eliminated. Unfortunately, the United States continues to stand alone among the major industrialized nations in permitting an entire category of citizens—former felons—to be cut off from the democratic process.

Denial of suffrage to these individuals is no small matter. A recent study by the Sentencing Project and Human Rights Watch reveals that some 3.9 million Americans, or one in 50 adults, is either currently or permanently disenfranchised as a result of state felony voting laws. This includes an estimated 1.4 million African American men, or 13 percent of the total population of black adult men. In two states (Alabama and Florida) almost one in three black men is permanently disenfranchised, while in five other states (Iowa, Mississippi, New Mexico, Virginia, and Wyoming), one in four black men is barred from voting in elections. Hispanic citizens are also disproportionately disenfranchised.

In addition to diminishing the legitimacy of our democratic process, denying voting rights to ex-offenders is inconsistent with the goal of rehabilitation. Instead of reintegrating such individuals into society, felony voting restrictions only serve to reaffirm their feelings of alienation and isolation. As the National Advisory Commission on Criminal Justice Standards and Goals has concluded, "if correction is to reintegrate an offender into free society, the offender must retain all attributes of citizenship." Clearly this includes voting—the most basic constitutive act of citizenship.

The legislation I am today introducing constitutes a narrowly crafted effort to expand voting rights for ex-felons, while protecting state prerogatives to generally establish voting qualifications. The legislation would only apply to persons who have been released from prison, and it would only apply to federal elections. As such, my bill is fully consistent with constitutional requirements established by the Supreme Court in a series of decisions upholding federal voting rights laws. The legislation is supported by a broad coalition of groups interested in voting and civil rights, including the NAACP, ACLU, the National Council of Churches (National and Washington Office), the National Urban League, the Human Rights Watch and the Lawyers Committee for Civil Rights, among many others.

CONGRATULATING THE MERINO HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Merino High School boys basketball team on their Class A District 4 Championship.

The Merino players, led by Coach Dave Kautz, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Merino High School boys basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 4 Championship.

CONGRATULATING THE KIM HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Kim High School boys basketball team on their Class A District 3 Championship.

The Kim players, led by coach Gary Page, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Kim High School boys basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 3 Championship.

CONGRATULATING THE GRANADA HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Granada High School boys basketball team on their Class A District 2 Championship.

The Granada players, led by Coach Manuel Gonzales, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Granada High School boys basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 2 Championship.

CONGRATULATING THE SWINK HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Swink High School girls basketball team on their Class 2A District 4 Championship.

The Swink players, led by Coach DeDe Shiplet, will now advance to the next level in the state basketball playoffs, and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Swink High School girls basketball team the best of luck in the Colorado 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 4 Championship.

CONGRATULATING THE FOWLER HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Fowler High School girls basketball team on their Class 2A District 6 Championship.

The Fowler players, led by Coach Greg Fruhwirth, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Fowler High School girls basketball team the best of luck in the Colorado 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 6 Championship.

CONGRATULATING THE STRASBURG HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Strasburg High School girls basketball team on their Class 2A District 8 Championship.

The Strasburg players, led by Coach Merci Ames, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Strasburg High School girls basketball team the best of luck in the Colorado 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 8 Championship.

CONGRATULATING THE HOEHNE HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Hoehne High School boys basketball team on their Class 2A District 6 Championship.

The Hoehne players, led by Coach Chuck Pugnetti, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Hoehne High School boys basketball team the best of luck in the Colorado 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 6 Championship.

CONGRATULATING THE PLATTE VALLEY HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Platte Valley High School boys basketball team on their Class 3A District 3 Championship.

The Platte Valley players, led by Coach Dave Mekelburg, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 3A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Platte Valley High School boys basketball team the best of luck in the Colorado 3A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 3 Championship.

CONGRATULATING THE WELD CENTRAL HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Weld Central High School boys basketball team on their Class 3A District 2 Championship.

The Weld Central players, led by Coach Gary Stone, will not advance to the next level in the state basketball playoffs and their shot at the Colorado State 3A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Weld Central High School boys basketball team the best of luck in the Colorado 3A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 2 Championship.

CONGRATULATING THE EATON HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Eaton High School girls basketball team on their Class 3A District 3 Championship.

The Eaton players, led by coach Bob Ervin, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 3A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Eaton High School girls basketball team the best of luck in the Colorado 3A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 3 Championship.

A TRIBUTE TO THE HONORABLE CHARLES HARNESS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Honorable Charles Harness on the occasion of his retirement from the Tulare County Board of Supervisors. The people of the Fourth District have been well served by Charles Harness for the past 8 years.

Charles Harness was first elected to the Board of Supervisors in 1990, and was reelected without opposition in 1994. In 1998, Supervisor Harness served as chairman of the board. As the Board's legislative advocate, Supervisor Harness successfully worked with State legislators to upgrade county services and promote innovative programs to better serve the people of Tulare County.

In addition to his Board responsibilities, Supervisor Harness was a leader in numerous State and regional intergovernmental organizations. From 1993 to 1997, he was a member of the Governing Board of San Joaquin Valley Unified Air Pollution Control District, and in 1996, he served as its chairman. Supervisor Harness also served on the Governor's Williamson Act Advisory Task Force. He is a member of the Government and Finance Operations Committee for the California State Association of Counties, while remaining active in the Tulare County Association of Governments.

A native Californian, Supervisor Harness is married with two children and four grandchildren. He served in the United States Air Force from 1957 to 1961. He attended college at Mount San Antonio, CA State University Fresno, and the University of Nevada at Las Vegas. Supervisor Harness is a retired farmer, building contractor, and land developer. He is a life member of the Alta District Historical Society, a member of the Cutler-Orosi Lions Club, past chairman of the board for the Dinuba Christian Church, and a former director of the Alta Hospital Foundation.

Mr. Speaker, I rise today to pay tribute to the Honorable Charles Harness on the occasion of his retirement. Charles Harness has served the people of the Fourth District for more than 8 years. I urge all my colleagues to join me in congratulating Charles on a job well done and to wish him many years of continued happiness and success.

LEGISLATION REGARDING INDIA AND PAKISTAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. GILMAN. Mr. Speaker, today I am introducing H. Res. 84, legislation recognizing the recent achievements of the Republic of India and the Islamic Republic of Pakistan in fostering peaceful relations between the two nations.

This past week, Prime Minister Atal Behari Vajpayee of India courageously crossed the long tense Punjabi border to visit his Pakistani host and counterpart, Prime Minister Nawaz Sharif. This visit, the first by an Indian premier to Pakistan in ten years, was only the third such visit since Partition in 1947. Prime Minister Vajpayee refused to cancel his trip despite a recent horrific and despicable terrorist attack in Jammu killing 20 civilians.

During their summit, the two leaders signed the "Lahore Declaration," which commits India and Pakistan to reaching universal nuclear disarmament and non-proliferation and reaffirms there commitment not to conduct future nuclear tests. In this agreement, the parties have also agreed to engage in bilateral consultations on security, disarmament, and non-proliferation issues and have issued a condemnation of terrorism.

Since Partition, India and Pakistan, together the home of more than one-fifth of the world's population, have fought three wars against each other. The conflict in Kasmir has cost 30,000 to 50,000 civilian lives.

H. Res. 84 praises this positive step taken by the leadership of India and Pakistan in resolving the differences of these two neighboring countries, sharing so much history and culture, through diplomacy and celebrates this small victory for dialogue. Accordingly, I urge my colleagues to support H. Res. 84. I request the full text of H. Res. 84, be printed in the RECORD at this point.

H. RES.—

Whereas on February 22, 1999, the Prime Minister of India and the Prime Minister of the Islamic Republic of Pakistan signed the "Lahore Declaration" to develop and secure a durable peace and to develop harmonious relations and friendly cooperation between the two nations;

Whereas the Lahore Declaration states and affirms the commitment of the Republic of India and the Islamic Republic of Pakistan to the objective of universal nuclear disarmament and non-proliferation;

Whereas the Republic of India and the Islamic Republic of Pakistan have reaffirmed their commitment to continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions;

Whereas the Republic of India and the Islamic Republic of Pakistan have agreed to take immediate steps to reduce the risk of accidental or unauthorized use of nuclear weapons;

Whereas the Republic of India and the Islamic Republic of Pakistan have agreed to commence bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral form; and

Whereas the Republic of India and the Islamic Republic of Pakistan have reaffirmed their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance and importance of the Lahore Declaration as a step toward durable peace and the development of harmonious relations and friendly cooperation between the Republic of India and the Islamic Republic of Pakistan; and

(2) supports the commitment of the Republic of India and the Islamic Republic of Pakistan to universal nuclear disarmament, nonproliferation, and peaceful regional relations.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE BEVERLEY A. BODEM

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Beverly Bodem, a former representative to the Michigan House of Representatives from the 106th Representative District, which is comprised of four counties in my congressional district.

First elected to the House in 1990, Bev Bodem has just concluded her service in that body because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned a hard-working and well-respected public servant out of office.

Bev Bodem was known especially for her constituent service and for paying attention to the people in her northern Michigan district. These efforts cut across party lines, and Bev was willing to work arm and arm with me on issues that affected the people she was elected to serve.

One of the issues which she successfully tackled was the problem faced by resort operators and other tourism-based industries in her district, a district which straddles the northern tip of Lower Michigan to touch both Lake Michigan and Lake Huron, Because the state's school year began before Labor Day, resorts, restaurants and other tourism businesses lost much of the summer help. Students themselves had to leave good summer jobs before the official end of the tourist season. Bev worked hard to adjust the school year to begin after Labor Day, benefitting employers, employees, and the many guests and visitors to our beautiful state.

Bev Bodem has been involved in her district and her community in many ways outside of her elected office. Such organizations as the Big Brothers/Big Sisters of Alpena, the Thunder Bay Arts Council, the Alpena Lions Club, the Alpena General Hospital Auxiliary and the League of Women Voters have benefited from her willingness to serve and work for the betterment of her community.

Bev, her husband Dennis and daughter Jennifer, a school teacher, always presented a living picture of a warm, friendly and proud family of public service to all northern Michigan. Bev always demonstrated the "best" of politics by working hard for all the people of her district, and she did so with a warm, friendly smile on her face. It was obvious she enjoyed her legislative career, and her constituents, enjoyed having her as their representative.

The people of northern Michigan will miss Bev Bodem as the state representative, and I will miss working with her.

IN SUPPORT OF H.R. 628

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. TRAFICANT. Mr. Speaker, I rise today in support of legislation I introduced on February 8, 1999, which would authorize the deployment of U.S. troops to assist law enforcement in patrolling U.S. borders. I urge all Members to cosponsor this important piece of legislation.

Our current program to stop drugs from coming into America is a joke. Eighty percent of the cocaine and heroin smuggled into America is transited across the U.S.-Mexico border. We are losing the war on drugs. If hundreds of thousands of U.S. soldiers can be sent all over the world to protect other countries, certainly a few thousand can be redeployed here in the U.S. to help protect America from the scourge of drugs.

My bill, H.R. 628, authorizes the Department of Defense to assign U.S. troops to assist federal law enforcement in monitoring and patrolling U.S. borders, and inspecting cargo, vehicles and aircraft at points of entry into the U.S. Under the bill such assistance could be provided only at the express request of the U.S. Attorney General or Secretary of the Treasury. The bill also mandates special law enforcement training for troops deployed to border areas, requires all U.S. troops patrolling the border to be accompanied by federal law enforcement agents, bars soldiers from making arrests, and requires the federal government to notify state and local government officials of any deployment of U.S. troops. Last year the House overwhelmingly approved a similar provision that I sponsored as an amendment to the FY 1999 DoD bill. The amendment, however, was dropped during a House-Senate conference.

Make no mistake about it, the Border Patrol, INS and Customs Service desperately need the help our military could provide. For example, only three out of every 100 trucks coming into the U.S. from Mexico are inspected. In addition, recent news reports reveal that the INS is considering releasing thousands of dangerous illegal aliens currently being held in detention centers because of funding and manpower shortages. And finally, in just the last year, federal agents in one border sector alone seized 132 tons of marijuana and more than 3 tons of cocaine worth a total of $408 million.

I recently cosigned a letter with a number of my colleagues imploring the President to fill a backlog of vacant Border Patrol positions. But clearly this is not enough. By the time those positions are filled with qualified candidates, who knows how many more illegal drugs will hit our streets and reach our children?

Mr. Speaker, it's time to put a stranglehold on our borders once and for all. I urge all members to cosponsor H.R. 628.

TRIBUTE TO THE LATE NAVY LT. COMMANDER KURT BARICH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the service to our country of Navy Lt. Commander Kurt Barich. Lt. Commander Barich recently died in service to our country in an aircraft accident aboard the aircraft carrier U.S.S. *Enterprise*.

Kurt Barich moved to Albuquerque, NM, with his family in 1970, going to school at Sandia High School and the University of New Mexico before joining the Navy. Kurt was a member of the squadron VAQ–130, the "Zappers," based at Naval Air Station Whidbey Island, WA.

Lt. Commander Kurt Barich flew 39 combat missions in the Gulf War in A–6 Intruder ground attack jets off the carrier U.S.S. *Kennedy*. After the Navy retired the A–6, Kurt Barich began flying the Prowler, an electronic warfare variant designed to jam enemy radar and destroy radar sights. He served his country honorably and with distinction receiving numerous medals and decorations in his 13 years in the Navy, including four Air Medals, three Navy Commendations and four Navy Achievement Medals.

Kurt Barich was aboard the U.S.S. *Enterprise* on his last mission as it sailed for Norfolk, VA, and then on to the Middle East to protect vital American interests. Join me today as we honor Lt. Commander Kurt Barich for his service to our country. We will only remain a free country as long as there are men and women ready to protect our freedoms. Let us also send our thanks and our sympathies to his family for their support for his service in the Navy.

TRIBUTE TO DALE JACOBS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dale Jacobs in celebration of his dedication to community service and volunteering.

As Dale is being honored this week by the Tarzana Chamber of Commerce, it seems an appropriate time to acknowledge his distinguished career and extraordinary contributions to the development of our community and our country.

Since becoming a resident of the Valley, over 20 years ago, Dale has continually strived to make his home and community a better place to live. He sacrifices his personal time, energy, and money so that others may benefit. At one point he was involved with 22 local organizations simultaneously.

His children Joel and Angela have been a tremendous inspiration to him giving him the desire to ensure that their lives, and the lives of other children, can be as fulfilling as possible. He is an active member of A.Y.S.O. as a Division Manager, Treasurer, coach, and even referee. In addition, he has also taken an active role in their education, having served as past President of the Portola Middle School Booster Club, Vice-President of the Wilbur Avenue Elementary School Booster Club, President of the Reseda High School PTSA, and Treasurer of Parents for Public Schools.

Dale has also played an active role in the business community. A certified public accountant, Dale has been a partner with Sandler, Powell, Jacobs & Berlin since 1988. A member of the Tarzana Chamber for many years Dale has been serving as their President since 1997 where he has focused on expanding membership, encouraging activism, and serving the community. We are fortunate that he is being reinstalled as President of the Tarzana chamber for yet another year.

When he does have free time Dale enjoys Civil War Reenacting with his wife Bobbe, of 27 years, and the rest of his family. He is Treasurer of the Fort Tejon Historical Association and spent last summer participating in a reenactment of the Battle of Gettysburg at Gettysburg, Pennsylvania.

Mohandas Gandhi once said that "You find yourself by losing yourself in service to your fellow man, your God and country." I cannot think of a more fitting tribute to Dale. Thanks to his leadership, courage, and dedication, our community is an ideal place to raise a family, start a business, or become involved in community activities.

Mr. Speaker, distinguished colleagues, please join me in honoring Dale Jacobs for all of his contributions to our community.

A TRIBUTE TO VAHAN TEKEYAN AND TO THE TEKEYAN CULTURAL ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Vahan Tekeyan on the 120th anniversary of his birth and to the Tekeyan Cultural Association.

Vahan Tekeyan was born in Constantinople, Turkey in 1878. He gained prominence as one of the most celebrated poets in Armenian history. Tekeyan is credited with contributing to saving the Armenian language through his vast writings. It is said that he gave poetry a melody all its own. Tekeyan is recognized both as a poet of the people and as a poet's poet. He courageously met and conquered numerous challenges during his lifetime. Vahan Tekeyan died in Cairo, Egypt at the age of 67.

The Tekeyan Cultural Association was founded in Beirut, Lebanon in 1947 by Professor Parounag Thomasian, Kersan Aharonian and Harchia Setrakian, Esq. The association is headquartered in Watertown, MA and has chapters throughout the United States as well as in Armenia, Canada, France, Egypt, Argentina, Belgium and Greece. During the Armenian genocide of 1915–1923, the Fresno Chapter of the Tekeyan Cultural Association significantly contributed to the welfare and support of orphans.

Mr. Speaker, it is with great honor that I pay tribute to Vahan Tekeyan on the 120th anniversary of his birth and to the Tekeyan Cultural Association Fresno Chapter. Their dedication to preserving Armenian heritage and their significant support of numerous noble causes is to be commended. I invite my colleagues to join me in this recognition.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE ALLEN L. LOWE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Allen Lowe, a former representative to the Michigan House of Representatives from the 105th Representative District, which includes five counties in my congressional district.

First elected to the House in 1992, Allen Lowe has just concluded his service in that body because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned out of office a dedicated public servant who was deeply concerned about the welfare of his constituents.

I know that Allen traveled extensively throughout his district, because I pride myself on returning to my district each week to participate in community events, and many times I found Allen attending the same events.

Allen Lowe was a legislator with deep convictions, and although I did not always agree with his position on issues, I have always had the greatest respect for the way in which he presented and defended these convictions. Like myself, Allen was a graduate of Cooley Law School. Like myself, he was a pro-life legislator. And like myself, he was not afraid to challenge Michigan's governor on issues that he believed would be detrimental to his northern Michigan constituents, despite that fact that Allen and the governor were members of the same political party.

Allen brought to his job a broad involvement in community issues. He has been a teacher and school administrator, and he involved himself in activities and organizations that served his Michigan district, including the Michigan Farm Bureau, the Camp Grayling Conservation Club, and the Friends of Hartwick Pines.

I will miss doing parades with him, debating issues, and, as always, working with him on issues of importance to his state representative district.

I believe the people of the 105th Representative District were well-served by Allen Lowe.

IN MEMORY OF MARY COOPER STRINGER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. PICKERING. Mr. Speaker, I rise today to pay tribute to a remarkable lady, and constituent of mine from the Third District, Mrs. Mary Cooper Stringer, who passed away on Friday January 15, 1999, in Forest, Mississippi, following a short illness. The Mississippi State Senate adjourned January 18, 1999, in her honor.

Mrs. Stringer, along with her husband Robert P. "Bob" Stringer, lived in the Forest community for the past 40 years and was actively involved in community and local affairs. She was a graduate of Mississippi State College for Women, a member of the Eastern Star, and worked for the Pentagon after graduating from college.

When not doting on her husband, Mrs. Stringer was cheering and backing her favorite team, the Mississippi State Bulldogs and striving to make her hometown the best it could be. Mrs. Stringer's first love was her husband Bob, their two daughters, Jean and Anne and their two sons, Robert and Johnny, along with their 13 grandchildren and one great grandson.

Mrs. Stringer was a very astute businesswoman and a close friend of my predecessor Congressman G.V. "Sonny" Montgomery. She was very helpful and active in the planning of the Annual Montgomery Hunters Stew which Bob hosted for Congressman Montgomery each January, for the past 22 years. Mr. Stringer served on the Forest Board of Alderman for four terms before his retirement in June 1997.

The legacy that Mrs. Stringer leaves behind will be very hard to emulate. She was a much admired lady. I extend my sympathy to her husband "Bob", and other family members while expressing my appreciation and that of every citizen of the 3rd District for her life of service.

A TRIBUTE TO FRED STARRH

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. THOMAS. Mr. Speaker, I want to join my friends in Kern County who share a mutual goal of improving educational opportunities in our schools, as we honor one of our finest friends, Fred Starrh, a man devoted to helping his neighbors, a man always willing to do the hard work, a man whose pride in his country is visible to everyone he meets. Tonight we honor one aspect of this man's accomplishments—his achievements and commitment to thousands of Kern County high school students during his tenure as a trustee of the Kern High School District.

As a trustee and Past President, Fred Starrh has devoted a tremendous amount of time and effort to preparing Kern County's children for their future. Those who have worked with Fred know he puts his all into every project he takes on. His service on the Board of Trustees is a testament to his character and devotion to all the families in Kern County who have sent their children to Kern high schools. Fred Starrh served us all well by watching over the myriad issues that come before those entrusted with the management of the education provided to our kids during the critically important four years of high school study.

I know people from all over the United States who rely on Fred Starrh's advice and counsel. Fred has friends everywhere, and years of working together make me honored to be included among them. Few people are as dedicated and as much fun to work with as we all know Fred Starrh to be.

RECOGNITION OF VOCATIONAL EDUCATION WEEK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. BROWN of California. Mr. Speaker, I rise today to recognize national and local efforts in vocational education and career preparation training. I commend the American Vocational Association for designating February 14–20, as Vocational Education Week. The over 14 million students and 26,000 institutions that are dedicated to betterment through career education deserve our recognition and support throughout the year.

Regional occupation programs in my district and throughout the country provide students with stronger skills and increased learning opportunities. They enhance both the education and employment prospects of our young people and help build a strong, well-trained workforce.

Vocational education makes a proven difference in lives of students who might not otherwise have access to targeted education and skills training. It opens doors to opportunities for productive futures. I am proud of the work done in my community, and I would like to recognize the hard-working students and dedicated staff in the Inland Empire who make vocational education a success. They are to be commended for their role in strengthening both individual lives and our community as a whole.

SALINAS VALLEY MEMORIAL HEALTH CARE SYSTEM—HELPING TO LEAD CHINA TO BETTER HEALTH CARE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. FARR of California. Mr. Speaker, I rise today to inform you and all our House colleagues of the magnificent contributions to international health care by the Salinas Valley Memorial Health Care System (SVMH). Through the efforts of SVMH, two cities in China, Kunming in the Province of Yunnan, and Chengdu in the Province of Sichuan, will receive the best in advanced medical training services and the best high-tech equipment to better serve the Health care needs of the Chinese people.

SVMH has long been on the cutting edge of technology in Health care services. Located in Salinas in my Central California Coast district, SVMH has developed state-of-the-art heart and cardiac health services. It works in tandem with NASA in using high-resolution equipment to uncover the secrets of the human health system. It also has established a long-term Health care facility for senior care that scores high marks by the health care industry.

Because of SVMH's expertise and experience, it has reached out to the international community to help. China, with the largest population on earth and yet some of the most remote and underserved populations, was a key target for assistance. Partnering with Assist International Rotary International Marquette Medical Services, SVMH will send a team of doctors and professional staff to Chengdu, China and Kunming, China today. This international team of hope will—

Donate and install $1 million worth of high-tech medical equipment in the Yunnan Red Cross Hospital in Kunming and The First Medical School, The First University Hospital, West China University of Medical Sciences in Chengdu;

Educate and train the medical staff of both hospitals on the latest technologies and practices utilized by our physicians in the treatment of heart-related illnesses and procedures;

Interact with the citizenry of the community in order to demonstrate American willingness to share high tech medical information and technology.

This partnership, Mr. Speaker, is important for a number of reasons. First, it is critical to recognize that despite all other political machinations between the U.S. and China, there is one very important issue upon which leaders of both countries agree: that Health care is essential to quality of life. In that regard, SVMH, the Rotary International, Assist International and Marquette Medical Services have served as ambassadors extraordinaire to unify our two countries.

Second, this partnership is important because through the efforts of SVMH and others, we are establishing a firm working relationship with our Chinese counterparts—one that will indirectly benefit the relationship between the U.S. and China, but that will also directly benefit the Chinese people through the delivery of more and better Health care services. In this regard, the Yunnan Red Cross Hospital and the West China University of Medical Sciences deserve special recognition and praise for their commitment to improve Health care practices and their dedication to the pursuit of new knowledge in the field of medicine.

Mr. Speaker, and Members of the House, I urge you today to stand in honor of the Salinas Valley Memorial Health Care System and their partners in international Health care, the Yunnan Red Cross Hospital, the West China University of Medical Sciences, Assist International, Rotary International and Marquette

Medical Services. They deserve our praise, they deserve our support and most of all, they deserve the chance to make this partnership a success so people can live well.

TRIBUTE TO BOB LIVINGSTON, REPRESENTATIVE FROM THE FIRST DISTRICT OF LOUISIANA

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. DINGELL. Mr. Speaker, I rise this evening to pay tribute to a colleague who has built a fine legacy of accomplishment as an adept and effective legislator—and leader—of this institution in which we all are honored to serve. BOB LIVINGSTON's leaving leaves a void that is not easily filled, as his colleagues from Louisiana have attested tonight. I wish BOB and Bonnie all the best as they embark on their new life, and am certain that BOB will continue to contribute to the public interest in the future.

BOB, you will definitely be missed here, and as you leave Congress, you should take pride in your record of accomplishment for the State of Louisiana and the Nation. Good luck to you.

LACKAWANNA VALLEY HERITAGE AREA ACT

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SHERWOOD. Mr. Speaker, today I am introducing the Lackawanna Valley Heritage Area Act. By designating the Lackawanna Valley of Pennsylvania as a National Heritage Area, this important legislation would ensure the conservation of its significant natural, historic and cultural resources. The Lackawanna Valley was the first heritage area designated by the Commonwealth of Pennsylvania, and is a nationally significant historic area as documented in the U.S. Department of Interior's Register of Historic Places, Multiple Property Documentation Submittal of the Pennsylvania Historic and Museum Commission (1996).

For every federal dollar provided over the last decade, the Lackawanna Heritage Valley Authority—which oversees the Valley's historical and cultural resources—has leveraged ten dollars in State, local and private sector funds to finance preservation activities. The Lackawanna Heritage Valley Authority would continue to foster these important relationships with all levels of government, the private sector and local communities.

The Valley represents the development of anthracite coal, one of North America's greatest natural resources. From early in the 19th century, Pennsylvania's coal provided an extraordinary source of energy which fueled America's economic growth for over a hundred years. At the center of the world's most productive anthracite field, the Lackawanna Valley witnessed the inception, spectacular growth and eventual deterioration of an industry which led us to unparalleled prosperity.

The Valley's current mix of ethnicity, its combination of dense urban areas and isolated settlements, and the desolate remains of coal mines surrounded by beautiful countryside are a microcosm of our legacy from the industrial revolution. As these contrasts illustrate, the industrial era was not without human and environmental costs. Thousands of immigrants worked in deep mines under horrible conditions. Death and injury were commonplace, with no survivor benefits or disability compensation to withstand these calamities. Anthracite miners created the nation's first labor unions and they fought for the implementation of child labor laws, workplace safety, pension security and fair labor standards.

The new Americans who populated the Lackawanna Valley established strong communities where ethnic ties were reinforced by churches and fraternal societies that created a sense of security noticeably absent in the mines. The Valley's remaining ethnic neighborhoods are a testament to a pattern of urban growth once common in U.S. cities, but now disappearing.

The landscape of the Valley conveys the story of the industrial revolution most clearly. Miles of track and hundreds of industrial sites and abandoned mines are daily reminders of the importance of the region to industry. Heritage sites like Pennsylvania's Anthracite Heritage Museum, the Scranton Iron Furnace Historic Site, the Lackawanna County Coal Mine and the Steamtown National Historic Site help to commemorate this struggle. These sites provide the framework for historic preservation which will be cemented by my proposed legislation.

Mr. Speaker, the designation of the Lackawanna Valley as a National Heritage Area will enable all Americans for years to come to witness and learn the story of anthracite mining, the labor movement, and the industrialization of our great nation. I urge my colleagues to support the Lackawanna Valley Heritage Act.

THE SPANISH PEAKS WILDERNESS ACT OF 1999

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. McINNIS. Mr. Speaker, today I am introducing a bill to give permanent protection as wilderness to the heart of the Spanish Peaks area in Colorado.

The bill is cosponsored by several of my colleagues from Colorado, including Mr. SCHAFFER, whose district includes the portion of the Spanish Peaks within Las Animas county. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO, and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support.

Today, across the Capitol, Senator ALLARD is introducing an identical companion bill. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately 20 years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986 Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District, Mr. Skaggs. Together, he and I introduced this legislation in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties whose Native American name is Wayatoya. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks not only for Native Americans but also for some of Colorado's other early settlers and for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, New Mexico.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service reviewed the Spanish Peaks area for possible wilderness designation as part of its second roadless area review and evaluation—known as RARE II—and in 1979 recommended designation as wilderness of 19,570 acres. Concerns about private land inholdings in the area prompted Congress, in the Colorado Wilderness Act of 1980, to instead provide for its continued management as a wilderness study area.

A decade later, the Colorado Wilderness Act of 1993 included provisions for long-term management of all the other wilderness study areas in our State's national forests, but meanwhile questions about the land-ownership pattern in the Spanish Peaks area had prompted the Forest Service to change its mind about designating it as wilderness. That, in turn, led to inclusion in the 1993 wilderness bill of a requirement for its continued management of that area as a wilderness study area for 3 years—until August 13, 1996. The 1993 bill also required the Forest Service to report to Congress concerning the extent of non-Federal holdings in the likelihood of acquisition of those holdings by the United States with the owner's consent.

The required report was submitted in 1995. It indicated that within the wilderness study area, there were about 825 acres where the United States owned neither the surface nor the mineral rights, and about 440 acres more where the United States owned the surface but not the minerals. Since then, through voluntary sales, the United States has acquired most of the inholdings. Today only 166 acres of inholdings remain, and the Forest Service is in the process of or making efforts to acquire 134 of those acres. So the way is now clear for Congress to finish the job of protecting this outstanding area by designating it as part of the National Wilderness Preservation System.

The bill I am introducing today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revision that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road that locals use for access to the beauty of the Spanish Peaks.

The lands covered by this bill are not only striking for their beauty and value but also for recreation. They fully merit the protection that will come from their designation as wilderness. The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of the act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, enactment of this Spanish Peaks bill will not be the last step in protecting the Federal lands in Colorado. As this bill demonstrates, when an area is appropriate for wilderness designation and when all the outstanding issues have been satisfactorily addressed, the Colorado delegation will respond with appropriate legislation. I would also note that other protection short of the absolute wilderness designation may be appropriate in certain cases, and I would encourage Coloradans, the counties, local users and interests who would be impacted to consider this possibility when discussing how to best utilize public lands within Colorado.

I will continue to work to achieve appropriate levels of protection for the pristine and beautiful areas within Colorado. Mr. Speaker, I close by urging the Congress to act without delay to pass this important measure for the Spanish Peaks area of Colorado.

HONORING THE DISTINGUISHED CAREER OF JUDGE JOHN JUSTIN MALIK, JR. UPON HIS RETIREMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Judge John Justin Malik, Jr. has spent his life serving the people. His career began in 1958 when he served as the City Solicitor for the city of Bellaire, Ohio. He then became the Belmont County Prosecuting Attorney and later a Belmont County Commissioner.

As Commissioner, Judge Malik was appointed to serve on the Ohio Jail Advisory Board and continues to serve on that Board as Judge. He also participated in the acquisition of the land on State Route 331 where Fox Shannon Industrial Park was formed. This industrial park is now the site of several agencies and businesses, including Sargus Juvenile Detention Center, the Department of Human Services, and the new Belmont County jail.

Judge Malik was a partner in a law firm started by his father in the 1930's. Upon graduation from Notre Dame, Judge Malik joined his father in this practice and practiced law while also serving as City Solicitor for Bellaire and as Belmont County Commissioner.

Since becoming Juvenile and Probate Judge in February 1991, Judge Malik has continued to work for the benefit of Belmont County. He recently has been instrumental in the donation of land to Belmont County. This area is set to be the new location of the Belmont County Fairgrounds. Additionally, Judge Malik works diligently to work with juvenile delinquents and unruly children in Belmont County.

In addition to all of these efforts, Judge Malik continues to own and operate a garden center and gift ship and serve on the Board of Directors for several organizations.

Mr. Speaker, I ask that my colleagues join me in honoring the career of Judge Malik. His lifelong service and commitment to Belmont County is to be commended.

TRIBUTE TO JESSICA MOORE

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mrs. NORTHUP. Mr. Speaker, I rise to congratulate and honor a young Kentucky student from my district who has achieved national recognition for exemplary volunteer service in her community. Jessica Moore of Louisville has just been named one of my state's top honorees in the 1999 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Moore, 17, is a senior at Sacred Heart Academy. She has raised close to $20,000 for the Juvenile Diabetes Foundation (JDF) to help find a cure for the disease which her mother has had since she was 5 years old. "After attending the 1997 kick-off luncheon for JDF with my mother, I was inspired to take on this major fundraising project to help find a cure," Jessica said. "As I sat at the luncheon and saw mothers holding their infants, I began to envision what lay ahead for their futures." For the past two years, Jessica has spent countless hours raising money and an awareness of diabetes throughout her school and local community by conducting a letter-writing campaign, coordinating educational programs and organizing fund-raising walks. She plans to continue her fight against diabetes until her dream of a cure becomes a reality.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution this young citizen has made. Young volunteers like Ms. Moore are inspiring examples to all of us and are among our brightest hopes for a better tomorrow.

Ms. Moore should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Moore for her initiative in seeking to make her community a better place to live and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities and that America's community spirit continues to hold tremendous promise for the future.

CHRISTIANS ATTACKED IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. DOOLITTLE. Mr. Speaker, James Madison, the primary author of the U.S. Constitution, warned about "the tyranny of the majority." The modern state of India is an example of what Madison warned us about. Between Christmas and New Year, several Christian churches, prayer halls, and missionary schools were attacked by extremist Hindu mobs affiliated with the parent organization of India's ruling Bharatiya Janata Party (BJP).

The Washington Post reported on January 1 that ten such attacks occurred the week between Christmas and New Year's Day. Six people were injured in one of these attacks. The Vishwa Hindu Parishad (VHP), or World Hindu Council, appears to be responsible for the attacks. The BJP is the political wing of the VHP.

The Hindu militants are apparently upset that Christians are converting low-caste Hindus. Their frustration does not justify acts of violence.

Christian activists report that there were more than 60 recorded cases of church and Bible-burning, rape, and other attacks in 1998 alone, including the recent rape of four nuns. The VHP called the rapists "patriotic youth."

In 1997 and 1998, four priests were murdered. In the fall of 1997, a Christian festival was stopped when the police opened fire. Clearly, there is a pattern here. However, Christians are not the only victims of India's tyrannical "democracy."

Muslims have seen their most revered mosques destroyed; Sikhs have seen their most sacred shrine, the Golden Temple in Amritsar, attacked and remain under occupation by plainclothes police. Their spiritual leader, the Jathedar of the Akal Takht, Gurdev Singh Kaunke, was tortured and killed in police custody. Although there is a witness to this murder, no action has been taken against those responsible. Is this the secular democracy that India is so proud of?

The United States is the beacon of freedom to the world. As such, we cannot sit idly by and watch India trample on the religious freedom of its minorities. We should put this Congress on record in support of peaceful, democratic freedom movements in South Asia and throughout the world.

The United States recently allowed Puerto Rico to vote on its status; our Canadian neighbors held a similar referendum in Quebec. When do the Sikhs of Khalistan, the Muslims of Kashmir, and the other peoples living under Indian rule get their chance to exercise this basic democratic right? Will we support democratic freedom for the people of South Asia, or will we look away while the tyranny of the majority continues to suppress fundamental rights like freedom of religion?

INTRODUCTION OF THE LIBERTY DOLLAR BILL ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. BLILEY. Mr. Speaker, yesterday I had the privilege of attending Patrick Henry High School in Ashland, Virginia and participating in their presentation of the Liberty Dollar Bill Act. This is the finest presentation I have ever witnessed by a group of high school and middle school students.

The Liberty Dollar Bill Act would redesign the one dollar note and place an abbreviated version of the Constitution on its reverse side. It is a real tragedy that an overwhelming majority of Americans cannot name the liberties granted them in the Constitution. The Liberty Dollar Bill is important because it would teach Americans the framework of American Government and the liberties of freedom found in the Constitution. It would spread the ideals of representative democracy around the world and allow U.S. soldiers stationed abroad to read, show, and teach the ideal for which they are willing to give their lives. The Liberty Dollar Bill would ensure that we leave our government in good condition for our posterity and honor the Constitution as an American symbol.

Therefore, it is with great pleasure that I reintroduce the Liberty Dollar Bill Act today on behalf of the students at Patrick Henry High School, Liberty Middle School, their teacher Randy Wright, and forty Members of Congress.

MT. RAINIER NATIONAL PARK CENTENNIAL CELEBRATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. DUNN. Mr. Speaker, today I come before the House of Representatives to wish a happy 100th birthday to Mt. Rainier National Park in the 8th Congressional District in the state of Washington. Like many others from Washington, I am tempted to say "my mountain" because that's how we all feel about Mt. Rainier—it belongs to each of us. It also gives the 8th district distinction as the most beautiful district in the nation.

Mt. Rainier National Park was established March 2, 1899 as our fifth national park. The park itself encompasses 378 square miles. At its highest point, the mountain is 14,411 feet, so it's not surprising that more than 2 million people visit the park each year to enjoy its moist rainforest, giant old growth forests, subalpine meadows, and glaciers.

But Rainier is more than just a national park. It is an integral part of the network of communities that surround its boundaries and form a gateway that visitors pass through when visiting the area. These communities support the park and the park supports them.

It would be hard to imagine many people in Washington who can't go through their personal or family photo albums and find pictures of themselves with friends or family during a visit to the mountain. And every one of those photos tells a story. It is so with my family. Our family and friends all grew up in the shadow of "our" mountain spending time in a cabin near Greenwater and venturing into the park many times during every season.

It was always amazing to me that for all the trails we hiked, streams we crossed, picnics we enjoyed, glaciers we climbed, it was new and different every time. We never tired of "our" mountain. I can't imagine I ever will. As a Member of Congress, I have been given the opportunity to see the park and mountain from a different vantage point. Rather than just a visitor, I am now an active partner in helping to maintain the park and protect it for future generations.

The theme of the centennial celebration is "A Century of Resource Stewardship." To underscore this theme, the park has undertaken a series of signature projects. These include the Sunrise Ecological Restoration Project, rehabilitation of the White River Patrol Cabin, and completion of the last mile of the Wonderland Trail.

In February, Northwest Airlines began airing a special video about the Mt. Rainier Centennial that airs on international flights landing at Sea Tac Airport. Today, the celebration begins with a birthday cake and a ceremony to announce a collectible cancelled stamp at Longmire in the park. I am honored to participate in this ceremony kicking off the official celebration.

Throughout this year the centennial committee has planned exciting projects and activities to celebrate the park's 100th birthday. For instance, the Tacoma/Pierce County Visitor and Convention Bureau and the gateway communities have joined together to host several special weekends of festivals and activities, and renowned mountain climber, Lou Whittaker, is leading a special "Centennial Climb" to the summit of Mt. Rainier. Lou's climbing group will include international mountain climbers as well as celebrities who have climbed with Lou in the past.

My colleagues, if you haven't made vacation plans or visited Mt. Rainier National Park before, this is surely the time to come to Washington and join us in our celebration. And, perhaps on your way up to the park or while you're enjoying a latte somewhere in Seattle, you will have that special experience that separates us in Washington from the rest of the world. You or someone you're with may look South to the horizon and say, "Look! The mountain is out today!"

IRA EXPANSION NEEDED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SAXTON. Mr. Speaker, the current tax system has many problems, but one of its main defects is its bias against personal saving. Personal saving is taxed once out of income, and then the return to saving is taxed once again. This multiple taxation penalizes personal saving, a major source of economic growth. So it is no surprise that America has one of the lowest personal savings rates in the world.

This bias can be addressed by increasing the tax deduction for IRA contributions, currently set at $2,000 annually. Today I am introducing legislation to boost IRA deduction limits $500 per year over several years. When fully phased in, a middle class family could deduct up to $7,000 for an annual IRA contribution. I strongly urge that an increase in IRA deductions be a part of any tax relief plan offered in this Congress.

An increase in IRA deductions would help middle class families save for the future, become more financially independent, and become better able to deal with unexpected events. Expanded IRAs would also give middle class families a greater stake in the U.S. economic system. It is a tax incentive that average Americans would understand and strongly support.

An increase in IRA deductions would increase personal saving, a major source of investment and economic growth. This would help firms to supply their workers with the best and most advanced tools, thus increasing their productivity and income. The current treatment of saving in our tax code is literally counterproductive. This is hampering our economy over the long term and reducing the American standard of living relative to what it would otherwise be.

Many in Washington bemoan the low savings rate, but if we want personal saving to increase, we should increase IRA deductions for middle class taxpayers. A tax code that penalizes saving and investment makes no sense. Middle class taxpayers need a means of addressing their responsibilities to save for retirement, higher education, medical expenses and long term care, and unemployment. My legislation provides for penalty-free withdrawals for these purposes. Federal tax policy should not discriminate against taxpayers willing and able to take on these responsibilities but are prevented from doing so by the destructive impact of the current tax system. Let's limit the tax discrimination against personal saving.

LEGISLATION THAT ALLOWS COMMERCIAL AND SUBSISTENCE FISHING TO CONTINUE IN GLACIER BAY NATIONAL PARK

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation, along with identical legislation being introduced in the Senate by Senators MURKOWSKI and STEVENS, to allow commercial and subsistence fishing to continue in Glacier Bay National Park.

In 1978, the National Park Service made a determination that commercial fishing activities were incompatible with National Park Service resources and would be permitted only when specifically authorized by law. Because of this broad determination, the National Park Service developed a rule outlawing commercial and subsistence fishing within the waters of Glacier Bay National Park in 1997.

This broad determination by the National Park Service ignores the fact that commercial fishing has taken place in the waters of Glacier Bay even before the National Park Service took control of the Bay in 1925. Alaskan Natives have fished in this Bay since the 1700's. Non-Native commercial fishing began in the 1880's. In addition, under the Glacier Bay National Park General Management Plan, put into place in 1984, commercial fishing was allowed. Why has the Park Service suddenly now determined that there is some threat to Park resources?

Both the salmon and crab fisheries found off the coast of Alaska and in Glacier Bay National Park, even in Federal waters, are managed by the State of Alaska not the Federal government. There is no resource problem in these fisheries or within the boundaries of the Park. The halibut resource in this area is managed through an international treaty and scientists with both the North Pacific Fishery Management Council and the International Halibut Commission have found that there is no problem with the halibut resource in this area. In 1990, the Alaska Wildlife Alliance sued the National Park Service claiming that commercial fishing was statutorily prohibited within the Park. In March 1997, the Federal appeals court (U.S. Ninth Circuit Court of Appeals) ruled that commercial fishing was not statutorily prohibited in the Park, except for in wilderness areas. If there is no resource problem within the Glacier Bay National Park boundaries, then commercial and subsistence fishing activities should not be prohibited by broad National Park Service policies drafted in Washington, D.C.

The determination banning commercial and subsistence fishing within Glacier Bay National Park made no sense and was a political decision that will take away the livelihood of a large number of fishermen and will affect the well being of a number of communities which rely on the fishing industry. A ban on commercial fishing will affect not only fishermen, but will also have a huge effect on processing companies including a Native owned and operated processing plant in Kake, which buys much of its seafood from vessels which fish in Glacier Bay. A ban on commercial fishing in Glacier Bay will affect 416 crew and permit holders from Gustavus, Elfin Cove, Hoonah, and Pelican and affect employment opportunities for 613 employed in the seafood industry in these four towns alone. This ban will have a huge economic effect on this region. All of the fishing operations in the Park boundaries are small businesses—there are no large fishing vessels fishing in the Park and no factory trawlers fish here.

Last year, a group of stakeholders including commercial fishing industry representatives, Alaskan Natives, local processing companies, local and national environmental representatives, the State of Alaska, and Park Service personnel met to work out details of an agreement which would allow commercial fishing to continue. The stakeholders had not come to a resolution and because there was no resolution, language was put in the Interior Appropriations legislation to prevent the National Park Service from publishing final rules until the stakeholder group could reach an agreement; however, the National Park Service and national environmental groups made this a national environmental priority and prevented the stakeholder process from concluding.

Mr. Speaker, this legislation will reverse this unjust and unscientific National Park Service policy and allow commercial and subsistence fishing to continue in the non-wilderness waters of Glacier Bay National Park. It clarifies that the State of Alaska will continue to manage marine fishery resources within the Park's boundaries. It will also provide compensation to those who have been displaced by any closures within the Park or by actions of any Federal agency which interferes with any person legally fishing in Park waters.

Even with commercial fisheries operating in the Park, Glacier Bay National Park was the number one destination in the National Park Service system last year. Commercial fishing poses no threat to the "park experience" and in fact many visitors consider seeing fishing vessels as a positive experience in the Park.

Mr. Speaker, there is no fishery resource problem in the Park and there is no justification for a complete closure of Glacier Bay National Park to commercial or subsistence fishing. This legislation will right a wrong and continue to allow these practices to continue in Glacier Bay National Park in a well managed and sustainable manner.

PRITCHETT HIGH SCHOOL GIRLS BASKETBALL TEAM HONORED

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Pritchett High School girls basketball team on their Class A District 3 Championship.

The Pritchett players, led by Coach Tom Gooden, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Pritchett High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 3 Championship.

12TH CONGRESSIONAL DISTRICT HIGH SCHOOLS HONORED BY U.S. NEWS AND WORLD REPORT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. LEVIN. Mr. Speaker, I rise to honor five high schools within my Congressional district that have been identified as Outstanding High Schools by U.S. News and World Report . . . De La Salle Collegiate in Warren, Henry Ford II in Sterling Heights, Immaculate Conception Ukrainian Catholic in Warren, Troy High School and Troy Athens High School in Troy.

U.S. News & World Report, in conjunction with the National Opinion Research Center (NORC) at the University of Chicago, reviewed 1,053 high schools in six major metropolitan areas and singled out examples that can serve as models of excellence for communities across the nation. Ninety six schools were cited as examples of outstanding institutions where students progress steadily toward high academic standards and where every student matters.

The five schools that were honored shared several key traits including high academic standards, a core curriculum, highly qualified teachers, strong mentoring for new teachers, partnerships between parents and schools, administrators and teachers who know each child and high attendance rates.

Each school also demonstrated high academic achievement as defined by the NORC. The NORC's "value-added approach" measured each school's performance only after taking its students' family circumstances into account, thus identifying schools that do an outstanding job with the students they have, regardless of their socio-economic background.

Mr. Speaker, I ask my colleagues to join me in honoring these five schools, De La Salle Collegiate, Henry Ford II, Immaculate Conception Ukrainian Catholic, Troy High School and Troy Athens High School and to congratulate their administrators, faculty, students and parents for their dedication and hard work. I wish them continued success as they continue to take care of our nation's greatest asset, our young people.

TRIBUTE TO HARRY ORR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. KILDEE. Mr. Speaker, it is with great sorrow that I inform my colleagues in the U.S. House of Representatives of the passing of my dear friend, Harry Orr. As I have mentioned in the past, Harry Orr was a dedicated and tireless volunteer of the Democratic Party, a committed union activist of United Auto Workers Local 651, and a proud member of the Veterans of Foreign Wars Post 4087 in Davison, Michigan. Due to his unceasing efforts in all three of these forums, our community is a much better place in which to live. He touched many people with his dedication, his humor, and his tenderness.

Mr. Speaker, my feelings, and the feelings of many people who knew Harry, are perhaps best summarized in the letter I have sent his loving wife, Maxine. Due to the press of legislative business, I am unable to attend Harry's funeral, but my letter will be read at the service.

DEAR MAXINE: I would like to express my sincerest sympathy to you and your family. I am so very sorry that I am not able to join you today, but extremely important legislative business involving my own committee requires that I be in Washington, D.C.

I wanted to express my thoughts about a loyal friend, a tireless volunteer, and a great man who has been taken from this Earth. It has been said that "death ends a life, not a relationship," and this is certainly the case for those who have ever come in contact with Harry. Harry's desire was to help people in any way possible and do whatever he could to ensure that a positive environment existed throughout the community. Harry's ability to make a difference was a trait that you share, Maxine. Harry was not just a constituent or a campaign volunteer, but my very good friend. It is with a heavy heart that I write this letter today, however, it is also with great pride that I do so. We are all inspired by people like Harry, who make it their life's work to improve the quality and dignity of life for all. I will miss Harry a great deal.

Maxine, your love for Harry was so tender and caring, and it was an inspiration to us all. You enriched his life and kept him with us for many years he might never have had were it not for your loving care.

Maxine, please know that I am with you today in spirit and prayer.

Sincerely,

DALE E. KILDEE, M.C.

Mr. Speaker, I and our community will sorely miss my dear friend, Harry Orr. But his spirit lives on through his loving wife, Maxine, and his son, Harry, Jr. Our thoughts and prayers are with them.

EAST ASIA AND MISSILE DEFENSE SYSTEMS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. BEREUTER. Mr. Speaker, during this Member visit to several East Asian countries in January, considerable Japanese interest in developing a missile defense system was mentioned in the region's news media as a result of the North Korean missile launch over Japanese territory on its course to the Pacific. Also noted was very substantial public discussion and media coverage of the possibility of a missile defense system in Taiwan because of the Chinese missile firings in the run-up to the last Taiwanese presidential elections and because of the Chinese mainland missile build-up in the Taiwan Strait region.

The following editorial from the February 20, 1999, edition of *The Economist* magazine notes not only the impact on Japan of the North Korean's provocative action and demonstrated advancement of their missile development program, it also suggests that "[w]ith its missile, North Korea was thumbing its nose as much at China as at Japan and America." This Member has long felt that China's influence on North Korean is generally over-estimated, but certainly it has more influence on the isolated, paranoid North Korean regime than any other country. *The Economist* editorial notes what is almost certainly true, that "North Korea felt it could take such missile liberties in part because China has stoutly opposed all international pressure on North Korea to curb its nuclear and missile activities." China is complaining loudly and threateningly against the possible deployment of missile defense systems in Japan, Korea, and Taiwan rather than examining its own culpability in increasing its missile threat against Taiwan and ignoring, to its own danger, the destabilizing missile and nuclear development programs of North Korea. The United States, threatened itself by the North Korean missiles under development, cannot ignore their threat to our allies, the Republic of Korea and Japan, nor its commitment that Taiwan not be forcibly placed under the control of Beijing. As *The Economist* concludes, China "has mostly itself to blame" for any new tilt in East Asia's unease balance of power may have been caused by more Potent missile forces and the resultant urgent interest in American assistance for missile defense systems.

This Member urges his colleagues to read the entire *Economist* editorial on this important set of related developments.

[From the Economist, Feb. 20, 1999]

CAUSING OFFENCE

TALK ABOUT MISSILE DEFENCES IS A SYMPTOM OF EAST ASIA'S TENSIONS, NOT THE CAUSE

Are America and China heading for another bust-up? The "strategic dialogue" inaugurated by Presidents Bill Clinton and Jiang Zemin has been shrilly interrupted, this time by Chinese concern about America's discussions with Japan and others of possible missile defences in East Asia, and by American worries about Chinese missiles pointed at Taiwan (see page 37). The row threatens to sour preparations for the visit to America in April of China's prime minister, Zhu Rongji. Handled sensibly, the missile tiff need not produce a crisis. Yet it goes to the heart of what divides China from America and most of its Asian neighbours: China's pursuit of power by at times reckless means.

China may never be a global power to rival America. It is, however, an increasingly potent regional power, with territorial scores to settle. It makes plain that it intends to recover sovereignty over Taiwan, to extend jurisdiction over almost all the rocks and reefs of the South China Sea, and ultimately to displace America as East Asia's most influential power.

Until recently, events had seemed to be moving China's way. Recognising China's extreme sensitivity on the Taiwan issue, on a visit to China last year Mr. Clinton made clear that America did not support independence for the island, despite the protective arm America throws round it at times of military tension with the mainland. Meanwhile China had skilfully used the region's economic turmoil to reinforce its claims in the South China Sea, blame rival Japan for not doing enough to aid regional economic recovery and play on sharp economic differences between America and Japan. Hence China's fury that the question of missiles and missile defences could blow a hole in these stratagems.

The launch of a North Korean rocket over Japan last August reminded the Japanese of the importance of their alliance with America, and persuaded the government to set aside China's objections and start discussions on missile defences. Without such defences in a dangerous neighbourhood, America had worried and China had calculated that pressure would eventually grow in Congress to pull back the 100,000 or so American troops in Japan and South Korea. China's reaction has been all the shriller for knowing that any missile defences eventually deployed to protect America's troops and close allies from rogue North Korean missiles could be used to help protect Taiwan from China.

With its missile, North Korea was thumbing its nose as much at China as at Japan and America. Yet the success of its engineers owes at least something to past Chinese collusion. North Korea felt it could take such missile liberties in part because China has stoutly opposed all international pressure on North Korea to curb its nuclear and missile activities.

The Taiwanese had their reminder of the potential value of missile defences three years ago, when it was China lobbing missiles, these ones falling near the island's shipping lanes in a crude effort to intimidate voters before Taiwan's first democratic presidential election. China now has snazzier missiles. Its belligerence drove Taiwan to seek better defences, not, as China would have it, the other way around.

There is still time to calm tensions over Taiwan, and still time for the regional powers to talk over the problems raised by any future (limited) missile defences. Yet these issues give a new tilt to East Asia's uneasy balance of power. If this tilt upsets China, it has mostly itself to blame.

INDIA-UNITED STATES MULTILATERAL TALKS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to thank and congratulate United States Deputy Secretary of State Strobe Talbot and Indian Minister of External Affairs Jaswant Singh for their efforts in the most recent phase of bi-lateral talks between India and the United States. Though the full details of the talks remain undisclosed, as they should, all reports are that much progress is being made in strengthening relations of the two countries.

I fully acknowledge and support the United States' foreign policy principle of opposing nuclear proliferation, but I would also like to take this opportunity to recognize that exceptions to that principle may occasionally be warranted Such exceptions should be based on the security needs of a nation, the entirety of that nation's relationship—economic, cultural, and diplomatic—with the United States, and the nation's willingness to participate in international arms control efforts.

Based on such criteria, I assert that India is a good candidate for such an exception to United States non-proliferation policy and would like to voice my hope that Mr. Talbot is working hard to lift remaining multilateral sanctions against India, especially the remaining World Bank lending sanctions. Again, I would like to express my thanks to Mr. Talbot and Mr. Singh for their hard work in this vital arena, congratulate them on their success thus far, and wish them the best in the future negotiations.

SUPPORT FOR THE DISASTER MITIGATION COORDINATION ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am joining with Chairman TALENT, Ranking Member VELÁZQUEZ and the Small Business Committee in support of the Disaster Mitigation Coordination Act. This legislation is a sensible, smart addition to the disaster loan program.

The Disaster Mitigation Coordination Act will add a valuable pro-active measure to the Small Business Association's Disaster Loan program. If enacted, this legislation will save money for taxpayers, communities and small businesses.

By adding the availability of pre-disaster mitigation loans to small businesses located in FEMA's "Project Impact" zones, we will be allowing small businesses to avoid or at least reduce the damages they suffer from unpredictable natural disasters. By helping these businesses to prepare for and react to disasters better, we are also ensuring they are able to continue providing needed goods and services to the communities that depend on them.

Given the unpredictability of their frequency and the severity of natural disasters, this approach seems more than reasonable. A 5 year pilot program authorizing up to $15 million a year in mitigation loans will permit the Small Business Administration to evaluate this approach to see if it is a less costly way of mitigating disasters than other fully subsidized federal disaster relief.

This legislation makes sense. By making available low interest, long term pre-disaster mitigation loans that will be paid back to the treasury, we will be reducing the amount of emergency grants necessary to respond to disasters. Furthermore, by offering pre-disaster assistance, we will be supporting the efforts of small businesses that want to act responsibly and pro-actively. Pre-disaster assistance means saving taxpayer money, secure small business communities and a healthy economy.

Mr. Speaker, this will surely be a welcome alternative to small businesses in our state of Illinois which has received the fifth highest amount of disaster loan money nation wide since 1989. I thank my colleagues for their consideration and urge them to support this valuable piece of legislation.

CONGRATULATIONS TO CHARLES C. BUTT, 1999 BORDER TEXAN OF THE YEAR

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. HINOJOSA. Mr. Speaker, it is a privilege for me to rise today to recognize an accomplished individual who is the deserving recipient of this year's Border Texan of the Year Award, Mr. Charles C. Butt, Chairman & CEO of the H.E.B. Grocery Company.

This award is given to individuals whose efforts have improved the quality of life for residents in South Texas. Recipients of this award serve as role models for all Texans. They are an inspiration to others, and they exhibit character as well as display a high standard of ethics.

Charles Butt has been selected by the BorderFest Border Texan of the Year Committee because his contributions to South Texas in the area of employment and economic development are unsurpassed. HEB today stands as one of the nation's largest independently owned food retailing companies. It is the largest private employer in the state of Texas with 45,000 employees, or "partners," and operates 250 stores across Texas, Louisiana, and Mexico. HEB generated sales of approximately $7 billion in 1998. In 1971, Mr. Butt became HEB's Chairman and CEO. At that time 4,500 individuals were employed, and revenues were approximately $250 million.

These facts and figures merit mention because they reflect the strengths of someone who is a true leader, someone whose vision and work ethic has made a successful company even more dynamic.

Moreover, HEB has always had a practice of reaching out to the community. Never just a policy, but always a tradition, the practice of helping those in need has only become stronger under the leadership of Charles Butt. Time and time again, he has been there to help communities in need. When flood-waters ravaged the small city of Del Rio, Texas in August, HEB was there. Within hours of this tragedy, HEB tankers carrying 5,500 gallons of water were stationed at the Del Rio stores around the clock, and construction experts with the company were on site helping this city to rebuild. Charles Butt personally was on the scene to assist in whatever way he could.

The spirit of HEB can be seen not only in times of crises, but in everyday programs that reflect the company's desire to feed the hungry. HEB has revolutionized the food banking efforts with its support of twenty food banks—eighteen in Texas and two in Mexico. Since 1983 HEB supported food banks have shared more than 150 million pounds of donated food and merchandise with some 6,000 organizations. The list of charitable works goes on and on.

Again, I want to say how delighted I am that Charles C. Butt has been selected to receive this recognition. He is a man who represents the best in our country—a personal devotion to service, a professional commitment to excellence, and a visionary grasp of the opportunities open to all Americans.

Thank you for all your contributions, and I am glad to have this opportunity to add my accolades to this well-deserved honor. Congratulations, Mr. Border Texan!

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. STARK. Mr. Speaker, my colleagues and I are proud to introduce the "Gift of Life Congressional Medal Act of 1999." This legislation creates a commemorative medal to honor organ donors and their survivors.

There is a serious shortage of available and suitable organ donors. Over 50,000 people are currently waiting for an organ transplant. Because of low donor rates, over 4,000 people die each year for lack of a suitable organ. Some patients also wait significantly longer for a transplant depending on where they live. In some parts of the country, the typical wait for an organ transplant is close to 100 days. In other parts of the country, the wait is closer to 1,000 days. We need to use every possible option to increase the number of donated organs for all Americans. The Gift of Life Congressional Medal Act draws attention to this life-saving issue, and sends a clear message that donating one's organs is a self-less act that should receive the profound respect of the Nation.

The legislation allows the Health and Human Service's Organ Procurement Organization (OPO) and the Organ Procurement and Transplantation Network to establish a non-profit fund to design, produce, and distribute the medals. Funding would come solely from charitable donations. The donor or family member would have the option of receiving the Congressional Gift of Life Medal. Families would also request that a Member of Congress, state or local official, or community leader award the medal to the donor or donor's survivors.

According to the United Network for Organ Sharing (UNOS), an average of 5300 donations per year were made between 1994 and 1996. Research points to a clear need for incentive programs and public education on organ donation. These efforts can increase the number of organ donations by more than 80 percent.

Physicians can now transplant kidneys, lungs, pancreas, liver, and heart with considerable success. The demand for organs will continue to grow with the improvement of medical technologies. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

This is a non-controversial, non-partisan legislation to increase organ donation. I ask that our colleagues help bring an end to transplant waiting lists and recognize the enormous faith and courage displayed by organ donors and their families.

A copy of the legislaiton follows.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gift of Life Congressional Medal Act of 1999".

SEC. 2. CONGRESSIONAL MEDAL.

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devises, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Any organ donor, or the family of any organ donor, shall be eligible for a medal described in section 2.

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as "OPTN") to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

SEC. 4. PRESENTATION.

(a) DELIVERY TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) DELIVERY TO ELIGIBLE RECIPIENTS.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b), Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

SEC. 5. DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) LIMITATION.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

SEC. 6. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

SEC. 7. GENERAL WAIVER OR PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

SEC. 8. SOLICITATION OF DONATIONS.

(a) IN GENERAL.—The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) LIMITATION.—Not more than 5 percent of the any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement establish under this section.

(c) NUMISMATIC PUBLIC ENTERPRISE FUND.—Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) START-UP COSTS.—A 1-time amount notto exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) NO NET COST TO THE GOVERNMENT.—The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "organ" means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor; and

(2) the term "Organ Procurement and Transplantation Network" means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

SEC. 10. SUNSET PROVISION.

This Act shall be effective during the 5-year period beginning on the date of the enactment of this Act.

THE SPRAWLING OF AMERICA

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. BLUMENAUER. Mr. Speaker, people from across the nation are talking about ways they can make their communities more livable. Improving livability means better schools, safer neighborhoods, affordable housing and more choices in transportation. Improving livability also means preserving what makes each community unique, be it the farmlands in Oregon or the desert in Arizona. It is my pleasure to share with my colleagues the comments of Richard Moe, the president of the National Trust for Historic Preservation, on this important and timely topic.

THE SPRAWLING OF AMERICA: FEDERAL POLICY IS PART OF THE PROBLEM; CAN IT BE PART OF THE SOLUTION?

(An address by Richard Moe, president, National Trust for Historic Preservation at the National Press Club in Washington, DC on January 22, 1999)

America today is engaged in a great national debate. It's a debate about sprawl. The central question in the debate is this: Will we continue to allow haphazard growth to consume more countryside in ways that drain the vitality out of our cities while eroding the quality of life virtually everywhere? Or will we choose instead to use our land more sensibly and to revitalize our older neighborhoods and downtowns, thereby enhancing the quality of life for everyone?

The debate touches every aspect of our lives—the quality of the natural and built environments, how we feel about the places where we live and work and play, how much time we have for our family and civil life, how rooted we are in our communities. I believe that this debate will frame one of the most important political issues of the first decade of the 21st century. Ultimately, its outcome will determine whether the American dream will become a reality for future generations.

The National Trust for Historic Preservation, which I am privileged to serve, works to revitalize America's communities by preserving our heritage—the buildings, neighborhoods, downtowns and landscapes that link us with our past and define us as Americans. Our mission is summed up in a short phrase: "Protecting the Irreplaceable." Sprawl destroys the irreplaceable, which is why the National Trust is concerned about sprawl—and why I want to address the subject today.

Preservation is in the business of saving special places and the quality of life they support, and sprawl destroys both. It devours historic landscapes. It makes the strip malls and subdivisions on the edge of Washington look like those on the edge of Albuquerque or Birmingham or any other American city. It drains the life out of older communities, stops their economic pulse and often puts them in intensive care—or sometimes even the morgue.

Sprawl reminds me of Justice Stewart's remark about pornography: It's hard to define, but you know it when you see it. In simple terms, sprawl is the poorly planned, low-density, auto-oriented development that spreads out from the edges of communities. But it is best defined by the way it affects us in our daily lives.

Winston Churchill said, "We shape our buildings, and then our buildings shape us." The same holds true for communities: The way we shape them has a huge impact on the way we feel, the way we interact with one another, the way we live. By harming our communities, sprawl touches us all—and one way or another, we all pay for it.

We pay in open space and farmland lost. Since 1950, the State of Pennsylvania has lost more than 4 million acres of farmland; that's an area larger than Connecticut and Rhode Island combined. Metropolitan Phoenix now covers an area the size of Delaware. It's estimated that over the next 45 years, sprawl in the Central Valley of California will affect more than 3.6 million acres of America's most productive farmland.

We pay in time lost. A study last year reported that each of us here in Washington spends about 59 hours a year—the equivalent of a week and a half of work—stuck in traffic. The price tag for time and fuel wasted is roughly $860 annually for every man, woman and child in the Washington area. In Los Angeles, the average speed on the freeway is expected to drop to 11 miles per hour by 2010. A new term "road rage" has been coined to describe drivers' frustration over traffic.

We pay in higher taxes. Over the decades, we've handed over our tax dollars to pay for infrastructure and services—things like police and fire protection, water and sewer lines, schools and streetlights—in our communities. Now we're being asked to pay higher taxes to duplicate those services in sprawling new developments, while the infrastructure we've already paid for lies abandoned or underused in our older city center and suburbs. Even worse, local governments use our tax dollars to offer incentives and write-offs to sprawl developers—in effect, rewarding them for consuming our landscape and weakening our older communities.

Finally, we pay in the steady erosion of our quality of life. Inner cities have become enclaves of poverty. Long, frustrating commutes leave us less time with our families. Tranquil neighborhoods are destroyed by road-widening. Historic landmarks get demolished and carted off to the landfill. Everyplace winds up looking more and more like Noplace. These signs point to an inescapable fact: Sprawl and its byproducts represent the number-one threat to community livability in America today. And in a competitive global marketplace, livability is the factor that will determine which communities thrive and which ones wither. Nobel Prize-winning economist Robert Solow puts it this way: "Livability is not some middle-class luxury. It is an economic imperative."

Sprawl is finally getting the attention it deserves. It was the subject of major initiatives announced by the President and the Vice President in recent back-to-back speeches. Bipartisan caucuses focusing on smart growth and community livability have been formed in both the House and Senate. Governors across the political spectrum have announced programs to control sprawl and encourage smart growth. The Urban Land Institute, the American Institute of Architects, the National Governors Association, and foundations and nonprofit organizations of every stripe hold seminars and workshops on sprawl. Last November, voters from Cape Cod to California overwhelmingly approved some 200 ballot initiatives related to growth management and urban revitalization.

All this attention is welcome. Sprawl is a national problem, and it needs a national debate. But the debate shouldn't focus on finding a national solution, because there isn't one. There are two essential elements in any effective program to combat sprawl: sensible land-use planning and the revitalization of existing communities. These are issues traditionally and best handled at the state and local levels—and that, in the end, is where the fight against sprawl will be won or lost. But—and here's the main point I want to make today—the federal government also has a crucial role to play in the process.

There are obviously many factors such as crime, drugs and bad schools and public services that have helped propel the exodus of people and jobs from our central cities, but that exodus has been greatly facilitated—even accelerated—by the effects of federal policies. Sometimes these effects have been intended and sometimes they have been inadvertent, but in most cases they have been profound. Because the federal government has contributed so heavily to the problem, it has a clear duty to help find solutions.

It can—and should—do so in four ways:

First, it should correct policies that encourage or reward sprawl.

Sprawl-friendly policies and practices exist in almost every federal agency. I'll mention only a few examples.

Nearly 17 million people work directly or indirectly for the federal government. With a workforce that size, decisions about where the government locates its offices can have a huge impact on a community's economic health. A 1996 Executive Order directs federal agencies to give first consideration to locating their facilities in downtown historic districts instead of out on the suburban fringe—but two years after it was issued, compliance is spotty. Right now, for example, in the small, economically-depressed town of Glasgow, Montana, the U.S. Department of Agriculture is putting its county office in a new building that will be constructed in pastureland on the edge of town. A suitable downtown building was available, but USDA rejected it because the parking lot is a block away instead of right next door.

Relocating post offices to suburban sites can also deal a body blow to a small-town Main Street—and put historic buildings at risk as well. Because post offices serve an important role in the social and business life of many towns, the U.S. Postal Service needs to give communities more say in where these essential facilities are to be located.

The federal tax code, in all its complexity, is heavily tilted toward new development and the consumption of open space. It needs to put at least as much emphasis on promoting opportunities for revitalization and stabilization of older communities. It needs to provide incentives—which are currently lacking—for middle-class and moderate-income households to become urban homeowners.

Federal water and sewer grants were originally intended as a means of providing clean water and safe waste-treatment facilities in rural areas. In practice, however, the ready availability of this funding virtually invites development further and further into countryside.

The list goes on and on, but the biggest offender of all is federal transportation policy, which can be summed up in a short phrase: "feed the car, starve the alternative." As Jessica Mathews wrote a while ago in the Washington Post, "Americans are not irrationally car-crazed. We seem wedded to the automobile because policy after . . . policy . . . encourages us to be." Transportation officials generally try to "solve" problems by building more roads—an approach which is often like trying to cure obesity by loosening your belt.

People need transportation choices and communities need balanced transportation systems. Federal policy hasn't done a good job of offering them—but that may be changing. The Transportation Equity Act for the 21st Century, or TEA-21, enacted last year, encourages planning that looks beyond irrelevant political boundaries and allows for greater citizen and local government participation in making transportation investment decisions. That's welcome news, certainly, but TEA-21 is a promissory note that will be redeemed only through hard work at the state and local levels. It offers a great opportunity for the federal Department of Transportation to take a leadership role in urging the states to take full advantage of this landmark legislation.

Within the next few months, the General Accounting Office will release its study on the extent to which federal policies encourage sprawl, and I hope the report will prompt a serious examination of these policies.

Second, the federal government should reward states and communities that promote smart growth and help revitalize existing communities.

Being anti-sprawl is not being anti-growth. The question is not whether our communities should grow, but rather how they will grow. More and more people—private citizens and public officials alike—are realizing that the answer to that question lies in sensible land-use planning.

Three states have recently launched different efforts to manage sprawl. Last May, Tennessee passed a law that requires counties and municipalities to adopt "growth plans" which, among other things, set firm boundaries for new development and public services. Closer to home, Governor Glendening's Smart Growth initiative in Maryland is one of the most innovative—and potentially one of the most significant—in the country. Under Governor Whitman's leadership, residents of New Jersey have approved up to $98 million in tax revenue annually for conservation and historic preservation; over 10 years this measure will protect a million acres of land—a marvelous gift to future generations.

We should encourage efforts like these in other states. I suggest that we design a federal "smart growth scorecard"—a system that favors sensible, sustainable growth and evaluates the effectiveness with which states and communities meet that test. States that amend their building codes to make them more "rehab-friendly" or that remove their constitutional ban against the use of state gas tax revenues for mass transit projects, for example, are taking positive steps to fight sprawl and restore communities. They ought to be rewarded. The federal scorecard would give states credit for initiatives such as these and would give smart-growth projects an edge in the competition for federal funds.

Third, the federal government should promote regional cooperation as a key to effective control of sprawl.

Metropolitan areas now contain close to 80% of the total U.S. population. Half the people in this country now live in just 39 metropolitan areas. But governmental structures in no way reflect this reality.

Urban decline and sprawl are practically guaranteed wherever there is a balkanized system of local jurisdictions. There's a perfect example right here in Washington, where our metropolitan area is a patchwork quilt comprising two states, the District of Columbia, a dozen counties and a score of municipalities—each with its own budget, each following its own agenda.

When it comes to sprawl, city limits and county lines are often meaningless marks on a map. Limited jurisdiction makes it hard for local government to deal with an issue of this magnitude, and efforts to control sprawl in a limited area often just shift the problem from one community to another. It's like trying to stop a flood with a picket fence.

States need to encourage local governments in the same region to better coordinate their land-use and transportation plans, and the federal government can help a great deal by simply providing basic information that regions need. Much of this information—dealing with things such as the geographic mismatch between workers and jobs and the extent of outmigration from cities to suburbs—already exists, but it is difficult and expensive for localities to obtain. That's a fairly easy problem to fix, and the federal government ought to do it.

While regionalism by itself does not curb sprawl, it can moderate one of the engines of sprawl: the costly bidding wars between neighboring jurisdictions for sprawl-type development that holds out the hope for new tax revenues. Admittedly, the performance of some regional governments has been lackluster, but in other areas—Portland, Oregon, for examples—regionalism is making a difference in addressing the problems of sprawl and poorly managed growth. Encouraging and assisting similar efforts all over the country should be a cornerstone of federal policy.

Happily, the current Administration is taking an important step in that direction. The "Livability Agenda" recently announced by Vice President Gore proposes a major initiative to reduce barriers to regional governance and to fund local partnerships that pursue smart-growth strategies across jurisdictional lines. This will be the first flexible source of funding provided by the federal government to promote smarter metropolitan growth. It's a very welcome initiative.

Controlling sprawl is only half the battle, which brings me to the fourth thing the federal government should do: provide incentives for reinvestment in existing communities.

Discussions about the plight of the cities often overlook a simple fact: When people leave the city it's not necessarily because they love sprawl or hate urban life, but because leaving is the rational thing to do. More than anything else, urban flight is an indictment of bad schools, crime and poor public services. As if this "push" weren't enough, people are "pulled" out of the city by policies and practices that make homes and infrastructure in the suburbs less expensive and easier to build.

In place of this "push-pull" combination, we need public policy that favors existing communities. Fifty years ago the government began to offer economic inducements to families that wanted to flee to the suburbs; it's time to offer those same kinds of inducements to entice middle-class residents to return to, or stay in, the city.

It all comes down to choosing where to make investments. If the federal government chooses to pour funding into more outer beltways and more suburban infrastructure, sprawl will continue to spread like an epidemic. But if the government makes a commitment to existing communities, it can have an enormous, positive impact on the critical need to keep people in urban neighborhoods and give others a reason to move back to the city.

This is the missing piece of the administration's Livability Agenda, which includes a heavy focus on the preservation of open space. There's no question that we need to speed up our efforts to protect open space and farmland through land trusts, easements, the purchase of development rights and other means. Saving greenspace is a very good thing, but it's not enough by itself. We could buy all the open land in the country and still not solve the problem of sprawl. We also need to focus energies and resources on reclaiming the streets and neighborhoods where people live—the towns, inner cities and older suburbs that we've neglected so badly for the past half-century. We must develop housing policies and programs that advance the goal of economic integration of our communities and lessen the concentration of poor households in inner-city areas. We must attract middle-income families back to the towns and cities, and we must improve the quality of housing for lower-income people.

One way to do this is by enacting the Historic Homeownership Assistance Act. This legislation, which has broad bipartisan support in both houses of Congress, would extend federal tax credits to homeowners who renovate their historic homes, giving residents of older neighborhoods incentives to stay and invest in their community's future, and providing an incentive for others to move back into the city. By offering a way to put deteriorated property back on the tax rolls while making homeownership more affordable for lower-income residents, this law could greatly benefit communities all over the country. Obviously, this one act won't solve America's urban problems—but it can help, and a step in the right direction is better than standing still.

In fighting sprawl, we're dealing with an issue that undermines many of the national goals and values that we've embraced over the years. The provision of affordable housing, improved mobility, a clean environment, the transition from welfare to work, the livability and economic health of our communities—all of these are undermined by sprawl. In fact, there is scarcely a single national problem that is not exacerbated by sprawl or that would not be alleviated if sprawl were better contained.

We can continue turning much of our nation into a tragic patchwork of ruined cities and spoiled countryside, or we can insist on sensible federal policies that strengthen communities instead of scattering them randomly across the landscape.

We can keep on accepting the kind of communities we get, or we can summon the national will to demand the kind of communities we want and need and deserve.

The choice is ours, and the time to make that choice is now.

FIGHT DIABETES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SANDERS. Mr. Speaker, I rise today to call the attention of my Colleagues to the following letter I received from a young Vermonter. Philip Burgin-Young is nine years old, and likes to play soccer, as well as study math and science. At the same time, Philip has to regularly check his blood sugar, take three insulin shots a day, and closely watch what he eats, because he is diabetic. Like Philip, I believe that our government must do more for the 16 million Americans suffering from diabetes by investing in a cure to the disease.

I call the attention of my colleagues to this moving letter and submit the letter for the CONGRESSIONAL RECORD for their benefit.

FEBRUARY 21, 1999.

Hon. BERNIE SANDERS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SANDERS: My name is Philip Burgin-Young, and I am nine years old. I have had diabetes almost four years. I love to play soccer, study math, and experiment with science. To be able to do these things, I have to work real hard to take care of my diabetes. That means that I check my blood sugar at least six times a day (but usually closer to ten times), have at least three shots of insulin a day (in my stomach, arms, legs, and buttocks), count every gram of carbohydrate and fat that I eat, and make sure that I exercise a lot to keep my blood sugar balanced. My parents also check my blood sugar in the middle of the night while I am sleeping. But even doing these things, it is impossible to keep my blood sugar in the normal range all of the time. Diabetes is a very complex thing.

It is not easy to describe what it is like living with diabetes. But I have two stories that can describe it a little. The first story is about something my sister said to me. One day my sister said that if she had diabetes and then a cure was discovered, she would go out and eat a dozen donuts. She asked me what I would do. I said, "I wouldn't go out and eat a dozen donuts. I WOULD JUST BE SO RELIEVED!" I could tell that she couldn't really understand what it feels like to live with diabetes every minute of every day, even though she does help me with my diabetes. The second story is about something that happens all of the time, because I play soccer on a couple of teams. Before I go on the field I always check my blood sugar to make sure that I'm not too high or too low. If I'm too high, I can't play and I need to have a shot of insulin. Even though I do everything I am supposed to do to take care of my diabetes, this does happen and I missed the beginning of our playoffs because I was too high. If I'm too low, I also can't play and have to wait about 15 minutes for the food that I eat to get into my system. Then, during half time I do the same thing—I recheck my blood sugar. At the end of the game I check again to make sure I'm not too low or too high.

I want a cure for diabetes so that I can do what I want with my life—I want to be healthy and I want to help other people by being a scientist who helps to find cures for diseases. I also want a cure for all of the other people who have diabetes. As hard as it is for me with diabetes, at least I am lucky because my mom and dad and sister help me try to take real good care of myself. Some kids aren't so lucky and they end up in the hospital often.

Will you please vote for more money for research, to try to find a cure for diabetes? I know that with more money scientists will be able to find a cure more easily. There are so many areas that are being researched and if they don't have enough money they can't do the research. PLEASE HELP!

Sincerely,

PHILIP BURGIN-YOUNG.

CONGRATULATING THE STERLING HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Sterling High School girls basketball team on the Class 4A District 4 Championship.

The Sterling players, led by Coach Darrell Parker, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 4A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Sterling High School girls basketball team the best of luck in the Colorado 4A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 4 Championship.

CONGRATULATING THE CALICHE HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Caliche High School boys basketball team on their Class 2A District 2 Championship.

The Caliche players, led by Coach Rocky Samber, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Caliche High School boys basketball team the best of luck in the Colordao 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 2 Championship.

CONGRATULATING THE SWINK HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Swink High School boys basketball team on their Class 2A District 4 Championship.

The Swink players, led by Coach Tim Jordan, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State 2A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Swink High School boys basketball team the best of luck in the Colorado 2A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 4 Championship.

CONGRATULATING THE CHERAW HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Cheraw High School girls basketball team on their Class A District 2 Championship.

The Cheraw players, led by Coach Charles Phillips, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Cheraw High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 2 Championship.

TRUE COMMUNITY SERVICE: IN HONOR OF SISTER MARY ALICE MURPHY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Sister Mary Alice Murphy. September 1, 1999 marks the end of an era defined by community service as Sister Murphy will step down as executive director of Community Affordable Residences Enterprises. Known as CARE, the organization builds affordable housing for low-income residents in Fort Collins.

A Roman Catholic nun, Sister Murphy came to Fort Collins in 1983 to lead Catholic Charities Northern where she recognized the need for affordable housing in my hometown. Keep in mind, before 1993, affordable housing was not even on City Council's policy agenda. She had the foresight to point out a problem 16 years ago that today has become one of the most crucial issues in Fort Collins. Sister Mary Alice could have stopped there like most critics do, just pointing out a problem, but she acted and led the leaders. She developed a plan for low income residents in Fort Collins which resulted in the construction of the Mission homeless shelter in 1989.

Again acting with foresight, Sister Mary Alice knew the Mission shelter was only temporary, and shelter residents would eventually need a more permanent place. CARE wanted to build new homes for low-income residents because renovation of existing homes in Fort Collins was not the optimum solution. Sister Mary Alice sheparded CARE's construction of the 40-unit Greenbriar complex in 1995, the first of three new housing units for low-income families.

Now in 1999, after almost two decades of service to low-income families in Fort Collins, CARE, under Sister Mary Alice's direction, has built three affordable housing complexes with 116 new housing units in Fort Collins and plans are in the making for a fourth project. When Sister Mary Alice steps down in September, I am proud to say she will still be involved with affordable housing in Fort Collins by assuming an advisory role in CARE's board of directors.

Mr. Speaker, today I am honored to pay tribute to a woman who exemplifies community service, service to humanity and faith in God. Sister Mary Alice Murphy is the person who identified the need for affordable housing in Fort Collins and followed through by sheparding the construction of it. We need more citizens like Sister Mary Alice who see problems and fixes them.

CONGRATULATING THE GENOA-HUGO HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Genoa-Hugo High School boys basketball team on their Class A District 7 Championship.

The Genoa-Hugo players, led by Coach Casey Moats, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Genoa-Hugo High School boys basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 7 Championship.

CONGRATULATING THE DEER TRAIL HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Deer Trail High School girls basketball team on their Class A District 8 Championship.

The Deer Trail players, led by Coach Robert Kelley, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Deer Trail High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 8 Championship.

CONGRATULATING THE IDALIA HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Idalia High School boys basketball team on their Class A District 5 Championship.

The Idalia players, led by Coach Dave Eastin, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Idalia High School boys basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 5 Championship.

CONGRATULATING THE IDALIA HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Idalia High School girls basketball team on their Class A District 5 Championship.

The Idalia players, led by Coach Mike Waitman, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Idalia High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 5 Championship.

CONGRATULATING THE PRAIRIE HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Prairie High School girls basketball team on their Class A District 4 Championship.

The Prairie players, led by Coach Maggie Kilmer, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Prairie High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 4 Championship.

CONGRATULATING THE TRINIDAD HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Trinidad High School girls basketball team on their Class A District 6 Championship.

The Trinidad players, led by coach Mike Vecellio, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Trinidad High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 6 Championship.

CONGRATULATING THE FLAGLER HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Flagler High School girls basketball team on their Class A District 7 Championship.

The Flagler players, led by Coach Mike Campbell, will now advance to the next level in the state basketball playoffs and their shot at the Colorado State A Championship.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

Greater challenges remain, however, and I wish the Flagler High School girls basketball team the best of luck in the Colorado A State Championship. No matter what the outcome of the next game, this team has proven it has the heart of a champion, and can take pride in the District 7 Championship.

HOUSE OF REPRESENTATIVES—*Wednesday, March 3, 1999*

The House met at 10 a.m.

The Reverend Michael E. Robinson, Head of Upper School, St. Patrick's Episcopal Day School, offered the following prayer:

O God, You have so revealed Yourself in the glory of the heavens and in the many faces of the nations, in the still small voice and in the might of the forces of nature. Make us aware of Your presence as You come in judgment through the events of our time. Help us to discern through the many competing claims, the right and the just by using the tools of reason, compassion and wisdom. Help us to be good citizens, to work for the common good, to be willing to sacrifice whatever it takes to work with You, and to remake this world into Your kingdom, the place where Your will is done, where Your children may know no other way but the way of righteousness, justice, and peace. This we ask, anxious yet calm in You; unsure, yet certain in You; weak, yet strong in You; through Him who is the saviour of us all, Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. BARTLETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARTLETT of Maryland led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Military Academy—

the Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services; and

the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy—

the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services; and

the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy—

the Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services; and

the Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators to the Commission on Security and Cooperation in Europe (Helsinki)—

the Senator from Texas (Mrs. HUTCHISON);

the Senator from Michigan (Mr. ABRAHAM); and

the Senator from Kansas (Mr. BROWNBACK).

WELCOME TO REV. MICHAEL E. ROBINSON

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) and I take great pleasure in introducing to the House today the Reverend Michael Robinson.

The gentleman from Texas and I are proud parents of children at St. Patrick's Day School here in the District of Columbia. The Reverend Robinson is the Upper School director for St. Patrick's and has just done an incredible job. He and his wife Frances and their two children are members of the St. Patrick's community in every way, whether it be the church or through the school. I saw him this morning directing traffic, shepherding students and parents in. He will be doing the same thing this evening, as well as guiding them spiritually and educationally throughout the day. I think it is a tribute to Reverend Robinson that he is always the teacher. He is accompanied today by the St. Patrick's Student Council as well.

Reverend Robinson will leave St. Patrick's and join the St. Nicholas School in Chattanooga, Tennessee, this next semester as Headmaster. He will leave behind many parents and students who have been touched forever by his work, as I say, both spiritually, educationally, in so many ways. We wish him well and take great pleasure and celebrate all that he has done for St. Patrick's and the many students and parishioners that attend therein.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will entertain 15 one-minutes on each side.

NEW DOCUMENTARY FEATURES MEMBER AS HOLOCAUST SURVIVOR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, a new documentary by renowned filmmaker Steven Spielberg, entitled "The Last Days," tells the tragic tale of the Nazi Holocaust through the eyes of five Hungarian Jews who personally experienced and survived this horrific period of history.

One of the survivors featured in the documentary is one of the most articulate Members of Congress, our colleague from California, TOM LANTOS. TOM is one of the five Hungarian Jews who describes their experiences in a Nazi war camp. Fortunately, unlike an estimated 438,000 other Hungarian Jews and millions of other Jews in Europe, our colleague was able to escape his death sentence.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is to TOM's credit that, decades after his experience with totalitarianism, he has not forgotten those around the world who live under repressive regimes. From China to Cuba, TOM gives voice to those who are forced to remain silent by repressive regimes. I urge all of our colleagues to view "The Last Days" to remind ourselves that we must always fight against tyranny.

UNVEILING 1999 DEMOCRATIC AGENDA

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I am very proud to say that in just a short period of time over at the Library of Congress, President Clinton, Vice President GORE and Democrats in the House and the Senate will unveil our 1999 Democratic agenda which, once again, is a families first agenda. The centerpiece of our congressional agenda is to invest the surplus, to save Social Security and Medicare and pay down the debt.

What Democrats are doing with this agenda is continuing on the path of fiscal responsibility by investing the surplus to save Social Security and Medicare and pay down the debt to keep our economy growing. With regard to Social Security, we reserve 62 percent of the projected budget surplus to preserve Social Security until 2055. With regard to Medicare, we reserve 15 percent of the projected surplus for Medicare, ensuring that the Medicare trust fund is secure for 20 years.

We are paying down the debt, Mr. Speaker. We are investing a total of 77 percent of the surplus in Social Security and Medicare to reduce the national debt to its lowest level since 1917. This is what the Democrats are all about.

MAKING TAX RELIEF A REALITY

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, the American people are overtaxed. Americans work almost 3 hours every 8-hour workday just to pay their taxes. Federal taxes, State taxes, income taxes, sales taxes, utility taxes, death taxes and on and on.

But what many folks do not realize is that they are paying way too much. The government is charging the American people more than it needs to pay its bills, an estimated $2.6 trillion over the next 10 years of tax overcharge. That is a whopping $27,000 per family, money those families could put forward to buy a home or pay for their children's college.

Mr. Speaker, no one would tolerate a phone company or cable company that overcharged them and then refused to return the money. Indeed, we would all call upon the government for relief. Yet the government is overcharging the American taxpayer. It is time they knew about it.

Mr. and Mrs. America, help is on the way. Today I will announce a national initiative designed to make tax relief a reality. I will be joined by many colleagues who, like myself, are committed to showing that Americans are overtaxed. We are united in the belief that we can both save Social Security and return a portion of the overcharge to Americans in the form of a tax cut.

Mr. Speaker, that money does not belong to the government. It belongs to the American taxpayers. Americans earned it, Americans paid it, Americans deserve a refund. Return the tax overcharge, and the American people will be treated properly and fairly by this government.

1999 DEMOCRATIC AGENDA

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, today Democrats from both Chambers will unveil our agenda for the 106th Congress. At the top of that agenda are the two pillars of retirement security, Social Security and Medicare. So that there can be no doubt about our priorities, I will state it loud and clear. Democrats are committed to using the lion's share of the Federal surplus to protect Social Security and Medicare well into the future.

For the first time in three decades, the Federal Government has a surplus. This is a historic opportunity to protect Social Security and Medicare so that our seniors can live independently and with dignity. Protecting Social Security and Medicare is sound fiscal planning. Two-thirds of our seniors rely on Social Security for over one-half of their income. Medicare ensures that 99 percent of our seniors have health insurance. These two programs are paramount to a strong and a vibrant America and should come before a 10 percent tax cut that benefits mostly the wealthy. The surplus must be used carefully, not spent irresponsibly on a one-time, feel-good tax break.

On behalf of our peers and our parents and our children, let us not squander this historic opportunity.

PRESIDENT'S BUDGET DOES NOT ADD UP

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, the Congressional Budget Office, or the CBO, has issued a report confirming what everyone in Washington has known for 1 month now. The President's budget does not add up.

The nonpartisan CBO has carefully documented exactly why the President's budget does not do what it says it does. The numbers in his budget are not even close. The spending caps are busted. Social Security is endangered. The surpluses are not what they appear to be.

The administration has no response to this nonpartisan report. Through slick accounting and deception, the budget looks wonderful on paper. The problem is that there is not an economist to be found who can defend it. The double counting of imaginary money and the shifting of funds make a mockery of the budget promises signed into law just 2 years ago in the bipartisan balanced budget agreement. That agreement was supposed to prevent exactly the kind of budgetary chicanery that is contained in the President's budget.

The American people deserve better, Mr. Speaker.

THE ONLY SURPLUS IN WASHINGTON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, who is kidding whom? The only surplus in Washington, D.C., is in the Social Security trust fund. The truth is, Social Security money coming in one door today is going out the other door tomorrow, because the facts are very clear. The Social Security trust fund is a big basket full of IOUs. The reason is very simple: Politicians from both parties have reached in and borrowed money from the Social Security trust fund and have not repaid it. Billions and billions of dollars. Beam me up. Now we are saying Social Security is going to run out of money. I say not one dime of Social Security should be used for anything but Social Security.

I yield back any economic common sense that may be left down here.

THE SURPLUS BELONGS TO THE TAXPAYERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I have a simple question to ask. To whom does the surplus belong? Anyone listening to the other side would conclude that the surplus belongs to the government. In speech after speech, I have heard implied that politicians in Washington have the first claim to the money as if it is their money.

The surplus belongs to the taxpayers. It is their money. The surplus is in fact nothing more than tax overpayment made by taxpayers.

Anyone who has ever looked at Washington for any length of time knows that one of only two things will happen to the surplus. We can give it back to the people who earned it or Washington will find a way to spend it.

I think Jesse "The Body" Ventura was right. The government should apologize and then refund the money back to the people to whom it belongs in the first place, the taxpayers of America.

ANOTHER VIEW ON SOCIAL SECURITY AND MEDICARE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, let me set the record straight. The money that comes in here belongs to the American people. But what we fail to deal with is the history.

All during the Reagan administration, Democrats and Republicans in this House spent Social Security money and used it like a credit card. We built up a $5 trillion debt for the Cold War. Now, after almost 10 years of work, since I have been in the Congress, since 1988 and under Mr. Clinton for the last few years, we have got a surplus. What does the majority leader offer us? Let us take the surplus and give it away and leave that credit card debt there.

No American family, when they receive money in a Christmas bonus or whatever, says, "Well, we got all this credit card debt; let's go get deeper in debt." That would not be a financially prudent family. The United States Congress, acting on behalf of the American people, ought to pay off the credit card debt in Medicare and in Social Security.

CONGRATULATING COACH JIM PHELAN AND MOUNT ST. MARY'S MOUNTAINEERS ON EARNING BID TO NCAA BASKETBALL TOURNAMENT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to congratulate coach Jim Phelan and the Mount St. Mary's Mountaineers on earning a bid to the NCAA basketball championship for only the second time in their school's history.

The Mounties won the right to go to the Big Dance by defeating the Blue Devils of Central Connecticut State on Monday night by a 72–56 margin. Monday night's victory was the third straight upset for the Mountaineers who were seeded sixth entering the Northeast Conference Tournament. The Mount was led by the smooth shooting of Gregory Harris and the tenacious defense of Melvin Whitaker.

In addition to earning a right to play in the NCAA championships, Monday's victory was also an historic event for their longtime coach. Jim Phelan became only the fourth coach in NCAA history to win 800 games. He joins the ranks of Adolph Rupp, Dean Smith and Clarence Gaines and is the winningest active coach in the NCAA. Coach Phelan's 800 wins demonstrate his commitment to the school, his players and his community. I am convinced the Hall of Fame is just around the corner.

Congratulations Mount Saint Mary's, and congratulations Coach Jim Phelan.

□ 1015

GUNS OVER PEOPLE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, during the past year did we not hear the Republicans say something about the rule of law? I think I recall some Republicans saying everyone deserves his or her day in court, even if it means tying up Congress, the White House and the judiciary, costs the taxpayers $40 million, huge legal bills for everyone. But when it comes to their good friends in the gun lobby and their precious time and money, well, the Republicans simply will not allow them to be threatened with a lawsuit or held accountable through civil action.

Mr. Speaker, once again the GOP does the bidding of the National Rifle Association, preempting cities like Chicago who dare to sue the gun industry, the modern-day merchants of vengeance. A Republican bill will be introduced limiting lawsuits against the gun makers, ironically sponsored by the same gentleman who once told the Committee on the Judiciary a plaintiff deserved her day in court. In the eyes of the GOP, a sitting President can be dragged into a civil suit, but not the gun industry.

Clearly, the Republicans care more about guns than people. I guess that is what GOP stands for: "Guns Over People."

THE PRESIDENT'S BUDGET DOES NOT ADD UP

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, the truth is now out about the President's budget. The nonpartisan Congressional Budget Office, the CBO, has now documented the obvious. The President's budget just does not add up.

It is not simply a case of the usual Washington accounting tricks. The accounting is so outrageous that no serious analyst can defend it. In fact, the nonpartisan CBO, Congressional Budget Office, shows exactly where and why it does not add up. The budget busts the spending caps that were signed into law by the President in 1997, in the summer of 1997. And even more disturbing, Mr. Speaker, this budget, not only does it not save Social Security, it even dangers Social Security.

Mr. Speaker, the American people deserve better.

They deserve an honest budget.

They deserve a budget that will continue American prosperity.

They deserve a budget that protects Social Security.

Mr. Speaker, the President's budget does not do that.

PROTECT SOCIAL SECURITY AND MEDICARE FOR FUTURE GENERATIONS

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today to support a Democratic administration that has brought us from very large deficits to large surpluses and to say that the next step is to protect Social Security and Medicare and pay back the Social Security Trust Fund. We are not really out of debt until we do that.

Mr. Speaker, if we cannot pay off the national debt when we have a surplus, when will we do it?

Never.

Mr. Speaker, this is a test of the current Congress. Are we going to continue fiscal responsibility or go back to the spending and the deficits of the 1980s?

I stand to support Social Security, Medicare and paying off the debt. If we do that, we put real dollars back into people's pockets by lowering interest rates, which means our mortgages, our credit cards, our car payments go down.

Mr. Chairman, we need to bring down the debt and protect Social Security and Medicare for future generations, and I call on my colleagues to join us in doing that.

THE REPUBLICAN PLAN IS BETTER THAN A PAY RAISE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, tax relief is as good as a pay raise, maybe even better. A pay raise could mean higher taxes. It could result in sending more money to Washington, D.C., and have very little extra money jingling around in our pockets. But tax relief is more money in the household budget.

Mr. Speaker, Americans do one of two things when they get a little extra money in their pocket. It is saved or it is spent. Either is good for the economy. Saving the money from a tax cut would provide more resources, more capital for creating new jobs and new businesses. Spending the tax relief not only provides for the needs of hard-working Americans, but the demands for products will create new jobs and sustain the jobs we have.

Mr. Speaker, tax relief can be as good, if not better, than a pay raise, and the Republican plan will not only restore the integrity of Social Security, rebuild our national defense, strengthen education, but it will also provide much-needed tax relief for hard-working Americans.

SAVE OUR AMERICAN TREASURES: MEDICARE AND SOCIAL SECURITY

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, this is a good day. I am glad the debate is on tax cuts versus Social Security and Medicare and paying down our national debt. Medicare and Social Security are two of the greatest, most effective programs our country has ever created. They provide the two fundamental keys to retirement security: medical and financial security.

Mr. Speaker, this Congress has the responsibility to every American, past, present and future, to save these national treasures.

The good news is that we have the opportunity to ensure the long-term stability of these programs. The bad news will only come if people try to politicize the programs or, worse yet, dismantle them. We can strengthen Social Security, Medicare and pay down the debt. They are popular with the American people for the simple reason that they work.

Mr. Speaker, let us work together to strengthen Medicare and Social Security. Social Security and Medicare are needed for the current seniors, the baby boomers, and our children and our grandchildren.

NO EXIT STRATEGY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to talk about our administration's foreign policy and the men and women in our Nation's military service. I have three words to describe the administration's strategy for deployment of U.S. troops to police Kosovo, and they are: No exit strategy.

Can we honestly ask the men and women of our Armed Services to stand up and once again become the world's police of foreign policy decisions? Should we not justify to the American people the need for intervention based on some realistic, identified and threatened vital national interest?

I should think so.

However, when a defective strategy results in a multi-year deployment, billions of dollars in cost to the American taxpayer and the risk in lives of every American soldier over there, it is time for us to say no. It is time that our foreign policy marches to a new cadence, one that protects our vital national interests and the lives of our hard-working, dedicated men and women in our nation's military.

On behalf of our Nation's interests and the lives of our service men and women, I yield back this dangerous foreign policy and the balance of my time.

EDUCATION MUST BE OUR NUMBER 1 PRIORITY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I ran for Congress, and I am here today because I believe that our children's education must be the number one priority in our country. Education is another of President Clinton's major budget priorities because he also agrees that we must prepare all of our children for the high-skill, high-wage jobs that will insure America's leadership in the world marketplace and at the same time prevent dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all.

This Congress we have an opportunity that comes along once every 5 years, and that opportunity is to review and update the Elementary and Secondary Education Act. ESEA is best known for Title I, the program that educates the disadvantaged. Title I is important because it helps disadvantaged children achieve along with their more fortunate peers.

Title I must be supported. Tax relief for the well off must wait.

UNITED STATES VULNERABLE TO BALLISTIC MISSILE ATTACKS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, it is the official policy of the United States to remain vulnerable to a ballistic missile attack. That might be surprising to many, but it is true, even though it flies in the face of common sense. Iraq, North Korea, Iran are all embarked on nuclear weapons programs that would enable them to reach the United States with a ballistic missile, and China already has that ability.

Mr. Speaker, the only thing we have to protect us is a relic of the Cold War, an ABM treaty with a country that no longer even exists.

Do my colleagues think the leaders of Iraq and North Korea and Iran and Communist China are impressed with our ABM treaty? I do not think so.

Mr. Speaker, the administration's timid, weak and uncertain steps to begin building a national defense system are not enough. They are too little, and I am afraid they are going to be too late.

I urge the Congress to take the lead on this vital issue, Mr. Speaker, and as my liberal colleagues so often love to say:

Let us do it for the children.

TRIBUTE TO JUDGE LEON HIGGINBOTHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to invite my colleagues of the House of Representatives to join me this evening for a special order to pay tribute to a wonderful and outstanding American, a jurist of great renown, the late Judge Leon Higginbotham. He was awarded the Presidential Medal of Honor in 1995 and the Raoul Wallenberg Humanitarian Award, and in 1994 South African President Nelson Mandela asked Higginbotham to be an international mediator. I would hope that we would spend our evening, this evening, paying tribute to this great American.

I STAND HERE FOR THE CHILDREN

Mr. Speaker, let me also say that I stand here for the children. Be it liberal or conservative or moderate, I do not know who could not stand for the children.

I believe we should, if my colleagues will, pay off the debt and as well save Social Security and Medicare. At the same time, we can give targeted child tax credits to businesses that provide child care services, and we can also provide targeted tax credits to stay-at-home parents. We can do all of this at once by doing the right thing and standing for our children.

AIR FORCE JUNIOR ROTC PROGRAM AT ROME HIGH

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, it seems as if every day we are reading or hearing a new story about the difficulty our military forces are having recruiting and retaining top-notch personnel. Our military is being stretched thinner and thinner by missions of some dubious value around the world, and we are paying the price with the loss of key personnel and lower retention.

I am pleased today to announce that at least one program in Georgia's 7th District is taking steps to reverse this trend. That program is the Air Force Junior ROTC Program at Rome High School. The Air Force Junior ROTC Program at Rome High School official is only 4 years old, yet it is already having a major positive impact. It offers students a variety of challenges and learning experiences in airplanes and on flight simulators as well as in classrooms that help prepare thėm for a career in military aviation. Additionally, it helps teach students the kind of work ethic and values that will enable them to succeed as leaders no matter where their future takes them.

This program and programs like it deserve our support. I am proud to honor today the Rome High School Junior ROTC Program.

HONORING MARK BROWN, ONE OF OUR NATION'S FALLEN LAW ENFORCEMENT OFFICERS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise today to urge adoption of House Resolution 31 in honor of fallen police officers and, more personally and specifically, in honor of a great Shoreline City police officer and King County sheriff's deputy, Mark Brown, who died in the line of duty Saturday, February 27, leaving his wife, Laurie, and Hannah and Alex, his children; and it is a personal matter because he was my cousin.

Mr. Speaker, I want to tell the Members that I am proud that my cousin responded to an alarm last Thursday on his motorcycle and was pursuing his duties and was involved in a collision and died early Saturday morning, and I want to tell them that it brings home that we have many public servants who get up and risk their lives every day, and their families do not know whether they are coming home.

Mr. Speaker, I want to tell my colleagues that in 1993 I voted for a bill that established community police officers, and I want to tell them Mark Brown was the epitome of a community police officer.

On the TV stations in Seattle I listened to tribute after tribute after tribute to a man in his grocery stores and in his restaurants who was a pillar of his community. Mark Brown, as a community police officer, I want his children, Hannah and Alex, to know they lost a father and we lost an American hero, Mark Brown.

□ 1030

ED-FLEX AND ENDING SOCIAL PROMOTION

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I also extend my prayers to the Brown family, as we all do.

Mr. Speaker, I rise in support of H.R. 800, as my friend just did, the Ed-Flex Partnership Act of 1999. I support this bill because it gives States and local school districts the flexibility to tailor Federal programs to meet their local needs.

But with flexibility also comes accountability. Ed-Flex works to require States to identify specific and measurable goals they have for those students and groups affected by the waivers. In other words, Ed-Flex requires States to have accountability systems in place prior to granting them the authority to waive specific requirements.

But Ed-Flex alone will not solve all of our problems. Our public schools still have pressing needs: Unmet school construction and modernization, a shrinking pool of qualified teachers, and a lack of technology in the classroom.

At a time when children are being promoted to successive grades based on age and not achievement, social promotion is an issue that should concern us all. It must stop. That is why I urge my colleagues, cosponsors of Ed-Flex, to not only cosponsor Ed-Flex, but to support the Democrats' plan to reward those school districts who end social promotion and close underperforming schools by providing them with additional funds to build new schools and hire new teachers. Ed-Flex is good, but alone it will not solve all our problems.

FRESHMAN REPUBLICANS ARE WORKING TO RETURN DOLLARS, DECISIONS, AND FREEDOM BACK HOME

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, I rise today on behalf of my fellow freshmen Republicans to thank the leadership for recognizing our ideas and allowing us to quickly turn our campaign promises into action.

Yesterday the House passed a resolution that directs this body towards real social security reform. That bill was sponsored by a freshman, the gentleman from Wisconsin (Mr. PAUL RYAN). The gentleman from Nebraska (Mr. LEE TERRY) has already introduced a bill to eliminate a tax on international home pages, and the gentleman from Wisconsin (Mr. MARK GREEN) is heading up a project for the freshman class that will reduce Federal mandates on our State governments.

We believe local people can best secure our Nation's future: parents, teachers, pastors, small business owners, and civic leaders. These are not only the heroes of our home towns, they are the heroes of our country. The answers to our problems are seldom found here in Washington. They are found on Main Street, in board rooms and community centers, in church sanctuaries and classrooms, and in family rooms all across our Nation.

Freshmen Republicans are working to return dollars, decisions, and freedom back home.

COMMEMORATING THE NAVAL RESERVE ASSOCIATION

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today in recognition of the men and women of the Naval Reserve Association, and to congratulate them on the 84th anniversary of the founding of the Naval Reserve, celebrated on March 3, 1999. At the same time, I wish the Association's Spring National Conference to be held on the same day in San Diego, California, the best of success.

The American people owe the 94,000-strong Naval Reserve a debt of gratitude for the sacrifices they have made, both past and present. America's strength and position as the sole superpower in the world is the result of our dedication to our country's defense. Without the Naval Reserve's contribution, America would not have become the beacon of democracy it is today in the world. For that, I, along with the residents of the 41st Congressional District in California, thank them.

I look forward to working with them and other members of the Naval Reserve Association on issues which affect all the men and women of our military.

WELCOME TO WHITNEY ELIZABETH GERRO

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, having a Member of Congress in your family is kind of like a white elephant gift. You are kind of glad you have it, you just do not quite know what to do with it. But every now and then it pays off to have a congressman in your family.

Today is one of those days. On December 7, 1998, Mike Gerro and Jan Barton Gerro had a beautiful baby daughter, Whitney Elizabeth Gerro. They have written this poem to announce her arrival to the world, and I want to read it for my colleagues here in the House. It is entitled, "A Special Arrival."

She's an angel of sweetness
A treasure of love
A beautiful blessing
From heaven above.
A daughter adored.
Who with nurture will grow.
What a pleasure to welcome
Whitney Elizabeth Gerro.

She really is a blessing. She had her baptism this past Sunday in Arlington, Texas. I am very, very proud to be one of her uncles.

THE REPUBLICAN PARTY WORKS DILIGENTLY TO PROTECT SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Republican Party is working very diligently and very intensely with the Senate to try to protect social security. We have a lot of concerns about the President's proposal, which only protects or earmarks 62 percent of the social security trust fund dollars for social security.

Many of us believe that we should put 100 percent of social security dollars into social security and not spend it on any other program; not for roads, not for bridges, not for congressional salaries, not for anything else. We hope that we can get the President to come around to our way of thinking.

We also feel that we need to pay down the debt. We have a debt of $5.4 trillion. Which costs the American families, on an average for a family of four, about $2,000 dollars a year. That is $2,000 for a college tuition, for house payments, for a nice vacation, for a car, whatever the need of the family is. Now it just goes to interest on the debt. It does not even pay down the principal.

These are things we think the President's budget ignores. We want to put it on the table. We are working in that direction. I hope that the President will decide to join us.

PROVIDING FOR CONSIDERATION OF H.R. 603, CLARIFYING THE APPLICATION OF THE "DEATH ON THE HIGH SEAS ACT" TO AVIATION INCIDENTS

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 85 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That at any time after the adoption of this resolution the speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 603) to amend title 49, United States code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 85 is an open rule providing 1 hour of general debate. It would be equally divided and controlled between the chairman and the ranking member of the Committee on Transportation and Infrastructure.

The rule provides that each section of the bill shall be considered as read. Furthermore, the rule authorizes the Chair to accord priority in recognition to members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 603, reported by the Committee on Transportation and Infrastructure, would clarify that the Death on the High Seas Act shall not be the controlling law in lawsuits arising from aviation crashes into the high seas.

The purpose of this legislation is to ensure that families of passengers killed in airline disasters are not treated differently under law depending on whether the aircraft crashed over land or water.

This discrepancy arises from a Supreme Court ruling in Zicherman versus Korean Airlines that applied the Death on the High Seas Act to lawsuits related to crashes over the ocean. Under the Death on the High Seas Act, Mr. Speaker, families are denied the ability to seek compensation in a court of law for such noneconomic factors as a loss of companionship of a loved one, relatives' pain and suffering, or for punitive damages. Under existing law, for example, parents receive virtually no compensation in the death of a child. On the other hand, if a plane crashes over land, State tort laws usually apply, offering a broader range of legal remedies to surviving family members.

Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) and his colleagues on the Committee on Transportation and Infrastructure have made this legislation an early priority this session, and have requested an open rule, which was granted by the Committee on Rules without dissent.

Accordingly, I encourage my colleagues to support House Resolution 85, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. It will allow for full and fair debates on H.R. 603. As my colleague has described, it will allow for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

H.R. 603 would allow the families of ocean plane crash victims the same rights to file lawsuits as when the crash takes place on land. It was introduced in response to TWA Flight 800, which crashed off the coast of New York in 1996. In 1997, the House passed a similar bill by a voice vote under suspension of the rules, but the Senate failed to take action on the bill.

This is an open rule. It was adopted by a voice vote of the Committee on Rules. I urge adoption of the rule and of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 661, COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1045

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 86 is an open rule waiving clause 4(a) of rule XIII, that requires a 3-day layover of the committee report, against consideration of the bill. I would advise my colleagues that the committee's report was, however, filed yesterday on March 2.

The rule provides 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the bill shall be open for amendment at any point.

Furthermore, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 661 will prohibit the operation of supersonic aircraft, such as the Concorde, in the United States if the European Union adopts a rule prohibiting the operation of U.S. aircraft that have been modified to reduce noise emissions or fitted with new engines.

The Europeans claim the EU rule is an environmental issue, but in fact it is a trade issue, because the rule would effectively prevent U.S. airlines from selling their aircraft to European airlines if those aircraft have been modified.

Ironically, however, the proposed EU regulation would not prevent European airlines from selling their own modified aircraft to other European airlines. This legislation, then, is intended to send a signal that the U.S. will not sit for such blatant discrimination and that U.S.-modified aircraft should be treated no differently than similarly modified European airplanes.

Mr. Speaker, CBO estimates that H.R. 661 would have no immediate impact on the Federal budget and that the bill contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act. The bill would, however, provide a new private-sector mandate on British Airways and Air France, the operators of the Concorde, although such mandates are not expected to exceed the $100 million threshold.

Mr. Speaker, none of us relishes retaliatory measures of this type. Indeed, we wish they were, in fact, unnecessary. But fair is fair and, accordingly, I urge my colleagues to support H. Res. 86 and the underlying bill, H.R. 661.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise in support of this open rule providing for the consideration of H.R. 661, Conditionally Prohibiting the Operation of Supersonic Aircraft.

This bipartisan bill is brought to the House by the Democratic leader on the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. SHUSTER), our Committee on Transportation and Infrastructure chairman. They are joined by the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Tennessee (Mr. DUNCAN).

Since this has been described as the "year of aviation" in Congress, this may then be the first in a series of appearances by these thoughtful and capable leaders on aviation issues. I thank them for their efforts on this legislation and look forward to their good work as the session proceeds.

The rule will allow our highly skilled aviation leaders on both sides of the aisle to make the case for the bill, which I will address just briefly in discussing the rule.

In short, the bill would respond to action being considered by the European Union which would severely restrict the use of some 1,600 U.S.-registered aircraft used by cargo, package services and passenger airlines.

The straw man in this case is airline noise, as the EU proposes to take action against these U.S.-registered aircraft which have been engineered to meet or exceed all applicable noise standards. And I repeat, the United States aircraft are in compliance.

If taken, this action will make it more difficult to sell the United States-owned aircraft because they would be barred from operating internationally.

H.R. 661 says that if the EU persists in taking such action, our Secretary of Transportation must respond by prohibiting the arrival of the supersonic transport, the Concorde, an aircraft which by comparison to our ever-more-quiet United States aircraft is a regular roof-rattler.

H.R. 661 sends a simple message to our friends "across the pond" in the European Union that we will respond in kind should they choose to take action that prohibits the use of U.S. aircraft which are completely in compliance with international standards.

That being said, I commend my friends from the committee of jurisdiction, the Committee on Transportation and Infrastructure, and urge support of the rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLARIFYING THE APPLICATION OF THE "DEATH ON THE HIGH SEAS ACT" TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 85 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 603.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes. The gentleman from Illinois (Mr. LIPINSKI) will control the time of the gentleman from Minnesota (Mr. OBERSTAR).

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1996, the Supreme Court decided that the Death on the High Seas Act applied to aviation accidents. This took everybody by surprise because the Death on the High Seas Act is a shipping law and the Federal Aviation Act states that shipping laws do not apply to aviation.

Nevertheless, the Supreme Court said it did apply when the plane crashed into the ocean outside of U.S. territorial waters. The effect of this decision is to treat families differently depending on whether their relative dies in an aircraft that crashes into the ocean or one that crashes into the land.

If the plane crashes into the ocean, the Death on the High Seas Act applies. This act prevents a family from collecting damages for their relatives' pain and suffering or from the loss of the companionship of their loved one. However, if the plane crashes into land, there is no legal bar to collecting these damages.

So, there really is no reason why the monetary recovery from a lawsuit should depend upon where the plane happens to come down, whether it is into the water or into the land.

Mr. McDade, who was the predecessor of the gentleman from Pennsylvania (Mr. SHERWOOD), introduced this bill last year, and it was passed overwhelmingly in this House, but it died in the Senate. The gentleman from Pennsylvania (Mr. SHERWOOD) is to be congratulated for moving this legislation so expeditiously through our committee so that we can be here on the floor today to correct this obvious, nearly bizarre inequity. It is something that we certainly should do.

Now, this bill, sponsored by the gentleman from Pennsylvania and supported by many of us on both sides of the aisle, will be very helpful to the families of the victims of TWA 800, some of whom reside in the gentleman's district, and the families of aircraft crash victims throughout the United States. It will ensure that all families are treated equally, regardless of whether a loved one died, be it in the water or on land.

Mr. Chairman, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 603, a bill to clarify the application of the Death on the High Seas Act. An identical bill overwhelmingly passed the House of Representatives last Congress. Unfortunately, the full Senate did not consider the bill before the end of Congress.

H.R. 603 addresses a gross inequity which was brought to our attention by the family members of the victims of TWA flight 800, which is created when the Death on the High Seas Act is applied to aviation accidents.

If a plane crashes into the ocean more than 3 miles from land, as did TWA flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is to treat families differently depending on whether the loved ones die in an aircraft that crashed into the ocean or one that crashed on land. This is obviously unfair. The value of an individual's life does not change depending on where the plane happens to come down.

H.R. 603 would correct this critical flaw of the Death on the High Seas Act. First, the bill simply adds the bill to the list of shipping laws that do not apply to aviation. Secondly, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA flight 800.

Mr. Chairman, I strongly urge my colleagues to support this bill. It is a simple piece of legislation that will fix the harmful inequity that results when the Death on the High Seas Act is applied to aviation disasters.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation which was introduced by the very distinguished gentleman from Pennsylvania (Mr. SHERWOOD). Let me just say that this legislation, I think, shows that the gentleman from Pennsylvania really cares about his constituents and is willing to try to help them in any way he can. This legislation is an example of that, because many young people from the gentleman's district in Montoursville, Pennsylvania, died tragically in the TWA 800 crash. But this legislation will help people all over the Nation and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Chairman, this legislation is designed simply to clarify the application of the Death on the High Seas Act to aviation accidents. This issue arises because, in 1996, the Supreme Court really surprised everyone in deciding the case of Zickerman versus Korean Airlines in holding that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean that occurs more than 3 miles from land.

□ 1100

The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land.

I think it is fair to say that almost no one in the aviation or legal communities believe that this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zickerman case.

Moreover, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania (Mr. SHERWOOD), if a plane crashes into the ocean, the Death on the High Seas Act applies. This Act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, these people are limited to recovering only lost wages.

Because of the Zickerman decision and this law, it means that parents will receive almost no compensation in the death of a child.

On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Chairman, H.R. 603 amends the Federal Aviation Act so that the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or on land.

Again, Mr. Chairman, let me thank the gentleman from Pennsylvania (Mr. SHERWOOD) for introducing this legislation, which will help a number of constituents in his district and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

As the gentleman from Illinois (Mr. LIPINSKI) noted, this bill passed the House last year overwhelmingly. Unfortunately, we did not get it worked out in the Senate and in conference, and we need to do that this year. I think we can very quickly.

Let me also thank the gentleman from Pennsylvania (Mr. SHUSTER), the very distinguished chairman of the full committee, for his support on this legislation, as well as the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and especially my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), for yield me this time. I compliment him on the splendid job of leadership he has done in working to craft this legislation and to bring it to the floor. I thank the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the full committee, for moving so quickly and decisively last year and again this year to correct the clear gap in the law that amounts to an abuse of the rights of the families of victims. I thank, of course, the gentleman from Tennessee (Mr. DUNCAN), our splendid chairman of the Subcommittee on Aviation, the ever judicious and thoughtful advocate for aviation.

This legislation arises out of a tragedy that occurred in Long Island Sound, but it arises also out of the genuine, deep, profound humanitarian concern of our former colleague, the gentleman from Pennsylvania, Mr. McDade.

I have known Joe McDade all the years I served in this body, at first as a staff member and then as a colleague. There is one quality that shines through this thoughtful and sparkly, ever-with-a-twinkle-in-his-eye gentleman who chaired the Subcommittee on Energy and Water Development, and that was his concern for his fellow human beings, his splendid representation of the people of his District, the remarkable locomotive museum that I visited when I took my daughter up to look at a college in his District, the everlasting memorial that he has created in one after another community project to serve the needs of his people.

But none of those accomplishments will be a greater memorial than the enactment of this legislation, which has been introduced by the gentleman from Pennsylvania (Mr. SHERWOOD), his successor in the Congress and our committee.

It is really unfortunate the other body did not act on this legislation in the last Congress. We hope that moving the bill early this year will give them motivation to proceed with dispatch and to take action on the mark of delayed justice overdue.

Those of us who have served on the PanAm 103 Commission, my good friend, John Paul Hammerschmidt, former ranking member of the Subcommittee on Public Works and the Committee on Transportation and Infrastructure, and I served on the PanAm 103 Commissions. We learned that families of the victims realize nothing that we could do will bring back their loved ones.

What they ask is that the injustice in that case, that the tragedy not be repeated through terrorist actions against aviation, and in this case that justice be done for families in the future that may have, God forbid that it should happen again, but who may have such a tragedy occur.

PanAm 103 did not raise this issue because it crashed on land. Had PanAm 103 not been delayed a half hour on the ground in London and taken off on time, it would have been blown up over the North Atlantic.

It would have raised the same issues that TWA 800 raises for us in this legislation of Death on the High Seas, that ancient piece of legislation that prohibits recovery for those who are lost beyond the territorial limits of the United States.

I will not repeat all of the points that have been made about the details of the legislation. I do not think it is necessary to do so. The gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) have already made that case.

What we do hear, though, is a lasting memorial to the families of the victims, to the victims themselves, that justice in the future will be done should ever a tragedy of this magnitude occur on the high seas.

It is a great tribute to our committee that, as we build memorials of concrete, steel, and we create great transportation systems, move America, that we also have the compassion to act in matters of this kind that do justice for those of our fellow citizens and those whom we represent in this great body.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), the principal author of this legislation.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of H.R. 603, the Airline Disaster Relief Act. I want to thank my distinguished chairman, the gentleman from Pennsylvania (Mr. SHUSTER) for his hard work and leadership in shepherding H.R. 603 to the floor.

Additionally, I am grateful for the guidance and support of the gentleman from Tennessee (Mr. DUNCAN), the subcommittee chairman, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), ranking members.

The Committee on Transportation and Infrastructure's swift consideration of this measure is greatly appreciated by me and by the families of the victims of TWA Flight 800 and the Swiss Air tragedies.

This bill, above all, is about fairness. It is about providing equitable treatment for the families who lost loved ones in airline disasters over international waters. Right now, we apply a 79-year-old maritime law written to help the widows of sailors lost at sea in cases of modern airline disasters. This maritime law is known as the 1920 Death on the High Seas Act.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small town in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school seniors and five chaperones on a trip to France for educational purposes. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of this dated maritime law.

If a plane crashed on land, family members can seek redress for losses in

State courts for various different types of compensation. However, if a loved one crashed at sea, one can only seek compensation for loss of income in a U.S. District Court.

In the case of a child or a retired person lost at sea, the Supreme Court's application of this archaic maritime law makes that child valueless in the face of the law.

Clearly, the application of this law is patently unfair and cruel. Why are we standing here in 1999 and applying a 1920's maritime law to modern aviation disaster claims? The time has come to create one level playing field and one process for all airline crash claims.

The current treatment of land and sea crashes as separate and unequal must come to an end. This bill clarifies that the 1920s Death on the High Seas Act does not apply to aviation.

I urge my colleagues to overwhelmingly approve this bill for it is the right thing to do. It is the fair thing to do. It is the compassionate thing to do.

Mr. LIPINSKI. Mr. Chairman, I do not believe that I have any other speakers, and I yield myself such time as I may consume.

Mr. Chairman, I would simply like to say in conclusion that this is a very important piece of legislation. I agree that it should be passed overwhelmingly.

I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the gentleman from Pennsylvania (Chairman SHUSTER), and the Democratic and Republican staff for their outstanding cooperation and work on behalf of this bill.

Everyone has worked very diligently to bring this bill to the floor as early as possible in this session of Congress so that we could give the other body ample and sufficient time to pass it. Because, as it has been stated here, it is definitely the right thing to do, the fair thing to do, the equitable thing to do. So, please, everyone vote on behalf of this bill.

Mr. FORBES. Mr. Chairman, today I rise in support of H.R. 603, the Death on the High Seas Act.

As many know, I have been an outspoken proponent of the ideas contained within this bill because of a tragedy that struck my district on July 17, 1996, the crash of TWA 800, and the loss of all of its passengers and crew.

This important act would allow full compensation for the families of victims of aviation disasters like TWA 800. Current law makes certain distinctions between different types of aviation disaster victims. These distinctions prohibit the families of some disaster victims from receiving the type of compensation that they truly deserve. As a result, many aviation disaster victims suffered both the loss of a loved one and the economic assistance that such persons provided.

H.R. 603 would replace outdated provisions of a law adopted 79 years ago that was designed to allow the surviving family members of sailors lost at sea to sue for lost wages. Subsequent court rulings determined that the act applies to all maritime and aviation disasters that occur more than one marine league, or three miles, from America's shoreline.

TWA 800 crashed nine miles off of Long Island's South Shore. Therefore, the Supreme Court ultimately determined that the incident was covered by an existing law that limits compensation to the families of victims of aviation disasters. I am sorry to say that victims of TWA 800 and their surviving families have suffered greatly as a result.

As a matter of justice and human decency, I ask my colleagues to support H.R. 603. We cannot fully restore the lives of those affected by the crash of TWA 800 and similar disasters, but can, and should, do what we can to ease their pain.

Mr. ROTHMAN. Mr. Chairman, on July 17th, 1997, 230 people died when TWA Flight 800 exploded 9 miles off the coast of Long Island. To this day the crash continues to be a national tragedy. For almost 2 years, the families of those who perished have had to deal with more than the unbearable pain of losing a loved one in such a sudden, violent and public manner. To this day they have to live with not having many answers for their loss, as they continue to wait for an explanation about why the disaster occurred.

As if this disaster alone is not enough, the tragedy is made all the worse by an outdated law that prevents survivors from suing in state court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plane crashed seconds earlier—when the plane was only two miles off of New York's coast—this would not be an issue. However, at nine miles out, the 1920 "Death on the High Seas Act" governs. This out-dated law dictates that lawsuits arising from aviation accidents that occur more than 3 miles off of the United States shoreline be brought in Admiralty Court, and limits recovery of damages for survivors to lose income only. While this may have been an appropriate law 79 years ago, in 1999 it is nothing short of outrageous.

A constituent of mine, Carol Ziemkiewicz (ZEM-ka-witz), lost her daughter on that flight. Jill Ziemkiewicz had been working as a flight attendant for only a month and a half when she was assigned to her first international flight on TWA Flight 800. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA Flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were "I'm psyched."

Jill was only twenty-three years old at the time she was killed and it is accurate to say that her life, along with every other on the plane, ended to early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones, people who continue to live but whose lives will never be the same because of this tragedy.

I am proud to support H.R. 603. H.R. 603 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 603.

Mr. HOLDEN. Mr. Chairman, I rise today in support of H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. I would like to commend Chairman SHUSTER and Ranking Member Mr. OBERSTAR for quickly moving this bill through the Transportation Committee. I would also like to call commend Representative DON SHERWOOD for all of his hard work on bringing this bill to the floor.

Mr. Chairman. H.R. 603 will correct an inequity in the law which currently treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. This is especially harsh for families which lose a child in a crash. This creates cruel inequality depending on where a plane happens to come down.

Mr. Chairman, the need for this bill became clear after TWA 800 crashed 8 miles off Long Island, New York on July 16, 1996. Two of my constituents, Kyle and Amy Miller of Tamaqua, PA, were aboard this flight en route from New York to Paris. They were on their way to Paris to celebrate their fifth wedding anniversary. Their loss, and the loss of all of the passengers and crew on the plane, was a horrible tragedy.

Kyle and Amy symbolized the American spirit and were outstanding members of their community. Kyle was a small businessman and owned part of his family hardware and plumbing businesses. Amy worked at the hardware store and was a member of the Tamaqua Area School Board. Her work in local education programs was outstanding and she was the top vote-getter in both the primary and general election.

Both Amy and Kyle were well liked and well respected in the community. The effect of this change in the law would allow families such as Kyle and Amy's to receive the same monetary awards families receive when planes crash over land.

I strongly encourage all members to support H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. To help all families who lose loved ones in aircraft accidents regardless of where the plane crashes.

Mr. LIPINSKI. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All time for general debate has expired. Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION AMENDMENT.

Section 40120(a) of title 49, United States Code, is amended by inserting "(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))" after "United States".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Hearing none, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. APPLICABILITY.

The amendment made by section 1 applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

There being no amendments, under the rule, the Committee rises.

□ 1115

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. BURR of North Carolina, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents, pursuant to House Resolution 85, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed until later today.

COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT

The SPEAKER pro tempore. Pursuant to House Resolution 86 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 661.

□ 1116

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, with Mr. BURR of North Carolina in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Recently, the European Union took the first step in adopting a very discriminatory regulation that would effectively ban most U.S.-based stage 3 hushkitted and certain U.S. re-engined aircraft from operation in the European Union, even though they meet all international noise standards.

Hushkitted aircraft are older aircraft that have what is essentially a muffler added so that they can meet the current stage 3 noise requirements. Re-engined aircraft are stage 2 aircraft that have stage 3 engines added to meet current noise requirements.

Now, the proposed European Union regulation, on which they have already taken the first step, limits the number of possible buyers of U.S.-owned hushkitted and re-engined aircraft. Under the regulation, the European Union operators can only buy these hushkitted and re-engined aircraft from other European operators. They cannot buy them from American operators.

In addition, the regulation significantly increases U.S. costs of operation in European Union countries. New U.S. operations will have to be flown by aircraft originally manufactured to meet stage 3 requirements even though the retrofitted engines meet all the requirements. U.S. hushkitted aircraft will not be allowed to fly in Europe.

This is blatant, outrageous discrimination. This regulation implements a regional standard that is substantially different from that agreed upon through international standards and unfairly targets U.S. operations.

The bill before us takes the first step to respond to these discriminatory practices by effectively banning flights of the Concorde in the U.S. if a final regulation is adopted by the European Union. The Concorde does not meet the stage 3 noise requirements that the U.S.-owned hushkitted aircraft currently meet. It does not even meet the less restricted stage 2 requirements.

So it is important that we, today, take our first step in response to the Europeans, having already taken their first step, so that we demand a level playing field. I strongly urge support of this bill.

It is our hope that we do not need to proceed further with the Senate and having this signed into law, because our hope is that the Europeans will not proceed beyond the step they have already taken. But if they do, we are certainly prepared to respond in a similar fashion, and I urge strong support for this pro-American legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume. I want to thank the chairman of our full committee for that very strong, forceful, well-phrased statement but, more importantly, for his prompt action on this legislation, moving it through subcommittee and full committee to the floor quickly, because the situation demanded quick action. The gentleman is a strong advocate for American interests, whether in steel or in other modes of transportation, but especially here in this case in aviation.

I did my graduate studies at the College of Europe in Brugge, Belgium, at the time of the formation of the European Common Market. I have continued to follow events in Europe very closely, from the coal and steel community, through the European Common Market, to the European Parliament and the Council of Ministers developments, all of which have united Europe, have brought a higher standard of living to Europe in the post-World War II era, all of which developments have been strongly supported by a succession of U.S. presidents and Congresses.

We want a strong, economically strong, united Europe. It is in our best economic interest. It is in our national security interest. But it is to be a Europe that will trade fairly with the United States, that their markets must be open to ours on the same terms and conditions that ours are open to theirs. And we have the world's largest open, free market for any commodity, and especially in aviation.

We have negotiated one after another liberal aviation trade agreement with European countries, beginning with the Netherlands. Free open-skies agreements. We have with Germany. We have with Italy. We are negotiating one now with France. Why, then, in the face of this openness to trade, why in the face of U.S. cooperation with Europe in aviation matters, joint ventures with Airbus industry, the joint venture between GE and Snekma, the French engine manufacturer, why in the face of some 60 percent of the materials and parts produced for Airbus aircraft coming from the United States, why is the European Community taking anti-competitive action as they have done with their proposal to eliminate some 1,600 U.S. aircraft from the European air system?

The European Commission made a recommendation to the European Parliament, which debated this issue, and then adopted a proposed regulation, submitted to the European Council of Ministers, that would restrict the use in Europe of some, but not all, aircraft that have either a new engine or a hushkit installed on existing engines to meet their highest current noise standards, Chapter 3 of ICAO, or stage 3 as we call it in the United States.

On the face of it, it looks fair, but in practice it applies only to U.S. aircraft and U.S. engines. Conveniently, it excludes the engines produced by the GE alliance with the French manufacturer Snekma, the CFM series engines. U.S. aircraft engines are quieter than their European Chapter 3 counterparts, and if this regulation is finalized, the effect would be to cost American businesses over a billion dollars in spare parts and engine sales and reduce the resale value of some 1,600 U.S. aircraft as well as reduce the market for U.S. hushkitted manufacturers.

Now, I have been to the Nordham facilities in the United States where they manufacture hushkits, and I have seen the splendid job they do. And their hushkits have been installed, starting with Federal Express and then with other U.S. airline operators, to meet our Stage 3 standards. They do a superb job. They quiet those engines down. We are down now from the 1990 noise law in the United States, from 2,340 aircraft in 1990 that were Stage 2, we are down to just under 900 aircraft. By the end of this year we will be down to under 600, and by the end of next year we will be down to zero.

We have done a far superior job of noise control in the United States than the European Community has done. Our aircraft are seen worldwide as the standard. Our technology is seen worldwide as the standard. So why has Europe chosen to take this policy initiative? Hushkits have been used for over 15 years to quiet aircraft. The regulation says that engines with a higher bypass ratio would be allowed in the European airspace, but those high bypass engines are mostly European manufactured.

An engine's bypass ratio is only one of several factors in determining the actual noise produced by that equipment. Compare a 727–200 re-engined with a Pratt & Whitney JT8D–217C/15 engine and a Airbus A300B4–200 equipped with a CF6–50C2 engine. The 727, and I want to be very precise about this, because the Europeans have made a big stink about this issue, the 727 I have described is quieter than the Airbus 300. The 727 re-engined has a performance standard of 288.8 decibels; the Airbus A300, 293.3 decibels. Yet, under the European Union proposed regulation, the Boeing aircraft would be banned, the Airbus aircraft will fly.

Well, I got news for the Europeans, that does not fly here in the United States. Furthermore, I think this would be destructive in the long run for the Europeans to enact this and permanently put into place this regulation because it will create havoc in the international community in negotiations on future noise regulation and air emissions standards from aircraft.

Probably there is no one today who can remember what the skies over Washington looked like 25 years ago. Huge clouds of smoke, 12,000 tons of pollutants deposited on the Nation's capital from aircraft taking off from National Airport. We have cleaned that all up. We do not see those black smoke trails any longer. Well, Europe caught on, too. They followed our path, but now they want to be discriminatory.

If the proposed recommendation is adopted, then our bill banning the Concorde is an appropriate response to Europe's anti-competitive practice.

□ 1130

The Concorde is European aviation's flagship aircraft. The Concorde is Europe's signature technological mark on world aviation. It is a mark of pride for Europe. We have been allowing their market pride to fly in our airspace, even though it does not meet our noise standards. We have been tolerant of and cooperated with airlines flying the Concorde. British Airways and Air France operate four daily flights, eight operations, that is, eight arrivals and departures each day into U.S. airspace. Yesterday, March 2, was the 30th anniversary of the first Concorde flight to the United States.

It is rather appropriate we bring this legislation to the floor today. I am willing, and I know the chairman of our committee is willing, to cooperate and to support continuation of the waiver that has been in place for these three decades. But we are not going to do it unless the Europeans play fair and unless they drop their regulation that would prohibit certain U.S. aircraft from operating in European airspace. Fair is fair.

There will be positive environmental benefits from prohibiting the Concorde in our airspace. Preliminary analysis from the FAA says that eliminating the Concorde and its noise from New York airspace will reduce the noise footprint around John F. Kennedy International Airport by at least 20 percent. I think that is a very strong argument. The Europeans I hope will see the wisdom of changing their ways. The Clinton administration, I am very pleased, has responded vigorously to this thinly veiled attempt to give a competitive advantage to European aircraft and engine manufacturers. Transportation Secretary Slater, Commerce Secretary Daley and U.S. Trade Representive Ambassador Barshefsky have already appealed to the European Commission to defer action and to let this go to the proper forum, the ICAO, the International Civil Aviation Organization.

Last week, Commerce Under Secretary for International Trade Aaron testified before the Finance Committee of the other body:

> The acceleration of consideration at the Council level appears aimed at precluding consultations between the United States and the European Union before implementation on April 1, 1999. Because of its potential impact on our bilateral commerce, Secretaries Daley and Slater, and Ambassador Barshefsky have written not only the European Commission but also to Ministers of the Member States asking that the Council not proceed with adoption of the regulation until consultations could be held. We are deeply concerned that this regulation remains on track for approval without meaningful consultations having taken place. I have informed the EU that the United States is prepared to respond appropriately to the harm our industry will suffer.

Mr. Chairman, we are responding today. Our action moving this bill through committee and to the floor so quickly has already had a positive effect. Deputy Transportation Secretary Mort Downey informed me yesterday that he was advised at an ICAO meeting on Friday that the President of the EU has postponed action for at least 3 weeks on the pending proposal, which means that the Council of Ministers will not be able to consider the banning of U.S. engines and hushkitted engines at least until the end of this month. The reason: They took very careful note of this bill moving through committee and to the House floor. The Secretary of Transportation and the State Department have asked for consultation with the EU. We understand that those consultations are likely to take place within the next week or so, certainly before the end of this month.

I share the administration's hope that the Europeans will come to their senses and realize that they have a lot at stake in working with us rather than against us. We have already been through the banana wars. We have had steel trade issues between the United States and the European community. Countervailing duties have been imposed on unfair trade practices by the European community and by Russia. I think Europe should get the message that in aviation, cooperation, competition on a fair and equitable playing field is right, but protective practices are not. We take a strong stand today and I think we have got their attention. We have just got to keep the heat on.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of our Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time, and I rise in strong support of this bill by one of the great aviation experts, the gentleman from Minnesota (Mr. OBERSTAR). I am proud to be a cosponsor of this bill.

H.R. 661, Mr. Chairman, would prohibit the commercial operation of supersonic transport aircraft if the European Union adopts a rule that would prohibit operation of U.S. aircraft that have been modified with hushkits or fitted with new engines. The Europeans contend that their regulation is merely intended to improve the environment by reducing aircraft noise, but this is really ridiculous. The European Union, if they adopt this rule, would be asking us to allow one of the noisiest airplanes in the world into the U.S., the Concorde, which does not even meet Stage 2 noise standards, while banning some of the quietest airplanes in the world, planes that meet the more advanced Stage 3 noise requirements. These would be banned only because they come from the United States.

This is not an environmental issue. This is a trade issue. What the EU is proposing goes against every principle of free trade and open skies and in fact would be very unfair trade. In fact what the Europeans are trying to do is to keep U.S. aircraft out of their market. The regulation in question would prevent U.S. airlines from selling their aircraft to European airlines if those aircraft have been modified with these more advanced hushkits or new engines. But the regulation would not prevent European airlines from selling their hushkit modified aircraft to other European airlines.

This is blatant discrimination, Mr. Chairman. There is no reason that U.S. hushkitted aircraft should be treated differently from European ones. Moreover, aircraft with a hushkit or a new engine are environmentally friendly. As I have noted, they meet the Stage 3 standards established by our own FAA and the Chapter 3 standards established by the International Civil Aviation Organization, ICAO. In many cases, these aircraft are quieter than aircraft that the Europeans would continue to allow.

The gentleman from Minnesota (Mr. OBERSTAR) has acted quickly in addressing this issue and he and the gentleman from Pennsylvania (Mr. SHUSTER) are both to be commended for moving this bill so quickly. I know that there is some concern regarding the speed with which we are moving. Some people really wanted us to go much further. But this bill is an appropriate and I think measured response to the European action. It would target the commercial flights of the Concorde which meet neither the Stage 3 nor Chapter 3 standards for noise. In fact, as I noted earlier, they do not even meet Stage 2 noise standards. They make much more noise than the hushkitted aircraft that the Europeans want to ban. The EU refused to enter into consultations regarding its measure until this bill was introduced. It is important that we move ahead with this bill to keep up the pressure on the EU. This approach will give our State Department added leverage in its consultations and negotiations on this matter.

This is a very good bill, Mr. Chairman. I urge my fellow Members to support it.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation, and thank him for his splendid support for this issue.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota for yielding me the time. I want to compliment him on this piece of legislation. My only regret in regards to it is that I did not think of it first. I salute him. I also want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. SHUSTER) for moving this bill so quickly through the subcommittee and the full committee.

Mr. Chairman, I rise today in very, very strong support of H.R. 661, a bill that will prohibit the operation of the Concorde in the United States. This bill is in direct response to a proposed European regulation which would effectively ban most U.S.-based Stage 3 hushkitted and reengined aircraft from operation in the European Union.

The European resolution banning hushkits is supposedly based on noise-related environmental concerns. However, there is no environmental analysis that supports the hushkit ban. In fact, some of the aircraft that will be banned under the regulation are quieter than some of those that will still be flying into European airports.

The European regulation banning hushkitted and reengined aircraft is not an environmental regulation. Instead, it is an unfair trade action disguised as an environmental regulation. The regulation proposed by the European Parliament is specifically targeted against U.S. products, such as Boeing aircraft, Pratt & Whitney engines, and hushkits, which are only manufactured in the United States of America. There is no doubt that this regulation is designed to discriminate against U.S. aircraft and aircraft manufacturers.

The economic effect of this proposed regulation will be immediate and severe. The U.S. aviation industry is already suffering at the hands of the Europeans. Within the past 2 years, Boeing's market share has fallen from 70 percent to 50 percent. Boeing is losing out to Airbus, which is still subsidized by four European countries that own it, because Boeing does not receive the same protectionist treatment that is given to Airbus.

We cannot allow the Europeans to use the environment as a false excuse to attack U.S. aviation and aviation companies. Therefore, if this proposed regulation banning hushkitted and reengined aircraft is implemented, we must reciprocate by banning the operation of the Concorde, which is the pride of European aviation.

H.R. 661 sends a strong message to our counterparts in Europe that we are serious about this issue. We cannot afford to let Europe use unfair trade methods to protect and promote their own aviation industry at the expense of U.S. companies. Boeing cannot afford to lose any more market share. In fact, no U.S. company can afford to lose business because of unfair trade regulations.

I strongly urge my colleagues to support H.R. 661. This bill will ban the operation of the Concorde in the United States if and only if the European Union implements the regulation banning hushkitted and reengined aircraft. We must act quickly to let the Europeans know we are serious about protecting U.S. environmental interests from unfair trade actions, even if they are disguised as environmental protections.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from New York (Mr. GILMAN) the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I am pleased to rise in support of this bill requiring retaliation against the European Union banning flights of the Concorde if the EU adopts legislation restricting the use of so-called hushkits.

I commend the gentleman from Minnesota (Mr. OBERSTAR) for bringing the issue to the floor and our attention and to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for moving this measure quickly through the House.

We had the opportunity to raise this issue with members of the European Parliament in Strasbourg during this past January. I was joined in that regard by the gentleman from California (Mr. HORN), a member of the U.S. delegation and a member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure. We informed our European colleagues that we were very much concerned that the proposed legislation was a design standard and not a performance standard and that it was unilateral action not in keeping with the rules of the International Civil Aviation Organization. We told them it would cause great harm to American interests.

Upon our return to the States, the gentleman from California and I decided to proceed in expressing our views in greater detail. Meanwhile, the legislative tempo in Europe sped up almost as if to try to cut off the flow of information from this side of the Atlantic.

□ 1145

The legislation was approved in early February even though it did not appear on the advanced agenda for that day of the week, and the final step in the adoption of the European legislation is approval by the Council of Ministers of the European Union. However, in reaction to strong representations by several members of our own Cabinet and, I believe, in the expectation that this legislation we are now considering will be coming to the floor, the European Union's Executive Commission has asked the final approval by the council administrators be held off until late March. During that time and during which negotiations will be under way we are hoping that some kind of agreement can be reached that will uphold our American interests.

Mr. Chairman, we have often heard the view that sanctions do not work. Well, this is a case where the justified frustration and concern of the American people has brought us to the point of adopting a unilateral sanction to retaliate, and we will do so by a wide margin. I hope that the sponsors of this bill will bear in mind how important it was to take quick action and will not agree to legislation to place speed bumps in the way of enactment of future sanctions bills. I hope that the bill's managers will be sensitive to the need to modify this bill as the process moves along and will bear in mind the importance of the overall U.S.-EU relationship and balance them along with the very important American interests involved in the hushkit issue.

Let me indicate my dismay that the hushkit issue was allowed to get to this point where it may precipitate a series of measures and countermeasures. We need to prevent this from happening and not just reacting to events. The U.S. and European parliamentary delegations agreed in Strasbourg to step up the level of our cooperation for this purpose among others. Indeed, we have formed a transatlantic legislative dialogue. We hope to have, for example, video conferences to allow in-depth discussions on the issues that concern us. Aviation issues such as Airbus/Boeing and hushkits might well be a good place to start.

We will also be setting up links between the relevant committees to try to give early warning and advice in both directions across the Atlantic, again to try to prevent crises in our relationships and find ways to cooperate. Our Nation and the EU's democracies, which have the world's largest trading and investing relationships, need, of course, to head off conflict wherever possible.

In conclusion, not only is conflict disruptive to our economies, but it can make it difficult for us to cooperate on important matters on the transatlantic agenda and in third countries. It has aptly been said that if our Nation and Europe do not act together, little will get done on the world scene.

So, let me conclude again by saying that we simply must do a better job of managing the U.S.-EU relationships, but I regret to say that at this point we need to keep the pressure on, and the best course of action is to pass this measure before us. Accordingly, I urge my colleagues to support H.R. 661.

Mr. Chairman, I rise in support of this bill requiring retaliation against the European Union banning flights of the Concorde if the EU adopts legislation to restrict the use of so-called "hush kits."

I became aware of the so-called "hush kit" issue late last year, when the impending European legislation to ban the entry of additional "hushkitted" planes from Europe was brought to my attention by industry.

After consultation with industry and the Executive branch, we had the opportunity to raise it with members of the European Parliament in Strasbourg this past January. I was joined in this regard by our colleague, Congressman STEVE HORN, a member of our United States delegation and a member of the Aviation Subcommittee of the Transportation Committee.

We informed our European friends that we were concerned that the proposed legislation was a design standard, not a performance standard, and that it was a unilateral action not in keeping with the rules of the International Civil Aviation Organization. We told them it would cause great harm to American interests.

We were pleasantly surprised to learn that the new Chairman of the European Parliament delegation, Barry Seal, M.E.P., was the spokesman of the Socialist group on aviation. He told us that he had been unaware of the problem the United States had with the legislation and that he would look into it. Mr. Seal serves on the EP's Transportation Committee.

Subsequently, a meeting of the Parliament's Environment Committee was held and this bill was discussed. Another member of the EP's delegation for relations with the United States, Mary Banotti, M.E.P., raised our concerns along with her own. However, she did not amend the legislation, but expressed her hope that an amendment could be worked out that would provide for a performance standard in lieu of a design standard.

Upon our return, Congressman HORN and I wrote to the EU Members we had met with expressing our views in greater detail. In addition, Mr. HORN and I rounded up several colleagues on a letter to Secretary Slater and Ambassador Barshefsky to express our concerns.

Meanwhile, the legislative tempo in Europe sped up, almost as if to try to cut off the flow of information from this side of the Atlantic. The legislation was approved on February 10th, even though it did not appear on the advance agenda for that day or week.

The final step in the adoption of the European legislation is approval by the Council of Ministers of the European Union. However, in reaction to strong representations by several members of the United States cabinet, and, I believe, in the expectation that this legislation we are now considering would be coming to the floor, the European Union's Executive Commission has asked that final approval by the Council of Ministers be held off until late March. During this period of time, during which negotiations will be under way, I hope some kind of agreement can be reached that will uphold American interests.

Even so, it appears that the legislation itself will be adopted, and whatever agreement comes will be by way of a side agreement of some sort relating to the implementation of the legislation. If no appropriate agreement is reached, legislation like this may be just the beginning of our reaction to the EU's position.

Mr. Chairman, we have often heard in this chamber the view that "sanctions don't work." Well, here is a case where the justified frustration and concern of the American people have brought us to the point of adopting—dare I say it?—a "unilateral sanction" to retaliate. And we will do so by a wide margin. I hope that the sponsors of this bill will remember how important it was to take quick action and will not agree to legislation to place "speed bumps" in the way of the enactment of future "sanctions" bills.

The mere threat of the passage of this sanctions bill becoming law should make its final enactment unnecessary. It may well be necessary to modify this bill in the Senate or in Conference to reflect an agreement between the United States and EU. I hope that this bill's managers will be sensitive to the need to do so, and will bear in mind the importance of the overall U.S.-EU relationship, and balance them along with the very important American interests involved in the hush kit issue per se.

Let me indicate my dismay that the "hush kit" issue was allowed to get to the point where it may precipitate a series of measures and countermeasures. We need to prevent that from happening and not just reacting to events.

The U.S. and European Parliament delegations agreed in Strasbourg to step up the level of our cooperation for this purpose (among others). Indeed, we have formed a "Transatlantic Legislative Dialogue." We hope to have, for example, videoconferences to allow in depth discussions on the issues that concern us. Aviation issues such as Airbus/Boeing and "hushkits" might well be a good place to start. We will also be setting up links between relevant Committees to try to give early warning and advice in both directions across the Atlantic—again, to try to prevent crises in our relationship and to find ways to cooperate.

There is no question that there have been significant bumps on the road in U.S.-EU relations in the recent past. With tensions high on the banana and beef hormone disputes, not to mention issues such as data protection, Iran, and Cuba, we need to keep all lines of communication open.

The private sector also needs to be on the lookout for legislation or regulations that will cause the U.S. and the EU to come into conflict. Organizations such as the Transatlantic Business Dialogue and the Transatlantic Policy Network have an important role to play in this regard. Our Administration could also do a better job in keeping on the lookout for such problems on the horizon. But they need to be helped by the private sector—and there is no question that the rather non-transparent policy process in Brussels contributes to our being taken by surprise from time to time. Policymakers need to have issues on which conflict might arise brought to their attention well in advance, so that they can be addressed with ample time to make effective, thoughtful decisions.

Our Nation and the EU's democracies, which have the world's largest trading and investing relationship, need, of course, to head off conflict wherever possible. Not only is conflict disruptive to our economies, but it can make it difficult for us to cooperate on important matters on the transatlantic agenda and in third countries. It has aptly been said that if the United States and Europe do not act together, little will get done on the world scene.

Let me conclude by saying that we simply must do a better job of managing the U.S.-EU relationship but, I regret to say, at this point we need to keep the pressure on and the best course of action is to pass this bill.

Accordingly, I urge my colleagues to support H.R. 661.

Mr. OBERSTAR. Mr. Chairman, before I yield to the gentleman from Connecticut (Mr. GEJDENSON), I yield myself 30 seconds to say that I am delighted to hear from the Chairman of the Committee on International Relations that this mechanism is being set up for consultations through the committee process between the U.S. Congress and the European Parliament. I think that will go a long way to improve understandings and prevent, hopefully, debacles of this kind or near debacles of this kind.

Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I want to commend the chairman and ranking member for moving quickly. This is a critical time in our relationship with the European community, because the ground rules are just being established, and if the United States sits back as the Europeans close up this very important market for us, protecting and nurturing their own markets, we will find it will not just be in aerospace, it will be in every other sector. Any time the Europeans have a problem, whether it is exports of grain or beef or technology, they will come up with some new standard that their companies have already reached or have been advance notified, and American companies will be locked out.

This administration and this Congress have to be tough and hard on this issue because, as we begin the relationship with a unified Europe, if they get the sense that they can shut out American products without paying a price, every worker and every company in America is under threat.

Mr. Chairman, again I commend the ranking member and the chairman for taking this swift action.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I totally concur in the splendid statement of the gentleman from Connecticut (Mr. GEJDENSON). After all, Europe is where they invented the Hanseatic League, cartels, and they know how to control markets. This is a message to Europe: "You're not going to do it in aviation."

Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I would emphasize indeed it is the gentleman from Minnesota (Mr. OBERSTAR) who provided the leadership in moving this bill forward, and so I am very happy to be supportive of his initiative, but he is the one that really deserves the credit for this.

Mr. BAIRD. Mr. Chairman, I rise today in strong support of this legislation, and I would like to thank the distinguished Chairman and the ranking member for giving members the opportunity to express their concern about this situation.

At a time when the United States has advanced measures to reduce trade barriers and open doors to the global marketplace—and while the European Union has done much of the same—we're facing the passage of a new European Union regulation to limit the fair trade of aircraft.

The regulation will have the effect of targeting the resale of U.S. aircraft that already meet International noise standards. And one of the most frustrating aspects of this initiative, common position 66/99, is that some of the aircraft banned under that regulation are quieter than some that are permitted to be sold.

The regulation would prohibit the purchase of aircraft, from non-EU nations, that have been re-engined with a "hushkit" to meet internationally-established noise standards agreed upon by the International Civil Aviation Organization.

And the regulation, which is presumably designed to reduce environmental noise, will allow purchases of aircraft with the same level of noise emissions that are already owned by EU operators.

This type of gerrymandered regulation is a step backward in our efforts to promote international cooperation and a freer flow of trade, and may actually be a violation of some bilateral air service agreements between EU member states and the U.S.

If the rule is adopted, U.S. manufacturers, airlines, and leasing companies stand to lose billions of dollars—and the impact on U.S. aviation workers will be substantial.

I've heard estimates that the EU rule could result in job reductions as high as 16 thousand at impacted airlines and engine manufacturers.

The U.S. can't stand by and watch as the EU unilaterally takes steps with this wide of an impact on U.S. airline, machinist, and aerospace workers.

H.R. 661 is an appropriate response to an unfair barrier, and I strongly support its passage.

Again, I thank the Chairman and the Ranking Member for their efforts and I urge my colleagues to support this legislation.

Mr. FROST. Mr. Chairman, I rise to express apprehension regarding the passage of H.R. 661. This bill, which bans the Concorde from operating in the United States, was introduced to deter the European Union (EU) from adopting a proposed regulation that would limit the use of hushkitted aircraft in Europe. American companies are worldwide suppliers of hushkits, which are fitted on older aircraft to reduce their noise level to meet worldwide noise pollution standards. The EU regulation discriminates against U.S. companies, and will cost American industry millions of dollars in losses. I strongly oppose the EU's regulation to restrict hushkitted aircraft, and support efforts to propel the EU to reassess their hushkit regulation.

Last week, the EU did just that. The EU decided to postpone its decision on banning hushkitted aircraft until the end of March 1999. Originally, the EU was scheduled to pass the regulation on March 9, 1999. This delay gives U.S. negotiators a chance to make our case to the EU, and us a chance to carefully consider a reasoned and appropriate U.S. response if one proves necessary. I have some concerns that this particular proposal is neither effective nor risk free for U.S. interests.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 661 is as follows:

H.R. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT.

If the European Union adopts Common Position (EC) No. 66/98 as a final regulation or adopts any similar final regulation, the Secretary of Transportation shall prohibit, after such date of adoption, the commercial operation of a civil supersonic transport category aircraft to or from an airport in the United States unless the Secretary finds that the aircraft complies with stage 3 noise levels.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. BURR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, pursuant to House Resolution 86, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on H.R. 661, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PEACE CORPS ACT AUTHORIZATION

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 669.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, the main purpose of H.R. 6689 is to reauthorize appropriations to expand the Peace Corps to President Ronald Reagan's goal of 10,000 volunteers. This legislation was introduced by the gentleman from California (Mr. CAMPBELL) and the gentleman from Connecticut (Mr. GEJDENSON), and I am proud to be a cosponsor along with the gentleman from Illinois (Mr. HYDE), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. HOUGHTON). I understand that all three Republican and all three Democratic Members who served in the Peace Corps cosponsored this bill. Senator COVERDELL and Senator DODD will introduce companion legislation in the Senate.

Mr. Chairman, 14 years ago Ronald Reagan's late beloved Peace Corps director, Loret Ruppe, gave us a vision of a Peace Corps that could grow to 10,000 volunteers, and today we renew that goal on a bipartisan basis, working with the administration and with the minority in Congress to realize that vision.

This bill was carefully drafted in cooperation with the administration and with OMB, and while we initially planned to get the Peace Corps to 10,000 by the year 2000, budget realities and our concern for the planned and orderly expansion of the Corps means that we will reach our goal by the year 2003. This is a slower pace than we like and with which the gentleman from Alabama (Mr. CALLAHAN) has indicated he would be more comfortable.

We choose the Peace Corps as one of our first orders of business because it represents the best part of our foreign assistance programs. The Peace Corps remains foremost in the imagination of America's young people. From President Kennedy to President Reagan and now to President Clinton, the Peace Corps serves as a symbol of what is best in our own Nation and its humanitarian missions around the world.

Today, there are millions of people around the world whose first impression of our Nation is through a Peace Corps volunteer. To date, over 150,000 Americans have served in the Peace Corps, including seven U.S. ambassadors, five current Members of Congress and Senator DODD, and they represent an invaluable corps of veterans who speak over 80 languages in some of the countries most important in advancing our Nation's nationality security, economic and humanitarian interests.

Mr. Chairman, the Peace Corps is changing. It is not the same young people going overseas just to teach English. More people are volunteering after retiring, providing a wealth of knowledge and experience to their projects.

Peace Corps Director Mark Gearan formed the Crisis Corps to bring former volunteers back to the most difficult projects of importance to our Nation. For example, Crisis Corps volunteers are serving today in Central America, helping those nations recover from the 200-year devastation of Hurricane Mitch.

□ 1200

House passage of this bill will demonstrate that the Congress is back at work, passing important legislation and doing it on a bipartisan basis.

Accordingly, Mr. Chairman, I urge support for this measure, and I insert the following for the RECORD:

THE DIRECTOR OF THE PEACE CORPS,
Washington, DC, March 3, 1998.

Hon. BENJAMIN GILMAN,
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey my sincere appreciation to you and the other Members of the Committee for your decision to authorize an increase of $29 million for the Peace Corps FY 2000 budget. The Peace Corps has been fortunate to enjoy bipartisan support in the Congress for many years. On behalf of the Peace Corps, I wish to thank you for the strong leadership that you have brought to bear in making it possible for more Americans to serve our country as Peace Corps Volunteers. If Congress appropriates the Committee's authorized funding level, there will be 8,000 Volunteers serving overseas by the end of FY 2000. This proposed budget will keep the Peace Corps on the path to achieving the goal that Congress established for us in 1985—to field a Volunteer Corps of 10,000—in the early part of the next century.

This is a particularly appropriate moment in the Peace Corps history to undertake a careful effort to expand the number of Volunteers. Today, there are nearly 6,700 Volunteers serving in 79 countries. In recent years, however, the requests for Peace Corps Volunteers that we have received from developing countries has generally far exceeded the capacity of our budget. There is a reason for this: Our Volunteers are making important and lasting contributions to the development of some of the world's poorest communities. Their work at the grass-roots level in education, small business development, the environment, health, and agriculture has become a model of success for other international development agencies. Given the pressing need for this kind of people-to-people assistance, I am confident that the additional Volunteers we recruit will have effective and successful jobs in their overseas communities.

As the need for the service of Peace Corps Volunteers continues to rise overseas, I am pleased to report to you that we have seen an equally significant increase in interest in Peace Corps service among Americans here at home. Each year, tens of thousands of our fellow citizens contact the Peace Corps seeking information about serving as a Volunteer, and thousands of more of our citizens apply for Peace Corps service than our budget can fund. This growth in interest in the Peace Corps reflects our country's great tradition of service and our willingness to work with people in some of the world's poorest countries who want to build a better future for their communities. I believe that now is the time to enable more of our citizens to offer their skills in the cause of peace and progress in the developing world.

I also wish to assure you and the Committee that the Peace Corps is prepared to manage this growth in the Volunteers corps in a responsible manner. In recent years, the Peace Corps has implemented a series of operational policies that have reduced the agency's overhead costs and improved the way we conduct our business. We have reduced the size of our headquarters staff, closed five regional recruitment offices, and closed 18 overseas programs. These cost savings have allowed us to open new and exciting Volunteer programs in South Africa, Jordan, Mozambique, and Bangladesh. Moreover, these management streamlining efforts will also ensure that the Peace Corps can recruit, train, and support additional Volunteers under the Committee's authorized funding level.

Finally, Peace Corps Volunteers are fulfilling an even larger purpose through their service in the developing world: By living and working overseas for two years, they are strengthening the ties of friendship and cross-cultural understanding between our citizens and the people of other countries. In the process, they build enormous goodwill for our country and make an intangible contribution to our country's long-term interests abroad. As we look to maintain America's leadership in the next century, our understanding of other people and cultures will assume an even greater importance in maintaining our international leadership. I believe that there are few organizations that can contribute as much to America's understanding of the world beyond our borders as the Peace Corps.

Mr. Chairman, as part of our efforts to mark the 38th anniversary of the founding of the Peace Corps, yesterday thousands of former Volunteers visited classrooms in every state to talk with students about the cross-cultural experience they gained while serving in the Peace Corps. This is but one example of how Peace Corps Volunteers continue their service, even after returning home, and our country can take great pride in what our Volunteers are accomplishing overseas every day. I thank you and the other Members of the Committee for providing the support that is so vital to the thousands of other Americans who want to take part in the Peace Corps experience, and I look forward to working with you to make our goal of 10,000 Volunteers a reality.

Best wishes.

Sincerely,

MARK D. GEARAN,
Director.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oftentimes the debate on the floor is whether the investment of the taxpayers' resources is commensurate with the benefit we get as a country from the expenditure. The entire foreign assistance program is less than 1 percent of the Federal budget, and the Peace Corps is less than 1 percent of that budget.

When we take a look at the impact it has on the world community from President Kennedy's initiation of this program, there is no American program that has been a better ambassador for America and its values than the Peace Corps.

I think a sense of what the broad-based support in this Congress is for this program is not because of a Washington decision, it is a decision in the countryside. The American people like what the Peace Corps does. It takes people with normal skills in survival, building dams, houses, finding ways to train people better, and puts them in countries where they are desperately needed.

Unlike other programs that are often hard to calculate in their impact, that have fungible effects on their economy, this is one where we can see one individual helping a family, helping a village, and representing the very best of our American society.

So I am proud to be here today to support this budget, to support the Administration's request to make sure there is adequate funding so these ambassadors for America's best interest can continue to do their job. I would hope that my colleagues would all join together in supporting this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL), a sponsor of the legislation.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from New York (Mr. GILMAN) for giving me the honor to present this bill on the floor. I would not be here were it not for the graciousness of the chairman of the Committee on International Relations, who asked me to carry this very important legislation.

At the start, I also want to recognize the very fine leadership of Mark Gearan and the Administration's strong support for this Peace Corps reauthorization bill. We truly have a bipartisan consensus that this is a way to show to the rest of the world the very best that America has to offer; that funds for the Peace Corps are, in my judgment, the best dollars that we spend in the foreign assistance categories.

This reauthorization bill permits the increase in numbers of volunteers from today's level of 6,700 to eventually 10,000 by the year 2003. I note that this is, as a benchmark, still not the maximum that we have ever had in the Peace Corps. That was reached in 1966, when we had 15,000. But it is a goal towards which we have been directing our efforts for some time.

Presently, we have more people in America applying to be Peace Corps volunteers, qualified to be Peace Corps volunteers, qualified to be ambassadors of our country overseas, and to do good at the most basic levels overseas, we have more volunteers for that task than we have budget authority to employ.

For example, over the last 4 years, the numbers of Americans requesting applications for the Peace Corps has gone up by 40 percent. Financially, though, over the last 4 years, we have only been able to adopt and make part of the Peace Corps an increase of 2 percent.

Since its inception, over 150,000 Americans have served in the Peace Corps. I am proud to relate that every returning Peace Corps volunteer member of this House of Representatives is a cosponsor of the bill. I draw particular attention to the gentleman from Connecticut (Mr. CHRIS SHAYS), the gentleman from California (Mr. SAM FARR), the gentleman from New York (Mr. JIM WALSH), and the gentleman from Wisconsin (Mr. TOM PETRI); and over in the other body, Senators DODD and COVERDELL. Senator COVERDELL is not technically a returned volunteer, but he was director of the Peace Corps under President George Bush.

Mr. Chairman, I have a personal interest in Africa that I have attempted to bring to the attention of my colleagues on many occasions. Whenever I travel to Africa, I try to focus on the poorest countries, the countries of greatest need. My wife travels with me. Susanne and I have visited, just in the last few months, the Ivory Coast, Ghana, Mali, and in previous trips, as well, Eritrea, Ethiopia, Kenya, Tanzania, Rwanda, Burundi, Congo.

Every time we visit we make a point to see the Peace Corps volunteers, to find out what they are doing, to talk with them. Then I will frequently write a note to the individuals' parents to let them know how proud we are of the job they are doing. Recently, Mr. Chairman, I have been writing notes to their children, because the Peace Corps now is taking more and more Americans who have finished a career and have decided to give to their country and give to their world at that stage in their lives, a little departure from what we might have originally identified with the Peace Corps.

This bill allows adequate funding to allow this increase in volunteers and to make other changes in the authorizing legislation, so that Peace Corps volunteers and employees will have many of the same benefits accorded to members of the Foreign Service.

Affirmatively, it is good for our country, good for the world. But in addition, I wish to anticipate those who have criticized the Peace Corps, who have been very few over the years, but there have been some, and to the extent that those criticisms were valid, it is my judgment that this director of the Peace Corps, Mr. Mark Gearan, has superbly addressed them.

I note, for example, that under his leadership the Peace Corps has now accomplished an actual reduction of 13 percent in the United States-based staff, putting more of the Peace Corps resources overseas where they make such a difference.

The Peace Corps has also achieved a 14 percent decrease in the annual cost of a volunteer. Under Mark Gearan's directorship we have closed unnecessary regional recruiting offices, and consolidated our activities overseas.

The administration, in other words, has improved the Peace Corps until it is, in my judgment, to be compared favorably with any of our foreign assistance programs.

Lastly, Mr. Chairman, I want to add a personal note, that when my wife and I were in Senegal we witnessed the opening of the Karen Robinson Center just outside Dakar, a center that was created to assist albino children who, in that society, had theretofore been social outcasts and who also had physical disabilities particularly associated with the bright sun, the danger of exposure to sun, due to their lack of pigmentation, as well as the nearsightedness that is oftentimes associated with albinism.

The point is that this center, opened for this remarkably compassionate purpose, was named for a Peace Corps volunteer whose idea it was, who arranged the local funding, who arranged the assistance with the local authorities, so that it happened.

Mr. Chairman, there are stories like the Karen Robinson Center in every country throughout Africa that I have been privileged to visit over the last 3 years. I conclude by saying that of all of the honors that the chairman of the Committee on International Relations could have given me, his designation of me to be the author of this bill is certainly the highest. I am most grateful.

Mr. GEJDENSON. Mr. Chairman, it is a great pleasure to yield 5 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank our very distinguished ranking member, the gentleman from Connecticut (Mr. GEJDENSON).

I am very proud to rise today in support of H.R. 669, a bill which is designed to expand the Peace Corps so it can meet the demands and challenges as it heads into the 21st century.

Mr. Chairman, the extraordinary vision of President Kennedy really lives on today through the Peace Corps. In the Congress of the United States, we have our own honor roll of former Peace Corps members: in the House, the gentleman from California (Mr. SAM FARR), the gentleman from Connecticut (Mr. CHRIS SHAYS), the gentleman from New York (Mr. JIM WALSH); certainly in the Senate, CHRIS DODD, the late Paul Tsongas.

Mr. Chairman, when we send Peace Corps volunteers overseas, we do not just export our volunteers. We really are exporting American values. Our Peace Corps volunteers demonstrate firsthand what it means to build community and to build democracy. We export our great intellectual genius with each one of our volunteers.

The Peace Corps has always enjoyed a bipartisan support in the Congress. The proposed increases in this bill really represent, I think, a very small investment for a large return. By sending our best and our brightest ambassadors, the Peace Corps itself is one of the most effective and long-lasting foreign policy tools that the United States of America has.

At a time when so many of our young people, Mr. Chairman, are turning away from public service, are not interested in it, the Peace Corps is actually inundated with applications and is having to turn people away from that service. We know that we need to match their idealism and their attraction to the Peace Corps.

The number of Americans requesting applications and information about the Peace Corps has increased by more than 40 percent over the last 4 years. Yet, the Peace Corps is only able to increase its volunteers by 2 percent during this same period.

I am exceedingly proud to be a political descendant of John Fitzgerald Kennedy, and I am an unabashed idealist. President Kennedy's aspirations live on today, and the torch, as he said, has been passed to a new generation. That new generation includes my son, Paul Eshoo, who is a volunteer in the Peace Corps today in Nepal, in the Himalayas.

I cannot wait to send him an e-mail to say that this legislation has passed, and that with it, the Congress of the United States really not only thanks and acknowledges what the volunteers in the Peace Corps are doing all around the world, but that we match our idealism and our pragmatism in the investment of America's tax dollars in the hopes and aspirations of people around the world.

So I urge my colleagues to support this legislation. It is very well put together. If in fact the amendment that would flatten out this budget is offered, I urge my colleagues to vote against it. It is an amendment to diminish aspirations. It would be an amendment to diminish the hopes and aspirations of generations and generations that have seen fit to go around the world and be America's best ambassadors.

The CHAIRMAN. Without objection, the gentleman from California (Mr. CAMPBELL) will control the time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before introducing the next speaker, I am proud to say that my colleague, the gentlewoman from California (Ms. ESHOO), has added her strong support for this legislation. I have the highest regard for my neighbor and colleague.

Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 669, the Peace Corps Reauthorization Act, which will strengthen the impact of the Peace Corps. This legislation was introduced by our distinguished colleague, the gentleman from California (Mr. CAMPBELL), and cosponsored by the distinguished chairman of the committee, the gentleman from New York (Mr. GILMAN), the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations, and many other members, including this Member.

We passed this bill from the committee unanimously on February 11th. I would congratulate the distinguished gentleman from California for introducing this act which, if passed and signed into law, would authorize the expansion of the Peace Corps to 10,000 volunteers by the year 2003. It will be fulfilling the goal set by former President Ronald Reagan in 1985, who built on the legacy of President John F. Kennedy.

Mr. Chairman, in the 38 years since the Peace Corps was established, its volunteers have compiled a distinguished record of service to people in countries around the world. Volunteers provide badly needed, at times critical, assistance, while at the same time embodying not just the technical knowhow but also the ideals and the can-do spirit of the American people.

The annals of the Peace Corps are replete with examples of communities strengthened and lives changed, both among those who have received the assistance and among the volunteers themselves, who come back to this country and continue to provide service to our Nation's communities.

Former volunteers have gone on to distinguished careers in many fields, including five Peace Corps alumni who are members of this body. There can be little doubt that the type of—that the need for the type of assistance the Peace Corps provides remains great. At the same time, this Member is pleased to note that there is no shortage of Americans, both young people and those with years or even decades of experience, willing to dedicate a significant period of their lives to volunteering to assist others.

In its 38-year history, more than 1,200 volunteers have come from this Member's low population State of Nebraska, including 63 Nebraskans currently providing this important form of volunteer service.

As a personal note, a former intern of this Member's staff in whom we take great pride was Tammy Ortega, who performed in an exemplary fashion as a Peace Corps volunteer in ecuadorial Guinea. This Nation should be proud that we have individuals like Tammy who are willing to devote 2 or more years of their lives to helping those less fortunate.

Mr. Chairman, for many reasons, this Member is pleased both to cosponsor this important bill, and I urge all of my colleagues to support H.R. 669, introduced by our distinguished colleague, the gentleman from California (Mr. CAMPBELL).

□ 1215

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH) a distinguished member of the Committee on Appropriations, a subcommittee chairman, and himself a returned Peace Corps volunteer.

Mr. WALSH. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL), my good friend, colleague, and classmate for his hard work on this important issue.

Mr. Chairman, the Peace Corps not only benefits the world, it benefits our country, it benefits the individual. Everyone wins in this program. It is a remarkably ingenious idea. Take America's idealistic youth, send them around the world. They learn, the people in the other countries learn, there is a benefit to all.

Then these young people come back to the United States and, throughout our society, they are engaged and active in making this a better country, just as they were when they visited Nepal or Ghana or any of the other Peace Corps locations around the world.

Mr. Chairman, I have a bias, obviously, as a returned Peace Corps volunteer. But the fact is, the world is changing. We have seen great progress here in our country. But in some places in the world, the countries are actually poorer. People are in more difficult conditions than they were when I was a volunteer 25 or 30 years ago, so the need is still there. And, as the world changes, other countries open up to this idea, and we need to fulfill that need.

I just recently returned to India and to Nepal to my village. It was a remarkable homecoming for me. I saw people who were there when I was there. I renewed relationships. Visually, it was very much the same as when I left, although there were improvements in permanent housing. They have electricity in the village now. They have municipal water in the village.

We used to have to boil the water and put iodine in it to make sure it was drinkable. Today, they have municipal water throughout the village. Two weeks after I returned home, I received an e-mail from my village. Talk about amazing. When I was there, the only machine that I saw on a regular basis was the Thailand International jet that flew over on Tuesday.

The world is changing dramatically and rapidly as it gets smaller, as the world gets smaller. And with this Internet now that is reaching out and touching every village, literally, in the world, the personal relationships that Peace Corps volunteers make and the associations they make with people from all these different countries can only benefit our country.

We will be more and more a global citizen, more and more involved in all of these countries, and the more knowledge we have of the rest of the world through these individuals can only make us stronger.

Mr. Speaker, those are the emotional, the idealistic views. Let me tell a few things about the Peace Corps. They are changing, too, with the improvements that Director Gearan has made. They have reduced headquarters staff by 13 percent. They have reduced the number of domestic recruiting offices. They have reduced the cost to support volunteers in the field. All of this with the thought in mind that we need to be better and smarter and work faster, reduce the cost of government.

But, at the same time, the investment that we are making in these individuals in those countries and ultimately in our own country is a sound investment that we need to support today.

Mr. PORTER. Mr. Chairman, I rise in strong support of this legislation. I have always supported the Peace Corps and the invaluable work their volunteers provide because I have seen it first hand. These volunteers are informal ambassadors for the United States. They spread our culture and values while learning and absorbing from people in some of the most remote areas of the world. More importantly, they bring these cultures back with them to the United States and educate friends and neighbors on the communities that most only read about in magazines.

I have traveled to some of these areas where Peace Corps volunteers are working. Time and again, I am always impressed with the volunteers I meet. Their acceptance into the community and the hard work they provide is truly remarkable. Just when you think you have reached the most remote area on earth, there is a Peace Corps volunteer helping to build a house or sow a field.

Since the Peace Corps' inception thirty-eight years ago, its popularity has only grown. In 1998, more than 150,000 individuals contacted the Peace Corps to inquire about becoming a volunteer, this is an increase of over forty percent since 1994. We must make sure that the Peace Corps is able to meet this demand. Further, I believe that success and effectiveness should be rewarded. Therefore, I strongly support this reauthorization and the goal of reaching 10,000 volunteers by fiscal year 2003.

Ms. PELOSI. Mr. Chairman, on the 38th anniversary of the founding by President Kennedy of the Peace Corps, one of our nation's most successful international relief and development programs, I rise in support of Peace Corps reauthorization funding to meet President Clinton's goal of expanding the number of volunteers to 10,000 early in the new millennium.

Thanks to the 150,000 peace corps volunteers who have served overseas, communities around the world have benefited from and continue to reap the benefits of the contributions of the Peace Corps. 6,700 volunteers are serving in 80 countries, working to bring clean water to communities, teaching children, helping to develop small businesses, and preventing the spread of AIDS.

Today, volunteers are making contributions by working along side local people throughout the world as AIDS and environmental educators, business advisors and teachers. Through their work, they are helping people of developing countries to help themselves for only 1 percent of our foreign aid budget. .

There is no greater testament to the success of this program than the Peace Corps Director's recent visit with Kenya's minister of public works who had been taught by a Peace Corps volunteer and Tanzania's minister of education who could still recall all of his Peace Corps teachers. Communities around the world, including our own, are better off today as a result of Peace Corps volunteers, their mission, their contributions and their commitment to service.

The Peace Corps is a successful international diplomacy program that is improving the lives of people in the developing world and enriching the lives of Peace Corps volunteers who return from the field to contribute to their own communities across this nation. We can be proud of this program and its legacies and salute the members of this body who have served.

Volunteers are returning home to be leaders in every field. Young and old of all backgrounds are not only sharing their commitment to altruism and volunteerism throughout the world, but are coming home to continue their commitment to service in an ever increasing multi-cultural society. As the Ranking Member of the Foreign Operations Subcommittee, I ask my colleagues to support H.R. 669.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of H.R. 669, which will expand our sensible investment in the Peace Corps.

As an original cosponsor of this important legislation, I am proud to join my colleagues today in support of the Peace Corps, one of our most effective foreign assistance tools.

This bill, which has broad bipartisan support, will increase the number of Peace Corps volunteers to 10,000 over the next four years. It is especially fitting that we make this commitment today, just a day after the Peace Corps celebrated its 38th birthday.

Under the outstanding leadership of Mark Gearan, the Peace Corps has become a lean and effective advocate for the United States' foreign assistance goals around the world.

With almost 7,000 volunteers in about 80 countries, the Peace Corps has brought assistance in education, microcredit, health care, and a range of other fields to millions of people in Latin America, Africa, Eastern Europe, the Pacific, and the Middle East.

This bill responds to the increasing demand for the Peace Corps, both in the United States and around the world. Here in the United States, interest in volunteering in the Peace Corps has increased by 40 percent over the last four years. And Peace Corps volunteers continue to be welcomed into communities around the world for their unique ability to work closely with the indigenous populations to implement successful development projects.

Mr. Chairman, this bill makes good sense. The Administration supports it. Congress has been on the record since 1985 in support of the goal of 10,000 Peace Corps volunteers. And even this increase would still leave Peace Corps funding at only one percent of our foreign aid budget, which itself is less than one percent of our overall federal budget.

I urge my colleagues to support the Peace Corps by voting for H.R. 669.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the Peace Corps Act (H.R. 669). This bill authorizes appropriations for fiscal years 2000 through 2003. This organization has a legacy of service that has become an important part of American history.

President John F. Kennedy first proposed the idea of the Peace Corps during a campaign stop at the University of Michigan in 1960. He challenged the students to give two years of their lives to help people in the developing world.

Later in his inaugural address, President Kennedy stated the philosophy of the organization: "To those peoples in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves." The Peace Corps was officially established on March 1, 1961 by an Executive Order. Sargent Shriver was appointed as its first director.

Since its inception, the Peace Corps has trained 150,000 volunteers to work in 134 countries. Currently there are 6,700 volunteers serving in 80 countries. The increased funding proposed in this bill would allow the Peace Corps to expand to its goal of 10,000 volunteers. It would also allow the Peace Corps programs to expand to South Africa, Jordan, China, Bangladesh, Mozambique and other countries in Central Asia, the Middle East, South America, Eastern Europe and Africa.

For the past 38 years, the Peace Corps has been an important part of our foreign assistance program. It helps communities gain access to clean water, grow food, prevent the spread of AIDS and work to protect the environment.

Some Peace Corps volunteers include current members of this House: Representative SAM FARR of California, Representative TONY HALL of Ohio, Representative THOMAS PETRI of Wisconsin, Representative CHRISTOPHER SHAYS of Connecticut, and Representative JAMES WALSH of New York. Donna Shalala, Secretary of the Department of Health and Human Services also served in the Peace Corps.

Let me tell you a little about the Peace Corps participation from my state of Texas. There are 197 Texans currently serving in the Peace Corps. Since 1961, Texas has supplied 2,784 volunteers. Of the colleges and universities that send Peace Corps volunteers this year, the University of Texas at Austin has 52 volunteers.

An intern from Houston now serving in my office, LaQuinta Wadsworth, was a participant in the Peace Corps internship during the summer of 1998. She traveled to Ghana as a part of a Peace Corps program through her school, Texas Southern University. Her internship was designed to increase awareness among the Historically Black Colleges and Universities (HBCUs).

LaQuinta shared these thoughts, "The Peace Corps motto is 'The Toughest Job You Will Ever Love', and this statement is definitely true. The service opens the minds of the volunteers to new and amazing people and adventures. The Peace Corps is an asset to the communities of the countries in which volunteers serve."

Another citizen from my district, Roosevelt Harris worked as Associate Director of Field Operations for the Peace Corps in Liberia from 1972–1975. He had this to say about his experience, "It has been one of the best experiences I've ever had in my life. It surpasses any foreign aid in terms of the direct impact it has on the local populace and the exchange between people contributes greatly to world peace. The Peace Corps enhances the image of America abroad. If I had the opportunity, I . . . [would] not hesitate to return to the Peace Corps."

These testimonials are just an example of the positive impact the Peace Corps has had on the lives of former volunteers. I urge my colleagues today to vote in support of this appropriation for this worthwhile organization.

Mr. MCGOVERN. Mr. Chairman, I rise to express my very strongest support for H.R. 669 to authorize $270 million in fiscal year 2000 for the Peace Corps. This bill will provide an increase of $29 million over current funding levels. Surely a very modest increase, Mr. Speaker, for a program that has such a positive impact around the world and such a proven track record of success.

Over the last 38 years 6,921 Peace Corps Volunteers from Massachusetts have built a legacy of service and made contributions to the health, education, and development of countless people around the world. Currently, 232 Massachusetts citizens are serving in the Peace Corps.

I can go into any school in my district and find young people who dream of working in the Peace Corps. These students already know that the Peace Corps embodies our most enduring values of service, compassion, and peace-making. They dream about going to some of the poorest communities on the face of this earth and helping people help themselves, while learning about other people and other cultures.

But their dreams will only come true if we provide now the necessary funding to allow the Peace Corps to expand its volunteer program. Under the leadership of Peace Corps Director Mark Gearan—a Massachusetts native, I might add—more and more of our fellow citizens, of all ages and backgrounds, are applying to serve as volunteers. Under his leadership, the Peace Corps has also become a model government agency—streamlining procedures, cutting costs and reducing the number of U.S.-based staff, while at the same time increasing the support and training for new volunteers.

I am especially grateful that the new program established in 1996, the Crisis Corps, will be sending more than 60 experienced former Peace Corps Volunteers to Central America to help those communities rebuild after the devastation of Hurricane Mitch.

I urge my colleagues to support this authorization and to reject any amendments to freeze or cut funding for the Peace Corps.

Mr. MARKEY. Mr. Chairman, I rise today in support of H.R. 669, a bill that will allow more Americans to serve our country as Peace Corps Volunteers. Peace Corps volunteers play a vital role in the development of some of the worlds' poorest communities. Through the contributions of these volunteers, great strides have been made to improve education, economic development and healthcare. In recent years, our foreign neighbors have come to depend on Peace Corps volunteers for the grass root assistance, and the demand for volunteers increases every year. Furthermore, American interest in the Peace Corps has risen by 40%. Increased funding for this program over the next three years is essential to insure that more Americans can make a difference around the world. With great pride I recognize the individuals in the Peace Corps and this organization for its commitment to helping our international neighbors. Organizations such as the Peace Corps have not only established proud traditions of goodwill and service around the world, but also have contributed to improved relationships with people of other countries. Support for the Peace Corps requires little more than one percent of the resource allocated for foreign assistance. The benefit gained from this investment will be felt by both the foreign countries we help and the volunteers who return from their service with a better understanding of the world. Let us continue to support the Peace Corps Organization as a display of the strong American commitment to international development and partnerships.

Mr. GEJDENSON. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 669 is as follows:

H.R. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act

$270,000,000 for fiscal year 2000, $298,000,000 for fiscal year 2001, $327,000,000 for fiscal year 2002, and $365,000,000 for fiscal year 2003.

"(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.".

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT.

(a) INTERNATIONAL TRAVEL.—Section 15(d) of such Act (22 U.S.C. 2514(d)) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.".

(b) TECHNICAL AMENDMENTS.—(1) Section 5(f)(1)(B) of such Act (22 U.S.C. 2504(f)(1)(B)) is amended by striking "Civil Service Commission" and inserting "Office of Personnel Management".

(2) Section 5(h) of such Act (22 U.S.C. 2504(h)) is amended by striking "the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.)" and all that follows through "(31 U.S.C. 492a)," and inserting "section 3342 of title 31, United States Code, section 5732 and".

(3) Section 5(j) of such Act (22 U.S.C. 2504(j)) is amended by striking "section 1757 of the Revised Statutes of the United States" and all that follows and inserting "section 3331 of title 5, United States Code.".

(4) Section 10(a)(4) of such Act (22 U.S.C. 2509(a)(4)) is amended by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code".

(5) Section 15(c) of such Act (22 U.S.C. 2514(c)) is amended by striking "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code".

(6) Section 15(d)(2) of such Act (22 U.S.C. 2514(d)(2)) is amended by striking "section 9 of Public Law 60–328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code".

(7) Section 15(d)(6) of such Act (22 U.S.C. 2514(d)(6)) is amended by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)".

(8) Section 15(d)(11) of such Act (22 U.S.C. 2514(d)(11)), as amended by this section, is further amended by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALSH) having assumed the Chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes, pursuant to House Resolution 83, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMPBELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8(c) of rule XX, this 15-minute vote will be followed by a 5-minute vote on H.R. 603.

The vote was taken by electronic device, and there were—yeas 326, nays 90, not voting 17, as follows:

[Roll No. 31]

YEAS—326

Abercrombie
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—90

Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Bilbray
Blunt
Boehner
Bonilla
Burton
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cox
Cramer
Crane
Cubin
Cunningham
DeLay
Doolittle
Duncan
Fowler
Goode
Goodlatte
Goodling
Graham
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hostettler
Istook
Johnson, Sam
Jones (NC)
Kingston
Kolbe
Largent
Latham
Lewis (KY)
Lucas (OK)
Manzullo

McIntosh
Metcalf
Mica
Moran (KS)
Paul
Pickering
Pombo
Radanovich
Ramstad
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (MI)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Taylor (NC)
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Wicker
Wilson

NOT VOTING—17

Ackerman
Boucher
Callahan
Capps
Carson
Delahunt
Dickey
Evans
Everett
Granger
McCollum
Meek (FL)
Oberstar
Pascrell
Sanchez
Terry
Weldon (PA)

□ 1241

Messrs. LATHAM, SIMPSON, KINGSTON, TANCREDO, GRAHAM, SENSENBRENNER, HILL of Montana, HALL of Texas, BOEHNER, SCHAFFER, BILBRAY, WATKINS, MORAN of Kansas, HAYWORTH, SUNUNU, BARRETT of Nebraska, Mrs. FOWLER, and Mrs. CHENOWETH changed their vote from "yea" to "nay."

Mr. ADERHOLT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 31 I was unavoidably detained. Had I been present, I would have voted "aye."

CLARIFYING THE APPLICATION OF THE "DEATH ON THE HIGH SEAS ACT" TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of the passage of the bill, H.R. 603, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 19, as follows:

[Roll No. 32]

YEAS—412

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Blunt
Hostettler

NOT VOTING—19

Ackerman
Boucher
Callahan
Capps
Carson
Cooksey
Davis (FL)
Dickey
Evans
Everett
Granger
Kasich
McCollum
Meek (FL)
Oberstar
Pascrell
Rangel
Sanchez
Weldon (PA)

□ 1249

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, I was unavoidably detained and unable to record a vote by electronic device on Roll No. 32, to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation incidents. Had I been present, I would have voted "aye" on Roll No. 32.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 32, I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 669, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 41

Mr. LINDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 41, the Mass Immigration Reduction Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Without objection, and pursuant to section 103 of Public Law 99–371 (20 U.S.C. 4303), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Mr. LAHOOD of Illinois.

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. YOUNG of Alaska.

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. PORTER of Illinois.

There was no objection.

APPOINTMENT TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH of New Jersey, Chairman.

There was no objection.

THE REPUBLICANS TAKE ACTION ON IMPROVING SCHOOLS

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. SOUDER. Mr. Speaker, we have heard a lot today and we will hear a lot more in the future about who is saving social security, but there is a key fact we should keep in mind. That is, for 40 years the Democrats held control of this House. The number of times they worked to save social security was somewhere around zero.

The important thing here is not whether we talk, but whether we do. Today in the Committee on Education and the Workforce we are considering a bill called Ed-Flex, to give local and State governments more flexibility, and allowing school boards more flexibility in education. Similar bills are being considered on the Senate floor. We are actually doing something about what other people talk about. It is a bipartisan effort. The gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. ROEMER), and others from both sides of the aisle are reaching forth.

Will the Democratic Party join with us in trying to give flexibility? I will refer to two articles, which I will insert into the CONGRESSIONAL RECORD along with these remarks. One is from Steve Gordon, president of the East Allen County School Board, saying, States should fight Federal meddling in the schools. We don't need a national school board in Washington. We need to give more flexibility to local school boards and States.

Another is a letter to the editor praising Concordia High School in my district, which is the largest Lutheran high school in the country, for their drug testing programs. At the local level people are doing things, not just talking.

The letters referred to are as follows:

[From the Ft. Wayne News Sentinel, Feb. 22, 1999]

STATE SHOULD FIGHT FEDERAL MEDDLING IN SCHOOLS

With the start of the new legislative year, one issue that always comes up is education. Of course, the president, governor and every legislator have this issue near the top of their agendas.

The president used his State of the Union speech to address aspects of education, and I would like to respond. He recommends bringing public education more under the authority of the federal government. He also makes some points that should be common-sense to most Americans, but to him are more of a revelation that only the federal government should implement.

His first point was to end social promotion. Children should not graduate with a diploma they can't read. Who could possibly oppose this? Already schools—at the local level—are endeavoring to ensure reading skills are mastered at the earliest grade levels.

His second point was to close low-performing schools. Will the federal government decide this issue? By what standard? Indiana already examines each public school's performance and intervenes when necessary to help those schools to meet their specific needs. We don't need the federal government to transcend the state authority already in place.

His third point suggested that teachers only teach subjects they are trained in. This is another local issue—one manipulated by contracts, state licensing rules and course offerings requested by students. What we at the local level need is greater flexibility in putting qualified teachers into the classroom. Indiana should modify the licensing procedure to allow people to teach who are qualified in the material but do not necessarily have a major in education.

An example is: Schools are in great need of vocational program teachers. People who have vocational skills but may not meet licensing requirements could pass their experience on to students. For example, people just out of the military or retirees could fill this need.

His fourth point was to allow parents to choose which public school to send their child to based on school "report cards." Indiana already requires each district to publish information about schools' performance. Charter schools have been a state issue and should remain so. One aspect of charters that makes them unique is the avoidance of many current state Department of Education regulations. I suggest that if some schools can do this, all public schools should be allowed to avoid these rules.

His fifth point was to "implement sensible discipline policies." Not long ago, the president pushed through the mandatory one-year expulsion for any student who comes to school with a handgun. Every state had to make this into law. Indiana already had a law forbidding handguns to be within 1,000 feet of a school. Why was it necessary to federalize this issue?

I would like to make some suggestions in contrast to the president's agenda.

First, give real tax relief to families. When families have both parents working out of necessity, they have less time for their children. A parent waiting for the child to arrive at home is better than after-school programs. Families are paying approximately 40 percent of their income to taxes. One parent is effectively working just to pay the government. Children need their parents—not another government program!

Second, do not generalize when talking about education. Every school has unique problems—and many have unique successes. Create opportunities for all schools to succeed in the areas that they want and need. Rather than add more bureaucracy, remove what currently exists. Free the public schools up so that they can compete equally with private schools. It is tempting—and easy—for legislators to get their hands into the means of education. Be more concerned about the results and leave the means implementation to the local school districts. They can better assess their specific needs and respond to them directly.

Third, let the local districts decide how to spend money. The recent "100,000 teachers" legislation is a perfect example. Considering the amount of money appropriated, it will never meet the need to hire that amount of teachers. It creates an obligation to the school districts to make up a difference that they may not have.

Finally, I would ask that education remain a local issue and that the state resist any further federal intervention. There are problems in public education, but they can be much better resolved at the local and state level. Washington doesn't need to involve itself any further.

I realize I do not have the influence on lawmakers that the president or governor may have. But I am only a school board member. I want to do what is in the best interests of students in this district. I ask parents who support these ideas to contact their representatives and tell them how they feel.

[From the Ft. Wayne Journal-Gazette, Mar. 2, 1999]

PRAISE SCHOOL THAT FIGHTS DRUGS

It has long been said that one picture is worth a thousand words. Unfortunately those words do not have to be the truth or accurate. Such is the case with the Feb. 26 editorial cartoon. It infers several incorrect concepts. The first is that education will take a secondary role to drug testing at Concordia High School. One only has to look at ISTEP scores, graduation rates, percent of graduates going to college and SAT scores to refute that idea.

The second is that the testing will occupy the entire school day. Testing can be completed in a very short period of time, being minimally disruptive to the school day. For a non-drug user an inconvenience—to a drug user, surely no more disruptive than days missed because of over indulgence.

His third incorrect concept is the most damaging. His attempt to ridicule the recently announced plan for random drug testing at Concordia, by overstating his case, will give those who have a misguided belief that drug testing is evil and an invasion of privacy the belief that taking action to help prevent good kids from making bad decisions is an unworthy undertaking.

Rather than swelling up with righteous indignation over the alleged loss of privacy, I would suggest the editorial staff consider looking at the educational success gained at a high school where standards are set, expectations delineated and students and faculty are held accountable for their actions. This action to take care of a problem that occurs in every high school in this area is the act of responsible administrators and parents who are taking action rather than burying their heads in the sand.

EARNIE WILLIAMSON,
Fort Wayne.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ST. JOSEPH'S DAY BREAKFAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to inform my colleagues about an important event, the St. Joseph's Day Breakfast, that will be held on March 18th, and I strongly urge anyone who can be present to attend. The St. Joseph's Day Breakfast is sponsored by a truly exceptional organization called the Faith and Politics Institute.

The St. Joseph's Day Breakfast celebrates the day of St. Joseph, who is the patron saint of the worker. This event brings Members of Congress together with leaders of our Nation's labor unions. As they break bread together, they will remember the religious values and the moral imperative that underlie the struggle for economic justice.

This is a bipartisan event sponsored by our colleagues the gentleman from Georgia (Mr. JOHN LEWIS) and the gentleman from New York (Mr. AMO HOUGHTON) to honor those who have acted courageously on behalf of the working men and women of our country. The St. Joseph's Day Breakfast is also the primary event of the Faith and Politics Institute, and the motto of this wonderful organization best sums up their goals and their accomplishments: spirit, community and conscience in public life.

The Faith and Politics Institute was established in 1991 as an interfaith, nonpartisan approach to reach consensus across party lines and break down the polarization that often engulfs our body. The mission of Faith and Politics seeks to provide occasions for moral reflection and spiritual community to political leaders, and draws upon the moral lessons and religious traditions to encourage civility and respect for one another and differing opinions.

These values, civility and respect, are essential to our strong democracy, and toward this end Faith and Politics have brought Mark Gerzon to Washington for private meetings a year before he led our Members into the historic bipartisan Hershey retreat.

Since its inception, the Institute has brought to Capitol Hill a combination of theological perspective, spiritual sensitivity, and political know-how as it has undertaken projects on behalf of labor, race, economic exploitation, the environment, and kindness to all. Last June this marvelous organization kicked off, with the help of General Colin Powell, the "Congressional Conversations on Race", which is spearheaded by a bipartisan steering committee made up of equal numbers of Republican and Democrat Members.

The goal is to "evoke the potential among Members of Congress, seeking spiritual insights to provide creative moral leadership on racial issues." They have already sponsored many events to bring about a dialogue on race, and will continue to do so, understanding that the "serious of experiences to deepen Members' understandings and to strengthen their leadership in the realm of race relations" is a worthy goal.

Mr. Speaker, I respectfully urge my colleagues on both sides of the aisle to get involved with this wonderful Institute, to go to the breakfast, if they can, because it is good for us individually and good for the country as a whole.

A NATIONAL HOLIDAY FOR CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor and remember a great American leader and hero, Cesar Chavez. He was a husband, father, grandfather, labor organizer, community leader and symbol of the ongoing struggle for equal rights and equal opportunity. March 31, the birthday of Cesar Chavez, has already been declared a State holiday in my State of California. Today I ask my colleagues to join me in making March 31 a Federal holiday so that our entire Nation can honor Cesar Chavez for his many contributions.

Cesar was the son of migrant farm workers who dedicated his life to fighting for the human rights and dignity of farm laborers. He was born on March 31, 1927, on a small farm near Yuma, Arizona, and died nearly 6 years ago in April of 1993. Over the course of his 66-year life, Cesar Chavez' work inspired millions and made him a major force in American history.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association which organized thousands of farm workers to confront one of the most powerful industries in our Nation. He inspired them to join together and nonviolently demand safe and fair working conditions.

Through the use of a grape boycott, he was able to secure the first union contracts for farm workers in this country. These contracts provided farm workers with the basic services that most workers take for granted, services such as clean drinking water and sanitary facilities. Because of his fight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the migrant schools he helped to establish. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farm workers and every consumer faces every day.

As a labor leader, he earned great support from unions and elected officials across the country. The movement he began continues today as the United Farm Workers of America.

Cesar Chavez' influence extends far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic action groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by government agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many thousands to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers and other hardworking professionals who credit Cesar Chavez as the inspiring force in their lives.

During a time of great social upheaval, he was sought out by groups from all walks of life and all religions to help bring calm with his nonviolent practices. In his fight for peace, justice, respect and self-determination, he gained the admiration and respect of millions of Americans and most Members of this House of Representatives.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farm workers, children and the poor throughout the United States and for the inspiration his heroic efforts gave to so many Americans.

We in Congress must make certain that the movement Cesar Chavez began and the timeless lessons of justice and fairness he taught be preserved and honored in our national conscience. To make sure that these fundamental principles are never forgotten, I urge my colleagues to support House Joint Resolution 22 which would declare March 31 as a Federal holiday in honor of Cesar Chavez. In the words of Cesar and the United Farm Workers, si se puede, yes, we can.

FISCAL DISCIPLINE AND REDUCING THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, I rise today because we stand on a threshold of a truly remarkable time, a time when we will be able to do wonderful things for this country and for our children.

In fiscal year 2001, we will have for the first time in decades a surplus in our budget, in the general fund budget. What we do with this surplus will tell a great deal about us, about our resolve, about how serious we are in providing a strong, fiscally sound country for those who come after us.

Some would have us spend this surplus on a multitude of well-intentioned programs and initiatives. But this is a time for restraint, not largesse. Others would have us return the surplus to the American people in the form of broad, across-the-board tax cuts. But for the average taxpayer, that would provide a small short-term gain when we have the ability to provide a much longer term and larger benefit.

That benefit can be provided if we use this projected surplus over the next 15 years to keep the budget balanced and pay down the national debt.

Under the administration's debt reduction program, our debt payments will be reduced from today's level of 14 percent of the national budget to only 2 percent by the year 2015.

The numbers are huge. We owe in public debt $3.7 trillion. Under the President's debt reduction plan, that would be reduced to $1.3 trillion by 2015. This would be an immense gift to the American people, and it would benefit all Americans, families, farmers and businesses. It would provide a real long-term benefit to almost every economic level of American society, unlike a broad, across-the-board tax cut as proposed that would mean little more to the average American than $100 a year in a tax cut.

The biggest effect of paying down our debt would be a further reduction in interest rates that would save homeowners thousands of dollars in mortgage payments. The burden of loans shouldered by our college students would be greatly alleviated. Our farmers would be able to save thousands of dollars on their equipment purchases which in turn would allow them to be more efficient and increase their yields.

With lower interest rates, industry would have more to invest in new technologies and there would be more money to invest in education, in transportation and other infrastructure improvements that would make the America of the 21st century even stronger than the last.

The importance of reducing the debt, however, can be measured in more ways than just dollars and cents. If we show courage and restraint, if we demonstrate that we too can finally live within budgetary guidelines, if we only do in Washington what American families have to do every day at home, we will restore much of the trust that has been lost in government by the American people.

We talk about bipartisanship. Now is the time to begin practicing it. I urge all Democrats and my friends on the Republican side of the aisle as well to do what is prudent, to do what is right, to do something for their children and grandchildren that will be a lasting legacy. Keep the budget balanced and use the surplus to pay down the debt.

FISCAL DISCIPLINE AND REDUCING THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to urge fiscal discipline and fiscal responsibility as we work on the budget for the next fiscal year.

Back in the 1980s when we were running up our yearly deficits and consequently our overall Federal debt, there was a phrase that politicians used to utter in dealing with the problem which was, "The balanced budget has no constituency," which is to say that when you spend money or cut taxes, there is somebody or some group of somebodies who are going to be happy about it. It has a constituency that you can please.

Who benefits from the balanced budget? Who specifically? Well, obviously the entire public, both present and future, of our Nation benefits from it, but in purely political terms, those folks in the 1980s and 1990s had a point. The constituencies were definitely more well defined for all of the programs and tax cuts that were being proposed and passed. I just stand up today to say that fiscal discipline and fiscal responsibility should still be a priority.

Since I have been elected to Congress, a lot of folks have been talking to me about what it means to be a Congressman, how can in essence you prove that you have done a good job. I talk a lot about my emphasis on fiscal responsibility and balancing the budget and there tends to be this look like, "Well, that's just not good enough." As they like to say, you have to have something to bring home, something to put your name on, whether it is a new bridge, a new bus stop in your district, a new swimming pool, you name it, something that you went back there and fought for Federal money to bring home. I understand that. In fact, I will say that many if not most of all of these programs are indeed worthwhile. Spending money on all of those things will help the district, help the State, help the future of the country.

But we also have to remember that we need to be fiscally responsible because, a couple of reasons: First of all, in the future, folks are going to need all of those things as well and if we spend all their money now, they are not going to have them. And second of all, when you run debt up too high, you drag down the economy, drive up interest rates and create job loss, which makes it even more necessary to spend Federal money and it becomes a downward spiral.

What I want people to recognize is that being fiscally responsible and paying down the debt does have a constituency. That is the legacy that I want to leave in my district. I think that is something to bring home, to go back to the people of the Ninth District of the State of Washington or any other district in the country and say, "Yes, maybe I didn't fight for every last Federal dollar but I fought to balance the budget for your benefit, your children's benefit and their children's benefit." I think all politicians on both sides of the aisle should have the courage and stand up for that.

As we head towards this year's budget, there is going to be a major battle. There is incredible pressure to spend money or cut taxes in thousands of different places. The thing about it is, these programs do have some value. As I have often said, I wish just once in my time as a public official somebody would walk into my office and say, "We've got this plan to spend $5 million on fill-in-the-blank," and I could honestly look at that person and say, "That's just a complete waste of money. That doesn't do any good for anybody and there's no way we're going to do it."

Of course when you spend money, there is always an argument that it is helping people, and it does. But you have to look at the long term as well. If we spend all the money now, we will be forfeiting and mortgaging our children's future, and that is not fair. At this particular time it is particularly frustrating, because we have a strong economy. We have unemployment of just over 4 percent, we have inflation of below 2 percent. We have a strong economy so that we do not have to spend as much money. The economy is taking care of people. The government does not have to do as much. Now is the time to be fiscally responsible, because if we do not do it now, a few years from now when the business cycle turns on us, it is going to be a thousand times more difficult, because people are going to need those programs and that help or that tax cut even more. Now is the time to be fiscally responsible, balance the budget and give something back to our future.

I think all politicians in this body should be proud to go back to their district and say, "Don't judge me by whether or not I brought you back a highway or a bridge or some other Federal program. Judge me by the fact that I had the foresight and the discipline to balance the budget and take care of our economy for today and tomorrow." That is what I think we should be doing back here in Congress, despite the overwhelming pressure to spend money. Spend it, fine. The Federal Government spends a lot of money, $1.7 trillion. No reason we cannot spend it within our means. No reason we cannot be fiscally responsible and balance the budget. I urge that we do that as soon as possible and remember that discipline when we go into the budget battles that lie ahead this year.

LEGISLATION TO PREVENT GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I want the last two speakers to know that I am grateful for their emphasis on fiscal responsibility and to let them know how refreshing it is to hear Members of the other side of the aisle concentrate on reduction of debt, budget responsibility, fiscal responsibility. It gives impetus to my remarks about to be made on something that has been bothering me for 10 years and on which I have spoken at least 100 times on the floor and on which I will ask for their support when the time comes. This mainly is budget restraint through prevent government shutdown legislation.

If there ever was a clamp on our ability to balance the budget and to exude fiscal responsibility, it is the lack of a mechanism to prevent government shutdown. What have I proposed over the last 10 years which now seems to be gathering more momentum?

Everyone should recognize that on September 30, the end of the fiscal year for the Congress of the United States, for the U.S. Government, if no new budget is in place the next day, October 1, we enter into an automatic shutdown of government until a budget can be put into place. What we have resorted to in the past, as a Congress, has been temporary appropriations for 10 days, 2 months, sometimes more than that, but always with another crisis to face us at the end of that deadline on whether or not we will have a full budget.

My proposal is so simple that it cannot penetrate the consciousness of Members of Congress, and that is this: That at the end of the fiscal year, September 30, if no new budget is in place the next day, if no new budget has been passed, then the next day automatically, by instant replay, like in professional football, instant replay, there will be enacted last year's budget.

□ 1315

What will that do?

That means that forever we will avoid the possibility ever after of shutting down government because there will always be a budget in place. I ask for support of my instant replay legislation which is making the rounds now of the Members of the Congress because it makes common sense.

In the past, I have been saying that the reason my proposal has not passed is because it makes so much sense. Now I want to turn that around and say: Because it makes so much sense, and because it is vital to fiscal responsibility, and because it is vital to the reduction of the debt, and because it is vital to keep the stream of American society moving past any impasse that we might have because of budget breakdowns, I urge that we now see the light of day and pass my instant replay legislation.

No more government shutdowns, no more leaving our troops as we did in Desert Storm ready to fight that battle while the government back in Washington shut down. Can my colleagues imagine anything more disgraceful, more embarrassing, more revolting than that? My legislation would prevent that for all time.

Mr. Speaker, I urge full and constant and instant support of my instant replay legislation.

MEXICO IS NOT AGGRESSIVE IN DRUG ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. First, Mr. Speaker, I would like to say "amen" to the gentleman from Pennsylvania (Mr. GEKAS) and would like to remind people who sometimes do not remember historical points and therefore are prone to repeat them is, as one of the so-called firebrands of the Class of 1994, I supported Mr. GEKAS and other similar legislation from the beginning, as we did before the government shutdown.

The fact is that it was not the House that shut down the government, it will not be the House that shuts down the government, and it should not be, which is why we need to pass this legislation. We have been for this all the way along.

Others would like to make it look like unless they get their way in the appropriation bills that we are the bad guys, but that is different from the truth, and it is put up or shut up time. The gentleman from Pennsylvania (Mr. GEKAS) has had this bill for year after year. Where are the cosponsors who like to whine about the threat of a government shutdown? Why are they not backing his bill?

But I came down here today to talk about the drug issue. In the last few days, the President has certified Mexico as a cooperating partner in the war against drugs, and I would like to comment particularly on that subject. Although in the Committee on Education and the Workforce we are continuing to work with the Drug-free Schools Act, Safe and Drug-free Schools Act, we are continuing to work with treatment programs and many other areas, right now the focus is and should be on interdiction, because there is only so much schools can do in Indiana and around the country if they are flooded with this huge supply of high-grade cocaine, heroin, marijuana that has been coming in mostly through the Mexican border and increasingly through the Mexican border and is produced predominantly in three countries in the world: Peru, Bolivia and Columbia.

Mr. Speaker, we need to understand that we, while we can argue whether this is a cancer or a war, it is, in fact, both because there is a war going on in South America. Two countries have made tremendous progress: Peru and Bolivia. It shows that we can actually reduce the coca bean grown, reduce the cocaine being processed and reduce the cocaine being shipped.

In Columbia, there is a battle on the ground; and, in Mexico, it is a little bit bigger question because it is clear that some of the people, or most, as far as we can tell, of the people in their government are attempting to cooperate with us. It is not clear that we have had such cooperation in the past, and many of the proposals are relatively new on the table.

The gentleman from Florida (Mr. MICA) of the Subcommittee on Drug

Policy on the Committee on Government Reform took a CODEL to Central and South America that just arrived back a little over a week ago, and we spent 3 days in Mexico, and I would like to put into the RECORD a list of different things that Mexico has actually been doing in the past year:

PGR—Procuraduria General de la Republica, February 19, 1999

Overall Reform of Mexico's Law Enforcement Legal System—Key Points—Legal, Institutional Reorganization, and Human Resources.

CONSTITUTIONAL REFORMS

Articles 16 and 19: Increased balance in order to present proof of the "probable cause" of the crime and obtain arrest warrants, and orders of formal incarceration (submission to criminal proceeding).

Article 22: Forfeiture of organized crime proceeds in not concluded criminal proceedings (e.g., death of the offender). The intention is to avoid the simulation in the transfer of the assets to third parties.

Article 123 paragraph B fraction XIII: Police bodies depuration, dismissed police officers will not be able to demand reinstallment, and they would only be compensated.

FEDERAL ACT FOR THE CONTROL OF PRECURSOR CHEMICALS—DEC. 26, 1997, OFFICIAL GAZETTE

To prevent and locate the diversion of chemical precursors, and it regulates the chemical substances related to in the 1988 Vienna Convention against Illicit Drug Trafficking.

Fast mechanism in order to add the regulated chemical substances list.

Data Base: Increased coordination between agencies and PGR. Imports and exports exchange of information with other nations.

PROPOSED FEDERAL ACT FOR THE ADMINISTRATION OF SEIZED, FORFEITED AND ABANDONED ASSETS

Objective basis for the proper administration of the proceeds of crime.

Strengthening of the legal basis for the use of the proceeds seized by the Federal Public Prosecutor in the fight against crime.

Sharing of proceeds with State, Local and Foreign governments.

Final destiny of the seized proceeds in favor of the Federal Judicial Branch and the Attorney General's Office.

Establishment of Deputy Attorney General Offices for Criminal Procedures A, B y C (Territorial distribution of the cases), Special Prosecutor's Office for the Attention of Health Related Crimes (Drug trafficking), Special Unit on Organized Crime, Special Unit against Money Laundering, and Reliability Control Center.

DISMISSAL OF BAD ELEMENTS

Imposition of 1,973 sanctions (Dec. 2, 1996 to Feb. 17, 1999), 438 dismissed, 294 disqualified, and 157 dismissed/disqualified.

Criminal charges against 317 former public servants.

TRAINING

Participation of DEA, and FBI.

National Police of Spain, National Police of France, Canadian Royal Mounted Police, and Police of Israel.

NEW FRINGE BENEFITS FOR THE PERSONNEL INVOLVED IN THE FIGHT AGAINST DRUG TRAFFICKING

Civil Service regulations, major medical expenses insurance ("Premier"), Life insurance (major risk—100 thousand to 400 thousand dollars), additional salary to compensate risks, and bonuses for relevant actions.

BINATIONAL SEMINAR ON MEXICO-US LEGAL TRAINING

It is focused on the knowledge of legal provisions and investigation techniques in both countries.

Its objective is to provide participants with a wider and clearer comprehension of the legal systems, the structures and means of law enforcement in Mexico and the US.

RELIABILITY CONTROL CENTER

It was established on May 2, 1997, performs evaluations (vetting) for the detection of the reliability of the personnel. Applies the following evaluations: Medical, toxicological, psychological, family background and financial situation, and polygraph or lie detector.

RELIABILITY CONTROL CENTER

The evaluations are applied to newly recruited public servants, and All individuals working in FEADS, UEDO, and UCLD.

Periodical evaluations are applied to all the employees of the Attorney General's Office (PGR). 60% of the people tested have been rejected or dismissed.

SEALING OPERATION

The following agencies of the Mexican Government participate in the sealing operations—Attorney General's Office (PGR), Ministry of the Interior (SG), Ministry of National Defense (SDN), Ministry of the Navy (SM-AM), Ministry of Communications and Transport (SCT)—Federal Highway Police, and Ministry of the Treasury (SHCP)—Fiscal Police.

The operation sealing includes—Early warning operations, identification and interdiction of suspicious targets, air, land and sea interdiction, patrolling, control of land, sea and air collateral elements that support drug trafficking, creation of a comprehensive communications system, coordination with the authorities of Guatemala and Belize, and organization of an intelligence scheme.

The sealing operation covers the following geographical areas—Gulf of California—States: Baja California, Baja California Sur, Sonora, Sinaloa, and Nayarit. Land: 419,049 km^2. Litorals: 3,525 km.

Peninsula of Yucatán—States: Campeche, Yucatán, and Quintana Roo. Land: 132,426 km^2. Litorals: 1,740 km.

Southern Border—States: Chiapas and Tabasco. Land: 30,783 km^2. Litorals: 300 km.

In the near future the efforts of the Sealing Operation will also cover the State of Tamaulipas.

BASIC PRINCIPLES OF THE NEW STRATEGY

1. Intensify the fight against production and traffic of drugs by doing the following: A higher control in the access, transit and exit of drugs. The sealing of borders, coasts, maritime ports and airports, and the eradication of illicit drug crops.

2. Procure new systems of detection, destruction, tracing, register and response. Helicopters with advanced equipment of—Navigation, overnight operation, and coded communications. 40 speedboats (there is a current inventory of 20 and the rest will be purchased next year). 8 gunboats "Holzinger 2000" equipped with high speed interdiction boats (more than 50 knots) and a helicopter.

3 "Centenario" corvettes equipment with—1 high speed intercepting boat. 2 "Caribe" patrols for low waters. 144 speedboats (already existing) for coast and riverside patrolling.

Counternarcotics equipment at ports, airports, roads and border crossings, equipped with X-rays—"Mobile Search" (current inventory of 5 and 8 will be purchased next year), "Cargo Search" for the inspection of containers at ports, "Body Search" and "Buster" in ports, airports and border crossings, and dog units for drug detection.

The following will be used for the eradication of illicit drug crops—35 fast surveillance aircraft. 64 helicopters (24 will be purchased during this year and the next), and autonomous access to satellite images and precise aerial photographs to detect illicit drug crops and verify its effective eradication.

3. Strengthening the coordination between the PGR, SEDENA and SEMAR.

4. Create a control center within the PGR to coordinate the counter-narcotics operations, joint, interinstitutional, and multidisciplinary.

5. Utilize Air Platforms in the combat to drug trafficking, 7 air platforms with cruising range of 9 to 12 hours. Equipped with—long range, high resolution air radars, long range electronic-optical sensors, and high technology cruising systems.

6. Renew the distribution of the air, sea and land reaction forces.

7. Apply Trust Control procedures to counternarcotics personnel, in addition to those applied by the PGR.

8. Increase the budget for the purchase of tracing and interdiction infrastructure.

Mexico has been the world's leader in the eradication of crops since 1994. It is an effort coordinated by the Attorney General's Office, the Ministry of National Defense and the Ministry of the Navy, among others. There is a continuous growth of efforts, and the methods used are air spraying and manual eradication.

Juárez Cartel—The dismantling of this organization began with the drug-trafficking protection activities performed by General Jesús Gutiérrez Rebollo. More than 100 arrest warrants were issued, and millions of dollars were seized corresponding to various real properties and documents that allow the identification of money laundering activities.

Tijuana Cartel—16 members of the criminal organization of the Arellano Félix have been arrested.

Colima Cartel—5 members of this Cartel have been arrested, among which are the Amezcua Contreras brothers.

Gulf Cartel—Juan Garcia Abrego and Oscar Malherbe were arrested, and four of its members have been aprehended.

ACHIEVEMENTS OF THE SPECIALIZED UNIT AGAINST MONEY LAUNDERING

The Specialized Unit against Money Laundering (UECLD) was established on January 1st, 1998. UECLD has been working in close collaboration with FEADS and UEDO, in order to coordinate the various matters related to money laundering crimes. Money laundering matters (From January 1st through December 31st 1998). Pre trial investigations, 58; Criminal proceedings, 31; and Convictions, 3.

OFFICE OF THE FISCAL ATTORNEY OF THE FEDERATION

Contributes with the PGR in the fight against money laundering by presenting accusations and criminal complaints on the probable commission of such crimes.

Accusations and complaints presented, (December 1994 to February 1999). Article 115 Bis of the Federal Fiscal Code (repealed), 47; and Article 400 Bis of the Federal Penal Code, 19.

International Cooperation Principles, full respect to—The sovereignty of both countries, the territorial jurisdiction, and the domestic law.

TIJUANA—SAN DIEGO GROUP

Personnel, 21 elements vetted and trained. Functions, intelligence investigations in all the national territory in order to locate the Arellano Félix brothers.

Information exchange, this group will be supported by the Border Task Forces, FEADS, CENDRO and all PGR structure. Meetings to coordinate and exchange information with a similar group in San Diego, California are also taking place.

EXTRADITIONS IN PROCESS—FIGURES UPDATED TO FEBRUARY 13, 1999

Active (Mexico requests to other countries), Total 383; with the U.S.—355, 92.6%.

Passive (Requests made to Mexico by other countries), Total 235; from the U.S.—210, 89.3%.

Application of the provisions to prevent and detect transactions carried out with resources from illicit origin.

Suspicious transaction reports, 715; concerning transaction reports, 31; and large value transaction reports, 5,623,665.

Mexican citizens surrendered in extradition to the U.S.

Mexicans by naturalization: John Amos Devries (Robbery/fraud 07/27/95), Leslie Wortemberg Kenneth (Drug Trafficking 01/19/96), and Dominick Espósito Joseph (Drug trafficking 06/12/96).

Native Mexicans: Francisco Gómez Garcia (Sexual Abuse 04/17/96), Aaron Morel Lebaron (Criminal Association 04/25/96), Delia Cantú de Sánchez (Sexual Assault 03/04/98), Rosendo Gutiérrez Rojero (Sexual Abuse 10/15/98), and Bernardo Velárdes López (Drug trafficking/Homicide of a BP agent 11/06/98).

Mexican citizens subject to extradition proceeding at the 1st step (Not Compulsory Opinion of the District Judge).

Gerardo Álvarez Vázquez (Drug trafficking 12/03/97), Miguel Ángel Martínez Mtz. (Drug trafficking 06/08/98), and Luis Amezcua Contreras (Drug trafficking 10/08/98). (All provisional arrest.)

Extraditions of Mexicans already granted pending an amparo (all of them in drug trafficking related crimes).

Date on which the extradition was granted by the Secretary of State of Mexico. Tirzo Ángel Robles, 02/28/97; Jaime Arturo Ladino, 09/04/97; Juan Ángel Salinas, 12/16/97; Everardo Arturo Páez, 05/04/98; Florentino Blanco, 05/08/98; and José de Jesús Amezcua, 12/10/98.

Mexican citizens tried under Article 4 of the Federal Penal Code (important cases).

Oscar Malherbe de León, Drug trafficking/criminal association; David Alex Álvarez, "Spooky"*, Homicide/illegal deprivation of freedom; José Eustaquio Chávez Laines*, Homicide/drug trafficking; Jaime González Castro, Drug trafficking; Gildardo Martinez López**, Money laundering; Carlos Escoto Alcalá**, Money laundering; Miguel Ángel Barba Martin**, Money laundering; Jorge Milton Diaz**, Money laundering; José Sergio Calderón Fdz.**, Money laundering; and Lionel Barajas, Homicide.

*Convicted.

**Operation Casablanca. At present in process.

BROWNSVILLE LETTER

Signed on July 2, 1998 between Attorney Generals Reno and Madrazo establishing commitments in order to improve cooperation and to regain confidence between both countries.

Based on the Letter, both countries signed a Memorandum of Understanding on procedures for cooperation regarding law enforcement activities.

Likewise, authorities of Mexico and the U.S. have been working on effectiveness measures for a bilateral, objective, transparent, and balanced evaluation of the efforts of both countries in the fight against drug trafficking.

Mr. Speaker, I think it is important to acknowledge, as frustrated as I and other Members are with Mexico, the fact is is they are attempting to make progress. Now that is different from saying that they have made progress. Yes, they have continued to eradicate marijuana, they have fallen behind some in some of their efforts for interdiction on cocaine, and we need those efforts back up. They have not extradited people that we have asked to be extradited, but they have started the process to extradite.

But there are a couple of facts that make this a very difficult vote should it come to that here in Congress. One is, for all the current plans and efforts that they have done in this past year, there are a couple of irrevocable facts. One is, their drug czar was living in an apartment owned by one under the name of one cartel member. Through that compromised drug czar, who was actually on the take from the cartel, potentially every single source we have in Mexico was compromised.

It is going to be very difficult to rebuild a relationship of trust when you have potentially blown every single source you have worked to develop over decades when they have the brother of the President being involved in the assassination of a presidential candidate, when they have people high up in their military, we learn that they are on the take from the drug cartel.

These are not little low-level occasional problems. When we have the DEA unable to go into regional parts of their country, we have substantive problems we have to address with Mexico.

The North American Free Trade Agreement, often referred to along the border and in other parts of the country as the North American Free Drug Trading Act, is something that has opened up the borders, and we have to get control of those borders. But we must not forget much of what we know about the corruption in the Mexican government is because leaders of Mexico have in fact identified those leaders for us and acknowledged that they have to clean it up. The fact is is they have started and have proposals on the table to work through extradition, to work through rebuilding their navy. We need a maritime agreement, but one of their comebacks to us is, as my colleagues know: Your government never asked us to sign the maritime agreement.

Part of our argument in Congress is with our own administration, and it is tough to put all the blame on Mexico. I say that as somebody who, for my 4 years here in Congress, has been steadily pounding on Mexico because I believe they have not been aggressive enough in drug enforcement. I have had several amendments related to Mexico, and I am not certain how I am going to vote. But it is not a clear-cut case, and we need to continue to encourage the current government.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent to reclaim the 5-minute special order of the gentleman from Florida (Mr. DIAZ-BALART).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

LIBERALS THINK WASHINGTON KNOWS HOW TO SPEND AMERICANS' MONEY BETTER THAN THEY DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I would like to compliment the gentleman from Pennsylvania (Mr. GEKAS) on his plan. It is something that we have supported since 1995 and had the President and also Members of this Chamber on the left supported the same thing. Then when the President vetoed the nine appropriation bills in 1995 that shut down the government, that could have been avoided. I hope that we will be willing to do that in the future.

I was very, very interested to hear our Democratic friends talk about fiscal responsibility and talking about how the saying went that the balanced budget has no constituency. Mr. Speaker, I can tell my colleagues one person that cared about it in 1993 while he was sitting on the couch watching C-Span in the summer in Pensacola, Florida, was myself.

I remember in 1993 watching the gentleman from Ohio (Mr. KASICH) and a band of young Republican conservatives come to this floor and fight the President and the liberal left's plans to pass the largest tax increase in the history of this Republic. See, their vision of America then and now has been that if we want to balance the budget, the only way we can do it is by raiding the pockets of taxpayers.

In fact, we had some insight on this about a month ago when the President went up to Buffalo, New York, and he told the people in the audience that we really have to avoid this idea that the Republicans have that we are going to cut taxes. The President said to that Buffalo audience:

> We could give you money back and hope that you spend it on the right things, but we cannot trust you, basically.

As my colleagues know, what a vision for America. What a sad, tired, worn-out vision for America. It is a vision that is radically different from what the Republican party believes.

GOP, as far as I believe, stands for government of the people. We believe people know how to spend their money better than bureaucrats in Washington, D.C. That is why I ran for office in 1994. I saw the President's budget and the Democrats' budget that passed without a single Republican vote, and I saw that the gentleman from Ohio (Mr. KASICH) and the rest of the Republicans laid out a blueprint, and we said:

Let us balance the budget in 7 years, and if we balance the budget in 7 years, then the economy will explode.

Now the President said that we could not do this because this would destroy the economy, and how many liberals did I hear come to the floor and speak into this microphone and tell the American people if we tried to balance the budget in 7 years, the economy would be wrecked? Boy, talk about a rewriting of history. Now they talk about the Clinton recovery?

I remember Alan Greenspan, Chairman of the Fed, testifying before the gentleman from Ohio (Mr. KASICH's) committee, and he said:

If you guys and ladies will only pass this balanced budget plan, you will see interest rates go down, you will see unemployment go down, and you will see one of the largest peace-time economic expansions in the history of our country.

That is what Alan Greenspan said. And do my colleagues know what? It is a good thing we listened to the economic intelligence of Alan Greenspan instead of the demagoguery that came from the other end of Pennsylvania Avenue, because we stayed the course, we fought the good fight, and we took a deficit from $300 billion when we got here in 1995 down to a point where it is almost balanced.

Mr. Speaker, the news only gets better. We find out this past week that the CBO is now saying:

If Congress and the President do nothing, then the $5.4 trillion debt that threatens my children's economic future and all of America's economic future will virtually be eradicated in 15 years.

But the question is:

Can the President and those on the left leave well enough alone?

See, we have got these horrible little things called budget caps, a road map for fiscal responsibility, and they think this is a bad thing. In fact, the President sees his only way out is by doing what he did in 1993 and what Democrats have done for 40 years. He says, let us take it from the American people; they do not know how to spend their money. Let us raise taxes by billions and billions of dollars. That is in the President's budget. That is the President's plan.

My gosh, if we talk about cutting taxes, how about cutting taxes for Americans that make from 45 to $60,000? Raising the threshold? What if we talk about cutting capital gains taxes that actually helps so many Americans, helps grow the economy? They say that is a bad thing. I disagree.

Unlike the liberals, I still believe Americans know how to spend their money better than Washington, D.C.

KEY OBJECTIVES OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I am honored to be joined in this special order with a number of Republican colleagues, two from my home State of Colorado and one from the great State of Michigan, and I would invite other members of our conference to come join us as well as we spend a little bit of time sharing with each other and with our colleagues on the opposite side of the aisle and indeed the American people the values and beliefs that we stand for and that we, as a Republican party, hope to move forward on the floor of the House.

Among those are key objectives of this session: tax relief for the American people, a strong national defense, a world-class education system, and Social Security reform in a way that guarantees and safeguards the Social Security system.

Mr. Speaker, part of that discussion also entails some international issues that I know at least one Member is prepared to talk about, and with that I yield to the gentleman from Colorado (Mr. TANCREDO) who had a unique experience with one of his elementary schools in his district that I think all of us would benefit learning more about.

□ 1330

Mr. TANCREDO. I thank the gentleman. It truly was. Of the 25 or more years that I have spent in public life, this was perhaps the most significant and most moving experience I think I have had.

I visited a class, a fourth and fifth grade class at Highline Community School in my district. It is a public school in the Cherry Creek School District. Why this school is unique, and it certainly is unique, and that is a word that gets thrown around a lot, oftentimes misused, because it really means nothing else like it. But I can use it appropriately and correctly in describing this particular school.

Actually, this particular class and their teacher, Mrs. Vogel, about a year ago this class studied or actually had to just read a little tract that was discussing the situation in the Sudan, particularly the situation of slavery in the Sudan.

The Sudan, as we know, is a troubled country with a history of civil war now that has gone on for about 8 or 10 years that has cost almost 2 million lives. More people have died in this struggle than in any war since World War II. This is absolutely amazing that we pay so little attention to it. That was really the concern raised by the students and the teacher.

They said, how can this be happening? How can slavery be happening in this day and age, medieval slavery be occurring in the world someplace today, and nobody knows or no one cares? So they set about to do something about it. They started an organization that they now call STOP.

It has now become an international organization, and, Mr. Speaker, I am proud to say that this fourth and fifth grade classroom of Mrs. Vogel's has now raised over $100,000 worldwide, and has redeemed, has purchased freedom, for over 1,000 people in the Sudan. It is an absolutely incredible story. This classroom has done more for human rights in the Sudan than this administration, I assure the Members, than this government, has done.

They are not finished yet. When I was there on Monday, they had just received a fax copy of a front page article that appeared in a Tokyo newspaper about this class. It is truly an extraordinary situation. I brought them a flag, and each one of the students in the class had written me a note. I have introduced them into the CONGRESSIONAL RECORD. But I want to keep talking about this, Mr. Speaker, because few other people are. This is a land that needs our attention.

I am on the Committee on International Relations. We had the Secretary of State, Madeleine Albright, in a week ago to discuss foreign policy issues. As it turns out, in a half-hour presentation, in a 30-page written document about foreign policy, every foreign policy issue we have, every country was named where we have an interest, where there is a concern, except for one. I scanned it thoroughly to watch for it, to look for it. Not one time was there a mention of the Sudan. There are horrendous things happening there that need to be brought to the attention of the American public. The attention is being brought by classrooms like this one; no, in fact, just this classroom. I wish there were more, and there will be before we get done with this.

Mr. SCHAFFER. It is a remarkable example of what a classroom can be, given the liberty and freedom to teach under the direction of a professional educator. For those students in particular, they are getting quite an education in international affairs, about how government works, about human rights, and so on.

Those young kids also ought to be concerned about their retirement and their savings, another topic that Republicans care deeply about.

I yield to the gentleman from Michigan (Mr. SMITH) to talk about why those kids should care about the Social Security Administration.

Mr. SMITH of Michigan. I thank the gentleman from Colorado (Mr. SCHAFFER) for organizing this one-hour session. When I yield to the gentleman from Colorado, I want you all to feel free to respond.

Mr. Speaker, let me just give my impression of what has happened, how it happened, and maybe what we have to look forward to.

In 1995, Republicans took the majority in this House, the U.S. House of Representatives. After being a minority for 40 years, we came in quite aggressively trying to promote the philosophy on what we thought was going to be good for our future and for our kids and our grandkids.

We decided, with a great deal of determination, that we were going to balance the budget. We cut out $70 billion of projected spending that first year, in 1995. We pledged among ourselves that we were going to be very frugal in cutting down the size of this government in order to balance our budget, in order to not pass on the debt of this country to our kids and our grandkids.

I am a farmer. Where we grew up in Addison, Michigan, our goal was to pay off the farm so we could leave the farm to our kids, so they had a better chance of making it and surviving. We should do the same thing as a country.

We were successful. The only reason that we went from a $300 billion deficit projected for as far as we could see, $200 billion on out, was that we became very frugal in slowing down the increase in spending. Now we have succeeded. We have an overall unified budget surplus. Most all of that is coming from the social security surplus.

The question is, what do we do now? If part of the goal is to have a smaller, less intrusive government, should we reduce taxes? Should we pay down this $5.5 trillion debt? Should we somehow make the adjustments into capital investments, hopefully in individuals' names for social security, to start solving the social security problem?

Let me tell the Members what I think the fear is as Republicans try to make these tough decisions. The fear is that if we do not get this money, if you will, extra money out of town, the spenders, the tax and spenders, are going to use it for expanded government spending.

Just a comment on the President's budget. He is suggesting over $100 billion of increased spending, almost $100 billion over the caps that we passed in 1997 for increased spending. We could say that is coming out of the social security surplus, because that is where it is coming from.

What do we do? If we could be guaranteed that the spenders that want a bigger government, that want to tell the people of this country how they should act and where they should go and how they should do it by increasing the taxes and taking the money out of their pockets, if I could be convinced that we could hold the line on spending and the growth of this intrusive government, then I say the first choice is to pay down the public debt.

Not only does that increase the economy by reducing interest rates, but I think there is a danger of the spenders saying, look, we need this money for all of these good things, and therefore we are going to reach into that pot, if you will, of social security trust fund money and start spending it like they have for the last 40 years.

So let us look at a balance. Let us say that everything coming in from social security should be saved for social security. One way to do that is to pay down the debt. Hopefully we will have the guts, the intestinal fortitude, to move ahead on social security. But let us also look at the other general fund surpluses to put that money back where it came from, in the pockets of this country's taxpayers.

Mr. Speaker, that is sort of my speech. I think the challenge is really ahead of us. I just encourage, Mr. Speaker, everybody that is listening to contact their Congressman, contact their United States Senator, to give them your ideas and thoughts as we move ahead. The danger is that this government is going to continue to grow, it is going to continue to be more intrusive, it is going to continue to be a weight or a burden on economic expansion and development.

Mr. SCHAFFER. Back home in Colorado, there is no question that the majority of constituents that we hear from in my State are very strongly behind the belief that the era of big government is over. When we look at the President's proposed budget plan, it does entail escalated rates of spending here in Washington, additional tax increases in that budget, and just tremendous growth of the bureaucracy and the regulatory structure in Washington.

My district is on the eastern half of Colorado. My colleague from the other half of Colorado is here representing the western slope. I yield to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I would like to change the subject for a moment, although I do recognize and appreciate the gentleman from Michigan's comments on social security.

The good news about our country is that people are living to a longer age. That is as a result of our good health in this country and the medicine and so on. But they have never adjusted anything in social security to account for that. The average couple on social security right now draws out $118,000 more than they have put into the system. On an actuarial basis, the system is broke.

The Republicans have said for years that we have to fix it. I note that the President, in the State of the Union Address, said that he wanted to reserve a certain percentage. We have agreed to reserve that percentage. I am glad that the President has joined our long-term efforts in saying we can do it in a balanced budget way. But as the gentleman has said, I think very accurately, we have to make sure we keep the big spenders, keep their fingers out of the cookie jar.

I would like to shift for a moment, because I know my colleagues would like to talk about it, and invite the gentleman from Michigan to join us as well. That is topic of the national defense.

In Colorado, all three of us border an area called the NORAD Command Center. What they actually did in Colorado, they went into a mountain full of granite, they hollowed it out, our country did, and we put a command center inside that mountain in Colorado Springs, actually in the district of the gentleman from Colorado (Mr. JOEL HEFLEY), who is considered around here as an expert in defense.

This center, among other responsibilities, detects missile launches from around the country. As many of us know, and we have been very active in complaining about this, unfortunately, the need for a strong military has been somewhat diluted because we have been in fairly peaceful times. I can assure the Members, as my colleagues would agree, that that is a very dangerous attitude to get into.

We are respected throughout the world and we are the superpower throughout the world in part because of the strong military that we have. There are a lot of people in this world who would like to take things that we have, and they will take it by force, if they ever have that opportunity. We can never afford to be second in the strength of our military.

In order to maintain or actually regain, at this point in time, the strength in our military, we have to do several things. One, the quarters that these military people sleep in and the pay that they have is very low. I last week toured a number of military barracks, and I will tell the Members, it looks like poverty housing in a large city. It is disgraceful.

We owe these young men and women that are serving in our military more than that. We need to make a commitment to put money in to bring those barracks up to at least decent living standards.

The second thing, of course, and the Republicans have taken the initiative on this, that is a pay increase for our people who serve in the military. So we have to worry about personnel. We have to get our personnel built back up again. We have got to give them benefits that will encourage our personnel to stay in the military for a career. We have to get the excitement back in the personnel that we put in there about the defense of this country.

We have very dedicated, very hardworking people that serve us today in the military, but we are testing their patience when we ask them to live in the kind of facilities they are in, and when we pay them the kind of pay we are giving to them.

The second issue that I touched on at the beginning of my remarks is the NORAD Command Center, and frankly, what we call missile defense.

For years the Democrats, and I will make this very clear, for years the Democratic administration and the Democrats in most part have opposed the Republicans' urging that we install a missile defense system in this country.

President Ronald Reagan was ridiculed, ridiculed, by the liberal media and by the liberals in the United States Congress and around parts of this country when he said, this country needs a missile defense system. The most logical way to have a missile defense system is a space-oriented system.

All of a sudden, in the last year, the Democratic Party and the administration has turned a new leaf. They have now stepped forward and said, we are willing to have a missile defense system. It is amazing in this country how few of us out there know that this country has no missile defense system.

When I speak with my average constituent, I say, tell me, do you think the United States, if we detect a missile launch, which we detect in the NORAD facility in Colorado Springs, and by the way, our detection can tell us the size of the missile, the speed of the missile, the destination of the missile, time of firing, et cetera, et cetera.

When I tell my constituents that then the only other thing we can do is call up on the phone to the destination and say, you have an incoming missile, say a prayer, that is all we can do for you, they are stunned. Because a lot of my constituents know that we provide missile defense for the country of Israel. We provide missile defense for some of our allies' ships, because under the antiballistic missile treaty we can do that, but we do not provide it for ourselves.

Is that the finest example of ludicrous behavior we have ever seen? It is important that we put in place in this country, not just talk about it, although talking about it is an important first step. I am glad that the Democrats have joined us to talk about it. They have come over to the Republican position that the defense of this country is necessary, that we need to put missile defense in.

But we have to get beyond talking. What about a land-based system? In my opinion, the only realistic missile defense that we can put in in this country is going to have to be space-oriented. Why? A land-based system, with the technology that we have today, cannot pick up a threatening missile at the launchpad of another country. It can only pick it up once that missile is within a certain range. Maybe 100, 200 miles is when the radar picks it up and actually fires a missile against it, probably within 100 miles of the target over the land.

So if our missile here from a land-based system goes up and connects with the enemy missile, and by the way, they told me when I went and looked at our land-based system that the odds of these two missiles coming together at the same time are about the same as throwing a basketball out of Cincinnati, Ohio, and making it through the hoop in Washington, D.C.

You get about one chance on a land-based system, and if you happen to hit the incoming missile, you blow it up over the United States. If, for example, we had an incoming missile into Kansas City, they might connect with the missile somewhere over Colorado and we would have this nuclear explosion.

What makes sense on a defensive missile system is a space-oriented system that can pick up and either destroy the missile before it leaves the launchpad, or has any number of windows as the missile is coming over to our country to hit that missile.

□ 1345

And our odds of being able to come in on the directional altitude of that missile with a laser are a lot higher than the hopeful or lucky shot from a land-based system.

So, I know that I and my colleagues, we have had many discussions on it. Our constituents are concerned about it in Colorado where the detection takes place. But it is a subject that all of us have to put to the forefront so that we can offer the next generation, those young people that the gentleman from Colorado (Mr. TANCREDO) went and visited, we want to assure not only the ability to free slaves, but assure that the next generation has the best possible defense out there for these rogue nations that are willing to use a missile or a nuclear weapon against the United States of America.

The best way to do it, and finally recognized by that side of the aisle, is for us to sit down, not just talk about it, put money where our mouth is, and build that system as soon as we can. I am sure my colleagues may want to comment on it.

Mr. SCHAFFER. Mr. Speaker, the topic is certainly a relevant one, but not a new one here in Congress. For years, the Republicans have been trying to point out this fact that the North American continent has no defense against a single, incoming intercontinental ballistic missile. We cannot stop it presently.

The strategy that we have suggested over the years involves several different strategies, trying to get at least two shots at a missile launched at the North American continent. I had a tour of NORAD, I have been on a few of them over the years, but just a few months back. And one of the simulations that I had seen, just in terms of the timing, is important to realize. We are talking about a missile launched from the interior of China takes about a half-hour to get to the North American continent. A half-hour is all the time we have.

What NORAD does is approximately within the first few minutes, they can identify the type of missile that is launched, can identify a potential path in the early first few minutes, can identify potential targets, and over about the first 15 minutes gets closer and closer to narrowing and defining the specific targets. It takes about 15 minutes to identify the exact city that is being targeted in such a launch.

But what a space-based laser system would allow us to do is basically shoot down those missiles in the boost phase. The technology, people think this is some technology that does not exist. This is technology that we have today. We just have not spent the money to deploy this technology. And it is now becoming an expensive proposition. If we would have been on track and moving forward on a missile defense system over the last 6 years that the Clintons have held the White House, the cost of this would be substantially less than what we are confronted with today.

But when it comes to the reality that we are virtually defenseless after an attack has been initiated, it really causes us to put this within the context of priorities. We are spending billions of dollars in Washington on things that really do not affect the day-to-day lives of the American people. But defending our borders is one of those priorities that we need to get more serious about here in Washington.

Mr. Speaker, it has been a long time coming for the President to stand here, as he did just recently, and say all of a sudden he realizes we need to develop a system to defend our country. It is a realization that I think is a step in the right direction, but it is 6 years too late, frankly, and it puts the American people at some peril.

What the White House has tried to convince the Congress over the years is that we can maintain national security through reliance on our intelligence-gathering community throughout the world. But Pakistan and India showed how reliable that system is, when Pakistan detonated five nuclear devices, frankly, when we were looking right at the site and had not figured out what was occurring.

Mr. McINNIS. Mr. Speaker, as the gentleman pointed out that he just recently toured NORAD, NORAD is probably the most sophisticated intelligence-gathering facility in the world. The other sophisticated ones happen to be under the control of the United States or on American territory also. So we have the intelligence capability.

But the intelligence does not do a lot of good once we figure there is an incoming missile, as the gentleman said. We can have all the intelligence in the world about where that missile is coming, but if we do not have a missile defense, what good is the intelligence?

Mr. SCHAFFER. That is exactly right. With the technology we have today, if it were to be employed, it virtually makes the prospect of nuclear weapons becoming obsolete a very real one. Think about that for a moment. The prospect of having nuclear weapons become obsolete basically by stepping forward and deploying the technology that makes it possible to knock down those missiles at a reliable rate in the offender's airspace before these missiles finish the boost phase or leave the enemy territory and airspace.

Mr. McINNIS. And where the missile would discharge in the country of the person launching the missile. Then they would think twice about launching it if they knew, for example if China or Russia right now, where our big concern about Russia is an accidental launch, but if Russia decided to launch against the United States but they knew that we could destroy that missile at some point over Russia, so we may pick a point where it has the maximum impact on Russia. They would be reluctant to launch that missile if they knew on its course it was going over Moscow and we could use a laser beam and destroy it there and have nuclear impact there. There is some serious thought about that.

Mr. SCHAFFER. Mr. Speaker, the other aspect that I think needs to be understood by more Members of Congress and the American people is that the threat of this kind of warfare is really getting broader, not more constrained. Even though the Berlin Wall fell and the old line communists have lost power in Russia, in the old Soviet Union, it is the expansion of rogue nations accumulating and developing nuclear technology that we need to be more concerned about.

In fact, it was Korea that launched the Taepodong missile, the three-stage rocket, and really announced to the world that they had the capacity within a 600-mile radius to reach the North American continent in less than a half-hour. That was a real shock to all of us, but I also think it sends up a signal for all of us that we do need to elevate the level of priority in this Congress, and express that concern to the White House, that defending our borders is a high priority.

It is the reason that we, as a Republican Conference, have made this among our top four objectives in this Congress. I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I think it is important for our colleagues to understand and for the people listening to understand that those rogue nations are indeed becoming much more dangerous and they now pose the greatest threat to the security of the United States that has actually existed since the end of the Cold War.

One of the reasons why that is the case today is because they have technology. They have been able to improve their missile systems, they have been able to improve their guidance systems as a result of a technology that we provided for them and also as a result of the President's Executive orders that were signed that allowed that transfer of technology to go on.

Since I am the newest Member here, I had several great opportunities to discuss issues like this during various retreats and prior to actually coming and taking over or getting sworn in, and I asked every single person that came in, every single person who had a foreign policy or foreign relations or some expertise in this area, I asked them four questions: Is it true that we have transferred technology to the Chinese? Is it true that transfer was illegal? Is it true that it has jeopardized our security? And is it true that that was made as a result of these Executive orders signed by the President?

Mr. Speaker, each case, to a person, liberal, conservative, and this was at the Kennedy School at Harvard, we had four liberal people in front of us, foreign policy specialists, and to a person they all said yes. We never had one person that disagreed with that.

When we look at the situation that we face, not only is there more nations out there with the capacity to strike the United States; now we are even more unprepared than we were in the past because of what this administration has done to our military. Not just our missile defense system, but the general preparedness of the military which has degraded dramatically over the last several years. And not only has the preparedness degraded, our ability to respond all over the world degraded, but out responses everywhere around the world. Troops continue to be sent all over the place. There a proposal to send 4,000 to Kosovo, along with the United Nations troops, that would not be under American command. Troops that would be under blue berets.

These things are being asked of American troops and boys and girls, citizens who are in the armed forces. To put their life on the line. To go in harm's way. We are not providing the support that we need to both in the housing and also in the actual equipment of war that they need to protect their lives. And we put not just them but the entire Nation at risk by the fact that we do not have the defense system that we need.

Mr. SCHAFFER. Mr. Speaker, 2 years ago the President stood up there at the podium during his State of the Union address and boasted at the time that there were no nuclear weapons pointed at the United States of America. Just a year later, there were no less than 13 targeted at the United States by China, and done so presumably with the targeting technology and satellite communication equipment that they ended up with through the signing of the six waivers, that have been mentioned, by the Clinton administration, the President himself.

Mr. McINNIS. Mr. Speaker, if the gentleman would yield, that is exactly the point. We do not need to argue with the administration about whether or not there are missiles pointed at this country. We know. And what we have tried to convince the administration is that we should not go on the assumption that Russia is telling us the truth that they are no longer targeting the United States. We should not go on the assumption that China says, "Don't worry. We are not interested in targeting the United States."

In fact, we should go on the opposite assumption. The fact is that throughout the world, whether it is Russia or China or some terrorist organization, there will be at some point in the future of this country a threat or a missile launched against this country. We can today prepare for that.

Mr. Speaker, I am one of the leading critics of the Clinton administration and what they have done to our defense and to our military. But I have determined that I am going to put my resources not as a critique of the Clinton administration necessarily, but to say to the Clinton administration, all right, the administration is finally acknowledging, as we have all discussed, thank you for finally acknowledging that we need to put money into this military. Real money into a real military. Thank you for acknowledging that we need real missile defense in this country.

We should assume that the proliferation of nuclear weapons will continue. We should assume that we cannot unilaterally disarm. And we should assume that at some point in time somebody might try and take us on. There is a reason that they call our Trident submarines, for example, "peacekeepers." Because if we are strong and we remain number one, we minimize the chances of us getting into an engagement. But we must, nonetheless, be prepared.

Mr. Speaker, I think it was George Washington who said the best way to avoid a war is to always be prepared for war. Well, as we have said here, the best way to avoid an incoming missile is to always be prepared for an incoming missile. That is our best defense. That is all we are asking of the administration. Put money in so that the best way to protect the next generation from an incoming missile is to be prepared for an incoming missile.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I commend the delegation from Colorado. Just an observation: The air in Colorado may be thin, but its representation in Congress is very strong.

Mr. McINNIS. Our snow is good.

Mr. BILBRAY. Mr. Speaker, I would like to point out, as somebody who represents San Diego which actually is one of the largest if not the largest military complex in the world, we always think about the fact that since the sacking and burning of Washington in 1814, Americans have basically perceived themselves as being insulated from attack from across the ocean. The trouble right now is that we sort of make that assumption that our Capitol is safe. In fact I think, more importantly, we would like to make the assumption that our wives and our children and our families back at home are safe from foreign aggression.

The sad fact about it is that is not true. And I will just ask anybody if they want to think that this is not an important issue to do as I was able to do. Talk to the parents who lived in Tel Aviv at the time the scuds were coming into Tel Aviv in Israel, and talk to those parents about the difference of being soldiers in the field as opposed to being parents at home and the fear of their children having missiles rained down on them. That really made an impression on me and really changed my attitude a lot of ways about missile defense capabilities.

Now, I have got to say that when I came here a few years ago to Washington, I was really shocked, in fact dumbfounded, that there were people here in Congress who sat on a certain side of the aisle that would vote for a missile defense system if that missile defense system would defend another country. But at the same time there would be a motion made by somebody on the Republican side, and I hate to do this but it tended to draw along partisan lines, if somebody proposed that the missile defense systems that we were developing would be used to defend our own children or our own families, they voted against that funding.

I just shook my head. I have to say this as somebody who believes in rights and responsibilities, that if the taxpayers of the United States are going to bear the responsibility of developing missile defense systems, how in the world can those who claim to represent those taxpayers not allow that defense system to defend those taxpayers?

□ 1400

It is astonishing how shortsighted people can be. For a long time, people did not think about the fact that our troops could have missiles rain down on them when they were in a tactical situation. All at once, now it is universally accepted by Democrat, Republican, Independent, left and right, that a theater defense system is not only appropriate, it is essential if we are going to defend our troops in the field.

What is sad is, are we going to wait until the missiles land in our neighborhood before the same enlightenment applies for defending our sovereign territory here in North America? What is really scary is, what does it take to learn.

I think that maybe what it takes to learn is that a lot of Americans before 1814 thought the Capitol was safe because of our big Atlantic Ocean. After the sacking and burning of this Capitol and this city, there was a lot different attitude about national defense.

I hope that we are able to learn from other countries' experiences rather than having to wait for those disasters to actually end up in our own neighborhood.

Let me point out, I will say this clearly, and I think any Member of Congress will say this, the only thing worse than seeing our Capitol destroyed would be watching our neighborhoods at home destroyed. We have a responsibility to defend that and to add that. I do not think it is something that is pie in the sky. I do not think it is something that is outside.

I think we saw what American ingenuity did with a glorified P.C. computer and a missile defense system that was never meant to be a missile defense system. It was supposed to go after airplanes. But Americans and American ingenuity can conquer this problem and defend our neighborhoods. I think we have to have the trust and commitment to get the job done.

We spend billions and billions to go all over the world to protect everybody else's neighborhood. Doggone it, we have the responsibility to do the same for our own.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, the Patriot System we all watched during the Desert Storm conflict was something that we celebrated, and I think most Americans found to be rather remarkable. But we had the ability in a theater missile defense structure to have a relatively high success rate of shooting down incoming missiles with respect to the attacks on Israel.

But once again, the discussion about a national missile defense system as it relates to an intercontinental scenario is a defense system that we just do not have and does not exist today.

Again, the scientists, those who are involved just from the research and technology side, have developed the technology to defend our country. It is just a matter of making it a priority and putting the pieces in place here politically to make that defense system a reality. That is what we are going to be pushing for this year.

Mr. McINNIS. Mr. Speaker, if the gentleman will yield just very briefly, I am sure that, when we get back to our office, somebody will call up and say, "Are you guys aware of what is called the Anti-Ballistic Missile Treaty?"

Just very quickly, to run through that again, the Anti-Ballistic Missile Treaty, the basis or premise for it was that Russia got together with the United States and said, "All right, the best way for us to provide security that we will not have a conflict between each other is neither one of us will build a missile defense system. That way, we will be hesitant to attack each other because we do not have anything to defend ourselves."

For example, the United States, under the theory of this treaty, would not attack Russia because they would not have any way to defend themselves from Russia's retaliation.

Well, those days of that treaty are over. If one reads the treaty, the treaty can be abrogated by the United States and by Russia. It is foolish for us to continue under the pretense that this treaty is going to preserve us from an incoming missile attack at some point in time by some rogue nation.

At the time this was signed, technology was different, the thoughts were different, the atmosphere was different, and the number of countries that had this kind of weaponry was different.

So I think it is important, as the gentleman from Colorado (Mr. SCHAFFER) and I have discussed, do not let that ABM Treaty be a diversion from what is a necessary and, frankly, an obligation of this Congress and to the people of this country for this generation and future generations to defend our country.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, we, in discussing what should be higher priorities here in this Congress, not only with respect to our attention, but also with respect to budgeting and the finances, many may wonder how it is that the gentleman and I and others like us believe that we should balance the budget and do it continuously, second, establish the priorities that allow us to rescue the Social Security system, provide for a world class education system and defense system, as well as provide tax relief for the American people.

I want to kind of switch the subject by talking about another issue we are concerned about, but it really is all within the context of priorities. The President, in his latest budget, has proposed $10 and a quarter billion for what amounts to a land grant, the Federal Government purchasing more land, primarily in our State and out in the

West under the Lands Legacy Initiative.

This is one of the things, when the President and others who believe what he does, that the Federal Government should increase the ownership of property, decreasing the amount of private ownership of property in America, that some are inspired by that. There is no question about that.

But, in reality, what proposals like this do is, first of all, it takes valuable land out of private ownership. These lands are taxed by our local school districts, by local communities, provide necessary funds for education, for street, and road improvements, for county budgets, and so on.

But the other thing it does, by removing that land from private ownership and putting it into the government's pocket, it results in restricted liberty and freedom of the American people.

For the gentleman and I who represent a great western State, our heritage is built upon the land and land ownership and sound management of natural resources in a way that has really created a thriving economy among western States.

So I use that as an example, and perhaps the gentleman from Colorado (Mr. McINNIS) and I would talk further just about the effect of the Clinton administration, the Federal Government's perspective on these western land-related issues.

But, once again, I point out that this is an area where the administration's priorities are different than the Congress'. We believe in defending the country, creating great schools. The President obviously believes in having the Federal Government purchase more land that is better managed under private ownership.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, I thank gentleman for yielding to me. This issue of course crosses party lines. It is a bipartisan issue. It is the question of how much land should the Federal Government be allowed to continue to buy up, take out of the private marketplace, and to put under government hands and government management.

I have often heard some of the special interest environmental groups try and educate the American public thinking that the government every day sells away land and gives land to mining companies and timber companies, and the land is being destroyed by millions of acres. In fact, just the opposite is true. You see dwindling industries, not just because of this, but in part related to this, you see dwindling industries in timber and so on.

What you see is the government acquiring land. The government is a net acquirer. In other words, the government acquires more land than it gets rid of by many, many, many multiples. The government does not sell very much land. If they sell, it is for a right-of-way or they may do a land swap or something like that.

But if one takes a look across this country, when one looks at the different lottos that are used to buy open space, the different kind of funds that local municipalities and areas have dedicated of taxpayers' money to buy land from the private marketplace and to put it into the government hands, and then you consider proposals when the President of the United States is willing to go out and spend billions and billions of dollars to take more land away from the American people and put it into the government, I mean, I am not sure that is the right answer.

Clearly, all of us with today's technology have to be more concerned about what do we do for the preservation for future generations of the land we have. But I think the best managers of the land most obvious, not always, but most often are the people that live the land, the people that live off the land, the people that work the land, the people that enjoy the beauty of the land.

You must always be suspicious when the government shows up and says we are here to help. We have better ideas than you do. The better ideas come out of Washington, not out of Colorado.

Mr. SCHAFFER. Absolutely.

Mr. McINNIS. Mr. Speaker, as the government buys, for example, wilderness areas, the first thing you do is you take away local control. The gentleman from Colorado (Mr. SCHAFFER) and I have discussed this on a number of issues.

The gentleman has a vast district in eastern Colorado, some of the most beautiful, I think, some of the most beautiful plains in the United States. I adjoin him, and I have the western part of the State of Colorado which we think are the most beautiful set of mountains. We share those beautiful mountains with States like Utah, Montana, Idaho, and Wyoming, but the Rocky Mountain range.

There are certain areas there that are owned by the government, and the government should retain the ownership of that. But we must make sure that the concept of multiple use stays in place. We have to be careful because, what else happens, is when the government buys land, they drive up the price for everybody else.

It is very hard today to find one's children or my children desire to go out and be a farmer, especially in our areas where the government has driven up the price of land because they are out acquiring the land. We have to encourage good and prudent management of the land, whether it is in the government hands or whether it is in private hands.

But I am not sure the answer is always to take it out of private hands and put it into government hands and one is going to end up with better management. Sometimes that might be the answer, but not always.

The American people need to be aware of how many thousands of acres every day across this country, through one government agency or another, at one level, local, clear up to national, go from private hands into public hands.

Mr. SCHAFFER. Absolutely. Mr. Speaker, reclaiming my time, the best stewards of the land, the best environmentalists are the farmers, the ranchers, the private landowners who have a future at stake in the ownership of that land. This is what they want to hand down to their children.

Mr. McINNIS. Mr. Speaker, it is a heritage, like the gentleman said.

Mr. SCHAFFER. Mr. Speaker, it absolutely is. For us in Colorado, this is what defines our State. This is part of our culture in the western States. We have some of the most beautiful vistas and greatest natural resources, some private, some public, but in all cases, these are resources that, when managed well, the extraction of minerals or the sound timber management actually improves the environmental quality, particularly with respect to timber.

Let me talk about that for a moment, because the timber industry in the west, after, not only the poor policies that are put forward by the Forest Service these days, but also the misapplication of the Endangered Species Act, there are very, very few mills left in States like ours.

But what we are discovering is that active forest management, from a scientific perspective, actually improves overall forest health. What we are seeing out in the West today are devastating forest fires that burn far more intensely than ever before. We are seeing the pine beetle infestation in western States, which is an infestation at escalated levels primarily as a result of the poor condition of government-owned forests in western States.

When these trees begin to grow too closely together, they start competing for nutrients, for water. They prevent the snowpack from getting to the surface of the forest floor, and it respirates much quicker than would be natural.

As a result, these trees begin to undergo a certain amount of stress. Once they become stressed, these beetles move in, these trees die, they become brittle, they become dry. It really sets up the West for some of these devastating forest fires that get worse and worse year after year after year.

But there is one interesting thing about these forest fires. Sometimes they tend to stop along straight lines. I have flown over some of the old burned areas, and I have never seen anything like it before. It is really remarkable.

These forest fires will burn, and they will stop along pretty much a straight line in some cases. The difference between the side that burned to the ground and the side that is still green and standing and flourishing and providing habitat for wildlife is that the government owns the land that was not well managed and not well taken care of. Private owners are managing the land that is still green today, still providing critical habitat for wildlife and so on.

The bottom line is the Federal Government owns far more land than it is able to effectively take care of, and that is irresponsible. That is an antienvironmental record that our Federal Government is moving itself into by acquiring more land than we have the capacity to care for.

I would also make one other observation. Since the fall of communism and the old Soviet Union, many of the republics have had a difficult time making the full transition to free market capitalism and ensuring democracies in their new countries.

One of the key provisions that comes back to us over and over again in observations is that what these countries need to do to make the last step toward free market capitalism is guarantee private property ownership. These are countries that understand they need to move toward private property ownership, not away from it.

We here in the United States, enjoying the greatest economy on the planet right now, are moving with great speed in the exact opposite direction, having taxpayers wealth confiscated from the American people, sitting here in Washington, D.C. so the Clinton administration and others who agree with him can then go back and purchase at above-market prices land that should remain in private property ownership, putting it into the hands of the government which, as I mentioned, is incapable of doing an effective job of taking care of it.

So it is quite a problem. It is one that, when we hear the term the "war on the west," the gentleman and I understand that term very well. But for others who have heard the term may not understand what that means. It essentially means the Federal Government coming into a great State like ours, not only purchasing the property rights, but the mineral rights that go with it, and affecting directly the water rights, water being the most precious natural resource that our economy depends on.

□ 1415

Mr. McINNIS. If I might, the gentleman is correct. And let me make it very clear. There are some areas, and my colleague and I have talked about this, there are some areas where timbering is not appropriate. There are some areas, regrettably, where in our history some people have abused the timber rights. They have gone out and clearcut areas where they should never have clearcut. And part of that, by the way, was the irresponsibility of the Federal Government's supervising that type of thing.

But what has happened is they have taken that section of misbehavior and said, and there are actual groups out there that have said, we never want another piece of timber taken off Federal lands. We have the national Sierra Club, whose number one goal of their president is to take down the dam at Lake Powell, drain Lake Powell, which is one of the most critical resources in the western United States.

What I am trying to say here is that, just as we have an obligation as citizens of this country to build a missile defense system for the next generation and just as we have a like obligation to provide a good solid education system for the next generation and just as we have a similar obligation to provide a retirement system for the next generation, we also have an obligation for this next generation to enhance the environment that we are in. But the answer for the enhancement of the environment is not necessarily, and in most cases not at all, to take away the right and the dream of private property ownership.

Now, I should add, and some night we should just come and discuss that, how when the government decides they do not have the money to go in there, what they will do is go in and regulate. That way they never have to buy the land. They just go in on private property and regulate it so no one can move.

In the State of Colorado we had, I think it was the jumping mouse.

Mr. SCHAFFER. The Preble's Meadow Jumping Mouse.

Mr. McINNIS. The jumping mouse, and on the eastern range, which had never been seen, never been spotted, et cetera, et cetera, et cetera, and they were going to regulate that as an overriding land issue.

My bottom line is, we owe it to the next generation to protect our environment, but we owe it to this next generation to do it in a common-sense way that also preserves, as my colleague has very accurately defined, the fundamental philosophy of this country, and that is, as a citizen of this country we all dream someday of owning our own house or owning our own piece of the pie. And if we take care of that pie, we can all have at that opportunity. Do not let Washington, D.C., dictate and do not let Washington, D.C., try to convince the American people that they know what is best.

Mr. SCHAFFER. Sustaining our heritage and preserving our legacy is really a matter of keeping this land in private ownership. Many of the old farmers and ranchers who are reaching retirement age now and planning their estates realize they are going to have to deal with the inheritance tax.

Mr. McINNIS. The death tax.

Mr. SCHAFFER. This is another aspect that we are trying to address and trying to eventually get to the point of eliminating the death tax overall. And I think that the Congress ought to view death tax elimination in environmental terms as well. Keeping these properties in the hands of the families that have worked this land for many, many years is something that we want to see more of, rather than moving toward more government ownership.

I know this is an issue in our State of Colorado. It is also an important issue in the State of South Dakota, and I see the gentleman from South Dakota has joined us for the remaining couple of minutes that we have left. The inheritance tax is a big issue for his constituents, and we will finish this special order up with just a brief discussion on inheritance taxes.

Mr. THUNE. Well, Mr. Speaker, I thank both my friends and colleagues from the great State of Colorado for taking this issue up. This is an issue which is important, obviously, to anybody who makes their living off the land.

And one of the things I find is one of the biggest insults to people who actually are in the actual day-to-day business of farming and ranching and involved in natural resource industries is to suggest that they are not concerned about conservation. When the gentleman was discussing the environmental burdens and the regulations that the government imposes on people who are trying to make a living at that, I could not help but think of a lot of the small independent farmers and ranchers in my State of South Dakota and the cost that is associated with those burdens. We talk right now about prices being in the tank, which they are, and it is very difficult for small independent farmers and ranchers to make a living today. And, obviously, that is something that we are going to have to address as well.

Frankly, one of the reasons we are not doing so well is because we have failed in a couple of important things, and one is opening export markets. We made a commitment, when the last farm policy was put in place, that we would aggressively open export markets. We have not done that. We do not utilize the tools that are in place and, furthermore, I think that this is a basic failure in our farm policy today. And, as a result, we are seeing the depressed prices because we do not have the demand that we need out there.

But the second thing that is really important, as the gentleman mentioned, is regulation and taxes. Again, that was another thing that was promised under the new farm policy a couple of years ago, which happened before the gentleman and I arrived here, but it was clear one of the things we said we would do is regulatory reform. That has not happened. There are still enormous costs associated with production agriculture.

And, again, as the gentleman, my friend from Colorado (Mr. SCHAFFER), also noted, there is the tax burden. Today, when someone dies, we basically have to deal not only with the undertaker but with the IRS. And that is a real liability in terms of trying to provide a framework for passing on the family farm, the family ranch, the family business to the next generation of Americans. The tax burden continues to strangle folks who are in the business of production agriculture.

So I think this is something that needs to be addressed. I hope we will do it in this Congress as part of our agenda, as we address the needs that are out there and talking about, for the first time in a generation, the politics of surplus, a surplus that has come about as a result of decisions that we made a couple of years ago in the balanced budget agreement. We were able at that time to bring some tax relief, but we need to bring additional tax relief after we have addressed Social Security and coupled that with paying down the national debt, which is an important priority for myself and a lot of Members I think on our side of the aisle, and hopefully a lot of Members in the whole Congress, but also to look at ways that we can continually streamline regulations and lessen the tax burden on America's working families.

I cannot think of any working family today that is having a tougher time making a living and making ends meet than people who are in the day-to-day business of agriculture.

Mr. SCHAFFER. The farm economy is really going to be strained this year. The administration's failure to aggressively and assertively open up foreign export markets is really leaving American producers high and dry in many cases.

Also, the debacle in Brazil, for example, with the devaluing of the currency and the role indirectly that our government played, is going to result in cheap soybeans swamping the U.S. market. Now, we have some soybean growers out in our parts of the country, it is going to be a bigger issue perhaps in the Midwest, but for agriculture in general these kinds of realities over the next months are going to, unfortunately, result in a very troubled agricultural economy in America. And I think we are going to feel the brunt of it around August, September, and October, in those months, and on into the year 2000.

But at a time when we know that competitiveness issues, that regulatory issues are going continue to be hitting hard on American farmers and ranchers we need to seize on that opportunity to focus on the other government-imposed fixed costs of doing business, the inheritance tax certainly being one of them. Capital gains tax relief is something else that could make the difference between farmers declaring bankruptcy and selling out versus remaining in production agriculture and hopefully passing these productive agricultural assets on to their children.

The important thing to remember when we talk about eliminating the inheritance tax, or the death tax, we hear many of our critics on the Democratic side of the aisle who will claim this is a tax cut for the rich. We have all heard that. And many farmers and ranchers, when calculating the present value of their land and equipment and so on, it sounds like an awful lot of money. But that wealth is all tied up in the land. It cannot be extracted easily at all.

And what we are talking about is the children, the heirs of the present farm land owners, having to fork over upwards of 50 percent of the value of that asset over to the Federal Government when it changes hands between the parents to the children. Fifty percent of the value of an asset value of a farm means that that farm goes on the auction block, that it is sold. It is over. It is out of business. And that is why the inheritance tax relief that we are trying to push forward is so critical for agriculture today.

Mr. THUNE. It is. And what people do not realize is that agriculture is a very capital-intensive business. It is not uncommon for a small independent producer to have a lot of investment in equipment in order to try and do all the things they have to do to raise a crop and then be able to market it.

So the gentleman is exactly right in that people, when they talk about this being something that favors people in the higher income categories, I can tell my colleague one thing, the farmers and ranchers I know and visit with in South Dakota are not people I consider to be cutting the fat hog. In fact, right now, they are having a very, very difficult time.

And if we want to keep them on the land, if we want to keep that small family farm, independent producer, the thing that I think has helped establish and build the values in this country that we cherish, if we want to keep them on the land, we have to make it easier to transfer that farm or that ranch to the next generation of Americans. And that is why I think, again, as we look at what we can do in terms of trying to assist the agricultural economy today, rolling back the estate tax, the death tax, dealing with capital gains, as the gentleman noted, is important as well, and also trying to figure out a way to make it less costly to be in production agriculture.

Because, again, there are enormous costs to these regulations. I hear ludicrous examples of this all the time. And probably the most recent one I heard was a small business in South Dakota that wanted to sell, and they were trying to get a buyer. And the buyer, before they could consummate the sale, had to go through an environmental analysis. Well, they discovered in one of the buildings there was an air conditioner hanging out in the back, as there often is in our State of South Dakota, because the summers get to be a little hot, but that air conditioner, as air conditioners are prone to do, was dripping a little bit of water. And the EPA said, well, I am sorry, we cannot have that. That is disrupting the vegetation. Ironically, their solution to that was to come up with a one foot by one foot square slab of concrete to place down there. Not that that would disrupt the vegetation.

There are ludicrous, frivolous examples of these regulations all the time. And I will not say for a minute that there are not needs in terms of safety and health reasons why we have regulations, but there are certainly a lot of frivolous ones. And as they apply to agriculture, we should look at what we can do to make it less costly.

Mr. SCHAFFER. The American public is looking to Congress for somebody here to listen and to resolve many of these issues, and I am proud to be part of the Republican conference that will continue to push forward for a strong economy, for maintaining and protecting Social Security, providing a strong national defense, providing for a world-class education system and, ultimately, trying to provide for some tax relief for the American people.

THE STATE OF THE MILITARY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I just a left a meeting with Secretary Cohen, Chief of Naval Operations, and General Shelton. I know people are talking about Social Security, they are talking about education, they are talking about Medicare, but I want to read something to my colleagues, and I want to quote.

Quite often our military leaders have been remiss in stating what the actual needs are so that they do not get in trouble, and I would like to read this to my colleagues. This was taken from a hearing in Las Vegas, Nevada. It said, "Displaying unusual candor, the commanders of combat training centers for the Army, the Air Force, the Marines, the Navy and Coast Guard described poor training conditions, outdated equipment held together 'by junkyard parts', and an underpaid, overworked cadre of service workers who cannot wait to get out and find a better job."

What is happening is our overseas deployments are 300 percent above what they were at the height of Vietnam. We are driving our military into the ground but not using the reinvestment into the parts, the manpower, or even the creature comforts for our military folks.

This goes on to say, "We have a great military filled with terrific soldiers who are suffering from an inability to train at every level with battle focus and frequency necessary to develop and sustain its full combat potential."

Mr. Speaker, we are maintaining only 23 percent of our enlisted. If my colleagues go out in any military division today and ask our sailors or our troops of any branch how many of them have been there within the last 8 years, every hand will go up; about 90 percent of them. They have not seen anything else but a de-escalation of military spending and/or support, which is denied.

We only have, today, 14 of 23 up jets at Navy Fighter Weapons School, known as Top Gun. They do not have engines. There are 137 parts missing. The 414th for the Air Force, the same problem. They do not have engines or parts to fly their aircraft back here in CONUS. We had 4 of 45 up jets at Oceania. What does that all equate to?

Why they are down is because we are taking the parts to support Bosnia, to support our off-loads and our carriers and our air force out of Italy, to put those parts in those parts of the world. We are killing our training back home. When we only have 23 percent of our enlisted and 30 percent of our pilots in all services, that means our experience is gone. Captain O'Grady, who was shot down, was not trained in air combat maneuvering.

□ 1430

That lack of training. When you only have four up jets in a training squadron back here in the United States, that means all your new pilots are getting limited training so when they go over, whether it is just handling an emergency or handling a combat situation, they are not trained for it. We lost about 50 airplanes this year, Mr. Speaker. We are going to lose a great number of aircraft and pilots over the next 5 years, even if we invest in those spare parts and so on today.

Now, the service chief will tell you, we have just put money into the spare parts and it takes delay. But that money they took and put into spare parts came out of other military programs. The chiefs have told us we need $150 billion. That is $22 billion a year. The President's new money is $4 billion. Last year when they say they needed 150, the President said, "Well, I'll give you a $1 billion offset," which means it has to come out of other military programs, which is a zero gain, zero net for the military.

We are in bad shape, we are losing our troops, the economy is high, but the number-one reason why our troops are getting out, yes, pay raise is important. But the number-one reason is because they are away from their families. They are going overseas, they are deploying, they are coming back, then they have to deploy here and they do not have the equipment, the spare parts that they use or take a part off of your Chevy and put it on another Chevy. That part is not going to last you very long and we are going to lose those numbers of pilots.

It is said that we have more tasks for armed services than we do people. Now, we are asking our people in all services to do this 300 percent increase of deployments. But we have one-half the force to do it with. That means that the ones that are left have to go and do twice the work than we had to do it before. We cannot sustain that kind of downsizing and leave our troops unprepared.

If we look at Haiti, at Somalia and Aideed, Aristide is still there, it is still a disaster and we have spent billions of dollars. The already low budget that we have, all of those excursions come out of that low budget which even drives us further.

EDUCATION

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I want to take this opportunity to thank my Democratic colleagues for joining me here today to talk about one of the most vital issues that faces this Congress, I think, and certainly this country over the next several years, and that is education.

So that you and others will not think that I am just standing talking about education, because I have found in this great deliberative body called the People's House, we talk about a lot of issues, and we can talk endlessly on issues if someone will provide us data. But prior to my being elected to the People's House in 1996, I served 8 years, or two terms, as the elected State Superintendent of Schools in my home State. I have made education a top priority, public education for our children, not only at the State level but I have done that also since I have been here in Congress.

Throughout my service as Superintendent and to this day as a Member of Congress, I have spent a great deal of time in the classrooms of the schools of my State to observe firsthand the exciting educational innovations that are taking place in my home State. I would say that is true all across America. As my colleagues join me this afternoon, I trust they will talk about some of the exciting things that are happening in their State, also. Too many times, all we do is we talk about the problems, and it is important to acknowledge we have shortcomings and that we work on those shortcomings to make them better, because young people only have one chance to get a good education in their first 12 years and so it is throughout the rest of their lives. But sometimes it is important to acknowledge our successes as well as our shortcomings.

Recently, I had the opportunity to visit a school in Wake County, which happens to be the largest county in my district and that also is the capital city county. The school I went in was Conn Elementary and it is really now called Conn Global Communications Magnet Elementary School. That is a mouthful. But what it really means is that these young people are wired through the Internet and through a special innovative program that the leadership in that county has put together in a partnership with the Federal Government to do some creative and exciting things for these young people. They really are on the cutting edge of education reform in America. The buzzword in Washington these days is accountability. I would say to you, as strongly as I possibly can, that an effective accountability or assessment mechanism is absolutely essential to sustain educational achievement, and I will talk about that later on today as I talk because we have done that in North Carolina on a statewide basis.

But now let me continue to talk about Conn Elementary, because they can teach us here in Washington a great deal about this whole issue of accountability and what you do to excite and energize young people and make them really love school all over again and love this thing we call learning.

Let me share with my colleagues and read, if I may, Mr. Speaker, the mission statement of Conn Elementary School. Let me say that Conn is not an exception in my State of a school having a mission statement. Every school has one.

"Conn Global Communications Magnet Elementary School will prepare students for successful citizenship in a global society. The learning environment created at Conn will provide an educational experience that will emphasize heightened communications skills via reading, writing, mathematics, science technology, and the arts as a means of connecting and interfacing with the world."

I would read that again, but let me just paraphrase it very quickly to say they understand that education is broader than what some have said, reading, writing and arithmetic. It has gone long past the three Rs. There are a lot of other things that need to be interfaced and integrated in a good, sound public education these days.

"Conn will ensure success for all students." Underlined "all students." Not just the bright students, not just the students that come from parents who have money, not just from parents who have the time to interface and work with the schools, but all students.

Now, let me share with you why they say that and how they get to that point, because I think it is important to as we emphasize that this innovative public school focuses on achieving for all their students and how they do it.

To achieve these goals, Conn has set out the following expectations for their students and, yes, for their staff and for the parents:

"Motivational global studies will accomplish a narrowing of the achievement gap between minority and nonminority students." This is true not only in my State, it is not just true in Conn, it is true in every school in this country. How do we narrow that gap between those students who are achieving at a high level and those who are not and how do we make sure they all achieve at a much higher level because we need all of them participating in this new economy of the 21st century.

"Cultural diversity will provide opportunities for children to recognize and appreciate the value of cultural differences in their own communities and beyond." Let me tell you why that statement is so important. We have the most diverse population in our public schools today we have had in the history of this republic. Yet there are those who want us to believe that we can educate the same way we have educated historically. That is absolutely not true. We have to recognize the cultural diversities and backgrounds from which our children come, accept those, and then help them achieve at a high level. That may mean that they need more time on task in some areas than others and it may mean that they need smaller class sizes. This Congress is going to be about that, and I will talk about that more in just a moment.

"Technological resources will enable students to communicate with the world around them." Many times when we talk about technology, some of us talk about technology as if it were just a computer. That is not the whole view of the issue. Computers are just one piece of a total mass communication world that we live in that children must have access to in our public schools. If they do not have access to that total view of technology, how in the world can we expect them to walk out of school one day and engage and interface in a world that is changing so rapidly? We talk on this floor of the House about the changing world and talk is awful cheap. It is easy to talk about changing education and making it better. I have often said, money is not the only issue but the last time I checked, without a certain amount of money very little happens. Even though here at the Federal level we only put in about 7 percent of the resources that our public schools use, we can have a tremendous impact if we will encourage, provide leadership, help and be a partner. Because we are a partner. We are not the senior partner but we are a major partner and we ought to be a partner that is about helping rather than throwing impediments anywhere along the way.

"Communication skills will be the key to meaningful connections between students' education and their understanding of individuals, groups and countries." Now, understand when I use this, this is a special school that has access to the Internet and other things that a lot of schools do not have. Every school should have this. But it gives them a chance to understand what they are about.

"Integrated, project-based learning will ensure active participation and indepth understanding of global concepts." When we talk about education sometimes, many of us talk about education in the framework of our own background, of how schools were when we were in school. If we have not been in the classroom in the last 10 years and we go in and visit, we would recognize the school, we would recognize the hallways, we might even recognize the classroom, but I will guarantee you if you look at the curriculum and the things that a lot of teachers are doing in these creative classrooms, it would sure be different.

"Integrated project-based learning will ensure active participation and indepth understanding of global concepts." I want to repeat that, because I think that is important as we move in this world economy. We stand on this floor and we talk about the issues of trade. We talk about the issues of money moving, et cetera. All this is in the perspective of the world that has changed in the last 10 years with global communication.

"Lower student-teacher ratios will encourage more active involvement in the learning process, more developmentally appropriate teaching, differentiation of instruction, and focused applications to improve student performance." The last bullet I read is so important to this whole concept of what we talk about when we talk about total education for every child, so that it is geared to that student, that that student understands what is expected, that teachers have class sizes small enough that they can deal with. In a diverse population that we have when a teacher has to go in the classroom and have 30 students, it is a very, very difficult task when the range is so great with those students.

I have said many times, my wife and I have three lovely children of whom we care very deeply, and I love them dearly. But I would be less than honest if I did not say today, it would be very difficult if we had 30 of them and we were trying to instruct them around the house and to direct traffic. I think that is true in most households. Too many times we ask our teachers to do the impossible task of doing what we could not do, what we would not do, and yet we talk a lot, and I have often said when it comes to education, we all have lots of answers and very few solutions. In the political arena, we need to become better partners. As those partners, we need to be sort of like the managing partner. We are willing to help where we can and push where we need to and be less critical of the children and teachers who I think are working awful hard.

Let me close on Conn Elementary with one other point, and then I am going to yield to one of my colleagues. This vision is a prescription for excellence for Conn Elementary and really for education in Wake County. I think that would be somewhat true of all the schools in my State of North Carolina. Conn is a richly diverse, inner city magnet school, and they really are laying a foundation for lifelong learning and citizenship for these students. In a situation where in many cases we would say those students could not do it, they are measuring up and they are achieving at very high levels and they are closing the gap between minority and nonminority students. They are doing it because teachers care, students are focused, parents are engaged, and they are also disaggregating data for both minority and nonminority students.

Let me tell you what I mean when I say disaggregating, because so many times we talk about averages, average students. Very few of us are average. We are special in our own way. If you take that data and break it down in individuals and individual groups, pretty soon you will find out which student really needs the help, where you need to give more time for math, where you need to give more time for reading.

□ 1445

All of us learn differently and at different levels, and Conn Elementary is doing that to make sure that every child reaches their full potential. Mr. Speaker, to meet the needs they are making sure that some of these students have smaller class sizes, and they can only do it, my colleagues, because they have some additional money in a partnership with the Federal Government, and the State is putting some extra in it. That is why I say when you say it does not take extra money we are deceiving ourselves and misleading the public. It takes additional dollars.

Mr. Speaker, with that I yield to the gentleman from Texas (Mr. GREEN) who really does understand how important it is, how important education is to the future of this country. He is close to it.

Not only has he been a fighter here in Congress, but every weekend when he goes home, his wife reminds him.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from North Carolina for yielding to me.

Mr. Speaker, I just wanted to share in the gentleman from North Carolina (Mr. ETHERIDGE's) special order because not only am I privileged to have a wife who teaches high school algebra, without her I could not have made it through college algebra, Mr. Speaker. So she tutored me to make sure I can have my gentleman's C, but every weekend when I go home, I try to spend time in our public schools.

Just recently, I was at Stevens Elementary in the Aldine School District. Last Monday, I was actually at Aldine 9th Grade Center, Aldine High School 9th Grade Center, because this week is Texas Public School Week in Texas, and so to recognize the value of public education.

Last Saturday, I was at Burnet Elementary in Houston Independent School District, not necessarily for an education program, although there was students there and their parents, but it was for a Fannie Mae home buyer seminar. So, using the public school facilities also for home buying in an inner-city school in Houston.

Recently, I was at R.P. Harris Elementary and H.I.C. to read to the students and talk about what I do. But this Friday that school will be having their Career Day that I will be there, and also we are hosting a job fair for people in the community.

Public education is working, and all we need to do is go to our districts, to go to those schools and see it happening. You see the success. I like to spend time in my schools because it recharges my batteries for the debates we are having like today on Federal funding for education and things like that, but it also provides a great role model for Members to go in and sit down and read to their students and also to talk about the job we do.

Mr. Speaker, we have quality education in every one of my public schools in my district. And, again, I have lots of different school districts in Houston Harris County, a very urban district, predominantly minority children, both African American and Hispanic, but there is quality education going on, and that is why I want to talk about the Democratic Families First agenda that was just announced today by the President and the Democratic Leader, the gentleman from Missouri (Mr. GEPHARDT), and Senator DASCHLE where we talk about school modernization and providing Federal tax credit to States and school districts to modernize and renovate 6,000 local public schools. The Houston Independent School District, who recently passed a bond election, a scaled-back bond election, by the way, is providing the local funds.

Now, on the Federal level, we need to try and help because of the deteriorating situation of not just urban schools like I represent, but rural schools, smaller class sizes. Texas now has a law since 1984 that is 20-to-1 for elementary schoolchildren from kindergarten through 4th grade, and that is great. The President announced we would like to see 18-to-1. Of course, that will not help my wife who teaches 30 and 32 children in high school algebra class, but we know that we need to put our resources into elementary schools.

So the Families First agenda, the Democratic agenda, also builds on additional teacher training and recruitment.

My wife told me a story a few weeks ago, and I know the gentleman from North Carolina (Mr. ETHERIDGE) can relate to this. She said:

You know how long it took us to get overhead projectors out of the bowling alleys and into the public schools? It took us years. The technology was in the bowling alleys before we could use them in our public schools. I hope we are not waiting for that long before the computers are really utilized in our public schools.

Teacher training and educational technology, there is so many things that is part of this agenda, and I know we share the same goals. The Federal Government cannot dictate what goes on in our local schools, but we can help. We can provide a little extra help for our school board members, our administrators, our teachers, our parents and the State legislators who provide most of the funding, and we can help to make sure that we pave the way for the 20th century, 21st century, so our children will be prepared to stand here on the floor of the House and want to get their children and their grandchildren prepared for the next century.

I thank the gentleman for asking for this special order and allowing me to participate today.

Mr. ETHERIDGE. I thank the gentleman from Texas, because he is absolutely correct, and the Families First agenda at this time with the educational package in it is just a tremendous piece with the President's initiative for more teachers, for modernizing our school facilities.

Every State has needs, and every State is doing some things to make a difference, and yet at the end of World War II, when our men and women came home from fighting the war that many in history said would end all wars, which it did not, they put their shoulder to the wheel, and they said: We are going to build schools, and we will make sure that children have an opportunity.

We now have an obligation, and I want to yield to my friend, the gentleman from Mississippi's 4th district (Mr. SHOWS), for some comments on what is happening in his area as it relates to this whole education agenda that we are working on.

Mr. SHOWS. Mr. Speaker, what I would like to say, too, as an educator myself that has spent a long time ago, we appreciate the opportunity to speak on behalf of the gentleman from North Carolina's bill. As an educator back in Mississippi back in the 1970s when we had a tremendous problem of overcrowding in schools then and some of the facilities were not what they needed to be, and still today, as I went through the district during the campaign and visited some schools that I thought have been outdated years ago, they are in terrible need.

Mr. Speaker, it seems to me that a lot of times we look at what we do to create a good environment around a business place where we do build new buildings to increase business, and it increases learning, and the same thing could be said for education.

But, Mr. Speaker, I thank the gentleman for giving me the opportunity to express my support for the efforts to improve the education of America's children. In the past few months in Mississippi, and especially in my district, we have had several plants that employed thousands of hard-working people in my district shut down, and in rural areas like mine in southern Mississippi a plant closure can devastate an entire community and county.

The international marketplace is here today. A new technology continues to change the face of business and employment opportunities. American jobs continue to migrate across our borders. We cannot stand idly by and let honest, hard-working Americans suffer because we are not preparing them for this reality. We must work together to do whatever it takes to make sure that our young people have the education and training to perform good jobs at competitive wages.

One obvious way to accomplish this is to build new schools that make the most of modern technology available to our students. The Etheridge School Construction Act provides tax credits to help finance school construction bonds. This legislation would provide almost $30 million in school construction bonds from Mississippi alone, and we can use every bit of it, and we need that help. For children in Mississippi's 4th District this would mean the opportunity to move out of old and overcrowded schools that are in need of repair and to new schools with new technologies in their classrooms. It would mean having classes in actual classrooms and not in temporary trailers.

I feel like this is a bipartisan bill and a cost-effective way to help our States meet their educational needs, and we need to pass this bill quickly. It is for the future of not only Mississippi, but for this great country.

Mr. ETHERIDGE. Mr. Speaker, now to my friend from the 19th District of

Illinois (Mr. PHELPS). He understands how important quality education is, how important it is, how the assessment, what growth means and the need for new school buildings. He has been a hard worker since he has been in here in Congress. I had the occasion when our Chief State School Officer worked with his Chief, so I yield to the gentleman from Illinois.

Mr. PHELPS. Mr. Speaker, I thank the gentleman for the opportunity to participate in this discussion on a very valued issue to all of us, education; and, Mr. Speaker, today I rise to support the Democratic initiatives to improve education for our children through better schools and smaller classrooms.

As a former teacher and a husband of a teacher, I have always believed that the single most important challenge we face as parents and as the citizens of this Nation is the education of our children. I have seen as a teacher and later as a State legislator the problems our schools face and the limitations as States and local school districts struggle to overcome them on a daily basis.

As a teacher, my first year I taught school in Harrisburg, Illinois, Unit 3 District. I walked into a classroom of 42 children. What a challenge. We had them lined up in what we used to call the old cloakroom, as my colleagues know, where you would have students even out of my sight. It was then that I learned to realize that the quality of education is so much compromised when you cannot look that child one on one in the eye and get their undue attention and the respect first because everything after that, not very much can be accomplished without that.

Mr. Speaker, I valued those first years in knowing that, however we invest in education, we can help parents and communities work together to provide better learning environments for our children through school modernization and construction. That is really the key and, of course, more specifically, smaller classrooms, as I alluded to from the problems of a large classroom.

Our commitment today to funding for more teachers will help the local school districts provide a smaller, more enriching learning experience for our kids. It was almost impossible, as many kids that I had that first year and my wife has in high school English class in Eldorado, our hometown now, to really relate to the kids in an individualized way. I believe that it is impossible to have a mentorship, if my colleagues will, for kids. This is how they relate. They get involved with a teacher. If the teacher is allowed to get to know them personally, and I believe that that is a value beyond description, it is hard to put a value on, because I personally feel that some of our problems that we are experiencing throughout the Nation with our kids rebelling in one way or another in the most vicious way is violence, that we see the school shootings, the dropout situation, the lack of attendance. The whole attitude is because many teachers do not get a chance to know those children, know those kids and the problems that they are having in their home life.

In the small rural areas, such as Eldorado, Illinois, a town of 4,000 people, my wife has made it a point to find out what is troubling the child when they seemingly are not caring what is going on, or missing school, or have a different attitude from one day to the next. She has found, to get to the heart of the matter, what is troubling that child. Smaller classrooms will afford us to do this, possibly even avoiding the most extreme expression of violence.

I really believe that. So it goes to the heart of discipline.

I know we talk about quality of instruction in the classroom, but smaller classrooms can be one of the major tools of discipline because most kids are really saying: Give me your attention. And many times their misbehavior is out of getting attention.

Mr. ETHERIDGE. If the gentleman will yield for a moment, because I think he is on to something. Let me raise a question with him because he talks of the 42 students he had when he started, and I think every teacher in America can identify with the statement he just made. Without dating him, and I will not do that, but he was talking about when he started teaching.

The diversity of the student population in our schools have changed dramatically in recent years, and the home life of so many of our students have changed because we have two-parent households, both are working, or even if it is a single-parent household, and I thought his point as it relates to the children having someone to really identify with, to let that teacher or in that classroom be their friend today as it was years ago when they had some time.

Let me ask this question because I think it is important. As we reduce the class sizes, as we have started to do and we need to continue, and provide for the good learning environment where when one goes to school, if it is the nicest place one goes to that day, that is what it ought to be.

□ 1500

Then certainly that is not only going to help the discipline problems we see that we are spending money on, but more importantly, as the gentleman just alluded to, discipline and achievement go hand-in-hand. We will see achievement go up dramatically.

Mr. PHELPS. The gentleman's expertise is much beyond mine in education, and I value the gentleman's opinion, so he can relate to what I am saying.

But just as one who has had formal experience in a classroom, and coming from a family of educators, I have two brothers that are public school administrators, similar to the gentleman's capacity in his home State before he came here. So I learned from not only them but my own experience.

I can only tell the Members, the way I relate to what we were talking about, mentorship, is in fact a coach's success. Let us take coaches, for example. It is not so much from one coach to the other, that they do not have the key plays, because they are pretty much passed from one school or university to another, but it is the way the coach motivates his team or his or her team to accomplish the end result to win.

That motivation only occurs when the coach takes that student aside and says, hey, how are things going? Do you want to meet me out for a round of golf? Let's go fishing Saturday. Because they can identify where some child may have a lack of attention, and just take that buddy under their wing.

I have seen myself, in my short tenure, in talking to coaches and teachers that have had that individualized partnership, friendship, that has made the difference to kids excelling who may not have had the support at home to begin with, to try to overcome that, or reinforce what is there.

Another matter that really, as a State legislator, I bring here, and I want to talk more on this later about school infrastructure and our needs there, but it has always astounded me and I am still bewildered why we as a society are so willing to fund the building of prisons, and yet not only hesitant but stubborn to fund building schools.

I guess we react to it; we all want to reduce crime, and get to the heart and the source of crime. We do not want to have fear in our neighborhoods. I think that is why in my area we have risen to the occasion to fund prisons, but at the expense of schools, in many regards, in Illinois, I can attest to that.

To me, if we invest in education, or usually an investment of any nature in the private sector or in our own lives or homes, we expect to benefit, to reap benefits. When we invest in education, I think the benefits from the governmental standpoint of expenses to taxpayers will be less for crime, for prisons, less for welfare, and unemployment will be reduced, to benefit productive society members.

That is what the value of education is. I hope to be part of this 106th Congress, and in solving these problems.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Illinois. He has well stated the foundation that I think that we all can agree with as it relates to improving the educational opportunities for all of our children in this country, to make sure that the

21st century will be bright for all students, and ultimately, as he has indicated, make sure that our social security system is sound, that everyone is productive and working and paying into it, and will make a difference.

Let me touch on a couple of points, and then I want to turn to my good friend, the gentlewoman from Connecticut, for a couple of comments on this educational piece.

I talked earlier about the Conn experience. There are a couple of other points that I would like to make, especially on a school that is in the inner city, they are working hard, they have formed what they call CONNections, advisory committees, where each group has to work together to bring the parents in; or if they happen to be in a foster care home, whomever is responsible for the child, they have a responsibility to come and work with the individual assessment of those teachers, so that every child can get extra care and extra time on those core subjects.

They are working to reduce class sizes, where they are getting more individualized attention and a feeling of belonging on the part of each student. My friend, the gentleman from Illinois, just talked about those advisory groups that are showing up as hard evidence and data on results for children.

I think sometimes we tend to forget that. It is not in isolation. We have to do it altogether. Their assessment measures are working. They are on track on a year to year assessment that has been going on long enough now that this absolutely is working. They have documented their performance in a systematic way. That has enabled them to show what they are doing.

Let me say that it is happening in a school and in a county that is seeing some of the most rapid growth in student enrollment population in the Nation. As a matter of fact, North Carolina is the fifth fastest growing State in the Nation over the next 10 years, as documented by the U.S. Department of Education, for student enrollment in high school. Wake County alone has added over 30,000 students in the past 14 years, and gained anywhere from 3,500 to 4,500 students every year, this is the size, and larger than some school systems.

When we start talking about building buildings, they have an ongoing project that they have not gotten out of. They are bursting at the seams. They cannot get enough space. We can imagine what that does to each individual school.

Since 1990 alone, Wake County has seen 29.9 percent growth in student population, but every county that touches Wake County in my district has grown over 20 percent in the last 8 years. That is why Congress I think needs to step up this year and follow through on the proposal the President has talked about for providing school construction for our students.

I have a bill that I will be introducing later this week called the Etheridge School Construction Act. We now have 55 sponsors, and I hope to have more before it goes in tomorrow. It will provide for $7.2 billion in school construction bonds for growing States and localities that are hurting.

Now, some of my colleagues will say, that is not the Federal government's responsibility. I would ask them, what did we decide when we did not have electricity and we did not have telephones? There was a time we did not have canals in this country, and we put in a system in the Federal Government to make sure we had water transportation. Finally we got to the interstate system, thank goodness for Eisenhower, who pushed us into it. There are a lot of things we have gotten into in recent years that we were not in.

I will say to the Members, our soldiers who came home from World War II decided we needed to build some schools. They put their shoulders to the wheel. It is now our responsibility as we move towards the 21st century to make sure that the baby boom echo does not have to be taught in lean-tos and in shacks and in rundown buildings.

We need to build some school buildings to make sure these children have a good place to go to school. They need to have as good an environment to be taught in as my colleague, the gentleman from Illinois, talked about that we are sending our prisoners to. When we talk about sending children to school, and they ride by a $30 million prison to go to a $4 million school, they are not very dumb. They can figure that one out. Our priorities are misdirected.

Mr. Speaker, I yield to my colleague, the gentlewoman from Connecticut (Ms. DELAURO), who is a champion if ever there was one, for education, to share with us some thoughts she has on this subject.

Ms. DELAURO. Mr. Speaker, I thank the gentleman, and I want to commend my colleague for the leadership role he has taken on the issue of education. It is not just this evening, but it has been since he arrived in the Congress, he has made this a principal part of what his efforts are here. I congratulate him for that.

I am delighted to join with the gentleman. Just on the point he was mentioning, I think it is interesting to note that the gentleman is so right, this is not about the Federal Government getting into the school construction businesses, nor about just bricks and mortar and bells and whistles and newfangled buildings and all of this.

I will just tell Members about my part of the country. I am from the Northeast, from Connecticut. We did a school survey. We found that in my community the age of the school buildings is rather staggering. The average age of the elementary school buildings is 50 years old. More than half of the elementary schools regularly hold classes in areas not designed to be classrooms, including cafeterias, hallways, mobile or temporary rooms, and storage areas. The average class size is 23 students. So that I happen to live in the part of this country where the infrastructure, and whether that is the roads, the bridges, whatever it is, including our schools, are old.

What does that mean in terms of the future? If we just take one small aspect of that, that is technology, we have some buildings where the thickness of the walls is so big and so dense that to wire these schools up so that we can really be connected with the Internet, and put in the kind of computer and advanced technology that our young people need today, is either prohibitive, or there are some places where the computers are stored in boxes in rooms because they do not have the ability to get them wired up.

What are we talking about with school construction? It is modernization, it is providing the kinds of facilities that are going to lend themselves for that future opportunity for our young people.

I am going to use myself. I am old. My kids are computer literate. My grandkids will be computer literate. We have little tots that know more about computers than I probably will ever know. I want to talk about a classroom that I went to this past week.

But the fact of the matter is, what was a textbook to me, to my generation, and the importance of that, is what the computer is to our kids today, so looking at modernizing our schools so we can deal with this new technology is critical.

Now, that having been said, school construction. What we are offering here is not to build the schools, not to say where they are going to get built, not to preempt any local control of this effort. But what we will try to do as a proper role for the Federal Government is to say to the locality, you have to float bonds to be able to modernize or to build.

What we want to do is to provide you with a tax credit. Use the tax code to help to pay the interest on those bonds. Therefore, you can float the bonds, you can get some financial resources to pay the interest, thereby cutting down the costs to local communities and taxpayers and what they have to pay in terms of modernizing or building those classrooms.

It is good for the community, it is good for the tax relief and local property taxes, and we get to where we want to be in modernizing facilities for advancement for our young people. It makes perfect sense. It makes sense to use the tax code in a way that facilitates the direction we want to go in in trying to meet a goal and a value, because education is about values and who we are as a country. Secondly, it is to provide the kinds of tax relief to struggling local communities in this effort.

So this is one of the most logical pieces of legislation that has come along, with the perfect match between local control and Federal government partnership in an effort. No one is suggesting that the Federal Government get into the business of constructing schools.

I just want to make one more point on computers and teacher training, which we allow for in this families first agenda and our budget. I did go into a classroom, and I watched a first-rate teacher who takes every opportunity that she can to avail herself of information and learning herself to be skilled, and then transmitting these kinds of skills to young people today.

As I said, we can provide and we can get involved in getting all of the hardware into these schools, and if we do not have competent and qualified teachers who can teach our youngsters about how to use the machinery, then they are just going to stay in the boxes and it is not going to amount to a hill of beans. It really will not.

So that the training, that we have competent and qualified teachers to train in this area, is critical to where we want to go. In addition to which, it says to parents and says to local taxpayers, we want to make sure we are keeping our kids up to date, that the standards rise, that there is accountability on behalf of the schools and the children and the teachers, so that we make sure that our children are competent and qualified for those opportunities of a new century that we do not know what of, it is going to have so many promises and opportunities for young people. We would be foolish to squander these opportunities.

That is why I am excited about this families first agenda that we have embarked on, with education being at the center of it. I know the gentleman is going to continue to make this battle in the next year and a half, and I look forward to joining that battle with him. I thank the gentleman for letting me participate with him tonight.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from Connecticut, because she has been on the forefront of this issue. She understands as much as anyone in this Congress that education, public education for our children, is the one thing that levels the playing field for all people. It makes no difference what their economic or ethnic background is, when they get an educational opportunity, it is very difficult to ever close that door again. I thank the gentlewoman for her time.

Now let me turn to my friend, a new Member of Congress, and yield to the gentlewoman from Nevada (Ms. BERKLEY), from the First District, who has taken on this issue of education again, because she fought for it in her home State before she came here.

Ms. BERKLEY. Yes. I thank the gentleman, Mr. Speaker, for giving me the opportunity to speak with him about an issue that I have a great passion for.

I believe that the Democratic agenda, which puts families first, is absolutely pivotal to the success of my district. I would like to tell the Members a little bit about the district that I represent, because in order to understand how important educational issues are to the people of southern Nevada, Members need to know a little bit about the district that I represent.

I have the fastest growing district in the United States. We have the fastest growing school-age population in the United States.

□ 1515

There are 5,000 new residents that come to Las Vegas, Nevada, every single month, and there is no end in sight to the growth. We have to build a school a month in order to accommodate the growth, in order to make sure that our students have a place to go to school. So the issues that we are discussing in our education agenda are absolutely pivotal to the success of our schoolchildren in southern Nevada.

There are certain areas that are of particular importance, and I would like to highlight those. The fact that I do have the fastest growing school age district in the United States and one of the largest school districts in the United States, with 210,000 students going to school in Las Vegas, Nevada, that means that school construction is absolutely necessary in order for us to make sure that our kids have a place that they can go to school.

We need to get them out of the portables, get them out of the trailers and get them into a classroom environment where they can thrive. So the school construction component that has been proposed by the Democrats is very, very important for our needs in southern Nevada.

Also, the fact that we want to modernize our schools. What is the use of having a belief that we need to have computers in every classroom and connect everybody in the United States to the Information Highway if we have schools that are obsolete and do not have the ability to bring in the technology that is so important? This is especially true for a community like southern Nevada where we have some schools that are a little bit older.

In order to accommodate the technology which is going to take us into the 21st century and that our children absolutely must be trained to be educated on, that is a very, very important issue for us.

Mr. Speaker, another important issue is the hiring of new teachers. Next school session, when our schools open up next September, we are going to be 700 teachers short of the amount that we will need in order to teach the number of students that we have in southern Nevada. So the President's initiative to hire an additional 100,000 teachers, that is very important for southern Nevada and I suspect for many school districts across the United States.

The two perhaps most important issues in my mind are the after-school programs and the summer school programs. For a large number of my school population, they are going home to empty houses. They are latchkey kids, because their parents are working, and we have a working class environment in southern Nevada. So these kids are coming home to empty homes with nobody to help them, nobody to take care of them.

If we can provide after-school programs for these kids, it actually satisfies two needs that we have in southern Nevada. One is that it gives them a wholesome place to come after school, but the second thing is it gives them an opportunity to get additional mentoring so that they can learn the material that they have to learn in order to pass to the next grade.

Mr. Speaker, we are opposed to social promotion, but if we are opposed to social promotion we are going to have to do something to help these kids so that they can, in fact, be promoted with the rest of their class. That is why summer school programs are so important as well.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman would yield at this point for a moment, let me ask a question. It sounds like Nevada is doing some creative things, and North Carolina has done some of these same things. I assume that they are doing after-school tutoring in some areas right now for those students who need extra help to stay up with the other students, and probably some early morning tutors, too.

Ms. BERKLEY. We are doing some, but not half enough. And if we could get some help from the Federal Government in order to do that, that would be absolutely wonderful.

Another important thing is, of course, the summer school programs. Because the very students that need the summer school programs are often those who can ill afford them, and if they have to pay for the summer school program then those students who actually need it might not have the opportunity.

Those are the issues that I find very, very important and compelling; and those are the reasons that I came to Congress, in order to make sure that the people of southern Nevada are protected.

Mr. Speaker, if I may have one more minute, the education that I received in southern Nevada was wonderful. It was wonderful for the life that I am leading today. It will be obsolete for the life that my children are leading.

It is important for us as the leaders of this country to make sure that the students that are going through school now will have the tools and the opportunities that they need in order to succeed in the 21st century. We have a golden opportunity in this country to make a difference, make a difference in the lives of millions of children that are crying out for help, crying out for quality education, crying out for a good life.

I, for one, am going to join with the gentleman from North Carolina to do everything I can to make sure that these students are taken care of so that they can take our places in the 21st century and lead this country to a new horizon and new beginning and greater heights.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from Nevada. She understates her hard work, because she has worked hard since she has been here. She had a record of support for education before she came, it preceded her, and she is doing an excellent job.

Mr. Speaker, I think the point that the gentlewoman made, that education is no longer a K–12 or K–16 through four years of college or master's or doctorate. It is a lifelong process. All we need to do now is talk about the new technologies and recognize those of us that are rusty with computers have to get up to speed on those computers because most of our children are ahead of us.

The gentlewoman from Connecticut (Ms. DELAURO) just talked about it, but the truth is that is the way of life for all of us now, and we have to do a better job.

Ms. BERKLEY. Mr. Speaker, with the help of the gentleman from North Carolina, and hopefully with the help of those across the aisle, we can work together in a bipartisan way to make sure that all of these children in our great country have the same opportunities that the gentleman and I had when we were growing up.

Mr. ETHERIDGE. The point the gentlewoman makes is absolutely correct. If we think about it, when most of us were growing up, our world was much smaller in the sense that we thought about the competition being maybe the community next door, the county next door, or maybe even the State next door. For our young people today, that is not so. It is the whole world.

We talk about the world having shrunk. It has only shrunk in that time has shrunk. Because if something happens today on the far side of the world, within seconds it is front page news in Washington, D.C., or hometown, U.S.A. This means that for our children and for us as adults, we have to learn to deal with issues differently. That puts an extra burden on our public schools and on our teachers.

When we were talking earlier about the teachers and having training to deal with computers, it really means that the teacher has to be able to integrate their teaching techniques on that computer. Otherwise, the computer is a tool that will not be used.

Ms. BERKLEY. Interestingly enough, I go home every weekend. Last weekend I was home, and I had an opportunity to read. It was Reading Readiness Week, and, of course, in Las Vegas we are working very hard to read to our children and give parents an opportunity to read to our children as well.

I was one of those people who went into the classroom to read to a group of kindergarten students, and I can say that not only were the kindergarten students absolutely superb to read to, but I was particularly impressed with their teachers and the amount of training necessary in order to be able to pass on the skills that these children are going to need.

So, Mr. Speaker, I am very, very excited. When I look at those kindergartners, when I look at my own children, I can only imagine what a magnificent life they have ahead of them. But before they can have any life at all, we need to make sure that they have the tools to prepare them to lead the life that they are going to be leading in the 21st century.

And as the gentleman has so correctly demonstrated in his comments, that technology component is so vital. In order to not only succeed in the 21st century, but merely to survive in the 21st century, they are going to need to have those skills. And if we do not give them to our students while they are in school now, I am afraid they are going to be terribly disadvantaged and unable to compete in the global world that we now live in.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman for her comments, and she is correct. Education is the key to opportunity in the future. We have worked at it in North Carolina, and she has worked in Nevada, and all of us have to work at it in this country because of the mobility of our population.

For a child in North Carolina today, they may be going to school in Nevada next week or California or New York. We have to work our system together so we have some parity across the country.

Mr. Speaker, I yield now to the gentleman from North Carolina (Mr. MCINTYRE), my colleague from the Seventh District, to share with us some of his thoughts on education.

Mr. MCINTYRE. Mr. Speaker, we know that education is the key to the future of this country. And when I think about the words of Robert H. Jackson, the Supreme Court Associate Justice, who once said that, "Education should be a lifelong process, the formal period serving as a foundation on which life's structure may rest and rise."

We realize when we talk about this foundation and the structure of life we have to ask ourselves what kind of message are we sending to our children? What are they learning now that will make them the leaders of tomorrow?

Mr. Speaker, I think there are three important ingredients that we here in the Congress and we here in the Nation should consider, that it does take the people, the purpose, and the partnership in working together.

First of all, the people. We realize that it is not just up to the educators alone. They need our help and support. But it is also up to the people of the community and the people in government, the people in business, the people in all sectors of society who will come together and provide that positive example of commitment. People who are willing to go and help the teacher, call up a teacher and say, I want to know how I can come help.

And when we decry the lack of role models for our children today and we wonder what are they seeing? Are they just seeing the athletic heroes and the movie stars? But where are the future businesspeople and the future nurses and doctors and the future teachers, the future people that will be working in the communities?

Mr. Speaker, they are out there in the communities now, and our children are looking at us, and they are wondering, are we going to provide some kind of example for them? Are we volunteering our time to go into the schools and help?

I know the last 18 years that I have been spending as a volunteer in the school, I continue to do so even now in Congress when I am home during a recess, to spend time with kids, to volunteer personal time, to show support for our teachers and, most of all, support for our children.

With the people working together, we can share a common purpose, a purpose that instills and inspires in our children the idea that they can become what they dream they might become one day because they see in us an example of coming to them. Why would that person come and spend time in our schools? He is too busy. He is a doctor. Or why would that businessperson take time to come talk to us about marketing?

Mr. Speaker, when we take time to invest ourselves, we set an example that pays more than money could buy.

Third, we put together with that a partnership. We here in Congress are looking at issues affecting school construction. We are looking at issues affecting the reduction of class size. We are looking at issues that will affect private business being able to donate computers and being able to get tax deductions for doing that, much like they can for other charities and other organizations now.

So the question is, will we be willing to work together in that partnership? I know it is a challenge for us here in Congress, but it is a challenge that we are well up to and that we can do on both sides of the aisle.

Mr. Speaker, I know that Robin Cooke once wrote that, "Education is more than a luxury, it is a responsibility that society owes itself." Education is something we cannot just leave up to one group or one organization and expect them to handle it for us. It is an investment that has to come from the heart and from the hands and from the heads of all of us putting ourselves into the educational process to work together to strengthen the foundation of the future of this society.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from North Carolina for his comments, and certainly education is that critical linchpin that fuels our economy, gives us opportunity, and the reason we are the kind of society we are to reach out and help the people around the world.

Any of us that travel any places know how people admire Americans, and part of it is because we have a system that says everyone who shows up will have an equal opportunity.

Today we have talked about a number of issues of the Family First agenda of education, and one of them being the linchpin of school construction. Too many times when people want to talk about education, they fail to talk as our colleagues have today and have reminded us, that the teacher is the heart of that issue and the students are why we are there.

But the truth is, if we ask teachers what is most important to them in having the opportunity to teach children, it is not always salary first. Recognizing that certainly they pay the same for food or shelter as we do, but they need a good environment to teach, and children should have a good place to learn.

Also, they need the latest in technology, simply because the young people that leave those classrooms are going to be coming into the workforce. And if anyone wonders why business has stepped up and decided that education is the most important issue on their agenda besides making a profit, all we need to do is look at our public schools. They are going to be employing these young people; and, secondly, they are also going to be their consuming public.

Finally, as we talk about the staff shortage we are going to be facing, we are going to be facing some, we have to recognize if we are going to keep some of these people longer than the years after their retirement, we have to make sure that we change our retirement policies for them and make sure that their employment opportunities are where they ought to be, and they get the ample training to make sure that they can deal with our young people.

Mr. Speaker, I yield to the gentleman from North Carolina for a comment.

□ 1530

Mr. McINTYRE. Mr. Speaker, I just wanted to say two other things briefly. We in the Congress can also support our local school districts where we have military bases. As a member of the Committee on Armed Services, I hope that we will challenge ourselves to support impact aid for direct appropriations to school districts with military children.

Secondly, I hope all of my colleagues will do something that we did, and that is host an education summit in your district. I have held two over the last 2 years. We even had the U.S. Secretary of Education come down. Listen to the parents and the children themselves talk about their needs, and that way we will know that what we are doing is making a difference back home.

Mr. ETHERIDGE. Mr. Speaker, let me close by saying thank you for this opportunity to share with you, with our colleagues and with the American people hopefully an issue that is so critical to the future of this country, educating our young people, providing a rich opportunity for each one of them, making sure that we have teachers in front of those classrooms who are well trained, who are well equipped, and they have an environment in which to teach effectively, and for children to have a place to learn the way they should learn in this place we call America for the 21st century.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 707, DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. DREIER (during the Special Order of Mr. COBURN), from the Committee on Rules submitted a privileged report (Rept. No. 106–41) on the resolution (H. Res. 91) providing for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SURPLUS SHOULD GO TO SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes.

Mr. COBURN. Mr. Speaker, I found the previous hour very enlightening. Many of the things that I heard I absolutely agree with.

But the subject I came to talk about today is something that oftentimes is overlooked by the American public, and that is the fact that one hears in the press and one hears on this floor all the time that we have a surplus, that there is a surplus of money in the Federal Government today. I am here to tell my colleagues that that is not true. There is not a surplus in the Federal Government today. In fact, the monies that are shown in surplus actually belong to the Social Security system, the retirement system.

What I have before me is a graph that shows my colleagues actually what is happening right now and what is projected to happen with Social Security monies. This chart, my colleagues will see, is from the Social Security Trustee's report, and it was issued this last year.

If my colleagues will notice, what they see is somewhere around $70 billion to $75 billion per year actual more money coming in to the Social Security system than we are paying out. That is, everybody that is working in this country is paying a FICA tax, and everybody that they work for is paying a portion of that FICA tax that comes to the Federal Government. This last year, it was about $480 billion that everyone who worked in this country paid in.

When you look at this graph, what actually happened is we paid out somewhat less than that to the seniors who are presently on Social Security. What we have before us in Washington today is a shell game.

How do we confuse people about what is going on with Social Security? When I talk to seniors in my district, as a matter of fact, when I talk to seniors anywhere, I have not found anybody that wants that money spent for anything except Social Security.

We continue to play a shell game by not being truthful with the American public. What one will see is, when we get to the year 2013, this surplus of money that is paid in versus the money that is paid out on Social Security starts running a deficit.

As we can see, with the baby boomers, of which I am one, by the year 2030, the Federal Government is going to have to come up with some $750 billion a year to fund the Social Security program.

All right. So we have a problem that is coming to us. The first thing I was taught by my father as a young boy is that a half truth is a whole lie. The half truth is that there is a surplus. Yeah, there is more money in Washington than what we are spending out.

But it does not belong to the Congress to spend any way it wants to. It belongs to the Social Security system.

What is going to happen if we continue with this half truth-whole lie is that the children that are going to be 30 years of age, that are going to be born this next year, are going to have a FICA tax rate of 28 percent instead of 12 percent.

That means that if we made $100,000, $28,000, not income tax but payroll tax, will have to go just to keep even to fund the Social Security system in this country.

So before we can ever begin to hope to solve the Social Security problem, we have to be honest about what it really is. What it really is is the surpluses that were seen last year and the surplus that we are going to see this year is made up entirely of Social Security money.

The next diagram shows you what actually happens to Social Security money. Right now, the Federal Government uses excess Social Security to pay for more spending or to pay off the debt.

Last year, we did retire some external debt. We borrowed Social Security money. We gave them a note that bears interest. We used that money to pay off people outside of our government, outside of our Nation, who have loaned us money to run at a deficit. We are paying that off. So we are putting in IOUs, credited to the Trust Fund.

It is important to note that, last year, we took $26 billion of the Social Security Trust Fund and spent it on nonSocial Security programs, which stole $26 billion of the seniors' Social Security money and spent it on other programs.

That is why it is so interesting to hear that we have to spend all this additional money on education where, in fact, if the Congress would live up to its obligations that it made in 1973 on IDEA that we would fund 40 percent of the cost of the special ed in this country, we would free up billions of dollars in local monies to be spent on education, and we would not have to have a Federal program to build schools, because the schools would have the money to build it, because we have not kept up our end of the bargain.

So what is going to happen in 2013, we are going to spend more money than what comes in. We are going to have to either go borrow money, or we are going to raise taxes. It is real simple. Actually, we are going to do one of three things, and let me show my colleagues what that is.

So how do we solve the Social Security program? How do we solve this problem so that the money that goes into Social Security is used for Social Security? How do we solve it so that the people who are working today can have a retirement benefit that is supposed to be guaranteed to them?

As they poll young people under 35 and they ask them, "Do you believe that you will get Social Security money, or do you believe that there are UFOs out there," more people believe there are UFOs flying around than believe they will see their Social Security money. That is a condemnation on Congress that we have let down the American people.

So what are our options? Save the hundred percent of the Social Security surplus and transition it into some instrument that earns more money, one. What we can do is repay the money taken by the fund by raising taxes, and that is exactly what I outlined, that we are going to have a 28 percent effective FICA tax by the year 2015 to pay to meet the obligations that we have committed to under Social Security.

Or, finally, we can do all sorts of things to Social Security. We can back up on our agreement to Social Security. We can raise the age at which it is available. Nobody wants that. Or we can lessen the benefits.

Our seniors now can hardly get by on the Social Security money that they are receiving. So option three is not any good. Option two, all it does is transfer our lack of physical control, our lack of ability to do what we were sent up here to do, and sends it to our grandchildren.

As I talked to seniors, three things come to their mind. They do not want the Social Security money spent on anything but Social Security. Number two, they want the debt paid down. Number three, they do not want to saddle their grandchildren with the excesses of our inability to do what we were sent up here to do.

So let me draw you a comparison.

Mr. SANFORD. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I am happy to yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, before the gentleman goes on, I see this next chart up on spending, but for one second I would like to go back to that first chart that he was holding up on the surpluses or lack thereof themselves. Because what I think is interesting about that chart is that, while we may not get it in Washington, folks back home in Oklahoma or folks back home in South Carolina or folks back home across this country really understand this chart; and that is, Washington says we are running a surplus. Yet, when I talk to folks back home, what they tell me is, if we went down the street and there was someone living on our street that had to borrow against their pension fund reserves or retirement reserves to put gas in the car or food on the table or rent money down, we would say that family was not running a surplus.

In the business world, if we actually borrowed against our pension fund reserves to pay for the current operations of the company, we would go to jail based on Federal law.

Mr. COBURN. Mr. Speaker, that is right.

Mr. SANFORD. Mr. Speaker, what I think the gentleman from Oklahoma is pointing out here is something that really the American public is way ahead of us on. Unfortunately, he is exactly right in that this is beginning to show itself in the confidence that people have in government.

Because I do not know if my colleagues have seen the Roper poll, but there was a Roper poll. It has been commissioned every single year, basically, for the last 30 years. In that poll, back in 1963, they basically said to the American public, "Do you have confidence that people in Washington, that your government, will make the right decision?" And 73 percent of Americans said, "Yes, we believe that Washington, our government, will make that right decision."

That poll, when it was taken last year, what people found was that 19 percent of Americans thought that Washington would make the right decision. That is reflected in the UFO poll that the gentleman mentioned.

I saw some other crazy questions that were asked in a recent poll. One of the questions was, "Which of the following is more likely to happen: You collect all the Social Security money that you are entitled to, or a pro wrestler is elected President?" Believe it or not, more people thought that the pro wrestler would be elected President.

Another one was, "If you had $1,000 to bet on the Superbowl or $1,000 to pay into the Social Security system, which one would give you a better return on your money?" Again, I think this is horrible, but more people believed in the Superbowl bet than the Social Security bet.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me interject something, because the American public does not know this. The actual rate of return, real dollar rate of return on one's money that one puts into Social Security over the last 30 years has been less than 1 percent per year. It has been six-tenths of 1 percent. Well, one could loan the money to one's grandkids at 2 percent and do three times better than what the Federal Government has done with one's Social Security money.

Mr. SANFORD. Mr. Speaker, if the gentleman will yield, what I think is interesting about that is that is not a fault of the designers of Social Security. In other words, back in 1935, when they created this system, I mean nobody could have anticipated that a baby boom generation was coming our way.

So I think that they did create a great system. It did a lot of good for my mother, for my grandmother. But the question now is, because of what has been going on here, in other words, because of the way Washington has been borrowing against these Trust Fund balances, we have a real problem. The question that the gentleman correctly raises is, what are we going to do to protect those balances?

Last year, when Washington borrowed $101.3 billion from the Social Security Trust Fund, they did it without people making a lot of noise back home. A lot of people did not realize that, one, the money had been borrowed, or those that did, it did not feel that real. It did not feel like it was out of their pocket.

But if that same money was housed in individual accounts, and I do not mean laissez faire, good luck, hope-you-make-it-when-you-retire kind of accounts, but accounts with a lot of controls, just as all Federal workers have, for instance, with the Thrift Savings Program, if we had those controls in place and people got a monthly statement and they knew to the penny how much was in their Social Security account, and then Washington came up $100 billion short, and they said, "Well, let us see, Mr. COBURN, your pro rata share of that will be $734.53. Would you mind cutting a check and sending it to Washington?" people would go berserk.

So I think that, as Alan Greenspan, chairman of the Federal Reserve, very correctly pointed out, we need to create a real firewall that protects basically people, Social Security money from the political forces in Washington.

☐ 1545

Mr. COBURN. Let me add one other thing. The Social Security System, as designed, was a good system. We had a lot of people working to pay for very few people getting benefits.

We have two Members here that are term-limited that are talking about this issue. We are citizen legislators. We are both in our last term. We have been here 4 years. These are our last 2 years. One of the things that has happened is this body, because of politics rather than because of American spirit, has promised things for votes without asking the taxpayers to pay for it. So we have seen a lot of expansions in Social Security, which are not bad, but they did not have the political courage to say, if we spend more, we have to pay for it. So, therefore, the system's expenditures went up without a concomitant increase in the revenues to pay for it.

So now we have two problems: We have, one, the population shift with the baby boomers; but we also have the lack of true integrity by the Congress to pay for the things that they pass on as a benefit. So the way to get reelected is to send the pork back home, tell people that we are doing something for them, but their grandchildren and their great grandchildren are going to be hassled, and their standard of living is going to be markedly decreased because we did not have the courage to say, if we are going to do something, we have to pay for it.

This gets me to the next slide: why we have to control spending. This is the Federal budget, excluding Social Security. These are the real numbers. This is no hokeypokey. There is nothing other than CBO numbers here and OMB numbers. President Clinton's budget and the actual CBO projections. What we see here is if we do not restrain spending, then we are going to continue to spend more and more and more of the Social Security money on programs that are not related to Social Security.

Now, I happen to believe that this year or early next year we will run what is called a true surplus. That is, we will have more money coming into the government than we spend, excluding Social Security. The CBO budget projects that somewhere between 2000 and 2001. That is this green line. But if we follow what President Clinton wants to do, he wants to spend 38 percent, and, actually, it is more than that, it is about 45 percent in the next 5 years, of the Social Security surplus on new programs.

Now, I come from a district that is a Democrat district. I am a Republican, but my district is 75 percent registered Democrats. My Democrats, my constituents, do not want that money spent. And what will we see as we do this? What happens to the national debt? The national debt goes up. What is it that our children are going to have to pay back? They are going to have to pay back the national debt. Under President Clinton's program he is going to raise the national debt hundreds of billions of dollars. The total debt.

Now, sure, he is going to shift some of it, but at the end of this last year, when we went through, and even though we spent Social Security money and we paid off some external debt, our national debt actually increased $22 billion. Now, what is the reason for that? We passed spending proposals that were off budget. Emergency supplementals.

Whenever we hear those words, "emergency supplemental", what that means is our grandchildren are getting ready to get it. Because it is not going to be paid for, except in rare instances. This Congress, since 1994, has offset two of those, but the vast majority have not been offset, so they will end up paying for that. And the next year, that money that was spent comes in to raise the baseline of spending for that year.

So the reason the national debt went up $22 billion, even though we retired external debt, is because we borrowed more than what we showed on the books. There was another $22 billion that was spent that we were not honest with the American public about who was going to pay for it. And it is our grandchildren.

I have two little grandchildren, a 3-year-old and a 1-year-old, and the last thing I want to do is leave them a legacy where they have an income tax rate of 30 percent and a working tax rate, a FICA tax rate, of 25 percent, and that their standard of living is going to be markedly lower than ours.

What is the answer to that? Let me just finish this point. The answer is the Federal Government is not efficient. I have asked about that around this country and nobody says, yes, the Federal Government is efficient. Well, if it is not efficient, why do we not cut spending within the Federal Government to make it efficient so that we will not spend Social Security money?

The education dollars that the gentleman from North Carolina (Mr. ETHERIDGE) wants to spend, and which we need to invest in education, I do not think we will find anybody that disagrees with that, we can find that money through the inefficiencies of the Federal Government.

One last example. If this country were to go to war tomorrow, we would all, as a Nation, hunker down and say, we have an emergency, we can do things better, we can do things more efficiently, we can do things in a way that costs less.

We have an emergency right now equal to any world war we would go to, and that emergency is we are taking away the opportunity, we are taking away the future of our grandchildren by not having the courage to stand up and cut the spending where it does not need to be spent and spend the money where it does need to be spent.

Mr. SANFORD. On that point, I think it is interesting that Economist magazine, which is certainly well regarded, ran an article in the last 2 weeks called "Counting Your Chickens Before They're Hatched", and what the article talked about are the projected surpluses that are supposed to one day materialize and yet how maybe that might not happen. And, therefore, if we commit it to other forms of government spending, in other words, these projected surpluses, if we commit them to different forms of spending, we are kind of locked into a situation that could cause us to leave this place running big massive deficits.

Larry Lindsey, who was a member of the Fed, wrote an interesting piece about 6 months ago breaking out the revenue stream to the Federal Government. In other words, the taxes that are sent in by Americans across this country up to Washington. His argument was that a large part of this job of balancing the budget has, as the gentleman correctly pointed out, not been done by folks in Washington by actually cutting spending but it has really been done on the shoulders of working Americans.

Because what had happened is the historic average, basically since the time of World War II, in other words, government's take as a percentage of all the activity in America, what they call GDP, has been about 20 percent. We have been basically at or slightly below that number. Well, right now we are at a post-World War II high in terms of Washington's take as a percentage of the collective activity of working Americans. And if we actually really break out the number, what we see is a large part of that income stream to the Federal Government is due to capital gains income and it is due to bonus income. It is tied to this bull market.

Well, most certainly, at some point, this market is going to cool off. And Mr. Lindsey's argument was that when it does so, all of a sudden, since it is income tax that is solving the problem rather than spending cuts, it is going to cause us to run big deficits again. So the importance of what the gentleman is stressing here, which is actually keeping a lid on government spending, I do not think can be overemphasized. Because here we have a member of the Fed saying how important this is, which is exactly what the gentleman is saying right now.

Mr. COBURN. I think what is important for everyone to understand is all of this red in the President's budget comes from social security taxes. Every bit of it. And what he has said is that we are only going to spend 38 percent of social security taxes on something else, rather than we are going to take Social Security and put that money in Social Security and have the fiscal discipline to control the spending in the Federal Government.

Mr. SANFORD. And could I add on that point? I do not know if the gentleman has looked at the analytical perspectives within this year's budget, but there are assumptions that could make those red numbers, frankly, a lot bigger. Because one of the assumptions built into the Social Security plan is that domestic discretionary, which is basically every other spending outside of Medicare and interest and Social Security, is going to go dramatically down.

Right now it is about 7 percent of GDP, again, the collective activity of all working Americans, and what they assume is that it goes down to 3 percent. Now, they had to assume that, because to keep the amount of money going into Washington within historic bounds, which is about this 20 percent number, and given the fact we have 70 million baby boomers starting to retire around 2012, and we know entitlement spending is going to go up, to keep it within that realm of reasonableness, they had to shrink the other number.

I think that is a crazy assumption. Because what it means is if all of a sudden Congress does not get real tough in this other area of government spending called domestic discretionary, what that means is a tax cut down the road, which goes straight back to the gentleman's grandkids.

Mr. COBURN. Absolutely. There is another thing which is important to note. And this is not a method to try to beat up on the President's budget. That is not my point. My point is to draw a contrast. Even within this, there is $50 billion worth of tax increases, in fees and licensing fees and tax changes. So that if, in fact, the $50 billion in tax increases were not added, we would be stealing $75 billion or $80 billion from the Social Security based on the spending.

The Congress agreed with the President in 1997 that we would have 5-year budget caps that were locked into law. It was an agreement. Last year the omnibus reconciliation package broke that agreement. The President signed it, this House signed it. Neither of these two gentlemen that are talking today agreed with that. We did not vote for that bill. The point being, as we start the 2000 budget, with the administration's budget, they break the spending caps by $30 billion.

So we have to get back to this idea that we have to restrain spending. The fact is there are lots of programs within the Federal Government that are ineffective, that have not been looked at, that do not accomplish what they were set out to do, that have not had an oversight hearing to make sure they do that. The Congress has failed to do its job for the last 20 years in terms of oversight. There have been very few programs that have been started that have ended, number one; and there have been even many more of those that have been started that we have never looked at to see if they were accomplishing the very goal we set out to accomplish.

So if, in fact, we can constrain spending, by the year 2001 we will have a real surplus, and then we can decide what we do with that real surplus. Do we pay down the debt, as most of the seniors in my district want us to do? Do we give some money back to people who are working poor and working? Because they are having trouble making it now. Do we give some of this money back to them? Do we expand selectively some of the government programs?

Our goal should be to let us not spend anything until we are in this stage. We are spending money we do not have now and we are stealing from the Social Security System.

I see the gentleman from Michigan (Mr. HOEKSTRA) is here. Would he like to jump in on this?

Mr. HOEKSTRA. Well, I just wanted to thank my colleagues, number one, for doing the special order and for, number two, inviting me to participate in this process.

I am part of the Committee on the Budget, and as we enter the next couple of weeks the decisions that we make are going to be critical. Do we stay within the spending caps, the agreed-upon level that a couple of years ago we said we can live within this; that we can get done what we want to get done in Washington if we spend at this level?

I know a couple of years ago some of us had a very difficult time voting for those spending caps because we thought it was too much money. We said we need to get to a surplus quicker and we ought to rein that spending in a little. But as part of a bipartisan compromise, the President coming to the table, our colleagues on the other side coming to the table, we said, all right, we will give, we will let us have a little more spending. And now we get to 1999, the economy has been good, Washington has been collecting more in taxes than what we expected we would, and the first inclination here in Washington is, times are good, let us spend it.

Mr. COBURN. Show me the money.

Mr. HOEKSTRA. Show me the money, and out the door it goes. Again, we have kind of set the priorities in the wrong place, because we have said the first place the money goes is to us, this generation, this generation of citizens and this government in Washington. And, really, what we ought to be doing is we ought to be taking care of the sins of the Congresses in the 1980s who built up this $5.5 trillion debt. We ought to take care of those sins and start paying down the debt.

I agree with the gentlemen. In my district people are saying, nobody is talking about paying down the debt. They say we are talking about reducing taxes, we are talking about more spending, but nobody is talking about paying down the debt. We ought to take care of the sins of the 1980s and start paying down the debt. And when we do that, that is good for seniors, because we strengthen Social Security; and that is good for our kids, because it takes this $5.5 trillion debt off their back.

□ 1600

Mr. COBURN. I think again, just to reemphasize the point, first, if we do not put all the Social Security money into Social Security, one, if we do not address the problems with Social Security, we are going to see at least $800 billion per year in increased taxes on working Americans just to pay for Social Security. That does not have factored into it any inflationary spirals that might be higher than what we think they are going to be.

So to get $800 billion in 2030, $780 billion in 2029, what do we do? What that means is the constituents in my district, my grandchildren, they are not going to get to do anything except barely eat, barely sleep and have a roof over their head if they want to pay for my generation's Social Security.

So the hard work has to start now. The hard work has to be associated with restraining spending, not necessarily new spending on new programs but paying for it by cutting spending somewhere else that is not effective, rather than spending more of our grandchildren's money.

Mr. SANFORD. I know that the primary focus of our brief visit this afternoon is on government expenditure, it is on truth in advertising, if you want to call it that, because the government has been, I think, disingenuous with the way it has called this a surplus, because this is not what folks at home would call a surplus, it is not what business would call a surplus. But tied to it is this issue of Social Security. There is one point that I think is worth mentioning, because it frankly sounds alluring. As you mentioned earlier, which is not related to reserving the surplus for Social Security but in the larger context of the Social Security problem, that the trustees, not what I say, not what you say, not what the gentleman from Michigan says but what the trustees have said is that if we do nothing to save Social Security, it is going to have real problems down the line. The choices are fairly limited as we all know. You can cut current benefits, you can raise taxes, or you can grow the assets of the trust fund at a higher rate than they are now growing at.

Mr. COBURN. Let me ask the gentleman a question. If all the money coming into the Federal Government, real surplus plus Social Security, was saved, we still will not have enough money to take care of Social Security, will we?

Mr. SANFORD. Correct.

Mr. COBURN. That is an important point that the President has never mentioned. No matter what the surpluses are in the future, no matter how great they are, saving all Social Security money for Social Security plus all the rest of it will never save enough money to be able to meet the obligations for the babies born from 1942 on. We will never get out of the hole. So something has to happen. I think that is the gentleman's point.

Mr. SANFORD. Of the available choices, I mean, it seems to me that the most reasonable of those three choices would be growing the assets of the trust fund at a higher rate. And then the question simply is, well, do we do that collectively, which is essentially what the President had proposed with investing a portion of the trust fund in equities, or do we do that through individual accounts?

I just think it is worth stressing that in my look at this problem, the idea of an individual account and not a laissez faire, good-luck-grandmom-hope-you-make-it-when-you-retire kind of account, but the idea of a controlled personal account with a lot of different safeguards, just as a janitor here on Capitol Hill would have through the Thrift Savings Plan.

Mr. COBURN. The whole idea is with a guarantee that nobody would ever get less than what they are committed to now in terms of Social Security. There will always be that guarantee there.

Mr. SANFORD. The reason I think that is so important is, more than anything, and this is again what the chairman of the Federal Reserve, Alan Greenspan, said, that you have to create a firewall between political forces in Washington and that money. If there is not a firewall, most certainly the money will be borrowed against, which is what has been happening over the last 30 years, to fund other areas of government. So if you are going to create that firewall, again I come down on the side of individual accounts, not only because of the firewall but also because of the way this place works.

It is interesting, it sounds enticing, let us invest collectively, we will get the higher return and we will take risk out, but by leaving it there, it leaves Washington's hands in it and that means a couple of things. It means, one, I do not think you can serve two masters. Microsoft stock, for instance, last December, not this December but the December before, between December 18 and December 23 dropped by about 14 percent. It did so when the Justice Department announced that they were bringing suit against Microsoft. If the Federal Government was invested in Microsoft through the form of the Social Security trust fund, then all of a sudden you are going to have AARP calling you up, their representatives saying, "Wait, don't bring up that suit because my trust fund money is in that." In other words, it is very difficult in Washington to serve two masters. I think we ought to think about that. For that matter it is very difficult in Washington to serve one master.

The gentleman from California (Mr. WAXMAN) to his credit cares passionately about the issue of tobacco smoking. I cannot imagine him disappearing and not caring what the trust fund was invested in because he cares about the issue. The gentleman from New Jersey (Mr. SMITH) from the Republican side cares passionately about the issue of abortion. I cannot imagine him sitting idly by while the trust fund was invested in a pharmaceutical company that had a pill related to abortion. In other words, from all sides there would be political influence in the trust fund. What I think you have to look at in a trust fund is how are you going to get the highest return so that one can enjoy the best return.

Mr. COBURN. Let me just summarize, if I can. The whole purpose of talking to the American public about this is it is called daylight. Knowledge is powerful. The more Americans know that we are actually taking Social Security money and spending it on something other than Social Security, the more reaction that we are going to get to say, "Don't do it." Because we know not to do it, but the tendency in Washington is to spend money, not conserve your money. The tendency is to think in the short term, not the long term. I want us thinking about our grandchildren, and I want us to ensure that we live up to every commitment that we have made to seniors. We can only do that if we are honest about the problem that faces us. To be dishonest will compound the problem for another generation past this one.

Any fix that is going to happen on Social Security cannot be a short-term fix. It has to be a long-term fix. And it has to recognize the reality which is the government cannot continue to take 22 percent of the gross domestic product without holding down growth, holding down opportunity, holding down job creation and holding down capital investment.

Mr. HOEKSTRA. If the gentleman will yield, I think the other thing that we have to take a look at is now is a wonderful window of opportunity. Much like we did a couple of years ago when we did the balanced budget agreement, we can and we found common ground, we did it with welfare and when we found the common ground, we were able to move forward and 3 years later we are finding out that those programs have been very successful. When we worked to cut spending, when we worked to do the budget agreement, we said we can get to a surplus by 2002. Under those rules, we were there in 1998. Now I think we can apply that same kind of creativity in a much different environment because we have made so much progress on spending, we can take that creativity and apply it to Social Security and I think the values and the principles that the gentleman was articulating are exactly what we want to do. We want to make sure that we don't impact seniors' benefits. We want to really restore the integrity of Social Security for 50 to 75 years. We want to make real progress on those issues.

The other thing that we know that we can do is that we can make a lot of other progress. The interesting thing is we get to a surplus, is that we forget about the $1.6 trillion that we are currently spending and we naturally assume that all that money is being spent wisely. Today in the Education Committee we marked up what we call an ed flex bill which is going to allow the States a much greater degree of flexibility. Why? Because when they get involved in reporting back to Washington from a State or a local level every dollar that we collect in taxes for education, only 65 cents of it reaches a child. And that if we apply the same kind of creativity to that $1.6 trillion that we are spending today, we open up all kinds of opportunities to better educate our kids so that no child will be left behind, that we then would have room for Social Security, to save Social Security, and then if we really are serious about taking a look at that $1.6 trillion that we are spending today, we would also have room for tax cuts, by saying we can get the same impact for education.

We took, and my colleagues are both familiar with this, on Education at the Crossroads, 39 different agencies administering something like 700 programs, losing 35 cents of every education dollar to bureaucracy, not to educating children. Just think about changing that process and focusing on the kids. We can get 35 percent more Federal money into the classroom just by taking a look at the process here and saying, it is not the process that is important, it is not the bureaucracy that is important, it is our kids that are important and we are going to get there.

This is really a wonderful era right now that we ought to grasp and we ought to take a look at every issue. We ought to save Social Security, but we cannot forget about going back and taking a look at the $1.6, $1.7 trillion that we spend each and every year.

Mr. COBURN. I think the other point that the Education at a Crossroads made to me is not all our problems in education are going to be solved by money. I have a daughter who is not teaching now, she is fortunate enough to be able to be home raising her children. But what she told me was two things about education. One is, is I got to spend about a third of my time filling out paperwork for the bureaucracy. The second thing is I do not have the tools to control the discipline in my classroom.

So it does not matter how much money we spend, if we do not fix those two problems where teachers can teach, then we are not going to solve the problem. It is easy to get a vote from a constituent saying I am spending a lot of money on education. It is very difficult to talk about what the real problem is, because it requires us to change. It requires all of us to participate and do something.

I just wanted to make one other thing. I am into my sixth decade. I proudly have joined an organization called AARP. I did that not because they necessarily represent all my viewpoints but I wanted to be able to have input as we say this, I am interested in getting my Social Security. I am a baby boomer. I have an investment in my retirement. Since I am not going to have a retirement from Congress, I am going to want my Social Security money. So to me it is important that we create the truthful paradigm that we are trying to make sure the American public knows today about where the Social Security money is, where it is going and how big the problem is for the future.

Mr. SANFORD. I would follow up with, as we look at ways of doing that, I think it is very important that we focus on the big problem. At times in Washington, we get so caught up in actuarial balance of the trust fund and it will extend it from 2030 to 2035 and 2030 to 2045, all kinds of strange numbers focused only on the trust fund but not really focused on the big picture. The big picture to me would be that Roosevelt when he and others designed this system, the promise was we will create a system that creates for you a better lifetime in retirement. In this whole debate, I think we ought to keep focused on not just actuarial balance of trust funds, because we can do that. We can do that by cutting benefits a little bit, raising taxes a little bit. In other words, we can get to actuarial balance in the trust funds fairly easily. Taxes have been raised almost 50 times or benefits cut almost 50 times within the system since it was created. But I think we could do that and still miss the main point. The main point is are we or are we not keeping Roosevelt's promise of a better lifetime in retirement?

As you correctly pointed out, there was a recent UCLA study that showed for a young person born in 1970, they would have to live 110 years just to get their own Social Security taxes back out. Not even a return on the Social Security but just the taxes themselves back out.

Mr. COBURN. Let us say that in a little plainer words. If you put X amount of dollars into Social Security and you were born in 1970, what that says is you would have to live to be 110 years old until you got that money back. That is not in real dollars, that is in dollars from 1970, which means you would probably have to live to 130 or 140 to get it back in real dollars, not counting earning any interest on the money that you had invested.

Mr. SANFORD. So some of these looks at fixing the problem may fix the trust fund but make it so that somebody has to live 150 years to get their return. That is not the promise of Social Security. What I am hearing from constituents back home is Social Security taxes are the largest tax 73 percent of Americans make. Consequently what they are telling me is for me, it is the largest investment I will make. Therefore, you need to make this stuff count. Because some people say, you need to focus on additional savings outside of the roughly 10 percent of what you earn every day, every week and every month on Social Security. You need to make additional savings. They are saying, "Mark, you can only squeeze but so much blood from a turnip. I am struggling between gas money, rent money, food money, education money. I don't have any other savings. Therefore, I've got to make Social Security count."

So we have got to stay focused not on actuarial balance but on the promise of Social Security which is to make sure it is not a system that guarantees somebody a negative rate of return or a 1 percent rate of return but something higher than that.

□ 1615

Mr. COBURN. Let me share with my colleagues, as they both know, I practice medicine on Mondays and sometimes on Fridays and on the weekends, and I cannot use the patient's name because I would be breaking a confidence, but I am going to call her Mattie. Mattie, she has diabetes, she has hypertension, she has congestive heart failure. She is getting her Social Security. Her husband recently died. There is no way she can have on today's payment an adequate living to care for her without her children helping her out.

Mr. Speaker, just to fix Social Security we are going to get back to that point, let alone meeting the obligations that we really have for our seniors. So what we are really talking about is getting people back up in the future to meeting what was originally promised and meeting that commitment, but it does not solve all our problems with our seniors.

Mr. Speaker, the government cannot solve all those problems. That is why family support is so important, and this young lady, she is 86 years old, would not make it if she did not have a family.

Mr. HOEKSTRA. If the gentleman would yield, I think what our colleague has pointed out is the awesome responsibility you have. As my colleagues know, at the Federal level, at the State level and at the local level we are going to working Americans and saying:

The first 40 cents you own of every dollar is ours.

So, Mr. Speaker, we have got an awesome responsibility as to how we spend that money, how we spend it today, and also the commitments and the promises that we make. So, as my colleagues know, we are in many ways making a lot of choices for those people on how their money is going to be spent because we have taken it from them, and we do not give them a choice as to whether they are going to use it for education, for homes, for an investment or for their retirement.

Mr. COBURN. Let me get the gentleman to yield for a minute, if he would. That to me says we certainly do not want to waste this money and that we want that in the green so they will have more of that flexibility. And that is the contrast here. Hundreds of billions of dollars of additional Social Security being spent on non-Social Security programs versus no Social Security money being spent on anything except Social Security, and when we do get to a true surplus, then deciding what we do with it.

Mr. HOEKSTRA. Mr. Speaker, we have the commitment then not only for how we spend the current dollars, the 1.6–1.7 trillion, but then we also have the commitment that our colleague was talking about, the promises that they inherently believe that we have made. I mean, every week they are paying 12–13 percent to Social Security and Medicare, expecting that somewhere along the line they are going to receive a benefit from that. But we know from all the surveys that most young people do not believe they will ever see a penny of it, and that means that we are not really keeping the faith with the people that are paying those taxes today because they do not believe that they will ever get it, that we will ever solve, if the gentleman will fetch that chart back up, as my colleague knows, they do not have a degree of confidence that we are going to take care of that blue part of the chart.

Mr. COBURN. So let me ask the gentleman from Michigan a question. Can we solve the Social Security problem and can we meet the obligations to seniors in this country and can we do that honestly?

Mr. HOEKSTRA. Absolutely.

Mr. COBURN. Absolutely.

Mr. HOEKSTRA. The opportunity is here today to do that.

Mr. COBURN. And that means we have to be honest about what the numbers are. We cannot use this as a political tool to win a political race. We have to be honest. This should be above politics. This should be above, about keeping our commitment to our seniors, and making sure we ensure a future for the working people today, and making sure we ensure the opportunity for our children and grandchildren for tomorrow. I believe we can do that, but it is going to take political courage. It is going to take the courage of statesmen, not politicians, to come up here and do that. The American public is going to have to measure whether or not we did that or not.

Mr. SANFORD. Mr. Speaker, I would say again, and I do not want to go off the subject, which again is rightly focused on honesty in accounting, and that is if we, as my colleagues know, if we have to borrow money to get to run the surplus that we are running, most folks would say we are not running a surplus and therefore it is important to do something about spending. That is the primary thing we are talking about.

But tied to that again is this issue of Social Security, and I think it is so important that when we look at security for Social Security, of the available choices which are cut benefits, raise taxes or grow the investment at a higher rate than we are growing at, that we simply take a page out of the Federal book, if my colleagues want to call it that. Because everybody from a senator to a janitor here on Capitol Hill has the option of going into basically a 401(k) plan, a savings plan, and in that plan they have got a limited number of investment choices. One can have a Treasury fund, a corporate bond fund or an equities fund; and with all that, nobody can put all their eggs in one basket, nobody can go out and say, I have got a hot stock tip from my brother-in-law, and I think I am going to invest my Social Security money in that or, in this case, their thrift savings money in that. Nobody can say, I hear the Singapore derivatives are a hot investment right now; I think I will go into that. It is all very much controlled, and what is interesting about that, as a result, there are no horror stories of janitors on Capital Hill losing everything that they have.

So I think it is important that we look at the idea of putting to work what Einstein called the most powerful force in the universe, and that was this power of compound interest.

As my colleagues know, there was this woman a couple years back, and I do not know if my colleagues remember the story, a woman by the name of Oseola McCarty, and she was from Hattiesburg, Mississippi, and yet she ended up on the front page of the New York Times, not for axe murdering a cousin or a nephew, but for a great reason, and that was she went down to the local university and said, I would like to help out. And she was a woman of very humble means. She had never made a lot of money over her lifetime. In fact, she had washed clothes over the bulk of her lifetime.

So, therefore, the people at the university figured, yes, she is going to make us a cloth doily or a napkin, maybe something that she has handmade. Instead, she strokes them a check for about $100,000. They are flabbergasted, and the reporter there from the New York Times is asking:

How in the world did you do this?

And she says:

Well, I just put a little bit away over a long period of time.

Mr. Speaker, that power of compound interest is something that we ought to take advantage of when we look at cures for Social Security.

Mr. HOEKSTRA. If the gentleman would yield, I think, and also as we take a look at it, I do not think there are any proposals here that are saying take all of the Social Security money and do that with all of the Social Security funds. It is most of the proposals, if not all of them, are very modest proposals to take advantage of the exact benefit that the gentleman is talking about, and they all have structured in them protections for the individuals who will be on Social Security so that they will not get less money than what they get today but will have the opportunity to earn higher returns and have a higher payout when they get to be 65 or 67.

Mr. SANFORD. And, most significantly, I think they would keep in place the safety. The key issue with Social Security is safety of Social Security. If we were to draw a financial pyramid, the safest investments ought to be there at the foundation, if my colleagues will, of the investment, and Social Security is that foundation.

So I think the most important thing is the safety, and I go again straight back to what Alan Greenspan, Chairman of the Federal Reserve, said:

If we leave the money in Washington, political forces will probably find a way to get their hands on that money, which is what has been happening for the last 30 years.

Mr. HOEKSTRA. If the gentleman would yield, I just want to make one point that I do every time.

I have had a lot of meetings with seniors in my district because I wanted to start with seniors because I want to make it very clear to them that what we are talking about. We are not talking about, if you are getting a Social Security check today, we are not talking about changing their system. As my colleagues know, they are not going to next month or next year get a letter saying, you know, you have got this money and you have to figure out how to invest it in these kinds of things. No. If they are on Social Security and they are getting a check today, we are not messing with that.

What we are doing is we are talking about how we are going to save Social Security for our kids and for our grandkids, and it will be a transition process. It is not going to affect you. It is probably not even going to affect people who are 60 years old today. It is going to affect the people who are younger than that who are going to have time to understand any changes, will be a dialogue with them. We will process through these types of changes, and we will not jeopardize their Social Security either. But for the people who are getting a check today, it is not going to change.

Mr. COBURN. We are about to run out of time. I just want to leave the American public with something that Martin Luther King said in his last speech at the National Cathedral. He said that cowardice asks the question, is it expedient? And we have seen a lot of expediency in this body through the years. And he said vanity asks the question, is it popular? And we have seen a lot of things done because they are popular but not necessarily good for the Social Security system or not good for the future of our children. But he said conscience asks the question, is it the right thing to do?

The debate this year about the budget and about Social Security cannot be based on expediency, cannot be based on popularity. It has to be based on what is right and best for all three generations concerned.

I want to thank the gentlemen for sharing this time with me, and I hope we can do it again.

SALUTE TO A. LEON HIGGINBOTHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this Congress is an honorable place; and our biggest challenge, of course, is to ensure the people's wants and desires are our first priority. In this very historic place have been major debates: the decision to move into World War II, the Korean confrontation, the Vietnam war.

But the mighty issues of the 1960s, post Brown versus Board of Education, and the civil rights marches and the march on Washington in 1963; I might imagine that there were emotional debates around the Civil Rights Act of 1964 and the Voter Rights Act of 1965.

It is fitting in recognizing this honorable place and those enormous challenges that we met that we bring attention to a gentleman who throughout his life played a pivotal role in changing the lives of so many Americans. He was part of that debate, although he was not a Member of the United States Congress. His words, his opinions, his convictions were all interwoven in the success stories of what we ultimately accomplished, those who served in the United States Congress during that time frame.

We lost him last year.

So it is my honor to be able to rise today and salute A. Leon Higginbotham, a warrior, a jurist, an intellectual giant, a committed American; most of all, a lover of the Constitution. And I believe today, as we proceed to honor him, we will find enormous inspiration no matter what side of the aisle we may come, Democrats or Republicans, Independents, in what he stood for and how he loved this Nation.

I know that his wife and best friend, Evelyn Brooks Higginbotham, misses him greatly. To her I say, and her children, Karen and Nia, Stephen and Kenneth, who are listening today, watching today, this is not done out of a sense of officialdom, but it is a privilege, it is an honor to be able to salute this great American and to commemorate him in the CONGRESSIONAL RECORD, for he has touched so many lives.

I am going to start, and as I start I want to make note of the fact that one of his employees, if I might say, one who joined him in so many fights, has joined me on the floor of the House, the gentlewoman from the District of Columbia (Ms. NORTON). By the way, his wife looks forward to the tribute of which she will be organizing this coming April. She is excited about it and looks forward to it.

□ 1630

Let me begin, and then I will yield to the gentlewoman from the District of Columbia. This is, I think, the best way to introduce many Members to a person who all of us will assume is our friend and was our friend, and that is, A. Leon Higginbotham, Junior.

His book, In the Matter of Color, Race and the American Legal Process: A Colonial Period, is a giant of a statement on American history. But I would be remiss not to share with you about the man. The preface of this book reads as follows. It gives us a sense of what molded him, what caused him to be so convicted and so committed.

> This book has been in the writing for almost 10 years. But if isolated personal incidents really do play the dramatic role in redirecting lives they often seem to have played, I have to go back for the book's very beginnings to a painful memory that comes out of my freshman year at college. Perhaps it was not the incident itself but the proper legal basis upon which the personal affront was rationalized that may turn out to have been the seed out of which this work has grown slowly.
>
> Let me take you back to 1944. I was a 16-year-old freshman at Purdue University, one of 12 black civilian students that was attending that school. If we wanted to live in West Lafayette, Indiana, where the university was located, solely because of our color, the 12 of us at Purdue were forced to live in a crowded private house rather than, as did most of our white classmates, in the University campus dormitories. We slept, barrack style, in an unheated attic.
>
> One night, as the temperature was close to zero, I felt that I could suffer the personal indignities and denigration no longer. The United States was more than 2 years into the Second World War, a war our government promised would make the world safe for democracy. Surely there was room enough in that world, I told myself that night, for 12 black students in a northern University in the United States to be given a small corner of the on-campus heated dormitories for their quarters. Perhaps all that was needed was for one of us to speak up, to make sure the administration knew exactly how a small group of its students had been treated by those charged with assigning student housing.
>
> The next morning I went to the office of Edward Charles Elliott, president of Purdue University, and I asked to see him. I was given an appointment. At the scheduled time I arrived at President Elliott's office, neatly but not elegantly dressed, shoes polished, fingernails clean, hair cut short.
>
> "Why was it," I asked him, "that blacks and blacks alone had been subjected to this special ignominy?" Though there were larger issues I might have raised with the President of an American university, this was but 10 years before Brown vs. Board of Education, I had not come that morning to move mountains, only to get myself and 11 friends out of the cold.
>
> Forcefully, but nonetheless deferentially, I put forth my moderate or modest request, that the black students of Purdue be allowed to stay in some section of State-owned dormitories, segregated if necessary, but at least not humiliated.
>
> Perhaps if President Elliott had talked with me sympathetically that morning, explaining his own impotence to change things but his willingness to take up the problem with those who could, I might not have felt as I did. Perhaps if he had communicated with some word or gesture, or even a sigh, that I had caused him to review his own commitment to things as they were, I might have felt I had won a small victory.
>
> But President Elliott, with directness and with no apparent qualms, answered, "Higginbotham, the law doesn't require us to let colored students in the dorm, and you either accept things as they are, or leave the university immediately."
>
> As I walked back to the house that afternoon, I reflected on the ambiguity of the day's events. I heard, on that morning, an eloquent lecture on the history of the Declaration of Independence and of genius of the Founding Fathers. That afternoon I had been told that under the law, the black civilian students at Purdue University could be treated differently from their 6,000 white classmates. Yet I knew that by nightfall, hundreds of black soldiers would be injured, maimed, and some even killed on far-flung battlefields to make the world safe for democracy.
>
> Almost like a mystical experience, a thousand thoughts raced through my mind as I walked across the campus. I knew then that I had been touched in a way I had never been touched before, and that one day, that I would have to return to the most disturbing element in this incident, how a legal system that proclaimed equal justice for all could simultaneously deny even a semblance of dignity to a 16-year-old boy who had committed no wrong. Shortly thereafter I left Purdue University and transferred to Antioch College. Ultimately I chose law as my vocation, and in 1952, I graduated from Yale Law School.

On that opening note, let me say that not only was his life changed, but he helped change the lives of Americans. So that is why today we take the challenge of trying to commemorate his legacy in the CONGRESSIONAL RECORD, to be given to his family and to honor him appropriately.

With that, Mr. Speaker, I yield to the esteemed, honorable gentlewoman from the District of Columbia (Ms. NORTON), who will provide us with her own insight of Judge Higginbotham.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Texas for yielding, and I thank her for her hard work on this special order in tribute to a great American. It is, I think, quite appropriate that there should be a special order for Judge A. Leon Higginbotham here on this very Floor of the House of Representatives. He testified shortly before his death here in the House. His work for many Americans and their right to representation in this body after he left the bench also entitles his memory to be noted here.

May I say that this is only one of many commemorations that are being held for Judge Higginbotham around the country. I myself was at such a memorial for him just 2 weeks ago at the Yale Law School. There are memorials at the several law schools where he taught, in addition to the many other things that he did in his life.

There will also be a memorial here in the House sponsored by the Congressional Black Caucus for Judge Higginbotham in April, and Members will receive notice of that memorial. We expect that his wife, herself a distinguished scholar, Dr. Evelyn Higginbotham, will be here.

The man we commemorate on the Floor this afternoon is a man of rare talent and humanity, an extraordinary American, an astute scholar, a great Federal judge. I would like to say a few words about his role as a judge and his role as a scholar, as Members may come to talk about the role he played in lawsuits that were brought by Members in order to secure their places here as representatives in the House of Representatives.

When Judge Higginbotham was appointed, initially named to the bench by President Kennedy, who then was assassinated, and had his name moved forward by President Johnson, he was one of the youngest men ever appointed to the bench, and one of the first African Americans ever appointed to the Federal bench.

But I must tell the Members that this was not the kind of superlative that Judge Higginbotham was after in his life, the youngest or the blackest or the first of a kind. He spent his life being the best. He gave real meaning to a word we throw around without always being able to document it, the word "excellence."

Who is Leon Higginbotham? Leon Higginbotham was a poor black boy from Trenton, New Jersey, whose parents had no education, elementary school education, but whose life tells us that all you need is a mother and father who care deeply that you get an education in order to reach your own potential.

He had deep racial experiences as a child, even in the north, as Trenton, New Jersey, is located. But in a real sense, his own dedication to racial equality goes far beyond the personal. It is very easy for me to be against racial segregation, because I went to segregated schools. That is hardly a principled position. It is a very important stimulus, and it is a very compelling way in which to understand racial segregation.

But Judge Higginbotham understood equality in racial terms out of his own life, and understood and was dedicated to equality as a universal principle. He felt as deeply about equality for women, for example, as for African Americans. He did not believe that the word or the idea of equality could be segmented.

It was my great privilege to know Judge Higginbotham up close when I was a young woman just coming to the bar, because I was privileged to be his first law clerk. Every student out of law school wants to clerk somewhere, and particularly for a Federal judge. But I have to tell the Members that there are Federal judges and there are Federal judges. The experience of clerking for an energetic, young, principled, brilliant Federal judge was a very important one for my own professional development.

Judge Higginbotham had already been the first black to serve on the Federal Trade Commission, but he had not had a lot of experience with young people. He was very young himself. He immediately made me into his apprentice, an extension of the judge. Of course, clerks do research for the judge, but we did research together. We wrote together. He would give me something that he wrote to edit. I would give him something that I wrote to edit.

The experience of working that closely with someone that accomplished is a wonderful way to get initiated into the profession. He was a consummate professional, a first class technical lawyer, which is something every young person could do with when you get out of law school and are, in effect, first then learning to be a lawyer.

Moreover, Judge Higginbotham was a wonderful mentor. That is not the word we used then. Mentoring has become something that is often spoken of today. It was simply a natural way to proceed for the judge, for I was the first of a very long line of clerks, research assistants, interns. We are all over the country now. Many of them worked on his books. Some of them assisted in his chambers. All of them learned from him.

At the same time, Judge Higginbotham, who will be known for his boldness on racial issues after he left the bench, enjoyed enormous respect at the bench and at the bar for his work as a judge.

First of all, there was his prodigious capacity for work. Then there was the thoroughness with which he went about his work, first as a lawyer, and then as a judge. Although we know the judge for his deep racial views, he is one of the most respected judges or was one of the most respected judges in the United States for his principled interpretation of the law.

If you are a judge, and ultimately Judge Higginbotham became the chief judge on the Court of Appeals for the Third Circuit, you have to follow precedent if you are abiding by the rule of law, the rule of the law.

Let me quote from the Chief Judge of the Third Circuit today, Judge Edward Becker. I am quoting:

> His jurisprudence was always anchored in the record. He could be and was eloquent in opinions when he was vindicating civil rights, but he didn't reach for the result. He was a good craftsman and an altogether solid judge.

Now, as judges go, Judge Higginbotham, I think, when one evaluates his work, will be remembered as an activist judge. I am proud of that. I know the gentlewoman is. But the fact that he could do that within his craft, adhering to the rule of law in a principled fashion, says everything about why he was so highly regarded everywhere among his peers who serve or have served on the bench.

Make no mistake about it, A. Leon Higginbotham was a black man, and understood himself as a black man. The gentlewoman has spoken about and has read from his own works about some of his early experiences. This is a man who would never forget that he was a black man.

□ 1645

Yet, his approach to equality coming out of his treatment as a black man was universal because it taught him that everyone had to be treated in just the same way as he demanded to be treated.

One of his opinions that I believe will become an American classic was a case where the defendant sought to disqualify the judge because of his racial views off the bench. The judge had no prejudicial racial views off the bench, but he was known to speak before groups about his feelings about racial equality.

The judge responded to this request that he recuse himself from hearing the case about racial discrimination with an exhaustive opinion. Here was a judge that just did not say that "I am not going to do it, and I resent the fact that you want me to get off the case simply because I am black and believe that black people should be treated equally and have deigned to say so." That is not how the judge did it. He wrote an exhaustive opinion showing why he should not be disqualified.

One of the lines from that opinion I want to read: "Black lawyers have litigated in the Federal courts almost exclusively before white judges, yet they have not argued that white judges should be disqualified on matters of racial relations."

But I would like to say a word about Higginbotham the scholar. The gentlewoman from Texas read from a book by the judge, "In the Matter of Color." I have an autographed copy here that is very precious to me, and it is a book that was 10 years in the making because it documents the way in which the law was as enmeshed in all of our racial doctrine and practices.

What he demonstrates through a detailed evaluation of the case law and the statutory law in about a half dozen of the colonies is that without the law every step of the way, slavery, and later discrimination, would have been impossible. Law was the handmaiden of slavery and discrimination. Facilitated it. Augmented it. Made it possible.

Here was a man who loved the law. Loved the law enough to expose the law for the role it had played in the deepest injustice in our society so that we could understand it, throw it off, as will be the case when we do understand the derivation of an issue.

Leon Higginbotham lived several lifetimes all in one for his 70 years. I believe that his role as a scholar of the history of the law will be remembered as least as much as his role as a lawyer and a judge, because of these two monumental books, "In the Matter of Color," and the second book, "Shades of Freedom." He had intended to do about a half dozen such books. He got two done.

Essentially, what Higginbotham did was to look at 300 years of law. And when I say "law" I do not mean reading decisions of the Federal courts. I mean looking at every single case in the colonies, every single statute in the colonies, and in the process he unmasked what was and can only be called a jurisprudence of racism that is part and parcel of our law and was there from the very beginning. He showed how it was there even at the time of the writing of the Declaration of Independence which, of course, does not mention race at all.

Thus, what Higginbotham did as a scholar was to show us the law at its worst and our law as it is now becoming as its best. In effect, what he shows are the extraordinary, huge contradictions in our law and that these contradictions survived even the Civil War, which after all was fought in part to erase slavery and contradictions based on race. Instead, a new case law came into being and fortified discrimination to follow slavery.

In a real sense, Leon's time on the bench and his scholarly investigation is what undergirded his passion against racial discrimination. It is, as I have indicated, easy enough to have passion against racial discrimination that is felt. What was extraordinary to see was how Higginbotham was animated by what he had read about slavery, what he had discovered about the role of the law in perpetuating slavery and discrimination.

At the end of his life, that is what propelled him. It was intellectual curiosity at its best. And as one of his former law partners have said, he died working, which is what he wanted to do. He died in love with the law, exposing the law, wanting to let everyone know what was wrong with it so that we could make it right. And he spent much of his life doing what it will take to make it right.

Like the gentlewoman, I would like to close by reading a couple of passages from "In the Matter of Color," because these passages document what I have been trying to convey about why the judge wrote about the law's imperfections.

I am quoting here: "Specifically, this book will document the vacillation of the courts, the State legislatures, and even honest public servants in trying to decide whether blacks were people and, if so, whether they were a species apart from white humans, the difference justifying separate and different treatment. I am aware that an analysis of cases, statutes and legal edicts does not tell the whole story as to why and how this sordid legal tradition managed to establish itself. Nevertheless, there is merit in abolitionist William Goodell's statement: 'No people were ever yet found who were better than their laws, though many have been known to be worse.'"

Finally, let me read the last passage I want to bring to the attention of this body. The judge goes on to say, "While I do not represent what I put forward here as a complete picture of the practices of the society, that canvas will never be painted unless someone first treats adequately the interrelationship of race and the American legal process."

Mr. Speaker, we are a part of the American legal process. To the extent that we come to grips with the scholarly discoveries of Leon Higginbotham, we will avoid the pitfalls out of which we have just come. Leon Higginbotham served us in so many ways. As a lawyer, as a judge, as a scholar, enlightening us, humanizing us in each and every role.

This special order simply brings to the attention of this body the role that a great man has played in the life of our country.

Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for both her passion and her distinct eloquence.

Mr. Speaker, I think it is very clear, after her rendition, why I thought it was so important to come to the floor and honor this great American. I am delighted as well that other Members are joining us, and I wanted to comment on some of the points made by the gentlewoman from the District of Columbia (Ms. NORTON) in that she defined a special role and responsibility and interaction that she had with Judge Higginbotham.

I guess I can call myself a product of Judge Higginbotham's work, for in the State of Texas I would venture to say that it would be difficult to count more than 20 African-Americans on our entire State elected judiciary. Judge Higginbotham and his research helped enunciate or make plain those difficulties.

The existence of this 18th Congressional District is by the very fine works of Judge Higginbotham and his supporting team, the NAACP Legal Defense Fund, who argued against the demise of minority-majority districts which, for some reason, has gotten a bad name in our legal system and all we see it is as an attempt at representation.

But I think that it started early in his life, his recognition of the fact that he had to be a fighter. I am glad the gentlewoman ended on the fact that he was a great American. He, as a child, wanted to be a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality. And it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as he wanted as a youth to be a firefighter, he became in the end the responsible person for the dampening of the fires of racism.

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. Judge Higginbotham reminded us in poignant terms and with his powerful voice of our Nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our founding fathers to include all Americans and he fought with all his might and intellect to protect his principles and guarantees.

One can imagine our perspective in the House Committee on the Judiciary during the impeachment proceedings when he brought this eloquence, this statesmanship, this intellect into those impeachment proceedings. Everyone to a one, Republicans and Democrats alike, respected this giant intellectual. And he handled us in that committee. And it was not with insult, but it was with straightforwardness. He knew the Constitution. He had lived it and he shared his vision with us. I thank Judge Higginbotham for that.

He was an African-American judge and we just finished celebrating African-American History Month. He is the kind of person that I know in years to come I will go into the halls of our elementary schools and middle schools and rather than seeing some of the age-old heroes that all of us support from the 1800s and early 1900s, and maybe the new ones, the athletes of the 20th century, we will begin to understand the role of Judge Higginbotham. And I can imagine that his face will be plastered all over the schools of America: Here we see a popular judge.

As a judge, he authored 600 opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania then on the Third U.S. Circuit Court of Appeals, and finally as that court's Chief Judge.

He was a judge hero. He won awards. The Presidential Medal of Freedom in 1995, the Raoul Wallenberg Humanitarian Award, and he was so respected as a humanitarian that in 1994, South Africa President Nelson Mandela called him to be an international mediator in that country's first election.

He would never turn down anyone without a voice. At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. He serves as an inspiration. And so it is important that we honor this soldier, born on February 25, 1928, in New Jersey. He was a son of New Jersey, and he liked to tell people before his death that there were only two books in his home, a dictionary and a Bible.

Higginbotham's personality and character are taken from his parents who believed that a man should be kind to everyone, regardless of their social class, and that they should be strong in their convictions. His father was a simple plant laborer who worked at the same plant for 45 years, and Judge Higginbotham would say that his father was late to work only once during that tenure.

Judge Higginbotham acquired his father's work ethic which few matched during his career as a judge, author, lawyer, professor, humanitarian.

□ 1700

But, oh, how he loved his mother. She had a sixth-grade education. He gave his mother credit for his appreciation of the value of education and compassion for his fellow man. His mother as well contributed to young Leon Higginbotham's work ethic. She not only raised him but also the children of the people for whom she worked.

Judge Higginbotham would often say of his mother that, if she had been given the opportunity, she could have been a lawyer or great psychiatrist. He would often refer to the lost opportunities of his mother and other African Americans by referencing the story of Saint Peter and Napoleon.

The story goes on that Napoleon happened upon Saint Peter one day in heaven and said he was the greatest general in the history of the world. Saint Peter responded to Napoleon, "No, you are not the greatest general."

Two days later, confused how he could not be the greatest general with his numerous victories, he asked Saint Peter if he could meet this individual. Saint Peter took Napoleon to meet this individual. To Napoleon's surprise, he recognized this person. Napoleon commented to Saint Peter that this individual had only made shoes for his army, and that Saint Peter must have been mistaken.

Saint Peter replied, "No, I am not mistaken. If this individual had been given the opportunity, he would have been the greatest soldier the world would have ever known."

Judge Higginbotham was a soldier but, as well, in his humble beginnings, became a great jurist. So in his enrolling in Yale Law School, that further refined his desire, his intellect for service in the civil rights war.

He indicated that a janitor at Yale moved him to his ultimate commitment to civil rights. One of the greatest legal minds that this country had ever seen was convinced by a janitor that he made the right decision to attend Yale.

What most people do not realize is that, during that conversation that Judge Higginbotham had with this janitor, the janitor told Judge Higginbotham that he had worked sweeping those floors at Yale for 25 years in the hopes that he would see the day when an African American entered the doors of Yale. Judge Higginbotham did that in 1949 and graduated in 1952, going on to his first job as an Assistant District Attorney in Pennsylvania, going on to Special Deputy Attorney General for Pennsylvania, appointed by John F. Kennedy to the Federal Trade Commission, all firsts, and then ultimately to the 1964 appointment to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year.

I want to just note for the RECORD a comment by Bernard Wolfman on Judge Higginbotham when he invited Judge Higginbotham to teach at Pennsylvania Law School. He described his aptitude and skill as a professor with the following description: "He has demonstrated by his life's work how one can love and serve the law at the same time as he makes a proper target of stringent criticism because of his prejudice, assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure."

What an apt description of Leon Higginbotham. So much you could say, so much we want to say, so many denials to him, but yet so much a warrior and a victor, but yet a kindly man, astute with his own learning, but humbled by his own experience.

I am gratified today, Mr. Speaker, that Members of this House have come to join us in honoring Judge Leon Higginbotham. With that, I am delighted to yield to my esteemed colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES) who has joined us in this special order.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas for this opportunity to be a part of this special order regarding the great, late Judge Higginbotham.

The gentlewoman from Texas (Ms. JACKSON-LEE) should be commended for organizing this special order, because we are paying tribute to one of America's greatest jurists and legal scholars.

I will always remember him as an advocate of civil and human rights. He was a shining example of integrity and set the standard which all African Americans who aspired to be a Federal judge should meet and the standard that any person aspiring to be a Federal judge should meet.

Judge A. Leon Higginbotham was appointed to the Federal bench in 1964. In 1989, he became the chief judge of the United States Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey, and Delaware.

He retired from the bench in 1993 but never from the struggle. Judge Higginbotham used his courtroom to display his dedication to human and civil rights. He enforced the broad constitutional protections of individual rights and personal liberties in tribute to his roll model, the late Supreme Court Justice Thurgood Marshall.

It would only be interesting and axiomatic that, in fact, Judge Higginbotham had the opportunity to comment with regard to Judge Marshall's replacement on the bench and the need to never forget from whence you came.

History will recognize him as more than an outstanding jurist. He was an outstanding African American. He used his intellect as a tool to address the wrongs in America.

According to a noted Harvard law professor, Charles Ogletree, "He was the epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden."

As a child, the Judge learned firsthand that separate and unequal reduced opportunities had cast a shadow on the horizon of African Americans. Judge Higginbotham credits his mother with instilling in him the importance of education. Education was the key that could unlock the door.

Soon after joining the Federal bench, Judge Higginbotham began teaching at the University of Pennsylvania. My colleagues have talked about his career prior to the bench and after the bench. But he would eventually author more than 100 Law Review articles and author a book, as has previously been said, entitled "In The Matter of Color."

In Cleveland, Cuyahoga County, Ohio, I had the opportunity and privilege to serve as a judge for more than a decade. He inspired me, Judge Higginbotham, to stay in the court, to be willing to make the right decision even when it was not the popular decision, to be a judge who was not content to hide behind the cannons of ethics, but willing to speak out on matters with respect to the legal system without violating those cannons of ethics.

I am pleased and privileged to stand before my colleagues today and to tell them that the last time I had a chance to see Judge Higginbotham was in Cleveland at Case Western Reserve University. He was delivering the Judge Frank J. Battisti lecture.

It is something that Judge Frank J. Battisti was, in fact, the judge who made the decision in Cleveland that the school system had unfairly, unconstitutionally segregated schools for African American children.

Here it was Judge Higginbotham delivering that lecture. I have to tell my colleagues the room boomed. He delivered that address, stood tall above everyone else. I was pleased to have had an opportunity to be in the audience.

Judge Battisti's wife said, as she introduced Judge Higginbotham, no one could better deliver the lecture on behalf of her husband who took a lot of flack for saying that the schools in the City of Cleveland were unlawfully and unconstitutionally segregated.

In closing, Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE for organizing this special order. Mr. Speaker, I want to thank you for the opportunity to be heard. I ask all Americans to join us in celebrating a great American hero, the great, late Judge A. Leon Higginbotham.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for her passion, her enthusiasm, and the excitement that she has generated around the life and legacy of A. Leon Higginbotham. This is very special to have the gentlewoman's participation.

Mr. Speaker, I yield to the distinguished gentleman from New Orleans, Louisiana (Mr. JEFFERSON), the next governor of the State of Louisiana. And I hold in my hand one of the cases of Judge Higginbotham, the State of Louisiana versus Ray Hayes.

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding to me and for that very accurate description of me.

Mr. Speaker, I rise today to pay tribute to a great American, Judge A. Leon Higginbotham, Jr., a man who was a giant in stature, a giant in intellect, and a giant in his unparalleled achievements.

Physically, Judge Higginbotham was a towering man who stood over 6 foot 4 inches tall and possessed a booming voice that was both awesome and inspiring. At a memorial service held for him in Philadelphia, there were many references to the voice, the Judge's booming baritone that commanded respect and attention in every setting.

Intellectually, Judge Higginbotham's peers heralded him as one of the most brilliant jurists, historians and scholars in the history of American jurisprudence. His numerous accomplishments include almost 30 years of distinguished service on the Federal bench, coveted teaching positions at both the University of Pennsylvania and Harvard University, and two renowned books and numerous articles on race and the American legal process.

In service, Judge Higginbotham was always a person of compassion, principle, and integrity. Though his work schedule was legendary, Judge Higginbotham found the time to serve as a mentor, as a teacher, as an advisor, and as a friend to countless many.

In my own personal experience, Judge Higginbotham has come to this Congressional Black Caucus on numerous occasions to provide us advice, lectures, and to be involved in our Congressional Black Caucus weekends and stir us to a great achievement. He has been an inspirational figure for our Caucus for many years and was one who was always ready to give of his time.

In my own personal work for the Black Caucus, Judge Higginbotham joined with me and with Lou Stokes and the gentleman from Missouri (Mr. CLAY) to help in a project to raise money and to explain to the giving community how important it was to support reinforcement efforts around the country through that giving and through their support.

He traveled with us to New York and to Philadelphia to make the case as to why it still made sense for the community at large to give in this very important endeavor.

I can tell my colleagues, and on a more personal note, for my daughter Jamila, who was a student at Harvard Law School when Judge Higginbotham was there in his last years, he was her third-year paper advisor and was one who took the time to help her to get through her third year preparation and to graduate well from Harvard Law School. So I thank him personally for what he did for my family, particularly for my daughter.

Undoubtedly, Judge Higginbotham's personal attributes and professional accomplishments qualify him as a great American. However, I believe that his legacy lies in the fact that he used these attributes not to enrich himself but, instead, to enrich America.

He used his remarkable talents to mount an intellectual challenge to all vestiges of racism in society and the law and to provide constructive critique of those who chose to feign a color-blind vision of society and politics in America as an excuse for not dealing with the tough racial issues that face us all.

In his own words, "One of the biggest problems for American society during the 20th century is our not recognizing the consequences of racism and that the real test of the 21st century is our being able to move from equality in the abstract to equality in significant results."

It is not an overstatement to say that, in the last several decades, whenever the issues of social injustice were to be dealt with in this country, at the core of the debate was Judge Higginbotham, standing and speaking out on these very important questions.

Judge A. Leon Higginbotham was an extraordinary human being, who, in 1995, received the Nation's highest civilian honor, the President's Medal of Freedom.

Although he is gone, his legacy will live on in the many individuals whose lives he has touched. We all shall remember him fondly, Mr. Speaker, and we shall miss his work with us, and God bless his family and keep him high in our memory.

I recall, as I stand here, the words of Frederick Douglass, which I think speak well to how we should remember Judge Higginbotham, and speaking about a fairly different issue, but nonetheless one that is related, the issue of liberty and freedom.

Frederick Douglass said something like this, "When it is finally ours, this freedom, this liberty, more usable to man than earth, more important to man than air, when it is finally ours," he said, "then when it is more than the mumbo jumbo of politicians," he said, "when it is diastole, systole, reflex action, when it is finally ours," he said, "then this man, this Douglass, this negro, beaten to his knees, but yearning for the day when none are enslaved, none are alien, none are hunted, then this man," he said "this Douglass will be remembered, oh, not with the statuted rhetoric," he said, "and not with wreaths of bronze alone, but with lives, grown out of his life, with lives fleshing his dream of this beautiful needful thing."

□ 1715

And so Judge Higginbotham's life will flesh our dreams of freedom and liberty in this country and we will live and work in the future and achieve because of the life and the legacy of this great man.

I thank the gentlewoman for yielding to me.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for those very moving closing remarks and the words that would be attributable to Judge Higginbotham.

I now want to yield, Mr. Speaker, to the chief constitutionalist on the Committee on the Judiciary, also a Yale law graduate and certainly friend of Judge Higginbotham, the gentleman from North Carolina (Mr. MEL WATT).

Mr. WATT of North Carolina. Mr. Speaker, I want to thank my colleague, the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), for organizing this special order in tribute to a wonderful human being and statesman, Judge Higginbotham.

Let me start by just expressing condolences to Judge Higginbotham's wife, Evelyn Brooks Higginbotham, and to his two sons and his two daughters. They stood with him and by his side and enabled him to provide a service to our country that, in my estimation, is unparalleled in many respects.

This is a very sad occasion for all of us, when we pay tribute to a fallen hero, and Judge Higginbotham, indeed, was a hero for us. He was a man who practiced tolerance, and he practiced it because he had experienced many episodes of intolerance and he understood the impact that intolerance and prejudice breeds in this country.

While he was a student at one university he complained about substandard housing for black students and was told by the president of the university, "The law doesn't require us to let colored students in the dorm, and you can either accept things as they are or you can leave, immediately."

Despite his outstanding academic credentials, he was denied employment by two major white law firms when they realized that this man, with these credentials on paper, was a black man.

So his tolerance and fight against intolerance grew out of himself being discriminated against and experiencing the negative impact of intolerance.

We can often tell a lot about a man by what other people say about him, and it was interesting to me some of the things that people said about him.

Here is Thurgood Marshall. Thurgood Marshall, former Justice on the United States Supreme Court, said of Leon Higginbotham: "A great lawyer and a very great judge." Not a long accolade, just concise and to the point.

President Clinton on Judge Higginbotham. "One of our Nation's most passionate and steadfast advocates for civil rights."

People were always calling this man a hero, but he was also a very humble man. Professor Charles Ogletree, "The epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden."

This was a man who could command the respect of all of us, and did command the respect of all of us, yet he fought all the way to the end for ordinary common people.

I remember very well when my Congressional District was in the midst of litigation, and he said, "You know, we need to convene a group of people to talk about the importance of having minority representation in the Congress of the United States." About 2 weeks after that I got a call telling me that scholars and historians and professors and college presidents were convening to have a discussion about this issue in North Carolina.

He had just gotten on the phone and called systematically people that he knew would have an interest in this, and they all interrupted their schedule to come and have a discussion about how we would communicate to a court the importance of having minority representation in the Congress of the United States after North Carolina had been without a minority representative in Congress for over 90 years. What would one say to a court that would communicate the importance of the decision the court was being asked to make?

That was the kind of command that Judge Higginbotham had of people around him. They respected him so much that they would drop other things and respond to his request.

I remember very well the last encounter I had with Judge Higginbotham. I knew he had had a heart attack, and he had gone through an extended recovery period. All of a sudden, we were having a hearing on the impeachment matter in the Committee on the Judiciary and there was Judge Higginbotham expounding on the historical significance of the impeachment clause in the Constitution.

When it was over, I went to him and I said, "Judge, what are you doing here; shouldn't you be at home in bed?" And he said to me, "You know, I can't quit fighting about the things that are important, and you know how I feel about the United States constitution. I got to keep fighting for that."

Within 2 weeks after that Judge Higginbotham passed away, but he was fighting to the very end, and we owe him just a tremendous debt of gratitude.

I thank the gentlewoman for yielding me the time to make these comments.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and I do see that this is not enough time, Mr. Speaker, to be able to commemorate such a giant.

Let me simply say, and I am delighted that our minority whip has come to the floor, but let me thank the gentleman from North Carolina (Mr. WATT) for his words and simply say that, likewise, I chatted with Judge Higginbotham on that day in the Committee on the Judiciary when we held hearings on the impeachment, and what I noted most of all was his attempt to show his young students, six of whom he had brought with him, to show them to us and us to them and to get them to understand his passion.

Let me close, Mr. Speaker, by saying that we who knew him, miss him, admire him, and love him, but we know Evelyn and the children have an even greater feeling, and so I would simply want to bring this to my colleagues' attention: He was a giant of a man with a baritone voice. He had a way of impacting many of us. When he donned his judicial robes and he spoke from the bench, one got the sense that God was speaking up. Those were the words of one of his law clerks.

Judge Higginbotham was not God but, Mr. Speaker, he certainly was a great American who went beyond the call of duty to fight on the battlefield for equal justice and opportunity.

There are few greater tributes this esteemed body can pay an American than to recognize that individual's life and work in the public forum established by our Founding Fathers. Mr. Speaker; I rise along with several of my colleagues to pay honor to the legacy of Judge A. Leon Higginbotham.

How fortunate America was to have such a dedicated soldier in the struggle for civil rights. As a child, a young Leon Higginbotham dreamed of being a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality, and it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as a youth he wanted to serve as a firefighter but in the end he answered a higher calling by "dampening the fires of racism."

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. He tirelessly worked to ensure that there was one rule of law that applied to all individuals—no matter their race, their gender, or their disability. Judge Higginbotham reminded us, in piognant terms and with his powerful voice, of our nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our Founding Fathers to include all Americans, and he fought with all his might and intellect to protect it's principles and guarantees.

As an African-American judge on the federal bench he would adhere to his vision on one rule of law that applied equally to all Americans. As a jurist, Judge Higginbotham authored some 600 published opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania, then on the Third U.S. Circuit Court of Appeals and finally as that court's chief judge.

Among his many accolades, Judge Higginbotham was awarded the Presidential Medal of Freedom in 1995 and the Raul Wallenberg Humanitarian Award. He was so respected as a humanitarian, that in 1994, South African President Nelson Mandela asked Higginbotham to be an international mediator during the country's first election in which blacks could vote. But despite these achievements he was never one to turn away from those without a voice.

At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. The accomplishments of Judge Higginbotham serve as an inspiration for all Americans but especially for African-Americans who strive to be leaders in our society.

It is fitting that my colleagues and I pause today to honor A. Leon Higginbotham because his life provides a legacy of leadership, impartiality, equality, and dedication for all public servants, and indeed, for all of humanity. The foundation for this legacy comes from two individuals who provided Judge Higginbotham with a nurturing and loving environment. Judge Higginbotham's beginnings were indeed humble, but I am sure he would describe them as his perfect fortune.

Born on February 25, 1928, Higginbotham was raised in Trenton, New Jersey. It is said that in his home there were only two books—a dictionary and a Bible. Higginbotham's personality and character are taken from his parents, who believed that a man should be kind to everyone regardless of their social class, and that he should be strong in his convictions.

Judge Higginbotham's father was a simple plant laborer. He worked at the same plant for 45 years and Judge Higginbotham would say that his father was late to work only once during that tenure. Judge Higginbotham acquired his father's work ethic, which few matched during his career as a judge, author, legal professor, and humanitarian.

The mother of Judge Higginbotham completed her education only to the sixth grade level. Judge Higginbotham gave his mother credit for his appreciation of the value of education and his compassion for his fellow man. And his mother, as well, contributed to young Leon Higginbotham's work ethic—she not only raised him, but also the children of the people for whom she would work.

Judge Higginbotham would often say of his mother that if she had been given the opportunity, she could have been a lawyer or a great psychiatrist. He would often refer to the lost opportunities of his mother and other African-Americans by referencing the story of St. Peter and Napoleon. The story goes that Napoleon happened upon St. Peter one day in heaven and asked if he was the greatest general in the history of the world. St. Peter responded to Napoleon, "no you are not the greatest general". Two days later confused as to how he could not be the greatest general with his numerous victories, he asked St. Peter if he could meet this individual. St. Peter took Napoleon to meet this individual and to Napoleon's surprise he recognized this person. Napoleon commented to St. Peter that this individual had only made shoes for his army and that St. Peter must have been mistaken. St. Peter replied, "no I am not mistaken, if this individual had been given the opportunity he would have been the greatest soldier the world would have known".

Judge Higginbotham referenced this story to highlight the many lost opportunities of African-Americans like his mother. He also referenced this story to spur young people today to take full advantage of their own opportunities. Judge Higginbotham was able to take full advantage of his limited opportunities, which made themselves apparent during his life.

The first of these opportunities came with Judge Higginbotham's acceptance into the Yale Law School. Despite his father's dismay at why his son turned down a full scholarship to attend Law School at Rutgers, Judge Higginbotham still enrolled in his first year at Yale in 1949. That year, he was one of only three African-Americans to enroll at Yale and one of only five African-Americans to enroll at any of the five Ivy League law schools.

Despite the daunting challenges of racism, not to mention the riggers of the academic curriculum at Yale, Judge Higginbotham thrived in his new environment. He received more oral advocacy awards in his tenure at Yale than any law student to that point in the school's history. Anytime doubt crept into his head regarding whether he had made the right decision, Judge Higginbotham reminded himself of a conversation he had with a janitor. Yes, that is right—janitor. One of the greatest legal minds that this country has ever seen, was convinced by a janitor that he made the right decision to attend Yale. What most people do not realize is that during that conversation that Judge Higginbotham had with this janitor, the janitor told Higginbotham that he had worked sweeping those floors for twenty-five years in hopes that he would see the day when African Americans entered the doors of Yale. Therefore, failure was not an option that Higginbotham could accept, and he forthrightly earned his law degree from Yale in 1952. He would eventually become the school's first black trustee in 1969.

Upon graduation, perhaps because of his humble origins, or because of the words of that janitor, or because of the racism that he himself experienced, Judge Higginbotham made a passionate commitment to the goal of equality for all human beings. This ideal became the hallmark of his life and his career as he sought to help all Americans, no matter how rich or how poor, no matter how influential or how powerful.

In his lifetime, there is not much that Judge Higginbotham did not do—and do well. He has been described by his friends, "as performing in each of his roles in the first rank, with ability, dedication, energy, imagination, and courage." His first job as an attorney came in 1952 as an assistant district attorney in Philadelphia, Pennsylvania for two years. He would later become a partner in a law firm there. His prestige grew when, in 1956, Higginbotham became special Deputy Attorney General for Pennsylvania.

His rise to national prominence came in 1962, when President John F. Kennedy appointed him to become a commissioner of the Federal Trade Commission. President Kennedy's appointment of Higginbotham marked the first time that an African-American had become the head of a federal regulatory commission.

In 1964, Higginbotham was appointed to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year, supposedly because of his age. After Kennedy was assassinated, President Lyndon Johnson re-nominated Higginbotham to the bench and in 1964, at the age of thirty-five, he became the youngest federal judge to be appointed in some thirty years. Judge Higginbotham was only the third African-American to be appointed as a federal district judge.

In 1977, President Carter appointed him to be a judge on the Third U.S. Circuit Court of Appeals. In 1989, he became Chief Judge on that same panel, which has jurisdiction over Pennsylvania, New Jersey and Delaware. He retired as chief judge in 1991 and stayed on as senior judge until 1993.

He was one the most prominent and visible African-American judges on the federal bench. The late Supreme Court Justice Thurgood Marshall once called Judge Higginbotham "a great lawyer and very great judge." What made him a great jurist was his desire to see that the rule of law was fairly applied and that all received equal treatment in his courtroom. I am sure that his law clerks would all agree that despite a busy schedule, he always made time for people irrespective of the person's status or station in life.

Judge Higginbotham's career as a professor of the law was no less astonishing. As a part of his legacy, Judge Higginbotham leaves numerous attorneys who have benefited from his knowledge and experience. By his example, his writing, and his teachings—students who have had the good fortune of sitting in his classrooms have undoubtedly learned the values of careful research, and of honesty and fairness. Bernard Wolfman, who invited Judge Higginbotham to teach at Penn Law School, described his aptitude and skill as a professor with the following description:

> He has demonstrated by his life's work how one can love and serve the law at the same time as he makes it a proper target of trenchant criticism because of its prejudiced assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure.

Perhaps his greatest accomplishment as a professor was to instill in his students the belief that they can and will make a difference in their careers as attorneys. He would reference his experiences in South Africa to illustrate his point. In a 1982 trip to South Africa he had an opportunity to speak before a group of future black attorneys. In his introduction and greeting to these students he commented that it was a pleasure to meet the future Supreme Court Judges of South Africa. His audience laughed at this notion because at this time South Africa was still under the rule of apartheid. Just a few years later, Judge Higginbotham would return to South Africa at the invitation of Nelson Mandela, to become an international mediator for issues surrounding the 1994 national elections in which all South Africans could participate for the first time. On that visit, there is no doubt, that Judge Higginbotham must have thought about those students whom he had addressed in 1982.

Judge Higginbotham often referenced this story to point out to law students that one does not truly know when his or her opportunity will present itself. He wanted all potential lawyers to realize the importance of their service to the Constitution and the laws of this nation.

Judge Higginbotham is also acclaimed for his multi-volume study of race, "Race and the American Legal Process." In those books, he examined how colonial law was linked to slavery and racism, and examined how the post-emancipation legal system continued to perpetuate the oppression of blacks.

Just recently, Judge Higginbotham testified before the House Judiciary

Committee where he demonstrated his firm commitment to the Constitution before an esteemed panel of lawyers, judges, and legal historians. I do not think that there was an American who, after they heard him speak, did not turn away with a profound respect for his convictions, his considerable intellect, and his passion.

With his baritone voice that drew the envy of singers everywhere, Judge Higginbotham was often said to be larger than life when he donned his juridicial robes. "When he spoke from the bench you got the sense that God was speaking up there," said Edward Dennis Jr., who clerked for Higginbotham in the 1970's. And although I am sure Judge Higginbotham would have frowned on that comparison, I am sure there are many lawyers and clients who would not. While the thoughts and memories of his fierce questioning surely continue to instill fear and respect from those lawyers that advocated before him, I seriously doubt that any of them would ever challenge his judgement, or his fairness.

Judge Higginbotham championed equal rights and the Constitution with unmatched passion and energy. Rest assured, although there will never be another A. Leon Higginbotham, there remain many disciples who will continue to follow in his legal tradition. I can only hope to be considered amongst them.

Mr. HOLT. Mr. Speaker, the Honorable A. Leon Higginbotham, who recently passed away at the age of 70, was a highly esteemed jurist, renowned scholar, noted lecturer, and civil rights leader.

But the citizens of central New Jersey had a special connection to Judge Higginbotham. For them, particularly the African-American community, he served as a shining example of hope for the future.

A native of Ewing, New Jersey located in my Congressional District, Judge Higginbotham was widely known in his youth as a talented musician and excellent student. At a time when professional and academic possibilities for blacks were severely limited, his outstanding accomplishments represented hope that such success was within the reach of all our children.

The African-American community knew that he was forced to live in an unheated attic room because his college had no housing for blacks. They knew of the struggle he endured at Yale Law School and during his early years in the legal profession.

But his perseverance and refusal to settle for anything less than excellence made Leon Higginbotham a living symbol of the possibilities for all children.

I am proud to take this time to salute Judge Higginbotham, and on behalf of all the citizens of the 12th Congressional District, would like to express my condolences to his family.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to a giant within American jurisprudence, Judge A. Leon Higginbotham, Jr. He was a civil rights champion who died with his boots on; it was only a few weeks before his death that Leon Higginbotham testified before the House Judiciary Committee in protest of its impeachment process.

Judge Higginbotham's contributions to the law, both as a peerless judge and superb educator, were immense. His love for the cause of justice made him a colossus of the civil rights movement. In his impeccably coherent and flawlessly logical testimony before the House Judiciary Committee, Judge Higginbotham reminded the nation's lawmakers, and the American people, of his legal brilliance.

The achievements of Leon Higginbotham should serve as an inspiration to Americans of all ages. His legacy is a stellar example of a meritocracy at work, that diligence and opportunity can be an equalizing force against the vestiges of racism. After obtaining a brilliant record as a civil rights attorney, he was first appointed to a federal judicial post in 1964. His performance as one of the country's most consistent and fair judges led to his appointment to the U.S. Circuit Court of Appeals. As a mediator in the 1994 South African elections, that country's first post-apartheid experiment with democracy, Judge Higginbotham shared with the world his judicial expertise and impartiality. The entire country paid him tribute in 1995, when President Bill Clinton awarded him the Presidential Medal of Freedom. There is no question that Leon Higginbotham belongs to that group of exceptional people which any nation would be proud to call its own.

His outspoken courage and passionate opposition to racism were unceasing. Judge Higginbotham's condemnation of the damage that discrimination and disregard for individual civil rights does to the justice system made his "Race and the American Legal System" one of the most important and influential legal texts in the history of our country.

I am honored to join my colleagues in saluting the living legacy of Leon Higginbotham. His compassion and respect for the individual, combined with his unrivaled knowledge and love of the law, make him a person I am proud to have known. We shall forever be indebted to Judge Higginbotham for his superior commitment to justice and his impeccable example of judicial scholarship and service.

Mr. PAYNE. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the true heroes of our time, and a personal hero of mine, Judge Leon Higginbotham.

One of the proudest moments of my life was in January of 1989, after having won election to the U.S. House of Representatives for the first time, when Judge Higginbotham administered the oath of office to me at a ceremony in the Rayburn Foyer. Being sworn in as New Jersey's first African American Congressman by a man of Judge Higginbotham's Stature, who had achieved such a place in history, is an honor I will always remember. Earlier in my career, Judge Higginbotham nominated me for President of the National Council of YMCAs and I remain grateful for that honor as well.

It was characteristic of Judge Higginbotham that no matter how high he rose, he was always available whenever anyone needed his help or guidance. He never missed an opportunity to encourage young people to achieve their goals.

Judge Higginbotham was a man of great intellect, ability and passion for justice. He was a native of my home state of New Jersey, where he grew up in the segregated society of Trenton. With determination and fortitude, he forged ahead, graduating from Yale Law School in 1952. During President John Kennedy's Administration, he was appointed as the first African American to head the Federal Trade Commission.

In 1964, President Lyndon Johnson nominated him to the U.S. District Court for the Eastern District of Pennsylvania. He joined the Third Circuit Court of Appeals in Philadelphia in 1977, where he retired as Chief Judge in 1991.

President Clinton awarded Judge Higginbotham the Presidential Medal of Freedom in 1995 and in 1996, he was honored with the NAACP's Springarn Medal.

Mr. Speaker, Judge Higginbotham was truly larger than life. Let us honor his memory and carry forth his proud legacy.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this tribute to Judge Higginbotham.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

DISCRIMINATION CONTINUES AT AMERICA'S AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me just begin by echoing the comments of the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) and the gentleman from North Carolina (Mr. WATT) about a real giant in our history, Judge Higginbotham, who was a noted defender of civil rights; who went on to become one of the country's most prominent African American judges; and who, through his long and distinguished career, stood on the side of those who needed help.

He, as we have heard, was awarded numerous awards, including the Medal of Freedom for his work and also the Wallenberg Humanitarian award.

He was a giant, and he certainly will be missed, and I thank my colleagues for remembering him and bringing his spirit to light again so that the country can appreciate this remarkable man.

□ 1730

It is with that that I would like to make a transition to another issue, but the transition is easy because it is a civil rights issue, Mr. Speaker.

In the Washington Post today, I read that five workers, all Muslim women, have filed a religious discrimination complaint with the Equal Employment Opportunity Commission. Apparently, according to this article, it was in the Metro section, I believe, of the Washington Post, they were fired from their jobs as screeners of passengers and luggage at Dulles International Airport because they refused to remove the head scarves they wear for religious reasons.

Their employer, Argenbright Security, Incorporated, told them they would have to give up their head scarves or give up their jobs. Now, faced with such a choice, they chose to honor their religious commitment.

As a result of the women's complaint to the EEOC, Argenbright Security is now backtracking. The company has issued a statement denying religious discrimination and inviting these five women to return to work.

What this incident does, though, is raise a larger issue, and, that is, of the widespread and systematic discrimination against Muslims and Arab Americans at airports all across this country. Under current procedures, security companies like Argenbright are used to enforce profiling standards to ensure airport security.

But you have to ask yourselves that if firms like Argenbright cannot even treat their Muslim employees fairly, how are we to believe they will treat Muslim passengers whom they do not even know in a fair and courteous manner?

Now, we all understand that airport security is a must. But the people who are responsible for it should be trained in a way that ensures cultural sensitivity and fairness as they carry out these important responsibilities. This profiling issue is a huge embarrassment and problem, especially in the Detroit metropolitan airport. We have, as many of my colleagues may know, in the State of Michigan a large Arab-American and Muslim population, almost 700,000, close to 8 percent of our State.

Because of the incidence of stopping these women and gentlemen as they come through the airport, I had a hearing at the airport, organized it, and I had Jane Garvey, the Director of the FAA, Federal Aviation Administration, come with her top people, and she heard stories from folks who told how they were stopped, denied passage because they fit a certain profile.

One family, a good family, friends of mine, Dr. Basha and his family have been stopped on several occasions as they traveled on vacation to the Middle East. Another woman told of her son who was an Olympic rower going to a meet for a trial for the Olympics in Cincinnati and he was detained, missed the flight, missed the opportunity for the Olympics, because he fit a certain profile. We had another person who was a police officer in the Detroit area who was stopped and detained because he fit a profile.

Now, let me say that this is not the first airport and this is not the first incident that led me to believe that airport security is being contracted out to companies who do not have a commitment to treat all Americans with fairness and dignity.

I just want to applaud these five women for standing up for their religious beliefs and for their rights, for their rights on the job. I intend to contact the FAA about this situation and to insist that companies providing security at our airports do so without discriminating against Americans regardless of their religious faith or their ethnic heritage.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING INTERIM BUDGET ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999–2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Section 2 of House Resolution 5, I submit for printing in the CONGRESSIONAL RECORD interim budget aggregates and allocations for fiscal year 1999 and for the period of fiscal years 1999 through fiscal year 2003. This submission includes the budget aggregates and allocations to the Committee on Appropriations that were not included in my submission on February 25.

These interim levels will be used to enforce sections 302(f), 303(a) and 311(a) of the Congressional Budget Act of 1974. Section 303(a) prohibits the consideration of legislation that provides new budget authority or changes in revenues until Congress has agreed to a budget resolution for the appropriate fiscal year. Sections 302(f) and 311(a) prohibit the consideration of legislation that exceeds the appropriate budgetary levels set forth in budget resolution and the accompanying report.

Without these interim levels, the House would be prohibited under section 303(a) of the Budget Act from considering legislation with even negligible budgetary effects in certain fiscal years because a budget resolution is not in effect for the current fiscal year. There would be no levels to make determinations under sections 302(f) and 311(a) for fiscal year 1999 and such determinations for the five year period would be based on the now-obsolete levels set forth under H. Con. Res. 84 (H. Rept. 105–116) in 1997.

The interim allocations and aggregates are essentially set at current law levels. They reflect legislation enacted through the end of the 105th Congress as estimated by the Congressional Budget Office (CBO). In the case of the Committee on Appropriations, the allocations are identical to the levels set forth in H. Res. 477 (H. Rept. 105–585) except that they reflect adjustments for emergencies, arrearages and other items under section 314 of the Congressional Budget Act.

These levels are effective until they are superseded by a conference report on the concurrent budget resolution.

If there are any questions on these interim allocations and aggregates, please contact Jim Bates, Chief Counsel of the Budget Committee, at ext. 6–7270.

APPROPRIATE LEVELS

	Fiscal years	
	1999	1999–2003
Budget Authority	1,443,821	(1)
Outlays	1,392,861	(1)
Revenues	1,368,374	7,284,605

[1] Not applicable because annual appropriations acts for Fiscal Years 2000–2003 will not be considered until future sessions of Congress.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

	Budget Authority	Outlays
Fiscal year 1999:		
Nondefense*	287,107	273,837
Defense*	279,891	271,403
Violent Crime Reduction*	5,800	4,953
Highways*	0	21,885
Mass Transit*	0	4,401
Total Discretionary Action	572,798	576,479
Current Law Mandatory	291,758	283,468

* Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

Budget year	1999	2000	2001	2002	2003	Total 1999–2003
AGRICULTURE COMMITTEE						
Current Law:						
BA	17,337	9,727	8,499	6,967	2,738	45,268
OT	14,885	5,927	5,729	4,374	51	30,966
Reauthorizations:						
BA	0	0	0	0	28,328	28,328
OT	0	0	0	0	27,801	27,801
Total:						
BA	17,337	9,727	8,499	6,967	31,066	73,596
OT	14,885	5,927	5,729	4,374	27,852	58,767

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES—Continued

Committees Other than Appropriations

Budget year	1999	2000	2001	2002	2003	Total 1999–2003
ARMED SERVICES COMMITTEE						
Current Law:						
BA	47,809	49,218	50,895	52,579	54,366	254,867
OT	47,672	49,108	50,792	52,476	54,273	254,321
BANKING AND FINANCIAL SERVICES COMMITTEE						
Current Law:						
BA	3,442	4,586	5,431	5,297	5,027	23,783
OT	874	−2,016	−473	−24	186	−1,453
COMMITTEE ON EDUCATION AND THE WORKFORCE						
Current Law:						
BA	3,303	4,503	5,061	5,495	5,424	23,786
OT	2,744	3,829	4,366	4,835	4,955	20,729
Discretionary Action:						
BA	0	0	0	305	305	610
OT	0	0	0	92	275	367
Total:						
BA	3,303	4,503	5,061	5,800	5,729	24,396
OT	2,744	3,829	4,366	4,927	5,230	21,096
COMMERCE COMMITTEE						
Current Law:						
BA	8,663	10,247	12,263	15,747	16,015	62,935
OT	5,421	8,351	10,963	16,458	16,942	58,135
INTERNATIONAL RELATIONS COMMITTEE						
Current Law:						
BA	10,924	9,888	9,982	9,557	8,711	49,062
OT	12,162	11,516	10,860	10,415	9,698	54,651
GOVERNMENT REFORM COMMITTEE						
Current Law:						
BA	57,886	59,661	61,516	63,577	65,822	308,462
OT	56,644	58,365	60,164	62,174	64,396	301,743
Discretionary Action:						
BA	0	2	4	4	4	14
OT	0	2	4	4	4	14
Total:						
BA	57,886	59,663	61,520	63,581	65,826	308,476
OT	56,644	58,367	60,168	62,178	64,400	301,757
COMMITTEE ON HOUSE ADMINISTRATION						
Current Law:						
BA	93	90	90	90	93	456
OT	56	262	49	13	57	437
RESOURCES COMMITTEE						
Current Law:						
BA	2,296	2,391	2,370	2,319	2,351	11,727
OT	2,253	2,254	2,332	2,205	2,326	11,370
JUDICIARY COMMITTEE						
Current Law:						
BA	4,759	4,548	4,550	4,539	4,631	23,027
OT	4,578	4,371	4,461	4,617	4,622	22,649
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE						
Current Law:						
BA	49,121	48,697	49,721	50,714	51,714	249,967
OT	16,114	16,021	16,026	15,834	15,722	79,717
Discretionary Action:						
BA	1,205	2,410	2,410	2,410	2,410	10,845
OT	0	0	0	0	0	0
Total:						
BA	50,326	51,107	52,131	53,124	54,124	260,812
OT	16,114	16,021	16,026	15,834	15,722	79,717
SCIENCE COMMITTEE						
Current Law:						
BA	38	38	35	32	32	175
OT	33	36	36	36	34	175
SMALL BUSINESS COMMITTEE						
Current Law:						
BA	−414	0	0	0	0	−414
OT	−585	−156	−140	−125	−110	−1,116
VETERANS' AFFAIRS COMMITTEE						
Current Law:						
BA	1,182	1,144	1,077	990	931	5,324
OT	1,296	1,358	1,331	1,316	1,355	6,656
Discretionary Action:						
BA	0	394	874	1,367	1,868	4,503
OT	0	360	833	1,325	1,824	4,342
Total:						
BA	1,182	1,538	1,951	2,357	2,799	9,827
OT	1,296	1,718	2,164	2,641	3,179	10,998
WAYS AND MEANS COMMITTEE						
Current Law:						
BA	671,063	676,265	692,412	705,685	728,575	3,474,000
OT	659,770	666,279	684,407	696,184	721,486	3,428,126
Reauthorizations:						
BA	0	0	0	0	19,553	19,553
OT	0	0	0	0	17,312	17,312
Discretionary Action:						
BA	0	−2	0	0	0	−2
OT	0	−2	0	0	0	−2
Total:						
BA	671,063	676,263	692,412	705,685	728,575	3,473,998
OT	659,770	666,277	684,407	696,184	721,486	3,428,124

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT), for today and for the balance of the week, on account of a death in the family.

Ms. SANCHEZ (at the request of Mr. GEPHARDT), for today and March 4, on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BOSWELL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. WOLF, for 5 minutes each, today and March 4.

Mr. SHIMKUS, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 1999, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 1999, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary Condit	8/21	8/26	Egypt		1,254.00		(3)		679.84		1,933.84
Hon. Bob Smith	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Tom Ewing	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Bill Barrett	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Collin Peterson	8/21	8/26	Egypt				(3)		559.84		559.84
Paul Unger	8/21	8/26	Egypt				(3)		559.84		559.84
Lynn Gallagher	8/21	8/26	Egypt				(3)		559.84		559.84
Jason Vaillancourt	8/21	8/26	Egypt				(3)		559.84		559.84
Brian MacDonald	8/21	8/26	Egypt				(3)		559.84		559.84
Andy Baker	8/21	8/26	Egypt				(3)		559.84		559.84
Committee total									6,972.40		6,972.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BOB SMITH, Chairman, Feb. 18, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Lloyd Jones	11/3	11/10	Australia/New Caledonia/Western Samoa/New Zealand.		1,596.00		7,574.13				9,170.13

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Manase Mansur	11/3	11/10	Australia/New Caledonia/Western Samoa/New Zealand.		1,596.00		7,574.13				9,170.13
Bonnie Bruce	11/14	11/28	Spain		1,700.00		1,750.23				3,450.23
Sharon McKenna	11/14	11/23	Spain		1,700.00		1,407.23				3,107.23
Committee total					6,592.00		18,305.72				24,897.72

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Jan. 29, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		829.76				2,748.76
Michael Quear	12/5	12/13	Mexico		1,919.00		829.76				2,748.76
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		9,080.13				17,160.13

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Elizabeth Larson	11/30	12/10	Europe		3,250.00		(3)				3,250.00
Michael Meermans	12/2	12/3	Europe		213.00						213.00
	12/3	12/6	Middle East		405.00						405.00
	12/6	12/8	Europe		306.00						306.00
Commercial airfare							4,029.24				4,029.24
Merrell Moorhead	12/2	12/3	Europe		213.00						213.00
	12/3	12/6	Middle East		405.00						405.00
	12/6	12/8	Europe		306/00						306.00
Commercial airfare							4,029.24				4,029.24
Catherine Eberwein	12/9	12/12	Europe		1,042.00						1,042.00
Commercial airfare							5,235.97				5,325.97
Committee total					6,140.00		13,384.45				19.524.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportaion.

PORTER J. GOSS, Feb. 12, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO SOUTH KOREA, INDONESIA, HONG KONG, AND JAPAN, EXPENDED BETWEEN JAN. 8 AND JAN. 19, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	1/10	1/11	South Korea		260.82		(3)				
Hon. Doug Bereuter	1/10	1/11	South Korea		260.82		(3)				
Hon. Connie Morella	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Moran	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Greenwood	1/10	1/11	South Korea		260.82		(3)				
Hon. Jerry Weller	1/10	1/11	South Korea		260.82		(3)				
Hon. Earl Blumenauer	1/10	1/11	South Korea		260.82		(3)				
Hon. Steve Kuykendall	1/10	1/11	South Korea		260.82		(3)				
Everett Eissenstat	1/10	1/11	South Korea		260.82		(3)				
Jamie McCormick	1/10	1/11	South Korea		260.82		(3)				
Mike Ennis	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Kolbe	1/11	1/14	Indonesia		554.31		(3)				
Hon. Doug Bereuter	1/11	1/14	Indonesia		554.31		(3)				
Hon. Connie Morella	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Moran	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Greenwood	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jerry Weller	1/11	1/14	Indonesia		554.31		(3)				
Hon. Earl Blumenauer	1/11	1/14	Indonesia		554.31		(3)				
Hon. Steve Kuykendall	1/11	1/14	Indonesia		554.31		(3)				
Everett Eissenstat	1/11	1/14	Indonesia		554.31		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO SOUTH KOREA, INDONESIA, HONG KONG, AND JAPAN, EXPENDED BETWEEN JAN. 8 AND JAN. 19, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jamie McCormick	1/11	1/14	Indonesia		554.31		(3)				
Mike Ennis	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Kolbe	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Doug Bereuter	1/14	1/16	Hong Kong		538.14		(3)				
Hon. Connie Morella	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jim Moran	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jerry Weller	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Earl Blumenauer	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Steve Kuykendall	1/14	1/17	Hong Kong		888.21		(3)				
Everett Eissenstat	1/14	1/17	Hong Kong		888.21		(3)				
Jamie McCormick	1/14	1/17	Hong Kong		888.21		(3)				
Mike Ennis	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jim Kolbe	1/17	1/19	Japan		577.16		(3)				
Hon. Doug Bereuter	1/18	1/19	Japan		238.00		(3)				
Hon. Connie Morella	1/17	1/19	Japan		577.16		(3)				
Hon. Jim Moran	1/17	1/19	Japan		577.16		(3)				
Hon. Jerry Weller	1/17	1/19	Japan		577.16		(3)				
Hon. Earl Blumenauer	1/17	1/19	Japan		577.16		(3)				
Hon. Steve Kuykendall	1/17	1/19	Japan		577.16		(3)				
Everett Eissenstat	1/17	1/19	Japan		577.16		(3)				
Jamie McCormick	1/17	1/19	Japan		577.16		(3)				
Mike Ennis	1/17	1/19	Japan		577.16		(3)				
Committee total					22,930.90						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO FINLAND, GERMANY, FRANCE, AND AUSTRIA, EXPENDED BETWEEN JAN. 9 AND JAN. 18, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Peter Davidson	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
Chaplain James D. Ford	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Total					3,134.00						3,134.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Feb. 10, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PERU, EXPENDED BETWEEN JAN. 9 AND JAN. 14, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Van Wicklin (Rep. Amo Houghton's Office)	1/9	1/14	Peru		1,224.00		3,260.40				4,484.40
Committee total					1,224.00		3,260.40				4,484.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RON KIND, Feb. 22, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

846. A letter from the Secretary of the Navy, transmitting certification that the Department of the Navy has converted the Fisher House Trust Fund to a non-appropriated fund instrumentality (NAFI); to the Committee on Armed Services.

847. A letter from the Secretary of Defense, transmitting a report containing information on the retention of members of the Armed Forces; to the Committee on Armed Services.

848. A letter from the Principal Deputy, Under Secretary of Defense, transmitting the annual report on operations of the National Defense Stockpile; to the Committee on Armed Services.

849. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 98-36: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961; to the Committee on Commerce.

850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Re-issue of the Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air quality Standards (NAAQS)—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

851. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quality Assurance Guidance Document 2.12—Monitoring PM 2.5 in Ambient Air Using Designated Reference of Class I Equivalent Methods—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

852. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of Safeguards Information for the calendar year quarter beginning October 1 and extending through December 31, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

853. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

854. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for NRC Enforcement Actions; Revised Treatment of Severity Level IV Violations at Power Reactors [NUREG–1600, Rev. 1] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

855. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—OTC Derivatives Dealers [Release No. 34–40594; File No. S7–30–97] (RIN: 3235–AH16) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

856. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's "Annual Report for Fiscal Year 1998" and the "1999 Foreign Policy Export Controls Report," pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

857. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers under License Exception CTP [Docket No. 981208298–8298–01] (RIN: 0694–AB82) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

858. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Commerce Control List: Changes in Missile Technology Controls [Docket No. 990112008–9008–01] (RIN: 0694–AB75) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

859. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received February 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

860. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–574, "Home Purchase Assistance Step Up Fund Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

861. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–580, "Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

862. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–629, "TANF-related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

863. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–576, "Closing of a Public Alley in Square 371, S.O. 96–202, Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

864. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–586, "Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

865. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–628, "Advisory Neighborhood Commissions Management Control and Funding Temporary Amendment Act of 1999" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

866. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–607, "Health Benefits Plan Members Bill of Rights Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

867. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–397, "Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

868. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–380, "Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

869. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–633 "Closing of Public Alleys in Square 51, S.O. 98–145, Temporary Act of 1999" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

870. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–632 "Bethea-Welch Post 7284, Veterans of Foreign Wars Equitable Real Property Tax Relief Temporary Act of 1999" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

871. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–631, "Annuitants' Health and Life Insurance Employer Contribution Temporary Amendment Act of 1999" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

872. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–609, "Comprehensive Plan Amendment Act of 1998" received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

873. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 1998, pursuant to D.C. Code section 43–513; to the Committee on Government Reform.

874. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1998 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform.

875. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting the fourth annual report on the Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement; to the Committee on Resources.

876. A letter from the Secretary, Judicial Conference of the United States, transmitting a request on behalf of the Judicial Conference of the United States that Congress approve the consolidation of the office of the bankruptcy clerk and the office of the district clerk of court in the Southern District of West Virginia; to the Committee on the Judiciary.

877. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Magnetic Levitation Transportation Technology Deployment Program [FRA Docket No. FRA–95–4545; Notice No. 2] (RIN: 2130–AB29) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Policy and Procedures Concerning the Use of Airport Revenue [Docket No. 28472] (RIN: 2120–AG01) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

879. A letter from the Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error (RIN: 2900–AJ75) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

880. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Acceptance of BONDS Secured By Government Obligations in Lieu of BONDS with Sureties (RIN: 1510–AA36) received January 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

881. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 2000, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); jointly to the Committees on Appropriations and the Budget.

882. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting a report listing all military installations where an integrated natural resources management plan is not appropriate; jointly to the Committees on Armed Services and Resources.

883. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Satellite Controls Under the United States Munitions List"; jointly to the Committees on Armed Services and International Relations.

884. A letter from the Secretary of Labor, transmitting a report entitled "Pension Plans for Professional Boxers"; jointly to the Committees on Education and the Workforce and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 707. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; with amendments (Rept. 106–40). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 91. Resolution providing for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes. (Rept. 106–41). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PALLONE:

H.R. 950. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN:

H.R. 951. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BASS:

H.R. 952. A bill to amend the Telecommunications Act of 1996 to preserve State and local authority over the construction, placement or modification of personal wireless service facilities; to the Committee on Commerce.

By Mr. BOEHLERT (for himself, Mr. Clyburn, Mr. Holden, Mr. Weygand, Mr. Delahunt, Mr. Mascara, Mr. Wise, Mr. Meeks of New York, Mr. Filner, Mr. Costello, Ms. Carson, Mr. Sherman, Mr. Smith of Washington, Ms. Danner, Mr. Stupak, Mr. Frost, Mr. Payne, Ms. Waters, Mr. Hinchey, Mr. McNulty, Mr. Quinn, Mr. Metcalf, Mr. Kucinich, Mr. Farr of California, Mr. Martinez, Mr. Bonior, Mr. Inslee, Ms. DeLauro, Mr. Horn, Mr. Stark, Mr. Gejdenson, Mr. Pombo, Mrs. McCarthy of New York, Mr. Frank of Massachusetts, Mr. Evans, Mr. LoBiondo, Mrs. Lowey, Mr. McGovern, Mrs. Clayton, Mr. Mica, Mr. Towns, Mr. Olver, Mr. Nadler, Mr. Doyle, Ms. Lee, Mr. Blagojevich, Mr. Klink, Mr. Traficant, Mr. Sanders, Mr. Rush, Mr. Snyder, Mr. Barcia, Ms. Kilpatrick, Mr. Tierney, Mr. Rangel, Mrs. Tauscher, Mrs. Thurman, Ms. Brown of Florida, Mr. Gutierrez, Mr. Forbes, Mr. DeFazio, Mr. Pascrell, and Mr. Rothman):

H.R. 953. A bill to amend title 49, United States Code, to provide for the protection of employees providing air safety information; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred by taxpayers in transporting food to food banks; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 955. A bill to expand the geographic area of the TRICARE Senior Supplement demonstration project for certain covered beneficiaries under chapter 55 of title 10, United States Code, to include one additional site; to the Committee on Armed Services.

By Mr. GIBBONS (for himself and Ms. Berkley):

H.R. 956. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans' Affairs.

By Mr. HULSHOF (for himself, Mrs. Thurman, Mr. Combest, Mr. Houghton, Mr. Herger, Mr. McCrery, Mr. Nussle, Mr. English, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. Foley, Mr. Lewis of Kentucky, Mr. Barrett of Nebraska, Mr. Condit, Mr. Boehner, Mr. Dooley of California, Mr. Ewing, Mr. Minge, Mr. Pombo, Mr. Baldacci, Mr. Smith of Michigan, Mr. Hostettler, Mr. Moran of Kansas, Mr. Thune, Mr. Jenkins, Mr. Calvert, Mr. Gutknecht, Mr. Ose, Mr. Hayes, Mr. Talent, Ms. Danner, Mrs. Emerson; Mr. Gordon, Mrs. Bono, Mr. Shows, Mr. Nethercutt, Mr. Istook, Mr. Snyder, Mr. Bereuter, Ms. Woolsey, Mr. Paul, Mr. Boucher, Mr. Doolittle, Mr. Murtha, Mr. Hill of Montana, Mr. Sandlin, Mr. Hilleary, Mr. Frost, Mr. Stearns, Mrs. Capps, Mr. McHugh, Mr. Clyburn, Mr. Hutchinson, Mr. Holden, Mr. Latham, Mr. LaFalce, Mr. Scarborough, Mr. Klink, Mr. Bachus, Mr. Taylor of Mississippi, Mr. Callahan, Mr. Blunt, Mr. Sisisky, Mr. Reynolds, Mr. Hunter, Mr. Burton of Indiana, Mr. Pitts, Mr. Hastings of Washington, Mr. Leach, Mr. Radanovich, Mr. Cook, Mr. Aderholt, Mr. Metcalf, Mr. Souder, Mr. Terry, Mr. Walsh, Mr. Quinn, Mr. Bonilla, Mr. Whitfield, Mr. Cunningham, Mr. Ryun of Kansas, Mr. Dickey, Mr. McIntosh, and Mr. Bartlett of Maryland):

H.R. 957. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. Rangel, Mr. Dingell, Mr. Stark, Mr. Waxman, Mr. McDermott, Mr. Cardin, Mr. Barrett of Wisconsin, Mr. Frank of Massachusetts, Mr. Ford, Ms. Pelosi, Mr. Borski, Ms. Brown of Florida, Mr. Sanders, Ms. DeLauro, Ms. Kilpatrick, Mr. Hinchey, Mr. Pallone, Mr. Towns, Ms. Millender-McDonald, Mr. Thompson of Mississippi, Ms. Rivers, Mr. Green of Texas, Mr. Davis of Florida, Mr. Serrano, Mrs. Jones of Ohio, and Mr. Sandlin):

H.R. 958. A bill to amend title XVIII of the Social Security Act to restore the nonapplicability of private contracts for the provision of Medicare benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. Sanders, and Mr. Lewis of Georgia):

H.R. 959. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell Grant; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. Lewis of Georgia, Mr. Holt, Mr. Sherman, Mr. Delahunt, Mr. Ackerman, Mr. Tierney, Mr. Gutierrez, Mr. Hinchey, Mr. Blagojevich, Mr. Pascrell, Mr. Farr of California, Ms. DeGette, Mr. Frank of Massachusetts, Mr. McDermott, Mr. McNulty, Ms. Kilpatrick, Mr. Gejdenson, Ms. Eshoo, Mr. Borski, Mr. Olver, Mr. Cardin, Ms. DeLauro, Mr. Andrews, Mr. Abercrombie, Mr. Brown of Ohio, Ms. Pelosi, Ms. Rivers, Mr. Clay, Mr. DeFazio, Mr. Rahall, Mr. Nadler, Mr. Pallone, Mr. Shays, Mr. Berman, Mr. Levin, Mr. Wexler, Ms. Millender-McDonald, Mr. Crowley, Mr. Hastings of Florida, Mr. Markey, Mr. Waxman, Mr. Davis of Illinois, Mr. Moran of Virginia, Mr. Blumenauer, Mr. Barrett of Wisconsin, Ms. Woolsey, Mr. Forbes, Mr. Allen, Mr. Sanders, Mr. Meehan, Mr. Wynn, Mrs. Johnson of Connecticut, Mr. Sabo, Mr. McGovern, Mr. Stark, Mr. Payne, Mr. Dicks, Mr. Bonior, Mr. Hoeffel, Mr. Capuano, Ms. McCarthy of Missouri, Mrs. Lowey, Ms. Waters, Mr. Maloney of Connecticut, Ms. Baldwin, Mr. Moore, and Mr. Faleomavaega):

H.R. 960. A bill to amend the Endangered Species Act of 1973 to ensure the recovery of our Nation's declining biological diversity; to reaffirm and strengthen this Nation's commitment to protect wildlife; to safeguard our children's economic and ecological future; and to provide assurances to local governments, communities, and individuals in their planning and economic development efforts; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 961. A bill to amend the Public Health Service Act to provide for programs regarding ovarian cancer; to the Committee on Commerce.

By Ms. NORTON (for herself, Mr. Oberstar, Mr. Wise, and Mr. Traficant):

H.R. 962. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the United States Capitol, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. Roemer, Mr. Bereuter, Mr.

LaTourette, Mrs. Kelly, Ms. Granger, Mr. Frost, Mr. Shows, Mr. Hinchey, Mrs. Clayton, Mr. Cummings, Mrs. Myrick, Mr. Walsh, Ms. Norton, Mr. Clement, Mr. King of New York, Mr. Vento, Ms. Lofgren, Ms. DeGette, Mr. Paul, Mr. Meeks of New York, Mrs. Jones of Ohio, Mr. Sandlin, Mr. DeFazio, and Mr. Forbes):

H.R. 963. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees; to the Committee on Ways and Means.

By Mr. QUINN:

H.R. 964. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. QUINN:

H.R. 965. A bill to provide that December 7 each year shall be treated for all purposes related to Federal employment in the same manner as November 11; to the Committee on Government Reform.

By Mr. RAHALL:

H.R. 966. A bill to provide for the disposition of land deemed excess to a project for flood control at Matewan, West Virginia; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself and Mr. Coble):

H.R. 967. A bill to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Franks of New Jersey, and Mr. Wise) (all by request):

H.R. 968. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SOUDER (for himself, Mrs. Myrick, Mr. Largent, Mr. McIntosh, Mr. Weller, Mr. Pitts, Mr. Hostettler, Mr. Coburn, Mrs. Kelly, Mr. English, Mrs. Chenoweth, Mr. Duncan, Mr. Kolbe, Mr. Burton of Indiana, Mr. Weldon of Florida, Mr. Wicker, Mrs. Emerson, Mr. Cox, Mr. Chabot, Mr. Paul, and Mr. Calvert):

H.R. 969. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable contribution deduction, to allow such deduction to individuals who do not itemize other deductions, and for other purposes; to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 970. A bill to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota; to the Committee on Resources.

By Mr. WALSH (for himself, Mr. Houghton, Mr. Hinchey, Mr. Sweeney, Mr. Towns, and Mr. Boehlert):

H.R. 971. A bill to amend the Public Utility Regulatory Policies Act of 1978 to protect the Nation's electricity ratepayers by ensuring that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 972. A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. KOLBE (for himself, Mr. Pastor, Mr. Stump, Mr. Salmon, Mr. Hayworth, Mr. Shadegg, Mr. Udall of Colorado, and Mr. Udall of New Mexico):

H. Con. Res. 40. Concurrent resolution honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death; to the Committee on House Administration.

By Mr. MICA (for himself, Mr. Stupak, Mr. Knollenberg, Mr. Miller of Florida, Mr. Weldon of Florida, Mr. English, Mr. Sessions, Mrs. Maloney of New York, Mr. Ose, Mr. Hinchey, Mr. Peterson of Minnesota, Mr. Kucinich, Mr. Sawyer, Mrs. Morella, Mr. Horn, Mr. Goodling, Mr. Holden, Mr. Traficant, Mr. Hilleary, Mr. Stearns, Mr. Markey, Mrs. Fowler, Mr. Ackerman, Mr. Vento, Mr. LaHood, Mr. Mascara, Mr. Borski, Mr. Gekas, Mr. Shimkus, Mr. Greenwood, Mr. Hyde, and Mr. Brady of Texas):

H. Res. 92. A resolution recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Mr. NADLER (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Blagojevich, Mr. Bonior, Mr. Borski, Mr. Brady of Pennsylvania, Ms. Carson, Mr. Costello, Mr. Davis of Illinois, Mr. DeFazio, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Hastings of Florida, Mr. Hinchey, Ms. Hooley of Oregon, Ms. Kaptur, Mr. Kildee, Mr. Kleczka, Mr. Klink, Mr. LaFalce, Mr. Lampson, Ms. Lee, Mr. Lewis of Georgia, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. George Miller of California, Ms. Norton, Mr. Olver, Mr. Pallone, Ms. Pelosi, Mr. Pomeroy, Mr. Rahall, Mr. Rodriguez, Mr. Sanders, Mr. Serrano, Mr. Sherman, Mr. Shows, Ms. Slaughter, Mr. Stark, Mr. Tierney, Mr. Towns, Mr. Underwood, Mr. Vento, Ms. Waters, Mr. Waxman, and Ms. Woolsey):

H. Res. 93. A resolution expressing the sense of the House of Representatives regarding strengthening the Social Security system to meet the challenges of the next century; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Bilbray, Mr. Blumenauer, Mrs. Capps, Mr. Coyne, Mr. Cunningham, Mr. English, Ms. DeGette, Mr. Duncan, Mr. Gejdenson, Mr. Green of Texas, Mr. Hayworth, Mr. Houghton, Mr. Ramstad, Mr. Romero-Barceló, Mr. Sessions, Mr. Shows, Mr. Spence, Mr. Stupak, Mr. Towns, Mrs. Thurman, and Mr. Weldon of Pennsylvania):

H. Res. 94. A resolution recognizing the generous contribution made by each living person who has donated a kidney to save a life; to the Committee on Commerce.

By Mr. PITTS (for himself, Mr. Watts of Oklahoma, Mr. Sununu, Mr. Pickering, Mr. Sam Johnson of Texas, Mr. Barr of Georgia, Mr. Hostettler, Mr. Paul, Mr. Sessions, Mr. Quinn, Mr. Royce, Mr. Aderholt, Mr. Souder, Ms. Granger, and Mr. Cunningham):

H. Res. 95. A resolution expressing the sense of the House of Representatives that American families deserve tax relief; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H. Res. 96. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on any bill or joint resolution that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures or that implements a trade agreement pursuant to such procedures; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Herger, Mr. McCrery, Mr. Hayworth, Mr. English, Mr. Aderholt, Mr. Talent, Mr. Hall of Texas, Mrs. Myrick, Mr. Foley, Mr. Deutsch, Mr. Dreier, Mr. Sensenbrenner, Mr. Goode, Mr. Wicker, Mr. Shaw, Mr. Boucher, Mr. Nethercutt, Ms. Danner, Mr. McCollum, Mrs. Emerson, Mr. Watts of Oklahoma, Mr. Condit, Mr. Royce, Mr. Schaffer, Mr. Ney, Mr. Cunningham, Mr. Hutchinson, Mr. Forbes, Mr. McIntyre, Mr. Hastings of Washington, Mr. Manzullo, Mr. Crane, Mr. LoBiondo, Mr. Reynolds, Mr. Tancredo, Mr. John, Mr. Salmon, Mr. Dickey, Mr. Sessions, Mr. Barcia, Mr. Chambliss, Mr. Hefley, Mr. Rahall, Mr. LaHood, Mr. Kasich, Mr. Cramer, Mr. Hostettler, Mr. Callahan, Mr. Bachus, Mr. Bishop, Mr. Skeen, Mrs. Chenoweth, Mr. Lucas of Kentucky, Mr. Boehner, Mr. Bilbray, Mr. Packard, Mrs. Cubin, Mr. Weller, Mr. Ramstad, Mr. Miller of Florida, Mrs. Bono, Ms. Eddie Bernice Johnson of Texas, Mrs. Northup, Mr. Cook, Mr. DeMint, Mr. Coble, Ms. Pryce of Ohio, Mr. Watkins, Ms. Ros-Lehtinen, Mr. Gary Miller of California, Mr. Gordon, Mr. Franks of New Jersey, Mr. Gallegly, Mr. Walden of Oregon, Mr. Kolbe, Mr. Burton of Indiana, Mr. Riley, Mr. Jenkins, Mr. Wolf, Mr. Pease, Mr. Goodlatte, Mr. Goss, Mr. Young of Alaska, Mr. Lewis of California, Mr. Phelps, Mr. Pitts, Mr. McInnis, Mr. Metcalf, Mr. Lucas of Oklahoma, Mr. Kuykendall, Mr. Ose, Mr. Hill of Montana, Mr. Simpson, Mr. Collins, Mr. Cox, Mr. Thomas, Mr. Lewis of Kentucky, Mr. Hulshof, Mr. Hayes, Mr. Sweeney, Mr. Bryant, Mr. Houghton, Mr. Clement, Ms. Lofgren, Mr. Radanovich, Mr. Gibbons, Mr. Fletcher, Mr. Wamp, Mr. Peterson of Pennsylvania, Mr. Linder, Mr. Armey, Mr. McKeon, Mr. Tiahrt, Mr. Ewing, Mr. Barrett of Nebraska, and Mr. Knollenberg.

H.R. 14: Mr. King of New York, Mr. Tiahrt, Ms. Pryce of Ohio, Mr. Hayworth, Mrs. Myrick, and Mr. Talent.

H.R. 25: Mr. Sweeney, Mr. McHugh, Mr. Lazio, and Mr. Hinchey.

H.R. 27: Mr. Smith of New Jersey and Mr. Luther.

H.R. 44: Mr. Olver, Mr. Stupak, Mr. Terry, Mr. Hyde, Mr. Saxton, Mr. Andrews, Mr. Pascrell, and Mr. Spence.

H.R. 45: Mr. Tiahrt, Mr. McCrery, Mr. Edwards, Mr. Hilliard, Mr. Calvert, Mr. Diaz-Balart, Mr. Goode, Mrs. Thurman, Mr. Coble, and Mr. Wamp.

H.R. 46: Mr. Weldon of Pennsylvania and Mr. Latham.

H.R. 58: Mr. Weygand.

H.R. 65: Mr. McHugh, Mr. Saxton, Mr. Andrews, and Mr. Spence.

H.R. 82: Mrs. Fowler, Mr. Young of Alaska, Mr. Hall of Ohio, Mr. Wexler, and Mr. Underwood.

H.R. 117: Mr. Largent.

H.R. 142: Mr. Stearns, Mr. Romero-Barceló, Mr. Duncan, Mr. Kleczka, Mrs. Myrick, Mrs. Morella, Mr. English, Mr. Wolf, Mr. Petri, Mr. Goodlatte, Mr. Goodling, Mr. Goode, and Mr. McHugh.

H.R. 175: Mr. Rahall, Mr. Vento, Mr. Ney, Mr. Lucas of Oklahoma, Mr. Kanjorski, Ms. Velázquez, Ms. Hooley of Oregon, Mr. Sandlin, Mr. Mascara, Mr. Sweeney, Mr. Chambliss, Mr. Inslee, Mr. Callahan, Mr. Riley, Mr. Wynn, Mr. Allen, Mr. Barrett of Nebraska, Mr. Sessions, Mr. Whitfield, Mr. Burr of North Carolina, Mr. Camp, Mr. Bass, Mr. Kennedy of Rhode Island, Mrs. Capps, Mr. Tanner, Ms. Danner, Mr. Upton, Mr. Hayes, Mr. Lewis of California, Mr. Dicks, Mr. Wolf, Mr. Cramer, Mr. Smith of Washington, and Mr. Snyder.

H.R. 184: Ms. Lofgren.

H.R. 212: Mr. Metcalf, Mr. LaHood, and Mr. Smith of Washington.

H.R. 220: Ms. Lofgren.

H.R. 224: Mr. Istook.

H.R. 274: Ms. Velázquez, Mr. Borski, and Mr. Green of Texas.

H.R. 275: Mr. Saxton.

H.R. 303: Mr. McHugh, Mr. Wynn, Mr. Sherman, Mr. Metcalf, Mr. Saxton, Ms. Dunn, and Mr. Andrews.

H.R. 306: Mr. Andrews, Mr. Bachus, Ms. Brown of Florida, Mr. Brown of California, Mrs. Christensen, Ms. Danner, Mr. Faleomavaega, Mr. Hall of Ohio, Mr. Maloney of Connecticut, Mrs. McCarthy of New York, Mr. Moakley, Mr. Oberstar, Mr. Pascrell, Mr. Payne, Ms. Rivers, Mr. Roemer, Mr. Rush, Mr. Sabo, and Mr. Wexler.

H.R. 315: Mr. Brown of California and Mr. Scott.

H.R. 325: Mr. Blumenauer, Mr. Engel, Mr. Hoeffel, Mrs. Jones of Ohio, Mr. Pastor, Mr. Phelps, Mr. Romero-Barceló, Ms. Velázquez, and Mr. Wise.

H.R. 346: Mr. Manzullo.

H.R. 347: Mr. Weldon of Pennsylvania and Mr. Norwood.

H.R. 351: Mr. Rogers, Mr. Whitfield, Mr. Wamp, Mr. Sununu, Mr. Upton, Mr. Campbell, Mr. Ney, Mr. Smith of New Jersey, and Mr. Barton of Texas.

H.R. 352: Mr. Peterson of Minnesota, Mr. Gary Miller of California, Mr. Tiahrt, Mr. Terry, and Mr. Skelton.

H.R. 355: Mr. Barcia, Mr. Underwood, Mrs. Clayton, Ms. Danner, and Mr. Abercrombie.

H.R. 357: Ms. Rivers and Mr. Coyne.

H.R. 371: Mr. Sabo.

H.R. 372: Mr. Pallone, Mr. Sandlin, and Mr. Martinez.

H.R. 393: Mr. Waxman.

H.R. 403: Mr. Bereuter, Ms. Stabenow, and Mr. Simpson.

H.R. 410: Mr. Gejdenson, Mr. Faleomavaega, Mr. Stark, and Mr. Pallone.

H.R. 417: Mr. Filner and Mr. Larson.

H.R. 430: Mr. Costello, Mr. Engel, Mr. Shimkus, Mr. Inslee, and Mr. McKeon.

H.R. 443: Mr. Nadler and Mr. Pallone.

H.R. 448: Mrs. Fowler.

H.R. 461: Mr. Shows, Mr. Wicker, Mr. Deal of Georgia, Mr. Goodlatte, Mr. Shadegg, and Mr. Bereuter.

H.R. 472: Mr. Terry.

H.R. 483: Mr. Houghton and Ms. Pelosi.

H.R. 491: Mr. McGovern, Mr. Payne, and Ms. Kaptur.

H.R. 492: Mr. Turner.

H.R. 502: Mr. Wise.

H.R. 506: Mr. Engel, Mr. Mica, Mrs. Mink of Hawaii, Mr. Ortiz, Mr. Franks of New Jersey, Mr. Tierney, Mr. Everett, Mr. Neal of Massachusetts, and Mr. Duncan.

H.R. 516: Mr. Manzullo.

H.R. 528: Mr. Camp, Mr. Foley, and Mr. Paul.

H.R. 534: Mr. Goode.

H.R. 540: Mr. Hall of Texas and Mr. Lazio.

H.R. 542: Mr. Petri, Mr. Markey, and Mr. Gutierrez.

H.R. 550: Mr. Bliley.

H.R. 552: Mr. Metcalf, Mr. Berman, Mr. Engel, Ms. Lee, Mr. Lampson, Mrs. Capps, Ms. Pryce of Ohio, Mr. Thompson of Mississippi, Mr. Weiner, Mr. Lipinski, Mrs. Clayton, and Mr. Hostettler.

H.R. 561: Mr. Pallone, Mr. Stark, Mrs. McCarthy of New York, Mr. Crowley, Mr. Weiner, Mr. Kucinich, Mr. Markey, and Mr. Forbes.

H.R. 566: Mr. Smith of Washington, Mr. Dixon, Mr. Gutierrez, Mr. Cummings, Mr. Frank of Massachusetts, and Mr. Inslee.

H.R. 568: Mr. Payne.

H.R. 571: Mr. Forbes.

H.R. 600: Mr. Gary Miller of California, Mr. Diaz-Balart, Mr. Sweeney, Mr. DeLay, Mr. Souder, Mr. Bereuter, Mr. Peterson of Pennsylvania, Mr. Burton of Indiana, Mr. Mica, and Mr. King of New York.

H.R. 655: Mr. Lampson and Ms. Kaptur.

H.R. 659: Mr. Frost, Mr. Neal of Massachusetts, Mr. Abercrombie, and Mr. Ehrlich.

H.R. 683: Mrs. Maloney of New York, Mr. Clyburn, Ms. Millender-McDonald, Ms. Norton, Mr. Goss, Mrs. Morella, Mrs. Jones of Ohio, Ms. Roybal-Allard, Ms. Brown of Florida, Mr. Shows, Mr. Ford, Mrs. Clayton, Mr. Bishop, Mr. Dixon, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mrs. Thurman, Mr. Green of Texas, Ms. DeGette, Mr. Meeks of New York, and Mr. Filner.

H.R. 685: Mr. Herger.

H.R. 732: Mr. Porter, Mr. Price of North Carolina, Mr. Moore, Ms. Schakowsky, Ms. Lofgren, Mr. Upton, Mr. Allen, Mr. Quinn, Mr. Waxman, Mr. Sherman, Mrs. Mink of Hawaii, Mr. Doyle, and Mr. Holt.

H.R. 745: Mr. Whitfield.

H.R. 746: Mr. Frost, Mr. Sandlin, and Mr. Brown of Ohio.

H.R. 749: Mr. Saxton, Mr. DeMint, and Mr. Underwood.

H.R. 750: Mrs. Johnson of Connecticut, Mr. Barrett of Wisconsin, and Mr. Blumenauer.

H.R. 760: Mr. Brown of California, Mr. Rohrabacher, Mr. Green of Wisconsin, and Mr. Ehlers.

H.R. 762: Mrs. Maloney of New York, Mr. Gejdenson, Mr. Frost, Mr. Romero-Barceló, Mrs. Clayton, Mr. Hall of Ohio, Mr. McGovern, Mr. Ackerman, Mr. Upton, Mr. Stark, Mr. Gutierrez, Mrs. Morella, Mr. Moran of Virginia, Mr. Delahunt, Mr. Sandlin, Mr. Dixon, Mr. Ford, Ms. Millender-McDonald, Mr. Waxman, Mr. Towns, Ms. Slaughter, Mr. Frank of Massachusetts, Mr. Davis of Illinois, Mr. Wexler, Mr. Rangel, Mr. Foley, Mr. Wynn, Mr. Walsh, Mr. Payne, Ms. Lofgren, Mr. Lewis of Georgia, Mr. LaTourette, Mr. McHugh, Mr. Bentsen, Mr. Hayworth, Ms. Kaptur, Mr. Bishop, Mrs. Lowey, Mr. Nadler, and Mr. Coyne.

H.R. 783: Mr. Shows, Mr. Deal of Georgia, Mrs. Mink of Hawaii, Mr. Underwood, and Mr. Baldacci.

H.R. 786: Mr. Herger.

H.R. 805: Mr. Deutsch, Mr. Kennedy of Rhode Island, Mr. Sandlin, and Mr. Faleomavaega.

H.R. 815: Mr. Mica, Mr. Walsh, Mr. Kasich, Mr. Lucas of Oklahoma, Ms. Dunn, Mr. Peterson of Minnesota, and Mr. Bonilla.

H.R. 832: Ms. Stabenow.

H.R. 835: Mrs. Napolitano, Mr. Capuano, Mr. Terry, Mr. Blumenauer, Mr. Boucher, and Mr. Turner.

H.R. 845: Mr. Shows, Ms. Pelosi, Mr. Pallone, Mrs. Mink of Hawaii, Mr. Frost, and Ms. Kilpatrick.

H.R. 853: Mr. Barton of Texas, Mr. Castle, Mr. English, Mr. Greenwood, Mr. Hastings of Washington, Mrs. Johnson of Connecticut, Ms. Pryce of Ohio, Mr. Ramstad, Mr. Regula, Mr. Sessions, and Mr. Shays.

H.R. 872: Ms. Woolsey and Mr. Green of Texas.

H.R. 884: Mr. Lantos.

H.R. 886: Mr. Stark and Mr. Rush.

H.R. 894: Mr. Porter and Mr. Norwood.

H.R. 903: Mr. Barton of Texas, Mrs. Chenoweth, Mr. hansen, Mr. Hastert, Ms. Dunn, Mr. Latham, Mr. Armey, Mr. Dreier, Mr. Oxley, Mrs. Wilson, Mr. Largent, Mr. Manzullo, Mr. Schaffer, Mr. Combest, Mr. Pombo, Mr. Young of Alaska, Mr. Deal of Georgia, Mr. DeLay, Mr. Crane, Mr. Wolf, Mr. Davis of Virginia, Mr. Hobson, and Mr. Chambliss.

H.R. 914: Mr. Walsh.

H.R. 935: Mr. Forbes.

H.R. 941: Mr. Frank of Massachusetts and Mr. Berman.

H.J. Res. 2: Mr. Goodlatte.

H. Con. Res. 8: Mr. Manzullo.

H. Con. Res. 24: Mr. Sweeney, Mr. Klink, Mr. Lewis of California, Mr. Hill of Montana, Mr. Sawyer, Mr. Reyes, Mrs. Maloney of New York, Ms. Carson, Mr. Clement, Mr. Portman, Ms. Pelosi, and Mr. Hostettler.

H. Con. Res. 25: Mr. DeFazio.

H. Con. Res. 28: Mr. Bereuter, Mr. King of New York, Mr. Manzullo, Mr. Faleomavaega, Mr. Hyde, Mr. Wolf, Mr. Sherman, Mr. Aderholt, Mr. Gutierrez, Mr. Capuano, Mr. Forbes, and Mr. Kucinich.

H. Con. Res. 29: Mr. LaHood, Mr. DeMint, and Mrs. Myrick.

H. Con. Res. 31: Mr. Inslee, Mr. Roemer, Mr. Wolf, and Mr. Olver.

H. Con. Res. 36: Mr. Deutsch and Mr. Cunningham.

H. Res. 35: Mr. Etheridge, Mr. Owens, Mr. Ford, Ms. Norton, Mr. Kanjorski, Ms. Lee, Mr. Davis of Illinois, Mr. Edwards, Mr. Roemer, Mrs. Lowey, Mr. Blagojevich, Ms. Millender-McDonald, Ms. Roybal-Allard, Mrs. Mink of Hawaii, Mr. Spratt, Mr. Upton, Mr. Houghton, Mr. Porter, and Mr. Rothman.

H. Res. 41: Mr. Baldacci, Mr. Barr of Georgia, Mr. Berman, and Mrs. Maloney of New York.

H. Res. 55: Mr. Frelinghuysen, Mr. Luther, and Mr. Scarborough.

H. Res. 82: Ms. Norton.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 41: Mr. Linder.

SENATE—*Wednesday, March 3, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, thank You for the gift of time. You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time in any one day to do what You want us to accomplish. Release us from that rushed feeling when we overload Your agenda for us with added things which You may not have intended for us to cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give our time and attention. May we do what the moment demands with a glad heart. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things we must debate and eventually decide with a decisive vote. Help us to be silent, wait on You, and receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the pressures of political life, we have had our minds replenished by listening to You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. This morning the Senate will resume consideration of the motion to proceed to S. 280, the Education Flexibility Partnership Act. There are 4 hours remaining for debate on the motion to proceed, with Senator WELLSTONE to control 3 hours 30 minutes and Senator JEFFORDS or his designee in control of the remaining 30 minutes.

Under a previous order, at the conclusion or yielding back of debate time, the Senate will proceed to vote on the motion to proceed. If the motion is adopted, the Senate will begin consideration of the bill itself, with amendments being offered and debated during today's session. Therefore, Members should expect votes throughout Wednesday's session.

I thank my colleagues for their attention.

Mr. President, I make a point of order that a quorum is not present.

Mrs. LINCOLN. I ask my colleague if he will withhold his request.

Mr. JEFFORDS. Certainly.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as if in morning business, and I would like to charge that time to my colleague, Mr. WELLSTONE.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

PROMOTION OF COMMANDER MICKEY ROSS

Mrs. LINCOLN. Mr. President, I am honored this morning to recognize Commander Mickey Vernon Ross, a great American from Arkansas who later today will be promoted to the rank of Captain in the United States Navy. With his promotion to Captain, Commander Ross not only earns the respect and admiration of his country, he also earns a place in Arkansas history, becoming the first African-American from our state to attain that high rank.

Commander Ross is a native of North Little Rock and comes from a proud family with a long record of military service, following his father and three older brothers into the Armed Services. His father is no longer with us, but his mother, Minnie P. Ross, has traveled from Arkansas to be at the ceremony formally recognizing her son's promotion today. As you might imagine, she is overjoyed knowing how hard her son has worked to accomplish this feat. His wife, Mary Ann Ross, of Elaine, Arkansas, which is my home area, and their two children, Timothy, age 14, and Benjamin, age 6, will also be on hand to celebrate this momentous occasion.

From an early age, Commander Ross has exhibited excellence in all aspects of his life—academically, professionally and personally. More than that, in a world short on heroes and role models to guide our children, Commander Ross is a shining example of the brilliant promise every life holds. Hard work and an eager spirit still equal success in America—no matter how difficult the challenges may be. It is my privilege—indeed, my duty as a voice for my state—to hold him up as an example for others to see.

After graduating from North Little Rock High School in 1973, Commander Ross attended the United States Naval Academy in Annapolis, Maryland, where he was commissioned an Ensign and graduated in 1977 with a degree in Physical Science. In 1983, Commander Ross received a Master of Science in Electrical Engineering from the Naval Postgraduate School in Monterey, California. Currently, Commander Ross is pursuing a doctoral degree in Engineering Management at George Washington University.

As an officer in the Navy, Commander Ross has served his country with distinction. His first tour of duty was onboard the U.S.S. *Ranger* CV 61 where he helped the command receive top honors, the No. 1 Recruiting District in the Nation. Later, on the U.S.S. *Acadia* as the Repair Officer, his department received the highest award for fleet maintenance support and the ship received the Navy "E" award from Commander Naval Surface Forces, Pacific. And I couldn't help but notice that in between his many assignments, Commander Ross found time to return to Arkansas to recruit Naval Officers at colleges and universities in our state. Today, Commander Ross is Director for Combat Systems for the Program Executive Officer for Aircraft Carriers at the Naval Sea Systems Command in Arlington, Virginia.

But Commander Ross' record as a student and a Naval Officer aren't the only things for which I want to commend him this morning. Commander Ross is also a devoted husband and a wonderful father. His wife, Mary Anne, and their children must be very proud of him today.

My father fought in Korea and my grandfather fought in World War I and they taught me at an early age to have the highest respect for the men and women in uniform who defend our nation. On behalf of the state of Arkansas and the United States Senate, I thank you, Commander Ross, for your service to our country. I hope the honor you bestow on your family, our state and our nation today inspires others to follow your example. I, for one, will be following your career with great interest and I suspect this will not be my last opportunity to recognize an outstanding achievement in your life.

I thank you, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 350

Mr. JEFFORDS. Mr. President, a bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—S. 508

Mr. JEFFORDS. Mr. President, another bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (S. 508) to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 280, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 280, a bill to provide for education flexibility partnerships.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours 30 minutes under the control of the Senator from Minnesota, Mr. WELLSTONE, and 30 minutes under the control of the Senator from Vermont, Mr. JEFFORDS, or his designee.

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

Mr. President, I ask unanimous consent that that time be charged to Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton and Elizabeth Kuoppala be allowed to be on the floor during the duration of the debate on Ed-Flex.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, let me, first of all, explain to my colleagues and for those in the country who are going to now be focusing on this bill, the Ed-Flex bill, why I started out yesterday speaking in opposition to this motion to proceed and why I will be taking several hours today to express my opposition to this piece of legislation. There are a number of different things I am going to cover, but at the very beginning I would like to spell out what I think is the fundamental flaw to this legislation, the Ed-Flex bill. Frankly, I think my colleagues, Democrats and Republicans, would have had an opportunity to carefully examine this legislation if we had a hearing, I mean a thorough hearing, or if we had waited to really examine in some detail and some depth what has happened in the different Ed-Flex States.

The General Accounting Office gives us a report in which they say it looks like some good work has been done, but we don't really have a full and complete understanding of what has happened in these Ed-Flex States. I think what this piece of legislation, called Ed-Flex—and I grant it is a great title, and I grant it is a winning political argument to say let's give the flexibility to the States and let's get the Federal Government out of this—but what this piece of legislation is essentially saying is that we, as a national community, we as a National Government, we as a Federal Government representing the people in our country, no longer are going to maintain our commitment to poor children in America. That is what this is all about.

What this piece of legislation essentially says to States and to school districts is: Look, when it comes to the core requirements of title I, core requirements that have to do with qualified teachers, that have to do with high standards for students, that have to do with students meeting those standards and there being a measurement and some result and some evaluation, these standards no longer necessarily will apply. What this legislation says is, when it comes to what the title I mission has been all about, for poor children in America—that is to say that we want to make sure that the money, first and foremost, goes to the neediest schools—that standard no longer will necessarily apply.

As a matter of fact, in 1994, one of the things that we did in the Elementary/Secondary Education Act reauthorization was we sought to concentrate title I funds by requiring districts to spend title I on schools with over 75 percent poverty-stricken students first. That restriction has had the desired effect. Only 79 percent of schools with over 75 percent poverty received title I funds in 1994. Today, over 95 percent of those schools receive it.

So, Mr. President—and I want to make it clear that I will have an amendment—one of the amendments that I will have to this piece of legislation, if we proceed with this legislation, is an amendment that says that the funding has to first go to schools that have a 75 percent or more low-income student population.

I cannot believe my colleagues are going to vote against that. If they want to, let them. But if they do, they will have proved my point—that we are now about to pass a piece of legislation or a good many Republicans and, I am sorry to say, Democrats may pass a piece of legislation that will no longer provide the kind of guarantee that in the allocation of title I funds for poor children that the neediest schools will get served first. I cannot believe that we are about to do that. I cannot believe this rush to recklessness. I cannot believe the way people have just jammed this bill on to the floor of the Senate. I cannot believe that there isn't more opposition from Democrats.

Mr. President, the second amendment that I am going to have, which I think will really speak to whether or not people are serious about flexibility with accountability, is an amendment which essentially says, look, here are the core requirements of title I.

The reason we passed title I as a part of the Elementary/Secondary Education Act back in 1965—that was almost 35 years ago—the reason we passed title I was we understood, as a nation, whether or not my colleagues want to admit to this or not, that in too many States poor children and their families who were not the big givers, who were not the heavy hitters, who do not make the big contributions were falling between the cracks.

So we said that, as a nation, we would make a commitment to making sure that there were certain core requirements that all States had to live up to to make sure that these children received some help. Thus, the core requirements of title I: Make sure they are qualified teachers; make sure low-income students are held to high standards; make sure there is a clear measurement of results.

Let me just read actually some of the provisions that would be tossed aside by Ed-Flex in its present form: the requirement that title I students be taught by a highly qualified professional staff; the requirement that States set high standards for all children; the requirement that States provide funding to lowest-income schools first; the requirement that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards; the requirement that funded vocational programs provide broad education and work experience rather than narrow job training.

These are the core requirements. I will have an amendment that will say that every State and every school district receiving title I funding will be required to meet those requirements, will be called upon to meet those requirements.

Mr. President, right now this legislation throws all of those core requirements overboard. This legislation represents not a step forward for poor children in America; it represents a great leap backwards. This piece of legislation turns the clock back 35 years. It comes to the floor of the Senate without a full hearing in committee; it comes to the floor of the Senate without any opportunity to see any report with a thorough evaluation of what those Ed-Flex States have done; it comes to the floor of the Senate with the claim being made that Ed-Flex represents a huge step forward for education and for the education of poor children in America. It is absolutely ridiculous.

I will talk over the next couple of hours about what we could be doing and should be doing for children if we are real. This piece of legislation does not lead to any additional opportunities for low-income children. This piece of legislation does not dramatically increase the chances that they will do well in school. This piece of legislation does absolutely nothing by way of making sure that we have justice for poor children in America.

To the contrary, this piece of legislation does not call for—and I am pretty sure that it will not happen, although I will have legislation that will try to make it happen—for an additional expenditure of funds for title I programs. This piece of legislation does nothing for the schools in St. Paul and Minneapolis that have over 50 percent low-income students and still don't receive any money whatsoever because there isn't enough money and there aren't enough resources that are going to our school districts.

This piece of legislation does nothing to make sure children, when they come to kindergarten, are ready to learn, that they know how to spell their names, that they know the alphabet, that they know colors and shapes and sizes, that they have been read to widely, that they have been intellectually challenged. This piece of legislation does nothing to assure that will happen. This piece of legislation does not do anything to dramatically improve the quality of children's lives before they go to school and when they go home from school. And I want to talk about that as well.

I will tell you what this piece of legislation does. This piece of legislation says, we, as the U.S. Senate, are no longer going to worry about whether States and school districts live by the core requirements of title I. We are just going to give you the money and say, Do what you want to do. What this piece of legislation says is we are no longer going to worry about whether or not States and school districts provide funding first to those schools with a 75 percent or more low-income student population, the neediest schools. We are just going to say, Do what you want. And this is being passed off as something positive for poor children in America?

Again, I will have two amendments—I will have a number of amendments, quite a few amendments—but two amendments that I think are going to be critical by way of sort of testing out whether or not we are talking about accountability or not: One, an amendment that says, again, the allocation of funding by States and school districts means that those schools that have 75 percent or more low-income students get first priority, and, second of all, an amendment that says, here are the core requirements of title I. This is what has made title I a successful program. And this is fenced off, and in no way, shape or form will any State or any school district be exempt from these core requirements.

Why would any State or school district in the United States of America not want to live up to the requirements that we have highly qualified teachers, that we hold the students to high standards, that we measure the results, and we report the results?

Mr. President, before talking more about title I, let me talk a little bit about context. And it is interesting. I am going to do this with some indignation. And I want to challenge my colleagues. I want to challenge my colleagues not in a hateful way, but I certainly want to challenge my colleagues.

We are a rich country. Our economy is humming along. We are at peak economic performance. But fully 35 million Americans are hungry or at risk of hunger. Every year, 26 million Americans, many of them children, go to food banks for sustenance.

Last year, the requests for emergency food assistance rose 16 percent. Many of those requests were unanswered. I would like for everyone to listen to this story. A Minnesota teacher asked his class, "How many of you ate breakfast this morning?" As he expected, only a few children raised their hands. So he continued, "How many of you skipped breakfast this morning because you don't like breakfast?"

Lots of hands went up. And how many of you skipped breakfast because you didn't have time for it? Many other hands went up. He was pretty sure by then why the remaining children hadn't eaten, but he didn't want to ask them about being poor, so he asked, How many of you skipped breakfast because your family doesn't usually eat breakfast? A few more hands were raised. Finally, he noticed a small boy in the middle of the classroom whose hand had not gone up. Thinking the boy hadn't understood, he asked, And why didn't you eat breakfast this morning? The boy replied, his face serious, "It wasn't my turn."

Do you want to do something for children and education of poor children? Don't eliminate standards and accountability with title I. Make sure those children don't go hungry. The U.S. Senate, 2 years ago, put into effect a 20-percent cut in the Food Stamp Program, which is the single most important safety net nutritional program for children in America, and my colleagues have the nerve to come out here with something called Ed-Flex and make the claim that this is going to do all these great things for poor children in America.

Let me repeat it: We have entirely too many children that are not only poor but hungry in America. We put into effect 2 years ago a 20-percent cut which will take effect 2002 in food stamp assistance, which by all accounts is the single most important safety net program to make sure that children don't go hungry. I will have an amendment to restore that funding before this session is out.

Children don't do real well in school when they are hungry. They don't do real well in school when they haven't eaten breakfast. If we want to help those children, this is the kind of thing we ought to do to make sure that these low-income families have the resources so that they can at least put food on the table. I can't believe that in the United States of America today, as rich a country as we are, we can't at least do that.

Instead, we have something called Ed-Flex. For all of the families with all of the hungry children, for all of the children that are poor in America—a quarter of all children under the age of 3 are growing up poor in America; 50 percent of all children of color under the age of 3 are growing up poor in America—Ed-Flex doesn't mean anything. Ed-Flex means absolutely nothing.

The New York Times told the story of Anna Nunez and of hundreds of thousands of families like her. Up a narrow stairway, between a pawn shop and a Dominican restaurant, Anna Nunez and her three children live in a single, illegal room that suffocates their dreams of a future. It is a $350-a-month rectangle with no sink and no toilet, that throbs at night with the restaurant's music. Ms. Nunez' teenagers, Kenny and Wanda, split a bunk bed, while she squeezes into a single bed with little Katrina, a pudgy 4-year-old with tight braids. Out of the door and down the linoleum-lined hallway is the tiny bathroom they share with five strangers.

Last winter, tuberculosis traveled from Kenny to his mother and younger sisters in a chain of infection as inevitable as their bickering. Inevitable, too, is the fear of fire: Life in 120 square feet means the gas stove must stand perilously close to their beds. Kenny, at age 18, is a restless young man in a female household. Ask him what bothers him most, and he flatly states that he has the only way to get some privacy—"I close my eyes."

At night, Anna said, when the mice crawl over us in bed, it feels even more crowded.

What should we be doing on the floor of the U.S. Senate if we are really committed to children in America, and if we are committed to poor children in America? We would be making a dramatic investment in affordable housing, which is receiving crisis proportion. But these children and these families are not the ones who march on Washington every day.

We want to talk about what will help children in school. If we want to talk about family values, we ought to talk about making sure that these children don't live in rat-infested slum housing, but have some decent shelter. But we don't. Instead, we have Ed-Flex. Ed-Flex will do absolutely nothing for these children.

I have a close friend that many staffers know well and I think many Senators know well because of his brilliance and also because he is sort of a perfect example of someone who really lives such an honest life. He treats all of us, regardless of our political viewpoint, with such generosity—Bill Dauster. My friend, Bill Dauster, wrote something which I think applies to this debate:

> We need to restore the family values that put our children first, for if we do not advance the interests of those who will inherit the future of our society, then we have no vision. And if we do not protect the most helpless of our society, then we have no heart. And if we do not support the most innocent of our society, then we have no soul.

I think he is absolutely right.

Mr. President, I will talk more about the concerns and circumstances in children's lives in a while, but I did want to give some context before returning to title I, and then I am going to develop my arguments about what we should be doing specifically in education.

I will say one more time that I find it very interesting that we have a piece of legislation on the floor that purports to be some major step forward for poor children. As a matter of fact, most of the Ed-Flex waiver requests have dealt with title I, which deals with poor children. That is why I am talking about poor children. At the same time, this is the U.S. Congress that not only has no positive agenda to make sure that poor children aren't hungry and therefore able to learn, doesn't have any positive agenda to make sure that poor children live in decent housing and therefore can come to school ready to learn, but actually has cut nutrition programs for children, and now brings a piece of legislation out which, all in the name of flexibility, is supposed to do all of these great things for poor children.

Now, let me return to title I. Let me explain my indignation. My indignation about this particular bill goes further than what I have said. Not only does it represent a retreat on the part of the U.S. Senate from a commitment to poor children in America, not only does it represent a retreat from any basic accountability so that the core requirements of title I—I will repeat it one more time—that have to do with highly qualified teachers and high standards and those standards being met—no longer apply if a State or local school district doesn't choose to comply, not only does this piece of legislation abandon what we did in 1994 with positive effect, that is to say some assurance that the money would first go to the neediest schools. In addition to adding insult to injury—I don't even know why this bill is on the floor—to add insult to injury, this piece of legislation does absolutely nothing by way of, not even one word, calling for more funding.

I will tell you what people in Minnesota are telling me. I am assuming—but I am not so sure it has happened—I would like to believe that my colleagues who are in such a rush to pass this piece of legislation have spent a lot of time with principals and teachers and teacher assistants who are working with the title I program. I have to believe that. Well, if you have, I want to find out—when we get into debate, I would like for my colleagues to identify for me a specific statute in title I right now that is an impediment to reform. Tell me what exactly we are talking about.

I will tell you what I hear from people in Minnesota. They are not worried about flexibility. What they are worried about is, they don't have enough money. What we hear from those men and women who are working with poor children in the title I program is, "We don't have enough resources." That is what they are telling us. In that sense, this particular piece of legislation is a bit disingenuous. We talk about flexibility, that is the sort of slogan here, but we don't provide any additional resources.

Examples: St. Paul. I talked about some of this yesterday, but I think it is well worth presenting this data. There are 20 schools altogether—there are 60 K-through-12 public schools in St. Paul, MN. There are 20 schools in St. Paul with at least a 50 percent free and reduced lunch—that is the way we define low-income—that receive no title I funds at all—one-third of the schools.

Let's talk about urban schools. I would like to ask my colleagues, have you been in the urban schools? Did the principals and the teachers and the families in these urban schools—was the thing they were saying to you over and over again, "We need to have Ed-Flexibility"? Or were they saying, "We need more resources to work with these children"? What were they saying to you? I will tell you what they were saying to me: "We don't have the resources." One-third of St. Paul's schools have significant poverty, a low-income student body, and receive no title I funds to eliminate the learning gap. At Humboldt Senior High School, on the west side of St. Paul, 68 percent of the students are low-income; no title I funding. I visited the school. I try to be in a school about every 2 weeks.

For those listening to the debate—and I am taking this time because I want to slow this up. I want people in the country, and journalists, people who cover this or who write and cover it—so people in the country will know what is going on. I can be put in parentheses and keep me out of it, but I want the people to know what is going on. I don't think legislation like this that has the potential of doing such harm to low-income children should zoom through the U.S. Senate.

As I say, at Humboldt Senior High 68 percent of the students are on free and reduced lunch; no title I. So the question is, How can that be? The answer is that in Minnesota, altogether, this year, we had $96 million for title 1 programs. We can use double that amount of funding, triple that amount of funding. What happens is that after we allocate the money in St. Paul to the schools that have an even higher percentage of low-income students, there is no funding left. And we have Ed-Flex that is such a "great response" to the challenges facing these families and these children, which isn't even talking about providing more funding.

My prediction is that, come appropriations, don't count on it. Don't count on it. It won't happen, though some of us will fight like heck to try to make it happen.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent low-income students and no title I funds.

By the way, I argue that I have often believed—since I have some time here today, I can go a little slower—I have often believed that the elementary school teachers just do God's work. I think it starts there. I was a college teacher, but I know that elementary school teaching is more important; I am sure of it. If I had to do it over again, I think I would have been an elementary school teacher, if I could be creative enough. I was a wrestling coach, but I would have liked to teach elementary school. I did coach the junior high school wrestling team in Northfield. Those are difficult years. I think any kind of support we can give kids who are middle school or junior high school age, we ought to do so.

What is the kind of support we can do with title I? It is a good program. That is why I am on the floor. This is a good thing we did in 1965. This was a good thing we did in reauthorization in 1994. It means there are more teacher assistants, more one-on-one instruction, more community outreach, and more parental involvement. It is not easy because a lot of not such beautiful things are happening in the lives of many children in America today. I know that. I am in the communities. But this makes a difference. I will tell you, we could do a lot at Battle Creek Middle School if we had the funding. Frost Lake Elementary School has 66 percent low-income children and no title I funding.

So can I ask this question: What exactly are these schools going to be flexible with? Are they going to be flexible with zero dollars? What are they going to get to be flexible about? Do they get to choose between zero and zero? Is that the flexibility? Let's get real. Let's get real. The U.S. Congress, a couple years ago—because it is so easy to bash the poor—cut the Food Stamp Program by 20 percent. We have done next to nothing by way of pre-K. That is where the Federal Government is a real player in education. I will talk about that in a moment. We have done next to nothing by way of getting resources to families so there could be decent child care. And we are not talking about increasing the funding for title I, but we are talking about flexibility.

Some other schools: Eastern Heights Elementary, 64 percent low-income, no title I. Mississippi Magnet School, 67 percent low-income students and no title I. They get to be flexible between zero and zero. They get to choose how to spend no money. They get to imagine and dream. But do you want to know something? They need to do more than that. I am not going to let this piece of legislation go through this floor like this. I am sure some of my colleagues will be angry, but I am not going to let this zoom through the Senate without a lot of discussion. I want people to know exactly what it is.

Now, it could be—I have to be careful because it could be that people say: Well, you know what, all right, case made; we know what it doesn't do; but, nevertheless, in terms of what it tries to do, let's have more flexibility. These are two different things. I don't, first of all, want this to go through as the "big education initiative." It is not. It is not. I don't want this piece of legislation to go through as the sort of legislation that represents the "bold response" on the part of the United States of America to the concerns and circumstances of poor children. It is not. And I certainly don't want this piece of legislation to go through with the slogan of "flexibility," unless we have real accountability.

When we get to our amendments, I will have an amendment on accountability. I know Senator KENNEDY will have an amendment on accountability. I know that Senator REID will have an amendment on accountability. We will see if people are "real" about that.

By the way, what I hear from the St. Paul School District is that if they had another $8 million in title I funding, they would use it to reduce class size. They would use it to increase parental involvement. They would use it to hire additional staff to work with students with greatest needs. There are a lot of ways they could use it. But we are not providing for the funding that they need. This is one of the things that I just hate about this vicious zero sum game, especially in greater Minnesota, which is rural. Here is what happens.

Don't anyone believe I am giving only urban examples somehow about the problem of children that need additional support. The whole goal of getting it right for all the kids in our country is not just an urban issue. It is suburban, and it is rural. But see, here is what happens when we don't provide enough funding. I don't know why we don't call this an unfunded mandate. It may not technically be, but in many ways it is.

We talk a lot about IDEA. We should. I say to the Chair, who is a former Governor, that the Governors make a good point. And I am in complete agreement that we ought to, when it comes to children with special needs, be providing for funding. I don't know why we don't talk about this, because you know what happens, I say to my colleague from Vermont. There is strong rural community as well in Vermont. What happens is that in those schools in the rural areas where maybe there is a 35 percent, low-income, or 30 or 20 percent, they say, "Listen. We need some funding." But we get into this zero sum game with not enough funding. It gets divided up in such a way that it makes sense that the funding goes first to the neediest schools. And there isn't any. And there isn't any.

Minneapolis—this is just looking at estimates for next year. K through 12 schools in Minneapolis: 31 schools will receive no title I funds; 14 schools with at least 50 percent free and reduced lunch recipients will receive no title I; 14 schools that have 50 percent low-income student population will receive no title I funding. Burroughs Elementary School, 43 percent low-income, no title I funding. The school would be eligible, if we had funding.

For almost $100,000 in title I next year, they would use the money to buy computers for special reading software, additional assistance in reading and math, work for students in small groups, and to close the achievement gap. But they can't do it. We are going to give them Ed-Flex. We are going to give them Ed-Flex. Anthony Elementary School, 43 percent free and reduced lunch, again, the operational definition of low-income, receive no title I. The school would be eligible if we got funding we needed—$154,000 next year—and they would use the money for afterschool tutoring, that is what we should be doing, if we are "real." We will have an amendment on that before this debate is all over.

They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing, and to improve parental involvement.

Marcy Open Elementary School, 44 percent low-income, they are going to lose their educational assistance if they don't get the funding they need. Kenny Elementary School, 39 percent low-income, no title 1. If they were going to get the funding that they deserve, they would have about another $9,000 that they would be eligible for, and they would use that to hire tutors who are trained to tutor small group instruction, to buy certain computer-assistance instruction, to make the Read Naturally Program available to more students, and to focus on students who are English language learners. I think this whole issue of students who are English language learners is the key issue here.

One of the things that is so unconscionable to me about all of this and the way we give title I the short end of the stick is that we have a lot of students right now who are from families—Minneapolis, MN—I think I am right. Don't hold me to these figures. But, roughly speaking, in Minneapolis students come from families where there are 90 languages and dialects spoken. That is Minneapolis, MN. That is not New York City. In St. Paul, it is about 70 languages and dialects spoken. It is not uncommon. I remember being in a Jackson Elementary School meeting with fourth grade students, and there were five different languages spoken in that class of 25 or 30. For a lot of those students, they need additional help. We know why. That is a big challenge.

Title I really helps if the funding is there. But we are not talking about—I haven't heard any Republican colleagues talking about dramatically increasing the funding for title I. I haven't heard the President talk about it. He has talked about $110 billion more for the Pentagon over the next 6 years, and $12.5 billion next year. And the President of the United States, a Democrat, says education is his highest priority, and he doesn't even call for an additional $2 billion for education for the whole Nation. You would think that he would call for as big of an increase, I say to my colleague from Vermont, for the Education Department and education as he would for the Pentagon, if education was his No. 1 priority. I think that is part of the problem. I think the White House has absolutely caved on this issue. I cannot believe their silence. I cannot believe it.

Mr. President, I would like to talk a little bit about some success of title I. I think I read a couple of these letters last night. But I think it is worth talking about again.

Let me start with Annastacia Belladonna Maldonado from the Minneapolis Chicano-Latino Council who says:

> I am very concerned about the hurried fashion in which Congress is handling S. 280. Given that ESEA is up for reapproval, it seems reasonable, more appropriate, and certainly a more dramatic way of addressing issues and concerns that Ed-Flex has written. At the very least I would expect a series of responsible considerations of all aspects of S. 280 be addressed by the committee before proceeding to an open debate.

Well, it is too late. We are on the floor. Secretary Riley, who I personally think is probably the gentlest and kindest person in government—I can't fault him for his commitment to education. I can't fault him for his courage as Governor of South Carolina who called for an increase in taxes to fund public education. He came to our committee, I say to my colleague from Vermont, a couple of weeks ago, and he said we believe that since title I represents really a big part of what the Federal Government does here, we would prefer that when you go through your reauthorization of the Elementary Secondary Education Act, that you put off this Ed-Flex legislation, which has such huge consequences, until then. But we didn't. While I appreciated the words of Secretary Riley, I don't see a lot of fight on the part of the administration on this question.

A constituent of mine, Vicki Turner, says:

> The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now a teacher for the program.

Gretchen Carlson Collins, title I director of Hopkins School District, a suburb of Minneapolis, says:

> There is no better program in education than title I, of the ESEA. We know it works.

She didn't say, "Oh. We are just strangled with regulations. It doesn't work." In fact, I haven't heard that. I haven't had people in Minnesota say this is the statute that has been changed. As a matter of fact, I would say to my colleagues, if there is something right now in the title I statute that is an impediment to the kind of steps we need to take to improve educational opportunities for low-income children, please identify it, and then we will change it. But what you want to do is throw out all of the accountability.

You want to basically have the Federal Government, which represents the Nation, a national community, you want us to remove ourselves from any kind of protection for these low-income children. You want to say that the very core requirements that have made title I so important and so positive in the lives of children, albeit we have enough funding, we no longer will require that States and the school districts live up to these requirements. That is what you want to do. That is not acceptable. I don't care if you call it "Ed-Flexability." I don't care if you have all of the political arguments, 10-second sound bites down pat. Give the power back to the States, get the Federal Government out, get rid of all of the Washington rules and regulations.

You can say that over and over and over again, and I will tell you, even though some of you won't like it, that I am all for flexibility. I was a community organizer. I am all for people at the local level making a lot of the decisions in terms of how they design programs and what they do. But I will tell you something else. There is a whole history of all too many States not making poor children and their families top priorities when it comes to commitment.

I am not about to let this piece of legislation just fly through here without pointing out what we are doing, which is we are abandoning a 35-year-old commitment on the part of the Federal Government that we will at least have some minimal standard that will guarantee some protection that poor children will get the assistance they need in the United States of America.

That is what this legislation does. And this legislation could be different legislation if strong accountability measures were passed—strong, not wishy-washy language. And we will see. We will see, because I am, again, all for the flexibility part, but I am not for abandoning this commitment to low-income children in the country.

John and Helen Matson say:

> How could anyone question the need for a strong ESEA? Ed-Flex waivers are an invitation to undermine the quality of public schools.

That is an e-mail I received.

High school senior Tammie Jeanelle Joby was in Title I in third grade. She says:

> Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica—

Which is a really wonderful college in Duluth, MN—

> I may specialize in special education or kindergarten.

And I think that is great.

Then here is something from Claudi Fuentes from the Minnesota Urban Coalition. He opposes Ed-Flex. And you know what he says instead: "Focus on all day, every day kindergarten."

People in the communities, they have the wisdom. I will come back to some of their wisdom a little while later, but it is pretty interesting. The whole idea of Ed-Flex is let's get it back to the local communities. You know what. Why don't we listen to people in the local communities?

Did we spend any time, I would love to find out—I can't wait for the debate. Here is the question I am going to ask of the authors of the legislation: How much time did you spend with low-income parents? How many meetings did you have with the parents? How many meetings did you have with the children? How many meetings did you have in communities with those students and those families who are going to be most affected by this legislation? I will be very interested in hearing the answer. I will be very interested in what they say because, frankly, I don't even hear anybody talking about it. When I go into cafes in Minnesota, nobody comes up to me and says, Are you for or against Ed-Flex? They don't even know what it is. They will tell me that I am a single parent or we are two parents and we have an income of $30,000 a year and we can't afford child care. Child care costs us as much as college tuition now. Can anything be done about that?

They will say what about a tax credit? How about we pass today a refundable $2,000-a-year tax credit for child care, for families with incomes up to $50,000 a year? Why don't we do something real?

That is what people talk about. Or they talk about—and I will talk about early childhood development in a moment—or they talk about working and their kids are home after school and they are very worried and what about afterschool care? Can something be done by way of providing some adults to look after our kids when school is over because we are both working?

Or they will talk about how their daughter has a really—she has an abscessed tooth, and I don't have any dental care; we can't afford it, and she goes to school in pain. She can't learn when she is in pain.

The language is very concrete. I don't hear community people—as long as we are saying the case for Ed-Flex is to decentralize, I don't hear community people saying it. Sometimes I think Washington, DC, is the only city I have ever lived in where when the Governors come to town everybody says, The grassroots is here; let's hear from the grassroots. I have never lived anywhere else where that happens. "The Governors represent the grassroots of America."

Well, I would suggest to you, since most of what Ed-Flex is really about is waivers and title I, that grassroots goes down to a little bit lower level. It goes to the community level and starts with the children and the parents who will be affected by what we do or by what we don't do.

Mr. President, let me talk about what would make a difference as opposed to this piece of legislation, which represents at best a great leap sideways and at worst a great leap backwards. And let me talk about equity in education, which is just another way of talking about the kind of inequality that exists right now. Let me talk about learning gaps.

And by the way, I don't have any evidence of this. A friend of mine, Colin Greer, who is head of the New World Foundation, told me—I think Senator JEFFORDS would be interested in this. I haven't seen the data. It would be interesting. I think this is what Colin said. He said that actually the United States of America measures up well against any other country in terms of our educational attainment, educational tests if you take title I students and put them in parenthesis for a moment. In other words, the learning gap is essentially, these are issues of race and gender and poverty in children. That is really what the learning gap is about. These are the kids who come to school behind and fall further behind.

So let me talk about the learning gaps. They are prevalent at all education levels. In general, the poor and minorities do worse on just about any measurement of achievement, be it the Federal Government's national assessment of educational progress or real-world outcomes like high school and college graduation rates

Boy, I hope I didn't read this the right way, but I think I read the other day that in California there are five times as many African American men ages 18 to 26 or 30 in prison than in college. I think I read that the other day, that in California there are five times as many African American men ages 18 to 30 in prison than in college.

And, by the way, there is a higher correlation between high school dropout and winding up in prison than between cigarette smoking and lung cancer. So we should be doing everything we can to make sure that kids do well in school and don't drop out. And Senator BINGAMAN will have an amendment that speaks to that.

The disparities that we see—if you think that where I am going is blaming the children, no, I am not. Now, let me be clear about this because we have a lot of this going on, too, and I would like to talk a little bit about the White House again.

When I say that in any measure of achievement the poor and "minorities" fall way behind, I am not now about to engage in blaming those children and blaming those families because a large part of these disparities are caused by unequal educational opportunities. These students have unequal access to key resources that strongly affect their achievement levels. Preparation to begin schools, teacher quality, class size, curriculum content, school infrastructural quality—and I will talk about all of that. Let me just jump ahead now.

I am sorry to be speaking with some anger here today. I don't know, maybe the President got it from a poll—you know, be against social promotion. I am a Democrat. Say you are tough on social promotion because everybody says, boy, I tell you what, you are right; those students, they just shouldn't be promoted if they haven't reached an educational attainment. That is just terrible. Well, you know what it is. But here is what is so outrageous about this latest given.

You have a White House that sends a budget over here—and I will be talking about it—that does precious little by way of making sure the children come to school ready to learn. We know that is the most critical time. It does absolutely nothing by way of really investing resources in afterschool care. We have this huge disparity that I am about to go into, where all too many kids go to schools where the toilets don't work, where the heating doesn't work, where there is no air conditioning, where the buildings are crumbling, when they are hungry, where there are not enough textbooks, where there aren't computers, where there aren't adequate lab facilities. They don't have the same opportunity to do well. So, now, all in the name of educational rigor—I was a teacher—now what we are going to do is flunk them again. It is outrageous.

We don't do anything to make sure that they have the same chance to do well on these tests, but we will give them the tests and flunk them. That's great. These kids come to school way behind, we don't make the investment in the schools, they don't have the same opportunities to learn, and then we give them the tests, and then we say you don't go on. And then, come senior year, we give them another test, and if they don't pass it, then they don't graduate.

We failed the students who have been failing. If you don't do anything to make sure that these children have the same chance to do well, then this is just blaming these children. This is cowardly. Why don't you blame the school systems? Why don't you blame the adults? Why don't you blame Senators? Why don't you blame mayors and representatives and school boards? No, you blame the children.

By the way, a lot of our educational experts, if anybody wants to listen to them, say: Listen, you know what, we want to do additional one-on-one tutoring, we want to do summer school, we want to do everything we can to help these kids to do well. But if the only thing you are going to do is flunk them, what happens is they will drop out of school. Pretty soon you will have 17-year-olds who will be in, I don't know, 10th grade, 9th grade, they will be flunked 2 or 3 years, and they drop out or they cause trouble for other kids. Not many educational experts are very high on this idea, especially given the tin cup education budget that the President gives to us, with my Republican colleagues probably not even wanting to support that. But we blame the children.

Let's talk about what we should be putting the focus on.

> It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

That is Bill Taylor, "A Report On Shortchanged Children, the Impact of Fiscal Inequity on the Education of Students at Risk," U.S. Government Printing Office, 1991.

May I repeat this quote? And then I would like to, later on in debate, ask my colleagues how you intend to rectify this through Ed-Flex.

There is probably not a more serious and important scholar on this question than Bill Taylor.

> It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

What does Ed-Flex do? What does Ed-Flex do to address any of these disparities? Do you know what the answer is? Nothing. Zero. What is the U.S. Senate doing to address these disparities? Nothing.

Mr. President, let me start off—and this is hard to do—by reading excerpts from a book by a man who has probably contributed more to raising the consciousness of people about children in this country than anyone else, Jonathan Kozol. The last thing he wrote was a book called "Amazing Grace, Poor Children and the Conscience of America." It is set in the Mott Haven community in the Bronx. I recommend this book. For all who are listening, I recommend this book, it is so powerful. It is called "Amazing Grace, Poor Children and the Conscience of America." Here is what Jonathan Kozol said. Basically, what he is saying is: No country which truly loved children would ever let children grow up under these conditions. But we do.

By the way, I had a chance to meet with these children. The heroine of this book is a woman named Mother Margaret, who is an Episcopalian priest. She has done incredible work with these kids. She came down to D.C., and Jonathan said, "Would you host the children?" I said, "Great. I read the book and I read about the kids." They came down here, and I think Jonathan Kozol thought they would be impressed, meeting in the office, but the only thing they really talked about was the swimming pool in the hotel, and the other thing they talked about was beds. It was a very big deal to them to be able to sleep in a bed.

Mr. President, this book is called "Savage Inequalities." Let's just talk about what Ed-Flex does and what it does not do.

A 14-year-old girl, with short black curly hair says this:

> Every year in February we are told to read the same old speech of Martin Luther King. We read it every year. "I have a dream." It does begin to seem, what is the word—she hesitates and then she finds the word—perfunctory.
>
> Perfunctory? I asked her what do you mean?
>
> We have a school in East St. Louis named for Dr. King, she says. The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's like a terrible joke on history.

It startled Jonathan Kozol to hear her words, but I am startled more to think how seldom any press reporter has noted the irony of naming segregated schools for Martin Luther King. Children reach the heart of these hypocrisies much quicker than the grownups and the experts do.

A history teacher at Martin Luther King School has 110 students in 4 classes but only 26 books. What is Ed-Flex going to do for this teacher of these students?

> Each year, [Kozol observes of East St. Louis High School] there is one more toilet that doesn't flush, one more drinking fountain that doesn't work, one more classroom without texts. Certain classrooms are so cold in the winter that the students have to wear their coats to class while children in other classrooms swelter in a suffocating heat that cannot be turned down.

You know, we have all these harsh critics of our public schools. Some of them are my colleagues in the U.S. Senate. They couldn't last 1 hour in the classrooms they condemn. They couldn't last 1 hour in these schools.

I am going on to quote the teachers:

> These kinds of critics willfully ignore the health conditions and the psychological disarray of children growing up in burnt out housing, playing on contaminated land, and walking past acres of smoldering garbage on their way to school.

Mr. President, let me go on to read from this book:

> In order to find Public School 261 in District 10, a visitor is told to look for a mortician's office. The funeral home which faces Jerome Avenue in the North Bronx is easy to identify by its green awning. The school is next door in a former roller skating rink. No sign identifies the building as a school. A metal awning frame without an awning supports a flagpole, but there is no flag. In the street in front of the school, there's an elevated public transit line. Heavy traffic fills the street. The existence of the school is virtually concealed within this crowded city block. Beyond the inner doors, a guard is seated. The lobby is long—

And there is a sign, by the way, on the outside of the school: "All students are capable of learning."

> Beyond the inner doors, a guard is seated. The lobby is long and narrow. The ceiling is low. There are no windows. All the teachers that I see at first are middle-aged white women. The principal, also a white woman, tells me that the school's capacity is 900, but there are 1,300 children here. The size of classes for fifth and sixth grade children in New York, she says, is capped at 32, but she says the class size in the school goes up to 24. I see classes as large as 37. Classes for younger children, she goes on, are capped at 25, but a school can go above this limit if it puts an extra adult in the room. Lack of space, she says, prevents the school from operating a prekindergarten program. "Lunchtime is a challenge for us," she explains. "Limited space obliges us to do it in three shifts, 450 children at a time." Textbooks are scarce.

And it goes on:

> The library is tiny, windowless. There are only 700 books. There are no reference books.

And it goes on and on and on. These are the conditions of the schools.

Let me just read the conclusion. I could go on for an hour from this book. Here is the conclusion where he concludes his book:

> All our children ought to be allowed a stake in the enormous richness of America. Whether they were born to poor white Appalachians or to wealthy Texans, to poor black people in the Bronx or to rich people in Manhattan or Winnetka, they are all quite wonderful and innocent when they are small. We soil them needlessly.

Mr. President, I have tried to develop my case. We are not talking about providing more funding for title I. We talk about abandoning basic core requirements of title I—we are talking about abandoning the Federal Government, holding States and school districts accountable and making sure that the money gets to the neediest schools. We are talking about abandoning the very essence of accountability, that these standards are lived up to to make sure that there are good teachers, to make sure that the kids are held to high standards, to make sure there is testing.

And we know the results. We have not done a darn thing to make sure we make a commitment to pre-K so kids come to kindergarten ready to learn. We do not do much by way of afterschool care. We do not have the money, we say. We are a rich country. The economy is booming, but we do not have the money to do any of that?

In addition, the reality is that some schoolkids go to schools, because of the property tax, wealth of the school districts, that can give them the best of the best of the best—the best of computers, the best of technology, the best of labs, the best school buildings, the best teachers, the best band and music and theater and athletics, the best of everything. Other kids in America, who come from different school districts, or come from communities where there is not the commitment to them or they do not have the resources to make the commitment, go to schools that are burnt out—I mean, how would any of my colleagues do, as U.S. Senators, if you walked into this Chamber —this is a beautiful Chamber, thank God—how would you do if you walked into this Chamber and it was the summer in DC and there was no air-conditioning or it was winter and there was no heat or we did not have staff to help us, we did not have pages to help us, we weren't able to have the materials we needed, we were hungry, and maybe 20 percent of us had a gun, which is not unusual in a lot of schools in our cities? Would you learn? Would you do well?

What kind of message do you think we communicate to children in America when they go to school buildings that are decrepit, where the roofs are leaking, where the toilets do not work, where the buildings are just grim? What kind of atmosphere is that for children? What kind of encouragement do you think we give these children to learn?

You think these children are fools? You think these children think that the Ed-Flex program is going to do anything for them? They are a lot smarter than you think they are. They know it is not going to do anything for them, because we are not doing anything for them. As a matter of fact, we are going to pass a piece of legislation, unless there is some strict accountability measures in this bill, amendments that are passed, that is going to do harm to them. That is what we are doing. And I cannot believe that this bill just came to the floor of the Senate and there has been so little opposition.

Mr. President, let me talk about some of the inequalities that exist. First of all, the inequality in participation in early childhood programs, like nursery school and prekindergarten: Three-year-olds from better-off families are more than twice as likely than those from less-well-off families to be in these programs, like the nursery school programs and prekindergarten programs.

Among 4-year-olds, there remains substantial disparities. Barely half of the children with families of incomes of $35,000 or less have participated in early childhood learning programs compared to three-fourths of the children from families with incomes over $50,000. So if we wanted to do something about this, Mr. President, what we would do is we would make sure that we would invest the resources in early childhood development.

I am going to talk about some really shocking statistics in a moment. But let me just say it again—whether it be Arkansas or whether it be Minnesota or whether it be Vermont, the Federal Government—what the education community tells me in Minnesota is you all are real players when it comes to making sure that children can come to kindergarten ready to learn. You could make a real commitment of resources.

We have in the President's budget—you know, we have a White House conference on the development of the brain. The evidence is irrefutable, it is irreducible. I am going to talk about it at some length a little later on in my presentation. But we know that if you do not get it right for these kids by age 3, they may never do well in school and may never do well in life.

What is really interesting about the literature that has come out is that—we have always known—we have always known that if a 7-year-old comes to school and she has not received dental care, she is not going to do well. We have always known that if children do not have an adequate diet, they are not going to do well. We have always known if women expecting children do not have a good diet, that at birth that child may have severe disabilities and may not be able to do well. But what we did not know—although I think all of us who are parents and grandparents; I am a grandparent as well—what we did not know is that actually literally the way the brain is wired, and whether or not a child will do well in school, whether or not a child will behave well is highly correlated to whether or not—is my mike working or not? Is the mike working?

The PRESIDING OFFICER (Mr. HUTCHINSON). Senator, I do not know whether your mike is working. You can be heard very well.

Mr. WELLSTONE. Mr. President, my good friend from Arkansas, what is really astounding about this literature is that literally the key part of it is whether or not there is real intellectual stimulation for these children. It isn't a question of whether they have had a proper diet or have been immunized; that has a huge impact on whether they can come to school and do well.

Anyone who is a parent or grandparent knows this. I like to tell the story, because it is absolutely true. Our children are older and I had forgotten what it was like. But now we have three grandchildren: 3-year-old Josh; 4-year-old Keith; Kari is 7, she is older. They visit us and every 15 seconds these children are interested in something new. When they are 2 and 1, it is the same way. It is a miracle. It makes me very religious. It is as if these small children are experiencing all the unnamed magic of the world that is before them.

We know that if we would make an investment in these children, we make sure that there is good child care, and we make sure when they come to kindergarten they are ready to learn. I will say it again: Our national goal ought to be that every child in the United States of America, when he or she comes to kindergarten, they know how to read, they know how to spell their name, they know the alphabet; if they do not know how to read, they have been read to widely. Can't we make that a national goal? These are all God's children. But the fact of the matter is, we don't. There is a huge disparity. The fact of the matter is that many children, by the time they come to kindergarten, are way behind, and then they fall further behind. And then they wind up in prison.

This Ed-Flex bill does absolutely nothing to make a difference for these children.

Point 2: Reading levels are not where they need to be. In early February of this year, the National Center for Education Statistics released the 1998 reading report card for the Nation. These results are based on the national assessment of education progress data collected in 1998. These results tell us how our children are doing, what their reading levels are, and whether they need improvement.

There are two sets of findings I want to emphasize. First, as a country, too few of our children have the reading skills necessary to succeed. At all grade levels, 40 percent or fewer of the Nation's students read at a level that is proficient for their grade. This figure is unacceptably low. What can we do?

Second, and even more disturbing, are the tremendous disparity levels in reading levels by family income, race, and ethnicity. For example, children who are eligible for the free and reduced lunch program, title I or title I-eligible children, are more than twice as likely to be below the basic reading level than those who are not eligible for the program. In addition, fourth- and eighth-grader white students are three times as likely as black students or Hispanic children to be proficient readers.

Part of what these figures are telling us—in fact, they are screaming at us—is that we have a long way to go. This is a crisis.

Now, may I ask the question: Does Ed-Flex do anything to help these students? Are there additional resources that we are calling on? Are we doing anything to make sure that kids come to school ready to learn? Are we doing anything to improve their nutritional status? We cut nutrition programs for these children. Are we doing anything to make sure each and every one of those children is healthy? Are we doing anything about the housing conditions? Are we doing what we should do to reduce some of the violence in the communities, some of the violence in the homes? Are we doing anything to provide some additional support services for these kids?

A woman is beaten up every 15 seconds in her home. Every 15 seconds in the United States of America, a woman is battered in her home. A home should be a safe place. Those children, even if they are not battered themselves—although many are—see it. They essentially suffer from posttraumatic stress syndrome.

My colleague from Arkansas works with veterans. I have done a lot of work with Vietnam vets. I see it all the time, PTSS. We have children who suffer from that. Do we have anything in Ed-Flex that talks about additional services to these children? No. The only thing we do in the Ed-Flex bill is essentially wipe out any kind of accountability standard that would make sure the money goes to the neediest schools first, and we wipe out the accountability standards that make sure title I children have good teachers, are held to high standards, that we have testing and results, and we know how we are doing. And this legislation purports to be a step forward for poor children in America?

There have been a number of lawsuits filed. It is too bad, but that is the way we have to go to affect these conditions. Since Ed-Flex doesn't have anything to do with the reality I am describing, I think the lawsuits are necessary. Let me cite a lawsuit that came out of Hartford, CT, in the early 1990s. The Hartford School District had a substantially higher percentage of minority students than the surrounding suburbs. The Hartford school enrollment was more than 92 percent minority, whereas contiguous suburbs such as Avon, East Granby, and Wethersfield were less than 5 percent minority. Although Connecticut had the highest per capita in the United States, Hartford was the fourth-poorest of the United States cities, with the second highest rate of poverty among children.

At the same time, not surprisingly, the Hartford school system had substantially inferior educational resources than other school systems. Hartford students were shortchanged in a broad range of educational inputs. For example, school systems across the State spent an average of $147.68 per student per year on textbooks and instructional supplies; in Hartford, it was $77 dollars, only 52 percent of the statewide average.

Or consider East St. Louis, IL, in 1997. Here are some of the problems that the students in the East St. Louis school system faced: Backed up sewers, flooding school kitchens; faulty boilers and electrical systems, regularly resulting in student evacuations and cancelled classes; dangerous structural flaws, including exposed asbestos; malfunction of fire alarms; and emergency exits that were chained shut; instructor shortages that usually meant students did not know in advance whether or not they even had a teacher; and school libraries that were typically locked or destroyed by fire.

How can we expect our children to achieve or be able to learn to develop and realize any, let alone all, of their potential as human beings when faced with such an outrageous environment as this? What does Ed-Flex do to change this environment? Nothing, zero. This is what we ought to be talking about on the floor of the U.S. Senate. That is why I am trying to slow this bill up.

Here is a final description from Louisiana, although you can pick any State. In preparing for a lawsuit in Louisiana, the ACLU staff discovered a pitiful lack of the most basic resources. Besides having to deal with leaky roofs and broken desks, students often had to share textbooks among the entire class, negating any possibility of doing homework or building out- of-class research skills. What few books existed in school libraries were typically torn, damaged, or outdated, a particularly riling problem for subjects like technology, science, and history. At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building. I repeat that: At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building.

Here is the reaction of one of the staff attorneys. "It was impossible to imagine that any serious education could go on in these decrepit schools. In some schools children had to go to the principal's office to get toilet papers. The overwhelming impression left on us [the lawyers] was sadness."

Mr. President, let me talk about Federal standing on elementary and secondary education. Now, I am going to try—some of this is off of the top of my head. These statistics will be close, but they might be off just a little bit. We have had reports, like Nation at Risk in the early 1980s, and we have had politicians of all stripes give speeches about children and education. We all want to have photo opportunities next to children. We have talked about it as a national security issue.

Do you want to know something? The percentage of the Federal budget that goes to education is pathetic. It is pathetic. It amounts to about 2.5 percent of total Federal budget outlays—2.5 percent.

By the way, on title I, since this Ed-Flex is supposed to represent some great step forward, according to the Rand Corporation study, we would have to double our spending on title I to really even begin to make a difference for these children. I said this earlier and I will say it again. Here is what I am not quite sure of. Then I will tell you what I am absolutely sure of. What I am not quite sure of is, I think that during the sixties—this was where title I became part of the Elementary and Secondary Education Act—we were at maybe 10 percent that we were devoting as a percentage of the Federal budget to education. That is what we say is a priority.

When Richard Nixon was President, it was higher than it is with the Democratic President. And then it was Ford and Carter, and I think it stayed about the same level. With Reagan, it went way down. And then, with President Bush, it went up some. It never got back to the percentage it was during Nixon's Presidency. With President Clinton, it is about the same as it was with President Bush, maybe even a little less; I am not sure.

Here we have a Democratic President who says that education is the No. 1 priority, and we are spending less as a percentage of our Federal budget on education than under President Nixon, a Republican. I am going to talk about Head Start in a while. Here we have a Democratic President and we don't fully fund the Head Start Program. I can forgive my Republican colleagues; I didn't expect a Republican President to fully fund Head Start. I just expected a Democratic President to fully fund Head Start. How naive of me.

Mr. President, it is just unbelievable. I point out these disparities, and a lot of K through 12 is at the State level. But you would think that we would make a difference where we could make a difference. Yet, we don't, and we have all this discussion about education being the No. 1 priority.

Frankly, the President has presented us with a "tin cup budget." The President wants to increase the Pentagon budget next year by $12.5 billion and by $110 billion over the next 6 years, and he calls for barely a $2 billion increase in the Department of Education budget. Pretty unbelievable. You would think that if education was a big priority, we would see the same increase in funding for education as we would see for the Pentagon. Not so.

Mr. President, I now want to turn my attention to what we ought to be doing as opposed to what we are doing. Before I do that, however—and I will finish up on this—I want to point out one more time—and I will have an amendment that deals with this part of the bill that makes it crystal clear that this title I program is severely underfunded. And I will have a vote on it. I spend a lot of time in these schools with these principals, teachers, and these families. They all tell me—before my colleague came here, I was saying that I went to the schools in St. Paul-Minneapolis with 65 to 70 percent poverty that don't receive any title I funding because by the time we allocate the money, there is no more money left. And we do very good things with this money for these children that need additional help. But we are not calling for any additional investment of money for our schools to work with. In addition, what we are not doing is, as a national community, we are no longer saying to the States and school districts there are certain core, if you will, values, that we want to see maintained.

There is a mission to title I. We know why we passed title I in 1965, because we took a look around the Nation and it wasn't a pretty picture. In quite a few States, whether anybody wants to admit it or not, these poor children fell between the cracks. So we, as a Nation, will at least have a minimal standard that will say, with title I, there will be certain core requirements; there will be qualified teachers; there will be high standards; there will be some testing and some results and some evaluation, and this will apply to title I programs everywhere in our land, to make sure that some of these children have a real opportunity. And now, with this legislation, we are going to toss that overboard. I will have an amendment that says we can't.

The second thing we said in 1994—and I don't know what my colleagues think, and I will have an amendment and we will have a debate and vote on it—was that in the allocation of the money, those schools with a higher percentage, 75 percent low-income students or more, should have first priority for funding. That makes sense to me. For some reason, my colleagues want to toss that overboard.

By the way, I made a third point, which is that I understand—I know my colleague from Arkansas comes from a smaller town, a rural community, and that is a big part of Minnesota. I understand the zero sum game we are in, because the crazy part of it is that we don't get enough funding and, therefore, say—I could pick any community in Minnesota, but in any number of our greater Minnesota communities, people are saying, "Paul, we have 20 percent or 30 percent low-income or 35 percent low-income"—in some rural areas it is much higher—"and we don't get any funding." So it becomes a zero sum game. What do you do with a limited amount of money? I would like to see something real out here on the floor of the U.S. Senate when we talk about getting more resources to our States and school districts.

Now, here is what we should be talking about on the floor of the U.S. Senate: early childhood development. This is the most pressing issue of all. If you talk to your teachers, they will tell you this. The best thing we can do as Senators is to get—by the way, it would be $20 billion over the next 4 years minimally. If we really wanted to make a difference, it would be about $20 billion over the next 4 years. Well, listen, we are going to do $110 billion to the Pentagon over 6 years—more subs, more nuclear warheads, more missiles.

If we were serious about this, we would make the commitment to early childhood development. That is what all of our teachers are telling us, and that is what our experts are telling us.

It is the best thing you can do. By the way, those of you for flexibility, I agree, don't run it from Washington, DC. Get the resources back to the local communities and, like NGOs and nonprofits and all sorts of folks who meet the standards, set up really good development child care centers and also family-based child care and give the tax credits, but make sure they are refundable and that the low-income aren't left out, or families. Do it. Get real. Do the best thing we can do. But that is not on the floor today. We have Ed-Flex. Ed-Flex means nothing to these families.

Mr. President, I have already talked some about the kind of science literature—my colleague, I am trying to remember the name of the book—Dick and Ann Barnett. Dick is at the Institute of Policy Studies, and Ann is a pediatric neurologist. They have written a wonderful book. I can't remember the title. But there are many books that have come out.

Let me talk about the disparity. Listen to this 1990 study. Looking at the hours of one-on-one picture book reading kids have experienced by the time they started first grade, low-income children average 25 hours. By the time they come to first grade they have altogether, with picture book reading, been read to 25 hours. Middle-class children average between 1,000 and 1,700 hours. It is unbelievable.

By the way, as a grandpa, I know that reading makes a difference. Now this gets tricky, because I can read my colleague's face here about the responsibility. Let's talk about this a little. I just said this. I now have to figure this out a little bit.

First of all, let me make the case that we could do so much better. I am for combining the commitment to child care. That is what we should be talking about today, and investing some resources in this, and getting community level volunteerism. I am for doing whatever can be done in the families, and I want parents to take the responsibility. I wish more would. I think sometimes it is brutal. People work different shifts, and two or three jobs working their heads off. And they hardly have the time to have a common occasion with their children; even to sit down and eat dinner together. All too many of our families are under siege.

It is not that people aren't working. It is that people are working entirely too many hours. But both have to work. But I wish that parents would read more to their children before they are in kindergarten. But I also think this is all about whether there is good child care. This is also true with volunteers. I would be, for all of us who no longer have children that are young, getting the books out of our homes, and older computers out of our homes, and do it through veterans halls, do it through union halls, do it through the religious community, and invite volunteers, get tutors and mentors. We could do a lot. But I will tell you something. It makes a real big difference in terms of whether these children are ready to learn. And they are needy.

The needy—50 percent of the mothers of children under the age of 3 now work in our country outside of the home; 50 percent. There are 12 million children under the age of 3, and one in four lives in poverty. One out of two of color live in poverty—half of the children of color today in our country—and under the age of 3 are needy, the richest country in the world.

Compared with most other industrialized countries, the United States has a higher infant mortality rate portion of low-birth weight babies and a smaller portion of babies immunized against childhood diseases.

This critically affects education. This critically affects the educational payment of children. Full day care for one child ranges from $4,000 to $10,000. That is comparable, as I said earlier, to college tuition, room and board at our public universities.

Half of the young families in our country with young children earn less than $35,000 a year. A family with both parents working full time at minimum wage earns only $21,400 a year.

I want to tell you something. More than just about any other issue when I am in cafes in Minnesota, people talk to me—working families. They say, "We can't afford this. We both work. We both have to work. I am 30. My wife is 28. We have two small children. Isn't there any way we can get some help for child care?"

That is what is really critical, if we are going to be talking about education. Ed-Flex means nothing to these families.

Drawing on some reports, I am sorry to report these statistics. Six out of seven child care centers provide only poor to mediocre care. One out of eight centers provides care that could jeopardize a child's safety in development. One out of three home-based care situations could be harmful to a child's development—the Children Defense Fund study.

Although approximately 1,500 hours of training from an accredited school is required to qualify as a licensed hair cutter, masseur, or manicurist, 41 States do not require child care providers to have any training prior to serving children. The annual turnover rate among child care providers is about 40 percent. Do you want to know why? I love to take my grandchildren to the zoo. If you work at the zoo, you make twice the wage that women and men make with small children in this country.

One of the worst things we have done in the United States of America is to have abandoned too many poor children. This legislation takes us in that direction. And we have devalued the work of adults that work with these children. Most child care workers earn about $12,000 a year, slightly above the minimum wage. And they receive no benefits. That is unbelievable—unbelievable.

When I was teaching, I would have students come up to me, and they would say, "Look. You know, do not be offended, but we want to go into education. But we don't want to teach at the college level. We think we could really make a difference if we work with 3 and 4-year-olds." Then the next thing they say is, "But we don't know how we can afford it. We have a loan to pay off. How do you make a living?" Why in the world do we pay such low wages? So the families can't afford the child care. The families can't afford the child care. And those adults that want to take care of children can't afford to provide the care.

What we have on the floor of the U.S. Senate instead is Ed-Flex. We could make a huge difference, but we don't, and we will not.

There was a woman, Fannie Lou Hammer—I have quoted her before—a civil rights activist. She was, Senator HUTCHINSON, I think, one of 14 children, the daughter of a sharecropper. Her immortal words, where she was once speaking, were, "I am so sick and tired of being sick and tired."

I am sick and tired of the way in which we are playing symbolic politics with children's lives. If we were serious about doing something on the floor of the U.S. Senate that would make a difference for children, we wouldn't have this Ed-Flex bill on the floor. We would be talking about the ways in which we are going to provide money, dollars, resources for local communities to provide the very best of elemental child care so that every child, by the time he or she is of kindergarten age, is ready to learn. That is the most important thing we could do. And we don't even make it a priority.

Now, Senator DEWINE and I passed an amendment that we are proud of; it is the law of the land, but we don't have the funding yet, which says that we will at least have loan forgiveness for those men and women who get their degree and go into early childhood development work. But that still doesn't do the job. We ought to pay decent wages. I don't understand this.

Senator HUTCHINSON is, I guess, what Governor Bush would call a compassionate conservative. He is certainly passionate; he is certainly conservative. I don't understand this. We have two groups of citizens that are the most vulnerable that deserve the most support and the adults that work with them make the least amount of pay with the worst working conditions.

Nursing homes, my mother and father both had Parkinson's disease, and we fought like heck to keep them at home, and we did. We kept them at home for a number of years. We kept them at home, between Sheila and I and our children spending the night, as long as we could until we could not any longer. And then toward the end of each of their lives, toward the end of their lives they were in a nursing home.

Well, I don't think I could do that work. It is pretty important. You have people who built this country on their backs. They have worked hard. They are elderly. They are infirm. They need the help, and we pay the lowest wages. We have a lot of people in these nursing homes who don't even have health care coverage.

Congratulations, Service Employees International Union, for your victory in California in LA organizing home health care workers. The other thing we ought to do is to try to enable people to stay at home as long as possible to live in dignity and provide help. But why do we pay people, why do we pay adults so little to do such important work?

And then the other group of citizens that is the most vulnerable, the most in need of help that we should provide the most support to is small children. We devalue the work of adults. I don't get it. If you are some advertising executive—I don't want to pick on them, but if you are some advertising executive who figures out some clever way to sell some absolutely useless product or you have got all sorts of ads that the Senator from Arkansas and I both would not like, just think it is trash, it should not be on TV, exploitive in all kinds of ways—and I think the Senator from Arkansas knows what I mean—such a person probably gets paid hundreds of thousands of dollars, and then you have child workers who are working with children, and they get next to peanuts. Boy, I think our priorities are distorted.

Let me tell you, Ed-Flex doesn't do anything to deal with this problem of priorities.

Mr. President, I am going to just mention two other areas. I have really covered Head Start already. I was going to read from some Minnesota stories, but I am going to move on, some huge success stories just to simply mention the well-known Perry study on the benefits of Head Start. It is pretty interesting. They did a sort of a control of two different groups.

Head Start participants, they did a followup through age 27. This program was started in 1965. Criminal arrests: 7 percent Head Start, 25 percent control group—those kids that weren't in Head Start, controlling for income and family background and all the rest. Higher earnings, 29 percent of Head Start kids, 2,000 plus per month, only 7 percent control group; 71 percent Head Start kids graduated or received a GED, only 54 percent control group. And 59 percent received assistance, they did receive some assistance, still poor, but 80 percent of the control group. And fewer out-of-wedlock births across the board.

For kids who have really grown up under some really difficult conditions, the Head Start Program has helped them with a head start. And we have a budget that the President presents that will get us to 2 million children, I think, covered, but that is about half.

About 2 million children will be eligible. The President's budget gets us a million. Half. So our goal—talk about a downsized agenda, talk about politics of low expectations—is to provide funding for only half these children.

Now, this isn't even early Head Start because really what we have to do well is before the age of 3. I noticed when Governor Whitman was testifying before, she was talking about her program in New Jersey, which sounds to me as if it is a very important program that deals, I think, with 4 and 5-year-olds or 3 and 4-year-olds, and I said to her, what about preage 3? I know she nodded her head in agreement.

Why aren't we providing the resources? In all due respect, if we want to do something really positive, the most important thing we can do is invest in the health care and intellectual skills of our children. Ed-Flex doesn't do that, and we are not going to do it.

So I am not going to let my colleagues put this bill forward as if it is a great big, bold step forward for poor children in America. It is not. As a matter of fact, it will do damage to children unless we have the strengthened accountability language. And we will see whether or not we can get a vote for that.

Might I ask a question, Mr. President? I wonder how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 31 minutes remaining.

Mr. WELLSTONE. Mr. President, I have a few things I would like to lay out, but I want to ask my colleague from Vermont—he has had to sit here and listen to some of which I don't think he agrees and some of which he might agree. I wonder whether or not—I could take another 15 minutes and then reserve the remainder of my time if my colleague wants to speak, or does he want to wait, or how would he like to proceed?

Mr. JEFFORDS. Mr. President, I have no intention at this time to speak. I will obviously at a later time. I will do it when it is appropriate. But I desire to expedite our situation so that we can get to the bill as soon as possible.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I say to my colleague from Vermont, on my time, if he chooses to assent or disagree or remind me where I am wrong, please feel free to do so. I extend the invitation. I was a teacher. I can easily fill up the next hour without any trouble.

Mr. President, before I go to afterschool care, I would like to just one more time focus on why I think this Ed-Flex bill shouldn't even be in the Chamber. I have talked about what I think the flaws are with the legislation, but I also want to talk about what I think we should be talking about. I would like to just draw, if I could, on two experiences that I have had traveling the country that I think apply to this debate.

One of them which I have talked about once or twice before—it is very positive. It is not a putdown of anybody—took place in the delta in Mississippi, in Tunica, MS. I had traveled there because I wanted to spend some time in low-income communities around the country—South, North, East, West, rural, urban. And when I visited Tunica several years ago now, there was a teacher, Mr. Robert Hall, who I will never forget. It was at a town meeting, and he stood up and said it is hard to give students hope, and he talked about how—I don't know—I think maybe about 50 percent of the students graduated.

By the way, this young African American woman that I quoted I think in East St. Louis, who was talking about her school being segregated, actually in Tunica the case is that the public school is all black or African American, the private school is all white.

Anyway, at the end of this he asked me whether I would come back to speak, would I come next year for the graduation? I said yes, and I said yes not realizing that I had made a prior commitment. What are you going to do, you know, when you make a commitment like that? So I called and I said could I come the day before graduation, to at least get a chance to meet with the seniors, because I wanted to live up to my commitment. And he said yes. So I flew from Minneapolis down to Memphis and then was met, I think by Mr. Erikson, who was driving me to Tunica. This is one of my favorite stories.

I said, "Are we going to the high school?"

He said, "No. You are going to be addressing the third and fourth graders."

And I said, "I am going to be giving a policy address to the third and fourth graders?"

And he said, "Well, yes."

And I said, "Is this the last day of school?"

He said, "Well, yes."

I said, "So I am going to be giving a policy address to third and fourth graders on the last day of school?"

He said, "Well, yes."

I said, "I'm in trouble."

So we go to the elementary school. There are, I don't know, a hundred kids, third and fourth graders, thereabouts, sitting in the chairs, waiting for me to give a policy address. And there is the PA system on the stage, which is high above where the students are, and the principal gives me a really nice introduction, and I am supposed to go up there and look down at these students and give them a policy address.

So I was trying to figure out what to do. I asked the principal, "Can I get down in the auditorium where the kids are?"

He said, "Sure."

So I got down there, and this little girl, thank God, made my class for me. I said, "Is this the last day of school?"

Everybody said, "Yes."

I said, "Well, what have you liked about school?"

And this one little girl raised her hand and she said, "Well, what I like about school is, if I do good in school, I can do really good things in my life." Something like that.

And I said, "Well, what do you want to be?" And I said to all the students, "What do you want to be?"

There were, Senator HUTCHINSON, 40 hands up. It was great. They had all sorts of dreams. I mean, quite a few of them wanted to be Michael Jordan—not a surprise. I heard everything: Teacher, writer, psychiatrist, Michael Jordan, on and on and on. But the thing of it is, there was that spark. It was beautiful. I know, as a former teacher, that you can take that spark of learning in a child, regardless of background, and if you ignite that spark of learning, that child can go on to a lifetime of creativity and accomplishment. Or you can pour cold water on that spark of learning. We are not doing anything here in Washington, DC, to help ignite that spark of learning. We are not.

Now, I feel a little uncomfortable saying that. Maybe I should say "precious little." We are doing precious little. I feel uncomfortable saying that, because Senator JEFFORDS is a Senator who is committed to education. I know that. I have a tremendous amount of respect for him. But I am talking, I say to my colleague, Senator JEFFORDS, in a more general way. I don't understand our priorities. I just don't understand our priorities. I am just sick and tired—to sort of again talk about Fanny Lou Hammer—of bills that are brought out here, people get the impression there is some big step forward, and when it comes to the investment of resources—some of which you fight for, this investment of resources—we do not do it. I just tell you, it is tragic.

For these kids and these schools all across the country, they are not saying: Give us Ed-Flex, give us Ed-Flex, give us Ed-Flex. They are saying: We want to have good teachers and smaller classes. We want to have good health care. We want to have an adequate diet. We want to go to schools that are inviting places. We want to have hope. We want to be able to afford college. That is what they are saying. They are not talking about Ed-Flex.

The second point, and last one of my stories—true. I am going to shout this from the mountaintop. I get this time on the floor of the Senate because I insist this is what we should be talking about, and I will do everything I can, with amendments and bills, to bring this out here and force debates and votes and all the rest.

I hear this in the law enforcement community. We should hold kids accountable when they commit brutal crimes. We should hold people accountable when they commit brutal crimes. But we will build a million new prisons on present course. That is the fastest growing industry in the country. And we will fill them all up and we will never stop this cycle of violence unless we invest in the health and skills and intellect and character of our children. And we are not doing that in the U.S. Senate or in the U.S. House of Representatives. Certainly not with Ed-Flex.

Where do these kids wind up? They come to school way behind, they fall further behind, they don't have anywhere near the same opportunities to learn, and then they wind up in prison. I talked about this before. I think this will be the last time I will talk about it, except when we debate a bill which I introduced, the mental health juvenile justice bill. I visited a "correction facility" called Tallula Correction Facility in Tallula, MI. But I say to my colleagues from Arkansas, Louisiana, south—this could be anywhere in the country, anywhere in the country. And the Justice Department has had a pretty hard report about conditions in Georgia and Kentucky and some other States.

I see there are some young people here today in the gallery. What did I find in Tallula? The Tallula facility is a corrections facility for kids ages 11 to 18. I went to Tallula because I had read in the Justice Department report that there were kids who were in solitary confinement up to 7 weeks at a time, 23 hours a day, and I wanted to know what they had done for this to happen to them.

One young man, Travis, he is now 16, he went to Tallula when he was 13 for stealing a bike. He wound up there for 18 months, and he was beaten up over and over again. Tallula has had some lawsuits filed against it.

I went to the Tallula facility, and the first thing I noticed about the 550 kids was about 80 to 85 percent of them were African American. And then, when I met with some of the officials, I wanted to go to the solitary confinement cells and they wanted to take me to where the students were eating lunch—students—kids—young people. So we first started out to where they were eating lunch and then we were going to go to these cells.

When I walked in, even with all these officials there, I asked some of these kids, "How are you doing?"

I will never forget, this one young man says to me, "Not well."

I say, "What do you mean?"

By this time, there were 30 officials looking at this kid. He said, "This food, we never eat this food. It's because you are here." He said, "These clothes? We never had clothes like this. They just gave us these shorts and T-shirts. We have been wearing the same smelly, dirty clothes day after day."

He said, "The tables are painted—smell the paint. It has just been painted."

Then I went outside and this one young man made a break from the guards, jumped onto a roof, and ran across the roof. It was about 100 degrees heat. And I said, "Why are you doing this? You are going to get in a lot of trouble." I looked up at him, walked up to the roof.

He said, "I want to make a statement."

I said, "What's your statement?"

He said, "This is a show, and when you leave here they are going to beat us up."

Well, the State of Louisiana has taken some action. This was privatized. There are lawsuits. There have been editorials about anarchy at Tallula. I will just tell you this. I will tell you this: 95 percent of these kids at Tallula had not committed a violent crime. I met one kid who had stolen a bike. I met one kid who was in there for breaking and entering. I did meet one kid who cut a kid in a fight with a knife. I forget the fourth kid. Mr. President, 95 percent of nonviolent crimes—that is about the case in all of these juvenile detention facilities.

I will tell you, Senator, I would be pleased to meet almost any of those kids at 10 o'clock at night before they got to Tallula. I would not want to meet any of them when they get out.

So let's not kid ourselves. These State budgets and Federal budgets that go to prisons and jails are just going to continue to skyrocket, and that is where a lot of young people are going to end up unless, from the very beginning of their lives, we figure out—at a community level, not a Federal Government level—how we are going to make sure that we make the investment in these kids. And that is something we should be doing in the Senate. But this bill does not do that.

Before I return to the final case I want to make on this specific bill, let me just read some figures. Mr. President, I would like to read a little bit about some facts on what is going on with kids after school. Twenty-two million school-aged children have working parents; that is, 62 percent of these children have parents who are working. Children spend only 20 percent of their waking hours in school. The gap between the parents' work schedule and the students' school schedules can amount to 20 to 25 hours per week. That is from the Ann E. Casey Foundation.

Experts estimate that nearly 5 million school-aged children spend time without adult supervision during a typical week. An estimated 35 percent of 12-year-olds care for themselves regularly during afterschool hours when their parents are working.

What happens during out-of-school hours? Violent juvenile crime triples during the hours of 3 p.m. and 8 p.m. And 280 children are arrested for violent crimes every day. Children are most likely to be the victims of violent crime by a nonfamily member between 2 p.m. and 6 p.m.

Children without adult supervision are at a significantly greater risk of truancy from school, stress, receiving poor grades, risk-taking behavior, and substance abuse. Children who spend more hours on their own and begin self-care at younger ages are at increased risks. And I could footnote each and every one of these findings.

Children spend more of their discretionary time watching television than any other activity. Television viewing accounted for 25 percent of children's discretionary time in 1997, or 14 hours per week on average.

Facts about out-of-school programs: Almost 30 percent of public schools and 50 percent of private schools offered before- or afterschool care in 1993-1994. It is going up. But the General Accounting Office estimates that, for the year 2002, the current number of out-of-schooltime programs for school-aged children will meet as little as 25 percent of the demand in urban areas.

Mr. President, I could actually go on and on, but here is the point I want to make. The point I want to make is that if we want to pass legislation that makes a positive difference in the lives of children and helps parents raise their children decently—you know, what families are saying to us is: "Do what you can do to help us do our best by our kids." They are not talking about Ed-Flex.

What I am hearing from families in Minnesota—and I think it is the same for around the country—is: Look, we both have to work, or, I am a single parent, and I am working, and I am worried sick about where my child is after school. Can't you provide some funding?

Why doesn't the Ed-Flex bill talk about flexibility for schools and communities to have more resources for afterschool care? There is something positive we can do. I assume that maybe Senator BOXER or one of my colleagues will have an amendment and we will have a vote on this. Now, there is an educational initiative that will make a huge difference.

There is nothing more disheartening to a parent or parents than to know that both of you have to work but to also know that your second grader or your third grader or your 12-year-old or your 13-year-old is going home alone. Why don't we do something about that? We have all the evidence we need. We have all the evidence we need.

We know that this is the time when kids get into the most trouble. We know that in more and more of our working families both parents are working. We know this is one of the biggest concerns parents have, right alongside affordable child care. What we all ought to be doing by way of ed-flexibility is providing the resources for communities and for schools to make a difference.

By the way, Mr. President, I was mentioning television. For my colleagues who are worried about the violence that kids see on TV—and it is awful—you should just think about what they see in their homes. Every 15 seconds, a woman is battered. One of the things we ought to be doing, if we really want to do something that will make a difference for kids—and I have a piece of legislation I am introducing on this that I hope to get a lot of support on—is to provide some funding for partnerships between the schools and the other key actors in the community that will provide some help and assistance to kids who have seen this in their homes over and over and over again. That would make a big difference. That would make a big difference.

I said this last night. I think I need to say it again. I do not think I am being melodramatic when I say that we have two problems. We have a huge learning gap. That is what it is all about. And it is highly correlated with income and race and poverty and gender. But we also have—and I do not know what the right label is for this, but we have a lot of kids who, by the time they come to kindergarten or first grade, have seen so much in their lives, that children should not have to see and experience, that they are not going to be able to learn at all, even with small class sizes, even with really good teachers, even with really good facilities—none of which Ed-Flex deals with—unless there is some help for them. They need additional help. And you know what? They deserve it. They deserve it.

Mr. President, I am going to, I think, finish up where I started. Before I do that, I want to just read one other quote that is kind of interesting. This is from a woman Jonathan Kozol is talking to in his latest book he has written called "Amazing Grace." And I say to my colleague, I am not sure I should quote this because of the current circumstances, but I think it should be read. This woman lives in the community, South Bronx, the Mott Haven community. And here is what she has to say. She is saying this to Jonathan Kozol, the author:

> Do you ever turn on C-SPAN? You can see these rather shallow but smart people—·

This is just her perspective—

> most of them young and obviously privileged, going on and on with perky overconfidence about the values and failings of poor women, and you want to grab them in your hands and shake them.

It is like this young man I met at Center School, which is an alternative school in Minneapolis, in the Phillips neighborhood, about a month ago. This is kind of his last chance; he is a young African American man. I was having a discussion with 30 or 40 kids. There are a lot of Native American students there, as well. Actually, there are more Native American students. I was trying to be very honest with them. I said, I would like for you to answer one question for me. I am here because I really do care about you and I respect your judgment. A lot of these kids don't believe anybody values their opinions. They have very little self-confidence. I said to this one young African American man, a senior, "A lot of people say that you don't really care. The problem isn't the poverty of your family, the problem isn't the violence in the neighborhoods, the problem isn't that you haven't had the funding or the opportunities. The problem is you don't care. And that if you really cared, you would be able to do this. How do you respond to that?" He looked at me and he said, "Tell them to walk in my shoes."

I think that is what this woman was saying about her observations about what she sees on C-SPAN.

I conclude this way: I came to the floor of the U.S. Senate last night and I spent half an hour speaking. I have come to the floor of the U.S. Senate today and I have spent several hours speaking about the Ed-Flex bill. I have been strong and maybe harsh in my comments. I do not mean them to be personal at all. I have gone out of my way to say, because I think it is true—I wouldn't say it if I didn't think it was true.

It happens that the Senator from Vermont is out here managing the bill, and I consider him to be a Senator who cares a great deal about education and children. I know what he has done right here in Washington, DC.

What deeply troubles me about what is going on here in the U.S. Senate, which is why I have tried to the best of my ability—and I will have amendments, as well—to say, wait a minute, we have a piece of legislation, and I can see the spinning and I can see the hype. It has a great name: Ed-Flex. It has a great slogan: "Get the bureaucrats out, let the States decide." But I can see this piece of legislation represented as a piece of legislation that is a major educational initiative for children in our country. I have tried to make it crystal clear that is quite to the contrary.

I say to my colleague from Arkansas that I will be finished in a minute or two. If he chooses to debate, I will be glad to do that. Is he standing to speak?

Mr. HUTCHINSON. You earlier said you might yield for a question.

Mr. WELLSTONE. If I could finish this thought, I am pleased to yield for a question. In fact, that might be a welcome relief from hearing myself speak. I am pleased to take a question or whatever criticism that the Senator might want to throw my way.

This piece of legislation isn't going to do anything that is going to make a significant difference in assuring educational opportunities for all of our children in our country. It won't. This particular piece of legislation is not going to meet the standard, which is the most important standard that I believe in more than anything else. I say to my colleague from Arkansas: I think every infant, every child, ought to have the same chance to reach his or her full potential.

This legislation doesn't make any real difference. This legislation doesn't point us in the direction of making a commitment to early childhood development, to making a commitment to communities so that kids can come to school, ready to learn. This piece of legislation doesn't fully fund Head Start. This piece of legislation doesn't provide the funding for nutrition programs for children, many of whom are hungry. Quite to the contrary. We put into effect a 20-percent cut in the Food Stamp Program by the year 2002. This piece of legislation doesn't do anything that will change the concerns and circumstances of these children's lives before they go to school and when they go home. This piece of legislation doesn't do anything to effect smaller class size, to repair or rebuild our crumbling schools, to help us recruit over the next 10 years 2 million teachers, who we will need, as the best and the most creative teachers. This piece of legislation does absolutely nothing that will in a positive way affect the conditions that have the most to do with whether or not each and every child in our country will truly have the same opportunity to be all he or she can be.

Moreover, to summarize, this piece of legislation turns the clock backwards. This piece of legislation takes the good work of the 1994 reauthorization bill, which will assure that the allocation of funds first goes to those schools with a 75 percent low-income population or more, and tosses it overboard. This piece of legislation in its present form—and to me this may be the biggest issue of all about this piece of legislation. I think other bills should be on the floor that make a difference, but if we are going to pass this piece of legislation, at least let's make sure we have flexibility with accountability. That means that the basic core requirements of title I on well-qualified teachers, high standards testing, measuring results and knowing how we are doing are fenced in. In no way, shape or form, with all the flexibility in the world, will any State or school district be exempt from meeting those requirements.

I say to my colleague from Arkansas, I am pleased to yield for a question.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

Mr. HUTCHINSON. I did have a question for the Senator from Minnesota, but if the Senator is about to conclude, I know there will be plenty of debate and time to debate, so I don't want to further hold up proceeding on the bill. I thank the Senator for yielding.

Mr. WELLSTONE. I will yield the floor in just a moment. I appreciate my colleague's courtesy. The C-SPAN quote, just so it is in the RECORD, was from a Mrs. Elizabeth Washington of the Mott Haven community in the South Bronx.

Mr. JEFFORDS. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. JEFFORDS. The Senator from Oregon is desirous of speaking for 15 minutes.

Mr. WELLSTONE. How about if I reserve the remainder of my time? I will reserve the remainder of my time, and if the Senator from Oregon wants to speak, that would be fine with me. How much time do I have left?

The PRESIDING OFFICER. The Senator has 57 minutes.

Mr. JEFFORDS. Would the Senator mind yielding his time to the Senator?

Mr. WELLSTONE. Fifteen minutes of my time? I would be pleased to do that.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am sure that many Americans who are watching this debate hear the words "Ed-Flex" and wonder what in the world is the U.S. Senate talking about? My guess is that we probably have some folks thinking that Ed-Flex is the new guy who has been hired to run the aerobics class at the local health club. But since my home State of Oregon was the first to receive an Ed-Flex waiver, I would like to take a few minutes to tell the U.S. Senate why Ed-Flex makes a real difference and especially why it has been a valuable tool to improve the lives of poor children.

To begin with, Ed-Flex represents a new approach in Federal-State relations. Right now, there are two schools of thought on the relationship of Washington, DC, to the States. One side says everything ought to be run at the Federal level, because folks locally can't be trusted to meet the needs of low-income people. The other side says the local folks ought to be able to do it all, because everything the Federal Government touches turns to toxic waste.

Ed-Flex represents a third-wave approach, and we have pioneered it in a variety of areas, including health, welfare and the environment, and now in education, in addition.

We told the Federal Government in each of these areas that we will meet the core requirements of Federal law. The Federal Government ought to hold us accountable, but, at the same time, the Federal Government ought to give us the flexibility to make sure that we can really meet the needs of our citizens—in this case, the poor children—rather than building up bureaucracy.

Ed-Flex has been good for students, but especially good for poor students. There are no examples of abuse, Mr. President—not one. We have asked the opponents of this legislation to give us even a scintilla of evidence of an abuse, and they cannot cite one example for a program that has been used in 12 States. But I will tell you there are plenty of examples where this program has worked for poor children.

In Maryland, one low-income school used Ed-Flex to reduce class size. Class size dropped under this Ed-Flex program from 25 students to 12. And the last time I looked, a fair number of Members of the U.S. Senate wanted to see class size drop.

In our home State, Ed-Flex helps low-income high school students take advanced computer courses at the community college. Before the waiver, Federal rules would only allow high school students to take computer courses offered at the high school. If a student wanted to take an advanced computer course, but the school didn't have the equipment or the people to teach advanced computing, those poor kids were out of luck. But we found a community college that was just a short distance away with an Ed-Flex waiver where we could take the dollars that would have been wasted because there were no facilities at the high school, and the poor kids learned at the community college. No muss, no fuss. But we did what the Federal Government ought to be trying to do, which is to help poor children.

In Massachusetts, a school with many low-income kids who are doing poorly in math and reading received title I funds in 1997; but they were denied title I funds the next year because of a technicality. This meant that low-income children who were getting special help with title I funds in 1997 could not get those funds in 1998 for one reason, and that was bureaucratic red tape. But when they got an Ed-Flex waiver, they could use the dollars to serve low-income children and make sure that they could use that help until they had addressed the mission of the program.

Ed-Flex doesn't serve fewer poor kids; it serves more of them, and it serves them better.

In the State of Texas, the State has used Ed-Flex, and the achievement scores confirm that Ed-Flex has improved academic performance. After only 2 years under the waiver, statewide results on the Texas assessment of academic skills shows that schools using Ed-Flex are outperforming the districts that aren't. These are poor school districts with low-income children, and reading and math scores are rising using Ed-Flex. At one high-poverty elementary school, student performance improved almost 23 percent over the 1996 math test scores; 82 percent of them passed. The statewide average was only 64 percent. Poor kids did better. Poor kids did better under Ed-Flex.

Now, this legislation protects the poor in other important ways. The civil rights laws, the labor laws, safety laws, all of the core Federal protections for the vulnerable, are not touched in any way. The Secretary of Education has complete authority to revoke a waiver if title I requirements are not met. Under current law, a State must have a plan to comply with title I. This legislation requires a plan as well.

Let me outline a number of specific protections that pertain to the poor in this legislation. First, under current law, title I funds can only be used in school districts that are for the low-income. Our legislation keeps this requirement. You cannot get an Ed-Flex waiver and move it out of a low-income school district to somewhere else. You have to use those dollars in a low-income school district. They can't be moved elsewhere.

Second, not only does the legislation keep the core requirements of title I, it strengthens them. For example, under current law, States are not required to evaluate whether they are meeting title I goals until 2001. Ed-Flex says to the States: Why should you wait for 2 years to show that you are serving the poor and disadvantaged? Develop high standards for serving the poor now, demonstrate that you meet the accountability requirements, and put more education dollars in the classroom to serve poor kids and their families now, rather than waiting until 2001.

Now, opponents of Ed-Flex have not been able to offer any examples—not even one—of how the flexibility waivers have been abused, and that is because the Secretary of Education has watch-dogged these Ed-Flex waivers; and we can cite examples of how it works, and they can't cite any examples of how it has been abused. That is why the Education and Labor Committee in the last Congress approved this legislation by a 17–1 bipartisan vote.

Senator KENNEDY, the ranking member of the committee, said,

> Under Ed-Flex, the Secretary of Education allows Massachusetts and other States to waive Federal regulations and statutory requirements that impede State and local efforts to improve learning and teaching. With that flexibility comes stronger accountability to improve student achievement.

Since that time, since those eloquent words of Senator KENNEDY, in a 17–1 vote in the Labor Committee, after lengthy debate, the sponsors felt that it was important to work with those who have had reservations about this legislation, and we have made six additional changes in the legislation to strengthen a bill that had virtual unanimous bipartisan support. We have strengthened the requirements for public participation so that there is public notice. We put in place a requirement that States include specific, measurable goals, which include student performance, a requirement that the Secretary report to the Congress after 2 years on how Ed-Flex States are doing. The Secretary must include how the waiver is affecting student performance, what Federal and State laws are being waived, and how the waiver is affecting the overall State and local reform efforts.

There is a requirement that the Secretary review State content and performance standards twice, once when deciding if the State is eligible to participate and again when deciding whether or not to grant approval for a waiver. This is to make sure that there is no compromising title I. The Secretary of Education reviews twice whether or not to go forward with an Ed-Flex waiver.

We have always altered the legislation to ensure that local review cannot be waived under Ed-Flex; that is, any school or school district receiving title I funds is still subject to punishment and still has to answer to a local review board. Those provisions that protect the poor cannot be waived.

Mr. President, it is no accident that every Governor, every Democratic Governor, believes this will be a valuable tool to them to make existing programs work better.

I think the Senator from Minnesota has made an important point in talking about how additional dollars are needed for some of these key programs to serve the poor. But the best way to generate support for that approach is to show that you are using the dollars that you get today wisely. That is what Ed-Flex allows. It is a fresh, creative approach to Federal-State relations, one that has enormous potential for improving the delivery of services to the poor and all Americans.

So I say to the Senate that we have a chance to take a new, creative path with respect to Federal and State relations where one side says all the answers reside in Washington, DC, and the other side says, no, they all reside at the local level. The third path that is being taken by Ed-Flex, that is being taken by my State in health, in welfare, in the environment, says to the Federal Government: At the local level, we will meet the requirements of Federal law, Federal education law. We will be held accountable. But in return for holding us accountable, give us the flexibility so that we can ensure that we come up with solutions that work for Coos Bay, OR, and The Dalles, OR, and you don't take a "one-size-fits-all" cookie-cutter approach and say that what is done in the Bronx is what is going to work in rural Oregon.

Before I wrap up, I would like to pay a special tribute to our former colleague, Senator Hatfield. I served in the House when Senator Hatfield took the lead in 1994, working with Senator KENNEDY and others, to promote this approach. In my view, his record alone, standing for years and years for civil rights laws, for health laws and safety laws, would suggest that there is a commitment by the sponsors of this legislation to ensure that this helps the poor, not hurts the poor.

If there was one example, Mr. President, even one, of how an Ed-Flex waiver has harmed the poor, I know I would immediately move to address that and to ensure that our legislation didn't allow it. But we have no examples of how in any of those States the poor have been exploited or taken advantage of. We have plenty of examples of how Ed-Flex has worked in Texas where the scores have gone up, in Maryland where it has reduced class size, in Oregon where poor kids who couldn't get advanced computing under the status quo were able to use Ed-Flex dollars to get those skills that are so critical to a high-skill, high-wage job.

So I urge the Senate today to vote for the motion to proceed, vote for the bill, empower the communities across this country to earn the right to use Federal education dollars to serve the vulnerable in our society most effectively. This is not the sole answer to what is needed to improve education, public education, in our country, but it is an important step, because it shows the people of the country that we can use existing Federal funds more effectively, that we can be more innovative in serving poor kids. It seems to me that step does a tremendous amount to lay the foundation to garner public support for areas where we need additional funds.

We are going to need additional funds for a number of these key areas that the Senator from Minnesota is right to touch on. But let's show the taxpayer that we are using existing dollars effectively, as we have done in Oregon, as we have done in Texas, as we have done in Massachusetts, in line with objectives that, as far as I can tell, are widely supported on both sides of the aisle.

I see the Senator from Tennessee has joined as well, and the Senator from Minnesota was kind enough to give me time from his allocation. I would just wrap up by thanking the Senator from Minnesota and also say that I very much appreciated working with the Senator from Tennessee on this legislation. I think it is clear that the country wants to see the U.S. Senate work in a bipartisan way on this legislation.

This bill had exhaustive hearings in the Senate Budget Task Force on Education. It was debated at length in the Education and Labor Committee, where it won on a 17-to-1 vote in the last session of the Senate. Since that time, as I have outlined in my presentation, additional changes have been made to promote accountability.

I urge my colleagues to support the legislation.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take about 5 or 10 minutes, and then I will yield back the rest of my time. I have had several hours. I say to my colleague from Tennessee that I will yield back my time because I have to give a talk with law enforcement people in Minnesota via video.

There are some students from Minnesota who are here. Welcome. We are glad you are here, and teachers and parents.

Let me just make three points.

First of all, although we will have tougher debate later on, I say to my colleague from Oregon, we certainly didn't have any lengthy debate on Ed-Flex this Congress. We never had a hearing—not one hearing at all. When my colleague says they can't talk about any abuses, the fact of the matter is that both the Congressional Research Service and GAO—I am not prejudging one way or other, but it is difficult to talk about what is going on—both have said we don't have the data in yet. We don't have the data in. What is the rush? I might have a different judgment about this on the basis—I don't know whether I will generalize 12 States to 50 States, but I certainly might be less skeptical if in fact we had the data and if we had the reports in. We don't. But we are rushing ahead.

The second point I want to make is that my colleague talks about the "core" requirements. Certainly it is true that, with IDEA, the core requirements are kept intact. But as a matter of fact, we will see that the truth will be very clear with this amendment. I will have an amendment on the floor, and it will simply say that the core requirements are that title I students be taught by highly qualified professional staff, that States set high standards for all children, that States provide funding to the lowest income schools first, that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards, and that the vocational programs provide broad education and work experiences rather than their own job training. I will have an amendment that says those core requirements will be fenced off and no State or school district will be exempt.

Can my colleagues tell me that that is the case right now? If so, then that amendment will pass with overwhelming support. Right now, that is not in the bill. Do you have language in the bill that guarantees that all those requirements will be met?

Mr. WYDEN. Yes. I think your amendment is OK.

Mr. WELLSTONE. Do both my colleagues agree? Lord, we don't even have to have a debate on it.

Mr. FRIST. Mr. President, I would be happy to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, clearly, we would like to get to the bill, and we can actually talk about what is in the bill. The bill has not been, as you know, introduced in the managers' package. And I hope that, although the morning hour has been reduced, we can get to the bill and discuss what is in it or not.

For a State to become a title I State, in both existing law as well as what we will have in our bill, you have to have the full complement of title I requirements, which will be spelled out.

You can't be an Ed-Flex State both today and in the future law. So is it in the bill? Because you can't be eligible unless they are actually in. For the very specific things, if we could introduce it, there is a whole list of accountability clauses I would like to get to after we introduce the bill formally, if we could do that, talk about the core principles and the protections and the accountability.

Mr. WELLSTONE. I say to my colleague, this amendment will say that States cannot waive the following core requirements. These have been the core requirements of title 1.

Would my colleague agree that States will not be able to waive these core requirements?

Mr. FRIST. I have not seen the core requirements. I didn't hear what the core requirements are specifically. But if you would allow us to proceed to the bill at some point, at the appropriate time—right now, as you know, we have given the Senator the last 3 hours so he can make these points. We are ready to go to the bill, introduce to America a great Ed-Flex bill, as soon as the Senator is finished.

Mr. WELLSTONE. Just to be clear, I get a different message from my two colleagues here. This is where the rubber meets the road. I spent a lot of time on what Ed-Flex doesn't do and what we should be doing. My point right now is that every single person I know who has worked on title I and knows what it is all about is absolutely committed and insistent that the core requirements be fenced in, remain intact, and no State can get a waiver, no school district can get a waiver. I am asking the Senator whether he agrees. If the Senator agrees, this certainly makes it a far better bill than it is right now.

And my second question is, What about the 75 percent rule? That is a core requirement right now. We worked that in in 1994. Would both of my colleagues agree that schools with 75 percent low-income students or more should be first priority in funding and that we keep that in as a requirement, so that we don't lessen the financial aid to the neediest schools? Would you agree? Could I get support for that right now?

Mr. FRIST. I would respond to my distinguished colleague from Minnesota, that if we could introduce the bill and discuss the bill before specific amendments—right now we have not had the opportunity because of these delaying tactics, which is what they are, so the Senator would have the opportunity to have 3 hours to lay everything out—if the Senator would just allow us to at least bring this bill to the floor at some time so we can discuss and formally debate and read the amendments—he is talking about an amendment which I have not seen. I haven't had the opportunity to see it. The Senator hasn't presented it. It is a little bit strange to be debating specific amendments and principles to amendments before the bill is introduced.

So let me just make a plea to the Senator to allow this bill to be formally introduced, debated, amendment by amendment, if the Senator would like, and I think that is appropriate, but we can't do it unless the Senator allows consideration of this bill. Right now it is important for the American people to understand that we, because of what is going on right now and what we are hearing, cannot proceed until the Senator from Minnesota allows us to proceed with the underlying bill.

So I will just ask, Is the Senator going to allow us to proceed to address the Ed-Flex bill?

Mr. WELLSTONE. Mr. President, my colleague, first of all, well knows that we are going to be allowed to proceed, because I asked for several hours and I have about used up my time. So we are going to proceed.

My colleague already knows that, so there is no reason to press, to make the case. With all due respect, we could have a discussion about these issues right now. We can have the discussion about them later on. I have spent a considerable amount of time pointing out right now that in the bill, as it reads, States can receive a waiver from these basic core requirements of title I. I want to make sure we have the strictest accountability measures to make sure that will not happen. I have pointed out that right now, as the bill currently stands, States can receive a waiver from the 75-percent requirement.

Mr. WYDEN. Will the Senator yield?

Mr. WELLSTONE. I want to make sure that doesn't happen.

I will be pleased to yield. In fact, I literally have to leave in a minute

Mr. WYDEN. This will be only 30 seconds.

On page 12, line 12 of the bill, it states, and I quote:

> The Secretary may not waive any statutory or regulatory requirement of the program.

Point blank. You cannot waive any of the core requirements. I thank the Senator for yielding.

Mr. WELLSTONE. Mr. President, I would say to my colleague from Oregon, that if we have the same interpretation—and we will see; I get a somewhat different reaction from my colleague from Tennessee—I will have an amendment with clear language that lists those core requirements and makes it crystal clear that they are fenced in and that no State or school district can receive any waiver on those requirements, in which case that will be some good accountability, in which case I would expect full support for it. My interpretation is a different one. If you are right that we already have the ironclad guarantees, then this amendment should pass with 100 votes.

Mr. President, let me simply thank my colleagues. We don't agree, but I think it was important to have the opportunity to speak about this bill and give it, I think, a wide context and to speak to what I think are the flaws. We are going to have a spirited debate with any number of amendments, and I hope ultimately this ends up being a very positive piece of legislation that will make a positive difference in the lives of children. In its present shape and form, it does not do that. And we will have a major debate.

I will yield back the remainder of my time, and I say to my colleagues, I will not be asking for the yeas and nays. We can just have a voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I would like to very briefly respond to a couple of points that have been made over the course of this morning.

The distinguished Senator from Minnesota has made a number of points in outlining his view of what needs to be done with education in this country as we go forward. His time was delegated to him so that he would have that opportunity, although a lot of us are anxiously waiting to get to the bill itself, the Ed-Flex bill, which is the subject of our debate over the course of today, tonight and tomorrow, and probably the next several days.

First of all, he has outlined many of the challenges that we do have in education today. The great thing about this whole debate is that whether it is his intentions or my intentions or the intentions of the Senator from Oregon, it really is to address the fundamental issues of education, of really making sure that our children today, and in future generations, are best prepared. And they are not today. We all have come to that conclusion. Parents recognize that and principals understand that, and teachers and school boards and Governors, and all the various groups that we will hear about.

That is the great thing, that as the No. 1 agenda item coming out of this Congress and the Senate, we are addressing education. Let me say that the approach is going to be different. There won't be a lot of heated debate. What needs to be protected, which programs to address, how to address them, how much control does the Federal Government have, how much control do the local communities have or do parents have or do Governors have, that will be the subject of much of the debate that we will hear.

A second big issue is flexibility. People on both sides of the aisle are so well intentioned, and we all have our favorite education program and we think that that program might be the silver bullet, but we all know that there is no single silver bullet as we address this whole issue of educating our young people, preparing them for that next century.

Let me say that right coming out of the box, before we even introduce this bill formally, which I think will be done early this afternoon: This bill is no silver bullet either. It does address the basic principles. It is not a series of programs that are well intended that may cost money, that may be very good in and of themselves, but it sets that principle that does allow more flexibility, more creativity, more innovation in accomplishing the goals that most of us agree to. This bill does not change the resources going in, nor does it change the goals, but it does reorder our thinking of how to get from those resources to those goals. And what it does, it drops the barriers with strong accountability.

When we talk about flexibility and we talk about accountability, that is what this bill does. Not the resources, not yet; we are going to have that argument over the course of the year with what is called—we will all become very familiar with it—the ESEA, the Elementary and Secondary Education Act. There is an ongoing discussion right now in Senator JEFFORDS' committee, the Health, Education, Labor, and Pensions Committee. That is ongoing and hearings will be held and that is where we will be looking at all these multiple well-intended programs. We will be looking at all the resources going into education. Is it too little? Is it too much? Should we divert certain of those resources to certain programs?

That is not what we are doing today or tomorrow in the Ed-Flex, the Frist-Wyden Ed-Flex. That is not what we are doing. We are looking at how to streamline the system, make more efficient use of those resources, trust our local schools and local teachers and local principals who can identify specific needs in order to improve education, and make sure those resources are used in the appropriate way to meet the goals that we all lay out. That is an important concept, because a lot of these amendments that are being proposed, principally on the other side of the aisle and maybe solely on the other side of the aisle, will be to make some good, strong points that this program is great. You will hear me and others say let's consider all of those issues, but we need to consider them in the context of what we are doing with education totally and that is not what this bill is all about. This is about the Education Flexibility Partnership Act, the Ed-Flex Act.

I want to begin with that because it does set the overall environment in which this debate can most intelligently be carried out. Without that, we are going to drop into these whirls of rhetoric: Although this program will really turn things around—and we all should recognize right up front we cannot look just at rhetoric.

I heard three points over the last 3 hours that my colleague from Minnesota mentioned. No. 1, we are rushing through this thing and we are trying to jam it through the U.S. Senate and thrust it upon the American people. You hear these words "rushing it through, rushing it through." The second point he seemed to make this morning was that in some way Ed-Flex hurts poor children. And then he said there is no data, there is no evidence, there is no information; let's wait until we generate some information before we go forward. In some way it hurts poor children, that was almost the theme. So I think we need to respond to that and move on and look at the great things this bill does.

The third point he made is that our bill does not address a lot of specific programs that he would like to address, and it is nutrition needs and it is Head Start and a lot of afterschool programs and a lot of programs which are very important to education and need to be discussed. We need to go back and evaluate. But that is not what Ed-Flex is intended to do. That is not what the Ed-Flex bill is all about.

What we have is a bill that was generated by myself and Senator WYDEN, who just spoke on the floor, that is a bipartisan bill that represents strong support with all 50 Governors—every State Governor is supporting this piece of legislation. It is bipartisan, symbolically, because it is RON WYDEN and BILL FRIST out there who have been working on this bill for the past year.

We will talk, after the bill is introduced, about the broad support that it has. But we all know the President said last week: Let's pass Ed-Flex this week. The Department of Education has been very supportive of this bill throughout. Unfortunately, I think what we heard this morning may be a prelude to what we can expect, and that is going to be a series of programs which have billion-dollar price tags, million-dollar price tags, that will be billed as the best program out there. And some of those programs are really going to appeal to our colleagues and to people listening to this debate. They will say: Yes, things like more teachers and construction and all would be good, and they are very concrete and real. Again, we are going to look at those later.

Real quickly, as we go through, are we rushing this through? Let's make very clear that we are not rushing this through. We addressed this in the committee, the appropriate committee of Health, Education, Labor, and Pension, which is the former Labor Committee. Senator JEFFORDS will be managing this bill with me. He has been very thoughtful, and over the period of time through a number of different discussions, we have debated the bill, we marked this bill up—again, that is terminology inside this room—but that means we have discussed this bill, we have debated these amendments, many of them, both last year when it sailed through the committee we debated each of these issues and then again this year.

It is important for the American people to understand that, yes, this particular bill passed last year 17 to 1; that one person, that colleague we have heard from this morning and I am sure we will hear from again and again. But recognize it passed 17 to 1. We ran out of time at the end of the last Congress. It came back through the committee and was marked up just several weeks ago and, again, was passed out and sent to the floor.

The General Accounting Office study which has been cited, which will be referred to—again, I will have to turn to my colleague, Senator WYDEN, and say thank you. He is the one who initially requested that, the initial request to GAO which came back with the report, and out of the report we have been able to see great benefits and also some of the areas in which we need to strengthen our legislation, which we have done so we can go ahead and move ahead with that flexibility and accountability.

Then "rushing this through," when you think about most of the education we address here, we have not had an experience of 5 years. Remember, this is a demonstration project today. There are 12 States that have Ed-Flex—passed in 1994 with six States; another six States added on to that. So we have a 5-year experience in 12 different States with this program already. So, yes, we know that it works. So, are we rushing it through? You can just move that argument right to the side.

No. 2, it hurts poor children? This is remarkable because it was really the theme of this morning: In some way, Ed-Flex hurts poor children. Let me just look to some outside groups who have looked at this.

If you refer back to the chart behind me, it is the report of the Citizens' Commission on Civil Rights, a wonderful report that may be referred to several times in the course of the next several days, issued in the fall of this past year, and they hit right at the heart. Really, I think we can just move on, almost:

> In the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

Then, if we look for hard data, again we have heard all this rhetoric about, "Oh, we have a potential for hurting poor children; we have the potential for this." Clearly, you can create hypotheticals in any piece of legislation, in any statute, any regulation, and politicians are pretty good at it. We can create hypotheticals and say if this were to happen it would destroy education and so forth. My approach is a little bit more the scientist.

Before coming to the Senate, I spent time looking at data and that scientific, analytical mind may interfere with some things, but it does cause me to ask the question: What data do we have? What is the hard data and what is the evidence? And let me just look at some of the areas that were mentioned.

Texas, which has a very successful Ed-Flex program, has accumulated some representative data which looks at three different areas. It is going to be hard to read, but at the top it looks at African American students; beneath that it looks at Hispanic students; and beneath that it looks at economically disadvantaged students.

The far left column shows 1996, the next column over shows 1997. The column I want to concentrate on is, "Actual change." Remember, this is hard data, looking at a State that compared Ed-Flex to non-Ed-Flex.

If you look at that middle column—let me just drop right down to the bottom where it says "Economically Disadvantaged Students."

In 1996—this is for mathematics. This is a statewide comparison of selected campuses in title I, part A. Title I is the disadvantaged students element which we heard so much about this morning. We see in those States, like Westlawn Elementary, La Marque ISD, with the title I schoolwide waiver, in that column we see an improvement of 16.8 percent. These are just with the disadvantaged students. The statewide average was an improvement of 8 percent.

Thus, for those disadvantaged students, if you compare the Ed-Flex program, we see that students improved twice as much in the very population that we hear this rhetorical concern about. Again, this is hard data, representative data.

We look at African American students compared to the statewide average. In the Ed-Flex, African American students at Westlawn Elementary, we see they improved by 22 percent; statewide average, 9 percent—again, more than a doubling of improvement in the Ed-Flex schoolwide waiver program.

Halfway down you see Hispanic students. Again, if you take the entity of Westlawn, you see an improvement of 16 percent versus 7.9 percent—again, that Ed-Flex school doing twice as well under a schoolwide waiver as they would otherwise do. And this is representative data. Again, once we get to the bill, you will see.

So we see that the Commission on Civil Rights—we see hard data. There are other examples from Massachusetts we will hear about.

And then I guess really the fundamental thing I will come back to later is, our bill can't hurt poor children, because the dollars have to be used. Going back to my earlier comments, we do not change the dollars and we did not change the ultimate goals in the targeted population. Our bill does not do that. So by law, if you are targeted for this population, the money and the programs have to go there. How you get there is where the flexibility comes in.

One last point I referred to, which was his last point, was that we are not addressing nutrition and other well-meaning programs, again, that we will hear paraded out. Let me just say that is not the intent of this bill. We can discuss them. We can introduce them. Those sorts of issues will be discussed in the chairman's committee appropriately, where they can be debated, where we can consider all of the resources, all of the programs, recognizing there is not one single silver bullet to cure education, the challenges of education. The Elementary and Secondary Education Act is the appropriate forum that this body has to consider these issues.

With that, I thank you for this opportunity to speak and thank the chairman for yielding time.

Mr. JEFFORDS. Mr. President, I understand the Senator from Oregon desires some time.

Mr. WYDEN. I thank the Senator from Vermont. I could wrap up very briefly, even in, say, 5 minutes.

Mr. JEFFORDS. I yield to the Senator 5 minutes.

Mr. WYDEN. I thank the chairman.

Senator FRIST has said it very well. Mr. President, and colleagues, all we want to do under Ed-Flex is to make sure that these dollars get into the classroom to help poor kids and not get chewed up by bureaucratic redtape.

Ed-Flex is not a block grant program. It is not a voucher kind of scheme. The people who are advocating Ed-Flex in my home State of Oregon do not want a Federal education program to go away. Quite the contrary, they want those programs. They know that we need those dollars to serve low-income students. What we want is, we want some freedom from some of the Federal water torture and bureaucratic redtape that so often keeps us from using those dollars to better serve the poor.

I would just hope, Mr. President, and colleagues, that during the course of the afternoon colleagues look at the requirements that protect the poor families and the poor children that cannot be waived under the Ed-Flex statute. Specifically, it is not possible to get a waiver if you are trying to waive the underlying programs of each of the critical services that is made possible under title I. You cannot do it. And as I stated earlier, you can only use those dollars in a low-income school district; you cannot move those dollars out of a low-income school district and take them somewhere else.

So there is a reason for the Governors and all of the Democratic Governors supporting this legislation. I happen to have some sympathy for the Senator from Minnesota about the need for additional dollars for a variety of human services. But the best way to win support for that additional funding is to show that you are using existing dollars well and effectively. That is what Ed-Flex does.

I am very pleased to have had a chance to team up with Senator FRIST of Tennessee who has worked very hard to bring both parties together. And I thank the Senator from Vermont for the time.

I yield the floor, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield back all our remaining committee time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 11, line 22, to strike "Part A", and insert in lieu thereof "Part B."

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending committee amendment be agreed to and be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

AMENDMENT NO. 31

(Purpose: To improve the bill)

Mr. JEFFORDS. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 31.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Today, Mr. President, we are taking up what I would call "unfinished business" from last Congress. Our bipartisan efforts in the last Congress resulted in nearly 30 public laws, about a third of them in the area of education. However, there was one bill that was reported from the Health and Education Committee with broad bipartisan support, the Ed-Flex bill, that was not enacted into law.

A year ago, the President told the Nation's Governors that passage of this legislation—and I quote him—"would dramatically reduce the regulatory burden of the federal government on the states in the area of education."

Six months ago, Secretary Riley wrote me to reiterate the administration's support for the Ed-Flex bill and urged its passage. The Senate Health and Education Committee heeded his advice and passed it with only one dissenting vote.

The National Governors' Association, under the chairmanship of Governor Carper from Delaware, has strongly urged the Congress to pass Ed-Flex this year.

Last November, the General Accounting Office looked at this program in detail, both at the dozen States that now participate in the Ed-Flex program and the 38 that potentially could participate under this legislation. It found that views among the current States varied, but it was seen as modestly helpful.

It would be a gross overstatement to suggest that this bill will revolutionize education. It will be a sensible step in making our limited resources go further toward the goal of improving our education delivery system.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in "removing potential regulatory barriers to the successful implementation of comprehensive school reform initiatives".

I would like to take a moment to briefly review the history of Ed-Flex. The original Ed-Flex legislation was first conceived by former Senator Mark Hatfield, as many of us know, an individual deeply committed to improving education. His proposal had its roots in his home State of Oregon which has long been a role model in education.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers within a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local education agencies. They have no authority to waive any of those.

The 1994 legislation authorized six Ed-Flex states, three designations were to be awarded to states with populations of 3.5 million or greater and 3 were to be granted to states with populations less than 3.5 million.

These states were not chosen randomly nor quickly—the selection process was 2 and one-half years in duration. The Department of Education sent out a notice and a state interested in participating in Ed-Flex submitted an application.

In the application, each interested state was required to describe how it would use its waiver authority, including how it would evaluate waiver applications from local school districts and how it would ensure accountability.

The original six are: Kansas, Massachusetts, Ohio, Oregon, Texas, and my home State of Vermont. Another six states came on board between May 1996 and July 1997. Those additional states are: Colorado, Illinois, Iowa, Maryland, Michigan, and New Mexico.

Vermont has used its Ed-Flex authority to improve Title One services, particularly improving services for those students in smaller rural areas. In addition, my home state has also used Ed-Flex authority to provide greater access to professional development, which is a very critical area and perhaps has the greatest impact on enhancing student performance.

The Department of Education has stated that the 12 current Ed-Flex states have "used their waiver authority carefully and judiciously."

In last November's GAO report on Ed-Flex, several state officials from the established Ed-Flex states, said that "Ed-Flex promotes a climate that encourages state and local educators to explore new approaches . . ."

The bill before us today, S. 280, under the sponsorship of Senator BILL FRIST and Senator RON WYDEN, has significantly improved the accountability aspects of the 1994 Ed-Flex law.

S. 280 is very specific regarding a state's eligibility under Ed-Flex authority. The bill makes it clear that a state must have state content standards, challenging student performance standards, and aligned assessments as described in Title 1 or the state must have made substantial progress, as determined by the Secretary, in implementing its Title 1 state standards.

This legislation also emphasizes the importance of school and student performance. Each local education agency applying for a waiver must describe its "specific, measurable, educational goals" regarding progress toward increased school and student performance.

As I indicated earlier, this legislation is not meant to serve as the sole solution to improving school and student performance.

However, it does serve as a mechanism that will give states the ability to enhance services to students through flexibility with real accountability.

I urge my colleagues to support S. 280 and to withhold extraneous amendments that will delay and complicate its enactment.

I take this opportunity to thank Senators BILL FRIST and RON WYDEN and their staff for their hard work on this legislation.

They have done an outstanding job and I commend them for their efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I am happy to rise in support of the Ed-Flex legislation. I want to commend Chairman JEFFORDS and Senator FRIST for their outstanding work, as well as Senator WYDEN for his bipartisan efforts on behalf of this legislation which I think takes a tremendous step—a bold step—toward improving education in our Nation's schools.

I listened closely to some of those who spoke earlier today and yesterday in opposition to this legislation. Time and time again, I heard the advocacy of greater spending, as if spending were the sole gauge for our commitment to better education in this country.

I heard time and time again that Ed-Flex was nothing or that it did nothing. The fact is that providing greater flexibility for our State departments of education, providing greater flexibility for local school districts, is the single best thing that we can do to untie their hands, to take the straitjackets off local educators and ensure that they, in fact, have the ability to make the decisions that are going to be in the best interests of the students in this country.

I remember well when I came to the House of Representatives, the U.S. Congress, in 1993, and the great debate was on what we should do about welfare reform. We had established across this country a process by which States could apply for waivers from the burdensome welfare regulations mandated on the Federal level. While not all of the analogy between welfare reform and education reform today fit—there are many differences—there are also a number of similarities.

The first step toward what became comprehensive welfare reform was the ability for States to apply for waivers and escape the heavy-handed mandates coming out of Washington, DC. That first step on waivers led us to the much broader step of block grants and comprehensive welfare reform, which has worked, and which has taken thousands and thousands of people who were living lives of dependency on welfare to now lives of independence, lives of hope and greater prosperity.

It has worked in spite of the dire predictions about giving the States the flexibility to enact what they believed would work in their States in welfare reform; it has, in fact, accomplished the stated goals.

I believe that while this, as has often been said, is not an end-all, it is not a cure-all for educational woes in this country, providing the States an ability to escape Washington mandates so long as they are accomplishing intended purposes with proper accountability is an important first step to take. I hope we will go further. I hope we go to dollars to the classroom that will consolidate a number of Federal education programs. But this is bold and this is important. I commend the bipartisan efforts to bring us to this point.

I think what we are addressing in this legislation is the tragedy of bureaucratic waste. We have heard repeatedly the statistics that have been cited, and I think accurately cited, that we have 760 Federal education programs; that those 760 Federal education programs spend approximately 6 or 7 cents on the dollar in funding for our local schools, while mandating 50 percent of the paperwork required for our educational programs.

When PETE HOEKSTRA in the House of Representatives began his Crossroads Project, looking at education in America, one of the first things he did was to try to catalog the number of Federal education programs. I have the transcript of Secretary Riley before Congressman HOEKSTRA's committee.

> Chairman HOEKSTRA: How many education programs do you estimate that we have throughout the Federal Government? [A rather straightforward question to ask of the Secretary of Education.]
>
> Secretary RILEY: We have—what is the page? It's around 200. I've got it here. One thing that I do think is misleading is to talk about 760—
>
> Chairman HOEKSTRA: Well, how many do you think there are?
>
> Secretary RILEY: We have—I've got a page here with it.
>
> Chairman HOEKSTRA: Just the Department of Education alone or is this including all other agencies?
>
> Secretary RILEY: It is just a couple less than 200.
>
> Chairman HOEKSTRA: Is this just the Department of Education?
>
> Secretary RILEY: Just the Department of Education.
>
> Chairman HOEKSTRA: Well, how about including other agencies and those kinds of things.
>
> Secretary RILEY: Well, that is where I was going to get into the 760.

It goes on. Congressman HOEKSTRA explains the process they had to go through to actually come up with the figure 760 Federal education programs, and, in fact, it is quite well verified. So 760 programs that had never even been cataloged, when you asked the Department, they didn't even know how many there actually were. What we are suggesting is that those 760 education programs place an enormous paperwork burden on classroom teachers, local educators, and on a State's department of education. It is in that area that we can address the enormous bureaucratic waste.

Now, it was said repeatedly that this bill is nothing. I want to quote a man I admire greatly, and he is quoted in the Fordham Foundation report entitled "New Directions." That individual is the Rev. Floyd Flake. Many of you will recognize that name because Floyd Flake was a Congressman from New York State for many, many years, representing his constituents very well, but who was willing to step outside of the box and, in fact, he was so committed to education reform and improving the lives of the children of his constituents in New York, he left the U.S. Congress—a safe seat for sure—and went back to his home district to run a school and pastor a church. This is what Rev. Floyd Flake said, an African American pastor who served in the U.S. House as a Democrat:

> While over $100 billion in title I funds have been expended on behalf of these children—

that is, children at risk—

> these funds have not made much difference. Study after study has shown that this important Federal program has failed to narrow

> the achievement gap. The result for America's neediest girls and boys is nothing short of tragedy. Real education reform will transform the future prospects of America's minority and low-income children, but this cannot come primarily from Washington. What the Federal Government can do is get out of the way of States and communities that are serious about pursuing real education reform of their own devising.

I believe Reverend Flake, Congressman Flake, has hit the nail on the head. We have heard much very strong, emotional and passionate talk about the needs of disadvantaged children. I don't believe anybody can question Pastor Flake's commitment to disadvantaged children. He said the best thing we can do is get Washington out of the way. So I believe we can address the tragedy of bureaucratic waste by passing Ed-Flex.

Secondly, we address the logic that one size fits all; that wisdom flows only from Washington, DC; that the U.S. Congress has the wisdom and ability to micromanage our schools. So we hear much about accountability and that somehow by providing States broad, new flexibility we are going to water down or minimize accountability.

Well, I believe it is a very high form of arrogance to say that we don't trust local elected officials, we don't trust local school superintendents who are hired by that local school board, that we don't trust the Governors of our States, that, in fact, only we can make those decisions about what accountability should be. "One size fits all" rarely works in a country as diverse as the United States of America. To believe that we can micromanage local schools from Washington, whether they are in inner-city New York City or Desha County, AR, or whether it be in Detroit or in Miami, the differences in our cultures, our social backgrounds, and our needs across this country are so great, we are so diverse, that to believe that we can properly diagnose and then treat educational problems from Washington, I think, is foolish, indeed.

In fact, as you look over the history of the last 30 years of education in this country, we have seen, by every objective measurement, a deterioration in academic success. I suggest to those who oppose this bill that they are attempting to defend a status quo that is demonstrably flawed. We can address the tragedy of "Washington knows best" and that we don't trust those local officials. What brings us to the floor today—what brings this legislation to the floor today is the crisis that exists in American education.

I listened to the distinguished Senator from Minnesota. He used many of the same statistics that I quote. He quoted many of the same reports that I have before me, which emphasize and underscore the crisis we face in American education. But it seems to me that the opponents are saying it is a terrible crisis and therefore we need to keep the status quo, we need to fund current programs at higher levels, when what we have been doing has clearly failed.

So what this bipartisan bill does is to say, let's try a new approach, and that innovation, creativity, and new ideas are coming from the States and local schools. Let's give them the flexibility to enact those reforms, and I believe we will see education truly improve.

The federally funded National Assessment of Educational Progress, the NAEP report, reports that 38 percent of 4th grade students do not even attain "basic" achievement levels in reading. In math, 38 percent of 8th graders score below basic level, as do 43 percent of 12th graders in science.

I point out that there is an obvious trend there. In the lower grades, we do better; in the higher grades, we do worse. That reality was further emphasized in the TIMSS test report, which is the best measurement of an international comparison of student achievement. The TIMSS report shows that while we do quite well in math and science in grade 4, compared to students in other countries, by the time those students reach the 12th grade, they are almost at the bottom, internationally. So something has clearly gone awry between grade 4 and grade 12.

I believe that is a strong incentive for us to change the direction of education in this country. The Fordham Foundation report is well named: New Directions. It is high time that we find new directions in education, and that is what Ed-Flex does. It is a first step, but it is an important step, freeing us from bureaucratic waste and inefficiency. As President Ronald Reagan used to say, "The only thing that saves us from bureaucracy is its inefficiency." The tragedy is when you look at the inefficiency in the education bureaucracy, those whom it is hurting are those who are most vulnerable—our children, our students.

Lisa Graham Keegan, Arizona State Superintendent of Public Instruction, recognizes this. She has stated that it is "the lure of Federal dollars tied to programs with hazily defined goals," and compliance with those Federal programs is a big cause of the problems we face in education today. Keegan specifically indicates that 165 employees in the Arizona Department of Education are responsible for one thing, and one thing only, and that is managing Federal programs—165 employees just to manage the Federal programs, which account for 6 percent of Arizona's total spending on education.

Now, those 165 employees work out to be 45 percent of her total staff. She has 45 percent of her educational staff in the educational department in Arizona doing nothing more than complying with Federal programs that account for only 6 percent of the funding for Arizona schools.

Something is badly out of kilter when that happens. And it happens not only in Arizona, but you can echo those same sentiments by directors of education across this country.

This is an opportunity for us to move in a new direction.

President Clinton has made it very clear that he decided the problem with education is class size; that smaller class size is a good thing, and that even if the Federal Government has to step in and do it, that is what we should do. No research indicates what the impact of class size is going to have on a child's ability to learn. Despite this there is a $1.2 billion proposal to spend tax dollars to reduce class size. That will be a debate for another time. But I think once again it reflects the traditional thinking that we can only solve education problems with Washington solutions.

In 1996, then-Governor VOINOVICH of the State of Ohio who is now our colleague in the U.S. Senate noted that local schools in his State had to submit as many as 170 Federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of Federal programs; this despite the fact that the Federal Government accounts for only 6 percent of Ohio's educational spending. One-hundred and seventy Federal reports, Governor VOINOVICH said, 700 pages in length, and 50 percent of the paperwork, and once again only 6 percent of the educational spending in Ohio.

Then I think the experience in Boston illustrates this need for Ed-Flex as well. I quote again from this very important report. It states:

> Unfortunately, even this estimate is likely to underestimate the true paperwork burden to local schools and universities across the country.

According to the President of Boston University, John Wesley, Boston University spent 14 weeks and 2,700 employee hours completing the paperwork required to qualify for Federal title IV funding. They were slowed by repeated corrections and clarifications requested by the Department of Education. And, in the end, the university spent the equivalent of 1½ personnel years compiling what turned out to be a 9-pound application.

I wish that were unusual. It may be unusual. But they actually compute it where it can be quantified. But I am afraid that reflects the experience of the education establishment all across this country.

I know that there are many others who want to speak on this bill. I, once again, applaud so much of the efforts of Senator FRIST, Senator WYDEN and Chairman JEFFORDS.

My sister is a public schoolteacher in Rogers, AR. She, right now, I suppose is teaching her third-grade class in

Reagan Elementary School in Rogers, AR.

I was thinking last evening about my experience in elementary school in a little town with a population of less than 1,000. And I can to this day name every elementary teacher I had. The first grade, Ms. Jones; the second grade, Ms. Harris; the third grade, Ms. Miller; the fourth grade, Ms. Shinpaugh; the fifth grade, Mrs. Allen; the sixth grade, Mrs. Comstock. I can't do that with junior high school or college.

But the impact that an elementary teacher makes upon those students is beyond exaggeration, I think. Most of us, I suspect, can look back at those elementary teachers who had an incredible impact upon our lives. There is a kind of magic that takes place in a classroom. Chairman JEFFORDS sees it every time he goes over and reads to those disadvantaged children. All of us who have taught, whether it was in junior high teaching civics, as I did, or whether it is teaching third grade in the public schools just like my sister does, have experienced that magic where the light comes on, where those students connect with their teacher, the thrill of learning and where the experience of education catches on in a classroom.

I suggest to those who want to talk about the need for greater control in Washington and who want to oppose providing flexibility to local schools that they remember that the magic happens in the classroom.

I want my sister, Geri, spending her day teaching those students, creating the magic, inspiring those kids to learn and to appreciate the value of education rather than spending her day filling out forms for the 6 percent of funding that comes from Washington, DC. I don't want her having to spend her prep hour filling out more forms for bureaucrats in Little Rock and Washington.

Mr. President, I believe this is a bold step. I hope it is not the last one that we take. But it is an important step. I applaud, once again, and am glad to be a part of supporting this effort today.

I thank the Chair. I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. BOND). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor of both S. 271 and S. 280, the Ed-Flexibility Partnership Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I want to take a few moments to speak on Ed-Flex and give just a little bit of background of what the bill is, the importance of the bill, and where we are going.

Earlier this morning I had the opportunity to comment on the nature of the bill—that it is not a bill that is intended to solve all of the problems in education today, but it is a focused bill, a bill which will be of significant benefit to hundreds of thousands of schoolchildren. And, if we act on this bill sometime in the next several days, and if the House does likewise with its corresponding bill, it could be sent to the President very shortly, and hundreds of thousands of schoolchildren can benefit in the next several months. That is why we are moving ahead with this particular bill.

It has strong bipartisan support. It is supported by the Nation's Governors, and by Democrats and by Republicans.

I thank my colleague from Arkansas who I think did a wonderful job setting the big picture and the fundamentals of why a bill that stresses flexibility and accountability really unties the hands and unshackles the schools which right now have huge amounts of paperwork and regulations coming down from well-intentioned laws and statutes passed here in Washington, DC, but really makes it very difficult, in fact impedes their ability to efficiently do what they want to do, and that is teach students and educate our children.

I thank Senator HUTCHINSON for that wonderful background and presentation. He mentioned the Third International Math and Science Study (TIMSS), and although we are not going to be talking a lot about that today, it is interesting because this study, which is an objective, very good study, recognized nationally and internationally, is a good measurement of where we are today. It reflects the common interests that we have as American people on both sides of the aisle to present a better future to our children by preparing them.

Behind me are the results of the Third International Math and Science Study. It is a little bit confusing when you see the chart. But after digesting lots of different studies, the more time one looks at this chart the more comfortable it is. And this chart has a lot of information which hits right at the heart of why we have the problems we have today.

This particular chart highlights science. I have other charts that I won't show today that also highlight similar statistics for mathematics. But the statistics are very similar, whether it is reading, science or math that is being evaluated.

Let's look at science.

In the first column, it is grade 4. As the Senator from Arkansas said, the TIMSS study looks at grade 4, looks at grade 8, and looks at grade 12—all of those green lines going down in the print. There are different countries that are involved. So you will have a relative standing of how well the United States does in grade 4, 8 and 12 versus other countries.

Again, the studies are very good, very carefully controlled from a scientific standpoint, and right on target. For example, grade 4, at the top of the list is South Korea. In the fourth grade in terms of average score, in terms of science, the second one down is Japan; third one, is Austria; the fourth is the United States. The red line, both in grades 4, 8, and 12, is the United States.

So right off you see in the fourth grade we do pretty well relative to other countries. In the eighth grade, just as the Senator from Arkansas said, we didn't do nearly as well. And in the 12th grade, we fall way down.

You will also see on the chart a black line. The black line indicates the average for all countries.

So not only do we know where we stand relatively in terms of other countries, but we also know where we stand with the average of other countries.

Again, the observation is in the fourth grade, we are fourth when we compare ourselves to other countries, which is above average. In the eighth grade for science, we fall way down, yet we are still above the average. But look what happens by the time we get to the 12th grade. By the time we get to the 12th grade, Sweden is ahead of us, Netherlands is ahead of us, Iceland is ahead of us, Norway, Canada, New Zealand, Australia, Switzerland, Austria, and Slovenia, are ahead of us. Denmark is ahead of us, and so are Germany, the Czech Republic, and France. The Russian Federation is also ahead of us in the 12th grade in terms of science.

As we look to the future and we look at fields like reading and science and mathematics and we see this trend over time, that is really the call for us, as a nation, to focus on education, to do it in a bipartisan way, a way that really does focus on our children today, and recognize how are we going to be able to compete in the next millennium with this sort of trend over time. As the charts have indicated the United States is below the average of all these other countries, and the trend is getting worse the longer one stays in school in the United States of America.

Let me refer once again to what a pleasure it has been for me to participate in the education issue on this particular bill with Senator WYDEN of Oregon. He and I have been working on Ed-Flex expansion through a number of committees and task forces—the Senate Budget Task Force on Education, working with the chairman of the Health, Education, Labor, and Pensions Committee, which is the new name for that particular committee. We began to address this issue over a year ago when first explored it through the Senate Budget Task Force on Education.

The more we looked into it, the more we felt this bill could make a huge difference, and it is something that Government can and should do. The Federal Government needs to take the leadership role to untie the hands of our States, our schools, and our school districts so that they can carry out the sort of objectives that we all generally agree to, the sort of goals that we set in this body.

Again, what we are doing today, is to expand a demonstration project that began in 1994. As the Senator from Vermont outlined in his brief history of the program—it began in 1994 as a demonstration project with 6 States. It was extended later to another 6 States, so now 12 States have the opportunity to be Ed-Flex States. And what we are going to do in this legislation, which will pass, I am very hopeful, not too long from now, is extend that demonstration project from 12 States to all 50 States.

Behind me on the map, again, for the edification of my colleagues who may not be familiar with this program, you can see that Massachusetts is an Ed-Flex State, and we have, I think, good demonstrated results there. Texas has also had positive results with using its Ed-Flex waiver authority. Earlier this morning I had an opportunity to present some of the outcome data from that particular State. The color yellow on the chart indicates the States where Ed-Flex is currently available. But Tennessee, the State I represent, says, Why don't we have that same opportunity of increased flexibility for greater accountability? Let us have that same flexibility to get rid of the excessive regulations. Let us get rid of the unnecessary paperwork. Let us get rid of the Washington redtape.

Now, what they are saying is, Allow us to look at our local situation, which in Nashville is different than Jackson, which is different than Johnson City, which is different than Humboldt, which is different than Soddy-Daisy. Give us that opportunity.

And, again, you can see how it happens. All of us in this body have good intentions when we pass these statutes and we pass these laws and then they go through this regulatory machine. Everybody has good intentions. But the regulations get more and more complicated, which seems to be a common theme whenever one look at a variety of fields here in Government.

Now, one of the issues that we are going to be talking about is waivers. So what is the Ed-Flex program? There are currently 12 States participating. The Ed-Flex program, very simply, is a State waiver program which allows schools and school districts the opportunity to obtain temporary waivers to accomplish specific education goals but free of that Washington redtape, free of those unnecessary Federal regulations. And that in one sentence is a description of Ed-Flex.

Because the Ed-Flex program is currently a demonstration program, we have a lot of data available about it. Again, over the course of the debate, we will come back to some of the outcomes of Ed-Flex and give some examples of how it is being used. The key thing is that Ed-Flex gives flexibility to find some of the solutions to specific problems that vary from school to school, school district to school district, and community to community. It allows that element of responsiveness to specific needs. In addition, it allows a degree of creativity, and innovation. These things are critical especially when we see the trends that I just showed on TIMSS which clearly indicate that we can't just do more of the same; we can't just throw more money at existing programs; we can't accept the status quo; we can't do a lot of the things that at first blush we might think work, because we have tried it in the past and it hasn't worked.

Over the past 30 years, we have been flat in terms of our student performance in this country. Now, some people will stand up and say, yes that is true, but look at some results released last week or look at some from 5 years ago where there is a little bit of improvement. I will tell you—and I can bring those charts—if you plot it out year by year performance for students has been stagnant in the 4th, 8th and 10th grades. The problem is that the other countries that have allowed creativity and innovation are all improving and we are being left behind.

So I don't want to underestimate the power of that innovation, the power of that creativity. We like to think it all begins in this room here with the Congress; in truth, it begins in those classrooms with hard-working teachers, with hard-working school attendants, with those Governors who recognize that they really have made progress and need some flexibility.

We will hear a number of examples of how flexibility and accountability have worked. In Maryland, we have seen that the Ed-Flex program has allowed a school to reduce the teacher pupil ratios from 25 pupils to 1 down to 12 to 1. They felt that was important and they received a waiver that allowed them to accomplish this based on their particular needs.

In Kansas, waivers have been used to provide all-day kindergarten, because this was a priority for them. It was a dimension where they had a specific need.

They were also able to have a preschool program for 4-year-old children. They also saw they weren't doing very well in reading, so they were able to implement, through the waiver program, new reading strategies for all students.

Now, the waiver issue will come up, and whenever you hear "waiver," people have to think, and they should think, "accountability," We are saying, accomplish certain goals, but do it in a way that meets your specific needs with programs that you believe will work at the local community level. It is critical that we build in strong, accountability measures.

If we look at the history, again referring to Senator WYDEN's initial request to have the General Accounting Office look at some of the Ed-Flex programs, we can see in GAO's report in November of 1998, that the "Department of Education officials told us they believe that the 12 current Ed-Flex States have used their waiver authority carefully and judiciously." This is an important statement because we are going to hear some rhetoric, and we heard a little bit this morning, that if you give this freedom, people are going to abuse it. People say there is no evidence. Based on what the Department of Education has concluded and reported to us through the General Accounting Office, the waiver system has worked well.

Ed-Flex is a bipartisan plan. It is a common sense plan that will give States and localities and school districts the flexibility, which I have already been stressing. Now I want to stress the accountability provisions. Accountability is critical to the overall success of the program. It has to be built in. The two words I want my colleagues to remember are "flexibility" and strong "accountability." Those are two important principles behind this bipartisan bill.

Now, the accountability measures in the current Ed-Flex programs—we have 12 programs with this 5-year history—are very good. I want my colleagues to understand that accountability has been strengthened. We have given even more teeth to ensure accountability in the bill and in the managers' package that has been put forward. Under current law there is less accountability than what we are proposing. Under current law, a State need only have what is called a comprehensive reform plan to participate in Ed-Flex. Even though the current 12 state program has less accountability than what we are offering, have been told by the GAO, that the Department of Education says there has been a judicious and careful use of this waiver authority.

Behind me is a chart which, again, is going to be difficult to read from far away. It is a pyramid and it is tiered, because we have accountability measures built in at the Federal level, which is at the top; we have accountability measures built in at the State level, which is the middle; and at the bottom of that, we have strong accountability measures built in at the base, at the local level.

At the local level, there is a requirement to demonstrate why the waiver is needed. You have to spell that out very specifically. The applicant has to say how that specific waiver will be used to meet the purpose of the underlying program. Again, we are not changing the purpose of the program. You have to specifically say how that waiver will be used, and then you have to have specific measurable goals written out in that waiver application. You will be held accountable for all of that. There are additional accountability measures in the bill, but I have summarized accountability at the local level.

At the State level, again we include strong accountability measures because we address things that are called "content standards" and "performance standards" and "assessments." In addition to those content standards and performance standards, States are required to monitor the performance of local education agencies in schools which have received a specific waiver. That includes the performance of students who are directly affected by those waivers. Then, for those low-performing schools or school districts that are identified, the State must engage—and these are the key words—in "technical assistance and corrective action." And then the last, in terms of the State level, the State can terminate a waiver at any time; the ultimate power. If the State says things are not going right, it may terminate the waiver.

At the Federal level, indicated on the chart at the top of the pyramid, we have an additional backup, an important element, I think, to demonstrate the pyramid effect of this. That is, the Secretary is required to monitor both the performance of the States and also to have the ability to, as you can at the State level, terminate that waiver at any time.

I think this three-tiered level of accountability is something that is very, very important when we give that flexibility to achieve the specific goals which are outlined. That, I believe, is a real recipe for success as we work towards educating our children and improving those scores that have been referred to already this morning.

I will just spend a couple of more minutes, I think, so we can move on with other people's comments. But as I pointed out, we have experience with this. This is not a program that we pulled out of the sky and said, let's try it out, some experimental program, rushing this through the legislative process. I think we need to recognize right up front that we have a 5-year history with it. It has been a demonstration project, it has been endorsed by the Department of Education, it has been endorsed by the President of the United States, it has been endorsed by Democrats and Republicans, and something which I think is critically important is the fact that all 50 Governors have said this program is right; it is what is needed to best educate that child who is in the school system in his or her State.

The Governors are in a position, I believe, both to judge but also to lead, as we go forward. I have behind me a resolution that passed just last week from the National Governors' Association. The headline or title is, "Expansion of Ed-Flex Demonstration Program To All Qualified States and Territories." It was a resolution. NGA doesn't do a whole lot of resolutions, but this is a major priority for our Governors who understand, like we do, addressing as a nation, that we must put education at the very top of our priorities. Let me just read the first sentence:

> The governors strongly affirm that states are responsible for creating an education system that enables all students to achieve high standards and believe that the federal government should support state efforts by providing regulatory relief and greater flexibility.

Skip on down just a little bit to the second paragraph so we can look back to the past from the Governors' perspective. Again, this is Democrats and Republicans, bipartisan, which is the nature and the real power of this bill. They say:

> Ed-Flex has helped states focus on improving student performance, by more closely aligning state and federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

And then just their last sentence:

> Ed-Flex will provide states and territories with increased incentives to strengthen state efforts to adopt meaningful standards and assessments with greater accountability.

As I mentioned earlier, we ran out of time to pass Ed-Flex last year. It is coming back to the floor now. It has been passed in the Labor and Human Resources Committee and the now Health, Education, Labor, and Pensions Committee, where we had the opportunity to discuss many of these amendments. We have an opportunity to pass this legislation very, very early in this Congress so it will be to the benefit of hundreds of thousands of children in the very near future. That is why we really should not put this off. Some people have said, Why don't you consider this in the Elementary and Secondary Education Act? That is unnecessarily pushing a bill off that we know will benefit children today, putting it off for a year or a year and a half unnecessarily, given the tremendous consensus that has been reached around this particular bill.

In closing, let me just say I think the time really has come that we lend our efforts to give States and give localities and give schools and give school districts the flexibility they need, and the tools that they need, to accomplish the jobs that we, as a society, have entrusted them to do.

Ed-Flex is not the cure-all. It is not going to be the answer to all of our education challenges. But what it is, is a modest first step at moving toward that common goal that we all share.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think all of us in the Senate are looking forward to these next few days during which we will have an opportunity to address the fundamental issue which is on the minds of most families in this country—certainly the working families in this Nation—and that is whether we, as a Federal Government, are going to be partners with state and local governments as we try to address the critical issues facing our public schools—whether our children are going to be able to make academic progress and have the opportunity to achieve their full potential.

Public education is basically a partnership, and one in which the Federal Government has had a very limited role, historically. The principal responsibility has been local governments, and the States have had some interest. The Federal Government has really had a limited interest. As has been pointed out, approximately 7 cents out of every dollar that is spent locally that can be traced back to the Federal Government. Two cents of that is actually in nutrition and the support of breakfast and lunch programs. It comes down to about 4 cents out of every dollar that is actually appropriated by the Federal Government.

So all of us are interested in how we can use scarce resources. What we are talking about here today is not expanding that in any way. We are talking about whether, of that 4 cents, maybe 2 cents will be able to have greater flexibility at the local level.

The question is what are the priorities for us at the Federal level? It has been generally agreed that the priority for us at the Federal level is going to be targeting the neediest and the most disadvantaged children in the country. We, as a society, feel that we have some responsibility, some extra responsibility—that it is not just a local responsibility to try to deal with those needy children, but that we have a national responsibility. That was the basis for the title I programs.

Over a long period of time, we have debated about how that money can most effectively be used to enhance academic achievement and accomplishment. As has been pointed out today, and as was pointed out in the President's excellent statement earlier today over in the Library of Congress, we know what needs to be done. It is a question now of whether we, as a country and a society and a people, are willing to do it.

During the next few days, we will have an opportunity to look at a number of different features of the education priority. We are dealing now with the Frist-Wyden legislation, and I want to speak to that for a few moments and make some observations and also address, later in the afternoon, what I think could be useful changes in the legislation.

I commend Senator FRIST and Senator WYDEN for their initiative, and I have voted for this legislation to come out of our committee both last year and this year—and, as a matter of fact, I was the author, with Senator Hatfield, in 1994 that initially set up the Ed-Flex—and I have followed it very closely. I am glad to have a chance to reflect on some of the observations that I have made over the years in watching that. But we will also have an opportunity to debate whether we, as a Senate, are going to go on record as supporting smaller classrooms from the early grades.

We will have a chance to hear an excellent amendment from the Senator from Washington, Senator MURRAY, on that particular issue. We made a commitment to the school districts across the country last year that we were going to start this process. It was going to go in effect for some 6 years. We made the commitment for the first year, but the school districts across the country are wondering whether this is going to be a continuum. Certainly it is extraordinarily timely that we provide that kind of authorization for smaller classrooms, so that the school districts all across the country will have some certainty as to what the education policy at the congressional level will be on that issue.

The President has included the resources to fund that initiative, in excess of $11 billion, in his budgets over the next 5 years. That is very important, and we will have an opportunity to address that issue.

Senator BOXER wants to address afterschool programs. I think we have seen, with a modest program in the last year, the beginning of the recognition of the afterschool problem. Every day, there are some 5 to 9 million children between the ages of 9 and 14, who too often find themselves not attending to their homework, but rather find themselves involved in behavior which is inappropriate.

What we have seen is that where these programs have been developed—where children are able to work in the afterschool situation, being tutored perhaps in their subject matter or encouraged to participate in literacy programs—those children are doing much better academically and socially as well. And when they have the opportunity to spend time with their parents in the evening time, it is quality time, rather than parents telling children as soon as they get home, "Run upstairs and do your homework." This has been very, very important, and Senator BOXER has an important proposal to authorize and to enhance the commitment in those areas.

There will be modest amendments in other areas. I know Senator HARKIN has a proposal with regard to school construction. I know Senator BINGAMAN has an amendment about school dropouts. Some of these are programs that we have debated in the past and have been actually accepted by the Senate. There are other programs as well, issues involving technology and other matters that will eventually be addressed and brought up. We are not interested in undue delay, but we also believe that there is no issue which is of greater importance to American families, and we ought to be willing to address these issues.

We just passed an increase in military pay. There were 26 amendments on that particular proposal. I do not expect that we will have as many on this, but nonetheless it is important that we do have a chance through today and through the remainder of the week and through the early part of next week to address some of these issues. We welcome this chance to focus on the issues of education and also on what our policies are going to be.

Just to review very briefly, Mr. President, this chart demonstrates quite clearly a rather fundamental commitment. That is, for every dollar that is spent by the States, they spend 62 cents in addition to that for the needy children in their State. The corresponding Federal dollar amount is $4.73. This is a really clear indication of what we are talking about, primarily with Title I, which is the principal issue here—the resources that are being provided are going to the neediest children in this country.

And, interestingly, in the reauthorization bill of 1994, we changed the direction of Title I to very high poverty areas—very high poverty areas—not just poverty areas but very high poverty areas. And when we have a chance, as I will in just a few moments, to go through and see what the distinction has been in targeting more precisely the resources, there has been a very important indication of progress among the children in getting a much more targeted direction in terms of resources. This is part of the reason why some of us believe that, in addition to being able to get some kinds of waivers from the Federal programs in the area of Title I, we ought to insist that we are going to require that there be academic achievement and student improvement if we are going to move ahead. We are finding now, under the most recent report of Title I, that for the first time we are making noticeable and important gains on Title I. That has escaped us over the almost 30 years, but now we are making some real progress in the area of Title I. I will have a chance to review that, but this is basically an indication to show the targeting of Title I.

Secondly, Mr. President, while we are looking at the issue of flexibility at the present time, I just want to point out what we have done in terms of Ed-Flex. In 1994, we passed what was called the Hatfield-Kennedy amendment on the elementary and secondary education bill. That amendment provided that six States at that time would have Ed-Flex. The Governors then, once they were given that kind of approval, would be able to waive particular requirements if any community within the State wanted to do so. When we came to the Goals 2000, we added another six States and we permitted the Secretary of Education to provide Ed-Flex to any school district in the country.

So what we have seen is, with all of the various applications that have been made in the period since then, some 54 percent have been approved; 31 percent, when they brought those measures up to the Department of Education, were shown to be unnecessary and therefore withdrawn; and only 8 percent were disapproved. This is a pretty good indication that any school district that wanted to seek a waiver of any of these rules and regulations has been permitted to do so. In the State of California, there have been more than 1,000 applications that have been approved. That is the current situation in which we find ourselves.

On the issue of accountability, the real question is, "In the waiver of these regulations, are we going to be able to give the assurance that we are going to have student achievement?" What we are basically saying is, if we are going to give you 5 years of waiving the regulations, which take scarce resources, and target it on needy children, are we going to insist that the children are going to have student achievement? That is what we are asking.

And I mentioned, at least to my colleague and friend, Senator WYDEN, that we could add those words in three different places in the legislation along with the language that is in here and resolve at least one of the concerns that I have, and that I think a number of others have as well.

We have seen since it has passed out of our Committee, as I am sure has been explained by the authors of the legislation, that they provide changes to try to reflect greater accountability. And we very much appreciate that. That is in the managers' package, and it is a good start. I believe the authors have gone through that in some detail. If not, I will take some time to do that briefly later in my discussion. But this is where we are, Mr. President.

What we are interested in is student achievement. What we are going to insist on is to make sure that if we are going to give over to the States the resources targeted for these particular areas, that they are going to be able to come back over the period of the following 2, 3, 4, 5 years and demonstrate the student achievement. That is what we are interested in and what we want to address here later this afternoon.

Mr. President, education is a top priority in this Congress, and few other issues are more important to the Nation than ensuring that every child has the opportunity to attend a good, safe, and modern public school. The Ed-Flex Partnership Act can be a useful step toward improving public schools, but to be effective, it must go hand in hand with strong accountability.

Current law already contains substantial flexibility. As I mentioned, the 1994 amendments to the Elementary/Secondary Act reduced paperwork and increased flexibility. Since then, two-thirds of the Act's regulations—two-thirds—have been eliminated. States now have an option to submit a single consolidated State application instead of separate applications, and all but one State has adopted this approach. Schools and school districts already have great flexibility today and paperwork is not their top issue.

According to the General Accounting Office report that was quoted earlier today, "information, funding, and management," not paperwork, are the primary concerns of school districts. Provisions for increased flexibility, such as waivers, "do not increase federal assistance to school districts, nor do they relieve districts of any of their major financial obligations." That is the finding of the General Accounting Office.

It is interesting to me, Mr. President. I would have thought there would be much more authority and much greater credibility if those who were talking about this would be able to demonstrate that the States themselves were willing to waive their statutes and regulations. That has not been the case. In some instances States have, but in many they have not. As the General Accounting Office report shows, even if you granted it, it would not make a great deal of difference, because there are so many State regulations and statutes that are in existence, that are related to this program, that it would not really have the kind of beneficial result many of us would like.

I am always glad to hear our good friends the Governors talk about reducing the regulations, when we have seen a reduction in the regulations by two-thirds since the authorization of 1994, and yet we have not really heard from them, nor have we heard here on the floor of the Senate, how the States themselves have changed their statutes and rules and regulations in order to be more flexible during this period of time.

In fact, in many cases it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. Ten States cannot waive their own regulations and statutes because State law does not permit it in order to match this.

It is good, as we start off on this, to have some idea about the scope of this whole debate. I think it is going to be useful if we get through this part of it in the next day or so. The real guts of the whole debate is going to be next week when we come to the questions of classrooms and afterschool programs.

But I do want to make some additional points. In fact, in many cases, as I mentioned, it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. That is why, if tied to strong accountability, expanding Ed-Flex makes sense, so all States can ease the burden on local school districts as they obtain increased Federal flexibility.

One requirement to be eligible for Ed-Flex is that a State must be able to waive that State's statutory or regulatory requirements which impede State or local efforts to improve learning and teaching. That step will ensure that the real paperwork burdens on local school districts are diminished. As I mentioned, we have 10 States that do not have that capacity or willingness to do so.

Families across the Nation want Uncle Sam to be a partner, a helping hand in these efforts. Parents want results. They want their communities, States, and the Federal Government to work together to improve public schools. In doing our Federal part, we should ensure that when we provide more flexibility, it is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

I support the Frist bill because it provides flexibility and takes some steps towards holding States accountable. But it isn't enough. Congress has the responsibility to ensure that Federal tax dollars are used effectively to help all children learn. Just giving States more flexibility will not do the job. A blank check approach to school reform is the wrong approach. Our primary concern in this legislation is to guarantee that accountability goes hand in hand with flexibility. Strong accountability measures are essential to ensure that parents and communities across the country have confidence in the waiver process.

Another fundamental requirement is that States and districts must provide parents, educators, and other interested members of the community with the opportunity to comment on proposed waivers and make those comments available for public review. These public comments should be submitted with State or local waiver applications. What we are talking about is parental involvement. And we will have an opportunity to address that.

I am sure we will hear the response back, "Why are we going to do that?" That is going to require more action at the State level. We are going to have hearings in order to hear parents' views about it. But the fact of the matter is, unless you get the parents involved, you are not going to do the job. The parental involvement is essential. We will have a chance to go through that in the most recent title I report.

And you can't show me where in the Frist-Wyden proposal they are going to guarantee that the parents are going to have a voice in the final decision that is going to be made here. It just is not there. You show me a community where you have intense parental involvement, and you are going to see a school system that is moving in the right direction. You show me a community where parental involvement is distant or remote, and you are going to see a school that is in decline. Those are not my conclusions—those are the conclusions of the educational community. We want to make sure that parents are going to be involved when waivers are being proposed to get their kind of input. And there will be the transmission of their views to the Secretary.

Mr. President, it is essential that States and districts provide parents, educators, and other members of the community with the opportunity to comment on proposed waivers and make their comments available for public review. These public comments should be submitted with State or local waiver applications.

That is what we are talking about. Just make that change. Public comments should be submitted with State or local waiver applications. That would move us in a very, very important, very positive way—we get the student accountability and we get the parental involvement. Those are the measures we are looking at, Mr. President.

We must also ensure that all students, particularly the neediest students, have the opportunity to meet the high State standards of achievement. Fundamental standards should not be waived. Parents need to know how their children are doing in every school, and in the poorest performing schools, parents also need help in achieving change.

Under Title I, disadvantaged students have the opportunity to achieve the same high standards as all children. School districts must provide realistic assistance to improve low-performing schools. Flexibility makes sense, but not if it means losing these essential tools for parents and communities to achieve reform and improve their schools.

There were four very important changes in the 1994 authorization: first was a significant reduction in paperwork; second, the targeting of the highest incidence of poverty; third, the heavy involvement of parents in terms of the participation; and fourth, and perhaps most importantly, high standards.

We move away from dumbing down. We establish high standards for poor children as well as children that were coming from other communities. Those factors have had an important positive impact. We are finally getting there.

We must ensure that increased flexibility leads to improved student achievement. Accountability in this context means that States must evaluate how waivers actually improve student achievement—open-ended waivers make no sense. Results are what counts. Student achievement is what counts.

The Secretary of Education should be able to terminate a State's waiver authority if the student achievement is not improving after 5 years. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If waivers do not lead to satisfactory progress, it makes no sense to continue.

What I have been mentioning here is being practiced in one of the Ed-Flex States, and is showing remarkable improvement in terms of education. That State is Texas, where they have real student achievement, real accountability, parental involvement, and specific student achievement goals. That is true accountability.

If you review the different State annual reports, there is a dramatic contrast between what has been implemented by the State of Texas in using the greater flexibility to enhance student achievement and what has happened in many of the other States. True accountability is what we want to achieve if we are going to have the Federal funds.

Each of these requirements is sensible. No one wants a heavy-handed Federal regulation of State and local education. That is not the issue. The real issue is accountability. These important requirements are well designed to achieve it. We should do nothing to undermine these principles, especially when we have new evidence that they work, particularly for the neediest students.

"The National Assessment of Title I," released earlier this week, shows that student achievement is increasing and that the Federal Government is an effective partner in that success. The glass on the table is half full, not half empty as critics of public schools would have you believe. This is good news for schools, good news for parents, good news for students, and it should be convincing evidence to Congress that many of the reforms we put in place in recent years are working.

Since the reauthorization of Title I in 1994, a nonpartisan Independent Review Panel, made up of 22 experts from across the country, has overseen the program. Title I is the largest Federal investment in improving elementary and secondary schools. Title I helps to improve education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time so students meet high State standards of achievement.

Under the 1994 amendments to Title I, States were no longer allowed to set lower standards for children in the poorest communities than they set for students in more affluent communities. The results are clear: even the hardest-to-reach students will do well when expectations are set high and they are given the support they need.

Student achievement in reading and math has increased, particularly in the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased nationwide by a whole grade level. Between 1990 and 1996, math scores of the poorest students rose by a grade level.

Students are meeting high State standards, too. Students in the highest poverty elementary schools improved in five of six States reporting 3-year data in reading, and in four out of five States in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest poverty schools. In 10 out of the 13 large urban districts that report 3-year trend data, there were increases in the number of elementary students in the highest poverty schools who met the district or State standards of proficiency in writing or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds, as I mentioned, away from low-poverty schools into high-poverty schools. Today, 95 percent of the high-poverty schools receive Title I funding, up from 80 percent in 1993.

The percent of schools with parent compacts—agreements between, teachers and parents about how they will work together to help the children do better—rose from 20 percent in 1994 to 75 percent in 1998. A substantial majority of the schools find their compacts are important in promoting parents' involvement, especially in higher poverty schools. Parent involvement is a key element in terms of academic achievement, and that is why we believe their voice regarding waiving the requirements should be heard and at least considered.

Title I funds help improve teaching and learning in the classroom. Ninety-nine percent of Title I funds go to the local level; 93 percent of those Federal dollars are spent directly on instruction, compared to only 62 percent of all State and local education dollars that are spent on instruction.

We are going to hear a lot as we debate education about where the Federal money that is appropriated goes, in terms of Federal bureaucracy and administration, State bureaucracy and how much of the money goes to the local level. This is the most recent report that has been done by independents. It shows that local school districts get 95.5; State administration is 4 percent, Federal administration is one-half of 1 percent. State administration of their own programs are considerably higher, as the chart indicates.

All of these steps are working together to improve student achievement. The best illustrations of these successes are in local schools. In Baltimore County, MD, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, 80 percent of the students are poor. Title I funds were used to increase parent involvement, train teachers to work with parents, and make other changes to bring high standards to every classroom. Reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996. During the same period, math scores soared from the 16th percentile to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile. That is remarkable.

What happened in this area? We got the parents involved and we enhanced the training of teachers to work more effectively with the parents to bring the high standards into every classroom.

The Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of the increases in teacher professional development and implementation of a reform to raise standards and achievement for all children.

In 1996, 66 percent of third grade students scored in the lowest levels in math. By 1998, 100 percent scored in the highest level. In 1997, 75 percent of fourth graders scored in the lowest levels in reading. By 1998, no fourth graders were at the lowest level, and 56 percent were at the highest level.

We have seen that the National Assessment of Title I shows that high standards and parental involvement get better results for children, particularly the neediest children. That is what we would like to see come through this legislation—where you get the flexibility, but you are also going to be able to demonstrate enhanced student achievement and parental involvement. Those are the two key requirements.

The improvements so far are gratifying, but there is no cause for complacency. Clearly, more needs to be done. We must build on these successes to ensure that all children have the best possible education. Increasing flexibility without accountability will stop progress in its tracks. But just increasing flexibility with accountability won't do the job either.

We must provide more support for programs like Title I to make these opportunities available to all children. We must do a better job of supporting the States and local communities in their efforts to hire and train teachers. The National Assessment of Title I found that too many students in too many Title I schools—particularly those with high concentrations of low-income children—are being taught by unqualified teachers.

The teacher shortage forced many school districts to hire uncertified teachers, and asked certified teachers to teach outside their areas of expertise. Each year, more than 50,000 underprepared teachers enter the classroom. One in four new teachers does not fully meet State certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

In addition, many schools are seriously understaffed. During the next decade, rising student enrollments and massive teacher retirement mean that the Nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

We must fulfill last year's commitment to help communities hire 100,000 new teachers, as part of our national pledge to reduce class size. Research has documented what parents and teachers have already known—that smaller classes enhance student achievement.

It is equally important to help communities recruit promising teacher candidates, provide new teachers with trained mentors who will then help them succeed in the classroom, and give current teachers the ongoing training they need to help keep up with modern technology and new research.

Another major need is in the area of afterschool activities. According to the National Assessment on Title I, opportunities for children to participate afterschool and summer school programs have grown from 10 percent of Title I schools to 41 percent in 1998. That has made an important contribution to the enhancement of these children's achievement. But more needs to be done. We must increase support for afterschool programs.

In addition, children who have fallen behind in their school work need opportunities to catch up, to meet legitimate requirements for graduation, to master basic skills, and to meet high standards of achievement. A high school diploma should mean something—it must be more than a certificate of attendance. It should be a certificate of achievement. High-quality afterschool and summer school academic improvement activities should be available to every child in every community in America.

Finally, we must do more to see that every child in every community is learning in safe and modern facilities. Across the country, 14 million children in one-third of the Nation's schools are learning in substandard buildings. Half of the schools have at least one unsatisfactory environmental condition. It will take an estimated $100 billion to repair the existing facilities.

Too many children are struggling to learn in overcrowded schools. This year, K through 12 enrollment reached an all-time high and will continue to grow over the next 7 years. Communities will need to build new public schools.

The agenda is broad, but the need is great. We are on the right track. There is no need to make a u-turn on education. We are making progress. We need to build on these successes and do what we can to meet the pressing needs of schools across the Nation, so that we can meet the high standards of achievement. When it comes to education, the Nation's children deserve the best that we can give them.

Mr. DODD. Will my colleague yield for 30 seconds?

Mr. KENNEDY. Yes.

Mr. DODD. I want to commend the distinguished Senator from Massachusetts who, for years, along with our colleague from Vermont, has been such a leader in these issues. I particularly thank him for raising the issue of the after-school program. Several of us have been talking about this. As my colleague from Massachusetts knows, I offered an amendment last year when we considered the Ed-Flex bill in committee to increase federal support for after-school programs. My colleague from California is interested in the subject, as well. We would like to bring this issue up. It is a very important one which we will talk about later. I thank him for including that in his remarks as he gave an overview of where we are on education issues.

Mr. KENNEDY. I thank the Senator from Connecticut. We are all mindful that our good friend and colleague is a leader in this body in many areas, but when it comes to children's interests, he is truly our leader. And on the issue of afterschool programs, Senator BOXER has been in the forefront of that effort. We look forward to having a good debate on that issue as we move ahead as well. I thank the Senator very much for his involvement. Hopefully we will have an opportunity to consider that in the next day or so. That is certainly our hope because it is a matter of enormous importance.

Mr. DODD. I thank the Senator.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. First, Mr. President, I want to thank the Senator from Massachusetts. We have been working with him on the questions of accountability. I am hopeful that we will reach agreement on an amendment, which he may propose, so that we will not have issues in that regard. I point out that the substitute amendment which I offered today includes many improvements with respect to accountability over the bill that we passed last year out of committee 17–1.

I will run through, very briefly, the areas where we have already improved the accountability and are still attempting to reach agreement with the minority.

First, the substitute amendment I offered strengthens the accountability features already included in S. 280. It adds State application requirements relating to the coordination of the Education Flexibility plan with the State comprehensive reform plan, or with the challenging standards and assessment provisions of title I of the ESEA.

This Managers Package adds emphasis that student performance is an objective of Ed-Flex. It adds provisions regarding annual performance reviews, by the State, of local educational agencies and schools which have received waivers, and reemphasizes the authority of the State to determine waivers if LEAs or schools are not meeting their goals. It also adds provisions of public notice and comment, and provisions requiring additional reporting by the secretary regarding his rationale for approving waiver authority and the use of that authority. We will continue to work and, hopefully, we can reach agreement so that we will not lengthen the time necessary for passing this important legislation.

Mr. President, I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the distinguished Senator from Massachusetts has given, in my view, a very important address to the U.S. Senate. I want to take a few minutes and try to respond to a number of points. The Senator has made a number of points that I certainly agree with as a Democratic sponsor of this legislation, along with the Republican sponsor, Senator FRIST. But there are a number of areas where I think the record indicates that we ought to take another look.

For example, the distinguished Senator from Massachusetts has said that, in some way, the States are being free riders here, that they are asking the Federal Government to waive various regulations, but the States are somehow not willing to do that. As our colleagues will see on page 6, line 7, it is specifically required that the States are willing to do some heavy lifting and also be part of this effort to show that they are going to try to ratchet out of their systems some of the foolish bureaucracy. This ought to be a two-way street and I think the distinguished Senator from Massachusetts is absolutely right in insisting on that. What is thus required today, the legislation spells out on page 6, line 7, that the States are not going to be able to be free riders. They are going to have to waive some of these mindless regulations as well. I think that is an important point for the U.S. Senate to consider as we go forward.

Now, another area that has been raised is this question of smaller class size. I think the Senator from Massachusetts again is absolutely right in saying that we do need additional funds to reduce class size in America. I have, on several occasions, voted for just those kinds of measures to provide additional funds to reduce class size. But I think it is important to note that Ed-Flex, now in 12 States, is helping us to reduce class size using existing law. The Senator from Massachusetts is correct; we do need additional funds to reduce class size, but let us not pass up the opportunity to use existing law, existing Ed-Flex opportunities to reduce class size. For our colleagues who would like to have a good example of how Ed-Flex helps to reduce class size, we can turn to the Phelps Luck elementary school in Howard County, MD. There they put a special priority on reducing class size with their Ed-Flex waiver. They were able to lower the student-teacher ratio from 25-to-1 to 12-to-1.

As we go forward with efforts to try to get additional funding that we need to reduce class size in America, which we know is so critical in improving student performance, let us not pass up the opportunities to use the Ed-Flex program to make it possible with existing dollars to reduce class size in America.

Third, Mr. President and colleagues, there have been questions raised about whether the dollars are going to get to the neediest children, and particularly with respect to title I, which is one of the seven programs that are eligible for Ed-Flex but certainly is an especially important program to all of us.

What we have done—and we have outlined it here—is we have kept in place every single one of the core requirements with respect to title I protecting our neediest kids. It is off the table, folks, in terms of waiving any of those core requirements. You can't do it; it is off the table. And although it is hard for Members of the U.S. Senate to see these charts, we specifically outline the requirements that cannot be waived.

In addition, with respect to title I—I think there is some confusion perhaps at this point with respect to how the Ed-Flex funds can be used—under current law, you can only put those dollars into low-income school districts. That is the only place they can go. We keep that requirement. So today, and under this Ed-Flex legislation that is before the U.S. Senate, it is not possible to flex any dollars away from a program to help low-income youngsters and send them packing to another district that will not need them as much.

I would like to spend a little bit more time on this question of accountability, because this is an area where the sponsors of the legislation have been very open to trying to address the concerns of those who have begun to look at this program and may not have been familiar with it in the past.

But I want to say that we have made six changes in the legislation since it came out of the Senate Labor Committee last year by a 17 to 1 margin. In addition to the public notice and opportunities for citizen comments that the distinguished chairman of the committee, Senator JEFFORDS, touched on, there are requirements for specific measurable goals, which include student performance, which Senator KENNEDY is right to focus on. There are reports that would be required for the Congress every 2 years on how the Ed-Flex States are doing.

And then I am especially pleased that we have required now that a State review a State content and performance standard twice: First when it is decided that the State is eligible to participate, and again when deciding whether or not to grant approval for the waiver. This makes it clear that a State must be in compliance with title I. If it is not in compliance with title I, it isn't going to get a waiver. If at any point it has been given a waiver and it is not in compliance with title I, the Secretary has the authority to come forward and revoke it.

So the accountability provisions have been especially important to the sponsors of this legislation. And this idea that somehow Ed-Flex has relaxed the standard is simply not true on the basis of the clear language of the bill. These requirements are kept in place. We have added six requirements for accountability since the legislation came out of committee.

I would like to wrap up by giving the U.S. Senate an example of how I got into this issue, because I think it is important to get beyond some of the rhetorical arguments about this legislation and talk about real people, real people who benefit, especially the low-income kids of our country.

We have a high school about an hour from my hometown in Portland. They wanted poor kids to get help with advanced computing. The problem was that the school didn't have the instructors who could teach advanced computing and they didn't have the equipment. So under current law, those youngsters, low-income youngsters, wouldn't have had the opportunity to pick up those skills to put them on the path to high-skill, high-wage jobs.

But in this rural district an hour from my home town is a community college just a short distance away that would make it possible, with instructors and equipment, for those poor kids to get help with advanced computing. So instead of students who couldn't get what they needed without additional funds, without additional redtape and bureaucracy, what this town did in rural Oregon was simply say we are going to use the dollars that we aren't equipped for at the local high school to make sure that the kids get advanced computing at a community college just a short distance away.

That is what Ed-Flex is all about—taking this regulatory straitjacket off some of the thousands and thousands of school districts across the country. They can't use the money for pork barrel projects. They can't use it to waive standards. They have to comply with accountability. But they can teach advanced computing to poor kids. That is why it is going to make a difference when we extend this to 50 States.

I am looking forward to working with our friend and distinguished colleague, Senator KENNEDY, who knows so much about this issue, on his amendment with respect to the achievement standards. My understanding is we are getting fairly close on that. I want to make sure, in particular, that we can incorporate what the schools call the student performance standards, so it includes some of the things like dropout rates and issues like that in addition to the tougher test scores. But I think Senator JEFFORDS spoke for all of us a minute or so ago where I think we are getting close, and I want Senator KENNEDY to know that we are going to go forward in good faith and try to work that amendment out.

Finally, the last point I want to make deals with the parental involvement issue. We keep in place all requirements for parental involvement—all of it. But it seems to me, Mr. President, and colleagues, that if we are talking about the best way to get folks involved in a convenient, accessible kind of way, it is to have these Ed-Flex programs that empower local communities to set up opportunities for folks to participate.

I know that people in rural areas who are 3,000 miles away from Washington, DC, find it a lot harder to come to one of the useful hearings and forums that are held by the distinguished Senator from Massachusetts. I can get to them.

I find them very, very useful. But I can tell you that folks in rural Oregon would much rather be empowered to participate at the local level than to try to say we are going to in some way skew more of the parental involvement back to Washington, DC.

At the end of the day, what Ed-Flex is all about is a third path with respect to Federal-State relations. We now have two camps on this issue. There is one camp that says only the Federal Government has the answer, that those folks at the local level can't chew gum and walk at the same time, do not trust them, and run these programs at the Federal level. Then there are a group of people 180 degrees the other way. They say that everything the Federal Government touches turns into toxic waste, just give us all the money at the local level, and we can't possibly do any worse with those dollars than the Federal Government does.

What Ed-Flex is all about—and in Oregon, particularly with Senator Hatfield's leadership, we have done it in health, in welfare, with the environment—what we have said is that Ed-Flex is a third path. And we have told the Federal Government, in areas where we have received waivers, that we will meet all the requirements of the Federal laws, all of them, and the Federal Government can hold us accountable; but in return for that commitment to comply with all of the Federal laws, give us in Oregon the chance to tailor the approaches that we are using to meet the individual needs of our community.

I feel very strongly that poor kids need the funds that are available under title I. I will fight as hard as any Member of the Senate to make sure that there is no compromise there. But I do think that in coming up with approaches to best meet the needs of kids at the local level with respect to title I, what works in rural Oregon is going to be different than what works in the Bronx, and the opportunity to get away from that one-size-fits-all approach while holding communities accountable is what Ed-Flex is all about.

So I think this is an important debate. I said earlier most Americans have no idea what Ed-Flex is all about. I bet a lot of people at this point think Ed-Flex is a guy who is teaching aerobics at the local health club. We are going to have to spend some time talking about this issue to show why it is actually beneficial in the real world in terms of serving poor kids and meeting the needs of the communities. I think we can do that.

Mr. President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. It is, indeed, invigorating and encouraging to be in the Chamber today to talk about education, talking about an innovative proposal to try to reform education and also being able to have a principled debate about increasing the accountability that should be inherent in this proposal because the issue of flexibility alone without accountability could lead simply to sending funds to States without proper controls. And so I believe we will have to emphasize in this debate and ultimately in this legislation accountability as well as flexibility.

I have been working on these issues since my time in the other body on the Education and Labor Committee and here on the Labor and Human Resources Committee, and I have always tried to stress the notion of accountability because, sadly, there are too many children in this country today who are not receiving quality education, particularly in rural areas and in central cities. And if we simply transfer funds without some meaningful accountability, I think we will continue to promulgate that disadvantage and continue to do disservice to those children.

I would prefer, frankly, to look at all these issues in the context of the reauthorization of the Elementary and Secondary Education Act, because however innovative this approach is today with Ed-Flex, it is in my view a nod toward reform, a genuflection toward reform, but it is not the comprehensive reform, frankly, that we should be encouraging because that comprehensive reform requires improvement in teacher quality, the repair and modernization of schools, reduction in class size, strengthening parental involvement, equipping our libraries with the modern technology and the modern media, which is so necessary. And those are the hallmarks of real reform, and those we will encounter in a comprehensive and systematic way in the reauthorization of the Elementary and Secondary Act. But if we are to deal with and move forward on the issue of flexibility, we have to do it right, and we have to do it with respect to accountability.

I want to emphasize one other point in terms of this comprehensive approach to education reform. I hope that in this year's reauthorization we would take special strides to try to develop ways to involve parents in the process. This might be one of the most difficult issues we face, one of the most challenging issues we face, but, ultimately, if we get it right, could be the lever that moves significant reform and in a way which we all can afford, because I don't think there is any person in this body who would say that we can do less than improve the involvement of parents in the education of their children.

The Ed-Flex bill provides flexibility to States. But, as I have stressed before, flexibility must be a carrot for and matched up with accountability.

One aspect of this—and the debate is ongoing now in discussions—and I again commend the sponsors for their willingness to talk and to discuss and negotiate these amendments, these proposed amendments—I think we have to be very clear what we are trying to use the flexibility to achieve.

In my view, we are trying to improve student performance. Our focal point should be improved student performance, and this legislation should reflect that overriding focal point. It is one thing to provide relief from forms of regulation to make the life of a principal a little easier, the life of school committee people a little easier, and maybe free up a few extra dollars along the way, but if that does not result in improved student achievement, then we have missed the boat, we have missed the point. That should be our overarching goal, and I believe the amendment Senator KENNEDY and I are proposing is a key to that, and I hope we are making progress to come to a principled reconciliation.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I want to say how much I agree with the Senator from Rhode Island. Student achievement is measured by the individual State's program. I think it is important that we underline that student achievement is measured by what is happening in the States, not by some Federal standard. That is all we are asking. The State establishes its criteria, and all we are saying is if you are going to get the additional flexibility and you are going to get the resources, that at some place someone ought to know whether the students are achieving and making progress.

Mr. REED. I think that is precisely correct. We are not talking about a national standard, a national level of achievement. We are talking about letting the States propose their levels of achievement and then measuring how well this flexibility leads to the accomplishment of their goals.

Mr. KENNEDY. This is really all we are saying. We are taking Federal resources—resources that will go into the States and to the local communities—and communities are going to use these resources in ways that are going to be consistent with the overall purpose, which is targeting the needy children, and, over 5 years at least, there will be some progress in student achievement according to what the State has established.

Would the Senator agree with me that an example which incorporates what we are intending to do is in the State of Texas, which has set numerical criteria that are closely tied to both schools and districts, and the specific students affected by the waiver? Texas expects all districts that receive waivers under Title I to make annual gains on test scores so that in 5 years 90 percent of all the students will pass

State assessment tests in reading and mathematics. Texas districts must make annual gains so at the end of the same 5 years, 90 percent of African American students, 90 percent of Hispanic students, 90 percent of white students, 90 percent of economically disadvantaged students will pass these tests. Now, there is something specific. The State establishes the criteria. They say we want the flexibility to be able to do it, and we say fine. What we have found out is that they have made great academic achievement and progress for those students.

We have another State of the 12 that says on their waiver, "We want a commitment to the identification and implementation of programs that will create an environment in which all students achieve academic potential." They got the waiver, they got the resources, and it will be a bold Secretary of Education that is going to terminate or take that away.

What we are trying to say is, as Texas has done right from the very beginning, it has got to be very specific. The State establishes their criteria and they have proposed measurable ways of evaluating whether those students are going to achieve. And they have met all their goals so far. Why do we have to spend so much time in this Chamber saying that makes a good deal of sense? We know it is something that is working. Why don't we try to accept it? That is all we are looking for—for the words "student achievement" to be included in the criteria.

I thank the Chair.

Mr. REED. I thank the Senator for his excellent comments.

I believe Texas is a great example of what we can do if we give flexibility and demand accountability. As the Senator from Massachusetts emphasized, this accountability is with respect to their own standards, but it is measurable, it is objective, and it has resulted in great success in the State of Texas. In fact, I suggest most of the proponents of this legislation point to Texas as the example of what Ed-Flex can be and should be. As the Senator from Massachusetts pointed out, part and parcel of that is not just the flexibility, it is rigorous accountability. I hope we can incorporate that notion in this legislation.

I think it is also important to recognize, too, that as we debate this Ed-Flex bill, we have yet to have the definitive results from many of the demonstration States confirming that what they have done with Ed-Flex has led to improvement in student performance or just overall improvement in the educational process. The GAO has looked at this issue. Their report certainly raises as many questions as it answers with respect to this issue as to whether Ed-Flex is working in those 12 States that already have the flexibility to do what we are proposing to do legislatively here.

The other thing I suggest, too, is it is a concern—and it is a concern that was expressed by my colleague from Oregon—about whether this may endanger funding for the neediest students. I don't think there is anyone in this body, again, who would encourage such a development. We recognize, particularly through title I, that these scarce Federal dollars are going into communities that need them desperately and, in many cases over the decades of this program, have provided a significant makeup for local funds that are not adequate to the purpose.

But what we are concerned about—and it is a concern that, again, I hope is worked out through the process of this debate and amendments—is that unwittingly we might undo some of that emphasis and effort. Again, I would not argue it is the purpose of anyone who has proposed this legislation, but we must be careful because, again, we are looking at the most vulnerable population in this country in terms of education. We are looking at a population that desperately needs the support and assistance of every level of government.

There is another aspect I would like to conclude with, and that is the participation of parents in this process. I mentioned initially, I believe one of the great challenges we have this year in our reauthorization of the Elementary and Secondary Education Act is finding ways to encourage more substantive, meaningful parental involvement. In the context of this legislation, along with my colleagues, I will propose an amendment that would allow for greater parental involvement, allow for parental input that would be available for public review and would be included in state or local waiver applications.

We are not trying to hamstring local authorities. Last year I had an amendment similar to this that had a 30-day public notice and comment requirement. That is not in this amendment. We are just suggesting, though, if we mean that we want to have parents involved, this is not only a symbolic but a very real and meaningful way to get that involvement—to encourage them to submit comments, to have those comments publicly available, and then have those comments submitted with the application.

Again, I am extremely encouraged that we are talking about educational reform. We are working together to come up with innovative ways to do what we all want to do, which is to give every child in this country access to an excellent education. Indeed, we hope to guarantee every child in this country access to an excellent education.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Education Flexibility Partnership Act. This legislation will help States and local schools to pursue innovative efforts to improve K–12 education. I commend my colleagues, Senator FRIST and Senator WYDEN, for bringing forth this legislation. Senator WYDEN has very effectively demolished the myths about this legislation. The fact is, the goal of this legislation is to improve—to improve the education that we are providing to kids all over this country. It is that simple. The legislation would accomplish that goal by extending educational flexibility to all 50 States.

The public schools in this country have made an immeasurable contribution to the success of our society and our Nation. We need to assure that future generations of Americans receive the same excellent public education that many of us were so fortunate to receive while we were growing up. Unfortunately, as the Federal Government has imposed an alarming number of well-intended regulations on our public schools, we have seen a decline in the overall achievements of our students in our public school systems.

I am very proud of the progress that Maine schools have made in improving the performance of our students through a challenging curriculum. For example, Maine students rank highly in the National Assessment of Education Progress tests. This achievement reflects the efforts of the Maine Department of Education, our teachers, our principals, our school boards, our State's elementary and secondary schools, and the University of Maine, to design and use challenging statewide learning results.

The NAEP test results show that the efforts in Maine are in fact succeeding. They show that our K–12 education system can produce high-achieving students when the standards, curriculum, and expectations are supported and designed by those closest to our schools.

The process that the State of Maine used was a burdensome one. It required seeking individual waivers from the Federal Department of Education. It was a lengthy process. It was one that involved a great deal of bureaucratic delay. It is that kind of process that would be changed by this legislation.

The fact is, Maine and the rest of our Nation still have a long way to go to improve the education of our students. America holds dear the tradition of State and local control of education. The basic responsibility for improving student achievement lies with the States, not the Federal Government. Indeed, perhaps a better name for this legislation would be "The Return to Local Control Education Act."

I believe that all of us, in all of our States, are trying to meet the challenge of greater student achievement. But our State administrators need help from the Federal Government. They do not need more dictates. They do not need more regulation. The Ed-Flex bill provides some of that help by reducing Federal intrusion into the local control of schools.

How will this legislation help? Let's look at the role of the Federal Government. Over the last 30 years, the Federal Government has layered new programs on top of old ones that themselves are not meeting their goals. This has been done with a blind commitment to the belief that yet another program devised in Washington will somehow reverse the decline in educational achievement.

We spend over $10 billion a year to support elementary and secondary education. This Federal money is spent through so many different programs that we can't even get an accurate count of how many there are. The General Accounting Office and the Congressional Research Service estimates range from 550 to 750 separate Federal education programs. Each of these programs comes with its own objectives, statutory requirements, and administrative regulations. Collectively, they create a huge administrative burden on local schools. Indeed, while the Federal Government funds only 7 percent of our public education system, it is responsible for 50 percent of the schools' paperwork.

By passing the Education Flexibility Act, we will allow States and local school districts the flexibility they need to pursue creative and innovative approaches in using Federal funds. And the Federal dollars that they do receive will become a genuine force for education improvement. Even more important, the bill will afford States and communities the flexibility that they need to craft local solutions. Instead of struggling to make programs designed in Washington fit local needs, States and localities will have the freedom to make the changes that they know are needed in each individual school.

Because, as the Senator from Oregon put it very well, the schools in an urban environment may be very different in their needs from a school in a rural community.

The Ed-Flex Act addresses the need for change within our public schools. It will provide a way for State and local education agencies to be freed from the multitude of Federal statutes and regulations that prevent them from breaking out of the Federal education mold and creating their own exciting programs. Expanding the opportunity for Ed-Flex to every State gives our school boards, teachers, parents, and State officials the opportunity to experiment and innovate, to chart a new path for better schools, and to provide Congress with the information it needs to help promote rather than hinder educational improvement.

In closing, I urge my colleagues to vote in favor of this legislation. I would also like to clarify that I don't think Senator KENNEDY deliberately gave me his cold from the hearing yesterday so I would be less effective in debating him today, despite the rumor to the contrary.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the manager of the bill want to say something?

Mr. KENNEDY. I just wanted to give the assurance to—if you will yield 15 seconds—to the Senator from Maine, as far as I am concerned, she is always effective, whether it is that clear voice that comes out from the northeast part of the country, we always listen and take great care what she says.

Ms. COLLINS. I thank the Senator.

Mr. JEFFORDS. Mr. President, I ask, with the concurrence of the Senator from Connecticut, that the Senator from Wyoming be recognized for a period of not more than 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. KERREY. Mr. President, I yield to the Senator from Vermont for his request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask that the Senator from Wyoming be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 516 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I thank the chairman once again for the time, and I yield the floor.

Mr. KERREY. Mr. President, I rise in support of the Ed-Flex bill introduced by Senators FRIST and WYDEN. I believe it is a responsible way to help our nation's educators meet the challenges that we face in preparing our nation's young people for the 21st century.

Ed-Flex gives states the authority to grant waivers of certain Federal requirements to local school districts if such a waiver will help that school district better meet the needs of its students. But in exchange for this flexibility, the local school district must show results. If the district does not show results, the waiver is revoked. Ed-Flex gives school districts flexibility, but it also demands accountability—and we should discuss how to make the accountability measures even stronger.

In addition, under Ed-Flex states are limited in the kinds of requirements they are authorized to waive. They cannot waive health and safety requirements or civil rights requirements. And they cannot deny districts the funds they would ordinarily receive under these Federal programs. Furthermore, districts must prove that the waiver they receive truly helps them accomplish the goal it is designed to meet: helping more students learn better.

In Nebraska we have 604 public school districts. They range in size from the small rural districts such as Tryon—which has just over 100 students, kindergarten through 12th grade—and Omaha, which has approximately 45,000 students.

A couple of weeks ago I was visited by Bob Ridenour, principal of North Ward and West Ward Elementary Schools in McCook, Nebraska. In response to the question, What do you need to do a better job of educating your kids?" his answer was simple: More money and the flexibility to help the kids at the lowest end of the economic scale in the best way possible.

But Ed-Flex is not just about flexibility. It's also about better coordination. It allows for better coordination between the variety of local, state, and Federal education programs available to schools.

All of the principals in Nebraska would agree that the Federal education dollars they receive are vital to well-being and success of the school children within that district. But different districts have different needs. And in some instances, different districts may need to take slightly different paths to reach the common goal that all districts share: Making sure that all students have the reading, math, and social skills to succeed once they leave the schoolhouse door.

Right now, 12 States have Ed-Flex. And the feedback we have shows that they are using it responsibly and that it is showing good results. Texas has implemented Ed-Flex more extensively than any other state in the nation. Achievement scores in Texas reveal that districts with waivers outperformed districts without waivers in both reading and math. And the gains for African American students were even greater.

And Ed-Flex has allowed States like Massachusetts to assure continuity of service to schools that were eligible for title I funding one year, ineligible the next year, but expect to be eligible in the following year. In the grand scheme of things, this is a minor waiver. But to a child in that school, the assistance provided through title I dollars makes a major difference.

Now let me be clear. Ed-Flex is a sound way to give local districts the flexibility they need to do a good job of educating students. But it's only one part of a complex puzzle.

Schools also need resources. They need to have the funds to hire and train qualified teachers. They need to have the ability to reduce class sizes in the lower grades. They need to be able to provide students with real classrooms in well-equipped buildings.

And schools need to be able to provide challenging afterschool programs so that students can work on their math, science, reading, and technology skills between the hours of 3:00 and 6:00 in the afternoon.

Last summer we helped US West form a partnership with Project Banneker, a program that is helping raise the math and science achievement levels in Omaha Public Schools. Not only did students and teachers benefit from the hands-on technology skills training, but US West benefited because they played a role in training prospective employees. We are looking forward to another productive summer with US West as we work to expand the partnership.

The Federal government can't do it all—and the Federal government should not do it all. But we should be a helpful partner in the effort to improve our nation's schools. The Federal contribution to K-12 education is relatively small—less than 10 percent. That is why it's important that we make sure our investments in education are wise ones, that they complement efforts at the state and local levels, and that the investments yield results.

We need to make sure that the most disadvantaged students have the assistance and resources that they need to succeed in school. We need to continue to invest in title I, and also figure out how to make it stronger. Nebraska received $31 million year in title I funds last year. School districts use those funds in a variety of ways. We need to give districts the flexibility to educate those students using the best methods available, but we also must demand accountability.

I believe that the most important way in which the Federal Government can be a helpful partner is by making sure that when a young person finishes twelfth grade he or she has the skills to get a decent job. It may take a couple of years at a community college to fine-tune those skills, but the point is that only 60% of high school graduates nationwide go on to college, and by the time they are 25 years old, only about 25% have a college degree.

Now we need to do more to make higher education more affordable, and we just passed a Higher Education Act that makes significant steps toward that goal. But we also have to make sure that those who do not pursue a postsecondary degree have the skills to make a good living.

That's why I believe strongly in the value of vocational education. Two weeks ago I visited the vocational education program at Grand Island High School, in Grand Island, Nebraska. In the vocational education program at Grand Island High, students are receiving hands-on education that will translate into real jobs. Grand Island has formed a partnership with area manufacturers, and the manufacturers know that it's a good deal for them. They have said to Grand Island, You train the students, and there will be a job waiting for them when they get out of school."

In one particular class students work together all year long to build an actual house. Every part of the house, with the exception of the foundation, is built by the students. Then, at the end of the year, they actually sell the house, taking pride in the fact that they have created a product that has tangible value to their community.

Mr. President, I believe we need to increase opportunities for these students. I support the Ed-Flex bill because I believe that if it is used wisely it can help schools accomplish important goals in educating students. But I want to make clear that it's just the tip of the iceberg. We also need to increase our investment in these students so that all students have a shot at the American Dream.

Mr. President, just briefly, I thank both the Senator from Vermont and the Senator from Massachusetts for their leadership on this as well. I want to try to briefly declare why I like this bill and what I think needs to be done in addition to it.

I had a recent conversation with one of the 604 school superintendents in Nebraska. Those schools are as small as 100 students, ranging all the way up to 46,000 students, with a lot of variation in between. I talked to a superintendent in one of the rural school districts—in my State there is more poverty in the rural areas than is in the urban areas among children—and asked what he wanted. He said, immediately, "I need, in some cases, more flexibility to implement programs. I do not want any waivers from civil rights requirements, no waivers from health or safety. But sometimes with a Federal program, the State won't allow me to do what would reasonably accomplish the objective of what the Feds want." This bill allows it. He said, "In fact, I would like to be held to even higher standards of accountability. I want you all to hold me accountable to make certain that we are getting the job done." This bill does that. It provides both flexibility and measures for increased accountability, which is precisely what we need.

I want to point out as well, Mr. President, that he went on to say that the greatest challenge is not only flexibility, but increased resources for those children of lower income working families in both rural and urban environments. He said, "If you are insistent upon making certain that we have trade policies that are open, and if you want to keep the restrictions on business to a minimum so entrepreneurs can grow, what we are going to have to do is aggressively increase the skills of people that leave high school and go right into the workforce." The only way to get that done is to start very early. And I hope that in this bill, Mr. President, that we will have an opportunity to put some amendments on it that will give us some increased funding for lowering class size, that will allow us to do some afterschool programs.

I know the Senator from Connecticut has a bill dealing with child care. To me, child care and education are almost interchangeable. It is difficult to tell one from the other. A full third of my high school students in Nebraska go immediately from high school into the workforce, and there is an increasing amount of concern at the rural level and at the community level for the skills of these young people. If you do not start it early, it is impossible for us to close that skills gap. In my judgment, with the pace of our economy and the speed with which things are changing, there is a real urgency to get out there with flexibility, which this bill does. I hope we will have the opportunity to provide some additional resources so we can make sure that, with confidence, we are saying we are doing all we can to make sure that our young people, when they graduate from high school, are prepared and have the skills that they are going to need in a very competitive world economy.

Mr. President, I thank the manager of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I won't take a great deal of time. Senator KENNEDY, Senator JEFFORDS, Senator FRIST, Senator WYDEN and others have talked about many of the specifics of the bill before us—the Education Flexibility Partnership Act. I just want to take a few minutes to thank my colleagues for all their work on this bill.

I am very pleased that one of the first legislative matters we are taking up this year is education. This is about as significant an issue in the minds of most Americans as any. There are a lot of other questions which are very important, but none that I think dominates the concerns of Americans regardless of geography or economic circumstance as education, particularly elementary and secondary education.

Later this year, we will take up the Elementary and Secondary Education Act reauthorization, which contains the major federal programs to assist our schools. This bill requires reauthorization every 5 years. And this year is the year that we must reauthorize that basic fundamental piece of legislation that deals with the elementary and secondary education needs of America. So we will have a chance, I suspect, even then to review some of the issues that concern people. I had hoped that we could consider this initiative on Ed Flex as part of that larger bill given its relationship to those programs; however, I am still hopeful that we can include the review of this program in our work on the Health, Education, Labor and Pensions Committee.

Today, as we gather here, in many parts of the country students are still in school. Fifty-three million students, more or less, went off to elementary or secondary schools this morning, from Hawaii to Maine. Of the 53 million, 48 million are in public schools and about 5 million are in private or parochial schools across the country. The vast majority, of course, attend our public schools. And most attending our schools today are doing well and their schools are good.

I think too often we focus our attention on the things that do not work. Partly it is because that is our job. And there are a lot of gaping holes in the education reaching students across this country in the ability to learn and the opportunity to learn. But in many, many communities across this great country we find schools that are filled with learning and blessed with qualified, motivated teachers, and enriched with excellent resources from libraries to computers.

In recent years, more and more schools have joined these elite ranks. More schools are enjoying the benefits of these wonderful technologies; more schools have adopted strong and challenging standards-based reform strategies; and more fine, well-educated people are entering the teaching ranks.

But our job, as I said a moment ago, Mr. President, is not just to point out the things that are working well. If we are to improve our schools, we must also focus on the problems and how to encourage real solutions to these problems. And that brings us to this bill. It will bring us to the Elementary and Secondary Education Act as well.

Let me just share some statistics with my colleagues, briefly here, on the state of education in America.

The GAO estimates that one-third of all of the schools in the United States are in need of basic repairs and renovations. Two-thirds are in good shape. That is the good news. But still fully a third of them are in poor shape and in need of repairs and renovations.

Just to give you one example, in my home State of Connecticut, Mr. President, there was a study done on school conditions in the city of Waterbury, CT. I live in a very affluent State, but there are pockets of real poverty in Connecticut. It is a dichotomy of affluence and poverty living in a relatively small piece of geography. Waterbury, CT, has some very fine and affluent neighborhoods. But like many of our cities, there are parts of it that are not doing as well economically. Last year, in Waterbury, they found that 500 fire code violations occurred in our schools over the last five years—500 fire code violations.

Another statistic, nationwide, 53 percent of 3- and 4-year-olds participated in preschool programs.

Eight percent of second graders were detained in kindergarten or the first grade. Second Graders—it is hard to imagine why someone would be held back at that level. One could maybe see it later in the elementary grades, but by the second grade almost 10 percent are being held back.

Nearly 15 percent of middle and high school teachers in the United States do not minor or major in the area of their main teaching assignment. Again, we have 85 percent who do. But there is a growing number, about 15 percent, who are being asked to teach at the secondary school level in a curriculum that they have not received a significant formal education.

We see, as well, that 86 percent of 18- through 24-year-olds have a high school diploma. That number, again, is getting better. But is still too high. And is way too high when one looks at some of the sub-populations of students; over a third of Hispanic Americans are dropping out. This is the fastest growing ethnic group in the United States and one-third of them are dropping out of school.

At the end of the 20th century, Mr. President, we are going to have to do better in all these indicators if we are going to compete effectively.

So I am pleased we are turning our attention to education today. But let's not delude ourselves. The bill that we are talking about here is not the answer. I respect immensely the authors of this legislation. I have a high regard for them and the motivations which caused them to propose this legislation, particularly my good friend from Oregon, who had a long and distinguished career in the other body, and who cares about young people and their educational needs, and our colleague from Tennessee, and others who are a part of this legislation. But I want to raise some of the concerns that some of us have about this bill and am hopeful that we can work through some of these issues in the coming days.

Six years ago, in 1993, we enacted the Ed-Flex Demonstration program in the hopes that it would spur school reform in our states. It was a very tightly written program with just 6 states participating. We quickly expanded that to 12, recognizing 6 States probably was not a good enough laboratory to get some decent results back to determine whether or not this new waiver authority would prove to be worthwhile.

Ed-Flex was a major departure in education policy. We were allowing, for the first time, officials to waive Federal regulatory and statutory requirements. That is not a minor thing. I mean, we are responsible to see to it that the dollars, the Federal dollars that go to education, are going to be spent well and wisely.

Now, I don't question that we can get heavyhanded, and too bureaucratic. We are all painfully aware that can happen. But to allow state officials to waive statutory and regulatory requirements is a significant departure. It is one thing to modify, to amend, to drop certain regulations, but to allow a complete waiver of statutory and regulatory requirements was a dramatic departure from our education policy.

We included protections in the law at the time. The Secretary would have to approve applications for this waiver authority. Only States with strong standards-based reforms in place were eligible, and waivers could not override the intents and purposes of the laws or civil rights and other certain basic protections. But the idea was for flexibility in return for results. So we passed overwhelmingly this demonstration program.

But it was for a demonstration program—a test. Well, the results are not in. That is one of the difficulties here. It is not that anyone has studied this and said they are bad, they are just not in. We do not really know. It may be very good, or it may not—but raising the legitimate concerns about it is not inappropriate.

Texas is the only State, the only one, by the way, out of all 12 States, that has actually been giving us some details on how they are performing. Most others cannot produce, unfortunately, any results about student achievement results they have achieved through school reform and the Ed-Flex demonstration program.

The General Accounting Office, the GAO, has reviewed Ed-Flex and found little in the way to suggest that Ed-Flex is making a difference. Now, it may. Again, I find myself in a situation of hoping it does. I supported the demonstration program not because I anticipated it to fail, but I did it because I anticipated it to work. But I feel I have a sense of responsibility to the people of my State—that it is their dollars, in a sense, that are going to this—that I can look them in the eye and say why we are now going to pass legislation permanently establishing this. But if you ask me the question, "Do I have the empirical evidence which draws the final conclusion that in fact this can work?" I have to say, no, not yet.

Now, maybe it will come in, but it is not here yet. And so I hope my colleagues understand that those of us who are raising these questions are doing so with a deep sense of optimism that this will work, but also a deep sense of concern that we do not have the information yet to make these final conclusions.

While we don't know much about results, we do know a little about how this authority is being used. Seven of the participating 12 states have granted 10 or fewer waivers. The vast majority of waivers requested are about loosening title I requirements for targetting the neediest students. But generally, the finding suggests there is little being done with Ed-Flex that is not being done directly with the Secretary with his own waiver authority.

We hear anecdotes from Governors about how it is promoting creativity and spurring reform—but the evidence we have on how it has been used really do not back this up in the most states. But I have never had a Governor or mayor yet that wouldn't like to get all statutory and regulatory requirements of the Federal Government eliminated; that doesn't come as a great shock. They would like us to write a check, give it to them, and get out of the way. That is how Governors and mayors think. I find it interesting that in States, when State legislatures or mayors ask Governors for similar waiver authority, I usually find the Governors are far more resistant to waiver authority at the local level than they are in asking us for it. It is where you are in the food chain in terms of your willingness to support waivers from regulation.

At any rate, we hear a lot of anecdotes from Governors and State education leaders about Ed-Flex changing the mentality of their systems and motivating school improvement efforts. I am for this. I hope it works. But I think we need to ensure that students are served by these changes. That is why we have the accountability amendments.

Senators KENNEDY, REED, and I will offer two simple amendments that I believe get to the core of improving accountability. These build on the changes that we were pleased to see the managers include the substitute bill they offered earlier today. Our staffs have been working together for weeks to beef up the accountability in this bill. I believe we have made good progress, but must do more.

The first amendment offered by Senators KENNEDY, REED and me will ensure that accountability is resulting in student achievement. Improving the performance of students is what this is all about. I am rather surprised we have been forced to offer what we think is a very common sense amendment, rather than having it just agreed to and accepted. I understand we continue to work on this and am hopeful that we will be able to resolve this without a vote.

The second amendment ensures involvement of one of the key players in school reforms, parents and the larger public. The Reed amendment ensures that parents and other local leaders can comment on applications for waivers and that these comments are given consideration.

Again, I would hope that parental involvement is one of the things all of us can agree on. In Head Start, we require that parents be involved from volunteering in classrooms to parent planning boards, then make key decisions about their community programs. We get about 80 percent parental involvement with Head Start programs. What has been terribly disappointing to me is that by the first grade parental involvement drops to about 20 percent. It immediately drops, which is terribly disturbing because there is no better way to increase a child's performance in education than to have a parent involved—visiting teachers, talking to them, going to the schools, learning what the child is supposed to be learning, involved in school governance and reform.

The requirement we would add would ensure that interested parents could be engaged in this process. I hope our colleagues would be supportive of that since it fits in with the growing concern among all Democrats and Republicans that parental involvement needs to be expanded rather than contracted. The Reed amendment does not give parents or others veto power. That is not the point. It gives them the power to comment knowing their comments will be considered, which is not too much to ask. It says their comments should be available and included in the application for waiver authority.

These are simple changes that broadly improve the accountability of this bill.

We will also have the opportunity to consider several other important education initiatives—not to belittle the importance some have placed on this Ed-Flex bill, but I have never had one parent or teacher or student raise it with me.

I have heard from many concerned about class size, districts looking for reassurance that the full promise of 100,000 teachers will reach them. Class size is a critical issue to families all across the country, whether in a rural school in Idaho, or urban school in Connecticut. Parents know that class size matters—how many teachers teach how many students, how well educated they are, and are these buildings that these kids are supposed to be learning in, in good shape. We also hear a great deal about the readiness of children to learn when they enter school. We hear about afterschool.

My colleague from California, Senator BOXER, has an interest in this. My colleagues from Vermont and Massachusetts will recall last July when this specific bill was in committee, I offered an afterschool amendment to this proposal—which I hope to be offering in this debate. My colleague from California has an interest in this subject matter, as well.

Eighteen years ago our former colleague from New Jersey, Senator Bradley, and I did the initial legislation on afterschool programs in the dropout legislation. Over the years I have been deeply involved in trying to reduce this afterschool problem, of the difficulties that occur with the lack of afterschool programs. This is an issue that many people in this country would like to see us do more about.

I think most of my colleagues are aware of this, but this chart points out when juveniles are most likely to commit violent crimes. The spike is around 2:30 or 3 o'clock. That is the peek time of violent crimes among young people. The hours between 2:30 and 6:00 is when we see the largest percentage of violent juvenile crime.

It is not uncommon for communities to have curfews. Invariably the curfew suggests some time after 9 or 10 o'clock at night. In fact, 9 o'clock or 10 o'clock at night is a relatively calm period of time. It is 2:30, 3 o'clock, 3:30, 4 o'clock—when kids are home from school, but parents are not—which is the critical time period. We are told by chiefs of police and others that violent crime among young people is on the increase. Afterschool programs, putting efforts into this, is something that we think would make a great deal of difference.

I hope to offer an amendment on my own or with Senator BOXER or others to deal with this issue.

Mr. President, Ed-Flex may make a difference in some States. Frankly, in my view the jury is still out for the reasons; I hope the jury comes back with good results and good reports on this. We think the accountability amendments will help here.

But this legislation on its own is no substitute for what our schools need and what parents and students across this country are demanding. I am hopeful that during these next several days we can have a real discussion on education and improve this bill with the addition of some critical timely initiatives.

I am happy to work with the chairman of the committee and the ranking member and move through these issues in an orderly way. I thank both Senators for their leadership. I commend my colleague from Tennessee and my colleague from Oregon for their fine work on this amendment.

I appreciate, again, the motivations that have given rise to this legislation. I think we can make it a better bill and add to it some of the elements that we think will strengthen the educational needs of all Americans by some of the suggestions I have made here and that others have made this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I'll use a few moments to take a look at last year. What we are talking about right now is where we ended last year as far as passing bills on education.

Let us take a look at what we did accomplish during that period of time. This chart lists all of the bills which we passed out of our committee, almost all of them by unanimous or close to unanimous votes. They all became law. They were very important.

First of all, we had the Individuals with Disabilities Education Act, for which we had tremendous bipartisan agreement, and we took time to do it. It came out and passed practically unanimously by both the House and Senate. That is what happens when we have good, bipartisan working together.

The next one was the Emergency Student Loan Consolidation Act of 1997. We had some important problems that came up with respect to student loans, but were able to take care of them. This Act passed with a very substantial vote.

Next, was the National Science Foundation Authorization Act, which had not been reauthorized for many years. An important component of the National Science Foundation is education; we sometimes forget that. But a tremendous amount of funding for the important areas of education, in the areas of science, comes through this bill, and that was accomplished.

Then we had a real step forward with the Work Force Investment Act of 1998, including the Rehabilitation Act Amendments. That bill has turned this country around in its attitude and ability to prepare people for the workforce. Not only that, but it recognized that workforce training is nonstop at high schools and colleges. Training goes on and on and on. We now have the nontraditional students of the past who are actually outnumbering the so-called traditional students on the recommendation that a person's job is going to change many times during a lifetime. We had close to unanimous agreement on the Workforce Investment Act of 1998.

And for the first time in 5 years, we did a thorough review of the Higher Education Act, taking into consideration the needs of the Nation. Again, with very hard work and long, long hours, we were able to complete the Higher Education Amendments. Also included were the Education of the Deaf Act Amendments of 1998. The Higher Education Amendments took a close look at not only higher education, but what higher education was doing with respect to the teacher colleges. We found we had serious problems with the teacher colleges and things had to be changed. We also recognized that we had a huge problem trying to get our teachers in schools the kind of retraining that is necessary in order to bring them up to speed on the needs not only in the next century but this century. This Act passed close to unanimously.

The work being done now in professional development—we eliminated all the bills on professional development in there. They were useless. We have now created a very firm foundation for professional development in higher education institutions to assist us in our K-through-12 education.

The Reading Excellence Act was unanimous here. In close cooperation with the President, we came out with that act, and it is in law and already having an impact upon the serious problems we have with a number of young people graduating from high school who are presently functionally illiterate and do not have the basic skills necessary to warrant a diploma. We have had what is called social promotion, and the President emphasized that we have to do away with social promotion. The way that can be done is to try to make sure every kid can read, and the Reading Excellence Act will be an important part of that.

In addition, we had the Charter School Expansion Act. As we go forward, it is necessary to experiment in the kinds of institutions we can create to have the flexibility and dedication to be able to change the relatively low results we have been getting out of our K-through-12 educational system. Some of the charter schools are working well. We have learned a lot. Those will be models for what we can do in the public school system. It is an important step forward.

In addition, we had the Human Services Reauthorization Act of 1998. That is Head Start and other programs for the very young, as well as for those in special low-income areas. It was the first reauthorization of Head Start in many years. We came out with an excellent bill, all working together, Republicans and Democrats, and with the White House.

Finally—and this is an important act—is the Carl D. Perkins Vocational-Technical Education Act Amendments. We had not been able to get that amended in many years. We did a thorough review of its application. We upgraded it and brought it into the modern day situation.

I am pleased to say that we almost reached our goal on all the bills that we had. However, one bill didn't make it, and it was this Ed-Flex bill. The reason it didn't make it is not because the Members did not agree with what we had in the bill, but it was seen to be a vehicle on which perhaps many other ideas and thoughts about how to change education could be amended to it.

I hope that doesn't occur this time. I hope we don't find ourselves in the position of not taking a bill which everybody agrees is important. The President has said that he favors it. He gave strong words of support for it. The Governors have unanimously agreed that they want it. I hope we will be able to get this out in the next few days in order to be sure that we can give the flexibility to the States that they need.

My State has had it. It has worked very well. It is not a huge success in the sense that it is going to change that much that goes on, but it makes it easier for States to coordinate things. You have situations—at least in our State—where school districts are very close to the 50 percent or the 125 percent thresholds for poverty. If you don't quite make it, it fouls everything up. With the flexibility we have had in Vermont as one of those six States that have been able to use the flexibility, we have found that it has reduced the time and effort which go into trying to work with title I. That is all we are trying to do today.

I think we are hearing now an agreement on accountability. If we have learned anything over the past year, it has been the tremendous lack of accountability in this country in our educational system. If there is any area that we need to improve upon—and I serve on the Goals 2000 panel—it is accountability. One of the most disturbing things I have found is that we really don't know what is going on in this country. We still can't measure performance, still can't determine—in fact, in the report we have no evidence that there was any improvement from the date that we got the "Nation at Risk" report in 1983. Fifteen years and there is no measurable improvement in our schools. But then we found that the data we were using to determine whether or not there was any improvement was 1994 data, and here it was 1998.

So we have other improvements to make, and one of those is accountability and to be able to measure what is going on in our school system. The flexibility will help the States to be able to really ascertain and work better with their school systems to determine exactly what is going on, how to measure success. That is one of the reasons. So I am hopeful that that one bill we were unable to get passed last year in the area of education, which we knew was appropriate and necessary—I hope we can get it done quickly this week.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will just take a few moments to expand upon a couple of issues that have been raised over the course of the morning and early afternoon. One has to do with accountability and the other, parental involvement. Both of these are very important issues as we proceed ahead in addressing both the underlying bill and the potential amendments that are coming forward.

The Ed-Flex bill itself, again, is a bill that expands a demonstration project, which has been very successful, from 12 States to 50 States. What it does is simple. It allows schools and school districts the opportunity to obtain a waiver, and that waiver would allow them to accomplish very specific goals as set out in programs but free of the redtape and excessive, burdensome regulations, and it also allows them to say we are going to meet those goals and objectives and be held accountable for those in very strict ways that identify our particular needs. Schools have different needs; a particular school might need access to computers and another might need to have a pre-kindergarten program. Another school might need to have an afterschool tutoring program. I think the point is that we don't want to tie the hands of our local communities and our schools if they say this is what it takes for us to increase student performance, this is how we have identified, based on our own needs to achieve, these very specific objectives. Again, we are not talking about a block grant. We are not talking about changing the goals that we set out. We are saying that given the resources that we are putting in a particular area, and given the specific goals, we are going to give the local communities the opportunity to have more flexibility and at the same time demanding accountability to meet those goals.

That, very simply, is what the bill does. We have this experience with it that historically we can look to; we can learn from it. We can expand upon it. And that is where we are today. That is what I think real leadership in education is all about. I think it is an appropriate Federal role to give that flexibility and demand that accountability. "Accountability" is tied with "flexibility."

That accountability needs to be carried out at the local level, for which I have the next chart, which was spelled out earlier. We need to have the accountability built in at the local level. We need to have the accountability built in at the State level and at the Federal level, all reinforcing each other in an appropriate hierarchical way just to make sure we are holding those schools or school districts accountable for the waiver that they have spelled out.

I have gone through the specifics earlier, but as I keep this chart up, just so people can understand how it builds one on the other, let me also make it clear that the type of waivers that we are allowing are really two kinds. One is an administrative type of waiver. That is a waiver where you unshackle the paperwork on local communities, local schools, and school districts which say that they are bombarded with paperwork and time requiring activities which keep them away from accomplishing that goal. Those sorts of administrative waivers are very important. And that is one element of the waiver system.

Another element of the waiver system about which we have talked a great deal about today is where the schoolwide waivers take place, again accomplishing the specific goals consistent with the intent of the Federal law.

We have to keep in mind that not all waivers are about student performance per se, that some waivers are about—I will describe them first—lowering that paperwork burden on both schools and school districts and at the State level.

I say that because we have to be careful, if we start modifying this bill at all, so that we don't try to connect every single waiver with an increase in student performance and use that as the judge. There are certain areas that we cannot basically come back and link that particular waiver that produces paperwork to the performance of individual students in a school.

On the issue of student performance, I think it is important to point out that Ed-Flex, as is spelled out in the underlying bill, has more accountability that we have injected into it than the Elementary and Secondary Education Act which is in existence today. That particular act authorizes over $13 billion. We have injected in our bill, Ed-Flex, more accountability than is in that Elementary and Secondary Education Act.

I mention that again so people will know how hard we have worked in this peer approach to make sure that accountability is included.

Under current law, education programs that provide direct services to students are not specifically required to improve student performance. Ed-Flex has more accountability built into it than the largest single Federal education law in the land.

That is point No. 1.

No. 2, it is important to understand that the accountability provisions in our bill as written—I encourage my colleagues to read that bill as written—inject more accountability than the existing 12-State demonstration-project. It is important, because I want people to go back and read the bill and not just look at what is in the current Ed-Flex program and the 12-State demonstration project.

First, before a State may issue waivers, they must first provide public notice and comment. I am going to come back to that shortly because that will give me the opportunity to talk a little bit more about parental involvement. But it is very clear that by having that requirement that the community at large, including the parents, will be very much involved as they can express their concerns if they have such concerns about the waiver.

Second, before receiving any waiver in the State, local school and local school districts must establish specific measurable education goals, which may include student performance. But they have to have very specific goals spelled out.

That is important, again, so we can demand that accountability as to whether or not they meet those goals. As I pointed out before, those goals, as spelled out in the bill, may very well include student performance.

Third, every year States must monitor—this is at the State level—and review the performance of schools and school districts that have received those waivers. So we go from local up to the State level that the State must monitor. In addition, the States are required to make sure that the school and school districts that have received waivers are, indeed, making progress toward those goals; again, including school performance. Whatever those goals are they establish, consistent with the Federal intent, we need to show not only that the goals have been spelled out, but that progress on a regular basis is being met. If a school district or a school fails to meet that progress toward meeting the goals, the State at any time can revoke that waiver.

Fourth, in addition, we have built in and spelled out here that the States have to offer technical assistance, if progress is not being made, and also take corrective action.

Fifth, every year the States must send a report on how Ed-Flex is working to the Department of Education; again, an accountability measure.

Sixth, again looking at the top of the chart at the Federal level, the Secretary of Education has the final say. He or she can terminate a waiver at any time.

Seventh, the Secretary must issue a report to Congress every 2 years on the performance of students affected by the waivers.

Eighth, State waiver authority to issue waivers is thoroughly reviewed every 5 years, and is contingent upon school performance.

Earlier today, the Senator from Oregon presented the accountability checks in the bill. These accountability checks are critical.

The second issue that I wanted to refer to, again because it has been talked about, is regarding the requirements that can or cannot be waived. Again, I encourage my colleagues to go back and see what is in the legislation, because it has been written very carefully with a huge amount of input from a broad number of people. The requirements that cannot be waived in Ed-Flex—again, spelled out in the bill—include such things as: The civil rights requirements, the underlying purposes of each program or act for which a waiver is granted.

The third one that I want to stress right now—I will not go through the rest of these—as requirements that cannot be waived under Ed-Flex, is parental participation and involvement. We have heard a lot about the parents, how important it is to have the parents involved. I agree. There is nobody that cares more about their children, about the future of their children, than those parents.

One important thing is the whole notion of public notice. We talked a little bit about public notice. This is one area that has been greatly improved, I think compared to a year ago—public notice of those waivers.

First of all, let's see what is currently being done in terms of public notice of the waivers. Let's look at Texas. In Texas, at the local level requests for waivers must be reviewed by campus and/or site-based decision making committees composed of parents, teachers, and other community representatives.

The same thing in Maryland. I won't go through the details. But, if you look at these examples, you will see that through public notice, comments and concerns by the parents are made known. The parents are involved.

To take another example of public notice in current Ed-Flex States, in Michigan, it has a waiver-referent group composed of representatives from a number of people: Michigan Department of Education, local and intermediate school districts, private schools—and importantly—parent organizations.

Furthermore, if you look at the public notice, among the criteria that the Secretary uses to evaluate a State's Ed-Flex application is,

> Did the State conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the State involved districts, schools and [very specifically] parents, community groups and advocacy and civil rights groups in the development of the plan?

These are the criteria that are used, which will be used as well under extension under our bill.

I can just go on. The other criterion that they have to use is,

> How would the State provide districts, parent organizations, advocacy and civil rights groups and other interested parties with notice and an opportunity to comment on proposed waivers of Federal requirements?

Again, as you can see, parents are an integral part of this waiver process. And there is a good reason. As has been pointed out by both sides, we want parents involved. Nobody cares more about the education of the children of this country than those parents.

The National Education Association, (NEA), on February 25, 1999 made an important statement. I d like to look at how a group that is involved in education, that is objective, that is not on one side of the aisle here, that is not just a policymaker but is a group of people who are in the field, who have a vested interest in education and education policy—how do they view the direction we are going, in terms of that overall balance? I think we can go through this first statement on the chart. It says:

> . . . the NEA believes the Ed-Flex legislation introduced by Senators Ron Wyden of Oregon and Bill Frist of Tennessee is a step in the right direction.

Remember, we are not trying to cure all of the problems in education today. That is not our purpose in this particular bill. That is a process underway in the Health, Education, Labor, and Pensions Committee right now as we are reauthorizing the ESEA, the Elementary and Secondary Education Act. That is the appropriate forum for that. This is a very targeted bill that can be passed to the benefit of hundreds of thousands of children if we do it right over the next several days.

But going back to the NEA, because again I want to stay on this issue of parents, how do they view what we are doing from the outside with their vested interest in education, the education establishment, and, most important, the education of our children? I will turn to the second quotation from their letter. They say:

> The bill has been much improved through the addition of increased accountability and coordination measures and a public comment period that permits parents and members of the community to participate actively in education reforms.

I think this again is critically important, because it demonstrates objectively that we, as a body, on a bipartisan bill, have made absolutely sure to address the accountability issue and to address the issue of including parents.

I have to say, "The bill has been improved. . . ." Those are the words of the NEA, which shows we have taken a bill that really went through committee and passed, and have been willing to work again with all interested parties to make sure that accountability, through the eight steps I outlined, through the tiered approach of the pyramid, guarantees—guarantees—that accountability.

Just so people will know, because it is always hard for people to go back and read the bill, on the public notice and comment issue, which I think is very important—just so people will know specifically what is in the bill on public notice and comment, let me just read directly from the bill, page 13. The bill has been distributed.

> Public notice and comment.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

I repeat, "shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver."

There are a number of other issues. I wanted, again, to come back to the accountability issue and parental involvement, both issues that have been addressed. People who read the bill will find the accountability and parental involvement issues very, very strongly enumerated, supported, and substantiated in the bill, again with the input of the Department of Education, from whom we solicited direct input on how to assure that accountability, and many, many other interested parties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the afternoon is moving along, but we are making some progress. Even as we are trying to find some areas of common ground, let me just respond specifically to the Senator from Tennessee on his provisions in this and on his statement that the criteria in this results in greater performance standards than in Title I. It is difficult to see that, because, under the provisions under Title I, the State has developed and implemented the challenging State content standard, challenging student performance standards and aligned assessments described in the Elementary/Secondary Act, and therefore it has content standards and performance standards included, while, in this legislation, Ed-Flex, it says, "made substantial progress as determined towards development." So, I think we are headed in the right direction, but I don't want anyone to think we have tougher standards in this particular proposal than we do in the underlying Title I.

Specifically in the managers' package, on page 3, you have findings:

> To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

I agree. Amen. That is exactly what we want to try to use as a measurable fact. But it is only a finding, it is not part of the operative language. This is a good idea, and that is exactly what we are trying to do, to make sure that we are going to have the students' achievement and performance, as we have outlined in the earlier debate. Managers' amendment, page 6, says an "Eligible State" is a State that:

> . . . waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

We want to see the whole State, not just the local communities. We are able to take what the Senator has put as a finding—and we agree and put that into language—and to make sure that the State is going to have compliance, that particular provision says that a State will hold local districts accountable for results. It does nothing to say that the State will evaluate whether they have done so. It does nothing more to ensure that the State's overall waiver plans to achieve student achievement. If we have that, we have solved at least the major problem.

Look at page 9 in the managers' package, "Local Application" shall:

> . . . describe for each school year, specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver. . . .

We could solve at least one part of this by instead of saying "may include" saying "shall include." "Shall include." All we are trying to do is to make sure that—while giving the States and local communities flexibility—the fundamental purpose of Title I is going to be achieved for the reasons that have been illustrated in the very impressive report that has come out in the last 2 days about the successes of Title I. We want to make sure when we are providing this, that the principal criterion is going to be student achievement, and that is what we are going to do. The words are used but we do not find it applicable, in terms of the statewide program.

As I say here on page 9:

> Local application shall describe for each school year specific measurable educational goals which may include progress toward increased school and student performance. . . .

Isn't this all about the performance of the children? Isn't that what we are attempting to achieve? That is why we are spending the resources, to enhance the students' performance. That is what we are doing. As we are prepared to see greater flexibility, we are simply saying: Okay, you get the flexibility, all we are asking for is student performance and achievement. That is what the basic debate on this is.

In the managers' package, on page 11 on State waiver approval, it says:

> A State educational agency shall not approve an application for a waiver under this paragraph unless . . . the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

This, again, applies to the LEA rather than the States.

Just to sum up, Mr. President, for those who support our particular amendment, all we are saying is, yes, we will have the flexibility, but in giving the flexibility, there is some assurance that there will be an improvement in student performance and student achievement, as measured by the State plan, not by the Federal plan, but by what Alabama wants to do or what Massachusetts wants to do or what Vermont wants to do. They are setting their plans. All we are saying is, according to your own State plan, that we are going to have measurable results in terms of the performance. That is what this amendment is really about.

We have the example which we have gone over in terms of Texas where they have spelled out exactly what they are going to do. It has been enormously impressive, and the students have made very significant and important gains. And that example is being replicated by other communities. The parents understand it. The parents know what is happening in their particular schools, and they are able to make some judgments about it. Mr. President, this is what we are all working towards.

I wanted to get back into reviewing, very briefly, the absolutely splendid independent evaluation that has just been released this past week on title I and their conclusions. Those will be valuable for our Education Committee as we are looking over ESEA. They have made some very, very important recommendations, and we ought to be responsive to those.

One of their very key elements is to do the evaluation in terms of student performance. We have that. I will go back into it at another time, Mr. President, but I see my good friend and colleague, the Senator from Minnesota, on the floor, and I yield the floor.

AMENDMENT NO. 32 TO AMENDMENT NO. 31

(Purpose: To preserve accountability for funds under title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. KENNEDY, proposes an amendment numbered 32 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. JEFFORDS. I object. I prefer to have it read.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk read as follows:

> On page 8, line 4, after "determines" insert "that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and".
>
> On page 12, line 22, after "hearing," insert "that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or"
>
> On page 15, between lines 2 and 3, insert the following:
>
> (F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the Elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that the Senator from Pennsylvania have 5 minutes as in morning business.

Mr. WELLSTONE. Mr. President, parliamentary inquiry for a moment. Certainly that is fine with me. The pending business is the amendment that I have on the floor; is that correct?

Mr. JEFFORDS. That is correct.

Mr. WELLSTONE. That remains the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request? If not, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and thank my distinguished colleague from Vermont.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed to speak in debate only for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank my colleague from Vermont.

Mr. President, I rise today in support of S. 280, the Education Flexibility Partnership Act, which we have spent most of the afternoon speaking about today, for several reasons.

First, this Ed-Flex bill, as we have come to call it, represents a very solid bipartisan effort to provide greater flexibility in our public schools and, hopefully, improvement. Passage now at this early stage in this Congress sends a very positive message, I think, to the American people that we want to put first things first; we want education to be a priority. We are willing now, with the ordeal of the trial behind us, to work together across party lines for the things that are important to people back home.

Second, expanding the Ed-Flex program gives every State and school a chance to temporarily waive sometimes very restrictive specific Federal regulations to help them better meet their new standards and to help them to better utilize the tax dollars that we send to them and that they generate on their own.

Thirdly, for its timeliness, I am happy to join this debate because, next Monday, it will be my honor to host Secretary Riley in Louisiana for the first yearly conference on educational excellence in our State, as we reach out to develop stronger Federal-State partnership for reforms in education. As you know, Mr. President, it takes more than just the Federal Government's actions, but it takes our actions, with the States and local governments, to make real these kinds of reforms for the children in our schools. The conference this week in Louisiana and this bill will move us closer to that goal.

I also support Ed-Flex because it has proven to be effective over the last 4 years. As my colleague from Oregon has so eloquently pointed out, these pilot programs have worked, and that is why the bill is before us today. We know it works. States and local school districts under Ed-Flex have received waivers for several Federal education programs. These waivers will free States and school districts from unnecessary regulations that stifle innovation in education, while still ensuring the core principles that have been outlined so clearly; specifically, the civil rights principles will be honored with this bill.

At the same time, Ed-Flex is voluntary. No State, no school, no district has to apply for these waivers, but they will be available should a school or a district choose to apply. And for accountability's sake, waivers can be revoked under the current draft of the bill, if the Secretary of the Department of Education determines that these waivers granted have not improved significantly the performance of the students in that school or that district.

We know that the data resulting from certain demonstration States is very encouraging. For instance, in Texas, where this has seen its greatest use, students with Ed-Flex waivers outperform those in districts without the waivers in the Texas Assessment of Academic Skills in reading and math. In Maryland, the Ed-Flex waiver provided the opportunity for that State to provide for one-on-one tutoring in early grades in reading and math, in grades 1 through 5, and in lowering the student-teacher ratio from 25 to 1, to 21 to 1. Mr. President, with a 6-year-old who is in first grade now, let me tell you that those student-teacher ratios at that level are crucial as our young boys and girls, sons and daughters, learn the skills necessary in reading. That is something I will speak about in a moment. But that is a flexibility that this waiver will provide.

Oregon has used the waiver authority to simplify its planning and application structure to allow districts to develop one consolidated plan that meets all State and Federal requirements.

Let me thank the distinguished authors of this bill for including language also that is already presented in the bill as drafted that will increase the accountability. Some people are worried that if you grant more freedom, we know that then comes more responsibility, and as more responsibility comes, obviously there is more accountability. We want this bill to hold us all accountable, and through the language that we were able to submit earlier, I think with an additional amendment that may be acceptable to both sides, that accountability piece will be made clear.

Let me be quick to say, as I conclude my remarks, that while Ed-Flex is a move in the right direction, much more must be done to improve education. We need to be very clear about this bill. It is a good step in the right direction. It tries to reduce bureaucracy, reduce regulation, give greater flexibility; but it is only one step. We need to do other things.

I urge this Congress, my colleagues on both sides, to support initiatives to decrease class size, particularly in the early grades. Let me share with you an alarming statistic from Louisiana that my acting superintendent and staff shared with me earlier. In the recent test of third graders in Orleans Parish in the basic reading test, 72 percent of the students failed their basic proficiency in reading at that level. In a parish outside of Orleans, a more suburban parish that is still struggling and growing, it was 14 percent. I think 14 percent is too high; I think 72 percent is tragic. We need to do everything we can to reduce class size in those early years—kindergarten, first, second and third grade—so we can prevent scores like this from being a reality.

So I urge that we pass additional amendments to decrease class size and modernize our school buildings so that our children believe what we say when we say they are important. We want them in an atmosphere to learn and not in buildings that are falling down around them, with roofs that are leaking and situations that are unsafe. I think the Federal Government has an obligation to help spend some of our dollars in that regard, in cost-effective ways.

We, as a Nation, face hundreds of issues that affect millions of lives every day, but no single issue is as important to our Nation's future as education and the challenges that our children face in the next century.

I was, as you were, Mr. President, a proud author of our pay raise increase for the military. We have a real problem, as the Senator knows, with our readiness in the military forces because the economy is so good. It is hard for us to maintain this voluntary, well-qualified active force. Why? Because the private sector competes.

Let me say, in Louisiana a beginning teacher makes $14,000, and in some of our parishes up to $24,000. That is bad enough, but even after teaching 15 or 20 years, with a good record, the salaries are not that much higher, unfortunately. Our State is doing what it can in that regard, but if we can come together and pass $10 billion additionally for the military, in terms of getting our troops ready for the new threats of the future, we most certainly can put our money where our mouth is and pass Ed-Flex and look forward to school construction and class size reduction, so that we can prepare our children for the threats that face them if they are not technologically literate, if they don't read well and communicate well. Our whole Nation will be at risk.

I am proud to join my colleagues in support of this important piece of legislation. I urge my colleagues to consider that this is a step in the right direction, but we need to do so much more. I hope we can make good progress in this Congress on these important issues. Thank you, Mr. President.

I yield the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask that I might speak about the amendment.

Mr. JEFFORDS. Mr. President, reserving the right to object. This is for debate only.

Mr. WELLSTONE. Yes, the Senator is correct.

Mr. JEFFORDS. Then the Senator would be recognized for debate only.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't know whether we are going to reach agreement on this amendment or not. If we do, that is great. If we don't, then I will come back to these points again and debate it. I would like colleagues to know what is at issue here because I think this amendment goes to the very essence of accountability.

Mr. President, I have a couple of letters and talking points from the leadership conference on civil rights that I want to briefly mention to colleagues. Let me just start out and read a little bit here.

> The Leadership Conference on Civil Rights has made the continuation of the standards-

> based reform adopted in title I of the Elementary and Secondary Education Act a top priority in the 106th Congress. In order to protect these reforms, we urge you to support amendments offered by Senators Kennedy, Reed, Dodd and Wellstone to the Ed-Flexibility Partnership Act that are urgently needed to protect the opportunities of economically disadvantaged children, children of color, children with disabilities, and other children who need the law's protection.

Next paragraph:

> While the stated purposes of S. 280 are to advance the efforts to achieve comprehensive school reform, the bill as reported by committee does not assure that States will qualify for waivers only if they can demonstrate that they have complied with a strong record of reform in the 5 years since Congress with strong bipartisan majorities adopted standards-based reform as national policy in title I of the ESEA, nor does S. 280 assure that States once having achieved Ex-Flex status will not excuse local school authorities from fundamental requirements of title I, such as maintaining high quality teaching staffs and offering afterschool and summer programs for children who need them.

That is it. That is what this amendment says. This amendment is really simple, and my colleagues have stated in spirit that they support it. This amendment simply says that we take the core requirements, and we make sure that the core requirements, the fundamental requirements of title I, such as maintaining high quality teaching staffs, or offering afterschool and summer programs for children who need them, that no local school authority can be excused from meeting these standards.

Let me again just mention what we are talking about. The requirement that title I students be taught by highly qualified professional staff—who can be opposed to that? The requirement that LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet the high standards. Who can be opposed to that? The requirement that schools provide timely and effective individual assistance for students who are farthest behind; and, finally—this is it—the requirement that funded vocational programs provide broad educational and work experience rather than narrow job training. That also applies.

All this amendment says is that we will make it crystal clear by making sure that we will have flexibility with accountability, that no State will provide a waiver to a school district from the core requirements of title I.

My colleague, Senator WYDEN, has said to me that he agrees with that. I am hoping that my colleague, Senator JEFFORDS, will agree.

That is the reason for this letter by the Leadership Conference on Civil Rights. The reason that I have been out here on the floor for hours is twofold. One, I think we ought to be focusing on what we can really do for children that will make a real difference. This piece of legislation won't. But the second is I don't want to turn the clock backwards. I don't want to go back to pre-title I, 35 years of good history. I don't want us to essentially say that we as a Federal Government, we as a national community are going to abandon poor children, that we are going to now say for the first time that we are going to allow a State to allow a school district to exempt itself from the core requirements of good teachers, high standards, and measurement of results.

My colleagues want to argue that there is already language in the bill that says this. I don't think so. The people who I think have been involved with this, the Leadership Conference on Civil Rights for years, have put a lot of sweat and tears into making sure that there are educational opportunities for disadvantaged children, low-income children, children of color. They are very worried about the lack of accountability. This amendment is specific. It says let's make sure that we keep this accountability.

Mr. President, I am hopeful that the amendment will be accepted. I guess that we will wait and see. I will have other supporting evidence, if we go into a debate. I guess we are now negotiating on this amendment. But it is really, I mean, simple. There are a couple of things. The States have to be in compliance with title I. Who could argue that we would be interested in giving States flexibility, exemptions and all the rest, if they are not in compliance with title I?

The second thing the amendment says is no State should be able to provide a waiver to a local school authority from these basic core values, the core mission of title I. And what are these requirements? That these students be taught by highly qualified professional staff, that schools be held accountable to making annual progress toward helping students, including students with limited English proficiency, that the schools provide timely assistance to those kids who need it the most. How can anybody oppose this?

If you do not want to have accountability, and you basically want to gut part of what title I has been all about for all of these years, a program that, as Senator KENNEDY has said, worked very well, go ahead and do it. Otherwise, this amendment should be accepted.

I will wait, for we will continue to talk, and I hope that there will be support for this.

Mr. President, I have had a chance to speak a long time today. So I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that there be 15 minutes in order prior to the motion to table the pending amendment, No. 32, with 5 minutes under the control of Senator JEFFORDS, myself, and 10 minutes under the control of Senator WELLSTONE, and that no amendments be in order prior to the motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask that following that vote, if the amendment is tabled, the only remaining amendments in order this evening be an amendment by Senator WELLSTONE regarding 75 percent and an amendment by Senator KENNEDY regarding accountability.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous agreement, the Senator from Minnesota now has up to 10 minutes for debate, the Senator from Vermont has 5 minutes for debate under his control.

Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleague, I assume he would want me to take my time and then finish up; is that correct? Is that the way he would like to do it?

Mr. JEFFORDS. I would just as soon speak now.

Mr. WELLSTONE. That is fine.

Mr. JEFFORDS. Mr. President, I will take my 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this is an amendment by Senator WELLSTONE. I will give you a little history. This bill was voted out of committee earlier this year. It was basically the same amendment which was passed out of the committee unanimously last year—I am sorry, with one objection last year. It is generally agreed to. However, there are some areas that some Members wanted to address. I rise in opposition and I will move to table the pending Wellstone amendment.

This issue was addressed in the managers' amendment package by including the eligibility of the State as a condition for approval and consideration. Also, under the eligibility requirement, States must have the very standards and assessments as laid out in title I. SEAs are prohibited from waiving statewide requirements for local school districts. And, finally, the States are required to implement corrective action pursuant to title I.

Therefore, we believe it is redundant and unnecessary. At the appropriate time I will move to table.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has yielded back all the remainder of his time. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all let me say I very much hope that there will be strong support for this amendment I have introduced along with Senator KENNEDY. If I could just make this request of my colleagues—and I will return to the letter from the Leadership Conference on Civil Rights in a moment—I don't know why in the world we don't just get away from the paper and the words, and why we do not accept an amendment that basically says we will do what we say we will do. What in the world can be the basis of the opposition to this amendment?

This is an amendment that is strongly supported by the Leadership Conference on Civil Rights. This is an amendment that speaks to, really, their central fear about this legislation in its present form. This is an amendment that makes it crystal clear, once again, that the mission of title I, an important mission, which is the improvement of educational opportunities for poor children, will not be weakened.

This is an amendment which says that when it comes to the core requirements of title I, when it comes to the essence of what this program is about, when it comes to the essence of accountability, no State will be allowed to exempt any school district from these core requirements.

We want to make sure that, in every school district in this country, title I students will be taught by highly qualified professional staff. We want to make sure that schools are accountable for making substantial annual progress. We want to make sure that students, low-income students and students with limited English proficiency, meet these standards. We want to make sure that schools provide timely and effective individual instruction for students who are farthest behind. We want to make sure there is specific language. This is the request of the Leadership Conference on Civil Rights. This is the request of people who have given their lives to title I in this legislation, that we have specific language that makes it clear that no State will allow any school district to be exempt from these core requirements, the core components of title I.

You say you want to do this but you don't want to support an amendment that makes it clear that we will do this. My question is, Why not? In all due respect, I may be the only vote against this legislation. I know I won't be the only vote for this amendment. I think there will be a strong vote for this amendment. But in all due respect, if you are not willing to support this amendment which goes to the core of accountability, then you are doing some serious damage to title I, to the title I mission. This piece of legislation will go too long a way towards abandoning a national commitment to poor children.

Now, for the first time ever, we are saying it will be possible for a State to give a school district an exemption from the basic core requirements of title I—from the basic core requirements. And this amendment just asks you to support what it is you say you are for.

If you want to go toward block grants, and if you want to go toward moving us away from this mission, and you want to go toward weakening accountability, then go ahead and vote to table this amendment. But I certainly hope a majority of Senators will not do so.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question or yield time to my colleague.

Mr. KENNEDY. What we are effectively doing under the existing proposal in Ed-Flex is focusing attention on needy children, but there are some specific guarantees under title I; for example, well-qualified teachers to ensure that we are going to seek the academic enhancement and achievement of the children. That is one example. There are a series of those. As I understand the Senator's amendment, without the Senator's amendment, they will be able to waive those as well.

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. This really has nothing to do with paperwork at all. We have already decided that there are going to be other kinds of safeguards to make sure that the funding is focused in terms of the needy students, but there are some specific guarantees that have been written in there, the ones that I have said. The purpose of the Wellstone amendment is to give assurance that those particular guarantees will not be waived for the neediest children, as I understand it.

Mr. WELLSTONE. My colleague from Massachusetts is absolutely correct, and I say to my colleague from Massachusetts, I will list these other core requirements. One of them has to do with title I students, that they be taught by highly qualified professional staff.

Another one is that the LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income students and limited-English-proficient students, to meet the same high standards, and the requirement that schools provide timely and effective individual assistance for students who are farthest behind.

I say to my colleague, the reason that the Leadership Conference on Civil Rights feels so strongly about this amendment and the reason my colleague from Massachusetts does, is we know this goes to the very mission of title I. Why in the world would we not want to have this accountability built into this legislation?

Mr. KENNEDY. This is entirely different than what we talked about in the general Ed-Flex where we had requirements that, for example, you could have a studentwide utilization of resources if it was 50 percent poor, and then if it went down to 45, we said, OK; 40, maybe yes. Those were the general kinds of waivers. But the point that the Senator from Minnesota is trying to say is those specific criteria which have been found by educators who have really spent their lifetime focusing on the needs of the neediest children, such as qualified teachers and some commonsense protections, effectively could be waived if the Senator's amendment is not agreed to.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, the Senator from Massachusetts is absolutely correct, and this is why I speak with some indignation.

Mr. KENNEDY. Will the Senator yield for one more brief comment? I don't want to interrupt the thought line, but I have just been informed by the Administration that they support the Wellstone amendment and believe it is consistent with the Statement of Administration Policy. I ask unanimous consent to have printed in the RECORD a statement by the Administration in support of the Wellstone amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 280—EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Administration has long supported the concept of expanding ed-flex demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education programs in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results. The Administration supports amendments designed to: 1) ensure that State waivers of Federal requirements result in improved student achievement; and 2) enhance parental involvement.

In order to ensure consistency between ed-flex authority and the Elementary and Secondary Education Act of 1965 (ESEA), which will be undergoing reauthorization this year, the Administration urges Congress to sunset this legislation upon enactment of the ESEA.

The Administration strongly supports an amendment that is expected to be offered to S. 280 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

Mr. President, this is not on the whole question of funds and, frankly, I have been worried about the dilution of funds. I have an amendment that will be accepted tonight that says schools with over 75 percent low-income children have first priority to funds. And I say this to my colleague from Vermont, I really speak now with some sadness because he is going to move to table this because this goes to not technical issues, not formula, this goes to the very essence of what title I is about. This goes to the core requirements, the core mission, the core accountability, and you now have a piece of legislation that tosses that overboard.

You are overturning 35 years of important history. You are overturning 35 years of history of a commitment on the part of our National Government to poor children in America. You are overturning the hard work of many women and men who have written a title I program with accountability that has really worked well for children. That is why the Leadership Conference on Civil Rights is so strongly in favor of this amendment.

I hope my colleagues will vote against this motion to table this amendment. This is the central accountability amendment. If this amendment does not pass, we do not have the accountability that has been so important to the success of title I.

I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back on both sides.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent attending a family funeral.

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (HN)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—3

Biden
Byrd
Torricelli

The motion to lay on the table amendment No. 32 was agreed to.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. HAGEL). The pending business is the substitute of the Senator from Vermont.

Mr. JEFFORDS. It is my understanding that two amendments would be in order, if offered—the Kennedy amendment and a Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct. Those are the two pending amendments that will be agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 33 TO AMENDMENT NO. 31

(Purpose: To prohibit waivers with respect to serving eligible school attendance areas in rank order)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 33 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

Mr. WELLSTONE. Mr. President, this amendment simply requires that schools with over a 75-percent low-income student population must receive funds first, as a matter of priority—first, in terms of the allocation of the title I money—and that those neediest schools with a population of low-income students over 75 percent would have first priority in receiving those funds.

It is accepted by both sides. I thank my colleagues, Senator KENNEDY, Senator JEFFORDS, Senator WYDEN, and Senator FRIST, as well.

Mr. JEFFORDS. Mr. President, I have no objection to the amendment.

Mr. HAGEL. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 33) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 34 TO AMENDMENT NO. 31

(Purpose: To ensure that increased flexibility leads to improved student achievement)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 34 to amendment No. 31.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 21, strike "and" after the semicolon.

On page 7, line 24, strike the period and insert "; and".

On page 7, after line 24, insert the following:

(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike "which may include progress toward" increased school and student performance.

On page 11, line 17, insert "in accordance with the evaluation requirement described in paragraph (3)(A)(v)," before "and shall".

On page 12, line 14, before the period insert ", and has improved student performance".

On page 16, line 9, insert "and goals" after "desired results".

On page 16, lines 10 and 11, strike "subsection (a)(4)(A)(ii)" and insert "clauses (ii) and (iii) of subsection (a)(4)(A), respectively".

Mr. KENNEDY. Mr. President, I will just take a moment of the Senate's time. We had a good opportunity during the course of the afternoon to talk about the student performance. We have worked out language which I think responds certainly to my concerns and, hopefully, is consistent with what Senator FRIST and Senator JEFFORDS were doing. Now the States will be able to receive Ed-Flex, but they will also—in the application, there will be an indication about what their expectation in the State is in terms of the students' performance, consistent with what the overall State plan is to enhance academic achievement. It also will take in student performance after 5 years, should there be the request for the continuation of this legislation.

I thank my colleagues and friends. I think we really have the best of all worlds here. I am grateful to Senator JEFFORDS and Senator FRIST for working this through.

Mr. JEFFORDS. Mr. President, I think the amendment is a helpful addition to the bill. We appreciate the efforts of Senator KENNEDY and are happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 34) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, under the Wellstone and Kennedy amendments, would Michigan be able to continue their current Ed-Flex authority?

Mr. KENNEDY. Yes, Michigan would be able to continue its current Ed-Flex plans.

Mr. LEVIN. In January, 1998, Michigan moved to lower the poverty threshold statewide from the 50 percent poverty level in title I to 35 percent. Would either the Wellstone or Kennedy amendment prohibit Michigan from continuing to allow these waivers under Ed-Flex that is improving reform in the affected schools?

Mr. KENNEDY. No.

Mr. President, we have made some progress today. We are looking forward to having some debate on the Bingaman amendments tomorrow, followed by my friend and colleague, Senator KERRY. We will indicate to the membership that we will tentatively get started sometime around 11, and we will let the floor managers know at least in what order we will want to offer our amendments.

Obviously, they have their own rights. But we will try to keep them as fully informed as possible so that we can all be as prepared on these amendments as possible.

Mr. JEFFORDS. Mr. President, I thank my good friend and Senator from Massachusetts. I deeply appreciate the cooperation we have had today. We moved along well. We are well on our way. I look forward to seeing the wonderful cooperation that we will have as we proceed on this bill. I look forward to seeing you all again in the morning.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, parliamentary inquiry. What business are we in right now?

The PRESIDING OFFICER. We are in morning business.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT

Mr. BROWNBACK. Mr. President, I rise in support of the Educational Flexibility Partnership Act, the Ed-Flex program that has been debated here today. I congratulate Senator FRIST and Senator JEFFORDS for their work on this bill of which I am a cosponsor.

Ed-Flex does the important work of granting waivers of certain statutory and regulatory requirements so that local schools can implement creative programs that are custom-tailored to the needs of their kids and allows some State education agencies to waive State requirements along with Federal mandates so that local schools can innovate effectively.

I think this is an extremely important program. We have been saying for some period of time that too much of education is directed out of Washington, that problems in education are not solved in Washington as much as they are at the local level. If we can allow people to have the flexibility in Kansas, Nebraska, Vermont, Tennessee, Texas or California to solve their education problems with these dollars, they will get more education done, and they will have more effective education done than if we direct it out of Washington. It is a basic premise. It works. It has worked on a number of programs. We allowed this to take place in welfare reform. We had a number of different experiments on welfare reform that led welfare rates to decline 50 percent. We solve it in Kansas differently than they solve it in other States. It worked. Education—we have a problem. But it is not a uniform problem that you can say, OK, if we just do this and this and this all across the Nation with programs, the problem is solved. It doesn't work that way. We have different educational needs in different places.

Ed-Flex is tried and true as a concept. It is a needed concept in education, because we need more flexibility to get these dollars into the classroom than people back here deciding how to spend it.

I might note that Ed-Flex is already in place in 12 States, including my home State of Kansas. Schools there have already submitted 43 waiver requests in an effort to better serve the unique needs of Kansas students. At this point, no waiver has been rejected. Around two dozen requests have already been granted, and others are pending. I would encourage the Department of Education to expedite those requests.

That speech and that point that I just gave sounds very reminiscent of a point that I made in 1995 about waivers that were being granted on welfare reform and asking that those be sped up so that States could solve the problem. We are at the same point in time with education. Let's let the States have the resources and have them solve the problem.

Kansas schools have used Ed-Flex for many reasons. One school district received a waiver in order to better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the needs of children of parents that are at Fort Leavenworth at the military facility. Emporia used an Ed-Flex waiver to implement new literacy programs in an intensive summer school program. That fit the needs and what we had for needs in Emporia. The list goes on.

These are all very different programs that address different needs. But that is just the point. Schools need this flexibility. We need education decisions made in Emporia, in Fort Leavenworth, in Topeka, and in Manhattan—not in Washington for Kansas. We need it made there. And the people there care for the students. They look in their eyes every day. They can say, "We need this program here." What can we tell them in Washington? No. You don't need that program. What you need is something else when we don't even look into the eyes of that same child. People here in the Washington bureaucracy have great desires to help that child, but the person who is right there closest is the one who can best determine what that child needs. This is the sort of program that allows that to take place. Schools need that sort of flexibility.

While Ed-Flex is an important first step, there are other steps that we need to take as well. If we are going to make progress toward improving our schools, we need to give the States and communities far more flexibility and empower them to make decisions with what is best for their schoolchildren. As important as it is to make waivers to Federal regulations available, frankly, I believe it would be better if we would roll back those regulations altogether and provide the resources to Kansas and to the school districts, and say to them, "You figure out how best to educate these students." Believe me. They will come up with the ideas to do it. They will implement them, and they will get them done without the regulation here.

I don't think anybody in this Chamber, or in this town, should think that somebody in Emporia, KS, doesn't care greatly about how that child is educated and won't do the absolute best they can to make sure that child is educated well.

We need to empower them. We need to empower the parents, the teachers, the school boards, the communities over the government bureaucracy. That is why I will vote in favor of the Ed-Flexibility Act. I urge my colleagues to do likewise.

I say let's not stop here. This is where we started with welfare reform—providing these waivers. Ultimately, when we gave the program to the States and the resources to the State, they cut the welfare dependency in half and had people who were on welfare being thankful that they are now out on the job and they are encouraged about that. Why don't we try that with education, letting the States and the locals decide this? We will get more for every education dollar that we put out there. And, more importantly, our students will be better, and they will achieve higher test scores in the key areas that they are not doing today.

Mr. President, one other point: I think we have finally started down the road of making some real reforms in education, and reforms that I think people have been afraid that we are going to dictate out of Washington. This, to me, is a positive step forward—letting the local school districts start to decide on how they can implement those reforms. We have a lot of bright students across this country who need a system that is as bright as that are to challenge them and help them move forward.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. MACK. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. I ask unanimous consent to speak in morning business for not to exceed 30 minutes. I hope I will not use the full 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAELI AND PALESTINIAN PEACE BASED UPON SECURITY, FREEDOM, AND A CHANGE OF HEART

Mr. MACK. Mr. President, I very recently traveled to Israel. It had been several years since my last visit, and I expected this year we would bring some important measures to the Senate floor. The timeline on the Oslo accords expires in May, and Arafat has threatened to unilaterally declare an independent state. The supplemental appropriations for the Wye River accords will soon be before us, and the timetable on the Jerusalem Embassy Act requires that the President report to the Congress why the United States Embassy has not been set up in Israel's capital city, Jerusalem. I learned a great deal during the week and I rise today to share a few simple thoughts regarding what I saw and what went through my mind as the week in Israel unfolded.

Let me begin with the question that is on my mind today: How is it possible to engage in peace negotiations with people who maintain the right to obliterate you, who are filled with hatred toward you, and who harbor the dream of one day destroying your homeland? Peace is a matter of the heart. I believe in the depths of every person's heart is a desire to live in peace. But what I saw, which was the outcome of the Palestinian Authority rule, convinced me that their hearts and minds are set on other goals. The Palestinian leadership does not want peace. They want, first, their own state which they can control with total power. Then they want to use that state to eliminate the State of Israel.

Let's be clear. The peace process, to be meaningful, must be about more than rules and laws and lines on a map. We can reach a short-term agreement on these points, but if the Palestinian leadership fails to abandon incitement of hatred, persecution, and terrorism, then we are all dreaming, only dreaming, and our President's behavior must be labeled foolish appeasement. There will not be peace until hearts and minds are changed, and we must focus our attention on these issues.

Mr. President, many of my colleagues in the Senate and in the House are aware of the promotion of hatred contained in the Palestinian media, and more significantly in the Palestinian schoolbooks. Let me provide some examples.

This is a picture that was taken off of Palestinian Authority-controlled television. It is a picture of a young girl, probably 6 or 7 years old. This is a young girl singing into a microphone. She is on a television show that would be what we would refer to as kind of a Mickey Mouse Club type of show that would be shown to children by the Palestinian Authority. I want to read to you what this little girl is singing. Again, this is a program that was produced by the people who are sitting across the table from you, supposedly negotiating peace. This is what the little girl is singing:

> When I wander into the entrance of Jerusalem,
> I'll turn into a suicide warrior in battledress,
> In battledress. In battledress.

There is no way I can convey to you the emotion of actually seeing that scene on television. There is no way I can put the emotion into what she was expressing and the emotion that she was expressing as she sang those words. And after her song, she got an ovation from her classmates and from her teacher.

This focuses us on the fundamental difference in approach between the Palestinians and the Israelis. I have a grandson about that age, about the age of that little girl. How would I feel if he were being taught hatred in school? If he were being taught hatred on television, how would I feel? How would you feel if your Government was teaching your children to hate? Could you conclude that they were serious about long-term peace with their neighbors?

I also have some examples from Palestinian textbooks for a third-grade grammar lesson. Here is the task: "Complete the following blank spaces with the appropriate word." And the sentence is, "The Zionist enemy blank civilians with its aircraft." The correct answer is, "The Zionist enemy attacked civilians with its aircraft."

For seventh graders: "Answer the following question: Why do the Jews hate Muslim unity and want to cause division among them? Give an example of the evil attempts of the Jews, from events happening today." These are from Palestinian textbooks today.

One would expect, rather than focus on hatred, if they were serious about peace, they would focus on how the two peoples are working to live side by side. A history book for 12th graders published only last summer teaches: "The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism."

To see this taking place today is chilling. If you can, think about it in the context of being in Israel and being briefed by a member of the Government with respect to what is happening in what they refer to as the anti-incitement committee, which was set up by the Wye Agreement. To be sitting there and seeing this, I must say to you, was chilling. I found it to be extremely chilling.

While the Government of Israel makes good-faith efforts to come to a peace agreement, the Palestinian Authority teaches children hatred. This causes me to ask, How can peace be obtained when the children are being taught hatred?

Let me share another story. I attended Shabbat dinner at the home of Saul and Wendy Singer in Jerusalem. Saul worked on my staff for 7 years before moving with his wife to Israel. They just had their second child, a girl named Tamar. Wendy told the story of the day she was checking out of the hospital in Jerusalem, 2 days after giving birth. In a very ordinary and matter of fact way, the hospital gave her the necessities for bringing home a newborn baby. In addition to providing for diapers and other things we would expect, she was handed a gas mask for her baby. It is actually a tent which you put your baby under in case of a chemical weapons attack.

In Israel, this preparation is routine. Everyone in Israel knows to have a gas mask ready. It just becomes a part of the craziness of everyday life. But when you bring home a newborn baby, when you bring home your baby and you get the chemical weapons tent at the hospital, then you realize how unordinary life is in Israel today. You realize that you are really simply struggling for a normal life, hoping for peace and security, praying to God, while actually living in a war zone.

I had another profound meeting during this week. I met one evening privately—secretly—with Arabs who were being persecuted for their Christian faith. I met with about 10 Palestinian Christians. I will tell you just one of their stories, but I will change some of the details to protect the person I am describing.

I remember an energetic man, in his early 40s, at the end of the table. I remember him because he seemed so full of life and love. He had a great smile on his face and displayed a wonderful sense of humor. I say this was memorable because, frankly, after hearing what he had been through, I do not know if I could express the sense of peace and love he did. This is his story.

He had many children and very little money. He converted to Christianity in 1993. He clearly loved God, and he loved to tell people about his conversion. He described to me how in 1997, the Palestinian Authority asked him to come to the police station for questioning. When he arrived, he was immediately arrested and detained on charges of selling land to Jews. He denied this charge, since he was very poor and owned no land. He was beaten. He was hung from the ceiling by his hands for many hours. He showed me what I just said. He showed me how his hands were tied behind his back and then raised from the floor and hung that way for many, many hours.

After 2 weeks, he was transferred to a larger prison where he was held for 8 months without trial. He was released in February 1998, after his family borrowed thousands of dollars to pay off the local authorities. And even though he is free, they are keeping his father in prison. They believe it is for his son's beliefs. He feels his father is being held hostage to prevent him from talking with people about his faith. Needless to say, these Christians met with me at considerable risk. They conveyed to me a message of fear and desperation. But their mere presence in the room with me demonstrated their hope, and it also caused me to ask, how can the people of Israel find peace with the Palestinian Authority while the Palestinian Authority engages in coercion and torture based upon religious beliefs?

I also met with the parents of American children killed by Palestinian terrorists. In this meeting, I was struck by the courage displayed by these families after suffering the tremendous loss of a child brutally murdered. These families told me of the hopes and dreams they had for their children. I couldn't help thinking about my own. My daughter, Debbie, traveled with me on this trip. She was in the room as these stories of brutality and murder were related. There was scarcely a dry eye in the room.

I am sure Debbie was thinking about her three little boys, ages 14, 11, and 5. We were moved by the comments made by the parents as they described to us what had happened.

I understand that the Palestinian Authority knows a great deal about these murderers, but they are not being punished. Some of them have gone to trial and were sentenced, but we don't know if they remain in prison. I was told that we know some have been released.

There are reports that the Palestinian Authority allows them to leave prison each day and return in the evening—like free room and board more than like prison. I was also presented with stories of the lionization of these murderers in the press and again in the classrooms. Try to imagine how you would feel, try to imagine what would be going through your mind when you are dealing with the grief of the loss of your child. You know who is responsible. You know they know who is responsible. You saw them go on trial. You saw them then released. You have to ask yourself, what are we going through this peace process for?

I would like to mention one story of many that I heard. Mrs. Dosberg sat directly across the table from me. When she told us of the loss of her daughter and son-in-law, the lesson of these murders became so clear—we must fight terror and we cannot back off. Mrs. Dosberg's family, her daughter, American son-in-law, and their 9-month-old daughter attended a wedding in central Israel on June 9, 1996. They decided not to bring their 2-year-old daughter along. Thank God. On the way home from the wedding they were stopped by Palestinian terrorists and killed in a so-called drive-by shooting. Fifty bullets were found to have been used in this murder, and yet, by some miracle, the baby survived. Even with a crime this gross, the Palestinian Authority did not arrest everyone involved or suspected in the shooting. One of those who remained free, it is believed, later took part in the bombing of the Apropos Cafe, killing many others.

Another suspected killer, according to the Israeli Justice Ministry, was under arrest but given permission to come and go as he pleases from prison.

Mohammed Dief, another suspected Palestinian terrorist, took part in the murder of two other Americans, at two different times, according to the mothers with whom I spoke. Mrs. Sharon Weinstock lost her 19-year-old son in a drive-by shooting masterminded by Dief. And only a year later, Mrs. Wachsman told me of the kidnap-murder of their son, also believed to have been planned by Dief.

I am told Mohammed Dief remains a free man today. The obvious lesson—terrorists kill and those who are not jailed remain free to kill and to kill again thanks to the Palestinian Authority.

How would I feel in their place? I couldn't keep the thought from my mind, as I listened. If I had lost a child and knew that the murderer or accomplices were on the loose, how would I feel? And if I knew the killer remained free to kill other people's children, how would I feel? It is so hard, hard to even consider, but I do know that I left there committed to doing whatever I could to help each of those families.

Once again, I began to better understand the way the Palestinian Authority leadership was approaching peace. How can one find peace with people who do not condemn terrorism? Mr. President, how is it possible to engage in peace negotiations with people who want to teach their children to die in a holy war against you? How is it possible to engage in peace negotiations with people who persecute those of other faiths? How is it possible to engage in peace negotiations with people who keep terrorists on the loose to wreak havoc and evil against you and praise them for heroism?

Today the Israeli people are exhausted by 50 years of violence against their homes and families, of sending their sons and daughters into the army, and they dream of a promised peace now. This is our hope and our dream as well. But we must not get confused. History is replete with examples of compromises which bring terror and destroy dreams.

In the United States, many people seem to think that if we do not confront these obstacles to peace and if we look the other way, then we will be able to come to an agreement. The reality, however, is just the opposite. If we do not acknowledge the attitudes and acts of those at the peace table, then the peace process is already over, and we just won't admit it.

In other words, the surest way to kill the peace process is to avoid confrontation, to fear upsetting a belligerent force and to avoid addressing incitement, violence, persecution and terrorism. The only way to keep the peace process alive is to focus on truth, freedom, security and justice.

Israeli efforts, to date, have sought to keep the peace process alive, improve security during the negotiating process, and obtain reciprocity as a vital element of implementation.

The process remains alive, but terrorism continues and is exalted by many in the Palestinian Authority, and reciprocity does not exist. The United States role has been to seek the middle ground. Unfortunately, this only rewards those willing to go to new extremes.

The middle ground between Prime Minister Netanyahu and Chairman Arafat is not halfway between the two. The United States must not engage in moral equivocation. We must not shy away from holding Arafat responsible for acts of violence, incitement and persecution.

The United States must demonstrate principled leadership and end the appeasement that perpetuates the cycle of violence. The peace process can only work when leaders uphold their agreements and answer to the people, and the United States remains a vigilant defender of the principles which bind us to Israel: Freedom, democracy, and the rule of law.

What should we do? I believe there are three things. First, we should insist upon the strict adherence to Oslo and the reciprocity codified at Wye. The purpose of the Wye accord was at long last to force the Palestinians to comply with commitments before further territory would be turned over.

So at Wye, Israel agreed only to turn over territory in phases, in which it could verify Palestinian compliance at each and every step. In the first phase, Israel completed its redeployment after the Palestinian Authority completed its tasks. In phase 2, the Palestinians did not meet all their obligations and, therefore, Israel has not yet turned over the additional land. Reciprocity makes no sense unless it is based upon this formulation. Once Israel has ceded territory, it is unlikely it ever could recover it. The Palestinians, on the other hand, can turn on and off their promises. In fact, this is exactly what they have done.

Second, we should stop paying Arafat. Any funds provided to the Palestinian people should continue to go through private voluntary organizations. We should also monitor much more closely the rampant corruption and mismanagement of funds provided currently.

And third, we must aggressively seek the bringing to justice of Palestinian terrorists who killed American citizens. I am told that our Justice Department can do a better job here, that they have a great deal of information on the murderers of the Americans who are free in the Palestinian areas and, indeed, can make some requests for indictments. It is time to do this. Let's put the needs of the American families and other victims' families over the needs of those engaging in or supporting terrorism.

Mr. President, these are very basic principles. I am not discussing today the intricacies of the peace process, U.S. funding, embassies, or any other number of issues we will be discussing this year in the Senate. We need to focus on a more fundamental level first. And I hope that this message will be heard at 1600 Pennsylvania Avenue.

What I mean when I say this is that I hope the President will hear the message. I say this from a standpoint not of arrogance, not of confrontation, and I do not mean it in a political way. I just hope that the President will listen and take another look at what he and his foreign policy team are trying to force the Israeli Government to do.

There cannot be peace until there is a change of heart. I returned from this trip with a newfound concern for the future of Israel. I saw examples of incitement. I heard examples of persecution and hatred being taught throughout Palestinian society by their leaders. When the people engaged in peace talks return from the negotiating table only to disparage compromise and incite violence, there can be no progress towards peace.

Israel has come a long way since I first began following the fate of this state and the people of Israel. In so many respects, life appears and feels normal. The economy is developing, the standard of living is growing and improving. But just below the surface of this normalcy, Mr. President, Israel still faces a threat to the state's very existence. Israel's survival remains, unfortunately, a very real and central concern 50 years after its independence.

Some people believe, however, that by ignoring this threat, that the peace process can succeed. Mr. President, it will fail. It is clear to me that many in the Palestinian leadership today see the peace process toward the goal of eliminating the State of Israel.

I suggest today that we get back to the basics. Peace is not possible while teaching children to hate and kill. Peace is not possible while persecuting those of other faiths. Peace is not possible while lionizing terrorism. We must stand up for freedom, security, and human dignity. We must stand up to ensure the security of Israel. We must stand up in the Congress, and we must insist that our President stand with us.

Today is the day to end American pressure on Israel to force a peace agreement. Today is the day to remember it is up to the people of Israel to determine their own fate—their own security. We should pressure those who fill children with slogans of hatred and holy war; we should pressure them to change. We should pressure those who torture; we should pressure them to change. We should pressure those who encourage and support terror and murder, and those who rejoice in hatred. That is where the pressure should be.

Now is the time, Mr. President, for a return to our principled stand. The only way to truly attain peace is to support freedom, democracy and justice, and oppose the cycle of hatred. We must face tyranny and oppression where it exists, condemn it, and stand up for peace—real peace based upon security, freedom, and a change of heart.

OCEAN SHIPPING REFORM

Mr. LOTT. Mr. President, on February 26, 1999, the Federal Maritime Commission (FMC) completed its rulemaking to implement the Ocean Shipping Reform Act of 1998. The regulatory framework for the liner shipping industry is now in place and ready for the May 1, 1999, start date.

The 1998 Act signals a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and "me too" requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the "big picture" of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open maritime commerce among our trading partners will become the oversight priority.

Mr. President, as FMC Commissioner Ming Hsu recently told a large gathering of shippers and industry representatives, "This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs." I couldn't agree more.

The FMC regulatory process bore some resemblance to the legislative process that preceded it. A few early steps started to head off in the wrong direction, but through honest dialogue among the industry and the government parties, the course was corrected and the intent of the 1998 Act was embodied in the regulations. Now the FMC faces the challenge of implementing the new regulations in a manner consistent with Congressional intent.

Mr. President, through the 1998 Act, the Congress directed the FMC to spend less effort attempting to regulate the day-to-day business of ocean carriers and spend more effort on countering truly market distorting activities. This shift is made possible by giving exporters and importers greater opportunity and ability to use the marketplace to satisfy their ocean shipping requirements through less government intervention.

Recent efforts by some countries to protect their domestic maritime industries by imposing restrictive trade practices indicates that this shift in emphasis is well-timed. I am particularly concerned about China's efforts to impose greater regulatory control over the ocean shipping industry as the rest of the world is heading in the opposite direction. While the Maritime Administration seem to be nearing an agreement eliminating unfair practices by Brazil, continued vigilance is required. As we are seeing with Japan's port practices, the problem can remain long after such an agreement is reached.

Mr. President, I should point out that paradigm shifts are often painful, but enlightening, for involved organizations. To its credit, the FMC met the challenge of promulgating the new regulations by the March 1, 1999 deadline. Now, I recognize that Congress issues many deadlines for the Executive Branch, sometimes with little success. But I want to personally congratulate the FMC for its tremendous effort and responsiveness to complete these regulations on time. Not only did the FMC deliver its rules on time; the FMC's rules are clearly within the intent of Congress. I feel good about that.

I want to express my gratitude to the four FMC Commissioners, Chairman Hal Creel, Ming Hsu, John Moran, and Delmond Won, for their leadership and wisdom during this process. This band of four challenged the staff to think "outside the box" of the previous regulatory system and develop innovative methods to monitor the industry in a less intrusive manner. Also, I want to recognize the efforts of the FMC staff members who worked long and hard to meet Congress' deadline: George Bowers, Florence Carr, Jennifer Devine, Rachel Dickon-Matney, Bruce Dombrowski, Rebecca Fenneman, Vern Hill, Christopher Hughey, Amy Larson, David Miles, Tom Panebianco, Austin Schmitt, Matthew Thomas, Bryant VanBrakle, Ed Walsh, and Ted Zook. Their hard work and sweat will truly benefit this Nation by enabling industry and its customers to prepare for this new era of ocean shipping.

Mr. President, just as it took several years for the legislative process to bear fruit, I urge patience before evaluating the results of this rulemaking. I will continue to monitor the transition process for this fundamental change. The Ocean Shipping Reform Act can't fix international economic imbalances and uncertainties, but it will give the industry and its customers much-needed flexibility to work through many difficult situations.

Mr. President, The health of our Nation's economy depends on a healthy system for international trade, and therefore, a dependable ocean shipping industry. The FMC rules will provide the necessary certainty in a manner consistent with Congressional intent. Again, I salute the FMC for being responsive.

GRASSLEY-WYDEN INITIATIVE LETTER

Mr. LOTT. Mr. President, I ask unanimous consent that a letter sent to all Senators today addressing the procedures governing the use of holds, signed by the Democratic leader, Senator DASCHLE, and myself, be placed in the RECORD. This letter is a result of ongoing negotiations between Senators GRASSLEY and WYDEN, the Democratic leader and myself, beginning early in the 105th Congress, and encourages all Members to make their legislative holds known.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 25, 1999.

DEAR COLLEAGUE: As the 106th Congress begins,we wish to clarify to all colleagues, procedures governing the use of holds during the new legislative session. All Senators should remember the Grassley and Wyden initiative, calling for a Senator to "provide notice to leadership of his or her intention to object to proceeding to a motion or matter [and] disclose the hold in the Congressional Record."

While we believe that all Members will agree this practice of "secret holds" has been a Senatorial courtesy extended by party Leaders for many Congresses, it is our intention to address some concerns raised regarding this practice.

Therefore, at the beginning of the first session of the 106th Congress, all Members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns. Further, written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination. Holds placed on items by a Member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

We look forward to working with you to produce a successful new Congress.

Best regards,

TRENT LOTT,
Majority Leader.
TOM DASCHLE,
Democratic Leader.

DEPARTURE OF SANDRA STUART AS ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. LEVIN. Mr. President, last week the Defense Department and the Congress lost the services of an outstanding public servant when Sandi Stuart stepped down as the Assistant Secretary of Defense for Legislative Affairs.

For the last six years, beginning in 1993, Sandi Stuart has served as the senior legislative advisor to three Secretaries of Defense—our former colleague the late Les Aspin; Dr. Bill Perry; and the current Secretary of Defense Bill Cohen. During this time she has earned a well-deserved reputation as a skilled legislative strategist and an effective spokesperson for the Secretary of Defense and for the interests of the men and women in uniform and their families.

At the same time, because of her extensive experience over almost 15 years in senior staff positions in the House of Representatives, Sandi had tremendous credibility on Capitol Hill as someone who understood how Congress worked. She knew that to be successful working with Congress—particularly in the area of national security policy—requires an ability to work closely with members and staff on both sides of the aisle. She did that very well, and leaves the Defense Department with the respect and gratitude of Democratic and Republican members and staff alike.

Mr. President, I have worked closely with Sandi Stuart for the past six years on a broad range of national security policy issues. She has done an outstanding job of meeting the needs of the Armed Services Committee, and I have come to rely heavily on her advice and counsel.

Mr. President, Sandi Stuart has also become a good friend, and we will miss her. I want to take this opportunity to thank her for her service to the country, and to wish her continued success in the private sector as she leaves the Department of Defense.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 2, 1999, the federal debt stood at $5,649,288,631,596.74 (Five trillion, six hundred forty-nine billion, two hundred eighty-eight million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents).

One year ago, March 2, 1998, the federal debt stood at $5,514,791,000,000 (Five trillion, five hundred fourteen billion, seven hundred ninety-one million).

Five years ago, March 2, 1994, the federal debt stood at $4,554,852,000,000 (Four trillion, five hundred fifty-four billion, eight hundred fifty-two million).

Ten years ago, March 2, 1989, the federal debt stood at $2,743,744,000,000 (Two trillion, seven hundred forty-three billion, seven hundred forty-four million).

Fifteen years ago, March 2, 1984, the federal debt stood at $1,468,923,000,000 (One trillion, four hundred sixty-eight billion, nine hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,180,365,631,596.74 (Four trillion, one hundred eighty billion, three hundred sixty-five million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents) during the past 15 years.

IMPROVING HUMAN RIGHTS IN CHINA

Mr. ABRAHAM. I would like to call to the attention of my colleagues an article on "Improving Human Rights in China" written by Jim Dorn, vice president for academic affairs at the Cato Institute. Dorn advocates that Congress return to legislation "designed to change China's stand on human rights and to liberate the Chinese people from religious and political persecution." This call is particularly timely given the most recent wave of repression against those inside China who seek to widen freedom and political discourse in that country. Higher taxes in the form of higher tariffs is not the answer, as Dorn points out. However, that does not mean America and the U.S. Congress, and, indeed, the President, should not be strongly advocating the rule of law and respect for political dissent in China. I recommend Jim Dorn's piece to my colleagues and encourage continued vigilance in the defense of civil liberties and freedom for the Chinese people. I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Feb. 8, 1999]

IMPROVING HUMAN RIGHTS IN CHINA

(By James A. Dorn)

The use or threat of trade sanctions to advance human rights in China has done relatively little to change policy in Beijing. Congress should consider alternative measures to improve human rights in China.

Trade sanctions are a blunt instrument; they often fail to achieve their objectives and end up harming the very people they are intended to help.

In the case of China, placing prohibitively high tariffs on Chinese products entering the United States in order to protest Beijing's dismal human rights record would cost U.S. consumers billions of dollars.

It would also slow the growth of China's nonstate sector, which has allowed millions of Chinese to move to more productive jobs outside the reach of the Communist Party. Isolating China would reverse the progress that has been made since economic reform began in 1978 and would create political and social instability.

A better approach is to continue to open China to the outside world and, at the same time, use non-trade sanctions and diplomacy to advance human rights. When China violates trade agreements or intellectual property rights, however, it should be held accountable, and carefully targeted trade sanctions may be warranted.

The piracy of intellectual property is a serious problem for Western firms. China has been a major offender of copyright laws and needs to comply with the rule of law. China's membership in the World Trade Organization should be conditioned on Beijing's adherence to international law.

The problem is that most less-developed countries, and even some developed countries, violate intellectual property rights. Using economic sanctions to punish pirates sounds good in theory, but in practice sanctions are seldom effective.

The real solution to piracy may have to wait for technological changes that make it very costly to steal intellectual property. And it may have to wait for the rule of law to evolve in China and other less-developed countries.

As China develops its own intellectual property, there will be a demand for new laws to protect property rights. The uncertainty created by China's failure to protect these rights can only harm China in the long run. Investors will not enter a market if they cannot reap most of the benefits of their investments.

Fan Gang, an economist at the Chinese Academy of Social Sciences, predicts that things will change in China as people discover that clearly defined and enforced property rights are to their advantage.

People, he said, "are bound to find that all this cheating and protecting yourself from being cheated consume too much time and energy, and that the best way to do business is playing by a set of mutually respected rules. New rules and laws will be passed, and people will be ready to abide by them."

The United States has considerable leverage in dealing with China and should not let it dictate U.S. foreign policy or allow human rights to be a nonissue.

The United States is China's largest export market, and U.S. investors rank third in terms of foreign direct investment in China. Clearly China would be harmed by any significant cutback in trade with an investment from the United States.

The problem is that any sizable cutback would also harm the United States and the world economy.

To avoid the high costs (and low probable benefits) that stem from the use of trade sanctions, Congress should consider using non-trade sanctions such as cutting of the flow of taxpayer-financed aid to China—including aid from the International Monetary Funds, the World Bank, and the Asian Development Bank.

Another possible non-trade sanction is making public the names of companies known to be using prison labor or companies run by the People's Liberation Army so that U.S. consumers can boycott their products.

The China Sanctions and Human Rights Advancement Act, S. 810, introduced in the 105th Congress by Sen. Spencer Abraham, R-Mich., lists those and other measures designed to move China toward a free society.

The 106th Congress should return to that and other legislation designed to change China's stand on human rights and to liberate the China people from religious and political prosecution.

(The passage of H.R. 2647, one of four "Freedom of China" bills enacted by the 105th Congress as part of the 1999 Defense Authorization Act, is a step in the right direction. That bill requires publication of the names of PLA-run companies operating in the United States.)

Congress should recognize that advancing economic freedom in China has had positive effects on the growth of China's civil society and on personal freedom.

According to Chinese dissident Wang Dan, "Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people."

MESSAGES FROM THE HOUSE

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small businesses.

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century.

The message also announced that pursuant to the provisions of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965, as amended by section 346(e) of Public Law 105–83, the Speaker appoints the following Member of the House to the National Council on the Arts: Mr. BALLENGER of North Carolina.

The message further announced that the provisions of subsection (c)(3) of the Trade Deficit Review Commission Act (division A, Public Law 105–277), the Speaker appoints the following person on the part of the House to the Trade Deficit Review Commission: Mrs. Carla Anderson Hills of Washington, D.C.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster litigation measures by small businesses; to the Committee on Small Business.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 350. An act to improve congressional deliberations on proposed Federal private sector mandates, and for other purposes.

S. 508. A bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1968. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the military expenditures of countries receiving U.S. assistance in 1998; to the Committee on Appropriations.

EC–1969. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a notice of proposed refunds or recoupments of offshore lease revenues dated February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1970. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, certification that the Future Years Defense Program fully funds the support costs of the E–2C "Hawkeye" multiyear procurement program; to the Committee on Armed Services.

EC–1971. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions" (FRL6062–4) received on February 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election in Respect of Losses Attributable to a Disaster" (Rev. Rul. 99–13) received on February 22, 1999; to the Committee on Finance.

EC–1973. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–14 to 99–18); to the Committee on Foreign Relations.

EC–1974. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (64 FR7107) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1975. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (64 FR7109) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1976. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (Docket FEMA7272) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1977. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Freedom of Information Act Regulation" (RIN3069–AA71) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1978. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report under the Superfund Amendments and Reauthorization Act for fiscal year 1998; to the Committee on Environment and Public Works.

EC–1979. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL6236–1) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1980. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Michigan: Final Authorization of State Hazardous Waste Management Program Revision" (FRL6236–2) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1981. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to Quality Assurance Programs" (RIN3150–AG20) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1982. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the Report of Activities required by the Architectural Barriers Act for 1988; to the Committee on Environment and Public Works.

EC–1983. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1984. A communication from the Secretary of Defense, transmitting notice of a routine military retirement in the Navy; to the Committee on Armed Services.

EC–1985. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Comptroller General's Annual Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1986. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in January 1999; to the Committee on Governmental Affairs.

EC–1987. A communication from the Chairman of the Council of the District of Columbia, transmitting a report on D.C. Act 12–633, "Closing of Public Alleys in Square 51, S.O. 98–145, Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–1988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–574, "Home Purchase Assistance Step Up Fund Act of 1998"; to the Committee on Governmental Affairs.

EC–1989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–631, "Annuitants' Health and Life Insurance Employer Contribution Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–1990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–632, "Bethea-Welch Post 7284, Veterans of Foreign Wars Equitable Real

Property Tax Relief Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-1991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-629, "TANF-related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-1992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-628, "Advisory Neighborhood Commissions Management Control and Funding Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-1993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-607, "Health Benefits Plan Members Bill of Rights Act of 1998"; to the Committee on Governmental Affairs.

EC-1994. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-586, "Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1995. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-576, "Closing of a Public Alley in Square 371, S.O. 96-202, Act of 1998"; to the Committee on Governmental Affairs.

EC-1996. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-576, "Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1997. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-380, "Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1998. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-609, "Comprehensive Plan Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1999. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice that on January 31, 1999, the Deputy Director of Intermodalism, and first assistant to the Associate Deputy Secretary, was Designated to serve in the vacant Associate Deputy Secretary position in an acting capacity; to the Committee on Commerce, Science, and Transportation.

EC-2000. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Hazardous Material Transportation Safety Reauthorization Act"; to the Committee on Commerce, Science, and Transportation.

EC-2001. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits" (I.D. 100798B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2002. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. 012999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2003. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (I.D. 020999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2004. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea" (I.D. 021799A) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2005. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. 021699B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2006. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: Raising Exemption Level for Annual Survey of Foreign Direct Investment in the United States" (RIN0691-AA32) received on February 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2007. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation" (Docket 98-60) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC-2008. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Sheridan, Wyoming and Colstrip, Montana" (Docket 98-134) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (St. Marys, West Virginia)" (Docket 97-245) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Dayton, Washington and Weston, Oregon" (Docket 98-90) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Marine Terminal Operator Schedules" (Docket 98-27) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans Affairs.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 518. A bill for the relief of Patricia E. Krieger of Port Huron, Michigan; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 519. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans' Affairs.

IOANIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I rise today to introduce a bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Medical Center in Reno, Nevada, in honor of Mr. Jack Streeter.

Jack Streeter is Nevada's most decorated veteran from World War II. He was born on December 1, 1921 in Ely, Nevada. For his valiant service, he was awarded five Silver Stars, five Purple Hearts and the two Bronze Stars. He was a combat infantryman and served with the 1st Infantry Division (Big Red One). He left the service as a captain, U.S. Army.

Mr. Streeter has an incredible life history of business and professional success. Mr. Streeter is an attorney at law, practicing for over forty years in the State of Nevada.

Jack graduated from the University of Nevada Reno in 1943, where upon after completing Officer Candidate School at Fort Benning, Georgia, he entered the U.S. Army as a second lieutenant. He saw combat throughout Europe in the Second World War in such places as the Normandy invasion on D-Day, the Battle of the Bulge, the St. Lo Breakthrough, Battle of Mortain, Battle of Mons, Battle of Aaachen, and the Battle of Hurtgen Forest.

After leaving the Army in 1945, Jack attended Hastings Law School in San Francisco, California, graduating in 1948. He returned to practice law in Nevada. In 1950 he entered politics and was elected district attorney in Reno. As District Attorney he compiled an impressive prosecution record and founded the National District Attorney Association.

During the next 43 years of private legal practice, jack specialized in business law representing a variety of different enterprises. He was active in many civic groups serving as president of the Nevada State Jaycees, Sertoma Club, Reno Navy League, and Chairman of the Commissioning Committee for the U.S.S. *Nevada* trident submarine.

Jack is on the boards of directors of the Society of the First Infantry Division, the University of Nevada Foundation, Saint Mary's Hospital Foundation, and he is a Knight of Malta. He also serves as the president of the World Association of Lawyers.

Veterans in northern Nevada have long needed this new wing to their VA Medical Center and it is only fitting that it be named in honor of Nevada's most decorated veteran from World War II.

The new facility I am requesting be named in honor of Jack Streeter is located in the complex known as the Ioannis A. Lougaris Va Medical Center. Mr. Lougaris was the first living individual to have a VA Medical Center named in his honor.

Before World War II, John Lougaris remembered the veterans of World War I and the lack of medical aid, especially in Nevada. As a National Executive Committeeman from Nevada, he made many trips to Washington, DC, sixteen of them at his own expense, endeavoring to get a Veterans Hospital established in Reno.

The first success was a 26-bed unit, built in 1939 with a $100,000 federal grant. In 1944, John's efforts led to increasing the facility to 125 beds. He did not stop working and today the Reno VA Medical Center which bears his honorable name, serves Nevada's veterans well as a 107 bed facility which includes a 60 bed nursing home facility and 12 intensive care unit beds. The new bed replacement facility, which the bill I am offering today seeks to name after Jack Streeter, was built at the cost of $27 million and brings this hospital to a modern day standard.

In recognition of John Lougaris's devotion, deep interest, and untiring efforts in the development of a hospital to serve veterans in Nevada and Northern California, the Congress of the United States, by Public Law 97–66, rededicated the Reno VA Medical Center as the Ioannis A. Lougaris VA Medical Center on December 17, 1981.

It was certainly a well deserved gesture when Congress designated the VA Medical Center in honor of Ioannis A. Lougaris. It would now be equally fitting to name the new hospital wing in honor of Mr. Jack Streeter for his outstanding record of service to this Nation.

Mr. BRYAN. Mr. President, I am proud to join with my friend and colleague from Nevada, Senator REID, in introducing this important legislation today to honor an individual whose extraordinary military service record and faithful commitment to his community warrants special recognition.

As Senator REID has explained, in the next few months a new wing will be dedicated at the Ioannis A. Lougaris VA Medical Center in Reno, Nevada. This five-story, 110-bed tower is a welcome addition to the Reno VAMC, and will provide veterans in northern Nevada with the modern facilities and quality inpatient care they so clearly deserve. The purpose of the legislation we are introducing today is to name that new wing after Mr. Jack Streeter, an individual whose lifetime is hallmarked by his exemplary service record, his steadfast dedication to the veterans community and his leadership in numerous charitable and nonprofit organization.

I have had the opportunity to know Jack for many years now, dating back to my tenure as governor of Nevada. Anyone who has come into contact with Jack Streeter, and who had the occasion to talk with Jack and learn more about his experiences, can understand and appreciate what an extraordinary individual this man is.

Jack Streeter's military service record is quite well known in the State of Nevada. He is, in fact, the most decorated World War Two veteran in Nevada, having earned five Purple Hearts, five Silver Stars, and two Bronze Stars in the European Theater. Let me repeat that Mr. President, because it truly is an astounding record.

Five Purple Hearts, five Silver Stars, and two Bronze Stars.

As a young second lieutenant during the war, Jack saw action from the Allied invasion of Normandy to the decisive Battle of the Bulge in the winter of 1944–45. Upon leaving the service in 1946, Mr. Streeter earned a law degree from Hastings Law School in San Francisco and later returned to Reno, where he was soon elected as district attorney. He later found the National District Attorney Association and participated in numerous civic organizations and foundations.

Jack Streeter's distinguished military service record, coupled with his unyielding dedication to his community, merits the sort of recognition and rememberence that this legislation will provide. To all Nevadans who have had the opportunity to know Jack, he is a friend, a civic leader, and most importantly, a champion of the community.

I look forward to working with Senator REID and the entire Nevada delegation in passing this proposal and naming this new wing after a true American hero.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO REAUTHORIZE THE NATIONAL WRITING PROJECT

Mr. COCHRAN. Mr. President, today, I am introducing legislation to reauthorize the National Writing Project, the only Federal program to improve the teaching of writing in America's classrooms.

Literacy is at the foundation of school and workplace success, of citizenship in a democracy, and of learning in all disciplines. The National Writing Project has been instrumental in helping teachers develop better teaching skills so they can help our children improve their ability to read, write, and think.

As the United States continues to face a crisis in writing in schools heightened by the growing number of at-risk students due to limited English proficiency and the shortage of adequately trained teachers, continued Federal support for a program that works such as the National Writing Project is imperative.

The National Writing Project is a national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing.

Through its professional development model, the National Writing Project recognizes the primary importance of teacher knowledge, expertise, and leadership. The National Writing Project operates on a teachers-teaching teachers model. Successful writing teachers attend Invitational Summer Institutes at their local universities. During the school year these teachers provide workshops for other teachers in the schools.

Teachers of all subjects benefit from the training, and the success of students who are taught by Writing Project teachers is evident: they score better not just on writing examinations, but in reading, mathematics, and in other subjects.

Since 1973, the National Writing Project has served over 1.8 million teaches and administrators. Each year over 150,000 participants benefit from the National Writing Project programs in 1 of 156 United States sites located in 46 States and Puerto Rico. The National Writing Project generates $6.47 for every Federal dollar.

I am pleased, that for the first time since the National Writing Project was authorized for federal funding in 1991, the President has requested funds to expand the National Writing Project in his budget for Fiscal Year 2000.

This program has proven to be one of the most effective in education today. I am proud to be associated with it, and I compliment those who have made it so successful across the nation.

When I first introduced this bill in 1990, it was cosponsored by 40 Senators, both Republicans and Democrats. I hope it will receive equal or greater support in the 106th Congress. I invite other Senators to join me in sponsoring this legislation.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DOWNED ANIMAL PROTECTION ACT

Mr. AKAKA. Mr. President, today I am introducing the Downed Animal Protection Act, a bill to eliminate inhumane and improper treatment of downed animals at stockyards. The legislation prohibits the sale or transfer of downed animals unless they have been humanely euthanized.

Downed animals are severely distressed recumbent animals that are too sick to rise or move on their own. Once an animal becomes immobile, it must remain where it has fallen, often without receiving the most basic assistance. Downed animals that survive the stockyard are slaughtered for human consumption.

These animals are extremely difficult, if not impossible, to handle humanely. They have very demanding needs, and must be fed and watered individually. The suffering of downed animals is so severe that the only humane solution to their plight is immediate euthanasia.

Mr. President, the bill I introduce today requires that these hopelessly sick and injured animals be euthanized by humane methods that rapidly and effectively render animals insensitive to pain. Humane euthanasia of downed animals will limit animal suffering and will encourage the livestock industry to concentrate on improved management and handling practices to avoid this problem.

Downed animals compromise a tiny fraction, less than one-tenth of one percent, of animals at stockyards. Banning their sale or transfer would cause no economic hardship. The Downed Animal Protection Act will prompt stockyards to refuse crippled and distressed animals, and will make the prevention of downed animals a priority for the livestock industry. The bill will reinforce the industry's commitment to humane handling of animals.

The problem of downed animals has been addressed by major livestock organizations such as the United Stockyards Corp., the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas. All of these organizations have taken strong stands against improper treatment of animals by adopting "no-downer" policies. I want to commend these and other organizations, as well as responsible and conscientious livestock producers throughout the country, for their efforts to end an appalling problem that erodes consumer confidence.

Despite a strong consensus within industry, the animal welfare movement, consumers, and government that downed animals should not be sent to stockyards, this sad problem continues, causing animal suffering and an erosion of public confidence in the industry.

Mr. President, this legislation will complement industry effort to address this problem by encouraging better care of animals at farms and ranches. Animals with impaired mobility will receive better treatment in order to prevent them from becoming incapacitated. The bill will remove the incentive for sending downed animals to stockyards in the hope of receiving some salvage value for the animals and would encourage greater care during loading and transport. The bill will also discourage improper breeding practices that account for most downed animals.

My legislation would set a uniform national standard, thereby removing any unfair advantages that might result from differing standards throughout the industry. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors of the Packers and Stockyards

Administration regularly visit stockyards to enforce existing regulations. Thus, the additional burden on the agency and stockyard operators will be insignificant.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RESTRUCTURING EMPOWERMENT AND COMPETITIVENESS ACT OF 1999 (EURECA)

Mr. THOMAS. Mr. President, I rise today to introduce the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999. This legislation empowers the states to restructure their electric industries at the rate and in the way they decide. My legislation imposes no "retail choice mandate" or deadline on the States so as to fully allow the best market ideas and approaches to occur. As well, EURECA removes Federal impediments to competition and deregulates and streamlines the industry.

My bill gives the States the leading role in implementing competition in the electric power industry. This approach contrasts with the bills introduced in the House and Senate last Congress that required competition nationwide by a date certain. A Federal mandate on the States requiring retail competition by a date certain is not in the best interest of all classes of consumers. I am concerned such an approach would cause increased prices for low density States with relatively low cost power. This bill will protect States' rights and allow States maximum latitude to adapt competition to their own individual needs.

I believe States are in the best position to deal with this complex issue. Although the cost of electricity varies across the country, electric industry restructuring can result in lower consumer prices for everyday goods and services, the development of innovative new products and services, and a growing, more productive economy.

We have spent the last two Congresses holding hearings to review the state of competition in the electric power industry and discussing numerous pieces of legislation dealing with restructuring. Meanwhile, 20 individual States have passed their own legislation introducing competition into the retail electric industry and many other States are considering such proposals. According to industry statistics, nearly 50 percent of all Americans now live in States committed to retail competition. States are clearly taking the lead—they should continue to have that role—and this bill encourages more innovation by affirming States' ability to implement retail choice policies.

It is critical to the welfare of the States that each one have an opportunity to ready and equip themselves for a successful transition to a deregulated environment. By learning from the States which have already implemented competition, other states can take precautions and adopt laws that will best protect them as they adjust to this new competitive environment. With FERC's Order 888, which created competitive wholesale power supply markets through the availability of non-discriminatory open-access transmission service under tariff, we have seen at both the State and Federal levels that we are now in a critical testing period in the implementation of market-based policies. Specifically, we saw the price spikes that occurred last summer in the Midwest. After holding a hearing on the subject, the experts agreed that we are indeed in a transition period. Although no one could point to one specific reason for the occurrence, and many were suggested, all seemed to agree for the need of national reliability standards.

Traditionally, reliability of the transmission system was managed by a voluntary, industry-led organization known as the North American Electric Reliability Council. We have added many new players to the transmission grid, making for an increasingly decentralized and competitive U.S. electricity industry. And, as determined by a recently issued DOE Task Force Report, "the old institutions of reliability are no longer sufficient." I have added a section on reliability to my legislation. The industry collectively came up with a legislative proposal that would transform NERC from a voluntary system of reliability management to NAERO, an organization that is mandatory in nature and subject to FERC oversight. Sustaining system reliability is crucial for protecting all classes of consumers and such an organization can help ensure that power markets function efficiently.

One of the most important aspects of this debate—assuring that universal service is maintained—is a critical function that each state PUC should have the ability to oversee and enforce. In my legislation, nothing would prohibit a state from requiring all electricity providers that sell electricity to retail customers in that state to provide electricity service to all classes and consumers of electric power. All classes of consumers should have access to adequate, safe, reliable and efficient energy services at fair and reasonable prices, as a result of competition.

Mr. President, my proposal will create greater competition at the wholesale level by prospectively deregulating wholesale sales of electricity. We did this in natural gas and it worked—I am confident it will work in electricity. Although everyone talks about "deregulating" the electricity industry, it is really the generation segment that will be deregulated. The FERC will continue to regulate transmission in interstate commerce, and State PUCs will continue to regulate retail distribution services and sales.

When FERC issued Order 888, it allowed utilities to seek market-based rates for new generating capacity. This provision goes a step further and allows utilities to purchase wholesale power from existing generation facilities, after the date of enactment of this Act, at prices solely determined by market forces.

Furthermore, the measure expands FERC authority to require non-public utilities that own, operate or control transmission to open their systems. Currently, the Commission cannot require the Power Marketing Administration (PMAs), the Tennessee Valley Authority (TVA), municipalities and cooperatives which own transmission to provide wholesale open access transmission service. Since approximately 22 percent of all transmission is beyond open access authority, requiring these non-public utilities to provide this service will help ensure that a true wholesale power market exists.

One of the key elements of this measure is streamlining and modernizing the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Public Utility Holding Company Act of 1935 (PUHCA). While both of these initiatives were enacted with good intentions, there is widespread belief that the Acts have fulfilled their original obligations and have outlived their usefulness.

My bill amends Section 210 of PURPA on a prospective basis. Current PURPA contracts would continue to be honored and upheld. However, upon enactment of this legislation, a utility that begins operating would not be required to enter into a new contract or obligation to purchase electricity under Section 210 of PURPA.

With regard to PUHCA, I've included Senators SHELBY's and DODD's "Public Utility Holding Company Act of 1999." This language is identical to the bipartisan legislation reported by the Committee on Banking, Housing, and Urban Affairs in the 105th Congress. Under this proposal, PUHCA would be repealed. Furthermore, all books and records of each holding company and each associate company would be transferred to the Securities and Exchange Commission (SEC)—which currently has jurisdiction over the 19 registered holding companies—to FERC. This allows energy regulators, who truly know the industry to oversee the operations of these companies and review acquisitions and mergers. These consumer protections are an important part of PUHCA reform.

Mr. President, an issue that must be resolved in order for a true competitive environment to exist is that of utilities receiving "subsidies" by the federal government and the U.S. tax code. For years, investor owned utilities (IOUs) have claimed inequity because of tax-exempt financing and low-interest loans that municipalities and rural cooperative receive. On the other side of the equation, these public power systems maintain that IOUs receive benefits in the tax code such as accelerated depreciation, investment tax credits and deferred income tax and many use tax-exempt debt for pollution control bonds. Are these in a way, "subsidies?" The jury is still out on how best to tackle these difficult issues but without a doubt, we will need to come to a resolution.

Finally, my bill directs the Inspector General of the Department of the Treasury to file a report to the Congress detailing whether and how tax code incentives received by all utilities should be reviewed in order to foster a competitive retail electricity market in the future.

Mr. President, with respect to federal comprehensive restructuring legislation, it is the states themselves that hold the key to ultimate success. EURECA allows states to continue to move forward and craft electricity proposals that best fit their own particular needs. This legislation is the best solution to move forward with a better product for all classes of consumers and the industry as a whole.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor and Pensions.

ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today with my colleagues Senators CHAFEE, ROBB, and MIKULSKI, to introduce the Emergency Medical Services Act of 1999. Americans today are routinely denied coverage by their managed care plans for visits to the emergency department for legitimate emergency medical conditions. This legislation establishes a national definition, known as the prudent layperson standard, for the purposes of receiving emergency room treatment. The Balanced Budget Act of 1997 applied this definition to the Medicaid and Medicare programs. The proposal would simply ensure that all private health plans afford their consumers the same kinds of protections available to Medicaid and Medicare beneficiaries.

Mr. President, current law places patients in the unreasonable position of fearing that payment for emergency room visits will be denied even when conditions appear to both the patient and emergency room personnel to require urgent treatment. For example, a patient who is experiencing chest pains and believes that she is having a heart attack may not be covered by a health plan if the diagnosis later turns out to be indigestion. Enactment of the "prudent layperson" definition would end this phenomena by ensuring coverage when a reasonable person, who believes that she is in need of care, presents herself at an emergency room and is treated.

Federal law, the Emergency Medical Treatment and Active Labor Act (EMTALA), already requires that all persons who come to a hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency, and if so, that they receive stabilizing treatment before being discharged or moved to another facility. As a result, emergency, room doctors and hospitals face a catch-22. Practitioners are required by EMTALA and their own professional ethics to perform diagnostic tests and exams to rule out emergency conditions, but may be denied reimbursement due to HMO prior authorization requirements or a finding after diagnosis that the condition was not of an emergency.

This legislation also provides a process for the coordination of post-stabilization care. Consider this example: a patient goes into the emergency room complaining of chest pains, in an obvious emergent condition. Subsequently, the chest pains subside, therefore, the patient is considered clinically "stabilized." However, this does not mean that the patient is out of danger. At that point the emergency room physician may recommend a follow up test, such as an EKG, but is frequently unable to get the health plan to authorize any follow-up care.

This portion of the bill would require that treating emergency physicians and health plans timely communicate with each other to determine what the necessary post-stabilization care should be. Health plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization. For instance, the plan may recommend that the patient by transferred to an in-network hospital, or it may agree to cover the tests recommended by the emergency room physician.

Our legislation has been strongly endorsed by Kaiser Permanente, one of our nation's oldest, largest, and most respected managed care plans, and the American College of Emergency Physicians. The legislation has also received the strong support of the American Osteopathic Association, the Federation of American Health Systems, and the National Council of Senior Citizens, among many others.

I would ask that my colleagues join us in supporting this important legislation.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas. My bill would grant permanent resident status to Janina and Diogenes, who face deportation later this month to the Dominican Republic as a result of a technicality in current federal immigration law.

Janina has been denied citizenship because her mother was the child of a U.S. citizen female and foreign male. Previous law allowed only children of U.S. citizen males and foreign females to claim U.S. citizenship.

In 1994, Senator Paul Simon passed the Immigration and Nationality and Technical Corrections Act, which allowed individuals born overseas before 1934 to U.S. citizen mothers, and their descendants, to claim U.S. citizenship. As a result of that 1994 law, Janina's mother received U.S. citizenship in January 1996.

However, when Janina attempted to attain citizenship as a descendant of a direct beneficiary of this legislation, her application was denied. Despite the 1994 law, the Immigration and Naturalization Service required that Janina's mother meet transmission requirements: she must have been physically present in the U.S. for 10 years prior to Janina's birth, 5 of which over the age of 16 years, in order for Janina to derive citizenship. Since her mother was prohibited from becoming a U.S. citizen until 1996, however, this requirement is unreasonable.

While 60 years of discriminatory law was corrected in 1994, the citizenship qualifications of the line of descendants of those U.S. citizen females remain adversely impacted. The private relief bill I introduce today will grant Janina and her husband Diogenes permanent resident status to continue their lives in this country until this provision can be amended.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

LEGISLATION TO IMPROVE THE BULLETPROOF VEST PARTNERSHIP GRANT ACT

Mr. LEAHY. Mr. President, I am introducing legislation to improve the Bulletproof Vest Partnership Grant Act and am especially pleased to be joined by Senators FEINGOLD, TORRICELLI and SCHUMER as original sponsors on this law enforcement effort. I am also pleased that the senior Senator from Colorado, Senator CAMPBELL, is joining us, again, in this effort. We worked together closely and successfully last year to pass the Bulletproof Vest Partnership Grant Act into law.

The Bulletproof Vest Partnership Grant Act, which President Clinton signed into law on June 16, 1998, authorizes the Department of Justice to award grants to pay for half of the cost of providing bulletproof vests for State and local law enforcement officers. Beginning this month, the Department of Justice plans to open the Bulletproof Vest Partnership Program so that State, county and local law enforcement agencies may receive grants to pay for half of the cost of providing body armor for their officers. The entire application and payment process for the program will occur electronically via the Internet at http://vests.ojp.gov. I am confident that this innovative process will be a great success at harnessing the power of the information age to assist law enforcement do its job better, safer and more cost effectively. I want to commend the Attorney General and the Department for making this effort.

To build on the success of the Bulletproof Vest Partnership Program, our bipartisan legislation would permit the Department of Justice to waive, in whole or in part, the matching requirement for law enforcement agencies applying for bulletproof vest grants in cases of fiscal hardship. Some police departments in smaller jurisdictions may be unable to contribute half of the cost of buying body armor for their officers. This waiver provision was included in the Campbell-Leahy version of the Act introduced last year, but was unfortunately eliminated by others during House-Senate consideration of the final legislation.

Our bipartisan bill is strongly supported by Federal Bureau of Investigation Director Louis Freeh and the International Association of Chiefs of Police.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives, and I believe this new law will put vests on our State and local law enforcement officers who put their lives on the line.

I look forward to working with all Senators to ensure that each and every law enforcement community in Vermont and across the nation can afford basic protection for their officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the portion"; and

(2) by adding at the end the following:

"(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1999

Mr. LAUTENBERG. Mr. President, today I am introducing the Beaches Environmental Assessment, Closure, and Health (BEACH) Act of 1999, legislation which would amend the Clean Water Act to require states to adopt water quality standards for coastal recreation waters and to notify the public of unhealthy conditions. I am pleased to be joined by Senator TORRICELLI, Senator BOXER, and Senator LIEBERMAN in sponsoring this legislation.

Mr. President, coastal tourism generates billions of dollars every year for local communities and beaches are the top vacation destination in the nation. A recent survey found that tourists spend over $100 billion in coastal portions of the twelve states that were studied. Travel and tourism to the beaches of the Jersey shore alone generates over $7 billion annually to local economies.

Unfortunately, the increased use of the coastal waters at our public beaches and coastal parks for swimming, wading, and surfing can cause increased risk to public health if these recreational waters are not properly managed. Water pollution and water-borne bacteria and viruses from overflowing sewage systems can cause a wide range of diseases, including gastroenteritis, dysentery, hepatitis, ear, nose, and throat problems, E. coli bacterial infections, and respiratory illness. Upon contracting one of these water-borne diseases, the affected individual often remains contagious even when out of the water and may pass the illness to others. The consequences of these swimming-associated illnesses can be especially severe for children, elderly people, and the infirm. In Maryland, the outbreak of the toxic Pfiesteria organism in several Chesapeake Bay tributaries prompted the state to close several rivers for public health reasons. Fishermen and swimmers who were exposed to Pfiesteria complained of short-term memory loss, dizziness, muscular aches, peripheral tingling, vomiting, and abdominal pain.

In a 1998 report on beach water quality, entitled Testing the Waters, the Natural Resources Defense Council reported over 5,199 closings or advisories of varying durations at U.S. beaches due to detected or anticipated unhealthy water quality in 1997. Many beaches closures and health advisories were a result of sewage spills and overflows.

The number of beach closings and advisories, while large, may represent only a small portion of the actual problem. This is because of an inconsistent approach among the states toward monitoring the water quality of public beaches and notifying the public of unhealthy conditions. In fact, as of 1999, only nine states have comprehensive monitoring programs and adequate public notification. Thirteen states have regular monitoring and public notification programs for a portion of their recreational beaches. Among the remaining coastal and Great Lakes states, some lack any regular monitoring of beach water quality, while others have monitoring programs, but no programs to close beaches or notify the public. As a result, a high bacteria level can cause a beach closure in one state while, in another state, people may be allowed to swim in the water, despite the health risks.

Due in part to my urging, in 1997, the Environmental Protection Agency (EPA) established its Beaches Environmental Assessment, Closure and Health

(BEACH) program to recommend appropriate monitoring criteria and public notification of beach water quality. While this program is a good start, the reality is that the majority of states have not adopted EPA-recommended criteria to protect swimmer's health, and the agency does not possess the authority to require states to adopt their recommended criteria.

Mr. President, my legislation would provide EPA the authority to require states to develop beach water quality monitoring and public notification programs that adequately and uniformly protect public health. The BEACH Act would require EPA to conduct studies for use in developing a more complete list of potential health risks associated with unhealthy beach water quality, develop more effective testing methods for detecting the presence of pathogens in coastal recreation waters, and revise its water quality criteria for pathogens in such waters. The legislation would also direct EPA to establish regulations requiring monitoring of water quality at public beaches to determine compliance with water quality and public safety criteria. The bill would require states to notify local governments and the public of current beach water quality. Where a state wishes to delegate its testing, monitoring, and notification requirements to local governments, EPA must issue delegation guidance to a state and the state must make resources available to the local government. Lastly, the BEACH Act would authorize $9 million dollars in grants to the States for the purposes of carrying out the requirements of this Act.

Mr. President, a day at the beach shouldn't be followed by a day at the doctor. I invite my colleagues to join me in supporting this legislation to ensure safe and healthy beaches for the citizens of New Jersey and the nation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

S. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beaches Environmental Assessment, Closure, and Health Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the beaches and coastal recreation water of the United States are valuable public resources that are used for recreation by millions of people annually;

(2) the beaches of coastal States host many out-of-State and international visitors;

(3) tourism in coastal zones generates billions of dollars annually;

(4) increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water;

(5) pollution in coastal water is not restricted by State or other political boundaries;

(6) coastal States have different methods of testing and parameters for evaluating the quality of coastal recreation water, resulting in the provision of varying degrees of protection to the public;

(7) the adoption of consistent criteria by coastal States would enhance public health and safety, including the adoption of consistent criteria for—

(A) testing and evaluating the quality of coastal recreation water; and

(B) the posting of signs at beaches notifying the public during periods when the water quality criteria for public safety are not met; and

(8) while the adoption of consistent criteria would enhance public health and safety, the failure to meet consistent criteria should be addressed as part of a watershed approach to effectively identify and eliminate sources of pollution.

(b) PURPOSES.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation water and beaches—

(1) to protect public safety; and

(2) to improve environmental quality.

SEC. 3. BEACH AND COASTAL RECREATION WATER QUALITY.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end:

"TITLE VII—BEACH AND COASTAL RECREATION WATER QUALITY

"SEC. 701. DEFINITIONS.

"In this title:

"(1) COASTAL RECREATION WATER.—The term "coastal recreation water" means water adjacent to public beaches of the Great Lakes and of marine coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by the public for—

"(A) swimming;

"(B) bathing;

"(C) surfing; or

"(D) other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term "floatable materials" means any foreign matter that may float or remain suspended in water, including—

"(A) plastic;

"(B) aluminum cans;

"(C) wood;

"(D) bottles;

"(E) paper products; and

"(F) fishing gear.

"SEC. 702. ADOPTION OF COASTAL RECREATIONAL WATER QUALITY CRITERIA BY STATES.

"(a) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall adopt water quality criteria for coastal recreation water that, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(1).

"(b) DEVELOPMENT OF CRITERIA.—Water quality criteria described in subsection (a) shall—

"(1) be developed and promulgated in accordance with section 303(c);

"(2) be incorporated into all appropriate programs into which a State would incorporate other water quality criteria adopted under section 303(c); and

"(3) not later than 3 years after the date of publication of revisions by the Administrator under section 703(b), be revised by the State.

"(c) FAILURE OF STATES TO ADOPT CRITERIA.—If, not later than 3 years and 180 days after the date of enactment of this title, a State has not complied with subsection (a), the water quality criteria issued by the Administrator under section 304(a)(1) shall—

"(1) become the effective water quality criteria for coastal recreational water for that State; and

"(2) be considered to have been promulgated by the Administrator under section 303(c)(4).

"SEC. 703. REVISIONS TO WATER QUALITY CRITERIA.

"(a) STUDIES.—Not later than 3 years after the date of enactment of this title, and after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, studies to provide new information for use in developing—

"(1) a more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;

"(2) appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;

"(3) appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and

"(4) guidance for the State-to-State application of the criteria issued under subsection (b) to account for the diversity of geographic and aquatic conditions throughout the United States.

"(b) REVISED CRITERIA.—Not later than 5 years after the date of enactment of this title, based on the results of the studies conducted under subsection (a), the Administrator, after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested parties, shall—

"(1) issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and

"(2) not less than once every 5 years thereafter, review and revise the water quality criteria.

"SEC. 704. COASTAL BEACH WATER QUALITY MONITORING.

"(a) MONITORING.—

"(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall promulgate regulations requiring monitoring by the States of public coastal recreation water and beaches for—

"(A) compliance with applicable water quality criteria; and

"(B) maintenance of public safety.

"(2) CONTENTS OF REQUIREMENTS.—Monitoring requirements established under this section shall specify, at a minimum—

"(A) available monitoring methods to be used by States;

"(B) the frequency and location of monitoring based on—

"(i) the periods of recreational use of coastal recreation water and beaches;

"(ii) the extent and degree of recreational use during the periods described in clause (i);

"(iii) the proximity of coastal recreation water to known or identified point and nonpoint sources of pollution; and

"(iv) the relationship between the use of public recreation water and beaches to storm events;

"(C) methods for—

"(i) detecting levels of pathogens that are harmful to human health; and

"(ii) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

"(D) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Administrator from the monitoring requirements under this subsection, if the Administrator determines that an exemption will not—

"(i) impair compliance with the applicable water quality criteria for that water; and

"(ii) compromise public safety.

"(b) NOTIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—Regulations promulgated under subsection (a) shall require States to provide prompt notification of a failure or the likelihood of a failure to meet applicable water quality criteria for State coastal recreation water, to—

"(A) local governments;

"(B) the public; and

"(C) the Administrator.

"(2) INFORMATION INCLUDED IN NOTIFICATION.—Notification under this subsection shall require, at a minimum—

"(A) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

"(B) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public—

"(i) of a failure to meet applicable water quality criteria for the water; and

"(ii) the potential risks associated with water contact activities in the water.

"(c) REVIEW AND REVISION OF REGULATIONS.—Periodically, but not less than once every 5 years, the Administrator shall review and make any necessary revisions to regulations promulgated under this section.

"(d) STATE IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (a) and (b).

"(2) REVISION OF PROGRAM.—Not later than 2 years after the date of publication of any revisions by the Administrator under subsection (c), each State shall revise the program established under paragraph (1) to incorporate the revisions.

"(e) GUIDANCE; DELEGATION OF RESPONSIBILITY.—

"(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall issue guidance establishing—

"(A) core performance measures for testing, monitoring, and notification programs under this section; and

"(B) the delegation of testing, monitoring, and notification programs under this section to local government authorities.

"(2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS.—If a responsibility described in paragraph (1)(B) is delegated by a State to a local government authority, or is delegated to a local government authority before the date of enactment of this section, State resources, including grants made under section 706, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Administrator.

"(f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall—

"(1) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

"(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

"(g) OCCURRENCE DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means—

"(1) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (b); and

"(2) a listing of communities conforming to the regulations promulgated under subsections (a) and (b).

"SEC. 705. REPORT TO CONGRESS.

"Not later than 4 years after the date of the enactment of this title and periodically thereafter, the Administrator shall submit to Congress a report that contains—

"(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

"(2) an evaluation of State efforts to implement this title.

"SEC. 706. GRANTS TO STATES.

"(a) GRANTS.—The Administrator may make grants to States for use in meeting the requirements of sections 702 and 704.

"(b) COST SHARING.—For each fiscal year, the total amount of funds provided through grants to a State under this section shall not exceed 50 percent of the cost to the State of implementing requirements described in subsection (a).

"(c) ELIGIBLE STATE.—Effective beginning 3 years and 180 days after the date of enactment of this title, the Administrator may make a grant to a State under this section only if the State demonstrates to the satisfaction of the Administrator the implementation of the State monitoring and notification program under section 704 of this title.

"SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

"(1) for use in making grants to States under section 706, $9,000,000 for each of fiscal years 2000 through 2004; and

"(2) for carrying out the other provisions of this title, $3,000,000 for each of fiscal years 2000 through 2004.".

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. INOUYE. Mr. President, six thousand miles from where I am standing today, The Queen's Health System of Hawaii is providing health care services that benefit the residents of all the Hawaiian Islands. This year, approximately 18,000 inpatients and more than 200,000 outpatients will seek health care from The Queen's Health Systems. The organization maintains an open emergency room; admits Medicare and Medicaid patients; operates a 536-bed accredited teaching hospital; operates Molokai General Hospital; operates clinics on various islands; provides home health care; supports nursing programs at Hawaiian colleges and universities; and promotes good health practices in many other ways.

In 1885 Queen Emma Kaleleonalani, wife of King Kamehameha IV, bequeathed land which in large part composes the assets of The Queen Emma Foundation, a non-profit, tax-exempt, public charity. The Foundation s charitable purpose is to support and improve health care services in Hawaii by committing funds generated by Foundation-owned properties to The Queen's Medical Center, the Queen's Health Systems and other health care programs benefiting the community.

Much of the land bequeathed by Queen Emma to the Foundation is encumbered by long-term, fixed rent commercial and industrial ground leases. As these leases expire, the land and improvements revert back to the Foundation. The existing, aged improvements thereon will need to be upgraded in order to enhance and continue the revenue-generating potential of the properties. However, the Foundation's available cash and cash flow are insufficient to implement these improvements which would result in increased financial support to The Queen's Medical Center, The Queen's Health Systems and other health care programs benefiting the community. If the Foundation borrows the funds, any income generated from those improvements would be subject to the debt-financed property rules of the unrelated business income tax provisions of the Internal Revenue Code. Since the income would be taxed at the corporate rate, the amount ultimately available to The Queen's Health System would be greatly reduced.

Consequently, the generosity and intent of Queen Emma more than 100 years ago are being frustrated by federal tax provisions intended to prevent abuses. I am sure the Congress never intended the unfortunate consequences these provisions are having on what is virtually the sole source of private financial support for this sound and unique system of providing and delivering health care to the people of Hawaii.

Current law already allows an exception from the debt-financing rules for certain real estate investments of pension trusts as well as an exception for educational institutions and their supporting organizations. The legislation I am introducing today grants similar relief to institutions like The Queen Emma Foundation which provide and deliver health care to the people of our nation.

I request unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I))."

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any indebtedness, a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 170(b)(1)(A)(iii) and with respect to which—

"(i) more than half of its assets (by value) at any time since its organization—

"(I) were acquired, directly or indirectly, by gift or devise, and

"(II) consisted of real property,

"(ii) the fair market value of the organization's unimproved real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the indebtedness was incurred, and

"(iii) no member of the organization's governing body was a disqualified person (as defined in section 4946 but not including any foundation manager) at any time during the taxable year in which the indebtedness was incurred.

In the case of any refinancing not in excess of the indebtedness being refinanced, the determinations under clauses (ii) and (iii) shall be made by reference to the earliest date indebtedness meeting the requirements of this subparagraph (and involved in the chain of indebtedness being refinanced) was incurred."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly three years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within three days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then-American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: (1) $20,000 for death; (2) $7,000 for personal injury; and (3) $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war and who made previous claims but have since died. The specific damage benefits would be as follows: (1) $7,000 for personal injury; and (2) $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This Act would also establish a Guam Trust Fund from which disbursements will be made. Any amount left in the fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79-224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended "to make Guam whole." The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required Congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a one-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79-225 and 79-583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately, $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage of less than $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for its "inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks." Secretary Ickes termed the procedures as "shameful results."

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins

Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80-896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81-630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide benefits to claimants who were nationals at the time of the war and later became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided more than $390 million in reparations to the Philippines, and more than $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan.

In addition, the United States provided more than $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated more than $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 755, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with Congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam War Restitution Act".

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

"(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

"(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

"(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

"(A) Death.

"(B) Personal injury (as defined by the Commission).

"(C) Forced labor, forced march, or internment.

"(5) GUAMANIAN.—The term 'Guamanian' means any person who—

"(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

"(B) was a United States citizen or national during such portion.

"(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

"(A) An affidavit by a witness to such compensable injury;

"(B) A statement, attesting to compensable injury, which is—

"(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

"(ii) made before a committee of the Guam legislature;

"(iii) made in support of a claim filed with the Guam War Reparations Commission;

"(iv) filed with a private Guam war claims advocate; or

"(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

"(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

"(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

"(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

"(A) the name and age of the claimant;

"(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

"(C) the approximate date or dates on which the compensable injury occurred;

"(D) a brief description of the compensable injury which is the basis for the claim;

"(E) the circumstances leading up to the compensable injury; and

"(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

"(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

"(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

"(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

"(c) ELIGIBILITY.—

"(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

"(A) The claimant is—

"(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

"(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

"(B) The claimant meets the requirements of paragraph (3).

"(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

"(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

"(B) The claimant meets the requirements of paragraph (3).

"(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

"(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

"(B) The claimant furnishes proof of the compensable injury.

"(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

“(4) Limitation on eligibility for awards and benefits—

“(A) Awards.—

“(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

“(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

“(B) Benefits.—

“(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

“(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

“(d) Payments.—

“(1) Certification.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

“(2) Awards.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

“(A) $20,000 if the claim is based on death.

“(B) $7,000 if the claim is based on personal injury.

“(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

“(3) Benefits.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

“(A) $7,000 if the claim is based on personal injury.

“(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

“(4) Reduction of amount to coordinate with previous claims.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

“(5) Form of payment.—

“(A) Awards.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

“(B) Benefits.—In the case of a claim for a benefit—

“(i) In general.—Payment under this subsection shall consist of—

“(I) provision of a scholarship;

“(II) payment of medical expenses; or

“(III) a grant for first-time home ownership.

“(ii) Method of payment.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

“(C) Development of procedures.—The Commission shall develop and implement procedures to carry out this paragraph.

“(6) Payments on claims with respect to same decedent.—

“(A) Awards.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

“(B) Individuals proving consanguinity with claimants for benefits.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

“(7) Order of payments.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

“(8) Refusal to accept payment.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

“(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

“(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

“(9) Clarification of treatment of payments under other laws.—Awards paid to eligible claimants—

“(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

“(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

“(e) Guam Trust Fund.—

“(1) Establishment.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

“(2) Investments.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

“(3) Uses.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

“(4) Disposition of funds upon termination.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

“(A) the funds are invested as described in paragraph (2);

“(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

“(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

“(f) Guam Trust Fund Commission.—

“(1) Establishment.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

“(2) Use of Guam Trust Fund.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

“(A) To make payments, under subsection (d), of awards and benefits.

“(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

“(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

“(3) Membership.—

“(A) Number and appointment.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

“(B) Terms.—

“(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a length determined pursuant to subparagraph (F).

“(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

“(C) Prohibition of compensation other than expenses.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

“(D) Quorum.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

“(E) Chairperson.—The Chairperson of the Commission shall be elected by the members of the Commission.

“(F) Subsequent appointments.—

“(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

“(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

“(4) Staff and services.—

“(A) Director.—The Commission shall have a Director who shall be appointed by the Commission.

"(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

"(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

"(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

"(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

"(6) TERMINATION.—The Commission shall terminate on the earlier of—

"(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

"(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

"(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

"(h) REPORTS.—

"(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

"(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

"(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

"(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

"(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

"(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

"(B) the status of the Trust Fund and the amount of any existing balance thereof.

"(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

"(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

"(B) the final status of the Trust Fund and the amount of any existing balance thereof.

"(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

"(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.".

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

LIBERTY DOLLAR BILL ACT

Mr. WARNER. Mr. President, I rise today to reintroduce the Liberty Dollar Bill Act.

Last year, students at Liberty Middle School in Ashland, Virginia came up with an idea. The measure I introduce today simply implements their vision. This bill directs the Treasury to place the actual language from the Constitution on the back of the one dollar bill.

Our founding fathers met in 1787, to write what would become the model for all modern democracies—the Constitution. Washington, Madison, Franklin, Hamilton and many other great Americans met for four months that year to ignite history's greatest light of government.

They argued, fought, and compromised to create a lasting democracy, built on a philosophy found in the preamble of the constitution. And they protected this philosophy and these ideals by creating three branches of government and divisions of power between the federal and state governments found in the articles and the amendments of the Constitution.

Although our currency celebrates the men who first drafted the Constitution, it doesn't celebrate their most nobel achievement. Shouldn't this greatest of American achievements be in the hands of all Americans?

All presidents, likewise all public officers, swear to "preserve, protect and defend" the Constitution. No country can survive if it loses its philosophical moorings. The freedoms and liberties we enjoy give substance, value and meaning to the laws by which we live. Our Nation's philosophy can be taken for granted in the daily business of lawmaking. Yet we can hear in John F. Kennedy's inaugural address that we do not defend America's laws, we defend its philosophy—a philosophy embodied in the Constitution.

Seventy-five percent of Americans say that "The Constitution is important to them, makes them proud, and is relevant to their lives."

So important is this document that we built the Archives in Washington to house and safeguard it. Hundreds of thousands go there each year to see it. However, ninety-four percent of Americans don't know all of the rights and freedoms found in the First Amendment. Sixty-two percent of Americans can't name our three branches of government.

Six hundred thousand legal immigrants come to America each year. Often their first sight of America is the

Statue of Liberty, holding high her torch, symbolizing our light and our freedom. Many of these immigrants become American citizens by the naturalization process and learn more about the Constitution than many natural born citizens.

If America's most patriotic symbol—the Constitution—were on the back of the one dollar bill, wouldn't we all know more about our Government? The Constitution should be in the hands of every American.

Our Constitution is a beacon of light for the world. People everywhere should be able to hold up our one dollar bill as a symbol of the freedom of modern democracy.

I am proud to join my colleague in the House of Representatives, Chairman TOM BLILEY, and reintroduce the companion legislation in the Senate. The Liberty Dollar Bill Act directs the Secretary of the Treasury to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of the one dollar bill.

Mr. President, I agree with the students of Liberty Middle School. The Constitution belongs to the people. It should be in their hands.

I want to commend the students of Liberty Middle School and their teacher, Mr. Randy Wright for their contribution to our Nation. I hope all my colleagues in the Senate will see the wisdom of these students and join me as a cosponsor of this legislation. Let the Nation hear that the younger generation can provide ideas that become the laws of our land.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

THE PUBLIC SCHOOL CONSTRUCTION PARTNERSHIP ACT

Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY, KERREY, DEWINE, TORRICELLI, and HUTCHISON to introduce the Public School Construction Partnership Act. As teachers, students, parents, and school administrators know, the United States faces a school infrastructure crisis. Many of our schools are more than 50 years old and crumbling, and the General Accounting Office estimates that it will cost about $112 billion to bring them into good repair. Moreover, this estimate does not take into account the need for new construction. The U.S. Department of Education projects that some 1.9 million more students will be entering schools in the next 10 years. At current prices, it will cost about $73 billion to build the new schools needed to educate this growing student population. Mr. President, I might add that my own State is gaining 60,000 new students each year. By the end of the decade, Florida's student enrollment will have increased 25 percent more than the population as a whole.

Education is rightfully a state and local matter, but the federal government can play a helpful, non-intrusive role in assisting communities overwhelmed by explosive increases in student enrollment. We at the federal level should help empower local school districts to find innovative, cost effective ways to finance new schools and repair aging ones.

The bill I am introducing today with Senator GRASSLEY provides new flexibility to state and local efforts to finance new schools and repair older ones. I believe that we should be providing a "cafeteria plan" of options to choose from in order to enable local and state governments to have a variety of financing tools available to them. An innovative means of financing the building or renovation of a school in an urban area like Miami won't necessarily be the best option for a rural town in Iowa. Therefore, our legislation provides four different alternatives to ease the burden of financing public school construction.

One alternative is to add educational facilities to the list of 12 types of facilities that can use private activity bonds. As you can see, these bonds are used to finance a wide range of public projects: from airports and mass commuting facilities, to qualified residential rental projects and environmental enhancements of hydroelectric generating facilities.

The importance of adding public educational facilities to this list is that these bonds would be tax exempt. And I emphasize the word public because private non-profit elementary and secondary schools already have the ability to issue tax-exempt facility bonds. Public schools should have the same tax treatment. Our legislation gives public schools parity with private schools.

The public/private partnership in school construction through the use of private activity bonds is already being used in the Canadian Province of Nova Scotia. Here is how it works: a private corporation builds the school and leases it to the school district at a reduced rate. The private entity supplements the cost of the building by leasing it for other uses during non-school hours.

This approach has been a success. According to a study by Ron Utt at the Heritage Foundation, 41 new schools have either been completed or approved for construction under the Public/Private Partnership Program. In the next three years, Nova Scotia expects to replace 10 percent of its schools through such partnerships.

I am optimistic that enabling communities in the United States to have the same opportunity will foster the same results.

Another portion of this legislation would help relieve some of the burdens on small and rural school districts.

Current law relieves small issuers of tax-exempt bonds for qualified school construction from onerous federal arbitrage regulations, but more relief is needed. The calculations required to determine the amount of arbitrage rebate are extremely complex and often require that a local government hire an outside consultant. Despite the trouble and expense of compliance, rebate amounts are usually quite small. Local governments sometimes spend much more to comply with the rebate rules than the amount actually rebated to the Treasury.

This legislation would permit school districts to keep funds earned on bond proceeds instead of reimbursing the Treasury Department if the bonds offered by the district totalled less than $15 million that year, or if the bonds are spent within four years.

Our legislation would also increase the amount of bonds banks can hold and still receive tax exempt status. Currently, banks may deduct their interest expense for loans if the bonds are less than $10 million in a one year period. We would increase that limit to $25 million, allowing school bonds to be bought directly by the banks without having to undertake the complexities of accessing the public capital markets.

Changing these current tax laws would help local school districts throughout the United States. Our legislation would foster even more innovative approaches to finance the building and refurbishment of our public schools. Such public-private partnerships would speed construction of new schools and reduce costs to communities.

Mr. GRASSLEY. Mr. President, today, I am joining my colleague from Florida, Senator GRAHAM, in introducing the School Construction Financing Improvement Act of 1999.

The single most important source of funding for investment in public school construction and rehabilitation is the tax-exempt bond market. Tax-exempt bonds finance approximately 90 percent of the nation's investment in public schools. In my home state of Iowa over $625 million in tax-exempt bonds were issued to school districts in 1998 alone.

There is a well-recognized need throughout the country for billions of additional new dollars in school construction and rehabilitation. A report from the General Accounting Office says urban schools alone need $112 billion in repairs over three years to bring their buildings back into working order. That same study says about 14 million children attend U.S. schools in need of extensive repairs, and about 7 million attend schools with life threatening safety code violations.

American schoolchildren attending schools with leaky roofs, inadequate bathrooms, poor air quality, and unreliable fire protection equipment is an unacceptable state of affairs. We need to step up to the plate and address this issue, not only promptly, but also properly. The administration's proposed use of tax credit bonds is inherently unworkable and inefficient. The school districts in states all across this land need greater flexibility not more federal regulations and controls.

Tax-exempt bonds have proven to be an effective financial instrument to fund school rehabilitation and construction. Therefore, it is appropriate and necessary to examine tax code limitations on the use of tax-exempt bonds for schools and to consider ways to amend the code to give school districts even greater access to the capital they earnestly need and deserve. Let's expand on something that works.

The administration has proposed policy initiatives to enhance and expand the use of tax credit bonds called "Qualified Zone Academy Bonds" or QZABs. However the QZAB program has proven incapable of attracting investors due to inherent flaws in tax credit bonds that make them extremely illiquid and unpredictable investments, and specific limitations on the use of these bonds imposed by the federal government on the states. These significant and crippling limitations include the exclusion of individual investors from purchasing QZABs, the requirement that school districts secure hard to come by "private business contributions", and prohibitions on the use of QZABs to fund new school construction projects.

Experience and study has shown that tax exempt bonds are a more workable, more efficient, and more popular alternative to QZABs. This bill reflects my belief that the wisest course to achieving the goal of providing schools with necessary capital to build and rehabilitate our nation's schools is to continue refining tax code limitations on the use of tax-exempt bonds.

The legislation Senator GRAHAM and I are introducing today is designed to narrowly target the use of tax-exempt bonds to school construction alone and do not change any tax code provisions designed to prevent abuse of bond issuance authority.

The first provision would allow school districts to make use of public-private partnerships in issuing tax-exempt bonds for public school construction or rehabilitation. The bonds would be exempt from the annual state volume caps. This will allow schools to leverage private investment in school facilities and would encourage school districts to partner with private investors in new and creative ways.

The second provision addresses the current two year construction spend-down exemption in arbitrage rebate regulations. This policy allows the exemption of bonds from arbitrage rebate if the issuer spends virtually all its bond proceeds within two years of the time these bonds for construction projects are issued. We recommend an extension of this exemption from two years to four years for school bonds. Often the two year limit is insufficient to cover major construction projects, especially when multiple projects are funded from a single bond issue. The extension of time limit on the exemption provision will also improve the flexibility of school districts that use bonds and relieve the school bond issuer from superfluous and burdensome tax compliance costs.

The second provision would also raise from $10 million to $15 million the volume of school construction bonds a small school district could issue each year and still qualify for the small-issuer arbitrage rebate exemption. This provision expands the benefits of the small-issuer rebate exemption to a much broader universe of small school bond issuers.

The third provision of the bill would permit banks to invest in certain qualified tax-exempt school construction bonds without penalty. Before the Tax Reform Act of 1986 that imposed a tax penalty on banks that earn tax-exempt interest, commercial banks were one of the most active groups of investors in the municipal bond market. This provision would directly reduce the cost of borrowing for new school construction and would result in more investment in public schools.

I urge my colleagues to join Senator GRAHAM and myself in trying to help schools receive the crucial funds necessary to build and repair America's schools.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS

Mr. HATCH. Mr. President, I am introducing today an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States. My amendment would allow athletes participating in world events, such as the Salt Lake 2002 Winter Olympic Games, to bring into the United States, duty free, such personal effects as equipment expressly used in the sporting events, and then re-exported with departing athletes at the termination of the events.

This bill is needed to relieve both Customs officials and event participants of immense amounts of documentation required in the past for such exceptions to Customs laws and practices. However, this amendment does not exempt such items from inspection by Customs officials, inspections which can be made entirely on their discretion, nor does it allow the entry of items barred under current law. This same bill, which I introduced in the prior, 105th Congress was favorably reported out by both the House Ways and Means Committee and the Senate Finance Committee, and incorporated in the Omnibus Trade Bill which failed passage.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

UNFAIR FOREIGN COMPETITION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of introducing the Unfair Foreign Competition Act of 1999. This legislation is in response to a crisis facing the steel industry in the United States as a result of subsidized and dumped goods coming into the United States from a variety of countries—from Russia, from Brazil, from Japan, from Indonesia—where steel is being sold in the United States at far under cost of production and far under the price steel is being sold for in those countries.

We know the financial problems which are present now in Russia where they are very anxious to have dollars and are selling steel in America for anything, virtually, that they can get for it. A similar problem has arisen with respect to other countries.

The steel industry has modernized, spending some $50 billion, and simply cannot compete with this kind of subsidy on dumped goods. Thousands of steelworkers are losing their jobs. A few years back there were 500,000 steelworkers in the United States; now that number is down to about 160,000, and more are going daily and weekly as a result of this dumped steel coming into the United States.

The existing laws are totally insufficient. When the administrative procedures are taken under existing law, it takes months. For example, complaints filed in September of 1998 will not be heard, adjudicated, decided, until May. Then there will be some retroactive duty imposition. Meanwhile, thousands of steelworkers will be losing their jobs. The steel industry will be suffering tremendous losses from which it cannot recover.

Beyond the issue of the industry itself and the workers, we have the paramount issue on national defense, the industrial base for the United States.

My legislation would provide a private right of action so that injured parties could go into a Federal court, into a court of equity, and get immediate relief. This legislation is similar to legislation which I have introduced as far back as 1982 where I sought injunctive relief. It now appears that injunctive relief is not consistent with GATT, although GATT international trade laws are consistent with U.S. trade laws which prohibit subsidized or dumped goods from coming into the United States.

The remedy which is provided in this bill would be that tariffs would be imposed at the direction of the Federal court as the form of equitable relief, and these tariffs would then be paid over to the damaged parties—to the steelworkers who had sustained damages as a result of losing their jobs and to the steel companies which had sustained damages from loss of sales as a result of this illegal steel coming into the United States which is dumped or subsidized.

There have been rallies held across the United States and on the west end of the Capitol not too long ago. The Senate Steel Caucus, which I have the privilege to chair, has had a series of hearings, including one in Pittsburgh on February 18.

There are a variety of legislative proposals now pending before the Congress: Tariffs, changing the U.S. law to conform to international laws to make it easier to get relief under 201 and 301. But there is nothing on the books which would be as effective as the kind of equitable relief which would be provided by this private right of action. There is litigation pending now in the Federal court in Ohio brought by Wheeling-Pittsburgh where, after I conferred with the officials of that company, they brought an equity action in the State courts seeking equitable relief, and it has since been transferred to the Federal courts. I believe that cause of action, that claim for relief in the Federal court, is well founded.

This legislation would remove any doubt that the injured parties—the workers, the companies, injured parties—would have a right to go into Federal court to get this relief on a prompt basis.

In a court of equity, as the distinguished Presiding Officer knows, having litigated extensively himself, it is possible to get a temporary restraining order, a TRO, on an ex parte basis by the filing of affidavits. When that is done, then there has to be a hearing within 5 days where the moving party then seeks a preliminary injunction. Then the court hears the evidence and makes a determination as to a preliminary injunction, and then further hearings to make a determination as to a permanent injunction. I outline that very, very briefly to signify the speed that you can have action if you go into the Federal court.

A court of equity is designed to provide prompt relief upon the showing of the requisite proofs. The difficulty with waiting for administrative action, action by the executive branch, is that we know as a matter of experience that the executive branch defers to foreign policy or defense policy.

There is grave concern in the administration, expressed by a variety of administration officials, about what will happen to the Russian economy. Of course, there are grounds for concern about the Russian economy but not sufficient concerns so as to override what will happen to the American steel industry. What happens to the Russians is important but, frankly, not as important to this Senator as what happens to Pennsylvanians or to people in West Virginia or to people in Indiana, Ohio, or Illinois—to mention only a few of the States which are impacted by these subsidized and dumped goods.

I am reminded, Mr. President, about an event back in 1984 when there was a favorable ruling for the steel industry from the International Trade Commission. The President had the authority to override that determination. My then colleague Senator Heinz and I made the rounds of the International Trade Representative, William Brock, and of the Secretary of Commerce, Malcolm Baldrige, and we found great sympathy with having the laws of the United States and the international trade laws enforced. When we talked to the Secretary of State and the Secretary of Defense, they were more concerned about their problems—foreign policy and defense policy. Ultimately, the President overruled the International Trade Commission to the detriment of the American steel industry. Regrettably, that is what happens.

We have had meetings of the Steel Caucus with the key officials of the executive branch. When it comes to the Secretary of Commerce or the Trade Representative, there has been a certain amount of sympathy for the position of the steel industry.

What we need to do is to take this issue out of international politics—politics at the highest level, where there are concerns for foreign policy or defense policy—and move it into court, where the rule of law will govern and where, on a showing that there is a violation of U.S. trade laws, a showing of a violation of international trade laws, and there is a remedy which is GATT consistent, which is to impose tariffs. The approach of having the tariffs then paid over to the damaged parties is an idea which was originated by the distinguished Senator from Ohio, Senator DEWINE, on legislation which he has introduced.

When we had sought injunctive relief, it had been sufficient just to stop the steel from coming into the United States immediately, and then there would have been no further damage. That is not GATT consistent. It is GATT consistent to have duties imposed, and then if any steel comes in, those duties ought to be a deterrent to stop dumped and subsidized steel from coming into the United States. But to the extent any further steel comes in, those duties would be collected by the Treasury and then paid over to the injured parties—the steelworkers who have lost wages or lost their jobs, or the industry which has been damaged by this illegal dumping and this illegal subsidy.

Mr. President, I have sought recognition to reintroduce legislation to provide for a private right of action for an injured party to sue in Federal court to stop goods from coming into this country which are subsidized, dumped or otherwise sold in violation of our trade laws. My legislation, the Unfair Foreign Competition Act of 1999, is based on legislation I have introduced since 1982 and most recently during the 103rd Congress in 1993.

I have revised the legislation so that at the conclusion of the case and upon the finding of liability, the court will direct the Customs Service to assess an antidumping duty on the dumped or subsidized product. Duties collected will be distributed to steelworkers For damages sustained from loss of wages resulting from loss of jobs due to illegal imports, and the affected domestic producers of the product for qualifying expenditures which may include equipment, research and development, personnel training, acquisition of technology, health care benefits, pension benefits, environmental equipment, training or technology, acquisition of raw materials, or borrowed working capital.

I am introducing this legislation to respond to the substantial dumping of foreign goods on the U.S. market, particularly steel. As Hank Barnette, chief executive officer of Bethlehem Steel, wrote as early as in an August 6, 1998 op-ed in the Washington Times, the United States has become "The Dumping Ground" for foreign steel. He noted that Russia has become the world's number one steel exporting nation and that China is now the world's number one steel-producing nation, while enormous subsidies to foreign steel. As one example, Mr. Barnette cited the Commerce Department's revelation that Russia, one of the world's least efficient producers, was selling steel plate in the United States at more than 50 percent or $110 per ton below the constructed cost to make this product, which ultimately costs our steel companies in lost sales and results in fewer jobs for American workers.

As chairman of the Senate Steel Caucus, I am well aware that the current financial crisis in Asia and elsewhere has generated surges in U.S. imports of steel. Recently released statistics by the Department of Commerce note that the year-to-date final statistics through November of 1998 show steel imports of 35.1 million metric tons, an increase of 8.7 million metric tons over the 26.4 million metric tons through November 1997. While the preliminary data on steel imports for December 1998 shows a decrease in imports of hot-rolled steel products, one month is not a trend. In fact, overall steel imports in 1998 were considerably higher than in 1997, and total imports of hot-rolled steel were up 73 percent from 1997 to 1998. The flooding of steel on the U.S. market from Asian countries, as well as countries of the former Soviet Union and Brazil, have led the Senate and House Steel Caucuses to hold joint hearings and receive testimony from steel company executives and union representatives on the growing problems of steel imports and their troubling effect on our economy and our ability to retain high-paying jobs.

I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping—the sale of goods in the United States at prices lower than the price at which such goods are being sold by the producing companies in their own country or in some other country—it is the antithesis of free trade. We have too long sacrificed American industry and American jobs in the name of foreign policy or defense policy, without having the proper enforcement of the laws because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests.

For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleagues, Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

In the current environment, I believe more than ever that it is necessary for an injured industry to have an opportunity to go into federal court and seek enforcement of America's trade laws, which are currently not being enforced adequately by the executive branch.

The only way to handle these important issues is to see to it that there is a private right of action, which is a time-honored approach in the context of antitrust law. I believe this is absolutely necessary if the steel industry and other U.S. industries subject to unfair foreign competition are to have fairness and to be able to stop foreign subsidized and dumped products from coming into this country.

CURRENT ADMINISTRATIVE REMEDIES

I have long been concerned about the export of subsidized or dumped goods to the U.S. market and its impact on U.S. jobs and industries. Even when our government does act aggressively to enforce U.S. trade laws, the process is extremely time consuming. It can take months after filing a dumping action for the Commerce Department to complete its investigations, from the summary investigation to determine the adequacy of the petition, to the formal investigation of the evidence presented. The Commerce Department then issues a preliminary determination that products are being sold in the United States at less than fair value. The Department must then make a final determination, which can consume several more months. In order to secure any relief, though, the International Trade Commission (ITC) must also independently review the case and make a determination about whether the imports materially injure, or threaten to injure, the U.S. industry. If the ITC finds injury or threat of injury, the Commerce Department instructs the Customs Service to collect antidumping duties.

In the current hot-rolled carbon steel case currently before the Administration, the petitioners filed on September 30, 1998. The investigation by the Commerce Department's International Trade Administration was not initiated until October 15, 1998. On November 23, 1998, the Commerce Department found "critical circumstances" in the case. Commerce determined that there was a surge in imports from Japan and Russia. This determination, coupled with the preliminary injury decision, allows the Commerce Department to assess duties retroactively 90 days from the preliminary determination. On February 12, 1999, the Department of Commerce determined the preliminary dumping margin for Japan and Brazil. Later, on February 22, a preliminary dumping margin for Russia was determined. The Commerce Department then instructed U.S. Customs to require deposits or bonds on imported steel from these countries for 90 days prior to the dumping margin determination and for any steel from these countries brought in after the determination. The Department of Commerce is not expected to make a final determination until May 5, 1999; however, the assessment of duties is contingent on a favorable determination on injury to the domestic industry made by the International Trade Commission on June 12, 1999.

Assuming that all decisions are favorable, the petitioning industry will have waited for months before any action is taken to remedy the injury done to the industry and its workers. Therefore, a private right of action is necessary to enable our domestic industries to counter foreign subsidies, dumping, and customs fraud in a timely manner. My bill accomplishes this by providing timely relief by allowing for the recovery of tariffs as a result of the illegal import.

We have seen a long history where American industries have been prejudiced, and American jobs have been lost, due to subsidized and dumped goods coming into this country. There is no adequate remedy at the present time to provide domestic industries with timely relief from the damage caused by such imports.

HISTORY OF THE PRIVATE RIGHT OF ACTION LEGISLATION

Since entering the Senate, I have been actively involved on this issue. On March 4, 1982, I introduced S. 2167 to provide a private right of action in federal courts to enforce existing laws prohibiting illegal dumping or subsidizing of foreign imports. Hearings were held on this bill before the Judiciary Committee on May 24 and June 24, 1982. On December 15, 1982, I offered the text of this bill on the Senate floors as an amendment, which was tabled by a slim margin of 51 to 47.

During the 96th Congress, I reintroduced this legislation as S. 416 on February 3, 1983. The Judiciary Committee held a hearing on this bill on March 21, 1983. I offered the text of S. 418 as an amendment to the Omnibus Tariff and Trade Act of 1984 on September 19, 1984; the amendment was tabled.

During the 99th Congress, I reintroduced this legislation as S. 236; I expanded the scope of this bill to include customs fraud violations and introduced S. 1655 on September 18, 1985, and the Judiciary Committee favorably reported the bill by unanimous voice vote on March 20, 1986. The Finance Subcommittee on International Trade held a hearing on S. 1655 pursuant to a sequential referral agreement. Significant progress was made toward reaching a unanimous consent agreement for full Senate consideration of S. 1655 prior to adjournment of the 99th Congress, but the press of other business prevented its coming to the floor for action.

In the 100th Congress, I reintroduced comprehensive legislation, S. 361, to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or customs fraud.

I expanded the scope of this bill in S. 1396, which I introduced on June 19, 1987, to revise the subsidy provision to include a private right of action to allow injured American parties to sue in Federal court for injunctive relief against, and monetary damages from, foreign manufacturers and exporters who receive subsidies and any importer related to the manufacturer or exporter. This bill would have provided a comprehensive approach to address three of the most pernicious, unfair export strategies used by foreign companies against American companies: dumping, subsidies, and customs fraud.

During full Senate consideration of the Omnibus Trade and Competitiveness Act (S. 490), I filed the text of S. 1396 as Amendment No. 315 on June 19, 1987, and offered it as an amendment to the trade bill on June 25, 1987. This amendment, however, was tabled. I again filed the text of this bill as an amendment to the Textile and Apparel Trade Act, S. 2662, on September 9, 1988, and to the Technical Corrections Act, S. 2238, on September 29, 1988.

On July 15, 1987, I joined Senator Heinz as an original cosponsor of an amendment to S. 490 to provide a private right of action in the U.S. Court of International Trade for damages from customs fraud. Although the amendment was accepted by the Senate, it unfortunately was dropped in conference.

In the 102nd Congress, I introduced similar legislation, S. 2508, because the Voluntary Restraint Agreements program was allowed to lapse in spite of the fact that no multilateral steel agreement was in place. In fact, as announced by the United States Trade Representative, talks on the steel accord had broken down. I might add that this was somewhat strange, Mr. President, if not incomprehensible. The steel industry had been awaiting an agreement on a multilateral steel accord which would have prevented subsidized and dumped goods from coming into the United States, and then there was a specific recognition by the Trade Representative, that the effort failed. Not to extend the voluntary restraint program at that time was a bit mystifying. In any event, the Judiciary Committee favorably reported S. 2508 by unanimous voice vote on August 12, 1992. Again, the press of other business prevented the Senate from taking up this legislation on the floor.

In the 103rd Congress, I introduced this legislation again, S. 332, in an effort to move the legislative process forward. The legislation was referred to the Judiciary Committee, but once again, the press of Senate business prevented further action on the bill.

UNFAIR FOREIGN COMPETITION ACT OF 1999

In the 104th Congress, Senator KOHL and I introduced legislation to criminalize economic espionage, which was ultimately enacted into law. The bill that I am introducing toady, the Unfair Foreign Competition Act of 1999 will help to combat another form of illegality—the illegal subsidization and dumping of foreign products into U.S. markets, which steal jobs from our workers, profits from our companies and economic growth from our economy.

This legislation provides a private right of action in federal courts for individuals or corporations who have been injured by dumping, subsides, or customs fraud violations. The bill will enable industries to seek relief through the Federal courts to halt the illegal importation of products.

There is nothing like the vigor of private plaintiffs when it comes to the enforcement of our trade laws. We need vigorous private enforcement—that this bill would spur—if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports.

I believe the bill I am introducing today would have an important deterrent effect on the practices of our foreign trading partners. Under this bill, an injured party could file suit in the U.S. federal district court for the District of Columbia or the Court of International Trade. If dumping or subsidies and injury are found, the court would then direct the Customs Service to assess duties on future importation of the article in question.

Since current administrative remedies are not consistently and effectively enforced through the Commerce Department and the World Trade Organization, this private right of action is necessary to enforce the spirit of the law.

A reason to support this bill lies in its simplicity. We can enact this legislation immediately without interfering with or precluding more complex set of initiatives. The essence of this bill is to promote enforcement of existing trade laws and agreements, and, therefore, use our existing trade laws as our best defense against unfair foreign practices. My bill will free private enterprise to pursue remedies without delay and put a halt to many discriminatory trade practices.

I ask my colleagues to join me now in supporting this legislation to provide relief to he unfair trade practices which constrain our nation's industry. We should be proud of the many improvements made by our industrial base over the past decade. Our corporations invested capital and the quality of our products has risen dramatically; however, our nation's workers have suffered significant job losses while our corporations have tried to become more lean and competitive. Clearly our business sector and each and every American has participated in and borne the burden of improving our competitive position.

Even these significant advances however, are insufficient to compete in the face of illegal trade practices such as dumping, subsidies, and customs fraud. The best way to handle these trade issues is to provide a private right of action which will allow U.S. industries the ability to stop foreign subsidies and dumping on the U.S. market in a timely fashion.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 85

At the request of Mr. BUNNING, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 174

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 247

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 280, supra.

S. 319

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 319, a bill to provide for childproof handguns, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mr. ROBB, his name was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

At the request of Mr. GRAHAM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 346, supra.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 371

At the request of Mr. GRAHAM, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 371, a bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes.

S. 391

At the request of Mr. KERREY, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from California [Mrs. FEINSTEIN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 427

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 434

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Kentucky [Mr. BUNNING] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Arkansas [Mrs. LINCOLN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 470

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 470, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction.

S. 477

At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 477, a bill to enhance competition among airlines and reduce airfares, and for other purposes.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 11

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Joint Resolution 11, a joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Florida (Mr. GRAHAM), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

JEFFORDS AMENDMENT NO. 31

Mr. JEFFORDS proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

In the pending bill, strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to

State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) OUTLYING AREA.—The term "outlying area" means Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(2) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, including the requirements of that section relating to disaggregation of data, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) made substantial progress, as determined by the Secretary, toward developing and implementing the standards and assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting educational goals and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965; and

(iv) a description of how the State educational agency will meet the requirements of paragraph (8).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

(5) MONITORING AND PERFORMANCE REVIEW.—

(A) MONITORING.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE REVIEW.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and opportunity for hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(B) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B).

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) use of Federal funds to supplement, not supplant, non-Federal funds; and

(G) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "**EDUCATION REFORM**" in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

(e) ACCOUNTABILITY.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(ii).

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 5. PROGRESS REPORTS.

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

WELLSTONE (AND KENNEDY) AMENDMENT NO. 32

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 8, line 4, after "determines" insert "that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and".

On page 12, line 22, after "hearing," insert "that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or"

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

WELLSTONE AMENDMENT NO. 33

Mr. WELLSTONE proposed an amendment to amendment No. 31 proposed by Mr. ,T4Jeffords to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

KENNEDY (AND OTHER) AMENDMENT NO. 34

Mr. KENNEDY (for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 7, line 21, strike "and" after the semicolon.

On page 7, line 24, strike the period and insert "; and".

On page 7, line 24, insert the following:

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike "which may include progress toward" increased school and student performance.

On page 11, line 17, insert "in accordance with the evaluation requirement described in paragraph (3)(A)(v)," before "and shall".

On page 12, line 14, before the period insert ", and has improved student performance".

On page 16, line 9, insert "and goals" after "desired results".

On page 16, lines 10 and 11, strike "subsection (a)(4)(A)(ii)" and insert "clauses (ii) and (iii) of subsection (a)(4)(A), respectively".

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 4, 1999, at 10 a.m. for a business meeting to consider legislation to reform the congressional budget process.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled "Deceptive Mailings and Sweepstakes Promotions." These hearings are the first of an anticipated series of hearings the subcommittee plans to hold regarding deceptive mailings. The focus of these first hearings will be an examination of the use of sweepstakes by mass marketers and how these mailings impact consumers.

The hearings will take place on Monday, March 8th and Tuesday, March 9th, at 9:30 a.m. each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999, at 2 p.m., in open session, to receive testimony on 21st century seapower vision overview and maritime implications of 21st century threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 3, 1999, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday March 3 for purposes of conducting a joint oversight hearing with the Senate Committee on Indian Affairs which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is receive testimony on the American Indian Trust management practices in the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 3, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 3, 1999, at 10 a.m. for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "Older American Act: Oversight and Overview" during the session of the Senate on Wednesday, March 3, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to mark up the Committee's Budget Views and Estimates letter to the Budget Committee regarding the FY 2000 Budget Request for Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior will immediately follow the markup). The Meeting/Joint Hearing will be held in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to conduct a Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior. The hearing will be held in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999 at 1:30 p.m. in open session, to receive testimony on Army modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct an oversight hearing on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act Wednesday, March 3, 9 a.m., hearing room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 3, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the Bureau of Reclamation and the Power Marketing Administrations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RABBI ALVIN WAINHAUS

• Mr. LIEBERMAN. Mr. President, I rise today to honor Rabbi Alvin Wainhaus of Congregation Or Shalom in Orange, Connecticut. On March 19th and 20th, he will be honored by Congregation Or Shalom on his 18th anniversary as spiritual leader of the synagogue.

This is a significant milestone for Rabbi Wainhaus and his congregation. Through his leadership at Congregation Or Shalom he has constantly worked to reach out to every member of the congregation, young and old, and keep them involved in all aspects of congregation life. He has particularly reached out to young adults as they have left home for college and careers in order to keep them connected to their families and community.

He has helped provide guidance and insight to innumerable people not just at Congregation Or Shalom but within the community as a whole. We currently face difficult times, and it is our families and friends, combined with our churches and synagogues, that provide the support systems which allow us to confront and overcome the challenges set before us. Through his service, Rabbi Wainhaus has helped many families over the years surmount these obstacles and make positive contributions to their communities.

As this congregation has grown over the years, with God's divine assistance, Rabbi Wainhaus has touched many lives throughout the community. The people of Connecticut thank Rabbi Wainhaus for his service, dedication, and contribution to our state.•

TAX TREATMENT FOR DOMESTIC DISTILLERIES

• Mr. BUNNING. Mr. President, today I signed on as a cosponsor of S. 434, Senator BREAUX's proposal to equalize the tax treatment for domestic distilleries compared to their foreign competitors.

This is a good bill, and I hope it passes Congress. It would help cut unnecessary taxes for our domestic distilleries, and eliminate a competitive advantage that our current tax rules give to foreign distilleries. I will certainly do what I can to help pass Senator BREAUX's bill.

Mr. President, I am submitting this statement for the CONGRESSIONAL RECORD to make one thing perfectly clear. In supporting this bill, I want the Administration, and officials at the Treasury Department and the Bureau of Alcohol, Tobacco and Firearms to understand that by doing so I reject the connection that some have tried to make between the All in bond issue and Section 5010 of the tax code, the wine and flavors tax credit. I know that the suggestion has been made that any revenue loss to the U.S. Treasury caused by changes to the All in Bond rules be offset by repealing Section 5010. I reject that notion because there is no logical link between the two issues; the "connection" is a bureaucratic fiction.

Some who served with me on the conference committee that helped write the tax provisions in the 1995 Balanced Budget Act will probably remember my successful efforts to eliminate a provision in the Senate bill that would have repealed Section 5010. My position on this matter has not changed, and it is one issue on which I continue to keep a close eye because of its importance to Kentucky.●

BLIND PERSONS EARNINGS EQUITY ACT

● Mr. SARBANES. Mr. President, today I rise in support of the Blind Persons Earnings Equity Act, a bill that will open up a world of opportunities for blind persons and greatly improve their lives. Currently, the blind are discouraged from working by an overly restrictive provision in the Social Security Act that limits the amount of income they may earn for themselves. The Blind Persons Earnings Equity Act would raise that earnings restriction and lessen the burden of at least one of the many obstacles to employment faced by the blind today.

Blindness has profoundly adverse social and economic consequences, and Social Security benefits are needed to offset the disadvantages suffered by the blind. However, these same laws that are meant to help, must be revised when it becomes clear they are hindering blind persons from joining the workforce and discouraging them from becoming fully engaged in society.

Instead of encouraging the blind to develop job skills and become productive members of their communities, the law addressed by this bill penalizes them. Once their earnings rise above an amount that is barely sufficient to cover the most basic living expenses, their Social Security benefits are cut completely. No wonder it is estimated that over seventy percent of the employable blind population is either unemployed or underemployed.

This statistic, however, does not represent an unwillingness to work. On the contrary, the blind want to work and take great pride in developing the necessary skills that enable them to contribute to society.

I had the honor of knowing personally a great American leader who just happened to be blind. His name was Dr. Kenneth Jernigan and for over 25 years he led the organized blind movement in the United States. As President for the National Federation of the Blind, he moved the national headquarters to Baltimore where I had the opportunity to meet him. Sadly, Dr. Jernigan passed away last year.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal. Dr. Jernigan devoted his life to empowering the blind and encouraging them to be active members of society. He fought to improve their access to information, education, jobs, and public facilities.

The overly restrictive earnings cap in the Social Security Act represents precisely the kind of unfair law and barrier to employment that Dr. Jernigan battled throughout his life. He knew first hand about the devastating impact that restrictions such as this could have on the aspirations and hope of blind persons already struggling to overcome tremendous challenges.

Congress itself has recognized the overly restrictive nature of this earnings cap. In 1996, we raised the cap for senior citizens with passage of the Senior Citizens Freedom to Work Act. However, the earnings limitation for blind individuals was left unchanged. Up until that point, for almost twenty years, the same earnings cap had applied to both senior citizens and blind persons under the Social Security Act. With passage of the 1996 Freedom to Work Act, seniors were encouraged to remain active and continue working, but the disincentive to work was unfortunately left in place for the blind. Consequently, by 2002, seniors will be permitted to earn up to $30,000, but blind people who earn over $14,800 (less than half as much) will lose their benefits.

There is no justification for raising the earnings cap for one group and not the other. Why should we distinguish between two groups that for over twenty years were treated even-handedly under the law? What has changed to cause us to discriminate between the two and encourage one to work while greatly limiting the opportunities of the other? By reestablishing parity in the treatment of blind persons and senior citizens under the Social Security Act, this legislation will restore fairness to this law and will remedy a policy that has kept the blind locked out of rewarding, self-fulfilling employment.

Although a small number of blind persons may become newly eligible for benefits as a result of this change, their number will be a mere fraction of the thousands who do not work because of the disincentive imposed by this earnings limit. By enabling these beneficiaries to work, the overall net effect of this bill will be to increase payments to the Social Security trust funds and bring additional revenue to the Federal Treasury as well.

I urge my colleagues to support this necessary legislation that will ensure the blind are treated fairly under the law and will empower thousands of blind beneficiaries to become more engaged in society through productive employment.●

TRIBUTE TO STUDENT VOLUNTEERS

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate and honor two young Oregonians who have received national recognition for exemplary volunteer service in their communities. Mr. Cody Hill of Portland and Mr. Quinn Wilhelmi of Eugene have recently been named State Honorees from Oregon in the 1999 Prudential Spirit of Community Awards program, an annual honor confered on only one high school student and one middle-level student in each state, the District of Columbia and Puerto Rico.

Mr. Cody Hill, nominated by Lincoln High School, created and currently coordinates a program called "Guns Aren't Fun," a toy gun trade-in event to encourage kids to trade in their toy guns for other non-violent toys. His idea is currently being developed into a non-profit organization to spread the message of non-violence across the country. Due to Cody's hard work and determination, more than one hundred toy guns have been turned in during two trade-in events. Cody has worked closely with local non-profit organizations and, to date, he has collected over $13,000 for the purchase of new toys. Cody has also received recognition in local newspaper detailing his volunteer work.

Mr. Quinn Wilhelmi, nominated by Roosevelt Middle School, began a tutoring program with fifth grade students in his former elementary school. Quinn's program works to develop the student's writing skills by helping them compose their autobiographies. Through his initiative, Quinn was able to recruit several of his classmates to join in this effort as well, and he has made a tremendous impact on several younger students while working as a writing mentor.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. Young volunteers like Cody and Quinn are inspiring examples to us all, and are among our brightest hopes for a better tomorrow. I applaud them for their initiative in seeking to make their communities better places to live, and for the positive impact that they had on the lives of others. In recognition of their efforts, Cody and Quinn will come to Washington, DC in early May, along with other 1999 Spirit of Community honorees from across the country. While in Washington, ten students will be named America's top youth volunteers of the year by a distinguished national selection committee.

I would also like to recognize four other young Oregonians who were recognized as Distinguished Finalists for their outstanding volunteer service: April Choate of Bend, Jennifer Fletcher of Portland, Julia Hyde of Portland, and Tiffany Wright of Springfield. They deserve high praise for their hard work and determination in helping others in their communities.

It is clear that these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary, and I believe they deserve our sincere admiration and respect. Their actions show that young Americans can, and do, play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

IMPEACHMENT TRIAL PROCEDURES

● Mr. FEINGOLD. Mr. President, with the impeachment trial now behind us, I wanted to take a moment to make a few comments about the process that we experienced and suggest some of the lessons that we learned. I hope that in the weeks and months to come, we can look back dispassionately and try to take advantage of those lessons to make some changes in the Senate's rules that might serve us well in future impeachment trials.

The process used in the impeachment trial in the Senate was imperfect, but this is not surprising. The only truly apposite source of precedents took place more than 130 years ago. The value of the Johnson procedural precedents has been undermined in part by the changes in our politics, our culture and our technology.

There are many aspects of the trial that history will undoubtedly look upon with favor. Chief Justice Rehnquist, a son of Shorewood, Wisconsin, presided fairly and with dignity. His few rulings were not challenged. Perhaps most important, he provided a steady hand with a dose of humor. We are all in his debt.

In addition, senators approached the trial with dignity and collegiality. At the moment of greatest tension between the advocates, good will among senators never faltered. I understand that this may, in part, be due to the fact that the ultimate outcome of this trial was never in doubt. Having said that, however, senators, really without exception, took their duties and each other seriously. The impeachment of a president is a painful process, and, as I will discuss further in a moment, it ought to be painful. The stakes were very high in this trial, yet the Senate remained a place of civility. This was in stark contrast to the impeachment process in the House of Representatives. I hope the relative harmony in the Senate restored to this process some of the legitimacy lost in the partisan din of the other body.

The House Managers and the President's counsel did well in their individual presentations. At the outset we senators caucused together and reached a fair, if imperfect, roadmap for the early stages of the trial. Ultimately, we agreed on a procedural course that took us through the verdict. The tone throughout was civil and the arguments, by and large, on point.

But we did tie the hands of the advocates in some ways, and perhaps denied ourselves the fullest possible presentation of the evidence and arguments. The trial consisted, except for the unusual, and not always helpful, question period, of opening arguments followed by several iterations of closing arguments. These arguments were interspersed with video snippets from grand jury depositions and depositions by the House Managers. This arrangement, pieced together as we went along, did not always make for a coherent narrative.

The House Managers' theory of the case required us to accept a narrative, a story of conspiracy, lies and efforts to thwart justice. As they told the story, each sinister act was offered as evidence of the coherent whole. They had trouble telling a story, due partly to flaws in their theory and, to be fair, perhaps in small part due to flaws in our process. We had no live witnesses. The parties alternated control of the floor, creating a dynamic of thrust and parry, rather than a methodically constructed narrative.

The managers' complaints about the process in turn became a recurrent theme in their arguments, resulting in greater, and sometimes unfair, latitude for them in their efforts to make the case. For example, on a disappointing party line vote, the President was denied fair notice of the snippets of taped testimony that would be woven into the House Managers' arguments. Then the Senate allowed the House Managers to reserve two of their three hours of closing arguments for a "rebuttal" which included new iterations of their various accusations, with no opportunity for the defense to reply.

The question of witnesses was distorted on both sides by political considerations. The House Managers were counseled by their allies in the Senate not to seek too many witnesses, lest they unnerve Senators with visions of unseemly testimony on the floor. The President's defenders declared that no witnesses were necessary; they argued that the House Managers had passed up their chance to hear fact witnesses in the House Judiciary Committee hearings. Neither approach was sound—witnesses would have helped, but they should have been chosen and presented in a thoughtful way. I believe, for example, that Betty Currie was a very important potential witness. She was nowhere to be found, apparently because the managers made a political calculation that they would do without her testimony, trading away the strongest piece of their obstruction case.

In the end, both sides made strategic decisions in this trial at the mercy of a fluid and unpredictable procedure. That led to an element of chance in the trial that I believe was unfortunate. And it also led to complaints from each side about the fairness of the process that were a distraction from the substance of the trial. I therefore recommend to future presidential impeachment courts that at the very outset they try hard to achieve consensus on a procedure that will govern the entire trial.

The process was not only flawed in the procedure on the floor. In the midst of the trial, the Independent Counsel, Kenneth Starr, at the behest of the House Managers, sought from the District Court an order compelling Monica Lewinsky to travel to Washington to submit to a private interview with the House Managers. This interposed the court and the Independent Counsel in matters properly reserved to the Senate, in which the Constitution vests the sole power to try impeachments. In so doing, he undermined the bipartisan agreement of the Senate that it would make procedural determinations regarding witnesses following the opening arguments and the question period.

Both the Republican and Democratic caucuses met throughout the trial to discuss the proceedings. I attended these meetings and I do not assert that they were improper, but we could have better lived up to our oath to do impartial justice, if we had not held those regular party caucuses. Those meetings must have seemed to some of our constituents to be the place where we plotted a partisan course. This could not have helped the people to have confidence in our work.

Time and again, we saw the House Managers and the President's lawyers clearly responding to advice from Senators. At times they held formal meetings with Senators. There were countless casual conversations about the case between Senators and the advocates for both sides. We are not solely jurors, in the traditional sense, but as triers of fact and law, we would do well in future impeachment trials to avoid these interactions, which really amount to ex parte communications.

The greatest flaw in the process was the lack of openness in deliberations. The modern Senate has no excuse for locking the people out of any of its proceedings except for the most serious reasons of national security. The Chief Justice ruled forcefully that the Senate in an impeachment trial is not a jury in the ordinary sense of the word. With that ruling, any pretext for closed deliberations was destroyed. We should quickly take steps now that the trial is over to change the archaic rules that forced this process behind closed doors at crucial moments. The American people should be able to watch us and hear us at every stage in a process that could lead to removal of a President they elected. Secrecy in these proceedings is wrong and can only undermine public confidence in this important constitutional event.

Mr. President, impeachment trials should be extremely rare. To make this more likely, the process of impeachment in the Senate should not be quick, convenient, and painless. Making it so only invites its further abuse. Adherence to a thorough process can provide a stabilizing bulwark against this kind of abuse. That is one of the reasons I opposed premature motions to dismiss the Articles of Impeachment and supported the House Managers' motions to depose witnesses and to admit those depositions into the record. The hasty and abbreviated impeachment process of the other body helped contribute to a feeling of two armed encampments facing each other in a high stakes contest rather than a search for truth or justice. Whether a President is convicted or acquitted, no credible or politically sustainable result can possibly come from such a process.

I believe it is important for us to review and analyze the process by which we conducted this trial and look honestly and critically at what worked and what didn't. We should then make changes to the process, now, while the experiences of this trial are fresh in our minds, and hand down to the next Senate that faces the unfortunate task of mounting an impeachment trial rules and procedures that will help it conduct the trial in a manner worthy of the weighty constitutional duty that the Framers of the Constitution bequeathed to it.•

DRUG FREE CENTURY ACT

• Mr. BURNS. Mr. President, I rise today to join the distinguished Senator from Ohio and a number of my colleagues in supporting the Drug Free Century Act. This bill continues last year's efforts in the fight against drug use in our country in the form of the Western Hemisphere Drug Elimination Act, the Drug Free Communities Act, and the Drug Demand Reduction Act, all of which I supported.

During my tenure in office I have read, listened to, and weighed the debate over illegal drug use and the policy our nation should follow in dealing with illegal drugs. In an attempt to put an end to that growing problem, I signed onto the Western Hemisphere Drug Elimination Act. This act was a bipartisan piece of legislation that authorized $2.6 billion over three years for drug eradication and interdiction efforts designed to restore a balanced anti-drug strategy. It offered significant promises for the reduction of the supply of coca and opium poppy in Latin America, as well as improving intelligence and interdiction capabilities against the national security threat posed by major narcotics trafficking organizations.

Although this bill received bipartisan support and was signed by the President, the FY2000 anti-drug budget was cut by the Administration by almost $100 million below that appropriated in FY1999. I ask you, Mr. President, what kind of signal are we sending to our nation's youth if we allow this to happen? We in Congress took the necessary steps last year in restoring a balanced, coordinated anti-drug strategy. We must continue our efforts and we must impress upon the Administration the commitment needed in order to carry out that strategy.

My colleague has pointed out that drug use and criminal activity since 1992 wiped out any gains made in the previous decade. America has witnessed an increase in illegal drug use among our nation's younger generation. Recent polls show that drug use among our nation's eighth graders has increased 71 percent since 1992. We have seen a reverse in gains made in the 1980s and early 1990s by de-emphasizing law enforcement and interdiction while relying on drug treatment programs for hard-core abusers in the hopes of curbing drug usage.

In Montana alone, drug use among high school-aged youth has also risen. According to the Montana Office of Public Instruction's Youth Risk Behavior Survey, marijuana use among high school aged youth has risen approximately 18% since 1993. However, that 18% only represents an increase in one time use by teenagers. In fact, the same survey suggests that the percent of adolescents who have used marijuana repeatedly in the last 30 days has risen by 13%. But it isn't just marijuana use that has increased, Mr. President. No. In fact, a more deadlier drug, cocaine, is increasing in use among Montana teens. Approximately 5% according to the survey. This is the sad trend that our nation's youth is following, and the reason we in Congress need to make a strong statement against drug use. I believe that The Drug Free Century Act is such a statement.

The Drug Free Century Act is a comprehensive approach to the nation's anti-drug policies. It strengthens education, treatment, law enforcement, and drug interdiction efforts. Although it is only the first step in our anti-drug strategy, it sends a clear message to the nation and our youth that we are committed to eliminating illegal drugs in the United States.•

OFFICER BRIAN ASELTON

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a young man who made the ultimate sacrifice for his community. Officer Brian Aselton of the East Hartford Police Department lost his life on January 23, 1999 when he responded to a noise complaint call that turned out to be anything but routine. Instead, Brian became the eleventh Connecticut police officer killed in the line of duty in the last ten years.

This tragedy has touched the entire region; more than ten thousand civilians and law enforcement officials attended Brian's funeral. We have all tried to come to terms with the utter senselessness of his death. Brian was a young man at the start of a promising career with a supportive nucleus of family and friends. Truly, he embodied the determination, strength, and spirit that is such an integral part of our nation's history. Yet, in an instant, Brian's life and the lives of everyone who loved him changed forever.

Every law enforcement officer puts his or her life on the line to protect citizens every day. Too often, we as civilians forget the dangers of the occupation and do not show these brave and dedicated officers the respect they deserve. Officer Aselton, killed in the line of duty, serves as a solemn reminder to us all of the responsibility borne by police officers across the state and nation. Every day, the men and women in uniform put their lives at risk so that we can live in communities where we and our families can feel safe. And unfortunately, it takes a tragic event like this for us to truly understand the dedication of these peace officers to the neighborhoods they serve.

With the support of the East Hartford Police Department and other officers across the region, the Aselton family has begun the necessary healing process. Yet, with his loss, the town of East Hartford and the State of Connecticut have been diminished. At Brian's funeral, everyone joined together across municipal and state borders and stood together as a single family honoring one of our own. Now that Brian is gone, it is incumbent on us to maintain those bonds. Each one of us must recognize that we are all part of the same family and the simple things important to us are also the simple things important to our neighbors. These are the personal steps that we should take to truly honor his memory. If we can each devote the same commitment to these principles that Brian devoted to his duties as a police officer, we will, through our progress as a society, have made some sense out of his untimely death.●

CONGRATULATIONS TO LINCOLN HIGH SCHOOL

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the class from Lincoln High School in Portland, Oregon, that will be representing the state of Oregon in the national finals of the program We the People . . . The Citizens and the Constitution. These young scholars have worked diligently to reach the national finals and through their experience have gained knowledge and understanding of the principles and values that support our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, consisting of oral presentations by high school students before a panel of adult judges. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

It is so important that our young people come to understand and appreciate these unique concepts and values which knit our nation together. For it is their leadership which must guide our country's future, and their wisdom which must be equal to our country's need. Again, I congratulate the student team from Lincoln High School and thank each for their dedication and diligence.

The student team from Lincoln High School consists of: Graham Berry, Nicole Byers, Brianna Carlisle, Naomi Cole, Violet Dochow, Andrew Dunn, Etopi Fanta, Jordan Foster, Ian Galloway, Arianna Hearing, Sarah Hodgson, Britta Ingebretson, Aaron Johnson, James Knowles, Ashley Linder, Katharine Mapes, Heather Marsh, Amanda Morganroth, Joshua Moskovitz, David Murphy, Eric Nadal, Simone Neuwelt, Melissa Nitti, Lauren Olson, Aubrey Richardson, Caitlin Ryan, Jonathan Schwartz, Elizabeth Smith, Paul Susi, and Katherine Wax, with Hal Hart and Chris Hardman serving as their teacher advisors. They are currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish the students and teachers the best of luck at the We the People national finals and I look forward to their visit to Capitol Hill.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. McCAIN. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Commerce, Science, and Transportation for the 106th Congress adopted by the committee on January 20, 1999.

The Rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

(Adopted by the Committee on Commerce, Science, and Transportation on January 20, 1999.)

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the Ranking Member.●

RULES OF THE COMMITTEE ON FINANCE

● Mr. ROTH. Mr. President, pursuant to paragraph 2 of Rule XXXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Finance for the 106th Congress.

The Rules follow:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. Quorums.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. Reporting of Measures or Recommendations.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. Order of Motions.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Bringing a Matter to a Vote.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. Nominations.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. Announcement of Hearings.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. Audiences.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. Broadcasting of Hearings.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. Transcripts of Committee Meetings.—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. Amendment of Rules.—The foregoing rules may be added to, modified, amended or suspended at any time.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 10 through 13, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James B. Armor, Jr., 7031
Col. Barbara C. Brannon, 0424
Col. David M. Cannan, 3149
Col. Richard J. Casey, 7432
Col. Kelvin R. Coppock, 0425
Col. Kenneth M. Decuir, 9876
Col. Arthur F. Diehl, III, 6363
Col. Lloyd E. Dodd, Jr., 5193
Col. Bob D. Dulaney, 3361
Col. Felix Dupre, 5938
Col. Robert J. Elder, Jr., 7484
Col. Frank R. Faykes, 4797
Col. Thomas J. Fiscus, 5444
Col. Paul J. Fletcher, 5438
Col. John H. Folkerts, 4060
Col. William M. Fraser, III, 9314
Col. Stanley Gorenc, 8279
Col. Michael C. Gould, 3374
Col. Paul M. Hankins, 1000
Col. Elizabeth A. Harrell, 1522
Col. Peter J. Hennessey, 1571
Col. William W. Hodges, 4545
Col. Donald J. Hoffman, 5449
Col. William J. Jabour, 2791
Col. Thomas P. Kane, 9763
Col. Claude R. Kehler, 6600
Col. Frank G. Klotz, 6089
Col. Robert H. Latiff, 2190
Col. Michael G. Lee, 9675
Col. Robert E. Mansfield, Jr., 9591
Col. Henry A. Obering, III, 3819
Col. Lorraine K. Potter, 9945
Col. Neal T. Robinson, 0542
Col. Robin E. Scott, 8526
Col. Norman R. Seip, 6765
Col. Bernard K. Skoch, 2109
Col. Robert L. Smolen, 7953
Col. Joseph P. Stein, 2625
Col. Jerald D. Stubbs, 0457
Col. Kevin J. Sullivan, 2930
Col. James P. Totsch, 3674
Col. Mark A. Volcheff, 3790
Col. Mark A. Welsh, III, 4911
Col. Stephen G. Wood, 7553
Col. Donald C. Wurster, 1815

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael B. Smith, 0409

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Leo V. Williams, III, 3893

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John R. Baker, 3934
Brig. Gen. John D. Becker, 8234
Brig. Gen. Robert F. Behler, 1612
Brig. Gen. Scott C. Bergren, 1312
Brig. Gen. Paul L. Bielowicz, 8502
Brig. Gen. Franklin J. Blaisdell, 5802
Brig. Gen. Robert P. Bongiovi, 5760
Brig. Gen. Carrol H. Chandler, 9115
Brig. Gen. Michael M. Dunn, 3491
Brig. Gen. Thomas B. Goslin, Jr., 2970
Brig. Gen. Lawrence D. Johnston, 1244
Brig. Gen. Michael S. Kudlacz, 4038
Brig. Gen. Arthur J. Lichte, 5483
Brig. Gen. William R. Looney, III, 5052
Brig. Gen. Stephen R. Lorenz, 2664
Brig. Gen. T. Michael Moseley, 1516
Brig. Gen. Michael C. Mushala, 4529
Brig. Gen. Larry W. Northington, 0293
Brig. Gen. Everett G. Odgers, 2279
Brig. Gen. William A. Peck, Jr., 3626
Brig. Gen. Timothy A. Peppe, 8336
Brig. Gen. Richard V. Reynolds, 1156
Brig. Gen. Earnest O. Robbins, II, 3677
Brig. Gen. Randall M. Schmidt, 1246
Brig. Gen. Norton A. Schwartz, 7542
Brig. Gen. Todd I. Steward, 1167
Brig. Gen. George N. Williams, 5397

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Bruce R. Burnham, and ending Mahender Dudani, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Malcolm M. Dejnozka, and ending Gaelle J. Glickfield, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning *Les R. Folio, and ending Daniel J. Feeney, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Vincent J. Shiban, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Kymble L. McCoy, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Robert S. Andrews, and ending David J. Zollinger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Richard L. Ayers, and ending William C. Wood, which nominations were received by the Senate and appeared in the Congressional Record of February 3. 1999.

Air Force nominations beginning Peter C. Atinopoulos, and ending George T. Zolovick, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Hancock, Jr., and ending Sidney W. Atkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Samuel J. Boone, and ending Donna C. Weddle, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Frederic L. Borch III, and ending Stephanie D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Wendell C. King, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George A. Amonette, and ending Kenneth R. Stolworthy, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning *Craig J. Bishop, and ending David W. Niebuhr, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Dale G. Nelson, and ending Frank M. Swett, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Dennis K. Lockard, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Stuart C. Pike, and ending Delance E. Wiegele, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999..

Army nomination of Franklin B. Weaver, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Thomas J. Semarge, and ending *Jeffrey J. Fisher, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *William J. Miluszusky, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *Daniel S. Sullivan, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Christopher A. Acker, and ending X1910, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Adams, III, and ending Juanita H. Winfree, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Lisa Andersonlloyd, and ending Peter C. Zolper, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Mark O. Ainscough, and ending Arthur C. Zuleger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Gregg T. Anders, and ending Carl C. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Robert V. Adamson, and ending Jack W. Zimmerly, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Tim O. Reutter, and ending *Jack M. Griffin, which nominations were received by the Senate on February 3, 1999, and appeared in the Congressional Record of February 4, 1999.

Marine Corps nomination of Terry G. Robling, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Milton J. Staton, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Stephen W. Austin, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of William S. Tate, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Robert S. Barr, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of John C. Lex, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Lance A. McDaniel, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Joseph M. Perry, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Myron P. Edwards, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nominations beginning David J. Abbott, and ending Kevin H. Winters, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Jose M. Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Douglas L. Mayers, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nominations beginning Errol F. Becker, and ending Eduardo R. Morales, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 4, 1999

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 4. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 11 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator GORTON, 20 minutes; Senator KERREY, 20 minutes; Senator ABRAHAM, 15 minutes; Senator GRAHAM, 10 minutes, Senator WARNER, 10 minutes; Senator AKAKA, 5 minutes; and Senator MURRAY, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. I further ask unanimous consent that following morning business, the Senate resume consideration of S. 280, the education flexibility partnership bill, and Senator BINGAMAN be recognized to offer an amendment regarding dropouts.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow morning at 9:30 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the education flexibility bill, with Senator BINGAMAN being recognized immediately to offer an amendment regarding dropouts. Rollcall votes are possible throughout Thursday's session, as the Senate continues to offer and debate amendments to the Ed-Flex bill.

The leader would like to notify all Members that if the Senate is still considering the Ed-Flex bill, rollcall votes are expected up until noon on Friday, with a vote on Monday expected at approximately 5 p.m. All Members will be notified as to the exact voting schedule when it becomes available.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the United States Code, as amended by Pubic Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Missouri (Mr. ASHCROFT), Committee on Commerce, Science, and Transportation.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–220, announces the appointment of the following individuals to serve as members of the Twenty-first Century Workforce Commission:

Susan Auld, of Vermont; Katherine K. Clark, of Virginia; Bobby S. Garvin, of Mississippi, and Randel K. Johnson, of Maryland.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the commission on Online Child Protection:

Jerry Berman, of Washington, D.C.; representative of a business making content available over the Internet; Srinija Srinivasan, of California; representative of a business providing Internet portal or search services; and Donald N. Telage, of Massachusetts; representative of a business providing domain name registration services.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Thursday, March 4, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES B. ARMOR, JR., 7031.
COL. BARBARA C. BRANNON, 0424.
COL. DAVID M. CANNAN, 3149.
COL. RICHARD J. CASEY, 7432.
COL. KELVIN R. COPPOCK, 0425.
COL. KENNETH M. DECUIR, 9876.
COL. ARTHUR F. DIEHL III, 6363.
COL. LLOYD E. DODD, JR., 5193.
COL. BOB D. DULANEY, 3361.
COL. FELIX DUPRE, 5938.
COL. ROBERT J. ELDER, JR., 7484.
COL. FRANK R. FAYKES, 4797.
COL. THOMAS J. FISCUS, 5444.
COL. PAUL J. FLETCHER, 5438.
COL. JOHN H. FOLKERTS, 4060.
COL. WILLIAM M. FRASER III, 9314.
COL. STANLEY GORENC, 8279.
COL. MICHAEL C. GOULD, 3374.
COL. PAUL M. HANKINS, 1000.
COL. ELIZABETH A. HARRELL, 1522.
COL. PETER J. HENNESSEY, 1571.
COL. WILLIAM W. HODGES, 4545.
COL. DONALD J. HOFFMAN, 5449.
COL. WILLIAM J. JABOUR, 2791.
COL. THOMAS P. KANE, 9763.
COL. CLAUDE R. KEHLER, 6600.
COL. FRANK G. KLOTZ, 6089.
COL. ROBERT H. LATIFF, 2190.
COL. MICHAEL G. LEE, 9675.
COL. ROBERT E. MANSFIELD, JR., 9591.
COL. HENRY A. OBERING III, 3819.
COL. LORRAINE K. POTTER, 9945.
COL. NEAL T. ROBINSON, 0542.
COL. ROBIN E. SCOTT, 8526.
COL. NORMAN R. SEIP, 6765.
COL. BERNARD K. SKOCH, 2109.
COL. ROBERT L. SMOLEN, 7953.
COL. JOSEPH P. STEIN, 2625.
COL. JERALD D. STUBBS, 0457.
COL. KEVIN J. SULLIVAN, 2930.
COL. JAMES P. TOTSCH, 3674.
COL. MARK A. VOLCHEFF, 3790.
COL. MARK A. WELSH III, 4911.
COL. STEPHEN G. WOOD, 7553.
COL. DONALD C. WURSTER, 1815.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

TO BE BRIGADIER GENERAL

COL. MICHAEL B. SMITH, 0409.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LEO V. WILLIAMS III, 3893.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. BAKER, 3934
BRIG. GEN. JOHN D. BECKER, 8234.
BRIG. GEN. ROBERT F. BEHLER, 1612.
BRIG. GEN. SCOTT C. BERGREN, 1312.
BRIG. GEN. PAUL L. BIELOWICZ, 8502.
BRIG. GEN. FRANKLIN J. BLAISDELL, 5802.
BRIG. GEN. ROBERT P. BONGIOVI, 5760.
BRIG. GEN. CARROL H. CHANDLER, 9115.
BRIG. GEN. MICHAEL M. DUNN, 3491.
BRIG. GEN. THOMAS B. GOSLIN, JR., 2970.
BRIG. GEN. LAWRENCE D. JOHNSTON, 1244.
BRIG. GEN. MICHAEL S. KUDLACZ, 4038.
BRIG. GEN. ARTHUR J. LICHTE, 5483.
BRIG. GEN. WILLIAM R. LOONEY III, 5052.
BRIG. GEN. STEPHEN R. LORENZ, 2664.
BRIG. GEN. T. MICHAEL MOSELEY, 1516.
BRIG. GEN. MICHAEL C. MUSHALA, 4529.
BRIG. GEN. LARRY W. NORTHINGTON, 0293.
BRIG. GEN. EVERETT G. ODGERS, 2279.
BRIG. GEN. WILLIAM A. PECK, JR., 3626.
BRIG. GEN. TIMOTHY A. PEPPE, 8336.
BRIG. GEN. RICHARD V. REYNOLDS, 1156.
BRIG. GEN. EARNEST O. ROBBINS II, 3677.
BRIG. GEN. RANDALL M. SCHMIDT, 1246.
BRIG. GEN. NORTON A. SCHWARTZ, 7542.
BRIG. GEN. TODD I. STEWART, 1167.
BRIG. GEN. GEORGE N. WILLIAMS, 5397.

AIR FORCE NOMINATIONS BEGINNING BRUCE R. BURNHAM, AND ENDING MAHENDER DUDANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING MALCOLM M. DEJNOZKA, AND ENDING GAELLE J. GLICKFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING *LES R. FOLIO, AND ENDING DANIEL J. FEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT J. SHIBAN, 3882.

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KYMBLE L. MCCOY, 6874.

AIR FORCE NOMINATIONS BEGINNING ROBERT S. ANDREWS, AND ENDING DAVID J. ZOLLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING RICHARD L. AYRES, AND ENDING WILLIAM C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING PETER C. ATINOPOULOS, AND ENDING GEORGE T. ZOLOVICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE ARMY

ARMY NOMINATIONS BEGINNING GEORGE L. HANCOCK, JR., AND ENDING SIDNEY W. ATKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING SAMUEL J. BOONE, AND ENDING DONNA C. WEDDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING FREDERIC L. BORCH III, AND ENDING STEPHANIE D. WILLSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

WENDELL C. KING, 0384.

ARMY NOMINATIONS BEGINNING GEORGE A. AMONETTE, AND ENDING KENNETH R. STOLWORTHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING *CRAIG J. BISHOP, AND ENDING DAVID W. NIEBUHR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING DALE G. NELSON, AND ENDING FRANK M. SWETT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

DENNIS K. LOCKARD, 1577.

ARMY NOMINATIONS BEGINNING STUART C. PIKE, AND ENDING DELANCE E. WIEGELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANKLIN B. WEAVER, 5006.

ARMY NOMINATIONS BEGINNING THOMAS J. SEMARGE, AND ENDING *JEFFREY J. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

*WILLIAM J. MILUSZUSKY, 4137.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

*DANIEL S. SULLIVAN, 4477.

ARMY NOMINATIONS BEGINNING CHRISTOPHER A ACKER, AND ENDING X1910, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GEORGE L ADAMS III, AND ENDING JUANITA H WINFREE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY * NOMINATIONS BEGINNING LISA ANDERSONLLOYD, AND ENDING PETER C ZOLPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING MARK O AINSCOUGH, AND ENDING ARTHUR C ZULEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GREGG T ANDERS, AND ENDING CARL C YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING ROBERT V ADAMSON, AND ENDING JACK W ZIMMERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING TIM O. REUTTER, AND ENDING *JOHN M. GRIFFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TERRY G. ROBLING, 1530.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MILTON J. STATON, 9810.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN W. AUSTIN, 5075.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM S. TATE, 6683.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT S. BARR, 9335.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN C. LEX, 1562.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LANCE A. MCDANIEL, 6211.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH M. PERRY, 3219.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MYRON P. EDWARDS, 9906.

MARINE CORPS NOMINATIONS BEGINNING DAVID J ABBOTT, AND ENDING KEVIN H WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSE M. GONZALEZ, 1481.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE IN ACCORDANCE WITH SECTION 12203 OF TITLE 10, U.S.C.:

IN THE MEDICAL CORPS

To be captain

DOUGLAS L. MAYERS, 6832.

NAVY NOMINATIONS BEGINNING ERROL F. BECKER, AND ENDING EDUARDO R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE JACOB JOSEPH CHESTNUT-JOHN MICHAEL GIBSON CAPITOL VISITOR CENTER ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. NORTON. Mr. Speaker, I am re-introducing the Jacob Joseph Chestnut-John Michael Gibson United States Capitol Visitor Center Act of 1999 (Chestnut-Gibson Act), which I originally introduced shortly after the deaths of Capitol Police officers Jacob Joseph Chestnut and John Michael Gibson. My bill authorizes the Architect of the Capitol "to plan, construct, equip, administer, and maintain a Capitol Visitor Center under the East Plaza of the Capitol" grounds.

The primary purpose of the bill is to increase public safety and security. According to the Capitol Police and the U.S. Capitol Police Board, a visitor center would provide significant distance between the Capitol and visitors, and for a host of reasons they have documented, would make the Capitol more secure. No one knows whether Officer Chestnut or Special Agent Gibson or, for that matter, any other officer or individual would have been spared had a visitor center been in place last July. What we do know is that our nineteenth century Capitol was not built with anything like today's security hazards in mind.

I have also been a strong supporter of a Capitol Visitor Center since coming to Congress in 1991, not only for security reasons but also because the existing conditions here do not ensure the health, convenience, and cordiality that our constituents are entitled to. Members are often forced to address constituents seated on stone steps outdoors. In the blistering heat and merciless cold of Washington, visitors wait in line outdoors to tour the Capitol. Last summer, the hottest on record in the United States, saw tourists faint while waiting in line and then rushed inside to be treated by our physicians. Even if the Capitol had not incurred a terrible tragedy, we would be in need of a more civil way to welcome the people we represent.

Although the Congress did not pass this bill in the last Congress, it recognized the urgency of building a Capitol Visitor Center by providing $100 million for its construction in the Omnibus Appropriations bill. However, the appropriation does not contain any guidelines for the Architect of the Capitol to follow in administering the project. My bill would require the Architect to work within the framework of recommendations issued in 1995, to identify alternatives for construction to achieve cost savings, and to submit a report containing the plans and designs within 120 days of passage of my legislation. This procedure would ensure that the Capitol Visitor Center is undertaken expeditiously and cost-effectively.

I feel a special obligation in introducing this bill because the residents of the District have a special relationship with the Capitol Police. In 1992, when there was a large spike in crime in the District, Congress passed the United States Capitol Police Jurisdiction Act, a bill I introduced authorizing the Capitol Police to patrol parts of the Capitol Hill residential community closest to the Capitol. Capitol Police officers were not only willing; they were enthusiastic to use their excellent training and professionalism for the benefit of residents and the many tourists and visitors whose safety might be compromised by having to travel through high-crime areas in order to get to the Capitol.

Our foremost obligation is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol. The Capitol is a temple of democracy and is the most important symbol of the open society in which we live. It is even more so than the White House, in part because the President's workplace is also a residence and cannot be entirely open. The Capitol symbolizes our free and open society not only because it is accessible but also because of what transpires here. It is here that the people come to petition their government, to lobby and to persuade us, and ultimately to discharge us if we stray too far from their democratic demands. Thus, we neither have nor would we want the option to make the Capitol more difficult to access. After last summer's tragedy, we have an obligation to demonstrate that security is not inconsistent with democracy.

JOSE AND KATHY VILLEGAS ARE RECIPIENTS OF THE 1998 APPLE PARENT INVOLVEMENT IN EDUCATION AWARD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor given to Jose and Kathy Villegas, residents of the great state of New Mexico. Jose and Kathy Villegas have received the 1998 Apple Parent Involvement in Education (PIE) Award.

Jose and Kathy Villegas received this award because their children Candace Marie, age 13 and Joseph, Jr. age 11 took the initiative to write a letter of nomination to Apple PIE Awards. Our most important job as parents is providing our children with values, teaching the difference between right and wrong and setting examples of respect for ourselves, others and our community. Jose and Kathy Villegas obviously have done this with their children. The nomination letter included a description of how their parents were instrumental in getting a classroom addition at their elementary school and a stop light at a busy intersection used by school children. Jose and Kathy Villegas are involved in many task forces working on issues important to children's education. The Villegas' story provides an excellent example of how parent involvement can make a positive difference in their children's lives, the local school and their community.

Jose and Kathy Villegas' story is part of a feature story in the November 1998 issue of Working Mother titled: Classroom Champions. As the only individuals to receive this award in the United States, they stand as an example to all of us. Join me today in recognizing recipients of the 1998 Apple Parent Involvement in Education Award, Jose and Kathy Villegas.

NATIONAL EYE DONOR MONTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. LOWEY. Mr. Speaker, I would like to call to the attention of my colleagues and the public that March is National Eye Donor Month. National recognition of Eye Donor Month dates back to the very early days of transplantation, when corneas were the only human transplants. Now, transplantations are common medical procedures by which people may give so that others can live better, fuller, healthier lives.

National Eye Donor Month honors the thousands of Americans who, over the past 55 years, have each left behind a priceless legacy—their eyes. Since the first transplant agency was founded in New York City in 1944, sight has been restored to over half a million individuals by means of cornea transplantation.

Eye Donor Month is also about increasing public awareness of the continuing need for donors. Many people are still unaware of how easy it is to become an eye donor. All a donor needs to do is sign a card and announce to his or her family the intent to leave behind this special gift.

I am confident that if more Americans realized the true extent of the need for transplants, many more would willingly donate their corneas, once they can no longer use them. More than 40,000 Americans will need cornea transplants this year. Thousands of researchers will need donor eye tissue to explore prevention and treatment of blinding diseases.

Understandably, most people do not like to think about their own deaths, nor discuss the matter with their families. As a result, they frequently put off signing their donor cards until it is too late. I hope that more people will instead follow the example of a young boy in my district, Nathan Sheinfeld of Scarsdale, NY. At age 9, Nathan became a living eye donor. When faced with the loss of his left eye after a golfing incident, one of his first thoughts was to ask if it could possibly be used by someone else. Only a few days after his accident, Nathan gave the gift of sight to a 53-year-old man.

Thankfully, very few people lose their sight in such a tragic way. But we can all follow Nathan's example by promising to donate our eyes when we no longer need them. I encourage people to discuss this important issue with their families, as Nathan did. By arranging to donate his eye, this young boy has shown us that some good can result even from a tragic loss.

Our nation's eye banks—non-profit agencies operating under the umbrella of the Eye Bank Association of America—have done a heroic job of restoring sight to blind people. Today, cornea transplantation is the most common transplant procedure performed, with an extremely high success rate of nearly 90 percent.

This incredible success rate is due in part to a meticulous screening process which separates out corneas unsuitable for transplantation. These may be used for research purposes in surgical training and medical education. So, while each donated eye is put to good use, such a selective screening process must be supported by a large number of donations.

Right now, there are simply not enough donors. We must change that. I want to encourage my colleagues to celebrate National Eye Donor Month by working closely with our Nation's eye banks to educate the American public about how they can help others to see. Let us all aim to increase the number of eyes available for transplantation, so that we may illuminate the darkness for so many of our fellow citizens.

TRIBUTE TO HANNAH COVINGTON McGEE

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HAYES. Mr. Speaker, I rise today to honor the life of Hannah Covington McGee, a woman who was dedicated to serve in her community and at Wingate University in Wingate, North Carolina.

Mrs. McGee, was a native of Rockingham, North Carolina. The McGees moved to Wingate 6½ years ago when her husband, Jerry, was named president of Wingate University. Together they have raised two sons and served the thousands of students who have attended Wingate University under their tenure.

Jerry and Hannah McGee have been married 33 years. They have been sweethearts ever since his high school football days in Richmond County, North Carolina. Dr. McGee often referred to his wife as "the girl with the ponytail who stole my heart."

At Wingate University, Mrs. McGee, an art lover, took a keen interest in the new fine arts center. She helped lead the fund-raising campaign for a new George A. Batte Fine Arts Center and assisted with its interior decoration. As the wife of the President, Mrs. McGee attended numerous dinners, graduations and special functions at Wingate, that she was not required to attend. But she shared her husband's commitment to the University and was honored to participate.

In the community, Mrs. McGee was tireless in her efforts to serve. She helped launch English as a second language program in the Union County schools. Mrs. McGee was on the Board of Directors at the Union County Players, and she helped in restoring the M.B. Dry Memorial Chapel on campus.

Most recently, the McGees were in Tortola in the British Virgin Islands where Dr. McGee was on a three month sabbatical to relax and spend more time with his wife. In remarks Dr. McGee released, he said, "She was the mother, wife, daughter and sister that everyone dreams of—one of the easiest people to love who ever lived." Hannah McGee will be missed. I ask my colleagues to join me in honoring a remarkable woman.

CELEBRATING THE 15TH ANNIVERSARY OF THE SECURUS HOUSE IN CLAYTON COUNTY, GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. COLLINS. Mr. Speaker, I rise today to celebrate and commemorate the anniversary of the Securus House in Clayton County, Georgia. In 1983, three members of the Clayton County/Henry County Women's Council of Realtors, Tricia Capps, Jane Cox, and Betsy Ramsey discussed options for a community project with Anne Plant, Director of Family and Children Services. These concerned citizens joined together to establish a badly needed facility for battered women. On March 9, 1999, the Securus House will celebrate fifteen years of work to ease and overcome family violence.

With well over 82,000 men, women, and children requesting assistance from this community project, the Securus House is a daily, working example of what local communities are capable of accomplishing.

Every day, the Securus House makes strides toward the elimination of domestic violence. Although it has sheltered over 3,400 women and children, tragically, between 1988 and 1998 in Clayton County, one hundred and seventeen women, children, and men died as the result of domestic violence. Their lives will be remembered in a candlelight vigil as part of the anniversary commemoration.

I congratulate and commend the Securus House and Clayton County for their tremendous efforts on behalf of the community and for the difference they make every day.

MARY McAFEE NAMED THE MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the honor bestowed upon Mary McAfee, Principal of Zuni Elementary Magnet School, Albuquerque, New Mexico. Ms. McAfee has been named to receive the 1998 Milken Family Foundation National Educator Award.

Mary McAfee is one of 160 outstanding educators from around our great country selected for this honor. The criterion for this award includes exceptional educational talent and promise and distinguished achievement in developing innovative educational curricula, programs and/or teaching methods. Within her school, Zuni Elementary, Ms. McAfee provides leadership and models the behaviors identified in the criteria. By providing the example she raises the standard for all teachers at Zuni Elementary, supporting a team environment for children to learn.

This Award is the reflection of the many lives Mary McAfee has touched. With all of the talk about how to improve education, Mary McAfee is actually making those improvements for the children of Zuni Elementary and for our great community of Albuquerque, New Mexico. Please join me in thanking and honoring Mary McAfee for those contributions.

IN HONOR OF DEPUTY MAYOR ANGELO CORTINAS AND COUNCILMAN ANSELMO MILLAN, FOR THEIR DEDICATION TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the late Honorable Angelo Cortinas and the Honorable Anselmo Millan for their dedication and commitment to the Hispanic Community.

In his days as a detective for the Office of the Sheriff, Deputy Mayor Angelo Cortinas worked tirelessly for the citizens of Essex County. Responsible for more than 2,000 arrests during his 26 years on the force, Mr. Cortinas was committed to the safety and well being of the community. More specifically, Mr. Cortinas devoted his life and career to the betterment of Latinos and the Hispanic Community.

Through hard work and perseverance, Mr. Cortinas' grassroots efforts provided many services to the Latinos in my district. He served as founding member on the Hispanic Emergency Council, the Hispanic Chamber of Commerce, and the Hispanic Law Enforcement Society of Essex County. He also served as Chairman of Club Espana, Vice President of the National Association of Latino Trustees, Honorary member of the Cuban American Association, and as a member of the State

Democratic Hispanic League of Voters. In addition, Mr. Cortinas served as the Chairman of the College Board since 1993, making him the first Hispanic in the state to attain this distinguished position.

After retiring from an impressive career with the Sheriff's Office, Mr. Cortinas used his years of experience to further serve the community by entering into politics. Since January, 1998, Mr. Cortinas had served as Deputy Mayor of Newark until his recent passing. Mr. Cortinas will be greatly missed by the Latino Community, the City of Newark, and the 13th Congressional District.

Anselmo Millan was elected in 1995 as the first ever Hispanic Councilman in the Town of Harrison. He has been a source of leadership to the jurisdiction, as well as to the Hispanic Community. Mr. Millan has coordinated citizenship drives, clothes drives for survivors of Hurricanes Mitch and Hortense, and helped organize the Coalicion de Sociedades Espanolas. He has also been a leader for Latino vote-USA, an organization that is devoted to including Latinos in the democratic process.

Mr. Millan continues to serve the community by maintaining memberships on many committees and boards. From the Boy Scouts of America and the Harrison PTA, to Club Espana and Casa Galicia, Mr. Millan has solidified his position in the community as a youth advocate and Hispanic Leader.

And his efforts have not gone unnoticed. Mr. Millan has won numerous awards including the Award of Honor Al Merito for Commitment to the Hispanic Community and awards of support from the Uruguayan, Portuguese, and Equatorian communities.

In addition to the leadership and support Mr. Millan has provided to the Latinos of Harrison, he has also served the larger community through his environmental concerns. Acting as Chairman to a number of environmentally conscious organizations such as Clean Communities, the Beautification Committee, and the Brownfields Committee, Mr. Millan helped shine a light on environmental issues both in the 13th District as well as the state of New Jersey.

These two men exemplify leadership and dedication to both the Hispanic Community and the community at large. For these tremendous contributions to New Jersey and their incredible example as public servants, I am very happy to honor these individuals for their achievements. I salute and congratulate both of them on their extraordinary accomplishments.

CONGRATULATING DANIEL DIRNBERGER OF ORAN, MO: SECOND PLACE NATIONAL WINNER IN THE VFW 1999 VOICE OF DEMOCRACY PROGRAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. EMERSON. Mr. Speaker, on Sunday, February 28, 1999, the Veterans of Foreign Wars announced that Daniel Dirnberger, a senior at Oran High School in Scott County, Missouri, was the second place National winner of the "1999 Voice of Democracy Program." Daniel was sponsored by Morley VFW Post 5368 and its Ladies Auxiliary. He is the son of Mr. and Mrs. Leonard Dirnberger, and he plans on attending Southeast Missouri University next school year.

Daniel's essay, entitled "My Service to America," captures the very essence of what it means to be an American. In a self-governing nation such as ours, each and everyone of us serves our country when we "simply be the best we can be, fight the good fight, and be someone who is strong and proud to call themselves an American. We do that and everything that our elders bled, fought, and died for will be truly honored." I have enclosed a copy of Daniel's essay for the record. I hope that my colleagues will take a few minutes to read his words, and to share his essay with young people in their districts. Daniel exemplifies the energy, the optimism, and the dedication to country that compelled our Founding Fathers in their drive to create one nation, under God, indivisible with liberty and justice for all.

MY SERVICE TO AMERICA

(By Daniel Dirnberger)

As I stood in the darkness of the theater watching the end of the war movie "Saving Private Ryan" my eyes welled up with tears as the older Private Ryan stood at the grave of his friend. This scene made me think about how much these brave men and women have had to suffer and sacrifice so that our freedom may endure to this day. From where I stood I could see many of the reactions of the people in the audience. Some wept, others held their heads low, and still others seem so shocked that emotional reaction was impossible for them to express. What attracted my attention, however, was the reaction of the war veterans who had come to see the movie that day.

The veterans sat in a group on the top row. None of them had shown any emotion during the movie until Private Ryan saluted the grave of his friend. At that moment the entire group of veterans stood up silently. Each one took off his hat, and all bowed their heads. This simple, quiet act touched me deeply and almost drove me to tears. It filled me with a deep sense of pride and admiration for these men and women who had endured so much for our country.

As I walked out of the theater 'I felt ashamed. These people have given so much and I have given so little. Then I began to think about my service to America, what was I doing to try and make this country a better place? I could not think of any major task that I had accomplished to make me worthy of the freedom that was given to me. Then I thought of a very different service that I had been performing since I was young. I have always tried to do well in school, be an upright citizen, and obey the laws but these things were so minor, so insignificant that they could not possibly matter in this big country of ours.

I know now that I was wrong about these small services to America. These services are not insignificant: they are the most important services that we as Americans today can do for our country. Just think what would happen if everyone tried just a little harder to do better, work together, and be the best they can be. Our country would be just a little bit better place to live and work.

There are the pessimists who say that this view is nothing but a utopian philosophy that can never come true but these people have miscalculated their predictions of the future. They have forgotten about the power of the human spirit. This power can overcome any obstacle or challenge that is presented to it. All the spirit needs is a catalyst to push it on.

Too many Americans have lost their faith in the human spirit. The media's negative news and the magazines slanderous articles break down the structure of society. These things lead our entire society to believe that the world is a horrible place filled with the monsters that used to haunt us as children. I believe that the human spirit can be reborn. If we all do our part or if even just a few of us do a little, the human spirit will shine through the negativity that surrounds us and we can defeat the monsters that the media has led us to believe exist in our society.

Your service to America can be large or small, depending on the type of person you are. It does not take much to help your country or another person. Voting, volunteering, or simply picking up a piece of trash on the ground can help all of us. Don't say you don't have enough time to do something good and helpful. You have exactly the same number of hours per day that were given to Helen Keller, Pasteur, Michelangelo, Mother Teresa, Leonardo da Vinci, Thomas Jefferson, and Albert Einstein. (H. Jackson Brown, Jr.) Remember, if you don't do it, you'll never know what would have happened if you had done it.

My service to America and my suggestions may seem small but in reality they are larger then you can imagine. By doing these little things we are contributing to a larger body of people who, like me, believe that the human spirit is the most powerful thing of all once it is driven on. The war today my friends is not on the battlefield of a foreign country but on the very land or our own country. My service, indeed all our services, to America is simply to be the best we can be, to fight the good fight, and be someone who is strong and proud to call themselves an American. We do that and everything that our elders bled, fought, and died for will truly be honored. We will be one nation, under God, indivisible, with liberty and justice for all!

TRIBUTE TO NICK MADDOX ON WINNING ASSOCIATED PRESS PLAYER OF THE YEAR FOR NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding student-athlete from North Carolina's Eighth Congressional District. Nick Maddox, a senior at A.L. Brown High School in Kannapolis, North Carolina, has proved through his play on the field that he is one of the top tailbacks in the country.

For the past two years, Nick Maddox has been honored with many awards for his athletic talents, including: Parade All-American and Associated Press Player of the Year for North Carolina. Mr. Maddox demonstrated that with a great deal of hard work, dedication to his teammates, and a strong sense of commitment, you can realize your dreams.

Mr. Maddox has been humble in the spotlight, giving credit to his fellow teammates and coaches. The A.L. Brown High School Wonders finished the 1998 football season with an undefeated regular season with an record of 11–0 and made it to the North Carolina High School Athletic Association division AAA football play-offs.

The 5-foot-11, 190-pound Maddox had 45 total touchdowns while rushing for 2,574 yards last season. Maddox finished his high-school career with more than 6,600 rushing yards and a state record 114 touchdowns. Mr. Maddox will be continuing his football career in the Atlantic Coast Conference at Florida State University.

Mr. Speaker, I congratulate Nick Maddox for his accomplishments on and off the field. I urge all of my colleagues to join me in paying special tribute to an outstanding student-athlete.

ANTI-SEMITISM IN RUSSIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HOYER. Mr. Speaker, I rise today to bring to the attention of this House most disturbing developments in Russia. Anti-Semitism rears its ugly head in public statements blaming Russia's current problems on the "Yids"—statements not being made by neo-Nazi organizations or fringe groups, but rather by members of the Russian parliament.

In November and December of last year, two prominent Communist Party members of the Duma, Albert Makashob and Viktor Ilyukhin, blamed "the Yids" and president Yeltsin's "Jewish Entourage" for Russia's current problems. Duma Defense Committee Member Ilyukhin alleged that President Yeltsin had committed "genocide against the Russian people" with the help of Jewish advisors. Equally as disturbing is the fact that the chairman of the Communist Party did not rebuke his party members for their actions, rather, he made excuses for their remarks.

Sadly, Mr. Makashov continues on his rabid crusade. I have received reports that on February 22, while addressing a meeting of Cossacks in the southern Rostov region of Russia, Duma Deputy Makashov declared that an organization which he heads, the Movement in Support of the Army, was really the "Movement against the Yids," and called Jews "impudent and repulsive people."

In December of last year, CURT WELDON, myself and others met with our colleagues in the Duma and expressed our great dismay about the anti-Semitic statements. In fact, many members of the Duma, as well as President Yeltsin, have condemned Makashov and Ilyukhin. Unfortunately, many Members have simply made excuses. What kind of message does this send to the Russian people at such a critical time?

Mr. Speaker, these comments by leaders of the Russian people are despicable and must be condemned. I have joined with Chairman CHRIS SMITH and other members of the Helsinki Commission in introducing H. Con. Res. 37, which does exactly that, and I urge my colleagues to support it.

Mr. Speaker, looking for scapegoats will not resolve Russia's current crisis. More importantly, the promotion of hatred, anti-Semitism and xenophobia will not further the development of a peaceful, just and prosperous society for the Russian people. Democracy is not built on racism.

INTRODUCTION OF THE BEACH BILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PALLONE. Mr. Speaker, I rise today to introduce the Beaches Environmental Assessment, Closure, and Health Act of 1999—also known as the BEACH bill.

The BEACH bill is straightforward. It seeks to establish uniform criteria for monitoring the quality of our coastal recreation waters, and to require sufficient notification of the public when those waters pose a risk to human health. As my colleagues know, I have championed this legislation for years, continuing the efforts of our friend Bill Hughes.

In the 105th Congress, the Subcommittee on Water Resources and Environment of the Transportation and Infrastructure Committee held a hearing on the BEACH bill. During that hearing, Gary Sirota of the Surfrider Foundation remarked that as a life-long surfer he is often asked "What will you do if you see a shark." Mr. Sirota said that he always replies "It's the ones you don't see that you have to worry about." This exchange provides an excellent analogy to the problem of contaminants in our coastal recreation waters. Families visiting the sand and surf cannot see toxic dangers that might be lurking in the water. And what they can't see can hurt them.

Beach-going is part of our national identity. For those of us who live in coastal states, a trip to "the Shore" is a yearly summer event. Almost every American can remember a family pilgrimage to the beach—escaping the oppressing heat with a swim in the ocean. Coastal tourism is also big business. Members from coastal districts may be surprised to know that beaches are the number one tourist destination in the United States, receiving more visitors than even our national parks and recreation areas. Every summer, over 180 million Americans spend $74 million during visits to ocean, bay, and Great Lakes beaches.

Both novice and experienced beachgoers are familiar with jellyfish and understand the need to avoid their painful stings. Unfortunately, other hazards, such as disease-causing bacteria, cannot be so easily avoided. These microorganisms can carry gastroenteritis and dysentery, which may bring on symptoms including fever, vomiting, nausea, headache and stomachache. The consequences may be even more severe for children, the elderly, and those with weakened immune systems.

Currently, there is no national beach monitoring program and no uniform standards for beach closings and advisories. According to the National Resources Defense Council's July 1998 report "Testing the Waters," only eight states comprehensively monitor their beaches. Even though the Environmental Protection Agency (EPA) has recommended water testing standards, the lion's share of our states do not monitor their beaches on a comprehensive basis. EPA's BEACH program, while a step in the right direction, does not actually require monitoring and notification. I commend EPA's efforts to address this important issue. In the past, the agency has supported the BEACH bill to give it the authority it needs to make testing and notification mandatory.

People have the right to know if the waters that they and their families swim in are safe. That is why I continue to champion the BEACH bill to establish uniform standards and procedures for beach water testing, monitoring, and public notification. When standards are not met, beaches should be closed and potential bathers should be adequately alerted. The sheer volume of visitors to our beaches dictates that our coastal recreation waters should be tested regularly, and that beachgoers should be notified of any potential health risks. Establishing uniform criteria for testing and notification is responsible economic and public policy.

The BEACH bill requires EPA to set minimum water quality standards to protect the public from disease-causing pathogens in coastal recreational waters and to establish procedures for monitoring coastal recreational waters. It requires states to alert the public whenever beach water quality standards are violated.

Mr. Speaker, the BEACH bill had bipartisan support in the 105th Congress, and I look forward to working again with my colleagues on a bipartisan basis to make the public protections provided by this bill a reality.

INTRODUCTION OF THE MEDICARE PRESERVATION AND RESTORATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. KLECZKA. Mr. Speaker, today I am reintroducing the Medicare Preservation and Restoration Act, which will repeal the Medicare private contracting provision of the Balanced Budget Act of 1997 and clarify that private contracts are prohibited under Medicare for Medicare-covered services.

The legislation is simple. First, it requires that providers submit a Medicare claim whenever Medicare-covered services are provided to a beneficiary. Second, it requires that a provider, when treating a Medicare beneficiary, charge no more than Medicare's balance billing limits allow. My legislation will settle the issue of private contracting once and for all. It will explicitly prohibit providers from circumventing the Medicare system, preserve beneficiary billing protections, and restore the promise of quality and affordable health care for every American senior citizen. My legislation has been endorsed by the National Committee to Preserve Social Security and Medicare and the National Council of Senior Citizens. The Medicare Rights Center also has spoken out in opposition to Medicare private contracts.

Mr. Speaker, this legislation is the only way we can continue to guarantee every senior citizen in America the right to affordable health care under Medicare. The private contracts allowed under the Balanced Budget Act of 1997 represent a dangerous first-step towards dismantling the Medicare program as a whole. They are ill-conceived and unnecessary. These contracts will allow doctors to disregard Medicare's most important protection—balanced billing limits. These limits guarantee that all seniors regardless of their income or their health status will have access to affordable health care. Private contracts destroy these protections and allow doctors the ability to decide patient-by-patient which senior will be forced to pay more than Medicare's set rates for needed medical care.

During debate on the budget bill in 1997, Senator JON KYL of Arizona included this private contracting provision to allow any doctor to treat Medicare patients outside of the program and bill the patient privately at any rate the doctor sets. During negotiations on the final package, the provision was altered to protect beneficiaries and to prevent physicians from moving back and forth between billing some patients privately and others through the Medicare program. The final bill stated that if the doctor wanted to treat seniors under private contract, then the doctor had to forgo Medicare participation entirely for two years.

This two-year restriction was designed to protect the program against fraud, guard against a massive exit of physicians from the Medicare program, and ensure that doctors would not create a two-tiered Medicare system—one waiting room for private pay patients who are served first, and one for non-private Medicare beneficiaries who are served last. In the 105th Congress, attempts were made to remove this two-year limitation and give doctors the right to decide not only patient-by-patient, but procedure-by-procedure, which services will be billed through Medicare and which will be billed privately. Fortunately, we have been successful so far in thwarting these efforts, but the campaign of misinformation continues.

Many of you have probably seen the mailings certain interest groups have been sending to our senior constituents in an attempt to distort the facts about private contracts. These mailings are falsely scaring seniors and attempting to trick them into giving up Medicare's balanced billing protections.

Let's retain Medicare's balanced billing limits for all Medicare beneficiaries by eliminating these dangerous private contracts. These billing limits are the only way we can guarantee that all seniors receive the health care they need at reasonable and fair prices.

I urge my colleagues to cosponsor the Medicare Preservation and Restoration Act—a sensible and responsible proposal which will guarantee Medicare for all elderly Americans.

REQUIRING A TWO-THIRDS VOTE ON FAST TRACK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. TRAFICANT. Mr. Speaker, Article I, Section 8 of the Constitution of the United States of America states: "Congress has the power to lay and collect . . . Duties and to regulate Commerce with foreign Nations." Article II, Section 2 of the Constitution of the United States of America states: "Treaties with foreign government shall be confirmed by a two-thirds majority of the Senate." However, over time, Congress has given away its Constitutional authority and responsibilities to the Executive Branch.

Take fast-track authority, for example. Fast-track proponents claim that this legislative authority is needed to expedite the negotiating process as well as consideration of the implementing legislation through the establishment of deadlines for various legislative stages, a prohibition on amendments, a limit on debate, and a requirement for an up-or-down vote. There are several myths and untruths associated with this argument, however.

The big myth is that the President needs fast track to negotiate trade agreements. The President already has the Constitutional power to conduct foreign affairs and negotiate international trade agreements. However, because Congress must approve any changes to U.S. law that result from trade agreements, fast track proponents purport that fast track is needed to strengthen the President's stance during trade negotiations and expedite consideration of the implementing legislation. The truth is, the President needs fast track so he can ignore the opinions of the vast majority of Members of Congress.

Fast-track authority, in theory, protects Congress from the delegation of Constitutional authority through the notifications and consultations the President must provide to Congress prior to, and during, trade negotiations. In practice, however, Congress has handed over its Constitutional powers on a silver platter. The President has ignored the directives of large minorities in Congress regarding environmental protection, labor standards and American jobs, then bought the votes of a few with personal promises to gain the simple majority needed for passage.

The fact is, the archetype fast-track legislative authority was designed to give the President additional authority to negotiate customs classifications only. Experience has shown item-by-item consideration of the tariff schedule by Congress to be an arduous process, so the President was granted the ability to negotiate the small points. The bottom line is, the original fast-track was never intended to grant the President the broad authority over a vast array of nontariff issues he enjoys today.

Another myth claims that fast-track process is needed not only to negotiate, but to simply get the trade agreement through the legislative process. Converse to popular thought, however, the fast-track procedure has rarely been implemented. Over 200 trade agreements have been enacted without fast track authority while only five trade agreements have been enacted under this procedure.

Clearly, fast-track authority has digressed from the original intentions of Congress. The President now has broad authority, while Members' hands are tied. Consultations are with a privileged few and merely a formality for the body as a whole. I have introduced legislation to authenticate fast-track legislative authority.

The Trade Act of 1974 recognizes the fast track mechanism as an "exercise of the rule-making power of the House . . ." and maintains the "constitutional right of either House to change its rules at any time, in the same manner and to the same extent as any other rule of the House." In other words, the House may change its rules as it sees fit. The erosion of fast-track legislative intent is more than enough reason for the House to change its rules.

The Traficant resolution amends the rules of the House to require a two-thirds majority vote on any legislation that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures, or that implements a trade agreement pursuant to such procedures. By requiring a two-thirds vote rather than a simple majority, the President will no longer be able to ignore the concerns of the vast majority of Members during negotiations and sweeten the agreement later. Trade agreements will take a consensus of both the legislative and executive branches to negotiate—a constitutionally sound solution of which the Founding Fathers would be proud. I urge my colleagues to support this resolution.

TRIBUTE TO GEN. CHARLES KRULAK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to General Charles Krulak who is preparing for retirement from the Marine Corps. For the last four years General Krulak has been the commandant of the Marine Corps.

For 70 years, a member of the Krulak family has worn the eagle, globe and anchor. General Charles Krulak continued the tradition set by his father, when he graduated from the Naval Academy in 1964. General Krulak has spent a total of 35 years in the Corps which culminated on July 30, 1995 when he became the 31st commandant.

Mr. Speaker, General Krulak is a shining example of what is best about the Marine Corps. I agree with the former Secretary of Education, William Bennett, when he said, "The Marine Corps is the only institution in the nation that holds to its standards." General Charles Krulak epitomized the respect many of my colleagues here in Congress have for the men and women who serve our nation.

It has been both an honor and a pleasure to work alongside General Krulak in addressing the needs of our Nation's finest soldiers. I would like to thank him for his hard work and his dedication to the Corps in which he has proudly served. I would also like to wish him continued success and happiness in his retirement.

THE "AT HOME WITH ARTS." PROGRAM

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a project in my home state of New Jersey that deserves recognition: the "At Home with the ARTS" program. This acronym stands for Alzheimer's Recognition Therapy Service (ARTS). A problem in our society today is the increased presence of Alzheimer's disease. Thanks to a three-year $217,000 grant by The Robert Wood Johnson Foundation of Princeton, the ARTS program has expanded to assist more families with the crippling effects of Alzheimer's Disease.

The "At Home with the ARTS" program serves two purposes. First, it helps to improve the quality of life for the individual with Alzheimer's, and secondly, it helps the caregiver cope with the effects of the disease. The program assigns a recreational therapist, who is trained in recreation, music, art, or activity therapy, to a patient with Alzheimer's. The therapist and the patient meet once a week for 12 weeks, during which time the therapist tries a variety of activities to see which is best at securing the patient's attention. The most challenging aspect of this program is finding what activity interests the patient.

This program has been successful in helping people such as Beverly Cohen of Teaneck, whose mother is suffering from Alzheimer's. Since her mother was hard of hearing and did not enjoy watching television, Ms. Cohen tried giving her small tasks to complete—but, her mother was not interested. However, after several weeks of meeting with a recreational therapist, Ms. Cohen discovered that her mother enjoyed arranging dried flowers and pasting magazine pictures on coffee cans. Ms. Cohen said the therapist helped her figure out the things her mother enjoyed doing, and Ms. Cohen feels that both she and her mother have profited greatly from the program.

The success of the "At Home with the ARTS" Program has gained the attention of the Robert Wood Johnson Foundation, and their grant of $217,000 has helped to create an offshoot program in Hudson and Essex counties. Volunteers of the Foundation's offshoot program serve as companions to Alzheimer's patients, and are trained to provide an additional four hours of recreational therapy per week. This added time greatly improves the changes of providing those who suffer from Alzheimer's with a more active and fulfilling daily routine.

Since it was started in 1995, ARTS has served more than 132 families, and the offshoot program has served 85. Both the program creators and its patients believe the sessions help to reduce the depression and behavioral disorders associated with Alzheimer's. Fred Brand, Manager of Family Service Programs for the Association said that "Recreational activities won't stop the course of the disease, but (the therapy) is something that brings back memories, brings back a sense of pleasure, and brings back a dormant type of abilities." Finally, all of the program's initiatives are not directed solely towards the patient. At the end of each visit, a half hour is spent with the caregiver so they may learn how to do the activities developed by the therapist themselves.

I want to commend the people involved with the ARTS program and those who volunteer their time for the offshoot program. They truly make a daily difference in many people's lives. I also commend the Robert Wood Johnson Foundation for providing the vital financial support to this program and others across the nation.

SOCIAL SECURITY GUARANTEE INITIATIVE

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf this resolution, which expresses our firm belief that we should work in a bipartisan manner, along with the President, to ensure that the benefits of social security will still be here for our future generations.

This resolution is a compelling one because it recognizes the importance of the Social Security program to America. Social Security is the most successful anti-poverty program currently funded by our federal government. It currently helps support over 44 million people, many of whom depend on it as their sole source of income as they reach the age of retirement.

Even for those who have pension plans and retirement accounts, social security monies are crucial. Many retirement plans do not include extended health care coverage, and even those that do rarely include dollars for prescription medication. For those people, social security keeps Older Americans from having to make the difficult choice between eating, and taking medication that is medically necessary for their life and well-being.

The benefits of social security are even more crucial to women. This is because women tend to live longer than men, and because, as a whole, women work fewer years because they often must stay home part of their careers to help raise their families. Even for those women that manage to have long and full careers, most face one form or another of gender discrimination—which means they often have less money to put in the bank at the end of their work week.

I am also happy to support this resolution because it recognizes the impact and importance of Social Security to the minority community. Like women, minorities rely more heavily on social security because they disproportionately earn less money, and have fewer benefits, than do white workers. As a result, minorities tend to struggle more with their families as they reach the age of retirement—a time where medical expenses tend to go up rather than down.

For these reasons, preserving social security is simply the right thing to do for all of America. I look forward to working with all of you here in the House to enact a plan that will extend the life of this life-saving program another 30 years, and hope that together, we can resolve this issue for our children, and our children's children.

THE PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. THUNE. Mr. Speaker, I rise today to introduce the Perkins County Rural Water System Act of 1999. This legislation authorizes the construction of the Perkins County Rural Water System, which when completed, will provide water to over 3,500 people in an area covering 2,866 square miles. This area is larger than each of the states of Rhode Island and Delaware. The project addresses a basic need not currently being met in many areas of my state of South Dakota. That need is for water.

Much like other areas of South Dakota, Perkins County frequently experiences problems involving both the quality and quantity of available water. The present water supply consistently fails to meet standards set by the Environmental Protection Agency for total dissolved solids and sulfates. Additionally, the sodium and fluoride levels have been found to be exceedingly high as determined by the State of South Dakota and numerous medical practitioners in the area. The water of Perkins County impacts not just the quality of life for these South Dakotans, but also their health.

The Perkins County Rural Water System is not a new concept. As testimony before the House Resources Committee last year indicated, the project dates back to 1982 when a group of farmers and ranchers were contacted by the Southwest Pipeline Project in North Dakota to see if they were interested in obtaining water to serve Perkins County. By 1992, Southwest Pipeline had grown to the point that Perkins County could have been included in engineering design work. However, the legislation did not specifically authorize the construction of the Perkins County System. And since 1982, the states of North Dakota and South Dakota recognized Perkins County as a future extension of the Southwest Pipeline project. In fact, the original congressional legislation authorizing the Southwest Pipeline project referred to the potential for a future connection for Perkins County. The current legislation authorizing the construction of this water system recognizes and builds upon this past history.

This legislation was originally introduced during the 104th Congress, and I later reintroduced the measure in the 105th Congress. Since its introduction, the proposal has been the subject of several hearings, and extensive discussions and negotiations between the project sponsors, the Administration, and the committees of jurisdiction. These actions were instrumental in the Government Accounting Office, the Congressional Research Service, and the Administration's recognition of the need Perkins County has for safe water. Last Congress, this legislation passed unanimously out of both the House and Senate with amendments. Unfortunately, the amended legislation was not taken up in the final days of the last Congress.

Given the progress achieved on the Perkins County Rural Water System during the last Congress, I am hopeful this body can move forward with this vital initiative for South Dakota.

We all recognize the water needs the people of Perkins County have. It is time for Congress to move beyond looking at only the symptoms of poor drinking water and move forward with the solution this bill provides. Supporting the legislation authorizing the construction of the Perkins County Rural Water System embodies not only the commitment to support initiatives such as the Safe Drinking Water and the Clean Water Act, but also the authority of Congress to continue its historical support of working to meet various water needs. I look forward to working with my colleagues to ensure the people of Perkins County can meet the most basic of needs: access to clean, safe drinking water.

CONGRATULATIONS TO MASTER SERGEANT GOGUE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. UNDERWOOD. Mr. Speaker, as I was visiting military facilities in Okinawa a couple of years ago, I had the pleasure of crossing paths with a former student, Arnold Gogue. Years ago, as an administrator at George Washington Senior High School in Guam, I had been acquainted with Arnold's amazing ability to get himself in trouble. This kid was a school teacher's nightmare—a major problem.

Although I could use up all this time to recount anecdotes which I am sure Arnold would rather not discuss, I have decided to talk of how he has made me real proud of his achievements.

After high school, Arnold enlisted with the United States Marine Corps. He reported as a private on May 31, 1977 to the Marine Corps Recruit Depot, San Diego, California, and completed Recruit Training in August of that year. He later received technical training at Camp Lejuene, North Carolina Court House Bay for MOS 1371 Combat Engineer School.

Upon completion of the basic course on November 8, 1977, Arnold was transferred overseas and was assigned to Charlie Company 3rd Combat Engineer Battalion, 3rd Marine Division, Okinawa, Japan. Promoted to the rank of Private First Class on December 1, 1977 and assigned temporary additional duty with 3rd Battalion 4th Marines as a Combat Engineer, Arnold was then deployed on Operation Quick Jab to Tinian and Saipan.

On March 2, 1978, he was promoted to the rank of Lance Corporal. Assigned temporary additional duty to 2nd Battalion 4th Marines, he was deployed to Pohang, South Korea. He attended Mountain Warfare School in the Republic of Korea and was selected Marine of the quarter.

Arnold was promoted to the rank of Corporal on July 2, 1978. He was later transferred to Charlie Company, 8th Engineer support battalion, Camp Lejeune, NC, and assigned as 1st Platoon Sergeant. He was assigned temporary additional duty on April 6 to July 11, 1979 to attend Journeyman's Combat Engineer course at Court House Bay, Camp Lejeune, North Carolina. He was then selected as Marine NCO of the Quarter.

Promoted to the rank of Sergeant on December 1, 1979, Arnold reenlisted and made a lateral move to MOS 2111. He was assigned temporary additional duty on February 28 to April 1, 1980 to attend the Basic Small Arms repair course. Afterwards, he was transferred to Marine Barracks, Guam on June 1980 as a Small Arms Repairman.

On July 22, 1982, he was transferred to Headquarter's Battery, 2nd Battalion, 10th Marines, 2nd Marine Division, and served as the NCOIC. He was promoted to the rank of Staff Sergeant on July 1, 1983 and assigned as the Ordnance Chief. While in this capacity, he was deployed on two different occasions to Fort Bragg, North Carolina for regimental exercises.

He was then transferred to the 3rd Maintenance Battalion, 3rd Force Service Support Group on September 17, 1984 and assigned as Quality Control Senior Non-Commissioned Officer in Charge. He was given temporary additional duty on January 24 to May 30, 1985 to Brigade Service Support Group-9, Operation Team Spirit and, once again deployed to Pohang, Korea—this time as the Maintenance Chief.

On October 6, 1985, Arnold served as an Instructor at the USMC Admin Detachment, Aberdeen Proving Ground, Maryland. He attended the Instructor Training course and attained the level of Senior Instructor. He was then transferred to the 2rd battalion, 12th Marines, 3rd Marine Division on May, 1988, as the Ordnance Chief, and later moved to Bravo Company, Marine Corps Logistic Base, Albany, GA on July 26, 1989 as a Quality Control Inspector and Reserve Technical Assist Team.

Promoted to the rank of Gunnery Sergeant on Aug. 1, 1991, he was transferred to the Ordnance Maintenance Company, Brigade Service Support Group–1 Marine Corps Air Station, Kaneohe Bay, HI on Feb. 17, 1992 as the Ordnance Chief. He was assigned temporary additional duty on September 5 to October 17, 1994 to attend the Ordnance Chief Course at Aberdeen Proving Ground, MD. He was then transferred to the 3rd Maintenance Battalion, 3rd Force Service Support Group–1 on November 28, 1994 as Infantry weapons repair shop chief. On May, 1995 he was reassigned to the Maintenance Management Section and on November, 1996 assigned again as the Infantry weapons repair shop chief.

Arnold was promoted to his present rank of Master Sergeant on June 1, 1997. He served as the OIC (Officer in Charge) for the Infantry Weapons Repair shop. On May, 1998 he was assigned to Ordnance Company as Ordnance Chief and on November, 1998 reassigned back to the Infantry weapons shop and OIC.

During his service with the Marine Corps, Arnold was awarded the Meritorious Service Medal (MSM), the Marine Corps Commendation medal, and the Marine Corps Achievement medal.

Wherever they happened to be stationed Master Sergeant Gogue and his wife, Rita, have always promoted island culture. They coordinated Liberation day festivities, promotion and farewell parties, christenings, and novenas. The Gogues opened their homes, shared their hospitality and welcomed families in the traditional Chamorro fashion.

Master Sergeant Gogue is slated to retire from the United States Marine Corps this month. Although Arnold's well-earned break would be a loss to the military community in Okinawa, his eventual return to the island of Guam would be most welcome. I am sure that, as a resident of Sinajana, he would be most active and productive.

I have always considered myself an educator—holding the teaching profession with high regard. It is ironic that after working within the Guam school system and the University of Guam for over 20 years in what I consider a most honorable profession, I never earned the title "Honorable ROBERT UNDERWOOD" until I was elected to public office. However, I am sure my colleagues in the teaching profession will agree that the true measure of honor in our chosen field would be the accomplishments of our students.

Students, like Arnold Gogue, have, over the years, made me proud to have been a teacher. I commend him for his achievements and congratulate him on his retirement. On behalf of the people of Guam and the many families that he and his wife have assisted while in the Marine Corps, I convey my appreciation for their share in promoting Chamorro culture and values. Si Yu'os Ma'ase' Arnold and Rita.

GOOD LUCK TO THE LADY TIGERS OF MANSFIELD HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate a group of tremendous student athletes from a great school that I am pleased to represent in Congress. I want to recognize the Lady Tigers of Mansfield High School, who have advanced for the first time ever to the Texas girls basketball state championship tournament in Austin. The Lady Tigers will take on Dallas Bryan Adams on Friday for the right to move onto the championship game on Saturday.

The Lady Tigers have electrified everyone in the town of Mansfield and throughout North Texas in their path to the championship tournament. It seems you can't pick up a newspaper in my district without reading about how the community is rallying around the Lady Tigers. This past Saturday in the regional final, the Mansfield team used their stifling defense and solid depth to upset the number one team in Texas and the entire country, the Copperas Cove Lady Bulldogs.

I want to take this opportunity to thank Mansfield coach Samantha Morrow and the courageous Mansfield student athletes for giving so much excitement to everyone in the 24th Congressional District. Through your example you've inspired younger female athletes in your community. Hopefully this will be the first of many trips to the state championship for the Mansfield Lady Tigers.

Good luck Lady Tigers, we will all be rooting for you to bring home the state championship this weekend. But whatever the result, you already have our gratitude for an inspiring and exciting season.

CHARITABLE GIVING INCENTIVES

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. SOUDER. Mr. Speaker, today I am reintroducing the "Giving Incentive and Volunteer Encouragement Act", the GIVE Act, to provide an increased incentive for charitable giving. The vast majority of Americans agree that charitable organizations and the nonprofit sector are more efficient and effective in the use of donations than the federal government is with additional tax revenue. The goal is to decrease the cost of giving and allow more Americans to give more generously to those charities they feel are making the greatest impact in the lives of their neighbors and communities. In addition to increasing the power of charitable donations, the bill increases flexibility, once again provides lower income taxpayers the opportunity to deduct charitable deductions, and the bill would eliminate the cap on charitable giving which hinders additional giving by those most able to give. Specifically, the legislation would:

Allow individuals to deduct 120% of the value of their charitable donations.—This will encourage additional giving to private organizations and increase the total amount of charitable giving. Experts agree that the key factors in determining the amount of charitable giving are income and price. This provision will increase charitable giving by decreasing the effective cost to the giver.

Allow non-itemizers who give more than $1,000 to charity (or $2,000 filing jointly) to deduct their donations.—There's simply no reason why the government should encourage philanthropy only among the better-off. Before the 1986 tax bill, all taxpayers were able to deduct their charitable donations, not just those who make enough to itemize deductions. Restoring this provision to the tax code will empower everyone, not merely people of means, to give back to their community through charitable donations.

Exclude charitable giving from the overall limitation on itemized deductions.—By reducing allowable deductions to 3% of the taxpayer's income over $100,000, the 1990 tax bill placed unnecessary hurdles in front of those taxpayers most able to give. A person in need doesn't care what his benefactor's tax bracket is, and neither should the government.

Extend the deadline for making charitable donations until April 15.—Most taxpayers take note of allowable deductions only when they fill out their tax returns. They often realize, in retrospect, that they could have given more to charity in the previous year. Current law already allows deductions for contributions to IRA's up until filing time. By extending similar treatment to charitable contributions, we can (1) assist taxpayers' planning, (2) increase the incentive for taxpayers facing penalties for underwithholding, and (3) help advertise the value of the charitable giving tax incentive. We can also encourage those whose giving is curtailed at the end of the year by the holiday cash crunch.

I am grateful for my twenty colleagues which have joined me as original cosponsors and invite other members to join me by cosponsoring this important incentive for increased charitable giving and to allow more Americans the privilege of contributing greater to charity. We must continue to encourage the tremendous charitable efforts which enrich our communities and improve our society while providing significant tax relief for American taxpayers.

TRIBUTE TO RETIRING MARIES COUNTY COLLECTOR EUGENE HOLLIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished government career is coming to an end in Missouri. The Honorable Eugene Hollis, Maries County Collector, is retiring after serving the citizens of Maries County for 52 years.

Mr. Hollis served in the Navy during World War II, where he performed as a landing boat coxswain in the Pacific campaign. The highlight of his military service was leading the landing boats during the amphibious assault against Okinawa.

After the war, Mr. Hollis returned to Missouri. He was elected Maries County Treasurer in 1946, and served in that post until 1954. Mr. Hollis was elected Maries County Collector in 1954, serving from January 1, 1955 until his retirement on March 1, 1999.

Mr. Hollis married the former Lucille Woody on August 2, 1947. Mrs. Hollis was instrumental to Eugene's success in elected office with her active participation in his election campaign, service as a democratic committee member, and her involvement in civic organizations.

Mr. Hollis also serves his community during his free hours. He remains active in the VFW and the American Legion, an organization he has been a member of for over 50 years. He is a past President of the Maries County Fair Board, which he currently serves as gate chairman. Mr. Hollis is also the past President of the Missouri Collectors Association and a member of the Legislature Co-Chairman Collectors Association.

Mr. Speaker, Eugene Hollis served the people of Maries County for 52 years with pride and integrity. I know the Members of the House will join me in extending our heartfelt gratitude and best wishes in the years ahead to Eugene and his family.

INTRODUCTION OF THE ENDANGERED SPECIES RECOVERY ACT OF 1999

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. GEORGIE MILLER of California. Mr. Speaker, I and 67 co-sponsors, are reintroducing the Endangered Species Recovery Act of 1999. Similar to legislation I sponsored in the last Congress, the goal of this bill is to recover and delist endangered and threatened species. This was the original intent of the law, but it has not been the outcome. It is time the original goals were met.

When the ESA was first enacted in 1973, stopping extinction seemed pretty straightforward. DDT was wiping out our nation's symbol, the bald eagle. Most species of the great whales had been hunted to near extinction. Foreign species like the African elephant were bordering on destruction after more than a century of uncontrolled commercial hunting. Congress responded, passing legislation to provide for the conservation and protection of endangered species.

Unfortunately, resolving today's threats to imperiled species are not as simple as banning DDT or stopping the trade in elephant ivory. It is unlikely the ESA's authors could have foreseen the far more complicated environment which now exists where the preservation of habitat needed for species survival and recovery must constantly be balanced against the growing demands of development and urban sprawl.

As a result, instead of recovering species and moving them off the endangered list, the law does little more than maintain animal populations in their devastated state in perpetuity or, at best, slow the inexorable slide towards extinction. Recovering endangered species and removing them from the list should be the ESA's real goals, but we have had very little success because federal agencies consistently allow activities to occur that undermine the recovery of the very species we are "protecting."

In fact, while the U.S. Fish and Wildlife Service and the National Marine Fisheries Service spend tens of millions of tax dollars every year to recover species, they spend even more approving scientifically indefensible conservation plans and permits that are not consistent with—and in some cases actually undermine—they recovery of the same species they are trying to recover. That is the main reason why, a quarter of a century after the enactment of the ESA, we have moved only a handful of species off the endangered list.

This bill will amend the ESA to fix the fundamental flaw in the Act by requiring that incidental take permits, habitat conservation plans, and federal actions to be consistent with recovery. This is the only way we will recover species, get them off the list, and get landowners out from under lifelong regulatory control.

In addition, it provides incentives for both small and large landowners through the implementation of tax credits, deferrals and deductions for habitat protection. It provides assurance to landowners that wish to engage in activities that may damage habitat, while ensuring that taxpayers are not left to pay the costs of mitigating that damage. It also encourages ecosystem planning on a regional basis through the development of multiple landowner, multiple species conservation plans.

This bill is endorsed by more than 300 environmental, religious, fishing, consumer, and scientific organizations representing millions of people across the country who overwhelmingly support the recovery of endangered species. It is only through this kind of modification that land owners, developers and others will receive the assurances under the ESA that they require to make long term business decisions. If we do not make these changes to the law, we might save the Act, but we won't save species.

OLDER AMERICANS ACT REAUTHORIZATION BILL

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. MARTINEZ. Mr. Speaker, the Older Americans Act has been reauthorized 12 times since its enactment in 1965. However, this historically bipartisan initiative, which provides vital services to millions of needy seniors across the country, has been held hostage to partisan politics the last several years and as such, has not been authorized since 1995. However, I hold much hope for its reauthorization during the 106th Congress.

Last week, I joined my colleagues—Mr. CLAY, Mr. GOODLING, Mr. MCKEON, and Mr. BARRETT—in introducing a bipartisan Older Americans Act reauthorization bill. This bill, I am confident, is the first step in a joint process to strengthen and improve the Older Americans Act.

Although I do not doubt that Members will have differences of opinion as we proceed with the process of reauthorizing the many programs and services provided under the Older Americans Act, I am encouraged by this very bipartisan beginning and by the commitment demonstrated thus far to working through those differences keeping the best interest of those who are served by the Act—the seniors—in the forefront.

McDONALD COUNTY, MISSOURI CELEBRATES SESQUICENTENNIAL

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. BLUNT. Mr. Speaker, today begins a year long celebration of McDonald County, Missouri's sesquicentennial.

McDonald County is tucked away in the very southwest corner of my congressional district, bounded on the south by our good neighbors in Arkansas and our friends in Oklahoma on the west. McDonald County is noted for its friendly folks and scenic beauty. Clear streams and majestic limestone bluffs have long been attractions for sightseers and were prominent in the stories of early settlers. Add to that the booming economy and you have an All-American place to raise a family, start a business and put down or carefully nurture "roots." The population in McDonald County, now over 20,000, is growing at more than 14% a year making it one of Missouri's fastest growing counties in its 150th year.

Only a few hundred people called McDonald County, Missouri home when it was organized on March 3, 1849. It was named after Revolutionary War hero Alexander McDonald, a sergeant in the Continental Army. This year a series of events and observances will mark the county's milestone. March 3 is McDonald County History Day observed at all county buildings. Students will participate in art and history exhibits, and there are picnics, parades and festivities planned throughout the year.

The county seat at Pineville celebrates "Jesse James Days" in August by reliving the 1938 filming of "Jesse James," a movie production that brought stars Henry Fonda, Tyrone Power and Randolph Scott to McDonald County. In October the limestone bluffs and clear streams become the backdrop for some of North America's best fall foliage.

McDonald County is a place for families and small towns. Nearly 70 percent of the households are married families; half of those have children at home. the largest towns in McDonald County—Pineville, Anderson, Lanagan, Noel, Jane and Southwest City—had fewer than 2,000 people each at the last census.

McDonald County schools are meeting the growth in population with the construction of new schools all over the county—and they are doing it without federal handouts or new taxes (something Washington could learn from). The school system is financially stable and is "paying as it goes." County and city governments are also keeping up with the growth with a positive eye on the future. Economic development and infrastructure needs are constantly scrutinized and considered.

The economy is strong. A number of new businesses are springing up. A $53-million poultry industry makes McDonald County the leading livestock producing county in Missouri. Many of its residents work in McDonald County, but some commute to work in other places in a growing Southwest Missouri.

McDonald County is in America's heartland. Within a hundred miles there are lakes and streams like Table Rock Lake and Roaring River, as well as the Mark Twain National Forest and live entertainment in Branson. There is a diversity of good jobs and professions, churches of many faiths and institutions of higher learning that abound in the region. McDonald County is a great place to live and work.

Happy Sesquicentennial, McDonald County, Missouri.

CONGRATULATING SANTA CLARA COUNTY HUMAN RELATIONS AWARD RECIPIENTS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. LOFGREN. Mr. Speaker, it is a great honor to congratulate the exceptional people and groups in Santa Clara County who have earned the Human Relations Award. The award, presented last week by the Santa Clara County Human Relations Commission, recognizes their exceptional service to the community in the area of human and civil rights.

The honorees are a diverse group—people of different ages, nationalities, languages, colors, and cultures—united by their efforts to improve the lives of those in need. They make an important difference in the community and are an inspiration to us all.

The Human Relations Award recipients are:

Mary Bernier, a full-time volunteer who works to make the community aware of major social and economic issues.

Cathy Bouchard, who assists people with developmental disabilities reach their potential and realize their dreams.

Meg Bowman, a true community activist, educator, and untiring advocate on behalf of women.

Don Burt, M.D., a doctor who volunteers regularly at the Rota Care Clinic in Morgan Hill and works to promote better relationships between various cultural and ethnic groups.

Rita and Larry Demkowsky, who serve the poor and needy through Loaves and Fishes.

Dzung C. Do, an attorney at Asian Law Alliance who has helped over 16 different language groups work toward citizenship.

Barbara Emerich, who advocates for children and quality public education as an active member of the 6th District PTA, League of Women Voters, and Violence Prevention Council.

Cliff M. Eppard, who works to assure that basic food, safety, and financial needs are offered to seniors and others.

Nancy Flanagan, who has united the board and staff of Alliance for Community Care, a consolidation of three major mental health agencies.

Experanza Garcia-Walters, who has made significant contributions through her years of community involvement with the Latino Nurses Association, Planned Parenthood, and the Hispanic Foundation.

Victor Garza, who has long shown true dedication to the community in a number of roles. He is a former member and Chair of the Human Relations Commission; founder and Chair of La Raza Roundtable; Vice Chair of the Mexican Heritage Corporation; and volunteer with the American GI Forum, America Heart Association, and E.O.P. Advisory Board of the Evergreen Valley-San Jose Community College District. Victor is always ready to work towards building a community of respect and concern for all.

Andrew Gonzales, the past president of La Raza Lawyers Association, has established a scholarship banquet for incoming law students at SCU, works closely with new law students, participates in career days, and works with community organizations.

Sparky Harlan, Executive Director of the Bill Wilson Center, has worked on behalf of homeless youth for over 25 years.

Dr. Robert Hersch has served on the board and worked with every aspect of Live Oak Adult Day Services.

Delia U. Jurado is a leader of Filipino community volunteers who works on behalf of seniors, new immigrants, and community groups.

Lor Layso, a leader in the local Cambodian community, has helped hundreds of Cambodian refugees adjust to life in America and eventually apply for citizenship.

Alette Lundeberg has helped Santa Clara County and the community assist welfare recipients from welfare to work.

Elizabeth Menkin, M.D., serves the community over and above her professional duties by volunteering with the Mother's Milk Bank, MADD, and child-care and hospice programs.

Ann Holland McCowan and John Holland McCowan. Six-year-old John worked with his mother, Ann, to found Kids Cheering Kids, an organization to better the lives of children with special needs in Santa Clara County.

Judy Nakano volunteers with the San Jose Buddhist Church Betsuin and Girl Scouts, bringing the two groups together.

Dr. T.J. Owens, Dean of Students at Gavilan Community College in Gilroy, has devoted most of his life to education and community services. He is a former member of the Human Relations Commission and is the past president of the Friends of the Human Relations Commission.

Rolanda Pierre-Dixon, a Santa Clara County Deputy District Attorney, promotes a "no excuse for domestic violence" theme at court, community meetings, conferences, and task forces.

Robert Riordan plays the role of "grandpa" in the lives of many young people who do not have grandparents nearby.

Jerry Rosenblum, a senior partner in a San Jose law firm, uses his legal expertise to serve the community at places like Live Oak Adult Day Services.

Father Mateo Sheedy, Pastor of Sacred Heart Church in San Jose, is an inspiration to us all. In the words of Santa Clara County Supervisor Blanca Alvarado, "Everybody loves him; he is one of the best human beings."

Lillian Silberstein, Executive Director of the National Conference for Community and Justice, has initiated many civil rights programs and promotes understanding and respect among all races, cultures, nationalities, and religious affiliation.

Vicci Smith, a student at San Jose State University, volunteers as co-director of the university's Women's Resource Center.

George Soto, interim Director of Employment Benefit Services of the Santa Clara County Social Services Agency, brings honesty, integrity, fairness, and commitment to the human concerns of all.

Deborah Stinchfield has been a volunteer at the Mid-Peninsula Hospital Foundation for 21 years, where she promotes awareness of end-of-life issues and hospice care.

Colette and Frank Swaringen have developed the "Script for Safe Kids," a video used across the county to alert to the common lures used by child abductors.

Joseph R. Tembrock is a founder of Sacred Heart Community Services, the Rotating Shelter in Cupertino, and the Interfairth Hospitality Network.

Florence Trimble, known as the Mother Teresa of Gilroy, has dedicated her time and love to recruiting volunteers to address the needs of the homeless.

Forrest W. Williams provides valuable service to programs for young people. He has been a mentor for many years and serves on the San Jose Planning Commission and the United Negro College Fund Executive Advisory Board.

In addition, I would like to congratulate the six community groups who received the Human Relations Award. The groups are: AAUW Committee on Homeless Women and Children—Los Gatos/Saratoga Branch; Adelante Mujer Hispana of Santa Clara County; Almaden Council Pacific Bell Pioneers; Dispute Resolution Program Services Volunteers, Office of Human Relations; Filipino Youth Coalition; and Mountain View Diversity Forum.

SUPPORT AMERICAN STEEL

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. McNULTY Mr. Speaker, I want to express my deep concern about the crisis facing our American steel industry. The continued dumping of steel is causing tremendous harm to the industry and forcing huge lay-offs of hard-working U.S. steel workers. Over 10,000 steel workers have been laid off in the past year as a result of the flood of under-priced steel coming into the United States.

As we all know, America was built on the backs of laborers. We cannot turn our backs on them now.

Although the actions taken by the steel industry and the Administration have caused the amount of dumped steel to drop, more needs to be done. We need to be firm and make it very clear to our competitors that we will not tolerate illegal dumping of any kind.

American Steel companies and organized labor have worked very hard over the last decade to restructure and to restore the integrity of this important industry. We cannot allow these sacrifices to be in vain.

I am a co-sponsor of Rep. VISCLOSKY's bill to reduce steel imports to 25% of the U.S. market. That is the level that prevailed in July 1997—before the illegal dumping began. I hope the House will adopt this measure in the near future.

Given the nation's strong economy, now is the time to deepen our commitment to ensuring that working families keep the well-paying jobs they deserve.

RECOGNITION OF THE COMMITMENT OF MR. WILLIAM C. "BILLY" SULLIVAN TO YOUTH ATHLETICS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the lifelong commitment to youth athletics in Western Massachusetts of Mr. William C. "Billy" Sullivan. For the past fifty years, Billy Sullivan has been a fixture on the sidelines of playing fields throughout the Greater Springfield area. As a football, basketball, and baseball player, Billy displayed an unmatchable drive to succeed. his dedication to fair play and high quality athletics has been evident since he was a young man, and has continued to this day.

Billy Sullivan's dedication to athletics as a coach, manager, and organizer is unparalleled. He has coached local youth teams for well over thirty years, including a stint as manager of the Sacred Heart Semi-pro baseball team. He has been a sitting member on the Catholic Basketball League Board of Directors, the Springfield Pee Wee Baseball Leagues Board of Directors, the Basketball Hall of Fame Tip-Off Committee, and the Basketball Hall of Fame Board of Trustees. He has been Chairman of John L. Sullivan Day at Pynchon Park, the NCAA Division II Elite 8 Basketball Championships, the Springfield Civic Basketball Committee, and the Springfield Peach Basket Festival Committee. His public service resume includes time as a Member of the Massachusetts General Court, City Clerk of the City of Springfield, and Mayor of the City of Springfield.

Billy Sullivan's commitment to youth athletics will be on display on the weekend of March 26–28, 1999. Over 1,500 children, ages 7–17, will descent upon Western Massachusetts to participate in the 40th annual New England Catholic Youth Organization Basketball Tournament. Proceeds generated by the tournament will be donated to Brightside for Families and Children in care of the Vinny Del Negro Endowment Fund. Billy Sullivan and Vinny Del Negro are the co-chairman for this popular event.

Mr. Speaker, allow me to pay tribute to the service, commitment, and character of Mr. William C. Sullivan. He has proved himself to be an indispensable member of his community, as a leader, an organizer, and an advocate of youth athletics in Western Massachusetts.

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PASTOR. Mr. Speaker, due to President Clinton's visit to the 2nd District of Arizona on February 25, 1999, I was unable to cast a vote on rollcall votes No. 27 and No. 28. Had I been present, I would have voted "yea" on rollcall vote No. 27 and "yea" on rollcall vote No. 28.

TRIBUTE TO RICADO ICAZA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN, Mr. SHERMAN and I rise today to pay tribute to our very good friend, Ricardo Icaza, President of United Food and Commercial Workers Local 770. This year Ricardo is receiving the International Humanitarian Award from the Israel Humanitarian Foundation. Having traveled outside the United States many times as a representative of the AFL–CIO, advocating on behalf of working people, it is no exaggeration to say that he is a perfect choice for this prestigious honor.

Ricardo joined Local 770 in 1956, when Dwight Eisenhower was President of the United States and Elvis Presley had his first hit records. In the ensuring 43 years, the fortunes of organized labor have ebbed and flowed, along with those of the American economy as a whole. Through it all Ricardo's commitment to the Union, its policies and its goals, has never wavered. He is too busy fighting for the rights of workers to worry about whether the role of unions is diminishing, or to fret over the standing of the labor movement in public opinion polls.

Ricardo has held many important positions with Local 770, including Research Assistant, Organizer, Business Representative and Secretary-Treasurer. He has been President of Local 770 since 1981.

Many of his duties have involved helping his brothers and sisters in foreign countries. In 1979, for example, he represented the Retail Clerks International Union as an advisory committee member in a delegation that went to Portugal, Spain and Brussels. He has also traveled to China, Geneva and Germany as a representative of the AFL–CIO. In 1998, Ricardo represented labor in Mayor Riordan's delegation that visited Japan for the purpose of encouraging business with the City of Los Angeles.

Ricardo's involvement with labor does not stop with Local 770. He is also President of the Los Angeles County Federation of Labor, Treasurer of the Food and Drug Council and Vice President of the Labor Council for Latin American Advancement and trustee of the Southern California United Food and Commercial Workers Unions.

We ask our colleagues to join us in saluting Ricardo Icaza, a man of integrity, compassion and justice. His unshakable commitment to improving the lives of working men and women inspires us all.

HONORING THE STUDENTS RESPONSIBLE FOR THE FOUNDING OF THE CHARITABLE ORGANIZATION "CLOTHES, FOOD, AND EDUCATION FOR THE POOR AND NEEDY"

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in honor of some distinguished South Florida students: Abhishek Gupta, Adam & Diana Deitsch, Connie & Hakeem Campbell, Shaun Krueger, Edward & Monique McDuffie, Laurel Stephenson, and Samantha Voehringer. Every one of these students in between the ages of 7–17 years old, and their outstanding community service has truly benefited both the South Florida community as well as the world at large.

During this past Thanksgiving break, my constituent, Abhishek Gupta, read several articles in local newspapers describing the unfortunate situation of many poor and needy families in his local community and around the world. The eleventh grade student set himself the lofty goal of raising $50,000 in order to promote and combat this cause. With encouragement from his parents and help from several local students, Abhishek created a non-profit organization called "Clothes, Food & Education for the Poor & Needy" to help less fortunate families.

Finding corporate sponsors to pay for operational expenses, Abhishek appealed to an received contributions from the local community members who responded with both enthusiasm and compassion. In the end, their goal was exceeded by raising $60,000 in just a few weeks. The money was donated to the Sun-Sentinel Children's Fund, the Miami Herald Wishbook in Southeast Florida, and to victims in Central America affected by Hurricane Mitch. In a very short time, the once bold idea developed not only a reality, but into an overwhelming success.

In December 1998, Lynn Stephenson, R.N., and Abhishek Gupta were invited to accompany a medical team on a mission of mercy to Honduras and Nicaragua from 12/26/98 through 12/31/98. In their possession were 120 boxes of food, clothing and medical supplies for distribution. In the three days the team of doctors was in Central America, they were met by an overwhelming number of patients to whom they provided badly needed medical treatment. By the end of the three days, they had seen a total of 594 patients.

Mr. Speaker, "Clothes, Food and Education for the Poor and Needy" is committed to supporting needy families and education in South Florida and around the world. The organization will continue to seek contributions for this worthy cause. Their vision is to make this an effort that continues throughout the year, thus creating the possibility of having a positive effect on the lives of people who are less fortunate.

H.R. 436, THE GOVERNMENT WASTE, FRAUD & ERROR REDUCTION ACT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. DEGETTE. Mr. Speaker, Congress acted responsibly to reduce government waste last week, voting 419–1 to pass H.R. 436, the Government Waste, Fraud & Error Reduction Act.

This common-sense measure empowers federal agencies to collect delinquent debt and it bars individuals from receiving aid or participating in federal programs if they have refused to pay back money borrowed from the government. This tough-on-debt approach is justified for individuals who knowingly seek the assistance of the Federal Government, but choose to defraud taxpayers by not paying back their debts. On a yearly basis, Congress will receive reports from federal agencies detailing debt collection procedures and outstanding debts of $1 million or more. With reinvigorated, streamlined debt collection mechanisms in place, the Federal Government will be able to use hard-earned taxpayer money more efficiently.

One important provision of H.R. 436 will allow social security benefits to be scaled back for individuals who owe large amounts of child support. For many working and single-parent families, child support payments are essential ingredients for success in raising children. I believe this bill will ease the burden on working families.

I was pleased to support this legislation and make good on my pledge to reduce government waste whenever possible.

IN SUPPORT OF THE WIRELESS PRIVACY ENHANCEMENT ACT OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. ESHOO. Mr. Speaker, I'd like to submit for the RECORD that I would have voted "yes" if I'd been present for the vote on the Wireless Privacy Enhancement Act of 1999.

This important legislation strengthens and clarifies prohibitions on electronic eavesdropping.

Mr. Speaker, specifically, this legislation makes it illegal to intentionally intercept calls or to intentionally divulge the content of private calls. Additionally, it increases the penalties for violators and requires the FCC to investigate violations.

This legislation is essentially the same wireless scanner legislation that the House of Representatives overwhelmingly approved last session.

As an original co-sponsor of the Wireless Privacy Enhancement Act of 1999, I'm pleased my colleagues saw fit to pass the legislation by a 403 to 3 vote margin. As I stated before, had I been present for this vote, I would have joined my colleagues in their near unanimous support for this legislation.

TRIBUTE TO CHIEF RANDALL W. GASTON

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to the career of Chief Randall W. Gaston of the Anaheim Police Department. On February 25, 1999, at age 54, Chief Gaston passed away at the Anaheim Memorial Medical Center. Chief Gaston is survived by his wife Linda and has four grown children, Allison, Bryan, Aaron and Debbie and two grandchildren.

The Anaheim Police Department is said to have been run as a family under the leadership of Chief Gaston. As a 9-year old, I remember becoming a part of this family when I was named Anaheim Police Chief for the day. I toured the station, met the officers and saw firsthand the inner workings of the department. I remember I felt very welcome.

Chief Gaston began working for the Anaheim Police Department in 1965. Randy rose quickly through the Department and was promoted to Lieutenant in 1973. In 1982, Randy graduated from the FBI National Academy in Quantico, Virginia and was later promoted to Captain in 1983. On January 11, 1994, Randy was appointed Chief of Police.

During his tenure, crime rates fell 12% over the span of 2 years in Orange County. This tremendous achievement has been made possible only through the hard work, dedication to duty and personal sacrifice inspired by Chief Gaston.

Randy is remembered as an honest man who often laughed at himself and who enjoyed staying out of the limelight. Yet his community policing program is recognized as a model for American police forces and for safer communities around the world. He will take with him a remarkable ability to integrate local community volunteers into the police force structure to help combat crime.

I submit for the record an article from February 26, 1999, of the Los Angeles Times which further describes Chief Gaston's outstanding achievements.

While Chief Gaston's leadership will be missed at our Police Department, all citizens of Orange County should take comfort that the Anaheim Police Department will evoke his spirit and legacy through their continued efforts to better our community.

I want to thank Chief Gaston for his service to our fine city, and for his bravery and selfless dedication to his career and his community. This man was a genuine community leader. He not only did his job well, he loved it, and the community he served. We are safe because of his sacrifice.

[From the latimes.com, Neighborhood News, Feb. 26, 1999]

ANAHEIM POLICE CHIEF GASTON DIES

(By Jason Kandel, Nancy Wride)

OBITUARY: A 30-YEAR VETERAN OF THE DEPARTMENT, HE COLLAPSES WHILE JOGGING WITH HIS FELLOW OFFICERS

Anaheim Police Chief Randall Gaston, a 30-year veteran of the department he led for more than five years, died Thursday of an apparent heart attack as he was jogging on his lunch hour. He was 54.

Gaston was on a group run in Pearson Park with members of the Anaheim Police Department's special weapons and tactics team when he became ill and dropped out, then collapsed. He was given cardiopulmonary resuscitation by colleagues but could not be revived. An emergency rescue team transported him to Anaheim Memorial Medical Center, where he died at 12:55 p.m. Gaston had filled a vacancy created by the death of Chief Joseph T. Molloy, who also died of a heart attack while exercising. He too was 54.

Shocked and grieving associates remembered Gaston as a highly respected law-enforcement officer and community leader. "As a leader and professional, Chief Gaston was a model public servant," Anaheim Mayor Tom Daly said. "His dedication to the community has been remarkable, and he will be difficult to replace." Scores of uniformed officers and staff workers gathered Thursday afternoon at the Police Department for a flag-lowering ceremony in Gaston's memory. A photo of the chief was displayed in the lobby, surrounded by red, white and blue flowers.

Police Capt. Roger Baker, appointed interim chief by City Manager James D. Ruth, said of Gaston: "He was highly respected by the Anaheim Police Department and the community and will be greatly missed."

Former La Habra Police Chief Steve Staveley was a friend of Gaston for more than 30 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 4, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

9:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on internetional Y2K computer problem issues.
SD–192

Joint Economic Committee
To hold joint hearings on the employment-unemployment situation for February.
SD–562

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on emerging threats to vital United States national security interests.
SR–222

MARCH 8

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD–342

MARCH 9

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD–342

10 a.m.
Judiciary
To hold hearings to examine interstate alcohol sales.
SD–226

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on issues relating to post election Cambodia.
SD–419

10:30 a.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings on the International Monetary Fund.
SD–538

MARCH 10

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the condtion of the services' infrastructure and real property maintenance programs for fiscal year 2000.
SR–222

Health, Education, Labor, and Pensions
To hold hearings on education research issues.
SD–430

Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs Capacity and Mission.
SR–485

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine strategic and tactical lift requirements versus capabilities.
SR-232A

MARCH 11

9:30 a.m.
Environment and Public Works
To hold hearings on S.507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.
SD-406

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense focusing on the defense health program, and the future years defense program.
SR-222

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-628

MARCH 16

10 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2000 for the Small Business Administration.
SR-428A

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-366

MARCH 17

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
SR-485

10 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 18

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Air Force and Army operating forces.
SH-216

MARCH 24

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of welfare reform.
SR-485

10 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

APRIL 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SR-253

Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR-485

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, March 4, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 1999.

I hereby appoint the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the many blessings that have come from Your hand, and we begin this day with appreciation for the gift of friendship. With our families and with our colleagues, there can be that kind of relationship that transcends all the divisions of position or responsibility, that surmounts the differences that separate people from each other. For friends who support us when the day is done, we offer our praise. For friends who encourage us when we are discouraged, we offer thanks. For friends who forgive when we miss the mark and for friends who stand near us when we are alone, we offer these words of gratitude and thanksgiving. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. WU) come forward and lead the House in the Pledge of Allegiance.

Mr. WU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that the one-minutes will be limited to 15 on each side.

REMOVING SOCIAL SECURITY EARNINGS TEST

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I rise today to urge Members' support of a piece of legislation that will be introduced shortly in the House. That legislation is called the Senior Citizens' Freedom to Work Act of 1999 and it removes the earnings limitations that now exist in our Social Security laws. For 1999, this limit penalizes retirees with above $9,600 in earnings. For example, if the Social Security recipient is under the age of 65 and they earn $20,000, they would lose $5,200 from their Social Security benefit. It is a little better if you are age 65 to 69. Then you would only lose about $3,500 in your Social Security benefits.

This restriction on outside earnings dates back to the original Social Security law. In 1935, unemployment in the United States exceeded 25 percent, net new business investment was a negative $55 billion, and national wages had declined from $50 billion in 1929 to $30 billion.

In this environment, it made sense to provide a disincentive to an older generation of workers to remain in the work force. The government would take care of this older generation by ensuring a level of financial support we now call a social insurance system. In turn, new positions for younger workers were created, giving them the wherewithal to become financially independent from government assistance. Taxes from these workers would become the mechanism to fund the benefits payments to the retirees.

Sixty-five years later, it is time to revisit the premise underlying this penalty. With record low unemployment rates, the annual earnings limit is an outdated disincentive that we cannot afford to keep. We need the expertise and wisdom that these workers can provide, but we make it punitive to compensate them for this value. It is time we change this provision of the Social Security Act. The Senior Citizens Freedom to Work Act of 1999 does exactly that and addresses one of the most unfair provisions of all, the penalty for working. I urge all of my colleagues to join me in supporting this important, and long overdue, piece of legislation.

SCHOOL MODERNIZATION

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise to speak in favor of school modernization. In communities like Astoria in Oregon, there are elementary schools with only one electrical plug in each classroom. No new elementary schools have been built there since 1927. This is simply not an adequate 21st century learning environment.

In my congressional district, communities like Astoria and McMinnville need the resources to modernize school buildings and provide schools with up-to-date technological tools. In other rapidly growing communities such as Beaverton and Hillsboro, schools are suffering from that growth. There, classroom overcrowding creates difficult learning environments and exacerbates student discipline problems. Schools there need the resources to expand and maintain education quality.

Congress can make it more affordable for local school districts to refurbish old school facilities and construct new school buildings by paying the interest on local school bonds designated for construction and repair of school facilities. The agenda is clear but it requires a real commitment by Congress. We must work hard to meet that challenge.

BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is estimated that this year alone approximately 44,000 women will lose their lives to breast cancer and an additional 15,000 will die from cervical cancer. As these treacherous diseases continue to spread in women, researchers work diligently in hopes of finding a cure for cancerous cells and in hopes of providing solutions to improve and extend the lives of cancer patients. Yet with all this new technology and new medications, scores of low-income women, mothers, daughters and wives, will never know the benefits of this new research because they simply cannot afford treatment for their potentially fatal cancer.

The gentleman from New York (Mr. LAZIO) will soon introduce a bill that will provide States with an optional Medicaid benefit to provide coverage

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for treatment to low-income women who are screened and diagnosed with breast or cervical cancer through our Federal CDC Early Detection Program. With little cost to taxpayers, passing this fiscally conservative legislation will literally mean saving the lives of thousands of women. I urge each and every one of our colleagues to sponsor this bill.

SOCIAL SECURITY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, did you hear the one about the Republicans who think that we ought to privatize Social Security because the interest earned on Social Security trust funds is too little? Now, they have a plan this week, the interest on the trust funds is so little that they are going to take it away from the people that paid into the trust funds. They have a plan where they say they are going to save Social Security, that they are not going to touch the principal of the trust funds or 70 percent of it, 60 percent of it, something like that. But what they are going to do is they are going to take away the interest. So working men and women in this country pay in their hard-earned dollars through the FICA tax into Social Security, it earns interest that they are supposed to be the beneficiaries of, and along come the Republicans and they are going to steal the interest.

I hope America is watching closely when this legislation comes to the floor, because while they say they are going to protect the principal, lo and behold we see that JOHN KASICH and others have a proposal to take it and use it for tax cuts or to take it and use it for spending proposals that they have. If you are going to protect Social Security, you got to protect the principal and the interest.

LET US WORK TOGETHER TO SAVE SOCIAL SECURITY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, did you hear the one about the liberal who markets the politics of fear?

I am reminded by the previous speaker that in this Chamber, 2 years ago, we heard that the elderly would be thrown into the streets and that schoolchildren would be starved. That just was not true. And yet in the name of political hyperbole and fear, the liberals pull out the only card they know to market, to try and scare the H-E-double-hockey-sticks out of seniors.

The fact is, less than a year ago, our majority in Congress moved to save 90 percent of the surplus for Social Security. We currently are working on plans to save all of that surplus for today's seniors. Sad to say, the other side offers fear. We offer hope, opportunity and reality. There is a clear difference in America, and that is why together, as Americans, we can solve problems, if we avoid the partisan temptations of fear.

STOP ILLEGAL TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, take the steel crisis, please. America is being violated every day, every hour, every minute by illegal trade, and the White House has done nothing. To make matters even worse, Congress has done nothing. This is wrong, this is stupid, this is unAmerican. Illegal trade must be stopped. Congress must grow a backbone.

I yield back 10,000 jobs, 10,000 American jobs already lost in the steel industry.

PRESIDENTIAL BUDGET FAILS STRAIGHT FACE TEST

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, the President's budget is fraudulent. That seems to be the devastating verdict of the nonpartisan Congressional Budget Office. CBO took a look at the President's budget and they were appalled at what they saw. Double counting, slick accounting, arithmetic gymnastics, things like this have not been seen since the advent of rain forest math and faddish politically correct schools.

Social Security is not saved. In fact, Social Security would remain insolvent despite the figures the President's budget says looks good on paper. And spending busts the spending caps that Congress worked so hard to pass only 2 short years ago. Spending goes up, way up. And so the security of Social Security goes down, way down.

One would think that the White House would avoid this kind of slick accounting. Double counting of imaginary money is guaranteed to get them in trouble with the CBO and all other budget analysts and economists. Congress is eager, though, to work with the President to stick with our historic balanced budget agreement. But the President's budget just does not pass the straight face test. Mr. Speaker, we need to go back to work.

EDUCATION

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today to support efforts to modernize our schools so that our children have the skills and the tools they need for the jobs that they will face when they graduate.

Two years ago I was pleased, with the gentlewoman from California (Ms. ESHOO), to sponsor the Computer Donation Incentive Act to encourage businesses to donate computer equipment and software to schools to help upgrade the schools. Since that time in my district, we have wired almost 50 schools with volunteer effort.

But we know that, if our children are going to learn, we not only need to have the hardware there, the software, be able to support teachers, to have the professional development and training they need, but our classrooms need to be smaller so that teachers can truly give children the attention that they need. That is why I am so strongly supporting the efforts to have the Federal Government be a junior partner in supporting communities to build new schools, to modernize their schools and to make sure that in order to have smaller classroom sizes, we have more classrooms and more teachers in those classrooms. This is a very important effort that the Federal Government needs to address. I urge it be a part of this year's budget.

SOCIAL SECURITY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the same people who told us again and again and again just 2 years ago that Congress could not cut taxes and balance the budget were wrong. Congress cut taxes, and the budget is actually now in surplus.

Well, the same people now are telling us that we cannot cut taxes and strengthen Social Security at the same time. Well, of course we can.

The same people who are defending the President's budget, which loots the Social Security trust fund to the tune of $30 billion on new Washington-based social programs and double counts $2.4 trillion in Social Security, are criticizing the Republican plan to strengthen Social Security, cut taxes and pay down the debt.

Well, the naysayers are wrong. The Republican plan will accomplish three important goals. It will strengthen Social Security, it will refund middle-class taxpayers some of the government overcharge, and it will start to chip away at the national debt, which means lower interest rates and good economic times for people trying to make ends meet.

SCHOOL CONSTRUCTION

(Mr. BAIRD asked and was given permission to address the House for 1 minute.)

Mr. BAIRD. Mr. Speaker, if this Nation sincerely believes that education is the foundation of our democracy, then it is time to act like it. In high-growth areas like the Evergreen School District in Clark County, Washington, the growth rate is too high for the local district to keep up. Evergreen is the fastest growing school district in our State, with a growth rate of 4.5 percent a year; and by 2004 their student enrollment is projected to increase by 26,000 students.

To respond to the number of students enrolling, Evergreen has put up 320 portable classrooms where 20 percent of our school district students are educated. This is not an effective environment in which to teach or to learn. That is why I am proud to be an original cosponsor of the School Construction Act of the gentleman from North Carolina (Mr. ETHERIDGE) which will create new tax credits to leverage $7.2 billion in school construction bonds. Under this bill, the bonds would be allocated according to enrollment growth over the next 10 years.

It is a good bill for our students, it is a good bill for our communities, and it is a good bill for our democracy. I urge my colleagues to support it.

□ 1015

RICH, MIDDLE CLASS OR POOR—REPUBLICANS STAND FOR TAX CUTS FOR ALL AMERICANS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the Republican party stands for saving Social Security; and, yes, we stand for tax cuts, too. We stand for across-the-board tax cuts for all Americans. We stand for the elimination of capital gains taxes because capital investment is the engine of job growth, the key to economic opportunity for all Americans, whether rich or poor.

We stand for the expansion of IRA accounts. We stand for elimination of estate taxes because we think the government should not have two and three whacks at the fruits of a lifetime of work and because we think the government has already done enough to kill the family farm and to kill small businesses.

We stand for elimination of the marriage tax penalties. Right now, a married couple pays higher taxes if they are married than if they are not, and that is just plain wrong.

So let us work together to reduce the tax burden on all Americans whether rich, middle class or poor.

SUPPORT THE SCHOOL RECONSTRUCTION AND MODERNIZATION ACT

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise today to speak about the conditions of elementary and secondary schools in New York City. I wish to bring to light to my colleagues the dire conditions faced by students in New York and across our country.

Many of my colleagues may ask why the Federal Government needs to become involved in school renovation and construction issues which are historically local concerns. The simple answer to my colleagues is because the problem has grown so large that localities or States alone cannot handle it. They simply cannot handle it.

A recent survey by the Division of School Facilities in New York City concluded that in my district alone 19 new schools are needed to alleviate the overcrowding in my districts. Currently, three of the five community school districts in my district, my congressional district, are operating over capacity. The fact is, we are 9,789 seats short, 9,789 seats short. I ask my colleagues to think about that: almost 10,000 students for which the schools simply do not have any room.

Mr. Speaker, that is not the worst problem. Population growth is expected to increase over the next 10 years, leaving us 44,822 seats short.

This is why I support and Congress must pass the Democratic School Reconstruction and Modernization Act.

SAVE OUR STEEL INDUSTRY

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, sometimes an industry suffers from foreign competition because a new tool is invented or product quality goes up without a price increase or their government reduces regulation and taxes. But this is not the reason that the U.S. steel industry is suffering. Since 1980 it has modernized, it has streamlined, and it is 240 percent more efficient.

The International Trade Commission announced that foreign companies have indeed dumped hot rolled steel at prices below their own market. That announcement and the suspension agreement with Russia might provide some relief, but a key fact is often missing from the discussion. Some of these same countries have simply switched their dumping to other categories of steel. Russia has played that game since 1997.

The coming weeks and months are very critical to saving these United States jobs. This Congress must act. It must act quickly in order to save American jobs and our steel industry here in the United States of America.

PROVIDING 21ST CENTURY LEARNING INSTITUTIONS FOR OUR CHILDREN

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to talk about school modernization. There is absolutely no doubt that our schools are in a state of despair. I have traveled New Mexico and talked to students and teachers in the schools and seen the problems firsthand, from buildings being shut down because of health and safety violations, temporary classrooms put on the campus for 1 year and used for 10 years, and the list could go on and on.

Mr. Speaker, one in three New Mexico schools need repair and need to be refurbished. The cost is staggering: $2 billion. No one entity can do it.

So what we need, Mr. Speaker, is a partnership of the States, local school boards, the Federal Government, to make sure that we build 21st century learning institutions for our children.

HYPOCRISY OF TRASH

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I read with interest an article in yesterday's Washington Post which some Members of this Congress are upset and demanding legislation to stop other States from shipping garbage into their States. There is some real irony here. My colleagues will understand my surprise when I read this because these alarmist complainers are some of the very same Members of Congress who want to ship their trash, including nuclear waste, all across this country and into my State.

Mr. Speaker, let me get this straight. They want to stop shipping garbage to their State, but they want to ship their deadly toxic waste into mine. A transportation accident, including banana peels and used paper towels, is certainly not going to be the same as one of the consequences of an accident with nuclear waste.

I yield back this hypocrisy of trash, and I encourage Members to support common sense, fairness and safety, and oppose H.R. 45.

WE MUST MAKE BETTER SCHOOLS AND BETTER EDUCATION A NATIONAL PRIORITY

(Mr. PHELPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHELPS. Mr. Speaker, I rise today to support the initiatives to improve education for our children by building and modernizing our schools. As a former teacher and the husband of a teacher, as a former legislator, I know firsthand the burdens and constraints that overcrowded classrooms and antiquated buildings place on our student, teachers and administrators.

Mr. Speaker, when I taught, I had so many students it was impossible to foster the proper learning and mentoring relationships that are necessary to provide quality education. In my district today, schools are struggling just to provide space. There are deplorable conditions. One school in any district does not have proper air conditioning, even sometimes no heat. One particular broom closet was vacated to provide a small library for our elementary students. One school in my district had to go to a local prison track for their track team to utilize for their team.

Mr. Speaker, these are unacceptable conditions today in which we seek to prepare our students for tomorrow and for our future. We have a great opportunity in this Congress to make these schools a national priority.

CONGRESS MUST UPHOLD THE DELICATE BALANCE OF THREE SEPARATE BUT EQUAL BRANCHES OF GOVERNMENT

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, this Congress has every legitimate reason to be deeply concerned about the President's barrage of, count them, 280 Executive Orders. Congressional authority is clearly at risk. Nowhere is it written that the President has any authority to issue Executive Orders. Our Founding Fathers reserved the responsibility of spending taxpayers' money to the people's representatives.

Mr. Speaker, the delicate balance of the three separate, but equal, branches of government is at stake. We cannot allow the President to issue Executive Orders that require the expenditure of Federal funds unless those funds are appropriated by Congress.

Recently, Mr. Speaker, I introduced H. Con. Res. 30 which reasserts the role and responsibility of Congress to enact the laws and appropriate Federal dollars. It seeks to curb the infringement of executive power on legislative authority. Furthermore, H. Con. Res. 30 will clarify any confusion regarding Executive Orders by emphasizing Congressional authority granted under Article 1, Section 8, of the Constitution.

Please join me in cosponsoring this bipartisan resolution.

PRESERVING SOCIAL SECURITY AND MEDICARE AND PAYING DOWN THE NATIONAL DEBT

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the Congress this year will undertake the most sweeping domestic legislation probably in 40 or 50 years and certainly, in the case of Social Security, the most sweeping changes since Social Security was created in 1935. So I think there ought to be some basic premises here, particularly as we look at, of all things, a budget surplus, something no one ever expected to see.

First, take 62 percent of that surplus and invest it in Social Security and in preserving Social Security. Preserve it for the 400,000 West Virginians that depend upon it.

Second, take 15 percent of that budget surplus, totaling 77 percent now, and save Medicare, for which 300,000 West Virginians depend upon for their basic health care, those over 65 and those who are disabled.

Third, take that surplus and pay down the national debt.

Mr. Speaker, now this is a program that America can rally behind: 62 percent for Social Security to preserve it, 17 percent to preserve Medicare and, finally, paying down the national debt. Let us get moving.

HAITI: A CLIMATE OF INSTABILITY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, earlier this week Haitian Senator Toussaint was gunned down in front of his home in a gruesome, politically-motivated murder. Toussaint had been a member of the OPL, the political party that has controlled parliament in Haiti and is the opposition party for current President Preval and former President Aristide, and it is no coincidence that the loss of Senator Toussaint also means the loss of OPL's majority status in the Haitian Senate.

Mr. Speaker, it is also no coincidence that in Haiti those who are targeted for surveillance, intimidation and even worse are Haitian and American individuals who are working in support of the rule of law; free, fair elections; and economic improvement in that impoverished country.

The United Nations has called attention to the crises, noting there is increased polarization in the country and new risk to constitutional government, but there has been precious little word out of the Clinton administration.

Mr. Speaker, the crown jewel of their foreign policy is badly tarnished, and we need a new approach to Haiti's failed democracy. We are filing such legislation today, and I urge Members to read it and support it.

SCHOOL CONSTRUCTION AND MODERNIZATION

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to talk about the Democratic proposal on education and specifically the modernization of our schools.

Improving education in America requires all levels of government to pull their load. Today, local and State school systems are working very hard to improve education, but there is a Federal role. We ought to be providing assistance to local school districts who are trying to modernize their schools.

This problem takes on many faces. Perhaps the most obvious one is the face of temporary buildings in front of school systems. We have lots of temporary buildings that were supposed to be there for 1 year. They are now there for 10 and 15 years, and they are proliferating. They are growing these little pods. It is almost like Monopoly to see these little toy schoolrooms being built.

We need to address that problem.

We have systems that have major ventilation problems and major heating system problems and major air conditioning problems and leaking roofs, and we need to address that problem as well. And we have school systems that lack modern technology. Over half the schools in this country are not wired to assume the technology that exists today.

We need to modernize our schools. We need the Democratic plan.

DEMOCRATIC AGENDA CO-OPTED FROM THE REPUBLICANS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as my colleagues know, yesterday the Democrats had a little love fest over in the Rotunda to talk about their agenda, and I was interested in this. I like to watch Democrats. After all, they are very interesting people when we really study them. And of course so much of their agenda they have co-opted from the Republicans. Our best agenda, for example, balancing the budget, paying down the debt, excellence in education, "S" for saving Social Security, "T" for lowering taxes.

The Republican's best agenda; that is what the Democrats are using.

But then they could not stop there. They had to put in something for the whacky fringe left element of their policy, spending 38 percent of the Social Security dollars. That is right. They are bragging, hey, we are going to save only 62 percent of Social Security, using 32 percent for non-Social Security items.

The whacky fringe left also is pushing busting the budget caps. Of course, the President, he did give has word, but so much for that.

Then federalizing public education. I am sorry that the school districts in their areas did not do the responsible things and build school buildings, but I do not want the Federal Government coming into my district and telling us how to build, how to educate our children.

Mr. Speaker, we do not need Washington bureaucrats; we need local control of education.

□ 1030

POPULATION PRESSURES IN SCHOOLS MEAN STATE AND FEDERAL RESPONSIBILITY

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, I would invite my colleague to visit some of the schools in my district in Brooklyn and Queens. I think what they will find are some great teachers and some eager students. They will probably find them not only in classrooms, but they will find them in gymnasiums, they will find them in storage closets, they will find them in lunch rooms, stuck in nooks and crannies in virtually every building.

Why is that? It is because in places like Community School District 24 and 27 in Queens, Districts 21 and 22 in Kings County, we have populations in those schools in the neighborhood of 120 to 140 percent of capacity.

This is an extraordinary blessing. These students represent the best hopes for our country and best hopes for our community. But with that blessing comes a certain responsibility that we must face, not only in localities but here in Washington. That is to support school modernization. If we can build roads that go by these schools, we should be able to build roofs and extensions on these schools and make sure they are wired for the Internet.

School modernization represents our national defense for the generations to come. We should support it heartily on both sides of the aisle.

A NATURAL DIVIDE BETWEEN REPUBLICANS AND DEMOCRATS

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSELLA. Mr. Speaker, this is a natural divide here today. We hear it on the other side of the aisle. I think both parties are sincere about protecting and strengthening social security and Medicare. Both want to improve education. How can we not be for improving education? I think on our side of the aisle, at least, we want to strengthen national defense.

The divide, really, is between more spending and bigger government on this side, and tax relief and more opportunity and more freedom for the American people on this side. We believe strongly that we can protect and strengthen social security if given the chance, despite the rhetoric on the other side, and at the same time agree that the American people are overtaxed and they deserve more of their hard-earned money back, and the freedom and opportunity to spend it on their families and their communities.

If we keep it here in Washington, we give the other side the chance, and all they are going to do is spend it unnecessarily on wasteful spending.

RISING DEMANDS ON SCHOOLS, NOT IRRESPONSIBILITY, CAUSE HIGHER SCHOOL UPKEEP COSTS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I would say to my friend, the gentleman from Georgia (Mr. KINGSTON), people in Tennessee have not been irresponsible in spending education funds. I would recommend to him that he ought to look at the problems in Atlanta and other places in Georgia in keeping up with some of the rising demands in our schools.

The reality is that some 14 million of our students, of the 52.7 which are enrolled in public schools around the Nation today, go to school each and every day with some major infrastructure problem. We can argue Republican and Democrat, we can argue State and Federal, but the reality is, 14 million kids day in and day out have to worry about a roof falling in.

Maybe it is me, but I think we have a role in ensuring our kids can go to school in safe and clean and learner-friendly environments. Maybe it is me, in thinking that the Federal Government, if we can build prisons, that we ought to be able to build schools.

It is my hope that we can get beyond this partisan and inflammatory rhetoric that seems to, quite frankly, come on both sides, and do what is right for our children. We support tax relief, we support strengthening defense. But let us be honest, they did not support school modernization last year. With a new day here in the Congress, we have moved beyond all the partisan bickering and division that separated us last year.

Let us do what is right. I say to the gentleman from Illinois (Mr. WELLER), I will support marriage tax relief if he will support building new schools in Illinois and Tennessee.

ENDING THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I would like to, of course, point out to my friend across the aisle that this House passed legislation to provide for school construction in the 90–10 tax cut plan last year, and Republicans voted for it.

I have an important question before the House today. That is, do the American people feel that it is right, that it is fair, that married working couples pay higher taxes under our tax code just because they are married? Do the Americans feel that it is right that 21 million average working married couples pay, on average, $1,400 more in higher taxes just because they are married, higher taxes than identical working couples working outside of marriages?

Of course Americans do not feel that is right, that is fair. It is just not right and fair that married working couples pay more. In fact, we should make elimination of the marriage tax penalty a priority in this Congress. The $1,400, the average marriage tax penalty, that is one year's tuition in the Joliet Junior College in the district that I represent, or 3 months of day care at a local child care center. It is real money for real people back home.

Let us lower taxes, and let us make elimination of the marriage tax penalty a family priority this year.

QUALITY SCHOOLS SHOULD BE A BIPARTISAN GOAL

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise to talk a little bit about the district that I represent. I represent southern Nevada, which is the fastest growing district in the United States. I have 5,000 new residents pouring into southern Nevada every month.

We have the fastest growing school-age population in the United States. We need to have school construction in order to keep up with the unprecedented growth. We have 1,200 students for every school in southern Nevada. That is twice the national average. We have 210,000 people in our school district. These students are being educated in trailers, they are being educated in portables.

I say, Mr. Speaker, that this is not an appropriate place for our students in America to be educated. They are crying out for better educational opportunities.

I believe education is a nonpartisan issue and should be approached in that manner. Our goal should be to prepare our students for the next millennium, for the great challenges that lie ahead in our global economy. I ask the people on the other side of the aisle to join with us in order to do what is right for our American students.

THE EXPANSION OF ED-FLEX PERMITS DELEGATION OF GREATER AUTHORITY IN EDUCATION TO STATES AND LOCALITIES

(Mr. LUCAS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUCAS of Kentucky. Mr. Speaker, as the former chairman of the Northern Kentucky University Board of Regents, I believe that all too often education decisions are made at the Federal level by bureaucrats who have little knowledge of the needs of the school at the local level, leaving teachers, principals, and local school boards with their hands tied.

That is why I support the Education Flexibility Partnership Act of 1999. The expansion of Ed-Flex allows the Secretary of Education to delegate to States the authority to waive Federal regulation requirements that interfere with the schools' ability to educate our children.

The proposed legislation makes many programs eligible for waivers. The bill will help do away with many burdensome Federal regulations, giving more decision-making power to the local level. Our schools must have the flexibility to tailor specific solutions to specific problems. Local school boards understand local needs best.

IT IS TIME TO TAKE ADVANTAGE OF THE EIGHTH WONDER OF THE WORLD, COMPOUND INTEREST

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, Baron Rothschild once said, I do not know what the Seven Wonders of the World are, but I do know the eighth, compound interest. Mr. Speaker, Baron Rothschild called compound interest the eighth wonder of the world for a good reason. Modest amounts of money, when invested and then reinvested, grow over time in a spectacular fashion. It takes patience but it works, as all seniors who started out with modest means but saved now know.

The biggest reason why social security needs to be reformed is not because it is going bankrupt, although it is impossible to deny that it is. No, the biggest reason why social security needs to be reformed is because the current system denies ordinary workers the benefits of compound interest. Money taken out of a worker's paycheck does not go into a fund that will earn compound interest. It is spent. The money does not grow, and benefits can only come from taking money out of someone else's paycheck.

It is time to take advantage of the eighth wonder of the world.

TIME FOR A BIPARTISAN SCHOOL MODERNIZATION ACT

(Mr. LARSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON. Mr. Speaker, school buildings in this Nation represent a $2 trillion investment, an investment that was primarily made by a generation of people who survived the depression and fought and won the Second World War. Upon returning, they saw the need to expand schools, saw the need to provide for their children, saw the responsibility that was placed upon them as they addressed the issue of a crumbling infrastructure system and the need to have schools that were not overcrowded and could provide the best possible education.

Many of the Members of Congress are beneficiaries of that generation. It is the responsibility of us today to embrace the issue of school modernization and pass in a bipartisan effort the School Modernization Act. By providing these monies, we can ensure not only smaller classes, but address the infrastructure concerns and the technological concerns that we need to take this Nation and our children into the 21st century.

Let me conclude by saying this, that this is a match that cannot be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 707, DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 91 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 91

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, I am pleased to bring forward another noncontroversial open rule under the leadership of the gentleman from California (Chairman DAVID DREIER).

The rule waives clause 4(a) of rule XIII requiring a 3-day layover of the committee report against consideration of the bill. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on Transportation and Infrastructure, and makes in order our committee amendment in the nature of a substitute as an original bill for the purposes of amendment.

The Chair is authorized to accord priority in recognition to members who have preprinted their amendments in the CONGRESSIONAL RECORD, and finally, the rule provides one motion to recommit, with or without instructions. This is an otherwise wonderful rule that should certainly engender no controversy, and deserves, I believe, the support of the full House.

H.R. 707, which this carries, is the straightforward commonsense solution to a very real problem that impacts folks in my district and, of course, throughout the country as well.

☐ 1045

The problem we are facing is not a new one: How to improve the way we plan for and deliver assistance to communities that have the misfortune to be hit by natural disasters.

I commend the gentlewoman from Florida (Mrs. FOWLER), my Florida colleague, for her leadership on this important issue and for the substantive, bipartisan work product which she has delivered.

Mr. Speaker, H.R. 707 improves the process by outlining seven specific, objective criteria for awarding grants and by requiring mitigation projects to be cost-effective. H.R. 707 increases the role of the State and local governments in the short term and requires FEMA to develop a process for delegating a greater portion of the hazard mitigation piece to the States after fiscal year 2000.

Having witnessed a number of natural disasters, regrettably in my own district and elsewhere, I know that hazard mitigation is best accomplished at the local level, where people tie down their roofs and board up their windows. This bill clearly moves in that direction.

This is a sound approach that will help our constituents at every stage of the process. Our communities will be better prepared for disasters and, when one hits, the process to receive assistance will be streamlined and more efficient. I know that will be welcomed news.

Mr. Speaker, H.R. 707 complements an effort that the Committee on Rules has been working on in conjunction with the Committee on the Budget to fix our broken budget process. One of the pillars of our bill, the Comprehensive Budget Process Reform Act, is the creation of a reserve fund to budget up front for emergencies, an initiative long championed by the gentleman from Delaware (Mr. CASTLE), the former governor of Delaware.

H.R. 707 enjoys the support of several major organizations, including many at the front lines such as the American Red Cross and the National League of Cities. In fact, the gentlewoman from Florida (Mrs. FOWLER) has been working closely with the administration and has incorporated a number of recommendations from them in this package. As a result, FEMA is also supporting H.R. 707.

Mr. Speaker, the bottom line is that effective mitigation saves lives and money. H.R. 707 is a good bipartisan bill that is long overdue. I encourage my colleagues to support this open, fair rule, as well as the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Sanibel, Florida (Mr. GOSS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, in the last 5 years, natural disasters have killed over 800 people in the United States. In addition to costing people their lives, these disasters cost $60 billion in property loss and other damage.

But this open rule provides for the consideration of the bill which will help minimize the loss of life and property due to fires, floods, hurricanes earthquakes and tornadoes.

Mr. Speaker, it will enable Federal, State, and local governments to take steps to prepare for disasters before they happen in order to minimize the injuries or damage caused by these natural disasters.

This bill will help people. It will create firebreaks to stop the spread of wildfires, it will help build emergency generators to provide electricity during hurricanes, it will strengthen water towers and retrofit overpasses to slow the impact of earthquakes, and it will seal manhole covers in case of floods.

Mr. Speaker, this bill will also enable the President to help people who do not have disaster insurance make emergency repairs to their homes in a timely fashion.

According to the Federal Emergency Management Agency, last year was one of the deadliest hurricane seasons in more than 200 years, killing about 10,000 people in eight countries and causing billions and billions of dollars in damage. Experts predict that this year will even be worse, particularly in the Atlantic basin.

Mr. Speaker, this June we had horrible flooding in my home State of Massachusetts. The damage was so bad that President Clinton declared seven Massachusetts counties disaster areas. Thousands upon thousands of people applied for recovery assistance to repair the damage, most of which was caused by surge backup and overflows. Mr. Speaker, we all know that kind of damage is not always covered by property insurance and people usually learn about it just a little too late. This bill will help those people.

This bill is also based on the idea that if we prepare for disasters now, we will save people's lives and people's property later.

Conservative estimates are that this bill will save $109 million over the first 5 years; and that is assuming that a dollar spent before disaster is only worth a dollar after disaster. And, Mr. Speaker, most people say the numbers are even greater, that every dollar spent now saves $3 later. Mr. Speaker, either way, this bill will pay for itself and then some.

Mr. Speaker, I urge my colleagues to support this bill and support this open rule. It is supported by the American Red Cross, the National Emergency Management Association, and it will make a big difference in people's lives when they need it most.

Mr. Speaker, I yield 3 minutes to the honorable gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I rise in support of the rule and the bill, but I want to talk a little bit about an amendment I am going to offer because it is not done yet, so I am going to belabor the point for about a minute. It is a "Buy American" amendment.

Mr. Speaker, I do not know if my colleagues noticed this past week they sent around these television remotes. They are like yellow toys. They are squeezey, real soft. They look like Teletubby toys. They are yellow. And when we look at them, everybody just says, look at this, the telecommunications industry is lobbying the Congress of the United States. What a way to get our attention.

Then if one turns it over on the other side and looks at the back and looks down at the bottom, it is made in China. I know everybody laughs about this, and we argue about flies on our face. I think we have got a dragon eating our assets.

But here is what I want to talk about. I think it is time to look at Buy American laws and to enforce what Buy American laws are on the books. From Teletubbies to remotes lobbying the Congress, the labels now read "Made for U.S.A." And if we look at it, on first glance we think it is made in the U.S.A. But we need the Hubble telescope to look at it further, and it says "Made for U.S.A." in big print, and down in microscopic print it says "Made in China." Come on, now, I think we even have to toughen these laws up.

Mr. Speaker, I am going have a little amendment. I congratulate the gentlewoman from Florida (Chairman FOWLER) on her very first bill. She is, in fact, making sure there will be enough money in this bill with her amendment, and we on this side support her and her amendment. I notified my colleagues of my amendment, and I hope it has time to get here.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, we have no requests for time at this point. I only urge that Members support this fair, open rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, I was inadvertently detained and unable to vote on rollcall vote No. 32, the "Death on the High Seas Act." Had I been here, I obviously would have voted "aye."

DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

The SPEAKER pro tempore (Mr. GOSS). Pursuant to House Resolution 91 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 707.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, with Mr. HEFLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation.

The bill addresses two separate needs: increasing the predisaster hazard mitigation activities, as well as reducing the costs of providing post-disaster assistance. It establishes a federally funded predisaster hazard mitigation program, and it authorizes $105 million over 2 years for helping fund a cost-effective hazard mitigation activity.

In addition, the bill increases the authorization for post-disaster mitigation funding by 33 percent. It also adopts measures that would modify and streamline the current post-disaster assistance program with the intention of reducing Federal disaster assistance costs without adversely affecting disaster victims.

There are two primary ways to reduce the costs of a natural disaster. One is to take measures that reduce our Nation's vulnerability to hazards, and the other is to make current disaster programs more efficient. The bill does both.

This legislation is sponsored by Members on both sides of the aisle and is supported by groups such as the American Red Cross, the National League of Cities, the National Emergency Management Association and the Association of State Floodplain Managers.

Mr. Chairman, I certainly congratulate the gentlewoman from Florida (Chairman FOWLER) and the gentleman from Ohio (Mr. TRAFICANT), subcommittee ranking minority member, for their work on this legislation, as well as the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT). I also want to thank the gentleman from Minnesota (Mr. OBERSTAR), ranking minority member of the full committee, for his support.

Mr. Chairman, one final point, I want to emphasize my strong support for the outstanding job that FEMA is doing. Years ago, FEMA itself was a disaster in many respects. But under the leadership of James Lee Witt and others at FEMA, they are actually, in my judgment, doing an outstanding job; and I think the American people should know that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. TRAFICANT) will control the time allotted to the gentleman from Minnesota (Mr. OBERSTAR).

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking Democrat on this side. And if we left the Social Security issue up to the gentleman from Minnesota and the gentleman from Pennsylvania (Mr. SHUSTER), we would have less arguments and more results.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. I greatly appreciate the initiative that the gentleman from Pennsylvania (Chairman SHUSTER) has demonstrated in moving this bill so quickly through subcommittee, full committee, and to the floor.

I congratulate the gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment, as well as the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on that subcommittee. This bill was heard in their subcommittee in the last Congress. The bill has been reshaped and heard in a new subcommittee in this Congress, and I again commend the gentlewoman from Florida (Chairman FOWLER) and the gentleman from Ohio (Mr. TRAFICANT), ranking member, for their strong commitment to moving the legislation forward and doing so very quickly.

Mr. Chairman, there are two main elements that we are dealing with in this legislation: a predisaster mitigation program and streamlining of existing disaster assistance programs under the Stafford Act.

I think this legislation has great potential to improve Federal, local and State government response to disasters, reduce the cost of those responses and do a better job for the victims of disasters.

The cost of the Federal, State, and local response to disaster has been going up incrementally and, in the last few years, almost explosively with the number of disasters and the greater intensity of disasters that we are seeing.

□ 1100

As the gentleman from Pennsylvania (Chairman SHUSTER) said at one time, FEMA's response to these tragedies was in itself a disaster. As chair of the oversight committee in the mid 1980s, I held hearings on the terrible response of FEMA and of a plan, then, that would have shifted unacceptable cost levels on local government as a result of disasters.

Together with our colleagues on the Republican side, we stopped that plan and reshaped the whole Federal Disaster Assistance Program, which has continued to be managed in an increasingly better fashion.

But in 1989, outlays, principally as a result of Hurricane Hugo were $1.2 billion for disaster relief. That was a milestone. That was the first time the Federal Government had paid out for a single tragedy over $1 billion.

Well, not this year, but in succeeding years, we have been in excess of a $1 billion every year outlay for disasters. In 1994, it hit $5.4 billion for one year. Last year, it dropped a little bit to $2 billion. But still, those are extremely high numbers.

When we take a careful look at the circumstances, the geography, the local conditions, we find recurring patterns. A very significant portion of what we are paying for disaster relief is for people, properties that have sustained prior losses that have not taken action to protect themselves against these acts of nature.

What this bill does is it moves us in the direction of not continuing to pay over and over again for the same losses to the same people in the same geographic areas for which we have previously paid for losses.

We should not continue to shower Federal dollars and local and State dollars on people who insist on remaining in harm's way without taking preventative measures. An old adage, an ounce of prevention is worth a pound of cure, applies to this kind of Federal program as well.

Experience under section 404 of the Stafford Act provides for postdisaster mitigation, and it clearly shows that mitigation is an effective way to limit future damages; that is, postdisaster, after tragedy has struck, take some actions to protect yourself against the next one.

It is a good initiative. We are strengthening that response in this legislation. But it is not enough. We need to go further, as we learned from the history of these various kinds of tragedies and disasters that strike various parts of our country.

The predisaster mitigation program focuses on local government initiatives, private sector participation, and leveraging of private sector participation. After all, we continue to reimburse people and businesses who are in harm's way, and private sector should be a part of the advance protection.

The expectation is, and I say expectation because I do not want to overstate the potential, the expectation is that these initiatives, predisaster actions, involving private sector, leveraging private sector resources will enhance State mitigation plans that should be developed in coordination and consultation with local governments and with FEMA.

We are hopeful that this new program is going to make a very useful and significant contribution to control disaster losses before disaster strikes, so that when one is and this region is struck, it will be better prepared to withstand and will have lower losses.

Now there is a pilot project that, as the gentleman from Pennsylvania (Chairman SHUSTER) said, was developed under the leadership of Director Witt at FEMA, called Project Impact. It has been widely praised by local communities. Community focus, bottoms up planning, local involvement, all of which are good initiatives. Let us hope this becomes a pattern, a model, a good starting point for this new predisaster initiative we are authorizing in this legislation.

But I emphasize from my previous experience in holding extensive hearings on disaster mitigation, it will require extensive intergovernmental coordination and cooperation. It is going to have to start from the local level.

The Federal Government is not going to come in and do it for them. They have got to do it. They have got to then coordinate with State and with FEMA well in advance of disasters and make some very tough decisions such as local zoning to keep people out of harm's way. If they do not do it, they should not expect to be compensated for their failure to keep themselves out of harm's way.

We will have to undertake extensive oversight of this Project Impact and of these future plans to see that they really are focused on what we intend them to do. At stake are people's lives, people's well-being, the integrity of communities, but also at stake are billions of dollars of Federal funds that are going to be called upon to reimburse local government and make them whole after disaster has struck.

We are off to a good start. I think this is a very good move forward. I also think, at the same time, it is going to require intense vigilance on the part of our committee and on the part of FEMA to make sure that it does work. It is in the right direction. I commend the chairman for moving this legislation. We are all going to have to make an extra effort to make it work.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER), chairman of the Subcommittee on Oversight, Investigations and Emergency Management.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of this legislation. I also want to thank the gentleman from Ohio (Mr. TRAFICANT), my good friend, the subcommittee ranking member, minority member, for his work on this legislation. I also want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking minority member of the full committee, for their support and their help to me as well.

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide authorization for a predisaster mitigation program, and it would implement several cost saving measures.

This legislation is substantially similar to legislation that was reported out of the full committee in the last Congress. I want to commend the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) for their efforts in developing that bill, and they are cosponsors of this bill.

This is a product of three hearings that were held during the last Congress by the Subcommittee on Water Resources and Environment, and it reflects the careful work of State and local emergency managers and other State and local government officials.

H.R. 707 focuses on two important issues. First, mitigation activities are not set out as a high priority in the current Stafford Act. This needs to change. H.R. 707 will, for the first time, authorize Federal funding for cost effective predisaster mitigation projects. The appropriators have funded an unauthorized program for the last 3 fiscal years.

Second, the cost of natural disasters has been increasing to the point where Congress must take a hard look at measures that control cost while still providing that critical assistance that is needed by victims of disasters.

H.R. 707 would adopt various streamlining and cost-cutting measures, many of which were proposed by the administration. The committee anticipates this bill will save $109 million over the first 5 years and even more in the long run.

In addition, the bill provides specific criteria and structure to a FEMA program that currently has no such criteria or structure.

Finally, the bill will require FEMA to give greater authority and control to State and local governments over the administration of the mitigation and disaster assistance programs.

Last year, the State of Florida, my State endured one of the most tragic natural disasters, wildfires. When the smoke had cleared and all of the fires were out, over half a million acres had been burned. Three hundred homes were damaged or completely destroyed, and numerous businesses were significantly damaged or closed.

My district suffered some of the heaviest damage with the entire county of Flagler being evacuated for safety precautions. With over 2,000 wildfires burning statewide, every county in Florida felt the impact.

I just want to give you a brief story about these fires, an example here. One of my constituents, Greg Westin, a resident of Flagler County, and a deputy sheriff, lost his home in the wildfires. In early July, Deputy Westin left his home for work at 7 a.m. to assist county officials and fire fighters with the ongoing fires.

Throughout the day, Deputy Westin stayed in close contact with his wife and two children to give them updates on the fires. Then eventually he had to tell his own family to evacuate. But Deputy Westin did not just give up. He continued to fight the fires on the opposite side of the county. In fact, he was working side by side with fire fighters in the southern part of Flagler County when his own home caught fire and burned to the ground.

Among the homes he was trying to save was a fellow employee of the sheriff's department. This was the kind of commitment and sacrifice that was demonstrated during those fires last summer. I applaud Deputy Westin's efforts. But more than that, I want to help him and all of the other people who respond to these emergencies.

I believe that an emphasis on mitigation could have spared the State and my District from some of this devastation.

A recent report that was issued by our Governor's Wildfire Response and Mitigation Review Committee states that, if Florida does not take the necessary preventative efforts to ensure wildfire safety, the devastation experienced during the wildfires of 1998 will not only be repeated, but will also increase in severity.

Florida has already taken important steps in the wake of these wildfires to prepare itself for future disasters and is using methods like control burns of underbrush to prevent a similar disaster.

I just want to point out that this legislation will help alleviate the pain and suffering and property damage, not only of Floridians, but also of all Americans. It also has that added benefit of reducing our Federal cost.

Mr. Chairman, I urge support for this legislation.

Mr. TRAFICANT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI), a gentleman who has much to do with the authorship of this legislation, his fine work with the gentleman from New York (Mr. BOEHLERT).

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. This bill is a result of bipartisan cooperation over two Congresses.

In particular, I want to acknowledge the hard work of my colleague and subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), for his work in laying a foundation for this bill in the last Congress in a truly bipartisan fashion. That bipartisanship has extended to this Congress and the new leadership of the Subcommittee on Oversight, Investigations and Emergency Management, the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from Ohio (Mr. TRAFICANT), ranking member.

This bill demonstrates how we can work together under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, to accomplish a common goal, improving the health and safety of all of our citizens.

Mr. Chairman, in the years that the disaster relief program was within the jurisdiction of the Subcommittee on Water Resources and Environment, we had several opportunities to hear about the Federal response to disasters and, more importantly, about the need to do something to reduce disaster-related losses in advance of disaster. We learned that it is better to be proactive than reactive, and that is what this bill is about.

As has been noted before, James Lee Witt, the director of FEMA, has done a truly remarkable job in turning FEMA from one of the most criticized agencies in the Federal Government into one of its more shining examples of Federal, State, local partnership. No longer does the old line "I'm from the Federal Government, and I'm here to help" elicit laughs, at least not where FEMA is concerned.

What we are doing today is endorsing Director Witt's concept of providing assistance to communities in advance of disaster. We are endorsing Project Impact. I am optimistic that the investment we are making today will return great dividends in future losses avoided to lives, property, and the national economy.

That is why I am so pleased to cosponsor this bill.

□ 1115

Mr. Chairman, I urge all of my colleagues to support H.R. 707 on its final passage.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY), a distinguished member of the committee.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I also want to thank the gentlewoman from Florida (Mrs. FOWLER).

I rise today in strong support of H.R. 707, the Disaster Mitigation and Cost Reduction Act. In particular, I would like to stress the importance of section 208 to my constituents.

On the first day of the 106th Congress, also my first day in Congress, I introduced a bill that would help provide emergency assistance to the dairy farmers in my congressional district. I could not be more pleased that the language of that bill has been incorporated into H.R. 707.

Mr. Chairman, the 22nd Congressional District of New York is notorious for its harsh winters, but no one could have prepared for the January, 1998, ice storm disaster. Below-freezing temperatures, coupled with record rainfall combined to coat a region extending from Western New York to Maine in solid ice. As you all know, the results of this storm were devastating. Seventeen lives were lost, and roughly 1.5 million people were without electricity, some for more than 3 weeks.

The hardest hit in the storm were the dairy farmers. The prolonged power outage severely jeopardized their livelihood. The production and distribution abilities of the dairy community came to a sudden halt. Without power, the farmers were unable to store or produce milk properly. This resulted in the loss of approximately 14 million pounds of milk, taking money right out of the dairy farmers' pockets.

As a result of the storm, farmers were forced to apply to the Dairy Production Disaster Assistance Program. To give my colleagues some understanding of the scope of the disaster, 362 farmers, Mr. Chairman, applied for assistance and over $600,000 was committed. However, this process took incredible time, and some of the farmers still have not received their assistance.

Quite frankly, the response was not fast enough. The problem was that the people working in the field lacked the authority to make critical decisions. No action was taken until they checked with their supervisors. This time-consuming decision-making process must be changed.

Let me give a perfect example. A constituent of mine who helped coordinate the disaster relief operations complained about the lack of a direct line of communications with officials from FEMA. For instance, he told one official over the phone that the farmers were in desperate need of generators, yet he had to make several appeals with three separate people before the message was heard. It still took over a week for the generators to arrive.

In the meantime, these farm families had no income. Going a week without power is a disruption to all of our lives, but to be unable to make a living jeopardizes one's entire existence.

Actually, the first generators to reach the farmers were loaned by farmers from other regions of the State. They recognized the severity of the situation and acted accordingly. They were able to ship generators to the needy farmers in just 2 days.

Mr. Chairman, this type of relief should not only occur because of the generosity and understanding of our neighbors. We must install a quicker, more decisive policy for providing immediate assistance to the agricultural community.

My language, included as section 208 of the bill, begins to address this problem. It directs FEMA to develop methods and procedures to accelerate emergency relief to rural communities.

Mr. Chairman, I believe the United States does a better job than any other country in the world in responding to natural disasters. Yet, in the words of Thomas Edison, "There's always a way to do it better. Find it."

Simply put, my bill requires the director of FEMA to find a better way to help dairy farmers who are hit by a natural disaster. I believe this legislation is vital to provide a meaningful long-term benefit to the farm families I represent. I commend the gentlewoman from Florida for her great work and the members of the committee as well.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI) and thank him for his work on this bill and some of the interests he brings forward.

Mr. BALDACCI. Mr. Chairman, I thank the ranking member both for that courtesy and for his leadership on the committee in bringing this legislation forward, and also I wish to thank the chairman and the subcommittee chairman for their work.

A little over a year ago, Maine had suffered one of the worst storms of the century. It was the ice storm of the century. Maine residents were without power for over 2 weeks, in most cases. We are talking about nearly 70 percent of all the Maine households who lost power for that period, affecting and impacting over 1.2 million people in the State of Maine.

Lewiston, the second largest city in the State of Maine, suffered nearly 100 percent power loss. Farmers and small businesses were devastated by the ice storm. That is why I strongly support and worked with the committee to make these reforms necessary so that, next time around, the only natural disaster occurs is the one we are working to clean up, not the one after the government comes in to try to help people work on.

This is a bipartisan bill focusing our attention on the pre- and post-disaster mitigation assistance and better preparing our communities for the future.

I am in particular support of the pieces that deal with Maine farmers and forestry and dairy, who were especially hard hit. There was almost a delayed response for getting assistance to our farmers to make sure that milk was not lost or spoiled. The generator assistance and others moved at a snail's pace.

Agriculture needs a faster, more efficient system to better aid our farmers and our small business people, and that is why this bill calls for directing the FEMA director to develop a better agriculture system, working with the Department of Agriculture to report back to our committee in 180 days to develop a much better, more efficient system.

So this is a first step. I want to commend the ranking members and the chairman of the committee for the work that has gone on and their leadership on these issues, and I look forward to working on more and more reforms in the future.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCKEON), a former member of our committee.

Mr. MCKEON. Mr. Chairman, I thank the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), for yielding me this time; and I thank him and the subcommittee chairman, the gentlewoman from Florida (Mrs. FOWLER), for their leadership in getting this bill to the floor.

I rise in strong support of H.R. 707. Every time disaster strikes, local governments are faced with the critical task of dealing with the recovery efforts. California is no stranger to natural disasters. In my district alone, we have had a severe earthquake and floods and fires in my time here in Congress. Local governments have been forced to bear a tremendous fiscal burden resulting from these unfortunate events.

It is bad enough that homes, buildings and lives are destroyed at the hands of nature, but our local government are the means through which we can most effectively prepare for and respond to disasters. It is imperative that we ease their financial burden and do all we can to help them respond to the needs of those people whose lives are destroyed after a disaster strikes.

H.R. 707 does exactly that. Specifically, it authorizes grants to help communities mitigate natural disasters and streamlines existing disaster relief programs. Additionally, it includes a number of provisions that make current disaster programs more efficient.

More importantly, the bill will now include measures to ensure local governments are protected against increased financial burdens. The manager's amendment includes my amendment that provides a public comment period when new or modified policies are issued. In addition, the amendment also prohibits any policy from being applied retroactively.

So I want to extend my deepest thanks to the gentlewoman from Florida for allowing this language to be included in her manager's amendment. I would also like to acknowledge Marcus Peacock, on the chairman's staff, for his dedication to this issue. Finally, I want to thank my colleagues on the California delegation for their support on this issue, especially the gentleman from California (Mr. JERRY LEWIS), the gentleman from California (Mr. DAVID DREIER), the gentleman from California (Mr. STEVE HORN), the gentleman from California (Mr. DUKE CUNNINGHAM) and the gentlewoman from California (Ms. JUANITA MILLENDER-MCDONALD.

For these reasons, I strongly support H.R. 707 and urge my colleagues to vote in favor of this bill.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD), a young member who had a significant role in this, who was able to impress the chairwoman, the gentlewoman from Florida (Mrs. FOWLER), with concerns in his district on landslides and is to be given much legislative credit for his efforts.

Mr. BAIRD. Mr. Chairman, we have introduced an amendment which has been incorporated in the en bloc amendments to which the gentlewoman from Florida will be speaking. It has bipartisan support, but I rise now to give my colleagues a sense of the rationale and the background and the need for it.

I want to begin by thanking the chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the subcommittee chairman, the gentlewoman from Florida (Mrs. FOWLER); the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. TRAFICANT); as well as the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI); and I particularly want to thank the committee staff. When I brought these concerns to the committee, the committee staff immediately worked with my office and with FEMA to find an appropriate solution. I want to thank Ken Kopocis, Arthur Chan and Marcus Peacock.

Here is the situation we are dealing with. In my district a landslide, a slow-moving landslide, has destroyed 137 homes. The landslide moves a few inches a day, but over the course of the last year people's homes have been moved as much as 200 to 300 feet down a hill and completely destroyed. We are speaking today of a bill that is designed to reduce the cost of disasters by preventing them, and I strongly support that. Clearly, a dollar saved in prevention can save us $3 down the road in recovery.

H.R. 707 reduces the Federal share for alternative projects from 90 percent to 75 percent. These projects are used when local governments decide not to repair, restore or reconstruct public facilities. The amendment we have offered today would ensure that communities which are unable to rebuild due to unstable soil, such as a landslide, would still receive the higher Federal contribution; and there is a good reason for it.

The folks in my district built with good intent and every reason to believe their homes would be safe. There had been no landslide there before. They could not buy landslide insurance because, as my colleagues may know, it is very difficult. So they had every reason to believe they would be free from disasters. Actually, some had built above a floodplain, saying they did not want to be flooded out. They had done the right thing. But here we have this landslide that has wiped them out.

So what we want to do is make sure that in cases where the land is unstable, where the local government decides not to rebuild, which I think is a prudent decision, we would provide the full support of the current law and not penalize folks who, for no fault of their own, had their possessions wiped out. Areas like Kelso, Washington, have no alternative to an alternative project. So reducing the Federal share in these situations would unfairly hurt these residents.

Included in the manager's amendment is a provision to preserve the 90 percent funding level for alternative projects where communities decide not to rebuild due to soil instability. Frankly, that is a sound decision. Not rebuilding where the soil is unstable will prevent disaster recurrence in the future. So this bill will not only protect my local communities, in the long run it will save us money.

I would like to thank the committee again, the gentlewoman from Florida and the chairman for their support, and I very much appreciate this chance to address this important amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Southern Ohio (Mr. STRICKLAND) who has some concerns as well.

Mr. STRICKLAND. Mr. Chairman, I rise today in support of H.R. 707. This legislation streamlines the process used by individuals and families in applying for disaster assistance through FEMA. H.R. 707 consolidates two existing programs, the Temporary Housing Assistance Program and the Individual and Family Grant Program into one. This change will help speed relief to families who are hit hard by a disaster.

Under current law, a family faced with damage due to flooding or another natural disaster must first apply for temporary housing assistance, a fully Federal program, and for a small business loan. If they do not qualify for either of these programs, they are then often referred to the State-run Individual and Family Grant Program for help. The Individual and Family Grant Program generally assists low-income families. Because of this two-part approach, families who are least capable of shouldering the burden of a disaster often wait the longest for relief. Consolidation of the Temporary Housing Assistance and Individual and Family Grant Programs will relieve this pressure and speed relief to those who need it most.

I am particularly pleased that this legislation also permits homeowners to obtain grant funds to replace homes that are damaged in a disaster. Under current law, homeowners who sustain minimal damage to their homes receive grants of up to $10,000 to restore their home to pre-disaster conditions. However, homeowners who sustain substantial damage, or whose homes are destroyed, are not eligible for the $10,000 grant.

Tragically, the disaster victims who have been shut out of this grant program are owners of mobile homes and other less expensive residences, the very people who need the grant the most.

□ 1130

For example, consider this story about a young couple in southern Ohio. Their combined income was less than $30,000 when their mobile home was destroyed by a flood in March of 1997. Two days after the flood hit, a baby was born into their family. They had no home and were unable to recover the $10,000 grant that their neighbors, whose homes were not destroyed, received. This couple was forced to move in with parents in a room, one room in a small home, and they were forced to take out a loan to purchase a new mobile home. Ironically, if they had owned a more expensive home, they well could have received $10,000 in grant funds and been able to return to their homes quickly.

Last Congress, I introduced H.R. 2257, the Disaster Assistance Fairness Act, to correct this inequity. I am pleased that the goals of that bill have been met by H.R. 707 today. The citizens of southern Ohio, which I represent, have had extensive dealings with FEMA-run disaster programs over the last several years. In most instances, FEMA employees have performed above and beyond the call of duty. However, current law has hampered their ability to respond quickly to some of the most difficult disaster cases. The changes envisioned in H.R. 707 should help restore fairness to the process, and I thank those who are responsible for this worthy bill.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman from Florida (Mrs. FOWLER) be permitted to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume. I want to acknowledge the bipartisanship of the gentleman from Pennsylvania (Mr. SHUSTER), who is without a doubt one of the great chairmen in our Congress, and the gentleman from Minnesota (Mr. OBERSTAR). The two of them working together have solved a number of problems that people thought were not solvable, believe me.

I also want to pay credit to the new chair, the gentlewoman from Florida (Mrs. FOWLER), the great job that she has done on this and the way she opens up the committee and gives an opportunity for everyone to have a say, even the new Members. I want to thank her for accommodating the concerns of the gentleman from Washington (Mr. BAIRD) who had problems with landslides and was concerned about the legislation. I want the Congress to know that not only did she take his issue to heart, she made it a part of her manager's amendment, and we want to thank her for that.

I also want to commend the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT). They basically were the driving force for this in the last Congress when the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) brought it and made it possible. Time ran out in the Senate, we were not able to have this bill enacted into law, and here we are today.

I think the bill speaks for itself. The gentleman from Minnesota (Mr. OBERSTAR) said an ounce of prevention is worth a pound of cure. The gentleman from Maine (Mr. BALDACCI) said sometimes the disaster was really after the disaster, with FEMA. The new director, Mr. Witt, I believe, has brought a lot of wit and wisdom to this particular agency. I think that the gentlewoman's efforts to stabilize cost, cost efficiency and to make sure there is enough money in there by the nature of her amendment, which she is to be commended for, because this side of the aisle also felt that there may have been a little bit too drastic of measures in this bill. That has been done.

I think we have a good bill before us. I think that FEMA becomes stronger and better. I think local communities have more of a say and there is more help to the average American who suffers from some tragedy.

With that, I am in strong support of this bill.

Mr. KUYKENDALL. Mr. Chairman, I wish to raise two issues relating to the disaster assistance bill we are about to consider. I think that the attempt to streamline costs and place higher priority on predisaster mitigation are commendable goals. One of the provisions within the bill would allow the President to contribute funds to governmental entities to repair public facilities, or to private nonprofit facilities that are damaged but only if certain stringent conditions are first met by the owners of these private facilities. (The Transportation Committee amended this provision to essentially eliminate the conditions for the recovery of federal funds by these private nonprofit entities.)

My concern is with the amendment. Specifically, the original terms of the Stafford Act already limit the types of nonprofit entities that may receive disaster relief to those providing "essential" services. Again, this is a narrowly defined term. If the amendment is intended to get essential services back on line first, and they worry about who picks up the tab later, it seems to me that the Stafford Act already accomplishes this. Now, we have established essential services and critical services without clearly articulating the distinction.

My second concern, however, is far more serious. And that is that there are plenty of private, for-profit entities that provide essential services. As the Washington area all too recently experienced with PEPCO customers down for more than a week during the cold snap, sometimes these are the entities that are hardest hit in emergencies. Now, PEPCO is a pretty big company that could probably obtain emergency financing from other sources. But the point is that we should not be favoring one type of business entity over another with respect to disaster relief. The amendment, however, does exactly this.

I hope we might resolve these issues in conference and yield back he balance of my time.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of this legislation.

I also want to thank my good friend Subcommittee Ranking Minority Member Traficant, for his work on this legislation. I also want to thank Chairman Shuster and the Ranking Minority Member of the Full Committee, Jim Oberstar for their support.

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide authorization for a pre-disaster mitigation program, and implement several cost saving measures.

This legislation is substantially similar to legislation reported out of full Committee in the last Congress. Congressmen Boehlert and Borski are to be commended for their efforts in developing that bill.

It is the product of three hearings held during the last Congress by the Water Resources Subcommittee and reflects the careful work of state and local emergency managers, and other state and local government officials.

H.R. 707 focuses on two important issues:

First, mitigation activities are not set out as high priority in the Stafford Act. This needs to change. H.R. 707 will, for the first time, authorize federal funding for cost effective predisaster mitigation projects. Appropriators have funded an unauthorized program for the last three fiscal years.

Second, the cost of natural disasters has been increasing to the point where Congress must take a hard look at measures that control costs, while still providing the critical assistance needed by victims of disasters.

H.R. 707 would adopt various streamlining and cost-cutting measures, many of which were proposed by the administration.

The Committee anticipates this bill will save $109 million over the first five years and even more in the long run.

In addition, the bill provides specific criteria and structure to a FEMA program that currently has no such criteria or structure.

Finally, the bill will require FEMA to give greater authority and control to state and local governments over the administration of the mitigation and disaster assistance programs.

Last year, the state of Florida endured one of the most tragic natural disasters—wildfires. When the smoke had cleared and all the fires were out, over a half million acres had been burned, 300 homes were damaged or completely destroyed, and numerous businesses were significantly damaged or closed.

My district suffered some of the heaviest damage, with the entire county of Flagler being evacuated for safety precautions. With over 2,000 wildfires burning statewide, every county felt the impact.

Let me give you just a brief story about one of my constituents Greg Weston, a resident of Flagler County and a Deputy Sheriff who lost his home in the wildfires. In early July, Deputy Weston left his home for work at 7:00 a.m. to assist county officials and firefighters with the ongoing fires. Throughout the day Deputy Weston stayed in close contact with his wife and two children to give them updates on the fires and then eventually told his family to evacuate. But Deputy Weston did not just give up.

He continued to fight fires on the opposite side of the county. In fact, he was working side-by-side with firefighters in the southern part of Flagler when his own home caught fire and burned to the ground. Among the homes he was trying to save was a fellow employee at the Sheriff's Department.

This was the kind of commitment and sacrifice that was demonstrated during last summer. I applaud Deputy Weston's efforts, but more than that, I want to help him and all the other people who respond to emergencies.

I believe that an emphasis on mitigation could have spared the state, and my district, from some of this devastation.

A recent report issued by our Governor's Wildfire Response and Mitigation Review Committee states that if Florida does not take the necessary preventive efforts to ensure wildfire safety, the devastation experienced during the wildland fires of 1998 will not only be repeated, but will also increase in severity.

Florida has already taken important steps in the wake of the wildfires to prepare itself for future disasters and is using methods like controlled burns of underbrush to prevent a similar disaster.

Mr. Chairman, this legislation will help alleviate the pain and suffering and property damage of not only Floridians, but also all Americans.

It also had the added benefit of reducing federal cost.

I urge support of this important legislation.

Mr. BILIRAKIS. Mr. Chairman, I rise today to support H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999.

Florida occupies a unique position in our nation's landscape. Unfortunately, natural disasters often threaten my state's magnificent environment. In the past year alone, Florida has been devastated by floods, fires, and tornadoes.

Nationwide, the cost of responding to such catastrophes has skyrocketed over the past decade. According to the National Oceanic and Atmospheric Administration, twenty-five major weather-related incidents occurred from 1988 through 1997, resulting in total damages of approximately $140 billion.

The most costly insured catastrophe in U.S. history was Hurricane Andrew, which hit South Florida in August 1992. It caused more than $25 billion in damages and resulted in fifty-eight deaths. In the aftermath of this hurricane, many insurance companies no longer provide coverage in Florida. As a result, my constituents are concerned about the availability and affordability of residential property insurance.

I have cosponsored legislation to guarantee that homeowners have access to affordable disaster insurance. I have been working with the Florida delegation to enact this important measure.

Prevention is critical to reducing the economic costs and loss of life when severe weather strikes. To that end, I held a workshop in my district last year on Project Impact, an initiative sponsored by the Federal Emergency Management Agency (FEMA). Project Impact helps communities prepare for natural disasters by establishing a partnership between citizens, businesses and government. It also encourages communities to act now to reduce the threat of future calamities.

Congress must take a more pro-active approach to disaster mitigation. H.R. 707, sponsored by Congresswoman FOWLER and Congressman TRAFICANT, achieves this goal. Through this bill, states will be able to accurately assess the risks of natural disasters and reduce the resulting damages. I commend my colleagues for working on a bipartisan basis to develop this common-sense measure.

Mr. Chairman, H.R. 707 represents a critical step forward in disaster mitigation efforts. I urge my colleagues to support the bill.

Ms. MILLENDER-McDONALD, Mr. Chairman, I would like to thank the Chair and Ranking Member of the Subcommittee on Oversight, and the Chair and the Ranking Member of the Full Committee on Transportation & Infrastructure for their attentiveness to the needs and concerns of California's municipal and county governments by including "Due Process" language in the Committee's Manager's Amendment. This language has the bi-partisan support of the California Delegation, the California State Association of Counties, and the California League of Cities.

The fiscal burden that California's county and municipal governments have had to bear as a result of natural disasters has grown dramatically over the last few years. The increased number and magnitude of natural disasters is one of the major factors contributing to this fiscal burden. While the Federal government plays a key role in disaster recovery, it is state and local governments that are ultimately charged with responding to the immediate needs of citizens and businesses in the aftermath of a natural disaster. Since state and local governments must carry this burden, they should have a voice in the rulemaking process.

FEMA often provides for public participation in the rulemaking process regarding its programs and functions, including matters that relate to public property, even though notices and public comment for rulemaking were not required by law. That such due process measures are not required by law is a mistake that can have major financial repercussions. The result of failing to require public due process, including the proper notification of policy modifications, has obviously had an overwhelming fiscal impact on California's state and local governments. In the aftermath of the 1995 winter storms, California's localities were not informed of FEMA's 1996 flood control policy which listed the federal agencies responsible for funding flood control projects. As a result of this failure to disseminate vital information, California local governments were denied millions of dollars in funding from federal agencies for damaged incurred during the 1995 winter storms.

As the former Mayor Pro-tempore of the City of Carson and the former Chair of the California Assembly's Committee on Insurance, I am all too familiar with these problems and understand the need for due process requirements and public comment in the rulemaking process. The language included in this Manager's Amendment requires FEMA to provide public comment before adopting any new or modified policy that would have a "non-trivial" impact on the amount of disaster assistance that may be provided to a state and local government. The language further prohibits FEMA from adopting any new or modified policy that would retroactively reduce the amount of assistance provided to state and local governments in the wake of a natural disaster.

Again, I would like to thank my California Colleagues, Representatives STEVE HORN, ELLEN TAUSCHER, BUCK MCKEON, BOB FILNER, JERRY LEWIS, GARY MILLER, STEVE KUYKENDALL, AND JOHN DOOLITTLE for their work together to protect the interests of the State of California. Mr. Chairman, thank you again for responding to our concerns on this issue.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

Mrs. FOWLER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Mitigation and Cost Reduction Act of 1999".

The CHAIRMAN. Are there any amendments to section 1?

Without objection, the remainder of the committee amendment in the nature of a substitute will be printed in the RECORD and open to amendment at any point.

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. AMENDMENTS TO ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and implementing adequate measures to reduce losses from natural disasters and to ensure that critical facilities and public infrastructure will continue to function after a disaster;

(2) expenditures for post-disaster assistance are increasing without commensurate reduction in the likelihood of future losses from such natural disasters;

(3) a high priority in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act should be to implement predisaster activities at the local level; and

(4) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to increase their capabilities to form effective community-based partnerships for mitigation purposes, implement effective natural disaster mitigation measures that reduce the risk of future damage, hardship, and suffering, ensure continued functioning of critical facilities and public infrastructure, leverage additional non-Federal resources into meeting disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing structures.

(b) PURPOSE.—It is the purpose of this title to establish a predisaster hazard mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural hazards; and

(2) provides a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective mitigation measures that are designed to ensure the continued functioning of critical facilities and public infrastructure after a natural disaster.

SEC. 102. STATE MITIGATION PROGRAM.

Section 201(c) (42 U.S.C. 5131(c)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) set forth, with the ongoing cooperation of local governments and consistent with section 409, a comprehensive and detailed State program for mitigating against emergencies and major disasters, including provisions for prioritizing mitigation measures.".

SEC. 103. DISASTER ASSISTANCE PLANS.

Section 201(d) (42 U.S.C. 5131(d)) is amended to read as follows:

"(d) GRANTS FOR DISASTER ASSISTANCE AND HAZARD IDENTIFICATION.—The President is authorized to make grants for—

"(1) not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans including, consistent with section 409, evaluation of natural hazards and development of the programs and actions required to mitigate such hazards; and

"(2) the development and application of improved floodplain mapping technologies that can be used by Federal, State, and local governments and that the President determines will likely result in substantial savings over current floodplain mapping methods.".

SEC. 104. PREDISASTER HAZARD MITIGATION.

Title II (42 U.S.C. 5131–5132) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) GENERAL AUTHORITY.—The President may establish a program to provide financial assistance to States and local governments for the purpose of undertaking predisaster hazard mitigation activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

"(b) PURPOSE OF ASSISTANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or local government that receives financial assistance under this section shall use the assistance for funding activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

"(2) DISSEMINATION.—The State or local government may use not more than 10 percent of financial assistance it receives under this section in a fiscal year for funding activities to disseminate information regarding cost effective mitigation technologies (such as preferred construction practices and materials), including establishing and maintaining centers for protection against natural disasters to carry out such dissemination.

"(c) ALLOCATION OF FUNDS.—The amount of financial assistance to be made available to a State, including amounts made available to local governments of such State, under this section in a fiscal year shall—

"(1) not be less than the lesser of $500,000 or 1.0 percent of the total funds appropriated to carry out this section for such fiscal year; but

"(2) not exceed 15 percent of such total funds.

"(d) CRITERIA.—Subject to the limitations of subsections (c) and (e), in determining whether to provide assistance to a State or local government under this section and the amount of such assistance, the President shall consider the following criteria:

"(1) The clear identification of prioritized cost-effective mitigation activities that produce meaningful and definable outcomes.

"(2) If the State has submitted a mitigation program in cooperation with local governments under section 201(c), the degree to which the activities identified in paragraph (1) are consistent with the State mitigation program.

"(3) The extent to which assistance will fund activities that mitigate hazards evaluated under section 409.

"(4) The opportunity to fund activities that maximize net benefits to society.

"(5) The ability of the State or local government to fund mitigation activities.

"(6) The extent to which assistance will fund mitigation activities in small impoverished communities.

"(7) The level of interest by the private sector to enter into a partnership to promote mitigation.

"(8) Such other criteria as the President establishes in consultation with State and local governments.

"(e) STATE NOMINATIONS.—

"(1) IN GENERAL.—The Governor of each State may recommend to the President not less than 5 local governments to receive assistance under this section. The recommendations shall be submitted to the President not later than October 1, 1999, and each October 1st thereafter or such later date in the year as the President may establish. In making such recommendations, the Governors shall consider the criteria identified in subsection (d).

"(2) USE.—

"(A) GENERAL RULE.—In providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

"(B) WAIVER.—Upon request of a local government, the President may waive the limitation in subparagraph (A) if the President determines that extraordinary circumstances justify the waiver and that granting the waiver will further the purpose of this section.

"(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria in subsection (d), any local governments of the State to receive assistance under this section.

"(f) SMALL IMPOVERISHED COMMUNITIES.—For the purpose of this section, the term 'small impoverished communities' means communities of 3,000 or fewer individuals that are economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

"(g) FEDERAL SHARE.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President; except that the President may contribute up to 90 percent of the total cost of mitigation activities in small impoverished communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1999 and $80,000,000 for fiscal year 2000.

"(i) AUTHORIZATION OF SECTION 404 FUNDS.—Effective October 1, 2000, in addition to amounts appropriated under subsection (h) from only appropriations enacted after October 1, 2000, the President may use, to carry out this section, funds that are appropriated to carry out section 404 for post-disaster mitigation activities that have not been obligated within 30 months of the disaster declaration upon which the funding availability is based.

"(j) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, in consultation with State and local governments, shall transmit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater

authority and responsibility for administering the assistance program authorized by this section to capable States.”.

SEC. 105. INTERAGENCY TASK FORCE.

The President shall establish an interagency task force for the purpose of coordinating the implementation of the predisaster hazard mitigation program authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Director of the Federal Emergency Management Agency shall chair such task force.

SEC. 106. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

(a) In General.—Section 404(a) (42 U.S.C. 5170c(a)) is amended by striking “15 percent” and inserting “20 percent”.

(b) Applicability.—The amendment made by subsection (a) shall apply to major disasters declared under the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act after January 1, 1997.

SEC. 107. CONFORMING AMENDMENT.

The heading for title II is amended to read as follows:

“TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE”.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. MANAGEMENT COSTS.

(a) In General.—Title III (42 U.S.C. 5141–5164) is amended by adding at the end the following:

“SEC. 322. MANAGEMENT COSTS.

“(a) In General.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish by rule management cost rates for grantees and subgrantees. Such rates shall be used to determine contributions under this Act for management costs.

“(b) Management Costs Defined.—Management costs include indirect costs, administrative expenses, associated expenses, and any other expenses not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure. Such costs include the necessary costs of requesting, obtaining, and administering Federal assistance and costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees.

“(c) Review.—The President shall review the management cost rates established under subsection (a) not later than 3 years after the date of establishment of such rates and periodically thereafter.”.

(b) Applicability.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a) of this section) shall apply as follows:

(1) Subsections (a) and (b) of such section 322 shall apply to major disasters declared under such Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under such subsection, section 406(f) shall be used for establishing such rates.

(2) Subsection (c) of such section 322 shall apply to major disasters declared under such Act on or after the date on which the President establishes such rates under subsection (a) of such section 322.

SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) Contributions.—Section 406(a) (42 U.S.C. 5172(a)) is amended to read as follows:

“(a) Contributions.—

“(1) In general.—The President may make contributions—

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility which is damaged or destroyed by a major disaster and for associated expenses incurred by such government; and

“(B) subject to paragraph (2), to a person who owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of such facility and for associated expenses incurred by such person.

“(2) Conditions for assistance to private nonprofit facilities.—

“(A) In general.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii)(I) the owner or operator of the facility has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

“(II) has been determined to be ineligible for such a loan; or

“(III) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

“(B) Critical services defined.—In this paragraph, the term ‘critical services’ includes, but is not limited to, power, water, sewer, wastewater treatment, communications, and emergency medical care.”.

(b) Minimum Federal Share.—Section 406(b) (42 U.S.C. 5172(b)) is amended to read as follows:

“(b) Minimum Federal Share.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.”.

(c) Large In-Lieu Contributions.—Section 406(c) (42 U.S.C. 5172(c)) is amended to read as follows:

“(c) Large In-Lieu Contributions.—

“(1) For public facilities.—

“(A) In general.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) Use of funds.—Funds contributed to a State or local government under this paragraph may be used to repair, restore, or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures which the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(2) For private nonprofit facilities.—

“(A) In general.—In any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) Use of funds.—Funds contributed to a person under this paragraph may be used to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities to be owned or operated by the person, or to fund hazard mitigation measures that the person determines to be necessary to meet a need for its services and functions in the area affected by the major disaster.

“(3) Modification of federal share.—The President shall modify the Federal share of the cost estimate provided in paragraphs (1) and (2) if the President determines an alternative cost share will likely reduce the total amount of Federal assistance provided under this section. The Federal cost share for purposes of paragraphs (1) and (2) shall not exceed 90 percent and shall not be less than 50 percent.”.

(d) Eligible Cost.—

(1) In general.—Section 406(e) (42 U.S.C. 5172(e)) is amended to read as follows:

“(e) Eligible Cost.—

“(1) In general.—For the purposes of this section, the estimate of the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately before the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall be treated as the eligible cost of such repair, restoration, reconstruction, or replacement. Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under this paragraph.

“(2) Modification of eligible cost.—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost be the actual cost of such repair, restoration, reconstruction, or replacement. The government or person receiving assistance under this section shall reimburse the President for the portion of such assistance that exceeds the eligible cost of such repair, restoration, reconstruction, or replacement.

“(3) Use of surplus funds.—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent but not less than 80 percent of the cost estimated under paragraph (1), the government or person receiving assistance under this section shall use any surplus funds to perform activities that are cost-effective and reduce the risk of future damage, hardship, or suffering from a major disaster.

“(4) Expert panel.—Not later than 18 months after the date of enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, including representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

“(5) Special rule.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner’s responsibility and not the contractor’s responsibility.”.

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, and shall only apply to

funds appropriated after the date of enactment of this Act; except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1) of this subsection) shall take effect on the date that the procedures developed under paragraph (3) of such section take effect.

(e) ASSOCIATED EXPENSES.—

(1) IN GENERAL.—Section 406 (42 U.S.C. 4172) is amended by striking subsection (f).

(2) OTHER ELIGIBLE COSTS.—Section 406(e) (42 U.S.C. 5172(e)), as amended by subsection (d) of this section, is amended by adding at the end the following:

"(6) OTHER ELIGIBLE COSTS.—For purposes of this section, other eligible costs include the following:

"(A) COSTS OF NATIONAL GUARD.—The cost of mobilizing and employing the National Guard for performance of eligible work.

"(B) COSTS OF PRISON LABOR.—The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

"(C) OTHER LABOR COSTS.—Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster.".

(3) EFFECTIVE DATE.—Paragraphs (1) and (2) shall take effect on the date on which the President establishes management cost rates under section 322(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 201(a) of this Act). The amendment made by paragraph (1) shall only apply to disasters declared by the President under such Act after the date on which the President establishes such cost rates.

SEC. 203. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the President, in consultation with the Governor of the affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who as a direct result of a major disaster have necessary expenses and serious needs where such victims are unable to meet such expenses or needs through other means.

"(b) HOUSING ASSISTANCE.—

"(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and families to respond to the disaster-related housing needs of those who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

"(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based upon considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President may consider appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in the particular disaster situation.

"(c) TYPES OF HOUSING ASSISTANCE.—

"(1) TEMPORARY HOUSING.—

"(A) FINANCIAL ASSISTANCE.—

"(i) IN GENERAL.—The President may provide financial assistance under this section to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

"(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation being furnished plus the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

"(B) DIRECT ASSISTANCE.—

"(i) IN GENERAL.—The President may also directly provide under this section housing units, acquired by purchase or lease, to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

"(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the expiration of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend such period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

"(iii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

"(2) REPAIRS.—The President may provide financial assistance for the repair of owner-occupied private residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition. A recipient of assistance provided under this paragraph need not show that the assistance can be met through other means, except insurance proceeds, if the assistance is used for emergency repairs to make a private residence habitable and does not exceed $5,000 (based on fiscal year 1998 constant dollars).

"(3) REPLACEMENT.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster. Assistance provided under this paragraph shall not exceed $10,000 (based on fiscal year 1998 constant dollars). The President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition for the receipt of Federal disaster assistance with respect to assistance provided under this paragraph.

"(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to individuals or households to construct permanent housing in insular areas outside the continental United States and other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost effective.

"(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

"(1) SITES.—Any readily fabricated dwelling provided under this section shall, whenever possible, be located on a site complete with utilities, and shall be provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster. Readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible.

"(2) DISPOSAL OF UNITS.—

"(A) SALE TO OCCUPANTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purposes of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household needs permanent housing.

"(ii) SALES PRICE.—Sales of temporary housing units under clause (i) shall be accomplished at prices that are fair and equitable.

"(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

"(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) OTHER METHODS OF DISPOSAL.—

"(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purposes of housing disaster victims may be resold.

"(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may also be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of such sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees to comply with the nondiscrimination provisions of section 308 and to obtain and maintain hazard and flood insurance on the housing unit.

"(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

"(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering the assistance under this section.

"(g) MAXIMUM AMOUNT OF ASSISTANCE.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster. Such limit shall be adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

"(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) CONFORMING AMENDMENT.—Section 502(a)(6) (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Title IV (42 U.S.C. 5170–5189a) is amended by striking section 411 (42 U.S.C. 5178).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 545th day following the date of enactment of this Act.

SEC. 204. REPEALS.

(a) COMMUNITY DISASTER LOANS.—Section 417 (42 U.S.C. 5184) is repealed.

(b) SIMPLIFIED PROCEDURE.—Section 422 (42 U.S.C. 5189) is repealed.

SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION PROGRAM.

Section 404 (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) PROGRAM ADMINISTRATION BY STATES.—

"(1) IN GENERAL.—A State desiring to administer the hazard mitigation assistance program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of such authority.

"(2) CRITERIA.—The President, in consultation with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum, the following:

"(A) The demonstrated ability of the State to manage the grant program under this section.

"(B) Submission of the plan required under section 201(c).

"(C) A demonstrated commitment to mitigation activities.

"(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation assistance program established by this section in a manner satisfactory to the President, the President shall withdraw such approval.

"(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation assistance programs administered by States under this subsection.".

SEC. 206. STATE ADMINISTRATION OF DAMAGED FACILITIES PROGRAM.

(a) PILOT PROGRAM.—In cooperation with States and local governments and in coordination with efforts to streamline the delivery of disaster relief assistance, the President shall conduct a pilot program for the purpose of determining the desirability of State administration of parts of the assistance program established by section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

(b) STATE PARTICIPATION.—

(1) CRITERIA.—The President may establish criteria in order to ensure the appropriate implementation of the pilot program under subsection (a).

(2) MINIMUM NUMBER OF STATES.—The President shall conduct the pilot program under subsection (a) in at least 2 States.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the President shall transmit to Congress a report describing the results of the pilot program conducted under subsection (a), including identifying any administrative or financial benefits. Such report shall also include recommendations on the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 207. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

SEC. 208. REPORT ON ASSISTANCE TO RURAL COMMUNITIES.

Not later than 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall prepare and transmit to Congress a report on methods and procedures that the Director recommends to accelerate the provision of Federal disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to rural communities.

SEC. 209. STUDY REGARDING INSURANCE FOR PUBLIC INFRASTRUCTURE.

The Comptroller General of the United States shall conduct a study to determine the current and future expected availability of disaster insurance for public infrastructure eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITION OF STATE.

Section 102 (42 U.S.C. 5122) is amended in each of paragraphs (3) and (4) by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands".

SEC. 303. FIRE SUPPRESSION GRANTS.

Section 420 (42 U.S.C. 5187) is amended by inserting "and local government" after "State".

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mrs. FOWLER:

Page 15, after line 12, insert the following:

"(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government because soil instability in the disaster area makes such repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

Page 15, line 13, strike "(B)" and insert "(C)".

Page 21, at the end of line 16, insert the following:

Under the preceding sentence, a victim shall not be denied assistance under subsections (c)(1), (c)(3), or (c)(4), solely on the basis that the victim has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

Page 33, after line 2, insert the following:

SEC. 210. PUBLIC COMMENT REQUIREMENT.

Title III (42 U.S.C. 5141–5164) (as amended by section 201 of this Act) is amended by adding at the end the following:

"SEC. 323. PUBLIC COMMENT REQUIREMENT.

"(a) IN GENERAL.—The Director of the Federal Emergency Management Agency shall provide an opportunity for public comment before adopting any new or modified policy that would have a meaningful impact on the amount of disaster assistance that may be provided to a State or local government by the President under this Act.

"(b) RETROACTIVE APPLICATION OF POLICIES.—The Director may not adopt any new or modified policy that would retroactively reduce the amount of assistance provided to a State or local government under this Act.".

Mrs. FOWLER. Mr. Chairman, my amendment encompasses three separate changes to title II of the bill. These changes reflect our desire to cut costs in the disaster program in a fair and compassionate way. First, the amendment recognizes that in some very limited circumstances, the reduced so-called in-lieu contribution proposed in section 202 of the bill will cause undue hardship to some communities. This occurs in areas where mud slides make the prospect of rebuilding any facility on a site unwise. In such situations, taking an in-lieu contribution is the only option really available. The amendment would continue to use the previous 90 percent level of funding for these special situations.

Second, it has been brought to our attention that the provision in the bill conditioning housing assistance on applying to the Small Business Administration for a loan does very little to cut disaster assistance cost but may well pose a difficult burden on disaster victims. The amendment, therefore, would remove the SBA loan requirement as a condition of housing assistance. I am all for saving money, but in this case we would be saving very little while placing a relatively high burden on disaster victims.

Finally, my amendment would require FEMA to provide public comment on new or modified policies that may result in a meaningful change in the amount of assistance a State or local community may receive. Changes in the conditions of assistance are extremely important to local communities. It seems only fair that such changes be made with the opportunity for adequate public involvement.

I would like to recognize the diligent efforts of the bipartisan group of Members, particularly those from California, that brought this amendment to our attention. In conclusion, this amendment puts the final touches on an excellent bill. The amendment does not significantly reduce the substantial cost savings provided by the bill but recognizes that in reducing the burden on the taxpayer, we need also remember the critical needs of disaster victims.

I urge support for this amendment.

Mr. TRAFICANT. Mr. Chairman, I rise in support of the amendment. I want to again compliment the gentlewoman for her excellent work.

I would just like to go over a few issues that I think are important. The first thing I think is very important, the amendment would maintain the Federal in-lieu contributions for alternate projects at 90 percent where soil instability in a disaster area makes the repair, restoration, reconstruction or replacement of public facilities infeasible. The bill before us would have reduced that Federal contribution to 75 percent. I believe that the gentlewoman should again be commended, because this is an important issue and that she took into consideration the concern of the gentleman from Washington (Mr. BAIRD), who happens to be a Democrat from the State of Washington, and I think that speaks for the bipartisanship, and I thank her.

Second of all, the amendment would exclude disaster victims needing FEMA assistance for temporary housing, replacement of their homes, and construction of houses from the requirement of first obtaining an SBA loan. As the gentlewoman from Florida had stated, that speaks for itself in its importance in the amendment there as well. But I want to state on the record that I am opposed to placing any additional burden on victims who are made homeless by a disaster by requiring them to jump through hoops, in some cases obtain an SBA loan first, before they can obtain financial or direct housing assistance from FEMA in the aftermath of a disaster that almost destroyed their family, in some cases has.

Finally, the amendment requires FEMA to provide an opportunity for public comment before adopting or modifying an agency policy that would have a meaningful impact on the amount of disaster assistance to State or local governments. This is wise. The gentlewoman is to be commended for it. We on this side support this amendment 100 percent.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following:

SEC. 304. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(2) DEBAR DEFINED.—In this section, the term "debar" has the meaning given that term by section 2393(c) of title 10, United States Code.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this has been language that I have offered to many bills. It deals with the aspect of where Federal dollars are spent, to incorporate into that logic the Buy American laws that exist. I have talked about Buy American here for years, but I was not really the first to do it and one of the strong leaders of Buy American is the ranking Democrat on this committee, the gentleman from Minnesota (Mr. OBERSTAR) who was responsible for most of the Buy American language in our surface transportation program which is a multibillion-dollar procurement program.

I think it is very important where we expend any dollars that we comport and conform to within the law to the Buy American law and its policies. In addition, my amendment states, do not participate in any of our programs under this bill by providing a product that is purported to be made in America but has on it affixed a fraudulent "made in America" label.

I think these small but little commonsense initiatives serve more maybe as a reminder to keep people's eyes on the prize of wherever possible, shop for and buy an American product but under Buy American law to conform to that law and do not violate it.

Mrs. FOWLER. Mr. Chairman, we support this amendment and have no objection to it.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio who has throughout his service in the Congress made a point of reminding us on every piece of legislation that comes to the House floor wherever there is procurement that this procurement should be cloaked in the Buy America label. American dollars are being used, taxpayer dollars are being used on Federal projects, on Federal programs, and he is right to remind this body time and again that those dollars must be used to purchase American products in the service of this country. Other countries do that. Other countries realize that charity begins at home, that a strong economy begins at home, and we must do the same.

The gentleman is right, I was successful in 1982 in the Surface Transportation Assistance Act in getting a very strong Buy America provision on steel used in our Federal highway program. In the next 6 years under TEA 21, that will mean that 18 million tons of American steel will go into our Federal aid highway and bridge program. We have Buy America provisions that apply to the Corps of Engineers, that apply to the Federal transit system.

Years ago when I chaired the subcommittee that has jurisdiction over this legislation now, we held extensive hearings, Mr. Gingrich and I, the ranking member on the Republican side at the time, we found widespread abuses in the Federal transit program on the Buy America program. We worked vigorously to assure that the law would be carried out.

Here in the disaster assistance program, there is a wide array of products used to help victims of disaster become whole again, communities as well as individuals, grand facilities, dams, levees, roads, bridges as well as individual homes and small businesses.

□ 1145

Mr. Chairman, there is a wide array of product used to make those communities, make those structures, whole again. They ought to be American goods.

The gentleman from Ohio (Mr. TRAFICANT) is right to offer this amendment, but now that we have reestablished our Subcommittee on Oversight in the Committee on Transportation and Infrastructure, I appeal to the gentlewoman from Florida (Mrs. FOWLER) to maintain vigilance. Once this legislation is enacted, let us take a careful look at how it is applied in future disasters where the Federal Government comes in to help out local communities. Look over their shoulder. Make sure they are carrying out this law. It is all too easy to avoid.

But, Mr. Chairman, avoidance will be difficult if this committee maintains vigilance, as I am sure it will, under the gentlewoman's leadership.

The CHAIRMAN pro tempore (Mr. HEFLEY). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NETHERCUTT) having assumed the chair, Mr. HEFLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, pursuant to House Resolution 91, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FOWLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 33]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Stump

NOT VOTING—16

Capps
Chenoweth
Engel
Evans
Everett
Gekas
Gilchrest
Granger
Holt
Kennedy
McCollum
Mollohan
Rangel
Sanchez
Scarborough
Stark

☐ 1210

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GEKAS. Mr. Speaker, earlier today, March 4, 1999, I was unavoidably detained while chairing a hearing on privacy in the hands of Federal regulators in the Subcommittee on Commercial and Administrative Law in the House Judiciary Committee and missed a recorded vote on H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. Had I been present, I would have voted "aye" on rollcall No. 33, to agree to H.R. 707.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 33 on March 4, 1999, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 33, I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 707, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 863

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 863.

While I strongly support taking social security off-budget once and for all, I believe the Republican leadership is exploiting the bill to pursue a hidden agenda of tax cuts for the wealthiest Americans.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute.)

Mr. MENENDEZ. Mr. Speaker, I rise to inquire of the distinguished majority leader at this time regarding the schedule.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to note that we have had our last vote for this week. The House will next meet on Monday, March 8, at 2 o'clock p.m. for a pro forma session. Of course, there will be no legislative business and no votes on that day.

On Tuesday, March 9, the House will meet at 10:30 a.m. for Morning Hour, and 12 o'clock noon for legislative business. Votes are expected after 12 o'clock noon on Tuesday, March 9th.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

On Wednesday, March 10, and the balance of the week the House will meet at 10 o'clock a.m. to consider the following legislative business:

H.R. 800, the Education Flexibility Partnership Act;

H.R. 4, a bill declaring the United States policy to deploy a national missile defense.

It is possible, Mr. Speaker, that we may also take under consideration a resolution relating to the deployment of troops in Kosovo.

Mr. Speaker, we expect to conclude legislative business next week on Friday, March 12, by 2 o'clock p.m.

Mr. MENENDEZ. Mr. Speaker, I would ask the majority leader if he might answer one or two questions.

Mr. Speaker, would the gentleman believe that, beyond that which he has told the House, that anything specifically will be added to the schedule other than the resolutions that will be considered on Tuesday on the consent agenda?

□ 1215

Mr. ARMEY. Mr. Speaker, I thank the gentleman for the input. Other than things that we may clear through both sides to add to the suspension calendar, I would see us taking under consideration nothing other than what has been stipulated here.

Mr. MENENDEZ. Mr. Speaker, I think many Members have serious concerns and want to be able to be sure that they will be present on the potential resolution on Kosovo. Does the gentleman have a sense on what day of next week the Kosovo resolution will be coming to the floor?

Mr. ARMEY. Mr. Speaker, again, I thank the gentleman for his inquiry, and I think it is important that we stress, in response to the question, that it is clear that we will be taking up the Kosovo resolution next week, and we expect that that will be on Thursday and Friday.

So the answer to the gentleman's question is that the Kosovo resolution will be taken up on Thursday. We expect to have a generous portion of time for debate, so we could expect that we would work on it Thursday and Friday of next week.

Mr. MENENDEZ. Mr. Speaker, my last question, so therefore, by that statement, it looks rather certain that we will be here voting on Friday?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, yes, there should be no doubt about that. As I indicated, we do have a getaway time by 2 o'clock. However we arrange the schedule, that will be, of course, honored for all the Members who want to make their arrangements for their travel.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for his answers.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING CONSIDERATION OF AMENDMENTS TO H.R. 800, THE EDUCATION FLEXIBILITY PARTNERSHIP ACT

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules is planning to meet on Tuesday, March 9, to grant a rule which may limit the amendment process on H.R. 800, the Education Flexibility Partnership Act.

The rule may, at the request of the Committee on Education and the Workforce, include a provision requiring amendments to be preprinted in the amendments section of the CONGRESSIONAL RECORD. Amendments to be preprinted should be signed by the Member and submitted to the Speaker's table. Amendments should be drafted to the text of the bill as ordered reported by the Committee on Education and the Workforce. Copies of the text of the bill as reported can be obtained from the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to make sure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be sure their amendments comply with the rules of the House.

HONORING MORRIS KING UDALL, FORMER UNITED STATES REPRESENTATIVE FROM ARIZONA

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 40) honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 40

Whereas Morris King Udall served his Nation and his State of Arizona with honor and distinction in his 30 years as a Member of the United States House of Representatives;

Whereas Morris King Udall became an internationally recognized leader in the field of conservation, personally sponsoring legislation that more than doubled the National Park and National Wildlife Refuge systems, and added thousands of acres to America's National Wilderness Preservation System;

Whereas Morris King Udall was also instrumental in reorganizing the United States Postal Service, in helping enact legislation to restore lands left in the wake of surface mining, enhancing and protecting the civil service, and fighting long and consistently to safeguard the rights and legacies of Native Americans;

Whereas in his lifetime, Morris King Udall became known as a model Member of Congress and was among the most effective and admired legislators of his generation;

Whereas this very decent and good man from Arizona also left us with one of the most precious gifts of all—a special brand of wonderful and endearing humor that was distinctly his;

Whereas Morris King Udall set a standard for all facing adversity as he struggled against the onslaught of Parkinson's disease with the same optimism and humor that were the hallmarks of his life; and

Whereas Morris King Udall in so many ways will continue to stand as a symbol of all that is best about public service, for all that is civil in political discourse, for all that is kind and gentle, and will remain an inspiration to others: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Morris King Udall on December 12, 1998; and extends condolences to the Udall family, and especially to his wife Norma;

(2) expresses its profound gratitude to the Honorable Morris King Udall and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Morris K. Udall's commitment to and example of bipartisanship and collegial interaction in the legislative process.

SECTION. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this Concurrent Resolution to the family of the Honorable Morris King Udall.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Arizona (Mr. KOLBE) is recognized for 1 hour.

Mr. KOLBE. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Arizona (Mr. PASTOR), pending which I yield myself such time as I may consume.

Mr. Speaker, I am honored to be here today to introduce and to call up this resolution honoring a great American and certainly a great Arizonan. There really could be no better homage to Mo Udall than if I could stand up here for a few minutes and take the time to simply lampoon myself.

But the risk of that kind of self-exploration would probably be too much. I might actually learn the truth about myself, for example, and turn to something more noble like perhaps running numbers or selling ocean-front parcels in Tucson. That was the kind of thing that Mo would say.

Mr. Speaker, Mo was a mentor and a close friend of many of us. Certainly, he was a friend of mine and a political idol as well. I have tried hard to follow in Mo's footsteps in southern Arizona's congressional district. Much of what he represented, I now represent. I certainly have learned extensive lessons in what it means to be second-best, because no one could ever best Mo Udall. So now I know what it is like to be taken off the bench to replace Mark McGwire, to sing backup to Pavarotti, to be Mike Tyson's sparring partner.

It is one of the humble honors of my career that I have the opportunity to offer this resolution that will help affix Morris King Udall's name to our memories and to those of generations to come.

Mr. Speaker, if I could have a vote in my district for every time that he made one of us smile or laugh, I would be winning all of my elections unanimously. Mo was loved by the public. He was loved by the press, by his colleagues, and by his family, many of whom are here today.

There was a reason for that. It was because Mo Udall was true to Mo. He could stand for hours and he could tell one-liners. And by making himself the brunt of his own humor, he could reach those MBA arms of his right into our consciences and wrest away any pretensions that we might have, or self-righteousness.

Mo made us see our foibles, not by moralizing or yelling at us. He did not say "Change those wretched ways." Rather, he made us laugh at ourselves, even against our will, and he forced, and I do mean forced, us to see the smallness of ourselves. He forced us to see our blindness, our pettiness, the vanity we sometimes have, our egomania.

Coming from a conservative State like Arizona, Mo Udall defied easy or politically opportune choices. He voted his conscience. He voted it whether the topic was racial equality back in the 1960s, the dire need for government to assume better stewardship of its public lands, or the sacrifice of American lives in Vietnam. He spoke out on those issues.

But no one in our country, Johnny Carson, Bob Hope, Jack Benny included, could keep a straight face like Mo could. With that humor, he carried a very serious and a profound message and that humor helped to enlighten the ignorant, satirize the comforted, and make us take inventory at every moment of the beauty and fragility of our lives.

Even as his health waned, Mo was passing on a message of hope to us: Help those of us whose bodies are imprisoned by Parkinson's and other such illnesses to recover. Even when he was unable to speak to us, Mo and his loyal and extraordinary family brought about policy changes in the health field that few might have imagined possible.

For those in this body who have had the opportunity to be touched by Mo, today is an appropriate occasion to remember a man who brought civility through humor into the political process.

For those who were not fortunate enough to have known this man, they have missed an icon. But they should seek solace in knowing two things. The political process in the United States of America has been deeply enriched by the contributions, and because of the contributions of Mo Udall, there is a secure place in public service for those willing to take a step back and look at their own shortcomings.

Mr. Speaker, today, along with many members of the delegation and members of the family who now serve in this body, we will be introducing a bill which would rename the Coronado National Forest, which lies in southern Arizona and which encompasses eight wilderness areas. I can think of no more fitting tribute to this great towering man who was so instrumental in establishing those wilderness areas, and so many other wilderness areas, than to call that beautiful National Forest the Udall National Forest. I welcome the support of my colleagues in this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the distinguished gentleman from Arizona (Mr. KOLBE) for introducing this resolution and allowing us time to pay tribute to a great American.

Mr. Speaker, it is a great honor for me to be here today and to manage this resolution that pays tribute to Morris K. Udall, who many of us here knew and remember fondly as "Mo."

Mo's retirement from the House of Representatives in 1991, following 30 years of distinguished service in this body, was a great loss for the State of Arizona, for the environmental and Native American issues he championed, and for the cause of civility and humor in public life. His death last December after a long struggle with Parkinson's disease was a great personal loss for the Udall family, to whom I offer my deep-felt condolences.

Mo earned an uncommon respect and loyalty among his colleagues here in the House and those who knew him across this great Nation. He was able to distinguish between political opponents and enemies and maintain friendships across the ideological spectrum. He built bridges of goodwill that allowed him not only to pass prolific wilderness and historic preservation agendas but to resist the partisan animosity that erodes public faith in Congress.

He was a source of pride to the Arizonans he represented and a source of pride to many Americans. Mo had the courage to lose and yet was never defeated. He challenged the status quo, even within this institution, encouraging a debate that brought vitality and progress to our public discourse. He was willing to keep standing up after being knocked down, and to be and to champion the underdog, and yet to maintain a courageous optimism.

Mr. Speaker, he faced personal adversity in his struggle with Parkinson's disease with the uncommon grace we had come to expect of Mo.

Mo's legacy will live in the retelling of his famous anecdotes, in the CAP water that my granddaughter drinks in Arizona, in the wilderness lands preserved for generations of Americans yet to come. Perhaps it will live in the work of his son and his nephew drawn to public service and newly elected to this body.

In remembering and learning from Mo's example, be it perseverance or bipartisanship, we can all contribute to a legacy of decency, optimism, and honorable public service that Mo Udall has left to this country and to this House.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. KOLBE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. HAYWORTH) from the 6th Congressional District. In doing so, I would note that he is one of those Members who did not serve with Mo Udall. But none of us who come from Arizona have not been touched by his great works.

Mr. HAYWORTH. Mr. Speaker I thank the gentleman from Arizona for yielding to me.

Mr. Speaker, while it is true I did not have the opportunity to serve concurrently with Mo Udall, the fact is, evidence of his service in this institution abounds, not only in family members who have joined us in the 106th Congress and family members who are here to celebrate Mo's memory, but also in constituents from my district.

I had the privilege, Mr. Speaker, of coming to this Chamber this afternoon with young people from the Navaho nation, from Pinon, Shonto, who are here to learn more about Washington. Their presence here and the comments of a colleague from this floor just the other day in an informal setting really, I think, served to provide a tribute to Mo Udall, because a congressional colleague said, "You folks from Arizona really stick together."

Indeed, as we look at the rich legislative legacy offered by Mo Udall, it is worth noting that members of my party, John Rhodes, Barry Goldwater, others got together to ask, "What is good for Arizona and good for America?" Now lest my colleagues think that we sing from the same page of the hymnal on every occasion, of course not. But we champion those differences.

That is what Morris K. Udall embodied, an ability to clearly and candidly express differences, unafraid. He was able to use the gift of humor to make those observations all the more eloquent, although, even today, I might take issue with some of those observations. We champion that freedom when we remember Mo Udall.

Many Americans remember that, in the wake of his quest for the White House in 1976, he authored a book entitled, "Too Funny To Be President." It was that typical self-deprecating wit even inherent in that title.

But if he might have been too funny to be president in his own words, he was not too humorous to not be an effective legislator and to offer the people of Arizona and the people of America a clear, consistent philosophy, though not one of unanimity on all points, one that he had the right to champion, and he championed so very well.

I made mention of the fact that two kinfolks of the Udall clan are now here in the Congress of the United States. I have a staffer back home who is part of the Udall family. The joke is that Mo and Stu took a left turn out of Saint John's, and some of my folks took a right turn out of the Round Valley, and that was the beginning of some of the political differences as reflected on these sides of the aisle.

But, Mr. Speaker, it is worth noting, and I thank the two senior members of my delegation, the gentleman from Arizona (Mr. KOLBE) and the gentleman from Arizona (Mr. PASTOR), for taking this time to remember Morris K. Udall, his life, his legacy, and the challenges he would confront even as we confront today.

Mr. PASTOR. Mr. Speaker, it is an honor for me to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Arizona for his kindness and also for his eloquent remarks.

Mr. Speaker, I grew up with Congressman Mo Udall. In growing up with him, I was fully comfortable with the fact that the environment was well protected and the integrity of this body was well protected.

Congressman Udall was a man who always managed to rise above the limitations that were placed upon him and succeeded triumphantly. As a child at age 7, he lost his right eye in an accident, but he still managed to excel in athletics. In high school, he was co-captain of the basketball team. I must say, Mr. Speaker, I saw him as the tall, tall, I was going to say Texan, but I will give that name to Arizonian, because I looked to him as a tall Member of this body.

He also played quarterback, the position that requires the most vision on the football team. Academically, he was a model student. He was a valedictorian and student body president.

As we all know, his all-around excellence continued well after high school. In 1942, he entered the U.S. Army Corps, despite his limited vision. He played professional basketball for the Denver Nuggets and passed the Arizona bar exam with the highest score in the State.

He was elected to Congress in 1961, replacing his brother, Stewart, who had taken a position as the Secretary of Department of Interior offered to him by President Kennedy. His love for this country, the public lands ran in the family. He had a passion, a sense of humor, and civility.

Just as when he was younger, Congressman Morris Udall proved he could achieve despite politics and pass important and much-needed legislation. The Congressman was a floor whip supporting the passage of the 1964 Civil Rights Act and would begin to craft the history of this country. Particularly for those who were least empowered, the Civil Rights Act of 1964 comes to mind. Let me personally thank him on behalf of my community.

Serving as chair on the Committee on Interior and Insular Affairs, he was an earlier champion of environmental causes, fighting early to protect our natural lands in areas as diverse as the canyons of Arizona and the forests of Alaska.

He stood up for the rights of American Indians, our Native Americans, and advocated for laws that would help them rather than further hurt them. As a civil servant, Congressman Udall always managed to keep the focus on what is best for the public. Along with President Carter, he enacted civil service reforms, and he was a chief sponsor of Campaign Finance Reform Act. He was ahead of his time.

Morris Udall was a strong family man. He was a good son and brother and uncle and father. Many would tell me that I have no way of knowing that, but I tell my colleagues, we have proof in it in this House today.

Let me say that I am delighted that his son, the gentleman from Colorado (Mr. MARK UDALL), and his nephew, the gentleman from New Mexico (Mr. TOM UDALL), came in as a double-whammy, being elected this time to the 106th Congress. If there ever would have been someone who had a humorous statement to make of that, it would have been Mo Udall. He liked double-whammies. He would have called that a slam dunk.

As I conclude, Mr. Speaker, let me simply say I hope this testimony today, his tribute, will compel us to support finding a cure for Parkinson's Disease, and I wholeheartedly support this resolution to acknowledge the loss of a dear friend, a great colleague, and great American. God bless him and God bless his family.

Mr. Speaker, I rise today to speak on behalf of H. Con. Res. 40, which honors the life of former Congressman Morris K. Udall.

Congressman Udall was a man who always managed to rise above the limitations that placed upon him, and succeed triumphantly.

As a child, at age seven, he lost his right eye in an accident, but he still managed to excell in athletics. In high school, he was co-captain of the basketball team, and he played quarterback—the position that requires the most vision—on the football team. Academically, he was a modest student—he was valedictorian and student body president.

And as we all know, his all-around excellence continued well after high school. In 1942, he entered the U.S. Army Air Corps despite his limited vision. He played professional basketball for the Denver Nuggets, and passed the Arizona bar exam with the highest score in the State.

When he was elected to Congress in 1961, replacing his brother, Stewart, who had taken a position as Secretary of the Department of the Interior offered to him by President Kennedy, he immediately became known for his passion, humor, and civility.

Just as when he was younger, Congressman Morris Udall proved that he could achieve despite politics, and pass important and much-needed legislation.

Congressman Udall was a floor whip supporting the passage of the Civil Rights Act of 1964—something. I would like to personally thank him for. Serving as Chair of the Committee on Interior and Insular Affairs, he was an early champion of environmental causes, fighting early on to protect our natural lands in areas as diverse as the canyons of Arizona and the forests of Alaska.

Representative Udall stood up for the rights of American Indians, and advocated for laws that would help them rather than further hurt them.

As a civil servant, Congressman Udall always managed to keep the focus on what is best for the public. Along with President Carter, he spearheaded efforts to enact civil service reforms, and he was the chief sponsor of the first-ever Campaign Finance Reform Act.

Most of all, Morris Udall was a strong family man. He was a good son, a good brother, a good uncle, and a good father. Many would tell me that I have no way of knowing that—but I tell you—we have proof of it here in the House. Congressmen MARK and TOM UDALL have already proven themselves as more-than-capable Members of Congress, and look forward to working with both of them in the future.

We lost a good friend on December 12th of last year. Yet I am glad to see his spirit live on. I hope that we can pass this resolution and work in this Congress with the manner of Morris K. Udall—above the limitations of partisanship and politics, and with a keen sense of what is best for the people we serve.

Mr. KOLBE. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, which was one of Mo Udall's other great loves.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me. I thank the gentleman from Arizona (Mr. KOLBE) for introducing this resolution, giving us the opportunity to pay tribute to a great leader.

Mr. Speaker, Morris "Mo" K. Udall was an outstanding Member of this body and an even greater man. His untimely death last year was a tremendous loss to this Nation. He is one of the most loved, most respected and most accomplished Members of Congress in this generation.

When Mo Udall was diagnosed with Parkinson's Disease in 1980, many had never heard of that devastating illness. Mo's 18-year struggle with Parkinson's Disease illustrated his courage and his serenity which inspired his many coworkers, friends and family.

During Mo's 30 years of service in this body, Mo will be most remembered for his achievements on behalf of the environmental community. I had the distinct honor and privilege of working with Mo, not only as a member of our Committee on International Relations, but as a member of the Subcommittee on Postal Services and the Subcommittee on Civil Service, as we tried to reform both the Postal Service and the Civil Service.

Many of us admired Mo's willingness and the quality in which he took part in the Presidential campaign in 1976. Yes, even many of my Republican constituents were pleased to support Mo Udall in that campaign.

It is fitting that the 105th Congress passed the Morris K. Udall Parkinson's Research Act of 1997 and that this Congress is committed to working towards finding the cause and cure for Parkinson's Disease, motivated primarily by Mo Udall.

As a member of the congressional working group on Parkinson's Disease, my colleagues and I will continue to do the work that was inspired by Mo in finding an eventual cure for that disease.

I am pleased to join my colleague, the gentleman from Arizona (Mr. KOLBE), in proposing that the Coronado Forest in Arizona now be renamed the Mo Udall Forest. What an appropriate monument to an outstanding public servant.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me this time. I am perhaps one of the few Members of this Congress that had the wonderful opportunity of serving with Mo Udall.

I came to the Congress in 1965, and Mo was already here. I had the opportunity to serve with him on the Committee on Interior and Insular Affairs. After several years, I became the chair of the Subcommittee on Mines and Mining. I had a 5-year ordeal in trying to fashion the surface mining legislation.

Mo was always there, constantly working to help us develop a consensus within the subcommittee in a very, very controversial area. I remember coming to the floor with the legislation and spending weeks in the debate during the discourse of perhaps 50 or 60 amendments.

Mo Udall's legacy to this country is enormous, not only in the fields in which he labored in the Committee on Foreign Affairs and in the Committee on the Postal Service and in the Committee on the Interior, but he left a legacy of tremendous honesty, integrity and dedication to the basic principles of this country; and that is fairness, that is a love of the natural resources, a sense of pride and a conscious obligation to preserve and protect that which we have here within our boundaries.

Mo Udall was always on the floor fighting for equity, asking this body to be fair in its deliberations, making sure that both sides had an even chance to express their views on legislation. He was an inspiration. I have always looked to Mo.

Even though he is gone, Mo will always remain, in my view, as one of the greatest legislators to come to serve in the Congress, whose history, whose legacy will always remain here, not just in the books of the Congress, but in the service, in the legislation and in the manner in which he represented the constituents of the great State of Arizona.

It was an honor to serve with him. I want to pay tribute to the gentleman from Colorado (Mr. MARK UDALL) and the gentleman from New Mexico (Mr. TOM UDALL), who will be taking his place, and express my deepest condolences to the family on the great loss that this Nation has suffered by his untimely death.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to gentleman from the Arizona (Mr. SALMON), a very distinguished Member of the Arizona delegation, but also I know he knew Mo Udall personally and has profited from that knowledge of knowing him.

Mr. SALMON. Mr. Speaker, Mo Udall used to call himself the one-eyed Mormon Democrat, and I guess I would be the wide-eyed Mormon Republican. I think that is one of the things that we had in common.

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Let me first of all say that Mo Udall came from good stock. It is no surprise that Mo Udall always won his elections with a very, very large margin. But then Mo Udall was related to over half of Arizona, so I do not think he really ever had too much of a challenge.

In fact, I think if I tried to one-up the gentleman from Arizona (Mr. KOLBE), I would change that resolution and say, why should we stop there, let us just change the name of Arizona to Udall Country and we will all be Udallians. That would probably be a better suggestion. Then I got to thinking about it. A few months ago I made probably an avant-garde proposal to put Ronald Reagan's face on Mt. Rushmore. Maybe I should swap that and put Mo Udall's face on Mt. Rushmore. I think a lot of people would probably get behind that right here and now, because Mo Udall was the kind of guy that inspired us to become better.

I look at the things we go through in life. Sometimes they are hard to bear. This last year it has not been a pleasant time being in the Congress. We have been through some very, very tough times. America has been through some very, very tough times. And I thought to myself over and over during the process, "Where are you, Mo Udall? I wish you were here right now. We could use your humor, we could use your love, we could use your patriotism."

Because one of the things that Mo Udall recognized, and I think all of us really need to stand back and remember, is that before we were Republicans, before we were Democrats, we were Americans first. Mo Udall understood that, and he understood that regardless of who gets the credit for it, we are going to do the right thing.

I got to know very intimately Mo's sister, Inez Turley. She was my history teacher, and she had the most profound impact upon my life of any teacher I have ever had. She truly loved the subject of world history that she taught. She cared about her students and she oozed love and concern. I know there are family members here today, and I want them to know that their sister, their aunt, their cousin, whoever she might be to them, I loved her and she had a profound impact upon my life and I will never forget her. In her later years she also taught Sunday school, and my mom and dad and I were all members of her class, and she inspired us and made us want to be better people.

The Udall legacy is one that, not just Mo Udall, but the entire Udall clan is something that I think has benefitted all of Arizona. I am proud to call them my friends, my neighbors, my brothers and my sisters, and God bless Mo

Udall. We thank him for all he meant, not only to Arizona but to America.

I hope, Mo, as we go forward, you will smile down on us with your wit and help us to remember not to take ourselves too seriously, but to remember that, above all, the most important thing that we can do is to serve.

Mr. PASTOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I met Mo Udall in Malden Square, my hometown, in January of 1976. I was a State representative, and I endorsed him for President out of a collection of people whom I did not know, but I felt that Mo Udall had the instincts and the grace and the intelligence to be a great President.

He came to my hometown and I met him at an event, and he shuffled me into the back seat of his car and I drove around with him for a day listening to him talk and watching him influence every single person who he met, whether he was just shaking their hand or giving a speech. But the effect was uniform and permanent, and I was one of the people who was affected by him.

My predecessor in Congress announced the next month that he was not going to run for reelection, and I ran and I won. Much to my surprise, within the year I was a member of the Interior Committee with Mo Udall, this man whom I held in awe as the chairman of the committee, even though I sat at the very bottom rung of all of the committee seats.

And over the years the experience has become too numerous to mention, but we always encouraged Mo, in 1980 and 1984, to please run for President. And he would say that he was considering it because the only known cure for Presidentialitis was embalming fluid. And so he was always considering it, and we were encouraging him to consider it because he was someone who would have been a great President.

I remember in 1979, I think that the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. BRUCE VENTO) were with us, and we went up to Three Mile Island in a bus to check out the accident. And we pulled in with a bus, up within 10 feet of those looming, eerie cooling towers, with radioactivity permeating every inch, and we were going to go inside. And Mo, deadpanned, as we were sitting there looking at this facility, looked at each of us and said, "Men, I hope you each wore your lead-lined jock strap today. This could be serious." And so we went in laughing, even with our apprehension, because this was Mo's way of taking even the most serious moment and ensuring that he had found the lighthearted way of looking at it.

As my colleagues know, we each vote with a card, and the card is something that registers our vote. We put it in a machine and then, in this accommodation between the Daughters of the American Revolution and technology that was cut in this chamber in the early 1960s, our names all flash up on the side of the wall. And 15 minutes after the vote begins, they all disappear and the chamber goes back to how it was in 1858. And when each of us vote, our vote is recorded up there, yea or nay.

Well, every time I walked in the door for 15 years I looked up to see how Mo Udall had voted, because I knew that Mo Udall would cast the correct vote, the right vote, and I could measure myself by whether or not I had the political courage or wisdom to vote the way he did at that time. But I was not the only one who did that, Mr. Speaker. Scores of other people came in the chamber each time, during all the time I was in Congress, and looked up at that wall to find out how he had voted.

In those final years, when he had Parkinson's, this terrible disease which traps the mind inside a body that will not function the way it wants, that mind, that sense of humor, that insight was still inside of him and still speaking, still talking to us, even though it was hampered by this physical ailment that ultimately took him. And I think one of the things that we can do for Mo over the next year is to make sure that for the Parkinson's patients, for the Alzheimer's families that saw this huge cut in home health care in the 1997 balanced budget amendment, that cut by 20, 30 or 40 percent the amount of home visits that these spouses can have as relief from this disease as they try to care for their families, is that we can make sure that we restore all that money; that we give to these families what they need in order to give the dignity to their family member that they love so much. And in Mo Udall's memory, I think that that would be a worthy objective for us to try to achieve this year.

Mo, without question, was one of my idols. I revered him and I loved him and I am going to miss him dearly, and I thank my colleagues so much for holding this special order.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO), who did serve on the Interior Committee with him and knows very well the legacy of Mo Udall.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE), a good friend, for yielding me this time in true bipartisan spirit here. Mo would be proud of us today in terms of our working together on many tough topics. And certainly I want to rise in strong support of this concurrent resolution that my colleagues, the gentleman from Arizona (Mr. PASTOR) and the gentleman from Arizona (Mr. KOLBE), have joined together on with other members of the Arizona delegation.

Frankly, Mo Udall did not just belong to Arizona, he was one of our great treasures and one of our great mentors as a national legislator in this Congress. And, clearly, his long illness and his final passing this December is something that I think haunts all of us when we think about the terrible disease that wracked his body. But I suspect he suffered on through all of that just to make certain there were two Udalls that were elected to Congress to take his place and to pass the torch along to. Indeed, I am sure they, in their own way, will be making their mark in this institution, and I congratulate them on their victories and look forward to working with them, as I did with their uncle and father, Mo Udall.

If it were not for Mo Udall, many of us would not be able to get up and give very many speeches, because in much of the content of our speeches we could be accused of using and reusing his stories. One of the great ones, that I always thought came across pretty well, was when he referred to two types of Members of Congress: "Those that don't know; and those that don't know they don't know."

I think he probably put us in our place as it relates to the size of our ego, which does not necessarily grow with the size of what we know. One tends to exceed the other. But I think it reminds us of the fact of what the real process is that we work on around here. I often lately have been quoting and saying that our job in Congress is not so difficult, all we have to do is take new knowledge and new information and translate it into public policy. Of course, the fact is most of us do not hold still long enough to stop and listen to what is being said sometimes to properly process it.

I am glad that plagiarism does not apply to political statements or we would all be guilty of the same. But in imitating and following in the footsteps of Mo Udall, in a modest way, myself and my other colleagues working on environmental issues on a nonpartisan basis, I think we really reach for the highest ideal in terms of public service. I am very proud of that, and the lessons I have learned from him and the quotations that I have borrowed from him and the progress that we have made.

Almost every issue that came before this Congress during his service in the Congress, serving on what we call two minor committees on the Democratic side, Post Office and Civil Service and Interior and Insular Affairs, serving on these two minor committees, he made a major impact in terms of the friendships that he made and in terms of the work that he did and the legislation that he wrote. Today is the foundation. We stand on those shoulders.

Our goal today is to, of course, look ahead further, to do a better job, to build on that record of progress. And certainly in this resolution I want to state my respect, my affection and my love for this great American from Arizona who we all benefitted from and who is our great mentor. I am glad to give him the credit and the recognition that is provided in this resolution, and again ask everyone to support it, and thank my colleagues for offering it.

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume to thank my colleague, the gentleman from Minnesota (Mr. VENTO), for informing me of which category I fall in. It is the latter rather than the former. So I want to thank him.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the committee on which Mo served as chairman for many years.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Arizona (Mr. KOLBE) for bringing this special order to the floor, as well as the gentleman from Arizona (Mr. PASTOR).

We obviously are paying tribute to a great American and a legend in terms of his membership of this House, Mo Udall. He was one of the few Members of Congress that ever was able to enjoy a national constituency because of the issues that he struggled with and the leadership that he provided. He was able to change the face of his home State, Arizona; to change the economics of that State because of his interest in western water policy and his involvement there.

We sit in a Nation today where the eastern most point is named Point Udall and the western most point is named Point Udall. And in between Mo Udall fought titanic struggles, titanic struggles over the public lands of the United States, in the lower 48, in Alaska, to make sure that, in fact, the great environmental assets of this Nation were protected and preserved for future generations.

He took lands that were going to be subjected to dynamiting and desecration and he fought to save those lands. These were not easy battles when he fought them. These were titanic struggles against powerful mining companies and powerful oil companies and powerful timber companies, and he was there in the forefront. He did not fight for 1 year, he fought for many years. He fought until he had succeeded. And, now, many areas of this country enjoy a better economy, they enjoy protection of their rivers, their forests, their public lands because of Mo Udall.

Native Americans enjoy much greater involvement in the government of this Nation, in their ability to govern themselves, to have much more say over how this government treats them and involvement in the policies accorded them.

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Those are the gifts that he gave this Nation. But he also gave this body and gave the political system in this country the gift of his humor and his wit. He would treat his enemies and his friends alike. He would answer them with gentle humor very often, subtly pointing out the failure of their arguments and the failure of their point of view, but he did it in such a fashion that he took to heart the idea that in politics, you ought to try to disagree without being disagreeable, clearly a change from what we experience today. But that was the gift that he gave us and that is why so many of us enjoyed being around him.

I was fortunate enough to succeed Mo as chairman of the House Interior Committee and when I did, we named the hearing room for him. We thought it was fitting when you look back on his environmental legacy, his legislative legacy that clearly it was a tribute that he deserved, somewhat modest compared to his legacy, but I think it is one that is quite properly deserved.

I also think that it must have been enormously satisfying prior to Mo's passing away to know that his son MARK would be serving in Congress and his nephew TOM would be here with him. I only wish that he would have known that they had been selected on the Interior Committee, the Interior Committee that he gave so much standing and dignity to.

Finally, you cannot end a discussion of Mo Udall without a Mo Udall story. Of course the one he told most often on himself was the business of when he was campaigning in New Hampshire, he went into a barber shop and he announced, "I'm Mo Udall, I'm running for President," only to be greeted by the response, "Yeah, we were just laughing about that this morning." That is exactly how he so disarmed audiences all over this country, who came sometimes with preconceived notions but they left the room loving him. He fought a titanic struggle in Alaska, a huge struggle over the preservation of public lands. He was not well-liked in Alaska. They told him never to come back, that he was not welcome there. I had the opportunity to travel with him on his last trip to Alaska and the reporters asked him at the end of the trip, after we had visited the State and many of the areas that were in controversy, and a reporter asked him, "How did the people of Alaska treat you, Congressman Udall, this trip, compared to when you were here before?"

He says, "Oh, it's much better now. They're waving good-bye with all five fingers. It's much better now." That was from a man that it was a true pleasure to serve under in the Committee on Resources that clearly was a member of this House.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I personally want to thank the gentleman from Arizona for allowing me such time to share my thoughts with my colleagues and certainly with the American people concerning this great American.

Mr. Speaker, I first met Congressman Udall in 1975 when I became a staffer for the House Committee on Interior and Insular Affairs. He became chairman of the committee in 1977 and used this position very effectively in support of our Nation's environmental needs. During his 30-year career in the House, he was known for his considerable legislative accomplishments, his unfailing grace, and was respected by all those who knew him.

Mr. Speaker, known as one of the more liberal Members of the House, his ideas were opposed by many but have since come to be recognized as part of our national evolution. His legislative accomplishments were noteworthy: Strip mine control legislation, protection of millions of acres of Federal lands as wilderness, revision of Federal pay system, establishment of the Postal Service as a semiprivate organization, reform of the Civil Service to promote merit pay, more flexibility for Federal managers, and the enactment of the first meaningful laws governing the financing of Federal campaigns.

Mr. Speaker, earlier in his career he was a professional basketball player, lawyer, county attorney, lecturer and cofounder of even a bank. He ran for the Democratic presidential nomination in 1976.

Mr. Speaker, Mo Udall ran for the Speaker of this institution against Representative John McCormick in 1969. Like another of my heroes, the late Congressman Phil Burton, Mo Udall lost his race for a leadership position and then devoted his efforts to legislative work. As a Nation we continue to benefit from Congressman Udall's work on broad environmental issues and Congressman Burton's work for our national parks.

I am honored, Mr. Speaker, to have considered Mo Udall a true friend and am further honored to make this tribute to him. This resolution recognizes his achievements and he will live on in the memories of those who knew him for decades to come.

Mr. Speaker, Mo Udall's legacy will be remembered by Members of this institution and for the past years, for now and even for future generations to come, millions of Americans will come to enjoy the beauty of our national parks, our rivers, our national refuges and wildernesses all because one man made a difference, struggling very hard in very difficult times to pass national legislation to preserve these national treasures. Mo Udall's name will never be forgotten.

Mr. Speaker, one of the things that I admired most about this great man, this great American, is that he truly had a love and affection for the Native American people. I recall, Mr. Speaker, in the movie "Dances with Wolves," if you remember that one incident where Kevin Costner was walking along the riverside or the meadows with this Indian chief and this Indian chief turned to Kevin Costner and said, "You know, my most, if there is anything that I want to be in my life, was to become a true human being."

I would like to say on behalf of all the Samoans living here in the United States, I pay a special tribute to Mo Udall. He was truly a human being.

Mr. PASTOR. Mr. Speaker, I yield 4 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time and certainly to stand in strong support for H.Con.Res. 40, honoring former Congressman Morris Udall.

It is an honor for me to appear here today and to support and commemorate the accomplishment of Congressman Udall, especially as a representative from one of the U.S. territories. As my colleagues have so eloquently stated already numerous times, Mr. Udall, Mo Udall, was instrumental in improving the political process of this body and indeed of the entire Nation. We have also heard many stories about how he was a proponent and a champion for preserving the environment and that not only do we enjoy that today but future generations will enjoy that as well.

His influence, though, extends way beyond the coast, the East Coast and the West Coast of the United States. Sometimes Members of Congress come here and basically they try to simply represent the constituencies that brought them here. Other times some Members of Congress come here and they try to represent broader national values, an effort on their part to speak to broader values which speak to the essence of what we are as a Nation. Very rarely do we get a person like Mo Udall who not only spoke to the broader national values but he spoke to them by taking on the cause of constituencies not his own, constituencies that could not possibly benefit him politically in any way.

And so it is in that spirit that I as a representative of a territory, a nonvoting delegate, stand here today to bring some recognition to his work with the territories. I want to pay special honor to his work in bringing about the Compacts of Free Association between the United States and the Republic of Palau, a time when the political environment in Palau was very hazardous, very unstable. Congressman Udall tempered the emotions and helped generate House support for the Compacts of Free Association in Palau, and as a result of that, he shepherded that compact to its final fruition.

Congressman Udall was also instrumental in getting the Puerto Rico Self-Determination Act passed by the House on a voice vote. In Guam's case, he was very instrumental in bringing about a meeting in 1983 with House leadership and administration officials to discuss Guam's political status. Based on that meeting there was a later meeting in Albuquerque, and this led to what is known in Guam as the Spirit of Albuquerque, in which a commonwealth draft act was presented. Although that draft act has not come to pass this House in all these years, Mo Udall was there in the beginning.

In an ironic way, Mo Udall fell to the disease of Parkinson's disease, a constellation of diseases which occur on Guam at 17 times the national rate, most often known in Guam as litiku bodek. In his honor and in his memory, we should make sure that this funding for research on this disease as a way to prevent it from occurring in future generations and dealing with those who are afflicted by it today should be passed and should be dealt with in a very supportive way by this body.

I also want to draw attention to something that the gentleman from California (Mr. GEORGE MILLER) mentioned earlier. The easternmost part of the United States is in the Virgin Islands and that is named after Stewart Udall. The westernmost part of the United States is in Guam and there is a tiny rock out there that the people of Guam have decided to honor Mo Udall by naming it after him. So from the easternmost to the westernmost, the Udall name is there forever.

Mr. KOLBE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Arizona (Mr. KOLBE) and the gentleman from Arizona (Mr. PASTOR) for organizing this resolution in honor of Mo Udall.

I never met Mo Udall. The only way I knew him was by reading about the issues that he stood for, the actions that he took in Congress, and as a leader. I always admired him. In 1976, long before I was ever elected to city, State or Federal Government, as a public citizen I endorsed him and even sent him a check when he ran for President, because I liked what he was doing on a national level, and I wanted his leadership to be felt even more in our country. I never served with him as many of my colleagues are sharing their stories and memories, but when I joined this body, it was hard to go to a caucus meeting or a large meeting where his name was not referred to, where my colleagues quoted him or referred to the actions that he achieved or the goals that he stood for. He was greatly admired by those who worked and served with him.

I consider it a great honor, and I am sure he would, too, that his son and nephew have joined this body and will be working along the same principles and goals that he did. Today there are a number of important tributes to Mo Udall. There is a memorial service at 2, there is a dinner tonight honoring him, and there is probably no greater way to honor him and his work than by a living tribute. This morning, in a bipartisan spirit, as we are today on this floor, the gentleman from Michigan (Mr. UPTON) and myself and many others have started a Parkinson's task force in honor of Mo Udall and others who have suffered from this terrible disease. We hope to achieve a cure within 10 years. The current director of the National Institutes of Health says that it is achievable. Last year, $100 million was authorized for Parkinson's disease research. We need to work together to make sure this money is appropriated so that we can find a cure for Parkinson's so that others will not suffer in their final days as he did.

Mr. PASTOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. Udall), a new Member and also Mo's son.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time. I want to begin by acknowledging that a number of my family members are in the gallery up here and on behalf of them and all of our family around the country, I want to extend our deep appreciation to a number of people.

First let me begin by thanking the entire Arizona delegation, starting with Mr. KOLBE and Mr. PASTOR, and including Mr. SALMON, Mr. HAYWORTH, Mr. STUMP and Mr. SHADEGG for their cosponsorship of this resolution today. I also want to thank all my father's colleagues and now my colleagues who have come out and taken the time today to speak during this resolution. We are very grateful for that and for the memories and the stories and, of course, the humor that you have shared with us today.

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I also want to thank my colleague, the gentleman from Arizona (Mr. KOLBE), for bringing this piece of legislation forward that would rename this magnificent national forest in Arizona after my father. I cannot think of anything that would make him more proud and more happy.

Those of my colleagues who spent time with my father know that when he was out of doors and he was breathing that sweet air and looking at those faraway vistas, that he was never happier and never felt more alive than he did in those kinds of situations. So, this is truly an important and great symbol of what my father stood for.

Mr. Speaker, I feel a little awkward talking at great length about my father. I think that is in some ways an important job that my colleagues here and his friends and my family can undertake. But I did want to share a couple of thoughts, not only as a Member of this body as an elected official but as my father's son.

I spent the last year running for office in Colorado, and I was asked, as we all are, why would I want to do this, why would I want to undertake such a challenge involving the fund-raising stresses and the separation from your family and the lost sleep and the epithets that are hurled our way as somebody who is campaigning for office, and I had three answers:

The first is that I care deeply about some of the issues facing our country, as I think do all the Members of Congress, whether it be education or the environment or health care, and those are important to me, but they were not the most important thing.

The second thing was that I had a deep commitment to public service, and I was mindful of my father's thoughts that we do not inherit the earth from our parents, but in fact we borrow the earth from our children. And, in addition, he loved to say:

"Hey, America ain't perfect, but we're not done yet."

Those sentiments also drove me. That was the second reason I ran.

But, ultimately, when I thought about it, it was something more personal than that. What it was was that my father inspired me, and he inspired me by what he did and by how he carried himself, but he also inspired me because he went out every day with the idea that he was going to inspire other people, and that commitment on his part inspired me to want to emulate the kinds of commitments and the kinds of things that he achieved in his life.

So, Mr. Speaker, I would ask all of us in this body to remember that as we move ahead, and I think in the end we honor my father's memory and we honor his achievements by continuing to try to inspire others around us and, finally, by carrying that torch of civility as high and as brightly as we possibly can. We heard a lot about my father's great belief in civility today.

Again, I thank all of my colleagues on behalf of my family.

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, those of us from Arizona have known of the contribution of public service, beginning with the Udalls as they came into Arizona, were at the forefront of providing leadership in St. Johns and other parts of Arizona and when they came into the valley.

The district was first represented by Stewart Udall very ably. He became the Secretary of Interior, was succeeded by Morris K. Udall, and my colleagues heard of the great contributions they gave, not only to Arizona, to District 2, but to all America.

Mr. Speaker, Mo Udall was an inspiration not only to his son and to his nephew and to his family, but he was an inspiration to all of us, because we knew that if there was a wrong that needed to be corrected, that Mo was there, and he inspired us to continue that effort. If there was a need to preserve a piece of land, a forest, he inspired us to continue that effort, not only for ourselves, but for future generations. I know that Mo, his legacy will continue in the future because of what he did, and that was to make this country a better place to live for not only our generation but for future generations.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SESSIONS). The Chair will remind all Members not to refer to occupants of the gallery.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding this time to me, and I apologize for not being here in a more timely manner.

I just want to thank the gentleman from Arizona and my dear colleague, the chief deputy whip, the gentleman from Arizona (Mr. PASTOR), for his bringing this issue of importance to us on the floor today. It is important because Mo Udall was a very special person, loved by virtually everybody that I knew that served with him in this institution.

Mr. Speaker, I had the great honor of working with him on the Alaska lands bill. It was one of the first things that I involved myself in when I came to the Congress on the Merchant Marine Committee. He, of course, was a giant, one of the giants together with his brother, Stewart, in the environmental movement in this country, chairman of the Interior Committee, and it was a magnificent effort on Alaska that will live in the memory of this country for centuries.

Mr. Speaker, he was just a joy to work with.

The other bill I worked with him on was the Civil Service bill in which he showed great leadership, great patience with a very young Member of Congress at that time, and his kindness, his humor, will always be remembered.

I just want to say to MARK, his son, and to TOM, his nephew, and to the family how much I have been enriched by his presence and his life.

I will tell my colleagues one quick story, if I might, on his popularity. Nobody knew him from Adam in my congressional district. In 1976, he ran for President, came to Michigan, was a big underdog to Jimmy Carter. The unions, heads of the unions, the head of the auto companies, front page of the Detroit papers had endorsed Carter. He came into that State and taught a message that responded to the common individual and did very, very well. I think, if he did not win, he lost by a half a percent. I think he may actually have won Michigan that year. But he won my district with 62 percent, and that is significant, because 4 years earlier George Wallace won my district by the exact same amount. It shows, as my colleagues know, he had a way of reaching people in a very special way with his humor, with his passion, with his commitment, and he will always be remembered in my mind as certainly one of the giants that ever walked into this well.

Mr. Speaker, I thank both of my colleagues from Arizona, and I thank my friend from Colorado for bringing this today.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me and our colleague, the gentleman from Arizona (Mr. KOLBE).

Mr. Speaker, as a representative of San Francisco in the Congress, I wanted to speak because many of the people in our region, even though we were not represented officially by Mo Udall in the Congress, certainly have considered him a leader on many of the issues of concern to our area. He had political alliances with the Burton family in San Francisco, and now that I represent San Francisco I wanted to speak for my constituents in honoring Mo Udall.

I think that any of us who served with Mo would say that one of the great privileges of our political lives was to be able to call him a colleague. He served with such great intellect and, of course, humor, as we have all heard. He was a teacher to us in many ways, as a colleague; and he was a teacher, of course, in his later years with the dignity with which he faced his challenge.

We are very fortunate. I know that Mo was very pleased with the gentleman from Arizona (Mr. PASTOR) coming to Congress to serve the great State of Arizona; and I also know, we all know, what a thrill and what a joy it was to Mo to have his son, MARK, and his nephew, TOM, serve in this Congress. What a perfect way for his life to end, to see the tradition of greatness and dignity live on in this body, and Lord knows where the tradition will go from here.

I wanted to make one point about the environment, however, because, as we all know, Mo was born in desert country, but he fell in love with the snowcapped Alaska wilderness and its vast beauty that was so unlike his roots. After a trip there, Mo spent a good portion of his service in Congress dedicated to the protection of the great Alaskan wilderness.

He was responsible for the Alaska Native Claims Settlement Act, which transferred 55 million acres of land to the Alaska natives; and he was successful in imposing a prohibition on energy development in the Arctic National Wildlife Refuge. I bring this up because my constituent, Dr. Edgar Wayburn, worked with him on that.

I know my time has expired. I will submit the rest of my statement for the RECORD, but I say of Mo it was not only that he represented his area so well, he was a leader for our entire great country.

Morris K. Udall—Mo to everyone—was a giant in this Congress and in all aspects of his life. After dedicating a lifetime to protecting our national treasures, he became one.

Born in the desert country, he fell in love with the snow-capped Alaska wilderness and its vast beauty that was so unlike his roots. After a trip there, Mo Udall spent a good portion of his service in Congress dedicated to the protection of Alaska's great wilderness.

He was responsible for the Alaska Native Claims Settlement Act which transferred 55 million acres of land to Alaska's natives and he was successful in imposing a prohibition on energy development in the Arctic National Wildlife Refuge.

I am pleased to note that one of my constituents, 92-year-old Dr. Edgar Wayburn of the Sierra Club, worked tirelessly with Chairman Udall to protect these lands. Mo Udall's contributions to protecting our environment and preserving the American landscape reached far beyond Arizona, and his work has touched all our lives and the lives of our children.

In Congress, we will continue to work to honor Mo's memory and seek passage of the Morris K. Udall Wilderness Act to provide permanent protection to the Arctic National Wildlife Refuge. In the last Congress, this legislation had 150 cosponsors. It is the most appropriate means to honor this great Congressman and environmentalist.

You might think a person would lose their sense of humor after suffering defeat—not so for Mo Udall. Success eluded him in his run in the Presidential primaries of 1976 and in his two runs at election for House Speaker.

Mo never abandoned His humor—if you're running for leadership, "you've got to know the difference between a cactus and a caucus."

We are particularly fortunate to have Mo's son, MARK, serving in Congress to carry on the Udall tradition with his cousin, TOM. MARK has stated about his father, "He taught me that humor is essential to the workings of a strong democracy. He taught me to take your work seriously, but not yourself too seriously." I am pleased to serve with the new "Udall Team" in Congress.

Mo Udall imparted great lessons to all of us. On Vietnam, "I am unhappy because we are involved in this war at all. As far as I am concerned, it is the wrong war in the wrong place at the wrong time." On environmental stewardship, "We hear a lot of talk about our American heritage and what we'll leave our children and grandchildren. The ancient Athenians had an oath that read in part: 'We will transmit this city not only not less, but greater and more beautiful than it was transmitted to us.'"

Mo Udall may have lost many battles, and his greatest last battle against Parkinson's Disease, but he was a winner for our nation and leaves a legacy of outstanding leadership, a model for all of us serving in Congress. Before his death, Mo was honored with the Presidential Medal of Freedom in 1996.

Our country is blessed by his life, from 1922 to 1998, and from his work on behalf of the environment, civil service reform, campaign finance and myriad other initiatives to improve people's lives. Mo Udall was a captivating individual who is remembered by his engaging wit, his humility, his perseverance and incomparable accomplishment.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

In closing this, and "debate" is not the right word for it, closing these discussions, these eulogies, these wonderful statements that have been made here today and before yielding back the balance of my time, let me just say to my colleagues that I think the words that have been spoken here on the floor give only a very partial sketch of this wonderful person who we all knew as Mo Udall because he was such a giant, there really are not enough colors in the palette to paint this wonderful person.

It is hard to think what about Mo Udall I would want most to remember, whether it is his legacy of the environment, the courage that he had of speaking out on Vietnam back in the 1960s, what he did for Native Americans. But I think I would choose to think of the civility that he brought to this body, Mo Udall's sense of humor, his self-deprecation. He was an individual who never took himself so seriously that he lost sight of where he came from or where he was going, and I think that really is the legacy that all of us in this body would do well each day and each week and each year to remember. If we do, we will not only be better as human beings, but this will be a better body, and this will be a better country.

Mr. Speaker, I would like to remind my colleagues and all others who either knew Mo Udall or did not know him but loved him and know of what he has done that this afternoon, in just 30 minutes, at 2 o'clock in the Cannon Caucus Room, there will be a memorial service to honor him.

Mr. STUMP. Mr. Speaker, in the history of those who have served in the House, relatively few names will appear to date as Members from the State of Arizona. Those who have served may be few in numbers, but they have made a difference in this House and on behalf of our State.

Such was certainly the case of Arizona's Mo Udall. The demeanor with which we conduct our business in this House will forever be influenced by Mo. We can disagree, but Mo demonstrated time and again that humor will insure that we do not have to be disagreeable.

It is no secret that politically, Mo and I were on opposite sides of the political spectrum, but when it came to Arizona, we could work together as well as any two Members. His legacy in Arizona is really twofold. We both came from a generation that saw Arizona boom from a State of small communities in rural environment to aggressive growth in full-fledged urban areas. What made Arizona attractive to so many from around the country, the lifestyle and the uniqueness and beauty of the environment, were the focus of Mo's work in Arizona. While he worked tirelessly to protect Arizona's grandeur and protect it for future generations, he was also instrumental in insuring that Arizona had the resources she needed to support a growing population and economy. Protection through wilderness areas, and water through the Central Arizona Project. Such were the dichotomies of Mo Udall.

Mo earned people's respect through listening, hard work, humor, and compromise. He certainly earned mine.

Mr. RAHALL. Mr. Speaker, I join my colleagues today in paying tribute to Mo Udall, and would note that two Udalls, MARK and TOM, are Members of the 106th Congress and are carrying on the legacy set by Mo and his brother Stewart.

There are those today who will speak about Mo Udall, the gentleman from Arizona. Mo Udall, the Presidential candidate. Mo Udall, the powerful chairman of the Committee on Interior and Insular Affairs and his vast legislative accomplishments. Mo Udall, the man.

I share the sentiments of my colleagues in these matters. As a freshman Member of Congress I began serving on the Interior Committee in 1977, the year Mo became its chairman. Under Mo's leadership, the years that followed were extremely productive for the committee. Many of Mo's legislative initiatives were enacted into law, such as the Alaskan Lands Act. Under Mo Udall's guidance the committee produced a legendary amount of wilderness and park legislation that will stand as testimony to the will and foresight of this great man.

Others will speak to those issues. I will speak to but one of Mo Udall's legislative achievements; one that left its mark on the lives of every citizen of this Nation's coalfields: The landmark Surface Mining Control and Reclamation Act of 1977.

Mr. Speaker, for many years leading up to the enactment of this law, the gentleman from Arizona saw what was occurring in the Appalachian coalfields of this Nation due to unregulated surface coal mining. By the 1970's, it became increasingly clear that the proliferation of acidified streams, highwalls, refuse piles, open mine shafts, and other hazards associated with past coal mining practices could not be ignored.

It was on February 26, 1972, that a coal waste dam located on Buffalo Creek in Logan County, WV, collapsed causing a flood of truly horrible proportions in loss of life, injuries, property damage, and people left homeless.

This disaster, coupled with mounting concerns over the failure of several States to properly regulate mining, ensure reclamation and the development of surface coal mining in the semiarid West for the first time raised the level of public attention to the plight of coalfield citizens adversely affected by certain coal mining practices from a local, to a truly national, level.

The Congressional debates of the mid-1970's, and bills passed only to be vetoed, set the stage for Mo Udall's introduction of H.R. 2 on the opening day of the 95th Congress in 1977.

As a newly elected Representative from West Virginia, I was honored to serve on the Interior Committee at this time, at the very time when Mo Udall took the leadership reins of the Committee, at the very time when after years of struggle it looked likely that a federal strip mining act would pass muster. I was given a great compliment when Mo Udall chose this freshman Member from West Virginia to serve on the House-Senate Conference Committee on H.R. 2, and stood in the Rose Garden with President Carter and Mo Udall when the bill was signed into law as the Surface Mining Control and Reclamation Act of 1977.

This law has served the people of the Appalachian coalfields well. It has made the coalfields of this Nation a much better place in which to live. The vast majority of the coal industry is in compliance with the law, and countless acres of old abandoned coal mine lands have been reclaimed under the special fund established by the act.

Mo Udall's original insight and foresight have proven correct and we are very much indebted to him. When God made the mountains of my home State of West Virginia, he made a special breed of people to preside over them. We are born of the mountains and hollows of our rugged terrain. Our State motto is "montani semper liberi"—mountaineers are always free. Although Mo Udall is from the southwest, from Arizona, he understood us. He understood the true beauty of our hills and hollers. He is, in my mind, an honorary West Virginian. And his years of diligence in not only gaining the enactment of the 1977 law, but in pursuing its implementation, will be long remembered by all West Virginians.

Now, if Mo was here, I can imagine what he would say. He would tell the story about a young man at a banquet. This young man was getting an award and he was flustered and he said, "I sure don't appreciate it, but I really do deserve it."

Mo turned over responsibility on the committee for the surface mining act to this gentleman from West Virginia, his chairman of the Subcommittee on Mining and Natural Resources. As I undertake my duties in this regard, the words Mo spoke on the 10-year anniversary of the enactment of the 1977 law ring in my ears: "The act was, and is, more than a piece of legislation. It is a vehicle of hope for those who live and who will live in America's coalfields." Mo left some big shoes to fill.

Mr. Speaker, I cannot conclude without making note of one other mining initiative. Mo understood what was occurring in the coalfields. But he also understood the abuses that took place in the West, in hardock mining for copper, gold, silver and other such minerals under the Mining Law of 1872.

It was also in 1977 that the effort to reform the Mining Law of 1872 came to a head. Mo Udall, a reform supporter, however, found that the press of Committee business and other considerations would cause this particular initiative to be shelved for the time being.

Ten years later, in 1987, as his Mining Subcommittee chairman I resurrected the issue and today, mining law reform legislation is being actively considered by the Congress. Mo, I will do my best to use the same judgment, same humor, you would bring to the debate. Mo Udall, this one piece of unfinished business, once completed, is for you.

God bless you, Mo Udall.

Mr. KOLBE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 40, the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 8, 1999

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 9, 1999

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 8, 1999, it adjourn to meet at 10:30 a.m. on Tuesday, March 9, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1330

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentleman from Arizona?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The Speaker pro tempore laid before the House the following resignation as member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, February 25, 1999.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby request a rescission of my waiver to serve on three standing committees of the House and submit my withdrawal from the Judiciary Committee effective immediately.

Sincerely,

STEVE BUYER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

WE NEED AN EFFECTIVE, GLOBAL SOLUTION TO ADDRESS THE STEEL CRISIS

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. QUINN. Mr. Speaker, I rise today as chairman of the Executive Committee of the Congressional Steel Caucus to ask the House to direct our attention at the ongoing steel crisis in the United States. Because the U.S. remains the world's steel dumping ground, we need an effective global solution now to address the serious injury being done to America's steel companies, our employees, and our communities.

Unfortunately, the administration's recent announcements of tentative steel agreements with Russia go in exactly the opposite direction of what is required. These agreements deny the petitioners the relief they are entitled to under law, and U.S. steel companies and employees strongly oppose the agreements.

I agree with what the petitioners said in their February 22nd statement, that the way to help Russia is not by sacrificing the jobs and property of private sector industries and our modern world-class steel industry.

Mr. Speaker, I include for the RECORD American Iron and Steel's February 19th Import Release, and the February 22nd reaction.

The material referred to is as follows:

[News Release]

1998 STEEL IMPORTS OF 41.5 MILLION TONS HIGHEST EVER—ANNUAL TOTAL EXCEEDS 1997 RECORD BY ONE-THIRD 4TH QUARTER IMPORTS UP 55 PERCENT FROM SAME PERIOD LAST YEAR

WASHINGTON, D.C.—In 1998, the United States had the highest import tonnage ever, 41,519,000 net tons of steel mill products, up 33.3 percent from the previous record of 31,156,000 net tons imported in 1997, the American Iron and Steel Institute (AISI) reported today, based on a compilation of U.S. Department of Commerce data. The 1998 import tonnage was 77 percent higher than the annual average for imports over the previous eight years. Total imports in 1998 accounted for 30 percent of apparent consumption, up from 24 percent in the same period of 1997. Fourth quarter imports in 1998, at 11,002,000 net tons, were 55 percent greater than the 7,080,000 net tons imported in the fourth quarter of 1997.

The U.S. imported 2,861,000 net tons in December 1998, up 35.6 percent from the 2,110,000 net tons imported in December 1997. December 1998 imported accounted for 29.0 percent of apparent consumption, up from 20.6 percent a year earlier.

With respect to finished steel imports, 1998 was also a record. The total for the year was 34,744,000 net tons. Of the total December 1998 imports, finished products were 2,443,000 net tons, up 41 percent from the 1,733,000 net tons imported in December 1997. Excluding semifinished, imports in 1998 were 26 percent of U.S. apparent consumption.

As the chart on page 3 shows, steel imports in 1998 surged from many countries. Comparing fourth quarter 1998 with same period 1997, imports were up 141 percent from Japan; up 162 percent from Russia; up 102 percent from Korea; up 65 percent from Brazil; and up substantially from many other countries, e.g., Indonesia (up 553 percent), India (up 365 percent), China (up 131 percent), South Africa (up 73 percent) and Australia (up 38 percent).

Comparing fourth quarter 1998 product totals with same period 1997: the 2,708,000 net tons for hot rolled sheet were up 112 percent, the 1,222,000 net tons for cold rolled sheet were up 42 percent; the 871,000 net tons for plate in coil were up 181 percent; the 706,000 net tons for structural shapes were up 130 percent; the 575,000 net tons for cut-to-length plate were up 180 percent; and the 523,000 net tons for galvanized HD sheet and strip were up 24 percent.

In response to the December and full-year 1998 import data, Andrew G. Sharkey, III, AISI President and CEO, said this: "In 1998, the U.S. had a steel crisis caused by unprecedented levels of unfairly traded and injurious steel imports. The factors that caused this crisis remain. The December level itself is too high to avoid sustained injury to U.S. steel companies, employees and communities. Any December decline can be directly tied to the pending trade litigation on a single product category; hot rolled carbon steel, from three countries—Japan, Russia and Brazil. America's current steel import problem is global. The U.S. steel import crisis continues."

Total 1998 exports of 5,519,000 net tons were 9 percent lower than the 6,036,000 net tons exported in 1997. The U.S. exported 366,000 net tons of steel mill products in December 1998, down 29 percent from the 512,000 net tons exported in December 1997.

U.S. IMPORTS OF STEEL MILL PRODUCTS—BY COUNTRY OF ORIGIN

[Thousands of net tons]

	Dec 1998	Nov 1998	Dec 1997	12/98 vs 12/97 % change	12 Mos 1998	12 Mos 1997	Ytd % change
European Union	540	656	481	12	7214	7,482	−4
Japan	436	828	199	119	6728	2,554	163
Canada	341	381	380	−10	4914	4,775	3
Brazil	252	297	185	36	2729	2,851	−4
Mexico	250	207	133	88	3167	3,312	−4
Korea	239	327	136	76	3430	1,638	109
Russia	167	738	133	26	5274	3,319	59
China	66	61	41	61	632	477	32
Australia	54	58	80	−33	951	439	117
South Africa	43	54	19	126	649	315	106
Indonesia	42	37	19	121	542	91	496
Turkey	40	53	57	−30	527	614	−14
India	31	2	3	933	377	194	94
Ukraine	24	68	70	−66	882	581	52
Others	336	264	174	93	3504	2515	39
Total	2861	4031	2110	36	41,520	31,157	33

	4th Qtr. 1998	4th Qtr. 1997	4Q 1998 vs 4Q 1997 % change
Japan	2146	890	141
European Union	1883	1,752	7
Russia	1508	576	162
Canada	1132	1,156	−2
Korea	859	426	102
Brazil	738	447	65
Mexico	626	646	−3
Australia	247	179	38
China	210	91	131
Indonesia	196	30	553
South Africa	157	91	73
Ukraine	155	164	−5
Turkey	110	178	−38
India	79	17	365
Others	956	437	119
Total	11002	7,080	55

RUSSIAN AGREEMENTS ON STEEL EXPORTS TO U.S.

Washington, D.C., February 22, 1999. Bethlehem Steel Corporation, U.S. Steel Group, a unit of USX Corporation, LTV Steel Company, Ispat/Inland Inc., National Steel Corp., Weirton Steel, Gulf States Steel, Inc., Ipsco Steel Inc., Gallatin Steel, Steel Dynamics, and the Independent Steel Workers Union made the following statement in response to the announcement that the Administration has reached agreements with the Russian government to settle the hot-rolled steel dumping case and to limit other steel exports to the U.S.

Suspension agreement

We continue to oppose a suspension agreement. It is contrary to applicable laws and is inconsistent with the Administration's own recent critical circumstances finding. Further, it is contrary to the plan to respond to steel imports which the President submitted to the Congress in January.

While we welcome the extremely high preliminary margins ranging from 71 to 218% found by the Department in its investigation, we deeply regret that the Department does not want to allow this prescribed remedy to go into effect.

Imports of Russian hot-rolled have increased 700% from 508,000 metric tons in 1995 to 3,468,000 metric tons in 1998, and they have been sold at dumped prices substantially below the cost to produce them. This has caused serious injury to the American steel industry and the loss of thousands of steelworker jobs.

The suspension agreement will authorize Russia to continue to dump steel in America, which will continue to cause serious injury to our industry. The tons of unfairly traded steel that the Administration is going to allow Russia, at 750,000 metric tons per year, will still allow Russia to be the largest single supplier to the U.S. market. The pricing level given to the Russians of $255 per metric ton will both allow continued dumping and allow inefficient Russian producers to undercut and damage efficient U.S. producers.

We have consistently requested the Administration to permit our laws to be enforced as Congress intended, but by entering this Agreement our rights have been taken away from us.

We regret this development and will work to convince the Administration that the proposed agreement is not in the best interest of the nation or our industry. We are also requesting Congress to have a prompt hearing about this matter. If the Administration proceeds with this agreement, we will take appropriate legal action.

Comprehensive steel agreement with Russia

We also oppose the comprehensive steel agreement negotiated with the Russians. We would support such an agreement only if it is a part of a global solution to the serious injury being caused by unfairly traded steel. Any agreement with Russia must be a part of an Administration initiated and supported §201 action on all steel products which will result in global quantitative restrictions, minimum prices, an adequate enforcement mechanism, and a moratorium on further shipments until the inventory of dumped steel has been cleared.

While all the details of the Russian agreement are not available, we are disappointed that they will be permitted to ship at a rate well above the 1996 precrisis level.

We do have concern over the serious economic problems facing Russia, but to the extent the United States provides financial and other aid, surely we should do this in behalf of the United States from the Federal Treasury and not by sacrificing the jobs and property of a specific private industry sector such as our modern and world class American steel industry.

We will continue to work closely with the Administration and the Congress to stop the serious injury being caused to our industry and to restore fair trade in steel.

For Media Contact: Bethlehem Steel Corporation, Bette Kovach (610) 694-6308; U.S. Steel Group, USX Corporation, Tom Ferrall (412) 433-6899; Ispat/Inland Inc., John Nielsen (219) 399-6631; LTV Steel Company, Mark

Tomasch (216) 622-4635; National Steel Corporation, Clarence Ehlers (219) 273-7327; Independent Steel Workers Union, Mark Glyptis (304) 748-8080; Weirton Steel, Greg Warren (304) 797-2828; Gulf States Steel, Inc., John Duncan (256) 543-6100; Ipsco Steel, Inc., Anne Parker (306) 924-7390; and Gallatin Steel, Ed Puisis (606) 567-3103.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF THE RURAL ECONOMIC DEVELOPMENT AND OPPORTUNITIES ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I rise today to announce that I will introduce legislation to address a problem that is hurting much of rural America, a stagnant economy and the declining number of job opportunities.

Mr. Speaker, if we read the newspapers inside the Beltway, we will think that all Americans are experiencing the best economic times of their lives. While our economy is indeed strong, we have to realize that there is a significant number of Americans, rural Americans, who are struggling economically because the job base in their hometown is drying up.

According to a study by the Aspen Institute, many of our rural economies are suffering because of declining sales in their natural resources market and intense international competition in the manufacturing sector.

Just like many industries across the Nation, businesses in our small towns are being forced to downsize operations while demanding more from fewer employees. The growth in metropolitan areas is quickly absorbing displaced workers there, but workers in smaller, remote communities are at a great disadvantage because economic development is virtually stagnant. In fact, a growing number of rural workers are forced to commute long distances or actually relocate their families in order to find work in these metropolitan areas.

In the region around my home district, the Eighth District of North Carolina, the Charlotte area has more jobs than workers. Each day more than 100,000 commuters, 25 percent of the area's work force, leave their local economy to go to work in Charlotte. Obviously, this trend hurts our rural communities, and it adds to the many problems our metropolitan areas suffer with traffic congestion and excessive growth.

In the Charlotte area, the unemployment rate is a meager 2.3 percent. Just two counties to the east, however, Anson County has an unemployment rate of 8 percent, Scotland County 8 percent, and Richmond County over 8 percent. We can either address this problem, or we can sit idly by while it gets worse.

That is why, Mr. Speaker, I am introducing the Rural Economic Development and Opportunities Act of 1999. What I am proposing is not a complex package of government programs and new spending. Instead, I am advocating that we adopt a commonsense proposal that will level the playing field for our rural communities by offering a basic tax credit for a new or existing rural business when it creates a job for rural workers.

It is that simple. No mountains of paperwork to fill out, no layer upon layer of government bureaucracy to work through. Local governments and development authorities will have all the flexibility they need to develop a local or regional strategy. In fact, this is not a giveaway program that will allow rural communities to relax. That is a basic tax credit that gives our rural communities a better opportunity to increase local economic development and job opportunities.

When we measure our nation's economic health, we have to look just as closely at Main Street as we do at Wall Street. Mr. Speaker, I am proud to offer the Rural Economic Development and Opportunities Act of 1999. I hope that my colleagues on both sides of the aisle will join me in supporting this bill.

INCREASED FUNDS FOR PELL GRANTS IN THE NATIONAL INTEREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to speak about a critical national issue, one that affects our national security, our future economic prosperity, and the position of the United States as a world leader. I speak, of course, about the education of our children and their ability to afford a college education.

Since the late 1970s, Federal grant assistance to students pursuing their education after high school has declined dramatically. One of the most significant measures of this decline is what has happened to the value of the Federal Pell Grant.

The Pell Grant program is the largest need-related Federal grant program for students pursuing a higher education. It is considered the foundation program for Federal student aid. It helps students from families of modest income who would not otherwise be financially able to handle the costs of a college education or special career or technical training program.

Created in 1972, the Pell Grant originally provided significant financial support to students. In the 1976–1977 school year, the maximum Pell Grant award covered 35 percent of the average annual cost of attending a 4-year private institution, and 72 percent of the average cost of a 4-year public institution.

Today, Mr. Speaker, in spite of President Clinton's efforts over the past 3 years to boost the purchasing power of the Pell Grant, and the President deserves much credit for these efforts, but in spite of all of this, the maximum Pell Grant now pays for only one-third of the average cost of a public 4-year college, and barely one-seventh of the cost of a private college.

This sad state of affairs came about from cutbacks in Federal funding during a period of escalating college costs and tuition increases among most of the Nation's public and private colleges. I firmly believe that higher education institutions must rein in the cost of college tuition, but I am equally as firm in my belief that the Federal Government must and has to restore the value of the Federal Pell grant.

That is why I am proud to join with my colleagues, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Georgia (Mr. LEWIS) to introduce H.R. 959, the Affordable Education through Pell Grants Act of 1999.

This bill does one thing and one thing only: It raises the maximum Pell Grant award level to $6,500 for the academic year 2000 to 2001. This simple action would restore the value of the Pell Grant as originally conceived. It is twice the amount of the maximum Pell Grant award proposed by President Clinton, and it is the level of funding where the Pell Grant is meant to be.

By raising the maximum award level to $6,500, we restore the purchasing power of every Pell Grant awarded to financially needy students, and we increase the eligibility pool for Pell Grants. This has an important impact on middle-income families who face the financial burden of having more than one child in college at the same time.

Over the past 2 years, I have met many students from the Third Congressional District of Massachusetts who would not have gone to college, who would not have gone to the college of their choice, without the Federal Pell Grant program.

Bethany English, who has now graduated from Assumption College in Worcester, Massachusetts, has stood alongside me on presentations on the importance of Pell Grants. Jamie Hoag, from a working class family in Fall River, Massachusetts, was able to graduate from Holy Cross College in Worcester because he received a Pell Grant. It is for these young people, and all the students like them, that I urge my colleagues to restore the value of the Pell Grant.

I know many of my colleagues will say that we are asking for too much, that this is too expensive a proposition. Indeed, it will require about $11 billion more than what is currently in the President's budget for Pell Grants.

But I would say to my colleagues that education must be the Nation's number one priority. The future of our economy rests on the higher education of our children, the future of our national security rests on the higher education of our children, and the future of our communities rests on the higher education of our children, all of our children.

If we can find money in the budget to build Star Wars, then we can find the money to make stars out of our children, and to make sure that everyone with the ability to go to college can afford to go to college. If we can give billion dollar corporations special tax breaks, then we can certainly make sure that every student who has the ability to go to college gets a financial break to pay for college. If we can spend billions of dollars each year to design new nuclear weapons and new ways to make nuclear war, then we can find the money we need to increase the funding for Pell Grants.

I say to my colleagues, this is an issue of national priorities and of national interest. I urge my colleagues to join the gentleman from Vermont (Mr. SANDERS) and the gentleman from Georgia (Mr. LEWIS) and I and cosponsor H.R. 959, and restore the power of the Pell Grant program.

IN SUPPORT OF AN INCREASE IN THE FEDERAL PELL GRANT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, we are a rich and powerful Nation in the midst of strong economic growth. As we approach the 21st century, we must ask ourselves, what is our next greatest challenge? How will we target our investments to become stronger as a Nation and as a people?

I have always said, and I will continue to say, Mr. Speaker, that there is no greater challenge and nothing that is more important than the education of our next generation. We do not have a person to waste. Every student in this Nation who wants to go to college, no matter how rich or poor, should have the opportunity to go. Education is a great equalizer. A good education can shine the light of hope and opportunity in every corner of our Nation, no matter how poor, how hopeless, or how downtrodden.

For nearly 30 years Pell Grants have been the key that have unlocked the American dream. For millions of American students who had the talent, had the desire, but lacked the funds, the Pell Grant made the difference between college and a dead end job.

In the last decade, the cost for college has increased at rates of 5 to 8 percent, outpacing inflation and putting a college education further out of reach for those who can least afford it. Until recently, the size of the maximum Pell Grant stayed the same.

Two years ago, many of my colleagues and I, along with the President, fought for and won the largest increase in the Pell Grant in 20 years. That brought the maximum Pell Grant up from $2,700 to $3,000.

Mr. Speaker, we can even do better. Today's Pell Grant provides only 35 percent of the average cost of a 4-year State college. Too few families today can afford to write a check for $10,000 to cover tuition for State schools, and for so many families, private education is out of the question.

Mr. Speaker, I remember growing up in rural Alabama in the forties and fifties. My family could never have afforded the college tuition at Harvard, Yale, or even the University of Georgia. For so many of us, college was a distant dream, a pipe dream. Without the help of financial aid or work study, we could never have afforded to go to college.

We have come a long way in opening the doors of college for all Americans, but we can do better. We can do more. For this reason, I am joining my colleague, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Vermont (Mr. SANDERS) in sponsoring legislation that will raise the maximum authorized Pell Grant to a level that reflects the rising cost of college.

I ask all of my colleagues to join me and my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Vermont (Mr. SANDERS), in making education a priority, and to ensure that in the days of economic prosperity, no one but no one is left out or left behind.

□ 1345

CONGRESS MUST DOUBLE PELL GRANT FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I am very happy to join with the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Georgia (Mr. LEWIS) on this extremely important piece of legislation.

In my State of Vermont, and I believe all over this country, one of the great concerns that the middle class has is the high cost of college education. Everybody knows that in order for our young people to earn a decent living, it is increasingly imperative that they have a college degree. And, at the same time, everybody also knows that the cost of a college education is soaring. It is soaring in the State of Vermont. It is soaring all over the United States of America.

So we have folks in the middle class who are working longer and longer hours to keep their heads above water, and then they look at what the local college or the good colleges in this country are asking and they say, "How am I, who makes $20,000 to $25,000, or $30,000 a year, or $40,000 a year, going to be able to afford to send my kid to college, when the best schools in this country now cost over $30,000 a year and many cost $15,000, $20,000 or $25,000?"

And what happens if they have two kids or three kids? How can they afford to send their kids to college?

The answer is, it is increasingly difficult for those families. So we have the outrage that all over this country millions of young people are unable to go to college, or are unable to go to the college of their choice, because they cannot afford it.

Mr. Speaker, this is absurd. It is not only unfair to the young person. It is unfair to the family. It is unfair to this Nation.

What an absurd policy it is that we waste the human intellectual potential of millions and millions of people who want a higher education. How absurd it is that in the global economy we throw in the towel to competitive nations and say we are not going to have the most competitive, best-educated workforce in the world.

What kind of stupidity is that? What kind of an absurd sense of national priorities is it that says that we can afford to spend huge sums of money on B-2 bombers, that we can give tax breaks to billionaires, but we are not going to help the working families and the middle class of this country be able to afford to send their kids to college?

Now, I know that many of the people in the Congress understand that in countries throughout the world, in Great Britain, in Scandinavia, in Germany, in France, the cost of a college education is not $30,000 a year, it is not $20,000 a year, it is not $10,000 a year. In many cases, it is zero, because those countries understand that it is a very wise investment to make sure that as many of their young people as possible can get a college education. We should learn something from that.

Mr. Speaker, what the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Georgia (Mr. LEWIS) and I would like to do is to double the amount of money we are spending on Pell Grants.

Some people may say doubling that is a lot of money, $7.5 billion a year more. That is three B-2 bombers. There are people in both the Democratic and

Republican parties who want to increase military spending by well over $100 billion in the next 6 years. We give, as a Nation, $125 billion a year in corporate welfare to large corporations who do not need that money. There are people on the floor of this House now who are saying Bill Gates needs a tax break. Billionaires need a tax break.

Mr. Speaker, if we can spend billions on corporate welfare, billions on wasteful military spending, billions on tax breaks for those who do not need it, we can certainly afford $7.5 billion a year more for the working families of this country so that we can move toward that day when every person in this country, young, middle-aged, old, will be able to get the higher education they need.

This is a smart investment for America. I congratulate the gentleman from Massachusetts and the gentleman from Georgia for their work on this, and I will do my best to see that it passes.

SUPPORT THE READY CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to address the needs of small businesses who employ America's dedicated Air and Army National Guard Reservists. Mounting numbers of contingency operations have pulled ever greater numbers of reservists out of the private sector and into full-time military service. I have introduced legislation, which is numbered H.R. 803, to cushion the blow of these reserve call-ups on small businesses.

The end strength of our Armed Forces has fallen by more than 1 million personnel since 1988, even as military contingency operations have increased to historically high levels. We have only been able to sustain this operations tempo because of an increasingly heavy reliance on reservists.

Total so-called "man days" contributed by reservists have nearly tripled since 1992, to over 13 million days. Without the services of these citizen soldiers, we would need an additional force of nearly 50,000 soldiers to maintain overseas commitments.

Mr. Speaker, reservists are willing to do their duty and serve when they are called, but increasingly frequent deployments have placed a new strain on reserve-employer relations. Most businesses are fully supportive of the military obligations of their employees, but even the most enthusiastic civilian employers are hard hit when their staff is sent overseas for months at a time, only to have the person return home and be called up again.

Evidence from the National Committee for Employer Support of the Guard and Reserve suggests that the strain is increasing, resulting in a greater number of inquiries on the rights and responsibilities of employers.

Research by the Air Force Reserve has also demonstrated that the problem is growing. While only 3.5 percent of Air Force reservists indicated "serious" employer support problems, another 31 percent reported some degree of problems with employers. Of these reservists, 10 percent are considering leaving because of employer support problems. But the true magnitude of the problem is likely greatly understated as there is no comprehensive survey that is used to consistently evaluate reserve-employer relationships.

Now, the expense to small businesses of doing without a valued employee, or hiring and training a temporary replacement, is significant and the loss of productivity is equally difficult.

Mr. Speaker, this legislation, H.R. 803, would provide employers with a tax credit to compensate for employee participation in the individual ready reserves. Specifically, the legislation provides a credit equal to 50 percent of the amount of compensation that would have been paid to an employee during the time that that employee participates in contingency operations supporting missions in Bosnia and Southwest Asia.

The total allowable credit for each individual employee may not exceed $2,000, or a maximum of $7,500 for all employees. The legislation also extends the credit for self-employed individuals. The credit would offset at least some of the expense that reserve employers face and reduce tensions with employees.

Now, this legislation is only one step towards resolving a complex problem. It does not address the serious needs of public sector employees who can be impacted by contingencies as much as businesses. More important, it does not address the high operations tempo that is exacerbating reserve-employer relations and driving personnel out of the reserves. But I do think this bill is timely for it addresses two of the most pressing issues of the 106th Congress: taxes and military readiness.

Mr. Speaker, as Congress discusses proposals to reduce the tax burden on Americans, we must give serious thought to small businesses who have lost valued employees to overseas military operations. As we discuss pay and benefit packages for the active duty military, we must not forget the citizen soldiers who are the backbone of our Armed Forces and whose service is increasingly putting pressure on their full-time civilian employer.

Mr. Speaker, I encourage my colleagues to join me in making the Ready Credit, which is the name on this bill, a reality by cosponsoring H.R. 803.

WHO GETS THE CREDIT FOR THE BUDGET SURPLUS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, last year, the Treasury Department announced that the Federal budget was in surplus for the first time since 1969. Only 3 short years ago, the President had submitted a budget with $200 billion deficits as far as the eye could see, as many will recall.

What happened?

There are a lot of Americans who do not care much who gets the credit for the current fine state of our economy and then tend to take the President at his word when he takes the credit for the budget surplus we have at last achieved. But it is important to understand how we got here so that we may continue to a path of sound economic policy in the future.

When the country was faced with large, chronic deficits in the beginning of the 1990s, Congress faced a choice. To cut the deficit, lawmakers essentially had two choices: cut spending or raise taxes. President Clinton and his liberal allies in the Congress naturally chose to raise taxes. Congress at the time was still under the control of the Democrats, and so President Clinton was able to pass the largest tax increase in our history.

Republicans, on the other hand, wanted to reduce the deficit by cutting spending. Republicans believed government is too big, way too big, and they believe Washington wastes too much of our money. One would think this is an obvious point. After all, even the President himself declared in his 1996 State of the Union address that "the era of Big Government is over." Oh, if that were only true.

Mr. Speaker, we can see now that this declaration was nothing more than hollow words. Big Government is alive and well and bigger than ever. In fact, the Democrats have come back with still more ways to increase the size and power of government every year since, including this year.

And while we can say that government is slightly smaller now than it would be had Republicans not taken control of the Congress in 1995, the truth is that government continues to grow. Any attempts to cut government, no matter how wasteful or counterproductive the program, the liberals immediately attack them as extreme and "mean-spirited."

It has never occurred to them that it is perhaps mean-spirited on the part of the politicians to have so little respect for the working man's labor that Washington takes between one-fourth and one-third out of the middle-class family's paycheck just to pay Uncle Sam.

So, Mr. Speaker, that still leaves us with the question, how did we go from

$200 billion deficits as far as the eye can see 2½ years ago to the budget surplus that we now enjoy?

It is true that there have been some reductions in spending, but almost all of them have come out of the one place it should not have come: from the Pentagon. Defense spending is dangerously low, and our military forces are not what they should be. But liberals, in their boundless faith in human nature, ignore history and simply do not believe in the fundamental precept of "peace through strength."

As for other spending, Republicans did manage to limit the number of new spending initiatives of President Clinton and the Democrats over the past few years. But the primary reason that the budget is in surplus today is that revenues are way, way up.

Liberals will point to the President's 1993 tax increase as to the reason why revenues are up, hoping that we will not examine the budget tables to see if, in fact, it is true. Revenues are up primarily from the number of people who are taking advantage of low tax rates on capital gains, the part of the economy that is the lifeblood of our dynamic and growing economy.

President Reagan cut the tax on capital gains, and the Republicans cut it again last year. Savers, investors, entrepreneurs and other job creators are taking advantage of such liberty. The economy is benefitting from that, jobs are being created, and revenues have soared. That is the primary reason the budget is now in surplus, when it was deep in the red just a few years ago.

I would invite any of my Democratic colleagues who dispute these findings to come forward and show me otherwise. Perhaps the liberals have access to another set of government documents with different statistics. But if they use the same Treasury figures that I do, they will have to admit that the Reagan tax cuts and the Republican tax cuts are the most significant reason behind our current economic boom.

With all due credit to Alan Greenspan, chairman of the Federal Reserve, for his outstanding stewardship of monetary policy, we should mostly thank President Reagan for turning around an economy that was in the ditch. We are still benefitting from his decision to make the United States a low-tax, low-regulation economy and thus able to compete in the world better than any other.

The Republicans forced President Clinton to renounce his own budget with $200 billion deficits as far as the eye can see. We are grateful that he has at last accepted the need for government to balance the budget and put its financial house in order. We would like to encourage him to continue on this path, especially if he accepts the view that Washington can still afford to cut spending, cut taxes, and make good on his promise that the "end of Big Government is over."

□ 1400

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on International Relations for the 106th Congress.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 106TH CONGRESS

(Adopted January 19, 1999)

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred to as the "Committee"), to the extent applicable. A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a privileged non-debatable motion in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the "Chairman") shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, (3) authorizing the issuance of subpoenas, and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(b) Hearings

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a

particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the Same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may be the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or of a subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or by the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of House Information Resources. Members shall be notified by the Chief of Staff of all meeting (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

RULE 6. WITNESSES

(a) Interrogation of witnesses

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not longer than 30 minutes. On such occasions, an equal number of minority Members of the Committee designated by the Ranking Minority Member shall be permitted to question the same witness for the same period of time. Committee staff may be permitted to question a witness for equal specified periods either with the concurrence of the Chairman and Ranking Minority Member or by motion. However, in no case may questioning by Committee staff proceed before each Member of the Committee who wishes to speak under the 5-minute rule has had one opportunity to do so.

(b) Statements of witnesses

Each witness who is to appear before the Committee or a subcommittee is required to file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the Chairman of the Committee or subcommittee, of his or her proposed testimony to provide to Members and staff of the Committee or subcommittee, the news media, and the general public. The witness shall limit his or her oral presentation to a brief summary of his or her testimony. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extend practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form.

The Committee or subcommittee shall notify Members at least two working days in advance of a hearing of the availability of testimony submitted by witnesses.

The requirements of this subsection or any part thereof may be waived by the Chairman or Ranking Minority Member of the Committee or subcommittee, or the presiding Member, provided that the witness or the Chairman or Ranking Minority member has submitted, prior to the witness's appearance, a written explanation as to the reasons testimony has not been made available to the Committee or subcommittee. In the event a witness submits neither his or her testimony at least two working days in advance of his or her appearance nor has a written explanation been submitted as to prior availability, the witness shall be released from testifying unless a majority of the committee or subcommittee votes to accept his or her testimony.

(c) Oaths

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

RULE 7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as it practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts for hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

(a) Reports on bills and resolutions

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each record vote on a motion to report any measure or matter of public charter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in any Committee report on the measure or matter.

(b) Prior approval of certain reports

No Committee, subcommittee, or staff report, study, or the document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or a subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. A proposed investigative or oversight report shall be considered as read if it has been available to members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which clause 2(l) of Rule XI and clause 3(a)(1) of Rule XIII of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(c) Foreign travel reports

At the same time that the report required by clause 8(b)(5) of Rule X of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(b) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee, except as provided in paragraph (c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) Full committee

The full committee will be responsible for oversight and legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; and all other matters not specifically assigned to a subcommittee. The full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(b) Subcommittees

There shall be five standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional subcommittees

There shall be two subcommittees with functional jurisdiction:

Subcommittee on International Economic Policy and Trade—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration, international investment policy; trade and economic aspects of nuclear technology and materials, of nonproliferation policy, and of international communication and information policy; licenses and licensing policy for the export of dual use equipment and technology; legislation pertaining to and oversight of the Overseas Private Investment Corporation and the Trade and Development Agency; scientific developments affecting foreign policy; commodity agreements; international environmental policy and oversight of international fishing agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of, and legislation pertaining to, the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights; and oversight of international population planning and child survival activities.

2. Regional subcommittees

There shall be three subcommittees with regional jurisdiction: the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific; with responsibility for Europe and the Middle East reserved to the full Committee.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed so such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Legislation and oversight regarding human rights practices in particular countries.

(6) Oversight of regional lending institutions.

(7) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(8) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(9) Base rights and other facilities access agreements and regional security pacts.

(10) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(11) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(12) Oversight of all foreign assistance activities affecting the region.

(13) Such other matters as the Chairman of the full Committee may determine.

RULE 15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairman shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee of the full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman of the full Committee shall designate a Member of the majority party on each subcommittee as its vice chairman.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

RULE 16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 2 weeks. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees for consideration in sequence. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the full Committee.

Subcommittees with regional jurisdiction shall have primary jurisdiction over legislation regarding human rights practices in particular countries. The Subcommittees on International Operations and Human Rights shall have sequential jurisdiction over such legislation.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

RULE 17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

RULE 18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

RULE 19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

RULE 20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by clause 13 of Rule XXIV of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by clause 13 of Rule XXIV of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by clause 13 of Rule XLIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure files in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except as provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after inquiring of the Chief of Staff or an assigned staff member. The SCIF will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the executive branch shall be handled in accordance with the procedures that apply within the executive branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee.

RULE 21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization

Act of 1970, and clause 4 of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashgun shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

RULE 23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

RULE 24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

RULE 25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, every 10 years, we take a national census to count the number of people in this country. The 1990 census was the most expensive in the history of the United States. It was also the worst. The 1990 census missed an estimated 4.7 million people, 1.58 percent of the total population.

Some undercount is expected. What makes it wrong is the undercount of minorities and the inner city population is way out of proportion to the national average.

For minorities, the undercount was nearly tripled. The census missed 4.4 percent of the African-American population and 4.9 percent of the Hispanic population. Those individuals that were missed were also poor. We need to have a more accurate census, one that does not leave minorities and poor and inner city populations behind.

The census data is used to draw, not only electoral districts, but also to determine distribution of local and Federal program dollars and to plan public works projects. Without accurate census information, minorities and the poor do not receive equal political representation or distribution of government resources. State and local governments with missed populations lose millions of dollars in Federal aid.

The Supreme Court has allowed for the Census Bureau to use sampling data for redistricting and Federal funds distribution. The Census Bureau has found such a solution to be appropriate. Yet, we find that, on the other side, the Republicans in Congress are trying to block this process.

Sampling is a simple way of being able to get a more accurate census from available information that exists. Everyone says that they want a more accurate count. But as we can see, what we really need to look at is to make sure that everyone gets counted but, at the same time, look at the disparities that exist within that and go with it, with the scientific recommendations, and that is to provide some degree of sampling.

We must let the Census Bureau do its job and use the method that is most accurate and that avoids unfair undercount in this country.

I want to take this opportunity to just mention to you some specific statistics on the study that was done in Texas. Texas lost almost $1 billion in Federal aid because of the 1990 census.

I will continue to mention some additional data for my colleagues as I go on, but I want to take this opportunity to yield to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for yielding to me. (The gentleman from Illinois spoke in Spanish).

What I said there, Mr. Speaker, is my name is hard to pronounce, but I hope it is easy to remember. Am I right?

Mr. RODRIGUEZ. Mr. Speaker, the gentleman is right.

Mr. BLAGOJEVICH. Mr. Speaker, first of all, let me thank my colleague, the gentlewoman from New York (Mrs. MALONEY) for coordinating this very important discussion on the 2000 census.

I think we can all admit that the census issue is not one of the most exciting issues that is out there. Most Americans are unaware of it. It is very technical. To the extent that people even think about it, they do not think that the census has any real impact on their lives.

Yet, the reality is that that is not at all the case. How the census is conducted is in a very real sense, something that has a real impact on ordinary Americans.

In a larger sense, this issue is really about basic fairness. It is about the fundamental concepts that we here in America take for granted, one person, one vote, as well as the issue of how we equitably distribute Federal resources. Both of these concepts are predicated upon a fair and accurate census.

Each year, more than $100 billion in Federal money is allocated to States and localities. That money is distributed based upon census data. Census data determines how much funding States and municipalities receive for schools and for roads and for health care and for a host of other important programs that we here at the Federal level fund.

Census data is also used by private industry in determining where to locate factories and stores. Even McDonald restaurant franchises are based upon the use of census data. We also use census data to determine political representation, in fact, that representation including also the representation that we here enjoy in Congress.

So the facts are undisputable. It is very clear, I think, to say that, if one is not counted in the census accurately, one does not count. One does not count when it comes to Federal dollars for public schools. One does not count when it comes to Federal dollars for fighting juvenile crime. One does not count when it comes to Federal dollars for road repair and mass transit.

If one is not counted, one does not count when it comes to getting Federal funding for things like Meals on Wheels for senior citizens and Head Start for our children.

According to the Census Bureau, despite its $2.6 billion price tag, the 1990 census, the last census that was conducted was the first United States census to be less accurate than the one before it.

In 1990, one in 10 African-American males were not counted. In 1990, one in 10 Asian males were not counted. In 1990, one in 15 Latino men were also not counted. Overall, 10 million Americans were not counted in the 1990 census.

For many of us, it hits close to home. That undercount included more than 110,000 people in my home State of Illinois and 68,000 people in my hometown, the city of Chicago.

Let me put that in perspective. Sixty-eight thousand people is the equivalent of a standing-room-only crowd at a Bears game in Chicago's Soldier Field.

Officials in my city, the city of Chicago, estimate further that the census undercount was even higher than the 68,000 that the Federal Census Bureau declared as undercounted. The city of Chicago's figures have it as much as a quarter of a million people were not counted in the last census of Chicago, which means four Soldier Fields would be filled with undercounted people.

Let me illustrate my point. This undercount meant that, between 1990 and 1996, the city of Chicago lost approximately $200 million in Federal aid. Just to give my colleagues a couple of examples, that means that, in 1997, Chicago should have received $3.9 million more in Federal Community Development Block Grants than it received.

Chicago should have received $1.7 million that year for the Head Start education program. The city should have received $300,000 more for programs under the Older Americans Act to ensure that senior citizens in Chicago have nutritious meals.

The problem is not just limited to Chicago. States and municipalities across the country have suffered the same consequences because of the 1990 undercount.

We can avoid a repeat of this undercount, and we can ensure a fair distribution of Federal resources if we find other methodology to count people. Just as we do when we determine unemployment statistics in the Gross Domestic Product, we need to find and use the most modern scientific methods available.

We are on the eve of the 21st Century, and, yet, the majority here in Congress wants us to count people in the next census in the same way that we counted them back in 1790. The realty is obvious, we do not count the same way in 1990 as we did in 1790.

The National Academy of Sciences, the American Statistical Association, and the National Association of Business Economists have all endorsed the use of modern scientific methodology as a way of counting.

Our crime statistics, our economic statistics, our labor statistics, all of these figures are determined using modern scientific methodology. Incorporating these statistical methods into the 2000 census will help us avoid the kind of census undercount we had in 1990.

So in closing, let me say that, let us, all of us, let Republicans and Democrats alike, join together and put politics aside, and let the professionals at the Census Bureau do their job.

April 1, 2000, just about a year from now, is census day for the 2000 census. Let us take politics out of the census and ensure that every American is counted.

Mr. RODRIGUEZ. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me. I especially appreciate the leadership of the gentleman in bringing this matter forward at this time.

The census controversy continues unabated. We are about to precipitate a constitutional crisis because we have got to have an accurate count. The reason we do not have one is because we are so late in getting our act together and we are keeping Census from doing what it is supposed to be doing because we cannot agree among ourselves on what that should be. One of the reasons we cannot agree is we do not know what that should be as a technical matter.

We asked the court to decide the apportionment issue. It decided the apportionment issue. Census has said we abide by the apportionment issue when it comes to apportionment for this House. Census continues to have the same interest that every Member of this body, I would hope, has in an accurate census.

If the way to get the most accurate census for the distribution of Federal funds and for offering the States data is to use sampling, then it seems to me that there is no further question about what should be done.

With the apportionment issue settled, we are now at a point where, because sampling cannot be used, there will be the need for thousands and thousands more census takers than would otherwise have been the case.

So we are deeply into having to spend money, which, according to all the experts, one might have spent if this were the turn of the last century, but not the turn of this century given what we know about sampling.

This is a stalemate that must be broken. Offering an adjusted census after the traditional census has been taken, offering the States census figures adjusted by sampling is consistent with the Supreme Court decision. It is up to the States to decide how they do their own redistricting.

The court has spoken as to our apportionment. The vested interest of us all in sampling techniques, to make sure that the maximum in Federal dollars becomes available, should need no elucidation. There is not a Member who has minorities or pockets of poor in his or her State or city which will not want the maximum feasible count. If that is by sampling, we would find it acceptable.

The court has settled the toughest issue. Let us come together to make sure that we do not have another extended fight on how we are to count ourselves.

Mr. RODRIGUEZ. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for bringing this special order, along with the gentlewoman from New York (Mrs. MALONEY).

Mr. Speaker, we have worked long and hard to define accurately the question regarding the census. I am certainly disappointed that it is now broken down along the lines, seemingly, of Democrats and Republicans.

I serve on the Census Task Force. I did so in the 105th Congress. Likewise, I was a plaintiff or a part of the litigation that argued for articulating how we could interpret fairly the census statute and how we could avoid the undercount that we saw in 1990.

In my community alone, there were 67,000 undercounted in the city of Houston, some 400,000, almost a Congressional District, in the State of Texas.

It is imperative on the census that we come together in a manner that this Congress stands up for, not denying any single person the right to be counted. Let me make it as clear as I can. We count every one.

This is not a question of citizenship as much as it is a question of determining how many people are within our boundaries. I think that should be made very clear. There is no doubt that, despite the Supreme Court ruling, I believe the Supreme Court has given us some latitude of which we will continue to discuss, debate, and argue about.

I hope the administration makes it very clear on their position that some statistical methods can be used. But I think the point that should be made is none of us should stand up on the floor of the House and deny that anyone within the boundaries of this country be left out and not counted.

□ 1415

And it is well documented by the National Science Foundation that that statistical methodology is the most accurate of ensuring that all individuals are counted.

I am fearful that we will see an impact in Social Security, an impact in the AFDC payments needed for our children to survive, that we will find an impact on educational dollars. And whenever I go home, there is not one single citizen that would concede the point that they are gleefully looking forward to not being counted.

Now, I will say to my colleagues, Mr. Speaker, that our citizens are looking not to be intruded upon. They are also looking to make sure that we do not have a set of circumstances in which their privacy is invaded. And I clearly would like to say that we need to look at those issues. We need to refine those census forms. But I want to argue for the enumeration, the counting, rather, of every single one that can be done best by statistical methods.

I want to applaud the work of the gentlewoman from New York (Mrs. MALONEY), both in her ranking member position but as well as the head of the Census Task Force that must be ongoing. And I want to commit all of us to reckoning that if there are those in the House that would distract away from the full counting, then we must address their concerns, but we will not give up the fight for empowering all people within these boundaries to be acknowledged.

I want to add an additional point, Mr. Speaker. We must have diverse members of this process. All of those census-takers, whether used in the statistical methodology or otherwise, must come from all backgrounds. It is imperative. They must be bilingual. They must reach out.

Most of all, we cannot be intimidated. I am ranking member on the Subcommittee on Immigration and Claims of the Committee on the Judiciary, and for too long we have not recognized the value of ensuring that we have the right information, that we do not characterize by a negative something that is positive.

I will not characterize immigration as a negative, because we are a country of immigrants, but we are a country of laws. I will not characterize census taking as a negative because it may intrude upon someone's privacy, but I will balance the privacy with the need to count people, the need to be accurate, the need to use statistical methodology, the need to be diverse, and to ensure that I do not unempower those in the State of Texas and in this Nation.

With that, Mr. Speaker, let me thank the gentleman from Texas (Mr. RODRIGUEZ) for his kindness and for his leadership and the gentlewoman from New York (Mrs. MALONEY), as well I see my good colleague, the gentleman from Texas (Mr. GONZALEZ), who is here. And it seems Texas is on the rise. We know we need to be counted, and I know we are going to work together in Texas and get every single person counted.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), and I now want to yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his yielding to me and for his leadership.

Mr. Speaker, it was not long after the Republicans took over Congress that they reached the conclusion that they did not like the use of modern scientific methods in the counting on the census. I am not sure how they reached that decision, having abolished the committee and subcommittee with jurisdiction over the census. I am fairly certain that that conclusion did not come through oversight. In fact, they gave jurisdiction over the census to the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform, where it languished.

The full committee did hold a couple of hearings on the census, but they were halfhearted events. There certainly is no record to support their conclusions. In fact, the only report issued by the Committee on Government Reform stated that sampling and the use of scientific counting methods was unscientific, a conclusion they were later forced to repudiate.

Given the lack of evidence to support their position, one might question their motives. However, there is no need to do that. We only have to look at their tactics to understand where they are coming from. At every turn they have come and tried to use some back-room maneuver to push their agenda.

Two years ago, House Republicans added language to the Flood Relief Bill to make the census less accurate. They thought the President would not dare veto the Flood Relief Bill. But, to their surprise, not only did he veto it, but he won overwhelming editorial support clear across this country. Faced with this opposition, they backed down.

The next effort to force a less accurate census on the American public came as part of the 1998 appropriations bill. Not only did the Republicans add language to the Commerce, Justice, State appropriations bill that would have prohibited the use of statistical methods in the census, but they also rejected a genuine compromise offered by the gentleman from West Virginia (Mr. MOLLOHAN). They even added language requiring a two-number census.

And I would like to add to the record the language from the 1998 appropriations bill which the Republicans put in the budget requiring the two-number census.

To hear them talk today, one would think a two-number census was on the same order as high crimes and misdemeanors. But I learned long ago not to expect the opponents of a fair and accurate census to be consistent.

Last September, the chairman of the Subcommittee on Census of the Committee on Government Reform called the Census Bureau's plan for a one-number census irresponsible. This week, in a hearing, he called a two-number census irresponsible. Perhaps the chairman believes that all numbers are irresponsible.

It was not until February of 1998, a little more than 2 years before the 2000 census, that the majority created the Subcommittee on Census of the Committee on Government Reform and 2 years after the plan for the 2000 census was announced. For 3 years they ignored their oversight responsibility and tried to bludgeon the Census Bureau through the appropriations process. Having repeatedly failed at those attempts, they decided to harass the Census Bureau into submission.

With a staff of 12 and a million dollar budget, the majority was able to field six hearings over the first 11 months of the subcommittee's existence, but they peppered the Census Bureau with requests for meetings, documents and data. One day recently, the Census Bureau director got eight, and I repeat, eight separate letters requesting documents.

Despite receiving boxes and boxes of documents, the subcommittee complains that the Census Bureau is operating in secret. Despite being briefed and briefed and briefed, they complain that the Census Bureau will not tell them what they are doing. Despite the lack of evidence, they continue to claim that the Census Bureau plans to manipulate the census, and they have come forward with many attacks on the career professionals at the Census Bureau.

There are 394 days until April 1, 2000. Census day. It has been 3 years since the Census Bureau released its plan for the 2000 census and over 8 years since the planning for the 2000 census began. In fact, the plan for this census was shaped during the Bush administration under the direction of Dr. Barbara Bryant. With a little more than a year to go, the Republicans have just come up with a legislative agenda for changes they want to make to the census plan.

We marked up one of these bills today in the subcommittee. It was a bill that the gentlewoman from Florida (Mrs. CARRIE MEEK) introduced in 1996, and I am pleased that the subcommittee chairman is joining her, and I hope that this bill will pass.

However, there may be something very much more sinister afoot. Having failed repeatedly to legislate the census plan through the appropriations process, they are now trying to pass legislation that on the surface looks benign, but it is designed to throw a monkey wrench into the census process.

Earlier this week, the Census Bureau director warned Congress that legislating major changes in the census at this late date will jeopardize the accuracy of the census. He offered to work with Congress to achieve its goal within the context of the operational plan but warned that procedures created by Congress that require reworking and an operational change would result in major disruption.

The time for legislation has passed. The opponents of a fair and accurate census spent their time trying to bully the Census Bureau with threats and busy work instead of helping them with a comprehensive plan.

The opponents of a fair and accurate census seem to be getting desperate; and the more desperate they get, the louder they yell. But all of the yelling in the world will not change the facts. They provided taxpayer dollars to finance a partisan Republican suit against the Census Bureau. The Supreme Court ruled that the use of statistical methods was prohibited for apportionment but required, I repeat, required for all other purposes, if feasible.

Democrats accept the court's judgment. But the opponents of a fair and accurate census continue to yell, and each yell is more desperate than the last. Why? Because they believe that a fair and accurate census is a threat to their majority.

I would remind my colleagues of one other fact. The last time the Republicans controlled Congress during a census was in 1920. That was the only time in the history of this country that Congress has refused to reapportion the seats in Congress. Why? Because they did not like the facts that were revealed in the census counts. The population had shifted from the rural south to urban areas, and they simply refused to acknowledge the census numbers. It was 10 years later that Congress was finally able to apportion the seats. I hope we are not on the way to another failed census, as we were in 1920.

The 1990 census missed 8.4 million people and counted 4.4 million people twice. Most of those missed were the urban and rural poor and minorities. The opponents of a fair and accurate census want to make sure that those 8.4 million poor and minorities are left out of the census forever. They want to make sure that those 4.4 million people who were counted twice, who are mostly suburbanites, are forever left in. In fact, now they want to force the Census Bureau to do a second mailing, because it has been shown in their dress rehearsals and in their research that it will create more duplicates that are difficult to remove.

Now, I ask my colleagues, who is trying to cook the books? Is it the professionals at the Census Bureau and the experts brought together by the National Academy of Sciences, who want to use modern scientific methods to correct the errors in the census; or is it those fighting to keep the census full of mistakes?

The 1990 census missed 1 in 10 adult black males, 1 in 20 Hispanics and 1 in 8 American Indians living on reservations. But the 1990 census only missed 1 in over 142 nonHispanic whites. Now, I ask my colleagues, why does the Grand Old Party want to make sure that these errors are not corrected? Is it because they believe that modern scientific methods are not scientific? I do not think so. Is it because they believe that the professionals in the Census Bureau will manipulate the numbers? I do not think so. Is it because they believe that the director of the Census Bureau is a statistical shill? I do not think so. I do not believe they believe their own rhetoric. But I do know that they can count, and they like the odds of suburbanites being counted and minorities being missed.

The fight over a fair and accurate census is the civil rights fight of the 1990s, and it is a fight that we must win.

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Mr. RODRIGUEZ. Mr. Speaker, we all know that Texas lost an estimated $934 million since 1990, or about $1,922 in federal aid for each of the persons who was not counted. In my particular district, the 28th Congressional District, we lost approximately $40 million from an estimated 20,714 people that were not counted.

I take pleasure now in recognizing the gentleman from the city of San Antonio, Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, the issue that we address today will affect every constituent in every congressional district throughout the Nation. You will hear us repeat numbers, facts and figures but truly what we are trying to emphasize, that these are just not facts and figures but real people. The 2000 census is just around the corner and if we do not stop the partisan rhetoric which has clouded this issue for far too long, we will once again keep millions of Americans from having a voice. As Chair of the Census and Civil Rights Task Force for the Hispanic Caucus and Co-Chair of the Census Task Force for the Democratic Caucus, I am committed to achieving a fair and accurate census. The impact of a fair and accurate census will be felt across the Nation in every community and in the lives of every American. The information gathered in the census is utilized in many ways. It is used by States and local governments to plan schools and highways, by the Federal Government to distribute funds for health care and countless other programs. It is used by businesses in creating their own economic plans.

Our last census, in 1990, was the first time in history that the count was less accurate than the one before. In 1990, more than 8 million Americans were not counted and more than 4 million were counted twice. In Texas, as already indicated, over 500,000 were not counted. In my own home city of San Antonio, as referred to earlier, 40,000 were not counted.

In a report released by the General Accounting Office this past week, it is reported that 22 of the 25 large formula grant programs use census data as part of their allocation formula. Those 25 formula grant programs distribute approximately $166 billion in Federal funds to the States. The 22 formula grant programs that utilize census data account for 97 percent of the total. That is $161 billion. These are Federal tax dollars that citizens across the Nation have paid, Federal dollars that should come back to the community in the form of improved infrastructure, better neighborhood schools, health care for the poor and the elderly, local economic development and much more.

In my State of Texas, where over 500,000 were not counted, it is estimated that we lost close to $1 billion in Federal funding over the past 10 years. We were second only to California in the harm caused by an inaccurate count. This astronomical loss of funding breaks down to $1,992 per missed person. It is estimated that if we utilize the same inaccurate enumeration methods for the 2000 census, Texas will stand to lose $2.18 billion in Federal funds.

We must realize that this is not a political issue. This is an economic issue. It is an education issue. It is an infrastructure issue. And most importantly, it is about fairness. It is about time that we stop the partisan rhetoric and choose people over party politics. Every person in this Nation counts and every American deserves to be counted.

It is important to point out exactly who was missed in the 1990 census. It is really no surprise, because the very people who were not counted in the last census are those communities who are typically overlooked. Of the 8 million Americans not counted, minorities, children and the poor were disproportionately represented. Nationally, 5 percent of Hispanics, 4.4 percent of African Americans, 2.3 percent of Asian and Pacific Islanders, and over 12 percent of Native Americans living on reservations were undercounted. In Texas, the net undercount from the 1990 census was 2.8 percent, almost twice as high than the national average of 1.6 percent. The percentage of Hispanics and children missed in Texas were all greater than the national average. Of the 500,000 Texans missed, over half were of Hispanic origin. Statewide, 3.9 percent of African Americans, 2.6 percent of Asian and Pacific Islanders, and 2.8 percent of Native Americans were undercounted.

While missing or miscounting people is a problem for the census, the fact that particular groups, children, the poor, people of color, city dwellers and renters were missed more often than others produced census data that underrepresented these particular groups. Each of us should be outraged by these types of inaccuracies. The Census Bureau and other experts have told us that the most accurate census can be obtained by utilizing modern and proven scientific statistical methods. These are proven methods, proven to be the most accurate system to obtain the census.

Now, we know that the Constitution calls for an enumeration. I agree. We should try to count as many people as we possibly can. I also realize the obstacles that face us if we rely on this head count alone. Today society is highly mobile. Most households are two-income families. There are language barriers. And there are people who have a distrust of government. These are just some of the obstacles facing us if we choose to continue to employ a head count system alone. Proven scientific statistical methods can overcome these obstacles and will give us the more accurate count. Over and above the accuracy, we know that this system is cheaper than the actual head count.

The Supreme Court recently ruled that these scientific methods can only be used for redistricting and distribution of Federal funds and that a head count must be done for the purpose of apportionment. If we know we can get the most accurate census through these methods and that they will save us money, we must utilize them. The gentlewoman from New York (Mrs. MALONEY) who just preceded me has introduced legislation that will amend the census act so that scientifically proven statistical methods can be used for every purpose of the census, apportionment, redistricting and distribution of Federal dollars. I believe in this bill and urge all of my colleagues to support it so that every American will be counted and have a voice. We must stop the partisan bickering over the census. We must put people first. We must put people over party politics. We must and should be dedicated to obtaining a fair and accurate census in 2000.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas (Mr. GONZALEZ) for his remarks. I know Texas has been hard hit and we all recognize the loss in Texas. We have been shortchanged. With the 2000 census upon us, we recognize the importance of assuring that we get a good, accurate count. Let me recognize my fellow Congressman also from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. I thank the gentleman from Texas (Mr. RODRIGUEZ) for yielding.

Mr. Speaker, I have an important point I would like to make today. Our Nation must have a fair and accurate census in the year 2000. In my State of Texas, the 1990 census resulted in the second highest undercount of any State. Not only in 1990 but for a full 10 years after that, almost half a million Texans have been inadequately represented in their government and received only a fraction of the Federal funds that they were due. The undercount meant that the State of Texas alone was deprived of over $1 billion in Federal funds. As the gentleman from Texas (Mr. GONZALEZ) said earlier, an equally inaccurate census in the year 2000 could result in the loss of over $2 billion to our State. Nationwide, the Commerce Department estimates that several million people were overlooked. While these figures represent the disempowerment of a shocking 1.6 percent of the total American population, the figures for minorities are significantly worse. A full 5 percent of Hispanic Americans were simply overlooked, 4.4 percent of African Americans were never counted, 4.5 percent of Native Americans were ignored. These communities of minority Americans have been denied the representation that is their birthright. Representation in American government cannot be contingent on the affluence of your neighborhood, nor the color of your skin. This is a sanctioned disempowerment of American minorities and cannot be allowed to continue. We must have a census 2000 that not only attempts to count all Americans but one that makes people, all people, count. To allow our underserved populations to become third-class citizens without a voice in their own government is to deny the most basic principles of democracy. This is the only way in which they are going to be able to get the additional Federal funds to improve their schools, to modernize their schools, to be able to improve health programs, to be able to improve their infrastructure so that they too can have an interstate highway and be able to be connected to the rest of the country. This is the only way in which they are going to be able to improve the quality of life of their people. This must change. I stand here today, and I say, the year 2000 census must be fair. To be fair, it must be accurate.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas (Mr. HINOJOSA) for his remarks. I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise to discuss this issue because it is indeed an issue that should have a lot more attention in this Nation at the local level than it has been getting. The battle here in Washington seems to be a partisan battle. The battle of getting an accurate census is really a community-based value. Let me tell why. If you undercount California where one out of every 10 people in the United States lives, it has been estimated that just the 1990 census, what we did 10 years ago when there was no dispute about how to do it, that that undercount will cost California $2 billion. Why? Because the money is subvened back to the States based on population. So the census in 1990 missed 838,000 people living in California. That 838,000 people is larger than the individual populations of Alaska, Delaware, Montana, North Dakota, South Dakota and Vermont. So if you do not think that counting is important, then let us just eliminate those States from the count, because that is the amount of people that we are talking about. What that means is that in a single year California loses $197 million in Medicaid funding, that is funding for people with illnesses; $995,000 in adoption assistance, $1.8 million in child care and development, $3.6

million in prevention and treatment of substance abuse, $9.4 million in foster care, $4.7 million for rehabilitation services, the list goes on and on. What you are seeing is that all of those people out there who are asking for help from government, because the programs just do not go far enough, could be receiving that help automatically if the census was correct.

So I rise today, Mr. Speaker, to do one thing, to challenge the mayors of this great country, to challenge the county commissioners and supervisors of this great country, to challenge the municipal governments of this country to rise up and take notice as to what is happening with the census, because it is going to affect their communities. This issue is not a partisan issue. It should not be a partisan issue. It should be a scientific issue: What is the best and most accurate way that we can guarantee a full count.

The National Science Foundation and the Department of Commerce and a vast majority of the professional scientific community all recommended that we use modern scientific methods to have the count in the year 2000. The United States Supreme Court recently held that the 1976 Census Act requires the use of modern scientific methods for all purposes other than just reapportionment of Congress, which is the method where we determine how many people live inside a congressional district and from there draw the district boundary lines. That is what is of interest to Washington, to Congress, to the House of Representatives. But let us not forget that the real impact of the census is upon our neighborhoods, our schools, our health care centers, our hospitals, our police and fire, and people who reach out and do services to our community such as foster parents and others.

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Equity demands that more than scientific methods be employed to determine the population so that California and every other State are not deprived of their fair share of Federal funding. If indeed those communities care about this, rise up, take notice and petition our government in Washington.

Mr. HINOJOSA. I thank the gentleman from California (Mr. FARR). I am very pleased that he mentioned California because California was the hardest hit in terms of the loss of resources. It was estimated by the GAO report that approximately $2.2 billion was the biggest loser on the fact that we did not utilize sampling during the 1990 census. The Census Bureau estimated that 835,000 people were not counted in California. Of those, it is also interesting to indicate that over half of those individuals not counted in California were Hispanics, and the population figures are used again. It is important to note that the population figures are used by 22 of the 25 biggest Federal grant programs.

So if people are not counted, such as Medicaid, then they will not be able to receive those resources. If people are not counted such, we will not be able to use the resources for how reconstruction. So it is important for us to recognize that it is key and it is important that everyone. It is hard to think that if 5 percent of the Hispanic population is not utilized, that Hispanics are only worth 95 percent instead of a hundred percent, and we also recognize that there is an overcount, and we have a large number of individuals that are the rich that are being overcounted because they have several households.

So we ask, as we move forward, that we get an accurate count.

I wanted to just mention in terms of the GAO report that it was requested by the leaders of the House Subcommittee on Census and to determine how much each State would have received from these programs by using adjusted figures for the 1990 head count, and this GAO report is the one that I have been mentioning. The Supreme Court ruled in January the statistical methods known as sampling could be, and I read again, could not be used for determining population figures for allotting congressional seats. In response we recognize that it can be utilized for all the other areas, and that is what we are talking about.

So, it becomes important that we recognize the importance of making sure that everyone gets counted.

I was also very pleased, and the gentlewoman from California (Ms. PELOSI) was here earlier, and she talked about the importance and had to submit some record for the RECORD because she recognized that California was the biggest loser, and in her comments she also addresses the importance that in California the statistics were alarming and had far-reaching consequences. Mr. Speaker, 2.7 percent of the people in California were missed in the 1990 census. There is much at stake in this process for California, for Texas and for the entire Nation to make sure that everyone gets counted.

In the 1990 census it showed that 27 States and the District of Columbia lost $4.5 billion over the decade in Federal funds due to the failure of a corrected census in 1990. California was the State most harmed by these inaccuracies. One State would have received $2.2 billion more in Federal funds during that period, and that is $2,660 for a person that was missed. So for each one that is missed, in Texas we lose a little bit over $1,900; in California they lost over $2,600.

So it is important for us to recognize that every effort needs to be made to assure that we get everyone counted.

In the year 2000 census I also want to assure my colleagues that the Census Bureau is there to do an accurate count, and they are willing to move to make sure that the 2000 census is an accurate count. Scientific methods, and we got to remember that since the 1950s we have recognized that there has been a problem in terms of how people are counted, and since then and up to the present, even in the 1980 census, and 1990, there were attempts and there were utilized methods. They were recognized to best identify those people that are missing, and that does not mean that we will not be going house to house, that does not mean that we will not try and make sure that everyone gets counted.

In fact, as we look at the scientific methods that have been used by the Bureau for decades, it is indicated that they have been extremely helpful to be able to get a more accurate count. The Census Bureau has used scientific methods to be more accurately measured and correct and to make sure that we get that undercount, because as my colleagues well recognize, there is also an overcount on the other side with the rich that have several households.

In the year 2000 the Census Bureau will, No. 1, mail the census form to each household so that that effort will be there again and will continue to be there, and it will also go door to door to follow up on those homes that do not respond. So we are going to go out there to make sure that everyone, No. 1, gets some mail; No. 2, if they do not send it back, we are going to go out there to make sure and knock on their door to make sure that that mail and that census data comes back.

Secondly, we are going, for the first time in history the Bureau will put on a national advertising campaign urging everyone to participate, and this effort is an effort to make sure that everyone recognize that they have a responsibility to be counted and an obligation.

Thirdly, Mr. Speaker, they will use special outreach to contact and encourage everyone to return their census forms, including people who do not have a fixed address, and this is where the problem lies. There is a lot of individuals or families that live together, and we do not have a fixed address for them, and those are the individuals that get miscounted, and that is why, in order to carry that out, aside from all those things that we are going to be doing, we are going to be pushing on the utilization of sampling which will allow us to have a more accurate count.

To carry out the accuracy coverage evaluation, which is called ACE, a quality check which completes the census by evaluating accuracy and correcting any undercount. Methods very similar used by ACE were used in the 1980 and 1990 census, and this will allow an opportunity to make sure everyone gets counted. When we look at Americans, I know that during the Civil War we counted African Americans less than. We do not want to do this at this time. We want to make sure that everyone gets counted. Again, if 5 percent of Hispanics are not counted, that means that I am only counted at 95 percent, while other people are counted at a hundred or even beyond if they are overcounted.

So there is a need for us to look at that disparity that exists there and make every effort to make sure that everyone gets counted.

Mrs. MEEK of Florida. Mr. Speaker, on April 1, 2000, as mandated by the U.S. Constitution and the Census Act, the decennial census will take place. People want an accurate census that includes everybody. Unfortunately, the U.S. Census Bureau has missed millions of persons in conducting each decennial census, especially minorities, the poor, children, newly arrived immigrants, and the homeless. Our goal for Census 2000 must be the most accurate census possible. To accomplish this, the Census Bureau must use the most up-to-date methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community.

The importance of the census is monumental. The census has a real impact on the lives of real people. Information gathered in the decennial census is used by states and local governments to plan schools and highways; by the federal government to distribute funds for health care and other programs; and by businesses in making their economic plans. An accurate census is vital to every community. Last year, census data was used in the distribution of over $180 billion in federal aid. Accurate census data is the only way to assure that local communities receive their "fair share" of federal spending; an inaccurate count will shortchange the affected communities for an entire decade.

Census data also forms the basis for which Congressional seats are apportioned among the states. Within states, census data is used to draw Congressional and other legislative districts. Inaccurate data has far-reaching consequences for political representation by decreasing the influence of those persons who are less frequently counted. We must not allow this to occur in 2000.

Allow me to give you some pertinent statistics. The population undercount for minorities is a long-standing problem for the Census Bureau, a problem which was even worse in the 1990 census. The 1990 Census contained 26 million mistakes. About 4.4 million people were counted twice and 8.4 million people were missed. The net undercount was 4 million people, approximately 1.6% of the population. Another 13 million people were counted in the wrong place. About one-third of all households failed to respond to mailed questionnaires.

The undercount of minorities was much worse than the 1.6% national average. The Census Bureau estimates that 4.4% of African-Americans, 5.0% of Hispanics, and 4.5% of Native Americans were not counted. The 1990 census missed 7% of African-American children, 5% of Hispanic children, and over 6% of Native American children. In fact, as the Secretary of Commerce noted on January 25, 1999, the 1990 Census was the first in 50 years that was less accurate than its predecessor. It is critical that this census is a fair census. Because the census is so important, we must do everything we can to ensure that everyone is included in the count. We know that previous censuses overlooked millions of people, especially children and minorities. That's not fair, it's not accurate, and it's not acceptable. We are determined to do better.

A complete census must include modern scientific methods which will provide an essential quality check for Census 2000. Such a plan fully complies with the Supreme Court's ruling that the law requires that the Census Bureau use modern methods such as statistical sampling for all other purposes of the census other than apportionment. This issue should rise above partisan politics. It's not a partisan issue. It's an American issue. As President Clinton stated:

"Improving the census should not be a partisan issue. It's not about politics, its about people. It's about making sure that every American really, literally counts." President Clinton, June 2, 1998.

The stakes of an inaccurate census are very high. Over 164 federal programs use some aspect of census data to determine the amount of funds that are distributed to qualified applicants. From the allocation of transportation funds and the building of roads and bridges, to the determination of housing units and the distribution of program funds, census data plays a critical role in determining the amount of federal dollars disseminated in our local communities. The decennial census is the basis for virtually all demographic information used by educators, policy makers, journalists and community leaders. America relies on Census data everyday—to determine where to build more roads, hospitals, and child care centers.

The extent of the problem should be clear. Poor people living in cities and rural communities, African-Americans and Latinos, immigrants and children were disproportionally undercounted. In Florida, the 1990 Census missed more than 258,900 people. Like the national results, a disproportionate number of undercounted Florida residents were minorities—4% (73,319 people) of African-Americans were missed; 1.8% (2,881 people) of Asians in Florida were undercounted, 5.3% (87,654 people) of Hispanic origin were missed; and 2.7% (1,006 people) of native Americans were undercounted.

In Miami, an estimated 18,831 (4.99%) people were not counted. This is the 3rd highest undercount rate among major cities (behind Newark, NJ, and Inglewood, CA). We must do better.

We should allow the Census Bureau to do its job. The professionals at the Census Bureau are continuing their preparations to produce the most accurate census permitted under the law. Our goal must be the most accurate census possible, using the most up-to-date scientific methods and the best technology available.

Allow me now to turn your attention to the controversial issue of statistical sampling. Advertising and promotional campaigns targeted to minority communities and directed by minority advertising firms are essential. Easy access to census materials in languages other than English is also critical. However, the National Academy of Science, the General Accounting Office, the Inspector General of the Commerce Department and the academic and statistical community all have concluded that the undercount and the differential undercount among minorities cannot be solved without the use of modern statistical techniques known as "sampling."

On January 25, 1999, the U.S. Supreme Court ruled that the Census Act prohibits the use of sampling for apportioning congressional districts among the states. However, the Court also held that the 1976 revisions to the Census Act "require" the use of sampling for all other purposes, including the distribution of federal aid to states and municipalities and for redistricting, if the Secretary of Commerce determines its use to be "feasible."

The Secretary of Commerce has already announced that he considers the use of sampling to be feasible. Given the Supreme Court's ruling, a 2000 census plan must be a two-number plan under the law that uses traditional counting methods to arrive at a number for apportionment and modern statistical sampling techniques for all other purposes. Simply put, the Court's ruling did not bar the use of modern scientific methods. It required sampling's use for all census purposes except apportionment.

In order to eliminate the undercount for all other purposes beyond apportionment of congressional seats among the states, Census 2000 will be completed using modern scientific methods. The Census Bureau has determined that it is feasible to use modern scientific methods and will use these methods to produce the most accurate census permitted under the law.

Scientific methods have been used by the Bureau for decades. Statistical methods disclosed that in the 1950 census, minorities were undercounted at much higher rates than non-minorities. Since then, the Census Bureau has used scientific methods to more accurately measure and correct for this unfair undercount.

What steps will the Census Bureau take to ensure an accurate and fair census? In 2000, the Census Bureau will:

Mail census forms to every household and do door-to-door follow-up to the homes that did not respond to the mailing;

For the first time in history, the Bureau will put on a national advertising campaign urging everyone to participate;

Use special outreach to contact and encourage everyone to return their census forms, including people who do not have a fixed address; and

Carry out the Accuracy & Coverage Evaluation (ACE), a quality check which completes the census by evaluating accuracy and correcting any undercount.

Methods very similar to ACE were used in the 1980 and 1990 censuses to improve accuracy.

If we use the most up-to-date scientific methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community, America can have a Census 2000 where all Americans count. Let's make Census 2000 a census that all Americans can be proud of.

Ms. PELOSI. Mr. Speaker, does the census count?

Yes, the Census counts for every American and it should be as accurate as possible.

The Census Bureau has devised a plan to increase the accuracy of the ten-year count. We should listen to the experts on this issue and leave the decisions to the experts who know how to determine the best means for accomplishing the best count.

What are our choices?

In all of the talk about the census and its fairness, the interpretation of the Supreme Court decision and the debate on methods, our choices really are very simple.

We can use the "old" methods, or we can use the modern methods recommended by the Census Bureau. We can have an inaccurate census using the "old" method, or we can have a more accurate census using updated techniques for counting, recommended by the Census Bureau.

The 1990 census failed America's minority communities. Almost 9 million people were not counted in the process, including one in ten African-American males, one in twenty Hispanics and one in ten young Asian males. To make matters worse, there were 26 million errors in the census with 14.5 million people counted twice and another 13 million people counted in the wrong place. In fact the 1990 census was the first census in 200 years to be less accurate than the census preceding it.

This approach is unacceptable. Why would we retrace our steps down a failed path AGAIN? We owe it to all segments or our communities to make the strong effort to keep the census fair, accurate and representative of our diverse population.

In California, the statistics were alarming and had far-ranging consequences. 2.7% of the people living in California were missed in the 1990 count. There is much at stake in this process for California and its communities—to be counted, to be represented and to reap the federal benefits intended to spring from the best possible census numbers. In San Francisco alone, African Americans were undercounted by 13% and Hispanics by 16%.

The 1990 census showed that 27 states and the District of Columbia lost $4.5 billion over the decade in federal funds due to the failure to correct the 1990 census. California was the state most harmed by these inaccuracies. Our state would have received $2.2 billion more in federal funds during this period—$2,660 for each person missed.

The Republican majority has proposed a $400 million ad campaign to highlight the census. Why spend almost half a billion dollars and do nothing to correct the inaccuracies of the past. Under this plan, we will get even less for our money than ever before. What kind of goal is that?

If there is a move to restrict the Census Bureau in its plans and the process is thwarted, we could be faced with a partial government shutdown with funding cut off for the departments of Commerce, Justice and State under the June 15 deadline. This crisis is avoidable and should be entirely unnecessary under the Supreme Court decision.

The Supreme Court decision supports the current efforts of the Census Bureau—to use the "old" method for the purposes of state apportionment in Congress under the law and to use methods recommended by the census experts to use improved counting to redistrict within each state and to distribute federal funds. This is a fair compromise. The Supreme Court agrees.

The Census Bureau is committed to producing the most accurate numbers possible for all uses other than for apportionment, and the Republican majority wants to prevent it from doing its job.

The rich ethnic diversity of our urban and rural areas should not be under-reported, underpresented and under-funded under a failed system. We must have a more fair process for counting our nation's minority communities under a process that brings the greatest number of people into the headcount.

Yes, the Census counts. Every American should be concerned about a fair count and support the work of the experts at the Census Bureau in giving them the tools they require to do the best job for the best money. The American people deserve the best.

THE RADICAL LEFT, THE PRESIDENT'S COUNSEL AND THE DEMOCRATIC CAUCUS DO NOT LIKE THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I certainly have been intrigued by the speech that we have been hearing about the census and about how we have heard words like "partisan motives" and "tactics" and basically the same things that we have been hearing for years, that Democrats have been attacking Republicans for back room maneuvers and saying all these horrible things because we do not want people to be represented according to them. Mr. Speaker, as my colleagues know, the one thing though that I find really intriguing about this debate is that while Republicans are being attacked for this, the one thing that we do not hear about when it comes to reapportionment and when it comes to using the census to count voters in 2000 is the fact that this decision has already been reached, not in a back room in Congress, not by mean-spirited Republicans getting together and figuring out how they can harm human beings, but now it has been decided already across the street by the United States Supreme Court who ruled not long ago, just a month or two ago, that it is unconstitutional. It is unconstitutional to run a census the way the administration and the way that the radical left wants to run the census in 2000.

Mr. Speaker, I say "radical left." Why do I say "radical"? I say "radical," and my definition of "radical" is somebody or a group of legislators who want to radically break with the past, and that is what this is all about. As my colleagues know, they can talk about scientific means of measurement, they can talk about fairness, they can talk about whatever they want to talk about, but when they turn and point and blame the Republicans for the census in 2000, they are avoiding some very basic facts.

Mr. Speaker, the main fact they are avoiding is, and there are two facts actually; first fact is the United States Supreme Court says it is unconstitutional to guess how many Americans should be able to vote in an election. It is unconstitutional. The second fact that they conveniently avoid so they can come down here and make mean-spirited, radical assertions that just are not based on fact is that the United States Constitution itself, the framework for this great constitutional republic, says itself that you have got to count each person when we decide about reapportionment.

Now what did we hear? As my colleagues know, I do not know why we did not hear that other than it does not really play into their strong point as well as criticizing Republicans, attacking us as mean-spirited. Listen. The Republicans on this issue are irrelevant. If they have a problem, they need to take it up with the United States Supreme Court. They need to take it up with Madison and Hamilton and those people that drafted the United States Constitution over 200 years ago.

Now maybe they do not like the Constitution, maybe they think that this part of the Constitution is not suited well for the 21st century, maybe they want a radical departure from our history, maybe they want to take an extremist approach because they think they can pick up four or five seats. But I can tell my colleagues the Supreme Court, the United States Constitution and 222 years of American history does not support their argument.

Facts are stubborn things. Facts, not name calling, not mean-spirited attacks; facts are stubborn things.

It reminds me during the impeachment hearings and even before the impeachment hearings, as we led up to the impeachment hearings. Mr. Speaker, I remember Ken Starr being castigated time and time again. He is a renegade. Ken Starr is dangerous. He is trying to do things that he should not be able to do. That is what we heard from the radical left. But facts are stubborn things.

The President's attorneys, the radical left, the Democratic Caucus, all would attack Ken Starr and say he was doing things that would destroy the Presidency and the Constitution, and yet every time the legal question was taken to the United States Supreme Court, the United States Supreme Court, the highest court in the land, would come back and defend Ken Starr's right to conduct his legal investigation.

Now whether colleagues agreed with Mr. Starr's investigation or not, do not say that he is an out-of-control prosecutor that is trying to violate the law because the highest court in the land, the court sanctioned by the United States Constitution 222 years ago, said that what Mr. Starr was asking for was constitutionally correct.

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Now, again, maybe the radical left, the President's counsel, and the entire Democratic Caucus does not like the Constitution. Maybe they are offended by 222 years of history. But do not attack the person that is living by the law and the Constitution, because facts are stubborn things.

This is something I have seen now for 4 years. Mr. Speaker, it was about 4½, 5 years ago that I was an American that sat on my couch and watched the news, watched C-Span, had never been involved in politics. I decided that I should get off the couch, come to Washington, and try to make a change.

I did that. I have to tell the Members, I was shocked, absolutely shocked by some of the mean-spirited things that were said from the left to the right. Any time they disagreed on principle, they would attack personally.

I just do not know how many times I have heard somebody from the radical left call an opponent a Nazi because they disagreed with them politically; a Nazi, a member of an organization that killed 6 million Jews.

Just because you disagree with the way somebody votes on a school lunch program, whether someone wants it administered by the State, the local school agency or the Federal Government, does not mean that we should resort to this mean-spirited radical approach.

It is just like social security. I do not know how many times I have heard people on the left talk about Social Security and talk about how Republicans want to destroy Social Security. We have heard it from the administration time and time again. It is almost like they a one-trick pony. That is all they know how to do is to scare people.

Once again, facts are stubborn things. It was just this week that CBO Director Crippen criticized the President and the administration, and for doing what? For planning to raid the Social Security trust fund by $270 billion, steal $270 billion from Social Security. Even in Washington, D.C., even among the radical left, $270 billion is a lot of money.

The idea was let us go ahead and raid Social Security for $270 billion, take it from Social Security, put it in the general account, and then, after we steal $270 billion from this Federal program that was set up on a promise, then we spend that $270 billion on new Federal programs, new bureaucracies, making new promises that this government will not keep.

We have to say, once and for all, to this administration and to those on the left that want to raid the Social Security trust fund to create new bureaucracies and new jobs and new power in Washington, D.C., keep your hands off Social Security. Keep your hands off Social Security.

There is a Republican plan by the gentleman from California (Mr. WALLY HERGER) that would allow us to, finally, after all of these years, keep politicians' hands off of Social Security. This plan would set aside the Social Security trust fund and stop politicians from raiding that trust fund.

The President would not be able to steal $270 billion from the Social Security trust fund. Members of the radical left would not be able to create new Federal jobs, create new Federal bureaucracies, and create new Federal regulations with their ill-gotten dollars. Instead, we would set aside Social Security. We would keep it solvent, not only for my parents but for all of Americans. We have got to do that. We have got to stop looting the Social Security trust fund.

Ironically, this is something that, back in 1995, when I came here with a group of 73 other freshmen Republicans, we actually put out a bill that Mark Neumann helped draft that would set aside the Social Security trust fund and protect Social Security's funds for our seniors. We were told at the time it was radical, that nobody would do it; that, listen, we have to go ahead and count the Social Security trust fund and raid it or there is no way we can balance the budget. The administration's budgets looted Social Security.

Right now, though, I think we are getting to a point where most conservative and moderate Members of Congress agree that we have got to keep Social Security safe and keep it off-budget, so our grandparents and our parents will be able to get back the money that they put in.

Is it a plan that will work? I do not know, but I would like the administration, I would like members of the radical left, I would like everybody to come to the table and at least talk about it, instead of saying let us raid Social Security by $270 billion, and then turning around and saying, we are the ones that are protecting Social Security.

They cannot have it both ways. Either they are for protecting Social Security and keeping their hands off the Social Security trust fund, or they want to raid Social Security to the tune of $270 billion, like the administration, to create bigger Federal bureaucracies. They cannot have it both ways. Facts are stubborn things.

Why are we in a position now that we can set aside the Social Security trust fund? It is because when we came here in 1995 we were not only concerned about senior citizens, we were concerned about our children, we were concerned about teenagers, we were concerned about people in their 20s, 30s, and 40s, and people who would be on Social Security down the road.

The only way we could take care of our future leaders, the only way we could allow them to enjoy the American dream that so many Americans have enjoyed in this great American century, was to stop raiding Social Security and stop stealing from our next generation.

When we got here, the deficit was $300 billion, $300 billion. The debt was $5 trillion. What does that mean? It is hard to figure out exactly how much money that is. All I can say is this. Senator BOB KERREY headed up a bipartisan task force on Social Security, and his Social Security task force back in 1994 concluded that if Social Security spending and if spending on our Federal budget continued at current rates, then people in their teens and twenties would be paying 89 percent of their paychecks, 89 percent of their paychecks just to pay off their Federal taxes.

I think what Senator KERREY did was a courageous thing. Senator Simpson, now retired, was also on that commission. It is a commission that came up with good conclusions regarding the solvency of Social Security.

What does that mean? I guess we have to boil this down basically as much as we can so people in their teens and twenties can understand.

Let us say you have a job at Wendy's and you make $200; a part-time job, and you make $200 every 2 weeks. If you have to pay 90 percent of your salary in Federal taxes, that means you will get $20 at the end of the day and the Federal Government will get $180. That simply is not the right thing to do, but that is what our children and our grandchildren face and what they faced if we did not dare to stand up to say no to more and more spending.

What do we hear now, 4 years later, just 4 years later? We have gotten to a point where we could not only erase the deficit but also erase the $5.4 trillion debt, just in 10 or 15 years. How did this come about? We hear an awful lot about the recovery. A lot of people want to take credit.

But I remember back in 1995 when we got here. We said, we are going to balance the budget and we are going to do it in 7 years or less. I actually voted on a plan that would balance the budget in 5 years. They called us radical and extreme because their views were radical and extreme.

I guess, to a political faction that had spent 40 years borrowing from their children and their grandchildren and stealing from their grandparents' Social Security trust fund, I guess our concept was radical.

This was our concept: If you spend $1, then you had better bring in $1. Stop borrowing from the next generation and from the generation that survived the Depression and won World War II. Instead, let us be fiscally responsible. So we brought out a plan to balance the budget. It was the plan of the gentleman from Ohio (Mr. JOHN KASICH). It was a courageous plan.

I got up here in my first couple of months in Washington and everybody in Washington told me, we cannot do it. This will never happen. We cannot balance the budget. In fact, I remember the President coming out and saying, if we tried to balance the budget in 7 years we would destroy the American economy. The President of the United States just 4 years ago said if we tried to balance the budget in 7 years we would destroy the United States economy.

We had some other people that knew a thing or two about economics come and testify before Congress. The gentleman from Ohio (Chairman KASICH) had Fed chairman Alan Greenspan come to Congress.

The chairman of the Fed said, if you people will only do what you say you want to do and pass a budget that will balance in 7 years, you will see unprecedented economic growth. You will see interest rates rocket down. You will see unemployment go down. You will see the stock market explode. You will see America explode economically in a way that it had not exploded since the end of World War II.

Do Members know what? He was right. His prediction before the Committee on the Budget in early 1995 was deadly accurate. It is a good thing that we listened to our hearts, that we listened to the chairman of the Fed and ignored the naysayers on the radical left and ignored the President, who said, do not balance the budget; it is a very bad thing.

Facts are stubborn things. It was only 1 year later when he was running for president that he said his first priority would be to keep up the fight for balancing the budget. It is very interesting, because he vetoed nine appropriation bills, he shut down the government, all because he did not want to balance the budget in 7 years. He said it would destroy the economy.

What has our work accomplished? What has the work of the gentleman from Ohio (Chairman KASICH) accomplished? What has Speaker Gingrich, when he was still here as a Speaker, accomplished? What has the courage of Republicans and conservative Democrats alike accomplished?

Well, let us look at it. When we first got here 4 years ago the deficit was approaching $300 billion. Now we are told that the budget will balance in the next year. When we first got here the Dow Jones was at 3,900. Today it is at 9,500, and middle class Americans have gotten involved in the market, in their 401(k) plans, and America is enjoying unprecedented economic growth.

Unemployment is down. Inflation has remained down. America has not enjoyed better times. Why? All because we ignored the naysayers and the people who said we cannot balance our checkbooks, we cannot run Washington the way middle-class Americans have to run their homes. We cannot do it.

We said, we can do it, Mr. President; and we will do it, Mr. President. And because we did, America enjoys unprecedented economic growth. It is time for us to step back, not to assess credit, not to assess blame, but just to say, let us remember the facts and let us remember what got us here. The gentleman from Ohio (Chairman KASICH) was for it. The Speaker was for it. Every Republican was for it. A few Democrats were for it. The President was against it, and the radical left was against it.

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It is a good thing, a good thing that we stuck to our plan.

But yet, to hear the administration talk, one would think, my gosh, this was our plan all along. It was not. It just was not. And I suppose they can say it as much as they want to say it. They can take the credit as much as they want to take the credit. But facts are stubborn things.

So what we have to do in 1999 is remember the lessons of 1995, Mr. Speaker. Just because it is unpopular does not mean it is not the right thing to do. Just because less government may not be popular in Washington, D.C., does not mean it is not the right thing to do. Just because destroying the death tax, cutting capital gains tax, ending the marriage penalty and allowing people that make from $45,000 to $60,000 to pay less taxes, just because it may be tough does not mean it is not the right thing to do. It is the right thing to do.

It may seem radical to people whose entire life, their entire existence is based in Washington, D.C.; who believe that all roads lead to Washington; who believe that Washington knows how to spend out money better than we know how to spend our money; that believe Washington knows how to educate our children more than we know how to educate our children; that believe that Washington knows how to clean up crime better than communities know how to clean up crime. It may seem radical to them, but it does not seem radical to me. It did not seem radical to Ronald Reagan, and it certainly did not seem radical to Thomas Jefferson.

Mr. Speaker, we have to stop turning our backs on what made America so great. That is the individual. It is people.

"GOP" in the past has stood for Grand Old Party. I think that is a lousy name. I think that is a stupid, lousy name. What we ought to say is GOP stands for Government of the People.

Now, why do I say that? Because think about it. Who is the one, who is the party that is saying parents and teachers know more about educating children than the Federal Department of Education? Certainly not Democrats. They believe that the Federal bureaucracy in education should continue to grow, and the President has budgets to prove it.

Who believes Americans should keep more of their money and Washington should take less? It is not the Democrats of the radical left. In fact, the President of the United States went up to Buffalo a few weeks ago and made a statement that I am sure he wishes he could retract now. This is a statement that, unfortunately, reveals his heart when it comes to Washington, D.C. He said to this group about cutting taxes, he criticized Republicans because they actually wanted Americans to keep more of their money, and he said: You know, we in Washington could let you keep more of your money and hope you know how to spend it right. Oh, we cannot do that.

Hope? What is there to hope about? I mean, it is so painfully obvious that Americans know how to spend their money better than Washington, D.C. I will guarantee, Mr. Speaker, that if I went to the President of the United States today and I said, "Mr. President, I have got $50 million for you, and you can either have a bureaucrat in Washington, D.C., invest that money or you can invest that money yourself," I will guarantee that he will say, "I will invest it myself."

Let us say that someone won a $50 million lottery across America and they said they want to give all of their money away to charity, they want to help people. If I gave them the option, would they rather give that $50 million to Federal bureaucracies or would they rather give that $50 million to private charities, I will guarantee that they would give it to private charities in a second because Washington, D.C., does not have all the answers. Washington, D.C., cannot do it as well as communities. All roads do not lead to Washington, D.C.

Mr. Speaker, I still believe in the genius of America. I still believe in the genius of communities. And as the father of two boys in public schools, I still believe parents know how to raise their children and teach their children better than bureaucrats in the Federal Department of Education.

Maybe that is not in vogue in 1999. Maybe it is not in vogue to say that Americans are paying too much in taxes in 1999. Maybe the economy is doing so well that Americans want to give the Federal Government more money. Well, I hope not, because I do not think that is good for America and I do not think it is good for the Federal Government. Because if we give the Federal Government one dollar, they will figure out a way to need two dollars next year. If we give them two, they will need four. If we hire one employee this year, they will figure out a way that they will need to hire two next year.

We have got to get back to basics, not only in this Congress, not only in this country, but in this party. The party of Lincoln, the party of Madison and Jefferson, the party that believes that the genius of America lies in the heart of America and not in Washington, D.C.

So, hopefully, when we talk about Social Security, we can keep our word with the American people. We can stop stealing from Social Security. We can stop the President's plan dead in its track to loot the Social Security trust fund of $270 billion. $270 billion. We can stop the President's plan to spend more and more money. And, yes, we can stop the President's plan to raise taxes by almost $100 billion this year.

We have tried that before. That is the past. That is the history. I know his poll ratings are high and every time they are high he comes to Congress and he wants to spend more money and raise more taxes. It happened in 1993. We had the largest tax increase in the history of the world. That is why I think I got elected in 1994, because of his tax increase in 1993. I was against it then; I am against it now. I think it is immoral for the Federal Government to take half of what Americans earn.

When we look at it, look at it and see. A great example is the death tax. Now, the radical left will tell us that the death tax is about nothing more than helping the rich. Say that to the farmer that has spent his entire life with his hands in the soil building a farm, praying to God every year that his crops will come in, praying that he will have something to pass on to his sons and his daughter, only to pass away and have his children have to pay 55 percent to the Federal Government just because he had the bad fortune of dying. Fifty-five percent on money that he has already paid taxes on eight or nine times.

Mr. Speaker, that is obscene. With the new collection of wealth in America, with middle-class Americans that are actually getting to earn a little bit of money and investing in small businesses and using their hands and using their minds and sweating day and night to build a small business in the hope of passing the American dream on to their children, they find out that when they die, they are going to have to pay 55 percent to the Federal Government. And what is going to happen to their small business? What is going to happen to their small farm? They are going to have to sell it. They are going to have to have a sale on the courtroom steps, because their children are not going to have the money to pay death taxes and keep that family business or that family farm running.

Mr. Speaker, it makes no sense. It makes no sense that Americans, while they are alive, spend half of the year paying for taxes, fees and regulations put on them by the government.

Now, what does that mean? That means that when Americans wake up to work on Monday, they are working for the government, and all day they are working for the government. When they wake up and go to work on Tuesday, they are still working to pay taxes, fees and regulations to the government. It is not until they come back from lunch on Wednesday afternoon that they are able to put aside a few dollars for themselves and a few dollars aside for their family and a few dollars aside for a mortgage. God help us all to be able to save a little bit of money for our children's education.

See, this is not the agenda that the President or the radical left want to talk about, because what does this do? Why is this offensive to people on the left? Because it makes sense? It makes sense I think to most Americans. But why is it offensive to people on the left? It is because it takes money out of Washington, D.C., and returns it to Americans.

I think, in the end, the difference between the right and the left is that the left just does not trust Americans with their own money. Like the President of the United States said in Buffalo a few weeks ago: Yeah, we could give you your money and hope that you spend it the right way, but we just cannot do that.

Mr. Speaker, I am hoping that we will be coming to a time in the coming months that we can debate the real issues and debate the real facts. If we are talking about spending, we will keep spending down, we will adhere to the spending caps that we passed in 1997.

We have had Speaker HASTERT and several others come out this week and talk about their desire to stay in the spending caps. We have had the President of the United States talk about more taxes, more spending, more government, two very separate visions of America.

Mr. Speaker, Republicans are fighting hard to cut taxes. Hopefully, we can cut the death tax. Hopefully, we can help Americans that make $45,000 to $60,000 get out of the 28 percent tax bracket and go to the 15 percent tax bracket. Why is an American making $45,000 paying 28 percent in Federal taxes? That is insane and wrong. The Federal Government has enough money. It does not need money that badly.

Hopefully, when we talk about Social Security we can say no to raiding the Social Security trust fund and say yes to keeping Social Security off budget. Say no to the President's plan of looting Social Security by $270 billion, according to CBO, and say yes to the Herger plan, the Republican plan, to keep Social Security off budget.

Mr. Speaker, if we do that and if we go back to what we were talking about doing in 1995, which was balancing the budget, cutting taxes, cutting spending, saving Social Security and being responsible with taxpayers' money, then I think we will really be on to something and we will go into the next century and the new millennium a stronger, freer, prouder country than we have in many, many years.

That is my hope, that is my prayer, and that is what I will be fighting for.

ISSUES AFFECTING THE PEOPLE OF GUAM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes.

Mr. UNDERWOOD. Mr. Speaker, I take the floor today in the course of a special order to try to draw some attention to issues which affect the people I represent, the people of Guam.

Mr. Speaker, Guam is a small island about 9,000 miles from here. It has 150,000 proud U.S. citizens and offers the United States a transit point through which military power is projected into that part of the world. It is a cornerstone of America's projection of its military strength in Asia and the Pacific.

Guam has a $10 billion military infrastructure. Our island is primarily influenced by Asian economic trends, and we have a fair-sized economy for a population of 150,000.

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We have a $3 billion economy that is fueled primarily by tourism. We had over 1.2 million tourists last year, we anticipate, and we certainly hope that we will get more.

In the course of trying to represent a territory of the United States, the furthest territory from Washington, D.C., and in the course of trying to represent some very special and unique conditions which affect the people I represent, it becomes necessary to try to get some time to enter into the record and to provide some information for those people who happen to be watching some information about the kinds of issues that affect the people of Guam.

I certainly would like to take the time to start off by talking about a very special congressional delegation that went to Guam last month. In February, there was a Pacific congressional delegation headed by the gentleman from Alaska (Mr. YOUNG), who is the chairman of the Committee on Resources. He took a delegation which included the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. DOOLITTLE), the gentleman from Minnesota (Mr. PETERSON), the gentleman from California (Mr. CALVERT), the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN), and myself through a four-stop trip in the Pacific.

The Committee on Resources, of which the gentleman from Alaska (Mr. YOUNG) is chair, is the committee of jurisdiction and responsibility over the insular areas.

I want to take the time to thank the members of the congressional delegation for taking time from a very busy schedule in order to go out to the Pacific. I think sometimes people think of these as trips that are taken at a very leisurely pace and that not much is learned. But inasmuch as there is a great deal, perhaps, of misinformation or a lack of understanding or firsthand knowledge about the insular areas, I took it as a great opportunity to do a little teaching about the Pacific. I can testify that flying all over the Pacific, in which time is measured in hours of flight time, cannot be very pleasant when you make basically six stops in the course of 10 days.

In the course of the CODELs, the congressional delegation trips, they happened to stop, of course, on Guam. They went to American Samoa, Guam, Saipan in the Commonwealth of the Northern Marianas, and Majuro in the Republic of the Marshall Islands.

In the course of stopping in Guam, I would like to say publicly that I certainly appreciate the work of Governor Guiterrez and many of the people on Guam who made the visit most pleasant, I think, for the CODEL, the Members, the spouses that attended, as well as the staff that went.

Politics on Guam is very different than politics here. Sometimes when we try to deal with issues, we run into roadblocks of misunderstanding. It is very difficult to try to get the sense or try to explain the sense of the kinds of situations that we confront.

Yet, in the course of the congressional delegation visit, we did have the opportunity to have a forum between locally elected leaders, the Governor, members of the Guam legislature and Members of Congress to have a dialogue, a roundtable discussion on some major issues. I would like to simply address a few of those issues.

One is political status. Guam is an unincorporated territory of the United States. This goes back to a distinction made and rulings made by the Supreme Court called the insular cases in which a distinction was made between so-called incorporated territories and unincorporated territories.

Unincorporated territories are those areas over which the United States has sovereignty but which are not destined or are not promised or there is no implied promise for becoming States. This is to make a distinction of what was going on in the 19th century with areas of Oklahoma or Arizona or New Mexico which were territories almost always seen as States in waiting.

The problem with unincorporated territories is, realistically, as it stands now, unless we are able to conceptualize a new model for governance and participation in the system, unincorporated territories have very few options, particularly the smaller ones have very few options, in order to be able to participate in the making of laws which govern their lives.

Unincorporated territories are territories that are represented here, one is not even represented here, the Commonwealth of the Northern Mariana Islands, represented here by individuals like myself who are not voting Members of Congress.

Consequently, the people that we represent have no real meaningful participation in the making of laws which apply to the territories. Most of the laws apply to the territories in the same way that they apply to other areas.

Moreover, even though the President is our president as much as any other American citizen, we do not vote for president. And, of course, the executive branch of the Federal Government and all its various agencies issue regulations which in the main are applicable to the territories in the same way that they are applied to the 50 States and the District of Columbia.

As a consequence, it is always an issue to try to figure out what is the long-term process for resolving this situation, because it is a situation which every American citizen must come to grips with at some time. That is, how do you extend the meaning of the phrase concept of the governed to some 4 million Americans for whom that phrase is not fully implemented? It is easy to say to aspire to statehood. Perhaps, Puerto Rico, because of its size and its proximity and the relative numbers that are at work there, it is easy to say that statehood is an option.

But for an area like Guam or the Virgin Islands or American Samoa or the Northern Mariana Islands, that is not often seen as an option. Yet, there is no alternative given in order to find a fuller way to participate in the American body politic. So, as a consequence, these are issues that are always just below the surface on any given issue.

It comes to the surface on some very difficult things, like the establishment of a fish and wildlife refuge on Guam to deal with endangered species. This was a law that was passed in the U.S. Congress and applied to Guam in the same way that it applied to the 50 States, even though the people of Guam may not want the refuge. And in this instance, they do not, even though the source of the problem is the application of a law in which the people of Guam have no meaningful participation.

So there are a number of issues which were raised. First of all, we dealt with political status, and we hope that we can continue the dialogue on this. We hope that the Committee on Resources will see fit to try to establish new models for governance, new ways in order to establish meaningful participation for citizens who do not participate in the formation of laws which govern their lives. They do not elect a president who is, nevertheless, their president in every sense of the word.

One of the main issues that is always raised in the context of Guam is excess lands. These are military lands. The military condemned approximately 40 percent of the land in Guam in the immediate post-World War II era in order to establish a network of military bases which were subsequently used to prosecute further World War II, to fight the Korean War, to win the Cold War.

But, basically, those lands were condemned by military officials under authority of this Congress when there were no representatives from Guam at that time, not even a nonvoting representative.

If there was anyone who wanted to contest that process of condemnation, they had to take their case in front of a military court. It was a closed system. It was a closed system, a very un-American system, but a system that was specifically authorized by Congress. It could be authorized by Congress because, under the Constitution, Congress could pass virtually any kind of law it sees fit with respect to the territories.

So one of the issues is that today, as the military downsizes, as it changes its needs, is how to get as many lands back to the government of Guam at no cost, back to the people of Guam at no cost.

This is very different than any other circumstance that may be experienced in any other area of the United States. These lands were condemned by military courts primarily for a military purpose. Now that they no longer serve a military purpose, they should go back to the people of Guam.

Moreover, the government of Guam should be granted the option, if feasible, to return some of the land that they do get back to the original land owners. And this is a much contentious issue across a number of lines, because there are many bureaucracies in Washington who fear that this will create some precedence which would make it difficult to deal with excess lands in other parts of the United States.

But, again, given Guam's unique experience, given the fact that we must do what is right for the people of Guam and that we must do what is right in correcting this historical injustice, I think we should draft a provision which allows for that.

Another item which has surfaced also in the course of the discussions is the rate of illegal immigration into Guam, primarily from China. I would like to discuss that at length a little bit later in this special order.

Lastly, compact-impact aid. It is useful to have a little geography lesson about Guam. Guam is roughly 3,500 miles west of Hawaii, about 7 hours flying time. It is in the middle of a group of islands that geographically are called Micronesia. Most of Micronesia was under a trust territory arrangement from the United Nations called the Trust Territory of the Pacific Islands.

Emerging out of that old Trust Territory of the Pacific Islands are three new independent nations that are in free association with the United States. These new nations are called compact states. They are called FAS, Freely Associated States. These are the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshalls.

They have their own representation in the United Nations. They have ambassadors who are here in Washington, D.C. The United States has ambassadors that are in those three areas of Micronesia.

Yet, because they share a very special relationship, they are the only independent countries in the world that are allowed free migration into the United States. I believe that that is a good policy. In general, it is a good policy. But because of the proximity of Guam, most of these migrants end up either in Guam, the vast majority end up in Guam. Some end up in Hawaii. A few go on to the U.S. mainland.

As part of this treaty between the Freely Associated States and the United States of America, which is a freely negotiated treaty, the United States basically granted these nations the right to freely migrate. The people of Guam were not a party to those negotiations. In fact, because of their status as an unincorporated territory, they could not vote on that in the full House proceedings that occurred here.

So, as a consequence, one can say that the obligation, the fulfillment of this promise made by the United States Government falls on the people of Guam. Today, as we speak, approximately 10 percent of the population of Guam are these migrants who come to Guam, who have no restrictions, no visa requirements, no monitoring, and they are simply allowed.

When the compacts were passed, the U.S. Congress did put a statement in there that the social and educational costs of the migration of these people into the territories like Guam, they were mindful that something like this would happen, would be reimbursed by the Federal Government.

Well, guess what? The first compacts were negotiated and implemented in 1985 and 1986. It has gone on almost 15 years. The government annually estimates that these social and educational costs, because of the disparity in medical treatment opportunities between Guam and the other areas, because of the disparity in educational and health services, that we estimate that this figure is about anywhere between $15 million and $20 million a year since 1986. But, today, the U.S. Government only reimburses the people of Guam $4.5 million.

So we are very concerned about this. We took the opportunity to explain it to the Members of Congress who took the time to come to Guam and also took the time to recognize the work in this process and the fulfillment of a long-time commitment by the gentleman from Alaska (Mr. YOUNG) to go out to Guam and personally listen to the problems.

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I am also pleased to note that the gentleman from Alaska (Mr. DON YOUNG), the chairman of the Committee on Resources, has agreed to try to work with me on some legislation, a kind of an omnibus bill for Guam.

In that omnibus bill there are some provisions that we would like to put in. One is to correct an anomaly in Guam's Supreme Court. Because the territories are governed by an organic act, or an organizing act, this is the basic law that governs the government of Guam or the government of the Virgin Islands.

These organic acts are passed by Congress. They are not passed by the people in those territories. And so if we want to seek a change to them, we have to come to Congress to make those changes.

Guam was allowed to have its own Supreme Court, but because of the way it was worded, it ends up that a lower court, the Superior Court, actually has control over the court system. This is a good-sense measure. It violates most of the ways that the States and other territories run their court systems. If my colleagues can imagine that a district court or one of the Federal circuit courts would have more control over the court system than the U.S. Supreme Court, that is the situation we have on Guam, and we can correct that with a change in the organic act.

Also in a proposed omnibus bill we want to put the government of Guam, the people of Guam, at the head of the line when excess land is declared by the Federal Government. As it stands now, and as it stands in most areas, when there is Federal excess lands which the Federal Government no longer needs, they offer it to other Federal agencies first. So if the Department of Defense had a runway that they no longer needed, they would simply check out all the other Federal agencies. Obviously, when they do that, to be sure, one or more Federal agencies are going to find a use for it.

So what our legislation would do and what we would like to put into the Guam omnibus act is legislation which would treat the government of Guam as a Federal agency and put them at the head of the line whenever any Federal agency declares that land is to be excess.

Given the nature of how this land was originally taken, condemned by military authorities under a grant of authority by Congress and condemned by military authorities and adjudicated in courts presided over by people in uniform, a closed system, it is only fair that we provide the opportunity for the people of Guam to have first crack at the return of excess lands.

In addition, another provision we would like to put in an omnibus bill, a bill to correct many of these inequities which the people of Guam experience, we would like to put in a requirement in which the Department of Interior will make a report and provide statistical information and monitor the flow of migrants from the Freely Associated States. And that, moreover, in fulfilling this requirement, they make an estimate about the costs that are involved in terms of providing these migrants who come to Guam, and who come to other places inside the United States, the cost of taking care of their social needs and their educational needs.

The other item which I would like to talk about and take some time on is about the rash of illegal immigration which has come to Guam. Guam is approximately, if one were to take a flight direct to Hong Kong, is approximately 4 flying hours to Hong Kong, but that represents a great expanse of ocean.

Last year in particular, and this year already, Guam has experienced a surge in Chinese illegal immigration. As a result, ironically, of some liberalization in internal policies inside China as well as the economic problems they are experiencing and a very skillfully organized crime syndicate inside China, there has been a rash of Chinese illegal immigrants coming into Guam.

The rundown of events is shocking to a place that has only 150,000 people. Last year, we estimated that about 700 illegal Chinese immigrants found their way to Guam, and this year the Coast Guard estimates that anywhere between 1,200 and 1,700 will find their way to Guam in 1999.

Last year, on May 11, 10 Chinese illegals were dropped off at Ylig Bay. On May 20, two people were arrested in connection with the Ylig Bay incident. On May 22, 24 Chinese illegals and three smugglers were apprehended off of Guam's eastern shore. On June 8, 75 Chinese nationals were apprehended off of Tanguisson. On June 18, a federally funded report on the Commonwealth of the Northern Marianas, our neighbors to the north, found that some 200 Chinese citizens were smuggled from Saipan to Guam and are in various stages of a political asylum process. On June 26, 12 of the Chinese nationals caught at Tanguisson on June 8 were discovered to have hepatitis B. On September 15, 48 Chinese illegals were apprehended off Mangilao. On December 25, Christmas day, 11 suspected Chinese illegals were apprehended near Guam Reef Hotel, which is a big hotel, and it is in the middle of a tourist area. It has become even more brazen as times goes on.

It is important to understand that this rash of Chinese illegal immigrants is very unlike what we normally think of as a source of illegal immigration. Most of us think, and, quite honestly, I myself am very sympathetic with many illegal immigrants who come to this country, because they usually come as people who are in economically destitute situations, who are simply trying to find a new way of life, trying to find a way to economically improve themselves. If they find a way to cross the border to our southwest and they find a way to get a job, eventually, many of them, if they find a way to live through all of that, become quite successful in living inside the United States.

Now, I am not advocating illegal immigration, but that is what we normally think of as the kind of illegal immigration.

The kind of illegal immigration that is occurring in Guam from China is very different. This is part of a well-orchestrated, highly-organized criminal network operating inside Fujian Province, inside China, in which the people will go out and buy a very decrepit fishing boat that will barely survive an extended journey, which takes anywhere between 18 to 22 sailing days to get to Guam. They will load these people up, take them off to a point off of Guam, and then, through some coordination with people onshore, they will ferry them in by smaller boats and then, hopefully, once they get caught, and almost all of them do get caught, they will claim political asylum. Then the process of adjudicating these asylum requests ensures that, by and large, most of them will stay on.

These people who are coming to Guam's shores in this way are responsible for coughing up anywhere between $8,000 and $10,000 each. If they are taken all the way to North America, they are responsible for coming up with about $35,000 each. A boatload, a decrepit fishing boat that can take and move them from the coast of China illegally.

The People's Republic of China is not encouraging this. They are a little embarrassed by it, frankly, but this is the work of criminal organizations.

They will take that boat and move them to Guam. But they barely get to Guam or they barely get near the coast of Guam, and they are usually diseased by that time or diseased to begin with. Many of them are beaten. Many of them are living in holds that are meant for catching tuna, and so they live in some shocking conditions.

I got a complete briefing on this by the U.S. Coast Guard, and it is a scandal as to how these people are being treated.

Most of them are men in their 20s. And the reason why most of them are men in their 20s is because they really do become indentured servants once they get in the United States because they have to pay off an enormous debt. So this is a planned criminal activity which preys upon human hope and practices human misery.

And then, at the other end of it, once they get in the United States, there is planned indentured servitude which goes on for year after year after year. So this whole stream of criminal activity that affects my constituency on Guam is part of a planned criminal network.

In order to deal with it, I have introduced legislation which will take Guam out of the INA, the Immigration and Naturalization Act, for purposes of easy political asylum. Now, what that means is that if, for example, the Chinese illegal immigrants come to Guam and they are caught, and invariably all of them will be caught in one way or another, because Guam is not a very large place. And if an individual is Chinese and does not speak much English, someone will notice. When they are caught, they are then instructed to claim some kind of asylum. Under existing INA laws, the immigration officers are very limited in their flexibility to deal with that.

I am not proposing that we eliminate political asylum all together, because there is a minimum standard which we must adhere to as a country no matter where political asylees come from. And there may be, in the future, legitimate claims for political asylum. But what we have to do is pass a law which gives the INS officers the flexibility to say, no, this individual is part of a criminal process trading in human misery, and what we are going to do is we are going to detain this individual until we find a way to get them back to China.

And if we do that, even if we are allowed to do that with one boatload, then that will be enough deterrence for the people who are making money off of this human misery to know that that route for them is closed.

It is a very sad commentary on what goes on in that part of the world, but it is important to understand that the loophole that we are trying to close is not borne out of an opposition to political asylum. Rather it is the utilization of political asylum to advance a criminal agenda. The only people who make money off of this enterprise are not even the individual illegal immigrants themselves but rather the criminals who organize this network.

If they can get a decrepit fishing boat for $100,000 and charge this human cargo of misery and get them to Guam, they can make $5 million on that as they go through that process. And the inducement to that, the incentive to that, the conduit for that is basically existing immigration and naturalization, the existing INA Act as applied on Guam.

Now, the reason, going back to Guam's status as an unincorporated territory, that we can make a change in the law which gives INS officers this kind of flexibility on Guam but not that kind of flexibility in other areas, is because Guam is not part of the United States for all purposes. So trying to utilize that flexibility in order to deal with an immediate situation is something that I think is widely supported on Guam and certainly widely supported even by the law enforcement agents that are working on this.

It is important to understand that sometimes many of us do not think of the U.S. Coast Guard as particularly hazardous duty, but the Coast Guard has to interdict these vessels and they are facing some very rough situations.

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They are dealing with some criminal organizations and people who are very desperate and there has been some very serious, violent incidents at sea as a result of this. I want to publicly acknowledge the work of the Coast Guard and also call on the Coast Guard to devote more resources to the Pacific area in order to deal with this. As part of a package which I am not sure of its current status here in the House but there is an emergency package, the Central American and Caribbean Relief Act which is supposed to be marked up today, I am not sure that it was, but in that they are hoping to give some money to INS in order to deal with the immigrant situation which occurred as a result of Hurricane Mitch in Central America. A little part of that funding is going to go to deal with the Guam situation and so I am hopeful that that package passes here in the House and eventually in the other body. What INS has done on Guam is with one group of 80 Chinese illegal immigrants found in Guam in January, is because INS had no more funds to adjudicate them, to prosecute them, no more funds to detain them, they decided to turn them loose on Guam. Many of these people have hepatitis, many of these people suffer from tuberculosis and almost all of them test positive for tuberculosis, so all of them have had contact with TB. Because of our concern on Guam, the government of Guam has willingly taken up the cause for detaining them.

That is our situation with the illegal immigrant problem. I want to stress again so that this legislation which I have proposed not be misunderstood. There is a minimum threshold which is internationally recognized, how nations are supposed to deal with people who make political asylum claims. The United States in its wisdom has a more generous threshold on that. And so when INS officers are confronted with this claim, they have limited movement, limited freedom of action in order to deal with it. In our case, because these illegal immigrants are basically part of a network of criminal activities, they are all men in their 20s, they are carefully selected because these men will work for many, many years and will continue to pump money back into the crime syndicate which brought them over, it is important that we remove that incentive for the time being in order to deal with this and to end this problem. I would add that this is a growing problem not only in Guam although Guam is the first part but even as far away as the Virgin Islands, there are incidents once in a while in which there are people being smuggled in from China by criminal organizations. This is a widespread problem. In our case I think it makes sense to try to deal with it in the way that I have just outlined.

Lastly, I would like to address a problem very briefly which affects everyone, and, that is, the Y2K problem. I think our contemporary world is ever more dependent on computers to assist with and manage our daily lives. From the ATM machine to the desktop PC, to the pacemaker, to air traffic control systems, computers and their myriad of programs all work in concert to make our lives better and more productive. On my home island of Guam, computers have improved mass communication with the U.S. mainland and overseas areas in all facets of life, law, business, government, commerce, military, trade, transportation and perhaps most important for us, staying in touch with our families wherever they may be throughout the world. Because our lives on Guam are so intertwined with computers, the year 2000 or the Y2K problem may pose quite a crippling problem to many communities. I want to point out that the year 2000 will first be experienced on Guam, 15 hours before it will be experienced here. So if we are going to get some computer glitches, we are going to feel them in Guam right away.

The Y2K problem was created by a programming oversight. As a result of an archaic, two-digit dating system in computer software and hardware, vital systems may be knocked off-line on January 1, 2000, creating cyber-havoc for many. This concern has led the General Accounting Office to elect the Y2K problem to the top of the "high risk" list for every Federal agency.

There exists a Congressional Research Service report, requested at the behest of Senator DANIEL PATRICK MOYNIHAN over 3 years ago, dealing with the implications of the Y2K problem. The report states, among other things, that the year 2000 problem is a serious problem and the cost of rectifying it will indeed be rather high.

Now, the Federal Government, and we have heard about this and read about it almost on a daily basis, has become rather proficient in getting its agencies and its departments to comply with the inevitable reprogramming that is required to fix this bug. But not without some effort. Both the Senate and the House have truly taken the lead on this pressing issue. Under the gentle prodding of Senators MOYNIHAN, BENNETT and DODD as well as the gentleman from California (Mr. HORN), the President appointed a Y2K Council to get the government, the U.S. Government, the Federal Government, focused on this issue. They have done well enough that many citizens do not fear the end of the year despite the rhetoric of many doomsayers. That said, to paraphrase Robert frost, we have many miles yet to go before we sleep.

Up until today, States, territories and local authorities have been left to their own devices in terms of fixing the year 2000 problem. While most of the Federal Government's critical services may be Y2K compliant by January 1, 2000, many of the States and local jurisdictions will not be. This includes Guam and other territories. In Guam, for example, the local Office of the Public Auditor recently released a study outlining the territorial Y2K problem. While some of the government of Guam's departments are Y2K compliant ahead of schedule, many are not. Guam's Department of Public Works and Department of Public Health and Social Services, both lifeblood agencies for both Guam's public infrastructure and poor and handicapped, do not have enough money or are behind in scheduling and performing Y2K conversions. The story is the same throughout the country in many cities, counties, towns and territories: time is running out or the money has already run out.

The bill which I have introduced today will establish a program that will allow States and territories to apply for funding to initiate Y2K conversions of State computer systems which distribute Federal money for vital welfare programs such as Medicaid, food stamps, supplemental nutrition program for women, infants and children, better known as WIC; child support enforcement, child care and child welfare, and Temporary Assistance for Needy Families, better known as TANF. Through the application of Y2K technical assistance funds for these programs, we can ensure that the lifeblood of many of the poorest Americans will not be disrupted by the turn of the calendar.

This vital legislation, which I have introduced today, is the House companion bill to the Moynihan-Bennett-Dodd bill, S. 174 as introduced in the Senate. We have modified the original Senate vehicle to ensure that the territories and the District of Columbia will not be excluded from this important program, an apparent and accidental oversight of the Senate version. I will not tell my colleagues how many oversights we have experienced similar to those, but certainly those of us from the territories are always cognizant of the fact that many legislative items do not address our needs until we take specific action to take care of that. I urge all of my colleagues to support this bipartisan and fiscally responsible and necessary legislation. I would like to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTIAN-CHRISTENSEN), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for lending their support as the representatives from non-State areas of the United States. Finally, I want to especially thank the gentleman from California (Mr. HORN) and Senators MOYNIHAN, BENNETT and DODD for taking the lead on educating all Americans on the Y2K problem as well as legislating wise solutions to ameliorate its potentially harmful effects. This is good legislation. I think it deserves careful scrutiny in order to assist local governments that deal primarily with Federal programs to make sure that there are no glitches in the system as we celebrate the end of 1999.

Again I want to reiterate, I want to express my personal gratitude to the gentleman from Alaska (Mr. YOUNG) and all the Members of Congress who went on the congressional delegation to the Pacific areas to try to deal with some of the problems, to understand some of the problems experienced by Guam, the Northern Marianas, American Samoa, and the Republic of the Marshalls, which was kind of a State visit. These islands represent a marvelous part of the world, a part of the world that is frequently romanticized and sometimes misunderstood. These are real people with real-life stories and compelling stories to tell. All of them have made an enormous contribution to the United States in one way or another and are deserving of the respect and dignity of human beings and U.S. citizens everywhere.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore (Mr. WALDEN of Oregon) laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 4, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 5(a) of Public Law 105–255, I hereby appoint the following individual to the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development:

Dr. Jill Shapiro, Ph.D. of Tiburon, CA.

Yours Very Truly,
RICHARD A. GEPHARDT.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As you may know, I have been appointed to serve on the Permanent Select Committee on Intelligence by Minority Leader Richard A. Gephardt of Missouri.

I respectfully request a leave of absence from the Committee on Government Reform and Oversight for the duration of my service on the Permanent Select Committee on Intelligence. In accordance with the rules of the Democratic Caucus, I will retain my seniority on the Committee on Government Reform and Oversight during this period.

Sincerely,
GARY A. CONDIT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHENOWETH (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PASTOR) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, March 8, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

885. A communication from the President of the United States, transmitting a request to make available previously appropriated contingent emergency funds for the Department of Energy; (H. Doc. No. 106–35); to the Committee on Appropriations and ordered to be printed.

886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Criteria for State Observational Surveys of Seat Belt Use [Docket No. NHTSA–98–4280] (RIN: 2127–AH46) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

887. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4); (H. Doc. No. 106–34); to the Committee on International Relations and ordered to be printed.

888. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus question covering the period October 1 to November 30, 1998, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

889. A letter from the Comptroller General of the United States, transmitting a copy of his report for FY 1998 on each instance a federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform.

890. A letter from the Comptroller General of the United States, transmitting a report on General Accounting Office employees detailed to congressional committees as of January 22, 1999; to the Committee on Government Reform.

891. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Stafford Act, as amended, will exceed $5 million for the response to the emergency declared on September 28, 1998 as a result of Hurricane Georges, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Transport Category Airplanes Equipped with Day-Ray Products, Inc., Fluorescent Light Ballasts [Docket No. 96–NM–163–AD; Amendment 39–11034; AD 99–04–10] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A5/–D5 Series Turbofan Engines [Docket No. 98–ANE–08–AD; Amendment 39–11027; AD 99–04–03] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–28–AD; Amendment 39–11029 AD 99–04–05] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Griffin, GA [Airspace Docket No. 98–ASO–26] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, KS [Airspace Docket No. 98–ACE–45] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; St. Joseph, MO [Airspace Docket No. 98–ACE–49] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 98–NM–373–AD; Amendment 39–11031; AD 99–04–07] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29463; Amdt. No. 1914] (RIN: 2120–AA65) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29464; Amdt. No. 1915] (RIN: 2120–AA65) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29465; Amdt. No. 1916] (RIN: 2120–AA65) received February

22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Restricted Areas; NV [Airspace Docket No. 98–AWP–27] (RIN: 2120–AA66) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727, 727–100, 727–200, 727C, 727–100C, and 727–200F Series Airplanes [Docket No. 99–NM–16–AD; Amendment 39–11047; AD 99–04–22] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters [Docket No. 98–SW–27–AD; Amendment 39–11037; AD 99–04–13] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109K2 Helicopters [Docket No. 97–SW–57–AD; Amendment 39–11045; AD 99–04–20] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Anaconda, MT [Airspace Docket No. 98–ANM–16] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76C Helicopters [Docket No. 98–SW–81–AD; Amendment 39–11040; AD 99–01–09] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269C–1 Helicopters [Docket No. 98–SW–39–AD; Amendment 39–11038; AD 99–04–14] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369D, 369E, 369FF, 369H, MD500N, and MD600N Helicopters [Docket No. 97–SW–61–AD; Amendment 39–11036; AD 99–04–12] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mexico, MO [Airspace Docket No. 99–ACE–4] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

911. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter regarding funding the Executive Branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 819. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. 106–42). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself and Mr. Gejdenson):

H.R. 973. A bill to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on International Relations.

By Mr. DAVIS of Virginia (for himself, Ms. Norton, Mrs. Morella, Mr. Hoyer, Mr. Wynn, Mr. Horn, Mr. Cunningham, Mr. Ehrlich, and Mr. Moran of Virginia):

H.R. 974. A bill to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. Quinn, Mr. Traficant, Mr. Ney, Mr. Kucinich, Mr. English, Mr. Murtha, Mr. Aderholt, Mr. Klink, Mr. Regula, Mr. Dingell, Mr. Weller, Mr. Gephardt, Mr. Gekas, Mr. Bonior, Mr. Strickland, Mr. Ganske, Mr. Cardin, Mr. Franks of New Jersey, Mr. Coyne, Mr. Berry, Mr. Peterson of Pennsylvania, Mr. Oberstar, Mr. Goodling, Ms. Kaptur, Ms. McCarthy of Missouri, Mr. Gillmor, Mr. Wise, Mr. Ehrlich, Mr. Moakley, Mr. Mollohan, Mr. Rahall, Mr. Doyle, Mr. Costello, Mr. Clyburn, Mr. Matsui, Mr. Lipinski, Mr. Evans, Mr. Blagojevich, Mr. Sandlin, Mr. Holden, Mr. Roemer, Mr. Payne, Mr. Bishop, Mr. Brady of Pennsylvania, Ms. Millender-McDonald, Mr. Pascrell, Mr. Andrews, Ms. Pelosi, Mr. Sanders, Mr. Hall of Texas, Mr. Rodriguez, Mr. Stupak, Mr. Cramer, Mr. DeFazio, Mr. Meeks of New York, Mr. Larson, Mr. Boucher, Mr. Brown of Ohio, Mr. Maloney of Connecticut, Mr. Olver, Mr. Pallone, Mr. Hinchey, Ms. Stabenow, Mr. Mascara, Mr. Pastor, Mr. Jackson of Illinois, Mr. Hilliard, Mr. Kennedy of Rhode Island, Ms. Hooley of Oregon, Mr. Boswell, Mr. George Miller of California, Mr. Delahunt, Ms. Schakowsky, Ms. DeLauro, Mr. Filner, Mrs. Mink of Hawaii, Mr. Bryant, Mr. Abercrombie, Mr. Burton of Indiana, Mr. McNulty, Mr. Borski, Mr. Kleczka, Mr. Forbes, Mr. Sherman, Mr. Sawyer, and Mr. Cannon):

H.R. 975. A bill to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Mrs. Bono):

H.R. 976. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare Program for pap smear laboratory tests; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 977. A bill to amend the Internal Revenue Code of 1986 to establish, and provide a checkoff for, a Biomedical Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 978. A bill to amend the National Labor Relations Act to ensure that certain orders of the National Labor Relations Board are enforced to protect the rights of employees; to the Committee on Education and the Workforce.

By Mr. STRICKLAND (for himself, Mr. King of New York, Mr. Sweeney, Mr. Holden, Ms. Schakowsky, Mr. Green of Texas, Mrs. Maloney of New York, Mr. Walsh, and Mr. Coyne):

H.R. 979. A bill to ensure that services related to the operation of a correctional facility and the incarceration of inmates are not provided by private contractors or vendors and that persons convicted of any offenses against the United States shall be housed in facilities managed and maintained by Federal employees; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Ms. Velázquez, Mr. English, Mrs. Thurman, Mr. Portman, Mr. Jefferson, Mr. Packard, Mr. Shows, Mr. Dooley of California, Mr. Bachus, Mr. Gonzalez, Mr. Sessions, Mr. Watts of Oklahoma, Mr. Wise, Mr. Bartlett of Maryland, Mrs. McCarthy of New York, Mrs. Capps, Ms. Dunn, Mr. Hulshof, Mrs. Mink of Hawaii, Mr. Salmon, Mr. Green of Texas, Mr. Thune, Mr. Sweeney, Mr. Brady of Pennsylvania, Ms. Kilpatrick, Mr. Hill of Montana, Mr. Pease, Mrs. Kelly, Mr. LoBiondo, Mr. Hefley, Mr. Chabot, Mr. Davis of Illinois, Mr. Armey, Mr. Frost, Mr. DeMint, Mr. Manzullo, Mr. Pitts, Mr. Forbes, Mr. Paul, Mr. Udall of New Mexico, Mr. McInnis, Mrs. Bono, Mr.

Goode, Ms. Pryce of Ohio, Mr. McIntosh, Mrs. Emerson, Mr. Barr of Georgia, Mr. Stump, Mr. Foley, and Mrs. Myrick):

H.R. 980. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. Pastor, Mr. Hayworth, Mr. Stump, Mr. Salmon, Mr. Udall of Colorado, and Mr. Udall of New Mexico):

H.R. 981. A bill to redesignate the Coronado National Forest in honor of Morris K. Udall, a former Member of the House of Representatives; to the Committee on Resources.

By Mr. GOODLATTE (for himself, Mr. Goode, Mr. Armey, Mr. Cox, Mr. Blunt, Mr. Tiahrt, Mr. Barr of Georgia, Mr. Coburn, Mr. Barton of Texas, Mr. Pickering, Mr. Whitfield, Mr. Bryant, Mr. Shadegg, Mr. Mica, Mr. Goss, Mr. Istook, Mr. Calvert, Mr. Bachus, Mr. Fossella, Mr. Largent, Mr. English, Mr. Latham, Mr. Hostettler, Mr. Paul, Mr. Ballenger, Mr. Sessions, Mr. Doolittle, Mr. Peterson of Pennsylvania, Mr. Packard, Mr. Schaffer, Mr. Herger, Mr. Hayworth, Mr. Cunningham, Mr. Franks of New Jersey, Mr. Jenkins, Mr. Knollenberg, Mr. Dickey, Mr. Weldon of Florida, Mr. Green of Wisconsin, Mr. LoBiondo, Mr. DeMint, Mrs. Myrick, Mr. Hilleary, Mr. Fletcher, Mr. Everett, Mr. Tancredo, Mr. Salmon, Mr. Forbes, and Mr. McCollum):

H.R. 982. A bill to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs; to the Committee on Commerce.

By Mr. BALDACCI (for himself, Ms. DeLauro, Mr. English, Mr. Rothman, Mrs. Lowey, Mr. Gejdenson, Mr. Allen, and Mr. Doyle):

H.R. 983. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture.

By Mr. CRANE (for himself, Mr. Kolbe, Mr. Rangel, and Mr. Matsui):

H.R. 984. A bill to provide additional trade benefits to certain beneficiary countries in the Caribbean, to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Banking and Financial Services, the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself, Mr. Metcalf, Mr. Rohrabacher, Mrs. Tauscher, Mr. Herger, Mrs. Thurman, Mr. Nethercutt, Mr. Taylor of Mississippi, Mr. Foley, Mr. Oxley, Mr. Walsh, Mr. English, Mr. Hobson, Ms. Danner, Mr. Bilbray, Mr. Cunningham, Mr. McKeon, Mr. Smith of Washington, Mr. Boyd, and Mr. Saxton):

H.R. 985. A bill to amend title 49, United States Code, concerning the treatment of certain aircraft as public aircraft; to the Committee on Transportation and Infrastructure.

By Mr. BARCIA (for himself, Mr. Lampson, Mr. Royce, Mrs. Clayton, Mr. McHugh, Mr. Reyes, Mr. Taylor of Mississippi, Mr. Underwood, Ms. Kilpatrick, Mr. Pascrell, Mr. Cramer, Mr. Ney, Mr. Rothman, Mr. Clay, Mrs. Kelly, Ms. Stabenow, Mr. Peterson of Minnesota, Mr. Gutknecht, Mr. Brady of Pennsylvania, Ms. Ros-Lehtinen, Mr. Pastor, Mrs. Jones of Ohio, Mr. Turner, Mr. Combest, Mr. Foley, Ms. Woolsey, Mr. Knollenberg, Mr. Kucinich, Mr. Luther, Mr. McGovern, Ms. Lofgren, Mr. Kuykendall, and Mr. Sandlin):

H.R. 986. A bill to authorize the President to award a gold medal on behalf of the Congress to John Walsh in recognition of his outstanding and enduring contributions to American society in the fields of law enforcement and victims' rights; to the Committee on Banking and Financial Services.

By Mr. BLUNT (for himself, Mr. Ballenger, Mr. Armey, Mr. DeLay, Mr. Watts of Oklahoma, Mr. Stenholm, Mr. Goode, Mr. Pickett, Mr. Bonilla, Mr. Boehner, Mr. Cunningham, Mr. Burr of North Carolina, Mr. Hefley, Mr. McIntosh, Mr. Peterson of Pennsylvania, Mr. Hall of Texas, Mr. Sisisky, Mr. Tanner, Mr. John, Mr. Martinez, Mr. Clement, and Mr. Goodling):

H.R. 987. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H.R. 988. A bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN (for himself and Mr. Strickland):

H.R. 989. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to require that group and individual health insurance coverage and group health plans and managed care plans under the Medicare and Medicaid Programs provide coverage for hospital lengths of stay as determined by the attending health care provider in consultation with the patient; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. Markey, Mr. Pomeroy, Mr. Duncan, and Mr. Matsui):

H.R. 990. A bill to provide for investment in private sector securities markets of amounts held in the Federal Old-Age and Survivors Insurance Trust Fund for payment of benefits under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself, Mr. Oberstar, Mr. Nadler, Mr. Bentsen, Mr. Frost, Mr. McGovern, Mr. Ford, Mrs. Christensen, Mr. Lipinski, Ms. Schakowsky, Mrs. Mink of Hawaii, Mr. Sandlin, Mr. Meeks of New York, Mr. LaFalce, Mr. Sanders, Mr. Shows, Mr. Baldacci, Mr. Blagojevich, Mr. Hall of Ohio, Mr. Rush, Mr. Bonior, Mr. George Miller of California, Mr. Kennedy of Rhode Island, Mr. LaHood, Mr. Barrett of Wisconsin, Mr. Wynn, Mr. Sabo, and Mr. Kleczka):

H.R. 991. A bill to amend the Public Health Service Act and other laws to apply the health insurance portability requirements applicable to group health plans to students covered under college-sponsored health plans; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 992. A bill to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 993. A bill to provide that of amounts available to a designated agency for a fiscal year that are not obligated in the fiscal year, up to 50 percent may be used to pay bonuses to agency personnel and the remainder shall be deposited into the general fund of the Treasury and used exclusively for deficit reduction; to the Committee on Government Reform.

By Mr. EHLERS:

H.R. 994. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mrs. EMERSON (for herself, Mr. Blunt, Mr. Hulshof, and Mr. Talent):

H.R. 995. A bill to provide a direct check for education; to the Committee on Education and the Workforce.

By Mr. ETHERIDGE (for himself, Mr. Price of North Carolina, Mr. Rangel, Mr. McIntyre, Mr. Frank of Massachusetts, Ms. Carson, Mr. McGovern, Ms. Pelosi, Mr. Moran of Virginia, Mr. Towns, Mr. Waxman, Mr. Filner, Mr. Frost, Mr. Green of Texas, Mr. Forbes, Mr. Lewis of Georgia, Mr. Gordon, Mr. Payne, Mr. Hinchey, Mr. Delahunt, Mrs. Maloney of New York, Mr. Sandlin, Mr. Lampson, Mr. Ackerman, Mr. Martinez, Mr. Pastor, Mr. Ortiz, Mr. Neal of Massachusetts, Mrs. Clayton, Mrs. Meek of Florida, Mr. Pallone, Mr. Romero-Barcelo, Mrs. Tauscher, Mr. Crowley, Mr. Clement, Mr. Shows, Mr. Kennedy of Rhode Island, Mr. Bonior, Ms. Millender-McDonald, Mr. Capuano, Mr. Evans, Mr. Meehan, Ms. Kilpatrick, Mr. Olver, Mr. Wexler, Mr. Brown of California, Ms. Norton, Mr. Baird, Mr. Watt of North Carolina, Mr. Dooley of California, Mr. Inslee, Ms. Brown of Florida, Mrs. Capps, Mr. Davis of Florida, Mr. Phelps, Mr. Conyers, Mr. Dingell, Mr. Gonzalez, Ms. Berkley, Mr. Hill of Indiana, Mr. Weiner, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Wu, and Ms. Baldwin):

H.R. 996. A bill to amend the Internal Revenue Code of 1986 to provide a source of interest-free capital, in addition to that recommended in the President's budget proposal, for the construction and renovation of public schools in States experiencing large increases in public school enrollment; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. Ackerman, Mr. Baldacci, Mr. Borski, Mr. Boucher, Mr. Costello, Mr. Frost, Mr. Green of Texas, Mr. Hinchey, Ms. Kilpatrick, Mr. LaFalce, Mr. LoBiondo, Mr. McNulty, Mr. Payne, Ms. Ros-Lehtinen, Mr. Rothman, Mr. Shays, Mr. Shows, Mrs. Tauscher, and Ms. Velázquez):

H.R. 997. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism; to the Committee on Commerce.

By Mr. HAYES:

H.R. 998. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. Farr of California, Mr. Gilchrest, Mrs. Capps, Mr. Kuykendall, and Mr. Saxton):

H.R. 999. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself, Mr. Duncan, Mr. Oberstar, and Mr. Lipinski):

H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and Rules, for period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF (for himself, Mr. Jefferson, Mr. McCrery, Mr. Collins, Mr. Crane, Mr. Kleczka, Mr. Herger, Mrs. Thurman, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. English, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. McInnis, Mr. Foley, Mr. Petri, Ms. Granger, Mr. Bachus, Mr. Ney, and Mr. Terry):

H.R. 1001. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. Stump, Mr. Skeen, Mr. Schaffer, Mrs. Bono, Mr. Metcalf, Mr. Pombo, Mr. Pickering, Mr. Calvert, Mr. Gary Miller of California, Mr. Nethercutt, Mr. Peterson of Pennsylvania, Mr. Shows, Mr. Istook, and Mr. Young of Alaska):

H.R. 1002. A bill to amend the Act popularly known as the Declaration of Taking Act to require that all condemnations of property by the Government proceed under that Act; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 1003. A bill to amend the Public Health Service Act to revise the filing deadline for certain claims under the National Vaccine Injury Compensation Program; to the Committee on Commerce.

By Mr. MANZULLO (for himself, Mr. Matsui, and Mr. Crane):

H.R. 1004. A bill to amend the Internal Revenue Code of 1986 to allow dentists and physicians to use the cash basis of accounting for income tax purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. Paul, Mr. Royce, Mr. Hilleary, Mrs. Kelly, Mr. Taylor of North Carolina, Mr. Weldon of Florida, Mr. LaHood, and Mrs. Roukema):

H.R. 1005. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY (for himself, Mr. Cardin, Mr. Houghton, and Ms. Dunn):

H.R. 1006. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mrs. MEEK of Florida:

H.R. 1007. A bill to adjust the immigration status of certain Honduran nationals who are in the United States; to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. Stump, Mr. Evans, Mr. Stearns, Mr. Gutierrez, Mr. Quinn, Mr. Filner, and Ms. Brown of Florida):

H.R. 1008. A bill to require that a portion of the amounts made available for housing programs for the homeless be used for activities designed to serve primarily homeless veterans, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MILLER of Florida:

H.R. 1009. A bill to authorize the awarding of grants to cities, counties, tribal organizations, and certain other entities for the purpose of improving public participation in the 2000 decennial census; to the Committee on Government Reform.

By Mr. MILLER of Florida:

H.R. 1010. A bill to improve participation in the 2000 decennial census by increasing the amounts available to the Bureau of the Census for marketing, promotion, and outreach; to the Committee on Government Reform.

By Mr. NEAL of Massachusetts (for himself, Mr. Moakley, Mr. Delahunt, Mr. Meehan, Mr. McGovern, Mr. Tierney, and Mr. Olver):

H.R. 1011. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain real property tax reduction vouchers received by senior citizens who provide volunteer services under a State program; to the Committee on Ways and Means.

By Mr. NORWOOD (for himself, Mr. Goodling, Mr. Ballenger, Mr. Boehner, Mr. Cunningham, Mr. Deal of Georgia, Mr. Graham, Mr. Hayworth, Mr. Hoekstra, Mr. Hilleary, Mr. Istook, Mr. Kolbe, Mr. McCrery, Mr. McKeon, Mr. Miller of Florida, Mrs. Myrick, Mr. Paul, Mr. Schaffer, and Mr. Talent):

H.R. 1012. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. PETRI:

H.R. 1013. A bill to require that employers offering benefits to associates of its employees who are not spouses or dependents of the employees not discriminate on the basis of the nature of the relationship between the employee and the designated associates; to the Committee on Education and the Workforce.

By Mr. PICKETT:

H.R. 1014. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mr. Shows, Ms. Schakowsky, Mr. Frost, Mr. Frank of Massachusetts, Mr. Pastor, Mr. Brown of California, Mr. Wynn, Ms. Lee, Mr. Stark, Mr. Kleczka, and Mr. Filner):

H.R. 1015. A bill to amend the Fair Credit Reporting Act to allow any consumer to receive a free credit report annually from any consumer reporting agency; to the Committee on Banking and Financial Services.

By Mr. RYAN of Wisconsin:

H.R. 1016. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow the projected on-budget surplus for any fiscal year to be used for tax cuts; to the Committee on the Budget.

By Mr. SCHAFFER:

H.R. 1017. A bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. Bliley, Mr. Salmon, Mr. Sanford, Mr. Royce, Mr. Bereuter, Mr. English, Mr. Tiahrt, Mr. Hayworth, Mr. Kolbe, Mr. Coburn, Mr. Stump, Mr. Paul, Mr. Nethercutt, Mr. Duncan, Mr. Scarborough, Mrs. Myrick, Mrs. Cubin, Mr. Oxley, Mr. Hoekstra, Mr. Skeen, Mr. Metcalf, Mr. Hostettler, Mr. Barton of Texas, Mr. Goodling, Mr. Burton of Indiana, Mr. Weldon of Florida, Mr. Radanovich, Mr. Stearns, Mr. Tancredo, Mr. Hefley, Mr. Calvert, Mr. Doolittle, and Mr. Foley):

H.R. 1018. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 1019. A bill to direct the Secretary of the Interior to convey lands and interests comprising the Carlsbad Irrigation Project to the Carlsbad Irrigation District, New Mexico; to the Committee on Resources.

By Mr. SNYDER (for himself, Mr. Evans, Mr. Filner, Ms. Carson, Mr. Minge, Ms. Brown of Florida, Mr. Abercrombie, Mr. Shows, Mr. Dickey, Mr. Smith of New Jersey, Mrs. McCarthy of New York, and Mr. Weldon of Florida):

H.R. 1020. A bill to amend title 38, United States Code, to establish a presumption of service connection for the occurrence of hepatitis C in certain veterans; to the Committee on Veterans' Affairs.

By Ms. STABENOW (for herself, Mr. Camp, Ms. Kilpatrick, Mr. Gejdenson, and Mr. Faleomavaega):

H.R. 1021. A bill to amend the Internal Revenue Code of 1986 to allow small employers a credit against income tax for costs incurred in establishing a qualified employer plan; to the Committee on Ways and Means.

By Mr. UNDERWOOD (for himself, Mrs. Christensen, Ms. Norton, Mr. Romero-Barcelo, and Mr. Faleomavaega):

H.R. 1022. A bill to authorize the Secretary of Commerce to make grants to States to correct Y2K problems in computers that are used to administer State and local government programs; to the Committee on Government Reform.

By Mr. PICKETT:

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limits; to the Committee on the Judiciary.

By Mr. PICKETT:

H. Con. Res. 41. Concurrent resolution to express the sense of the Congress that the Bureau of Labor Statistics should develop and publish monthly a cost of living index; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. Delahunt, Mr. Clyburn, Mr. Dixon, Ms. Brown of Florida, Mrs. Meek of Florida, Ms. Pelosi, Mr. Owens, Ms. Waters, and Mr. Payne):

H. Res. 97. A resolution calling upon Haiti's political leaders to seek agreement on transparent, free, and widely participatory elections, and for other purposes; to the Committee on International Relations.

By Mr. RYAN of Wisconsin (for himself and Mr. Sweeney):

H. Res. 98. A resolution amending the Rules of the House of Representatives to require that concurrent resolutions on the budget not carry an estimated deficit for the budget year or for any outyear; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. METCALF:

H.R. 1023. A bill for the relief of Richard W. Schaffert; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 1024. A bill for the relief of Edwardo Reyes and Dianelita Reyes; to the Committee on the Judiciary.

By Mr. SUNUNU:

H.R. 1025. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the fisheries for each of 3 vessels; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania:

H.R. 1026. A bill to provide for the reliquidation of certain entries of self-tapping screws; to the Committee on Ways and Means.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Tiahrt and Mr. Burton of Indiana.

H.R. 5: Mr. LaTourette, Mr. Nethercutt, Mr. Ballenger, Mr. Herger, Mr. Nussle, Mr. Hayworth, Mr. Collins, Mr. Schaffer, Mr. Tancredo, Mr. Forbes, Mr. Ehrlich, Mr. Fossella, and Mr. Petri.

H.R. 8: Mr. Sherwood, Mr. Shows, Mr. Sandlin, Mr. Ford, and Mr. Shuster.

H.R. 19: Mr. LaHood.

H.R. 70: Mrs. Clayton and Mr. Boehlert.

H.R. 72: Mr. LaHood, Mr. Gallegly, and Mrs. Myrick.

H.R. 73: Mr. Linder and Mr. Greenwood.

H.R. 111: Mr. Isakson, Mr. Abercrombie, Mr. Forbes, Mr. Capuano, Mr. Blagojevich, and Mr. Deal of Georgia.

H.R. 119: Mr. Goodling.

H.R. 152: Mr. Bereuter and Mr. Houghton.

H.R. 163: Mr. Duncan, Mr. Sandlin, Mr. Andrews, Mr. Towns, Mr. Cummings, Mrs. Emerson, Mr. Hall of Texas, and Mr. Ney.

H.R. 208: Mr. Pastor.

H.R. 222: Mr. Norwood.

H.R. 225: Mr. Whitfield, Mr. Weygand, Mr. Calvert, Mr. Hulshof, Mr. Sununu, Mrs. Tauscher, Mr. Barrett of Wisconsin, Mr. Kolbe, Mr. Snyder, Mr. Terry, Mr. Green of Wisconsin, Mrs. Johnson of Connecticut, Mr. Hastings of Florida, Ms. Pryce of Ohio, Mr. Sensenbrenner, Mr. Graham, Ms. Slaughter, and Ms. Dunn.

H.R. 226: Mr. Gejdenson, Mr. Moore, Mr. Nadler, and Mr. Gonzalez.

H.R. 227: Mr. Petri, Mr. Shays, Mr. Minge, Mrs. Myrick, Mr. English, Mr. Lantos, and Mr. Luther.

H.R. 261: Mr. Blagojevich.

H.R. 353: Mr. Cardin, Mrs. Emerson, Mr. Lampson, Mr. Barrett of Wisconsin, Mr. Smith of New Jersey, Mr. Ford, Mr. Faleomavaega, and Mr. Sandlin.

H.R. 357: Mr. Oberstar, Mr. Engel, Mr. Thompson of Mississippi, Mr. Kildee, and Mrs. Capps.

H.R. 363: Mr. Scarborough.

H.R. 380: Mr. Sherwood, Mr. Mascara, and Mrs. Lowey.

H.R. 381: Mr. Stark and Mr. Ehlers.

H.R. 392: Ms. Slaughter, Mrs. Tauscher, Mr. Phelps, and Ms. Woolsey.

H.R. 405: Mr. LoBiondo.

H.R. 415: Mr. Pastor.

H.R. 449: Mr. Klink.

H.R. 455: Mr. Lampson, Ms. Brown of Florida, Ms. Pelosi, Mr. Oberstar, and Mr. Meehan.

H.R. 500: Mr. Smith of Washington and Mr. Strickland.

H.R. 506: Mr. Serrano.

H.R. 537: Mr. Goss.

H.R. 541: Mr. Rangel, Mr. Sandlin, and Mr. Conyers.

H.R. 544: Mr. Faleomavaega and Mr. Hinchey.

H.R. 555: Mr. Bonior, Mr. Cummings, Mr. Filner, Ms. Brown of Florida, and Mrs. Christensen.

H.R. 561: Mr. Hyde.

H.R. 573: Mr. Castle, Mr. Kildee, Mrs. Lowey, Mr. Faleomavaega, Mr. Maloney of Connecticut, Ms. Hooley of Oregon, Mr. Capuano, Mr. Oberstar, Mr. Pastor, Mr. Upton, Ms. McCarthy of Missouri, Mr. LaFalce, and Mr. Buyer.

H.R. 586: Mr. Paul, Mr. Deal of Georgia, Mr. Sandlin, and Mr. Faleomavaega.

H.R. 590: Mrs. Kelly.

H.R. 597: Mr. McGovern, Mr. Thompson of Mississippi, Mr. Hastings of Florida, Mr. Owens, Ms. Eddie Bernice Johnson of Texas, Mr. Bonior, Mr. Filner, Ms. Rivers, Mrs. Thurman, Mr. Scott, Mr. Foley, Mrs. Meek of Florida, Mr. Payne, Ms. Napolitano, Mrs. Capps, Mr. Cummings, Mr. Faleomavaega, Mr. George Miller of California, Mr. Kolbe, Mrs. Morella, and Mr. Towns.

H.R. 599: Mr. Cummings, Mr. Foley, and Ms. Norton.

H.R. 601: Mr. Pickett.

H.R. 606: Mr. Bilirakis.

H.R. 614: Mr. Paul.

H.R. 621: Mr. Boucher.

H.R. 625: Mr. Strickland.

H.R. 639: Mr. Aderholt, Mr. LaHood, and Mr. Barr of Georgia.

H.R. 648: Mr. Shows and Mr. Forbes.

H.R. 664: Mr. McNulty, Mr. Goode, Ms. Norton, Mr. Dixon, Mr. Underwood, Mr. John, and Mr. Kildee.

H.R. 679: Mr. Frank of Massachusetts, Mr. Vento, Ms. Woolsey, Mr. Oberstar, Mr. Minge, and Ms. McKinney.

H.R. 680: Mr. Ramstad, Mr. Taylor of Mississippi, and Mr. Sensenbrenner.

H.R. 688: Mr. Paul, Mr. Knollenberg, Mr. McCollum, Mr. LoBiondo, Mr. Rahall, Ms. Pryce of Ohio, Mr. Hefley, Mrs. Emerson, Mr. Goss, Mr. Watts of Oklahoma, Mr. Hostettler, Mr. Schaffer, Mr. Fossella, and Mr. Ney.

H.R. 691: Mr. Gibbons.

H.R. 693: Mr. McIntosh, Mr. Hill of Montana, and Mrs. Cubin.

H.R. 701: Mr. Burr of North Carolina, Mr. Condit, Mr. Aderholt, Mr. Hinojosa, Mr. Hayes, Mr. Gordon, Mr. Bachus, Mr. Cramer, Mr. Deal of Georgia, and Mr. Gonzalez.

H.R. 710: Mr. Stearns, Mr. English, Mr. Portman, Mr. Sandlin, Mr. Green of Texas, Mr. Minge, Mr. Skeen, Mr. Pastor, Mr. Price of North Carolina, Mr. Buyer, Mr. Peterson of Minnesota, Mr. Hill of Indiana, Mr. Whitfield, and Mr. Peterson of Pennsylvania.

H.R. 716: Mr. Maloney of Connecticut.

H.R. 730: Mr. Visclosky, Mr. Stupak, and Mr. Berman.

H.R. 739: Mr. Upton, Mr. Frost, Mr. Shows, Mr. Doyle, Mr. Deutsch, Mr. Paul, and Mr. Petri.

H.R. 741: Mr. Forbes.

H.R. 750: Mr. Lampson, Mr. Jefferson, and Mr. Kind of Wisconsin.

H.R. 754: Mr. Doyle, Mr. Kildee, and Mrs. Myrick.

H.R. 763: Ms. Baldwin.

H.R. 793: Mr. Petri.

H.R. 800: Mr. McKeon, Mr. Clement, Mr. Sherman, Mrs. Myrick, and Mr. Portman.

H.R. 804: Mr. Paul.

H.R. 808: Mr. Foley.

H.R. 817: Mr. Whitfield, Mr. Shows, and Mr. Leach.

H.R. 832: Mr. Capuano and Mr. Kucinich.

H.R. 833: Mr. Barton of Texas, Mr. Buyer, Mrs. Capps, Mr. Ehrlich, Mr. Graham, Mr. Hunter, Mr. Smith of Michigan, Mr. Strickland, Mr. Sununu, and Mr. Talent.

H.R. 845: Mr. Kleczka and Mr. George Miller of California.

H.R. 851: Mr. Sanders, Mr. Ewing, Mr. Boucher, Mr. Taylor of North Carolina, Mr. Gilman, Mr. DeFazio, Mr. Bereuter, Mrs. Wilson, Mr. Turner, Mrs. Emerson, Mr. Barrett of Nebraska, Mr. McHugh, Mr. Sawyer, Mrs. Capps, Mr. Sandlin, Mr. McInnis, Mr. Bass, Mr. Peterson of Pennsylvania, Mr. Sununu, Mr. Hutchinson, Mr. Oberstar, Mr. Collins, and Mr. Tierney.

H.R. 860: Ms. Woolsey, Ms. Kaptur, Mr. Vento, and Mr. Delahunt.

H.R. 864: Mr. McGovern, Mr. Sweeney, Mr. Weller, Mr. Callahan, Mrs. Capps, Mr. Riley, Mr. Allen, Mr. Hulshof, Mr. Barrett of Nebraska, Mr. Sessions, Mr. Burr of North Carolina, Mr. Whitfield, Mr. Camp, Mr. Upton, Ms. Danner, Mr. Hill of Montana, Mr. Hayes, Mr. Lewis of California, Mr. Dicks, Mr. Sununu, Mr. Wolf, Mr. Oberstar, Mr. Hefley, Mr. Smith of Washington, Mr. Snyder, Mr. Sandlin, Mr. Cramer, Mr. Metcalf, Mr. Peterson of Minnesota, Mr. Boucher, Mr. Larson, Mr. Clyburn, Mr. Wamp, Ms. Kilpatrick, Mr. Udall of Colorado, Mr. Jenkins, and Mr. Ballenger.

H.R. 872: Mrs. McCarthy of New York, Mr. Filner, Mr. Kucinich, and Ms. Eddie Bernice Johnson of Texas.

H.R. 876: Mr. Foley and Mrs. Emerson.

H.R. 883: Mr. Forbes, Mr. Peterson of Minnesota, Mr. Cook, Mr. Stenholm, Mr. Sessions, Mr. Smith of New Jersey, and Mr. Collins.

H.R. 894: Mr. Goodling, Mr. Condit, and Mr. Shows.

H.R. 901: Mrs. Johnson of Connecticut.

H.R. 922: Mr. Riley, Ms. Granger, Mr. Nethercutt, Mr. Graham, Mr. Saxton, Mr. Chambliss, and Mr. LaHood.

H.R. 927: Mr. Herger and Mr. Petri.

H.J. Res. 9: Mr. Mica and Mr. Peterson of Pennsylvania.

H.J. Res. 22: Ms. Stabenow and Mr. Bonior.

H.J. Res. 25: Mr. LoBiondo, Mr. Fossella, Mr. King of New York, Mr. Schaffer, Mr. Metcalf, Mr. Frost, Mr. Gutierrez, Mr. Spence, Mr. Calvert, Ms. Velázquez, Mrs. Mink of Hawaii, Mr. Diaz-Balart, Mr. Moore, Mr. Dickey, Mr. Royce, Mr. McHugh, Mr. Forbes, Mr. Underwood, and Mr. Baldacci.

H. Con. Res. 5: Mr. Bonior, Mr. Hinchey, Mr. Borski, Mr. Wynn, and Mr. Lampson.

H. Con. Res. 5: Ms. Lofgren.

H. Con. Res. 23: Mr. Pickering, Mr. Jenkins, Mr. Bachus, Mr. Campbell, Mrs. Mink of Hawaii, Mr. Underwood, Mr. Stump, Mr. Filner, and Mr. Gutierrez.

H. Con. Res. 24: Mr. Chabot, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Mr. Sherwood, Mr. Thune, Mr. Boehner, Mrs. Fowler, Mr. Ballenger, Mr. Kleczka, Mrs. Napolitano, Mr. Dicks, Mr. Ramstad, Mr. Farr of California, Mr. Pascrell, and Mr. Rogers.

H. Con. Res. 25: Mrs. Northup.

H. Con. Res. 30: Mr. Gibbons.

H. Con. Res. 31: Mr. King of New York, Mr. Gonzalez, and Mr. Gibbons.

H. Con. Res. 34: Ms. Brown of Florida, Mr. Underwood, Ms. Pelosi, and Mr. Strickland.

H. Res. 41: Mr. Gallegly, Mr. Ney, Mr. Waxman, and Mrs. Wilson.

H. Res. 89: Mrs. Morella, Mr. Stearns, Mr. Shows, Mr. Green of Texas, Mrs. McCarthy of New York, and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 863: Ms. Woolsey.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 800

Offered by: Mr. Castle

(Amendment in the Nature of a Substitute)

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under title II of the Elementary and Secondary Education Act of 1965, (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) Attendance area.—The term "attendance area" has the meaning given the term "school attendance area" in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965.

(2) Ed-flex partnership state.—The term "Ed-Flex Partnership State" means an eligible State designated by the Secretary under section 4(a)(1)(B).

(3) Local educational agency; state educational agency.—The terms "local educational agency" and "State educational agency" have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) Secretary.—The term "Secretary" means the Secretary of Education.

(5) State.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) Education Flexibility Program.—

(1) Program authorized.—

(A) In general.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) Designation.—The Secretary shall designate each eligible State participating in the program described in subparagraph (A) to be an Ed-Flex Partnership State.

(2) Eligible state.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4); and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) State application.—

(A) In general.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an education flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of specific educational objectives the State intends to meet under such a plan; and

(iv) a description of the process by which the State will measure the progress of local educational agencies in meeting specific goals described in subsection (a)(4)(A)(iii).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive educational reform, after considering—

(i) the comprehensiveness and quality of the education flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are specific and measurable; and

(II) measure the performance of schools or local educational agencies and specific groups of students affected by waivers;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, school, or group of students affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in meeting such goals.

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's education flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in meeting its educational goals.

(5) MONITORING.—

(A) IN GENERAL.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE DATA.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State each such State shall include performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in paragraph (3)(A)(iii).

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) PERFORMANCE REVIEW.—Three years after a State is designated an Ed-Flex Partnership State, the Secretary shall—

(i) review the performance of any State educational agency in such State that grants waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(ii) terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency has failed to make measurable progress in meeting the objectives outlined in paragraph (3)(A)(iii) to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 1999 through 2004.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) the selection of schools to participate in part A of title I of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant waivers to allow schools to participate in part A of title I of such Act if the percentage of children from low-income families in the attendance area of such school or who actually attend such school is within 5 percentage points of the lowest percentage of such children for any school in the local educational agency that meets the requirements of section 1113 of the Act;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act shall not apply to a State educational agency that has been granted waiver authority under the following provisions of law:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "**EDUCATION REFORM**" in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

(2) EXCEPTION.—If a State educational agency that has been granted waiver authority, pursuant to paragraph (1)(A) or (B), applies to the Secretary to extend such authority, the provisions of this Act, except subsection (e)(1), shall apply to such agency.

(3) EFFECTIVE DATE.—This Act shall apply to State educational agencies described in paragraph (2) beginning on the date that such extension is granted.

(e) ACCOUNTABILITY.—

(1) EVALUATION FOR ED-FLEX PARTNERSHIP STATES.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if such agency—

(A) makes measurable progress toward achieving the objectives described in the application submitted pursuant to subsection (a)(3)(A)(iii); and

(B) demonstrates that local educational agencies or schools affected by such waiver or authority have made measurable progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(iii).

(2) EVALUATION FOR EXISTING ED-FLEX PROGRAMS.—In deciding whether to extend a request for a State educational agency described in subsection (d)(2) to issue waivers under this section, the Secretary shall review the progress of the agency in achieving the objectives set forth in the application submitted pursuant to subsection (a)(2)(B)(iii) of the Goals 2000: Educate America Act.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SENATE—*Thursday, March 4, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we seek to receive Your presence continually, to think of You consistently, and to trust You constantly. We urgently need divine wisdom for our leadership of this Nation. We have discovered that this only comes in a reliant relationship with You. Prayer enlarges our minds and hearts until they are able to be channels for the flow of Your Spirit. You, Yourself, are the answer to our prayers.

As we move through this day, may we see each problem, perplexity, or person as an opportunity to experience Your presence and accept Your perspective and patience. We don't want to forget You, but if we do, interrupt our thoughts and bring us back into an awareness that You are waiting to bless us and equip us to lead with vision and courage. Thus, may our work be our worship this day. In the Name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will be in a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 280, the education flexibility partnership bill. Under a previous order, Senator BINGAMAN will be immediately recognized to offer an amendment regarding dropouts. Senators should expect rollcall votes throughout today's session, and also Friday until 12 noon. The leader would once again like to remind all Members that a rollcall vote is expected to occur this coming Monday at approximately 5 p.m. All Senators will be notified of the exact voting schedule as it becomes available.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Washington is recognized.

MICROSOFT

Mr. GORTON. Mr. President, last week the Government's misguided and collusive antitrust suit against the Microsoft Corporation recessed for a much-needed break. It only could be improved by making the recess permanent.

I urge my colleagues to make use of the trial's recess to learn about this case, and this industry. Nothing less is at stake here than the freedom to innovate, the key to America's economic success. We ignore this prosecution at our peril, because the United States Government is trying to kill the goose that lays golden eggs in the home states of every one of my esteemed colleagues. It is not simply a Washington-state company that needs shoring up; it is the industry leader that has fueled our recent unprecedented economic miracle, created hundreds of thousands of new jobs to fill those being lost in other sectors of the economy, established America as the global leader in high technology and redefined almost every aspect of our lives—and yet is under siege by a hopelessly time-locked Department of Justice, whose theory of antitrust was shaped in the 60s, when big business was bad, big government good, and facts never got in the way of a nice regulatory scheme.

Microsoft is not the only target of this Administration. Intel too is under attack by a gaggle of anti-free market attorneys at the Federal Trade Commission. The FTC says Intel uses its market power to stifle competition in the lucrative chip market. Given recent reports that in January, more computers were sold with chips made by one of Intel's largest competitors, AMD, than with Intel chips, the FTC's case seems far behind the times. But Robert Pitofsky and his cohorts press on regardless of real and dynamic markets.

Holman Jenkins summed up the absurdity of the Administration's actions eloquently in an editorial that appeared in the Wall Street Journal yesterday:

> If Joel Klein, Robert Pitofsky and all their little acolytes could catch just one mugger, they would have done something of more value for the country. For that matter, we'd owe the mugger a debt of gratitude for distracting these errant knights from their destructive mission.

Of course, I know the pressures of time and schedules on my colleagues, so, of all the millions of words that have been written about the Microsoft trial since its beginning last October, I want them to note just one story, written February 18 on C-Net news.com about Microsoft's recent roller coaster ride on Wall Street. The lead paragraph won't take much more than 10 seconds of my colleagues' valuable time, but it tells everything anyone needs to know about this case:

"Microsoft shares fell as much as 3.8% today," the C-net story began, "on investor concern about threats to the company's dominance from the Linux operating system and the landmark antitrust trial."

George Orwell couldn't have put it better: With competitors baying at its heels, Microsoft has been forced to divert enormous resources to defend itself against the government's contention that it has no competitors.

Actually, George Orwell himself would have rejected the travesty of what is basically a private suit brought by the government on behalf of competing multi-billion-dollar companies against their chief competitor—especially when the government is heavily vested politically in those companies' success.

Whether Orwell would have believed it or not, my colleagues need to believe it, because it's happening, and their constituents don't like it. A poll taken by Citizens for a Sound Economy in January found that 81% of Americans—not just Washingtonians, but 81% of all Americans—say that Microsoft is good for consumers. A Hart/Teeter poll also from January found that 73% of Americans echo that belief and fully two-thirds say the federal government should stay out of the dispute and let the marketplace and consumers decide the fate of competitors in the personal computer industry. A majority know enough about what's already happening in the industry to understand that the whole expensive circus is moot anyway: 51% of Americans think that the federal government should just drop the case in the wake of AOL-Netscape merger.

Our constituents are paying attention to this issue because they are consumers and are perfectly aware of how much Microsoft has improved their lives. They also see family, friends and neighbors working for companies that depend on Microsoft for their existence. There are tens of thousands of companies, large and small, that partner with Microsoft, and they are located in every state in the Nation. I'm sure my colleagues know something about them, but I'm not convinced that they are aware of their huge numbers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That's why I asked Microsoft for a state-by-state breakdown of their "partners," companies that work directly with or through Microsoft or its products. Microsoft provided me with the data, which I want to share with my colleagues.

Here, I say to the Presiding Officer the Senator from Kansas with 1,171 resale partners and 63 technology partners: Microsoft's partners fall into many categories: software retail stores; small Original Equipment Manufacturers that build and sell PC systems with Microsoft software preinstalled; Corporate Account Resellers who resell Microsoft software to large corporations; providers who sell packaged Microsoft software with value-added consulting services; PC manufacturers; and Microsoft Certified Solution Providers.

I direct my colleagues' attention to this map that shows the number of these partners in each of their own states. First, the national numbers: Microsoft has 7,279 technology partners and 112,819 resale partners.

These figures represent companies, not employees. Senator MURRAY and I are already well aware of Washington's 2,637 resale partners and 254 technology partners. Our state's economy is absolutely booming—and it's due not only to the presence of Microsoft itself, but to the thousands of other companies that Microsoft supports. Companies like Technology Express of Bothell and Techpower Solutions Incorporated of Redmond.

But I wonder if my other colleagues have stopped to consider what Justice's assault on Microsoft might do to their own state's economies and jobs—and how their constituents might feel about that impact. Let's look at Utah as an example. Utah is home to 64 technology partners and 1,153 resale partners of Microsoft—home to real people working in real jobs for real companies. Companies like PC Innovation Incorporated in Salt Lake City and Vitrex Corporation of Ogden. Despite these facts, the senior Senator from Utah, the distinguished Chairman of the Senate Judiciary Committee, has chosen to take the side of the Justice Department and to support the Administration's efforts to squelch the freedom of companies in his own state to innovate.

My colleagues should talk with consumers about their views of technology, because as my fellow Senators begin to understand how the technology business works, they will discover consumers not only have not been harmed by Microsoft, but have benefited: Innovation is booming, choices are growing, and prices are falling for all software.

Microsoft is leading an industry that the old school Department of Justice just doesn't understand. There are none of the traditional barriers to entry in the high tech industry that have historically motivated antitrust enforcement. This market moves at the speed of ideas—and a good idea can cause a company to lose 90 percent of market share overnight—precisely what happened to once-dominant products such as WordStar and Word Perfect; precisely what could happen to Microsoft.

This Justice Department, led by Joel Klein, is brazen about its desire to intervene in markets, even when it knows little about the markets it meddles with. "Surgical intervention" is the spin that Klein and his department has coined to describe its interventionist approach.

To recap the recent history of this misguided lawsuit, the original charge—that Microsoft illegally tied Internet browsing to its operating system—was rejected before the trial even began by a 3-member Court of Appeals ruling that recognized that putting Internet Explorer technologies into Windows '95 was a beneficial integration, not a monopolistic tie-in. The Court even admonished Klein and cohorts not to try tinkering with software design and warned them to be wary of intruding into marketplace innovation and product design. A mere week before the Court of Appeals ruling came out, the Department of Justice filed its current lawsuit against Windows 98—a product even more integrated than Windows 95.

For this trial, Klein and company simply changed tactics. Instead of arguing the case on its legal merits, the Justice Department has engaged in an all-out public relations battle. The new PR strategy has been orchestrated under Joel Klein's watch and has been the primary strategy in the courtroom as well. The government's lead lawyer, Mr. Boies has a few aggressive e-mail messages that showed Microsoft to be exactly the fiercely competitive entity that has engendered its impressive market performance, but nothing more sinister. Mr. Boies uses these same pieces of e-mail over and over again in highly theatrical ways to try and embarrass and intimidate Microsoft's witnesses. At breaks in the trial every day, the Government turns the courthouse steps into ground zero for its spin game knowing full well its legal strategy had failed before it ever left the gate.

Despite their shaky legal case, the press has recently reported that Justice Department officials and the Attorneys General from 19 states suing Microsoft are already discussing post trial "remedies." Before any decision has been made in the case, Antitrust Division officials are contemplating punishments. Before they have proven any consumer harm, they are devising consumer remedies. Before they have made closing arguments, they have coined a cute catch phrase for their planned breakup of the company. They call the tiny remnants of the future broken Microsoft they already have the hubris to predict "Baby Bills."

Whatever happened to letting justice take its course? Are we to assume that the outcome of the trial is a foregone conclusion? Why are we wasting taxpayer money on attorneys fees when all that is really going on is a show trial?

On the other hand, Microsoft has put on a very strong record in this case in areas relevant to the law and the claims brought by the government: trying law, foreclosure of product through exclusionary contracts and the fundamental element of consumer harm.

The facts so far in the record show Microsoft to be on firm legal ground in all these areas. The Appeals Court verified there was no illegal tying. James Barksdale, Netscape's CEO, admitted that Microsoft did not foreclose his company from the market. And the government's final witness, economist Franklin Fisher, testified that, on balance, Microsoft has not harmed consumers.

As Attorney General for Washington State, I argued 14 cases before the United States Supreme Court. My focus as Attorney General was consumer protection. I want to assure my colleagues today that, had this case been presented to me as an Attorney General, I wouldn't have given it a second glance because there is no evidence whatsoever that Microsoft has harmed consumers.

But Joel Klein doesn't care about protecting consumers. He cares about protecting companies that cannot compete on their own. In a recent speech, he stated that it was the job of antitrust to "reallocate resources between the producer and the consumer."

Really? To reallocate resources? That's what antitrust is for?

Well, I agree with Mr. Klein's assessment on one count: this trial was designed precisely to reallocate resources—from Microsoft to Microsoft's competitors. And why would the Department want to do that? Perhaps because the resources the Administration really wants to reallocate are California's electoral votes into AL GORE's column come the year 2000. Just this past Tuesday the San Francisco Chronicle said that Mr. GORE "unabashedly acknowledged that he has lavished attention on California, which carries a rich cache of votes—and campaign donors. According to his staff, the Vice President has visited the State 53 times since taking office five years ago." In a separate story, the Chronicle quotes the Vice President as saying, "California is the biggest, most important State. . . . It deserves the most attention, and I'm going to make sure it gets it."

So, needing California in 2000, lusting for a return to the regulatory excess needed to feed the insatiable maw of big government, and wanting to throw trial lawyers some fresh meat, but lacking anything closely resembling a credible legal case, what have Klein and Co. done? They've demonized the most innovative, extraordinary world-changing engine for progress that this world may ever have seen. As my colleagues think about the implications of our failure to protest this demonization, let's just take a closer look at the "demon" itself and see what innovations the forces of government regulatory mediocrity are about to foreclose.

Microsoft's economic contributions already are common knowledge, and I've just provided the State-by-State breakdown, but here's a refresher: In the fiscal year ending June 30, 1998, Microsoft's net revenues were $14.48 billion—56 percent of which came from international trade. In my home State of Washington, by the end of 1998 Microsoft employed almost 16,000 workers. Nationwide the figure was almost 20,000—and that's without factoring in the number of jobs represented by the 120,000 plus companies on the Partners' map I've just shown my colleagues. Microsoft generates jobs worldwide as well, with subsidiaries in nearly 60 countries, from Austria to Vietnam, Costa Rica to the Czech and Slovak Republics, Saudi Arabia to South Africa.

National productivity and workplace efficiency? The value provided is very nearly beyond our ability to calculate. Ironically, Windows, the product portrayed by Klein and cohorts as anti-consumer, was purposely designed by Microsoft to support and encourage the greatest number of innovations possible by independent software programmers, who need a uniform, broad-based platform on which to write code that will be economically viable in smaller niche markets. The result has been an enormous proliferation of software designed to fill every imaginable consumer need.

How about other, less obvious innovations this company is responsible for? Let's start with products that just make life better for ordinary people, like WebTV, which lets people use their television sets to connect to the Internet. That's innovation for the better. And there's also Windows' accessibility features—magnifiers, high-contrast schemes, special keys and sound enhancements among many—that make computers easy to use for many people with disabilities—opening doors that previously were locked tight. Education? Microsoft donates millions of dollars in cash and software to schools and libraries every year.

Microsoft was recently voted the 3rd most admired company in Fortune's annual poll. That's some demon the Justice Department has targeted. It had better hurry and shut Microsoft down completely or the next thing you know Microsoft will help lower the cost of computing even more or spawn even greater technological and cultural innovations that will make our lives easier and better, and then where would we be?

Mr. President, irony aside, there is no aspect of this case that does not offend me.

As a lawyer, I have nothing but contempt for the flaccid PR case hoisted feebly in Judge Thomas Penfield Jackson's court by the govenment's inquisitors.

As a former Attorney General who left a solid legacy of consumer protection, I am appalled at the Orwellian double-speak government lawyers spew forth as they pretend to act on behalf of consumers while simultaneously seeking to dictate what they may consume.

As a free-market advocate of decades-long standing, I am chagrined at the "Damn-the-consequences-full-speed-backward!" attitude of those who would regulate just for regulation and bureaucracy's sake.

As a Senator, I am nonplused at the Administration's gall in asking for a 16 percent increase to beef up its attack-dog department so that it may continue mauling the greatest engine for revenue generation we've seen in many a year.

As a Washingtonian, I am incensed at the blatant attempt of AL GORE's wannabe administration to court my state's electoral votes even as his current Administration's Justice Department orchestrates the destruction of Washington's superb economic engine in favor of Silicon Valley's greater financial and electoral prize.

Yes, this case offends me in every sense of the word, as it should offend every one of my colleagues. I call on each of them today to recognize what is at risk here, to rise above partisan posturing, to recognize the outrageous nature of the Justice Department's power grab, and to join me in stopping it.

Because that is precisely what I intend to do: I will seek to stop the Justice Department's grab for more funding through the Appropriations Committee when there are basic law enforcement needs going unfunded. I intend to conduct Congressional oversight authority of the Department's out-of-control antitrust division in every committee in which it is appropriate, and I will seek out every other legitimate vehicle to provide Congressional control of this out-of-control, time-warped throwback to the 60s.

I call on my colleagues to join me today in demanding accountability from a Justice Department that asserts consumer harm in the presence of consumer bounty; that has sought to destroy competition in the name of competition; and that now seeks to increase its own battle force with taxpayer dollars for a undertaking that taxpayers do not want undertaken.

This is a Justice Department out of control, and not only with respect to Microsoft. They are also going after Visa and MasterCard. Their Equally hidebound colleagues at the FTC are suing chip manufacturer, Intel, and investigating router manufacturer, Cisco. Most of absurd of all the Department of Justice of the United States of America has accused the country's leading manufacturer of false teeth (Dentsply) of illegally maintaining a monopoly. No wonder Justice is asking for more money and more lawyers; it needs to find more teeth to feed its rapidly burgeoning lawsuit appetite.

Mr. President, the Department of Justice seeks to fix what is not broken, to intervene where innovation has been the unchallenged king, and to shunt off to a dead-end track the principal engine of America's technological leadership in the world.

The Department of Justice, and not Microsoft, must be stopped.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, Senator KERREY, the distinguished Senator from Nebraska, under the previous order has asked for 20 minutes. We are to share that time. I ask unanimous consent I may be now recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the Chair.

(The remarks of Mr. ROBERTS and Mr. KERREY pertaining to the introduction of S. 529 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

REDUCING CLASS SIZE

Mr. AKAKA. Mr. President, I rise in support of an amendment to be offered by my colleagues from Washington and Massachusetts, Senators MURRAY and KENNEDY, to S. 280, the Education Flexibility Partnership Act of 1999. The amendment represents a true investment in education, as well as in the future of our Nation and my State of Hawaii.

Built on a bipartisan agreement passed last year, the amendment seeks to reduce class size in early grades through the hiring of additional well-qualified teachers. This would mean more individualized attention for students from their teachers, increased learning in the basics that will immeasurably help them in future grades, and a better chance at success from an early age.

I also support other amendments to be offered to S. 280. One will be offered by my colleague, the senior Senator from New Jersey, Mr. LAUTENBERG, regarding an equally vital school modernization initiative. I have spoken in support of this initiative in the past. This plan would finance the building and renovation of public schools through tax credits in lieu of interest on bonds. Hawaii would receive tax credits to support $50 million in school modernization.

The other amendment that will be offered by Senator BOXER to help communities fund afterschool programs for kindergarten, elementary, and secondary school students will be one that I will support. This will help keep students off the streets after school, for too many youths in my State are left with nothing to do but turn to drugs, alcohol, gangs and other destructive behaviors. And this happens also in other States. These amendments have my full support.

Now I would like to focus my remarks' on the class size amendment. I commend my colleagues for supporting the first installment of the 7-year class size reduction proposal last year. We passed $1.2 billion in 1998 to hire 30,000 teachers. Under this spending, Hawaii will receive more than $5.6 million. We must pass the Murray-Kennedy amendment to finish the job and assure that the teachers hired under last year's downpayment will continue to be funded.

This amendment would provide $1.4 billion in fiscal year 2000 to hire 38,000 teachers, which would give Hawaii nearly $7 million for 178 teachers. So this is something that Hawaii really looks forward to.

Students in my State need these well-qualified, well-trained teachers. I hear from students, parents, and teachers alike that classes are too large. The average size of a class in Hawaii is in the mid-twenties. However, research shows that the optimum number of students in a class, particularly lower grades, is in the mid- to upper-teens.

Among other problems, larger classes create discipline problems, especially in communities with large numbers of at-risk children. If we want to give our students the best possible chance to learn, they need smaller classes and teachers who are able to give them enough personal attention.

In addition to helping students, this amendment would also help Hawaii's teachers. As a former teacher, I have taught both small and large classes. I have taught in different kinds of systems. I know when students are grasping ideas. And we know when they are not. One of the most rewarding things a teacher can experience is to see the faces of students light up when they realize they have learned something new. When there are too many students in a class and only one teacher to supervise them, the result is a difficult and poor learning environment.

Mr. President, I hope my colleagues on both sides of the aisle will join me in voting for this class size amendment. It makes sense to focus our efforts this way on students during their early grades, because these represent some of the most vital years in a child's educational development. We must give our children a rock-solid foundation in the basics so they may continue to build a strong base of knowledge throughout their educational history. We know that well-educated children will mean a great citizenry for the future of our country.

I thank my colleagues, Senators MURRAY and KENNEDY, for giving me this opportunity and this chance to speak on their amendment at this most important time in the history of our country.

Thank you very much, Mr. President. I yield back the remainder of my time.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. ABRAHAM. Mr. President, I am here today along with Senators SESSIONS and LEVIN to introduce a very important piece of legislation. I wonder if I could obtain unanimous consent so we might have the speaking in the order in which I would introduce the legislation. Then, after I finish speaking with respect to the legislation, Senator SESSIONS and then Senator LEVIN, in that order, would also have the opportunity to speak to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 15 minutes.

(The remarks of Mr. ABRAHAM, Mr. SESSIONS, and Mr. LEVIN pertaining to the introduction of S. 531 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. BAUCUS. Mr. President, I want to state very simply but strongly and unequivocally that I support S. 280, the Education Flexibility Partnership Act, and I support it very strongly. There is a very simple truth. That is, we need to trust our parents, trust our teachers, trust our local school boards. We should do everything in our power to unshackle our children from binding Federal Government-mandated rules that might make sense in Manhattan, NY, but not in Manhattan, MT.

Two weeks ago I had the honor of addressing the Montana State legislature, and when I spoke I told them that the time has come to bring the promise of world-class education to every Montanan. I daresay that virtually everyone in this body has made the same statement, because he or she believes it very deeply, when speaking to his or her own legislatures back in their own States or to any group whatsoever that is interested in education. I believe very deeply we must do that.

I also believe we need to ingrain that ethic into the hearts and minds of those who care about education all across our country. Indeed, it is similar to the environment. We are the stewards of our children's learning, and our future as a nation very deeply depends on our willingness to invest in them and our teachers and our schools all across our country.

We have a moral responsibility to leave this Nation's children prepared to meet the challenges ahead. That challenge takes a unique form when we talk about meeting the standards of rural States. Nearly 40 percent of the children who go to school in America every day go to a rural school in a small town, yet somehow we as a nation invest only 22 percent of our total education funding in these students. Rural students are being shortchanged by a ratio of 2 to 1. I will work hard this year to see that every student in America, whether in urban America or in rural America, is provided for fairly and equally.

But money alone is not enough. The Federal Government must be a partner in education with parents, teachers, and local schools, not an obstacle. Ed-Flex is the right step to take for our children. All Ed-Flex does is say to States, if you come up with a better way to do your job, we will get out of your way and let you do it. Right now, a well-meaning but confusing and distant Federal bureaucracy too often stands in their way. Let me give some examples.

Say Federal funds allowed a small Montana school, or even a large New York City school, to purchase computers for students with disabilities. Those computers probably will not get used all day long, and it makes sense that these computers be utilized to help other students when disabled students do not need them. But Federal rules prevent other students from using those computers. Does that make sense? No. So, under Ed-Flex, States can get a waiver and use these computers to educate all our children.

Another example: If a school has over 50 percent of its students who are under the poverty line, they can mix all of their Federal funds together, pool them with State funds, and create programs that help every student in that school. But what about schools in the next bracket, with between one-third and one-half of their students under the poverty line? In those schools, money for disadvantaged children must be spent directly on those children, even if that same money can be used in ways that will better educate the disadvantaged children and every other student in that school.

The other day I talked to my very good friend, Nancy Keenan. Who is Nancy Keenan? She is the superintendent of public instruction for my State. There is no better friend to Montana schoolchildren than Nancy Keenan. She tells me that right now these schools beat their heads up against Federal rules, trying to untangle the redtape and convince folks over 2,000 miles away, back in Washington, DC, that their local plans make sense. It is very, very depressing. If this bill passes, Montana—all States—could get waivers so the schools could deal directly with the Nancys of the country, and their parents and teachers, to find a solution that works better for every child.

It is time to restore trust back to the people. Right now, 12 States have been granted the right by Congress to experiment with education flexibility. You will not hear one Senator from those States stand up with even one instance where education flexibility has not worked. In fact, every State agrees that it allowed local folks to form partnerships, to create plans that work to better educate their children. That is all we want. We want our parents, our teachers, and local school boards, all working together, to give our children the very best. The Federal Government must be a better partner. We ought to do everything in our power to help our children. It is that simple.

I believe the bill before us, Ed-Flex, is the right way to take care of it and I applaud Senators WYDEN and FRIST for their efforts. I very much hope this passes quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend my colleague from Montana, Senator BAUCUS, for his work on education and his understanding that this is a key issue we need to address from the Federal level. Too often today we hear from people who say, "No, this is a local issue, this is just a State issue." Of course it is; it is absolutely a local issue; it is absolutely a State issue. But we have to do our part, too, whether it is passing the Ed-Flex bill so we can reduce some of the bureaucratic regulations or whether it is providing additional resources for those districts to shrink class size or working with teacher-training and technology. These are things we have to address, and I thank my colleague from Montana for his work on this.

Mr. President, I rise today to talk about an amendment I will be offering shortly on the Ed-Flex bill, which is going to be on the floor probably in the next several minutes. The amendment I offer is one that many of my colleagues have come to the floor to talk about and to support, because it is an issue that parents and teachers and community leaders and business leaders truly understand when it comes to the issue of education. That is the fact that too many of our classrooms are overcrowded; too many of our teachers are trying to teach to classes with 30 or 35 students. They are not giving students the individual attention they need in order for them to learn the skills that we need them to learn, whether it is reading or writing or math or science.

The Murray-Kennedy amendment which I will be offering will simply authorize a 6-year effort to help our school districts hire 100,000 new, well-trained teachers in grades 1 through 3. School districts will be able to use up to 15 percent of those funds for professional development activities so they can improve the quality of their teaching pool—something that all schools tell us they need. And, after meeting the target ratio of 1-to-18 in grades 1 through 3, school districts will be able to use the funds for professional development activities. This is an amendment, again, that parents and teachers and community leaders support. We have heard from law enforcement, we have heard from businesses, that we need to help address this from the national level.

When parents send their children to school next fall—next fall, 6 months from now—they are going to do what they do every fall when their child comes home from school on the first day. They are going to sit them down and they are going to ask them: Who is your teacher and how many children are in your class? They ask those questions because they know the number of students in the child's classroom will make a difference in their child's ability to learn that year and they know who their teacher is. If it is the best qualified teacher, their child will have a successful year.

Next year, next fall when they ask that question, those schools that those children attend will have a new tool for helping students to learn. That is because of the budget bill we passed last year. Because of our actions, approximately 30,000 new, well-prepared teachers will go into classrooms across this country and we will be able to say we have made progress.

Last year, as all of you will remember, I came to the Senate Chamber many times to fight to pass my bill, S. 2209, which was the Class Size Reduction and Teacher Quality Act of 1998.

You will also recall that I finally got my language into the appropriations negotiations and then worked closely with the administration and with leaders here on Capitol Hill to get it passed, and it did pass, after a bipartisan discussion and in a bipartisan way. Last fall, last October, Republicans and Democrats alike touted their success at providing local school communities with much-needed help to improve learning for every child by reducing class size in grades 1 through 3.

The American people are watching this week as we talk about education. They fully expect this Congress to continue to support education efforts that really work, such as reducing class size and hiring quality teachers. They want to know whether what we did last October was just for a political moment or whether we really are committed to reducing class size so our children across this country will get the kind of education they need. We started the job last fall and now we need to finish it. We have to provide the schools the remainder of the funding necessary to hire 100,000 new and better prepared teachers over the next 6 years.

Our first and best opportunity for a bipartisan solution is this debate on S. 280, which is the Ed-Flex bill that we are going to be discussing shortly. This is a perfect opportunity for early positive success, and people are watching to see if we are going to work together on this critical issue this year. This week Americans are telling Congress they want to see passage of the Murray-Kennedy amendment to reduce class size and improve teacher quality.

Mr. President, my class size reduction proposal honors the bipartisan agreement we achieved last year. It requires no new forms and no redtape. It focuses on hiring new teachers, but it also makes investments in teacher quality from the outset. It allows districts that meet their goals of getting to 18 or fewer students in classes in grades 1 through 3, to be able to use that money to improve class size in other grades, or to take steps to improve the quality of their teaching pool.

Class size reduction isn't some new national idea. Local students, parents, teachers, State and local policymakers have asked for this kind of national investment in class size reduction for years. My proposal emphasizes local flexibility in making improvements.

Mr. President, let me talk for a minute about the Ed-Flex bill. Both last year and this year I have been very supportive of the Education Flexibility Partnership Act. That is because I think to change thinking among local and State policymakers is a good thing. It frees them from some of the restrictions that may keep them and our public schools from becoming the best that they can be. But a change in thinking alone is not enough. Local schools need action. They need investment. They need resources in order to show measurable improvement for all children.

With class size reduction funds, we will have new, well-trained teachers so every child, every child in this country, grades 1 through 3, can get the attention they need and that they must have in order to improve the quality of their learning.

Once local educators have a plan for improving student achievement, we must make key investments at the national level to help them get the job done. This means funding class size reduction, teacher quality improvement, and school construction. It also means passing Ed-Flex, which we all want to do. Today is our best chance to pass both Ed-Flex and class size reduction and send a strong message to local educators that we have heard their concerns and we are responding. Congress does need to pass Ed-Flex, but, more importantly, it must pass the Murray-Kennedy amendment to reduce class size and improve teacher quality.

Mr. President, we have to continue to improve the effort that we began last year, right here, in a bipartisan effort to help local schools, local teachers, and local communities get the results they need. Schools across this Nation are fully engaged in this debate right now over quality in learning and in identifying what works to improve learning for students. Local education leaders know that class size reduction is effective. They know as they reduce class size they can also improve the quality of their local teaching pool by improving professional development, training certification and recruitment.

Local communities are using the Federal class size and teacher quality effort as a way to beef up their own investment in the future of young people. Governors and State legislators across this country are proposing class size investments this year based on our successful efforts of last year. They are watching to see whether or not we really mean that we are committed to class size reduction or it was just a political move from last year.

In Washington State, my home State, Governor Gary Locke and key State legislators are debating these investments right now in Olympia and watching what we are doing so there is an important reason right now to pass the class size amendment today. Local school districts, school boards across this country—and I was a former school board member so I know what they do in February and March; they put their budgets together for the following years—are looking to us to see if we are going to continue this investment so that they can begin to put their budgets together and hire the staffs they need to make a commitment to now, so when those first hires are made in July, they know that this just wasn't a one-time bill, but this bipartisan Senate and Congress, this administration meant what they said last fall when they said class size reduction is a national priority.

We cannot wait to pass this amendment. We need to do it now so that those school boards and those local communities know that we say what we mean and we follow up on it right here in Washington, DC.

I will be offering this amendment later. I hope to be talking again about it today. This is clearly an issue for which parents and communities are looking to us, to trust the Federal Government. Will they follow up on their word? Will they make an investment that actually makes a difference? As we go through this debate, I will show you, all of my colleagues, and the country, studies that show that class size reduction makes a difference in student learning. We have a responsibility as the Federal Government. We have to live up to our commitment and not just make promises about education but truly make investments that work.

I thank my colleagues for the time this morning. I look forward to their support in a bipartisan way for the class size amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico, Mr. BINGAMAN, is recognized to offer an amendment.

Mr. BINGAMAN. Mr. President, I thank you very much.

AMENDMENT NO. 35

(Purpose: To provide for school dropout prevention, and for other purposes)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator REID, Senator BRYAN and Senator LEVIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mr. LEVIN and Mr. BRYAN, proposes an amendment numbered 35.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted".)

Mr. BINGAMAN. Mr. President, I am proposing the National Dropout Prevention Act as an amendment to this Ed-Flex legislation. As I indicated, the cosponsors of this amendment are Senators REID, LEVIN and BRYAN.

In my view, the amendment would create a much-needed program to target those schools in our country that have the highest dropout rates in the Nation. There is at present very little help from the Federal level going to some of these most troubled high schools, and the amendment is a valuable necessary addition to this legislation to begin moving ahead in solving this problem.

Improving our schools, as we are trying to do through the Ed-Flex bill and through many other initiatives in Congress, is not going to make a whole lot of difference if half or a third—some substantial portion—of our students have already left before they graduate and they are no longer in those schools to receive the benefits of that assistance. Efforts to provide better teachers, more flexibility, computers in the classroom, higher standards—all of those efforts—will be diluted if we continue to ignore the dropout crisis we have in this country.

We do have what I refer to as a dropout drain. This chart makes the point very graphically showing that—the bucket represents our school system—we have students coming out of the school system in very large numbers and not gaining the benefit of the education we are trying to provide.

At too many schools, dropout rates reach 30 percent and even 50 percent, according to a 1998 Education Week report. Most States do not publish cumulative data, but Florida recently found that its 4-year dropout rate approached 50 percent when they added the students who dropped out in the freshman, sophomore, junior and senior year. They got close to 50 percent in the State of Florida.

There are roughly 3,000 students who drop out on average each day in this country, according to the Department of Education statistics. About 500,000 students drop out of high school each year.

Let me indicate at this point, Mr. President, that the reason I am offering this legislation on the Ed-Flex bill early in this Congress is that if we go ahead and try to do this as part of the Elementary and Secondary Education Act, we will be talking about trying to do something 18 months down the road, because it is expected that the Elementary and Secondary Education Act will likely not become law until sometime late next year.

If that is the case, then we are talking not about 500,000 students per year, we are talking about a very large number of students who will, in fact, have left our schools with us sitting here trying to figure out what the right timing is to begin dealing with the problem.

These new dropouts will join about 4 million other young adults who are presently without high school degrees. There has been a lot of talk by the President and by many of us about ending social promotion, and we all favor ending social promotion. But if we pursue that, and pursue it with vigor, we may create an even greater risk for students dropping out of our school system.

Though dropout rates have not risen yet, higher standards mean more students become discouraged and fall through the cracks, unless there is some provision made to assist those students in meeting those higher standards. While some progress has been made for African American students, the real concentrated problem we have is in the Hispanic student population. Hispanic students remain much more likely to drop out.

Let me call people's attention to this chart called "Status Dropout Rates for Persons Ages 16 to 24 by Race Ethnicity for the Period October 1972 through October 1995." What you can see here very clearly is that the rate of dropouts in the Hispanic community is up in the range of 30 to 35 percent. The rate for black non-Hispanic students and white non-Hispanic students is substantially lower, down in the area of 10 to 15 percent.

So we have a very serious problem and one that we have not been able to address, and it most directly affects the Hispanic students in our country and in our State.

One reason I became interested in this, Mr. President, which should be obvious—I am sure it is obvious to my colleagues—is that a very large percentage of our population in New Mexico is Hispanic and particularly in the school system. A great many of the young people in our State are Hispanic, and the problem affects us in a very real way.

The annual dropout rate is almost 5 percent each year for all States. And States, such as Nevada, where Senator REID, who is my cosponsor on this bill, and Senator BRYAN hail from, and Georgia and New Mexico, have a much more severe dropout rate.

Let me just say another word, before I go on to this chart here, about the issue of Hispanic students. The dropout rate for Hispanics has hovered near 30 percent for many years. That is more than three times the rate for white students, more than two times the rate for African Americans. The Hispanic population is the fastest growing population in our Nation, and many are being left behind in their educational opportunities while others are moving ahead. While the Hispanic students in our country make up 14 percent of all students now, they will comprise 22 percent by the year 2020. In large part due to differences in dropout rates, Hispanic workers earn only about 61 percent of what comparable non-Hispanic workers are earning. So you can see the problem is severe.

Referring again to this chart, unfortunately for Nevada, it is the State with the highest dropout rate. This is the dropout rate, on an annual basis, according to the Department of Education statistics. Twenty-nine States have provided annual dropout data. The other States have not provided that information. And, of course, they are not on this chart. But unfortunately, close behind Nevada and right behind Georgia is my own State of New Mexico, and the dropout rate there is 8.5 percent according to these statistics.

The National Goals Report—I serve on the National Education Goals Panel, Mr. President. And one of the discouraging things about serving on that panel has been that over the last several years—back in 1989, President Bush and the Governors met over in Charlottesville, VA, to set out national goals. And they had a very good vision of what they thought we ought to be trying to do as a Nation.

The second goal is that at least 90 percent of our students should graduate from high school before they leave school. Unfortunately, the reality is that we have not made progress on that. The National Goals Report, the latest National Goals Report, found that roughly 40 States have not made any progress in increasing school completion rates during the 10 years that we have had since that national education goal was agreed to.

Dropout rates affect more than just the students who leave school. Let me show another chart here which will make that point. While dropouts face a bleak future in terms of good jobs, communities that they live in are affected by higher crime, higher welfare rates, as well as very limited economic opportunity. Unemployment rates of high school dropouts are more than twice those of high school graduates. The probability of falling into poverty is three times higher for high school dropouts than for students who finished high school. The median personal income of high school graduates during the prime earning years, 25 through 54, is nearly twice that of high school dropouts. So we have a very serious problem here.

At the present time, there is no Federal program dedicated toward eradicating the problem. This $150 million that we contemplate in this legislation, this amendment, would allow us to help 2,000 schools with the highest dropout rates throughout the country. With funds that they could receive from the State, these schools could restructure themselves in ways that have proven to lower dropout rates.

We do know some of the ways schools can lower dropout rates. We need to get that information out better, and we need to give schools the resources to act on that information. This is necessary because most Elementary and Secondary Education Act programs, including title I, which of course is the largest program we authorize through the Elementary and Secondary Education Act, do not reach significant numbers of high school students.

In our most troubled communities, this creates a very real dropoff in support services when students move from an elementary or middle school with a strong title I program. They get the assistance at the elementary level, and even at the middle school level, but when they get to high school, the assistance is not there.

Not even GEAR UP, which is a newly created tutoring program to help middle school students and provides real support to help schools make fundamental changes to the way they are organized and run, that program itself is not available to solve this problem.

Mr. President, this is not the first time that we have had a chance to act on this legislation. I offered this legislation last year to the bill which Senator COVERDELL had sponsored on education issues. It was adopted here in the Senate. We had 74 Senators who supported the exact legislation, identical legislation last year. It has been endorsed, this amendment, by the Council of Great City Schools, by the Hispanic Education Coalition, and by the Education Trust.

Local schools need to decide how best to address the problem in their community. And we are not trying to dictate what any local school does to solve this problem. The legislation gives districts the power to choose from a broad array of proven, effective approaches to the dropout issue.

As in the Obey-Porter program, States would receive funds on a formula basis identical to title I, and districts would compete for grants of not less than $50,000 from the State.

The dropout problem can be addressed through school-based reforms. While many excuses are made for the dropout problems, in fact school-related factors are cited most often by the students themselves, the students who do drop out of school. When they are surveyed and asked why they left school, in 77 percent of the cases, they cite school-related factors as the reason. These are students who are failing—who are failing—who do not like school—they do not get along with their teachers or their peers and basically have found that there is nothing there in the school to keep them there.

When you look at the top school-related reasons getting behind that other statistic, the top school-related reasons, the first or the most often cited top school-related reason is that they were failing or they could not get along with their teachers, and that is a reason for the students dropping out. They do not like school. They could not get along with students, felt they did not belong. They were suspended or expelled in 25 percent of the cases; and they did not feel safe in 10 percent of the cases.

These are school-related concerns which the schools themselves can begin to address, Mr. President. This is not something where we can say it is up to the parents. "If the kids don't want to go to school, it's the parents' problem, it's not the school's problem." That has been the approach we have taken for decades in this country to this issue, and it has not gotten us where we need to be.

Let me also talk about the size of schools. Small schools, academy programs, challenging material, alternative high schools, all of these have proven effective ways of addressing the needs of at-risk students in large, alienating, boring high schools.

Mr. President, it is clear when you begin looking at this problem—and I see it in my State—the problem is most severe in our large high schools, in our large middle schools where students feel anonymous, where there is very little interaction between the student and the teacher. And that problem is severe.

In particular, this program that we have proposed here will allow us to make large schools smaller without building new school buildings. School size does matter. Yet we are still forcing our young people to go to very, very large schools. And in some places they have taken the very innovative step of breaking large schools into smaller schools where you have schools within schools. And that is part of the solution, I believe.

In New Mexico and throughout the Nation, fewer than one out of three high school students goes to a school that has 900 or fewer students. That is the ideal size for a high school, according to studies that have been done nationally.

Part of the funding we are trying to obtain through this legislation would be made available to schools to restructure into smaller learning communities. More and more research is showing that large middle and high schools are alienating and anonymous places for children to learn. This contributes to their disinterest in school, their lack of contact with caring adults. This bill would help large schools revamp themselves into smaller academies, schools within schools.

There is a reason why our private schools are doing well. One of those reasons is that most of them are very small. Clearly, we need to learn from that in the public school system. Schools with high dropout rates receive little, if any, Federal assistance in turning themselves around.

The vast majority of the Elementary and Secondary Education Act programs are targeted to our elementary schools. We need to restore the "S," which stands for secondary schools, in the ESEA legislation. ESEA stands for Elementary and Secondary Education Act. Unfortunately, we usually forget about the "secondary" education aspect of the Elementary and Secondary Education Act.

Addressing the dropout crisis in my State has become a real priority for me. We have made some progress in the last 2 years but we still have one of the highest dropout rates in the Nation, with over 7,500 students dropping out in the years 1995 and 1996.

In the most recent State-level report, New Mexico's annual dropout rate had fallen to under 8 percent, contrary to the statistic I had on the chart, but the rate is nearly 10 percent for Hispanic students and over 8 percent a year for Native American students.

There are innovative programs that will help us deal with this problem. In my State, we have a truancy prevention initiative in Clovis, NM. We have a Value Youth Program in Cobre High School in Grant County, NM. In Santa Fe we have a dropout prevention task force. We have a dropout czar who has been appointed in the Albuquerque schools.

Clearly, there is much more that can be done. This legislation will provide some of the resources to do that. I believe very strongly that this is something we should do now.

Before my cosponsor speaks on this issue, let me reiterate why we need to do this now. We should not be sitting around Congress biding our time and assuming that this is not a problem that deserves emergency attention. This is a problem that deserves emergency attention. It is in our best interests on a bipartisan basis to pass this legislation now, early in the session. I believe we can do that. I very much urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could engage in a conversation with the Senator from New Mexico, it is stunning to think that 3,000 children drop out of high school every day. Is that difficult to comprehend?

Mr. BINGAMAN. Visiting high schools, as I know the Senator has done a lot, you run into students on the verge of dropping out. You sit down with students who have dropped out and are back in school and talk to them about the reasons.

There is a problem here that we have left unaddressed too long, in my opinion.

Mr. REID. We talk about this being an emergency. Think of the fact that 82 percent of the men and women in our prisons around this country are high school dropouts.

Mr. BINGAMAN. That is true.

Mr. REID. If we had no other statistic than that, it would seem this is an emergency.

Mr. BINGAMAN. That is exactly right. Clearly, if we can resolve this problem, reduce this problem, we will have an impact on the number of our young people who wind up in criminal activity. I think it is a priority for that reason as well.

Mr. REID. I also say to my friend from New Mexico, this is a good bill. The amendments that are going to be offered at the appropriate time dealing with class size and the number of new teachers—the Senator agrees with me that that is important?

Mr. BINGAMAN. Yes.

Mr. REID. But I believe there is nothing more important than keeping our children in school. All these other things I support, and I am behind them all the way. In fact, would the Senator agree with me that perhaps it is more important to keep our kids in school?

Mr. BINGAMAN. Mr. President, let me just respond by saying I think you can do an awful lot to improve the quality of education. If the students aren't there in the classroom to benefit from that, all of that effort goes for naught.

I do think we need to address this problem as we try to upgrade the quality of education. Clearly, this problem has gone unaddressed for way too long.

Mr. REID. Mr. President, I say to the Senator from New Mexico I went to a high school that had a few hundred kids in it. I moved from a very small rural town in Nevada to what I thought was a very, very big high school. The size of that school today is insignificant compared to the size of the high schools in the metropolitan Reno-Las Vegas area. There are numerous Las Vegas high schools that have over 3,000 students.

The Senator displayed a chart indicating the reasons kids drop out of school—failing, couldn't get along with teachers, didn't like school. Can you imagine how lost a person would feel coming from Searchlight, NV, which had 1 teacher teaching all 8 grades, to a school with over 3,000 kids? I think it would be easy not to like school, wouldn't the Senator think?

Mr. BINGAMAN. Mr. President, I agree entirely with the point.

I visited some of these very large schools in my State. The truth is, when they ring the bell to change classes, you almost have to get out of the way, because you are going to get knocked to the floor if you stay right out in the middle of the hallway; there is such a rush of activity.

I do think there is a real problem in the size of our schools. Whenever you get a school that is so large that nobody really pays attention to whether or not a student comes to school in the morning, then the school is too large, in my opinion.

Mr. REID. I say to the Senator from New Mexico, he was always very faithful in attending when I had the responsibility of the Democratic Policy Committee and we did a retreat. And he will remember a woman by the name of Deborah Meier came to speak to the group of Senators assembled. As the Senator may recall, she had been an elementary school principal in New York in this very, very large public school. She came to the realization one day as principal of the school that she was basically wasting her time. The scores of the children were very bad; there was nothing she could seem to do that was right in helping these kids achieve.

So she went to the school board and said she would like to try a radical experiment: We have this elementary school; let's break it up into four separate schools. We will have four separate principals, four separate sets of teachers. It will be like four schools in one building. They will each have their separate identity, with separate names.

She has written a book entitled "The Power of Their Ideas." In this book she talks about this and how immediately the grades soared, the scores on their national tests soared.

Does the Senator remember that presentation?

Mr. BINGAMAN. In fact, I had the good fortune to go to that school in New York and see some of that success. It is a great success story and it shows the value of a small school where you have teachers and administrators and students and parents, all taking ownership in the education process. That is what she was able to create.

Mr. REID. I thank the Senator.

Mr. President, I express my appreciation to the Senator from New Mexico for his substantive contribution to what goes on here in the Senate. There are very, very few Senators in the history of this body who add so much substance as the Senator from New Mexico. He is a person who, by education alone, should contribute—Harvard undergraduate, Stanford Law School. But it is more than just the education. He has put his education and his experience to the benefit of the people of the State of New Mexico and this country.

There is no better example of that than this legislation which I am honored to be able to cosponsor with the Senator. Again I repeat, of the people in prison today, if there were 100 people in prison in our country today, 82 of those prisoners would never have graduated from high school.

Let's say there were 1,000 prisoners in America today; 820 of those would never have graduated from high school. If there were 10,000 prisoners, 8,200 would never have graduated from high school—and on and on, until we get to the point where we have approximately 1 million people in prison today, and 820,000 of those have never completed high school.

Mr. President, every day, 3,000 children drop out of high school. Every day. It would seem to me that there should be no greater concern in this body than making sure that that does not happen.

Now, I don't expect magic to occur tomorrow after this legislation passes, and that we are going to have all 3,000 children stay in school, but let's say that we could make some progress so that only—I say that with some trepidation—only 2,500 dropped out every day. That would mean 500 children every day would be children who could arrive at a better life. They would be able to achieve what they should be able to achieve.

The concerns that we have with this dropout rate is magnified every day when you read in the paper about people doing things wrong. Most of them are high school dropouts. And 500,000 students dropped out of school before graduating from high school every year. I am sorry to say that dropout rates are the highest in the southern and western regions of the country.

I am very embarrassed to say that in the State of Nevada, 1 out of every 10 children drop out of high school. I wish we did not lead the country, but we do. We have to do something to change dropout rates all over the country. Of course, Nevada, as I have said, leads the Nation, but no one else should feel very high and mighty about the fact that only 8 or 9 out of 100 drop out in other States. It is too many. We have to make sure that there is progress made in lowering the national dropout rate.

Why do children drop out of school? The reasons are diverse. We talked about some of them with Senator BINGAMAN earlier. We must invest in diverse, innovative solutions to help kids stay in school. What we are talking about here, Mr. President, is not some vast Government program. In fact, the same legislation that we are talking about today, Senator BINGAMAN and I offered last year in the form of an amendment, and it passed. We got 74 votes in the Senate, but it was killed in the House. I hope we get more than 74 votes this time. I can't imagine how anyone could vote against this legislation.

We are asking that there be $30 million a year for the next 5 years—a drop in the bucket out of the $1.5 trillion we spend basically every year—establishing within the Department of Education a division, a bureau, the sole responsibility of which would be to work to keep kids in school. They would do that by looking around the country at programs that are successful. There are some that work pretty well. We would tell school districts to apply for a grant, a challenge grant, and we would give them the money to implement that program.

This would not mean the Federal Government is micromanaging what goes on in school districts. The school districts would manage every program the Federal Government would assist them with. There are some really fine programs around the country. In fact, on a web site, every month, there is a model program dealing with dropouts. Every month, they put on the web site a program that they think should focus attention on keeping kids in school. The model programs in March were called the Truancy Intervention Project and Kids in Need of Dreams. The pseudonym is TIP and KIND. These programs have dealt with kids of all levels. We can't just go to a high school and say that is where we are going to start keeping kids in school. We have to work from the time they start kindergarten. It is a program that kids don't just drop out of school in the 9th, 10th, 11th or 12th grades. Their inclinations and feelings about school develop much earlier than that. That is why I talked with the Senator from New Mexico about the great program in New York where they broke up a very big elementary school and suddenly found that the kids weren't slower than other kids, that they weren't less inclined to learn than others; they just needed a setting for learning. That is why we need to have this bill passed, so that schools around the country that are having problems with dropout rates can at least meet part of their needs.

The program I talked about—the model program in the month of March—is a program whose objective was to provide an early positive intervention with children reported as truants, because truancy usually characterizes other symptomatic behavior. TIP volunteers work to determine and satisfy their clients' needs so that the clients may return to school. The program works to meet the daily necessities of clothing, water, heat, transportation and long-term needs. They even go into drug, psychiatric, tutoring and child care. It is a program used in Fulton County, GA. Its funding came from an Atlanta law firm and other private donations—the law firm of Alston and Byrd. As I say, this is the model program of March on this web site.

In Las Vegas, at Horizon High School in the Clark County school district, there is a program there dealing with teen mothers and fathers and pregnant teens. This is a program that is part of the alternative education project that facilitates high school graduation of teen parents and pregnant teens by providing quality day-care services. There may be some who say, Why should the school district get involved in such a program? Well, as the Senator from New Mexico mentioned, we are going to cut back on social promotions, but we don't want to dump out in the streets all of these kids who are not going to be socially promoted. We need programs to get them into the next level honestly. We can do that with summer alternative programs, afterschool programs, tutoring programs. When a child, for whatever reason, becomes a parent, he or she should not automatically have to drop out of school. That is why the program in Las Vegas is something that I think deserves national attention.

These classes are set up to keep these kids in school—kids having kids—and are structured to provide these children with skills in listening, speaking, independent thinking, and even personal hygiene. There are programs in the Western States—and I am certain the Senator from New Mexico can appreciate that. We have programs where we focus on Indian children. There is a program in the Washoe County school district that focuses on keeping Indian students in school. There is a tremendously high dropout rate with Indian children. The program that is being tested really to work with these children is one that I think will work very well; it is called Phone Work. It is a voice mail approach to assist parents and teachers in the monitoring of the students' homework assignments. Parents are able to leave recorded messages for the teacher, providing a two-way communication between home and school. The teacher's responsibilities include recording daily assignments by a certain time of day, verifying each student's class assignments, written in the Phone Work assignment book, and that each student takes home books and materials that are needed. Student responsibilities include recorded homework assignments, taking books and materials home, and having parents check completed assignments and assign a designated time and place for a student to study. These are details that some may think are not important, but if you are trying to keep children in school—and there are some difficulties because the parents work, but this system allows, through the telephone—a program called Phone Work—that the teacher and the parent keep in touch and work to keep this child in school.

One of the programs that I have worked on and have been impressed with is a program called OLA in Carson City. Surprising to most people is the fact that Nevada has a large number of Hispanic students, Hispanic people, but more students than adults. We have in the State of Nevada, in the Clark County school district, in the Greater Las Vegas area, the eighth largest school district in the United States, and over 25 percent of the students in the Clark County school district are Hispanic.

Other places in Nevada also have large Hispanic populations. In Carson City, NV, our capital, we have a program, as I have indicated, called the OLA Carson City Program, designed to keep Hispanic children interested in school. It has done a remarkable job. It has been in existence for 4 or 5 years. They produce a television program where they interview people who work in government, who work in the private sector. I have been doing interviews in their program at their station for some 4 years. They are excited young people. They not only do television, they are not only involved in the TV station, but they are involved in other things. This has helped these kids—I have heard them say so—develop self-confidence. They are proud of the fact that they can speak two languages. When I go there, one of the students will interpret for me. They have become more confident since connecting with the community. They have a recognition of the opportunities that are available to them. Their personal goals have risen steadily. They have won awards and honors in the community for their efforts. They have become actively involved in communicating their importance to their peers and to younger Hispanic youth. They started a tutoring program. There is a youth leadership club, advanced group, enthusiasm, volunteers for all kinds of programs in the community. They work in the juvenile justice system. The Governor selected them to work in the Goals 2000.

This is a wonderful program, Mr. President, one that should be available to the rest of the country. That is what this amendment provides. It makes these programs available to the rest of the country. I think that is all we can ask for—that school districts have the ability. If they want to make an application saying they have a dropout problem, what programs are available? What programs would meet their needs? Have experts give them different alternatives, and they can choose from those. If their grant is in effect, then it is up to them to implement the program; the Federal Government stays out of their lives.

We have a significant problem in southern Nevada especially. That is rapid growth. We have the most rapidly growing city and the most rapidly growing State in the country. We have to keep up with the growth in the schools. We have to build a school and a half a month to keep up with the growth in the Clark County school district. We hold the record of dedicating 18 schools in 1 year. The growth is phenomenal. Our long-time superintendent of schools is a very courageous, very good superintendent by the name of Brian Cramm. He has become more of a construction superintendent than a school superintendent. Think of that—a school and a half a month. The goal has been met. In 1 year, 18 schools were dedicated in the Clark County schools. But in an effort to accommodate all of these students, we have huge schools. As Senator BINGAMAN and I have spoken about, we really need to focus on ways of having smaller schools.

I frankly don't think, unless the Federal Government recognizes this high school dropout problem is the problem that it really is, that we are going to get help. One of the things we have tried to do, separate and apart from this amendment but which will complement this amendment, is to get school construction money. School districts all over the country are having bond issues fail. We are very lucky and fortunate. We are blessed in southern Nevada because the people in Clark County are continuing these bond issues. Over $2 billion in bond issues have passed in four separate elections during the last 10 years—over $2 billion. Around the rest of the State of Nevada, though, they haven't been so fortunate. Schools are not being built because they cannot get the bond issues passed. We have some counties which simply do not have the financial wherewithal to build new schools. They are in counties where there is a lot of Federal land. There is no mining. There is minimal ranching going on. They simply can't afford to build new schools, and kids are being educated in facilities that really, in the eyes of some, should be condemned.

The bill for school construction would help rapidly growing school districts such as Clark County and Lincoln County, which need help because of the lack of economic growth in those counties. That is something that could complement this and hopefully would have school districts focus on not how big they can build a school but how many schools they can build to accommodate the children.

I hope, Mr. President, that this issue dealing with 3,000 children dropping out of school every day is something the Senate will focus on. It is, as I have indicated, the No. 1 problem as far as I am concerned with our schools today—children dropping out of school. I recognize the reason for children dropping out of school is varied. There are a lot of reasons they drop out of school. But whatever the reason, it is a situation that we must focus on. We must do something to keep children in school.

Mr. President, let's talk about the future for high school dropouts. We know that unemployment rates of high school dropouts are more than twice those of boys or girls who graduate from high school. The probability of falling into poverty is three times higher for high school dropouts than for those who have finished high school. The median personal income of high school graduates during the prime learning years—25 to 54—is nearly twice that of high school dropouts.

I have to mention again that 82 percent of the people in our penitentiaries or prisons or jails around the country are high school dropouts. The children of high school dropouts, it has been statistically proven, have a much higher probability of dropping out of school than children whose parents did not drop out of high school.

Let's look, as Senator BINGAMAN did, at Hispanics and what is happening around the country with Hispanic children. I talk about the OLA Carson City Program, which is a miracle program. It is working wonders in Carson City. But we have too many Hispanic children all over the country dropping out. We have too many Hispanic children dropping out of schools in Nevada. We talk about a dropout rate of over 30 percent, which is some 200 to 300 percent higher than other children and something we should become concerned about.

Why are so many Hispanic children dropping out of school? The bulk of Hispanic students who come to Nevada and the western part of the United States are from Mexico. Mexico does not have a tradition of public education. In addition to that, there are language problems that we all realize. We also have the phenomenon that Hispanics are noted for having a really good work ethic. They believe in working hard. They are not afraid to work. That is a bad combination, because with the shortage in the labor market there are people who entice young men and women who are Hispanic to go to work. That gives them another excuse not to be in high school, because they are making fairly decent money. The fact of matter is, they are still doing those entry-level jobs when they are 55 or 65 years old.

We have a problem that we have to identify. The Hispanic students have a dropout rate of 30 percent compared to an overall rate of 11 percent. And the 30 percent is lower than it is in a lot of places. Unemployment rates for Hispanics is high. That is because, for those who have not finished high school, it is really hard to get a job. Forty-nine percent of all persons living in Hispanic households receive some type of means-tested assistance.

We can make all of these figures disappear with a high school education. We need to do that.

As we all know, with this new census that is going to be completed in a year and a half or so, it is going to show a tremendous rise in the number of people of Hispanic origin making up the population of the United States. By the year 2030, Hispanics will make up 20 percent of the population of the United States. Even about 10 years from now, by the year 2010, the Hispanic origin population is projected to become the second largest ethnic group in the United States. Soon, as you know, it will be the No. 1 ethnic group. We need to address the dropout problem in this country for everyone, but especially for the Hispanics. Hispanic leaders all over America understand this and are working hard. But I think we need to focus on what we can do in the Department of Education to assist them.

I have spoken to the Hispanic leaders in the State of Nevada and this is clearly the No. 1 problem—keeping their youth in school, having them finish high school. That is how the national Hispanic leaders feel also.

If we do not address the dropout problem in this country now, we will be faced in the future with a weak and uneducated workforce. We don't need that. We can't stand that. We will have increased unemployment rates, increased prison incarceration rates, and an increase of people on welfare and other Federal assistance programs. By keeping our kids in school, we are attacking much larger social and economic problems.

It may be a surprise to many, but there is no national plan to lower the dropout rates—there is none—and no targeted program to help schools most in need of restructuring to lower dropout rates and raise achievement. We would all think this should have been done a long time ago, but it has not been. I think it is time to keep our children in school. It should become a national priority.

Again, unemployment rates of high school dropouts are more than twice those of high school graduates. The probability of falling into poverty is three times higher for high school dropouts than for those who have finished high school. The median personal income of high school graduates is twice that of high school dropouts. The median income of college graduates is three times that of high school dropouts. For the fourth time: 82 percent of our people in prisons have not graduated from high school. Need we go further?

So I hope this bill will receive overwhelming support and that we can get this bill passed in the House of Representatives. This is something that is important. This amendment is as important as the underlying legislation—I believe more so. I, again, express my appreciation to the people of the State of New Mexico for sending to the Senate someone with the abilities, the skill of Senator BINGAMAN. This amendment is an important amendment. It has been an honor for me to work with him on this. I repeat, I hope the Senate overwhelmingly passes this much-needed amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I thank both Senators for raising this issue. There is no question but one of the most severe problems we have—probably the most severe problem we have—is the large number of dropouts in the schools. Certainly they have delineated their feelings on that very accurately.

But I also point out, however, we are dealing this year with the Elementary and Secondary Education Act reauthorization. These programs, and I am sure there will be others which will be offered on this bill, are all worthy of a very substantial examination. In fact, we have already started holding hearings on reauthorization of the Elementary and Secondary Education Act. Those hearings are going well. We will be holding many more. Two-thirds of all the money we spend in education at the Federal level is on the Elementary and Secondary Education Act. That is where the money is. Thus, that is where these amendments are appropriate.

I want to assure both Senators that it is my intention to give top priority to such programs as those for dropouts. This Nation, however, has a very serious problem with respect to education. The Senator from New Mexico and I sit on the Goals 2000 Panel. We have been there, frustrated, because over the period of time we have been on it we have not had any measurable change in the statistics in this country about the state of our education.

The President has appropriately also pointed out the difficulties of social promotion. We are looking into that, obviously. There are programs that are required for that, but it is not easy to do it program by program. That is just not the way it should be handled. It should be handled in a coordinated effort, which we are doing, with hearings, to fully understand why, for instance, there are dropouts, why kids are dropping out, before we suddenly come up with a program that is going to attempt to alleviate the problem.

So I want Members on both sides to please refrain from offering amendments that should be appropriately considered in the Elementary and Secondary Education Act's reauthorization, because only with coordinated hearings and sitting down and working together can we come up with a coordinated plan to handle all of these very serious issues which we have. I am hopeful the Senators would withdraw this amendment at this time. They have my assurances that we will be discussing fully the matter of school dropouts when we get into the hearing process.

We are already into the hearing process. They are all tied together. We did pass, this past year, at least one or two efforts: The Reading and Excellence Act, which gets into the questions of why people drop out; and we have others that we passed last year that we are studying in terms of professional training and all that. There will be other amendments, I am sure, that we have heard about, that will also be right in line addressing the problem.

There is one, I understand, on principals, principal training, and there will be a number of other amendments which they will offer. But I want to say I am not willing to accept amendments which will do what may be a good idea because of our purpose right now. Every 5 years we reauthorize the Elementary and Secondary Education Act. We should concentrate on this right now. We have to have a coordinated effort on it.

First, we must delineate specifically what the students should have when they leave the school. We know they should read. We have the social promotion situation that if they don't read, we just push them on through. The statistics are startling in that regard. Over half of the young people who have graduated from high school have graduated functionally illiterate. The primary cause of that is social promotion. What we do to try to alleviate that through ESEA is something we have to look into.

Why do students drop out? We need to look into that very thoroughly. Obviously, a great deal of that usually occurs in the middle school area where young people come through and they don't see any relevance of education to their lives. We have to look into how to alleviate the middle school problem.

One of the problems there is the lack of training of principals. That is another area we should be looking at in the Elementary and Secondary Education Act. But right now I want to be very clear: I do not think we should be using this bill to do that. This bill is one which will just help the States now to be able to deal with some of these problems with more flexibility in the way they can handle their school systems in the allocation of funds. They need that flexibility now to handle these problems. We should concentrate on the reauthorization and not try to do it piecemeal on this bill, which is left over from last year. We got 10 good bills out. We didn't get this one out. The committee handled the bill. I don't think these were offered as amendments at that time. Certainly I had the same attitude then as I do now.

With that, I urge Senators seriously to consider not offering these at this point and wait for the Elementary and Secondary Education Act to do that.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada sought recognition first.

Mr. REID. Mr. President, I say to my friend from Vermont, the manager of this bill, we need flexibility now and I acknowledge that. But we also need something to address these children who are dropping out of school now, 3,000 children a day. I can tell my friends in the majority, they may table this amendment today or tomorrow—whenever they decide they want to do it—but they better get used to voting on it. Because every time a bill comes up, whether it is missile defense—it doesn't matter what it is—I am going to offer this amendment.

Mr. President, 3,000 children are dropping out of school every day and we have to do something about it. It received 74 votes last year. Let people who voted for this bill last year come and vote against it this year and get it lost in the hole on the other side of the Congress.

This bill needs to pass. We have children dropping out of school every day, 3,000 of them, 500,000 a year. Eight-two percent of the people we have in prison are high school dropouts. Do you think that is something we should address, or wait for a 5-year education bill?

This is something that people, if they are going to vote against it, they are going to vote against it more than once, because I am going to keep offering this. I do not think there is anything more important we can do than vote on keeping our children in school.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I share the concerns about the dropout rate in this country with the Senator from Nevada. I am very familiar with the dropout rate in the State of Ohio and what we tried to do to deal with the problem.

I contend that the passage of Ed-Flex will allow many States today to better utilize the money coming into their State to do a better job in those early years with youngsters so that they will be successful and they will stay in school.

For example, in the State of Ohio, we have used the Ed-Flex waiver on the Eisenhower Professional Grant Program to allow teachers to learn how to do a better job of teaching and helping children to learn. We have also allowed some of that money to be used in areas where kids are having the biggest problem, for example, in reading. We have seen that by using Ed-Flex, we have been able to do a much better job helping youngsters to learn, the same way with the waivers that we received in Ohio under Ed-Flex under title I, to be able to use those dollars in a more efficient way so that we can really make an impact in the lives of the children where the teachers feel that it will do the most good.

Again, we have seen the statistics from 1996 and 1998. Where we have had Ed-Flex, the kids are doing better, because they have had a waiver on the Eisenhower Professional Grant Program under title I.

There is no silver bullet in terms of the issue of dropout rates. When I became Governor of Ohio, I went to the head of the Department of Corrections and said to him, What can we do to keep down the prison population in the State of Ohio? His answer was, Head Start; we have to get involved with these youngsters earlier. So we went to town on the issue of Head Start, and today my State is the only State where every eligible child whose parents want them to be in preschool or Head Start is in the program. That is the responsibility, I believe, of the Governor of the State and the people involved in the State in education. They need to make these early childhood programs.

For example, you will be hearing from me later on in this session in terms of the use of TANF money. We have a very good program in our State called Early Start, where we are going to families as soon as that baby is born and intervening and trying to make sure that during those first 3 years of a child's life, they develop those learning capacities that they need to be successful in school. Too often these dropout programs are dealing with the end of the line, and that is what we, as a government, ought to be doing, making a commitment to intervene early on. That is where you can really make a difference in terms of having a program that deals with birth to 3, zero to 3, intervening earlier in the lives of our children to make that difference.

In addition, I think people should understand that there are lots of dropout programs in this country. I have been chairman of a group called Jobs for American Graduates for a couple of years. As a matter of fact, Senator ROBB from Virginia at one time was head of Jobs for American Graduates, and Senator JEFFORDS is very familiar with the Jobs for American Graduates Program. It is a program that has been in existence for 19 years and has served over 250,000 young people.

What we do is, we identify kids in the 12th grade who are in need of help. We get them into a job club. We intervene, and 90 percent of them stay in school. Then we follow them a year afterwards to find out what has happened to them, and they are either in secondary posteducation or they are in the service or they have a job. This program is in existence in about 28 States and territories in the United States.

I say to Senator REID of Nevada, we tried to get the program into the Las Vegas school system and they turned us down. Governor Miller tried to also do the same thing, and they turned us down. I suggest to Senator REID that he ought to talk with the people in the Las Vegas school system and ask them why they are not part of the Jobs for American Graduates Program, the most successful dropout program in the United States.

Mr. REID. Is the Senator directing a question toward me?

Mr. VOINOVICH. I would be glad to have the Senator answer that, sure.

Mr. REID. The Senator would have to ask Senator Miller—a Freudian slip there—Governor Miller that question. There are a lot of good programs in the country. That is the whole point of this amendment, that we have to have these amendments, these different programs available to everybody in the country. Then the school districts can pick and choose those. You may think that program is the best program in the country. Others may disagree. But the fact of the matter is, this amendment that I am offering does nothing to take away from the ability of school districts to manage their schools any way they see fit. It does give the resources to the school districts all over the country that they now do not have. I think it certainly seems that we should have a national strategy for dropouts, which we now do not have.

Mr. VOINOVICH. Mr. President, I point out that today our Jobs for American Graduates Program is utilizing—listen to the Federal programs that we are already utilizing. We are utilizing the Joint Training Partnership Act. We are using School to Work Opportunities Act. We are using the Wagner-Peyser Act. We are using the Carl Perkins Vocational Education Act funds. We are using the title IV Safe and Drug Free Schools funds. We are using the Criminal Justice Crime Prevention funds. We are using welfare reform funds.

The point I am making is that, No. 1, the dropout issue is a national problem, but it is primarily the responsibility of State and local governments. It is up to the Governors and to the local people, local education people to respond to the problem. For example, in the JAG program, when I came in as Governor, we were spending about $4 million. Today we are spending $22 million in the State of Ohio, because we understand how important it is to try to identify these youngsters who are going to drop out of school and keep them in school. That is just a phase of it.

When you talk about dropout, you have to look at the entire specter of the cause of the dropout program.

I will go back to what Senator JEFFORDS has just said. It starts out with Early Start. It starts with Head Start. It starts out with technology in the schools.

An interesting story. I went to our prisons and visited those where they are ready to come out into society. I went in and I asked a question, How many of you graduated from high school? Not one hand went up. They were there working with these computers. I asked them what they were doing, and they pointed out to me that they were getting ready to get their GED. I remember after leaving there—it was about 7 or 8 years ago—I said to myself, we have computers in our prisons to help people get their GED and prepare them to go out, and we didn't have computers in our schools in Ohio. So we undertook a program to wire every classroom for voice, video and data. We brought computers into every classroom. It is amazing what is happening in elementary school. What you have to recognize is the reason why a lot of these youngsters drop out of school is they are not doing well. They have not had Head Start. When they get to school, they do not have the tools that are necessary to get the job done.

For example, in our State now, we have reduced the class size for first, second, and third grade to no more than 15 because we know those years are so important. So to stand here and say we need a program for dropouts, it seems to me that if we really want to get at the dropout problem in this country, this Congress should sit down and look at all these programs that we have and figure out how we can do a better job with the money we have to really make a difference. And we also ought to understand it is not our primary responsibility. It is the responsibility of the Governors; it is the responsibility of those local school superintendents and those local school boards and the people that are there to get this job done.

And for them to send money to Washington and then turn around and have it go back, I do not think is the best way to get the job done. On the other hand, the Federal Government should be trying to figure out how they can be a better partner.

I suggest a nice little task force that we could undertake in this 'Senate could sit down and look at these various programs, how do they fit together, how can we better maximize those dollars, and maybe look at some programs that we already have and say, if we put a little bit more money into this—for example, if we allow the States to use more of their TANF money to deal with this big problem, if they do not have education—they will not go on welfare.

There are a lot of things that we can do, I think, if we just sat down and looked at what we were doing. And one of the things that we can do, Mr. President, I think, is to pass Ed-Flex because Ed-Flex will give us a little better opportunity to take the Federal money that is coming in and really make a difference in the lives of kids.

And one of the things that I heard when I sat in your chair, Mr. President, during the debate earlier on was about accountability. In those school districts that are getting waivers for Eisenhower Professional Grants, getting waivers for title I, what have we found out? We are finding out if the programs are working. The ones that have not asked for waivers, we do not know what they are doing in terms of making a difference in the lives of children.

I say to Senator JEFFORDS, I think one of the great benefits of the Ed-Flex program is that when you make application you agree, first of all, to waive a lot of State statutes and also rules and regulations, but you also agree that you are going to meet certain standards; and you are held accountable toward those standards.

So I am saying to you that the schools in this country, in our 12 States that have taken advantage of Ed-Flex, at least we know whether or not some of this Federal money is really making a difference in the lives of children. And the more our schools can go to get waivers, I think the more accountability we are going to have. And it is one aspect I do not think has been talked about enough here on the floor of the Senate.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. First, I thank the Senator from Ohio, who has had great experience in this area with respect to being Governor of that State. And watching what they have done makes me happy to know that we have a Senator with us now who has that experience in the immediate past. I look forward to looking to him for guidance.

Mr. LEVIN. Mr. President, I am pleased to cosponsor the School Dropout Prevention and State Responsibilities Act which is aimed at lowering the student dropout rate in our nation's schools. We cannot have high expectations that our young people will be prepared for the challenges that lay ahead if they have not attained at least a high school diploma. The fact is that over half a million high school students drop out each year, joining almost 4 million young Americans who lack a high school diploma and are not in the process of getting one.

Mr. President, it is a bipartisan National Education Goal to increase high school completion rates to 90 percent and eliminate gaps in the rates of graduation among different groups, according to the goals established by the Governors and the President in 1989. However, there has been no progress in lowering national dropout rates. As a matter of fact, there is currently no targeted national funding to help schools most in need of restructuring to lower their dropout rates.

To help schools in their efforts to reduce dropout rates, this amendment would authorize $150 million annually over five years to create a coordinated national dropout prevention program. Under this proposal, States would receive funding according to the Title I formula, and would then award competitive grants to schools or local education districts with the highest dropout rates. The goal is to enable such schools to implement proven and widely replicated models of comprehensive dropout prevention reforms such as, for example, the Lansing School District in Michigan, which has established a mentoring program with community leaders and the "New Beginnings" program for students who have been expelled to keep them in school; and the Detroit Public Schools' successful 9th grade restructuring program which is advancing up to the higher school grades.

In addition, this amendment will create a national system of data collection and sharing, so that we have a complete understanding of the extent of the dropout problem. If local school districts are to curb middle and highschool dropout rates, they must have uniform data and statistics. This amendment, which creates a national clearinghouse and a dropout "czar" within the Department of Education, will give middle and high schools the tools they need to keep our youngsters in school.

Mr. President, this amendment is identical to the legislation that passed 74-26 by the Senate during debate last year on the education IRA proposal, and was, regrettably, dropped in conference. This is a very important proposal to help keep young Americans in school and it is my hope that my colleagues in the Senate will again adopt this amendment.

AMENDMENT NO. 36 TO AMENDMENT NO. 35

(Purpose: To honor the Federal commitment to fund part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. GREGG and Ms. COLLINS, proposes an amendment numbered 36 to amendment No. 35.

On page 20, between lines 4 and 5, insert the following:

"**SEC. . FUNDING FOR IDEA.**

"Notwithstanding any other provision of law, the provisions of this part, other than this section, shall have no effect, except that funds appropriated pursuant to the authority of this part shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)."

Mr. JEFFORDS. Mr. President, I am sorry for not being successful in getting the Senator from New Mexico to withdraw the amendment. I understand the feelings. But to me, the best way right now that we can help immediately without having to wait through the whole process is to be dedicated to ensuring that we fully fund the money that is used for special ed.

If we can use all of these funds that we want to be used otherwise just to do that, we would free up the States and local governments to be able to handle some of these problems. So I want to make it very clear that the reauthorization of the Elementary and Secondary Education Act is so important that we cannot prematurely adopt amendments which would put us in the position of having to undo things which this body does. It should be done in a very coordinated way that will allow us to thoroughly understand the impact of what we do.

I also bring to the Senate's attention the front page of the Washington Post this Monday. The Post carried a story regarding the months of delay which learning-disabled students in Prince Georges County are experiencing in obtaining educational services. This is important to know, that we should take action now in this area.

Antonio Martin, a 15-year-old resident of Prince Georges County, has been sitting home for a year waiting for placement in a school that can meet his needs. Today's Post carries a story regarding a Supreme Court decision requiring that schools pay for full-time nursing care in some situations, which will undoubtedly increase costs for any school which finds itself in this situation.

But this is not just a Washington problem. This is a problem in every school in every State in the country. When I visit with school board members or principals in Vermont, funding IDEA, special education, is the first, second, and third thing they want our help on.

The amendments that my Democratic colleagues are proposing are all well-intentioned, but they are not responding to what I am hearing from Vermont educators and educators around this whole country.

Vermont's legislators are telling me the same thing. I visited the Vermont educational communities during the recent recess, and time and again they asked that the Federal Government uphold its commitment to fund IDEA. They did so without regard to party. Democrat and Republican legislators agreed that funding IDEA is easily the most important thing we can do by far.

Last month, when our committee held hearings on education budget priorities, a representative, Al Perry, a Democrat from my good State of Vermont, was very persuasive on this point. In 1975, the year I came to Congress, we promised that we would provide funding that would be 40 percent of the national average per pupil expenditure for each school-age child with a disability. We have not delivered on that promise.

In fiscal year 1998, we provided 10.8 percent of the excess costs of educating children with special needs. If we follow through on this promise, we will free up critical local funds. Once we do, local communities, and not the Federal Government, will be in the position to decide how to spend their local dollars—for teachers, for textbooks, for technology, or for some other locally determined educational policy.

Senator WELLSTONE, yesterday, talked about listening to community needs. Anyone who has done so has probably heard the same thing that I have. The President certainly has—from school boards across the country and from the Governors. Yet the President has ignored their plea. In his budget request for fiscal year 2000, the 25th anniversary of IDEA, there is no increase in funding. In his public statements on education, he has ignored IDEA entirely. At a time when no educational issue seems to escape the administration's purview, special education seems stuck in the White House purgatory.

A year ago I urged President Clinton to join Congress and keep the promise that we all made in 1975. He declined. Again, in December 1998, I implored the President to join us in meeting our commitment to children with disabilities. He ignored it.

Instead, the President has made many new promises in his budget for fiscal year 2000. But what good are all these new promises if past promises are empty in the area of greatest need? Year after year we have seen budget requests from the administration that represent no real funding increase for special education. This constitutes a pattern of neglect and a lack of concern that cannot be defended. Children suffer, families suffer, and school districts suffer.

In each of the last 3 years, Republican Congresses have increased Federal funding for special education by over 85 percent. We are fully committed to reaching that promise made 24 years ago.

I show you a chart. What we have done has been fine, but look at what is left to do. In the orange there is what we should be paying but we are not paying. That is shown on that chart. If the President thinks Congress will take care of business and increase funding for special education, he is right. We will, through this amendment and other amendments. If he thinks because we will, he can put his funding priorities elsewhere, he is wrong.

School districts are demanding financial relief. Children's needs must be met. Parents expect accountability. There is no better way to touch a school, help a child, or support a family than to place more dollars into special education.

I urge my colleagues to support my amendment. If we put money into IDEA, school districts will be in a position to address class size or whatever they determine to be local priorities. They can ensure that children like Antonio Martin won't sit in education limbo for months on end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I intend to support this amendment. Now that we have the time to get to the crux of education policy, I welcome this opportunity. The manager of the bill has now advanced this issue in terms of the debate and discussion, and I hope we will move beyond the question of whether we are just going to deal with Ed-Flex, because the manager himself has offered this particular amendment.

Mr. President, I joined with those back in 1975 to make a commitment in terms of trying to address the problems of supporting those children in our schools that have special needs. Four million disabled children did not receive the help that they need to be successful in schools. Few disabled preschoolers receive services. One million disabled children were excluded from public schools. Children in this country, prior to the 1975 Act, were basically shunted aside in institutions and did not participate in the education system of this country.

In 1975 we passed legislation to provide help and assistance. We set in the 1975 Act the level of a 40-percent goal for funding to help and assist the local communities. I daresay I had thought we might have the opportunity in the wake of the Garrett decision yesterday to have an opportunity to debate and discuss how we were going to be able to help and assist a number of local communities now that will have to provide additional help and assistance to the special needs children. That ought to be a matter of priority. That ought to be a matter of debate. It ought to be a matter of allocating resources to help and assist local communities.

In many instances, we are finding across America that the needs of special needs children are being placed against the needs of educating the broader constituency, so we are pitting children against children. What we ought to try and do is deal with both of these particular issues. I am for allocations of resources that move us closer and closer to the level of some 40 percent, which was set as a goal for us in the 1975 Act.

Let us not lose the fact that under the constitution of every State there is a commitment to educate children in their States. Sometimes they forget this, but they have a solemn responsibility. I don't know a single State that doesn't have that particular requirement. This is going to be something that we will have to work out with the various States and we will have to work this out with the local communities, but if the Senator from Vermont and the Senator from New Hampshire and others want to say they want to find additional resources in meeting the needs of special children, put me on that particular piece of legislation, too, because I am all for it. I am all for it—not at the expense of these other children. No serious educator would put it at the expense of other children.

If we have better trained teachers in smaller classrooms, we will identify more easily those children that have special needs. If we have smaller class size, we will know which child needs the special attention. If we have better trained teachers, the better trained teachers will understand which of the children should be involved in special need programs and which should not. With achievement in reading programs and literacy programs, we may very well help children at the early ages not be qualified in terms of special needs, because they will be advanced and their academic achievement may very well be enhanced.

If we do the kind of things that the Senator from Ohio just pointed out, more and more targeted resources in terms of the children in terms of Head Start will be enormously important. We reauthorized Head Start last year. We expanded the Early Start children up to 12.5 percent in that Head Start program, but we are still not doing enough. The Senator from Ohio points out that it is an admirable effort. In the State of Ohio they have gone ahead, evidently, and provided the difference between what is provided by the Federal Government and funds provided by the State in order to make sure that every child who is eligible in Ohio is going to qualify for Head Start. We are only reaching about 40 percent of the children across the country. By that early type of intervention, we will find out what can be done in terms of special needs children.

The bottom line is every educator knows if you have a smaller class size, better trained teachers involved in afterschool programs—all of these help and assist both to make the total numbers of children that might need the kind of special needs less; and, second, to identify those that truly need that help and assistance.

So there may be those that want to try and pit the special needs children against other children, but I hope that would not be what the U.S. Senate is about. Parents understand this; schoolteachers understand it. What we are basically understanding is that is the proper way to go.

We can understand a legitimate effort to try and address the question of the school dropouts, which is a very important and significant national need, a modest amendment that had been considered by the Senate, passed overwhelmingly with bipartisan support last year. This isn't something new. The amendment of the Senators from New Mexico and Nevada, quite frankly, have more legitimacy to be considered on the floor of the U.S. Senate than the Ed-Flex bill, because we have already considered and passed it. Even so, it is fine if we put that on. It certainly will help strengthen the Ed-Flex bill.

However, now we have the parliamentary games to try, instead of permitting a thoughtful legitimate amendment that has been considered to be debated and finally voted on, to effectively try to emasculate that amendment with the second degree. I want to give assurances to those on that side that we understand; we have been here a certain period of time as well. We are glad to spend as much time as our friends and colleagues want in debating education. The longer the better. But we are going to make sure that we are going to have a vote up and down on their amendment. This bill will not pass without a vote up and down. We can do it either nicely or whatever way they want to do it. We have that opportunity. We have that right to do it.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. I ask unanimous consent that Connie Garner, Mark Taylor, and David Goldberg, legislative fellows in my office, be granted floor privileges during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, I support this amendment. I am an original cosponsor of this amendment offered by Senator JEFFORDS. I think it goes to the essence of what is very much the debate which we are about to embark on here in the Senate and as a country—at least at the Federal level—relative to where we are going in applying the resources of the Federal Government when it comes to education.

Now, the President has come forward almost on a weekly basis with a new initiative. In fact, I doubt there is a week that has gone by, or even hardly a day that went by for a while—while we were in the impeachment trial, there was never a day that went by—without a new initiative on some subject. Now we are in a period where it is weekly.

Many of those initiatives have been new ideas in the area of education, which would essentially centralize decisionmaking here in Washington; new programmatic ideas that would require Washington's imprimatur of approval before they can go forward, before a State can use them; new ways in which to move into the District of Columbia the control over our local schools and how local schools are either hiring teachers, building additional schools, doing their afterschool activity or exercising their initiatives in the area of dropouts.

That is a philosophy of government, and I recognize that—the philosophy that all good ideas in education come from Washington, the philosophy that when you manage the schools at the local level, they should have significant influence from Washington in the decisions and in the process as to how they are run. That is not a philosophy I am attracted to, but it is clearly the philosophy of the other party and of this Presidency.

Our position, as reflected in this amendment, is significantly different. Our position is that, first, before we start any other major, new programs in education in the Federal Government, new programs that put new costs and burdens on the local communities, we as a Federal Government have an obligation to live up to what we said we were going to do in the first place.

One of the things we said we were going to do back in 1975 was to take care of special ed kids and pay 40 percent of the costs of special education at the local community level. That is one theory we have on our side. Let's do what we said we would do first, let's pay for what we said we would pay for first, before we add a bunch of new programs that may or may not be good ideas, but in any event which we don't have the resources for, unless you take them from programs that already exist at the Federal level.

The second philosophy we have is that the local folks—teachers, parents, principals, school boards—know a heck of a lot more about education than we know here in Washington. I can name a couple of kids in my local school district because I know them, but I can't name all of them. I will bet you the principal at Rye Elementary School can name them and that he knows something about every child, knows some of the problems that child may have. Certainly, the teachers know that. They know what they need in order to address that child's concerns. Maybe Johnny Jones has a reading problem and they know he may have to get extra reading. If Mary Smith has a problem with attention, they know they have to get a specialist in for that. Maybe it is just as simple as they may need a computer in order to allow that child to get a little extra help that is self-initiated, or a little confidence in themselves. They know what their children need in order to educate them better. I don't. I can tell you that nobody down at the Department of Education knows, and nobody in this Senate knows better than the parents, teachers, and the principals what those children need in order to make them better students.

I will tell you something else. As Republicans, we don't believe that folks here in Washington have more concern for those kids than their parents, teachers, and principals. That seems to be a philosophy we are hearing a lot—that in some way, somehow, because we have been granted the office of the Senate, or because we are serving in the administration of a President, we suddenly have some knowledge or capability that gives us a better awareness and a more sincere desire to help a child than the parent of that child has, the teacher of that child has, the principal in that school has, or the school board has. That, to me, is a lot of hokum. But it is the philosophy, regrettably, that pervades the proposals that have come from this administration.

So these are the fundamental differences we have, and they are joined in this debate over this amendment: One, that we as a government have an obligation to fund what we already have on the books; two, that better decisions are made at the local community level, not here in Washington; three, that we have no special portfolio or no special awareness, no higher level of concern for a child's education, than that child's teacher has, or that child's principal has, or that child's parent has.

So this amendment says simply that, back in 1975, the Federal Government said it would pick up 40 percent of the cost of special education in this country. Well, as of 3 years ago, the Federal Government was only paying 6 percent of the costs of the special education in this country, and what did that do? What did that failure of the Federal Government to pay that additional 34 percent do to local schools?

Essentially, what it did was it skewed the ability of the local school systems to deliver the educational efforts that they desired to deliver, because the local school districts were having to go out and use their tax base, whether was a property tax or a State broad-based tax; they were having to use their tax base to pay for the Federal share of special education. So they were basically taking dollars that they should have had available to them from their property taxes—in New Hampshire, for example—and instead of spending then on a new classroom, or a new teacher, or a new computer system, or new books, they were having to take those dollars and pay for the Federal share of the obligations to educate special ed children.

Now, I happen to be a very strong supporter of special ed. I chaired a center for special needs children; I was president for many years. I am still on the board. I think 94–142 is one of the best laws this country has ever passed. One of the insidious aftereffects of the Federal Government's obligations to pay under 94–142—to pay its 40 percent—is that I saw time after time, in school district after school district, a cost to my State—and I know it happens in other States because I have heard about it from other Senators—that the special needs child was confronted with other parents in the school system who felt that because so much money was being spent on the special needs child, and because so much of the local tax base was being used to help the special needs child, their children weren't getting an adequate education and their children were being unfairly treated.

But it wasn't the special needs child's fault. That child was just getting the education they had a right to. It wasn't the fault of the parent of the special needs child, who usually got most of the abuse at the school meetings. They were just asking for what they had a right to have. They were being put in this terrible position of being confronted by other parents who were legitimately angry about the misallocation of resources, as they saw it. Why? Not because of anything the special needs child did, or the parents of the special needs child, but because the Federal Government refused to pay its obligation of picking up the 40 percent of the cost of that child.

So 3 years ago, under Republican leadership in this Senate, under the leadership of Senator TRENT LOTT, with a lot of effort by such people as Senator JEFFORDS from Vermont, myself, and Senator COLLINS from Maine, we made a commitment to do something about this, to pay our fair share of special needs. In fact, S. 1 in the last Congress said we were going to put ourselves, as a Congress, on a ramp that would allow us to pay special needs children the 40 percent. It would take us 10 years, but we would get there. Then we backed that up with appropriations. Senator SPECTER from Pennsylvania, 3 years in a row, has dramatically increased the funding for special needs, for IDEA—$740 million in the first year, $690 billion in the second year, and $509 billion last year. I think those are the numbers. It essentially has meant almost a doubling of the commitment to the special needs child by this Congress.

Do you know something? The administration didn't support any of it. This administration, which is so committed to education, has not sent a budget up to this Congress in the last 3 years that has called for any significant increase in special ed. They are playing a shell game on education. What they are doing, in fact, is they are borrowing money that should be going to special ed in order to fund all these new initiatives, so that members of this administration can go across the country and say, "I am for this new program," or, "I am for that new one," "We are going to put a billion dollars into that and $500 million into that." Where do they get that money? They take it from the special needs child. How much did they ask for in new funding for special education in this budget? We presently spend $4.3 billion. On special education, how much did they ask for as an increase? $3.3 million. That is what the administration asked for—$3.3 million out of a $4.3 billion budget, which only accounts for, by the way, out of that $4.3 billion, 11 percent of the cost of special education. We are supposed to be paying 40 percent.

So, under this Republican Congress, we have taken it from 6 percent to 11 percent. That is good news. The bad news is, we still have a long way to go. The bad news is that still in every school district across this country, local school leaders, principals, PTAs, school boards, are having to take money they would have otherwise used maybe to add a teacher, maybe to build a building—where have we heard that before?—maybe to do an afterschool program, maybe to put a computer in, to put an arts program in, a language program in. Instead of taking the money they would have used for those programs, they are having to take that money and having to use it to fund the gap that remains in the Federal obligation to pay for special education.

Just yesterday, the Supreme Court in the Cedar Rapids case made it very clear that that gap isn't going to get smaller, it is going to accelerate dramatically, because the Supreme Court decided that, as a matter of education, the person had a right to health care while in the school system. Many of these children need extraordinary health care. Kids we dealt with in the center I was involved in required immense health care. So that is going to increase the cost of special education even further.

What is going to happen for every dollar increase that comes about as a result of the need and as a result of this new Supreme Court decision? The local school district is going to fall further behind. It is going to have to take more taxes than it would have used to buy books and to add teachers and to build new buildings, more of those taxes, and have to move them and reallocate them to special education. So it is going to become worse. The situation is going to become worse. Why? Because this administration refuses to fund special education or even make an attempt to address it in any aggressive way. Instead, it comes forward with program after program after program, borrowing from special education funds to do that, and, as a result, leaves the special education child out on the street while it puts out its press releases.

We are going to debate this, as the Senator from Massachusetts said. I look forward to that debate. If the Senator wants to filibuster the Ed-Flex bill, which has been supported in the last Congress, supported in this Congress, supported by the President, and is supported by members of both parties, a bipartisan bill, if he wants to filibuster the Ed-Flex bill, that is his choice. But the fact is that what he is really filibustering is special needs children. What he is filibustering is the ability of local communities to manage their dollars more effectively so that we take care of special needs children and the other children who are in our school system. It is ironic and I think inappropriate to filibuster. But it sounds as if that is what we are going to get. Ed-Flex, a program defended and supported in the last Congress by the majority of the Congress, a program supported by the President, a program supported by the Secretary of State, is now going to be filibustered because people do not want to fund special education—a very interesting approach to government.

Mr. President, I look forward to this debate, I look forward to a lot of it, because I do think that the American people need to learn just how irresponsible this administration has been on the funding of special education.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, perhaps the good Senator didn't hear me. We are prepared to accept the amendment. So if there is no other speaker on it, we are prepared to vote on the amendment.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. GREGG. Will the Senator accept this amendment on any other initiatives, which are appropriate, which are going to have funding for the purpose of education?

Mr. KENNEDY. We have this bill up now. The Senator has offered the amendment. In behalf of this side, we are prepared to accept it right now.

Mr. President, we are prepared to vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the amendment offered by Senator JEFFORDS. The amendment would require the federal government to make good on its commitment to fund special education before it made any additional promises it might not keep.

When Congress passed the Individuals with Disabilities Education Act in 1975, the federal government made a commitment to the states and to the local school districts to help states meet the cost of special education. The federal government promised to pay each state 40 percent of the national average per capita cost of providing elementary and secondary education for each student receiving special education. For the school year 1996–1997, the national average expenditure was $5,913 per student. The federal payment to the states, however, was only $636 per student or slightly more than ten percent of the total cost and about one fourth of the $2,365 promised.

We must meet our commitment to special education and end this unfunded mandate. Maine is promised $80 million by the Individuals with Disabilities Education Act. Yet, in 1998, it received less than $20 million toward the $200 million federal law requires the state to spend on special education. In short, special education is an unfunded federal mandate of $60 million that must be met by the citizens of Maine through already burdensome state income and local property taxes. This accounts for millions of dollars annually that can not be used for school construction, for teacher salaries, for new computers, or for any other state effort to improve the performance of our elementary and secondary school students.

We need to increase federal spending on education, but we do not need new federal categorical programs with more federal regulations and dollars wasted on administrative costs. Rather, we need to meet our commitment to bear our fair share of special education costs. As the Governor of Maine told President Clinton last week, "If you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools." This is true for every state. The best thing this Congress can do for education is to fully fund our share of special education and at the same time return control of the schools to the states and local communities by passing the Education Flexibility Act.

These two actions will empower our states and communities to meet the challenge of improving schools. Instead of presuming that we in Washington know what is best for every school across the country, let us acknowledge that each of our individual states and towns knows what is needed on a state-by-state and community-by-community basis. I urge my colleagues to give our states and local communities the financial support they have been promised and the freedom to educate our students as they see fit. We can do this by adopting this amendment to fully fund the federal share of special education and then passing the Local Control of Education Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I believe at this time we have no further business that is immediately available. I suggest we ask unanimous consent to set the vote for 2:15 and that the Senate be in morning business until such time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask consent to proceed in morning business.

The PRESIDING OFFICER. The Senator may proceed.

THE EDUCATION BUDGET

Mr. KENNEDY. Mr. President, I listened to our friend and colleague from New Hampshire speak about the education budget and about the expenditures in the areas of education. I just want to review here, in this time, for a few moments, exactly what has been the record of our Republican friends in the House and Senate, and the administration, over the period since 1994 when the Republicans took over the leadership in the Congress.

After 1994, on March 16, 1995, one of the first acts of the new Republican House of Representatives was to ask for a $1.7 billion rescission on all education programs below what was enacted in the appropriations the year before. That is an extensive rescission, no matter how you cut it. This is in all the education programs of 1994. They asked to cut back $1.7 billion. The final rescission bill that passed on July 27, 1995, was $600 million below 1995. So, as we are looking over, now, and listening to who is interested in education, I hope our colleagues will at least give some attention, when they are reviewing the record, as to who has been interested and who has been committed, judging by the allocation of resources. Resources themselves do not solve the problems of education, but they are a pretty good indication of a nation's priorities.

What we had as the first order of business in 1995 in the House rescission bill was to move ahead with a major cut of $1.7 billion for the appropriations the year before. Now, in the first full funding cycle, the 1996 House Appropriations, in August of 1995, cut $3.9 billion below 1996. Then the continuing resolution ended up at $3.1 billion below 1996. This was at a time when we had the memorable shutdown of the Government. The President said, That is too much, you will be cutting the heart out of many of these education programs. That was one of the principal reasons he went toe-to-toe with the Congress, because of those dramatic cuts in the area of education. Finally, there was a continuing resolution after the Senate adopted a Specter-Harkin amendment to restore $2.7 billion. We saw a bottom line $400 million below fiscal year 1996.

In 1997, the Senate bill was $3.1 billion below the President's. This is rather extraordinary to me, that Members on the other side can stand up and talk and criticize the President on appropriations when you have this kind of record to defend—$3.1 billion below the President's. My good friend from New Hampshire ought to be talking to the Republican appropriators. Mr. President, $3.1 billion below what the President asked for, that was the Senate bill. The final agreement, after extensive negotiation thankfully moved the appropriation up, was to $3.5 billion above what the President asked for; as a result of the administration's position, a $6 billion swing in education funding.

Then, in 1998, both the House and Senate bills were $200 million below the President's. Again, after tough negotiation the final agreement was $3.4 billion above, over 1997.

Mr. President, these are fairly significant figures. All of us are concerned about education policy. I know my friend and colleague from Vermont, Senator JEFFORDS, has long stood for making sure that we, as a country, and as a matter of principle, focus on and provide greater support for education as a national priority, so I appreciate his commitment, his position in these decisions. But we have to look at the bottom line. Coming into 1999, fiscal year 1999, they are still cutting below the President's investment. The House bill, in June of 1998, which was for the fiscal year 1999, was $2 billion below the President's; the final agreement was $3.6 billion over 1998.

This is the record. Year after year after year those appropriations committees, which are effectively controlled by the Republican leadership, have consistently underfunded education. So it does not come, I don't think, with good grace, to suggest that somehow we have an administration or President who is not strongly committed—whether it has been to the special needs children or all the children in this country. We all are mindful that even with these kinds of appropriations we only are spending probably 4 cents out of every dollar, maybe 5 cents out of every dollar, in education. You get 2 more cents for the food program, so the total considered to be the moneys that are spent locally, about 6 cents, is the Federal funding. But 2 cents of that has to do with nutrition. We are talking about 4 cents.

This is a major item, obviously, the title I program, but there is also some in excess of $4 billion in special needs. The Head Start programs and others are certainly enormously important, and they can certainly use additional resources.

Federal education funding rose from $23 billion in 1996 to $33.5 billion in 1999, an increase of $10.5 billion, or 46 percent. That is a pretty good indication of at least this President's priorities in the education area. So, we hope when we come back here at 2:15 we will move ahead and accept this. We are, I believe, on this side, strongly committed to trying to find every scarce dollar resource to fund these education programs.

As I mentioned, with the Supreme Court holding of yesterday, we do have, I think, additional kinds of responsibilities. It was that aspect of the statement of the Senator from New Hampshire with which I agree. With that holding, there will be additional kinds of demands on local communities. I do think we ought to try to find additional resources on that particular measure, and we will certainly work with all in this body to see what can be done to gain those resources and support.

I yield.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, the Senator from Massachusetts has made an excellent point. I do not argue with him. I, in fact, would have supported those appropriations and have supported the appropriations that have been recommended for education totally.

I think the point Senator GREGG was making was that this administration does not place high enough priority on IDEA. I think the record bears this out. While the administration's proposed new programs increase funding elsewhere, it has shortchanged IDEA. The funding we are charged with under our promises and under the law as it reads—to fund 40 percent of the cost of special education—those costs are going up and are really making it difficult for our local communities to carry out other programs that have been recommended to help them. So I just wanted to make sure everyone recognizes that.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will put in the RECORD the actual funding levels, in terms of the IDEA. In 1995, it was $3.2 billion; in 1996, it was $3.2 billion; in 1997, it was $4 billion. They are numbers that have to be rounded out—$4.35 billion. In 1998, it is $4.5 billion. And in 1999, it is $5 billion; the current is $5.54 billion, and the President's request was for $5.106 billion. The total increase from 1995 to the present is, therefore, an increase from $3.2 to $5.54 billion. That is a significant increase. I say to our colleagues, much of that was attributed to our Republican friends who made it a priority. Quite frankly, we joined in that effort; I think the record would reflect that.

I will say, though, that we were able to see that kind of increase while we were also able to see an increase in the other programs as well. It wasn't an either/or position. That is what I hope will result this afternoon, after we have had a good discussion and debate.

We are strongly committed on this side to finding additional resources for the funding of that program. We will work with our committee chair to see how this last Supreme Court decision is going to impact local communities. I think that is enormously important. We are committing ourselves at this time, the day after that decision, to work closely, because we do think that there are going to be some very important additional burdens on local communities with that decision about the scope of the ADA, including educational and health support. I think there is going to be a call for additional help and assistance. We will certainly work with the chair to try and deal with that.

I have had the chance to talk with a leader on our side, Senator HARKIN, who has been such a leader on so many of these issues affecting the disabled. He is in strong support of trying to find ways to help and assist local communities as well. I am sure we will be addressing this probably later in the day.

I wanted at this time to make sure that our membership understood with that decision we are going to look forward to working in a cooperative way with the chair of the committee.

Mr. JEFFORDS. Mr. President, just very briefly, I thank the Senator from Massachusetts for his desire to join us in trying to push for more funds for special education. I hope we can be successful with our joint efforts.

Mr. KENNEDY. Mr. President, if the Senator will yield, will the Senator join me in indicating to the Senate the excellent results of the Senate Finance Committee this morning on legislation which the Senator from Vermont and I have worked on closely with Senator ROTH and Senator MOYNIHAN. There was a very positive bipartisan result, as I understand, 16 to 2, and although it is not directly related to education, it is directly related to the issue of employment of the disabled. Perhaps the good Senator would want to indicate to the membership the success of the Finance Committee in reporting that out.

Mr. JEFFORDS. Mr. President, I thank the Senator for bringing that to my attention. I enjoyed working with the Senator. We introduced it jointly together, and your support, although you are not on the Finance Committee, has been most helpful in ensuring its success. We had a good hearing. There are a couple amendments which may come about, which I think can be taken care of without any serious diminution of the impact of the bill.

I say on behalf of all the Senators on the committee and those that have signed on, we now have 62 cosponsors to that bill. This is an incredible step forward for people with disabilities who desire to work. I do not think there are very many who don't desire to work. They have been placed in this incredibly terrible position of, if you go to work, you lose your health care and you lose your SDI benefits or other benefits that you have to help you live. You just cannot do it except under very unusual circumstances.

Thus, we have finally opened the door, after many years. The Senator worked on all these issues, too, starting with the bill that we have been talking about, special education, back in 1976, when we passed what is called IDEA. That opened the first big door, and that is to get an education. Without an education, you do not have any hope of being able to be employed.

Since then, we have marched up through with ADA. I remember one of the amendments I had, which probably created the most stir, was when I was with John Brademas on his committee. I said, John, do you realize that the Federal Government is exempt from 504, which removes barriers for people with handicaps? He said, No. He said, Well, let us fix it. So over in the House, you have the day when you put all these unimportant amendments through and nobody looks at them. We had a little committee amendment on that which affected all the Federal buildings. I remember it well because when I got back to the office a couple days later, somebody had finally read the bill. It was filled with the head of the Post Office and everybody else asking me if I knew what I had done. I said, well, I didn't know how important it was until now, but that got the Federal Government by.

Then we worked together on assisted technology as well. That bill we reauthorized last year, which is incredibly important at this time, to assist all those people with disabilities to have a better opportunity of getting employed because they have the assistance of technology to do that.

It is a great day. I am confident that we certainly will prevail on the Senate floor. I think that the two Senators who have some problems we can take care of, but I thank you for your tremendous support over all the years we have been working together.

Mr. KENNEDY. Mr. President, I thank the Senator. I think this is perhaps in some respects the most notable thing that we will achieve today. As important as this is, with the reporting out of that particular bill, which is really, as the Senator has pointed out, the Americans with Disabilities Act, we effectively attempted to eliminate discrimination against those that had disability. It was enormously important, and we made extraordinary success. But to really breathe life into that legislation, you have to make sure that not only is the individual not going to be discriminated against in getting the job, but that they are also not going to have these barriers placed in front of them in holding the job which were there in terms of their elimination of their health care support and any other kinds of support services. That was the purpose of this legislation that was reported out with very strong bipartisan support.

We look forward, hopefully, to being able to act on that at an early time.

Mr. JEFFORDS. I am sure the Senator shares this with me, too. There were some staff members—Pat Morrissey on my staff had been working on this for 20 years or more, I guess. I know on the Senator's staff, members have had similar input. I think we ought to remember who it really is sometimes that moves this legislation along.

Mr. KENNEDY. I will include my good staffer. Connie has been working some 20 years, as well, on these. I agree with the Senator that they have just provided invaluable service. And for all those that work here, I hope they do recognize and get the sense of satisfaction, professional satisfaction, from really making the important difference in people's lives. That will certainly be true of all of the staff that worked on this legislation.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent to speak on the Ed-Flex bill while in morning business.

The PRESIDING OFFICER. The Senator has that right.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. ASHCROFT. Mr. President, I congratulate the Senator from Tennessee for his hard work and the good work he has done on the Education Flexibility Partnership Act of 1999. This has been a task of assembling the right components that were acceptable to a broad range of interests and reflecting the capacity of States and local communities to make good decisions. I think the Senator has done an outstanding job. I am pleased to have the privilege of being a cosponsor of this bill.

Under this legislation, the State of Missouri, my own State, as well as every other State in the Nation, will no longer have to come to Washington on a piecemeal, case-by-case basis to ask for relief from a myriad of Federal education statutes and regulations. Instead, Missouri will have the authority to waive regulations that hinder our schools from providing an excellent education for our students.

Now, I know that the occupant of the Chair is a former Governor and had a lot of involvement with individuals in the education effort which is focused at the State level. I remember those days well from my time as Governor. It is most satisfying to try to do something to advance the performance of students. We understand that when students perform well and have great skills, it elevates the potential they enjoy for the rest of their lives.

It was always a tremendous matter of concern to me—and I am sure to the occupant of the Chair—how Federal administrative burdens impeded the efforts of States rather than accelerated their capacity to help students perform. I think most Governors and former Governors we talked to would agree that Federal mandates and requirements associated with Federal programs can hinder a State's flexibility and, as a result, they cut into the dollars that could be spent on students. They end up being spent on bureaucracy—not just bureaucracy here in Washington, but a corresponding bureaucracy to deal with the Washington bureaucracy that has to be established and maintained in the States.

In response to the question of whether we should impose Federal education standards from Washington, Governor Whitman of New Jersey said, and I think she said it well,

> What you see now is a huge waste of money on bureaucracy. The more government strings that are on these dollars, the more difficult it becomes to deliver education. If the money that the Federal Government now puts out is too finite and it says you can only spend it for this or for that, that money won't go toward helping students learn, and that's what we want.

I agree with the entirety of the statement—"helping students learn, and that's what we want"—and the last line should be the motivation for every one of us not only in the Senate but across America. I simply couldn't agree with Governor Whitman more.

States and local schools need more flexibility in how to spend education dollars, to spend them in ways that will help students learn. They are in the best position to make decisions about the education of students. I have to believe that being on site adds value to one's capacity to make an accurate diagnosis or assessment of what is needed.

I appreciate the opportunity to speak regarding the Education Flexibility Partnership Act of 1999, which will provide States and local schools with the kind of flexibility they need to improve education and to elevate student performance.

One of our Nation's highest priorities is to ensure that our children receive the kind of challenging and rigorous education that will prepare them for success. By building a strong educational foundation that focuses on the concept of high academic excellence, we will prepare students to make important career decisions and to become lifelong learners. The habit of education should extend beyond school. As a result, their lives will be enriched.

We in Congress should develop and support Federal policies that will promote the best education practices in our States and local schools. We have learned from reports and studies that successful schools and successful school systems are characterized by parental involvement in the education of their children. They are characterized by parental involvement and local control, and they emphasize basic academics and make resources available to the classroom. These are the ingredients needed to elevate educational performance.

It is with this in mind that we should stop and ask ourselves whether the current Federal education laws contain the elements that further our goal of giving our kids a world-class education. The unfortunate answer to that question is, our current laws don't do that; the answer is no. A number of our Federal education programs contain a plethora of regulations and restrictions that hinder States and local schools, hinder their ability to tailor and design what is needed in the local circumstance to advance the opportunity for students to learn. Whenever they hinder and obstruct that opportunity to tailor and design the right system, they waste the education dollars.

Frequently, education dollars that Washington directs in terms of how to spend them are wasted because the how-to doesn't meet the need of the students and the school district.

While the Federal Government has played an important but limited role in providing funding for education, it has also played a conflicting role by attaching so many conditions and strings to Federal dollars that it costs States and local schools a lot of time and resources to comply with all the rules and regulations.

We have heard much about the paperwork burdens created by the Federal education rules and regulations. The Federal Department of Education requires States and school districts to complete over 48.6 million hours worth of paperwork to receive federal dollars. This is a statistic that is mind boggling. That translates into the equivalent of 25,000 employees working full time just to do the paperwork for States to get their own money back to educate the students, which the State cares enough about to work hard to make sure that they are trying to elevate the students' performance.

We heard that in Florida it takes 374 employees to administer $8 billion in State funds, while it takes 297 State employees to oversee $1 billion in Federal funds—6 times as many per dollar. So that to do the paperwork and create the paper trail and all the paper involvement, to be a recipient of Federal funds, it takes six times as many employees as it does to follow a dollar of State funding in Florida.

We know it takes a school nearly 20 weeks, 216 steps, to complete a discretionary grant process within the Department of Education. The Department has boasted that it has streamlined the process, because it used to take 26 weeks and 487 steps from start to finish; now it is only 216 steps in the bureaucratic jungle. With this bureaucratic maze, it is no wonder we lose about 35 cents out of every Federal education dollar before it reaches the classroom.

If I were to give my children a dollar and, before I got it from my hand to their hand, I took 35 cents out of the dollar, they would know the difference. We tell ourselves that we are doing great things for education, but before the dollar reaches the student, 35 cents is taken out of the dollar. They know the difference. The difference is felt. And then sometimes we are telling them it has to be spent in a way that doesn't elevate student performance.

Current Federal laws, of course, can also be inflexible, requiring the Federal education dollar to be spent only for a narrow purpose, to the exclusion of all others. This type of inflexibility hurts schools that have needs other than the ones prescribed by the Federal Government. A recent example was the $1.2 billion earmarked exclusively for classroom size reduction for the early elementary grades. What a noble aspiration. But it wasn't what a number of schools needed. Governor Gray Davis of California recently described how the inflexibility of this initiative is hindering his State's ability to direct Federal funds to areas where they are most needed. Governor Davis said:

> We need to have the flexibility to apply those resources where we think they could best be used.

He went on to say:

> For example, I was just with Secretary Riley, our U.S. Secretary of Education, for 2 days last week in California. And Secretary Riley was telling me about the $1.2 billion that was appropriated to reduce class size to 18 in the first 3 grades. Now, in California, we are already down to 20 students per class size in K through four. So that money, which is supposed to be earmarked to the area where we have pretty much achieved the goal, would best serve our needs by reducing class size in math and English at the tenth grade level, because we have just started to use a high school graduation exam.

Here is a State wanting to elevate the performance of students, with a massive Federal program directed at an area where they have already addressed the problem, but it is ineligible to be used in an area where they need help. We should really understand this. That is why we are proposing in this Ed-Flex program a massive new capacity on the part of States to use money where it is needed, to use money to help get the dollar all the way to the student, and not take 35 cents out of the dollar when it is on its way from the folks in Washington to the classroom where the student studies.

Another example is found in title I, which authorizes aid for the education of disadvantaged children. Some of the rigid standards in this program can result in a school losing its ability to provide intensive services to students on a schoolwide basis because it fails by 1 percentage point to have the requisite number of children below a certain income level. Such policies fly in the face of one ingredient for educational success, one vital ingredient: local control.

Fortunately, there is a current Federal policy that has helped provide more flexibility and relieve States of regulatory burdens that are associated with otherwise inflexible education dollars. Under the Education Flexibility Partnership Demonstration Program, the Department of Education has delegated its authority to 12 participating States to grant individual school districts waivers from certain Federal requirements that hinder States and schools in their efforts to improve their education programs. Under Ed-Flex—this proposal, not just for the 12 States, but for all 50 States—school districts do not have to march up to Washington each time they want to ask for a waiver. Instead, they can get the waiver from their own State.

The Ed-Flex program, as it is called, has reduced paperwork burdens. That sounds good, to reduce paperwork, but when you take the expensive paperwork out of the equation, more of the resource reaches the classroom. Sure, it is good to reduce paperwork, but it is even better to deliver the resource to the site of learning, where students learn.

For example, in response to a perceived need, Texas schools have been able to direct some of their Federal funds from the title II Eisenhower Professional Development Program, which is targeted primarily for science and mathematics, to reading, English language, arts, and social studies. If you need help in English and the arts and social studies, why not be able to focus the attention there?

In Howard County, MD, Ed-Flex authority has allowed schools to provide additional instruction time in reading and math to better meet the needs of their students. Well, you mean a program that serves the needs of the students instead of serving the plan of the bureaucracy? What a good program.

These are all States that have been allowed, in the 12-State pilot program, to have this kind of flexibility—it is interesting that they are moving resources to help students. Oregon used its waiver authority to simplify its planning and application process so that its school districts can develop a single plan that consolidates the application for Federal funds. Well, that is great. Instead of spending more money on paperwork, we are making resources available to the classrooms where students study and achieve.

In Vermont, they have reported that the greatest advantage of having Ed-Flex is the ability of schools and districts to gain waivers without having to go directly to the Department of Education. The fact that the State can grant waivers with a minimum of redtape encourages schools and districts to ask for waivers they might not otherwise have asked for. You see, the intimidation factor of Federal regulation is one that is hard to assess. But here is the State of Vermont basically saying they were lacking creativity in their schools and people didn't bother to try to ask for the waiver. They went ahead and did what Washington said, in spite of the fact that it may not have been best for students, because they had been intimidated. The process was too complex. The desire to get a waiver may never have been really strong enough to get them past the Federal bureaucracy. But the schools are now doing things, trying things, delivering help to students, meeting needs at the site of learning, rather than meeting the appetite of the bureaucracy.

Other Ed-Flex States have used the waiver authority to include all school improvement resources in a single 34-page plan rather than 8 separate plans totaling 200 pages. Can you imagine that? If you can move the paperwork down in the direction of sort of manual operations from 200 pages to 34 pages, you will cut out that kind of paperwork and you are cutting out a wasted resource, and when you stop wasting, you can start delivering.

I am sure this next item is of special interest to the occupant of the Chair, who served as the chief executive of Ohio. Reports indicate that Ohio used its Ed-Flex authority to significantly reduce paperwork in the schools. The education agency of the State also reduced its paperwork. This is great news to hear. Ohio is the State that reported at one time that 52 percent of all the paperwork—I think that is right; the Chair might correct me—required of their school districts was related to participation in Federal programs while the Federal dollars were about 5 percent of the State's total education budget. That means we are costing people a lot in terms of paperwork to get a very small amount of the resource. It is time we freed the system from the burden of paperwork so it can get moving forward to the task of helping students.

States are finding that flexibility and regulatory relief they have gotten under the Ed-Flex program has caused increased student performance. Texas has found that its schools with Ed-Flex waivers made gains that match—and in many instances exceed—those as a whole in the State. And frequently those schools with the waivers were ones that were especially challenged.

Because of the success of the Ed-Flexibility Partnership Demonstration Program, we need to expand this concept to every State in America. In my home State of Missouri, we don't currently have broad authority, the kind of authority we need to waive the Federal regulations that keep our schools from improving education programs. In the past few years, my State, as well as local districts in Missouri, have had to come to Washington on a number of occasions and ask for waivers of certain Federal education statutes so they could administer their programs in such a way that they can better serve their students. It doesn't make any sense for a State or a school district to keep coming to Washington time after time to beg for permission to help their students. It seems like we could agree that we would allow States to help their students.

That is why I support the Education Flexibility Partnership Act of 1999, because it gives the States the authority on their own to grant to schools waivers of Federal statutes and regulations for many Federal education programs. States will also be expected to grant waivers of their own regulations which schools believe are barriers to improving education programs. This is a design—a conspicuous and conscious design—to deliver resources to classrooms where students learn and improve their performance.

Around the Nation, Governors of both political parties have called for quick passage of this legislation as it will allow educators to design and to deliver federally funded education dollars in ways that meet the needs of students. As a former Governor, I know how important it is for a State and its local school districts to have decision-making authority over educational matters. The closer the decision-making is to the local level, I feel, the better.

States and local schools are in a better position to know what programs work in their community and elicit the necessary enthusiasm and response from their families which are being served.

I also know that States want to show that their education reforms will actually improve quality of education. When I was Governor of Missouri, I also served as chairman of the Education Commission of the States—all 50 States, legislators, governors, school board officials—the Education Commission of the States. During that time I emphasized a point. And it was this: We must insist that our reform programs create a current of educational improvement. We must show that reforms actually help our children learn more.

Mr. President, I believe that Ed-Flex boosts educational achievement by allowing States to direct resources where they will get to the classroom and help students learn.

So today I want to voice my strong support for the Educational Flexibility Partnership Act of 1999. Under this legislation, Missouri schools and schools across America no longer have to come to Washington to seek education waivers one at a time. But they will have more flexibility to administer federally funded education programs in ways that boost student achievement, and ultimately have as a result more capable students.

States and local schools want more flexibility because they have the best ideas of what will work in their communities. And they want the ability to take that good news to the students of their schools. Important education groups in my State such as the Missouri State Teachers Association and the Missouri School Board Association have said that flexibility and local control are important goals in Federal education policy.

The Ed-Flexibility Partnership Act of 1999 helps to accomplish these goals. This bill, Ed-Flex, will ultimately help to improve educational opportunities for the children in my State and all over the country by reducing the Federal redtape involved currently with trying to comply with Federal rules and regulations related to educational programs.

ORDER OF PROCEDURE

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the vote scheduled to occur at 2:15 today now occur at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Smith of New Hampshire). Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. Robb and Mr. Warner pertaining to the introduction of S. 533 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. Warner and Mr. Robb pertaining to the introduction of S. 535 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. WARNER pertaining to the introduction of S. 536 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I thank the Chair, the indulgence of my colleague, and I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. Graham pertaining to the submission of S. Res. 57 are located in today's Record under "Submission of Concurrent and Senate Resolutions.)

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent to be added as an original cosponsor to the resolution just introduced by the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I wish to express my thanks and admiration to my colleague from Virginia.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate continued with the consideration of the bill.

Vote on Amendment No. 36

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the Jeffords amendment No. 36. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
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Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 36) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 37 TO AMENDMENT NO. 35

(Purpose: To authorize additional appropriations to carry out part B of the Individuals with Disabilities Education Act)

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. Lott), for Mr. Jeffords, Mr. Gregg, and Ms. Collins, proposes an amendment numbered 37 to amendment No. 35.

In Lieu of the matter proposed to be inserted, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

Mr. LOTT. Mr. President, in view of the status of the amendments at this point, in order for the Members working on this legislation to have a chance to discuss how we can proceed, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 539 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, just to let the distinguished chairman and manager know, it is my understanding that the sponsor of the pending amendment does not wish at this time for it to be set aside. In lieu of remaining in a quorum call, Senator SMITH and I have decided not to, in fact, ask for a vote on our amendment, but we would like to proceed to at least talk about it for a period of time, and then obviously we will not introduce it, and we will not, therefore, have to withdraw it.

Mr. JEFFORDS. I have no problem as long as it is for debate only and it won't be offered. I have a request to limit Senators to 5 o'clock; apparently, there is something else that needs to be done at 5 o'clock.

Mr. KERRY. Mr. President, I am sure Senator SMITH and I will be able to finish by that time——

Mr. JEFFORDS. Fine, I have no objection.

Mr. KERRY. Depending on how things proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I am not sure it is subject to an objection anyway, since I have the floor. I believe I am entitled to speak.

But that said, it may be that, depending on how things go with this bill overall, we may decide at an appropriate time that it is worth submitting the amendment, but I think we have to see what the flow is going to be with respect to this particular piece of legislation.

Mr. KERREY. Mr. President, was the unanimous consent agreed to, to end the quorum call?

The PRESIDING OFFICER. It was, and it would end this discussion and colloquy at 5 o'clock.

Mr. KERRY. Mr. President, I yield such time as needed to my colleague, Senator SMITH of Oregon.

Mr. SMITH of Oregon. Mr. President, I thank Senator JEFFORDS for giving us this time, and my colleague, Senator KERRY, for his leadership on this issue. I also appreciate Senator KERRY's willingness to set aside some of the partisanship that divides us on this issue. There are too many good ideas that Republicans and Democrats share in common for us not to make significant progress on the issue that is on the minds of most parents, perhaps, more than any other—the education of their children.

While Senator KERRY and I will not be introducing our amendment today to this legislation, I think it is important that we take this opportunity to raise the issue of principal training and development.

After speaking with educators, parents, principals, and teachers in both Oregon and in Massachusetts, it became clear to Senator KERRY and I that our principals are too often not prepared to address the needs of our children. As Senator KERRY has said many times, we can't expect our schools to be well managed without good managers. It is time to provide our States and school districts with the resources to train our principals as managers.

Our proposal would provide States the needed resources for the development and training of excellent principals, and the retraining of current principals to improve the way they manage our schools. This competitive principals' challenges grant will allow States to develop programs that focus on providing principals with effective instructional skills and increased understanding of the effective use of educational technology and the ability to implement State content performance standards.

Throughout the debate on the Ed-Flex bill, we have heard a lot about the need for greater accountability. Our proposal does not expect the States to be accountable. Our proposal requires accountability. State educational agencies must specify how the Federal funds will be used for principal training programs, how the use of these funds will lead to improved student achievement and provide, through annual evaluation, evidence of such improvement having occurred.

Importantly, this proposal does not dictate to the States how to implement these programs. Rather, it gives States the opportunity, the resources, and the support to create programs that meet the needs of every school district, rural and urban.

Mr. President, as we continue to debate education reform in the Senate, I believe that we must include a component that reforms the way in which our schools are managed. We have some excellent principals in our school districts in Oregon, in Massachusetts, and all over the country. We now have an opportunity to recruit excellent principals. They are the CEOs of our schools. We should ensure that every principal has the resources and training to be a successful manager.

Senator KERRY and I believe that our principals' challenges grant proposal is a strong step toward improving the quality of education in our public schools, and we look forward to working with our colleagues during the reauthorization of the Elementary and Secondary Education Act.

Again, I thank my colleague, Senator JEFFORDS, for allowing us time to speak on this issue and for his leadership on the Ed-Flex legislation.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I am pleased to join my colleagues, Senator JOHN KERRY and Senator GORDON SMITH, in the amendment to establish the Excellent Principals Challenge Grant program, which seeks to address the critical professional development needs of elementary and secondary school principals. Last month, during a meeting with the Michigan Association of Secondary School Principals (MASSP), a major concern expressed by them was the lack of professional development programs for school principals. What the school principals of my State said was, just as with the teachers and students around them, they too must keep growing in order to continue to be effective leaders; and as individuals most responsible for implementing vision, direction, and focus for their schools, principals must be fortified with the best knowledge and skills required to effectively manage positive change, including being cognizant of the best ways in which to integrate technology into their schools so that it enhances learning in the classroom.

These are the views of the dedicated school principals of my State, including Jim Ballard, MASSP Executive Director, Sandy Feuerstein of Adams Elementary School in Livonia, Barbara Gadnes of Brighton Elementary School in Brighton, Jerry Dodd of Edsel Ford High School of Dearborn and Bob Cross of Troy Athens High School in Troy, Michigan.

This amendment would facilitate the professional development needs expressed by the principals of my State and principals nationwide. It would establish a competitive grant program to the States, to fund local school districts for implementation of professional development programs for K-12 school principals. Authorized funding would be $250 million for each of the years FY 2000–FY 2004. State and local school districts would be expected to contribute 25 percent of the total cost, with the exception of the poorest school districts that would be exempt from the match. In addition, a commission would be created to study existing principal development programs and report on the best practices to train principals nationwide. Activities would include developing management and business skills, knowledge of effective instructional skills and practices, and learning about educational technology, which has been a special focus of mine in Michigan where I've brought together colleges and universities and other entities in a partnership to move towards making Michigan's standards for teacher training in the use of technology the nation's best.

The expectations for our school principals are high. They are trusted to coordinate, assist and inspire teachers and students, while also monitoring their own personal growth. We must invest in our principals, who dedicate so much to investing in our children. This principal preparation program will allow principals to reach their full potential and at the same time, create public schools that are more organized, well-managed and modern. I urge my colleagues to support this amendment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, we are currently gridlocked over the most important issue in the country today. I don't think anybody in this Chamber would question that what the U.S. Senate and the Congress chooses to do with respect to education is going to have more to do with determining the long-term transformation that can take place socially and politically in the long run in this country.

We hear countless references within almost every political speech today to the impact of globalization, the impact of technology, the changes that have taken place in the marketplace and, indeed, the extraordinary numbers of challenges that people face in the workplace today. It is almost axiomatic to say that if you are going to earn a decent living in the United States, or anywhere in the world today, you have to be able to manage information; you have to be able to develop your thinking skills.

We live in an information age. Most of the good service jobs and even good light manufacturing jobs, technology-oriented jobs, and certainly the kinds of jobs to which most people aspire at the upper levels of income are absolutely dependent on the maximization of that skill level.

The truth is, however, that in the United States of America today about two-thirds of our high school graduates are handed a diploma although they can read only at a basic reading level. A basic reading level, according to our testing standards, is not a proficient reading level; it is just that—it is basic.

One-third of the graduates of our high schools are at below basic reading level. It is extraordinary that 30 percent of all the students in our country who go to college begin college taking remedial courses to fix what they didn't do properly in high school—remedial writing, remedial math, remedial reading. And colleges are literally required to expend—some might argue, waste—a considerable portion of the collegiate experience bringing people up to the level that they should have been when a principal handed them a diploma—or the chairman of the school board, or whatever dignitary is there—handed them a diploma, and said, "Congratulations. You are ready to go out into the world and earn conceivably a low-level income, or perhaps even minimum wage."

I don't think most of my colleagues would argue with the notion that the public school system of this country is in distress. That is why we have such a tension on the floor and in our politics between vouchers and some of the priorities of those who approach reform differently. Most of the debate last year on the floor of the U.S. Senate was focused on either the voucher solution—which is in the end not a solution at all to the problem of fixing public schools—or it focused on construction money and technology money but barely enough on the issue of accountability: How do we guarantee that reforms are put into the schools that are really going to make a difference in how students learn and in how we will know that they are in fact learning?

So Republicans and Democrats talked past each other, each intent on their own sort of ideological goals, with the end result that the Congress did precious little to fix the schools, and another grade, if you will—the kids who went from the 11th to 12th, the kids who graduated from high school, the kids who went from middle school to high school, or elementary school to middle school—all were sort of pushed on in the same state of inadequacy that has characterized the school systems for too long.

I know my colleagues on the Republican side of the aisle want good schools. I have also become convinced that one of the things which most restrains them from joining in some of the Democrat initiatives is the conviction they have that without accountability, without adequate change in the fundamental structure, without adequate capacity to really push the envelope of reform, they would be spending good money that would be chasing bad. I have to say in all candor I don't disagree with that—that in many school systems, if all we do is throw money at the problem, we are not going to be achieving what we want.

There is, however, something that has been happening in the United States for the last 10 years or more which we ought to take note of and respect. That is that the Governors of the States have been engaged in major reform efforts on their own. I think we in Congress ought to take more note of the legitimacy of the connection of the Governors and local governments to the same people who vote for us. They are held accountable in the same way. The races for Governor across this country are, more often than not now, fought out over the issues of whether or not the incumbent or, in an open race, which candidate is going to provide the best educational opportunities to the kids of that particular State. Indeed, they are accountable in the same way that we are accountable for what we do.

I believe we in the U.S. Congress ought to be perhaps a little more sensitive to and respectful of that process of political accountability and perhaps be a little bit more willing to try to trust the Governors to embrace a certain broad set of reforms that we could in fact target or articulate through the legislative process without becoming sort of management specific, without becoming so intrusive that we tend to have taken the discretion away from them, or in fact asserted ourselves in ways that begin to become ideologically divisive rather than constructive in how we are trying to find reform.

There are many areas where we could do this. I think Senator SMITH and I have been trying together to frame a bipartisan approach to how we might in fact unleash a remarkable level of creative energy within the school systems of our country. I thank Senator SMITH for his willingness to reach out across the aisle and to also try to be thoughtful about what we could do that would most impact the schools of this country.

Mr. President, there are a number of different experiments happening in different schools in America. Private schools have engaged in certain reforms. So, generally speaking, an awful lot of private schools have had an easier road to go down for a lot of reasons that are inherent in the nature of private schools. The nature of their student population, the ways in which they are able to manage, the sort of streamlined accountability that exists within a private school—there are a whole series of reasons. But there are things we can learn from private schools. There are things we can learn from parochial schools.

I often hear people say, "Gee, go to any parochial school and look at the level of discipline you have," or, "Go to a parochial school and you will find people teaching for less than you see them teaching in public schools, and they teach as effectively or perhaps more effectively in some cases."

The question is legitimately asked: How is it that in a parochial school you have this broad mix and diversity of student population sometimes found in the inner-city and you are able to do better than you are in a public school?

There are some reasons for that, incidentally. There is a certain kind of creaming that takes place, inadvertently perhaps sometimes, even consciously, or just by virtue of economics, by virtue of even the small fee that people are required to pay, or the simple fact that to get to a parochial school, you need a parent involved in your life who is both sensitive enough and caring enough to get you there, to take you there, to make the decision to pull you out of the other school.

For too many kids who are stuck in our school system, their parents, regrettably, are not that involved. They don't have those kinds of choices in front of them. They aren't aware of them. They do not know how to effect them. There are a whole lot of reasons you wind up with disparities between the schools. But the truth is that there are practices within a parochial school which could serve as a model for what we might try to adopt or try to implement in public schools.

There are obviously charter schools. Charter schools are the reaction to what is happening in the public school system. Charter schools have grown because people are increasingly despairing of whether or not they will be able to achieve the changes they want in their public school. So charter schools come along, and all of a sudden people say, "Oh, boy, we can escape from the albatross of bureaucracy. We can get out from under the sort of school board politics. We can finally put our kids in a classroom that doesn't have 28 or 33 kids. We are going to get the magic 12 to 18 or something." So people say, "I am going to go for this opportunity," and so all of a sudden the charter school increases in popularity. It is a reaction to the failure of the public school system.

But here is the most important thing of all. All across this country, in community after community after community, there are great public schools. There are public schools that work brilliantly. They are not failing; they are on the rise. And what they say to us is that if we pay enough attention to this and work hard enough at trying to fix the things that are broken, you can make a public school great.

No one in this country should doubt that. Because most of the generation that went ahead of us, and the generation before that—generations that are being extolled in book after book now: Tom Brokaw's "The Greatest Generation" or other books that are out—all of those generations, the vast majority of them, came out of public schools, public schools that faced a different set of problems than the public schools of today, and those public schools were able to respond.

The bottom line is, and I will repeat this again and again and again, there are not enough private schools, there will never be enough charter schools fast enough, and there are not enough vouchers to save an entire generation of young people when 90 percent of the kids in America go to school in public schools. So the real challenge to the U.S. Senate is not to get locked up in a debate about vouchers and not to get locked up in a debate about some targeted narrow area of reform. The real challenge to the U.S. Senate is, can we come together around a broad set of reforms that will empower the States and local communities to be able to embrace the best practices of any of the schools that work, a public school that can look to any other school and draw on those practices and put them into place? And the bottom line truth is we are not going to do that without a major increase in resources.

I was delighted to see that the Senator from New Mexico, Senator DOMENICI, recently embraced the notion that we should put somewhere in the vicinity of $40 billion into education over the next 5 years, and put it back in the States, liberating the States to be able to embrace real reform. I believe that is a minimum figure, but it is a figure that Senator SMITH and I and others have talked about over the last year or so. That is the raw, essential ingredient necessary to guarantee the kind of broad-based massive reform effort that will help to guarantee the kind of education structure that we want.

No one should doubt if you want a tax cut in America in the long run, invest in children today. If you want to stop the extraordinary increases in spending in the criminal justice system or for chronic unemployment or for drug abuse or for other problems that come out of our juvenile justice system, or a host of other areas, the best thing we could do is guarantee that kids are not running around the streets in the afternoon or going home to empty homes and apartments after school and getting into trouble, or not doing their homework. I don't know what happened to the fundamental notion of raising children: children need structure, and structure in the earliest stages can be provided in schools or in community centers when parents are working until late hours of the evening and are less available to take care of their kids than they were in the past.

Within that context of reform, there are a number of things that could be done. They range from attracting stronger teachers by loan repayment programs or by incentives to draw the higher tiers of SAT scores into teaching for a period of time. There are a number of ways in which we could provide incentives to college graduates who come out of school with $50,000-plus of loans and who need desperately to earn a decent base income to raise a family and to get ahead. We could help supplement that capacity of school districts, particularly in low-tax-base areas where they do not have the ability to do this on their own; we could help them get the best teachers, which is what we want. We could also help school districts deal with the problem of technology. We could also help provide the capacity for ongoing professional education or mentoring. We could help schools keep their doors open into the evenings. We could help turn schools into real centers of community learning for parent and child—alike, into the evening hours.

But one of the most important things we could do—Senator SMITH and I were going to offer an amendment to the Ed-Flex bill on this—one of the most important things we could do is help deal with the problem of principals. In every blue-ribbon school that I have ever gone into, I have found that the first ingredient that hits you about why that school earned the blue-ribbon award, or why it is a singularly strong school within the public school system, is you will find a principal with extraordinary capacity. I could cite schools in Massachusetts—the Saltonstall School up in the North Shore, or the Jacob Hiatt School in Worcester, or the Timilty Middle School in Roxbury. In all of the schools where I found great learning going on and great enthusiasm, I found, without exception, it was a direct result of an extraordinary principal who was helping to drive the energy of that school.

I think every one of us knows the great impact that a principal makes on a school—principals who are real leaders; principals who can build the vital relationships between teachers, parents, students and the community; principals who are trained and talented enough, when it comes to leadership and when it comes to management, to understand all the nuances of modern education and all the ways they can implement good practices within their school. Without a principal doing that, it is not going to happen.

Here is the reality. As we talk about providing more flexibility in public education, which is what Ed-Flex does, and as we talk about turning over more control on the local level, we are really talking about providing greater responsibility to the 65,000 or so principals in our public schools.

I would like to just point to this chart. This is how we approach the issue of training principals in America today. The fact is that less than half of the school districts in the United States have formal or on-the-job training or mentoring programs for new principals. That comes at a time when we have a greater need for new principals than we had, just as we have a need for new teachers.

In the next 10 years, we need to hire 2 million new teachers. Mr. President, 60 percent of those new teachers have to be hired in the next 5 years. If we don't have an effective principal who is managing a school effectively and searching for those best teachers, we are not going to fulfill this extraordinary opportunity with the hiring that we ought to have, and we are not going to wind up implementing the reforms in the way we ought.

Let me just quote the executive director of the National Association of Secondary School Principals. He said:

> Schools are going without principals, retired principals are being called back to full-time work, and districts have to go to great lengths to recruit qualified candidates.

I believe that this is the unheralded crisis of our education system, the quality of our principals and their capacity to be able to lead and effect reform. It is remarkable that we currently provide so little assistance to the people we trust to do the most important job of education reform. I do not believe we can leave it to chance, that every single principal has received the training or the skills needed to be the kind of dynamic leader that education reform requires.

As the National Association of Secondary School Principals said in their letter supporting this amendment:

> As the individuals most responsible for implementing vision, direction, and focus for their schools, these leaders must be fortified with the best sources of knowledge and skills required to effectively manage positive change.

If we want flexibility to have the kind of impact that I think everybody in the Senate wants, then we have to guarantee as best we can that we help the local communities be able to provide qualified principals in each school who can apply that freedom we are giving them to the work of raising student achievement. That is why GORDON SMITH and I want to introduce a title of our legislation, the Excellent Principals Challenge Act, as an amendment to the Ed-Flex bill, as a way of investing in the school leadership that we need.

The amendment that we contemplate would provide grants to the States to provide funds to our local school districts for ongoing education and training for our principals, to empower them to learn all the best management and business skills the private sector has to offer, and to gain a knowledge of the most effective teaching practices in the country. So even if the principals themselves have not been teachers, as many of them have not been within decades, they can work with the teachers on their staff to help kids learn and to really give our principals the knowledge they need about education technology so they can put to use the new modern instruments of teaching that are now coming to the classroom.

We also need them to be able to seek out and build the collaboratives and the partnerships with business and with the high-tech community to graduate students who are genuinely ready for the information age.

Our amendment would also commission a report on the best practices of the best principals in the country, create a sharing of best practices so that we really start documenting what works best, not in theory, but the reality of what happens in our classrooms, so that Governors and school board leaders and principals in the years to come can bring good ideas to scale in every principal's office in this country.

These are really some of the most important investments that we can make, if we are going to trust that the reforms we want so desperately are going to be implemented in our schools. There are many people of talent who we should encourage to become principals of schools; people who have left the public sector, people who have left the military at a young age, but who have great leadership skills and leadership development. There are many other examples across this country—CEOs who have retired at an early age because they have been very successful with their companies. They have great management skills, great leadership skills. We should be reaching out to these people all across this country to ask them to come in and be part of the job of helping to save our schools.

At an investment that we offer of simply $100 million a year, including a 25-percent matching grant required from States and local school districts, exempting our poor districts, we believe this investment will leverage the local energies so badly needed in order to invigorate new school leadership and make reform work across the country.

I come from an Ed-Flex State. Based on what we have learned in Massachusetts, it is clear that we should increase the flexibility we give to our schools. I have also been willing to recognize, and I have learned that it is not just the flexibility that brings us reform. In fact, if you give flexibility, but do not have strong leadership in place, or you do not have the kind of capacity to put best practices in place from other school systems in the country, then you will not have reform, and flexibility itself will be given a bad name. You cannot bring about these kinds of comprehensive efforts without terrific leadership, and that leadership should come from, must come from principals within each school. It is the first and most important commitment.

As the National Association of Secondary School Principals wrote in their letter of support, this amendment addresses the critical professional development needs of principals as they seek to improve learning for all students.

I hope when the time comes, whether it is on this bill or conceivably in the Elementary and Secondary Education Act, colleagues will join together in embracing not just the effort to provide a better avenue for stronger principals to come into the school system, but will embrace a set of reforms that will truly liberate our schools so that good thinking and common sense can take over from bureaucracy. I think we need a major overhaul of the current structure, but I think if the U.S. Congress were willing to hold out to our schools the most significant incentive grant proposal we have ever provided, we would see the most dramatic change at the fastest rate that we could ever contemplate. Whether it is the hiring of new, stronger teachers, whether it is the lowering of classroom size, whether it is providing the capacity for classrooms that do not currently exist, whether it is raising the capacity of our principals, or even implementing the standards we know we need to measure student performance or even teacher performance, these things are the sine qua non of any kind of legitimate education reform.

It is time for the U.S. Senate to embrace real reform, not another set of Band-Aids, not a simple little trinket here and a simple little trinket there that satisfies one political party or another or one constituency or another. A broad-based reform ought to be something that we can all understand.

I hope we can cross the aisle and build the kind of coalition of bipartisanship that will make this the year of genuine education reform in the country. We have talked about it for too long. We have lost too many kids to the lack of our capacity to build that coalition. Now is the time to make it happen.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I think there is something that is going to happen at 5:00. I am going to talk for a while and wait and see if the leaders can resolve the little stalemate we have going on on the floor right now.

Title I is a very important program in Nebraska. It serves somewhere between 37,000 and 38,000 students, but costs us about $800 per student per year. We have about 80 schools that have schoolwide Title I programs and about 350 that are in the targeted program.

One of the concerns I have in general with education is, we typically are fighting with peanuts. I do not mean to say that $8 billion is peanuts, but relative to the cost of some of our larger programs we rarely debate around here, Title I is still a relatively low-cost program.

By that I mean, one of my issues since I have come here to the U.S. Senate has been to try to alert both the people of Nebraska, as well as the people in the Senate, that we have a tremendous problem with our growing mandatory programs: Social Security, Medicare, the long-term portion of Medicaid. I must say I am not very pleased with the progress of that debate this year. We are fighting ourselves with a significant amount of constraint in discretionary spending. There is a big debate going on right now whether we ought to lift the budget caps that are currently imposed to $574 billion for this year for budget outlays. One of the reasons there is pressure on that is these mandatory programs continue to take a larger and larger share of the total budget.

For all the talk about Medicare in the last few years, you would have thought we cut it. During the 1997 balanced budget agreement, I know many people were concerned that we were cutting Medicare. Medicare continues to go up about $20 billion per year over the next 10 years. We have to decide, it seems to me, if we are going to maintain laws that place a minimal amount of restriction on business, that keep kind of an entrepreneurial spirit alive and well in the United States of America. I am in favor of cutting some of the regulations we have on business today. We do not impose a great deal of restriction on what people are required to do with their employees.

We have minimum wage laws, but, beyond that, we do not require health insurance and we do not require pensions like many other nations do. If we are going to do that, it seems to me we are going to have to reexamine the fundamental laws we have governing our so-called safety net. That is going to lead us, it seems to me, both to change the structure of our Social Security system as well as to change the structure of our health care system.

Unfortunately, what happens is, we get terrified about the time an election shows up, and we get concerned about whether or not changing eligibility age or some other adjustments in the cost of these programs will enable us to survive an election. As a consequence, we rarely take any action.

Indeed, I must say the President's budget, though it is attractive in many ways, has a couple of significant flaws that make this problem even worse, in my view at least. The biggest flaw is that the President requires us to take the surplus and exchange publicly held debt and transfer it over to, in one place, the Medicare trust fund, the other, the Social Security trust fund—nearly 65 percent I believe the total number is. What this is going to do is give people who are eligible either for an old-age benefit or health care benefit out in the future a larger and larger claim than they have even now on our taxes.

I say that preliminarily, because I examined the Title I program considerably in my State and I see it is doing a great deal of good. It is not just being used for low-income people, although free and reduced-price lunch guidelines mean schools that have incomes of $31,000 for a family of four would qualify. Mr. President, $31,000 is typically Mom and Dad—at least in my community—both out there working like mad, trying to make ends meet. It is not what people would think of when they think of traditional "poor" folks. In this case, we have more poverty on a percentage basis in rural Nebraska than we do in urban Nebraska, and, as a consequence, these Title I funds are enormously important. They are like a lifeline. There are 37,000 students being served by it. That is about 17,000 short of the total who are eligible. We have another 17,000 schoolchildren out there who are eligible, by Federal guidelines, to be assisted.

As you examine what is being done by these schools, how they are using these basic grants and the concentration grants, you can begin to get an idea not only of the problems that are being faced but the need that is there and the good that gets done if we are able to provide these Title I funds.

Under the Ed-Flex bill, which I like a lot, we are granting the States some additional flexibility which will be enormously helpful in my State, especially in the rural areas. I have been using this piece of legislation as an opportunity to work with the Department of Education to get them to help Nebraska—in fact, get a waiver to help us develop our Title I plan, using the standards and assessment of the local districts. The State would approve those local plans, but it is not quite a State plan.

We have been having difficulty getting that waiver, and I thank the Department of Education for helping us accomplish this goal. Secretary Riley has been enormously helpful in that regard. It gives us another window into the problems we are facing right now of children of lower-income working families.

Understand that the world has changed considerably. I graduated from high school in 1961, just shortly before the ice started to recede back up into the North. In 1961, three-fourths of my graduating class went right into the workforce. There were good jobs available in 1961 that supported a family at the Havelock shops for Burlington Northern, at Goodyear, at Western Electric, the new AT&T plant that just opened up in Omaha. They were good jobs. The rule was, you went out and got a job. That job supported your family. You did a little time in the service. You came back from the service. The job was there, and you worked at it for the rest of your life.

Mr. President, a third of our high school graduates who are going straight into the workforce today find a much different situation. I support free trade. I want our laws to provide us with free trade opportunities. But that puts a tremendous amount of pressure on these young people to compete in a global economy in a way that I was not required to do when I graduated in 1961.

I would like to keep the restrictions on business to a minimum so that we can grow our economy and allow entrepreneurs and the energy of the entrepreneur community to create new jobs and wealth in America. But if we are going to have both of those things, it seems to me what we have to do is be very diligent in the first place about being willing to tackle these mandatory programs where a larger and larger share of our budget is going, but we are also going to have to be willing to invest in these young people and give this lifeline to the State and local educators who are trying to make Title I a program that does, in fact, give our young people the reading skills, the math skills, and the other skills they are going to need when they graduate from high school.

I am very much troubled about that one-third of the class who are now going right from high school into the workforce with the kind of skills that they have, given what the marketplace is asking them to have in order to get the kind of job they are going to need to support their families.

Title I is one of the bills that has been mentioned repeatedly here on the floor of the Senate, especially by people who are concerned about the impact of this Ed-Flex bill—I believe Ed-Flex is going to enable us to make Title I an even better program than it is right now. Now Title I is one of those programs that has a name on it, a number on it—I know when I talk to educators, I sometimes have to get a translator to tell me what exactly they are talking about—but it also has people behind it.

When you see the impact of Title I, at least in my communities, it is a program that not only deserves to be supported, Mr. President, but, in my judgment, when we reauthorize the Elementary and Secondary Education Act, we need to find a way to put more money into Title I.

We made significant reform in 1994 requiring standards to be developed, requiring assessments to be developed. We made it a much better program. But in my State there are 17,000 eligible kids whom we cannot serve simply because we don't have enough money to get the job done.

There are few programs right now in education—in fact, there is none in education— that I believe does more in my State to help our children acquire the skills they are going to need when they graduate and go into the workforce to earn the kind of living they will need to support a family and to achieve the American dream.

I see the distinguished chairman has walked back on the floor. I am prepared to yield the floor.

Mr. JEFFORDS. The Senator has until 5.

Mr. KERREY. I cannot possibly talk for another 20 minutes, so I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would like to state where we are and what we hope to accomplish the rest of the day.

Unfortunately, we have broken down in the sense of being able to efficiently and effectively consider amendments on the Ed-Flex bill.

I remind everyone, the Ed-Flex bill is a very limited bill which is supposed to assist States to manage their educational systems better by having a waiver capacity in title I particularly.

Just to give some examples of what we run into on that bill, at this point the State of Vermont has found with Ed-Flex—we are one of the six States that has Ed-Flex—to be at a great advantage in making modifications without the necessity of a waiver, and those modifications can be made within the State.

What this does is allow, in certain circumstances where we have specific percentages set forth which must be reached or you cannot do certain things—.5 percent is an important one with respect to poverty. Thus, communities that have slightly less than .5—say in our case like .48—it is just impossible for you to do anything even with the next-door school which has .5. And there is no reason why those schools should be treated differently. You have to have waiver authority for that outside of the State.

So this bill just makes it so much better for Governors to be able to administer and to be able to take advantage of Federal programs within their States. Thus, it really isn't creating for us any problem at all. That is all we are talking about.

I want to keep reminding people that this bill is something which the Governors, every single Governor wants, and I think everyone here in the Senate should.

I understand Senator MURRAY would like some time. I would be happy to yield to her if I could regain the floor at 4:55. Would that be all right?

Mrs. MURRAY. I would be happy to yield the floor to the Senator at 4:55.

Mr. JEFFORDS. I yield the floor with the understanding I can regain the floor at 4:55.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Presiding Officer and thank my colleague for yielding me time.

Mr. President, I was out here earlier today to talk about the issue of class size. And we are currently discussing the Ed-Flex bill which is a bill that simply means the Federal Government transfers its paperwork to the State governments in terms of flexibility in allowing the school districts to have waivers for different requirements, which I do not oppose, and I think a number of our colleagues will support that.

But what is really expected of us in today's world, where parents and students and teachers and business leaders and community leaders are asking us to deal with education, is to deal with issues that really make a difference in the classroom and in learning.

I will be offering my amendment, as a 6-year effort, to help school districts hire 100,000 new, well-trained teachers in grades 1 through 3. I talked a little bit about that this morning. I wanted to come to the floor this afternoon because one of the questions surrounding reducing class size is whether it is really connected to learning.

When I offer my amendment, I will be talking about four different issues which I think are important reasons that we do this:

First, that it is a bipartisan effort. This is an effort that we began last October. It was supported by Democrats and Republicans. It was supported in both Houses, and it was supported by the administration. We all told our school districts across this country we were going to help them reduce class size. They are now putting their budgets together, and we need to show them that in a bipartisan way we are going to continue this partnership and reduce class size.

Second, I will be talking about research. I will be talking more about that in just a minute. So I will come back to that.

The third reason to do this is that there is broad public support. I hear from law enforcement officers, I hear from business leaders, I hear from teachers, I hear from school board members, I hear from parents, in particular, and I hear from young people that reducing class size is critical and that we need to be a part of the solution on this.

Finally, I will next week talk about the fact that there is a compelling policy reason to pass this amendment now. That is because school districts across this country, school board members, are making their decisions about their budgets right now. They need to know whether last October was just a fluke. Was last October just a political message because of the election or are we really committed to class size reduction?

I will be talking about all of those arguments next week. But this afternoon I really want to focus on the research because I think it is very important that we show why class size reduction really works.

Mr. President, I have behind me a chart which shows that K–12 enrollments are at record levels. That is why we need to deal with this issue. If you will look, we have gone from 45,000 in 1985 and will go all the way up to just under 55,000 in the year 2005. Our school districts are dealing with jammed class sizes, and they are going to get worse if we do not begin to deal with this issue.

All last year, when I talked about my amendment on class size reduction, I talked about research and what it shows. I referenced a 1989 study that was done of the Tennessee STAR Program, which compared the performance of students in grades K through 3 in small and regular-sized classes. They found that students in small classes significantly outperformed other students in math and reading; every year, at all grade levels, across all geographic areas, students performed better in math and reading.

Ask any businessman out there, ask anybody who is hiring a student, ask any teacher, ask any professional, and they will tell you, we need to focus on math and reading in our young students. Reducing class size makes a difference. We knew that from the 1989 study.

A followup study of that STAR Program in 1995 found that students in small classes in grades K through 3 continued to outperform their peers at least through grade 8. They followed these kids, if they started in 1989, and they continued into 1995 outperforming their peers, with achievement advantages especially large for minority students.

Other State and local studies have since found that students in smaller classes outperform their peers in reading and math, perform as well or better than students in magnet or voucher schools, and that gains are especially significant among African American males.

Mr. President, many of our colleagues have come to the floor decrying the state of education and talking about the performance of our students in math and in reading. Small class sizes make a difference; students perform better. A 1997 national study by Educational Testing Service found that smaller class sizes raise average achievement for students in fourth- and eighth-grade math, especially for low-income students in "high-cost" regions.

Particularly of note in the 1997 ETS study was the finding that in eighth grade the achievement effect comes about through the better discipline and learning environment that the smaller class size produces. As policymakers try to make decisions that will affect students in the critical years of middle school, class size makes a difference in terms of behavior and academic achievement. Class size in those early grades transfers to better achievement in the middle grades.

Mr. President, there is good news. These students who were followed in 1985 have continued to be followed, and many of them have now graduated or are just graduating. And last week—just last week—on February 25, I received letters from the head researchers who have been studying the success of the STAR project. As of June of 1998, most of the students from STAR have graduated. A pilot study showed that "more [of these] students from small classes [in the early grades] had enrolled in college-bound courses (foreign languages, advanced math and science), and had higher grade point averages than students who attended regular or regular-aide classrooms.

"The findings also suggested that small-class students"—students who have been in small class sizes in the early grades —"progress through school with fewer special education classes, fewer discipline problems, lower school dropout rates, and lower retention rates than their peers who had attended regular-size and regular-size classrooms with teacher aides."

Mr. President, they are now showing us that not only did it make a difference when they were in kindergarten, first, second, and third grades because they were in a small class size, but it made a difference when they graduated. It made a difference on whether or not they went on to college. It made a difference with their grades. It made a difference with their learning.

I have behind me a quote from a letter by Helen Pate-Bain and Jayne Boyd-Zaharias, who were part of the STAR research. They said, "We can say with full confidence that the findings of this landmark study fully support class size reduction." These are the researchers who have been following these young kids who are now graduating. And they began in early grades some years ago.

They said students from small classes—this is what their research shows—enrolled in more college-bound courses, such as foreign languages and advanced math and science. These were kids who came from small classes. They were confident when they graduated. They knew these tough subjects. And they felt qualified to go on and enroll in tougher courses as they went on, because they had a smaller class size when they were younger. They learned the skills they needed. They got the confidence they needed. They had the one-on-one with an adult that allowed them to go on to these kinds of courses. Students from small classes had a higher grade point average. They did better in school. Learning, small classes: Completely connected. They had fewer discipline problems.

You can ask why. I can tell you as a former teacher and a parent of kids in public schools and having been out there many, many times with young kids, when you pay attention to a child when they are having a discipline problem, and you deal with it directly, then you can move on and not continue to have a child with a discipline problem. If you are in a large class with 30 kids, you can't pay attention enough to those kids who have learning difficulties or who are just needing attention, and they tend to be discipline problems later. And this study backs this up. Students from small classes have fewer discipline problems.

Finally, they had a lower dropout rate. These students from small classes stayed in school. Students in smaller classes, especially minorities and low-income students, are more likely to take college admission tests. The chart shows this. The graph on the left is large classes; on the right is small classes. Looking at all students, if you were in a small class, you are much more likely to take college admission tests.

Students in smaller classes had significantly higher grades in English, math and science. Again, how many times have we heard from our colleagues on the floor that we need to make significant gains in learning, particularly in English, math and science. Talk to any business leader today. They will tell you they are looking to hire students who come out of our K-12 programs who have a good, solid background in English, math and science. Smaller classes meant higher grades in every part of the study.

Dr. Krueger said:

> These results suggest that reducing class size in the early grades for at least one year—especially for minority or low-income students—generates the most bang for the buck.

No surprise.

I will be offering an amendment to make our commitment to reduce class size continue over the next 6 years. This is a commitment we made last October. We need to continue to stand behind it.

We have teachers, we have school boards, we have communities, we have businesses, we have young students out there today who know what these studies show—that it will make a difference if we reduce class size. We need to do this now. We need to keep our commitment.

It is going to be bipartisan. If we don't get it done today, I will keep doing it until we get it done, because it is the right thing to do. We hear a lot of rhetoric on the floor about education. We hear that we need to make a difference. My amendment will make a difference. Ask any parent, ask any teacher, ask any student.

I thank my colleague from Vermont for yielding me the time, and I look forward to the debate we will have next week on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, my understanding is that under the present situation we are in debate only until 5 o'clock, is that correct?

The PRESIDING OFFICER. There is no formal order to that effect, though there is an understanding to that effect.

Mr. JEFFORDS. That is no problem. I will go forward under either circumstance and do the same thing.

I certainly commend the Senator from the State of Washington for presenting the results of the study. I understand that is the only study that has been done. Obviously, considerable effort was put into doing that.

Again, I emphasize, as I have to all Members, that I want to keep this bill, the Ed-Flex bill, clear of amendments in order that we can expedite its passage. This will have good reception in the House. I want to get this done so the Governors can, as soon as possible, have the flexibility to be able to handle the problems created in the present law—especially title I.

I am not going to accept any amendments that are related to the elementary and secondary education reauthorization. Otherwise, we will be here all the rest of this year talking and blocking all other legislation because we cannot get this little Ed-Flex bill out, which is small but is really important. I have alerted everyone that I will not accept and will oppose any amendments which are related to the Elementary and Secondary Education Act reauthorization on which we are presently holding hearings. We have already had several hearings and we will have more hearings. To do it piecemeal, as Members are attempting to do, to do things in this piecemeal fashion before we have held the necessary hearings is very counterproductive at this particular time.

Also, I remind Members, for those amendments which do set forth an authorization for the expenditure of funds, I will second degree those amendments and have that money go not to the intended purpose of the amendment but, rather, to fully fund the IDEA; that is, money for special education. If there is a shortfall in funding, there is no question that the shortfall in funding is in IDEA.

Behind me, Senators can see a chart that demonstrates how incredibly stingy the Federal Government has been in meeting its obligations. I was on the committee that wrote the original IDEA in 1976, and I remember when we made the pledge to make sure that the Federal Government was responsible for 40 percent of the cost of special education. As Members probably realize by this time, yesterday a Supreme Court decision greatly expanded the potential for expenditure of funds by saying that under IDEA, we have the obligation now—the States do; I think the Federal Government as well—to pay for health care costs related to special education children. That is a great expansion of the present situation.

This is not a mandate, as someone called it, of the Federal Government. This is a constitutional requirement. Any State that offers free education must offer the free and appropriate education to special education children. Thus, this is a constitutional requirement which we agreed to pay 40 percent.

Now, what our goal is—the Republican goal—we have increased the funding by some 85 percent over the last 3 years. That was all done by Republicans for the purpose of trying to get us closer to that 40 percent that we agreed to do back in 1976.

I want to make that clear as we try to move forward on this bill. I know there are a number of amendments that have been put forward contrary to my feeling that we should not be amending the Elementary and Secondary Education Act until such time as we have held the appropriate hearings, and that we should only concentrate on the Ed-Flex bill to free the Governors of the kind of complications they have now with respect to trying to get through the maze of regulations, in order to free up flexibility to help more of their communities with the limited funds they have.

Hopefully, we will be offering an amendment in the not-too-distant future that will assist in moving toward improving the Ed-Flex bill, so that we can bring it to an end and be able to pass it out in an expeditious way to help the States be able to handle the problems from which they are suffering.

I am hopeful Members will understand. I hope my friends on the other side of the aisle will not try to take advantage of this opportunity to prematurely amend the Elementary and Secondary Education Act. I hope they will wait until the hearings are finished, and until such time as we have an orderly process, to delineate what the new Elementary and Secondary Education Act should contain.

In a moment I will send an amendment to the desk in order to make progress on the Ed Flex bill. This amendment is drafted to the text of S. 280 rather than the pending substitute. Members should be aware that we will vote shortly after that—depending, of course, on debate—in relation to the amendment.

Mrs. MURRAY. Will the Senator from Vermont yield for a question?

Mr. JEFFORDS. Not at this point. I am ready to offer the amendment.

AMENDMENT NO. 38

Mr. JEFFORDS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 38.

In the language proposed to be stricken by amendment No. 31, at the appropriate place insert the following:

SEC. . PUBLIC NOTICE AND COMMENT.

The Secretary of Education shall prescribe requirements on how States will provide for public comments and notice.

Mr. JEFFORDS. Mr. President, I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Arkansas be allowed to speak and that the vote occur at 5:15.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I am delighted to be here today to speak on behalf of one of the issues that I think is the most important to our Nation. The great philosopher Edmund Burke once said, "Education is the cheap defense of nations." So I think it is appropriate that we have moved on to education after last week's discussions about military spending. I tend to maybe disagree with some of my colleagues over there. I do think this is a very important issue to be discussing right now in the context of all of the different things we can be doing on behalf of our children, which I do think are our greatest resource.

Investing in our children is the best national investment we could possibly make at this stage of the game. Giving our children the tools to succeed is a valuable investment in the success of our workforce and the resulting economy.

Schools are not just buildings where children and teachers spend their days. Our schools serve as the cornerstone of our neighborhoods, and they are the most basic building blocks that our children need to compete in the future and in the coming 21st century. There is no doubt that our time is very well spent in this debate here not only on the issue of Ed-Flex and being able to give States and school districts flexibility to be able to produce the best workforce possible, but it is also a great time for us to be speaking in the context of all issues related to education—certainly, increasing our teachers and making sure that we have the proper infrastructure.

We all have our particular areas in education of great importance, and certainly, we all represent different areas in the country that have specific needs. But we must ensure that as we discuss any legislation to repair our educational infrastructure, our school buildings, and classrooms, that we remember the needs of rural areas as well as urban areas.

We must also do our best to equip all classrooms with the proper wiring and equipment so all of our children can ride the information highway, not just those in urban areas. When I served in the House of Representatives, I worked on the telecommunications conference, and I recognized how absolutely vital it was for us in rural America to have an interest ramp onto that information highway.

Let's not overlook the importance of parental involvement in our educational reform discussions here. When parents read with children each night and help them with their homework, they reinforce what their children have learned during the day. This is so totally appropriate, not only that we are talking again about the flexibility we can provide States and districts but of every aspect of education. And if we spend the first 2 months of this session talking about education and reinvesting in our children, it is certainly worth it.

Teachers will certainly have greater success in the classroom if parents are doing their part as well. We have a great example in northwest Arkansas of a family night constructed by a school district to help bring together fellowship in that school area with parents, local businesses, superintendents, principals, administration, teachers and students to come together in fellowship and understand their school community and how important that school community is to the overall community.

My sister and many of my other relatives are teachers. They have talked to me about the importance of getting our children ready to learn. When you have a classroom of 5-, 6- and 7-year-olds who come in and are hungry or scared or they are sick, they can't possibly learn. School nutrition is absolutely vital to our children if they are going to be able to learn, to take on the tools they are going to need to be competitive. It is absolutely essential. I have met with teachers who have told me for years they could do their jobs better if they also weren't subbing as psychologists, doctors, and disciplinarians.

There is so much we can do. We can fill our time and our debate here with investing in that great resource of our children. These teachers have also told me one of the most important things we can continue to do is, again, reinforce those nutrition programs in our school districts. I have done some of that debate in our recent hearing this week in the Agriculture Committee, and I hope we will continue debating what an important role that plays in this discussion we have here.

As we discuss ways to empower teachers and improve teacher quality, let's try to support our teachers with resources so they can deal with the troubled children who are in our Nation's schools today. Whether children were born with the side effects of crack cocaine, or have witnessed domestic violence at home, or are tempted by others to smoke, these problems affect their performance in the classroom, and we must be focusing on how to eliminate those temptations to our children. Reducing class size is the first step toward helping our teachers deal with these issues, both being able to get the students' attention, but more importantly, to be the best teachers they can possibly be.

It is important that we move quickly to put 100,000 new teachers into the classrooms because school districts are making hiring decisions right now for the fall. That is what makes that issue important and a part of this legislation that we are discussing right now.

In my own State of Arkansas, like many of the other States that are represented here, a majority of our teachers are beginning to retire. We are losing a large number of our teachers over the next few years to retirement, and if we don't address the issue of teacher recruitment right now, we are going to be in serious trouble in many of our States.

We will not have the qualified teachers to be able to teach our children, to nurture them in what it is that they need to be competitive in the future.

I certainly appeal to my colleagues that all aspects of education must be addressed, and must be addressed as quickly as we can, because we certainly at this point must recognize that this greatest resource of ours, our children, and our future in this Nation are in jeopardy if we are not doing all we can in this debate to provide the best education possible for our children.

Let's reverse the unfortunate road and trend of fewer young adults pursuing a career in education. Let us work towards giving teachers the incentive not only in pay but in stronger classrooms, smaller sizes, and a better capability of reward in what it is that they are there to do, and that is to teach our children.

I thank my colleague for bringing this issue up. I am very supportive and have been an original cosponsor of Ed-Flexibility. But, more importantly, I think it is extremely appropriate for us to be discussing these issues of education. I hope we will continue this discussion and continue to improve this bill with so many of the opportunities that we have before us.

I thank the Chair.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield for a question?

Mrs. LINCOLN. I am glad to yield.

Mr. KENNEDY. I want to thank the Senator for her statement and for her excellent summation of some of the challenges that are facing the children of her State, and also across this country.

The Senator has spoken to the members of our Health and Education Committee about some of the challenges that exist in the rural areas of her State, particularly in terms of ensuring that those children have access to the types of technologies which are commonplace in so many of our schools—not commonplace enough, but at least are important tools for learning—and to make sure that they have teachers who are going to know how to use those technologies in ways that might be taught in those schools.

I know this has been one of the special areas she has been interested in based upon her own visits to a number of the different communities across Arkansas. I want to indicate to her that we look forward to working closely with her on that issue as well as other issues. It is a matter of very significant importance. We welcome the chance, as we have talked with her about her concerns about education, to make sure that these items are given priority.

I thank the Senator.

Mrs. LINCOLN. I appreciate my colleague's concern. I would like to express to him—and I think it is probably the sentiment of many of the Senators from rural States—having visited with some of my communications workers on the technical aspects of what we need to do in order to bring our schools and the infrastructure up to the level where they are actually going to be able to house these wonderful pieces of technology and computers, that we have to bring those buildings up to standard if we don't want to create fire hazards by overwiring classrooms to try to accommodate equipment that we are not prepared for in the buildings. We really have to focus on that kind of investment and infrastructure in our classrooms. I have certainly seen it, traveling rural America—the problems that we see out there. I am dedicated to making sure that all of our children of this Nation receive that help.

Mr. KENNEDY. Generally speaking, we understand from the various General Accounting Office reports that there is about $125 billion worth of needs for our schools, K through 12, to bring the buildings and facilities up to safety standards and to meet other kinds of codes. In many different communities, whether it is urban or, as the Senator pointed out, rural, there are not sufficient resources to help. Those communities can help somewhat. The State can help somewhat. But they are looking for a partner. At least I find that is true in my own State. We are going to have an opportunity to address that particular need, to try to figure out how we can best partner with the State and local communities and work with those in the rural areas as well as the urban areas.

I want to give assurance to the good Senator that we want to work very closely with her as we try to work through this process. I believe we can take some important steps in this Congress in that area. We look forward to her insight and her assistance in doing so.

Mrs. LINCOLN. I appreciate my colleague, although he probably grew up as a city boy, understanding the needs of us in rural America. It is very important to us. We really appreciate it. (Laughter.)

Mr. KENNEDY. I accept that definition. I have not been described in that way, but I am glad to be described in that way.

I thank the good Senator.

Mrs. LINCOLN. I thank the Senator. I thank the Chair.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote be postponed until 5:20 and that Senator BURNS be able to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I thank my friend from Vermont and my good friend from Massachusetts. It won't take me long to make a couple of points before we go into the vote, because I think everybody wants to wrap up and get out of here for Thursday evening.

I am pleased to cosponsor and support this Ed-Flexibility Act. I want to make a couple of points. I want to thank our good friend from Tennessee, who a couple of years ago really elevated the awareness on the importance of this issue. The report that he prepared stands to be read by everybody.

I don't know if everyone visits schools when they go home. But for the week that I was home a couple of weeks ago, I had two or three chances to go into some high school assemblies and to talk with some teachers. The problem they are incurring is that they teach for a half-day and then they spend the rest of that day on paperwork compliance.

I think this is a very first step where teachers and parents and principals can make some very vital decisions on the education they want to give our children. All 50 States have the ability to grant individual school districts waivers from selected Federal education requirements, like title I—there is no lack of support in this body for title I of the Elementary and Secondary Education Act—and even the Carl D. Perkins Vocational Act and the Applied Technology Education Act.

When we talk about distance learning, nobody has been involved in distance learning longer than I have on the Commerce Committee, and I think the Senator from Massachusetts. We work very hard on demonstration units of distance learning. We even did it here on the inner cities and worked very, very hard on two-way interaction between teachers.

We have over in eastern Montana, where we have a lot of dirt between light bulbs, schools as far as 200 miles apart with teachers sharing sciences and languages in a class. She teaches there and also interacts live with students in three other classrooms. The total graduating class of all those schools put together will be fewer than 50.

Distance education, making those decisions of using the new technical tools that we have developed, has been one great thing to watch. It blossomed. Now we are teaching teachers in our land grant universities how to use those tools.

Unfortunately, right now many of our Federal education programs are overloaded with rules and regulations. States and local schools waste precious time and also resources in order to stay in compliance. It is obvious that these State and local districts need relief from the administrative burdens that many federally designated education programs put on States, schools, and education administrators.

We hear a lot about numbers of children in classrooms. I want to tell you, in our State the numbers are sort of going down. The goal of this legislation and our goal should be, at the Federal level, to help States and local school districts to provide the best possible first-class education for our children that they can. They can't do it if they are burdened with rules and regulations and always reading the book on compliance. This is one big step toward taking care of that.

I compliment my friend from Vermont on his work in education and his dedication to it, because we will probably not take up any other piece of legislation that will have as much impact on local neighborhoods, on our taxing districts, and also the attitude of educators at the local level.

This is one giant step in the forward direction. It won't fix all of the problems. It won't fix them all, because we can't fix them all. But I think it places the trust back in the people that the Federal Government, yes, does play a role. We want to play a role. But we want to play a constructive role in helping meet the needs of the local communities and put the decision back with teachers, parents, and, of course, administrators at the local level.

I thank my friend from Vermont for yielding the time.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky Mr. BUNNING and the Senator from Oklahoma Mr. INHOFE are necessarily absent.

Mr. REID. I announce that the Senator from North Dakota Mr. DORGAN is necessarily absent.

The result was announced, yeas 54, nays 43, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—3

Bunning
Dorgan
Inhofe

The motion to lay on the table the amendment (No. 38) was agreed to.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it is now 6:10 p.m. on a Thursday evening, and we have had this Ed-Flex legislation before the Senate since yesterday. The Ed-Flex proposal would permit States and local communities to have greater flexibility with accountability for scarce resources that are provided by the Federal Government—in this case, the Title I program, which is about $8 billion that focuses on the neediest children in this country. There was an effort to give greater flexibility to the local communities, consistent with the purpose of the legislation, to try to have a more positive impact in the achievement of the children in this country.

This legislation was thought to have been a part of the Elementary and Secondary Education Act. We were going to have an opportunity to consider those measures together, but it was a decision of the majority of the committee to vote that out as an early piece of legislation. I voted in favor of that process and procedure. And then there was the indication by the Majority Leader that this measure would be before the Senate at an early time in this session.

We had legislation last week to address the very important, critical and legitimate needs of our service men and women, to try to give them a fair increase in their pay—particularly those individuals who are serving in harm's way in many different parts of the world, but generally for the armed services of this country, in order to make up for the failure to do so at other times. We had a good debate on that, and it was voted on. We had 26 different amendments that were advanced during that period of time, some of which were accepted and some of which we voted on. But we came to a conclusion on that particular measure.

So we started the debate on Ed-Flex. I don't think most of those American families who are watching now would really understand exactly what Ed-Flex is really all about. Nonetheless, it might very well provide some benefit to some young people in this country, and we were going to move ahead with it. I think most parents would understand if their children were in a classroom where there were fewer children in the class and a well-qualified teacher was interacting with that child and the 17 or 18 other children in that particular classroom, rather than the 30, 32, or 33 children in many classrooms across this country. I think parents would understand the advantages of moving toward smaller classes.

I think the overwhelming majority of Americans would favor that action, and we have an excellent proposal to do that, which was accepted by Republicans and Democrats in the final hours of the session last year prior to the election. And now we have many of those communities that are asking, "Well, should we just hire a teacher if we are only going to have a teacher for 1 year? Let us know, Congress of the United States. You didn't do the whole job last year in authorizing it for the complete 6 years. Let us know whether you are going to make the judgment and decision, as recommended by the President, that we ought to have the full 6 years." The President of the United States, in his budget, has allocated resources to be able to do that. The communities want to know.

Senator MURRAY has an excellent amendment to deal with that issue. I don't know about my other colleagues, but I know that in my own State of

Massachusetts, communities want to have an answer to that particular question. And we are prepared to move ahead with that debate. We are prepared to have a full discussion on the floor of the U.S. Senate. We were prepared to do that yesterday. We are prepared to do it tonight. We are prepared to do it tomorrow or Monday, or at any time. It is of critical importance, and it is the kind of business that we should be dealing with in terms of education.

Families can understand smaller class size. Families can understand, as well, the importance of the development of afterschool programs. I referred, earlier in the debate, to the excellent review that has been made by independent reviewers on the value of the Title I programs, and there were a number of recommendations in there. They noted that we have made some important progress in the past few years in targeting the Title I programs more precisely, as we did in the last reauthorization legislation. But we also know of the importance of the afterschool programs.

I will mention this report, the evaluation of promising results, continuing challenges, of the national assessment. This is about Title I from the Department of Education, 1999, and was just released. One of the findings shows that in a recent study of elementary schools in Maryland, the most successful schools were seeing consistent academic gains as a result of extended-day programs. Afterschool programs are extended-day programs. And there are others, such as programs that extend into the weekend and summer programs that continue the education during the summer months.

There are a number of different ways that local communities have been implementing afterschool programs. Last year, we had some $40 million in appropriations for afterschool programs, and there were $500 million worth of applications for those programs coming from local communities. The President has raised his appropriation up to $600 million to reach out to one million children in the country and provide afterschool programs. We have an excellent amendment by our friend and colleague from California, Senator BOXER, and also one from Senator DODD in that particular area—one would be based upon the schools, and the other would be based upon nonprofits. They are somewhat different approaches, but I think they both have very substantial merit.

Nonetheless, Mr. President, we have the opportunity to vote and debate on a measure that will make a real difference in terms of families' lives for extended-day programs. That will make a difference. It will improve quality education and student achievement.

We were prepared to move ahead with that particular debate. But that, evidently, will not be the case. We had a good opportunity and a good record to explore and to engage those that would differ with us. We have the amendment that our colleagues are familiar with that was advanced by Senators BINGAMAN, REID and others, that brought special focus and attention on the problems of school dropouts. Sure, we have a lot of dropout programs. But this program was very innovative in terms of the evaluation of that, and was successful in implementing a program that can make a difference.

I commend those Senators for the work they have done on it. In the past, that amendment was accepted overwhelmingly by this body. That could make a difference to children that are in school now, today and tomorrow. We were prepared to debate that program, but we have been unable to bring that to resolution.

As the good Senator, Senator BINGAMAN, pointed out, some 500,000 children drop out of school before graduating from high school each year. There are important reasons for that. There have been successful programs to try to correct that. But this was a worthwhile effort to bring the authorization of funding for that particular program.

My colleague and friend from Massachusetts, Senator KERRY, had a modest program to provide additional help, assistance and training to principals to help them deal with some of the more complex issues that they face. And that is a very, very worthwhile amendment.

Our good friend from North Dakota, Senator DORGAN, and others had a program to have a report card on various schools so that parents would have better information about how the schools were doing.

There were others, but not many others. I haven't gotten the complete list at this time, but there are a few others.

But on each and every one of those, Senator DASCHLE was prepared to recommend to all of us that we move ahead with short time limitations. As far as I was concerned, we would have been able, at least from our side, to have concluded the consideration of this measure by Tuesday of next week. We were glad to try to accommodate the interests of the majority in working out the time limits of these particular measures, and even the order of them. We assume that there may be amendments to be offered by the other side, including the very important amendment that was brought to our attention with regards to IDEA and children with special needs. That amendment would provide additional help and assistance to local communities, through IDEA, to offset some of the serious financial burdens of educating children with special needs.

We have an important responsibility to children with special needs, and the States have an obligation under their own constitutions to educate every child.

We did make the commitment back in 1975 that we would establish a goal of 40 percent federal funding, and we have failed to do so.

I believe very strongly that we should support those programs, particularly in light of yesterday's Supreme Court decision that will permit children with special needs to continue their education. It will be supported by the local communities as well. That will add some certainty for those children, so they will be able to continue their education.

That is the most important and significant aspect of the program. But there will be some additional financial responsibilities. This is an area of national concern, because all of us understand that our participation in the education process is limited and targeted to special priorities. We have made disadvantaged children and the neediest children in our country a priority. Certainly those with special needs ought to be a national priority as well. We ought to be willing to help children, regardless of what community they live in, and regardless of what their needs may be.

Mr. President, these are some of the items that we are talking about. I think most families in our country could make up their mind pretty easily about the kind of priorities that we should be considering. I think the overwhelming majority of Americans would feel support for the programs I have begun to outline.

Let me point out that they are very modest and important programs, with demonstrated effectiveness. Certainly we are able to do so and support those programs. Many of them, as I mentioned earlier, have already been targeted for support by the President in his budget—financial support has been there.

Mr. President, we find ourselves in the situation on Thursday evening where effectively by the rules of the Senate are not going to be debating these issues tomorrow, we will not be debating these issues on Monday, and at 5 o'clock the Senate will vote whether or not we are going to exclude all possibility of considering those amendments on this particular measure. We will not spend the time tomorrow, which we certainly could, in debating and considering these issues. We will not do it on Monday. And we will delay the eventual outcome of consideration of these measures to a future day.

We heard earlier today, around noontime, that those that are supporting the measure of Senator BINGAMAN were actually filibustering the legislation. This is after a day and a half of considering the amendments to the Ed-Flex legislation. We had indicated at that time that we were prepared to accept—

at least Senator BINGAMAN was—the amendment and move ahead.

It reminds me of where we were at the end of the last session where we were effectively denied any opportunity to bring up the patients' bill of rights, which American families were so strongly in support of. We were denied the opportunity for fair consideration and debate on it. We were denied the opportunity to consider an increase in the minimum wage for working families in spite of the extraordinary progress that we have had—economic prosperity which so many have participated in, but not those at the lowest end of the economic ladder. We were prepared to refute the case that a modest increase in the minimum wage is going to mean lost jobs or is going to add to the inflation in this country, ridiculous claims by those that were trying to stop any increase in the minimum wage.

We will have an opportunity to consider a minimum wage increase. I must say that the responses that Speaker HASTERT has given on the consideration of the minimum wage has given us some reason to hope that we will have an opportunity to debate and to act on increasing the minimum wage. But we were denied that chance in the last Congress, as we were denied the opportunity to act on a patients' bill of rights.

Some of us have come to the conclusion that the only way we can get a vote is if we offer an amendment that the majority agrees with. That seems to be the rule. We are denied the opportunity on this side to bring these matters up and have a full debate. I quite frankly don't understand why this should be so. The American people want action in the field of education. I believe they want partnership—a Federal partnership with the State and with the local communities. They understand the primacy of the local control on education, and they understand the importance of State help and assistance to many different communities. And they value the limited but important targeting that is given by some of the Federal programs.

But they want to have the participation of all of us in a partnership to try to help families. They have heard the various philosophical and ideological debates. They want action. They want well-qualified teachers in every classroom. They want classrooms where children can learn. They want to make sure they are going to have the kinds of technology in those classrooms which will permit children going to public school to compete with any young person going to school in any part of the country. They want their teachers' skills upgraded so they can integrate those skills into the curriculum with additional training.

They want afterschool programs, because they know that it makes a difference to give a child the opportunity to get some extra help in the course of the afternoon—maybe getting their homework done instead of watching television or engaging in other kinds of unhealthy behavior—so when the parents return home, the child can spend some quality time with those parents and the parents don't have to say, "You have been watching television all afternoon. Get upstairs and get your homework done." These are issues about which families care very deeply.

Sure, we have a full agenda on many matters—on Social Security, but Social Security reform is not ready for debate; on issues dealing with Medicare, but Medicare is not ready for Senate consideration either. Sure, we have important responsibilities in trying to get a Patients' Bill of Rights, but we are attempting to work that out through the committee process and hopefully will have an opportunity to address that in the next several weeks. Yes, we have important responsibilities in protecting the privacy of individuals regarding to medical records, but that legislation is not ready to be considered.

I really challenge the leadership on the other side to indicate to the Members what is on the possible agenda here that is more important for our attention, effort and debate than the issue of the education of the young people of this country. There is nothing. That is why this course of action, of effectively denying the debate and for the Senate to work its will in these very important areas, is so unacceptable—unacceptable.

We want to make sure that those families understand. You might be able, although I don't think they will be able, to have cloture, in effect denying Members the opportunity to consider those particular amendments on Monday. But you are not going to make this battle go away, because those amendments are going to be offered on other pieces of legislation—they make too much of a difference to families. They are not going to go away. It is the early part of this session. We are not in the final hours when you are able to jimmy the rules in order to deny the opportunity for people to bring these matters up. You cannot do that now. We are going to insist that we have this debate and discussion, and have the Senate work its will.

I thank our colleagues today who have been willing to participate in this effort and have spent close to 3 hours or so in quorum calls during the course of the day when we could have been debating these issues. I hope we will not hear anymore from the other side about filibustering by amendment, because there are too many who have waited too long to try to at least get a result here in the U.S. Senate on some of these issues.

I know, finally, that it is painful, evidently, for some of our colleagues to vote on some of these matters. We heard a lot of that this afternoon, "We don't want to vote on it. It is painful to vote on them." That is, unfortunately, what this business is about. It is about choices and priorities, to a great extent. We have every intention of pursuing these issues. We are not going to be denied. I believe we will not have cloture on Monday. It will be up to them, then, whether we are to deal with these issues in the timely and reasonable way which we are prepared to do. But if that is not the case, I just want to make certain everyone in here knows—I know this from speaking to our colleagues who have worked so hard in so many of these different areas—that we are going to be quite prepared to advance these frequently, on each and every opportunity that will present itself.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will not resist the opportunity to make a few comments about what we have been doing here today. Both sides are very much interested in improving education. I don't think the enthusiasm of one side is outweighed by that of the other side, or vice versa. But the question of how to do it at this particular moment is the question with which we are faced.

This side believes very strongly that we need to ensure when we vote for new programs, when we vote billions of dollars for the existing programs, we ought to know whether or not they are working. Our system is set up in a very logical way. Every 5 years we take a look at programs, and we reauthorize the Elementary and Secondary Education Act, which is up this year. It is the most important piece of education legislation we have. It is not something which should be ignored, saying, "We don't need any hearings. We don't need to worry about anything. We know the answers already."

Let's examine where the "already" is, and what has happened. We had notice in 1983 that we had a terrible educational crisis in this country. The Nation at Risk report came out during the Reagan administration. The Governors got together in 1988, and they formulated the goals that we ought to be meeting. Here it is in 1999—and I sit on the Goals Panel—and there is no evidence that we have made any improvement in anything that is measurable.

So why would we go racing out to fund programs about which we have had no hearings at this time? That is neither an appropriate nor a logical way to proceed. What do we know? We know a couple of things. First of all, we know from the experiences we have had with the experimental programs in six, and then twelve, States that more flexibility in existing program regulations will enable States to more efficiently and effectively use that money. All of the Governors say, "Please, help us and release us from the growing volume of burdensome regulation." That is all we are trying to do. It is something we can do quickly, now, and get action immediately.

Second, where is the greatest need for resources right now in this country? It is at the local level. The programs that are being discussed are dealing with matters which are primarily being addressed at the local level. But where Federal support is needed most is where we promised it would be provided back in 1975–76 when we passed the bill to open up vistas for children with disabilities so they had an opportunity for the kind of education which was appropriate for them. We guaranteed—quote-unquote, I suppose, from a Federal perspective—that we would provide 40 percent of that funding. Yesterday's Supreme Court case has greatly, incredibly worsened that situation by requiring that not only do we have to provide an appropriate education at the State level, but also that somebody has to provide the health care to ensure that when that child is in school, he or she receives the best health care to enhance their education.

Where is that burden going to be? Right now it has just been placed right at the local level, where it remains if we do not do something about that as soon as possible. What we have been saying today, and what we have been dedicated to as Republicans for the last 3 years, is that we must ensure that those communities that are trying to provide educational opportunity for children with disabilities have money enough, as promised to them by the Federal Government, to enable them to meet those needs.

It would take $11 billion to raise that level now to what we promised back in 1976. What we are saying is, before we go off into untried programs which have not even had hearings, we ought to provide that money immediately or make it available for the process of appropriations immediately. So, we will take the money that is in these programs that are untried—the authorizations—and say: Give it to where it is really needed, to the local governments and the States so they can provide an education for the young people, all of the young people, which they cannot do by themselves because the demands are so high and because we have failed to provide to them the $11 billion they are entitled to under our promise.

So I implore, my good friends on the other side, we are not trying to in any way hold anything up. What we are trying to do is to get a straightforward bill passed which will immediately help the States to maximize their resources. That's what we want to do. Instead, rather than being able to take this small step forward, we are having to go through this whole process of being asked to adopt all these programs about which we have no evidence whether or not they will work.

The Department of Education now is spending, I think, $15 billion under Federal programs supporting elementary and secondary education, and we do not know if they are working. As far as we can tell, little or nothing is working. So we have to get in there and make a careful examination of these programs. That is what we should be doing—and what we are doing—through the reauthorization process. We have already had hearings to find out what is working, what is not working, and why is it not working. We will have further hearings to explore these issues. I cannot even tell now, from reading reports, from research, or anything, what impact this money is having. Before we start new programs with large sums of money, we ought to at least know whether the ones we are supporting now are working. We simply cannot go charging off to try to grab scarce resources to fund programs that are not effective.

We in no way are trying to hold things back. We want to give help immediately to the States in order to loosen up existing resources to help the local communities improve their schools.

I really get a little bit excited when the claim is made that we are trying to stop things from happening, when our whole purpose here is to try to make available to all 50 States the opportunity to improve their ability to deliver quality education. Then, we must have the hearings we need so we can go forward responsibly in reviewing Federal efforts in elementary and secondary education in their totality and do what our job is supposed to be.

Some examples: The program which has been mentioned with respect to afterschool activities is one which I authored in 1994 and which was enacted as part of the Elementary and Secondary Education Act reauthorization bill that year. That program—21st Century Schools—already exists. The President has embraced it as his own. He now thinks it is a great initiative, after previously refusing to put any money in it at all. I am happy that that program is now funded and is likely to receive further funding increases. I am also aware that the President would like to see changes in the program, but this is not the time to try to suddenly put them in place. We need to go through the regular authorization process. I am anxious to do just that, but I want to do it right.

We are just trying to proceed in an orderly fashion. I hope that we have an opportunity, even tomorrow, to move this bill forward. We can pass it tomorrow. Then, let us put all our effort into hearings on elementary and secondary education so that when we do things, we know what we are going to do, and hopefully we will find some things that will work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate has now been debating the pending education flexibility bill for approximately a day and a half. There has been some good debate. A number of Senators have been able to speak on behalf of this very important bipartisan legislation that is supported by the President and supported by the bipartisan National Governors' Association. I am pleased that we have it up early in this session, and I am pleased that we made some progress.

But while progress has been made on this vital piece of legislation, I am beginning to sense now that there is a feeling of gridlock on the part of our Democratic colleagues, if they are not successful in offering nongermane amendments or if they are not able to offer them in the way they would like to. I hope this is not true.

I know there is a genuine effort on both sides of the aisle to work through a way we can get to completion of this legislation in a reasonable time next week, so that we can move on to the next bill that will be considered, including the emergency appropriations supplemental bill which was, I believe, reported out of the Committee on Appropriations this afternoon.

CLOTURE MOTION

Mr. LOTT. Mr. President, in order to assure prompt passage of the bill, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Robert Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, and Judd Gregg.

CALL OF THE ROLL

Mr. LOTT. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Under rule XXII, this cloture vote will occur then on Monday, March 8. I ask unanimous consent that the cloture vote occur at 5 p.m. on Monday and that there be 1 hour prior to the vote to be equally divided between Senators JEFFORDS and KENNEDY for debate only.

Mr. KENNEDY. Reserving the right to object, will the leader ask for 2 hours equally divided? Is that agreeable?

Mr. LOTT. I think that is fine, Mr. President. I amend my request to that effect, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Again, I hope progress can be made on the bill. There have been some proposals going back and forth, and we will continue to work on those, hopefully later on tonight. Tomorrow morning, Friday, when we are in session, there will be a recorded vote, hopefully by 10:30 a.m., and we will then give the Members a report on what action, perhaps, has been agreed to beyond that.

I know Members from both sides of the aisle will be working on this. If progress is not made, then we will go forward with cloture. If something can be worked out—and I think it can; I hope it will be—then certainly we can take action to vitiate this cloture vote.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MISS RUBY McGILVRAY BRYANT: AN UNSUNG AMERICAN HEROINE

Mr. LOTT. Mr. President, today Miss Ruby McGilvray Bryant of Jackson, Mississippi, was recognized by the Mitsubishi USA Foundation and PBS Television's "To the Contrary" as one of America's four Unsung Heroines.

"Miss Ruby," as she is lovingly called, has served her Mississippi community for the better part of three decades. She has been instrumental in creating a number of programs to help physically and mentally challenged children and adults.

It all started thirty years ago when Miss Ruby looked for a way to give disabled children and adults a camp experience similar to the one other campers were enjoying. Working with the Mississippi State Park system, she created a one-week summer camp program full of activities including a beauty pageant where everyone wins—everyone gets his or her moment in the spotlight. With the help of Dream Catchers, a volunteer organization serving the disabled, campers also get to experience the thrill of horseback riding. Miss Ruby even went the extra mile by helping to raise the money needed to send a number of children and adults to this special camp. However, her efforts did not stop there. She also organized a number of other activities throughout the year such as hayrides and banquets.

Miss Ruby also fostered the development of the "the Mustard Seed," a local residential home in Brandon, Mississippi, for disabled persons to live when their parents have passed away. The Mustard Seed teaches "life skills" so the disabled can be what they want most, independent and productive individuals.

She was also the driving force behind "Calvary Care," a program that provides all-day activities for the physically and mentally challenged in a safe and loving environment. Participants are taken on field trips to such places as the zoo or the museum. They also have an opportunity to share fun and fellowship, to experience the small things in life that many of us take for granted. This program also helps parents and other loved ones gain some much-needed time for themselves. "Calvary Care" attracts families from as far as 100 miles away because there is no similar program.

"Lady Talk," another of Miss Ruby's successful programs, is aimed at women who have little or no contact with the outside world. Many of its participants are former residents of mental institutions who have been long forgotten or abandoned by family members. Miss Ruby takes these women to a church facility for a day full of activities and social interaction. She makes sure that each woman is well fed and clothed and that each woman has someone to listen to their needs and problems.

As the director of the Sunday school special education program at Calvary Baptist Church since 1969, Miss Bryant has ensured that mentally and physically challenged individuals learn the Bible's teachings and play an active role in the ministry. Here, the children refer to her as "Sweet Momma."

Miss Ruby is an inspiration to us all. She teaches us that kindness, love, and patience are strong virtues. That self sacrifice is its own reward. That all of us, regardless of our abilities, are God's children and deserve respect and dignity. Most importantly, Miss Ruby is a shining example of how one person truly can make a positive difference in the life of so many others.

Miss Ruby is a heroine for Mississippi and heroine for America—for everything she has accomplished on behalf of the disabled and everything she will continue to do.

I ask my colleagues to join me in paying special tribute to Miss Ruby McGilvray Bryant for her thirty years of dedicated service to the physically and mentally challenged, and their families, and for being recognized as an Unsung American Heroine.

APPRECIATION FOR THE SENATE SERVICE OF WILLIAM J. LACKEY

Mr. DASCHLE. Mr. President, the Senate recently bid farewell to a long-time employee, William J. Lackey, who retired from the position of Journal Clerk. Bill was a familiar presence on the Senate dais, faithfully and accurately recording the daily proceedings of the Senate.

In fact, the Constitution requires that "each house of Congress shall keep a journal of its proceedings, and from time to time . . . publish the same." The Journal is the highest authority on actions taken by the Senate and can only be changed by a majority vote or by unanimous consent. Bill was responsible for recording the minutes of the Senate's legislative proceedings for publication as the annual Senate Journal. He always undertook this responsibility with great professional diligence and attention to detail.

In total, Bill gave 35 years of service to the Senate, more than 20 of those in the Office of the Journal Clerk. We all owe a debt of gratitude to Bill for his faithful and dedicated service, and wish him well in his retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 3, 1999, the federal debt stood at $5,653,396,336,274.78 (Five trillion, six hundred fifty-three billion, three hundred ninety-six million, three hundred thirty-six thousand, two hundred seventy-four dollars and seventy-eight cents).

One year ago, March 3, 1998, the federal debt stood at $5,528,587,000,000 (Five trillion, five hundred twenty-eight billion, five hundred eighty-seven million).

Five years ago, March 3, 1994, the federal debt stood at $4,546,225,000,000 (Four trillion, five hundred forty-six billion, two hundred twenty-five million).

Ten years ago, March 3, 1989, the federal debt stood at $2,745,475,000,000 (Two trillion, seven hundred forty-five billion, four hundred seventy-five million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,907,921,336,274.78 (Two trillion, nine hundred seven billion, nine hundred twenty-one million, three hundred thirty-six thousand, two hundred seventy-four dollars and seventy-eight cents) during the past 10 years.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 603. An act to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation incidents.

H.R. 661. An act to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 40. Concurrent resolution honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

The message further announced that pursuant to section 103 of Public Law 99-371 (20 U.S.C. 4303), the Speaker appoints the following Member of the House to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

The message also announced that pursuant to section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints the following Member of the House to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Chairman.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. PORTER of Illinois.

The message also announced that pursuant to section 1505 of Public Law 99-498 (20 U.S.C. 4412), the Speaker appoints the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. YOUNG of Alaska.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 603. An act to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation incidents; to the Committee on Commerce, Science, and Transportation.

H.R. 661. An act to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations; to the Committee on Commerce, Science, and Transportation.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2012. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Final Rule" (FRL6304-8) received on February 25, 1999; to the Committee on Environment and Public Works.

EC-2013. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Special Trustee for American Indians; to the Committee on Indian Affairs.

EC-2014. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a proposed Plan Amendment to allow the Department of Energy to acquire oil for the Strategic Petroleum Reserve received on February 11, 1999; to the Committee on Energy and Natural Resources.

EC-2015. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Director, Bureau of Land Management; to the Committee on Energy and Natural Resources.

EC-2016. A communication from the Secretary of Labor, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Assistant Secretary of Labor for Policy; to the Committee on Health, Education, Labor, and Pensions.

EC-2017. A communication from the Members of the Railroad Retirement Board, transmitting, a report entitled "Congressional Justification of Budget Estimates for Fiscal Year 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-2018. A communication from the Office of the Marshal, Supreme Court of the United States, transmitting, pursuant to law, the Marshal's Annual report on the cost of the protective function provided by the Supreme Court Police to Justices, official guests and employees of the Supreme Court; to the Committee on the Judiciary.

EC-2019. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Premerger Notification: Reporting and Waiting Period Requirements" received on March 1, 1999; to the Committee on the Judiciary.

EC-2020. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Base Operating Support Functions at Dobbins Air Reserve Base, Georgia; to the Committee on Armed Services.

EC-2021. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, notice of a determination allowing the Department of Defense to procure articles containing para-aramid fibers and yarns manufactured in a foreign country; to the Committee on Armed Services.

EC-2022. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report on the event-based decision making for the F-22 aircraft program for fiscal years 1999 and 2000; to the Committee on Armed Services.

EC-2023. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Presidential Determination to allow for the use of funds from the U.S. Emergency Refugee and Migration Assistance Fund to meet urgent and unexpected needs of persons at risk due to the Kosova crisis; to the Committee on Foreign Relations.

EC-2024. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the President's determination regarding certification of the 28 major illicit narcotics producing and transit countries; to the Committee on Foreign Relations.

EC-2025. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the Department's annual report entitled "International Narcotics Control Strategy Report" for 1999; to the Committee on Foreign Relations.

EC-2026. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's Management Report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998; to the Committee on Governmental Affairs.

EC-2027. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the Integrity Act reports for each of the Executive Office of the President agencies, as required by the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-2028. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2029. A communication from the Executive Director of the Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated February 24, 1999; to the Committee on Governmental Affairs.

EC-2030. A communication from the Director of the Office of Personnel Management, transmitting, a report entitled "Poor Performers in Government: A Quest for the True Story"; to the Committee on Governmental Affairs.

EC-2031. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the Administration's 1999 Aviation System Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC-2032. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone" (I.D. 111898B) received on February 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2033. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the Services' report on the Apportionment of Regional Fishery Management Council Membership in 1998; to the Committee on Commerce, Science, and Transportation.

EC-2034. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report entitled "Private Land Mobile Radio Services" (Docket 97-153) received on February 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2035. A communication from the Secretary of Transportation, transmitting, revised performance goals and corporate management strategies for the Department's fiscal year 1999 Performance Plan; to the Committee on Commerce, Science, and Transportation.

EC-2036. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands" (I.D. 021299A) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2037. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Regulations for the Publication, Posting and filing of Tariffs for the Transportation of Property by or with a Water Carrier in the Noncontiguous Domestic Trade" received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2038. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—1999 Update" received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2039. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment" (RIN0648-AI84) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2040. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations; Commerce Control List" (RIN0694-AB77) received on February 25, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2041. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards: Tier 1 Leverage Ratio" (Docket R-0947) received on February 25, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2042. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investment in Mutual Funds" (Docket R-0948) received on February 25, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2043. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Monetary Policy Report dated February 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2044. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Publication or Submission of Quotations Without Specified Information" received on March 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2045. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Securities on Form S-8" (RIN3235-AG94) received on March 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2046. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Rule 504 of Regulation D, the 'Seed Capital' Exemption" (RIN3235-AH35) received on March 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2047. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 701—Exempt Offerings Pursuant to Compensatory Arrangements" (RIN3235-AH21) received on March 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2048. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a report entitled "Frequently Asked Questions About the Statement of the Commission Regarding Disclosure of the Year 2000 Issues and Consequences to Public Companies"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2049. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption of the Securities of the Kingdom of Belgium under the Securities and Exchange Act of 1934 for Purposes of Trading Futures Contracts on Those Securities" (RIN3235-AH46) received on March 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2050. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, a draft of proposed legislation to extend the Corporation's operating authority to September 30, 2003; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-19. A resolution adopted by the Board of Chosen Freeholders of the County of Monmouth, New Jersey, relative to Veterans' health care; to the Committee on Veterans' Affairs.

POM-20. A resolution adopted by the Texas and Southwestern Cattle Raisers Association relative to animal health; to the Committee on Finance.

POM-21. A resolution adopted by the Board of Selectmen, New Ashford, Massachusetts, relative to human rights in East Timor; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 544. An original bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 106-8).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 249. A bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself, Mr. KERREY, Mr. CRAIG, Mr. BURNS, Mr. HAGEL, Mr. DASCHLE, Mr. CONRAD, Mr. BAUCUS, Mr. GRASSLEY, Mr. JOHNSON, Mr. HARKIN, and Mr. DORGAN):

S. 529. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORTON (for himself and Mr. SMITH of Oregon):

S. 530. A bill to amend the Act commonly known as the "Export Apple and Pear Act" to limit the applicability of that Act to apples; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, and Mr. HARKIN):

S. 531. A bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S. 532. A bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBB (for himself and Mr. Warner):

S. 533. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 534. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. Robb):

S. 535. A bill to amend section 49106(c)(6) of title 49, United States Code, to remove a limitation on certain funding; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 536. A bill entitled the "Wendell H. Ford National Air Transportation System Improvement Act of 1999"; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 537. A bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993; to the Committee on Finance.

By Mr. ASHCROFT:

S. 538. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 539. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket, to replace the Consumer Price Index with the national average wage index for purposes of cost-of-living adjustments, to lessen the impact of the noncorporate alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. Inhofe, Mr. Conrad, Mr. Kerry, Mr. Daschle, Mr. Inouye, Mr. Wellstone, Mr. Sarbanes, Mr. Kerrey, Mr. Kennedy, Mr. Dorgan, Mr. Reid, Mr. Baucus, Mr. Bryan, and Mrs. Boxer):

S. 540. A bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 be treated for purposes of the low-income housing credit in the same manner as comparable assistance; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. Murkowski, and Mr. Roberts):

S. 541. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. Wyden, Mr. Hatch, Mr. Kerrey, Mr. Coverdell, Mr. Daschle, Mr. Jeffords, Mr. Lieberman, Mr. Allard, Mr. Gorton, Mr. Burns, and Mr. McConnell):

S. 542. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Frist, Mr. Jeffords, Mr. Hagel, Ms. Collins, Mr. Enzi, and Mr. Hutchinson):

S. 543. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS:

S. 544. An original bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HOLLINGS (for himself and Mr. Rockefeller) (by request):

S. 545. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 1999, 2000, 2001, 2002, 2003, and 2004, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 546. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. Mack, Mr. Lieberman, Mr. Warner, Mr. Moynihan, Mr. Reid, Mr. Jeffords, Mr. Wyden, Mr. Biden, Ms. Collins, Mr. Baucus, and Mr. Voinovich):

S. 547. A bill to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate potential environmental impacts from greenhouse gas emissions; to the Committee on Environment and Public Works.

By Mr. DeWINE:

S. 548. A bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 549. A bill to redesignate the Coronado National Forest in honor of Morris K. Udall, a former Member of the House of Representatives; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 550. A bill to provide for the collection of certain State taxes from an individual who is not a member of an Indian tribe; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S. 551. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. Mack, Mr. Torricelli, Mr. Helms, Mr. DeWine, Mr. Robb, and Mr. Smith of New Hampshire):

S. Res. 57. A resolution expressing the sense of the Senate regarding the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 58. A resolution relating to the retirement of Barry J. Wolk; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. Wellstone, Mr. Smith of Oregon, Mr. Thomas, Mr. Torricelli, and Mr. Grams):

S. Con. Res. 14. A concurrent resolution congratulating the state of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. Kennedy, Mr. Kyl, Mr. Feingold, Mr. Hagel, Mr. Leahy, Mr. Smith of Oregon, Mr. Lautenberg, Mr. Campbell, Mr. Inouye, Ms. Snowe, Mr. Levin, Mr. Stevens, Mr. Sarbanes, Mr. Specter, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. DeWine, Mr. Kohl, Mr. Cochran, Mr. Bingaman, Mr. Allard, Mrs. Boxer, Mr. Bennett, Mr. Kerrey, Mr. Craig, Mr. Reid, Mr. Wellstone, Mr. Moynihan, Mr. Akaka, Mr. Daschle, Mr. Kerry, Mr. Lieberman, Mr. Baucus, Mr. Durbin, Mr. Rockefeller, Mr. Harkin, Mr. Schumer, Mrs. Feinstein, Mr. Wyden, Mr. Byrd, Mr. Hollings, Mrs. Murray, Mr. Torricelli, and Mr. Grams):

S. Con. Res. 15. A concurrent resolution honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself, Mr. Kerrey, Mr. Craig, Mr. Burns, Mr. Hagel, Mr. Daschle, Mr. Conrad, and Mr. Baucus):

S. 529. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE FOR THE 21ST CENTURY ACT

Mr. ROBERTS. Mr. President, I rise today, along with my colleague, Mr. Kerrey of Nebraska, to introduce a bill that we call the Crop Insurance for the 21st Century Act. We believe this bill represents an important step in improving the Federal Crop Insurance Program, and in creating greater access to the risk management tools that our farmers and ranchers simply must have.

Senator Kerrey and I, and many others who are privileged to represent the agriculture community, have long discussed the need to address reforms to the Crop Insurance Program. However, the necessary demands from the agriculture community and the Congress to successfully reform this program, in my personal opinion at least, did not reach a crescendo until last fall when we approved something called the omnibus appropriations bill, and that contained approximately $6 billion in disaster assistance for our farmers and ranchers.

I am sure, while Republicans and Democrats and individual agricultural groups were unable to agree on the necessary size and scope of the disaster package, one thing became abundantly clear to all involved—if we had a Crop Insurance Program that worked, without question, the situation would not have been so serious.

This has been a longstanding effort. I can remember well, back in 1978, when I was a staff member in the House of Representatives to my predecessor, that was when the Crop Insurance Program was first established. It has been 20 years, and we still have an obligation to reform the program and make sure that it works for all regions, all farmers, all commodities.

In response to the demands for the improved risk management tools, Senator KERREY and I committed to pursuing major crop insurance reforms in this Congress. To aid us in this task, last November we contacted all of the major farm organizations and all of the commodity groups, all of the crop insurance companies, all of the agricultural lending groups, and requested their guidance on these issues. We were listening. We wanted to find out their advice in regard to what do we need to pay attention to, what is the most serious issue that we need to address in the Crop Insurance Program. We received feedback from over 20 of these major organizations.

These comments we received served as a guidepost in developing this legislation. And, while the comments received were wide ranging, there was near consensus in several areas.

These included as follows: First, the need for increased levels of coverage at affordable prices to all producers. Second, we need expanded availability of revenue-based insurance products. Third, program changes to address the needs of producers suffering multiple crop failures. Fourth, structural changes to the Risk Management Agency—the acronym for that is RMA, and that is what I will call it from now on, but it is the Risk Management Agency—that will allow for increased access to new and improved crop insurance policies.

Senator KERRY and I took these comments to heart, and the legislation we are introducing today has been developed in large part by really trying to work to incorporate these comments into legislative language.

Our bill inverts this existing subsidy structure. Currently, many producers do not purchase the highest levels of coverage because the greatest level of Government assistance simply occurs at the lowest levels of coverage. This often makes the higher levels of coverage simply unaffordable. It causes many producers to have insufficient coverage, which eventually leads to calls for the ad hoc disaster bills that are so expensive. We cannot continue to pass a disaster package every year.

I tell the Presiding Officer, we were just discussing this in a previous meeting, it costs the Federal Government about $1.5 billion on average in regard to the disaster bills. They seem to occur on even numbered years. I think the Presiding Officer knows what I am talking about. We cannot afford that.

Therefore, under our legislation, the highest level of subsidy will occur at the 75/100 coverage levels. While the inversion of subsidies will be the most important change for many producers, we have included several changes that we believe will benefit America's farmers and ranchers. These include, first, the average production history—that is called APH in the crop insurance acronym world—APH adjustments for producers that have no production history because they are beginning farmers or they are farming new land or they are rotating crops.

Let me add, at this juncture, that is exceedingly important, because under the farm bill that how exists, farmers have a lot more flexibility, and when they move to a new crop, obviously, they ought to be able to simply insure that crop.

Second, mandating APH adjustments for producers suffering from crop losses in multiple years. Third, requiring the RMA to work to undertake a pilot project to develop new rating structures for undeserved areas of the country, and particularly the southern part of the United States, with the intention it will eventually become a permanent change in the program.

Here is a suggestion or a part of the bill that will be of interest to Senator THOMAS—removing the prohibition on coverages for livestock. I just indicated that we had a good visit this morning about this very subject. The livestock sector is going through a very difficult time in our country today. We need to address this problem with regard to insurance and how it would dovetail into the livestock industry and give our stockmen and our ranchers some protection.

In addition, the legislation provides for major changes in the structure of the RMA, the FCIC, that will allow for accelerated product approval and the development of improved crop insurance policies. Many people understand the Risk Management Agency serves as a regulator over the crop insurance industry. What many do not know is that this same outfit, the RMA, also serves as a developer for products that are then sold in direct competition with privately developed products. Thus, the RMA serves as a competitor with the industry it is supposed to regulate.

I am aware of no other private industry that faces these same hurdles. Senator KERREY and I believe it is time to change this culture that has often served as a roadblock to producer access to new and improved products. Our legislation will, first, change the structure of the FCIC board of directors to bring reinsurance and expertise in the agriculture economy to the board. Second, make the FCIC the overseer of the RMA. Third, allow the RMA to continue to develop policies for specialty crops and underserved areas.

Fourth, to create an Office of Private Sector Partnership to serve as a liaison between private sector companies and the FCIC board of directors. Fifth, to leave the final approval or disapproval of all policies in the hands of the board. And, finally, allow companies to charge a minimal fee on each policy when one company decides to sell another company's product. Hopefully, Mr. President, this will allow the companies to recover the research and development costs and will encourage the creation of new policies.

While these steps will not be the answer to solving all of the problems in the Crop Insurance Program, we believe they will be an important step. Each year our producers put the seed in the ground with great faith and optimism and believe that, with a little faith and a little luck and the good Lord willing and the creeks not rising, they will produce a crop. But the task is not easy. Between the multiple risks of drought and flood and fire and hail and blizzard and disease and insects and also a little market interference in regard to the Federal Government, it often seems the deck is stacked against them. If producers do survive these risks, they are often still at the mercy of weakened exports, and Asian flu or the global contagion, as we call it, caused by a global financial crisis and inadequate access to foreign markets.

I will be the first to admit that reforming this program cannot come without budgetary costs. At the same time, I can think of no other industry that faces the number of multiple risks that must be addressed on an annual basis by those in production agriculture.

Congress must not and cannot be forced to pass these ad hoc disaster bills every year. We must give our producers the risk management tools that they need. I believe this legislation is an important first step, and I ask our colleagues to join Senator KERREY and myself in this difficult but absolutely vital task.

I yield the remainder of my time to my good friend and colleague, the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise today to introduce with Senator ROBERTS the Crop Insurance for the 21st Century Act.

This bill will make crop insurance more affordable, more flexible, and more responsive to the changing needs of farmers.

That has been our goal from the start, when we asked for help from farmers in Nebraska, in Kansas, and from the many farm, commodity, banking and crop insurance interests that work with producers. They responded with a multitude of ideas, and those ideas form the basis for this bill.

The basic structure of the crop insurance program was set out in 1980, and much of that structure remains in place today.

Congress last reformed the crop insurance program in 1994, when we created new opportunities for private sector delivery of policies and risk sharing. And our success has been great—more than 181 million acres are enrolled in the program today, up almost 100 million acres since 1993.

But we are now seeing participation on the decline. That is cause for concern.

And last year, we discovered more cause for concern. Farmers in the northern plains who had been reliable buyers of crop insurance found that it was no longer offering much protection, after repeated years of weather-related disasters.

Other farmers across the country made the seemingly improbable decision not to buy a 100 percent subsidized catastrophic policy because they found it worthless—so worthless they wouldn't spend even $50 for the administrative fee. And they then chose not to purchase a buy-up policy, either.

And of greatest concern was the inevitable ad hoc disaster program, which Congress had theoretically eliminated in 1994. We spent an additional $6 billion on disaster aid last year in part to make up for these problems. And there are no substantive changes in the program to ward off another disaster bill this year.

We will spend at least $18 billion this fiscal year to support agriculture. And the crisis is only deepening.

Will this bill fix that crisis? No. Crop insurance does not and can not provide income. If you're getting a check from your insurance company—for your car, or your house, or your farm—you've lost money.

But the program today no longer provides even enough support to keep most farmers in business after a couple of loss years. How can it, when most of them have a 35 percent deductible? For a farm operation with $500,000 worth of production, that means the farmer absorbs the first $175,000 of loss.

Let me give you an example of how the economics of crop insurance work today. Doug Schmale of Lodgepole, NE, grows about 1,500 acres of wheat on his farm. He's a believer in crop insurance and buys it every year. And now he buys CRC, because he understands that covering revenue is an improvement over just covering yields.

Doug says the reason he only buys 65 percent coverage is because, "That's where it makes the most sense, because that's where the government puts the money. But it's still not adequate."

Doug is insuring 26 bushels of wheat per acre, which he admits is nowhere close to what he can live on. And since 1987 he's only collected on his insurance policy twice. And he pays about $8,000 a year to buy it, every year.

What Doug wants is to buy a 75 percent CRC policy. But if he does that today, his costs will more than double. He'll go from $4.72 an acre to $9.75. And that's not even an option when wheat is only worth $3.00.

Doug says that this bill will finally make coverage affordable for him. He'll get enough coverage—at a price he can afford—to stay in business if he has two bad years in a row.

There's been a lot of talk about "safety nets" over the past few years. And we all know that we wouldn't insure our houses with a 35 percent deductible. But the economics of agriculture say to farmers, "Underinsure," especially now, when every dollar per acre makes an enormous difference.

Congress must help change that message. Our message to farmers must be, "We want you to insure your farm operation for enough coverage that your policy has some value. We want you to be able to take into account crop rotation, new crops and new land. If you have an unbelievable run of bad luck with the weather, we want crop insurance to help you stay in business.

"And we will help you do it."

Additionally, this bill recognizes that many farmers are trying new crops and in fact other government policies have encouraged them to do so. The crop insurance program offers little option but to underinsure or go without coverage. This bill would required changes in the program to take that into account.

And just as importantly, this bill takes a big step toward restructuring the agency that oversees the program. Unbelievably, the statute now makes the board of directors responsible for reporting to the government agency, instead of having the agency report to the Board. We'll put the board of directors at the top of the hierarchy where they belong.

By making changes in the administration of the program, we'll come closer to the flexible and responsive risk management program that farmers expect. That may be the most important thing we accomplish.

Senator ROBERTS and I have worked together on crop insurance in the past, and we are happy to take the lead again. And I reiterate: this is not the panacea to the financial crisis in rural America, but it is a worthwhile first step.

I look forward to a renewed spirit of bipartisanship on ag issues, and we are starting here today.

Mr. President, quite simply, this piece of legislation will make crop insurance more affordable, more flexible and more responsive to the changing needs of farmers. That has been our goal from the start, for farmers in Nebraska, farmers in Kansas and farmers throughout the country.

The basic structure of the Crop Insurance Program was set in place in 1980. Much of that structure remains in place today. The last time Congress changed the law was in 1994, and at that time we created new opportunities for private sector delivery of policies and risk sharing. It is a model, in my judgment, Mr. President, that has worked.

The taxpayers take half the risk; the private sector takes half the risk. They are the ones out selling the product and, as a consequence, there is far less taxpayer exposure than there would be otherwise. Senator ROBERTS just alluded to it. In fact, I think he did more than just allude to it. He said it directly.

The ad hoc disaster program we believed we were ending in 1994, when we passed the crop insurance bill, well, it came back last year with a vengeance for $6 billion. It is not a very efficient way of helping businesspeople, family-operated farms that suffer losses. It is a very inefficient way. Typically it costs us a great deal more money and typically it does not benefit the people who need it the most.

What crop insurance gives the farmer is a management tool that they can use to manage risk. It is not a replacement for other programs. It is not a replacement for income. It is a tool that they can use to manage the considerable risk of manufacturing a product outside.

In 1994, after we created the program, we met with considerable success. We had 181 million acres that were enrolled in the program—that is up from 100 million acres enrolled in 1993—but we are seeing participation rates decline. Last year we discovered more cause for concern when farmers in the northern plains who had been reliable buyers of crop insurance found that it was no longer offering much protection. They were unwilling to buy a 100-percent subsidized catastrophic policy because they found it was worthless. It is only 50 bucks, but they are telling us that it is worthless.

Other concerns were expressed by farmers, to both Senator ROBERTS and I, and many other Members of Congress, about how to make this Crop Insurance Program work. We have tried, with this piece of legislation, to do that, by inverting the subsidies, by equalizing the subsidies for revenue insurance, by allowing revenue insurance to be offered for price as well as for yields, by changing the APH for multiyear losses, as well as making changes for farmers that are coming on line for the first time, by allowing livestock to be covered for the first time, a permissive piece, and, most importantly for me, by restructuring the Risk Management Agency itself, making the Risk Management Agency director responsive to the board and bringing on a new private sector entity to evaluate reinsurance and evaluate what, indeed, the market itself wanted to do.

Mr. President, I would like to talk specifically about one individual, a man by the name of Doug Schmale from Lodgepole, NE. He grows about 1,500 acres of wheat on his farm. He likes crop insurance. He buys it every year and has bought it since 1987. He has collected but twice.

I talked to him about the details. Listen to his details. It is the same thing we are hearing from farmers throughout the country. He buys 65 percent coverage, he said, because "that's where it makes the most sense, because that's where the Government puts the money. But it's not adequate."

It doesn't provide him with the protection he needs. That means he will be insuring about 26 bushels an acre, which he admits is nowhere close to what he can produce, nowhere near the kind of losses he would expect if he were to suffer a loss on that crop.

What he would like to do is buy a 75 percent crop recovery policy. If he does that, the premiums are so high that, given the price of wheat, he cannot afford to buy it.

Again, Mr. President, we are not talking about throwing a bunch of money out here. We are talking about allowing these subsidies to change so the private sector can sell the product easier. I must emphasize this over and over, that what crop insurance represents for the taxpayer is a terrific way to put a product out there to manage risk, because the private sector assumes half the loss. The private sector will suffer a significant loss if there are losses. So they are not going to be out there underwriting policies for things that they consider to be too risky, because they are on the line for half the loss.

This piece of legislation represents a substantial step forward. We have pilot projects in there for beginning farmers. We have pilot projects in there, as well, for many of our southern friends who are concerned that cotton, because it is a lower-cost product, has not been able to get good underwriting. We have tried to accommodate concerns for many other crops as well.

We believe that if we can get this legislation passed this year, it will be a giant step forward from what we had in 1994 and will continue us in the direction of saying that we are not going to have ad hoc disaster programs. We are going to allow the farmer himself to have a product that enables him to manage that risk and reduce the risk associated with a rather risky endeavor of production agriculture.

I don't know if the Senator from Kansas has anymore enlightened, humorous remarks to make. I wonder if the Senator from Kansas will agree that what we saw after we passed the law in 1994 was a substantial increase in the number of acres that are covered, and the program is working, but we have kind of hit a wall. We reformed it considerably. We are moving more toward the market, but we have hit a wall.

The market is basically saying, "We have products that we can sell; our farmers will buy the products." But here are changes we need to make in this law and if you make these changes, we think you will find more acreage is underwritten, more satisfied customers and less need for ad hoc disaster, as a consequence.

Mr. ROBERTS. Mr. President, if I may respond to my distinguished friend, the whole goal of this is to provide the farmer and rancher with the risk management tools to enable that decisionmaking to be made by the individual producer as opposed to those of us in Washington who respond, as I indicated before, it seems like almost even numbered years to the plight of those who are experiencing disasters. We think this program or this reform will certainly represent a lot more consistencies.

Yes, it will cost money, but if you add up the average $1.5 billion that we have paid in disaster programs, not to mention the $6 billion emergency bill as of last year, of course that is reflective of the loss of export demand we have seen because of the economic problems all over the world. But I certainly agree with my colleague and my cosponsor.

Mr. President, I have several unanimous consent requests, I tell my colleague, if I may offer them at this point.

Mr. President, I ask unanimous consent that Senators CRAIG, BURNS, HAGEL, DASCHLE, CONRAD, and BAUCUS be added as original cosponsors on the bill just introduced by Senator KERREY and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I further ask unanimous consent that any Senator wishing to be added to this legislation as an original cosponsor be allowed to do so prior to the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate that growing list of cosponsors. I hope this is a piece of legislation which we can persuade our friends on the Budget Committee to make room for. It will save us money in the long term. It will save us and prevent us from spending multibillions of dollars a year on ad hoc disaster assistance in some kind of a supplemental appropriation. I hope very much that we are able to get some additional room.

I was disappointed we did not see it in the President's budget. He has a lot of new spending priorities. I think if we put this a bit ahead of some of the spending priorities, we ought to make room for it.

I promise my colleagues, if we do that, if we change the law in this way, you will find we will be saving money in the long term trying to make certain that family-based agriculture, one of the most important parts of our economy, still producing this year at least $20 billion worth of surplus in trade—it is going to be down a it in 1999, but it is still an enormously important part of our economy—I assure my colleagues if we get room in our budget to include the cost of this expansion of crop insurance that it will save us money in the long term.

Mr. CRAIG. Mr. President, I rise today to join my good friends and colleagues Senators ROBERTS and KERREY as a cosponsor of legislation being introduced today to reform the Federal agricultural crop insurance program. I am proud to stand with these leaders in purposing sweeping legislation to bring back some normalcy to our Nation's farm economy and expand the risk management tools available to our farm and ranch families.

The bill addresses several concerns farmers from my state and I have about the current crop insurance program. Specifically, I am pleased that the legislation includes provisions to establish an APH history adjustment for beginning farmers and multi-year disasters. In addition, removing the exclusion for livestock coverage is long overdue.

By cosponsoring this legislation today, I do not wish to imply that our search for meaningful crop insurance reform ideas has been completed. Just the contrary—I see this bill as a reasonable and appropriate first step toward our long-term goal of providing real risk management tools to our farmers and ranchers.

While I am pleased that the bill includes provisions that allow the Risk Management Agency to develop policies for "speciality" or "minor" crops and for crops in under-served areas, I look forward to working with my colleagues to develop even stronger and more beneficial risk management tools for these producers. Idaho's great agricultural economy is based on minor and nontraditional crops. We lead the nation in the production of such crops as potatoes, winter peas, and trout. Idaho is second in the production of seed peas, lentils, sugar beets, barley and mint. Furthermore, we are in the top five states in the production of hops, onions, plums, sweet cherries, alfalfa, and American cheese.

The needs of these producers are just as important as those of more traditional farm commodities. I want to assure my colleagues that I will continue to work for the resolution of this and other matters as our effort to reform Federal crop insurance progresses.

By Mr. GORTON (for himself and Mr. SMITH of Oregon):

S. 530. A bill to amend the Act commonly known as the Expert Apple and Pear Act to limit the applicability of that act to apples; to the Committee on Banking, Housing, and Urban Affairs.

EXPERT APPLE AND PEAR ACT AMENDMENTS

Mr. GORTON. Mr. President, I rise today to introduce legislation amending the 1933 Export Apple and Pear Act to provide for the expansion of pear exports.

Currently, all apple and pear exporters must follow the guidelines set forth in the Act when negotiating overseas sales of these commodities. According to the Act, only high grade apples and pears are to be sold in foreign markets. Should an exporter decide to broker a deal with another country involving lower grade apple and pears, the U.S. Department of Agriculture must provide a waiver to farmers allowing them to do so.

While growers have prospered under the 1933 Export Apple and Pear Act, more and more countries have requested to purchase lower grade pears. The purpose of this legislation is to eliminate pears from the Export Apple and Pear Act allowing growers and exporters the ability to expand the market for low grade pears without having to approach USDA in each instance for a waiver.

There is no doubt that the Pacific Northwest fruit industry is facing a difficult year financially. I believe this bill provides one additional mechanism necessary for an economically strapped industry to access additional markets while still promoting a quality U.S. product.

Mr. SMITH of Oregon. Mr. President, I rise to comment on a bill I have introduced today that will provide Oregon pear producers the flexibility they need to meet the demands of their foreign customers.

With continued low commodity prices in nearly all sectors of American agriculture, and with financial uncertainty in many of our export markets, now is the time for the Congress to do all it can to remove unnecessary hindrances to sales of farm products abroad. The legislation which I have introduced today with my colleague, the senior senator from the state of Washington, would delete references to pears in the Export Apple and Pear Act. Under the Export Apple and Pear Act, only pears meeting Federal high quality standards are allowed to be exported. Although this standard served the purposes of the pear industry when the Export Apple and Pear Act was originally enacted in 1933, it has increasingly become an obstacle to U.S. pear producers who desire to enter new markets through the export of lower grade pears. In recent years, pear producers have had to obtain special waivers from USDA in order to sell lower grade pears to the emerging markets of Russia and Latin America. With American agriculture increasingly a part of a larger, global economy, U.S. pear producers need the Congress to remove this antiquated regulatory hurdle to expanded pear exports.

Perhaps my colleagues noted that the companion bill to this legislation, H.R. 609, was adopted unanimously by the House of Representatives earlier this week. The swift passage of this legislation in the House is the result of the clear consensus of both the pear industry and the Department of Agriculture that the inclusion of pears in the Export Apple and Pear Act is no longer necessary.

Mr. President, from Hood River, in the shadow of Mount Hood, to the Rogue Valley, just north of California, the pear industry has long been a key part of the success of Oregon agriculture. With the regulatory relief provided by this bill, I believe that pear producers in Oregon and around the country will have the ability to continue to compete effectively overseas and prosper at home. I urge my colleagues to join Senator GORTON and myself in support of early adoption of this legislation.

By Mr. ABRAHAM (for himself, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, and Mr. HARKIN):

S. 531. A bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO AUTHORIZE THE PRESIDENT TO AWARD A GOLD MEDAL ON BEHALF OF THE CONGRESS TO ROSA PARKS.

Mr. ABRAHAM. Mr. President, I rise today along with Senators SESSIONS, LEVIN, KENNEDY and HARKIN to introduce an important piece of legislation that will honor one of the most important figures in the American civil rights movement, Rosa Parks.

Given her immense contributions to our Nation, we believe it is only fitting that she be honored with a Congressional Gold Medal.

For decades, Mr. President, African-Americans in this country, this birth place of freedom, were treated as second class citizens, or less.

Even after the moral enormity of slavery had finally been ended, African-Americans were subjected to discrimination, segregation and, if they resisted, prosecution and even lynching.

Rosa Parks set in motion the events that brought to an end the shameful history of Jim Crow.

Rosa Parks refused to obey the segregation laws in her home city of Montgomery, AL, and go to the back of the bus.

When confronted, she refused give up her seat on that bus to a white man, even when threatened with jail.

She was arrested, and the reaction would change the face of this Nation.

Over 40,000 people boycotted Montgomery buses for 381 days.

Faced with official condemnation and violence, these brave men and women maintained their unity until the bus segregation laws were finally changed.

Their actions brought about the 1956 Supreme Court decision declaring the Montgomery segregation law unconstitutional and spurred the civil rights movement to further action; action which produced the Civil Rights Act of 1964, breaking down the barriers of legal discrimination against African-Americans and establishing equality before the law as a reality for all Americans.

Rosa Parks set these historic events in motion.

She was the first woman to join the Montgomery chapter of the NAACP and served as an active volunteer for the Montgomery Voters League.

Because of her strength, perseverance and quiet dignity, all Americans have been freed from the moral stain of segregation.

And this mother of the civil rights movement continues to be active in the struggle for equality and the empowerment of the disenfranchised.

Ms. Parks has received many awards in recognition of her efforts for racial harmony, including the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center.

Throughout her life, Rosa Parks has been an example of the power of conviction and quiet dignity in pursuit of justice and empowerment. Mr. President, I urge my colleagues to join us in supporting legislation to bestow upon her the Congressional Gold Medal she so well deserves.

Mr. President, I remember as a young student in grade school being told the story of the woman who said she would not move to the back of the bus. I did not know who that was by name. I just remember being so struck and touched by that story. I did not realize someday I would have the opportunity to meet that lady. She lives in my State of Michigan today. I have had a chance to get to know her a bit, but, more importantly, to work with her organizations there which do fine work for our communities and for our country.

So Mr. President, I am very proud to be here today to offer this Congressional Gold Medal proposal. I want to thank our cosponsors. We are very hopeful that others will join us so we can pass this proposal as soon as possible.

At this time, Mr. President, I yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to say how much I appreciate the courtesies of Senator ABRAHAM and Senator LEVIN as we work through this effort to achieve this Gold Medal for Ms. Rosa Parks. I think it is a very fitting and appropriate thing that we do so.

So I rise today to recognize Ms. Parks, a native Alabamian, who through her life and example has touched both the heart and the conscience of an entire Nation. She is a native of Tuskegee, and a former resident of Montgomery, AL. Her dignity in the face of discrimination helped spark a movement to ensure that all citizens were treated equally under the law.

Equal treatment under the law is a fundamental pillar upon which our Republic rests. In fact, over the first 2 months of this year this Senate has discussed that very issue in some detail. As legislators, we should work to strengthen the appreciation for this fundamental governing principle and recognize those who have made extraordinary contributions toward ensuring that all American citizens have the same opportunities, regardless of their race, sex, creed, or national origin, to enjoy the freedoms this country has to offer.

Through her efforts, Ms. Parks has become a living embodiment of this principle. And it is entirely appropriate that this Congress takes the opportunity to acknowledge her contribution by authorizing the award of a Congressional Gold Medal to her. Her courage, what we in Alabama might call "gumption", at a critical juncture resulted in historic change.

Certainly, there is much still to be done. True equality, the total elimination of discrimination, and a real sense of ease and acceptance among the races has not been fully reached. But it is fair to say that in the history of this effort, the most dramatic and productive chapter was ignited by the lady we honor today.

Ms. Parks' story is well known, but it bears repeating. She was born on February 4, 1913, in the small town of Tuskegee AL to Mr. James and Leona McCauley. As a young child, she moved to Montgomery with her mother, who was a local schoolteacher. Like many Southern cities, the Montgomery of Ms. Parks' youth was a segregated city with numerous laws mandating the unequal treatment of people based on the color of their skin. These laws were discriminatory in their intent, and divisive, unfair, and humiliating in their application, but for years Ms. Parks had suffered with them until the fateful day of December 1, 1955, when her pride and her dignity would allow her to obey them no more. On this day Ms. Parks, a 42-year-old seamstress, boarded a city bus after a long, hard day at work. Like other public accommodations, this bus contained separate sections for white and black passengers, with white passengers allocated the front rows, and black passengers given the back. This bus was particularly crowded that evening. At one of the stops, a white passenger boarded, and the bus driver, seeing Ms. Parks, requested that she give up her seat and move to the back of the bus, even though this meant that she would be forced to stand. Ms. Parks refused to give up her seat and was arrested for disobeying that order.

For this act of civic defiance, Ms. Parks set off a chain of events that have led some to refer to her as the "Mother of the Civil Rights Movement." Her arrest led to the Montgomery bus boycott, and organized movement led by a young minister, then unknown, named Martin Luther King, Jr., who had been preaching at the historic Baptist church located on Montgomery's Dexter Avenue. The bus boycott lasted 382 days, and its impact directly led to the integration of the bus lines while the attention generated helped lift Dr. King to national prominence. Ultimately, the U.S. Supreme Court was asked to rule on the constitutionality of the Montgomery law which Ms. Parks had defied and the court struck it down.

This powerful image, that of a hard working American ordered to the back of the bus, simply because of her race, was a catalytic event. It was the spark that caused a nation to stop accepting things as they had been and focused everyone on the fundamental issue—whether we could continue as a segregated society. As a result of the movement Ms. Parks helped start, today's Montgomery is very different from the Montgomery of Ms. Parks' youth. Today, the citizens of Montgomery look with a great deal of historical pride upon the Dexter Avenue Baptist Church. Today's Montgomery is home to the Southern Poverty Law Center, an organization devoted to the cause of civil rights and also the Civil Rights Memorial, a striking monument of black granite and cascading water which memorializes the individuals who gave their lives in the pursuit of equal justice. Today's Montgomery is a city in which its history as the "Capital of the Confederacy" and its history as the "Birthplace of the Civil Rights Movement" are both recognized, understood and reconciled. But Montgomery is not alone in this development. Many American cities owe the same debt of gratitude to Ms. Parks that Montgomery does. In fact, Ms. Parks' contributions may extend beyond even the borders of our nation. In the book "Bus Ride to Justice," Mr. Fred Gray, who gained fame while in his 20's as Ms. Parks' attorney in the bus desegregation case and as the lead attorney in many of Alabama's and the Nation's most important civil rights cases, wrote these words, and I don't think they are an exaggeration:

> Little did we know that we had set in motion a force that would ripple throughout Alabama, the South, the nation, and even the world. But from the vantage point of almost 40 years later, there is a direct correlation between what we started in Montgomery and what has subsequently happened in China, eastern Europe, South Africa, and even more recently, in Russia. While it is inaccurate to say that we all sat down and deliberately planned a movement that would echo and reverberate around the world, we did work around the clock, planning strategy and creating an atmosphere that gave strength, courage, faith and hope to people of all races, creeds, colors and religions around the world. And it all started on a bus in Montgomery, Alabama, with Rosa Parks on December 1, 1955.

For her courage and her conviction, and for her role in changing Alabama, the South, the nation and the world for the better, our Nation owes thanks to Ms. Parks. I hope that this body will extend its thanks and recognition to her by awarding her the Congressional Gold Medal.

Mr. LEVIN. Mr. President, Rosa Parks is truly one of this Nation's greatest heroes. Her personal bravery and self-sacrifice have shaped our Nation's history and are remembered with respect and with reverence by us all.

Forty three years ago—December 1995—in Montgomery, Alabama the modern civil rights movement began. Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world.

My home state of Michigan proudly claims Rosa Parks as one of our own. Rosa Parks and her husband made the journey to Michigan in 1957. Unceasing threats on their lives and persistent harassment by phone prompted the move to Detroit where Rosa Park's brother resided.

Rosa Park's arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the bus at the rear. The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history—the boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

The Congressional Gold Medal is a fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus.

We have come a long way towards achieving Dr. King's dream of justice and equality for all. But we still have much work to do. Let us rededicate ourselves to continuing the struggle on Civil Rights, and to human rights in Rosa Parks name.

Mr. President, I ask unanimous consent that a brief biography of the life and times and movement which was sparked by Rosa Parks, the mother of the civil rights movement, and excerpted from USL Biographies, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROSA PARKS—AMERICAN SOCIAL ACTIVIST

"I felt just resigned to give what I could to protect against the way I was being treated."

INTRODUCTION

On December 1, 1955, Rosa Parks refused to give up her seat on a bus to a white man who wanted it. By this simple act, which today would seem unremarkable, she set in motion the civil rights movement, which led to the Civil Rights Act of 1964 and ultimately ensured that today all black Americans must be given equal treatment with whites under the law.

Parks did not know that she was making history nor did she intend to do so. She simply knew that she was tired after a long day's work and did not want to move. Because of her fatigue and because she was so determined, America was changed forever. Segregation was on its way out.

GROWING UP IN A SEGREGATED SOCIETY

In the first half of this century, Montgomery, Alabama, was totally segregated, like so many other cities in the South. In this atmosphere Parks and her brother grew up. They had been brought to Montgomery by their mother, Leona (Edwards) McCauley, when she and their father separated in 1915. Their father, James McCauley, went away north and they seldom saw him, but they were made welcome by their mother's family and passed their childhood among cousins, uncles, aunts, grandparents, and great-grandparents.

Parks's mother was a schoolteacher, and Parks was taught by her until the age of eleven, when she went to Montgomery Industrial School for Girls. It was, of course, an all-black school, as was Booker T. Washington High School, which she attended briefly. Virtually everything in Montgomery was for "blacks only" or "whites only," and Parks became used to obeying the segregation laws, though she found them humiliating.

When Parks was twenty, she married Raymond Parks, a barber, and moved out of her mother's home. Parks took in sewing and worked at various jobs over the years. She also became an active member of the National Association for the Advancement of Colored People (NAACP), working as secretary of the Montgomery chapter.

SILENT PROTESTS

In 1955 Parks was forty-two years old, and she had taken to protesting segregation in her own quiet way—for instance, by walking up the stairs of a building rather than riding in an elevator marked "blacks only." She was well respected in the black community for her work with the Montgomery Voters League as well as the NAACP. The Voters League was a group that helped black citizens pass the various tests that had been set up to make it difficult for them to register as voters.

As well as avoiding black-only elevators, Parks often avoided traveling by bus, preferring to walk home from work when she was not too tired to do so. The buses were a constant irritation to all black passengers. The front four rows were reserved for whites (and remained empty even when there were not enough white passengers to fill them). The back section, which was always very crowded, was for black passengers. In between were some rows that were really part of the black section, but served as an overflow area for white passengers. If the white section was full, black passengers in the middle section had to vacate their seats—a whole row had to be vacated, even if only one white passenger required a seat.

THE ARREST OF ROSA PARKS

This is what happened on the evening of December 1, 1955: Parks took the bus because she was feeling particularly tired after a long day in the department store where she worked as a seamstress. She was sitting in the middle section, glad to be off her feet at last, when a white man boarded the bus and demanded that her row be cleared because the white section was full. The others in the row obediently moved to the back of the bus, but Parks just didn't feel like standing for the rest of the journey, and she quietly refused to move.

At this, the white bus driver threatened to call the police unless Parks gave up her seat, but she calmly replied, "Go ahead and call them." By the time the police arrived, the driver was very angry, and when asked whether he wanted Parks to be arrested or let off with a warning, he insisted on arrest. So this respectable middle-aged woman was taken to the police station, where she was fingerprinted and jailed. She was allowed to make one phone call. She called an NAACP lawyer, who arranged for her to be released on bail.

THE BUS BOYCOTT

Word of Parks' arrest spread quickly, and the Women's Political Council decided to protest her treatment by organizing a boycott of the buses. The boycott was set for December 5, the day of Parks' trial, but Martin Luther King, Jr., and other prominent members of Montgomery's black community realized that here was a chance to take a firm stand on segregation. As a result, the Montgomery Improvement Association was formed to organize an boycott that would continue until the bus segregation laws were changed. Leaflets were distributed telling people not to ride the buses, and other forms of transport were relied on.

The boycott lasted 382 days, causing the bus company to lose a vast amount of money. Meanwhile, Parks was fined for failing to obey a city ordinance, but on the advice of her lawyers she refused to pay the fine so that they could challenge the segregation law in court. The following year, the U.S. Supreme Court ruled the Montgomery segregation law illegal, and the boycott was at last called off. Yet Parks had started far more than a bus boycott. Other cities followed Montgomery's example and were protesting their segregation laws. The civil rights movement was underway.

MOTHER OF THE CIVIL RIGHTS MOVEMENT

Parks has been hailed as "the mother of the civil rights movement," but this was not an easy role for her. Threats and constant phone calls she received during the boycott caused her husband to have a nervous breakdown, and in 1957 they moved to Detroit, where Parks' brother, Sylvester, lived. There Parks continued her work as a seamstress, but she had become a public figure and was often sought out to give talks about civil rights.

Over the years, Parks has received several honorary degrees, and in 1965 Congressman John Conyers of Detroit appointed her to his staff. Parks' husband died in 1977 and she retired in 1988, but she has continued to work for the betterment of the black community. She is particularly eager to help the young, and in 1987 she established the Rosa and Raymond Parks Institute for Self-Development, a training school for Detroit teenagers.

Each year sees more honors showered upon her. In 1990, some three thousand people attended the Kennedy Center in Washington, D.C., to celebrate the seventy-seventh birthday of the indomitable campaigner and former seamstress, Rosa Parks.

Mr. LEVIN. I thank the Chair and I thank our colleagues from Michigan and Alabama.

By Mrs. FEINSTEIN:

S. 532. A bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes; to the Committee on Energy and Natural Resources.

PUBLIC LANDS AND RECREATION INVESTMENT ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing the Public Lands and Recreation Investment Act of 1999. This bill will provide funding for two of our nation's most important conservation and recreation programs—the Land and Water Conservation Fund and the Urban Parks and

Recreation Recovery Act—that have been woefully underfunded in recent years.

Every year, the Federal government collects about $4 billion from oil and gas leases on the Outer Continental Shelf. These leases have detrimental impacts on our environment, so it is fitting that in 1965 Congress created the Land and Water Conservation Fund. This fund is authorized to use $900 million annually in Outer Continental Shelf lease payments to purchase park and recreation lands in or near our national parks, wildlife refuges, national forests, and other public lands. The fund also is supposed to provide grants to states, so that state and local governments may purchase parklands and recreation facilities.

Acquisition of these lands protects some of our nation's most crucial natural resources, including key watersheds that provide drinking water to millions of Americans, and vital wildlife habitat for endangered species. Public lands also provide recreation opportunities for millions of Americans, and open spaces in increasingly crowded urban areas. Over the years, the Land and Water Conservation Fund has protected lands in all 50 States, including such special places as Yellowstone National Park, the Everglades, and the California Desert.

Unfortunately, the Land and Water Conservation Fund's tremendous promise has not yet been fulfilled. Last year Congress and the President provided only $328 million of the $900 million collected by the Land and Water Conservation Fund for land acquisition. The rest went back into the Treasury, for deficit reduction or spending on other programs. The Land and Water Conservation Fund has collected over $21 billion since its creation in 1965, but only $9 billion has been spent. Unappropriated balances in the fund now total $13 billion, and they are growing every year.

In the meantime, a huge backlog has developed in the federal acquisition of environmentally sensitive land. The U.S. Department of Interior estimates that the cost of acquiring inholdings in national parks, wildlife refuges, national forests, and other public lands now totals over $10 billion. In addition, the federal government receives about $600 million in Land and Water Conservation Fund requests each year.

The funding shortfall has been particularly difficult for State and local governments. For the last several years, Congress has provided no funding for the stateside grants portion of the Land and Water Conservation Fund, or to The Urban Parks and Recreation Recovery Act, a separate program that provides for rehabilitation of recreation facilities and improved recreation programs in our nation's cities.

Last month President Clinton proposed the Lands Legacy Initiative, which would provide $1 billion from the Land and Water Conservation Fund in fiscal year 2000. The President's initiative would expand our nation's public lands, provide grants to states for land acquisition, promote open space and "smart growth," improve wildlife habitat, and protect farmland from development. The Lands Legacy Initiative is a good first step, but our commitment to public lands should not be a one-year deal.

Therefore, I am pleased that other Senators have introduced bills that would provide permanent funding for the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Act, as well as a number of other programs. I support Senator BOXER's bill, the Permanent Protection for America's Resources Act, and I look forward to working with her and with all Senators interested in public lands, coastal restoration, and wildlife protection.

If Senator BOXER's bill does not move, however, the bill that I am introducing today is a moderate alternative that I believe will enjoy broad bipartisan support. The bill is important for three reasons. First, it focuses exclusively on guaranteed annual funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Program. I want to ensure that the Land and Water Conservation Fund remains a top priority for Congress regardless of other important environmental programs that are funded. We cannot lose sight of how important the Land and Water Conservation Fund is to America's conservation and recreation efforts.

Second, the bill makes no changes to the Land and Water Conservation Fund that impede the federal government's ability to acquire land. Two bills currently pending in Congress would restrict federal land purchases to inholdings within existing parks only, and require prior Congressional authorization even for small acquisitions that have traditionally been approved through the appropriations process. These bills also require that two-thirds of the federal funding be spent east of the 100th meridian.

Under these terms, projects such as the Headwaters acquisition, where the federal government and State of California bought the largest ancient redwood stand in private hands, would have been impossible. I believe strongly that the primary purpose of the Land and Water Conservation Fund—to enable the federal government to permanently protect our nation's most special places—must be preserved and strengthened, not eroded.

Finally, this bill revives the state grants portion of the Land and Water Conservation Fund, which has funded over 37,000 state parks projects over the last three decades, as well as the Urban Parks and Recreation Recovery Program. These programs have worked well for decades, and I would like to restore funding for them while preserving broad latitude for states and local governments to determine their own conservation and recreation priorities. The bill does not establish competitive grants under the state program.

Specifically, the bill amends the Land and Water Conservation Fund Act to say that $900 million will be automatically appropriated each year for the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Program. The bill also provides that 40 percent of the funds provided under this act must be spent on stateside grants. This will revive the moribund State grants program and ensure that states get their fair share of parks and recreation dollars. States will be required to "pass through" 50 percent of the grants they receive directly to local governments.

In addition, the bill provides that 10 percent of the funds provided under this act be allocated to the Urban Parks and Recreation Recovery program. This will ensure that recreation facilities and open space remain top priorities where they are urgently needed—increasingly crowded cities. The Urban Parks and Recreation Recovery Act will be amended to allow funds to be spent for construction of recreation facilities, and acquisition of park lands in urban areas.

The bill also requires the President to submit an annual priority list to Congress for expenditure of funds provided to federal agencies under this act. The bill specifically provides for Congressional approval of this priority list, so that Congress will retain authority to decide how Land and Water Conservation Fund dollars are spent on federal lands.

The bill changes requirements for the Land and Water Conservation Fund's stateside grants program, including a new requirement for States to develop, with public input, action agendas that identify their top conservation and recreation acquisition needs. Finally, the bill provides that Indian tribes will be recognized collectively as one state under the state grants program.

The Public Land and Recreation Investment Act will have a major and immediate impact on conservation and recreation nationwide. In my home state, increased funding for the Land and Water Conservation Fund could allow for the purchase of 483,000 acres of inholdings in national parks and wilderness areas in the California Desert, dramatically improving recreation opportunities in three of our nation's newest national parks. It could permanently protect sensitive watersheds at Lake Tahoe and help preserve the Lake's astounding water quality. And it could restore wetlands in San Francisco Bay, which has lost over 80 percent of its wetlands in the last 100 years.

Nationally, funding for the Land and Water Conservation Fund will help to preserve special places like Cape Cod National Seashore and the Kodiak National Wildlife Refuge, whose land acquisition needs have gone unmet in recent years.

Reviving the Urban Parks and Recreation Recovery Act will help cities across our nation improve parks and recreation opportunities for their residents. In the past, the Urban Parks and Recreation Recovery Act has funded summer recreation, anti-drug counseling, and job training for teenagers in low income neighborhoods in Fresno. The City of Milwaukee instituted a "Park Watch" program to help neighborhoods combat vandalism and crime in city parks. And in Tuscon, Arizona, the UPARR program funded a health and physical fitness program for children, senior citizens, and disabled youth.

This bill is strongly supported by groups that seek to protect conservation and recreation resources for all Americans.

Mr. President, I will submit for the RECORD at the end of my statement, letters from the Sierra Club, the Wilderness Society, and Defenders of Wildlife, who strongly support the Public Land and Recreation Investment Act of 1999.

Mr. President, the bottom line is that for too long, we have diverted monies intended for conservation and recreation to other purposes. This bill will help to correct that imbalance, and ensure a lasting legacy for our children and grandchildren. Whether they hike through a pristine wilderness, climb on an urban jungle gym, or picnic in a greenbelt outside their hometown, they will have the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Act to thank. That is something I believe we can all be proud of.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Land and Recreation Investment Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) has been critical in acquiring land to protect America's national parks, forests, wildlife refuges, and public land in all 50 States from potential development and in improving recreational opportunities for all Americans;

(2) the Land and Water Conservation Fund has helped to preserve nearly 7,000,000 acres of America's most special places, from the California Desert to the Everglades, in part by providing grants that have helped States purchase over 2,000,000 acres of parkland and open space;

(3) although amounts in the Land and Water Conservation Fund are meant to be used only for conservation and recreation purposes, since 1980 Congress and the President have diverted much of this vital funding for deficit reduction and other budgetary purposes;

(4) because of chronic shortages in funding for the Land and Water Conservation Fund, the backlog of Federal acquisition needs now totals over $10,000,000,000; the backlog includes key wetlands, watersheds, wilderness, and wildlife habitat and important historic, cultural, and recreational sites;

(5) the findings of the 1995 National Biological Service study entitled "Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation" demonstrate the need to escalate conservation measures that protect the Nation's wildlands and wildlife habitats;

(6) lack of funding for the State grants portion of the Land and Water Conservation Fund has hampered State and local efforts to protect parklands, coastlines, habitat areas, and open space from development;

(7) recreation needs in America's cities have been neglected, in part because the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.) has not been funded since 1995;

(8) at the same time that Federal investment in conservation and recreation has shrunk, demand for outdoor recreation has skyrocketed: visits to our public lands have increased dramatically in recent years, and the national survey on recreation and the environment conducted by the Forest Service indicates substantial growth in most outdoor activities; and

(9) increased investment in conservation and recreation is essential to maintaining America's environmental quality and high quality of life.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that funding is available without further Act of appropriation to the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Program;

(2) to protect the Nation's parklands, wildlife habitat, and recreational resources;

(3) to revive the State grants portion of the Land and Water Conservation Fund; and

(4) to ensure that local governments and Indian tribes receive a fair share of proceeds from the Land and Water Conservation Fund.

SEC. 4. LAND AND WATER CONSERVATION FUND.

(a) APPROPRIATIONS.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6) is amended—

(1) by striking "SEC. 3. APPROPRIATIONS.—Moneys" and inserting the following:

"SEC. 3. APPROPRIATIONS.

"(a) IN GENERAL.—Moneys";

(2) by striking the third sentence; and

(3) by adding at the end the following:

"(b) PERMANENT APPROPRIATION.—There is appropriated out of the fund to carry out this Act $900,000,000 for each fiscal year, to remain available until expended.".

(b) ALLOCATION OF FUND.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7) is amended—

(1) by striking the first, second, and third sentences and inserting the following:

"(a) IN GENERAL.—Of amounts annually available to carry out this Act for any fiscal year—

"(1) 40 percent shall be allocated for financial assistance to States under section 6, of which not less than 50 percent shall be directed to local governments to provide natural areas, open space, parkland, wildlife habitat, and recreation areas;

"(2) 50 percent shall be allocated for Federal purposes under section 7; and

"(3) 10 percent shall be allocated for grants to local governments under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.)."; and

(2) by striking "There shall be" and inserting the following:

"(b) SPECIAL ACCOUNT.—There shall be".

(c) FINANCIAL ASSISTANCE TO STATES.—

(1) IN GENERAL.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "forty per centum" and all that follows through "twenty per centum" and inserting "30 percent of the first $225,000,000 and 20 percent"; and

(ii) by adding at the end the following:

"(6) INDIAN TRIBES.—

"(A) DEFINITION.—In this paragraph, the term 'Indian tribe' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

"(B) APPORTIONMENT.—For the purposes of paragraph (1), the Indian tribes—

"(i) shall be treated collectively as 1 State; and

"(ii) shall receive shares of their collective apportionment under that paragraph in amounts to be determined by the Secretary of the Interior.

"(C) OTHER TREATMENT.—For all other purposes of this title, each Indian tribe shall be treated as a State, except that—

"(i) an Indian tribe shall not be required to direct 50 percent of the financial assistance provided under this Act to local governments; and

"(ii) an Indian tribe may use financial assistance provided under this Act only if the Indian tribe provides assurances, subject to the approval of the Secretary, that the Indian tribe will maintain conservation and recreation opportunities to the public at large in perpetuity on land and facilities funded under this Act.

"(D) LIMITATION.—For any fiscal year, no single Indian tribe shall receive more than 10 percent of the total amount made available under paragraph (1) to all Indian tribes, collectively.";

(B) by striking subsection (d) and inserting the following:

"(d) STATE ACTION AGENDAS.—

"(1) IN GENERAL.—To qualify for financial assistance under this section, a State, in consultation with local subdivisions, nonprofit and other private organizations, and interested citizens, shall prepare and submit to the Secretary a State action agenda for recreation, open space, and conservation that identifies the State's recreation, open space, and conservation needs and priorities.

"(2) REQUIREMENTS.—A State action agenda—

"(A) shall take into account long-term recreation, open space, and conservation needs (including preservation of habitat for threatened and endangered species and other species of conservation concern) but focus on actions that can be funded over a 4-year period;

"(B) shall be updated every 4 years and approved by the Governor;

"(C) shall be considered in an active public involvement process that includes public hearings around the State;

"(D) shall take into account activities and priorities of managers of conservation land, open space, and recreation land in the State, including Federal, regional, local, and nonprofit agencies; and

"(E) to the extent practicable, shall be coordinated with other State, regional, and local plans for parks, recreation, open space, and wetland conservation.

"(3) USE OF RECOVERY ACTION PLANS.—A State shall use recovery action plans developed by local governments under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide in formulating the conclusions and action items contained in the State action agenda."; and

(C) by striking subsection (f)(3) and inserting the following:

"(3) CONVERSION OF USE OF PROPERTY.—

"(A) IN GENERAL.—No property acquired or developed with assistance under this section may be converted to a use other than use for recreation, open space, or conservation without the approval of the Secretary.

"(B) APPROVAL.—

"(i) IN GENERAL.—The Secretary may approve a conversion of use of property under subparagraph (A) if the State demonstrates that—

"(I) no prudent or feasible alternative to conversion of the use of the property exists;

"(II) because of changes in demographics, the property is no longer viable for use for recreation, open space, or conservation; or

"(III) the property must be abandoned because of environmental contamination that endangers public health or safety.

"(ii) SUBSTITUTION OF OTHER PROPERTY.—

"(I) IN GENERAL.—Conversion of the use of property shall satisfy any condition that the Secretary considers necessary to ensure that—

"(aa) the substituted property is property in the State that is of at least equal market value and reasonably equivalent usefulness and location; and

"(bb) the use of the substituted property for recreation, open space, or conservation is consistent with the State action agenda.

"(II) WETLAND AREAS.—A wetland area or interest in a wetland area (as identified in the wetland provisions of the State action agenda) that is proposed to be acquired as a suitable substitute property and that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness to the property proposed for conversion.".

(2) TRANSITION PROVISION.—Any comprehensive statewide outdoor recreation plan developed by a State under section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(d)) before the date that is 5 years after the date of enactment of this Act shall remain in effect in the State until a State action agenda has been adopted in accordance with the amendment made by paragraph (1), but not later than 5 years after the date of enactment of this Act.

(3) CONFORMING AMENDMENTS.—

(A) Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(e)) is amended—

(i) in subsection (e)—

(I) in the matter preceding paragraph (1), by striking "State comprehensive plan" and inserting "State action agenda"; and

(II) in paragraph (1), by striking ", or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan"; and

(ii) in subsection (f)(3)—

(I) in the second sentence, by striking "then existing comprehensive statewide outdoor recreation plan" and inserting "State action agenda"; and

(II) by striking ": *Provided,*" and all that follows.

(B) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking "existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(C) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking "comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(D) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(i) by striking "comprehensive statewide outdoor recreation plans" and inserting "State action agendas"; and

(ii) by inserting "of 1965 (16 U.S.C. 460*l*–4 et seq.)" after "Fund Act".

(E) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking "(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)" and inserting "(16 U.S.C. 460*l*–8) (relating to the development of State action agendas".

(F) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(i) in subsection (a)—

(I) by striking "comprehensive statewide outdoor recreation plans" and inserting "State action agendas"; and

(II) by striking "(78 Stat. 897)" and inserting "(16 U.S.C. 460*l*–4 et seq.)"; and

(ii) in subsection (b)(2)(B), by striking "(relating to the development of statewide comprehensive outdoor recreation plans)" and inserting "(16 U.S.C. 460*l*–8) (relating to the development of State action agendas".

(G) Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended in the last sentence by striking "statewide comprehensive outdoor recreation plans" and inserting "State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(H) Section 206(d) of title 23, United States Code, is amended—

(i) in paragraph (1)(B), by striking "statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)" and inserting "State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)"; and

(ii) in paragraph (2)(D)(ii), by striking "statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)" and inserting "State action agenda that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(I) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking "statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended" and inserting "State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(d) FEDERAL PURPOSES.—Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9) is amended by adding at the end the following:

"(d) PRIORITY ACQUISITIONS.—

"(1) IN GENERAL.—As part of the annual budget request under section 1105 of title 31, United States Code, for each fiscal year, the President shall submit a list of priority acquisitions for expenditure of the Federal allocation under this section.

"(2) CONSULTATION.—The Federal priority list shall be prepared in consultation with the Secretary of Agriculture and the Secretary of the Interior.

"(3) CONSIDERATIONS.—In preparing the priority list, the agency heads shall consider—

"(A) the potential adverse impacts that might result if the acquisition were not undertaken;

"(B) the availability of appraisals of land, water, or interests in land or water and other information necessary to complete the acquisition in a timely manner;

"(C) the conservation and recreational values that the acquired land, water, or interest in land or water will provide; and

"(D) any other factors that the agency heads consider appropriate.

"(4) USE OF FUNDS.—An agency head shall expend funds appropriated for a fiscal year for acquisitions in the order of priority specified in the budget request unless Congress, in the general appropriation Act for the fiscal year, specifies a different order of priority or list of priorities.".

SEC. 5. URBAN PARK AND RECREATION RECOVERY PROGRAM.

(a) DEFINITIONS.—Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) in subsection (j), by striking "and" at the end;

(2) in subsection (k), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(l) 'acquisition grant' means a matching capital grant to a general purpose local government to cover the direct and incidental costs of purchasing new parkland to be permanently dedicated for public conservation and recreation; and

"(m) 'development and construction grant' means a matching capital grant to a general purpose local government to cover costs of development and construction of existing or new neighborhood recreation sites, including indoor and outdoor recreation facilities.".

(b) ELIGIBILITY OF GENERAL PURPOSE LOCAL GOVERNMENTS.—Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking "SEC. 1005." and all that follows through subsection (a) and inserting the following:

"SEC. 1005. ELIGIBILITY.

"(a) ELIGIBILITY OF GENERAL PURPOSE LOCAL GOVERNMENTS.—

"(1) ELIGIBILITY LIST.—Not later than 120 days after the date of enactment of this paragraph and periodically thereafter, the Secretary shall publish in the Federal Register—

"(A) a list of general purpose local governments eligible for assistance under this Act; and

"(B) a description of the criteria used in determining eligibility.

"(2) CRITERIA.—The criteria for determining eligibility shall be based on factors that the Secretary determines are related to—

"(A) deteriorated recreational facilities or systems;

"(B) economic distress; and

"(C) lack of recreational opportunity.".

(c) GRANTS.—The Urban Park and Recreation Recovery Act of 1978 is amended by striking section 1006 (16 U.S.C. 2505) and inserting the following:

"SEC. 6. GRANTS.

"(a) IN GENERAL.—The Secretary may provide an acquisition grant, development and construction grant, innovation grant, or rehabilitation grant to a general purpose local government on approval by the Secretary of an application made by the chief executive officer of the local government.

"(b) FEDERAL SHARE.—The Federal share of a project undertaken with a grant under subsection (a) shall not exceed 70 percent.

"(c) TRANSFER OF GRANT.—

"(1) IN GENERAL.—With the consent of the Secretary, and if consistent with an approved application, an acquisition grant, development and construction grant, innovation grant, or rehabilitation grant may be transferred in whole or in part to a special purpose local government, private nonprofit agency or political subdivision, or regional park authority.

"(2) ASSURANCES.—A transferee of a grant shall provide an assurance that the transferee will maintain public conservation and recreation opportunities in perpetuity at facilities funded with the grant funds.

"(d) GRANT PAYMENTS.—

"(1) ADVANCE APPROVAL.—Payment of a grant under subsection (a) may be made only for a project that the Secretary has approved in advance.

"(2) PROGRESS PAYMENTS.—Payment of a grant under subsection (a) may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

(d) CONVERSION OF USE OF PROPERTY.—The Urban Park and Recreation Recovery Act of 1978 is amended by striking section 1010 (16 U.S.C. 2509) and inserting the following:

"SEC. 1010. CONVERSION OF USE OF PROPERTY.

"(a) IN GENERAL.—No property acquired, improved, or developed under this title may be converted to a use other than use for public recreation without the approval of the Secretary.

"(b) APPROVAL.—

"(1) IN GENERAL.—The Secretary may approve a conversion of use of property under subsection (a) if the grant recipient demonstrates that—

"(A) no prudent or feasible alternative to conversion of the use of the property exists;

"(B) because of changes in demographics, the property is no longer viable for use for recreation; or

"(C) the property must be abandoned because of environmental contamination that endangers public health or safety.

"(2) SUBSTITUTION OF OTHER PROPERTY.—Conversion of the use of property shall satisfy any condition that the Secretary considers necessary to ensure that—

"(A) the substituted property is of at least equal market value and reasonably equivalent usefulness and location; and

"(B) the use of the substituted property for recreation is consistent with the current recreation recovery action program.".

(e) LIMITATION ON USE OF FUNDS.—Section 1014 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513) is repealed.

JANUARY 29, 1999.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of Defenders of Wildlife, the Sierra Club and our nearly one million members and supporters, we want to thank you for your leadership in introducing the Public Land and Recreation Improvement Act of 1999 to provide permanent increased funding for both the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Program.

Ensuring full and permanent funding for the Land and Water Conservation Fund (LWCF) has been a major priority of the environmental community for many years. LWCF represents a promise made by Congress to the American people to reinvest revenue from the development of non-renewable resources into acquisition and permanent protection of key land, water, and open space resources for future generations.

Unfortunately, the LWCF promise is one that has remained largely unfulfilled—funding has averaged only about 25% of its annual authorized level. As a result, numerous conservation opportunities are being lost. Our nation's obligation to purchase lands within our National Wildlife Refuges, Parks, Forests, and Bureau of Land Management units has been neglected. Rivers, estuaries, and wetlands across the country are at risk. Pristine wilderness, vital to clean water and habitat protection, and the foundation of our nation's natural heritage is being threatened or destroyed. Parks and open space—the cornerstone for quality of life in our urban areas—are falling victim to urban sprawl and unchecked development.

As the Public Land and Recreation Improvement Act of 1999 correctly asserts, the need to provide additional protection to our nation's vanishing wildlands and habitats is greater than ever. The National Biological Service warned in a 1995 report that the nation's ecosystems are in decline and many of our park and forest areas must be acquired quickly before lands and wildlife are destroyed.

Your bill takes an important step forward in renewing the commitment made to the American people more than 30 years ago when the LWCF Act was originally passed to preserve—instead of losing forever—these irreplaceable land and water resources.

As you know, the President has also recently made a commitment to seek full and permanent funding for LWCF and other related programs to protect habitat, open space, and important marine and coastal resources. Moreover, the environmental community strongly supports the dedication of funding both for marine and coastal resource protection and critically underfunded state non-game wildlife conservation programs. We are eager to work with you, the President, and other leaders on these issues in Congress to ensure permanent and mandatory funding that addresses all of these crucial needs without creating any incentives for new offshore drilling as some current proposals in Congress would do.

Again, we applaud your leadership in introducing this important legislation and thank you for your commitment to preserving our magnificent natural heritage.

Sincerely,

RODGER SCHLICKEISEN,
President, Defenders of Wildlife.
CARL POPE,
Executive Director, Sierra Club.

THE WILDERNESS SOCIETY,
Washington, DC, February 1, 1999.

DEAR SENATOR FEINSTEIN: The Wilderness Society would like to commend your efforts in introducing the "Public Lands and Recreation Investment Act of 1999". By focusing your bill on LWCF and the Urban Park and Recreation and Recovering (UPAAR) program, it will address needs of expanding population and urban sprawl.

This bill crystallizes several important concepts. It dramatically elevates the funding for LWCF and resuscitates the state-size grant program. Additionally, it reactivates UPAAR and adapts it to respond to contemporary urban needs by allowing land acquisition. Furthermore, the inclusing of language that allow tribes to participate equally with states for matching grants for planning acquisition and rehabilitation sets an important standard.

We support your thoughtful efforts on behalf America's public lands and appreciate the leadership you have provided.

Sincerely,

WILLIAM H. MEADOWS,
President.

By Mr. ROBB (for himself and Mr. WARNER):

S. 533. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE CONTROL ACT

Mr. ROBB. Mr. President, I rise today, as I have done on two previous occasions, to introduce legislation to stem the flow—actually flood—of trash into Virginia and other States that have been affected. I am pleased to be joined, in doing so, by my senior colleague from Virginia, who will be joining us very shortly, Senator WARNER.

We have witnessed a virtual explosion in legislation in Congress focussed on rights. In recent months, Congress focused on the Patients' Bill of Rights, the Soldiers' Bill of Rights and the Taxpayer Bill of Rights. These are just a few recent examples.

The bill I am introducing today, along with my colleague, Senator WARNER, could be called a Bill of Responsibilities. It recognizes the responsibilities of the various levels of government to manage the huge volumes of trash we are generating.

The primary responsibility for taking care of trash lies with local governments. They are responsible for picking up the trash and they are responsible for finding a place to put it down. Local governments are also charged with the responsibility of making local land-use decisions and should be allowed to decide for themselves whether a community should be subjected to a large landfill that takes garbage from out of State. Recognizing the responsibilities vested in local governments, the legislation we are introducing today allows localities to ban unwanted out-of-State trash.

States have a responsibility for ensuring that the State's environment is protected and that its highways and waterways are safe. This legislation recognizes that responsibility, allowing States to override local government approval of out-of-State imports if local decisions on trash affect the State as a whole. To help States fund this responsibility, the bill allows States to assess up to a $3 per ton fee on out-of-State trash. This fee is similar to the out-of-State tuition that States charge students to come to their States to take advantage of host State's colleges and universities.

In addition, the legislation allows States to cap the amount of trash that can accumulate in landfills that have local approval. By allowing States to impose such a cap, this legislation strikes what we believe is the right balance between localities' desires to generate revenues by accepting waste and States's responsibilities to protect State resources, to provide a safe network of highways, and to ensure that State regulatory agencies are not overwhelmed by the influx of new waste.

This legislation also addresses the responsibilities of States that have refused to face the obligations of siting their own refuse. States that export huge amounts of waste are imposing a burden on those States that have created new capacity. The bill we are introducing sends a very strong message to States that ship more than 6 million tons a year to other States, although no State yet meets that threshold. The bill allows importing States to ban the garbage coming from such superexporting States. If the importing State chooses not to exercise this prohibition, the bill allows the State to impose large and escalating fees on those superexporting States that have not had the political will to site their own excess capacity.

While large regional landfills are becoming more common because of the expense of building modern and environmentally sound facilities, those landfills should accept waste on the basis of a region's cooperation rather than on the basis of a single State's abdication of its responsibilities.

Finally, this legislation recognizes the responsibility of the Congress to regulate interstate commerce. Because the Supreme Court has determined the garbage is commerce, like any other commodity, States and localities have been powerless to halt the disposal of out-of-State waste within their borders. While some States have attempted to limit out-of-State trash on their own, unless Congress acts to grant States and localities the ability to ban or limit out-of-State trash, those State laws are likely to be struck down as unconstitutional.

This legislation overcomes that constitutional hurdle by granting States and localities the right to restrict interstate trash disposal. If we again fail to pass legislation that protects localities from being buried under out-of-State garbage, we are abdicating our own responsibility to protect the quality of life of communities in each of our States.

The bills I have introduced in past Congresses focused on protecting localities from unwanted garbage. The bill Senator WARNER and I introduce today builds on that foundation. It reflects Virginia's most recent experience with importing garbage and addresses both the problems we have seen and the lessons we have learned. We now have enough history to examine the benefits and the possible burdens of host community agreements, and how they can best be used to develop state-of-the-art landfills. We also understand better the hardships that trash traffic can impose on communities that do not benefit from another community's decision to host a large landfill. Finally, it addresses a problem that has festered for too long, the inability of States to summon the political will to site their own capacity. I encourage the Senate to move quickly to consider this particular legislation.

Mr. WARNER. Mr. President, I am pleased to introduce today, along with my colleague, Senator ROBB, legislation to give our States and local governments authority to ensure that they can effectively manage the disposal of municipal waste within their borders.

For several years, the Committee on Environment and Public Works, on which I serve, has considered many legislative proposals to convey authorities to States and localities to begin to address this serious problem. Unfortunately, no legislation has been enacted since this serious problem first surfaced in the early 1990s.

Mr. President, in past years, Senator ROBB and I have introduced legislation individually to allow localities to have the ability to decide when and under what circumstances waste generated from out-of-state sources came into their communities for disposal. Today, I am pleased that we are renewing our commitment to solving this serious problem by working together to introduce this legislation.

Today, large volumes of waste are traveling from Northeastern states to Mid-west and Mid-Atlantic states. Over the past few years, the amount of waste traveling across state lines has greatly increased and projections are that interstate waste shipments from certain states will continue to grow.

Most States and localities are responsible in ensuring that adequate capacity exists to accommodate municipal waste generated within each community. I regret, however, that the evidence available today shows that there are specific situations where State and local governments are neglecting responsible environmental stewardship.

The result of this neglect is that other States are bearing the burden of disposing of their waste. These State and local governments currently have no authority to refuse this waste or even to control the amount of waste that is sent for disposal on a daily basis.

Our legislation recognizes that in the normal course of business is it necessary for some amount of waste to travel across State lines, particularly in circumstances where there are large urban areas located at state borders. Our legislation will not close down State borders or prevent any waste shipments.

States will have, however, for the first time, the ability to effectively manage and plan for the disposal out-of-State waste along with waste generated within their borders.

Specifically, our legislation will allow States who are today receiving 1 million tons of waste or more to control the growth of these waste shipments.

These States would be permitted to freeze at current levels the amount of waste they are receiving or, if they decided, they could determine the amount of out-of-State waste they can safely handle. Today, they have no voice, but this legislation will give all citizens the right to participate in these important waste disposal decisions.

For all States and localities, protections would be provided to ensure that all interstate waste must be handled pursuant to a host community agreement. These voluntary agreements between the local community receiving the waste and the industry disposing of the waste have allowed some local governments to determine waste disposal activities within their borders.

Mr. President, I look forward to working with my colleagues to develop a fair and equitable resolution to this problem.

I encourage my colleagues to carefully review our legislation and I welcome their comments.

By Mr. WARNER (for himself and Mr. ROBB):

S. 535. A bill to amend section 49106(c)(6) of title 49, United States Code, to remove a limitation on certain funding; to the Committee on Commerce, Science, and Transportation.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY IMPROVEMENT ACT

Mr. WARNER. Mr. President, I rise today to introduce legislation, along with Senator ROBB, to give Reagan National and Dulles International Airports equitable treatment under Federal law that is enjoyed today by all of the major commercial airports.

When the Congress enacted legislation in 1986 to transfer ownership of Reagan National and Dulles Airports to a regional authority—and I may say, Mr. President, I was a part of that airport commission. It was chaired by the former Governor of Virginia, Linwood Holton; Senator SARBANES joined me on that. From that, I drew up this very legislation that did the transfer. We included in that legislation that I drafted a provision to create a congressional board of review.

Immediately upon passage of the 1986 Transfer Act, local community groups filed a lawsuit challenging the constitutionality of the board of review. The Supreme Court upheld the lawsuit and concurred that the Congressional Board of Review as structured was unconstitutional because it gave Members of Congress veto authority over the airport decisions. The Court ruled that the functions of the board of review was a violation of the separation of powers doctrine.

During the 1991 House-Senate conference on the Intermodal Surface Transportation Efficiency Act, I offered an amendment, which was adopted, to attempt to revise the Board of Review to meet the constitutional requirements.

Those provisions were also challenged and again were ruled unconstitutional.

In 1996, in another attempt to address the situation, the Congress enacted legislation to repeal the Board of Review since it no longer served any function due to several federal court rulings. In its place, Congress increased the number of federal appointees to the MWAA Board of Directors from 1 to 3 members.

In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal Airport Improvement Program entitlement grants and passenger facility charges to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

Mr. President, the Senate has not confirmed the three Federal appointees, Since October, 1997, Dulles International and Reagan National, and its customers, have been waiting for the Senate to take action. Finally in 1998, the Senate Commerce Committee favorably reported the three pending nominations to the Senate for consideration, but unfortunately no further action occurred because these nominees were held hostage for other unrelated issues. Many speculate that these nominees have not been confirmed because of the ongoing delay in enacting a long-term FAA reauthorization bill.

Mr. President, I am not here today to join in that speculation. I do want, however, to call to the attention of my colleagues the severe financial, safety and consumer service constraints this inaction is having on both Dulles and Reagan National.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any Passenger Facility Charge (PFC) applications, these airports have been denied access to over $200 million.

These are funds that every other airport in the country receives annually and are critical to maintaining a quality level of service and safety at our Nation's airports. Unlike any other airport in the country, federal funds have been withheld from Dulles and Reagan National for over 18 months.

These critically needed funds have halted important construction projects at both airports. Of the over $200 million that is due, approximately $161 million will fund long-awaited construction projects and $40 million is needed to fund associated financing costs.

I respect the right of the Senate to exercise its constitutional duties to confirm the President's nominees to important federal positions. I do not, however, believe that it is appropriate to link the Senate's confirmation process to vitally needed federal dollars to operate airports.

Also, I must say that I can find no justification for the Senate's delay in considering the qualifications of these nominees to serve on the MWAA Board. To my knowledge, no one has raised concerns about the qualifications of the nominees. We are neglecting our duties.

For this reason, I am introducing legislation today—the Metropolitan Washington Airports Authority Improvement Act—to repeal the punitive prohibition on releasing Federal funds to the airports until the Federal nominees have been confirmed.

Airports are increasingly competitive. Those that cannot keep up with the growing demand see the services go to other airports. This is particularly true with respect to international services, and low-fare services, both of which are essential.

As a result of the Senate's inaction, I provide for my colleagues a list of the several major projects that are virtually on hold since October, 1997. They are as follows:

At Dulles International there are four major projects necessary for the airport to maintain the tremendous growth that is occurring there.

Main terminal gate concourse: It is necessary to replace the current temporary buildings attached to the main terminal with a suitable facility. This terminal addition will include passenger hold rooms and airline support space. The total cost of this project is $15.4 million, with $11.2 million funded by PFCs.

Passenger access to main terminal: As the Authority continues to keep pace with the increased demand for parking and access to the main terminal, PFCs are necessary to build a connector between a new automobile parking facility and the terminal. The total cost of this project is $45.5 million, with $29.4 million funded by PFCs.

Improved passenger access between concourse B and main terminal: With the construction of a pedestrian tunnel complex between the main terminal and the B concourse, the Authority will be able to continue to meet passenger demand for access to this facility. Once this project is complete, access to concourse B will be exclusively by moving sidewalk, and mobile lounge service to this facility will be unnecessary. The total cost of this project is $51.1 million, with $46.8 million funded by PFCs.

Increased baggage handling capacity: With increased passenger levels come increased demands for handling baggage. PFC funding is necessary to construct a new baggage handling area for inbound and outbound passengers. The total cost of this project is $38.7 million, with $31.4 million funded by PFCs.

At Reagan National there are two major projects that are dependent on the Authority's ability to implement passenger facility charges (PFCs).

Historic main terminal rehabilitation: Even though the new terminal at Reagan National was opened last year, the entire Capital Development Program will not be complete until the historic main terminal is rehabilitated for airline use. This project includes the construction of nine air carrier gates, renovation of historic portions of the main terminal for continued passenger use and demolition of space that is no longer functional. The total cost of this project is $94.2 million with $20.7 million to be paid for by AIP entitlement grants and $36.2 million to be funded with PFCs. Additional airfield work to accompany this project will cost $12.2 million, with $5.2 million funded by PFCs.

Terminal connector expansion: In order to accommodate the increased passengers moving between Terminals B and C (the new terminal) and Terminal A, it is necessary to expand the "Connector" between the two buildings. The total cost of the project is $4.8 million, with $4.3 million funded by PFCs.

Mr. President, my legislation is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles. Let's give them the ability to address consumer needs just like every other airport does on a daily basis.

Mr. President, here is the problem. This legislation does not remove the Congress of the United States, and particularly the Senate, from the advise-and-consent role, but it allows the money, which we need for the modernization of these airports, to flow properly to the airports to continue the program of restructuring them physically to accommodate somewhat larger traffic patterns, as well as do the necessary modernization to achieve safety—most important, safety—and greater convenience for the passengers using these two airports.

Those funds have been held up. It is over $200 million, as my colleague from Virginia will join me in saying; $200 million are more or less held in escrow pending the confirmation by the Senate of the United States of three individuals to this board.

For reasons known to this body, that confirmation has been held up. The confirmation may remain held up. But this legislation will let the moneys flow to the airports for this needed construction for safety and convenience, and then at a later date, hopefully, we can achieve the confirmation of these three new members to the board. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia, Mr. ROBB, is recognized.

Mr. ROBB. Mr. President, I am pleased to join my senior colleague, Senator WARNER, in introducing legislation to put an end to the strangulation of the Capital region's airports. As Senator WARNER just indicated, more than $200 million in airport improvements are on hold, and have been on hold since October 1, 1997, as part of an effort to strong-arm the region into accepting more flights at Ronald Reagan Washington National Airport.

I believe this tactic is outrageous. It is bad enough that the Congress is trying to micromanage local airports. As Governor of Virginia, I worked with my now colleague and senior partner, Senator WARNER, and then-Secretary of Transportation Dole to pass this legislation in 1986 designed to get the Federal Government out of the airport management business altogether.

The legislation that was enacted shifted control of the Washington airports away from the Federal Government and to a regional authority so they could effectively and efficiently manage their own airports, just like they do in every other State in the Union.

Even at that time, though, I was not particularly sanguine about the prospect that the Federal Government would not be able to resist the temptation to meddle with our local airports for its own ends. So I was not surprised at the efforts to add flights to National, and it is no secret that, notwithstanding a strong personal friendship that I and my senior colleague have with the distinguished chairman of the Commerce Committee, we sharply disagree on this particular issue. But to block airport improvements and hurt this region's consumers in an attempt to force a policy change is simply wrong.

The Senate has the power to delay airport improvements at National and Dulles, because it must approve nominees to the Metropolitan Washington Airports Authority that manage both—Ronald Reagan Washington National Airport and Dulles International Airport.

Without the nominees, the airports cannot obtain grants under the Airport Improvement Program or use the passenger facility charges to fund projects.

These two programs are the lifeblood of airport funding. So Senate inaction on the nominees keeps Dulles and National from making improvements that can truly make a difference to consumers.

Proponents of more flights at National argue they are helping consumers. But blocking the nominees blocks major improvements that would also help consumers.

These improvements include easier passenger access between the terminals and parking, better access among terminals, improved baggage handling, and the renovation of aging facilities.

We should resolve the issue of the number of flights and the distance of flights at National with open debate and not through coercion.

The legislation Senator WARNER and I are proposing today severs the link between action on the nominees and action on airport improvements, and we urge our colleagues to support this effort.

Our proposal retains the Senate's role in approving the nominees. So, if Members have concerns about airport management, those concerns can be addressed. But it is simply wrong to hold airport improvements hostage. It is time to rescue Dulles and National. We shouldn't allow the critical improvements at both airports to remain captive any longer.

I am very pleased to join my senior colleague. I yield the floor.

Mr. WARNER. Mr. President, I am pleased to join my colleague. This Senator, and I hope Senator ROBB, is prepared to stand on this floor until this measure passes, no matter what it takes.

Mr. ROBB. I can assure my senior colleague, like a stone wall.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Airports Authority Improvement Act".

SEC. 2. REMOVAL OF LIMITATION.

Section 49106(c)(6) of title 49, United States Code, is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

By Mr. WARNER:

S. 536. A bill entitled the "Wendell H. Ford National Air Transportation System Improvement Act of 1999"; to the Committee on Commerce, Science, and Transportation.

WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1999

Mr. WARNER. Mr. President, I rise today to share with my colleagues my strong opposition and serious concerns about safety and service impacts resulting from S. 82, the Air Transportation Improvement Act. This legislation has been reported from the Commerce Committee and reauthorizes the activities of the Federal Aviation Administration.

My remarks today will focus on the unwise provisions included in this bill which tear apart the Perimeter and High Density rules at Reagan National Airport. These rules have been in effect—either in regulation or in statute—for nearly 30 years. Since 1986, these rules have been a critical ingredient in providing for significant capital investments and a balance in service among this region's three airports—Dulles International, Reagan National, and Baltimore-Washington International.

First and foremost, I believe these existing rules have greatly benefitted the traveling public—the consumer. The provisions in the Committee bill will severely reduce the level of service that Reagan National now provides and, as a result, consumer convenience in air travel will suffer greatly.

The provisions in S. 82 differ dramatically from the provisions included in the legislation the Senate passed last year by a vote of 92 to 1. Of the four slot-controlled airports in the country—Reagan National, O'Hare International in Chicago, and Kennedy and LaGuardia in New York—only Reagan National received a significant increase in take-off and landing slots from last year's bill—24 per day to 48 per day.

This increase is unjustified and not supported by any evidence that it is needed. Today, Reagan National handles approximately 800 take-off and landing operations per day, Chicago's O'Hare handles approximately 2,000 take-off and landing operations per day. Yet, in the Committee-reported bill Reagan National would receive another 48 slots while O'Hare would receive only another 30 slots per day. This is a disproportionate increase especially when one compares the size and daily operations of the airports. Again, at New York's Kennedy and LaGuardia, there are no changes in this year's bill from the provisions included in the bill passed by the Senate last year.

Mr. President, to gain a full understanding of the severe impact that these changes will have on our regional airports, one must examine the recent history of these three airports. Prior to 1986, Dulles and Reagan National were federally-owned and managed by the FAA. The level of service provided at these airports was deplorable. At National, consumers were routinely subject to traffic gridlock, insufficient parking, and routine flight cancellations and delays. Dulles was an isolated, underutilized airport.

For years, the debate raged within the FAA and the surrounding communities about the future of Reagan National. Should it be improved, expanded or closed? This ongoing uncertainly produced an atmosphere where no investments were made in National and Dulles and service continued to deteriorate.

A national commission, now known as the Holton Commission, was created in 1984 and led by former Virginia Governor Linwood Holton and former Secretary of Transportation Elizabeth Dole to resolve these long-standing controversies which plagued both airports. The result was a recommendation to transfer Federal ownership of the airports so that sorely needed capital investments to improve safety and service could be made.

I was pleased to have participated in the development of the 1986 legislation to transfer operations of these airports to a regional authority. It was a fair compromise of the many issues which had stalled any improvements at both airports over the years. The regulatory High Density Rule was placed in the statute so that neither the FAA nor the Authority could change it unilaterally. The previous passenger cap was repealed, thereby ending growth controls, in exchange for a freeze on slots. Lastly, the perimeter rule at 1,250 miles was established.

For those interested in securing capital investments at both airports, the transfer of these airports under a long-term lease arrangement to the Metropolitan Washington Airports Authority gave MWAA the power to sell bonds to finance the long-overdue work. The Authority has sold millions of dollars in bonds which has financed the new terminal, rehabilitation of the existing terminal, a new control tower and parking facilities at Reagan National.

These improvements would not have been possible without the 1986 Transfer Act which included the High Density Rule, and the Perimeter Rule. Limitations on operations at National had long been in effect through FAA regulations, but now were part of the balanced compromise in the Transfer Act.

For those who feared significant increases in flight activity at National and who for years had prevented any significant investments in National, they were now willing to support major rehabilitation work at National to improve service. They were satisfied that these guarantees would ensure that Reagan National would not become another "Dulles or BWI". Citizens had received legislative assurances that there would be no growth at Reagan National in terms of permitted scheduled flights beyond on the 37-per-hour-limit.

These critical decisions in the 1986 Transfer Act were made to fix both the aircraft activity level at Reagan National and to set its role as a short/medium haul airport. These compromises served to insulate the airport from its long history of competing efforts to increase and to decrease its use.

Since the transfer, the Authority has worked to maintain the balance in service between Dulles and Reagan National. The limited growth principle for Reagan National has been executed by the Authority in all of its planning assumptions and the Master Plan. While we have all witnessed the transformation of National into a quality airport today, these improvements in terminals, the control tower and parking facilities were all determined to meet the needs of this airport for the foreseeable future based on the continuation of the High Density and Perimeter rules. These improvements, however, have purposely not included an increase in the number of gates for aircraft or airfield capacity.

Prior to the 1986 Transfer Act, while National was mired in controversy and poor service, Dulles was identified as the region's growth airport. Under FAA rules and the Department of Transportation's 1981 Metropolitan Washington Airports Policy, it was recognized that Dulles had the capacity for growth and a suitable environment to accommodate this growth. Following enactment of the Transfer Act, plans, capital investments and bonding decisions made by the Authority all factored in the High Density and Perimeter rules.

Mr. President, I provide this history on the issues which stalled improvements at the region's airports in the 1970s and 1980s because it is important to understanding how these airports have operated so effectively over the past thirteen years.

Everyone one of us should ask ourselves if the 1986 Transfer Act has met our expectations. For me, the answer is a resounding yes. Long-overdue capital investments have been made in Reagan National and Dulles. The surrounding communities have been given an important voice in the management of these airports. We have seen unprecedented stability in the growth of both airports. Most importantly, the consumer has benefitted by enhanced service at Reagan National.

For these reasons, I strongly oppose the Committee bill to add 48 slots, or another 16,000 flights annually, at Reagan National. There is no justification for an increase of this size. It is not recommended by the Administration, by the airline industry, by the Metropolitan Washington Airports Authority or by the consumer.

Last year, I cautiously supported a modest increase in flights at Reagan National because I believed it was a fair compromise of the many competing demands in the airline industry today. While many of my constituents strongly opposed this limited increase in aircraft activity at National, I came to the conclusion that this growth could be accommodated without significantly disrupting consumer services or safety.

Mr. President, I deeply regret that the Committee did not include in S.82 the provisions from last year's bill which was the result of an agreement between the Chairman, the Majority Leader and those of us representing this region. I am prepared today to stand behind our agreement and will continue to work with the Commerce Committee to ensure that they understand how detrimental this excessive increase in flights will be for our hard-fought regional balance, air traffic safety and consumer service.

At a time when the Committee is considering legislation to protect air travel consumer rights, why are we considering legislation that will do nothing but severely disrupt consumer services at Reagan National?

The capital improvements made at Reagan National since the 1986 Transfer Act have not expanded the 44 gates or expanded airfield capacity. All of the improvements that have been made have been on the landside of the airport. No improvements have been made to accommodate increase aircraft capacity. Expanding flights at National to a level included in the Committee bill will simply "turn back the clock" at National to the days of traffic gridlock, overcrowded terminal activity and flight delays—all to the detriment of the traveling public.

This ill-advised scheme is sure to return Reagan National to an airport plagued by delays and inconvenience. This proposal threatens to overwhelm the new facilities, just as the previous facilities were overwhelmed. However, now it would be worse. Now, we would be facing increased aircraft delays. There would be delays and inconvenience both on the ground and in the air.

Any discussion of operations at Reagan National cannot occur without a recognition of the impact these increased flights will have on aircraft noise. One of the principal reasons why many in the Washington region were so wary of improvements at Reagan National, making it more attractive for additional flights and increased noise levels, appears to be coming true.

My colleagues will attempt to persuade you that these new flights, based on noise measurement techniques, will not result in noticeable increases in noise levels. The plain fact is that the increased flights included in the Committee bill will result in about 16,000 new flights each year at Reagan National. Do any of us believe that 16,000 new flights will not result in a "noticeable" increase in noise.

Mr. President, I regret that I must oppose the recommendations of the Commerce Committee to add another 48 slots at Reagan National. This is an unjustified increase that has not been thoroughly examined by the FAA. I believe it has the very real possibility of jeopardizing the significant improvements made at Reagan National in the past 10 years and will return the airport to the days of poor service, delays and overcrowding.

The current temporary extension of FAA activities and AIP funding expires at the end of this month. I readily recognize that the Congress must move forward with a full reauthorization proposal. Due to the press of time, it is regrettable that the Committee has decided to make such a significant change from last year's bill. This new approach does not aid our efforts to enact a full FAA reauthorization bill for our communities.

For these reasons, I am introducing today the FAA legislation passed by the Senate last September by a vote of 92 to 1. It provides for a modest increase in flights at Reagan National both inside and beyond the 1,250-mile perimeter.

Mr. President, I also intend to exercise all of my rights and engage in an extensive debate on these important issues.

Mr. President, this bill is exactly the bill passed by the U.S. Senate last year with a vote of 91 Senators to 1 no vote.

Mr. President, this is the bill which said that there shall be 24 slots in the judgment of the Senate. It was to go to the House, which it did. The House and the Senate could not reconcile their differences. I worked very carefully with Senator MCCAIN. I want to make it clear we had an understanding that I would support this bill of 24 even though I felt the slots were too many.

I had every reason to believe that in the negotiations with the House, the number of slots would come down below 24—usually the House and Senate split their differences—to, say 12, which although I still would not like to see 12 additional slots, for safety and other reasons, 90 other Senators felt there should be additional slots.

So recognizing the preponderance of the Senate wanted additional slots, I was willing to accept. Senator MCCAIN did not break his deal with me because the House would not accept any. So now he will soon be back here on the floor, presumably with another bill for 48 slots. I think that is too high. My bill hopefully will be put on as an amendment, as a substitute, in the course of that deliberation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Wendell H. Ford National Air Transportation System Improvement Act of 1998".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Reprogramming notification requirement.
Sec. 105. Airport security program.
Sec. 106. Contract tower programs.
Sec. 107. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.
Sec. 202. Innovative use of airport grant funds.
Sec. 203. Matching share.
Sec. 204. Increase in apportionment for noise compatibility planning and programs.
Sec. 205. Technical amendments.
Sec. 206. Repeal of period of applicability.
Sec. 207. Report on efforts to implement capacity enhancements.
Sec. 208. Prioritization of discretionary projects.
Sec. 209. Public notice before grant assurance requirement waived.
Sec. 210. Definition of public aircraft.
Sec. 211. Terminal development costs.
Sec. 212. Airfield pavement conditions.
Sec. 213. Discretionary grants.

TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.
Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.
Sec. 303. Government and industry consortia.
Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
Sec. 305. Foreign aviation services authority.
Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
Sec. 307. Aviation insurance program amendments.
Sec. 308. Technical corrections to civil penalty provisions.
Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 310. Nondiscriminatory interline interconnection requirements.

TITLE IV—TITLE 49 TECHNICAL CORRECTIONS

Sec. 401. Restatement of 49 U.S.C. 106(g).
Sec. 402. Restatement of 49 U.S.C. 44909.

TITLE V—MISCELLANEOUS

Sec. 501. Oversight of FAA response to year 2000 problem.
Sec. 502. Cargo collision avoidance systems deadline.
Sec. 503. Runway safety areas; precision approach path indicators.
Sec. 504. Airplane emergency locators.
Sec. 505. Counterfeit aircraft parts.
Sec. 506. FAA may fine unruly passengers.
Sec. 507. Higher standards for handicapped access.
Sec. 508. Conveyances of United States Government land.
Sec. 509. Flight operations quality assurance rules.
Sec. 510. Wide area augmentation system.
Sec. 511. Regulation of Alaska air guides.
Sec. 512. Application of FAA regulations.
Sec. 513. Human factors program.
Sec. 514. Independent validation of FAA costs and allocations.
Sec. 515. Whistleblower protection for FAA employees.
Sec. 516. Report on modernization of oceanic ATC system.
Sec. 517. Report on air transportation oversight system.
Sec. 518. Recycling of EIS.
Sec. 519. Protection of employees providing air safety information.
Sec. 520. Improvements to air navigation facilities.
Sec. 521. Denial of airport access to certain air carriers.
Sec. 522. Tourism.
Sec. 523. Equivalency of FAA and EU safety standards.
Sec. 524. Sense of the Senate on property taxes on public-use airports.
Sec. 525. Federal Aviation Administration Personnel Management System.
Sec. 526. Aircraft and aviation component repair and maintenance advisory panel.
Sec. 527. Report on enhanced domestic airline competition.
Sec. 528. Aircraft situational display data.
Sec. 529. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
Sec. 530. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
Sec. 531. Allocation of Trust Fund funding.
Sec. 532. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 533. Airline marketing disclosure.
Sec. 534. Certain air traffice control towers.
Sec. 535. Compensation under the Death on the High Seas Act.

TITLE VI—AVIATION COMPETITION PROMOTION

Sec. 601. Purpose.
Sec. 602. Establishment of small community aviation development program.
Sec. 603. Community-carrier air service program.
Sec. 604. Authorization of appropriations.
Sec. 605. Marketing practices.
Sec. 606. Slot exemptions for nonstop regional jet service.
Sec. 607. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
Sec. 608. Additional slot exemptions at Chicago O'Hare International Airport.

Sec. 609. Consumer notification of e-ticket expiration dates.
Sec. 610. Joint venture agreements.
Sec. 611. Regional air service incentive options.
Sec. 612. GAO study of air transportation needs.

TITLE VII—NATIONAL PARK OVERFLIGHTS

Sec. 701. Findings.
Sec. 702. Air tour management plans for national parks.
Sec. 703. Advisory group.
Sec. 704. Overflight fee report.
Sec. 705. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VIII—CENTENNIAL OF FLIGHT COMMEMORATION

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Establishment.
Sec. 804. Membership.
Sec. 805. Duties.
Sec. 806. Powers.
Sec. 807. Staff and support services.
Sec. 808. Contributions.
Sec. 809. Exclusive right to name, logos, emblems, seals, and marks.
Sec. 810. Reports.
Sec. 811. Audit of financial transactions.
Sec. 812. Advisory board.
Sec. 813. Definitions.
Sec. 814. Termination.
Sec. 815. Authorization of appropriations.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 901. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,631,000,000 for fiscal year 1999 and $5,784,000,000 for fiscal year 2000. Of the amounts authorized to be appropriated for fiscal year 1999, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

"(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

"(3) UNIVERSITY CONSORTIUM.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 1999 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

"(A) may not be used for the construction of a building or other facility; and

"(B) shall be awarded on the basis of open competition.".

(b) COORDINATION.—The authority granted the Secretary under section 41717 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) for fiscal year 1999—

"(A) $222,800,000 for engineering, development, test, and evaluation: en route programs;

"(B) $74,700,000 for engineering, development, test, and evaluation: terminal programs;

"(C) $108,000,000 for engineering, development, test, and evaluation: landing and navigational aids;

"(D) $17,790,000 for engineering, development, test, and evaluation: research, test, and evaluation equipment and facilities programs;

"(E) $391,358,300 for air traffic control facilities and equipment: en route programs;

"(F) $492,315,500 for air traffic control facilities and equipment: terminal programs;

"(G) $38,764,400 for air traffic control facilities and equipment: flight services programs;

"(H) $50,500,000 for air traffic control facilities and equipment: other ATC facilities programs;

"(I) $162,400,000 for non-ATC facilities and equipment programs;

"(J) $14,500,000 for training and equipment facilities programs;

"(K) $280,800,000 for mission support programs;

"(L) $235,210,000 for personnel and related expenses; and

"(2) $2,189,000,000 for fiscal year 2000.".

(b) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking "fiscal years 1995 and 1996" and inserting "fiscal years 1999 and 2000"; and

(2) by striking "acquisition," and inserting "acquisition under new or existing contracts,".

(c) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by—

(1) striking "September 30, 1996," and inserting "September 30, 1998,"; and

(2) striking "$2,280,000,000 for fiscal years ending before October 1, 1997, and $4,627,000,000 for fiscal years ending before October 1, 1998." and inserting "$2,410,000,000 for fiscal years ending before October 1, 1999 and $4,885,000,000 for fiscal years ending before October 1, 2000.".

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking "1998," and inserting "2002,".

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

"§ 47136. Airport security program

"(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative airport security systems and related technology.

"(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

"(1) evaluates and tests the benefits of innovative airport security systems or related technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

"(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

"(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

"(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

"47136. Airport security program.".

SEC. 106. CONTRACT TOWER PROGRAM.

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the Federal Contract Tower Program under title 49, United States Code.

SEC. 107. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§ 47135. Innovative financing techniques

"(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

"(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

"(c) LIMITATION—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

"(1) payment of interest;

"(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

"(3) flexible non-Federal matching requirements.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

"47135. Innovative financing techniques.".

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting "not more than" before "90 percent".

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking "31" each time it appears and substituting "35".

SEC. 205. TECHNICAL AMENDMENTS.

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

"(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.".

(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) by striking "ALTERNATIVE" in the subsection caption and inserting "SUPPLEMENTAL";

(2) in paragraph (1) by—

(A) striking "Instead of apportioning amounts for airports in Alaska under" and inserting "Notwithstanding"; and

(B) striking "those airports" and inserting "airports in Alaska"; and

(3) striking paragraph (3) and inserting the following:

"(3) An amount apportioned under this subsection may be used for any public airport in Alaska.".

(c) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) DISCRETIONARY FUND DEFINITION.—

(1) Section 47115 is amended—

(A) by striking "25" in subsection (a) and inserting "12.5"; and

(B) by striking the second sentence in subsection (b).

(2) Section 47116 is amended—

(A) by striking "75" in subsection (a) and inserting "87.5";

(B) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

"(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

"(2) the remaining amounts based on the following:".

(e) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end thereof the following:

"(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.".

(f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended by—

(1) striking "or" at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) inserting after clause (i) the following:

"(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or".

(g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking "or reliever".

(h) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "payment." in subparagraph (C) and inserting "payment; and"; and

(3) by adding at the end thereof the following:

"(D) in Alaska aboard an aircraft having a seating capacity of less than 20 passengers.".

(i) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking "transportation." in paragraph (2)(D) and inserting "transportation; and"; and

(3) by adding at the end thereof the following:

"(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers enplaned on a flight to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.".

(j) USE OF THE WORD "GIFT" AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking "give" in subsection (a) and inserting "convey to";

(B) by striking "gift" in subsection (a)(2) and inserting "conveyance";

(C) by striking "giving" in subsection (b) and inserting "conveying";

(D) by striking "gift" in subsection (b) and inserting "conveyance"; and

(E) by adding at the end thereof the following:

"(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.".

(2) Section 47152 is amended—

(A) by striking "gifts" in the section caption and inserting "conveyances"; and

(B) by striking "gift" in the first sentence and inserting "conveyance".

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

(4) Section 47153(a) is amended—

(A) by striking "gift" in paragraph (1) and inserting "conveyance";

(B) by striking "given" in paragraph (1)(A) and inserting "conveyed"; and

(C) by striking "gift" in paragraph (1)(B) and inserting "conveyance".

(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking "2.5 percent" and inserting "3 percent".

(l) FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—Section 47114(d) is amended by adding at the end thereof the following:

"(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

"(A) safety will not be negatively affected; and

"(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.".

SEC. 206. REPEAL OF PERIOD OF APPLICABILITY.

Section 125 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47114 note) is repealed.

SEC. 207. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on

Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 208. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended by—

(1) inserting “(a) IN GENERAL.—” before “In”; and

(2) adding at the end thereof the following:

“(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.”.

SEC. 209. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) EFFECTIVE DATE.—This section applies to any request filed on or after the date of enactment of this Act.

SEC. 210. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking “or” at the end of subclause (I);

(2) by striking the “States.” in subclause (II) and inserting “States; or”; and

(3) by adding at the end thereof the following:

“(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.”.

SEC. 211. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

“(j) SHELL OF TERMINAL BUILDING.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).”.

SEC. 212. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 213. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

“§ 40125. Severable services contracts for periods crossing fiscal years

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

“(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

“40125. Severable services contracts for periods crossing fiscal years.”.

SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

The first sentence of section 47528(b)(1) is amended by inserting “or foreign air carrier” after “air carrier” the first place it appears and after “carrier” the first place it appears.

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

“(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).”.

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

“(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

“(A) Article 12 (Rules of the Air).

“(B) Article 31 (Certificates of Airworthiness).

“(C) Article 32a (Licenses of Personnel).

“(2) The agreement under paragraph (1) may apply to—

“(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

“(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

“(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

“(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.”.

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

Section 45301 is amended by striking “government.” in subsection (a)(2) and inserting “government or to any entity obtaining services outside the United States.”.

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking “subparagraph (C))” in subsection (a)(1)(B) and inserting “subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)”;

(2) by striking “individual” in subsection (f)(1)(B)(ii) and inserting “individual's performance as a pilot”; and

(3) by inserting “or from a foreign government or entity that employed the individual,” in subsection (f)(14)(B) after “exists,”.

SEC. 307. AVIATION INSURANCE PROGRAM AMENDMENTS.

(a) REIMBURSEMENT OF INSURED PARTY'S SUBROGEE.—Subsection (a) of 44309 is amended—

(1) by striking the subsection caption and the first sentence, and inserting the following:

"(a) LOSSES.—

"(1) A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

"(A) a loss insured under this chapter is in dispute; or

"(B)(i) the person is subrogated to the rights against the United States Government of a party insured under this chapter (other than under subsection 44305(b) of this title), under a contract between the person and such insured party; and

"(ii) the person has paid to such insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary of Transportation has determined is a loss covered under insurance issued under this chapter (other than insurance issued under subsection 44305(b) of this title)."; and

(2) by resetting the remainder of the subsection as a new paragraph and inserting "(2)" before "A civil action".

(b) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 is amended by striking "1998." and inserting "2003.".

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) by striking "46302, 46303, or" in subsection (a)(1)(A);

(2) by striking "individual" the first time it appears in subsection (d)(7)(A) and inserting "person"; and

(3) by inserting "or the Administrator" in subsection (g) after "Secretary".

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

"(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

"(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

"(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.".

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 41716. Interline agreements for domestic transportation

"(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.".

"(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

"41716. Interline agreements for domestic transportation.".

TITLE IV—TITLE 49 TECHNICAL CORRECTIONS

SEC. 401. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking "40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304," and inserting "40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 402. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

TITLE V—MISCELLANEOUS

SEC. 501. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a payload capacity of 15,000 kilograms or more.

(b) EXTENSION.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) COLLISION AVOIDANCE EQUIPMENT.—For purposes of this section, the term "collision avoidance equipment" means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administration for collision avoidance purposes.

SEC. 503. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 504. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

"(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

"(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

"(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

"(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

"(4) showing compliance with regulations, exhibition, or air racing; or

"(5) the aerial application of a substance for an agricultural purpose.".

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

"(c) COMPLIANCE.—An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).".

(c) Effective Date; Regulations.—

(1) Regulations.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) Effective date.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) Denial; Revocation; Amendment of Certificate.—

(1) In general.—Chapter 447 is amended by adding at the end thereof the following:

“§ 44725. Denial and revocation of certificate for counterfeit parts violations

“(a) Denial of Certificate.—

“(1) In general.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

“(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

“(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

“(2) Exception.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

“(b) Revocation of Certificate.—

“(1) In general.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

“(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

“(B) knowingly carried out or facilitated an activity punishable under such a law.

“(2) No authority to review violation.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

“(c) Notice Requirement.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

“(1) advise the holder of the certificate of the reason for the revocation; and

“(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

“(d) Appeal.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, ‘person’ shall be substituted for ‘individual’ each place it appears.

“(e) Aquittal or Reversal.—

“(1) In general.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

“(2) Reissuance.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

“(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

“(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

“(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

“(f) Waiver.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

“(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; or

“(2) the waiver will facilitate law enforcement efforts.

“(g) Amendment of Certificate.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

“(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

“(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.”.

(2) Conforming amendment.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

“44725. Denial and revocation of certificate for counterfeit parts violations”.

(b) Prohibition on Employment.—Section 44711 is amended by adding at the end thereof the following:

“(c) Prohibition on Employment of Convicted Counterfeit Part Dealers.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.”.

SEC. 506. FAA MAY FINE UNRULY PASSENGERS.

(a) In General.—Chapter 463 is amended by redesignating section 46316 as section 46317, and by inserting after section 46315 the following:

“§ 46316. Interference with cabin or flight crew

“(a) In General.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

“(b) Compromise and Setoff.—

“(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

“(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.”.

(b) Conforming Change.—The chapter analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

SEC. 507. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) Establishment of Higher International Standards.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) Increased Civil Penalties.—Section 46301(a) is amended by—

(1) inserting “41705,” after “41704,” in paragraph (1)(A); and

(2) adding at the end thereof the following:

“(7) Unless an air carrier that violates section 41705 with respect to an individual provides that individual a credit or voucher for the purchase of a ticket on that air carrier or any affiliated air carrier in an amount (determined by the Secretary) of—

“(A) not less than $500 and not more than $2,500 for the first violation; or

“(B) not less than $2,500 and not more than $5,000 for any subsequent violation, then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.”.

SEC. 508. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) In General.—Section 47125(a) is amended to read as follows:

“(a) Conveyances to Public Agencies.—

“(1) Request for conveyance.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

“(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

“(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

“(2) Response to request for certain conveyances.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

“(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

“(B) notify the Secretary of the decision; and

“(C) make the requested conveyance if—

"(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

"(ii) the Attorney General approves the conveyance; and

"(iii) the conveyance can be made without cost to the United States Government.

"(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.".

(b) RELEASE OF CERTAIN CONDITIONS.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

"(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

"(1) determines that the property is no longer needed for aeronautical purposes;

"(2) determines that the property will be used solely to generate revenue for the public airport;

"(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

"(4) provides notice to the public of the requested release;

"(5) includes in the release a written justification for the release of the property; and

"(6) determines that release of the property will advance civil aviation in the United States.".

(c) EFFECTIVE DATE.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 509. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement action under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing those procedures.

SEC. 510. WIDE AREA AUGMENTATION SYSTEM.

(a) PLAN.—The Administrator shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administration shall continue to develop and maintain a backup system.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS DEFINED.—For purposes of this section, the term "WAAS" means wide area augmentation system.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 511. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

SEC. 512. APPLICATION OF FAA REGULATIONS.

Section 40113 is amended by adding at the end thereof the following:

"(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.".

SEC. 513. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

"§ 44516. Human factors program

"(a) OVERSIGHT COMMITTEE.—The Administrator of the Federal Aviation Administration shall establish an advanced qualification program oversight committee to advise the Administrator on the development and execution of Advanced Qualification Programs for air carriers under this section, and to encourage their adoption and implementation.

"(b) HUMAN FACTORS TRAINING.—

"(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

"(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

"(B) respond to the recommendations made by the National Research Council.

"(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula, within 12 months after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, to address critical safety problems, including problems of pilots—

"(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

"(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

"(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

"(D) in landing and approaches, including nonprecision approaches and go-around procedures.

"(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

"(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

"(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.".

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator shall complete the Administration's updating of training practices for automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

"44516. Human factors program.".

SEC. 514. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) DEADLINE.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 515. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is amended by striking “protection;” and inserting “protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;”.

SEC. 516. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 517. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in 1999, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 518. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“§ 42121. Protection of employees providing air safety information

“(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or will testify in such a proceeding; or

“(4) assisted or participated or is about to assist or participate in such a proceeding.

“(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—

“(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

“(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

“(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

“(i) filing of the complaint;

“(ii) allegations contained in the complaint;

“(iii) substance of evidence supporting the complaint; and

“(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

“(A) IN GENERAL.—

“(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

“(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

“(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

“(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

“(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

“(I) provides relief in accordance with this paragraph; or

"(II) denies the complaint.

"(ii) Settlement agreement.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

"(B) Remedy.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

"(i) take action to abate the violation;

"(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

"(iii) provide compensatory damages to the complainant.

"(C) Costs of complaint.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

"(4) Review.—

"(A) Appeal to court of appeals.—

"(i) In general.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

"(ii) Requirements for judicial review.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

"(B) Limitation on collateral attack.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) Enforcement of order by Secretary of Labor.—

"(A) In general.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

"(B) Relief.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

"(6) Enforcement of order by parties.—

"(A) Commencement of action.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

"(B) Attorney fees.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

"(c) Mandamus.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) Nonapplicability To Deliberate Violations.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.".

(b) Conforming Amendment.—The chapter analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

(c) Civil Penalty.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking "subchapter II of chapter 421," and inserting "subchapter II or III of chapter 421,".

SEC. 520. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

"(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

"(A) the improvements primarily benefit the government;

"(B) are essential for mission accomplishment; and

"(C) the government's interest in the improvements is protected.".

SEC. 521. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

"(q) Denial of Access.—

"(1) Effect of denial.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

"(2) Airports to which subsection applies.—An airport is described in this paragraph if it—

"(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

"(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

"(C) is located within a 35-mile radius of an airport that has—

"(i) at least 0.05 percent of the total annual boardings in the United States; and

"(ii) current gate capacity to handle the demands of a public charter operation.

"(3) Air carriers described.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

"(4) Definitions.—In this subsection:

"(A) Air carrier; air transportation; aircraft; airport.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

"(B) Public charter.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.".

SEC. 522. TOURISM.

(a) Findings.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the "Task Force").

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 523. EQUIVALENCY OF FAA AND EU SAFETY STANDARDS.

The Administrator of the Federal Aviation Administration shall determine whether the Administration's safety regulations are equivalent to the safety standards set forth in European Union Directive 89/336EEC. If the Administrator determines that the standards are equivalent, the Administrator shall work with the Secretary of Commerce to gain acceptance of that determination pursuant to the Mutual Recognition Agreement between the United States and the European Union of May 18, 1998, in order to ensure that aviation products approved by the Administration are acceptable under that Directive.

SEC. 524. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 525. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.".

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.".

SEC 526. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) Responsibilities.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA To Request Information From Foreign Aircraft Repair Stations.—

(1) Collection of information.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) Drug and alcohol testing information.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) Description of work done.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA To Request Information About Domestic Aircraft Repair Stations.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA To Make Information Available to Public.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) Termination.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) Annual Report to Congress.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) Definitions.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

SEC. 527. REPORT ON ENHANCED DOMESTIC AIRLINE COMPETITION.

(a) Findings.—The Congress makes the following findings:

(1) There has been a reduction in the level of competition in the domestic airline business brought about by mergers, consolidations, and proposed domestic alliances.

(2) Foreign citizens and foreign air carriers may be willing to invest in existing or start-up airlines if they are permitted to acquire a larger equity share of a United States airline.

(b) Study.—The Secretary of Transportation, after consulting the appropriate Federal agencies, shall study and report to the Congress not later than December 31, 1998, on the desirability and implications of—

(1) decreasing the foreign ownership provision in section 40102(a)(15) of title 49, United States Code, to 51 percent from 75 percent; and

(2) changing the definition of air carrier in section 40102(a)(2) of such title by substituting "a company whose principal place of business is in the United States" for "a citizen of the United States".

SEC. 528. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) In General.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person directly that obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) Existing Memoranda To Be Conformed.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 529. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CHARLOTTE-LONDON ROUTE.

(a) Definitions.—In this section:

(1) Air carrier.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) Bermuda II agreement.—The term "Bermuda II Agreement" means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(3) Charlotte-London (Gatwick) route.—The term "Charlotte-London (Gatwick) route" means the route between Charlotte, North Carolina, and the Gatwick Airport in London, England.

(4) Foreign air carrier.—The term "foreign air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(5) Secretary.—The term "Secretary" means the Secretary of Transportation.

(b) Findings.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Charlotte-London (Gatwick) route;

(2) the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on September 12, 1997, and on May 7, 1998, US Airways announced plans to launch nonstop service in competition with the monopoly held by British Airways on the route and to provide convenient single-carrier one-stop service to the United Kingdom from dozens of cities in North Carolina and South Carolina and the surrounding region;

(3) US Airways was forced to cancel service for the Charlotte-London (Gatwick) route for the summer of 1998 and the following winter because the Government of the United Kingdom refused to provide commercially viable access to Gatwick Airport;

(4) British Airways continues to operate monopoly service on the Charlotte-London (Gatwick) route and recently upgraded the aircraft for that route to B-777 aircraft;

(5) British Airways had been awarded an additional monopoly route between London England and Denver, Colorado, resulting in a total of 10 monopoly routes operated by British Airways between the United Kingdom and points in the United States;

(6) monopoly service results in higher fares to passengers; and

(7) US Airways is prepared, and officials of the air carrier are eager, to initiate competitive air service on the Charlotte-London (Gatwick) route as soon as the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) Sense of the Senate.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Charlotte-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom.

SEC. 530. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CLEVELAND-LONDON ROUTE.

(a) Definitions.—In this section:

(1) Air carrier.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) Aircraft.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(3) Air transportation.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(4) Bermuda II agreement.—The term "Bermuda II Agreement" means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(5) Cleveland-London (Gatwick) route.—The term "Cleveland-London (Gatwick) route" means the route between Cleveland, Ohio, and the Gatwick Airport in London, England.

(6) Foreign air carrier.—The term "foreign air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(7) Secretary.—The term "Secretary" means the Secretary of Transportation.

(8) SLOT.—The term "slot" means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Cleveland-London (Gatwick) route;

(2)(A) on December 3, 1996, the Secretary awarded the Cleveland-London (Gatwick) route to Continental Airlines;

(B) on June 15, 1998, Continental Airlines announced plans to launch nonstop service on that route on February 19, 1999, and to provide single-carrier one-stop service between London, England (from Gatwick Airport) and dozens of cities in Ohio and the surrounding region; and

(C) on August 4, 1998, the Secretary tentatively renewed the authority of Continental Airlines to carry out the nonstop service referred to in subparagraph (B) and selected Cleveland, Ohio, as a new gateway under the Bermuda II Agreement;

(3) unless the Government of the United Kingdom provides Continental Airlines commercially viable access to Gatwick Airport, Continental Airlines will not be able to initiate service on the Cleveland-London (Gatwick) route; and

(4) Continental Airlines is prepared to initiate competitive air service on the Cleveland-London (Gatwick) route when the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Cleveland-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom, including the right to commercially viable competitive slots at Gatwick Airport and Heathrow Airport in London, England, for air carriers of the United States.

SEC. 531. ALLOCATION OF TRUST FUND FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 532. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 533. AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 534. CERTAIN AIR TRAFFIC CONTROL TOWERS.

Notwithstanding any other provision of law, regulation, intergovernmental circular advisories or other process, or any judicial proceeding or ruling to the contrary, the Federal Aviation Administration shall use such funds as necessary to contract for the operation of air traffic control towers, located in Salisbury, Maryland; Bozeman, Montana; and Boca Raton, Florida: *Provided*, That the Federal Aviation Administration has made a prior determination of eligibility for such towers to be included in the contract tower program.

SEC. 535. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended by—

(1) inserting "(a) IN GENERAL.—" before "The recovery"; and

(2) adding at the end thereof the following:

"(b) COMMERCIAL AVIATION.—

"(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

"(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

"(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

TITLE VI—AVIATION COMPETITION PROMOTION

SEC. 601. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 602. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

"(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

"(2) FUNCTIONS.—The program director shall—

"(A) function as a facilitator between small communities and air carriers;

"(B) carry out section 41743 of this title;

"(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

"(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

"(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

"(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

"(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 1999 that—

"(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

"(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

"(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.".

SEC. 603. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

"§41743. Air service program for small communities

"(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

"(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

"(1) will promote the development of a national air transportation system; and

"(2) will involve the participation of communities in all regions of the country.

"(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

"(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

"(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

"(3) the costs and benefits of providing jet service by regional or other jet aircraft.

"(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

"(1) may work with communities to develop innovative means and incentives for the initiation of service;

"(2) may obligate funds appropriated under section 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 to carry out this section;

"(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

"(A) are acceptable to communities and carriers; and

"(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

"(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

"(5) take such other action under this chapter as may be appropriate.

"(e) LIMITATIONS.—

"(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

"(A) a public-private partnership exists at the community level to carry out the community's proposal;

"(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

"(C) the community has established an open process for soliciting air service proposals; and

"(D) the community will accord similar benefits to air carriers that are similarly situated.

"(2) AMOUNT.—The program director may not obligate more than $30,000,000 of the amounts appropriated under 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 over the 4 years of the program.

"(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

"(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

"§41744. Pilot program project authority

"(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

"(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

"(2) to facilitate better air service link-ups to support the improved access.

"(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

"(1) out of amounts appropriated under section 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

"(2) take such other action as may be appropriate.

"(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

"(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

"(2) collecting data on air carrier service to small communities; and

"(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

"(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

"§41745. Assistance to communities for service

"(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

"(1) 4 communities within any State at any given time; and

"(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

"(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

"(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

"(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

"(3) the pilot project will not impede competition; and

"(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

"(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

"(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

"(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

"(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

"(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

"(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

"(i) viable without further support under this subchapter; or

"(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

"(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

"(f) Program To Terminate in 4 Years.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

"§ 41746. Additional authority

"In carrying out this chapter, the Secretary—

"(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

"(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

"(3) may accord priority to service by jet aircraft;

"(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title VI of the Wendell H. Ford National Air Transportation System Improvement Act of 1998; and

"(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

"§ 41747. Air traffic control services pilot program

"(a) In General.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

"(b) Program Components.—In carrying out the pilot program established under subsection (a), the Administrator may—

"(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

"(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

"(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

"(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

"(c) Report.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.".

(b) Conforming Amendment.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41742 the following:

"41743. Air service program for small communities.
"41744. Pilot program project authority.
"41745. Assistance to communities for service.
"41746. Additional authority.
"41747. Air traffic control services pilot program.".

(c) Waiver of Local Contribution.—Section 41736(b) is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 1999—

(1) there are authorized to be appropriated to the Secretary of Transportation not more than $10,000,000; and

(2) not more than $20,000,000 shall be made available, if available, to the Secretary for obligation and expenditure out of the account established under section 45303(a) of title 49, United States Code.

To the extent that amounts are not available in such account, there are authorized to be appropriated such sums as may be necessary to provide the amount authorized to be obligated under paragraph (2) to carry out those sections for that 4 fiscal-year period.

SEC. 605. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting "(a) In General.—" before "On"; and

(2) adding at the end thereof the following:

"(b) Marketing Practices That Adversely Affect Service to Small or Medium Communities.—Within 180 days after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

"(1) marketing arrangements between airlines and travel agents;

"(2) code-sharing partnerships;

"(3) computer reservation system displays;

"(4) gate arrangements at airports;

"(5) exclusive dealing arrangments; and

"(6) any other marketing practice that may have the same effect.

"(c) Regulations.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary shall promulgate regulations that address the problem.".

SEC. 606. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) In General.—Subchapter I of chapter 417 is amended by—

(1) redesignating section 41715 as 41716; and

(2) inserting after section 41714 the following:

"§ 41715. Slot exemptions for nonstop regional jet service.

"(a) In General.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

"(1) an airport with fewer than 2,000,000 annual enplanements; and

"(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

"(b) Existing Slots Taken Into Account.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

"(c) Conditions.—The Secretary may grant an exemption to an air carrier under subsection (a)—

"(1) for a period of not less than 12 months;

"(2) for a minimum of 2 daily roundtrip flights; and

"(3) for a maximum of 3 daily roundtrip flights.

"(d) Change of Nonhub, Small Hub, or Medium Hub Airport; Jet Aircraft.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

"(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

"(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

"(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

"(B) the air carrier can demonstrate unmitigatable losses.

"(e) Forefeiture for Misuse.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

"(f) Restoration of Air Service.—To the extent that—

"(1) slots were withdrawn from an air carrier under section 41714(b);

"(2) the withdrawal of slots under that section resulted in a net loss of slots; and

"(3) the net loss of slots and slot exemptions resulting from the withdrawal had an adverse effect on service to nonhub airports and in other domestic markets,

the Secretary shall give priority consideration to the request of any air carrier from which slots were withdrawn under that section for an equivalent number of slots at the airport where the slots were withdrawn. No priority consideration shall be given under this subsection to an air carrier described in paragraph (1) when the net loss of slots and slot exemptions is eliminated.

"(g) Priority to New Entrants and Limited Incumbent Carriers.—

"(1) In general.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

"(2) Limitation.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

"(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

"(h) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(i) REGIONAL JET DEFINED.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.".

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

"(28A) LIMITED INCUMBENT AIR CARRIER.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.226(h) as such sections were in effect on August 1, 1998.".

(2) The chapter analysis for chapter 417 is amended by striking the item relating to section 41716 and inserting the following:

"41715. Slot exemptions for nonstop regional jet service.
"41716. Air service termination notice.".

SEC. 607. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 606, is amended by—

(1) redesignating section 41716 as 41717; and

(2) inserting after section 41715 the following:

"§41716. Special Rules for Ronald Reagan Washington National Airport

"(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

"(2) increase competition in multiple markets;

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

"(4) not result in meaningfully increased travel delays.

"(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

"(c) LIMITATIONS.—

"(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.".

"(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

"(A) will result in 12 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

"(B) will result in 12 additional daily commuter slot exemptions at such airport; and

"(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that is not smaller than a large hub airport (as defined in section 47134(d)(2)).

"(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

"(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.".

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

"(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41716.".

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 1999 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

"(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title VI of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 and the amendments made by that title.".

(e) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for chapter 417, as amended by section 606(b) of this Act, is amended by striking the item relating to section 41716 and inserting the following:

"41716. Special Rules for Ronald Reagan Washington National Airport.
"41717. Air service termination notice.".

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington D.C. that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 608. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Chapter 417, as amended by section 607, is amended by—

(1) redesignating section 41717 as 41718; and

(2) inserting after section 41716 the following:

"§41717. Special Rules for Chicago O'Hare International Airport

"(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 at Chicago O'Hare International Airport.

"(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

"(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

"(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

"(B) 12 shall be air carrier slot exemptions.

"(c) Procedural Requirements.—Before granting exemptions under subsection (a), the Secretary shall—

"(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

"(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

"(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

"(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

"(d) Underserved Market Defined.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).".

(b) Studies.—

(1) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41717(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT study in 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) Conforming Amendment.—The chapter analysis for chapter 417, as amended by section 607(b) of this Act, is amended by striking the item relating to section 41717 and inserting the following:

"41717. Special Rules for Chicago O'Hare International Airport.
"41718. Air service termination notice.".

SEC. 609. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 605 of this Act, is amended by adding at the end thereof the following:

"(d) E-Ticket Expiration Notice.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.".

SEC. 610. JOINT VENTURE AGREEMENTS.

(a) In General.—Subchapter I of chapter 417, as amended by section 608, is amended by adding at the end the following:

"§ 41719. Joint venture agreements

"(a) Definitions.—In this section—

"(1) Joint venture agreement.—The term 'joint venture agreement' means an agreement entered into by a major air carrier on or after January 1, 1998, with regard to (A) code-sharing, blocked-space arrangements, long-term wet leases (as defined in section 207.1 of title 14, Code of Federal Regulations) of a substantial number (as defined by the Secretary by regulation) of aircraft, or frequent flyer programs, or (B) any other cooperative working arrangement (as defined by the Secretary by regulation) between 2 or more major air carriers that affects more than 15 percent of the total number of available seat miles offered by the major air carriers.

"(2) Major air carrier.—The term 'major air carrier' means a passenger air carrier that is certificated under chapter 411 of this title and included in Carrier Group III under criteria contained in section 04 of part 241 of title 14, Code of Federal Regulations.

"(b) Submission of Joint Venture Agreement.—At least 30 days before a joint venture agreement may take effect, each of the major air carriers that entered into the agreement shall submit to the Secretary—

"(1) a complete copy of the joint venture agreement and all related agreements; and

"(2) other information and documentary material that the Secretary may require by regulation.

"(c) Extension of Waiting Period.—

"(1) In general.—The Secretary may extend the 30-day period referred to in subsection (b) until—

"(A) in the case of a joint venture agreement with regard to code-sharing, the 150th day following the last day of such period; and

"(B) in the case of any other joint venture agreement, the 60th day following the last day of such period.

"(2) Publication of reasons for extension.—If the Secretary extends the 30-day period referred to in subsection (b), the Secretary shall publish in the Federal Register the reasons of the Secretary for making the extension.

"(d) Termination of Waiting Period.—At any time after the date of submission of a joint venture agreement under subsection (b), the Secretary may terminate the waiting periods referred to in subsections (b) and (c) with respect to the agreement.

"(e) Regulations.—The effectiveness of a joint venture agreement may not be delayed due to any failure of the Secretary to issue regulations to carry out this subsection.

"(f) Memorandum To Prevent Duplicative Reviews.—Promptly after the date of enactment of this section, the Secretary shall consult with the Assistant Attorney General of the Antitrust Division of the Department of Justice in order to establish, through a written memorandum of understanding, preclearance procedures to prevent unnecessary duplication of effort by the Secretary and the Assistant Attorney General under this section and the United States antitrust laws, respectively.

"(g) Prior Agreements.—With respect to a joint venture agreement entered into before the date of enactment of this section as to which the Secretary finds that—

"(1) the parties have submitted the agreement to the Secretary before such date of enactment; and

"(2) the parties have submitted any information on the agreement requested by the Secretary,

the waiting period described in paragraphs (2) and (3) shall begin on the date, as determined by the Secretary, on which all such information was submitted and end on the last day to which the period could be extended under this section.

"(h) Limitation on Statutory Construction.—The authority granted to the Secretary under this subsection shall not in any way limit the authority of the Attorney General to enforce the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).".

(b) Conforming Amendment.—The analysis for subchapter I of such chapter is amended by adding at the end the following:

"41716. Joint venture agreements.".

SEC. 611. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) Purpose.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) Study.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competititve implications of such a program; and

(7) the cost of such a program.

(c) Report.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

SEC. 612. GAO STUDY OF AIR TRANSPORTATION NEEDS.

The General Accounting Office shall conduct a study of the current state of the national airport network and its ability to meet the air transportation needs of the United States over the next 15 years. The study shall include airports located in remote communities and reliever airports. In assessing the effectiveness of the system the Comptroller General may consider airport runway length of 5,500 feet or the equivalent altitude-adjusted length, air traffic control facilities, and navigational aids.

TITLE VII—NATIONAL PARKS OVERFLIGHTS

SEC. 701. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American

representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 702. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

"§40126. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any effective air tour management plan for that park or those tribal lands.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the company or pilots;

"(ii) any quiet aircraft technology proposed for use;

"(iii) the experience in commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots; and

"(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

"(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

"(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

"(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

"(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT OF ATMPS.—

"(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may prohibit commercial air tour operations in whole or in part;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

"(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

"(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

"(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

"(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

"(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

"(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

“(C) shall be published in the Federal Register to provide notice and opportunity for comment;

“(D) may be revoked by the Administrator for cause;

“(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

“(F) shall—

“(i) promote protection of national park resources, visitor experiences, and tribal lands;

“(ii) promote safe operations of the commercial air tour;

“(iii) promote the adoption of quiet technology, as appropriate; and

“(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

“(3) NEW ENTRANT AIR TOUR OPERATORS.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

“(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

“(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL AIR TOUR.—The term ‘commercial air tour’ means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

“(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(B) whether a narrative was provided that referred to areas or points of interest on the surface;

“(C) the area of operation;

“(D) the frequency of flights;

“(E) the route of flight;

“(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

“(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

“(2) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ means any person who conducts a commercial air tour.

“(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term ‘existing commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

“(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that—

“(A) applies for operating authority as a commercial air tour operator for a national park; and

“(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

“(5) COMMERCIAL AIR TOUR OPERATIONS.—The term ‘commercial air tour operations’ means commercial air tour flight operations conducted—

“(A) over a national park or within ½ mile outside the boundary of any national park;

“(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

“(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

“(6) NATIONAL PARK.—The term ‘national park’ means any unit of the National Park System.

“(7) TRIBAL LANDS.—The term ‘tribal lands’ means ‘Indian country’, as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

“(8) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(9) DIRECTOR.—The term ‘Director’ means the Director of the National Park Service.”.

(b) EXEMPTIONS.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

(3) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100–91 (16 U.S.C. 1a–1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

“40126. Overflights of national parks.”.

SEC. 703. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 704. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 705. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VIII—CENTENNIAL OF FLIGHT COMMEMORATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Centennial of Flight Commemoration Act".

SEC. 802. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

SEC. 803. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 804. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 6 members, as follows:

(1) The Director of the National Air and Space Museum of the Smithsonian Institution or his designee.

(2) The Administrator of the National Aeronautics and Space Administration or his designee.

(3) The chairman of the First Flight Centennial Foundation of North Carolina, or his designee.

(4) The chairman of the 2003 Committee of Ohio, or his designee.

(5) As chosen by the Commission, the president or head of a United States aeronautical society, foundation, or organization of national stature or prominence who will be a person from a State other than Ohio or North Carolina.

(6) The Administrator of the Federal Aviation Administration, or his designee.

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy, only by unanimous vote, for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (a) (1), (2), or (5). The Chairperson may not vote on matters before the Commission except in the case of a tie vote. The Chairperson may be removed by a vote of a majority of the Commission's members.

(f) ORGANIZATION.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

SEC. 805. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates, events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) encourage the publication of popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this title enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

SEC. 806. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from among the membership of the Advisory Board in section 812.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized under paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 804(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this title.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this title, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this title.

(2) RESTRICTION.—

(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this title and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 807. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.

(c) Inapplicability of Certain Civil Service Laws.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b) of this section.

(d) Merit System Principles.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(e) Staff of Federal Agencies.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this title.

(f) Administrative Support Services.—

(1) Reimbursable services.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this title.

(2) Nonreimbursable services.—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) Cooperative Agreements.—The Commission may enter into cooperative agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this title.

(h) Program Support.—The Commission may receive program support from the nonprofit sector.

SEC. 808. CONTRIBUTIONS.

(a) Donations.—The Commission may accept donations of personal services and historic materials relating to the implementation of its responsibilities under the provisions of this title.

(b) Volunteer Services.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) Remaining Funds.—Any funds (including funds received from licensing royalties) remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 810(b), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

SEC. 809. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) In General.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) Licensing.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) Effect on Other Rights.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) Use of Funds.—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this title.

(e) Licensing Rights.—All exclusive licensing rights, unless otherwise specified, shall revert to the Air and Space Museum of the Smithsonian Institution upon termination of the Commission.

SEC. 810. REPORTS.

(a) Annual Report.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight;

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and

(5) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(b) Final Report.—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 808(a)(1).

SEC. 811. AUDIT OF FINANCIAL TRANSACTIONS.

(a) In General.—

(1) Audit.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) Access.—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) Final Report.—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 812. ADVISORY BOARD.

(a) Establishment.—There is established a First Flight Centennial Federal Advisory Board.

(b) Number and Appointment.—

(1) In general.—The Board shall be composed of 19 members as follows:

(A) The Secretary of the Interior, or the designee of the Secretary.

(B) The Librarian of Congress, or the designee of the Librarian.

(C) The Secretary of the Air Force, or the designee of the Secretary.

(D) The Secretary of the Navy, or the designee of the Secretary.

(E) The Secretary of Transportation, or the designee of the Secretary.

(F) Six citizens of the United States, appointed by the President, who—

(i) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(ii) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 805(a)(2).

(G) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(H) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(i) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(ii) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) Vacancies.—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) Meetings.—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

(e) Chairperson.—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board.

(f) MAILS.—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) DUTIES.—The Advisory Board shall advise the Commission on matters related to this title.

(h) PROHIBITION OF COMPENSATION OTHER THAN TRAVEL EXPENSES.—Members of the Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 804(e).

(i) TERMINATION.—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 813. DEFINITIONS.

In this title:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Centennial of Flight Federal Advisory Board.

(2) CENTENNIAL OF POWERED FLIGHT.—The term "centennial of powered flight" means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(3) COMMISSION.—The term "Commission" means the Centennial of Flight Commission.

(4) DESIGNEE.—The term "designee" means a person from the respective entity of each entity represented on the Commission or Advisory Board.

(5) FIRST FLIGHT.—The term "First Flight" means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright of Dayton, Ohio on December 17, 1903, at Kitty Hawk, North Carolina.

SEC. 814. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 810(b) and shall transfer all documents and material to the National Archives or other appropriate Federal entity.

SEC. 815. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $250,000 for fiscal year 1999;
(2) $600,000 for fiscal year 2000;
(3) $750,000 for fiscal year 2001;
(4) $900,000 for fiscal year 2002;
(5) $900,000 for fiscal year 2003; and
(6) $600,000 for fiscal year 2004.

By Mr. LUGAR:

S. 537. A bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993; to the Committee on Finance.

INDEXATION OF ALTERNATIVE MINIMUM TAX EXEMPTIONS

Mr. LUGAR. Mr. President, I am introducing today a bill to address what has become an increasingly heavy burden for middle-income taxpayers: the Alternative Minimum Tax, or AMT. My bill would retroactively index to inflation the exemptions used to calculate an individual taxpayer's AMT liability. The indexation would begin in 1993—the last time these exemptions were raised. The AMT is conspicuous for its lack of indexation. Under the regular income tax, the tax rate structure, the standard deductions, the personal exemptions, and certain other structural components are indexed so that taxpayers are not pushed into higher income tax brackets just because their income has kept pace with the cost of living.

The Joint Tax Committee estimates that in 1997, 605,000 taxpayers were subject to the AMT. According to these same estimates, which take into account the changes in the Taxpayer Relief Act of 1997, taxpayers subject to the AMT could total 12 million by 2007. This is an increase of more than 1,800 percent in the number of taxpayers paying this particular tax. According to the Joint Tax Committee, this dramatic expansion of the AMT's reach can largely be attributed to the lack of indexation of the AMT exemptions.

The AMT was created in 1969 after a Treasury Department study revealed that 155 individuals who had annual incomes in excess of $200,000 had avoided paying taxes because of loopholes in the tax code. We can all agree that upper-income individuals should pay their fair share of taxes. The AMT was created effectively to be a tax on the use of incentives and preferences to reduce an individual's income tax liability. However, since its implementation, the AMT has inadvertently created larger tax burdens for the middle-class, who were never meant to be subject to the AMT.

Of the more than two million taxpayers who this year will be subject to the AMT, about half will have incomes between $30,000 and $100,000. Some are single working parents; and some are people who make as little as $527 a week, according to a recent article by David Cay Johnston in the January 10, 1999 New York Times. Mr. President, I will submit this article for the RECORD. Overall, the number of people affected by this tax is expected to grow 26 percent a year for the next decade.

The Taxpayer Relief Act of 1997 accelerated the growth of the AMT. Under this law, even more middle-income families may be subject to the AMT because they cannot take the full value of their child and education tax credits without reaching the AMT limits for deductions.

Even if Congress were to exempt the child and education tax credits from the AMT calculation, it would only slow the spread of the AMT slightly if the tax is not indexed for inflation, according to a study by two Treasury Department economists, Robert Rebelein and Jerry Tempalski. I will also submit their study for the RECORD.

I believe that indexing the AMT exemptions is the best way to restrain the unintended reach of the AMT. The AMT exemptions have only been raised once, in 1993, by 12.5 percent, from $40,000 to $45,000. Since 1986, when the tax code was last overhauled, the cost of living has risen 43 percent. Indexing would bring the AMT into line with the rest of our tax structure. It would also avoid adding any complexity to the already burdensome task of taxpaying Americans.

Let me give you a real life example of how the AMT has crept up on middle-income taxpayers. The New York Times article provided a stark picture of the AMT. David and Margaret Klaassen of Marquette, Kansas, are a couple with 13 children. Mr. Klaassen works at home as a lawyer. In 1997, Mr. Klaassen earned $89,751 and paid $5,989 in Federal income tax. The IRS sent the Klaassens a notice in December 1998 demanding an additional payment of $3,761 under the AMT, including a penalty. The Klaassens' tax bill was higher because the AMT, a tax mechanism aimed at wealthy individuals who would otherwise pay no taxes, applied to them.

The Klaassens are subject to the AMT because medical expenses for their 13 children, which include costs of battling their son's leukemia, resulted in exemptions and deductions totaling more than $45,000. Certainly the Congress did not intend for the AMT to create an extra burden for families like the Klaassens.

Mr. President, there is agreement from both the Administration and Congress that the AMT is a growing problem for the middle class and that something must be done. In this new era of budget surpluses, the time has come for us to act to restore some measure of fairness and simplicity to our income tax code. This is why I advocate indexing the AMT, an approach that is supported by both the Tax Foundation and Citizens for Tax Justice.

Mr. President, I ask unanimous consent that my bill to index the AMT exemptions for inflation as well as additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INFLATION ADJUSTMENT FOR INDIVIDUAL AMT EXEMPTION AMOUNTS.

(a) IN GENERAL.—Section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following:

"(4) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning after 1998, each of the dollar amounts contained in paragraphs (1) and (3) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

[From the New York Times, Jan. 10, 1999]

FUNNY, THEY DON'T LOOK LIKE FAT CATS

(By David Cay Johnston)

Three decades ago, Congress, embarrassed by the disclosure that 155 wealthy Americans had paid no Federal income taxes, enacted legislation aimed at preventing the very rich from shielding their wealth in tax shelters.

Today, that legislation, creating the alternative minimum tax, is instead snaring a rapidly growing number of middle-class taxpayers, forcing them to pay additional tax or to lose some of their tax breaks.

Of the more than two million taxpayers who will be subject this year to the alternative minimum tax, or A.M.T., about half have incomes of $30,000 to $100,000. Some are single parents with jobs; some are people making as little as $527 a week. Over all, the number of people affected by the tax is expected to grow 26 percent a year for the next decade.

But many of the wealthy will not be among them. Even with the A.M.T., the number of taxpayers making more than $200,000 who pay no taxes has risen to more than 2,000 each year.

How a 1969 law aimed at the tax-shy rich became a growing burden on moderate earners illustrates how tax policy in Washington can be a hall of mirrors.

While some Republican Congressmen favor eliminating the tax, other lawmakers say such a move would be an expensive tax break for the wealthy—or at least would be perceived that way, and thus would be politically unpalatable. And any overhaul of the system would need to compensate for the $6.6 billion that individuals now pay under the A.M.T. This year, such payments will account for almost 1 percent of all individual income tax revenue.

"This is a classic case of both Congress and the Administration agreeing that the tax doesn't make much sense, but not being able to agree on doing anything about it," said C. Eugene Steuerle, an economist with the Urban Institute, a nonprofit research organization in Washington.

Mr. Steuerle was a Treasury Department tax official in 1986, when an overhaul of the tax code set the stage for drawing the middle class into the A.M.T.

In eliminating most tax shelters for the wealthy, Congress decided to treat exemptions for children and deductions for medical expenses just like special credits for investors in oil wells, if they cut too deeply into a household's taxable income.

Congress decided that once these "tax preferences" exceeded certain amounts—$40,000 for a married couple, for example—people would be moved out of the regular income tax and into the alternative minimum tax. At the time, the threshold was high enough to affect virtually no one but the rich. But it has since been raised only once—by 12.5 percent, to $45,000 for a married couple—while the cost of living has risen 43 percent. And so the limits have sneaked up on growing numbers of taxpayers of more modest means.

"Everyone knew back then that it had problems that had to be fixed," Mr. Steuerle recalled. "They just said, 'next year.' "

But "next year" has never come—and it is unlikely to arrive in 1999, either. While tax policy experts have known for years that the middle class would be drawn into the A.M.T., few taxpayers have been clamoring for change.

Among those few, however, are David and Margaret Klaassen of Marquette, Kan. Mr. Klaassen, a lawyer who lives in and works out of a farmhouse, made $89,751.07 in 1997 and paid $5,989 in Federal income taxes. Four weeks ago, the Internal Revenue Service sent the Klaassens a notice demanding $3,761 more under the alternative minimum tax, including a penalty because the I.R.S. said the Klaassens knew they owed the A.M.T.

Mr. Klaassen acknowledges that he knew the I.R.S. would assert that he was subject to the A.M.T., but he says the law was not meant to apply to his family. "I've never invested in a tax shelter," he said. "I don't even have municipal bonds."

The Klaassens do, however, have 13 children and their attendant medical expenses—including the costs of caring for their second son, Aaron, 17, who has battled leukemia for years. It was those exemptions and deductions that subjected them to the A.M.T.

"What kind of policy taxes you for spending money to save your child's life?" Mr. Klaassen asked.

The tax affects taxpayers in three ways. Some, like the Klaassens, pay the tax at either a 26 percent or a 28 percent rate because they have more than $45,000 in exemptions and deductions. Others do not pay the A.M.T. itself, but they cannot take the full tax breaks they would have received under the regular income tax system without running up against limits set by the A.M.T. The A.M.T. can also convert tax-exempt income from certain bonds and from exercising incentive stock options into taxable income.

It may be useful to think of the alternative minimum tax as a parallel universe to the regular income tax system, similar in some ways but more complex and with its own classifications of deductions, its own rates and its own paperwork. The idea was that taxpayers who had escaped the regular tax universe by piling on credits and deductions would enter this new universe to pay their fair share. (Likewise, there is a corporate A.M.T. that parallels the corporate income tax.)

At first, the burden of the A.M.T. fell mainly on the shoulders of business owners and investors, said Robert S. McIntyre, executive director of Citizens for Tax Justice, a nonprofit group in Washington that says the tax system favors the rich. Based on I.R.S. data, Mr. McIntyre said he found that 37 percent of A.M.T. revenue in 1990 was a result of business owners using losses from previous years to reduce their regular income taxes; an additional 18 percent was because of big deductions for state and local taxes.

But that has begun to shift, largely as a result of the 1986 changes, which eliminated most tax shelters and lowered tax rates.

When President Reagan and Congress were overhauling the tax code, they could not make the projected revene under the new rules equal those under the old system. Huge, and growing, budget deficits made it politically essential for the official estimates to show that after tax reform, the same amount of money would flow to Washington.

One solution, said Mr. Steuerle, the former Treasury official, was to count personal and dependent exemptions and some medical expenses as preferences to be reduced or ignored under the A.M.T. just as special credits for petroleum investments and other tax shelters are.

Mortgage interest and charitable gifts were not counted as preferences, according to tax policy experts who worked on the legislation, because they generated more money than was needed.

But the A.M.T. has not stayed "revenue neutral," in Washington parlance.

The regular income tax was indexed for inflation in 1984, so that taxpayers would not get pushed into higher tax brackets simply because their income kept pace with the cost of living.

The A.M.T. limits, however, have not been indexed. The total allowable exemptions before the tax kicks in have been fixed since 1993 at $45,000 for a married couple filing jointly. For unmarried people, the total amount is now $33,750, and for married people filing separately, it is $22,500.

If the limit has been indexed since 1986, when the A.M.T. was overhauled, it would be about $57,000 for married couples filing jointly—and most middle-income households would still be exempt.

Mr. Steuerle said he warned at the time that including "normal, routine deductions and exemptions that everyone takes" in the list of preferences would eventually turn the A.M.T. into a tax on the middle class.

That appears to be exactly what has happened.

For example, a married person who makes just $527 a week and files her tax return separately can be subject to the tax, said David S. Hulse, an assistant professor of accounting at the University of Kentucky.

And the Taxpayer Relief Act of 1997, which allows a $500-a-child tax credit as well as education credits, may make even more middle-class families subject to the A.M.T. by reducing the value of those credits.

Two Treasury Department economists recently calculated that largely because of the new credits, the number of households making $30,000 to $50,000 who must pay the alternative minimum tax will more than triple in the coming decade. The economists, Robert Rebelein and Jerry Tempalski, also calculated that for households making $15,000 to $30,000 annually, A.M.T. payments will grow 25-fold, to $1.2 billion, by 2008.

Last year, many more people would have been subject to the A.M.T. if Congress had not made a last-minute fix pushed by Representative Richard E. Neal, Democrat of Massachusetts, that—for 1998 only—exempted the new child and education credits. The move came after I.R.S. officials told Congress that the credits added enormous complexity to calculating tax liability. Figuring out how much the A.M.T. would reduce the credits was beyond the capacity of most taxpayers and even many paid tax preparers, the I.R.S. officials said.

Even if Congress makes a permanent fix to the problems created by the child and education credits, it will put only a minor drag on the spread of the A.M.T. as long as the tax is not indexed for inflation. The two Treasury economists calculated that revenue from the tax would climb to $25 billion in 2008 without a fix, or to $21.9 billion with one.

In 1999, if there is no exemption for the credits, a single parent who does not itemize deductions but who makes $50,000 and takes a credit for the costs of caring for two children while he works, will be subject to the A.M.T. estimated Jeffrey Pretsfelder, an editor at RIA Group, a publisher of tax information for professionals.

If the tax laws are not changed, 8.8 million taxpayers will have to pay the A.M.T. a decade from now, the Congressional Joint Committee on Taxation estimated last month. Add in the taxpayers who will not receive the full value of their deductions because they run up against the limits set by the A.M.T., and the total grows to 11.6 million taxpayers—92 percent of whom have incomes of less than $200,000, the two Treasury economists estimated.

While many lawmakers and Treasury officials have criticized the impact of the tax on middle-class taxpayers, there are few signs of change, as Republicans and the Administration talk past each other.

Representative Bill Archer, the Texas Republican who as the chairman of the House Ways and Means Committee is the chief tax writer, said the A.M.T. should be eliminated in the next budget.

"Unfortunately, the A.M.T. tax can penalize large families, which is part of the reason why Republicans for years have tried to eliminate it or at least reduce it," Mr. Archer said. "Unfortunately, President Clinton blocked our efforts each time."

Lawrence H. Summers, the Deputy Treasury Secretary, said the Administration was "very concerned that the A.M.T. has a growing impact on middle-class families, including by diluting the child credit, education credits and other crucial tax benefits, and we hope to address this issue in the President's budget.

"Subject to budget constraints, we look forward to working with Congress on this important issue," he continued.

That revenue concerns have thwarted exempting the middle class runs counter to the reason Congress initially imposed the tax.

"You need an A.M.T. because people who make a lot of money should pay some income taxes," said Mr. McIntyre, of Citizens for Tax Justice. "If you believe, like Mr. Archer and a lot of Republicans do, that the more you make the less in taxes you should pay, then of course you are against the A.M.T.,But somehow I don't think most people see it that way."

The Klaassens, meanwhile, are challenging the A.M.T. in Federal Court. The United States Court of Appeals for the 10th Circuit is scheduled to hear arguments in March on their claim that the tax infringes their religious freedom. The Klaassens, who are Presbyterians, say they believe children "are a blessing from God, and so we do not practice birth control," Mr. Klaassen said.

When Mr. Klaassen wrote to an I.R.S. official complaining that a $1,085 bill for the A.M.T. for 1994 resulted from the size of his family, he got back a curt letter saying that his "analysis of the alternative minimum tax's effect on large families was interesting but inappropriate" and advising him that it was medical deductions, not family size, that subjected him to the A.M.T.

Under the regular tax system, medical expenses above 7.5 percent of adjusted gross income—the last line on the front page of Form 1040—are deductible. Under the A.M.T., the threshold is raised to 10 percent.

Still doubting the I.R.S.'s math, Mr. Klaassen decided to test what would have happened had he filed the same tax return, changing only the number of children he claimed as dependents. He found that if he had seven or fewer children, the A.M.T. would not have applied in 1994.

But the eighth child set off the A.M.T., at a cost of $223. Having nine children raised the bill to $717. And 10 children, the number he had in 1994, increased that sum to $1,085—the amount the I.R.S. said was due.

"We love this country and we believe in paying taxes," Mr. Klaassen said. "But we cannot believe that Congress ever intended to apply this tax to our family solely because of how many children we choose to have. And I have shown that we are subject to the A.M.T solely because we have chosen not to limit the size of our family."

The I.R.S., in papers opposing the Klaassens, noted that tax deductions are not a right but a matter of "legislative grace."

Mr. Klaassen turned to the Federal courts after losing in Tax Court. The opinion by Tax Court Judge Robert N. Armen, Jr. was summed up this way by Tax Notes, a magazine that critiques tax policy: "Congress intended the alternative minimum tax to affect large families when it made personal exemptions a preference item."

Several tax experts said that Mr. Klaassen had little chance of success in the courts because the statute treating children as tax preferences was clear. They also said that nothing in the A.M.T. laws was specifically aimed at his religious beliefs.

Meanwhile, for people who make $200,000 or more, the A.M.T. will be less of a burden this year because of the Taxpayer Relief Act of 1997, which included a provision lowering the maximum tax rate on capital gains for both the regular tax and the A.M.T. to 20 percent.

Mr. Rebelein and Mr. Tempalski, the Treasury Department economists, calculated recently that people making more than $200,000 would pay a total of 4 percent less in A.M.T. for 1998 because of the 1997 law. By 2008, their savings will be 9 percent, largely as a result of lower capital gains rates and changed accounting rules for business owners.

"This law was passed to catch people who use tax shelters to avoid their obligations," Mr. Klaassen said. "But instead of catching them it hits people like me. This is just nuts."

THREE WAYS TO DEAL WITH A TAXING PROBLEM

President Clinton, his tax policy advisers and the Republicans who control the tax writing committees in Congress all agree that the alternative minimum tax is a growing problem for the middle class. But there is no agreement on what to do. Here are some options that have been discussed:

Raise the exemption—Representative Bill Archer, the Texas Republican who is the chairman of the House Ways and Means Committee, two years ago proposed raising the $45,000 A.M.T. exemption for a married couple by $1,000. But that would leave many middle-class families subject to the tax, because it would not fully account for inflation. To do that would require an exemption of about $57,000, followed by automatic inflation adjustments. That is the most widely favored approach, drawing support from people like J.D. Foster, executive director of the Tax Foundation, a group supported by corporations, and Robert S. McIntyre, executive director of Citizens for Tax Justice, which is financed in part by unions and contends that the tax system favors the rich.

Exempt child and education credits—For 1998 only, Congress exempted the child tax credit and the education tax credits from the A.M.T. But millions of taxpayers will lose these credits, or get only part of them, unless Congress makes a fix each year or permanently exempts them.

Eliminate it—Mr. Archer and other Republicans want to get rid of the A.M.T. but have not proposed how to make up for the lost revenue, which in a decade is expected to grow to $25 billion annually. Recently, however, Mr. Archer has said that in a period of Federal budget surpluses, it may be time to scrap the budget rules that require paying for tax cuts with reduced spending or tax increases elsewhere.

[From Tax Notes, Aug. 10, 1998]

EFFECT OF TRA '97 ON THE INDIVIDUAL AMT

(By Robert Rebelein and Jerry Tempalski)

Robert Rebelein and Jerry Tempalski are financial economists in the Office of Tax Analysis at the Treasury Department.

The authors believe that even without enactment of TRA '97, the estimated number of individual AMT taxpayers would have increased from 0.9 million in 1997 to 8.5 million in 2008 (a 23 percent annual growth rate). Primarily because of the new child and education credits, TRA '97 increases the number of AMT taxpayers in 2008 to 11.6 million, or 11 percent of all individual taxpayers. They project that TRA '97 increases the estimated amount of tax paid because of the individual AMT from $20.8 billion in 2008 to $25 billion.

The authors are grateful to Bob Carroll, Jim Cilke, Lowell Dworin, Joel Platt, and Karl Scholz for their comments. The views expressed in this report are those of the authors and do not necessarily represent the views of the U.S. Treasury Department.

Even before the Taxpayer Relief Act of 1997 (TRA '97) was enacted in August 1997, the individual alternative minimum tax (AMT) had begun to receive considerable attention.[1] The reason for this attention was the increasing awareness that both the number of tax-payers[2] affected by the AMT and the AMT taxes they pay would increase significantly over the next 10 years. Without TRA '97 the number of taxpayers affected by the AMT would have grown from 0.9 million in 1997 to 8.5 million in 2008 (an annual growth rate of 23 percent); tax liability from the AMT would have grown from $5.0 billion in 1997 to $20.8 billion in 2008 (an annual growth rate of 14 percent).[3]

Since passage of TRA '97, the individual AMT has received even more attention.[4] The primary reason is that TRA '97 includes provisions that have a major effect on the individual AMT. Although some of these provisions reduce the effect of the AMT on taxpayers, the overall effect of TRA '97 is to increase significantly both the number of AMT taxpayers and the taxes they pay because of the AMT.

TRA '97 reduces overall tax liability by $27.0 billion in 2008 for individual taxpayers. The benefits of TRA '97 would be even greater if not the AMT. TRA '97 increases AMT liability by $4.2 billion in 2008. Nevertheless, taxpayers whose AMT liability is affected by TRA '97 see their overall tax liability fall by $4.5 billion in 2008.

The first section of this report discusses how the individual AMT works and why the effect of the AMT increases so sharply over the next 10 years. The second section begins by examining the overall effects of TRA '97 on the AMT and follows with a detailed, provision-by-provision examination of the effects of TRA '97 on the AMT.

I. ALTERNATIVE MINIMUM TAX

The individual AMT is like a parallel income tax to the regular individual tax. The AMT is structured similarly to the regular tax, but the AMT uses a generally broader tax base, lower tax rates, higher exemption, and fewer allowable tax credits.

The AMT was generally intended to apply only to the relatively few high-income taxpayers who Congress believed overused certain tax deductions, exclusions, or credits and consequently were not paying their fair share of taxes. The AMT, however, increasingly affects many taxpayers not traditionally viewed as taking aggressive tax positions or abusing the system. In addition, the

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Footnotes at end of article.

AMT can also significantly complicate filing a tax return for millions of taxpayers, particularly those with personal tax credits, who often are supposed to make tedious calculations only to determine they have no AMT liability.

The primary reason for the increase in the number of AMT taxpayers is that, unlike regular income tax parameters, AMT parameters (primarily the AMT exemption) are not indexed for inflation.[5] As nominal income rises each year, partially as a result of inflation, more taxpayers become subject to the AMT. In addition, the lack of AMT indexing exposes other anomalies that also may not have been intended.[6] For example, the AMT does not allow deductions for personal exemptions or state and local taxes paid. As a result, taxpayers with large families are more likely to be affected by the AMT than taxpayers with small families, and taxpayers living in high-tax states are more likely to be affected by the AMT than taxpayers living in low-tax states.

A. Structure of the AMT

A taxpayer's AMT liability is the difference between a taxpayer's regular income tax liability (before any interaction with the AMT) and the taxpayer's tentative AMT (TAMT). TAMT is calculated using AMT income (AMTI), the AMT exemption, AMT tax rates, and allowable AMT credits.[7]

AMT is the sum of taxable income under the regular tax (as calculated on Form 1040) plus the many AMT preferences.[8] AMT preferences are items excluded from taxable income under the regular tax but included in AMTI. There were 28 AMT preferences in 1995, with 4 items accounting for 86 percent (in dollar terms) of total AMT preferences: state and local tax deductions accounted for 46 percent, miscellaneous deductions above the 2-percent floor for 19 percent, personal exemptions for 13 percent, and post-1986 depreciation for 8 percent. With the possible exception of the last item, these are not tax-shelter type preferences.

The AMT exemption is $45,000 for joint returns ($33,750 for singles and heads-of-household (HH)); the exemption is not adjusted for inflation nor is it based on the number of dependents. The exemption is phased out at the rate of $0.25 per $1 of AMTI above $150,000 for joint returns ($112,500 for singles and HH). The AMT tax rate is 26 percent on the first $175,000 of AMTI above the AMT exemption and 28 percent on AMTI more than $175,000 above the exemption.[9]

The AMT affects taxpayers primarily in two ways.[10] First, a taxpayer can be directly subject to the AMT by having AMT liability as calculated on the AMT form (Form 6251). The difference between a taxpayer's regular tax liability (before other taxes and credits, except the foreign tax credit) and his TAMT is the taxpayer's AMT liability from Form 6251.

Second, a taxpayer can be indirectly subject to the AMT by having the amount of usable tax credits reduced by the AMT. The AMT can limit the ability of a taxpayer to use tax credits, because the AMT disallows the use of most credits in calculating TAMT. Put differently, most tax credits cannot be used in calculating a taxpayer's regular tax liability if they would push the taxpayer's regular tax liability below his TAMT. The effect of credits "lost" because of this AMT restriction is reflected on the credit forms themselves, rather than on Form 6251.[11] For example, if a taxpayer has regular tax liability (before tax credits) of $1,000, $200 in education credits, and $600 in TAMT, the taxpayer has a total tax liability of $800 ($1,000 less $200), with no AMT liability. If, instead, the taxpayer had a TAMT of $1,050, the taxpayer would have a total tax liability of $1,050. This taxpayer's AMT liability would be $250, $50 that would be reported on the Form 6251 ($1,050 less $1,000) and $200 ($1,000 less $800) that would be reported on the education credit form as reduced allowable credits.

II. TAXPAYER RELIEF ACT OF 1997

TRA '97 contains six provisions that can significantly affect the individual AMT:[12] Child credit; HOPE education credit; lifetime Learning credit; conformation of AMT depreciation lives with regular tax lives; kiddie tax simplification; and capital gains rate cut.

Three of these provisions generally increase the effect of the AMT on taxpayers—the child credit, the HOPE education credit, and the Lifetime Learning education credit. Two provisions generally reduce the effect of the AMT on taxpayers—conform AMT depreciation lives to regular tax depreciation lives, and raise the minimum AMT exemption for kiddie-tax tax payers and uncouple their AMT exemption from their parents' AMT exemption.[13] The capital gains rate cut reduces AMT liability for some taxpayers but increases AMT liability for others.

A. Overall effect

Relative to pre-TRA '97 law, TRA '97 increases the number of taxpayers on the AMT by between 37 and 58 percent each year from 1998 to 2008. (See Table 1.) This percentage is generally lower at the end of the period when the number of AMT taxpayers under pre-TRA '97 law is already relatively high; TRA '97 increases the number of AMT taxpayers by 58 percent (0.7 million) in 1999, but only by 37 percent (3.2 million) in 2008.

Although TRA '97 increases the overall number of AMT taxpayers, it does eliminate the effect of the AMT on some taxpayers. TRA '97 removes about 15 percent of the taxpayers with AMT liability under pre-TRA '97 law from the AMT (0.2 million in 1999, 0.3 million in 2002, and 0.9 million in 2008). The majority of taxpayers removed from the AMT by TRA '97 have AGIs of less than $15,000.

Under pre-TRA '97 law the number of AMT taxpayers, as a percentage of total taxpayers, grows from 1 percent in 1997, to 2 percent in 2002, and to 8 percent in 2008, Under post-TRA '97 law this percentage grows to 3 percent in 2002 and to 11 percent in 2008.[14]

TRA '97 significantly increases the percentage of AMT taxpayers with AGIs between $15,000 and $100,000 of AGI (in 1999 dollars). (See Tables 2 and 3.) In 1999 taxpayers in this income range account for 32 percent of all AMT taxpayers under pre-TRA '97 law and 57 percent under post-TRA '97 law; in 2008 the pre-TRA '97 percentage is 45 percent and the post-TRA '97 percentage is 65 percent. The percentage of taxpayers in this income range who are subject to the AMT in 2008 is 5 percent under pre-TRA '97 law, but 10 percent under post-TRA '97 law. Taxpayers in this income range are the primary beneficiaries of the child and education credits, so it is not surprising that they feel the pinch of the AMT most.

For taxpayers in the other income groups, TRA '97 sometimes reduces the effect of the AMT. Taxpayers with less than $15,000 in real AGI are the primary beneficiaries of the kiddie-tax provision and account for a significant amount of the benefits from the depreciation provision. Most taxpayers with real AGIs above $100,000 are ineligible for the new credits, and many benefit from the depreciation provision.

From 1998 to 2008, TRA '97 increases AMT liability by between 5 percent and 20 percent each year relative to pre-TRA '97 law. (See Table 4.) AMT liability increases by $0.5 billion in 1998, by $0.5 billion in 2002, and by $4.2 billion in 2008. The effect of TRA '97 on AMT liability is smallest in 2000 and 2001, when relatively few child and education credits are lost because of the AMT and when the effect of the depreciation provision is relatively large. In 2008, the effect of the TRA '97 law on AMT liability is largest because the amount of TRA '97 credits lost is relatively large.

TRA '97 significantly changes the distribution of AMT liability between lost credits (i.e., tax credits unusable because of the AMT) and liability from the AMT form. (See Table 4.) Under pre-TRA '97 law roughly three times as many taxpayers have AMT liability from the AMT form than have lost credits. Under post-TRA '97 law the number of taxpayers with lost credits is actually greater (by roughly 20 percent) than the number with AMT liability from the AMT form.[15]

B. Effects of individual TRA '97 provisions

1. Child and education credits. The TRA '97 provisions having the greatest effect on the AMT are the child credit and the two education credits. All three credits can reduce a taxpayer's regular tax liability, but, like most tax credits, their use can be limited (or even eliminated) by a taxpayer's TAMT.[16]

The number of taxpayers who benefit from the child credit and education credits decreases in almost every year over the 1998-to-2008 period. (See Table 5.) There are two primary reasons for these annual decreases. First, the income-eligibility thresholds for the child credit are not indexed for inflation. As a taxpayer's income increases each year, the amount of the child credit a taxpayer near the thresholds can take is reduced. For example, a joint taxpayer with one child who had $100,000 in modified AGI in 1999 would be eligible for the full $500 child credit. If that taxpayer's income increased each year by the inflation rate, the taxpayer's modified AGI would be about $122,000 in 2008 and the taxpayer would be ineligible for the child credit. Second, because the individual AMT parameters are not indexed for inflation, each year the AMT completely eliminates the credits for an increasing number of taxpayers. The number of taxpayers who completely lose the credits because of the AMT is 0.3 million in 1999, 0.5 million in 2002, and 2.3 million in 2008.

The following sections discuss the effect of the child credit first, the two education credits second, and the combined effect of the three credits third.

a. Child credit. Effective January 1, 1998 the child credit allows a $500 tax credit for each dependent child under age 17 at year-end.[17] The credit is reduced by $50 for each $1,000 of modified AGI for joint returns with modified AGI above $110,000 ($75,000 for singles and HH).

The number of taxpayers whose child credit is reduced or eliminated by the AMT grows at a 25-percent annual rate, from 0.6 million in 1998 to 6.0 million in 2008 (See Table 3.) The number of taxpayers added to the AMT because of the child credit grows from 0.3 million in 1998 to 0.9 million in 2002 and to 2.5 million in 2008; the amount of child credits lost because of the AMT grows from $0.3 billion in 1998 to $0.9 billion in 2002, and to $3.5 billion in 2008.

b. Education credits.[18] Effective January 1, 1998, the $1,500 HOPE tax credit is available for college tuition and certain fees incurred.

For each student, the HOPE credit covers the first $1,000 and 50 percent of the next $1,000 in education expenses incurred in the first two years of college. The credit is phased-out ratably for joint taxpayers with modified AGI between $80,000 and $100,000 ($40,000 and $50,000 for singles).[19]

Beginning July 1, 1998, a taxpayer can elect to take a lifetime learning (LL) credit rather than a HOPE credit for a qualifying student. Through December 31, 2002, the LL credit equals 20 percent of the first $5,000 in education expenses ($1,000 maximum credit). After December 31, 2002, the credit equals 20 percent of the first $10,000 in expenses ($2,000 maximum credit). The credit is phased-out ratably for joint taxpayers with modified AGI between $80,000 and $100,000 ($40,000 and $50,000 for singles).[20]

Because fewer taxpayers benefit from the education credits than the child credit, the effect of the AMT on the education credits is less than the effect on the child credit. (See Table 5.) The number of taxpayers who have their education credits reduced or eliminated because of the AMT grows from 0.4 million in 1998 to 2.5 million in 2008, a 20-percent annual growth rate. The number of taxpayers added to the AMT because of the education credits grows from 0.3 million in 1998 to 0.6 million in 2002 and to 1.3 million in 2008. The amount of education credits lost because of the AMT grows from $0.3 billion in 1998 to $0.6 billion in 2002 and to $2.1 billion in 2008.

c. Child and education credits combined. Because double-counting is removed, the effect of the AMT on the child credit and education credits combined is less than the sum of the individual effects. The number of taxpayers with TRA '97 credits reduced or eliminated by the AMT grows from 0.8 million in 1998 to 6.7 million in 2008, a 23-percent annual rate. The number of taxpayers added to the AMT because of these credits grows from 0.6 million in 1998 to 1.3 million in 2002 and to 3.8 million in 2008, and the amount of these credits lost because of the AMT grows from $0.5 billion in 1998 to $1.2 billion in 2002 and to $5.1 billion in 2008.

The increase in the percentage of taxpayers whose child and education credits are reduced or eliminated by the AMT is striking. In 1998 34.1 million taxpayers would be eligible for the credits in the absence of the AMT; of these taxpayers, 3 percent have their credits reduced or eliminated by the AMT. In 2002 and 2008 the number of taxpayers eligible for the credits in the absence of the AMT is almost the same as in 1998, but the percentage whose credits are reduced or eliminated by the AMT is 6 percent in 2002 and 20 percent in 2008.

2. Other TRA '97 provisions. The effects of the three other TRA '97 provisions on the AMT are much smaller than the effects of the three credit provisions.

a. Depreciation. The provision to conform AMT depreciation lives to regular tax lives primarily affects corporate AMT taxpayers. The provision affects some individual AMT taxpayers (0.4 million in 2008), however, and the average benefit from the provision per individual-tax taxpayer is substantial, $2,300 in 2008. The total benefit to individual tax taxpayers grows from $0.2 billion in 1999 to $0.7 billion in 2002 and to $0.8 billion in 2008.

b. Kiddie tax. The provision to raise the minimum AMT exemption for kiddie-tax taxpayers from $1,000 to $5,000 and uncouple a dependent's AMT exemption from his parents' (or sibling's) AMT exemption is a simplification provision designed to benefit a significant number of taxpayers at relatively little cost to the government. The number of taxpayers who benefit from the proposal (0.5 million in 2008) is about the same as the number of individual taxpayers who benefit from the depreciation provision, but the cost to the government is much lower—less than $100 per taxpayer. The total benefit of the kiddie tax provision to taxpayers is $5 million in 1998 and grows to $20 million in 2008.

c. Capital gains. The capital gains provision limits the AMT tax rate on capital gains to 20 percent (the limit is 10 percent for taxpayers in the 15-percent regular tax bracket).[21] The provision can lower the AMT liability for taxpayers whose AMT tax rate on capital gains falls by more than their regular tax rate on capital gains (i.e., those whose TAMT falls by more than their regular tax liability). Consider, for example, a taxpayer who faced a pre-TRA '97 regular tax capital gains rate of 28 percent and a pre-TRA '97 AMT rate of 32.5 percent (combined effect of 26-percent statutory AMT rate and phase-out of AMT exemption). TRA '97 decreases this taxpayer's regular-tax rate on capital gains by 8 percentage points and her AMT rate on capital gains by 12.5 percentage points. This taxpayer's regular-tax liability is reduced by less than her TAMT, so the capital gains provision reduces the effect of the AMT on this taxpayer. On the other hand, consider a taxpayer who faced a pre-TRA '97 regular tax capital gains rate of 28 percent and a pre-TRA AMT rate of 26 percent. TRA '97 decreases this taxpayer's regular-tax rate on capital gains by 8 percentage points and her AMT rate on capital gains by 6 percentage points. This taxpayer's regular-tax liability is reduced by more than her TAMT, so the capital gains provision increases the effect of the AMT on this taxpayer. In no case, however, can the capital gains rate cut increase AMT liability so as to completely offset the reduced regular tax liability.

On net, the capital gains provision increases the number of AMT taxpayers by 0.3 million in each year of the 1998–2008 period. The number of taxpayers added to the AMT because of the capital gains provision is about 0.4 million in each year, and the number of taxpayers removed from the AMT is about 0.1 million each year.[22]

The provision essentially does not change AMT liability over the period. Taxpayers with increased AMT liability incur between $0.5 billion and $0.8 billion in increased AMT liability in each year of the period; this increased liability is almost exactly offset each year by decreased AMT liability for other tax-payers.

III. CONCLUSION

Before TRA '97 was enacted, many tax experts were aware that the individual AMT had serious long-run problems that needed fixing. The number of taxpayers who would face the potentially daunting task of filling out the AMT form and paying AMT taxes would increase to such a high level within the next several years that significant pressure to reform the AMT would arise. Despite its generally beneficial effect on taxpayers, TRA '97 exacerbated the AMT problem considerably and probably increased the pressure for AMT reform.

[1] See, e.g., Robert P. Harvey and Jerry Tempalski, "The Individual AMT: Why It Matters," National Tax Journal; Vol. L, No. 3; September 1997, p. 453; Martin A. Sullivan, "The Individual AMT: Nowhere to Go But Up," Highlights & Documents, October 24, 1996, p. 773.

[2] For estimates presented in this report, a couple filing a joint return counts as one taxpayer.

[3] All post-1995 numbers in this report are estimates made using the Treasury Department's Individual Tax Model and the Clinton Administration's economic forecast from the FY99 Budget.

[4] Lee A. Sheppard, "Tax Accounting for 'No-Necked Monsters'," Tax Notes, Aug. 3, 1998, p. 524. See, e.g., Albert B. Crenshaw, "Now You See It, Now You Don't: Tax Law to Make Benefits Disappear." The Washington Post, September 17, 1997, p. C9, C11; Albert B. Crenshaw, "More People Feel the Pinch of the Alternative Minimum Tax," The Washington Post, September 21, 1997, p. H1, H4;" AMT, Cash Machine," The Wall Street Journal, October 8, 1997, p. A22.

[5] Since 1985, regular income tax parameters have been indexed for inflation.

[6] These other anomalies may not have been viewed as significant when most taxpayers subject to the AMT had tax-shelter type preferences; the anomalies are more troublesome when even taxpayers with no preferences of that type are subject to the AMT.

[7] For a detailed discussion of how the AMT works, see Harvey and Tempalski (1997).

[8] Personal exemptions are treated here as an AMT preference.

[9] For taxpayers in the phase-out range of the AMT exemption, the 26 percent AMT tax rate effectively becomes a 32.5 percent rate and the 28 percent rate becomes a 35 percent rate.

[10] For a small number of taxpayers, the AMT can affect taxpayers in a third way. Because the AMT treats the standard deduction as a preference item, some taxpayers with itemized deductions less than the standard deduction can lower their overall tax liability if they itemize deductions rather than take the standard deduction. This tax-minimizing behavior could occur if most itemized deductions are not AMT preferences (e.g., charitable contributions). For these taxpayers, itemizing increases regular tax liability but lowers AMT liability even more, thus decreasing total tax liability.

[11] A few of these "lost" credits, particularly general business credits, can be carried back or carried forward, so they may not be permanently lost.

[12] Except for some taxpayers who voluntarily increase their capital gains realizations because of the capital gains rate cut, nearly all taxpayers affected by the six provisions have their overall tax liability reduced by the provisions.

[13] The kiddie-tax provision can increase the effect of the AMT for a very small number of taxpayers, less than 3,000 in 2008. The additional AMT liability for these taxpayers totals less than $1 million in 2008.

[14] TRA '97 affects the percentage of taxpayers on the AMT in two ways. First, it increases the number of AMT taxpayers by 3.2 million in 2008. Second, it decreases the total number of taxpayers by 3.9 million in 2008, primarily because of the child and education credits.

[15] This point is important in examining IRS data. IRS data does not indicate the amount of tax credits lost because of the AMT. IRS data only reports AMT liability from Form 6251. Only researchers with access to a microsimulation computer model using actual tax return data can determine the amount of lost credits.

[16] For taxpayers with three or more children, the child credit is not directly limited by TAMT. The credit is, however, reduced by any final AMT liability reported on the AMT form.

[17] The child credit is $400 in 1998.

[18] Because the two education credits are substitutes for each other for many taxpayers, they are discussed together in this section.

[19] The credit amount and the income limits for the credit are indexed for inflation occurring after 2000.

[20] The income limits for the credit are indexed for inflation occurring after 2000.

[21] Under pre-TRA '97 law, capital gains under the AMT were taxed at the same rate as other AMTI.

[22] The numbers discussed here include the effects of increased capital gains realizations resulting from the lower capital gains tax rate. The effect of the increased realizations on the AMT is very small.

TABLE 1.—NUMBER OF AMT TAXPAYERS

[By calendar years, in millions]

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Compound annual growth rate (percent)
Number of AMT taxpayers:													
Post-TRA '97:													
Number with only AMT liability from Form 6251	0.6	0.5	0.6	0.7	0.8	1.0	1.3	1.6	1.9	2.4	3.1	4.0	19
Number with only "lost" credits	0.1	0.8	1.0	1.2	1.4	1.6	2.1	2.5	3.1	3.7	4.1	4.7	42
Number with both	0.2	0.3	0.4	0.5	0.6	0.7	0.9	1.1	1.4	1.8	2.4	2.9	28
Total [1]	0.9	1.6	2.0	2.4	2.8	3.3	4.3	5.2	6.4	8.0	9.5	11.6	26
Pre-TRA '97:													
Number with only AMT liability from Form 6251	0.6	0.7	0.9	1.1	1.4	1.7	2.1	2.7	3.2	4.3	5.2	6.6	24
Number with only "lost" credits	0.1	0.2	0.2	0.2	0.2	0.3	0.3	0.4	0.5	0.5	0.6	0.8	21
Number with both	0.2	0.2	0.2	0.2	0.3	0.3	0.4	0.5	0.5	0.7	0.9	1.1	17
Total [1]	0.9	1.1	1.3	1.5	1.9	2.2	2.8	3.5	4.2	5.5	6.7	8.5	23
Change caused by TRA '97:													
Number with only AMT liability from Form 6251	N/A	-0.2	-0.3	-0.4	-0.5	-0.6	-0.8	-1.1	-1.3	-1.8	-2.2	-2.6	
Number with only "lost" credits	N/A	0.6	0.8	1.0	1.2	1.4	1.8	2.1	2.6	3.2	3.5	3.9	
Number with both	N/A	0.1	0.2	0.3	0.3	0.4	0.5	0.7	0.9	1.2	1.5	1.9	
Total [1]	N/A	0.6	0.7	0.8	0.9	1.1	1.5	1.7	2.2	2.5	2.8	3.2	
Number of returns added to AMT	N/A	0.7	0.9	1.0	1.3	1.5	1.9	2.2	2.8	3.3	3.6	4.0	
Number of returns removed from AMT	N/A	0.2	0.2	0.2	0.3	0.3	0.4	0.5	0.6	0.8	0.8	0.9	
Percentage change caused by TRA '97:													
Number with only AMT liability from Form 6251	N/A	-28%	-35%	-36%	-40%	-39%	-39%	-41%	-40%	-43%	-42%	-39%	
Number with only "lost " credits	N/A	394%	469%	434%	491%	519%	560%	554%	565%	577%	575%	492%	
Number with both	N/A	80%	101%	118%	117%	121%	139%	153%	157%	165%	166%	173%	
Total	N/A	51%	58%	54%	51%	50%	54%	49%	52%	45%	41%	37%	
Total number of taxpayers:													
Post-TRA '97	93.1	90.6	91.5	92.6	93.9	95.5	96.5	98.0	99.5	100.8	102.4	103.9	
Percentage of taxpayers on AMT	1%	2%	2%	3%	3%	3%	4%	5%	6%	8%	9%	11%	
Pre-TRA '97	93.1	94.0	95.4	96.5	97.8	99.2	100.6	102.0	103.5	104.7	106.3	107.8	
Percentage of taxpayers on AMT	1%	1%	1%	2%	2%	2%	3%	3%	4%	5%	6%	8%	

[1] Taxpayers affected by the AMT can have both "lost" credits and AMT liability from Form 6251.

Source: Treasury Department Individual Tax Model.

TABLE 2.—AGI DISTRIBUTION OF TRA '97 EFFECT ON AMT IN 1999

AGI (in dollars)	AMT Liability[1] ($ millions)				Number of AMT Taxpayers[2] (thousands of returns)			
	Post-TRA '97	Pre-TRA '97	Difference	Percentage change	Post-TRA '97	Pre-TRA '97	Difference	Percentage change
Less than 0	66	129	-63	-49	4	6	-2	-33
0-15,000	12	20	-8	-40	54	149	-95	-64
15,000-30,000	48	14	34	243	143	8	135	1688
30,000-50,000	128	46	82	178	205	59	146	247
50,000-75,000	398	206	192	93	357	128	229	179
75,000-100,000	652	388	264	68	445	207	238	115
100,000-200,000	1,415	1,328	87	7	452	396	56	14
200,000 and over	3,857	4,000	-143	-4	344	316	28	9
Total	6,576	6,131	445	7	2,004	1,269	735	58
as percentage of total								
Less than 0	1	2	-14		0	0	0	
0-15,000	0	0	-2		3	12	-13	
15,000-30,000	1	0	8		7	1	18	
30,000-50,000	2	1	18		10	5	20	
50,000-75,000	6	3	43		18	10	31	
75,000-100,000	10	6	59		22	16	32	
100,000-200,000	22	22	20		23	31	8	
200,000 and over	59	65	-32		17	25	4	
Total	100	100	100		100	100	100	

[1] Includes lost credits.
[2] Includes taxpayers who only have lost credits.
Source: Treasury Department Individual Tax Model.

TABLE 3.—AGI DISTRIBUTION OF TRA '97 EFFECT ON AMT IN 2008

AGI[1] (in dollars)	AMT Liability[1] ($ millions)				Number of AMT Taxpayers[2] (thousands of returns)			
	Post-TRA '97	Pre-TRA '97	Difference	Percentage change	Post-TRA '97	Pre-TRA '97	Difference	Percentage change
Less than 0	91	176	-85	-48	14	18	-4	-22
0-15,000	15	50	-35	-70	91	753	-662	-88
15,000-30,000	135	38	97	255	251	34	217	638
30,000-50,000	1,161	455	706	155	1,417	595	822	138
50,000-75,000	4,130	1,615	2,515	156	3,431	1,592	1,839	116
75,000-100,000	3,766	2,208	1,558	71	2,412	1,558	854	55
100,000-200,000	7,508	7,312	196	3	3,057	2,939	118	4
200,000 and over	8,179	8,975	-796	-9	965	986	-21	-2
Total	24,985	20,829	4,156	20	11,638	8,475	3,163	37
as percentage of total								
Less than 0	0	1	-2		0	0	-0	
0-15,000	0	0	-1		1	9	-21	
15,000-30,000	1	0	2		2	0	7	
30,000-50,000	5	2	17		12	7	26	
50,000-75,000	17	8	61		29	19	58	
75,000-100,000	15	11	37		21	18	27	

TABLE 3.—AGI DISTRIBUTION OF TRA '97 EFFECT ON AMT IN 2008—Continued

AGI[1] (in dollars)	AMT Liability[1] ($ millions)				Number of AMT Taxpayers[2] (thousands of returns)			
	Post-TRA '97	Pre-TRA '97	Difference	Percentage change	Post-TRA '97	Pre-TRA '97	Difference	Percentage change
100,000–200,000	30	35	5	....	26	35	4	....
200,000 and over	33	43	−19	....	8	12	−1	....
Total	100	100	100	....	100	100	100	....

[1] In 1999 dollars.
[2] Includes lost credits.
[3] Includes taxpayers who only have lost credits.
Source: Treasury Department Individual Tax Model.

TABLE 4.—INDIVIDUAL AMT LIABILITY

[Calendar years; ($ billions)]

AMT liability	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Compound annual growth rate (percent)
Post-Taxpayer Relief Act of 1997:													
Form 6251	3.0	3.3	3.5	3.9	4.4	5.1	6.0	7.1	8.4	10.2	12.3	15.3	16
"Lost" credits	2.0	2.7	3.0	3.3	3.6	4.0	4.7	5.3	6.2	7.3	8.4	9.7	16
Total	5.0	6.0	6.6	7.2	8.0	9.1	10.7	12.4	14.5	17.4	20.6	25.0	16
Pre-Taxpayer Relief Act of 1997:													
Form 6251	3.0	3.4	3.8	4.4	5.0	5.7	6.7	7.8	9.2	11.1	13.2	16.1	17
"Lost" credits	2.0	2.1	2.3	2.5	2.7	2.9	3.1	3.3	3.6	4.0	4.3	4.7	8
Total	5.0	5.5	6.1	6.9	7.6	8.6	9.8	11.2	12.8	15.0	17.5	20.8	14
Change caused by TRA '97:													
Form 6251	N/A	−0.1	−0.3	−0.5	−0.6	−0.6	−0.7	−0.8	−0.8	−0.9	−0.9	−0.9	....
"Lost" credits	N/A	0.6	0.7	0.8	0.9	1.1	1.6	2.0	2.6	3.3	4.1	5.0	....
Total	N/A	0.5	0.4	0.3	0.4	0.5	0.9	1.2	1.7	2.4	3.2	4.2	....
Percentage change caused by TRA '97:													
Form 6251	N/A	−3	−8	−11	−11	−11	−10	−10	−9	−8	−7	−5	....
"Lost" credits	N/A	27	32	34	35	39	53	59	71	83	94	106	....
Total	N/A	9	7	5	5	6	10	11	14	16	18	20	....

Source: Treasury Department Individual Tax Model.

TABLE 5.—EFFECTS OF INDIVIDUAL TRA '97 PROVISIONS ON THE INDIVIDUAL AMT [1, 2]

[Number of taxpayers in millions, dollars in billions]

	Calendar year											Compound annual growth rate (percent)
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
1. Child Credit:												
Number of taxpayers benefitting[3]	25.8	26.0	25.9	25.8	25.7	25.4	25.2	24.8	24.3	23.7	22.8	−1
Number of taxpayers with credit reduced or eliminated by AMT	0.6	0.9	1.1	1.3	1.6	2.2	2.7	3.4	4.3	5.0	6.0	25
Reduced	0.3	0.5	0.6	0.9	1.0	1.3	1.6	2.0	2.5	2.8	3.1	25
Eliminated	0.3	0.4	0.4	0.5	0.6	0.9	1.1	1.4	1.8	2.2	2.8	25
Change in number of AMT taxpayers	0.3	0.5	0.6	0.8	0.9	1.1	1.3	1.7	2.0	2.3	2.5	....
Change in tax liability from AMT	0.3	0.5	0.6	0.7	0.9	1.2	1.5	1.8	2.3	2.8	3.5	....
2. Education Credits:												
Number of taxpayers benefitting[3]	12.1	11.9	11.8	11.6	11.6	11.5	11.4	11.3	11.1	10.9	10.6	−1
Number of taxpayers with credit reduced or eliminated by AMT	0.4	0.5	0.6	0.7	0.9	1.2	1.4	1.7	2.0	2.2	2.5	20
Reduced	0.3	0.4	0.4	0.5	0.6	0.8	0.9	1.0	1.1	1.2	1.3	16
Eliminated	0.1	0.2	0.2	0.2	0.3	0.4	0.5	0.7	0.8	1.0	1.3	26
Change in number of AMT taxpayers	0.3	0.4	0.5	0.6	0.6	0.8	0.9	1.0	1.2	1.2	1.3	....
Change in tax liability from AMT	0.3	0.3	0.4	0.5	0.6	0.9	1.1	1.4	1.6	1.8	2.1	....
3. Child and Education Credits Combined:												
Number of taxpayers benefitting[3]	33.8	34.0	33.9	33.9	33.9	33.8	33.7	33.5	33.1	32.6	31.7	−1
Number of taxpayers with credit reduced or eliminated by AMT	0.8	1.1	1.3	1.6	1.9	2.6	3.2	3.9	4.9	5.7	6.7	23
Reduced	0.6	0.8	0.9	1.2	1.4	1.9	2.3	2.9	3.5	3.9	4.4	23
Eliminated	0.3	0.3	0.4	0.4	0.5	0.7	0.8	1.0	1.3	1.7	2.3	24
Change in number of AMT taxpayers	0.6	0.8	0.9	1.1	1.3	1.8	2.1	2.6	3.1	3.5	3.8	....
Change in tax liability from AMT	0.5	0.7	0.8	1.0	1.2	1.8	2.2	2.8	3.5	4.2	5.1	....
4. Conform Recovery Periods for AMT Depreciation With Recovery Periods for Regular-tax Depreciation:												
Number of taxpayers benefitting	N/A	0.2	0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.4	10
Change in number of AMT taxpayers	N/A	−0.0	−0.0	−0.0	−0.0	−0.1	−0.1	−0.1	−0.1	−0.1	−0.1	....
Change in tax liability from AMT	N/A	−0.2	−0.4	−0.5	−0.7	−0.8	−0.9	−0.9	−1.0	−0.9	−0.8	....
5. Change AMT Exemption for Kiddie-Tax Taxpayers:												
Number of taxpayers benefitting	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.4	0.4	0.5	24
Change in number of AMT taxpayers	−0.0	−0.1	−0.1	−0.1	−0.1	−0.1	−0.2	−0.2	−0.4	−0.4	−0.5	....
Change in tax liability from AMT	−0.01	−0.01	−0.01	−0.01	−0.01	−0.01	−0.01	−0.01	−0.02	−0.02	−0.02	....
6. Lower Regular-Tax Capital Gains Rate and Conform AMT Capital Gains Rate[4]												
Change in number of AMT taxpayers	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Change for taxpayers with increased AMT liability	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Change for taxpayers with decreased AMT liability	−0.0	−0.0	−0.0	−0.0	−0.0	−0.1	−0.1	−0.1	−0.1	−0.1	−0.1	....
Change in tax liability from AMT	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	....
Change for taxpayers with increased AMT liability	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.7	0.7	0.8	0.8	....
Change for taxpayers with decreased AMT liability	−0.5	−0.5	−.05	−0.5	−0.5	−0.6	−0.6	−0.7	−0.7	−0.8	−0.9	....

Source: Treasury Department Individual Tax Model.
[1] Estimates on this table are not directly comparable with estimates contained on either Tables 1 or 4. Except for No. 3 above, estimates on this table are for single TRA '97 provisions only, with no interactions. Estimates in Tables 1 and 4 show the effects of all provisions, including interaction effects.
[2] Provisions are "stacked last" for purposes of these estimates (i.e., estimates are based on the difference in revenue between post-TRA '97 and post-TRA '97 law with the provision under examination removed).
[3] Number excludes taxpayers who lose entire total amount of new credits because of the AMT.
[4] Includes effects of increased capital gains realizations caused by lower capital gains tax rate.

By Mr. ASHCROFT:

S. 538. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

PROTECT CHILDREN FROM VIOLENCE ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation to address a serious national problem—the increasingly violent nature of juvenile crime. It seems that nearly every day we hear encouraging news about the progress we are making in the fight against crime. There is no doubt that this is good news. But reports about reductions in the crime rate obscure two unfortunate realities: First, although the rate of crime has dropped over the past few yeas, the level of crime remains far too high. Second, whatever progress has been made in the reduction of overall crime rates, we are still confronted with a serious problem with violent juvenile crime.

Statistics about crime rates are useful, but what really matters is the level of violent crime. Yesterday, the Dow Jones Industrial Average went down over twenty points. If we were focus on that fact alone, it would appear that the stock market was down, when in fact the Dow is near its all time record high. The same is true of crime, especially juvenile crime. Although the most recent data show some drops in the crime rate, the overall level of crime, especially juvenile crime is unacceptably high. There are about as many violent crimes committed today as in 1987. The number of violent juvenile crimes is at roughly the 1992 level and at 150% of the 1987 level. I do not think anyone thought they were safe or secure enough in 1987 or in 1992.

Statistics about crime rates also mask the increasingly violent nature of juvenile crimes. Seventeen percent of all forcible rapes, fifty percent of all arsons and thirty-seven percent of all burglaries are committed by juveniles. The juvenile justice system is no longer being asked to deal with juveniles who have committed a youthful indiscretion. The system is being asked to deal with juveniles who become hardened criminals before they turn eighteen.

Finally, the recent dip in crime rates is cold comfort for victims of violent crimes. My constituents in Missouri continually identify violent juvenile crime as a paramount concern, and you only have to read the newspaper to understand why. When parents read in the newspaper about a 16-year old who raped four young girls in St. Charles County, they understand the importance of targeting violent juvenile crime. When parents in Hazelwood read about a 13-year old convicted of murder for fracturing his victim's skull with the butt of a sawed-off shotgun, they understand the importance of targeting violent juvenile crime. And when people in Poplar Bluff read about a 16-year old, encouraged by his 20-year old accomplice, who held a pizza delivery man at the point of a shotgun to steal $32, they understand the importance of targeting violent juvenile crime.

Mr. President, that is precisely what the bill I am introducing today does—it targets violent juvenile crime. This bill, the Protect Children from Violent Act, will update our current juvenile justice laws to reflect the new vicious nature of today's teen criminals. It treats the most violent juvenile offenders as adults and punishes those adults who would exploit or endanger our children.

The Act has several components. First and foremost, it would require federal prosecutors and States, in order to qualify for $750 million in new incentive grants, to try as adults those juveniles fourteen and older who commit serious violent offenses, such as rape or murder. There is nothing juvenile about these crimes, and the perpetrators must be treated and tried as adults.

Some of the laws on the books inadvertently pervert the direction of the law enforcement system, offering more protections to the perpetrators, than to the public. This must cease. Strengthening our juvenile justice laws is the first line of defense in protecting the public and providing greater protection for innocent children than for violent criminals.

In order to do this, we also must ensure that our law enforcement officials, courts and schools have clear lines of communication and access to the records of violent juvenile offenders. This bill accomplishes this goal by requiring the fingerprinting and photographing of juveniles found guilty of crimes that would be felonies if committed by an adult. The bill also would ensure that those records are made available to federal and state law enforcement officials and school officials, so thy will know who they are dealing with when they confront a dangerous juvenile offender.

Typically, state statutes seal juvenile criminal records and expunge those records when the juvenile reaches age 18. Today's young criminal predators understand that when they reach their eighteenth birthday, they can begin their second career as adult criminals with an unblemished record. The time has come to discard the anachronistic idea that crimes committed by juveniles must be kept confidential, no matter how heinous the crime.

Our law enforcement agencies, courts, and school officials need improved access to juvenile records so that they have the tools to deal with the exponential increase in the severity and frequency of juvenile crimes.

The current state of juvenile record keeping is simply unacceptable. As part of the message that juvenile crime is something less than real crime, many jurisdictions have kept inadequate juvenile records or kept records sealed and inaccessible. What is more, whatever juvenile records they did keep were expunged when the juvenile turned eighteen. A judge sentencing a fresh-faced nineteen-year-old would sentence him like a first-time offender, blissfully ignorant of his prior record of similar incidents. These problems are made worse by the absence of any system to provide for the nationwide sharing of juvenile records. This is not a problem that any one State can solve alone. Even if a State treats juvenile criminal records like any other criminal record, it is still vulnerable to violent juveniles who move into the State. The problem we face is that although juveniles frequently cross state lines, their records do not follow them.

For too long, law enforcement officers have operated in the dark. Our police departments need to have access to the prior juvenile criminal records of individuals to assist them in criminal investigations and apprehension.

According to Police Chief David G. Walchak, who is past president of the International Association of Chiefs of Police, law enforcement officials are in desperate need of access to juvenile criminal records. The police chief has said, "Current juvenile records (both arrest and adjudication) are inconsistent across the States, and are usually unavailable to the various programs' staff who work with youthful offenders."

Chief Walchak also notes that "If we [in law enforcement] don't know who the youthful offenders are, we can't appropriately intervene."

Chief Walchak is not the only one saying this. Law enforcement officers in my home State have told me that when they arrest juveniles they have no idea who they are dealing with because the records are kept confidential.

School officials, as well as courts and law enforcement officials, need access to juvenile criminal records to assist them in providing for the best interests of all students and preventing more tragedies.

The decline in school safety across the country can be attributed to a significant degree to laws that put the protection of dangerous students ahead of protecting the innocent—those who go to school to learn, not to maim or murder.

While visiting with school officials in Sikeston, Missouri, a teacher told me how one of her students came to school wearing an electronic monitoring ankle bracelet. Can you imagine being that teacher and having to turn around—back to the class—to write on the chalk board not knowing whether that student was a rapist, or even a murderer?

The proposed bill solves these problems by providing a nationwide system of record sharing. What is more, the bill provides block grants to the States for the purpose of establishing improved juvenile record keeping. To qualify for these block grants, States must keep records for juveniles that are equivalent to those they keep for adult criminals. The States must then make those records available to the FBI, law enforcement officers, school officials and sentencing courts. These provisions allow those who have to deal with these violent juveniles to do so based on full information. That is the only basis on which those decision should be made.

In addition to requiring that federal and state prosecutors try violent juvenile offenders as adults and increasing record keeping and sharing capabilities, this bill enhances the federal criminal penalties for those adults who seek to lure juveniles into criminal activity or drug use.

For example, any adult who distributes drugs to a minor, traffics in drugs in or near a school, or uses minors to distribute drugs would face a minimum three year jail sentence (as compared to the 1 year minimum under current law).

This bill also doubles the maximum jail time and fines for adults who use minors in crimes of violence. The second time the adult hides behind the juvenile status of a child by using him to commit a crime, the adult faces a tripling of the maximum sentence and fine.

The fact that our current system treats juvenile crime lightly has not been lost on young people. Not has it been lost on hardened adult criminals. If the system is going to let young people off with a slap on the wrist and then give them a clean slate when they turn eighteen, why should any adult criminal risk serious jail time by committing a crime themselves. Why not, instead,, just use a juvenile and have the youth commit the crime for them. This use of juveniles is deplorable. But, sadly, our current treatment of juveniles gives adults an incentive to exploit children in this way. If a store sold candy for $5 to adults, but for $1 to children, there would be a lot of adults sending a kid in to buy them a candy bar. So too, with the criminal justice system. Our light treatment of juveniles has led adults to corrupt children in order to escape the penalties imposed by the adult system. It is no wonder that a 20-year old in Poplar Bluff has her 16-year old accomplice take the lead in the armed robbery. We cannot continue to encourage this intolerable behavior. Those who would corrupt our children should received our stiffest and swiftest sanction. To this end, my bill imposes enhanced penalties on adults who use juveniles to commit violent offenses, and also will encourage the States to adopt similar provisions.

Furthermore, the Protect Children from Violence Act elevates to a federal crime the recruiting of minors to participate in gang activity. Under this legislation, those gangsters who lure our children into gangs will face a federal prosecutor and a federal penitentiary.

A 1993 survey reported an estimated 4,881 gangs with 249,324 gang members in the United States. Those figures are disturbing enough. But a second study, conducted just two years later, found that the number of gangs had increased more than four-fold, with 23,388 gangs claiming over 650,000 members. We need legislation to stem this rising tide.

Let me quickly recap the highlights of this legislation. In order to qualify for incentive grants, States would be required to try juveniles as adults if they commit certain violent crimes such as rape and murder. States also would have to fingerprint and keep records on juveniles who commit crimes that would be felonies if committed by adults, and States mut allow public access to juvenile criminal records of repeat juvenile offenders. These same provisions would apply to federal law enforcement officials. To protect our children from adults who prey on the, this bill doubles and triples the jail time for those convicted of using a juvenile to commit a violent crime or to distribute drugs. Anyone caught dealing drugs to minors or near a school will face three times the penalty under current law.

This bill is a reasonable and prudent response to the threat that violent youth, and the adults that lead them into a life of crime, pose to our children. the monies authorized will be used to deter and incarcerate violent juvenile criminals, not just to provide for more midnight basketball and prevention programs—the situation, and our future, demands more than that. We need to take into account the needs of the innocent children—not sacrifice their protection in the name of privacy for violent juvenile perpetrators.

For too long now we have treated juvenile crime as something less than real crime. Even the language we use—referring to adult crimes, but to acts of juvenile delinquency—suggests that juvenile crime is not real crime. But we are not talking about throwing spitballs or juvenile horseplay. We are talking about murder and assault and rape. And I assure you that for the victims of these crimes, the crimes are all too real—no less so because the perpetrator was under eighteen. The time has come to take juvenile crime seriously and protect our children from violence.

By Mr. BROWNBACK:

S. 539. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket, to replace the Consumer Price Index with the national average wage index for purposes of cost-of-living adjustments, to lessen the impact of the noncorporate alternative minimum tax, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. BROWNBACK. Mr. President, today, I have introduced a proposal for a tax cut which I think answers a number of questions that people have been putting forward. I hear both sides of the aisle talking about a tax cut and the willingness to have a tax cut. Some are saying we need it to be targeted; some say we need to do it with the marriage penalty; others say we need a broad-based tax relief to take place.

The proposal I am putting in today would expand the 15-percent tax category over a period of 10 years and raise that to the level of the maximum amount at which we tax Social Security. What it does is, we broaden that 15-percent tax bracket. We make it such that it will take care of most of the marriage penalty. It will be economically simulating in that it will be a great relief for a number of people that grow into that 15-percent category, then, as we expand it. And it will be middle-income targeted because it will be that category of people making in the 15-percent rate and growing it up to $72,000 over a period of 10 years.

I think this answers a lot of questions on what we have been putting forward. We set aside every dime of Social Security money for Social Security, period. We do that. All those funds flowing into Social Security will remain and stay with Social Security. Not a dime of that is touched.

With the other resources that we have coming in that are building the surplus, let's do this sort of tax cut that moves to the middle-income category and addresses the marriage penalty problem. That is economically stimulating and is one that I think can be fair and helpful to our growth.

This is the final point I will make, as I intend to be brief about this. We are at a period of being able to talk about solving Social Security and paying down debt and providing tax cuts and dealing with education problems because we have a strong growing economy. We have a growing economy that is producing these sorts of revenues. We have to maintain that, and the lead thing that we can do to maintain that is to provide for economically stimulating tax cuts like what I am proposing here, and broaden that 15-percent tax rate, target it for people there, and have an economically stimulating benefit from that occurring. I think that is the way that we need to go to be able to maintain what we have in place now in this healthy economy and to be able to deal with these sorts of issues, to stimulate education reform, and to have the funds for education, as well.

Mr. President, that is the proposal I have introduced today. I urge my colleagues to look at it, and I would appreciate their support for this bill as we press forward on this broad-based debate on what we are going to do about this budget and how we continue the strong economy.

By Mr. JOHNSON (for himself, Mr. INHOFE, Mr. CONRAD, Mr. KERRY, Mr. DASCHLE, Mr. INOUYE, Mr. WELLSTONE, Mr.

Sarbanes, Mr. Kerrey, Mr. Kennedy, Mr. Dorgan, Mr. Reid, Mr. Baucus, Mr. Bryan, and Mrs. Boxer):

S. 540. A bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 be treated for purposes of the low-income housing credit in the same manner as comparable assistance; to the Committee on Finance.

LOW INCOME HOUSING TAX CREDIT EQUITABLE ACCESS FOR INDIAN TRIBES

Mr. JOHNSON. Mr. President, I rise today to introduce legislation which will correct an unintended oversight in the federal administration of Native American housing programs, allowing Indian tribes to once again access Low-Income Housing Tax Credits (LIHTCs) for housing development in some of this nation's most under-served communities. Joining me as original cosponsors of this bill are Senators Inhofe, Conrad, Kerry, Daschle, Inouye, Wellstone, Sarbanes, Kerrey, Kennedy, Dorgan, Reid, Baucus, Bryan and Boxer.

In the 104th Congress, the Native American Housing Assistance and Self Determination Act (NAHASDA) was signed into law, separating Indian housing from public housing and providing block grants to tribes and their tribally designated housing authorities. Prior to passage of NAHASDA, Indian tribes receiving HOME block grant funds were able to use those funds to leverage the Low Income Housing Tax Credits distributed by states on a competitive basis. Unfortunately, unlike HOME funds, block grants to tribes under the new NAHASDA are defined as federal funds and cannot be used for accessing LIHTCs.

The fact that tribes cannot use their new block grant funds to access a program (LIHTC) which they formerly could access is an unintended consequence of taking Indian Housing out of Public Housing at HUD and setting up the otherwise productive and much needed NAHASDA system. The legislation I am introducing today is limited in scope and redefines NAHASDA funds, restoring tribal eligibility for the LIHTC by putting NAHASDA funds on the same footing as HOME funds. With this technical correction, there would be no change to the LIHTC programs—tribes would compete for LIHTCs with all other entities at the state level, just as they did prior to NAHASDA.

This technical corrections legislation is a minor but much needed fix to a valuable program that will restore equity to housing development across the country. The South Dakota Housing Development Authority has enthusiastically endorsed this legislation out of concern for equitable treatment of every resident of our state and to reinforce the proven success of the LIHTC program for housing development in rural and lower income communities.

I have joined many of my colleagues in past efforts to preserve and increase the Low Income Housing Tax Credit program which benefits every state, and I ask my colleagues to recognize the importance of maintaining fairness in access to this program emphasized through this legislation and encourage my colleagues to support passage of this vital legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.

(a) In General.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)", and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

(b) Effective Date.—The amendments made by subsection (a) shall apply to periods after the date of the enactment of this Act.

By Ms. COLLINS (for herself, Mr. Murkowski, and Mr. Roberts):

S. 541. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program; to the Committee on Finance.

THE GRADUATE MEDICAL EDUCATION TECHNICAL AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from Alaska, Senator Murkowski, in introducing the Graduate Medical Education Technical Amendments Act of 1999, which is intended to address some of the problems that small family practice residency programs in Maine and elsewhere are experiencing as a result of provisions in the Balanced Budget Act (BBA) of 1997 that were intended to control the growth in Medicare graduate medical education spending.

Of specific concern are the provisions in the BBA that cap the total number of residents in a program at the level included in the 1996 Medicare cost reports. Congress' goal in reforming Medicare's graduate medical education program was to slow down our nation's overall production of physicians, while still protecting the training of physicians who are in short supply and needed to meet local and national health care demands. While the BBA's provisions will indeed curb growth in the overall physician supply, they do so indiscriminately and are thwarting efforts in Maine and elsewhere to increase the supply of primary care physicians in underserved rural areas.

Because Maine has only one medical school—the University of New England, which trains osteopathic physicians—we depend on a number of small family practice residency programs to introduce physicians to the practice opportunities in the state. Most of the graduates of these residency programs go on to establish practices in Maine, many in rural and underserved areas of the state. The new caps on residency slots included in the BBA penalize these programs in a number of ways.

For instance, the current cap is based on the number of interns and residents who were "in the hospital" in FY 1996. Having a cap that is institution-specific rather than program-specific has caused several problems. For example, the Maine-Dartmouth Family Practice Residency Program had two residents out on leave in 1996—one on sick leave for chemotherapy treatments and one on maternity leave. Therefore, the program's cap was reduced by two, because it was based on the number of actual residents in the hospital in 1996 as opposed to the number of residents in the program.

Moreover, residents in this program have spent one to two months training in obstetrics at Dartmouth's Mary Hitchcock's Medical Center in Lebanon, New Hampshire. Because the cap is based on a hospital's cost report, these residents are counted toward Dartmouth Medical School's cap instead of the Maine-Dartmouth Family Practice Residency Program's. Last year, the Maine program was informed that Dartmouth would be cutting back the amount of time their residents are there. But the Maine-Dartmouth Family Practice Residency Program has no way of recouping the resident count from them in order to have the funds to support obstetrical training for their residents elsewhere.

Moreover, the cap does not include residents who continue to be part of the residency program, but who have been sent outside of the hospital for training. This penalizes all primary care specialties, but especially family medicine, where ambulatory training has historically been the hallmark of the specialty. This is particularly ironic since other specialty programs that now begin training in settings outside the hospital will, under the new rules, have those costs included in their Medicare graduate medical education funding.

All told, the Maine Dartmouth Family Practice Residency Program will see its graduate medical education funding reduced by over half a million dollars a year as a result of the cap established by the BBA.

The example I have just used is from Maine, but the problems created by the BBA's graduate medical education changes are national in scope. It has created disproportionately harmful effects on family practice residencies from Maine to Alaska. A recent survey of all family practice residency program directors has found that:

56 percent of respondents who were in the process of developing new rural training sites have indicated that they will either not implement those plans or are unsure about their sponsoring institutions' continued support.

21 percent of respondents report planning to decrease their family practice residency slots in the immediate future. The majority of those who are planning to decrease their slots are the sole residency program in a teaching hospital. This means that, under current law, they have no alternative way of achieving growth, such as through a reduction of other specialty slots in order to stay within the cap.

And finally, the vast majority of family practice residencies did not have their full residency FTEs captured in the 1996 cost reports upon which the cap is based.

In addition to this survey, we have anecdotal information from residencies across the country detailing how they have lost funding either because of where they trained their residents or because their residents had been extended sick or maternity leave. For example, one family practice residency in Washington State last year had an equivalent of 14 residents training outside of the hospital and four in the hospital. Under the BBA, their cap would be four. By contrast, had all of their residents been trained in the hospital up to this point, their payment base would have been capped at 18, even if they trained residents in non-hospital settings in the future.

The Medicare Graduate Medical Education Technical Amendments Act we are introducing today will address these problems by basing the cap on the number of residents "who were appointed by the approved medical residency training programs for the hospital" in 1996, rather than on the number of residents who were "in the hospital."

I am also concerned that the Balanced Budget Act and its accompanying regulations will severely hamper primary care residency programs that are expanding to meet local needs. Specifically, a new residency program that had not met its full complement of accredited residency positions until after the cutoff date of August 5, 1997, is precluded from increasing its number of residents unless the hospital decreases the number of residents in one of its other specialty programs. However, over forty percent of the nation's family practice residency programs are the only program sponsored by the hospital. This provision therefore completely precludes such a hospital from expanding its residency program to meet emerging primary care needs.

To address this problem, the legislation we are introducing today would allow the small number of programs at hospitals that sponsor just one residency program to increase their cap by one residency slot a year up to a maximum of three. In addition, to enable a number of family practice residency programs that are already in the pipeline to get accredited and grow to completion, the bill extends the cutoff date to September 1999.

And finally, the Balanced Budget Act gave the Secretary of Health and Human Services the authority to give "special consideration" to new facilities that "meet the needs of underserved rural areas." The Health Care Financing Administration has interpreted this to mean facilities that are actually in underserved rural areas. There have been several recent expansions in family practice residency programs that include a rural training track, with residents located in outlying hospitals, or with satellite programs designed specifically to train residents to work with underserved populations.

Even though these new programs or satellites required accrediting body approval, they are still part of the "mother" residencies, which may not be physically located in an underserved rural area. While these are not technically new programs, I believe that the definition should be expanded to include such endeavors, given the value of these programs in addressing the needs of underserved populations. Therefore, the Medicare Graduate Medical Education Technical Amendments Act would expand the definition to include "facilities which are not located in an underserved rural area, but which have established separately accredited rural training tracks."

Mr. President, while the changes we are proposing today are relatively minor and technical in nature, they are critical to the survival of the small family practice residency programs that are so important to our ability to meet health manpower needs in rural and underserved areas. I urge all of my colleagues to join us in cosponsoring the Medicare Graduate Medical Education Technical Amendments and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Graduate Medical Education Technical Amendments of 1999".

SEC. 2. INDIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)) (as added by section 4621(b) of the Balanced Budget Act of 1997) is amended—

(1) by striking "(v) In determining" and inserting "(v)(I) Subject to subclause (II), in determining";

(2) by striking "in the hospital with respect to the hospital's most recent cost reporting period ending on or before December 31, 1996"; and inserting "who were appointed by the hospital's approved medical residency training programs for the hospital's most recent cost reporting period ending on or before December 31, 1996"; and

(3) by adding at the end the following:

"(II) Beginning on or after January 1, 1997, in the case of a hospital that sponsors only 1 allopathic or osteopathic residency program, the limit determined for such hospital under subclause (I) may, at the hospital's discretion, be increased by 1 for each calendar year but shall not exceed a total of 3 more than the limit determined for the hospital under subclause (I).".

(b) TECHNICAL AMENDMENTS.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by moving clauses (ii), (v), and (vi) 2 ems to the left.

SEC. 3. DIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.

(a) LIMITATION ON NUMBER OF RESIDENTS.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended by inserting "who were appointed by the hospital's approved medical residency training programs" after "may not exceed the number of such full-time equivalent residents".

(b) FUNDING FOR NEW PROGRAMS.—The first sentence of section 1886(h)(4)(H)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(i)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended inserting "and before September 30, 1999" after "January 1, 1995".

(c) FUNDING FOR PROGRAMS MEETING RURAL NEEDS.—The second sentence of section 1886(h)(4)(H)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(i)) (as added by section 4623 of the Balanced Budget Act of 1997) is amended by striking the period at the end and inserting ", including facilities that are not located in an underserved rural area but have established separately accredited rural training tracks.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

Mr. MURKOWSKI. Mr. President, I am pleased today to introduce with my distinguished colleague from Maine, Senator COLLINS, the Graduate Medical Education Technical Amendments Act of 1999. This legislation will alleviate unintended consequences of the Balanced Budget Act of 1997 regarding Graduate Medical Education (GME).

The Balanced Budget Act of 1997 contained important and necessary GME reform. However, a small number of the changes in the Balanced Budget Act of 1997, have grave consequences for many residency programs, particularly for programs that have been training in ambulatory settings, are small, or who produce physicians to serve in rural areas. The impact has been disproportionately harmful to programs that: have already been training in ambulatory settings (because the hospitals in which they were located were not allowed to count the residents they had serving in community settings in the cap); are small, such as hospitals with only one residency program; and train physicians for practice in rural areas.

The impact is especially damaging to family practice residency programs. Only family practice residents have been trained extensively out of the hospital and only family practice residencies were significantly harmed by this provision in the BBA. In fact, a recent survey indicates that 56 percent of family residency program directors believe that the BBA provisions will preclude their development of rural training sites.

Senator COLLINS' and my legislation would include the following legislative remedies:

Recalculate the IME and DME caps based on the number of interns and residents who were appointed by the approved medical residency training programs for FY 1996, whether they were being trained in the hospital or in the community;

Change the cutoff date for adjusting the DME funding cap to September 30, 1999, to allow those programs already in the approval process for accreditation to continue to realization; and

Expand the exception to the funding caps to include programs with separately accredited rural training tracks even if the sponsoring hospital is not located in a rural area, and for residency programs where a primary care training program is the only one offered in the hospital.

This legislation is important for Alaska's first and only residency program. The Alaska Family Practice Residency is specifically designed to train physicians to practice medicine in rural Alaska.

Alaska's rural health care problems are tough: 74% of Alaska is medically under-served. Many villages populated by 25–1000 individuals do not have access to physicians. Physician turn-over rate is high which makes it impossible for patients to establish long-term relationships with their physician to manage chronic disease or to do preventative medicine. The result is that bush Alaska has much higher rates of preventable diseases.

This legislation, is truly imperative to Alaska health care. While other residency programs have the luxury of educating their residents on rural health issues, for us it is a necessity.

Mr. President, our legislation corrects a small deficiency in the BBA of 1997 that has had a large, unintended impact on programs training community-based and rural doctors. I hope my colleagues can join our efforts and support this important legislation.

By Mr. ABRAHAM (for himself, Mr. WYDEN, Mr. HATCH, Mr. KERREY, Mr. COVERDELL, Mr. DASCHLE, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. ALLARD, Mr. GORTON, Mr. BURNS, and Mr. MCCONNELL):

S. 542. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers; to the Committee on Finance.

THE NEW MILLENNIUM CLASSROOMS ACT

Mr. ABRAHAM. Mr. President, I am joined today by Senators WYDEN, HATCH, KERREY, COVERDELL, DASCHLE, JEFFORDS, LIEBERMAN, ALLARD, GORTON, MCCONNELL, and BURNS in introducing the New Millennium Classrooms Act. This legislation will effectively encourage the donation of computer equipment and software to schools through tax deductions and credits. In addition, enhanced tax credits would be applied to equipment donated to schools within designated empowerment zones, enterprise communities, and Indian reservations.

Advanced technology has fueled unprecedented economic growth and transformed the way Americans do business and communicate with each other. Despite these gains, this same technology is just beginning to have an impact on our classrooms and how we educate our children. It is projected that 60 percent of all jobs will require high-tech computer skills by the year 2000, yet 32 percent of our public schools have only one classroom with access to the Internet.

Mr. President, it is imperative that we act now to provide our nation's students with the necessary technological background so they can succeed in tomorrow's high-tech workplace and ensure our country's future position in competitive world markets.

The Department of Education recommends that there be at least one computer for every five students. According to the Educational Testing Service, in 1997, there was only one computer for every 24 students, on average. Not only are our classrooms sadly under-equipped, but even those classrooms with computers often have systems which are so old and outdated they are unable to run even the most basic software programs, are not multimedia capable and cannot access the Internet. Mr. President, one of the more common computers in our schools today is the Apple IIc, a computer so archaic it is now on display at the Smithsonian.

While this technological deficiency affects all of our schools, the students who are in the most need are receiving the least amount of computer instruction and exposure.

According to the Secretary of Education, 75.9 percent of households with an annual income over $75,000 have computers, compared to only 11 percent of households with incomes under $10,000. This disparity exists when comparing households with Internet access as well. While 42 percent of families with annual incomes over $75,000 have on-line capability, only 10 percent of families with incomes $25,000 or less can access the Internet from their homes.

Rural areas and inner cities fall below the national average for households that have computers.

Nationwide, 40.8 percent of white households have computers, while only 19 percent of African-American and Hispanic households do. This disparity is increasing, not decreasing. And, Mr. President, this unfortunate trend is not confined simply to individual households, it is present in our schools as well.

Education should be a great equalizer, providing the means by which Americans can take advantage of all the opportunities this country can offer, regardless of background. Yet, Educational Testing Service statistics show schools with 81 percent or more economically disadvantaged students have only one multi-media computer for every 32 students, while a school with 20 percent or fewer economically disadvantaged students will have a multi-media computer for every 22 students. That is a difference of 10 students per computer. Furthermore, schools with 90 percent or more minority students have only one multimedia computer for every 30 students.

Mr. President, this is simply unacceptable.

The Taxpayers Relief Act of 1997 contains a provision, The 21st Century Classrooms of 1997, which allows a corporation to take a deduction from taxable income for the donation of computer technology, equipment and software.

Unfortunately, since The 21st Century Classrooms Act of 1997 has been implemented, there has not been a significant increase in corporate donations of computers and related equipment to K–12 schools. The current incentives do not provide enough tax relief to outweigh the costs incurred by the donors. Moreover, the restrictions limiting the age of eligible equipment to two years or less and the narrow definition of "original use" has greatly limited the number of computers available for qualified donation. As a result, the Detwiler Foundation, a California-based organization with unparalleled status as a facilitator of computer donations to K–12 schools nationwide, reports they "have not witnessed the anticipated increase in donation activity" since the enactment of the 1997 tax deduction.

Mr. President, to increase the amount of technology donated to schools, the New Millennium Classrooms Act would expand the parameters of the current tax deduction and add a tax credit, which operates like the R&D tax credit. Specifically, the bill would do the following:

First, this legislation would allow a tax credit equal to 30 percent of the fair market value of the donated computer equipment. An increased tax credit provides greater incentive for companies to donate computer technology and equipment to schools. This includes computers, peripheral equipment, software and fiber optic cable related to computer use.

Second, it would expand the age limit to include equipment three years old or less. Many companies do not update their equipment within the two year period. This provision increases the availability of eligible equipment. Three year old computers equipped with Pentium-based or equivalent chips have the processing power, memory, and graphics capabilities to provide sufficient Internet and multimedia access and run any necessary software.

Third, the current limitation on "original use" would be expanded to include the original equipment manufacturers or any corporation that reacquires the equipment. By expanding the number of donors eligible for the tax credit, the number of computers available will increase as well.

Lastly, enhanced tax credits equal to 50 percent of the fair market value of the equipment donated to schools located within designated empowerment zones, enterprise communities, and Indian reservations would be implemented. Doubling the amount of the tax credits for donations made to schools in economically-distressed areas will increase the availability of computers to the children that need it most.

Bringing our classrooms into the 21st century will require a major national investment. According to a Rand Institute study, it will cost $15 billion, or $300 per student, to provide American schools with the technology needed to educate our youth; the primary cost being the purchase and installation of computer equipment. At a time when the government is planning to spend $1.2 billion to wire schools and libraries to the Internet, the demand for this sophisticated hardware will be greater than ever.

The Detwiler Foundation estimates that if just 10 percent of the computers that are taken out of service each year were donated to schools, the national ratio of students-to-computers would be brought to five-to-one or less. This would meet, or even exceed, the ratio recommended by the Department of Education.

The New Millennium Classrooms Act will provide powerful tax incentives for American businesses to donate top quality high-tech equipment to our nation's classrooms without duly increasing Federal Government expenditures or creating yet another federal program or department. Encouraging private investment and involvement, this Act will keep control where it belongs—with the teachers, the parents, and the students.

This bill is not simply another "targeted tax break." Broad-based tax relief and reform efforts should work to lower tax rates across the board while continuing to retain and improve upon the core tax incentives for education, homeownership, and charitable contributions. The New Millennium Classrooms Act expands the parameters and thus the effectiveness of an already existing education and charity tax incentive, one which will effectively bring top-of-the-line technology into all of our schools.

With the passage of the New Millennium Classrooms Act, all our children will have an equal chance at succeeding in the new technological millennium.

Mr. President, I ask unanimous consent that the bill, a section by section analysis, and a letter from the Detwiler Foundation be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Millennium Classrooms Act".

SEC. 2. EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) of the Internal Revenue Code of 1986 (defining qualified elementary or secondary educational contribution) is amended—

(1) by striking "2 years" and inserting "3 years", and

(2) by inserting "for the taxpayer's own use" after "constructed by the taxpayer".

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(B)(iii) of the Internal Revenue Code of 1986 (defining qualified elementary or secondary educational contribution) is amended by inserting ", the person from whom the donor reacquires the property," after "the donor".

(2) CONFORMING AMENDMENT.—Section 170(e)(6)(B)(ii) of such Code is amended by inserting "or reaquired" after "acquired".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. 3. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS.

"(a) GENERAL RULE.—For purposes of section 38, the school computer donation credit determined under this section is an amount equal to 30 percent of the qualified elementary or secondary educational contributions (as defined in section 170(e)(6)(B)) made by the taxpayer during the taxable year.

"(b) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO SCHOOLS IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified elementary or secondary educational contribution (as so defined) to an educational organization or entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(c) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(d) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act.

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the school computer donation credit determined under section 45D(a)."

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C of the Internal Revenue Code of 1986 (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) CREDIT FOR SCHOOL COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified elementary or secondary educational contributions (as defined in section 170(e)(6)(B)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52."

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) NO CARRYBACK OF SCHOOL COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph."

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to schools."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS—THE NEW MILLENNIUM CLASSROOMS ACT

A bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and to allow a tax credit for donated computers.

Section 1. Short title

This section provides that the act may be cited as the "New Millennium Classrooms Act"

Section 2. Expansion of deduction for computer donations to schools

This section extends the age of eligible computers from two years to three years of age.

In addition, the scope of "original use" is expanded to include not only the donor or the donee, but the person from whom the donor reacquires the property as well.

The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

Section 3. Credit for computer donations to schools

This section establishes that the school computer donation credit shall be an amount equal to 30 percent of the fair market value of the qualified contribution.

In addition, the school computer donation credit is enhanced for contributions made to schools located within designated empowerment zones, enterprise communities, and Indian reservations. The school computer donation credit shall be an amount 50 percent of the fair market value of the qualified contribution.

This section shall not apply to taxable years beginning on or after the date which is three years after the date of enactment of the New Millennium Classrooms Act.

This section includes a disallowance of the existing tax deduction by the amount of the tax credit, stating that no deduction shall be allowed for that portion of the qualified contribution that is equal to the amount of the tax credit.

Lastly, no amount of unused business credit available may be carried back to a taxable year beginning on or before the date of the enactment of this Act.

The amendments made by the sections shall apply to taxable years beginning after the date of the enactment of this Act.

THE DETWILER FOUNDATION,
COMPUTERS FOR SCHOOLS PROGRAM,
La Jolla, CA, March 3, 1999.

Hon. SPENCER ABRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: I am writing you because of the Detwiler Foundation's unparalleled status as a facilitator of computer donations to K-12 schools across the United States. Our experience—eight years in computer solicitation, refurbishing and placement, working through various types of facilities in states across the nation—leaves us uniquely qualified to provide perspective on computer donation history, process and trends. Because of our depth of knowledge in this area, it has been requested that we offer information and insight on legislation that may be coming before you this year.

As you move into the heart of the nation's legislative workload for 1999 we understand that many different issues will be on the agenda. The Detwiler Foundation Computers for Schools Program is dedicated to increasing and enhancing school technology available across the nation. As you might imagine, we are keenly interested in all matters that help us support that goal. Perhaps as you consider legislation for this session you will examine existing statutes for charitable contributions of computers and computer equipment to schools and education-benefit organizations like ours.

Two years ago Congress enacted the 21st Century Classrooms Act as part of the Tax Relief Act of 1997 (HR2014). This provision allows corporations that donate computers to qualified organizations (schools and education-benefit non-profits) to receive an enhanced charitable contribution tax deduction. The Detwiler Foundation welcomed this legislation and considered it a significant development in our efforts to support a computer-literate and technologically-prepared society.

While we remain unqualifiedly grateful to the sponsors and supporters of the 21st Century provision, we have not witnessed the anticipated increase in donation activity. We have been told by companies in a position to utilize the legislation that, for the most part, it does not fully meet their business cycle needs. We have also come to understand that, even though company executives work hard to serve their communities and the nation—and often succeed in so doing—they still must ultimately answer to their shareholders. The current legislation, they say, does not offer them significant assistance in that responsibility.

The Detwiler Foundation suggests that an expansion of the current code will bring about the results sought by the authors of the 21st Century Classrooms Act while maintaining the budgetary responsibility these times demand. Our experience to this point is that no donors to our program have been able to apply provisions of the current code to their donations. In other words, donations have not attached to the Balanced Budget offset outlay made for the existing legislation. It is our firm belief that the following amendments will meet the goals of the legislation while maintaining fiscal responsibility.

Expand the "eligible equipment" provision to include computers three (3) years old or less.

Provide donors shall a contribution credit against taxable income equal to a percentage of the original basis of the donated equipment. There should be a greater credit for contributions to schools in federally-recognized empowerment zones.

Offer the enhanced benefit to all IRS-designated ("C" and "Subchapter S") corporations.

Allow donee or facilitator to enhance and upgrade equipment as is reasonable and necessary and recover the cost of work done to add value to the equipment in addition to recovering the cost for shipping, installation and transfer.

Make the legislation effective January 1, 2000 and extend its lifetime through December 31, 2004.

The Detwiler Foundation addresses this issue as an organization working with state governments and local entities in every part of the nation. While we have no statistical evidence to certify this, we are as we understand it (and as is generally conceded) the single most prolific source of donated computers for schools across the nation. Last year we coordinated more than 12,000 computer donations. Furthermore, we have been facilitating these contributions since 1991. Our program has become the model for many other agencies now involved in soliciting and providing computers for schools. It is from that vantage point that we provide our insights and observations.

We offer these suggested changes to the legislation after having estimated the financial impact of these changes. This estimate is based on our experience and our informed perspective—you will find a copy accompanying this letter. In coming to our conclusions, we attempted to be what we consider generous, or even liberal, in our assignments of applicable donations, facilitators and receiving schools and tax credits. In other words, we have attempted to err on the "high" or most expensive side in this equation. We believe the actual costs to government coffers will be substantially less than our educated guess.

Thank you for your time and consideration, and the very best to you as you tackle this session's legislative agenda.

Sincerely,

JERRY GRAYSON,
Regional Director.

Mr. HATCH. Mr. President, I join today with my colleagues Senators ABRAHAM and WYDEN to introduce the New Millennium Classrooms Act.

Technology is a wonderful thing. It increases our productivity, enhances the way we communicate with each other, and opens up access to whole new worlds at the click of a finger.

It is becoming an integral part of the way America does business. Our economy has become more and more globalized. Our jobs, our cars, and our toys are more and more high-tech. Computers have become such a big part of American business that it has been projected that 60 percent of American jobs will require high-tech computer skills by 2000—just next year.

Unfortunately, there is an important part of our society that has not kept pace with this technology craze—our schools. We are falling dismally short of meeting the Department of Education's recommendation of 1 computer per 5 students. American schools had an average of just 1 computer per 24 students in 1997.

Not only are there too few computers in the classrooms, but those that are there are old and outdated, unable to run today's software and applications. In fact, the most popular model of computer in our schools is the Apple IIc. For those of you who are unfamiliar with this computer, you can see one just down the street in the Smithsonian.

Too many of today's schoolchildren are missing out on one of the greatest advancements in computer applications—the Internet. Thirty-two percent of our public schools have only one classroom with access to the Internet. This is not right. Our kids deserve the cutting edge of technology, not the 21st century equivalent of chalk and slates.

In 1997, Congress recognized the need for more and better computers in our schools enacting a corporate charitable tax deduction for school computer donations. Unfortunately, the deduction was crafted narrowly with various restrictions and limitations so that we have not seen a significant increase in computer donations to our schools.

The New Millennium Classrooms Act is designed to address the shortcomings of the current deduction by expanding limits on the deduction and adding a tax credit equal to thirty percent of the fair market value of the donated computer equipment. This provides greater incentives for corporations to donate computer technology and equipment to our schools.

Allowing computer manufacturers to donate computers and other equipment returned to them through trade-ins or leasing programs will expand both the number of eligible donors and the qualified equipment to be donated.

An enhanced 50 percent tax credit for donations to schools located in empowerment zones, enterprise communities, and Indian reservations will help to address the growing technology gap between our urban and rural, rich and poor schools. This will help focus the donations to those kids who need the technology the most, to those kids who are less likely to have a computer at home.

A good education for our children is the key to the future of our country. Without current computers and equipment in our schools, we cannot keep our kids on the cutting edge of technology where they belong. This bill contains real incentives for private organizations to get involved and donate computers and equipment to schools in order to help educate our children. This is important to our kids, our schools, and our future. I urge my colleagues to cosponsor this legislation.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. HAGEL, Ms. COLLINS, and Mr. ENZI):

S. 543. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

GENETIC INFORMATION NONDISCRIMINATION IN HEALTH INSURANCE ACT

Ms. SNOWE. Mr. President, I am pleased to be joined by my colleagues Senators JEFFORDS, FRIST, and HAGEL in introducing the Genetic Information Nondiscrimination in Health Insurance Act. I first introduced this legislation in the 104th Congress, in conjunction with Representative LOUISE SLAUGHTER in the House. Since then I have worked extensively with many of my colleagues to ensure that this legislation effectively addresses the need for protections against genetic discrimination in the health insurance industry. This bill builds on and improves the language included in the Patients' Bill of Rights—Plus (S. 300).

Progress in the field of genetics is accelerating at a breathtaking pace. Who could have predicted 20 years ago that scientists could accurately identify the genes associated with cystic fibrosis, cancer, Parkinson's and Alzheimer's diseases? Today scientists can, and as a result doctors are increasingly better able to identify predispositions to certain diseases based on the results of genetic testing. These results mean that doctors are better able to successfully treat and manage many diseases. Scientific advances hold tremendous promise for the approximately 15 million people affected by the over 4,000 currently-known genetic disorders, and the millions more who are carriers of genetic diseases who may pass them on to their children. In fact, just this month scientists reported that one of the genes implicated in advanced breast cancer is also related to the final stages of prostate cancer. Because science progresses my legislation has not remained static and it represents the best of genetic advancements and the most comprehensive definitions of genetic issues. I have been working hard with experts in the genetics field, Chairman of the Health, Education, Labor, and Pensions Committee Senator JIM JEFFORDS, Senator BILL FRIST, and Senator CHUCK HAGEL to improve upon the language included in the Patients' Bill of Rights—Plus. Today's bill is the result of an enormous amount of time and effort, and I want to thank my three colleagues for their willingness to devote so much of their attention to this important issue.

Unfortunately as our knowledge of genetics and genetic predisposition to disease has increased, so has the potential for discrimination in health insurance based on genetic information. In addition to the potentially devastating consequences health insurance denials based on genetic information can have on American families, the fear of discrimination has equally harmful consequences for consumers and for scientific research. But genetics still isn't an exact science. We all must remember that prediction does not mean certainty. For example, the Alzheimer's gene has less than a 35 percent prediction certainty. Science has not yet progressed to the point where it can tell us definitely and without doubt what will happen if a mutation is found and it is this uncertainty that makes our legislation so very, very important.

As a legislator who has worked for many years on the issue of breast cancer, and as a woman with a history of breast cancer in her family, I continue to be amazed and delighted with the treatment advances based on the discoveries of two genes related to breast cancer—BRCA1 and BRCA2. Keep in mind that women who inherit mutated forms of either gene have an 85 percent risk of developing breast cancer in their lifetime, and a 50 percent risk of developing ovarian cancer. Not very good odds.

Although there is no known treatment to ensure that women who carry the mutated gene do not develop breast cancer, genetic testing makes it possible for carriers of these mutated genes to take extra precautions such as mammograms, self-examinations, and even enrollment in research studies in order to detect cancer at its earliest stages. Many women who might take extra precautions if they knew they had the breast cancer gene may not seek testing because they fear losing their health insurance. And what are the implications when women are afraid of having a genetic test—or testing their daughters?

The implications are simply devastating. One of my constituents from Hampden, Maine put it best:

> I'm a third generation [breast cancer] survivor and as of last October I have nine immediate women in my family that have been diagnosed with breast cancer * * *. I want my daughters to be able to live a normal life and not worry about breast cancer. I want to have the BRCA test [for breast cancer] done but because of the insurance risk for my daughters' future I don't dare.

Nine women in Bonnie Lee Tucker's family have breast cancer, yet the fear of discrimination was so strong that she would forgo testing that could potentially save her own or her daughters' lives.

Patients like Bonnie Lee Tucker may be unwilling to disclose information about their genetic status to their physicians out of fear, hindering treatment or preventive efforts. And though it could save her life or the life of one of her daughters she is unwilling to participate in potentially ground-breaking research trials because she does not want to reveal information about their genetic status and is afraid of losing her health insurance. Bonnie Lee Tucker should not have to bet her life and the life of her daughter this way.

Americans should not live in fear of knowing the truth about their health status. They should not be afraid that critical health information could be misused. They should not be forced to choose between insurance coverage and critical health information that can help inform their decisions. They should not fear disclosing their genetic status to their doctors. And they should not fear participating in medical research.

We must ensure that people who are insured for the very first time, or who become insured after a long period of being uninsured, do not face genetic discrimination. We must ensure that people are not charged exorbitant premiums based on such information. We must ensure that insurance companies cannot discriminate against individuals who have requested or received genetic services. We must ensure that insurance companies cannot release a person's genetic information without their prior written consent. And we must ensure that health insurance companies cannot carve out covered services because of an inherited genetic disorder. Our bill does just that.

As the Senate moves forward with the Patients' Bill of Rights—Plus we must focus on this important issue and should act as quickly as possible to put a halt to the unfair practice of discriminating on the basis of genetic information, and to ensure that safeguards are in place to protect the privacy of genetic information.

Mr. FRIST. Mr. President, it is with great pride that I rise today to introduce the Genetic Information Nondiscrimination in Health Insurance Act of 1999 with my colleagues, Senators SNOWE, JEFFORDS, HAGEL, and COLLINS. We have worked diligently on this legislation for several years to bring this issue to the forefront of the Congressional agenda and to craft a solid piece of legislation that will provide patients with real protections against genetic discrimination in health insurance.

Scientists anticipate that the entire human genome will be completely decoded within the next few years. This unprecedented accomplishment will usher in a new era in our understanding of diseases that afflict all Americans and is bound to expand our understanding of human development, health and disease. Ultimately, our hope is that medical science will capitalize on these scientific advances to promote the health and well-being of our citizens.

It is the discovery of "disease genes" that provides the eye of the current legislative storm. Scientists have already identified genes that are associated with increased risk of certain diseases including: breast cancer, colon cancer and Alzheimer's dementia. In time, more genes will be linked to risk of future disease. While early knowledge of disease risk is imperative to our ability to take measures to prevent disease, many fear some form of retribution for carrying "bad" genes and, therefore, refuse testing. Discrimination in health insurance, either by denial of coverage or excessive premium rates, is the major concern of most individuals. For example, nearly a third of women offered a test for breast cancer risk at the National Institutes of Health declined citing concerns about health insurance discrimination.

Biomedical research and scientific progress march on and do not pause for social and public policy debate and legislation. The escalating speed of genetic discovery mandates that Congress act now to prohibit discrimination against healthy individuals who may have a genetic predisposition to disease. The bill I have been working on with Senators SNOWE and JEFFORDS prohibits group health plans or health insurance issuers from adjusting premiums based on predictive genetic information regarding an individual. In the individual insurance market, our bill prohibits health insurance issuers from using predictive genetic information to deny coverage or to set premium rates. Furthermore, insurers are prohibited from requesting predictive genetic information or requiring an individual to undergo genetic testing. If genetic information is requested for diagnosis of disease, or treatment and payment for services, health insurers are required to provide patients a description of the procedures in place to safeguard the confidentiality of such information.

The deciphering of the human genome presents an unparalleled opportunity to more completely understand disease processes and cures. We want patients to benefit from our investment in biomedical research and fully utilize medical advancements to improve their health. This will not be possible unless individuals are willing to be tested. Patients must feel safe from repercussions based on their genetic profile. Prohibition of genetic discrimination in insurance will remove the greatest barrier to testing and thus further accelerate our scientific progress.

My Senate colleagues and I are in the process of scrutinizing the quality of the medical care in our country. Increasing access to health care and improving the quality of that care are two cornerstones of the Senate Republican Patients' Bill of Rights (S.300/S.326). I believe that quality is best achieved when patients and their care givers can make fully informed decisions regarding different treatment options. In addition, the essence of a long and productive life is the adoption of healthy habits including preventative measures based on disease risk assessment. As a result, testing for genetic risk becomes an indispensable part of quality health care—which is why Senators SNOWE, JEFFORDS, HAGEL, COLLINS, and I felt strongly that genetic discrimination provisions must be included our Patients' Bill of Rights. Patients must not forgo genetic testing because of fear of discrimination in insurance. We have the opportunity—we have the duty—to dispel the threat of discrimination based on an individual's genetic heritage. I look forward to working with my colleagues to enact these provisions this year as the health care debate moves forward.

Mr. JEFFORDS. Mr. President, it is with great pride that I introduce the "Genetic Information Nondiscrimination in Health Insurance Act of 1999," with my colleagues, Senators SNOWE, FRIST, HAGEL, and COLLINS. These protections will give all Americans the assurance that the scientific breakthroughs in genetics testing are only used to improve an individual's health and not as a new means of discrimination.

On May 21st of last year, I held a Labor and Human Resources Committee hearing on "Genetic Information and Health Care," which proved to be one of the most important of the Committee's hearing during the 105th Congress. At that hearing, the Committee was presented information regarding the enormous health benefits that genetic testing research may contribute to health care, particularly in preventative medicine. Additionally, we heard compelling testimony from witnesses who fear that genetic testing will be used to discriminate against individuals with asymptomatic conditions and to deny them the access to health insurance coverage that they have traditionally enjoyed.

Following that hearing, I directed my staff to work with the offices of Senator FRIST and the other members of the Labor Committee, together with the office of Senator SNOWE, to draft legislation that build on Senator SNOWE's bill, S. 89, to ensure that individuals would be able to control the use of their predictive genetic information. The results of these efforts are reflected in the genetic information provisions of S. 300, "The Patients' Bill of Rights Plus Act."

Our legislation addresses the concerns that were raised at the hearing:

1. It prohibits group health plans and health insurance companies in all markets from adjusting premiums on the basis of predictive genetic information.

2. Prohibits group health plans and health insurance companies from requesting predictive genetic information as a condition of enrollment.

3. It allows plans to request—but not require—that an individual disclose or authorize the collection of predictive genetic information for diagnosis, treatment, or payment purposes. In addition, as part of the request, the group health plans or health insurance companies must provide individuals with a description of the procedures in place to safeguard the confidentiality of the information.

For a society, it is often said, demography is destiny. But for an individual, as we are learning more and more, it is DNA that is destiny. Each week, it seems, scientists decipher another peace of the genetic code, opening doors to greater understanding of how our bodies work, how they fail, and how they might be cured.

Everyday we read of new discoveries resulting from the work being conducted at the National Center for Human Genome Research. As our body of scientific knowledge about genetics, increases, so, too, do the concerns about how this information may be used. There is no question that our understanding of genetics has brought us to the brink of a new future. Our challenge as a Congress will be to help ensure that our society reaps the full health benefits of genetic testing and also to put to rest any concerns that the information will be used as a new tool to discriminate against specific ethnic groups or individual Americans.

With the enactment of the "Genetic Information Nondiscrimination in Health Insurance Act of 1999" as a part of S. 300—"The Patients' Bill of Rights Plus Act"—we will be able to ensure that these scientific breakthroughs stimulated by the Human Genome Project will be used to provide better health for all members of our society and not as a means of discrimination.

By Mr. HOLLINGS (for himself and Mr. ROCKEFELLER):

S. 545. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 1999, 2000, 2001, 2002, 2003, and 2004, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. HOLLINGS. Mr. President, I rise today to introduce the Administration's 1999 Reauthorization bill at the request of Transportation Secretary Rodney Slater. I introduce it so that it can be part of the debates on the future of our aviation system. There are many provisions that I do not support and the Secretary understands this. However, the FAA needs adequate funding. The money is in the Airport and Airways Trust Fund—we just need to unlock it.

The items which concern me include the PFC and doing away with the High Density Rule and fees. Furthermore, I take issue with the Performance Based Organization though I recognize that many segments of the industry support it. We will not privatize the ATC System, but we must make sure FAA has the tools and money to do its job.

I intend to work with the Secretary and Senators McCAIN, ROCKEFELLER, and GORTON to accomplish this common goal.

Mr. ROCKEFELLER. Mr. President, today, along with Senator HOLLINGS, I am introducing the Administration's legislative proposal for reauthorizing the programs of the Federal Aviation Administration. I do so at the request of Transportation Secretary Rodney Slater who is eager to have the Senate consider his key initiatives.

Among other provisions, the bill includes a number of initiatives that will be beneficial to small communities, modeled in part after S. 379, the Air Service Restoration Act, which I introduced earlier this year, along with Senators DORGAN, WYDEN, HARKIN, and BINGAMAN. Several of these provisions also have been incorporated into the FAA reauthorization bill, S. 82, which has been favorably reported by the Commerce Committee.

Many of my colleagues share my own commitment to addressing the critical needs and concerns of small communities—the challenges they face in general, and the lack of air service in particular. I am very pleased that the Secretary's bill offers leadership in this area.

I must also point out, however, that there are other areas of the Administration's bill that I am reserving judgment on and may not be able to support. The Secretary is aware of my concerns, and I want to work with him and my colleagues on crafting a meaningful legislative package to reform the FAA, strengthen the Airport Improvement Program, enhance aviation competition and address the needs of small communities.

By Mr. DORGAN:

S. 546. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

THE HEALTH INSURANCE COST TAX EQUITY ACT OF 1999

Mr. DORGAN. Mr. President, today I rise to introduce the Health Insurance Cost Tax Equity Act of 1999, to immediately put our nation's sole proprietors on par with their larger corporate competitors with respect to the tax treatment of their health insurance costs, without any further delay.

I have argued for some time that it's indefensible that our federal tax laws tell some of our biggest corporations that they can deduct 100 percent of their health insurance costs, while others, mostly smaller businesses, are told they can deduct only a smaller share of their health insurance costs. Although we've recently made some progress in addressing this problem, the appropriate solution remains elusive.

Moreover, the reasons for promptly correcting this tax inequity are even more urgent today as many small businesses, especially our family farmers, are now facing the financial struggles of their lives. Not only is continued delay of this equitable tax treatment unacceptable for family farmers and ranchers whose documented risks in business are reflected in higher health costs, but it's also diverting resources away from the operations of farms, ranches and Main Street businesses in rural America at a time when many simply can't afford it.

Over the past several years, Congress has taken some steps in addressing this unfair disparity in the deductibility of health insurance costs by allowing sole proprietors to deduct a larger share of their health insurance costs. But we've been taking steps that are too small and too slow. This year, sole proprietors may deduct only 60-percent of their health insurance costs for tax purposes. This glaring unfairness is scheduled to be fixed by the year 2003, when our nation's small business owners will finally be able to claim a 100-percent deduction, just like large corporations already enjoy. But this is simply too late for many small businesses.

We can no longer delay providing this tax relief because many of the self-employed who would benefit from it—including farmers and ranchers—are struggling through the worst farm crisis in memory. That's why my legislation would provide farmers, ranchers and other sole proprietors a full, 100-percent tax deduction for this year's health insurance costs.

Mr. President, the health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact now. I urge my colleagues to cosponsor this legislation and join me in immediately ending this tax inequity at the first available opportunity.

By Mr. CHAFEE (for himself, Mr. MACK, Mr. LIEBERMAN, Mr. WARNER, Mr. MOYNIHAN, Mr. REID, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, Ms. COLLINS, Mr. BAUCUS, and Mr. VOINOVICH):

S. 547. A bill to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate potential environmental impacts from greenhouse gas emissions; to the Committee on Environment and Public Works.

CREDIT FOR VOLUNTARY REDUCTIONS ACT

Mr. CHAFEE. Mr. President, I am proud to join with Senators MACK, LIEBERMAN, WARNER, MOYNIHAN, and a host of others to introduce the Credit for Voluntary Reductions Act of 1999.

This bipartisan legislation addresses a major disincentive that is preventing voluntary, cost-effective, and near-term actions by U.S. entities to reduce the threat of global climate change. In a word, this disincentive is uncertainty. Let me explain.

There is growing certainty in the international scientific community, and indeed within our own business community, that human actions may eventually cause harmful disturbances to our global climate system. Unfortunately, no one in the business world or the Congress knows for sure what, if anything, might be done in the future to stabilize atmospheric concentrations of carbon dioxide and other greenhouse gases.

Will the 1997 Kyoto Protocol ever be ratified and implemented in the United States? Many, particularly here on Capitol Hill, believe not. If the Kyoto Protocol is never implemented, will something else replace it? More persons than not think this is a real possibility.

Will the United States ever reach the point where greenhouse gas mitigation is legally required? Observers on all sides of this debate, irrespective of their preference, will concede that there is a reasonable probability of future government regulation in one form or another. Or, at least there is no guarantee that mandatory action will never be imposed.

But when might such government requirements take effect? How would they be designed? Finally, who will be subjected to them? What emission sources might be exempted? No one can answer these questions definitively. And such inquiries will likely go unanswered for a considerable amount of time into the future.

While the Credit for Voluntary Reductions legislation does not introduce, encourage, or suggest in any way the need for a regulatory program—the fact remains that none of us can predict what will happen scientifically or politically on the climate change issue over the next several years or decades.

In the face of this policy uncertainty, it is easy to understand why many corporate leaders and small businessmen alike are reluctant to take big steps—even if certain voluntary actions improve their bottom line. Business leaders, with history as their guide, are worried that their own government will discount or not credit these good, but voluntary deeds under some potential, future regulatory regime.

They fear that, after all is said and done, they will have been forced to spend twice as much to control pollutants as their laggard competitors. In the face of this uncertainty, business may be inclined to wait to reduce emissions until after the diplomatic, political, and regulatory dust has cleared. Meanwhile, billions more tons of greenhouse gases are released by man into the atmosphere every year—and important, cost-effective opportunities to reduce emissions may be lost.

It is this uncertainty, this regulatory and financial risk, that our legislation is intended to diminish.

The proposal clears the way for voluntary projects that otherwise might not go forward. It is designed to reduce the current uncertainty and risk faced by potentially regulated entities to the government. This legislation gets the government out of the way so that the marketplace may determine new and cost-effective ways to do business while emitting less.

How does the legislation work? We authorize the President to enter into greenhouse gas reduction agreements with entities operating in the United States.

Once executed, these agreements will provide credits for voluntary greenhouse gas reductions and sequestration achieved by domestic entities over the voluntary period. Because we do not know when, if ever, the U.S. will impose emission reductions, we do not know the duration of the actual voluntary period. The bill does, however, establish a 10-year sunset on the voluntary crediting period.

An entity earns one-for-one credit if it reduces its aggregate emissions from U.S. sources below the applicable baseline for the duration of the voluntary period. On the sequestration side, the entity could offset emissions, and potentially earn credits thereby, if it increases its net sequestration above the applicable sequestration baseline during the voluntary period.

While I expect a great deal of debate on the establishment of baselines, and likely some significant changes, we wanted to initiate the debate by establishing a baseline that uses recent historical emissions data. In the bill as introduced, we suggest an averaged baseline made up by actual emission levels from 1996 through 1998.

Mr. President, while I have an open mind on how we establish baselines or other performance measurements in this measure, I want to be clear that I will insist on a benchmark that is fair for business and that is environmentally sound. Clearly, we will be required to deal with continued business growth in this bill. That is, how to achieve clear environmental gains under this voluntary approach while still crediting the good deeds of growing and changing industries.

There are other key issues, important details, that we will need to pin down in the coming weeks. To ensure the economic and environmental integrity of this program, it is incumbent upon us to require that the government credits are issued for verifiable and legitimate actions that contribute to climate stabilization. If a credit represents a ton of greenhouse gases in some future marketplace, or as an offset to some future regulatory obligation, than it must be a ton reduced or sequestered, not a phantom thereof.

We will also be careful to establish a system that recognizes past activities, that is, climate mitigation projects that have occurred since the early 1990's, that clearly can be shown to be measurable emission reduction or sequestration actions.

The recognition of both overseas and sequestration activities also present some unique challenges if we are to maintain a true environmental program that happens to be voluntary. But the development of carbon sinks and overseas emission reduction projects also provide tremendous opportunities to address potential climate change in a cost-effective and whole way. If we are going to meet the challenges before us on global change, we will do so with all of the tools that science tells us are available.

Mr. President, I could not be more pleased that we have been able to establish both business and environmental allies for this cause. Leading companies from the electric utility sector, a number of petroleum and natural gas companies, important automakers, agriculture, the cement makers, aluminum, chemicals, forestry, and other energy intensive industries recognize what is at stake here and are working with us to represent their interests. Many of them are also making great strides to benefit the global environment and they should be appropriately recognized.

One important area that we will need to spend some time on is the product manufacturing sector. I recognize that appliance, air conditioning, and many product manufacturers believe that credits must be available for their voluntary improvements in energy efficiency and other actions which directly and indirectly reduce or mitigate greenhouse gas emissions. The legislation is perhaps not as clear as it needs to be on this important issue and I intend to work closely with these growing industries and other interested parties to address it.

Our environmental allies recognize that there is an important opportunity here to achieve constructive, cost-effective, and voluntary strategies to address the threat of global climate change. Many of them recognize that our legislation is designed to offer a platform to diverse interests, including those with clashing objectives, for moving forward to support an initiative through which businesses can serve their own economic self-interest while bringing about environmental improvement.

Mr. President, the legislation we are offering today includes very few revisions from the voluntary credits bill (S. 2617) that we introduced last October. This is not because we think we have the perfect document—not at all. We need to go through the process—hold hearings, continue to meet with industry and the environmental community, have discussions with Senate colleagues—before we make any significant revisions. But we will continue to do those things, and we will make improvements to this important legislation.

While I have strong beliefs on the science of climate change and find some significant merits in the Kyoto Protocol—this legislation is completely agnostic on both. The fact is, this bill creates an "escrow account" for any U.S. entity that has made up its own mind to do things to earn emission credits—nothing more and nothing less with respect to ratification and implementation of the Kyoto Protocol or any other international or domestic regulatory program.

The issue of global climate change is serious business. While the international and domestic processes play out over the next period of years, let us move forward with sensible, cost-effective, voluntary incentives. What is the alternative?

Mr. President, I ask unanimous consent that the bill be printed in the

RECORD. Finally, I encourage my colleagues to take a hard look at this initiative, to talk with their constituents, and to consider working with us to improve and advance good, bipartisan, and voluntary legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Credit for Voluntary Reductions Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. Authority for early action agreements.
Sec. 5. Entitlement to greenhouse gas reduction credit for early action.
Sec. 6. Baseline and base period.
Sec. 7. Sources and carbon reservoirs covered by early action agreements.
Sec. 8. Measurement and verification.
Sec. 9. Authority to enter into agreements that achieve comparable reductions.
Sec. 10. Trading and pooling.
Sec. 11. Relationship to future domestic greenhouse gas regulatory statute.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage voluntary actions to mitigate potential environmental impacts of greenhouse gas emissions by authorizing the President to enter into binding agreements under which entities operating in the United States will receive credit, usable in any future domestic program that requires mitigation of greenhouse gas emissions, for voluntary mitigation actions taken before the end of the credit period.

SEC. 3. DEFINITIONS.

In this Act:

(1) CARBON RESERVOIR.—The term "carbon reservoir" means quantifiable nonfossil storage of carbon in a natural or managed ecosystem or other reservoir.

(2) COMPLIANCE PERIOD.—The term "compliance period" means any period during which a domestic greenhouse gas regulatory statute is in effect.

(3) CREDIT PERIOD.—The term "credit period" means—

(A) the period of January 1, 1999, through the earlier of—

(i) the day before the beginning of the compliance period; or

(ii) the end of the ninth calendar year that begins after the date of enactment of this Act; or

(B) if a different period is determined for a participant under section 5(e) or 6(c)(4), the period so determined.

(4) DOMESTIC.—The term "domestic" means within the territorial jurisdiction of the United States.

(5) DOMESTIC GREENHOUSE GAS REGULATORY STATUTE.—The term "domestic greenhouse gas regulatory statute" means a Federal statute, enacted after the date of enactment of this Act, that imposes a quantitative limitation on domestic greenhouse gas emissions, or taxes such emissions.

(6) EARLY ACTION AGREEMENT.—The term "early action agreement" means an agreement with the United States entered into under section 4(a).

(7) EXISTING SOURCE.—The term "existing source" means a source that emitted greenhouse gases during the participant's base period determined under section 6.

(8) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide; and

(B) to the extent provided by an early action agreement—

(i) methane;

(ii) nitrous oxide;

(iii) hydrofluorocarbons;

(iv) perfluorocarbons; and

(v) sulfur hexafluoride.

(9) GREENHOUSE GAS REDUCTION CREDIT.—The term "greenhouse gas reduction credit" means an authorization under a domestic greenhouse gas regulatory statute to emit 1 metric ton of greenhouse gas (expressed in terms of carbon dioxide equivalent) that is provided because of greenhouse gas emission reductions or carbon sequestration carried out before the compliance period.

(10) NEW SOURCE.—The term "new source" means—

(A) a source other than an existing source; and

(B) a facility that would be a source but for the facility's use of renewable energy.

(11) OWN.—The term "own" means to have direct or indirect ownership of an undivided interest in an asset.

(12) PARTICIPANT.—The term "participant" means a person that enters into an early action agreement with the United States under this Act.

(13) PERSON.—The term "person" includes a governmental entity.

(14) SOURCE.—The term "source" means a source of greenhouse gas emissions.

SEC. 4. AUTHORITY FOR EARLY ACTION AGREEMENTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The President may enter into a legally binding early action agreement with any person under which the United States agrees to provide greenhouse gas reduction credit usable beginning in the compliance period, if the person takes an action described in section 5 that reduces greenhouse gas emissions or sequesters carbon before the end of the credit period.

(2) REQUIREMENTS.—An early action agreement entered into under paragraph (1) shall meet either—

(A) the requirements for early action agreements under sections 5 through 8; or

(B) in the case of a participant described in section 9, the requirements of that section.

(b) DELEGATION.—The President may delegate any authority under this Act to any Federal department or agency.

(c) REGULATIONS.—The President may promulgate such regulations (including guidelines) as are appropriate to carry out this Act.

SEC. 5. ENTITLEMENT TO GREENHOUSE GAS REDUCTION CREDIT FOR EARLY ACTION.

(a) INTERNATIONALLY CREDITABLE ACTIONS.—A participant shall receive greenhouse gas reduction credit under an early action agreement if the participant takes an action that—

(1) reduces greenhouse gas emissions or sequesters carbon before the end of the credit period; and

(2) under any applicable international agreement, will result in an addition to the United States quantified emission limitation for the compliance period.

(b) UNITED STATES INITIATIVE FOR JOINT IMPLEMENTATION.—

(1) IN GENERAL.—Subject to paragraph (2), an early action agreement may provide that a participant shall be entitled to receive greenhouse gas reduction credit for a greenhouse gas emission reduction or carbon sequestration that—

(A) is not creditable under subsection (a); and

(B) is for a project—

(i) accepted before December 31, 2000, under the United States Initiative for Joint Implementation; and

(ii) financing for which was provided or construction of which was commenced before that date.

(2) LIMITATION ON PERIOD DURING WHICH CREDIT MAY BE EARNED.—No greenhouse gas reduction credit may be earned under this subsection after the earlier of—

(A) the earliest date on which credit may be earned for a greenhouse gas emission reduction, carbon sequestration, or comparable project under an applicable international agreement; or

(B) the end of the credit period.

(c) PROSPECTIVE DOMESTIC ACTIONS.—

(1) EMISSION REDUCTIONS.—A participant shall receive greenhouse gas reduction credit under an early action agreement if, during the credit period—

(A) the participant's aggregate greenhouse gas emissions from domestic sources that are covered by the early action agreement; are less than

(B) the sum of the participant's annual source baselines during that period (as determined under section 6 and adjusted under subsections (a)(2), (c)(1), and (c)(2) of section 7).

(2) SEQUESTRATION.—For the purpose of receiving greenhouse gas reduction credit under paragraph (1), the amount by which aggregate net carbon sequestration for the credit period in a participant's domestic carbon reservoirs covered by an early action agreement exceeds the sum of the participant's annual reservoir baselines for the credit period (as determined under section 6 and adjusted under section 7(c)(1)(B)) shall be treated as a greenhouse gas emission reduction.

(d) DOMESTIC SECTION 1605 ACTIONS.—

(1) CREDIT.—An early action agreement may provide that a participant shall be entitled to receive 1 ton of greenhouse gas reduction credit for each ton of greenhouse gas emission reductions or carbon sequestration for the 1991 through 1998 period from domestic actions that are—

(A) reported before January 1, 1999, under section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385); or

(B) carried out and reported before January 1, 1999, under a Federal agency program to implement the Climate Change Action Plan.

(2) VERIFICATION.—The participant shall provide information sufficient to verify to the satisfaction of the President (in accordance with section 8 and the regulations promulgated under section 4(c)) that actions reported under paragraph (1)—

(A) have been accurately reported;

(B) are not double-counted; and

(C) represent actual reductions in greenhouse gas emissions or actual increases in net carbon sequestration.

(e) EXTENSION.—The parties to an early action agreement may extend the credit period during which greenhouse gas reduction credit may be earned under the early action agreement, if Congress permits such an extension by law enacted after the date of enactment of this Act.

(f) Award of Greenhouse Gas Reduction Credit.—

(1) Annual notification of cumulative balances.—After the end of each calendar year, the President shall notify each participant of the cumulative balance (if any) of greenhouse gas reduction credit earned under an early action agreement as of the end of the calendar year.

(2) Award of final credit.—Effective at the end of the credit period, a participant shall have a contractual entitlement, to the extent provided in the participant's early action agreement, to receive 1 ton of greenhouse gas reduction credit for each 1 ton that is creditable under subsections (a) through (d).

SEC. 6. BASELINE AND BASE PERIOD.

(a) Source Baseline.—A participant's annual source baseline for each of the calendar years in the credit period shall be equal to the participant's average annual greenhouse gas emissions from domestic sources covered by the participant's early action agreement during the participant's base period, adjusted for the calendar year as provided in subsections (a)(2), (c)(1), and (c)(2) of section 7.

(b) Reservoir Baseline.—A participant's annual reservoir baseline for each of the calendar years in the credit period shall be equal to the average level of carbon stocks in carbon reservoirs covered by the participant's early action agreement for the participant's base period, adjusted for the calendar year as provided in section 7(c)(1).

(c) Base Period.—

(1) In general.—Except as provided in paragraphs (2) and (3), a participant's base period shall be 1996 through 1998.

(2) Data unavailable or unrepresentative.—The regulations promulgated under section 4(c) may specify a base period other than 1996 through 1998 that will be applicable if adequate data are not available to determine a 1996 through 1998 baseline or if such data are unrepresentative.

(3) Elections.—The regulations promulgated under section 4(c) may permit a participant to elect a base period earlier than 1996 (not to include any year earlier than 1990) to reflect voluntary reductions made before January 1, 1996.

(4) Adjustment of period during which credit may be earned.—Notwithstanding subsections (c) and (d) of section 5, except as otherwise provided by the regulations promulgated under section 4(c), if an election is made for a base period earlier than 1996—

(A) greenhouse gas reduction credit shall be available under section 5(c) for the calendar year that begins after the end of the base period and any calendar year thereafter through the end of the credit period; and

(B) greenhouse gas reduction credit shall be available under section 5(d) only through the end of the base period.

SEC. 7. SOURCES AND CARBON RESERVOIRS COVERED BY EARLY ACTION AGREEMENTS.

(a) Sources.—

(1) In general.—

(A) Covered sources.—Except as otherwise provided in this subsection, a participant's early action agreement shall cover all domestic greenhouse gas sources that the participant owns as of the date on which the early action agreement is entered into.

(B) Exclusions.—The regulations promulgated under section 4(c) (or the terms of an early action agreement) may exclude from coverage under an early action agreement—

(i) small or diverse sources owned by the participant; and

(ii) sources owned by more than 1 person.

(2) New sources.—

(A) In general.—The regulations promulgated under section 4(c) may provide that an early action agreement may provide for an annual addition to a participant's source baseline to account for new sources owned by the participant.

(B) Amount of addition.—The amount of an addition under subparagraph (A) shall reflect the emission performance of the most efficient commercially available technology for sources that produce the same or similar output as the new source (determined as of the date on which the early action agreement is entered into).

(b) Opt-in Provisions.—

(1) Opt-in for other owned sources.—Domestic sources owned by a participant that are not required to be covered under subsection (a) may be covered under an early action agreement at the election of the participant.

(2) Opt-in for carbon reservoirs.—

(A) In general.—An early action agreement may provide that domestic carbon reservoirs owned by a participant may be covered under the early action agreement at the election of the participant.

(B) Coverage.—Except in the case of small or diverse carbon reservoirs owned by the participant (as provided in the regulations promulgated under section 4(c)), if a participant elects to have domestic carbon reservoirs covered under the early action agreement, all of the participant's domestic carbon reservoirs shall be covered under the early action agreement.

(3) Opt-in for sources and carbon reservoirs not owned by participant.—Any source or carbon reservoir not owned by the participant, or any project that decreases greenhouse gas emissions from or sequesters carbon in such a source or carbon reservoir, may be covered by an early action agreement—

(A) in the case of a source or carbon reservoir that is covered by another early action agreement, if each owner of the source or carbon reservoir agrees to exclude the source or reservoir from coverage by the owner's early action agreement; and

(B) in accordance with the regulations promulgated under section 4(c).

(c) Accounting Rules.—

(1) Transfers.—If ownership of a source or carbon reservoir covered by an early action agreement is transferred to or from the participant—

(A) in the case of a source, the source's emissions shall be adjusted to reflect the transfer for the base period and each year for which greenhouse gas reduction credit is claimed; and

(B) in the case of a carbon reservoir—

(i) the carbon reservoir's carbon stocks shall be adjusted to reflect the transfer for the participant's base period; and

(ii) the carbon reservoir's net carbon sequestration shall be adjusted to reflect the transfer for each year for which greenhouse gas reduction credit is claimed.

(2) Displacement of emissions.—An early action agreement shall contain effective and workable provisions that ensure that only net emission reductions will be credited under section 5 in circumstances in which emissions are displaced from sources covered by an early action agreement to sources not covered by an early action agreement.

(3) Period of coverage.—Emissions from sources and net carbon sequestration in carbon reservoirs shall be covered by an early action agreement for the credit period, except as provided under paragraph (1) or by the regulations promulgated under section 4(c).

(4) Partial years.—An early action agreement shall contain appropriate provisions for any partial year of coverage of a source or carbon reservoir.

SEC. 8. MEASUREMENT AND VERIFICATION.

(a) In General.—In accordance with the regulations promulgated under section 4(c), an early action agreement shall—

(1) provide that, for each calendar year during which the early action agreement is in effect, the participant shall report to the United States, as applicable—

(A) the participant's annual source baseline and greenhouse gas emissions for the calendar year; and

(B) the participant's annual reservoir baseline and net carbon sequestration for the calendar year;

(2) establish procedures under which the participant will measure, track, and report the information required by paragraph (1);

(3) establish requirements for maintenance of records by the participant and provisions for inspection of the records by representatives of the United States; and

(4) permit qualified independent third party entities to measure, track, and report the information required by paragraph (1) on behalf of the participant.

(b) Availability of Reports to the Public.—Reports required to be made under subsection (a)(1) shall be available to the public.

(c) Confidentiality.—The regulations promulgated under section 4(c) shall make appropriate provision for protection of confidential commercial and financial information.

SEC. 9. AUTHORITY TO ENTER INTO AGREEMENTS THAT ACHIEVE COMPARABLE REDUCTIONS.

In the case of a participant that manufactures or constructs for sale to end-users equipment or facilities that emit greenhouse gases, the President may enter into an early action agreement that does not meet the requirements of sections 5 through 7, if the President determines that—

(1) an early action agreement that meets the requirements of those sections is infeasible;

(2) an alternative form of agreement would better carry out this Act; and

(3) an agreement under this section would achieve tonnage reductions of greenhouse gas emissions that are comparable to reductions that would be achieved under an agreement that meets the requirements of those sections.

SEC. 10. TRADING AND POOLING.

(a) Trading.—A participant may—

(1) purchase earned greenhouse gas reduction credit from and sell the credit to any other participant; and

(2) sell the credit to any person that is not a participant.

(b) Pooling.—The regulations promulgated under section 4(c) may permit pooling arrangements under which a group of participants agrees to act as a single participant for the purpose of entering into an early action agreement.

SEC. 11. RELATIONSHIP TO FUTURE DOMESTIC GREENHOUSE GAS REGULATORY STATUTE.

(a) In General.—An early action agreement shall not bind the United States to adopt (or not to adopt) any particular form of domestic greenhouse gas regulatory statute, except that an early action agreement shall provide that—

(1) greenhouse gas reduction credit earned by a participant under an early action agreement shall be provided to the participant in addition to any otherwise available authorizations of the participant to emit greenhouse gases during the compliance period under a domestic greenhouse gas regulatory statute; and

(2) if the allocation of authorizations under a domestic greenhouse gas regulatory statute to emit greenhouse gases during the compliance period is based on the level of a participant's emissions during a historic period that is later than the participant's base period under the participant's early action agreement, any greenhouse gas reduction credit to which the participant was entitled under the early action agreement for domestic greenhouse gas reductions during that historic period shall, for the purpose of that allocation, be added back to the participant's greenhouse gas emissions level for the historic period.

(b) LIMITATION.—Nothing in this Act authorizes aggregate greenhouse gas emissions from domestic sources in an amount that exceeds any greenhouse gas emission limitation applicable to the United States under an international agreement that has been ratified by the United States and has entered into force.

Mr. MACK. Mr. President, I rise today to join with my distinguished colleagues, Senators CHAFEE, LIEBERMAN, and others, in introducing the Credit for Voluntary Early Action Act. This measure is an important first step towards reducing the regulatory uncertainty surrounding any possible regulation of greenhouse gas emissions. This bill will provided us a valuable platform for a thorough discussion of this important issue and I encourage all my colleagues to join us in our efforts.

In my state of Florida, we learned long ago that a healthy environment is fundamentally necessary for a healthy economy. This is evidenced by our congressional delegation's historic bipartisan consensus on such important national issues as the protection of the Florida Everglades and our efforts to stop oil and gas exploration off our beaches. The citizens of my state know full well how necessary it is we keep our environment clean and pristine.

I'm proud to stand with my colleagues here today and take Florida's common sense, market-based attitude on the environment to the national level. The legislation we're sponsoring today would encourage and reward voluntary actions businesses take to reduce the emission of potentially harmful greenhouse gases like carbon dioxide.

Under our bill, the President would be authorized to provide regulatory credit to companies who take early voluntary action to reduce greenhouse gas emissions. This credit could be used to comply with future regulatory requirements and—in a market-based approach—traded or sold to other companies as they work to meet their own environmental obligations.

Participants in this innovative program would agree to annually measure, track and publicly report greenhouse gas emissions. Credit given would be one-for-one, based on actual reductions below an agreed-upon baseline. Credits issued under the program would be subtracted from total emissions allowed under future regulatory emissions requirements.

I believe this approach makes sense for many reasons. For one, there are many uncertainties surrounding the issue of greenhouse gas emissions and their relation to global warming. The complexities and uncertainties associated with understanding the interactions of our climate, our atmosphere and the impact of human behavior are enormous. I have my own concerns about the science behind this issue, and have tremendous concerns about the regulatory approach outlined in last year's Kyoto agreement. It is not my intent—in cosponsoring this bill—to validate Kyoto or the underlying science. Those issues are best left to the scientists and future congresses. Today, we are simply trying to clear the way for voluntary emissions-reductions projects that would otherwise be delayed for years. And we accomplish this in a way that is not costly to the taxpayers.

It makes sense to provide appropriate encouragement to businesses who want to invest in improved efficiency—those who want to find ways to make cars, factories and power production cleaner. Under our bill, these companies are encouraged—not based on government fiat or handout—to get credit for their own initiative and problem solving skills.

Another reason I believe this legislation would be beneficial is because today's businesses have no control over the regulations that could be required of them down the road. Although today's Congress has no desire to legislate requirements on greenhouse gases such as carbon dioxide, it is extremely difficult to predict where the scientific and economic data will carry future policymakers. In my view, it makes sense to encourage businesses to be proactive in protecting themselves from any future restrictions enacted by a more regulatory-minded Congress and administration.

Mr. President, all of us agree that a healthy environment is important to our future. It's time to put partisanship aside and solve our environmental problem in a way that will allow business to be in control of their own future while doing their part to address global warming. By allowing companies to earn credit for actions they take now, businesses can be prepared for any regulations in the future.

I look forward to beginning an earnest debate about this issue with my colleagues in the United States Senate. I believe we have an innovative approach to confronting as issue fraught with uncertainties. We should be looking to solve more of our problems by using our free market philosophy rather than by costly Washington mandates that my not work. The Credit for Voluntary Early Reductions Act is responsible effort to validate on the national level what we've always known in Florida: a healthy environment is key to a healthy economy.

Mr. LIEBERMAN. Mr. President, I am delighted to join today with my colleagues Senator CHAFEE, the chairman of the Environment and Public Works Committee, and Senators MACK, WARNER, MOYNIHAN, REID, WYDEN, JEFFORDS, BIDEN, BAUCUS, and COLLINS in introducing this important legislation. The point of this bi-partisan legislation is simple. It will provide credit, under any future greenhouse gas reduction systems we choose to adopt, to companies who act now to reduce their emissions. This is a voluntary, market-based approach that is a win-win situation for both American businesses and the environment.

Many companies want to move forward now to reduce their greenhouse gas emissions. They don't want to wait until legislation requires them to make these reductions. For some companies reducing greenhouse gases makes good economic sense because adopting cost-effective solutions can actually save them money by improving the efficiency of their operations. Companies recognize that if they reduce their greenhouse gas emissions now they will be able to add years to any potential compliance schedule, allowing them to spread their investment costs over a longer span of time. Under this legislation, businesses will have the flexibility to innovate and develop expertise regarding the most cost-effective ways in which their particular company can become part of the solution to the problem of greenhouse gas emissions.

This bill ensures that companies will be credited in future reduction proposals for actions taken now, thereby removing impediments preventing some voluntary efforts that would provide large environmental benefits. Focusing American ingenuity on early reductions will also help stimulate the search for and use of new, innovative strategies and technologies that are needed to enable companies both in this country and worldwide meet their reduction requirements in a cost-effective manner. Development of such strategies and technologies will improve American competitiveness in the more than $300 billion global environmental marketplace.

Early action by U.S. companies will begin creating very important environmental benefits now. By providing the certainty necessary to encourage companies to move forward with emission reductions, this legislation will lead to immediate reductions in greenhouse gas pollution. Once emitted, many greenhouse gases continue to trap heat in the atmosphere for a century or more. Early reductions can begin to slow the rate of buildup of greenhouse gases in the atmosphere, helping to minimize the environmental risks of continued global warming. It just makes sense to encourage practical action now.

The bill will help us deal with the serious threat posed by global climate change. Emissions of greenhouse gases that result from human activity, particularly the combustion of fossil fuels, are causing greenhouse gases to accumulate in the atmosphere above natural levels. More than 2,500 of the world's best scientific and technical experts have concluded that this increase threatens to change the balance of temperature and precipitation that we rely on for a host of economic and societal activities. The American Geophysical Union, a professional society comprised 35,000 geoscientists, recently stated that "present understanding of the Earth climate system provides a compelling basis for legitimate public concern over future global- and regional-scale changes resulting from increased concentrations of greenhouse gases."

We recently learned from scientists that 1998 was the hottest year on record and that nine of the hottest ten years occurred in the past decade. Scientists believe that a rise in global temperature may in turn result in sea level rise and changes in weather patterns, food and fiber production, human health, and ecosystems. Beyond the science that we know, our common sense tells us that the risks associated with climate change are serious. Weather-related disasters already cost our economy billions of dollars every year.

The climate agreement reached in Kyoto, Japan in 1997 was an historic agreement that provided the foundation for an international solution to climate change. The protocol included important provisions, fought for by American negotiators, aimed at establishing real targets and timetables for achieving emissions reductions and providing flexibility and market mechanisms for reducing compliance costs as we work to limit our emissions of greenhouse gases. In Buenos Aires last year, the international community began developing the details of the protocol. I had the privilege of participating as a Senate observer at both the Kyoto and Buenos Aires climate change conventions. I was particularly encouraged that developing countries, including Argentina and Kazakstan, indicated their willingness in Buenos Aires to limit the growth of their greenhouse gas emissions. Nations of the world are all coming to recognize that climate change is an issue of grave international concern and that all members of the global community must participate in solving the problem.

Unfortunately, the current atmosphere in Congress is such that some would block any steps related to climate change until the Kyoto protocol is ratified by the Senate. President Clinton has said he will not submit the Kyoto protocol for ratification until developing countries demonstrate meaningful participation. I am encouraged by the progress made in Buenos Aires and am proud that the United States, by signing the protocol, is committed to a leadership role in the global effort to protect our Earth's irreplaceable natural environment. But to defer debate and action on any proposal that might reduce greenhouse gases until after Senate consideration of the protocol is to deny the United States the ability to act in its own economic and environmental self-interest. The issue at stake is how to develop an insurance policy to protect us against the danger of climate change. Regardless of our individual views on the Kyoto protocol, we in Congress must focus our debate on the issue of climate change and work to forge agreement on how we can move forward. Unfortunately, we have done too little to attack the escalating emissions of greenhouse gases which threaten our health, our safety and our homes.

I'm particularly pleased that the legislation grows out of principles developed in a dialogue between the Environmental Defense Fund and a number of major industries. I am encouraged that since the introduction of a similar version of this bill last year, we have received many constructive comments from those in the business and environmental communities. Many good suggestions are on the table now and we expect that many are yet to come; we welcome broad participation as we move forward on this legislation. I am committed to working through some of the important issues that have been raised. Indeed, I believe that it will be through the ongoing constructive participation of the widest spectrum of stakeholders that we will enact a law that catalyzes American action on climate change and delivers on the promise of crediting voluntary early actions.

I hope that my colleagues and their constituents will take an honest and hard look at this initiative and consider working with us to improve and advance good legislation that begins to address the profound threat of global climate change. This legislation alone will not protect us from the consequences of climate change, but it is a constructive and necessary step in the right direction. I believe that it is crucial that we begin to address the important issue of climate change now because we have a moral obligation to leave our children and grandchildren a vibrant, healthy, and productive planet and thriving global economy.

Mr. President, the debate about climate change is too often vested—and I believe wrongly so—in false choices between scientific findings, common sense, business investments and environmental awareness. The approach of this bill again demonstrates that these are not mutually exclusive choices, but highly compatible goals.

Mr. WARNER. Mr. President, I am pleased to join in cosponsoring legislation introduced today by Senator CHAFEE and my other colleagues to establish a voluntary incentive-based program to reduce the emissions of greenhouse gases.

This is an innovative concept that is in its formative stages. I am pleased to join in support of the concept of providing binding credits for industries who can verify reductions in greenhouse gas emissions. While there are significant issues that must be resolved in the final version of this legislation, I believe this voluntary approach has significant potential to encourage real reductions in greenhouse gas emissions. I look forward, as a member of the Committee on Environment and Public Works, to actively participating in the further development of this legislation.

Mr President, I also want to make clear that my support for this legislation does not indicate a change in my position on the Protocol on Global Climate Change—the Kyoto Protocol. I continue to strongly feel that the protocol is fatally flawed, and in its current form, should not be ratified by the Senate. My objections to this international agreement have been stated many times before. The agreement does not include appropriate involvement by key developing nations and it sets unachievable timetables for emissions reductions by developed nations. I am concerned that the end result would be unrealistic emission reduction requirements imposed on the United States without appropriate reductions assigned to other countries, and that in the end the United States economy would be severely impacted.

The legislation I am supporting today does not endorse the Kyoto protocol or call for a regulatory program to reduce greenhouse gas emissions. This legislation simply ensures that if the private sector takes important steps today to achieve reductions in their emissions, then these actions will be credited to them if there is a mandatory reduction program in the future.

Now, Mr. President, how we devise a legislative package that provides these credits and verifies if emissions are reduced will require significant discussions through the Committee's hearing process. For my part, I am enthusiastic about a successful resolution of these many issues. I look forward to particularly working to ensure that appropriate credit is provided for substantial carbon storage. Any legislative effort must recognize the important role of carbon sequestration in determining emission reduction strategies.

This bill is about protecting United States companies that have or are interested in taking voluntary steps to lower their output of carbon dioxide and other greenhouse gases. These companies have requested the protection this bill provides and I intend to work closely with Senator CHAFEE and others to deliver it.

Mr. MOYNIHAN. Mr. President, I rise to join my colleagues today in introducing the Credit for Voluntary Reductions Act of 1999. I am pleased to be an original cosponsor of this legislation.

The bill represents a far sighted effort to encourage early reductions of greenhouse gases. Under our program, companies in a wide range of industries may participate in a voluntary, market-based system of credit by making measurable reductions in greenhouse gases.

We have learned from our experience with implementing the 1990 Clean Air Act Amendments that the use of market-based incentives is the most cost-efficient, effective way to encourage corporate responsibility with respect to air emissions. Credit based systems have proven to effect emissions reductions which are larger than anticipated, at significantly lesser cost. The program laid out in our bill will remove market disincentives to taking action on greenhouse gas emissions and reward the initiative and innovation in the corporate sector.

My good friend Senator CHAFEE has highlighted today what is perhaps the most important issue facing any climate change legislation. While there is growing scientific certainty that human actions may eventually cause harmful disturbances to our climate system, no one is sure what may be done in the future to mitigate the effects of any atmospheric disruptions. The legislative and diplomatic proposals are myriad. Uncertainty over how climate change will be addressed, if at all, is a formidable hurdle to corporate actions which may begin to mitigate the problem. By simply establishing a system of credits which may be used at a later time to document emissions reductions, our bill begins to address this issue of uncertainty and provide incentives for positive action on emissions reductions.

I am proud to be an original cosponsor of this innovative legislation, and I encourage my colleagues to support our efforts.

Mr. JEFFORDS. Mr. President, climate change poses potential real threats to Vermont, the Nation, and the World. While we cannot yet predict the exact timing, magnitude, or nature of these threats, we must not let our uncertainty lead to inaction.

Preventing climate change is a daunting challenge. It will not be solved by a single bill or a single action. As we do not know the extent of the threat, we also do not know the extent of the solution. But we cannot let our lack of knowledge lead to lack of action. We must start today. Our first steps will be hesitant and imperfect, but they will be a beginning.

Today I am joining Senator CHAFEE, Senator MACK, Senator LIEBERMAN and a host of others in cosponsoring the Credit for Early Action Act in the United States Senate.

Credit for Early Action gives incentives to American businesses to voluntarily reduce their emissions of greenhouse gases. Properly constructed, Credit for Early Action will increase energy efficiency, promote renewable energy, provide cleaner air, and help reduce the threat of possible global climatic disruptions. It will help industry plan for the future and save money on energy. It rewards companies for doing the right thing—conserving energy and promoting renewable energy. Without Credit for Early Action, industries which do the right thing run the risk of being penalized for having done so. We introduce this bill as a signal to industry: you will not be penalized for increasing energy efficiency and investing in renewable energy, you will be rewarded.

In writing this bill, Senators CHAFEE, MACK, and LIEBERMAN have done an excellent job with a difficult subject. I am cosponsoring the Credit for Early Action legislation as an endorsement for taking a first step in the right direction. I will be working with my colleagues throughout this Congress to strengthen this legislation to ensure that it strongly addresses the challenges that lie ahead. The bill must be changed to guarantee that our emissions will decrease to acceptable levels, and guarantee that credits will be given out equitably. These modifications can be summarized in a single sentence: credits awarded must be proportional to benefits gained. This goal can be achieved through two additions: a rate-based performance standard and a cap on total emissions credits.

The rate-based performance standard is the most important item. A rate-based standard gives credits to those companies which are the most efficient in their class—not those that are the biggest and dirtiest to begin with. Companies are rewarded for producing the most product for the least amount of emissions. Small and growing companies would have the same opportunities to earn credits as large companies. This system would create a just and equitable means of awarding emissions credits to companies which voluntarily increase their energy efficiency and renewable energy use.

The second item is an adjustable annual cap on total emissions credits. An adjustable annual cap allows Congress to weigh the number of credits given out against the actual reduction in total emissions. Since the ultimate goal is to reduce U.S. emissions, this provision would allow a means to ensure that we do not give all of our credits away without ensuring that our emissions levels are actually decreasing.

With these two additions, Credit for Early Action will bring great rewards to our country, our economy, and our environment. It will save money, give industry the certainty to plan for the future, and promote energy efficiency and renewable energy, all while reducing our risk from climate change. This legislation sends the right message: companies will be rewarded for doing the right thing—increasing energy efficiency and renewable energy use.

Mr. BIDEN. Mr. President, I am happy to join my colleagues in introducing this important legislation. In particular, I want to thank Senator CHAFEE for his foresight and leadership on this most difficult issue. The science, politics, and economics of climate change all present major issues, and only someone as dedicated and tenacious as Senator CHAFEE could provide the leadership to get us to this point today. My good friend, JOE LIEBERMAN, who has been another leader in the Senate on this tough issue, and CONNIE MACK, deserve our thanks for bringing us together around this first step in the long path toward managing the problem of climate change.

The science of climate change is sufficiently advanced that we know we face a threat to our health and economy; but we are only beginning to come to grips with how we can manage that threat most effectively, and—this is the key—most efficiently. Climate change presents us with a classic problem in public policy—it is a long-term threat, not completely understood, to the widest possible public. And it is an issue whose resolution will require taking steps now with real costs to private individuals and businesses, costs that have a payoff that may only be fully apparent a generation or more in the future.

Mr. President, we have learned a lot in the years that we have been making federal environmental policy here in the United States. We have much more to learn, but we have made real advances since the early days, when we did not always find the solutions that got us the most environmental quality for the buck. The bill we are introducing today reflects one important lesson: businesses can be a creative and responsible part of the solution to environmental problems. In fact, it is fair to say that we would not be here today if it were not for the leadership of groups like the International Climate Change Partnership and the Pew Center on Global Climate Change, both of which have provided a forum for responsible businesses to reach consensus on this issue. Significantly, it was a leading environmental group, the Environmental Defense Fund, that has provided indispensible technical expertise to turn good intentions into the bill we have here today.

Drawing on our experience with tradable sulphur dioxide credits, this bill looks to the day when we have reached the kind of agreement—whether based on our evolving commitments under the United Nations Framework Convention on Climate Change or some other authority—that establishes an emissions credit trading regime for greenhouse gases. The best science—and political reality—tells us that current rates of greenhouse gas emissions are likely to result not only in measurable change in global temperatures, but also in a public demand to do something about it. That in turn will change the cost of doing business as usual for the industries that are major sources of those gases.

But right now, if responsible firms—like DuPont and General Motors, if I can mention just two that operate in Delaware—want to do something to reduce greenhouse gas emissions, they not only get no credit in any future trading system—they actually lose out to firms that decide to delay reductions until such a system is in place. Those who procrastinate, under current law, not only avoid the cost today of cleaning up their emissions, but they would be in a position to receive credits for the kinds of cheaper, easier steps that more responsible companies have already taken. This is certainly not the way to encourage actions now that help air quality in the short term. And every action we take now, by reducing the long-term concentrations of greenhouse gases that would otherwise occur, lowers the overall economic impact of complying with any future climate change policy.

One way out of this problem, Mr. President, is the bill we are introducing today—to assure firms who act responsibly today that their investments in a better future for all of us will be eligible for credit. At the same time, we will thereby raise the cost of delay.

As with so much in the issue of climate change, this bill is a work in progress. Different kinds of firms, with different products, processes, and histories, face significantly different problems in complying with the demands of an early credit system. We must be sure that we provide the flexibility to encourage the widest variety of reductions. And while we want to encourage the greatest reductions as soon as possible, we must be sure that we have the best information—and credible verification—on the effects of various kinds of early action. Without accurate verification and reporting, we cheapen the value of actions taken by the most responsible firms.

This bill marks a real change in our approach to climate change: we have moved beyond the days of heated, irreconcilable arguments between those who see climate change as a real threat and those who don't. Now, cooler heads can discuss the best way to face the future that we are building for our children.

Mr. BAUCUS. Mr. President, I am pleased to be an original cosponsor of this important legislation.

This bill is a good beginning for a discussion in the Senate on how we can begin to develop constructive solutions to the problem of global climate change.

Climate change is real. Over the last 130 years, since the beginning of the Industrial Revolution, global average surface temperatures have increased by one degree. Scientists project that this trend will continue and most of them believe the trend is due to increases in carbon dioxide and other greenhouse gas emissions from human activity. The temperature increase may not sound like much, but the consequences of even such a small global change could be enormous. This warming trend could have many effects, including even more unpredictable weather patterns, and major shifts in agricultural soils and productivity and wildlife habitat. To me, that drives home the need to deal with the problem.

As I have mentioned to some of my colleagues, there is a vivid example of the warming in my home state of Montana. The Grinnell Glacier in Glacier National Park has retreated over 3,100 feet over the past century. If this continues, Park Service scientists predict this 10,000 year old glacier will be entirely gone within 30 years. This glacier is a symbol and treasure to Montanans and its disappearance would be a hard thing to explain to our children and their children.

This and other potential consequences of climate change are serious enough to warrant some action to reduce the threat it poses. The bill we are introducing today will hopefully be an incentive for people to take steps toward reducing the threat. This bill, the Credit for Voluntary Early Action Act, would allow those who voluntarily choose to reduce emissions of greenhouse gases or to "sequester" them (meaning to keep them out of the atmosphere and in the soil or locked up in trees or plants) to get credit for those efforts. At some point in the near future, these credits are expected to have monetary value and could be sold in a domestic or global trading system.

As my cosponsors acknowledge, this is not a perfect bill, but a complicated work in progress. As the Senate considers this matter, I am particularly interested in seeing how agriculture and forestry might benefit by participating in a credit system. These credits could be a financial reward for the good stewardship already taking place on America's farmland. Agriculture needs every opportunity to pursue markets, even if we're talking about unconventional products like carbon credits, to help with the bottom line.

We already know that crop residue management and conservation tillage vastly improve carbon storage in soils and have side benefits, such as reducing erosion. Soils have an immense potential for locking up carbon so that it enters the atmosphere more gradually. Returning highly erodible cropland to perennial grasses could prove to be similarly effective. Many of these practices are already an important part of precision agriculture, so would be obvious low-cost ways for farmers and ranchers to earn credits. It is important that the rules of any trading system be written right, so they can work for agriculture. We can't let our international competitors, like Canada or Australia, be the only ones writing the rules in this developing market.

Besides rewarding those who are willing to take early actions and move beyond normal business practices to address climate change, let's start to think outside the box about what else we can do. The U.S. has the most advanced environmental technology sector in the world. From new uses for agricultural waste and products to state-of-the-art pollution controls, we are leaders in improving efficiency and reducing waste. We need to jump start our public and private research and development structure so that it really focuses on new cost-effective products and systems that produce less greenhouse gas to meet a global demand.

The Administration's Climate Change Technology Initiative is a reasonable first step. But, so far, Congress has approached this issue with a business as usual attitude. It's time to get serious and creative about developing more advanced technologies. We should be reviewing all the tools at our disposal, from research and development programs to taxes.

We need to make this investment in our environmental future for the same reasons that we make investments in our economic future. People prepare for retirement because they want to reduce risks and reduce the cost of responding to future problems. For similar reasons, we need to make prudent investments like providing credit for early action, to reduce risks and reduce the cost of responding to future climate change problems. The more time we let go by, and the longer we let greenhouse gas concentrations rise unchecked, the more expensive the future's repair bills could be.

There is still a long way to go with any climate change treaty. There must be real participation by the developing countries, like China, India, Brazil, etc. Carbon trading rules and the role of agriculture in sequestering carbon must be more clearly defined. In the meantime, however, the bill we're introducing will allow us to see what works and to get a leg up on the rest of the world.

Mr. President, this bill starts an important dialogue about our country's contribution to world greenhouse gas concentrations. Make no mistake, there is still a lot of work ahead for all of us to make this bill a reality. But this country cannot afford to play the part of the ostrich with its head in the sand. We must seriously engage this matter. We owe it to our children.

Ms. SNOWE. Mr. President, I rise today to applaud the efforts of my colleague Senator CHAFEE for the Credit for Voluntary Early Action Act he has introduced that will encourage the reduction of greenhouse gases into the atmosphere. The concept of this bill is a creative step toward awarding those industries who take early actions to reduce their overall emissions of greenhouse gases, particularly carbon dioxide, which are thought to be causing changes in climate around the globe.

The bill would set up a domestic program that gives companies certain credits for the voluntary actions they take for reducing the amount of greenhouse gases they emit into the air. These credits could then be used in meeting future reductions, or could be sold to other companies to help with their own reductions. Strong incentives would also be provided for those companies developing innovative technologies that will help reduce the buildup of atmospheric greenhouse gases.

The Chafee bill clearly puts us at the starting line in the 106th Congress for addressing the continuous domestic buildup of greenhouse gases. I do feel the bill needs to take a further step in the race to make our planet more environmentally and economically friendly, however. We need to establish domestic credits for carbon sequestration that will help reduce the amount of carbon in the atmosphere, and thereby help to address the complex issue of climate change. I plan to continue to work with Senator CHAFEE to take that next step.

Maine is one of the country's most heavily forested states, with much of its land devoted to forests, and so has much to offer towards the reduction of carbon in our atmosphere. The State's forestlands have been a large key to our quality of life and economic prosperity. These forests absorb and store carbon from the atmosphere, allowing the significant sequestration of carbon, serving as carbon "sinks".

Because of continuous improvements made in forest management practices and through extensive tree replanting programs, forests all over the country continue to sequester significant amounts of carbon. Through active forest management and reforestation, through both natural and artificial regeneration, the private forests, both industrial and non-industrial, are helping to decrease carbon dioxide emissions that are occurring both from natural processes and human activities into the atmosphere.

The addition of credits for greenhouse gas reductions for forestry-related carbon sequestration activities should be a part of the voluntary credits system the bill proposes so as to allow the owners of the forests of today—and tomorrow—to voluntarily participate and receive credits for carbon sequestration. This should not be difficult to do since the U.S. Forest Service already follows a carbon stock methodology that is used by the Environmental Protection Agency to document the nation's carbon dioxide emissions and inventories for carbon storage.

I realize that the Intergovernmental Panel on Climate Change (IPCC) has been tasked to prepare a special report that is expected out next year that may help define appropriate definitions and accounting rules for carbon sinks. In the meantime, I do not believe it will be helpful to leave the issue of carbon sequestration unacknowledged in any domestic program—and to cause losers along with winners in the process. We are all in a race against an uncertainty that no one can afford to lose.

As I mentioned, I believe that the goals of the Chafee bill are admirable and will allow for a dialogue to begin, hopefully on the science as opposed to the politics, for what can be done domestically within the global climate change debate. I hope to be included as a part of that dialogue and urge that those who speak to carbon sequestration credits be heard through the public hearings process or by amending the bill in a way that will not only encourage sustainable forest management, but also stimulate incentives for maintaining healthy forests. The discussion on the importance of carbon sequestration within our terrestrial ecosystems—long a large component of the climate change debate—must continue.

By Mr. DEWINE:

S. 548. A bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

FALLEN TIMBERS ACT

Mr. DEWINE. Mr. President, today I am introducing legislation that would designate the Fallen Timbers Battlefield and Fort Miamis as National Historic Sites.

Mr. President, the Battle of Fallen Timbers is an early and important chapter in the settlement of what was then known as the Northwest Territory. This important battle occurred between the U.S. army, led by General "Mad" Anthony Wayne, and a confederation of Native American tribes led by Tecumseh, in 1794. More than 1,000 Indians ambushed General Wayne's troops as they progressed along the Maumee River. Despite an unorganized defense, U.S. troops forced the tribes to retreat. The Treaty of Greenville was signed in 1795, and it granted the city of Detroit to the United States as well as secured the safe passage along the Ohio River for frontier settlers.

The Battle of Fallen Timbers began Ohio's rich history in the formation of our country. And the citizens of Northwest Ohio are committed to preserving that heritage. The National Register of Historic Places already lists Fort Miamis. In 1959, the Battle of Fallen Timbers was included in the National Survey of Historic Sites and Buildings and was designated as a National Historic Landmark in 1960. In 1998, the National Park Service completed a Special Resource Study examining the proposed designation and suitability of the site and determined that the Battle of Fallen Timbers Battlefield site meets the criteria for affiliated area status. So it remains only for Congress to officially recognize the national significance of these sites.

My legislation would recognize and preserve the 185-acre Fallen Timbers Battlefield site. It would uphold the heritage of U.S. military history and Native American culture during the period of 1794 through 1813. It would authorize the Secretary of the Interior to provide assistance in the preparation and implementation of the Plan to the State, its political subdivisions, or specified nonprofit organization.

Mr. President, the people of Northwest Ohio are committed to preserving the heritage of their community, the State of Ohio, and the United States. Therefore, the Fallen Timbers Battlefield and Fort Miamis sites deserve national historical recognition for the history that they represent. For these reasons, I am proposing this important piece of legislation today.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Timbers Battlefield and Fort Miamis National Historical Site Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket;

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798;

(3) in the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success;

(4) Fort Miamis and the Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee;

(5) the 9-acre Fallen Timbers Battlefield Monument is listed as a national historic landmark;

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site;

(7) in 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the "Advance of the Frontier, 1763–1830"; and

(8) in 1960, the Fallen Timbers Battlefield was designated as a national historic landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(3) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(4) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the stewardship plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational, and scenic resources of the historical site; and

(5) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State (including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Preservation Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area) to implement the stewardship plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) HISTORICAL SITE.—The term "historical site" means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historical Site established by section 4.

(2) MANAGEMENT ENTITY.—The term "management entity" means the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Preservation Commission, Heidelberg College, the city of Toledo, the Metropark District of the Toledo Area, and any other entity designated by the Governor of Ohio.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STEWARDSHIP PLAN.—The term "stewardship plan" means the management plan developed by the management entity.

(5) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 4. FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Fallen Timbers Battlefield and Fort Miamis National Historical Site.

(b) BOUNDARIES.—

(1) IN GENERAL.—The historical site shall be composed of—

(A) the Fallen Timbers 185-acre battlefield site described in paragraph (3);

(B) the 9-acre battlefield monument; and

(C) the Fort Miamis site.

(2) MAP.—The Secretary shall prepare a map of the historical site, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) FALLEN TIMBERS SITE.—For purposes of paragraph (1), the Fallen Timbers site generally comprises a 185-acre parcel northeast of U.S. 24, west of U.S. 23/I-475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(4) CONSENT OF LOCAL PROPERTY OWNERS.—No privately owned property or property owned by a municipality shall be included within the boundaries of the historical site unless the owner of the property consents to the inclusion.

SEC. 5. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The historical site shall remain a national historical site unless—

(1) the Secretary determines that—

(A) the use, condition, or development of the historical site is incompatible with the purposes of this Act; or

(B) the management entity of the historical site has not made reasonable and appropriate progress in preparing or implementing the stewardship plan for the historical site; and

(2) after making a determination under paragraph (1), the Secretary submits to Congress notification that the historical site designation should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination under subsection (a)(1), the Secretary shall hold a public hearing in the historical site.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—

(1) DEFINITION OF LEGISLATIVE DAY.—In this subsection, the term "legislative day" means any calendar day on which both Houses of Congress are in session.

(2) TIME PERIOD.—The withdrawal of the historical site designation shall become final 90 legislative days after the Secretary submits to Congress notification under subsection (a)(2).

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide technical assistance to prepare and implement the stewardship plan to—

(i) the State of Ohio;

(ii) a political subdivision of the State;

(iii) a nonprofit organization in the State; or

(iv) any other person on a request by the management entity.

(B) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance under this section, require any recipient of the technical assistance to establish or modify land use restrictions.

(C) DETERMINATIONS REGARDING ASSISTANCE.—

(i) DECISION BY SECRETARY.—The Secretary shall decide if technical assistance should be awarded and the amount, if any, of the assistance.

(ii) STANDARD.—A decision under clause (i) shall be based on the degree to which the historical site effectively fulfills the objectives contained in the stewardship plan and achieves the purposes of this Act.

(2) DEVELOPMENT OF STEWARDSHIP PLAN.—The Secretary may assist in development of the stewardship plan.

(3) PROVISION OF INFORMATION.—In cooperation with the heads of other Federal agencies, the Secretary shall provide the public with information regarding the location and character of the historical site.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—The head of any Federal agency conducting an activity directly affecting the historical site shall—

(1) consider the potential effect of the activity on the stewardship plan; and

(2) consult with the management entity of the historical site with respect to the activity to minimize the adverse effects of the activity on the historical site.

SEC. 7. NO EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) NO EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act modifies, enlarges, or diminishes the authority of any Federal, State, or local government to regulate the use of land by law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this Act grants any power of zoning or land use control to the management entity of the historical site.

(c) NO EFFECT ON LOCAL AUTHORITY OR PRIVATE PROPERTY.—Nothing in this Act affects or authorizes the management entity to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision of the State.

SEC. 8. FISHING, TRAPPING, AND HUNTING.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—The establishment of the historical site shall not diminish the authority of the State to manage fish and wildlife, including the regulation of fishing, hunting, and trapping in the historical site.

(b) NO CONDITIONING OF APPROVAL AND ASSISTANCE.—The Secretary and the head of any other Federal agency may not make a limitation on fishing, hunting, or trapping—

(1) a condition of the determination of eligibility for assistance under this Act; or

(2) a condition for the receipt, in connection with the historical site, of any other form of assistance from the Secretary or the agency, respectively.

By Mrs. FEINSTEIN:

S. 551. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

THE EXPAND AND REBUILD AMERICA'S SCHOOLS ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to provide a tax credit for the bond holders of public school construction bonds, totaling $1.4 billion each year for two years. To qualify to use the bonds, the bill requires schools to be subject to state academic achievement standards and have an average elementary student-teacher ratio of 28 to one.

Bonds could be used if school districts meet one of three criteria:

(1) The school is over 30 years old or the bonds will be used to install advanced or improved, telecommunications equipment;

(2) Student growth rate will be at least 10 percent over the next 5 years; or

(3) The construction or rehabilitation is needed to meet natural disaster requirements.

The bill is the companion of H. R. 415, introduced by my California colleague, Representative LORETTA SANCHEZ.

The bonding authority can leverage additional funds and it offers a new financing tool for our schools that can complement existing funding sources in an effort to address the need to repair and upgrade existing schools. It offers assistance especially for small and low-income school districts because low-income communities with the most serious needs may have to pay the highest interest rates to issue bonds, if they can be issued at all. Because the bonds provide a tax credit to the bond holder, the bond is supported by the federal treasury, not the local school district.

The nation's schools are crumbling. We have many old schools. One third of the nation's 110,000 schools were built before World War II and only about one of 10 schools was built since 1980. More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced. The General Accounting Office has said that nationally we need over $112 billion for construction and repairs at 80,000 schools.

My state needs $26 billion from 1998 to 2008 to modernize and repair existing schools and $8 billion to build schools to meet enrollment growth. In November 1998, California voters approved state bonds providing $6.5 billion for school construction.

In addition to deteriorating schools, some schools are bursting at the seams because of the huge numbers of students and we can expect more pressure as enrollments rise. The "Baby Boom Echo" report by the U.S. Department of Education in September 1998, found that between 1988 and 2008, public high school enrollment will jump by 26 percent and elementary enrollment will go up by 17 percent. In 17 states, there will be a 15 percent increase in the number of public high school graduates. This school year, school enrollment is at a record level, 52.7 million students.

My state faces severe challenges:

1. High Enrollment: California today has a K–12 public school enrollment at 5.6 million students which represents more students than 36 states have in total population, all ages. We have a lot of students.

Between 1998 and 2008, when the national enrollment will grow by 4 percent, in California, it will escalate by 15 percent, the largest increase in the nation. California's high school enrollment is projected to increase by 35.3 percent by 2007. Each year between 160,000 and 190,000 new students enter California classrooms. Approximately 920,000 students are expected to be admitted to schools in the state during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 7 new classrooms a day at 25 students per class between now and 2001 just to keep up with the growth in student population. By 2007, California will need 22,000 new classrooms. California needs to add about 327 schools over the next three years just to keep pace with the projected growth.

2. Crowding: Our students are crammed into every available space and in temporary buildings. Today, 20 percent of our students are in portable classrooms. There are 63,000 relocatable classrooms in use in 1998.

3. Old Schools: Sixty percent of our schools are over 40 years old. 87 percent of the public schools need to upgrade and repair buildings, according to the General Accounting Office. Ron Ottinger, president of the San Diego Board of Education has said: "Roofs are leaking, pipes are bursting and many classrooms cannot accommodate today's computer technology."

4. High Costs: The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. In California, our costs are higher than other states in part because our schools must be built to withstand earthquakes, floods, El Nino and a myriad of other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs. Here's what it costs to build schools in California: an elementary school (K–6), $5.2 million; a middle school (7–8), $12.0 million; a high school (9–12), $27.0 million.

5. Class Size Reduction: Our state, commendably, is reducing class sizes in grades K through 3, but this means we need more classrooms.

Here are some examples in California of our construction needs:

Los Angeles Unified School District got 16,000 additional students this year and expects an 11 percent enrollment growth by 2006. Because of overcrowding, they are bussing 13,000 students away from their home neighborhoods. For example, Cahuenga Elementary School has 1,500 students on 40 buses, with some children traveling on the bus two hours every day. Not only is this essentially wasted time for students and an expense of school districts, it means that it is very difficult for parents to get to their children's schools for school events and teacher conferences.

Half of LA Unified's students attend school on a multi-track, year-round schedule because of overcrowding. This means their schools cannot offer remedial summer school programs for students that need extra help.

Olive View School in Corning Elementary School District, with over 70 percent of students in portable classrooms, needs to replace these aging and inadequate facilities.

Fresno Unified School District has a backlog of older schools needing repairs. For example, Del Mar Elementary School has a defective roof. Chuck McAlexander, Administrator, wrote me: "The leakage at Del Mar is so bad that the plaster ceiling of the corridor was falling and has been temporarily shored with plywood."

San Bernardino City Unified School District, which is growing at a rate of over 1,000 students per year, has 25 schools over 30 years old, buildings needing improved classroom lighting, carpeting, electrical systems, and plumbing. Several schools need air condition so they can operate year-round to accommodate burgeoning enrollment.

Berkeley High School was built in 1901 and damaged by the 1989 Loma Prieta earthquake. They are still trying to raise funds to replace the building.

Polytechnic High School in Long Beach is over 100 years old and houses 4,200 students. The last repairs were done in 1933. Long Beach officials wrote:

> "The heating system is in desperate need of replacement with continual breakdowns and the constant need for maintenance. The roofs have exceeded their average life expectancy by 20 years. Flooring and equipment have been damaged several times during the rainy season. There have been instances where classrooms had to be evacuated due to health and safety issues. The electrical systems that were designed for 2,000 students can no longer support the needs of over 4,000 students, especially after taking into account the need for increased technology. The antiquated plumbing system is in desperate need of repair. . . . The entire support infrastructure, water, sewer and drainage facilities are in dire need of replacement as the age of these systems have well exceeded their lifespan."

The elementary school in the Borrego Unified School District has a deteriorating water well, with silt and inadequate pressure. The middle-high school has an intercom and fire alarm system inoperable because of a collapsed underground cable.

In San Diego, 49 schools need roof repairs or replacement. Ninety-one elementary schools need new fire alarms and security systems. Mead Elementary School, which is 45 years old, has clogged and rusted plumbing beyond repair, with water pressure so weak that it amounts to a drip at times.

Ethel Phillips Elementary School, age 48, in the Sacramento City Unified School District, has dry rot in the classrooms because of water damaged and needs foundation repairs and new painting, to preserve the building.

Loleta Union School District, which is in an area of seismic activity, needs an overhaul of the wiring to support modern technology.

San Pasqual Union School District's only water well is contaminated and the 30-year-old roof needs replacement.

At the San Miguel Elementary School in San Francisco, the windows are rotting and the roof is leaking so badly that they must set out buckets every time it rains.

And on and on.

School overcrowding places a heavy burden on teachers and students. Studies show that the test scores of students in schools in poor condition can fall as much as 11 percentage points behind scores of students in good buildings. Other studies show improvements of up to 20 percent in test scores when students move to a new facility.

The point is that improving facilities improves teaching and learning. I hope that this bill will offer some help and most importantly provide new learning opportunities for our students. Mr. President, I ask unanimous consent that a summary of this be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows.

SUMMARY OF FEINSTEIN-SANCHEZ SCHOOL CONSTRUCTION BILL

TAX CREDITS

Provides $1.4 billion in tax credits in FY 2000 and $1.4 billion in tax credits in FY 2001 to any bondholder for public elementary and secondary school construction and rehabilitation bonds. Similar to the Qualified Zone Academy Bonds created by the Taxpayer Relief Act of 1997, bondholders would receive a tax credit, rather than interest.

ELIGIBLE SCHOOLS

To qualify to use the bonds, students in the schools must be subject to state academic achievement standards and tests;

schools must have a program to alleviate overcrowding; the school district must have an average elementary student-teacher ratio of 28 to one at the time of issuance of the bonds; and meet one of the following three criteria:

1. The school to be repaired is over 30 years old or the bonds are used to provide advanced or improved telecommunications facilities.
2. The student growth rate in the school district will be at least 10 percent over the next 5 years.
3. School construction or rehabilitation is needed to meet natural disaster requirements.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 25

At the request of Ms. LANDRIEU, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 86

At the request of Mr. BUNNING, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 86, a bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to work, to extend Medicare coverage for such beneficiaries, and to make additional miscellaneous amendments relating to Social Security.

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 98

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 223, a bill to help communities moderize public school facilities, and for other purposes.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 280

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 296

At the request of Mr. FRIST, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. BAYH) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Delaware (Mr. BIDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 389

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 389, a bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

S. 395

At the request of Mr. ROCKEFELLER, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceeding July 1997.

S. 398

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 528

At the request of Mr. SPECTER, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 528, a bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE CONCURRENT RESOLUTION 14—CONGRATULATING THE STATE OF QATAR AND ITS CITIZENS FOR THEIR COMMITMENT TO DEMOCRATIC IDEALS AND WOMEN'S SUFFRAGE

Mr. BROWNBACK (for himself, Mr. WELLSTONE, Mr. SMITH of Oregon, Mr. THOMAS, Mr. TORRICELLI, and Mr. GRAMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, issued a decree creating a central municipal council, the first of its kind in Qatar;

Whereas on March 8, 1999, the people of Qatar will participate in direct elections for a central municipal council;

Whereas the central municipal council has been structured to have members from 29 election districts serving 4-year terms;

Whereas Qatari women have been granted the right to participate in this historic first municipal election, both as candidates and voters;

Whereas this election demonstrates the strength and diversity of Qatar's commitment to democratic expression;

Whereas the United States highly values democracy and women's rights;

Whereas March 8 is recognized as International Women's Day, and is an occasion to assess the progress of the advancement of women and girls throughout the world; and

Whereas this historic event of democratic elections and women's suffrage in Qatar should be honored: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, for his leadership and commitment to suffrage and the principles of democracy;

(2) congratulates the citizens of Qatar as they celebrate the historic election for a central municipal council; and

(3) reaffirms that the United States is strongly committed to encouraging the suffrage of women, democratic ideals, and peaceful development throughout the Middle East.

Mr. BROWNBACK. Mr. President, I am pleased to submit a concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

By holding these elections, Qatar becomes only the second Gulf Arab state to have an elected house, and the first to allow women the vote and the right to take part in the municipal polls. These elections are a very promising step towards the establishment of democracy.

As a country which stands firmly committed to democratic ideals, including the suffrage of women, the United States should applaud this bold move by His Highness, Sheikh Hamad Bin Khalifa al-Thani, the Emir of Qatar for issuing the decree to create the central municipal council and for making this major step towards democracy possible.

This resolution commends the Emir of Qatar for his leadership and commitment to suffrage and the principles of democracy; congratulates the citizens of Qatar as they celebrate the historic election for a central municipal council; and reaffirms that the United States is strongly committed to encouraging the suffrage of women, democratic ideals, and peaceful development throughout the Middle East.

I urge my colleagues to support this initiatives.

SENATE CONCURRENT RESOLUTION 15—HONORING MORRIS KING UDALL, FORMER UNITED STATES REPRESENTATIVE FROM ARIZONA, AND EXTENDING THE CONDOLENCES OF THE CONGRESS ON HIS DEATH

Mr. MCCAIN (for himself, Mr. KENNEDY, Mr. KYL, Mr. FEINGOLD, Mr. HAGEL, Mr. LEAHY, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. CAMPBELL, Mr. INOUYE, Ms. SNOWE, Mr. LEVIN, Mr. STEVENS, Mr. SARBANES, Mr. SPECTER, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DEWINE, Mr. KOHL, Mr. COCHRAN, Mr. BINGAMAN, Mr. ALLARD, Mrs. BOXER, Mr. BENNETT, Mr. KERRY, Mr. CRAIG, Mr. REID, Mr. WELLSTONE, Mr. MOYNIHAN, Mr. AKAKA, Mr. DASCHLE, Mr. KERRY, Mr. LIEBERMAN, Mr. BAUCUS, Mr. DURBIN, Mr. ROCKEFELLER, Mr. HARKIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. TORRICELLI, and Mr. GRAMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 15

Whereas Morris King Udall served his Nation and his State of Arizona with honor and distinction in his 30 years as a Member of the United States House of Representatives;

Whereas Morris King Udall became an internationally recognized leader in the field of conservation, personally sponsoring legislation that more than doubled the National Park and National Wildlife Refuge systems, and added thousands of acres to America's National Wilderness Preservation System;

Whereas Morris King Udall was also instrumental in reorganizing the United States Postal Service, in helping enact legislation to restore lands left in the wake of surface mining, enhancing and protecting the civil service, and fighting long and consistently to safeguard the rights and legacies of Native Americans;

Whereas in his lifetime, Morris King Udall became known as a model Member of Congress and was among the most effective and admired legislators of his generation;

Whereas this very decent and good man from Arizona also left us with one of the most precious gifts of all — a special brand of wonderful and endearing humor that was distinctly his;

Whereas Morris King Udall set a standard for all facing adversity as he struggled against the onslaught of Parkinson's disease with the same optimism and humor that were the hallmarks of his life; and

Whereas Morris King Udall in so many ways will continue to stand as a symbol of all that is best about public service, for all that is civil in political discourse, for all that is kind and gentle, and will remain an inspiration to others: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Morris King Udall on December 12, 1998, and extends condolences to the Udall family, and especially to his wife Norma;

(2) expresses its profound gratitude to the Honorable Morris King Udall and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Morris K. Udall's commitment to and example of bipartisanship and collegial interaction in the legislative process.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the family of the Honorable Morris King Udall.

SENATE RESOLUTION 57—EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. GRAHAM (for himself, Mr. MACK, Mr. HELMS, Mr. TORRICELLI, Mr. DEWINE, Mr. ROBB, and Mr. SMITH of New Hampshire) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 57

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of Cuba continues to commit widespread and well documented human rights abuses in Cuba;

Whereas such abuses stem from a complete intolerance of dissent and the totalitarian nature of the regime controlled by Fidel Castro;

Whereas such abuses violate internationally accepted norms of conduct;

Whereas the Government of Cuba routinely restricts worker's rights, including the right to form independent unions, and employs forced labor, including that by children;

Whereas Cuba is bound by the Universal Declaration of Human Rights;

Whereas the Government of Cuba has detained scores of citizens associated with attempts to discuss human rights, advocate for free and fair elections, freedom of the press, and others who petitioned the government to release those arbitrarily arrested;

Whereas the Government of Cuba has recently escalated efforts to extinguish expressions of protest or criticism by passing state measures criminalizing peaceful pro-democratic activities and independent journalism;

Whereas the recent trial of peaceful dissidents Vladimiro Rica, Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano, charged with sedition for publishing a proposal for democratic reform, is indicative of the increased efforts by the Government of Cuba to detain citizens and extinguish expressions of support for the accused;

Whereas these efforts underscore that the Government of Cuba has continued relentlessly its longstanding pattern of human rights abuses and demonstrate that it continues to systematically deny universally recognized human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should make all efforts necessary to pass a resolution, including introducing such a resolution, criticizing Cuba for its human rights abuses in Cuba, and to secure the appointment of a Special Rapporteur for Cuba.

Mr. GRAHAM. Mr. President, last week, the Senate passed a resolution calling for condemnation of the human rights situation in China by the United Nations Human Rights Commission. I will send to the floor shortly a similar resolution condemning the human rights situation in Cuba which, unfortunately, is considerably worse than the situation in China.

This resolution calls on the President to make every effort to pass a resolution at the upcoming meeting of the United Nations Human Rights Commission criticizing Cuba for its abysmal record on human rights. It also calls for the reappointment of a special rapporteur to investigate the human rights situation in Cuba.

Last year, for the first time in many years, no resolution on the human rights situation in Cuba was passed by the United Nations Human Rights Commission. Perhaps this was due to the hopes that were raised, raised as a result of the Pope's visit to Cuba in January of 1998. Unfortunately, there has been a significant worsening of the human rights situation in Cuba over the last year.

Example: The independent group, Human Rights Watch, states:

> As 1998 drew to a close, Cuba's stepped up persecutions and harassment of dissidents, along with its refusal to grant amnesty to hundreds of remaining political prisoners or reform its criminal code, marked a disheartening return to heavy-handed repression.

Example: The Cuban Government recently passed a measure known as Law 80 which criminalizes peaceful prodemocratic activities and independent journalism, with penalties, Mr. President, of up to 20 years of imprisonment.

Example: The State Department, in its recent report on human rights dated February 26, 1999, notes that the Government of Cuba continues to systematically violate the fundamental civil and political rights of its citizens. Human rights advocates and members of independent professional associations, including journalists, economists, doctors and lawyers, are routinely harassed, threatened, arrested, detained, imprisoned and defamed by the Government. All fundamental freedoms are denied to the citizens. In addition, the Cuban Government severely restricts worker rights, including the right to form independent trade unions, and employs forced labor, including child labor.

Example, and the most recent and continuing example of the horrible repression in Cuba, is the trial of four prominent dissidents—Vladimiro Roca, Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano. These prominent dissidents are now at trial on charges of sedition. After being detained for over 18 months for the peaceful voicing of their opinions, the trial of these four brave individuals has drawn international condemnation.

To demonstrate the hideous nature of the Castro regime, Marta Beatriz Roque has been ill, believed to be suffering from cancer, but has been denied medical attention during her detention.

During the trial, authorities have rounded up scores of other individuals, including journalists and dissidents, and jailed them for the duration of the trial. The trial was conducted in complete secrecy, with photographers prevented from even photographing the streets around the courthouse in which the trial was held.

Mr. President, this is not the type of conduct that we have come to expect in our hemisphere, where Cuba remains the only nondemocratic government. This level of repression and complete disregard for international norms cannot be ignored. The human rights situation in Cuba calls out for action by the United Nations Human Rights Commission.

I am going to ask, Mr. President, to have printed in the RECORD two editorials on this subject. But let me read one from the Washington Post of this week, March 2, 1999. This editorial says, in part:

> Many of the counties engaged in these contacts with Cuba do so on the basis that by their policy of "constructive engagement" they are opening up the regime more effectively to democratic and free-market currents than is the United States by its harder-line policy.
>
> The trial of the four provides a good test of this proposition. The four are in the vanguard of Cuba's small nonviolent political opposition. Acquittal would indicate that in this case anyway the authorities are listening to the international appeals for greater

political freedom. But if the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investments?

Mr. President, last month we voted unanimously to support a similar resolution on human rights in Cuba. Unfortunately, as I indicated, the situation in Cuba is worse than in China. The situation in Cuba deserves the full effort of our Government to assure that this situation is not ignored by the international community.

Mr. President, I send to the desk a resolution which is cosponsored by Senators MACK, HELMS, TORRICELLI, and DEWINE. I also ask unanimous consent, to have printed in the RECORD the editorial I referenced from the Washington Post of March 2, and an editorial from the Ft. Lauderdale Sun-Sentinel of March 2.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 2, 1999]

THE HAVANA FOUR

Vladimiro Roca, Martha Beatriz Roque, Felix Bonne, Rene Gomez: Note those names. They are dissidents in Communist-ruled Cuba who went on trial in Havana yesterday. These brave people were jailed a year and a half ago for holding news conferences for foreign journalists and diplomats, urging voters to boycott Cuba's one-party elections, warning foreigners that their investments would contribute to Cuban suffering and criticizing President Fidel Castro's grip on power. For these 'offenses' the four face prison sentences of five or six years.

Castro Cuba has typically Communist notions of justice. By official doctrine, there are no political prisoners, only common criminals. President Castro rejects the designation of the four, in the international appeals for their freedom, as 'prisoners of conscience.' Their trial is closed to the foreign press. Some of their colleagues were reportedly arrested to keep them from demonstrating during the trial.

Fidel Castro is now making an energetic effort to recruit foreign businessmen to help him compensate for the trade and investment lost by the continuing American embargo and by withdrawal of the old Soviet subsidies. He is scoring some successes: British Airways, for instance, says it is opening a Havana service. Many of the countries engaged in these contacts with Cuba do so on the basis that by their policy of 'constructive engagement' they are opening up the regime more effectively to democratic and free-market currents than is the United States by its harder-line policy.

The trial of the four provides a good test of this proposition. The four are in the vanguard of Cuba's small nonviolent political opposition. Acquittal would indicate that in this case anyway the authorities are listening to the international appeals for greater political freedom. But if the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investments?

[From the Fort Lauderdale Sun-Sentinel, Mar. 2, 1999]

WORLD IS WATCHING HAVANA TRIAL OF CUBANS WHO CRITICIZED SYSTEM

The trial of four prominent dissidents in Cuba, which started on Monday, promises to be a major international headache for the government of Fidel Castro. It should be.

Vladimiro Roca, Marta Beatriz Rogue, Felix Bonne and Rene Gomez Manzano, spent more than a year in prison before they were charged with a crime. After 19 months of detention, they stand accused of sedition, a stretch even by communist Cuba's standards.

The four human rights activitists have done nothing seditious. They did attack the political platform of the Fifth Cuban Communist Party Congress.

They called the platform out of touch with reality and said it offered no real solutions—to any of Cuba's complex problems. They volunteered one solution—ditching Cuba's one-party system.

For their unsolicited advice in July 1997, the four dissidents found themselves promptly behind bars. They had committed the "seditious"—not to mention courageous—act of distributing their written criticism to foreign journalists. For their "crimes," prosecutors are asking for six years for Roca, who is the son of well-known communist leader Blas Roca, and five years for the others.

The case is one of the most important human rights tests for Cuba in years. On the other hand, Cuba has become more flexible on religious and some economic matters. On the other hand, it has just passed repressive laws for many so-called political crimes.

This past weekend, Cuban security forces also rounded up more than half a dozen political dissidents in an apparent attempt to prevent public demonstrations during the trial. Last year, a small group of activists clashed with pro-government forces in Havana during the trial of several lesser-known dissidents.

In this latest human rights case, Pope John Paul II, King Juan Carlos of Spain and other world leaders are pressing for the dissidents' release.

Even if there are no protest signs outside the courthouse in Havana this week, the world is watching the outcome of this trial.

SENATE RESOLUTION 58—RELATING TO THE RETIREMENT OF BARRY J. WOLK

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Whereas, Barry J. Wolk will retire from service to the United States Senate after twenty-four years as a member of the staff of the Secretary of the Senate;

Whereas, his hard work and dedication resulted in his appointment to the position of Director of Printing and Document Services on November 16, 1996;

Whereas, as Director of Printing and Document Services, he has executed the important duties and responsibilities of his office with efficiency and constancy;

Whereas, Barry Wolk has demonstrated loyal devotion to the United States Senate as an institution. Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Barry J. Wolk for his years of faithful service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Barry J. Wolk.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

BINGAMAN (AND OTHERS) AMENDMENT NO. 35

Mr. BINGAMAN (for himself, Mr. REID, Mr. LEVIN, and Mr. BRYAN) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

TITLE ___—DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. ___01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1999".

Subtitle A—Dropout Prevention

SEC. ___11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C 2881 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) DEFINITION OF STATE.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff;

"(4) planning and research;

"(5) remedial education;

"(6) reduction in pupil-to-teacher ratios;

"(7) efforts to meet State student achievement standards; and

"(8) counseling for at-risk students.

"(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) CAPACITY BUILDING.—

"(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) NUMBER AND DURATION.—

"(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

"(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

"(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) SCHOOL APPLICATION.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E)·contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Criteria.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) Eligibility.—

"(1) In general.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) Other schools.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

"(f) Coordination.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) Reporting.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) Accountability.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) In General.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) Regulations.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) Director.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

"(2) Low-income.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) School dropout.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) Subpart 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Subpart 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

SEC. ___12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"Sec. 220. (a) Establishment.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) Duties.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"*PART I—DROPOUT PREVENTION*

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

JEFFORDS (AND OTHERS) AMENDMENT NO. 36

Mr. JEFFORDS (for himself, Mr. GREGG, and Ms. COLLINS) proposed an amendment to amendment No. 35 proposed by Mr. BINGAMAN to the bill, supra; as follows:

On page 20, between lines 4 and 5, insert the following:

"SEC. . FUNDING FOR IDEA.

"Nothwithstanding any other provision of law, the provisions of this part, other than this section, shall have no effect, except that funds appropriated pursuant to the authority of this part shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

JEFFORDS (AND OTHERS) AMENDMENT NO. 37

Mr. LOTT (for Mr. JEFFORDS for himself, Mr. GREGG, and Ms. COLLINS) proposed an amendment to amendment No. 35 proposed by Mr. BINGAMAN to the bill, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

JEFFORDS AMENDMENT NO. 38

Mr. JEFFORDS proposed an amendment to amendment No. 31 proposed by him to the bill, supra; as follows:

In the language proposed to be stricken by amendment No. 31, at the appropriate place insert the following:

SEC. . PUBLIC NOTICE AND COMMENT.

The Secretary of Education shall prescribe requirements on how States will provide for public comments and notice.

ALLARD AMENDMENT NO. 39

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 280, supra; as follows:

At the appropriate place, insert the following:

SEC. . 'KNOW YOUR CUSTOMER' REGULATIONS RESCINDED

(a) IN GENERAL.—None of the following proposed regulations may be published in final form and, to the extent that any such regulation has become effective before the date of the date of the enactment of this legislation, such regulation shall cease to be effective as of such date:

(1) The regulation proposed by the Comptroller of the Currency to amend part 21 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(2) The regulation proposed by the Director of the Office of Thrift Supervision to amend part 563 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(3) The regulation proposed by the Board of Governors of the Federal Reserve System to amend parts 208, 211, and 225 of title 12 of the Code of Federal Regulation, as published in the Federal Register on December 7, 1998.

(4) The regulation proposed by the Federal Deposit Insurance Corporation to amend part 326 of title 12 of the Code of Federal Regulations as published in the Federal Register on December 7, 1998.

(b) PROHIBITION ON SIMILAR REGULATIONS.—None of the Federal Banking Agencies referred to in subsection (a) may prescribe any regulation which is substantially similar to, or would have substantially the same effect as, any proposed regulation described in paragraph (1), (2), (3), or (4) of subsection (a).

ALLARD AMENDMENT NO. 40

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill, supra; as follows:

In the language proposed to be stricken, insert the following:

SEC. . 'KNOW YOUR CUSTOMER' REGULATIONS RESCINDED

(a) IN GENERAL.—None of the following proposed regulations may be published in final form and, to the extent that any such regulation has become effective before the date of the date of the enactment of this legislation, such regulation shall cease to be effective as of such date:

(1) The regulation proposed by the Comptroller of the Currency to amend part 21 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(2) The regulation proposed by the Director of the Office of Thrift Supervision to amend part 563 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(3) The regulation proposed by the Board of Governors of the Federal Reserve System to amend parts 208, 211, and 225 of title 12 of the Code of Federal Regulation, as published in the Federal Register on December 7, 1998.

(4) The regulation proposed by the Federal Deposit Insurance Corporation to amend part 326 title 12 of the Code of Federal Regulations as published in the Federal Register on December 7, 1998.

(b) PROHIBITION ON SIMILAR REGULATIONS.—None of the Federal Banking Agencies referred to in subsection (a) may prescribe any regulation which is substantially similar to, or would have substantially the same effect as, any proposed regulation described in paragraph (1), (2), (3), or (4) of subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Thursday, March 4, 1999, in open session, to receive testimony from the unified and regional commanders on their military strategy and operational requirements in review of the fiscal year 2000 Defense authorization request and future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 4, 1999, to conduct a markup of the committee print on "The Financial Services Modernization Act of 1999."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Thursday, March 4, 1999, at 9:30 a.m. on Internet filtering.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 4 for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this hearing is to consider the nomination of Robert Gee to be an Assistant Secretary of Energy for Fossil Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be granted permission to conduct a hearing Thursday, March 4, 9 a.m., to receive testimony from Gary S. Guzy, nominated by the President to be General Counsel for the Environmental Protection Agency and Ann Jeanette Udall, nominated by the President to be a member of the board of trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, March 4, 1999 beginning at 10 a.m. in room SH-215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 4, 1999, at 10 a.m. to mark up legislation at a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on the New SAFE Act during the session of the Senate on Thursday, March 4, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, March 4, 1999, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 4, 1999, at 3 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. JEFFORDS. Mr. President, I ask unanimous consent to allow the Joint Economic Committee to meet on the issue of economic growth through tax cuts on March 4, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 4, 1999, at 2 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE VICKSBURG NATIONAL MILITARY PARK

• Mr. COCHRAN. Mr. President, I bring to the attention of the Senate the recent celebration of a special anniversary of one of our finest national treasures and most historic sites—the Vicksburg National Military Park.

On February 20, 1999, ceremonies were held at the Vicksburg National Military Park in Vicksburg, Mississippi, to commemorate the 100th anniversary of the establishment of the park. The statues of the first two superintendents of the park, Stephen D. Lee and William T. Rigby, were rededicated with several of their descendants in attendance.

This park was the seventh National Park established, and is the site of the campaign and siege of Vicksburg. On February 21, 1899, President William McKinley signed the legislation which created the park. Although originally envisioned to include 4,000 acres, today the park is comprised of over 1,800 acres with 1,324 monuments, markers and tablets. There are twenty-seven state monuments. In July of this year, the Kentucky monument will be dedicated.

The U.S.S. *Cairo*, a Civil War gunboat, which was sunk by Confederate mines just North of Vicksburg on the Yazoo River on December 12, 1862, was raised in 1964 and is displayed at the park as one of the best-preserved Vessels of its type.

The park is also the home of Vicksburg National Cemetery, established in 1866. Interred on the grounds are over 18,000 Union soldiers, of which the identities of 12,000 are unknown. Veterans of the Mexican, and Spanish-American Wars, World War I and II, and the Korean conflict also rest in the cemetery.

Over the past few years, the Senate has supported funding for the construction of a canopy to protect the U.S.S. *Cairo*, for the restoration of monuments at the Park which have deteriorated, and for the acquisition of parcels of land that are valuable for the preservation and interpretation of the campaign and siege of Vicksburg.

I hope Senators will be mindful of the valuable national assets at the Vicksburg National Military Park as the Senate considers funding for the National Park Service in the coming months.

Mr. President, I ask unanimous consent that the remarks delivered by Park Superintendent, William Nichols, and Historian, Terrence Winschel, at the re-dedication of the Lee and Rigby monuments be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF TERRACE J. WINSCHEL ON CAPT. WILLIAM T. RIGBY

On March 1, 1899, William Titus Rigby accepted from Secretary of War Russel Alger his appointment as commissioner of Vicksburg National Military Park. From that day forward for the next thirty years he devoted his boundless energies, indeed his very soul, to making this the finest national park on earth.

Will Rigby was industrious, creative, meticulous—a man who loved precision and order. To this date the park reflects those characteristics of the man who served as its resident commissioner from 1899 until his death in 1929. To him this park was to be a fitting monument to the men in blue and gray, Americans all, who struggled here in 1863 in defense of ideals held dear; a monument to his comrades who lived only in memory; and one that would remind generations to come of duty, honor, valor—the building stones of this great Republic.

He wanted only the best for this park, the finest quality of stone for monuments, the highest grade of bronze for statuary, and only the foremost American sculptors would do to execute the artwork for which this park is now renowned. In his quest for excellence Rigby secured the talents of artists such as Victor Holm whose Spirit of the Republic figure graces the Missouri Monument; William Couper who cast the Statue of Peace on the Minnesota Monument, Edwin Elwell who captured the indomitable spirit of the American soldier in the flag bearer on the Rhode Island Monument, Charles Mulligan whose trio of women atop the Illinois Monument signifies peace eternal in a nation unite; and Theo Alice Ruggles Kitson, the most prolific of the Vicksburg artists, whose statue of the Common Soldier forms the Massachusetts Monument, the first to be erected in this park.

But, to Captain Rigby, there was no finer artist in all the land than Mrs. Kitson's renowned husband, Henry Hudson Kitson. His bronze relief panels on the Iowa Monument, Rigby's home state, are without doubt the most exquisite works of art in this park. Over the years that he served as resident commissioner of this park, William Rigby sought the advice and guidance of Henry Kitson and the two men formed a friendship that was as strong and enduring as the monuments their inspiration worked to create.

Together they have made Vicksburg National Military Park, in the words of one Civil War veteran, the "art park of the world." Today, the park boasts of 1,324 monuments, markers, tablets, and plaques which make Vicksburg one of the most highly monumented battlefields in all the world—the fitting tribute to American valor that Rigby desired this park to be.

In recognition of his quest for excellence, the man who Rigby considered the epitome of American excellence, Henry Hudson Kitson executed this magnificent bronze likeness of the good captain. On it he inscribed the words "Portrait of W.T. Rigby by his friend H.H. Kitson."

In keeping with his quest for excellence, on behalf of my comrades who work for the National Park Service, I pledge that our stewardship of this park, a charge we hold as a sacred trust, will honor the memory of William Rigby, Stephen D. Lee, and the men in blue and gray who on this field forged a nation for all time.

REMARKS OF TERRANCE J. WINSCHEL ON LT. GEN. STEPHEN D. LEE

On the hot afternoon of May 22, 1863, General Lee watched in awe as Union troops poured out a ravine 400 yards east of here and deployed into line of battle on a ridge opposite his lines. One Confederate soldier who gazed over the parapets of earth and log recorded for posterity that the Federals deployed into line of battle with man touching man, rank pressing rank, and line supporting line. He could see Union officers riding up and down the lines giving encouragement to their men, making sure that all was set for the advance. He watched as the colors were uncased and caught the breeze above the lines, and listened to the sound of cold steel as the enemy affixed their bayonets in final preparation for the charge. To him the sight was grim, irresistible, yet magnificent in the extreme this pageantry of war.

But there was little time for admiration as the blue lines swept across the fields. With a mighty cheer the Federals swarmed up the slopes and into the ditches fronting the Vicksburg defenses. Planting several stands of colors atop the Confederate fortifications, a handful of Union troops entered Railroad Redoubt before you—the city's defenses had been pierced.

With calm determination, Stephen D. Lee rode to the point of danger. Exhorting his men to stand their ground in the face of overwhelming numbers, he gathered reinforcements in hand and led the counterattack which drove the Federals back and sealed the breach. It was the most sublime moment of his distinguished military career.

Thirty-six years later, this grand soldier of the Confederacy was named Chairman of the Vicksburg National Military Park Commission. He had worked tirelessly by example in the post war era to take Yankees and Rebels and make them Americans. Now he would forge from this bloody field of battle an eternal monument commemorating American valor to remind the generations that would follow of the sacrifices made on their behalf by the men in blue and gray.

In recognition of Lee's life of service to his nation and the American people, his fellow commissioner William T. Rigby sought to erect and dedicate within the general's lifetime a monument of bronze on the grounds of this battlefield which he made a shrine. Without Lee's knowledge, Rigby solicited contributions making himself the first donation.

In May 1908, veterans of the 22d Iowa Infantry, the very unit which pierced the lines at Railroad Redoubt, assembled in Vicksburg for a reunion and invited General Lee to attend. Although his health was broken, Lee came to Vicksburg and praised his former enemies for their courage and bravery exhibited on that bloody day. Captain Rigby took advantage of Lee's visit and asked the general to pose for a photograph on the spot from which he watched the charge. Lee came to this very place, stood erect with the posture of a soldier, and with his head turned slightly to the north, the fire of younger days returned to his eyes for the final time. Four days later, he died in Vicksburg, a place with which his name is synonymous.

The photograph taken that day was the basis for this monument which was dedicated on June 11, 1909. It reminds us today of courage, duty, honor, and stands as an enduring symbol of the love and respect that former enemies had for men turned brothers.

REMARKS OF WILLIAM O. NICHOLS ON CAPT. WILLIAM T. RIGBY

We are gathered here before the statue of Captain William T. Rigby, the second person to serve as chairman of the Park Commission. In this capacity, Captain Rigby served from 1901 until 1929. . . . Obviously, these were the formative years for the development of this park. It was Captain William Rigby who designed and shaped and molded this park into what we see and what we have here today. Captain Rigby truly was and is the father of this great park.

We are delighted to have with us today the granddaughter of Captain Rigby. . . . Isabel Rigby . . . who is 86 years young . . . and who is joining us after just having returned to the United States from a week trip abroad to the Union of South Africa. Park historian Terry Winschel will be next on the program following and he will be followed by Miss Rigby.

William Titus Rigby was a native of Red Oak, Iowa. He was only 21 when he enlisted in the Union Army. He was a man of integrity, honesty and decency, and these qualities soon earned him a commission as a second lieutenant. He was later promoted to the rank of captain and it was in that capacity that he served for the balance of the war.

After the war, William Rigby returned to his native Iowa and entered Cornell College from which he graduated in 1869. That same year he married Eva Cattron. They enjoyed sixty years of marriage and raised three children: Will, Charlie and Grace. Isabel Rigby who is with us today is the daughter of Charlie.

During the time he was in the trenches around Vicksburg in 1863 William Rigby certainly could not have ever imagined that some thirty years later he would return to lead the effort to establish a national military park. In 1895 he was elected secretary of the Vicksburg National Military Park Association and for the next four years he travelled across the nation speaking to veterans' groups, legislators and members of Congress to generate support for the park measure. His efforts and those of General Lee were ultimately successful when the legislation was passed by Congress and signed into law by President William McKinley on February 21, 1899.

The park legislation created a three-man commission to oversee the development and management of the park. All three had to be veterans of the Vicksburg campaign, one had to be a Confederate representative and two were to be Union. General Lee of course was the logical choice to be named the Confederate representative. As Illinois had the largest number of troops engaged in the Vicksburg campaign, James Everest from that State was selected as the second commissioner. Despite all his work on behalf of the association to establish the park, partisan politics reared its ugly head and almost resulted in Captain Rigby not being selected as the third commissioner. But—those who had worked with him now raised such a hue and cry that Secretary Alger ultimately capitulated and named him the third commissioner.

Captain Rigby was the only one of the three commissioners who actually moved to Vicksburg. He established his residence and a park office here and subsequently became known as the resident commissioner, busying himself with the acquisition of land, the construction of the tour road and bridges, placing tablets and securing the impressive monuments for which this park is rightly noted. He devoted the last thirty years of his life to make Vicksburg National Military Park the finest in the world. More than any other man, our park today is the result of Captain William Rigby's labors.

Perhaps the greatest testimony to William Rigby's service can be found in the letter of resignation written to him by General Lee on November 21, 1901. General Lee's letter reads as follows:

"I felt at the time when Colonel Everest and yourself—by your votes—made me your chairman that it was an act of delicate courtesy extended to me by former antagonists. But, now, dear friend: From the very inception of the park movement, you have been the most active and industrious person connected with the enterprise. You have done more work and put more thought on the great enterprise than any other member or person connected with the park. From this fact I have never failed to agree with you in almost every suggestion or act connected with your management, and I really feel from our association and work you are now the most competent member to be the permanent chairman of the commission. I therefore tender to you my resignation as chairman of the commission and request that you assume all the duties of the office as permanent chairman."

REMARKS OF WILLIAM O. NICHOLS ON LT. GEN. STEPHEN D. LEE

Welcome. I am Park Supt Bill Nichols. We are gathered here this day to pay homage to two gentlemen who played a prominent role in making Vicksburg National Military Park the beautiful and significant site that it is today. In this park's 100 year history, there have been only twelve persons who served as its superintendent. These two gentlemen we honor today were this park's first superintendents (although they didn't have that title, that is in fact what they were). I personally have a feeling of great empathy for these two men: for the responsibilities they bore, for the actions they took, the examples they set for the 10 superintendents who followed them . . . . For what they did during the critical formative years to mold this park into the great memorial it is today.

We are here at the monument to General Stephen D. Lee. Stephen Dill Lee was a graduate of the United States Military Academy at West Point who served his nation faithfully until the outbreak of the Civil War. With the secession of his native South served the confederacy with his customary skill, rising to become the youngest lieutenant general in the Confederate Service. Following the war, he worked tirelessly to unite the people of the Nation, to rebuild the South, and to care for Confederate veterans. His was a life of service to others, but perhaps his most lasting contribution was the establishment and development of this park.

The support of Confederate veterans was essential to secure passage of legislation to establish a park at Vicksburg. After all, the loss of Vicksburg was a stunning defeat to the Confederacy. Supporters of the park idea found the ally they needed in the person of General Lee who was highly respected throughout the State and the Nation. In October of 1895 when Union and Confederate veterans banded together to form the Vicksburg National Military Park Association, it was Stephen D. Lee who was the unanimous selection to be its president. He was the instrumental person in this movement which was culminated on February 21st, 1899, when the legislation was signed into law by President William McKinley establishing the park. General Lee was appointed to be the Confederate representative on the three-man commission established to run the park.

And Lee was immediately elected as chairman, thus becoming the park's first superintendent. Although General Lee remained in Columbus, he supported the Resident Commissioner William Rigby and thus his influence remains every where to see.

In November 1901, the pressures of time became too much for him and he resigned his chairmanship—but he continued on the park commission until his death in 1908. His last act of life was to attend a reunion of union veterans, the very troops who penetrated Lee's lines here at Vicksburg at the Railroad Redoubt. In the Spirit of national unity he praised his former enemies for their bravery and their devotion to duty . . . four days later he died here in Vicksburg and was laid in state in the park office where men in Blue and Gray again gathered to mourn the loss of a great American.

We have with us today descendants of General Lee—whom I would like to recognize. They are: great-grandson Hamilton Lee. He has with him his daughter, Avery. Next, another great grandson, Terry Batcheldor and his wife Ginny. Next, there is a great-great-grandson Stephen Lee. And last but certainly not least, great-great-great-grandson David Langstaff, who is accompanied by his three children, Meridith, Chris and Todd.

We are delighted that these members of the Stephen D. Lee family are with us today to participate in this ceremony to remember their ancestor who made such a significant contribution to the development of this national park.●

TOBACCO SETTLEMENT FUNDS

● Mr. LEVIN. Mr. President, today I rise to speak to S. 346, legislation introduced by Senators BOB GRAHAM (D-Florida) and KAY BAILEY HUTCHINSON (R-Texas), which provides that the federal money obtained by the states in the tobacco settlements remains in the hands of the states.

Let me briefly review the history of why we are here today discussing tobacco recoupment. On November 23, 1998, 46 states, including my own state of Michigan, reached a $206 billion settlement with the major tobacco manufacturers. Michigan's share of the settlement is approximately $8.2 billion ($300 million per year over 25 years). States that entered into the settlement have begun to plan for the allocation of funds received under those agreements.

This settlement was the result of a great undertaking by the states. Over the last decade, state governments initiated lawsuits against the tobacco industry, asserting a variety of claims, including the violation of consumer fraud and other state consumer protection laws. Several state lawsuits did not include any claims for reimbursement of tobacco related health costs paid under the Medicaid program. Some states, such as Michigan, included Medicaid recovery as a part of its claim.

The Department of HHS claims a portion of the settlement represented by reimbursement of Medicaid costs it funded. However, because there were multiple bases for the state claims against the tobacco companies and because it would be difficult to accurately assess which portion of the states' settlement funds represents Medicaid reimbursement. I will support an amendment to this bill which will keep in the states any so called "federal share" funds if spent by the states on a variety of health and education related activities.

It is with the preceding in mind that I have joined on as a co-sponsor of S. 346. I urge the passage of S. 346, with an amendment along the lines described. This will hopefully expedite the process of these funds being used in a responsible and healthy manner.●

TRIBUTE TO WILBUR MACDONALD NORRIS, JR.

● Mr. McCONNELL. Mr. President, I rise today to recognize the accomplishments of a dynamic Kentucky judge-executive and dedicated teacher, Wilbur MacDonald Norris, Jr.

Wilbur "Buzz" Norris served the State of Kentucky for 39 years, first as a teacher of government and politics for 30 years at Daviess County High School, and then for 9 years as Daviess County's judge-executive, the county's highest ranking elected official. Buzz also served his country with service in the United States Army for two years.

Buzz is truly a product of Kentucky. He completed his undergraduate degree at Kentucky Wesleyan College, and received a master's degree from Western Kentucky University. Buzz's deep-rooted background in Kentucky certainly served him well in his years of commendable service to our great state.

Buzz's career in Daviess County politics was marked by his willingness to fight for what was best for the county. He was heralded for his ability to work with county officials of both parties, and was effective numerous times in bringing the sometimes opposing sides together in a compromise that pleased almost everyone and was always of benefit to Daviess County.

Buzz was praised for bringing hundreds of jobs to the county with the creation of MidAmerica Airpark and bringing Scott Paper, now Kimberly-Clark, to Daviess County. It is widely speculated that, without these two companies' presence in Daviess County and Buzz's essential role in bringing them to the Owensboro, the county's economy would never have reached its current level of growth.

The legacy Buzz has left in Kentucky county politics also includes his efforts to build and maintain a much-needed landfill in Daviess County. The completion of the landfill will save the county countless dollars in fees in the future, and leaves yet another lasting impact from Buzz's priceless leadership.

Aside from Buzz's successful career holding county office, some of his proudest accomplishments come from his 30 admirable years as a teacher. Buzz taught high school politics and government classes at Daviess County High School and served the county by teaching a “Problems in Government” class for the Daviess community. Students in the class followed Buzz' example and plunged into the politics of local concerns, impacting decisions about topics such as highways and downtown revitalization.

Buzz Norris left his mark on Daviess County, and I have no doubt he will continue to contribute his time, effort and energy to the community for many years to come. I thank Buzz for his service to Kentucky, and I am confident my colleagues join me in my commendation of his work.•

AIRLINE PASSENGER FAIRNESS ACT OF 1999

• Mr. FEINGOLD. Mr. President, I rise today to voice my strong support for the Airline Passenger Fairness Act. I commend Senators WYDEN and MCCAIN for bringing this crucial consumer issue before the Senate in a bipartisan manner. I am proud to be a co-sponsor of this bill.

Mr. President, I'm sure that each and every one of us in this body has experienced his or her fair share of frustration with air travel. Whether it's late flights, bad meals, long lines, or lost luggage, we've all gotten the short end of the stick at one point or another.

When it comes to air travel, we are all consumers. And this bill assures the protection of consumer interests. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their air travel plans. Given the recent spate of airlines' customer relations debacles, I hope this bill will also encourage some of them to treat their customers with more respect.

Mr. President, financial statements and the stock market don't lie. Most airlines have been experiencing years of exploding growth and record profits. Unfortunately, some employees and consumers have not shared in the boom. While this bill doesn't address all consumer concerns, it does move us forward in a constructive manner.

Mr. President, it's probably about time air travelers' interests received our attention. According to the Department of Transportation, consumer complaints about air travel shot up by more than 25 percent last year. Those complaints run the gamut from ephemeral ticket pricing; being sold a ticket on already oversold flights; lost luggage; and flight delays, changes, and cancellations. This bill addresses these issues and more.

Perhaps of more importance, this bill does so without forcing airlines to compile information that they don't already keep. The bill simply allows air travelers the right to that basic information and the ability to make informed decisions.

Mr. President, I am fortunate to represent and be a customer of the nation's premier airline when it comes to customer satisfaction. For years, Midwest Express Airlines has enjoyed some of the highest airline customer satisfaction ratings in the country. For those of my colleagues who haven't had the pleasure to ride on Midwest Express, I, and I'm sure I speak for the senior Senator from Wisconsin, encourage you to do so.

Mr. President, Midwest Express maintains those superlative ratings because it already incorporates some of the provisions spelled out in this bill. Midwest Express already tries to notify its travelers if it anticipates a flight delay, flight change, or flight cancellation. The airline already attempts to make information on oversold flights available to its customers. Midwest Express already makes efforts to allow its customers access to frequent flyer program information.

These are some of the reasons the airline has been awarded the Consumer Reports Travel Letter Best Airline Award every year from 1992 to 1998; Zagat Airline Survey's #1 Domestic Airline award in 1994 and 1996; Travel & Leisure's World's Best Awards for Best Domestic Airline in 1997 and 1998; and Conde Nast Traveler's Business Travel Awards for Best U.S. Airline in 1998, among many awards.

Mr. President, other airlines should see this bill as a challenge to meet the lofty standards set by airlines like Midwest Express.

Mr. President, air travel is on the rise, but so are air travel complaints. This bill responds to the complaints by giving our constituents access to the information they need to make wise choices in air travel. Airlines truly concerned about their customers should already be making these efforts. As I noted, one Wisconsin-based airline is already making the effort. I urge my colleagues to join in this effort.•

EXXON VALDEZ OILSPILL

• Mr. GORTON. Mr. President, this month is the 10th anniversary of the infamous Exxon Valdez oilspill. On March 24, 1989, one of Exxon's largest tankers, under the command of a captain who had been drinking and had abandoned the bridge, struck Bligh Reef and spilled 11 million gallons of North Slope crude oil into the pristine waters of Prince William Sound.

The Exxon Valdez oilspill remains the largest man-made environmental disaster in American history. The oil spread almost 600 miles, harming wildlife, closing fisheries, and damaging the subsistence way of life of Alaska Natives living in the region. To its credit, Exxon spent as much as $2–3 billion trying to rectify the effects of the spill, but much damage remains.

The spill brought home to all of us in the Pacific Northwest a deeper appreciation for the importance of preventing oilspills. Clean water, a vibrant fishery, and abundant wildlife are all parts of our Northwest way of life, and they are all at risk to oilspills.

In Commerce Committee hearings shortly after the spill, I told the Exxon CEO that a Japanese CEO would have been expected to resign after such a calamity. I said this not to be unkind, but because of my strongly-held view that oilspills caused by a company's reckless conduct cannot be tolerated.

It is now 10 years later, and Exxon is ready to move on. It has announced its intention to merge with Mobil, creating the largest corporation in the world, with annual revenues of over $180 billion.

The federal government is in the process of reviewing this proposed merger. I object to the merger of Exxon and Mobil unless Exxon first resolves some important unfinished business resulting from the 1989 spill. That unfinished business is the litigation brought by the tens of thousands of fishermen, small business owners, and Alaska Natives who were harmed by the spill.

About 6,500 of these people live in Washington State. They, too, would like to move on with their lives, but they can't. They have been waiting ten years since the spill, and almost five years since a federal jury determined that Exxon should pay them over $5 billion.

They will be waiting a lot longer if Exxon has its way. Every year of delay is worth about $400 million to Exxon, the difference between the 6 percent interest rate on the $5 billion judgment and Exxon's own rate of return of about 14 percent on the same $5 billion. If this case drags on long enough, Exxon will be able to pay most of the jury verdict out of money that it made solely because of the delay in paying the judgment.

Exxon has appealed the jury verdict, raising a number of issues. This is to be expected in a case involving this much money. But while this case crawls through our court system, the victims are left waiting for closure to a horrible event that changed their lives forever, and they are waiting for a sense that justice has been done. We need to find a way to meet these perfectly understandable human needs. Exxon has the power and resources to make that happen.

We need to send the strongest possible message to Exxon and other oil companies: you use our waterways to transport your product, and you know the consequences if your product spills, so it is your duty to take every precaution. If you act recklessly, you will pay dearly.

That message is fading after 10 years, and will be largely lost after a merger of these proportions. Now, before the merger, we have an opportunity to make an indelible impression on what would be the largest corporation on

Earth—that an oilspill like this must never happen again.•

TRIBUTE TO WAYNE PERKEY

• Mr. MCCONNELL. Mr. President, I rise today to commend Wayne Perkey for 30 years of dedicated service to WHAS-AM radio and his listeners in Louisville, Kentucky.

Wayne's voice has been heard by thousands of listeners over the past 30 years as a constant in the life of morning talk radio. He has made an unforgettable impression on WHAS radio, and has carefully molded the station into what it is today. When Wayne began work at WHAS the station had primarily an all-music format, and Wayne spent years transforming the station from that format into the all-talk format that they have today.

Most stations would not have been able to accomplish that kind of transition without losing a number of listeners, but Wayne's voice on the morning airwaves clenched listener support and WHAS has enjoyed long-lived success. Wayne's positive, up-beat morning program made Wayne an icon in the Louisville market. Certainly he is a mainstay that will be missed.

He presented up-to-the-minute news to hundreds of thousands of Kentuckians for the past 30 years and used his position at WHAS to serve the community. Wayne says that one of the things that drew him to work at WHAS in the first place was the stations' Crusade for Children program. He immediately took an interest in the Crusade, and played an integral role as master of ceremonies for many of his 30 years.

The Crusade is known as the most successful single-station telethon in the United States, raising $70 million for the care and treatment of handicapped children in Kentucky and Southern Indiana since its inception in 1954. Wayne saw how vital this program was to the millions of children who benefit from the Crusade each year, and has committed to emcee the telethon for one last year. His sincere concern for Kentucky's children is admirable, and we commend him for his 30 years of commitment to this cause.

Wayne's leadership on the WHAS morning team produced numerous recognitions for its award-winning broadcasts over the years. Wayne was individually honored by receiving the very first Spirit of Louisville Award at the Mayor's Community Thanksgiving Breakfast in 1994. His professional talent will be remembered and revered, and will certainly follow him through life in whatever endeavors he pursues.

I am confident Wayne Perkey will continue to succeed both professionally and personally and, on behalf of my colleagues, I thank him for his service and commend him on his accomplishments.•

HONORING MORRIS KING UDALL, FORMER U.S. REPRESENTATIVE FROM ARIZONA, AND EXTENDING CONDOLENCES OF CONGRESS ON HIS DEATH

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 15, submitted earlier today by Senators MCCAIN, KENNEDY and others.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

The Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. Mr. President, I rise today to honor Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

An anonymous poet wrote that, "virtue is a man's monument." Undoubtedly, the wise poet had in mind a soul the likes of Morris King Udall, a man of monumental virtue.

Mo Udall was an extraordinary human being who lived an extraordinary life. Of humble beginnings, the son of St. Johns, Arizona rose to become one of the most influential and beloved legislators in the history of our Republic.

We are thankful for the gift of his company. We remember his brave journey. And we celebrate a remarkable life well-lived.

For over 30 years, Mo Udall graced our national and political life with his sweet humility, gentle kindness and legendary wit. A man of keen vision and great heart, he exemplified all that is good and decent about public service.

Mo Udall was what we all want our leaders to be. He was a powerful man who cared not about power for its own sake, but saw it as an opportunity—a sacred responsibility to do good as he saw it—to champion noble causes. His many important successes are written in the laws of our nation.

His legacy endures in the halls of the Congress, with men and women whom he humbled and instructed with his example. It endures among Native Americans whose welfare and progress he made his great purpose. And, it endures in the American parks and wildlands he fought to protect with his vision and his guiding ethic of environmental stewardship.

It is fitting that the easternmost point of the United States, in the Virgin Islands, and the westernmost point, in Guam are both named Udall Point. The sun will never set on the legacy of Mo Udall.

Carl Albert, former speaker of the House, said that Mo had written one of the most remarkable legislative records of all time. And he was right.

But Mo Udall will not be remembered simply for his prolific legislative achievements or the landmarks that bear his name. His most extraordinary monument is the virtue with which he lived his life and served his country.

He fought the good fight in a touch arena, while remaining a man of unsurpassed integrity, boundless compassion and unfailing good humor. He knew glorious victories and bitter defeats, serene contentment and profound suffering. Through it all, he remained a humble man of uncommon decency whose example offers a stark contrast to the meanness, pettiness and pride that soil too much of our political culture.

Mo was never known to be moved by flattery, puffed by tribute, or impressed by his own success. He knew that a man is only as great as the cause he serves—a cause that should be greater than himself.

Now did we ever know Mo to be discouraged in defeat. Through injury, illness, disappointment and, from time to time, failure, he was a fighter.

His humble perspective was as wise as it was delightful to observe. He leavened his wisdom with his legendary wit. Mo employed humor not simply to entertain, which he did like no other, but as a subtle and benevolent instrument to calm troubled waters, to instruct the unknowing, to humble the arrogant, and to inspire us all to be better and to do better.

Most often he was the target of his own barbs. He loved to tell the story about his campaign visit to a local barbershop where he announced his run for the presidency, and, as Mo told it, the barber answered. "We know. We were just laughing about that." Most certainly an apocryphal story, but typical of Mo to tell it on himself.

Mo once said, "the best political humor, however sharp or pointed, has a little love behind it. It's the spirit of the humor that counts * * * over the years it has served me when nothing else could." It has served us well too.

While most remembrances of Mo focus on his grace, humor, and environmental leadership, perhaps understated is what he did for Native Americans. When very few cared enough. Mo Udall toiled in an often fruitless and thankless vineyard on Indian issues. Moved by their desperate poverty and duty bound to honor the dignity of the first Americans and the solemn commitments made to them, Mo took up their just cause. He didn't do it for praise or recognition, he did it because it was the right thing to do. That was all the motivation and thanks he needed, and it characterized so aptly the benevolence of his political life.

How proud Mo must be that a new generation of Udalls have entered Congress. May their careers, like Mo's, light the way to more enlightened and civil public discourse.

The Navajo say "May you walk in beauty." All his days, Mo Udall walked in beauty and he shared his beauty generously with us all. He is gone now, and we will miss him.

May we find cheer in the echoes of Mo Udall, the little boy from St. John's who became a giant, touching us one more time with those words we always loved to hear, "I'm reminded of a story * * *."

May each of us—may our country—forever find cheer, instruction and inspiration in his story. A story of monumental virtue. The remarkable story of Morris K. Udall.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, today we celebrate the life of a very special American, Congressman Morris K. Udall. Today, and every day, I think of him for all the wit and wisdom he shared with the world, and for the remarkable commitment he made to public service and the causes he believed in.

Mo inspired us with his integrity, compassion, dedication and humor.

His loss is deeply felt by all who knew him.

I first got to know Mo Udall when I came to the House of Representatives in 1978. He was a leader on issues that are still critical to the national debate, including protecting the environment, promoting honesty and fairness in the financing of campaigns, and making quality health care more accessible. I had the pleasure of working closely with him and sharing his passion on these priorities.

When I was a struggling young Congressman, Mo went the extra mile to lend me his support and his assistance. He was always willing to offer a joke or a piece of advice, and he even traveled to the middle of South Dakota on behalf of this very junior Member of Congress.

I am certainly not the only one who has benefited from the generosity of Morris Udall. In particular, those who shared his struggle with Parkinson's disease owe him a great debt of gratitude for his work on raising the awareness and funding for research on this debilitating illness. Although complications related to Parkinson's ultimately took his life, it is my hope that a speedy discovery of better treatments and, eventually, a cure for Parkinson's will be Mo's legacy to those at risk of developing this deadly disease.

I join my colleagues both to celebrate the life of this remarkable man as well as to express my deepest sympathy to Mo Udall's family, especially his wife, Norma, and his children, MARK, Randolph, Judith, Anne, Bradley and Katherine. They have had the pleasure of knowing him best, and they will certainly feel his loss the most.

There will never be another man with Mo Udall's unique combination of wit and passion. We are all better for having worked with and learned from this wonderful leader. As we honor him today, as we celebrate his life with our words, may we also be challenged to follow in his footsteps as a dedicated servant of the people and honor him with our actions.

I yield the floor.

Mr. CHAFEE. Mr. President, I am honored to cosponsor the resolution honoring Mo Udall, introduced by Senator McCAIN.

Mo Udall was one of those rare figures who defines description. A great statesman, a forceful environmentalist, a civil rights champion, a talented humorist, writer, athlete, and a wonderful family man—he was all those things and more. Mo Udall was larger than life, and will forever live beyond his life with a legacy that is woven into the fabric of our nation.

On protection of our natural resources, Mo was a true pioneer. He fought for environmental causes long before they became popular. His first bills to protect Arizona lands came in his early days as a Representative. He saw a need to protect the land for its intrinsic value, and for its reflection of our own values as a society. He was a visionary.

It took years of his tremendous dedication and his omnipresent wit before his vision took hold, but what a vision it was. One hundred million acres of lands in Alaska are preserved through the Alaska Lands Act of 1980. One million acres of land in Arizona are preserved through the Arizona Wilderness Act of 1984. Against great odds and after several Presidential vetoes, strip-mining laws were reformed in 1977. Nuclear waste management was vastly improved in 1982. Mo Udall was the author of each of these initiatives, which are only the highlights of an illustrious career.

Mo Udall was a pioneer in other ways. He quit his law firm upon joining the House in 1961, not the usual practice in those days. He was one of the first Congressmen to disclose his personal finances, before it was required. He organized introductory sessions for freshman Congressmen, shedding light and humor on the arcane ways of Congress, and fighting to reform some of those ways. He championed the rights of Native Americans, supporting their efforts to protect their lands, families and welfare. His integrity and honesty were untouchable. When he was right on an issue, he was gracious about it, and when he was wrong on an issue, he was honest about it.

Mo Udall's legacy survives in many ways. As a tribute to his 30 years of public service, Congress created the Morris K. Udall Foundation in 1991, which provides scholarships for Native American students, and the mediation of environmental disputes. Mo always attempted to balance the often conflicting desires of conservationists and developers, as he did in writing legislation for the Central Arizona Project. I could not think of a better celebration of his career than the creation of this Foundation.

Just last November, Mo saw a new generation of Udalls take up the torch of civic service. His son MARK and nephew TOM each won a seat in the House. But the torch is carried not only by his relatives. Part of Mo Udall's legacy—the humor, wit, dedication to public service, civility, and honesty—lives within each of us, and the greatest tribute we can make to Mo is affirm that legacy, carry it with us through our careers, and pass it on to the next generation.

Mr. KENNEDY. Mr. President, it's an honor for me to join in this tribute to a wonderful friend and outstanding colleague, Congressman Mo Udall. He served the people of Arizona with extraordinary distinction and he was a dear friend to all of us in the Kennedy family.

Mo came from a remarkable family with a long and respected history in politics and public service. His grandfather led a wagon train of settlers into the territory in the 1880's. His father served as chief justice of New Mexico's State Supreme Court. His brother, Steward Udall, served with President Kennedy in Congress, and my brother respected his ability so much that he appointed him to serve as secretary of Interior in the years of the New Frontier. Today, Mo's son, MARK, and his nephew, TOM, are carrying on the great Udall tradition of public service as newly elected members of the House of Representatives. So the Chambers of Congress ring once again with the respected Udall name.

Mo came to Congress a year before I did, and under similar circumstances. He was elected in 1961 to fill the seat vacated when his brother Stewart became Secretary of the Interior.

Every working man and woman in America owes a debt of gratitude to Mo for his many years of distinguished public service. His brilliant leadership on important environmental issues, campaign financing, and reform of the House of Representatives itself endeared him to all of us who knew him, and to millions who benefited from his extraordinary achievements.

On many issues, he was far ahead of his time, and his courage in tackling difficult challenges in a Congressional career of thirty brilliant years was admired by us all. President Kennedy would have called him a profile in courage, and so do I.

As Chairman of the Interior Committee, Mo was "Mr. Environment" in the Congress, urging the nation to deal more effectively with the increasingly urgent environmental challenges we faced. He worked hard to designate millions of acres of federal lands as wilderness, and to enact landmark legislation to regulate the strip mining industry and manage nuclear waste. Mo was at the forefront of efforts year after year to protect the environment, expand the country's national parks, promote land-use planning and restructure the energy industry. It came as no surprise when the National Wildlife Federation named Mo as its legislator of the year as early as 1973.

Under Mo's leadership, Congress passed the nation's first campaign finance reform legislation in 1971. That landmark disclosure law, which required federal candidates to file detailed public reports of their financing, remains one of the most important aspects of election reform as we know it today.

As a member of the Post Office and Civil Service Committee, Mo led battles to improve pay scales for federal employees, institute a system of merit pay, and reform and strengthen the entire Post Office Department.

Mo's leadership was equally pre-eminent on many other issues. Somehow, for thirty years, whenever you probed to the heart of a major battle, you always found Mo Udall championing the rights of citizens against special interest pressure, defending the highest ideals of America, and always doing it with the special grace and wit that were his trademark and that endeared him to Democrats and Republicans alike.

I think particularly of his influential role in ending the Vietnam war. Mo Udall was one of the first members of Congress in the 1960's to break with the Administration and oppose the war. Because of Mo, we were able to end the war more quickly.

I also think of his early battles to reform the seniority system and to make the Congress more responsive to the people we serve. In carrying forward these efforts today, we continue to follow the paths he blazed so well throughout his remarkable career.

Above all, I think of the extraordinary courage he displayed in his latter years, battling the cruel disease that finally led to his resignation from the Congress, in 1991, thirty years almost to the very day since he arrived in the House. in his final battle, as in so many other battles, Mo won the respect and admiration and affection of us all.

And through it all, Mo charmed friend and foe alike with his extraordinary sense of humor. Mo came from a small town named St. Johns in Arizona, and he loved to tell people that he knew something about small towns. As he said, "I was in fifth grade before I learned the town's name wasn't 'Resume Speed.'"

He was also the master of the self-deprecating joke. He often told the story of his visit to New Hampshire during the presidential primaries in his 1976 campaign. At one stop, his advance woman urged him to shake a few hands in a nearby barber shop. So he stuck his head in the door and said, "I'm Mo Udall, and I'm running for President!" The barber replied, "Yes, I know. We were just laughing about that this morning."

His brilliant wit could ease even the tensest moments and bring people together. When Mo Udall laughed, Congress and the nation laughed with him, and then went on to do the nation's business more effectively.

I have many warm memories of the years that Mo and I served together in Congress. In so many ways, Mo was a Congressman for all seasons. He served the people of Arizona and America long and well. We miss his statesmanship, and we miss his friendship too. We miss you, Mo, and we always will.

Mr. DOMENICI. Mr. President, I would like pay tribute to one of the most widely admired and respected Members of Congress of this half of the century, Morris 'Mo' Udall.

It has been said that Mo Udall represented a time when friendships mattered more than politics. Indeed, he was an honest and straightforward person in a town notoriously short on such people, and he always tried to foster cooperation, especially among representatives from the Western states. We collaborated on many issues over the years, and I considered him a very good friend.

During the 1980's, we served as co-chairman of the Copper Caucus and worked to help address the serious issues facing the American copper industry at the time. Together, we championed the cause of a new dollar coin, which, I'm pleased to say, is scheduled to go into circulation next year. We also worked to craft a sound nuclear waste management policy, and as Chairman of the House Committee on Interior and Insular Affairs, his help was invaluable in designating parks, wilderness, and other recreation areas in New Mexico.

I believe it is this area—land stewardship—where he left his most indelible mark. He cherished the land not only for the natural resources it can provide, but for its recreational and ecological value as well. Under his 14 year leadership, the House Interior Committee became one of the most efficient and effective committees in Congress, sometimes responsible for a quarter of the legislation passed by the House of Representatives. It is true that every person who stops to take a picture at a national park or hikes through a wilderness area owes a debt of gratitude to Mo Udall. His efforts in this area have touched us all.

Perhaps the second greatest legacy Mo Udall leaves behind is his legendary humor. In his 1988 book "Too Funny to be President," he wrote "It's better to have a sense of humor than no sense at all." Mo put this "sense" to good use, often employing it to make a point or defuse a tense situation. His philosophy was that the best political humor always "has a little love behind it," and I can hardly think of a man more loved by his peers than Mo Udall.

Today, a new generation represents the Udall name in Congress. Mo's nephew, TOM UDALL, is the newest member of the New Mexico Delegation, and I look forward to working with him in the same manner as I worked with his uncle. TOM and Mo's son, MARK UDALL, do have big shoes to fill, but they also have an exemplary model to follow, and I trust they will carry on the Udall tradition of unswerving integrity and honor.

Arizona has lost a beloved native son, and New Mexico has lost a good friend and neighbor. His wit, grace and unflagging passion for the West will be missed by all of us who had the privilege to work with him.

Mr. INOUYE. Mr. President, I would like to take this moment to remember an extraordinary and respected individual. I join the multitude of people who noted the passing of Morris K. Udall on December 13, 1998 with much sadness. He will be sorely missed, especially by those of us who had the great privilege of knowing him and benefiting from his goodwill and humanitarianism.

As a distinguished Member of the United States House of Representatives for more than 30 years, Morris K. Udall's leadership, diligent efforts and commitment to his duties have added a measure of integrity to the Congress. History should record that throughout his career, Morris K. Udall was of great intellect and a champion for those who had little voice. He was an eloquent spokesman for the rights of Native Americans, a leader in education and environmental protection, and a true advocate for all Americans who suffer from Parkinson's disease.

The people of Arizona have lost a true son and great friend. We will miss him. I will miss him.

Mr. SPECTER. Mr. President, I have sought recognition today to honor the memory of our distinguished colleague, Morris K. Udall, who tirelessly infused into American politics his eloquent humor, grace, and dignity during his thirty year career in the U.S. House of Representatives. His death from Parkinson's Disease on December 12, 1998, was a great loss for the American people, and I am honored to have served with Mo and to preserve his legacy in our continued efforts to cure Parkinson's Disease.

I must point out that over one million Americans suffer from Parkinson's Disease symptoms, and 60,000 more are diagnosed each year; one every nine minutes. About forty percent of those patients are under age 60, and advanced symptoms leave people unable to complete their working careers. The disease is estimated to cost our nation about $25 billion annually. To help ease this suffering and remove the economic burden of Parkinson's Disease, I was pleased to be an original cosponsor of the Morris K. Udall Parkinson's Research and Education Act, signed into law on November 13, 1997 and sponsored by our distinguished colleagues Senators MCCAIN and WELLSTONE. The Udall bill authorized a comprehensive Parkinson's Disease research and education program within the National Institutes of Health, and improved the coordination of all Parkinson's initiatives across the Department of Health and Human Services.

On a personal note, I agree with the conventional wisdom that Mo had a marvelous sense of humor, as exemplified in his book, "Too Funny to be President." One of my favorite anecdotes originates during his bid for the Democratic nomination for the presidency in 1976. Dutifully campaigning for the New Hampshire primary, he introduced himself to a barber as "Mo Udall, running for President." The man chuckled and proceeded to respond, "I know. We were laughing about that just this morning."

Mo's accomplishments during his distinguished career are innumerable, from his tireless promotion of environmental conservation to his efforts to preserve the rights of our country's most vulnerable populations. I am pleased to join my colleagues in supporting this resolution to honor one of the most civil, respected, and effective legislators of our time, Mr. Morris King Udall, and I extend my sincere condolences to the Udall family for their loss.

Mr. BIDEN. Mr. President, perhaps because of the title of his book, "Too Funny to Be President," a lot of people will remember Morris Udall chiefly for his wit and his humor. And that, in and of itself, is not a bad way to remember Mo Udall. Because all of us need to remember that while what we do, and the issues we deal with, are serious matters, there is neither need nor reason to take ourselves too seriously. Morris Udall excelled in using humor to remind us of that.

But his quick wit and often self-deprecating humor never could mask his deeply-rooted commitment to public service, his love of the land and people of Arizona, and the seriousness with which he took his responsibilities to the Congress, to his state and its people, and to this nation.

Morris Udall was a legislator in the most proud tradition of the term. He understood that legislation is the process by which we recognize a problem or an injustice and, as a nation, undertake to rectify that wrong. He understood that legislation did not mean introducing a bill and putting out a press release; that legislation was not complete simply because we held a hearing to let everyone know that we were aware of the problem; or that simply because a bill was passed and signed into law our responsibilities were ended.

Mo Udall understood that until—at the instigation of the legislation we passed and under our oversight—someone from the United States government actually went out there and corrected the problem, ended the injustice, or righted the wrong, the legislative process was not complete and our job remained undone. And Mo Udall was always willing to stay the course until we had fully met our responsibilities.

He is probably most remembered for his environmental initiatives; for his belief that this land is the most sacred trust bestowed upon the American people—and that blessed as we are by vast natural beauty and resources, we have a moral responsibility to preserve and protect that trust and to make wise use of those resources.

Anyone who has ever seen the natural wonder that is the Arizona landscape understands at once the roots of Mo Udall's love for this land. Clearly he had a vision that generations yet unborn should grow up and enjoy nature's bounty and splendor just as he had. And my granddaughters—and their grandchildren—will have that opportunity in large part because of years of hard work by Mo Udall. They will have the opportunity to enjoy and appreciate America's natural wonders and resources not just in Arizona but across this land. And Morris Udall's family—including a son and a nephew who have followed him here to the Congress, as well as his brother Stewart who proceeded him to the House of Representatives and then moved on to become Secretary of the Interior and was a partner in many of Mo's accomplishments—can point to so much: acres and acres of natural beauty, clean water, and spectacular wildlife, and say, "There, that is part of Morris Udall's legacy."

But there is another aspect to Morris Udall's legacy that I hope will be remembered equally, and that is his understanding of both the role and the limits of politics. He was an enormously talented politician, winning reelection year after year through changing times and shifting constituencies, and building a national following through his work on issues whose scope reached far beyond the boundaries of his congressional district. And he understood that politics is important, because the political process is the way in which a democracy defines its priorities and allocates its resources.

But Morris Udall understood that politics has its limits as well. That whatever our internal debate, partisan politics must end at the water's edge and the nation's borders and that Americans will speak with one voice when it comes to dealing with the world, and ensuring our national interests. He also said that when it came to the people of Arizona, they had not elected Morris Udall to be a Democratic Congressman just as they had not elected Barry Goldwater to be a Republican Senator. They had elected an Arizona congressman and an Arizona senator to look out for their interests and the interests of their state. And whether Carl Hayden or Barry Goldwater or John Rhodes or Dennis DeConcini shared his party label or not, he joined with them to look out for the interests of the people of Arizona here in the Halls of Congress.

And there was somewhere else that Mo Udall believed politics had its limits, and that was off the House floor or the campaign trail, away from the harsh debate, where friendships can develop regardless of partisan political stripe or ideology. He could count among his friends liberals and conservatives, Democrats and Republicans; simply because of his decency, his character, his interest in so many things both within and outside the political arena, and yes, his humor.

And perhaps most of all—at least in terms of his relationships with those of us here in the Congress—because Morris Udall could look beyond all of our differences and see that which I believe all of us have in common: the desire to make life better for our children, our neighbors, our states, and out nation.

That, I hope, will be as much a lasting part of Morris Udall's legacy as the natural wonders that will be there for our grandchildren because Mo Udall recognized a need and saw it's resolution through.

Mr. CAMPBELL. Mr. President, today I join my friend and colleague from Arizona, Senator MCCAIN, as an original cosponsor of his resolution to recognize the life and achievements of a remarkable man, the late Congressman from Arizona, Morris K. "Mo" Udall.

Congressman Udall served with distinction in the House of Representatives from 1961 to 1991. Until the advanced stages of Parkinson's disease forced him into early retirement, Mo was an active and vital member of Congress. I came to know him well during my years in the House when Congressman Udall chaired the House Committee on Interior and Insular Affairs.

Congressman Udall's death this past December marked the end of his courageous battle against Parkinson's disease and of a life-long dedication to public service. His commitment and devotion to the environment, government reform, health care and civil rights advanced these causes and established a legacy that will not soon be forgotten. However, as a former athlete myself, I will forever remember Mo as the 6-foot, 5-inch former professional basketball player, with a heart of gold and wonderful sense of humor.

It is impossible to fully recognize the impact that Congressman Udall's tireless efforts have had on this Congress, the State of Arizona, and our Nation.

Mere words cannot express the respect, gratitude and sense of loss that we feel for this extraordinary man. I can only say, "Thank you, Mo." We will all miss you.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring a distinguished public servant and a highly respected Member of the United States Congress, Morris K. Udall, who died on December 12, 1998.

Mo Udall was elected to the U.S. House of Representatives in a special election held on May 2, 1961, succeeding his brother, Stewart, who had resigned from the House to serve as Secretary of the Interior in the Kennedy Administration. He served the citizens of Arizona and his nation with great distinction until his resignation on May 4, 1991. I was elected to the House of Representatives on November 3, 1970 and am proud to have served in the House with Mo Udall during the 92nd, 93rd and 94th Congresses.

Mr. President, Mo Udall was one of the most productive and creative legislators of his time. He chaired the House Committee on Interior and Insular Affairs from 1977 to 1991 and used this position very effectively to move numerous important environmental measures through the Congress. The National Wildlife Federation named Mo Udall its Legislator of the Year in 1974 and in 1980 Congress passed his Alaska Lands Act, which doubled the size of our national park system and tripled the size of the national wilderness sytem. His accomplishments in this critical area reflect a Westerner's deep love and respect for the land.

Mo Udall's intelligence, sense of humor and civility endeared him to his colleagues and to the citizens of Arizona's District 2 whom he served so well. He was the keynote speaker at the Democratic National Convention in 1980 and was paid a special tribute by the Democratic Party during the 1992 national convention.

When Mo Udall retired in 1991, Washington Post reporter, David Broder, had this to say:

> The legacy he left is imposing and enduring, it ranges from strip mining and Alaska wilderness legislation to the reform of archaic committee and floor procedures that congressional barons had used to conceal their arbitrary power. For a whole generation of congressmen, Udall became a mentor and a model, he was special and precious to many of us.

Mr. President, Mo Udall was special. He provided a positive and unifying force in the U.S. Congress which has been sorely missed. He was a good friend and respected colleague in the public service, and I would like to take this opportunity to pay tribute to him and to extend my deepest and heartfelt sympathies to his family.

Ms. SNOWE. Mr. President, with the passing of Morris K. Udall on December 12, 1998, there is a little less humor, and humanity in the world.

On that day, the nation lost a remarkable man of unyielding warmth and uncompromising ethics—and an individual who increased the stock of public service by adhering to the very highest principles of leadership. Mo Udall exemplified all that is noble about our field of endeavor, and I was honored to serve with him in the House of Representatives. He was a man of stature in every sense in the world, and his legacy still looms large on America's political landscape. I admired him as a colleague and a person.

Mo Udall was truly an American original, a son of the great Southwest who seemed at home wherever he was. He had a natural way with people—maybe because he had a way of making everyone feel important, feel like they had something to contribute. His faith in people was genuine and unwavering, as was his belief in the power of government to be a positive force in the lives of those he served.

I always had a sense that Mo was someone who truly enjoyed what he did, and felt privileged to be doing it. It saddened me deeply when I last saw Mo, in the grips of a cruel and unforgiving disease. But that disease, while it deprived Mo of so much of the life he'd always known, never managed to wrest from him his dignity. And my sadness was tempered by the notion that this was a man who could look back on his life's work and feel that it stood for something. That it had truly made a difference. And I think that all of us in public service would like to be able to say that when all our votes have been cast and our tenure in this great institution has passed into history, in that regard, we should all be as fortunate as Morris K. Udall.

Similarly, we can all take lessons from his extraordinary life. He brought good cheer and laughter to a process that needs humor like an engine needs oil—without it, the wheels of government seize up; political discourse overheats. Indeed, as Mo himself once wrote, "In times of national strife, humor can bring a diverse society closer together * * * In times of national tragedy, disappointment, or defeat, political humor can assuage the nation's grief, sadness or anger, and thus make bearable that which must be borne."

Of course, while Mo never took himself too seriously, he understood full well the gravity of his work. Again, to use Mo's own words, "* * * the business of government is serious business, and in politics, as in any other endeavor, wisecracks are no substitute for substance."

Certainly, there was no lack of substance in Mo Udall's record, as even a cursory review of his accomplishments would reveal. Deeply committed to environmental issues, he worked toward a healthier world for future generations. Determined to erase the divisions among us, he helped champion civil rights. Weary of abuse in our nation's elections, he fought for campaign finance reform. Respectful of the natural beauty with which we've been blessed, he introduced legislation to protect our nation's most precious resources.

And mindful of the solemn responsibility we have to those who first occupied these lands, he was a trusted friend to native Americans. In fact, Mo was chairman of the House Committee on Interior and Insular Affairs when I fought for federal recognition of the Aroostook Band of Micmac Indians in northern Maine—and I will forever appreciate all of his wise guidance, input, and assistance.

Throughout it all, and despite his deeply held beliefs, Mo Udall never viewed "bipartisanship" as a four letter word. He knew that reaching out will always be more effective than digging in. That's not to say Mo Udall wasn't proud to be a Democrat—indeed, he was fiercely proud of his political affiliation—but at the end of the day, he always favored progress over party, civility over shrillness, and solutions over sound bites. He was more interested in fixing problems than scoring political points, and that made him a winner in the eyes of his constituents as well as a hero to all those who see public service as a worthy pursuit.

In closing, let me just say that, for all of Mo's accomplishments, perhaps time will prove this last one to be his greatest. For Mo Udall was living proof that there are good people in politics. At a time when cynicism about government is considered intellectually chic, Mo Udall reminds us all that integrity and hard work never go out of style. If the reputation of an institution is like the balance in a bank account—the sum of its credits and debits—then Mo Udall made more than his share of deposits over his 30 years in Congress. And he never withdrew a dime.

Today, Congress is the richer for it, public service is the richer for it, and the American people are the richer for it.

Mr. LEVIN. Mr. President, I rise to pay tribute to one of the greatest Americans to serve our Nation in this Capitol in this century.

Mo Udall was a man of grace, humor and dignity. In this time in Washington when we have all suffered under the burden of too much partisanship and too much personal vitriol in our political life, it would serve us well to contemplate the life of Mo Udall. This is a man who fought hard for what he believed. This is a man who entered more than his share of bruising political battles and yet used his enormous wit to soften the edges and to civilize the struggle. More often than not, the butt of the humor was Mo Udall, himself. When we who work here in Washington take ourselves too seriously, we might remember Mo's explanation that he was ending his 1976 campaign for the Presidency after six second-place finishes in Democratic primaries “because of illness. The voters got sick of me.” He loved to quote Israeli Prime Minister Golda Meir's warning, “Don't be humble, you're not that great.”

Mo Udall was both humble and great. Mo Udall's sense of humor was so much a part of his legacy that we sometimes forget his towering accomplishments as an environmentalist and reformer. I worked with Mo on one of his signal accomplishments the passage in 1980 of the Alaska Lands Act which more than doubled the size of the national park system and which President Jimmy Carter called “the most important conservation legislation of the century”. Among his many successful efforts to protect our nation's environment was his decade-long battle in the 1970's to pass tough strip mining reclamation legislation. As Chairman of the House Interior Committee he repeatedly led efforts to expand the national park system and to protect the nation's wildlife, rivers, forests and wilderness areas.

Throughout his career, Mo Udall was in the front ranks of those who fought for accountability and reform in public office. He battled for campaign finance reforms, and reforms in the Congress itself, including financial disclosure, reform of the seniority system, and lobby reform. He was among the leaders of the fight in 1971 for the Federal Election Campaign Act, the first substantial revision of campaign financing laws since 1925.

In his 1988 book, “Too Funny To Be President”, Mo Udall revealed that his “guiding light” came from Will Rogers: “We are here for just a spell and then pass on. So get a few laughs and do the best you can. Live your life so that whatever you lose, you are ahead.”

Mr. President, Morris “Mo” Udall is way, way ahead.

Mr. SMITH of Oregon. Mr. President, Morris King Udall is my cousin. But he is more than a kinsman to me. He is a political exemplar and a source of wisdom and humor still. I lament his passing but I rejoice in his legacy.

I was but a boy of 8 years when Morris was elected to Congress from Arizona to replace his brother Stewart. It was 1960 and Stewart Udall became the Interior Secretary for John F. Kennedy. It was then that I realized more fully my maternal heritage to public service. My mother, Jessica Udall Smith, often held up the service of Morris and Stewart Udall as public examples worthy to follow in order to make the world a better place and to lighten the burdens of human kind.

I grew up as best I could in the tall shadows of Udall giants. I choose to follow their path to pubic service. The way is sometimes hard and the storms many. But it is a way made easier by the humor of Morris Udall. He taught me that humor directed at oneself is usually best and often funniest. He wrote to me that the only cure for political ambition is embalming fluid. He told me to use any of his jokes ‘cause he'd “stole ‘em all fair ‘n square.”

I learned from him that the greatest thing about the United States of America is not that any boy or girl can grow up to be President, but that any boy or girl can grow up making fun of the President. I learned all of this from cousin Mo and so, so much more.

May God bless the memory of Morris K. Udall and may we all fondly remember him too.

Mr. FEINGOLD. Mr. President, I join today with my colleagues the Senior Senator from Arizona (Mr. MCCAIN) and the Senior Senator from Massachusetts (Mr. KENNEDY) to pay tribute to Morris K. Udall. While my friends from Arizona and Massachusetts enjoyed direct personal and working relationships with Mo Udall, I never knew him. But, I believe that those members of this body who worked with Mo Udall were infected by his unwavering commitment to his colleagues and share Udall's desire to work in a bipartisan fashion. I feel that I am a part of this legacy, and that is why I am joining in paying tribute to Udall's life.

Central parts of Udall's legislative agenda were his commitment to the reform of campaign financing and his commitment to environmental protection. In 1967, Udall wrote in a constituent newsletter about the perilous position in which the drive to raise money places young aspiring legislators. He argued, setting the stage for the reform of the 1970s, that “drastic changes” were “needed to breathe new life into American politics and recapture our political system from the money changers.” I am inspired by Udall's remarks, in my own work on campaign finance reform with the Senior Senator from Arizona (Mr. MCCAIN), especially when I reflect on the fact that these are neither new nor resolved problems.

I also share Mo Udall's great respect for America's public lands. I have been a co-sponsor of the bill to protect the coastal plain of the Arctic National Wildlife refuge for three Congresses, and I have joined in the fight to protect the public lands of Southern Utah. Both of these campaigns date back to unfinished business that Udall began with the Alaska Lands Act and with his commitment to designating and protecting our country's special wild places.

In addition to conveying my own admiration for Mo Udall, I am also here to share the reflections of my own home state. Wisconsinites have a special fondness for Mo Udall for several reasons. Udall, who began his presidential quest as a long shot, a relatively unknown Arizona congressman, turned out to be a serious contender for the presidency. With his special brand of humor, Udall was a reformer who didn't come across as self-important. He outlasted bigger-name contenders and became Jimmy Carter's major rival for the nomination.

As a presidential candidate, Udall was unafraid to describe himself as part of a political tradition near and dear to the heart of the Badger State—progressivism. “Liberal,” Udall said, was just a buzzword. He didn't mind answering to it but by his standards he felt that he should more accurately be described as a “progressive,” in the tradition of Wisconsin's Fighting Bob LaFollette and in line with the presidencies of Woodrow Wilson, Franklin Roosevelt and John Kennedy. During the 1976 campaign, a commitment to progressivism nearly handed him Wisconsin's nod. Udall's biggest disappointment was in Wisconsin, where two networks declared him the winner and the April 7, 1976 Milwaukee Journal Sentinel's front page declared: “Carter Upset by Udall.” After going to bed as the winner of Wisconsin, Udall woke up as the runner-up when Carter pulled it out by less than 1% of the vote. Those premature reports turned out to be as close to victory as Udall got in the Democratic primaries that year.

It is my understanding that following his unsuccessful campaign for President, Udall framed that Milwaukee Journal Sentinel cover and it remained hanging on the wall within arm's length of his desk in his Capitol Hill office.

Second, Wisconsinites truly appreciated an accomplished national legislator who could laugh at himself. That's a rarity in politics. It's also why Udall is being remembered with such respect and affection from both sides of the political aisle. It is my understanding that Udall always had a one-liner. When Udall wrote a book about his ’76 campaign, he called it “Too Funny to Be President.” A few of Washington's more somber commentators had suggested in ’76 that Udall was too witty to be taken seriously. Udall disagreed: “I've had a lot of letters about it. People found it a very appealing characteristic. They don't like pomposity. I took problems seriously—but not myself. The humor was directed at me, at other politicians, at the political process. I thought it was a big asset. It showed some stability and sensitivity.”

That book describes a 1976 campaign discussion in Wisconsin that Udall had with a 70-year old farmer in the northern part of my state. According to

Udall, the farmer asked: "Where are you from son?" "Washington, DC," Udall replied. "You've got some pretty smart fellas back there ain't ya?," said the farmer. "Yes sir, I guess we do." "Got some that ain't so smart too, ain't ya?," the farmer continued." "Well," Udall replied, "I guess that's true too." "Hard to tell the difference, ain't it," the farmer concluded with a laugh. Having traveled to every one of Wisconsin's 72 counties every year as part of my commitment to hold an annual town meeting, I share Udall's delight in this anecdote and his characterization of this truly Wisconsin exchange "In a democracy, you see," Udall said, "the people always have the last laugh."

Udall will be long remembered for his character and fundamental decency. Without him, we must all strive to put issues before party and to complete the people's business. On behalf of myself and the citizens of my state, I wish to convey our greatest sympathy to Mo Udall's family. We are a greater country for his service. I yield the floor.

Mrs. BOXER. Mr. President, this Nation lost one of its great leaders when Morris K. Udall passed away on December 12, 1998. I was lucky enough to serve with Mo for ten years in the House of Representatives. He was an inspiration to me when I first came to Congress, an able representative of the people of Arizona, and an accomplished leader for our nation.

Mo Udall served the people of the Second District of Arizona for 30 years. I want to thank the citizens of Arizona's Second District for blessing our entire nation with a Congressman whose dedication and service represented the voices of millions of Americans throughout our nation. I want to thank them for electing Mo Udall in 1961, and for continuing to do so in each of the 15 elections that followed. The Second District of Arizona shared with the entire nation a leader who truly improved our cultural and natural heritage.

Mo Udall was a visionary. He came to Congress in 1961 and put that vision into action. As Chairman of the House Interior and Insular Affairs Committee from 1977 to 1991, Mo was responsible for some of our most progressive environmental accomplishments—designating millions of acres of federal lands as wilderness, banning development on millions of acres in Alaska, and reforming strip mining and nuclear waste management.

His conservation ethic is what I, and so many others, respected about him most. But there was more to him than that. He was widely regarded for his sharp wit and keen intellect. For so many reasons, he was respected by his Congressional colleagues, as well as the press and the public.

When Mo retired from Congress, David Broder wrote, "The legacy he left is imposing and enduring. It ranges from strip mining and Alaskan wilderness legislation to the reform of archaic committee and floor procedures that congressional barons had used to conceal their arbitrary power. For a whole generation of congressmen, Udall became a mentor and a model—and they will miss him as much as the press galleries do."

Just last week, I joined Congressman GEORGE MILLER in introducing a piece of legislation that I hope would make Mo Udall proud. It is up to those of us still in Congress to carry on his legacy of environmental responsibility. Lucky for us, there are two new Udalls in town. Mo's son, MARK UDALL, was just elected to Congress from Colorado, and his nephew, TOM UDALL, was elected to Congress from New Mexico. I look forward to working with them both. With their help, maybe we will be able to sustain the Udall environmental vision.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 15) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. CON. RES. 15

Whereas Morris King Udall served his Nation and his State of Arizona with honor and distinction in his 30 years as a Member of the United States House of Representatives;

Whereas Morris King Udall became an internationally recognized leader in the field of conservation, personally sponsoring legislation that more than doubled the National Park and National Wildlife Refuge systems, and added thousands of acres to America's National Wilderness Preservation System;

Whereas Morris King Udall was also instrumental in reorganizing the United States Postal Service, in helping enact legislation to restore lands left in the wake of surface mining, enhancing and protecting the civil service, and fighting long and consistently to safeguard the rights and legacies of Native Americans;

Whereas in his lifetime, Morris King Udall became known as a model Member of Congress and was among the most effective and admired legislators of his generation;

Whereas this very decent and good man from Arizona also left us with one of the most precious gifts of all — a special brand of wonderful and endearing humor that was distinctly his;

Whereas Morris King Udall set a standard for all facing adversity as he struggled against the onslaught of Parkinson's disease with the same optimism and humor that were the hallmarks of his life; and

Whereas Morris King Udall in so many ways will continue to stand as a symbol of all that is best about public service, for all that is civil in political discourse, for all that is kind and gentle, and will remain an inspiration to others: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Morris King Udall on December 12, 1998, and extends condolences to the Udall family, and especially to his wife Norma;

(2) expresses its profound gratitude to the Honorable Morris King Udall and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Morris K. Udall's commitment to and example of bipartisanship and collegial interaction in the legislative process.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the family of the Honorable Morris King Udall.

EXPRESSING APPRECIATION TO BARRY WOLK ON HIS RETIREMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 58, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 58) relating to the retirement of Barry J. Wolk.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, on March 25, 1999, Barry Wolk, who has faithfully served the United States Senate for nearly 24 years, will retire. Barry began his career in September 1975 as Technical Advisor to the Secretary of the Senate. In January of 1983, he was appointed Director of Printing Services, and in November 1996, Barry assumed the responsibilities of Director of the newly created Office of Printing and Document Services.

Since 1996, the Office of Printing and Document Services has served as liaison to the Government Printing Office, managing all of the Senate's official printing. The office assists the Senate by coordinating the preparation, scheduling, and delivery of Senate legislation, hearing transcripts, committee prints and other documents to be printed by GPO. In addition, the office assigns publication numbers to each of these documents; orders all blank paper, envelopes and letterheads for the Senate; and prepares page counts of all Senate hearing transcripts in order to compensate commercial reporting companies for the preparation of hearings. The Office of Printing and Document Services is also responsible for providing copies of legislation and public laws to the Senate and general public.

I commend Barry Wolk for his dedicated service to this institution and wish him many years of health and happiness in his retirement.

Mr. DASCHLE. Mr. President, I am pleased today to recognize Barry Wolk, Director of Printing and Document Services, as he concludes over 23 years of service to the United States Senate. I know I speak for all of my colleagues, their staffs and others in the Senate community in acknowledging his excellent service. The Senate is well served by staff such as Mr. Wolk—people who are dedicated to the Senate and serve without partisanship year after year in carrying out critical administrative functions without which any institution could not carry out its mission.

Mr. Wolk has spent his Senate career serving in the Office of the Secretary of the Senate. He has carried out the Secretary's statutory responsibilities to ensure that Senate committee hearings are printed and has supplied Senators' offices and committees with stationery and other necessary items. He also assisted the Secretary in reducing the cost of these services through automation.

The Senate is fortunate to have so many long-term and dedicated employees like Barry Wolk. As Barry leaves the Senate and enters a new phase of his life, I join my colleagues in wishing him and his family well.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 58

Whereas, Barry J. Wolk will retire from service to the United States Senate after twenty-four years as a member of the staff of the Secretary of the Senate;

Whereas, his hard work and dedication resulted in his appointment to the position of Director of Printing and Document Services on November 16, 1996;

Whereas, as Director of Printing and Document Services, he has executed the important duties and responsibilities of his office with efficiency and constancy;

Whereas, Barry Wolk has demonstrated loyal devotion to the United States Senate as an institution. Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Barry J. Wolk for his years of faithful service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Barry J. Wolk.

ORDERS FOR FRIDAY, MARCH 5, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, March 5. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then resume consideration of S. 280, the Education Flexibility Partnership Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will reconvene on Friday at 9:30 a.m. and resume consideration of S. 280, the Ed-Flex bill. Amendments are expected to be offered and debated during Friday's session. Therefore, Members should expect at least one rollcall vote prior to noon. The leader would like to remind Members that a cloture motion was filed this evening to the Jeffords substitute amendment, and that vote will occur at 5 p.m. on Monday, March 8. Also, under rule XXII, all Senators have until 1 p.m. on Friday in order to file timely first-degree amendments to the substitute.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me thank you and members of the floor staff for your patience. I appreciate very much your indulgence of my need to come to the floor. I want to talk briefly about a very important development today.

TRIBUTE TO JUSTICE HARRY BLACKMUN

Mr. DASCHLE. Mr. President, for 24 years Justice Harry Blackmun gave voice on the highest court in this land to ordinary Americans. He gave voice—in his own words—to "the little guy." Early this morning, that voice was silenced. Harry Blackmun died at the age of 90.

He was an extraordinary man and a quintessential American. His tenure on the Court of Appeals and the Supreme Court extended through the terms of nine Presidents.

Years ago, Justice Blackmun predicted the first thing obituary writers would say of him today is that he was the man who wrote Roe v. Wade, and that clearly was the best known and most controversial decision in Justice Blackmun's career. But Harry Blackmun stood for much more than that. He was regarded by many as the Justice most insistent that the Court confront the reality of the problems it considered and the real-world consequences of those decisions.

In a dissenting opinion, he once challenged what he called "the comfortable perspective" from which his fellow Justices ruled that a $40 fee did not limit a poor woman's right to choose. The reason he saw that matter differently from his fellow Justices was due—at least in part—to the fact that Harry Blackmun had been raised differently.

He was born in Nashville in 1908 but grew up in St. Paul, MN. His father owned a hardware store and a grocery store. His family did not have a lot of money. When Harry Blackmun was 17 years old, he was chosen by the Harvard Club of Minnesota to receive a scholarship. At Harvard, he majored in mathematics. To cover living expenses, he worked as a janitor and a milkman, painted handball courts, and graded math papers.

He considered seriously going to medical school but chose Harvard instead. He worked that same string of odd jobs to pay for his room and board all the way through law school. After law school, he spent 16 years in private law practice in St. Paul.

In 1950, Harry Blackmun became the first resident counsel at the world-renowned Mayo Clinic in Rochester, MN. He later called this "the happiest decade" in his life, because it gave him "a foot in both camps—law and medicine."

A lifelong Republican, Justice Blackmun was nominated in November of 1959 by President Eisenhower to the U.S. Court of Appeals' Eighth Circuit. At the time, he was labeled a conservative.

In April of 1970, he was nominated by President Nixon to the Supreme Court. He had been recommended to President Nixon by a man with whom he had been friends since they attended kindergarten together: Chief Justice Warren Burger. Justice Blackmun was, in fact, the third choice to fill the seat vacated by Abe Fortas. Typical of his self-effacing wit, he often referred to himself as "Old No. 3."

When the FBI conducted its prenomination investigation of Harry Blackmun, they turned up only one complaint: He works too hard.

In his early days on the Court, Justice Blackmun tended to vote with his old friend, the Chief Justice. In fact, their records were so similar they were called by some "the Minnesota Twins."

As he began his second decade on the Court, Justice Blackmun found his own voice. He began to use that voice more frequently and more forcefully to speak for those he thought too often went unnoticed by the Court. He emerged as one of the Court's most courageous champions of individual liberty. His overriding concern was balancing and protecting the rights of individuals against the authority of the government.

He was a staunch defender of free speech and what he called "the most valued" of all rights: the right to be left alone.

He was criticized by some and praised by others for what many people perceived as a change in his political beliefs. He always insisted to friends that he had not moved to the left; rather the Court had moved to the right. "I've been called liberal and conservative; labels are deceiving. I call them as I see them," he said.

Roe v. Wade combined Justice Blackmun's two most enduring interests: the right to privacy, and the relationship between medical and legal issues. For weeks before writing the majority opinion, he immersed himself in historical and medical research at the Mayo Clinic.

Over the years, he would receive 60,000 pieces of hate mail as a result of his decision. He read every one of them. Once when he was asked why, he replied, simply, "I want to know what the people who wrote are thinking."

He understood why Roe v. Wade produced such strong passions in people—because it had elicited strong feelings in him.

In 1983, he gave a long interview to a reporter—something that remains nearly unprecedented for a Supreme Court Justice. In that interview, he recalled what it was like to write the opinion in that landmark case.

> I believe everything I said in the second paragraph of that opinion, where I agonized, initially not only for myself, but for the Court.
>
> Parenthetically, in doing so publicly, I disobeyed one suggestion Hugo Black made to me when I first came here. He said, "Harry, never display agony in public, in an opinion. Never display agony. Never say 'This is an agonizing, difficult decision.' Always write it as though it's clear as crystal."

Justice Blackmun wrote an agonized opinion because for him—and, he understood, for most people—abortion is an agonizing decision. It was then, and it remains so today.

I, for one, am grateful to Justice Blackmun that he did not try to minimize the difficulty of that decision. To do so would have been disrespectful, I believe, to the vast majority of Americans who are truly torn, intellectually and emotionally, by the question of abortion.

In 1994, when Justice Blackmun announced his retirement, he told President Clinton, "I'm indebted to the Nation . . . for putting up with the likes of me."

Today, as we bid farewell to Harry Blackmun, it is we who are indebted to him. He was the champion of liberty, and "we are not likely to see the likes of him" for a long time.

Our thoughts and prayers are with Justice Blackmun's friends and family, especially his wife and partner of 58 years, Dottie, and their three daughters, Nancy, Sally and Susan. Our Nation will miss Harry Blackmun.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Friday, March 5, 1999.

Thereupon, the Senate, at 7:10 p.m., adjourned until Friday, March 5, 1999, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE NONDISCRIMINATION IN EMPLOYMENT BENEFITS ACT OF 1999

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. PETRI. Mr. Speaker, today I am introducing the Nondiscrimination in Employee Benefits Act of 1999. This legislation will require that employers offering benefits to associates of their employees who are not spouses or dependents of those employees not discriminate on the basis of the nature of the relationship between the employee and the designated associates.

For many years health and other benefits provided by employers were available only to the employee and his or her spouse and children. Today, more and more employers are permitting unmarried employees to designate someone else for similar coverage, but only if the employee and the other person declare that they are in a homosexual relationship. This is done in the name of nondiscrimination and homosexual rights. However, in too many cases these policies themselves discriminate, even against some family members. In one case involving constituents of mine, the employee has her mother living with her. Her employer-provided health insurance will not allow coverage of her mother; however if they were unrelated and declared that the relationship was romantic in nature, her company's policy would allow coverage. This is clearly unfair. Why should we, in this manner, set homosexual relationships above all other relationships between unmarried individuals? Mr. Speaker, my bill simply requires that if a company allows an employee to choose someone to receive such benefits, the choice must be open to all equally. I ask that a copy of the bill be included in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Nondiscrimination in Employee Benefits Act of 1999".

SEC. 2 NONDISCRIMINATION IN EMPLOYEE BENEFITS.

Section 510 of the Employee Retirement Income Security Act of 1974 is amended by inserting before the last sentence the following: "In a case in which an employer elects to offer benefits to associates of its employees who are not spouses or dependents of the employees, the employer shall offer such benefits on a nondiscriminatory basis without regard to the nature of the relationship between the employee and the designated associate.".

BOLTZ JUNIOR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Boltz Junior High School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of Boltz, particularly Jennifer Gammon, Tony Garcia, Kirstan Morris, and Ali Shore, as well as all the students, parents, and individuals who contributed to their special benefit auction. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado for 3 years running. That the school raised $1,200 for the benefit of two local families is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the childrens' example during the holidays be a beacon to us all throughout the year.

IN HONOR OF CHRISTINA ROZSAKIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Christina Rozakis a National Young Leaders Conference participant and a student at Lakewood High School in Lakewood, OH.

Christina has been selected to attend the National Young Leaders Conference in Washington, DC, this week. She is among 350 outstanding national scholars from across the country who are participating in a unique leadership development program. Since the theme of the conference is The Leaders of Tomorrow Meeting the Leaders of Today, Christina is taking advantage of the opportunity to interact with key leaders and news makers from the three branches of government, the media and the diplomatic corps.

This week, she is also participating in a number of leadership skill-building activities such as a Model Congress and roll-playing the President, Members of the Cabinet and Members of Congress. The conference activities get young people on the right track to achieving their full leadership potential. I am certain that Christina will not only gain knowledge and experience here, but that she will also leave with a sense of accomplishment and an increased ability to face the challenges of the future.

My fellow colleagues please join me in congratulating Christina for all her accomplishments.

A TRIBUTE TO WILLIAM M. KELSAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FARR of California. Mr. Speaker, I rise today to convey the appreciation of Santa Cruz County for the long and distinguished service rendered by William M. Kelsay. Bill is retiring from the Santa Cruz Supreme Court after 21 years on the bench.

Bill was born in Patterson, California, and graduated from Patterson High School in 1959. He received a Bachelor of Arts in Political Science from University of California, Davis and went on to study law at Hastings College of Law in San Francisco. He was admitted to the California Bar in 1969, and worked in the Office of the District Attorney of Santa Cruz County until his appointment as Judge in the Municipal Court in 1977. Bill's appointment to the Superior Court came in 1985.

The legal community has relied on Bill's acumen and leadership for many years, and owes the current environment of collegiality and coordination to Bill's work to consolidate Santa Cruz municipal and superior courts. Bill's colleague, Judge Robert B. Younts, Jr. said of Bill "He is an astute student of human nature. He is respected by all. He is an absolute gentleman."

Bill has been generous of his time away from the bench in the non-profit sector, serving a term as Chair of the Santa Cruz Community Counseling Center, and as a member of Santa Cruz County Fish and Game Commission. He has expressed an interest in participation on community boards and commissions in the future. Bill is also an astute student of piscine nature, and certainly will reserve time for studying steelhead very closely in their natural habitat.

Judge Kelsay's contributions form a continuing legacy to the legal community of Santa Cruz County. With his great range of interests, I am sure his retirement years will be filled and fulfilling. He has our best wishes for health and happiness into the future.

RECOGNITION OF ARTIST JOHN HOUSER INDUCTED INTO THE INTERNATIONAL ASSOCIATION FOR THE VISUAL ARTS, EL PASO ARTISTS' HALL OF FAME

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. REYES. Mr. Speaker, I am pleased to recognize Mr. John Houser as a recent inductee to the El Paso Artists' Hall of Fame.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Houser was honored this past November in El Paso, Texas. John is an extremely talented artist and has many notable credits.

He is truly outstanding among contemporary artists. His versatility, the thoroughness of his training, and the depth of his artistic sensibility are all part of his amazing talent. Born in Rapid City, South Dakota, to sculptor Ivan Houser, who was First Assistant to Gutzon Borglum in carving Mount Rushmore, we know that part of his talents were inherited. However, John has continually developed his God-given talents to become an accomplished painter and sculptor.

After moving to Oregon, John began sculpting and painting at the age of twelve. John Houser's entire life has been associated with art and sculpture. At age fifteen, he became the youngest active member in the history of the Oregon Society of Artists. He graduated from Lewis and Clark College in Portland, Oregon, with a double major in natural science and art. He continued his formal art education with a graduate Alumni Fellowship to UCLA, where he received the Elizabeth T. Greenshields Award for independent European studies. He studied in Spain and Italy where he learned from the Florentine painter Pietro Annigoni and American sculptor Avard Fairbanks. Upon his return to the U.S., John studied with Classicist painter, R.H. Ives Gammel in Boston and at Harvard University in anatomy.

His career has taken him across Europe and the United States from the eastern seaboard to the west coast. In order to realistically porfray the human condition through his subjects, he has lived and worked alongside diverse groups such as Gullah Blacks of South Carolina, Italian street fakirs, hippies, migrant workers, Gypsies, and Native Americans. John has also traveled extensively in Mexico and the Southwestern U.S., sculpting the Pueblo, Seri, Lacandon, Tarahumara, and Huichol Indians. He has been the subject of several television documentaries and his work has been featured in Southwest Art, American Artist, Texas Monthly, ABC (Spain), Art Talk, Connoisseur, Palette Talk, The Artists' Magazine, Blanco y Negro (Spain), Texas Highways, Siempre!, Presencia de México, and Analysis (Mexico), and many more. His work is in private and public collections all around the world including The U.S. Library of Congress and The University of Texas at El Paso.

John's work has been featured in several national and international exhibitions. These include the National Academy of Western Art Exhibition and Sale in Oklahoma City, the National Sculpture Society, the Royal Danish Havescelscab in Copenhagen, Denmark, the Kermezaar Exhibition in El Paso, and the Western Heritage Show and Sale in Houston, Texas. He has also been featured in an exhibit by the Brand Library and Art Galleries of Glendale, California.

Throughout his career, John has received numerous awards and honors for his artistic endeavors. He is the honorary artist-in-residence for the Radford School in El Paso. In 1984 John won the Martin Luman winter Award from the Salmagundi Club in New York City for the bronze Barranca Overlook. Also in 1984, this bronze also garnered him the Council of American Artist Societies Award from the Grand National Exhibition of the American Artist Professional League in New York City. During 1986 at their 5th Annual Sculpture & Open Photography Exhibition in New York City, the Salmagundi Club further honored John with the Elliot Liskin Award for the sculpture Desert Encounter. In 1987 at their 10th Annual Art Exhibition in New York City, the Salmagundi Club honored John with the Oil Pastel Association Award for Soft Pastel. In 1988, he received the Outstanding Alumni Award from Lewis and Clark College. In 1992, He won Grand National Prize in a photo essay contest with "The Sandimune Years." John won the Purchase Award for "Realism Up Close" in Santa Teresa, New Mexico in 1993.

John Houser is Sculptor and Director for the XII Travelers Memorial of the Southwest, a revitalization project for El Paso, Texas. His ideas for this project will not only enhance the revitalization of downtown El Paso but will give our city a unique identity. The Travelers Memorial of the Southwest celebrates the history and diversity of the region with a series of twelve twice-life-sized bronzes.

I admire John Houser for his talent, dedication, and achievements in the art world. I also am proud to recognize him here today for his remarkable talent and his continued contributions to El Paso.

FULLANA ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Fullana Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort and happiness to families in Colorado. That the school produced so much from their food drive for the benefit of local families through the Salvation Army is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the childrens' example during the holidays be a beacon to us all throughout the year.

IN HONOR OF LISA NAFTZGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Lisa Naftzger, an accomplished poet, National Young Leaders Conference participant, and a student at Shiloh Senior High School in Parma, OH.

Lisa has been selected to attend the National Young Leaders Conference in Washington, DC, this week. She is among 350 outstanding National Scholars from across the country who are participating in a unique leadership development program. Since the theme of the conference is The Leaders of Tomorrow Meeting the Leaders of Today, Lisa is taking advantage of the opportunity to interact with key leaders and news makers from the three branches of government, the media, and the diplomatic corps.

This week she is also participating in a number of leadership skill-building activities such as a Model Congress and role-playing the President, members of the cabinet and Members of Congress. The conference activities get young people on the right track to achieving their full leadership potential. I am certain that Lisa will not only gain knowledge and experience here, but that she will also leave with a sense of accomplishment and an increased ability to face the challenges of the future.

In addition to honoring Lisa for her achievements, I would also like to commend to your attention the following poem that she has written titled "The Unknown Soldier."

THE UNKNOWN SOLDIER

By Lisa Naftzger, Shiloh Jr. High, April 1, 1997

So much strength and courage it certainly takes,
To fight for your country with so much at stake.
And this Unknown Soldier, that's just what he's done,
For my admiration he's certainly won.
So, to represent Shiloh and lay down the wreath,
To honor the soldier who is now at peace,
Would be the greatest honor I've ever known.
I know how much gratitude needs to be shown.
For the Unknown Soldier should certainly be,
Honored from now to eternity.

TRIBUTE TO DENNIS OSMER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FARR of California. Mr. Speaker, I rise today to express both my appreciation and the appreciation of the people of Santa Cruz County for the leadership of Dennis Osmer on the Watsonville City Council. Dennis' term ended at the close of 1998.

Dennis was steeped in the value of community service from the time he first drew breath in 1957. His grandmother Lois served on the Pajaro School Board in Watsonville, CA. His father Frank was Watsonville's police chief for 15 years, and was elected to the city council upon retirement. Dennis fondly remembers how his mother Noreen imbued him with the importance of charity and service to the community.

Dennis attended local schools, graduating from Watsonville High School and attending University of California, Santa Cruz. He married Laurie Lynch in 1977 and they have two children, Brendan and Doreen. Dennis works as program director of Energy Services, a non-profit agency that assists low-income families with weatherization and energy bills.

When Dennis was first elected to the Watsonville City Council in 1987, his principal concern was drug abuse prevention. By addressing the issue in a variety of ways; funding youth programs, law enforcement, and job creation, the problem has been alleviated to some extent, but Dennis' efforts continued. Reelected to serve on the city council, Dennis was then appointed mayor. Dennis also worked on developing a long-range plan for the Pajaro River through cooperation with regional governmental entities. In addition to his duties as mayor, Dennis served as vice president of the Association of Monterey Bay Area Governments. He has also served as the chairman of the City Recycling Committee and as a member of the City Planning Commission.

I know Dennis Osmer to be a generous man with his time and his attention to the needs of the community. I am sure he will continue to make his contribution. I look forward to working with him in the future.

RECOGNITION OF ARTIST JOSÉ CISNEROS INDUCTED INTO THE INTERNATIONAL ASSOCIATION FOR THE VISUAL ARTS EL PASO ARTISTS' HALL OF FAME

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. REYES. Mr. Speaker, I am pleased to recognize my fellow El Pasoan, Mr. José Cisneros, as a recent inductee to the El Paso Artists' Hall of Fame. Mr. Cisneros was honored this past November in El Paso, Texas.

José has lived in El Paso since the 1930's and has led an amazing life. He was born in Villa Ocampo, Durango, Mexico, on April 18, 1910. He grew up during the Mexican revolution, and his family moved often in search of work. With his great will and determination, José taught himself how to read and write. In addition, he also taught himself to paint, draw, and do calligraphy. In 1925, he moved to Ciudad Juarez where he enrolled in the Lydia Patterson Institute in El Paso and began learning English. In 1927, José emigrated to the United States, although he maintained a dual residence while caring for his declining parents. Unfortunately, his family did not encourage his budding artistic talent, calling them monitos, or worthless doodles. However, José persevered and began entering his art into Mexican journals during the 1930's. In 1939, he met Vicenta Madero, who later became his wife. Together, they raised a family or five daughters and one niece. José became a naturalized citizen of the United States in 1948. Amazingly enough, José Cisneros is color-blind and for many years depended on his wife, who passed away in 1994, to mix colors for him. Today, José's daughters mix his colors.

José prides himself in the preservation of the history of the Southwest through his work. The University of Texas System Board of Regents selected him as the 1969 laureate for the Dobie Paisano Fellowship, the first artist to ever receive the award. The Western Writers of America presented him with the Owen Wister Award, named in tribute of the author of the "Virginian", in 1997. In April 1998, he was declared a living legend by Westerners International, the highest honor given by this worldwide organization of people enamored of the American West. During the Spring of 1998, the State of Texas held a reception and dinner in José's honor. He is also a December 1998 recipient of the University of Alcala's medal for his lifetime contribution to the history of Spain in the New World. Among his honors, José cherishes his election to the National Cowboy Hall of Fame and Western Heritage Center and the El Paso Historical Society's Hall of Honor. Other accolades include being knighted by King Juan Carlos I of Spain and induction as a Knight of the Holy Sepulcher. José has also received the Wrangler Award for Best Book Art and the Westerners International Best Book Award for artistic research and detail.

His paintings are in collections all around the world including the Palace of the Governors Museum in Santa Fe, New Mexico, and the Institute of Texan Cultures in San Antonio, Texas. His talents can be seen year round in his "hundred horsemen" which line the walls of the University of Texas-El Paso (UTEP) Library. Former U.S. President George Bush and Texas Governor George W. Bush also have collections of Cisneros's paintings.

José's artwork has been in several juried art competitions including Hidalgo County Historical Museum in Edinburgh, Texas, and the University of the Pacific. His artwork has also appeared in competitions of the Centennial Museum at UTEP and the El Paso Museum of Art.

José's artwork has also appeared in several exhibitions beginning with the El Paso Public Library and the Centro Escolar Benito Juarez in Ciudad Juarez, Chihuahua, Mexico, in 1938. His artwork received widespread recognition from his exhibit at a Western Heritage Association annual meeting in 1968. José also designed the Seal for Texas Western College and modified it when the college changed its name to UTEP. He also designed the logo for the Western Heritage Association.

José has been featured in books and periodicals such as his own "Risers Across the Centuries: Horsemen of the Spanish Borderlands" (Texas Western Press, 1984) and "José Cisneros: An Artist's Journey" by John O. West (Texas Western Press, 1993). His artwork was recently collected in "Borderlands—The Heritage of the Lower Rio Grande through the Art of José Cisneros" by Felix D. Almaraz Jr., Hubert J. Miller, Tom Fort, and Rachel Freyman (Hidalgo County [Texas] Historical Society, 1998).

José is a true El Pasoan and has dedicated his life and talents to preserving the Southwest. In return for the generosity of the El Pasoans who consider his work priceless, he donates many of his works to El Paso schools, churches, and charities.

José Cisneros, believes that history is alive and beautiful, he says that he will continue to do the same thing he has done all his life—paint horses until the day he dies.

For his incredible talents and contributions to El Paso, I recognize and congratulate José Cisneros as a recent inductee of the El Paso Artists' Hall of Fame.

KRUSE ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Kruse Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort, and happiness to 19 needy families in Colorado. That the Kruse Parent Teacher Organization produced so much from their food drive for the benefit of local families through the Salvation Army is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let this example during the holidays be a beacon to us all throughout the year.

AIR QUALITY STANDARDS COALITION LOBBYING FOR POOR AIR QUALITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. KUCINICH. Mr. Speaker, I would like to bring to your attention the following excerpts from an article written by Bill McAllister that appeared in the Washington Post on March 4, 1999. The article, "How Clean Air Bit The Dust," exposes yet another environmental injustice. With more and more sound scientific evidence showing correlations between poor air quality and increased incidence of diseases and environmental degredation it is sad to see that some misguided interests asserts that "it's standard stuff" to fight for the right to pollute our Nation's air. Is it "standard stuff" to increase the incidence of childhood asthma and lung cancer? The article states that some "fretted that their opposition might rile EPA Administrator Carol M. Browner." Now they can worry about riling Congress. Read on.

[From the Washington Post, Mar. 4, 1999]

HOW CLEAN AIR BIT THE DUST

(By Bill McAllister)

What happens when a big business coalition closes the door and plots strategy? Some enviros recently got a copy of notes of a Jan. 21 meeting of the Air Quality Standards Coalition and were appalled by what they saw through a rare window into the world of business lobbyists.

The lobbyists' bravado and scheming had Philip E. Clapp, president of the National Environmental Trust, and John Passacantando, executive director of Ozone Action, so angry they demanded that Thomas R. Kuhn, president of the Edison Electric Institute, which hosted the meeting, repudiate the group.

In the meeting, the lobbyists chortled over their successful strategy of rounding up governors, local officials and congressional

Democrats to oppose a "haze rule" that the Environmental Protection Agency was promoting to cut pollution in national parks.

"We're delighted we're in place with this coalition," said a representative of the Chemical Manufacturers Association, who was also unnamed. "Maybe we need to rename it. How about just drop the word 'standards' and call it 'the Air Quality Coalition.'"

Others fretted that their opposition might rile EPA Administrator Carol M. Browner. "We don't want Browner to own this thing." said one. "The key is keeping it out of Carol Browner's bailiwick," said another.

The meeting's big decision: to plan a retreat to discuss strategy. "We're going to help our friends on the Hill, Bring in key Hill staff to work with us," one remarked.

The lobbyists plotted tapping into corporate foundation that could fund pollution research and complained of their dwindling bank account ("only $60,000") and the work that the Alphine Group, a lobby shop, was doing—at $7,500 a month—finding Democrats to oppose the EPA rules.

Attendees, according to the notes, also included representatives of the American Petroleum Institute, the National Mining Association, General Motors, American Trucking Associations and Daimler Chrysler, among others.

"It's standard stuff" said Paul Bailey, Edison's vice president for environmental affairs, when asked about the notes. "We're surprised it has become a big deal."

An EPA official, speaking on condition he not be named, agreed. "They've been our nemesis for more than a year," the official said, adding the group had used similar tactics to fight a smog rule in 1997. "We wouldn't be surprised at anything the Air Quality Standards Coalition does. It's déja vu all over again."

A SPECIAL THANKS TO RAY BELGARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FARR of California. Mr. Speaker, I rise to convey the appreciation of Santa Cruz County, CA, for the 46 years of public service contributed by Ray Belgard, who retired from the county board of supervisors at the end of 1998.

Ray began his career with the Salinas Police Department where he began to acquire both his investigative skills and his abilities as a staff supervisor. In 1964, Ray was recruited by the Monterey County Office of the District Attorney where he worked with Peter Chang. In 1966, when Peter Chang was elected to the office of District Attorney of Santa Cruz County he persuaded Ray to join him as the county's chief inspector. In their joint effort to scrutinize the budget, Peter and Ray deleted an obscure item that appeared to be continued from the previous administration. The budget subsequently passed without a line for Peter's salary.

In 1982, in response to pleadings for his leadership in the Police Department from his home town Watsonville, Ray took control of the department and brought it to its current status as one of the most efficient and best-run police departments in the county.

In 1989, Ray retired from public life, or so he thought. After a year, Ray successfully ran for county supervisor for the 4th District, the area which included Watsonville. As became well-known to the public works director for the county, Ray was especially sensitive to the need for road repairs, an issue important in his rural district. Ray could also be relied upon to champion the causes of public employees, law enforcement, seniors, children and agriculture.

Ray Belgard's name will always evoke the image of a plain-spoken and direct man, concerned with the efficient delivery of public services. The tributes paid to him by his colleagues and constituents upon his retirement testify to the atmosphere of good feelings that surrounded Ray throughout his long and distinguished career.

TERRY SANFORD COMMEMORATION ACT OF 1999

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. ETHERIDGE. Mr. Speaker, eleven months ago, North Carolina, and the country, lost a truly great American when former United States Senator and North Carolina Governor Terry Sanford died of complications associated with cancer. Terry Sanford lived a life that has served as a shining example of excellence to an entire generation.

Known as North Carolina's "Education Governor," Terry Sanford inspired teachers and students to excel with his unrelenting commitment to public education. It was his many contributions to education that led Harvard University to name him one of the top ten governors of the twentieth century.

As President of Duke University, Terry Sanford challenged a small regional university to dream big and to reach those dreams. And reach them it did. When Terry Sanford left Duke University it had become a world leader in research and higher education in law, medicine, business and the arts. It was his many contributions to creating what is generally regarded as the Harvard of the South that led Duke University to name its Institute for Public Policy after this great American.

Called to serve the public once again, Terry Sanford was elected to the United States Senate in 1986. In his years in the Senate, Terry Sanford distinguished himself as a passionate advocate for public education and the poor.

In addition to his most visible roles as a statesman, politician and University President, Terry Sanford served the people of North Carolina and this country in many ways. He served as a paratrooper in World War II, as an agent with the Federal Bureau of Investigation and as a state senator. Terry Sanford also participated in numerous charities and was one of North Carolina's leading arts patrons. His passion for the arts endured until his death as he spearheaded efforts to bring a word class performing arts facilities to North Carolina. Terry Sanford was also a committed husband to Margaret Rose and father to Terry, Jr., and Betsy.

Terry Sanford inspired me personally. In fact, when I was trying to decide if I should run for Congress, I met with Terry. His words of encouragement helped make up my mind, and they continue to inspire me today.

Last year I, along with every other member of the North Carolina delegation, introduced legislation to honor Terry Sanford by naming the Federal Building in Raleigh, North Carolina after this great man. While this legislation unanimously passed the House was sent to the floor in the Senate, time ran out before it could be considered and passed into law. Yesterday, I reintroduced this important legislation, again with the support of the entire delegation. Naming the Federal Building in Raleigh in honor of Terry Sanford will allow his influence to be felt by a new generation of leaders. This gesture is the least that this Congress should do to honor the contributions of this great American.

LAUREL ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Laurel Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faulty of the school as well as all the students, parents and individuals who contributed to their special penny drive. Their selfless dedication has provided warmth, comfort and happiness to needy families in Colorado. That the school produced $219 in pennies for the Open Door Mission is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the childrens' example during the holidays be a beacon to us all throughout the year.

IN HONOR OF SARA McCLELLAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Sara McClelland, a National Young Leaders Conference participant and a student at Berea High School in Berea, OH.

Sara has been selected to attend the National Young Leaders Conference in Washington, DC, this week. She is among 350 outstanding national scholars from across the country who are participating in a unique leadership development program. Since the theme of the conference is The Leaders of Tomorrow Meeting the Leaders of Today, Sara is taking advantage of the opportunity to interact with key leaders and news makers from the three branches of government, the media and the diplomatic corps.

This week, she is also participating in a number of leadership skill-building activities such as a Model Congress and role-playing the President, Members of the Cabinet, and Members of Congress. The conference activities get young people on the right track to achieving their full leadership potential. I am certain that Sara will not only gain knowledge and experience here, but that she will also leave with a sense of accomplishment and an increased ability to face the challenges of the future.

My fellow colleagues, please join me in congratulating Sara for all her accomplishments.

CONGRATULATING MR. MARC FREED-FINNEGAN, STATE HONOREE IN THE 1999 PRUDENTIAL SPIRIT OF THE COMMUNITY AWARDS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. PAYNE. Mr. Speaker, I would like to congratulate and honor a young New Jersey student from my district who has achieved national recognition for exemplary volunteer service to his community. Mr. Marc Freed-Finnegan of Montclair has just been named one of New Jersey's top honorees in the 1999 Prudential Spirit of the Community Awards program, an annual honor conferred on the most notable student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Marc Freed-Finnegan is being recognized for being one of my state's top two student volunteers for 1999. Mr. Freed-Finnegan created a program at Montclair High School that coordinates a wide variety of activities for children at a nearby homeless shelter in the City of Newark. His program, "Kids for Kids," has more than 100 active student members and hopes to expand to five additional schools this year.

Statistics state that Americans are less involved in their communities today than they have been in the past. Therefore, it is vital that we encourage others to volunteer by celebrating the accomplishments of Mr. Freed-Finnegan. All Americans must realize that we need to work together to ensure the prosperity and growth of our communities. Young volunteers like Mr. Freed-Finnegan are an inspiration to all of us, and are among our leaders in the quest for a brighter future.

The program recognizing Mr. Freed-Finnegan, the Prudential Spirit of the Community Awards, was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995. The purpose of the award is to impress upon all youth volunteers that their contributions are of the highest importance, and to encourage other youths to follow their example.

Mr. Freed-Finnegan should be extremely proud to have been selected from such a large group of participants. I applaud Mr. Freed-Finnegan for his initiative in seeking to make his community a better place to live, and for the positive influence he has had on the lives of others through his work. His actions show that young Americans desire to make an impact in our society and that America's community spirit continues to hold tremendous promise for the 21st Century.

IN HONOR OF SABU SHAKE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FARR of California. Mr. Speaker, I would like to memorialize an exceptional man, Mr. Sabu Shake, who passed away December 5, 1998 at the age of 76.

Sabu Shake was born in Karachi, Pakistan in 1922. After his service during World War II in the Merchant Marine, he immigrated to the United States in 1950. Sabu moved to Monterey in 1954 and began working as a dishwasher on the wharf. In 1958, after learning the necessary cooking skills, Sabu bought a small restaurant on Fisherman's Wharf which grew and prospered as the Old Fisherman's Grotto, greatly due to the spice mixtures he created and his famous clam chowder. Over the years, Sabu's holdings grew and prospered as well, including the Monterey Sport Fishing fleet, Marine Beach Inn and a cattle ranch in Gonzales.

Sabu Shake expressed his creative side through the rose garden which he developed next to the family mansion in Monterey. With his wife Isabella, and his six sons, Benji, Christopher, Sabu Jr., Angelo, David and Tene, the family home was filled with activity. Sabu became a recognizable character on the Wharf. In 1968 Sheriff Jack Davenport, in appreciation for his support, gave Sabu a white cowboy hat which became his trademark. A life-size redwood statute, complete with the cowboy hat, stands as a sentinel beside the door of the Old Seafood Grotto.

Sabu received many commendations from the community including being named Fisherman's Wharf Person of the Year in 1991 by the Fisherman's Wharf Association and being named restaurateur of the Year in 1993 by the Best of the Best.

With his passing we have lost a prominent entrepreneur and a colorful character who added his own special flavor to Fisherman's Wharf and the Monterey area.

IN MEMORY OF JACK McBRIDE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. GILMAN. Mr. Speaker, it is with deep sorrow that I report to our colleagues the passing of an outstanding leader from my 20th Congressional District of New York.

John Strong McBride was a superb, universally revered attorney, an outstanding public official and a genuine friend. His passing earlier this week at the all-too-young age of 64 is a genuine loss to our entire region of southeastern New York.

Jack McBride was a lifelong resident of our region, having been born in Goshen, NY, on August 11, 1935. Following his graduation from Fordham University in 1955, Jack enlisted in the U.S. Marines. After his honorable discharge, he worked as a real estate agent for the New York Central Railroad. Deciding to pursue a career in law, Jack graduated from the New York Law School in 1960, and soon after his graduation and admission to the bar was appointed an Assistant District Attorney of Sullivan County, NY.

John served for one term in the New York State Assembly Representing the 110. A.D., in the mid-1960's having been elected at the age of 29 to a district which consisted of all of Sullivan County and parts of Orange and Ulster Counties. In our state legislature, Jack championed the interests of his district by bringing government closer to the people. Jack was widely hailed at the time as one of the most promising of our young state legislators, but unfortunately his Assembly District was redistricted out of existence after he had the opportunity of serving for only one term. Accordingly, Jack devoted his substantial energies to his law practice and to community service.

During my own career in the New York State Assembly, Jack McBride was of invaluable support and service to me in helping me learn the workings of the State legislature process in Albany. Jack had the ability of making intricate issues and solutions understandable to the average taxpayer, and will always be remembered for his outstanding gift.

Upon his passing earlier this week, one of his legal colleagues noted in the local press that Jack was especially skilled at making complex matters comprehensive to jurors. "He was the personification of everything a lawyer would want to be," stated civil rights lawyer Robert N. Isseks. "He was amazing in his ability to think on his feet, to articulate for his client's cause."

Jack who worked more than 37 years as a trial lawyer, served as past President of the Sullivan County Bar Association, as a member of the Middletown Elks; the Legal Aid Society of Orange County; the Orange Bar Association; the New York State Trial Lawyer's Association; and the American Bar Association. Jack was also an Associate Professor at the Sullivan County Community College.

Mr. Speaker, I invite our colleagues to join with me in offering condolences to Jack McBride's family: To his widow, Peggy Spears McBride; his four children, Donna Marie Vascello of Raleigh-Durham, NC, John Jeffrey McBride of Las Vegas, NV, Jacqueline Elizabeth McBride of Goshen, NY, and Clay Patrick McBride of New York City; his four grandchildren, all of Raleigh-Durham; his brothers Frank and Edward, and his three stepchildren, Ralph, Alicia, and Melanie. We also extend our sympathies to the many young attorneys and students who emulated and were inspired by the leading example of John S. McBride.

TRIAL LAWYER JOHN MCBRIDE DIES AT 64

(By Michael Randall)

CHESTER.—John S. McBride, 64, a longtime trial lawyer in Orange County and a former state legislator, died yesterday at the Westchester Medical Center in Valhalla.

McBride, a native of Goshen and a lifelong area resident, also worked briefly in the 1950s as a real estate agent for the New York Central Railroad System, and from 1961 to

1963 was an assistant district attorney for Sullivan County.

McBride, who worked more than 37 years as a trial lawyer in Orange County courts, was praised by fellow members of the legal community yesterday.

Lawyer Gary Greenwald said he was "exceptionally saddened" by McBride's death.

"When I was a young attorney, he was a person to emulate because of his skills in the courtroom," Greenwald said. "He was a superb attorney."

Middletown civil rights lawyer Robert N. Isseks, a colleague of McBride's for 20 years, said McBride "was there for people. Not only was he a fine lawyer, he was also one of the finest human beings I've ever known."

McBride was exceptionally skilled at grasping complex issues and making them understandable to jurors, Isseks added.

"He was the personification of everything a lawyer would want to be," said Isseks. "He was amazing in his ability to think on his feet, to articulate for his client's cause."

For a few years in the 1960s, McBride served in the state Assembly, representing the old 110th district that included all of Sullivan County and parts of Orange and Ulster counties.

In political circles, he counted among his close friends Rep. Benjamin A. Gilman, R-Greenville. McBride worked on Gilman's early political campaigns, including Gilman's first congressional campaign in 1972.

"The congressman is grieved to hear of his passing," said Gilman's press secretary, Andrew Zarutskie. Gilman plans to do a tribute to McBride on the floor of Congress today, Zarutskie added.

LINCOLN JUNIOR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Lincoln Junior High School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents and individuals who contributed to their special benefit. Their selfless dedication has provided warmth, comfort and happiness to the needy families in Colorado. That the school produced so much from their giving tree, toy drive and Basket-of-Books program is testament to the true meaning and spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the children's example during the holidays be a beacon to us all throughout the year.

IN HONOR OF WILLIAM J. SCOTT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to William J. Scott, a man who for the past 30 years has made the streets and neighborhoods of Longmeadow, Massachusetts, a safer place to live and raise a family. As a veteran of the Longmeadow Police Department, Sergeant Scott consistently served his community with compassion, courage and dignity. Tonight as his friends and family celebrate his retirement, I urge my colleagues in the United States House of Representatives to congratulate Bill on a job well done, and wish him the best for a happy and healthy future.

Bill Scott joined the Longmeadow Police Department in the Spring of 1965 and quickly earned the reputation as a consummate law enforcement professional. He excelled at every level, from Safety Officer, to Detective, and finally Sergeant, to which he was promoted in 1981. When he announced his retirement in February, he did so as the most senior Sergeant on the force. He leaves with an impeccable reputation as a dedicated, honest and hard working cop who will be genuinely missed by his fellow officers.

Bill Scott is also known in western Massachusetts as a sports enthusiast, which dates back to even before his days as a standout athlete at Springfield's Technical High School. Whether it is an adult hockey league or the old-timers softball team, you are sure to find Bill competing year round, surrounded by his many loyal friends.

Mr. Speaker, it is also fitting at this time to pay tribute to Bill's wife Judy, with whom he has celebrated over 35 years of marriage, their two children Bill Jr. and Beth, their spouses Marybeth and Kevin, and their grandchildren Kaitlin and T.J. For their caring and support, they too deserve special recognition on this important occasion.

On behalf of the United States of America, I am proud to join Bill's family, friends and colleagues who are gathered at the Log Cabin tonight in offering my sincere congratulations on your retirement from the Longmeadow Police Department after more than three decades of unprecedented service.

HONORING HORTENSE TATE ON HER 100TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. PAYNE. Mr. Speaker, March 9th will be a landmark date for a special person in Montclair, NJ, as Mrs. Hortense Tate celebrates her 100th birthday. Mrs. Tate has distinguished herself through her generous contributions of her time and talent to the Montclair community over the course of many years. She is greatly admired and respected by all who have had the privilege of knowing her.

Mrs. Tate's career has spanned seven decades of service through education as a teacher and guidance counselor, the enrichment and development of young women through the Montclair YWCA and the AKA Sorority, through her Christian faith and over 70 years of dedicated service to St. Mark's Methodist Church to address social and community issues.

Mrs. Tate was an educator and guidance counselor in the Newark and Montclair Public School systems and continued to tutor junior high and high school students for the Montclair School System until she reached 88 years of age. When I began teaching in 1957 at Newark's Robert Treat School Mrs. Tate was a member of the faculty. She was very helpful, especially to new teachers. She was so inspirational and supportive. Her lifelong dedication to the education and development of young people was inspired by her father Ezekiel Ridley, a teacher and later principal of Topeka, Kansas, for 50 years. Mrs. Tate graduated from Washburn University in Topeka in 1920 and settled in Montclair, NJ. In 1921, she began her lifelong mission of service to young women at the Montclair YWCA as secretary in charge of club activities. In addition to her service to the YWCA and the Newark and Montclair Public Schools systems, she has been an important member of the Montclair Public Library, establishing programs for the cultural enrichment of young people.

Mrs. Tate has been a member of St. Mark's Church for more than 75 years, holding countless positions, including Chairperson of the History Committee and President of the Women's Society, and has served in many outreach and community programs to enrich the lives of her parish and the Montclair community.

Mrs. Tate was a member and United National Observer of the National Council of Negro Women, working for international peace.

Mrs. Tate recently was honored as a Diamond Member of 75 years of membership in the Alpha Kappa Alpha Sorority, which she has dedicated her life's work to and has been a founding member of five separate chapters.

In 1992, Mrs. Tate received the National Sojourner Truth Award for Meritorious Service from the National Association of Negro Business and Professional Women's Clubs for her many years of service to the development of African American women.

As you can imagine, the Tate family is an important one to our society. Her son, the late Herbert Tate, Sr., was an outstanding foreign service officer. He served our country in Pakistan. He was a leader in the international and national YMCA movement. Her grandson, Herbert Tate, Jr., was the first African American Prosecutor for Essex County, New Jersey. He continues the legacy of public service as he currently serves as Chairman of the New Jersey Board of Public Utilities.

Mr. Speaker, I know my colleagues join me in sending Mrs. Tate our appreciation for her spirit of community service and our best wishes for a wonderful birthday.

TRIBUTE TO PARTICIPANTS IN THE CONGRESSIONAL YOUTH LEADERSHIP COUNCIL AND THE CLOSE-UP FOUNDATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FORD. Mr. Speaker, I rise to pay tribute to several accomplished young men and women from Tennessee's Ninth Congressional

District who are in Washington this week to participate in two prestigious youth conferences.

Natalie Fant of Whitehaven High School, William Smith and LaToya Amos of Hillcrest High School are participating in the Congressional Youth Leadership Council. This national program brings together students from throughout the United States and foreign countries who have demonstrated exceptional leadership, academic and citizenship qualities. The theme of this year's conference is The Leaders of Tomorrow Meeting the Leaders of Today. They are meeting with some of our nation's most prominent public officials and are participating in uniquely designed group discussions on the most pressing issues of the day.

The following students from St. Mary's Episcopal School are also in Washington participating in the Close Up Foundation's educational program: Sara Dike, Jennifer Hirsch, Kathleen Holladay, Lauren Jacks, Nishta Mehra, Mary Rochelle, Jay Tamboli and Mrs. Sheila Patrick. Like the Congressional Youth Leadership Council, the Close Up Foundation brings extraordinary young people to Washington in order to help them become even better citizens. The philosophy of the Close Up Foundation: "democracy is not a spectator sport—it requires the active participation of citizens," says it best.

These programs are so crucial today because political participation among America's youth is dangerously low. According to a survey on youth attitudes by the National Association of Secretaries of State, since 18 year olds were first given the chance to exercise their right to vote in the 1972 elections, the voter turnout rate of 18 to 24 year olds has steadily declined. In 1972, 50% of 18 to 24 years olds exercised their right to vote. By the 1996 elections, only 32% of 18 to 24 year olds turned out at the polls. Turnout among this age group in 1998 is projected to have been below 20%, perhaps the lowest in our nation's history.

Moreover, this is a generation divided about the country's future and wary of other people. Barely half (51%) of today's 15 to 24 year olds believe that America's best years are ahead of us, while fully 39% worry that our best years may already be behind us. Asked whether they generally believe that most people can be trusted (32%) or whether most people should be approached with caution (65%), young people take the more cautious posture by more than a two to one margin.

Mr. Speaker, these young people deserve our recognition and support not only for their personal achievements, but also for their commitment to their fellow citizens and the nation. Please join me today in honoring them.

IN HONOR OF ROWLAND SCHAEFER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Rowland Schaefer, this year's recipient of the prestigious National Community Service Award given annually by the Simon Wiesenthal Center. I cannot think of a more deserving individual for this great honor given Rowland's extensive record of community activism.

Rowland's unwavering commitment to his community is reflected in the multitude of community organizations that he is actively involved with. Rowland is a member of the Board of Governors and Chairman of the South Florida Chapter for the Weizmann Institute of Science. Through his involvement with the institute, Rowland has worked to advance the benefits of solar energy. His efforts were recently recognized by the Weizmann Institute when they named their solar research complex in his honor. In addition to his work with the Institute, Rowland is also actively involved with diabetes research. He is a long standing member of the Board of Governors of the Diabetes Research Institute.

Locally, Rowland is an extremely active member within the Jewish community. As a Board member of the Greater Miami Jewish Federation, Rowland has worked tirelessly to ensure that the heritage of the Jewish people is preserved for generations to come. He was awarded the special distinction of Honorary Vice-President and Humanitarian Founder of the Miami Jewish Home and Hospital for the Aged for all of his efforts in support of the hospital. Additionally, Rowland is a member of the Board of Trustees of the Simon Wiesenthal Center, one of the world's foremost Jewish human rights organizations.

Rowland Schaefer's tireless devotion to his community and to the preservation of his Jewish heritage make him uniquely deserving of this award. All who know him or know of him will surely agree that Rowland Schaefer is an extraordinary figure who exhibits an intense desire to help his fellow man and contribute to the betterment of society. I wish heartfelt congratulations to Rowland, his wife, and their five children for this great honor.

LIVERMORE ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Livermore Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort and happiness to families in Colorado. That the school produced so much from their food drive for the benefit of local families is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the childrens' example during the holidays be a beacon to us all throughout the year.

REPORT ON NORTH KOREA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. GILMAN. Mr. Speaker, North Korea policy is undoubtedly one of this country's most pressing foreign policy challenges. With the discovery of a secret underground nuclear weapons-related facility and the launch of a three-stage Taepo Dong ballistic missile over our troops and allies in Asia, our policy towards North Korea has been called into serious question. And rightfully, so.

Today, I received a copy of a study done by a working group of Asia experts under the able guidance of former Assistant Secretary of Defense Richard Armitage. The National Defense University Strategic Forum "A Comprehensive Approach to North Korea" is a timely and insightful study which will add much to the ongoing debate about the direction of our policy towards the Democratic People's Republic of Korea.

I commend this report to my colleagues and the foreign and defense policy community and ask that they give due consideration to the report's findings and recommendation as we work together to craft a policy which protects and advances American interests on the Korean peninsula.

Accordingly, Mr. Speaker, I ask that the National Defense University's Strategic Forum Number 159 of March 1999 be inserted at this point in the CONGRESSIONAL RECORD:

[National Defense University, Strategic Forum, Number 159, March 1999]

A COMPREHENSIVE APPROACH TO NORTH KOREA

(By Richard L. Armitage)[1]

Since the Agreed Framework (AF) was signed by the United States and North Korea on October 21, 1994, the security situation on the Korean peninsula and in Northeast Asia has changed qualitatively for the worse. The discovery last year of a suspect North Korean nuclear site and the August 31 launch of a Taepo Dong missile have combined to raise fundamental questions about Pyongyang's intentions, its commitment to the agreement, and the possibility of North-South reconciliation. These developments also raise profound questions about the sustainability of current U.S. policy toward the Korean peninsula.

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[1] Ambassador Richard L. Armitage is President of Armitage Associates and a former Assistant Secretary of Defense for International Security Affairs. He chaired a working group on U.S. Policy Toward North Korea whose members included: Johannes A. Binnendijk, Institute for National Strategic Studies; Peter T.R. Brookes, House Committee on International Relations; Carl W. Ford, Ford and Associates; Kent M. Harrington, Harrington Group L.L.C.; Frank S. Jannuzi, Minority Staff of the Senate Foreign Relations Committee; Robert A. Manning, Council on Foreign Relations; RADM Michael A. McDevitt, USN (Ret.), Center for Naval Analyses; James J. Przystup, Institute for National Strategic Studies; GEN Robert W. RisCassi, USA (Ret.), L-3 Communications Corporation; and Ambassador Paul D. Wolfowitz, Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University.

Opinions, conclusions, and recommendations expressed or implied in this paper are solely those of the working group and do not represent the views of the National Defense University, the Department of Defense, or any other government agency or non-government organization.

The Agreed Framework successfully addressed a specific security problem—North Korea's plutonium production at the Yongbyon and Taechon facilities. Under the agreement, operations were frozen at the two facilities and Pyongyang was prevented from obtaining fissile material from the fuel rods of the reactor core for five to six nuclear weapons. Had the program continued unabated, North Korea might have been able to produce enough fissile material for a substantial nuclear arsenal. Arguably, the Agreed Framework was a necessary but not sufficient response to the multiple security challenges posed by North Korea. Indeed, the development of the Taepo Dong missile poses an expanding security threat to Northeast Asia and, increasingly, to the Middle East, Europe, and even the United States itself.

CHANGING ASSUMPTIONS

Experience in dealing with Pyongyang since the Agreed Framework was signed challenges several critical assumptions on which public and Congressional support for U.S. policy has been based.

The first is the assumption made by some senior administration officials that the Agreed Framework had ended North Korea's nuclear program.

The second is that North Korea is a failed state on the verge of collapse and that a "hard landing"—collapse perhaps accompanied by aggression—should be avoided.

The third is that the Agreed Framework would induce North Korea to open up to the outside world, initiate a gradual process of North-South reconciliation, and lead to real reform and a "soft landing."

These assumptions suggested that, even if little progress was made on other political/security issues, the Agreed Framework was an effective, time-buying strategy. At a minimum, North Korea's conventional capabilities would continue to degrade (as they have). Optimally, the North would solve our problems by ultimately reconciling or uniting with the South. These assumptions are now open to question.

REALITY CHECK

The disclosure of at least one suspect site—on which construction began prior to the agreement—reinforces the possibility that Pyongyang has frozen only a portion of its nuclear program or is seeking to develop a covert nuclear weapons program. The Agreed Framework was structured to become stronger over time in constraining the North's nuclear weapons capability. This meant deferring the requirement for the North Korean nuclear program to come into full compliance with the International Atomic Energy Agency (IAEA) full-scope safeguards until roughly 2002–03. In effect, the agreement accepted the possibility that North Korea might have one or two nuclear devices. Since 1994, it is also possible that Pyongyang could have acquired additional nuclear weapons technology and/or fissile material from external sources.

Moreover, the core assumption of imminent collapse is seriously flawed. Despite severe hardships, there are no signs of regime-threatening social or political unrest, or military disaffection. As underscored in its 50th anniversary celebration last year, the North Korean regime appears to have consolidated itself under Kim Jong Il.

There are also no signs that the regime is contemplating any radical market-oriented reforms. Instead, forced by necessity, it is experimenting at the margins with modest reform to alleviate food shortages at the local level and gain hard currency. With Chinese aid and a variety of hard currency schemes—missile exports, counterfeiting, narcotics trafficking, selling overflight rights—the regime has been able to keep urban areas minimally functioning. By all appearances, the regime may be able to stagger on indefinitely.

Starvation has not politically weakened the regime. As demonstrated in the cases of Ukraine under Stalin and China under Mao, there is not necessarily a connection between human misery and the stability of the regime in a totalitarian system. The regime has been willing to destroy an entire generation to preserve its power.

At the same time, Pyongyang has spurned the political overtures of the most conciliatory president in the history of the Republic of Korea, Kim Dae Jung. President Kim has written volumes on Korean unification, including plans for reunification that are similar to those offered by the late Kim Il Sung. The unwillingness to deal seriously with Kim Dae Jung suggests a fundamental fear that North-South reconciliation would undermine the legitimacy of the regime in Pyongyang.

President Kim's Sunshine Policy (now known as the Engagement Policy) has established a formula for reconciliation on the peninsula, while deferring the ultimate goal of reunification as a practical matter. To date, Pyongyang has responded to Seoul's economic, social, and cultural nongovernmental overtures, but has rejected any political reconciliation with South Korea. Moreover, as evidenced by recent incidents of military infiltration, it continues its aggressive behavior.

WHO IS BUYING TIME?

The notion that buying time works in our favor is increasingly dubious. A growing body of evidence suggests that it is North Korea that is buying time—to consolidate the regime, continue its nuclear weapons program, and build and sell two new generations of missiles, while disregarding the well-being of its 22 million people. Kim Jung Il's assumption of the post of Chairman of North Korea's Military Commission has raised the influence of the armed forces. These developments have created an increasingly dangerous security environment in Northeast Asia.

Indeed, North Korea's nuclear weapons program and the development of missile delivery systems have combined to pose an enhanced threat to the security of Japan. This threat has grown even as Japan has continued to support the Agreed Framework and its light-water reactor project. Yet we cannot expect Tokyo's continued support for approaches to Pyongyang that fail to address Japan's security concerns.

North Korea's provocative actions and belligerent posture have challenged—and taken advantage of—our interest in stability. For Pyongyang, the lesson of the past four years is that brinkmanship works.

FOUNDATION FOR A NEW APPROACH

A Congressionally mandated review has made it clear that current policy toward North Korea is politically unsustainable. Similar political pressures are today evident in Japan and may soon surface in the Republic of Korea. The appointment of former Secretary of Defense William Perry to conduct a review of policy toward North Korea is an important step in fashioning a policy that is politically viable and protects the vital interests of the United States and its allies.

A new approach must treat the Agreed Framework as the beginning of a policy toward North Korea, not as the end of the problem. It should clearly formulate answers to two key questions: first, what precisely do we want from North Korea, and what price are we prepared to pay for it? Second, are we prepared to take a different course if, after exhausting all reasonable diplomatic efforts, we conclude that no worthwhile accord is possible?

Current policy is fragmented. Each component of policy—implementing the Agreed Framework, four-party peace talks, missile talks, food aid, POW-MIA talks—operates largely on its own track without any larger strategy or focus on how the separate pieces fit together. In the absence of a comprehensive policy, North Korea has held the initiative, with Washington responding as Pyongyang acts as demandeur.

A successful approach to North Korea must be comprehensive and integrated, and must address the totality of the security threat. The stakes involved should make Korea a matter of the highest priority for the President. This will require sustained attention to manage the issue with Congress, our Korean and Japanese allies, and China. The diplomacy leading to the Agreed Framework had such focus when Robert Galucci was named special coordinator, reporting directly to the Secretary of State and the President. Unfortunately, after Ambassador Galucci left his Korea post in 1995, no successor was named.

The logic of the policies pursued by the United States, its allies, and China has been one of muddling through. This has allowed North Korea to obtain economic benefits while maintaining its military threat. Given the opacity of North Korea's totalitarian regime, its decision-making process is unknowable. Only by fairly testing Pyongyang's intentions through diplomacy can we validate policy assumptions. If a diplomatic solution is not possible, it is to our advantage to discover this sooner rather than later in order to best protect our security interests. If North Korea leaves no choice but confrontation, it should be on our terms, not its own.

One cannot expect North Korea to take U.S. diplomacy seriously unless we demonstrate unambiguously that the United States is prepared to bolster its deterrent military posture. This can be done without appearing to threaten Pyongyang. At the same time, policy should provide an adequate incentive structure to any forces inside the North Korean elite who may be inclined to believe that the least bad choice for survival is one of civil international behavior and opening. To convince the North to modify its posture, we need a larger conceptual framework, with greater incentives and corresponding disincentives.

The first step toward a new approach is to regain the diplomatic initiative. U.S. policy toward North Korea has become largely reactive and predictable, with U.S. diplomacy characterized by a cycle of North Korean provocation (or demand) and American response. The intention is to be proactive and to define the agenda.

This begins with setting new terms of reference. Diplomacy must fashion an initiative that integrates the entire spectrum of security challenges, while enhanced deterrence must address what we are prepared to do, should diplomacy prove inadequate.

Our strategy must be closely coordinated with our allies. It must integrate Tokyo's interests and assets, as well as Seoul's Engagement Policy and defense capabilities. Such integration, at a minimum, would strengthen the U.S. alliance structure, while positioning Washington to deal more effectively with Pyongyang.

A new approach to North Korea will necessarily test China's intentions. Beijing was helpful in the process leading to the Agreed Framework, and the United States publicly cites that cooperation as a major payoff of its China policy.

But China is also pursuing its own agenda. Beijing is sustaining North Korea with aid, despite Pyongyang's apparent unwillingness to heed its advice. China has resisted active cooperation—with the Korean Peninsula Energy Development Organization, with the World Food Program, and on missiles. Its independent actions pose a challenge to any successful U.S. policy. No approach to North Korea is likely to succeed absent some modicum of active cooperation from—and clear understanding with—China. Beijing must understand that it will either bear a burden for failure or benefit from cooperation.

OPERATIONAL ELEMENTS OF A NEW COMPREHENSIVE APPROACH

We would propose a new comprehensive approach for management of the problems posed by North Korea. The package should combine the elements of deterrence and diplomacy cited below. This package is not offered with any unwarranted optimism regarding what is possible vis-à-vis North Korea. Thus, the strengthening of deterrence is central to this package.

To make a comprehensive approach sustainable politically, it is critical to start with and maintain close coordination with Congress. To be successful, policy toward the Korean peninsular requires a foundation of strong bipartisan support. A regular mechanism for executive-legislative interaction should be developed. The former Senate Arms Control Observer Groups on U.S.-Soviet relations can serve as a model.

To protect U.S. and allied interests, a strengthening of deterrence must support diplomacy. Deterrence depends essentially on the proper blend of diplomacy, declaratory policy, and demonstrable military capability. As a result, if diplomacy fails, North Korea should be faced with the consequences of its choice: isolation or containment in an environment in which U.S. leadership and alliance structures have been reinvigorated and strengthened, allowing the United States, the Republic of Korea, and Japan to act together.

The following steps are critical to bolstering credible deterrence.

The United States should encourage Japanese leaders to accelerate the timetable for Guidelines Legislation, and to underscore the importance of the U.S.-Japan alliance to Tokyo's security interests in the region and beyond.

The United States should call for a trilateral (the United States, Republic of Korea, and Japan) defense ministers consultative meeting to address a range of peninsula contingencies. In particular, this meeting should consider actions to implement force enhancement options, which might include agreements to increase counter-battery radar around Seoul and deploy more Patriot batteries to Japan from Europe and the continental United States. Public statements should also focus on deepening missile defense cooperation, as well as a spectrum of military exercises to deal with a variety of North Korean actions.

"Red Lines" should be drawn. The United States, together with the Republic of Korea and Japan, should clarify what is unacceptable behavior and underscore that provocative military action by North Korea will not be tolerated and will provoke a response.

The Pentagon should undertake a review of the American presence in South Korea, not with a view to reduction. but to ensure that U.S. forces can optimally deal with the evolving nature of the North Korean threat.

As a separate but related action, the Pentagon and the commander in chief of Combined Forces Command in the Republic of Korea should conduct a review to determine what mix of surveillance, radar, and other weapons is required to improve the defense of Seoul against bombardment or surprise attack. To underscore alliance commitments, the United States should also announce that it is prepared to augment forces in theater.

To enhance the prospects for the comprehensive package and to advance U.S. and allied interests, diplomacy must be closely coordinated with Seoul, Tokyo, and Beijing.

The U.S. point person should be designated by the President in consultation with Congressional leaders and should report directly to the President. This step also aims to move the issue to the highest possible level of decisionmaking in North Korea.

Diplomacy should seek to align South Korean and Japanese policies to influence positively North Korean behavior as well as to reinforce military deterrence.

The United States should propose a trilateral (United States, the Republic of Korea, and Japan) foreign minister-level consultative meeting. The goals should be to name high-level point persons, establish coordinating mechanisms, and raise the issue to the level of a presidential national security priority. Trilateral coordination should reach understandings on a division of responsibilities for the comprehensive proposal.

China's active cooperation is vital. Because the United States and China share common interests with respect to the Korean peninsula, we expect China to act in a positive manner. Active cooperation will enhance Sino-American relations. However, if conflict occurs as a result of inadequate cooperation, Beijing will bear a heavy responsibility. Moreover, the burden of keeping North Korea on "life support" will fall squarely on China if our diplomatic initiative fails.

THE COMPREHENSIVE PACKAGE

United States objectives should be maintaining and as necessary strengthening deterrence, and eliminating through peaceful means the military threat posed by North Korean nuclear, chemical, biological, and conventional weapons and missiles. Our goal is to reduce the risks to the United States, the Republic of Korea, and Japan. To the extent the threat cannot be eliminated, the goal is to contain the residual threat. In addition, the United States seeks to facilitate South-North reconciliation.

Washington should table an offer that meets Pyongyang's legitimate economic, security, and political concerns. This would allow the United States to seize the diplomatic initiative as well as the moral and political high ground. It would also strengthen the ability to build and sustain a coalition if North Korea does not cooperate. Most importantly, the failure of enhanced diplomacy should be demonstrably attributable to Pyongyang.

The objective of negotiations should be to offer Pyongyang clear choices in regard to its future: on the one hand, economic benefits, security assurances, political legitimization, on the other, the certainty of enhanced military deterrence. For the United States and its allies, the package as a whole means that we are prepared—if Pyongyang meets our concerns—to accept North Korea as a legitimate actor, up to and including full normalization of relations.

Negotiations would address the following:

1. The Agreed Framework: We should make clear our intention to honor existing commitments, but also underscore that the political and security environments have deteriorated significantly since October 1994 because of North Korea's actions. To sustain support for the agreement, it is imperative that the issues regarding the suspect site(s) and missiles be addressed.

Sites: We should note that suspect sites are covered in the "confidential minute" to the Agreed Framework. Our objective is to have a credible mechanism to increase ongoing transparency of the present site—but not be limited to that site. The United States should make it clear in a unilateral statement that the comprehensive package encompasses any suspect site in North Korea.

Plutonium: To bring North Korea promptly into compliance with IAEA safeguards, we need to prepare for IAEA inspections under the agreement. North Korean cooperation in preserving the historical record of its past nuclear activities is critical. In addition, a new bargain should include early removal from North Korea of the nuclear spent fuel currently in storage at Yongbyon.

Quid pro quo: Accelerating the process of resolving site questions, and the issue of IAEA compliance, could likely require a U.S. commitment to expedite the construction of the two light-water reactors, and negotiation of a United States-North Korean nuclear cooperation agreement.

2. Missiles: North Korean missiles have become a far more prominent problem that was the case when the Agreed Framework was signed. It implicitly puts the missile problem on the agenda. Our near-term objectives are to end testing and exports, and, over the long term, to obtain North Korean adherence to the Missile Technology Control Regime limits. However, if missile exports continue and the United States can identify them, we should do what we can to intercept those shipments. We will make it clear that we will act under the UN Charter's right of self-defense.

3. Conventional threat: The United States should table a proposal for confidence building measures to begin a process aimed at reciprocal conventional force reductions. Any new peace mechanism should be linked to the reduction of the conventional threat.

4. Food/economic assistance/sanctions: The United States should continue to provide some humanitarian food and medical aid with the caveat of increased transparency on distribution. But, our emphasis would be on assisting North Korean economic restructuring. We would support actions that open its economy to market forces. We are prepared to further ease sanctions and support its membership in the international financial institutions, recognizing that this requires change on the part of Pyongyang. If the North takes the necessary steps, the United States, with its allies, should consider establishing a Korean reconstruction fund within the World Bank or Asian Development Bank.

U.S. diplomacy must integrate Seoul's Engagement Policy (e.g., government approval of investment projects, particularly large industrial investment by major firms known as Chaebol) with the broad policy objectives of the comprehensive package.

As a step-by-step roadmap to a more cooperative relationship, economic benefits beyond humanitarian aid should be phased in as North Korea implements threat reduction measures. In the context of an economic assistance package, the United States could consult with North Korea to review the energy component of the Agreed Framework to develop alternate energy sources.

5. Security assurances: The United States, along with the Republic of Korea and Japan, should propose a six-party (the United States, Russia, China, Japan, South Korea, and North Korea) meeting to deal with the security of North Korea. A multilateral commitment should be based on the pledges made in Kim Dae Jung's inaugural address—that we have no intent to implode North Korea, to absorb North Korea, or to force North Korea to change its political system. Assurances could run the gamut from a pledge of nonaggression to a commitment to respect the sovereignty and territorial integrity of North Korea. Our goal should be to foster an environment making it as easy as possible for Pyongyang to choose reform.

The United States and its allies should make it clear that we are prepared to coexist with a less threatening regime in the North.

6. Normalization: If North Korea satisfies our security concerns, the United States should be prepared to move toward full normalization of relations.

SHOULD DIPLOMACY FAIL

The one enduring element of this initiative—irrespective of North Korea's response—is the reinforcing of U.S. leadership in maintaining stability and enhancing security in this critical region. The U.S. effort to strengthen security cooperation with our key allies—the Republic of Korea and Japan—is an integral part of this leadership and becomes even more central to regional security.

The virtue of this initiative is that it will test North Korea's intentions, discover whether diplomacy holds any real possibility of yielding positive results, and, in the process, restore U.S. leadership. This would enable us to bolster a coalition to deter and contain North Korea. It is aimed at leaving Pyongyang significantly wore off than if it had chosen a future of cooperation on mutually beneficial terms.

Should diplomacy fail, the United States would have to consider two alternative courses, neither of which is attractive. One is to live with and deter a nuclear North Korea armed with delivery systems, with all its implications for the region. The other is preemption, with the attendant uncertainties.

Strengthened deterrence and containment. This would involve a more ready and robust posture, including a willingness to interdict North Korean missile exports on the high seas. Our posture in the wake of a failure of diplomacy would position the United States and its allies to enforce "red lines."

Preemption. We recognize the dangers and difficulties associated with this option. To be considered, any such initiative must be based on precise knowledge of facilities, assessment of probable success, and clear understanding with our allies of the risks.

We are under no illusions about the prospects for success of the comprehensive package outlined above. The issues are serious and the implications of a failure of diplomacy are profound.

CELEBRATION OF 90 YEARS ST. JOSEPH'S PARISH, WEST ALLIS, WISCONSIN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. KLECZKA. Mr. Speaker, I am pleased to rise today to honor the men and women of St. Joseph's Parish, West Allis, Wisconsin, as they celebrate the church's proud heritage and its 90th anniversary with a special Mass and dinner on March 21st.

Shortly after the turn of the century, the steady expansion of farm and industrial machinery firms led many immigrants to the rolling fields and wide-open spaces of the city of West Allis. Satisfied with a sense of security and prosperity offered by West Allis, many Polish immigrants settled in the city. These men and women soon approached the Milwaukee Archdiocese for permission to erect a church and school in their own new neighborhood, one which would praise God in their native tongue and further teach and strengthen them and their growing families. In 1906, the Archbishop agreed to send the new parish a Polish speaking priest for their church and Polish speaking nuns for their school. At a November meeting the name Saint Joseph was chosen as Patron of this new church.

A temporary pastor was appointed and the beginnings of St. Joseph's parish were slow. However, once a definite site for the parish church and school were agreed upon, things moved quickly. Twenty lots on Mitchell Street, between 64th and 65th Street, the present site of St. Joseph's, were purchased at a cost of $2,200. The first resident pastor, Father Anton Kierzek, was appointed in the fall of 1908. The building's cornerstone was laid in March of 1909 and the wooden two-story structure, built for $7,500, was dedicated in May.

Thus, the works and deeds of a small group of Polish immigrants were successful in erecting a temple for worship and a school to train and rear their offspring. The city of West Allis grew rapidly; local industries flourished. More Polish families built homes near the parish. In 1924, plans for a new parish building, both chapel and school, were completed. This structure, built of block and brick, has become a familiar landmark in the city to the present.

A roll call of the parish leaders over the years reveals traditional Polish names: Szukalski, Lipinski, Iglinski, Barczak, Makowski, Bieniewski, and Barszczewski. The names of the parish priests since the early 1960s continues that Polish tradition: Fathers Peksa, Piechowski and the current priest, Father James Posanski.

Congratulations to the men, women and families of St. Joseph's Parish on your proud heritage and 90 years of service and worship. May God continue to bless each and every one of the parish members as they face new challenges.

TRIBUTE TO TERRY "TED" OLIVER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the life and lament the passing of Mr. Terry "Ted" Oliver, a true hero and selfless contributor to the community of Eaton Rapids, MI.

Mr. Oliver was assistant fire chief and a proud member of Eaton Rapids' volunteer fire department. His family, fellow fire fighters, and the community as a whole all suffered a profound loss when Ted died fighting a residential fire on the 19th of this past month.

Fire fighters like Ted risk their lives each day to protect our lives, homes, businesses, and belongings. Ted Oliver undertook this duty for 33 years. During this time he developed a reputation for being a dedicated, selfless, mentor and friend. He was always enthusiastic about donating his time and energy to the fire department, but his contributions did not end there.

Eaton Rapids also remembers Ted as a local humanitarian and Good Samaritan. He was well known as a generous neighbor who would shovel driveways, wash windows, and fix anything from bicycles to automobiles for members of the community who needed his assistance. He is survived by Carol, his wife of 38 years, 4 children, 14 grandchildren, and an entire community that mourns his loss.

Dozens of fire trucks and hundreds of mourners attended Ted's February 22 memorial service to pay their respects and honor the life of this local hero. I myself was honored to visit the National Firefighters' Memorial this past Monday, where Ted's name was posted and the flag was lowered in his honor. Today, I rise before this Congress of the United States of America, to likewise honor and pay tribute to the life of this great and beloved citizen.

I believe Mr. Richard Freer, Eaton Rapids' fire chief, best expressed the thoughts of the department and the community with the words, "We can put someone in his place, but we'll never replace him."

LEGISLATION TO AMEND THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of legislation which is being introduced today by Congresswoman ELEANOR HOLMES-NORTON with the four Congressional delegates as cosponsors. The legislation would amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico and the United States Virgin Islands.

Mr. Speaker, in the 105th Congress when we passed the Commemorative Coin Program Act, the insular areas were omitted from the legislation. Current law authorizes the minting of twenty-five cent coins to commemorate each of the 50 states through state-specific designs on one side of the coins. It is a ten-year program, with five states being honored each year.

This bill amends current law by adding an eleventh year to the program. During this year, the District of Columbia and the four insular areas, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, would also be recognized through the minting of twenty-five cent coins. Commemorative designs on one side of the coins would be submitted by the chief executive officer of these areas.

This legislation is very timely for my Congressional district, Mr. Speaker. American Samoa will celebrate the centennial of its union with the United States in the year 2000.

American Samoa has a long, proud history of supporting the United States—ever since the traditional leaders of the main island of Tutuila ceded their island to the United States on April 17, 1900. Tutuila's beautiful harbor is the deepest in the South Pacific, and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during World War II. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

At the present time, American Samoans have a per capita enlistment rate in the U.S. military which is as high as any state or U.S. territory. Our sons and daughters have served in record numbers in every U.S. military engagement from World War II to the present operations in the Middle East. We have stood by the United States in good times and bad, and we will continue to do so.

Congress has recognized American Samoa's proud heritage on numerous occasions, and many of my constituents have asked that the United States Government provide special recognition of the 100th year of our union. I believe it would be most fitting to acknowledge the centennial anniversary of our relationship with the United States with the issuance of a commemorative coin, and I am optimistic that this bill will become public law later this year.

O'DEA ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of O'Dea Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort and happiness to families in Colorado. That the school produced over 1,200 pounds of food, and funds from candy cane sales for the benefit of the needy is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the childrens' example during the holidays be a beacon to us all throughout the year.

ST. LUKE BAPTIST CHURCH CELEBRATES 120 YEARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Ms. NORTON. Mr. Speaker, I rise today to honor the 120th anniversary of the establishment of Saint Luke Baptist Church. I am pleased to enter into the RECORD the church's inspiring history.

Saint Luke Baptist Church was organized at Fort Totten, District of Columbia on March 23, 1879. It evolved from a series of religious meetings, held over a two year period in the home of Brother Solomon Kemp. Other original members were Brothers George Brooks, James Clark, Walker Clark, Frank Grinage, Sydney Walker, Anthony Walker, and Sister Lucy Jenkins. Reverend Shelton Miller was the spiritual leader of the group and became the first pastor. The group continued to worship in the home of Brother Kemp until the increase in membership made those quarters inadequate. The first church was erected at Shepherd Road and Magnolia Avenue, NW. As the membership continued to grow, it became necessary to move again. The new church was located at Shepherd Road and Georgia Avenue and thrived there for thirty-six years when the site was purchased to create what is now known as Missouri Avenue. In 1928 a new edifice was erected at Fourteenth and Peabody Streets NW. It is worthy of note that the three churches were built within a one mile radius and were constructed by Reverend Shelton Miller, church members, and friends. Saint Luke was a beacon of light in the Brightwood area and obtained its Charter of Incorporation on January 15, 1898.

Saint Luke Baptist Church thrived under the inspired leadership of Reverend Shelton Miller (1879–1931), Reverend Arthur Chichester (1931–48), and Reverend John Lucas (1948–72). Saint Luke's anointed and dynamic pastoral ministries now flourish under the Reverend Aubrey C. Lewis (1974–present).

Church outreach programs are diverse and include all age groups. The Bible study program has evolved into the Saint Luke Bible Institute, the Senior Adult Ministry (SAM) provides entertaining cultural and spiritual activities for retired and senior members, church retreats provide opportunities for study and reflection, and the day care center is a source of employment for church members and community residents as well as a source of revenue for the church. The Youth and Young Adult Ministry (Y.Y.A.M.) provides Christian programs for the church's youngest age groups. In 1998, the outreach program expanded to a new level with the initiation of a Cable Television Ministry.

Mr. Speaker, I ask my colleagues to join me in acknowledging the many sacrifices, freely made, required to write each chapter of Saint Luke's rich history and to celebrate a spiritual and civic anchor in the Brightwood community.

SENIOR CITIZEN PROPERTY TAX REDUCTION VOUCHERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation along with several of my colleagues in the Massachusetts Delegation to alter the federal tax treatment of real property tax reduction vouchers received by senior citizens for volunteer work.

Several towns in Massachusetts have tried to ease the problem senior citizens who live on fixed incomes face due to rising property taxes. These towns have allowed senior citizens to perform volunteer work for the town in exchange for a voucher that reduces their property taxes by up to $500. Seniors have volunteered in libraries, recreational centers, parks and senior centers in exchange for these vouchers.

The House of Representatives of the Commonwealth of Massachusetts passed a bill last year to exempt these vouchers from income for purposes of the State income tax. While the State Senate did not take up the bill last year, I am informed that this issue will be brought up again in the State Legislature this year.

The legislation I am introducing would exclude from gross income vouchers issued by a government unit and received by senior citizens in exchange for volunteer work. The voucher could only offset real property taxes imposed by the government unit that issued the voucher, and no real property tax deduction would be allowed to the extent of the amount excluded from gross income by the voucher. The legislation also exempts these vouchers from employment taxes, and senior citizens who are at least 65 are eligible.

Mr. Speaker, this legislation enhances an important and creative program being implemented in many towns in Massachusetts. I very much hope we can address this issue this year, and encourage other towns in Massachusetts and across the country to ease the financial plight of many of our senior citizens.

COMMEMORATING THE CONTRIBUTIONS OF RETIRED SUPREME COURT JUSTICE BLACKMUN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. VENTO. Mr. Speaker, I am deeply saddened by the passing of Retired Supreme Court Justice Harry A. Blackmun. Justice Blackmun lived a productive life of 90 years and was a well-respected legal mind. An Illinoisan by birth, Blackmun was raised in St. Paul's East Side—my lifelong home which I am today honored to represent. Before his 24 years of service on the nation's highest court, Blackmun practiced law in the Twin Cities for nearly 20 years.

As Blackmun himself always said, he will be remembered most for his controversial authorship of the 1973 Roe v. Wade Supreme Court decision. Despite the philosophical, moral and theological retribution that he experienced for his decision, Justice Blackmun believed, "The right of privacy * * * is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Blackmun had the strength of his convictions and the courage and integrity to pursue and implement such judgment.

Justice Blackmun was a man of constant adaption and change, adjusting to the times gracefully. During his early days on the court, he was considered among its most conservative and he was referred to as "The Minnesota Twin" of fellow East Sider and kindergarten classmate, Chief Justice Warren E. Burger, for their identical voting patterns. By the end of his first decade on the court, however, Blackmun's independent streak became apparent and he was ironically considered among the court's most liberal. Justice Blackmun wrote for the court when it ruled that Congress has the power to enforce local compliance with federal laws requiring overtime pay for more than 40-hour work weeks and became the lone dissenter advocating for the rights of Haitians to have hearings before being forced to return to their homeland. As a Member of Congress, most of our efforts and utterances are seldom put to work, but it was a real honor to have Justice Blackmun employ my comments in an objecting dissent brief to the severance tax policy.

In the twilight of his life, at the age of 88, the retired Justice even tried his hand at acting, playing a cameo role as a supreme court justice in Steven Spielberg's "Amistad." It was a natural role for this great American jurist.

Justice Blackmun's spirit will live on through his contributions to society. He leaves a wonderful legacy. Blackmun is survived by his wife, Dorothy, and three daughters. My sympathy and best wishes to them.

RIFFENBURGH ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Riffenburgh Elementary School in Colorado for their efforts to help a family in need during the holidays. Sadly, a local family's home was destroyed by fire. I commend the faculty of the school as well as all the students, parents, and individuals who contributed to their special efforts. Their selfless dedication has provided warmth, comfort, and happiness to the Lund family in light of this recent tragedy, and to other families less fortunate than most. That the school produced so much for these needy families is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the children's example during the holidays be a beacon to us all throughout the year.

SOCIAL SECURITY INVESTMENT FUND ACT OF 1999

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. BARTLETT of Maryland. Mr. Speaker, today Mr. MARKEY and I introduced the "Social Security Investment Fund Act of 1999" with Mr. POMEROY, Mr. DUNCAN, and Mr. MATSUI. This bill gives legislative form to the need to provide workers with a reasonable return on their Social Security payroll taxes while maintaining the guaranteed benefit foundation of the current Social Security system. It would authorize the investment of a portion of the Social Security surplus in the private sector—a diversification strategy used by nearly every other public pension fund in America. It would restrict this discretion, however, to a very conservative form of investment called "index funds." Management would be passive, not active, and the return on investment would mirror the return of the market as a whole, not individual stocks. In this way, the system would benefit from a higher rate-of-return while protecting the system against the shock of market downturns.

The main features include:

An addition of 6 years of solvency to the Social Security System without resort to benefit cuts, payroll tax increases or government borrowing.

The locking-up of Social Security surpluses for Social Security only.

Assumption by the government of the risks of ups and downs in the market so that retirement benefits remain guaranteed.

The structure of the investment program is as follows:

1. *Independence.* We establish the Investment Board as an independent agency. Its activity is self-funded, and its authorization explicitly forbids muddying the pursuit of its fiduciary duty with social, political or religious objectives.

2. *Limited Risk.* The amount to be invested in stocks would remain far less than the amounts already invested in the market by public pension funds—a small fraction of the market as a whole.

3. *Professionalism.* The Board hires fund managers already engaged in managing money in the financial markets for private investors.

4. *Conservatism.* Each fund manager invests only in equity index funds that mirror the market broadly (e.g. the Wilshire 5000) so that the government is at no time engaged in the business of picking winners and losers.

5. *Diversification.* The total amount allocated to each fund manager is limited so that no one controls a disproportionate share of the overall activity of any single company.

6. *Neutrality.* In proxy battles, the fund managers would not decide how to vote the shares. The shares would instead be voted automatically through "mirror voting", where the fund's votes are cast in the same proportion as the votes cast by all other shareholders.

NATIONAL TRIO DAY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. OLVER. Mr. Speaker, I rise in honor of National TRIO Day—celebrated each year on the last Saturday in February—to recognize the importance of the Federal TRIO Program.

"What is TRIO?" To millions of disadvantaged Americans the answer is quite simple: "TRIO equal opportunity."

TRIO identifies aspiring students from poor families, prepares them for college-level work, and helps them define and achieve their goals.

TRIO plans a critical role in leveling the educational playing field in our country.

Since 1965, over 10 million Americans have benefitted from TRIO programs, which include—Talent Search, Upward Bound, Student Support Service, Ronald McNair Post-Baccalaureate Program, and Educational Opportunity Centers.

In my Congressional District—in western and central Massachusetts—TRIO serves 2500 students each year at 8 separate colleges and universities.

TRIO has helped many of my constituents lift themselves out of poverty and climb into promising careers as teachers, lawyers, doctors, journalists, and business owners.

TRIO means opportunity to young people across the country who would otherwise not be able to attend college and pursue their dreams.

I urge this Congress to recognize the national success of TRIO programs, and to renew our commitment to educational opportunity.

THE INCREDIBLE READING RALLY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. LAMPSON. Mr. Speaker, I rise today to commend the Beaumont Teachers Association and the Literacy Volunteers of America for their terrific work performed in raising money for the adult literacy programs at the Literacy Depot in Beaumont, TX, this week.

Since 1996, Literacy Volunteers of America (LVA) has raised national awareness of literacy issues and funds to provide a solution through the Incredible Reading Rally. Developed collaboratively among literacy program managers, volunteers and LVA national leadership, the Incredible Reading Rally involves thousands of adults, school children, businesses, and organizations around the country each February.

Kick-off events have ranged from gala evenings and public appearances by Garfield the

Official Spokescat of the Rally, to celebrities like Miss America reading their favorite books to school children. Through the generous sponsorship of Ferrero USA, Literacy Volunteers of America is able to provide materials and supplies to its participating affiliates at no cost to the local programs.

Other corporate sponsors may contribute through either cash or prize donations. Friends and family can sponsor volunteers by pledging money for each hour per book read during the Rally period. Eighty percent of all monies raised by volunteers will stay in the local community and directly benefit individuals who need reading help. In addition to highlighting the importance of families reading together, this event gives participants a sense of accomplishment about their efforts to support literacy.

Once again, I would like to congratulate the Beaumont Teachers of America and Literacy Volunteers of America for their fine work.

TAVELLI ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Tavelli Elementary School in Colorado for their efforts to help the needy during the holidays. I comment the faculty of the school as well as all the students, parents, and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the school produced so much for the Salvation Army for the benefit of the needy is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the children's example during the holidays be a beacon to us all throughout the year.

TRIBUTE TO COACH DAVEY WHITNEY AND THE ALCORN STATE BRAVES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me extreme pleasure to stand before you and recognize the accomplishments and success of one of Mississippi's finest basketball coaches, Coach Davey Whitney, men's head basketball coach at Alcorn State University. Coach Whitney was the first coach to lead a team from a historically black college or university (HBCU) to victory in the NCAA and NIT tournaments.

Alcorn State University, located in Lorman, Mississippi, was once known as a basketball powerhouse under the guidance of Coach Whitney. During his first stint as head coach, the Braves enjoyed 17 straight winning seasons, nine Southwestern Athletic Conference (SWAC) titles, three National Collegiate Athletic Association (NCAA) tournament appearances and two National Invitational Tournament (NIT) appearances. Then Coach Whitney retired.

Three years ago he was called upon to return and revive the winning program. Through hard work by Coach Whitney and his staff, along with the dedication of this young talented ball club, the Braves are currently enjoying their best season since 1986, the last time Alcorn won the SWAC title. Therefore, it is only fitting that in 1999, while Coach Whitney is on the brink of accomplishing that same goal with the very same program, that I take time out to recognize him.

At the age of 69, Coach Whitney's goal this time around is to get the basketball program back on its feet and train someone to replace him. Although some may view this as a wise decision, I know that there are many Braves fans out there who are lobbying for him to stay for as long as he wants.

Mr. Speaker, Coach Whitney exemplifies college basketball in every way. His track record shows that he has what it takes to be successful and stay successful in college basketball. Keep up the good work Coach and the best of luck to you and your ball club as you continue on your quest for greatness.

ELIMINATION OF AID TO TURKEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and applaud the action of the 105th Congress to withhold all aid for Turkey in the 1999 appropriations bills.

For the past 25 years, Turkey has brutally oppressed the people of Cyprus and committed atrocious human rights violations. Despite the condemnation of the international community, Turkey has refused to withdraw its troops from Cyprus or improve its record on human rights. The United States must take the lead in resolving this conflict in the Mediterranean. Not only is it our moral obligation to oppose unjust oppression and brutal human rights violations, but a lasting resolution to the Cyprus problem would also improve relations between Greece and Turkey, strengthen the peace and stability of the Eastern Mediterranean region, and serve important United States interests.

I have been delighted to work with Congressman JOHN EDWARD PORTER, a key member of the House Appropriations Committee and a great leader on these issues. Congressman PORTER and I introduced H.R. 388 and H.R. 1361 in the 105th Congress to address the situation in Cyprus. These bills proposed to withhold all American military and economic assistance to Turkey unless Turkey peacefully resolved the conflict with Cyprus and halted all human rights violations. I am very pleased that Congressman PORTER and I were able to achieve our goal when these funds were withheld in 1999 appropriations. I join my colleague in urging this Congress and the President to continue to deny aid to Turkey until these diplomatic and human rights requirements are met.

THE ETHERIDGE SCHOOL CONSTRUCTION ACT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce the re-introduction of my legislation I originally introduced last year to assist fast-growing states to build new schools, reduce class sizes and overcrowding and foster an orderly and disciplined learning environment. To date, I have gathered more than twice as many original cosponsors this year than the bill enjoyed in the last Congress, and I urge all of my colleagues to join me in signing on to this important legislation.

As the former Superintendent of North Carolina's schools, I know firsthand how important quality facilities are to our children's education. The General Accounting Office has identified more than $112 billion in school construction needs across the country. The Secretary of Education has reported that the "Baby Boom Echo" will create an explosion of growth in the school-age populations in many states over the next ten years. In fact, the experts at the U.S. Education Department have projected that my state's high school enrollment will grow by 27.1 percent over the next ten years. Almost all of my Congressional District's nine counties have experienced tremendous growth this decade (Franklin County—19.6 percent, Granville County—9.9 percent, Harnett County—18.9 percent, Johnston County—25.3 percent, Lee County—17.1 percent, Nash County—17.3 percent, Sampson County—9.5 percent, Wake County—29.4 percent, Wilson County—2.6 percent).

Congress must assist the states to meet their school construction needs of the coming decade. My bill will use new tax credits to create $7.2 billion in school construction bonds over the next ten years. These school bonds will be allocated to the states based on the growth we know they will experience in the coming decade. The Etheridge School Construction Act will complement the Administration's school construction initiative by using the same bond-leveraging tax credit but targeting resources to growing states. These targeted tax credits will provide resources directly where they are needed without adding any new federal government programs of bureaucracy. My state of North Carolina will qualify for about $360 million in school construction bonds under this legislation.

By directing these bonds to the states with the most growth, we will provide desperately needed assistance to the states with the most critical needs and provide some relief to virtually every state. Specifically, the Etheridge School Construction Act will provide school construction bonds to these states at the following amounts: California—$2.32 billion; Texas—$840 million; New York—$540 million; Florida—$436 million; North Carolina—$360 million; Georgia—$303 million; Virginia—$249 million; Massachusetts—$241 million; Illinois—$237 million; Arizona—$233 million; New Jersey—$191 million; Tennessee—$166 million; Maryland—$129 million; Colorado—$112 million; South Carolina—$104 million; Indiana—$100 million; Alabama—$100 million; Washington—$83 million; Utah—$83 million; Nevada—$79 million; Missouri—$58 million; Pennsylvania—$54 million; Michigan—$50 million; Connecticut—$42 million; New Mexico—$42 million; Rhode Island—$37 million; Oregon—$33 million; Mississippi—$29 million; Idaho—$29 million; Hawaii—$29 million; Ohio—$25 million; Delaware—$25 million; Arkansas—$20 million; Alaska—$20 million; New Hampshire—$17 million; District of Columbia—$8 million; Louisiana—$4 million; Kentucky—$4 million; Kansas—$4 million; Vermont—$4 million.

The revenue costs of this legislation amount to the modest sum of $2.3 billion which could easily be offset by tightening loopholes in the tax code and minimal reductions in current federal government spending. There is no need to utilize the current and future budget surpluses to pay for this legislation. Therefore, this bill is budget neutral. Below are listed examples of current government expenditures that could be trimmed or eliminated. My individual colleagues who support the Etheridge School Construction Act may not agree with each and every provision I suggest we curtail to finance this important priority, but the list illustrates opportunities for savings available to accommodate the pressing need for new schools. The Green Scissors Campaign and other sources have identified these items.

Mining Reform. Under the General Mining Law of 1872, anyone may explore open public lands for hardrock minerals including gold, silver, lead, copper, zinc and many others. Each year, approximately $2 to $3 billion worth of minerals are taken from public lands but no royalties are paid. Modest reform to require a fair market return to taxpayers for publicly-owned minerals extracted by mining companies, for example an 8 percent royalty, would raise roughly $1 billion over five years.

Timber Sales. Over the last nine years, the U.S. Forest Service has lost $2.8 billion on its timber program. The losses come from selling timber at below the Forest Service cost of preparing the timber for sale and subsidizing the construction of an extensive network of logging roads to support its timber sales programs. Requiring the receipts for National Forest commodity timber sales to cover the expenses of programs would save $200 million annually or $1 billion over five years.

Plutonium Manufacturing Project. This project known as "Rocky Flats II" would increase Los Alamos National Laboratory (LANL) pit production capacity. Pits are the plutonium cores of nuclear bombs and act as triggers for detonation. There is no need for new pit production because the U.S. retains several thousand pits in reserve. For example, there are more than 10,000 spare pits in bunkers near Amarillo, Texas and many of them could be substituted in currently-deployed weapons should a currently nonexistent need ever arise. Terminating this unneeded new construction would save approximately $1.1 billion.

Oil and Gas Expensing. Firms engaged in the production of oil, gas and other fuels are permitted to expense rather than capitalize certain intangible drilling and development costs (IDCs). They are subsidies originally intended to increase investment and exploration into oil and fuel. These subsidies are designed to reduce dependence on foreign oil, but they increase the exploitation of our nation's resources and do nothing to abate the world's consumption of fossil fuels and the attendant effects on the global environmental health. Ending this subsidy would save $500 million a year or $2.5 billion over five years.

These are a few examples of large expenditures the federal government incurs that could be curtailed to achieve necessary savings. In addition to these big ticket items, one-time spending items are often included in the annual appropriations bills that serve parochial interests of individual Members and represent significant costs to the federal Treasury. For example, last October Congress passed the comprehensive Omnibus Appropriations bill that contained many such items identified by Senator JOHN MCCAIN during debate on the legislation in that body. Below is a partial list spending often characterized as "pork barrel."

$250,000 to an Illinois firm to research caffeinated chewing gum.

$750,000 for grasshopper research in Alaska.

$1.1 million for manure handling and disposal in Starkville, Mississippi.

$5 million for a new International Law Enforcement Academy in Roswell, New Mexico.

$1 million for Kings College in Wilkes-Barre, Pennsylvania, for commercialization of pulverization technologies.

$1.2 million for a C&O Canal visitors center in Cumberland, Maryland.

$250,000 for a lettuce geneticist in Salinas, California.

$500,000 for the U.S. Plant Stress and Water Conservation Lab in Lubbock, Texas.

$162,000 for research on peach tree short life in South Carolina.

$64,000 for urban pest research in Georgia.

$100,000 for vidalia onion research in Georgia.

An additional $2.5 million for the Office of Cosmetics and Color.

$200,000 for a grant to the Interstate Shellfish Sanitation Commission.

The items listed here are but a representative sample of unnecessary or wasteful government spending we should reduce or eliminate in favor of necessary investment like school construction. Congress must set priorities for the expenditure of the taxpayers' money, and I believe we must elevate school construction on our priority list.

Across the country today, there are 53 million children attending school in America's classrooms. Far too many of these children are not being educated in modern, well-equipped facilities where discipline and order foster academic achievement. For many of our nation's shoolchildren, class is being taught in a trailer or in a closet or in an overstuffed or run-down classroom. We must do a better job of building the quality schools we need to educate our children.

As the former two-term, elected Superintendent of my state's schools, I have probably spent more time inside of more classrooms than any other Member of Congress. I can tell you firsthand that it makes a tremendous difference to the children of this nation whether or not they are provided a safe, quality environment in which to learn. What message do we send to our children when we say to them that their education is not a high enough priority for us to find the will to build them decent educational facilities? If a child sees that the adults in the community take pride in the school and its mission, the child will embrace that school and engage mightily in the endeavor of learning. But if a child sees nothing but indifference and neglect, that child is robbed of the hope that is necessary to summon the will to take a chance to make something of himself or herself through the challenging pursuit of academic achievement. We must not allow the indifference of some rob the future from our many children.

No student in America should be forced to attend class in a substandard facility. No teacher should be required to struggle in an unsafe, undisciplined environment. No parents in America should be forced to witness their children condemned to school in a trailer.

We now have more children in our public schools than at any time in our nation's history. Indeed, even at the height of the Baby Boom there were fewer children in our public schools than there are today. And we know that the coming decade's "Baby Boom Echo" will compound this problem many times over. We must exercise visionary leadership to address this crisis in a timely, proactive and effective manner.

They say that life boils down to a few simple choices. I believe that if we can find the resources to build fancy new prisons to house the criminals, which I support, then surely we can scrape together some money to invest in our children's education. If we can buy more tanks and planes and guns for our military, which I support, then we can find the will to build new schools. And if we can put on the table every poll-tested tax cut proposal, then by God we can summon the political courage to spend some of our national treasure to ensure continued American prosperity in the next century.

The well-worn phrase that children are our future may have become a cliche. But, it also happens to be true. An investment in schools is an investment in our children and an investment in our nation's future. It is time for each Member of Congress to roll up his or her sleeves and get to work to help our communities to build the schools we need to educate the next generation of our citizens.

The Etheridge School Construction Act is a vitally important piece of legislation, and I urge this Congress to pass my bill as soon as possible.

WEBBER JUNIOR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Webber Junior High School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents, and individuals who contributed to their benefit. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the school produced so much for the Salvation Army for the benefit of the needy is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the children's example during the holidays be a beacon to us all throughout the year.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mrs. CAPPS. Mr. Speaker, due to a family illness, I was unable to attend votes this week. Had I been here I would have made the following votes: Roll Call No. 29—"aye," Roll Call No. 30—"aye," Roll Call No. 31—"aye," Roll Call No. 32—"aye," and Roll Call No. 33—"aye."

THE ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. DINGELL. Mr. Speaker, 1848 was a year of great tumult across the continent of Europe. Men, women, and children rebelled against the shackles of repressive aristocracies to demand a greater voice and greater freedoms. From these heroic uprisings, the seeds of change were permanently planted in Europe. Today, I rise to join Hungarian-Americans and the people of Hungary in commemorating the anniversary of start of one of these noble uprisings, the 1848 Hungarian revolution.

On March 3, 1848—as revolution gripped much of Europe—a brave Hungarian patriot, Louis Kossuth, stood up against the ruling Austrian Hapsburg empire. In his "inaugural address of the revolution", Kossuth enumerated 12 sweeping reforms that reflected some of the most progressive ideas of the age, such as a reduction of feudal rights and the emancipation of the peasant. This declaration struck an immediate chord with the Hungarian people. The reforms immediately spurred the Austrian people to demand similar rights, and on March 13, a full-fledged revolution broke out in Vienna.

On March 15, while Kossuth was in Vienna presenting his 12 points to the Habsburg monarchy, students in Buda-Pest armed only with Kossuth's reforms seized control in what has come to be known as the bloodless revolution. The following day the Hungarian delegation, led by Kossuth, submitted Hungary's demands before Emperor-King Ferdinand. The Austrian monarch quickly agreed to the points, prompting the Hungarian Diet to put the revolutionary reforms into effect. Thus, Hungary's future was forever influenced as the result of a peaceful, lawful revolution.

The Hungarian Diet immediately began to work nonstop to pass new laws. By April the Diet had passed 31 progressive measures, which essentially amounted to a new constitution. These "April laws" attempted to provide for the needs of a nation moving towards modernization.

Unfortunately, Hungarians did not have long to experience the effects of the new laws, because factions in the Austrian government were intent on squashing any semblance of Hungarian independence. On September 10, Baron Lelacic, with encouragement from the Habsburgs, let 40,000 Croatian troops across the Hungarian frontier. Hungary, led by Kossuth, was in the process of building up its army, and initially lost several battles to the invaders. Finally, General Arthur-Gorgey, who was to become one of Hungary's greatest generals, was given control of the Hungarian army. By April 1849 Gorgey's military brilliance and the tremendous bravery of the elite Hungarian Honved troops had driven all of the invaders out of Hungary, and Hungary had officially declared its independence from Austria.

The Habsburg's were humiliated and forced to call on Russian Czar Nicholas I for assistance in bringing the now independent Hungary back under Austrian control. As a result, Hungary's independence was short-lived because in June, 1849, a joint Austrian-Russian offensive overwhelmed the valiant Hungarian defenders. On August 13, Gorgeys' forces laid down their arms before the Russians at Vilagos. Kossuth was forced to flee his beloved homeland and would live the rest of his life traveling the world to gain support for Hungary's cause. In a speech made prior to his departure, Kossuth said, "My principle were those of George Washington. I love you, Europe's most loyal nation."

It is fitting that within this building—this house of democracy—sits a statue of Louis Kossuth. This is only right and appropriate.

Although, the Hungarian revolution of 1848 did not end in prolonged independence for Hungary, it did result in at least one very noble achievement. The revolution prevented the Austrian government from revoking the emancipation of the peasants and all other unfree persons in the Habsburg's empire. For this historic accomplishment and for striving towards the ideal of the American Revolution, Hungarian and Americans of Hungarian decent should always be proud. I join with the strong Hungarian-American population in the downriver communities to celebrate the Hungarian revolution of 1848, truly an important turning point in the history of the Hungarian nation.

THE INTRODUCTION OF THE Y2K STATE AND LOCAL GOVERNMENT ASSISTANCE PROGRAMS ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. UNDERWOOD. Mr. Speaker, our contemporary world is ever more dependent upon computers to assist with and manage our daily lives. From the ATM Machine to the desktop PC, to the pacemaker to air traffic control systems—computers and their myriad of programs all work in concert to make our lives better and more productive. On my home island of Guam, computers have improved mass communication with the mainland and overseas areas in all facets of life—law, business, government, commerce, military, trade, transportation and perhaps most important: staying in touch with our families. Because our lives are so intertwined with computers, the Year 2000 or Y2K problem may pose quite a crippling problem to many communities. The Y2K problem was created by a programming oversight. As a result of an archaic, two-digit dating system in computer software and hardware, vital systems may be knocked off-line on January 1, 2000 creating cyber-havoc for many. This concern has led the General Accounting Office to elect the Y2K problem to the top of the "High Risk" list for every federal agency.

There exists a Congressional Research Service (CRS) report, requested at the behest of Senator DANIEL PATRICK MOYNIHAN over three years ago, detailing the implication of the Y2K problem. The report states, among other things, that the Year 2000 problem is a serious problem and the cost of rectifying it will indeed be rather high.

The Federal Government has become rather proficient in getting its agencies and departments to comply with the inevitable re-programming that is required to fixing this bug. But not without some effort. The Senate and the House of Representatives have truly taken the lead on this pressing issue. Under the gentle prodding of Senators MOYNIHAN, BENNETT, and DODD as well as Congressman STEVE HORN, the President appointed a Y2K Council to get the government focused on this issue. They have done well enough that many citizens do not fear the year's end despite the rhetoric of many doomsayers. That said, to paraphrase Robert Frost, we have many miles to go before we sleep.

Up until today, states, territories and local authorities have been left to their own devices in terms of fixing the Year 2000 problem. While most of the Federal Government's critical services may be Y2K compliant by January 1, 2000, many of the states and local jurisdictions will not be. This includes the territories. In Guam, for example, the local Office of the Public Auditor released a study outlining the territorial Y2K problem. While some of GovGuam's departments are Y2K compliant ahead of schedule many are not. Guam's Department of Public Works and the Department of Public Health and Social Services—both lifeblood agencies for both Guam's public infrastructure and poor and handicapped—do not have enough money or are behind schedule in performing Y2K conversions. And the story is the same throughout the country in the many cities, counties, towns and territories: time is running out or the money has already ran out.

This bill, which I am introducing today will establish a program that will allow states and territories to apply for funding to initiate Y2K conversions of state computer systems, which distribute federal money for vital welfare programs such as Medicaid, Food Stamps, the supplemental nutrition program for women, infants and children, Child Support Enforcement, Child Care and Child Welfare and Temporary Assistance for Needy Families. Through the application of Y2K technical assistance funds for these programs, we can insure that the lifeblood of many of the poorest Americans will not be disrupted by the turn of the calendar.

This vital legislation is the house companion bill to the Moynihan-Bennett-Dodd bill (S. 174) as introduced in the Senate. We have modified the original Senate vehicle to insure that the territories and the District of Columbia will not be excluded from this important program—an apparent and accidental oversight of the Senate version. I urge all my colleagues to support this bi-partisan, fiscally responsible and necessary legislation. I would like to thank my colleagues Ms. CHRISTIAN-CHRISTENSEN, Ms. NORTON, Mr. ROMERO-BARCELÓ and Mr. FALEOMAVAEGA for lending their support as the representatives from the territories of the U.S. Finally, I want to especially thank Representative HORN and Senators MOYNIHAN, BENNETT, and DODD for taking the lead on educating all Americans on the Y2K problem as well as legislating wise solutions to ameliorate its potentially harmful effects.

POUDRE SCHOOL DISTRICT SUPPORT SERVICES CENTER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the people of the Poudre School District Support Services Center in Colorado for their efforts to help the needy during the holidays. I commend the faculty as well as all the students, parents, and individuals who contributed to their benefit. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the center produced presents for 75 needy boys and girls is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let their example during the holidays be a beacon to us all throughout the year.

INTRODUCTION OF THE PROMPT COMPENSATION ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. HUNTER. Mr. Speaker, all of us have heard from constituents in our districts who are frustrated with the process by which the federal government provides compensation to landowners for the private property it acquires through condemnation proceedings. As you know, federal agencies obtain property for all types of reasons, from community and infrastructure development to environmental concerns. Unfortunately, the problem is that this procedure often takes years to complete. Though legally the property owner may develop their property during this process, realistically they are discouraged from doing so. It is for this reason that I am introducing The Prompt Compensation Act.

Currently, the federal government has two available procedures to obtain private property. The first is "straight condemnation", wherein a federal agency requests that the Justice Department file a "complaint in compensation" with a district court. It is the court's responsibility to ascertain the value of the land, utilizing testimony from the federal agency, the property owners and the appropriate appraisers. Once the court has come to a decision, the federal government has the option of compensating the property owner with the adjudicated price, or moving for a dismissal. The landowner is compensated only if the federal government accepts the adjudicated price. Though the federal government forfeits its interest in the property if it moves for a dismissal, the property owner has been deprived of time, revenue and, in some cases, overall value in their land. It is important to remember that not until a judgment is rendered does the United States obtain title and possession of the property.

The second and more expeditious procedure is commonly referred to as "quick take." This is utilized in instances where waiting for a court decision before taking possession of the property is not acceptable. In this procedure, the United States assumes title of the property immediately, or at any time before judgment, by simply filing a "declaration of taking" along with the complaint in condemnation and depositing with the court an amount of money equal to the estimated value of the land. Normal protocol is then followed, with the court ascertaining the value of the property, and the balance is issued to the landowner.

The Prompt Compensation Act will require the federal government to deposit with the court an amount equal to the estimated value of the land within 90 days or it must forfeit its interest in the property, thus making the "quick take" procedure the only alternative available. The Prompt Compensation Act will make a significant impact in curbing the takings authority of the federal government, while at the same time, strengthening the private property rights of America's landowners. I urge all my colleagues to join me in this important endeavor.

SOCIAL SECURITY GUARANTEE INITIATIVE

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we debate our respective positions on Social Security, let us be mindful of a critical issue facing senior citizens—the prohibitively high cost of prescription drugs. Medicare is the main source of health care for the elderly, yet it does not cover the cost of most prescription drugs.

Many senior citizens live on a limited, fixed income. The cost of prescription drugs is an important issue because senior citizens are more likely to suffer from chronic long-term illnesses, such as diabetes, high blood pressure, and Alzheimer's disease which require medication.

Although prescription drugs are covered by most private insurance, thirty-seven percent of senior citizens do not have their own prescription drug coverage. The average senior citizen takes several medications a day (up to 30 prescriptions a year) and many of them pay for their own medications out of pocket.

Senior citizens who cannot afford their medication may not fill them or may not take the proper dosages which can endanger their lives. Seniors who do not take their medication risk living in pain, being hospitalized, or even death.

The cost of prescription drugs directly affects the health and welfare of the elderly. We cannot force our senior citizens to make a choice between buying food and buying their medication. This should not be choice between life and death. We must offer plans to reform the Medicare program that protect the interests of our seniors.

IN HONOR OF MOORPARK HIGH SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Moorpark High School, which, for the second consecutive year, will represent Ventura County in the Academic Decathlon California state finals on March 12.

These 16 students are representative of the best and brightest our country has to offer. I say that without exaggeration. Moorpark High School's A Team is rated second-best in the country—quite a feat for a relatively small high school. And their coaches, head coach Larry Jones and assistant coach Michelle Bergman, are examples of what is right in our educational system today. Their dedication is to be applauded.

Moorpark High School fielded two teams to compete in the Ventura County Academic Decathlon against the best and brightest from other country high schools on Feb. 6. At the end of the day, Moorpark High's two teams bested all the rest, coming in first and second.

Now they are readying themselves to take on last year's state champion—El Camino High School, which is the only school rated higher than Moorpark in the nation.

Unfortunately, because of contest rules, only Moorpark's A team will be able to compete in the state contest, even though the B team is rated higher than many of the other contestants. But rather than dwell on the unfortunate, the B team members are rallying their A team peers. These teen-agers are taking nothing for granted. For several weeks, the academic achievers have been studying at school until 10 p.m., then hitting a coffee shop or a student's home to study some more.

The fine students representing the A team are: Valerie Lake, Mitul Patel, Ari Shaw, Arturo Barragan, Alexandra Dove, Rebecca Wershba, John Ellis and Nick Lange. The B team is represented by Shanna Gibbs, Tiffany Chou, Jennifer Lawrence, Shaun Berry, Tara Hernandez, James Marlier, Charles Pomerantz and Jason Sweitzer.

On a personal note, let me add that Ari Shaw served as an intern in my office last year. The time he spent here apparently was positive: He won a gold medal during the contest for a speech on his experiences.

Mr. Speaker, I know my colleagues will join me in congratulating the Moorpark High School Academic Decathlon Teams for their achievements to date, and in wishing the A team great success in the state championships.

PRESTON JUNIOR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Preston Junior High School in Colorado for their efforts to help the needy during the holidays. I commend the facility of the school as well as all the students, parents and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort and happiness to families in Colorado. That the school produced so much for Santa Cops for the benefit of the needy is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the school's example during the holidays be a beacon to us all throughout the year.

TRIBUTE TO SUSAN B. ANTHONY IN CELEBRATION OF HER BIRTHDAY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mrs. NORTHUP. Mr. Speaker, February 15th was set aside as President's Day, a day to honor the high office and those individuals who have been given the honor by their fellow citizens to hold it. And indeed, many who have held the office rank among our nation's greatest leaders.

But February 15th also marked the 179th birthday of another of our country's greatest leaders, one who never held high office, but nonetheless changed our nation's history through her relentless protests of inequality. That leader is Susan B. Anthony.

Susan B. Anthony is often remembered for her pioneering work in the cause of equal rights for women. Her fierce opposition to slavery was a natural counterpart to her struggle for women's rights. But as she fought to widen society's guarantee of equal rights to include women, she also sought to widen this guarantee for others, including unborn children.

As we mark her anniversary, let us honor Susan B. Anthony's endeavors which established a legacy for posterity. When she died in 1904 only four states granted suffrage to women. Fourteen years later the nineteenth amendment granted universal suffrage. Let us continue her work toward a more equal and just society.

PROTECTING YOUTH AT WORK: HEALTH, SAFETY AND DEVELOPMENT OF WORKING CHILDREN AND ADOLESCENTS IN THE UNITED STATES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. LANTOS. Mr. Speaker, every five days a young person is killed on the job in this country. Every 40 seconds a child is injured on the job. The occupational injury rate for children and teens is more than twice as high than it is for adults. These statistics are totally unacceptable for a civilized, advanced society like ours. On the eve of the 21st Century, this situation is a national disgrace and it is totally unacceptable.

We must ensure that our children are safer at work. Education and healthy development are of primary importance during childhood and adolescence. Working should develop a young person's character, not burden them with potentially lifelong ailments. Work should help students excel in school, prepare them for a productive life and encourage their healthy development.

Mr. Speaker, I rise today to call attention to the alarming problems associated with child labor. I ask that a summary of an important study recently released by the Board on Children, Youth, and Families of the National Research Council and the Institute of Medicine entitled "Protecting Youth at Work" be placed in the RECORD. The National Research Council is the nonprofit arm of the National Academy of Sciences and Engineering. The report was presented to Members of Congress and their staffs last week at a briefing sponsored by our esteemed colleague, Representative MARTIN MEEHAN.

Mr. Speaker, "Protecting Youth at Work" is the product of a blue-ribbon panel of experts selected to represent a broad range of expertise in areas relating to child development, including adolescent social and biological development, public agency programs and practice, law, economics, sociology, psychology, occupational medicine and rural health programs. The committee laid down four general guiding principles for protecting youth at work. First, education and development are of primary importance during the formative years of childhood and adolescence and although work can contribute to these goals, it should never be undertaken in ways that compromise education or development. Second, the formative and malleable nature of childhood and adolescence requires a higher standard of protection for young workers than that accorded to adult workers. Third, businesses that employ young workers assume a higher level of social obligation which should be reflected in the expectations of society as well as in public policy. And finally, everyone under 18 years of age has the right to be protected from hazardous work, excessive work hours, and unsafe or unhealthy work environments, regardless of size of the enterprise in which he or she is employed, his or her relationship to the employer, or the sector of the economy in which the enterprise operates.

"Protecting Youth at Work" urges Congress to authorize the US Department of Labor to limit the hours that 16- and 17-year-olds can work (limits already exist for children under the age of 16), eliminate child labor exemptions and exceptions in our labor laws which do not protect children working in the agricultural sector, and allocate more resources to reducing and eliminating the startling disparity of injuries and deaths among workers under the age of 18 as compared to that of adults.

Mr. Speaker, our child labor laws should take into account changes in the modern workforce. For example, working during the school year has become much more commonplace among America's youth over the past decades—fewer than 5% of students held school-year jobs before 1950. In the 1990's, half of 16- and 17-year-olds work during the school year and 80% of all students have a job at some point during the school year while they are in high school. "Protecting Youth at Work" found that more children are working more hours than ever before in our nation's history.

Mr. Speaker, more and more American children don't have enough time or energy to devote to their studies. While a job can promote self-esteem and teach discipline, working excessive hours takes too much away from school—academic performance can suffer and so does participation in extracurricular activities. "Protecting Youth at Work" found that young people who work more than twenty hours end up sacrificing sleep and exercise, and spend less time with their families, in addition to shortchanging their homework. Just look at the facts. The amount of teenage work is higher in the United States than in any other country in the industrialized world. Educators say that is part of the reason why American students lag behind their foreign counterparts. As policy makers, it is time for us to carefully weigh the benefits of a job against the toll excessive or unsafe work can take on a child's academic performance and healthy development.

Mr. Speaker, my legislation, "The Young American Workers' Bill of Rights Act," which I introduced in the last Congress and which I will be reintroducing again soon in this Congress, reflects the problems and conclusions discussed in "Protecting Youth at Work." This comprehensive domestic child labor law reform bill addresses two major aspects of child labor: the deaths and serious injuries suffered by young workers in the workplace and the negative impact the working excessive hours during the school year can have on a youth's education and academic performance.

Specifically, "The Young American Workers' Bill of Rights Act" proposes new sanctions for willful violations of child labors laws that result in the death or serious bodily injury to a child, strengthening existing limitations of the number of hours children under 18 can work while school is in session, protection for children under the age of 14 who are migrant or seasonal workers working in agriculture (except in the case of children of family farmers), requiring better record keeping and reporting of child labor violations, and specifying that minors may not use or clean certain types of hazardous equipment or engage in certain hazardous occupations, such as poultry processing and handling pesticides. Mr. Speaker, the aim of this legislation is to ensure that the job opportunities for America's youth are meaningful, safe and healthy, not to discourage children from working.

I urge my colleagues to carefully review "Protecting Youth at Work" and to join me in supporting the enactment of meaningful child labor law reform legislation during this Congress.

PROTECTING YOUTH AT WORK

Congress should authorize the U.S. Department of Labor to limit the number of hours that all youths under the age of 18 can work during the school year. The jobs held by children and adolescents in the United States should not interfere with the educational opportunities and healthy development they need to thrive later in life.

Congress also should eliminate current distinctions in child labor laws between agricultural and nonagricultural employment, says a committee of the National Research Council and Institute of Medicine in its report Protecting Youth at Work: Health, Safety, and Development of Working Children and Adolescents in the United States. In addition, because of the hazardous nature of many agricultural jobs—such as working with heavy equipment and around dangerous chemicals—Congress should examine the effects and feasibility of extending Occupational Safety and Health Administration regulations to cover all young people, no matter where they work.

More broadly, the Labor Department should review regulations intended to protect employed youth from hazards in the workplace. Because of the many changes that have occurred in the U.S. economy and society in the past 30 years, the federal government needs to update and enhance these regulations and adequately enforce the laws that cover children and adolescents at work.

A NATIONAL NORM

Work is a common part of the lives of many children and most adolescents in the United States. In surveys, 80 percent of high school students interviewed say that they have held jobs sometime during their high school years.

Working has a broad mix of positive and negative effects on young people. It provides them with valuable lessons about responsibility, punctuality, dealing with people, and money management, while increasing their self-esteem and helping them become independent and skilled.

But the workplace also can be dangerous. Work-related injuries send tens of thousands of children and adolescents to hospital emergency rooms annually. Hundreds of these young people require hospitalization, and at least 70 die of work-related injuries every year. The rate of injuries per hour worked is almost twice as high for children and adolescents, in part because of their inexperience and lack of training. The workplaces with the most injuries for young workers are retail stores and restaurants, manufacturing and construction, the public sector, and agriculture. Furthermore, an unknown number of young workers are exposed to toxic or carcinogenic substances, which may cause illnesses many years later.

"High-intensity work"—generally defined as more than 20 hours per week—is associated with additional negative consequences for adolescents, ranging from less time spent with families and a lack of sleep to substance abuse and minor deviance like theft and aggression.

PROTECTING EMPLOYED YOUTH

The legal and regulatory provisions developed years ago to protect employed youth do not reflect today's work hazards or important changes in rates of school attendance and employment. For example, exempting 16- and 17-year-olds from limitations on working hours was reasonable when most of them had left school and were earning money for their families; now that the vast majority remain in school, this exemption no longer makes sense.

Other rules and regulations regarding working youth also need to be updated. The Department of Labor should work with the National Institute for Occupational Safety and Health (NIOSH) to review periodically the rules that define which jobs are too hazardous for workers under the age of 18. Steps to eliminate outdated regulations, strengthen inadequate ones, and develop additional restrictions or safeguards to address new technologies and working conditions should be based on research provided by NIOSH.

Many of the industries that employ large numbers of children have high injury rates for workers of all ages, but young workers often do not receive appropriate health and safety training. The developing physical, cognitive, and emotional characteristics of adolescents—along with their inexperience—should be considered in understanding the risks they face and in designing job training for them. Issues that need particular attention are the exposures of working youth to pesticides and other toxic substances and the adequacy for young workers of state workers' compensation systems.

EDUCATION

A national initiative, spearheaded by NIOSH, could promote understanding of safety hazards in the workplace and the protections to which employed youth are entitled by law. Regional resource centers and community partnerships could provide assistance to schools, parents, employers, government agencies, and youth.

Employers who provide healthy, safe, and beneficial workplaces for young people should be recognized. The secretary of labor should convene a prestigious group to develop criteria for designating "commendable workplaces for youth." Local organizations then could use these criteria to identify exemplary employers.

BETTER INFORMATION

Although a combination of federal, state, and local data sources provides a fair amount of information about working teenagers, significant information gaps remain. NIOSH needs to develop and implement, with other federal agencies, a comprehensive plan for monitoring the injuries, illnesses, and hazards experienced by workers under age 18. The Bureau of Labor Statistics should routinely collect and publicly report data on the employment of young people age 14 and older. In addition, these and other federal agencies should conduct research in several critical areas, including the employment of children under age 14 and the most effective strategies to protect youth in the workplace.

TRIBUTE TO MAYOR THOMAS A. EGAN

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. LUTHER. Mr. Speaker, I come before the House today to honor a devoted public servant, Thomas A. Egan of Eagan, MN. After twenty distinguished years as council member and Mayor of Eagan, Tom recently decided to retire from public service. Although his leadership will be greatly missed, Tom's legacy is the shared sense of community and responsibility that Eagan residents will carry into the new millennium.

Tom also served a successful tenure as President of the National Organization to Insure a Sound-Controlled Environment (NOISE) where he was a tireless advocate of airport noise mitigation. Tom's dedication to airport noise reduction helped communities and citizens nationwide address the adverse effects of increased noise pollution.

On behalf of these communities and citizens, especially his constituents in Eagan, MN, we greatly appreciate all of Tom's contributions and efforts, and we wish him all the best in his future endeavors.

A BILL TO HELP REDUCE WASTEFUL GOVERNMENT SPENDING

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. DUNCAN. Mr. Speaker, I believe that one of the most serious problems facing our country today is wasteful Government spending. Each year our Government spends billions of taxpayer dollars on things which are ineffective and simply unnecessary.

I have heard many stories from Federal employees about the pressure to spend all of the money they have been appropriated for a given fiscal year. Agency administrators know that if they have a surplus at the end of the fiscal year, it is likely that their budgets will be cut the following year.

That is why I have decided to introduce legislation to address this problem. This bill will allow Government agencies to keep half of any unspent administrative funds. This money can then be used to pay for employee bonuses. The remaining half would be returned to the Treasury for the purpose of reducing the national debt.

My bill rewards fiscal responsibility by giving employees a direct benefit for saving taxpayer dollars. At the same time, it will address one of the biggest problems facing our country—the national debt. I think this is an important step toward restoring the financial security of our Nation.

TRIBUTE TO DICK BOETTCHER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Mr. Dick Boettcher who is recognized by the Longs Peak Council of the Boy Scouts as the 1999 Weld Distinguished Citizen of the Year.

Dick, who wears a badge on his lapel saying, "Do a good turn daily," learned this motto as a Boy Scout 50 year ago. Taking that motto to heart, he has served the Greeley community well for five decades, but probably his greatest passion has been for the Boy Scouts. Believing the most admirable people in scouting are the scout masters, he says, "Anyone who has been a scout master is an honorable man. They're like a boy's second father. They're even first fathers to some kids."

Living the character traits of a scout, "Trustworthy, loyal, helpful, friendly, courteous, thrifty, brave, clean and reverent," Dick has served as the President of Longs Peak Council; Area President; Executive Committee Member—North Central Region and formed the Western United States Region; Regional Vice President; Vice President Programs—Western U.S. Region; Camp Leader at numerous National Jamborees; Advisory member—1986 National Jamboree; Division and Western Region Chief—National Jamboree; United Nations Environmental Unit—1991 World Jamboree, Seoul Korea; and winner of the Silver Beaver Award and Silver Antelope Award.

Dick has also received numerous civic and professional awards, and served as organizer and President of the United Way of Weld County, past President of Greeley Philharmonic Board; past President and current director of North Colorado Medical Center Foundation; Chairman of North Colorado Medical Center Foundation's Four Million Dollar capital campaign; Large Gift Chairman of Monfort Childrens' Clinic; past Chairman of Flight for Life Golf Tournament and University of Northern Colorado Foundation; and past Director of the Greeley Chamber of Commerce.

Add to his civic efforts Greeley city councilman, chair of the Greeley Planning Commission, and current chairman of the Greeley Water and Sewer Board. Politically, he has been a hard working leader in the Republican Party, chairing campaigns for many successful Republican local, state and gubernatorial candidates, and Hank Brown and Bill Armstrong.

Born and raised in Nebraska, Dick served in the U.S. Army during World War II and graduated from the University of Northern Colorado before becoming a successful businessman. He first worked for the Professional Finance Company, ending up owning it and Northern Colorado Credit Bureau. Counted amongst his greatest successes is his family. Married to Irene for 50 years, they are the parents of three children and grandparents to seven children.

Mr. Speaker, it is with great honor that I ask my colleagues to join me in paying tribute to Dick Boettcher upon his receipt of the 1999 Weld Distinguished Citizen award. He is truly a role model for not only his children, but also for all those whose lives he has touched through life-long dedication to the Boy Scouts of America. This world is a better place because of Dick's "doing a good turn daily."

THE WORKPLACE PRESERVATION ACT

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. BONILLA. Mr. Speaker, I rise today in support of The Workplace Preservation Act. This bill forces OSHA live up to its promises of protecting workers. Despite its claims to the contrary, OSHA's recently proposed ergonomics regulation is not aimed at protecting workers, it's aimed at protecting bureaucrats.

Most people would agree that it is impossible to treat an ailment when you do not know what the ailment is. But that is exactly what OSHA is doing. Scientific and medical experts do not know what causes repetitive stress injuries, much less how to treat them. That is why the National Academy of Sciences has agreed to study the issue of repetitive stress injuries and any possible link they may have to the workplace.

Once this panel of experts concludes its studies—then, and only then—will the Federal Government be able to fully examine this issue. How can the Federal Government effectively regulate a situation that the experts do not understand? Apparently, OSHA thinks it knows better than the medical and scientific experts.

Despite the fact that the physicians and scientists do not fully understand the issue of ergonomics, despite the fact that the courts have ruled that OSHA is using junk science—OSHA is moving full steam ahead toward issuing one of the most sweeping labor laws in history. Instead of letting the scientists examine the facts, OSHA is dictating its own agenda. American workers should not pay the price for OSHA's mistakes.

REPORT ON THE OKLAHOMA CITY BOMBING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. TRAFICANT. Mr. Speaker, for the past 6 years I have been examining the issue of security in Federal buildings. In the last two Congresses I have introduced legislation to reform and improve the Federal Protective Service. As part of this effort, I have closely examined the April 19, 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

For the past 2 years my efforts have been assisted by a private citizen, Mr. John Culbertson. Mr. Culbertson recently completed a detailed report for my office on the physical security deficiencies of the Murrah Building. Mr. Culbertson also prepared an excellent report summary which I would like to insert in the RECORD. I want to emphasize that Mr. Culbertson is a private citizen and that he prepared the report at his own expense.

Mr. Speaker, Mr. Culbertson's report includes some disturbing revelations about security lapses in Oklahoma City on the day of the bombing. I am deeply concerned that unless swift action is taken to reform and upgrade the Federal Protective Service, there will be another tragic bombing of a federal building.

I urge my colleagues to read the report and to cosponsor my legislation, H.R. 809, the Federal Protective Service Reform Act.

DEADLY FAILURES—PHYSICAL SECURITY DEFICIENCIES OF THE ALFRED P. MURRAH FEDERAL BUILDING, OKLAHOMA CITY, OKLAHOMA—SPECIAL REPORT SUMMARY

This report has been prepared by John Culbertson for the Honorable James A. Traficant Jr. as a follow up report to the "Background Briefing, Building Specific Security Deficiencies" white paper prepared at the request of the office of the Honorable James A. Traficant Jr. and dated June 3, 1998.

This report will detail specific failures in the security review and operations of the Murrah Federal Building (MFB) that could have led to it's selection as a target and subsequent bombing on April 19, 1995. Further details of the analysis regarding the bombing and the MFB will be the subject of other reports.

A February 21, 1995 Physical Security Survey incorrectly classified the building as a level III building. The correct classification was level IV based upon United States Department of Justice Criteria. The Oklahoma City Fire Department has published data which would have classified the building as a level IV building. The Federal Protective Service in a post bombing publication listed the building as a security level IV building.

Because the building had been the target of previous bombing attempts, and Richard Wayne Snell, a person involved in the planning of one of these plots was scheduled for execution on the day of the bombing. Richard Wayne Snell is an Aryan National figurehead who was executed in the state of Arkansas on April 19, 1995 for the murder of Lewis Bryant, an Arkansas State Trooper of African American descent. Snell had with James Ellison the leader of the group known as the Covenant, Sword and Arm of the Lord, planned to bomb the MFB in 1983.

The March, 1995 issue of "Taking Aim" the monthly newsletter published by the Militia of Montana (MOM) was heavily devoted to Richard Wayne Snell. The newsletter called Snell a "Patriot to be executed by the Beast". MOM linked the execution date to the 1993 burning of the Branch Davidian Complex in Waco, to the British attack on Lexington and Concord in 1776 and in typical fashion of ignoring important facts to the shoot-out and subsequent standoff with Randy Weaver at Ruby Ridge, Idaho which actually began on August 21, 1992. MOM promoted the idea of April 19th as being declared within the movement as "Militia Day". The newsletter also made the appeal that Snell would be executed unless some action was taken.

Compounding the Snell execution scheduled for the same day as the bombing was the fact that just two years earlier the standoff at the Branch Davidian Complex in Waco, Texas ended in a deadly fire on April 19, 1993. This fire had become a rallying point for groups opposed to the Federal government. The FBI issued an advisory to the FPS on February 7, 1995 regarding a planned demonstration on February 28, 1995 by the DC committee for Waco Justice, the date of the initial BATF raid that precipitated the standoff. The GSA has stated no warning of potential threats was received from the FBI although the FBI was cognizant of the Snell execution.

Certain events that took place in the week prior to the bombing were either left not investigated or occurred because there was no mechanism in place to investigate or prevent them. These events are highly suspicious and could have a connection to the bombing itself.

Numerous witnesses have reported seeing three individuals in the parking garage of the MFB on Friday April 14, 1995, acting in a suspicious manner with suspicious objects in their possession. A significant item is that they had a set of "E" sized sheets which is consistent with the size of the building plans for the MFB.

A witness who was employed in the building reported encountering a male subject on April 18, 1995 wearing a GSA uniform. The witness noticed the subject because he was not one of the building regulars and seemed out of place. A May 24, 1997 story in the Rocky Mountain News by Kevin Flynn recounts how a guard who happened to be at the MFB on the afternoon of April 18, 1995 witnesses what may have been a test run for the bombing, a large truck pulled up in front of the MFB in the area that McVeigh parked his truck. Three individuals exited the truck in a hasty fashion and ran across the street. Several minutes later they returned to the truck and left.

On the morning of April 19, 1995 a witness entering the building encountered the same subject as the day before on his way out of the building in a hurried manner. Once again the subject had a GSA uniform shirt on but in this case was accompanied by another individual.

CONCLUSIONS

1. In the context of events leading up to the bombing of the MFB, it appears that Federal officials should have been at a higher state of alert for a potential threat, however it also appears that there was no mechanism clearly defined to disseminate important information.

2. Given the precautions taken by Arkansas officials with respect to the execution of Richard Wayne Snell, and his particular history of violence, Federal Agencies should have been more aware of a potential threat against the MFB. Certainly the fact that the militia community was highly involved in the opposition of the execution of Snell, and given his specific history of planning an attack on the MFB in 1983 more attention should have been given to a scenario of a possible attack against the building on April 19, 1995.

3. Further indications to a potential threat against the MFB should have been realized due to the fact the James Ellison, a coconspirator with Snell in the 1983 plot had taken up residence at Elohim City with which Snell has considerable linkage. Because the raid on Ellison's compound had occurred on April 19, 1985, ten years later, and Snell had been predicting a bombing, attention was warranted by Federal authorities regarding the possibility of an attack. There was a failure in the mechanism for timely and functional communications between Federal agencies.

4. Strangers in GSA uniforms in the building on April 18 and 19, 1995 would have had a higher probability of detection had there been a sufficient security force present in the building in 1995. These occurrences while not totally remedied by human presence can be significantly reduced if the subjects in question were part of an operation to plant explosives within the building or provide reconnaissance, it is highly likely that such an operation would not be attempted if sufficient human security presence were maintained.

5. Proper classification of the building itself may have resulted in increased security measures such as video surveillance and increased human presence that could have detected the possibility of a plot against the building. Certainly enhanced security measures would have made the building a less attractive soft target for terrorism.

6. Proper classification of the building may have resulted in better protective features particularly in the case of retrofit items. Protective features including glass protection, internal security measures and traffic management certainly could have been a mitigating factor in the reduction of fatalities, injuries and damage resulting from the attack on April 19, 1995.

RECOMMENDATIONS

1. Existing classification criteria seems adequate but is unevenly applied, most likely to poor management and budgetary considerations. The FPS should have the lead in investigating and identifying building security level using existing criteria. Classification efforts should be free of constraints such as budgetary concerns when an investigation and determination effort is being conducted. If after determinations are made budgetary concerns are warranted, solutions should sought such as locating high risk tenant agencies together or the exploration of site specific cost effective technological solutions. In order to carry out this mission the FPS should have stand alone status within the GSA framework and should be a full fledged law enforcement agency with investigative capabilities.

2. The value of a human presence should not be discounted, the addition of dedicated security personnel employed by the Federal government as opposed to contract guards should be implemented as quickly as possible. The ability to investigate and make quick determinations is of supreme importance in the protection of Federal Employees.

3. Security personnel should have clear lines of authority and adequate training for the task of providing security to Federal facilities without infringing on the rights of the citizens they are charged with protecting.

4. Attention should be placed on developing methodologies for security personnel to provide protective services without giving a fortress like appearance to Federal facilities. Federal facilities are the property of the American people and they should be as open and accessible as possible to them.

5. Methods of intelligence sharing should be strengthened between Federal agencies, state agencies and local officials with respect to data that may be important to the security of a Federal facility. Because threats against federal facilities will in most all cases involve peripheral threats and risk to local jurisdictions, there should be a mechanism to share intelligence data and other cooperative efforts with these officials in a timely manner.

PEACE CORPS ACT AUTHORIZATION

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes:

Mr. WALDEN of Oregon. Mr. Chairman, I would like to explain why I joined 89 of my colleagues from both parties in voting against the Peace Corps Reauthorization Act. But first, let me say that I did not vote against this bill because I oppose the noble function that the Peace Corps serves. I have the utmost respect for this program, and for the people who choose to give two years of their lives to help others. Furthermore, I recognize the successes the Peace Corps has had in helping impoverished, struggling communities gain a foothold in the modern world.

I voted against passage of the Peace Corps Reauthorization Act because I don't believe that authorizing a substantial increase in funds for this program is the best use of federal money at this point. This bill will increase funding for the Peace Corps from $241 million this year to $365 million in 2003, an increase of 51 percent. Because I recognize the value of the Peace Corps, I would have voted for a measure that reauthorizes the Peace Corps at the existing funding level, or at a level that provides for a small increase to account for inflation. I believe that a major increase in funding for a program such as the Peace Corps is unwise at a time when the federal government continues to cut Medicare funding for rural hospitals and patients and the U.S. Forest Service is unable to protect our nation's federal forests from catastrophic wildfires and destructive beetle infestations.

While the additional Peace Corps authorization is small, relative to other outlays by the federal government, we must be careful to prioritize our spending to direct it toward those programs that benefit Americans who need assistance. Many Members of Congress, as well as the President, have committed themselves to saving Social Security and Medicare. These efforts will require substantial investments, and we must be prudent with our spending now so we can fulfill our obligation to current and future retirees.

I believe that my vote was the right choice in my efforts to help my constituents solve the serious problems they face every day, and I look forward to continuing to address the needs of Oregonians with my votes in the House of Representatives.

BAUDER ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Bauder Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of Bauder, as well as all the students, parents and individuals who contributed to this special canned food drive. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the school produced 4,600 cans of food, books, gift certificates, and toys for the benefit of local families is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let this example during the holidays, be a beacon to us all throughout the year.

STUDENT HEALTH INSURANCE PORTABILITY PROTECTION ACT OF 1999

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to introduce the Student Health Insurance Portability Protection Act of 1999.

In 1996 we made great strides in passing the Kennedy-Kassebaum Health Insurance Portability Protection Act. However, 14.3 million college students covered by health insurance plans sponsored by their college or university are not covered under last year's health provisions. It is essential for college students to fall under these provisions.

My bill requires college-sponsored health plans to be portable and exclude long pre-existing condition waiting periods. College-sponsored plans will be considered as group plans and allow students to go from college-sponsored plans to work-sponsored plans without loss of coverage due to a pre-existing condition. Students will also be eligible for another school's health plan when transferring from university to university. This bill takes an important step in ensuring health care coverage for our country's college students at no extra cost to the taxpayer.

I ask my colleagues to join me in supporting this bill and ensuring health care for our Nation's college students. Give them the health care they need to enter the workforce. Do not leave college students out of health care reform.

TRIBUTE TO LEWIS ENTZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Colorado's leading statesman over the past two decades, state Representative Lewis Entz. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. Now retired from the Colorado House of Representatives, it is clear that Representative Entz's dynamic leadership in the Colorado General Assembly will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1982—a seat he would hold until 1998, Representative Entz rose quickly to positions of great influence within the House. In 1989, Representative Entz was named Chairman of the House Local Government committee which he would chair until 1994. While serving in the General Assembly, Representative Entz was best known for his tireless work on natural resource, agricultural and local government issues. I feel privileged to have had the opportunity to work closely with him on many of these and other issues.

The number of honors and distinctions that Representative Entz earned during his years of outstanding service are too numerous to list, and too few to do justice to his contributions to the state of Colorado.

1998 marked the end of Representative Entz's tenure in elected office and the state of Colorado is worse off in his absence. Mr. Speaker, there are few people in Colorado's proud history who have served as selflessly and distinguishedly as did Representative Entz. His career embodied the citizen-legislator ideal and was a model that every official in elected office, including myself, should seek to emulate. The citizens of Colorado owe Representative Entz a debt of gratitude and I wish him well in his well-deserved retirement.

WE WANT THE BEST FOR OUR CHILDREN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mrs. JONES of Ohio. Mr. Speaker, I rise today to speak to the issue of school construction. Education is one area we cannot shortchange. It has been statistically proven and exhaustively mentioned in this Chamber that children learn better in smaller classes.

It has also been proven that children need access to technology and other resources to be successful. One way to do that is to build areas that are reflective of these technological developments and trends—new schools.

I respect the fact that my colleagues on the other side of the aisle agree that new schools are an important key to education. It is unfortunate that those same people have spent 4 years blocking all significant school modernization initiatives.

The Archer proposal would only give limited assistance to schools and targets the districts that need this assistance the least.

We have all heard the stories of classes being held in spaces not intended as classrooms. Students are being taught in trailers, gyms, lunchrooms, and closets.

Statistics show there is a national school infrastructure backlog of needed repair totaling $112 billion. We now know that nearly one-third of all schools are in need of extensive repair or replacement.

As this need for school repair continues to mount so does the pressure on our students to succeed and compete with their peers internationally.

To level the playing field we must provide our students with the tools of success. They need computers with access to the Internet, smaller classes, well-trained teachers, and modern schools. We should never again hear tales of learning in closets or trailers in parking lots.

We have the opportunity in this Congress to help our future. Mr. Speaker, I hope that we can enact meaningful legislation that will give American children a chance to soar.

In closing I ask:

We want the best for our children, the best for our country, and the best for our future. Why then do we not get our house, or school house, in order?

CACHE LAPOUDRE ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers and parents of Cache La Poudre Elementary School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of the school as well as all the students, parents, and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the school produced so much from their food drive for the benefit of local families through the Salvation Army is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let the children's example during the holidays be a beacon to us all throughout the year.

TRIBUTE TO J. MICHAEL COOK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to J. Michael Cook, who is stepping down as chairman and chief executive officer of Deloitte & Touche, one of the world's largest professional services firms.

Mike has led D&T since 1989, making him the longest-standing chief executive of all the Big Five accounting and consulting firms. During his tenure, the firm has experienced phenomenal growth. Today, D&T has revenues of more than $9 billion and an annual growth rate of 22 percent, putting the firm first among its competitors. Equally significant has been Mike's emphasis on recruiting and retaining talented professional—especially capable women. That initiative, along with other creative incentives has earned D&T national recognition and the #8 position on Fortune's list of best places to work.

Mike has also been active in promoting worthy causes. Most recently, he served as the Chairman of the Board of Governors of the United Way of America.

As one of the few accountants currently serving in Congress, I commend Mike on his many accomplishments, which have earned him the respect and admiration of so many in the profession. I wish him, his wife Mary Anne, and their three children my sincerest best wishes.

HONORING THE ACCOMPLISHMENTS OF DR. GERALDINE M. CHAPEY AND DR. GERALDINE D. CHAPEY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. WEINER. Mr. Speaker, I rise today to join the members of the Emerald Society of the New York City Board of Education in honoring and saluting the accomplishments of Hon. Dr. Geraldine M. Chapey and her daughter, Dr. Geraldine D. Chapey on the occasion of their Annual Scholarship Dinner Dance.

Dr. Geraldine M. Chapey possesses a wealth of administrative and teaching experience and serves as a leader in the field of education not only in New York City, but throughout the United States. Her research in gifted education, communications, administration, supervision, business partnerships, and special education has been widely published and she is the editor of the national refereed journal, *Leadership in Education.* Her contributions to our community are not limited to the field of education, however: she is the founder and chairperson of the community based Trinity Senior Services, an organization that raises money to provide services to over 1,500 senior citizens. She has also served for 9 years as a member of the Board of Outreach Project, a rehabilitation program for children ages 8 to 16, with alcohol and drug problems.

Dr. Geraldine D. Chapey's accomplishments rival those of her mother. She is currently a member of the NY State Board of Regents and of School Board 27. She presently serves on the Governor's Advisory Council and on the Board of Directors of the Association of Teachers of New York. For her significant contributions to education, she has received a number of honors including Woman of the Year and Educator of the Year. Because of her achievements and her strong commitment to quality and innovative education, Dr. Chapey has been invited to serve on task forces and committees for the United States and New York Departments of Education.

The distinguished Doctors Chapey have long been known as innovators and beacons of good will to all those they come into contact. In recognition of their many accomplishments on behalf of my constituents and the people of our country, I am sure I speak for all of my colleagues in offering my congratulations on their being recognized as the "Irishwomen of the Year" by the Emerald Society of the New York City Board of Education.

INVESTMENT IN WOMEN'S HEALTH ACT OF 1999

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. ABERCROMBIE. Mr. Speaker, I rise today to re-introduce the Investment in Women's Health Act. I am re-introducing this bill with Congresswoman Mary Bono and the support of the National Cervical Cancer Coalition, the College of American Pathologists, and the American Society of Clinical Pathologists.

Last year, Dr. James Navin from Straub Hospital visited my office to alert me to a very serious inequity in the pap smear reimbursement rate in Hawaii. Health insurers in Hawaii had apparently taken a cue from the Health Care Financing Administration (HCFA) and lowered their pap smear reimbursement rate. Under this lower rate, the local laboratories would lose a significant amount of money on each screening. In fact, the reimbursement rate was low enough to force the laboratories to consider getting out of the business completely. Fortunately, the laboratories were able to convince the health insurers of the need for increased reimbursement. The laboratories were then compensated with a break even reimbursement rate for the pap smears.

I soon found out that the low reimbursement rate is not only a problem in Hawaii, but across the entire United States. The low rate of Medicare reimbursement for pap smears has an impact on the rates paid by third party payers who peg their payments on what the government pays.

To address the deficiency, I introduced legislation last year to raise HCFA's reimbursement rate for pap smears. Due to wide spread support, progress on this issue was made with the inclusion of report language in the Omnibus bill for fiscal year 1999 urging HCFA to use its existing statutory authority to raise the reimbursement rate by administrative action.

Unfortunately, the reimbursement rate has not increased and the time table for any change is unclear. In order to rectify this situation, my legislation defines the date for an increase in the pap smear reimbursement rate and sets the rate at the national average for production costs. For women in Hawaii and the rest of the nation, this means we can assure their access to reliable and timely pap smear results.

Everyone knows that pap smears save lives. With annual screening, the chance of developing cervical cancer can be reduced to less than 1%. Over the last 40 years, the incidence of invasive cervical cancer has decreased significantly due to early detection efforts. Still, an estimated 13,700 new cases of invasive cervical cancer will be diagnosed in 1998, and 4,900 women will die of the disease. Screening for cervical cancer allows doctors to catch the disease in its early stages and save a life. A 70 percent decline in deaths due to cervical cancer in the last 50 years can be directly attributed to pap smears.

An adequate pap smear reimbursement level demonstrates respect for the women and families who benefit from a timely and accurate annual pap smear. I am anxious to continue the work we have begun with HCFA and am counting on my colleagues support for the Investment in Women's Health Act of 1999.

BLEVINS JUNIOR HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the students, teachers, and parents of Blevins Junior High School in Colorado for their efforts to help the needy during the holidays. I commend the faculty of Blevins as well as all the students, parents, and individuals who contributed to their special canned food drive. Their selfless dedication has provided warmth, comfort, and happiness to families in Colorado. That the school produced 5,500 cans of food and warm clothing for the benefit of local families through the Salvation Army is testament to the true meaning of the spirit of Christmas and Hanukkah. Let us remember, as these good people have, that the holiday season is one of giving, one of joy, and one of hope. Let this example during the holidays be a beacon to us all throughout the year.

INTRODUCTION OF LEGISLATION TO PROHIBIT FEDERAL FUNDS FROM BEING USED TO DEVELOP NEEDLE EXCHANGE PROGRAMS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce bipartisan legislation that will continue the war on drugs by prohibiting federal funds from being used to develop needle exchange programs. These programs are harmful to communities and undermine our nation's drug control efforts. Similar legislation overwhelmingly passed the House last year with broad bipartisan support.

Drug abuse continues to ravage our communities, our schools and our children. Heroin use is again on the rise. Unfortunately, thousands of children will inject hard core drugs like heroin and cocaine for the first time this year, and many of them will not make it to adulthood. To deal with this problem, we must have a firm commitment by the federal government to end the cycle of addiction and abuse that destroys so many lives.

Not only are needle exchange programs in conflict with federal law, but the results of community-based needle exchange programs have been disastrous. Needle exchange programs result in towns with higher crime, schools that are littered with used drug paraphernalia, and neighborhoods that are magnets for drug addicts and the high-risk behavior that accompany them.

Providing free hypodermic needles to addicts so they can continue to inject illegal drugs sends a terrible message to our children—that Congress has given up on the fight to stop illegal drug use and that the federal government implicitly condones this illegal activity. As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier to practice this deadly habit. This bipartisan, common sense legislation will reaffirm the federal government's commitment to the war on drugs.

While supporters of these dangerous programs can overlook the damage they do to our communities and our children simply because they believe they serve a public health interest, the medical evidence is simply not there. Studies have shown that addicts who use needle exchange programs are more likely to contract HIV or other blood-borne viruses. A recent study published in the American Journal of Epidemiology concluded that there was no indication that needle exchanges protected against blood-borne infections. In fact, the study concluded, "there was no indication of a protective effect of syringe exchange against HBV or HCV infection. Indeed, highest incidence of infection occurred among current users of the exchange, even after adjusting for confounding variables."

Mr. Speaker, when the President unveiled his anti-drug strategy, Vice-President Gore stated, "We must mount an all-out effort to banish crime, drugs and disorder and hopelessness from our streets once and for all." Yet, in the words of the President's own National Drug Czar, General Barry McCaffrey, "these programs are magnets for all social ills—pulling in crime, violence, addicts, prostitution, dealers and gangs and driving out hope and opportunity." Mr. Speaker, we will never banish crime, drugs, disorder and hopelessness by providing those responsible for it with the tools of their trade.

The United States government must never give up on the war against the deadly drugs that continue to destroy our neighborhoods, our schools and so many of our families. We should not tell our children "Don't do drugs," on the one hand, while giving them free needles to shoot up with the other. We need a national drug control policy which emphasizes education, interdiction, prevention and treatment—NOT subsidies for addicts.

I urge my colleagues to heed the advice of General McCaffrey and ensure that the federal government is not in the business of subsidizing irresponsible, reckless and illegal behavior. The federal government should provide leadership, NOT needles.

CONGRATULATING DAN MALCOLM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dan Malcolm, recipient of The Viticulture and Enology Research Center Award. Dan Malcolm has been a strong supporter of the California grape industry for many years.

Each year at California State University, Fresno, an outstanding individual in the California grape industry is honored on Grape Day. This year, The Viticulture and Enology Research Center proudly honored Dan Malcolm of Malcolm Media for his generous support of the program and his dedication to the California grape industry.

Dan Malcolm grew up on a family farm near Sanger, California, where he gained a strong respect for agriculture. As a young man, he became interested in politics and agricultural education, which led him to become owner, publisher, and editor of the fastest growing agricultural publishing company in the Western United States. In 1992, Dan founded Malcolm Media Ag Publishing in Clovis, California. The first publication he and his wife Monica formed to help expand awareness of agriculture was American Vineyard, which was first published in early 1992. In just two short years American Vineyard became the highest circulated grape industry publication in the state. In 1995 American Vineyard became the most requested grape industry publication in the United States with over 10,000 readers. Today Malcolm continues to support agricultural education through scholarships to viticulture, and enology students throughout California.

Mr. Speaker, I rise today to congratulate Dan Malcolm, recipient of The Viticulture and Enology Research Center Award. Dan has been a vital part of the California grape industry. I urge all my colleagues to join me in wishing Dan Malcolm many years of continued success.

TRIBUTE TO BRUCE A. BEAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. TOWNS. Mr. Speaker, I rise today to recognize the retirement of a giant in the energy industry, Captain Bruce A. Beam. Bruce will retire from American Electric Power as Vice President of Governmental Affairs on February 28th after 34 years of service.

I have gotten to know Bruce from my service on the Commerce Committee. Beginning with the Clean Air Act Amendments of 1990 and through the Energy Policy Act of 1992 I recognized Bruce as a source of accurate information and steadfast integrity. While we were not always on the same side on all the issues, I knew that at the end of the day I could expect a smile and a kind word from Bruce, regardless of the outcome.

Bruce first came to Washington in the early 1970s as a commuter lobbyist from Roanoke, Virginia. In 1978 AEP decided that Bruce should establish a Washington office and after working out of his home for a while he settled into some space on K Street. The impact of having Bruce in DC full time was extremely positive and as a result the AEP Board of trustees elected Bruce Vice President of Governmental Affairs in 1981.

In addition to ably representing AEP in Washington Bruce continued in his service to the US Navy culminating in his appointment to the Chief of Naval Operations Executive Advisory Committee. This important body provides guidance to the CNO on a host of issues dealing with national security. Bruce's service to this group has been and continues to be on a pro-bono basis.

Although he will no longer be working the halls of Congress for AEP full time, I know we will see Bruce around Washington. Two of his children and three of his grandchildren live in the greater Washington area so we know that "Poppy" won't be going far away for any extended period of time. And I for one am happy about that, this way I can still get his goat when the Hokies have a bad day on the basketball court!

TRIBUTE TO MRS. ELLA YON STEVENSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mrs. Ella Yon Stevenson of North, SC. On Friday, March 5, I will join the community in celebration of her 100th birthday.

Mrs. Stevenson was born in Orangeburg County in the town of Norway, SC on March 17, 1899. She is the daughter of the late Glen and Henrietta G. Yon. As a child, she attended Norway Public Schools. Mrs. Stevenson joined Bushy Pond Baptist Church of Norway, SC at a very early age. She enjoyed singing in the choir until her health prevented her from participating. She is strongly committed to her church and community. To this day, Mrs. Stevenson continually offers support to her neighbors, friends, and family.

Mrs. Stevenson cherishes her family. She married the late George W. Stevenson. They had four sons: George Stevenson, Jr., James Stevenson, Authur Stevenson, and Levern Stevenson (all deceased), and two unique daughters, Clara Mae Stevenson Pough and Reather Bell Stevenson Pough. Mrs. Stevenson has 34 grandchildren, 50 great grandchildren, and 48 great-great grandchildren.

She currently resides with her daughter Reather Bell in North, SC.

Please join me in recognizing Mrs. Ella Yon Stevenson as she celebrates her 100th birthday.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent on Wednesday, March 4, 1999, and as a result, missed rollcall votes 31 and 32. Had I been present, I would have voted "yes" on rollcall vote 31 and "yes" on rollcall 32.

MIAMI'S CEDARS MEDICAL CENTER RANKED AMONG NATION'S BEST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Miami's own Cedars Medical Center for having been named one of the top 100 hospitals for 1998 by the Health Care Industry Agency (HCIA) and William M. Mercer Incorporated.

For 38 years, Cedars Medical Center has provided top quality health care to the many patients and residents of South Florida and, in fact, 1998 was the second consecutive year that Cedars Medical Center was ranked as a national benchmark in an annual study entitled 100 Top Hospitals: Benchmark for Success. This annual study conducted by HCIA and Mercer's health care provider consulting practice identifies U.S. hospitals that deliver cost-efficient and highest quality medical care, and today South Florida is proud to pay tribute to Cedars Medical Hospital for having been nationally recognized for its ability to always exceed the needs and expectations of their patients and for continuing to commit itself to excellence.

In addition to being nationally ranked in an analysis of over 3,000 acute-care hospitals across the country, Cedars Medical Center received Mercury awards for its superior overall performance in the specializations of orthopedics and oncology, based on a new study of 21 Miami area hospitals, released by America's Health Network.

I congratulate Steven D. Sonenreich, CEO of Cedars; John H. O'Neil, Jr., Chairman of the Board; Dr. Luis Pagan, Chief of Medical Staff, as well as every employee and member of Cedars for their individual important and unforgettable contributions and for their many sacrificial efforts that together enabled Cedars Medical Center to be among the finest in our country.

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. ROGERS. Mr. Speaker, on March 2, 1999 I was unavoidably detained and was not present for roll votes #29 and #30. Had I been present, I would have voted aye on roll call vote #29 and aye on roll call vote #30.

RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to introduce legislation to provide for the reliquidation for certain entries of self-tapping screws and to correct an error of omission made by the U.S. Customs Office in Philadelphia, PA.

In August of 1993, a customs broker in my district entered industrial screws for liquidation at the Port of Philadelphia under the Harmonized Tariff Schedule provision 7318.12, a provision for wood screws. While the customs broker disagreed with the U.S. Customs Service's position to assess these screws under this provision, the broker did as directed to minimize friction. The company believed at that time that the screws fit a different description and that a lower rate of duty applied. As a result of the Customs' assessment, however, the rate of duty on the imported screws more than doubled from 6.2 percent to 12.5 percent.

In 1996, the U.S. Court of International Trade agreed with the customs broker and ruled that the U.S. Customs Service was incorrect in its classification of the merchandise as a wood screw and that the importer was due a refund. While the U.S. Customs Service did pay a refund on some of the entries, a clerical error in their Philadelphia office prevented several entries from coming properly before the court for judgment. As a result, those entries were not included in the report even though they are subject to the same ruling.

Mr. Speaker, I introduced this legislation last year with the intention of including it in the Miscellaneous Trade and Tariff Correction Act. It is my understanding that it was not included in that legislation in the last session because it was opposed by the Customs Service which cited that it posed an undue administrative burden on them. Currently, Mr. Speaker, if you do not include the interest on that money, the U.S. Customs Service has imposed $106,000 worth of burden on this local business even though the court has ruled against them on this issue.

The U.S. Customs Service currently has more than $100,000 that it simply has no right to. With that in mind, I will look forward to having this bill included in legislation to correct similar problems, with the full support of the Administration.

SENATE—*Friday, March 5, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, Father Paul Lavin of St. Joseph's on Capitol Hill Church, Washington, DC.

PRAYER

The guest Chaplain, Father Paul Lavin, St. Joseph's on Capitol Hill Church, Washington, DC, offered the following prayer:

Listen to the word of the prophet Isaiah: "If you remove from your midst oppression, false accusation and malicious speech; if you bestow your bread on the hungry and satisfy the afflicted; then light shall rise for you in the darkness, and the gloom shall become for you like midday; then the Lord will guide you always and give you plenty even on the parched land."—Is. 58:9–11 NAB.

Let us pray:

Lord, we thank You and we praise You for the goodness of our people and for the spirit of justice that fills our Nation. We thank You for the beauty and the fullness of the land and for the challenge of the cities. We thank You for our work, for our rest, for one another, and for our homes.

Look with favor on the men and women who serve in this Senate. Help them to foster love and to uphold justice and right. Strengthen them and strengthen all of us with Your grace and wisdom, for You are God forever and ever.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, this morning, the Senate will resume consideration of S. 280, the Education Flexibility Partnership Act. Amendments are expected to be offered this morning. Therefore, Members should expect at least one rollcall vote by 10:30 a.m.

As a reminder to all Senators, a cloture motion was filed last night to the Jeffords substitute amendment, and the vote has been set to occur at 5 p.m. on Monday. Also, under rule XXII, Members have until 1 p.m. today to file first-degree amendments to the substitute.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the leadership time is reserved.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott amendment No. 37 (to amendment No. 35), to authorize additional appropriations to carry out part B of the Individuals with Disabilities Education Act.

Mr. JEFFORDS. Mr. President, this week the Senate has been debating S. 280, the Education Flexibility Partnership Act of 1999. During the debate, we have heard various interpretations of Ed-Flex. I want to take a moment to remind my colleagues about the idea behind Ed-Flex.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in "removing potential regulatory barriers to the successful implementation of comprehensive school reform" efforts.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers to a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

I would like to remind my colleagues that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local educational agencies. It is very limited, but very helpful.

I believe this week, working in a bipartisan fashion, we strengthen the accountability aspects of the Ed-Flex bill even beyond that of the bill that was passed out of committee last year by a vote of 17–1. The accountability features of the bill are designed to improve school and student performance, which should be the mission of every education initiative.

For a moment it appears that the debate on this bill has become mired in a debate over other education proposals not related to education flexibility but related to the Elementary and Secondary Education Act.

The Elementary and Secondary Education Act is the foundation for most Federal programs designed to assist students and teachers in our elementary and secondary schools. This year, this legislation is up for review.

As we embark on a new century, it is the perfect opportunity for us to examine the Federal role in our educational delivery system. The Senate Committee on Health, Education, Labor, and Pensions—the HELP Committee—is currently engaged in the hearing process and has been since last December.

Through the hearing process, we are evaluating currently authorized programs and exploring new ideas. The first hearing the committee held this year in regard to education examined various initiatives that have been introduced by Members of this body. The Elementary and Secondary Education Act is the most important education legislation we will consider this year, and probably the most important one we have. There are a lot of good ideas that are being discussed in and out of this Chamber that deserve a thorough review.

It is for this reason that we should not be debating these issues as amendments to the Ed-Flex bill but should be debating these proposals in the context of the Elementary and Secondary Education Act, so that they can receive adequate attention in determining their merits.

For this fiscal year, the Federal Government is currently spending approximately $15 billion on programs related to elementary and secondary education. This figure excludes special education and vocational education.

How are these dollars being spent? Who is being served? Is student performance improving? What types of professional development programs are helpful to our classroom teachers? Are those teacher training activities translated into better teaching methods? What are the proper roles for the various levels of government? These are questions that must be, and will be, addressed in the coming months during the Elementary and Secondary Education reauthorization.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I urge my colleagues to work with me and the other members in the committee in finding the answers to these questions through the reauthorization process. Do not attempt to short circuit the process by offering those proposals to the Ed-Flex bill.

The Education Flexibility Partnership Act is not meant to serve as the sole solution to improving school and student performance. However, it does serve as a mechanism that will give States the ability to enhance services to students through flexibility with real accountability. I urge my colleagues to support immediate passage of S. 280.

Now, we have had, over the past few days, the desire—and I can understand that desire—to move ahead of the schedule of hearings and thorough review of the present Federal programs, to introduce the programs basically that have been recommended by the President for the purposes of trying to add them to this Ed-Flex bill way ahead of when they should be offered after a thorough examination and review of the problems we are facing as well as what the recommended programs would do to solve those problems.

It is the unenviable position I am placed in of trying to pass a bill called the Ed-Flex bill which will immediately give help to the States in better utilizing those resources that are already available and not to encumber it in the process by amending and trying to create programs which will hold up the passage of this bill not only here in the Senate but through the Government in the legislative process. So I don't know why we should or would like to do that.

I also point out where we are and will take a few minutes just to point out where we are presently with respect to our attempts and ability to be able to try to improve the educational process.

Back in 1983 during the Reagan years, Secretary Bell held a Senate hearing on the status of education in the United States. As a result of that, a report, "A Nation at Risk," was handed down in 1983 and, with words which are incredibly, I would say, looking towards the future in examining our educational system, said, "If a foreign nation had imposed upon this Nation our educational system we would have considered it an act of war." Those were incredibly strong words. We didn't fully understand what they meant for years.

In 1988, the Governors met in Virginia, in Williamsburg, and they agreed, after examining where we were not within ourselves, the tendency we have in this country is to try to compare ourselves among ourselves. In Vermont we say, "Oh, my gosh, we are doing better than most of the other States. We must be in good shape. We don't have to do anything." But it did prevail throughout Vermont and the country for some time. But gradually we recognized the problems.

One of the most, I think, poignant demonstrations of that problem was by the Motorola company when they had a real problem with the quality of their production in this country. They found that the Japanese were moving ahead of them in the area the United States should have been the leader in—cell phones. The president of Motorola at that time brought his leaders together, the board of directors, and said, "What do we do?" The recommendation was, first of all, we ought to find out what our problem is in education, and secondly—I think the tone of it was—we ought to look elsewhere, to other countries, to find the educated population that we need in order to produce in competition with the Japanese.

The CEO did not like the thought or the idea of sending our jobs overseas because they were better educated. So he asked to have an examination of his own employees to see what could be done in order for them to produce the quality that was necessary. The results were amazing. They did not have the capacity in math. But that wasn't the basic problem. They found out—this is amazing in a corporation like Motorola—that the people who were given the math problems couldn't understand the math problems because they couldn't read. Wow. That sent a shudder through them. But the CEO went on, saying, "I don't care. We can do it."

So they set up remedial education programs in reading so they could get their employees up to skills in reading sufficiently to be able to understand the math problems. Then they had the training in math. Although the staff still recommended that they ought to send the jobs overseas to Malaysia, the CEO said, "We will do it here."

It turned out that with the proper remedial training and upgrading of math, they not only were able to produce on a par with the Japanese but were also superior to them. Therefore, they were able, after considerable problems getting into the Japanese market, to outperform the Japanese and kept the jobs at home.

In 1988 it was established that we had a problem by the Governors. But it took until 1994 before the Congress reacted and passed what is referred to as the "Goals 2000" bill. We took a look. Here it is now, 15 years after the "Nation At Risk" report and a goals panel which Senator BINGAMAN and I sat on with respect to the Senate, and we found, to our alarm, that we had no measurable improvement in the 15 years since the Nation was put on notice we had to improve—no measurable improvement, except our children were coming to school healthier. In other words, when they reached the sixth grade, they were healthier than they were 15 years ago. That still is not a very successful thing.

Then the thing we learned this last time, which was even more amazing, was that the data we were using to determine whether or not our young people were improving was 1994 data. We did not even have the capacity in this Nation, after 15 years, to find out where we were. This is very extreme and a key element of the reauthorization of the Elementary and Secondary Education Act as to why we could not as of yet find out in an expeditious way where our young people stand as well on the kind of standard we need to be competitive internationally.

Mr. FRIST. Mr. President, will the Senator yield for a question?

Mr. JEFFORDS. I am happy to yield for a question.

Mr. FRIST. Mr. President, the bill we have been discussing for the last several days is a bipartisan bill entitled "Ed-Flex." It really aims at a fundamental issue, I believe, which is how we improve education for our children, kindergarten through the 12th grade.

This particular bill, which is sponsored by myself and RON WYDEN, is a bipartisan bill. It is a bill that is very simple.

My question is: It seems that over the last several hours of yesterday that a number of extraneous amendments which have nothing to do with my bill, the Ed-Flex bill, a very specific bill which gives flexibility to schools and to teachers and to local communities to accomplish education goals—all of these amendments seem to be well intended, seem to be great programs, but I ask: Is it not appropriate, or more appropriate, so that we can deliver a bipartisan bill supported by the American people, supported by all 50 Governors, supported by the President of the United States, supported by the Department of Education—why can't we in this body come to agreement to pass this bill as written with several germane or relevant amendments, which we have been dealing with very appropriately, in a clean way without trying to attach all of these other programs—all of these other programs, I might add, which have huge price tags. My bill doesn't cost a single cent, has bipartisan support, and will help the children within weeks or months of passage.

Why not—this is the question to my distinguished colleague—address all of these other issues, well intended, which do cost money, which are new programs, why not address them through the Elementary and Secondary Education Act, which is the most appropriate forum where we are considering all of these education programs as we go forward? Why can't we proceed with our bill as written, as appropriately modified, without having to consider every one of these other major issues that come forward that need to be addressed elsewhere?

Mr. JEFFORDS. In answer, I say that the Senator is right, absolutely right. What we need to do is to get this country in a position where the Governors have the flexibility to assist us as we move forward.

I would point out that what we have done also as a fallback in that sense is, with second-degree amendments, to point out that the best thing we can do right now for the Governors and the Nation is to fully fund IDEA, which is the largest expense that local schools have in doing what is constitutionally required; that is, to provide a child with an appropriate and free education.

A recent Supreme Court decision just the other day points out how important that is now, where, under the 1988 Americans with Disabilities Act, the schools are now responsible to ensure that health care, which is necessary in order to allow the child to be able to obtain the maximum they can, is to be paid for by local governments.

Now, we promised to pay 40 percent of that bill when it was passed. I was on the committee, so I feel a little personally responsible. We said we would pay 40 percent. If you look at the chart behind me here, you can see that we are far from doing that. The total cost now—and that is going to go up significantly with the Supreme Court decision—is $40.5 billion a year. The Federal Government, in order to take up its share, which would obviously be around $10 billion—well over $10 billion, right. But we are far from that. Right now we are still $11 billion short.

Mr. FRIST. If the Senator will yield for one more question about where we stand as of this morning, again, the bill I have proposed, which passed through your committee last year by a vote of 17 to 1, which passed through your committee this year, which has bipartisan support, is Ed-Flex, flexibility given to local communities with strong accountability—that is the bill that we are discussing. Is what you have just pointed out, and what was pointed out yesterday, that before we consider a number of other programs—which may be important and which will be considered in your committee over the course of the next year—before we should fund new programs, however good they might be, we have an obligation to fulfill the promises that we made in the past, promises to fund a very good program—the Disability Education Act; special education? You pointed out that we have not fulfilled that promise yet and before we should dedicate specific funds to new programs, we should fund that unfunded promise that we made, that we guaranteed in the past.

Mr. JEFFORDS. That is absolutely correct. I praise the Senator for raising that issue and for the introduction on the Ed-Flex bill, because that is a nocost measure. In fact, it is a "nobrainer" in the sense of passage. It ought to be passed. All it does is give the States flexibility to maximize the utilization of Federal funds. That should be on the books before we add any new programs and have the Governors have the maximum flexibility.

Mr. President, I want to also alert people about the program for this morning. We have promised that we will have a vote before 10:30 in order to accommodate several Senators. So I want to continue to expand on where we should be going right now. I am hopeful that we can be finished with another amendment in the next 20 minutes so we can call the vote before 10:30 to accommodate those Senators. I again urge that the only amendments I will consider on this bill with respect to education will be those that will not encumber this bill with programs which should appropriately be on the Elementary and Secondary Education Act, which we will be discussing, and on which we are already holding hearings. We may accommodate amendments, but not those that will interfere with an orderly process of this legislation going forward, unencumbered, on bills that should be appropriately brought before the committee with respect to education and other matters.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS-CONSENT REQUEST

Mr. GRAMM. Mr. President, I ask unanimous consent the pending Ed-Flex bill be temporarily set aside and the Senate now proceed to the consideration of Calendar No. 26, S. 508, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies. I further ask consent that there be 20 minutes for debate on the bill equally divided in the usual form, there be no amendments in order, and following that debate the bill be read a third time and the Senate proceed to vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, on behalf of Senators on this side, I will have to object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 40

(Purpose: To prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies)

Mr. GRAMM. Mr. President, I call up amendment 40.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. ALLARD, for himself, Mr. SANTORUM, Mr. ENZI, Mr. BENNETT, and Mr. GRAMM, proposes an amendment numbered 40 to the language in the bill proposed to be stricken by amendment No. 31.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the language proposed to be stricken, insert the following:

SEC. . "KNOW YOUR CUSTOMER" REGULATIONS RESCINDED.

(a) IN GENERAL.—None of the following proposed regulations may be published in final form and, to the extent that any such regulation has become effective before the date of the date of the enactment of this legislation, such regulation shall cease to be effective as of such date:

(1) The regulation proposed by the Comptroller of the Currency to amend part 21 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(2) The regulation proposed by the Director of the Office of Thrift Supervision to amend part 563 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(3) The regulation proposed by the Board of Governors of the Federal Reserve System to amend parts 208, 211, and 225 of title 12 of the Code of Federal Regulation, as published in the Federal Register on December 7, 1998.

(4) The regulation proposed by the Federal Deposit Insurance Corporation to amend part 326 of title 12 of the Code of Federal Regulations as published in the Federal Register on December 7, 1998.

(b) PROHIBITION ON SIMILAR REGULATIONS.—None of the Federal Banking Agencies referred to in subsection (a) may prescribe any regulation which is substantially similar to, or would have substantially the safe effect as, any proposed regulation described in paragraph (1), (2), (3), or (4) of subsection (a).

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Texas.

Mr. GRAMM. Mr. President, we now find ourselves in a situation where the Federal Reserve Board, the Office of Thrift Supervision, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, or FDIC, have introduced a regulation called "Know Your Customer." This regulation has a 90-day public comment period which will end on March 8. On behalf of the Banking Committee, Senator BENNETT and I sent a letter to each of the regulators, urging them to drop this proposed regulation. I would like to briefly tell our colleagues what this regulation does.

Under these regulations imposed on every bank and every thrift in America, banks and thrifts would have to set up a program to document a system of internal controls for compliance with the regulation including independent testing, monitoring of day-to-day compliance, and annual personnel training.

What all this would be geared toward is looking at the bank account of every single American who has an account, large or small, in any thrift or any bank in America, to determine the identity of any new customers, to determine the customer's source of funds in bank transactions, to determine the particular customer's normal and expected financial transactions, to monitor account activity for transactions that are inconsistent with the normal and expected transactions, and to report transactions of customers that are determined to be suspicious to the regulatory authority.

If you ever wondered what happened to all those people in the former Soviet Union who used to run things there and now are permanently out of work, the answer is they are all in the Clinton administration and they are running the banking authorities of this country. Can you imagine having in place in America regulations so if your mama doubles the contribution she makes on Sunday to the church, her banker looks at it to see if it is out of the ordinary?

I don't doubt that somewhere, somebody had some good intention. The objective here is to look at money laundering. But the problem is, this is such a broad-reaching regulation that it infringes on our constitutional rights.

I would like to call the attention of my colleagues to amendment IV in the Constitution. Amendment IV says:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. . . .

Our Federal Government has no right to routinely monitor your bank account. Our Federal Government has no right to keep records on where your money comes from, or how you write checks, or how you spend your money, unless there is some clear, compelling case that you are violating the law. What these bank regulators have done is not only run afoul of public opinion—over 135,000 Americans have filed comments in opposition to this process—but they have run afoul of something more important than public opinion. They have run afoul of the Constitution of the United States.

As a result, not having heard a definite answer from the regulators, members of the Banking Committee are here today to begin our process of engaging in oversight to be sure that when we pass laws, as we did setting up these agencies, that those laws are adhered to.

I believe our committees spend too much time writing law and too little time seeing that regulatory agencies abide by that law.

I have two colleagues here today who have been leaders in this effort to introduce the bill that we were unable to call up because a unanimous consent was objected to. Let me first yield to Senator ALLARD.

Mr. ALLARD. I thank the Senator for yielding for the purpose of a question. I just want to be clear that we are talking about the same issue here. My understanding is that these are the same rules and regulations proposed by the Federal Reserve, the FDIC, the Office of Thrift Supervision and the Office of the Comptroller of the Currency on December 7. As I understand, the regulations are going to require banks to set up customer profiles. I cannot imagine anything more intrusive than looking into somebody's banking account any time there is a little bonus that they get in their paycheck or they give a contribution somewhere. Then they suddenly become subject to scrutiny, not only by their banker but by law enforcement agencies and by the regulators. I think that is extremely intrusive. I just wanted to clarify that.

The regulations that are being proposed are extremely vague and are certainly a threat to our privacy in this country. The regulations, as I understand, were drawn up to fight fraud, tax evasion, and combat money laundering, but I do believe that they are reaching entirely too far. I think these regulations are unnecessary and, frankly, I think these regulations ought to be scratched.

One other thing that I want to clarify with Senator GRAMM from Texas is that credit unions, security firms and insurance firms are exempt from these regulations. Again, we have one part of the financial industry being regulated and none of the other parts being regulated. I think the proposed regulations would create a lot of imbalance.

Mr. GRAMM. If the Senator would allow me to reclaim my time, very briefly, not only is it an unconstitutional, unjustified, and unwarranted search and seizure, but wisely, the Securities and Exchange Commission and the National Credit Union Administration have not promulgated such rules. While we are being critical, and justifiably so, of the agencies that have, we should point out that these agencies did not follow suit, and I think they deserve some credit.

The point is, if I know that the Federal Government is going to be spying on my little bank account that might have $1,100 in it, and I can take it and put it in a credit union or put it in a mutual fund and have some degree of privacy, every little bank, every savings and loan or community bank in America ends up being disadvantaged, because the Federal Government is using them to snoop on their customers. As a result, they lose customers.

Mr. ALLARD. These are unbelievably intrusive. I congratulate the chairman of the Banking Committee for his hard work, and, in particular, my colleague from Pennsylvania. He has really stepped forward on this issue, doing a great job on the Banking Committee. It is a pleasure to work with both of you on this issue.

Mr. GRAMM. Senator SANTORUM.

Mr. SANTORUM. Thank you, Mr. Chairman. I would like to return the compliment to my colleague from Colorado, Senator ALLARD, who has been magnificent in introducing legislation, working with Senator ENZI from Wyoming, and coauthoring a letter with myself and sending a correspondence a couple of weeks ago complaining about this regulation.

He mentioned a couple of the concerns. Actually, an interesting concern was brought up yesterday. If you are not aware or are you aware, Mr. Hawke, who is the head of the OCC, testified before the House Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, yesterday and raised a concern. These are his regulations, but he raised some concerns, from all the feedback he had received, that he believed that these regulations were inadvertently undermining confidence in the banking system, because it violated the trust and the right of privacy between the banker and the customer. There are serious consequences to this. It is not just moving it from your bank to your savings and loan, but literally, it undermines the customer-banker relationship and that privacy relationship that is expected.

I will quote Mr. Hawke:

> Law-abiding citizens . . . will understandably be apprehensive that their banks will report any transactions that may be the least out of the ordinary . . ."
>
> A widespread loss of confidence in the privacy of bank accounts could lead to widespread withdrawals and "do lasting damage to our banking system . . ."

That is from the regulator who has proposed these. I think he has now understood. Over 140,000 people have written, with, to my understanding, 33 in favor, and the other 139,900-plus were against it. I can tell you, in my office we have received 200 to 300 letters, all against, and almost all from individuals. The few thrifts and banks that have written us did not write us to complain about the regulatory burden, but wrote us to reflect all the complaints they are getting from their customers about the invasion of privacy here. This has some serious constitutional issues, and, I think, very serious ramifications for the banking industry. I would like your comment on that.

Mr. GRAMM. First of all, I would guess that those 33 people who were for it are the people who are going to sell all the management services and the training programs and the computer programs for enforcement. It is a foul breeze that doesn't blow somebody some good.

The point is, you have 260 million Americans who lose a constitutional right, when you have financial institutions that have every confidence that people have in the security of their deposits, not that they are going to lose the money but that they are going to lose their freedom to take their paychecks, deposit in their bank without people knowing how much they have deposited, and spend their money on things they want to spend it on without being second guessed as to whether this expenditure was out of the ordinary, with language like "determine the particular customer's normal and expected transaction."

Mr. SANTORUM. They are going to do a profile on every individual's transactions within their bank?

Mr. GRAMM. Take a bank in a medium-sized town and take the personnel they have, how in the world could they possibly comply with this outrageous regulation without it costing, on a nationwide basis, literally billions of dollars?

I think one of the complaints that we have on this issue is a very simple one, not only is it unconstitutional, not only is it outrageous, but it shows, again, how callous Federal regulators are about the costs that are imposed on American business, and the loss of freedom for American consumers. It is sort of the idea that if someone has a social experimentation, it is the job of Americans to comply with their experiment and it is the job of business to pay for it.

Nowhere in the regulation does it suggest that the Government is going to pay the bank in your hometown or the bank that is in a shopping center near where you live in Colorado; there is nothing in the regulation that says they are going to pay for all these costs. Who do you think is going to pay for it? You are going to pay for it with fees on your checking account. You are going to pay for it with lower rates of return on your CD. You are going to pay for it when you borrow money to buy your home or buy a car or borrow money on a guaranteed student loan to send your child to college. You are going to pay for these regulations in higher costs.

I am delighted that the Comptroller of the Currency has become concerned, but why didn't they think about this before they promulgated this regulation?

The point is, our job on the Banking Committee is to stop this kind of thing from happening.

Mr. ALLARD. Will the Senator yield?

Mr. GRAMM. I would be happy to yield.

Mr. ALLARD. It is interesting how their light sort of turned on after such diverse groups as the ACLU and the Christian Coalition came together and opposed these regulations. As my colleague from Pennsylvania pointed out, the regulators have received over 100,000 objections. There are so many objections coming in, that they have a hard time keeping the number up on the web page because so many people are writing in to explain their concerns. I think the American people have caught on to this folly, and I think it is a shame that we have to bring it up in this manner to address it in the Senate.

Again, I thank the chairman of the Banking Committee for his fight to protect the Constitution and to protect the privacy rights of American citizens.

It is extremely important that we do everything possible to keep from having these rules and regulations passed. They are so invasive.

Mrs. MURRAY. Mr. President, will the Senator yield for a question?

Mr. SANTORUM. Will the Senator from Texas yield?

Mr. GRAMM. I yield, and then I will yield to the Senator from Washington for a question.

Mr. SANTORUM. As I understand procedurally what has happened, we tried to call up a bill on the floor, which I introduced with Senator ALLARD and Senator ENZI, and tried to get a vote to express the will of the Senate that we are against the "Know Your Customer" regulations.

My understanding is the other side objected to bringing that bill up. So you have had to offer an amendment to the Ed-Flex bill to try to get the Senate on record in opposition, because there will be some decision—the end of the comment period will be, I think, on Monday; is that correct?

Mr. GRAMM. That is correct. I also remind my colleague, we sent a letter from the committee on February 10 objecting to these regulations. The point is, when the committee of jurisdiction almost a month ago said no, the time has come for them to answer. That is why we brought this issue to the floor.

Mr. SANTORUM. So it is your desire to try to get a vote on this, have the Senate express itself in an up-or-down fashion in the next few minutes?

Mr. GRAMM. That is right. It would be nice if our colleagues would let us have an up-or-down vote on it. I don't know why anybody would be opposed to this amendment. But it would be my objective, after yielding to the Senator solely for the purpose of a question, to move to table the pending amendment and ask for the yeas and nays. But I yield to the Senator from Washington.

Mrs. MURRAY. Thank you. Mr. President, I came to the floor to talk about education. I was a little surprised we were talking about banking since we haven't been able to talk about a lot of education issues that are critical to parents, students and teachers across the country.

I ask my colleague from Texas what his intent is on this amendment. I know we are expected to go to a vote shortly. There are a number of us here who did want to talk about education before a vote occurred. Do you intend to vote in the next several minutes without yielding any Democratic time?

Mr. GRAMM. Mr. President, my intention is to move to table the amendment before 10:20 and ask for the yeas and nays. I do know we are here this morning to talk about education, and that is very important. But I say to my colleagues, in apologizing for having to disrupt their debate, that this is about education. When we have the Federal Government imposing regulations that will cost our financial institutions billions of dollars to comply and that will end up driving up the cost of loans as people borrow money to send their children to college, I think it is something with which we have to deal.

We are reaching the point where we could have a final determination. We are encouraged that the Office of the Comptroller of the Currency has raised concern about it responding to 140,000 objections. But the point is, on Monday, we are going to have, potentially, a final determination. We had hoped when we sent a letter on February 10 that we would get action. We did not get that action. As a result, we are here today.

Mr. President, I move to table amendment No. 40, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 40. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. KYL), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SESSIONS) would each vote "no."

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 88, as follows:

[Rollcall Vote No. 33 Leg.]

NAYS—88

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch

Helms
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—11

Bunning
Burns
Conrad
Dorgan
Hutchinson
Inhofe
Kyl
McCain
Mikulski
Sessions
Thomas

The motion to lay on the table the amendment (No. 40) was rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, the Senate now is in its third day of debate on the education flexibility bill. I think that is good. This is a subject we should all be more than happy to talk about. There has been a good debate and a number of amendments have been disposed of. But progress has begun to slow down.

I feel the need to remind our colleagues on both sides of the aisle that the appropriations season is fast approaching and that we have several important items to consider between now and the Easter recess. For instance, I presume that by the latter part of next week the emergency supplemental appropriations bill will be ready for consideration, since the Appropriations Committee reported it out unanimously yesterday; and, of course, we hope to go to the budget resolution and get it completed before we end the session at the end of March for the Easter recess. I believe there is a genuine interest on both sides of the aisle in completing both the Ed-Flex bill as well as the emergency supplemental, if that can be worked out, and the budget resolution which will be available, hopefully, within the next 10 days or so.

CLOTURE MOTION

Mr. LOTT. In order to assure that we keep moving toward passage of the Ed-Flex bill, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the education flexibility partnership bill.

Trent Lott, Jim Jeffords, John H. Chafee, Bob Smith (NH), Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, Judd Gregg.

Mr. LOTT. Again, Mr. President, it is my hope that the cloture vote will not be needed and that the Senate will be able to enter into some reasonable time agreement with respect to the Ed-Flex bill.

I know the Senator from Oregon has been working on both sides of the aisle, talking to his cosponsors, Senator FRIST and the chairman and ranking member of the committee, as well as leadership on the Democratic side of the aisle, and to the majority leader. He will continue to do that. I am hoping that he will find some way to get an agreement as to how we can proceed with amendments and get to a conclusion. But we haven't been able to get that worked out yet.

If we cannot get something worked out, then the cloture vote would occur on this cloture motion on Tuesday, March 9.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate has conducted its last vote for the week.

Several Senators, again, on both sides of the aisle, expressed concern that it was necessary to have votes on Friday. But I discussed this with Senator DASCHLE. We just are going to have to, in order to complete the work we need to do, have votes on Friday mornings and also sometime around 5 o'clock on Mondays. We will try to be as flexible as we can. But, as usual, we have Senators who would like us to be a little later or a little earlier. And it is very hard to find that narrow window.

But from now until the Easter recess, and probably in May and June, Senators should plan on having a vote on Mondays at 5 and in the morning on Fridays, but with those votes not occurring later than 12. There will be some Mondays or Fridays where that will not be the case because there is a conference on one side or the other or a conflict.

Senator DASCHLE and I will talk about that, and we will try to notify Members far in advance—hopefully a month or more—when a Friday or a Monday might be completely divided.

There was a cloture filed last night to the pending Ed-Flex bill. We are reminded that under the provisions of rule XXII all first-degree amendments must be filed by 1 p.m. today; all second-degree amendments by 4 p.m. on Monday in order to qualify under the cloture rule.

The Senate will now continue on the Ed-Flex bill for debate only for Members to make statements.

It is my hope that an agreement can be worked out on the Ed-Flex bill as we proceed. If we can, then the cloture vote could be vitiated on Monday, and we would have some other vote.

But around 5 o'clock on Monday will be the next recorded vote.

I ask unanimous consent that the Senate continue with consideration of S. 280, the Ed-Flex bill for debate only until 12 noon. I further ask unanimous consent that at 12 noon the Senate begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I rise to agree and disagree with the distinguished majority leader. Let me point out my area of agreement first.

I believe it is important, as we begin our legislative session this year, that Senators be fully apprised of the schedule, and we understand that we have to be here on Fridays and on Mondays.

I think the majority leader is absolutely right in expecting that we have votes on Friday mornings and Monday afternoons or Monday evenings.

I hope Senators will accommodate that schedule with their own personal schedules, because that is the only way, as we get into more legislative work, that we will be able to accommodate all of our needs legislatively.

I must say that I am in strong disagreement with the leader's decision to file cloture. We have a very important amendment that I was hoping we could offer even this morning, the class size amendment, the 100,000-teacher amendment offered by Senator MURRAY and Senator KENNEDY, and a number of other Senators. That was not possible because of the decision made by the leader.

What is perhaps most perplexing to me is, having filed cloture yesterday, that 17 Republican Senators filed cloture, then they voted against tabling a banking amendment to the education bill this morning.

So we have an unusual set of circumstances where the very same Senators who signed a cloture motion yesterday, voted not to table an extraneous amendment having nothing to do with Ed-Flex today, the banking amendment. I must say it doesn't help us as our colleagues are attempting to work through this procedurally to understand what the nature of the strategy may be on the other side. It appears that what they are trying to do is simply deny the Democrats the right to offer our amendments. They will vote no on a Republican amendment—they will vote not to table; that is, a Republican amendment—having to do with banking, but then they will preclude Democrat Senators from offering legitimate, important amendments having to do with education, such as the class size amendment, and for having a debate on it.

So I am perplexed by that. It sends the wrong message. We want to cooperate.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate resumed consideration of the bill.

Mr. DASCHLE. Mr. President, this is an important bill. Ed-Flex is a bill that, in my view, as I have said before, warrants a 100-to-nothing vote. We ought to give States more flexibility. But we also ought to recognize that if we are going to begin debate on education policy in the U.S. Senate, there are other issues that also merit consideration and opportunity for an up-or-down vote: Whether or not we have an afterschool program, whether or not we have an effort in this country to prevent dropouts, whether or not we consider 100,000 teachers and class size, whether or not we have school construction. All of those are legitimate education issues.

So I will offer to my distinguished majority leader another effort at compromise. I will attempt to see if we might come down to five or six amendments and say: Look. We will agree to those five or six amendments; we will agree to time limits and up-or-down votes on those five or six amendments; and then let's move on. The majority leader was very generous, I thought, with what he said earlier to the Governors. As I understand it, the majority leader said, Let's go to the Senate; let's take a week; let's take 2 weeks, if necessary, but let's talk about education. Let's take 2 weeks if necessary. We haven't even taken a week yet.

So I really appreciate the majority leader's interest in trying to find some way with which to resolve this impasse. I think he is understandably desirous of moving on to other things. We want to do that. We want to pass the Ed-Flex bill. We want to pass good education amendments. We want to resolve this matter. We want to find a way to do it in a bipartisan manner. And I am confident that if we continue to work at it that we will.

So I will offer, again, to see if we might limit our amendments to maybe five or six with time limits and have up-or-down votes. I believe that is the best way to break through this. I am hopeful that we can get broad bipartisan agreement.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I would like to follow up briefly on this Ed-Flex issue, first to thank the minority leader, who is clearly making a very strong effort to work this out and be conciliatory.

I would also like to thank the majority leader, Senator LOTT, who is making such an effort as well.

I want to advise our colleagues that we are going to work through the weekend to try to come up with a way that is fair for all concerned.

I think Senator DASCHLE made it clear these Democratic amendments are critical, it is important there is an opportunity they be discussed, and—conciliatory on the part of the leader—that there would be time agreements. I think the majority leader has made a very sensible statement of why this bill is a priority.

It is critically important that the more than $11 billion that go out in programs covered by Ed-Flex is spent wisely. What we have found in the 12 States that are now using Ed-Flex is that a few miles from here, just a few miles from here, existing dollars now allocated under title I are being used to cut class size in half to make sure that kids can get the education they need.

For those of you who think that the Senator from Washington, Senator MURRAY, is making an important contribution in terms of the extra teachers, I want it clear that I support that. It is needed. But I support just as strongly—and I would say this especially to my Democratic friends—the proposition that we use money that is now allocated wisely. And we are not doing that today.

Under current law, for example, poor kids who want to get access to advanced computing aren't able to do it in a lot of instances because these programs put them into a regulatory straitjacket. In a lot of instances, we could boost the test scores up for poor kids. We haven't been able to do that because of some of the bureaucracy associated with these programs.

Last night we had a discussion about what these programs mean to parents. I happen to agree with the distinguished Senator from Massachusetts, the parents don't focus on Ed-Flex in bureaucratic terms. They do focus on results. I can assure you, the parents of those youngsters a few miles from here who have had their class size cut in half as a result of Ed-Flex are very appreciative of that. Because of Senator KENNEDY and Senator Hatfield, in 1994 we began this effort to pass Ed-Flex. It is time to expand it.

Around this country there has not been one example of an abuse associated with Ed-Flex—not one. But there are plenty of examples of why Ed-Flex is working for poor kids from coast to coast. Go see those kids in the State of Maryland—our friend, Senator SARBANES, is here—where they have used those dollars to cut class size. Or come to my home State of Oregon where, because of bureaucratic rules, it was not possible for poor kids to get advanced computing at their schools.

I know a number of my colleagues would like to speak, and I want to let them have that opportunity. But just know—because of the very conciliatory offer that has been made by the minority leader, Senator DASCHLE, this morning, and the majority leader, Senator LOTT, I believe is also trying to accommodate both sides—those of us who are sponsoring this legislation are going to work throughout the weekend to see if we can get a sensible time agreement that is fair to both sides.

As the Democratic sponsor of Ed-Flex, I want to again state to my colleagues, I think the contribution of our friend from Washington, Senator MURRAY, is important and the Boxer amendment on afterschool programs is critically important—but it is just as important to show that those $11-plus billion that are now allocated in title I and other programs are being spent wisely. In fact, for those colleagues who share my view that we need more financial assistance in these key areas, I submit the best way to make the case for getting additional funds is to show taxpayers you are spending more wisely the dollars that are allocated at this time.

I look forward to some long hours over this weekend, working with our colleagues on both sides of the aisle. Education, in my view, is the premier issue of our time. I think that is why the Members of the Senate feel so strongly about it.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend my colleague for his work on the Ed-Flex bill as well as the other cosponsors of this initiative. I know he feels passionately about bureaucratic paperwork and has worked very hard to try to reduce some of that, as well as Education Secretary Riley, who has made a major effort in his tenure at the Department to reduce paperwork. We have heard some really good stories in the last year back from him.

We agree with you on Ed-Flex and want to move that forward. I think the Democratic leader this morning, offering to come up with limited amendments and limited time agreements, made a very generous offer, because there are a number of Senators, I think on both sides of the aisle, who want to spend some time talking about education, talking about what is happening in our schools, talking about our responsibility as Senators to be in partnership with those local schools and teachers and school board members; making sure that our kids, no matter who they are or where they come from or how much money they have, have the best education possible. That is the debate we want to have on the floor of the Senate.

I am extremely disappointed because I came over here this morning, hoping to offer my class size amendment. I have been precluded from doing that by the actions of the majority leader. I am ready to offer my amendment so we can send a message to those school board members who are meeting right now, today, trying to figure out their budgets, who last October listened to us tell them in a bipartisan way, Republicans and Democrats, Senate and House Members, that we are committed to helping them reduce class size so our kids can get the adequate learning they need to compete in today's global economy.

But we are here today, once again precluded from being able to offer that amendment, to have a debate, to have an up-or-down vote, so those school board members can put their budgets together and begin to hire those teachers, as they must shortly do, so they can have a commitment that is real.

Let's tell them this was not a political promise before the election by Republicans and Democrats. This was a real commitment on our part to make a difference, to reduce class size in grades 1 through 3. We began that process last year. We have an obligation, and this is our opportunity to make a real difference.

Mr. KENNEDY. Will the Senator be good enough to yield for a question?

Mrs. MURRAY. I am delighted to yield to the Senator from Massachusetts.

Mr. KENNEDY. The Senator reminds us that in the final days of the last Congress, we passed legislation that would provide local communities the opportunity to hire additional teachers so we could have smaller class sizes for the first three grades. That was worked out in a bipartisan way. As I understand, from what the Senator says, the school boards are meeting now to find out whether this was just going to be something that would be for 1 year or whether it is going to be continual? The President has indicated strong support to continue it, recognizing that we need some 2 million new teachers over the period of 10 years. He wanted to really jump-start that whole process, and do it particularly in the early grades, which all the research indicates has such enormous potential for enhancing student achievement.

I was wondering whether the Senator realized that last October, when we made this agreement for the 1 year—the 1-year agreement—Congressman GOODLING, who is chairman of the House Education and the Workforce Committee, a Republican, declared:

> The class size reduction was a real victory for the Republican Congress. But more importantly, it is a huge win for local educators, parents who were fed up with Washington mandates, redtape and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create the big new Federal education programs.

So Congressman GOODLING, the Republican chairman of the Committee at the time, was taking credit for a Republican victory. We considered it a victory as well. It was supported by Democrats and Republicans, and the people who were going to benefit were the children, so all of those who were involved at that particular time claimed it as a victory.

Now, the good Senator's amendment takes that concept, which the Senator had championed all last year, and extends it so the local families, school boards, principals, schoolteachers, and children will know there will be a continuation in the employment of those teachers over the period of the next 5 years, so that we can make some meaningful progress in reducing the class size.

Is that correct?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. When we passed this last October, Republicans and Democrats stood up, stood together, and said: This is a commitment from the Federal Government. No additional redtape, no bureaucracy, the money is going to go out there to those local schools to hire teachers to reduce class size. We stood together, shoulder to shoulder.

I am having a difficult time going home now, talking to school board members and my friends who are teachers—many of whom are Republicans—and saying, well, gee, now maybe they might not support us.

They don't understand that because they are putting together a budget right now. They need to hire those teachers. They need to make a commitment to that teacher, to that class, to those parents who are enrolling their kids, that they are going to continue to do this. They need us in that partnership. They don't want political maneuvers. They don't understand why Ed-Flex is a bill we can't do this on. We are talking about education. The time is right. It was bipartisan before. They want us to give that commitment now, and that is why I came to the floor today to offer this amendment.

Mr. KENNEDY. If the Senator will yield, then, for a final question? The Senator is the principal sponsor of this legislation and the one who was instrumental in achieving its outcome in the fall of last year, with bipartisan support and the support of the chairman of the House committee, Congressman GOODLING. As I understand it, therefore, the Senator is prepared to at least urge others to withhold further education amendments and support what Senator DASCHLE has said? There may be just a few amendments, but that the Senator's would certainly be one of the important ones because of the importance of the timing for local school districts, and that my colleague would agree to a reasonable time period?

Mrs. MURRAY. I was saying that.

Mr. KENNEDY. If the leaders came to you and said, We are prepared to enter into a time of a couple of hours to discuss this, you would be willing, perhaps—I know there would be a number of people that want to speak on it—but you are prepared to at least accommodate the leadership and the schedule on that issue. You would certainly support an initiative by the leaders, even from our side—maybe there are some on the other side—to move towards a very few amendments—I think the leader said five or six—and do it with a time limit so that we can move along with the Senate schedule. Do I understand correctly?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. I am more than ready to do a time agreement, to do this quickly. The reason it is so important to do it now is it is bipartisan. It is absolutely timely in terms of school boards and school districts putting their budgets together. I actually heard the chairman of the committee this morning talk about the fact that the reason we should move Ed-Flex forward is that it is bipartisan and it is timely, not to wait for ESEA.

Mr. KENNEDY. If the Senator will yield further, we could have even had the debate during the course of this morning.

Mrs. MURRAY. We could have.

Mr. KENNEDY. We could have moved ahead towards the vote on that next week, and we could have accommodated the Senate schedule.

Mrs. MURRAY. I would have been delighted.

Mr. KENNEDY. I want to thank the Senator, first of all, for her passion and common sense and experience, as a former school board member and a former teacher and a mother. She has given a good deal of time and attention to this issue. We all have enormous respect for all the work she does when she is back home visiting with these communities and talking to parents and teachers about this proposal. She had an extensive inquiry as to the importance of this proposal, to bring this matter to the Senate, and has been willing to follow a very reasonable time period for consideration of it. I just want to thank her and hope that she will be successful. I certainly will do everything I can to make sure that she is.

Mrs. MURRAY. I thank the Senator from Massachusetts.

Let me just finish my remarks. I know there are a number of other Senators present.

Mrs. BOXER. If the Senator will yield, because I am leaving in 30 seconds, I want to thank her and ask her a question. Does the Senator not agree with me that we owe a real debt to Senator WYDEN of Oregon, because the force of his desire to make education better resulted in a bipartisan agreement to bring an education bill to the floor? In doing so, I want to make it clear, because he and I have spoken, while we all agree with him that this is a good program, there have been many waivers passed on by Secretary Riley because he, too, agrees that Ed-Flex is working. This is a golden opportunity that he has given us to flesh out this bill, to make it even better.

I say to the Senator from Washington, she worked so hard to get 100,000 teachers into the classroom and reduce class sizes. We worked together on these issues to get afterschool funds to the school districts who wanted so much. Last year, there were $540 million worth of requests for afterschool programs. We only had $40 million. This year, the President wants to have the money to accommodate all those local districts.

I say to her, as a former school board member, the kinds of amendments that we hope to add to this bill, does she agree those kinds of amendments will give resources to the local districts so they will be able to make up their own minds as to whether they want those resources, that they will be able to design the programs themselves, and that what we are doing here, what the majority leader has done to us today, by not allowing these amendments, is simply to hold back these important bills from being voted upon so that those children will right now be denied the kinds of help they need?

The last point I want to make, and the last question I have to the Senator from Washington is this: Does she not agree that education is the No. 1 issue on the minds of the people and that when we see filibusters and stalls and hours of just chitchat and no work on education, that we are not meeting our responsibilities? Would she not agree with that? Again, I want to thank her for her leadership.

Mrs. MURRAY. I thank my colleague from California for her tremendous work on education, her passion, and in particular, her afterschool programs and appreciate her remarks this morning and agree with her. Education is absolutely the No. 1 priority for families across this country, but it is not just families. We go and talk to businesses, and business people tell us we need to be able to hire students out of our schools with math and science and reading and English skills. Studies show—and I will be delighted, when we get to the debate on this, to go through the studies again—that reducing class size makes a difference in a child's ability to learn to write and to read, to do math and to do science, just the skills our businesses are looking for. They are looking to us to make a commitment on this.

I commend my colleague from Oregon, as well, for his work on this. I know he is committed to this issue and has pledged his support as well. He knows, too, how important class size is.

Let me end by reminding my colleagues this is a bipartisan effort. It was passed in a bipartisan way last October. There is no reason not to do this now. In fact, a former Republican House Member said, on education, We should champion communities and parents, reduce class size, and increase accountability.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the Record, as follows:

REPUBLICAN MAIN
STREET PARTNERSHIP,
Arlington, VA.

AN OPEN LETTER TO REPUBLICANS IN CONGRESS

DEAR COLLEAGUES & FRIENDS: The Republican Main Street Partnership was founded in 1998. Our goal is to demonstrate that the Republican Party can govern and achieve our goals of bipartisan cooperation in enacting centrist policies. We are focused on speaking out, setting the agenda and demonstrating a new discipline for reaching consensus on difficult issues; without that, we believe that we will not be a Majority Party by the close of the Year 2000.

Immediately, the rhetoric of partisan hostility must stop. Our language too often has been heard as mean, judgmental and partisan. That "the other side does it" is no excuse. We need Republican unity to replace division or our statistical majority will never become a governing majority. We must restore dignity to our debate, civility to our conversations and compassion to our perspective. We need a new language and a new voice.

Our agenda must be positive; it must be an agenda for governance. On education, we should champion communities and parents, reducing class size and increasing accountability. On Social Security, we should press for personal choice, not 100% governmental custody of our retirement funds. On health care, Medicaid and Medicare we must legislate with compassion as well as prudence. On taxes, we must work to reduce the burden on hardworking middle-class American families. And when we discuss our agenda, we must do it in terms that dispel the fears and inspire the hopes of American families and businesses.

Both governance and civility will demand discipline. Challenges will rise from partisan and ideological quarters. That is when we must stay the course with unity, courage—and discipline.

If we can stand tall within our own tradition—if we can bring to the 106th Congress Lincoln's urgency for justice, Roosevelt's commitment to the environment, Eisenhower's vision of public education—then the finest elements of our party's legacy, the tone of our speeches, the content of our legislation and the discipline of our behavior will make this a season of triumph for the Republican Party, and for the nation!

Sincerely,
The Republican Main Street Partnership Board of Directors
Gov. John McKernan, Hon. Mike Castle, Hon. Amo Houghton, Hon. Rick Lazio, Hon. Fred Upton, Mr. Allan Cors.

Mrs. MURRAY. Let me just conclude, because I know the Senator from Maryland would also like to speak, education is an issue that is important to all of us. Education is an issue that is important to everyone at home as well. I will again plead with the chairman from the committee to allow us to offer our amendments, to get an up-or-down vote, to limit the number of amendments, but to let us move forward on issues like this, like class size, that are bipartisan, that have been agreed to before, that the American public wants and that makes a difference for all of our children.

Thank you, Mr. President. I yield the floor.

Mr. JEFFORDS. Mr. President, I see the Senator from Maryland. Does the Senator desire to speak on the bill?

Mr. SARBANES. I desire to speak about the extremes to which the other side will go to frustrate the opportunity to consider significant educational initiatives on this bill by now bringing into consideration subject matter completely extraneous to education and the jurisdiction of the committee; namely, the amendment that is now pending dealing with a banking issue. I want to speak on that subject for a few minutes. I think it is highly relevant to the situation in which we find ourselves.

Mr. JEFFORDS. I see no other Senators. I desire to speak at some point. I would be happy to let the Senator speak now, even though it does not appear to be totally relevant to this bill. I would like an understanding of how much time he might like.

Mr. SARBANES. Ten minutes at the most.

Mr. JEFFORDS. All right. That is fine.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair. I say to the chairman of the committee, I am not the one who is introducing what he describes as an extraneous issue into this debate. I am simply addressing the fact that it was introduced into this debate by others. I do not think it should be here, frankly.

Mr. JEFFORDS. I think that is relevant to the bill so I do not have a problem with you proceeding as you desire.

Mr. SARBANES. Mr. President, I think the extremes to which the other side will go to try to frustrate considering bona fide educational issues on this education bill was demonstrated by the fact that the vote we just had was on tabling a motion on an amendment involving the "Know Your Customer" proposed regulations that were put out by the Federal banking regulators.

I wrote to the regulators, pointing out the problems with these proposed regulations and urging them to carefully consider these problems before proceeding or implementing them. The regulators have received a flood of comments highly critical of the proposed regulations and, in fact, the comment period, which ends on March 8, is not yet over. At least two regulators have already indicated, in advance of the comment period ending, that they expect not to adopt the proposed regulations as final regulations in view of the overwhelming number of comments they have received and the complexity of the issue.

Many of my colleagues have, as I have done, written to them pointing out the difficulties connected with these regulations and the possible breaches of customers' personal financial privacy.

On the other hand, since there is a law enforcement issue involved here with respect to money laundering, we need to be very careful what we do. I am concerned because the amendment not only addresses the proposed regulations but also precludes any other regulations being put forward by the agencies that would be similar to these.

Conceivably, the agencies could develop more narrow regulations that focus on the money laundering issue, in an effort to curb criminal activity, that would not carry with it the heavy burdens of regulation on the banks and the potential intrusion into the financial privacy of ordinary, law-abiding citizens, which none of us wants to do.

In fact, I have introduced a bill on the financial privacy issue, broader legislation than we are talking about here. I have been joined in that by Senators DODD, BRYAN, EDWARDS, LEAHY, and HOLLINGS. That is S. 187.

I invite other colleagues to join on that legislation, S. 187, because I think financial privacy is an extremely important issue and one that we need to address. We need to assure safeguards to our consumers that their financial privacy is not to be intruded upon without their knowledge and an opportunity to object.

But to reach out, as happened this morning, and try to drag in a subject matter unrelated to education and not directly connected with this bill, as part of a constant process that has been going on over the last few days to block out important educational amendments that would raise significant issues which need to be addressed, it seems to me, is going too far.

Let me, on these regulations, quickly point out that the regulators have received over 130,000 public comments about the regulations, demonstrating a great deal of concern about the privacy of personal financial information. The regulators have already indicated they recognize the problems with the proposed regulations. Some have testified or written to the Congress indicating they expect withdrawal or substantial if not total revision.

We are addressing the problem in the normal course under which proposed regulations are addressed, the problem which this amendment addresses. In fact, of course, this amendment moves in and, in effect, seeks to shortcut or terminate the regular process which would be to let the comment period run and then the regulators take the comments into account. We have already had an indication from the regulators that they have seen enough now so that when they take the public comments into account, the concerns that Members have expressed, myself included, will be addressed.

The potential problem with the amendment is that it may foreclose any possibility of addressing the legitimate concerns of the law enforcement community directed towards money laundering. My very able colleague from Michigan, Senator LEVIN, has been working on that issue.

I simply rise to point out some of the complexity of this issue with which we are dealing, and to focus on the current situation in which we find ourselves—I gather there is not the ingenuity or wit to devise education-related amendments to try to block this process, as has been going on. So now we are going to reach out, wherever we can, and find non-education-related amendments, to bring them in to try to close out the amendment tree.

I am prompted to speak on that because this question of privacy is an issue to which we have addressed some attention. As I said, there is a comprehensive bill which has been introduced by a number of us which I am very hopeful we will be able to have hearings on and act on.

I think the "Know Your Customer" proposed regulations is a very important issue to be addressed. But I find it interesting that here we are on a Friday morning and, instead of dealing with education, we have brought in this issue out of the jurisdiction of the Banking Committee. I think the regulators were about to address this issue to everyone's satisfaction, but the issue has been addressed in the amendment, possibly in such a broad fashion that it will prevent the formulation of regulations specifically designed to get at money laundering, which the law enforcement community has indicated is a significant concern of theirs. That is an issue to which Senator LEVIN has addressed considerable attention.

I say to the distinguished chairman, to the extent he views these comments as not relevant or germane to his legislation, they were prompted by the fact that an amendment was proposed which itself is not relevant or germane to the bill before us and has nothing to do with education.

My own preference, obviously, is to get on with the education amendments. I hope these discussions that are going to take place will make it possible for significant and important education amendments to be offered to this legislation. We are out here with an important piece of education legislation whose basic concept I support. But I do not think we should be precluded from offering other important initiatives with respect to education which, I think, if brought before the body, would command broad support in this institution. I think it would be very important in helping to deal with the Nation's educational challenges.

Mr. JEFFORDS. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. JEFFORDS. Let me explain the position I have taken. My concern is getting amendments now which should be on the Elementary and Secondary Education Act which is presently under consideration by the committee, if we are to start passing programs out here that should be more properly considered in committee as to how to allocate expenditure of funds and matters like that.

I understand that the pending amendment—we all know in the exigencies of time, and sometimes in order to get a message through, a situation arises where it is necessary, in a sense, to add an amendment that is really nongermane in order to send a message downtown. That is the understanding, and I think clear from the vote, that the Members want to send a message downtown that the process toward getting involved in the privacy of individuals' banking is not one which is acceptable to the Senate.

I suspect it will disappear into the great unknown at some point, but my main concern is to make sure that the committee, which is addressing the serious problems we have in education in this country, does it in an orderly process. We do recognize that the funds which local communities would like to have in order to meet the demands of some of the restrictions and regulations put on them are needed to replace the funds which should have been coming from the Federal Government with respect to IDEA or with respect to what is more commonly referred to as "special education." We were committed to 40 percent, and we are only sending less than a quarter of what we are committed to.

So I will do all I can to make sure that anything which is possible to enhance the local communities, as well as bring us closer to meeting the commitment we have to 40 percent of the cost of special education, is considered. But I am not going to allow amendments, or do my best not to allow amendments, to this bill which was meant to be expedited to assist the local communities to have an opportunity to be more flexible in meeting the needs, as they see them, under the restricted resources they have by virtue of the fact that we have not fully funded our commitment under special education. I intend to do that, to try to see how we can ensure that they get the resources to which they are entitled.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I appreciate that comment from the chairman of the committee.

Let me just make two observations: First of all, on the need for this banking amendment, to send a message. The message has certainly been sent by many Members and by extensive public comment.

In that regard, Mr. President, I ask unanimous consent to have printed at the end of my statement a letter which I sent to the Chairman of the Federal Deposit Insurance Corporation on January 12 on this very issue of the "Know Your Customer" programs, sharply critical of the proposed regulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Just briefly the other question, I have been watching what has been going on. I am not on a committee with direct jurisdiction here, but I was prompted to speak by the fact that in this game of delay and blockage we are now dragging in outside amendments.

The chairman says he wants these other amendments considered in the context of the Elementary and Secondary Education Act. Am I mistaken in my impression that the Secretary of Education, who I think is supportive of Ed-Flex measures, advanced the position that those Ed-Flex measures should be considered in the context of the Elementary and Secondary Education Act?

Mr. JEFFORDS. I do not believe he has spoken out on that. He is supportive of our efforts to try to improve the Elementary and Secondary Education Act. I would say that he would not be unduly concerned if the President's program got attached to this amendment, obviously. He is the Secretary, he supports the President's programs, and they would like to get them implemented any way possible.

On the other hand, I doubt very seriously if he would take a position adverse to knowing what we were doing when we put together the bill, which is the one which will have more impact upon elementary and secondary education in this country than any other Federal act—that it is done well, that it proceeds with due care, and that we examine the present situation to see how things can be improved.

Right now we are spending somewhere close to $15 billion on primary and secondary education. And, as I stated earlier, there is no demonstration that we have had any improvement since the 1983 acknowledgement that this country had a serious problem in education. So I think it is incumbent upon us to try to look at why, after spending all those billions of dollars over those years, things have not improved since we understood we had a serious problem back in 1983. To just continue spending the money we are spending the way we are now, without looking at why it has had no measured improvement—which is an important part of the process—and to go ahead and just pass new programs without fully taking those matters into consideration, in my mind, would be irresponsible.

Mr. SARBANES. It is my understanding that the amendment which the Senator from Washington, Senator MURRAY, is offering for additional teachers in effect is a follow-on to a decision that this Congress made in the last session. Did we not authorize additional teachers in the last session?

Mr. JEFFORDS. The Senator knows as well as I know that in the final hours of any legislative session things happen in the exigencies of trying to get something together where people are dealing with the issues and probably are not fully aware of the implications of what they do. And that is what happened here.

These matters, through the pressure of the administration wanting to get something they had not been able to get through the normal legislative process, were able to get on the bill, which was that bill that was 40 inches high. Nobody knew what was in it until it got read. And the reason we are here with Senator MURRAY is there were some problems in the way that bill was thrown together that need to be attended to. And I understand that. It may be helpful in the amendment process that we get into next week with amendments. We might be able to make that bill more meaningful.

So that is not off the table, as far as I am concerned, as long as the changes that are made are constructive in making that bill that passed to be more usable by the communities. But right now, obviously, we are here with an amendment, because when it gets thrown together like that at the end of a session, they end up doing something that they do not know what they are doing.

Mr. SARBANES. It is my understanding that, first of all, that was extensively discussed. And my understanding is that it is consistent with recent educational studies, that small class size in the early years has been shown to have significant benefits. You talk about, we are spending a lot of money and we do not know whether it is producing results. One thing we seem to know, on the basis of the study, is that if we can lower these class sizes, particularly in the early years, we are going to get beneficial results.

If you ask anyone about the difference between the situation in the public schools and private schools, for which parents pay a lot of money, the first thing that leaps out at you is small class size. If you ask parents why they are laying out all of this money, one of the first things they say is, to get a small class size. And these studies that have been done, as I understand it, support the proposition that the small class size will produce significant results, particularly when directed toward the early years so we can get these young people up to standard.

Mr. JEFFORDS. There is only one study which has been considered to have been done in a way that would give you evidence, and that study did come to that conclusion. The other studies were not really worth discussing.

However, again, these decisions were made in a back room, in the wee hours of the night; and obviously we would not be considering an amendment if it had been done well. Furthermore, the great debate, in my mind, of what is more important, reducing the class size from 20 to 18 or having a teacher teaching the class who knows the subject which he or she is teaching—I will bet you 10 to 1 you get better results by improving the quality of the teacher and the qualifications of the teacher than you will by reducing the class size by 2 or 3 or 4 or 5. I do not think anybody would debate that.

That is one thing we should consider, the flexibility under the bill—and this may come up—as to whether those moneys could not better be used and should not better be left to the discretion of the school systems to use those moneys to improve the proficiency of the teachers rather than just merely reducing the class size by 2 or 3 or 4.

Certainly if we get to her amendment next week, we will consider other options as well. And it may prove to be a productive experience. Hopefully it will. And I am very pleased to have listened to the leaders on both sides, that we can agree to a small number of amendments which we can consider next week, and move this bill on so that the benefits of the flexibility can be given to the Governors to help improve education overall; and the local communities will be able to do what they feel is necessary to improve that flexibility.

I know the Presiding Officer has been very active in trying to make sure that the local communities have more to say on how their schools can improve. So I think we are moving on a path right now that leads us through next week being a productive exercise, to have the kind of flexibility that the Governors need to help the communities. At the same time we may make some changes that will be beneficial but that do not involve superseding the normal process of the Education Committee to bring about some meaningful reform within the Federal structure.

As I pointed out, there has been no evidence that the huge Federal structure has made any improvement over the last 15 years in our education. We are on our way this year to being the most education-minded Congress that we have had in this century. I am hopeful that when we finish this year we will all be proud of the accomplishments we have made in this country to get us on a path to making sure we will survive the strong competition we are getting from overseas, unduly impaired by our present educational system.

Mr. SARBANES. Mr. President, I say to the distinguished chairman, I hope we are not going to leave any impression here that the growing consensus on the benefit of small classes, particularly in the early grades, is somehow suspect. It is my understanding that consistently across the board students attending smaller classes in the early grades have been found to make more rapid progress than students in larger classes; that these benefits are the greatest for low-achieving minority children and low-income children, because smaller classes enable the teachers to identify and work effectively with students. In many instances they are able to address the problem early on, which prevents its worsening, perhaps to the extent of requiring special education in later years—if you are talking about conserving your resources:

I understand that Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through the third grade. Followup studies show that the gains lasted through at least the eighth grade. The gains were larger for minority students.

In Wisconsin, the Student Achievement Guarantee in Education Program is helping to reduce class size in grades K through 3 and in low-income communities. Students in the smaller classes had significantly greater improvements in reading, math and science tests than students in the larger classes. The most significant achievement gains were among African American males.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have produced a 44-percent increase in reading scores and an 18-percent increase in math scores.

So the issue which the Senator from Washington and others are trying to address is an extremely important issue. It follows on the initiative that was taken by the Congress last year, and I very much hope that we will be able to address it in the course of considering this legislation. We ought to put these educational issues before the Senate and act upon them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, my colleague from Maryland made several comments on the "Know Your Customer" amendment we had up for consideration before the Senate.

I want to take just a couple of moments to respond. The reason that I felt it was important to bring up the amendment this morning with my colleagues on this side is that I serve on the Banking Committee with my colleague from Maryland, and I made an attempt to bring this issue forward in the Banking Committee. It was objected to by the minority party at that time. We also brought up a bill here on the Senate floor for consideration, but again it was objected to by his side. It seemed that the only way we could get this issue considered by the Senate was to bring it up at this particular time. It was well within the rules of the Senate, and I thought it was very important that the Senate have an opportunity to speak on these rules and regulations before a final decision was made.

As to his second comment on the amendment being too broad, I admit that the amendment I introduced in the committee was broad. We wanted to do that because we were concerned that the regulators would just make minute changes in the rules and regulations, and then the regulations would be back before the American people. After further consideration, the language that was considered here on the Senate floor was narrowed and applied specifically to those rules and regulations in the current "Know Your Customer" proposal.

I just wanted to make those two comments. I also would like to thank the chairman and recognize the chairman's effort in trying to improve education in this country. I want to compliment him on his confidence in the States as well as local school boards. That is where a lot of these decisions should be made. I think there is a tendency here in Washington to think that we have all the answers, that one shoe size should fit all, and that one regulation should fit all.

I am one who feels that local school boards and States really are the ones that will come up with the innovative changes for education. We just need to give them the flexibility to do so. We need to allow them to work with parents who really do have a vested interest. We all want to see our children get a better education.

Again, I want to thank the chairman for his hard work and diligent efforts. We all appreciate that.

I yield the floor.

Mr. SARBANES. Mr. President, I want to follow up on the comments of the Senator from Colorado.

First of all, I acknowledge that he is trying to address the problem, and I indicated as much when we discussed it in the Banking Committee. But the proposal there and the bill that was originally introduced would, in effect, have eliminated existing regulations addressed to the money laundering issue.

Mr. ALLARD. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. ALLARD. The amendment——

Mr. SARBANES. Not the amendment; I will address the amendment. I want to talk about the bill and the proposal in the Banking Committee first. I think both of those propositions, the proposal in the committee and the bill, went too far, and I think the Senator is prepared to concede they went too far because they would have wiped out existing regulations—not just proposed regulations—existing regulations addressed to significant cash transactions that we think are tied to the money laundering issue.

I don't think the Senator disagrees with that.

Mr. ALLARD. If the Senator will yield, I recognize that the amendment I introduced in the committee was broad. We made that adjustment on the amendment that was voted on this morning.

Mr. SARBANES. I understand that and I indicated earlier that had been done.

I only have two observations about that. Yesterday, the Comptroller of the Currency in testimony on the House side stated that they intended to withdraw the proposals "promptly."

Now, perhaps the Senator feels that through his communications with the regulators heretofore and the letters he sent—and I have sent a letter, and others have sent letters—we weren't able to get sufficient credit for having brought about this change—so we need to come out here and try to get this amendment passed so that we really show that we are the ones who did it and not the regulators who were affected, acting in a reasonable manner after reviewing all of the comments that have been received not only from the public but from Members of the Congress, as well.

Second, I do have some concern about your amendment because it addresses not only the proposed regulations, but, as I understand, it precludes them coming forward with any similar regulations that might be greatly narrowed so they get at the money laundering issue.

I don't assert that I am an expert on the money laundering issue and that is why the Senator from Michigan, Senator LEVIN, is putting a statement in the RECORD addressing the money laundering question, and the importance of that question and how we try to get at it.

I think this problem was well on its way to being solved. I understand the other side is searching desperately for amendments to offer in order to try to block this amendment process on educational issues. It is my perception that is why this matter came before us today, in an effort to keep out of the amendment process on the Ed-Flex bill, important amendments, which a number of our colleagues wish to offer. But the Senator and I share a common view that the regulations went too far, and we have expressed that opinion.

I think the initial proposals the Senator from Colorado made went too far in the other direction—and were overly broad. I think this proposal has been narrowed down, but I think it still contains within it one remaining problem, which I indicated, and that is whether it precludes any opportunity to do something that would be more effective on the money laundering issue, without creating any of the privacy problems or the overregulation problems that both of us and others have perceived as being contained in the proposed regulations.

Mr. President, I yield the floor.

EXHIBIT NO. 1

U.S. SENATE,
Washington, DC, January 12, 1999.

Hon. DONNA TANOUE,
Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR CHAIRMAN TANOUE: On Monday, December 7, 1998, the Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve, Office of the Comptroller of the Currency and Office of Thrift Supervision, each published in the Federal Register and solicited public comment on proposed regulations requiring insured depository institutions to develop "Know Your Customer" programs. The regulations are intended to enable financial institutions to protect themselves from engaging in transactions designed to facilitate illicit activities and ensure compliance with suspicious activity reporting.

The proposed regulations would require depository institutions to amass a large amount of data about customers and to monitor and analyze customers financial behavior. Institutions would be required to determine: a customers' sources of funds for transactions; "the particular customer's normal and expected transactions involving the bank"; and transactions "that are inconsistent with normal and expected transaction for that particular customer or for customers in the same or similar categories or classes;" and to report suspicious transactions.

I support implementing focused and effective methods to prevent money laundering and to promote law enforcement purposes, but am concerned that these proposed regulations have unintended negative consequences.

The scope of the proposed regulations allows for intrusion into the personal privacy of bank customers by profiling details of customers' lives, activities beyond what may be necessary for the stated regulatory purposes. The proposed regulations also could subject many low- and middle-class citizens who pose little threat of improper activities to such surveillance because there are no threshold limits. The proposed regulations have no minimum transaction size or account size, below which surveillance is not required.

While the proposed regulations would required banks to become huge repositories of personal financial data on their customers, there are no Federal limitations on the bank's use of the transaction data it collects. The bank can sell or share such data without a customer's knowledge or consent. This creates the very real possibility of large scale unwanted breaches of customers' personal financial privacy. Polls and newspaper articles have indicated that Americans are very concerned about their personal privacy, particularly their personal financial data. New business affiliations and technology advances are fueling consumer concerns about the mishandling of personal financial information.

It is evident that the proposed regulations have aroused widespread public concern. I hope that you will take these concerns into account as you proceed with the rulemaking process and develop policies to satisfy current law enforcement needs.

Sincerely,

PAUL S. SARBANES,
U.S. Senator.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

(The remarks of Mr. KERREY pertaining to the introduction of S. 553 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I believe we are now in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. The hour of 12 noon having arrived, consideration of the bill is concluded and the Senate is in morning business.

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 556 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL DEPOSIT INSURANCE CORPORATION'S "KNOW YOUR CUSTOMER" REGULATION

Mr. KERREY. Mr. President, I voted today in support of the Gramm amendment which supports my belief that the FDIC's "Know Your Customer" regulation should be withdrawn. This vote mirrors my earlier action where I had written to FDIC Chairwoman Tanoue asking her to withdrawal the regulation.

While I commend FDIC's effort to identify and crack down on illegal activity, I am deeply concerned the "Know Your Customer" regulation will threaten the financial privacy of Nebraska customers.

When federal regulators consider any regulation like "Know Your Customer," the private relationship between customers and their financial institutions should be given the utmost consideration. I believe "Know Your Own Customer" would severely strain this relationship. Customers should feel confident that their financial transactions are done in confidence and not subject to uninvited searches. Bankers in Nebraska already report large cash transactions, violations of federal law and potential money laundering activity without invading the privacy of their customers. "Know Your Customer" would require financial officers to infringe on their customers' privacy, damaging public perception of the banking industry.

On behalf of the many Nebraskans, customers and bankers, who have relayed similar concerns with me, I am pleased the United States Senate has taken this action. In the meantime, I will remain committed to see that FDIC withdraws the "Know Your Customer" regulation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2051. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's report on economic conditions in Egypt for 1997 and 1998; to the Committee on Foreign Relations.

EC–2052. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment Program for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2053. A communication from the General Counsel of the Corporation for National Service, transmitting, pursuant to law, the report of a rule entitled "Claims Collection" (RIN3045–AA21) received on February 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2054. A communication from the Federal Register Liaison Officer, Office of Thrift

Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards: Tier 1 Leverage Ratio" (Docket 98–125) received on February 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2055. A communication from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Program — Technical Assistance Component" (No. 982–0154) received on February 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2056. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled "The National Flood Insurance Act Amendments of 1999"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2057. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards: Tier 1 Leverage Ratio" (Docket 99–01) received on February 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2058. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled "The Disaster Mitigation Act"; to the Committee on Environment and Public Works.

EC–2059. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination That Pre-existing National Ambient Air Quality Standards for PM–10 No Longer Apply to Ada County/Boise State of Idaho" (FRL6237–9) received on March 1, 1999; to the Committee on Environment and Public Works.

EC–2060. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of the Ozone Monitoring Season for Alabama, Florida, Georgia, Kentucky, Mississippi and Tennessee" (FRL6237–6) received on March 1, 1999; to the Committee on Environment and Public Works.

EC–2061. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the St. Louis, Missouri Moderate Ozone Nonattainment Area" (FRL6306–1) received on March 1, 1999; to the Committee on Environment and Public Works.

EC–2062. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on flood damage reduction projects for the Beargrass Creek Basin in Louisville, Kentucky; to the Committee on Environment and Public Works.

EC–2063. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled "Dicamba; Pesticide Tolerance, Technical Correction" (FRL6049–2) received on February 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2064. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Increase in Assessment Rate" (Docket FV99–989–2 IFR) received on February 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2065. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Additional Option for Handler Diversion and Receipt of Diversion Credits" (Docket FV99–930–1 IFR) received on March 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2066. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on an instance in which the Air Force did not fully implement a recommendation made by the Office of the Comptroller General in connection to a bid protest concerning workload procurement at the Sacramento Air Logistics Center; to the Committee on Governmental Affairs.

EC–2067. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the President's comprehensive Government-wide Performance Plan for fiscal year 2000; to the Committee on Governmental Affairs.

EC–2068. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report on the Costs and Benefits of Federal Regulations for 1998; to the Committee on Governmental Affairs.

EC–2069. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the Department of Defense Civilian Acquisition Workforce Personnel Demonstration; to the Committee on Governmental Affairs.

EC–2070. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Removal of Umatilla County, Oregon, from the Spokane, Washington, Nonappropriated Fund Wage Area" (RIN3206–AI10) received on March 2, 1999; to the Committee on Governmental Affairs.

EC–2071. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual report under the Inspector General Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–2072. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-in, First-out Inventories" (Rev. Rul. 99–15) received on March 2, 1999; to the Committee on Finance.

EC–2073. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations" (Rev. Proc. 99–18) received on March 2, 1999; to the Committee on Finance.

EC–2074. A communication from the Statutory Chairman and the Administrative Chairman of the National Bipartisan Commission on the Future of Medicare, transmitting, pursuant to law, a report on the status of the Commission's recommendations; to the Committee on Finance.

EC–2075. A communication from the Chairman of the United States International Trade Commission, transmitting, a draft of proposed legislation to authorize appropriations for the Commission for fiscal year 2000; to the Committee on Finance.

EC–2076. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Proposed Method of Incorporating Health Status Risk Adjusters Into Medicare+Choice Payments" received on March 1, 1999; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself, Mr. ENZI, Mr. ASHCROFT, and Mr. BROWNBACK):

S. 552. A bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself and Mr. KERREY):

S. 553. A bill to provide additional trade benefits to countries that comply with the provisions of the ILO Convention; to the Committee on Finance.

By Mr. CAMPBELL:

S. 554. A bill to amend section 490 of the Foreign Assistance Act of 1961 to provide alternative certification procedures for assistance for major drug producing countries and major drug transit countries; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 555. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans Affairs.

By Mr. BAUCUS (for himself and Mr. JEFFORDS):

S. 556. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMS (for himself and Mr. GORTON):

S. Con. Res. 16. A concurrent resolution expressing the sense of the Congress that the Government National Mortgage Association guaranty fee should not be increased to provide increased revenues or the Federal Government to offset other expenditures; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. KERREY):

S. 553. A bill to provide additional trade benefits to countries that comply with the provisions of the ILO Convention; to the Committee on Finance.

THE INTERNATIONAL CHILD WELFARE PROTECTION ACT

Mr. GRASSLEY. Mr. President, I rise today, on behalf of myself and Senator KERREY, to introduce legislation that will chart a new United States approach to the terrible problem of child exploitation in overseas labor markets.

This legislation, the International Child Welfare Protection Act, will target new, additional trade benefits to countries that comply with the provisions of the International Labor Organization's Convention Number 138 concerning the Minimum Age for Admission to Employment, also known as the Minimum Age Convention.

The aim of the Minimum Age Convention is to abolish child labor throughout the world by establishing a minimum age at which children may be employed.

Our legislation will do two things:

It will give the President the authority to grant a country that complies with the Minimum Age Convention up to a fifty-percent tariff rate cut on items produced in that country that would not otherwise be eligible for preferential tariff rates.

It will also permit the President to waive current limitations on the amounts of additional goods that countries complying with the Minimum Age Convention may export to the United States. If, in the unlikely event the President finds that domestic industries are hurt because of these special, targeted trade benefits, the President also has the authority to suspend, limit, or withdraw the benefits.

This legislation is important for three reasons.

First, it is a tragic fact that child labor is rampant in many places in the world, despite more laws aimed at stopping this inhumane practice. International Labor Organization statistics show that between 100 million and 200 million children worldwide are engaged in providing goods and services. Ninety-five percent of these children, according to the ILO, work in developing countries. Why are children pressed into service as low-paid or un-paid workers? Because, according to the ILO, children are "generally less demanding, more obedient, and less likely to object to their treatment or conditions of work." We must all do what we can to stop this unconscionable practice.

The second reason we need this legislation is because it is clear that regulation and enforcement alone will not work. Incentives are needed as well. The reason that it is so tough to enforce child labor standards is that it is often very difficult to trace specific products to specific plants in specific countries. The Department of Labor's Bureau of International Labor Affairs says that quantifying the extent of child labor in a particular country's export industry "can seldom be done with specificity." If you can't even trace the goods or services with certainty, you can't expect enforcement alone to be the answer.

Finally, we need this legislation because even though the ILO Minimum Age Convention was adopted in 1973, only twenty-one developing country member states out of 173 ILO member states have ratified the Convention to stop child labor. Out of the twenty-one developing country member states that have ratified the Convention, none are from Asia, where over half of all working children are to be found. If even one additional ILO member state ratifies the Convention because of the trade incentives this legislation offers, we have achieved a great deal.

I encourage all my colleagues to join me in this effort.

Mr. KERREY. Mr. President, earlier this morning, Senator GRASSLEY of Iowa introduced a bill that I am a cosponsor of called the International Child Welfare Protection Act. I would like to talk about that piece of legislation and the objective of that legislation.

I first became aware of this problem through the efforts of the junior Senator from Iowa, TOM HARKIN, who came before the Finance Committee earlier this year to describe the need to put in our trade authority language that would have the negotiators negotiating for the purpose of reducing the use of child labor worldwide. I support that. I believe the Finance Committee should, when we mark up the normal trade authority, put that language in. My hope is that this piece of legislation will provide a stimulus to do that.

This legislation Senator GRASSLEY and I are introducing says that economic growth is not just about the bottom line; it is about improving human lives.

I believe this piece of legislation can help do that, Mr. President, by taking an incentive-based approach to encourage developing countries to do the right thing on child labor. Instead of threatening them with access to U.S. markets, this bill says we are going to hold out an incentive and offer them U.S. markets at a price they currently can't access.

Now, the action we ask them to take in exchange is to sign the International Labor Organization's Convention on Child Labor. That convention states that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling: either 14, 15, or 16 years of age. For that agreement, we will provide preferential access to the world's largest consumer market for additional products.

As I said, I believe this is a good move for the United States to make. I think it does provide incentives, for developing nations especially, to change their own policies toward child labor. But I also think it is important to try to get into our negotiating authority language that directs our negotiators to keep child labor in mind and try to negotiate for the purpose of reducing the use of child labor in nations with which we trade. There should be a connection between trade and growing the middle-class worldwide.

Unfortunately, all too often, trade is measured only in terms of the dollars that we export and the dollars we import. For me, it is far better and more likely that we will have public support for good, open trade policies, if we use trade as a means to an objective, not just to produce a better bottom line, not just to produce higher trade numbers, but to increase the standard of living of people in the United States and to increase the standard of living of people throughout the world.

The single best way for us to assure access for U.S. goods overseas is for us to help the middle class grow in other countries. The only way to do that is for people to produce and sell goods that other countries want to buy and their own people can afford. It is a very difficult process for developing nations. We went through it in the United States of America. But for those developing nations to lift their middle class, they have to open up their markets and subject their businesses to competition. Otherwise, their standard of living will constantly be depressed as a result of simply saying that we are only going to complete up to the standard of our domestic marketplace.

When I talk about international trade issues, Mr. President, that is the fundamental truth with which I began. Free trade—reducing tariffs both here and abroad—will help the middle class to grow. And a prosperous and growing middle class has a positive effect on the issues we face in trade policy today. Indeed, I argue that it is one of the reasons we have struggled to get normal trade authority from the President. As least as I see it in Nebraska, there is growing skepticism that there is a connection between the standard of living of the people who are in the workforce today and the trade policies.

Many of my citizens have reached a conclusion that there is a negative connection, and that free trade policies have depressed their standard of living and made it more difficult for them to earn the wages they feel they deserve as a consequence of the work they are doing every day. We have many problem in trade policies that make it difficult for us to convince the American people that free trade is unquestionably a good thing. The legislation Senator GRASSLEY and I have introduced today says we want to make progress on these issues.

The International Labor Organization estimates that more than 250 million children worldwide between the ages of 5 and 14 are obliged to work either full-time or part-time in developing countries alone. Many work under condition that are debilitating for their physical, moral, or emotional well-being.

Far too many are employed in the fields, rug factories, and electronic factories that hope to export products to the United States of America. What this bill does is go directly to that desire.

This bill would immediately cause other countries to say, "We can sell products to the U.S. consumers that we could not sell before. All we have to do is agree to an internationally recognized standard on child labor."

If they sign that agreement today, they gain access to American markets and American dollars tomorrow. It is an approach that has worked for the Europeans. It is an incentive-based, rather than a punitive, approach; it is a trade policy that is increasingly recognized as a better way to proceed on some of these very difficult issues.

We want children to be the beneficiaries of economic growth, not the engines of it. To us, it is evident that it is self-defeating for economic growth to come at the expense of our children.

This bill is a step in the right direction, and I hope it represents to the people I serve that I am willing, in fact, I look forward to coming to the table on these very difficult and sticky trade issues that have divided us in the past.

I hope it is seen, as well, as an important first step—but a first step only—in reducing the terrible consequences of allowing these young children to be used for labor in these developing countries. It is a very important issue that Senator HARKIN has worked on for years. He brought it to the attention of the Finance Committee. I believe the committee is responding in a first-step fashion, and I hope they will follow this action with further changes in the negotiating language that will say to our negotiators: we want you to put child labor at the top of your concerns when you are negotiating trade agreement.

By Mr. CAMPBELL:

S. 554. A bill to amend section 490 of the Foreign Assistance Act of 1961 to provide alternative certification procedures for assistance for major drug producing countries and major drug transit countries; to the Committee on Foreign Relations.

THE DRUG CERTIFICATION IMPROVEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Drug Certification Improvement Act of 1999 to strengthen and improve the annual drug certification process of countries which are fully cooperating with the United States to fight drug trafficking. This bill is based on legislation, S. 457, which I introduced in the 105th Congress.

I am concerned that the current system, in place since 1986, no longer works as Congress intended. As we witnessed last Friday, February 26th, the administration issued its certification for 1999. This certification penalizes only two countries—Burma and Afghanistan—for not fully cooperating with the United States to combat drug trafficking. The administration's certification also granted waivers on national security grounds to four countries—Paraguay, Haiti, Cambodia, and Nigeria—so they will continue to receive United States aid.

This certification, with only two countries sanctioned, raises serious concerns about the viability and effectiveness of the existing certification process and its underlying statutory authority. This concern is reflected in a Washington Post news report of February 27, 1999, which stated: "The Administration's relatively forgiving approach reflects an effort to lower the profile on the certification reviews and thereby reduce the political tensions it has often created."

Under current law, notice provided to the target country is often too late and not specific enough to address the problems. Congress also lacks timely and specific information that would assist in exercising its legislative and oversight responsibilities.

The existing law also gives a free ride to countries which are decertified but then granted waivers and continue to receive aid because it is deemed to be in the national interest of the United States. These waivers allow the provision of aid year after year to countries not fully cooperating with the United States. What incentive do these countries have to improve their cooperation?

The current certification process is set forth in section 490 of the Foreign Assistance Act of 1961. It requires the President to submit to Congress by March 1 of each year a list of major illicit drug producing and transiting countries which he certifies are fully cooperating with the United States.

Under existing law, the President has three options: One, certify a country which has cooperated fully with U.S. anti-drug efforts or has taken adequate steps on its own to comply with the 1988 U.N. anti-drug trafficking convention. Two, decertify a country for not fully cooperating. Or three, decertify a country but provide a waiver because it is in the national interests of the United States to continue to provide aid.

Currently, when a country is decertified, at least 50 percent of U.S. bilateral foreign aid is suspended in the current fiscal year. In fact, that country may lose more than 50 percent of its current funding if the State Department has not yet released the aid. Unless the country is recertified, all U.S. aid is suspended in subsequent fiscal years. And, the United States is required to vote against loans in the multilateral development banks, such as the World Bank and the Inter-American Development Bank.

Congress has 30 days from receipt of the President's certification to enact a joint resolution disapproving the President's action. If Congress passes such a resolution, the President can veto it and require a two-thirds majority vote in Congress to override the veto. Congress also has its prerogative to pass a resolution at other times, but it too would be subject to a presidential veto.

The alternative I am proposing today would basically put countries "on probation." By putting countries on notice that the United States has serious concerns about their lack of cooperation, it would provide a fair period of time during which those countries could address U.S. concerns.

My legislation builds on the existing carrot and stick approach in the certification process. The carrot is certification although for a finite period of time of 7 months. During this "probationary period," all U.S. aid continues to flow and the United States remains supportive in international development banks. The President also stipulates which specific conditions must be met by that country to improve its cooperation with the United States and to continue receiving U.S. aid. Not only is sufficient notice provided to the country, but to the Congress as well.

The stick is a penalty similar to that under existing law. If after 7 months the country does not comply with the stipulations made by the President to improve its cooperation with the United States, 100 percent of U.S. bilateral aid is cut off. The United States also would vote against aid in the multilateral development banks if the country does not comply with U.S. stipulations, as provided for under current law. These penalties would remain in effect until the President notifies Congress that the country has complied with the stipulations made in the President's original probationary certification.

My bill also provides reasonable notice to Congress. Under this alternative, Congress would be informed about those specific concerns which the President identified regarding a country's lack of cooperation. Congress also would be able to track that country's progress during the 7-month probationary period and, of course, maintain its prerogative to pass legislation as it deems necessary. I believe this would help avoid contentious battles between Congress and the administration which appear to be a main reason for the limited certification we see from the administration this year.

It is clear that the existing certification process is flawed. The Drug Certification Improvement Act of 1999 provides a new certification option to fix the process, and I urge my colleagues to support passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE CERTIFICATION PROCEDURES FOR ASSISTANCE FOR MAJOR DRUG PRODUCING AND DRUG TRANSIT COUNTRIES.

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1990 (22 U.S.C. 2291j) is amended by adding at the end the following:

"(i) ALTERNATIVE CERTIFICATION PROCEDURES.—

"(1) IN GENERAL.—In lieu of submitting a certification with respect to a country under subsection (b), the President may submit the certification described in paragraph (2). The President shall submit the certification under such paragraph at the time of the submission of the report required by section 489(a).

"(2) CERTIFICATION.—A certification with respect to a country under this paragraph is a certification specifying—

"(A) that the withholding of assistance from the country under subsection (a)(1) and the opposition to assistance to the country under subsection (a)(2) in the fiscal year concerned is not in the national interests of the United States; and

"(B) the conditions which must be met in order to terminate the applicability of paragraph (4) to the country.

"(3) EFFECT OF CERTIFICATION IN FISCAL YEAR OF CERTIFICATION.—If the President submits a certification with respect to a country under paragraph (1) for a fiscal year—

"(A) the assistance otherwise withheld from the country pursuant to subsection (a)(1) may be obligated and expended in that fiscal year; and

"(B) the requirement of subsection (a)(2) to vote against multilateral development bank assistance to the country shall not apply to the country in that fiscal year.

"(4) EFFECT OF CERTIFICATION IN LATER FISCAL YEARS.—

"(A) IN GENERAL.—Subparagraph (B) shall apply to a country covered by a certification submitted under this subsection during the period beginning on October 1 of the year in which the President submits the certification and ending on the date on which the President notifies Congress that the conditions specified with respect to the country under paragraph (2)(B) have been met.

"(B) PROHIBITION ON ASSISTANCE.—

"(i) BILATERAL ASSISTANCE.—During the applicability of this subparagraph to a country, no United States assistance allocated for the country in the report required by section 653 may be obligated or expended for the country.

"(ii) MULTILATERAL ASSISTANCE.—During the applicability of this subparagraph to a country, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by the country.

"(5) DEFINITION.—For purposes of this subsection, the term 'multilateral development bank' shall have the meaning given the term in subsection (a)(2).".

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is amended by striking "subsection (b)" each place it appears and inserting "subsections (b) and (i)".

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 555. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans Affairs.

VETERANS' EDUCATION BILL

Mr. DEWINE. Mr. President, I rise today to introduce the Veterans' Education Benefits Equity Act. A similar bill has already been introduced in the House of Representatives by my distinguished Ohio colleague, Congressman NEY.

This legislation would fix an unintended oversight in veterans' educational benefits. Currently, the law stipulates that qualified veterans can receive their monthly educational assistance benefits when they are enrolled at educational institutions during periods between terms, if the period does not exceed 4 weeks. This time period was established to allow enrolled veterans to continue to receive their benefits during the December/January holidays. The problem with the current time period is that it only covers veterans enrolled at educational institutions on the semester system. Obviously, many educational institutions work on the quarter system, which can have a vacation period of eight weeks between the first and second quarters during the winter holiday season. Consequently, many veterans unfairly lose their benefits during this period because of the institution's course structures.

It is my understanding that some educational institutions which have a sizable veteran enrollment frequently create a one credit hour course on military history or a similar topic specifically geared towards veterans in order for them to remain enrolled and eligible for their educational benefits. Consequently, the cost of extending the current eligibility period to eight weeks would have a minimal, if not negligible, cost.

The Department of Veterans' Administration has recognized the need to correct this oversight and assisted in the drafting of this legislation and fully supports this bill.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they earned. Mr. President, I ask unanimous consent that the text of the Veterans' Education Benefits Equity Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Education Benefits Equity Act of 1999".

SEC. 2. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

By Mr. BAUCUS (for himself and Mr. JEFFORDS):

S. 556. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes; to the Committee on Governmental Affairs.

THE POST OFFICE AND COMMUNITY PARTNERSHIP ACT OF 1999

Mr. BAUCUS. Mr. President, I rise today to introduce the Post Office Community Partnership Act of 1999.

There has been a great deal of debate lately on the importance of letting states and localities make their own decisions. Whether it is with highway funding, the the "ed flex" bill, or legislation to allow states more latitude in establishing rural hospitals, there is increasing sentiment that Washington really doesn't know better—states and localities should find solutions to the problems they know best. It is in the spirit of state and local control that I, along with Senator JEFFORDS, introduce legislation to give citizens a say in Postal Service decisions to open, close, relocate or consolidate post offices.

Since its establishment over 200 years ago, with Benjamin Franklin as the first Postmaster General, the United States Postal Service has faithfully delivered the mail to generations of Americans. Across small town America, the post office is still the center of the community, the glue that holds towns like Livingston and Red Lodge, Montana together.

Unfortunately, Americans all over have suffered as the Postal Service opens, closes, or moves post offices without considering the impact their decision will have on the community.

Today, Senator JEFFORDS and I are introducing legislation to change that. With passage of the Post Office Community Partnership Act, downtown communities will have an increased say in their future. They will have input into Postal Service decisions that affect their communities, and they will be allowed the chance to offer alternatives to Postal Service changes. Under current law, communities have little say when the USPS decides to pull up stakes. Our bill would change that by allowing communities to work with the Postal Service in the decision-making process.

With the exception of some minor changes, this is the same bill that we introduced last spring, the one that received 76 votes of support when it was attached to the Treasury Postal Appropriations bill.

I was pleased when Senator JEFFORDS and I received such overwhelming support for our legislation in the 105th Congress.

However, the amendment was stripped when the Senate and House reconciled their bills; I was very disappointed that the wishes of three in four senators were ignored in passing the final legislation through conference committee.

That small communities across America are reeling from the effects of downtown post office closings is evidence enough that their voices need to be heard, and I am confident that this year we will pass this important bill. I believe that with mutual cooperation, the interests of communities and the Postal Service can be served. The nature—indeed the very name—of this legislation is participation.

We will not give up the fight. For the sake of small communities everywhere, I will continue to do my utmost to see that their views are heard and accounted for. I am confident that with this bill's passage our communities and this important American institution may begin a new era of cooperation for the good of all involved. And we can put the community back in the Postal Service.

Mr. President, I hope my colleagues will join Senator JEFFORDS and me in passing this important legislation.

Mr. JEFFORDS. Mr. President, I rise today to discuss a bill that my colleague Senator BAUCUS and I are reintroducing titled the "Post Office Community Partnership Act of 1999".

Aside from a few technical changes, the bill is similar to the one we introduced in the 105th Congress that was supported by so many of our colleagues in a 76–21 vote last July. Unfortunately our postal language was dropped from the underlying bill during conference with the House. However, I am hopeful that this year our bill will become law. I should add that this year we have coordinated our efforts with Representative BLUMENAUER of Oregon and an identical companion bill is being put forward in both the Senate and the House.

Mr. President, I live in a small town in Vermont. I understand the importance downtowns and village centers play in the identity and longevity of communities. Downtowns are the social and economic hearts of small communities. They are where neighbors catch up on the news, shop, worship, and celebrate national holidays.

Our bill will enable the residents of small villages and large towns to have a say when the Postal Service decides that their local post office will be closed, relocated, or consolidated. Local post offices are important tenants in any vibrant downtown. A recent article in USA Today cited a 1993 study that found that 80 percent of the people who shopped downtown planned their visit around a visit to the post office.

There is much talk in the news today about revitalizing our downtowns and encouraging smart growth. I say to my colleagues, if you want to encourage smart growth, let's start by doing what we can do to keep federal facilities such as post offices in downtowns.

Some of my colleagues may ask why this legislation is necessary. A story from my home state of Vermont will answer that question.

A few years ago the general store on the green in Perkinsville, Vermont went bankrupt and the adjacent post office wanted to leave the small village center for a new building outside of town. By the time the community was aware of the relocation, plans were so far along—the new building had actually been constructed based on the promise of the post office as the anchor tenant—that there was no time to fully investigate in-town alternatives. One elderly resident wrote that in contrast to families now being able to walk to the post office, "we certainly won't be walking along the busy Route 106 two miles or more to get postal services."

Mr. President, post office closings and relocations are occurring all across the country and especially in small and rural communities. My colleagues will quickly discover similar examples in their own states where the removal of the post office has harmed the economic vitality of the downtown area, deprived citizens without cars of access, and contributed to sprawl.

Mr. President, post offices in Vermont and across the nation are centers of social and business interaction. In communities where post offices are located on village greens or in downtowns, they become integral to these communities' identities. I believe that this legislation will strengthen the federal-local ties of the Postal Service, help preserve our downtowns, and combat the problem of sprawl. I urge my colleagues to join Senator BAUCUS and me in support of this important legislation.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 493

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 493, a bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters.

S. 508

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 508, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 528

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 528, a bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

S. 543

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 543, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

AMENDMENT NO. 40

At the request of Mr. ALLARD the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. BENNETT), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of amendment No. 40 proposed to S. 280, a bill to provide for education flexibility partnerships.

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 40 proposed to S. 280, supra.

At the request of Mr. NICKLES his name was added as a cosponsor of amendment No. 40 proposed to S. 280, supra.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTY FEE SHOULD NOT BE INCREASED TO PROVIDE INCREASED REVENUES

Mr. GRAMS (for himself and Mr. GORTON) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs.

S. CON. RES. 16

Whereas the Government National Mortgage Association, known as Ginnie Mae, was established as a wholly owned corporation of the United States to facilitate the worldwide sale of investment securities backed by mortgages insured or guaranteed by the Federal Housing Administration (FHA) or the Veterans Administration (VA), which is now the Department of Veterans Affairs;

Whereas Ginnie Mae assesses a fee to lenders issuing such securities and notes for the guaranty, by Ginnie Mae, of the timely payment to investors of principal and interest of the securities and notes;

Whereas the guaranty fee currently charged by Ginnie Mae, at a rate of 6 basis points, has produced significant net revenue for the Federal Government each year;

Whereas Ginnie Mae is actuarially sound and its reserves are sufficient to protect the taxpayers of the United States from any loss;

Whereas the cost of home ownership is increasing, thereby making the dream of home ownership unattainable for many families in the United States;

Whereas FHA and VA loans are used primarily by first-time and minority homeowners to achieve the dream of home ownership;

Whereas Congress should seek to eliminate barriers to affordable housing and reduce the costs of home ownership; and

Whereas proposals to increase the Ginnie Mae guaranty fee above the current rate, if enacted, would constitute a tax on home ownership, would increase the costs of owning a home, and would ultimately deny many Americans the opportunity to own a home; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that any increase in the guaranty fee assessed by the Government National Mortgage Association above the rate currently in effect constitutes an unnecessary and unwarranted tax on home ownership that cannot be justified as sound public policy or as necessary for financial soundness of the Government National Mortgage Association and, therefore, should not be used to provide increased revenues for the Federal Government to offset other expenditures.

Mr. GRAMS. Mr. President, today I am submitting a Senate Concurrent Resolution expressing the sense of the Congress that guaranty fees charged by the Government National Mortgage Association—or Ginnie Mae—should not be increased as a means of offsetting additional Federal spending. I am pleased that my colleague from Washington, Senator GORTON, is joining me in submitting this resolution.

As the Federal budget process proceeds over the next few months, there will inevitably be attempts to manipulate revenues to fund pet projects. Unfortunately, what Washington calls revenues, Americans call taxes. This resolution serves notice that taxes on American homebuyers—in this case through higher fees on the securities used to fund the loans—should not be used to fund general government.

I am pleased that a companion resolution—H. Con. Res. 10—has been introduced in the House. I urge my colleagues to join in expressing their sense that increased taxes on homebuyers to fund general government spending are inappropriate, and I invite my colleagues to add their name to this resolution.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

WELLSTONE AMENDMENTS NOS. 41–42

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill (S. 280) to provide for education flexibility partnerships; as follows:

AMENDMENT NO. 41

On page 3, between lines 15 and 16, insert the following:

(8)(A) Part A of title I of the Elementary and Secondary Education Act of 1965 is intended to provide supplementary educational services to low achieving children attending schools with relatively high concentrations of students from low income families.

(B) Other than fiscal year 1966, Congress has never passed legislation that provided the maximum funding authorized to carry out such part.

(C) The fiscal year 1999 appropriation for such part is less than half of the level required to fund such part of the maximum authorized level.

(D) By funding such part at the maximum authorized level, the Federal Government will provide more assistance for disadvantaged children than the Federal Government did for fiscal year 1999.

(E) The Senate is committed to funding such part at the maximum authorized level.

AMENDMENT NO. 42

On page 15, between lines 2 and 3, insert the following:

(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia.

WELLSTONE (AND OTHERS) AMENDMENT NO. 43

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. REED, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

"(F) Sections 1114b and 1115c of Title I of the Elementary and Secondary Education Act of 1965;".

TORRICELLI AMENDMENTS NOS. 44–45

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

AMENDMENT NO. 44

At the end, add the following:

SEC. 01. DEMONSTRATION GRANTS.

(a) FINDINGS.—Congress finds that—

(1) the length of the academic year at most elementary and secondary schools in the United States consists of approximately 175 to 180 academic days, while the length of the academic years at elementary and secondary schools in a majority of the other industrialized countries consists of approximately 190 to 240 academic days;

(2) eighth-grade students from the United States have scored lower, on average, in mathematics than students in Japan, France, and Canada;

(3) various studies indicate that extending the length of the academic year at elementary and secondary schools results in a significant increase in actual student learning time, even when much of the time in the extended portion of the academic year is used for increased teacher training and increased parent-teacher interaction;

(4) in the final 4 years of schooling, students in schools in the United States are required to spend a total of 1,460 hours on core academic subjects, which is less than half of the 3,528 hours so required in Germany, the 3,280 hours so required in France, and the 3,170 hours so required in Japan;

(5) American students' lack of formal schooling is not counterbalanced with more homework as only 29 percent of American students report spending at least 2 hours on homework per day compared to half of all European students;

(6) extending the length of the academic year at elementary and secondary schools will lessen the need for review, at the beginning of an academic year, of course material covered in the previous academic year; and

(7) in 1994, the Commission on Time and Learning recommended that school districts keep schools open longer to meet the needs of children and communities.

(b) DEMONSTRATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education, from amounts appropriated under subsection (d) for a fiscal year, shall award demonstration grants to local educational agencies to—

(A) enable the local educational agencies to extend the length of the school year to 210 days;

(B) study the feasibility of an effective method for extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year; and

(D) research, develop, and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year.

(2) DEFINITION.—In this section, the term "common core learning time" means high-quality, engaging instruction in challenging content in the core academic subjects of English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(c) APPLICATION.—A local educational agency desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall describe—

(1) the activities for which assistance is sought;

(2) any study or other information-gathering project for which funds will be used;

(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies.

(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

(6) with respect to any application seeking assistance for activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.

(d) DURATION.—A grant under this section shall be awarded for a period of 3 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 2000 through 2004.

(2) USE OF FUNDS.—The Secretary of Education shall use not less than 70 percent of the amount appropriated for each fiscal year under paragraph (1) to award grants to applicants that want to extend the school year to at least 210 days.

AMENDMENT NO. 45

At the end, add the following:

TITLE ___—TEACHER QUALITY ENHANCEMENT AND INCENTIVE PROGRAM

SEC. ___01. PURPOSE.

The purpose of this title is—

(1) to encourage the best and brightest candidates to teach in public elementary and secondary schools serving disadvantaged populations; and

(2) to encourage high achieving candidates to enter the teaching profession who would otherwise not consider a career in teaching.

SEC. ___02. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to 50 local educational agencies for a fiscal year to enable the local educational agencies to award bonuses to highly qualified individuals who agree to teach in elementary schools or secondary schools that are served by the local educational agency and located in high poverty areas, for a period of not less than 4 years.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—A local educational agency shall be eligible for a grant under this title if not less than 40 percent of children in the schools served by the local educational agency are eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(c) AMOUNT.—Grants under this section shall be awarded in the amount of $300,000.

(d) BONUSES NOT TAXED.—For purposes of the Internal Revenue Code of 1986, a bonus awarded under this title shall not be includable in the gross income of the individual awarded the bonus.

(e) COLLABORATION.—The Secretary shall collaborate with local educational agencies, local boards of education, and local offices of student financial assistance in carrying out the program assisted under this section.

(f) DEFINITION.—The definitions in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply to this title.

SEC. ___03. LOCAL REQUIREMENTS.

(a) LOCAL USES.—Each local educational agency receiving a grant under this title shall use the funds made available under this title to—

(1) award bonuses to highly qualified individuals who agree to teach in elementary schools or secondary schools in which at least 40 percent of the children are eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c));

(2) award the bonuses to not more than 40 highly qualified individuals for a fiscal year on a competitive basis taking into consideration—

(A) objective measures such as test scores, grade point average or class rank, and such other criteria as the local educational agency may determine appropriate; and

(B) recommendations received under subsection (c); and

(3) award the bonuses in the amount of $15,000 with $7,500 paid after the first year of such teaching and $7,500 paid after the second year of such teaching.

(b) PROHIBITION.—Each local educational agency receiving a grant under this title shall not use the grant funds to offset the salary of a teacher awarded a bonus under this title.

(c) RECOMMENDATIONS.—Each local educational agency receiving a grant under this title shall establish a system for receiving a limited number of recommendations from institutions of higher education for individuals to receive bonus awards under this title.

SEC. ___04. ELIGIBILITY.

To be eligible to receive a bonus award under this title an individual—

(1) shall enter into an agreement with the local educational agency to work in a school described in section ___03(1) for not less than 4 years or repay the bonus in accordance with section ___06;

(2) shall pass all State certification examinations required to teach in an elementary school or secondary school in the State;

(3) shall have graduated with a 3.5 grade point average from an institution of higher education, or have graduated in the top 15 percent of the individual's graduating class at an institution of higher education, with a bachelor's degree;

(4) shall submit an application to the local educational agency in accordance with section ___05(a).

SEC. ___05. APPLICATIONS; NOTIFICATION.

(a) APPLICATION.—Each individual desiring a bonus award under this title shall submit an application to a local educational agency not later than January 15 of each year containing such information as the local educational agency may require.

(b) NOTIFICATION.—A local educational agency shall notify individuals of their bonus awards by May 1 of each year.

SEC. ___06. REPAYMENT.

Each individual who receives a bonus award under this title and does not comply with the terms of the agreement described in section ___04(1) within 6 years of receiving the first bonus award payment under this title, without an excuse that is acceptable to the local educational agency, shall repay to the local educational agency the amount of the bonus awards received plus interest. Repayment shall begin not later than 2 years after the local educational agency determines the individual is in noncompliance with the agreement.

SEC. ___07. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 and 2001.

REED (AND OTHERS) AMENDMENT NO. 46

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. KENNEDY, Mr. DODD, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 13, line 14, strike "and".

On page 13, line 15, strike "all interested" and insert "parents, educators, and all other interested".

On page 13, line 17, strike the period and insert ", shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, shall make the comments received available for public review, and shall submit the comments with the agency's application to the Secretary or the State educational agency, as appropriate.".

BOND AMENDMENT NO. 47

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

At the end, add the following new title:

TITLE —DIRECT CHECK FOR EDUCATION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Direct Check for Education Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) education should be a national priority but must remain a local responsibility;

(2) the Federal Government's regulations and involvement often create barriers and obstacles to local creativity and reform;

(3) parents, teachers, and local school districts must be allowed and empowered to set local education priorities; and

(4) schools and education professionals must be accountable to the people and children served.

SEC. 3. DEFINITIONS.

In this title:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.

(a) DIRECT AWARDS.—From amounts appropriated under subsection (b) and not used to carry out subsection (c), the Secretary shall make direct awards to local educational agencies in amounts determined under subsection (e) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies determine to be appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $3,500,000,000 for each of the fiscal years 2000 and 2001, $4,000,000,000 for each of the fiscal years 2002 and 2003, and $5,000,000,000 for fiscal year 2004.

(c) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated under subsection (b) for each fiscal year to continue to make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of law repealed under subsection (d). The payments shall be made for the duration of the multiyear award.

(d) REPEALS.—The following provisions of law are repealed:

(1) The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.).

(2) Section 307 of the Department of Education Appropriations Act, 1999.

(3) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(4) Part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331 et seq.).

(5) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(6) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) DETERMINATION OF AMOUNT.—

(1) PER CHILD AMOUNT.—The Secretary, using the information provided under subsection (f), shall determine a per child amount for a year by dividing the total amount appropriated under subsection (b) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY AWARD.—The Secretary, using the information provided under subsection (f), shall determine the amount provided to each local educational agency under this section for a year by multiplying—

(A) the per child amount determined under paragraph (1) for the year; by

(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Not later than December 1 of each year, each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through grade 12 students served by the local educational agency.

(2) SUBMISSION.—Not later than March 1 of each year, each local educational agency shall submit the number described in paragraph (1) to the Secretary.

(g) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (f) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under subsection (f).

(h) DISBURSAL.—The Secretary shall disburse the amount awarded to a local educational agency under this title for a fiscal year not later than July 1 of that year.

SEC. 5. AUDIT.

(a) IN GENERAL.—The Secretary may conduct audits of the expenditures of local educational agencies under this title to ensure that the funds made available under this title are used in accordance with this title.

(b) SANCTIONS AND PENALTIES.—If the Secretary determines that the funds made available under section 4 were not used in accordance with section 4(a), the Secretary may use the enforcement provisions available to the Secretary under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

MURKOWSKI AMENDMENT NO. 48

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE —SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 1. DEFINITIONS.

Section 4131 of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7141) is amended by adding at the end the following:

"(7) ABUSE.—The term 'abuse', used with respect to an inhalant, means the intentional breathing of gas or vapors from the inhalant with the purpose of achieving an altered state of consciousness.

"(8) DRUG.—The term 'drug' includes a substance that is an inhalant, whether or not possession or use of the substance is legal.

"(9) INHALANT.—The term 'inhalant' means a product that—

"(A) may be a legal, commonly available product; and

"(B) has a useful purpose but can be abused, such as spray paint, glue, gasoline, correction fluid, furniture polish, a felt tip marker, pressurized whipped cream, an air freshener, butane, or cooking spray.

"(10) USE.—The term 'use', used with respect to an inhalant, means abuse of the inhalant.".

SEC. 2. FINDINGS.

Section 4002 of such Act (20 U.S.C. 7102) is amended—

(1) in paragraph (2), by inserting ", and the abuse of inhalants," after "other drugs";

(2) in paragraph (5), by striking "and the illegal use of alcohol and drugs" and inserting ", the illegal use of alcohol and drugs, and the abuse of inhalants";

(3) in paragraph (7), by striking "and tobacco" each place it appears and inserting ", tobacco, and inhalants";

(4) in paragraph (9), by striking "and illegal drug use" and inserting ", illegal drug use, and inhalant abuse"; and

(5) by adding at the end the following:

"(11)(A) The number of children using inhalants has doubled in the last 10 years. Inhalants are the third most abused class of substances by children age 12 through 14 in the United States, behind alcohol and tobacco. One of 5 students in the United States has tried inhalants by the time the student has reached the 8th grade.

"(B) Inhalant vapors react with fatty tissues in the brain, literally dissolving the tissues. A single use of inhalants can cause instant and permanent brain, heart, kidney, liver, and other organ damage. The user of an inhalant can suffer from Sudden Sniffing Death Syndrome, which can cause a user to die the first, tenth, or hundredth time the user uses an inhalant.

"(C) Because inhalants are legal, education on the dangers of inhalant abuse is the most effective method of preventing the abuse.".

SEC. 3. PURPOSE.

Section 4003 of such Act (20 U.S.C. 7103) is amended, in the matter preceding paragraph (1), by inserting "and abuse of inhalants" after "and drugs".

SEC. 4. GOVERNOR'S PROGRAMS.

Section 4114(c)(2) of such Act (20 U.S.C. 7114(c)(2)) is amended by inserting "(including inhalant abuse education)" after "drug and violence prevention".

SEC. ____5. DRUG AND VIOLENCE PREVENTION PROGRAMS.

Section 4116 of such Act (20 U.S.C. 7116) is amended—

(1) in subsection (a)(1)(A), by inserting ", and the abuse of inhalants," after "illegal drugs"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "and the abuse of inhalants" after "use of illegal drugs"; and

(ii) by inserting "and abuse inhalants" after "use illegal drugs"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "(including age appropriate inhalant prevention programs for all students, from the preschool level through grade 12)" after "drug prevention"; and

(ii) in subparagraph (C), by inserting "and inhalant abuse" after "drug use".

SEC. ____6. FEDERAL ACTIVITIES.

Section 4121(a) of such Act (20 U.S.C. 7131(a)) is amended, in the first sentence, by striking "illegal use of drugs" and inserting "illegal use of drugs, the abuse of inhalants,".

SEC. ____7. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

Section 4122(a)(1) of such Act (20 U.S.C. 7132(a)(1)) is amended by striking "the illegal use of alcohol and other drugs" and inserting "the illegal use of alcohol and other drugs, and the abuse of inhalants,".

SEC. ____8. MATERIALS.

Section 4132(a) of such Act (20 U.S.C. 7142(a)) is amended by striking "illegal use of alcohol and other drugs" and inserting "illegal use of alcohol and other drugs and the abuse of inhalants".

FEINSTEIN AMENDMENT NO. 49

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE ____—STUDENT ACHIEVEMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the "Student Achievement Act of 1999".

SEC. ____02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests validated for these purposes and other indicators to assess student performance in meeting the State achievement standards, such as tests, grades and teacher evaluations; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term "core academic curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum. The term does not include decisions made for children with disabilities consistent with the requirements of section 601 et seq. of the Individuals with Disabilities Education Act (20 USC 1401 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

MURRAY (AND KENNEDY) AMENDMENT NO. 50

(Ordered to lie on the table.)

Mrs. MURRAY (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

At the end of the amendment, add the following:

SEC. ____. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) DEFINITION OF STATE.—In this part the term "State" means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

"(c) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

"(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

"(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

"(b) CLASS REDUCTION.—

"(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

"Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

"SEC. 6608. REPORTS.

"(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

"(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

BINGAMAN AMENDMENT NO. 51

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE —DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1999".

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C 2881 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) DEFINITION OF STATE.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff;

"(4) planning and research;

"(5) remedial education;

"(6) reduction in pupil-to-teacher ratios;

"(7) efforts to meet State student achievement standards; and

"(8) counseling for at-risk students.

"(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) CAPACITY BUILDING.—

"(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) NUMBER AND DURATION.—

"(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

"(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

"(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) School Application.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Criteria.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) Eligibility.—

"(1) In general.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) Other schools.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

"(f) Coordination.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) Reporting.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) Accountability.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) In General.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) Regulations.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) Director.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

"(2) Low-income.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) School dropout.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) Subpart 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Subpart 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"Sec. 220. (a) Establishment.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. __21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 9:30 a.m. on Friday, March 5, 1999, in open session, to receive testimony on emerging threats to vital U.S. national security interests.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on March 5, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CROP INSURANCE FOR THE 21ST CENTURY ACT

• Mr. BURNS. Mr. President I rise today as one of the proud cosponsors of S. 529, Crop Insurance for the 21st Century Act. This issue has been at the forefront of reform for American agriculture this session.

The language offered today will bring about much-needed changes in the area of risk management for farmers and ranchers. Maintaining an effective farm income safety net is paramount to the survival of agriculture. I believe an effective crop insurance program will provide farmers and ranchers greater possibilities for economic sustainability in the future and help them out of the current financial crisis.

A truly effective crop insurance plan involves simply three things: private insurance, the federal government and the farmer or rancher. The federal government can help facilitate a program to unite the producer and the private insurance company. Privatization with government intervention will ultimately put the control in the hands of the agricultural producer. With a risk management plan, bankers are also more likely to finance producers if they have both their commodity and their price covered, with a reliable insurance program.

This bill will render relief to the inadequacies of the current program. All agricultural producers are painfully aware of the problems with the current crop insurance program. Unaffordable premiums are the primary stumbling block for producers. In years of depressed market prices, crop insurance, though badly needed, is simply unaffordable for farmers and ranchers. Other problems prevalent in the current program are inequalities in rating structure and the issue of unfair coverage given to multiple year disasters.

This bill inverts the current subsidy formula, in order to provide the highest levels of subsidies to producers at the highest levels of buy-up coverage, and thus alleviate the unaffordable premiums. It also allows for the revenue policies to be fully subsidized.

This bill also removes the exclusion for livestock in the current crop insurance program. For Montana, which derived $991 million from livestock sales in 1996–97 this exclusion is extremely important. Of course, the choice will remain up to the livestock producer whether they wish to purchase a policy. It is important however, that they are given the option. With several years of depressed market prices, livestock producers can no longer remain in business without assistance.

This bill will also ultimately put more control in the hands of active producers. It restructures the Federal Crop Insurance board of directors to include two active producers; one in crop insurance, and one in reinsurance. The board would also include the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development and the Chief Economist of USDA. In addition, it mandates that the Board Chairperson be one of the non-governmental members. These are important steps to ensure that the new program is run for the producers by the producers.

A larger step towards private enterprise is the initiation of a flexible subsidy pilot program for the private sector to compete on rates and delivery expenses. I believe this will ultimately put the accountability factor on the companies carrying the policies. Much like auto insurance, health or medical insurance, companies will be forced to compete for agricultural producers business, in effect lowering premiums further.

This bill is an important tool to reform the current crop insurance program into a risk management program, designed to help the producer in the long-term. It is vital to find a solution to provide a way for farmers and ranchers to stay in agriculture. They must be able to continue to produce and distribute the world's safest food supply at a profitable margin.

Mr. President, I look forward to working with Senators ROBERTS and KERREY on this important piece of legislation. I will have some amendments forthcoming, that I believe will make this bill even more effective. I believe this bill will pave the way for massive crop insurance reform and help producers out of this economic crisis.•

HUMANITARIAN OF THE YEAR JOHN GINOPOLIS

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Mr. John Ginopolis for his continuing dedication to support efforts that benefit children. John Ginopolis has served on the board of trustees for Children's Hospital of Michigan since 1984 and also serves on the Executive Committees for the Children's Hospital Pediatric Clinical Services Board.

A tireless fundraiser, John's annual events help support two endowments, The George Ginopolis Endowment for Hermatology/Oncology and the Ginopolis-Karmanos Pediatric Cancer Research Endowment.

In 1987, John Ginopolis jointed Sparky Anderson in Sparky's creation of Caring Athletes Team for Children's and Henry Ford Hospitals (CATCH) which has issued grants in excess of $1 million and built an endowment of more than $3 million. John has served on CATCH's board of trustees since its inception, and in 1989 John was inducted into the CATCH Hall of Fame.

It is with great pleasure that I announce that John Ginopolis is the recipient of this year's March of Dimes "Humanitarian of the Year Award." He will be given his award at the 27th annual March of Dimes "Sweetheart Ball" on Saturday, March 6, 1999, in Dearborn, Michigan. I extend my sincerest congratulations to Mr. Ginopolis.•

HUMANITARIAN OF THE YEAR PAM AGUIRRE

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Ms. Pam Aguirre, for her strong commitment to the Detroit area Hispanic community. After working her way up through her father's company, Mexican Industries, she was ultimately named CEO and later chairman of the board. Under her guidance and leadership, Mexican Industries has blossomed into one of the most successful Hispanic-owned businesses in the United States, with over 1,500 employees and annual sales of $167 million.

Ms. Aguirre has received recognition for her dedication to the Hispanic community and for Mexican Industries' involvement with charitable organizations. In 1996 she was presented with the "Hispanic Business Alliance Award," and she and Mexican Industries have been featured in Working Woman magazine as one of the "The Top Fifty Woman-Owned Businesses." Her dedication to community involvement is also illustrated in her participation on several boards. Among these are the Economic Club of Detroit, the Boy Scouts, Michigan Minority Business Development, the U.S. Hispanic Chamber of Commerce, and the Hank Aguirre Cancer Foundation.

It is with great pleasure that I announce Ms. Pam Aguirre as the recipient of this year's March of Dimes "Humanitarian of the Year Award." She will be given this award at the 27th annual March of Dimes "Sweetheart Ball" on March 6, 1999, in Dearborn, Michigan. I extend my sincerest congratulations to Ms. Aguirre.•

HUMANITARIAN OF THE YEAR RUBEN BURKS

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Mr. Ruben Burks for his continuing dedication to the UAW, and his support of children in the Flint community. Mr. Burks has been a member of the UAW since 1955 when he went to work as an assembler at General Motors in Flint, Michigan. Throughout his career in the UAW, Mr. Ruben has served in several capacities, including shop committeeperson, alternate committeeperson, and Local 598 executive board member. In 1970 Mr. Burks was appointed to the International Union staff where he served UAW members in General Motors and independents, parts, and suppliers plants. Last year Mr. Burks had the privilege of being elected secretary-treasurer of the UAW, making him responsible for various administrative departments of the international Union. In addition, he directs the UAW's Veterans department.

A long-time community activist, Mr. Burks is actively involved in numerous civic, charitable, and youth organizations in the Flint community, including the Special Olympics, March of Dimes, Red Cross, and Easter Seals. He has also served as a director of the Flint Urban League, Goodwill Industries of Flint, and the Sam Duncan Memorial Scholarship Fund. Mr. Burks is also an active member of the advisory board of the University of Michigan at Flint.

It is with great pleasure that I announce that Mr. Ruben Burks will be the recipient of this year's March of Dimes "Humanitarian of the Year Award." Mr. Burks is being honored with this award as a result of his tireless commitment to the Flint community. He will receive this award at the 27th annual March of Dimes "Sweetheart Ball" on March 6, 1999, in Dearborn, Michigan. I wish to extend my sincerest congratulations to Mr. Burks.•

HUMANITARIAN OF THE YEAR WALTER C. WATKINS JR.

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Mr. Walter C. Watkins, Jr., recipient of this year's March of Dimes "Humanitarian of the Year Award." Mr. Watkins' distinguished career in the field of banking began in 1968, when he joined NBD as a management trainee. Mr. Watkins has since gone on to become the President of NBD Bank in Michigan, and head of BANK ONE'S middle market customers in Michigan, Ohio, and Kentucky.

Mr. Watkins is a member of the board of Fisk University, as well as the boards of the Detroit Downtown Development Authority (DDA) and the Detroit Economic Growth Corporation (DEGC). In addition, Mr. Watkins serves on the advisory board of Black Family Development, Inc., and is a member of the Urban Bankers Forum, the Leadership Detroit Alumni Association, and 100 Black Men of Greater Detroit. Mr. Watkins' community involvement also extends to past board affiliations with the Detroit Medical Center, the Public Administration Foundation, and the Rehabilitation Institute, where he served as chairman.

I want to commend Mr. Watkins for his distinguished career and numerous contributions to the state of Michigan and the city of Detroit. I extend my sincerest congratulations to Mr. Watkins, who will receive his award at the 27th annual March of Dimes "Sweetheart Ball" award dinner on Saturday, March 6, 1999, in Dearborn, Michigan.•

FILING OF FIRST DEGREE AMENDMENTS

Mr. JEFFORDS. Mr. President, I now ask unanimous consent that, notwithstanding adjournment of the Senate, Members have until 1 p.m. to file first-degree amendments to amendment number 31 to the Ed-Flex bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 8, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 8. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until 2 p.m. with the following limitations: 12 o'clock to 12:30 under the control of Senator GRAMS, or his designee; 12:30 to 1 o'clock under the control of Senator VOINOVICH; and 60 minutes under the control of Senator DURBIN or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that at the hour of 2 p.m. the Senate resume consideration of S. 280, the Ed-Flex legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, at 2 p.m. on Monday the Senate will resume consideration of the Ed-Flex legislation. Under the order, a cloture vote will occur at 5 p.m. on Monday on the pending substitute amendment to the Ed-Flex bill. If necessary, a second cloture vote will occur on Tuesday.

In accordance with rule XXII, Members will have until 4 p.m. on Monday to file second-degree amendments to the substitute.

With regard to the second cloture vote, Senators will have until 1 p.m. on Monday to file timely first-degree amendments.

The majority leader has stated that it is hoped that the Senate will be able to complete action on this important education bill as soon as possible.

I thank all Senators for their attention, and I remind everyone that the next vote will occur on Monday beginning at 5 p.m.

ADJOURNMENT UNTIL MONDAY, MARCH 8, 1999

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:06 p.m., adjourned until Monday, March 8, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 5, 1999:

DEPARTMENT OF COMMERCE

KELLY H. CARNES, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY, VICE GRAHAM R. MITCHELL, RESIGNED.

DEPARTMENT OF STATE

JOHN DAVID HOLUM, OF MARYLAND, TO BE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, DEPARTMENT OF STATE. (NEW POSITION)

DAVID B. SANDALOW, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE EILEEN B. CLAUSSEN, RESIGNED.

DEPARTMENT OF JUSTICE

BILL LANN LEE, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEVAL L. PATRICK, RESIGNED.

BETH NOLAN, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER.

HOUSE OF REPRESENTATIVES—*Monday, March 8, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 8, 1999.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of William W. Reid, Jr.:

O God of every nation, of every race and land, redeem Your whole creation, with Your almighty hand; where hate and fear divide us, and bitter threats are hurled, in love and mercy guide us and heal our strife torn world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO

Mr. DREIER. Mr. Speaker, I rise to inform the House of the plan of the Committee on Rules with respect to House Concurrent Resolution 42 regarding peacekeeping operations in Kosovo, which was introduced in the House today.

I have also informed the House today of the plans of the Committee on Rules by a "Dear Colleague" letter.

The Committee on Rules is expected to meet on Wednesday, March 10, to grant a rule for House Concurrent Resolution 42 which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table. Amendments should be drafted to the resolution as introduced in the House.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

It is not necessary to submit amendments to the Committee on Rules or to testify as long as the amendments comply with House rules.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 5, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 710(a)(2) of Public Law 105-277, I hereby appoint the following individuals to the Parents Advisory Council on Youth Drug Abuse:

Ms. Marilyn Bader of St. Louis, MO for one year term;

Mr. J. Tracy Wiecking of Farmington, MO for two year term.

Yours Very Truly,
RICHARD A. GEPHARDT.

NATIONAL SECURITY POLICY TROUBLESOME

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Clinton administration's poor handling of known nuclear espionage efforts by China might prove to be an interesting and new story line for a Tom Clancy novel, but in my mind it has become potentially the "Apocalypse Now," part two.

I find it troubling that it took 18 months for this administration to take necessary action after reports of espionage and security breaches came to light, and I am outraged that background check waivers continued to be granted for suspect foreign visitors in light of the reported espionage.

Can we realistically expect to maintain our technological expertise when supercomputers and satellite innovations are offered up without proper restrictions?

Mr. Speaker, our military is already in trouble due to the financial shortfalls and cuts this administration has placed on it. Now other countries have classified information and U.S. nuclear technology, all of which could directly impact our national security.

Mr. Speaker, I yield back this administration's national security policy before it becomes apocalypse now.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, at the request of the Speaker, I have today introduced H. Con. Res. 42, the "Peacekeeping Operations in Kosovo Resolution".

The purpose of this resolution is to afford an opportunity for the House of Representatives to participate in the decision whether to deploy U.S. Armed Forces to Kosovo to implement the peace agreement now being negotiated at Rambouillet, France. The Congress has a constitutional responsibility with respect to deployments of U.S. Armed Forces into potentially hostile situations, and the Speaker and I believe that debating and voting on this resolution is an appropriate way for the Congress to begin to carry out this responsibility.

Some Members of Congress have serious reservations about deploying U.S. Armed Forces to Kosovo as peacekeepers. Others strongly support the President's policy. In an effort to give the benefit of the doubt to our President, the test of this resolution does not criticize or oppose the proposed deployment to Kosovo. To the contrary, it states that "[t]he President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement."

The Speaker has stressed that this resolution is being offered without prejudice to the underlying question. We expect Members to vote their conscience on the resolution, in a solemn exercise of their responsibility as the elected representatives of the American people.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, on March 9.

Mr. GILMAN, for 5 minutes, today.

ADJOURNMENT

Mr. GIBBONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 9, 1999, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

912. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Formic Acid; Tolerance Exemptions [OPP300451A; FRL–5600–4] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

913. A communication from the President of the United States, transmitting a request for emergency funds that will support the District of Columbia and the Department of the Interior, pursuant to Public Law 105–277; (H. Doc. No. 106–36); to the Committee on Appropriations and ordered to be printed.

914. A letter from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting certifying that the current Future Years Defense Program fully funds the support costs associated with the Medium Tactical Vehicle Replacement Program; to the Committee on Armed Services.

915. A letter from the Director, Office of Personnel Management, transmitting a project plan for the Department of Defense Civilian Acquisition Workforce Personnel Demonstration; to the Committee on Armed Services.

916. A letter from the Assistant Secretary, Department of Education, transmitting Final Regulations—International Education Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

917. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—International Education Programs: General Provisions, National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies, Undergraduate International Studies and Foreign Language Program, The International Research and Studies Program, and Language Resource Centers Program—February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

918. A letter from the Secretary of Labor, transmitting the Department's final rule—Process for Electing State Agency Representatives for Consultations with Department of Labor Relating to Nationwide Employment Statistics System (RIN: 1290–AA19) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

919. A letter from the Secretary of Energy, transmitting the Department's report entitled "Performance Profiles of Major Energy Producers 1997," pursuant to 42 U.S.C. 7267; to the Committee on Commerce.

920. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emission factors for PM2.5 and its Precursors—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

921. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Format and Content of License Termination Plans For Nuclear Power Reactors—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

922. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Revisions to the Freedom of Information Act Regulation [No. 99–7] (RIN: 3069–AA71) received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

923. A letter from the Director, Office of Management and Budget, transmitting a report on accounting use for internal use software; to the Committee on Government Reform.

924. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the amended "Jury Plan for the Superior Court of the District of Columbia"; to the Committee on Government Reform.

925. A letter from the Director, The Peace Corps, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

926. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; Establishment of a Conservation Order for the reduction of Midcontinent light goose populations (RIN: 1018–AF05) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

927. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospherice Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 9; OMB Control Numbers [Docket No. 981006253–9021–03; I.D. 082698D] (RIN: 0648–AK05) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

928. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Lawrenceville, GA [Airspace Docket No. 98–ASO–20] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

929. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class C Airspace and Revocation of Class D Airspace, Austin-Bergstrom International Airport, TX; and Revocation of Robert Mueller Municipal Airport Class C Airspace; TX [Airspace Docket No. 97–AWA–4] (RIN: 2120–AA66) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

930. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes [Docket No. 98–NM–258–AD; Amendment 39–11035; AD 99–04–11] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

931. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 98–NM–269–AD; Amendment 39–11030; AD 99–04–06] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

932. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Series Airplanes [Docket No. 98–NM–141–AD; Amendment 39–11026; AD 99–04–02] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

933. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Reciprocating Engines IO–540 and O–540 Engines Equipped With Slick Aircraft Products Magnetos [Docket No. 98–ANE–81–AD; Amendment 39–11028; AD 99–04–04] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited Dart Series Turboprop Engines [Docket No. 98–ANE–46–AD; Amendment 39–11033; AD 99–04–09] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes [Docket No. 98–CE–66–AD; Amendment 39–11032; AD 99–04–08] (RIN: 2120–AA64) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

936. A letter from the Secretary of Transportation, transmitting the accomplishments of the National Intelligent Transportation Systems (ITS) Program for the year 1997; to the Committee on Transportation and Infrastructure.

937. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Automated Clearinghouse

Credit [T.D. 99-11] (RIN: 1515-AC26) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

938. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers [Notice 99-12] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

939. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Proposed Changes to Final Witholding Regulations Under Section 1441; Proposed Model Qualified Intermediary Withholding Agreement [Notice 99-8] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

940. A letter from the Chief, Regulations Unit, Internal Revenue Servicce, transmitting the Service's final rule—Proposed Changes to Final Withholding Regulations Under Section 1441; Proposed Model Qualified Intermediary Withholding Agreement [Notice 99-8] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

941. A letter from the Chairman, Federal Election Commission, transmitting the FY 1999 Budget Request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 5, 1999]

Mr. ARCHER: Committee on Ways and Means. H.R. 416. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes (Rept. 106-29, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 8, 1999]

Mr. GOODLING: Committee on Education and the Workforce. H.R. 800. A bill to provide for education flexibility partnerships; with an amendment (Rept. 106-43) Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 540. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program (Rept. 106-44). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE:

H.R. 1027. A bill to provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 1028. A bill to direct the Administrator of the Small Business Administration to redesignate the branch office of the Administration located in Melville, New York, as a district office; to the Committee on Small Business.

By Ms. NORTON (for herself, Mr. Bachus, Ms. Waters, Mr. Castle, Mrs. Christensen, Mr. Faleomavaega, Mr. Romero-Barcelo, and Mr. Underwood):

H.R. 1029. A bill to amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands within the scope of the program; to the Committee on Banking and Financial Services.

By Mr. GILMAN:

H. Con. Res. 42. Concurrent resolution regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement; to the Committee on International Relations.

By Mr. GOSS (for himself, Mr. Gilman, and Mr. Foley):

H. Con. Res. 43. Concurrent resolution condemning the irregular interruption of the democratic political institutional process in Haiti; to the Committee on International Relations.

By Mr. TRAFICANT:

H. Con. Res. 44. Concurrent resolution authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

5. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution requesting the President of the United States to direct the Chairman of the Federal Trade Commission to rescind his decision closing the Boston Regional Office as it is contrary to the public's interest; to the Committee on Commerce.

6. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 4 urging the Congress of the United States not to enact the Nuclear Waste Policy Act of 1999; jointly to the Committees on Commerce, Resources, and Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Brady of Pennsylvania, Mr. Rangel, Ms. Jackson-Lee of Texas, and Mr. Olver.

H.R. 316: Mr. DeMint, Mr. Norwood, Mr. Barr of Georgia, Mr. Boucher, Mr. Davis of Virginia, Mr. Scott, and Mr. Bliley.

H.R. 347: Mr. Barcia, Mr. Crane, and Mr. Dickey.

H.R. 540: Mr. Phelps, Mr. Sawyer, Mr. Shows, Mr. Blagojevich, Mr. Farr of California, and Ms. Carson.

H.R. 637: Mr. Terry, Ms. Sanchez, Mr. Lewis of Kentucky, Mr. Whitfield, Mr. McIntosh, Mr. Boucher, and Mr. Olver.

H.R. 744: Mr. Boehner.

H.R. 769: Mr. Berman.

H.R. 771: Mr. Sensenbrenner.

H.R. 798: Mr. Udall of Colorado, Mr. Weygand, Mr. Lewis of Georgia, Mr. Serrano, and Ms. Hooley of Oregon.

H.R. 800: Ms. Stabenow, Ms. Dunn, Ms. Granger, Mr. Smith of Michigan, Mrs. Biggert, and Mr. LaTourette.

H.R. 828: Mr. McIntosh, Mr. Rahall, and Mr. Metcalf.

H.R. 859: Mr. Smith of Washington.

H.R. 863: Mr. Ewing, Mr. Radanovich, and Mr. Ramstad.

H.R. 886: Ms. Pelosi, Mr. Lewis of Georgia, and Mr. McDermott.

H.R. 894: Mr. Pombo.

H.R. 903: Mr. Linder, Mr. Stump, and Mr. Moran of Virginia.

H.R. 910: Mr. Rogan.

H.R. 914: Mr. Klink, Mr. Kucinich, Mr. Shows, Mr. McNulty, and Mr. Weiner.

H.R. 986: Mr. Pallone.

H. Con. Res. 24: Mr. Stump, Mr. Miller of Florida, Mr. Inslee, Mr. Ehrlich, Mr. Green of Wisconsin, Mr. Hinchey, Mr. Hill of Indiana, Mr. Weldon of Pennsylvania, Mr. Ose, Mr. Ford, Mr. Greenwood, and Mr. Peterson of Minnesota.

SENATE—*Monday, March 8, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Merciful God, we want to live our lives in grateful response to Your goodness. May Your goodness bind our hearts to You. There is no limit to what we are able to accomplish when love is our motivation. Help us to live this entire day as an expression of our love for You, for all the grace You have lavished upon us. Rather than living by obligation or oughts, may we do our work today as our way of telling You how much we love You. We are so thankful for Your care, for the privilege of living in this free land, for our families and friends, and for the opportunity to serve You in the formulation of public policy for the welfare and prosperity of all people. Our goal is to enjoy this day to the fullest. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Minnesota, is recognized.

Mr. GRAMS. I thank the Chair.

SCHEDULE

Mr. GRAMS. Today the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of S. 280, the education flexibility partnership bill. Under a previous order, the Senate will vote on the motion to invoke cloture on the Jeffords substitute amendment at 5 p.m. this evening. Therefore, Members have until 4 p.m. today to file second-degree amendments to the Jeffords amendment. As a reminder, a second cloture motion was filed last Friday, and therefore a cloture vote will occur tomorrow unless an agreement can be reached between the two sides on how to proceed expeditiously with this bill.

Mr. President, also under rule XXII, Members must file first-degree amendments today to qualify for the second cloture vote tomorrow. I thank my colleagues for their attention.

Mr. President, I believe, under a previous order, I have control of the floor for the next 30 minutes or until 12:30.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. The time between 12 noon and 12:30 p.m. shall be under the control of the Senator from Minnesota, Mr. GRAMS, or his designee.

The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair. I also expect to be joined in a few minutes by Senator TIM HUTCHINSON of Arkansas and also Senator ROBERT SMITH of New Hampshire, and I will yield time to them as they come to the floor this morning.

THE INCOME TAX ANNIVERSARY

Mr. GRAMS. I wanted to take a few moments this morning to talk a little bit about birthdays and anniversaries. As we know, basically they are happy remembrances of events we should celebrate. Eighty-six years ago today, the Internal Revenue Service began to levy and collect a personal income tax on the American people.

I believe this is nothing to celebrate. To borrow a phrase from Ronald Reagan, you will excuse the taxpayers if they don't celebrate the daily mugging that we call the Tax Code.

As we note the sad occasion, I rise to call upon Congress to take immediate action to end the Federal Tax Code as we know it and replace it with a new system that is fairer, simpler, and friendlier to the taxpayers. I also call upon Congress to take immediate action to reduce the ever-increasing tax burden by providing meaningful tax relief for every working American. Now, that, Mr. President, would be something to celebrate.

This great Nation was born out of a tax revolt. The revolt didn't come about because our Founding Fathers were selfish but because they didn't want to be shackled by Government regulations, intrusive bureaucracies, abusive taxing powers, and the unjust policies of their homeland. They didn't want to send their hard-earned money to an English Parliament that wasted every penny of it without any respect for those who earned it.

The Boston Tea Party was the result of a one-half of 1 percent tax that was levied on the Colonies. Put that in terms of today's tax burden.

This tax revolt was about freedom; it was about liberty; it was about a person being able to own more of the fruits of his labor rather than being strangled by the albatross of taxation.

Our Founding Fathers understood well that low taxes and freedom were directly related. To protect individual liberty from future abuses, they crafted clause 4 of article I, section 9 of the U.S. Constitution, that is, rejecting all direct income taxes that were not appropriated by each State by its population.

This clause, as originally adopted in the Constitution, reflected the genius, the wisdom, and the experience of our Founding Fathers—protecting individual liberty by limiting the Government's power to tax.

For more than 100 years following the founding of this Nation, the American people enjoyed tax freedom and did not pay any income taxes. The Supreme Court defended this freedom and held the income tax to be unconstitutional. Unfortunately, under the direct influence of the rise of socialism in Europe at that time, on February 3, 1913, the 16th amendment to the Constitution was ratified, giving the Government unlimited power to tax. And then on March 8, 1913, the IRS began collecting personal income tax. The ratification of the 16th amendment and the enactment of the first Tax Code fundamentally eroded our individual liberty. Initially, less than 1 percent of all Americans paid any kind of income tax. Only 5 percent of Americans paid any income tax as late as 1939 before the beginning of World War II.

Times, as we know, have changed dramatically. Today, the Federal tax burden is at a historic high. Federal taxes now consume nearly 21 percent of national income. A typical American family pays $9,000 a year in Federal tax. A median-income family can expect to give up nearly 40 percent of all of its income in Federal, State and local taxes. And that is more than it spends on food, clothing, transportation and housing combined.

Mr. President, every year the tax system pushes more and more Americans into higher and higher tax brackets, and that is to meet the demands of ever-increasing Government spending. It is an old saying, but it has never been more true, that "Government is in endless pursuit of new ways to tax."

The tax system has created a monstrous bureaucracy—the intrusive, abusive Internal Revenue Service. More than $7 billion in taxpayers' money annually goes to support the operations of the Internal Revenue Service. Those dollars have built a tax system that is extremely complicated and difficult for anyone to try to understand. The Tax Code originally was only 14 pages when it was first enacted, but today it has grown to more than 10,000 pages. And it costs hundreds of billions of dollars for taxpayers to comply with its dizzying requirements.

There is a growing national consensus that the current Tax Code is antifamily, it is antieconomic growth, it is unfair, it encourages abuse, waste and corruption, and it needs to be terminated.

I thank my colleague from Arkansas, who plans on introducing legislation—he did introduce legislation last year—that would do just that, that is, eliminate the Tax Code as we know it. I was proud to join him as an original cosponsor, and I look forward to supporting his efforts once again this year.

The next question to answer is, How will we replace the Tax Code since there is a need for Federal revenues to fund defense and foreign policy needs as well as some Federal programs?

Mr. President, I have been exploring alternative tax systems for quite a while. After considerable study of the issue, I believe the national sales tax plan that has been developed by Americans for Fair Taxation is the best replacement for the Tax Code.

Any new tax system must restore our fundamental principles of low taxes and limited taxing power. It must fairly and efficiently distribute the burden of funding our Government, promote economic growth, simplify compliance, and offer every American better economic opportunity.

The Fair Tax system, which I intend to introduce soon, meets these important criteria. It is a fairer, simpler, friendlier tax system. It will increase economic growth, investment, capital formation, and the creation of jobs and savings.

Under the Fair Tax system, working Americans keep 100 percent of their pay, pension, or Social Security check. They no longer need to file a tax return with the IRS. Their family's finances are not revealed to Government bureaucrats.

They will not be penalized for getting or staying married—or dying, for that matter. Everyone pays the same tax rate without loopholes for special interest groups. There will not be any hidden taxes and everyone will easily understand the tax and how much tax they are paying. And finally—the good news—it will abolish the IRS.

Mr. President, does this sound too good to be true? It may sound that way, but believe me, it is real. Let me briefly highlight how my Fair Tax legislation will achieve this.

First, the legislation will call for the repeal of the Constitutional Amendment that created the tax nightmare we find ourselves in today. As I noted earlier, the 16th Amendment is the root of all tax evil.

It abandons our Founding Fathers' core principle by giving the Government unlimited power to tax the private income of the American people. Without repeal of this Amendment, any tax system will eventually erode into the very system we have today.

Second, the legislation will repeal the income tax, the payroll tax, the estate tax, the gift tax, the capital gains tax, the self-employment tax, and the corporate tax.

Third, the legislation will impose a single rate on all new goods and services at the point of final purchase for consumption, and it provides a universal rebate in an amount equal to the sales tax paid on essential goods and services, to help lower-income individuals.

Every American will be better off under the Fair Tax system than they are under the system that today holds them captive. I believe it will create expanded economic opportunities for our Nation and for our people.

I realize it will take some time to pass tax reform, so in the meantime, I strongly support reducing the tax burdens of overtaxed Americans.

The American people have good reason to ask for a tax cut.

Since 1993, Federal taxes have increased by 50 percent. They have grown twice as much as Government spending and as a result, Americans today have the largest tax burden since World War II, and it is still growing.

What is most devastating is the "middle-class tax squeeze." More and more middle-income workers are being thrown into higher tax brackets. There is no excuse to continue taxing middle-income Americans at such a high rate in an era of budget surpluses.

More Americans are working harder and are earning more today. But a large share of the higher incomes of hard-working Americans are not being spent on their families' priorities, but are instead being siphoned off by Washington.

This is not fair. People work hard and are then penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult to achieve for many—and impossible for some.

That is why Congress needs to take immediate action to provide meaningful tax relief for all working Americans.

Our exceptionally strong economy will generate an enormous non-Social Security surplus over the next 10 years.

This surplus enables us to provide a broad-based tax cut for overtaxed Americans—again, without new red ink, and without spending any of the Social Security surplus. The surplus will also allow Congress to retire some of the national debt every year.

If we do not return the surplus to the taxpayers, Washington will spend every penny of it to expand the Government.

In addition, broad-based tax relief is an insurance policy for the American economy, helping to keep it strong and healthy.

Most economists, including Chairman Greenspan, agree that an across-the-board tax cut is good for America. I will be addressing S. 3, my 10 percent across-the-board tax cut legislation, later this week in more detail.

Today, I want to remind my colleagues about the anniversary of the income tax and the hardship the Tax Code has placed on our people—again, an anniversary I do not think worth celebrating.

So, I urge my colleagues to join me in a pledge that we will not let another anniversary come and go before we dedicate ourselves to replacing the Tax Code with a better system, and at the same time do everything we can to reduce the existing tax burden on the overtaxed American people.

Mr. President, I see my colleague from Arkansas is on the floor. I would like to yield to him, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the Senator from Minnesota. I don't know of a Senator who has been more consistent, more persistent, more determined, more resolute in trying to reduce the tax burden under which the American people labor, trying to simplify this very onerous Tax Code under which we operate, than Senator ROD GRAMS of Minnesota. I am glad to associate myself with his comments today.

I suppose it is inappropriate to say, "Happy anniversary," because the anniversary we remember today is not one that is a source of happiness. Mr. President, 86 years ago today—March 8, 86 years ago today—the Federal Government implemented the 16th amendment, ratified in 1913, and began at that point eating away at the income of the American worker.

Perhaps that date, March 8, is a day that ought to "live in infamy." But, then, maybe we should not be too hard on those who enacted the income tax amendment. I believe they could never have envisioned, they never could have imagined, what would have happened under the guise of the income tax. In fact, I understand there was actually a proposal during the time that was being debated in Congress to cap what the income tax could ever reach—a ceiling—and it was dismissed because it was concluded that Congress would never raise the income tax to such an exorbitant level.

During the 1930s, Federal income taxes never, never were more than 1.4 percent of the Gross National Product—1.4 percent. In the 1990s the income tax now represents, as a percentage of the GNP, about 9 percent. So it has just skyrocketed.

The amendment originally passed said this:

> The Congress shall have power to lay and collect taxes on incomes, from whatever

> source derived, without apportionment among the several states, and without regard to any census of enumeration.

That is the way it began—just a little sliver, just a small portion from Americans' wallets, at the turn of the century. That has turned into an enormous chunk of the pie, of the American family's reward for a hard day's work.

According to the Office of Management and Budget, individual income taxes constituted only 14.6 percent of the total revenue of the Federal Government in 1935. Less than 15 percent of all revenues generated for the Federal Government came from the Federal income tax in 1935. Today, individual income taxes constitute a whopping, staggering 45 percent of the total Federal revenue, better than three times what it was in the 1930s.

The rate has grown so rapidly, the Tax Code has become so onerous, that Senator GRAMS and I are black-marking this day in American tax history. It is only a prelude to the dreaded date, April 15. It is only in May, on or about May 7, that hard-working Americans can breathe a sigh of relief, on what is called Tax Freedom Day. Only on that day, May 7, can Americans begin to keep their hard-earned money, after having spent 4 months working to pay Uncle Sam's tax bill. It is for no small reason that Alexander Hamilton, in Federalist Paper No. 36, stated:

> Many spectres have been raised out of this power of internal taxation, to excite the apprehensions of the people.

That was written 210 years ago. Today, we know exactly what Alexander Hamilton meant. The Federal Government has used the power of internal taxation to create broad distrust in the American people and create a Tax Code 7,500 pages in length containing over 800,000 words. We in the Senate have an opportunity to replace these dreadful anniversaries with a new one—the elimination of the present Tax Code on December 31, 2003. The Tax Code Termination Act, which I will, as Senator GRAMS alluded, introduce in the near future, would eliminate, terminate, sunset the existing Tax Code by December 31, 2003.

Congress, the President, and the American people would then replace the current Tax Code with a leaner, simpler, fairer, and more honest tax system by no later than Independence Day, July 4, 2003, the beginning of a new era of freedom in this country. Senator GRAMS will be introducing a simpler, fairer tax system; others have proposed other alternatives. I will make my decision. I say this: The Tax Code Termination Act, the sunsetting of the Tax Code, is not relying upon which kind of solution, it does not determine which direction we should go, but, I assert, we cannot do worse than the current inexplicable, incomprehensible Tax Code by which we are governed.

I applaud and commend Senator GRAMS for being bold enough, creative enough and, I might add, courageous enough to introduce a very broad, comprehensive proposal to replace the current, clearly inequitable tax system. For too long the American people have suffered under the heavy chains of the oppressive regime we call our Tax Code. Each year, Americans spend over 5.4 billion hours slaving away to comply with tax provisions. That 5.4 billion hours is the equivalent amount of time it takes to produce all the cars, all the trucks, and all the airplanes in this country in 1 year. All of that energy, all of that productivity going to comply with the Tax Code.

A humble family of four will spend the equivalent of 2 weeks for Tax Code compliance. Ironically, every year $13.7 billion of the money that taxpayers struggle to pay the Federal Government is expended in enforcing the code. They pay their taxes. They pay their tax bill, $13.7 billion of which goes to enforce that code. Yet the IRS, a bureaucracy of 110,000 people in over 650 offices around the country, provides misinformation one out of every four times a taxpayer calls to seek assistance.

It is time that we act. We have made the Tax Code ever more complex. In 1997, Senator GRAMS was very much involved in this. I am sure if Senator SESSIONS had been in the U.S. Senate at the time, he would have been involved in it. We made a serious attempt to ease the tax burden on the American people. Senator GRAMS and I, on the House side, introduced the $500-per-child tax credit. We said working families deserved to have that; that the cost of rearing a child has increased and was never indexed for inflation. The per-child tax deduction nowhere near compensated for what it cost. We, in effect, said public policy did not really value families, and we didn't really value children. We pushed for that, not only the $500-per child tax credit, but this Senate and this Congress, for the first time in 16 years, reduced the tax burden on working Americans.

Even after that successful effort, the tax burden remains so high that the average American family will spend more on taxes at the Federal, State, and local level than they will spend for food, for clothing, for housing, education and recreation all combined. That is how much we are taking.

Even in 1997, when we sought to reduce the tax burden on the American people, we had an undesired consequence. We were unwitting contributors to the complexity of the Tax Code, and we created even new complications, new deductions, new credits at that time when we were trying to reduce taxes.

Mr. President, in the Senate we have a number of options before us in 1999. We can ignore the plight of the American taxpayer, continue to celebrate, so-called, these tax anniversaries. That is one option that we have. No one has suggested we should not meet a full commitment to Social Security. Sixty-two percent of the projected revenue surplus should be set aside for Social Security. There is no debate about that. Both parties agree about that.

We need to do much more. We need to take the opportunity with the remainder not to create new spending programs, but to lessen the burden upon the American people. We cannot ignore the plight of the American taxpayer. We can continue with the status quo, or we can implement incremental reforms and try our best to make repairs to a house built on shifting sand, as we have almost every year for the last 12 years.

Finally, we can lay a solid foundation for a new house by voting for real reform. We can sunset the existing Tax Code, and we can pass a fairer and simpler and more understandable tax system, one that the American people deserve.

I thank my colleague for his leadership. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I thank my colleague from Arkansas for joining me this morning in talking about anniversary, as he mentioned, as not really a time to celebrate but to remember. As Senator HUTCHINSON noted, it was he and I who, back in 1993 when we were both in the House, worked to enact the $500-per-child tax credit. We first introduced it in 1993, and finally got it signed into law in 1997. Today it makes up about 75 or 80 percent of all tax relief this Congress has enacted in 4 years. It is just a small start, I think, of what we really need to do as far as reform and additional tax relief. I thank him for his help and all his support in getting it passed.

Again, I will just remind people why we are here talking about this. It was in 1913, 86 years ago today, that the first income tax was levied in this country, despite provisions laid out in the Constitution against that. It was passed in 1913. At that time it was only, as Senator HUTCHINSON said, a minor tax. Only about 1 percent of the people in this country came under this income tax provision.

The first Tax Code was only 14 pages long. Today, as we know, it is well over 10,000 pages, so complicated that even the most sophisticated tax lawyers cannot figure it out. As the Senator from Arkansas mentioned, if one calls the IRS for information or a question, they have about a 50/50 chance of getting a correct answer. What we have is a Tax Code, a tax system that is so complex, so abusive that it is no longer efficient. To try and make even some minor reforms or adjustments to it, I always say, is like trying to put lipstick on a pig. We cannot make it pretty. The thing we need to do is change it completely. We have talked about pulling it out by the roots and replacing it. The Senator from Arkansas will be introducing the Tax Code Elimination Act which would sunset the current Tax Code as we know it and the IRS by January 1 of the year 2003. Some people may say that is a little irresponsible because we don't have a Tax Code system with which to replace it.

We have many ideas. I will be introducing a fair tax plan that would be basically a national sales tax plan. It would eliminate all the payroll, the income tax, the estate tax, the corporate taxes, capital gains tax. It would basically eliminate all of those and replace them with one simple tax at the point of sale, a consumption tax. One would never have to file a tax return again. We wouldn't consume those billions of dollars worth of hours it takes just to comply with the IRS regulations.

When people say we are irresponsible because we should have a Tax Code in place before we repeal the code, I always say that Congress loves to spend so much that it would not go 1 day without the ability to tax. If we can eliminate the Tax Code, Congress will work overtime to get a new Tax Code in place. I think it is something we need to start doing and working on today.

Our income tax now has generated not the 1 percent of taxpayers, but over 21 percent of this Nation's income now goes to taxes. As I referred to earlier, the Boston Tea Party was over one-half of 1 percent. Taxation without representation led to the tax revolt which built this country. Yet today, we are taxed at these high rates.

I see my colleague from New Hampshire is here. I would like to recognize him for any time remaining.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time is remaining in morning business, Mr. President?

The PRESIDING OFFICER. Under a previous order, the Senator from Minnesota has 1 minute remaining, after which the Senator from Ohio will have 30 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to have 5 minutes extending beyond the morning business time, no more than 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for 5 minutes.

Mr. SMITH of New Hampshire. Thank you very much, Mr. President. I thank my colleague, Mr. VOINOVICH, for not objecting.

I would like to compliment my colleague, the Senator from Minnesota, for his support on this issue. Mr. President, 1999 is the eighty-sixth anniversary of the Sixteenth Amendment and the collection of income taxes by the Federal government. It is not an anniversary that we really, in my view, ought to celebrate. As a matter of fact, I propose that we mark the occasion by throwing out our existing tax code and starting over from scratch.

The Tax Code Termination Act, which I am pleased to join with my colleague, Senator TIM HUTCHINSON, and others to soon introduce, would accomplish just that goal. Our bill would sunset the Internal Revenue Code by December 31, 2003.

This year provides a good opportunity for the Senate to reexamine the income tax and consider how the tax code has changed. As stated in the Salt Lake Tribune of Wednesday, January 27, 1999, the income tax is a relatively new development:

> France had an income tax in 1793 and Britain in 1799. With a couple of short-lived exceptions, the United States generally managed to get by without one until 1913. An income tax was levied during the Civil War, but it was dropped after a few years. Congress passed a 2 percent income tax on individuals and business in 1894, but it was ruled unconstitutional. The Constitution barred the federal government from levying direct taxes except in proportion to population. In 1913, the 16th Amendment to the Constitution changed the rules, and an income tax was instituted.

Shortly after the Sixteenth Amendment was ratified in 1913, Congress passed the first income tax law. The Internal Revenue Service, then an obscure government agency, enforced the new law and collected the income taxes.

Back then, the taxpayers got to keep most of their earnings. In 1913, the income tax rate of 1 percent applied only to those making over $3,000 per year. Those making more than $20,000 paid a slightly higher surtax. The highest rate of seven percent was imposed on all income above $500,000. According to Peter Cleary of Americans for Tax Reform, in 1994 dollars, the one-percent income tax would apply on all income up to $250,000, while the seven percent rate would apply only to income above $6 million.

Few people had to file returns in 1913. Only about 1 in 250 Americans did.

Moreover, the original Form 1040 was brief and simple. As noted in yesterday's Washington Post Magazine, it consisted of just four pages, including one of instructions, and you would have finished calculating your income by Line 7.

Since 1913, things have gotten more than a little out of hand. Consider these statistics:

Close to half of all Americans file a tax return today. Instead of one form, there are many.

According to economist J.T. Young, the average family pays about 25% of its income in Federal, state and local taxes, and "30 percent of every additional dollar earned by a four-person median income household of $55,000 will go to pay taxes. Individuals and families earning $50,000 and above already pay 82 percent of total taxes and 91 percent of income taxes."

The average middle-income taxpayer now has to work until at least May of each year just to meet all the federal, state and local taxes due.

The Tax Foundation has estimated that collectively, individuals devote close to 2 billion hours to preparing tax returns each year.

It's no wonder that Americans dislike the current tax code. It is unnecessarily complex and overly burdensome.

Some of my constituents are especially upset about the fact that tax revenues last year grew 9 percent, or twice as fast as the economy. Consider these comments from a man in Exeter, New Hampshire:

> I have been reading and hearing about the tremendous budget surpluses we can expect over the next ten years. . . . Where is this money coming from and who authorized collecting it? It seems to me that if the government has a surplus it's because they're collecting more than they're spending. If that's the case, why are they collecting more than they're spending? I hope you realize that things like this are what disenfranchise American citizens from their government.

How did we get to this point? Much of the blame lies with Congress. We have changed the Federal tax code many times since 1913, turning it into a tangled cobweb that few can understand. The changes have become more complex and the tax rates have increased over the years.

What can we do about it? We can abolish the existing tax code and promptly adopt a new one that adheres to some basic rules:

First, we should have a tax code that is simple and fair.

Second, our tax code should encourage savings and investment. The current code distorts investment by creating incentives for Americans to use tax loopholes, rather than invest their money in more profitable ways.

We should provide greater tax relief to the overburdened American taxpayers. Tax cuts would provide American workers with more incentives to produce, because workers would be able to keep more of their earnings.

In closing, Mr. President, I want to urge my colleagues to support the Tax Code Termination Act.

Mr. President, I yield the floor.

Mr. GRAMS. I thank my colleague from New Hampshire for talking about the creative ways of taxing. This Congress has been so creative in figuring out new ways to tax; I hope we can be creative in figuring out ways to get rid of the tax.

Mr. President, I know we are out of time. I thank you very much. I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Ohio.

WE OWE IT TO OUR CHILDREN

Mr. VOINOVICH. Mr. President, I have devoted more than 30 years of my life to public service. I have held elected office as mayor of the city of Cleveland, and I served as Governor of the State of Ohio. Now I am privileged to serve the citizens of Ohio as one of their U.S. Senators. I am deeply honored by the confidence they have bestowed upon me.

They have placed their faith in my ability and my judgment to consider and vote upon and bring to the forefront issues of national significance. It is for this reason that I have come to the Senate floor to discuss what I consider to be the most serious financial and economic threat facing our Nation today.

Through the tough choices made by Congress in passing the 1997 Balanced Budget Act, and through our continued strong economy, the days of escalating, crushing budget deficits appear to be coming to an end. In Washington, politicians are saying we have turned the corner, and for the first time in 30 years, we have a budget that shows a surplus.

If it is true, it would be brand new territory for many Americans. Tens of millions were not even born yet when we had our last surplus. However, it is my contention that we do not yet have honest budget surpluses, and unless we take bold steps, our actions will continue to leave our younger citizens and future generations liable for three decades of massive deficits and a national debt that has made us the greatest debtor nation in the world.

Prior to 1968, surpluses were not uncommon. But through President Lyndon Johnson's expansion of the Vietnam war and the implementation of the Great Society, we started to lose fiscal restraint.

A budget trick was implemented by the Johnson administration. It took the off-budget Social Security trust funds, which were in true surplus, and commingled them with the regular budget which at that time was showing a deficit. In this manner, Congress and subsequent Presidents were able to mask annual budget deficits that contributed to a rising national debt.

I would just like to point out, however, the years Social Security has masked the true budget deficit that we have had and how it has improved our budget situation.

If you go back to 1995, we reported that we had a budget deficit of $164 billion. The fact of the matter is we had a budget deficit of $226 billion. And what we did was we reduced it by using the Social Security surplus of $62 billion.

In 1996, we reported that we had a deficit of $107 billion. The fact is our budget deficit was $174 billion, and again we used Social Security to reduce that deficit.

Then, in 1997, we reported, oh, it is wonderful news, we had just a minus $22 billion deficit. The fact of the matter is we had a $103 billion deficit, and we plastered it over with $81 billion of Social Security money.

Then, in 1998, we had the great celebration, the great surplus that we talked about. The fact of the matter is that even in 1998, when we reported the first unified budget surplus, we still had a real deficit of $30 billion. Again, we used the $99 billion Social Security budget surplus to hide the fact that we had a $30 billion deficit.

Again, this year, we are reporting we will have a $111 billion surplus. The fact of the matter is, even this year, we will have a $16 billion deficit; and again that has been covered over by the using of Social Security.

And for the year 2000—the budget we are working on right now—we are reporting we will have a $133 billion surplus. The fact of the matter is, even this year, we are going to have a $5 billion deficit on budget. We have covered that $5 billion up with $138 billion of surplus in the Social Security trust fund.

And next year we are celebrating the idea that maybe we are going to have our first real honest to goodness on-budget surplus of $11 billion. The fact of the matter is—and we will report a unified budget surplus of $156 billion—but the truth is that we only have a real—real—surplus of $11 billion.

Rather than attempting to enact policies that would bring us back to surpluses, 30 years of financial gimmicks have ensued, so much that we ran up a debt of $5.6 trillion in those intervening years from the time of Lyndon Johnson. Since the time my wife and I got married in 1962, interest payments on the debt have gone from 6 cents on the dollar to 14 cents on the dollar this past year. If we had had the same 6-percent interest payment when we got married in 1962, Americans would have saved $140 billion this year.

As the debt grew during the 1970s and 1980s, attempts were made to bring it under control. In 1985, Congress passed the Gramm-Rudman-Hollings Act which required the unified budget to be split and the Social Security trust funds kept separate. When Gramm-Rudman passed, I was encouraged that finally we were going to get some truth in budgeting.

At that time, I was mayor of Cleveland and I was serving as president of the National League of Cities. In 1985, the debt was $1.8 trillion. We mayors felt the need to do our part to help reduce the debt. We did our share when we lost the CETA program, revenue sharing, one half of our community development block grant, and a complete loss of the Urban Development Action Grant Program. When I left office after 10 years as mayor of the City of Cleveland, we had $79 million less a year from the Federal Government than we had when I came into office in 1979.

In order to make up that difference, first of all we did everything we could to reduce costs. In many instances, cities across this country had to increase their local income taxes or local taxes by over 50 percent to compensate for the loss of these Federal dollars. Much to our chagrin, our sacrifice did little to help reduce our annual deficits or shrink our national debt. Indeed, the debt was $1.8 trillion in 1985; today it is $5.6 trillion. If you go back to when I became mayor in 1979, the national debt was $780 billion; today, 20 years later, it is $5.6 trillion. Listen to this: A 700-percent increase in the country's national debt in a 20-year period.

We have a law that says Social Security trust funds are supposed to be off budget, and we have the Budget Enforcement Act of 1990 that removes Social Security from deficit targets and other enforcement calculations. But it was another law, the Balanced Budget Act of 1997, that forced tough spending choices on Congress and on the administration, making them live within their means for the first time in decades.

I congratulate the Members of Congress, those who supported the balanced budget agreement of 1997. It is this law more than any other that has given us the tools to help us now put our financial house in order. As a result, we are seeing a decrease in the on-budget deficit, we are cutting down on spending, people are projecting surpluses, and the Social Security trust funds are growing. There is a light at the end of the tunnel. But to get there, we must maintain our discipline and continue doing those things that will bring down our debt and honor our commitments to our citizens.

As this chart shows, if we stick to our guns, if we honor the caps in the 1997 budget agreement, we might have an on-budget surplus starting in the year 2001 and a growing surplus thereafter. Here is what it looks like: In 1999, if we stick to the balanced budget agreement, if we don't invade the budget caps we have for the first time in 30 years, we can begin the new century by having a true, real budget surplus that will continue to grow.

But along comes the President with his fiscal year 2000 budget and projections for 15 years into the future. In one fell swoop, he proposes a continuation of the ill-conceived policies that got us in trouble in the first place. Under his budget, we still have unified budget totals and the President has proposed to continue to use Social Security to pay for other government programs for at least the next 15 years. We can't even show the 5 years beyond 2009 because there are no hard numbers from the administration so the Congressional Budget Office can make projections. This is not truth in budgeting that the American people expect or deserve, and I think it will lead to disastrous consequences.

This chart shows what will happen if we follow the President's proposal to deal with the unified budget. In 1999, we will start developing annual budget deficits that will take us down this crimson path to where we have been for the last 5 or 6 years.

Let me point out where we are going: The red line on the chart is the deficit; this is the real deficit. Because we have had self-discipline, because we are honoring the budget agreement, we are seeing these red deficit numbers get smaller. If the President's proposal goes into effect, we are going to go back to the old days. Instead of having this scenario at the beginning of the next decade, this scenario will be had under the President's program.

Why is this important? First, the President says we have a budget surplus in fiscal year 2000. This is simply not true. If you look at the chart titled "Real Budget Surplus," you will see again that fiscal year 2000 shows a real budget deficit of $5 billion. In fact, if you look at the chart, we don't have a surplus this year—rather, a $16 billion deficit.

What the President does is take the off-budget Social Security trust funds and continue to use them to mask the deficit while saying he is saving Social Security. It is a fraud. The President's surplus for this fiscal year, the next fiscal year, in fact, and for 14 fiscal years after that, continues the gimmick of using the unified budget. It is disingenuous. It continues to use billions of dollars of the Social Security trust fund to mask the true size of the budget and allows the President to put off making those tough budget decisions that we must make. If we allow this to happen—the tough budget choices we have to make today—we are in deep trouble.

We have a growing economy and we have the lowest unemployment we have seen at any time. If we can't as a nation make the tough decisions that we need to make to turn things around and to have an on-budget surplus, if we can't do it now, we will never do it.

Second, the President not only busts the spending caps agreed upon in the 1997 budget deal, he destroys them. These targeted caps are meant to keep our spending in check. But even before we debate a budget resolution for the coming fiscal year, we learn from Congressional Budget Office Director Dan Crippen that the President proposes to increase, or "blast," the caps by $30 billion—$30 billion. In fiscal year 2000, we are supposed to face budget caps that will force us to cut $28 billion. It will take tough choices to meet these caps, but we must show restraint if we are ever to bring our finances in order.

This is why I am pleased that the Republican leadership has given their assurance to maintain the caps so that we may demonstrate to the American people that we are serious about the commitment. The Republicans have also—this is really important, folks—committed to restoring truth in budgeting by ensuring that 100 percent of Social Security trust funds are protected and not used for additional spending or tax cuts. In other words, the Social Security trust fund is off, it is off. We are locking it up. There will not be any tax reductions or new spending with Social Security surpluses.

Third, the President is skirting a moral obligation that has been made to our seniors and all future generations to fully preserve the sanctity of the Social Security system. Social Security is a sacred trust between the Federal Government and every American.

That is why I firmly believe we need to get away from treating Social Security funds as part of the budget and wall it off from any temptation to use it for purposes other than Social Security. As I say, we need to "put it in a lockbox."

The President, on the other hand, wants to use the Social Security trust funds to show that he has a budget surplus. As I said, there are billions and billions of dollars meant for the Social Security trust fund that are supposed to be off budget. But he can't resist trying to make those funds a part of the budget so he can mask the size of the deficit and use any so-called surplus to pay for his agenda.

We have been playing games with Social Security for far too long. Do you know what? It is time to stop.

Under the President's plan, only 62 percent of the unified surplus would be devoted to Social Security. In fact, recently, the head of the Senate Budget Committee said only 58 percent of the unified surplus is going to be used to protect Social Security. This represents an actual decrease from what we would allocate to Social Security if we were to treat it as an off-budget item.

This is budgetary sleight of hand, and the President knows it. It is unconscionable for him to say that he is "protecting and preserving" Social Security, when in reality he is taking money away from it and using it to pay for other programs. No matter how well intentioned those programs are, it is not the right thing to do.

Fourth, the President hinges his plan on budget surpluses that are calculated far into the future.

As our Nation's premier economist, Federal Reserve Chairman Alan Greenspan, testified before the Senate Budget Committee:

> We cannot confidently project large surpluses in our unified budget over the next 15 years, given the inherent uncertainties of budget forecasting.

Greenspan goes on to say:

> How can we ignore the fact that virtually all forecasts of the budget balance have been wide of the mark in recent years?

In a January 1999 report to Congress, the Congressional Budget Office wrote that an error on the projection of the budget surplus in 2009, and based on previous averages, could be "equal to 13 percent of projected outlays [and] would produce a swing of $300 billion."

The Cincinnati Post, in an editorial on February 10, said: "There's one thing wrong with budget forecasts: they are inevitably wrong."

Is it prudent to take that kind of risk with our children's future? I don't think so. If we go along with these four points, we will have no credibility with the American people. And to regain credibility, we must put an end to the game playing and restore truth in budgeting.

When we—the Congress and the administration—are forced to make the hard choices that we were sent here to make, we often try to do what we believe our constituents want us to do. However, what they want, I think, is quite simple; they want us to tell the truth. They want us to stop using smoke and mirrors to say that the Nation's financial house is in order. They want us to give them enough credit to know the distinction between what we do and what we say. The American people want us to make the tough choices.

Two weeks ago, I was faced with one of those tough choices. The Senate debated legislation that would expand the pay and retirement benefits of our men and women in uniform. I want you to know that there is nobody who supports our Armed Forces more than I, and no one believes more than I that we should provide as many incentives as possible to retain these quality troops in our military.

However, we cannot continue to pass legislation without first dealing with its consequences. That bill would have authorized an increase in our country's financial liabilities by approximately $55 billion over the next 10 years. Because we had no idea how to pay for it or if it would fall within the budget caps, I felt it necessary to vote "no." It was a tough choice, but I felt it was necessary.

When I became mayor of Cleveland, the city was in default. It was the first city in America to go into default since the depression. To get the city out of its financial abyss, I had to make tough choices. As a result of our actions, we were able to turn the city's default into a surplus, and Cleveland now enjoys an economic renaissance it has not seen in generations.

As Governor, I again had to make hard choices in each and every budget in order to meet our constitutional obligation to balance our budget. When I became Governor of Ohio in 1991, our State faced an over $1 billion budget deficit. In order to balance the budget, I had to make four cuts over 2 years totaling $711 million. I was picketed by college students—5,000 of them outside the State House, who were told by the university people that I was cutting higher education and their tuition costs were going to go up. And I was picketed, at the same time, by welfare recipients who marched on the capitol because we cut out general assistance for able-bodied people. But we had to get our financial house in order. Somebody had to make the tough decisions.

As a result, today Ohio is spending a record amount of money on programs to help children. In addition, we have been able to cut State income taxes for 3 straight years, including an almost 10-percent across-the-board tax cut this year. In other words, when the taxpayers of Ohio, this year, file their 1998 returns, their income tax will be almost 10 percent less than it would have been without our good management.

Ohio has a general revenue rainy day fund of over $935 million and a Medicaid rainy day fund of $100 million, so in the future we can avoid deep cuts in vital services or tax increases just in case there is a downturn in the economy. Ohio is in better shape today because we were able to make the hard choices.

Every day, millions of Americans have to make hard spending choices, too. They have to pay their bills, pay their mortgages, put food on the table, and buy clothes for their children. They have budgets and they know they have to live within their means. Unlike the administration, when most people have extra money, they don't go out and start to spend it wildly. They tend to their finances, they save, they pay off their credit cards and loans, and they invest in homes and businesses.

That brings us back to what we would do with whatever on-budget surplus we achieve. What are we going to do with it if we get it? The first thing is, I will believe it when I see it. I am a "doubting Thomas" about whether we really will see it. But if we do get an on-budget surplus, what we need to do is be wise and leave it alone. Why the rush to spend it? Why the rush to lower taxes? We don't even know if we have it. If we do get it, we should leave it alone and give it a chance to accumulate.

If we cannot guarantee—and we cannot—that we are going to have an on-budget surplus, then we have no right to start committing dollars that we don't have.

If and when we get an on-budget, or "real," surplus, it is our moral obligation to our children to pay them back by using any such surplus to pay down our current debt. We have stuck these pages who are standing in front of me with a big bill. We have an obligation to pay that debt down so part of the income taxes they pay in the future aren't to pay off the interest on debts they had nothing to do with during their time of growing up.

I want you to know that this isn't just my opinion about paying down the debt. It is the opinion of experts like Federal Reserve Chairman Alan Greenspan, CBO Director Dan Crippen, and GAO Comptroller David Walker. They agree that it is the best use of these funds—pay down the national debt.

Not only is it a moral obligation, but this course of action makes great economic sense for four reasons. I think this is really important because a lot of people say: "Reduce the taxes" and "This is really going to be the thing that is going to make a big difference." I say: Reduce the deficit, bring it down, and here are the reasons why.

First of all, it will decrease the overall interest paid on the debt, and that is important because paying off the debt lowers the interest. When you lower the interest, what do you do? You lower the cost of Government, and that makes more money available for other purposes.

No. 2, Alan Greenspan will tell you that it helps allow the economy to expand.

No. 3, it lowers the interest rate for individual citizens, which is a big deal. According to Alan Greenspan, it lets people afford to buy homes or refinance their mortgages, and it puts real money into the pockets of tens of millions of Americans.

Just think about it. As we got our house in order and interest rates came down, think of the millions of Americans who have refinanced their homes, and those who are able to buy automobiles today because interest rates are down. If we bring the national debt down and don't follow what the President wants to do, to use the unified surplus, we will keep those interest rates down. That is real money in your pocket.

Last but not least, paying down the debt lowers the amount of taxes the Government would need from the American people, according to the Business Roundtable.

Using only on-budget surplus funds for debt reduction prevents us from making false promises to the American people. One of the biggest assumptions associated with the treatment of surplus funds is an indefinite continuation of our current period of economic growth.

Blending that assumption with the use of a unified budget surplus is a volatile mix since no one can predict how long this period of growth will last. Optimistic surplus estimates could fluctuate wildly over the next few years, with unknown consequences.

As most of my colleagues know, within ten years, the "baby-boomers" will start to become eligible for Social Security and the sheer size of their numbers will present a challenge to maintain the viability of the Social Security system. In order to honor the contract we entered into with these individuals, it is our obligation to ensure that we have the necessary funds.

A unified budget surplus raids the "offbudget" Social Security funds and replaces them with hundreds of billions of dollars worth of IOU's for our children and grandchildren. This is not the legacy we should leave.

We are bankrupting the futures of generations yet unborn because we have a hard time saying no. Well, it is time to start owning-up to our obligations and meeting our responsibilities, because ladies and gentlemen, Social Security is a sacred trust.

Unfortunately, too many people have become cynical that we don't have a commitment to Social Security. For example, citizens like my son, George—people in their 20's, their 30's and even their 40's—don't ever expect to see a dime of Social Security in their lifetime.

What they know is that Uncle Sam has been taking money out of one pocket via payroll taxes, and taking money out of the other pocket via income taxes and the Government just puts it all together and uses it for what it wants.

They've been told that their money is "in there" for them when they retire, but when Congress and the Administration play shell games with the trust funds, no one believes it.

It is a sad commentary that there is such little faith in the promises made by our government. However, this cynicism is given credence when we continue to use Social Security trust funds to hide our excesses.

I firmly believe that it is our moral obligation to honor the commitments we have made to our citizens on Social Security, instill truth-in-budgeting, clean up the financial messes we have made and provide for all of the generations that follow, a nation that is better than we received.

Behind my desk on my computer, I have a screen-saver picture of my 2-year-old granddaughter, Mary Faith. She is the joy of our lives. She is a wonderful little girl. We have lots of hope and promise for her. But she has no idea the decisions we are making now are going to affect her financial future. And those decisions are being made by her grandfather, other Members of the Senate and Congress and the administration.

She has no idea that on the day she was born—Mary Faith was born on December 29, 1996—she immediately became responsible for a whopping $187,000 bill from the Federal Government on interest that she is going to have to pay over her lifetime. And that is on a debt her grandfather's generation ran up for our own benefit.

I prefer the picture of Mary Faith on my screen saver, this picture right here, which says "Sentenced to

Repay." That is the next generation of Americans—"Sentence to Repay" the debt we didn't have the guts to pay for during our lifetime.

Any day this week Mary Faith is going to have a new brother or sister. And, Mr. President, we are actually expecting her brother or sister on Friday of this week, and I want to let you know that for sure I will not be here if we have any rollcall votes on Friday.

While nothing can surpass the joy our family will feel on this special day, I can't help but think that like my granddaughter, Mary Faith, he or she is going to receive a bill from this Government for the interest on the debt that he or she had nothing to do with. And that bill is going to be even larger than the one we gave to Mary Faith 2 years ago.

We have been reaping all the benefits and putting the future of all our children and grandchildren in jeopardy through a "we buy now, you pay later" philosophy. I cannot convey how wrong I think it is to saddle them with such an excessive financial burden that we now, this Congress, have the ability to correct.

That is why I feel debt repayment is the wisest use of any on-budget surplus. It is plain common sense, and it would be the greatest gift we could ever give to our future generations.

Mr. President, each year, on the anniversary of President George Washington's birthday, a U.S. Senator is given the privilege of reading Washington's Farewell Address on the floor of this Senate. It is a tradition that dates back nearly 100 years. This year, I had the distinct honor to read this wonderful document, the first Ohioan who has had the privilege of reading that farewell address since Bob Taft gave it back in 1939, 60 years ago.

As I prepared for the speech and I read through his words, Washington's words, I was particularly taken by the relevance today of one of President Washington's admonitions to a young United States of America. Here is what he said 200 years ago.

> [avoid] the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Those were very, very wise words of President Washington, and they ring true today as well as they rang true during his day. I believe it is our duty to heed them. We owe that to all our Nation's children and our grandchildren.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Kyl). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for about 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE INTERNATIONAL CHILD WELFARE PROTECTION ACT

Mr. GRASSLEY. Mr. President, last Friday, on behalf of Senator Bob Kerrey and myself, I introduced legislation that will chart a new United States approach to the terrible problem of child exploitation in overseas labor markets.

This legislation, S. 553, the International Child Welfare Protection Act, will target new, additional trade benefits to countries that comply with the provisions of the International Labor Organization's Convention No. 138 concerning the minimum age for admission to employment, also known as the Minimum Age Convention.

The aim of the Minimum Age Convention is to abolish child labor throughout the world by establishing a minimum age at which children may be employed.

Our legislation will do two things:

It will give the President the authority to grant a country that complies with the Minimum Age Convention up to a 50-percent tariff rate cut on items produced in that country that would not otherwise be eligible for preferential tariff rates.

It will also permit the President to waive current limitations on the amounts of additional goods that countries complying with the Minimum Age Convention may export to the United States.

In the unlikely event the President finds that domestic industries are hurt because of these special, targeted trade benefits, the President also has the authority to suspend, limit, or withdraw the benefits.

This legislation is important for three reasons.

First, it is a tragic fact that child labor is rampant in many places in the world, despite more laws aimed at stopping this inhumane practice. International Labor Organization statistics show that between 100 and 200 million children worldwide are engaged in providing goods and services. Ninety-five percent of these children, according to the ILO, work in developing countries. Why are children pressed into service as low-paid or unpaid workers? Because, according to the ILO, children are "generally less demanding, more obedient, and less likely to object to their treatment or conditions of work." It is very obvious that we must all do what we can to stop this unconscionable practice.

The second reason we need this legislation is because it is clear that regulation and enforcement alone will not work. Incentives are needed as well. The reason that it is so tough to enforce child labor standards is that it is often very difficult to trace specific products to specific plants in specific countries. The Department of Labor's Bureau of International Labor Affairs says that quantifying the extent of child labor in a particular country's export industry "can seldom be done with specificity." If you can't even trace the goods or services with certainty, you can't expect enforcement alone to be the answer. Hence the incentives that are in our legislation.

Finally, we need this legislation because even though the ILO Minimum Age Convention was adopted in 1973, only 21 developing country member states out of 173 ILO member states have ratified the Convention to stop child labor. Out of the 21 developing country member states that have ratified the Convention, none is from Asia, where over half of all working children are to be found. If even one additional ILO member state ratifies the Convention because of the trade incentives this legislation offers, we will have achieved a great deal.

I am on the floor today stating again what is obvious but also to remind my colleagues, with the introduction of this bill by Senator Kerrey of Nebraska and myself on Friday, you have an opportunity to cosponsor this bill, and I hope you will do so. I hope then that we have results from legislation which we have already on the books to enforce regulation, but we also have results from these efforts that are presented in our legislation for a more market-oriented approach to helping solve this bad economic situation of very young child labor.

I ask unanimous consent that S. 553 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Child Welfare Protection Act".

SEC. 2. ADDITIONAL BENEFITS FOR CERTAIN BENEFICIARY COUNTRIES.

(a) In General.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended by adding at the end the following new subparagraph:

"(D) Additional benefits for ILO eligible beneficiary countries.—Notwithstanding any other provision of this title, the President may proclaim a rate of duty that is equal to 50 percent of the rate of duty that would otherwise apply under this title with respect to any article referred to in subsection (b)(1) (A), (C), (E), (F), or (G), if the article is an article originating in an ILO eligible beneficiary country.

(b) Waiver of Competitive Need Limitation.—Section 503(c)(2)(D) of such Act (19

U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) Least-developed beneficiary developing country; ILO eligible beneficiary country.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary developing country that is an ILO eligible beneficiary country.".

(c) Withdrawal, Suspension, or Limitation of Additional Benefits.—Section 503 of such Act (19 U.S.C. 2463) is amended by adding at the end the following new subsection:

"(g) Withdrawal, Suspension, or Limitation of Additional Benefits.—

"(1) In general.—Notwithstanding any other provision of law, the President may withdraw, suspend, or limit the designation of any country as an ILO eligible beneficiary country for purposes of the benefits described in subsection (a)(1)(D) if the President determines that—

"(A) the country no longer meets the criteria set forth in section 507(6); or

"(B) imports of the article to which such additional benefits have been granted have increased in such amounts as to cause, or threaten to cause, injury to a domestic industry producing an article like or directly competitive with the article.

"(2) Effective date of withdrawal, etc.; advice to congress.—

"(A) Effective date.—A country shall cease to be an ILO eligible beneficiary country on the day on which the President issues an Executive order or Presidential proclamation revoking the designation of such country under this title.

"(B) Advice to congress.—The President shall, as necessary, advise Congress on the application of subsection (a)(1)(D) and the actions the President has taken to withdraw, to suspend, or to limit the application of preferential treatment with respect to any country which has failed to adequately meet the criteria described in section 507(6).".

(d) Definitions.—Section 507 of such Act (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) ILO eligible beneficiary country.—The term 'ILO eligible beneficiary country' means a least-developed beneficiary developing country or a beneficiary developing country that—

"(A) the President determines, after consultation with the Secretary of Labor, is implementing and enforcing the provisions of Convention No. 138 of the General Conference of the International Labor Organization; and

"(B) has requested the additional benefits described in section 503(a)(1)(D).

"(7) Article originating in an ILO eligible beneficiary country.—An article is an article originating in an ILO eligible beneficiary country if the article meets the rules of origin for an article set forth in section 503(a)(2), except that in applying section 503(a)(2), any reference to a beneficiary developing country shall be deemed to refer to an ILO eligible beneficiary country.".

Mr. GRASSLEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mrs. MURRAY. Mr. President, in a short while we will begin the debate again on the Ed-Flex bill that has been on the floor for the last several weeks. It is a bipartisan bill. Democrats and Republicans alike are supporting this bill. It is a simple bill, essentially, that will allow some of our school districts to be more flexible with their education dollars; for the liability for some of the waivers to be transferred from the Department of Education directly to the Governors, so the Governors in our States can provide some of the waivers based on some specific clauses that are in the bill. Essentially, it is a matter of paperwork being moved from the Nation's Capital to the Governors' desks. It is a bill, again, that is supported broadly.

I have come to the floor numerous times over the last week to talk about an amendment which I hope to offer today regarding class size reduction. A year ago, the President talked about the most important goal in education, one of the most important goals we have—that of reducing class size in grades 1 through 3. Studies have shown us consistently that reducing class size in those grades makes a tremendous difference in the learning of young children—in their math, reading, language scores, and in their ability to go on to college. It improves discipline problems, as shown by numerous studies that I, again, hope to be able to talk about once my amendment comes to the floor.

We talked about this amendment all last year during the session. Then, in a bipartisan bill last October, in the budget process we passed the beginning phase of reducing class size and began a commitment to this country that we would help our schools across this country begin to reduce class sizes in grades 1 through 3, where it makes a difference. It was a bipartisan effort last year. It should be a bipartisan effort this year.

This is a critical issue right now in this country, today, where school boards across our country are looking for whether or not we just made some kind of political offering last October, right before the elections, or whether we really meant it when we said we were going to join with our schools across this country in this commitment to reduce class size.

It is extremely timely that this Senate go on record right now with a commitment to our school districts, to let them know that we are there for them, that this wasn't just a fly-by-night political operation in October, it was a commitment from us at the Federal level to work hand in hand with schools across this country to begin to reduce class size. My amendment will authorize this program for the next 6 years. It is extremely important, because our school boards right now are putting their budgets together. They are determining what kind of money they will have.

They want to know, is this real or is this not, because they begin right now the process of hiring teachers to begin next fall. They do not want to hire a teacher, find out we did not really mean it last October, and make that commitment. They want to know whether we stand there ready, confirmed, and committed to this process. That is why it is so critical that we go on the record now with the class size authorization bill.

I hope to offer that today. I am looking forward to working with my Republican colleagues, again, in a bipartisan effort to let our school boards know we are with them in this critical process. We will obviously have other times to talk about this, certainly in the appropriations committees, as we did last year. I know we will have a big discussion on it in the budget. It is extremely important that we make this kind of commitment now.

I have heard my colleagues from the Republican side say that Ed-Flex needs to go cleanly right now, because it is bipartisan and because it is timely. The same goes for class size reduction. It is timely, so school boards can make those commitments, and it is bipartisan, if we all believed what we said and how we voted last October.

I really hope I can work with my Republican colleagues to, again, put this amendment up this afternoon or whenever the majority leader agrees, have a time commitment to it. I am willing to negotiate that. If it can be done quickly, that is fine by me. We need to have an up-or-down vote on this amendment, and we need to do it as quickly as possible.

I, too, want the Ed-Flex bill to pass. This is an amendment I think is critical and important and timely, and I hope to work with my Republican colleagues to make sure it happens today. I am looking forward to our discussion, which will begin in about a half hour. I hope to offer my amendment and to work with all of our colleagues on the floor to send a message that we do believe in this U.S. Senate that reducing class size in 1 through 3 is a commitment we can and should make.

KNOW-YOUR-CUSTOMER AMENDMENT

Mr. LEVIN. Mr. President, on Friday, an amendment was offered to the Ed-Flex bill to block implementation of certain regulations which the banking regulators had proposed for financial institutions to establish Know-Your-Customer programs. That amendment is still pending before the Senate. On Friday, my colleague from the Banking Committee, Senator SARBANES, made a number of thoughtful comments about the pending amendment. Today, I would like I to express some concerns about it as well.

First, like Senator SARBANES, I am struck by the irony of dealing with an amendment that addresses banking issues wholly unrelated to education, at the same time Democrats are being denied an opportunity to offer amendments on educational issues much more relevant to the Ed-Flex bill before us.

Be that as it may, this banking issue has been put before us. And like all of my colleagues, I voted on Friday against tabling the pending amendment. I voted against tabling, because I think the amendment properly criticizes the proposed regulations for failing to protect ordinary law-abiding citizens from possibly unreasonable and invasive scrutiny by their financial institutions.

At the same time, my vote against tabling was not a general endorsement of the amendment. To the contrary, like the proposed regulations it criticizes, the amendment is not drafted as carefully as it should be.

The first part of the amendment prohibits the banking agencies from publishing "in final form" the flawed regulations proposed in December. I support that prohibition. But the second part of the amendment goes much farther. It also prohibits the banking agencies from proposing any regulation "which is substantially similar to" the proposals condemned in the first part.

The question is what "substantially similar" means.

If it means that the banking agencies should not propose know-your-customer regulations without including adequate privacy protections, that is fine. But if means that the agencies may not propose any know-your-customer regulations, no matter how finely tuned and protective of privacy, then the amendment is a serious mistake. If it means that agencies are not only prohibited from issuing regulations but should also start dismantling their existing know-your-customer practices, the amendment is a disaster.

I say that because know-your-customer programs are today a key part of law enforcement efforts to stop money laundering. Virtually all major financial institutions operating in the United States today have well developed know-your-customer programs, and U.S. bank examiners already routinely test the adequacy and effectiveness of these programs. For example, existing examination procedures testing bank compliance with the most important anti-money laundering statute on the books, the Bank Secrecy Act, already spell out the elements of an adequate know-your-customer program and test that program as part of its "core analysis."

The purpose of these know-your-customer programs is to stop financial institutions from unwittingly helping criminals to launder illegal proceeds.

Ten or twenty years ago, if an individual walked into a U.S. bank with a million dollars stuffed into a duffel bag and asked the bank to wire the money to an offshore account in a foreign country, most banks would have done so with few or no questions asked. And the bank would have collected a nice fee for arranging the wire transfer.

But that was before the United States embarked upon a world-wide, intensive effort to educate banks and foreign governments about the benefits of battling crime by stopping money laundering. The goals are to make banks wary of moving funds for criminals, to seize illegal funds in the banking system, and to put money launderers in jail and out of business.

Congress has played a key role in the advancement of this law enforcement strategy. For example, the subcommittee on which I am the ranking minority member, the Permanent Subcommittee on Investigations, held landmark hearings 15 years ago on how criminals were using financial institutions in the United States to launder their funds. The House and Senate Banking Committees have held numerous hearings over the years outlining the problem and proposing legislation to detect and stop money laundering.

In the last Congress, the House Banking Committee held a series of hearings and the Congress passed H.R. 1756, the Money Laundering and Financial Crimes Strategy Act. In this Congress, the leading crime bill proposed by the majority, S. 5, the Drug-Free Century Act, contains an entire title devoted to "money laundering deterrence." Still another bill, H.R. 4005, the Money Laundering Deterrence Act of 1998, which passed the House by voice vote last year but was not brought before the Senate actually directed the banking agencies to propose know-your-customer regulations within 120 days.

That's because virtually all money-laundering experts will tell you that know-your-customer programs are one of the most important tools financial institutions have to prevent money laundering. Two examples explain why as well as illustrate how a sensible idea can be pushed too far.

First, suppose a stranger walks into a bank with a million dollars in small bills and asks the bank to wire the cash to a foreign bank account. Should the bank wire the money and then, after the customer is gone, report the transaction to law enforcement, or should the bank first determine who the customer is and, if not satisfied, decline to transfer the money? To me, the answer is clear that the bank should determine who the customer is before moving any money.

Second example. Suppose a longtime customer of the bank with a modest savings account deposits $3,000 into that savings account. Should the bank report that $3,000 deposit to law enforcement? To me, the answer is obviously no. That type of report would unreasonably invade the customer's privacy, as well as be a waste of time for law enforcement.

Surely, we can design regulations that distinguish between these two examples. At a minimum, different rules should apply to customers holding assets or conducting transactions below a specified threshold. We already do that with currency transaction reports, and the same could and should be done with know-your-customer programs. Additional privacy protections should be provided to prohibit banks from using know-your-customer data for purposes other than law enforcement, such as to sell products to the customer or sell the customer's personal data to third parties.

I do not support the current know-your-customer proposals, because they do not include these and other privacy protections.

Unfortunately, the amendment before the Senate, in its zeal to condemn the proposed regulations, goes too far. The first section, which prohibits the banking agencies from finalizing the regulations as proposed in December, is fine. But the second section, which also prohibits them from publishing "substantially similar" regulations, is ambiguous and troubling.

It is my hope that the supporters of the amendment do not intend to reverse the gains of the last twenty years and free banks of any obligation to know who their customers are. It is my hope that their intent is to protect ordinary law-abiding customers, but to keep the heat on money launderers by maintaining longstanding requirements that banks ask appropriate questions. It is my hope that their intent to require the agencies to correct the flaws in the proposed regulations, but not block all know-your-customer regulations no matter how narrowly or carefully drawn.

The pending amendment could easily be clarified. However, given the current parliamentary situation, it is not clear that anyone will be permitted to offer the additional language. If no clarification is provided, I want the record to show that my support for the amendment is based on the understanding that the amendment's ban on "substantially similar" regulations is a ban on know-your-customer regulations that lack adequate privacy protections for ordinary, law abiding individuals. It is not a ban on all future know-your-customer regulations, no matter how carefully drafted.

Financial privacy is an important issue. It needs to be addressed. Senator SARBANES is working on a comprehensive financial privacy bill that I hope this body is given an opportunity to consider. It is unfortunate that we are being asked to address an important aspect of the financial privacy debate in such a rushed and inappropriate context. Which brings me back to Senator SARBANES' original question about why we are adding banking amendments to an education bill instead of the education amendments America wants and needs.

CONGRATULATIONS TO JOHN Q. HAMMONS ON HIS 80TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Mr. John Q. Hammons of Springfield, Missouri, who celebrated his 80th birthday on February 24, 1999. John is truly a remarkable individual. He has witnessed many events that have shaped Springfield. In fact, John has contributed significantly to the growth and spirit of Springfield through his donations to construct and improve such places as schools, hospitals, and theaters. His generosity and personal participation in the life of the community have benefitted us all.

Mr. Hammons' celebration of 80 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized on this special occasion. I would like to join his many friends and relatives in wishing him good health and happiness in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 5, 1999, the federal debt stood at $5,652,546,580,761.78 (Five trillion, six hundred fifty-two billion, five hundred forty-six million, five hundred eighty thousand, seven hundred sixty-one dollars and seventy-eight cents).

One year ago, March 5, 1998, the federal debt stood at $5,528,530,000,000 (Five trillion, five hundred twenty-eight billion, five hundred thirty million).

Fifteen years ago, March 5, 1984, the federal debt stood at $1,473,914,000,000 (One trillion, four hundred seventy-three billion, nine hundred fourteen million).

Twenty-five years ago, March 5, 1974, the federal debt stood at $468,399,000,000 (Four hundred sixty-eight billion, three hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,184,147,580,761.78 (Five trillion, one hundred eighty-four billion, one hundred forty-seven million, five hundred eighty thousand, seven hundred sixty-one dollars and seventy-eight cents) during the past 25 years.

MORRIS K. UDALL

Mr. HOLLINGS. Mr. President, yesterday this body paid tribute to one of the greatest men to serve in Congress in the twentieth century, Morris "Mo" Udall from Arizona. Yesterday, I was proud to sign the resolution honoring him, and I would like to pay tribute to him now.

Mo Udall was a giant. For thirty years, he straddled politics in Arizona and America. He was a statesman as well as a legislator, and an intellectual as well as a politician. Although Mo believed passionately in many causes and was a Democrat through and through, his wit and warmth helped him forge many productive, bipartisan relationships with his colleagues across the aisle. Mo's intelligence, commitment, and personal touch helped him create a legislative legacy that still shines bright today, almost forty years since he entered the House of Representatives.

As everyone who follows public affairs knows, Mo Udall hailed from a family with a rich tradition in politics and public service. His ancestors were pioneers who helped transform the Arizona Territory into a great state. Mo entered Congress after winning a special election in 1961 to replace his brother, Stewart, whom President Kennedy had tapped to head the Department of the Interior.

Today, the Udall name continues to resonate in Congress. Mo's son, MARK, and his nephew, TOM, both were elected to the House in 1998. I know they will carry on the great tradition of public service and Congressional achievement set by their fathers.

Mo was such a modest and easy-going man that one sometimes overlooks the enormity of his legislative record. After rising to the chairmanship of the Committee on Interior and Insular Affairs, a position he held until his retirement in 1991, Mo wrote much of the nation's most important environmental legislation. He pushed through important regulations concerning land, water, mineral, and timber use. Mo also helped reform America's postal system and our campaign finance laws, and he was instrumental in reforming the seniority system in Congress.

In addition to being a great legislator, Mo Udall was a great man. He bridged divisions and always sought to bring people together to work for the good of the country.

Like many of my colleagues, I believe Mo's wit and self-deprecating manner were largely responsible for his successes. Perhaps the best way to illustrate his humor is to relate a joke he loved to tell about one of his campaign visits to New Hampshire during his 1996 Presidential race. At one stop, Mo approached a group of men to tell them he was running for President, only to be told, "Yes, we were just laughing about that."

Mr. President, if ever a public servant deserved to be taken seriously, it was Mo Udall. It is a sign of his stature as a man that despite his many accomplishments, he never took himself too seriously.

Today I am honored to pay my respects to my friend Mo Udall, whose legacy of public service and bipartisan achievement will be remembered for many lifetimes.

TRIBUTE TO CHARLES PAONE OF REVERE, MASSACHUSETTS

Mr. KENNEDY. Mr. President, next week, on March 17th, St. Patrick's Day, one of Revere, Massachusetts' finest sons, Charles Paone, will celebrate his 90th birthday. Charlie, as he is known by his many friends, has spent most of his life in his hometown of Revere. He graduated from Immaculate Conception High School in 1927, and went on to Georgetown University, graduating in 1931. After college, Charlie returned to Massachusetts and attended Boston College Law School, receiving his law degree from that outstanding college in 1935.

Charlie was inducted into the Army in 1942, where he served with distinction in the 209th Counter Intelligence Corps. He's been a member of the American Legion for more than 50 years, and he's been very active in his post. He has also been a member of the Knights of Columbus for more than 60 years, and is a past Grand Knight. In 1981 he retired from the Revere Public School System after four decades of outstanding service.

Charlie is loved by his family and friends as a wonderful role model who is always willing to go the extra mile for those in need, whether it's helping someone with their taxes or providing a ride to the local store for groceries. And, of course, all of us in the Senate know Charlie's nephew Marty, who does an excellent job as our Secretary for the Minority.

In many ways, our country is great today because of Americans like Charlie of the World War II generation. They served their country far above and beyond the call of duty in the war, and they came back from the war to rebuild the nation on the home front and make America the great country it is today. Tom Brokaw, in his current number one best-seller, calls them "The Greatest Generation," and it's leaders like Charlie that he's writing about.

It's a privilege to join Charlie's family and friends in wishing him a very happy 90th birthday and a very happy St. Patrick's Day, and to commend him for all that he has done for his family, his friends, his community, and our country.

BENJAMIN H. HARDY, JR.

Mr. COVERDELL. Mr. President, I am honored to rise this morning to pay tribute to a distinguished American and a great Georgia visionary. 50 years ago, Benjamin H. Hardy, Jr., was one of the primary architects of a new foreign policy initiative that became known as President Truman's "Point Four," a program of technical assistance to help the people of developing nations. This bold and revolutionary program became an important tenant of American foreign policy, helping people around the world improve their lives.

Mr. Hardy was a distinguished student at the University of Georgia, graduating with a BA in journalism in 1928. After graduation, he worked as a journalist and later as a public affairs officer for the Departments of Defense and State. His service at the Department of State required him to draft the foreign policy portion of President Truman's 1949 inaugural address. The address cited four basic points of American foreign policy: (1) Support for the United Nations; (2) continuation of the Marshall Plan; (3) military cooperation with Western allies; and (4) a "bold new program" of technical assistance to people in developing nations. This last point was based on what Mr. Hardy had seen of the economic needs in South America during World War II. According to some accounts, he included it in the draft of President Truman's speech at considerable risk to his own career.

But it was the last concept, point four, which received widespread acclaim and that, in time, became a major component of American foreign policy. In 1950, this "Point Four" policy was approved by Congress in the form of a mandate to create the Technical Cooperation Administration (TCA) within the State Department. It was this "bold new program" drafted by Mr. Hardy that later developed into the Agency for International Development and which, perhaps, was the seed for the establishment of the Peace Corps. These were truly forward-looking concepts.

During this period, Mr. Hardy served as the chief of public affairs for the TCA and the chairman of its policy planning council. Tragically, on December 23, 1951, Mr. Hardy, along with the Director of the TCA, was killed in a plane crash on a flight from Cairo to Teheran. It is a shame that Benjamin Hardy did not have the opportunity to see his concept take root and grow as he would have had it.

Fifty years after Mr. Hardy drafted the Point Four speech, it is fitting that we in Congress pay tribute to the vision and courage of this man, his contribution to American foreign policy, and his commitment to improving the lives of people around the world. Ideas like Benjamin Hardy's have helped demonstrate the generosity of the American people around the world. And it is such ideas that have helped America remain engaged as the world's leader, helping to build a better future for all people. Mr. President, it is my honor to recognize this distinguished American from Georgia and to inform my colleagues of his proud heritage. Thank you.

PERSONAL EXPLANATION

Mr. CONRAD. Mr. President, on Friday, March 5, I was necessarily absent in order to join Secretary of Energy Richardson in Bismarck for meetings with representatives of North Dakota energy industries and to meet with the Governor and other State officials about water resources. Had I been present for rollcall vote No. 33 on S. 280, to table the Graham amendment which would have prohibited the implementation of the "Know Your Customer" regulation by Federal banking agencies, I would have voted "nay."

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott amendment No. 37 (to amendment No. 35), to authorize additional appropriations to carry out part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) amendment No. 40 (to amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I say to the Senator from Massachusetts that I desire to make a statement for a while, if that is all right with him.

Mr. KENNEDY. Absolutely.

Mr. JEFFORDS. Mr. President, we are again back with the Ed-Flex bill, which is a bill, as everybody knows, that would merely attempt to make it easier for States to be able to utilize regulations to their advantage by being able to waive them for communities or school systems within their jurisdiction. This has been used successfully by 12 States now—6 originally, and then another 6. It has demonstrated that there are problems in the present system which make it impossible to take care of very, very minute differences in schools in order to get them to be able to have the flexibility for the utilization of the title I funds.

We are also facing, apparently, a filibuster. Therefore, we will have a cloture vote at 5 o'clock this afternoon. It is my hope that we can proceed perhaps on to another amendment, and then we will be able to make some progress on this bill.

This is our fourth day on the Ed-Flex bill. This bill, which is supported by the administration and all 50 Governors, has broad bipartisan support in both the Senate and in the House. I urged my colleagues last week to limit their amendments to the bill before us. As we have shown, we are perfectly willing to work with the limited issues raised by the Ed-Flex bill.

As my colleagues know, later this year we will be considering the statute that governs the K-through-12 educational programs, the Elementary and Secondary Education Act, and that is where the debate on these larger questions should take place. I say this not because I am a stickler for procedure, but because the whole point behind the committee system is so that complicated issues can be debated and examined in detail. That is not possible on the floor of the Senate. This doesn't happen in every instance, and I have been on both sides of the question, but I cannot recall when we have been in a similar situation where one side is trying to load up a small, noncontroversial proposal when the logical vehicle for the debate and consideration of these larger questions is only a few months away.

We have never really considered these issues in committee. To be fair, Senator MURRAY offered her class size amendment to the Ed-Flex bill last year. But Republicans felt then, as we feel now, that this issue should be considered as part of the ESEA reauthorization. The amendment was not adopted.

Reducing class size in our Nation's schools is a fine idea. Common sense tells us that a smaller class allows a teacher to spend more one-on-one time with each student. According to my colleagues on the other side of the aisle, common sense has been backed by data that also reinforces that small class size is correlated to higher student achievement.

There is something else that most of the data says. It says that the quality of the teacher leading that classroom makes a significant difference. Contrary to statements made on the floor last week, the class size proposal of my colleague from Washington does little or nothing toward improving teacher quality. Funds allocated for professional development are limited to 15 percent in the first 3 years it is authorized. Worse yet, the legislation prohibits funds from being used to enhance teacher quality in the last 2 authorized years. What kind of sense does that make?

Only after class size is reduced to an average number of 18 students does a school district have the flexibility to use those funds to improve the quality of teaching in the classroom. Proponents point to studies which show that smaller classes make a difference and improve academic achievement. I argue that class size is less important than having a quality teacher. That, to me, is common sense.

As I mentioned, this common sense idea can also be backed with hard data. Ronald Fergeson, in an article entitled "New Evidence on How and Why Money Matters," notes:

> What the evidence here suggests more strongly is that teacher quality matters and should be a major focus of efforts to upgrade the quality of schooling. Skilled teachers are the most critical of all schooling input.

Bill Sanders, a statistician at the University of Tennessee, stated in a 1997 article in "The Tennessean":

> Teacher effectiveness is the single largest factor affecting the academic growth of students. Poor teachers hold students back, while strong teachers can push students ahead by nearly a grade. When compared to class size, expenditures, and so forth, they all fail in comparison. The residual effects of teachers can linger at least three years, regardless of the performance of subsequent teachers.

The report "Doing What Matters Most; Investing in Quality Teaching" states that:

> Studies discover again and again that teacher expertise is one of the most important factors in determining student achievement, followed by smaller, but generally positive influences of smaller schools and small class size.

Eric A. Hanushek, a researcher from the University of Rochester, concludes:

> All things being equal, small classes are preferable to larger ones because teachers can give students more individual attention. However, all things are seldom equal, and other factors, such as the quality of the teacher, have a much more decisive impact on student achievement. Moreover, the huge expense of class-size reduction may impede the ability of schools to make other important investments in quality.

In fact, in nearly all the studies that I looked at on the subject mentioned quality and class size together. While my colleagues say that the class size reduction proposal has quality components, this program actually prohibits funds from being used for improving teaching in the outyears.

This legislation is seriously flawed. It puts quantity over quality. In my opinion, it is not a well-thought-out proposal, and, not surprisingly, it is becoming apparent that it will not work very well in rural America. We have not held one hearing on it. We have not heard from anyone at the local level as to whether this program will meet the real needs that they have in their communities. And we have not heard where these tens of thousands of well-qualified teachers will come from.

Where is the emphasis on teacher quality in this proposal? My colleagues keep telling me there is an emphasis on quality, but nowhere in this proposal do I see a real commitment to professional development.

This amendment would have us agree that a teacher's being "certified" is synonymous with "high quality." Does "certified" equal "high quality"?

Not necessarily. Currently 91 percent of teachers are "certified" in their main field of teaching assignment. Are we all comfortable saying that 91 percent of our nation's teachers are highly qualified? There is a great deal of debate on that issue.

Furthermore, State certification requirements, in many instances, are lacking. Title II of the Higher Education Act we adopted last year recognized that fact and actually encourages States to improve certification standards. Sadly, by today's measure, certification is not a "Good Housekeeping Seal of Approval."

And as I mentioned before, the proposal actually prohibits the use of funds for professional development for teachers in 2004 and 20005 unless the local educational agency has reduced its average class size to 18.

We have an opportunity to address these problems and consider this legislation in a timely yet thoughtful manner during consideration of the Elementary Secondary Education Act Reauthorization.

Let's not rush ahead. Let's take some time to consider what will really make a positive difference for our nation's students.

The class size initiative is built on a foundation of sand. It came about because President Clinton insisted that it be part of the omnibus appropriations bill last October. It was drafted in a back room by a few people with virtually no input from anyone else.

This happens from time to time, and it doesn't really bother me. But I think it is a bit of a stretch to characterize this process as a "bipartisan agreement" that the Senate is obliged to extend. As I've said, I don't think we should be getting into these issues on the ed flex bill.

But if the ed flex bill is going to spill over in to broader issues, I think we should perhaps revisit whether this attempt to hire one teacher in a hundred or more is the best use of federal funds.

At this point, I think the answer is "no." Education policy must be built on consensus, not focus groups. I have no doubt but that this class size initiative is politically appealing, and the chair of the Democratic Senatorial Committee has already made clear that he wants to use it against those of us who might be running for reelection next year.

But that is exactly my point. As soon as educational policy is driven by the electoral needs of one party or another, we have undermined it. It will change every two years based on the outcome of the elections. And state and local governments, which already chafe at the restrictions that accompany the 7 percent of funds derived from the federal government, will become even more frustrated.

My Democratic colleagues argue that school districts need certainty in planning for the future. Yet the source of the uncertainty is their own failure to build consensus for this proposal. You can, and we all do, force things through in the waning hours of a Congress. But you cannot expect that this process transforms a weak idea into a strong one.

I do not want to paint too bleak a picture. We do have plenty of consensus in education policy. In the last Congress we passed an amazing number of major pieces of education legislation by unanimous or nearly unanimous votes. And none of this would have been possible without support from our Democratic colleagues.

I do not think there is any greater consensus than on the subject of the federal role in helping schools educate the disabled.

The first hearing we held and the first bill we passed were on Individuals with Disabilities Act. I don't think there is any more important federal role than to meet the basic commitment which we made nearly 25 years ago.

The Committee on Health, Education, Labor, and Pensions held a hearing last month on education budget proposals that drove home this point.

Representative Albert Perry from the Vermont State Legislature and Allen Gilbert, a school board member from Worcester, Vermont, told us unequivocally that the single most important thing we could do to help local school districts was to fulfill our pledge to fully fund IDEA.

Fulfilling an old promise is not as exciting as raising new expectations with new programs. We won't get much press coverage for simply doing the right thing.

But if we fulfill our obligation to fund IDEA, state and local agencies will be able to target their own resources toward their own very real needs.

For some districts this may mean school construction or class-size reduction. In other districts the most pressing needs may include teacher training or music and art education.

If we decide to use this forum to discuss budget priorities, we should all come together and agree that no new and untested elementary and secondary education programs should be funded until we fulfill our basic commitment to programs—like IDEA—that are tried and proven.

The real issue today is not whether the legislation before us addresses all of the problems that plague our education system.

There are issues which are important to me—for example, in the areas of professional development—which I have not addressed on this bill because I believed that it was more appropriate that these issues should be addressed in the context of the reauthorization of ESEA.

My own view is that we should have a longer school year, that children lose too much ground over the summer months. But is this area ripe for federal involvement? I don't know.

The real issue we are considering today is simple. Are we going to give state and local communities the flexibility they have requested to improve the performance of their own students?

I want to emphasize this point. They have not requested this flexibility solely to make their lives simpler or as a way to avoid delivering important services. The accountability requirements that are contained within this bill and that have been implemented in current Ed-Flex states like Texas and Vermont make it clear that this is not their goal.

And we would not expect this to be their goal. I have traveled across the State of Vermont meeting with students, parents, and educators. I can tell you that no one cares more about the educational achievement of students than do their own parents, teachers and community leaders.

Let us keep ourselves focused on this simple but important task. We must fulfill the commitment we made more than 25 years ago and we must move to quickly pass this important legislation.

In order to do so, I am offering an amendment proposing that all funds made available in Fiscal Year 1999 for class-size reduction will be used instead for part B of the Individuals with Disabilities Education Act (IDEA).

I believe it is important that we honor past commitments before taking on new obligations—particularly those as expensive, untested, and fractious as the class-size reduction initiative. We have never come close to providing local school districts with the level of IDEA assistance promised to them in 1975.

Yet, rather that meeting this longstanding commitment, we are instead encouraging them to take on additional obligations in order to reduce class size. These are obligations for which States and localities will be solely responsible once Federal assistance for class-size reduction efforts disappears.

It is not too late to correct this mistake. No funds are scheduled to be distributed until July. Most school districts have not yet received guidance on the class-size reduction program, as the guidance was not issued until this past weekend.

Perhaps the situation will change now that guidance is available, but school officials in Vermont have been telling me that they have been unable to get answers to even relatively simple questions about the program.

Supporting programs for students with disabilities is a far better use of the $1.2 billion provided in fiscal year 1999 than is starting up an untested teacher hiring program which was written in about a day-and-a-half in the closing days of the 105th Congress as part of an appropriations bill.

In fact, several school districts may be faced with entirely unforeseen increases in their IDEA funding needs because of last week's Supreme Court decision. Freeing up these funds for IDEA, a program which is in place and the contours of which are well known, is a better use of the appropriations scheduled to be distributed this coming July.

Mr. President, I see the Senator from Washington. I believe she is ready and desires to introduce her amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would ask the Senator from Washington if she would like to discuss her amendment, and I would be happy to yield to her 15 minutes for debate only and then take a look at things as they exist at that time and decide whether or not we should proceed with the offering of her amendment.

Mr. KENNEDY. I ask for the regular order, Mr. President.

Regular order is that a Senator can yield for a question. We are now in debate time; we are not under a time agreement, and I make a point of order.

The PRESIDING OFFICER. There is no time agreement until 3 o'clock.

Mr. KENNEDY. How do we yield time if there is no time agreement?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. I have the floor, and I am yielding for a certain number of minutes. I don't think there is anything wrong with that. I am asking unanimous consent. Object to it.

Mr. KENNEDY. I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY addressed the Chair.

Mr. JEFFORDS. I make a point of order a quorum is not present.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Vermont has the floor.

Mr. JEFFORDS. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The quorum call continues.

The legislative clerk continued with the call of the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

AMENDMENT NO. 55 TO AMENDMENT NO. 40

(Purpose: To require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 55 to amendment No. 40.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking "(b)(1)" and inserting "(b)"; and

(2) by striking subsections (c) through (g) and inserting the following:

"(c) Each local educational agency that receives funds under this section shall use such funds to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

Mr. JEFFORDS. Mr. President, I offer this amendment in hopes that we can, again, emphasize what the proper procedure is for this bill—to try to see if we can get it through with the least possible delay. At the same time, since there seems to be a desire to utilize the amendment process, we can try to rectify what was an attempted procedure on an appropriations bill at the end of the last session, to get to the question of funds for schools.

We believe very strongly, as we have emphasized over and over again, that the best way to help the schools out, with the money that was appropriated at that time, is to have that money flow to the schools to assist in taking care of children with disabilities. There is no question in the mind of anybody outside of Washington that the best way to help local communities is to get them out from under the problems that were put on them by the Federal Government when it promised to fund 40 percent of special education and only funded it at around 10 percent. That has put huge stress on the local communities, and this stress has just been made even worse by the recent Supreme Court decision which has emphasized, that it is the school's responsibility to have health care available to a child in order for the child to get what is promised under the Constitution, an appropriate education which is free. And "free" is the key word here with respect to the recent Supreme Court decision.

Obviously, if a child cannot concentrate or be effective, as far as the learning process goes, without some help from medication or a nurse, then, without that help, that free and appropriate education is not being provided.

Just to emphasize again where we are, this is the time for us to be helping the States out, to increase their flexibility and their ability to use title I funds in particular. It is not a time to try to place upon them new restrictions or to utilize the funds for less desirable programs than those which are available now, and encumber them with only being able to do it through the decrease in class size, as in the amendment as passed out of the Congress last year.

So I am hopeful we can take the time now to analyze where we ought to be going in education. I already discussed that to a substantial extent previously, but would like to point out again, as we go forward trying to improve the education of this Nation, this can only be done by the Federal Government and the local communities and the States all working together to provide the kind of educational changes which will maximize the ability of our children to learn. Certainly all the Governors in the country have agreed that the best way to do that is to free the communities from the huge burden we placed upon them back in 1975. Although we made a commitment to take care of 40 percent of that, as has been explained on the floor, we are well lacking that. We have been showing a chart to you for some time which dramatically emphasizes that huge shortfall.

I am hopeful as we go forward today, we will continue to try to find a way to get this bill passed. It is unfortunate it is being objected to for reasons which really are not relevant. It is very important, as we progress towards the end of this year, that we not keep stalling and preventing action that would result in benefiting communities, and stop encumbering ourselves with legislation which will accomplish what is not the highest priority. Depending upon where you are, we would accomplish relatively low priorities. The need for flexibility is immediate in order to help students and teachers, and in order to allow the local communities to be free to provide the education which would be much more beneficial than what could be achieved with the restrictions they currently face.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO RECOMMIT WITH AMENDMENT NO. 56

Mr. KENNEDY. Mr. President, I send an amendment to the desk, and I move to recommit the bill to report back forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. MURRAY, for herself and Mr. KENNEDY, moves to recommit the bill to report back forthwith with the following amendment numbered 56.

The text of the amendment is as follows:

AMENDMENT NO. 56

(Purpose: To reduce class size)

At the end of the bill, add the following:

SEC. ___. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) DEFINITION OF STATE.—In this part the term "State" means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

"(c) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

"(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

"(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

"(b) CLASS REDUCTION.—

"(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

"Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

"SEC. 6608. REPORTS.

"(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

"(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Under the previous order, the hour of 3 o'clock having arrived, there will now be 2 hours of debate equally divided.

Mr. JEFFORDS. As I understand it, no amendments can be offered on the motion to debate relative to the cloture?

The PRESIDING OFFICER. No amendments are in order. The order prohibits amendments at this time.

Mr. JEFFORDS. Madam President, let me give Members a little bit of information on where we are. We are now on debate for cloture. We are trying to get this bill—which is very small in the sense of the number of words—but would be very helpful to the Governors with respect to trying to utilize their title I funds in a better way. The States would be able to assist the maximum number of children in need of help. The 50 Governors support it as it will help them have more flexibility. It does no damage to anyone and would be helpful to many. According to the latest estimates for the Department of Education, this school year there are 6.1 million schoolchildren.

We are also looking at an alternative—if you continue to refuse to let the bill go out in order to help the Governors to help the children, we have offered, and will continue to offer, second-degree amendments. These amendments will not run into the problem of being under the Elementary and Secondary Education Act jurisdiction of the committee, where we are now holding hearings, as the other amendments have. These amendments will say that the highest priority now and the best thing to do now, would be to take the funds appropriated last year or authorized last year and to have those instead utilized to reduce the burden on our local schools caused by the failure of the Federal Government to live up to their promise to provide 40 percent of the funding for children with disabilities. We believe that is, by far, the better option and would not in any way impair our ability to continue to move forward on the Elementary and Secondary Education Act.

However, and it is unfortunate, the minority believes they would rather try to have the President's program.

There are many parts of the President's program that I don't have a problem with. To put these proposals up at this time, however, without going through the normal process of debate, analysis, and hearings that normally go on in the committee process, is irresponsible. We must be able to determine whether the programs work, how best to put them in, what kind of law change would be needed—all those things are normally handled during the committee process. We have already had several hearings and we will have many more hearings on the Elementary and Secondary Education Act. I am anxious to move forward now and continue with those hearings, and at the same time give the Governors maximum flexibility in their ability to be able to utilize funds presently appropriated, especially under title I of the Elementary and Secondary Education Act.

Twelve States have demonstrated how you can utilize this to enhance the education of your children. Texas and Vermont have had a special success in utilizing these flexibilities, but there are now 38 other States that would like to have the same benefits. Why we would want to stall and delay that time, I am not sure, but that is the situation we are in right now.

We, therefore, are going to have 2 hours of debate from now until 5 o'clock on the motion to invoke cloture so that we can proceed to this very important but relatively simple bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am sure that many Members of the Senate, and certainly Americans who have been watching the Senate for the past few days, must have a question on their minds about what is going on in the U.S. Senate. For many of us who have been here for some period of time, it is becoming painfully clear what is going on. Our good friends on the other side look up to the Parliamentarian and ask, "There is no opportunity for them to offer an amendment at all, is there?" and after they get their assurance, then they permit this side to speak. If you agree with them, you get a chance to speak, and they don't object to calling off the quorum; but if you don't agree with them, then you don't get a chance to speak.

This is the new U.S. Senate. I guess this must be part of the attitude we all heard about after the impeachment—that we were going to try and work things out in a way of comity and understanding, and we are going to have give-and-take on both sides. We were denied an opportunity to debate this issue or offer amendments last Friday when we wanted to, and we were denied the opportunity to offer amendments here today. There are evidently objections to the consideration of the Murray amendment, even though the majority and the chairman of the committee were quite prepared to tag amendments on to this Ed-Flex legislation, which is of so much importance to local districts. I supported this legislation, but it doesn't really compare in importance to the Murray amendment which will result in the reductions of class size.

We saw the acceptance of a far-reaching banking amendment, and I doubt very much whether there are five Members in the U.S. Senate that would be able to explain it. And then the majority talks to us about not trying to clutter up this legislation with amendments, like the Murray amendment to reduce class size, whose only purpose is to continue the commitment made last year which the Republicans signed on for and took credit, to make sure this commitment was going to continue for the next 6 years, but we have been denied the opportunity to bring it to the floor. But we have accepted a banking amendment of enormous significance and importance and there isn't a complaint over here, not a complaint over here.

So now we have a prohibition on offering amendments from 3 o'clock to 5 o'clock. It is neatly timed to divide the time up so that we can talk about this. I dare say when the majority leader comes over here, we will have the same kind of situation tomorrow, the same situation since he has filed the cloture motion. We will have the explanation, "Look, we have been on education for a number of days now and it is time we resolve it."

Madam President, maybe that explanation satisfies some Americans. But it defies logic, Madam President, if we are prepared to try to debate and discuss these matters, why we don't let the Senate make a judgment on it.

I listened to my friend talk about the amendment. Last year, the amendment that was accepted on teachers was drafted in a back room. As I remember, the good Senator from Vermont was in that back room at that time. I didn't hear him complaining at that time about being in the back room. When the chairman of the House committee, Congressman GOODLING, went out there to announce this, he was quite prepared to take very considerable credit for what had been done in terms of expanding the classrooms. He went out and stated at that time:

> This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates, redtape and regulation.

That is what the chairman of the House committee said on this.

Mr. JEFFORDS. Will the Senator yield?

Mr. KENNEDY. I am glad to yield for a question.

Mr. JEFFORDS. Were you in the back room?

Mr. KENNEDY. I was there part of the time, but not when he had his press conference. I was in the room, yes, I was, and glad to be there, because we were fighting then for smaller classrooms.

Mr. JEFFORDS. I think if you check your memory, I was not there.

Mr. KENNEDY. If the Senator wasn't there, I apologize to the Senator. It was, as I see now, Senator GORTON, Chairman GOODLING, Congressman CLAY, and myself.

So I apologize to the Senator. Would the Senator have complained in the back room last year if he had been there?

Mr. JEFFORDS. If I had been there, there would not have been anything to complain about.

Mr. KENNEDY. We will let the record stand and let the people figure it out.

The point is, Madam President, what we have tried to do with this Ed-Flex legislation, which some Democratic Governors and Republican Governors desire, is to create greater flexibility, while at the same time insisting that we are going to have some accountability—those issues have not been completely resolved—and to ensure that Federal funding that was going to be available was going to be targeted to the neediest students. We all want to make sure that we are going to be able to judge the Ed-Flex by how the students' achievement and accomplishment actually are enhanced over a period of time.

There is another amendment by the Senator from Rhode Island, who wants to ensure that parental involvement in these decisions will be considered. That has not been accepted. We certainly hope that will be included, because every single study that has been made with regard to the importance of early education shows the importance and significance of parental involvement.

So we still have to resolve those issues. As our majority leader pointed out when he addressed the Governors two weeks ago, we would get a chance to debate the issue of education. This is what our Majority Leader LOTT, who spoke to the National Governors' Association, said:

> Now, when we bring up the education issues on the floor next week, there will be some amendments and some disagreements. But at the leadership meeting we had yesterday afternoon, I said, "That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary, let's talk about education."

What happened, Madam President? What happened to that kind of commitment that was made to the Governors? What happened to the opportunity to be able to address the issue of class size and to be able to vote on it? What happened in the last two weeks which has denied the Senator from Washington the opportunity to offer her amendment last Friday and denied the opportunity to offer it today? I daresay she will be denied the opportunity to offer it tomorrow. What happened here, Madam President?

What is more important to the families of this country than the issues of education? What is more important than having a good debate on issues such as classroom size? What is more important than considering other issues that our colleagues wanted to bring up for Senate consideration, such as the afterschool programs to try to assist children that too often are finding themselves in trouble or spending too much time watching the television in the afternoon? What is wrong with an amendment to expand that program? Let's hear the arguments and have a vote here. Let's have a short time limit. The Senator from Washington had indicated that she would be willing to enter into a time agreement. We don't need to have a cloture vote tomorrow. We could vote on the Senator's amendment late this afternoon, if that is the desire. I bet the membership would stay here during the evening, if that was the desire and others wanted to speak on it because of its importance to people in communities all across this country—parents, children and schoolteachers. We can do that.

We can reach a time agreement, as our minority leader said, on the floor of the U.S. Senate, for five or six amendments with time limitations. We could wind this whole debate up by tomorrow. But, no. Are we sure we can't have any amendments this afternoon? Yes, the Senate can be assured that it is not possible for any Member of the U.S. Senate this afternoon to offer an amendment. Fine. Then you can go ahead and speak.

That is known as a gag rule, Madam President. We had that kind of problem at the end of the last session. We had the gag rule on minimum wage. We had the gag rule on the Patients' Bill of Rights. And now we start off this Congress and we have a gag rule on education. If the majority agrees with you, you can bring up your amendment. But if you have an amendment like Senator BINGAMAN and Senator REID on school dropouts, where we had a very substantial number of Republicans who supported that, absolutely not. Absolutely not.

The amount of time spent in quorum calls last week when they brought up this simple amendment that had been debated and discussed and accepted and dropped in conference last year is beyond belief. We had a small number of amendments that could have been worked out. All of us understand that there is a program and a schedule, and Senator DASCHLE spoke for all of us on our side to try to reduce any number of amendments, and to try to get a time limitation and to move on. But that continues to be denied.

"Not as long as school class size is one of the amendments," they say. Isn't that wonderful? No agreement as long as school class size is an issue. What is this terrible issue about school class size that they won't even permit Republicans or Democrats to vote on?

I see my colleague, the author of this amendment. I am glad to yield to the Senator from Washington and withhold the remainder of the time.

CLOTURE MOTION

Mrs. MURRAY. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280:

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Akaka, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you. Madam President, let me just commend the Senator from Massachusetts for his tremendous work on the education issue and for his repeated help with those of us who would like to offer amendments that would make a difference for young children in this country—in their education and in our responsibilities to live up to promises we made to our voters to deal with the issues of education, whether it is reducing class size; training our teachers; dropout prevention, as Senator BINGAMAN has brought to us; afterschool care, as Senator BOXER has talked about; and numerous other issues that will affect children's education.

I listened to the chairman this morning as he talked about my amendment, which has yet to be offered, on class size. I agree with him that the best thing we can do for our kids in our classes is to have a quality teacher. That is exactly what this amendment that we would like to offer does.

Reducing class size allows 15 percent of the funds to go to recruiting, hiring, and training certified, regular, and special education teachers, and teachers of special needs children, including teachers certified with State and local governments.

I am reading from my amendment, Madam President. This amendment makes sure that the teachers who are put into our classrooms are well qualified. In fact, I worked with Senator JEFFORDS, chairman of the committee, last year, along with our ranking member, in order to deal with the issue of quality teachers. We passed an agreement last year that began to make sure that our young people out in the colleges today who are learning to be teachers are given skills in technology, a very important issue, making sure that every new teacher who is certified from here on out has training in technology. We intend to work with the chairman of the committee when we reauthorize the ESEA, to make sure that our teachers who are out there are already getting the training and help they need so they can be the best teachers possible.

But it isn't good enough to just have a teacher in the classroom. We need to make sure that those teachers have enough time with individual students to help them with their reading skills, to help them with their math skills, to help them with their introduction to science, to help them with their writing skills. There is nothing more frustrating to a first-grade teacher who is trying to help the young student in her classroom learn to read, and one young student can't get the time and individual attention he or she needs so that they can break through the barrier and learn to read. And there is nothing worse than for a teacher to go home at night and be completely frustrated because they had 30, 35 kids in their classroom and they weren't able to help one child. There is nothing more difficult for a teacher than to recognize that they left the child behind that day or that night or that year because they didn't have the individual attention they needed.

We go out to our communities—all of us—and we talk to business leaders in our communities. Every one of them tells us that they want to hire kids from their local schools to go into their businesses. They look directly at us, and they say, "We want to know when those kids graduate from high school that they know how to read, write, that they have the basics in science and math." What we have found from all of the studies we have seen is that when class sizes are reduced in the first through third grades, those students go on through high school and they graduate with competency in those requirements. It does make a difference.

Madam President, last year I introduced legislation on reducing class size. It was turned down on a partisan vote in the beginning of the year. But we did have a bipartisan agreement. We changed the language of my original bill to add training for teachers, because that is what my Republican colleagues wanted. We added language that included local alternative routes. That was directly in relation to the Republicans asking us to put this in the amendment. We worked the wording back and forth and, last October, agreed with Congressman GOODLING, Senator GORTON, Senator KENNEDY, and others who were in the negotiations, who were representing all of us in those negotiations, to come up with a bipartisan agreement. And it was passed in a bipartisan fashion.

It is now not only extremely timely but necessarily timely that we go back to those districts and tell them that this wasn't just a commitment from October; we are firmly committed to making sure that young children in our schools get the class size reduction that they need to have the ability to learn the skills they need so that we can make a real commitment to education.

Don't just look at me for this. I am a former teacher. I am a former school board member. I am a parent of two students who went through our public schools. I have been out there as a PTA member. I have been a State legislator dealing with education. And I have been on the committee here that deals with education. I have seen education from every angle—from being a teacher, a parent, a school board member, a legislator—and I can tell you that all of those groups, every one of them, know that when you reduce class size you make a difference in a child's learning.

We all agreed on that last October. We all agreed on that language. We said yes, this is a commitment that we need to make as a Federal Government. We looked at the bill and did everything we could, and brought our Republican colleagues into the discussions, so that there were no new reports, there was no additional paperwork, that the money went directly to our school districts so they could hire qualified teachers. We worked this through in a bipartisan fashion.

Today school boards are out there and they are calling my office—I am sure they are calling every office here—saying, "We are putting our budget together for next year. We are beginning the hiring process to hire our teachers. Is this a commitment that is just a hollow promise, or are you going to follow through?" Our amendment, a 6-year authorization, says we are going to follow through, that we didn't just do it last October, that we meant it as a commitment, that we as a Congress know that class size reduction is absolutely critical.

Madam President, the President has made this a top priority. The Vice President issued a statement in support of it today. The administration is going to be there with us. We will get class size reduction. We all know that. We know we are debating an amendment now. But the school boards don't know that. They need a commitment now so they can put their budgets together and hire those teachers.

I was a school board member. I can tell you, we didn't deal with promises when I was a school board member. When you are putting the budgets together to hire these teachers, everybody loves you. But you don't want to be the school board member a year from now or 6 months from now who tells those teachers, "We are going to fire you, let you go." They do not care if it was the Federal Government or not. They will come to your school board meeting saying, "How can you fire our teachers?" School board members can say, "Well, the Federal Government didn't follow through on their promise." But that doesn't make a difference when you are a school board member and you have to go to the grocery store the next day with all the parents who are going to be affected by a decision we made.

Madam President, we made a good, solid commitment. We worked a year, along with our Republican colleagues, to add their language to our proposal. That is what was agreed on last October. That is what we have in front of us today, if we are allowed to offer it. And that is a commitment that we ought to make to parents, to students, and to school boards who are doing their budgets, and to our Government, which is also counting on us to make sure that we have our commitments in order to our young children across this country.

Madam President, I have worked long and hard with my Republican colleagues on this issue. It is an extremely timely and necessary issue. We agree that the Ed-Flex bill is one that we can all agree on. But why not do what is really important in this country on this bill? Why should we be precluded from offering these amendments? If our Republican colleagues now don't agree with those on class size, fine; vote no. But let's let our school board members know. They have a right to know. We have an obligation to tell them. That is why we feel so strongly about offering this amendment.

Again, I offer to my Republican colleagues, we would like to work with you on this. We believe this is a commitment that was made last year that we should stand up to. The administration stands with us. Let's put the words in writing, and then we can go on to other issues.

I heard the chairman of the committee say, "Well, let's wait until the ESEA is reauthorized." I have been here in the Senate for 6 and a half years. I know that reauthorizing a bill, bringing it here to the floor, and having it move forward is no guarantee. I know it could be a year from now. It may not happen. I have seen reauthorizations not agreed to. I want to make sure that our class size allocations don't get lost because we can't get a bill through the floor 6 months from now or 8 months from now. Again, our school boards are hiring teachers. They need to know now. They cannot wait.

I have studies, which I will go through when we get our amendment to the floor, which show that reducing class size makes a difference. I have many, many letters, and I have had phone calls from parents. I have heard from students. I have teachers who would like to have their words be put on the floor of the Senate in support of this proposal. I am hearing from them. I am sure many of our colleagues are as well.

This is an important and timely issue. I sincerely hope that our Republican colleagues will allow us to vote on it. I heard the chairman of the committee, the manager on the floor, talk about the fact that perhaps it would be agreed on now. I again urge you to allow us to vote on it. Let's have the debate.

I heard the chairman talk about the fact that he would second-degree my amendment with legislation to take all of the class size money that was allocated last year and give it to IDEA funding for special education children.

Madam President, I agree with the chairman of the committee, funding for IDEA is absolutely essential. I offered this amendment on the floor during the budget process last year to fund IDEA. I believe in that commitment. But let's not rob those schools of money that we promised them last October for this year to reduce class sizes in first through third grade and give it to IDEA. We can't pit student against student. What an empty promise, to anybody who depends on the future of education, if we come back 6 months later, after a bipartisan agreement has been reached, and say, "Well, gee, sorry. Politics have changed. We are taking the money that we promised you and giving it to another group."

Madam President, kids in the first through third grade in school districts, whether they are in Shoreline, or Seattle, or Wanaque, Kentucky, Florida, or any other community, know that reducing class size makes a difference. Ask any parent how many times, when their child comes home on the first day of school—every parent—the first question is, "How many kids are in your classroom?" Every parent knows that if the class size is small enough—we are asking for 18 in first through third grade—their child is going to get a good education. If the answer is 32, as it was for a friend of mine just a few days ago in enrolling her child in kindergarten, you know your child is not going to get the help they need and deserve in this country today to get a good education.

Madam President, I will retain the remainder of our time. I am happy to hear what our Republican colleagues say.

But I again offer to them that I am more than willing to have a time agreement on my amendment and an up-or-down vote. I am more than willing to do it in an expeditious fashion. I am positive we could finish the bill in the next 24 hours. With a time agreement on my amendment and the other amendments that I am sure our leader, along with yours, can work out on the floor, we can finish this bill by tomorrow and have the whole bill done in a week. But it will allow us to let people in this country know that this is a commitment we have an obligation to keep.

Madam President, I retain the remainder of my time, and I look forward to the debate, and I again plead with our colleagues to allow us to offer these amendments.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. "A commitment we have an obligation to keep." That is what we are hearing from the other side. "A commitment we have an obligation to keep." Tell the special ed child that. Tell the special ed child, whose funds you are raiding. You are raiding those funds to start these new initiatives. That is where the funds are coming from. Every time the President goes to the podium to propose a new program, where does that money come from in education? It comes from the children. It comes from the special ed child.

Why? Because this administration year in and year out has refused to fund special education. In fact, ironically, if you take all of the President's new initiatives, which have been thrown at us on poll number after poll number—every time he takes a poll, he puts out a new initiative. If you take all of his new initiatives on education, they, ironically, happen to add up to almost exactly the amount of money it would take for the Federal Government to fulfill its obligation to the special needs children of this country, an obligation which was made—a commitment, the term used by the other side, a commitment which was not made last fall in order to entertain the concerns of the teachers unions in this country; it was a commitment that was made in 1975—1975—when we passed 94-142, a law which said that the Federal Government would pay 40 percent—40 percent—of the cost of the special needs child.

What happened? The Federal Government reneged on that obligation, to the point where it was down to only 6 percent that was being paid by the time the Republicans took over this Congress.

We have been able to reverse that trend as a Republican Congress. We have increased that funding by almost 100 percent in the last 3½ years. We have gone from 6 percent up to 11 percent but without any help from this White House. Not once did they send up a budget that has said, let's look at the needs of the special ed child. Not once did they send up a budget that said, we have a 40-percent obligation here; we are only fulfilling 6 percent of it, so let's start to fill up the rest of the obligation.

No, every time they send up a budget, it is take the money that should have gone to special education, put it into some brand new program which moves responsibility back here to Washington so we can have more control here in Washington purchased with the money that is supposed to be going to the special needs child.

We have another example of it right here on this floor today that is going to be proposed by the Senator from Washington. Let's add 100,000 teachers. How much does that cost? Billions. Does it say anything about taking care of the special needs child, the 40-percent obligation? No, nothing. Nothing.

Let me point out that if we took the money that was going to the 100,000 teacher program proposed by the President and sent it back to the communities to spend on their special needs children, that would free up the local dollars so that the local principal, the local teacher, the local school board could make the decision as to whether they needed a new teacher, a new classroom, a new afterschool program, a new computer, a new science program, a new math program, a new language program.

But, no, no, the President and his Members on the other side of the aisle are not going to let that sort of freedom fall into the hands of the local education folks. They are not going to let parents suddenly have some power or teachers have some power or principals have some power.

No, don't let that happen. We have to set up a new program and take all the money going to special ed, which would have freed up local dollars, and tell the school districts how to spend it. Tell them that we, here in Washington, know better. My goodness, we all know that the folks down here on, I think it is 600 Independence Avenue, the Education Department, know a heck of a lot more about the kids in the Epping Elementary School than the principal of the Epping Elementary School.

We all know that. That is sort of one of those prima facie facts here in Washington, that the bureaucrat in that building, in that back room there on the 15th floor of some office building knows a heck of a lot more about how to educate a child in Epping, NH, or in Concord, NH, or in Nashua, NH, than the teacher who sees that child every day and the principal who works with that teacher every day or the parent who happens to be involved with this child more than every day, obviously, 24 hours a day.

No, it is the great theory of self-worth which says that Senators here in Washington and bureaucrats here in Washington, especially the President here in Washington, know more about how to educate the child than the child's parents, the child's teachers, the child's principal, or the child's school board. So they take the money that should have gone to special ed and they put it into these new programs.

Let me reiterate what the practical effect of that is, because this is the insidiousness of the proposal that is being made from the other side. You see, if the Federal Government actually funded what it said it was going to fund in special needs, actually paid for the cost of the special education child to the full 40 percent as required, that would free up the local resources, because today what happens is the Federal Government is only paying 11 percent of the cost. It would have been 6 percent of the cost if this administration had been allowed to have its way for the last 3 years. But we changed that. We raised it to 11 percent.

So the next amount of the cost, the difference between 11 percent and 40 percent, has to be found somewhere else; that Federal share that is not being paid by the Federal Government has to be found somewhere else.

Where is it found? It is found in the local taxpayers' pockets and the State. And so the local school district has a special needs child, or maybe a series of special needs children who are costing them a considerable amount of money, and we should fund that; we should take care of them. And they know that and so they pay for that child's proper education. But when they make the decision to pay for that child's proper education, instead of getting 40 cents back on the dollar from the Federal Government for every dollar they spend, they only get 11 cents back, and so they have to find the difference somewhere else.

Where do they find it? Well, maybe they do not hire another teacher that they want for history or art. Or maybe they do not put in a computer room. Or maybe they do not start an afterschool program. Or maybe they do not build a new building or add on to their building. They have to make a decision such as that at the local level. It is a daily decision that is made in this country. All across this country that decision is being made, because the Federal Government refuses to pay its fair share of special education costs to which it has committed.

No, instead we have this arrogance of power that says we are going to take the money from special ed; we are going to create a new program; we are going to give it to you but you have to spend it exactly as we tell you. You have to spend it to hire teachers. You have to spend it for an afterschool program. Or you have to spend it to hire consultants, which is the way it usually works out.

The local school district, instead of having flexibility to make its own decisions with money that it should be getting from the Federal Government, suddenly finds itself hit twice. First, it does not get the money the Federal Government was supposed to send it. And then it is told that if it wants to get the money the Federal Government was supposed to send it, it has to create a brand new program that they may not even want. It is an arrogance of power.

The other side has said, we don't want to pit student against student. We don't want to pit student against student. Tell us about the special needs child and their parents going to a school board meeting in my State.

We have town meetings. School budgets are voted in the open in a town meeting. Anybody can go. Anybody can vote who is a member of that town. Let me tell you, student is pitted against student; parent against parent. It is awful. Why does it happen? It happens because we have failed to pay the obligations of the Federal share of special ed. It is absolutely inexcusable that we put special ed kids and their parents through the nightmare of having other kids and their parents saying to them, "You are taking our money." But that is what happens every day across this country because the Federal Government refuses to pay its fair share.

So, what does the other side propose? Let's pit more students against students. Let us not increase special ed funding; let's create a brand new program so the special ed kid is once again left out there without the protection of the dollars that were supposed to come from the Federal Government, and once again is thrown into the meat grinder, unfairly and inappropriately being accused by other students and parents in the school district that funds going to that child should be going to the general education activities.

So this student-against-student argument is—well, it is like arguing that black is white, to say that this new teacher program is somehow going to relieve the student-against-student issue. It is just the opposite, just the opposite. It is going to create an excessive problem for the special needs child.

Do they need teachers? I don't know. I don't know whether the town of Epping or Concord needs new teachers. I do know this: The people in the town of Epping and the city of Concord know whether they need teachers. I am not going to tell them whether they do or they do not. What I am going to try to do is give them the money and the flexibility to make the decisions themselves, rather than have it directed here from Washington. But that seems to be an anathema to the President and to the people who are carrying his water in this Congress; the concept that the local community should make these decisions, the concept that the local teacher or the local principal, or even, God forbid, the parent might know more about what the child needs than we know here in Washington. That is the attitude.

That is the attitude that leads to this arrogance which takes the money from the special needs child and moves it over for new programs which happen to poll well, and therefore create some sort of political statement that allows you to create an election event, because that is what this is all about. If this administration wanted to help the children of this country get a better education, the absolute first thing it would have done would have been to fund special education at the full 40 percent, or made a commitment to try to get there. The fact that they did not, the fact that they have not, the fact that the only people who have been committed to this have been on our side of the aisle, reflects the insincerity of their effort in the area of education. It reflects that they are interested in politics, while we are interested in actually producing quality education.

This bill, by the way, is another example of that. It stuns me that this bill would be held hostage for these really blatant political weapons, especially ones which make so little sense. That is what is happening here. This bill is being held hostage so somebody can take a poll and do a focus group and decide we need a new program. I imagine we will get another one after this teacher one, where the Federal Government can tell the local communities how to run their educational system.

It is inappropriate, to say the least, because everybody supports this Ed-Flex bill. It is supported by the Governors. It was supported by the President. It was even supported by Members on the other side of the aisle. Why? Because it is a good idea. It gives flexibility to local school districts. It allows local school districts to make decisions as to how Federal dollars are spent without the Federal strings. In fact, I think 12 States are already functioning under this and doing extraordinarily well, and all this bill does is expand it to the rest of the States. It is ironic that 12 States should have this benefit, but the rest of the States should not have this benefit.

This second-degree that has been offered, which I think is absolutely on target, takes the money which was stuck in the bill last year for this teachers initiative and moves it over to the special ed accounts, which is where it should be—should have been in the first place. We made a mistake last year. This is an attempt to correct it. This mistake has been confirmed beyond any question by the recent Cedar Rapids decision of the Supreme Court. The Supreme Court said just last week that not only do the local school districts now have to pay for the special needs child's educational activities, they are going to have to pay for the medical activities within the school system that are required in order to educate that child.

I can tell you, those medical costs are going to be extraordinary. This is an exponential increase on the local school districts in order to pay those medical costs. Those medical costs used to come out of Medicaid in most instances. Sometimes they came out of other accounts, but a lot of these kids were Medicaid qualified, so if they were really high they might have come out of there. But they didn't come out of the local school budget. Now they are going to come out of the local school budget.

Many of the New Hampshire school districts, for example, have small numbers of people in them. If you have a child who needs an extreme amount of medical help in order to be mainstreamed—and they should be mainstreamed; this is critical, it works, it is a good idea—but they have to have full-time nursing care, or they have to have very high caliber medical assistance, devices like ventilators or a variety of other things, oxygen, it gets extraordinarily expensive. And every one of those dollars, according to the Supreme Court, is now going to come out of the school budget.

Where is it going to come from? It is not going to come from the Federal Government, because we are not going to pay our 40 percent. No, it is going to come from maybe the math/science department. Maybe the decision to buy new computers will be put off. Maybe the decision of hiring a new teacher will be put off. Maybe the decision to add a wing onto the building will be put off. Maybe the football team will be dropped. Who knows? But somebody is going to have to lose, because there is now a Constitutional requirement that the health needs of that child, when that child is being educated, must be paid for by the school department.

The Federal Government is not going to come through with its 40 percent of that cost. Instead, the administration is going to take the money which should have gone for that cost and move it into some new program which is going to be directed out of Washington where the local school district will be told from Washington how and when they can hire a teacher, and what sort of qualifications that teacher can have. It is, in light of that decision in Cedar Rapids, absolutely inexcusable that we would be initiating new programs without funding the special needs program first—absolutely inexcusable. It is going to put extraordinary pressure on every school district across this country unless we face up to that reality.

So, the $1.2 billion that last year we put into this teachers program should be taken out of that and moved over to special needs and the special needs child's program, in light of the Cedar Rapids decision. To not do that is to really be derelict in our duty as a Federal Government. We have already walked away from that duty by not funding the full 40 percent. But to fail to do it in light of the decision on Cedar Rapids is really to add insult to injury—to rub salt in the wound.

So I congratulate the chairman of the committee for offering this amendment. I think it is right on. I look forward to this debate, because this is the issue we should join. Are we going to support the special needs children in this country with dollars, not rhetoric? Or are we going to start new programs, directed by Washington, decided by Washington, under the control of Washington, which take the money from special needs which would have freed up local flexibility and put them into categorical decisions out of Washington?

That is the debate here. That is the substance of the education issue and the difference between the two parties on education. It is not an issue of dollars. It is an issue of how local communities get to manage those dollars and where those dollars get spent. There isn't a community in New Hampshire which, if given the option, would take the special ed dollars before they would take a new categorical program from Washington.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

Mr. WELLSTONE. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senators from your side have 34 minutes remaining.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. I thank the Chair. Madam President, let me, first of all, very briefly explain what this means to Minnesota. I think we on the floor have already gone over what this proposal is. It is $12 billion over 7 years, $7.3 billion over 5 years. It is an initiative to enable our school districts to reduce class sizes, grades 1 through 3, to an average of 18 students. It is an additional 100,000 teachers. Estimates are that we are going to need to hire 2 million really good teachers over the next 10 years in our country. This is our way, at the Federal Government level, of providing some resources to States and school districts that are sorely needed.

Under this proposal, Minnesota would receive $19 million in fiscal year 2000 to support 519 teachers. Minneapolis would receive $2,355,271; St. Paul, $1,761,943; and Anoka-Hennepin, $489,090. This money is sorely needed, and it would be put to great use.

I am pleased to announce that this comes as a complement to what the Ventura administration is planning on doing, which is to provide $150 million in the next 2 years to reduce class sizes in kindergarten through third grade, with the goal of having no more than 17 students per classroom.

Let me say to my colleague from New Hampshire that in Minnesota, at least, I do not think you are going to get any argument whatsoever that the Federal Government ought to do a better job of providing money for special ed children. There is no question about it, the IDEA program is a great idea. We want children with special needs to be in our schools. We want them to get the best education possible.

What troubles me is two things. No. 1, what troubles me is this sort of playing off one group of children against another group of children. I will say right now that in the State of Minnesota, we have also made it a goal to try to reduce class size because we know—I try to be in the schools about every 2 weeks—that there are a couple of things for sure that work. One of them is to make sure that we have the parents involved, and one of them is to make sure that children come to kindergarten ready to learn. We are not there as a Nation.

One of them is smaller class size. At the elementary school level, it makes a huge difference. It makes a huge difference, I say to my colleague from Washington, at the middle school level, at the junior high school level, and at the high school level. So why are we talking about these proposals as if it is one versus the other?

I say to my colleagues that what disappoints me the most is that the evidence is crystal clear. Let me just lay this out as I talk about this. Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes perform better than students in large classes in each grade from kindergarten through eighth grade. In Wisconsin, the Student Achievement Guarantee in Education Program is helping to reduce class size in grades K through 12 in low-income communities; again, showing significant improvement in reading, math, and language tests. In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have produced a 44-percent increase in reading scores and an 18-percent increase in math scores.

The research shows that it makes a huge difference. When we talk to the teachers, they tell us it makes a huge difference. When I am in schools and I ask students, "What do you think represents real education reform?" the first thing they talk about is reducing class size. They say, "Smaller classes." I ask them, "Why would smaller classes make a big difference?"

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WELLSTONE. Madam President, I ask for an additional 5 minutes.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. WELLSTONE. Madam President, why would smaller classes make a difference? Students go on and they say, "Well, because with smaller classes, we might get more of a chance to interact with our teachers. If we need special help, we get the help from our teachers. The teachers get to know us better as individuals. We establish more rapport with our teachers."

I say to my colleagues, there is not an educator in the country who doesn't believe that we ought to try to reduce our class size. I say it would be better to have classes no larger than 15 students at the elementary school level.

Senator MURRAY and Senator KENNEDY bring an amendment to the floor. What we are saying—I think all of my colleagues know my views about the Ed-Flex bill; I won't go over my views again—today is, if we are going to be talking about education and we are going to pass a piece of legislation, then we bring to the floor a good-faith, positive effort, which will make a huge difference.

Again, in Minnesota, hardly any student I have ever talked to said, "Please, Senator, we want you to support Ed-Flex." They do not even know what it means. Then if I were to tell them about the debate about title I, personally I think most of the students would say, "We are all for flexibility by way of giving the school districts the discretion to do more on community outreach, if that is what they want to do, or more on teacher assistance, if that is what they want to do, or more on special instruction, if that is what they want to do, but certainly, Senator, we want to keep the basic standards in place." I think most students would agree with that. Most students do not know this debate. What the students and the teachers and the parents and the people in the community who care fiercely about education tell all of us is, "Here is something you can do."

In Minnesota, I do not always agree with the Ventura administration on issues. They did a good job in their budget. They made it a priority to reduce class size. I think that what Minnesota would say is, "Listen, some additional resources that enable us to do this job, we are all for it."

For some reason, I guess my colleagues do not want to let us have an up-or-down vote on this amendment, I say to Senator MURRAY; is that correct? I want to try to stay at as high a level as possible, but I guess I say to the majority leader that I am surprised he is surprised that Democrats on an education bill would come to the floor with an amendment that Senator MURRAY has now presented to reduce class size. It is amazing to me.

Now we are not going to have an up-or-down vote? My colleague, the Senator from Vermont, who is an education Senator, knows that this is an important initiative and knows that we have an education bill out on the floor, that we are going to have this debate, and we are going to have this amendment. Apparently, we are going to have no vote.

I do not like saying this, but I will: From my point of view, if this piece of legislation goes nowhere, the Ed-Flex bill, that is fine. I do not think it is a step forward; I think it is a great leap backwards. I am saddened by the fact that, for some reason—and this reminds me too much of the last Congress—it looks to me like the majority leader and the Republican majority have made the strategic decision that we will not be allowed to have amendments on the floor, debate, and up-or-down votes so all Senators are held accountable about education. You cannot dance at two weddings at the same time. You cannot say you are for education, education, education, you are for children, children, children, and then say, when Senator MURRAY and Senator KENNEDY and some of the rest of us come out here on the floor of the Senate with an amendment to reduce class size, that you won't even let us vote on it. This isn't going to work.

This isn't going to work, because one of the best things we can do is to provide some additional resources so that our school districts can reduce class size and, at least at the elementary school level, our teachers can do better by our students, our parents can do better by our students.

I come to the floor of the U.S. Senate to speak on behalf of this amendment. I come to the floor of the U.S. Senate with a mixed mind. On the one hand, to use "Fiddler on the Roof," I am not disappointed that the majority leader is blocking Senators from offering amendments, because I think it is going to mean this bill is going to go nowhere, and I think that will be better for the country. On the other hand, I am really saddened by it and outraged by it because I think this amendment to reduce class size is real. This is real stuff. This makes a little bit of a difference. I would rather we do even more on this.

So with all due respect, I think it is a shame. I think my colleagues on the other side of the aisle are making a huge mistake in trying to block a debate, in trying to block a vote, in trying to block an effort to reduce class size. And if it is blocked on this bill, I assume this amendment will come up over and over and over again, and all of us will be out here talking about it on other pieces of legislation. And we will be talking about pre-K, and we will be talking about rebuilding crumbling schools, and we will be talking about support services for kids at a very early age, and we will be talking about a whole lot of other things that lead to an improvement in the quality of education for our children.

I say to my Republican colleagues, you are not going to gag us on this. You are not going to silence us on this. We are going to have debates about education on the floor of the U.S. Senate. This is just the beginning.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I just want to remark very briefly. All we have done—and I do not understand why my good friend from Minnesota cannot agree with it—is to give the Senate a choice. Do you want to send it for special ed, where it is desperately needed, or do you want to see whether the States would prefer to have it to put more teachers in place? It is as simple as that. We are not getting an opportunity to vote on our amendment either.

Madam President, I yield to the Senator from Tennessee——

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. JEFFORDS. For 9 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Madam President, thank you.

It must be really confusing to people following this debate over the last several days, especially after people have been away for the weekend coming back now. In about an hour, we will have a vote called a cloture vote on a topic that means a great deal to the American people. I had a chance to review some of this in some town meetings over the last 2 days. I have come back even more convinced we have a real obligation to pass this simple, direct bill that will be translated into improving education opportunities for people all across America.

This bill—a simple bill—is a bill I brought to the floor last week called the Education Flexibility Partnership Act. The cloture vote, in 55 minutes, is an attempt on our part to say, let's bring this bill in as clean a fashion as possible, addressing flexibility, addressing accountability, at no expense —at no cost; this bill does not cost a single cent—and let's vote on that bill. Let's not clutter it with all sorts of different amendments from either side of the aisle.

I think it is very sad that we are having to file cloture on this bill to bring it to a vote, because it is a worthy bill. It is a bill that has the support of every Governor in the United States of America. It is a bill that is bipartisan. My principal cosponsor is the distinguished Senator from Oregon, Senator WYDEN.

It is ostensibly supported by the President of the United States. He first called for this bill, in fact, about 13 months ago, and has been in support of the bill since that time. Just last week he spoke out in support of the bill and said let's pass Ed-Flex. I think it is sadder still—yes, we are voting on cloture—but sadder still that now we are playing politics, playing politics with the future of our children, with our children's education. And that is what it is.

It became really clear to me as I was at home and I was in Mountain City, which is at the far east end of Tennessee, and went across Tennessee and ended up in Memphis yesterday talking about education. They said: "If there's one thing we want you to do, U.S. Senate, Congress, the Washington Federal Government, it is to stop playing politics and pass useful legislation that you know will work." And we have in this Ed-Flex bill. We have 5 years of experience with a program that has been demonstrated to work. Numerous examples have been cited again and again. Stop playing politics.

Let me just very briefly bring people up to date in terms of the history of this legislation. Senator WYDEN and I worked together on a task force on the Budget Committee which complemented much of the work we did last year on the Labor Committee and identified a particular program that, as we held our hearings, very clearly worked. We heard the examples from Texas and from Vermont and from Massachusetts—all of whom came forward and said this is a program that allows us to focus the resources, with the intent out of Washington, DC, but to do it in such a way as we do it with respect to our needs in our local communities, in our local schools, in our local school districts—with the same goals, with the same money, with the same intent of the Federal Government, but without the Washington red tape, without the excessive bureaucratic regulations. And that is what Ed-Flex is about.

I did not bring this bill to the floor to be cluttered with another 25 different spending programs, however well intended they are. No. There is a more appropriate place to be dealing with that, and that is on the reauthorization which is currently underway in the Health and Education Committee, that reauthorization of the Elementary and Secondary Education Act.

Ed-Flex is a valuable program. It is a bipartisan program. It has been demonstrated to work. We introduced Ed-Flex just last July. I worked very closely with the Department of Education: How can we make absolutely sure that we have strong accountability provisions built into this piece of legislation? It only makes sense, if you are giving local communities more flexibility, to innovate, to be creative, and to answer those challenges that are out there in educating our children—by taking into account those local needs specific to whatever school might be considering a particular issue.

The Department of Education came, and we worked closely together. I worked with Secretary Riley, and last year he endorsed this very bill. The Labor Committee approved this bill 17–1—not 9–9 or 10–8, but 17 in favor of Ed-Flex and 1 against. We ran out of time last year.

We reintroduced Ed-Flex this year. The Health and Education Committee again reported this bill out of committee, and now we are on the floor of the U.S. Senate debating this simple, straightforward bill on education flexibility with accountability. Yet clearly we are getting off in other directions. We have had a list of amendments come in. One program cost $12 billion, we want to add; another cost $80 million. I plead with both sides of the aisle, let's step back and pass the bill we brought to the floor.

Let me also say—and again it is an important point—it is important for my colleagues who are not on the Health and Education Committee to understand, and for Americans and Tennesseans to understand, that the vehicle, the appropriate vehicle to which we should be considering, whether it is construction or whether it is getting dollars all the way to the classroom or whether it is 100,000 new teachers or better teacher preparation in terms of quality, the appropriate place is not on the Ed-Flex bill, which does not cost anything, which allows for this innovation, but through the authorization process currently underway. We are having hearings right now, and will over the next several weeks and months, on the Elementary and Secondary Education Act, where we look at all of these programs, kindergarten through 12.

Some, as I said, would rather play politics with this bill. I really call upon my colleagues to put the politics aside and pass this bill.

Ed-Flex does not cost a dime. The bill on the floor does not cost a single dime, yet an amendment just came to the floor which costs $12 billion over 6 years—$12 billion. The appropriate place to debate that is where you are looking at other resources we need to put into education and have that debate.

Chairman JEFFORDS offered an alternative to those expensive plans, and that is we should not be out there funding all these new programs which have come along as amendments until we fulfill a promise we made in 1974.

The Senator from New Hampshire just outlined that we should not be debating funding new programs until we fully fund our special needs children, special education, where we made a promise in the past. Indeed, the Senate voted 100 to 0 to support that approach, although it seems now we have people backing away from that commitment.

Madam President, the floor debate has not focused on the real merits of the Ed-Flex bill. In fact, I bet if we can get cloture today, when this bill comes to the floor the vote will be probably 99-1 in favor of the Ed-Flex bill. I plead that people vote in favor of cloture so we can vote on the Ed-Flex bill without introducing myriad amendments.

We have moved beyond talking about Ed-Flex to the political posturing and the doublespeak. America is not going to tolerate it, I don't believe, based on my experiences around Tennessee this week. Every Member on the other side of the aisle voted to fund the needs of special education students before spending on new programs, yet today we have seen another amendment discussed which is yet another new spending program.

We cannot be occupied by political rhetoric. What is at risk is the Ed-Flex bill. This bill could be brought down if we overload it with all of these new programs. That would be a travesty because we could have this bill passed here and in the House and on the President's bill in 6 weeks, and 38 States that don't have Ed-Flex now would have that program available for them if we passed it here in the next several weeks. Ed-Flex streamlines our education process, it cuts through redtape, it allows States greater flexibility.

Let me briefly refer to this chart, and please don't try to dissect the chart. Let me use it as an example of what I am up against. This is the General Accounting Office, and as everybody in the Chamber knows, the General Accounting Office will come in and look at a field and make advice. At one of their presentations, this chart was presented. It basically says here are some target groups that are very important to education. One is teachers, the other is at-risk and delinquent youth, and the other is young children. I asked that group a simple question: What programs do we have today—out of Washington, DC, or what Departments—looking at at-risk and delinquent youth? I don't understand because I have heard that there were hundreds—200 and 260; 500 and 560. I asked a simple question: What is Washington doing for teachers, for example?

This is the chart they came back with.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield an additional 60 seconds to the Senator.

Mr. FRIST. The point I end with, what we are hearing today is to have a new program put on the outside to address a population that we know is important.

Look at the complexity of this on this chart, which my staff jokingly calls the spiderweb chart. Look at the 15 different programs for teachers. What the other side wants to do is put another program out there.

Our argument is to pass a simple program—that allows innovation; it has bipartisan support—instead of introducing a new program. The appropriate debate here is the Elementary and Secondary Education Act.

I plead with my colleagues to pull back on all of these amendments, pass Ed-Flex, vote in favor of cloture today so we can address a bill that has bipartisan support, that is supported by all 50 Governors, supported by the President of the United States, the Department of Education, and, I bet, 99 U.S. Senators.

I yield the floor.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Thank you, Madam President.

I want to express my appreciation to Senator FRIST for his excellent leadership on this bill. Senator JEFFORDS, who has managed it, brought it out of the committee last year 17–1. It has broad bipartisan support, and was crafted by Democrats and Republicans. Yet, we get here now and we get into this kind of political brouhaha, this kind of spat that does nothing for education. It is not healthy for America and confuses people about what is important.

As Senator FRIST noted, we are talking about a bill, Ed-Flex, that will give our school systems some flexibility as we gave the State welfare systems flexibility. We know how well they did when we gave them that flexibility. It would give the school that same kind of flexibility and not cost one dime. It would not cost any money.

Blithely now, we have a Senator walking in here to propose a $12-billion amendment—just like that—100,000 teachers. Somebody ran a focus group, I suppose, did a poll somewhere and the people said, "We like teachers; we like smaller class sizes."

We have hired Ph.Ds and experienced teachers to lead our school systems. Principals all across America are concerned about the schools in your community and in my community. I don't know why we should have some mandate here; we haven't even had hearings on this. We will spend $12 billion on teachers—maybe we ought to consider whether we should spend it on something else.

This legislation is supported by the National Governors' Association. There is not a Governor in America today who didn't get elected who promised to improve education in his State. They are committed to the improvement of education in their States. They love their children in their States as much or more than Senators love the children in each of the 50 States. They want good school systems. They support this bill. They are calling on us to pass this bill and get out of this political folderol we are going through. Our new Governor in Alabama, a Democrat, Don Siegelman, supports this bill. Dr. Ed Richardson, the Alabama State superintendent of education, supports the legislation.

I will share some information with this body. One of my staff people visited a Montgomery title I school in a poor neighborhood, sat down with the principal, and asked him what he would like for his school system if he could name it right now. The principal, Mr. Thomas Toleston, from Southlawn Elementary School, when asked what he would do if he could be free from redtape and Federal regulations, said:

> I would ensure that Southlawn implement a comprehensive summer school program.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. Madam President, I ask unanimous consent for 1 additional minute.

Mr. JEFFORDS. I don't have the time to give you.

Mr. KENNEDY. We will give you 1 additional minute, Senator.

Mr. SESSIONS. Mr. Thomas Toleston listed a number of items, including taking kids to educational programs like NASA, afterschool programs, he mentioned bringing in extended-day programs and for paying faculty for extended-day programs.

I just say this: The people we elected in our communities care about our children. We ought to allow them to do their job with the least possible headache from Washington. It is arrogant of us to think we know better how to spend the money to educate the children than the people who elected us.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I want to just take a few moments at this time, because we have others who would like to speak, to say that I am somewhat perplexed at some of the arguments that have been made here this afternoon about the importance of local control and the role of the States in terms of education, because just last fall, in October, we gave assurance to the States that there would be help and assistance toward making the classrooms smaller. We gave them those assurances. Communities all across the country were depending on them.

Now we have an amendment on the floor that effectively wipes out that commitment. So not only do local school districts not know how to plan for the future, but they don't even know now—even with the assurance they have gotten from HEW—about what funds would come into local communities and whether they would have the resources to be able to plan for the fall. If that makes a great deal of sense, it makes a great deal of sense to others, not to me.

Now, Madam President, I will include in the Record what we have done over the past several years on increasing funding in education. We have seen that, since 1995, we have made a bipartisan commitment to increase IDEA funding by $2 billion. That has been very worthwhile. Many of our Republican friends initiated that. I am glad to support it. It made sense and it continues to make sense. We also had a bipartisan commitment to help the neediest children in America by increasing Title I funding by one billion dollars. We have initiated bipartisan commitments for the funding of afterschool programs and education technology by about $700 million. Since 1995, we have expanded opportunities for qualified students to go to college. And last year, we made a 1-year downpayment on a bipartisan commitment to reducing class size across the country over 7 years.

We reject the idea of pitting children against children. I listened to the eloquence of my friend from New Hampshire, talking about how we wanted one group of children to benefit at the expense of other children. Let me just mention that I am strongly committed toward enhancing the resources available to the IDEA, just as I am for supporting the Murray amendment. Improving teacher quality, having well-trained teachers, can identify children with special needs early and better address their needs. They can also better teach all children. If you are talking about special needs children, improving the teacher quality and getting well-trained teachers helps us to meet that responsibility.

Reducing class size, as the Murray amendment provides for, would help all children—all children—including children with disabilities. They would get more individual attention, which they need. Modernizing the school buildings—school construction—would offer support and help for all children, including those with disabilities and give them access to safe and modern schools. Children with disabilities would benefit from having buildings with appropriate access to school facilities and buildings equipped to handle modern technologies. Expanding the afterschool programs would help all children, including those with disabilities, stay off the street and out of trouble and help them get extra academic help. The Reading Excellence Act will help all children read well early. It will help teachers address reading difficulties early and possibly eliminate the need for costly special education later. All of these initiatives would help all children, including children with disabilities, get better educations.

We are committed to all of these factors, to try to help children all across the country. So we welcome the opportunity to work with the Senator from New Hampshire, or any others, to see expanded resources for IDEA. It is essential and important. But we don't want to penalize some children to benefit others. Let's make a commitment that we move all the children along together.

I withhold the remainder of my time.

Mr. JEFFORDS. Madam President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I urge my colleagues to vote for cloture on this bill. This is an important piece of legislation in which there is bipartisan support. I just plead with my colleagues on the other side of the aisle—who are being obstructionists and are holding up a piece of legislation that the National Governors' Association supports, Republicans and Democrats support, educators across this country support, and which makes good sense—let's vote for cloture and move on to the debate so that we can give the American people what they deserve in better education.

In voting for cloture, we will be voting to cut educational bureaucracy and ensure greater resources going to the children. In the State of Arizona—

Mr. KENNEDY. Will the Senator yield for a question on my time?

Mr. HUTCHINSON. Yes.

Mr. KENNEDY. What is the objection of the Senator to agreeing to a time limitation on the five amendments and to move toward final passage on tomorrow?

Mr. HUTCHINSON. The five amendments that have been proposed add billions and billions of dollars in costs when the first obligation, the commitment the Senator speaks of, has already been made to the educators in IDEA, in providing the full funding for special education across this country.

Reclaiming my time, to vote for this cloture is to vote to cut educational bureaucracy. In Arizona, 165 employees—nearly half of the whole workforce of their Department of Education—oversee only Federal programs accounting for only 6 percent of the funding. I say that is where we can take a step in the right direction in the passage of this bill.

We should not be funding new programs. This amendment that Senator Kennedy refers to is a $12.635 billion amendment. That is the kind of amendment that will destroy the possibility of passing this bill into law and ensuring better education for our children. We don't need new spending programs until we have made the commitment that we made to the Nation's Governors in providing a full 40 percent of funding for special education. If there is a complaint from local schools, it is not that we are not starting enough new programs, it is that we are not funding the programs that we already mandated to them.

I look forward to debating the amendment for 100,000 new teachers—$12 billion. Let me just refer to my home State of Arkansas where, between 1955 and 1997, class size dropped from 27.4 students per classroom to 17 students per classroom. We are doing the job on cutting the size of classrooms, but we have not seen a comparable improvement in academic performance. Why do we assume that this is the only great need that schools have and we are going to decide it in Washington, DC? While public school enrollment in Arkansas has decreased by 1.3 percent in the last 26 years, the number of teachers has grown by over 12,000—from 17,000 to 29,000.

We don't need to give them the .3 teachers per classroom that they will get under this amendment. We need to give them greater flexibility so they can do a better job. I ask my colleagues: After 7 years, if we do this, after we fund this, if we fund these 100,000 teachers for 7 years, what then? How will the schools fund those teachers then? I suggest to you that it will be the COPS Program all over again.

I had a call this week from the director of the State police in Arkansas who said, "We hired 90 State police officers under the COPS Program, and now the money is ending. What do we do? How do we pay for them? You have to keep the money coming."

After 7 years, what we will have done is either pull the rug out from under local educators, where they have to come up with additional local funding—schools that are already strapped—or they are going to look to Washington, as they have before, and we will have created another new entitlement in permanently funding teachers from Washington, DC.

That is not what we need to do to improve education in this country. That is not what we need to do for the children of this country. What we do need to do is to pass this bill, eliminate some of the hoops we currently make the States jump through, allow them greater flexibility in doing reforms, and improve education creatively at the local level where the decisions can best be made.

Let's reject the "one-size-fits-all" solution from Washington. Let's approve this cloture motion and move on to provide educational flexibility for the schools of this country.

I thank the Chair. I yield the floor.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, as a newcomer to the Senate, I have been perplexed by the great debate over Ed-Flex. I would like to say that Ed-Flex is not the beginning and the end in terms of education. When we first talked about Ed-Flex early on in this session, the thought was that we would move it out early before we got into the great debate over the reauthorization of elementary and secondary education and to understanding that there are a lot of things we needed to discuss—more teachers, school construction; on our side of the aisle, block granting all the money into the classroom, and many other things. It was a bipartisan effort.

As chairman of the National Governors' Association a year ago, I was at the White House. I said to the President, "We would like to see Ed-Flex for all the States." By the way, we don't need it in Ohio. We were one of the first States to get Ed-Flex. I thought it would be wonderful if the other States had the same opportunities we had in Ohio. The President said, "I am for Ed-Flex." Tom Carper, now the chairman of the National Governors' Association, Governor Carper, was at the White House. Again, the President said, "I am for Ed-Flex."

This bill is just aimed at giving the other 38 States in the United States of America the opportunity to use these waivers the way we have in Ohio. We believe they have helped us do a better job with the money that has been made available under various Federal programs. We can show, for example, where we have been able to get waivers under title I, and how it has improved the performance of our children in our title I schools. We have been able to show that by getting waivers to the Eisenhower professional grants that the money has been used better than it was before.

One of the things we all ought to be concerned about here in the Senate is you can't get an Ed-Flex waiver without putting a kind of Goals 2000 plan together, getting a State to waive their regulations and some of their statutes, and allowing a school district to look at all of these programs and come up with a plan that is going to do a better job of taking care of their boys and girls in their respective school districts.

I was saying to one of the Senators yesterday that in terms of Ed-Flex I wish every school district that was title I would ask for a waiver, because at least you would then be able to go back a year later and find out whether or not that title I money is really making a difference in the lives of those children.

I just think the issue of—a lot of these great things have been talked about, Senator KENNEDY and others have—but I think the thought was that we need to spend the time discussing those things as we move through the reauthorization of elementary and secondary education. There were a lot of people on my side of the aisle who didn't want to go along with Ed-Flex because they thought it would spoil their bills that block grant money into the classroom.

So I just think that all of us who really care about the kids ought to get on with Ed-Flex and talk about these other programs as we move through this session as we had originally anticipated.

As I say, the President agrees. All the Governors agree. It is an opportunity for the Federal Government to become a better partner to States and local governments to do a better job in providing help for our children. I just think this concept of "one size fits all" coming out of Washington doesn't work. We don't have a national school board. I must tell you that in Ohio what came out of Columbus, "one size fits all," did not work. "One size fits all" doesn't work in individual school districts because of the fact that those districts are different.

This legislation gives all of the States an opportunity to take advantage of Federal money and meld it with money they are spending on the local and State level and make a real difference in the lives of our boys and girls in this country and achieves measurable improvement in the classroom. That is what people want—accountability.

I urge my colleagues to end the debate. Let's get on with it. Some of these other issues that are so very, very important which are near and dear to their hearts—I am not going to get into the argument about whether class size or the Federal Government should hire more teachers, and so forth; I will not get into that. I have feelings about that. But I think we need to do that later on and not on this piece of legislation.

One other thing that I think needs to be pointed out, Ed-Flex does not cost one dime—not one dime.

What we should think about is that I think it will allow us to use—I don't think—I know it will be able to use the money we are getting from the Federal Government in a more effective way of helping our children in the classroom.

Some of the other things that have been talked about here are the amendments to this legislation are going to cost money. The question is, Where is the money going to come from? That ought to be taken into consideration when we are looking at the whole smorgasbord of educational priorities and look at the dollars that are available, and then conclude that is it better to, say, fund IDEA rather than putting the money into new teachers or into new classroom construction?

As Senator KENNEDY notes, I am very interested in zero to 3. We would be better off taking money from new classrooms and for hiring new teachers and focusing it on zero to 3 where we know that a lot more needs to be done, and where we know that if we invest early on in the child's life we are going to get a better return.

I ask my colleagues to vote for cloture. Let's get Ed-Flex done. Let's get on with the debate over how we are going to spend the money available to make the biggest difference in the lives of our children in this country.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Madam President, I appreciate the Senator from Massachusetts yielding me some time to speak.

I strongly support the Ed-Flex legislation. In fact, New Mexico has seen the benefit of being one of the Ed-Flex States for the last 3-plus years. So we have seen there is some value in that. We certainly favor expanding that authority to other States as well. But I don't understand why we are in the condition or situation we are in here on the Senate floor today. I am not opposed to Ed-Flex. I am just in favor of going ahead and doing a few other things at the same time.

I proposed an amendment which incorporates the provisions of the Dropout Prevention Act, which passed this Senate by 74 votes in the last Congress. All we are saying is that is a bill which had 30 Republican Senators supporting it. It had, I believe, virtually all Democratic Senators, or nearly all Democratic Senators, supporting it. That is something we can agree upon. Let's go ahead with that. That is a priority.

We do not need to say, "Look, it has to be Ed-Flex alone, or it can be nothing." That is the part of this debate that I don't really understand. The notion is sort of being left out there that somehow or other we are trying to stall a resolution of this issue or stall the final vote on Ed-Flex.

Nothing could be further from the truth. I would be happy to have a vote on this Dropout Prevention Act amendment which I proposed last week after 15 minutes of debate on our side and 15 minutes of debate on the other side.

So there is no effort by me or my cosponsors to slow down the consideration of this Ed-Flex bill. I believe that the other Senators who are interested in having amendments brought to the floor for consideration would also be glad to have short time limits so that those amendments could be considered and voted upon by the Senate.

Clearly, if the Senate believes that some of these proposals are too expensive, then we can vote against them. If the Senate believes that some of these proposals are not yet refined enough and need to be postponed until the Elementary and Secondary Education Act comes to the floor, that is fine; you can vote against the amendment at this time and explain that is the reason. But I do not understand why we can't at least have votes on the other important education proposals that people feel strongly about going ahead with.

My own State, as I said, has this Ed-Flex provision in law already. We have had it for over 3 years now. During that time, one of the school districts—we have 89 school districts in New Mexico—one of our 89 school districts applied for a waiver one time during those 3 years. As you can see, we have not used the Ed-Flex authority to great advantage in our State, and I think that may be partly our fault.

But Ed-Flex is not a cure-all. I support expanding the authority to all States. I support putting it in permanent law. But I do not think we should be out here on the Senate floor leaving the impression that, once we pass this, all the problems of education are going to be resolved and the States are going to have this tremendous capability to resolve everything and the problems will go away.

During the 3 years we have had Ed-Flex authority in New Mexico, we have had 1 application by 1 of the 89 school districts for 1 waiver, and at the same time—and that waiver was granted—we have had 20,000 of our New Mexico students drop out of school before they graduate.

So I come to this from the point of view that it is at least as important with my State that we go ahead and consider the problem of students dropping out of school in the early part of this Congress. Some say we can deal with that later. Well, if later means a year and a half or 18 months from now, at the end of the 106th Congress, if that is as soon as we can do it, fine. But if it is important for the Senate to move ahead at this point on Ed-Flex, it is also important that the Senate move ahead at this point on this dropout prevention initiative.

A preliminary analysis of last week's fourth grade reading scores showed where the problem begins—or early indications of the problem. Between 1992 and 1998, the gap in reading skills between Hispanic students and non-Hispanic students in nine of our States widened, and only in four States did that gap decrease. So we are going in the wrong direction as far as heading off this dropout problem. I do not think Ed-Flex is going to solve that. I favor giving that authority to the States. I favor using it more effectively in my own State of New Mexico.

I certainly intend to vote for this bill, but I also think it is appropriate that Senators be allowed to offer amendments and get votes on them. As I say, if people want to vote against the amendments, that is fine. But I don't see why we cannot have a vote on an amendment unless that amendment somehow passes some kind of litmus test.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BINGAMAN. Madam President, I do urge my colleagues to oppose cloture at this time so we can offer our amendments.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Rhode Island from the Democratic side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. I thank the Chair.

I rise today to join my colleagues to urge that we not only debate this Ed-Flex bill but we also consider thoughtfully, carefully, and completely many of the amendments that are being put forward by my colleagues.

Senator BINGAMAN has talked with great eloquence and knowledge about dropout prevention. He has worked for many years to make sure there is a response to that growing problem here in the United States. That is certainly a legitimate issue to bring to this debate on education flexibility. And there are other amendments that should and must be considered.

Many—in fact, all—who have spoken about education flexibility have stressed the need for accountability. The Governors have stressed it. Several Governors appeared before our Education and Labor Committee to talk about not only the need for Ed-Flex but also to insist that they need real accountability to accompany this legislation.

Real accountability means something more than just words. I, for example, have an amendment that would provide for parental involvement in accountability in this process, for notification of parents of the proposed State plan, the pulling together of comments by parents, teachers, and others, and the incorporation of these comments in the application that goes forward to the Secretary of Education. If we can't give parents a voice in education flexibility, then we are not only missing a great opportunity but missing a significant and primary responsibility, and yet that is pending without a vote.

So there is much work left to be done, and I hope we will defeat the motion for cloture so that we can get on with this work, so that we can fairly consider these amendments, we can vote them up or down, but we can consider them. I hope that is the case.

Interestingly enough—and I know this is something that all of my colleagues do—I spent this morning in a school in Rhode Island. I went to the Norwood Avenue Elementary School in Cranston, RI, and I read to first graders, which is a very challenging assignment. And after that, I am even more in favor of smaller class sizes that Senator MURRAY proposes.

Then I went to the Warwick Neck School in Warwick, RI, and read to first graders. Then I concluded the morning by going to the Mandela Woods School in Providence, RI. This is a new school which just opened, and it has the most diverse population you would want to see in an America school—African Americans, Asian Americans, Latin Americans. It is a tapestry of urban education in the United States. While I was there, it struck me again and again the importance of the issues we are talking about —not just educational flexibility but all of the issues, how smaller class sizes contribute to better performance. And this is the case in the Warwick Neck school, because that is a small school in and of itself with small class sizes. The principal was very, very proud of the fact it had done very well in statewide mathematics testing as a result of their efforts.

So the issue of small class size is there, but also—and I know we have talked about special education—we are beginning to understand now that special education is in many respects a function of early childhood intervention, not just educationally but also in terms of health care. There is a problem in Rhode Island, a terrible problem in Rhode Island, and other places, of lead paint exposure, and that problem leads directly to educational complications.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REED. I thank the Chair for reminding me, and I again urge that we continue this debate, because it is an appropriate, indeed, important, debate, and I hope it continues past this cloture vote.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes remaining on the Senator's side.

Mrs. MURRAY. And how much on the other side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, if I could take just a few minutes, the vote is going to occur here on cloture in a few short minutes. I have to say, I have listened to the debate over the past week, and we are coming to the last several minutes. We are going to be voting at 5 o'clock whether or not to have cloture on the Ed-Flex bill that is before us. If cloture is invoked, essentially what will happen is, all of the education amendments we have been talking about—class size reduction, dropout prevention, parent accountability that Senator REED of Rhode Island just talked about, afterschool care—we will be precluded from offering these amendments.

I have been out here for the last week ready to offer my amendment on reducing class size, willing to work with my Republican colleagues on a time agreement, willing to do what we needed to do in terms of any language that they would like to be amended or changed, but knowing that school boards across this country are waiting for us to make a decision on whether or not we are actually going to authorize reducing class size and make a firm commitment to putting 100,000 new, well-trained teachers in classrooms.

Madam President, I have to say that I am baffled as we come into the last several minutes before we vote on cloture. We worked very hard last year, last fall, as we put the budget agreement together, to put together a bipartisan agreement on class size, and we got that. Republicans and Democrats alike said yes, we are going to make a commitment to reduce class size in the first through third grade. We agree with what the studies show. We agree with what parents are asking us to do. We understand that it makes a difference in the learning of a child in the first, second, and third grade if they are in a class size that is reduced. We understand that their grades will be better as they get into high school. We understand that discipline problems will be reduced. We understand they will have a better and higher likelihood of going on to college. We understand that as the Federal Government we need to reach out and be a part of the solution and give a commitment of dollars to those school districts to hire teachers. It was a bipartisan agreement. I am baffled today by my Republican colleagues who now no longer are supporting this.

Last fall I watched the campaign and elections, and, as did many in my State, I am sure, I watched the ads from the Republicans saying they support reduced class size. Madam President, this is our opportunity to vote to authorize this program and really say we are committed to doing this. It will make a difference. It is absolutely essential. It is important that we be a part of this.

Over the last 6½ years that I have been here, I have listened to a number of my colleagues come to the floor to speak as "a businessperson who has run a major million-dollar business." I have listened to my colleagues, who come here as former Governors or former attorneys general or former State legislators, talk about their experience in their fields. Madam President, I stand before you today as a former teacher. I can tell you that it makes a difference whether you have 18 students in your class or you have 24 or you have 30. It makes a difference whether or not you have the ability to take that one young boy or girl and help that child really get his or her alphabet down so that child can read later, or if you ignore that child and say, "Gosh, I really would like to help, but I have 30 kids here and there are winners and losers."

Those young children you cannot help because your class size is too large still grow up. They go on to high school. They probably don't go on to college. They become failures at an early grade.

We have a responsibility. We actually have an ability right now to send a message to those little boys and girls, to young students, to teachers, that we are going to give them the attention they need in first, second and third grade. Our amendment authorizes a 6-year investment in helping school districts hire 100,000 well-trained teachers. If we follow through on this commitment I guarantee, as a former teacher, as a parent, as a school board member, that 12 years from now we will have young boys and girls, young students, graduating from high school who will be competent in reading, writing and math, because they were in a class with a size we helped reduce today.

If we do not make that commitment, there will be kids who may not graduate from high school, may have discipline problems, will not go on to college. They will become a burden to all of us. They will not be able to get a job in the high-tech industries that are saying, we need highly skilled students who graduate. They will not be able to compete and go on to college. They will become economically disadvantaged, and the Senate will be here, 12 years from now, wondering how we, as a nation, are going to be able to afford to continue to help kids who we didn't help 12 years ago.

Madam President, we have an opportunity to vote on this amendment and on the amendments of several of my colleagues who have made very good, strong arguments about what we can do to make education better in this country; reducing class size, training teachers, school construction, afterschool programs—real issues that will help young students. We will have the opportunity to do that if the majority leader will only allow us to offer our amendments.

We should not be precluded on the floor of the U.S. Senate from offering our amendments. If our colleagues want to vote no, they can vote no. If they want to vote with us, they can vote with us. But no one should come to this floor and be told that you cannot present your amendment.

I am ready to go. I am ready to have a time agreement. I ask my colleagues to support us in opposing cloture, and I will be back again and again until I can make a difference with class size reduction. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Robert Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, and Judd Gregg.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 31 to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 54, nays 41, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—5

Graham
Landrieu
Lautenberg
McCain
Torricelli

The PRESIDING OFFICER (Mr. FITZGERALD). On this vote, the yeas are 54; the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 37, AS MODIFIED

Mr. LOTT. Mr. President, I modify my pending amendment No. 37 with the text of an amendment that I now send to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local education agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

CLOTURE MOTION

Mr. LOTT. In light of the recent cloture vote, I send a cloture motion to the desk to the pending amendment No. 37.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37 to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

Mr. LOTT. Mr. President, this cloture vote, then, will occur on Wednesday, March 10.

CALL OF THE ROLL

Mr. LOTT. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 58 TO THE MOTION TO RECOMMIT WITH AMENDMENT NO. 56

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending motion to recommit and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report and read the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. JEFFORDS, for himself and Mr. BINGAMAN, proposes an amendment numbered 58 to the instructions of the motion to recommit S. 280 to the Committee on Health, Education, Labor, and Pensions.

Mr. LOTT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the instructions, insert the following:

Report back forthwith with the following amendment:

At the end of the bill, add the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 59 TO AMENDMENT NO. 58

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. LOTT. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. JEFFORDS, proposes an amendment numbered 59 to amendment No. 58.

The amendment is as follows:

In the pending amendment, strike all after the word "IDEA" and insert the following:

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

(l) This section shall become effective 1 day after enactment of this Act.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION FLEXIBILITY BILL

Mr. LOTT. Mr. President, if I could briefly comment on the process we just went through and where we are with regard to this bill, Ed-Flex, the education flexibility bill, that is the underlying bill. It has broad bipartisan support. The President is for it. He had suggested we should pass it last year. We did not get it done, but he went before the National Governors' Association and called again for this legislation and says that he supports it. The National Governors' Association—all 50 of the Governors—supported a resolution in support of this bill, education flexibility.

Twelve States have this flexibility now. My State is not one of those. It has been working quite well, I understand, in Massachusetts and in Maryland and other States where they now have this option in those 12 States. The rest of us want it.

I just came from Chester, PA, earlier today, and Pennsylvania does not have this education flexibility. They would like to have it. They desperately would like to have it. The Governor of that State said: Please, give me this option. Let's waive some of this paperwork and the regulatory requirements. Let's have this option so we can give schools the flexibility, at the local level, to make these decisions to where the funds can best be used but results based. We need to see the proof that it actually is working. And all of that is included in this legislation.

But in spite of that broad bipartisan support that we wanted to continue to show with this legislation, we now see there is a raft of amendments developing that would undermine or stop or add to, explode this legislation. I have asked the Members on this side of the aisle to try to withhold a whole number of amendments.

We started off the first week—last week or the week before last—with a very broad bill in support of our military men and women. The Soldiers', Sailors', Airmen's and Marines' Bill of Rights passed overwhelmingly. I believe that if we can get to a direct vote on Ed-Flex to waive this bureaucratic redtape that the vote would probably be 98-2 or 100-0. But now we see, with all these amendments being offered, and with us having no option but to add amendments of our own, with support for the special education commitment being fulfilled that we have not done, that this legislation now is being bogged down.

We see that the first bill of the year that has broad bipartisan support is now approaching gridlock. Let's don't do that. Free the Ed-Flex bill. Let's let this bill go. There will be other opportunities for Democrats and Republicans to offer their ideas on education on other bills this year. We have the reauthorization of the Elementary and Secondary Education Act coming up. There will be plenty of opportunities to offer that. I would like for us to have another day or 2 to discuss the underlying bill and then vote. Let's get it done. I think it is good that we are having an education debate even on those issues that we might not have agreement, but let's find a way to move this legislation through.

I have encouraged the Members, the Senators that are involved with this, to come up with some recommendations of how maybe we could have a limited number of amendments and then go on to final passage. But again, I call on Senators to free this important legislation. Let's give these other States this opportunity. Let's see if we can't get more decisions made at the local level and give them the option to decide whether this money should go for teachers or to repair roofs or technology for computers—whatever it may be. But in one school, perhaps, they need a greater emphasis on excellence in reading; in another school maybe they don't have a single computer in the classrooms.

Let's give them the option, the flexibility to use these Federal funds without Federal Government mandates that you must use it here, you must use it there. I think the American people would support that. I know the Governors do. We say we do. Let's find a way to get this legislation passed.

I urge the leaders and the managers of the legislation to see if they can come up with some ways to get this bill completed in the next 2 days. But for now we will have a cloture vote on Tuesday. We will have at least one cloture vote, I guess maybe two, on Wednesday. And maybe in the interim we can find a way to get an agreement to provide for final passage.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate very much the statement of the majority leader on the issue that is before us, the Ed-Flex legislation. If you look back over the history, it was officially initiated by an amendment by the Senator from Oregon, Senator Hatfield, and myself. It was initially provided that six States were going to have the power of waiver, and then when we considered the Goals 2000 we added six more States.

So many of us on this side are very familiar with the legislation, are very familiar with the record that has been made, and are in support of the kind of accountability that the majority leader has stated. We are eager to see this legislation move towards completion. But we want to point out too, as the majority leader knows, that the underlying legislation may very well be the major opportunity for debate on education this year. Because the Elementary/Secondary Education Act does not expire until next year, it may very well not be up at that time.

We will have a chance to express a sense of the Senate on the budget items. We will look forward to debating appropriations. That is generally the last piece of legislation that comes here in October. But this may very well be the only serious debate on education for the whole year. That is why, given the fact that there is not an extensive or busy calendar, given the importance of the issue—education—to families all over the country, and given the timeliness of the particular issue—the Murray amendment in terms of giving assurances to local communities all across the country—it is imperative that we have an opportunity for the Senate to address this issue in a brief way. Senator MURRAY has indicated her willingness to enter into a reasonable time limit to move toward a disposition of that legislation and that particular amendment.

I just finally remind our colleagues that our leader, Senator DASCHLE, had indicated that he would urge short time limits on as few as five or six amendments. I would think that Senator DASCHLE might even be able to get a reduction to maybe even four amendments, even though there are many Members here who have plans and believe they are important. We could dispose of all of this in the period of a day, if not a day and a half.

It seems to me that it is not unreasonable to say that on this issue which is of central importance and significance to families all across this country—the issue over partnership, the Federal Government working with the States and local communities—that we address the issue of class size, and we also address the very important issue of the funding of the IDEA.

I think we can find very, very broad support for making sure that local communities are going to have the funding for IDEA, but I also think if put to a vote we would have a strong majority of Republicans and Democrats in favor of giving the communities across this country some help and assistance in terms of class size. That is something that every parent understands. It is something every teacher understands and every student understands.

No one makes that case better than the former school board member and former teacher herself, Senator MURRAY. I welcome the chance to hear her on this issue.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mrs. MURRAY. Thank you, Mr. President.

Let me thank the Senator from Massachusetts for his statement. He has been a strong supporter of education. He understands that on this issue of class size reduction, parents, families, community members, police, mayors, school board members have all stood behind us and said this will make a difference for young children's learning.

I remain baffled by the majority leader not allowing us to simply offer the amendment with an up-or-down vote. We are more than willing to have a time agreement, a short time agreement, and move this bill along.

We all know that Ed-Flex has been asked for by 50 Governors. Well, reducing class size has been asked for by thousands of parents. It has been bipartisan—maybe it is not anymore; it certainly was last fall—a bipartisan initiative to reduce class size. I still believe that is true. It is timely, again, as school boards are looking at those budgets. If we can come to an agreement that will allow us to have an up-or-down vote, I am happy to offer my amendment. I will stay tonight; I can be here tomorrow morning.

Let me conclude by saying it is frustrating to be told no and no and no time and time again when we want to offer an amendment. I am beginning to feel like one of those kids in one of those large classes who has been told by the teacher time and again, "You have to wait." When that happens, you get frustrated, you start to think of other things to do. You can become a discipline problem. I don't want to be, but I will tell my colleagues that we want to offer this amendment, we want an up-or-down vote, and as long as we are told we can't move ahead with it, we will think of other things to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first, let me comment on the remarks of the Senator from Washington.

First of all, this bill is a very simple bill to help the Governors have flexibility—the States to have flexibility to maximize the utilization of title I funds, in particular. I don't think anybody disagrees with it.

What I have set out as a policy for me, working with the leader, is that this bill ought not to be encumbered by matters which are under the jurisdiction of the committee which should be considered separately and after due hearing and after all of the elements of the legislation are considered. The amendment of the Senator from Washington really shortcuts that.

Now, I agree that is an existing piece of legislation which needs some improvement. However, it does not fall out from the jurisdiction of the committee. On the other hand, with an appropriate amendment, I will endorse it. So I don't understand the concern of my partners on the other side of the aisle.

We have an offer which will be before the Senate, and this side can endorse her amendment with the modification that is in that amendment. What that modification does is say, all right, let's reach a compromise here. The compromise would be, very simply, let the local governments decide whether they want to use the money which was appropriated but not quite available; they should have the local option. If they want to spend it on more teachers, additional teachers, they should have that option. If they want to spend it on IDEA, which I think most of the communities would do, they would have that option.

I don't see why you can say that we are placing ourselves in a position of preventing the amendment from going forward. I don't want to do that.

Let's also take a look at the problems of this committee. This committee has huge jurisdiction. The Elementary and Secondary Education Act spends about $15 billion, and amendments that have been addressing this bill would bypass the committee's ability to review all of these programs, which we should do. We haven't done so for 5 years, and the education of this country is suffering badly from not being able to maximize the opportunities for our young people.

We have already had several hearings. We will have more hearings on it, and in the orderly process we ought to take those amendments up and vote on them at that time, but not now when we are just starting the legislative session.

We will have an opportunity for the Senate to vote on an excellent amendment to the amendment of the Senator from Washington and give this body an opportunity to express itself. It will be, apparently, filibustered. I don't understand why or how anybody could filibuster an option for the local communities to decide whether they want to use it for new teachers or for special education.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2077. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the Department's report on the activities of the Northwest Atlantic Fisheries Organization for 1998; to the Committee on Commerce, Science, and Transportation.

EC-2078. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report on the Federal government's use of voluntary consensus standards during fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-2079. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final List of Fisheries for 1999; Update of Regulations Authorizing Commercial Fisheries Under the Marine Mammal Protection Act" (I.D. 070798F) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2080. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment" (I.D. 042798B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2081. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (I.D. 031997C) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2082. A communication from the Deputy Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations" (I.D. 042597B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2083. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area in the Gulf of Alaska" (I.D. 021999A) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2084. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Greater Than 99 Feet LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea" (I.D. 022399B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2085. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Conformance of the Western Rivers Marking System with the United States Aids to Navigation System" (RIN2115–AF14) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2086. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Bayou Chico, FL" (RIN2115–AE47) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2087. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy)ethyl]ether; Exemption from Requirement of a Tolerance" (FRL6059–4) received on March 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2088. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's FY 2000 Budget Request; to the Committee on Rules and Administration.

EC–2089. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Implementation of Torture Convention in Extradition Cases" (Notice 2991) received on February 22, 1999; to the Committee on Foreign Relations.

EC–2090. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "El Camino Real de Tierra Adentro National Historic Trail Act"; to the Committee on Energy and Natural Resources.

EC–2091. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas" (RIN059–6AB68) received on February 16, 1999; to the Committee on Energy and Natural Resources.

EC–2092. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Proposed Laboratory Personnel Management Demonstration Project; Department of the Navy, U.S. Naval Research Laboratory, Washington, D.C."; to the Committee on Governmental Affairs.

EC–2093. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Empowerment Zones and Enterprise Communities Enhancement Act"; to the Committee on Finance.

EC–2094. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's annual report for 1999; to the Committee on Finance.

EC–2095. A communication from the Director of Selective Service, transmitting, pursuant to law, the Service's annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC–2096. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Classification and Program Review: Team Meetings" (RIN1120–/AA64) received on March 2, 1999; to the Committee on the Judiciary.

EC–2097. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's Clean Air Act "Residual Risk Report"; to the Committee on Environment and Public Works.

EC–2098. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances" (RIN2660–AG12) received on March 2, 1999; to the Committee on Environment and Public Works.

EC–2099. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision" (FRL6236–7) received on March 3, 1999; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Definitions of VOCs and Exempt Compounds" (FRL6238–7) received on March 3, 1999; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL6308–5) received on March 4, 1999; to the Committee on Environment and Public Works.

EC–2102. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District" (FRL6306–8) received on March 4, 1999; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 557. An original bill to provide guidance for the designation of emergencies as a part of the budget process; from the Committee on Governmental Affairs; placed on the calendar.

S. 558. An original bill to prevent the shutdown of the Government at the beginning of a fiscal year if a new budget is not yet enacted; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. GRAMM:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. "Jake" Pickle Federal Building"; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. SCHUMER, and Mr. REED)):

S. 560. A bill to reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 561. A bill to authorize the President to award a gold medal on behalf of the Congress to Mrs. Yaffa Eliach in recognition of her outstanding and enduring contributions toward scholarship about the Holocaust, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, and Mr. DORGAN):

S. 562. A bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 563. A bill to repeal a waiver that permitted the issuance of a certificate of documentation with endorsement for employment in the coastwise trade for the vessel COLUMBUS, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. KENNEDY, and Mr. DASCHLE):

S. 564. A bill to reduce class size, and for other purposes; read the first time.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. TORRICELLI, and Mr. LOTT):

S. 565. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUGAR:

S. 566. A bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States to protect Social Security; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for Mr. LAUTENBERG):

S. Res. 59. A bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building"; to the Committee on Environment and Public Works.

J.J. "JAKE" PICKLE FEDERAL BUILDING

Mr. GRAMM. Mr. President, today I join with Senator KAY BAILEY HUTCHISON in introducing a bill to name the Austin, Texas federal building in honor of a great Texan: Congressman J.J. "Jake" Pickle. Congressman Pickle became an institution in Washington, D.C. throughout his 30-year tenure in Congress, and his dedication and service to the people of Austin and Central Texas continue today. I had the pleasure to serve with him in the House of Representatives, and I hold him in high esteem for the man he is and the spirit in which he served. Jake Pickle walked with giants like Lyndon Johnson and Sam Rayburn, and he is a giant in his own right. I believe that naming the federal building in Austin in Jake's honor is a fitting tribute to his service on behalf of our great state and in recognition of his significant and ever-lasting contributions to our country.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. SCHUMER, and Mr. REED)):

S. 560. A bill to reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities; to the Committee on the Judiciary.

THE GUN INDUSTRY ACCOUNTABILITY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce the Gun Industry Accountability Act of 1999 along with my colleagues, Senators DURBIN, SCHUMER, and REED of Rhode Island. This legislation is aimed at one purpose: to force the gun industry to market and manufacture their products in a safer and more responsible manner.

Mr. President, on Thursday, March 4th I was joined at the announcement of this bill by Mayor Bill Campbell of Atlanta and Mayor Alex Penelas of Miami-Dade County. They represent two of the now five jurisdictions that have filed claims against the gun industry on behalf of the taxpayers of their communities. They seek reimbursement for the massive costs of gun violence within their borders and ultimately, major changes in the way the gun industry sells its lethal products.

Mr. President, the gun industry has long placed profits above the safety of society. The industry ignores numerous, patented safety devices for guns—even things as simple as an indicator of whether a gun is loaded. The distributors of firearms also intentionally flood certain markets with guns, knowing that the excess weapons will make their way into a nearby illegal market.

The lawsuits by these courageous mayors will likely prove to be the most effective mechanism to get the Industry to alter their deadly practices. The reason is simple: it will bring the gun merchants into line by striking where they are most sensitive—the bottom line.

To aid this effort, the Gun Industry Accountability Act will strengthen the hand of the cities in court against the formidable firepower of the gun industry and its team of high-priced lawyers. It will help these mayors in their quest to get the industry to lay down its weapons, come to the table and finally agree to behave as responsible corporate citizens.

Mr. President, under current law, these cities filing claims against the gun industry are only able to recover the costs that their city or county has paid out due to gun violence. The Gun Industry Accountability Act will strengthen the mayors' hands by allowing them to recover both the city's costs for gun victims in their area as well as the Federal costs associated with these same victims. If a city eventually recovers Federal costs, either through a court judgment or settlement, then the city will be permitted to keep two thirds of the recovery and return the remaining one third to the Federal Government.

By increasing the likely reward for bringing a lawsuit against firearms manufacturers, this legislation will serve as an incentive for more cities, counties and States to join the fight to hold the gun industry accountable. When our legislation passes, it will force the industry to stare down the double barrel of local and federal liability in these suits.

Mr. President, the potential federal liability is substantial. The National Center for Injury Prevention and Control tells us that 80 percent of the economic costs of treating firearms injuries are paid for by taxpayers.

Federal taxpayers pick up the tab for disability payments through SSI, Veterans Administration, Unemployment, Medicare and other costs of treating victims of gun violence.

Mr. President, despite these enormous costs, the gun industry and its friends in the National Rifle Association will go to any length to avoid accountability. The NRA and its corporate members are seeking state and federal legislation to take away the rights of mayors to safeguard their citizens against unsafe products and irresponsible marketing practices.

Unfortunately, the NRA's drive against the legal rights of local communities has already succeeded in at least one state. In Georgia, the state legislature has already passed a bill at the NRA's request to retroactively block the City of Atlanta's suit. Mayor Campbell has already asked the court system to throw out the legislature's unconstitutional action.

The NRA's extremism has reached new heights in Florida. In that state legislature, a bill has been introduced that would not only block Miami-Dade's lawsuit, but also declare Mayor Penelas a felon! In the NRA's world, a public official should be imprisoned for acting to protect the safety of his or her constituents.

Mr. President, here in Congress there is already talk of Federal legislation to block cities, counties and States from asserting their rights in court. If such a bill is introduced it will prove that the era of Big Government is certainly not over.

Mr. President, I pledge that I will do all I can to make sure that bill will never pass the Senate. Senators DURBIN, SCHUMER, REED and I will work tirelessly against such an unconscionable proposal.

Congress should be helping these local communities make their streets safer—not block them from accomplishing that goal.

To that end, I urge my colleagues to join us in cosponsoring the Gun Industry Accountability Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Industry Accountability Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Across the Nation, local communities are bringing rightful legal claims against the gun industry to seek changes in the manner in which the industry conducts business in the civilian market in those communities.

(2) Since firearms are the only widely available consumer product designed to kill, firearm manufactures, distributors, and retailers have a special responsibility to take into account the health and safety of the public in marketing firearms.

(3) The gun industry has failed in this responsibility by engaging in practices that have contributed directly to the terrible burden of firearm-related violence on society.

(4) The gun industry has generally refused to include numerous safety devices with their products, including devices to prevent the unauthorized use of a firearm, indicators that a firearm is loaded, and child safety locks, and the absence of such safety devices has rendered these products unreasonably dangerous.

(5) The gun industry has also engaged in distribution practices in which the industry

oversupplies certain legal markets with firearms with the knowledge that the excess firearms will be distributed into nearby illegal markets.

(6) According to the National Center for Injury Prevention and Control—

(A) at least 80 percent of the economic costs of treating firearms injuries are paid for by taxpayer dollars; and

(B) in 1990, firearm injuries resulted in costs of more than $24,000,000,000 in hospital and other medical care for long-term disability and premature death.

SEC. 3. DEFINITIONS.

In this Act:

(1) Federal damages.—The term "Federal damages" means the amount of damages sustained by the Federal Government as a result of the sale, distribution, use or misuse of a firearm (including gun violence) including damages relating to medical expenses, the costs of continuing care and disabilities, law enforcement expenses, and lost wages.

(2) Firearm.—The term "firearm" has the meaning given the term in section 921 of title 18, United States Code.

(3) Gun violence.—The term "gun violence" means any offense under Federal or State law that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code); and

(B) involves the use of a firearm.

(4) Manufacturer.—The term "manufacturer" has the meaning given the term in section 921 of title 18, United States Code;

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) Unit of local government.—The term "unit of local government" means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

SEC. 4. RECOVERY OF FEDERAL DAMAGES BY STATES AND UNITS OF LOCAL GOVERNMENT SEEKING FEDERAL DAMAGES.

(a) In General.—In any civil action by a State or unit of local government against a manufacturer of firearms to recover damages relating to the sale, distribution, use or misuse of a firearm (including gun violence) in the State or unit of local government, the State or unit of local government may, in addition to other damages, recover any Federal damages associated with the claim as provided in this section.

(b) Federal Actions.—If the Attorney General files an action against a manufacturer of firearms to recover Federal damages, a State or unit of local government may not recover those Federal damages under this section in any action filed on or after the date on which the Attorney General files that action.

(c) Actions brought by a State or Unit of Local Government.—

(1) Notice of civil action.—A State or unit of local government seeking to recover Federal damages under this section shall serve a copy of the complaint on Attorney General in accordance with rule 4 of the Federal Rules of Civil Procedure.

(2) Entry of appearance.—If the Attorney General is served under paragraph (1), the Attorney General may proceed with the action by entering an appearance before the expiration of the 30-day period beginning on the date on which the Attorney General is served under paragraph (1).

(3) Effect of failure to enter appearance or proceed with the action.—If a State or unit of local government serves the Attorney General under paragraph (1), the State of unit of local government may recover Federal damages under this section only if the Attorney General—

(A) fails to enter an appearance in the action in accordance with paragraph (2) or gives written notice to the court of an intent not to enter the action; or

(B) does not proceed with the action before the expiration of the 6-month period (or such addition period as the court may allow after notice) beginning on the date on which the Attorney General enters an appearance under paragraph (2).

(4) Limitation.—If the Attorney General enters an appearance under paragraph (2) and proceeds with the action before the expiration of the 6-month period described in paragraph (3)(B), the State or unit of local government may not recover Federal damages under this section.

(d) Prevention of Dual Recovery of Federal Damages.—If there is a conflict between a State and 1 or more units of local government within the State over which jurisdiction may recover Federal damages under this section on behalf of a certain area in the State, only the first jurisdiction to file an action described in subsection (a) may recover those Federal damages.

(e) Federal Right to Damages in Other Actions.—The recovery of Federal damages by a State or unit of local government under this section may not be construed to waive any right of the Federal Government to recover other Federal damages in an action by the Attorney General.

(f) Dismissal or Compromise.—

(1) In general.—In an action for Federal damages brought by a State or unit of local government under this section—

(A) the action may not be dismissed or compromised without the approval of the court; and

(B) notice of the proposed dismissal or compromise shall be given to the Attorney General in such manner as the court directs.

(2) Court approval.—In approving the dismissal or compromise of an action described in paragraph (1), the court shall—

(A) state whether the dismissal or compromise is with or without prejudice to the right of the Federal Government to bring an action for the Federal damages at issue; and

(B) determine the percentage of any amount recovered by the State or unit of local government that represents Federal damages.

(g) Distribution and Use of Federal Damages Recovered.—Of the total amount of Federal damages recovered by a State or local government under this section (including any amount recovered pursuant to a dismissal or compromise under subsection (f))—

(1) ⅓ shall be paid to the Federal Government, to be used for crime prevention, mentoring programs, and firearm injury prevention research and activities; and

(2) ⅔ shall be retained by the State or unit of local government, of which—

(A) ⅓ shall be used for—

(i) law enforcement activities;

(ii) families of law enforcement officers injured or killed in the line of duty as a result of gun violence; and

(iii) a compensation fund for the victims of gun violence; and

(B) ⅓ shall be used for education (reduce class size, school modernization, after school, summer school, and tutoring), child care, or children's health care; and

(C) ⅓ may be used by the State or unit of local government in the discretion of the State or unit of local government.

(h) Effective Date.—

(1) In general.—Subject to paragraph (2), this section only applies to an action described in subsection (a) that is filed on or after the date of enactment of this Act.

(2) Amendment of complaint in pending actions.—This section applies to an action described in subsection (a) that is filed before the date of enactment of this Act, if—

(A) as of such date of enactment, there has been no dismissal, compromise, or other final disposition of the action; and

(B) after such date of enactment, the State or unit of local government amends the complaint to include relief for Federal damages pursuant to this section.

By Mr. HARKIN (for himself, Mr. Bingaman, Mrs. Murray, Mr. Johnson, and Mr. Dorgan):

S. 562. A bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on the Judiciary.

COMPREHENSIVE METHAMPHETAMINE ABUSE REDUCTION ACT OF 1999

Mr. HARKIN. Mr. President, I rise to make a few remarks concerning Methamphetamine reduction legislation the Senator from the State of New Mexico and I are introducing today.

Methamphetamine is fast becoming a leading illegal drug in our Nation. From quiet suburbs, to city streets, to the corn rows of Iowa, meth destroys thousands of lives and families every year.

This highly addictive drug is reaching epidemic proportions as it sweeps from the west coast, ravages the Midwest, and begins to touch the East. To illustrate the violence it elicits in people, methamphetamine is cited as a contributing factor in 80 percent of domestic violence cases in Iowa and a leading factor in a majority of violent crimes committed in the State.

In 1996, I was proud to be an original cosponsor of the Methamphetamine Control Act, which has done some good. However, in talking to local enforcement and concerned citizens across Iowa and the Midwest, its obvious that the methamphetamine problem has exploded beyond anything we envisioned in 1996.

The number of meth arrests, court cases, and confiscation on labs continues to escalate. In the Midwest alone, the number of clandestine meth labs confiscated and destroyed for 1998 is five times the number confiscated and destroyed in 1997. The cost of cleanup for each lab ranges from $5,000 to $90,000 and creates a toxic trap to law enforcement officers and children who find them.

Mr. President, the Midwest is not alone in this battle. The impact of this epidemic has reached the West and Southwest, including the state of New Mexico. In Albuquerque alone, law enforcement has seized four times as much meth last year as they did in the previous year, and they have identified and shut down twice as many meth labs as they had in the previous year. New Mexico has also seen an increase in meth trafficking on the New Mexico-Mexico border, as have the States of Arizona and California.

The problem has spread to the rural communities and my colleague, Senator BINGAMAN, is concerned that the cheap cost of meth will threaten America's youth with yet another life-threatening drug.

That's why today, Senator BINGAMAN and I are introducing the Comprehensive Methamphetamine Abuse Reduction Act of 1999. Senators MURRAY and JOHNSON are cosponsoring this measure. A similar bill is being introduced in the House by Congressman BOSWELL.

This legislation takes a comprehensive, common sense approach in battling this growing epidemic. It calls for an increase in resources to law enforcement working through the High Intensity Drug Trafficking Area (HIDTA) program and establishes swift and certain penalties for those producing and peddling meth. It also reauthorizes and expands drug courts to help nonviolent drug abusers rid themselves of an addiction that leads them to other crimes.

Our legislation expands school and community-based prevention efforts at the local level—targeting those areas that need it the most. That includes funding to allow students to develop their own anti-meth education programs to teach their school peers about the destructive effects of this drug.

This proposal calls on the National Institute on Drug Abuse to find exactly what makes methamphetamine so very addictive—especially to our young people—and the best methods for beating the addiction.

Finally, the bill calls for a joint strategic plan and national conference involving local, State and Federal law enforcement, education, health and elected officials to discuss solutions to stop the spread and use of this deadly drug.

Mr. President, I believe that we have a window of opportunity as a nation to take a stand right now to defeat this scourge. Every day, meth infiltrates our city streets and rural towns, leading more and more people down a path of personal destruction. Families are being devastated and communities are fighting an uphill battle against this powerful drug. The time is now to make a stand to protect our communities and schools by passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Methamphetamine Abuse Reduction Act".

SEC. 2. EXPANDING METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

"(e) PREVENTION OF METHAMPHETAMINE ABUSE AND ADDICTION.—

"(1) GRANTS.—The Director of the Center for Substance Abuse Prevention (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(A) to carry out school-based programs concerning the dangers of methamphetamine abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(B) to carry out community-based methamphetamine abuse and addiction prevention programs that are effective and evidence-based.

"(2) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering methamphetamine prevention programs in accordance with paragraph (3).

"(3) PREVENTION PROGRAMS AND ACTIVITIES.—

"(A) IN GENERAL.—Amounts provided under this subsection may be used—

"(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start methamphetamine abuse;

"(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine abuse and addiction;

"(iii) to assist local government entities to conduct appropriate methamphetamine prevention activities;

"(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine abuse and addiction and the options for treatment and prevention;

"(v) for planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

"(vi) for the monitoring and evaluation of methamphetamine prevention activities, and reporting and disseminating resulting information to the public; and

"(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(B) PRIORITY.—The Director shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

"(4) ANALYSES AND EVALUATION.—

"(A) IN GENERAL.—Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

"(B) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under subparagraph (A).

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), $20,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.".

SEC. 3. EXPANDING CRIMINAL PENALTIES AND LAW ENFORCEMENT FUNDING.

(a) SWIFT AND CERTAIN PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.—

(1) FEDERAL SENTENCING GUIDELINES.—

(A) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate Federal sentencing guidelines or amend existing Federal sentencing guidelines for any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.) in accordance with this paragraph.

(B) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall, with respect to each offense described in subparagraph (A)—

(i) increase the base offense level for the offense—

(I) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(II) if the resulting base offense level after an increase under subclause (II) would be less than level 27, to not less than level 27; or

(ii) if the offense created a substantial risk of danger to the health and safety of another person (including any Federal, State, or local law enforcement officer lawfully present at the location of the offense, increase the base offense level for the offense—

(I) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(II) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(C) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate the guidelines or amendments provided for under this paragraph as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(2) EFFECTIVE DATE.—The amendments made pursuant to this subsection shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

(b) INCREASED RESOURCES FOR LAW ENFORCEMENT.—There are authorized to be appropriated to the Office of National Drug

Control Policy to combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas—

(1) $35,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2005;

of which not less than $5,000,000 shall be used in each fiscal year to provide assistance to drug analysis laboratories in areas with a high rate of methamphetamine abuse or addiction.

SEC. 4. TREATMENT OF METHAMPHETAMINE ABUSE.

Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended by adding at the end the following:

"(d) Treatment of Methamphetamine Abuse and Addiction.—

"(1) Grants.—The Director of the Center for Substance Abuse Treatment (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities for the purpose of expanding activities for the treatment of methamphetamine abuse and addiction as well as for the treatment of methamphetamine addicts who also abuse other illegal drugs.

"(2) Use of funds.—Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering methamphetamine treatment programs in accordance with paragraph (3).

"(3) Treatment programs and activities.—

"(A) In general.—Amounts provided under this subsection may be used for—

"(i) evidence-based programs designed to assist individuals to quit their use of methamphetamine and remain drug-free;

"(ii) training in recognizing and referring methamphetamine abuse and addiction for health professionals, including physicians, nurses, dentists, health educators, public health professionals, and other health care providers;

"(iii) planning, administration, and educational activities related to the treatment of methamphetamine abuse and addiction;

"(iv) the monitoring and evaluation of methamphetamine treatment activities, and reporting and disseminating resulting information to health professionals and the public;

"(v) targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies; and

"(vi) coordination with the Center for Mental Health Services on the connection between methamphetamine abuse and addiction and mental illness.

"(B) Priority.—The Director shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

"(4) Analyses and evaluation.—

"(A) In general.—Not more than $1,000,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective treatments for methamphetamine abuse and addiction and the development of appropriate strategies for disseminating information about and implementing treatment services.

"(B) Annual report.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House or Representatives, an annual report with the results of the analyses and evaluation conducted under subparagraph (A).

"(5) Authorization of appropriations.—There is authorized to be appropriated to carry out paragraph (1), $20,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.".

SEC. 5. EXPANDING METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

"(c) Methamphetamine Research.—

"(1) Grants.—The Director of the Institute may make grants to expand interdisciplinary research relating to methamphetamine abuse and addiction and other biomedical, behavioral and social issues related to methamphetamine abuse and addiction.

"(2) Use of funds.—Amounts made available under a grant under paragraph (1) may be used to conduct interdisciplinary research and clinical trials with treatment centers on methamphetamine abuse and addiction, including research on—

"(A) the effects of methamphetamine abuse on the human body;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental illness;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses;

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) Research results.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) Authorization of appropriations.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.".

SEC. 6. DRUG COURTS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part U the following:

"PART V—DRUG COURTS

"SEC. 2201. GRANT AUTHORITY.

"The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

"(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

"(2) the integrated administration of other sanctions and services, which shall include—

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) referral to a community-based treatment facility;

"(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

"(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

"SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall—

"(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

"(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

"SEC. 2203. DEFINITION.

"In this part, the term 'violent offender' means a person who—

"(1) is charged with or convicted of an offense, during the course of which offense—

"(A) the person carried, possessed, or used a firearm or dangerous weapon;

"(B) there occurred the death of or serious bodily injury to any person; or

"(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense of which or for which the person is charged or convicted; or

"(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

"SEC. 2204. ADMINISTRATION.

"(a) Consultation.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

"(b) Use of Components.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(c) Regulatory Authority.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

"(d) Applications.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan;

"(2) explain the inability of the applicant to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by 1 or more designated judges with responsibility for the drug court program;

“(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

“(8) describe the methodology that will be used in evaluating the program.

“SEC. 2205. APPLICATIONS.

“In order to request a grant under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

“SEC. 2206. FEDERAL SHARE.

“(a) IN GENERAL.—The Federal share of a grant under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section.

“(b) IN-KIND CONTRIBUTIONS.—In-kind contributions may be used to constitute the non-Federal share of a grant under this part.

“SEC. 2207. GEOGRAPHIC DISTRIBUTION.

“Subject to subsection (b), the Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made under this part.

“SEC. 2208. REPORT.

“A State, Indian tribal government, or unit of local government that receives a grant under this part during a fiscal year shall submit to the Attorney General a report in March of the following fiscal year regarding the use of funds under this part.

“SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

“(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

“(20) There are authorized to be appropriated to carry out part V, such sums as may be necessary for each of the fiscal years 2000 through 2004, of which not less than $10,000,000 shall be set aside for each fiscal year for assistance to communities with disproportionately high or increasing rates of methamphetamine abuse and addiction.”.

SEC. 7. NATIONAL CONFERENCE ON METHAMPHETAMINE ABUSE AND TREATMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a National Conference on Methamphetamine Abuse and Treatment to gather, discuss and disseminate information concerning—

(1) the history of the methamphetamine epidemic in the United States;

(2) the progress that has been made by Federal, State and local law enforcement, prevention and treatment authorities in combatting such epidemic; and

(3) future strategies to—

(A) reduce methamphetamine abuse and addiction in regions of the United States where methamphetamine is an emerging or exiting problem; and

(B) block efforts to introduce methamphetamine into other regions of the United States.

(b) PARTICIPANTS.—The Secretary of Health and Human Services shall ensure that the participants in the conference under subsection (a) include—

(1) the Secretary;

(2) the Attorney General;

(3) the Director of the Office of National Drug Control Policy;

(4) various elected officials;

(5) Federal, State and local law enforcement, education, drug treatment and operation providers or organizations that represent such providers, and health research officials; and

(6) other individuals determined appropriate by the Secretary.

SEC. 8. COMPREHENSIVE METHAMPHETAMINE REDUCTION STRATEGIC PLAN.

Not later than 1 year after the date of enactment of this Act, the Attorney General, jointly with the Secretary of Education and the Director of the Office of National Drug Control Policy and the Secretary of Health and Human Services, shall develop a comprehensive strategic plan to combat the methamphetamine problem in the United States. Such plan shall include activities with respect to prevention, law enforcement, education, treatment, and health research targeted at methamphetamine use, abuse and addiction in the 21st century.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 563. A bill to repeal a waiver that permitted the issuance of a certificate of documentation with endorsement for employment in the coastwise trade of the vessel *Columbus*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE VESSEL “COLUMBUS”

Mr. LEVIN. Mr. President, I introduce today legislation to repeal the Jones Act waiver contained in last year's Coast Guard Authorization bill for the vessel *Columbus*.

Mr. President, I had serious objections to a provision in last year's Coast Guard Authorization bill that was inserted in the House bill in a managers' amendment with no hearings or vote in the Senate. This provision granted a waiver of existing law for a single vessel operating on the Great Lakes and elsewhere against the wishes of both Michigan Senators and other Senators and in circumvention of a Customs Service ruling regarding the type of dredge work this vessel is allowed to perform.

This waiver is a discriminatory provision which gives special treatment and a competitive advantage to one vessel at the expense of its competitors and it should be repealed.

Mr. President, the granting of this waiver is detrimental to other dredgers on the Great Lakes and elsewhere who are abiding by U.S. law and U.S. Customs Service interpretations of the Jones Act. The hopper dredge vessel *Columbus*, the vessel seeking the waiver, was challenged by a competitor for violating the Jones Act because it was performing dredging work that was not allowed under that Act. That challenge was upheld by the U.S. Customs Service. However, instead of abiding by or appealing the Customs Service ruling, a legislative waiver was sought to circumvent that ruling. The waiver was granted by the House, but not the Senate because the Senate passed Coast Guard authorization bill did not contain this discriminatory provision.

The only reason this waiver was included in the final Coast Guard authorization bill was due to the circumstances under which that bill was considered. Under normal circumstances, I believe the Senate would have removed this controversial provision from the final bill.

At the time of the Senate vote on the Coast Guard Authorization Conference Report, I engaged in a colloquy with my colleagues Senators SNOWE and McCAIN. In that colloquy, they agreed to work with me to repeal this waiver as early as possible in 1999. The legislation I am introducing today with my colleague from Michigan, Senator ABRAHAM, will do exactly that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF WAIVER.

(a) IN GENERAL.—Section 403 of the Coast Guard Authorization Act of 1997 (Public Law 105–383) is amended by striking subsection (e).

(b) ACTION BY THE SECRETARY OF TRANSPORTATION.—If, before the date of enactment of this Act, the Secretary of Transportation issued a certificate of documentation with endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658) under section 403(e) of the Coast Guard Authorization Act of 1997 (Public Law 105–383)—

(1) that certificate shall be null and void; and

(2) the Secretary shall issue a revised certificate of documentation for that vessel that is consistent with the limitations on the operation of that vessel that applied to that vessel on the day before the date of enactment of the Coast Guard Authorization Act of 1997 (Public Law 105–383).

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. TORRICELLI, and Mr. LOTT):

S. 565. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on Banking, Housing, and Urban Affairs.

TREATMENT OF THE ACTIONS OF CERTAIN FOREIGN NARCOTICS TRAFFICKERS AS AN UNUSUAL AND EXTRAORDINARY THREAT TO THE UNITED STATES

Mr. COVERDELL. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, in introducing a bill that targets one of America's most dangerous and real national security threats—the international drug cartels. I am also pleased that Senator DEWINE, Senator LOTT, and Senator TORRICELLI have agreed to cosponsor this important legislation. These drug cartels, through their involvement in illegal drug trafficking, money laundering, arms trafficking and the violence related to these activities, pose a threat to the political and economic stability of countries in this hemisphere. More importantly they threaten the citizens of this country by preying on our children.

That is why it is so important that we introduce this bill today—to combat the drug cartels and move one step forward in the war on drugs. This bill codifies and expand a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill will expand the existing Executive Order to include other foreign drug traffickers considered a threat to our national security. The bill freezes the assets of identified drug traffickers, their associates, and their related businesses. It also prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

Our goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. By stopping the drug kingpins's ability to benefit from the U.S. market and from practices that enable them to sell drugs to our nation's children, we are taking an important step to eliminate the scourge of illegal drugs.

By Mr. LUGAR:

S. 566. A bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL TRADE FREEDOM ACT

Mr. LUGAR. Mr. President, today I rise to introduce legislation to open foreign markets, eliminate unfair trade barriers and secure for farmers the ability to export their products abroad. By enacting the 1996 FAIR Act, commonly known as Freedom to Farm, we gave farmers to freedom to make planting decisions for themselves, free from government controls. However, Freedom to Farm is a compact. Freedom to Farm means freedom to export, and in exchange for phasing out subsidies, Congress committed to secure free, fair and open markets for our farmer's exports. This legislation will improve opportunities to export at a time when such opportunities are more important than ever for U.S. agriculture.

No sector of the economy is more reliant on international trade than agriculture. Approximately three out of ten acres of domestic agriculture production are sold in markets outside of the U.S. and agricultural exports make a positive impact on our international balance of payments. Despite this success, a great deal of untapped export potential still exists. Farmers are reliant on the ability to export and this legislation will enhance that ability. Barriers need to be removed—barriers we impose on ourselves and barriers imposed by others.

This legislation addresses several items but none is more important than sanctions. This legislation exempts commercial agricultural exports from unilateral economic sanctions. We impose export barriers on ourselves when we unilaterally sanction foreign countries. Such sanctions do not preclude the targeted country from looking elsewhere for agricultural commodities. U.S. competitors quickly fill the void left when the U.S. denies itself market access. Sales are lost and our status as a reliable business partner suffers. We often do more harm to ourselves than we do to the target country. Unilateral sanctions have cost billions of dollars in U.S. income and have cost thousands of U.S. jobs. We must end the practice of closing foreign markets for our own exports at a time when such exports are more vital than ever for agriculture in this country.

Apart from sanctions, a number of barriers are imposed on U.S. farm exports by other countries. The World Trade Organization will hold an important round of agricultural negotiations later this year in Seattle. These negotiations offer an important opportunity to address tariff and non-tariff barriers to U.S. agricultural exports. We must take advantage of this opportunity to open foreign markets and eliminate unfair export barriers. This legislation provides important guidelines for these and other negotiations.

Mr. President, U.S. agriculture is the best in the world. This legislation will allow our farmers to take better advantage of their position by opening up foreign markets and eliminating barriers to agricultural exports. This is the most important thing we as Congress can do for our farmers. I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Trade Freedom Act".

SEC. 2. DEFINITIONS.

In this Act, the terms "agricultural commodity" and "United States agricultural commodity" have the meanings given the terms in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

SEC. 3. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM SANCTIONS.

Title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5661 et seq.) is amended by adding at the end the following:

"SEC. 418. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM SANCTIONS.

"(a) DEFINITIONS.—In this section:

"(1) CURRENT SANCTION.—The term 'current sanction' means a unilateral economic sanction that is in effect on the date of enactment of the Agricultural Trade Freedom Act.

"(2) NEW SANCTION.—The term 'new sanction' means a unilateral economic sanction that becomes effective after the date of enactment of that Act.

"(3) UNILATERAL ECONOMIC SANCTION.—The term 'unilateral economic sanction' means any prohibition, restriction, or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

"(b) EXEMPTION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of law, agricultural commodities made available as a result of commercial sales shall be exempt from a unilateral economic sanction imposed by the United States on another country.

"(2) EXCLUSIONS.—Paragraph (1) shall not apply to agricultural commodities made available as a result of programs carried out under—

"(A) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

"(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

"(C) the Food for Progress Act of 1985 (7 U.S.C. 1736o); or

"(D) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

"(3) DETERMINATION BY PRESIDENT.—If the President determines that the exemption provided under paragraph (1) should not apply to a unilateral economic sanction for reasons of foreign policy or national security, the President may include the agricultural commodities made available as a result of the activities described in paragraph (1) in the unilateral economic sanction.

"(c) CURRENT SANCTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the exemption under subsection (b)(1) shall apply to a current sanction.

“(2) PRESIDENTIAL REVIEW.—Not later than 90 days after the date of enactment of the Agricultural Trade Freedom Act, the President shall review each current sanction to determine whether the exemption under subsection (b)(1) should apply to the current sanction.

“(3) APPLICATION.—The exemption under subsection (b)(1) shall apply to a current sanction beginning on the date that is 180 days after the date of enactment of the Agricultural Trade Freedom Act unless the President determines that the exemption should not apply to the current sanction for reasons of foreign policy or national security.

“(d) REPORT.—

“(1) IN GENERAL.—If the President determines that the exemption under subsection (b)(2) or (c)(2) should not apply to a unilateral economic sanction, the President shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

“(A) in the case of a current sanction, not later than 15 days after the date of the determination under subsection (c)(2); and

“(B) in the case of a new sanction, on the date of the imposition of the new sanction.

“(2) CONTENTS OF REPORT.—The report shall contain—

“(A) an explanation of the foreign policy or national security reasons for which the exemption should not apply to the unilateral economic sanction; and

“(B) an assessment by the Secretary—

“(i) regarding export sales—

“(I) in the case of a current sanction, whether markets in the sanctioned country or countries present a substantial trade opportunity for export sales of a United States agricultural commodity; or

“(II) in the case of a new sanction, the extent to which any country or countries to be sanctioned or likely to be sanctioned are markets that accounted for, during the preceding calendar year, more than 3 percent of export sales of a United States agricultural commodity;

“(ii) regarding the effect on United States agricultural commodities—

“(I) in the case of a current sanction, the potential for export sales of United States agricultural commodities in the sanctioned country or countries; and

“(II) in the case of a new sanction, the likelihood that exports of United States agricultural commodities will be affected by the new sanction or by retaliation by any country to be sanctioned or likely to be sanctioned, including a description of specific United States agricultural commodities that are most likely to be affected;

“(iii) regarding the income of agricultural producers—

“(I) in the case of a current sanction, the potential for increasing the income of producers of the United States agricultural commodities involved; and

“(II) in the case of a new sanction, the likely effect on incomes of producers of the agricultural commodities involved;

“(iv) regarding displacement of United States suppliers—

“(I) in the case of a current sanction, the potential for increased competition for United States suppliers of the agricultural commodity in countries that are not subject to the current sanction; and

“(II) in the case of a new sanction, the extent to which the new sanction would permit foreign suppliers to replace United States suppliers; and

“(v) regarding the reputation of United States agricultural producers as reliable suppliers—

“(I) in the case of a current sanction, whether removing the sanction would increase the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary; and

“(II) in the case of a new sanction, the likely effect of the proposed sanction on the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary.”.

SEC. 4. OBJECTIVES FOR AGRICULTURAL NEGOTIATIONS.

It is the sense of Congress that the principal agricultural trade negotiating objectives of the United States for future multilateral and bilateral trade negotiations (including negotiations involving the World Trade Organization) should be to achieve, on an expedited basis and to the maximum extent practicable, more open and fair conditions for trade in agricultural commodities by—

(1) developing, strengthening, and clarifying rules for trade in agricultural commodities, including eliminating or reducing restrictive or trade-distorting import and export practices, including—

(A) enhancing the operation and effectiveness of the relevant provisions of the Uruguay Round Agreements designed to define, deter, and discourage the persistent use of unfair trade practices; and

(B) enforcing and strengthening rules of the World Trade Organization regarding—

(i) trade-distorting practices of state trading enterprises and similar public and private trading enterprises; and

(ii) the acts, practices, or policies of a foreign government that unreasonably—

(I) require that substantial direct investment in the foreign country be made as a condition for carrying on business in the foreign country;

(II) require that intellectual property be licensed to the foreign country or to any firm of the foreign country; or

(III) delay or preclude implementation of a report of a dispute panel of the World Trade Organization;

(2) increasing the export of United States agricultural commodities by eliminating barriers to trade (including transparent and nontransparent barriers);

(3) eliminating other specific constraints to fair trade (such as export subsidies, quotas, and other nontariff import barriers and more open market access) in foreign markets for United States agricultural commodities;

(4) developing, strengthening, and clarifying rules that address practices that unfairly limit United States market access opportunities or distort markets for United States agricultural commodities to the detriment of the United States, including—

(A) unfair or trade-distorting activities of state trading enterprises, and similar public and private trading enterprises, that result in inadequate price transparency;

(B) unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(C) unjustified sanitary or phytosanitary restrictions; and

(D) restrictive rules in the establishment and administration of tariff-rate quotas;

(5) ensuring that there are reliable suppliers of agricultural commodities in international commerce by encouraging countries to treat foreign buyers no less favorably than domestic buyers of the commodity or product involved; and

(6) eliminating nontariff trade barriers for meeting the food needs of an increasing world population through the use of biotechnology by—

(A) ensuring market access to United States agricultural commodities derived from biotechnology that is scientifically defensible;

(B) opposing the establishment of protectionist trade measures disguised as health standards; and

(C) protesting continual delays by other countries in their approval processes.

SEC. 5. SALE OR BARTER OF FOOD ASSISTANCE.

It is the sense of Congress that the amendments to section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) made by section 208 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 954) were intended to allow the sale or barter of United States agricultural commodities in connection with United States food assistance only within the recipient country or countries adjacent to the recipient country, unless—

(1) the sale or barter within the recipient country or adjacent countries is not practicable; and

(2) the sale or barter within countries other than the recipient country or adjacent countries will not disrupt commercial markets for the agricultural commodity involved.

SEC. 6. SENSE OF CONGRESS REGARDING RELIEF FROM UNFAIR TRADE PRACTICES AFFECTING UNITED STATES AGRICULTURAL COMMODITIES.

(a) FINDINGS.—Congress finds that—

(1) often dispute settlement proceedings to resolve unfair trade practices of foreign countries that restrict market access of United States agricultural commodities are inadequate, time consuming, and cumbersome; and

(2) practices that unfairly limit market access opportunities for United States agricultural commodities through export subsidies and import barriers include—

(A) unfair or trade-distorting activities of state trading enterprises, and similar public and private trading enterprises, that result in inadequate price transparency;

(B) unjustified restrictions or commercial requirements affecting new technologies, including biotechnology, that are not scientifically defensible;

(C) unjustified sanitary or phytosanitary restrictions;

(D) restrictive rules for the establishment and administration of tariff-rate quotas;

(E) requirements that substantial direct investment in the foreign country be made as a condition for carrying on business in the foreign country; and

(F) requirements that intellectual property be licensed to the foreign country or to any firm of the foreign country.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should aggressively use the authorities granted to the Secretary under section 302 of the Agricultural Trade Act of 1978 (7 U.S.C. 5652), which provides the Secretary with the authority to use programs of the Department of Agriculture for the agricultural commodity involved when there is undue delay in a dispute resolution proceeding of an international trade agreement (such as an agreement administered by the World Trade Organization).

SEC. 7. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

Section 415 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g–2) is repealed.

SEC. 8. TECHNICAL CORRECTIONS.

(a) ADMINISTRATIVE PROVISIONS.—Section 216 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 957) is amended—

(1) in paragraph (2), by striking "subsection (c)" and inserting "subsection (b)";

(2) in paragraph (3), by striking "subsection (d)" and inserting "subsection (c)";

(3) in paragraph (4), by striking "subsection (g)(2)" and inserting "subsection (f)(2)"; and

(4) in paragraph (5), by striking "subsection (h)" and inserting "subsection (g)".

(b) EMERGING MARKETS.—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking "such democracies" and inserting "the markets".

(c) TRADE COMPENSATION AND ASSISTANCE PROGRAMS.—Section 417(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5677(a)) is amended by inserting "of an agricultural commodity" after "causes exports".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on April 4, 1996.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 51

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 56

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 97

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mrs. MURRAY), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 336

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 351

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 351, a bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

S. 380

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Nebraska (Mr. KERREY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 380, a bill to reauthorize the Congressional Award Act.

S. 389

At the request of Mr. ROBB, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 389, a bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 500

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 500, a bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence.

S. 504

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 504, a bill to reform Federal election campaigns.

S. 508

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 508, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 512

At the request of Mr. GORTON, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. COLLINS), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 525

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 525, a bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency.

S. 528

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 528, a bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

S. 529

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 529, a bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Maine (Ms. COLLINS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 548

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 548, a bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. COCHRAN, his name was added as a cosponsor of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of Senate Concurrent Resolution 5, supra.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. BROWNBACK, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution congratulating the state of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 57

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 57, a resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

AMENDMENT NO. 6

At the request of Mr. CLELAND the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of Amendment No. 6 proposed to S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

SENATE RESOLUTION 59—DESIGNATING "NATIONAL LITERACY DAY"

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 59

Whereas 44,000,000 people living in the United States read at a level lower than is required to fully function in society and to earn a living wage;

Whereas approximately 22 percent of adults in the United States cannot read, leaving valuable resources untapped, and depriving those adults of the opportunity to make a meaningful contribution to society;

Whereas people who have the lowest literacy skills are closely connected to social problems such as poverty, crime, welfare, and unemployment.

Whereas 43 percent of all adults functioning at the lowest literacy levels live in poverty;

Whereas prisons hold the highest concentration of illiterate adults, with 7 of 10 prisoners functioning at the lowest literacy levels;

Whereas the likelihood of receiving welfare assistance increases as the level of literacy decreases;

Whereas 3 of 4 food stamp recipients function at the lowest literacy levels;

Whereas millions of Americans are unable to hold a job or fully function in the workplace because they cannot read well enough to perform routine uncomplicated tasks;

Whereas almost 38 percent of African Americans and approximately 56 percent of Hispanics are illiterate, compared to only 14 percent of the Caucasian population, with such a disparity resulting in increased social and economic discrimination against those minorities;

Whereas 35 percent of older Americans operate at the lowest literacy levels, making it difficult to read basic medical instructions, thus prolonging illnesses and risking the occurrence of emergency medical conditions;

Whereas the cycle of illiteracy continues because children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have been able to reach fewer than 10 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the illiteracy problem and the detrimental effects of illiteracy on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is necessary to recognize and thank the thousands of volunteers and organizations, like Focus on Literacy, Inc., that work to promote literacy and provide support to the millions of illiterate persons needing assistance: Now, therefore, be it

Resolved, That the Senate—

(1) designates both July 2, 1999, and July 2, 2000, as "National Literacy Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe "National Literacy Day" with appropriate ceremonies and activities.

Mr. LAUTENBERG. Mr. President, I rise today to submit a resolution designating July 2, 1999, and July 2, 2000, as National Literacy Day.

Mr. President, the United States has one of the most sophisticated education systems in the world. We have more students enrolling in school than ever before, and more people attending college than ever before. But there is a significant part of the population that has been left behind—the ever growing population of people who can't read.

Mr. President, approximately 44 million adult Americans are functionally illiterate. That means somewhere between 21 to 23% percent of the adult population read below the fifth grade level and are unable to perform basic functions you and I do every day. People reading at that level usually cannot locate an intersection on a street map or fill out a social security application form. Older people who can't read may not be able to understand the instructions on a vial of prescription drugs, causing a potentially life-threatening situation.

Mr. President, it is not surprising that the inability to perform basic functions results in the inability of the illiterate population to fully participate in society. In fact, nearly half, or 43 percent, of the illiterate population lives in poverty. Other social problems associated with poverty are prevalent in the illiterate community, like the proclivity to commit crime, the need of welfare assistance, and the inability to get a job.

A majority of the prison population in this country is illiterate. A majority of people who receive food stamps is illiterate. People who are illiterate work less than half the amount of time in a an average year than a fully literate person, and they earn approximately a third of the income. That is, Mr. President, if they hold jobs at all.

Mr. President, the Federal government, as well as state and local municipalities, have shown a steadfast dedication to eradicating illiteracy through financial assistance. In 1998 alone, the major adult education and literacy programs were funded at $360 million. And millions more are spent on the state and local level, spent either by municipal government or donated by private sources.

Mr. President, my resolution designating July 2 as National Literacy Day is a nice complement to all the resources we spend on adult education and the effort to boost literacy rates. The more we do to identify illiteracy as a problem and the more we publicize what resources are available to citizens who want to learn how to read, the closer we are to winning the war against illiteracy.

Mr. President, for these reasons, I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

FEINSTEIN AMENDMENT NO. 52

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

TITLE —STUDENT ACHIEVEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Student Achievement Act of 1999".

SEC. 02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term "core academic curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

BAUCUS AMENDMENT NO. 53

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 280, supra; as follows:

At the end, add the following:

SEC.   . SENSE OF SENATE.

(a) FINDINGS.—Congress makes the following findings:

(1) Research shows that the lack of consistent access to highly competent teachers adversely impacts student achievement.

(2) Teachers are the most basic educational resource that communities provide their students. All students deserve access to well prepared, high quality teachers.

(3) The Nation's schools will need to hire 2,200,000 teachers during the 10-year period following 1999. One-half to two-thirds of the teachers will be first-time teachers.

(4) High poverty urban and rural school districts face the greatest challenges in recruiting, supporting, and retraining teachers. The school districts will need over 700,000 teachers during the 10-year period following 1999.

(5) Thirty percent of newly hired teachers enter the teaching profession without having fully met State licensing standards.

(6) There are nationwide shortages of qualified mathematics, science, special education, foreign language, and bilingual teachers.

(7) While minority students make up more than 30 percent of our Nation's student population, only 13 percent of our Nation's teachers are minorities.

(8) Up to 40 percent of our Nation's students come from rural schools. But less than 22 percent of Federal funding goes to rural schools.

(b) SENSE OF SENATE.—It is the sense of the Senate that significant additional resources should be provided to increase the recruitment of high quality teachers in rural areas as well as high poverty urban areas.

DORGAN (AND BINGAMAN) AMENDMENT NO. 54

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE   —STANDARDIZED SCHOOL REPORT CARDS

SEC.   01. SHORT TITLE.

This title may be cited as the "Standardized School Report Card Act".

SEC.   02. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by *Education Week*, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC.   03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC.   04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

(5) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, regarding—

(1) student performance in the school in reading and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

(5) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under subsection (a)(1) or (b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

JEFFORDS AMENDMENT NO. 55

Mr. JEFFORDS proposed an amendment to amendment No. 40 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC.   . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking "(b)(1)" and inserting "(b)"; and

(2) by striking subsections (c) through (g) and inserting the following:

"(c) Each local educational agency that receives funds under this section shall use such funds to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

MURRAY (AND KENNEDY) AMENDMENT NO. 56

Mr. KENNEDY (for Mrs. MURRAY for herself and Mr. KENNEDY) proposed an amendment to the motion to recommit proposed by Mr. KENNEDY to the bill, S. 280, supra; as follows:

At the end of the bill, add the following:

SEC.   . CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) Allotments.—

"(1) In general.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) Definition of state.—In this part the term "State" means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(3) State-level expenses.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

"(c) Within State Distribution.—

"(1) In general.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

"(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

"(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) Award rule.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

"(a) In General.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

"(b) Class Reduction.—

"(1) In general.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) Restriction.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) Special rule.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) Supplement Not Supplant.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) Prohibition.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) Professional Development.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) Administrative Expenses.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

(a) Federal Share.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) Local Share.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

"Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

"SEC. 6608. REPORTS.

"(a) State.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

"(b) School.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

FEINSTEIN AMENDMENT NO. 57

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE ___—STUDENT ACHIEVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Student Achievement Act of 1999".

SEC. ___0_. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term "core academic curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

JEFFORDS (AND BINGAMAN) AMENDMENT NO. 58

Mr. LOTT (for Mr. JEFFORDS for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 56 proposed by Mrs. MURRAY to the bill, S. 280, supra; as follows:

In lieu of the instructions, insert the following:

Report back forthwith with the following amendment:

At the end of the bill, add the following:

SEC. ___. IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

JEFFORDS AMENDMENT NO. 59

Mr. LOTT (for Mr. JEFFORDS) proposed an amendment to amendment No. 58 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

In the pending amendment, strike all after the word "IDEA" and insert the following:

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

(i) This section shall become effective 1 day after enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, March 10, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "What Works: Education Research." For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, March 11, 1999, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Key Patients' Protections: Lessons From the Field." For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Monday, March 8, 1999, at 9:30 a.m. for a hearing on the topic of "Deceptive Mailings and Sweepstakes Promotions."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAINTAINING THE FIGHT AGAINST "LOOSE NUKES"

• Mr. BIDEN. Mr. President, with the end of the Cold War, the threat of a nuclear holocaust between the United States and Russia has largely receded. There remains a real risk, however, that former Soviet weapons of mass destruction or the technology needed to build them will find their way to rogue states, terrorist groups, or even criminal organizations. If such weapons should ever be used, their impact will be catastrophic. It will hardly matter that "only" one or two cities have been so hideously slaughtered.

The war against these so-called "loose nukes" is as important as any war we have fought. It is a war fought with assistance to states of the former Soviet Union, rather than with armed force. Its battles are the battles against unemployment and lax security. Its fronts are an array of firms and institutes and so-called "nuclear cities," as well as the international frontiers where smugglers try to move sensitive materials to states like Iran, Iraq or Libya.

This is a war that we dare not lose. The Carnegie Endowment for International Peace reports that in December, the chief of Russia's Federal Security Service in the Chelyabinsk region said that employees at one sensitive plant had tried to steal 40 pounds of weapons-usable nuclear material. A month earlier, 3,000 workers at Chelyabinsk-70, a "nuclear city" similar to our nuclear weapons design laboratories, had held a protest over unpaid wages. In 1996, the head of that city committed suicide in despair over his inability to pay his personnel.

THE EXPANDED THREAT REDUCTION INITIATIVE

The Clinton Administration recently announced an Expanded Threat Reduction Initiative that will enlarge existing Nunn-Lugar programs by 60 percent for the next five years. The Carnegie Endowment notes correctly that "this new funding commitment still does not match the threat." But the Administration's request for extra funding in the Fiscal Year 2000 budget is desperately needed and merits wholehearted support.

One especially important aspect of the President's package is a major effort to find alternative employment for Russia's biological weapons experts. The microbiologists and other scientists who built the Soviet Union's massive biological warfare establishment are highly expert. They are quite capable of doing research and development that would improve public health in Russia and around the world. But they would be equally capable of assisting rogue states to wreak massive destruction, if we and other countries did not enable them to survive in non-military pursuits.

The United States is taking steps, in other programs, to better prepare for the awful possibility of a terrorist attack with chemical or biological weapons. The Expanded Threat Reduction Initiative will help give us the time we so desperately need, in which to improve our capability to combat those threats.

THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM

Two weeks ago, the General Accounting Office issued a report on another of our non-proliferation assistance efforts, the Energy Department's Initiatives for Proliferation Prevention—or IPP—program, that was critical of program management. Newspapers quoted a statement by my friend from North Carolina, Senator HELMS, who chairs the Foreign Relations Committee and commissioned the GAO study. He said that Energy Department failure to implement reforms recommended by the GAO would "jeopardize continued support" for the program and also "cast doubt" on the wisdom of the Expanded Threat Reduction Initiative.

Those stories made it sound as though threat reduction efforts were in danger. In my view, however, what we are actually witnessing are the normal growing pains of a basically successful program. I believe that the IPP program and other Nunn-Lugar efforts both deserve and will obtain the Senate's continued support.

The IPP program is only five years old. Its objective is to foster non-military employment for weapons scientists in the former Soviet Union by assisting them to develop marketable ideas that can then be produced in joint commercial ventures with Western companies. The GAO report notes that over 400 projects have been funded by IPP—over 200 projects in its first year alone—at about 170 institutes and organizations.

Thousands of Russian scientists have found at least part-time employment through IPP projects, and the result has been to lessen the temptation to sell their goods and expertise to rogue states. The GAO report discusses those results as follows:

> Officials from three institutes told us that the IPP program had prevented their laboratory or institute from shutting down and reduced the likelihood that scientists would be forced to seek other employment. A representative from Sarov [the new name for Arzamas-16, Russia's equivalent of Los Alamos] told us that without the IPP program, the situation at the institute would be a disaster.
>
> Some institute officials told us that the benefits of the IPP program went beyond financial support. . . .[and included] how to do business with the United States.

The GAO noted that the Energy Department's National Laboratories "have made great strides in helping to 'open up' NIS [former Soviet] institutes," stated that "the program has been successful in employing weapons scientists through research and development programs," and concluded that the overall effort is "in our national security interests."

Why, then, was the GAO critical of the IPP program? First, it found administrative lapses in the Department of Energy, such as not knowing how many scientists were engaged in particular projects, spending too much money in the United States and too little in the former Soviet Union, and allowing Russia to charge taxes on the assistance we provided. Secondly, it found many projects that had little or no chance of ever becoming commercially viable. Given that the IPP program is supposed to find Western investors for the projects it funds, the GAO's point was that the program was not achieving its long-term goals.

The GAO is right. But what they found was actually the tail end of the success story. They found a program that, in five short years, successfully reached into 170 former Soviet institutes and helped employ thousands of scientists. The IPP program made those crucial contacts and brought a message of hope that resonated throughout the community of Russian experts in weapons of mass destruction. It told them that we understood their need to survive economically and also their need to retain self-respect as skilled professionals.

After five years, it is time to tighten the administration of the IPP program. The good news is that the Energy Department is already working to do that. Indeed, of the GAO's 11 recommendations, the Energy Department accepted 10 completely and the 11th in part.

That 11th recommendation was to move more slowly in expanding the "Nuclear Cities Initiative" that will help Russia to downsize its nuclear complex without throwing weapons scientists out on the street. The Energy Department agrees on the need to move carefully, but reserves the right to take advantage of opportunities to expand the program beyond the three "nuclear cities" where it will begin.

When Chairman HELMS warns that the GAO recommendations must be implemented, he is sending a stern message to which the Energy Department should pay attention. But as I read the GAO report and the Energy Department's response, that Department is indeed paying attention. I have every hope, therefore, that even conservatives like my friend from North Carolina will conclude that the IPP program and the Expanded Threat Reduction Initiative deserve our support.

On February 26, the New York Times published a very perceptive editorial regarding U.S.-Russian nuclear relationships. The last paragraph of that editorial spoke directly to the last GAO recommendation:

> The G.A.O. report calls for closing down the nuclear-cities program until the problems in the institutes program have been resolved. That would be a mistake. The nuclear-cities agreement is more carefully drawn than its predecessor and already provides for exemption from Russian taxation. Tightened project review procedures are in place to make sure that Washington is not inadvertently subsidizing new Russian weapons development. These programs, along with Washington's contributions to Russia's plutonium and uranium conversion and security programs, should go forward as part of a coordinated drive to substantially eliminate Russia s cold-war nuclear infrastructure before the Clinton Administration leaves office.

The New York Times is right. Wars are not cheap. We cannot win the war against "loose nukes," "loose chemicals" and "loose pathogens," unless we give our government the means to fight. Given the terrible stakes in this war, we must move forward.

I ask that the New York Times editorial of February 26 and the Energy Department's response to the GAO report be printed in the RECORD at this point.

The material follows:

[From the New York Times, Feb. 26, 1999]

UNFINISHED COLD-WAR BUSINESS

History will judge the Clinton Administration's foreign policy record partly by its success in helping Russia reduce the nuclear remnants of the cold war. Nothing would do more to protect American security in the decades ahead than insuring that Russia's immense stockpile of nuclear weapons and materials is diminished and adequately controlled. The modest amount of money needed to achieve these goals now could save Washington many billions of dollars in the future to deal with the Russian nuclear threat if it is not reduced.

Moscow still has 6,000 nuclear warheads poised for long-distance delivery. Weapons-grade plutonium from dismantled warheads is stored in poorly secured buildings, vulnerable to theft. Russia also has tens of thousands of underpaid weapons scientists and workers in 170 scientific institutes and 10 closed cities that house the Russian nuclear weapons complex. If President Clinton hopes to leave an enduring mark in international affairs, he will work on these problems in the remaining 23 months of his term. Specifically, he should look for innovative ways to further reduce nuclear weapons and speed the conversion of Russia's nuclear establishment to civilian activities.

The last nuclear arms reduction treaty, negotiated more than six years ago, has yet to be ratified by Russia's Parliament. That treaty alone would cut nuclear weapons totals nearly in half. Prime Minister Yevgeny Primakov recognizes the treaty's value for Russia, both in foreign policy and budget savings terms. Mr. Clinton should work closely with President Boris Yeltsin and Mr. Primakov to achieve ratification.

But hopes for deep nuclear cuts need not depend on Russia's Communist-dominated Parliament. In coordination with Russia's leaders, Mr. Clinton should initiate steps that go beyond the treaty, including parallel nuclear reductions and taking more weapons off hair-trigger alert. Such methods proved effective when tried by Presidents George Bush and Mikhail Gorbachev a decade ago.

Shrinking Russia's nuclear infrastructure also requires expanding the cooperative programs developed under legislation originally sponsored by Senators Sam Nunn and Richard Lugar. These efforts have already supported the dismantling of 5,000 Russian warheads. Additional work is needed now to safely convert as much of the plutonium and enriched uranium from these bombs into less dangerous forms and to store what remains under much more secure conditions. The Administration rightly seeks large spending increases in these programs in next year's budget. It is essential that Congress approve these requests.

Washington should also press ahead with its efforts to re-employ Russian weapons scientists in civilian work. Two American programs managed by the Energy Department are designed to achieve that goal. One, begun in 1994, is aimed at Russia's scientific institutes. A newer program deals with the closed nuclear cities. The scientific institutes program has succeeded in re-employing thousands of Russian scientists at home and keeping them out of the reach of terrorists or countries eager to make nuclear, biological or chemical weapons. But a report prepared for Congress this week by the General Accounting Office called attention to some problems, including taxation by Russia of some of the aid money and allegations that some assistance went to institutes and scientists still engaged in weapons work. However cash-starved the Russian Government is, taxation of American aid money is unacceptable. Nor should American subsidies support Russian weapons development.

The G.A.O. report calls for slowing down the nuclear-cities program until the problems in the institutes program have been resolved. That would be a mistake. The nuclear-cities agreement is more carefully drawn than its predecessor and already provides for exemption from Russian taxation. Tightened project review procedures are in place to make sure that Washington is not inadvertently subsidizing new Russian weapons development. These programs, along with Washington's contributions to Russia's plutonium and uranium conversion and security programs, should go forward as part of a coordinated drive to substantially eliminate Russia's cold-war nuclear infrastructure before the Clinton Administration leaves office.

DEPARTMENT OF ENERGY,
Washington, DC, February 10, 1999.

Mr. VICTOR S. REZENDES,
Director, Energy, Resources and Science Issues, U.S. General Accounting Office, Washington, DC.

DEAR MR. REZENDES: The Department of Energy appreciates the opportunity to review the draft General Accounting Office report, GAO/RCED–99–54, "Nuclear Proliferation: Concerns With DOE's Efforts to Reduce the Risks Posted by Russia's Unemployed Weapons Scientists." The report, as written, provides valuable insight into our Initiatives for Proliferation Prevention Program and will assist the Department to better manage this valuable program. Technical comments to this report have been provided separately. Our comments on the report's recommendations are attached.

Sincerely,

LEONARD SPECTOR, *Director,*
Office of Arms Control and Nonproliferation.

Attachment.

COMMENTS ON DRAFT GENERAL ACCOUNTING OFFICE REPORT—NUCLEAR NONPROLIFERATION: CONCERNS WITH DOE'S EFFORTS TO REDUCE THE RISKS POSED BY RUSSIA'S UNEMPLOYED WEAPONS SCIENTISTS, FEBRUARY, 1999

GENERAL COMMENTS

The Department of Energy appreciates the effort that the General Accounting Office put into this report. We agree with the vast majority of its recommendations, and the IPP Program will be significantly strengthened as the result of this independent, in-depth evaluation. There are, however, a number of issues that we believe need further clarification.

First, the report expresses concern that certain IPP projects may have supported the development of dual-use technology that could inadvertently strengthen Russian military capabilities. We note that the specific projects identified in the report date from an earlier period of the program and, at worst, might have provided only incidental military benefits to Russia—and not to its weapon of mass destruction or missile programs. We are firmly committed to ensuring that IPP projects do not support dual-use technologies and are directed exclusively to peaceful objectives. This is an explicit project requirement as noted in guidance. Over the past eighteen months, the new management of the IPP Program has intensified project reviews to reinforce implementation of this standard.

We have been particularly sensitive to the dual-use potential of projects in the NIS chemical and biological institutes. The Department recognized from the onset of the program that the dividing line between commercial and weapons technologies was subtle in this area of technology. As a result, DOE instituted a special review process, which included the U.S. interagency, the U.S. chemical and biological community, and the DOE National Laboratories. Although the GAO report states that some reviewers may have provided only cursory analysis of particular projects, we believe that every IPP project with a chemical and biological institute received extensive scrutiny from numerous participants in the review process and that this process deliberately erred on the side of disapproval when questions on potential dual-use applications were raised. Nonetheless, we recognize that improvements are needed to make the review process more consistent and, as noted below, we accept the GAO's recommendation on this issue.

The GAO report also raised the concern that some Russian weapon scientists are being paid by the IPP Program even though they remain employed at their respective weapons-related institutes. The implicit criticism of the program is that this practice is subsidizing Russian weapon-of-mass destruction activities. We believe this implication is misplaced. The fundamental goal of the IPP Program is to keep weapons specialists working in their home countries—in the face of grim domestic employment prospects—rather than selling their services to foreign states or organizations of proliferation concern. At virtually all Russian weapons institutes, salaries are going unpaid for months, even for those who are nominally "employed" there. These scientists, and those who have been dismissed, are the proper targets of the IPP Program, because these are the individuals who are most likely to be tempted to sell their services abroad. IPP policy clearly states that the Program does not pay scientists to perform weapons work, and we match the scale of payments to those of deliverables required by our contracts, so that we are not inadvertently subsidizing other work at the host institute. Moreover, time spent on IPP activities is time scientists cannot spend working on Russian military programs.

Finally, GAO notes that only two of the IPP projects have progressed to Thrust III. Commercialization of science and engineering requires time, and the IPP program has only recently shifted its emphasis to commercialization. In the United States, commercialization efforts normally take five to seven years. In just the past year, the IPP Program has placed increased emphasis on projects cost-shared with U.S. industry (Thrust II) and on moving such projects towards commercial viability (Thrust III). This progression is important, we believe, to create viable long-term employment opportunities for Russian scientists who are leaving weapons work. We recognize, however, that IPP cannot by itself create commercial entities; it can only set measures and procedures in place to maximize the likelihood of their creation by U.S. industry. If Russian economic conditions stabilize, we believe the coming eighteen months will see the fruits of these and earlier efforts.

Fortunately, as the GAO notes, even if IPP commercialization success remains limited, the fundamental objective of the IPP Program—keeping former Soviet weapon-of-mass-destruction scientists at home—is succeeding.

RESPONSES TO GAO RECOMMENDATIONS

A. Recommendations on the IPP Program

Recommendation 1

Re-examine the role and the costs of the national laboratories with a view towards maximizing the amount of program funds going to the NIS institutes.

DOE management position

Concur.

The Department will continue its examination of laboratory roles to utilize their expertise more efficiently. In coming months, we expect to increase significantly the proportion of project dollars going to the NIS and to correspondingly reduce the proportion of funds spent at the national laboratories. An increased emphasis on Thrust II and Thrust III projects will help to promote this shift in funding. The Department notes that the enabling legislation for IPP calls for a ". . . program of cooperation between scientific and engineering institutes in the New Independent States of the former Soviet

Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications . . .''

Recommendation 2

Obtain information on how program money is being spent by the NIS recipients of program funds.

Management position

Concur.

The IPP Program office will issue guidance to participating laboratories to ensure more complete tracking of the expenditure of funds by the NIS recipients. The program will establish quarterly reporting on funds spent in the NIS.

Recommendation 3

Seek assurances from the Russian government, either through a government-to-government agreement or through other means, that program funds are exempt from Russian taxes.

Management position

Concur.

The Department of Energy agrees with this recommendation and will work with the Department of State to facilitate a government-to-government agreement. In the meantime, the Department will continue its efforts within the U.S. interagency structure to resolve this issue. This effort has led to discussions by the Vice President with his Russian counterparts on taxation issues and to the renewal of the Panskov-Pickering agreement as the basis for seeking case-by-case tax exemptions for IPP funds expended in Russia.

Recommendation 4

Require that program officials, to the extent possible, obtain accurate data on the number and backgrounds of scientists participating in program projects, and eliminate funding for institutes that did not formerly work on weapons of mass destruction.

Management position

Concur.

The IPP Program has issued, and will reemphasize, program guidance instructing principal investigators to obtain accurate data regarding the number and backgrounds of scientists participating in program projects. Scientists with weapons knowledge now employed at nonweapons institutes will continue to be eligible to participate in the IPP Program, as they represent a continuing potential proliferation concern.

Recommendation 5

Clarify program guidance as to whether scientists currently employed in weapons of mass destruction programs are eligible for program funding.

Management position

Concur.

The basic goal of the program is to retain former Soviet WMD scientists in their home countries; the key question is the expertise they possess and might offer to others, not whether they are currently on the roster of an NIS WMD institute. Through its increasing emphasis on commercialization, IPP will continue to develop long-term opportunities for scientists to leave WMD institutes. Explicit program guidance regarding scientists currently employed in weapons of mass destruction programs will be issued within 90 days.

Recommendation 6

Require that project reviewers consider all military applications of projects to ensure that useful defense related information is not unintentionally transferred.

Management position

Concur.

The IPP Program has always been sensitive to the question of transfer of weapons-sensitive technology to the NIS. Based on the GAO's report, however, we recognize that our review process was not as complete as it should be. Accordingly, the program has revised its procedures to request a direct review of projects by the Department of Defense instead of forwarding projects through the Department of State.

Recommendation 7

Strengthen and formalize DOE's process for reviewing proposed chemical and biological projects by:

(1) providing complete project information to all reviewing U.S. Government agencies and organizations.

Management Position

Concur.

Based on the GAO's report, the program has revised its procedures to ensure that all appropriate government agencies and organizations have complete project information.

(2) developing criteria to help frame the evaluation process.

Management Position

Concur.

This recommendation was completed during the course of the GAO's audit.

(3) providing feedback to all of the reviewing agencies about the final disposition of the projects.

Management Position

Concur.

The Department will provide feedback to all reviewers regarding the status of final approval of IPP projects.

Recommendation 8

Re-evaluate the large number of Thrust 1 projects, particularly those that have been funded for several years, and eliminate those that do not have commercial potential.

Management Position

Concur.

The Department has implemented a reevaluation of Thrust 1 projects based on GAO's review.

Recommendation 9

Develop criteria and time frames for determining when Thrust 1 projects should be terminated if they do not meet the criteria of graduation to the program's next phase.

Management Position

Concur.

Based on GAO's review, this recommendation will be accomplished within 120 days.

B. Recommendations on Nuclear Cities Initiative

Because DOE plans to implement the Nuclear Cities Initiative in a relatively short amount of time (5 to 7 years) at a potential cost of up to $600 million during uncertain economic times in Russia, we believe it is critical that program implementation be based on solid thinking and planning which considers the problems experienced under the IPP Program. Therefore, we recommend that DOE:

Recommendation 10

Develop a strategic plan for the Initiative before large scale funding begins and include in the plan-program goals, costs, time frames, performance measures, and expected outcomes, such as the number of jobs created for each city.

Management Position

Concur.

The Department is preparing a strategic plan that will be published within 90 days.

Recommendation 11

Not expand the Initiative beyond the three nuclear cities until DOE has demonstrated that its efforts are achieving program objectives, that is, that jobs are being created in the civilian sector for displaced weapons scientists, engineers, and technicians.

Management Position

Concur, with qualification.

Some existing IPP projects in other closed cities may naturally transition to work under the Nuclear Cities Initiative. Similarly, the Department does not want to preclude the possibility of accomplishing significant reductions in nuclear weapons related activities in another closed nuclear city should the opportunity arise to assist in the shutdown of facilities there. It is also the intent of the Department to structure the second year of the Nuclear Cities Initiative based upon lessons learned the first year. The Department has a process for reviewing program objectives to determine lessons learned and next steps.•

POST OFFICE COMMUNITY PARTNERSHIP ACT OF 1999

• Mr. JEFFORDS. Mr. President, I rise today to discuss a bill that my colleague Senator BAUCUS and I are re-introducing titled the, ''Post Office Community Partnership Act of 1999.''

Aside from a few technical changes, the bill is similar to the one we introduced in the 105th Congress that was supported by so many of our colleagues in a 76–21 vote last July. Unfortunately our postal language was dropped from the underlying bill during conference with the House. However, I am hopeful that this year our bill will become law. I should add that this year we have coordinated our efforts with Representative BLUMENAUER of Oregon and an identical companion bill is being put forward in both the Senate and the House.

Mr. President, I live in a small town in Vermont. I understand the importance downtowns and village centers play in the identity and longevity of communities. Downtowns are the social and economic hearts of small communities. They are where neighbors catch up on the news, shop, worship, and celebrate national holidays.

Our bill will enable the residents of small villages and large towns to have a say when the Postal Service decides that their local post office will be closed, relocated, or consolidated. Local post offices are important tenants in any vibrant downtown. A recent article in USA Today cited a 1993 study that found that 80 percent of people who shopped downtown planned their visit around a visit to the post office.

There is much talk in the news today about revitalizing our downtowns and encouraging smart growth. I say to my colleagues, if you want to encourage smart growth, let's start by doing what we can to keep federal facilities such as post offices in downtowns.

Some of my colleagues may ask why this legislation is necessary. A story from my home state of Vermont will answer that question.

A few years ago the general store on the green in Perkinsville, Vermont went bankrupt and the adjacent post office wanted to leave the small village center for a new building outside of town. By the time the community was aware of the relocation, plans were so far along—the new building had actually been constructed based on the promise of the post office as the anchor tenant—that there was no time to fully investigate in-town alternatives. One elderly resident wrote that in contrast to families now being able to walk to the post office, "we certainly won't be walking along the busy Route 106 two miles or more to get our mail." The State Historic Preservation Officer commented that as people meet neighbors at the post office, the threads of community are woven and reinforced. "It may be intangible, but its real, and such interaction is critically important to the preservation of the spirit and physical fabric of small village centers like Perkinsville."

In other Vermont towns such as Springfield, Arlington, and St. Albans, the threat of our legislation has encouraged the Postal Service to work more closely with these communities as plans are developed to expand their local post offices. Our bill would codify the process that communities should go through and would avoid a one-size fits all approach to community needs.

Mr. President, post office closings and relocations are occurring all across the country and especially in small and rural communities. My colleagues will quickly discover similar examples in their own states where the removal of the post office has harmed the economic vitality of the downtown area, deprived citizens without cars of access, and contributed to sprawl.

The basic premise for this legislation is to give the individuals in a community a voice in the process of a proposed relocation, closing, consolidation, or construction of a post office. This bill does not give the citizenry the ultimate veto power over a relocation, closing, consolidation, or construction. Instead, the bill sets up a process that makes sure community voices and concerns are heard and taken into account by the Postal Service.

Additionally, this bill will require the Postal Service to abide by local zoning laws and the historic preservation rules regarding federal buildings. Because it is a federal entity, the Postal Service has the ability to override local zoning requirements. In some cases this has led to disruption of traffic patterns, a rejection of local safety standards, and concerns about environmental damage from problems such as storm water management.

Mr. President, post offices in Vermont and across the nation are centers of social and business interaction. In communities where post offices are located on village greens or in downtowns, they become integral to these communities' identities. I believe that this legislation will strengthen the federal-local ties of the Postal Service, help preserve our downtowns, and combat the problem of sprawl. I urge my colleagues to join Senator BAUCUS and I in support of this important legislation. I ask to have the text of the bill printed in the RECORD.

The text of the bill follows:

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post Office Community Partnership Act of 1999".

SEC. 2. GUIDELINES FOR RELOCATION, CLOSING, CONSOLIDATION, OR CONSTRUCTION OF POST OFFICES.

Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, consolidation, or construction of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, consolidate, or construct that post office not later than 60 days before the final determination is made to relocate, close, consolidate, or construct.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, consolidation, or construction of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, consolidation, or construction;

"(iii) the proposed date for the relocation, closing, consolidation, or construction;

"(iv) notice of the opportunity of a hearing, if requested; and

"(v) notice of the opportunity for public comment, including suggestions.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, closing, consolidation, or construction proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, if requested by persons served by the post office that is the subject of a notice under paragraph (1). If a hearing is held under this paragraph, the persons served by such post office may present oral or written testimony with respect to the relocation, closing, consolidation, or construction of the post office.

"(B) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, consolidation, or construction on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, consolidation, or construction;

"(iv) any potential effect of the relocation, closing, consolidation, or construction on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, consolidation, or construction of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, consolidation, or construction;

"(vii)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, consolidation, or construction have been explored; and

"(viii) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, consolidate, or construct that post office.

"(C) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

"(5)(A) Any determination of the Postal Service to relocate, close, consolidate, or construct a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, consolidate, or construct a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 30-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph 7(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, consolidate, or construct any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 30-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the

Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, consolidation, or construction of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, closing, consolidation, or construction of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, consolidate, or construct any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, consolidation, or construction of any post office under this subsection shall be conducted in accordance with the National Historic Preservation Act (16 U.S.C. 470h-2).

"(11) Nothing in this subsection shall be construed to apply to a temporary customer service facility to be used by the Postal Service for a period of less than 60 days.

"(12)(A) For purposes of this paragraph the term 'emergency' means any occurrence that forces an immediate relocation from an existing facility, including natural disasters, fire, health and safety factors, and lease terminations.

"(B) If the Postmaster General makes a determination that an emergency exists relating to a post office, the Postmaster General may suspend the application of the provisions of this subsection for a period not to exceed 180 days with respect to such post office.

"(C) The Postmaster General may exercise the suspension authority under subparagraph (A) once with respect to a single emergency for any specific post office.".●

INTERNATIONAL WOMEN'S DAY

● Mr. FEINGOLD. Mr. President, I rise today to join others around the world in marking International Women's Day. This day celebrates the contributions and accomplishments of women worldwide, and also reminds us that, unfortunately, many women are still treated as second-class citizens. Gender-based discrimination and harassment, domestic violence, and sexual assault are far too common in too many places. The glass ceiling, while perhaps a bit cracked, still blocks the progress of many women who work outside the home. Lack of affordable quality child care forces many women to make a painful decision between their children and their careers.

The wage gap between men and women around the world is still vast. According to 1997 statistics from the Bureau of Labor Statistics, American women working outside the home in non-agricultural jobs earn about seventy-five percent of what their male counterparts earn; that is, seventy-five cents on the dollar. International Labour Organization statistics from 1996 state that women in Japan make sixty-two percent of what their male counterparts earn; the figure in Kenya is eighty-five percent. Australian women fare better, earning virtually the same wages as men.

In many places, women and girls are not considered valued members of society. Rather, their basic human rights are curtailed, sometimes to the point of denial of adequate medical care and basic educational opportunities. The illegal trafficking of women and girls for purposes such as slavery and prostitution is rampant in some areas of the world. In some places, it is common for women to be burned with acid by their husbands if their dowries are not large enough.

The deplorable practice of so-called "honor killing"—men murdering female relatives accused of things ranging from infidelity to objection to an arranged marriage—is again receiving international attention. What is even more deplorable is that the men committing these murders take pride in their crimes, which they justify as cultural tradition, and are routinely given light prison sentences. Some women endure voluntary imprisonment to escape male relatives who intend to murder them.

Despite the challenges they face—or maybe in spite of them—women in the United States and around the world contribute to their families and their countries in countless ways.

In the United States, March is Women's History Month. It is a time to celebrate the contributions of women such as Carrie Chapman Catt, a native of Ripon, Wisconsin, who served as the last president of the National American Women Suffrage Association, and was the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement is legendary, and her legacy in grassroots organizing is equally significant. She led a tireless lobbying campaign in Congress, sent letters and telegrams, and eventually met directly with the President—using all the tools of direct action with which political organizers are now so familiar today.

Catt's crusade for suffrage saw a homefront victory on June 10, 1919, when Wisconsin became the first state to deliver ratification of the constitutional amendment granting women the right to vote before it was adopted as the Nineteenth Amendment in August of 1920.

The legacy of Carrie Chapman Catt is alive and well today—in Wisconsin and across the globe—as women take a more and more active role in the political process. I am proud to serve alongside Congresswoman TAMMY BALDWIN, the first woman elected to Congress from Wisconsin. The 106th Congress includes a record 67 women—nine in the Senate and 58 in the House of Representatives.

As Ranking Member of the Subcommittee on African Affairs of the Senate Committee on Foreign Relations, I have monitored how the women of Africa participate in the political process and make vital contributions to the economies of their countries. During the recent assembly and presidential elections in Nigeria, women served as poll workers and were candidates for the assembly. I regret that voter turnout among women was noticeably low, but was pleased to see some progress being made.

One way in which the Senate can honor women worldwide is to fulfill our long-overdue constitutional obligation to offer our advice and consent to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) at the earliest possible date. This year marks the 20th anniversary of CEDAW, which was adopted by the United Nations General Assembly on December 18, 1979. CEDAW was signed by the United States on July 17, 1980, and was transmitted to the Senate for its advice and consent by President Carter on November 12, 1980. Almost two decades later, the treaty is still pending before the Senate Committee on Foreign Relations. As of December 1998, 163 countries have ratified CEDAW. Only three signatories have yet to ratify the convention: Afghanistan, San Tome and Principe, and the United States. It is high time for us to ratify this important document.

In closing, Mr. President, as the father of two daughters, I am hopeful that the world we leave to our children and grandchilren will be deviod of domestic violence and other forms of gender-based discrimination, harrassment, and violence. As we prepare to enter the 21st century, we must redouble our efforts to protect and promote the rights of women and girls at home and abroad.●

HUMAN RIGHTS IN CUBA AND COMMEMORATING THE BROTHERS TO THE RESCUE

● Mr. MACK. Mr. President, I rise today to express my support for Senate Resolution 57 condemning the Cuban government's human rights record and calling on the President to make all efforts necessary to pass a resolution condemning Cuba at the UN Human Rights Commission meeting in Geneva, Switzerland.

Many people have written and spoken about the latest crackdown in Cuba as if they were discovering for the first time the nature of Fidel Castro's brutal regime. Fidel Castro is a tyrant. He rules with absolute authority and uses fear and greed to maintain his power. For forty years he has demonstrated to us his nature. He has not changed. We must continue our pressure on him—voice our opposition to him. And we must continue our support for the struggling Cuban people. The choice should not be difficult to make: we must stand with those suffering under one of the few totalitarian Marxists remaining in power in the world, and we must stand up to condemn the actions of the brutal regime.

One clear reminder of who we are dealing with is the murder in the Florida straits of four Americans in 1996. They were flying a humanitarian mission when the Cuban Air Force shot their unarmed aircraft out of the sky. For three years, Mr. President, we have all known about this murder, and for three years, I have been struggling to understand why this administration refuses to take appropriate action.

The Boston Globe published a very powerful essay by columnist Jeff Jacoby to mark this anniversary. I'd like to read from it. Jeff captures the starkness of the mismatched foreign policy in place, comparing the act, which Fidel Castro committed with this administration's unprincipled response. His piece is titled "Murder Over the High Seas."

> They were trying to save lives. Three years ago this week, they paid with their own.
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> When Armando Alejandre, Carlos Costa, Mario de la Pena, and Pablo Morales took to the skies that day in their little blue-and-white Cessna 337s, their plan was to search the Florida Straits for stranded boat people, refugees fleeing Cuba in makeshift rafts or flimsy inner tubes. There was little enough the fliers could do for any rafters they came upon—toss down food and bottled water, radio their location to the Coast Guard—but that little could make the difference between life and death.
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> Of the four, Carlos was the most experienced. He had flown more than 500 such missions for Brothers to the Rescue, and had saved scores of boat people from drowning or dying of thirst. Armando, by contrast, was going up for only the second time. What all four had in common was a love of American liberty—and a profound concern for any Cubans so desperate to escape Fidel Castro's Caribbean hellspot that they would risk their lives to get away.
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> On Feb. 24, 1996, Carlos, Armando, Mario, and Pablo took off from an airfield in Opa-Locka, Fla. They intended to fly just below the 24th parallel, well north of Cuba's territorial waters. Both planes contacted Havana air-traffic controllers as they approached the 24th parallel, identifying themselves and giving their position. Whereupon the Cuban Air Force, without warning and without reason, scrambled two MiG fighters and blew the rescue planes out of the sky.
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> The Cessnas and their passengers were disintegrated by the Cuban MiGs. Only a large oil slick marked the spot where they went down. No bodies were ever recovered.
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> Three of the men—Carlos, Mario, and Armando—were US citizens. Pablo, a former refugee who had himself been saved by Brothers to the Rescue in 1992, was a permanent US resident. What happens when four American civilians are butchered in cold blood, over international waters, by the air force of a Third World dictatorship? What terrible retribution does the United States exact for a quadruple murder so barbaric and unprovoked?
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> The astonishing answer is: Nothing happens. There is no retribution. Indeed, the Clinton administration takes the position not only that Castro must not be punished for the four lives he destroyed, but that the victims' families must not be permitted to recover anything for their loss.
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> In the wake of the shootdown, under intense political pressure, President Clinton agreed to sign the Helms-Burton Act. Title III of the statute allows American citizens whose property was confiscated by the Cuban government—Castro nationalized billions of dollars' worth of American assets in the 1960s—to file suit against any foreign company using that property. Title IV bars any officer of a foreign company trafficking in stolen American property from receiving a visa to enter the United States.
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> Properly enforced, Helms-Burton would weaken Castro's grip on power by reducing the flow of foreign capital into his treasury. But Helms-Burton is not properly enforced. Title III has never taken effect because Clinton keeps suspending it (as the law permits him to do if he finds that a suspension "will expedite a transition to democracy in Cuba"). Title IV has never taken effect because the State Department refuses to carry it out.
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> The hobbling of Helms-Burton is a stinging insult to the memory of the four murdered men. But the Clinton administration has delivered a cut unkinder still.
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> In 1996, the families of Armando, Carlos, and Mario sued the Cuban government for damages caused by the wrongful deaths of their loved ones, a legal remedy specifically authorized by the Anti-Terrorism and Effective Death Penalty Act. In December 1997, Senior US District Judge James Lawrence King awarded the plaintiffs $187.7 million in damages. "Cuba's extrajudicial killings . . . were inhumane acts against innocent civilians," he wrote in his final judgment. "The fact that the killings were premeditated and intentional, outside Cuban territory, wholly disproportionate, and executed without warning . . . makes this act unique in its brazen flouting of international norms."
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> But when the families attempted to collect their judgment out of frozen Cuban assets, the Clinton administration blocked them. The president famous for feeling people's pain is less concerned with the pain of grief-stricken Americans, it would appear, than with the pain Castro might feel if the judgment were paid.
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> The administration's position is staggering. Castro is an open and declared enemy of the United States and has been for 40 years. In sending combat aircraft to slaughter four unarmed Americans engaged in humanitarian rescue work, he committed an act of war. The response of the United States should have been to remove Castro from power and put him in the dock for crimes against humanity. (for the murder of just "one" American in 1989, the United States invaded Panama and seized Manuel Noriega.)
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> Clinton's appeasement of Castro is a cruel betrayal. The families of the dead Brothers of the Rescue deserve better from their government. And the tormented people of Cuba, bleeding under Castro's whip, deserve better from their free and powerful neighbor to the north.

Mr. President, it is clear to me that the United States has failed to stand up for the protection of the individual when damaged by international terrorism. I spoke last week about this administration's failure to adequately address terrorism in the Middle East. The pattern remains consistent—appease the enemies of freedom, the advocates of terror, in the hopes that they will not strike again. This approach simply fails. I don't know how to say it any more directly than that. This approach fails.

The Congress passed a law last year supporting the awarding of damages from the frozen assets of terrorist states being held by the Treasury Department to American victims. This law can help the families of the Brothers to the Rescue pilots. The President, however, waived this relief asserting our national security interests would be better served by protecting Castro's money. How can this be? Nobody has provided to me an adequate explanation of what interest would cause us protect terrorism and shun American victims.

Mr. President, this resolution calls on the United States to stand up for freedom, justice, and human dignity. It states that the President of the United States should lead on this issue by having the United States introduce and make all efforts necessary to pass a resolution in Geneva condemning the human rights record of the Cuban government. Mr. President, if there is one time and one place where we are obliged to condemn human rights practices, it is at the UN Commission meeting in Geneva each year. That is what this resolution calls for, and I call for its immediate passage.●

JOE DIMAGGIO

● Mr. MOYNIHAN. "Joe, Joe DiMaggio, we want you on our side!" Well, he is on the other side now, but stays with us in our memories.

Mine are, well, special to me. It would be in 1938 or 1939 in Manhattan.

The Depression lingered. Life was, well, life. But there was even so somebody who made a great difference and that was Lou Gehrig of the New York Yankees. I admired him as no other man. Read of him each day, or so it seemed, in the Daily News. And yet I had never seen him play. One summer day my mother somehow found the needful sixty cents. Fifty cents for a ticket at the Stadium, a nickel for the subway up and back. Off I went in high expectation. But Gehrig, disease I must assume was now in progress, got no hit. A young rookie I had scarce noticed hit a home run. Joe DiMaggio. It began to drizzle, but they kept the game going just long enough so there would be no raincheck. I went home lifeless and lay on my bed desolate.

Clearly I was in pain, if that is the word. The next day my mother somehow came up with yet another sixty cents. Up I went. And the exact same sequence occurred.

I went home. But not lifeless. To the contrary, animated.

For I hated Joe DiMaggio. For life.

I knew this to be a sin, but it did not matter. Gehrig retired, then died. My animus only grew more animated.

Thirty years and some went by. I was now the United States Permanent Representative to the United Nations. One evening I was having dinner at an Italian restaurant in midtown. As our company was about finished, who walked in but DiMaggio himself, accompanied by a friend. They took a table against the wall opposite. I watched. He looked over, smiled and gave a sort of wave. Emboldened, as we were leaving, I went over to shake hands. He rose wonderfully to the occasion.

I went out on 54th Street as I recall. And of a sudden was struck as if by some Old Testament lightening. "My God," I thought, "he has forgiven me!" He must have known about me all those years, but he returned hate with love. My soul had been in danger and he had rescued me.

Still years later, just a little while ago the Yankees won another pennant. Mayor Guiliani arranged a parade from the Battery to City Hall. Joe was in the lead car; I was to follow. As we waited to get started, I went up to him, introduced myself and told of having watched him at the Stadium these many years ago. "But I have to tell you," I added, "Lou Gehrig was my hero."

"He was my hero, too," said Joe.●

RECOGNIZING BERNICE SHIVLEY, FIRST BOOK COORDINATOR, PEND OREILLE COUNTY, WASHINGTON

● Mr. GORTON. Mr. President, today I rise to recognize Bernice Shivley in my home state of Washington for her efforts to promote literacy in her community. As I have traveled around Washington state, I hear again and again about the great strides "First Book" has made in improving children's literacy and in particular, I hear remarkable praise for Bernice Shivley, the First Book Coordinator in Pend Oreille County.

First Book is a national non-profit organization with a single mission: To give disadvantaged children the opportunity to read and own their first new book. At the national level, First Book has developed a sustained network of strategic partnerships with groups and companies like the American Library Association and Barnes & Noble, Inc. The key to First Book's success, however, is the inspiration and commitment of local communities.

In each locality, First Book establishes an advisory board comprised of volunteer leaders including librarians, teachers, retailers, and public officials. These boards work with existing local literacy programs to increase the availability of tutors, book grants, and to promote special events—all in the name of improved literacy. Most importantly, perhaps, First Book reaches out to the children who are most difficult to reach: the children in soap kitchens and in homeless shelters, in church basements and in youth centers.

In Pend Oreille County, which is in the northeast corner of Washington state, Bernice Shivley has made the success of First Book her passion. The regional coordinator for First Book tells me that "Bernice is a model for what First Book is all about." She has graciously volunteered her time and has spent countless hours creating an advisory board, securing donations from area business, and identifying local literacy programs to support. For these reasons, I am awarding Bernice the second of my weekly "Innovation in Education Awards."

It is the actions of people like Bernice around the country that should remind us here in Washington, DC that those closest to our children are best equipped to make important decisions regarding their education. I commend Bernice for her outstanding work on behalf of the children and citizens of Pend Oreille County.●

INTERNATIONAL WOMEN'S DAY

● Mr. LAUTENBERG. Mr. President, I rise today to recognize March 8th as the annual celebration of International Women's Day in the State of New Jersey.

International Women's Day began in 1911, when over one million people from around the world gathered to honor women in the workplace and enhance women's rights universally. The many citizens from Austria, Denmark, Germany, Sweden and the United States attended rallies in their home countries and called for women to have the right to vote, the right to hold public office, for vocational training and to end discrimination against women in the workplace.

Mr. President, women's rights have come a long way since then. But we still have farther to go.

Mr. President, the purpose now of International Women's Day is to promote many causes important to women and girls, such as education, leadership development and ongoing human rights struggles. Supporters of this day would like to see economic justice for women, freedom from glass ceilings, violent workplace environments and sexual harassment, and the elimination of child labor in sweatshops.

In addition, Mr. President, a concurrent celebration of International Women's Day has blossomed in New Jersey. New Jersey, in fact, is the only state where International Women's Day is celebrated state-wide in classrooms and community centers everywhere.

In 1992, New Jersey's celebration was founded in Metuchen with the help of organizations like Women Helping Women, Citizens for Quality Education and the Metuchen Public Schools. Since then, the New Jersey state legislature, the White House and the United Nations have all recognized this celebration as important in the evolution of women's rights. The Young Women's Christian Association (YWCA) of the U.S.A., one of the oldest and largest women's organizations in the world, has also become a vital sponsor of International Women's Day.

Mr. President, this year's celebration is entitled, "Women Working for Health: Body, Mind, Spirit," focusing on women in the workplace. In classrooms across New Jersey, women from all walks of life, including veterinarians, pilots, judges, community leaders, and medical researchers, have been invited to discuss their personal and professional experiences with students at levels ranging from kindergarten to adult education programs. These priceless exchanges will provide young girls and women with mentors, role models and friends.

Mr. President, I am happy to join in the celebration of International Women's Day in New Jersey, and all that it does to foster the promotion of equal rights for women. I hope my colleagues will do the same.●

CLIMATE CHANGE BILL AWARDING CREDIT FOR EARLY ACTION

● Mr. JEFFORDS. Mr. President, climate change poses potential real threats to Vermont, the Nation, and the World. While we cannot yet predict the exact timing, magnitude, or nature of these threats, we must not let our uncertainty lead to inaction.

Preventing climate change is a daunting challenge. It will not be solved by a single bill or a single action. As we do not know the extent of the threat, we also do not know the extent of the solution. But we cannot let our lack of knowledge lead to lack of action. We must start today. Our first steps will be hesitant and imperfect, but they will be a beginning.

Today I am joining Senator CHAFEE, Senator MACK, Senator LIEBERMAN, and a host of others in cosponsoring the Credit for Early Action Act in the U.S. Senate.

Credit for Early Action gives incentives to American businesses to voluntarily reduce their emissions of greenhouse gases. Properly constructed, Credit for Early Action will increase energy efficiency, promote renewable energy, provide cleaner air, and help reduce the threat of possible global climatic disruptions. It will help industry plan for the future and save money on energy. It rewards companies for doing the right thing—conserving energy and promoting renewable energy. Without Credit for Early Action, industries which do the right thing run the risk of being penalized for having done so. We introduce this bill as a signal to industry, you will not be penalized for increasing energy efficiency and investing in renewable energy, you will be rewarded.

In writing this bill, Senators CHAFEE, MACK, and LIEBERMAN have done an excellent job with a difficult subject. I am cosponsoring the Credit for Early Action legislation as an endorsement for taking a first step in the right direction. I will be working with my colleagues throughout this Congress to strengthen this legislation to ensure that it strongly addresses the challenges that lie ahead. The bill must be changed to guarantee that our emissions will decrease to acceptable levels, and guarantee that credits will be given out equitably. These modifications can be summarized in a single sentence: credits awarded must be proportional to benefits gained. This goal can be achieved through two additions: a rate-based performance standard and a cap on total emissions credits.

The rate-based performance standard is the most important item. A rate-based standard gives credits to those companies which are the most efficient in their class—not those that are the biggest and dirtiest to begin with. Companies are rewarded for producing the most product for the least amount of emissions. Small and growing companies would have the same opportunities to earn credits as large companies. This system would create a just and equitable means of awarding emissions credits to companies which voluntarily increase their energy efficiency and renewable energy use.

The second item is an adjustable annual cap on total emissions credits. An adjustable annual cap allows Congress to weigh the number of credits given out against the actual reduction in total emissions. Since the ultimate goal is to reduce U.S. emissions, this provision would allow a means to ensure that we do not give all of our credits away without ensuring that our emissions levels are actually decreasing.

With these two additions, Credit for Early Action will bring great rewards to our country, our economy, and our environment. It will save money, give industry the certainty to plan for the future, and promote energy efficiency and renewable energy, all while reducing our risk from climate change. This legislation sends the right message: companies will be rewarded for doing the right thing—increasing energy efficiency and renewable energy use.•

RICHARD G. ANDREWS

• Mr. BIDEN. Mr. President, I rise today to recognize a man who has been a pillar of loyalty, integrity and continuity in Delaware's U.S. Attorney's office for the past 15 years.

We all know men and women who are the pillars of federal government offices—people who keep the wheels of government turning as changes occur around them. Richard G. Andrews is that pillar who keeps Delaware's U.S. Attorney's Office standing tall and strong. I respect his legal talents, professionalism, work ethic and people skills. And I recognize this dedicated public servant today, not because he's retiring—fortunately he's still working as hard as ever—but simply because he deserves the recognition.

As an Assistant U.S. Attorney since 1983, and Chief of the Criminal Division for the past five years, Rich has earned a reputation as a tough, fair prosecutor in the nearly 40 felony jury cases he has tried. He was involved with the most far-reaching FBI undercover sting operation in Delaware history that sent several top State and County officials to prison for bribery convictions. He also sent the Vice President of the Pagan Motorcycle Club to jail for 25 years for running a drug distribution ring. And he prosecuted the men convicted of bilking the federal government and taxpayers out of nearly half-a-million dollars in a student loan scam.

Rich Andrews started his legal career learning from the best—he was law clerk to the late U.S. Court of Appeals Judge for the Third Circuit, Chief Judge Collins J. Seitz.

It's no wonder that distinguished experience marked the beginning of many more honors to come. In 1996, FBI Director Louis Freeh issued a commendation to him for the convictions of three top officials of Madison & Co. in $1 million securities fraud case. In 1993, he was commended for prosecuting ocean dumpers off the Delaware coast.

Rich continues to pass on his craft to young attorneys, teaching Criminal Trial Advocacy courses. And he goes the extra mile for victims, serving as Chairman of Delaware's Criminal Justice Council's Victims' Subcommittee.

Delaware and our country's U.S. Department of Justice are better for the continued service of Rich Andrews. He is an honest, down-to-earth, tough prosecutor and dedicated public servant. It is my pleasure to recognize this second-in-command as he continues to serve as the Chief Criminal prosecutor for Delaware's U.S. Attorney's Office. It's a simple thank you for a job well done.•

ANTITRUST MERGER REVIEW ACT

• Mr. DEWINE. Mr. President, I rise today in support of the "Antitrust Merger Review Act" (S. 467), a bill that I introduced with Senator KOHL, the ranking minority member of the Antitrust, Business Rights and Competition Subcommittee.

S. 467 is, plain and simple, a bill that imposes time limits on the FCC review of telecom mergers. This bill will not limit the scope of the FCC review, or attempt to dictate to the FCC how to evaluate these mergers; instead, it will simply impose a deadline for FCC action.

As I have stated before, telecommunications mergers have a major impact on competition, and they require careful scrutiny from the FCC. However, careful scrutiny does not mean endless scrutiny. These mergers must be evaluated in a timely fashion, so that the merging parties and their competitors can move forward. The longer these deals remain under review the longer the market remains in limbo, and the longer it will be before we see vigorous competition.

Accordingly, Senator KOHL and I have introduced S. 467, and plan to work with our colleagues on the Judiciary Committee and with Senator MCCAIN and Senator HOLLINGS and the rest of the Commerce Committee, to move this bill forward and help increase the pace of competition in the telecommunications industry.•

• Mr. KOHL. Mr. President, I rise today in support of the "Antitrust Merger Review Act" (S. 467), a bill that I introduced with Senator DEWINE, my colleague on the Antitrust Subcommittee. This measure sets a deadline on the Federal Communications Commission when it reviews mergers. In other words, our bill says to the FCC: approve a merger, reject it, or apply conditions. But don't sit on it.

All too often, telecommunication companies, their customers, and their employees are left to mercy of a time-consuming merger review process—a process in which the two lead agencies, the Department of Justice and the FCC, act in sequence rather than in tandem. Like the DOJ and the Federal Trade Commission, who have deadlines under the Hart-Scott-Rodino laws, there is no compelling reason to let the FCC "hang back" and wait until the end.

Our bill is simple, effective and straightforward, and sets reasonable time limits for the FCC to follow. When a license transfer application is filed, the FCC will have 30 days to decide whether or not a "second request" for further information is needed from the merging companies. If this second request phase is needed, the FCC will then have six months after receiving the additional material—so-called "substantial compliance"—to make a determination. For those familiar with antitrust laws, these time limits are nothing new or shocking. If anything, they make common sense by creating a framework for a timely decision. And this measure is entirely consistent with the thrust of the 1996 Telecom Act, which strengthened the hand of the antitrust laws in addressing telecom mergers. See, e.g., Public Law 104–104 §601(b).

But Mr. President, let me also tell you what this bill is not. First, while our measure sets time limits on the FCC's merger review process, it does not change the FCC's substantive role in approving or rejecting these deals. Others have suggested doing this, but many of us believe that the FCC through application of its "public interest test" can obtain market-opening concessions from merging companies that the DOJ, under antitrust laws, simply cannot. Second, though some in Congress may want to revisit other aspects of the Hart-Scott-Rodino antitrust laws, this bill is not a vehicle for substantive changes—they are best left for other measures at another time.

This is not a perfect piece of legislation to be sure, but it is a step in the right direction. Still, it is a work in progress, so we plan to work together with our colleagues, Senator HOLLINGS and Senator MCCAIN, and to get input from all the affected parties. After that, we will ask for our colleagues' support for this bipartisan proposal, which will help companies get on with their businesses, and employees and consumers get on with their lives.

Finally, Mr. President, I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Merger Review Act".

SEC. 2. RESTATEMENT AND IMPROVEMENT OF SECTION 7A OF THE CLAYTON ACT.

(a) IN GENERAL.—Section 7A of the Clayton Act (15 U.S.C. 18a) is amended to read as follows:

"SEC. 7A. (a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

"(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce;

"(2)(A) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 or more are being acquired by any person which has total assets or annual net sales of $100,000,000 or more;

"(B) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 or more are being acquired by any person which has total assets or annual net sales of $100,000,000 or more; or

"(C) any voting securities or assets of a person with annual net sales or total assets of $100,000,000 or more are being acquired by any person with total assets or annual net sales of $10,000,000 or more; and

"(3) as a result of such acquisition, the acquiring person would hold—

"(A) 15 per centum or more of the voting securities or assets of the acquired person, or

"(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).

"(b)(1) The waiting period required under subsection (a) shall—

"(A) begin on the date of the receipt by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (hereinafter referred to in this section as the 'Assistant Attorney General') of—

"(i) the completed notification required under subsection (a), or

"(ii) if such notification is not completed, the notification to the extent completed and a statement of the reasons for such noncompliance, from both persons, or, in the case of a tender offer, the acquiring person; and

"(B) end on the thirtieth day after the date of such receipt (or in the case of a cash tender offer, the fifteenth day), or on such later date as may be set under subsection (e)(2) or (g)(2).

"(2) The Federal Trade Commission and the Assistant Attorney General may, in individual cases, terminate the waiting period specified in paragraph (1) and allow any person to proceed with any acquisition subject to this section, and promptly shall cause to be published in the Federal Register a notice that neither intends to take any action within such period with respect to such acquisition.

"(3) As used in this section—

"(A) The term 'voting securities' means any securities which at present or upon conversion entitle the owner or holder thereof to vote for the election of directors of the issuer or, with respect to unincorporated issuers, persons exercising similar functions.

"(B) The amount or percentage of voting securities or assets of a person which are acquired or held by another person shall be determined by aggregating the amount or percentage of such voting securities or assets held or acquired by such other person and each affiliate thereof.

"(c) The following classes of transactions are exempt from the requirements of this section—

"(1) acquisitions of goods or realty transferred in the ordinary course of business;

"(2) acquisitions of bonds, mortgages, deeds of trust, or other obligations which are not voting securities;

"(3) acquisitions of voting securities of an issuer at least 50 per centum of the voting securities of which are owned by the acquiring person prior to such acquisition;

"(4) transfers to or from a Federal agency or a State or political subdivision thereof;

"(5) transactions specifically exempted from the antitrust laws by Federal statute;

"(6) transactions specifically exempted from the antitrust laws by Federal statute if approved by a Federal agency, if copies of all information and documentary material filed with such agency are contemporaneously filed with the Federal Trade Commission and the Assistant Attorney General;

"(7) transactions which require agency approval under section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a), section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), or section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842);

"(8) transactions which require agency approval under section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) or section 5 of the Home Owners' Loan Act (12 U.S.C. 1464), if copies of all information and documentary material filed with any such agency are contemporaneously filed with the Federal Trade Commission and the Assistant Attorney General at least 30 days prior to consummation of the proposed transaction;

"(9) acquisitions, solely for the purpose of investment, of voting securities, if, as a result of such acquisition, the securities acquired or held do not exceed 10 per centum of the outstanding voting securities of the issuer;

"(10) acquisitions of voting securities, if, as a result of such acquisition, the voting securities acquired do not increase, directly or indirectly, the acquiring person's per centum share of outstanding voting securities of the issuer;

"(11) acquisitions, solely for the purpose of investment, by any bank, banking association, trust company, investment company, or insurance company, of (A) voting securities pursuant to a plan of reorganization or dissolution; or (B) assets in the ordinary course of its business; and

"(12) such other acquisitions, transfers, or transactions, as may be exempted under subsection (d)(2)(B).

"(d) The Federal Trade Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, United States Code, consistent with the purposes of this section—

"(1) shall require that the notification required under subsection (a) be in such form and contain such documentary material and information relevant to a proposed acquisition as is necessary and appropriate to enable the Federal Trade Commission and the Assistant Attorney General to determine whether such acquisition may, if consummated, violate the antitrust laws; and

"(2) may—

"(A) define the terms used in this section;

"(B) exempt, from the requirements of this section, classes of persons, acquisitions, transfers, or transactions which are not likely to violate the antitrust laws; and

"(C) prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section.

"(e)(1) The Federal Trade Commission or the Assistant Attorney General may, prior to the expiration of the 30-day waiting period (or in the case of a cash tender offer, the 15-day waiting period) specified in subsection (b)(1), require the submission of additional information or documentary material relevant to the proposed acquisition, from a person required to file notification with respect to such acquisition under subsection (a) prior to the expiration of the waiting period specified in subsection (b)(1), or from any officer, director, partner, agent, or employee of such person.

"(2) The Federal Trade Commission or the Assistant Attorney General, in its or his discretion, may extend the 30-day waiting period (or in the case of a cash tender offer, the 15-day waiting period) specified in subsection (b)(1) for an additional period of not more than 20 days (or in the case of a cash tender offer, 10 days) after the date on which the Federal Trade Commission or the Assistant Attorney General, as the case may be, receives from any person to whom a request is made under paragraph (1), or in the case of tender offers, the acquiring person, (A) all the information and documentary material required to be submitted pursuant to such a request, or (B) if such request is not fully complied with, the information and documentary material submitted and a statement of the reasons for such noncompliance. Such additional period may be further extended only by the United States district court, upon an application by the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (g)(2).

"(f) If a proceeding is instituted or an action is filed by the Federal Trade Commission, alleging that a proposed acquisition violates section 7 of this Act or section 5 of the Federal Trade Commission Act, or an action is filed by the United States, alleging that a proposed acquisition violates such section 7 or section 1 or 2 of the Sherman Act, and the Federal Trade Commission or the Assistant Attorney General (1) files a motion for a preliminary injunction against consummation of such acquisition pendente lite, and (2) certifies the United States district court for the judicial district within which the respondent resides or carries on business, or in which the action is brought, that it or he believes that the public interest requires relief pendente lite pursuant to this subsection, then upon the filing of such motion and certification, the chief judge of such district court shall immediately notify the chief judge of the United States court of appeals for the circuit in which such district court is located, who shall designate a United States district judge to whom such action shall be assigned for all purposes.

"(g)(1) Any person, or any officer, director, or partner thereof, who fails to comply with any provision of this section shall be liable to the United States for a civil penalty of not more than $10,000 for each day during which such person is in violation of this section. Such penalty may be recovered in a civil action brought by the United States.

"(2) If any person, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with the notification requirement under subsection (a) or any request for the submission of additional information or documentary material under subsection (e)(1) within the waiting period specified in subsection (b)(1) and as may be extended under subsection (e)(2), the United States district court—

"(A) may order compliance;

"(B) shall extend the waiting period specified in subsection (b)(1) and as may have been extended under subsection (e)(2) until there has been substantial compliance, except that, in the case of a tender offer, the court may not extend such waiting period on the basis of a failure, by the person whose stock is sought to be acquired, to comply substantially with such notification requirement or any such request; and

"(C) may grant such other equitable relief as the court in its discretion determines necessary or appropriate,

upon application of the Federal Trade Commission or the Assistant Attorney General.

"(h) Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this section is intended to prevent disclosure to either body of Congress or to any duly authorized committee or subcommittee of Congress.

"(i)(1) Any action taken by the Federal Trade Commission or the Assistant Attorney General or any failure of the Federal Trade Commission or the Assistant Attorney General to take any action under this section shall not bar any proceeding or any action with respect to such acquisition at any time under any other section of this Act or any other provision of law.

"(2) Nothing contained in this section shall limit the authority of the Assistant Attorney General or the Federal Trade Commission to secure at any time from any person documentary material, oral testimony, or other information under the Antitrust Civil Process Act, the Federal Trade Commission Act, or any other provision of law.

"(j) Beginning not later than January 1, 1978, the Federal Trade Commission, with the concurrence of the Assistant Attorney General, shall annually report to Congress on the operation of this section. Such report shall include an assessment of the effects of this section, of the effects, purpose, and need for any rules promulgated pursuant thereto, and any recommendations for revisions of this section.

"(k)(1) The consideration by the Federal Communications Commission of any application for a transfer of license, or the acquisition and operation of lines, that is associated with an acquisition subject to this section shall be governed by the procedures set forth in this subsection.

"(2)(A) Upon receipt of an application referred to in paragraph (1), the Federal Communications Commission may submit to the party or parties covered by the application a request for any documents and information necessary for consideration of the transfer of license, or acquisition and operation of lines, addressed in the application.

"(B) The Federal Communications Commission shall submit a request under subparagraph (A), if at all, not later than 30 days after receipt of the application in question.

"(3)(A) A party subject to a request from the Federal Communications Commission under paragraph (2) shall submit to the Federal Communications Commission the documents and information identified in the request.

"(B) At the completion of the submission to the Federal Communications Commission of documents and information pursuant to a request under subparagraph (A), the party submitting such documents and information shall certify to the Federal Communications Commission whether or not such party has complied substantially with the request.

"(4) Whenever consideration of an application referred to in paragraph (1) includes one or more requests for documents and information under paragraph (2), the Federal Communications Commission shall complete the consideration of the application not later than 180 days after the date on which all parties covered by such requests have certified to the Federal Communications Commission under paragraph (3)(B) that such parties have complied substantially with such requests.

"(5)(A) In any case in which the Federal Communications Commission does not request under paragraph (2) any documents and information for the consideration of an application referred to in paragraph (1), the Federal Communications Commission shall approve or deny the transfer of license, or the acquisition and operation of lines, covered by the application not later than 30 days after the date of the submittal of the application to the Federal Communications Commission.

"(B) In any case in which the Federal Communications Commission requests under paragraph (2) documents and information for the consideration of an application referred to in paragraph (1), the Federal Communications Commission shall approve or deny the transfer of license, or the acquisition and operation of lines, covered by the application on the date of the completion of consideration of the application under paragraph (4).

"(C) If the Federal Communications Commission does not approve or deny an application for a transfer of license, or for the acquisition and operation of lines, by the date set forth in subparagraph (A) or (B), whichever applies, the application shall be deemed approved by the Federal Communications Commission as of such date. Approval under this subparagraph shall be without conditions.

"(6)(A) Any party seeking to challenge the reasonableness of a request of the Federal Communications Commission under paragraph (2) shall bring an action in the United States District Court of the District of Columbia seeking a declaratory judgment or injunctive relief with respect to that challenge.

"(B) In seeking to challenge the compliance under paragraph (3) of a party with a request under paragraph (2), the Federal Communications Commission shall bring an action in the United States District Court of the District of Columbia seeking a declaratory judgment or injunctive relief with respect to that challenge.

"(C) The period of an action under this paragraph may not be taken into account in determining the passage of time under a deadline under this subsection.

"(7) No provision of this subsection may be construed to limit or modify—

"(A) the standards utilized by the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) in considering or approving transfers of licenses, or the acquisition and operation of lines, covered by an application referred to in paragraph (1); or

"(2) the authority of the Federal Communications Commission under that Act to impose conditions upon the transfer of licenses, or the acquisition and operation of lines, pursuant to such consideration or approval.

"(8) Subsection (g)(1) shall not apply with respect to the activities of a party under this subsection.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Subsection (k) of section 7A of the Clayton Act, as amended by subsection (a) of this section, shall take effect 30 days after the date of the enactment of this Act, and shall apply with respect to applications referred to in such subsection (k) that are submitted to the Federal Communications Commission on or after that date.●

TRIBUTE TO MICHAEL A. NAPP

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to Michael A. Napp from Milton, Pennsylvania for achieving the honored rank of Eagle Scout. Scouting is recognized around the world as one of the premiere citizenship and leadership training activities. I am proud of the young people in Pennsylvania, like Michael, who go the extra mile to achieve this honorable rank.

Eagle Scouts learn valuable lessons in leadership, honor and pride in their communities. Since joining the scouts as a Tiger, Michael has served in several leadership positions including Senior Patrol Leader and Historian. In addition to his involvement in scouting, Michael has assisted in a cleanup day in the borough of Milton and participated in an Adopt-A-Highway program. He is also active in high school track and field and a member of the Junior National Honor Society, the National Spanish Honor Society and the Key Club.

Mr. President, I ask my colleagues to join with me in commending Michael Napp for his outstanding community involvement. He has provided an excellent example for youth in Pennsylvania, and throughout the country.●

TO NULLIFY ANY RESERVATION OF FUNDS DURING FISCAL YEAR 1999 FOR GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 882 which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 882) to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 882) was deemed read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to the executive session to consider the following nomination on the Executive Calendar: No. 5; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL INDIAN GAMING COMMISSION

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HONORING MORRIS KING UDALL

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 40.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 40) honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, a motion to reconsider be laid upon the table, and a statement of explanation appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 40) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S.J. RES. 13

Mr. JEFFORDS. Mr. President, I understand that S.J. Res. 13, which was introduced earlier by Senator ABRAHAM and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 13) proposing an amendment to the Constitution of the United States to protect Social Security.

Mr. JEFFORDS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 9, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, March 9. I further ask consent that, on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period for morning business until 11:30 p.m., with the following limitations: 10:30 to 11:30 under the control of Senator DURBIN or his designee; 11:30 to 12:30 under the control of Senator FRIST. I further ask consent that at the hour of 12:30 p.m., the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that when the Senate reconvenes at 2:15 p.m., the Senate resume consideration of S. 280 for debate only, to be equally divided between the chairman and ranking minority member, or his designee, until the hour of 4 p.m. I further ask that the cloture vote occur at 4 p.m. without the mandatory quorum under Rule XXII having been waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. For the information of all Senators, at 2:15 p.m. on Tuesday, the Senate will resume consideration of the Ed-Flex legislation. Under the order, a cloture vote will occur at 4 p.m. on Tuesday, with second-degree amendments needed to be filed by 3 p.m. in order to qualify for post-cloture.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following my remarks and the remarks of Senators FEINGOLD, MURRAY and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

MEASURE READ THE FIRST TIME—S. 564

Mr. FEINGOLD. Mr. President, I understand that Senate bill 564, introduced earlier today by Senators MURRAY, KENNEDY and DASCHLE is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 564) to reduce class size, and for other purposes.

Mr. FEINGOLD. I ask for its second reading.

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. JEFFORDS. If the Senator from Wisconsin will yield, I have a couple of comments that I would like to make.

Mr. FEINGOLD. That's fine.

PROGRESS ON THE ED-FLEX BILL

Mr. JEFFORDS. Mr. President, I want to follow up by saying I think it's important that all of my colleagues understand that, hopefully, what will happen tomorrow is we will be able to make some progress. I hope that my colleagues will read the amendment that we have offered and that we will hopefully have action tomorrow, which will give an opportunity for the schools themselves to make the choice as to whether or not they desire to either spend the money on new teachers or to spend it on special education.

It is a simple amendment, and I hope that the members will give it some consideration. We desire to move the process along. It is hard for me to understand how anyone could disagree with giving the local schools that option. The President had this bill put in and it had no hearings. It was put in in the final moments of the last session. I am sure that if we had an opportunity, we might have been able to get this amendment on. This will move the process along.

I point again to the chart behind me, which indicates that what we are trying to do is to relieve the incredible pressure that is placed on our local governments by having to fund special education themselves in the States—primarily all of it. We promised to fund 40 percent of it back in 1975 and 1976. We are now at around 11 percent. If we were to fully fund it, it would do more to allow the local communities and the States to be able to meet the educational needs of their people than any other act of this Congress. That is what we are pushing for. I think it is a reasonable thing to do. It would have no impact, of course, on the Elementary and Secondary Education reauthorization, except to give a tremendous opportunity for local governments to be freed up to work, and we could design programs to go along with those options.

With that, I hope tomorrow we will be able to move matters along with this amendment, which I think everybody ought to find desirable.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NIGERIAN ELECTIONS

Mr. FEINGOLD. Mr. President, just over a week ago we witnessed a seminal event in Nigeria, the West African country that could hold the key to stability and prosperity in the region. Millions of Nigerians participated in an election to select the first civilian president in almost two decades. Since gaining its independence in 1960, Nigeria has survived a number of military coups and has been under the military rule of one regime or another for most of that time. Last weekend's election was only the second democratic presidential election in Nigeria the last 39 years. According to the official results, former Gen. Olusegun Obasanjo won a majority of votes throughout the country, and will be inaugurated as a civilian president on May 29.

Yet, Mr. President, what could have, and should have, been a proud moment in Nigeria's history was marred by significant irregularities, fraud and low voter turnout.

Coincidentally, election weekend was also marked by two important announcements by President Clinton: his determinations pursuant to the drug certification law and the publication of the annual State Department Human Rights Report. Under the drug law, Nigeria was identified among those countries that failed to meet the test for cooperation on anti-narcotics efforts but were granted waivers exempting them from the economic penalties imposed by the law. The administration explained this decision with respect to Nigeria by expressing hope that it would be able to work more effectively after the "nation's transition to democracy." At the same time, the human rights report noted significant progress in Nigeria's human rights record, although it still acknowledged that significant problems remain.

Now, as Nigeria plots its course through the next stage of its multiphase transition to civilian rule, Nigerians, and we in the international community, must figure out how to react to these concurrent, though sometimes contradictory, developments.

Let me elaborate. The February 27 presidential elections marked the last of a series of four types of elections—local council, gubernatorial, legislative and presidential, respectively—that have taken place over the past three months according to the transition program established by General Abdusalami Abubakar. Despite some disturbing irregularities, these elections, and the campaign period preceding them, were conducted in a calm and orderly fashion, and—with the exception of a few localized incidents—without violence or physical intimidation. This process has been marked throughout by a clear demonstration of Gen. Abubakar's commitment to the transition program, including the handover of power to elected civilian authorities on May 29, and the genuine efforts of the Independent National Electoral Commission charged with the responsibility for conducting the elections themselves.

Although the turnout was much lower than expected, particularly for the presidential election, millions of Nigerians opted to participate in the process, either through voting or civic work. According to reports from domestic and international observers, the conduct of the presidential election in many places was smooth, orderly and implemented according to the established procedures. Particularly noteworthy was that the head-of-state himself, General Abubakar, was denied the opportunity to vote because he arrived at his polling site too late to follow the required accreditation process. This adherence to proper procedures is indeed encouraging.

Doubly encouraging is the clear and strong wish of the overwhelming majority of Nigerians for a swift and orderly transition to democratic civilian rule.

Mr. President, I commend and congratulate the Nigerian people who contributed to these positive developments in the electoral process.

But Mr. President, these commendations and congratulations are dampened by reports of massive irregularities in this election, which can be more properly called deliberate fraud. I find these reports deeply discouraging.

At polling stations in several areas, particularly in what is known as the South-South zone, the turnout observed by domestic and international monitors was significantly lower than the vote totals reported at a statewide level. This suggests that there were a considerable number of ballots included in the final count that were not submitted by legitimate registered voters. Domestic and international monitors also noted that the reported collated results from a particular local government area exceeded the combined total votes from the polling stations in that area. Additionally, at some locations, voters were denied the opportunity to vote because ballots were delivered suspiciously late or in insufficient numbers. Finally, certain procedures established by the electoral commission were not consistently applied. According to the report issued by the Carter Center/National Democratic Institute Observer Delegation, these included the failure to use indelible ink at many polling stations, the failure to ensure ballot secrecy, late poll openings, and a failure to adhere to an accreditation process that was distinct from the actual voting process.

Reports of these malpractices are indeed disturbing. Although it remains unclear whether the fraudulent activities had an impact on the ultimate outcome of this election, such irregularities risk bringing the legitimacy of the process into question and must be condemned.

Indeed, former President Jimmy Carter, who led a 66-person observation delegation and spent considerable time in the country, was so disturbed by these irregularities that he sent a terse, two-sentence letter to the chairman of the electoral commission. The letter said—quote—"There was a wide disparity between the number of voters observed at the polling stations and the final results that have been reported from several states. Regrettably, therefore, it is not possible for us to make an accurate judgment about the outcome of the presidential election." Since 1989, President Carter has led delegations to observe electoral processes in 15 countries and has rarely had such harsh words to say regarding the outcome. This assessment truly gives me pause.

Mr. President, in addition to the views expressed by international observers, I would also like to emphasize the importance of the views of the main domestic observer group, The Transition Monitoring Group, or TMG. The TMG is an umbrella organization formed of more than 60 human rights and civil society groups from throughout Nigeria. Together, these organizations fielded some 10,700 monitors to observe voting and counting at a large number of the country's 115,000 polling stations in all of the country's 36 states. In its interim report, the TMG noted that the kinds of malpractices observed in the elections "have the potential to erode the confidence of the electorate in the whole transition." Therefore, the report recommends, and I quote:

> It is important for the incoming civilian government to appreciate and understand that the emphasis in the current process has been on transition to civilian rule, rather than the establishment of full-blown democracy to Nigeria. Any triumphalist insistence on a "winner-take-all" stance on the basis of a supposed democratic mandate must be avoided. The incoming civilian government must therefore begin to make determined and sustained efforts to cultivate democratic norms and values amongst its members, as well as in the society at large.

Mr. President, this is a key observation. The large number of reports of deliberate fraud, combined with the low voter turnout, appear to weaken the mandate for Gen. Obasanjo. His strong mandate, however, is for the development of civilian democratic rule. The General certainly has the capacity to embrace that mandate and implement true civilian rule according to the wishes of his people. Whether he chooses to go this route or not remains to be seen. I strongly urge him to take the needed steps to allow real democracy to take root in Nigeria. He should act decisively to develop effective democratic institutions, establish appropriate decentralization of decision-making throughout the three levels of government, integrate the military into democratic society, and create the mechanisms of transparency and accountability that will allow the people to gain confidence that they are truly governing themselves.

Key to these measures, of course, will be the adoption of a broadly accepted constitution. Amazingly, the ongoing transition process has been conducted without the benefit of a constitutional framework. The current military government has said it will introduce a constitution in the near future. I hope it will be promulgated as an interim framework, and not imposed as a final document. Then I hope the president-elect will institute a democratic procedure to debate and develop a new constitution that can have popular support.

Mr. President, as I said at the beginning, Nigerians and we in the international community, must decide how to react to these developments. My own assessment is mixed. Therefore, I have a few words to say about the two executive branch announcements that were issued just prior to the election, the drug certification decision and the human rights report.

Although there was little concrete progress on important anti-narcotics efforts between the United States and Nigeria, the President decided to grant Nigeria a vital national interests certification in order to support the transition underway in Nigeria. That decision paves the way for the administration to provide needed economic and security assistance to the new civilian government in Nigeria once it is inaugurated. In this particular case, I wish the decision to waive the sanctions under this law could have waited until inauguration day actually arrives. The United States has until now had a strong sanctions regime against Nigeria, which has provided significant leverage for us in that country. Slowly, we were beginning to open up that relationship, with the loosening of visa restrictions last fall. Now, however, by appearing to bless the efforts of the current Nigerian regime on narcotics enforcement, we have removed an important source of leverage. Despite good communication between Nigeria's National Drug Law Enforcement Agency and our own Drug Enforcement Agency, the fact is little progress has been made in key areas. Nigerian efforts have been unsatisfactory on extradition of offenders wanted in the United States, implementation of Nigeria's own national drug strategy and related laws, stemming corruption among law enforcement personnel, and targeting Nigeria-based worldwide narcotics and money laundering organizations.

Mr. President, the loss of our leverage on these important issues makes me nervous. Yet I am inclined to be "cautiously supportive" or at least "cautiously open-minded" about this decision as long as the administration's plans for working with the government are moderated and deliberately paced. A cautious approach is essential so that in the event of a severe downspiral, the United States will not be overly exposed. I look forward to extensive consultation with the executive branch on such plans.

Mr. President, I must also note some of the observations in this year's State Department report on human rights in Nigeria. I am pleased that the report indicates substantial improvement in Nigeria's human rights record in the latter part of 1998 as compared to its previously extremely poor record. Nonetheless, despite progress in the reduction of government use of lethal force and torture, the ending of harsh suppression of a free press, and the restoration of citizens' rights to choose their government, the report acknowledges that serious human rights problems persist.

In particular, Nigerian security forces continue to commit extrajudicial killings, although generally not of a political character. During frequent fuel shortages, the police and military deployed to maintain order at filling stations repeatedly killed customers and operators, according to press reports. During the month of November alone, members of the combined police and military anticrime task force known as "Operation Sweep" reportedly committed at least 16 extrajudicial killings. Although some improvements were made, harsh prison conditions and denial of proper medical treatment contributed to the death of inmates. While Gen.

Abubakar apparently began a serious effort to release political detainees, the lack of authoritative information regarding the exact number of remaining detainees served to confirm the fact that Abacha-era security forces were able to put persons in detention with very little concern about due process or accountability.

In addition, several of the important military decrees, which grant the security forces sweeping powers of arrest and detention, remain on the books.

Given the longstanding pattern of human rights abuses and some uncertainty about how widely accepted the new civilian president will be, the report acknowledges that there is significant potential for a continued unacceptable human rights environment in Nigeria.

Mr. President, I have long been concerned about the human rights situation in Nigeria. I have introduced several pieces of legislation designed to encourage democratization and respect for the rule of law in that country. I desperately want to support an active and proactive U.S. policy toward the country. For now, most signals seem to indicate that the transition will continue to be smooth and peaceful. However, I am concerned that in truly wishing the best for the Nigerian people and in looking for ways to support the transition, the United States will in effect hold Nigeria's rulers to a lower standard of good governance than it traditionally has demanded. I know that the administration is anxious to work with the new government, and if all goes well, I would encourage that.

The conduct of the elections last weekend did not inspire much confidence in the process, and this is a great disappointment. However, it does not mean we should throw in the towel in the fight to foster a democratic Nigeria. No. In fact the opposite is true. We must continue to be vigilant and encourage Nigeria and its new leadership to follow the right path. This means the United States should continue to help Nigeria develop democratic institutions and to strengthen political and civic organizations at all levels of government. We should help the military remove itself from political life and become integrated into democratic society. But we should do this carefully and thoughtfully. And that is the best way we can help Nigeria help itself.

Mr. President, I ask unanimous consent that the text of a March 1 New York Times editorial on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1999]

NIGERIA'S PRESIDENTIAL ELECTION

Olusegun Obasanjo, a former general, will be the next president of Nigeria, according to preliminary election results. His selection reflects the complexities of power in Nigeria today. When the country's current leader, Gen. Abdulsalami Abubakar, took over last June, he promised a transition to civilian rule after 15 years of disaster under general after general. Mr. Abubakar has kept his promise. But the transition is incomplete. Military officers, who largely bankrolled Mr. Obasanjo's candidacy, will continue to loom over his government. Mr. Obasanjo will have to break with them to have any success in improving life in Africa's most populous nation.

General Abubakar took power after the death of Gen. Sani Abacha, one of the most corrupt and certainly the most despotic of Nigeria's recent military rulers. Their thievery and mismanagement turned Nigeria, one of the world's richest nations during the oil boom of the 1970's, into one of the world's poorest. General Abacha snuffed out political life in this once-vibrant country, jailing many of his rivals, including General Obasanjo.

In his nine months in power, General Abubakar reversed much of the political crackdown. Most political prisoners are now free. Newspapers publish openly. This election was the first in many years in which the Government did not dictate the number of parties, although General Obasanjo's opponent has complained about fraud in Saturday's voting.

But General Abubakar's early promises to bring corrupt or brutal officers to justice have melted away. Some political opponents arrested on trumped up charges are still in jail. General Abacha's decrees muzzling the press are still on the books, and lately some journalists who write sensitive stories have been harassed and their publications confiscated. Police have killed protesters, with the worst repression in the Delta, Nigeria's poorest region despite being the source of its oil wealth.

Many Nigerians hope that Mr. Obasanjo's government will end the military's political role, but this is unlikely. Mr. Obasanjo, who was president from 1976 to 1979, is the only military ruler to leave office voluntarily. Yet he is still close to the armed forces. Military men finance his party, and one of its biggest supporters is Ibrahim Babangida, among Nigeria's less savory former military rulers. That money allowed Mr. Obasanjo to build a political machine that won a majority in both houses of parliament in elections earlier in February.

Desperately needed economic reforms and anti-corruption measures will anger officers, the main beneficiaries of the present morass. Reversing the poverty and environmental destruction of the Delta is another urgent task that may be hindered by Mr. Obasanjo's links to the armed forces, which are hated there. Those ties may also prevent him from calming ethnic tensions. He is a Yoruba from Nigeria's southwest, but many Yoruba distrust him, viewing him as closer to the northern army officials who have traditionally run Nigeria. To have any success in tackling these daunting problems, Mr. Obasanjo must make his government not the last stage in a military transition, but the first stage of full civilian rule.

Mr. FEINGOLD. I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 tomorrow morning.

Thereupon, the Senate, at 6:59 p.m., adjourned until Tuesday, March 9, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1999:

DEPARTMENT OF JUSTICE

JULIO M. FUENTES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE ROBERT E. COWEN, RETIRED.

ROBERT A. KATZMANN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JON O. NEWMAN, RETIRED.

M. JAMES LORENZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE RUDI M. BREWSTER, RETIRED.

W. ALLEN PEPPER, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI VICE L. T. SENTER, JR., RETIRED.

KAREN E. SCHREIER, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA VICE RICHARD H. BATTEY, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

JAMES W. BARTLETT, 1353

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR IN THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

PATRICK FINNEGAN, 1878

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHRISTOPHER D. LATCHFORD, 4478
JAMES E. BRAMAN, 9188

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LEE G. KENNARD, 5379
JAMES A. MATZ, 2411
THADDEUS A. PODBIELSKI, 9696
FORTUNATO I. STANZIALE, JR, 6968
MICHAEL E. THOMPSON, 8618

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WESLEY D. COLLIER, 4151
RUDOLPH DANIELS, SR., 7888
JACOB Z. GOLDSTEIN, 9059
LARRY E. HARRELSON, 9601
HARLAND C. MERRIAM, JR., 4050
GARY L. MOORE, 4595
THOMAS L. MUSSELMAN, 7914

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be colonel

DAVID E. BELL, 5957

To be lieutenant colonel

KATHLEEN DAVID-BAJAR, 5717
*RICHARD W. THOMAS, 8042

To be major

*WILLIAM J. KEELEY, 3047
HOWARD LOCKWOOD, 1595

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STANLEY A. PACKARD, 3502

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TODD D. BJORKLUND, 3251

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TAREK A. ELBESHBESHY, 8897

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GLEN C. CRAWFORD, 0598
LEONARD G. ROSS, JR., 5022

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064:

To be major

*JAN E. ALDYKIEWICZ, 7465
*EUGENE E. BAIME, 1909
*EDWIN B. BALES, 7495
*DAVID L. BARBER, 2429
*JOHN M. BERGEN, 8938
*PAUL N. BRANDAU, 5237
*MARK A. BRIDGES, 3082
LARRY C. BURNER II, 8292
*LORIANNE M. CAMPANELLA, 5397
*BRUNSON K. CAMPBELL, 7806
*MICHAEL R. CLARKE, 7093
JOHN B CLARKSON, 9745
*IAN G. COREY, 7517
*ARTHUR J. COULTER, 6101
*DAVID T. CRAWFORD, 6770
JONATHAN B. CROCKER, 2051
*BOBBI J. DAVIS, 7526
*JOSEPH A. DEWOSKIN, 5304
*MICHELLE A. DEXTER, 6986
BRENDAN M. DONAHOE, 0230
*MARGARET K. ECKROTE, 7511
*MARCELLA R. EDWARDSBURDEN, 5507
*STEVEN E. ENGLE, 0077
MARY M. FOREMAN, 8051
*SCOTT G. GARDINER, 2792
JOHN S. GERSCH, 2059
*CARISSA D. GREGG, 0881
*JEANNINE C. HAMBY, 5021
*MARK W. HOLZER, 8113
*JOHN A. HUGHEY, 2093
*RAYMOND A. JACKSON, 2538
*CHERYL K. KELLOGG, 1826
*PATRICK B. KERNAN, 5881
*WILLIAM M. KUIMELIS, 1335
*JAMES A. LEWIS, 0471
*FRANK A. MARCH, 5131
EUGENE J. MARTIN, JR., 0656
*TANIA M. MARTIN, 1318
*WILLIAM R. MARTIN, 9695
*MYRNA A. MESA, 3586
*CHRISTINA E. MILLS, 8806
*SHANNON M. MORNINGSTAR, 0156
DUC H. NGUYEN, 3092
KEITH E. PULS, 9397
*PAUL A. RAAF, 5153
TYLER L. RANDOLPH, 7320
*SCOTT E. REID, 0032
*CARRIE F. RICCISMITH, 6705
CHARLES H. ROSE III, 0719
*MICHAEL P. RYAN, 6403
*SAMUEL A. SCHUBERT, 4597
*GEORGE R. SMAWLEY, 1053
*DAVID W. STARRATT, JR., 6404
*RONDA W. SUTTON, 1406
*MARK H. SYDENHAM, 5259
*JOANNE P. TETREAULT, 3069
*WALTER L. TRIERWEILER, 1337
*CHRISTOPHER B. VALENTINO, 7134
*BRADLEY E. VANDERAU, 8216
*ALBERT R. VELDHUYZEN, 6882
DAVID D. VELLONEY, 3952
*NANCY A. WALDRON, 2235
*JEFFREY T. WALKER, 0316
*LOUIS P. YOB, 4894

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

WILLIAM L. CHANEY, 5724
CALLAN J. BROWN, 9754
SHERYL L. DICKINSON, 4649
SANDERS M. MOODY, 2600
MICHELE BOUZIANE, 8668
FRANK R. LEVI, 2050
MICHAEL G. LUPOW, 3024
TIMOTHY D. SEARCHFIELD, 2234
JASON S. KING, 1555
KAREN A. WEAVER, 8702
PETER W. MALDINI, 5887
KEVIN A. SMITH, 6657
DENNIS R. HOOKS, 1652
JANIECE N. BENJAMIN, 2418
ELIZABETH A. ASHBURN, 1038
CONNIE M. ROOKE, 3558
WILLIAM D. ADKINS, 6173
PETER B. TREBBE, 7485
MICHAEL A. BILLEAUDEAUX, 0029
RENEE C. KERN, 2024
DAVID S. DEUEL, 9315
PAUL G. LEDOUX, 8943
JEFFREY M. SMITH, 9443
CECIL D. MCNUTT, 2060
CORNELL C. THOMPSON, 5338
CARLOS L. MERCADO, 1540
DARREL W. CREACY, 5984
HERMINIA E. MCCULLOUGH, 7757
RAYMOND J. LECHNER, 7535
RICHARD L. BATES, 6127
JEFFREY J. HAUKOM, 3904
MICHELE N. CIOFFI, 8939
WILLIAM E. SASSER, 0288
GREGORY J. VIOLA, 2785
LANCE E. ISAKSON, 5034
KIMBERLY J. AVSEC, 7463
MONICA L. ROCHESTER, 2635
PHILIP M. MCMANUS, 0120
RICHARD F. CHRISTENSEN, 8707
DANNA L. LOPEZ, 2266
KELLY A. COUGHLIN, 9530
CYNTHIA A. LEDERER, 1274
CAROL M. STEARNS, 2149
CARL W. HINSHAW, 6936
KATHLEEN A. WARD 6711
WILLIAM A. RIMBACH, 6392
RUSSELL F. HELLSTERN, 8705
WENDY M. HULDERSON, 7743
LADONN A. HIGHT, 3098
ROBERT MITCHELL, 6247
CURTISS C. POTTER, 6413
PATRICK R. DOZIER, 7957
JOSH C. PETERS, 9087
DANIELLE F. WILEY, 9883
KEVIN M. CARROLL, 9071
PETER A. CASSON, 8710
MATTHEW F. LAVIN, 8020
JONATHAN H. MAIORINE, 1212
MICHAEL C. FARRELL, 6817
DAVID E. OLSON, 1308
JAMES A. WILLIAMSON, 9853

To be lieutenant (junior grade)

FRANK A. SLABINSKI, 8581
THOMAS P. SULLIVAN, 9299
SCOTT K. WETTER, 1801
MATTHEW E. MOHRMAN, 7833
JAMES G. BELLAIRE, 5381
JULIE A. FARRELL, 7535
THOMAS W. SULLARD, 9216
TONI N. GAY, 0923
STACEY A. GOW, 7873
EVAN J. GALBO, 6583
ERIC J. STORCH, 7611
KEVIN M. NAGATA, 4068
KATHLEEN C. GARZA, 7496
QUINTIN P. ELLIS, 1765
JAMES W. HILL, 6042
JEFFREY R. MORGAN, 2479
GERALD K. MCMAHON, 7483
MICHAEL B. DOLAN, 5144
BRIAN P. HILL, 1688
PAUL T. MARKLAND, 2161
LARRY A. WASHBURN, 5105
WILLIAM E. SHEA, 7638

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL SPECIALIST CORPS AND VETERINARY CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be lieutenant colonel

TIMOTHY K. ADAMS, 9448
CYNTHIA B. ALOOT, 8950
*SUSAN C. ALTENBERG, 3274
BRIAN E. ANSELMAN, 2683
LARRY W. APPLEWHITE, 6840
LORRAINE A. BABEU, 5868
BRUCE B. BATES, 5546
*ROXANNE E. BAUMGARTNER, 3890
EARNESTINE BEATTY, 9519
LINDA M. BOWDEN, 7951
MARK W. BOWER, 2810
GWENDOLYN S. BRASWELL, 7516
DEBORAH E. BRAY, 1520
ARTHUR W. BREHM, 9854
DONALD W. BROCKER, JR., 8340
MICHAEL A. BULEY, 9818
*JAMES M. CAMP, 5516
KENNETH G. CANESTRINI, 4116
SCOTT F. CASS, 5912
CARLA L. CASSIDY, 1487
PERRY R. CHUMLEY, 2082
MARCIA D. CLEMMONS, 0414
REBECCA A. COCKMANTHOMAS, 5833
THERESE A. CONNER, 1915
*LARRY L. CONWAY, 4248
JOHN P. COOK, 3405
LAURIE A. CUMMINGS, 1236
SHERILYN V. CURRY, 8291
JEFFREY A. DANCHENKO, 3021
MARTHA A. DAVIS, 7566
DAVID A. DAVIS, 9083
RAFAEL E. DEJESUS, 3512
JANE M. DENIO, 1779
EDWARD J. DICK, JR., 2901
ROBERT DOMINGUEZ, 7437
JAMES A. DUNKIN, 5510
MARYANN G. EDMONDSON, 8174
TINA M. ELLIS, 5621
JOHN D. FAIREY, 4900
FRANCES E. FINEGAN, 0668
YOLANDA D. FLORES, 2156
JANE E. FREUND, 8642
JAMES M. GAMERL, 0011
BARBARA A. GILBERT, 4316
*NEIL G. GLENESK, 8859
MARK B. GOLD, 6967
ANN GREDIAGIN, 9607
DONALD E. HALL, 8082
DARRELL J. HANF, 7246
CURTIS S. HANSEN, 9107
GARY A. HERSCHBERGER, 5221
DUANE N. HILL, 4913
ANNIE J. HOFFMAN, 8301
*STEVE HOROSKO III, 4400
REGINALD W. HOWARD, 7870
NANCY J. HUGHES, 3971
GLENN T. IACOVETTA, 4531
ANASTASIA M. IPPOLITO, 7132
KATHLEEN R. JARBOE, 8954
DIANNE JOHNSON, 0416
CAROLYN M. JOLITZ, 8263
GEORGIA L. JONES, 5080
PATSY R. JONESLUGO, 9896
DAVID L. KELTY, 3467
KATHY D. KING, 1993
*FRANCIS W. KLOTZ, 4709
PAUL M. KONDRAT, 7481
LOUIS P. KOZLOWSKI, 5494
FRANCES E. KRAMER, 0812
CAROL W. LABADIE, 4471
EDGAR A. LABRADOR, 4461
MITZIE A. LARKIN, 0032
MARY J. LAURIN, 0540
MICHAEL H. LEDOUX, 6744
JANET Y. LEE, 7915
KAREN A. LEMAY, 1282
DONALD R. LETT, 5121
THOMAS J. LITTLE, JR., 3323
JOSE L. LOPEZ, 6024
DAVID L. MACDONALD, 8196
*DEBRA D. MARK, 0229
LAWRENCE A. MARQUEZ, 1585
PAUL K. MARTIN, 6197
BEVERLYANN H. MAULTSBY, 8326
GLORIA J. MAXWELL, 5934
MICHAEL S. MCDONALD, 2641
TERESA Y. MCPHERSON, 5353
MARK A. MELANSON, 5382
MARK A. METZGER, 5543
MEGAN K. MILLS, 7311
BARRY L. MITCHELL, 3409
RICHARD S. MITCHELL, 3701
TIMOTHY J. MOORE, 5217
ALBERT W. MORAN, 7096
*MURIEL A. MOSLEY, 6979
*BEULAH L. NASHTEACHEY, 5294
JEFF A. NECHANICKY, 2416
WADE M. NELSON, 6951
WILLIAM R. NEWCOMBE, 0543
CAROL A. NEWMAN, 4165
LILLY J. NOBLE, 0167
REBECCA J. OSKEY, 3224
*HEIDI C. OVERSTREET, 2889
KEVIN B. OWENS, 1751
AUDREY L. PERRY, 5389
DENISE A. PERRY, 3994
ELAINE S. PERRY, 9951
TANYA D. PERRY, 0008
HERMAN F. PETERSON, 1841
DAVID D. PETERSON, 2864
JOHN L. POPPE, 6936
JACK R. POWELL, 5910
JOHN D. QUINLIVAN, JR., 1320
*MARTINEZ A. RAMOS, 5286
SANDRA A. RAY, 9425
TIMOTHY D. REESE, 8262
MARIA D. RIVERA, 3820
LEON L. ROBERT, 1185
DAVID S. ROLFE, 1350
ANGELA M. ROSS, 9870
LINDA L. ROWBOTHAM, 2412
DAVID L. RUBLE, 9248
JUDITH RUIZ, 0685
LAURIE J. SANDSTROM, 5378
*ARTHUR C. SAVIGNAC, 8188
THERESA M. SCHNEIDER, 5886
JOEL J. SCHRETENTHALER, 4888
FREDDIE SCONCE, 4803
*MARTIN J. SETTER, 2900
SIDNEY L. SHARP, 5785
JAMES A. SIGNAIGO, 8629
HARRY F. SLIFE, JR., 3005
*DAVID J. SMITH, 8301
DAWN M. SMITH, 4305
THOMAS C. SMITH III, 7347
*LOUIS H. SMITH III, 3874
*GARY D. SOUTHWELL, 1249
ROGER P. STAI, 0996
BARBARA J. STANSFIELD, 7585
SHARON L. STEELE, 5007
ROBERT L. STEWART, 9270
*DELLA W. STEWART, 4969
LAWRENCE J. STONE, 2594
THERESA M. SULLIVAN, 6680
ROBERT L. SYVERTSON, 2369
TRACEY L. SYVERTSON, 4882
COLLEEN A. THOMAS, 7207
KRISTINE A. TIMMERMAN, 6760
EDWARD A. TORKILSON, 5862
CHRISTOPHER J. ULLMANN, 5807
JEFFREY M. UNGER, 4171
*MARK A. VAITKUS, 6306
LAAR D. VAN, 7286
JAMES A. WADDELL, 0456
DONALD R. WEST, 2449
ANTHONY K. WHALEY, 3709
JOHN B. WOODWARD, 7274
MARIA A. WORLEY, 9429
TRACY O. WYATT, 4318
MARY E. WYGANT, 7948
DERICK B. ZIEGLER, 1737

IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR PERMANENT APPOINTMENT AS LIMITED DUTY OFFICERS TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589(A):

To be lieutenant

STEVEN W. ALLEN, 3395
NEEDHAM L. AUSTIN III, 2089
RUBEN J. AVALOS, 9908
GREGORY O. AYDELOTTE, 0917
PHILLIP J. BACHAND, 4123
DAVID G. BAKER, 3732
ROBERT L. BARKSDALE, 2915
DONALD L. BARNHART, 4083
TODD D. BATEY, 6934
RAINFREDO S. BAUTISTA, 4217
THOMAS R. BEARDEN, 6623
MARK A. BELL, 6742
CAESAR S. BENIPAYO, 0413
DALE R. BENNETT, 2899
RUSSELL J. BENNETT, 9257
TERRY W. BENNETT, 7736
EDWIN BERRIOS, 8733
BRIAN T. BERRY, 2774
DAVID W. BIBBS, 1412
MICAL L. BINDSCHATEL, 2568
GARY W. BLAKESLEY, 3085
WILLIAM J. BLOCK, 7984
EDWARD S. BLUESTONE, 9635
BRIAN L. BODOH, 8760
ETIENNE M. BOSCOVITCH, 9207
DANNY E. BOUCHARD, 7669
GLEN D. BOURQUE, 3864
JOSEPH E. BRIGHTWELL, 7223
DAVID W. BROWNELL, 2642
FRED BUCKLEY III, 1118
RODNEY J. BURLEY, 4568
ROBERT G. BURROWS, 0198
AUDREY V. BURTON, 8404
ROBERT G. BYRD, 7080
MICHAEL E. CALDWELL, 5810
ROBERT A. CARMAN, 1451
COLIN M. CASWELL, 5477
RONALD L. CHAMBLIS, 0908
DOUGLAS B. CHANDLER, 1013
LAWRENCE J. CHICK, 8928
DAVID A. CHRISTOPHERSON, 1496
STEVEN A. CIALLELLA, 2259
LINDA L. CIAMBOR, 4967
MARTIN G. CLAEYS, 1939
CRAIG T. COLEMAN, 5005
LACONTA D. COLEMAN, 1684
LEONARD COLEY, JR., 4046
ERIN M. CONARY, 9616
STEVEN W. CONNELL, 3420
JON T. CORSON, 8003
KEVIN CURLEY, 0760
ROBERT E. CURRAN, 3525
RANDALL A. CURTIS, 4368
JOSEPH M. DADY, 1497
RICHARD R. DANIELS, 2410
JAMES D. DANNELS, JR., 9476
JAMES D. DARBY, 3672
FREDDIE L. DAVIS, 3223
GEORGE D. DAVIS III, 7635
GREGORY A. DAVIS, 2942
MERVIN E. DAWSON, 7083
DION D. DECKER, 9238
GREGORY S. DEXTER, 2324
CHRISTOPHER R. DONAHUE, 8836
MATHIS DORF, 7118
DWAYNE D. DUCOMMUN, 1342
PATTI A. DUNCAN, 0702
ROBERT A. DUNCAN, 1993
RHONDA R. DUNN, 9348
MIKE A. EASLEY, 1774
ROBIN J. FARRIS, 7994
SANDRA P. FITCHETT, 6304
GLENN W. FORD, 5712
RANDY A. FORMY, 5883
JAMES J. GALOPPA, JR., 6874
ARTHUR E. GARCIA, 5607
ROBERT A. GARDINER, 2891
DONALD R. GATEWOOD, 9156
JAMES P. GETMAN, 5968
RICKY L. GILBERT, 9823
RANDY A. GINN, 6355
KEVIN M. GLANCEY, 6597
MICHAEL J. GLENN, 9126
JUAN GONZALEZ, 2240
TODD A. GRAF, 1793
MICHAEL P. GRAMOLINI, 8680
HENRY K. GREEN, 2959
GERALD M. GRIFFIN, 7844
CRAIG L. GRISWOLD, 8746
DAVID L. GROESCHEL, 0332
FREDERICK L. HAFER, 9653
JEFFREY L. HAIRE, 8547
WILLIAM A. HALE, 9941
PAUL E. HAMANN, 5429
TROY L. HARE, 1499
LANCE A. HARPEL, 7750
WILLIAM B. HAYS, JR., 4172
DENNIS L. HENDRIX, 0127
DENNIS J. HENMAN, 7136
EDISON L. HENRY, 9513
BRYANT E. HEPSTALL, 1868
SCOTT A. HIGGINS, 5285
MARK R. HILDEBRANDT, 8303
MICHAEL E. HILES, 3220
JEFFREY T. HILL, 5762
JAMES D. HOEY, 5882
CARL E. HOILMAN, 2897
DONALD T. HOLDEN, 0158
FREDERICK B. HOO, 7774
JEFFREY M. HORTON, 5425
ANTHONY A. HOWARD, 5329
MARTHANN H. HOWES, 9672
JESSE L. HOWELL, III, 1569
MARK L. HURSEY, 8229
BILLY R. HYLES, 0186
MICHAEL S. IRELAND, 1888
WILLIAM D. IRVIN, 1643
DERRICK L. JACKSON, 1279
MARK A. JACKSON, 4215
CAROLINE M. JEPSON, 7413
CHARLES A. JOHNSON, 9159
BRIAN W. JONES, 3895
MICHAEL J. JONES, 5092
PHILIP A. JONES, 4789
BRYAN L. JUNG, 3812
DONALD J. KELSO, 4565
ARLEN D. KEMP, 9953
JAMES E. KENNEY, JR., 5624
SCOTT A. KIMMEL, 3402
JACKIE D. KNICK, JR., 3941
MARK J. KNIGHT, 1365
ERICH F. LAH, 2397
HUMPHERY G. LEE, 5772
DANIEL L. LIDSTER, 4191
MICHAEL J. LOGAN, 2524
JOHN A. LOISELLE, 9140
RICHARD A. LOTT, JR., 3321
RALPH B. LYDICK, 7657
STEPHEN L. LYONS, 8857
ROBIN A. MACLEAN, 3852
BRIAN T. MAHONEY, 2960
DANIEL E. MANETZKE, 8809
ANTHONY J. MARINELLI, 7119
NATHAN D. MARSH, 7845
GARY D. MARTIN, 1686
ROBERT D. MCCLARY, 3835
MATTHEW B. MCCOY, 1218
DANIEL, MCGUINNESS, 2690
RICKY MCIVER, 3244
ROBERT N. MCLAFFERTY, 6962
ROBERT C. MCMILLIAN, 7309
ROSARIO D. MCWHORTER, 0146
MARK E. MILLER, 1937
DENNIS L. MITCHELL, 7542
LUCKY M. MOISES, 7160
JOHN B. MORRISON, 7584
GILBERT P. MUCKE, 4904
JAMES L. MUNIZ, 5631
KENDAL S. NAKANISHI, 6606
RICHARD A. NAYSTATT, JR., 5972
RICHARD R. NEAL, 3399
JIMMIE B. NEWTON, JR., 0006
LEE A.C. NEWTON, 1591
WILLIAM W. NEWTON, IV, 0167
JOHN M. NICHOLAS, 3168
STEVEN M. NICKERSON, 5458
JOHN M. O'BRIEN, 4012
MICHAEL J. OEHLRICH, 9540

KATHLEEN A. OMELIA, 2979
VINCENT ORTIZ, 6020
NORMAN C. OWEN, 5710
BOBBY W. OZLEY, 5498
JAMES D. OZOLS, 0903
WILLIAM A. PAETZ, 2085
SCOTT D. PALUMBO, 1762
GERALD A. PAPENFUSS, 7471
DAVID J. PARKS, 2916
MICHAEL H. PARRY, 8720
PAUL A. PATRICIO, 1947
JOHNNY L. PAYNE, 9235
AVERY L. PENN, 7097
WILLIAM PENNINGTON, 4334
JOSE R. PERREZ, JR., 0610
LEONARD J. PERRIER, JR., 8901
MACKEY C. PHILLIPS, 2167
CARY T. PIERCE, 9777
DARYL PIERCE, 1776
RICKY PIERCE, 8564
CHARLES A. PINERO, 5581
JEFFERY D. POST, 7764
IAKOPO POYER, 0272
NICKLOS R. PRELOSKY, 4337
DUNCAN L. PERSTON, 2707
TODD J. PROSSER, 4233
JOHN P. PROTZ, JR., 8747
THOMAS PRUNSINOWSKI, [illegible]
ROBERT L. PRYOR, 1857
HARRY S. PUTNAM, 1070
ANTONIO C. RAMOS, 7559
ANDREW G. RAYMOND, 2528
LEITH E. REGAN, 4560
STEVEN R. REHARD, 7028
VANE A. RHEAD, 4657
JAMES D. RHOADS, 7111
EDWARD J. RHYNE, 6067
STEVEN L. RICE, 7307
HARRY L. ROBINSON, 8427
RALPH E. ROE, JR., 9956
LOREN R. ROLLS, 9465
SPURGEON L. ROOT, 9114
DANIEL M. ROSSLER, 0295
MICHAEL D. RUTLEDGE, 2090
DOCE D. SALAZAR, 8548
DAVID B. SAUCEDO, 4137
ANDREW W. SCHMIT, 9980
MATTHEW H. SCHMITT, 8869
CAROL J.A. SCHRADER, 7867
JOSE A. SEIN, 0957
GEORGE R. SHARP, 7817
RICHARD W. SHARP, 4470
JAMES D. SHAW, 9274
WILLIAM J. SIEGRIST, 6251
MICHAEL A. SIMMONS, 0313
CAREY J. SIMS, 1593
MARK K. SIZEMORE, 1402
PHILIP E. SMITH, 6302
DAVID L. SPENCER, 9296
CLETIS STRAUSBAUGH, 7591
KURT E. STRONACH, 8161
MARK G. SUCHSLAND, 0222
TIMOTHY J. SULLIVAN, 5215
CHARLES D. SWILLEY, 2059
ORLANDO A. TEOFILO, 2967
GUYTON L. THOMPSON, JR., 5988
LAUREN L. TROYAN, 6893
JOSEPH P. TUBBS, 4801
THOMAS E. TWIDDY, 1045
GARY L. VANERT, 6123
PETER J. VARGA, 9283
PATRICK A. VEGA, 5781
GREGOARY R. VIGESAA, 0873
MARY M. WADSWORTH, 4653
MICHAEL A. WALLACE, 3652
DARYL F. WALLS, 0149
LEE G. WARD, 3684
JOHN A. WARDEAN, 7056
CURTIS W. WARRENFELTZ, 6100
CARVILLE C. WEBB, 4488
CHARLES W. WEBB, 1770
HENRY A. WEBB, 7364
ROBERT L. WELDY, 3816
SHAWN T. WHALEN, 8037
DARRELL WHITE, 7094
MICHAEL A. WHITT, 7292
WAYNE R. WILCOX, JR., 0421
ALLEN M. WILLIAMS, 4688
ERVIN K. WILLIAMS, 1932
GILBERT L. WILLIAMS, 5051
JAMES D. WINTERS, 2140
JEFFREY A. WORLEY, 1908
KEVIN E. WRIGHT, 5683
BILLY C. YOUNG, 9285
RYSZARD W. ZBIKOWSKI, 4782
CARL ZEIGLER, 6422

To be lieutenant (junior grade)

LEON S.E. ABRAMS, 8965
ROBERTO M. ABUBU, 2118
ANTHONY M. ANDERSON, 5268
DONALD J. ANDERSON, 2922
JAMES D. ANDREWS, 7534
LUKE ARKINS, 8587
PETER T. AVRAM, 3533
SCOTT A. BAIR, 7542
PERRY G. BECKMAN, 7503
MICHAEL T. BROADUS, 7029
GREGORY B. BROWN, 5045
JAMES P. BUNNELL, 0085
SCOTT L. CARPENTER, 1868
KERRI D. CASHION, 1338
PATRICK T. CHRISTIAN, 7294
WASNA C. CLEMMONS, 9049
GREGORY T. COOGAN, 0017
GERALD A. COOK, 5284
ANTHONY R. COPELAND, 0446
BEATRIZ COST, 6694
THOMAS H. COTTON, 1307
BARRY L. COX, 3266
JOSE M. CRUZ, 5867
PHILLIP D. DAMIN, 1605
ISAAC DANIEL, JR., 3951
SAMUEL L. DENSON, 5865
BRIAN J. DETERS, 8611
PAUL DICKSON, 1083
DANIEL E. DOOLITTLE, 7431
LISA H. EDSON, 5780
CHARLES W. ENSINGER, 9158
MICHAEL G. FARMER, 3372
KIRK FLANAGAN, 4912
FLORENCE M. FOX, 1505
THOMAS A. GABEHART, 6433
JOEL M. GODDEN, 9333
STEVEN P. GOODMAN, 9254
GREGORY S. GORDON, 5987
FRANCIS P. GORMAN, 4356
JON C. GRANT, 6290
CHRISTOPHER HAMMOND, 9523
JOHN M. HANSEN, 4946
KEITH A. HARIG, 8612
JAMES E. HORST, 2090
DAVID C. HOWARD, 0526
BILLY D.J. HUNTER, 9024
CHARLOTTE M. HURD, 4346
GLEN P. JACKSON, 2032
BRIAN D. JACOBSEN, 3017
HAROLD J. JAMES, 8460
VINCENT J. JANOWIAK, 3316
KENAN D. JARRETT, 0519
DARRON K. JOHNSON, 1644
JAMES D. JOHNSON, 9446
GREGORY J. KAYSER, 9241
THOMAS P. KENNEDY, 5333
BRYANT S. KOHUT, 9664
LOWELL R. KURZ, 6677
DAVID E. KUSH, 0359
KEITH R. LAFOUCADE, 4662
THOMAS J. LALLY, 4584
JEFFERY D. LAMB, 1353
TIMOTHY B. LAWS, 9987
JOSEPH A. LEONGUERRERO, 2922
MARTIN H. LEVERING, 5313
DAVID R. LEVESQUE, 8390
DWAYNE L. LLOYD, 3760
SHANNON L. LOVEJOY, 3728
DAVID G. LU, 8050
DEAN S. LYONS, 8434
PHILIP E. MARK, 3612
ROBERT F. MASSARO, 2326
JOSEPH B. MAYERS, 2768
DAVID E. MCCONAGHAY, 9365
THOMAS W. MCDONALD, 8554
ARTIS E. MCELHANEY, 9213
BRUCE D. MCGEE, 7743
CAROL A. MCMILLAN, 5796
DAVID W. MCNULTY, 3294
ANGEL M. MELENDEZ, JR., 6729
DANIAL D. MILLER, 8856
CHARLES W. MILLINER, 7361
EUGENE H. MINCEY, 5779
JON P. MUMPER, 8041
ELIZABETH K. MYATT, 4753
CLIFTON B. MYGATT, 4814
PETER K. NILSEN, 7566
DAVID K. NUHFER, 8442
GERALD R. OLIN II, 1126
JEFFREY PARA, 6051
MICHAEL T. PIECHURA, 2335
TODD L. PITTS, 2230
WILLARD POINDEXTER, 8875
WILLIAM J. POWELL, 8422
CLIFFORD S. RADER, 0244
WILLIAM D. REABE, 0024
PAUL J. ROUSHIA, 1829
JOHN R. SAUTER, 8007
MICHAEL D. SCHELL, 2044
JEFFERY L. SCOTT, 7200
ANTHONY W. SHIPMAN, 1851
TIMOTHY S. SHIPMAN, 3604
RICHARD E. SIMPSON JR., 3963
GERALD T. SODANO, 7132
DEAN M. SPRINGSTUBE, 5290
DAVID R. STIEGER, 7047
LAURENCE G. STOREY, 6178
FRED K. STRATTON, 5392
KENNETH W. SZITTA, 7325
THERESA A. TALBERT, 3563
DONNA L. TARPINIAN, 0839
HIRAM THOMPSON JR., 0277
KENNETH E. TRANTHAM, 7606
JAMES A. TRUHETT, 8524
TERANCE E. TUCKER, 2263
EDWARD C. VAUGHN, 9212
STANLEY VICKERS, 2849
MARK E. WARNER, 1948
LARRY G. WELLS, 0790
TROY A. WESTPHAL, 8454
DELMAS WHITTAKER JR., 8484
JOHN A. WILHELM, 9113
ANTHONY G. WILLIAMS, 8652
RICKIE D. WILLIAMS, 6849
WILLIAM H. WILLIAMS, 6539
CHARLES A. WILLIAMSON, 9209
JULIUS C. WILSON, 9933
BRUCE A. WITT, 1207
BYRON WRICE, 3071
DANIEL C. WYATT, 9538

CONFIRMATION

Executive nomination confirmed by the Senate March 8, 1999:

NATIONAL INDIAN GAMING COMMISSION

MONTIE R. DEER, OF KANSAS, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE LOW-INCOME MEDICARE BENEFICIARY ASSISTANCE ACT OF 1999

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. BENTSEN. Mr. Speaker, I have introduced legislation, H.R. 854, the Low-Income Medicare Beneficiary Assistance Act of 1999, to help more seniors enroll in Federal programs that pay out-of-pocket Medicare costs for low-income seniors.

Medicare has been one of the most successful Government programs in our Nation's history, helping to improve health care and reduce poverty among senior citizens since it was created in 1965. However, even with Medicare, America's senior citizens continue to pay thousands of dollars in health care expenses out of their own pockets each year. These expenses include the $45.50 monthly premium for doctor's visits, as well as doctor and hospital costs that Medicare does not cover. Many seniors on fixed incomes simply cannot afford these expenses.

In order to protect these senior citizens, the Federal Government and the States have established several programs under Medicaid that pay out-of-pocket costs for low-income seniors. These two programs, the Qualified Medicare Beneficiary program pays Medicare premiums, deductibles, and coinsurance for hospital stays and doctor visits. This program pays the current Medicare premium of $45.40 per month, the 20 percent share of doctors' bills that Medicare does not pay, and the initial $768 deductible for hospital stays. This program is available to individuals and couples with annual incomes up to $8,292 and $11,100 respectively (100 percent of the Federal poverty line). The second program, the Specified Low-Income Medicare Beneficiary program pays the monthly $45.50 Medicare premiums for doctor visits. This program is available for individuals with annual incomes between $8,293 and $11,111 and couples with annual incomes between $11,101 and $14,892 (135 percent of the Federal poverty line).

A recent Families, USA report found that between three and four million eligible seniors are not enrolled in these programs. This represents almost 40 percent of those eligible who are not receiving the help they need. It is unconscionable that so many seniors, often widows with limited means, are not receiving this vital assistance to which they are legally entitled. Clearly, we must do a better job of reaching out to seniors and making it easier for them to apply for this assistance.

My legislation includes two initiatives to help eligible seniors enroll in these programs. First, my legislation directs the Social Security Administration to automatically enroll seniors in these programs based on the income information available to Social Security. Under this 60-day period of presumptive eligibility, seniors will receive these benefits while the State agencies make a final determination of eligibility. My legislation would also require State agencies to provide the Social Security Administration with the necessary administration forms to properly enroll these senior citizens. Second, my legislation would double the current outreach budget of the Social Security Administration from $6 million to $12 million. With more funding, it is hoped that the Social Security Administration will find innovative methods to contact low-income senior citizens.

My legislation would also ease the administrative burden that States face to enroll these eligible senior citizens. Under current law, eligible senior citizens must contact their local State agencies in various locations and fill out the necessary paperwork. I believe that the Social Security Administration, a Federal agency, is well-suited to contact these individuals and couples through their network of Social Security offices throughout the Nation. In addition, this legislation would ensure that Federal officials are working cooperatively with state officials to increase enrollment in this critical program.

I believe that my legislation will fulfill a simple goal: helping low-income senior citizens afford and obtain the health care they need. I urge my colleagues to support this vital legislation and work for its passage this year.

CONGRATULATING BRUCE OBBINK, AGRICULTURALIST OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bruch Obbink, recipient of the Fresno Chamber of Commerce Agriculturalist of the Year award for 1998. Mr. Obbink has been an active member of the agricultural community for many years.

Bruce Obbink has served on the California Table Grape Commission since 1968, most recently as its president. The Commission is the promotional branch of California's fresh grape industry and represents 100 percent of the state's 700 table grape farmers. As president, Bruce is responsible for a budget that exceeds $13 million and for oversight of the Commission's key programs including advertising, communications, community service, international marketing, merchandising, and research. He has traveled extensively in the Asian, European, and South American markets successfully promoting the California fresh grape industry.

Mr. Obbink lives in Fresno, California, and was raised in the Midwest. He is a graduate of Missouri State University and was a naval aviator from 1956 to 1962. He was director of education for the Council of California Growers and the Agriculture Education Foundation from 1962 to 1968. Bruch Obbink has generously served a number of Ag organizations. He is a member of the National Project to Develop a Strategic Plan for Changing the American Diet, has been appointed by Governor Wilson to serve on the Exotic Pest Eradication Task Force, is past president of the Cal-Ag Committee on International Trade, past chairman of the board of the Produce Marketing Association, past president of the Produce for Better Health Foundation, and has participated in several Harvard Business School education programs.

Bruce Obbink has been consistently recognized and honored for his service to the agricultural community. He was named Produce Marketer of the year by The Packer, a national produce industry publication, selected by Public Relations Quarterly as one of the 100 outstanding public relations executives in the United States, and received the Produce for Better Health Foundation's first-ever Outstanding Contributor Recognition Award. He was presented with the California Grape & Tree Fruit League's Mentor's Award for his service to the grape industry, and named the American Society for Enology and Viticulture's 1998 Merit Award recipient for recognition of his many contributions to the industry through his role with the California Table Grape Commission.

Mr. Speaker, I am honored to recognize Bruce Obbink, the Fresno Chamber of Commerce Agriculturalist of the Year. The California Agriculture industry has been well served by Mr. Obbink's tireless dedication. I invite all of my colleagues to join me in wishing Bruce Obbink many years of continued success.

TRIBUTE TO REV. DR. EUGENE B. GREEN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Rev. Dr. Eugene B. Green, who passed away Feb. 26, 1999 in Decatur, IL. Dr. Green was a tireless advocate of community and youth projects in Decatur. He was born on Aug. 8, 1925 in Chicago, and married Dorothy L. Coleman-White on Christmas Eve in 1964, and he and his wife had two sons, Steven and Edward. He also served his country in the United States Army from 1954 until he received his honorable discharge in 1957.

Dr. Green's awards and commendations are too numerous to list, but we counted among his greatest accomplishments an invitation to the White House, meeting with the Speaker of the House, and serving as a guest chaplain for the United States Senate. Hailed as one of Decatur's most tireless community and youth advocates, Rev. Green was an active participant with the Boy Scouts of America. He initiated the One Church, and the One School program that has become accepted in the Decatur Public Schools. He was also an advocate of the One Church, One Child program which encouraged church members to become adoptive or foster parents for children in need. He was also a member of the Decatur Anti-Violence Task Force and worked to curb the devastating influence of gang activity on the youth of Decatur. He has also worked very closely with the Human Rights Commission, NAACP, and the public schools. He was a dedicated pastor at the Trinity CME church for 14 years, and while leading the church he also was president of the Ministerial Alliance and a member of the Decatur Interfaith Union.

It is clear that the Rev. Dr. Eugene Joseph Bert Green was an exceptional man and leader and he will be missed by all who knew and respected his life and work. His passing was a great loss not only for his family and the City of Decatur, but for all people who strive to make the world a better place for all mankind. He will be sorely missed, but never forgotten.

TRIBUTE TO RAYMOND C. FISHER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to a constituent and a truly outstanding member of this Administration, Raymond C. Fisher. Mr. Fisher was selected as the 1999 Distinguished Alumnus at the University of California, Santa Barbara.

Public service has been a hallmark of Ray Fisher's distinguished career that was recognized by UCSB. During his 30-year legal career, he has also served as president of the Los Angeles City Civil Service Commission, Deputy General Counsel to the Christopher Commission, and chair of the Los Angeles Police Commission. Mr. Fisher's dedication to practicing law in the public's interest is especially reflected in his service as a special assistant to the Governor of California, and as past president of the Constitutional Rights Foundation.

His lifetime of public service was recognized in a ceremony on February 20th, yet his work continues. Ray Fisher is now serving as an Associate Attorney General, and his office oversees a broad range of divisions, including antitrust, civil rights, legal counsel, and taxation. The Justice Department is well served by both his character and his concern for the public interest.

Mr. Speaker, distinguished colleagues, I ask you to join me and the University of California at Santa Barbara in celebrating Raymond Fisher's distinguished legal and public service career. We look forward to his continued leadership role at Justice for many years to come.

TRIBUTE TO THE LATE JOHN MEYER, DEVOTED TO GOD, FAMILY, AND COUNTRY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the late John Meyer of Maryland on the tenth anniversary of his death in March, 1989. Mr. Meyer shared an interest that I hold close, that of the welfare of America's aging veterans.

As an employee of many years' standing at the Soldiers, Sailors, and Airmen's Home on Harewood Road in Washington, D.C., Mr. Meyer's compassion and quiet, hard work earned him the friendship and respect of the veterans. Their bereavement at Mr. Meyer's tragic death on March 24 at age 26 after an automobile accident was expressed in a touching manner. The veterans arranged to attend Mr. Meyer's funeral by the busloads. The Easter Monday funeral service overflowed with family, friends, and flowers.

John Meyer also worked at the United States Department of Agriculture's Research Farm in Beltsville, Maryland, where he was a valued employee. Mr. Meyer was the proud father of his daughter, Angela Grace; an attentive husband to his wife, Jayne; a beloved son of his parents, Angela and Jacob Meyer; and a devoted brother to James and Donald. He also was survived by his loving grandmothers, Rose Zerega and Eloise Kramer; and by his aunts, uncles, cousins, and friends, who treasure his happy memory.

John Meyer lived the ethos of devotion to God, family, and country. His example of solid American citizenship has left an indelible impression on those who knew him.

TRIBUTE TO WAWONA FROZEN FOODS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Wawona Frozen Foods, recipient of the 1998 Baker, Peterson & Franklin Ag Business Award.

Wawona Frozen Foods is an organization whose achievements and impacts have significantly contributed to the Ag industry and the Central Valley. The Baker, Peterson & Franklin Ag Business Award honors a service or product-related agribusiness or farming entity, with headquarters in the central San Joaquin Valley. The Award recipient is selected by a committee representing the AgFRESNO Advisory Board, National Ag Marketing Association and the Agriculture department at Baker, Peterson & Franklin.

Wawona Frozen Foods grows and processes California freestone peaches and strawberries into fresh frozen fruit products and baked fruit pastries. From a modest beginning 35 years ago, with 60 part-time employees the company has grown to 150 full-time and 1,200 seasonal processing facility to three state-of-the-art facilities. Annual revenue has grown 40 fold, now exceeding $40 million annually. Beginning as a supplier to solely food manufacturers, Wawona has grown their sales in other markets including food service distributors, restaurant chains, retail and warehouse stores, school food service and the USDA school lunch program.

Wawona Frozen Foods is America's largest processor of California freestone peaches, shipping over 65 million pounds of the 110 million pound industry-wide crop of 80% of the entire national frozen production. The growth in sales of frozen peaches has a vital and positive impact on the entire freestone peach industry and makes the total peach marketing program more stable while contributing to the potential of higher prices for fresh market peaches.

Wawona Frozen Foods is an exceptional corporate citizen. Its officers and employees participate in and financially support many community activities. Wawona is involved with the Clovis Unified School Foundation, Valley Children's Hospital, St. Agnes Hospital, Valley Teen Ranch and the National Hispanics Scholarship Fund, just to name a few. All of the Wawona principals are graduates of California State University, Fresno, and major grants have been given to the CSUF Ag and Food Science Departments as a commitment of their support. The company has also been a leader in state and national organizations such as the California Tree Fruit Association, National Restaurant Association and the American Frozen Foods Institute, of which Wawona's CEO is president emeritus on the board of directors.

Mr. Speaker, I am honored to recognize Wawona Frozen Foods as the recipient of the Baker, Peterson & Franklin Ag Business Award. The Central Valley can be proud of the fine work done by this outstanding local company. I invite all of my colleagues to join me in wishing Wawona Frozen Foods many years of continued success.

TRIBUTE TO MR. AND MRS. JOE E. PALMER ON THEIR 50TH WEDDING ANNIVERSARY

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Joe E. Palmer of Herrin, IL, on the occasion of their fiftieth wedding anniversary. The Palmer's were married on Feb. 26, 1949 in Herrin, where they lived, worked and raised a large family with 10 children, 23 grandchildren, and 2 great-grand-children. Joe and Dora were exceptional role models and they worked hard to provide their children with a Christian home. All ten of their children received college degrees, and some went on to graduate school. Joe worked for and retired from the Maytag Corporation and Dora was a homemaker. Since retirement both have enjoyed gardening and spending time with their family. Once again, I am pleased to have this opportunity to congratulate the Palmers, and I would like to wish them and their family many more happy years.

TRIBUTE TO AMY PAGE OF GIRL SCOUT TROOP 395

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. BACHUS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Cahaba Girl Scout Council in Birmingham, Alabama. She is Amy Page of Girl Scout Troop 395. She has been honored for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by a girl aged fourteen through seventeen, or in grades ninth through twelfth.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than twenty thousand Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout Volunteer.

As a member of the Cahaba Girl Scout Council, Amy Page began working toward the Girl Scout Gold Award on August 13, 1998. She completed her project, Dora's first Intertribal Pow-Wow and Education Day, and I believe she should receive the public recognition due her for this significant service to her community and her country.

TRIBUTE TO A PRUDENTIAL SPIRIT OF COMMUNITY AWARD RECIPIENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor two outstanding Alaskan students who have achieved national recognition for exemplary volunteer service in their community. Frank Cyra-Korsgaard and Esther Perman, both of Anchorage, have just been named one of my state's top honorees in The 1999 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Cyra-Korsgaard is being recognized for his organization of "Run for the Books" which provided reading materials for homeless teens at Covenant House Alaska. Frank worked with Covenant House, identified adult mentors, solicited sponsors such as Barnes and Noble bookstore, promoted the event and organized the logistics. Eighty-two people ran in the event, including the Mayor of Anchorage and another 40 contributed, resulting in donations of more than 200 books and $3,600. Frank has been invited to speak about community service at a national education conference and wants to host another run next year.

Ms. Perman is being recognized for her organization of replacing the "Rocket", a much loved piece of equipment that had been removed from a local playground because it failed to meet safety regulations. Esther learned that the city was going to update the playground, but spend most of the allocated funds on a new parking lot. She was appalled and began to rally the support of other kids and adults. Esther conducted a survey of the city's young people and presented the results, along with the request for a new Rocket, at a city council meeting. Over the course of many meetings, Esther convinced the council to overturn its original plan and spend more money updating the playground and less on the parking lot. The council also agreed to work with the kids in town to design a new Rocket.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young citizens made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Cyra-Korsgaard and Ms. Perman are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

IN HONOR OF JOSE AND LEONOR RODRIGUEZ ON THEIR 69TH WEDDING ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Jose and Leonor Rodriguez on the 69th anniversary of their marriage.

Jose Domingo Rodriguez and Leonor Rojas Perez were born in Remedios, Las Villas, Cuba. After marrying as teenagers, they were anxious to establish themselves as business owners in their hometown. Through their hard work and entrepreneurial spirit the couple opened "La Fe" bar/cafeteria, which quickly became the most popular establishment in the area. Through his success, Mr. Rodriguez became a respected community leader.

In December, 1968, the couple left Cuba to live in New Jersey. Once here, they worked hard and made many sacrifices to ensure that their sons, Roberto and Rene, flourished in their new country. Despite having limited formal education, Jose and Leonor Rodriguez taught their children the importance of learning and achievement at school. Today, Roberto is a successful banker in Union City and Rene is an accomplished physician in Washington, D.C.

I am sure my colleagues join me in giving Jose and Leonor hearty congratulations on their 69th wedding anniversary. I commend them and wish them many more happy years together.

REINTRODUCTION OF THE FIFTY STATE COMMEMORATIVE COIN PROGRAM AMENDMENTS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1999

Ms. NORTON. Mr. Speaker, today, I reintroduce a bill to give the District of Columbia and the four insular areas a privilege the 50 states achieved last year: to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States. This program was authorized in the 50 States Commemorative Coin Program Act, which passed overwhelmingly in the 105th Congress. However, the bill unintentionally excluded the District of Columbia and the four territories. My bill would correct that oversight by extending the 10-year commemorative coin program for an additional year to include the District of Columbia and the four insular areas—American Samoa, Guam, Puerto Rico, and the Virgin Islands.

I objected to the exclusion of D.C. and the four territories when the original bill came to the House floor. In order not to impede passage of an otherwise worthy bill, however, I deferred my protest. In turn, Congressman MIKE CASTLE, the former Chair of the Subcommittee on Domestic and International Monetary Policy, agreed to cosponsor my bill to allow the District and the four insular areas to participate. Although Mr. CASTLE no longer chairs the subcommittee, I want to thank him for his continued support. The new Chair, SPENCER BACHUS, has promised his full support and cooperation in helping with this effort, and he is an original cosponsor of the bill I reintroduce today. I also want to thank the Delegates from the four insular areas who have worked on this bill from the beginning.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the states. However, qualification to be part of a program to redesign quarters to commemorate Members' home districts is surely not one of them. There is no legal or constitutional reason to exclude D.C. and the terrorities from this bill. Congress should be at great pains to avoid any appearance of treating the District and the insular areas as colonies. The Commemorative Coin Program may seem like a minor activity, but the ability to participate in this program is an important recognition to my constituents.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 9, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

8 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine crop insurance and risk management strategies.

SR–328A

9:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Joint Committee on Taxation.

SD–116

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the condition of the services' infrastructure and real property maintenance programs for fiscal year 2000.

SR–232A

Health, Education, Labor, and Pensions

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on how the Office of Education Research and Improvement, and the National Center of Research Statistics disseminates education research information to schools and how that research impacts education reform.

SD–430

Commerce, Science, and Transportation

Business meeting to markup S.303, to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems.

SR–253

10 a.m.

Finance

To hold hearings to examine issues of the federal recovery of a portion of the tobacco settlement funds attributable to Medicaid.

SD–215

Foreign Relations

To hold hearings on the current human rights situation in Cuba.

SD–419

Appropriations

Transportation Subcommittee

To hold hearings on Amtrak finance and operational issues.

SD–124

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Navy and Marine Corps programs.

SD–192

2:30 p.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine strategic and tactical lift requirements versus capabilities.

SR–232A

Intelligence

To hold closed hearings on intelligence matters.

SH–219

Armed Services

Airland Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense focusing on tactical modernization, and the future years defense program.

SR–222

MARCH 11

9:30 a.m.

Environment and Public Works

To hold hearings on S.507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.

SD–406

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Energy, focusing on defense programs, materials disposition, and non-proliferation.

SD–124

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for Corporation for National and Community Service.

SD–116

YEAR 2000 TECHNOLOGY PROBLEM

To hold hearings to examine Y2K information technology readiness within the court system.

SD–106

Commerce, Science, and Transportation

To hold hearings on S.383, to establish a national policy of basic consumer fair treatment for airline passengers.

SR–253

10 a.m.

Finance

To hold hearings to explore the ramifications of the changing world economy and the reforms that are needed in the international tax area.

SD–215

Foreign Relations

To hold hearings to examine embassy security for a new millennium.

SD–419

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Commerce.

S–146, Capitol

Judiciary

Business meeting to markup S.461, to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy, and other pending calendar business.

SD–226

Health, Education, Labor, and Pensions

To hold hearings to examine patients' health protections.

SD–430

Armed Services

Strategic Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense focusing on ballistic missile defense programs and management, and the future years defense program.

SR–222

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense focusing on the defense health program, and the future years defense program.

SR–222

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.

SD–628

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Commercial and Administrative Law on bankruptcy reform issues.

2237, Rayburn Building

3 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on.

SR–232A

MARCH 12

9 a.m.

Judiciary

To hold hearings on President's proposed budget request for fiscal year 2000 for the Department of Justice.

SD–226

MARCH 16

10 a.m.

Small Business

To hold hearings on the President's proposed budget request for fiscal year 2000 for the Small Business Administration.

SR–428A

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee to resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.

SD–366

MARCH 17

9:30 a.m.

Indian Affairs

To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.

SR–485

10 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.

345, Cannon Building

Energy and Natural Resources

Foreign Relations

To hold joint hearings on proposals to expand Iraqi oil for food.

SD–419

MARCH 18

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the readiness of the United States Air Force and Army operating forces.

SH–216

MARCH 22

1 p.m.

Aging

To hold hearings to examine the quality of care in nursing homes.

SH–216

MARCH 23

9 a.m.

Aging

To hold hearings on a proposal to support family care givers.

SD–106

MARCH 24

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of welfare reform.

SR–485

10 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.

345, Cannon Building

APRIL 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the published scandals plaguing the Olympics.

SR–253

Indian Affairs

To hold oversight hearings on the implementation of welfare reform for Indians.

SR–485

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345, Cannon Building

SENATE—*Tuesday, March 9, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Rev. Michael V. Kelsey, Sr., New Samaritan Baptist Church, Washington, DC. We are pleased to have you with us.

The guest Chaplain, Rev. Michael V. Kelsey, Sr., New Samaritan Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Father, we thank You for this day and for this Nation. We pray and intercede for the men and women who are in positions of authority. We hold them up before You, that the Spirit of wisdom and discernment may rest upon each of them as they seek to do what is blessed in Your sight and right for Your people.

God, may the hearts and ears of these Senators be attentive to Your divine order. We believe You cause them to be men and women of integrity who lead with compassion and commitment, competence and character.

Your Word, O God, declares, "Blessed is the nation whose God is the Lord."—Psalm 33:12. And God, we expect to receive Your blessing as the ultimate One who can guide and govern the affairs of this Nation.

Thank You for this land and the leaders You have given to us. We say discretion watches over them; understanding keeps them; and godliness surrounds them.

May the words of their mouths and the meditations of their hearts be acceptable in Your sight, O Lord, our Strength, and our Redeemer.—Psalm 19:14. This is our prayer, in the name of the Lord.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the Senator from Pennsylvania, is recognized.

THE GUEST CHAPLAIN

Mr. SANTORUM. Mr. President, I, too, want to welcome Reverend Kelsey today and thank him for his inspirational prayer. He is one of the truly distinguished leaders of the church community here in Washington, DC.

Welcome back to Washington. You have been away for a while. It is good to have you back here, and it is terrific to have you here in the U.S. Senate. Thank you for being here today.

Mr. KENNEDY. Mr. President, I join my friend, the Senator from Pennsylvania, in welcoming our distinguished guest Chaplain. I thank him very much for his presence and for his inspiring message to all of us. We are very grateful to him for joining us here today.

We thank him very much for all the good work that he does and continues to do for his parishioners.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will be in a period of morning business until 12:30 p.m. Under the previous order, Senator DURBIN, or his designee, will be in control of the time between 10:30 and 11:30 a.m., and Senator FRIST, or his designee, in control from 11:30 to 12:30 p.m.

Following morning business, the Senate will recess until 2:15 p.m., to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will resume consideration of S. 280, the education flexibility partnership bill, for debate only, until 4 p.m., at which time the Senate will vote on the motion to invoke cloture on the Jeffords substitute amendment. Senators are reminded that, pursuant to rule XXII, second-degree amendments must be filed by 3 p.m. in order to qualify postcloture.

MEASURES PLACED ON THE CALENDAR—S.J. RES. 13 AND S. 564

Mr. SANTORUM. Mr. President, I understand there are two bills at the desk due for their second readings.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 13) proposing an amendment to the Constitution of the United States to protect Social Security.
>
> A bill (S. 564) to reduce class size and for other purposes.

Mr. SANTORUM. Mr. President, I object to further consideration of the measures at this time.

The PRESIDENT pro tempore. The measures will go to the calendar.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The able Senator is recognized.

THE DEATH OF ALBERT MURRAY, FATHER-IN-LAW OF SENATOR PATTY MURRAY

Mr. KENNEDY. Mr. President, I want to take just a moment of the Senate's time to share with our family in the Senate a rather sad occasion that has taken place. Last evening, at about 7:15, after we had recessed, I had a call from our friend and colleague from the State of Washington, Senator MURRAY, the principal proponent of our smaller class size amendment, who told me that her father-in-law had passed away yesterday. She had been on the floor all day. She returned after a very full day here on the floor leading us in this discussion on the question of smaller class size to learn that her father-in-law, Albert Murray, at the age of 80, had passed on. He had been a small business man for many years. He lived in Seattle and was very much involved in the community in a range of different activities to ensure that that community was going to be a better community.

The Murray family is a very close-knit family. They are an extended family. I had the opportunity to meet many of them at the time Senator MURRAY was initially sworn in here to the U.S. Senate.

She left last evening to return to the State of Washington to be with members of the family. I know all of us send our thoughts and prayers to Senator MURRAY, her husband Rob, and the entire Murray family. We are thinking about her and are mindful of her loss.

Mr. President, I yield myself such time that I might use.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. KENNEDY. Mr. President, today we will vote again on whether to end this debate on education—prematurely, I believe—or do our part to help communities meet critical educational needs. After a very limited 2-day debate on education last week, the majority leader filed cloture to end debate on the bill. The next day he filed the same cloture motion to force a second vote on whether to end the debate. The first cloture motion was defeated yesterday; the second cloture motion will be defeated today. I believe we should stop playing procedural games and vote on amendments that are critical to communities across the Nation.

Republican intentions are clear. They do not want a debate on education. They do not want a vote on the critical educational issues facing the Nation's communities: reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. And there is a shared responsibility in all of these areas between the local communities, the States, and the Federal government as well. Parents and communities have a central concern about ensuring that their children are going to be adequately trained as they move towards the new century.

We have an opportunity to do something about it, and we have, as we have demonstrated over the course of this debate, compelling evidence that each of these particular programs can really make a difference in children's achievement and growth, scholastically, in their local communities. No bill on the Senate calendar right now concerns more important issues than education.

These issues are important and timely. We start off this session with a very thin calendar. We have the time and we have the ability, as we have said on a number of different occasions. Under the leadership of Senator DASCHLE on this side of the aisle, we are prepared to agree to a small number of amendments with strict time limits that could ensure a speedy conclusion to those amendments, even, probably, during the day today. We can all work together to reach a bipartisan consensus on education now, because the Nation's schools and children cannot.

Some Republicans insist that they won't agree now to any amendments which affect the Elementary and Secondary Education Act, but that position is untenable. The pending Ed-Flex bill directly affects the largest ESEA program, title I. It also affects a number of the other programs included in the Elementary and Secondary Education Act—the Education Technology, the Eisenhower Professional Development, and the Safe and Drug Free Schools programs. Yet we are now considering Ed-Flex long before it is ready for action.

We should also be able to consider other vital education issues, too. Ed-Flex is a good idea, because it gives States more flexibility in implementing Federal programs. It makes them accountable for how well Federal aid is used to improve the schools. It goes back to the initiative of our good friend from the State of Oregon, Senator Hatfield. I joined him in offering the initial Ed-Flex in 1994. I offered it as an amendment to Goals 2000, to permit another group of States to do so. I know this program. I support this program.

We have strong support for the Ed-Flex concept on this side of the aisle as well as the other side of the aisle. We want to make sure, when we provide scarce resources, that the local communities, when they get the scarce resources, are able to show how the changes in the education programs will enhance student achievement. That is what we are interested in. Families are interested, local communities are, States are; we should be as well. We are trying to give the assurance to families across the country that accountability would be a part of Ed-Flex.

Ed-Flex, as I mentioned, is a good idea, but flexibility and accountability mean little if we do not give communities the support they need to implement school reform strategies that work. If you take the time to read the General Accounting Office review of Ed-Flex, what springs out at you is what the GAO report stated was the greatest desire for the local communities. What they asked for was additional funding for education programs. That makes sense. Second, they wanted to know if there were other opportunities to enhance academic achievement. Third, they were looking for help and assistance in how to run their schools more efficiently and effectively.

Those are pretty reasonable ideas and ones that I think all of us can understand. That is what they were looking for, and we are attempting to try to assist with these other ideas that different Members have talked about over the period of the past few days to try to help the local communities.

Last year, with broad bipartisan support, the Congress made a substantial investment in improving the Nation's public schools. We increased funding for IDEA by $500 million. We increased funding for afterschool programs by $160 million. We increased funding for title I by $300 million. And we made a $1.2 billion investment in reducing class size in the early grades. Those were done with bipartisan support, including the commitment to reduce class size, the amendment that Senator MURRAY has championed in the Senate not only this year but last year as well.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers and reduce class size. We need to support State efforts to raise academic standards and support communities and teachers who are helping children meet those standards. We need to modernize school buildings and repair crumbling facilities. We had the GAO report which estimated it will cost $120 billion just to bring classrooms across this country up to standards. Many communities in urban and in rural areas just cannot afford to take on that particular challenge themselves. We have ideas about how we can assist local communities, not with a handout, but to help them ease the kinds of financial pressures on that local community in order to bring their school buildings and classrooms up to speed.

That is a very important concept, partly because without doing so it is more difficult for the children to learn. We find even in the city of Boston that when the temperature goes down to 15 to 20 degrees, 15 schools close down because their heating systems are not adequate. Automatically, 15 schools close down. There is an effort being made in the local community—the greatest increase in a school budget in terms of education, I think, of any major urban area in the country—but still it is taking time.

We can help in this area. It is not only important in terms of the physical facility, it is important in the message we send to the children. Every parent, when they see their child go off in the morning, is talking to that child about paying attention during the course of the day, working hard, doing his or her homework, getting extra help and assistance if it is needed. Every parent is to instill in them the value and the importance of education. But if the child walks into a classroom and it is dilapidated and not functioning or does not have an electronic system to hook up the various new kinds of technology, we are sending a very powerful, very simple message to those children. The parents may be talking about the value and importance of education, but we, as a society, are not prepared to put the resources into it to ensure that those children will go to a first-rate school. That is the message, and that is powerful.

That is happening every single day in communities all across this country—certainly in many of the older communities and in many of the poorer rural communities across this country—where we do not have the kind of facilities that all of us would hope we might have for the children of this country. It is a very important message, and we are attempting to do something about it. We are not going to answer the whole problem, but we are going to offer a helping hand for local communities. Trying to provide some help and assistance in terms of school construction makes a good deal of sense.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers, reduce class size, support State efforts to raise academic standards, and support communities and teachers who are helping children to meet those standards.

We talk about content standards. An increasing number of States have adopted content or performance standards. That is very important, so that parents will know what their children are learning and how they are doing. We need to end social promotion, but, when we do that, we are going to make sure there will be the kinds of support facilities out there for children who have not been able to keep up, to keep them from falling further behind.

We have different examples of where that is taking place—in Chicago, where children who are falling behind are getting extra assistance during the schoolday, or even after school, or over the course of the weekend, or during vacations, or during the summer—maintaining high standards for children, but also trying to get assistance for those children who need it. It makes sense. That is what we are trying to bring attention to.

We need to modernize the buildings, as I mentioned. We need to expand the afterschool programs—for the 7 or 8 million children between the ages of 8 or 9 and 14 who go home in the afternoon to empty houses, who may spend their time watching television, if the parents are fortunate, or otherwise involved in antisocial behavior, if they are not—to try to develop programs that are going to work with the schools or with nonprofits.

We have different ways of approaching this, modest amounts of resources in the President's budget to try to do so. We can encourage those children to be involved in afterschool programs, to enhance their academic ability and achievement and perhaps give those children a chance to spend some quality time with their parents. Rather than the parents coming home, finding the child has been watching television, and saying, "Go up to your room to do your homework," parents can provide the kind of climate and atmosphere which is going to be profamily.

This is a profamily issue, Mr. President. We have seen the amount of success that it has. Last year, when we had $40 million in afterschool programs, we had $500 million in applications. That is from the local communities. What we are doing now is trying to build that up to cover more than a million children, and that will send a ripple all across this country to develop after school programs. We do not intend to do all that is required in terms of after school, but we can demonstrate, by the success of these programs, how they have impacted children and families to build the kind of local support for the enhanced programs.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mrs. BOXER. Thank you, I say to the Senator.

I am so pleased he is talking about afterschool programs. I am so disappointed at this point we cannot offer our amendment which would, in fact, accommodate, as the Senator pointed out, more than a million children in afterschool quality programs.

I ask the Senator if he was aware of the relationship to the crime issue, juvenile crime, that we have been told by the FBI that the highest incidents of crime occur at 3 o'clock. And we have tremendous support for this afterschool amendment from the police athletic leagues all across this country and the police officers because when you have quality afterschool programs, it not only improves the education of children—and they do much better as they have done in afterschool programs throughout California—but also the police athletic leagues tell me they see a 75-percent reduction in crimes. So I ask the Senator if he could comment on the impact these afterschool programs have on reducing juvenile crime.

Mr. KENNEDY. The Senator is absolutely correct. Perhaps the Senator wants to put in the RECORD the excellent letter that has been sent to all of us from some 450 police chiefs, sheriffs, prosecutors, and leaders of police organizations in strong support of your amendment for the after school program. It reviews what has been happening in local communities to demonstrate their reasons for their strong support. Just as the Senator has mentioned, it has had an important and significant positive impact on reducing juvenile crime.

I can tell you in Boston, MA, we went 2½ years without a youth homicide—virtually unheard of for any major city of this country. And if you talk to Paul Evans, who is our police chief up there, the first thing he will talk to you about are the after school programs. He will talk about other programs in terms of trying to penetrate gangs, and he will talk about working with teachers and social service offices in terms of identifying the real trouble makers, and a variety of different other efforts, but he will lead off his list with the after school programs. It is just as the Senator has stated. This has an important, positive impact in reducing juvenile crime.

We are talking about preventing antisocial behavior, whether it is in terms of crime, or more dangerous kinds of activity, namely juvenile violence. This is very important.

Mrs. BOXER. I thank my colleague for speaking out on these issues today. And, yes, I ask unanimous consent the letter Senator KENNEDY mentioned be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIGHT CRIME
INVEST IN KIDS
Washington, DC, March 4, 1999.

Re: Anti-Crime Amendment to Educational Flexibility Partnership Act.

DEAR SENATOR: As an organization of 450 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime victims, we urge that you co-sponsor and support Senator Boxer's After School Education and Anti-Crime Amendment, which would boost authorization funding levels for the 21st Century Community Learning Centers after-school programs, as you consider the Education Flexibility Partnership Act of 1999 (S. 280).

FBI data show that in the hour after the school bell rings, juvenile crime suddenly triples. The peak hours for violent juvenile crime are from 3:00 p.m. to 6:00 p.m., and more than half of all such crime occurs between 3:00 p.m. and 9:00 p.m. These are also the peak hours for unmarried teens to engage in sexual activity, and being unsupervised in the afternoon doubles the risk that teen will drink alcohol, smoke cigarettes, or use drugs.

Quality after-school, weekend and summer programs for children and youth can cut crime dramatically—by offering school-age kids a safe haven from negative influences, and providing constructive activities that teach them not only the skills they need to succeed, but also values like responsibility, hard work, and respect and concern for others. For example: high school freshmen boys randomly selected from welfare households to participate in the Quantum Opportunities after-school program were only one sixth as likely to be convicted of a crime during their high school years as boys in the control group. Together, the boys and girls who participated in the program were 50% more likely to graduate from high school on time, and two-and-a half times more likely to attend post-secondary schooling. The program produced three dollars in benefits for every dollar spent.

When a Canadian public housing project intensively recruited youngsters to participate in an after-school skills development program, juvenile arrests among its teen residents declined by 75%, while they were going up 67% among the residents of a nearby comparison housing project. The program saved the government more than twice its cost.

When the Baltimore Police Department opened an after-school program in one high-crime neighborhood, kids' risk of becoming crime victims was cut nearly in half.

That's why, in addition to our 450 law enforcement members, law enforcement organizations nationwide have called on public officials to provide for America's children and teens after-school programs that offer recreation, academic support and community service experience. Among the organizations which have passed such resolutions are the National Sheriffs Association; the Major Cities [Chiefs] organization (composed of the police chiefs from North America's 52 largest cities); the Police Executive Research Forum (made up of police chiefs, sheriffs, and other law enforcement officials who together serve over 100 million Americans); the National District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association, the Illinois Association of Chiefs of Police and the Illinois States Attorneys Association; the Texas Police Chiefs Association, the Arizona Sheriffs and Prosecutors Association, the Maine Chiefs and Maine Sheriffs Associations, and the Rhode Island Police Chief's Association.

Despite clear evidence that quality after-school programs have a dramatic crime prevention impact and actually save taxpayer dollars, we are serving only a small portion of the children and youth who need these programs. More than 7 million children under twelve years old and millions more between twelve and eighteen years old, now spend their after-school hours unsupervised and vulnerable to the negative influences of gangs, drugs, and crime.

Senator Boxer's After-school Education and Anti-Crime Amendment would be a step forward in meeting our nation's need for more after-school programs. We therefore urge the Senate to adopt this amendment.

> If we can be of further assistance as you consider S. 280, and other crime-prevention issues, please feel free to call on us.
>
> Sincerely,
>
> SANFORD A. NEWMAN,
> *President.*

Mrs. BOXER. I do want to thank the police athletic leagues for getting involved in this. I want to ask my friend this question, because he is our leader on education. He was the former chair of the Education Committee, now the ranking member.

I seem confused in trying to understand the majority leader's decision here not to allow these amendments to be offered. And I read somewhere that he said he looked forward to this debate when we began and he said, let's have those amendments, and we will vote them up or down. Can my friend explain to me why on Earth, when we have a situation here where the No. 1 issue in America today is our children and their education, the majority leader will not allow us to have an up-or-down vote on 100,000 teachers, on expanding afterschool programs, on the myriad of issues that we all know we need to address, the No. 1 issue today? Does my friend understand this change of heart? And can he explain to me what the rationale is for filibustering our amendments, for not allowing us to be heard by placing a gag rule on the Senate? Does he have an explanation?

Mr. KENNEDY. I say to the Senator, let me respond in this way. I had placed in the RECORD the statement by our majority leader at the National Governors' Conference just at the end of February where he said:

> Now when we bring the education issues to the floor . . . there will be some amendments and some disagreements, but—and the leadership meeting that we had yesterday afternoon, I said, "That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take two weeks if it's necessary. Let's talk about education."

Here we had effectively, on Friday afternoon of last week, debate, but because of parliamentary means the opportunity for amending the legislation was closed out. Yesterday—yesterday—as the Senator might have heard, we could not call off quorum calls in order to amend the bill or to bring up an amendment. We were effectively told that unless it was cleared it with the majority, they were not going to permit amendments to be offered. Fortunately, we were at least able to find a way to try and get a vote on the Murray amendment, which we will vote on tomorrow.

Then we were, of course, absolutely mystified as to why the leadership included in the Ed-Flex this very complex bank reform legislation that has absolutely nothing to do with education—absolutely nothing. They added that and refused to permit an orderly process of consideration of amendments on which, as the Senator from California and others have pointed out, we would be willing to enter into a reasonable time limit.

The Senator from New Mexico, Senator BINGAMAN, has an amendment that has been passed with strong Republican support in the past. He indicated he would be willing to have one-half hour of debate, 15 minutes to a side. Other Senators have been willing to do so as well. Senator MURRAY was willing to do so, so we could move this process along, not that we should not have at least a fair opportunity to permit some of our colleagues to be able to express their own views, both for and against. But the Senator is quite right. We are effectively being told that even though the legislation is technically before the Senate, that we are closed out from having the opportunity to offer amendments and have the Senate dispose of those amendments, and that is obviously troublesome.

It works, as the Senator knows, in a strange way. We have had a deadlock for these past days, but there is nothing that is going to preclude Senator MURRAY from offering her amendment on some other piece of legislation. That is what, evidently, some of our people here must understand—that you just cannot do it at this place in the Senate calendar. You might be able to squeeze it out in the last few days of a session, but you cannot do it at this time.

We are going to see these amendments at one time or other, and I imagine earlier rather than later. So it has always seemed to me to make the most sense to do it in a responsible way, and that is in debating this with an underlying amendment on education rather than trying to work the process to have an amendment on a different item.

Mrs. BOXER. If my friend would continue to yield to me, I came over here not to seek time on my own, I say to my friend, but really to engage him in a conversation, because I think the American people are completely confused. I know I am confused. I see an Ed-Flex bill coming over here. It is a good bill. The Senator supports it. I support it. But as we have said before, it is a thin bill. It does not go to the heart and soul of what we need to be doing—more teachers in the classroom, afterschool care for our children, dropout prevention.

I will tell you why I am confused. I read that our majority leader, Senator LOTT, was with our Presiding Officer in his State. They had an excellent town-hall meeting on education, and they talked about education a lot. They talked about it a lot. They talked about how it was a priority for the Republican Party. Well, talk is cheap.

I would like to know, what are we going to do? And we have an opportunity here, because there is an education bill on the floor, to let the majority of the Senate work its will; allow us to vote up or down. The Senator is completely correct. On afterschool, I offered a 1-hour timeframe and an up-or-down vote after that—1 hour. That is all. We are not trying to tie up the Senate. And further, my friend reminded me, which I had forgotten, there is a banking amendment on this bill.

I am confused here, I say to my friend, and continue to be confused, that we have this bill on the floor that deals with education. The majority leader says he doesn't want it amended by any education amendments but he allows an amendment to go through that deals with the banking system. Members can only come to one conclusion, and that is that the Republicans like to talk about education but when it comes down to doing something to help our children, they are missing in action, regardless of town hall meetings.

I am glad that the Senator from Massachusetts, the ranking member on the Committee on Health, Education, Labor, and Pensions, has taken this time to explain what is going on to the American people, because you can't fool them.

I think what is interesting, as my friend has pointed out, we are not going to go away. Senator MURRAY, who isn't with us this morning because she had a tragic death in her family, Senator MURRAY is not going to go away. She and the Senator from Massachusetts were on their feet Friday, they were on their feet yesterday, they tried in vain to get a vote on the 100,000 teachers. She is not going to go away. The Senator from Massachusetts isn't going to go away. This Senator isn't going to go away. Why not have an agreement to bring up these issues and vote on them?

There is only one thing I can say, and that is that the majority leader does not support these amendments, he does not support 100,000 teachers in school, he does not support afterschool, he does not support dropout prevention. Otherwise, I can't imagine why he would use the heavyhanded tactics.

I yield back to my friend to continue to enlighten us on where we stand and how he sees the rest of the year going when we start off with such a gag rule on such an important measure.

Mr. KENNEDY. Senator, if I might just raise some conclusions that have been reached by this independent evaluation of title I that is directly relevant to the issue which the Senator wanted to address. This is the final report of "National Assessment" of title I. It just came out last week. In the summary, it points out: "Recent research on effective schools has found that using extended time learning in reading and mathematics"—this is the afterschool model; not all afterschool models, but many of the afterschool models. More so, now, I think, as a result of this excellent report.

And it talks about the recent study of schools in Maryland:

> Researchers found that the most successful schools were seeing constant academic gains as a result of the extended day programs.

This is just what the Senator is talking about. This is the "National Assessment."

I mentioned before, there is $500 million in requests. We have an important increase in the President's budget paid for. The Senator is just trying to get the authorization so the communities will know this program is alive and well and going to be continued over the period of time. That could be done in a very short order.

If there are those here opposed to it, why not express your views and then vote in opposition to it? Effectively, the good Senator is being denied at least any opportunity to be able to advance that—advance it, let the Senate finally vote on it—being denied that in spite of the fact that in this excellent review about what has been successful and what has not been, this is right on point to the Senator's initiative, and that, I think, is one of the reasons we are very frustrated.

We take a Banking Committee bill. Here we are on education. The timing was set by the majority leader and the majority. They are the ones who set the agenda. They are the ones who called up this bill.

Now we find out they are effectively foreclosing or have foreclosed. We are still hopeful that the Senator would be able to offer the amendment.

While the Senator is here, I just mention the kind of support we have on the class size amendment. We will have an opportunity to vote on that cloture tomorrow. Various groups have supported that, including the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education.

That is interesting, special education; we heard a great deal about the importance of special education. Here is the association that is the primary spokesman for special education, and they are talking about the importance of this, and for very good reason. We have to fund both—that is our position—the IDEA and also this program for having smaller class sizes and having a well-trained teacher in every classroom. When we have the teacher quality, the well-trained teacher, they can identify early in their development the children who are going to have the special needs. If they are spending time with them in reading, they can find out whether that child needs the other kind of attention. Then you can locate and identify these needs much earlier, and we also can find out if they can provide that help and assistance to them, for example, in literacy. It may very well reduce or eliminate the need for special education.

There is support from this association in terms of school construction. They find out that the children with disabilities will benefit from buildings with appropriate physical access to buildings, buildings that are well equipped to handle modern technologies which so many with disabilities need to get a good education. And they find out that the afterschool programs, including Children With Disabilities, Stay Off the Street, Out of Trouble, help them get the academic help they need and desire.

That is what we are saying. Help all the children. We are also helping those with special needs. We are committed to trying to get additional funding in the area of special needs.

I remind our colleagues that under the constitutions of the States, the States have the responsibility for educating every child. We set as a goal that we would pick up 40 percent. I am strongly committed toward doing so. We will have an opportunity before too long to offer amendments to move us in that direction. We hope we will get as much support on that issue when we offer those amendments as we have had in terms of an opposition to trying to do the kind of things that the Senator from California has identified.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER (Mr. ENZI). The Senator from California.

Mrs. BOXER. I think it is an important point the Senator makes, that when you have smaller class sizes you can give special attention to the children who need it. The Senator makes a very interesting point. Perhaps some of these children who now need to be pulled out of those classes because they are so large would be able to be served in smaller classrooms.

I had a very interesting conversation with a woman who sat next to me on an airplane back to California on Friday who works for the Pentagon. She was so excited about the fact that the military has just decided to undertake a project to lower classroom sizes.

I ask my friend if he had heard about that. Their goal now in the early grades is to have 1 teacher for every 18 children. Now, this is the military, the U.S. military. These are schools that are run by the military.

I say to my friend, if our children whose parents are in the military can benefit from smaller class sizes—because the military is so smart, they understand it works—why should we deny our children in the public schools the same opportunity for smaller class sizes?

Does my friend see in this an irony that the majority leader and the Republicans who join us in being very strong supporters of strong defense, in giving the military what they need so there can be a quality of life for their kids, that they would undertake such a program? Yet, we would be gagged. Maybe my friend is right; maybe we will be able to go to the amendment. If we don't go to the amendment, doesn't the Senator see an irony here that the Pentagon will have 18 kids—15 to 18—in a classroom, supported by the Congress, and yet we see this opposition for the other children who happen to not be in military families?

Mr. KENNEDY. The Senator makes a good point. Not that that is always the best practice, but certainly in this case it is. Secondly, for example, child care programs in the military versus nonmilitary programs, are quantitatively better because, very interestingly, the amendment that we adopted for child care for the military was actually the one that came out of our Labor and Human Resources Committee and had protections and guarantees in terms of quality and training for the personnel who are going to work with those children.

When we had it on the floor of the Senate, it was effectively undermined, in terms of those protections, in an attempt to get it passed.

Now they will go on out and ask, "Why are the military ones better?" It is very plain and simple. You can look at the history of the support of those programs here. At the time they called the roll, 94 to 6 we were prepared to give protections, because it was an add-on for the protection of the military—94 to 6. I remember it very clearly, because I offered the amendment.

When Senator DODD, who is a real leader in these children's programs, battled to develop programs for needy working families on this, it was significantly undermined.

The military understands smaller class sizes, as they do child care, and they are moving in that direction because they are able to do so.

A final point I will mention to the Senator on the importance of this, because we heard a great deal yesterday about how can we do this and not give attention to IDEA, is included in the RECORD—I will check the RECORD and, if not, will include it here—an excellent study that was done by "School Business Affairs" on education. In this review, the study shows the benefits of reduced class size. I will read this:

> Research has shown that some elements of schooling are changed positively by using reasonably sized classes in grades K-3.
>
> Table 1 suggests some potentially cost-saving items that can be factored into plans to adjust [to smaller] class sizes.

It talks about reduced retention in grade, improved student behavior, reduced remediation so more students are on a grade level and special services may be more clearly targeted to needy students, and, finally, earlier identification of barriers to learning that may be remedied immediately, offering later savings in special education costs.

I hope, and maybe it is hoping for too much, that we can avoid pitting children against children, but rather to try to move along together. The central issue that we are focused on is smaller class size. We have additional amendments. The Senator from California has one to deal with afterschool programs. Senator HARKIN has one with regard to school construction. Senators REID and BINGAMAN have one with regard to dropouts. Senator DODD also has afterschool programs. There are others—Senator FEINSTEIN and Senator DORGAN have amendments, and my colleague Senator KERRY has one as well.

We are, nonetheless, prepared to reduce the number of amendments we offer and enter into a reasonable time limit so that we can at least make some important progress. I think most families who are watching this would say, "Why aren't they doing business? Why are we watching Senators talk about this. They have, effectively, uncontroverted documentation of support for the initiatives they are talking about. Why aren't they going ahead?"

And our response is that we can't go ahead because these barriers have been placed in our way.

That is fundamentally wrong. As the good Senator has pointed out, we are not going to let these barriers stand in our way.

I thank the Senator from California for all of her help.

Mr. President, I am told that we will have a number of our colleagues coming over to address these issues. We have the next 15 minutes, and then we will come back to address these issues later in the day, starting at 2:15.

I wanted to point out in our opening comments and statements this morning the importance, again, of reduction of class size.

Let me mention some of the rather interesting results of reduction of class size. The documented research—what parents and teachers have always known intuitively—shows that the smaller classes enhance student achievement.

The most effective overall presentation that was made on this was the excellent presentation by Senator MURRAY who has been a schoolteacher herself, has taught in these classes and can speak eloquently and knowledgeably about what it is like to be in a classroom with 30 children versus a classroom of 17 or 18 children. She has been on a school board for a number of years, dealing with educational policy, and she has the vantage point of bringing both of these experiences to this issue.

I have observed Senator MURRAY now for some 6½ years. I do not think any of us have seen a more impassioned, knowledgeable, informed person speak on the subject of class size as Senator MURRAY. I know she will continue to fight for this, and I am absolutely convinced that we will eventually accept the Murray proposal and, by doing so, give the information to the local school districts that the commitments that we made last year for increasing the number of teachers is going to be continued for the next 6 years.

The President has put the funding for that program into his budget. All we need now is the authorization, and the reason we need the authorization now, as Senator MURRAY points out, is because school boards need to know whether they can count on the continued financial support for next year and the year following and on into the future to go out and hire new teachers. The local school boards are wondering whether they ought to take the chance of moving ahead or if it is just going to be a 1-year experience.

That is a very reasonable issue, and school boards all across the country are in contact with us asking for clear guidance. For those who come to the floor and say, "We want to rely on local controls, we want to help and assist those in the local communities," this is the way to do it.

Let's send a very clear message to those at the local school level that this is a program that is going to continue for the next 6 years. You can be sure that we are behind it. That is what the Murray amendment does, and that is why it is so timely and so important that we put that on the Ed-Flex legislation.

Mr. President, let's just look at some of the examples of the studies on smaller classrooms. Let's take this Project STAR that studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Followup studies showed that the gains lasted through at least eighth grade, and the gains were larger for minority students.

In Wisconsin, the Student Guarantee in Education Program is helping to reduce class size in grades K through 3 in low-income communities. The study found students in the smaller classes have significantly greater improvements in reading, math, and language tests than students in larger classes.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 produced a 44-percent increase in reading scores and an 18-percent increase in math scores. Mr. President, this is what is happening out there in school districts. I don't know how much more information we need. School district after school district that has moved towards smaller class size is finding these extraordinary results. We are being denied now the opportunity to say, "Look, we notice these results. We hear what you are saying. It does make an important difference. We have the resources at this time to move ahead in a national effort to try to get the smaller classrooms." That is what this debate is about, and we are denied the opportunity to do so.

Listen to this. As I mentioned, in Flint, MI, over the last 3 years the smaller class in K through 3 produced a 44-percent increase in reading scores, and an 18-percent increase in the math scores.

Before we get into the expanded reading program we passed at the end of the last year—not that that in and of itself is going to solve all of the problems—what we have done in the last 3 years is encouraged the universities which have Work-Study Programs to ensure that many of the young people who are attending our colleges all across the country are going to move towards working and tutoring students as part of their Work-Study.

I am proud that Massachusetts has better than half of its colleges doing so.

I urge our colleagues in this body to meet with the presidents of universities in their states and encourage the presidents of the universities to get their universities and their schools involved in that reading program. Massachusetts and California are the two top States. Sixty percent of our colleges are doing it. We are committed to trying to get it up to 100 percent. There is no reason that kind of assistance cannot go to these students with the Work-Study Programs so that reading can be held to a higher standard.

But getting back to the subject, that is the importance of grades K through 3, we have extraordinary academic achievements in reading, which is the key to all knowledge, and math, and they are due in large part to a reduction in class size.

I have other examples, and I will make sure there is time remaining to speak to the Senate about those. But I can tell you that we have instance after instance after instance where the smaller class size has resulted in dramatic and significant and important academic achievement and academic progress for students. And it is a national tragedy that we are not embarked on a program to help local communities and States to embark on such a program. Some can do it locally, and they are doing it. We commend them. The States are doing it. But we ought to have a partnership to do what we know can make a significant improvement in children's academic performance and success, and we are being closed out of the opportunity to do that here today. We have $11 billion out there which can make a direct difference, and we are being denied the opportunity to do so. That is fundamentally wrong.

I yield to the Senator from Illinois what time he might consume.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. Eleven minutes forty-five seconds.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, I rise to speak in morning business and to support the efforts by Senators KENNEDY, MURRAY, and so many others to finally bring to this Senate floor a vote on education.

We have been in session for almost 2 months now. A great deal of that time was spent on the impeachment trial with the promise that when it ended, we would come together and consider issues important to this country. And I think all of us took heart in that promise by the leadership. Yet, when this debate comes to the floor on the first education bill of the 106th Congress in the U.S. Senate, we are finding efforts by the Republican leadership to limit the debate. When Senator KENNEDY comes to the floor with Senator PATTY MURRAY of the State of Washington and asks only for the opportunity for the Senate to vote on several key educational issues, I am sorry to say the Republican leadership has used every procedural device to stop the Senate from voting on education.

What does that say about the 106th Congress and what we hope to achieve? I hope Republican Senators feel, as those do on this side of the aisle, that reducing classroom size gives kids a better chance. My wife and I have taken three kids to school—taken them as they started in kindergarten through the grades. Can you believe for a moment we would have felt encouraged if we walked in and they said, "You have a choice here. There is one classroom with 30 kids and one teacher, another with 18 kids and one teacher. We are going to put your child in the larger classroom with 30 kids. That is OK, isn't it?" You would say, "Wait a minute. My son or my daughter has a better chance with more personal attention."

That is what is behind the proposal for 100,000 new teachers—to reduce classroom size so that more personal attention can be given to each student. There may be some Republicans and maybe even some Democrats who would disagree with that premise and argue that larger classrooms are better for kids. Let them vote that way. Let them cast that vote that way. But to stop us procedurally from even coming to this vote on President Clinton's initiative for 100,000 more teachers does a disservice to the kids and families across America and doesn't speak well of the agenda for the 106th Congress.

Another item being considered, and one I hope we vote on, is the question of making sure we have enough classrooms and that we are going to, in fact, have smaller class sizes. As I travel around my home State of Illinois, superintendents, teachers, and parents said, "Great. Smaller classrooms make a lot of sense. We think our kids have a better chance." But we are going to need more classrooms, obviously.

So one of the proposals that is before us which Senator KENNEDY is pushing for is to have help for the school districts across America to build more buildings. Unfortunately, that, too, has been stopped.

Imagine, if you will, that the Republican leadership does not want us to vote on whether or not to help school districts build more classrooms, modernize classrooms, make certain they have the technology necessary for the 21st century, even to make certain there are safer classrooms for our kids. What possible item on the agenda is more important than education? Yet, as the 106th Congress begins, we got off to a slow start because of the impeachment, and now we have come to a grinding halt on education. If we cannot achieve a bipartisan consensus on the basics of education, it doesn't speak well for the prospects of this Congress. I hope Senator KENNEDY, Senator MURRAY, and many others prevail. They are going to try to ask the Senate to come together on a bipartisan basis and really put their votes where their campaign rhetoric has been—commitment to education.

That is what it is all about. Let me speak for a moment to another issue which has been brought up, and it is a very valid issue.

Many Republicans argue today and in the last week's debate that we should put more Federal money into school districts to help them pay for disabled children. I have been to these schools. I have many times seen one teacher per student. I know it is very expensive education. I know some kids are sent off by school districts to better opportunities in other States. And that, too, can be very expensive. So the Republican majority has suggested we should put more money into special education from the Federal level. I hope it is clear that most Democrats agree with the Republicans on that; and that, if we are going to focus the surplus on education, this is a valid investment. But make no mistake; we have faced this vote before.

Take a look here. On April 23rd of last year when we offered an amendment to the Coverdell bill on the so-called parent and student savings accounts, an amendment which said take the money and put it into special education, only four Republicans joined us in that vote. They said, no; it is more important that we have vouchers for private schools than we take care of disabled children in public schools. So, by a vote of 50 to 4, the Republicans said no; don't put the money in special education. Now they argue today that it is the most important priority, the highest priority above all.

I sincerely hope we can return to this debate on the floor in an honest and bipartisan fashion.

I don't know why Senator KENNEDY stands here alone on the issue of classroom size. I don't know why Senator MURRAY stands here alone on the issue of increasing the number of classrooms and the safety of our school buildings.

This truly is bipartisan. So many of us who go to the campaign stump and speak about education now have a chance to put our votes where our promises have been.

I sincerely hope that the Republican leadership will think twice about this—that we have an opportunity here to get the 106th Congress off to a positive start. The 105th Congress was a do-nothing Congress. It achieved little or nothing, and the American people in the last election in 1998 made it clear that they rejected that approach. Now we have a chance to do something on education on a bipartisan basis if the Republican majority will stop throwing these procedural roadblocks in our path.

At this point, Mr. President, I reserve the remainder of time in morning business.

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining—under the control of the Senator from Massachusetts. Then the next hour is under the control of the Senator from Tennessee.

Mr. KENNEDY. I yield the remaining time to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I am wondering if there would be an opportunity, after the completion of this period, for an additional 10 minutes in morning business by unanimous consent.

The PRESIDING OFFICER. This period will end at 12:30, which is the time for recess.

Mr. KENNEDY. Could I suggest something to the Senator, if the Presiding Officer will yield. We generally close down at 12:30. The Senator from Tennessee has an hour, and if it fits into the Senator's schedule, I would ask that we do not recess; we postpone the recess from 12:30 to 12:45 to permit the Senator to speak.

Mr. FEINGOLD. I thank the Senator from Massachusetts.

Mr. KENNEDY. If that is agreeable to the Senator.

The PRESIDING OFFICER. The Chair will need someone to fill in for him.

The Senator from Wyoming objects.

Objection is heard.

The Senator from Tennessee now has 1 hour.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. FRIST. Mr. President, over the next 60 minutes we will be addressing our children's education, which is a continuation of the debate that we brought to the floor last week. Although the debate has ranged from the initial presentation of the bill to various amendments, it is the underlying bill that I would like to spend a few moments discussing.

The Ed-Flex bill is a simple bill, a straightforward bill, and a bipartisan bill. It was brought to the Senate floor last week in order to pass it through the Senate, have it pass through the House of Representatives, have it sent to the President of the United States, and signed so that all 50 States would be able to take advantage of a program on which we have a 5-year history, that has been demonstrated to work, that was initially applied in six States, and then another six States. There are 38 States such as Tennessee that do not have access to an Ed-Flex program.

Ed-Flex is a program which basically says that individual schools and school districts and communities would be able to obtain waivers to be able to meet very specific education goals to educate their children, but they can do it in a way that is free of the Washington bureaucratic regulations, the excessive redtape which we hear again and again is shackling the hands of our schools and our teachers who are working so hard to educate our children, to prepare them for a future full of opportunities, to prepare them for that next millennium which we all talk about in such glowing terms. Yet we recognize that in spite of giving the system a lot of money, in spite of progress in structure, we are failing our children. We are not preparing them for that next millennium.

So now is the time to pay attention to what people are telling us, to what parents are telling us, what principals are telling us, what teachers are telling us. We need to respect the needs of the local communities, because each community is different, rather than thinking in this body that we can decide if you put more teachers there, you are going to do better without telling them what the quality of that teacher might be or telling them that you need just another computer, and if we put that computer in your classroom, your students will do better.

No, we should listen to the schools that say let us take those same resources—we know what it takes to educate our children—let us carry out our type of program free of the bureaucracy, free of this administrative burden. And that is what Ed-Flex is all about. This particular bill costs nothing.

We have heard of a number of well-intended programs talked about this morning and introduced as amendments, really loading down our bill, but they cost $200 million here, $500 million here, $1 billion here, $6 billion here, $12 billion over 6 years.

We should have that debate at some point because we know that we are not educating our children nearly as well as we should, and we need to debate resources. And we most appropriately are doing that in the committee structure right now where we are looking at all of the elementary and secondary education programs through the reauthorization process. We have heard repeatedly that we should not just add one more program to the already more than 250 programs with which we have been trying to educate our children. We hear too often: Let's add this program and that will take care of our problems today.

Well, it sounds good and it makes good sound bites and it may even poll well, but it is absurd to think that one program is going to solve our education problems. So let's start with the basics. The Ed-Flex bill includes flexibility at the local level, gets rid of Washington redtape, provides strong accountability provisions built in at the local level, at the State level, and at the Federal level. For instance, performance standards and content standards are built into our Ed-Flex bill, as well as issues at the State level such as corrective action and technical assistance, and accountability is built in at the State level and at the Federal level. In fact, the Secretary of the Department of Education can at any time terminate a waiver.

Ed-Flex means greater local control for education decisions, has no cost to taxpayers, and is supported by all 50 Governors. Just 20 minutes ago I was talking to a Governor, and I basically said here we are, in Washington. We have a bill that is supported by every Governor in the United States of America. If we are allowed—and we are going to try again with the cloture vote today—to bring this bill to the floor for a vote, I bet you it will pass 99 to 1. That is how good the bill is. Yet, because of political posturing, because of polls, because of an agenda that someone else has, some have come to the floor of the Senate and are holding the bill hostage.

When I mentioned the Ed-Flex bill while traveling across Tennessee Saturday and Sunday talking to parents—I was in three high schools—parents basically said, what is going on in Washington, DC? I thought now was the time for nonpartisanship, for coming together, for bipartisanship. I thought you had finished the gridlock that we have seen in Washington. "We expect more out of you, Senator FRIST." And I said, "Yes, I will go back, and I will do my very best." Yet, I come back and again its gridlock.

Our bill very simply means education flexibility. It costs nothing, it has bipartisan support, and provides flexibility and accountability. Everything else you have heard about over the last few years is a new program, costing billions of dollars—silver bullets. People say, "That's what we need because it sounds good. I go home and I talk to parents. They don't know what education flexibility is all about. But I tell them about adding quantity, adding numbers of teachers, and they listen. Well, that is the whole point. We need to do what is right. We don't need to do just what sounds good because what sounds good doesn't work. For the last 30 years we have done what sounds good, but without any improvement whatsoever.

We need Ed-Flex. We have to forget this gridlock. In the next 45 minutes or so, that will be our discussion.

I see that my distinguished colleague from the great State of Florida has arrived, and I would like to yield 10 minutes to my colleague.

Mr. MACK. I thank the Senator for yielding. I will not use that much time. I thank the Senator for the leadership he has provided on this legislation.

It was really not my intention to speak on this bill because I was under the impression that this bill had great bipartisan support, that we would bring this to the floor after coming out of committee, and it would breeze through the Senate. This is a piece of legislation that is supposedly—supposedly—supported by everybody.

I am pleased to speak in favor of the Ed-Flex bill. Our children will thrive when State and local communities are given the freedom to craft their education plans according to the unique education needs of their children. Local schools do more when Washington bureaucracies do less. That is what this bill does.

We are beginning the second week of consideration of this bill. We have been forced to file three cloture motions on what may be the most popular, most bipartisan legislation we will consider this Congress. I fear this may set the tone for the remainder of the 106th Congress, where consideration of any bill will be filibustered by the Democrats and drive partisanship to new heights.

As I implied a moment ago, I am in some ways confused by what is happening. I do not understand how a bill that supposedly is supported by an overwhelming number of Members on both sides of the aisle has been caught up in this constant and continuous effort to amend the bill.

I think the actions we have seen during this past week, and what we are anticipating through the balance of this week, raise the question about those who have cosponsored the bill and who say they are in support of it. I question whether they truly support the idea of Ed-Flex, which is to allow State and local communities to have more control over how dollars are spent. I think there is a ruse underway here. I think our colleagues on the other side of the aisle want to claim that they support the idea of giving local communities and States more authority and more flexibility in how to spend their dollars, yet they come out here and offer amendment after amendment on this bill, knowing full well—and I ask the Senator from Tennessee if this is not the case—knowing full well the majority leader has said to them there will be other opportunities to offer these amendments on other education bills when they come forward. Is that an accurate statement?

Mr. FRIST. Mr. President, I would love the opportunity to respond to that, because that is exactly right. It is crystal clear that these are important issues in all of these amendments, all of which are so well intended, all of which sound so good. The point is, as we speak, right now in the Committee on Health, Education, Labor and Pensions, the large bill in which all resources going into kindergarten through 12th grade is being addressed, the committee is looking at how effective they are, how they interrelate to each other—because right now we have 180 or 190 or 200 programs, all in K-12 education, all with their own little bureaucracies, all well-intended, but with huge overlap, huge duplication, huge waste. Again the goals are very good, but we have a process to look at all of those.

That is ongoing as we speak. Hearings are going on right now in that particular committee on every one of these issues. That is the appropriate forum, not to bring them to the floor, especially when they cost $12 and $15 billion. And now is our opportunity, now, to pass that single, straightforward, education flexibility, no-cost, demonstrated-that-it-works, bipartisan-supported bill, and that is where the gridlock is.

Mr. MACK. As I said a minute ago, I really am serious now in raising questions about the sincerity of our colleagues on the other side of the aisle who purport that they are in favor of Ed-Flex but, yet, want to bog this piece of legislation down with a whole series of amendments they know are controversial.

There is nothing wrong with us dealing with controversial amendments and controversial issues. We do that throughout our entire political careers. The question is the timing of it. The question is the approach. I am, again, dismayed by the attitude that is being projected here. I, again, question sincerity.

Recently, we went through a 5- or 6-week period at the beginning of this new Congress with a very contentious issue dealing with the impeachment trial. But each side made a sincere effort to work with the other, and as a result I think we did a credible job. I think most people in the country think we did a credible job. Yet, on this the second piece of legislation we are considering, we are being forced to offer cloture motion after cloture motion after cloture motion—three so far. There should be no question in anyone's mind that the intention here, I believe, is now to kill this piece of legislation because it goes against their political interests. It goes against their philosophy.

In all honesty, the differences in the approach about education in America is clear. Our colleagues on the other side of the aisle are convinced the only way to improve education in America is to have a larger group of wiser bureaucrats in Washington make a determination about how resources ought to be allocated and what regulations ought to come down from Washington in order to solve this problem.

We have a totally different view. We think if we give this money to the States and the local communities, they can make better decisions about what their top spending priority is. In some local school districts that is school buildings. In other school districts that is school books. In others, that is teachers. We ought to allow them to make those decisions. We should not stand in their way.

Again, I came here to raise these points with respect to the process, as much as anything else. I remind everyone that, in the last Congress, there were 69 cloture motions that were filed—69 cloture motions. And here we are again battling along party lines about a bill that we were told might pass with 100 votes. I have serious reservations now whether that is going to happen. I think the actions of our colleagues on the other side of the aisle are very clear. They are now trying to kill the idea of allowing States and local communities to have more flexibility.

Again, I appreciate the work and the effort of the Senator from Tennessee on this issue. He has provided great leadership and I appreciate the opportunity and the time he has given me.

With that, I yield the floor.

Mr. FRIST. Mr. President, I thank my colleague from Florida because he really has hit the nail right on the head. We have a bill, Ed-Flex, with flexibility, with accountability, with broad support among the American people. That bill will help the American children, No. 1.

No. 2, we have Members on the opposite side of the aisle who recognize they can kill this bill. They can kill this bill. They cannot vote for cloture and therefore effectively filibuster this bill, but at the same time, hide the fact that is actually hurting our children. We hear, again, of all these well-intentioned programs. "Oh, if we can pass those, we can help our children." Let's recognize the facts. By killing this bill, by filibustering this bill, they are preventing something which is demonstrated to work for our children from being delivered to our children right now.

Delaying tactics will put it off for a couple of years. Yes, it will eventually pass, but why not give our children something today? Why deny them that? Because of gridlock? Because they want to define an agenda or they want to take the President's agenda and bring it to the floor? It is hurting the children. We need Ed-Flex. We cannot tolerate gridlock.

I see my distinguished colleague from Georgia is on the floor. I would like to turn to him. Let me just briefly quote from a letter from the Democratic Governors' Association from 2 weeks ago, February 22, 1999, just to demonstrate the broad support and how what is happening on the other side, the obstruction, doesn't represent what the Democratic Governors tell us. They say:

> Democratic Governors strongly support this effort to vest state officials with more control over the coordination of federal and state regulatory and statutory authority in exchange for requiring more local school accountability.
>
> * * * * *
>
> Most importantly, S. 280 [which is our bill, the underlying bill here] maintains the careful balance needed between flexibility and accountability.

They end by saying:

> S. 280 [that's the Ed-Flex bill] is commonsense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

This is a letter to the U.S. Senate from the Democratic Governors' Association supporting "prompt enactment," yet we see this obstructionist filibustering going on.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, first I acknowledge the Senator from Tennessee, the Senator from Vermont, the Senator from Oregon, Senators FRIST, JEFFORDS and WYDEN, for the extensive work they have been about trying to address this enormous issue in America. The data that we are receiving is striking to me, particularly in grades kindergarten through high school, about failed reading skills, last in math, last in science among the industrialized nations. America knows this. You can ask any community what is the No. 1 issue in the country today, and they will tell you we have trouble in our school systems. We are not effectively equipping all of our citizens with the ability to participate in this society. If that is allowed to continue, it will have the effect of crippling the United States in the new century.

I have often said, to the extent that any citizen is denied fundamental educational skills, we have abrogated their ability to be full citizens and to enjoy the benefits of American citizenship. An uneducated people will not be a free people. By allowing so many of our students to come through the system and to have missed the mark, we are in danger of creating for the first time in America a cast system. This never existed in America.

There is vast mobility in our population—people coming up the economic ladder; people coming down. It is not static. We will change that, if we turn our heads away from allowing hundreds of thousands of our citizens to come through the educational system without being equipped to be a full participating citizen. That is why I was proud to be a cosponsor of this piece of legislation, the Education Flexibility Act, which has already proven itself in 12 States. This legislation expands what is working. We need those things that are working out there.

I do not believe I have ever in my career in the U.S. Senate seen a piece of legislation that has the approval of every Governor in the United States. I do not believe I have ever seen that happen before. Every Democrat Governor has signed a letter of endorsement for this piece of legislation; every Republican Governor has signed. How many times? It has never happened.

In the face of that, we are on day 7, holding reform legislation that has been proven to work, supported by every Governor, we are holding it hostage. We are holding all those students who can benefit from this hostage. They are last on the list. We have to serve some other agenda, some bureaucracy, some status quo. They come first. Just let those students sit out there with those miserable scores. Go ahead and let 30 and 40 percent of our students come to college unable to effectively read; go ahead and let the States spend millions upon millions of dollars to retrain them to see if they cannot somehow salvage a college education and career. So what? Just put the old fist down, dig your heels in and leave everything the way it is.

This reminds me of the struggle for welfare reform. You didn't have to be a rocket scientist to understand that program was in deep trouble. It was costing America trillions of dollars, and it was producing dependent, not independent, citizens. It was stunting the future of millions of Americans. Yet, it took a massive struggle, year after year, same crowd, I might point out. Just leave things the way they are; go ahead and let those folks lose their opportunity and their lives. Do not give them a chance to be full participatory citizens.

It finally got done, and millions of Americans have learned the American way. They have jobs. They are getting off welfare rolls by the thousands in every State.

So here we have another picture. We have an education system that is producing very troubling results. The Senator who is now presiding and his colleague come forward with a very clean, simple idea to try to help the States, which manage education, set better priorities, make the money be more effective, get in there and try to turn this around. What does turning around mean? It means you are saving the future for some child. You are giving them their chance. This kind of resistance is saying, OK go ahead and let them be strangled and choked down. That is OK. How can anybody in this Capital City accept the status quo? It is beyond me.

As you have said over and over, Mr. President, this bill, simple, clean, is about removing handcuffs and shackles and letting Governors and State legislatures and school boards get in there and get those resources to what the priorities are—in other words, reducing the overhead. You have said many times, and I agree completely, the Federal Government makes about 6 to 7 percent of the funding available for elementary education, but 50 percent of the overhead and administrative regulations are directly tied to that. Twenty-five thousand employees across America are required to administer that slim piece of the puzzle. Your bill gets at that, begins reducing that overhead and that waste, and diverting the attention of those teachers away from the kids to some regulatory system.

The amendments being talked about, bandied around town, miss the whole point. This is about reducing the overhead and putting more of the resources in the classroom.

Let me read from the genesis of one of these amendments desired to change your bill. It is called "Applications." It is a section about how to apply under one of these amendments.

> Applications Required: If any State chooses not to participate in the program under this Act, or fails to submit an approvable application. . . .
>
> Applications Required: The State educational agency of each State desiring to receive an allotment under this Act shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

That is the Secretary in Washington, not in Wyoming, not in Georgia, not in Tennessee. It is the person in Washington.

> Contents: Each application shall include (1) the State's goals for using funds under this Act to reduce average class sizes in regular classrooms in grades 1 through 3, including—(A) a description of current class sizes in regular classrooms in the local educational agencies of the State; (B) a description of the State's plan for using funds under this Act to reduce the average class size in regular classrooms in those grades; and (C) the class-size goals in regular classrooms the State intends to reach and a justification of the goals; (2) a description of the State's educational agency's plan for allocating program funds within the State, including—(A) an estimate of the impact of these allocations on class sizes in the individual local. . . .

You get the point, Mr. President. This is going in the opposite direction. This misses the point. This is saying that the 50-percent burden, the 25,000 employees we have out there to try to regulate the color of the classroom, how tall it will be and the size of a chair, they want to do more of that. They want more administrative burdens. They want more strings.

This is a classic division. This is a group of people who are conducting an obstructionist filibuster to block what every Governor and a vast majority of the American people have concluded is needed: That there is too much regulatory burden; it locks down the system and does not allow the system to set proper priorities. And it infers, Mr. President, that that Governor, those legislators, that community, aren't smart enough to figure out what they need to do and it requires a Washington wizard wonk in the bowels of one of these buildings over here to tell them what they need to do. That is what this division is all about.

This legislation envisions that these local communities, the Governors of our States, have a sense of the problems there and they need to be given the room to go about solving them. We have done this on a pilot basis in 12 States, and it is working. It is working. This legislation opens it up so that all the States —and you come back to the point, it is absolutely unprecedented, Mr. President, that every Governor, of both parties, would document and send to the Congress a letter that says: "Do this. We all agree."

In the face of that bipartisan support, and in the face of that magnificent requirement and urgency, what are we facing here in the U.S. Senate on something that is totally agreed to? A filibuster, of all things. A filibuster. And you can only conclude—as we fought our way through welfare reform and as we fought our way through education reform last year, the commitment to the status quo, the inconceivable ability to turn away from the absolutely proven facts about what is happening in kindergarten through high school, with all that data—the fact that those kids are not getting the mark does not matter, it is just too bad, tough luck, because we are going to defend the establishment, the bureaucracy, the status quo. They are first; the kids are last.

Those Governors did not sign this letter at some willy-nilly picnic. They are on the ground, and they know what is happening. It is a frightening thing because if we leave this unchecked, we are going to have a very, very large population that cannot work in our system. And that is going to create havoc for our country, not to mention their condition or what you have done to that person. You have left them without the tools to take care of themselves and their new families and their communities. Mr. President, that is unconscionable policy, to turn and walk away from that. It is hard for me to believe.

So I have to say, I have not been here all that long, but I have to tell you that this particular filibuster is onerous because of who the beneficiaries are of your work. They are children, they are American children. They need help, and they need it now. And this is not the way they should be treated.

Mr. President, I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President. I particularly thank the Presiding Officer and congratulate him for bringing this education flexibility bill to the floor of the U.S. Senate, where it should have been passed rapidly. It came out of committee 17–1. That is bipartisan. The Presiding Officer worked hard and found the common ground for education.

All during the trial, we talked about the need to get on with the country's business; and we did. We met mornings, up to the time of the trial, in committee meetings; and we passed bills out of committee. In fact, we passed more bills out of committee than passed the Senate in the entire first year I was here. We did the work of the country. We found common ground. We had a promise that common ground would be the way of the Senate for these next 2 years. Where did the common ground go? Seventeen to one; that is common ground.

I hear expressions that we want to do things for education. Well, at this moment I know that for the Democrats education is merely a smokescreen, flash-in-the-pan politics. The Republicans are insisting on a politics of performance; the Democrats are utilizing a politics of the polls. The Republicans insist on promises kept; the Democrats insist on promises made, politics as usual. That is what gives politics a bad name: Promising things you do not intend to deliver on.

We have been talking about paying for the promises we have already made. That is what IDEA is about. That is what we had extensive discussion about in the U.S. Senate last year when we figured out how special ed could be handled for this Nation. And we did find common ground. We also had this same sort of thing on the floor where, after the common ground, there were all kinds of wedge issues that were thrown in that did not have the detail done, that did not have the committee meetings held, that did not have the substance to follow through. Those were added and added and added, not successfully, but taking up the time of the Senate.

We finally got IDEA passed, funding of special education. In that, though, we did not follow all the promises that were made. We provided 7 percent of the funding, not 40 percent of the funding for special education. But that does not mean we did not tell the States what to do. We did. We said: "States, you've got to put up the rest of that. We are just making promises." But we said that every time there was an opportunity for additional funding, that additional funding would go to special education until we got it funded. Right now we are following up on those promises.

People here are saying there is a lot of money that can be spent on education. And we are saying, OK, if there is a lot of money—and we are not agreeing that there is a lot of money—if there is a lot of money, fund what we promised first. School funding is one of the most important issues facing Wyoming and every other State. We are debating education flexibility, the Ed-Flex bill. This gives States more flexibility to use Federal money where the States and local districts need it most. State governments, local school boards, teachers and, yes, even the parents and kids need to be involved in setting the agenda for education. It should not be the Federal Government designating where every dollar is spent.

You get the impression, from the discussion we are having here, that the Federal Government is the answer to education. Let me tell you what the Federal Government does. The Federal Government provides 7 percent of local school funding. You would think we were the answer. We are a piddling little 7 percent, because we have said: "States, we've given you the mechanism to fund education. We want you to fund education. We insist that you fund education to provide education for every single kid, and there's a court system you can put that in if you don't think your kids are getting an equal break." And it is being utilized.

The Federal Government only provides 7 percent of local funding, but we provide 50 percent of the paperwork. In order to get that 7 percent money, you are going to do 50 percent of your paperwork for the Federal Government. That paperwork burden requires the equivalent of 25,000 full-time people who work on paper, not on students. It takes six times as many employees to administer a Federal dollar as it does a State dollar. I want to tell you, paperwork won't teach kids.

I have a daughter who is a seventh grade English teacher. She is a dedicated teacher. She earned her master's degree while she was teaching by going to classes evenings and weekends so she could do a better job with her kids. She understands class size. It fluctuates from year to year and from how many people move into her part of the city. She also understands IDEA funding and the way it will affect her job and the way it will affect kids in her classrooms. She understands that is something that has been debated and the details have been filled in.

It is not like this idea of 100,000 new teachers, which sounds good. It is that flash-in-the-pan politics, the politics of promises. It doesn't have the details behind it. I suspect that every teacher out there in the classroom—including my daughter—when they find out that bill prohibits that money from being used for an increase in wages for them or even an increase in benefits, they would be livid. We have an obligation to the teachers who are already teaching out there, the ones who are doing a good job, the ones who in some instances have too big a class size. But their amendment prohibits them from getting a break.

That is because we haven't had committee hearings on it. We just went right to the politics of the polls. We just went out there and said to the American people, we have studied the polls, we know you would like more teachers in the classroom, we know you would like to have your kids in smaller classes, and we will promise that. Now, we won't deliver it, but we will promise it.

That is not how the Republicans here work. It was my understanding that we were going to have some common ground. And we found the common ground. I was encouraged. But I am not encouraged anymore. I watched the President crisscross the United States while we were having this trial. He crisscrossed the United States promising money: a billion here—nothing as small as a million—a billion here, a billion there, $4 billion there. I listened to his State of the Union Message while the trial was going on. My daughter called me the next day. She said, "I had a kid show up to class today who had a couple of questions about the President's State of the Union Message. He brought the figures on the percentages that were used in the speech and he wanted to know if those didn't add up to 128 percent of the surplus?" I tell you, the kid is good in math. The kid is good in listening.

Yes, promises were made crisscrossing this country, promises that can't be kept, promises that the American people have said take care of Social Security, balance the budget, pay down the debt if you can, and if there is anything left over at all, give it back to us. But it is much fancier to put in the press that we are going to give away more money. It sounds great to have 100,000 new teachers in the classroom.

One of the Members on the other side of the aisle recognized this morning that they have a second issue—that is more classrooms. He even pointed out why that was an issue. It is because if you put 100,000 teachers in there, you no longer have classroom space for the kids. It takes years of planning to be able to provide what they are talking about doing in a flash-in-the-pan moment for the press.

That is not good business. That is not good legislation. That is not how we ought to be operating.

At the beginning I gave the Senator from Tennessee the credit for this bill. Now, there are some Democrat cosponsors on this. There are a lot of them. But at the moment I am not giving them any credit. They are the ones who voted against cloture as though cloture stopped everything. Cloture ends our debate in 30 hours, 30 hours of talking about this important bill. That is a lot of time. Now it isn't time to demagog everything in the papers. It isn't time to do the flash-in-the-pan, promises-made politics about which we have been hearing. And it would wind up with a vote at the end where we would see if we were really in favor of education flexibility, less paperwork, so that teachers can spend more time in the classroom.

I now think that they do not want that kind of a vote. They would rather make promises.

The bill that we have before the Senate is extremely important. There are a lot of things in it that will actually improve the capability of the present teachers in the classroom. It won't restrict their pay. It won't keep them from getting additional benefits. But it will be funded because it doesn't require any funding. That is why we object to some of these measures being put on this bill at this moment.

Yes, it is an opportunity to make the press. No, it is not the appropriate place to make the press. The more appropriate place is to have the hearings, fill in the details, get the agreement on the common ground. The more appropriate place might be appropriations. But just in case appropriations doesn't come up—oh, yeah, that is a requirement; we have to cover appropriations—at any rate, even if it weren't to come up, there is the Elementary and Secondary Education Act. That is about funding. That is about elementary schools and secondary schools and how many teachers there are. Sounds like a more appropriate place to me. Sounds like the place where we ought to work for common ground instead of bringing it up without a hearing, bringing it up without the details pasted in.

There is a lot of demagoging going on here about amendments. There have been some 15 amendments. I have heard that we may have to debate all of them. Of the 15, 10 require new money, 2 or more will force new mandates on the States—more paperwork for that piddling little 7 percent money that the States get, something that guts flexibility, which is the intent of this bill.

The others are amendments to elementary and secondary education that are not appropriate on this bill. This bill isn't part of elementary and secondary education. It never was. We passed this bill last year with the President's support without all of those extraneous programs. Let me repeat: We had the President's support on the exact bill last year. Now the President says, If you don't add a bunch of these flash-in-the-pan politics for me, this additional spending, I will have to veto your bill.

I am a member of the Senate Health, Education, Labor, and Pensions Committee. I am glad to debate those new authorizations in that committee. I will not support authorizing these very expensive mandates on this bill. It doesn't make any sense to me, for example, to put a $1.4 billion mandate onto States and locals to hire new teachers without the details. One of those details is what happens when the Federal Government doesn't provide continuing funding. That is what we do with these flash-in-the-pan politics. We fund them for a while. We get the benefit of the press on them, and then we dump them like a hot potato because we can't afford them. Where does that leave the school district that hired that teacher, reduced the class size, promised those parents they would have a smaller class size? It puts them behind again with another mandate to fund the project that had some temptation for them when it was money being offered.

Let me ask another question. The way we work Federal legislation and regulations and paperwork, when it is recognized that we cannot afford that teacher who they have been given, who gets laid off, the Federal hire or the local hire? This bill is about local folks. This amendment is about Federal rules and regulations.

That is why the underlying bill is such good medicine. It is a good dose of common sense for a system beleaguered by Washington fever. It doesn't offer any new programs. It doesn't offer billions of dollars to hire a bunch of consultants. It offers a new format for innovation. That is it. The format is flexibility so States and locals can improve their schools.

Every Member of this body should support this bill. If it ever comes to a vote, I am sure they will support this bill. Or at least I was sure. But when you have cosponsors who don't even vote for cloture that would allow another 30 hours to debate the bill, I am not sure. I know our States will thank us for this bill, our schools will thank us for it, most importantly, our kids will thank us for doing it. It is time to put away the promises made—the politics of the poll, the politics as usual—and do some promises kept.

This bill is a promise made. It is a promise that can be done. It is the common ground that was talked about during the trial. It is time to find that common ground.

Mr. President, I yield the floor and reserve the remainder of the time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the opportunity to come back to the floor to talk about Ed-Flex and the importance of that measure for the good education of our kids, and that is what we ought to be talking about.

We heard a lot of posturing. Everybody thinks the ideas that come out of Washington are great. Frankly, listening to some of the ideas, I think those are good ideas. If we were a great big United States school board, if we were making the decisions, if we had the responsibility and the authority of making decisions for educating our kids, these might be ideas we would adopt. In any event, they are good ideas to be talking about.

There is a real disconnect, and that is what the Ed-Flex measure begins to address. I sincerely hope that our colleagues on the other side of the aisle will let us have a vote on this very, very important bill. We need to move on. There are a lot more things we need to do in education beyond this.

I am going to have a very radical proposal to get the Federal Government strings off local education all the way. But I think Ed-Flex is a good bipartisan start, and it builds on a successful example that has been tried in 12 States. It is working. It is working because it gives the flexibility to local school districts to decide how they wish to use the money.

The people in the local schools—the school board members, the teachers, the administrators, the parents—know the names of the kids. They know Joe and Sally and Harry and Willie and Thelma and the kids who are being educated in that school district. They know what their challenges are. Some of the good ideas we have in Washington may not work in a particular school district. It may not be the right recipe. Who better to make the decision than the people who know the children, who know their potential, who know their problems?

I have found in meetings with educators and parents in every section of this State—in the metropolitan areas, in the urban schools, in the suburban schools, in the rural schools, in the big school districts and the small school districts—that there is one theme that has become a recurring and a growing crescendo. It is: The Federal camel's nose is under the education tent, and it is not doing good things. It is taking time away from the task of educating the kids. When a teacher has to spend hours writing a grant or a principal has to spend time to figure out if they are doing things the way the bureaucrats in Washington want them, he or she is not worrying about what is good for educating Sally or Tommy or Ralph or Cheryl or the kids who are actually getting educated.

I am very fortunate, my son is finishing up high school. We watched during his education; we wanted to know what was going on in the classroom, how was he working with his teacher. We as parents knew that. The people who run the local schools know that, but those coming up with great ideas in Washington have no idea of the names of the kids or what their problems are.

I thought maybe it would help my colleagues if I shared a few of the stories we are getting from schools in our State. These are smaller schools. It does not matter what the size of the school is, the child who is in that school is just as important whether she or he is in a major metropolitan school district or in a small rural district.

Here is a letter from the superintendent of the Bismarck R-V School District. In part it says:

> . . . In our small school of 700 students, we receive less than $15,000 in the combination of Title II, Title IV and Title VI funds. The restrictions on these funds make them very difficult to deal with for such a small amount of dollars. Some years we consider not using them, simply because the time and effort are not worth the small amount we receive. Removal of some or all of the restrictions would allow us to use the funding to better meet the needs of our school instead of spending the funds in the very restrictive designated areas of Federal funding.

Signed, Donald E. Francis, Superintendent, Bismarck R-V Schools.

North Mercer District R-3 Public Schools:

> . . . As the system now works we are overwhelmed by federal and state forms and regulations. We also sacrifice many dollars to support federal and state bureaucracies that compound the forms, rules and regulations.
>
> We encountered one program this school year with in excess of 150 pages of instructions. We would like to bring dollar, services and equipment directly to children for their educational benefit.

And one more. The Webb City School District R-7:

> . . . Those of us who have spent a career in education have repeatedly experienced the jubilation of anticipation that arose from promises made by the Federal Government toward education. Unfortunately, however, excitement was then always tempered by the reality of the red tape that accompanied the promise. As the result, frustration was generally the only product forthcoming.

Signed, Ronald Lankford, Superintendent of Schools, Webb City School District R-7.

Mr. President, that is just a very small sample of the kind of response we are getting from our schools. I challenge any one of you here, any one of our colleagues, to go home and ask the educators who have the job—it is a wonderful opportunity, it is the most important job that we have in this country—of educating our students: Are the 763 different Federal education programs we have right now improving education? I get an overwhelming no. We have to worry about the Washington bureaucracy rather than the needs of the kids in our classrooms.

This reality has been recognized. The Nation's Governors—Democrat, Republican, and Independent—50 to 0, said, "We want to expand Ed-Flex; we want the opportunity in all of the schools in this country to get rid of and cut away some of the bureaucracy and some of the redtape and put that money directly back to education."

There is bipartisan support for this bill. The bill has been supported by the President, by the Secretary of Education, both of whom were former Governors. I am a former Governor. I served with both of them, and we know the importance of education. But the decisions on how we spend the last dollar of Federal aid are not best made here, they are best made at the local school district level.

I really hope we can move forward and get this money directly to the schools, giving them the flexibility to use those funds where they are most needed. I urge our colleagues to allow us to do so and pass this bill and go on to the many other important issues involving education that we will be facing later this year.

Mr. President, I yield the floor and reserve the remainder of the time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I associate myself with the remarks of the senior Senator from Missouri. He speaks so clearly about the frustration that exists at local levels today of decisionmaking for education, in that sometimes what might work in New York City just does not seem to fit down on the farm or near the farm in Missouri or in a rural school district of Idaho, and that is the reason for a demonstration program of 12 States. That is why we have determined that a greater amount of flexibility is necessary in the area of education.

For the life of me, I cannot understand why Democrats want to block this bipartisan bill in the name of education. There is adequate time to debate other issues in education. I hope they will work with us. Coming out of the impeachment process I thought we were going to get a bipartisan environment from which to move the Nation's business forward. The Nation, I hope, is listening today. The Nation's business is education. And it isn't moving forward. It isn't moving forward not because of Republicans but because of some folks on the other side of the aisle who think their agenda of larger Federal involvement and greater Federal control is an approach to educate our young people. Let the parents, the educators and the school boards decide.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today to express my support for the Kennedy/Murray class size amendment. As we know, Mr. President, education is serious concern for people across the country, and I am pleased to see an education bill as one of the first priorities in this Congress.

Mr. President, last year Congress provided a one-time appropriation in the omnibus budget bill to hire approximately 30,000 new teachers across the country. The Kennedy/Murray amendment we are considering today authorizes a continuation of this effort for the next 6 years. This sends the signal to local school districts that Congress understands the importance of smaller classes and is committed to funding for class size reduction. This amendment takes a positive step toward helping school districts reduce class size as part of an overall effort to improve education and ensure that our children have the best chance to excel and reach their full potential.

As my own state of Wisconsin can attest—smaller classes make a difference in student's lives. Wisconsin's Student Achievement Guarantee in Education or SAGE program, now in its third year, continues to be a model for the nation in how to implement successfull education reforms in our public schools by reducing public school class size in the earliest grades. I am very proud that Wisconsin's SAGE program is leading the charge to reduce public school class size across the nation, and pleased that this amendment will help keep SAGE thriving in Wisconsin.

The recently released second year SAGE evaluation again empirically demonstrates what we instinctively know; students in smaller classes get more attention from teachers and teachers with fewer students have more time and energy to devote to each child. Specifically, the first and second year evaluations confirm the achievements of SAGE students in all tested areas: mathematics, reading and language arts. The report shows total scores for SAGE students were significantly higher than those students at comparison schools.

The evidence shows that teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks and cover more material more effectively. Again, Mr. President, SAGE has shown conclusively that the significance of small class size should not be underestimated and cannot be ignored.

Class size should be at the forefront of the education agenda because there is a great national purpose in helping local schools reduce class size for children in the earliest grades. I would like to state Mr. President my strong belief that education should remain solidly a state and local function. However, I believe the federal government can have a constructive role supporting local efforts. Kennedy/Murray class size proposal is a perfect example.

Finally, Mr. President, I urge my colleagues to reach across the aisle to ensure that education is a top priority in the 160th Congress. I look forward to working in a bipartisan manner to reach consensus on these important issues to ensure that our children receive the highest quality education possible.

REPORT OF THE 1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1999 Trade Policy Agenda and the 1998 Annual Report on the Trade Agreements Program. This report includes the Annual Report on the World Trade Organization, as required by section 124 of the Uruguay Round Agreements Act (19 U.S.C. 3534).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1999.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

It is my pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1997.

The Arts Endowment awards more than one thousand grants each year to nonprofit arts organizations for projects that bring the arts to millions of Americans. Once again, this year's grants reflect the diversity of our Nation's culture and the creativity of our artists. Whether seeing a classic theatrical production in Connecticut or an art exhibition in Arizona, whether listening to a symphony in Iowa or participating in a fine arts training program for inner-city students in Louisiana, Americans who benefit from Arts Endowment grants have experienced the power and joy of the arts in their lives.

Arts Endowment grants in 1997 supported:

—projects in theater, dance, music, visual arts, and the other artistic disciplines, demonstrating that our diversity is an asset—and helping us to interpret the past, understand each other in the present, and envision the future;

—folk and traditional arts programs, which strengthen and showcase our rich cultural heritage; and

—arts education, which helps improve our children's skills and enhances their lives with the richness of the arts.

The arts challenge our imaginations, nourish our spirits, and help to sustain our democracy. We are a Nation of creators and innovators. As this report illustrates, the NEA continues to celebrate America's artistic achievements and makes the arts more accessible to the American people.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1999.*

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time and placed on the calendar:

S. 564. A bill to reduce class size, and for other purposes.

S.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to protect Social Security.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2103. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Authorization for Continued Manufacture of Certain MC-331 Cargo Tanks with Specified Shortages" (RIN2137-AD31) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2104. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea" (I.D. 022699B) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. 022699C) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" (I.D. 022699A) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Light Vehicle Brake Systems" (RIN2127-AH55) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2108. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Burnet, TX" (Docket 98-ASW-48) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2109. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Austin, TX" (Docket 98-ASW-49) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2110. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Angelo, TX" (Docket 98-ASW-52) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2111. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX" (Docket 98-ASW-51) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2112. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Taylor, TX" (Docket 98-ASW-50) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Roswell, NM" (Docket 98-ASW-53) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2114. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ada, NM" (Docket 98–AGL–63) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes" (Docket 98–NM–118–AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700–710A1–10 and BR700–710A2–20 Turbofan Engines" (Docket 98–ANE–74–AD) received on February 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Air Clearance Restrictions at the Entrance to Lakeside Yacht Club and the Northeast Approach to Burke Lakefront Airport in Cleveland Harbor, OH" (Docket 09–97–002) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2118. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lower Grand River, LA" (Docket 08–99–008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2119. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey" (Docket 01–98–125) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance" (Docket 01–99–008) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newton Creek, New York" (Docket 01–99–004) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; River Rouge (Short Cut Canal), Michigan" (Docket 09–98–055) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2123. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE2100A, AE2100C, and AE2100D3 Series Turbofan Engines, Correction" (Docket 98–ANE–83) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE3007A and AE3007A1/1 Turbofan Engines, Correction" (Docket 98–ANE–14) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2125. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes" (Docket 98–CE–76–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2126. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes" (Docket 98–NM–148–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2127. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes" (Docket 97–NM–316–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2128. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300–600 Series Airplanes" (Docket 98–NM–301–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2129. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Series Airplanes" (Docket 98–NM–320–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2130. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes" (Docket 97–NM–236–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2131. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes" (Docket 98–NM–317–AD) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2132. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; El Dorado, KS" (Docket 99–ACE–5) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2133. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dubuque, IA" (Docket 98–ACE–58) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2134. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Madison, IA" (Docket 98–ACE–57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2135. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kirksville, MO" (Docket 98–ACE–57) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2136. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Springfield, MO" (Docket 99–ACE–8) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2137. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Newton, KS" (Docket 99–ACE–3) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2138. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perry, IA" (Docket 98–ACE–52) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2139. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Boonville, MO" (Docket 99–ACE–6) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2140. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Selinsgrove, PA" (Docket 98–ACE–45) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2141. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Leadsville, CO" (Docket 98–ANM–08) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2142. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98–ANE–95) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2143. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29467) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 568. A bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the internal revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

By Mr. HELMS:

S. 570. A bill to amend chapter 3 of title 28, United States Code, to eliminate 2 vacant judgeships on the Fourth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

S. 571. A bill to amend chapter 5 of title 28, United States Code, to eliminate a vacant judgeship in the eastern district and establish a new judgeship in the western district of North Carolina, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. FEINGOLD)

S. 567. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture, Nutrition, and Forestry.

THE DAIRY PROMOTION FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to join Senator FEINGOLD to introduce the "Dairy Promotion Fairness Act." This measure will further our nation's dairy marketing board's efforts to promote the consumption of healthy dairy products produced by family dairy farms and to fund research critical to the development of new dairy products.

This effort is needed as a matter of fairness to our nation's dairy farmers. When enacted, our legislation will require that all dairy producers whose products are sold in the United States contribute to the promotional effort. Currently, domestic producers of dairy products like cheese, butter, and yogurt, all pay a promotional fee to help promote the dairy products produced in this country. Importers do not pay this fee.

I was extremely surprised to find out that dairy producers can import these goods into the United States and not contribute to the promotional sales efforts sponsored by our domestic industry. This change will require those selling incoming products to contribute the same assessment as the domestic dairy farmers do.

This bill supports the dairy marketing board's efforts to educate consumers on the nutritional value of dairy products. It also treats our farmers fairly—by asking them not to bear the entire financial burden for a promotional program that benefits importers and domestic producers alike. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Promotion Fairness Act".

SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DECLARATION OF POLICY.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended in the first sentence—

(1) by inserting after "commercial use" the following: "and on imported dairy products"; and

(2) by striking "products produced in the United States." and inserting "products.".

(b) DEFINITIONS.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(m) the term 'imported dairy product' means any dairy product that is imported into the United States, including dairy products imported into the United States in the form of—

"(1) milk and cream and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese; and

"(4) casein and mixtures; and

"(n) the term 'importer' means a person that imports an imported dairy product into the United States.".

(c) CONTINGENT REPRESENTATION OF IMPORTERS ON BOARD.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by inserting "NATIONAL DAIRY PROMOTION AND RESEARCH BOARD.—" after "(b)";

(2) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively, and indenting appropriately;

(3) in paragraph (2) (as so designated), by striking "Members" and inserting "Except as provided in paragraph (6), the members"; and

(4) by inserting after paragraph (5) (as so designated) the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—If representation of importers of imported dairy products is required on the Board by another law or a treaty to which the United States is a party, the Secretary shall appoint not more than 2 members who are representatives of importers.

"(B) ADDITIONAL MEMBERS; PROCEDURES.—The members appointed under this paragraph—

"(i) shall be in addition to the members appointed under paragraph (2); and

"(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(d) IMPORTER ASSESSMENT.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—

(1) by inserting "ASSESSMENTS.—" after "(g)";

(2) by designating the first through fifth sentences as paragraphs (1) through (5), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) RATE.—The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(C) VALUE OF PRODUCTS.—For the purpose of determining the assessment on imported dairy products under subparagraph (B), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.".

(e) RECORDS.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)) is amended in the first sentence by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

Mr. FEINGOLD. Mr. President, I rise in strong support of legislation introduced by the senior Senator from my home State of Wisconsin. Today, Senator KOHL has introduced a measure important not only to Wisconsin's dairy farmers but to dairy farmers all over the country.

The National Dairy Promotion and Research Program collects roughly $225 million every year from American dairy farmers, who each pay a mandatory 15 cents into the program for every 100 pounds of milk they produce. This program is designed to promote dairy products to consumers and to conduct research relating to milk processing and marketing.

While 15 cents may appear to be a small amount of money, multiplied by all the millions of pounds of milk marketed in this country, it adds up to thousands of dollars each year for the average domestic producer. Given the magnitude of this program, it is critical that Congress take seriously the concerns producers have about the way their promotion program is run. This legislation addresses one of the most important of those concerns: importers reap the same promotional benefits as their U.S. counterparts, yet they don't pay a dime into the program.

The National Dairy Promotion and Research Board conducts generic promotion and general product research. Domestic farmers and importers alike benefit from these actions. This bill, Mr. President, provides equity to domestic producers who have been footing the bill for this promotion program all by themselves for over 10 years.

The Dairy Promotion Fairness Act requires that all dairy product importers contribute to the Dairy Promotion Program at the same rate as domestic dairy farmers. This is not an unusual proposal, Mr. President. Many of our largest generic promotion programs for other commodities already assess importers for their fair share of the program, including programs for pork, beef, and cotton.

This legislation is particularly important in light of the 1994 passage of the General Agreement on Tariffs and Trade (GATT). GATT has boosted imports of dairy products in the past several years. A dairy promotion assessment on importers would also be allowed under GATT since our own milk producers are already paying the same assessment.

We have put our own producers at a competitive disadvantage for far too long. It's high time importers paid for their fair share of this program. I urge my colleagues to support this legislation and to end the subsidization of foreign farmers on the backs of our own.

By Mr. THOMAS:

S. 568. A bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH A FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES

Mr. THOMAS. Mr. President, I rise today to introduce legislation which would allow the Department of the Interior and the Department of Agriculture to charge a fee when commercial filming activities take place on public lands in their jurisdiction. This legislation is another important part of our efforts to preserve and protect the pristine beauty of our national parks and other public lands. A similar version of this legislation was included in S. 1693, the Vision 2020, National Parks Restoration Act, when that bill passed the Senate. Unfortunately, the language was removed from that bill when it passed the House of Representatives.

The purpose of this measure is very simple. When commercial film companies use our nation's public lands, they should pay for that privilege. Our nation's parks and other lands provide an outstanding backdrop for the commercial film industry and we should ensure that these areas are not negatively impacted by that use.

This legislation is not designed as a "bash Hollywood" bill. I want to commend the commercial film industry for their efforts to work with me and other members of Congress to find a reasonable solution to this matter. Although there are those in the industry who do not want to pay for the use of these lands, by and large the film industry is willing to pay a fee for filming on public lands as long as it is reasonable, understandable and fair. I believe the bill I am introducing today meets all of those criteria.

Let me take a few moments to outline this measure. The legislation would authorize both the Secretary of the Interior and Secretary of Agriculture to charge a reasonable fee for commercial filming activities on federal lands in their jurisdiction. The fee will be based on a number of criteria including; the number of days the filming takes place within the areas, the size of the film crew and the amount and type of equipment used. The agencies would also be directed to recover any costs incurred as a result of filming activities such as administrative and personnel costs. All of the fees charged for film activities would stay at the site where they are collected.

We have also included language in this bill to address the issue of still photography on public lands. As we worked to craft the parks bill last year, we heard from a large number of still photographers who were worried about the impact this legislation would have on them. In order to address those concerns, we have included language in our bill exempting still photography unless the agency determines that this activity will disrupt the public's use and enjoyment of the resource. I believe this is a fair way to address this question.

Mr. President, the time has come to establish a film fee system on our nation's public lands that is sensible and understandable. Once again, I want to stress that this bill is not designed to punish the film industry. Instead, this measure will benefit both the public and the film industry by establishing simple and understandable system for operating on federal lands. Establishing a sound fee system for filming on public lands can be a "win-win" for the public and the film industry and I hope the Senate will take quick action on this important measure.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

THE FARM INDEPENDENCE ACT OF 1999

Mr. GRASSLEY. Mr. President, today, along with Senators CONRAD and GRAMS of Minnesota, I am introducing a bill to exempt certain farm rental income from the self-employment tax.

The self-employment tax has been applied equally to farmers and other business people for the last 40 years. Our bill would ensure equality in the future. It states that farm landlords should be treated the same as small business people and other commercial landlords, and they should not have to pay self-employment tax on cash rent income.

The current law is drafted to ensure that self-employment tax applies to income from labor or employment. Farm landlords were only taxed when they participated in the operation of the farm. Income from cash rent represents the value of ownership or equity in land, not labor or employment. Therefore, the self-employment tax should not apply to income from cash rent. Yet, this is not they way that the Internal Revenue Service drafted its technical advice memorandum on this matter. This has resulted in farmers and retired farmers now paying a 15.3 percent self-employment tax on cash rent.

The IRS has gone too far. The law should be what people have counted on for 40 years. Unless there is an act of Congress, history should be respected. The test of time will prove that the taxpayer was right and that the IRS was wrong, particularly now that there is a difference between the farm and city sector. Therefore, we are introducing this bill so that farmers and retired farmers will not be singled out unfairly by the IRS.

Specifically, this legislation would remove the code's ambiguity and recapture its original intent. The legislation would clarify that when the IRS is applying the self-employment tax to cash rent farm leases, it would limit its applicability to the lease agreement. This is not an expansion of the law of taxpayers. Rather, it would limit the anti taxpayer expansion initiated by the Internal Revenue Service. The tax law does not require cash rent landlords in cities to pay the self-employment tax. Indeed cash rent farm landlords are the only ones required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

The law originally imposed the tax on farm landlords only when their lease agreements with the renters required them to participate in the operation of the farm and in the farming of the land.

Forty years later, the IRS has expanded the application of self-employment tax for farmland owners. The tax court told the IRS that in one particular instant they could look beyond the lease agreement. On this very limited authority, the IRS has expanded one tax court case into national tax policy.

Our legislation will bring fairness between farmer landlords and urban landlords. It will clarify that the IRS should examine only the lease agreement. It would preserve the pre-1996 status quo. It would preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties. The 1957 tax law was designed to benefit retired farmers of that generation so they would qualify for Social Security.

Congress does not intend that farm owners be treated differently from other real estate owners, other than they have been historically. We need clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of settled tax law.

I urge my colleagues to join us in addressing this unfair position taken by the Internal Revenue Service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1, SHORT TITLE.

This Act may be cited as the "Farm Independence Act of 1999".

SEC. 2. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

ADDITIONAL COSPONSORS

S. 174

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 336

At the request of Mr. LEVIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday "as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 486

At the request of Mr. ASHCROFT, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. THURMOND), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 559

At the request of Mr. GRAMM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 559, a bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. "Jake" Pickle Federal Building."

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, March 10, 1999, in SR-328A at 8 a.m. The purpose of this meeting will be to review the nature of agricultural production and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 9:30 a.m. in closed session, to receive testimony on U.S. Government policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 10:45 a.m. in open session, to receive testimony on U.S. Government policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. and 2 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on Interstate Alcohol Sales and the 21st Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, to conduct a hearing on the International Monetary Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 9, 1999, at 9:30 a.m. for a hearing on the topic of Deceptive Mailings and Sweepstakes Promotions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MALE HIGH SCHOOL

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Male High School's Championship Football team in Louisville, Kentucky on the occasion of their annual awards banquet.

The Male High School Bulldogs have long held a reputation for excellence in Kentucky and throughout the nation. With the leadership of The Bluegrass State's finest high school football coach, Bobby Redman, it's no wonder the team has gone so far. It is clear to players, parents, coaches and students alike when they see Bobby on the field with his team that his heart and soul are rooted in Bulldogs football. Bobby's marked dedication to his team and his school are admirable, and I'm certain my feelings are shared by the entire Male family.

Tonight I congratulate you, the Male High School football team, on your commitment to excellence both on the field and in the classroom, and thank you for working so hard to continue giving high school football in Louisville an honorable name. Players become great because of their hard work and commitment to themselves and their team. You have each spent countless hours before and after school lifting weights, memorizing plays, and practicing and preparing for games. You have each spent Friday afternoons at pep rallys getting ready for evening games, felt the stress of wanting to play your best and win, and experienced the emotional high as you finally rush the field. You have dedicated your high school careers to Male and to its football team, and my colleagues and I commend you.

Not only is Male High School known for their powerhouse of a football team, most recently leading the Bulldogs to victory as 1998–99 4–A State Champions, but they also are known for their commitment to academic success. Male has been recognized as a National Exemplary School twice in recent years by the United States Department of Education, and has received the Flag of Excellence by the State of Kentucky for consistently high academic achievement. Ninety percent of Male graduates continue their education at colleges and universities, and many of them receive partial or full scholarships to attend. It is commendable that students so profoundly talented on the football field are also concerned about their academic achievements.

I am certain that the legacy of excellence that Male High School football players and coaches have left will continue on, and will encourage and inspire others toward that same goal. On behalf of myself and my colleagues, thank you for your contribution to the Louisville community, the State of Kentucky, and to our great nation.•

30TH ANNIVERSARY OF WTOP RADIO

• Ms. MIKULSKI. Mr. President, I would like to congratulate one of our local news outlets, WTOP Radio, on their 30th anniversary. Thirty years ago, on March 9, 1969, WTOP began its news broadcasts. Today, WTOP has become a vital source of news and information in the nation's capital. Along the way, Dave McConnell, WTOP's congressional correspondent, has become a familiar voice to Washington residents and one of our nation's most respected journalists.

America's Constitution is unique and special in the responsibility it has bestowed on our nation's press corps—in print, on TV, and on the radio. With our revered First Amendment, the nation gives reporters the awesome responsibility to help communicate the needs of the nation and report on the day-to-day governmental events that affect all Americans. In return, we hope those reporters recognize that responsibility and carefully tend their role as stewards of public information.

WTOP has taken that responsibility seriously and sought to provide high-quality, timely information for residents in the greater Washington area. For thirty years, WTOP has covered the news as it happened—in Washington and around the world. From the War on Poverty to the War in Iraq, WTOP's reporting has kept millions of Washingtonians informed. They have tracked legislation that affects residents in Virginia, the District of Columbia, and Maryland, and helped bring perspective to issues facing the nation.

As important, WTOP provides a critical service to local residents in alerting them to breaking local stories. In addition to their comprehensive news coverage, they have warned residents of dangerous weather, alerted commuters to traffic snarls, and celebrated sports victories of our Orioles, Ravens, and Redskins. WTOP's committed staff are part of the daily lives of countless Washingtonians who listen as they brush their teeth, drive to and from work, or cook the evening meal. My constituents in Maryland's DC suburbs rely on them to get information they need to know to stay informed, stay healthy, and stay tuned.

I commend the WTOP family and its listeners on 30 years of service to the greater Washington area and welcome 30 more years. Our nation's capital, and our nation, are proud of their work and appreciative of their commitment.•

TRIBUTE TO MR. DONALD DEROSSI

• Mr. TORRICELLI. Mr. President, I rise today in recognition of Donald DeRossi who is this year's recipient of the Distinguished Service Award at the Hendricks House's 5th Annual Awards Dinner. As a small business owner, he has set an outstanding example of quality, production, and leadership. These business qualities have been reflected in his extensive community and charitable activities.

Mr. DeRossi began working at DeRossi & Son Company in Vineland, New Jersey in 1960 under his father, Dominick and his grandfather, Angelo. From them, Mr. DeRossi learned all aspects of the clothing business. Today, DeRossi is seen as a premier clothing supplier of military dress coats for the US Defense Department. Under Mr. DeRossi, who currently serves as president, the company has received numerous awards. Most recently, DeRossi received the United States Small Business Administration "Administrator's Award for Excellence," as well as the Defense Supply Center's Small Business contractor of the year award.

Mr. DeRossi has put the same enthusiasm and energy into his community and charitable work as he has put into his business. He has dedicated countless hours of service to such commendable causes as the United Way, the YMCA, the American Heart Association, the American Cancer Association, the March of Dimes, the 4H Club, and Muscular Dystrophy. He has sat on the Boards of such community organizations as the Urban Enterprise Zone, Ellison School, the University of Medicine and Dentistry of New Jersey, and the Vineland Chamber of Commerce.

On the eve of his receipt of this award, Mr. DeRossi deserves to be recognized for his outstanding services to both the business community and his community of Vineland, New Jersey. He is an exemplary businessman, and I am grateful to have the opportunity to show my appreciation for all he has accomplished.•

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords Amendment No. 31, in the nature of a substitute.

Bingaman Amendment No. 35 (to Amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified Amendment No. 37 (to Amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) Amendment No. 40 (to Amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies. (By 0 yeas to 88 nays, 1 voting present (Vote No. 33), Senate failed to table the amendment.)

Jeffords Amendment No. 55 (to Amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) Amendment No. 56, to reduce class size.

Lott (for Jeffords) Amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) Amendment No. 59 (to Amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 4 p.m. today occur instead at 2:45 and that the time between now and 2:45 be equally divided between the chairman and the ranking member of the committee.

I further ask that immediately following the vote the Senate stand in adjournment until 12 noon on Wednesday, and that the routine requests through the morning hour be agreed to, the morning hour be deemed to have expired, and the Senate proceed for 1 hour of debate to be equally divided between the chairman and ranking minority member of the committee relative to the cloture votes.

I further ask unanimous consent that at 1 p.m. on Wednesday the Senate proceed to the cloture vote with respect to the Kennedy motion regarding class size, and the mandatory quorum under rule XXII be waived. I also ask that immediately following that vote, if not invoked, the Senate proceed to a cloture vote relative to the Lott amendment regarding IDEA and choice.

Finally, I remind all Senators that under the provisions of rule XXII, all second-degree amendments must be filed by 12 noon on Wednesday, March 10, in order to qualify postcloture.

Before the Chair rules, I just want to advise the Members that the purpose here is that staff and others be able to avoid what may be a very difficult afternoon rush hour with the snow coming down. And indications are it is probably going to increase even more. But we do want to have this cloture vote, so we will have 30 minutes equally divided for debate and then the vote, and then we will be back up with this very important bipartisan education flexibility bill on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, as I understand it, we are going to have 15 minutes a side. Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct. There will be 30 minutes equally divided between now and 2:45.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in just half an hour the Senate will vote on the second cloture motion to terminate debate on the Ed-Flex bill, and then tomorrow we will have two more cloture votes. It is our position that these cloture votes are completely unnecessary—what we would like to be doing here this afternoon and in the course of tomorrow is voting on education policy.

We were given assurances by the majority leader at the annual National Governors Association Conference that we would have the debate for 1 or 2 weeks. Now the minority leader has proposed limiting our side to just five different amendments, and we would be glad to have a number of amendments on the other side. We are glad to enter into time limits. There is no reason we cannot end the whole education debate tomorrow.

We have no assurance—none—from the majority leader, none from the chairman of the Health and Education Committee, that we will have another vehicle before the end of this year to debate education. This may very well be the only opportunity that we have. Why not have a reasonable time to debate and discuss the issues that are before the Senate in education, primarily the issue of class size reduction from grades K to 3, which is enormously important and very successful in terms of enhancing student performance. What about the afterschool programs? What about enhancing the effort to terminate school dropouts? The range of different, important policy issues—all we want to be able to do is debate them. We are being denied that by the majority.

That is part of our frustration. We believe the discussion on education is one of the most important debates that we will have. We are here, ready to debate. We were here last week on Friday and were closed out. We were here on Monday and are here Tuesday and continue to be closed out from being able to consider these amendments. That is the wrong policy.

Parents do not understand why we cannot debate it. Various organizations representing teachers, parents, school boards, and local communities are all pleading to the U.S. Senate to go ahead and have the debate on these issues.

There is widespread approval for continuing Federal support for reducing class size nationwide. This initiative is supported by the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education, the National Education Association, the International Reading Association, the American Federation of Teachers, and the National Association of School Psychologists.

These groups are all saying please, go ahead with this debate. Go ahead and have the votes on these matters. We will abide by whatever the Senate does, but do not close us out.

Mr. President, that is what is happening here this afternoon. I hope we will not have the cloture vote to close it out. I am still hopeful somehow at this late hour we will be able to work out a process so we can consider the educational amendments which families all over this country want us to consider.

I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the right subject. The question here is education. But in this great deliberative body, as it is called, we have some who do not want us to debate the principles of education and ideas that exist, here in the Chamber of the Senate.

Let me show a graph, if I might. It will be hard for people to see this, but it describes where we are. We have an education bill on the floor of the Senate. To that education bill is offered an amendment by Senator GRAMM, an amendment to the Gramm amendment by Senator Jeffords, then a Jeffords substitute, then a Bingaman amendment, and then the Lott substitute. Then we come in with the Kennedy motion to recommit in order to do the class size amendment. Then we have a Lott amendment to that, followed by a Lott amendment to the Lott amendment.

What does all that mean? It is a legislative way of plugging up this system so nothing can happen unless those who run the place want it to happen. It is a legislative mechanism to prevent debate and action on the ideas that we have about education.

What are those ideas? The bill on the floor is called Ed-Flex. That is an idea about flexibility. There are other ideas—one we debated last year, reducing class size K–3; 100,000 new teachers who reduce class size, because kids learn better when they are in classes of 15 than if they are in classes of 30 kids. That is common sense. That is an idea, the Kennedy-Murray amendment.

School construction—repairing and renovating and building schools where we have schools in disrepair. I have talked at length about schools that are in disrepair; classrooms with sewer gas coming up into the classrooms and kids have to be removed; classrooms that are unsafe. I have talked at length about those issues here on the floor of the Senate.

Afterschool programs is another idea. An idea I want to offer, an amendment I want to offer that I am prevented from offering by this plugging system here in the legislative assembly is a school report card. Every 6 or 9 weeks all across this country parents get report cards about how their kids are doing. How is the school performing, however? What about how is the school doing? What does it mean if your kid gets the best grades in the worst school? What does that mean? How does your school do compared to other schools? How does your State do compared to other States? What are you getting for hundreds of billions of dollars we are spending to educate our kids? How about grading our schools? I want to offer that amendment. I want that grading system to be a system that every parent in every corner of this country can understand and recognize and use.

Mr. President, I graduated in a high school class of nine. We didn't have particularly advanced mathematics courses, but I know enough about what is going on from that kind of education to understand what is going on here on the floor of the Senate. We have an education bill on the floor of the Senate. A number of us have amendments we want to offer to that bill, have a debate, and have votes on our amendments. Those who run this place say no, it is not how we are going to operate. It is our ideas or no ideas. It is our agenda or no agenda. It is a vote on our bill or on our amendments, or no votes.

That is not the way this place ought to operate. Education is a priority and should be a priority in the legislative agenda of this Senate. But it ought not be a narrow agenda that says we will only consider a piece of legislation called Ed-Flex and then prevent everyone else from offering their amendments.

I heard a speaker yesterday say about this class size amendment, that is the Senate wanting to run the local school districts. Nonsense. Let me read a comment from a Republican last year when we passed a piece of legislation that called for some additional teachers. Congressman GOODLING, a Republican, said, "This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates."

So I hear somebody stand up over there yesterday and say what we are trying to do somehow is to run the local school systems—absolute nonsense. It is nonsense, as indicated by Mr. GOODLING, a Republican, who last year said this is good public policy; this is policy everybody ought to support.

In fact, this is Republican policy, he said. Now it appears we cannot even get a vote on it. So I urge the majority leader and others to bring a piece of legislation to the floor, open it up, let's have a debate, let's offer amendments—let's get the best of what everyone has to offer here on the floor of the Senate.

I yield the floor and reserve the remainder of the time.

Mr. BYRD. Mr. President, as we approach the vote to invoke cloture on S. 280, the Education Flexibility Partnership Act of 1998, I wish to express my dismay with the procedural battle evoked by this legislation. We have now spent close to three full days on this bill, but the Senate has expended most of its time and energy on procedural tactics intended to preclude one party or the other from debating those topics of utmost importance to them. I find this greatly disturbing. Education is a serious topic which deserves the substantive attention of this body. It merits an in-depth examination from a multitude of levels and angles so that our nation's children can someday reap the full benefit of a well-rounded learning experience. With so many priority items to discuss and debate in this Congress, there is, of course, great difficulty with accommodating and balancing the wishes of 100 Senators, but I hope that we could come to an understanding by which Republicans and Democrats alike could use this opportunity to further discuss and debate education policy. People all across the United States from California to Maine tell us that education is their top priority. Obviously there are concerns. Can we not set aside our differences and use this opportunity to help address the many problems facing our nation's education system?

As part of this debate on the Education Flexibility Partnership Act of 1998, I would like to take some time to discuss the issue of education accountability, a topic which has received much attention from my colleagues during these past few days. I am pleased to note that greater accountability has been built into this legislation to ensure that states granted this so-called Ed-Flex status are held to higher standards of accountability in exchange for increased flexibility at the state level. I am, however, reluctant to support the notion of expanding this Ed-Flex designation nationwide, given the limited performance results from the twelve demonstration states and the lack of accountability data on which a state or school currently reports. Perhaps, before embarking on this mission of handing over greater authority to states to waive federal education requirements, we should consider the somewhat startling fact that more than sixty percent of parents have never seen an individual report card on the performance of their area school.

I find it ironic that, in an age where a wealth of information abounds about any imaginable field, precious little information exists about the performance of our nation's schools. Mr. President, I bring to the attention of the Senate a recent publication by Education Week and A-Plus Communications, entitled "Reporting Results," that discusses this new buzzword of 1999. While I find encouraging the fact, as reported in Education Week, that thirty-six states are expected to issue school accountability data or "report cards" this year, that practice, it seems to me, should be undertaken by all fifty states.

Furthermore, of the thirty-six states that will have report cards in 1999, only thirteen states ensure that the report cards actually get sent home to parents and few include all the information that parents report that they actually want to see most. Moreover, the information on these report cards rarely finds its way to the community at large, which has an interest in the education of its young people. I am baffled by this phenomenon! Why go through the process of creating such a document for it to end up as yet another soiled piece of paper in the garbage can? And without this kind of documentation from schools, should we really be proceeding with the expansion of Ed-Flex authority to waive certain federal education requirements without significant knowledge of how our nation's schools are performing in the first place?

Of all the decisions in life that a parent has to make, the decision about where to send a child to school is one of the most difficult and important. I find it unbelievable to think that parents often, for the lack of better information, rely upon word-of-mouth to make such important decisions. Where are the numbers on student achievement, test scores, teacher certification, and graduation rates? Parents need to have this information before them as a key resource for making an informed decision.

I feel for parents who, despite their best efforts to learn about the quality of their local schools, cross their fingers as they send their children off each day in the hope that their children will be spending those hours in an enriching and safe environment. I find it terribly disconcerting that the quality of our schools in different corners of the same community can differ so dramatically as to force families to move from neighborhood to neighborhood on the trail of the best schools. I find it sad that so many families have felt compelled to give up on public schools in favor of private schools or home schooling.

Mr. President, I believe that greater education accountability is the key to unlocking this trend burdening so many families today. With more information, and I am talking about the real stuff—test scores, teacher qualifications, graduation rates, tracking of students from grade school into college and after—parents will have substantive data at their fingertips to truly determine what is in the best interest of their child and their family as a whole. Perhaps, at the same time, this could provide a better framework for gauging how Ed-Flex is impacting student achievement levels and enhancing teacher preparation.

Competition is at the heart of creating better schools for the nation. During this debate, my colleagues will raise the important issues of school construction, class-size reduction, and others of great concern to the American people, but I believe that fostering a competitive environment among schools is perhaps one of the more simple and effective ways of improving our nation's schools for the 21st century.

By forcing schools to annually report on performance data, such as test scores and other quantitative measures, teacher qualifications, and safety indicators, parents will have a framework for weighing one school against another, and communities will have data they need to force improvements in their school systems. As Education Week pointed out in its report, so many of the report cards that actually make their way into a parents' hands are difficult to read, with extraneous information of little benefit to educators and parents. Mr. President, there needs to be uniformity in gathering key data that parents are seeking and a model that all parents can follow. Holding schools accountable for the students they are producing and the teachers they have chosen, while making this information readily available to parents, will turn up the heat on schools, and apply much long-needed pressure to those at the helm to up the ante on teacher qualifications and curriculum requirements.

But test scores and other achievement data will mean little to parents if we continue upon this so-called trend of "teaching to the test." What good will come of teaching students skills simply to ace a standardized test? Mr. President, if we hope to produce well-rounded students prepared for the challenges ahead in today's workforce, a standardized test should not drive the curriculum. Life is not multiple choice. Life is an essay, to be written well or poorly by educated students.

Education accountability is a serious issue which has been left behind for many years at the expense of our nation's parents and educators. It is time to examine the necessity for reporting data both as part of this Ed-Flex legislation and at the local level in the form of school report cards. I look forward to working with the Health, Education, Labor, and Pensions Committee in ensuring that our nation begins to navigate this challenging territory.

Mr. President, I yield the floor.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. REID. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleagues in expressing my concern about the gridlock we find ourselves in here on this bill. Let me, first of all, commend the majority leader and majority for bringing up an education bill. I think most Americans feel that this is one of the most important issues for us to be addressing. So I want to begin these brief remarks by commending the majority for bringing up an education bill.

The regrettable part is that having now brought up this matter of the so-called Ed-Flex bill, we are now being deprived of the opportunity to discuss a number of critical issues which affect the quality of education in the country. We are not suggesting here that this be an unlimited debate with countless amendments. There are just several very key and important issues the American public would like to have us help address.

One is class size. Most Americans know if a teacher has too many students, not only can the teacher not teach, the students do not learn. This is not any great leap of logic to understand this. Too many of our classes are too big. We know that. One of the proposals we would like to raise in the context of this education bill is that amendment. You could vote it down, if you would like. But I do not think this institution, or the American public, ought to be deprived of having the Senate of the United States debate an amendment that would assist reducing the size of classes in America. That ought not be denied the American people. Yet under this present sort of Rubik's Cube we have created here legislatively, we cannot even get to that amendment.

Americans would like to see us address the issue of afterschool programs. It is a major problem. Parents worry about where their children are between the hours of 3 and 6 o'clock. It is a major problem. We may disagree over how best to achieve the results of having a good afterschool program. But here we are unable to debate it, befuddling the American public. For the life of me, it is hard to explain why when we have an education bill before the U.S. Senate, we cannot even bring up an amendment and discuss and debate and vote on an amendment. An amendment that would simply offer an idea and a plan on how we might alleviate this growing concern among Americans about what happens to their children after school hours when they are not at home, when parents cannot provide for their needs and are concerned about the trouble they can get into, the difficulties they can encounter. That ought not be a great leap of logic to expect us to be able to discuss in this context of an education bill that the majority has brought up.

Americans would like to see us address the issue of the condition of our classrooms, our school buildings. This morning, I met with some of our mayors down from the State of Connecticut. One of the issues raised by one of those mayors is that the school buildings in his town are more than 40 or 50 years old. They need new buildings. Now, they are willing to participate in the cost of that. But they would like to see some of the dollars they send to Washington come back to help improve the quality of these classrooms and these buildings. I do not think that ought to be too difficult. If the majority doesn't agree with that, doesn't think that is a priority, vote against the amendment, but do not deprive us of raising it, debating it and voting on it. That is not too much to ask.

Again, I commend the majority. They have said this is an important issue; education is critical. We are bringing up the education bill. How ironic that having brought up this bill, they now deprive us from raising three or four amendments that we think would contribute to the well-being of the educational system of this country. We cannot even discuss, debate, and vote on them.

I had hoped that we could do better on one of the first actions of this Congress, having gone through the difficulty of this impeachment proceeding, and get back to the issues that affect the American public. We took an awful lot of time on the issue of impeachment. Now, the public, our constituents, would like to see us spend some time on their issues, the things they worry about every day. When you bring up an education bill and then deprive us of the right to debate, discuss, and vote on critical issues that they think are important, they wonder what we are doing, what our agenda is—a Rubik's Cube of parliamentary maneuvering or actually addressing these underlying and critical questions that the American people care about.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield whatever time is remaining——

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. REID. Mr. President, I ask unanimous consent, until someone shows up on the other side, that Senator BINGAMAN be allowed to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New Mexico.

Mr. BINGAMAN. Thank you very much. I thank my friend and colleague from Nevada for yielding me some time.

Mr. President, I agree with the sentiments that were just expressed by the Senator from Connecticut about his frustration about not being able to vote on some of the crucial issues that relate to education in this country.

I wanted to particularly draw attention to this issue of the Dropout Prevention Act that I offered last week, along with my colleague from Nevada, Senator REID. This is legislation which is not new to the U.S. Senate. It is legislation that passed in the last year. There were 74 votes in favor of this Dropout Prevention Act. What we are trying to do now is get this same legislation, identical legislation considered as part of this Ed-Flex package of legislation. We think that will be good for the American people. We think it would advance the handling of this very important issue. Otherwise, we will be put off for perhaps a year, perhaps 18 months into the new year. I believe very strongly that we ought to go ahead and deal with this.

In my State, when I go around my State and say what is the No. 1 concern that people have about education——

The PRESIDING OFFICER. The Senator from New Mexico will suspend his remarks. The time has expired on the minority side. By unanimous consent, it was extended until someone came to the majority side. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry to interrupt, but it is our time.

Today marks the fifth day of discussion by the Senate on the Education Flexibility Partnership Act of 1999. We have spent time discussing several education issues that are important to debate, but do not necessarily pertain to the underlying bill.

The Education Flexibility Partnership Act, which has overwhelming support on both sides of the aisle—all the Governors in the Nation; the President supports it; everybody supports it—what is it? The Secretary of Education gives a State some authority to determine whether some schools may be granted waivers pertaining to certain requirements for the purpose of enhancing services to students through flexibility and real accountability.

It is important to note that States cannot waive any requirements pertaining to health and safety, civil rights, maintenance of effort, comparability of service, equitable participation of students and professional staff in private schools, parental participation and involvement, and the distribution of funds to State or local agencies.

Currently, 12 States have ed flexibility authority. Through Ed-Flex, these 12 States have been better able to coordinate programs which create a seamless education delivery system that benefits both teachers and students.

During the first day of debate, I offered a managers' package which contained various accountability provisions which we worked out through a bipartisan agreement. Those provisions and additional accountability provisions which were added last Thursday will improve school and student performance, which should be the mission of every education initiative. I will remind my colleagues that the Elementary and Secondary Education Act is up for review this year. The Elementary and Secondary Education Act is the foundation for most of the Federal programs that assist students and teachers in our elementary and secondary schools, and it accounts for $15 billion in Federal spending, excluding IDEA—that is, special ed money and vocational education.

We are currently engaged in the hearing process. One of the first hearings we held regarding this legislation looked at various education proposals offered by Members of this body. I look forward to working with all of my colleagues as we draft the first Elementary and Secondary Education Act of the 21st century. We only do that once every 5 years. The Elementary and Secondary Education Act is the most important education legislation we will consider this year. There are a number of good ideas being discussed which deserve a thorough review. That is what these amendments are about. They deserve a thorough review before we leap off prematurely, ahead of the committee process, to put the President's programs, which have not been reviewed, in place without thorough hearing and understanding.

It is for this reason that we should not be debating many of the amendments that have arisen in the Ed-Flex debate. We should be debating these proposals in conjunction with the Elementary and Secondary Education Act. Last year, as I pointed out earlier, we passed 10 education bills, all out of the committee, by either unanimous or close to unanimous votes, because we worked in committee to work the matters out, like we should, and not to do it on the floor before any hearing.

I urge my colleagues not to short circuit the process of offering major elementary and secondary education initiatives on Ed-Flex. The Education Flexibility Partnership Act is not designed to be the sole response by the Federal Government to improving school and student performance. However, Ed-Flex does give States the ability to augment education services for students and teachers.

I also point out that the amendment that I have is perfectly consistent with this policy. What it says is, okay, we appropriated last year $1.2 billion for a program—and this was decided in the back halls of the Capitol somewhere; I was not present—that we should take the President's 100,000 teachers, put the first year in effect. We are saying, wait a minute, we haven't had any review of that, but we will do this. We will let the local governments for this year decide whether they would prefer to have it, not knowing what is going to happen in the future, until we work it out in the Elementary and Secondary Education Act.

We would like to give them the flexibility at the local level to determine as to whether or not they would prefer this year to use that money to augment their special education funds or whether they want to start off on a course, which may not be followed, to start hiring new teachers. I point out, there are a lot of questions about a bill which gets you on the route to new teachers. If you have 100,000 new teachers, you need 100,000 new rooms. If you have 100,000 new teachers and you do not know where the funds are going to come from in the future, how are you going to pay for it? These are all important questions to be answered when that bill gets into final shape, if it does get into final shape.

Mr. President, I hope that we can make progress. I urge my friends on the other side of the aisle, we are at a point where we can either vote this out and get on with other business or we can just spend the rest of the year in this kind of a debate and inability to act together.

I am proud of our committee. We have worked so many things out in a bipartisan manner. And to think that we could get stalled and find ourselves without the ability to pass a simple bill which merely gives flexibility to the States—I do not understand how we could go forward with that kind of process. We have important bills coming up. We have health care bills, we have all sorts of bills out of my committee, extremely important bills, and we are getting off to a rough start here by the inflexibility of the minority.

Mr. DORGAN. I wonder if the Senator would yield for a brief question.

Mr. FRIST. Mr. President, I would like to also have the Senator yield to me for a minute.

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. JEFFORDS. Just briefly I will yield.

Mr. DORGAN. I appreciate the courtesy.

One of the difficulties we have is being able to offer amendments. And the Senator seemed to suggest at some other point education issues will be brought to the floor with an open opportunity for people to offer a series of ideas and amendments. Is the Senator speaking for the majority leader on that? Because we have had great difficulty in obtaining that status on the floor.

Mr. JEFFORDS. So far I have had no problem with the majority leader, and I do not expect we will. This committee had worked together very well last year, and I expect we will this year.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I will be very brief.

The underlying bill is the Ed-Flex bill, which is a bill that I and Senator WYDEN introduced in a bipartisan way, supported by all 50 Governors, a straightforward bill which strips away Washington redtape, which empowers our teachers to teach instead of filling out paperwork. Seven percent of the Federal money is coming down with over 50 percent of the Government regulations there. Strip it away so that they can really teach, accomplish the objectives we set out for them, meet the standards of accountability, and we will be able to innovate, offer some creativity.

This bill all of a sudden has taken off, and we are having innumerable amendments placed on it, and most of them are huge new programs, new spending, all of which has an appropriate forum to be addressed. I just hope, for the American people, that we are not in a gridlock here. The fact that we are going to be voting on cloture in about 2 or 3 minutes demonstrates there is gridlock here. Let's help our American children, let's help the American people, by passing this bill, voting on it, Ed-Flex, not all these new spending programs.

Thank you, Mr. Chairman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. Three and a half minutes are remaining.

Mr. GREGG. Mr. President, I join my colleagues, the chairman of the committee and Senator FRIST, who is the author of this bill, in stating that I find it really disheartening that the Members on the other side have decided to use this bill, which was bipartisanly supported, was supported by the President, in order to make political points, not substantive points.

The amendments which the other side is offering on this bill are not appropriate to this bill. They basically represent amendments which accomplish obfuscation and delay of what is a very good bill. The underlying bill will give local communities flexibility in how they deal with Federal regulations.

I understand that that is anathema to some people on the other side of the aisle. I understand that some people on the other side of the aisle would like to have the ability to regulate and control and direct and have the input into how the day-to-day education should occur in our school systems. That happens to be their philosophy. They want to centralize decisions here in Washington. We want to take decisions and give them back to communities.

Their reason for opposing this bill, by throwing out all these amendments, isn't that they actually think these amendments are substantively going to go anywhere. It is because they want to make a political statement, and because they want to slow down a bill which is a good idea and which releases the local school districts from the huge weight of Federal regulation. It really is unjustified. It contradicts the purposes which the President has already subscribed to in saying that he supported this bill.

So when the American public asks the questions, "Why don't we have more flexibility at the local level? Why do we get stuck with all these Federal regulations?" the answer is very simple. Look to the Democratic membership of this Congress. They are the ones who are slowing up a bill which would give the communities flexibility.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, would the chairman of the committee, the manager of the bill, yield for a question?

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Before the Senate conducts the cloture vote and then adjourns for the day, it is my intention to file another cloture motion with respect to amendment No. 37, as modified, the Lott IDEA, special education/choice amendment.

I still hold out hope that during the session tomorrow Senators will be able to agree to a small, limited number of amendments remaining to the pending education flexibility bill and that our Democratic colleagues will then allow the Senate to conduct a passage vote on this very important bill, which has broad support, which would give the rest of the country, along with 12 other States, this flexibility to allow the paperwork, bureaucracy, to be waived so we could get the education money to the schools, to the children, where it really belongs. I hate to see this delay taking place on this broad bipartisan bill. In the event that such an agreement cannot be reached, I feel the need to file another cloture motion.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37 to Calendar No. 12, S. 280, the Education Flexibility Partnership Bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, Kay Bailey Hutchison, Chuck Hagel, James M. Jeffords, Michael B. Enzi, Mike DeWine, Tim Hutchinson, John H. Chafee, James M. Inhofe, Larry E. Craig, and Don Nickles.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote, if necessary, will occur on Thursday of this week.

CALL OF THE ROLL

Mr. LOTT. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I belief, Mr. President, we are ready for the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the education flexibility partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Bob Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, Judd Gregg

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 31 to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. GRAHAM), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that the Senator from Washington (Mrs. MURRAY) is absent due to a death in the family.

I also announce that the Senator from Minnesota (Mr. WELLSTONE) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yes 55, nays 39, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Sarbanes
Schumer
Wyden

NOT VOTING—6

Biden
Graham
Murray
Rockefeller
Torricelli
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ADJOURNMENT

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until noon on Wednesday.

Thereupon, the Senate, at 3:14 p.m., adjourned until Wednesday, March 10, 1999, at 12 noon.

HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1999*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. BLILEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 1999.

I hereby appoint the Honorable TOM BLILEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified farmers or ranchers, and for other purposes.

H. Con. Res. 40. Concurrent resolution honoring Morris Udall, former United States Representatives from Arizona, and extending the condolences of the Congress on his death.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 15. Concurrent resolution honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

The message also announced that pursuant to Public Law 105-220, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Twenty-first Century Workforce Commission—

Susan Auld, of Vermont;

Katherine K. Clark, of Virginia;

Bobby S. Garvin, of Mississippi; and

Randel K. Johnson, of Maryland.

The message also announced that pursuant to Public Law 105-277, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to serve as members of the Commission on Online Child Protection—

Jerry Berman, of Washington, D.C.—Representative of a business making content available over the Internet;

Srinija Srinivasan, of California—Representative of a business providing Internet portal or search services; and

Donald N. Telage, of Massachusetts—Representative of a business providing domain name registration services.

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101-595, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy—

the Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and

the Senator from Missouri (Mr. ASHCROFT), Committee on Commerce, Science, and Transportation.

The message also announced that pursuant to section 1295(b) of title 46, United States Code, as amended by Public Law 101-595, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy—

the Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and

the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

WE MUST NOT PRIVATIZE MEDICARE

Mr. BROWN of Ohio. Mr. Speaker, the National Commission on the Future of Medicare is poised to recommend to the President and to Congress that Medicare be privatized. They are soon likely to propose that Medicare, perhaps the Nation's best government program, be delivered to the private insurance market.

There is nothing new here. Conservative newspapers, like the Wall Street Journal and the Washington Times, for years have been attempting to privatize Medicare. Privatize it, they say, in order to save it.

This is a critical time for Medicare. The program faces significant financial difficulty in part because of the impending retirement of the baby boomers and the fact that people are living longer. The Republican answer has been to privatize Medicare by moving Medicare beneficiaries into managed care and creating Medicare medical savings accounts.

These efforts to undermine the universal risk pool that has long supported Medicare will lead to one private system for the healthy and wealthy and a government-run welfare program for the sick and the less well off.

The managed care industry illustrates this point. HMOs understand that providing health insurance to Medicare beneficiaries who need little health care is far more profitable than providing it to those who need expensive care.

This is not a theoretical example. HMOs act according to the rules. Their primary purpose is the pursuit of profit, as it should be. Anyone who thinks we can ask the private sector to put qualitative values ahead of their shareholders' expectations of profitability did not take the same economics classes that I did.

Medicare is a fundamental part of the fabric of our society. Thirty-three years ago, before Medicare, fewer than 50 percent of America's elderly even had health insurance. Today, almost everyone over 65 is part of Medicare. It has helped people live better, it has helped people live longer. Medicare is such an important part of our lives and our society that it is almost taken for granted.

Two things about HMOs: They like profitable enrollees, and they do not stick around when things do not go their way. Last year, Medicare HMOs took it upon themselves to dispel the myth that privatization works. After enduring 1 whole year of reduced profits, more than one-fourth of the HMOs participating in Medicare, 96 plans total, quit. They left behind some 450,000 Medicare beneficiaries.

In my home city of Lorain, Ohio, United Health Care of Ohio dropped 2,000 Medicare patients from its plan because Lorain County seniors simply were not profitable enough for them. Yet United Health Care's CEO was paid a 1997 compensation of $8 million and $61 million in stock options.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Insurance that may not be there when we need it is not insurance. HMOs that bail out after 1 year are not serving anyone but their shareholders.

Clearly, the market deserves its very important place in our society. It is a dynamic engine of job growth in our State and across the country. The market creates wealth and raises our standard of living. There are many things the market does very well. But the purpose of publicly-owned national parks is to protect open space and preserve our Nation's heritage; the purpose of privatized national parks is to maximize profit through development and commercialization; the purpose of public prisons is to protect the public, to punish and to rehabilitate; the purpose of privatized prisons is to maximize profit by reducing staff and possibly cutting back on security; and the purpose of public medical systems is to provide the best health care possible to help people, especially children and the elderly, live healthier and longer lives; and the purpose of privatized medical systems is to maximize profit through private insurance companies denying benefits and introducing incentives to withhold care.

Our Nation has a compelling interest to maintain a steady, mutually beneficial balance between the public and private sectors. Private companies are important. Public programs are important. Government regulation is important.

We are in danger of becoming a land of two societies: One society for the more affluent and another for the less well off. The problem is that a Nation that produces the wealth that ours does should not leave 43 million of its citizens without health insurance. The private insurance market simply cannot provide for the common good by itself.

Let us remember how our country achieved its greatness. We are a Nation that taps the best effort and commitment from its citizens to build the world's strongest economy and the strongest Nation. We are a Nation that marshaled its military might to stop Hitler and protect freedom. We are a Nation that launched the GI bill, Social Security, Medicare, public education and the interstate highway system. We are a Nation that joins the resources of the private and public sectors to help people pursue a decent quality of life. It is a balance that works.

Let us keep Medicare the successful public program that it is.

WAR POWER AUTHORITY SHOULD BE RETURNED TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, the President has stated that should a peace treaty be signed between Serbia and Kosovo he plans to send in at least 4,000 American soldiers as part of a NATO peacekeeping force.

We, the Congress, have been informed through a public statement by the President that troops will be sent. We have not been asked to act in a constitutional fashion to grant the President permission to act. He is not coming to us to fully explain his intentions. The President is making a public statement as to his intentions and we are expected to acquiesce, to go along with the funding, and not even debate the issue, just as we are doing in Iraq.

That is not a proper constitutional procedure and it should be condemned. Silence in the past, while accommodating our Presidents in all forms of foreign adventurism from Korea and Vietnam to Iraq and Bosnia, should not be the standard the Congress follows.

The Constitution is clear: Our Presidents, from Washington to Roosevelt, all knew that initiating war was clearly the prerogative of the Congress, but our memories are flawed and our reading of the law is careless. The President should not be telling us what he plans to do, he should be giving us information and asking our advice. We are responsible for the safety of our troops, how taxpayers' dollars are spent, the security of our Nation, and especially the process whereby our Nation commits itself to war.

Citing NATO agreements or U.N. resolutions as authority for moving troops into war zones should alert us all to the degree to which the rule of law has been undermined. The President has no war power, only the Congress has that. When one person can initiate war, by its definition, a republic no longer exists.

The war power, taken from the Congress 50 years ago, must be restored. If not, the conclusion must be that the Constitution of the United States can and has been amended by presidential fiat or treaty, both excluding the House of Representatives from performing its duty to the American people in preventing casual and illegal wars.

Some claim that the Kosovo involvement must be clarified as to where the money will come to finance it, the surplus or Social Security. This misses the point. We have and should exert the power of the purse, but a political argument over surpluses versus Social Security is hardly the issue.

Others have said that support should be withheld until an exit strategy is clearly laid out. But the debate should not be over the exit strategy. It is the entry process that counts.

The war powers process was set early on by our Presidents in dealing with the North African pirates in the early 19th century. Jefferson and Madison, on no less than 10 occasions, got Congress to pass legislation endorsing each military step taken. It has clearly been since World War II that our Presidents have assumed power not granted to them by the Constitution, and Congress has been negligent in doing little to stop this usurpation.

In the case of Kosovo, no troops should be sent without the consent of Congress. Vague discussion about whether or not the money will come out of Social Security or the budget surplus or call for an exit strategy will not suffice. If the war power is taken from the President and returned to the Congress, we would then automatically know the funds would have to be appropriated and the exit strategy would be easy: when we win the war.

Vague police actions authorized by the United Nations or NATO, and implemented by the President without congressional approval, invites disasters with perpetual foreign military entanglements. The concept of national sovereignty and the rule of law must be respected or there is no purpose for the Constitution.

AMERICA MUST STAND AS ONE NATION IN THE NEW MILLENIUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, as I stand before the House today, America enjoys a period of unparalleled prosperity and peace. Our country is strong, and life is good for most Americans. Unemployment is at one of the lowest rates ever. Education is a reality for everyone, and the possibility of higher education is more achievable than ever. For once, in our halls, we are debating how to spend a surplus instead of cutting and retrenching Federal programs.

These are heady times, and we stand at the eve of the millennium with hopeful hearts. As the new century approaches, we realize that divisions are blurring and that there is more that brings us together as Americans and even as citizens of the world. The principles proclaimed by the Declaration of Independence and our Constitution continue to shine forth through the test of time, and our democracy is a shining beacon throughout the world. It is now the perfect time to reflect deeply into our future and ponder where do we want our Nation to go and what do we want our Nation to become in the years ahead.

There is immense potential for our Nation to grow and boundless opportunities for each of us to reach our potential. We are blessed with peace and stand as citizens of the most powerful, most advanced Nation in the world. It is indeed a privilege to be an American. That privilege also entails deep responsibilities and allegiance to the principles of freedom and liberty for which we pledge our own lives.

There is one injustice that besmirches our Nation's final reputation as the utmost defender of freedom, liberty, and quality. The 3.8 million citizens of Puerto Rico, as well as the nearly 200,000 citizens of the other four territories, have pledged their lives, just like the rest of their fellow citizens in the 50 States, to the cause of freedom. However, the sad truth is that throughout the century we have been sent to the front to protect the rights and freedoms of people who had more rights in our own country than we have.

Imagine, Mr. Speaker, that those who struggle alongside their fellow citizens to enable their country to fulfill its destiny do not enjoy the same rights nor the same benefits as any other citizen in the 50 States. How can this be possible? How has our Nation enabled this discrimination to continue unchecked?

Some say that the issue of the 4 million U.S. citizens in Puerto Rico and the territories is not on their radar screens this year or even in this Congress. If there is a war, I am certain we would be on their radar screens. Everyone knows that more U.S. citizens from Puerto Rico have served on the front than residents of many other States. This duplicitous standard of equal in danger and war but unequal in times of peace and prosperity must not and cannot continue to be tolerated, Mr. Speaker.

I call on my colleagues in Congress to eliminate the ignorance and the indifference that discriminates against the most needy of our society, the children, the aged, the disadvantaged, the handicapped, by virtue of living in a territory.

□ 1045

Mr. Speaker, I urge Congress to take the necessary steps to prevent this neglect and discrimination by enabling their equal participation in the most fundamental safety net programs that can make the difference for their future health and well-being, just as it does for all other elderly, disabled and needy children in any of the 50 States.

Mr. Speaker, if equality must be demanded in order to be achieved, then I am demanding it. How can some American citizens be less equal than others merely because they live in a territory and not in a State? Have those of us who live in a territory not proven our patriotism and our loyalty during this century? Can we afford to continue to ignore and trample the right to equality in our Nation?

Our Nation fights against injustices throughout the world, but in our own house it promotes unequal policies and programs that adversely affect the lives of its own citizens. Our Nation looks to invest in the future. What could be better than ensuring that all of our citizens enjoy the same rights and privileges? In the millennium let us truly stand as one Nation.

The U.S. citizens in Puerto Rico have a stake in this, our country, and have earned the right to be treated equally with our fellow citizens in the 50 States. I am calling on the wise stewardship of the leaders of this Congress to ensure that when the new century dawns, all Americans are truly equal and equally enjoy not only peace but also our Nation's economic prosperity.

FUNDING FOR NATIONAL DEFENSE

The SPEAKER pro tempore (Mr. BLILEY). Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. MCKEON) is recognized during morning hour debates for 5 minutes.

Mr. MCKEON. Mr. Speaker, I rise to address the House on a subject that is very important to me and our Nation. This subject is funding for our national defense. When the Clinton administration's budget was released, we heard a lot of talk that the President had finally been convinced about the need to increase defense spending. This was significant because his previous six budgets have fallen short of meeting our defense requirements despite the fact that the military deployments and operations tempo were increasing under this administration. However, as we examine the President's budget request more closely, we find once again that the increase which he had promised is failing to materialize. While the President is proposing a slight increase in procurement accounts, research and development accounts are being cut. Furthermore, military construction spending is being slashed by over 35 percent. This is particularly disturbing for two reasons: One, because we are still paying money to finish the base closure process; two, our armed services are having difficulties retaining men and women who are currently serving. As the military-civilian pay gap increases, we cannot expect to retain military personnel while at the same time expecting them to live in 1940 and 1950 era housing while working in outdated facilities. Two weeks ago in the Committee on Armed Services the four service chiefs testified about an $8.7 billion shortfall that they are facing in the next fiscal year. The actual shortfall is greater because the President is relying on favorable economic assumptions and changes in budget rules to make his defense numbers look better than they really are. For example, the Secretary of Defense testified last month before the Committee on Armed Services that low inflation and fuel costs were being factored into the fiscal year 2000 budget. Now, we know that gasoline costs are down. But I was reading in the paper yesterday that they are projecting a 25 percent increase this year. What happens if in the President's budget where he is proposing that we pick up $8 billion because gasoline and oil prices are dropping that in reality they turn around and increase?

Apart from the obvious problems of relying on economic assumptions, it was revealed last week that the Senate is planning on using the projected economic savings as an offset for the fiscal year 1999 supplemental appropriations bill. If these assumptions are used to offset the supplemental bill, then the fiscal year 2000 defense budget will be stretched even thinner. This will make it even more difficult to address shortfalls in research and development, military construction and readiness accounts and will further delay congressional initiatives to improve pay and retirement benefits for active duty military personnel as well as for our veterans.

Mr. Speaker, as a member of both the Committee on Armed Services and the Committee on Veterans' Affairs, I look forward to working with other Members to truly address the needs of those who are providing for the defense of this country.

PROTECT AMERICA'S WORKERS AND SYSTEMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure to reflect for a moment this morning about the importance of our being able to provide livable communities for Americans. A lot of what we deal with on the floor of the House of Representatives at times seems a little obscure to citizens back home, but really what they care about is to make sure that their families are safe when they go out the door in the morning to go to school. They want those families to be healthy, they want them to be economically secure.

I am particularly concerned about that element of safety, Mr. Speaker. I have been witnessing events around the country of late that give me pause. In the Pacific Northwest this last November, we had a tragedy where a bus driver was shot and the bus careened through the guardrail, plunging down below into an apartment house. Thirty passengers were injured. We had a situation just a couple of weeks ago in San Diego where a bus driver was attacked, was raped and we are still trying to solve that situation. Last year in Wisconsin we had a situation where a bus passenger boarded and splashed gasoline around and seriously burned several passengers.

The point of this litany here is not that transit is inherently dangerous. In fact it is not. The statistics are clear that people are far safer taking mass transit than they are driving a car when you look at the accidents, drunk driving, drive-by shootings and carjackings. But we can and should make that transportation experience as safe as possible for the general public and the men and women who provide that service.

The Federal Government has in fact already taken steps, for example, in the area of air traffic. The men and women who provide services to us on airline flights are covered under Federal law. It is important not just for the people who deliver that service but, of course, sending that important signal about what the expectation is from the Federal Government to preserve safety is also very important to protect the passengers themselves.

That is why I am introducing legislation this week to fill this gap, because sadly there is no Federal protection, clear Federal signal about public safety as it relates to the employees who provide transit service by bus and by rail, nor do the 6 million Americans who take transit every day have the peace of mind that such a clear signal would afford. The legislation would make it a Federal crime to intentionally damage mass transit vehicles, impair the ability to safely operate the vehicle, commit an act that would cause the death or serious bodily injury to an employee or a passenger. It is a comprehensive approach to make sure that we do fill this gap, that we do make sure that we are doing everything we can to protect the workers and passengers of America's transit systems.

I hope that my colleagues will join me in cosponsoring this legislation. I think the 6 million riders who rely on mass transit every day to make their communities more livable expect no less of us.

HMO'S PULLING OUT AND NOT RENEWING THEIR CONTRACTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Today, Mr. Speaker, there is one issue that I hear an awful lot about from constituents in my district. I just finished eight town meetings. The question they ask me repeatedly is why are Medicare health maintenance organizations no longer available? It is not an easy question to answer because the issue is a complex one and there is no simple explanation.

Today I would like to share with Members my understanding of some of the major reasons why HMOs have decided not to renew their plans in central Florida and elsewhere in this country. Thus far this action has affected over 440,000 Medicare beneficiaries across this country.

Mr. Speaker, the Balanced Budget Act of 1997 restructured the system for setting the rates by which Medicare pays HMOs. The Balanced Budget Act may have been overly ambitious in setting its deadlines and these ambitious deadlines may be having the opposite effect. HCFA, the Health Care Financing Administration, created numerous problems by issuing interim final regulations that contain overly expansive interpretations of the BBA and are frankly contrary to congressional intent. HCFA also has been rigid in its implementation of the 1997 Balanced Budget Act, even though the act called for flexibility in implementing the new Medicare choice. Nevertheless, HCFA has chosen to be heavy-handed and these regulations have led to less rather than more options and choices for Medicare beneficiaries.

Health plans must also be more flexible to the new Medicare program. The new payments, the requirement for implementation of a risk adjuster, new patient protections with their emphasis on quality and the user fee for providing information to beneficiaries all must be taken into consideration. However, Mr. Speaker, the primary question we are talking about this morning is the disparity in the payments to the various counties. I believe the payment methodology is the main reason why payments are falling behind the rate of medical care inflation and that is why the HMO plans are leaving the Medicare program.

In addition, HCFA has decided to implement a new methodology for calculating the adjusted community rate (ACR). This is how health plans determine the minimum amount of Medicare noncovered benefits that they must provide and the premiums that they can charge for such benefits. The deadline may have been unworkable under the existing time frame.

So, in conclusion, Mr. Speaker, I believe that one of the most compelling reasons for HMOs leaving was that they were asked to file their adjusted community rate, by May 1. It was just not feasible. There should have been more flexibility by HCFA. I wrote a letter to the HCFA administrator to express my concern about the fact that the plans were required to submit proposals by May 1 instead of the traditional November 15 deadline based upon the regulations that were not issued until mid-June of that year.

In central Florida, I have found that many of my constituents no longer have HMOs. They are concerned, I am concerned, and others of us on the Committee on Commerce have expressed deep concern to the administrator of HCFA and we are hoping that the flexibility that is required in the program will be implemented by the new administrator.

The plans that withdrew their Medicare HMO coverage indicated they did so because of the new filing date for ACR's coupled with the knowledge that the risk adjuster proposal being designed by HCFA could result in less payments to plans.

So, Mr. Speaker, for these reasons and others we now must act.

We need to act in a bipartisan manner to help create real choice in Medicare which includes HMO's for all of our senior citizens.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

INTRODUCTION OF LEGISLATION REGARDING GHB, A DATE RAPE DRUG

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I rise to thank the gentleman from Michigan (Mr. UPTON) and the gentleman from Pennsylvania (Mr. KLINK) for the hearing that they will hold this week as part of the responsibilities of the Subcommittee on Oversight and Investigations of the Committee on Commerce. This coming Thursday, that hearing will be held, and I will testify before the Committee on Commerce on GHB, a date rape drug. This uncontrolled substance has been used to commit date rape by rendering victims helpless to defend themselves against attack.

The GHB legislation that I am sponsoring, H.R. 75, is a result of a tragedy that took place in Texas involving a young woman named Hillory J. Farias. Hillory was a 17-year-old athlete and model student who died from an overdose of GHB on August 5, 1996. Throughout the 105th Congress, we worked very hard to hold hearings to introduce this legislation and to introduce this Congress to the importance and the tragedies of the abuse of GHB. Hillory and two friends went out to a club on the night she died. This was a teenagers club, a club that did not sell alcohol. While at the club, she drank only soda. Later that evening she complained of feeling sick and her friends took her home with a severe headache. The next morning her grandmother found her unconscious and not breathing. Hillory was rushed to the hospital where she tragically died.

□ 1100

Hillory was an outstanding athlete, well loved and respected by her fellow peers. Hillory was a good young lady and, therefore, did not deserve this tragic death.

Hillory's death is not the first instance of GHB overdose. In Los Angeles, three men were convicted of using GHB to drug and rape several women. The police found photos depicting sex between the men and the unconscious women. At a New Year's Eve party in 1996, 30 to 50 people collapsed after ingesting GHB. All these victims survived.

Parents, have you heard of the so-called rave parties that are taking the country by a rave? These are teenage parties where GHB is used. The GHB formula can be found on your Internet. GHB can be made in bathtubs by bathtub loads to be able to be utilized by large masses of people. To date there have been 19 deaths officially caused by GHB. There are undoubtedly other deaths that may not have been classified as GHB related because the drug is not part of standard toxicology screen. How many parents are not aware of their young people using GHB?

The Drug Enforcement Administration has been working on placing this drug on Schedule I of the Controlled Substances Act at the Federal level. My bill, H.R. 75, directs the Attorney General to schedule GHB as a Schedule I drug and to establish programs throughout the country to educate young people about the use of controlled substances.

GHB has been used to render victims helpless, to defend against attack, and it even erases memory of the attack, making law enforcement activities very difficult. It is responsible for as many as 60 emergency room admissions in the past 6 months in Houston, Texas alone.

GHB is not legally produced in the United States. It is being smuggled across our borders, or it is being illegally created here. The recipe for this drug can be accessed, as I said earlier, on the Internet.

Scheduling a drug on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses a scheduled drug in any sexual assault crime to suffer penalties on the Drug-induced Rape Prevention and Punishment Act.

This is an act that cannot be done by one committee and one group of Members alone. We look forward to working with the Committee on Commerce in this oversight committee, to work with the Food and Drug Administration to encourage it to hurry with its studies and to be collaborative and cooperative, to stop this abuse of this drug.

It is extremely important that we make sure that we schedule this drug as Schedule I to ensure that we stop the abuse, but also the tragic loss of life. I believe that we must do whatever we can do to stop the abuse of these harmful drugs. We must work with all of the parties who are interested to ensure that this occurs.

I hope that my colleagues will support this legislation and our effort to protect women and others from the violent crime of sexual assault through these drugs, but, as well, to ensure that our young people are safe. Let us strike in a chord of cooperation and bipartisanship and ensure that there is a speedy response to GHB by scheduling it as Schedule I. We call upon both the Department of Justice and the FDA to work with us to move this along as quickly as we can.

On Thursday, I will testify before the Commerce Committee on Gamma Hydroxybutyrate (GHB) a date-rape drug. This uncontrolled substance has been used to commit date rape by rendering victims helpless to defend themselves against attack.

The GHB legislation that I am sponsoring, H.R. 75, is the result of a tragedy that took place in Texas involving a young woman named Hillory J. Farias. Hillory was a 17-year-old athlete and model student who died from an overdose of GHB on August 5, 1996.

Hillory and two friends went out to a club on the night she died. While at the club, she only drank soda. Later that evening, she complained of feeling sick and her friends took her home with a severe headache. The next morning, her grandmother found her unconscious and not breathing. Hillory was rushed to the hospital where she died.

Hillory's death is not the first instance of GHB overdose. In Los Angeles, three men were convicted of using GHB to drug and rape several women. The police found photos depicting sex between the men and the unconscious women. At a New Year's Eve party in 1996, 30 to 50 people collapsed after ingesting GHB. All of these victims survived.

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Scheduling a drug on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses a scheduled drug in any sexual assault crime to suffer penalties under the Drug Induced Rape Prevention and Punishment Act.

I believe we must do whatever we can to stop the abuse of these harmful drugs. I hope my Colleagues will support this legislation and our efforts to protect women and others from the violent crime of sexual assault through these drugs.

RECESS

The SPEAKER pro tempore (Mr. BLILEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Help us to discern, gracious God, that Your spirit not only ministers to us in the depths of our hearts and souls, but Your word also encourages us to be filled with that spirit and go into our communities and world and do those good works that honor You, and help people in their need. We pray that Your spirit would bless and forgive us personally, and also give us enthusiasm to share the gifts of justice and mercy with those in great need in our neighborhoods and in our world. In Your name we pray, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SAVING SOCIAL SECURITY: THE PROGRESS CONTINUES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, even though our economy is doing well and expansion is continuing, each of us wants to be certain that when it comes time for our retirement Social Security will be there for us. Our current senior citizens need this assurance, the baby boomer generation needs this assurance, and our young people need this assurance.

Cynicism runs deep, as illustrated by the fact that today's young people believe that it is more likely that they will spot a UFO than that they will collect Social Security when their time comes. That is why Republicans are showing true leadership by securing 100 percent of the Social Security Trust Fund for exactly that: saving Social Security. We are committed to strengthening Social Security for years to come.

It is important to note that in the 40 years when the Democrats had control of the House, they took hundreds of billions of dollars from Social Security and spent it on other Federal programs. When Republicans took control in 1994, this ended. We balanced the Federal budget, brought about badly needed discipline in our spending activities. So today we must continue, forge a budget agreement that saves and strengthens Social Security. The progress continues.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, this week we will take up H.R. 800, the Education Flexibility Partnership Act. I believe this bill can be improved by amending it to provide for the hiring of 1,000 new teachers.

The need for such an amendment is apparent. Schools across this Nation are struggling because student enrollment has drastically increased. Evidence shows that there is a direct correlation between class size and learning ability. Students in smaller classes, especially in the early grades, make greater educational gains, and maintain those gains over time.

Smaller classes are most advantageous for poor students, minority students, and those living in rural communities. However, all children will benefit from smaller classes.

We need more teachers. It is so critical in maintaining and improving our education system, and more importantly, it indeed is the best flexibility we can provide to our education system.

NUCLEAR UTILITY INDUSTRY IS STRIKING OUT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, let us talk baseball, for once. America's favorite pastime is upon us here in Washington, D.C. and the rich nuclear utility industry is striking out. Today, they are simply a backstop against common sense.

It seems that Secretary Richardson has pitched a proposal to store nuclear waste safely on site until a permanent storage area can be determined to be suitable. A great idea.

To no one's surprise, the nuclear industry has balked at the plan, because it would be paid for, get this, with their money, heaven forbid, and would avoid the potentially dangerous task of shipping nuclear waste across America. Here was a chance for all America to hit a home run, but once again, it seems the nuclear industry is holding out for a bigger contract just so they can get paid and put money in their fat pockets.

Mr. Speaker, the nuclear industry fat cats are trying to build an expensive, taxpayer-paid lobbyist expansion team. Remember, the ballfield is in your district, the team is your constituents, and it is your responsibility to oppose H.R. 45 so we can win one for all America.

H.R. 835: MAKING THE R&D TAX CREDIT PERMANENT

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 835, the bill to make permanent the research and development tax credit. I am proud to be an original cosponsor of the bill, because making the research and development tax credit permanent will help to maintain the stunning economic expansion that America now enjoys.

The R&D tax credit is in place right now. In fact, the Congress has extended this on a stop-go basis since 1981. The bill making the credit permanent would assist companies in research-intensive industries, because they need to know that they can count on the credit being there in order to plan their future.

Imagine if a home mortgage interest deduction was renewed on a stop-start basis by the Congress of the United States. The housing industry would be in chaos, and American citizens would not know whether they could count on it or not.

So I think it is time to make the R&D tax credit permanent, just as the home mortgage interest deduction is, and give American companies the tools that they need. We need to continue to expand this economy and keep it stunning. I urge my colleagues to support it.

TRIBUTE TO STEVE MARTIN

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, I rise today with sadness to remember the life of a thoughtful young man from my district. Steve Martin was a friend to so many of us, and his mother, Thelma, is one of my dearest friends and supporters. Steve was taken from us several weeks ago in a tragic and horrifying accident that shocked us all.

I wish I could offer up some sense of what happened, but the truth is there is no earthly answer. Only God in His infinite wisdom knows His plan for each of us.

Steve had his mother's commitment to volunteerism and service to others. He never hesitated to roll up his sleeves and go to work to do what is right. Indeed, there is much to celebrate about a life that was filled with so much promise and was touched by so many people.

I sincerely hope that Thelma and her family can draw strength in these days ahead from those of us who care so deeply for them, and they will continue to trust in God's eternal promise.

CHINA CONTINUES TO THREATEN NATIONAL SECURITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even though China threatened to nuke Taiwan, reports say the White House had planned to sell sophisticated satellites to a group of "Chinese businessmen."

Unbelievable. Thank God the Pentagon intervened. According to the New York Times, this group of Chinese businessmen turned out to be the Red Army. The Red Army, I say to my colleagues.

I have said it before, and I will say it again. With policies like this, I believe we should hire a proctologist and assign him to the White House to do some training with their bureaucrats.

I yield back what national security we have left.

TRIBUTE TO HAVIS HESTER

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, I want to take this opportunity today to honor a public servant in Pine Bluff, Arkansas by the name of Havis Hester for his years of hard work and commitment, who has given himself to the citizens of Jefferson County, Arkansas.

Havis was born on April 29, 1933 on the porch of a one-room house in south

Arkansas. From an early age, he always felt a need to heal the physical pain of others.

Because his family was poor, he could never afford to attend medical school. Instead, at the age of 16, Havis became an orderly at our Davis Hospital. Over the next 20 years, Havis did what he could to relieve the physical pain of patients. He did this work as a ministry, and with such good humor and professionalism that he earned a promotion.

In 1970, Havis ran unopposed as coroner of Jefferson County. Building on his desire to mitigate the physical pain of patients, he sought to soothe the emotional pain of those left behind. He also fought to end drug abuse by helping to start the Drug-Free Jamboree.

Now, after his 28 years of heart felt public service and compassion, I want to personally thank Havis for sharing his light and goodness with the people of Jefferson County, Arkansas.

SUPPORT H.R. 835, MAKING THE R&D TAX CREDIT PERMANENT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, today I rise to call on this Congress to pass legislation to make permanent the Federal Research and Development Tax Credit. I am a strong supporter and an original cosponsor of H.R. 835, which really is a bipartisan piece of legislation sponsored by Representatives JOHNSON and MATSUI to make it permanent. It is also one of the top issues of the new Democratic coalition for this Congress.

The R&D tax credit provides an essential incentive for companies to increase their investment in U.S. research and development. The R&D tax credit is important to the Research Triangle Park and the rest of my district in North Carolina, which happens to be the home for 3,100 information technology establishments and over 195,000 technology employees, and with a payroll of $5.1 billion.

This tax credit is so important because it provides a base amount, but North Carolina has an amount tied to that that will make a difference, and if the Federal is lost, so will be the State. We need to make it permanent this year.

Unless companies can consistently depend upon the combined Federal and State tax credit year in and year out, we risk the ground-breaking research that is provided for job placement.

SAVING SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, a moment on Social Security. I think we are moving ahead very quickly. The challenge is still that the Democrats and the Republicans should not demagogue our efforts to try to save Social Security.

A decision was made last week with the Republicans that we are going to set aside 100 percent of the Social Security surplus.

I have a bill that I introduced last January. I invite the cosponsorship of Republicans and Democrats. Let me just briefly tell my colleagues what that bill does.

It says that we are going to lower the public debt. We are going to pay off the debt to the public for every dollar that comes in in surplus from Social Security until we use that money, the Social Security surplus, to save Social Security. It is important that we move ahead, and it is important that we work together in a bipartisan effort.

PRIVATIZING MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the National Commission on the Future of Medicare is poised to recommend to the President and the Congress that one of our Nation's best government programs, Medicare, be delivered to the private insurance market. There is nothing new here. Conservative newspapers like the Wall Street Journal and the Washington Times, and conservative Republicans, have been trying for years to privatize Medicare. Privatize, they say, in order to save it.

This is a critical time for Medicare. The program faces significant financial difficulty, in part because of the impending retirement of baby boomers and the fact that people are living longer. The Republican answer has been to move Medicare beneficiaries into managed care and create Medicare medical savings accounts. Privatize the program in order to save it.

Medicare is a fundamental part of the fabric of our country. Thirty-three years ago, before Medicare, half of the elderly of this country had no health insurance. Today, virtually everyone over 65 is covered by Medicare.

Meanwhile, the private insurance industry leaves 43 million Americans uninsured. That is why our public institutions like Medicare and Social Security are so important. We must keep Medicare the successful public program that it is.

NEW TITLES FOR FEDERAL GOVERNMENT BUREAUCRATS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the Clinton administration announced once that it was committed to reinventing government. But according to a new Brookings Institute study released yesterday, it sounds like the administration is just reinventing job titles.

Yesterday the Brookings Institute released a study, detailed in the Washington Post, that discussed this phenomenon of title creep. It stated, This administration has created as many new job titles during its 6 short years than the past seven administrations created over the preceding 33 years. Listen to some of the more inventive titles they came up with: Principal Assistant Deputy Under Secretary, Associate Principal Deputy Assistant Secretary, and my personal favorite is Principal Deputy to Deputy Assistant Secretary.

The Federal Engraving and Printing office must be working overtime on these new business cards, Mr. Speaker. It is amazing they can even fit the title on one small card.

What does all this mean to the average taxpayer? It means more layers of bureaucracy, more delays, and more interference. It is hard to imagine that the American taxpayer is getting anything out of these extra layers of bureaucracy except perhaps a big headache.

But in the true spirit of the Clinton vision of reinventing government, I have decided to take a new title for myself. Imagine my new impressive business card, when it says, RICHARD K. ARMEY, B.A., M.A., Ph.D., M.C., Principal Deputy Underspeaker of the House of Representatives for the United States of America.

A TRADE WAR ON BANANAS THAT AMERICA SHOULD NOT BE IN

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, the United States is in a trade war with the European Union. It is in a trade war about bananas. We do not grow any bananas in the United States. How did we get into this trade war? One man, Carl Lindner, has triggered a trade war, Carl Lindner of Chiquita Bananas.

How did this happen? It is very simple. The European Union has a relationship with the Eastern Caribbean. The European Union that was once the colonizers, when they left independence to the colonies, they created a relationship so that these colonies could sell their bananas and be independent.

Carl Lindner cannot compete with the Eastern Caribbean, and our Trade Representatives, starting with Mickey Kanter, and before, Charlene Barchefsky, who promised we would not get into this trade war, took this issue before the World Trade Organization. They made the case on behalf of

Carl Lindner, who is everybody's friend, Democrats and Republicans, and he has gotten us into this trade war.

We had better wake up. This is not something we should be in. I am going to talk about this a lot.

REPUBLICANS WANT LOCAL, NOT FEDERAL, CONTROL OF EDUCATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, Republicans continue to work on what we call the BEST agenda: B for balancing the budget and paying down the debt, E for excellence in education, S for saving social security and Medicare, and T for lowering taxes on the middle class working families in America.

Let me talk a little bit about E for education. When I was in 11th grade back at Clark Central High School in Athens, Georgia, I had a wonderful teacher, Mrs. Musik. Now Mrs. Musik was tough. You could not split an infinitive, you could not dangle a participle in her class. She expected you to learn grammar. She expected you to read Emerson and Thoreau.

But she was the master. When she went in there, she did not have to answer to the Board of Education in Atlanta or the folks in Washington, the bureaucrats who want to run the classroom today. She was in charge.

That is what we want in the Republican Party, local control of education: letting the teacher run the classroom, not the Washington bureaucrats.

SOCIAL SECURITY AND MEDICARE

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, more than 400,000 elderly Mississippians depend on Medicare for their health care. In my home district in Mississippi, the Fourth District, close to 93,000 elderly people depend on Medicare. Without the Medicare system, many people in Mississippi and across the country would have to live without health care.

Right now we have the opportunity to protect both social security and Medicare by reserving nearly 80 percent of the budget surplus to ensure the solvency of social security through 2055 and Medicare through 2020.

Look to the fact that prior to Medicare's introduction in the early sixties, 55 percent of Americans who reached the age of retirement lived in poverty. That number is less than 10 percent today. That decline can be attributed to the success of the Medicare system.

We cannot leave Medicare out in the cold, this valuable program which is so special, in order to offer a massive tax cut. We should take the opportunity to protect social security and Medicare, and offer the targeted tax cuts to working families who need them.

CONGRESS IS WAITING FOR THE PRESIDENT'S SOCIAL SECURITY PROPOSAL

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, the President has been talking about the need to save social security for a number of weeks now, but the talk has not advanced beyond general talking points and rough outlines. That is fine for television and for public relations, but Congress needs a proposal.

We have heard over and over again that the White House is ready to work with Congress in a bipartisan manner to reform social security, but we are waiting. We have not seen any legislation or even a sign of legislation coming.

Rhetoric is great, but now is the time to get to work. Congress has even set aside an honored spot for the President's social security bill, H.R. 1. Congress will immediately get to work on this bill as soon as it arrives.

It is time for the President to answer some questions about his social security proposal, particularly questions about the double-counting of imaginary money that it contains, double-counting that adds up to more than $2 trillion. H.R. 1 is a starting point. Now let us get started.

MEDICARE, SOCIAL SECURITY, AND PAYING DOWN OUR DEBT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, Medicare and social security are two of the greatest programs for our citizens. They provide the two fundamental keys to retirement security, medical and financial security.

Before this Congress spends the budget surplus either on tax cuts or anything else, we have a responsibility to every American, past, present, and the future, to save these two American treasures, and also to pay off at least some of our national debt.

The bad news will only come if people try to make these programs more political or, worse yet, to dismantle social security and Medicare. Retirement security and senior health care are popular with the American people for a simple reason, because they work, and they have worked for many years, and paying down the national debt just make common sense.

PATIENTS' BILL OF RIGHTS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I believe there is no greater issue that confronts this Congress and the Nation than health care reform. This is not a Democratic issue, this is not a Republican issue, but rather, a matter whose urgency and scope should unite all of us in a bipartisan effort to ensure that each and every American can obtain affordable coverage to meet their health care needs.

This is why I am pleased to join the gentleman from Michigan (Mr. DINGELL) and my colleagues as an original cosponsor of the Patients' Bill of Rights. Mr. Speaker, my constituents, the hardworking people of Queens and the Bronx, strongly support the enactment of comprehensive health care legislation, as the vast majority of them are in favor of the Patients' Bill of Rights.

We must pass legislation that guarantees access to specialized care, common sense emergency room treatment, and the ability of women to have direct access to OB–GYN care. We as a Congress must protect the millions of Americans who are in managed care programs, and provide them with the highest quality of health care possible.

ENCOURAGING THE REPUBLICAN LEADERSHIP TO JOIN DEMOCRATS IN MAKING DEBT REDUCTION A PRIORITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, today I rise to encourage the Republican leadership to join my colleagues in making debt reduction a priority. My Democratic colleagues have made a commitment to dedicate the surplus to saving social security and Medicare and paying down the debt. This is the fiscally responsible decision to be made.

For the first time in a generation we will have a surplus. We are finally in the black. Just because we have some money on the positive side of the ledger, we cannot let spending fever grip Congress. I know my colleagues on the other side of this aisles want to dole out tax cuts, but now is not the time. While across-the-board tax cuts may sound attractive, it is not the most opportune time to indulge. The truth is that such a tax cut will only benefit the most affluent Americans.

We must practice fiscal responsibility and restraint. If we dedicate the surplus to paying down the debt, we can put money in the pockets of hardworking families. What I mean by that is that we can reduce the debt from $3.7

trillion to $1.3 trillion. Such a reduction will have a ripple effect on our economy. All Americans stand to gain. Economists believe that this kind of reduction would result in lower interest rates.

THE 1999 TRADE POLICY AGENDA AND THE 1998 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1999 Trade Policy Agenda and the 1998 Annual Report on the Trade Agreements Program. This report includes the Annual Report on the World Trade Organization, as required by section 124 of the Uruguay Round Agreements Act (19 U.S.C. 3534).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1999.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS, FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce.

To the Congress of the United States:

It is my pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1997.

The Arts Endowment awards more than one thousand grants each year to nonprofit arts organizations for projects that bring the arts to millions of Americans. Once again, this year's grants reflect the diversity of our Nation's culture and the creativity of our artists. Whether seeing a classic theatrical production in Connecticut or an art exhibition in Arizona, whether listening to a symphony in Iowa or participating in a fine arts training program for inner-city students in Louisiana, Americans who benefit from Arts Endowment grants have experienced the power and joy of the arts in their lives.

Arts Endowment grants in 1997 supported:

—projects in theater, dance, music, visual arts, and the other artistic disciplines, demonstrating that our diversity is an asset—and helping us to interpret the past, understand each other in the present, and envision the future;

—folk and traditional arts programs, which strengthen and showcase our rich cultural heritage; and

—arts education, which helps improve our children's skills and enhances their lives with the richness of the arts.

The arts challenge our imaginations, nourish our spirits, and help to sustain our democracy. We are a Nation of creators and innovators. As this report illustrates, the NEA continues to celebrate America's artistic achievements and makes the arts more accessible to the American people.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

If a recorded vote is ordered on House Concurrent Resolution No. 28 relating to human rights abuses in China, that vote will be taken today. If a recorded vote is ordered on any remaining motion, those votes will be postponed until tomorrow, Wednesday, March 10, 1999.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 540) to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program.

The Clerk read as follows:

H.R. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Home Resident Protection Amendments of 1999".

SEC. 2. RESTRICTIONS ON TRANSFERS OR DISCHARGES OF NURSING FACILITY RESIDENTS IN THE CASE OF VOLUNTARY WITHDRAWAL FROM PARTICIPATION UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1919(c)(2) of the Social Security Act (42 U.S.C. 1396r(c)(2)) is amended by adding at the end the following new subparagraph:

"(F) CONTINUING RIGHTS IN CASE OF VOLUNTARY WITHDRAWAL FROM PARTICIPATION.—

"(i) IN GENERAL.—In the case of a nursing facility that voluntarily withdraws from participation in a State plan under this title but continues to provide services of the type provided by nursing facilities—

"(I) the facility's voluntary withdrawal from participation is not an acceptable basis for the transfer or discharge of residents of the facility who were residing in the facility on the day before the effective date of the withdrawal (including those residents who were not entitled to medical assistance as of such day);

"(II) the provisions of this section continue to apply to such residents until the date of their discharge from the facility; and

"(III) in the case of each individual who begins residence in the facility after the effective date of such withdrawal, the facility shall provide notice orally and in a prominent manner in writing on a separate page at the time the individual begins residence of the information described in clause (ii) and shall obtain from each such individual at such time an acknowledgment of receipt of such information that is in writing, signed by the individual, and separate from other documents signed by such individual.

Nothing in this subparagraph shall be construed as affecting any requirement of a participation agreement that a nursing facility provide advance notice to the State or the Secretary, or both, of its intention to terminate the agreement.

"(ii) INFORMATION FOR NEW RESIDENTS.—The information described in this clause for a resident is the following:

"(I) The facility is not participating in the program under this title with respect to that resident.

"(II) The facility may transfer or discharge the resident from the facility at such time as the resident is unable to pay the charges of the facility, even though the resident may have become eligible for medical assistance for nursing facility services under this title.

"(iii) CONTINUATION OF PAYMENTS AND OVERSIGHT AUTHORITY.—Notwithstanding any other provision of this title, with respect to the residents described in clause (i)(I), a participation agreement of a facility described in clause (i) is deemed to continue in effect under such plan after the effective date of the facility's voluntary withdrawal from participation under the State plan for purposes of—

"(I) receiving payments under the State plan for nursing facility services provided to such residents;

"(II) maintaining compliance with all applicable requirements of this title; and

"(III) continuing to apply the survey, certification, and enforcement authority provided under subsections (g) and (h) (including involuntary termination of a participation agreement deemed continued under this clause).

"(iv) NO APPLICATION TO NEW RESIDENTS.—This paragraph (other than subclause (III) of clause (i)) shall not apply to an individual who begins residence in a facility on or after the effective date of the withdrawal from participation under this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to voluntary withdrawals from participation occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 540, the Nursing Home Resident Protection Amendments of 1999. This measure will protect the health and dignity of nursing home residents who rely on Medicaid.

In a hearing of my Subcommittee on Health and Environment on February 11, Mr. Nelson Mongiovi described the trauma that his mother suffered when she was targeted for eviction by her nursing home in Tampa, Florida. That facility attempted to evict over 50 Medicaid residents last year under the guise of remodeling their wing.

In fact, those residents were targeted for eviction solely, solely because they relied on Medicaid. Although a court halted the evictions in Tampa, this was not an isolated incident. Discrimination against Medicaid residents has also been reported in other States.

HCFA estimates that an average of 58 nursing homes voluntarily withdraw from the Medicaid program each year. In an informal survey of 47 States' ombudsmen, 15 cited transfer and discharge violations as highly problematic.

To stop this outrageous practice, the gentleman from Florida (Mr. JIM DAVIS) and I worked on a bipartisan basis to draft H.R. 540. Our bill adopts a simple and fair approach. It protects current nursing home residents from eviction when their facility withdraws from Medicaid. It does not, and I repeat, it does not force nursing homes to remain in the Medicaid program, and facilities may continue to decide which residents to admit in the future.

If a facility, however, withdraws from the program, H.R. 540 requires the home to provide clear notice to future residents that it does not accept Medicaid payments. This safeguard will prevent new residents from assuming that they can remain in a facility once they exhaust their assets and become Medicaid-eligible.

This legislation, Mr. Speaker, is necessary to close a loophole that exists under current law. In testimony before my subcommittee, Mike Hash, Deputy Administrator of HCFA, stated clearly, and I quote him, "We do not have the authority to prevent evictions of Medicaid patients if nursing homes leave the Medicaid program."

I represent a district, Mr. Speaker, with one of the highest concentrations of senior citizens in the country. I am committed to reforming our Nation's long-term care system.

□ 1230

The bill before us is part of a larger effort to remedy these problems. It addresses one serious concern by guaranteeing that nursing home residents and their families will not have to live with a fear of eviction.

H.R. 540 is a responsible measure supported by a broad range of seniors' advocates, including AARP, the Seniors Coalition, and the 60 Plus Association. In addition, the nursing home industry and the administration have endorsed the bill. It is the product of our bipartisan effort to improve safeguards for vulnerable residents of nursing homes.

I am proud to bring H.R. 540 to the floor as the first measure approved by my subcommittee in this Congress. Passage of this bill sends a clear message that we put patients ahead of profits. I urge all Members to vote in favor of H.R. 540.

Before I sign off, Mr. Speaker, I would like to express my gratitude to the gentleman from Virginia (Chairman BLILEY), to the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN), and of course to the staffs, Todd Tuten of my personal staff, and Mr. Mark Wheat and Mr. Tom Giles of the committee staff, and of course, Mr. John Ford, the head of the minority staff.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Mr. DAVIS) for his hard work and obvious commitment to preempting further mistreatment of low-income nursing home residents.

I would also like to recognize the outstanding efforts of the gentleman from Florida (Mr. BILIRAKIS). Under his thoughtful leadership, this subcommittee worked on a fully informed bipartisan basis to move this important piece of legislation.

H.R. 540 has symbolic as well as practical importance. In practical terms, it tells nursing facilities they cannot provide a home to some patients and a boarding house to others.

There are more than 90,000 licensed nursing home beds in my home State of Ohio. They are licensed for the purpose of providing long-term care. That purpose should not vary with the income status of the patient.

It is abusive to evict a Medicaid or pre-Medicaid patient without notice or without cause. But nursing homes in Florida and Indiana did just that, abandoning their residents along with the premise that long-term care signified anything more than short-term profit making.

The practical purpose of this bill is to prevent that kind of mistreatment from recurring. Its symbolic purpose is to assert that nursing home residents are not to be mistreated, period.

When Congress repealed the Boren Amendment, it in effect silenced nursing homes, removing their right to appeal inadequate reimbursement. If nursing homes are truly being underpaid, then they are not the only ones to blame for the mistreatment of nursing home residents. We should rethink the 1997 Congressional appeal of the Boren Amendment.

H.R. 540 is a bold effort because it says Congress can, in fact, prevent mistreatment of Medicaid beneficiaries. Congress should pass H.R. 540 for the sake of low-income seniors and their families and because it is the right thing to do.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Florida (Mr. DAVIS) who worked so hard on this bill.

Mr. DAVIS of Florida. Mr. Speaker, more so than ever before in the history of our country Americans are outliving their savings and good health. Many of these men and women defended our country in times of war and built our country through their hard work and sacrifice. These men and women are our parents and grandparents. Thanks to them, we enjoy a lot of the success and opportunity we have today. Many of these seniors are now in nursing homes across the country, and now it is our turn to care for them.

The issue before us today is protecting Medicaid residents from being evicted from nursing homes. The issue is preventing nursing homes from draining a patient's savings dry and then kicking them out because Medicaid is needed to pay the nursing home bill.

I believe that nursing home residents and their families should not have to live with fear of eviction based on how they pay their bills. It is unfair and flat out wrong that our most vulnerable and frail citizens, and their families, must worry about being evicted in nursing homes in favor of people who can pay higher rates.

The bill before us today provides security for these patients and their families by ensuring that they cannot be evicted from a nursing home in favor of higher paying patients if the nursing home chooses to voluntarily withdraw from the entire Medicaid program. Very simply, Mr. Speaker, our bill will ensure that our nursing homes do not put profits ahead of patients.

In April of 1998, a nursing home in my hometown of Tampa, Florida, in Hillsborough County, tried to evict 54 Medicaid residents, including Adelaida Mongiovi, under the guise of emptying their facility for remodeling. A judge halted the evictions, and the nursing home then told residents they could stay. If it had not been for the commitment and determination of the Mongiovis, we would not be here today.

Mr. Speaker, I would like to thank Nelson and Geri Mongiovi, Adelaida's son and daughter-in-law, for their commitment for their loved-one and for bringing this issue to the forefront. Although Adelaida Mongiovi passed away late last year, I know that she is proud of her son and daughter-in-law for continuing to volunteer at that nursing home every day and for fighting for the rights of those nursing home residents. I am proud to represent them. The Mongiovis are a clear example of how citizens throughout this country can identify problems that need to be addressed by Congress and persuade Congress to do the right thing.

After the judge halted the evictions in Tampa, an investigation by the Florida Agency for Health Care Administration found the evictions were based solely on the fact that these residents relied on Medicaid to pay their bills. The nursing home was subsequently fined by both the State and Federal Government.

Opponents of this legislation will argue that what the nursing home in Tampa did was illegal and that current law prevents them from evicting Medicaid residents. Mr. Speaker, that is simply not true. Yes, the nursing home in Tampa was fined because they did not follow legal procedures for transferring and discharging patients. However, if they had followed those procedures, it would have been perfectly legal for them to remove these most frail and vulnerable citizens.

Under the current law, one of the criteria for transferring or discharging a nursing home resident is failure to pay. If the national chain that operated the nursing home in Tampa had been honest about what they were attempting to do, withdrawing from the Medicaid program, and had notified the residents and families of their intention to withdraw, they could have legally evicted these Medicaid residents for failure to pay their bills. If a nursing home no longer accepts Medicaid payment and the resident has no other means to pay their bill, they have failed to pay their bills.

According to the Health Care Financing Administration, about 58 nursing homes a year over the last 3 years have voluntarily withdrawn from Medicaid. It has been reported that in one nursing home chain alone, Medicaid residents were evicted in 13 homes in 9 separate States as part of a corporate plan to withdraw an additional 25 homes from the Medicaid program.

This is not just a Florida problem. It is a national problem which must be addressed by Congress. There are incidents of evictions and improper transfers of Medicaid residents in nursing homes in Indiana, California, Tennessee and other States. As a result of this problem, California passed legislation prohibiting these mass evictions by requiring the nursing homes that withdraw from Medicaid to wait until the patients die or choose to leave the facility.

While the Omnibus Budget Reconciliation Act of 1987 established standards to guard against resident abuse, nothing in current law protects Medicaid nursing home residents who rely solely on Medicaid to pay their bills. Residents who spend their life savings on a lengthy nursing home stay are at the mercy of a facility which could later decide to dump them based solely on the fact that they are using Medicaid to pay their bills.

H.R. 540 is simple and fair. This bill prohibits nursing homes who have already accepted a Medicaid patient or private pay patient from evicting or transferring that resident based on his or her payment status. Nursing homes may continue to decide which residents are admitted to their facility and could withdraw entirely from the Medicaid program. However, they will not be permitted to dump these residents once they are admitted.

Under this bill, nursing homes can still voluntarily leave the Medicaid system, and they should be free to do so. However, residents need minimum protection once they enter these facilities which have left Medicaid.

Many residents enter a facility as private paying clients with the expectation that they will become eligible for Medicaid when they have depleted their personal assets by paying for their care. Sixty-three percent of nursing home residents who enter a nursing home do so as a private pay patient and exhaust their personal savings in just 13 weeks, and 87 percent of them exhaust their savings in just 36 weeks.

H.R. 540 addresses this problem. If a patient enters a nursing home with the expectation that they will be eligible for Medicaid coverage in the future, they will, in fact, be protected should the nursing home withdraw from the Medicaid program in the midst of their spend down of personal assets.

Another protection included in the bill is advance notification when the nursing home decides not to participate in the Medicaid program. Under this provision, if a nursing home no longer participates, it must provide clear and conspicuous notice to future residents that the nursing home does not participate in the Medicaid program and it does not accept Medicaid patients.

Mr. Speaker, fortunately, I have not yet and hopefully will not have to experience having a loved one in a nursing home. I can only imagine what a trying and stressful time that must be. This provision of the bill is intended to relieve some of the stress of that situation. Under our bill, family members will know in advance whether the nursing home they are choosing to enter their loved one in is the appropriate nursing home for them.

I am pleased this bill has received bipartisan support in the House with 62 cosponsors. I want to thank the gentleman from Florida (Chairman BILIRAKIS) for his support of the legislation and for moving it so swiftly through the House of Representatives. I want to also thank the gentleman from Michigan (Mr. DINGELL), the ranking Démocrat on the Committee on Commerce, and the gentleman from Ohio (Mr. BROWN), the ranking Democrat on the Subcommittee on Health and Environment, for their support.

In addition to their support of this bill, the bill is supported by many senior citizen advocacy groups, including the National Senior Citizens Law Center, the AARP, the National Citizens' Coalition for Nursing Home Reform, the Seniors Coalition and the 60 Plus Association.

Mr. Speaker, in closing, 1.6 million nursing home residents are at risk of eviction if this legislation is not approved. To these most vulnerable citizens, their nursing facility is, in fact, their home. Everyone should feel safe and secure in their home, including residents in nursing homes.

I urge my colleagues to join me in passing this bill to prevent our most frail and vulnerable citizens from being evicted from their homes.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida (Chairman BILIRAKIS) for yielding me this time.

Mr. Speaker, let me just say that it would appear that the challenge of future nursing home care is as much a challenge as Social Security or Medicare or Medicaid. As we look at the dramatic demographics in the changes of an increased senior population, the challenge in the future is even going to be more overwhelming.

My neighbor, Eddie Michel, of Addison, Michigan, came to me a couple of years ago concerned about the care that her mother was getting in a nursing home. That was a factor in my request from GAO along with the gentleman from Michigan (Mr. DINGELL) and others that GAO investigate the Federal compliance with our rules in terms of the care in nursing homes. That report, at a press conference, will be released officially on March 18 of this month.

In conclusion, let me say that I compliment the gentleman from Florida (Chairman BILIRAKIS) for bringing this bill forward and for all of the people that have supported this kind of legislation. I hope that we can work together in a bipartisan effort in the future to face the challenge of the tremendous cost of nursing home care in the future. A logical alternative, of course, is expanding the kind of legislation that is going to make it easier for seniors to live in their own homes. It is going to be a significant challenge. I look forward to working with Republicans and Democrats.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 540, the Nursing Home Residents Protection Amendments of 1999. This legislation provides new and strengthened authority to protect frail elderly and disabled nursing home residents who rely on the Medicaid program for their support.

This legislation was developed in response to an action by the Vencor nursing home chain to withdraw from the Medicaid program and evict residents in the facility whose care was paid for by Medicaid. The bill was developed by our colleague, the gentleman from Florida (Mr. DAVIS), with strong bipartisan support, including that of the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce. Further, it has the strong support of the administration, consumer groups, and others.

Yet, during the consideration of this bill, the gentleman from Oklahoma (Mr. COBURN) raised concerns about the unintended consequences that he thought might be possible. He feared States will take advantage of the requirement that nursing homes must continue to care for Medicaid patients once they are a resident in the facility and would reduce their Medicaid payments to those facilities.

I think it is important to separate the issues here. First, there is no question that the residents in the facilities deserve protection, as the bill would give them. What a State may do with its reimbursement rates should not be used as an excuse to put the resident patients at risk.

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But the issue of adequate payment to Medicaid nursing homes so that they can provide quality care to their residents is an important issue. And let me remind my colleagues we used to have a provision in the Medicaid law, the so-called Boren Amendment, that required States to pay nursing homes reasonable and adequate rates, rates that would allow an efficiently run facility to provide the required care. That provision was repealed in the Balanced Budget Act.

I believe that was a mistake. I think the concerns some of my colleagues have raised, that State payments might be inadequate to support what we are requiring in this bill, is a strong argument to return to consideration of the Boren Amendment. It should be part of the Medicaid law.

So I urge my colleagues to support this bill that is before us. I urge that we also return to a reconsideration of the Boren Amendment at some time in the future, and the assurance that Medicaid payments are reasonable and adequate to provide the quality care we all support for the frail elderly and disabled people who are in nursing homes.

I urge support for the bill and appreciate this opportunity to make these comments for the RECORD.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague very much for his kindness and thank the chairman and all of the cosponsors for a very needed and instructive piece of legislation.

Mr. Speaker, H.R. 540 is long overdue. This bill prohibits nursing homes from evicting patients who receive Medicaid after the facility has voluntarily withdrawn from the Medicaid program.

Let me say that I have experienced this in recently walking through a nursing home facility in my district, receiving many, many calls from constituents who have loved ones in nursing homes near their community. This was a different set of facts, because this happened to be a nursing home that was being sold, and the word went out that these individuals, these family members, would be dispersed throughout the State, moved away from their particular loved ones. What an enormous burden. What a responsibility. What a feeling of helplessness.

This bill helps in another area, where a particular nursing home no longer uses Medicaid and they seek to replace the Medicaid-based patients with those who can privately pay.

Nursing homes provide long-term medical and residential care to patients with complex medical needs, and these services should not be based on the patient's receipt of Medicaid.

Traditionally, nursing facilities provided long-term custodial services for the elderly. However, age is no longer the predominant factor in determining a patient's need for long-term care. Nursing facilities also care for children and other adults with mental and physical disabilities and other chronic illnesses.

Despite this trend, the elderly continue to need the long-term care services provided by nursing facilities due to chronic illnesses, such as Alzheimer's and Parkinson's disease. So many Americans do not plan for their long-term care and later become impoverished when their private insurance runs out.

Medicaid is the major funding source for long-term care at most nursing facilities. I realized that many of those who I saw were individuals who no longer had any family members.

It covers almost 52 percent of the cost which includes room, board and nursing care. Although Medicaid will only pay for nursing care for patients who meet a state-determined poverty level, half of the nursing home residents eventually rely on Medicaid because they have depleted their financial resources.

This bill is important to protect the rights of patients who receive Medicaid. Nursing facilities cannot evict patients because it voluntarily chooses to withdraw from the Medcaid program.

This bill is an important bill, Mr. Speaker, to protect the rights of patients who receive Medicaid. I ask my colleagues to join us in supporting H.R. 540.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would just merely communicate that we have checked with HCFA. We are trying to address a concern raised by a member of the subcommittee. There is no record of Medicaid reimbursement reductions. Further, in CBO's opinion, and I quote them, "Nursing facilities are highly dependent on Medicaid revenue. Therefore, it is unlikely that there would be a large-scale withdrawal from Medicaid program participation under current law."

And, additionally, something maybe we are overlooking or forgetting, the 1997 Balanced Budget Act, which did repeal the Boren Amendment, directed the Secretary of Health and Human Services to study these concerns. HHS must report to Congress by August 2001 on the effect of States' reimbursement rates on nursing home patient care.

I also would like to read from three comments that we have received in writing from Florida Secretary of Elder Affairs, Secretary Hernandez.

> I applaud and strongly support your efforts to provide additional protection to elders. The evidence is overwhelming that, without extraordinary preparatory efforts that are hardly ever made, any move is harmful for the preponderance of the frail elderly; the technical term is "transfer trauma".

And from AARP, Mr. Horace Deets, the Executive Director,

> H.R. 540 establishes clear legal authority to prevent inappropriate discharges, even when a nursing home withdraws from the Medicaid program. AARP believes this is an important and necessary step in protecting access to nursing homes for our Nation's most vulnerable citizens.

And from Mr. James L. Martin, President of the 60 Plus Association, in testifying before our committee, when he said,

> Nursing homes become just that. They are not a hospital room, nor a hotel room, they are a "home" to these patients. Attrition, not eviction, should be the rule, so indigent patients do not suffer relocation trauma.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to simply ask for a "yes" vote on H.R. 540 and again thank the gentleman from Florida (Mr. DAVIS) for his exceptional work.

Mr. STARK. Mr. Speaker, nursing home residents and their advocates welcomes speedy passage of this bill, which is designed to prevent facilities that prospectively withdraw from Medicaid from kicking out frail elderly people whose care is paid for through that program.

Last April, the Wall Street Journal brought national attention to evictions of Medicaid residents from a nursing home in Indiana run by the chain Vencor, Inc. Subsequently, Florida fined a Vencor facility in Tampa $270,000 for doing the same thing.

The legislation before us today is only a first step. Congress can and should enact additional legislation to confirm the Health Care Financing Administration's authority to prevent nursing homes that are reimbursed by Medicaid from arbitrarily changing the number of beds allocated for residents who are enrolled in this program. If we fail to do this, facilities will continue dumping elderly people who are admitted as private-pay residents, and later told that they must leave once they have "spent down" because "no Medicaid beds are available."

Similarly, we should ensure that seniors are protected who are Medicaid-eligible at the time they seek admission to nursing homes. Too often, facilities tell these folks that their Medicaid beds are full, in hopes that a patient who can afford to pay a higher private rate will soon apply.

Such discriminatory practices, which are unfortunately all too common today, deny needed care and services to vulnerable elderly individuals who deserve our help. Yet under current law, seniors and their families have very limited ability to seek redress. The legislation we are considering today will protect some residents now living in facilities that choose to withdraw from Medicaid. However, few nursing homes voluntarily withdraw from Medicaid. And for those who are denied admission in the first instance as Medicaid enrollees, or who are asked to leave after they have exhausted their resources, this proposal is not an answer.

In the coming weeks, I will introduce legislation designed to add protections to Medicare and Medicaid to bolster enforcement efforts and improve residents' rights. I hope my colleagues will join me in supporting additional efforts to improve the quality of care in our nation's nursing facilities.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of this important legislation to protect some of the most vulnerable in our society—residents of nursing homes.

This bill would prohibit a nursing home from discharging or transferring a resident if the nursing home voluntarily withdraws from Medicaid. It would also require nursing homes that do not participate in Medicaid to inform individuals who would become residents that it does not participate in Medicaid and that it may transfer or discharge such a resident if he or she no longer is able to pay on their own, even if they become Medicaid-eligible.

The series of events that brought us this legislation are the worst nightmare for nursing home residents and their families. In April, 1998, a Tampa, FL, nursing home attempted to evict 52 Medicaid residents under the guise of remodeling the facility. Eventually, after the courts and the state intervened, the nursing home relented and invited back all the discharged patients.

But the point is not that the residents are back in their nursing home. The point is that they shouldn't have had to put up with this callous and potentially fatal disruption in their lives. The culmination of a year of confusion came last April. As Nelson Mongiovi of Tampa testified before the Health Subcommittee last month, when he went to the facility where his mother was living after newspaper stories began to appear about Medicaid dumping:

> (I) saw many residents being moved out so rapidly that no one knew what was going on. The residents were crying hysterically, not knowing what was happening or where they were going. Within two days, ten residents had been evicted from this facility . . . There was utter chaos at the facility at this time with everyone, residents and family members, trying to determine what, if anything, would we be able to do.

Mr. Speaker, this legislation will hopefully put an end to scenes like that.

Protection for Medicaid-eligible nursing home residents is critical because of the large proportion of residents, often over 60% of a facility, who eventually end up on Medicaid. Typically, nursing home residents rely on Medicare to finance the first 100 days of nursing home, and then the resident relies on his or her own resources until they become eligible for Medicaid. According to some estimates, 63% of the elderly exhaust their own resources within 13 weeks and 87% within 52 weeks. These residents, who have spent all their own resources, should not be treated as second class citizens in nursing home facilities just because they now fall under Medicaid. This bill offers that protection, for residents now in homes and for future residents.

I am pleased that the Commerce Committee acted swiftly on this legislation and that the House has seen fit to act quickly as well. We must protect our vulnerable seniors in nursing homes, and their families, from the type of callous disruptions that the Mongiovi family faced.

Mr. PACKARD. Mr. Speaker, I rise today in support of H.R. 540, the Nursing Home Resident Protection Amendment. This legislation will prevent nursing homes from discriminating against residents who rely on Medicaid to cover their nursing home costs.

We have all heard the horror stories of seniors who have been evicted because their nursing home decided to withdraw from the Medicaid program. H.R. 540 will protect our seniors from being unfairly removed from their homes. This legislation will also serve to protect the nursing homes ability to withdraw from the Medicaid program, or determine which residents are admitted in the future. Under H.R. 540, nursing homes which choose to leave Medicaid are required to provide a "clear and conspicuous" notice to incoming residents that Medicaid payments are no longer accepted. Facilities will also be allowed to transfer residents who pay with private funds, but later become Medicaid-eligible.

Mr. Speaker, the choice to enter a nursing home is often one of the most difficult decisions to make for individuals and families. Let's not increase the stress associated with this decision by leading our seniors to believe that they could be evicted simply for the method of payment they choose.

I urge my colleagues to support H.R. 540 and protect our Nation's seniors.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 540.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

REREFERRAL OF H.R. 809, FEDERAL PROTECTIVE SERVICE REFORM ACT OF 1999, TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill, H.R. 809 and that it be rereferred to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 808) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105-277 is amended—

(1) by striking "April 1, 1999" each place it appears and inserting "October 1, 1999",

(2) in subsection (a)—

(A) by striking "September 30, 1998" and inserting "March 31, 1999", and

(B) by striking "October 1, 1998" and inserting "April 1, 1999", and

(3) by striking subsection (c).

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on April 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 808, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today will extend for 6 months a very important segment of the bankruptcy law, which is at this very moment undergoing gigantic reform considerations. But as to this particular segment, there is no dispute, no controversy, no opposition of any worth with respect to whether or not the current bill will see the light of day.

This 6-month extension for the special segment having to do with farmers and agriculture enterprises in our communities is a natural extension borne of the first introduction of specialized, particularized bankruptcy for farmers dating back to 1986. Since that time, again with very little opposition and with full understanding of the need to meet the changing requirements constantly of the farm community, those extensions have brought us up to April 1, 1999, and we will need this extension in order to continue granting to farmers the options accorded them through the bankruptcy under chapter 12.

The bill that we have introduced, which is also fast approaching full debate, the full bankruptcy legislation reform bills that we have comprehensively bonded together, that debate will include eventual inclusion of chapter 12 considerations. But in the meantime, following the pattern that we have seen evolving over the last year, we do not want to jeopardize any single farm, farmer, or entrepreneur in agriculture from taking full advantage, if need be, for the fresh start that is available to them under chapter 12.

With that in mind, we would then urge the passage of this 6-month extension under the current extension, which dates back to last year, and this will comprise an extra promise on the part of the Congress that the concerns of the farmers and entrepreneurs in agriculture are in mind, they will be a part of the fuller debate on bankruptcy reform, and this chapter, chapter 12, will find full support, I am sure, in the eventual debates.

Chapter 12 is a form of bankruptcy relief only available to "family farmers," which was enacted on a temporary basis to respond to the particularized needs of farmers in financial distress as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986. It was thereafter extended in 1993 to September 30, 1998. Last year, it was further extended to April 1, 1999 to September 30, 1998. Last year, it was further extended to April 1, 1999 as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act.

As we know, there currently is a financial crisis in the farming industry as the result of weather conditions and economic turmoil in the international commodity markets.

If Chapter 12 is not available, farmers will be forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives. None of these forms of bankruptcy relief work quite as well for farmers as does Chapter 12. Chapter 7 would require the farmer to liquidate his or her farming operation. Many farmers would simply be ineligible to file under Chapter 13 because of its debt limits. Chapter 11 is an expensive process that does not accommodate the special needs of farmers.

This 6-month temporary extension of Chapter 12 provides important protections to family farmers, during which time Congress can further assess these provisions. Only last month, I introduced, H.R. 833, the "Bankruptcy Reform Act of 1999," a bill that would make Chapter 12 a permanent form of bankruptcy relief for family farmers. In fact, included in the comprehensive series of hearings on bankruptcy reform that the Subcommittee on Commercial and Administrative Law will hold, beginning this week, will be a segment devoted to the consideration of Chapter 12 and the ways it can be improved.

Accordingly, I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 808, introduced by the gentleman from Michigan (Mr. SMITH), would extend chapter 12 of the bankruptcy code for an additional 6 months.

Chapter 12 is similar to chapters 11 and 13 of the Bankruptcy Code. Chapter 12 is the part of the Bankruptcy Code that is tailored to meet the economic realities of family farming during times of severe economic crisis.

With chapter 12, Congress sought to create a chapter of the Bankruptcy Code that provided a framework for successful family farm reorganizations. At the time of its first enactment, in 1986, Congress was unable to foresee whether chapter 12 would be needed by America's family farmers indefinitely. Congress extended chapter 12 twice since then, and it is currently set to expire on April 1, 1999, and H.R. 808 would extend it for an additional 6 months. Chapter 12 is the safety net of last resort for our farmers, and we must extend it.

The family farm is the backbone of our rural economy in Wisconsin and all over this Nation. Without chapter 12, if economic crisis hits a family farm, that family has no choice but to liquidate the land, equipment, crops and herd to pay off creditors, losing the farm, a supplier of food, and a way of life. With chapter 12 in place, a family's farmland and other farm-related resources cannot be seized to pay off debt.

A bankruptcy judge for the Western District of Wisconsin notes that chapter 12 has been used in his district about 50 times over the past year. Obviously, chapter 12 is needed.

Mr. Speaker, family farmers in Wisconsin have had a tough year. Our pork producers, like pork producers everywhere, are losing thousands of dollars every month. Soybean prices are at a 25-year low, and milk prices just dropped $6 per hundredweight in 1 month alone. This is on top of an archaic milk pricing system that unfairly disadvantage midwestern farmers. Safety nets that were in place before are now gone. Our farmers must have the assurance that if they are to reorganize their farm, to keep their farm, they can do so, and chapter 12 must be there for them.

I am pleased that my amendment to extend chapter 12 for 6 months prevailed in committee, and I thank the gentleman from Pennsylvania for bringing this bill to the floor so quickly. However, I believe that we should permanently extend chapter 12. Individuals in this country who consider filing for bankruptcy under chapter 7 or 13 do not have to worry whether that part of the Bankruptcy Code will be in place because it is permanent. I believe we should do no less for our family farmers and make chapter 12 a permanent part of our laws. I believe farmers, like all of us, should be able to plan for their futures.

I support H.R. 808 and hope it becomes law quickly, and I also look forward to working with the gentleman from Pennsylvania to ensure that chapter 12 gets permanently extended.

Mr. Speaker, I reserve the balance of my time.

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Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

The gravity of the situation for family farmers nationwide makes it imperative that chapter 12 bankruptcy is extended 6 months. Beyond this, it is this Member's hope that chapter 12 bankruptcy is extended permanently as it is done in the Bankruptcy Reform Act of 1999, H.R. 833. This Member is an original cosponsor of that Bankruptcy Reform Act introduced by the gentleman from Pennsylvania (Mr. GEKAS), the distinguished chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary.

I urge my colleagues to support this legislation.

Mr. Speaker, this Member rises today to express his support for H.R. 808, of which he is a co-sponsor, that extends Chapter 12 of the Bankruptcy Code for six additional months as amended by the Judiciary Committee. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, is set to expire on March 31, 1999.

First, this Member would thank the distinguished gentleman (Mr. NICK SMITH), from Michigan for introducing H.R. 808. In addition, this Member would like to express his appreciation to the distinguished Chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished Ranking Minority Member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in bringing this measure to the House floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

Mr. Speaker, in closing, this Member would encourage your support for H.R. 808, the six month extension of Chapter 12 bankruptcy.

Ms. BALDWIN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise today in strong support of this bill to extend for 6 months chapter 12 bankruptcy for America's small farmers. I want to thank the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from New York (Mr. NADLER) and the gentleman from Michigan (Mr. SMITH) for their work on this important piece of legislation and for bringing it to the floor in this expedited manner.

I have been pleased to cosponsor this legislation that we will be passing today and thank them for their efforts to help the hardworking small farmers throughout this country who are facing some of the most difficult times they have faced in decades. I have been saying for more than a year that farmers are not seeing the benefit of our Nation's unprecedented economic prosperity.

While many folks are watching the Dow, small farmers are just trying to get through this current crisis. We should permanently extend the chapter 12 farmer bankruptcy provision so that small farmers have one less worry every morning when they get up to make sure that they harvest America's bounty that each of us enjoy each day. We are taking action today to make sure that these small farmers can still stay on their land and work through these hard times.

Chapter 12 allows farmers the option to reorganize debt over 3 to 5 years rather than having to liquidate their assets when they declare bankruptcy. It also encourages responsible efforts by farmers facing bankruptcy by requiring them to designate income not needed for farm operations or family costs to pay off their debt. As these payments are made, chapter 12 prevents foreclosure on the family farm. I think it is important for us to remember, we are talking about family farmers. To qualify, these farmers will have to have at least 50 percent of their gross annual income coming from farming, no less than 80 percent of debts resulting in farm operations, and total debts not more than $1.5 million.

Mr. Speaker, Congress must take action to lend a helping hand to so many folks whose backs are against the wall through really no fault of their own. They are facing tough times.

I strongly support this noncontroversial legislation on behalf of the hardworking farmers of North Carolina's Second District and across America.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH). This gentleman, the House should recognize, is a leader in the effort to preserve the options for farmers and agriculture entrepreneurs that are lodged in this extension and in the full bankruptcy debate which is yet to come.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time. I certainly want to associate myself with the remarks of the gentlewoman from Wisconsin (Ms. BALDWIN) as well as the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. Speaker, agriculture is in a serious situation right now. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have not been invited to the party. Commodity prices, as the gentlewoman from Wisconsin indicated, are at record lows, export markets are shriveling up, and no relief is expected any time soon. While the farm credit system is currently sound, there are some producers who just will not be able to make ends meet in the short term. Some bankruptcy filings are inevitable.

In my district, a hog producer, a pork farmer, called me last week. He is the fourth generation on that farm. He is as smart as most any entrepreneur of small business. Yet because of prices, even with his efforts to lay off workers and to expand his working week to 55 or 60 hours, it still looks like that family farm may not make it.

Chapter 12 of the title 11 bankruptcy code is only available to family farmers. Last October, Congress temporarily extended chapter 12 for 6 months. My bill was passed out of this Chamber. Now we are looking at another extension because chapter 12 now is set to expire March 31, 1999. H.R. 808 will temporarily extend chapter 12 for another 6 months so that this critical option for America's family farmers does not expire.

Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy. The logic is that a farmer, like anybody else that needs particular tools to survive and make it back from a tough financial situation, needs the allowance to keep those tools. In this case, chapter 12 allows a farmer to continue to have some of those tools of production in order to keep farming and reorganizing. I think it is important that we note, to be eligible producers must be a family farm. That is characterized under current law by a debt not to exceed $1.5 million, not less than 80 percent of the debt related to agricultural activity, and they must have over 50 percent of their individual gross income from agriculture and their farming operation.

I am pleased that the chairman and this body is taking action on this legislation today. With less than a month to go before expiration, time is very short. I encourage as strongly as I might the other Chamber to move ahead on this legislation and get it to the President. I realize that many of us would prefer to see chapter 12 extended for a longer period of time or even made permanent. I trust that as the general bankruptcy reform debate is debated, a permanent fix for chapter 12 can be accomplished. In the interim, this legislation is needed to assure producers that this risk management tool is available to them.

Again, I thank both sides of the aisle and the chairman for moving ahead.

Mr. NADLER. Mr. Speaker, today we consider legislation to give family farmers an insulting 6 additional months of protection under chapter 12 of the Bankruptcy Code. While I seriously doubt anyone will vote against this bill, it is shameful, that we are being asked to play games with the future of family farms in America as we are witnessing the worst farm crisis since the birth of chapter 12 more than a decade ago.

No one disagrees that chapter 12 should be made permanent. No one. Bipartisan legislation has been introduced in the Other Body, by Senators GRASSLEY and DASCHLE, and in the House by our colleagues Representatives DAVID MINGE and NICK SMITH. Those bills also increase the eligibility threshold from the current $1.5 million in aggregate debt to $3 million, and give certain tax debts non-priority status if the debtor completes the plan. The first two provisions were recommendations of the National Bankruptcy Review Commission, and all three have been endorsed in a joint statement by the Commercial Law League of American, the National Bankruptcy Conference and the National College of Bankruptcy.

In fact, the sponsor of this legislation introduced a measure earlier in this Congress which would have extended chapter 12 by 6 months past the sunset date, rather than merely by the 3 months in this bill. He then introduced a bill granting only an additional 3 months. Evidently this more modest effort has found favor with the Republican leadership. It attracted the cosponsorship of the Chairman of the Subcommittee on Commercial and Administrative Law and was given a fast track.

The Gentlewoman from Wisconsin attempted to make chapter 12 permanent in Committee and was stopped by a procedural technicality. She then attempted a 2-year extension which was cut back to the 6 months we are considering today. As my colleagues know, the procedure being used today prevents us from even considering amendments to provide more time.

We had a similar experience in the last Congress, when the Gentleman from Michigan and I introduced H.R. 4697, which would have extended chapter 12 until September 30, 2000. This was short of our common goal of making chapter 12 permanent, but in view of the fact that the leadership of this House had allowed chapter 12 to sunset during a farm crisis, we felt it was a justifiable compromise. Unfortunately, the bill which ultimately was brought to the floor by the Republican leadership, H.R. 4831, and which ultimately passed the House and was enacted into law as part of the Omnibus Appropriations Act, extended chapter 12 only until the end of March 1999.

So for all you family farmers in crisis, the Republican leadership of the Congress wishes you a happy April Fools Day.

Why are we stringing family farmers along during a crisis? What policy justification could there be when there is bipartisan agreement in both houses that we give them permanent protection and provide other beneficial changes to protect America's family farms? Are the policy objections to doing so? If so, I have yet to hear one.

No, Mr. Speaker, this charade, which threatens family farms across the country, cannot possibly be justified on policy grounds. It certainly creates the unseemly appearance that family farmers are being cynically held hostage to a larger, more controversial bill which would undermine the existing legal protections for families and small businesses in financial crisis. "You want to be protected? Help us strip protections from other families across the country." That certainly appears to be the message being sent today.

And who would be benefited by that larger legislation? Many of the same big banks who are trying to foreclose on America's small farms. Is that what we want? A nation owned by nothing but big banks and industrial farming operations?

Mr. Speaker, I fear that if we continue to proceed in this manner, people will lose their farms and members from farming communities will be afraid to vote their consciences on the larger bill. Let's call an end to this political game. Let's free America's family farmers and give them the protection we all agree they deserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 808, authorizing the extension of chapter 12 of title 11 of the United States Code for an additional 6 months.

Chapter 12 provides necessary protections for family farmers with regular annual income. Farming is a way of life not only in the heartland but also in the Southwest, Midwest and Southern regions of America. We must save America's farms! Chapter 12 is temporary legislation—we need permanent legislation—we need a bankruptcy bill that takes into account the financial crisis of farmers.

It is imperative that we pass permanent legislation that will adequately protect families with annual farm income. This extension of Chapter 12 is insufficient! Farmers need permanent legislation that will provide adequate and legal protection under the shield of bankruptcy. Now is neither the time to play partisan politics with bankruptcy nor America's farmers!

We should offer permanent legislation that will ensure the viability of agriculture and the family farmer. Now is not the time to play partisan politics with bankruptcy legislation—in an attempt to garner support for a draconian bankruptcy reform bill.

Chapter 12 was enacted on a temporary basis in 1986, then extended in 1993 for an additional 5 years—today we offer an additional 6 months of relief—Chapter 12 should be available to farmers on a permanent basis!

If we are serious about bankruptcy legislation—let us work together to provide a system that will safeguard the interest of the debtor, the debtor's family obligations and creditors. If we are serious about bankruptcy legislation—let us work together to pass legislation that will provide protection for everyone, especially individuals with special circumstances like farmers. There is no legitimate rationale for enacting permanent bankruptcy legislation to assist family farmers.

We must press forward and work together to find the best way to accomplish these goals for the benefit of all of the parties involved in the bankruptcy process. Congress must come together in the spirit of bipartisanship to enact bankruptcy reform to protect everyone.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 808, as amended.

The question was taken.

Mr. SMITH of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

EXPRESSING SUPPORT FOR FREE, FAIR, AND TRANSPARENT ELECTIONS IN INDONESIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 32) expressing support for, and calling for actions in support of, free, fair and transparent elections in Indonesia.

The Clerk read as follows:

H. RES. 32

Whereas Indonesia is the world's fourth most populous country, has the world's largest Muslim population, and has repeatedly demonstrated itself to be a good friend of the United States;

Whereas a stable and democratic Indonesia can continue to play an important leadership role in the security and stability of Southeast Asia;

Whereas Indonesian national elections in 1955 were judged to be free and fair, but more recent elections have been far more problematic;

Whereas in response to overwhelming public demand, long-time leader (32 years) Soeharto resigned on May 21, 1998;

Whereas elections for the House of Representatives of Indonesia (DPR) have been scheduled for June 7, 1999;

Whereas it is in the interests of all Indonesians and friends of Indonesia that the June 1999 elections be free, fair, and transparent;

Whereas the Government of Indonesia has welcomed international interest and technical support for the elections, under the coordination of the United Nations Development Program;

Whereas United States and international nongovernmental organizations such as the National Democratic Institute for International Affairs (NDI), the Asia Foundation, the International Republican Institute (IRI), the International Foundation for Election Systems (IFES), and the American Center for International Labor Solidarity (ACILS) are providing election assistance throughout Indonesia; and

Whereas the active participation in election monitoring by the international community, including the United States Congress, would contribute meaningfully to the Indonesian election: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the aspirations of the Indonesian people for democratic elections;

(2) urges the Government of Indonesia to take all steps, including the provision of adequate financial and administrative resources, to ensure that the parliamentary elections scheduled for June 7, 1999, are free, fair, and transparent, according to internationally recognized standards, and that an institutional capacity is put in place for free and fair elections in the future;

(3) calls upon the Government of Indonesia to enact election laws that ensure that the will of the people is respected, both in the parliamentary elections scheduled for June 7 and in the general session of the People's Consultative Assembly (MPR) that will elect a new President and Vice President later in 1999;

(4) appeals to all political leaders and responsible persons to strive to ensure that the campaign period remains peaceful;

(5) calls upon all Indonesian political parties, the armed forces, and the pubic at large to respect the results of free and fair elections;

(6) recognizes with approval the activities of domestic and international nongovernmental organizations in the areas of voter education, technical assistance, and election monitoring;

(7) acknowledges the important financial support provided by the United States Agency for International Development for the elections;

(8) calls upon other countries to provide financial support for the elections as well; and

(9) urges the Speaker and minority leader of the House of Representatives to designate congressional observers for the June 7, 1999, election.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as original cosponsor of H. Res. 32, this Member rises to express his strong support for actions in support of free, fair and transparent elections in Indonesia.

The fourth most populous nation in the world and a key to the stability and prosperity of the Southeast Asia region, Indonesia is undergoing a profound political transformation in the midst of a devastating economic crisis. With a culturally, linguistically and religiously diverse population of 210 million people spread over 14,000 inhabited islands, Indonesia in a geographic, ethnic and linguistic sense may be the most complicated nation in the world. Achieving a free and fair multiparty election in such a country is a daunting task, particularly since more than four decades have passed since the last such election in Indonesia.

Mr. Speaker, since the resignation of former President Soeharto in May of last year, the Government of Indonesia has taken a number of important steps toward the establishment of a more open and more genuinely democratic political system. While much remains to be done, positive actions thus far include the lifting of restrictions on freedom of the press, the freeing of a number of political prisoners, and the end to the ban on the formation of new political parties. More than 140 political parties have been formed over the past few months and out of that number 48 parties have officially qualified to compete in the parliamentary elections scheduled to take place on June 7. A successful, free and fair democratic election in June is essential to ensure that the new Indonesian President and Government, to be elected later this year, in November, will have the legitimacy and popular support to carry through on difficult but badly needed political and economic reforms.

Mr. Speaker, this Member had the opportunity to visit Indonesia in January with a bipartisan delegation of Members co-led by the distinguished gentleman from Arizona (Mr. KOLBE). The delegation members witnessed at firsthand the momentous events that are occurring on a daily basis in Indonesia. As a result, this Member and the other Members on the delegation came away impressed by the importance of the election and the need to work together on a bipartisan basis to draft the resolution now before the House. Indeed, we completed most of the work during that trip.

It was clear from the delegation's meeting that the Government of Indonesia would also welcome the presence of congressional observers for the election under the coordination of the United Nations Development Program, UNDP. The resolution, therefore, expresses its support for adequate assistance for the U.S. Government to support election training programs, voter education and election monitoring. It calls upon the Speaker, therefore, and the Minority Leader to designate such observers. And it warns of the danger of missing this opportunity to promote peace and democracy in this critically important country where the consequences of failure are potentially very severe and very much contrary to the best interests of U.S.-Indonesian relations.

Mr. Speaker, although it is not the subject of the resolution now before us, many will also note with appreciation the recent dramatic developments concerning East Timor. For the first time, the Government of Indonesia has stated that if the people of East Timor do not accept the broad autonomy package now being negotiated under United Nations auspices, a breakthrough initiative in itself, then Indonesia would grant East Timor its independence. The latest round of these negotiations is taking place in New York this week. As a matter of fact, tomorrow. This Member knows that many of his colleagues will join him in wishing for a prompt and successful outcome in these negotiations between Portugal and Indonesia.

This Member notes with appreciation the cosponsorship of this resolution by the distinguished gentleman from Arizona (Mr. KOLBE) and all other members of the delegation that visited Indonesia in January, including the gentleman from Virginia (Mr. MORAN), the gentleman from Oregon (Mr. BLUMENAUER), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Illinois (Mr. WELLER), the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from California (Mr. KUYKENDALL). This Member urges all of his colleagues to support H. Res. 32.

Mr. Speaker, I note with great appreciation the assistance of the gentleman from California (Mr. LANTOS), my distinguished ranking member, who has also cosponsored this legislation as has the gentleman from Guam (Mr. UNDERWOOD) and several other Members on both sides of the aisle.

Mr. Speaker, I urge support for the resolution.

Mr. Speaker, I reserve the balance of my time.

☐ 1315

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Let me first express my appreciation to the gentleman from Nebraska (Mr. BEREUTER) for bringing this resolution to the body. I rise in strong support of this resolution, and, Mr. Speaker, I first visited Indonesia in 1956. It was a country of enormous promise. It clearly is one of the wealthiest nations on this planet in terms of natural resources, and it has enormous human resources which, had they been led by farsighted and democratic leadership, would now be one of the most successful societies on the face of this planet. That clearly is not the case.

Cronyism, corruption, lack of democracy, Mr. Speaker, resulted in a series of horrendously bad economic decisions which, when the Asian economic crisis erupted, forced Indonesia into an economic downward spiral. Millions of Indonesians are suffering and are on the verge of starvation and economic disaster.

Our resolution expresses support for free, fair and transparent elections in Indonesia. It was reported out of the House Committee on International Relations last week with strong bipartisan support. We are pleased that Indonesia will have elections in June, and these elections will probably be the most important elections in the history of this young and potentially promising society.

Our resolution supports the democratic aspirations of the Indonesian people and calls on all Indonesian citizens, of whatever ethnic background, to strive for a peaceful campaign and to respect fully the results of the elections. The resolution urges the government of Indonesia to take all steps necessary to ensure that the June elections are free and fair and transparent, and it also expects that the election laws under which the elections will take place will stand up to democratic scrutiny.

Our resolution is strongly supportive of all domestic and international nongovernmental organizations and the government of the United States in the areas of voter education, technical assistance and election monitoring, and the resolution calls on other democratic societies that care about the future of Indonesia to provide similar aid.

Mr. Speaker, these Indonesian elections in a country of over 200 million people could be a history-making step in making Southeast Asia an arena of democracy. It will at long last take root. It is critical that we have congressional observers during the course of these elections. It is critical that the American media be represented in full force. We must not allow the still existing anti-democratic forces to take control of these elections, and I ask all of my colleagues to support H.R. 32.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I appreciate very much the gentleman from Nebraska yielding this time to me, and I also appreciate his bringing this resolution to the floor. I rise in strong support of H. Res. 32.

In January, along with the gentleman from Nebraska (Mr. BEREUTER), I had the honor of leading an official delegation that went to Indonesia as well as other countries of Asia. I was moved by the spirit that we saw in Indonesia and struck by the daunting economic and political crisis that faces that Nation. President Soeharto, who ruled Indonesia for over 30 years, left a tremendous political void in the wake of his resignation last year. Although he had brought stability and economic growth to Indonesia during the years that he ruled, when he left there was a tremendous void of institutions equipped to handle a true democracy.

So today, with a precarious economic situation, we also find a very precarious political situation.

President Habibie faces a tremendous challenge in helping steer Indonesia toward democracy. To some degree I believe that President Habibie has met this challenge. He has instituted a series of steps, including the release of political prisoners, and he has provided greater press liberties. He has ordered investigations into human rights violations and granted labor unions and political parties the right to organize. He has introduced and supported a series of election laws which will provide the framework for elections in Indonesia in June of this year.

But the question still remains, is it too little and is it too late? Indonesia remains a very close ally of the United States. Continued stability in that country is critical. It is critical to stability throughout all of Southeast Asia and, to a lesser degree, to the rest of Asia and the rest of the developing world, and that stability in Indonesia is intimately tied to elections that are free and fair and transparent.

Should this election process fail, I think the worst could happen. Certainly we should fear the worst of civil unrest, and that would have ominous consequences for Indonesia and the region.

Unfortunately little will get done financially or economically in this country until after these elections take place. Because these elections are fundamental to creating political stability, to achieving economic reform, the international community must take a lead role in helping to ensure that the elections are conducted freely and fairly and that they are seen as being credible.

The United States has an immense interest in ensuring that the elections are free and open, and we have an immense international credibility that we can lend to this process. If we do not have progress on the political front, it is very difficult to see how we are going to make progress on the economic front afterwards.

So, Mr. Speaker, I believe the United States must take a leading role in assuring that the elections scheduled for this June are free and fair, and I pledge my strong support to assuring that that takes place. This resolution is one way for us as a Nation, as a Congress, to go on record in support of these elections, these free and open elections, and I commend the gentleman for bringing this resolution to the floor.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his eloquent statement, as well as that of the gentleman from California (Mr. LANTOS).

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to my colleague from Oregon (Mr. BLUMENAUER), let me just say that some of us are particularly concerned with respect to Indonesia with the plight of the Chinese ethnic minority in that country. In the violent eruptions following the economic collapse there was a severe persecution of the Chinese ethnic minority involving large-scale rapes and abuse of women. The Indonesian government will need to understand that for it to be accepted into the family of civilized nations it will have to guarantee all human rights to all citizens of Indonesia irrespective of their ethnic background.

Let me also say, as one who has been seized with the issue of East Timor and its population, that we welcome the favorable direction in which matters are now moving. But the people of East Timor, as indeed the Chinese ethnic minority in Indonesia, are entitled to live under a government of their own choice. They are entitled to all human rights, as are indeed all ethnic groups on the face of this planet. This election will give Indonesia an opportunity to abandon its former failed ways and to move towards a democratic and prosperous society.

Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), my friend, who has just completed a very interesting and successful trip to the region.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding this time to me. I strongly identify with his comments, and it is a pleasure for me to share a few moments this afternoon with my colleagues, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Arizona (Mr. KOLBE), who so ably led our delegation in the recent CODEL dealing with some of the economic problems of Southeast Asia. I have forever, I think, seared in my mind more than any of the other stops along the way during our visit in that troubled region, the visions of what happened in Indonesia. It has been already mentioned on the floor of this Chamber that this is a huge country. It is the fourth most populous in the world. It has the largest Muslim population. It is spread out over 15,000 islands, most of which are inhabited, but two statistics loom large in my mind:

One is that of this vast population, over half are now at or below the Indonesian poverty level and that in this context they have moved forward to move from three political parties to over 140, and in three short months they are going to attempt without any real election infrastructure to administer their first democratic election in over 40 years.

It is a country that is troubled on several levels. The gentleman from California (Mr. LANTOS) mentioned the tragedy of East Timor, where over 200,000 people have been killed in senseless violence in the last 25 years. There is also another violence that is occurring in this vast archipelago where we have a violence against the environment, where driven by economic imperatives and poor infrastructure they are exploiting the forests, the coral reefs, the endangered species and the fishing stock. If we are not active in this region, there will be environmental damage that will have impacts throughout Southeast Asia and the world for years to come.

I strongly commend to this Chamber adoption of the resolution and our being forthright as to why these elections are so critical. Over 125,000 polling places are going to be staffed. We need to give our support for this effort.

Second and implicit here, and I hope that we find ways to make it explicit on the floor of this House and with our own personal involvement, is the American pressure to deal with these forces of transition as they try and correct their economy, as they try and have a military that makes a transition to a civil society and dealing with these environmental and ethnic issues that have been mentioned. There is an opportunity for Members of this Congress to be active both in the observation of the election process and making sure that we step forward with the appropriate aid for this giant country. I cannot conceive of any place in the world where our time and our money will be better spent, will have more impact than in Indonesia.

Mr. Speaker, for most Americans Indonesia is sort of the country that was the background for the movie, "Year of Living Dangerously". They have maybe some vague recollection of what has happened in East Timor. They may have some sense of this being the former colony of the Dutch East Indies.

□ 1330

We must, on this floor, find ways to make this image more real and more impactful, because we cannot afford to avoid making our responsibilities known as we help them deal with the change to which they are being subjected.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Oregon (Mr. BLUMENAUER) for his support and his assistance. It was important not only to stress the fundamental importance of this election but, as the gentleman suggested, some of the burdens or difficulties that face Indonesia in preparing for these elections. Those of us that watched the election preparations, the infrastructure being put in place in smaller, less complicated countries like Namibia or Nicaragua, are quite concerned about the ability to put everything together in time to have that free, fair and transparent election.

The United Nations Development Program is serving as the coordinating entity for all of the bilateral and international assistance from NGOs and from our government, and so I think that is a good way to proceed and we will hope that the resources that are necessary are called upon in a timely fashion by the Indonesian government.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), who has an interest in this subject.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Nebraska (Mr. BEREUTER) for yielding.

Mr. Speaker, I also rise in support of House Resolution 32. I would say to my colleagues, I also had a similar resolution in the last Congress, which was House Resolution 281. This had bipartisan support with the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. ROHRBACHER) and also the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from Vermont (Mr. SANDERS) and the gentlewoman from Georgia (Ms. MCKINNEY).

I want to put into the record some of the things in this House resolution because I think Mr. Habibie might want to adopt some of the things that were in my House resolution, so just as a matter of record and courtesy, I would like to provide that.

My House resolution expressed a sense of Congress that the United States should support a complete transition that will lead immediately to a democratically-elected nonmilitary government in Indonesia, which includes, one, the release of all political prisoners; two, legalization of political organizing activities; international monitoring of human rights conditions; roundtable all-party discussion; a transitional government of national unity; of course, democratic elections; a truth commission to address past political crimes; and recognition that past injustices require redress.

As many have already pointed out, we are heartened by the transitional government of President Habibie and the fact that he has scheduled elections on June 7. I hope later this year he will schedule elections for president and vice president. I think many of us would have preferred elections earlier but I can understand the need for stability in the transition.

Congress and the United States must speak with a strong voice. We are doing that this afternoon in supporting free democratic elections. This resolution does so, and I compliment the authors. The international community should understand the United States is serious here and we will make an investment of legislation and House resolutions to make our point.

We need to continue to transmit our belief to Indonesia about Americans' constitutional history that places the power of government solely in the hands of democratically elected civilians, and the House and the Senate have an opportunity to communicate those principles by adopting this House resolution.

I commend the authors, and I thank the gentleman from Nebraska (Mr. BEREUTER) for the time.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his comments and for his long interest in this subject and for his support today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding. I also thank the gentleman from Nebraska (Mr. BEREUTER) and all of my colleagues for introducing this very timely resolution calling for fair and free elections in Indonesia.

Mr. Speaker, as the westernmost territory of the United States, Guam is the closest American neighbor to Indonesia and we are as concerned as the rest of the Asian Pacific region regarding the plight of its people. Indonesia is strategically located in the Pacific and controls important waterways vital to our American interests. In addition, as has been pointed out, it boasts the fourth largest population in the world, as well as access to rich natural resources.

These factors ensure Indonesia's pivotal role in the Southeast Asian region and the world. Its leadership roles in the Association of South East Asian Nations, the ASEAN Regional Forum and APEC are testimonies to its important role as a regional stabilizer.

We as Americans should always stand strong in support of democratic processes throughout the world in small and large nations alike, but in this particular instance, in Indonesia's instance, the stability of the region depends upon seeing in place in Indonesia a country with a functioning democracy which recognizes the rule of law and the will of the people and which recognizes the ethnic diversity that is Indonesia, and which also extends the benefits of its vast resources and economic potential to all sectors of society. This is why free, fair and transparent elections are critical during the June elections this year.

Triggered by the Asian financial crisis 2 years ago, we have seen the fall of the authoritarian regime in Indonesia and the emergence of a more active and vocal Indonesian electorate ready to take on the responsibility of electing their officials.

H. Res. 32 calls for peaceful, transparent, fair and responsible elections. I fully support this resolution, not only on behalf of democracy but on behalf of national security and human rights, and I would also like to take the opportunity to congratulate Indonesia for going in the right direction on East Timor.

Mr. LANTOS. Mr. Speaker, before yielding time to my good friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), let me call the attention of all Members here to the extraordinary profile that the New York Times ran on this remarkable Member of our body. I was very proud and pleased to read the well-deserved accolades that the gentlewoman from Texas (Ms. JACKSON-LEE) received in the Times.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), to speak on this issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I guess I will take the same number of seconds and minutes to thank my good friend, the gentleman from California (Mr. LANTOS), for what has been years and years of commitment to this very important issue and as well his both legacy and continuing service in the Congress.

Mr. Speaker, this is an important issue on human rights. Let me thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership along, with the gentleman from New York (Chairman GILMAN), for continuously being at the cutting edge of ensuring that the words that we speak here on the Floor of the House are translated into our foreign policy and foreign relations.

Mr. Speaker, I rise to enthusiastically support H. Res. 32, which I think very succinctly calls upon the government of Indonesia to do something that we in America have come to expect, whether it is our local school bond election or city council elections, or whether or not we are electing the President of the United States. We believe in unfettered access to the right to elect those of our choice.

I believe this is an important statement to call upon the government of Indonesia to enact election laws that ensure that the will of the people is respected, both in the parliamentary elections scheduled for June 7 and in the general session of the People's Consultive Assembly. We are appealing to all of the political leaders and responsible persons to strive to ensure that the campaign for peace remains peaceful.

I am very much aware of the good works of our committee, that deals in international relations, as it related to last week's elections in Nigeria. It is important that we mix the concepts of foreign relations, foreign policy, the idea of business exchange with the question of human rights and the free access to democracy. If we had not done that in years past, we would not have some of the stable situations going on in places where democracy had not been heard of.

In instances where the Berlin Wall stood, it was our voices that helped to bring it down, and so I would ask that we support H. Res. 32 and bring to Indonesia a friend, a shining democracy.

Mr. Speaker, I rise in support of H. Res. 32, calling for Open Elections in Indonesia.

This body has been a fervent supporter of groups and nations, which have chosen to embrace the principles and ideals of democracy.

A basic a tenant of our democracy has been the peaceful transition of legislative and executive authority. Our nation and the world witness a shinning example of this as every four years our nation holds a presidential election. Despite the acrimony of the presidential campaign, our nation has consistently transferred the power of the presidency in a peaceful and fair manner.

The peaceful transition that has characterized American elections has unfortunately not been the case in Indonesia.

Most casual observers would agree that Indonesia elections have been problematic at best. In Indonesia, free and fair elections have been replaced by anarchy, chaos, and the lack of recognition of democratically elected officials.

Beginning with Indonesia's independence, through the Presidency of Suharto, Indonesia's elections have been marred by violence.

The armed forces of Indonesia have been cited by human rights observers for human rights abuses such as torture, extra-judicial killings and the imprisonment of East Timorese advocating independence.

In light of these past abuses Mr. Speaker; it is poignant that this Body urge the Indonesian government to conduct its upcoming elections in a free and fair manner.

This Resolution would send a message to citizens, political parties, and the military community that the viability of a democracy rests in part on the respect with which this process is fulfilled.

These parties should adhere to the American model in carrying out their elections, by conducting them in a free and fair manner. This body stands ready to assist the Indonesians in the carrying forth of the election process with any assistance necessary.

Mr. Speaker, I urge the members of this body to support this resolution and assist the Indonesian people in strengthen their democracy.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the balance of the majority's time will be controlled by the gentleman from New York (Mr. GILMAN).

There was no objection.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield as much time as she may consume to the gentlewoman from California (Ms. PELOSI), a voice for human rights in all of Asia and indeed in a global sense, my colleague and neighbor from San Francisco, who has been a champion of human rights ever since she joined us in this body. It has been with a great deal of pleasure and pride that I have followed her incredibly successful and articulate struggles for the rights of oppressed people everywhere to live in freedom and decency.

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleague, the gentleman from California (Mr. LANTOS) for yielding the time, and for his very, very generous remarks.

Mr. Speaker, I commend the makers of this resolution and rise in support of it, but in doing so I first want to acknowledge the considerable contribution of our colleague, the gentleman from California (Mr. LANTOS) to human rights throughout the world. Everyone has known for a long time, certainly in our city and in the State of California we have taken great pride in the leadership of the gentleman from California (Mr. LANTOS). Now the whole world knows more about where his leadership and his drive on promoting human rights springs from and, of course, it was his own experience in the Holocaust. He has moral authority. He has knowledge. He has exercised leadership. So I am honored to be recognized by him to speak on this important resolution.

This resolution urging free and fair elections in Indonesia is important because promoting freedom, and free and fair elections, is important, but also because Indonesia is in a fragile state at this time.

It is just a matter of months since the fall of Soeharto and now many, many parties, scores of political parties, are lining up for the elections.

We have some issues, we have, some of us in this Congress, with Indonesia, and that would be the resolution of the situation in East Timor and that looks promising now; the situation in terms of the role of the military in a civilian society, that was better before, has worsened and hopefully these elections will return the military to its appropriate role in a civilian society.

Most recently, there was concern in Congress, and it continues, on the treatment of the ethnic Chinese population in Indonesia, particularly with the rapes that happened of the Indonesian Chinese women. Those are no longer alleged. They are admitted to in reports from the government, and many of us in Congress have written to the Indonesian government, to the President, urging that the disposition of that issue be central to our relationship with the Indonesians.

We have concerns generally about human rights in Indonesia and also about the conflicts between Muslims and Christians and how the government is dealing with that. Nothing could create a better climate for tolerance in the diverse country that Indonesia is than the legitimacy of a free and fair election.

We anticipate that with great hope. We urge the Indonesian government to do everything in its power to make sure the elections are free and fair, and we look forward to working on many issues, some of which I named here, with the newly-elected Indonesian government. That includes, of course, the members of parliament there, too.

It is a very diverse country, as I have said. There are many, many, many different fragments in Indonesia. The country could disintegrate but I think that that prospect would be diminished greatly if the elections were free and fair and the new government were legitimate and was addressing some of the concerns I mentioned in terms of respecting everyone in that diverse society, as well as respecting the appropriate role of the military in a civilian society.

Again, I commend the leadership of the committee, the gentleman from New York (Mr. GILMAN), and the gentleman from Nebraska (Mr. BEREUTER) on the subcommittee, my colleague, the gentleman from California (Mr. LANTOS), and the gentleman from Connecticut (Mr. GEJDENSON) for their leadership in bringing this to this floor and I hope we will have a unanimous vote in support of it.

□ 1345

Mr. LANTOS. Mr. Speaker, I appreciate the gentlewoman's observations.

We have no more requests for time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from California (Mr. LANTOS) and the Members who have spoken on the floor today in support of this resolution. I thank the gentlewoman from California (Ms. PELOSI) for her remarks.

I want to commend the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific, for introducing this timely resolution that calls for free, fair and transparent elections in Indonesia, and I am proud to cosponsor this resolution.

H. Res. 32 appropriately calls for free and fair elections in Indonesia this June and supports the aspirations of the Indonesian people for democratic elections and greater political freedom.

Indonesia is a country in transition, and I believe it is incumbent upon our Nation, as a world-leading democracy, to provide the necessary support to the Indonesian government and hopeful people of that large country, to bring about credible elections, and we all recognize it is not going to be any small task.

I also want to commend American NGOs, such as IRI, NDI and IFES, and others, for the important work that they have been doing to try to bring about a democratic transition in the world's fourth most populous nation.

Finally, I would call upon all parties in Indonesia to refrain from political, ethnic or religious violence. I hope we can achieve an early, equitable and nonviolent resolution to the East Timor issue. I would advocate continued reform in political, economic and social arenas in Indonesia's society.

Indonesia is at a critical juncture in its history. Historic changes have already taken place since President Soeharto stepped down last year. It is our hope that we will soon welcome Indonesia into the family of democratic nations after free and fair elections that will be held there this summer. Accordingly, Mr. Speaker, I urge my colleagues to adopt this measure, H.R. 32, in support of reform and democracy in Indonesia.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in strong support of H. Res. 32, and its goal of free and fair and transparent elections in Indonesia beginning with the parliamentary elections on June 7. I would like to point out however, that the resolution fails to mention the on-going and extreme occurrences of human rights abuses on the part of the Indonesian military in the areas of occupied East Timor and others. Violations of human rights continue and it is critical that these abuses are addressed as well as the need for a free and fair election.

Congress must continue to call on the U.S. administration and the Indonesian government directly for the implementation of the introduction of international monitors in East Timor, and disarming paramilitary units that the Indonesian military arming and supporting.

Last week, Secretary of State, Albright visited with Xanana Gusmao in Jakarta. At that time the Secretary said that "We see an urgent need to stabilize the situation through disarmament of all paramilitary forces, as Xanana Gusmao has proposed and General Wiranto supports," and that "We favor confidence-building measures, such as a reduction in the number of troops, and an international presence to reduce the prospects for future violence." It is critical that this Congress follow through on these statements, and assure that the East Timorese people are freed from Indonesian sponsored violence in addition to supporting free and fair elections.

Mr. WOLF. Mr. Speaker, I rise in strong support of this resolution. The presidential election scheduled for June is the first election for President since President Suharto stepped down last year. This is an opportunity for Indonesia to move into a new era of stability and prosperity.

Indonesia has been wracked by economic crisis. The international community wants to help the Indonesian people recover from their current economic difficulties. Indonesia has been, and should continue to be, an important regional ally for the United States. However, Indonesia's international reputation has been tarnished by the Suharto government's brutal occupation of East Timor, the grave human rights abuses committed by the Indonesian military in East Timor and in Indonesia, its lack of respect for democracy and the corrupt cronyism that enabled the economy to grow but disenfranchised large portions of the population.

Thousands of brave Indonesians took the streets last year calling for an end to the Buharto regime and the beginning of truly democratic political system which allowed for multi-party participation. They were tired of President Suharto's administration and its corruption. They demanded free and fair elections. They deserve to have them. It is their right to have them.

This is an opportunity for Indonesia to follow the way of Taiwan, South Korea, and the Philippines, Asian countries who have successfully transformed themselves into pluralistic, multi-party democracies.

President Habibie has every incentive to make the June elections as free and as fair as international standards dictate. If he does so and continues to take steps to resolve the crisis in East Timor in a manner that respects the wishes and views of the people of East Timor, Indonesia's reputation will be enhanced and the international community will have great incentive to embrace the new government. There are many good benefits that can come from this—both for the Indonesian government and for the Indonesian people. The key is in the hands of the Habibie government. By the manner in which they conduct the June elections, they hold the key to the future stability and prosperity of Indonesia.

I commend Mr. BEREUTER and Mr. LANTOS for sponsoring this resolution. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 32.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

SENSE OF CONGRESS URGING CRITICISM OF PEOPLE'S REPUBLIC OF CHINA FOR HUMAN RIGHTS ABUSES IN CHINA AND TIBET AT ANNUAL MEETING OF UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 28) expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights, as amended.

The Clerk read as follows:

H. CON. RES. 28

Whereas the Government of the People's Republic of China has signed two important United Nations human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;

Whereas the Government of the People's Republic of China recognizes the United Nations Universal Declaration of Human Rights, which calls for the protection of the rights of freedom of association, press, assembly, religion, and other fundamental rights and freedoms;

Whereas the Government of the People's Republic of China demonstrates a pattern of continuous, serious, and widespread violations of internationally recognized human rights standards, including violations of the rights described in the preceding clause and the following:

(1) restricting nongovernmental political and social organizations;

(2) cracking down on film directors, computer software developers, artists, and the press, including threats of life prison terms;

(3) sentencing poet and writer, Ma Zhe, to seven years in prison on charges of subversion for publishing an independent literary journal;

(4) sentencing three pro-democracy activists, Xu Wenli, Wang Youcai, and Qing Yongmin, to long prison sentences in December 1998 for the announced effort to organize an alternative political party committed to democracy and respect for human rights;

(5) sentencing Zhang Shanguang to prison for ten years for giving Radio Free Asia information about farmer protests in Hunan province;

(6) putting on trial businessman Lin Hai for providing e-mail addresses to a pro-democracy Internet magazine based in the United States;

(7) arresting, harassing, and torturing members of the religious community who worship outside of official Chinese churches;

(8) refusing the United Nations High Commissioner on Human Rights access to the Panchen Lama, Gendun Choekyi Nyima;

(9) continuing to engage in coercive family planning practices, including forced abortion and forced sterilization; and

(10) operating a system of prisons and other detention centers in which gross human rights violations, including torture, slave labor, and the commercial harvesting of human organs from executed prisoners, continue to occur;

Whereas repression in Tibet has increased steadily, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, the secret trial and sentencing of former Middlebury College Fulbright Scholar and Tibetan ethnomusicologist Ngawang Choephel to 18 years in prison on espionage charges, and suppression of peaceful protests, and the Government of the People's Republic of China refuses direct dialogue with the Dalai Lama or his representatives on a negotiated solution for Tibet;

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas during his July 1998 visit to the People's Republic of China, President Clinton correctly affirmed the necessity of addressing human rights in United States-China relations; and

Whereas the United States did not sponsor a resolution on China's human rights record at the 1998 session of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States—

(1) should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; and

(2) should immediately contact other governments to urge them to cosponsor and support such a resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman and the ranking minority member of the Subcommittee on International Operations and Human Rights and the Subcommittee on Asia and the Pacific for acting expeditiously on H. Con. Res. 28, a resolution expressing the sense of Congress that our Nation should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the next annual meeting of the United Nations Commission on Human Rights.

In a December 22, 1998 speech commemorating the 20th anniversary of the Third Plenary Session of the 11th Communist Party Central Committee, China's President and Party Secretary Jiang Zemin stated that China needed to "nip those factors that undermine social stability in the bud, no matter where they come from." In that very same speech Jiang emphasized, "the Western mode of political systems must never be copied." Soon after those remarks, arrests were made of key dissidents. To this very day, the crackdown on China's fledgling democracy movement continues.

The Democracy Wall movement in the late 1970s and the Hundred Flowers Campaign in the late 1950s were periods when citizens were first encouraged to express their beliefs, and then subsequently they were severely persecuted for their criticism of the Communist Party and their desire for democracy. Similarly, the period before President Clinton visited China in June also saw an easing of political repression by the authorities, though some of us were concerned that this was only a temporary change and that the government would, as it has, indeed, revert to form.

Some so-called China experts would have us believe that this is a cyclical historical process. But having seen it done so many times, it appears to us to be a method to flush out dissidents and to be able to preserve power.

In the last 8 months, the Communist government in China has carried out the most symptomatic crackdown on democracy activists since the Tiananmen Square massacre of 1989. Scores of democracy activists have been arrested, hundreds more have been detained, and three leaders, Xu Wenli, Wang Youcai and Qin Yongmin have been sentenced to long prison terms.

I ask, is the administration certain that it still wants a strategic partnership with such a government?

In December, our Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China released their report stating that China has been stealing weapons designs from American nuclear laboratories and obtaining sensitive computer missile and satellite technologies. A select committee confirmed Pentagon and State Department findings that two American companies not only helped the Chinese space industry, but also may have helped improve the reliability of China's missiles. Yet, every year, billions of dollars of more goods from Chinese sweatshops and from their labor camps come into our Nation adding to our growing trade deficit with China.

In a few months, flush with foreign currency reserves, the PLA, the Chinese military organization, will be receiving SS-N-22 Sunburn missiles that they bought from Russia. Those missiles are designed to destroy our most sophisticated naval ships. If in the future China blockades democratic Taiwan, I ask how effective will our Seventh Fleet be? We question what the administration has done to prevent the Chinese from obtaining such deadly missiles.

We have now learned that Beijing stole nuclear weapon technology from our labs. The New York Times reported that the administration knew that this was going on since 1997. Last weekend in Beijing, Secretary Albright met with the Chinese leaders, and we were pleased that she raised the issue of the ongoing crackdown of the democracy movement there and in occupied Tibet. Regrettably, years of words not backed up by any action has gone on much too long, through too many administrations, and has permitted our Nation's security and our economy to be weakened and our moral stand to be questioned.

If the administration seriously supports a resolution in Geneva, as H. Con. Res. 28 recommends, then it would give some help to those brave Chinese and Tibetan democracy advocates who are struggling against the brutal dictatorship in Beijing, and it would give the American people some hope that perhaps this administration has started to reformulate a China policy that we feel has been misguided and has been a disaster.

Accordingly, I urge my colleagues to support H. Con. Res. 28.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume and I rise in strong support of this resolution.

Mr. Speaker, I listened to the distinguished chairman of the Committee on International Relations, and there are many observations that he made with which I agree. He has been an effective champion of human rights in China, and I pay tribute to him for his human rights efforts as they relate to China and other countries.

But I need to correct the historical record as it comes to administration policy. As one who has opposed administration policy with respect to China under both Republican and Democratic administrations because I believe they both have been ill-advised, as the most recent spying episode so dramatically underscores, it is important to keep the record straight and to keep the bipartisan voice of Congress honest.

Our Republican colleagues are in no position to be surprised that China has been spying on the United States. That spying has been going on during the last many years. It did not originate last year or the year before, and the previous 2 Republican administrations bear their full share of the responsibility as we now see the chickens coming home to roost.

So the historical record must be made clear. China's human rights record is abominable. We have spent untold hours in committee and on this floor denouncing China's human rights record, ranging from forced abortion to the restriction of the right of individuals to practice their religion, from the lack of press freedom to the lack of political freedom, and recent developments in China clearly indicate that the human rights condition has deteriorated in recent months. It is now reaching a new low. There is not much dispute on this floor about the abominable human rights record of China.

What this resolution calls for is for our administration to introduce and support at Geneva at the United Nations Human Rights Commission meeting a powerful resolution denouncing China's human rights record, and to lobby and lead the way so we will have enough friends and allies in that organization so that our resolution will, in fact, prevail. I think it is important for this administration to understand that the other body passed a similar resolution urging the administration to denounce China's human rights policy in Geneva by a vote of 99-to-nothing.

When this debate is over, I will ask for a recorded vote in this body, and I suspect we will have a similar overwhelming vote calling on our administration to introduce and to lead the fight to denounce China's human rights record.

□ 1400

We speak powerfully when we speak on a bipartisan basis. I am critical of our administration for not having introduced this resolution at last year's meeting, and I expect my Republican colleagues to be equally critical of previous Republican administrations for their attempt to sweep China's abominable human rights policy under the rug.

Human rights transcend parties and differences. We should be demanding human rights for the people of China, and we should demand, whether we have a Republican or a Democrat in the White House, that the United States stand up for our own principles.

I call on all of my colleagues to join me in urging our State Department to introduce and to lead to a successful vote a resolution denouncing China and China's abominable human rights policies.

Mr. Speaker, I am pleased to yield such time as she may consume to my friend and neighbor, the gentlewoman from San Francisco, California (Ms. PELOSI) someone who has been a leader in the fight for human rights in China.

Ms. PELOSI. Mr. Speaker, I thank our colleague for yielding time to me. I again applaud him for his great leadership on human rights throughout the world. I associate myself with the remarks in his statement, both in support of human rights and in clarifying the record about the bipartisan nature of the security issues that were raised by the gentleman from New York (Mr. GILMAN).

I also want to salute the gentleman from New York (Mr. GILMAN), the distinguished chairman of the committee. He has been a champion on human rights throughout the world. He has worked tirelessly for human rights in China and Tibet, and he has been an articulate voice that should be a comfort for all of those who fight for freedom throughout the world.

Mr. Speaker, this is a particularly significant year for us, the U.S., to take the lead on the U.N. resolution in Geneva. It has been 40 years since the Dalai Lama fled Tibet. It has been 20 years since the democracy wall repression in China, where those who dared speak out for freedom in 1979 were arrested for very long prison terms.

It has been, can we believe it, Mr. Speaker, 10 years since the tragedy of Tiananmen Square, since the massacre of those young people who dared to take as their symbol our statute of liberty, and as their clarion call the words of our Founding Fathers.

So it behooves the United States of America in this particularly significant anniversary year that commemorates serious repression in China and Tibet to take the lead, as our colleague, the gentleman from California (Mr. LANTOS) said, not only to introduce a resolution but to urge other countries to support it, too.

In the absence of our leadership brave Denmark, in which the United States is so ably represented by the son-in-law of the gentleman from California (Mr. LANTOS) and his family as our distinguished ambassadors there, brave Denmark introduced the resolution.

China's response? China said this resolution, at the U.N. commission, will be the rock which smashes Denmark's head. How distinguished of them to frame it in that way. But let us show the bravery of Denmark. It is the very least, I think, that we can do.

Some of our allies, the Brits, for example, said they were not going to introduce the resolution because they were going to give China this year to demonstrate an improvement in human rights, and then make an evaluation this year. Well, what did they see in that year but increased repression?

Sure, there was a show when President Clinton went to China, and there was just enough done on both sides for domestic consumption, both in China and in the United States. But the fact is, and as the record shows, it was not real.

I have been an ardent supporter of human rights in China, and foe of the failed policy of both the Republican and the Democratic administrations. The irony of it all is that we are diminishing our voice in human rights for trade purposes, and ha, ha, ha, the Chinese regime has the last laugh there, because they have refused to open their markets to our products.

Our reward for ignoring their human rights violations and their repression is a $60 billion trade deficit with China; $60 billion for the Chinese regime to buy more weapons for their military and more money to consolidate their position in power, and to continue to repress those who speak out for democratic reforms, the same democratic reforms, by the way, which they, in theory, signed up to support when they signed the U.N. Technician resolution, which they have not ratified and which they have not implemented.

Mr. Speaker, what is it that will happen if this resolution passes? If this resolution passes on the Floor, we will be giving the Clinton administration the leverage that they need, the leverage that they need to go in to the U.N. Commission and say, the Congress of the United States, speaking for the people of the United States, wants us not to ignore the human rights violations in China any longer.

If we win, and if we are serious about our leadership there we will win, because our failure will be indicative of our lack of enthusiasm there, and we have to get moving soon, but if we win there, it will make a serious difference to the pro-democratic reforms in China. We lose all moral authority to talk about human rights anyplace in the world if we refuse to speak up on it in a place because there are some trade deals involved. Our ideals and our deals are important. We cannot ignore our ideals.

So let us hope that when the President and the administration boast of having a consensus for their trade policy with China, which they do boast, that they will now also recognize the vote in Congress; as the gentleman from California (Mr. LANTOS) indicated, 99 to nothing in the Senate, and congratulations to them in the other body, and hopefully we will have a unanimous vote in this House of Representatives. When we do, we will be sending a very clear message to the Chinese regime that we know what is going on there.

My colleague, the gentleman from New York (Mr. GILMAN) very generously named many of the prisoners there. They say, Mr. Speaker, the most excruciating form of torture to a prisoner of conscience is to tell him or her that nobody in the world knows that they are there or cares that they are there.

Today this Congress has the opportunity to say, we know you are there, we salute your fight for freedom, we want to associate ourselves with your aspirations, we want to live up to the legacy of our Founding Fathers, and we are not going to be a prisoner, ourselves, of any trade relationship; one, of course, that does not even advantage us. Because what would it profit a country if it gained the whole world in terms of money, but suffered the loss of its soul?

Today we have an opportunity, because of the leadership of the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from Connecticut (Mr. GEJDENSON) to make our message a very clear one, and urge the administration, in the strongest possible vote, to support and take the lead on the resolution in Geneva.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank the gentlewoman from California for her supporting remarks. As the gentleman from California (Mr. LANTOS) indicated earlier, she has been a long-term fighter for human rights around the world, and particularly in China. We are grateful for her strong advocacy of this measure.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 28. This resolution is right on a number of counts. It is right philosophically, it is right practically, it is right in terms of trying to get the American people to think about the defense and technology policies that bind us to the People's Republic of China.

First of all, in terms of the principle of House Concurrent Resolution 28, the principle is that we are asking the United States, and I commend the chairman, the gentleman from New York (Mr. GILMAN) for the strong leadership he has always had, and my good friends on the other side of the aisle, the gentleman from California (Mr. LANTOS), the gentleman from Vermont (Mr. SANDERS), the gentlewoman from California (Ms. PELOSI) and others who have long fought the battle that human rights and democracy should mean more to the people of the United States than just platitudes on the Fourth of July.

The fact is that human rights and democracy are the foundation of what makes us, as Americans, different from people elsewhere in the world. The United States of America, unlike other countries, is not composed of a single religion or a single culture or a single ethnic group. We are people who are made up of various races and various religions. The one thing that binds us together is a love of liberty and justice, and a sense of human decency and honor that is not found as the basis of other societies.

This is the glue that ties together the United States of America. When that glue is in some way loosened, or in some way becomes unaffixed, it is a threat, it is a dire threat, not only to ourselves but to people around the world that depend so dearly on the commitment of our country to the founding principles.

In fact, the United States of America, without our commitment to human freedom and democracy, there is no freedom and democracy anywhere in the world that is not threatened by our own lack of commitment.

Today this resolution underscores that. It insists that even though in other countries, for pragmatic reasons, they may be afraid of what is going on in China, afraid to make the Communist Chinese regime in Beijing mad at them, they are not willing to vocalize those concerns about human rights abuses that are going on in the mainland of China, this resolution insists that the United States take the principled stand in these international bodies and officially oppose the degeneration of the human rights situation in Communist China.

I know it has already been stated, but on February 26 the State Department issued its human rights report and found that over the last year, in terms of human rights, China's record has "sharply deteriorated." This is unfortunate, because the policies of the United States have not kept pace with the deterioration of human rights that is going on in China. At least this resolution will put us, in principle, where we should be in terms of this vital issue.

There is a symmetry in this world. If we are not right on the issues of human rights and democracy, if we base our principles on something other than those principles that George Washington and Thomas Jefferson laid out, no matter how imperfect we were in those days, and how we have struggled to overcome our imperfections over these many decades and into this century, those principles hold firm, and trying to use those principles as a guiding light has served our country well, and has served the world well.

One note. If it was not for the commitment of the people of the United States to democracy and freedom, the Nazis and the Japanese militarists would undoubtedly dominate this planet at this time. Undoubtedly the millions of people who died under the genocide of the Nazis, there would be millions more people who would have died under the genocide of communists and Nazis and other dictatorships.

So it was our commitment, it was the Saving Private Ryan generation, that not only saved Private Ryan but saved the world and provided us, provided us with a message. It is now our job. They have done their duty. We must do ours. So this goes a long way in establishing that principle.

But there are practical issues when we set this principle down. Although this is not dealt with specifically in this resolution, I will mention them only in passing. We must, when setting down this principle, that human rights counts, democracy counts, and that if a country is the world's worst human rights abuser and is expanding its military power, that that is a concern for us; that we must then look at our policies and say, is it indeed right that we treat the People's Republic of China, the world's worst human rights abuser, in the same way that we treat Belgium or Italy or other democratic countries?

This is a national debate that we need to have. We need to know what we should do in situations like this. Congress does not have all the answers, but we do know that in the last 10 years, as the human rights situation in China has continued to decline, as there has been more and more repression, as there has been genocide, genocide in Tibet and murders in the Muslim areas in the far reaches of China, as well as the repression of people of religion in China, we have not changed our trade policies or some of our other policies to deal with this.

We condemn those policies or actions today, but we need to have a discussion, an honest and open discussion of what our trade policies should be. As it is, our trade policy has provided the Communist Chinese regime with billions of dollars worth of surplus which they are using to upgrade their military capabilities and to increase the control over their own people.

By the way, this trade policy is done at the expense of our own people. Quite often we are subsidizing the investment of manufacturing units in China which are then used to manufacture goods to put our own people out of work. This may be a policy that we might not want to have with a democratic country; but to a dictatorship, for a country that is the world's worst human rights abuser, to a country that is expanding its military power, I do not think so.

□ 1415

Finally, we have to confront the issue as has become more evident this weekend when, finally, word leaked out about the technology transfers, the awesome technology transfers that have taken place over these last few decades.

The Communist Chinese, not only have been able to obtain military technology, sophisticated military technology, but they have obtained technology that will permit them to produce weapons of mass destruction that put in jeopardy the lives of millions of Americans.

Then we hear about American companies trying to keep down the cost of putting in satellites by increasing the reliability and the efficiency of Communist Chinese rockets to deliver those very same weapons of mass destruction possibly to the United States if we are ever in a confrontation.

These are items that can no longer be ignored. These are things that should be on our agenda to discuss as a free and democratic people, a people of goodwill on both sides of the aisle.

Today we express our concern for the principle, for the underlying principle of human rights and democracy. We express this to reconfirm our commitment to what George Washington and Thomas Jefferson and our Founding Fathers talked about. But we should also reaffirm it as the foundation of practical policy.

So today, as I rise in support of H. Con. Res. 28, I would also call on my colleagues to begin a debate, a sincere debate on how this positive stand for human rights should be interpreted in our trade and technology and defense policies that guide our country.

I thank the gentleman from New York (Chairman GILMAN) and for the leadership he has provided, the leadership that the gentleman from California (Mr. LANTOS) has provided on human rights throughout the years.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my friend and colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to associate my words with those stated by the gentleman from New York (Chairman GILMAN) and the gentlewoman from California (Ms. PELOSI), and the gentleman from California (Mr. LANTOS), the ranking member. Let me acknowledge again the very dedicated, committed, and consistent voice that the gentleman from California (Mr. LANTOS) has been on this issue.

Mr. Speaker, I rise today with a little repentance and a question as well, because I think, if the American people understand why we are here on the floor of the House, there may be a wave of support for having this resolution under our name in the United Nations, this resolution to condemn the human rights abuses in China.

I say that because, as the weekend approaches, whether it is Friday evening, whether, for Muslims, it is throughout the week at different times, whether it is a Sabbath Saturday or a Sabbath Sunday, we are unfettered by our ability to worship our God or our beliefs or express those beliefs.

If there are those that would interfere with religious beliefs, we can be assured that we have access to grievance and to a response. How would we like to have a country, a Nation that we live in that continues to turn up its nose on the issue of mere, simple and obvious rights for their people?

China has continued to do this in a very arrogant manner, to the extent that when Denmark offered to have this resolution presented to denounce their human rights, they indicated that they would be crushed.

Where are our principles? Yes, I believe in trade. In fact, I have been convinced on one or two occasions that China should be constructively engaged. So my repentance is such that I have offered them an olive branch. I have said, "If we engage with you, will you understand that Tiananmen Square meant something to Americans, that the Dalai Lama means something to Americans? The Dalai Lama means something to us. The people of Tibet need to be able to respect and acknowledge their leader. Forced abortions mean something to us."

So I think it is more than appropriate for a nation who has, time after time, received from Republican administrations and Democratic administrations the push for Most Favored Nation, of which it seems that we have not benefited. My own city of Houston has just recently returned officials from a trade mission because we are looking to engage.

Now I believe, Mr. Speaker, is the time that we follow the other body and unanimously engage with China and have this motion before the United Nations, using every ounce of strength that the United States has. We will not tolerate the human rights abuse. We will stand up and be counted for all of the tragedies and the incarcerated persons and the elimination of religious freedom. Now is the time.

Let me say on the floor of the House, I have repented. It is a time now to address the question of human rights abuse for China to hear us loudly and clearly before we go one step of the way.

Mr. Speaker, I rise in support of House Resolution 28, which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the United Nations Commission on Human Rights.

I know that physically the United States can do very little to relieve the suffering of people in other nations at the hands of their own governments. However, we as members of this representative body on the behalf of the American people and those without voices can advocate our concerns regarding human rights policies which are inconsistent with our own interest and values.

In its annual report on human rights, the State Department stated that the human rights situation in China has continued to "deteriorate sharply." The government in Beijing continues to commit "widespread and well documented human rights abuses."

Despite China's recognition and signature on two United Nations human rights treaties, China's government continues to commit widespread violations of internationally recognized standards. These violations include torturing prisoners, forcing confessions, restricting nongovernmental political and social organizations, and restricting the press.

The Chinese government has continued its repression of religious freedom outside of the official Chinese church. This religious crackdown has manifested itself in Tibet, with the continued denunciation of the Dalai Lama. Tibet continues to see an increase in the number of political arrests and the Chinese suppression of peaceful protests.

With these human rights abuses in mind this body must and should encourage the Administration to support and make all efforts necessary to pass a resolution at the annual meeting of the United Nations Commission on Human Rights criticizing the People's Republic of China for its human rights abuses in China and Tibet.

In the past the Government of China has made some modest improvements in human rights just before the annual Human Rights Commission consideration of a China resolution. For example, we know that conditions for political prisoners improve when the resolution is being debated and they deteriorate when the resolve of the United States weakens.

China in the past has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this resolution will prompt the attention of the Chinese government.

The Senate has already signaled its frustration and displeasure with the Chinese government's human rights record by passing a similar resolution to the one now being debated by a unanimous vote. Therefore, Mr. Speaker, I strongly encourage my colleagues to support House Concurrent Resolution 28.

Mr. LANTOS. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her very powerful and eloquent statement.

Mr. Speaker, I am delighted to yield as much time as he might consume to the gentleman from Vermont (Mr. SANDERS), my friend, who has been a champion of all human rights causes globally and will now speak on the issue of China.

Mr. SANDERS. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) very much for yielding me this time, and I appreciate the fact that he is perhaps the conscience of this Congress in terms of human rights. We thank him very much for his work, and we applaud the gentleman from New York (Mr. GILMAN) for his leadership as well.

Mr. Speaker, I rise in strong support of this resolution which addresses the horrendous record that China has on human rights, both within their own borders and within Tibet as well.

Under the 50 years of the Chinese occupation, the Tibetan people have been denied most rights guaranteed in the universal declaration of human rights, including the rights to self-determination, freedom of speech, assembly, movement, expression, and travel.

In the 20 years after the 1959 Tibetan uprising, 1.2 million or 20 percent of Tibet's population was killed. Today the Chinese are further undermining Tibet with a massive influx of ethnic Chinese into Tibet. In some areas, Chinese outnumber Tibetans by two or three to one. With this influx, the Chinese are controlling the cultural, economic, and religious life as well as the political and military structure in Tibet.

Religious repression is one of the cruelest aspects of the Chinese regime in Tibet. Over 6,000 monasteries and sacred places have been destroyed by the Chinese who are making a concerted effort to wipe Tibetan Buddhism off the face of the Earth.

Interestingly, and one of the reasons I became involved in this issue, is that the horrendous human rights record in China struck home to the people of the State of Vermont, and specifically the people of Middlebury College Community when the Fulbright scholar and former Middlebury College student Ngawang Choephel was seized by the Chinese authorities in 1995 for the crime of doing videotaping in Tibet.

He was charged for this horrendous crime of using a videotape to record the culture of Tibet. He was charged with espionage, and the result is that he was tried in secret. No evidence has ever been made public to support the charges of espionage, which most of us think is absolute nonsense.

Ngawang Choephel was sentenced to 18 years in jail for videotaping cultural activities in Tibet. His frail elderly mother, Sonam Dekyi, who I had the privilege of meeting in Middlebury, Vermont, is spending all of her energy, not only trying to get her son out of jail, but trying to visit him, to see what is going on, and she has up to this point not been successful.

In July of last year, Ngawang Choephel was transferred to Puatromo Prison, which is a high security facility in a remote isolated area. Unlike other prisons, inmates are denied visitation rights. This is a brutal treatment for an innocent young man. Yet it is treatment of Tibetans, and worse occurs regularly under the Communist Chinese rule.

My friend, the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights, recognizes the plight of Ngawang Choephel and was kind enough to insert an amendment into the resolution specifically citing Choephel's unjust imprisonment as an example of China's violation of basic human rights.

I thank the gentleman from New Jersey (Mr. SMITH) as well as the gentlewoman from Georgia (Ms. MCKINNEY) who is the ranking member, for their attention to the plight of this young man. I would also like to thank the committee chairman, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) the ranking member, for their commitment for human rights and for bringing this resolution forward.

I would simply conclude, Mr. Speaker, by saying that, as the gentleman from California (Mr. ROHRABACHER) mentioned a moment ago, I think, as important as this action is, we have got to go further and ask ourselves why we continue to provide Most Favored Nation status to China, why we continue to sit back while major corporation after major corporation throws American workers out on the street, runs to China where people are paid 20 cents and hour and have no basic democratic rights.

So I think that whole issue of trade and responsibility of an element of corporate America to perpetuate and strengthen the regime in Peking has got to be addressed as well.

Mr. LANTOS. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from California (Mr. LANTOS) has 30 seconds.

Without objection, the gentleman from New Jersey (Mr. SMITH) will control the time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. SMITH) has 4½ minutes remaining.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that we have 6 additional minutes equally divided between us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), one of the most effective and successful champions of human rights in this body.

Mr. HOYER. Mr. Speaker, I thank my very good friend, the gentleman from California (Mr. LANTOS) for yielding me this time. I want to thank also the gentleman from New Jersey (Chairman SMITH) for his graciously asking for additional time.

Mr. Speaker, I rise in support of H. Con. Res. 28 and urge my colleagues to do the same. We must make it clear to the government of China that it will not be business as usual with the United States if they continue to abuse their own citizens. Some of us frankly have been voting that way consistently on MFN.

The government of China rhetorically recognizes the universal declaration of human rights and, indeed, its own constitution and laws provide for fundamental rights. That is, of course, on paper. Obviously, and tragically, these laws are honored more in the breach than in the practice. In fact, according to the recently released State Department Country Report on Human Rights Practices in China, the situation has substantially deteriorated since President Clinton's visit in July of last year.

Beginning in the fall, dozens of political activists were arrested for attempts to register a political party and engage in other political activities which we believe to be fundamental to the rights of individuals.

Over 30 members and supporters of the China Democracy Party were detained, and three of its leaders were sentenced to lengthy jail terms in closed trials that flagrantly violated due process.

The State Department report also reveals that the government of China continues to commit widespread and well-documented human rights abuses, including extrajudicial killings, torture, and mistreatment of prisoners, forced concessions, and arbitrary arrests and detention.

At a minimum, Mr. Speaker, our government should take the steps called for by H. Con. Res. 28 and formally rebuke the government of China before the United Nations Commission on Human Rights.

Mr. Speaker, the Statute of Liberty stands at the gateway of America and says, "Give me your tired, your poor, your huddled masses yearning to breath free, the wretched refuse of your teeming shores, send these, the homeless, tempest-tossed, to me." Millions have come seeking freedom, seeking justice, seeking fundamental human rights.

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Mr. Speaker, we know that America cannot take all of the homeless, all of those tossed by tempest within our borders. But what we can do, and what we must do, as the leader not just of the free world but as the leader of the world committed fundamentally to human rights, we need to speak up, speak out, and act upon our principles, and make it clear to the rest of the world that we will not do business as usual with those who undermine human rights in this world.

Mr. Speaker, I thank the gentleman for yielding me this time, and I urge strong support of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to be a cosponsor of H. Con. Res. 28, the Gilman-Gephardt resolution which urges the United States to sponsor a human rights resolution regarding Chinese violations at the U.N. Human Rights Commission in Geneva and, equally important, to work vigorously for the resolution, not just to introduce it, but to work very hard with other member states to secure its passage.

Mr. Speaker, on January 8, the Committee on International Relations held a hearing on the ongoing and very deplorable state of human rights in China today. Each of our witnesses was a prisoner of conscience who had recently managed to get out of China. All of them called for the United States to be far more forceful in responding to the human rights violations in China than we had been in recent years. The following week we heard from human rights organizations, and each and every one of them agreed that our policy of constructive engagement has been a failure.

I would remind my colleagues that last year, and the year before, and the year before that, and even when the gentleman from California (Mr. LANTOS) was chairman of the subcommittee that I now chair, we held hearing after hearing—matter of fact, in the last 4 years alone, about a dozen hearings—on the deplorable state of human rights in China. We heard from Harry Wu, that great leader who spent years in the laogai, who got out and actually went back to try to bear witness to the ongoing oppression that comes the way of religious and political prisoners in China.

We heard from Wei Jingsheng, and many other political prisoners, who had been tortured, who had suffered unspeakable atrocities, both psychological and physical. And they said that we need to know the true nature of this regime; that it is oppressive.

We have heard about Tibet, and we heard from the representatives of the Dalai Lama. Richard Gere came to one of our hearings on refugees and spoke very eloquently about how the Buddist nuns and priests are routinely tortured.

I will never forget when we heard from survivors of the laogai, the gulag system. Six of them came before us: Catherine Ho, Palden Gyatso, and many others. Palden Gyatso, a Buddhist monk, came in with some of the implements routinely used to torture people. He could not even get through security downstairs in the Rayburn Building. We had to escort him through. And he told of the agony that is routinely visited upon these individuals.

We heard from Mrs. Gao, a woman who used to run a forced abortion, forced sterilization program in Fujian Province. She got out, with the assistance of Harry WU, and she told story after story about how women as late as in the ninth month of their pregnancy would be forcibly aborted.

We heard from women who had escaped on the Golden Venture at another hearing, and how one woman, when 6 months into her pregnancy, was forcibly aborted by the dictatorship, to comply with the one child per couple policy.

We heard from another woman who found a baby girl who had been abandoned, because very often girls are abandoned in China, when couples are only allowed one child. She scooped up that child, like the good samaritan that she was, only to have the family planning cadres come knocking at her door to say that now that she had her one child, she must be forcibly aborted and she needed to be sterilized.

These are the every day realities of what goes on in the People's Republic of China: Religious persecution of the house church movement and the Catholic church. All of them suffer unbelievable cruelty at the hands of the Chinese dictatorship.

Amnesty International recently issued a report card, and they made it known at our hearing on China. They listed a number of concrete benchmarks and said let us look at these areas and determine whether or not constructive engagement has indeed borne any fruit. In each one of those categories, they found total failure.

For example, they spoke of the release of the Tiananmen Square prisoners and other prisoners of conscience. Their verdict: Total failure.

Review all counterrevolutionary prison terms. Bottom line, total failure.

Allow religious freedom. Their bottom line: Continued strong repression.

Prevent coercive family planning and the harvesting of organs: They said, no improvement.

Amnesty then went on to speak of the implementation of the so-called the Covenant on Civil and Political Rights, which the Chinese government milked for all it was worth. They have not even implemented it yet, as we all know. They signed it and got all these accolades in the west, including the United States, with perhaps no intention of following through on the rights that were enumerated in there.

Let us be mindful of this flimflam game they play. They sign a scrap of paper here, an important treaty there, and then they do not follow through, and there is no implementation.

Also, Amnesty International raised the issue of police and prison brutality. We know—and the Country Reports on Human Rights Practices clearly documents this, as do report after report from the human rights community—that torture is routinely used against dissidents and prisoners of conscience and religious individuals. Routinely.

Mr. Speaker, the resolution that is before us today urges the administration to do the very least it can do to try to rectify this egregious situation. Indeed, in 1994, when President Clinton delinked human rights from Most Favored Nation status for China, an annual resolution at Geneva was going to be, by his own reckoning, the centerpiece of what he would do to try to thwart the human rights violations in that country.

As of today, the administration apparently still has not decided whether or not it will proceed with a resolution this year. The Human Rights Commission begins on March 22. And as we all know, the other body has already gone on record unanimously—my hope is we will as well—saying bring this resolution to Geneva, let us vote on it and, hopefully, let us prevail.

Mr. Speaker, the Subcommittee on International Operations and Human Rights of the Committee on International Relations, which I chair, did add the amendment of the gentleman from Vermont (Mr. SANDERS), at his request. And let me say there are many others that could be added as well. But that just underscores the extent of the Chinese government's barbaric behavior.

Last week, for example, 10 Uighur political and religious prisoners were executed. We have heard from people who have talked about the Uighur minority and how they are discriminated against. Everywhere we look, the Tibetans, the Han Chinese themselves, and the Uighurs are all singled out whenever they have a different religion, because, obviously, China is an atheistic state, and those believers do not conform to the very, very carefully circumscribed limits of the officially recognized churches. Step across that line, and the full weight of the Chinese dictatorship will be brought to bear against you.

Just so all Americans understand, one individual was given an 11-year prison sentence for giving an interview, an interview, to Radio Free Asia. He talked to the press. And for that he was yanked by the dictatorship, by their cronies, and thrown into prison. He is now serving an 11-year prison sentence.

This barbaric behavior has to stop. The minimum we should do is to try to raise the issue rhetorically at the U.N. Human Rights Convention. Not to do that would be an outrage. I hope the Clinton administration will hear us, and I urge support for this resolution.

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 28, a resolution urging the United States to cosponsor a resolution condemning China's human rights record at the United Nations Commission on Human Rights. I commend Chairman GILMAN for introducing this resolution and moving it through the committee so quickly. A similar resolution passed the Senate by a vote of 99–0. That should set an example for this body. I hope H. Con. Res. 28 will pass the House unanimously today.

The United Nations Human Rights Commission is the forum within the United Nations system established for the express purpose of examining and voicing concern about the human rights practices of member countries. Its resolutions are not binding in any way, but they do have the effect of raising awareness and holding countries accountable to their international human rights commitments. China, as a member of the United Nations, has agreed to the Universal Declaration on Human Rights. It has also signed the International Covenant on Civil and Political Rights, a treaty-like document which obliges it to uphold certain basic freedoms of its citizens.

Among these are the freedom from arbitrary arrest and detention; freedom of thought, conscience and religion; freedom from torture; freedom of expression; freedom of peaceful assembly, and the right to fair and speedy trial.

It agreed to sign this covenant last year at this time and doing so enabled China to avoid criticism at the 1998 Commission. The Clinton administration cited China's willingness to sign the International Covenant on Civil and Political Rights as the reason why it did not go forward with a resolution in 1998.

Mr. Speaker, this year there is no excuse. China's human rights record is as bad as ever.

Since July 1998, the Chinese government has arrested over 100 prominent democracy activists, giving many long prison sentences in unfair trials. Their crime was expressing their views—acting on their conscience. An intense crackdown earlier this year coincided with the start of talks between U.S. and Chinese officials in a so-called—and much touted—"human rights dialogue." The crackdown was a message—we are willing to talk about human rights but we know we don't have to take any action. Thousands of political prisoners remain in jail.

Religious believers in China have continued to suffer persecution. Catholic bishops and priests continue to be jailed and tortured. The Vatican reported earlier this year that Chinese authorities tortured a 31-year-old priest by subjecting him to physical and psychological pressure. They brought in prostitutes to tempt him and then video-taped his ordeal as a way to break his spirit.

Protestant house church leaders are on the run, fearful for their lives and freedom. Reports indicate that almost all the leaders of China's largest house churches—the name given to the vast network of underground churches—are forced to move from place to place to avoid arrest.

Though persecution of house churches varies from region to region, it is Chinese government policy to crack down on China's underground churches. A number of documents smuggled out of China in recent years have revealed the local communist party's plans to eradicate the underground church. For example, such a document revealed last year that in July 1998, municipal authorities in Hua Shen complained to their superiors about the activities of an "illegal missionary" whose preaching has begun to attract more and more followers. "He has been arrested and educated many times, and yet his heart has not died and his nature has not changed" party officials report. His religious gatherings draw people from neighboring towns—sometimes as many as 1,000 at a time—and has "become the largest illegal religious group * * * It has created an interference effect," the report says. It calls on all local municipal units to coordinate their activities in order to "effectively crack down illegal religious activities and create favorable conditions for the stability and development of our town."

That is not religious freedom, Mr. Speaker. This is religious persecution.

In Tibet where the Buddhist religion is a deep part of the culture, the communist party has begun a campaign to encourage Tibetan Buddhists to become atheists. This is only the latest anti-religion campaign waged by the PRC against the Tibetan Buddhists.

The Chinese Government has closed monasteries and nunneries and expelled monks and nuns. Since 1996, some 9,977 monks and nuns have been expelled from their monasteries—7,000 in 1998 alone. A reported 492 monks and nuns have been arrested since May, 1996—135 in 1998. Of these, 13 died in prison from torture. Many others were released just before they died. Torture is rampant in Tibetan prisons. Hundreds of Tibetans continue to flee across the treacherous Himalayan Mountains to reach freedom in Nepal and India. Some even send their children—fearing there is no future left for them in Tibet.

Amnesty International reported that a group of young Uighurs were sentenced to death recently on political charges. Uighurs are Muslim people living in the Northwest province of Xinjiang. They have reported severe persecution, the closing of mosques, and overall discrimination against their population by the Chinese Government. It has also been reported that Chinese nuclear weapons are tested in areas populated by Uighurs—leading to birth defects and other problems.

But, Mr. Speaker, despite all these facts, the Clinton administration sits on their hands when it comes to exerting multi-lateral diplomatic effort to end China's human rights abuses. We dilly-dally and postpone our decision about sponsoring a resolution at the U.N. Human Rights Commission, making it almost inevitable that any such resolution will be defeated.

China is not sitting on its hands. It is probably already lobbying its friends hard against such a resolution. Human Rights Watch documented China's efforts to defeat a resolution in 1997—by dangling millions of dollars worth of contracts in front of governments willing to vote with them.

But the Clinton administration is not even willing to exert diplomatic leadership to generate support for a resolution of condemnation.

This is not leadership and it does illustrate a commitment to human rights on the part of U.S. Government.

We talk tough, then appease the PRC. We look the other way while China steals American technology to enhance its military capability and then appease the PRC by giving Chinese leaders state and high-level visits to the United States. We say we care about human rights, but we don't use multi-lateral frameworks to advance them.

Our policy is a failure.

I hope my colleagues will support H. Con. Res. 28 and I hope the administration will not let China off the hook in Geneva.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Con. Res. 28, expressing the sense of the Congress that the United States should introduce and seek to secure passage of a resolution criticizing Chinese human rights abuses at the annual meeting of the United Nations Commission on Human Rights.

There is no question that the recent actions by the Chinese authorities to criminalize the activities of individuals seeking to organize a new political party are in direct contradiction to China's stated commitment to the Universal Declaration of Human Rights and its signature last year of the International Covenant on Civil and Political Rights. The prosecution of some Chinese citizens for their contacts with foreign individuals and their alleged passing of "state secrets" in some instances also appear to be serious breaches of China's obligation to respect universally recognized human rights standards. Such efforts to control freedom of expression are deeply disturbing, and reflect a government that is unsure about its legitimacy.

Mr. Speaker, China's internal situation clearly remains a complex mixture of positive and negative developments. The resolution correctly refers to other areas of ongoing concern with respect to China's human rights performance, including family planning practices, the situation in Tibet, freedom of religion and the penal system. At the same time, this Member believes it is important not to lose sight of some of the progress being achieved, for example, in the area of multi-candidate elections at the village level in certain regions and in the continued trend toward increased personal freedom of Chinese citizens to pursue their economic betterment.

While not discounting improvements where they are discernible, this Member also believes that when China takes steps that are clearly retrograde in the area of human rights, the Administration must condemn such actions forthrightly, both bilaterally and in appropriate multilateral settings. The Administration's decision not to introduce a resolution on human rights in China at the 1998 meeting of the United Nations Commission on Human Rights was a serious error, and was correctly criticized at the time by a number of Members of this body. This Member welcomes the clear statements by the Secretary of State during her visit to China last week. The Administration must now reverse the mistake it made last year in Geneva by introducing and advocating strongly for a resolution critical of China's human rights violations.

Mr. Speaker, this Member urges all of his colleagues to support H. Con. Res. 28.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 28, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of House Concurrent Resolution 28.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR USE OF CATAFALQUE IN CRYPT BENEATH ROTUNDA OF CAPITOL IN CONNECTION WITH MEMORIAL SERVICES FOR THE LATE HONORABLE HARRY A. BLACKMUN, FORMER ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. THOMAS. Mr. Speaker I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 45) providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I have no intention of objecting, but I will ask the chairman if he has any comments he wants to make with reference to the legislation.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank my colleague, the ranking member, the gentleman from Maryland (Mr. HOYER), for yielding.

This is a serious occasion when an Associate Justice of the United States, after 24 years of service, passes away, and it is entirely appropriate that the catafalque reserved in the basement of the Capitol, known as the Lincoln catafalque, since he was the first to use that catafalque, be provided for the Supreme Court for this occasion.

It is always a sad time when the catafalque is used, but the memories and the history of this country, intertwined with the catafalque, I believe, carry with it the appropriate seriousness and ceremonial nature of recognizing one of America's finest former Justices of the Supreme Court.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HOYER. Reclaiming my time, I echo the chairman's comments, Mr. Speaker. I believe that it is appropriate in this instance for us to authorize the use of the catafalque by the Supreme Court, as the gentleman from California (Mr. THOMAS) has said, to honor someone who has given such long and honored service to the country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 45

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is situated in the crypt beneath the rotunda of the Capitol so that such catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INFRASTRUCTURE IMPROVEMENTS AT DULLES AND NATIONAL AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I have just come from a markup where a unanimous vote was taken for an historic breakthrough similar to what this body achieved last year with the highway trust fund monies.

We voted H.R. 1000 in the House Subcommittee on Aviation of the Committee on Transportation and Infrastructure to allow the gasoline taxes to go for what the taxpayers intended them for, and that is to pay for infrastructure improvements in our airports. We hope to break a stalemate that developed last year.

My interest is very special, because the National Capital region, through which most Members travel, has been the subject of a special spotlight. The trust fund will undoubtedly do for other airports what it will do for National and for Dulles. For example, to triple the amounts that would be forthcoming for these two airports, if this bill passes.

□ 1445

I do not need to remind Members that 25 million people come through these airports, many of them your own constituents, so you have surely the same kind of concern and interest I do, that these funds be released.

Some of my colleagues may wonder why the new terminal is completed but the historic old terminal is as it was, and that is because our funds have been held up quite apart from the reauthorization but because National and Dulles have been caught in the slot and perimeter controversy; that is to say, in the controversy over how many takeoffs and landings will be there. Republican and Democrat, Maryland, Virginia and the District, we have stood side by side saying no more slots at National, no more slots, because despite economic benefits for the District which I would ordinarily be for, there are such significant safety hazards, insufferable noise and increased ground and air pollution that it made no sense to crowd overcrowded National. At the same time we would seriously hurt Dulles Airport which, instead of having its competitive advantage increased, would lose millions of dollars' worth of business.

In our subcommittee, we reached a reasonable accommodation with the addition of only six slots, and those going at only two per hour for underserved airports with no increase in the perimeter, that is, the number of miles from Washington that can be traveled, so there will not be increased noise in our neighborhoods. Remember, we are talking about an airport that is essentially located in downtown Washington.

We have also succeeded in getting $200 million released that was held up irrationally because in 1996 a link between getting nominations to the Metropolitan Airport Authority and the release of this money appeared in a bill. Our subcommittee delinks this so that when Members go to National Airport, they in fact will see the whole airport being renovated. We are to the point where if we do not proceed, the burden will be very great and we simply cannot wait much longer.

The other body has a provision in its reauthorization of the FAA, that is what is here, H.R. 1000, they have in S. 82, the companion bill, an additional 48 slots. I just want to say to this body here and now that the one thing National cannot accept is 48 new slots. That is unacceptable special interest legislation. It is this body that some years ago instituted a slot rule because National is one of the most dangerous airports in the country to fly into. It is greatly overcrowded. We hope that we can reach out in accommodation with the other body.

This is an airport for the world and for the country. In its wisdom, this body gave oversight of this airport to a metropolitan regional authority a few years ago. That authority has done a spectacular job. You can see it with your own eyes in the additions that are being made at Dulles, with the renovation of National Airport. Nevertheless, it is not a state of the art airport. It can never be a state of the art airport. We can make it more comfortable for people coming in. We must not overcrowd the air and make an airport that is now safe only because of a restriction on the number of slots unsafe because without thinking through this issue we have bowed to the Senate. I am sure that when we get into conference we can reach the kind of accommodation that all can live with.

To the Members I say, welcome to National Airport, welcome to Dulles Airport. Let us pass H.R. 1000 and get them both finished and safe.

IN MEMORY OF JOE DiMAGGIO, THE YANKEE CLIPPER

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, yesterday our Nation lost a bit of its soul when the Yankee Clipper, Joe DiMaggio, waved good-bye for the last time. Unlike many, Joe DiMaggio deserved the accolades he received. Joe DiMaggio was more than just a great baseball player, I think we would all admit. Some argue he was simply the best. Clearly he was one of the best. For me and I believe many, it was not the hitting streak, the way he glided around the bases, the outfield he roamed effortlessly, or the many world championships he helped to secure. Heck, I never even saw Joe DiMaggio play. He retired 14 years before I was born. Certainly it was on the field where Joe DiMaggio earned his glory but it was off the field where he earned his respect and the everlasting admiration of millions. Joe DiMaggio lived a life with grace, dignity, integrity and humility. This is what I believe made Joe DiMaggio so very, very special.

Over time, celebrities puncture our culture or splash onto the scene only to disappear after what seems like a moment. These fleeting "stars" that society grabs and lets go so quickly grab the big headlines, go to the best parties, or are seen with the "right people." Joe DiMaggio, on the other hand, was timeless. He grabbed a part of an era, the World War II generation, that some think is the best, and carried it with class until the day he died. Unlike many of those celebrities, Joe DiMaggio enjoyed universal love. Why the spontaneous standing ovations when he walked into a restaurant 47 years after he left the game of baseball? Because the people of this country still acknowledge greatness in their own special way. To many, Joe DiMaggio represented the wonders and goodness of man and this great country, America. You see, to many in this country, our country, character still matters.

Let me also take a moment to pay tribute to that city that Joe DiMaggio called home, and the city where Joe DiMaggio was one of its favorite sons, New York. In some parts, New York City gets a bad rap. That is a shame. New York City is unlike any other city in the world. Its pace may be too fast, crowds too large, streets too congested, but with all of this comes millions of people who love life, the United States of America, baseball and yes, the Yankees. And not necessarily in that order. And these folks loved Joe DiMaggio. Mr. DiMaggio embraced New York City and made it special and New York City embraced Joe DiMaggio and will never let him go.

And also what Joe DiMaggio represented, son of an immigrant from Italy who personified all the goodness of the great contributions Italians have made to build this great country. He was proud of his Italian heritage but he loved this country.

When Joe DiMaggio retired from baseball, he still had what others would argue is a few good years left. But not for Mr. DiMaggio. He walked away because he had standards. History will record those standards along with the hitting streak, the grace, the quiet dignity and integrity which will forever be the hallmark of one of the greatest baseball players of all time. So no more opening days, just memories and a celebration of a wonderful life. I wish I could say it ain't so, but the Yankee Clipper has set sail.

Mr. Speaker, in closing I guess he will forever be immortalized in a song written by the songwriter Paul Simon. In today's New York Times, Mr. Simon, in an op-ed piece, talks about those words, "Where have you gone Joe DiMaggio? A Nation turns its lonely eyes to you."

Mr. Simon says,

> In the 50's and the 60's, it was fashionable to refer to baseball as a metaphor for America, and DiMaggio represented the values of that America, excellence and fulfillment of duty, he often played in pain, combined with a grace that implied a purity of spirit, an off-the-field dignity and a jealously guarded private life.

Mr. DiMaggio was truly a great American and will forever be missed.

HOME HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I would like to talk about an issue which is of great importance to my State of Vermont and to I believe virtually every State in the country, and that is the crisis that is currently occurring with regards to home health care.

As you know, Mr. Speaker, in 1997 the Congress, against my vote, without my vote, passed the so-called Balanced Budget Act which cut $115 billion from Medicare, including $16 billion from home health care. Of course, those savings were used to provide tax breaks, most of which went to the very wealthiest people in this country. So we cut Medicare, we cut home health care, and we gave tax breaks to the rich and to the very rich.

The result of that is that since 1997, cuts in home health care agencies have forced about 20 percent of those agencies to close, and agencies that are still open such as the 13 efficient nonprofit agencies in the State of Vermont are now struggling to meet the home health needs of their constituents with fewer resources.

Last year, we put a band-aid on the problem and passed limited home health relief. We took a small step forward, but clearly nowhere near enough. Right now we have got to stop the upcoming 15 percent across-the-board cut in home health care. We need to increase home health care per visit cost limits, we need to reform per beneficiary limits so that the sickest patients who need many home health visits have access to them. I am hopeful that Congress this year will do the right thing and pass comprehensive home health reforms this year that will truly help our agencies and equally as important Medicare beneficiaries who need home health care.

There is one particular aspect of the debate about home health care that concerns me very, very much, and, that is, that the Medicare commission is proposing a 10 percent copayment for home health care which would result in out-of-pocket payments for the average senior of $470 a year. Now, some people may say, "Well, $470 is not a lot of money." Well, it is a heck of a lot of money if you are an elderly person, if you are frail, and if you have an income of $8,000 or $9,000 or $10,000 a year. That is 4 percent or 5 percent of your total income. At a time when many of our seniors cannot afford the prescription drugs that they need, when their out-of-pocket health care costs are soaring, it would be an absolute outrage to ask the elderly, sick, poor people to be paying $470 a year more for a program which they now receive for nothing and which they should continue to receive without cost.

It is beyond my comprehension, Mr. Speaker, that at this moment at the same exact time that people are talking about imposing an horrendous copayment on low-income, sick senior citizens, these same people are talking about tax breaks for millionaires and billionaires. In other words, in all essence you raise taxes for the poor, the sick and the elderly, those people who are too frail to leave their homes, and you take that money and you give tax breaks to millionaires and billionaires. That is unconscionable and it is beyond my comprehension that any Member of the United States Congress would support such a regressive and reactionary approach. What kind of country are we if we would do that?

I would hope, Mr. Speaker, that we will not go that route. I am proud to say that I will be sending a letter to the Medicare commission which contains the names of 69 Members of the House who are going to say to that commission, "Don't impose a copayment on the elderly and the sick and the frail."

Let us support home health care, let us understand that home health care is an integral part of long-term care, that it is something that is vitally needed, that it is something that is cost effective. If people do not receive the home health care that they need, they are going to end up in the hospital at far greater expense to Medicare.

I would hope, Mr. Speaker, that this body will go on record as saying no to any copayments and let us protect some of the most fragile people in our country, and, that is, those people who cannot leave their home, who are old, who are sick and who are poor.

RULES OF THE COMMITTEE ON APPROPRIATIONS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House, I submit herewith the rules of the Committee on Appropriations for the 106th Congress. The committee rules were approved by the full committee on February 2, 1999.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, COMMITTEE RULES EFFECTIVE FOR ONE HUNDRED SIXTH CONGRESS, APPROVED FEBRUARY 2, 1999

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Fifth Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Sixth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; *Provided, however*, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SEC. 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 9(c) of Rule X of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 9(c) of Rule X of the Rules of the House of Representatives; *Provided*, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4 COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the

House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House, except that the Committee authorizes use of any record of which Clause 3(b)(4) of Rule VII of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; *Provided, however*, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) receive during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon requested to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause (4)(f) of Rule XI of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or subcommittee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information System.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement—Each report of the committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities).

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member,

with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (i)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; *Provided*, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause (3)(a) of Rule X of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 8 of Rule X of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended by any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employees.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Oversight pertaining to such travel, and as promulgated from time to time by the Chairman.

EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CROWLEY. Mr. Speaker, I rise to speak about the educational needs of our children and about the poor facilities and overcrowding faced by schools in my district and districts all across this great country.

Mr. Speaker, education needs to be our first priority. When I talk to my constituents in Queens and the Bronx, the number-one thing that they ask me is what are you doing about the overcrowded conditions in our schools? The New York City public school system is the largest public school system in our country and proudly sends 62 percent of its students on to 4-year college careers.

□ 1500

This is a strong school system; however, it has two huge problems: aging buildings and a rapidly growing student population. I believe these are problems that plague many other school systems as well throughout our Nation.

Mr. Speaker, the schools need our support. The school systems educate our children, prepare them for college, and in many cases keep them off our streets, safe from harm. But now it is the schools themselves that are posing a threat to the safety of our children. Buildings are failing inspections, and classrooms are so overcrowded that teachers are forced to conduct classes in hallways and other makeshift venues. With these strange learning environments teachers cannot teach as effectively, and our children are the losers.

Every child deserves, a safe school and needs a safe school to have a chance at success in life. We must make it the priority of this House to help our children by helping their school systems with modernization and new school construction.

Mr. Speaker, in my congressional district the school age population is growing. This is extremely evident in the enrollment statistics and projections for the coming years. Queens and the Bronx are the home of many new immigrants to our country, contributing to the ever growing population of our schools. Community School District 24 in Queens is the most overcrowded school district in the New York City public school system. Overcrowding is already severe with School District 24 operating at 5,768 students, 5,768 students above its capacity. It will only grow in the coming decade. By the year 2007, the district will be operating at 18,701 students above capacity.

Mr. Speaker, that is 168 percent over capacity. Congress must and should work to alleviate this problem.

By 2004, high schools in Queens will operate on two shifts and 10-period days. Other schools in our country and even throughout the rest of New York City will operate on a standard 8-period day. For Queens, that means students will be starting earlier or ending later depending on their shift. Every classroom will be used for classes, eliminating the extracurricular activities that are so important in keeping our kids off the streets. We all know that children involved in after school programs are less likely to be involved with drugs and violence. Because of overcrowding, children in Queens, the Bronx are having valuable after-school programs taken away from them.

The condition of the schools in the Bronx and Queens epitomize the problems faced by schools throughout our Nation. The average age of a school in New York City is 55 years old, and one school in five is over 75 years old. These schools were not fit to educate our children 30 years ago, they were not fit 10 years ago, and they certainly are not fit for today. In fact, today 33 schools in the Bronx, part of my district, need exterior and interior repairs to bring them from substandard up to fair conditions. That is right; I did not say good conditions, I said fair conditions. These schools failed New York school facilities' engineering survey in New York's recently released 5-year capital plan. School facility engineers listed repairs for each school needed to bring them up to code.

Now I wondered what types of things would be needed in order to fail a school. I knew it had to be something bad, but I was not prepared with the actual results. In Queens, 12 schools need new toilet fixtures for student toilets. Children in these schools simply do not have adequate facilities. But that is not so bad when you look at the problems that their peers are facing in the Bronx. Three intermediate schools in the Bronx, IS 125, IS 131 and IS 192 along with one elementary school, PS 140, need repairs to their fire alarm systems. Yes, Mr. Speaker, we are sending these children to schools every day in the Bronx where they need to repair or replace their fire alarm systems.

There are so many projects, Mr. Speaker. Five schools need new roofs, 37 schools need structural repairs, including supportive retaining walls, sidewalks, re-paved black tops. Thirty-five schools need pairs or re-modernization to their heating systems, and 32 schools need pairs and upgrades to the security systems, and I am not talking about expensive alarm systems, but fencing, new windows and exterior lighting.

Then there are the projects I consider quality of life projects. These are things that each student needs to become well rounded. Nearly every elementary and intermediate school in my district, 53 in all, need upgrades to their auditoriums. School plays are as American as apple pie, and why should these students go without them?

Additionally, 6 schools need gymnasium upgrades, and 10 schools need playgrounds, reevaluations and in some cases, construction. Inner city children face the greatest difficulty with participating in sports and recreational activities. I am sure many of you share the image of children jumping rope on black top. Mr. Speaker, that black top is cracked and desperately needs repaving; that is, if there is any black top left to re-pave.

One result of the extreme overcrowding has been the construction of temporary classrooms, which are trailers or hastily constructed annexes usually placed in school yards or grounds where once school yards were. In fact, the school yard I played in as a boy no longer exists. It has been replaced by temporary classrooms, and they are now building a new annex to that school on the former playground. Then there are physical education classes, a requirement for graduation from high school in New York State, being conducted in hallways. We need to make our schools safe and less crowded, but we also have to restore a quality of life to the education of our students as well.

I used these examples from my district, the 7th Congressional District of New York, comprising parts of Queens and the Bronx in New York City, to illustrate the types of problems faced by schools across our Nation. Whether it be rural, suburban or inner city schools, our schools need help.

Mr. Speaker, our children need help. We need a major school modernization initiative, a program that will provide significant help to local school districts and States in meeting their needs both to build new classrooms in order to keep up with the rapidly growing school enrollments and to renovate and to modernize their existing facilities.

I and many of my fellow Democrats support the Rangel initiative which provides Federal tax credits to pay interest on $25 billion in bonds to build and renovate public schools. This new initiative would have a dramatic impact on helping school districts and States across their unmet construction and modernization needs. We estimate that these Federal tax credits will help local districts renovate or build approximately 6,000 schools across our Nation.

Another democratic initiative is being offered by my colleague from North Carolina (Mr. ETHERIDGE). The Etheridge School Construction Act would provide $7.2 billion in school construction bonds targeted to fastest growing States. Mr. ETHERIDGE's bill and the Rangel initiative will particularly help schools facing enrollment explosion like mine in New York City.

I mentioned before the overcrowding in my district and want to illustrate how much these democratic initiatives would help the City of New York and particularly the Borough of Queens. The 5-year capital plan released by the New York Board of Education states that 75,600 new classroom seats are needed citywide in the next 5 years. Of those, 54 percent are needed in the Borough of Queens alone. Simply put, out of the five boroughs of New York, one, my home Borough of Queens, comprises more than half of the new construction projects needed in our city. In Queens alone, 36 new schools are scheduled to be constructed in the next 5 years, the maximum feasible according to the city of New York. Unfortunately, this still leaves us 60,000 seats short by the year 2007. We will be 60,000 seats short even after we build 36 new schools and after we fully implement 10-period, two-shift days.

These new schools cost money. New York City's Board of Education estimates that $11 billion is needed to reach 5 year facility and technology goals. Yes, I said $11 billion to bring our schools to fair condition and to give our children less crowded schools.

This is not about whether the Federal Government should be involved in education, and it is not about equity for all cities and states. Mr. Speaker, the youth of our Nation should not be penalized for a population boom in their region, and our States and localities should not be criticized for not contributing their fair share. The City of New York is spending over $6 billion on school construction, and the State of New York, which needs the support of its legislature, is hoping to contribute approximately $2.4 billion, but they desperately need help, as do many towns and cities across America.

It is our duty to help our students, to help them by providing Federal tax credits to pay interest on bonds in order to help school districts and States meet their construction and modernization needs. Above all, we need to put our children first, Mr.

Speaker. They are our future, and I, for one, will do everything possible to ensure that every child in New York City, New York State and in the United States has a seat in a classroom and a safe learning environment.

Mr. Speaker, I yield now to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman. I thank him for his leadership in sponsoring this time so we can talk about the needs of our nation's schools. The gentleman from New York (Mr. CROWLEY) just talked about New York City. I am going to bring this 3,000 miles west to talk about San Diego, California, and the situation is very much as the gentleman described in my hometown.

By the way, I went to school, graduated 40 years ago in I think a school in the gentleman's district, Forest Hills High School, just out, but I am sure that is a school that needs just the kind of thing. It was a great school 40 years ago, it is still there, it has probably more than 5,000 students in it, and it needs help.

Mr. CROWLEY. A great school; as well as the gentleman knows, also the school that graduated Paul Simon, the famous musician. Art Garfunkel as well.

Mr. FILNER. We had Simon and Garfunkel a year ahead of us in school.

I am the former President of the San Diego Board of Education, and I know how we have to make our children's education a top priority for all of us. Quality education demands that we provide our teachers and students with classrooms and school buildings that are not falling down around them. In my home town of San Diego, in the towns I represent, Chula Vista and National City, California, the needs are becoming almost overwhelming. The San Diego Unified School District, which is about the sixth biggest school district in the nation, serves 140,000 children, and we are growing at almost 2 percent a year. Willing to do their part, as the gentleman from New York (Mr. CROWLEY) suggested in New York, the citizens of San Diego recently voted last year a $1.5 billion school bond, and they did that by over 75 percent of the vote. That is an incredible support to show that people are willing to use their own tax dollars for their top priority, their children. But our needs are almost 4 billion by the year 2,013. That is another 2½ billion have to be found. Twenty new elementary schools, two new middle schools, four new senior high schools have to be built by the year 2013.

Further south in my district, the Sweetwater Union High School District, serves 33,000 students in grades 7 to 12. They need $240 million worth of modernization. They, too, will have a bond issue on the ballot next year, and I am sure our population will support it. But most of the schools are more than 30 years old, five were built 50 years ago, two-thirds of them now accommodate more than twice the number that they were originally built for. We are running out of room in San Diego, in National City and Chula Vista just as you described in New York City.

Like trying to maintain a car with 100,000 miles or more, the job of maintaining our schools is increasingly difficult. Let me mention two specific examples, just to bring this home. At Castle Park High School frequent sewer back ups, water leaks and broken pipes disrupt the school routine. The wobbly, 35-year-old gym bleachers need to be replaced. Crumbling steps and walkways pose danger because chunks of aging cement are missing and tree roots have ripped up concrete. Old classrooms have been converted into science labs, but they lack adequate lab facilities, and hands-on experiments are severely limited. Ten temporary classrooms have no rest rooms or drinking fountains because the existing sewer lines cannot handle the demand.

Hilltop Middle School was built in the 1950s. Its campus has deteriorated to the point where routine maintenance and replacement efforts have only minimal impact. The teachers have memorized the circuit breaker locations, Mr. Speaker, because classrooms regularly blow fuses from electrical overhead when lights, and overhead projectors and computers are used simultaneously.

□ 1515

Students cannot shower following their physical education classes because of the antiquated plumbing system which cannot produce hot water. Long lines to restroom facilities are a daily routine because the school has only one set of boys' and one set of girls' bathrooms for 1,250 students.

How can our students develop in this computer age if the wiring and electrical supply to their schools cannot handle the computers?

Physical education should be an integral part of healthy students' lives but how can we expect our kids to exercise and then sit in sweaty clothes and bodies for the rest of the day because there are no showers to use?

I know we have heard of the broken window theory as it applies to our community. That is when a window breaks and is fixed the neighborhood maintains its quality. The message is sent that someone cares. Opposite, when a window breaks and it is not fixed the message is just the opposite. We do not care as a community, and soon another is broken and another and still another. Deterioration of the area then leads to graffiti, gangs, drugs and crimes. We know that routine.

We are sending the wrong message to our kids. With dilapidated and overcrowded schools, we are telling them education is not important. What a disservice to our young people.

So let us join with the President, let us join with the gentleman from New York (Mr. CROWLEY) today, let us join with our colleagues from all over the Nation in support of the school reconstruction funding proposed in the families first agenda.

We at the Federal level must do our part in supporting the efforts of local school districts and our States. Congress should pass the school reconstruction and modernization legislation as soon as possible.

I thank the gentleman from New York (Mr. CROWLEY) for his leadership here. I also thank the gentlemen from Massachusetts and North Carolina and Oregon, and I know we are going to hear from the gentlewoman from California (Ms. WOOLSEY).

Mr. CROWLEY. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank my colleague from New York (Mr. CROWLEY) for putting together this very important special order. He is doing a great job.

Mr. Speaker, I ran for Congress because I believe that our children's education must be the number one priority in our country, and that is why I am on the Committee on Education and the Workforce.

We must prepare all of our children for the high skill, high wage jobs that will ensure America's leadership in the next century in the entire world market, and at the same time ensure that our children have a good place in the workforce. We also can prevent dependency on welfare here at home.

Last year, Congress agreed that small classes are crucial to good learning. We passed the President's class size reduction program to help schools so that they can recruit, train and hire qualified teachers so they will reduce the class size to an average of 18 students in grades 1 through 3. We did this because current research findings prove what parents have known all along what teachers have been telling us for years, is that kids who are in smaller classes learn better, especially in the lower grades.

Now we must go the next step, and we must pass the President's school modernization and construction initiative.

Children, even in small classes, cannot learn in trailers or in old school buildings that are crumbling around them. We cannot expect our children to get a first class education if they are being educated in second and third class school buildings.

We know that America's schools are overcrowded and that they are wearing out. In its report, School Facilities, Condition of America's Schools, the GSA estimated that billions of dollars are needed to upgrade school buildings all across America. About 60 percent of all American schools need at least one major repair or replacement.

My home State, California, leads the Nation in projected student growth. It is estimated that overall school enrollment in California will increase by 15 percent by the year 2008. This is not even 10 years from now. More than 30,000 additional classrooms will be needed to accommodate this growth. It is expected to cost more than $4 billion to construct enough schools and school rooms to meet this need, and this amount does not include the cost of repairs that will be needed for existing schools.

How will communities in California and communities across the Nation be able to finance these school improvements? If Congress approves President Clinton's schools construction modernization tax incentive, schools will be able to take advantage of interest-free bonds to build or modernize what is needed for their expansion and their continued education.

The President's proposal will provide 15 years, 15 years, of interest rate subsidies for school construction. That will come through bonds that are issued over the next 2 years. It is time to show all of our children that their school is equally as important as a shopping mall or a prison. If we do this, our children will know that they are our top priority. Let us put our money where our mouth is. Let us pass a real school construction initiative and let us do it this year. Remember, although children make up 25 percent of our population, they are 100 percent of the future of this Nation, and their education must be our number one priority.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her remarks.

Mr. Speaker, I now yield the floor to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for his leadership in hosting this special order on a very critical issue, not only school construction but school modernization and really the quality of the environment where our children go to school every day.

I appreciate that, and for the other speakers who have been here prior to me today.

I want to sort of be forced to have sort of a dialogue, if we may, because last week I had the privilege of hosting a special order and it is tremendously helpful when other Members can have a dialogue on an issue that is so important to the future of this country.

It is amazing to me many times how we talk so much about an issue, of how it is important it is, and then when it comes time to funding we tend to have a big loss of or lapse of memory, as I say sometimes a big slip between the lip and the hip, when it comes time to fund educational opportunities for our children.

Prior to my coming to the People's House 2 years ago, I had served 8 years as the elected superintendent of schools in the State of North Carolina, a State that is not unlike New York or California or any other State in this country today that is struggling with overcrowded classrooms; making every effort to improve the quality of instruction. North Carolina has been cited as one of those States, by the secretary of education and many others, for some quality things they are doing in the classroom.

Just this past weekend on Friday I went to East Wake High School and had the opportunity to speak to an academic gathering of high school students, all of whom had made straight A's.

I hesitate to think how many of this body had made straight As to be here, but 5 percent of that total student body had made straight As and I was pleased to be there. The challenge that they face is substantial, because they are in overcrowded spaces. Every space that should be and is, and some spaces that should not be as classrooms are, used as classrooms. They had six trailers on campus, and we are getting ready to add 3 more, in a county that is struggling to meet their needs.

Just yesterday, the gentleman from North Carolina (Mr. PRICE) and I were at Wake Forest-Rolesville High School in Wake County, which is part of my district, where we met with the students and heard them talk about the problem of overcrowding. A school that was built for a thousand students now it has over 1,600 and a substantial number of that student body is now in portable buildings or in trailers. Every space in that building is taken.

Unfortunately, the cafeteria has not been enlarged and neither has the library been enlarged. Neither have the bathrooms been enlarged.

We heard a student talking about the real challenges that they face just with discipline, but what he said was, and I think it is something that is instructive to all of us, he said we have teachers that are called rovers because we are so short in classroom spaces that teachers do not even have a home room and they move from room to room to teach. He said when I want to go get some special attention from my teacher and help, the teacher is not in the classroom. I cannot find the teacher.

Now, that is not unique to my State. It is true all across this country. Wake County, as an example, has added 30,500 students in the past 14 years. It is growing by 29.7 percent, has grown, since 1970. They are adding between 3,500 and 4,500 students each year, depending on how many jobs open in the area.

As I tell folks, this is one of the best areas in the country to find jobs, with a 1.5 percent unemployment. It is amazing when people come there to go to work they tend to want to bring their children with them. We are glad to have that, but it adds pressure to our State and to our communities and we desperately need not only to build new schools but to modernize, as the gentleman from New York (Mr. CROWLEY) has said, and others have already said today.

Every school almost in my congressional district is growing by about 20 percent since 1990. They are building, they are borrowing money, they are working hard and it is time now that those of us at the Federal level do our fair share and help. I think the President's proposal is important. It helps in those communities that have great needs, but I think we can do more.

I have introduced H.R. 996, which the gentleman has been kind enough to be a cosponsor on with others, and what this will do is reach out to those communities that are growing so rapidly. New York happens to be the fourth fastest growing State in the Nation for new students. It is called the "baby boom echo" because the baby boomers who came out after World War II are now having children and they are coming to school.

We need to remember that those young men and women who came home from World War II decided that there was a need to make sure that schools were there for their children and they put their children through and built the bulk of the schools that we now have. It is now our turn to step up and help that process.

The States are doing a lot. Local unions are doing a lot. We can now help at the Federal level by giving those tax exempt bonds. It does not get in the way of anything locals are doing because all we are doing is providing the cost of the interest on those bonds. They decide where they are going to build, how they are going to build, and it is totally a local effort.

Not only will it provide school buildings, opportunities for renovations, it is about $7.2 billion dollars, and let me remind folks who are tuning in that the fastest growing state in this country is the State of California. The second fastest growing State is Texas. The third is Florida. The fourth is New York, and the fifth is my home State of North Carolina and it goes down that list. All across this country we are seeing tremendous growth.

If it were not snowing today, and for those who are tuning in it is snowing mightily here in Washington, D.C., there are about 53 million students in our public schools in this country today, the largest number of students in public schools we have ever had in our history; in my home State, about 1.2 million, and the number is growing at a rapid pace. We need to do our part to help struggling local systems.

We are calling on them to be innovative. We are calling on them to improve academic performance, and they are doing that. We need to help teachers have quality places to teach and children have good places to learn.

I often say to civic clubs, and I say it here again because I think it is so important, I cannot imagine any group in a town that is asking a new business to move in to come in and move to an old rundown warehouse and open up their business and say to them the quality of the facility does not matter, because I have heard people say that about schools; the facilities is not what is important but it is the people who are put in it.

Say that to a local business and see if they will come back and open their business in your town. It is important for the quality of that facility and how it looks, because when I was State superintendent it is amazing how many businesspeople from around the country that do commerce would contact us, would ride into town and look at the buildings and then they would want to know about the quality of construction. It was amazing if they were nice, new buildings. They always assume it is good quality, things are going on; and it is.

It is important to have nice looking facilities and have quality because teachers deserve that, and today when we are having a shortage of teachers, and last year this Congress passed the first installment of 100,000 teachers, we need to finish that this year and keep going.

□ 1530

But we also need to make sure we have a quality place to teach and children have a good place to learn.

I thank the gentleman for putting together this Special Order today. It is important that we continue to talk with the American people, tell them to write their Congressmen and their Congresswomen and say to them, we need you to act now, we need you to help our local systems, help them meet this great need that we have all across America.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from North Carolina. I don't know if it is appropriate, but I am happy that others are having the same problem we are having in New York; is that right? Is that fair to say?

Mr. ETHERIDGE. Mr. Speaker, it is true, and I think it is by varying degrees, depending on where one is in the country. In certain parts of the country, there is a tremendous need for renovation and repair of current facilities, not only repairing in terms of repairing the buildings and fixing glass, but we have needs for infrastructure.

We talk about the Internet and computers. A lot of our buildings, they are not even wired to accept them, and many places do not have the land. Other places are growing so rapidly, they need new buildings. So it is a combination. The answer is absolutely yes.

I think it is different between different parts of the country, but it is true all across America. America is one of those great countries where one can travel the world and we say to a child anywhere in America, if you want to go to public schools, you can go. It is a great smorgasbord of opportunity for the future. Step up, enjoy yourself, and take all you will.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from North Carolina.

I now yield the floor to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman for hosting this Special Order on a very, very important topic.

I recently hosted a series of education town hall meetings in Astoria, McMinnville, Beaverton, St. Helens, and Portland, Oregon. The attendance at these Education Town Halls was absolutely remarkable. Clearly, Oregonians are committed to improving public education. Congress can honor that commitment by providing resources to help Oregonians and all Americans make schools better.

Many school districts share similar problems: Large class size, aging or inadequate facilities, and unfunded or unnecessary Federal mandates. However, the needs of each community differ.

Schools in Beaverton and Hillsboro suffer a crisis of rapid growth, creating classroom overcrowding and exacerbating student discipline problems. Schools there need the resources to expand and maintain school quality. Schools in communities such as Astoria and McMinnville need resources to modernize school buildings and provide students with up-to-date technologic tools.

In Astoria, the most modern elementary school was built in 1927. Some classrooms have only one electric plug in the entire classroom. This is simply not an adequate environment in which to prepare our children for the 21st century.

To help school districts deliver high-quality K through 12 education, Congress can help by doing 3 simple things: Reduce class size, modernize schools, and decrease Federal mandates.

First, we can help good teachers do their jobs by reducing class sizes in the first through third grades. Experts say that reducing class size in the early grades to an average of 18 per classroom will enable students to get the attention they deserve, help teachers attend to students' specific needs, and identify problems early on when they can still be solved.

This is why I am introducing an amendment to the Ed-Flex bill with the gentleman from Missouri (Mr. CLAY) which will reduce class size by hiring 100,000 additional qualified teachers. Last year, Congress passed the first year of this 7-year plan. Unfortunately for our school children, some in Congress say they were only agreeing to a 1-year allocation. Our children deserve each and every year of the class size reduction plan.

Second, we can make it more affordable for local school districts to refurbish old school facilities and construct new buildings to accommodate rapid growth. This Congress should pass legislation to help local school districts afford school construction by paying the interest on local school bonds. That is why I am proud to cosponsor the legislation by the gentleman from North Carolina (Mr. ETHERIDGE) who was just here. The legislation will leverage approximately $5 billion of Federal money into $26 billion available to local school districts for construction and repair.

Finally, we can lift burdensome Federal regulations to provide local schools flexibility and the opportunity for innovation. That is why I am a cosponsor of the Ed-Flex bill. We will begin discussion of Ed-Flex on this House floor tomorrow morning.

Ed-Flex will give States real flexibility so school districts can fashion solutions appropriate to the communities they serve and avoid a "Washington knows best" mentality. My State, Oregon, pioneered the Ed-Flex concept 4 years ago, the first of 12 States nationwide to be granted Ed-Flex status. Through Ed-Flex, all States will have the freedom to improve school performance and accountability.

The agenda ahead is clear: Reduce class size, rebuild and modernize schools, and give local communities the freedom to implement effective school reform. It will take a real commitment by Congress and the full energy and passion of every parent, teacher, and student in Oregon and across the Nation. We must work hard to meet the challenge, and I thank the gentleman from New York for hosting this important Special Order.

Mr. CROWLEY. I thank my fellow freshman, the gentleman from Oregon. I will also note that it is coast-to-coast, this issue. From Astoria, Queens to Astoria, Oregon, we have a similar problem.

Mr. WU. As an aspiration, it is not just bicoastal, it is bipartisan.

Mr. CROWLEY. Bipartisan.

Mr. Speaker, I now yield the floor to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I am proud to stand here today.

The only rights our youngsters have, the only privileges they have are those rights and privileges we as adults choose to give them. We have no greater calling than to provide the very best for our children. Our children rely on us, not only for building bridges and roads, but also to invest in the needs of our public schools. Through our public school systems, we provide these needs that ensure our children are able to learn, live and succeed in a safe educational environment.

Last year, we helped our children by hiring more teachers and reducing our class sizes. Now, our teachers will be able to focus on the basics such as reading and writing at early ages. So we have taken the initial steps, but we need to do more, and we can do more.

We all know that the environment where our children learn plays a direct role in education and has a direct impact on how they are educated. We want our children to succeed in a modern economy. We must provide them with the classrooms, the facilities that will enable them to succeed in the 21st century.

At the beginning of this school year, I visited Burbank High School in San Antonio, Texas to survey the conditions of the school and how we expected our students and teachers to function on a daily basis. Although I was surprised by the conditions of the school that was built in the 1930s, I was not shocked that Burbank is just one of more than over 4,000 schools in Texas that are in need of repair and necessary upgrades.

Burbank High School suffered from traditional maintenance problems, such as the need for new electrical outlets, and if anyone lives in an older home, they recognize the fact that we are not able to put in any of the new types of appliances unless we upgrade the system in our homes. Our schools are in the same condition.

We also recognize the importance that beyond immediate electrical outlets and those kinds of things, old radiators for heating, and especially now when we see the snow and the cold out there, that there are some areas that have needs of both having air-conditioning and heating that is important for our kids.

We also recognize the importance of new modern facilities. Burbank High School was built at a time before the Internet, at a time before cable television, at a time before modern air-conditioning. Nearly one-third of the schools nationwide fit this same profile, which means our children are not being taught in the environment that will prepare them for the 21st century.

The school construction proposal that the Democrats proposed last year was and is the only solution to problems that schools such as Burbank High School experience at this point in time. Last year, the majority party of the House of Representatives missed the opportunity to provide bricks and mortar for our schools, and instead opted for a proposal such as block grants and vouchers that erode our public school system. We must help our crumbling schools by helping States and local school districts afford this cost of modernizing our buildings as quickly as possible and not come up with proposals but prove only to hamper our existing situation. The new Congress we hope will afford us the opportunity to do the right thing and put some additional monies in construction.

Mr. Speaker, I just want to add that a lot of people do not recognize what one of the largest populations, the baby boomers in the 1950s, the individuals that fought in World War II and in Korea recognize, and that is that they were there to make sure that those youngsters which are ourselves, at least myself, and I am a baby boomer, to make sure that we were provided with that access to education. As we turn this century, we have what we call the baby echo, the youngsters of the baby boomers, our kids. We want to make sure we stand up to the plate to make sure we provide them with the adequate resources that are needed so that they can compete in the 21st century. It is not only important for them, but it is important for us as a country.

Again, I will close by indicating to my colleagues that the only rights and privileges our youngsters have are those rights and opportunities that we as adults provide them with. Let us stand up to the plate and make sure that we pass this proposal through.

Mr. CROWLEY. Mr. Speaker, I yield to my colleague, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY), my friend, for hosting this Special Order. It is so important to the Nation's children.

Mr. Speaker, far too many of America's schools are old and dilapidated. They are falling apart at the seams, placing our children in an environment that makes teaching and learning incredibly challenging.

Such nearly impossible challenges are faced by the faculty and the students of the Fisk Elementary School located in the first congressional district of Illinois. This school was built in 1905, long before the age of educational technology. The last time Fisk saw some capital improvements was in the early 1960s, and since that time, it has experienced no other improvements.

A simple walk around that school makes the case abundantly clear. In the large 4-story building, there are no elevators, there are no lockers. Students and teachers are forced to walk up and down stairs all day long, carrying heavy books strapped to their backs and carrying their coats on their arms. The student population, which has swelled to almost 600 students, must share the very few bathrooms that are located on every other floor in this old dilapidated building. The gymnasium also serves as the lunch room and as an assembly hall, thereby causing a major logistical nightmare for those faculty Members who want to plan special activities and special programs for the students.

□ 1545

The antiquated structure poses various problems as they begin to contemplate wiring for computers and Internet service. Far too often, students must suffer in uncomfortable classrooms, too hot in the summertime because the windows do not open, or too cold in the wintertime because the windows do not close.

Unfortunately, Fisk Elementary is a mere example of an alarming number of facilities in the First Congressional District, in other congressional districts, and in school districts all around this country. Almost one-third of all public schools were built prior to the beginning of World War II in 1939, and are indeed in need of drastic renovation and repair.

At the same time that these dismal conditions exist school enrollments are reaching record heights, and yet students are left to learn in unsatisfactory and even wretched conditions.

Now more than ever an aggressive nationwide school construction and modernization effort must be implemented, quickly and thoroughly. Modernizing the nation's public schools will assist school districts with necessary repairs and renovations, and meet the unprecedented demand for new classrooms equipped with educational technology.

The 600 students of the Fisk Elementary School, and that is only one example, and those students in classrooms all across this country, they are depending on us, they are depending on this Congress, they are depending on this administration. We cannot fail our Nation's future.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY) for yielding to me to speak on this very important issue of school modernization.

Mr. Speaker, I am pleased to join my colleagues today in calling for school modernization all across this great land of ours. Our Nation's schools are crumbling at an alarming rate, and this is compounded by the dramatic increase in enrollment due to the so-called baby boom echo, the children of baby boomers like mine who are filling our schools all over this country.

Without a fundamental increase in the rate of school construction and modernization, each passing year will bring a school system less worthy of our children. I am visiting every high school in my district in the next year so that I can see firsthand the spaces in which our children are learning and growing.

A couple of weeks ago I visited the high school in Idaho Springs, Colorado, and frankly, I was overwhelmed by what I saw that day. Some classrooms could only be accessed by walking through other classrooms that were already in session. There were spaces that were unusable or completely inadequate for learning, as well as other infrastructure and technology problems.

The citizens in this school district have tried to fix these problems by improving school bond issues, but they are a small community and unable to meet the full responsibility of financing reconstruction or new construction for a new high school. This is a prime example of a school district that needs the kind of aid we are proposing.

There are three initiatives we can take right now to upgrade our public schools. First, we need smaller classes. Simply put, smaller classes produce brighter, better-educated kids. We need to finish the job of hiring 100,000 new teachers in order to reduce class sizes in grades 1 through 3, so we can reduce the number of students in one of these classrooms to 18 or less.

Second, we must provide Federal tax credits to enable States and districts to modernize and renovate public schools, to improve learning conditions, and end overcrowding.

In 1995, the GAO, which is nonpartisan, by the way, put out an in-depth study on the state of America's public, elementary, and secondary school facilities. I would say to the gentleman from New York (Mr. CROWLEY) that the results are staggering. Let me list some of them.

One-third of the Nation's schools need extensive repair or replacement. That is one-third. These schools serve about 14 million of our American children. The schools in urgent need are not just in one category. They are across the spectrum. Thirty-eight percent of these schools are in urban areas, 30 percent are in rural areas, and 29 percent are in suburban areas, so it covers all the American landscape. This backlog of school infrastructure unmet needs totals right now $112 billion.

On top of this, 58 percent of our schools report unsatisfactory environmental conditions. These problems include things like ventilation, heating, air conditioning, and lighting. Then, in addition, we have the environmental hazards that I alluded to such as asbestos, lead in our water, lead in the paint on the walls, and radon gas in our schools.

According to an audit on behalf of our school districts in Colorado, $190 million is needed to correct these most critical safety building problems in my home State.

We might say, why do we need to modernize beyond this particular situation? School enrollments are increasing all over the country. Let me give a couple of facts from Colorado. We are going to have 70,000 new students in the next 5 years in Colorado, and the number is projected to be 120,000 10 years out. One does not have to be a rocket scientist to understand that the demand for our school facilities is going to increase dramatically with these dramatic increases in our student population.

The school construction initiatives we are considering in the Congress,will help our school districts build and renovate facilities to keep up with the rapid growth in student population and eliminate these safety hazards. That is why I am proud to cosponsor H.R. 996, the Etheridge School Construction Act of 1999.

Finally, we need to equip and upgrade our existing schools with the technological tools that students are going to need for the 21st century. As our technology continues to play a larger role in our lives, we must make sure that we continue to hook up schools to the Internet, protect the E-Rate discount for schools and libraries, and integrate technology into school curriculum.

Currently, 21 percent of Colorado schools have insufficient computer capacity and 57 percent have inadequate modem lines. That is unacceptable.

Mr. Speaker, in closing, I believe no challenge is greater for our Nation than ensuring that all of our children receive the highest quality education possible. By meeting this challenge, we will give them the gift of opportunity. With opportunity and preparation, our children will be able to live their lives to their fullest potential.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from New York for his leadership on the management of this bill.

Mr. Speaker, I rise today in strong support of the School Construction Act. The American Society of Civil Engineers has reported that local school buildings represent America's most urgent infrastructure need. In my school district, the schools provide a perfect example of this need.

The Kansas City, Kansas, School District needs $11.6 million, according to a study, to bring them up to standard: to correct electrical systems that are real problems in these schools, to provide adequate heating and air conditioning, and to replace broken windows.

Federal tax credits would allow States and local school districts to build and renovate local public schools to stop overcrowding, reduce school sizes, class sizes, and foster a positive learning environment. I urge my colleagues to support the School Construction Act. We need to give our children safe and adequate facilities in which to learn. We need to give our children the tools with which to learn.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I express my thanks to the gentleman from New York for allowing me to have this opportunity.

Mr. Speaker, we must ensure that our young people not only have the best teachers and the best resources, but also the best classrooms to meet the challenges of this oncoming 21st century. Children cannot learn if their schools are falling apart. Children cannot learn when they are packed beyond capacity in a classroom. Children cannot learn when they cannot get the individual attention they need.

Kentucky serves about 590,000 students, with over 350 schools in either fair or poor condition, suffering from deterioration and requiring immediate attention. The 1998 Kentucky school facility need assessments indicated there is $2.4 billion worth of unmet need, including new construction for growth and renovation of existing facilities to address declining infrastructure, life safety upgrades, technology wiring, and handicapped access.

We must provide our local school districts with tax credits to modernize classrooms, to improve the learning environment for students, and to end overcrowding. We owe it to our children, we owe it to our future.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Kentucky, and I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, every day when we address people in this body, we are surrounded by young people who look down on us from above and ask what we are going to do for this educational system of this country. I would like for them to look up to us, look up to us because we have done the right thing. We have supported education, not just through our rhetoric but through our actions. We have supported education by building schools that this Nation can be proud of and in which young people can learn and learn with dignity.

I have come from an area where we have some of the fastest growing school districts in Washington State. Southwest Washington, home of the Evergreen School District, is experiencing extremely rapid growth. In fact, the growth rate is 4.5 percent a year, which means that in just over 4 years we will have 20 percent growth, up to 26,000 students in that school district.

We have over 320 portable classrooms in this district, portable classrooms, classrooms not designed to last for years and years and not designed to house large numbers of students, but that is what we are using, and it is a disgrace.

I am an original cosponsor of H.R. 996, the School Construction Act, and I encourage my colleagues to support this important legislation. It will help us leverage up to $7.2 billion in local school construction bonds. It will help solve the problems that we were sent here to solve. It is a good bill. It is the right bill for America. I encourage our colleagues to support it.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, as a country, we are in an enviable position. The United States is prospering due to a sound economic policy, low unemployment, and a balanced budget, but we must not rest on these accomplishments. We must build and go forward. We must now address the most important issue facing our country, the need to improve our educational system. We have the opportunity now to invest in our children and in our futures.

Last year we started down the road to improving our public school system by making a commitment to hire 100,000 new teachers at the early grade levels in an effort to reduce class size. This will allow us over the next several years to reduce the national average class size to 18 students. In addition, this will ensure that we are providing a solid foundation in the essential basics during the crucial early years of child development.

What the last Congress did not accomplish we must accomplish in this Congress. Our Nation's schools need to be modernized and, in many cases, rebuilt. As we head towards the 21st century, we cannot allow our children to be forced to learn in dilapidated schools and in crowded temporary facilities.

In my home town of San Antonio, I have visited schools where space is so limited that teachers' offices are in tiny rooms which once served as utility closets. If we are looking for improved results, we must afford the best learning environment for all of our children. We must, in modernizing schools, continue to provide them with the ability to access the Internet, not only as an educational tool but also as a teacher training tool.

In addition, we must establish incentives to recruit and maintain highly qualified teachers, providing increased support through teacher training in specific fields of expertise.

The President, in his State of the Union Address and in his administration's budget, has proposed a comprehensive program to improve our public school system. I believe the administration's educational agenda is headed in the right direction, and I support the President's proposal to provide approximately $22 billion in interest-free funds for school modernization.

□ 1600

These funds will benefit schools in virtually all of our districts, in some cases rebuilding schools that were built before we very first entered the public school system.

Recently there has been much talk about a global economy. If we as a country and our children as the future leaders of this country are to participate and prosper from that economy, we must stop the erosion of the public school system and work to ensure that the public school system not only improves but thrives as we enter the 21st Century.

Mr. CROWLEY. Mr. Speaker, just in closing, I want to thank my colleagues. We built these schools after World War II to take care of the G.I. men and women who came back after fighting that war. We built them then; we can build them now. I hope we will build them.

DRUG WAR IN THE UNITED STATES

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 30 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight to talk once again about the drug situation in the United States and the various questions related to drug policy that face the United States Congress.

I had the privilege to be named as the chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House of Representatives, which will be charged with both authorization responsibility as it relates to national drug policy and also oversight of our drug policy for the House of Representatives as we begin to try to fashion a coherent policy for the United States.

It is my privilege tonight to again bring to the attention of my fellow Members of Congress and also the American people the situation we have facing us relating to the ravages of illegal narcotics.

It is interesting that, at this hour, the President of the United States is in Central America, and he is there because 9,000 people died in a natural disaster, Hurricane Mitch. It is rightful that this Nation try to assist those countries in Central America, other allies and friends, neighbors to the south who have seen the ravages of a natural disaster. However, those 9,000 people killed by a natural disaster do not equal those killed in the United States just in 1 year due to the drug abuse problem and illegal narcotics.

Drug abuse killed, last year in 1998, 14,218 Americans at a cost of $67 billion. These are the ravages of a war on drugs that we have been losing, a manmade disaster that has taken thousands and thousands and thousands of lives. Just during the time of the Clinton administration, before it expires in its 8 years, over 100,000 Americans will die because of drug-related deaths.

In my area in central Florida, and I brought this little clipping from the newspaper, this headline of the Orlando Sentinel, "Drug deaths top homicides," and this is from the last few weeks of last year, December 23, 1998, the headline disclaiming that, in peaceful central Florida, affluent to good economy, the drug deaths are now topping homicides as a cause of death in our area. That is why I believe this particular problem is so important to me.

It is not just central Florida where we have a problem. A recent DEA report says that close to 4,000 Americans have died in each of the last 3 years from heroin-related overdoses. We are seeing more and more deaths as a result of high purity, high quality heroin that is coming into the United States.

Additional statistics should alarm every Member of Congress and every American. More than 6 percent of the population over 12 years of age, 13.9 million people have used drugs within the past 30 days, according to official estimates. Rates of use remain highest among persons age 16 to 25.

What is so devastating about the headline that I held up, the heroin deaths in my area, the drug-related deaths is, most of these are our young people, young teenagers in many instances who find themselves the victims of deadly drug overdoses. This age group is the most affected by the drugs that we see on the street. In fact, in our young teenagers, an astounding fact in the last 6 years, there has been an 875 percent increase in heroin use by teenagers, young people, again victims of high quality heroin and higher amounts of heroin being imported and transited into this country.

The use of crack cocaine and powder cocaine rose gradually in the 1990s as young people's views of how dangerous they were began to erode. In general, crack use continues to show an upward drift in the lower grades. Again, these are among school children in 1998. And this is another disturbing trend we see again in a very young group of vulnerable Americans.

The combination of low price and high quality has helped drive the number of heroin users in the United States from 600,000 to 810,000 in the past 3 years. This is according to the Office of National Drug Control Policy, and this is just a recent release of these statistics. Over 210,000 additional heroin users in the United States in just a short period of time.

The Office of National Drug Control Policy also estimates that 59 percent of the estimated 176 tons of South American cocaine processed in 1998 was smuggled into the United States through Mexico. Mexico, in fact, is the leading smuggler of heroin, methamphetamine, and the base ingredient for methamphetamine, as well as other drugs coming into the United States.

We know where heroin is coming from. We know where cocaine is coming from. We know where methamphetamine is coming from. That is why I was saddened and disappointed in this administration in, again, certifying the country of Mexico as fully cooperating with the United States in eliminating illegal narcotic production and trafficking when the facts are that Mexico is producing more heroin than it has ever produced. That is also according to our DEA, our Drug Enforcement Agency.

Additionally, not only are they producing more heroin, more hard drugs, more heroin and more cocaine are transiting through Mexico in the United States than any other country. In fact, it is estimated that between 60 and 70 percent of all the hard narcotics that enter the United States transit through Mexico today. That is an alarming fact.

What is even more disturbing is that, even given these facts, the administration again has certified Mexico as fully cooperating with the United States in trying to stop trafficking and transit and production of drugs, as is a simple request in the law that was passed by this Congress in 1986.

Now some people would give Mexico the benefit of the doubt in this situation. I chaired a subcommittee hearing recently, and we had in before our subcommittee the DEA administrator Tom Constantine. Tom Constantine testified in our hearing, and he also testified in the other body, and this is what he stated. He stated the corruption among Mexican anti-drug authority was, and let me quote his exact words, "unparalleled with anything I have seen in 39 years of police work."

He added that the Mexican Cartel spends $6 billion a year to bribe Mexican government officials. That is more than one-third of the total U.S. anti-drug budget. Now that is they spend $6 million to bribe Mexican officials.

So is Mexico fully cooperating when our chief drug enforcement officer for the Nation says he has never seen such corruption in nearly four decades of police work? Additionally, the incredible amount of money that is being spent for bribes and corruptions.

What disturbs me after the testimony that I heard from Director Constantine was that Mexico has not only been involved in corruption, and that is from the lowest level, the policeman on the street, to the highest level in the former president's office, what has taken place now is narcoterrorism in its embryonic stages.

What I mean here is that complete areas of Mexico have been taken over by narcotraffickers. We know that as a matter of fact. We have testimony that says that the Baja Peninsula, the entire western portion of Mexico, south of the United States and California, is now run by one of the drug cartels, completely controlled, completely corrupt, not only corruption where they have been bribing officials, but now a corruption far beyond that that deals with narcoterrorism, patterns that we have seen in Colombia and other areas where narcoterrorists have taken over.

What they have done should scare every Mexican citizen, should scare every citizen of the United States. Just a few months ago, they lined up 22 individuals, women and children, and they were brutally slain. They have also taken police officers and slain them, propped them up in police cars, to use as an example.

So this fear and intimidation in the Baja Peninsula is an example of a country losing control of an entire state and entire region and again should be a tremendous concern to we who share a 2,000 mile border.

In addition to losing the Baja Peninsula, we have been told that the Yucatan Peninsula has also been taken over by narcoterrorists, that the government of that state, that Mexican state is totally corrupt, and also under the control of international Mexican drug dealers.

It is rather sad and it is rather ironic that the President of the United States would go to Mexico, offer Mexico additional financial assistance, additional foreign aid from the United States, and additional benefits in trade and other assistance of a good neighbor, international finance help, when we have, again, a country which is totally consumed by this narcotrafficking.

Ironically, the conference between President Zedillo and the President of the United States and others in that delegation was held in Merida, which is the principal city of the Yucatan Peninsula. In addition to those areas, other areas were told of Mexico. In the mountains to the south and west of Mexico City and entire states and regions are now controlled in a corrupt and terrorist fashion by narcoterrorists.

Again our DEA, administration, other international observers, and press accounts document that Mexico is a country on the edge of being lost.

□ 1615

How important is it that we get this situation under control? It is absolutely vital, because, again, we know exactly where the illegal narcotics are coming from. They are being both produced now in Mexico, again larger quantities of heroin being produced there, methamphetamine originating from Mexico and coming into the United States, transiting into the United States.

How are they transiting into the United States? Through open commercial borders. And how did that take place? Through the United States extending a trade benefit to the country of Mexico through NAFTA, through other trade agreements, to be a good open trading partner.

So in our effort to extend trade assistance and trade benefits to the country lying to the south of us, we are now seeing a dramatic increase, again with an open, nearly open commercial border, of hard illegal narcotics into the United States. Now, what do we get in return? We get in return a flow of drugs across the borders that is unparalleled in the history of the United States.

Now, we have tried our best to be good partners with our neighbor, Mexico. Two years ago this Congress took up a resolution of decertification and, rather than decertify Mexico, we outlined about six agenda items that we would like Mexico to assist us with as, again, good partners. Having given them incredible finance benefits, bailing them out; having given them trade benefits that I have talked about, opening our commercial borders, we asked for a little bit of help in what we could see as a tide of illegal narcotics comes into our country. We outlined on this floor of the House of Representatives six simple requests and asked Mexico to assist with those items.

Let me repeat some of those items, and, again, all passed by the House of Representatives some 2 years ago this month.

First, we asked Mexico to allow our agents to protect themselves. Our DEA agents, our drug enforcement agents, in Mexico, to protect themselves. And also to authorize appropriate privileges and immunities for such agents. That is part of the language here.

What have they done? Actually, they put a cap on the number of agents. Did they cooperate? When we found one of the most incredible scandals of money laundering and corruption that we have ever uncovered in the international scene in Mexico, with Mexican banking officials, did Mexico cooperate with the United States in trying to bring these corrupt Mexican bankers to justice? No. What they did should be offensive to every Member of Congress, everyone in our Federal law enforcement agencies. They threatened to indict our customs officials who uncovered this corruption.

So was anything paid attention to by Mexico on the first item that we asked for some 2 years ago? Absolutely no. Actually, they took offensive action against the United States. They did not fully cooperate. In fact, they tried to block and penalize those involved in the investigation.

We also asked Mexico to root out corruption and also to extradite major drug traffickers.

Now, here we are, in March of 1999, and what has Mexico done with our second request, which was to extradite major drug traffickers? Not one major drug trafficker has been extradited from Mexico to the United States. Not one Mexican national to this day. So the second item of request, and a very specific item that this Congress asked of Mexico, has not been adhered to or met in any way by Mexico.

The third request, and, again, let me take these right out of the resolution that was passed here in the House, we asked for assistance in securing a maritime agreement, a simple maritime agreement that would allow us to go after drug traffickers who were on the high seas and also in waters as Mexican nationals.

To date, we have not had a maritime agreement signed with the country of Mexico. To my knowledge, there is only one other country in the entire region that has not signed a maritime agreement with the United States, and that is Haiti.

And that is another sad example of a failure of this administration, which spent millions of dollars trying to build up the judicial system and the institutions in Haiti. Actually, we spent billions. And those dollars have been wasted, because there still is total disorganization in the Haitian government. There is corruption. It also has turned into a major drug trafficking area, and they have not even been able to seat a parliament to sign or agree on a maritime agreement.

But, again, back to Mexico, we have a situation where, after repeated requests, Mexico still has not signed a maritime agreement to help us with international narcotics trafficking.

Additionally, we asked in this resolution that Mexico assist with locating radar to the south. That is a simple request, because we know drugs transiting and trafficking through Mexico are coming in through the peninsula and it is a simple request to have them assist us by locating radar in the south. Have they done that? No, once again.

Additionally, we asked them to crack down on corruption. And we have done everything we can to ask them to go after officials at the highest level and the lowest level in Mexico who are involved in illegal narcotics trafficking.

And what are the comments that we get back? Again, I would defer to our chief drug enforcement agent when he says that he has never seen a situation in four decades so rife with corruption, a situation where it is almost impossible to trust any agency, where there is only a handful of people that will assist in any way in the country.

So these are the requests that the United States Congress made of Mexico some 2 years ago, asking them to assist us. Even the other body passed a resolution asking that Mexico assist the United States. To date, we have not had a satisfactory response from Mexico in this regard.

At this juncture we are at an important point in our deliberations, as far as the United States House of Representatives is concerned, as to what we do to get Mexico to comply. I personally would not like to have to decertify Mexico, however, a resolution has been introduced in the House of Representatives by the gentleman from Alabama (Mr. BACHUS), and he has been joined by others, and there are more and more folks in the House that would like to decertify Mexico.

We held a hearing last week and asked the General Accounting Office to report to the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform about the situation in Mexico. We asked the GAO to give us the straight scoop, to tell us what is going on in Mexico. Do they deserve certification; are they cooperating? The GAO testified and summarized some of the problems with Mexico, and let me read them for the RECORD.

Number one. Mexico is one of the largest centers for narcotics-related business in the world.

Number two. Mexico is still the principal transit country for cocaine entering the United States.

Number three. Mexico is either a producer, refiner, or transit point for cocaine, marijuana, methamphetamine and heroin.

Number four. Mexico is a major hub for the recycling of drug proceeds.

Number five. Mexico's Juarez drug trafficking organization is as powerful and as dangerous as Colombia's Medellin and Calais cartels used to be.

Number six. Mexico's poorest border and the dawning volume of legitimate cross-border traffic provides nearly limitless opportunities for the smuggling of illicit drugs and the proceeds of sales of these drugs.

And the seventh item that GAO covered in reviewing what is taking place is that several years ago the United States gave 72 Hughey helicopters and four C-26 aircraft for narcotics operations, as a good neighbor, as a friend, to try to get Mexico to use these in going after trafficking and eradication of the crops there. Unfortunately, Mexico has not provided the resources to keep these helicopters and aircraft flying, even after a promise of using them in the future, which they have not done and not made an effort.

So here we have the testimony from the General Accounting Office of the United States which documents very clearly all the points that I have made previously in analyzing whether or not Mexico is fully cooperating with the United States to do two things, one, to stop the production of illegal narcotics and, two, to stop the transiting, and those are really the cornerstones of the certification law.

Many folks do not understand, even those in Congress do not understand, the certification law. The certification law is quite simple. It asks those two things: stop producing drugs; stop transiting in drugs. The Department of State and the President must certify to the Congress that a country is, and the term is, "cooperating fully" to do those two things.

Now, what do they get in return if they cooperate fully? They are certified as "fully cooperating" and then are eligible for United States foreign assistance. So what they get in return for being certified that they are "fully cooperating" is United States foreign assistance in the form of foreign aid, in the form of trade benefits, and in the form of international finance support.

So the question before the Congress in the next few days and few weeks is, as we conduct this investigation, this review of who is helping us in this war on drugs, and particularly the biggest offender, the biggest source of illegal narcotics, is Mexico fully cooperating?

The evidence to date does not lead us to believe that they are fully cooperating. The evidence to date does not lead us to believe that they should be certified as fully cooperating. The evidence is pretty clear to date that Mexico should not receive benefits of the United States government because they are not cooperating, because they are the biggest source of deadly drugs and narcotics coming into the United States across our borders from Mexico.

Again, if we review what we requested 2 years ago from the list of requests, can we say that they have cooperated? The answer is unequivocally no, they have not cooperated with any of these requests. They have not been a good ally. They have not been a good friend.

And the result, as we saw, is devastating: 14,218 Americans died last year as a result of drug-related deaths. Over 100,000 will die. Many more than died in hurricane Mitch, the natural disaster that I spoke of as I began my talk. And they are dying today. They are dying in this city, in Washington, D.C.; they are dying in Orlando, Florida; they are dying in Plano, Texas, and across our great land.

We have a responsibility to our people. We have a responsibility to the laws that we have passed. We must hold these countries accountable. We must find some mechanism to stop drugs at their source, to stop drugs where they are trafficking from, and to make certain that we take this death and destruction off the streets of the United States of America.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we will continue our review, our investigation, and our oversight of Mexico's cooperation with the United States, and we will find some mechanism to ensure cooperation. We will find some mechanism to stop these illegal narcotics.

□ 1630

I intend to work with my colleagues on the other side of the Capitol in an effort to see again that we bring this situation under control and that we hold those responsible accountable and that we stop this death and destruction that is at our doorstep, not just in my hometown but throughout our land and throughout our Nation. I will continue to come to the floor every week and discuss this situation as it relates to the national narcotics and drug abuse problem that we have. We will find solutions. Again, I have pledged that. And to work with those on the other side of the aisle to find solutions to this and to my colleagues again down the hall on the other side of the Capitol.

TRANSFER OF NUCLEAR TECHNOLOGY PUTS NATION AT RISK

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I yield to the gentleman from New Mexico.

INTRODUCTION OF RADIATION EXPOSURE COMPENSATION IMPROVEMENT ACT OF 1999

Mr. UDALL of New Mexico. I thank the gentleman from California (Mr. ROHRABACHER) for yielding.

I rise, Mr. Speaker, to introduce the Radiation Exposure Compensation Improvement Act of 1999. There is a companion bill in the other body authored by Senator JEFF BINGAMAN of New Mexico. This bill seeks to compensate uranium miner victims for their losses. It also seeks to compensate the millers and transportation workers who received radiation exposure. The Federal Government was aware of the dangers and yet it allowed thousands of men to be exposed to high levels of radiation, causing death and serious injuries. The Congress has acted once before on this issue, but we did not go far enough. The bill moves us in the right direction. It moves us in a just direction.

Mr. Speaker, for more than 50 years, the U.S. Government has ignored a group of its citizens who are most in need of its attention.

For years, our government asked its citizens in Arizona, Utah, Colorado and New Mexico—many of whom lived on the Navajo Reservation—to serve their country by mining, milling, and transporting uranium.

For 50 years, these citizens did what was asked of them. But slowly, Mr. Speaker, over the years they began to realize that their lives were changing. More and more of them were becoming sick. They were developing respiratory problems. They were developing cancer.

Although the Federal Government had adequate knowledge of the hazards involved in uranium mining, miners were sent into inadequatly ventilated mines with little or no knowledge of the dangers they were being exposed to.

In 1990, Congress realized that something had to be done. So it passed the Radiation Exposure Compensation Act (RECA) to compensate underground miners in several of the states where uranium mining occurred.

Unfortunately, Mr. Speaker, we did not go far enough.

Over the past 9 years, we have learned much more about the effects of radiation on our health and communities.

We know now that exposure to radiation was not limited solely to miners, but to those who milled and transported the ore.

We know now that exposure to uranium is responsible for more medical conditions than originally thought.

And we know now that the devastating effects of exposure to uranium extends far beyond the few states included in the original law.

Mr. Speaker, it is time for us to make things right.

That is why today I introduce the Radiation Exposure Compensation Improvement Act of 1999. This bill has bipartisan support and is co-sponsored by my colleague from New Mexico, Mr. SKEEN.

The credit for this bill belongs to those activists who have dedicated their lives to correcting this injustice. This is a companion bill to legislation introduced in the other body by Mr. BINGAMAN of New Mexico, and co-sponsored by the Democratic leader in that body, Mr. DASCHLE.

First, our legislation expands the geographic area eligible for compensation to include the Navajo Reservation. According to a recent study by the National Cancer Institute, Navajo children in the 1950s found themselves exposed to extremely high levels of radiation during the period of heaviest fallout from the Nevada Test Site.

There are several differences between this legislation and similar legislation introduced in this body during the last Congress.

(1) We include transport workers who may have been exposed to radiation while transporting the uranium away from the mines.

(2) The compensation we provide for the so-called "downwinders" includes diseases that were not previously attributed to radiation exposure, and are not included in the House bill. These include salivary, urinary, colon, brain, ovarian and male breast cancer. The RECA improvement bill needs to keep pace with medical knowledge.

(3) We direct the Secretary of Health and Human Services, in consultation with the Secretary of Energy, to report on the known health effects to communities where there were uranium mines and mills. A report on the status and outcomes of reclamation of uranium mines, mills, and mill tailings is required along with recommendations for further action.

(4) Finally, we ask the Secretary of HHS to evaluate access to and quality of diagnostic health services for all affected populations.

Mr. Speaker, this issue belongs to the people. We would not be as far along without the help of many people from throughout the affected areas. I would like to recognize some of those individuals.

J.C. Begay, Delegate to the Navajo Nation Council
Herbert Benally, Churchrock Chapter President
Timothy H. Benally, Sr. Uranium Education Office
Roxanna Bristow, Colorado Uranium Workers Council
Doug Brugge, Ph.D.
Cibola County, New Mexico County Commissioners
Suzan Dawson, Ph.D., University of Utah
Carole Dewey
Leroy Esplain, Office of Navajo Uranium Workers
Anna Frazier, Dine CARE
Curtis Freeman, Utah Uranium Workers Council
John Fowler, Navajo Uranium Millers Radiation Victims
Tom Gregory, Albuquerque Miners and Millers
Phil Harrison, Jr., Navajo Uranium Radiation Victims Committee
Paul Hicks, New Mexico Uranium Workers Council
Al Waconda, Laguna-Acoma Coalition for a Safe Environment
Alexander Thorne, Northern AZ Navajo Downwinders/Radiation Victims
Hazel Merritt, Utah Navajo DownWinders Committee
Tommy Reed, Jr., Post '71 Uranium Miners
The Navajo Nation Council
Melton Martinez, Eastern Navajo Agency & Western States RECA Coalition
Bill Redmond, Former Member of Congress
Liz Lopez-Rall, Mayor of Milan, New Mexico
Paul Robinson, Ph.D., Southwest Research and Information Center
Lloyd Totalita, Governor of Acoma Pueblo
Ron Ortiz, City Councilman, Grants, New Mexico
Gary Madson, Ph.D., University of Utah
Alice May Yazzie, Community Organizer
Ben Shelly, McKinley County, New Mexico County Commissioner
Kevin Martinez, Esq.
Ken Martinez, New Mexico State Legislator
"Mag" Martinez, Vice President of New Mexico Uranium Workers Council
Bill Snodgrass, Mayor of Grants, New Mexico

Mr. Speaker, this bill to amend the 1990 RECA is the beginning of a long process to remedy these injustices. It corrects omissions in the current law and makes the law consistent with current medical knowledge.

The time for us to act is now. The people of the affected areas deserve no less.

Mr. ROHRABACHER. Mr. Speaker, this week shocking information became available to the American people that cries out for a change in U.S. policy toward Communist China. Some of us have long warned about the deadly transfer of American technology to a government that is the worst human rights abuser in the world. The Communist regime in Beijing has long benefited from a policy that ignores its genocide, its militarism, its abuse of religious believers and its fundamental antagonism toward the Western democracies. Now we find that American technology, developed with billions of U.S. tax dollars during the Cold War, intended to deter nuclear strikes against the United States by the Soviet Communists, that this awesome technology has now made its way into the hands of a regime that hates everything America stands for and is determined to dominate the 21st century.

Specifically, this weekend the American people, through an investigative report by the New York Times, found out that China has made a quantum leap in modernizing its nuclear missile force with the help of American technology and know-how. Beginning last year, I have come to this floor on numerous occasions, perhaps sounding like a bellwether in the night, a warning bell, trying to get people's attention that something dreadful was happening to our national security. I have done my best to alert my colleagues and the American people to the danger that we are now beginning to realize. What we are talking about is a dictatorship that is hostile to the United States, that is militaristic and expansionist in its policies.

The most recent revelation is that this Communist Chinese regime has obtained secrets from the Los Alamos nuclear weapons laboratory that has permitted them to produce miniaturized nuclear warheads that enables them to deliver a devastating attack against the United States and its allies. The Communist Chinese as a result now have the ability to carry more than one warhead on their rockets and to launch nuclear weapons from submarines and other vessels at every American State and every American city. This is a nightmare. It is almost beyond comprehension. It is a nightmare even more so when we realize that people like myself and others have been trying, have been struggling over these past months, over these past years, to draw attention to the potential danger. And now we find out that not just the Chinese rockets have been upgraded by American aerospace companies, with the acquiescence of this administration, these rockets, their capabilities, and the reliability of those rockets improved by American technology, but now we find out that stolen from us in a sustained and comprehensive espionage effort by the Communist Chinese, they have managed to steal from us the very secrets that will permit them to build nuclear weapons that are of a small enough size to put in those rockets and to be delivered to the United States which might cause the death of tens of millions of Americans.

Mr. and Mrs. America, it does not get much worse than this. The Communist Chinese have had an ongoing and a sustained espionage campaign targeting America's most sensitive weapons technologies. Our country has been put in grave jeopardy. The safety of every man, woman and child in every community in our land has been put at risk. The transfer of American nuclear technology, coupled with the upgrading of Communist Chinese rockets by American aerospace corporations, is the worst betrayal of our country's safety since the Rosenbergs. The New York Times story reported this very point, that it is the worst betrayal since the Rosenbergs. In that New York Times story, this very point was made by the CIA's counterintelligence chief.

It is time for us to wake up. It is time for our outrage to be felt. It is time for us to change our policies before a catastrophe happens. What do we need? Do we need a detonation of a weapons system that was developed by the taxpayers of the United States in a city of the United States by a hostile power before we wake up?

In short, the transfer of weapons technology to the Communist Chinese has been a debacle of historic proportions. This could well shift the balance of power in the world and change history, as well, of course, put millions of Americans at risk. What we have been able to do in the last decade has been based on a very fragile balance of power. We have a rogue nation in Communist China that obviously does not care about the losing of millions of its own citizens. Yet we have tried to engage this very same government entity that controls Communist China, this dictatorial regime. Instead of drawing closer to our allies in the Pacific, we have tried our best to try to draw closer to this Communist regime in the nonsensical belief that the closer you get to tyrants would make them less aggressive and less tyrannical, less abusive. This has demoralized our democratic allies in the Pacific, and it has actually increased the disdain that the Communist Chinese rulers in Beijing have for the people of the United States. The more that our people that represent the United States like Madeleine Albright who was recently in Beijing, the more they go into the Communist Party headquarters in that country and proclaim a belief in human rights and a belief in democracy, yet we are unwilling to do anything to back up those words with deeds in any way, the more disdain they have for us, the more they are committed to wiping out the degenerate Americans who mouth cliches but have no belief in anything. It underscores our weakness to these dictators. Strength of purpose, strength of protecting our own national security interests, strength of protecting the people of the United States who rely on us, these are the things that dictators and militarists understand. They do not understand sincerity and honesty and laying it all out and going through some sort of sensitivity training with these militarists.

Perhaps the most irksome aspect of this whole, and I would say debacle, this whole revelation that our weapons systems that we paid so dearly for during the Cold War to protect our own country, now having been made available and put into the hands of Communist Chinese who hate our way of life, perhaps the most irksome aspect of this is that the Clinton administration has for years downplayed this information and belittled those of us who were trying to counteract this danger. This administration has in fact interfered with investigations and undermined the efforts of patriotic government watchdogs to address this threat.

High level officials told the New York Times that although the White House was fully briefed on the scope of the Communist Chinese espionage aimed at our country, they were briefed on this as early as 1997, that the matter was ignored and even covered up because it would interfere with the Clinton administration's policy of engagement with Communist China.

The chief of intelligence at the Department of Energy, who first discovered the Los Alamos case, this fact that our most sensitive nuclear laboratory had been compromised, he briefed the National Security Council of the Clinton administration and the CIA and he was ordered by senior administration officials not to tell Congress about this grave threat to our security, to the well-being of our people, because critics might use his findings to attack President Clinton's China policy. Well, that is certainly true. While we were complaining that American technology was being used to upgrade Communist Chinese rockets and missiles, while we were complaining that sensitive weapons technology was going into the hands of the world's worst human rights abuser, the Communist Chinese government, yes, we would liked to have known that the espionage of the Chinese Communists had permitted them to get their hands on the technology and the information and know-how they needed to produce miniaturized atomic bombs, and to let my colleagues know the magnitude of this, those miniaturized atomic bombs have the strength and the power of 10 times the power and the nuclear capabilities of the bomb that we dropped on Hiroshima, 10 times that destructive power in these miniaturized weapons. Smaller atomic bombs could then be put on rockets, Communist Chinese rockets that have been increased in their capability and reliability by American technology.

As I say, this is catastrophic. It takes the breath out of one's lungs to consider the magnitude of the words that I am saying and the magnitude of that New York Times report. But that the review, our investigation, and our oversight of Mexico's cooperation with the United States, and we will find some mechanism to ensure cooperation. We will find some mechanism to stop these illegal narcotics.

□ 1630

I intend to work with my colleagues on the other side of the Capitol in an effort to see again that we bring this situation under control and that we hold those responsible accountable and that we stop this death and destruction that is at our doorstep, not just in my hometown but throughout our land and throughout our Nation. I will continue to come to the floor every week and discuss this situation as it relates to the national narcotics and drug abuse problem that we have. We will find solutions. Again, I have pledged that. And to work with those on the other side of the aisle to find solutions to this and to my colleagues again down the hall on the other side of the Capitol.

TRANSFER OF NUCLEAR TECHNOLOGY PUTS NATION AT RISK

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I yield to the gentleman from New Mexico.

INTRODUCTION OF RADIATION EXPOSURE COMPENSATION IMPROVEMENT ACT OF 1999

Mr. UDALL of New Mexico. I thank the gentleman from California (Mr. ROHRABACHER) for yielding.

I rise, Mr. Speaker, to introduce the Radiation Exposure Compensation Improvement Act of 1999. There is a companion bill in the other body authored by Senator JEFF BINGAMAN of New Mexico. This bill seeks to compensate uranium miner victims for their losses. It also seeks to compensate the millers and transportation workers who received radiation exposure. The Federal Government was aware of the dangers and yet it allowed thousands of men to be exposed to high levels of radiation, causing death and serious injuries. The Congress has acted once before on this issue, but we did not go far enough. The bill moves us in the right direction. It moves us in a just direction.

Mr. Speaker, for more than 50 years, the U.S. Government has ignored a group of its citizens who are most in need of its attention.

For years, our government asked its citizens in Arizona, Utah, Colorado and New Mexico—many of whom lived on the Navajo Reservation—to serve their country by mining, milling, and transporting uranium.

For 50 years, these citizens did what was asked of them. But slowly, Mr. Speaker, over the years they began to realize that their lives were changing. More and more of them were becoming sick. They were developing respiratory problems. They were developing cancer.

Although the Federal Government had adequate knowledge of the hazards involved in uranium mining, miners were sent into inadequatly ventilated mines with little or no knowledge of the dangers they were being exposed to.

In 1990, Congress realized that something had to be done. So it passed the Radiation Exposure Compensation Act (RECA) to compensate underground miners in several of the states where uranium mining occurred.

Unfortunately, Mr. Speaker, we did not go far enough.

Over the past 9 years, we have learned much more about the effects of radiation on our health and communities.

We know now that exposure to radiation was not limited solely to miners, but to those who milled and transported the ore.

We know now that exposure to uranium is responsible for more medical conditions than originally thought.

And we know now that the devastating effects of exposure to uranium extends far beyond the few states included in the original law.

Mr. Speaker, it is time for us to make things right.

That is why today I introduce the Radiation Exposure Compensation Improvement Act of 1999. This bill has bipartisan support and is co-sponsored by my colleague from New Mexico, Mr. SKEEN.

The credit for this bill belongs to those activists who have dedicated their lives to correcting this injustice. This is a companion bill to legislation introduced in the other body by Mr. BINGAMAN of New Mexico, and co-sponsored by the Democratic leader in that body, Mr. DASCHLE.

First, our legislation expands the geographic area eligible for compensation to include the Navajo Reservation. According to a recent study by the National Cancer Institute, Navajo children in the 1950s found themselves exposed to extremely high levels of radiation during the period of heaviest fallout from the Nevada Test Site.

There are several differences between this legislation and similar legislation introduced in this body during the last Congress.

(1) We include transport workers who may have been exposed to radiation while transporting the uranium away from the mines.

(2) The compensation we provide for the so-called "downwinders" includes diseases that were not previously attributed to radiation exposure, and are not included in the House bill. These include salivary, urinary, colon, brain, ovarian and male breast cancer. The RECA improvement bill needs to keep pace with medical knowledge.

(3) We direct the Secretary of Health and Human Services, in consultation with the Secretary of Energy, to report on the known health effects to communities where there were uranium mines and mills. A report on the status and outcomes of reclamation of uranium mines, mills, and mill tailings is required along with recommendations for further action.

(4) Finally, we ask the Secretary of HHS to evaluate access to and quality of diagnostic health services for all affected populations.

Mr. Speaker, this issue belongs to the people. We would not be as far along without the help of many people from throughout the affected areas. I would like to recognize some of those individuals.

J.C. Begay, Delegate to the Navajo Nation Council
Herbert Benally, Churchrock Chapter President
Timothy H. Benally, Sr. Uranium Education Office
Roxanna Bristow, Colorado Uranium Workers Council
Doug Brugge, Ph.D.
Cibola County, New Mexico County Commissioners
Suzan Dawson, Ph.D., University of Utah
Carole Dewey
Leroy Esplain, Office of Navajo Uranium Workers
Anna Frazier, Dine CARE
Curtis Freeman, Utah Uranium Workers Council
John Fowler, Navajo Uranium Millers Radiation Victims
Tom Gregory, Albuquerque Miners and Millers
Phil Harrison, Jr., Navajo Uranium Radiation Victims Committee
Paul Hicks, New Mexico Uranium Workers Council
Al Waconda, Laguna-Acoma Coalition for a Safe Environment
Alexander Thorne, Northern AZ Navajo Downwinders/Radiation Victims
Hazel Merritt, Utah Navajo DownWinders Committee
Tommy Reed, Jr., Post '71 Uranium Miners
The Navajo Nation Council
Melton Martinez, Eastern Navajo Agency & Western States RECA Coalition
Bill Redmond, Former Member of Congress
Liz Lopez-Rall, Mayor of Milan, New Mexico
Paul Robinson, Ph.D., Southwest Research and Information Center
Lloyd Totalita, Governor of Acoma Pueblo
Ron Ortiz, City Councilman, Grants, New Mexico
Gary Madson, Ph.D., University of Utah
Alice May Yazzie, Community Organizer
Ben Shelly, McKinley County, New Mexico County Commissioner
Kevin Martinez, Esq.
Ken Martinez, New Mexico State Legislator
"Mag" Martinez, Vice President of New Mexico Uranium Workers Council
Bill Snodgrass, Mayor of Grants, New Mexico

Mr. Speaker, this bill to amend the 1990 RECA is the beginning of a long process to remedy these injustices. It corrects omissions in the current law and makes the law consistent with current medical knowledge.

The time for us to act is now. The people of the affected areas deserve no less.

Mr. ROHRABACHER. Mr. Speaker, this week shocking information became available to the American people that cries out for a change in U.S. policy toward Communist China. Some of us have long warned about the deadly transfer of American technology to a government that is the worst human rights abuser in the world. The Communist regime in Beijing has long benefited from a policy that ignores its genocide, its militarism, its abuse of religious believers and its fundamental antagonism toward the Western democracies. Now we find that American technology, developed with billions of U.S. tax dollars during the Cold War, intended to deter nuclear strikes against the United States by the Soviet Communists, that this awesome technology has now made its way into the hands of a regime that hates everything America stands for and is determined to dominate the 21st century.

Specifically, this weekend the American people, through an investigative report by the New York Times, found out that China has made a quantum leap in modernizing its nuclear missile force with the help of American technology and know-how. Beginning last year, I have come to this floor on numerous occasions, perhaps sounding like a bellwether in the night, a warning bell, trying to get people's attention that something dreadful was happening to our national security. I have done my best to alert my colleagues and the American people to the danger that we are now beginning to realize. What we are talking about is a dictatorship that is hostile to the United States, that is militaristic and expansionist in its policies.

The most recent revelation is that this Communist Chinese regime has obtained secrets from the Los Alamos nuclear weapons laboratory that has permitted them to produce miniaturized nuclear warheads that enables them to deliver a devastating attack against the United States and its allies. The Communist Chinese as a result now have the ability to carry more than one warhead on their rockets and to launch nuclear weapons from submarines and other vessels at every American State and every American city. This is a nightmare. It is almost beyond comprehension. It is a nightmare even more so when we realize that people like myself and others have been trying, have been struggling over these past months, over these past years, to draw attention to the potential danger. And now we find out that not just the Chinese rockets have been upgraded by American aerospace companies, with the acquiescence of this administration, these rockets, their capabilities, and the reliability of those rockets improved by American technology, but now we find out that stolen from us in a sustained and comprehensive espionage effort by the Communist Chinese, they have managed to steal from us the very secrets that will permit them to build nuclear weapons that are of a small enough size to put in those rockets and to be delivered to the United States which might cause the death of tens of millions of Americans.

Mr. and Mrs. America, it does not get much worse than this. The Communist Chinese have had an ongoing and a sustained espionage campaign targeting America's most sensitive weapons technologies. Our country has been put in grave jeopardy. The safety of every man, woman and child in every community in our land has been put at risk. The transfer of American nuclear technology, coupled with the upgrading of Communist Chinese rockets by American aerospace corporations, is the worst betrayal of our country's safety since the Rosenbergs. The New York Times story reported this very point, that it is the worst betrayal since the Rosenbergs. In that New York Times story, this very point was made by the CIA's counterintelligence chief.

It is time for us to wake up. It is time for our outrage to be felt. It is time for us to change our policies before a catastrophe happens. What do we need? Do we need a detonation of a weapons system that was developed by the taxpayers of the United States in a city of the United States by a hostile power before we wake up?

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Perhaps the most irksome aspect of this whole, and I would say debacle, this whole revelation that our weapons systems that we paid so dearly for during the Cold War to protect our own country, now having been made available and put into the hands of Communist Chinese who hate our way of life, perhaps the most irksome aspect of this is that the Clinton administration has for years downplayed this information and belittled those of us who were trying to counteract this danger. This administration has in fact interfered with investigations and undermined the efforts of patriotic government watchdogs to address this threat.

High level officials told the New York Times that although the White House was fully briefed on the scope of the Communist Chinese espionage aimed at our country, they were briefed on this as early as 1997, that the matter was ignored and even covered up because it would interfere with the Clinton administration's policy of engagement with Communist China.

The chief of intelligence at the Department of Energy, who first discovered the Los Alamos case, this fact that our most sensitive nuclear laboratory had been compromised, he briefed the National Security Council of the Clinton administration and the CIA and he was ordered by senior administration officials not to tell Congress about this grave threat to our security, to the well-being of our people, because critics might use his findings to attack President Clinton's China policy. Well, that is certainly true. While we were complaining that American technology was being used to upgrade Communist Chinese rockets and missiles, while we were complaining that sensitive weapons technology was going into the hands of the world's worst human rights abuser, the Communist Chinese government, yes, we would liked to have known that the espionage of the Chinese Communists had permitted them to get their hands on the technology and the information and know-how they needed to produce miniaturized atomic bombs, and to let my colleagues know the magnitude of this, those miniaturized atomic bombs have the strength and the power of 10 times the power and the nuclear capabilities of the bomb that we dropped on Hiroshima, 10 times that destructive power in these miniaturized weapons. Smaller atomic bombs could then be put on rockets, Communist Chinese rockets that have been increased in their capability and reliability by American technology.

As I say, this is catastrophic. It takes the breath out of one's lungs to consider the magnitude of the words that I am saying and the magnitude of that New York Times report. But that the

Clinton administration knew of this and continued its efforts to downplay our attacks on the technology transfer, it is more than wishful thinking. This has got to be more than wishful thinking. It has got to be looked at as insanity, an insane policy.

□ 1645

This coverup is of critical national security information, so we would not know that the Chinese communists had gotten their hands on these atomic weapon secrets. This coverup is of severe consequence to our country because we in the House of Representatives and in the Senate of the United States have not now been able to do our job and watch out for the interests of our people, which is our job, as well as that of the President.

To put this in perspective, President Clinton has insisted on labeling our relationship with the Communist regime that controls the mainland of China as a strategic partnership. This insistence that they call the Communist Chinese our strategic partners was going on at a time when his administration had been briefed of a espionage effort that had resulted, already resulted, in the Communist Chinese obtaining these nuclear weapon secrets that enable them to put our people in jeopardy. They are insisting on calling it a strategic partnership, and when I asked an administration official what was that all about, it was strategic partnership against whom, there was nothing to say.

Strategic partnership; what does that mean when we have a partnership with a country that is the most oppressive government of the world, the world's worst human rights abuser? Does it mean that we are in partnership against the democratic government of the Philippines where they now are expanding and trying to take over the Spratly Islands, the islands that are 800 miles off of their shore, but 150 miles off the Philippines? Is anywhere going to end a partnership against Japan? Does it mean we are in a partnership against Taiwan? How about a partnership against Malaysia or Singapore? Does it mean that we are in a partnership against the people of China itself? That we are the partnership with the regime, the dictators, against those people who would struggle for democracy, who would struggle for democracy in China itself? How this administration can use this word and insist on using this phraseology knowing that the Chinese Communist espionage effort had already acquired our atomic secrets, knowing that American companies had gone over and improved the capability of their rockets. Knowing about the repression that is going on there, it is beyond me.

I yield to my colleague.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California, and he addresses concerns that have been on the minds of the American people in the wake of revelations that we first saw, Mr. Speaker, on the pages of the New York Times, because as my colleague from California (Mr. ROHRABACHER) knows, and indeed, Mr. Speaker, as you full well know, given the culture of this particular town and the way in which certain revelations are sometimes labeled, it almost seems as if on the part of some folks in this town there is a little box that reads: in case of emergency or a public relations meltdown, break glass and say everybody did it and everybody has made mistakes. But let us reiterate for the RECORD from the pages of the New York Times what was reported this weekend.

Quoting now at the Energy Department:

> Officials waited more than a year to act on the FBI's 1997 recommendations to improve securities at the weapons laboratories and restrict the suspect's access to classified information.

And even more tellingly, Mr. Speaker, the article continues, quoting again now:

> The department's Chief of Intelligence who raised the first alarm about the case in 1995 was ordered last year by senior officials not to tell Congress about his findings because critics might use them to attack the administration's China policies.

Mr. ROHRABACHER. Would that be considered coverup?

Mr. HAYWORTH. What it should be considered at the very least is outrageous behavior that sacrifices the legitimate national and security interests of the United States to political designs, and political campaigns and of public relations effort, quite apart from policy indeed, as my colleague from California is aware, and, Mr. Speaker, as you, too, are well aware.

There is a very interesting book that has been published and appeared on the scene entitled Year of the Rat which talks about allegations, allegations that now have been borne out by independent press inquiries that sadly, Mr. Speaker, this administration sought campaign cash not only from American citizens, as is their want under the law under legal circumstances, but apparently sought campaign cash from officials affiliated with the Peoples Liberation Army, so the accounts have been reported.

"Curiouser and curiouser," said Alice about such developments, but this is not Wonderland, this is the real world, and the future of American security is at stake.

Mr. ROHRABACHER. To amplify, if I may reclaim for a moment, on that point, and again this is a little bit too horrifying for Americans to comprehend. I mean this is one of those facts that we like not even to think about. We want to turn off the TV and pretend it does not exist. But the fact is that during the last election the top contributor to the President's reelection effort was Bernie Schwartz, who was the head of Loral Corporation, and we now have ample evidence that Loral Corporation was one of the American aerospace firms that helped upgrade the capabilities and reliability of Communist Chinese rockets. Couple that with now this understanding that the espionage effort by the Communist Chinese, which was ongoing, had collected these miniaturized atomic bombs, the ability for the Communist Chinese to make them, this is the most heinous betrayal, and who can think worse?

Mr. HAYWORTH. And, as my colleague I am sure will agree, Mr. Speaker, it is incumbent upon this House, if no one else, especially at the other end of Pennsylvania Avenue, will act as a steward of national security, it is incumbent upon this House, if the White House will not release the findings of the Cox Select Committee in its report, it is incumbent upon this House to go into closed session and to vote out that report so that every American can understand the extent to which our security may have been compromised.

Mr. ROHRABACHER. It is beyond belief that we have a report by the Cox Select Committee into this ongoing systematic espionage by the Communist Chinese as well as the transfer of technology over the recent years and that that report, the Communist Chinese know what they got from us, our government now knows what they got from us. The only people who do not know are the American people.

And during this time period, as I say, while the American people are being kept in the dark about something that is threatening the lives of their children, and their families, and their communities, this administration continues to call the Communist Chinese our strategic partners. This is beyond, as I say, beyond comprehension.

Then by the way, even after the White House was alerted to the scope and the magnitude of the Chinese nuclear weapons build up and the transfer and the theft of American technology, the White House continued its efforts to loosen the controls of the sale and the other forms of transfer of dual-use weapons technology from American corporations to Communist China.

Just the other day we had a major vote in the Committee on International Relations on this issue, and the administration was proposing what I considered a loophole, and a way for getting more weapons technology. Indeed there was civilian applications for these technologies, but they were clearly weapons-related technologies as well, setting up some sort of a loophole for them to get into China.

And last summer, when President Clinton was in Beijing meeting with Communist Chinese, the Chinese military successfully tested. While he was in Beijing, they tested the first time a motor for their new DF–31 missile, a missile that will enable them to hit the United States with a nuclear attack from the mainland of China. This happened while the President was there. The President was alerted to this, and yet there was no indication that he raised this issue with his hosts.

What are the Communist Chinese to think? We give them these platitudes about human rights, and then we have nothing to back it up, there is no action at all taken to back it up, that we insist on a change in their policy. They must mean we do not believe in that. And then we are there at a time when the President of the United States is there with them, they are conducting a weapons test, making a mockery of his visit, and the President does not have the courage to bring this up? No wonder they hold us in disdain.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California for yielding, and, Mr. Speaker, I would point out the comments of the majority leader in the other body on this Hill, Senator LOTT saying in a televised interview this weekend that in the wake of these revelations concerning China, and technology transfers and espionage in the nuclear field that it is entirely reasonable, prudent and proper for this Congress to reevaluate whether the People's Republic of China should gain admission to the World Trade Organization. Mr. Speaker, what should be understood by the Communist Chinese is that provocative actions carry consequences.

If my friend would indulge me, a personal recollection in my first term. The Counsel General of the Chinese Embassy from Los Angeles paid a visit to Arizona, and he said, paraphrasing: "We want to be friends." And I said to him, "Good, let us speak as friends." It is extremely disturbing to hear the bellicose statements of the Chinese defense minister who threatens our mainland in the wake of a crisis involving Taiwan and Formosa by saying, quote:

> We believe the Americans value Los Angeles much more than they value Taiwan.

I asked him, and I would ask all in this body and all within the sound of my voice, especially our friends, Mr. Speaker, from the PRC who may be monitoring this, how else do we interpret those remarks other than a threat?

Mr. ROHRABACHER. Reclaiming my time for a moment, that was clearly a veiled threat, if not an unveiled threat, and what was it made over? Why were they threatening us? They were threatening us because we were standing between them and intimidating the people on Taiwan not to hold free elections. They were involved with an act of aggression upon people who were trying to conduct a free election.

So now we have in the United States, we have a government that has declared the Communist Chinese our strategic partners and continue to do so even after they have made threats to blow up Los Angeles, even after they have conducted aggression in the Spratly Islands and in the South China Sea against the democratic countries and with the knowledge, as we know now from this New York Times report, that the Communist Chinese were in the midst of obtaining sensitive atomic secrets that we had paid for to build their own nuclear weapons and that we and American aerospace companies with the acquiescence of this administration had been, as my colleagues know, upgrading Communist Chinese rockets' reliability, and their effectiveness and their capabilities.

What message are we sending to the Communist Chinese, what message are we sending to our democratic allies? No wonder why the Chinese are becoming more aggressive and disdain the Clinton administration when the Clinton administration tries to warn them about anything. There is nothing that that administration can say that will be taken seriously by these militarists in Beijing when they know that our administration knows about these vile acts and these threats against us.

Mr. HAYWORTH. I would simply add, Mr. Speaker, my colleague, that those who watch around the world, Mr. Speaker, would do well to remember that ours is a constitutional republic with a Chief Executive who is, quite correctly, our commander in chief. But they should understand a lesson that ofttimes escapes them in terms of the nuances of the big picture, and it is this. This Congress constitutionally is charged with oversight. When it comes to our national security, when it comes to the well-being of this American Nation, when it comes to our legitimate concerns overseas, it is this Congress which maintains oversight of the Executive Branch, and those who feel they can inject themselves into the American political system with campaign contributions and other forms of influence and somehow change our policy, while there may be evidence of that occurring sadly, it will change.

The American people deserve nothing less than a government that deals with them honestly and protects them.

Mr. ROHRABACHER. Let me reclaim my time so we know the administration will try to fuzzy this issue by claiming that some of these thefts that we are talking about started during the Reagan years. And let me be very specific when they were making this attempt to cloud this issue.

During Ronald Reagan's term of office I was working in the White House. During that time period there was a strong democracy movement building in Communist China, and, yes, we cooperated with the Communist Chinese in order to split them away from the Russians, a tactic that ended the Cold War. But at the same time we pushed for democracy.

□ 1700

We did not give meaningless platitudes to requests for democracy and human rights, and there was a thriving democracy movement that we thought could well take over China. We thought it was irreversible at the time, and it was not until the massacre at Tiananmen Square that that optimism should have been reversed.

The fact is that we could well have had a democratic country in China by now, but what happened was during those years some of this information the communists were able to steal from us but we realized that the government itself in China may be undermined by the democratic movement there.

There was an excuse for having looser controls at a time when communist China was becoming more democratic. After Tiananmen Square, when they massacred the human rights workers and the democratic movement, there is no excuse as the country, as communist China, slid further into militarism, into tyranny and into hostile positions to the United States of America. So, thus, during the Reagan years, yes, some problems happened, but during the Clinton years, when there was no excuse whatsoever because the democracy movement had been annihilated and in fact the human rights report last year of the Clinton administration noted that there has been a substantial decline in human rights even from last year, which was already on the way down, that there was no excuse for this administration to try to cover up the wrongdoing of that regime and no excuse for them to cover up the threat that that regime was putting itself in to threaten our well-being and our security by upgrading their own military capabilities, especially in their weapons of mass destruction.

So I would hope that my colleagues and the American people are not confused, intentionally confused, by this administration in an attempt to shuck the responsibility and to throw off the responsibility. For the fact that our country has been put in terrible jeopardy, at a time when they knew the facts, when China was becoming more totalitarian, when they had been briefed on this threat, they continued to belittle those of us who were calling attention and sounding the alarm.

THE GREATER MIAMI JEWISH FEDERATION'S SUPER SUNDAY PHONATHON

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, continuing on its long tradition of service to all of us in the south Florida area, the Greater Miami Jewish Federation will hold its annual super Sunday phonathon this coming weekend, and this charitable event unites volunteers from throughout our area in an effort to raise the funds to provide necessary services to the many needy individuals in south Florida, but it extends even wider, to Israel and 60 other countries throughout the world.

As in past years, hundreds of volunteers will help raise funds that will be destined to programs that will provide free hot meals to poor elderly in our community who otherwise might go hungry. It will also assist youngsters learn more about the Jewish experience through educational programs that it offers. Moreover, Jewish refugees will be assisted with the funds through a resettlement program that aims to help these displaced persons begin a new life free of persecution from their native homelands.

The Greater Miami Jewish Federation of south Florida has become a source of pride and support for all of us in south Florida, but in particular to those who are needy. For decades, it has been the leading community activist organization that has served the less fortunate. The work of this outstanding organization is an example of how the private sector can help the less fortunate in the community at a time of dwindling government resources, and they do so with great effectiveness.

I congratulate the Greater Miami Jewish Federation on its continuing efforts to help the poor in our community and wish them the best of success to all of those involved in this worthwhile event, and I urge all of our south Florida community to come out this super Sunday and become one of the many volunteers helping the Greater Miami Jewish Federation in its very successful phonathon.

FREEDOM FOSTERS ECONOMIC PROSPERITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 30 minutes.

Mr. SCARBOROUGH. Mr. Speaker, running across the road today to speak in this House Chamber I encountered a hard snowfall outside. A friend suggested a speech criticizing the groundhog who predicted an early spring.

I suggested that maybe we should not be so tough on the groundhog for this faulty prediction, as Washington is receiving its toughest winter storm of the year. In Washington, D.C. politicians and economists are not much better with their predictions.

I remember 4 years ago when we first came up to Washington, D.C. I heard over and over again that this government could not balance its budget and that our plan to restore fiscal responsibility and fiscal sanity to the way that Congress and Washington and the White House ran its business, I heard that we could not get it done.

Let us look at what happened 4 years later. Today we have an economy that is exploding. Some say that it is an economy that is stronger than any American economy ever before, and there are a lot of people that are lining up, taking credit and assigning responsibility to these great economic times.

It is very important that we remember, back over the 4 years, about what we did and what sacrifices we took to make America as strong as it is going into the new millennium.

Mr. Speaker, I remember when I first ran for Congress in 1994 talking about the need of balancing the budget, talking about the need for Americans to have a government that handled their checkbook as well as Americans handled their checkbook at home, because if we have a Federal Government that continued and continued to spend more money than it took in, it would not only damage our credibility here in Washington, it would also damage our children's possibility of pursuing the American dream that we were all able to pursue in our life.

When I first got to Washington, D.C., the deficit was at $300 billion and the debt was approaching $5 trillion. Now, we throw out numbers. Everybody loves throwing out numbers in Washington, D.C., and few people really understand what those numbers mean, but I can say this, what a $300 billion deficit meant was that interest rates were up because the markets were jittery.

I remember getting elected, coming here and talking about how we were going to balance the budget in 7 years, and I remember how the President and the liberals in his administration and the liberals in this House said that balancing the budget was irresponsible and saying that it would destroy the economy.

In fact, they said balancing the budget in 7 years would wreck the United States economy, cause the markets to collapse and cause widespread unemployment and recession.

Let us look just 5 years later and see what our results were. We now have a Dow Jones average that was not at 3900 like it was when we first got here but is now at 9500. We have unemployment rates that are lower than they have been in years and years, and we have an economy that is growing at a faster rate than ever before, and it is all because we were able to discipline ourselves to do what we ask every middle class American to do, and that is spend only as much money as you take in.

So what did Alan Greenspan say back in 1995? He actually came to the Committee on the Budget, chaired by the gentleman from Ohio (Mr. KASICH), and he said if the Republicans are serious about balancing the budget, and if they pass this plan to balance the budget, I will predict that interest rates will drop and the economy will grow at a faster rate than it has since the end of World War II.

That is what the chairman of the Federal Reserve Board said, Alan Greenspan. All the while I love hearing columnists and pundits and pollsters saying, you cannot do it; Washington cannot balance its budget. It sounded like what people said about me when I first ran for Congress 4 years ago. They told me there was no way I could win. Well, I learned then, never say never.

We learned in the budget fight, sometimes you just kind of have to turn off your hearing aid to these pollsters and pundits, because if they were right all along we would have never even tried to balance the budget.

Now, of course, 4 years later everybody is lining up and saying what a great job they did, but it is important for us to remember who was for the balanced budget and who fought it, and what philosophy was underlying those of us who supported the balanced budget plan.

□ 1715

And what philosophy underlies those people that opposed the balanced budget plan? Let us start with the people that were against it. Unfortunately, the administration and the people on the left of this Chamber had a government and had a Congress that they controlled for 40 years, and for 40 years they believed in bigger government, more oppressive taxes, and less freedom for Americans.

In fact, we saw deficits explode well up into $300 billion, and the way they proposed bringing the deficit down was by raising America's taxes. In fact, in 1993, they passed the largest single tax increase in the history of this great republic, and believed that they could not cut government spending. Well, we believed otherwise, and we still believe otherwise, that the Federal Government spends too much of American taxpayers' dollars. But taxes kept exploding. We came in and tried to cut them down; we passed some tax cuts, but all along the administration has fought us and the liberals have fought us time and time again. Now, they say they are for tax cuts, but when push comes to shove, they just will not propose them.

Why is that? It is because at the heart of their philosophy, at the heart of the philosophy that ran Washington for 40 years, they believe that big government is the solution. We believe, Mr. Speaker, that the big hearts of America, that the communities of America, that the families and individuals in America are the ones who should make the decision on how to spend their money.

I remember right after the President left Washington a few weeks ago, he went up to Buffalo, and in Buffalo, he spoke to a crowd about tax cuts, and he was highly critical of Republicans' plans to cut America's taxes. What the President said I think really, really was insightful and revealing in that it offered us a very small window into his core beliefs regarding government. Because the President has been very good lately engaging in what he calls triangulation, taking Republican issues and trying to make them his own without really doing anything significant on it. But the President said to this crowd in Buffalo, sure, we can do what the Republicans are proposing to do. We could cut your taxes, let you keep more of your money and hope you spend your money wisely. But the President went on to say that this just could not be so because Americans might spend their money irresponsibly.

Therein lies the difference, the crux of the problem of big government liberalism. There is this belief that politicians and bureaucrats in Washington, D.C. know how to spend Americans' money better than Americans. There is also a belief that Washington bureaucrats and politicians know how to teach our children better than we do, and there is also a belief that Washington politicians and bureaucrats know how to run our communities better than we do.

Mr. Speaker, this is a philosophy of the past. In much the same way that socialism has collapsed across the globe throughout the latter half of the 20th century, I believe that this more refined American version of socialism that started some time back will soon collapse as we enter the new millennium. Why? Because we are a Nation of individuals. We have always been a Nation of individuals, and in this new generation and this new millennium that we are about to enter, the technologies that are going to free us will make us more individualistic and make us more free, and make us less reliant on an oppressive, centralized State.

It is about freedom. It is about the freedom of Americans to work as hard as they want to work without the fear of being punished by Washington, D.C. It is about the belief that Americans can school their children the way they want to school their children, without bureaucrats in the Department of Education coming in and oppressing them. It is about the belief that in America, a young entrepreneur can still start with $5,000, a garage and a dream and begin a company that explodes into a phenomenon that transforms human existence.

Only in America can that story still be told.

Unfortunately, only in America do we find a Federal Government that is so opposed to this entrepreneurial spirit. The Justice Department continues its witchhunt against Microsoft because Microsoft works.

Ask anybody in Seattle, Washington what this little start-up company with $5,000 in a garage has meant to the economy, not only of the Pacific Northwest, not only of America, but of the world. And yet all they get is harassment from a Justice Department that should be spending more time looking at how the Chinese influenced the 1996 presidential elections than how one or two young men's dreams created a company and a force that has changed western civilization and eastern civilization.

But only in America. Only in America do we say to people that dare to go out and work hard, if you work hard, we are going to tax you hard. And if you work harder, and if you create more jobs and more opportunity and more wealth and more hope for all Americans, we are going to punish you even more.

You are going to pay more in capital gains taxes. And heaven forbid, if you are a mother and a father that starts a mom and pop store, or own a farm, you get your hands down in the dirt everyday and work hard every single day of your adult life, with the hopes of one day passing this dream on to your children, in America we say, good for you, just do not die. Because when you die, we are going to tax you 55 percent on all of your property, on all of your property that we have already taxed 8 or 9 times while you were alive, and we will make it impossible for your children to take your family business and to take your family farm and to support themselves and to support their children.

That does not make sense. The death tax does not make sense, Mr. Speaker. The capital gains tax that punishes creativity and punishes job growth does not make sense. Mr. Speaker, something else that does not make sense is a tax system that makes middle class American families making between $40,000 and $60,000 pay 28 percent of their income to the Federal Government. I have no idea why we cannot move that bracket up to have people making from $40,000 to $65,000 pay in a tax bracket of 15 percent. How much money will be lost to the Federal Government that it cannot do without? How much money of hard-working Americans does the Federal Government need to continue to grow its operations? How much more money are we going to raise in taxes from the sweat and the toil of middle class Americans?

Mr. Speaker, I hear the tired, worn-out arguments of class warfare every single week that I take to this House floor, and I know this. I know the simple truth of Abraham Lincoln that one cannot punish the wage-maker without hurting the wage-earner. But that is what our government does.

I also know that we cannot continue to allow this Federal Government to grow and grow and grow without destroying the economy. We have learned the lessons of 1995 and 1996 to find ourselves in 1999 with an exploding economy. Sure, cutting taxes helps the economy grow, but cutting government spending also helps the economy grow, and we have learned that lesson. And to hear people take to the floor from the extreme left talking about the spade of new government programs they want to start to help Americans makes one scratch one's head and wonder, where have they been the past 4 years? Because they had a chance for 40 years to balance the budget and they did not do it. They had their chance in 1995 to help conservatives balance the budget. They did not do it. They had the chance in 1996 to climb on board and help us balance the budget. They did not do it. And they have a chance in 1999 to help us stay on the road, to stay within the budget caps, to balance the budget. The question is, will they do it?

Mr. Speaker, I hope they will, but I have to say, the past 40 years does not offer us much hope.

Mr. Speaker, I recall coming here, being shown this wonderful House Chamber by a Member of the House, and he took out his voting card and it has a picture, the voting card has a picture on it and you slip it in the back of one of these seats and one's vote is automatically recorded. And he showed it to me and he says, Joe, this is our $5 trillion credit card. And he laughed a little laugh, as did I.

Mr. Speaker, if we think about it, it is not really that funny, because that $5 trillion, now $5.4 trillion that this government has spent into the red is $5.4 trillion that we borrowed from our children and from our children's children. We are now told that if we are responsible; in fact, the CBO, the Congressional Budget Office says if we do nothing but be responsible and live by the Balanced Budget Act, we will see the end of that $5 trillion debt in the next 15 years.

Mr. Speaker, that is something worth fighting for. Certainly something that provides hope not only to my 2 boys in Pensacola, Florida, but to children across this country, to parents that hope for a better life, and for immigrants that come from other shores coming to America. That city that Ronald Reagan talked about shining brightly on the HILL for all the world to see, that is the hope. If only we in this House and Members in the Senate and people in the administration understand that we gave our word in 1997 with the Balanced Budget Act, and now is not the time, nor is it the place, for us to break our word.

□ 1730

If we spend one cent more than we promised to spend in 1997, that is one cent too much, because that is a violation of our word to the American people, and most importantly, to ourselves.

Mr. Speaker, I believe that we in Washington can get by on less so Americans can get by with more. I believe, like Thomas Jefferson, that the government that governs least governs best. I believe, in the words of James Madison, that we have staked the entire future of the American civilization, not upon the power of government but upon the power of the American people.

It is time for us to renew our vow and our pledge, not only to the Balanced Budget Act of 1997, but to the vision and the wisdom and the courage of the George Washingtons and the Thomas Jeffersons and the Ben Franklins and the James Madisons, and to those great patriots that fought so fiercely for all Americans' liberties over 222 years ago.

Mr. Speaker, if we are true to our word and true to their memory, then I know that the next century will also be the next great American century.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–46) on the resolution (H. Res. 100) providing for consideration of the bill (H.R. 800) to provide for education flexibility partnerships, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILBRAY (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. DIXON (at the request of Mr. GEPHARDT) for today through March 11, on account of official travel.

Mrs. MALONEY of New York (at the request of Mr. GEPHARDT) for today, on account of bad weather.

Mr. REYES (at the request of Mr. GEPHARDT) for today through March 11, on account of official business.

Ms. SANCHEZ (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for today, on account of bad weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 5 minutes, on March 10.

Mr. JONES of North Carolina, for 5 minutes, on March 15.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, on March 10.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 10, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

942. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Department's report entitled "Country Reports on Human Rights Practices for 1998," pursuant to 22 U.S.C. 2151n(d); to the Committee on Appropriations.

943. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to transactions involving U.S. exports to various overseas entities, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

944. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Utility Vehicle Label [Docket No. NHTSA-98-3381, Notice 2] (RIN: 2127–AG53) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

945. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

946. A letter from the Secretary of Commerce, transmitting a report about grants authorized by the Anadromous Fish Conservation Act of 1965; to the Committee on Resources.

947. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Motion to Reopen: Suspension of Deportation and Cancellation of Removal [EOIR No. 121F; AG ORDER No.] (RIN: 1125–AA23) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

948. A letter from the Register of Copyrights, Library of Congress, transmitting a schedule of proposed new copyright fees and the accompanying analysis; to the Committee on the Judiciary.

949. A letter from the Secretary, Department of Commerce, transmitting the 1998 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), pursuant to Public Law 100—418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

950. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Establishment of the San Francisco Bay Viticultural Area and the Realignment of the Boundary of the Central Coast Viticultural Area (97–242) [T.D. ATF–407; Re: Notice No. 856] (RIN: 1512–AA07) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

951. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Procedures for the Issuance, Denial, and Revocation of Certificates of Label Approval, Certificates of Exemption From Label Approval, and Distinctive Liquor Bottle Approvals (93F–029P) [TD ATF–406 Re: Notice No. 815 and Notice No. 819] (RIN: 1512–AB34) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

952. A letter from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation Audit and Penalty (RIN: 0970–AB81) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

953. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for an additional program proposal for purposes of Nonproliferation and Disarmament Fund activities; jointly to the Committees on Appropriations and International Relations.

954. A letter from the Director, Congressional Budget Office, transmitting a paper that reviews the activities of the Congressional Budget Office during 1998; jointly to the Committees on Rules and the Budget.

955. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs: Reporting Outcome and Assessment Information Set (OASIS) Data as Part of the Conditions of Participation for Home Health Agencies [HCFA–3006–IFC] (RIN: 0938–AJ10) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

956. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs: Comprehensive Assessment and Use of the OASIS as Part of the Conditions of Participation for Home Health Agencies [HCFA–3007–F] (RIN: 0938–AJ11) received February 3, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

957. A letter from the Secretary of Health and Human Services, transmitting a study and Report to Congress on the effectiveness and appropriateness of current mechanisms for surveying and certifying renal dialysis facilities for compliance with the Medicare conditions and requirements of section 1881(b) of the Social Security Act; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 808. A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; with amendments (Rept. 106–45). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 100. Resolution providing for consideration of the bill (H.R. 800) to provide for education flexibility partnerships (Rept. 106–46). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FORBES:

H.R. 1030. A bill to establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington:

H.R. 1031. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to take certain actions to protect the White Bluffs, located on the Columbia River in the State of Washington; to the Committee on Resources.

By Mr. BARR of Georgia (for himself, Mr. DeLay, Mr. Boucher, Mr. Young of Alaska, Mr. Goode, Mr. Collins, Mr. Barcia, Mr. Sessions, Mr. Burton of Indiana, Mrs. Emerson, Mr. Pickering, Mr. Bass, Mr. Sweeney, Mr. Blunt, Mr. Hall of Texas, Mr. Norwood, Mr. Chambliss, Mr. Isakson, Mrs. Chenoweth, Mr. Hayworth, Mr. Skeen, Mr. Stearns, Mr. Latham, Mr. Watkins, Mr. Linder, Mr. Tancredo, and Mr. Hefley):

H.R. 1032. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. Blumenauer, Mr. Hill of Montana, Mr. Pomeroy, and Mr. Bachus):

H.R. 1033. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BLILEY (for himself and Mr. Scott):

H.R. 1034. A bill to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. Borski, Mr. Baker, Mr. DeFazio, Mr. Horn, Mr. Nadler, Mr. Bass, Mrs. Tauscher, Mrs. Kelly, Mr. LaTourette, Mr. Quinn, Mr. Gilchrest, Mrs. Morella, and Mr. Gilman):

H.R. 1035. A bill to direct the Secretary of Transportation to carry out a pilot program to promote the use of inherently low-emission vehicles at airports and to promote the construction of infrastructure facilities to accommodate such vehicles; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. George Miller of California, Mr. Farr of California, Ms. Eshoo, Ms. Pelosi, Mr. Waxman, Mr. Hinchey, Mr. Pallone, Mr. DeFazio, Ms. Roybal-Allard, Mrs. Tauscher, Ms. Lofgren, Mr. Filner, Mr. Berman, Mr. Matsui, Mr. Martinez, Mr. Sherman, Mr. Thompson of California, Mr. Lantos, Mr. Stark, Ms. Lee, Mr. Bilbray, Ms. Waters, Mr. Dixon, Ms. Rivers, Mr. Blumenauer, Mr. McDermott, Mrs. Mink of Hawaii, Mrs. Christensen, Mr. Faleomavaega, and Mr. Underwood):

H.R. 1036. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on such activity, and for other purposes; to the Committee on Resources.

By Ms. DeGETTE (for herself, Mr. Blagojevich, Mr. Kennedy of Rhode Island, Mr. Engel, Mrs. Maloney of New York, Mr. Underwood, Mrs. Tauscher, Mr. Towns, Ms. Carson, Mr. Blumenauer, Ms. Lofgren, Mr. Davis of Illinois, Ms. Schakowsky, Ms. Kilpatrick, Mr. Barrett of Wisconsin, Mrs. Jones of Ohio, Ms. Pelosi, Mr. Weiner, Mr. Nadler, Mr. Pascrell, Mr. McGovern, Mr. Wexler, Mr. Waxman, and Ms. Norton):

H.R. 1037. A bill to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 1038. A bill to establish a regional investments for national growth program to identify and fund metropolitan regional transportation projects that are essential to the national economy but exceed State and regional financial capacity; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Levin, Mr. Ramstad, Mr. English, Mr. Houghton, Mr. McNulty, Ms. Dunn, Mr. Hulshof, Mr. Foley, Mr. Kleczka, Mr. Cunningham, Mr. Luther, Mr. Shows, Mr. Price of North Carolina, Mr. Frost, Mr. Dooley of California, Mr. Meehan, Mr. Talent, Ms. Lofgren, Mr. Sherman, Ms. Kaptur, Mr. Conyers, Mr. Goss, Mr. Coburn, Ms. Pryce of Ohio, Mr. Bentsen, Mr. Hostettler, Mr. Crowley, Mr. Sandlin, Mrs. Capps, and Mr. Paul):

H.R. 1039. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Ways and Means.

By Mr. ARMEY (for himself, Mr. Goodling, Mr. Smith of Michigan, Mrs. Chenoweth, Mr. Norwood, and Mr. Hall of Texas):

H.R. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT (for himself, Mr. Hall of Texas, Mr. Aderholt, Mr. Armey, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bilirakis, Mr. Bilbray, Mr. Bliley, Mr. Brady of Texas, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Calvert, Mr. Campbell, Mr. Cannon, Mr. Chambliss, Mrs. Chenoweth, Mr. Cunningham, Mr. Cook, Mr. Cooksey, Mr. Cox, Mrs. Cubin, Mr. Deal of Georgia, Mr. DeLay, Mr. Dickey, Mr. Doolittle, Mr. Duncan, Ms. Dunn, Mrs. Emerson, Mr. English, Mr. Ehrlich, Mr. Foley, Mr. Forbes, Mr. Fossella, Mrs. Fowler, Mr. Goode, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Mr. Graham, Ms. Granger, Mr. Hastings of Washington, Mr. Hefley, Mr. Hill of Montana, Mr. Hilleary, Mr. Hoekstra, Mr. Hostettler, Mr. Hunter, Mr. Hutchinson, Mr. Istook, Mr. Jones of North Carolina, Mr. Kasich, Mr. Latham, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Linder, Mr. Manzullo, Mr. McCrery, Mr. McCollum, Mr. McIntyre, Mr. Mica, Mr. Gary Miller of California, Mrs. Myrick, Mr. Nethercutt, Mr. Ney, Mr. Norwood, Mr. Packard, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Pombo, Ms. Pryce of Ohio, Mr. Radanovich, Mr. Riley, Mr. Royce, Mr. Salmon, Mr. Sanford, Mr. Scarborough, Mr. Schaffer, Mr. Sessions, Mr. Shadegg, Mr. Smith of New Jersey, Mr. Smith of Michigan, Mr. Souder, Mr. Spence, Mr. Stump, Mr. Sununu, Mr. Tancredo, Mr. Tauzin, Mr. Thune, Mr. Tiahrt, Mr. Toomey, Mr. Traficant, Mr. Wamp, Mr. Weldon of Florida, Mr. Wicker, and Mr. Young of Alaska):

H.R. 1041. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. Foley, and Mr. Riley):

H.R. 1042. A bill to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Ms. Pelosi):

H.R. 1043. A bill to amend title II of the Social Security Act to strengthen the Social Security system to meet the challenges of the next century; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself, Mr. Tanner, Mr. Barrett of Nebraska, and Mr. Minge):

H.R. 1044. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico (for himself and Mr. Skeen):

H.R. 1045. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 1046. A bill to amend title XVIII of the Social Security Act to provide reimbursement under the Medicare Program for all physicians' services furnished by doctors of chiropractic within the scope of their license; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H. Con. Res. 45. A concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States; to the Committee on House Administration.

By Mr. CAMPBELL (for himself, Mr. Payne, and Mr. Chabot):

H. Con. Res. 46. A concurrent resolution urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict; to the Committee on International Relations.

By Mr. HOYER (for himself, Mrs. Morella, Mr. Wynn, and Mr. Moran of Virginia):

H. Con. Res. 47. A concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. SALMON:

H. Con. Res. 48. A concurrent resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. Diaz-Balart, Mr. Gilman, Mr. Menendez, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Deutsch, Mr. Rohrabacher, Mr. Rothman, Mr. Burton of Indiana, Mr. Wexler, Mr. Kennedy of Rhode Island, and Mr. Sherman):

H. Res. 99. A resolution expressing the sense of the House of Representatives regarding the human rights situation in Cuba; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 101. A resolution providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. TIAHRT (for himself, Mr. Shows, Mr. Blunt, Mr. Bachus, Mr. Hill of Montana, Mr. Latham, Mr. DeMint, Mr. Smith of New Jersey, and Mr. Buyer):

H. Res. 102. A resolution reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PICKETT introduced a bill (H.R. 1047) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Norfolk*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of the rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. Lucas of Kentucky, Mr. Taylor of North Carolina, Mr. Hobson, and Mr. Smith of Michigan.

H.R. 8: Mr. Hyde, Mr. Paul, Mr. Calvert, Mr. Terry, and Mr. McIntosh.

H.R. 14: Mr. Fossella and Mr. Burton of Indiana.

H.R. 27: Mr. Cooksey.

H.R. 66: Mr. English and Mr. Pastor.

H.R. 82: Mrs. Thurman, Mr. Wynn, and Mr. Watts of Oklahoma.

H.R. 111: Mr. Shimkus, Mr. Lewis of Kentucky, Mr. Smith of Washington, and Mr. Payne.

H.R. 113: Mrs. Morella, Mr. Goodling, Mr. Calvert, Mr. Smith of Washington, Mr. Lucas of Oklahoma, Mr. Burton of Indiana, Mr. Bryant, Mr. McCollum, and Mr. Peterson of Pennsylvania.

H.R. 220: Mrs. Chenoweth and Mr. Nethercutt.

H.R. 266: Mrs. Lowey.

H.R. 347: Mr. Peterson of Pennsylvania.

H.R. 352: Mr. Lampson, Mr. Burton of Indiana, Mr. Gordon, Mr. Thornberry, Mr. DeMint, Mr. Largent, and Mr. Hall of Ohio.

H.R. 357: Mr. Dixon, Mr. Luther, Mr. Levin, and Mr. Hastings of Florida.

H.R. 390: Ms. Slaughter, Mr. Lantos, Mr. English, Mr. Diaz-Balart, and Mr. Spratt.

H.R. 430: Ms. DeGette, Mr. Gutierrez, Mr. Dingell, Mr. Waxman, Mr. Oberstar, Mr. Hill of Indiana, Mr. LaTourette, Mr. Ehrlich, and Mrs. Emerson.

H.R. 443: Mr. Lipinski, Mrs. Clayton, Mr. Neal of Massachusetts, Mr. English, Mr. Meehan, Mr. Hyde, Mr. Gutierrez, Ms. DeLauro, Mr. Hobson, Mr. Horn, and Ms. Schakowsky.

H.R. 455: Mr. Jefferson and Mr. Gejdenson.

H.R. 472: Mr. Gilman.

H.R. 483: Mr. Ramstad, Ms. Sanchez, Mrs. Johnson of Connecticut, Mr. Gilman, Mr. Boehlert, and Mr. Camp.

H.R. 500: Mr. Sweeney and Mr. Wynn.

H.R. 506: Mr. McIntyre and Mr. Inslee.

H.R. 507: Mr. Baldacci.

H.R. 516: Ms. Dunn, Mr. Chabot, Mr. Hayworth, Mr. Toomey, Mr. Lewis of Kentucky, and Mr. Norwood.

H.R. 530: Mr. Souder, Mr. Coble, Mr. Collins, Mr. Toomey, Mr. English, and Mr. Goss.

H.R. 531: Mr. Davis of Virginia, Mr. Wolf, Mr. Goode, Mr. Moran of Virginia, Mr. Scott, Mr. Boucher, Mr. Sisisky, Mr. Hyde, Mr. Weldon of Pennsylvania, Mr. Blunt, Mr. Fossella, Mr. McCollum, Mr. Paul, Mr. Shows, Ms. Pryce of Ohio, Mr. Roemer, Mrs. Myrick, Mr. Cunningham, Mr. Pickering, Mr. Watts of Oklahoma, and Mr. Quinn.

H.R. 534: Mr. Baldacci.

H.R. 542: Mr. Ehrlich.

H.R. 546: Mr. Tiahrt.

H.R. 555: Mr. Jefferson.

H.R. 557: Mrs. Northup.

H.R. 566: Mr. LoBiondo, Mr. Abercrombie, Mrs. Christensen, Mr. Reyes, Mr. Maloney of Connecticut, and Mr. McGovern.

H.R. 576: Mr. Sandlin and Mr. McGovern.

H.R. 591: Mr. Gary Miller of California and Mr. Diaz-Balart.

H.R. 621: Mr. Toomey and Mr. Watkins.

H.R. 625: Mr. Shows, Ms. Kaptur, and Mr. Gutierrez.

H.R. 648: Mr. Maloney of Connecticut.

H.R. 670: Mr. Norwood, Mr. LaFalce, and Ms. Carson.

H.R. 685: Mr. Goode.

H.R. 700: Mr. Shays, Mr. Bereuter, Mr. Gibbons, Mr. Ney, and Mrs. Johnson of Connecticut.

H.R. 735: Mr. Hobson.

H.R. 744: Mr. Nussle and Mr. Gejdenson.

H.R. 749: Mr. Barrett of Nebraska.

H.R. 761: Mr. Paul.

H.R. 777: Mr. Green of Texas, Ms. Rivers, Mrs. Christensen, Mr. Shows, Mr. Wynn, and Mr. Frost.

H.R. 789: Mr. McNulty, Mr. Kucinich, Mr. Oxley, Mr. Frost, and Mr. Wynn.

H.R. 795: Mr. Young of Alaska and Mr. Kildee.

H.R. 802: Mr. Petri and Mr. Hill of Indiana.

H.R. 817: Mr. Cooksey.

H.R. 832: Mr. Jefferson.

H.R. 872: Mr. Pastor, Ms. DeLauro, Mr. Sanders, Mrs. Thurman, Mr. McGovern, and Mr. Martinez.

H.R. 900: Mr. Hall of Texas, Ms. Hooley of Oregon, Mr. Kucinich, Mr. Barrett of Wisconsin, Ms. Kaptur, Ms. Eddie Bernice Johnson of Texas, and Mr. Gutierrez.

H.R. 904: Mr. Sandlin and Mr. Barrett of Wisconsin.

H.R. 914: Mr. Romero-Barcelo.

H.R. 933: Ms. Woolsey and Ms. Velázquez.

H.R. 935: Mr. Norwood.

H.R. 936: Mr. Norwood.

H.R. 973: Mr. Lantos.

H.R. 975: Mr. Serrano, Mr. Vento, Mr. Moore, Ms. DeGette, Mr. Jenkins, Mr. LaTourette, Mr. LoBiondo, Mr. Metcalf, Mr. Mica, Mr. Norwood, Mr. Goode, Mr. Shimkus, Mr. Souder, Mr. Walsh, Ms. Kilpatrick, Mr. McGovern, Mr. Brown of California, Mr. Bachus, Mr. Reyes, Mr. Holt, Mr. Lampson, Mr. Ford, Ms. Carson, Mr. McIntyre, Mr. Phelps, Mr. Lewis of Georgia, Mr. Dixon, Ms. Danner, Mrs. Thurman, Mr. Rush, Ms. Eddie Bernice Johnson of Texas, Mr. Scott, Mr. Horn, Mrs. Jones of Ohio, Mr. Green of Texas, Mr. Baldacci, Ms.

BROWN of Florida, Mr. CALLAHAN, Mrs. CAPPS, Mrs. CHENOWETH, Mr. CLAY, Mr. CLEMENT, Mr. COBURN, Mr. CUMMINGS, Mr. NADLER, Ms. LEE, Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. HOYER, Mr. SPRATT, Mrs. EMERSON, Mr. INSLEE, Mr. COOK, Mr. KILDEE, Mr. HALL of Ohio, Mr. SKEEN, Mr. SHOWS, Mr. CAPUANO, Mrs. LOWEY, Mr. BARCIA, Ms. NORTON, Ms. VELÁZQUEZ, Mr. DAVIS of Illnois, Mr. LAFALCE, Mr. GONZALEZ, Mr. HILL of Indiana, Mr. MINGE, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. SANCHEZ, Mr. TIERNEY, Mrs. TAUSCHER, Mrs. CLAYTON, Mr. SABO, Ms. MCKINNEY, Mr. ENGEL, Mr. GREENWOOD, Mr. KANJORSKI, and Mr. BLUMENAUER.

H.R. 1000: Mr. TERRY.

H.J. Res. 14: Mr. BARR of Georgia, Ms. LOFGREN, Mr. BARRETT of Nebraska, Mr. ENGLISH, Mr. MCKEON, and Mr. OXLEY.

H.J. Res. 21: Mr. GARY MILLER of California, Mr. BALLENGER, and Mr. GIBBONS.

H.J. Res. 33: Mr. SANDLIN, Mr. SHAW, Mr. GARY MILLER of California, Mrs. WILSON, Mr. ADERHOLT, Mr. STUPAK, Mrs. NORTHUP, Mr. MARTINEZ, and Mr. ANDREWS.

H. Con. Res. 10: Mr. BEREUTER, Mr. ANDREWS, and Mr. ISAKSON.

H. Con. Res. 24: Mr. BORSKI, Mr. ROGAN, Mr. BOEHLERT, Mr. HANSEN, Mr. QUINN, Mr. BLILEY, Mrs. CHENOWETH, Mr. LATHAM, Mrs. EMERSON, Mr. FATTAH, Mr. RILEY, Mr. CANNON, Mr. EWING, Mr. EVERETT, Mr. LUCAS of Oklahoma, Mr. TOOMEY, and Mr. RYAN of Wisconsin.

H. Con. Res. 28: Mrs. MYRICK.

H. Con. Res. 29: Mr. GIBBONS, Mr. GOODLING, Mr. FORBES, and Mr. NORWOOD.

H. Con. Res. 31: Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. WEINER, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. SHOWS, Mr. BAIRD, Mr. LUTHER, Ms. MCKINNEY, Mr. ETHERIDGE, Mr. BROWN of California, Mr. MCGOVERN, and Mr. PASTOR.

H. Con. Res. 43: Mr. ENGLISH.

H. Res. 32: Mr. GILMAN.

H. Res. 38: Mr. FATTAH and Mr. DAVIS of Florida.

H. Res. 41: Mr. BARRETT of Nebraska, Mrs. BONO, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CHRISTENSEN, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. HILL of Indiana, Mr. HINCHEY, Mr. STUMP, Mr. SWEENEY, Mr. DOYLE, Mr. DUNCAN, and Mr. ISTOOK.

H. Res. 79: Ms. KILPATRICK, Mr. PASTOR, and Mr. JEFFERSON.

H. Res. 95: Mr. HOBSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 800

OFFERED BY: MR. CASTLE

AMENDMENT NO. 2: In section 4(a)(4)(A)(iii) (of H.R. 800, as reported), strike "or" and insert "and".

In section 4(a) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

"(5) OVERSIGHT AND REPORTING.—

"(A) IN GENERAL.—

"(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

"(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and its impact on the improvement of education programs.

"(B) PERFORMANCE DATA.—

"(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

"(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver;

"(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

"(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data.".

"(ii) SECRETARY REPORT.—The Secretary shall—

"(I) make each State report available to Congress and the general public;

"(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii).

The Secretary shall include in the report to Congress an assurance that the data used to measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data.".

H.R. 800

OFFERED BY: MR. CLAY

AMENDMENT NO. 3: In section 4(b) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

(5) Beginning in fiscal year 2000, if a local educational agency participates in the class size reduction program described under section 5 and uses 90 percent of the funds made available under section 6002 of the Elementary and Secondary Education Act of 1965 for such class size reduction program, with the remainder of such funds used to enhance student achievement in accordance with title VI of such Act, the local educational agency may waive the provisions of such title VI without seeking the approval of the Secretary or State, except as provided in subsection (c).

At the end of the bill (H.R. 800, as reported), add the following:

SEC. 5. CLASS SIZE REDUCTION.

(A) ALLOTMENTS.—

(a) WITHIN STATE DISTRIBUTION.—

(1) IN GENERAL.—Each State that makes funds available under Title VI to expend under this section shall distribute the amount of the allotted funds to local educational agencies in the State, of which—

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

(b) USES OF FUNDS.—Each local educational agency that expends funds under this section shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which research has shown class size reduction is most effective.

(c) CLASS REDUCTION.—

(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds used under this section for each fiscal year to carry out activities described in subparagraphs (B) and (C) of paragraph (1).

(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds under this section—

(A) to make further class-size reductions in grades 1 through 3;

(B) to reduce class size in kindergarten or other grades; or

(C) to carry out activities to improve teacher quality, including professional development activities.

(d) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(e) PROHIBITION.—No funds expended under this section may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

(f) Professional Development.—If a local educational agency uses funds under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

(g) Administrative Expenses.—A local educational agency that expends funds under this section may use not more than 3 percent of such funds for local administrative expenses.

(h) Federal Share.—The Federal share of the cost of activities carried out under this section—

(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

(i) Local Share.—A local educational agency shall provide the non-Federal share of a project under this section through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

(j) Request for Funds.—Each local educational agency that desires to expend funds under the provisions section shall include in the application submitted under section 6303 a description of the agency's program under this section to reduce class size by hiring additional highly qualified teachers.

(k) Reports.—

(1) State reports.—Each State expending funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2).

(2) School reports.—Each school expending funds under this section, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

H.R. 800

Offered By: Mr. Clay

Amendment No. 4: At the end of the bill (H.R. 800, as reported) add the following:

SEC. 5. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) Allotments.—

"(1) In general.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) Definition of state.—In this part the term 'State' means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(c) Within State Distribution.—

"(1) In general.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds to local educational agencies in the State, of which—

"(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

"(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) Award rule.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

"(a) In General.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which research has shown class size reduction is most effective.

"(b) Class Reduction.—

"(1) In general.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) Restriction.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) Special rule.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) Supplement Not Supplant.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) Prohibition.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) Professional Development.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) Administrative Expenses.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

(a) Federal Share.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) Local Share.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

"Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

"SEC. 6608. REPORTS.

"(a) State.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

"(b) School.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

H.R. 800

Offered By: Mrs. Clayton

Amendment No. 5: Add at the end of the bill the following:

SEC. 5. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) Allotments.—

"(1) In general.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

H.R. 800

Offered By: Mr. Ehlers

Amendment No. 6: In section 4(a)(4)(C)(i) (of H.R. 800, as reported), strike "and" after the semicolon.

In section 4(a)(4)(C)(ii) (of H.R. 800, as reported), strike the period and insert "; and".

After section 4(a)(4)(C)(ii) (of H.R. 800, as reported), insert the following:

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met.

H.R. 800

Offered By: Mr. Fattah

Amendment No. 7: At the end of section 4(a)(2)(B) strike the period and insert "; and".

After section 4(a)(2)(B) (of H.R. 800, as reported) insert the following:

(C) has a coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education of less than 10 percent, with the coefficient of variation calculated based on intrastate expenditures for current operations, as determined by the State, without regard to Federal contributions.

H.R. 800

Offered By: Mr. Fattah

Amendment No. 8: In section 4(a)(3)(A)(iv), strike "and" after the semicolon.

In section 4(a)(3)(A)(v)(I), strike the period and insert "; and".

After section 4(a)(3)(A)(v)(II), insert the following:

(vi) an assurance that the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is less than 10 percent, with the coefficient of variation calculated based on intrastate expenditures for current operations, as determined by the State, without regard to Federal contributions.

In section 4(a)(3)(B)(iv), strike "and" after the semicolon.

In section 4(a)(3)(B)(v), strike the period and insert "; and".

After section 4(a)(3)(B)(v), insert the following:

(vi) if the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is less than 10 percent as provided in subparagraph (A)(vi).

H.R. 800

Offered By: Mr. Fattah

Amendment No. 9: In section 4(a)(3)(B)(iv), strike "and" after the semicolon.

In section 4(a)(3)(B)(v), strike the period and insert "; and".

After section 4(a)(3)(B)(v), insert the following:

(vi) if the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is less than 10 percent, with the coefficient of variation calculated based on intrastate expenditures for current operations, as determined by the State, without regard to Federal contributions.

H.R. 800

Offered By: Mr. Holt

Amendment No. 10: In section 4(a)(4)(A)(iv) (of H.R. 800, as reported), strike "and".

In section 4(a)(4)(A)(v) (of H.R. 800, as reported), strike the period and insert "; and".

After subclause (v) of section 4(a)(4)(A) (of H.R. 800, as reported), insert the following:

(vi) if applying for a waiver of section 2206 of the Elementary and Secondary Education Act of 1965, the local education agency's application for such waiver must include a description of how the professional development needs of its teachers in the areas of mathematics and science will be, or are being, met.

H.R. 800

Offered By: Mr. Kildee

Amendment No. 11: In section 4(c) (of H.R. 800, as reported) after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) requirements under title VI of the Elementary and Secondary Education Act of 1965 unless 75 percent or more of the funds received under such title in fiscal year 2000, and any subsequent fiscal year, are used to reduce class size in accordance with section 307 of the Department of Education Appropriations Act, 1999; and

H.R. 800

Offered By: Mr. George Miller of California

Amendment No. 12: In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike "or" after the semicolon.

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike subclause (II) and insert the following:

(II) developed a system to measure the degree of change from one school year to the next in student performance on such assessments;

(III) developed a system under which assessment information is disaggregated by race, ethnicity, sex, English proficiency status, migrant status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student; and

(IV) established specific, measurable, numerical performance objectives for student achievement, including—

(aa) a definition of performance considered to be satisfactory to the State on the assessment instruments described under subclauses I, II, and III with performance objectives established for all students and for specific student groups, including groups for which data is disaggregated under subclause III; and

(bb) the objective of improving the performance of all groups and narrowing gaps in performance between those groups.

In section 4(a)(2)(A)(ii) (of H.R. 800, as reported) after "under" insert "clause (i)(IV) and".

In section 4(a)(3)(A)(iii) (of H.R. 800, as reported) after "plan" insert "consistent with paragraph (2)(A)(i)".

H.R. 800

Offered By: Mr. George Miller of California

Amendment No. 13: At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) limitations on the share of Federal funds that may be used for State and local administration in accordance with section 1111(g) of the Elementary and Secondary Education Act of 1965; and

H.R. 800

Offered By: Mr. George Miller of California

Amendment No. 14: At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c)(1) (of H.R. 800, as reported), insert the following:

(I) the qualifications of instructional staff, including staff described in section 1119(i) of the Elementary and Secondary Education Act of 1965; and

H.R. 800

Offered By: Mrs. Mink of Hawaii

Amendment No. 15: In section 4(c) (of H.R. 800, as reported) after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) the professional development requirements of section 1119 of the Elementary and Secondary Education Act of 1965; and

H.R. 800

Offered By: Mrs. Mink of Hawaii

Amendment No. 16: In section 4(c)(1)(G) (of H.R. 800, as reported), after "civil rights" insert "and sex equity".

H.R. 800

Offered By: Mr. Payne

Amendment No. 17: At the end of section 1 (of H.R. 800, as reported) add the following:

(8) The recent report 'Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I", issued by the Department of Education, found that the poorest children can be adversely affected by the issuance of waivers as demonstrated by the finding that waivers resulted in a reduction in the median school allocation per pupil in waiver districts of 18 percent in 1995–1996 and 12 percent in 1997–1998.

H.R. 800

Offered By: Mr. Payne

Amendment No. 18: In section 4(c) (of H.R. 800, as reported) after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965; and

H.R. 800

Offered By: Ms. Roybal-Allard

Amendment No. 19: At the end of section 4(a)(5)(A) (of H.R. 800, as reported), add the following sentence: "Such report shall include statistical information regarding the number and percentage of elementary and secondary school students by gender, race, and ethnic origin who drop out of a school that received a waiver under this section.".

In section 4(a)(6)(B)(i) (of H.R. 800, as reported), strike "and" after the semicolon.

In section 4(a)(6)(B) (of H.R. 800, as reported), redesignate clause (ii) as (iii) and insert after clause (i) the following:

(ii) review the progress of each State in reducing its student dropout rate; and

H.R. 800

Offered By: Mr. Scott

Amendment No. 20: At the end of section 1 (of H.R. 800, as reported) add the following:

(8) The purpose of education flexibility is to allow States, local educational agencies, and schools to administer Federal education programs more effectively without reducing resources to schools with the highest concentrations of poor children.

H.R. 800

Offered By: Mr. Scott

Amendment No. 21: In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

H.R. 800

Offered By: Mr. Scott

Amendment No. 22: Redesignate subsection (g) of section 4 (of H.R. 800, as reported) as subsection (h), and after subsection (f) of such section, insert the following:

(g) Rule of Construction.—Nothing in this section shall be construed to require a local educational agency to allocate the same per-pupil amount to each participating school attendance area or school if such agency allocated higher per-pupil amounts to areas or schools with higher concentrations of poverty than to areas or schools with lower concentrations of poverty.

H.R. 800

Offered By: Mrs. Tauscher

Amendment No. 23: At the end of section 1 (of H.R. 800, as reported) add the following:

(8) Quality, after-school child care programs enhance the academic performance of school-age children. Therefore, when reallocating resources made available by the authority granted under this Act, schools that receive waiver authority under this Act should promote after-school, educational child care programs for children who are enrolled in such schools.

H.R. 800

Offered By: Mrs. Tauscher

Amendment No. 24: At the end of section 1 (of H.R. 800, as reported) add the following:

(8) After-school programs for at-risk juveniles, designed and operated by law enforcement personnel, have been shown to reduce juvenile crime on school campuses and promote academic achievement among at-risk youth. Therefore, when reallocating resources made available by the authority granted under this Act, schools that receive waiver authority under this Act should promote after-school programs designed to reduce the incidence of criminal activity for at-risk students who are enrolled in such schools.

H.R. 800

Offered By: Mr. Wu

Amendment No. 25: At the end of section 1 (of H.R. 800, as reported) add the following:

(8) Smaller classes allow teachers to identify and work more effectively with students. The Federal Government, through education flexibility and the existing class size reduction program set forth in section 307 of the Department of Education Appropriations Act, 1999, can assist in these efforts by providing funding for class-size reduction in grades 1 through 3, and by helping to ensure that new teachers brought into the classroom are prepared.

EXTENSIONS OF REMARKS

THE SATELLITE HOME VIEWERS ACT

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. HILL of Montana. Mr. Speaker, I wanted to thank you for allowing me to take a moment to discuss an issue that is very near and dear to many Montanans hearts—their satellite service. Many Montanans and others in rural America have been contacting us regarding the dispute over distant network satellite service between local broadcasters and satellite providers. I share the concerns that many Montanans may be left without network signals if we do not take appropriate action.

In a state as large as Montana, there are many areas that cannot receive a decent broadcast signal of local television stations. For many, the only recourse is to invest in satellite equipment and programing packages in order to receive television programing. Recently, the United States District Court for the Southern District of Florida (Case No. 96–3650–CIV–NESBITT) issued a preliminary injunction that requires the termination of network satellite service to over one million subscribers across the United States that fall within the "Grade B" contour.

The Satellite Broadcasting and Communications Association stated that the Satellite Home Viewer Act (SHVA) provides that Americans who cannot receive an acceptable signal over-the-air from their local network affiliate are classified as "unserved household" and are therefore, eligible to receive network service via satellite. An "unserved household" is one that cannot receive a television signal of "Grade B" intensity (as defined by the FCC). Grade B is a technical measurement used by the FCC to determine predictive signal distribution for tower placement for the broadcasters.

Because the SHVA does not provide clear guidance on which households may lawfully receive network signals by satellite, and no straightforward testing mechanism exists to ascertain which households are "served," there is confusion in the marketplace. Unfortunately, this leaves millions of consumers caught in the middle. Local broadcasters in Montana have assured me of their willingness to work with Montanans who are determined to be "served households" by the FCC, but do not actually receive a quality broadcast signal by individually testing service and issuing waivers to allow them to continue receiving network signals via satellite. And they will be trying to get a waiver to seek a waiver from his or her local television broadcaster, and provided certain criteria are met, may ensure the continued delivery of network programming service via satellite. I have urged many Montanans who do not receive a signal to contact their individual broadcast stations for a waiver. I have heard from many Montanans that some local broadcasters have been willing to work with them, and unfortunately some haven't.

However, there are some cases that there is a unfair burden on the local broadcasters for them to go to every household to prove if they receive a signal. But we must take action to correct this very concerning problem.

I appreciate that the Subcommittee Chairman, Mr. BILLY TAUZIN, has focused his efforts to come up with a legislative fix to address this matter. On February 25th, Representative TAUZIN introduced the Save our Satellites Act (H.R. 851) that seeks to save network television signals for consumers who will unfairly lose access to satellite-delivered network programming. I am an original cosponsor if this legislation and fully support its passage.

The Save our Satellites Act preserves the status quo for 90 days so that a more reliable method of determining who is eligible to receive network programming can be implemented. This is a good first step toward defusing this emergency situation for rural satellite consumers. I look forward to working with Mr. TAUZIN and other Members of Congress to find common sense solutions to this very important issue.

H.R. 474—FEDERAL CONSTRUCTION CONTRACTING

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, recently, I introduced legislation, H.R. 474, to help local contractors compete for military construction projects. The purpose of H.R. 474 is to address concerns raised by various unions, contractors, and the State of Hawaii, that local companies are not getting a fair shot at competing for military construction contracts. The ability of out-of-state contractors to ignore state tax and employment laws have allowed them to avoid costs that local companies have to meet and thereby outbid our local companies.

The problem of out of state contractors dodging state tax and employment laws was documented at the Congressional hearing I held on August 5, 1995, in Hawaii. H.R. 474 incorporates many of the suggestions and proposals made at this hearing on ways to make the bidding process more equitable for local companies.

H.R. 474 requires contractors to obtain a state tax clearance in order to be an eligible bidder on military construction projects; it requires them to obtain a state tax clearance and certify compliance with state employment laws in order to receive the final project payment; allows a military agency to withhold payment in order to meet state tax obligations; and it requires a contractor that has won a bid to obtain a state license in the state in which the work is to be performed, if that state requires such a license.

Military construction work is an important part of Hawaii's economy. Not only will Hawaii's local companies benefit from this legislation, but all local companies across the nation will have a fair chance to compete for these projects that are worth millions of dollars.

By joining me in supporting H.R. 474 we can provide the enforcement needed to make sure all bidders play by the same rules. I urge my colleagues to support this legislation.

CONGRATULATING COMMON THREADS AWARD WINNERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today in congratulate Muriel Smittcamp, Violet Jensen, Geneva Shannon, Jane Logoluso, and Mildred "Micki" Parker, the recipients of the Common Threads Award. This award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Muriel Smittcamp, of Clovis, CA, began her career in agriculture, together with her husband Earl, in 1945, with the purchase of 200 acres. She has volunteered her time with many organizations including the Ranchero Guild of Valley Children's Hospital (V.C.H.), the Holiday Guild, and the Fresno State Bulldog Foundation, Muriel is also a California State University, Fresno Alumni member, contributor and worker, and donates her services to the Clovis Library, the American Cancer Society and 4–H.

Violet Jensen, of Fresno, CA, became a farmer's wife when she married Oliver Jensen in 1948. She has actively particpated in all phases of farm management including tractor driving, tying vines and harvesting crops. She has been a member of the Farm Bureau for 50 years during which she has held several committee chairs. Violet has been active in Raisin Wives, La Tienda Guild for V.C.H. and Twilight Haven. She was very active with the Raisin Queen Pageant and the Farm Bureau Princess Pageant.

Jane Logoluso Bautista, of Madera, CA, joined her father's farming operation in 1992. Prior to that she had a 20 year career in the health care industry. She is currently responsible for government relations, personnel, labor relations and special projects. Jane is vice-chair of the California Apple Commission,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trustee for U.S. Apple Association and is secretary of the Nisei Farmers' League. She volunteers for the American Cancer Society and has served on the Kingsview Mental Health Corp.

Geneva Shannon, of Visalia, CA, grew up on a farm in Waukena, Ca. She married Eric Shannon in 1980, and together they continued their farming interests. She was involved in 4–H and Future Farmers of America in school, and continues to support these organizations. Geneva served as president of the Tulare Kings Chapter of California Women for Agriculture, and also on the State Board. She is active in the Farm Bureau, and represents agriculture in the classroom.

Mildred "Micki" Parker, of LeGrand, CA, taught at both Chowchilla and Merced High Schools. She was a sponsor of the American Field Service and advisor to Future Business Leaders of America. She and her husband Richard farmed almonds for many years. After her retirement from teaching, she actively participated in day-to-day farm operations. Micki has been active in the Merced area with the County Area Agency of Aging, Community Action Board, Women's Club and Farm Bureau. She is also a member of the Merced Chapter of California Women for Agriculture.

Mr. Speaker, I rise today to congratulate the Common Threads Award winners. These women have shown outstanding involvement, not only in agriculture, but in strengthening their respective communities. I urge my colleagues to join me in wishing these honorees a bright future and continued success.

CELEBRATING OUR AMERICAN HEROES

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. KUYKENDALL. Mr. Speaker, like many of my colleagues, I spent the recent district work period participating in celebratory events for African American History Month. I saluted the heroism of Eric Davis on the baseball diamond and in his fight against colon cancer, John Bryant of Operation Hope—our first nonprofit investment banking organization, and Vernon J. Baker, a Purple Heart, Medal of Honor, and Bronze Star recipient for acts of valor in World War II.

Let me tell you a little about Vernon. Second Lieutenant Baker served in the Army and fought in World War II. On April 5–6, 1945, Second Lieutenant Baker destroyed enemy installations, personnel and equipment during his company's attack against a strongly entrenched enemy in mountainous terrain. When his company was stopped by the concentrated fire from several machine-gun emplacements, he crawled to one position and destroyed it, killing three German soldiers. Continuing forward, he attacked an enemy observation post and killed its two occupants. With the aid of one of his men, Second Lieutenant Baker attacked two more machine-gun nests, killing or wounding the four enemy soldiers occupying these positions. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing enemy fire. On the following night, Second Lieutenant Baker voluntarily led a battalion advance through enemy mine fields and heavy fire toward the division objective.

Like Vernon, African Americans have played an integral role in defending American ideals since this country's origin. Their willingness to serve this country dates back to the Revolutionary War and their service as "privateers" in America's first merchant marine. They fought in the Battle of Concord, crossed the Delaware River, and served in the Continental Army. Thousands served in the War of 1812, protected New Orleans when threatened in 1815, and fought with the Party of Lincoln to achieve emancipation. Almost 400,000 African Americans fought alongside white infantrymen in World War I, though they had to do so in segregated units and in the face of widespread misinformation that African Americans lacked the intellectual ability to serve their country. Today, almost 25% of our armed forces are African American.

We seldom hear of the acts of individual courage displayed by our African American vets. Yet, the simple act of signing up to serve—and facing bigotry, discrimination, and segregation head on—is at least as heroic as the act of serving this country. Even today, though, our history books lack real substance about the full contributions of soldiers like Vernon Baker to our military legacy. Recognizing their contribution, even if it takes African American History Month to prompt us, is the first step we must take.

Ultimately, the contribution of men like Vernon Baker should be remembered not as the contribution of an African American, but as the contribution of an American soldier. To quote Interior Secretary Harold Ickes, "Not color, not race, not religion, not pedigree of family, nor place of birth, not social standing, not size of his bank account, not his trade, nor her profession" makes one an American. "An American is one who loves justice and has a deep and abiding respect for the dignity of men and women. An American will fight for his freedom and that of his neighbor. An American will forgo ease and property and security in order to preserve for himself and for his children the rights of free men and women."

I proudly salute Vernon Baker, as well as Eric Davis and John Bryant, for their fight to preserve for all the rights of free men and women. I salute each, not because he or she is an African American, but because they are Americans, fighting for collective ideals and to make the world safe for all of us.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. TERRY. Mr. Speaker, I was unavoidably detained during rollcall vote 31. Had I been present, I would have voted "nay."

THE INTRODUCTION OF THE NADLER SOCIAL SECURITY BILL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. NADLER. Mr. Speaker, I am here today because, as the ongoing national dialogue attests, the Social Security system is at a crossroads. The decisions we make this Congress will have aftershocks that will be felt well into the second half of the 21st century. Concern for our children and our children's children demand that those decisions be made carefully, seriously, and compassionately—keeping in mind Social Security's historic commitments.

Today, I am announcing the introduction of a comprehensive Social Security plan that will preserve the system while staying consistent with certain key values that have always provided the heart and soul of the nation's most popular social program: this plan does not raise the retirement age, it does not cut benefits, it does not raise tax rates, and it does not shift the risk onto individuals through individual private accounts funded by FICA taxes.

These are not academic considerations. They are the guiding principles of a program that has risen literally millions of human beings out of the wrenching grip of poverty—poverty that for so long was too often synonymous with old age or disability. For over half a century, they have been part of what defines Americans as a people.

President Clinton has already put forth an excellent framework to strengthen Social Security and Medicare and increase private savings, which keeps the system solvent until 2055. My plan builds on this firm foundation, but takes an extra step to completely eliminate the projected 2.19% actuarial deficit. According to the Social Security Actuaries, my plan brings the Social Security System into long-term actuarial balance for the foreseeable future—at least 75 years.

Briefly, here's how we do it. My plan implements the President's proposal to authorize the transfer of 62% of the projected budget surplus to the Social Security Trust Fund for a period of 15 years. It creates an Independent Social Security Investment Oversight Board that is authorized to hire private managers to invest a higher, though still prudent, portion of the Social Security surplus into index funds. And it increases—and then indexes—the cap on taxable wages, without removing the cap altogether. Currently, 93% of wage earners earn less than the cap, and will be totally unaffected. Under current law, less than 85% of all wages is subject to FICA contributions; this has slipped in recent years from the historic 90% due to the dramatic rise in disparity of wages. Raising the cap will restore the historic level, while affecting only the richest 7% of the population.

These steps will ensure the solvency of Social Security for at least 75 years, while ensuring the guaranteed benefits Social Security provides to seniors, individuals with disabilities, widows, widowers, and children. And—I can not say this often enough—it does so without raising the retirement age, without cutting benefits, without raising tax rates, and without shifting the risk onto the backs of individuals. This is meaningful, responsible legislation, and I intend to do my best to make sure my colleagues give it the hearing it deserves.

H.R. 475, MILITARY SPOUSES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, recently I introduced H.R. 475, extending eligibility to use the military health care system and commissary stores to un-remarried former spouses of a member of the uniformed services in certain circumstances.

Current law provides health and commissary benefits to un-remarried former spouses who meet the 20/20/20 rule—those who were married to military personnel for at least 20 years, whose spouse served in the military for at least 20 years, and whose marriage and spouse's military service overlapped for 20 years.

A problem that frequently arises is that many members who retire upon attaining 20 years of service were married a year or two after entering active duty. The overlap of their service and marriage is just short of 20 years. Thus regardless of the subsequent length of marriage the spouse can never meet the criteria requiring the 20 year overlap.

H.R. 475 would eliminate this current inequity by extending to un-remarried former spouse's medical care and commissary benefits if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service.

This inequity affects not only individuals in my district, but spouses in every district across the Nation. Since the original introduction of this legislation, I have received letters and phone calls from Massachusetts, Idaho, California, Ohio, Arizona, Florida, Washington, Maryland, Kansas, and Utah.

The Department of Defense has stated that by providing a more liberal entitlement to these individuals, we would "tax" the Department's resources thus increasing the budgetary requirements. Well, I say it is worth it when I read about a woman from Arizona who was married to her husband for 36 years, but because she married him 1 year after his initial enlistment, she missed the 20–20–20 rule by 11 months. These stories are tragic, and we can do something to remedy this unfairness.

I urge my colleagues to support H.R. 475.

TRIBUTE TO BEVERLY PANKRAT OF GIRL SCOUT TROOP 563

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. BACHUS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Cahaba Girl Scout Council in Birmingham, Alabama. She is Beverly Pankrat of Girl Scout Troop 563. She has been honored for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by a girl aged fourteen through seventeen, or in grades ninth through twelfth.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than twenty thousand Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout Volunteer.

As a member of the Cahaba Girl Scout Council, Beverly Pankrat began working toward the Girl Scout Gold Award on November 9, 1997. She completed her project, Introduction to the Internet and Web Page Design, and I believe she should receive the public recognition due her for this significant service to her community and her country.

TRIBUTE TO HERNANDO PINZON—RETIRING AFTER 15 YEARS OF CONGRESSIONAL SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. KLECZKA. Mr. Speaker, today I rise to pay tribute to Hernando Pinzon, of Milwaukee, who will retire March 31, 1999, after 15 years of dedicated service on my District Office Staff.

Hernando was one of my very first hires when I was elected to Congress in a special election in the spring 1984. He has tirelessly served the residents of Wisconsin's 4th Congressional District ever since.

Hernando has a sign on his Milwaukee office door which reads "I put veterans first. May I help you?" That statement sums up Hernando's dedication to the men and women who have served, or who are currently serving, in our nation's armed forces. As my constituent liaison for veterans and military issues, Hernando works daily to ensure that these individuals receive the benefits and honors they deserve. From handling insurance and retirement matters for military families, to obtaining well-deserved military medals for service men and women that were overdue many years ago, Hernando certainly puts veterans first.

As my District Office liaison for Hispanic issues, Hernando has attended countless Hispanic Chamber of Commerce meetings and events on Milwaukee's south side. He has truly been my "eyes and ears" at Hispanic events, bringing numerous issues to my attention and making it known to the community that I am ready and willing to help.

But Hernando's first priority is of course his family. His wife Maria and his two children Carla and Hernando are the real joys of his life. I know that he is looking forward to spending more time at home. In fact I understand that Maria has enough remodeling projects lined up to keep him busy around the house for quite some time!

Best wishes, Hernando, on your well-deserved retirement. We will miss your dedication, your patience, and your quiet humor. May you and your children enjoy the years to come by bicycling, hiking and fishing as you have enjoyed many Milwaukee summertimes in the past. God Bless.

SOCIAL SECURITY EARNINGS LIMIT CLARIFICATION

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to clarify some comments I made on this floor last Thursday. Specifically, I spoke about the earnings limits now imposed by the Social Security laws. To clarify, there are two separate limits, one for individuals under the age of 65, and another for individuals between the age of 65 and 69. In 1999, those limits are $9,600 and $15,500, respectively. Individuals under the age of 65 with annual earnings of $20,000 stand to lose $5,200. Individuals between the ages of 65 and 69 with annual earnings of $20,000 stand to lose $1,500. In either event, individuals with critical expertise are encouraged not to work, to the detriment of all Americans.

JOHNSTON ATOLL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, recently I introduced H.R. 478, that requires the National Labor Relations Board to assert jurisdiction over Johnston Atoll.

Johnston Atoll is an unincorporated territory located about 800 miles southwest of Hawaii. Currently, the atoll is being used for weapons disposal where military and civilian employees work with hazardous materials and under potentially dangerous conditions to dispose of chemical weapons.

Civilian workers presently on the island cannot seek the protection of safe and fair working conditions as normally provided to workers in the United States because the civilian workers on Johnston Atoll are not under the jurisdiction of the NLRB.

This is a problem that is going on 9 years. In a petition before the NLRB in 1990, 185 employees of the civilian contractor were denied recognition as a bargaining unit by the Board because the Board declined to assert jurisdiction over the territory of Johnston Atoll.

My legislation recognizes this injustice and simply states that the Board cannot decline to assert jurisdiction over a labor dispute which occurs on Johnston Atoll.

Without my legislation, these workers are left without any recourse. There is no State or local agency to assist them, and the one entity established by Congress to protect them has declined to do so. This is a situation that we can easily remedy. By enacting H.R. 478, we provide the workers on Johnston Atoll the same protections as the rest of the Nation. I urge my colleagues to rectify this situation and support this bill.

POLITICALLY MOTIVATED ARRESTS IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to decry the growing litany of repressive measures undertaken by the Government of Belarus against the opposition, especially against members of the opposition's Central Electoral Commission (CEC). Earlier this year, the legitimate Belarusian parliament—the 13th Supreme Soviet, disbanded by president Alexander Lukashenka after the illegal constitutional referendum which extended his term of office by two years to 2001—set a date for the next presidential elections for May 16 and set up a Central Election Commission to conduct these elections. According to the 1994 constitution, which most of the international community recognizes as legitimate, Lukashenka's term expires in July. Lukashenka has rejected calls for a presidential election and is clearly attempting to neutralize democratic opposition to his authoritarian rule. The most egregious crackdown in recent weeks was the sentencing of CEC chairman Viktor Hanchar, to 10 days "administrative detention". Hanchar suffered some injuries when he was detained and treated roughly by police. He was not given access to his lawyer, Hari Pahanyayla, and his wife was not permitted to see him.

A few days earlier, on February 25, fifteen members of the CEC were arrested by police in a café where they were meeting and discussing reports from local election commissions. Special police did not have a warrant and prevented the videotaping of the arrest by Russian television. Five-day detentions or heavy fines were meted out to several CEC members, including Boris Gyunter, Anatoly Gurinovich, Sergei Obodovsky, Iosif Naumchik, Algimantas Dzyarginchus, Alexander Koktysh, Nikolay Pohabov, Valery Sidorenko and Leonid Zakurdayev. Additionally, warnings have been issued to several members of regional opposition elections committees, such as Iosif Naumchik in Vitebsk and Sergei Abadowski in Mogilev. According to Radio Liberty, in Zhodzina, Miensk region, local authorities have begun intimidating people who joined or elected opposition regional election commissions. In Gomel, several opposition activists have been summoned and questioned about their role in the organization of the May presidential elections scheduled by the opposition. Police had seized leaflets about these elections at the office of the Gomel branch of the Belarusian Helsinki Committee.

The repression of the opposition's elections committees is part of a longstanding pattern of Lukashenka's assault on democratic institutions and his campaign to stifle dissent in Belarus. On February 14, 20 students were arrested by police in Miensk for violating street demonstration laws. Among them, Yevgeny Skochko was sentenced to 10 days in jail, Victor Antonov to 5 days in jail, and Kazimir Kuchun and Ilya Banel were fined. Other opposition activists in Gomel and Borisov have been tried for unsanctioned demonstrations over the last few months. Two young workers in Gomel, for instance, were sentenced to 3 days administrative detention for holding an unsanctioned march. According to Reuters, the men were returning from a disco late in the evening and waving banners, which they were bringing home to wash.

Earlier in the month, on February 5, members of the human rights movement Charter '97 were attacked and beaten in Miensk by members of the fascist Russian National Unity party. Andrei Sannikov, the Charter's international coordinator and former deputy foreign minister of Belarus was beaten unconscious. According to the International League for Human Rights a few days later, President Lukashenka trivialized the incident on Belarusian television, saying: "They say that some fascists have appeared in Miensk and have beaten somebody up. Do you know who they have beaten? Other fascists." On February 27, several thousand marchers participated in a peaceful anti-fascist demonstration in Miensk. Organizers of the demonstration, Ales Bilyatsky who was sentenced to 10 days administrative detention and Oleg Volchek who was given a stiff fine, were cited for committing administrative offenses.

In late January, Lukashenka signed a decree ordering political parties, public organizations and trade unions to re-register during the period February 1 and July 1. The re-registration process includes a variety of onerous stipulations which would have the effect of weakening the NGOs and political parties. On February 17, the Lukashenka-controlled State Press Committee threatened six independent newspapers with closure if they continued to publish information about the opposition's presidential election plans in May, charging them with "calling for the seizure of power in Belarus." On March 2, police searched the offices of one of the six independent newspapers, "Pahonya" in Hrodno, confiscating political cartoons and letters from readers.

Clearly, political tensions are increasing in Belarus, and the divide between the authoritarian president and the democratic opposition is widening. Mr. Lukashenka and his minions should cease and desist their campaign to harass journalists, to drain and demoralize individuals and organizations in the opposition through administrative fines and detentions, and to forcefully squelch the right to the freedoms of expression and of assembly. Continued harassment of the oppositiion will only aggravate the current constitutional crisis in Belarus and most certainly will not serve to promote reconciliation between the government and opposition. Mr. Speaker, it is imperative that the international community continue to speak out on behalf of those whose rights are violated, and that we continue to support the restoration of democracy and rule of law in Belarus.

TRIBUTE TO THE CREW OF THE U.S.S. "PHAON"

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. TALENT. Mr. Speaker, I rise to praise the officer and crew of the U.S.S. *Phaon*, and their sister ships within the Mobile Service Squadrons. Although often overlooked, their contribution to the War in the Pacific was central to U.S. and allied success in that theater.

A close reading of history will show that America's naval strategy in the Pacific theater, which called for the ability to maintain continuous operations at extreme distances from American port facilities, was in a very real sense made possible through the efforts and sacrifice of the Navy's logistics repair squadrons.

Japan's wartime plans envisioned an active defense across the periphery of its sphere of control, thus denying the United States the bases from which to launch and support offensive operations. Their leadership never prepared for the likelihood that their own forces, operating at extended distances from home port, would be forced to fight against an American navy that would develop and refine the ability to conduct nearly continuous offensive operations. Under Admirals Halsey and Spruance, the Japanese would commit to battle at one point and then find themselves overextended, or "whipsawed," as American forces struck elsewhere. "Hit 'em where they ain't."

Underpinning this effort, and indeed making much of America's success in the Pacific possible, were the essential contributions made by the Navy's mobile Service Squadrons, which provided at-sea battle damage repair in order to return vessels to combat duty as quickly as possible. The *Phaon*, a battle damage repair ship within Mobile Service Squaron Ten, and her sister ships, materially contributed to fleet support at Tawara, Kwayalein, Eniwetok, Saipan and Tinian. In the words of historian Eric Larrabee, "[t]he fleet had become truly free of its landbound bases."

While much glory is rightly given to the front-line combatants, it is important that we should also recognize the contributions and the sacrifice of our combat support personnel who made ultimate victory possible.

HONORING THE LATE ALEX A. HAUGHT, FEBRUARY 17, 1964–MARCH 3, 1999—REMEMBERING HIS LIFE, SERVICE, AND FRIENDSHIP

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. CLEMENT. Mr. Speaker, we are here today to remember our friend, Alex Haught, for there is so much to remember.

I remember when I hired Alex. I already knew a lot about him, his reputation preceded him: law degree, fund-raiser, a great people person, he knew the issues, he was vastly experienced with an excellent political network. And, based on the things I knew about Alex, I hired him.

But those are not the things I remember the most.

I remember how likable he was. He was a great listener. He possessed a gentle sweetness in his character. He genuinely cared about people and had friends in every walk of life. I remember that Alex loved to hunt and fish. When I took him fishing, he caught the biggest fish. He loved his dogs, Truman and Scout, he loved his old Bronco, and the outdoors. I remember Alex as a country boy working in big cities.

I remember his infectious laugh, his loyalty, his compassionate and easygoing manner and his patience. Alex was very unselfish. He was funny. He was tough. He was sensitive.

His tastes were simple. Alex loved music and sports. Most of all, Alex loved his family and his friends.

I trusted, respected and counted on Alex Haught. I loved Alex. As did people in the White House. So did people in White House, Tennessee.

I remember my great faith in Alex Haught—such faith that I placed a large responsibility for my own political future directly on his shoulders, because you could place that kind of faith in Alex. He accomplished more in a brief life than most people could in several lifetimes, and he had a lot more to give.

I will miss my friend Alex Haught deeply and I will always remember him.

I will remember the sense of calm assuredness that Alex imparted every day, over and over. He believed in me and he believed in each of you, even when we disappointed him. I will remember Alex's comfort dealing in the highest circles of power and his discomfort and power's pretentious trappings. I will remember his approach to solving problems and how he dealt with people. I will remember how Alex built bridges.

Most important of all, I will always remember how Alex, even on the busiest day, stopped to smell the roses. Politics is a difficult and demanding profession. Most days we race from one meeting to the next. You take one call while two are on hold and can work with someone for years without learning anything significant about them as a person.

But not Alex. He didn't walk up to your desk, state his business and leave. Alex sat in the chair and talked about life for a while first. He had a rare ability that made you want to tell him your deepest secrets. He would listen and he would listen some more. And, there was always a hint of humor even in the darkest hour. Alex loved life. And somehow, being around Alex always made you enjoy life more too.

The clock might be ticking on a critical vote in history, but it was never so important that Alex couldn't stop to ask about the latest on the University of Tennessee Volunteers football team. A deadline might be imminent, but not so pressing Alex couldn't share a joke, or a quick burger, or take your phone call.

Tennessee has lost a true leader. Our Nation has lost a bright young mind full of ideas and possibilities. And, I have lost a friend.

Alex Haught's legacy is stamped on our political system and in our individual hearts.

I miss him deeply. And Alex, I will always, always remember.

TRIBUTE TO THE MANSFIELD LADY TIGERS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. FROST. Mr. Speaker, I rise again today in praise of a remarkable group of student athletes, the Lady Tigers of Mansfield High School. This past weekend, the Lady Tigers won Mansfield's first-ever state championship in any sport by beating Corpus Christi Carroll to become Texas state champions in girls basketball.

Mr. Speaker, I just returned this morning from my district and I can tell you that the girls of Mansfield High have spread Tiger-fever throughout North Texas. Mansfield is a town with just one high school and the local school district is the largest employer, so it is expected that the Lady Tigers would be the talk of Mansfield.

But communities throughout North Texas have rallied behind the Lady Tigers, and the media in Dallas and Fort Worth have been filled with stories of the Mansfield girls toppling opponents from bigger schools. In fact, on their route to the state finals, the Lady Tigers defeated the team previously ranked number one in the entire country.

Congratulations to Mansfield Superintendent Vernon Newsom, Lady Tiger coach Samantha Morrow, and most of all to the mighty Mansfield Lady Tiger student athletes. Your hard work and dedication throughout this season have been an inspiration to everyone in North Texas. You have our gratitude for an inspiring and exciting season. Hopefully this will be the first of many trips to Austin for the Mansfield Lady Tigers.

MARY CURTIS ARANHA, MARYLAND'S 1999 MOTHER OF THE YEAR

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. WYNN. Mr. Speaker, I rise today to salute Maryland's 1999 Mother of the Year Mary Curtis Aranha. She will represent Maryland at the national convention of American Mothers, Inc. (AMI) in Honolulu, Hawaii, on April 27, 1999, where a national Mother of the Year will be selected—a practice that began in 1935 with Sara Delano Roosevelt.

A resident of Capitol Heights, MD and my constituent, she has been cited by Governor Parris Glendening for her devotion to her family as well as her tireless efforts on behalf of the education and moral development of other children and families throughout Maryland. As Principal of Benjamin Foulois Traditional Academy, she introduced a program of character education and mother mentoring that has inspired emulation in many Maryland communities and has received national recognition. She now leads Maryland's Office of Character Education where she combines both her professional and volunteer efforts on behalf of children and families.

AMI, founded in 1933, the official sponsor of Mothers Day, is the sponsor of the Mother-of-the-Year program where outstanding mothers from all walks of life and ethnic, racial and socio-economic backgrounds in America's 50 states and the District of Columbia are honored as representative of the "best in the state". The organization which has chapters in local communities throughout America provides outreach programs that enhance the growth and well-being of families.

Mr. Speaker, please join me in cheering Mary Curtis Aranha, Maryland's 1999 Mother of the Year.

INTRODUCTION OF H.R. 932, THE WORK FOR REAL WAGES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to speak on a bill that I recently introduced, H.R. 932—the Work for Real Wages Act. H.R. 932 requires that welfare recipients who perform unpaid work as a condition of receiving benefits be credited with wages for the purposes of calculating the Earned Income Tax Credit [EIC].

It is extremely unfair to require work, not pay any wages for that work, and credit nothing toward Social Security, unemployment compensation, and other wage-based benefits programs.

But this is exactly what is currently allowed under the new welfare reform law. States are able to enact workfare programs in which welfare recipients are forced to work off their welfare benefit, rather than receiving real wages.

My bill corrects this problem by crediting the hours worked without direct compensation as though minimum wage were paid for the purpose of claiming earned income tax credits.

If work is a virtue, then all work should be treated the same.

I urge my colleagues to support my bill, H.R. 932, the Work for Real Wages Act.

CELEBRATING WTOP'S 30 YEARS OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize one of Washington, D.C.'s most dependable and objective sources of news, WTOP Radio, which celebrates its 30th Anniversary today.

WTOP has always been a prime source of information on major news events. Their veteran news staff has covered historical events such as the Watergate scandal, the Vietnam War, the Persian Gulf War and the recent impeachment and Senate trial of President Clinton.

Throughout all of these turbulent times, WTOP has presented comprehensive, up to the minute coverage of events. In an era when some news outlets have diminished the amount of coverage devoted to political activity, WTOP remains committed to their format of bringing the latest developments on Capitol Hill to their listening audience. This, however, would not be possible without Dave McConnell, WTOP's Congressional correspondent.

Dave McConnell has been working with WTOP since 1965 and has been doing a daily broadcast called, "Today on the Hill" since 1981. With this show, Dave talks directly to members about issues and developments that are unfolding in Congress. I have had the privilege of working with Dave for almost twenty years. A native of Washington, D.C., he attended the University of Maryland and went on to cover Prince George's County and Maryland politics when I was the President of the State Senate. I have always found Dave to be a fair, dedicated and knowledgeable reporter. He does a great service to the people who depend on WTOP for their news.

WTOP serves a real need of the community, not only providing important political news, but also traffic, weather and sports. I know that all my colleagues join me to commend WTOP on 30 years of dedicated service to the community and wish them even greater success in the next 30 years.

DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes:

Mr. TERRY. Mr. Chairman, H.R. 707, "The Disaster Mitigation and Cost Reduction Act of 1999" is a good bill for three reasons. First, this legislation will provide funding to a newly created pre-disaster mitigation program, which is something that has been needed for quite sometime. Second, this legislation will increase the authorization for post-mitigation funding by 33 percent. Third, H.R. 707 places the needs of victims ahead of bureaucratic red tape.

When a disaster occurs, non-profit organizations should be given the ability to move as fast as possible to help restore vital services to those in need. These organizations, what are known as "lifeline facilities," provide critical services such as: communications power, drinking water, water treatment, and emergency medical care to communities in need. In the wake of a disaster, it is imperative that these facilities receive the aid necessary to recover without delay, so they can help others that might be suffering. It does not make sense to impose any additional paperwork burden on these organizations in the hours or days after a disaster has occurred.

I am pleased that the legislation includes an amendment I offered in Committee to allow these critical care facilities to be put back into service as soon as possible in order to prevent additional loss of life or property.

Mr. Chairman, I am a strong supporter of cutting unnecessary federal spending. However, if even one life may be threatened because of delay, it is not worth it.

I commend my colleague and Subcommittee Chairwoman TILLIE FOWLER for her efforts.

H.R. 707 is a good bill and one that I ask every member to support.

CONGRATULATING WTOP RADIO FOR THIRTY YEARS OF NEWS COVERAGE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MORELLA. Mr. Speaker, I rise today in order to recognize and celebrate a Washington establishment. Today marks the thirtieth anniversary of WTOP radio's commitment to an all-news format here in the nation's capital. Since 1969, WTOP has been Washington's only all-news radio station, and a primary source of information on major news events.

For thirty years, WTOP has been a leader in the reporting of international, national, and local news. WTOP has consistently provided comprehensive, up-to-the-minute news coverage. The frequent weather and traffic reports have kept Washington informed and on time. In addition to reporting the news, I am proud that WTOP has shown a true community commitment. The station dependably reports and produces public service announcements and school closings. In addition, WTOP has consistently helped to raise funds with various charity organizations.

Several national broadcasting figures started their careers at WTOP, including Connie Chung, Warner Wolf, Roger Mudd, and Sam Donaldson. During my service in Congress, I have had the pleasure to work with another Washington institution, WTOP's long-term Capitol Hill Correspondent Dave McConnell.

WTOP continues to serve more than just Washington. I am pleased that WTOP has provided my district in Montgomery County, Maryland with around-the-clock news coverage for these thirty years. WTOP's current AM and FM broadcast signals reach listeners from Baltimore to Richmond, and from the Chesapeake Bay to the Shenandoah Valley.

I extend my warmest congratulations to WTOP radio on this special anniversary.

TRIBUTE TO EDWARD PATZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Indiana's First Congressional District, Mr. Edward Patz. On March 27, 1999, Mr. Patz, along with his friends and family, will celebrate his retirement from the Pipefitter's Local Union 597. This reception will take place at the Villa Cesare in Schererville on March 27, 1999.

Ed Patz has dedicated a substantial portion of his life to the betterment of union members and the community of Northwest Indiana, as well as the entire state.

Mr. Patz's distinguished career in the labor movement has made his community and nation a better place in which to work and live. For more than forty years, Mr. Patz has served as an important figure in Local #597. He has held several positions throughout his tenure, but none as important as Business Agent, a position from which he retired on January 1, 1999.

Mr. Patz began his involvement with Local Union 597 in 1956, through his Pipefitter Apprenticeship with the Robert Gordon Corporation. Ed Patz was the top apprentice in the state of Indiana and won the state apprenticeship contest on November 23, 1960. In the same year, Mr. Patz graduated from the apprenticeship program and attained the rank of a journeyman. In 1983, Mr. Patz was elected to the Pipefitter's Local Union 597 executive board, where he served a three-year term. Mr. Patz was elected to the position of Business Agent in June of 1986, where he remained until his retirement in January 1999. Ed Patz served three consecutive two-year terms as Secretary-Treasurer for the Northwest Indiana Building Trades Council, and was involved as a committee chairman and/or member of numerous committees associated with the Building Trades Council. Ed Patz has devoted his career toward the expansion of labor ideals and fair standards for all working people.

On this special day, I offer my heartfelt congratulations to Ed Patz. His large circle of family and friends can be proud of the contributions this prominent individual has made. His work in the labor movement provided union workers in Northwest Indiana opportunities they might not have otherwise had. Mr. Patz's leadership kept the region's labor force strong and helped keep America working. Those in the movement will surely miss Mr. Patz's dedication and sincerity. I sincerely wish Ed Patz a long, happy, and productive retirement.

TRIBUTE TO ELENA PEISER HANRAHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Elena Peiser Hanrahan on the celebration on her 70th birthday on Saturday, March 13, 1999.

Elena is a woman of many accomplishments. She has been a leader in her Bayside community for many years and she has volunteered countless hours for many different causes.

Elena has served her parish of Our Lady of the Blessed Sacrament as President of the Rosary Society. She has also been an active member of the National Council of Catholic Women. She served as President of the Brooklyn Diocesan branch of the NCCW, and was appointed executive director of the Northeast region. She currently is the NCCW representative to the United Nations.

Elena was the Director of Volunteers at the New York Eye and Ear Infirmary for 12 years. While there, she expanded the network to include handicapped volunteers as well as senior citizens and teens.

Currently, Elena is the community relations director for her local chapter of the American Association of Retired Persons. She still maintains her busy schedule at her church where she helps to produce the monthly newsletter, organizes a pre-school group called "Mommy and Me," and lectors regularly at Mass.

Elena has accomplished all of this while devoting herself to her family of 8 children, 4 stepchildren, and 10 grandchildren. She is an energetic and motivated citizen who shows no sign of slowing down as she enters her eighth decade.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in extending my best wishes and congratulations to Elena Peiser Hanrahan on the occasion of her 70th birthday, and wishing her many more years of active service to her family and to her community.

IN SUPPORT OF H. CON. RES. 22

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. DEUTSCH. Mr. Speaker, I was very disturbed to read on the front page of The Washington Post on February 11, 1999 the headline "Chinese Missiles Menace Taiwan." Throughout my tenure in Congress, I have fought hard to ensure the safety of Taiwan, and this report and others are evidence that Congress must be vigilant in reinforcing its commitment to this tiny island state.

According to a Pentagon report, Beijing now has 150–200 ballistic missiles aimed at Taiwan and has plans to increase that number to 650. It is clear that this threat is a challenge to Taiwan's increased democracy and independence—as evidenced most recently by its successful elections.

We all remember the last time this happened. In March, 1996, China reacted to Taiwan's imminent first democratic presidential elections by testing missiles in the waters just miles off the coast of Taiwan's largest harbor, Kaohsiung. The United States responded swiftly and effectively, by dispatching aircraft carriers to the Taiwan Straits to show the Chinese government our strong opposition to its actions.

Our response in 1996 was based on the provisions of the 1979 Taiwan Relations Act, which stipulated that the United States consider "any effort to determine the future of Taiwan by other than peaceful means . . . of grave concern to the United States." Our response now should be based on this same principle.

1999 marks the 20th anniversary of the Taiwan Relations Act—the cornerstone of U.S. commitment to Taiwan's safety and security. We must commemorate this anniversary by sending a clear message to Beijing that their acts of aggression and intimidation against Taiwan need to cease. Beijing must understand that, as we have in the past, we will come to the aid of Taiwan in case of a Chinese threat.

I am proud to be a co-sponsor of H. Con. Res. 22 which concludes that "the United States should help Taiwan defend itself in case of threats or a military attack by the People's Republic of China against Taiwan." This resolution repeats the provisions of one I introduced in 1997, which was passed by the House of Representatives later that year.

Mr. Speaker, let us pass H. Con. Res. 22 now, and let us send a strong message to Beijing that we will not stand idly by while our friends on Taiwan are bullied into submission by Chinese military might.

INTRODUCTION OF H.R. 931

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a bill important to all workers, H.R. 931.

We no longer live in an era of one-company careers. Workers today change jobs with frequency. Oftentimes, these job changes are because of the worker's own choosing, however, just as often, they are not. In this era of downsizing and mergers, no one is safe from unemployment. Fortunately, Congress established the unemployment compensation system to provide temporary financial relief to workers who have lost their jobs. And it is a good thing it did. Last year, unemployment compensation was estimated to have helped 8.6 million workers who lost their jobs.

H.R. 931 takes this important program and goes a step further to improve it. It allows individuals who left their jobs because of sexual harassment or the loss of child care to collect unemployment compensation.

Sexual harassment is a widespread phenomenon. 42% of women and 15% of men have encountered some sort of sexual harassment in occupational settings. Despite the pervasive nature of this problem, only 1%–7% of victims file formal complaints. Oftentimes, sexual harassment results in low productivity and absenteeism. Although some victims may escape the problem simply by leaving their jobs, this option is not available for everyone. Unless one has money saved or another job lined up, it is hard to give up a steady pay check.

My bill addresses this economic obstacle by giving victims of sexual harassment the option to leave their jobs and to collect unemployment compensation if they can show "facts sufficient to establish a prima facie case" that they were victimized by sexual harassment.

In addition, H.R. 931 helps workers who leave employment because of the loss of child care by allowing them to collect unemployment compensation.

The need for child care is a daily reality for millions of America's working families. As real wages have stagnated over the last decade, many families have adapted by having two wage earners per family. Also, over this same period, the number of children living in mother-only families has increased. As a result, more women with children are working. In 1997, 65% of women with children under the age of 6 were working compared to only 39% in 1975. Child care is critical for these millions of working families.

If a working parent loses this child care, he or she has little choice but to stop working until new child care can be found. H.R. 931 would help those parents by allowing them to collect unemployment compensation if they left their jobs because of the loss of adequate child care for a dependent child under the age of 12.

The loss of child care places a tremendous strain on working parents. Although H.R. 931 does not relieve the stress over this loss, it does ease the financial strain placed on parents in this situation.

I am proud to introduce H.R. 931 and I urge my fellow Members of Congress to join me in support of this bill. We must seize the opportunity to help workers trapped in these unfortunate situations.

HONORING THE LIFE OF HENRY A. GOMEZ

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. GREEN of Texas. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual and my high school football coach, Henry Gomez. Coach Gomez passed away on January 13th after leading a long and distinguished life of service to his community and commitment to the enrichment of young minds.

Henry Gomez devoted his professional and private life to serving his home state of Texas. After graduating from Jeff Davis High School in Houston, he entered the Navy to bravely fight for his country during World War II, where he served in the Seabees as a special undersea diver in the Philippine Islands.

After the War, he returned to his hometown of Houston to continue his education at the

University of Houston. Henry was an outstanding athlete on the first University of Houston football team. His love of the game was so great that, upon graduation in 1948, he began coaching the Aldine School District football team. His true enjoyment of working with young players and enthusiasm for football soon made him a respected figure at the school. After a 7-year tenure at Aldine, Henry moved to Jackson Jr. High and later to our alma mater, Jeff Davis High School.

It was during his 14-year career at Jeff Davis High School that I came to know Coach Gomez. While a young player on his teams, I learned the true importance of teamwork and cooperation that remains with me today. At Jeff Davis, his influence reached beyond the football field as he worked as counselor and ultimately Vice Principal of the school. He was a leader who drew much admiration from his students, players and colleagues.

Hoping to expand his involvement with the young people of his community, Mr. Gomez transferred to James Deady Middle School where he began another 14-year career as Assistant Principal. He was lovingly known during his tenure as the "Sheriff of Deady," whose firm yet kind demeanor and dedication to the enrichment of young minds drew respect and love from all who knew him.

Upon retirement from his long career in education, Henry Gomez maintained close ties with the Texas school system, where he was involved in both the Houston and Pasadena Area Retired Teacher's Association.

The death of Henry Gomez is a blow to all who loved and respected him. His years of working with students and his devotion to his community touched a countless number of lives, including my own. Those of us who were fortunate enough to have known him will never forget his kind spirit, his leadership in the community, and his dedication to coaching and teaching. He has left a legacy that will never be forgotten.

Mr. Speaker, please join me in paying tribute to the life of Henry Gomez. Those of us fortunate enough to have known him are truly blessed.

INTRODUCTION OF LEGISLATION ESTABLISHING THE "MEDICAL INNOVATION TAX CREDIT"

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today, Congressman SANDER LEVIN and I have introduced legislation, H.R.—that will establish a new "Medical Innovation Tax Credit." Last year, we introduced similar legislation with strong, bipartisan support. This bill is designed to provide incentives for companies to utilize our Nation's medical schools and teaching hospitals to conduct important clinical testing research. These institutions have led the world on the development of medical advances, including cures for small pox, treatments for diabetes, cancer, and leukemia as well as the irradication of polio. It is important that we make every effort to insure that American teaching hospitals and medical schools remain leaders in the fight against disease.

Medical schools and teaching hospitals are the training grounds for our nation's health care professionals. They are centers for development of innovative medical technologies and treatments, as well as the backbone for innovation in American medicine. They are able to develop life saving drugs, medical devices and surgical techniques due to their unique position to link research, medical training and patient care. Unfortunately, medical schools and teaching hospitals face serious financial challenges due to profound changes in the health care marketplace. As funding shrinks, so does the vital, life saving medical research they perform.

The Medical Innovation Tax Credit is a response to this alarming decline in utilization of the Country's superior medical facilities for clinical trials. Under the credit, companies would be eligible for an incremental 20% tax credit for expenditures on human clinical trials performed by: (1) non-profit or public medical schools; (2) teaching hospitals owned by or affiliated with an institution of higher learning; (3) a medical research organization affiliated with a medical school or teaching hospital; or (4) non-profit research hospitals that are designated as cancer centers by the National Cancer Institute of the National Institutes of Health. The credit requires that research be performed in the United States, encouraging companies to retain and expand their clinical research projects, rather than relocating such activities abroad.

I urge my colleagues to join with me in the establishment of the Medical Innovation Tax Credit. A tax credit that is truly a "credit for life."

TRIBUTE TO DANIEL GANZ AND BEVERLEE KAUFMAN FOR THEIR 50TH WEDDING ANNIVERSARY

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Daniel M. Ganz and Beverlee Kaufman, who will be celebrating the 50th anniversary of their wedding on March 27, 1999. It is fitting that they are celebrating this anniversary with their two children (David and Sandy), their friends, and the rest of their family.

For many years, Beverlee and Danny Ganz lived in Rockville Centre, Long Island, where they raised their family and were active in community affairs. Dan, in particular, was very involved with the Recreation Department as a volunteer working with both table-tennis and court-tennis.

They sent their children to the Rockville Centre public school system. David then went off to Georgetown University, in Washington, D.C., and Sandy to Northeastern University in Boston, Massachusetts.

David became a lawyer, practicing in New York City and New Jersey, later served as the volunteer president of the American Numismatic Association, and currently presides as the Mayor of Fair Lawn, New Jersey. He has just written his 14th book-length work.

Sandy went on to earn a Masters degree in physical therapy, and to find employment as the Associate Director of Physical Therapy at the Manhattan Hospital for Special Therapy. She then became director for the Amsterdam Nursing Home division, and has authored several works on physical therapy treatments.

I met Dan and Bev at David's inauguration as Mayor this past January 1st, and I am glad to know such a devoted couple, who are also two remarkable individuals.

It is rare today that any couple can spend a half century in wedded bliss, but they are two people who have managed it. Dan turns 80 this October and Bev will be 75 in just a few weeks, but they are both still active in their new home in Boca Raton, Florida, playing tennis, golf, and exploring the Internet.

Recently, Dan, who is a World War II veteran with 26 missions in the Triangle "A" squadron in England, used the Internet to reunite with his Captain and navigator, whom he had not seen in 54 years. Last year, he met up with the remainder of his crew. Some of his combat photos, including the Bridge of the Remagen, were included in the wartime exhibit shown at the National Archives in Washington.

He has not stopped giving to his community. In Boca Raton, he has been performing magic—which he has done professionally for nearly 70 years—at hospitals for youngsters with terminal diseases such as AIDS, and for seniors. Bev is now frequently his assistant at these events.

They have three grandchildren (Scott, Elyse, and Pam), daughter-in-law Kathy, and a host of friends and relatives who are joining them and their children in celebration of their first 50 years of marriage. I wish them well and congratulate them on this wonderful achievement.

CONSERVATIVES SUPPORT UNLOCKING AVIATION TRUST FUND

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. SHUSTER. Mr. Speaker, unlocking the Aviation Trust Fund is a tax fairness issue. Republicans should unanimously support this effort, because it restores honesty to the budget process. A part of the budget surplus comes from aviation user fees that the travelling public pays on a promise from Congress to ensure a safe and efficient transportation system. In ten years, under current aviation investment patterns, it will be neither safe nor efficient.

Moreover, investment in assets for America is a Republican concept and sound transportation infrastructure is the foundation of commerce and our economy. We can credit Theodore Roosevelt with the vision to build the Panama Canal, and Dwight Eisenhower for the Interstate Highway System. Republicans have historically been the party of builders and we should continue to advocate sound federal programs that enrich our nation and our quality of life.

I am submitting for the record a letter from Paul Weyrich, National Chairman of the Coalition for Americans, supporting our efforts to unlock the Aviation Trust Fund and make much-needed investment in our airports and air traffic control system.

Let it not be under our watch that the nation's aviation system falls into such disrepair that Americans are imperiled when they take to the skies. I urge my conservative colleagues to support protecting the Aviation Trust Fund by cosponsoring H.R. 111, the "Truth in Budgeting Act," and supporting a Budget Resolution that reflects this critical priority.

Coalitions for America,
Washington, DC, March 8, 1999.

Hon. Bud Shuster,
Rayburn House Office Building,
Washington, DC.

Dear Chairman Shuster: I am writing to congratulate you for introducing AIR–21, a bill to ensure adequate funding for the national air transportation system. Your proposal to require that federal aviation user taxes be used for their intended purposes—particularly development of airports and the air traffic system—is commendable. The needs of the aviation system are so massive that all available funds must be spent. The health of our economy depends to a very significant extent on a vibrant air transporation system.

I also applaud your inclusion in AIR–21 of a provision to lift the federally imposed restriction on the local airport funding option known as the passenger facility charge (PFC). As I stated in my letter of February 8, whenever there is an opportunity for the federal government to provide more autonomy to local governments, it should do so. Your bill does that. While it would be preferable to remove the PFC cap entirely, easing the federal restriction on local government funding prerogatives by doubling the amount of funds that airports can raise through this means is a constructive step. I urge you to continue to pursue the goal of eliminating the federal cap on PFC's, but in the meantime, I support the provision in your bill. I urge your colleagues in the House and Senate to support it as well.

It is also critical to ensure that airports have the ability to spend the PFC to meet the needs that exist at their particular facilities. For some airports, the needs are greatest on the airside—runways, taxiways, and aprons. At other airports, gates and related facilities throughout the terminal are needed to expand capacity or enhance competition. At still other airports, groundside access is the biggest problem. Given that PFCs are collected from the passenger, any project that makes the passenger's trip to or through the airport more efficient and less susceptible to congestion and delays—whether airside, in the terminal, or groundside—should be allowed.

I know that you are particularly concerned about protecting the interests of passengers. Ensuring that airports have the flexibility to use PFCs to fund projects that ease the burdens encountered by the traveling public any where at the airport will certainly be in the passengers' interest.

Again, I applaud your commitment to promote the development of the national air transportation system, for the benefit of our national and regional economies and the passengers and shippers who use the system.

Sincerely,

Paul M. Weyrich,
National Chairman.

SUNRAYCE 99

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. SALMON. Mr. Speaker, I rise today to sponsor the House version of the resolution that will permit the organizers of Sunrayce 99 to sponsor a public event, with solar-powered cars, on the Capitol Grounds on June 20, 1999, or on such other dates as the speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, to conduct opening ceremonies for Sunrayce 99. Senator Allard has introduced the Senate version (S. Con. Res. 13).

As the Chairman and co-founder of the House Renewable Energy Caucus I appreciate the innovation necessary to identify and utilize alternative forms of energy. As we move into the 20th Century, one of the critical environmental challenges facing us is the need to discover the possibilities of sustainable energy development, so that our children, and their families will be able to enjoy the clean air and environment that is so important to the health of our nation.

From June 20 to 29, 1999, the world will watch as up to 40 teams participate in Sunrayce 99 and demonstrate good-spirited competition and innovation at its best. The teams will race through five states, from the start in Washington, DC, to the finish at Epcot at Walt Disney World Resort near Orlando, FL in the nation's premier solar powered vehicle event.

Sunrayce 99 showcases the imagination, ingenuity and teamwork of graduate and undergraduate teams from North America in the development of highly efficient vehicles powered solely by a viable, renewable and sustainable energy source—the sun. I am proud to note that the University of Arizona has registered a team. General Motors, Electronic Data Systems along with the U.S. Department of Energy are the sponsors of this biennial intercollegiate competition.

The top three finishing teams will receive trophies and cash awards. Scholarship achievement awards will also be granted for technical innovation, engineering excellence, artistic talents, teamwork and good sportsmanship.

Sunrayce 99 not only demonstrates the possibilities of sustainable energy development, but also the importance of public/private partnerships. This approach will allow companies to work hand in hand with government in successfully tackling the environmental challenges ahead. I applaud the participants of Sunrayce 99—sponsors, applicants, universities, and administrators—for making innovation a reality.

THE ST. PATRICK'S DAY PARADE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Queens County St. Patrick's Day Parade & Cultural Committee's 24th Annual St. Patrick's Day Parade, the second largest St. Patrick's Day Parade in New York State.

This parade is not only a festive happening, it is a chance for all of us in New York City to celebrate and pay tribute to Irish culture.

This year's honorees represent the best of what our City's political, educational and religious leaders have to offer.

Grand Marshal Geraldine D. Chapey is a member of the New York State Board of Regents and is the past President of Community School Board 27. Fellow Grand Marshal Chief Bernard (Buddy) Sullivan is the founder of the "New York Sanitation, Emerald Society, Pipe and Drum Band" and an active member of the New York City Department of Sanitation Emerald Society.

Honorary Grand Marshal Monsignor Martin T. Geraghty has served as the pastor of St. Francis de Sales parish since 1988. Fellow Honorary Grand Marshal Janet Timlin Fash is the president of the Rockaway Action Committee and works as a media teacher for Community School District 27.

The Parade's seven Deputy Grand Marshals, Harold Rochelle, J.P. Farrell, Frances Sheehan, William W. Whelan, Margaret Clarke Keating, Ann Barbera and Senator A. Waldon, Jr. have each devoted themselves to making the Rockaways a better place to live by helping their friends and neighbors regardless of the circumstances.

Parade Founder and Chairman James Conway Sullivan and Vice Chairman Michael A. Benn have consistently been recognized for their efforts at bringing together New York's Irish-American community. Through their dedicated efforts, they have helped to improve my constituents quality of life.

Each of today's honorees have long been known as innovators and beacons of good will to all those they come into contact with. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by Queens County St. Patrick's Day Parade & Cultural Committee.

WTOP RADIO'S 30 YEARS OF NEWS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. MORAN of Virginia. Mr. Speaker, today marks the 30th anniversary for WTOP Radio as an all-news station in Washington.

Since 1969, WTOP has been a prime source of information on major news events. From Watergate to the House impeachment and Senate trial of President Clinton, WTOP has led the way in providing up-to-the-minute news to area residents.

From the turmoil of the late Vietnam era through the continuing disruption in the Middle East, WTOP has presented comprehensive, accurate, and timely news coverage.

Traffic, weather, and sports are part of the news cycle as well, and all are featured in WTOP's extensive reporting.

Congressional activity is a major source of news on WTOP, and Congressional Correspondent Dave McConnell is a well-known and well-respected presence who reports daily on his Today on the Hill broadcasts, often talking directly to members about issues and developments. His is clearly the most professional and reliable source of Capitol Hill news available to the Washington area—even for us members.

I ask the House to join me in recognizing WTOP's valuable contribution to the greater Washington area over the last 30 years, and in my hope that the station will continue to provide us with around-the-clock news for many years to come.

SPEECH OF RON RANKIN

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. CHENOWETH. Mr. Speaker, it is clear through the writings of our Founding Fathers that the freedom of religion and a belief in God was essential to the prosperity of this great nation.

The Declaration of Independence framed our country's political and legal systems and a strong reliance and recognition of God because it acknowledged that we "are endowed by their Creator with certain unalienable rights . . .". Furthermore, Article VI of the Constitution states, ". . . but no religious test shall ever be required as a Qualification to any Office or public Trust under the United States." Additionally, the First Amendment prohibits the federal government from the "establishment of religion, or prohibiting the free exercise thereof."

Ron Rankin, a Kootenai County Commissioner from Ceour d' Alene, Idaho delivered a powerful speech embodying these principles on November 28, 1998. I urge all my colleagues to read Mr. Rankin's words to see how much we need God's guidance in today's world:

Our prisons are full. Our jails are full. Crime is rampant in our streets. Our children's minds are corrupted by the media and their bodies by drugs. The cost of criminal justice is sapping our tax dollars to the extent that we are using funds better spent on education just to maintain our detention and correction facilities to protect our families from criminals.

In spite of these indisputable facts, 26 states and numerous counties and cities that have passed resolutions supporting "Read Your Bible Week" in an effort to encourage people to return to the moral absolutes contained therein, are now being challenged in court.

The American Civil Liberties Union and their liberal supporters are determined to protect us—not from criminals but from "God", claiming a separation of church and state clause that does not exist in the Constitution—that glorious standard written by men raised up by God unto that very purpose.

On July 4th, 1776, there was, signed in the city of Philadelphia, one of America's historic documents which preceded the divinely inspired Constitution—The Declaration of Independence. It marked the birth of this nation, which, under God, was destined to be the cradle of freedom.

We often forget that in declaring independence from an earthly power, our forefathers made a forthright Declaration of Dependence upon Almighty God. The closing words of this great document solemnly declare "With a firm reliance on the protection of providence, we mutually pledge to each other our lives—our fortunes—and our sacred honor".

The fifty-six courageous men who signed that document knew this was not just high-sounding rhetoric—and that if they succeeded, the best they could expect would be years of struggle in a new nation. If they lost, they would face the hangman's noose as traitors.

Of the fifty-six, few were long to survive. Five were captured by the British and tortured before they died. Twelve had their homes sacked, looted, occupied by the enemy or burned.

Two lost their sons in the army. One had sons captured. Fifty-six died in war from its hardships—or its bullets.

John Quincy Adams penned these words: "Posterity—you will never know how much it has cost my generation to preserve your freedom. I hope you will make good use of it."

For years we flourished as a Christian nation. The Supreme Court, in an 1892 decision, declared: "Our laws and our institutions must be based upon and embody the teachings of the Redeemer of Mankind. It is impossible that it should be otherwise; *and to this extent, civilization and our institutions are emphatically Christian!* "This in a religious people!"

"This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation—we find everywhere a clear recognition of the same truth—that *this is a Christian nation." This from the Supreme Court: 1892.*

In this century, our great nation began to crumble morally.

In June of 1962 the Supreme Court, which once ruled that America was a Christian Nation, declared prayer in public schools to be unconstitutional. The Bible and God Himself, were expelled. This in spite of the fact that America's greatest leaders have shown no doubt about God's proper place in the American government!

Every session of the House and Senate begins with prayer—each house has its own Chaplain.

The Eighty-third Congress set aside a small room in the capital, just off the rotunda, for the private prayer and meditation of members of Congress. The room's focal point is a stained glass window showing George Washington knelling in prayer. Behind him is etched these words from Psalms 16:1 "Preserve me, O God for in thee do I put my trust."

Inside the rotunda is a picture of the Pilgrims about to embark on the sister ship of the Mayflower—the Speedwell. The ship's revered chaplain, Brewster, who later join the Mayflower, has open on his lap, the Bible.

Very clear are the words, "The New Testament, according to our Lord and Savior, Jesus Christ." On the sail is the motto of the Pilgrims—IN GOD WE TRUST, GOD BE WITH US."

The phrase, "In God We Trust" appears opposite the President of the Senate, who is the Vice President of the United States. The same phrase, in large words inscribed in marble, backdrops the Speaker of the House of Representatives.

Above the head of the Chief Justice of the Supreme Court are the Ten Commandments, with the Great American eagle protecting them. Moses is included among the great lawgivers in a marble sculpture on the east front. The crier who opens each session, closes with these words; "God save the United States and the Honorable Court."

Engraved on the metal cap on top of the Washington Monument are the words: "Praise Be To God." Lining the walls of the stairwell are such biblical phrases as, "Search the Scriptures", "Holiness to the Lord", "Train up a child in the way he should go and when he is old he will not depart from it."

Numerous quotations from the scriptures can be found within the walls of the Library of Congress. One reminds each American of this responsibility to his Maker. "What doth the Lord require of thee, but to do justly and love mercy, and walk humbly with thy God." (Micah 6:8) Another preserves the psalmists acknowledgement that all nature reflects the order and beauty of the Creator: "The Heavens declare the Glory of God, and the firmament showeth His handwork." (psalm 19:1) And still another reference: "The Light shineth in darkness, and the darkness comprehendeth it not." (John 1:5)

I, like millions of others, have stood in the Lincoln Memorial and gazed up at the statute of the great Abraham Lincoln. The sculptor who chiseled the features of Lincoln in granite seems to make Lincoln speak his own words inscribed into the walls: "* * * that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth." At the opposite end, on the north wall, his second inaugural address alludes to "God", "the Bible", "Providence", "The Almighty" and "divine attributes." And then continues: "As was said three thousand years ago, and so it still must be said, 'The judgements of the Lord are true and righteous altogether.' "

At the Jefferson Memorial on the south banks of Washington's tidal basin, Jefferson still speaks: "God who gave us life, gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever." This is indeed an explicit warning to us. Especially to us in this day that, to allow God to be removed from this country, will surely destroy it.

A result of our lack of resolve—the once Great American Dream is turning into a spiritual nightmare. *America has rejected God in dealing with the issues of life.* When God fades from a nation's conscience, one can justify almost anything. For example:

God says: "Thou shalt not kill."

Americans have given murder a new name and now abort one and one half million babies a year. Many try to camouflage sin with new age terminology.

God calls it "Drunkenness."

We call it alcoholism—a social disease.

God calls it "Sodomy."

We call it homosexuality—gay rights—an "Alternative Lifestyle."

God calls it "Perversion."

We call it pornography—"Adult" entertainment.

God calls it "Immorality."

We call it the "New" morality.

God calls it "Cheating."

We call it abnormal social development.

With the erosion of moral absolutes Jefferson's warning should make us all shudder as each succeeding generation drifts further from the moral absolutes of the Lord.

As revealed in the scriptures and banned by the courts from our schools, the words of a great Christian reformer, Martin Luther, become prophetic. "I am much afraid that schools will prove to be great gates of Hell unless they diligently labor in explaining the Holy Scriptures, engraving them in the hearts of youth. I advise no one to place his child where the scriptures do not reign paramount. Every institution in which men are not increasingly occupied with the work of God must become corrupt."

And on occasions when we pay tribute to and acknowledge the sacrifices of those men raised up by the Lord to *establish* and sustain our independence, we must re-dedicate ourselves to protecting and preserving those liberties and the righteous, God-fearing ideals that have been fought and died for by patriots throughout our American history.

In two hundred and twenty-two years, Americans have fought many wars from Valley Forge to the far-flung corners of the earth. From the bloody beaches of Normandy to the island by island war in the Pacific, to the frozen mountains of the Chosin Reservoir, millions of young Americans have given their lives for the freedoms vouchsafed by our divinely-inspired Constitution . . . for this nation under God.

In all of these wars fought on the field of battle, our enemies were definable. They wore uniforms. They fought with bayonets, grenades, rifles, cannons, mortars. A far more insidious enemy faces us today and we must prepare our youth for a more hard-fought battle for survival than we have ever known!

Girded up in the Armor of Truth and Knowledge and in the strength of our families, our youth will not be fighting in trenches, foxholes or storming beaches. The enemy is amongst us and not in uniform. His weapons are the media, new age philosophies designed to deceive and destroy the moral character of our youth. Perversion, disguised as tolerance.

Their battlefield will be the city halls, the county courthouses, state legislatures and the Congress. They must be prepared and we must prepare them that they may hold high, *with new resolve*, the Title of Liberty in memory of our God, our religion and freedom and our peace and our wives and children.

In Patrick Henry's words: "The enemy is in the field. Why stand we here idle?"

May God bless us all with continued freedom. May God bless our youth with the strength and resolve to bear the burden our complacency has placed upon them.

And may God continue to bless America.

TRIBUTE TO WTOP'S 30TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Ms. NORTON. Mr. Speaker, I ask the House to join me in recognizing WTOP Radio, our local and regional news station. WTOP is celebrating its 30th anniversary today, Tuesday March 9, 1999. I am sure the Members of the House and Senate listen to and are informed by WTOP. The station has been a prime source of information of news events and a pioneer in all-news radio.

Without fail, WTOP usually gets there before we do and before anyone else does. From the mundane news of traffic and weather, to breaking news in the nation and around the world, WTOP is there for Washington, the region, and Members of the House and Senate.

Mr. Speaker, I also must say a special word of tribute to Dave McConnell, who has been with WTOP for 34 years, even before it was an all-news station. Dave is one of the best reporters in any of the media in Washington. His amazing dexterity and extraordinary range have made him a one-man class reporter and commentator capable of speaking to any and every subject. Members listen to Dave's Today On the Hill broadcasts to find out what is really happening in Congress! Dave McConnell is only one of the best of an extraordinary group of first rate radio journalists at WTOP who keep the nation's capital truly informed. I ask the House to join me in expressing our gratitude to WTOP for the indispensable service the station performs as well as our congratulations for 30 years of a job very well done.

WALNUT GROVE RETIREMENT COMMUNITY CELEBRATES ITS 10TH ANNIVERSARY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the Walnut Grove Retirement Community which is celebrating its 10th anniversary of outstanding service to the elderly community of Grundy County.

On March 7, 1989, the Walnut Grove Healthcare Center opened with 97 beds available to seniors. Four years later, in 1993, Grundy County experienced a need for more beds for the elderly. Walnut Grove applied for and completed the Certificate of Need process in order to add more beds and better serve Grundy County senior citizens. This process resulted in the increase of licensed beds from 97 to 123.

On January 10, 1994, a ground-breaking ceremony was held for these 24 private suite sheltered care units. This addition is known as the Walnut Grove Villa. As these Villas have established a fine reputation, a waiting list of applicants wanting to reside in them usually exists.

In addition to the Healthcare Center and the Villa, there are duplexes included in the retirement community. These 24 cottages house 30 elderly residents for independent living.

Walnut Grove's provision of care is sensational. The rehabilitation program of Walnut Grove is Medicare certified. Furthermore, there are always special events on the holidays, along with various outing and recreational events.

Mr. Speaker, I find it appropriate that the Walnut Grove Retirement Community be given praise for its 10 years of existence. May the service Walnut Grove has provided to the people of the 11th District and the elderly community of Grundy County continue as we move into the 21st Century.

CONGRATULATING MATTHEW JENDIAN AND ARMEN DEVEJIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise to congratulate Matthew Jendian and Armen Devejian upon their ordination to rank of deacon for St. Paul Armenian Apostolic Church. The rank of deacon requires much effort and discipline; the responsibility is heavy, and the standards are high. Both men have risen to those standards.

Deacon Matthew and Deacon Armen were previously ordained together as sub-deacons in 1991, and have been serving at the Holy Altar for the past 15 years. They served on the executive committee of the St. Paul Armenian Christian Youth Organization (ACYO) Chapter, were co-editors of the ACYO California in 1987, and currently teach the high school Sunday school class.

Deacon Matthew is married to Pamela Manoogian. He teaches at California State University, Fresno in the sociology department, and is campus director of the American Numanics Program. He is currently gathering data on Armenian-Americans in Central California for his Ph.D. dissertation through the University of Southern California. Deacon Matthew enrolled in his father's altar servers class at age nine, later graduated from the St. Nersess Deacons' Training Program, and has been serving at the Holy Altar for 20 years.

Deacon Armen is married to Paula Der Matoian. He is vice president of a construction and development company in Fresno, and is project manager of the New Fresno Convention Center Exhibit Hall which is currently under construction. In 1996, at the age of 26, he became California's youngest licensed architect. During his tenure as ACYO Central Council chairman, from 1994–1996, he helped establish the ACYO Mission Fund, the ACYO Camp Fund, and the Summer Camp ACYO Scholarship Program. Deacon Armen has been serving at the Holy Altar since 1983.

Mr. Speaker, I rise today to congratulate Deacon Matthew and Deacon Armen on their fine accomplishment of spiritual leadership. I urge my colleagues to join me in wishing these men and their families a bright future and continued growth.

PEACE CORPS ACT AUTHORIZATION

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes:

Mr. FARR of California. Mr. Chairman, as an original cosponsor of H.R. 669, the Peace

Corps reauthorization bill, I was pleased to vote yes on this legislation that will increase the number of Peace Corps volunteers from today's 6,700 to 10,000 over the next four years. To achieve this modest number, H.R. 669 authorizes $270 million for fiscal year 2000.

I do not simply support this bill because I myself was a Peace Corps volunteer. I support this bill because the demand, both internationally and domestically, is real.

In the Caucasus, Central Asia and Africa, burgeoning new democracies are crying out for Peace Corps volunteers. In Central Asia, particularly Uzbekistan and Kazakhstan, health volunteers are especially in need to teach sanitary living skills and show mothers how to better nourish their children with available resources. Programs in Africa chronically need more volunteers, especially in HIV/AIDS prevention and girls' education.

The recently created programs in South Africa and Jordan, having proved themselves successful, need more volunteers to expand current programs to meet country needs. Recently agreements have been reached with China, Bangladesh and Mozambique to begin Peace Corps programs. New volunteers ready to take on not only the usual Peace Corps experiences in a country and culture they are unfamiliar with, but also willing to meet the challenges of being the first Peace Corps volunteers in a country are needed.

As we have learned around the world, the best way to support a democracy is to help development at the local level. The Peace Corps is one of the most effective mechanisms for doing just that.

Unfortunately, natural disasters and humanitarian crises continue at an alarming rate, devastating countries just beginning to prosper. In these instances, the international community is quick to provide assistance to save lives, restore hope, and, in the long run, buttress democracy. The Peace Corps has developed the Crisis Corps to use language and cultural knowledge that Peace Corps volunteers possess to assist in these times of need.

An increase in Peace Corps volunteers will allow Crisis Corps volunteers to be sent for hurricane relief missions in Central America and keep open the possibility of sending volunteers elsewhere should they be needed.

Domestic demand for more Peace Corps volunteers is just as impressive. Last year, 150,000 Americans requested information about joining Peace Corps. This is an increase of approximately 40% over the last four years. In the same time frame, Peace Corps has been able to support only a 2% increase in the number of volunteers (this with a 13% decrease in headquarters staffing since 1993, and a 14% drop in support costs per volunteer from FY93 to FY98).

Americans, young and old, single and married, would like to serve their country, humanity and democracy. This is an asset we should not let go to waste. It is my sincere hope that H.R. 669 is signed into law, allowing more Americans the opportunity to participate in the Peace Corps, the hardest job they will ever love.

SENATE—*Wednesday, March 10, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have created us to love You with our minds. Thank You for the ability to think Your thoughts after You. When we commit our thinking to You, You inspire us with greater insight, creative solutions, and innovative answers to our problems. We ask You to flow into our minds with fresh vision just as the tide flows into stagnant backwater with cleansing, refreshing, renewing power. We focus on each of the complexities we must face during the remainder of this week, and we ask You to give us ideas we would never have formulated without You. Bless the Senators today with profound insight and foresight to lead our great Nation. You have called all of them to serve You here at this time. You have granted them intellectual ability. Now guide their thinking so they will conceive Your plans and follow Your guidance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 280, the education flexibility partnership bill. The leader would like to announce that negotiations are ongoing between the two sides in an effort to complete action on this important legislation. However, until an agreement has been reached, the Senate will continue consideration of the Ed-Flex bill, as outlined in yesterday's unanimous consent agreement.

Pursuant to that order, the time until 1 p.m. will be equally divided for debate on the bill and, at the conclusion of that debate time, the Senate will proceed to two back-to-back rollcall votes. The first vote will be on the motion to invoke cloture on the Kennedy-Murray motion to recommit and, assuming that fails, a second vote will occur on a motion to invoke cloture on the Jeffords-Lott IDEA amendment.

Following those votes, and if an agreement has been reached, all Members will be notified of the remaining schedule for today's session.

I thank my colleagues for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate to be equally divided between the chairman and the ranking minority member of the Committee on Health, Education, Labor, and Pensions.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will start off with 5 minutes for the Senator from Louisiana and try to get some additional time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me thank the distinguished Senator from Massachusetts for his leadership on this issue. He is trying to communicate, and I think eloquently so, the issue before us. This week we want to do something good, something that is meaningful, something that will help in our education system in this country. We need to spend more than just a few days. It has been a little discouraging, I think, for some of us, on both sides of the aisle, in our evident lack of ability to come to some reasonable agreements about some of these amendments, so they are preventing this good bill from passing.

I am a cosponsor of the Ed-Flex bill, along with Members of the Republican side and other Democrats who are supporting this bill. Why? Because our Governors at home are supporting this bill; our superintendents at home are supporting this bill.

I had the great privilege of cohosting, with my Governor and superintendent of education, and our BESE, which is the Board of Elementary and Secondary Education, just Monday in our State, over 250 education leaders from all over the State, from all of our 64 parishes. They came and expressed their support for the idea that the Federal Government should give the schools, the States and the districts more flexibility so they can combine programs to more efficiently spend the money, as long as the basic regulations of safety, health and civil rights are there. They really want the flexibility. I would like to give it to them, and I know the distinguished Senator from Massachusetts and our leader from Vermont wants to, also.

So, I am hoping we can come to some agreement. If we could offer a few amendments on our side and other amendments could be offered on the Republican side, amendments that are meaningful, then we could get this bill passed with a couple of other things that will work and need to be done.

One of those things is the reduction of class size. I don't believe there is an educator who would disagree. Whether you are from California or Vermont or Louisiana or Illinois, who doesn't know that having smaller classes at those earlier grades—particularly kindergarten, first, second and third grades—is so important?

I could give this speech pretty well before I was a mom. Now I can give it very well. Frank and I have a 6-year-old who is learning to read this year. With 28 kids in his class, it is a struggle. He has a tutor. We help him at home. But the teacher does not have enough time individually.

We want to be able to send some money down to the States, with very few strings attached, to help our school districts that are really struggling in this area, to give them some additional money to help them hire additional teachers. In doing that, as I was told this Monday—and I want to communicate this to my colleagues—it would be no use to send that money down to help reduce class size if we also do not send a companion amendment down for school construction and modernization. You cannot have a new teacher if you don't have a classroom or you don't have the space for that teacher to teach and to divide those classes into smaller units.

We have a crisis in our country at this moment. That crisis is that 40 percent of our youngsters at the second grade level are not reading at second grade level. Let me repeat that: not 2 percent, not 10 percent, not 25 percent—but 40 percent. Unfortunately, in some places in Louisiana, in some demographic groups, that number is tragically as high as 70 percent.

If this is not something the Federal Government should be concerned about, I don't know what is. I don't know of anything that is more significant than having second graders in this country—the strongest country, militarily, in the world, economically strong, leading the world in many areas—but lagging behind in this simple basic.

Local governments can do some things. The State government most certainly is the big partner. But we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

need to be a junior partner, and we need to be a reliable junior partner by putting up some money where our mouth is, sending that money down to the States with as few strings attached as possible, and then insisting, in partnership with our locals, on accountability every step of the way.

So, yes, this Ed-Flex bill is important, giving more flexibility to local governments. But if we would do that and not do our class size, our school construction, we would be—I know my time is running short, so let me just conclude—we would be shortchanging students who are already shortchanged by the numbers I have just suggested.

I thank my colleague. Could I have 1 more minute?

Mr. KENNEDY. Yes, I yield 1 more minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. So I think we would be shortchanging these students, our students, our teachers, our parents, if we cannot get this bill straight by giving the flexibility, adding some additional money for class size reduction, adding some additional bonding capacity for school construction and modernization, so we can begin this next century with a real investment in the things that count, that is in our education system, K through 12 particularly.

The PRESIDING OFFICER. The Senator's additional time has expired.

Ms. LANDRIEU. I thank those who have brought this bill to the floor. Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, we are about to take our third and fourth cloture votes this week, the first on whether we will meet our 7-year commitment to help communities reduce class size and the second on whether we will prematurely end this education debate.

While our Republican friends continue to block action on critical education issues for the sixth day in a row, communities are struggling to make decisions about their school budgets—they need and expect our help.

We have an excellent opportunity to deal with key education issues that have been clear for many months—reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. No bill on the Senate Calendar right now is more important than education.

Nothing is more important on the calendar of local schools than their budgets. Over the next three weeks, schools across the country will be making major decisions on their budgets for the next school year. In many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, KY, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due the first week of April. In San Francisco, they are due April 1; Council Bluffs, IA, school budgets are due April 15. In Altoona, PA, school budgets are due in April.

This is why the Murray amendment is so important to consider, so that schools will be able to say, yes, we want to use this money for new schoolteachers, for smaller class size, because we know for the next 6 or 7 years, there will be a continuing commitment and enough resources to be able to do it.

The Senate should keep its promise that schools will be able to hire 100,000 new teachers over the next 7 years to help them reduce class size. Communities can't do it alone. They want the Federal Government to be a strong partner in improving their schools. We can't sit on the sidelines or allow this debate on education to stay in gridlock.

A teacher from Kansas wants action by Uncle Sam. He writes:

> Even here in Kansas, many teachers struggle to provide their students with a quality education because they have so many students to reach. We have waited for years for the State legislature to do something, but they haven't. Now is the time for the Federal Government to step in and help. Your support for this bill will speak loudly to myself and other teachers that you truly believe in public education. Please help reduce class size in our country.

A teacher from Maine writes:

> It is becoming more and more necessary to reduce class sizes to address the individual needs of a wider variety of students. . . . Please support the initiative to hire more teachers to reduce class sizes in U.S. public schools.

A parent from North Carolina writes:

> I am a parent with 2 children in a public school and one that will enter school soon. . . . I am very well aware of the critical need for additional classroom teachers. Our children, our future, and our Nation depend upon a strong public school system.

Mr. President, last year when we signed onto the first year on reducing class size it was done in a bipartisan way. Listen to what House Majority Leader DICK ARMEY said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the State and local communities use this money, make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this good for America and good for the school children. We were very excited to move forward on that.

That was what the majority leader, DICK ARMEY, said about that agreement—just 5 months ago, Mr. President. That is why we find it so difficult to understand why we can't at least get to the point of consideration on this measure.

Senator SLADE GORTON said about the Class Size Reduction Act:

> On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts in the United States, and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. . . . We've made a step in the direction that we like. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

The Murray amendment is a continuation of what was agreed to last year, in which both sides claimed triumph, and there was a movement made towards smaller classrooms. That is what the issue is that we will be voting on at 1.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We should meet our commitment to parents, students and communities, and we should meet it now.

We need to act now, so communities can act effectively for the next 7 years. Senator DASCHLE has made a reasonable proposal for an up-or-down vote on a limited number of amendments with limited time agreements.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. KENNEDY. I hope his proposal will be accepted and we can move towards a vote on the issue of class size as well as the Republican's proposal on the IDEA.

Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, we have more than 1 million people in our prisons around the country. Let us just round it off and say we have 1 million people in prison. Eight hundred twenty thousand of those prisoners have no high school education; 82 percent of the people in our prisons today are without a high school education. That is why Senator BINGAMAN and I have offered an amendment to create within the Department of Education someone to specialize, to work on, to keep these kids in school.

Every day 3,000 children drop out of school in America. Since we started the debate on this legislation, 15,000 children have dropped out of high school. Every one of those children dropping out of high school are less than they could be. I have heard statements here the last several days saying, well, why do we need to talk about kids dropping out of school? Why don't we talk about the children who are handicapped who need money?

I acknowledge that. The fact of the matter is, we have tried on this side of the aisle to get more funding for special education and have been unable to do so because of not having enough votes on that side of the aisle. It is not an either/or situation. We need to help local school districts with more funding for handicapped children, and I recognize that. I will do that. If we had a vote on that today, I would vote for it.

That does not take away from the fact that we need to do something about high school dropouts. I do not believe, personally, there is a more important problem in education today than kids dropping out of high school, half a million children each year dropping out of high school. I think we should go back and find out where we are.

As the manager on the Democratic side of this legislation, Senator KENNEDY, has said, we are not trying to eat up lots of time. We will agree to half hour amendments on five amendments. That takes 2½ hours, 15 minutes on each side, and vote on them, vote them up or down. The legislation, we feel, is important. If the other side doesn't want to vote for them, have them vote against them. I think it would be a very difficult vote, for example, on the Bingaman-Reid legislation to vote against keeping kids in high school, but that is a privilege.

The majority leader of the U.S. Senate, on February 23, gave a speech to the National Governors' Conference at their annual meeting:

> Now when we bring up the education issues to the floor next week, [there will] be some amendments and disagreements. . . . That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary. Let's talk about education.

I respectfully submit to the majority leader that he must have left his remarks with the Governors and didn't bring them to the floor of the Senate, because after a little more than a day of debating Ed-Flex, we in effect have been gagged. It seems around here that we can only vote on amendments the majority wants to vote on; that we have no ability to bring up amendments we feel are important.

The Ed-Flex bill is important legislation. We support that legislation. But we do not support the legislation without having the legislation made better. I am not going to talk about the afterschool programs and the new teachers we need and school construction; others can do that and do that well. I am here to talk about the Bingaman-Reid legislation which talks about children dropping out of school.

The Ed-Flex bill would be made a better bill if we said within the Department of Education there would be $30 million a year—that's all—$30 million a year out of this multibillion-dollar budget that we would use to work on keeping kids in high school. Think if the bill succeeded to the effect that we could keep in school every day 500 of those 3,000 children—500 kids that would be what they could be. They would have a high school education. They could more easily support their families. They could go on to college and trade school. You cannot do that if you have not graduated from high school. We would only—and I underline "only"—only have 2,500 high school dropouts a day.

Mr. President, I think we need to move forward and have a debate on education. A debate on education allows us to talk about what we want to talk about, and we would improve the Ed-Flex bill.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REID. I ask that we have the ability to vote on keeping kids in school.

Mr. KENNEDY. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. And I thank my colleague from Massachusetts for his leadership on this bill as well.

Mr. President, I would like to congratulate our colleagues, Senators FRIST and WYDEN, for their efforts to provide States and localities with greater opportunities to be innovative in their use of Federal funds.

This bill provides States and localities with the flexibility and freedom from Federal regulations that is often necessary for States to best serve their children and parents in providing top-notch educational services.

As a former Governor, I am particularly sensitive to the argument that too many Federal strings and regulations make Federal assistance seem more like a Federal burden. This legislation, while not a panacea for all of our educational needs, returns flexibility to the States in a way that is effective and helpful, but that still requires States to be accountable for positive results as they provide public education to our Nation's children.

I thank the Senators for their insight and their sensitivity to the concerns of our Nation's Governors, legislatures, and school officials, and I urge my colleagues to support this bill—on final passage—if and when we get there. And I hope we will get to that point as soon as possible if we can reach some agreement on relevant amendments.

Mr. President, I also thank Senators HARKIN, LAUTENBERG, KENNEDY, and many others for the opportunity to talk about an amendment that we still hope we will be able to offer in due course which recognizes a sad reality faced every schoolday by too many children and teachers across the country.

We all say—here in Washington, in every State capital, and in every county, city, and town—that education is important. Indeed, it is critically important. But those words must ring hollow to the millions of children who walk through the doors of their schools to find leaky roofs, crowded classrooms, and woefully inadequate heating and air-conditioning systems. The state of too many of our schools is deplorable.

Mr. President, in spite of the relatively good economic times, many States are experiencing, many local governments are experiencing just the opposite, and they have not been able to meet the school construction and renovation challenges that are facing our Nation.

This is an area where the Federal Government can and we believe should play a pivotal role without interfering with the longstanding preference for local control of education. The Federal Government can be a meaningful partner in contributing to the vital national interest that our students receive a good education in an environment that is conducive to learning.

Mr. President, the General Accounting Office estimates our national school infrastructure repair needs total some $112 billion. That same GAO study also estimates that we, as a Nation, need $73 billion to build the new schools that are required to accommodate the rapid growth in our public school enrollments.

In addition to all of the findings in the amendment that we still hope to have an opportunity to be able to vote on, I have similar data from my own State of Virginia which indicates not only tremendous infrastructure needs exist, but our State and local governments simply cannot afford to foot the bill by themselves.

A 1998 report on school infrastructure, requested by the general assembly, found that while localities estimate that school construction investments of $4.1 billion will be made in the next 5 years, school construction needs in Virginia could exceed $8.2 billion. Virginia Governor Gilmore and the members of the general assembly approved a school construction repair plan this year which I applaud, but which only meets 3 percent of that unmet burden.

While there is no question that every dollar counts, and helps, I have heard from students, parents, teachers, administrators, school board officials and legislators about the need to complement Virginia school modernization construction efforts.

Earlier this year, the Thomas Jefferson Center for Educational Design at the University of Virginia issued a report which not only echoed the need for more school construction funds, but also detailed the alarmingly unsafe or inadequate condition of many schools in our Commonwealth.

Classes are being held in over 3,000 trailers; 2 out of 3 school districts have held class in auditoriums, cafeterias, storage areas, and book closets; and 3 percent of Virginia school districts had to increase the size of their classes in order to accommodate their growing student population.

While I don't let public opinion polls determine how I vote on issues I believe it is appropriate to note that there is overwhelming public support for Federal help in the area of school construction funding.

In a recent poll conducted by Republican pollster Frank Luntz, 83 percent of Americans surveyed supported significant Federal school construction spending and indicated that it should be a top priority of Congress.

Still, some believe that our nation's infrastructure needs in other areas are just as compelling as our school construction and repair needs.

In a statement made to the Finance Committee last week a Public Finance Specialist with the Congressional Research Service concluded that the "condition of America's school facilities may or may not be worse than the condition of other capital facilities of other State and local public services." This statement would seem to imply, Mr. President, that the Federal Government should not attempt to prioritize infrastructure needs.

Last year, however, Congress approved $216 billion in road and transit funds.

We were obviously willing to concentrate on transportation needs during our last session.

Why shouldn't we concentrate on school infrastructure needs this session, particularly in light of the 1998 Report Card for America's Infrastructure issued by the American Society of Civil Engineers, which rates our public schools as being in the worst condition among all public infrastructure.

The simple fact Mr. President, is that prioritization is our responsibility.

Many years ago, when faced with enormous transportation needs as well as a large growth in our nation's student population, President Eisenhower proposed a massive national infrastructure project in his 1955 State of the Union Address.

This project resulted in the building of many of the nation's schools in existence today.

Mr. President, Loudoun County in Northern Virginia has determined that, because of the enormous growth of their student population, they need to build 22 new schools.

That figure doesn't even address their repair needs. And just down the road, at Chantilly High School, which I visited last spring with Education Secretary, Dick Riley, students are sharing lockers, attending classes in over a dozen trailers that have poor ventilation, and are so crammed in the hallways when they change classes that school officials were actually considering banning bookbags and backpacks.

Mr. President, I received a compelling letter from the Superintendent of Schools in Carroll County, VA, about that county's school construction needs.

Superintendent Oliver McBride outlined that the average age of the school buildings in Carroll County is 45 years. Carroll County school officials estimate that their school construction needs total $61 million.

Mr. McBride wrote,

> We have been particularly pleased with the interest and response of the members of the Virginia General Assembly and Governor Gilmore who have and are seeking to make additional funds for school construction available to localities in the State. We certainly would encourage the U.S. Congress to become a participant in this effort as well . . . Simply stated, we need your help.

Mr. President, our efforts to help States and localities build and renovate schools in no way jeopardizes their autonomy with respect to education. It merely acknowledges the need for the Federal Government to complement the efforts of many States and localities that are now wrestling with the question of how to repair and equip old schools, and how to build new schools.

Mr. President, it is our children who pay the price if we fail to acknowledge that Federal school construction funding is both imminently appropriate and critically important.

And if my colleagues want to debate how we allocate school construction money, whether we target any funds to specific districts, how we avoid creating too many Federal strings, or how we can make it easy for States to take advantage of this type of funding mechanism, I am more than willing to do that.

But the point is we need to engage in that discussion. And we need to begin now.

Our children, their parents, and our States need our help.

I urge my colleagues to support this sense-of-the-Senate amendment if we are permitted to offer it.

Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

Mr. President, I yield the floor and thank again my colleague from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I say to Senator KENNEDY, thank you very much not only for yielding to me, but also for your great leadership on this important issue of education.

I want to just bring us up to date on where we are, at least where I think we are. At 1 o'clock we are going to have a vote to basically allow us to take up the issue of the 100,000 new teachers in the classroom that Senator MURRAY has worked so hard on, and Senator KENNEDY and others. Certainly, the President puts this as a priority in his budget. Where we are now is, if we do not vote to do that, this bill is effectively shut down. Ed-Flex alone—and it is a good bill—turns its back on all the other education needs my colleagues have discussed.

The Senator from Vermont keeps offering an amendment on IDEA to fund it; and he is right, and I am ready to vote for that. Why does he block my chance to vote on afterschool? Why does he block my chance to vote on 100,000 teachers? Why does he block my chance to vote on dropouts? I will support him in his desire to fund IDEA. He is right on that point, but he is wrong to go along with the strategy which blocks us from voting on issues of such importance to America's families.

I want to share a couple of charts in my remaining few minutes with everyone. Here you see children involved in afterschool activities. We want a chance to offer our afterschool amendment which would open up afterschool to a million children. Look at the look on the faces of these children. They are engaged, they are learning, they are occupied, and they are happy.

Another picture. Look at these children. They are not getting into trouble. They are engaging with a mentor and obviously, from the look on their faces, are very involved in this learning game.

What happens if we do not have these afterschool programs? You do not have to be a genius to know that kids get in trouble after school. Look at this chart. At 3 o'clock, juvenile crime spikes and it does not go down until late in the evening and it starts to go down at 6 when parents come home from work. We know that children need to be kept busy. That is why we have the support of law enforcement for our afterschool programs.

Let me show you the law enforcement who has supported afterschool programs since we began this effort. Senator DODD has worked hard on this; Senator KENNEDY. Again, I do not want to sound like I am the only one that is pushing this. We have many, many Senators on our side of the aisle—and we hope some on the other, although it has not been tested yet—who support this.

Here are the law enforcement that have written to us: National Association of Police Athletic Leagues, Fight Crime, Invest in Kids, National Sheriffs Association, Major Cities Police Chiefs, Police Executive Research Forum, National District Attorneys Association, California District Attorneys Association, Illinois Association of Chiefs of Police, Texas Police Chiefs Association, Arizona Sheriffs and Prosecutors Association, Maine Chiefs and Sheriffs

Association, Rhode Island Police Chiefs Association.

That is an example of law enforcement that supports afterschool programs.

We just got a letter from the Police Athletic League in which they talk about the importance of adding an amendment such as the Boxer amendment which, in essence, says that law enforcement participation in afterschool programs is important. We mention law enforcement in our bill over and over again.

A quote from the PAL letter:

> After-school youth development programs like those proposed in your amendment have been shown to cut juvenile crime immediately, sometimes by 40–75 percent.

That is a quote from a letter to me.

I say to my colleagues on the other side of the aisle who often talk about law and order and the importance of going after criminals—and I share their concern—this is one thing we can do to stop crime after school.

I close with this statistic: 92 percent of the American people favor afterschool programs. Let's do it.

Thank you.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

First, I want to discuss very briefly the Boxer amendment. Back in 1993, I offered—and it was endorsed in 1994, when we were reauthorizing the Elementary and Secondary Education Act—the basic amendment that Senator BOXER is talking about. We called it the 21st Century Schools at the time, though it was only minutely funded.

This past year, the President decided that was a good program. He put $200 million into the program and I deeply appreciate this acknowledgment that it was a good program. Thus, we are talking about something which I agree with and that Congress did back in 1994. The time to review it, however, is when we're reviewing the Elementary and Secondary Education Act, which has already begun with hearings and will continue.

So the concept is one that is acknowledged by everyone as being important. The need for remedial education has increased dramatically, and the way that can be addressed is through afterschool programs. When we get to this issue later in the year, at the proper time, I will be endorsing the concept and welcoming amendments from either side to make the initiative more consistent with the current needs.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, I believe it appropriate to step back one or two steps from the debate over educational flexibility legislation and the 100,000 teachers proposal which is in front of us and look at the general philosophy of Federal education and the profound differences between the two sides.

Perhaps the best place in which to determine the attitude of the Clinton administration and its supporters here in Congress with respect to the Federal role in education is the budget of the United States submitted by the President approximately 1 month ago.

For a number of years, there has been one relatively modest program of unrestricted aid to school districts across the United States of America. It is called title VI, for innovative program strategies, the least rule-infested, the least bureaucracy-influenced of all of the forms of Federal aid to education. For the present year, 1999, it amounts to $375 million, a very modest amount of Federal aid to education.

In the budget of the President of the United States for the year 2000, it has zero dollars. It is simply wiped out. In its place are nine new specific Federal programs, many of which have been discussed by Democratic Members of this Senate, totaling almost $250 million, every one of which is aimed at a precise goal, every one of which says we in Washington, DC, know which school districts across the United States know better than do the parents, teachers, and school board members in those individual communities, and we are going to give you money with strings and rules attached.

Now, there is another Federal program which gives money to certain school districts that they can use for any educational purpose. It is called impact aid, and it goes to school districts which encompass Federal military reservations or other large Federal presences or in which there are many students who come from such grounds where property taxes are not collected as the basic support for public schools. The money that comes to those school districts can be spent in the way those school districts deem most effective for the education of their kids.

Impact aid in this budget from the President is cut by $128 million—just slightly less than the $200 million earmarked almost solely for new teachers that is the subject of the debate right here right now. In other words, let's stop allowing these school districts to determine their own educational priorities and we will tell them what their priorities are here.

Interestingly enough, the total of each of these disfavored programs is almost identical to the amount of money in the new, more categorical aid programs that the President has come up with.

Dwarfing that, Mr. President, is the lack of support for special education for IDEA. The President disguises that lack of support by roughly the same number of dollars nominally for the year 2000 as he has for the year 1999. But almost $2 billion of that is the funding that will not go to the schools until October 1 of the year 2000. In other words, it won't be charged against any deficit in the general fund in the year 2000 itself, it will be forwarded to the year 2001. It will be a bill for the people of the United States to pay, a hidden bill.

Now, that is balanced off by several billion worth of school construction bonds, the full cost of which to the Federal Government is only $150 million in the year 2000 but will be billions by the time we are all finished.

Finally, there are a number of present programs—all categorical programs—in the budget which are increased about $750 million, but the pattern is overwhelming. This administration will cut or eliminate those programs in which the school districts have plenary authority to make choices in which teachers, parents, principals, and school board members set educational priorities. In every case—including the teachers amendments we are talking about here—the judgment by this administration and by those who support it is a very simple one: Local school boards, even State authorities, don't know how to spend their education money and we have to tell them how to do it.

So this particular debate over one or two of these particular new programs—always aimed at valid goals, of course—really is a disguise for the statement that more and more control should be transferred from local school boards, from local entities, and even from the States, to the Department of Education and Washington, DC, and to all of the great educational experts here in the U.S. Senate who know how to run all 17,000 school districts in the United States as a whole.

The Senator from Vermont has a perfect alternative, it seems to me, to this proposition. That is, at the very least, let school districts determine whether they want to spend the money on this narrow teachers program or whether they want to cover the obligations we have already undertaken in the Disability Education Program, the special needs students, where just 2 years ago we passed, and the President signed, a bill stating that we would support 40 percent of the cost of that special education. We are at about 9 percent right now. And when you take out the phony $1.9 billion, which won't even be charged against the 2000 budget, it will drop to about 6 percent. Why? In order to come up with all of these fine-sounding new programs in which the Federal Government tells each school district exactly how it should operate.

The choice, Mr. President, is a dramatic choice. The choice is whether or not we will follow the course of this administration and reduce substantially the amount of money we allow school districts to determine the goals for themselves, or tell them more and more what they should do for themselves.

Mr. President, that simply is not the right direction in which to go, and the increasing categorization of schools should be reversed. We should at least give the flexibility the Senator from Vermont has asked for in the spending of new money—money above and beyond the amount of money that we are devoting to education at the present time. I commend his arguments to my colleagues and hope we will act accordingly.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first, let me review for a little bit where we are. As the Senator from Washington pointed out, we have on the floor, an alternative to what would be provided in the Murray amendment. Schools would be able to have some flexibility on the expenditure of money that intended for schools, if they want, to add more teachers—the new teachers are in the President's new 100,000 teachers program.

First, I will point out some of the problems with the President's program as it is presently drafted. The guidelines have just come out on it, and they still don't seem to cure this problem. I was on a national press hookup this morning, and at least two States who were on that hookup—Wyoming and North Dakota—have already reached the goal of 18 children per classroom. They would not, under the current guidelines, be able to use the money for what they want to use it, professional development. Vermont is in that same category. The 100,000 new teachers program would affect states differently, and some states would not benefit at all from. Those are just two problems with it.

That is why we have the option I suggested, which is in amendment form. We will have a chance to vote on it. It would say that you would have the option of using these funds—which will be substantial; in many cases, $1.2 billion is involved—toward reaching the commitment we made back in 1975 and 1976, to provide 40 percent of the funding for special education. We are down to less than 10 percent at this point.

The chart behind me shows that very well. The orange in that chart is what we should be paying to the schools across the Nation for special education assistance, and we are not. In addition to that, a recent Supreme Court decision has said that schools must not only take care of the educational aspects, but they must also take care of the medical aspects of a child who needs medical assistance in the schoolhouse. That is going to add hundreds of millions of dollars more in special education costs, I would guess, in the years ahead, and probably even this year.

To refresh people's memory, the agreement on the $1.2 billion, 100,000 teacher proposal happened in the wee hours of final passage of the bill, and I was not present. If I had been present, I certainly would have fought at that time what they did in the language of it. What we are trying to do is make sure the communities would have the option of using that money to defer some of their cost of special education, and then have other funds freed up to provide the kinds of changes or money expenditures they need.

The amendment proposed by Senator LOTT yesterday offers what I have been talking about. I believe it would be a good middle ground between those of us who are urging that we live up to our promises with respect to IDEA funding, and those who think we should undertake a massive new effort to hire teachers for local schools. The Lott amendment essentially permits local school officials to decide whether they need more money to educate children with disabilities, or whether they need to hire additional teachers. From what I am hearing from Vermont teachers, IDEA funding is the first, second, and third issue raised with me about education when I visit the State.

We are fortunate in Vermont to have already achieved the small class sizes the President is trying to promote with his teacher hiring program. Reducing class size further is not a priority at this time. Meeting the needs of children with disabilities is. This is what is hampering our local schools from doing the things they need to do. We would like very much to see the flexibility include such things—which are a priority—as the ability of our teachers to be given additional training so they can perform better in the classroom.

I realize that some localities in other areas may hold a different view. They could use their portion of $1.2 billion to hire teachers. The point is that it should be their choice, not ours. In listening to the debate over the past several days, one might get the impression that hiring more teachers is the silver bullet. Clearly, that is not the case. What is missing in the discussion is the quality of the teacher in the classroom. I think it is common sense that the most important aspect of teaching is to have a teacher that is a good teacher. The classroom size can go down to 10, but if the teacher is a lousy teacher, you are not going to have much quality education. On the other hand, if you have a qualified teacher, whether the class size is 18 or 20 or 23, you will have quality education. The size is not going to make much difference. When I was growing up, our average class size was about 30, and I had good teachers. The biggest problem is making sure that we have professionally qualified teachers.

In the last Congress, during the process of the reauthorization of the Higher Education Act, there was a great deal of concern about the quality of our teachers and the effectiveness of the various programs that existed to address these concerns. We thought that the programs that had never been utilized, or were not effective, could be changed to take care of what is the primary need of the Nation. This need is the need for fully qualified teachers—not only qualified in teaching, but in knowing what the standards are that have to be met. They must know how we can move kids into a situation where they have the math standards essential to perform in the international markets, and where the young people graduate from high school ready for jobs that pay $10, $15 an hour. We don't have that kind of thing in most areas of the country.

In hearings on that subject, I believe every member of our committee expressed grave concerns that the quality of teaching was not at the levels to ensure that our students meet educational goals. As part of the higher education bill, we included an entire title devoted to teacher quality. And because we were dealing with higher education, we focused largely on the training of future teachers. I believe we developed a very positive and comprehensive approach for dealing with that issue.

Another issue along those lines that we have to look at, is what we can do in the higher education areas to make sure the colleges and the universities that have teacher colleges understand the changes that are necessary to ensure that when they graduate people from the education departments, they are qualified teachers.

I have examined many, many of the programs for teacher scholarships that are in existence and have found that they are missing a lot of important information for young people who are graduating. These graduates will be our teachers for the next century, and they really don't have the kind of education they should have to graduate and be a good teacher, a professional teacher, one who is qualified to go into the classroom. We have a lot to do in that regard. The money would be much better spent there, than it would be spent on classroom size. The place to do that, however, is in the context of the elementary and secondary education authorization, not piecemeal as we are doing now on the Senate floor.

Until we get a better handle on the teacher quality issue, we are making a big mistake by sending local officials out to look for more teachers. Where are they going to come from? Are they going to be good teachers? And, are they going to have a classroom? If you have 100,000 new teachers, where are they going to teach? That is a question that has not been answered. If you suddenly reduce the class sizes, you have to have someplace to put the students who are pushed out of the existing classrooms. You have to have classrooms to put them in.

On Monday, it was suggested that the first question a parent asks of his or her child is, Who was in your class? I would suggest that the first question is, Who is teaching your class? If a locality has a plentiful supply of unemployed quality teachers and lacks only the funds to hire them, that locality will find the Class Size Reduction Program to be beneficial. If that is not the case, those funds will be put to much better use by supporting existing efforts to educate special education students.

If, in the context of the ESEA reauthorization, we determine that helping to hire teachers is an important component of the overall approach to supporting teaching, then we can do that. I hope, if we do that, that we proceed in a thoughtful way to work through the real needs of schools and students. The 100,000 teacher program does not now adequately address the differences in needs of local schools around the country. Some schools may need more professionals while others need more professional development. I would say it is much more of the latter than the former.

In the meantime, let's take Senator LOTT's suggestion to allow schools to choose how they spend these funds made available for fiscal year 1999, the $1.2 billion. It is not too late to make this option available. Guidance on teacher hiring programs has been available for less than a week, and funds will not be provided until July.

Mr. President, let me again go over the basic problem we have here.

First, we had a wonderful bipartisan relationship last year. It really makes me sad to think that has broken down on the first education bill we have taken up this year. Last year we passed 10 good, sound, education bills out of my committee. They are now in operation, and we are looking toward improvement, even though we still have the appropriations fight to go through this year. But, we worked in a way, last year, that benefited all of us. We shared our ideas and worked them out in the committee.

This year, this Ed-Flex bill was voted out of committee 10–to–1. The Democrats chose not to be present when it was voted out, and that is fine, because there didn't seem to be any conflict in it. It was basically the same bill we had voted out of committee 17 to 1 last year. So I thought, fine, that is all right; they have other things to do.

But now this has turned into what is basically, I think, a political demonstration project to get political advantage by proposing various amendments to this bill. These amendments should be taken care of not on the Senate floor right now, but through the normal committee process, during the reauthorization of the Elementary and Secondary Education Act, which we are already in the process of holding hearings on. We must examine each one of the programs that have been addressed. They should not be placed on this Ed-Flex bill and bypass the committee process.

Certainly we have to worry about the issue after school programs. That is an incredibly important issue. The proposal in the amendment of the Senator from California, is a program that I put into the 1994 reauthorization of ESEA. Perhaps the program needs to be modified—although it is a pretty good program right now—to take care of the changing demands upon our educational system. However, that should be done during the reauthorization of ESEA, and there shouldn't be much controversy over it. The President has already endorsed it and has added funds to it, making it a substantially better program as far as funding goes. And through the reauthorization of ESEA, we will just improve it to make sure it is better as far as handling our young people. The others are also all worth taking a look at.

I certainly agree that we have to end "social promotion." That is a term that has just recently come into use. Let me explain a little bit about where that term came from.

Literacy studies have shown that 51 percent of the young people we graduate from our high schools are functionally illiterate. That is a disaster. You ask any businessman. A potential employee says, "Why don't you want to look at my diploma?" The businessman says, "It doesn't mean anything. I don't even know if you can do ordinary math or reading." So that is the social promotion that we have to end. We have to make sure that every child who graduates from high school meets certain standards or they don't get a diploma. That makes common sense.

There are other amendments being offered which also ought to be considered, but they ought to be considered in the normal committee process, not just for purposes of politics, or whatever else.

I am, though, encouraged to learn from the leadership that we have, apparently come to an agreement, which will be expressed in the not-too-distant future. This will give us the opportunity to get on with the educational situation by passing the basic bill, the Ed-Flex bill. And we may agree on some amendments to be offered, and we will vote on those.

So I am hopeful that before the afternoon is finished we will have the opportunity to move forward on this bill, and then get back to discussing education in the committee room, within the context of the ESEA reauthorization, where we should be, instead of on the Senate floor.

Mr. President, I am now going to read a message from the leader, if that is all right.

For the information of all Senators, negotiations are ongoing, and we are very close to an agreement with respect to the overall Education-Flexibility bill. Having said that, the agreement would be vitiated on the scheduled cloture vote. But that agreement has not been fully cleared by all interested parties. Therefore, I ask unanimous consent, on behalf of the leader, that the pending vote scheduled to occur at 1 p.m. be postponed until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I then will continue to go forward and hope that maybe we are coming to an end. It's not that I don't like being on the Senate floor continuously day after day, starting in the morning and ending at night, but there are other things on my own schedule that sometimes suffer. Hopefully, we can reach agreement. Again, the status of our educational system is what we are talking about here generally. Hopefully, with this agreement, we will get back to an orderly process to examine the needs of this Nation.

Let me reflect again, as I have before, upon the status of education in this country and why we are concerned about it.

Back in 1983, under the Reagan administration, Secretary Bell at that time did an examination of our educational system and compared it with our international competitors. He took a look at where we stood with respect to our young people graduating from high school, and also those graduating from skilled training schools, and determined that we were way, way behind our international competitors—the Asian and European communities. In fact, the commission that was set up to do the examination was so disturbed that they issued this proclamation. To paraphrase, they said, if a foreign nation had imposed upon us the educational system that we had at that time we would have declared it an act of war. Well, we still have that education system. You would think that a tremendous change would have occurred, but it hasn't.

I am on the goals panel, and we meet once a year to determine whether or not our schools have improved.

Most recently, we took a look at the situation last year to see what had happened to improve our educational prowess and standards relative to the rest of the world. What we determined was there has been no measurable improvement since 1983. That was 15 years ago. We have not improved. That cannot continue, and that is why we are here today and will be working on this as we move forward.

As shocking as that revelation was, we found that the only data we had to measure whether there had been improvement was 1994 data. We do not even have a system which will provide us with current data to show us whether we have any improvement or not. That is a terrible situation. We cannot even measure our performance to determine whether or not we have had any improvement.

Hopefully, as we move forward, that situation will be taken care of in the Elementary and Secondary Education Act. A primary focus of what I will be doing this year, in order to address the situation, is to thoroughly review the Department of Education. Mr. President, $15 billion is spent on elementary and secondary education, and it seems to me that one of the primary focuses of the Department of Education should be to find out whether we are improving. Does this program or that program work or not? Are the young people influenced by this or not? Yet, with $15 billion, we have not been able to determine whether or not anything is happening.

We have important changes to make in the Department of Education. We have to take a look at where our priorities are and take a look at where the $260 million is spent on research. I am frustrated as chairman of the committee to think at this point in time that we are spending all this money and we do not know whether the programs we have been using work or not. If we can't find out with $260 million whether our educational system is improving, we better take a good look at our research programs. That is one thing we will be looking at on the Elementary and Secondary Education Act.

It is certainly going to be an interesting year, and I am hopeful that in the next 25 minutes we will find that there has been an agreement that will allow us to go forward in an orderly process.

Now, back to our educational system and the problems we have with it. To refresh the memories of Members as to what this means to our future, we have had terrible problems with finding young people with the skills necessary for this Nation to compete in the world.

In fact, we are so short that we have somewhere around 500,000 jobs out there available that are not being filled. Actually, that is down somewhat, I should say. We made a significantly downward push. But why? How? By changing the immigration laws to bring in more people from foreign nations who have the skills to come in and help our businesses compete.

That is not the way it should be happening. We should not be looking toward amending immigration laws to supply our businesses with the skilled workers they need to meet the demands of the present-day jobs. This is another area that is of deep concern to me.

Several years ago, we set up a skills panel to establish standards to measure whether we were meeting the goals of our industry. I do not know how long ago that was, but it has been many years. We have yet to establish even one standard. Obviously, we have a long way to go if we are going to meet the needs of our businesses.

The first thing we have to do—and I know the President endorses this also—is make sure that every student who graduates from high school is functionally literate and not functionally illiterate, as the studies show, and that is a big charge.

We do have some things that are good news, though. Although, unfortunately, there is usually bad news connected with that good news. The good news is, we have all sorts of technology which has been developed over the years with various programs. The bad news is that these programs started to become available in the midseventies, and we are not yet in a position to determine how they could be better utilized in our school systems.

You can also utilize software in your home computer where you can learn simple elementary math, algebra, and calculus by yourself if you want to. All of these things have been available for over 20 years, but they are not readily available, nor are they in any way coordinated in their use in our school systems.

My own kids have caught up on matters by having it available to them individually. However, there is no coordination nor evaluation connected to the utilization of that technology in assisting young people who are having a difficult time or want to go ahead of their class in understanding calculus or other high standards of math, there is no coordination nor evaluation.

I was at a conference recently in Florida where the technology people came in, and I was able to talk with them. There are wonderful programs out there, but there is no evaluation system, not even in the industry itself, to determine what works and what does not work. We have all of these wonderful programs—AT&T has a good one and many companies do—and they are available, but there is no assessment of them. There is no evaluation of whether, one, an individual benefits from it; or, two, whether it can be used on a broad basis or how to fit it into the classroom to make sure the young people will be able to take advantage of this technology.

That is another thing we have to look at with the ESEA reauthorization: First, how can we set up a situation where we can evaluate these programs? And second, how can we make sure that, in the afterschool area, we have programs available that will allow our young people to catch up and move ahead?

I see the sponsor of the bill is present on the Senate floor. I congratulate him for the introduction of this bill and the hard work he has put into it. He has helped move it forward. I am sure he shares with me the glimmer of hope which will burst forth with a resolution to this problem.

I yield to the Senator from Tennessee such time as he may need.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, first, I commend the manager of the bill for an outstanding job. It has been now several days that we have been on a bill that to me is a very exciting bill, because we know, based on how it has been used in 12 States, that it is an effective bill, a bill that works, a bill that helps our children learn, a bill that unties the hands of our teachers and our school boards and our local schools.

It is a bill that costs not one single cent. How many bills go through here that really don't cost the taxpayer anything? Yet, the money we spend today is spent more efficiently, more effectively, with more local input, with the education of our children being the goal and demonstrated results which, if I have time, I will review some of those results that we know today.

Let me, as background, refer to a chart that is so confusing. I do not want my colleagues in the room to even try to look at the details of this chart, but let me tell you what the chart is. Basically, I asked the General Accounting Office, which is an objective body that comes in and helps us evaluate existing programs, how well are we doing in terms of spending education dollars and resources today and how is it organized.

I have a 15-year-old, a 13-year-old and an 11-year-old. If you take a child, a 13-year-old, we know the objective is to educate them, prepare them for a job, to have a fulfilling life, to prepare them for the next millennium. What are the programs we are putting forth since we are failing them—and let me make that point clear, we are failing our children today, when we compare ourselves to countries all over the world. We are failing them. What are we doing? We have to do better.

If we take what we are doing today for, say, young children, look around the outside, the outside. The target here says "young children." This says "at-risk and delinquent youth." This says "teachers."

For young children, how many programs do we have focusing on young children today? And the answer is: Department of Justice has two programs, the Department of Labor has seven programs; ACTION has one program; the State Justice Institute, a program; the Corporation for National Community Service, six; the General Services Administration has a program; the Department of Agriculture, coming all the way down, has six programs. Again, the point of this—whether you are looking at at-risk and delinquent youth or teachers or young children—is that we have numerous programs, overlapping programs that are really all well intentioned, many of which start in this body as another good program just like many of the nongermane amendments to my underlying Ed-Flex bill. What is happening is we have another few blocks, another few programs to add to this chart, and that is really not what we need today. What we need today is to have better organization, at least initially, and then have the debate about where resources should come in, how these resources should be spent; how we can coordinate, not duplicate, not have overlap.

I say that because my simple bill is a bill that basically says let's give our local schools and schoolteachers and school districts a little more flexibility to innovate, to be creative, to take into account what they know are the needs of their school. It might be one-on-one teaching. It might be smaller class size, though let me just say I was on the phone this morning with three Governors: "Class size is good, but the ratio in my State already is 18 to 1," said one of the Governors. Another said, "The class size in my State is 19 to 1 right now. We have already solved the class size problem. Our real challenge is to have one-on-one tutoring for grades 1, 2 and 3 so they can at least learn how to read early on. Give us that flexibility to meet the same stated goals; that is, educating maybe a group of economically disadvantaged children—educating them but taking into consideration what my teachers say, what my parents say, what my principals say, what my school district says, and don't you, up in Washington, tell me how to use those resources because that is not what I need."

The point is, you can use them for what you want as long as you meet the stated goal in statute, what we have set out to use that money for.

Real quickly, what do we have today? I am from Tennessee. Tennessee is not in yellow on this map. The States that are in yellow are those States that have Ed-Flex today, a demonstration program started in 1994 with 6 States, 2 years later another 6 States added so we have 12 States. We have data from these States. I will cite some of the data from Texas because they have had longstanding experience with it with very good data. I will show you some of that data. But the Senator from Massachusetts, who is on the floor, feels very passionately about adding more programs—and that debate has to take place and should take place, but just not on this bill. It is currently taking place in the Health, Education, Labor and Pensions Committee as we speak. There are hearings ongoing, looking into all elementary and secondary education where we are looking at all of the resources. We are looking at that overlap that is there. We are looking at objectives and goals. All that is ongoing.

What we are saying is, yes, all of these amendments are important to look at, but let's concentrate on this single Ed-Flex bill, get it to the American people, to their benefit, today. My Ed-Flex bill simply takes what is existing in these 12 States and expands it to all 50 States, paying that respect to that local school, that local school district, those parents and those teachers.

The Democratic Governors' Association—it has to be confusing to the American people because we have a bill that is supported by every Governor in the United States of America. It is supported by the population at large, hugely supported by the population. There are Democratic cosponsors in this very body. It is a bipartisan bill. RON WYDEN of Oregon is my cosponsor and we are out front fighting for this bill in a clean state, yet we have this filibuster that is going on, where we have cloture votes, procedural votes that say we are going to stop this bill. I am offended for that in part because of my children, and in part because I feel I am responsible to the American people to make sure the younger generation is educated well compared to school districts in a State or compared to around the country or compared globally, where we are failing today. That is our obligation.

It has to be confusing because we have this body filibustering a bill that has broad support, that the President of the United States just a year ago recommended. A week ago he said pass that bill. Secretary Riley of the Department of Education says it is right on target, it is a superb bill—he has endorsed that bill. That is what is difficult and must be confusing.

Let me show you what the Democratic Governors' Association said in a letter to us on February 22:

> Democratic Governors strongly support this effort to vest state officials with more control over the coordination of Federal and state regulatory and statutory authority in exchange for requiring more local school accountability.

I think that is an important point because you have the issue of flexibility, of innovation, of creativity. But we have to have tough accountability built in. Why? Because when you give anybody flexibility and give them a little more leeway to meet those stated goals, you want to make sure that they are held accountable for meeting those goals and if they are not, taking that flexibility away. That accountability is built in very strongly.

The Democratic Governors—and remember that is where the filibuster is coming from, it is on the Democratic side—but the Democratic Governors tell us "Most important, S. 280"—and that is this bill, the Ed-Flex bill, the bill we are debating today—"maintains careful balance needed between flexibility and accountability."

That balance was carefully crafted. I think that is why the bill has so much support; 17 to 1 out of the committee. It is rare for a bill to come out of a committee discussion, again, bipartisan, 17 to 1 this past year.

> S. 280 is common-sense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

I guess this prompt enactment is what we are trying to achieve, what we are working to achieve. Right now we have not been successful in working toward that prompt enactment. As I said earlier, I believe the House will pass this bill today. And, again, if we can pass this bill sometime this week we can have it on the desk of the President to the benefit of all Americans and not just people in those 12 States.

The National Governors' Association—again, I spent a lot of time with the Governors. People say, Why, as a Federal official, are you working with the Governors? The answer is straightforward: Because the Governors traditionally have been the people responsible for looking at education and education programs. Right now, in terms of overall money, about 7 or 8 percent of the education dollars spent across the State of Tennessee come from the Federal Government, and it is the Governors that typically oversee education and have a long experience with it.

Just very quickly, on what the Governors have said—I won't go through this. This is a letter of endorsement: "Expansion of the Ed-Flex demonstration program to all qualified states and territories." Just one sentence:

> Ed-Flex has helped states focus on improving student performance by more closely aligning state and Federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

I think that is the overall point. We are all working together, both sides are working together in a bipartisan way to improve education. It is bicameral—the House and the Senate have bills that are moving forward. It is State and it is Federal and local all working together for this particular bill.

Mr. WYDEN. Will the Senator yield for a question?

Mr. FRIST. I will be happy to.

Mr. WYDEN. I appreciate the Senator yielding. It has been a great pleasure for me to have a chance to work with him, on a bipartisan basis, for this legislation, and I feel it will be very helpful if he can just take a minute and outline the breadth of support for this legislation. Because, certainly, when we began this discussion, I don't think most Americans could have told you anything about Ed-Flex. We joked most people would think this was the instructor at the Y, the new aerobics instructor.

But the fact is that just a few miles from this Senate Chamber, a school is using Ed-Flex and the existing dollars to cut class size in half. That is going on today using existing dollars. Not spending one penny more of Federal funds, we are seeing a school close to the United States Capitol cut class size in half.

If you listened to this debate—and I happen to be for the hiring of the additional teachers—you would get the impression that the only way you could cut class size in America was to spend more Federal money.

I happen to think we do need to spend some additional dollars, which is why I support the Kennedy and the Murray amendments. I also share the view of the Senator from Tennessee that we can cut class size now, using existing dollars.

I think it would be very helpful, given the fact that we are so close now to the agreement—I really commend the minority leader, Senator DASCHLE, and the majority leader, Senator LOTT, because they have gotten us right to the brink of having an agreement so we can go forward with this legislation—if my friend and colleague could just outline for the Senate the breadth of support for this legislation. I appreciate him yielding to me for this time.

Mr. KENNEDY. Mr. President, if the Senator would yield, we have a half-hour debate on this from 1 to 1:30. We have now used up 20 minutes. I want to make some brief comments. Obviously, I want the Senator to conclude. We did not divide that time officially, but I hope at least we will have some part of that half hour to make our points, too.

Mr. FRIST. Mr. President, if I could just finish in 1 minute, 2 minutes.

Mr. KENNEDY. The Senator is very generous, if we get 5 or 6 minutes at the end, that would be fine.

Mr. FRIST. Mr. President, let me make it clear, when I came to the floor there was nobody from the other side here, so that is one of the reasons I wanted to go ahead and use this opportunity to lay out where we are today.

Let me take one more minute or so, because this accountability/flexibility is very important. The broad support that my colleague and, really, cosponsor of the bill, Senator WYDEN, has referred to is this broad support that we feel when we go back to our town meetings and we talk to people. The broad support starts at the level of those parents, people in the schools, the teachers, the educational establishment, who have said—and I have shown this on the board—this is a step in the right direction, up through the Governors and their strong bipartisan support. The difference in how we get there is, I think, where the debate is. That is what I am hopeful we can reach, working together with some sort of agreement.

I again want to thank my colleague, Senator WYDEN, because this bill came out of us working together in a task force, listening to the American people as we go forward.

Let me just close and basically show again, without going into the details, that we have some demonstrated results from Ed-Flex and how beneficial it can be. That is why we feel so passionately about getting this bill through.

This is from Texas statewide results. The categories: African American students did twice as well when they were in an Ed-Flex program. Hispanic students in Texas did twice as well in an Ed-Flex program. The economically disadvantaged students improved 7 percent versus 16 percent, again, in an Ed-Flex program.

This essence of accountability and flexibility is part of this bill. I plead with my colleagues to pull back this inordinate number, excessive number, of nongermane amendments so we can pass this bill.

I yield the floor.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in the process of trying to work through some kind of arrangement where we can address a reasonable number of amendments, on both sides. I do not want to characterize how close we are to it, but we are moving towards a vote at 1:30. It is really a question of whether the leadership and the other Members are inclined to do so.

On the one hand, I find it quite objectionable to have to get into a situation where those in the minority are going to have to go hat in hand to the majority and say: Look, we are going to be limited to these number of amendments in order to get our amendments considered. The rules of the Senate permit us to offer amendments until there is a determination by 60 Members of this body to terminate or close off debate. Then there is also an opportunity for follow-on amendments, if they are germane.

We are in a situation, nonetheless, where there are some negotiations being worked out and being addressed. We are inviting Members on both sides to give their reactions on it. It is a process which is done here in this body, and we will see what the outcome is.

Barring that, we will be moving towards the vote on cloture on the Murray amendment, which we have talked about during these past days. It is a very simple amendment. It is a continued authorization for the next 6 years on class size for the earliest grades, K through 3. We had, as I mentioned earlier in the day, made an agreement which had broad bipartisan support. I read into the RECORD the very strong support for that measure when we worked it out just a few months ago, when the Republican majority leader, DICK ARMEY, said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. . . . We were very excited to move forward on that.

This is the Republican majority leader in the House of Representatives. We also have included statements where the Republican chairman of the House committee, Mr. GOODLING, stated similar kinds of expressions of favorable consideration.

Now we are faced without the opportunity to consider this amendment. That is basically unacceptable, Mr. President—particularly when communities across this country have to submit their budgets, which includes the hiring of teachers for this coming September, in only a few weeks. If schools want to take advantage of this year's teachers and the follow-on teachers, they have to be able to make a judgment. Schools, communities and school boards are all inquiring about this funding—the school boards in particular. They are in such strong support of this funding—the school board associations, the parents associations, the principals associations, the teachers associations. They want a degree of certainty—what rules do they have to play by. That is why this legislation is so important.

The GAO report states that when they asked local directors and principals and superintendents of schools what were the three things that they wanted most, they said: First, additional funding—no surprise. Secondly, they said, tell us about additional programs that can benefit the children. Thirdly, we want information on how to run the school. That is in the GAO report, not, "No. 1, we just want the Ed-Flex."

We are for Ed-Flex. I want to see accountability, and we have made some progress. The House is dealing with that issue this afternoon—they took some language and, I think, made some important progress in terms of accountability. The fact is, Mr. President, that the No. 1 issue on school boards all across this country is plain and simple: Are we going to move ahead and give the kind of continued authorization for this legislation so we can get smaller class size for the next 3 years, or aren't we?

At 1:30, we have the chance to vote on that issue here in the U.S. Senate. We can vote in favor of cloture, which effectively ties that particular provision into the legislation—it can still be modified, if the amendments are germane. Then we take the next step to go to the conference. That is what is really before us and why this vote is of particular importance and significance.

I see 1:30 has arrived—my friend and colleague from Tennessee is on his feet. We will either vote, which I am glad to do, or accede to the majority leader, if he has a request.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. We are close. Mr. President, we are very, very close. That makes me feel good, if we can come to an agreement. But in light of those negotiations, with respect to the Ed-Flex bill, and the fact that we are as close as we are, I ask unanimous consent that the cloture vote scheduled to occur at 1:30 be postponed until 2 p.m. today.

Mr. KENNEDY. Reserving the right to object, and I do not intend to, could we have the time divided to both sides?

Mr. FRIST. And the time divided as part of the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I see other Senators. We had several who wanted to speak.

Mr. FRIST. I will defer.

Mr. KENNEDY. If you want to proceed first, I will check with my colleagues.

Mr. FRIST. I yield such time as is necessary to my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

I thank my colleagues, Senator FRIST and Senator JEFFORDS, and others, for the important work they have done on this piece of legislation. I think this is a marvelous piece of legislation.

In my time in the Senate, which has not been long, I cannot recall seeing a piece of legislation that has been supported by all 50 Governors. All 50 of them are supporting Ed-Flex. It seems like, to me, it is one of those provisions in bills that comes forward where people say, "This is the right time, right place, right idea. Let's do it."

It is time we should move forward with this bill. It passed in committee 10–0. It passed last year out of committee 17–1. This ought to be something on which we could agree.

I would just like to make a couple of points. My State is an Ed-Flex State. Kansas is an Ed-Flex State. We have had a number of school districts that have asked for and received the authority and the flexibility. This started down the same path that welfare reform did early on, when you finally had some States saying, "Look, the situation has gotten bad enough. You have so many Federal strings and redtape on it that we can do a better job here if you'll just give us a little breathing room. Just let us have a little bit of help here, not telling us what to do and letting us decide."

That is what started welfare reform; you had some States starting to do that and asking for little provisions: "Let us take this into our own hands and we'll do a better job." And you know what? They did do a better job. They did do a better job, and they were the laboratory of the experimentation of democracy in saying, "Well, let's try it different here; different there."

And what has ended up taking place? We have in my State welfare reform today where you have had a reduction in welfare recipients of 50 percent over the past 4 years—a 50-percent decline. And the people off welfare are saying, "Thank goodness I'm working," and "I feel better about myself." And I feel better about this program. This has worked. We are seeking to replicate that in education by saying, "Let the flowers bloom in the States across the Nation."

The principle behind Ed-Flex is simple. You have heard about it. It allows local schools to implement creative programs that are custom tailored to the needs of their kids, enables State education agencies to waive State requirements, along with Federal mandates, so that local schools can innovate effectively.

Listen to what we are doing in Kansas about these Ed-Flex programs that we have in our State. We have had several States where we have had a number of waiver requests. I think we have 43 waivers in my State that have been requested.

One school district received a waiver in order to more better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the special needs of the children of our soldiers who are serving at Fort Leavenworth. Emporia used an Ed-Flex waiver to implement new literacy programs and an intensive summer school program.

Do those sound like good innovative ideas that are particular for a local school district meeting its needs? It certainly does. And that is what Ed-Flex is about; and that is what it is providing in my State.

Take that and replicate that across the Nation to the 46 million schoolchildren in 87,000 public schools across this country. And does anyone really think—does anyone really think—that a one-size-fits-all approach would work with such incredible diverse needs, circumstances, situations across the country? Communities need the flexibility to address their unique needs, and given that opportunity they will educate the children better. They will do a better job than the one-size-fits-all mandates out of Washington.

I am surprised and dismayed that some people are filibustering this bill and saying: Well, we're not going to let it move forward on such a tried and true concept that is being tried and worked in so many States, that is supported by all 50 Governors, that provides for localized decision making on such an important decision as to how do we educate our children?

We have examples in this thing that should be working, and we should allow this to take place. Unfortunately, some people are trying to kill this bill with amendments that, of all things, actually add—actually add—Federal mandates—which the whole point of the bill is to reduce Federal mandates, and a number of people are trying to add Federal mandates.

Think about that. When the purpose of this is to allow schools flexibility in how they run their programs and spend their money, most of these amendments do exactly the opposite. They mandate that the schools spend a certain amount of money in a certain way no matter what their situation or their need. It just does not make sense.

What is even stranger is that these amendments would require additional Federal spending on new mandates while ignoring the commitments we already made to children with special needs through programs like the IDEA. The way I see it, we should fulfill the promises we have made to disabled children before we create new entitlement.

There are many reasons why we need Ed-Flex. I think it can create that innovative environment that can let our schools be as good as our children. Currently, our system is failing our children. What we need to do is get these obstructions of Federal regulations out of the way. We need to stop holding up the passage of these worthy initiatives and start doing the right thing by the American people and by our children.

Let this bill move. Let it move forward so that we can give that innovative atmosphere, and we can have a system worthy of the children of America.

Mr. President, I yield back the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to review 7% of the Federal budget goes to educational programs—the role of the Federal Government is exceedingly limited.

So let's think for a moment what this is all about. This is a rifle shot program, Title I primarily. You have the Eisenhower Program, which is the teaching of math and science and the technology. Those together are maybe, $700 million nationwide, but that is a targeted program to the neediest children.

Now, 90 percent of the waivers today go out of the formula providing the targeted help and assistance to the neediest children. That is why there is some caution about what is being included in the Ed-Flex. There have been attempts by my colleagues—Senator WELLSTONE and Senator REID—and myself to make sure that we are going to get flexibility at the local community level to serve the neediest children, but not to do what we did 25 years ago and build swimming pools and buy football equipment—because the local people know best about how to spend the money. That is what happened 25 years ago, Mr. President. Many of us are not prepared to say we are going to recognize that as a matter of national policy.

The most underserved children in this country need to be a part of our whole process in the education system. And they need additional kinds of help and assistance in terms of math, reading and other programs. We are going to have a limited amount of resources spread nationwide—2 to 3 cents out of every dollar locally—but it is going to go to the neediest children.

It is important to understand what the debate is about. We want some flexibility in that local community if they are going to use these resources and use it more creatively to help and assist those children. That is where Ed-Flex makes some difference. But if you look where the waivers have been, they have not been, with all respect to my colleague from Oregon, creating smaller class size. That is not where the GAO report has been.

It is moving past the formula from 50 percent to 43 percent. Under certain circumstances they have received the funds before and want to try and still carry forth the substance of the legislation because it is getting the most of it, in terms of the neediest children for schoolwide programs.

With all respect, that is what this debate is about. It is not a big sack of dough we are sending out there. The local community needs the additional resources and they can raise it or the States can. This is where the Targeted Resources Program developed some 35 years ago.

I might say that the most important analysis of the effectiveness of this program has been in the last 2 weeks where we have the report on Title I which shows that there is measurable student improvement and advancement, with a series of recommendations. Part of the recommendations are what? The smaller class size, afterschool programs.

We come back to a situation where we are being denied that opportunity to vote. We welcome the chance to see this move ahead. As I have mentioned and pointed out in a lead editorial today—we want a situation like we have in Texas where they have a described measurable goal; they measured the results of their investment against those goals, and they made progress on it. That is a very substantial and significant kind of improvement over what we are talking about here today. I kind of wonder why we are not going that way—I would like to see us go that way. However, that issue has been defeated in an earlier Wellstone amendment. We think there is still enough justification to provide support for this proposal.

Let's not confuse this legislation, Ed-Flex, with doing something about smaller class size. We are talking about $11.4 billion—$11.4 billion additional dollars—in local communities for smaller class size. There is not a nickel in this bill for smaller class size, not a nickel. So if we are concerned about smaller class size, the effort that we ought to be making here today should be in support of the Murray amendment. That is the one Senator MURRAY has advanced to the Senate, spoken to the Senate, pleaded with the Senate. She has been our leader on this issue. Hopefully, we can make some progress on this issue.

I know time is moving along. I want to certainly cooperate with the leaders, but at some time we will have to have some evaluation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. I say to my friend from Massachusetts, I heard our friend from Kansas saying we were trying to kill the Ed-Flex bill. Would you have a comment on the statement that we are trying to kill the Ed-Flex bill?

Mr. KENNEDY. Senator, I support this legislation, as the author of the initial Ed-Flex legislation with Senator Hatfield, who deserves the major credit on this concept, when he came and spoke to the members of the Education Committee and we took that on Title I and also on the Goals 2000.

But we also want to deal with smaller class size, and the Republican leader, DICK ARMEY, said only five months ago, "We are very pleased to receive the President's request for more teachers, especially since he offered to provide a way for them. We are very excited to go forward with that." And Chairman GOODLING made similar statements.

We are now put in this situation where we are told that we cannot consider that, we have to just go ahead with Ed-Flex—we can't consider what the Republicans agreed to in a bipartisan way. I have listened to those who say let's put partisanship aside. We would like to put partisanship aside—we would like to follow on with what DICK ARMEY and Chairman GOODLING said. They supported this proposal.

It was bipartisan in October. Why was it bipartisan in October and it is now partisan in March?

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. Is it also true that one of the movers of the underlying bill has been the Senator from Oregon, Senator WYDEN? Hasn't he been one that has been speaking out all across the country in the State of Oregon on the importance of Ed-Flex?

I say to the Senator from Massachusetts, does it appear, based on that alone, when one of the prime movers of the Ed-Flex bill is a Democratic Senator from the State of Oregon, that we are trying to kill the bill?

Mr. KENNEDY. Certainly not. One of our colleagues that we respect and admire most and has had a distinguished career not only in the Senate, but in the House of Representatives, and been long committed to education—- we certainly commend him for his constancy in terms of education reform.

Mr. REID. I also say to the Senator from Massachusetts in the form of a question, isn't it true that each one of these amendments we have asked to have a hearing on, that we are being gagged on, isn't it true we would agree to a very, very short time limit of one-half hour on each amendment; isn't that true?

Mr. KENNEDY. The Senator is correct. Senator DASCHLE indicated that he would be willing to propose, and has proposed to the majority leader, a one-half-hour time limit on the various amendments. Now we are in our fifth day without having the opportunity to act on an amendment.

This bill could have been history with votes on these various measures, but we are effectively denied that because the majority does not want to have their Members vote on a particular educational issue—that is a new concept.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 4 minutes 15 seconds.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. REID. Is it not true that the Senator has been to the State of Nevada on many occasions?

Mr. KENNEDY. Yes.

Mr. REID. Isn't it true that the State of Nevada is the fastest growing State in the Union and Las Vegas is the fastest growing city in the Union?

Mr. KENNEDY. The Senator knows that well.

Mr. REID. This year, in a relatively small community of Las Vegas, we had to hire in one school district alone 2,000 new teachers.

Now, we are talking about nationwide, as I understand this very important legislation that the Senator from Washington has pushed that we would hire over the years 100,000 new teachers to help places like Las Vegas, Los Angeles, Salt Lake City.

Mr. KENNEDY. If the Senator will yield. The Las Vegas school board has to have their budget finalized by the first week in April. They are eligible for close to $4 million. That school board is meeting, I am sure, and looking at this debate in the Senate wondering whether they ought to move ahead and accept that $4 million in additional funds for the next year and the following year in order to provide those teachers in those new schools.

The Senator from Nevada is being denied the opportunity to at least give assurances to his constituency as to whether the Senate will go on record on this.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I will.

Mr. REID. Does the Senator think it rings hollow in the ears of the governing body of the Clark County school trustees that we will be able to debate these issues "some later time" with the budget facing them within a few days? That doesn't ring very clear in their ears—that we will debate this issue some other time.

Mr. KENNEDY. The Senator is correct. I hope we will do everything to certainly ensure that we will have a continuing opportunity during the session to consider education amendments. The fact is after this particular proposal we will move towards the Appropriations Committee or the Elementary and Secondary Education Act—and there is no guarantee we will see that.

So to those parents, those teachers, those school boards, this debate is the essential time for what will happen to that school board in Las Vegas, and that is in terms of class size. That is what we are battling. That is what this vote will be about.

Mr. President, I withhold whatever time remains.

Mr. FRIST. How much time does this side have?

The PRESIDING OFFICER. Eight minutes 49 seconds.

Mr. FRIST. Has their time expired?

The PRESIDING OFFICER. They have 1 minute 17 seconds.

Mr. FRIST. Hopefully, in a few minutes we will have word on some sort of final agreement as we move forward. I know we are making progress in terms of the negotiations. I hope we can advance this bill through the Senate. It is very disappointing that we have all of the politics above and before an excellent, superb policy that has good evidence behind it.

I want to respond to my colleague who talked about the waivers and the potential for abuse and money channeled to other populations. We have to make it clear that this is not a block grant. This isn't money that can be used for any purpose whatsoever. The great thing about this bill is the money that is being directed—that 7 percent of Federal dollars—still goes to the stated purpose, with the stated accountability guaranteed by the bill.

This whole hypothetical that these States with waivers can take this money and rechannel it away from targeted goals is really absurd. If we look at the history, this isn't hypothetical policy. We can look back and see what the 12 States have done, including the great Commonwealth of Massachusetts. These waivers have not been abused. Regarding these States who have put the waivers forward, the GAO came back and told us in November 1998:

> The Department of Education officials told us they believe the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.

That is one of the rare pieces of legislation where we have a track record, and we can go back and even strengthen it, which is what we did in accountability. In the field of accountability, across the board, with great care, we built in accountability at the local level, the State level, and the Federal level. This tier approach on this chart—at the bottom is the local level—outlines what we put into this bill to guarantee that the waivers are not abused in any way, and those goals are achieved at the State level and at the Federal level. I know we just have a few minutes.

I yield 2 minutes to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the sponsor of this bill. I am pleased to be an original cosponsor.

Mr. President, let's get on with the task before us. The Educational Flexibility Partnership Act is a straightforward bill. It is a bipartisan proposal. It has been endorsed by the Governors of all 50 States. It will make a positive difference in the lives of students throughout this Nation. It will give to every State the flexibility that 12 States have had for the past 5 years—flexibility that will allow our States and our local schools to pursue innovative efforts to improve K-through-12 education. We should invoke cloture and take this important step toward improving our schools.

In support of the need for this legislation, let me cite one example from my home State of Maine. Maine is one of the 38 States that are currently not eligible for Ed-Flex waivers. When Maine examined its educational system several years ago, the State found out that its schools had made significant progress in improving the achievement of Maine's students in K through 8. But in Maine, as in most of America, student achievement in secondary schools lagged far behind. Maine's schools simply were not sustaining the progress of the early years all the way until graduation. To the Maine commissioner of education, to local school boards, and to teachers and parents throughout the State, the need for change was clear. Maine needed to focus its efforts on improving secondary education; therefore, the commissioner of education applied to the Federal Secretary of Education for waivers from Federal requirements in order to use Federal education funding to address the true needs facing our State.

Unfortunately, Mr. President, the Federal Department of Education did not share the conclusions of Maine's local educators; it resisted Maine's request for a waiver.

Eventually, the waivers were indeed granted, but only after a lengthy battle between Maine and the Washington education bureaucracy. Time, effort, resources, and money were needlessly wasted. This should not have occurred. Passing the Education Flexibility Partnership Act will prevent other States from enduring the same frustration and delay that Maine experienced. It will allow us to use education dollars to address real needs and not the priorities set in Washington, DC.

I thank the Chair and the sponsor of the bill.

Mr. LOTT. Mr. President, I see one of the cosponsors of the legislation here. Since we will have a vote momentarily, I wanted to make a statement and then propound a unanimous consent request that will help facilitate passage of this bill.

My colleagues, can't we even do education flexibility—this bipartisan bill that everybody is for? I don't direct this at the Democratic leader; he is working with me and we are trying to find a reasonable solution. But it seems to escape us. I just think it is a legitimate question. Why can't we find a way to agree to education flexibility, to give this opportunity to States other than the 12 that already have it and do what is best for education at the local level? That is why I brought it up, because I thought it was broadly supported and we could do it quickly.

If we can't get an agreement, we will keep working on it, debating it. But it is going to affect the rest of our schedule. It is our intent when we complete the education bill to go to missile defense, and then, if there is time, to do the supplemental, keeping in mind that the week after next, the whole week would be spent on the budget resolution. So I am concerned about our ability to come to an agreement. I thought we had a legitimate one worked out, and I want to propound that request, hoping that maybe it can still be agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2 o'clock today be vitiated and that the cloture vote scheduled for Thursday be vitiated.

I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and Senator LOTT be recognized to offer an amendment relative to the Individuals with Disabilities Education Act/choice and the amendments immediately be laid aside.

I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that Senator LOTT, or his designee, have a chance to offer an amendment relative to the special education amendment, and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside.

I further ask that I or my designee be allowed to offer another amendment relative to special education, IDEA, and that it be laid aside, and that Senator BOXER be recognized to offer an amendment relative to afterschool programs and that it be laid aside.

I further ask that I or my designee be allowed to offer another amendment dealing with special education and that it be laid aside for a Feinstein amendment relative to social promotion, and that there be 5 hours equally divided in the usual form for debate on the eight first-degree amendments, and no additional amendments or motions be in order to S. 280, other than the motions to table.

I emphasize that we are saying, basically, we have amendments by Senators KENNEDY, BINGAMAN, BOXER, FEINSTEIN, with amendments on this side of the aisle to match each one of those, and that we would have debate only, limited to 5 hours of debate, and so we would have an opportunity to debate and vote on those issues.

Then I ask that at the conclusion of yielding back of that time, the Senate proceed to vote on or in relation to the eight pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes and all others after that be limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following those votes, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

So, we could have these issues all debated, eight amendments, then go to final passage, and we could complete it at a reasonable time tomorrow and move on to the next issue.

I think this is a very fair approach. So I ask unanimous consent it be agreed to.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER (Mr. GREGG). The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for making the offer that he has. He and I have been in discussions throughout the morning trying to find a way with which to resolve this impasse. I appreciate very much his willingness to have the up-or-down votes that we now have wanted for some time.

We have 20 amendments that Senators want to offer. For the life of me, I don't understand. We had over 20 amendments offered, voted on, considered, and disposed of on the military bill a couple of weeks ago, and we resolved that bill within 3 or 4 days. We could have easily done that by now.

I have offered to the majority leader the agreement that he has just articulated, with one minor change. We keep the time. We go to the time certain that the majority leader suggested in his unanimous consent request. But we would also accommodate four other amendments: Two offered by Senator WELLSTONE, an amendment offered by the Senator from Rhode Island, and the amendment offered by the Senator from North Dakota—all related to Ed-Flex, directly related to Ed-Flex, with the exception of Senator DORGAN's report card amendment. Those four amendments would not require any additional time beyond the 5 hours; that is, we divide up the time allotted to us in whatever amount is required for each amendment. But we would accommodate at least those three Senators who have waited patiently now for over a week to offer their amendments.

So I hope the majority leader can modify his request with that simple outstanding caveat, that one additional change: No additional time, one additional change to accommodate three Senators who have waited patiently and who want to resolve this matter. I hope the majority leader will modify his request in that regard, and I ask unanimous consent to that effect.

Mr. LOTT. Mr. President, I would object to that modification.

I would say that then we would have 14 additional amendments, but crammed into 5 hours on this noncontroversial bill that is broadly supported on both sides. I don't think that is an adequate solution.

We can go forward with a cloture vote, and we can continue to have debate, and we can continue to work to come to conclusion on this in a way that everybody is comfortable with.

I understand Senators want to offer amendments. There are Senators who want to offer amendments on this side. I understand there are Members who want to offer amendments who want a direct vote. There are other Members who would like to second-degree them. So we have made a very complicated process out of a broadly supported, simple bill that would help education.

I would object to that modification at this time.

But we will continue to work to see if we can come up with something later.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In light of the objection, the Senate will conduct two back-to-back votes on cloture motions relative to this bill.

I regret that there are objections. The agreement is exactly what the ranking member and the whip had indicated they would support a few days ago. But we can continue to work on this, and hopefully we can get an agreement where we can complete it tomorrow so we can go to the other issue. Until we complete this bill, everybody else will have to wait.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate continued with the consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified amendment No. 37 (to amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) amendment No. 40 (to the language in the bill proposed to be stricken by amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Jeffords amendment No. 55 (to amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) amendment No. 56, to reduce class size.

Lott (for Jeffords) amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) amendment No. 59 (to amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280.
>
> Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy-Daschle motion to recommit S. 280, a bill to provide for Ed-Flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 44, nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37, as modified, to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:
>
> Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 37, as modified, to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington Mrs. MURRAY, is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senators JEFFORDS and FRIST and those who have worked so hard on the Ed-Flex bill. This is an outstanding piece of legislation. It has the support of our Nation's Governors, the National Governors' Association. They strongly support this legislation. Most of the educational leadership in the States and local communities support this type of legislation. My Governor of Alabama, a Democrat, Don Siegelman, supports this legislation. Mr. Ed Richardson, the State superintendent of education in Alabama, supports this legislation.

The Ed-Flex bill came out of the Labor Committee last year with a 17–1 vote. Democrats and Republicans supported it. Now this year, the President indicates that he will support it and sign this legislation. The strength of it is that it is a clean bill. Basically, what it says is that we learned a lot from the historic welfare reform debate during the 104th Congress. We learned if you give State and local officials some flexibility and the ability to do things differently than the Federal regulations have mandated, they will find ways to be better. They will find ways to do a better job. It is an affirmation of them.

I'd also indicate that a GAO report in 1998 said that the Department of Education officials have told the GAO that they believe that 12 Ed-Flex States, the 12 States that now have this legislation as a pilot project, have used their waiver authority carefully and judiciously.

Mr. President, It simply goes against reason that people duly elected to run the school systems in our counties and States would abuse flexibility and should be denied creativity because those of us in this body believe we know how to run their school systems better. The Federal Government provides only 7 percent of the money for State and local education, but it mandates over 50 percent of the regulations.

Let me read you a letter I received from the Montgomery public schools in Montgomery, AL. This is what I was told with regard to paperwork that has to be done for the Federal Government.

> Personnel in the schools of the Montgomery Public School System and three Central Office assistants are estimated to spend this year 16,425 hours in Title I program documentation, bookkeeping, etc. What this boils down to moneywise, is that the system spends $860,833.48 for the personnel to take care of the paperwork. This is a conservative estimate and does not include such programs as HIPPY and other programs funded by Title I not housed in schools.

This is the kind of thing that is happening. This is the kind of money we need to get down to the classroom. I taught in public schools one year. My wife has taught in public schools a number of years. Our two daughters graduated from a large public high school in Mobile, AL. We have been involved in PTA. To suggest the principals and teachers and school superintendents do not care about their kids and are not trying to do better to get more bang for their buck every day is to demean them and put them down, while we have this idea that we have to protect the system by mandating what they do.

I think the Ed-Flex bill is a wonderful bill. It is a clean bill. It is not a radical bill. It allows applications for waivers and that sort of thing.

Mr. President as a teacher, as a spouse of a teacher, and as a parent of children in the Alabama public schools, I know that the most important event is that magic moment in a classroom when learning actually occurs. That magic moment is not enhanced by micromanaging regulations from Washington, DC. It simply does not help education.

Mr. President, I care about education. I want to see our education system improved. I will support—as Congress has done for the last 10 years—increased Federal funding for education. But I want to be sure it is used wisely and efficiently so that learning is enhanced, and not creating a bureaucracy that takes 35 cents out of every dollar before it ever gets down to the States. That is what we have learned. In fact, after this modest bill, I will be supporting a bill that will have even greater impact which will require that 95 percent of every Federal education dollar that is expended actually goes to the local classroom.

Let me share with this body a response to a question I proposed to a principal of a Title I elementary school in Alabama, Mr. Thomas Toleston. He was asked what would he do if he had less Federal mandates which would help free up some extra money for his school; if the Federal Government would eliminate the regulations, how would he spend the freed up funds. This is what he said he would like:

> I would ensure that Southlawn would implement a comprehensive summer school program in reading and math for all students who score below average on the Stanford Achievement Test 9.

No one here even knows what the Stanford Achievement Test 9 is. He does; this is his career. That is what he would like to spend more money on—not building a new classroom or 100,000 new teachers.

He said:

> This would include sufficient faculty, hardware and software in an effort to bring those poor performing students up to average performance.

So you could take your year-long teachers and pay them extra to work in the summer school program.

> If additional funds were available, I would also attempt to bring more faculty to our extended day program [afterschool programs] to offer more exposure to our students. These exposures would be in the areas of music, i.e. violin and other musical instruments that are available in the Montgomery Public School System, but are not being utilized.

They would take extra funds to have teachers come down after school to do this, not new teachers.

> Another area of interest to me would be the ability to provide students with scholarships of additional exposure. This would include paid trips to the Huntsville Space Center to increase students' interest in science and math.

Now, we have been talking about building classrooms and adding 100,000 teachers and all these ideas that people in this body, who have been doing some polling, and they think the polls are good so they offer to mandate it all over the country. Mr. Toleston never mentioned any of those ideas, yet we here in Washington want to force them on him and his school?

> The earlier we expose students to these hard core areas the greater the chances for them to develop an interest.
>
> I would also like to expand our present extended day program to begin classes in computer program at the 4th and 5th grade level. This is a career that will allow one to have a fairly good paying job without a college degree. This program would provide a net for some of the students who we know will never make it to college. But, again, I think that the interest must be presented at the elementary level to make a significant difference.
>
> Since we all know that the greater the parent involvement the better students do in school, I would like to have more money set aside for parent programs. Presently, I have one teacher who volunteers one night a week to teach parents how to use computers. I would like to compensate her but the funds are not available.

Under this bill, if we have Federal mandates, they still won't be available.

He goes on to say:

> Most of the planning for the school year takes place during the summer months. The stipend paid to teachers is $50.00 per day. I would like to have the flexibility to offer my teacher an additional $50.00 per day. This still seems like a small price to pay but it would be a worth while incentive for them to give up one of their summer vacation days. I feel that this would encourage more teachers to be apart of the planning process during the summer. Once school starts it is time to execute our plans—no time for planning.

Mr. President, those are just some of the points that I would make.

I would just say this: People are asking, Why won't this bill pass? I think they have to look at those on the other side of the aisle who say often that they are for returning control to the local people, to people we have elected in our communities to run our school systems. But when the chips are down, there is always some reason not to.

I hope that we can work through some of these amendments, all of which ought to be debated during the Elementary and Secondary Education Act that we will be taking up later this year, not on this bill. This is a clean bill, and should be kept clean. If we will do that, we can pass this important bill, and then we can deal with many of these issues later.

Mr. President, I thank you for the time. I d also like to again thank Senators FRIST and JEFFORDS for all of their hard work on this bill. I agree wholeheartedly with the premise of this legislation which is that, if given more flexibility, our local school systems can improve their ability to educate our children.

I notice that the majority leader has arrived on the floor. I am pleased to yield.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Senator from Alabama for yielding so we can get this consent agreement before Members change their minds.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur on Thursday be vitiated. I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and I be recognized to offer an amendment relative to IDEA/choice and the amendment then be immediately laid aside. I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that I or my designee be recognized to offer an amendment relative to the Individuals with Disabilities Education Act amendment and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside. I ask that myself or my designee be recognized to offer an amendment relative to the Individuals with Disability Education Act and it be laid aside and Senator BOXER be recognized to offer an amendment relative to afterschool programs, and it then be laid aside.

I further ask that I or my designee be recognized to offer an amendment relative to IDEA and it be laid aside for Senator FEINSTEIN and DORGAN to offer their amendment relative to social promotion and it be laid aside. I further ask that I or my designee be recognized to offer an another amendment relative to the Individuals with Disabilities Act and it be laid aside for Senator WELLSTONE to offer an amendment relative to accountability, and there then be 5 hours equally divided in the usual form for debate on these 10 first-degree amendments and no additional amendments or motions be in order to S. 280, other than motions to table. I further ask that at the conclusion or yielding back of time the Senate proceed to vote on or in relation to the 10 pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes, with all succeeding votes limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following these votes the bill be advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not, did the majority leader say between the votes tomorrow there will be 5 minutes equally divided?

Mr. LOTT. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving the right to object. There was discussion previously with respect to my amendment. I wonder if the majority leader has anything to say with respect to my amendment?

Mr. LOTT. Mr. President, we have discussed the Reed amendment, and I believe there has been a good deal of work done on that amendment. An agreement has been worked out, and it will go into one of our amendments that will be put into the bill. So it will be included. It would not be necessary to consider it separately.

Mr. REED. I thank the majority leader for that information. It would have been cleaner to have done it up or down, but the substance is important, and I am pleased that it will be included in the legislation.

Mr. LOTT. I appreciate the Senator's attitude on this. Obviously, he has worked on it, he cares about it, and he would have liked to have it highlighted and considered individually. We were trying to craft an agreement, and the attitude he had was that he wanted to get it done; that was more important. I wish we had more Senators who were willing to make such a concession. I thank the Senator from Rhode Island for that approach.

Mr. REED. I thank the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not. Is the order which listed the amendments the order of the votes or the order in which the amendments would be laid down? Is there flexibility—to use that word—about how we might proceed this afternoon, for those of us who are here and ready to do our amendments?

Mr. LOTT. I believe they would come up in the order identified and votes would occur in that order, too. However, I presume that if there is a scheduling problem, the managers would be flexible and we could get an agreement to change that order. But that was the agreement that was asked for.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his cooperation in this effort, too. We found, a few moments ago, that we were very close to an agreement, even though it might not have appeared so. I am sure Members on both sides would have liked to have done it differently, but I believe this will allow us to get to a conclusion on this bill. It has broad support. We can then move on to other very important national issues. So I thank Senator DASCHLE for his help in working out this modification.

One last thing, and I will yield the floor. In light of the agreement, then, there would be no further votes today. The Senate will debate the amendments to S. 280 for the remainder of the session today, and up to 11 back-to-back votes will occur tomorrow morning. I hope maybe it won't be necessary to have all 11, but it could be 11, with the 10 amendments and final passage. All Senators will be notified of the exact time of the votes. I thank my colleagues for their cooperation. We did get the unanimous consent agreement, correct?

The PRESIDING OFFICER. We did.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I want to briefly thank those Senators on both sides of the aisle. This is a very important procedural agreement we have reached, after some deliberation and a great deal of willingness to cooperate on the part of many Senators. There were many, many Senators who had expressed the hope that they could offer their amendments; they were precluded from doing that. Frankly, I am disappointed that they were precluded. But I will say this: I am also grateful to the majority leader for agreeing to have up-or-down votes on the class size amendment, on the dropout amendment, on the social promotion amendment, on the amendment with regard to report cards, and on the amendments Senator WELLSTONE will be proposing on the accountability.

This represents, I think, a compromise that we hoped we could reach. It represents an extraordinary amount of good-faith effort on both sides. I think the Senators from Oregon and Tennessee ought to be commended as well for their patience and tolerance in working with all of our colleagues in bringing us to this point.

It goes without saying, the managers of the bill, the Senator from Vermont and the illustrious and extraordinary ranking member, Senator KENNEDY, deserve a great deal of credit. We have come a long way. We have reached a point now where we are going to be able to finish this bill—a very good bill that deserves support. This also allows us to deal with the amendments that a number of Senators have been fighting to have votes on now for several days.

I thank all Senators for their cooperation.

Mr. President, there have been a number of questions about how we are going to be proceeding under the unanimous consent request. We consulted with the majority leader and with the manager of the bill.

I ask unanimous consent that all but 1 hour of time allotted under the unanimous consent agreement be consumed today, allowing 1 hour under the arrangement anticipated by the unanimous consent agreement to be used tomorrow. I then ask unanimous consent that those who might wish to express themselves on the bill or on amendments be allowed as if in morning business to speak later on this evening.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, we want to check with our leadership on this side.

Mr. KENNEDY. Mr. President, if the Senator will yield, it is our intention that we use up the 4 hours for those members who have amendments to introduce and speak to them this evening. And that we have 1 hour evenly divided tomorrow for Members on either side to address the Senate, as if in morning business. That is what we had hoped to be able to do.

Mr. JEFFORDS. Mr. President, reserving the right to object, it is my understanding that under the previous unanimous consent order that the amendments should be offered at this time.

Mr. DASCHLE. Mr. President, I anticipate that the amendments would all be offered.

Mr. KENNEDY. That would be fine.

Mr. DASCHLE. Mr. President, I modify my request to clarify that it would be my expectation that all amendments would be offered, and that there would be a period of 1 hour simply to discuss and further consider these amendments tomorrow. I withdraw the request at this point, and I certainly defer to the managers to renew their request at such time as the majority leader clears the request. But I don't anticipate an objection. I appreciate the indulgence of both managers.

The PRESIDING OFFICER. The request is withdrawn.

Who seeks time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I want to indicate to our colleagues on this side that have amendments, that we expect those to be offered in the very near future. It is 3:15 now—we have 2 hours on each side. We are going to try to be in touch with those Senators that have amendments and work out a shared time to accommodate Senators' schedules.

Senator FEINSTEIN will take the first half hour, followed either by Senator

DORGAN or Senator WELLSTONE for 15 minutes. Then we thought 45 minutes on the other side, one-half hour on this side, one-half hour on the other side, and then those that either wanted to talk on the amendments or that wanted to be able to talk on the bill would be able to do so using up the time that has been allocated by the leader—that was our intention. We want to make sure all of our Members understand that we expect that those amendments are going to be offered this evening. We want them included in the RECORD so that those tomorrow morning are able to look at the exact wording. That was our intention.

So we will proceed in that way, and we will be in touch with the sponsors of these amendments to work out with them appropriate time allocations.

AMENDMENT NO. 60 TO AMENDMENT NO. 31

(Purpose: To express the sense of the Senate regarding flexibility to use certain Federal education funds to carry out part B of the Individuals with Disabilities Education Act, and to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I offer an amendment on behalf of Senator LOTT on the IDEA/choice amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. LOTT, for himself and Mr. ABRAHAM, proposes an amendment numbered 60 to amendment No. 31.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"h) Notwithstanding subsection (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

Mrs. FEINSTEIN addressed the Chair.

Mr. KENNEDY. Mr. President, I yield one-half hour to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Massachusetts.

I believe, Mr. President, that I have one-half hour.

The PRESIDING OFFICER. That is correct. The Senator is recognized for 30 minutes.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 61 TO AMENDMENT NO. 31

(Purpose: To assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. DORGAN, and Mr. BINGAMAN, proposes an amendment numbered 61 to amendment No. 31.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments submitted.")

Mrs. FEINSTEIN. Mr. President, this is an amendment which does two things. One of them is it deals with the practice, either formal or informal, of social promotion, and authorizes a remedial program of $500 million a year for a program of competitive grants.

The second part has to do with school report cards.

Senator DORGAN will be speaking on the second half, and I will address my comments to the first part.

This amendment would authorize $500 million a year from the year 2000 to 2004 for competitive grants to school districts to help provide remedial education for afterschool and summer school courses, for low-performing students who are not making passing grades.

Mr. President, the purpose of the amendment is to provide Federal incentives and Federal help to those school districts that abolish and/or do not allow social promotion. As a condition of receiving these funds, school districts would have to adopt a policy prohibiting social promotion for students; require that all K through 12 students meet minimum achievement levels in the core curriculum defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history, and science; test student achievement in meeting standards at certain benchmark grades to be determined by the States for advancement to the next grade; and, finally, provide remedial education for students who fail to meet achievement standards including tutoring, mentoring, summer, before-school and after-school programs.

School districts would be authorized to use funds to provide academic instruction to enable students to meet academic achievement standards by implementing early intervention strategies or alternative instructional strategies; strengthening learning by hiring certified teachers to reduce class sizes, providing professional development, and using proven instructional practices and curricula aligned to State achievement standards; providing extended learning time such as afterschool and summer school; and developing intensive instructional intervention strategies for students who fail to meet State achievement standards. The amendment also addresses the special needs of children with disabilities by allowing school districts to follow the child's individualized education plan.

Why do we need this amendment? Perhaps nothing better describes why we need this amendment than an article which appeared in the Los Angeles Times five days ago about the largest school system in the United States—California's—and I want to read the headline: "California Ranks Second to Last in U.S. Reading Test."

California ranks second to last among 39 States in a new Federal assessment of fourth grade reading skills. The study revealed Thursday that only 20 percent of the students are considered proficient readers.

Mr. President, California has 5.6 million students, more than the population of 36 other States, and only 20 percent of them are reading proficiently at the fourth grade level.

That is an incredible statement of what the practice of social promotion has done.

I truly believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in the hopes that someday, somewhere they will learn.

This practice alone, I believe, after visiting literally dozens of schools, is the main reason for the failure in the quality of public education today. It is largely responsible, in my view, for its decline.

Achievement standards must be established—and enforced. To promote youngsters when they are failing to learn has produced a generation that is below standard and high school graduates who can't read or write, count change in their pockets, or fill out an employment application. It is that bad. And California is just about the worst.

It is such a shame to hand a high school diploma to a youngster whom you know cannot fill out an employment application for a job. In my State, a state that is restructuring its economy and seen the emergence of a new high-skilled, high-tech work base, this means doom for the ability of these youngsters to sustain themselves with gainful and fulfilling employment in the future.

This same article, discussing this assessment of reading skills, also shows that 52 percent of our fourth graders scored below the basic level, meaning they failed to even partially master basic skills.

The news wasn't much better for California's eighth graders, who ranked 33rd out of 36 States, and only 22 percent were proficient readers. In December 1998, a study by the Education Trust ranked California last in the percent of young adults with a high school diploma—in other words, students are not even finishing and getting their diploma—37th in SAT scores, and 31st of 41 States in eighth grade math. Nearly half of all students entering the California State University system require remedial classes in math or English or both.

The news is also grim nationally. I start out with California to say that this all begins right at home. But the news is also grim throughout the rest of the United States where our students are falling far behind their international counterparts. The lowest 25 percent of Japanese and South Korean eighth graders outperform the average American student. In math and science, United States 12th grade students fell far behind students in other industrialized countries, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st century. United States 12th graders were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa. We scored last in physics and next to last in mathematics.

What is social promotion? Simply stated, social promotion is the practice, either formal or informal, of a school's advancing a student from one grade to the next regardless of that student's academic achievement. In some cases, it is even regardless of whether they attend school or not. It is a practice which misleads our students, their parents and the public.

The American Federation of Teachers agrees. Let me quote from their September 19, 1997, study:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the Nation.

That is well said. But merely ending social promotion and retaining students in the same grade will not solve the problem. We cannot just let them languish without direction in a failing system. Instead, we must provide ongoing remedial work, specialized tutoring, afterschool programs, and summer school. All must be used intensively and consistently, and that is what this amendment is designed to create. It is designed to create both the incentive and also the help to accomplish this.

I know it can work. Last June, I led a delegation of California leaders to Chicago. We saw a dominantly poor, dominantly minority school district turned around, social promotion abolished, and the remediation, summer school, and tutoring put in place. And now test scores and grades are improving.

How widespread is this practice, ubiquitous as it is? It is widespread. Although there are no hard data on the extent of the practice, authorities in schools and out of schools know it is happening, and in some districts it is standard operating procedure. In fact, 4 in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level. And the September 19, 1998, AFT teacher study says social promotion is "rampant."

It found most school districts use vague criteria for passing and retaining students. They lack explicit policies of social promotion, but they have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade. And they view holding students back as a policy of last resort and often put explicit limits on retaining students.

Also the study found that only 17 States have standards—only 17 States have standards in the four core learning disciplines: English, math, social studies, and science. Only these four have standards which are well grounded in content and are clear enough to be used, says the AFT study.

In July of last year, I wrote to 500 California school districts and asked about their policies on social promotion. I must tell you, their responses are vague and often misleading, and they include the following: Some school districts say they don't have a specific policy. Some say they simply figure what is in the best interests of the student. Some say teachers provide recommendations, but final decisions on retention can be overridden by parents. And some simply just promote youngsters, regardless of failing grades, nonattendance, or virtually anything else. In short, the policies are all over the place.

Last year, in California the legislature passed and the Governor signed into law a bill to end social promotion in public education, a giant step forward. In California now, this could affect fully half of California's students because 3 million children in California perform below levels considered proficient for their grade level. The grant funds authorized in this amendment can be very helpful in providing ongoing remedial and specialized learning and provide necessary help for these 3 million children in my State, and the millions of children in other States as well.

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said: "We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

I will never forget, in 1990, when I was running for Governor of California and I appeared before the California teachers association, I said we must end social promotion, and I was roundly booed. How things change. We now have the President of the United States, and a Democrat to boot, saying we must end social promotion.

I believe just as firmly in 1999 as I did in 1990 that the practice of social promotion is the Achilles heel of public education in the United States of America.

The seven States that have a policy in place which ties promotion to State-level standards today are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia. I really want to give them my kudos and say congratulations and right on.

I mentioned that the Chicago public schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students in Chicago failed tests in the third, sixth, eighth, and ninth grades, and then went to mandatory summer school. Chicago's School Superintendent Paul Vallas has called social promotion "educational malpractice." He said from now on his schools' only product will be student achievement. What welcome words those are.

In my own State, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance, and they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation.

For example, San Diego schools are requiring that their eighth graders who do not pass core courses be retained or pass core courses in summer school.

Let me conclude. A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said the diploma is not a guarantee that a graduate can read, write, or do basic math. What a failure.

I first got into this because I also serve on the Immigration Subcommittee of the Judiciary Committee. Every year I had California chief executive officers, particularly in high tech companies, come in and say: "We can't find high school graduates we can hire. Please increase the quota of people from foreign countries who can come to us as temporary workers and work for us, because we can't find qualified Americans." What a condemnation.

California employers tell me consistently that applicants are unprepared for work and the companies have to provide basic training to make them employable. High-tech companies say they have to recruit abroad. For example, last year MCI spent $7.5 million to provide basic skills to their employees. On December 17, a group called California Business for Education Excellence announced they were organizing a major effort to reform public education. These major constituencies—the California Business Roundtable, the California Manufacturers Association, the American Electronics Association, companies like Hewlett-Packard, IBM, Pacific Bell—had to organize because they see firsthand the results of a lagging school system.

So I offer this amendment today. It can provide the money to help teachers teach and students learn. It is estimated that this year the budget will have $4 billion more in it for public education. I say let's authorize the expenditure of $500 million for the kind of remedial and summer school programs that in fact can help us abolish social promotion and really have excellence and accountability in both our teachers and our students.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 53 seconds.

Mrs. FEINSTEIN. I will reserve the remainder of my time, if I might. I see Senator DORGAN on the floor. I know he wishes to speak.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me ask consent to yield myself 15 minutes of the time allocated to our side, that I might be able to present my amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Does the Senator intend to offer an amendment this afternoon?

Mr. DORGAN. I would say to the Senator from Vermont, the amendment Senator FEINSTEIN has offered is an amendment that combines her amendment and my amendment. We have done that at the request of the majority leader. So rather than having two amendments, we will have only one and we will have only one vote on it.

Mr. JEFFORDS. I appreciate that information.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I am pleased today to join my colleague from California. I was listening to her explain the first portion of the amendment which deals with social promotion and remedial education. It reminded me that the last time we joined forces here on the floor of the Senate was also on an education amendment. We worked on a very simple amendment called the Gun-Free Schools Act. This is now the law in this country and has been for a number of years because we decided there ought to be a zero tolerance in this country for a student who brings a gun to school. You ought not have to worry, no matter where you are in the country, about guns in schools. Everywhere in this country, we ought to understand that guns and schools do not mix, and every student and every parent ought to understand there is a penalty of expulsion for one year for bringing a gun to school.

I am pleased to have joined with my colleague from California to make that Federal law, and I wonder how many tragedies may have been avoided where guns were not brought to school because a student now understands there is zero tolerance with respect to guns in schools.

Today we are here for a different purpose on the same subject: education. The first part of the amendment we have offered deals with social promotion. The second part is a piece that I have written with Senator BINGAMAN from New Mexico regarding the issue of a school report card. Let me explain that amendment.

Every 6 to 9 weeks in this country, a parent with a child in school gets a report card that tells the parent how that child has done. Parents are able to see grades that describe how their child is doing in school, an A, a B, a C, or God forbid, maybe a D or even worse. Students are graded and parents know what grades those students are achieving in their school.

But I raise a question: What does it mean when your child brings home the best grades from the worst school? Does that tell you much as a parent? You see, we grade students, but there aren't any grades for schools. There are no report cards for schools. Even though we spend over $300 billion on a system of elementary and secondary education in our country, parents and taxpayers have no way of knowing how that school is performing. We grade the children who are in that system, but we do not require a report card on how well our schools are doing so that parents also know how well their school is doing compared to other schools, how well their State is doing compared to other States.

A number of States already have school report cards, but very few of them have report cards that provide a range of information on school quality indicators important to the public. And more notably, very few states get that information to the parents themselves. So the parents, as the taxpayers who own that school, who provide the resources to run that school, have very little information about how well that school does. Again, I return to the question: What does it mean for your child to be the best student in the worst school?

With this amendment, we propose to offer a Standardized School Report Card Act, which would say to all the schools around the country that, most of you are already preparing some kind of report card, but let's all do it all in the same general way so that we can make some reasonable comparisons, school to school and State to State.

We want the report card to grade a school on six areas: 1. student performance; 2. professional qualifications of the teachers; 3. average class size; 4. school safety; 5. parental involvement; and 6. student dropout rates.

As I mentioned, more than 35 States now have some form of a school report card. My State does, although my State's report card doesn't do anything more than simply to ask the school to look ahead to prepare for changes in enrollment in the years ahead. It is not a very substantive report card, and most parents in my State have never seen this report card. I would like, at the end of this process, to provide virtually every parent in this country who has a child in school with a report that says, here is how your child is doing, and another report that says, here is how your school is doing related to other schools, other communities, other States. That would be good information for the taxpayers and the parents of our country to have.

I was thinking, as I was listening to my colleague from California, about a young girl named Rosie Two Bears. She is likely in class this afternoon in Cannon Ball, ND. I toured that school some while ago. I don't know what a report card will say to the parents of Rosie. That school is unsafe and in desperate need of repair.

I have described on the floor on previous occasions the condition of that school. They have 150 students, one water fountain, and two bathrooms, kids cramped together in classes without an inch between their desks and no place to plug in a computer to get to the Internet, because the school won't accommodate wiring of that sort. In the downstairs area where they have band and chorus, the room frequently is evacuated because sewer gas backs up and the students can't learn in a room full of sewer gas backing up into the school. It is an awful situation.

What would a report card say about the school of Rosie Two Bears? Perhaps if there were a report card that drove home to parents and taxpayers the unsafe conditions of their children's school, there would be a public outcry to improve that school.

The Ojibwa School, up on the Turtle Hill Mountain Indian Reservation, is another example of a tragedy waiting to happen, with all of these kids learning in detached trailers, going back and forth between classes in the winter. I have been there and seen exposed wiring. I can show you the reports that show that school is unsafe. Everybody knows it, and there is no money to build a new school for those children. Addressing this problem will be part of an another debate that we want to happen, but right now, this amendment is about four or five good ideas on education that won't break the bank, that represent good investments in our kids, represent good approaches to improve and strengthen education in this country. If we can do these things together, we will have done something very important for our children.

When we consider a report card that all parents could receive, I go back to the point that wouldn't it be nice for the parents of students—whether they go to your school or my school or to the Cannon Ball School or the Ojibwa School—to be able to see what their child is getting from that school? What are we getting for our tax investment in that school? Are we proud, as parents, as the teachers who teach in that school, of the building we have housed our children in, of the textbooks we have provided? Are we doing the right things?

That is what Senator BINGAMAN and I and others would like to achieve with this standardized report card for schools.

The Senator from California knows, because I have heard her speak of it, that the American people view education as one of their top priorities. Often people talk about how far ahead of politicians the people are. Well, that certainly is true with respect to education. People know what is important. When people sit around the dinner table at night and talk about their lives, what are the first things they talk about? They talk about what their children are learning in school, are we proud of that school? Are our folks getting good health care? Do we have a good job? The central things in life. Children and school represent a priority for many of us. It is why I am pleased that one of the first bills on the floor of the Senate following impeachment is about education. It is why we have pushed so hard to be able to offer amendments to it. Our purpose is not to be destructive, but to focus on a number of steps we can take to improve education. I think Ed-Flex is fine. With this bill we are saying give the States some flexibility, but that is not all there is with respect to education policy. There are other ideas, good ideas.

The attempt around here all too often is to get the worst of what both sides have to offer rather than the best of what each has to offer. We have some good ideas. Ed-Flex is a fine idea. Let us add some other good ideas to it: dealing with class size, a school report card, ending social promotion, addressing the problems of students dropping out. Those are good ideas and are central to what the American people believe could strengthen education in this country.

I hope that, when we have offered these amendments—some good ideas, I think, from both sides—there will be some positive votes on these ideas, so that this Ed-Flex legislation will leave the Senate in a much stronger position to positively influence the lives of young Americans and families. I will have been proud to play one small part of that with my colleague from California.

Mr. President, I retain the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from North Dakota, because I think, between us, we really have struck at the linchpin of reform.

One is in the report card situation, to provide an ability for every parent to know some of the basics about the school that his or her children attend, and to be able to make some judgments on their own whether that child is in the best learning environment. And what the report card could do is spur competition, I think, I say to the Senator, among students, among schools, among school districts, if they have a way to compare one to the other.

When you were talking about Cannon Ball, North Dakota, I was thinking about Los Angeles, and going into a school that had 5,000 students K through sixth grade. Everything was in shifts. You can imagine the cacophony of sounds with 5,000 small children in this school. I had never seen a school this size before.

As we debate social promotion, I am troubled by the size of some schools. I have read the views of educational experts and what they said about the size of the school. I read they advised that elementary schools be no bigger than 350 students to have that teacher-student quality relationship; middle schools, 750 students; and high schools maybe a maximum of 1,200 students.

Because of the lack of money and the inability to do some of these things, schools just diminish their quality. Like you, I am very hopeful that there will be an additional amount of $4 billion for public education in this year s budget. I think the American people want it, I think our students need it.

I just want you to know that I am very pleased to join with you on this amendment. I hope it can stay in. I hope it will survive conference. I hope people will realize that we have to make major structural changes in public education. Certainly a report card for schools to benefit parents, the elimination of social promotion, and the provision of remedial programs and summer school can help. Ongoing and consistent programs, in which children can be brought up to their grade level, are critical to helping these students learn and become productive citizens and are critical to ending this "educational malpractice."

I urge my colleagues to vote for the Feinstein-Dorgan amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains on the 15 minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. I will not use all of that, but I did want to say to Senator FEINSTEIN that the ending of social promotion is an opportunity to invest in young lives in a way that will solve problems now, rather than deferring them until much, much later. By ending social promotion we can prevent much bigger problems later in a young person's life.

I happen to have, as most parents do, a profound conflict of interest here. I have two children in public elementary school: one in fourth grade and one in sixth grade. I do homework most evenings with them, and the homework is getting tougher these days. My children are in public schools, and I don't know what people are talking about when they talk about failing scores and how the public school system does not work.

I am enormously proud of our public school system and what we have accomplished through public schools in this country. But I also know that the only way a public school system works is with parental involvement. If the parent is not involved in the child's education, it is not going to work very well. There are three things you need for education to work: a teacher who knows how to teach, a student willing to learn, and a parent involved in the education of that student. When those three things are present, education works.

The Senator from California, in the first part of this amendment, offers a proposal that I think has great merit and is long overdue. I did not speak about it when I spoke about my half of the amendment, but I just want to tell her that I think what she is offering has great, great merit and will be profoundly important to children in this country.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator.

I yield the remainder of my time, and yield the floor, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Inquiry. I don't know whether we are finished with this amendment. If so, I am ready to send an amendment to the desk. I do not know whether my colleague from Vermont—

Mr. JEFFORDS. I would like to proceed to explain very briefly the position that we will have on the amendments that have been offered here.

This is an agreement, unanimous consent agreement, that was made to enable us to get through this bill. And I appreciate all those that have entered into this agreement.

I would like to explain to my colleagues, however, that because these are all—these two that are being talked about right now, the school report card and the ending of social promotion, are both amendments within the purview of the committee dealing with elementary and secondary education. It is my intention to listen very carefully and carry forward the information that is provided on these until such time as we are marking up the Elementary and Secondary Education Act.

However, it will be my procedure, in order to have an orderly hearing process in going ahead on these matters, to probably table the amendment of the Senator from California. But I do understand and believe that a great deal of what she says, if not all, is very relevant to our educational system but should be done in the orderly committee process. I want to make that clear so everybody understands when we vote on these things it is because they should be done in the proper order under an orderly committee process.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 62 TO AMENDMENT NO. 31

(Purpose: To provide accountability in Ed-Flex)

Mr. WELLSTONE. I send an amendment to the desk and ask for its reading.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 62 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

"(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

"(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Act of 1965;".

Mr. JEFFORDS. Do we have a copy of the amendment?

The PRESIDING OFFICER. Does the Senator from Vermont wish to object? The Senator seeks a copy of the amendment.

Mr. WELLSTONE. Mr. President, I have an extra copy. Might I ask whether I could also get one Xeroxed while I am speaking?

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this amendment, which I have talked to my colleagues about, speaks to the central issue with this legislation that a lot of colleagues, I think, are trying to step around, dance around; that is, accountability. In other words, this amendment says we are for flexibility, but we are also for flexibility with accountability.

It is absolutely acceptable for school districts and States to make all kinds of decisions on the ground about whether or not you want more teaching assistants or more computers or more community outreach. All of that makes sense and is within the framework of flexibility.

I say to my colleague from Vermont, this amendment combines two amendments, so let me start and devote maybe about 5 minutes or less to the Perkins program—a very important vocational education program. What this amendment essentially says is, look, there are certain kinds of core requirements, core accountability requirements, of the Perkins program—vocational ed, high school, college—that must be protected—that must be protected.

The requirement that school districts and vocational schools meet their States' performance standards, who can object to that? The requirement that schools and districts provide professional development to teachers, counselors and administrators, who can object to that? The requirement that schools must provide programs of sufficient size, scope and quality to bring about improvement, what is objectionable about that? The requirement that schools and districts must evaluate the programs, including the assessment of how the needs of special populations are being met, what is objectionable about that? And finally, the requirement that schools and districts must tell the State about their process for local evaluation and improvement of the program.

That is the Perkins Vocational Education Program. And the only thing I am saying, on the basis, I say to my colleague from Vermont, of the good work that we have done together on vocational education, why in the world, understanding the importance of flexibility, would we want to not at least protect this program and make sure that in every State all across the country that at least these core requirements are met? Let everybody be flexible as long as they meet these core requirements. Let's not sacrifice the quality of this program.

Mr. President, the other part of this amendment is what troubles me the most. This is what troubles me the most about Ed-Flex. And let me just say to my colleagues, Republicans and Democrats alike, I am quite sure that this amendment is going to pass overwhelmingly. For all I know, it may get 99 votes. But let me tell you one unpleasant truth that you have been unwilling to face up to. It is this: When the original title I program first passed in 1965, a lot of sweat and tears went into this program. We had some basic protections for poor children in America and we said there were going to be certain core requirements and in no way, shape, or form would those requirements ever be violated because this went to the very essence of what we are about as a Federal Government, which is making sure there is protection and quality of education for all our children.

Here is what the core requirements are all about. This amendment is a different version from the amendment I had on the floor, because this is trimmed down and it refers specifically to sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act.

I am just saying we wrote this into this legislation in 1965, colleagues. This was over 30 years ago. What did we say? We said let's make sure that no State will ever be in a position of being able to give a school district a waiver from the following requirements: That for all of the title I children, low-income children, there will be opportunities for all children to meet challenging achievement levels; that they will use effective instructional strategies which will give primary consideration to extending learning time, like an extended school year; that we will serve underserved populations, including women and men, or girls and boys; that we will address the needs of children, particularly those who are members of the target population, who need additional help; that we will provide instruction by highly qualified professional staff; that we will minimize removing children from the regular classroom during regular school hours; and that we will provide the professional development for teachers and aides to enable the children in school to meet the State student performance standards.

What is going on here? I came out here and spoke for almost 4 hours the other day and I never heard anybody give me a substantive argument about why they are opposed to this amendment. What is going on here? I am not going to use Senators' names, but one Senator with considerable stature here in the U.S. Senate said, "Senator WELLSTONE, if your amendment passes, it will gut this bill." If that is what my colleague is saying, that is exactly what makes me worry about this legislation. How could this amendment gut Ed-Flex when this amendment just says we are going to do with Ed-Flex what the proponents of Ed-Flex say Ed-Flex does?

Then my colleagues say, "Don't you trust the Governors? Don't you trust the school districts across America?" My answer is yes, I trust most of them, and therefore you should trust most of them, and therefore surely no one who is involved in education with children in our country would be opposed to the idea that for title I children, for poor children, there will be certain core requirements which will be the essence of accountability.

How can you be opposed to it? I don't know of any Governor or any school board member who would say, "Senator WELLSTONE, we don't want to live by the standard of making sure that our teachers are highly trained for title I children. Senator WELLSTONE, we don't want to live by the standard that there should be high standards for these children. Senator WELLSTONE, we don't want to have to give special help to kids who are falling behind."

What are you afraid of? Why is there not support for this amendment? This amendment, in a slightly fuller version, received about 45 votes last time. I am hoping, now that I have sort of refined this amendment and narrowed the scope, that it will receive a majority vote. Because if this amendment does not pass, this piece of legislation, I want to say to people in the country, this will not be a step forward. This piece of legislation is not a step forward for several reasons.

Let me just make one point that I made earlier as well, that right now, with title I, we are spending about $8 billion a year, and depending on who you listen to—whether it is the Congressional Research Service or whether it is Rand Corporation—this program is severely underfunded. In my State of Minnesota, when I meet with school district officials, especially in our urban communities, they tell me, "PAUL, what happens is we get money for schools with 65 or 75 percent poverty"—my amendment says schools with 75 percent poverty population should have first priority; that passed; I am glad it did—"but then we run out of money."

If we are serious about helping these kids, we ought to be providing the funding to our school districts so they can provide the support to the children who are behind. Many of our schools all across the country scream at us and tell us: "Because you haven't provided us with the resources, we can only help half the students," or a third of the students. So if we want to do something significant, we ought to provide the funding.

What we certainly should not do is turn our backs to what was so important about title I as a part of the Elementary and Secondary Education Act. What was so important about title I—this is a big Federal program; this is a Federal program that matters to K–12. What was so important was, we knew way back in 1965 and we know today that we as a National Government, we have a responsibility to make sure there are certain standards which apply to the education that poor children receive, and so we made sure there were certain standards, certain core requirements, which would be part of accountability. We would say that every school district in the land and every school in the land which was serving title I children would never be able to violate these core requirements. That is what we as a Congress were doing for poor children. We were for school districts having flexibility. We are for school districts having flexibility.

However, this piece of legislation strips away the most important accountability feature to title I. This piece of legislation does not any longer give these children the protection. This piece of legislation, therefore, in its present form, is not a step forward, it is a great leap backward. I am surprised there is not more opposition.

I know it is called Ed-Flex. Great title. I know everybody can say this is what the Governors want and we just sort of give all the decisionmaking power to the States. Politically, it seems to be a winning argument. Maybe I am the only one in the U.S. Senate who feels this way. I am for flexibility and I am for some of these other amendments that deal with smaller class size and rebuilding crumbling schools, and I am for spending a lot more money on education for children that comes out of the President's budget, that is for sure. But as a U.S. Senator, I will not be on the floor of the U.S. Senate and not speak against a piece of legislation which strips away some core protection for poor children that makes sure these children also get a decent education, and that the title I program which deals with these children meets these core requirements.

For any other Senator to say this amendment guts Ed-Flex troubles me, because I think if everybody thought Ed-Flex was such a good bill, they would want to at least make sure we had this elementary, basic protection for these children. How can we pass this piece of legislation without this accountability?

This amendment improves this legislation, Senator JEFFORDS. This amendment makes it a better bill. Without this amendment, we don't have this protection for some of the children in this country. I will oppose it even if I am the only vote in opposition.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. WELLSTONE. I reserve the remainder of my time, assuming that my colleague on the other side who disagreed may want to make some arguments.

Mr. JEFFORDS. Mr. President, I believe I was asked a question. I would be happy to answer. I prefer that the Senator finish his presentation.

Mr. WELLSTONE. Mr. President, I will, although I say, in the spirit of debate, it would probably be better if I had a chance to get some sense of why there is opposition to this amendment. Then I could maybe respond to that and we could have a little more of a give-and-take discussion.

Mr. JEFFORDS. I will wait until the Senator finishes.

I yield the floor.

(Mr. SESSIONS assumed the Chair.)

Mr. WELLSTONE. Well, Mr. President, I have an amendment that is similar to the amendment colleagues voted on last time. I have tried to meet some of the objections that were made to that amendment. It now is based literally on sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act of 1965. It is the same language which deals with the core requirements of title I and makes it clear that we want to make sure no State is allowed to give any school district an exemption from these core requirements.

Again, let me just list these requirements:

To provide opportunities for all children to meet challenging achievement levels—the Senator from New Mexico is on the floor, and I will bet he would not object to that.

To use effective instructional strategies that give primary consideration to providing extended learning time like an extended school year, before- and after-school, and summer programs;

To use learning approaches that meet the needs of historically underserved populations, including girls and women;

To address the needs of all children, but particularly the needs of children who are members of the target population through a number of means, including counseling, mentoring, college guidance, and school-to-work services;

To provide instruction by highly qualified professional staff;

To minimize removing children from the regular classroom during regular school hours;

To provide professional development for teachers and teaching assistants to enable all children in the school to meet State student performance standards.

I listed the basic requirements on the program as well.

I am thinking out loud while I am speaking. Let me try to figure this out. The Chair is a lawyer, and maybe I should be a lawyer at this moment. But it seems to me that this doesn't do any damage to the idea of flexibility. It seems to me that anybody who would argue that this somehow damages Ed-Flexibility, or any State or school district that makes that argument, must have in mind that they want to waive these core requirements. If they want to waive these core requirements—and we are now about to pass a piece of legislation that will enable them to do so—that is what is flawed in this legislation. That is the flaw in this piece of legislation. That is the problem.

There is a reason we made these core requirements part of title I, which has been such an important program to low-income children. The reason, I say to the Chair, is that while many school districts in many States have done a great job—and I have seen great work done in Minnesota—the fact of the matter is that sometimes these children fall between the cracks. Sometimes these children's parents, or parent, are the ones without the prestige and clout in the community. Therefore, we want to make sure there is some protection for these children. We want to make sure they receive instruction from highly qualified teachers. We want to make sure that if they fall behind, they get some help. We want to make sure they are asked to meet high standards.

I hope somebody is watching this debate. Why in the world is this amendment unacceptable? Why is this amendment unacceptable? Because, I am telling you, if what Ed-Flex is all about is to sort of say, on the part of the Federal Government, we are giving up on this core accountability and, State school districts, you do whatever you want, you don't have to worry about meeting these core requirements that deal with low-income children, I am against it. Do you know something? A lot of Senators should be against it.

So, Mr. President, I hope we can go over 50 votes today, and I hope this amendment will pass. If it does, I think it will make this Ed-Flex bill a much better piece of legislation.

There is one other thing we should do: Fund it. Fund it. I would say that in all the discussions I have had with people—I hope all of my colleagues have visited schools with title I communities in urban and rural communities. I will tell you, I have heard little discussion about how "we don't have enough flexibility." I have heard a lot of discussion about not having adequate funds. Fund it.

Fully fund title I. Then we would be doing something to help these children. Fully fund Head Start, and then we would be doing something to help the children. Fully fund pre-K, preschool, early childhood development, and make child care affordable for families. Then we would be really doing something to help these children. Lower class sizes. Now we are helping these children. Make sure we do something to help children who drop out so that they don't drop out. I say to Senator BINGAMAN, I was told by a judge in Minnesota that there is a higher correlation between high school dropouts and incarceration than between cigarette smoking and lung cancer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. I will soon yield the floor.

I hope there are 100 votes for my amendment, because then I will believe the Ed-Flex bill is a good piece of legislation. Without this amendment, you don't have the accountability. You have given up on the Federal role of protecting poor children. That is a huge mistake.

I thank the Chair and yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, what is the state of the business in the Senate?

The PRESIDING OFFICER. The Senator has a right to offer an amendment.

AMENDMENT NO. 63 TO AMENDMENT NO. 31

(Purpose: To provide for school dropout prevention, and for other purposes)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER, proposes an amendment numbered 63 to Amendment No. 31.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BINGAMAN. Mr. President, before I start, let me just indicate my support for the amendment that the Senator from Minnesota is offering. I agree with him. I favor the Ed-Flex bill, and I intend to vote for the Ed-Flex bill. I also, though, believe we need to be sure the funds we provide at the Federal level get to the students who most need those funds, and to the programs that will benefit disadvantaged students. So I favor that amendment.

The amendment I have sent to the desk here and that I will speak on right now relates to what I consider perhaps the most severe problem facing the educational system in this country today—at least in my State, and I believe throughout the country—and that is the problem that too many of our students are leaving school before they graduate from high school.

For an awful long time, this was a problem that people sort of ignored, and education policy wonks here in Washington and around the country essentially looked the other way and talked about other aspects of the educational issue. But more and more I have come to believe that this amendment I am offering on behalf of myself and Senators REID, LEVIN, BRYAN, and BOXER deals with a crucial issue for our young people and for our educational system. We can deal with the dropout problem. We can provide assistance to States and local school districts that want to reduce the dropout rate, and we can do that at the same time we are adequately funding special education. We can do it at the same time we are providing this additional flexibility in the Ed-Flex, which is what the Ed-Flex bill calls for.

Last week, when I offered the amendment, it was plain that there was some sort of contest between the proposal to adequately fund dropout prevention and the needs of special education. I do not see that as the case. That is a false choice. There is no rule and there is no limitation or requirement on those of us in the Senate to deal with one and not the other. We can deal with both of these issues. I favor dealing with both of these issues. Special education is extremely important. In order to address this, I put a couple of provisions in the amendment that I just sent to the desk. Two key provisions relate to special education.

The first says that there is a sense of the Senate that there is a great need to increase funding for special education. I support doing that. And the amendment makes it very clear that that is what we intend to do.

A second provision I have added says that any funds that are appropriated for dropout prevention above the $150 million annual amount that is called for in this bill shall go to special education rather than to this dropout prevention need.

So it is not an either/or decision. And I don't think we should see it that way.

This legislation on dropout prevention was offered last year. It was adopted here in the Senate by a vote of 74 to 26. Its main provisions are very well known to the Members of the Senate. Let me just go through them.

There are five main provisions. First, it provides better coordination and streamlining of existing Federal programs which serve at-risk students. We have several programs intended to serve at-risk students. This bill would try to bring those together and coordinate them.

Second, it sets out a national plan to address the dropout crisis that exists at the State, local and national levels.

Third, there is $150 million authorized in grants to schools with high dropout rates in each State.

Fourth, there is a requirement for uniform dropout data to be provided so that parents will know where the problem exists most severely, and for policymakers to have that information so that we can make good decisions.

Finally, it calls for what we designated here as a "dropout czar," or a person who will have a full-time job working in the Department of Education to try to work with local school districts and States to deal with this issue. We ought to have at least one person in the Department of Education who comes to work every day with the responsibility of trying to help solve this problem. That is not too much to ask in a country of our size.

So that is what the bill tries to do.

The problem is serious. It warrants our attention.

Since we have been debating this bill, there have been over 20,000 young people drop out of our schools. There are over 3,000 young people who drop out of our high schools and our middle schools before graduation each schoolday. So the problem is severe. There have been over 400,000 students who have dropped out since last April when we last approved this amendment here in the Senate. These new dropouts join a large pool of unemployed, most of them unemployed adults who lack high school degrees.

We have a serious problem here. I think many Senators and many people in this country would be shocked to know the extent of this problem. Let me give you some figures that came out of "Education Week" recently. According to "Education Week," which is a very respected publication that does good research on education-related issues, according to their study, there are 30- to 50-percent dropout rates reported over the 4-year high school period in communities around this country.

Let me give you some specific statistics which they reported.

In Cincinnati, "Education Week" claims that 57 percent of students in Cincinnati's high schools do not complete high school, who drop out before the completion of high school; in Philadelphia, 54 percent; Salt Lake City, 39 percent.

Everybody, at least in my part of the country, in the Southwest, looks to Utah, and says: "Oh, they have a better educational system than we do in New Mexico, and they always do everything right in Utah." The truth is that 39 percent of their students don't complete high school—in Salt Lake City, not in Utah, but in Salt Lake City—47 percent in Oklahoma City; in Dallas, according to "Education Week," 61 percent of students do not complete high school.

I hope that Senators will come to the Senate floor and contradict these statistics and tell me that this is crazy, that they do not agree with these statistics. I hope they can do that, because, in fact, I find these statistics to be very startling.

But I know for a fact that in my State the percentage of people not completing high school is very high. It is particularly high among Hispanic students in my State. We have a great many Hispanic students in my State, and way too many of them leave school before they complete high school and middle school. There currently is no Federal program that is intended to help solve this problem.

We have a TRIO Program. People point to the TRIO Program. It is an Upward Bound Program. But less than 5 percent of the eligible students participate in those programs.

There is a program just now getting started called GEAR UP. This is for middle school mentoring. The unfortunate thing about this is that it doesn't reach ninth or tenth graders. That is where the problem really occurs most severely.

Then title I—title I, unfortunately, does not usually get any funds to the high school level. Most of the title I funding goes to elementary schools where the need is great. But what I am talking about is middle school and high school. And those schools see very little title I funding.

One of the main reasons this bill is needed is to restore some balance to the Elementary and Secondary Education Act, which, at present, is heavily weighted toward the younger grades. I favor the assistance to the early grades, but I believe we need to do something at the middle school and high school levels as well.

A lot of what needs to be done is reforming our high schools. Our high schools are too big. That is where the dropout problem is most severe. You get a 2,500-student high school, and, frankly, it is too anonymous. Too many of the young people come to that school; nobody knows whether they come in the morning or not. I have talked to high schools in my State, the large high schools, and I ask, "What do you do if a student doesn't come to school?" They say, "After 3 days of them not coming to school, we send them a letter. We send a letter to their home address and ask them why they are not coming to school and complain to the parents." Well, the reality is you need a more personalized response and a more immediate and effective response when students start dropping out of school. This legislation can help us accomplish that.

United States graduation rates are falling behind other industrialized countries. When the Governors met and President Bush met in Charlottesville in 1989 and set the National Education Goals, the second goal was that we want to have at least 90 percent of our students complete high school and graduate from high school. The reality is we have made virtually no progress towards achieving that goal since 1989. We are now in 1999, and we have made virtually no progress. Clearly, we need to deal with this issue.

Some have said: "Well, let's put it off. Let's deal with it later on in this Congress. This is a 2-year Congress. We are going to eventually get around to the Elementary and Secondary Education Act reauthorization. We can deal with it then, maybe not this year. But surely next year we will get around to it. So just relax. We will get around to it." I believe we have a crisis with our high school dropout rates, and I believe we need to deal with it now.

There is no logical reason why we can't do the Ed-Flex bill, which I support, and do whatever this Senate wants to do with regard to special education, and do something to assist local schools in dealing with the dropout problem. We can do all three of these things.

As our former President, Lyndon Johnson, was famous for saying, "We can walk and chew gum at the same time" here in the U.S. Senate. This is not too much for us to take on.

I urge my colleagues to support this amendment. I hope we get the same kind of strong vote this time that we got in the last Congress—at least have the 74 votes that we got in the last Congress. I hope we can get even a stronger vote.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 hour 57 minutes.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previous agreement with respect to the Ed-Flex bill be modified to allow 1 hour of the 5-hour debate limitation to be used on Thursday prior to the vote with respect to the pending amendment, and, further, that hour of reserved time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 64 TO AMENDMENT 31

(Purpose: To reduce class size, and for other purposes)

Mr. BINGAMAN. Mr. President, on behalf of Senator MURRAY and a long list of additional Senators whose names I will put in the RECORD, I send an amendment to the desk to help communities reduce class size for the youngest children in the school.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. BINGAMAN], for Mrs. MURRAY, for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN, proposes an amendment numbered 64.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Amendments Submitted.”)

AMENDMENT NO. 65 TO AMENDMENT NO. 31

(Purpose: To improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during afterschool hours)

Mr. BINGAMAN. Also, on behalf of Senator BOXER, I send an amendment to the desk to expand afterschool opportunities for children nationwide.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mrs. BOXER, for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERRY, proposes an amendment numbered 65.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. BINGAMAN. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 66 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. I send an amendment to the desk on behalf of Senator LOTT, Senator JEFFORDS, Senator GREGG, Senator COLLINS, Senator FRIST, and Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes amendment numbered 66.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. XX. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection'(g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

SEC. XX. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriate to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

AMENDMENT NO. 67 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I now send to the desk an amendment for Mr. LOTT on behalf of himself and Senator JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes an amendment numbered 67.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

AMENDMENT NO. 68 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act, and to amend the Individuals with Disabilities Education Act with respect to alternative educational settings)

Mr. JEFFORDS. Mr. President, I ask on behalf of Senator LOTT and others I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, and Mr. ASHCROFT, proposes an amendment numbered 68.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

SEC. . ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

“(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike “and”.

On page 13, line 15, strike “all interested” and insert “parents, educators, and all other interested”.

On page 13, line 17, strike the period and insert “, shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the

Secretary or the State educational agency, as appropriate.''.

At the end, add the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

Mr. JEFFORDS. Mr. President, at this time I would just like to make some brief comments on the amendments which have been presented by the minority. I would like to again reiterate for my colleagues that the process we are going into was an agreement reached in order to move this bill along. This bill, which is known as the Ed-Flex bill, is relatively noncontroversial. I think the only vote in opposition in committee, and may well be in the Chamber, was by Senator WELLSTONE. But we are in the process to move this bill along, to move it along with the House bill, which I believe was passed, or will be passed today in order to get it into law in time so that States may have a maximum benefit from its passage. It is a bill with which all 50 Governors agree, a bill with which the President agrees, and the Department of Education has been sending the guidelines out for its utilization. All of this is ongoing.

However—and it is understandable—the minority has a desire to be able to put amendments on the bill because they feel strongly that these initiatives ought to be put into law. However, as chairman of the Health, Education, Labor, and Pensions Committee, I must say that we are in the process now of reauthorizing the Elementary and Secondary Education Act. That act is where most of these amendments should be. Some of them are perhaps relevant. For example, part of the Wellstone amendment is relevant to the Ed-Flex bill.

If we are going to assure that the committee system works—where evidence is presented at hearings, where we have people from the local schools all the way up to the States' Department of Education testify, where we can be absolutely sure of what we are doing in this incredibly important bill, the Elementary and Secondary Education Act, which has some $50 billion in Federal dollars, I believe it should not be done in this kind of ad hoc process of attaching amendments. Well-intentioned as the amendments may be, some of which I would agree to, some of which I have even offered in the past, we can not offer them in a way that does not make sense when you are trying to be more effective with the expenditure of Federal funds.

There is $50 billion included, and yet, as I mentioned earlier, over the last 15 years, ever since we understood we had some serious problems in education in this country, we have seen absolutely no measurable improvement in the test results of our young people.

That is an intolerable situation. It does not make any sense to reauthorize a bill, which has obviously not had much impact on improving education in this country, without holding hearings or before fully examining it.

I am put in the very difficult position of having to allow these amendments to be presented in order to move the bill along, and then I will be the one to have to move to table. A motion to table means you do not allow the amendment to be voted on, and I will do this because the amendment should be offered when the Elementary and Secondary Education Act is before us. But, my move to table will give the political argument that I killed all these amendments. I am just trying to help this country's education system improve and not to do it in this ad hoc, messy way.

Therefore, I must oppose the amendment offered by my colleague from California, Mrs. FEINSTEIN. I have long advocated that we, as a Nation, need to address, head on, the issue of social promotion. In fact, we made some progress in this area last Congress. Funds made available for title II of the Higher Education Act, teacher quality enhancement grants, may be used by States to develop and implement efforts to address the problem of social promotion and prepare teachers to effectively address the issues raised by ending the practice of social promotion.

"Social promotion" is a term which educators know, but I am not sure everyone does. It simply means that we sort of gave up on young people saying, well, it is not really that important that they know how to read because there are jobs that you can get without having to read.

That situation has changed. We are going into the next century, and we know that unless a child has an excellent education when they graduate, they are not going to be able to get a good job. The literacy studies show that 51 percent—this is an incredible statistic—of the young people who graduated from high school, when measured for their performance, were functionally illiterate. We have to stop that. Ending social promotion is what that is all about.

However, the amendment by Senators FEINSTEIN and DORGAN is one I will reluctantly have to move to table, in order to make sure that we can move on in an orderly process on the ESEA reauthorization.

The other amendment, by Senators BINGAMAN and REID on school dropouts, is in a similar situation. We all know that we have to do something about school dropouts. We know that the so-called forgotten half in our educational system for years has been ignored, and when they get to sixth, seventh, and eighth grades they do not see any relevance to education in their lives. Everybody is pushing: You have to go to college; You have to go to college. And now we know there are many high-paying, skilled jobs that young people can get, and that young people would have the ability for if they had the proper schooling efforts in order to learn those skills that are necessary.

And so we have to accommodate that. We have to make sure that the young people in the sixth and seventh grades understand that if they do things to get the education, they will be able to get a good job.

There has been a tremendous move in that direction in some States. In Mississippi, with one of the worst records in the sense of educational performance, they are spending millions of dollars making sure that young people start looking at careers in the sixth grade so that they know there is a relevancy to the education and they won't drop out. It is very important. But it should be considered on the Elementary and Secondary Education Act, which is now before the committee, and on which we are holding hearings. I certainly agree with Senator BINGAMAN in what he is doing.

There is another amendment that has to do with report cards that we have listened to, and that is fine, as well. But that is an issue for the States to address, not for the Federal Government to mandate.

In many cases, the States are ahead of us in addressing the quality of their schools. Mr. President, 36 States already require report cards. We need to also remember that funding for education is primarily a State and local responsibility. So, again, that is another good approach, but it is something we should do in the orderly committee function.

Senator WELLSTONE has amendments. I have to say at least one of them is relevant to the underlying act. He is on the committee. He had an opportunity to offer it, but did not. Under the present situation, Ed-Flex demands accountability of States that are participating. It is important to keep in mind that accountability has been part of Ed-Flex since its inception, and the managers' package builds on those strong accountability provisions. So, again, this one could have been offered in committee. He chose not to offer it in committee, so I must oppose that one as well.

Mr. President, I again want to put everyone on notice that I have the responsibility to protect the ability of this committee to work in an orderly fashion. Because of that, I will have the unpleasant duty of probably moving to table these amendments when they come up, or to oppose them.

I would like to also refer to the Boxer amendment. This is another one that is very familiar to me. The 21st Century Community Learning Centers is a program that I created back in 1994 as part of the Elementary and Secondary Education Act. I fought hard to include this program in the Elementary and Secondary Education Act, and was successful, in spite of opposition from the very same administration. Getting the program funded was not easy in the face of the administration's opposition to this program. In fact, the administration proposed rescinding the fiscal year 1995 funding for the 21st Century Community Learning Centers. All of a sudden, the administration woke up and said: Hey, Republicans sometimes have a good idea. It is an amazing thing for this administration to recognize. But anyway, all of a sudden they put $750,000 into the program—I am sorry they asked to rescind it at another time.

More recently, the administration decided that they now like this program, and in fiscal year 1997 they recommended $15 million for this program. Now they are increasing it even more. So, obviously, I am a great friend of that one. It was a bill I got passed back in 1994 in the last reauthorization of the Elementary and Secondary Education Act.

I have enormous interest in changes to any of this legislation, certainly changes as dramatic as proposed by this amendment. This amendment almost completely rewrites the 21st Century Community Learning Centers. It changes its purpose, use of funds, and other aspects of the legislation. Last year, the administration, through the competitive grants process, substantially changed the focus and, indeed, the very nature of it by rewriting regulations. That was an unfortunate matter. Overnight, an act to expand the use of existing school facilities became an afterschool program—retracted it.

All these other things are just as valuable. Certainly I understand the desires of Senator BOXER to work on that bill. We will have plenty of opportunity. She will have all the opportunity she wants when the bill comes out of the committee later this year.

So, I could go on and on. But right now I again want to reiterate, in order to get this bill through we have been forced to go into this kind of amendment process, which some will say gives them the opportunity to do something constructive, knowing full well at the end of the day they on the other side of the aisle will not prevail because they do not have the votes. Fortunately, I believe my colleagues in the Senate, at least the majority of them, will say: Yes, let's use the orderly process, the one this institution was designed to utilize, in passing out legislation, passing out bills. And the process of offering amendments should be done first in the committee where they can have a good review after hearings and then secondly done on the floor.

Mr. President, I reserve the remainder of my time.

Mr. INHOFE. Mr. President, I am pleased to have the opportunity to discuss my support for the Education Flexibility Partnership Act or Ed-Flex as it has become known. Ed-Flex provides much needed relief to the schools of 12 states currently included in a demonstration project begun in 1994. Like many of my colleagues, I believe it is time to give this relief to the other 38 states who suffer from government over-regulation.

In preparation for each new school year, teachers and school administrators throughout the country face the challenge of providing the highest level of education with a limited amount of resources. This has always been the case and will remain the true for generations to come. I know this from personal experience. My wife was an educator in the Tulsa Public School District for many years and both of my daughters are current teachers. In my conversations with them, I have seen first hand the problems associated with bureaucratic mandates handed down from Washington.

Let me give you an example of what I am talking about. Over the last three decades, the Federal Government has piled on mountains of bureaucratic redtape on local school districts. Between 1960 and 1990, the average percentage of school budgets devoted to classroom instruction declined from 61% in 1960 to 46% in 1990. The most significant reason for this decline is traced to the explosion of administrators and nonteaching support staff while the overall number of teachers has reduced. One primary reason for the growth in administrative personnel is the growth in regulations, both state and Federal.

Let me show you just one example of how this is evidenced in Oklahoma. In my hometown of Tulsa, the Tulsa Public Schools have approximately 42,600 students. In order to provide quality education to those 42,600 students, there are approximately 225 administrative staff employed by the Tulsa Public Schools system. Now, I realize that some of these are essential managerial and administrative staff, however, how many are doing nothing more than trying to keep Tulsa schools' in compliance with Federal regulations? How many of those staff could be better utilized in classrooms across the district instead of spending their time dedicated to paperwork? And, this is just one example of one public school system in my state. The problem is the same in every single school system.

Mr. President, it is clear, the more people and resources it requires to comply with government regulations, the fewer people and resources dedicated to teaching our children.

Each time we create a new Federal program, with it comes numerous forms and reports. The schools must understand, complete these forms and reports and submit to the appropriate departments within the appropriate agencies, by the appropriate deadlines. Whether schools use teachers and administrators, or support staff and volunteering parents, to fulfill this obligation, valuable time and resources are used for Washington's paperwork, not student education.

Let me illustrate this point further. Currently, the Federal Government provides approximately 7% of overall school funding. However, Federal paperwork accounts for upwards of 50% of all school paperwork. It is estimated that completing this paperwork requires about 49 million hours each year. Mr. President, that is the equivalent of 25,000 employees working full time for an entire year. According to one expert, it is estimated that it takes six times as many employees to administer a Federal education dollar as it does to administer one state education dollar. Again, these people are not teaching or educating our children, but completing bureaucratic red tape.

Earlier, I discussed the number of administrative positions in the Tulsa Public Schools; but the problem is more pronounced in the state as a whole. There are approximately 5,950 administrative and other certified staff performing non-teaching duties in Oklahoma. Those 5,590 people represent about 10% of the total public school personnel. That is 10% doing something other than teaching children. That concerns me greatly. I have to wonder whether we are using our resources in the best way possible to meet the educational needs of our children.

Now, some of my colleagues, and the President, believe that we need the Federal Government to hire an additional 100,000 teachers in order to reduce class size around the country. However, I have to wonder if that is really the answer to the problem. As I have just demonstrated, we have too many professional and certified staff in my state that are not educating children. Instead, they busy themselves attempting to comply with government regulations. If we can unburden school districts of cumbersome regulation, the local districts can shift some of their resources back to educating our children. If the Federal Government does require the states to hire additional teachers, it will simply be one more mandate handed down from Washington for the states to comply with once the dedicated Federal funds expire. You can be sure that if there are additional Federal mandates there will be additional non-teaching certified staff required to administer the program and that means another professional staff member not in the classroom teaching our children.

As the bureaucratic mandates from Washington have increased, states needed a way to gain some flexibility to address their individual concerns.

Our answer to the states was the Education Flexibility Partnership Demonstration Act of 1994, an effort I was proud to support while I was in the House of Representatives. First authorized in 1994 for six states, and expanded in 1996 for six additional states, Ed-Flex has given 12 state legislatures the freedom to identify the most efficient and effective means possible to meet the needs of students and schools in their states. Under Ed-Flex, the Department of Education gives to states and local districts the authority to waive certain Federal requirements that interfere with state and local efforts to improve education. In exchange for this flexibility, the state and local districts must agree to comply with certain federal core principles and agree to waive its own state regulations. The states must also agree to use the affected federal funds for their original purpose.

Mr. President, I think it says something about the nature of our current bureaucracy that we have to give states the power to waive Federal regulations. If there were fewer onerous regulations in the first place, we would not have to pass legislation to give states the power to ignore federal regulations. Wouldn't it make more sense to let the states be responsible for the education of our children, not bureaucrats in Washington?

In my State of Oklahoma, we have great diversity in our education needs. We have schools of all kinds; urban schools, rural schools, inner city schools, and suburban schools. In my conversations with educators and administrators, I hear them tell unique stories about the challenges they face in trying to educate their students. All of these educators tell different stories. However, not surprisingly, almost to a person, they tell me of the problems they have in complying with government regulations. It does not come as a surprise to me that the education challenges presented at urban schools like Tulsa McClain High School differ widely from the needs of smaller rural schools like Weatherford High School. Yet, they all have to comply with the same Federal regulations. Given the failings of the public schools today, it is little surprise that the cookie-cutter approach of the Federal Government has been a disaster.

The time has come to move beyond a one-size-fits-all Federal approach in educating our children. As I look around our country, I see the great successes that our Governors are having in making progress in education reform. I am continually amazed at the policy innovations going on in State legislatures all over the country with regard to education. However, now, it is the Federal Government's responsibility to join with those Governors and give them more flexibility to continue to innovate and improve our public schools. I understand the need for accountability. However, I believe accountability is best when it closest to home and vested in Governors, State legislators, and local school board officials than with faceless Federal bureaucrats in Washington. State leaders understand this. That is why groups like the National Governor's Association and the National Conference of State Legislators have endorsed this legislation.

As I have watched and listened to the debate on Ed-Flex, I have been surprised by many amendments offered by some of my colleagues on the other side of the aisle. Many of the proposed amendments seem counterproductive to the central purpose of Ed-Flex. Ed-Flex is about easing government mandates and regulations. However, many of the amendments we have debated would add to the mountain of Federal mandates applied to State and local school districts. As much as I hate to say this, it appears that many of my colleagues would rather have a political issue than have meaningful education reform.

Mr. President, the results Ed-Flex prove the effectiveness of the demonstration program. Whether it is giving local districts the resources to provide one-on-one reading tutoring or lower the teacher to student ratios in classrooms, Ed-Flex has been a tremendous success. These are all things we can agree upon. Based on its proven track record, the time has come to expand Ed-Flex to the rest of the country. We need to continue to identify programs that work and expand them, while eliminating the programs that are ineffective.

In closing, Mr. President, I want to thank Senators FRIST and WYDEN for their leadership on this issue. Their efforts prove that we can work together to the benefit of our children when it comes to educating our children. As the Senate proceeds with the reauthorization of the Elementary and Secondary Education Act later this year, I look forward to working with them to continue to progress we have begun here today.

Mr. President, thank you for the opportunity to discuss my views on Ed-Flex and I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, for the convenience of all Members, I would like to let them know that, as far as I know, at least on the majority side of the aisle, there are no speakers desiring to come to the floor. I put them on notice that if I do not hear from them within 10 minutes, we may end up drawing the session to a close. As far as the other side of the aisle, I also inform them. I believe we have notified the minority that if they have no further speakers, we would appreciate knowing that. If we hear from no one within 10 minutes, we will presume they have no further people to be heard and then yield the remainder of the time back so that tomorrow we can start on schedule.

I also notify Senators that the order of the amendments tomorrow will be the order that was originally delineated and not as they may have been presented, so that Senators will know exactly when their amendments will be coming before us.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share a few remarks. I have had the pleasure to be able to preside over this body for the last hour and hear some excellent remarks from Senators who are concerned about education. I thought, as we heard some good remarks from one of our brother Senators about an amendment to deal with the dropout rate, that this is how we have gotten where we are today in large part.

The remarks were good. I personally am concerned about the dropout rate. I have been involved in youth programs in my hometown of Mobile, AL. We had a meeting with the police and the school boards on how to deal with truancy, dropout problems, and what we could do to confront that. That is happening, I suspect, all over America right now. Some schools have good dropout programs, others do not.

The question was, are these numbers—showing 50 percent in many schools dropping out before graduating—are they accurate? I am not sure that they are, frankly. We questioned that in our community, because sometimes when people transfer from one school to another, they are counted as a dropout. But we do have higher dropouts than we need. And good school systems are identifying them at the earliest possible time in dealing with them.

But I thought to myself as it was suggested—this amendment would suggest and mandate that we have a dropout czar in America—so this U.S. Senate now is going to take it upon itself to have a czar to deal with dropout problems. And that will be the 789th—if I am correct in my numbers—Federal program Congress would have adopted and that is now in effect, all to be added to a bill called Ed-Flex that is suppose to give more flexibility to the school systems, to allow them to use the resources we are sending to them now effectively to deal with the problems as they know they exist and they would like to deal with them.

Yes, I wish I could wave a wand and create a program that would instantly eliminate the dropout problem in America. I would be tempted, as all of us are, to think we could appoint a czar in Washington who would stop the dropout problem. But I really do not think it is going to happen.

What we have to do is strengthen our school systems in the classroom, where teaching occurs, making those schools more friendly, more motivating, more interesting, more challenging, educating the young people who are there, because really the only thing that counts is that magic moment in a classroom when the learning occurs between teachers and pupils.

One of the Senators said our problem is schools are too big. Well, I guess next we will have a czar to set the sizes of schools in America. My daughters both graduated from a large high school in Mobile, AL. Bill Bennett came down and gave them an award as one of the best high schools in America—racially balanced—a big high school, Murphy High School, an outstanding high school. It is a large school. All large schools are not bad. In fact, our dog was named Murphy, named after the high school. We loved that school. My wife and I participated in the PTA and were most interested in what went on there.

When I graduated, my senior class had 30 members. It was a public high school. The one who finished third in my class of 30 is now dean at the University of Alabama. And I finished below her. And the one who finished two below me—seventh—graduated from the U.S. Naval Academy.

I do not think we need in this body to be saying what the sizes of schools ought to be and how school systems ought to run their programs. We need to help them in every way we can and to eliminate this problem, as I noted earlier today, where a system like Montgomery, AL, spends, according to the letter I got, $860,000 to comply with Federal regulations. The Federal Government gives 8 percent of the funding and over 50 percent of the regulations.

So our chairman, Senator JEFFORDS, has presented a commonsense, reasonable, modest step toward allowing local school systems to petition for the right to have flexibility in how many of these governmental programs are ordered. That is so rational, it makes so much sense, and it in fact was proven effective in the welfare reform bill. That is all we are talking about.

There is no doubt Senator JEFFORDS will conduct hearings on any of these matters. He will take testimony and receive it and consider matters to deal with truancy, matters to deal with drug problems, matters to deal with special education. We want to deal with that. But that will come up in the education bill that will come along later.

This bill needs to remain a clean bill designed to create flexibility for our school systems in America. That is what it ought to be. We ought not to allow it to be clogged up with every Senator's view of what would be wonderful if they just ran schools in America, because that is how we have gotten in this fix. That is what we are trying to make some progress toward completing.

I care about education. I care about public education. I taught. My wife has taught. Our children have participated in public education. We want to make it better. But I am not at all persuaded that the Members of this body have studied the problems of the Mobile, AL, or Vermont school systems. They have not studied those problems. They do not know how to fix them. They read a study somewhere that says something, and they feel obligated to come down here and present the next program, the 789th program, Federal Government mandate, to fix it. Then they can go back home and say, "I fixed truancy, I fixed dropout problems," or whatever.

I just say to my colleagues that this is not the way to do it. We have elected school board presidents, school board members. We have superintendents of education. We have principals. We have teachers. They know our children's names. We need to put as much power and as much money into the hands of the people who know our children's names as we possibly can. If they do not care about our children, we need to make sure we have someone there who does. But I submit to you they do care about them. They are better trained than we are in education. They are seeing kids every day in their classrooms. They know what facilities are in existence. Do they need more teachers? Do they need more classrooms? Do they need more computers? Let them decide that. That is what we should do; give them the flexibility to make the decisions needed.

I think we will find, if we pass this bill, that instead of just the 12 States indicated in the chart from the GAO report this past November—the GAO studied this Ed-Flex bill that gave 12 States the right to have more flexibility in their educational programs. They concluded that they have used their authority well, the flexibility given to them, and that the waiver authority has been used carefully and judiciously.

Why would we expect otherwise? Why would we expect that the people we have elected and hired to take care of our children, who know our children's names, are not going to use freedom and financial support from Washington carefully and expeditiously? I feel very strongly about this.

I see the Senator from Arkansas has come to the floor. I will be anxious to hear his remarks, because he has served on this committee, that I have just joined this January, for the past 2 years. He is passionately concerned about improving education. He has a bill that I am proud to support—Dollars to the Classroom. That bill goes much further than this Ed-Flex bill. I believe it would be a historic step toward empowering our local education system to get out from under Federal regulations and be able to focus entirely on educating our children, get that money and authority to the classroom where it can be used wisely.

I thank the Chair for the time and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I want to associate myself with the remarks of the Senator from Alabama and thank him for his kind remarks concerning the Dollars to the Classroom proposal. I look forward to working with him on the committee.

I am dismayed that a bill that has the kind of bipartisan support—support in this Chamber, support across the country among educators, support among our Nation's Governors—would have been held up as long as this has been held up and would have had the kind of amendments, many of them worthy of debate but that would have been far more germane to the Elementary and Secondary Education Act, which, as the chairman has said, will be debated and will be marked up in committee later this year. I think it is unfortunate that we have had all of these amendments filed.

As Senator SESSIONS said, I have a bill, that I feel very strongly about, that would go further than Ed-Flex. I have resisted offering that as an amendment. We could have brought that to the floor. We could have offered that to the Ed-Flex bill. However, it is important that this piece of legislation move forward uncluttered, clean, with the support of both parties, and be presented to the President for his signature.

I want to especially address in the next few minutes one of those amendments which has been offered, an amendment that sounds so good: The 100,000 teachers funded at the Federal level over the next 7 years. I think it is kind of a cotton candy amendment: It looks good, it is sweet, it tastes good, but it is not very filling, it is not very satisfying, and it is not very good for you. The 100,000 teachers—when you say that at first blush to the average American, that sounds very, very appealing, but I think when you look in greater depth and you look more closely at what that amendment would do, then, I think in fact it is not worthy of our support.

We have already decreased class size across this country. At the same time we have seen a dramatic reduction in class size across the United States, we have not seen a comparable improvement in achievement. Between 1955 and 1997, over 42 years, school class size has dropped in the United States from 27.4 students per classroom to about 17 students per classroom, according to the National Center for Education Statistics—a very dramatic drop, from 27 to 17. At the same time, the number of teachers has grown at a faster rate than the number of students. This chart illustrates that very clearly. We see a very dramatic increase in the number of teachers and the student ratio decreasing appreciably.

While public school enrollment has decreased in Arkansas, in my home State, going from the broad international statistic to what it looks like in Arkansas, we have seen our public school enrollment drop slightly, by 1.3 percent, during the last quarter century. The number of teachers during that same period of time has dramatically increased in Arkansas, from 17,407 in 1965 to 29,574 in 1997. Now, that represents a 70-percent increase in teachers in the State of Arkansas. At the same time, we saw a slight decrease in the number of students in our public schools. What that represents is a very dramatic improvement in classroom size. We have smaller classes, we have more teachers teaching those classes, but studies have shown that unless the class is very, very large to begin with, modest reductions in the size of the class do not correlate with gains in student performance.

Here is the point: Effective teachers can generally handle, studies indicate, an ordinary class of 19 students as easily as they can handle a class of 14 students.

I want teachers to have smaller classes. I think that is a desirable goal. It is a goal that is being achieved in States all across this country. But I do not believe it is something we should mandate from Washington, DC, nor fund from Washington, DC. Senator SESSIONS said it better than I can: I don't believe we need the 100 Members of the U.S. Senate to become some kind of super school board making those kinds of decisions as to what schools need most.

At the same time teacher-student ratio has dropped in Arkansas from 21.9, almost 22, in every class in 1970, to 17 per class in 1995, student achievement has failed to show a measurable increase during that same time period. I want to say that again: We have seen classes drop from about 22 per class to 17 per class over the last 25 years in Arkansas. It has dropped more dramatically nationally, but in Arkansas we have seen it drop from 22 to 17. We have not seen student achievement show comparable improvement during the time that classes got smaller.

Now, the initiative that has been presented by Senator KENNEDY, the amendment offered by Senator KENNEDY and Senator MURRAY, is expensive indeed, and there is no demonstrable evidence that for what we will be paying for this new program, we will see a corresponding improvement in academic performance. If enacted, the President's teacher initiative will provide enough money to hire only 361 additional teachers in the entire State of Arkansas in the first 2 years. All of the hoopla, all of the excitement about the 100,000 new teachers—which sounds like such a dramatic number—over the next 2 years in the entire State of Arkansas, it means 361 additional teachers.

Now, we have in Arkansas 314 school districts. Many have argued we need fewer. Perhaps that is true; perhaps we need to consolidate some. But we have 314 school districts. We are going to receive 361 new teachers. That is 1.15 new teachers per school district. If we want to break that down a little more, it amounts to about half a teacher per elementary school. Since the focus of the amendment and the initiative is supposed to be grades 1 through 3, when you calculate that, it means .18 new teachers.

Here we have that clearly outlined: In the State of Arkansas, 1.15 new teachers per school district; a half a teacher per elementary school; or .18 new teachers for each grade 1 through 3.

It is simply not enough of a commitment if that is what we are trying to do, it is not enough of a commitment on reducing class size, to make an appreciable difference in Arkansas or the Nation. If this initiative were carried out for the full 7 years, Arkansas would be able to hire only 939 new teachers for the whole State over the whole 7-year period. That equals 3 new teachers per school district, or 1.4 teachers per elementary school, or half a teacher in grades 1 through 3, to do the whole program for the whole 7 years. For such an expensive proposal, I believe Americans expect more results than that.

This will do little to actually reduce the student-teacher ratio when there is only one new teacher in an entire school district, which is the result we would have under this initiative.

Lisa Graham Keegan, one of the most innovative directors of public instruction in the country, superintendent of public instruction for the State of Arizona states:

> In the first year of the President's new program, Arizona will receive more than $17 million. $17 million is a lot of money; what do we get for that kind of investment? At $30,000 per year—a good, but not great wage—we can pay for a little over 500 new teachers, as the program asks. In Arizona, that comes to a bit under 2 teachers per school district. Not per school, but per school district.

They would average two new teachers per school district in the State of Arizona. Not every school district—and I think this is so important—finds that their greatest need is having more teachers or smaller classes. Many school districts do not need more teachers. They may need more books or more computers. Maybe they just need better-trained teachers. A one-size-fits-all approach is not what States and school districts need or want.

Again quoting Lisa Graham Keegan, she states:

> President Clinton made it abundantly clear that he had decided that smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn. Nevertheless, because class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

Well, that is a pretty strong allegation. But I think it is accurate on the basis of effectively anecdotal evidence. The President concluded this sounds good, looks good, this is appealing, and this was going to be his education initiative: 100,000 new teachers, paid for by the Federal Government, without having the research to demonstrate that, in fact, it correlates to better academic performance.

This program requires that the money be used for new teachers. Yet, many States have already implemented class size reduction programs on their own. At least 25 States, including California, Florida, Nevada, Tennessee, Wisconsin, Virginia, and Maryland, have either tried a class size reduction program or are currently considering a class size reduction program.

What about the 25 States that, on their own, many times at the expense of their constituents and their school patrons, have implemented their own class size reduction programs? What about those who are ahead of the curve and have sought to address this at the local level? Are we now going to say we are imposing this upon you, that you have to hire these new teachers if you want the benefit of this Federal program?

In his testimony before the Senate Health and Education Committee, on February 23, Michigan Governor John Engler said this. I know our Presiding Officer, the Senator from Michigan, will concur with this. Governor Engler has been one of the most creative and innovative Governors both in the area of welfare—pushing welfare reform a number of years ago and seeing a tremendous revolution in the welfare system in Michigan—and he has now been pushing hard for greater flexibility for the schools in Michigan and the schools across this country. He said in his testimony before our committee:

> Many Governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

He didn't say send us more money. He might not turn that down, I don't know; but he didn't say that was the greater need. He said the problem is the bureaucracy. Give us greater flexibility and we will improve education.

Governor Ridge of Pennsylvania said in his testimony before our committee:

> We all care about teacher competency, social promotion and class size and many other things, yet, we must recognize that the States themselves are designing programs that meet their unique needs.

The States themselves are designing programs. Once again, it is a matter of trust. Who are we to conclude in the U.S. Senate that we can be trusted to know what is best for local schools in Michigan, Arkansas, Vermont, and Washington State, but the Governors don't, the school superintendents don't, or that the local elected school boards can't be trusted? I think that is a misconception and an insult to those local leaders who care as much about the welfare and the education of children as we do here in the Senate.

Reducing class size simply does not necessarily mean we are going to have improved performance. It does not deliver the results. States performing exceptionally well on achievement tests do not have an extraordinarily high number of teachers per student. For example, the State of Minnesota ranked third in the 1996 NAEP test scores for eighth grade mathematics. They ranked third on the NAEP test in eighth grade math. They rank 42nd in students per teacher.

If lowering class size were the panacea, then Minnesota, I think, would have a hard time explaining why they rank third in the Nation in eighth grade math and 42nd in class size. There simply is no clear correlation. Without the research, without the hearings, without the evidence, why would we want to pass it? Is it because, like cotton candy, it looks good and sweet?

On the other hand, schools that have a low student/teacher ratio do not necessarily have a high achievement score. Example: The District of Columbia has the lowest number of students per teacher—13.7—of any State or Federal jurisdiction. It is 13.7. Yet, it ranked 41st in its 1996 NAEP test scores for eighth grade math. In contrast, we have Minnesota. I know there are a lot of factors that can be involved, but that tells me there is not a clear correlation between class size and academic performance.

Eric Hanushek, an economics and public policy professor at the University of Rochester, maintains that teacher quality "has 20 times the impact of class size. Teacher quality just swamps all the evidence we have on class size. If I had a choice between a large class with a good teacher and a small class with a lousy one, I'd take the large class any day."

The teacher quality is far more critical in ensuring the quality of the education of our children than the student/teacher ratio, the class size.

I remember, vaguely, when I was in the second grade we had too many second graders; we had 37. And so the superintendent decided we were going to take 7 of the second graders—me being one of them—and put them in a joint class with second and third grade. Mrs. Hare was the teacher. Some of the parents expressed concern that we were going to have a combined class because the class was too big. But we had an extraordinary teacher, a quality teacher, in a combined class of 7 from one grade and 20 from another grade. But it worked. It worked not because the class size was perfect, or because the student/teacher ratio was perfect, but because, as Senator SESSIONS referred to it, the magic of learning in a classroom was taking place. We had a quality teacher who cared about the kids and instilled in us students a desire to learn. That is what we can do about education—improve the quality of teachers in the classroom, not some feel-good measure of hiring 100,000 teachers, whether that be the need or not.

Mr. President, about 1,100 studies have been made of class size. Out of those 1,100, only a very small few made any link at all between small classes and improved achievement. The research and the evidence is simply not there.

The proponents of this measure keep mentioning that we need to fulfill the promise made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program, at a price tag of $1.2 billion.

What I would ask is this: What happens at the end of the 7 years when this authorization expires? We then have a new mandate that must be funded, or the States and localities will bear the burden of continuing the program which we started. Hiring 100,000 new teachers with the spending schedule to expire at the end of 7 years will result in one of two things: Either a new heavier tax burden upon our States in trying to pay for these teacher salaries, or a permanent entitlement established at the Federal level, and another step in nationalizing education control in this country.

What happens with new Federal education programs? Once in place, they grow. They grow. Year after year, they grow. And this will become a new prescriptive program that places more regulations on the localities and further contributes to a Federal oversight of what should be and has always been a local issue.

Some Members have been talking about the urgency with which we must enact class size legislation. But, before we create a new Federal program, shouldn't we, I ask my colleagues, fully fund the mandates that Congress has already placed on school districts?

Every time I meet with parents, teachers, principals and local school board members from across Arkansas, they have one common theme and one common complaint. And it is this: Senator HUTCHINSON, please fully fund special education.

When we placed that mandate upon the schools, we made a commitment and a pledge that we were going to provide 40 percent of the funding of that mandate at the Federal level. Now, before we have even gotten close to meeting that commitment, we start a host of new programs, including the initiative to hire 100,000 new teachers.

During the 1995–1996 school year, 53,880 students in Arkansas were served under IDEA. That is about 12 percent of all students in the State served under IDEA special education.

Funding for special education affects all schools and all school districts. It is not a problem limited to Little Rock, or Rogers, AR, or to the State of Arkansas. Every State has to deal with this critical funding problem.

We are failing to miss a critical point: If we provide more funding for special education, then schools will have more money available to hire more teachers, create afterschool programs, or build new schools, whatever the need is at the local level.

If we would, rather than funding 100,000 new teachers "one size fits all", whether that is the need at the local level or not, if we would instead take that funding, place it in IDEA special education funding, it then would allow the local school districts to determine with the resources that are now free where the greatest need is—computers, books, tutors, or even school construction. But the decisions would be made locally.

In 1975, Congress first mandated a free appropriate public education for school-age children with disabilities. We have, Mr. President, not fulfilled the responsibility to which we committed.

The formula for providing grants to States is authorized at 40 percent, the national average per-pupil expenditure. Congress has never provided more than 12½ percent of IDEA funding, and that was back in 1979, 20 years ago. For fiscal year 1999, allocations to States represented only 11.7 percent of average per-pupil expenditures. Schools get only 11 percent of the funding, but 100 percent of the Federal mandates, and what an expensive mandate it is.

This shortfall in funding does not just affect special education students. Because schools are mandated by Federal law to provide a free and an appropriate public education, they must provide these services.

As Fort Smith public schools superintendent, Dr. Benny Gooden, wrote in a letter last week—one of our outstanding superintendents in Fort Smith, AR, who writes regularly about the burden that IDEA places upon local resources:

> For almost 25 years, local elementary and secondary schools and their governing boards of education have attempted to deliver essential educational services to children with disabilities under these Federal guidelines. During this time period, the costs associated with providing these services have escalated dramatically, while the level of Federal support has never approached the promised 40 percent of applicable costs which accompanied the initial passage of the legislation.

While providing an education to disabled students is necessary and desirable, we must recognize the effect of imposing unfunded mandates on our school districts.

The more that we fail to pay our fair share of the cost of educating disabled students, the more we force local school districts to take money away from other programs to fulfill their duty to special education students.

With all of the talk about the importance of enacting class size reduction programs now when school districts are working on their budgets, it is important to fully fund IDEA and allow school districts to free up more money for other uses.

The costs for educating a special education student can be 5 to 10 times the district average.

In addition, as we all are aware, the U.S. Supreme Court recently ruled that the related services provision in IDEA includes medical services. This is going to dramatically increase this figure even more.

Whether this was the intent of Congress or not, we made a commitment to fund 40 percent of IDEA costs. And we simply have not kept our promise.

How can we in good conscience make more promises? We are going to give you 100,000 new teachers across this Nation. In Arkansas, it is about one per school district. How can we think of making more promises when we have not fulfilled the ones we already made to them in regard to special education? We are imposing an undue burden on school districts. And, if school districts had to spend less money on special education, they could use the available funds in the way they see fit. If that is entirely for teachers, so be it. If it means professional development, so be it. If it means buying new computers, we ought to let those local districts make those decisions.

I see Senator COVERDELL, who has been one of the great leaders on educational reform in meeting our Republican vision for education, and I have spoken quite a while on this at this point.

I hope my colleagues know how strongly I feel about this. This is an important bill. It is an important step that we are taking.

Senator JEFFORDS did an outstanding job. I can't say enough about the leadership of Senator FRIST on this. We need not clutter this bill with amendments. We certainly don't need to start a new mandate on our schools. I hope that we will pass the bill quickly, pass a clean bill and send it to the President.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I think we are down to two speakers. We have agreed that Senator COVERDELL will speak for 5 minutes, and then I believe Senator BAUCUS will speak for about 6 or 7 minutes.

I want to commend the Senator from Arkansas for his very eloquent discussion of the differences on how money ought to be spent. I appreciate him coming and sharing those with us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to associate myself with the remarks of the Senator from Arkansas. His eloquent statement delineates what is at stake here. I will expand upon it just briefly. As Senator JEFFORDS said, I will limit this to 5 minutes.

I would like to make three points with regard to what we will begin voting on tomorrow.

First, I want to make it very clear that from my perspective the amendment suggests that we should have a Federal program that envisions 100,000 Federal teachers, which is a bad idea. It is just not a good idea.

Mr. President, it envisions, or it suggests, that some Washington wizard wonk has some better idea about what ought to happen in Arkansas, Georgia and your State of Michigan. I just have to suggest that most of those wonks have never been to any of these locations. They have no idea—none—as to what that school board requires or needs. Some will require teachers. Some will require transportation. Some require construction. Some require a playground. And every American in the country knows that the needs of all of these school districts all across the Nation are all different. The Senator from Massachusetts would have us believe there is only one requirement, that only Washington knows what it is, and you are going to do it our way, the old Frank Sinatra song.

You are going to fill out this zillion-page application, and you are going to do it our way.

I suggest that if most Americans had a chance to evaluate whether the wonk from Washington should do it or the local school board should do it, they are going to go with the local school board.

That takes me to my second point. This idea that Washington is going to do it after you fill out the 15–20 page application is going to lead to systems that have not met their responsibilities being weighted to the advantage of this program. It will tend to reward those who have not yet done the job they were supposed to do. If you talk to the Governors of the States, many, including mine, have already expanded their numbers of teachers to reduce class size—all across the country, Texas, California, to Georgia. So a system that has one solution is only going to be weighted to those school districts that didn't do anything about it. True, maybe they need some assistance because they had a harder time meeting that standard, but mark my word, you will tend to reward systems that have not stepped up to the bar with this kind of program.

My third point. The fact that Washington bureaucrats, guided by the administration, are going to decide who is a winner and who is a loser suggests that it is going to be politically correct, that political correctness will suddenly weigh in on this. If you look at the record of decisionmaking about who the winners and losers are during the course of these last 6 years, it will substantiate the assertion I make. In department after department, agency after agency, the town is aswirl with politics getting in the way of policy. A program that picks winners and losers in Washington is already susceptible to it but particularly so now.

So the point that the Senator from Arkansas made that we should fully fund our previous commitments, which will have the effect of freeing up funds in local school districts all across the country to make their own decisions about what their priorities are, is a better idea; it is a better idea than having a bureaucrat who has never been on the scene, could not name one school superintendent, one school board member, or even the name of the communities to be affected, deciding what the priorities are all across the country. It makes no sense. It is a bad idea. It should be defeated so that we can proceed with this legislation that has been endorsed by 50 Governors. And I might point out those 50 Governors have not endorsed the amendment of the Senator from Massachusetts.

Mr. President, I thank the manager for granting me this time, and I yield back whatever of the 5 minutes might remain.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I will yield time as he may consume to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend, the Senator from Vermont, for yielding time.

Mr. President, I am very strongly in favor of the Education Flexibility Partnership Act. That is very simply because if there is any investment that makes sense in this country, it is investing in education, pure and simple, full stop, end of subject.

At all levels—whether it is Head Start, whether it is the early years zero to 3, whether it is after Head Start, whether it is kindergarten, whether it is elementary and secondary, whether it is college, whether it is postgraduate education, whether it is continuing education, whether it is technical skills development—education is the investment which is going to make the difference in our country and assure our future as Americans, the time we spend continuing to educate our people in a very thoughtful, constructive way. Of course, we do not want to just throw money at the problem but, rather, we want to invest wisely; and this legislation, S. 280, is very much, in my judgment, a step in that direction.

Let me address Ed-Flex, that is, the basic underlying bill, and tell you why I am so proud to be a cosponsor of the bill and why I think it is important legislation.

The name of the bill basically explains it—Ed-Flex. It is flexibility for educational programs, and particularly at home. It is very simple. The Federal Government, I believe, ought to trust parents, trust teachers, and trust local school boards. We should do everything in our power here in Washington to liberate our children from Federal Government rules that might make sense in Manhattan, NY, but perhaps do not make sense in Manhattan, MT.

I was a little surprised at the previous speaker, my good friend from Georgia, saying an amendment on this bill is Washington wizard wonk stuff telling local governments what to do. That is just not true. This is Ed-Flex. It is giving more flexibility to local communities to decide more on their own what makes most sense. For example, let's talk a little bit about computers. Right now, for example, a well meaning but distant Federal bureaucracy does too often stand in the way of a school district.

For example, let's talk about Federal funds allowed to a small Montana school, or even a large New York City school, to purchase computers for students with disabilities. We know those computers probably will not be used all day long, that is, computers, mandated by Washington, for students with disabilities. It obviously makes sense that these computers should be utilized to help other students when the disabled students do not need them. But there is a rule, a Washington rule, that prevents this from happening, preventing other students from using those computers.

That is the point of this bill, more flexibility. Under Ed-Flex, the underlying bill, States can get a waiver to use these computers to educate our kids. In short, the bill makes eminent sense. It is the next logical step to help our kids be better educated.

Let me address an amendment that has been under discussion, the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Washington, Mrs. MURRAY, an amendment to lower class size in our country.

This is pretty basic stuff. There aren't many things we can do to help students more than lowering class size. I hear some Senators in the Chamber say the opposite; they at least are very strongly implying that lower class size does not help kids, does not help the quality of education.

If we just think about it intuitively, Mr. President, that just doesn't make sense. But what is the evidence? One Senator recently mentioned Minnesota, a State that ranked third in recent national test scores but apparently, according to the Senator, has high average class sizes.

I cannot speak about Minnesota, but I can speak about my State of Montana. Our teacher-to-student ratio is much lower than the national average, but we are very proud of the quality of education in our State. Montana's fourth graders and eighth graders placed among the top four States in three of the four categories, again, with class sizes that are lower than average. I can tell you from at least my experience years ago going to Montana schools that we had smaller classes, and it made a big difference. I have very vivid memories of very good teachers in classes that were not too large.

I also want to relate an experience that is not directly relevant to this discussion, but I think it does have some bearing on the basic underlying point.

Mr. President, like a good number of other Senators, I have what I call a "workday." About 1 day a month I work at some different job. I might wait tables, work at a sawmill, work in a mine. I show up at 8 in the morning with my sack lunch and I am there to work. I am not there to watch, I am there to work. My good friend, Senator GRAHAM from Florida, has been doing this for many, many years. Frankly, I got the idea from him about 6, 8, or 10 years ago. It is a great idea and it is one of the best parts about this job, frankly—to be able to do things like that.

One day on my workday in Helena, MT, I was assigned to a health care center. In the morning I helped an Alzheimer's patient. This patient was obviously in great need of care and I learned a lot, I must say, about the problem of Alzheimer's disease—both for the person who has it and with respect to the care giver.

But in the noon hour, for 2 hours the center assigned me to the Meals on Wheels Program. They gave me a little van loaded up with hot lunches and a list of names and told me which part of town to go to, to drive around and deliver these meals. This is the basic hot lunch program. About the second or third name on the list was a name that seemed familiar. It rang a bell; I wasn't sure what. It was Mrs. Foote.

I asked myself: Why is that familiar, that name, Mrs. Foote? I didn't think a lot about it. I knocked on the door and the lady said come in. She opened up the door, and way back in this hot little kitchen, sitting at the kitchen table, was a lady. Then it dawned on me.

I said, "Mrs. Foote, by any chance did you ever teach kindergarten?"

She said, "Why, yes, I did."

I said, "Did you teach kindergarten in the basement of the First Christian Church, at the corner of Power Street and Benton Street?"

"Why, yes, I did."

That was my kindergarten teacher, whom I had not seen since kindergarten.

Why did I have such a strong memory of Mrs. Foote? One, I do vaguely recall, I must say we didn't have a large class. I must be honest and say I don't remember much about that. I do remember Mrs. Foote being a super teacher. She didn't remember me from Adam, as I must confess, but as I was talking to Mrs. Foote she then pulled out some newspaper articles about her.

I then realized why in many respects Mrs. Foote meant so much to me. Mrs. Foote had a master's degree in art history, she had a master's degree in English literature, yet she was teaching kindergarten. She was one of these wonderful Americans who was sacrificing her time to be a teacher, a high-quality teacher, and also a teacher, as I recall, who did not have an awful lot of kids in her class.

Not too long ago, in fact about a half-hour ago, I heard a Senator here on the floor saying, "Gee, you give me a choice between a high-quality teacher and a large class size and I'll make the choice every time for the quality teacher." Obviously, that is a false choice. That is not what we are talking about here. We want high-quality teachers. But we also want small class sizes, because smaller classes—all things being equal—do help provide a better education.

This amendment, the Murray-Kennedy amendment, is an additional sum of money for teachers. We in Montana will get about $4 to $5 million. In addition, the amendment has a 15-percent provision, which is that 15 percent of the funds can be used to train teachers. It gives that additional flexibility.

I must say, this is a no-brainer, to me. I just don't know why school districts and teachers and parents would not like to have a little extra help, some extra help to hire a few more teachers, a little extra help to train a few more teachers. That is all this is. This is not rearranging the categories, the boxes. This is not taking money from one program to give to another. This is an add-on. This is additional.

So I hope some of the viewers and listeners—who earlier heard other Senators speak—realize this is not Washington telling State and local district school boards what to do. Rather, it is saying: Here is some additional money for some teachers, for some training, because we want to help you. We want to form a partnership with you to make sure our kids get the best quality education they could possibly get. That is all it is. It is that simple.

I strongly urge when we do vote on this tomorrow that the amendment pass. I know the bill is going to pass. It is a very important step we will be taking to help invest in our Nation's future.

I yield the floor.

AMENDMENT NO. 60, AS MODIFIED, TO AMENDMENT NO. 31

Mr. JEFFORDS. Mr. President, I have a modification at the desk for amendment No. 60, which I offer on behalf of Senator LOTT.

I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER (Mr. BUNNING). Is there objection?

Without objection, so ordered.

The amendment (No. 60, as modified, to amendment No. 31), is as follows:

At the end, add the following:

SEC. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Act (20 USC 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

Mr. JEFFORDS. I ask unanimous consent to add as cosponsors to amendment No. 60, as modified, Senators GREGG, COLLINS, FRIST, and SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present and ask the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, first I wish to compliment my colleague and friend, Senator JEFFORDS, for his leadership on this bill. I am confident that tomorrow we will pass this bill.

Also, I wish to compliment Senator FRIST and others on the Labor Committee who have worked very, very hard to put together a good package, a responsible package, to allow the States to have more flexibility in dealing with Federal education programs so they can deliver a better product, and that is basically improving the education of our kids. That is a very noble goal.

By doing so, they are saying we want to set up a program, which we have already done in a pilot program in a few States, and make it available to all States. All State Governors, Democrats and Republicans, say we want to have that flexibility, give us the ability to ask the Federal Government for a waiver from a lot of the rules and regulations in managing these programs so we can do a better job.

Frankly, they are telling us they can do a better job, without Uncle Sam's rules and regulations, in trying to manage their schools. They did not need so much Federal help. It is really what the States were telling us.

Democrats as well as Republicans were saying that. I think they are exactly right in doing so. I compliment the sponsors of this legislation, and I am going to be pleased tomorrow when we pass it.

Unfortunately, there are a few amendments that are circulating around that I think would be very detrimental to this bill. As a matter of fact, I believe if they are adopted, we shouldn't pass this bill.

The main amendment I am going to address is the one that maybe has received more attention than others—the so-called 100,000 teachers that Senator KENNEDY, Senator MURRAY and others have been so laudatory about, saying, "This is exactly what we need to improve the quality of education."

A couple of comments: One, I think if schools need more teachers, the schools should be able to make that decision. That decision should not be made in Washington, DC. When I say "the schools," I am talking about the school board administrators, the parents, the teachers, the local officials, the school board officials, the Governor. They should be making that decision. I do not think that is Senator KENNEDY's decision to make. I do not think that is the U.S. Senate's decision to make. Nor do I think it should be made by President Clinton. That is not our responsibility. That is a State responsibility. That is a local responsibility.

Frankly, the local government knows best what they can do to improve education, not Washington, DC. It may be a school in the Northeast needs more insulation because of the cold or maybe they need more computers, maybe they need a new building, maybe they need building repair, maybe they need more teachers. I don't know. I wouldn't think that we have the guts or the gall to say we know best, the government knows best, but when I look at Senator KENNEDY's amendment, that is exactly what it says.

Here we have a national program. We are going to have 100,000 teachers. It is going to be paid for by the Federal Government. Keep in mind, almost all teachers, K through 12, are paid for by State and local governments, yet now we have an amendment on the floor of the Senate that says, We want 100,000 teachers at a cost of over $11 billion, to be paid for by the Federal Government—100 percent paid for by the Federal Government. In some of the districts, the teachers will be paid for 65 percent by the Federal Government and 35 percent by the State government.

It is interesting. I have asked, What is the impact? Somebody said that we did part of this last year. We passed a bill last year that cost $1.2 billion, and we increased the number of teachers 30,000. Boy, that has really done a wonderful job. I looked at my State. As part of the bill that we passed last year, part of this 30,000 teachers, Oklahoma is going to get 348. Big deal. For the life of me, I do not think that is a Federal responsibility. Oklahoma is going to get $13 million to help pay for 348 teachers. Big deal. Is that really what the Federal Government is supposed to do? Is that our responsibility? I don't think so. At least Republican amendments are saying, "Instead of teachers, let's at least allow the States to have the option. If we are going to have Federal money, let's have the money go to give the schools the option for teachers or for meeting our responsibility with kids that have special needs, giving States the flexibility to use the money either for schools or students with special needs," which we already have a Federal law stating the obligation for the States to do it, an unfunded mandate. So at least we give the States some flexibility. That is not in Senator KENNEDY and Senator MURRAY's amendment.

I am looking at this amendment. There are lots of things in here that deal with regulations and how the money is going to be used, basically telling the States here is how to do it; we know best. The Federal Government knows best. Senate Democrats know best. President Clinton knows best.

For the life of me, I just think that is a serious mistake—the Federal Government passing a bill last year that says Oklahoma gets 348 more teachers paid for for 1 year. I might mention, if we don't pay for it next year, what happens to that Federal teacher? I hate to say it, but we have 1,800 schools in the State of Oklahoma. We are going to get 348 teachers. That is about one-fifth or one-sixth of a teacher for each school, not each class, each school. Does that really make sense? I don't think it makes any sense. Which school is going to get a teacher? Which school is not going to get a teacher?

I know my colleagues on the Democrat side have an amendment that says we are going to have a Federal school building program, and the President proposed billions of dollars, I guess $11 billion, for more teachers and several billion dollars for more school buildings. Which school buildings are going to be replaced? Which school building is going to be repaired? We are going to be making those decisions in Washington, DC? Is that the proper use for incremental dollars? Do they get more bang in educational value out of buildings or in teachers? We are saying we don't know. We are saying why don't we free up some of the resources that we are now spending from the Federal Government to the States and let the States make the decision? Let the local school boards make the decision. Let the teachers make the decision. Let the parents make the decision.

Instead, my colleagues that are offering the amendment are saying, no, no, we will decide; the Federal Government is going to decide we need 100,000 teachers. I disagree.

It is interesting. Somebody said, well, we really need lower class size. For a little bit of history, most States have already been reducing the average sizes of their classes. That trend is expected to continue. My guess is that President Clinton feels, since he has promoted this, class size has really declined. In 1955, the average public school class size in the United States was 27 students. In 1975, it dropped to 21. Today it is down to 17.3. If you are talking about only elementary schools, the numbers are slightly higher, but they still show a decline, from 30.2 in 1955 to 18.5 today, 18.5. "Well, it ought to go to 18." Well, it looks to me like demographically we are going to 18 anyway. That will happen whether the Federal Government gets involved in hiring 100,000 teachers or not. We have spent $1.2 billion last year to hire 30,000 teachers. That money is only good for 1 year. Then under this bill, it says, well, let's spend more than that. Let's just spend billions every year.

It has amounts allocated: $1.4 billion for the year 2000; $1.5 billion for 2001; $1.7 billion for 2002, and on; I see $2.8 billion for the year 2005. This says here is a recipe where we can have the Federal Government spending more money, and it stops at the year 2005. We are going to pay for these Federal teachers only up to the year 2005 and then stop? Sorry, States, now it is your responsibility.

I just think that is a serious mistake. In my State of Oklahoma, I don't know exactly the number of teachers that we have, but 348 teachers, when we have 1,800 schools and lots and lots of teachers in each school. I just fail to find the wisdom in doing it.

There is a difference in philosophy between the Democrats and Republicans on this issue. We have basically said the States and local school districts should make a better decision. Senator KENNEDY and some of my colleagues on the Democrat side seem to think that they have the answer. They are going to dictate 100,000 teachers. They are going to dictate billions of dollars of the Federal Government building school buildings. I think that is a mistake.

I had my staff—this is almost 2 years old, a year; it was done May 15, 1997, so it is a little obsolete—I asked them, How many Federal programs are involved in education right now? I know there are a lot, but I don't know them all. I haven't served on the Labor and Education Committee for a long time—I was on it for several years—but I know there are a lot. As a matter of fact, there are a lot more than I imagined.

I will put this in the RECORD and maybe somebody can update it for me. According to this, in May of 1997, there were 788 Federal education programs, 788 Federal education programs that were spending at that point $968 billion. That is a lot of money. That is about one-seventeenth of all the Federal spending that we are spending today. Someone can't say we do not have any emphasis in education. What we have is a lot of Federal programs, probably 700-some, too many Federal programs, and we are spending billions of dollars, almost $100 billion, probably if this is updated it is over $100 billion, because I know we had significant increases in the last couple of years in education. Just in the Department of Education alone, there were 307 education programs, totaling $59 billion. Again, this is 1997.

So it shows you there is a lot of Federal input. I personally think we need to consolidate most of those programs, get rid of them, and give the money and the power back to the States and to the local school boards. What I think is, we do not need to have another program. "Here are 100,000 teachers. Let's make this, instead of 788 programs, 789." I think President Clinton has proposed 8 or 9 new education programs alone.

We do not need more education programs. What we need to do is free the States and local school boards to where they can do a better job with the resources they now have without all the strings and redtape and bureaucracy they now have to comply with.

So I hope that will be what we will do. I hope that tomorrow when we are voting on this series of amendments, when we have amendments that are trying to micromanage how States spend money, run their schools, that we will table those amendments, that we will defeat those amendments, and we will pass the Ed-Flex bill which will give more flexibility to States and local school boards in actually administering Federal programs. They can do a better job in educating our kids, to improve the quality of education for the children of America.

So I encourage my colleagues to vote against these amendments that try to micromanage education from Washington, DC, and pass the Ed-Flex bill to give the flexibility to the States and to the local school boards to do a better job for our kids.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Oklahoma for an excellent statement. He has certainly put in perspective what we are trying to do here. We started out with a very simple bill, and now we have—well, we have the monster pared down somewhat by getting agreements on both sides. But I just remind everyone that we will be voting tomorrow on these amendments. There will be some debate time tomorrow morning for that purpose.

Mr. NICKLES. If the Senator will yield for just a second?

Mr. JEFFORDS. I yield.

Mr. NICKLES. One, I compliment Senator JEFFORDS for his management on this bill. I am delighted we have an agreement and we will get it completed. I compliment him for his leadership in the Labor Committee in putting this bill together. I somewhat regret the fact that the Democrats failed to show up at his markup. They want to amend the bill on the floor. They did not want to amend the bill in committee.

With the chairman's indulgence, I ask unanimous consent to have printed in the RECORD the table showing the number of departments, programs, and funding for the various education programs throughout the Federal Government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT, PROGRAMS AND FUNDING

[Number of programs in parentheses]

Department	Federal dollars
Appalachian Regional Commission (2)	$2,000,000
Barry Goldwater Scholarship Program (1)	2,900,000
Christopher Columbus Fellowship Program (1)	0
Corporation for National Service (11)	501,130,000
Department of Education (307)	59,045,043,938
Department of Commerce (20)	156,455,000
Department of Defense (15)	2,815,320,854
Department of Energy (22)	36,700,000
Department of Health and Human Services (172)	8,661,006,166

DEPARTMENT, PROGRAMS AND FUNDING—Continued

[Number of programs in parentheses]

Department	Federal dollars
Department of Housing and Urban Development (9)	81,800,000
Department of Interior (27)	555,565,000
Department of Justice (21)	755,447,149
Department of the Treasury (1)	11,000,000
Department of Labor (21)	5,474,039,000
Department of Transportation (19)	121,672,000
Department of Veterans' Affairs (6)	1,436,074,000
Environmental Protection Agency (4)	11,103,800
Federal Emergency Management Administration (6)	118,512,000
General Services Administration (1)	0
Government Printing Office (2)	24,756,000
Harry Truman Scholarship Foundation (1)	3,187,000
James Madison Memorial Fellowship Program (1)	2,000,000
Library of Congress (5)	194,822,103
National Aeronautics and Space Administration (12)	153,300,000
National Archives (2)	5,000,000
National Institute for Literacy (1)	4,491,000
National Council on Disability (1)	200,000
National Endowment for the Arts/Humanities (13)	103,219,000
National Science Foundation (15)	2,939,230,000
Nuclear Regulatory Commission (3)	6,944,000
National Gallery of Art (1)	750,000
Office of Personnel Management (1)	0
Small Business Administration (2)	73,540,000
Smithsonian (14)	3,276,000
Social Security Administration (1)	85,700,000
State Department (1)	0
United States Information Agency (8)	125,558,000
United States Institute for Peace (4)	3,371,000
United States Department of Agriculture (33)	13,339,630,410
U.S. Agency for International Development (1)	14,600,000
Total number of programs (788).	
Total funding	96,869,343,420

Mr. NICKLES. I thank my colleague.

PERSONAL EXPLANATION

Mr. DORGAN. Mr. President, on Thursday evening, March 4 and Friday, March 5, I was necessarily absent because of several long-standing commitments in Bismarck. It was important that I be in North Dakota for a conference I cosponsored, Women's Health-Women's Lives, to join Secretary of Energy Richardson for meetings on a range of energy issues, and for a meeting with the Governor and other state leaders about the state's water resources.

Had I been present for rollcall vote No. 32, to table the Jeffords amendment to S. 280, the Ed-Flex legislation, I would have voted "nay." On rollcall vote No. 33, to table the Gramm amendment to prohibit implementation of the "Know Your Customer" banking regulations, I would have voted "nay" had I been present.

Mr. ROCKEFELLER. Mr. President, on Tuesday, March 9, 1999, I missed the second cloture vote on S. 280, the Education Flexibility Act.

I fully intended to be in the chamber for the vote yesterday, and had I been there I would have voted against cloture. While I support the concept of flexibility for education, I also believe that Democrats deserve right to offer education amendments on key priorities such as reducing class-size, providing after-school care, addressing the concern of crumbling schools, and a few other major priorities.

Senate Democrats have offered in good faith to accept time agreements and limited debates on our education priorities.

It is disappointing that instead of voting on education priorities for American students, teachers, and parents, we are debating procedural motions and closure petitions. Instead of using the time wisely to discuss the major education issues facing our schools, we are facing gridlock on procedure. That is not what the American people sent us to the Senate to do. We are willing to have our debate and cast our votes to reduce class sizes, to fix crumbling schools and to provide after-school care for children that need it to learn and be safe while parents work. If our Democratic amendments prevail, we strengthen the Education Flexibility Act and help schools. If our amendments do not get a majority, then we had the opportunity to debate and we can move forward on the underlying bipartisan legislation.

I wish I had been here on Tuesday to participate. Unfortunately, I got trapped in Charleston, West Virginia when the Ronald Reagan National Airport closed at 11 a.m. on March 9, 1999 due to the snow storm in Washington, DC. I had been in Charleston, West Virginia to vote in the mayoral election and to participate in the United Airlines announcement of two Mileage Plus Service Centers in my state which will create 600 new jobs. The new centers will be located in Charleston and Huntington. This is exciting news for my state, and I have been in touch with officials for months about this economic opportunity. At the time, I felt that I could personally vote in the local election, attend this exciting announcement and return in plenty of time for the 2:45 vote on the Senate floor. Due to the snow storm, I missed the vote.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. JEFFORDS. Mr. President, I will use a little of the morning business time myself to just bring everyone up to date as to where we are at this point. This concludes the debate time for today. Tomorrow there will be, I believe, 1 hour evenly divided for Members to talk on the amendment process.

The purpose of that time will be to try to make sure everybody understands the amendments, because we have a number of amendments. They seem low in number—there are about eight or nine amendments—but some of those are complicated by combinations of amendments. So I urge all of our Members to make sure that they understand the amendments.

Because this is an important piece of legislation, which I want to get through, and the leader does also, we will be using probably a tabling situation for many of the amendments. I want to explain why that is. That is because most of these amendments should be on the Elementary and Secondary Education Act reauthorization which is being worked on at this time. That is a very important bill. It is a $15 billion bill. It has most of the Federal programs. And we will be looking at it very closely to determine whether there should be a paring down of programs, how effective the various agencies and departments have been, and we will be spending the time of deliberation to better utilize and to make sure we can maximize our improvement.

As I said earlier today, the evidence is very clear that we have made very little improvement in our schools over the last 15 years, although we have been trying. Thus, it is important we take a close look at the Department of Education to see that those funds are being well spent.

PREVENTING HEARING LOSS

Mr. DASCHLE. Mr. President, today I bring to the attention of my colleagues an article that recently appeared in The Washington Post, "Hearing Loss Touches a Younger Generation." This article raises important issues related to hearing loss and gives us practical advice for protecting our hearing.

Hearing loss affects approximately 28 million Americans and is affecting more of us at younger ages. Hearing difficulties among those ages 45 to 64 increased 26 percent between 1971 and 1990, while those between ages 18 and 44 experienced a 17 percent increase.

About one third of the cases of hearing loss are caused, at least in part, by extreme or consistent exposure to high decibel noises. While the Environmental Protection Agency has worked to decrease our exposure to loud noises at work, many Americans now face threats to optimal hearing during their leisure hours from loud music, lawn mowers and outdoor equipment, automobiles, airplanes and other sources. Too many Americans simply are not aware of the devastating impact loud sounds can have on their hearing.

At the encouragement of the Senate Appropriations Committee, the National Institute on Deafness and Other Communication Disorders (NIDCD) is leading a collaborative effort with the National Institute on Occupational Safety and Health (NIOSH) and the National Institute on Environmental Health Sciences (NIEHS) to help improve awareness about noise-induced hearing loss. It is my hope that this effort ultimately will help reverse the trend toward increasing noise-induced hearing loss.

Health professionals, too, play an important role in the treatment and prevention of hearing loss. In particular, I'd like to highlight the important work of audiologists in successfully combating and treating hearing loss. Over the years I have been impressed by the cost-effective, quality care they provide, most notably demonstrated in the Department of Veterans Affairs health care system, which has allowed veterans direct access to audiologists since 1992.

Through high standards of care by qualified health care professionals and through improved education about the dangers of hearing loss, I believe we can protect and improve the hearing of millions of Americans. I ask unanimous consent that the attached article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

HEARING LOSS TOUCHES A YOUNGER GENERATION; WITH RISE IN NOISE, MORE SEEKING HELP

(By Susan Levine)

Tomi Browne listens to people's ears. To how they hear and what they don't. And for most of her 22 years as an audiologist, her clients have been overwhelmingly older—stereotypically so. Seniors pushing 70 or beyond. The hearing-aid set.

But lately, surprisingly, Browne's contemporaries have been showing up at her Northern Virginia office.

These are men and women in their forties to early fifties, baby boomers. They confess that they strain to catch words in crowded restaurants or meetings, or that the television suddenly needs to be turned higher. Loud sounds really hurt their ears, and maybe they've noticed an incessant buzzing.

Some walk out with the startling news that they've permanently lost hearing. More than a few return to get fitted for hearing aids.

"I'm seeing more of my classmates . . . as patients, rather than them bringing in their parents," said Browne, 44. "Sometimes they're even bringing in their teenage kids."

Other audiologists report the same sobering age shift, and statistics are starting to corroborate the anecdotal evidence. Data from the National Health Interview Survey indicate that significantly more Americans are having difficulties hearing. From 1971 to 1990, problems among those ages 45 to 64 jumped 26 percent, while the 18 to 44 age group reported a 17 percent increase.

California researchers found an even sharper rise in hearing impairment among more than 5,000 men and women in Alameda County, with rates of impairment for those in their fifties increasing more than 150 percent from 1965 to 1994.

With people living longer than ever, "This has to be viewed as a very serious health and social problem," said Sharon Fujikawa, president of the American Academy of Audiology. "It really behooves us to conserve our hearing as much as possible or risk isolation."

Marilyn Pena, a secretary from Germantown, was about 47 years old when she first learned her hearing was deficient. She ignored the diagnosis. Soon she also was ignoring her alarm clock—because she couldn't hear its wake-up beep—and resorting to lip reading at work. "People at work would come up and whisper in [my] ear because they didn't want others to hear, and I couldn't hear, either," she said.

After seven years, pushed by frustrated friends, Pena finally hooked a hearing aid behind her left ear. She no longer guesses in vain at conversation or asks, "What?" countless times a day. "Since I started wearing it, I'm much more observant. It's amazing how many people wear them."

Worrisome changes also are taking place among children and teenagers, who are growing up with rock concerts far more deafening than those the Woodstock generation attended, along with the mega-volumes of everything from video arcades to boomboxes. A study published last year in the Journal of the American Medical Association showed that nearly 15 percent of children ages 6 to 19 tested suffered some hearing deficit in either low or high frequencies. Other research has identified pronounced differences among high-schoolers compared with previous decades.

The main culprit, many suspect, is noise—not just the noise blaring from the headsets that seem permanently attached to teenagers but the noise from their parents' surround-sound stereos, which can rival small recording studios. Add the barrage to moviegoers' ears during flicks such as "Armageddon" and "Godzilla" (prompting enough complaints that the National Association of Theater Owners convened a task force), and the blast from leaf blowers, mowers, personal watercraft, power tools, even vacuum cleaners.

Technological advances they may be—powerful conveniences for daily life—but they produce decibel levels that can prove downright dangerous to the ears over time.

"We've grown up in a sort of turned-on, switched-on society," said Carole Rogin, president of the Hearing Industries Association. The group, in partnership with the National Council on the Aging, just completed a survey of the social, psychological and physiological impact of hearing loss. It's telling that the two organizations decided to drop the age of those polled from 65 to 50.

For the estimated 28 million Americans with a hearing loss, noise is a leading cause, experts say. Once that would have traced back to the machinery din of mills and factories, but federal regulations have helped protect workers in industrial settings. Now it's more the hours away from work that are the problem. There's even a term for those who study excessive noise from leisure-time pursuits: recreational audiologists.

Dick Melia, of Arlington, never paid much attention to how annoying the lawn mower or tools were that summer during graduate school when he worked for a contractor. The same goes for the civil rights demonstrations he participated in during the 1960s, and later, the pro basketball games at which he cheered. He'd leave the arena with his ears ringing.

But during his forties, he noticed other things: how he'd replay his voice mail several times to get all of a message, how he'd race to keep up in discussions, wondering what words he had missed. Then, one night at his office, a fire broke out. The alarm went off. "I never heard it," Melia recounted.

His procrastination ended; at 50, he got hearing aids. "There is a problem of stigma," said Melia, who directs disability and rehabilitation research within the U.S. Department of Education. "There is something about hearing aids and the way society over the years has characterized hearing loss."

For one, the subject is freighted with fears about growing old. But some scientists and audiologists question whether diminished hearing is an unavoidable consequence of aging, or rather the cumulative assault of a cacophonous world. Both loud, sustained sound and extreme, sudden sound can damage and ultimately destroy the delicate hair cells in the inner ear that translate sound waves into nerve impulses. High-frequency sounds are usually the first casualty—consonants such as S and F and children's and women's voices. The ability to distinguish sounds and block background noise also deteriorates.

Because all that generally occurs over time, the onset of hearing loss is slow and insidious.

"People aren't concerned if it doesn't happen now," said Laurie Hanin, who leads the audiology department at the League for the Hard of Hearing in New York City. The league is analyzing voluminous data from 20 years of screenings in the New York metropolitan area, and Hanin expects to find a decided decline in hearing acuity.

Hanin, 42, sometimes has trouble understanding conversation, an unwelcome portent of the future. "My hearing tests normally, but I'm starting to have some problems," she said.

Last month, the National Institute on Deafness and Other Communication Disorders gathered 100 representatives of medical, research, volunteer and union organizations to talk about noise-induced hearing loss—how it occurs and how it can be prevented. The institute plans to launch a public awareness campaign on the issue in the spring.

Prevention and education were an ongoing effort at the Environmental Protection Agency until its Office of Noise Abatement was eliminated in 1982. That's about the time a push to require decibel labels on lawn equipment gave way to voluntary notices, which were "a miserable failure," in Kenneth Feith's view, and explain why instructions on lawn mowers or leaf blowers virtually never advise hearing protection.

"I think we're going to see a population suffering from hearing loss that will impair learning, impair our ability to carry out tasks," said Feith, an EPA senior scientist and policy adviser who headed the Office of Noise Abatement.

Musicians may be getting the message faster than others, thanks to groups such as Hearing Education and Awareness for Rockers. The 10-year-old nonprofit California organization was founded by Kathy Peck, 39, whose bass career ended the morning after her band opened for Duran Duran. "I had ringing in my ears that lasted three days. It felt like a bongo drum was in my head." She sustained substantial, irreversible damage.

Early on, HEAR gained visibility when Pete Townshend of the Who wrote it a $10,000 check and publicly acknowledged his own hearing loss. It soon will begin examining audiograms, demographic data and questionnaires from thousands of patients seen at HEAR's clinic in San Francisco. Most have been in their twenties and thirties.

Nightclubs such as the Capitol Ballroom and the 9:30 Club in the District now offer foam earplugs to patrons. Symphony orchestras increasingly make earplugs and plexiglass screens available to their musicians, especially those sitting within or near the percussion and brass sections. As part of the Navy bands' hearing conservation program, specially designed plugs are handed out even before a musician gets an assignment.

In the meantime, despite many people's refusal to admit they need help, sales of hearing aids are booming. Nearly 2 million were purchased last year, almost 25 percent more than in 1996, at a cost of $600 to $3,100 each. The most expensive are individually programmed digital devices capable of processing sounds 1 million times per second. When fitted within the ear canal, they are literally invisible.

One buyer in 1997 was President Clinton, who attributed his situation to an adolescence spent playing in school bands and rocking at concerts. According to staff members, the country's most prominent baby boomer wears his hearing aids sporadically. He is most likely to insert them for ceremonies or political gatherings, where he finds it harder to distinguish sounds.

Stephen Wells, a Washington lawyer who recently received bad news of his own, is weighing his options. Because of a childhood spent around tractors and harvesters on his family's Idaho farm, his right ear measures only borderline. And that's his better ear.

"My wife has been saying for a long time that I ought to see about a hearing test," said Wells, 51. He compares hearing aids to glasses in function but is uncertain how well they'll work for him day to day. "I expect that I will at least try them."

SAY AGAIN?

A number of conditions may disrupt the hearing process and lead to hearing loss. How the ear works and what commonly causes damage:

How the ear hears

1. The outer ear collects sound waves and funnels them into the ear canal.
2. Sound waves strike the eardrum, causing it to vibrate.
3. Three tiny bones conduct the vibrations to the cochlea in the inner ear.
4. Tiny nerve endings in the cochlea, called hair cells, become stimulated. They transform the vibrations into electro-chemical impulses.
5. These impulses travel to the brain, where they are deciphered into recognizeable sounds.

Noise-induced hearing loss

Such loss is caused by one-time exposure to extremely loud sound or sustained exposure to sounds at high decibels. Both damage hair cells in the inner ear.

Symptoms of hearing loss

The following are frequent indicators of hearing loss. Persons experiencing any of these symptoms should make an appointment with a hearing professional.

Straining to understand conversations.

Misunderstanding or needing to have things repeated.

Turning up TV or radio volume to a point where others complain.

Having constant ringing or buzzing in the ears.

Measuring sound

The loudness of sound is measured in units called decibels. Experts agree that continued exposure to noise above 85 decibels eventually will harm hearing. The scale increases logarithmically, meaning that the level of perceived loudness doubles every 10 decibels.

	Decibels
Softest audible sound:	0
Normal conversation:	40–60
City traffic noises:	80
Rock concert:	110–120
Sound becomes painful:	125
Jet plane:	140

Source: International Hearing Society, League for the Hard of Hearing and National Institute on Deafness and Other Communication Disorders.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 9, 1999, the federal debt stood at $5,650,748,864,597.49 (Five trillion, six hundred fifty billion, seven hundred forty-eight million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents).

One year ago, March 9, 1998, the federal debt stood at $5,523,019,000,000 (Five trillion, five hundred twenty-three billion, nineteen million).

Five years ago, March 9, 1994, the federal debt stood at $4,542,638,000,000 (Four trillion, five hundred forty-two billion, six hundred thirty-eight million).

Ten years ago, March 9, 1989, the federal debt stood at $2,740,636,000,000 (Two trillion, seven hundred forty billion, six hundred thirty-six million).

Fifteen years ago, March 9, 1984, the federal debt stood at $1,464,624,000,000 (One trillion, four hundred sixty-four billion, six hundred twenty-four million) which reflects a debt increase of more than $4 trillion—$4,186,124,864,597.49 (Four trillion, one hundred eighty-six billion, one hundred twenty-four million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents) during the past 15 years.

CONFIRMATION OF MONTIE DEER TO HEAD INDIAN GAMING COMMISSION

Mr. CAMPBELL. Mr. President, I am pleased to announce the confirmation by the Senate last night of Mr. Montie Deer to become Chairman of the National Indian Gaming Commission—the federal regulatory body overseeing certain Indian gaming activities nationwide.

After a hearing in February of this year, the Committee on Indian Affairs reported Mr. Deer to the full Senate. Mr. Deer is a qualified and dedicated public servant who most recently was the United States Attorney in Kansas.

Since 1988, Indian gaming has become a source of much-needed revenue for Indian tribal governments to provide jobs, services and frankly, hope, where there is not much. There are now some 185 tribes operating some form of gaming operations, with annual revenues of nearly $7 billion.

The National Indian Gaming Commission was created 11 years ago. This three-member agency has the responsibility to monitor and regulate certain forms of gaming conducted on Indian lands. The NIGC has the authority to approve management contracts; conduct background investigations; approve tribal gaming ordinances; and review and conduct audits of the books and records of Indian gaming operations.

The NIGC also has the authority and the responsibility to enforce violations of the Indian Gaming Regulatory Act, NIGC regulations and approved tribal gaming ordinances. Those involved with Indian gaming understand the need for a strong, effective Commission—one that protects the integrity of games offered by tribes. As we did last session, the Committee on Indian Affairs will soon consider legislation to strengthen the Commission and ensure it has the resources it needs to fulfill its obligations.

A strong Commission is meaningless without strong leadership and last night the Senate acted to ensure that strong and effective leadership will be the order of the day.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Mr. BURNS. Mr. President, I'm here to announce my strong support of Senator COLLINS' bill S. 335, the "Deceptive Mail Prevention and Enforcement Act." I chose to be an original co-sponsor of this bill after hearing from several constituents who were confused, irritated, and even outraged by the deceptive language that is all too often found in sweepstakes and other promotional mailings.

I think every one of us has received at least a few junk mailings which brazenly inform us that we have just won millions of dollars or that we are about to receive a car, a luxury cruise, or some other prize that sounds too good to be true. Well, the sad truth is that it almost always IS too good to be true.

To many of us, these promotional mailings represent nothing more than a minor annoyance and are easily tossed into the garbage without a second thought. But for many others, these mailings are nothing more than a cruel hoax, a trap designed to play on the hopes and dreams of trusting folks who were raised in a time when most people meant what they said and said what they meant.

As an example of the misleading and downright dangerous content found in many of these mailings, I'd like to read into the record a portion of a letter that was sent to me last year by a constituent of mine who resides in Columbia Falls, Montana. This gentleman writes,

> My father is a resident in a nursing home. He is 84, and suffers from mild dementia aggravated by high-powered medications which treat his incessant headaches. (The magazine he subscribes to) endlessly sends him these misleading and deliberately-designed "You've Won!!!" bulletins that he cannot understand except to believe fervently that he's just got to go pick up his check for hundreds of thousands or even millions of dollars.

I believe these kinds of letters are deliberately designed to prey on the infirmities of old people, and of course get them to sign things that obligate them to free trials and unneeded products. Every episode brings my father increased stress, more headaches, and the need for additional medication. I am sure there are hundreds of thousands of people like Dad who want nothing to do with these phony promotions, but who can't get the mailers to remove them from the lists. Many, like Dad, don't have the daily clarity of thought to deal with mass-mailed deceptive come-ons like this.

Mr. President, I believe that the Deceptive Mail Prevention and Enforcement Act will go a long way towards preventing this kind of abuse of our senior citizens and other trusting individuals. Senator COLLINS' bill would not only establish strict new standards for honesty and disclosure in promotional mailings, but would provide strong new financial penalties for those who continue to violate these standards. It is my hope that the Committee on Governmental Affairs will be able to approve this legislation quickly, on a bi-partisan basis, so that we can bring an end to this plague of deceptive sweepstakes mailings which prey on our most vulnerable citizens.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1999, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1999.*

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 45. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes (Rept. No. 106–11).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program (Rept. No. 106–13).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 96. A bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date (Rept. No. 106–10).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 92. A bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government (Rept. No. 106–12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 574. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMM:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. HATCH (for himself and Mr. DEWINE):

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. SMITH of Oregon, Mr. BYRD, Mr. HAGEL, Mr. DODD, Mr. LUGAR, Mr. KYL, Mr. HATCH, Mr. GRAMS, Mr. CHAFEE, Mr. HELMS, Mr. THOMAS, and Mr. MCCAIN):

S. 579. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. NICKLES, Ms. COLLINS, Mr. BREAUX, Mr. INOUYE, Mr. MACK, Mr. HAGEL, Mr. SANTORUM, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 580. A bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. MOYNIHAN, Mr. LOTT, Mr. BROWNBACK, and Mr. WELLSTONE):

S. Res. 60. A resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

SUBPART F OF INTERNAL REVENUE CODE

Mr. BREAUX. Mr. President, today Mr. MACK and I are again introducing legislation to place a permanent moratorium on the Department of the Treasury's authority to finalize any proposed regulations issued pursuant to Notice 98-35, dealing with the treatment of hybrid branch transactions under subpart F of the Internal Revenue Code. Our bill also prohibits Treasury from issuing new regulations relating to the tax treatment of hybrid transactions under subpart F and requires the Secretary to conduct a study of the tax treatment of hybrid transactions and to provide a written report to the Senate Committee on Finance and the House Committee on Ways and Means.

By way of background, the United States generally subjects U.S. citizens and corporations to current taxation on their worldwide income. Two important devices mitigate or eliminate double taxation of income earned from foreign sources. First, bilateral income tax treaties with many countries exempt American taxpayers from paying foreign taxes on certain types of income (e.g. interest) and impose reduced rates of tax on other types (e.g. dividends and royalties). Second, U.S. taxpayers receive a credit against U.S. taxes for foreign taxes paid on foreign source income. To reiterate, these devices have been part of our international tax rules for decades and are aimed at preventing U.S. businesses from being taxed twice on the same income. The policy of currently taxing U.S. citizens on their worldwide income is in direct contrast with the regimes employed by most of our foreign trading competitors. Generally they tax their citizens and domestic corporations only on the income earned within their borders (the so-called "water's edge" approach).

Foreign corporations generally are also not subject to U.S. tax on income earned outside the United States, even if the foreign corporation is controlled by a U.S. parent. Thus, U.S. tax on income earned by foreign subsidiaries of U.S. companies—that is, from foreign operations conducted through a controlled foreign corporation (CFC)—is generally deferred until dividends paid by the CFC are received by its U.S. parent. This policy is referred to as "tax deferral."

In 1961, President John F. Kennedy proposed eliminating tax deferral with respect to the earnings of U.S.-controlled foreign subsidiaries. The proposal provided that U.S. corporations would be currently taxable on their share of the earnings of CFCs, except in the case of investments in certain "less developed countries." The business community strongly opposed the proposal, arguing that in order for U.S. multinational companies to be able to compete effectively in global markets, their CFCs should be subject only to the same taxes to which their foreign competitors were subject.

In the Revenue Act of 1962, Congress rejected the President's proposal to completely eliminate tax deferral, recognizing that to do so would place U.S. companies operating in overseas markets at a significant disadvantage vis-a-vis their foreign competitors. Instead, Congress opted to adopt a policy regime designed to end deferral only with respect to income earned from so-called "tax haven" operations. This regime, known as "subpart F," generally is aimed at currently taxing foreign source income that is easily moveable from one taxing jurisdiction to another and that is subject to low rates of foreign tax.

Thus, the subpart F provisions of the Internal Revenue Code (found in sections 951-964) have always reflected a balancing of two competing policy objectives: capital export neutrality (i.e. neutrality of taxation as between domestic and foreign operations) and capital import neutrality (i.e. neutrality of taxation as between CFCs and their foreign competitors). While these competing principles continue to form the foundation of subpart F today, recent actions by the Department of the Treasury threaten to upset this longstanding balance.

On January 16, 1998, the Department of the Treasury announced in Notice 98-11 its intention to issue regulations to prevent the use of hybrid branches "to circumvent the purposes of subpart F." The hybrid branch arrangements identified in Notice 98-11 involved entities characterized for U.S. tax purposes as part of a controlled foreign corporation, but characterized for purposes of the tax law of the country in which the CFC was incorporated as a separate entity. The Notice indicated that the creation of such hybrid branches was facilitated by the entity classification rules contained in section 301.7701-1 through -3 of the Income Tax Regulations (the "check the box" regulations).

Notice 98-11 acknowledged that U.S. international tax policy seeks to balance the objectives of capital export neutrality with the objective of allowing U.S. businesses to compete on a level playing field with foreign competitors. In the view of the Treasury and IRS, however, the hybrid transactions attacked in the Notice "upset that balance." Treasury indicated that the regulations to be issued generally would apply to hybrid branch arrangements entered into or substantially modified after January 16, 1998, and would provide that certain payments to and from foreign hybrid branches of CFCs would be treated as generating subpart F income to U.S. shareholders in situations in which subpart F would not otherwise apply to a hybrid branch as a separate entity. This represented a significant expansion of subpart F, by regulation rather than through legislation.

Shortly after Notice 98–11 was issued, the Administration released its Fiscal Year 1999 budget proposals which, among other things, included a provision requesting Congress to statutorily grant broad regulatory authority to the Treasury Secretary to prescribe regulations clarifying the tax consequences of hybrid transactions in cases in which the intended results are inconsistent with the purposes of U.S. tax law. . . . While the explanation accompanying the budget proposal argued that this grant of authority as applied to many cases "merely makes the Secretary's current general regulatory authority more specific, and directs the Secretary to promulgate regulations pursuant to such authority," the explanation conceded that in other cases, "the Secretary's authority may be questioned and should be clarified."

Notice 98–11 and the accompanying budget proposal generated widespread concerns in the Congress and the business community that the Treasury was undertaking a major new initiative in the international tax arena that would undermine the ability of U.S. multinationals to compete in international markets. For example, House Ways and Means Committee Chairman BILL ARCHER wrote to Treasury Secretary Rubin on March 20, 1998 requesting that "Notice 98–11 be withdrawn and that no regulations in this area be issued or allowed to take effect until Congress has an appropriate opportunity, to consider these matters in the normal legislative process." The Ranking Democrat on the Committee, Charles RANGEL, wrote to Secretary Rubin expressing strong concerns about the Treasury's increasing propensity to "legislate through the regulatory process as evidenced by Notice 98–11."

Despite these concerns, on March 23, 1998, the Treasury department issued two sets of proposed and temporary regulations, the first relating to the treatment of hybrid branch arrangements under subpart F, and the second relating to the treatment of a CFC's distributive share of partnership income. As Notice 98–11 had promised, the regulations provided that certain payments between a controlled foreign corporation and a hybrid branch would be recharacterized as subpart F income if the payments reduce the payer's foreign taxes.

The week after the temporary and proposed regulations were issued, the Senate Finance Committee considered H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998. A provision was included in the bill prohibiting the Treasury and IRS from implementing temporary or final regulations with respect to Notice 98–11 prior to six months after the date of enactment of H.R. 2676. The Senate bill also included language expressing the "sense of the Senate" that "the Department of the Treasury and the Internal Revenue Service should withdraw Notice 98–11 and the regulations issued thereunder, and that the Congress, and not the Department of the Treasury or the Internal Revenue Service, should determine the international tax policy issues relating to the treatment of hybrid transactions under subpart F provisions of the Code."

Opposition to Notice 98–11 and the temporary and proposed regulations continued to mount. On April 23, 1998, 33 Members of the House Ways and Means Committee wrote to Secretary Rubin expressing concern about the Treasury's decision to move forward and issue regulations pursuant to Notice 98–11 without an appropriate opportunity for Congress to consider this issue in the normal legislative process, urging Treasury to withdraw the regulations.

In the face of these and other pressures from the Congress and the business community, on June 19, 1998, the Treasury Department announced in Notice 98–35 that it was withdrawing Notice 98–11 and the related temporary, and proposed regulations. According to Notice 98–35, Treasury intends to issue a new set of proposed regulations to be effective in general for payments made under hybrid branch arrangements on or after June 19, 1998. These regulations, however, will not be finalized before January 1, 2000, in order to permit both the Congress and Treasury Department the opportunity to further study the issues that were raised following the publication of Notice 98–11 earlier this year.

While we applaud the Treasury's decision to withdraw Notice 98–11 and the temporary regulations, we believe that additional legislative action is needed to prevent the Treasury from finalizing the forthcoming regulations until Congress considers the issues involved. We believe that only the Congress has the authority to achieve a permanent resolution of this issue. Notice 98–35, like its predecessor, Notice 98–11 continues to suffer from a fatal flaw; it is the prerogative of Congress, and not the Executive Branch, to pass laws establishing the nation's fundamental tax policies. Simply put, Notice 98–35 adds restrictions to the subpart F regime that are not supported by the Code's clear statutory language, and there has been no express delegation of regulatory authority to the Treasury that relates specifically to the issues presented in the Notice.

More importantly, we question the policy objectives to be achieved by Notice 98–35 and the accompanying proposed regulations. We do not understand the rationale for penalizing U.S. multinational companies for employing normal tax planning strategies that reduce foreign (as opposed to U.S.) income taxes. Moreover, Notice 98–35 is contrary to recent Congressional efforts to simplify the international tax provisions of the Code. For example, the Congress reduced complexity and ridded the code of a perverse incentive for U.S. companies to invest overseas by repealing the Section 956A tax on excess passive earnings in 1996. Again in 1997, the Congress repealed the application of the Passive Foreign Investment Company regime to U.S. shareholders of controlled foreign corporations because of the complexity involved in applying both regimes, in addition to enacting a host of other foreign tax simplifications. The Senate Finance Committee will hold a hearing on March 11, 1999 to further investigate the reforms needed in the international tax arena that not only reduce complexity, but also encourage U.S. global economic competition. I fully expect Notice 98–35 to be discussed at this hearing.

In order for Congress to gain a better understanding of the Treasury Department's position on this matter, our bill would require the Treasury to conduct a thorough study of the tax treatment of hybrid transactions under subpart F and to provide a report to the Senate Committee on Finance and House Committee on Ways and Means on this issue.

If the forthcoming regulations are permitted to be finalized by the Treasury, U.S. multinational businesses will be placed at a competitive disadvantage vis-a-vis foreign companies who remain free to employ strategies to reduce the foreign taxes they pay. Clearly, such a result should be permitted to take effect only if Congress, after having an opportunity to fully consider all of the tax and economic issues involved, agrees that the arguments advanced by the Treasury are compelling and determines that additional statutory changes to subpart F are necessary and appropriate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HYBRID TRANSACTIONS UNDER SUBPART F.

(a) PROHIBITION ON REGULATIONS.—The Secretary of the Treasury (or his delegate)—

(1) shall not issue temporary or final regulations relating to the treatment of hybrid transactions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 pursuant to Internal Revenue Service Notice 98–35 or any other regulations reaching the same or similar result as such notice,

(2) shall retroactively withdraw any regulations described in paragraph (1) which were issued after the date of such notice and before the date of the enactment of this Act, and

(3) shall not modify or withdraw sections 301.7701–1 through 301.7701–3 of the Treasury

Regulations (relating to the classification of certain business entities) in a manner which alters the treatment of hybrid transactions under such subpart F.

(b) STUDY AND REPORT.—The Secretary of the Treasury (or his delegate) shall study the tax treatment of hybrid transactions under such subpart F and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The Secretary shall hold at least one public hearing to receive comments from any interested party prior to submitting such report.

Mr. MACK. Mr. President, today Senator BREAUX and I introduce a bill reaffirming that the lawmaking power is the province of the Congress, not the executive branch. Our bill prohibits the Treasury Department from issuing regulations that would impose taxes on U.S. companies merely because one of their subsidiaries pays money to itself.

As a general rule, U.S. corporations pay U.S. corporate income tax on the earnings of their foreign subsidiaries only when those earnings are actually distributed to the U.S. parent companies. An exception to this general rule is contained in subpart F of the Internal Revenue Code, which accelerates the income tax liability of U.S. parent companies under certain circumstances. The Treasury Department has announced, in Notice 98-35, an intention to issue regulations that will accelerate income tax liability for U.S. companies—not based on the specific circumstances enumerated in subpart F, but instead on a new "interpretation" of the "policies" that Treasury infers from that 36-year-old provision. This action crosses the line between administering the laws and making the laws, and cannot be allowed by Congress.

Notice 98-35 concerns so-called "hybrid arrangements." These involve business entities that are considered separate corporations for foreign tax purposes, but are viewed as one company with a branch office for U.S. purposes. U.S. companies organize their subsidiaries in this manner to reduce the amount of foreign taxes they owe. Transactions between a subsidiary and its branch have no impact on U.S. taxable income of the parent, as its subsidiary is merely paying money to itself. But the Treasury Department intends to impose a tax on the U.S. parent to penalize it for reducing the foreign taxes it owes.

This effort is wrong for several reasons. First, the Treasury Department possesses only the power to issue regulations to administer the laws passed by Congress. New rules based on Congressional purpose are known as laws, and under the Constitution laws are made by Congress.

Second, the Treasury Department is elevating one policy underlying subpart F—taxing domestic and foreign operations in the same manner—over the other policy of maintaining the competitiveness of U.S. companies in foreign markets. This proposed tax would put U.S.-owned subsidiaries at a competitive disadvantage.

Finally, the Treasury Department should not impose a tax on U.S. companies to force these companies to reorganize in a way that increases the taxes they owe to foreign countries. The Treasury Department is not the tax collector for other nations. And by raising the foreign tax bills of U.S. companies, the Treasury Department is also increasing the size of foreign tax credits and thereby reducing U.S. tax revenues.

The Treasury Department is not only making policy that it has no right to make, it is also making bad policy. Our bill places a moratorium on this lawmaking. It also directs the Treasury Secretary to study these issues and submit a report to the tax-writing committees of Congress. Many people and organizations, including the Treasury Department, desire changes in the tax laws. But only Congress has the power to make these changes, and this is a power we intend to keep.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

MEDICAL INFORMATION PRIVACY AND SECURITY ACT

Mr. LEAHY. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DASCHLE and DORGAN in introducing the Medical Information Privacy and Security Act (MIPSA). I am also pleased that a companion bill will be introduced in the House by Congressman EDWARD MARKEY.

The Millennium Bug is not the only computer-related problem Congress confronts this year. We face the deadline that Congress set for itself of August 21, 1999, to solve the multitude of privacy glitches in the handling of our medical records.

At a time when some states are selling driving license photos and information, when our leading computer chip and software companies have built secret identifiers into their products to trace our every move in cyberspace without our consent, it is time for Congress to wake up to the privacy rights and expectations of all Americans before it is too late.

The trouble is this: If you have a medical record, you have a medical privacy problem.

A guiding principle in drafting this legislation has been that the movement to a more integrated system of health care in our country will only continue to be supported by the American people if they are assured that the personal privacy of their health care information is protected. In fact, without the confidence that one's personal privacy will be protected, many will be discouraged from seeking medical help.

Most of us envision that our medical records are held in a manila file folder under the watchful care of our health care provider. If this is what you are picturing, you are sorely mistaken. Increased computerization of medical records and other health information is fueling both the supply and demand for our personal information. I do not want advancing technology to lead to a loss of personal privacy, and I do not want the fear that confidentiality is being compromised to deter people from seeking medical treatment or to stifle technological or scientific development.

The traditional right of confidentiality between a health care provider and a patient is at risk. This erosion may reduce the willingness of patients to confide in physicians and other practitioners and may inhibit patients from seeking care.

Unlike some, I believe that computerization can assure more privacy to individuals than the current system, if MIPSA is enacted. But if we do not act the increased potential for embarrassment and harassment is tremendous.

The ability to compile, store and cross reference personal health information has made our intimate health history a valuable commodity. In 1996 alone, the health care industry spent an estimated $10 to $15 billion on information technology.

This data can be very useful for quality assurance, and to provide more cost effective health care. But I doubt that the American public would agree with a Fortune magazine article which lauded a health insurer that poked through the individual medical records of clients to figure out who may be depressed and could benefit from the use of the anti-depressant Prozac. Are we now encouraging the replacement of sound clinical judgment of doctors with health insurance clerks who look at records to determine whether you are not really suffering from a physical illness, but a mental illness?

Just a few days ago The Wall Street Journal wrote about a company that is "seeking the mother lode in health 'data mining.'" This company wants to get medical data on millions of Americans to sell to any buyer. Currently there are no laws constraining the creation of large data bases filled with sensitive personally identifiable information on any of us. Our information is like gold to these "data miners."

If this battle is between American families who want some privacy and big business buying access to their personal medical records, I will stand with American families every time.

Last year, an article in the Washington Post described the story of a woman whose prescription purchases were tracked electronically by a pharmacy benefits management company two states away, hired by her employer. With every swipe of her prescription-drug card she saved 50% on her prescriptions. At the same time, however, without her knowledge her sensitive health information was being compiled. Her doctor was soon informed that she would be enrolled in a "depression program," watched for continued use of anti-depression medications, and be targeted for "educational" material on depression. All of this was done at the behest of her employer who had unfettered access to all of her personal health information.

This woman was not suffering from a depression-related illness; her doctor prescribed the medication to help her sleep. This woman had no idea that by signing up for her managed care plan she was signing up to have her personal health information disclosed to individuals she had never even met.

Employer access to personal health information of their workers is a real problem. A recent University of Illinois study found that 35 percent of all Fortune 500 companies regularly review health information before making hiring decisions. On-work-site health care providers have testified before Congress that they are routinely pressured for employee health information and must comply or lose their jobs.

What MIPSA makes clear is that there must be a "fire wall" between those within a company involved in providing health services and benefits, and other managers. The goal of privacy legislation is to be the first line of defense, so that individuals are not put in the situation of possibly being discriminated against. Our bill complements other laws and proposed legislation that bar discrimination based on health status.

We must not let privacy slide to the point that the only way for a person to ensure confidentiality is to avoid seeking medical treatment.

The simple fact is that many patients will not agree to participate in health research or to be tested if they fear the information that is revealed in the course of the research could be released, bringing them harm. In genetic testing studies at the National Institutes of Health, thirty-two percent of eligible people who were offered a test for breast cancer risk declined to take it, citing concerns about loss of privacy and the potential for discrimination in health insurance.

The bill we are introducing today, the Medical Information Privacy and Security Act, would be the first comprehensive federal health privacy law.

Our bill is broad in scope: It applies to medical records in whatever form—paper or electronic. It applies to each release of medical information, including re-releases. It comprehensively covers entities other than just health care providers and payers, such as life insurance companies, employers and marketers and others who may have access to sensitive personal health data.

It gives individuals the right to inspect, copy and supplement their protected health information.

It allows individuals to require the segregation of portions of their medical records, such as mental health records, from broad viewing by individuals who are not directly involved in their care.

It gives individuals a civil right of action against anyone who misuses their personally identifiable health information. It establishes criminal and civil penalties that can be invoked if individually identifiable health information is knowingly or negligently misused.

It creates a set of rules and norms to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special allowances are made for situations such as emergency medical care and public health requirements.

We have been very careful to balance the right to privacy with the needs of providers and health care plans, who can use medical information to improve the care of patients. MIPSA does not force patients to sign a blanket authorization allowing their information to go to anyone for any purpose in order to receive care. Unfortunately, individuals now have no choice but to sign away their rights if they want any health care treatment at all.

MIPSA changes the authorization procedure by requiring that providers, health plans and hospitals clearly lay out to patients how their protected health information will be used, who will have access to their protected health information, and for what purpose. If anyone wants to use or disclose personally identifiable health information for a purpose that is not directly related to their treatment or billing, the patient has that right to say no without losing the ability to receive needed health care.

It also takes special care to make sure that important medical research continues. MIPSA extends the protective practices currently followed by the National Institutes of Health (NIH) to all health research efforts—whether publicly or privately funded.

It establishes a clear and enforceable right of privacy for all personally identifiable medical information including information regarding the results of genetic tests.

We have tried to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if our health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly sanctioned playground for the unscrupulous. Health care is too important a public investment to be the subject of undetected fraud or abuse.

It prohibits law enforcement agents from searching through medical records without a warrant. It does not limit law enforcement agents in gaining information while in hot pursuit of a suspect.

We also require anyone who maintains your medical information to have strong safeguards in place. And MIPSA offers strong enforcement provisions and remedies for the misuse of medical information.

It sets up a national office of health information privacy to aid consumers in learning about their rights and about how they can seek recourse for violations of their rights.

Most importantly, our bill does not preempt any federal or state law or regulation that offers stronger privacy safeguards. We propose a floor rather than a ceiling, achieving two goals:

First, a strong federal privacy law will eliminate much of the current patchwork of state laws governing the exchange of medical information, and will replace the patchwork with strong, clear standards that will apply to everyone.

Second, MIPSA makes room for the many possible future threats to medical privacy that we may not even anticipate today. As medical and information technology moves forward into the next century we must maintain the public's right to seek stronger medical privacy laws closer to home.

The elements of MIPSA are essential to any strong medical privacy effort.

I am encouraged that a variety of public policy and health professional organizations, across the political spectrum, are signaling their intentions to step forward to join forces with consumers during this debate.

We have 164 days to implement a strong federal medical privacy law. With the clock ticking toward the August deadline, let us act sooner rather than later.

Mr. KENNEDY. Mr. President, we are here today to propose legislation to protect the privacy of personal medical information in our rapidly changing health care system. Today, video rental records have greater protection than sensitive medical information. Last month, we learned that the University of Michigan Medical Center posted information from thousands of patient records on the Internet, without any password protection or other safeguards. In many other cases, individual patients have been harmed by improper release of their private medical records.

The legislation that Senator DASCHLE, Senator LEAHY, Congressman MARKEY, and I are introducing today—the Medical Information Privacy and Security Act—puts patients first, while allowing for legitimate uses of medical information to improve health care.

Congress recognized the need to act to protect the privacy of medical information when we passed the Kassebaum-Kennedy Act in 1996. That legislation contained a provision requiring Congress to pass legislation on the issue by August of this year. If the deadline is not met, the Administration has the power to act by regulation.

The measure we are introducing ensures strong protections nationwide. It also allows individual states to take additional action. Stronger state laws are not pre-empted.

The goal of these protections is to safeguard the confidential relationship between patients and physicians. Patients concerned about their privacy are less likely to disclose important information to their physicians. A recent survey by the California HealthCare Foundation found that one in six adults has taken steps to protect their personal medical information, such as providing inaccurate information in their medical history, or asking physicians not to include certain information in their medical records.

Our legislation recognizes the fundamental right of patients to limit disclosure of personally-identifiable medical information. We have balanced that right with the needs of providers and health care plans to use medical information to improve patient care. Our proposal does not force patients to sign a blanket authorization in order to receive care. Instead, it contains a flexible framework that can be modified to fit different situations.

Medical research is essential for progress against disease. But it is also essential for patients to have confidence that research is beneficial, not an invasion of privacy. In genetic testing studies at the National Institutes of Health, 32 percent of eligible people who were offered a test for breast cancer declined to take it, because of concerns about loss of privacy and the potential for discrimination in health insurance.

Currently, most federal health research is governed by the "Common Rule", which includes evaluations by Institutional Review Boards in order to protect patients involved in the research. Our proposed legislation strengthens the privacy provisions in the "Common Rule," and extends those protections to all health research.

These issues are important, and I am optimistic that Congress will act in time to meet the August deadline. We have a responsibility to enact strong protections for privacy in all aspects of health care, and now is the time to act.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act"; to the Committee on Agriculture, Nutrition, and Forestry.

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Mr. CLELAND. Mr. President, I rise today to introduce a bill to rename the National School Lunch Act after Senator Richard Russell. I am pleased to have Senator COVERDELL as a original co-sponsor.

Having met Senator Russell over 30 years ago when I was an intern on Capitol Hill, I gained a deep respect and reverence for the "Senator from Georgia" Richard B. Russell. Since being elected to the Senate over two years ago, I have been looking for a way to appropriately honor and express my appreciation for the contributions of Senator Russell. Honestly, I, like many others, usually associate Senator Russell with military issues and the work he did to provide our nation with a strong national defense. However, in researching his history in the Senate, I noticed that, time and again, Senator Russell stated that he viewed his proudest achievement in the Senate as the School Lunch Act.

On February 26, 1946, speaking on the Senate floor, Senator Russell noted that the School Lunch Program, "has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools." Strong words, not only about the school lunch program, but about Senator Russell's commitment to the same.

Starting the first grade in 1947, I, like some of you, have always considered myself to be a true product of the national school lunch program. The program has been woven into the fabric of the American family. Today, the National School Lunch Program operates in more than 95,000 public and non-profit private schools and residential child care institutions throughout the country, providing nutritionally balanced, low-cost or free lunches to more than 26 million children each school day. The knowledge that every one of our children is ensured a healthy and affordable meal every school day provides us all with a great deal of comfort and satisfaction. The program is available in almost 99 percent of all public schools, and in many private schools as well. About 92 percent of all students nationwide have access to meals through the National School Lunch Program. As cited in several studies, a well fed child is more likely to do better in school and is less likely to misbehave—both highly desirable outcomes.

Senator Russell was a tireless champion for establishing a program to deliver a healthy meal to our nation's schoolchildren. Senator Russell began his campaign to make school feeding programs available in the mid 1930's by utilizing Section 32 funds of the Act of August 24, 1935. As Chairman of the Subcommittee on Agricultural Appropriations, Senator Russell exerted a great deal of influence and was a vigilant advocate of directing the Section 32 food surpluses towards school feeding programs. In the early 1940's, Senator Russell introduced several bills authorizing a national school lunch program. And, after several unsuccessful attempts, Senator Russell sponsored and pushed through the National School Lunch Act in 1946.

Senator Russell's strong commitment to domestic agriculture production strengthened his support for the school feeding programs. In fact, Senator Russell's commitment to a strong national defense may have also played a role in his support for the program. As you know, Senator Russell served as a member, and later Chairman, of the Senate Armed Services Committee. During World War II and in post war hearings before the Armed Services Committee, testimony was provided by General Hershey and Surgeon General Parran and others indicating that a large percentage of men rejected from military service had diet-related health problems. This revelation resulted in the recognition by many that the school lunch program is a matter of national security.

As stated in a report I received from the Congressional Research Service, "Senator Russell played a key role in the creation and formation of the national school lunch program. The historical record of Senator Russell's actions on behalf of this program in the 1930's and 1940's give him a strong claim to being regarded as the "father" of the national school lunch program, and make a strong case for renaming the 1946 Act after him." There have most certainly been several other members from the House and Senate, both past and present, who have played an irreplaceable role in developing and championing the cause of the school lunch program and I believe that all of these members should be commended for their dedication. This proposal is not meant to diminish the contribution of countless others, but simply to recognize that Senator Russell played a primary role in the passage of the National School Lunch Act. I am convinced that no other member was as significant as Senator Russell in seeing the National School Lunch Act enacted into law. I am pleased to have received the strong endorsement of the Georgia School Food Service Association in their Resolution of support on January 23, 1999.

Considering Senator Russell's vital role in making the school lunch program a reality and the passion he expressed for being its author, I believe that by renaming the School Lunch Act in his honor, we can fittingly memorialize his contribution, as well as call renewed attention to this vital national program. I ask for my colleagues support.

Mr. President, I ask unanimous consent that the text, a letter of support, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGIA SCHOOL FOOD SERVICE ASSOCIATION RESOLUTION IN SUPPORT OF SENATOR MAX CLELAND'S PROPOSAL TO MEMORIALIZE SENATOR RICHARD B. RUSSELL

Whereas, The Georgia School Food Service Association (GSFSA) has learned that Senator Max Cleland wishes to sponsor legislation to permanently associate the name of Senator Richard B. Russell with and to memorialize the contribution that he made to the establishment of the National School Lunch Act by naming The National School Lunch Act of 1946 (NSLA), the Richard B. Russell National School Lunch Act, and

Whereas, Senator Richard B. Russell has been known as "the father of the school lunch act" as documented in a 1973 publication, "Education in the States," published by The National Education Association in cooperation with The Chief State School Officers, and

Whereas, a review of the 1945–46 Congressional debates leading up to the passage of the Act in May 1946 and signing by President Harry Truman on June 4, 1946 reflects the leadership role of Senator Russell as author of the bill that finally was approved by the Congress, and

Whereas, Senator Russell's success in getting the legislation passed was greatly enhanced by the outstanding bi-partisan support in the Senate by Senator George D. Aiken, Vermont and Senator Allen J. Ellender, Louisiana and in collaboration with The House of Representatives under the committee leadership of Congressman Flannagan of Virginia, and

Whereas, with the passage of time the names of NSLA pioneers are faded from memory and we believe there should be an appropriate memorial established to perpetuate the memory of the contribution made by the visionary Richard B. Russell for the program.

Whereas, the year 2000 will mark the 55th Anniversary of The National School Lunch Act and GSFSA joins with Senator Max Cleland in believing that the time is right for the name of Richard B. Russell to be memorialized and permanently attached to The National School Lunch Act, and

Whereas, the vision of this program defined by Senator Russell and articulated in The NSLA, Section 1 Policy, to "safeguard the health and well-being of all children . . . by supporting the establishment of programs and promoting the consumption of nutritious agricultural commodities" laid the foundation as a nutrition program for all children, and

Whereas, this vision enacted into legislation in 1946 has provided the framework for the growth of Child Nutrition Programs, which began as a single meal, and has been expanded many times by many Congressional sessions promoted by the leaders in Congress to a year round, all day program serving breakfast, lunch, after school supplements, summer food service, and the child and adult care food program, and

Whereas, the leadership and commitment of Senator Richard B. Russell as Chairman of the US Senate Committee on Agriculture and Forestry in close collaboration with a bi-partisan group in the Senate and a collaborative relationship with the US House of Representatives, persisted through 10 years of year-to-year appropriations for the program and two long years of debate and resulted in the enactment of permanent legislation that established an infrastructure for the school lunch program and a framework for all child nutrition programs, and

Whereas, his leadership for the program did not stop at that point as he had a major role in having the school lunch program designated as an educational program in the states as many state agencies were vying to have administration of the program, and

Whereas his leadership continued into the 1960's during his final years in the US Senate when he was Chair of the Armed Services Committee, and he provided leadership to have the apportionment formula changed to allocate money to the states on the number of meals served rather than on state enrollment of children,

THE GEORGIA SCHOOL FOOD SERVICE ASSOCIATION THEREFORE RECOMMENDS

That the General Assembly of Georgia be requested to adopt this resolution in support of Senator Cleland's proposal to have the National School Lunch Act of 1946 renamed the Richard B. Russell National School Lunch Act, and

The American School Food Service Association be requested to provide support for Senator Cleland's proposal for permanently associating Senator Russell's name with the NSLA, which would be an appropriate memorial to his leadership in authoring legislation that established the foundation for a program that has been successful for more than half-a-century, and,

The GSFSA expresses its appreciation to Senator Max Cleland for recognizing the importance of memorializing Senator Russell as "the father of the school lunch program" by attaching his name to the Act, and pledges its support to Senator CLELAND in having his proposal turned into reality, and finally,

That copies of this resolution be provided all members of the Georgia Congressional delegation as a means of seeking their support for honoring an outstanding statesman from Georgia who has been memorialized in many ways, including having a Senate Office Building named in his honor, but has never been publicly honored for the "piece of legislation that he often claimed to be his proudest work" that of the passage of the NSLA, as it served all children, the education program and the agriculture programs of the nation. "this program has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools."—Richard B. Russell, Feb. 26, 1946. The Congressional Record

Approved by,

JOAN KIDD,
President, GSFSA.

By Mr. HATCH:

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquors; to the Committee on the Judiciary.

THE TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I am proud to introduce the Twenty-First Amendment Enforcement Act. This legislation will provide a mechanism enabling States to more effectively enforce their laws regulating the interstate shipment of alcoholic beverages.

Interstate shipments of alcohol directly to consumers are increasing exponentially. Unfortunately, along with that growing commerce, problems associated with that trade are also growing. While I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Twenty-First Amendment.

All States, including the State of Utah, need to be sure that the liquor that is brought into their State is labelled properly and subject to certain quality control standards. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol have opened a sophisticated generation of minors to the perils of alcohol abuse.

I can tell you that my home State of Utah, which has some of the strictest controls in the nation on the distribution of alcohol, is not immune from the dangers of direct sales. A recent story which ran on KUTV in Salt Lake City showed how a thirteen year old was able to purchase beer over the internet and have it shipped directly to her home—no questions asked. If a thirteen year old is capable of ordering beer and having it delivered by merely borrowing her brother's credit card and making a few clicks with her mouse, there is something very wrong with the level of control that is being exercised over these sales. Of course the Utah case is not an isolated example. Stings set up by authorities in New York and Maryland have also shown how easy it is for minors to obtain alcohol.

Debate over the control of alcoholic beverages has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or Constitutional Prohibition, others were equally determined to repeal, circumvent or ignore those barriers. However, the Twenty-First Amendment did, for a time, create an ordered system for the distribution of alcohol.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up State stores to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

Although not perfect, the systems set up by the States worked reasonably well for many years. However, modern technology has opened the door for abuse and created the need for further governmental action to address those abuses. No longer must a State prosecute just an errant neighborhood retailer for selling to a minor—now, the ones selling to minors and others in violation of a State's regulatory laws are a continent away. A small winery can create its own web page and accept orders over the internet; a large retailer can advertise nationally in the New York Times and accept orders over the phone; an ad can be placed in a magazine with a national circulation offering sales through an 800 number.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry.

I should also note that I am certainly sympathetic to the small wineries and specialty micro-breweries who feel that the requirement that they operate through a three tier system (producer-wholesaler-retailer) which does not embrace them may, in effect, shut them out of the marketplace. They make the argument that if wholesalers do not carry their product, they have no other avenue to the consumer other than through direct sales. However, if there is a problem with the system, we need to fix the system, not break the laws.

Federal law already prohibits the interstate shipment of alcohol in violation of State law. Unfortunately that general prohibition lacks any enforcement mechanism. The legislation I am introducing simply provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to be permitted to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Permits the chief law enforcement officer of a State to seek an injunction in federal court to prevent the violation of its laws regulating the importation or transportation of alcohol;
2. Allows for venue for the suit where the defendant resides and where the violations occur;
3. Does not require the posting of a bond by the requesting party;
4. Does not permit an injunction without notice to the opposing party;
5. Requires that any injunction be specific as to the parties, the conduct and the rationale underlying that injunction;
6. Allows for quick consideration of the application for an injunction and conserves court resources by avoiding redundant proceedings;
7. Mandates a bench trial; and
8. Does not preclude other remedies allowed by law.

Some will argue that State courts are capable of handling this issue. Unfortunately, States have had mixed success in enforcing their laws through State court actions. Companies and individuals have raised jurisdictional, procedural and legal defenses that have stalled those efforts, and that continue to hamper effective enforcement. It is, in part, because of those inconsistent rulings, that federal leadership is needed in this area.

Moreover, the scope and limitations of a State's ability to effectively enact laws under the Twenty-First Amendment are essentially federal questions that need to be decided by a federal court, and perhaps ultimately, by the Supreme Court. Only through such rulings can both the States and companies seeking to conduct interstate shipments be assured of consistency in interpretation and enforcement of the laws.

The introduction of a bill is just the beginning of the legislative process. It is my hope that, working together, we can reach an agreement on how best to balance legitimate commercial interests with the Constitutional rights of the States as ceded to them by the Twenty-First Amendment.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Twenty-First Amendment Enforcement Act".

SEC. 2. SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.

The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(2) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) FEDERAL JURISDICTION.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

"(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

"(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

"(g) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

"(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.".

By Mr. JEFFORDS (for himself and Mr. DODD).

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE PERSONAL INFORMATION NONDISCLOSURE ACT OF 1998

Mr. DODD. Mr. President. I am pleased to join the Chairman of the Health, Education, Labor and Pensions Committee, Senator JEFFORDS, in introducing the Health Care Personal Information Nondisclosure (PIN) Act of 1999. This legislation is designed to offer Americans the peace of mind that comes with knowing that their most personal and private medical information is protected from misuse and exploitation.

Medicine has changed dramatically since the time Norman Rockwell painted the scene of a doctor examining his young patient's doll. The flow of medical information is no longer confined to doctor-patient conversations and hospital charts. Recent technological advances have introduced more efficient methods of organizing data that allow information to be shared instantaneously—helping to contain costs—and even save lives.

But in the view of many Americans, the widespread sharing of medical records without appropriate safeguards, even in the pursuit of admirable goals, creates a staggering potential for abuse.

In fact, concerns that medical information is not being adequately protected from misuse has led some patients to avoid full disclosure of mental health or other sensitive conditions to their physicians and to unnecessarily forego opportunities for treatment—in effect negating the benefits of the new technology.

The Health Care PIN Act offers the privacy protections that the public demands. This legislation sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, employers and others. The Health Care PIN Act provides individuals with control over their most personal information, yet promotes the efficient exchange of health data for the purposes of treatment, payment, research and oversight. To ensure the accountability of entities and individuals with access to personal medical information, the legislation impose stiff penalties for unauthorized disclosures.

Just as you lock your doors to protect your home, this measure can act as deadbolt against those who would exploit your medical privacy.

This legislation represents commonsense middle ground in the range of proposals that have been offered both this and the previous Congress. I look forward to working with Senator JEFFORDS, as well as with Senators BENNETT, LEAHY, and KENNEDY, who have contributed so much to this debate, to move forward quickly to enact comprehensive, bipartisan legislation.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Pennsylvania Battlefields Protection Act, legislation which will protect two important Revolutionary War sites in Pennsylvania and authorize the construction and operation of a new museum and visitor center dedicated to the American Revolution at Valley Forge National Historical Park. Representative CURT WELDON has introduced similar legislation in the House, with the remaining twenty Members of the Pennsylvania House delegation joining him in this effort.

The first part of this legislation authorizes $3 million for the acquisition of the 472-acre area generally known as the Meetinghouse Road Corridor, where the largest engagement of the American Revolution, the Battle of Brandywine, took place from September 10–11, 1777. During the 1777 British campaign to capture Philadelphia, British General William Howe defeated but proved unable to demoralize General George Washington's Continental Army of 12,500 men at the Battle of Brandywine.

While George Washington's and the Marquis de Lafayette's headquarters are preserved as part of the Brandywine Battlefield Park, the area where the actual fighting took place is not. The land is privately held and is in immediate danger of being sold and developed. The battlefield was declared a National Historic Landmark in 1961, and local officials, preservation groups, and the Commonwealth of Pennsylvania have been working together to protect the battlefield. This legislation will provide half of the $6 million needed to purchase the land from willing buyers, with the remaining $3 million to be raised from non-federal sources on a dollar for dollar basis. As with all aspects of this legislation, I have worked closely with the National Park Service, and they are supportive of federal assistance to protect this important Revolutionary War site.

This legislation will also protect the Paoli Battlefield, in Malvern, Pennsylvania, where at least fifty-three Americans were killed. Shortly after the Battle of Brandywine, General Washington ordered General "Mad" Anthony Wayne and 2,000 of his men to move to the rear and contain the British army. The British learned of General Wayne's move and attacked and bayoneted Wayne's men on September 20, 1777 in what has infamously become known as the Paoli massacre.

While the Senate passed legislation which I introduced late in the 105th Congress to authorize the addition of the Paoli Battlefield site to Valley Forge National Historical Park, at that time the bill did not enjoy the support of the National Park Service and eventually died in the House of Representatives. I have worked with Congressman WELDON on this legislation, and we believe that the federal government should provide assistance to acquire the 40-acre Paoli Battlefield, an unprotected Revolutionary War site that is privately owned by the Malvern Preparatory School. The School intends to sell the land in order to strengthen its endowment, but officials have agreed to give the community a first chance to purchase the land for historical preservation purposes. Thus, the Paoli Battlefield will become open to residential or commercial development if $2.5 million is not raised by September 1999 to purchase the land. This bill envisions a combination of public and private financing to purchase the battlefield by authorizing a purchase price of $2.5 million with not less than $1 million in nonfederal funds. After much consultation with the National Park Service, I am now informed that they are supportive of this approach to protecting Paoli Battlefield.

The bill also authorizes the Secretary of the Interior to enter into a cooperative agreement with the Borough of Malvern, which has agreed to manage the 45-acre Paoli Battlefield site in perpetuity. A similar provision authorizes the Secretary of Interior to enter into a cooperative agreement with the Commonwealth of Pennsylvania or the Brandywine Conservancy to manage the Meetinghouse Road Corridor area of the Brandywine Battlefield. Moreover, the bill directs the Secretary of Interior to undertake a resource study of Paoli and Brandywine Battlefields to identify the full range of their resources and historic themes and alternatives for National Park Service involvement at these two sites.

Finally, the last section of the bill authorizes the Secretary of Interior to enter into an agreement with the private, non-profit Valley Forge Historical Society to construct and operate a museum and visitor center within the boundaries of Valley Forge National Historical Park. After the Battles of Brandywine, the Clouds, Paoli, Germantown, and Whitemarsh, the Continental Army made Valley Forge its camp from December 19, 1777 to June 19, 1778, when it emerged as a new, better equipped, and well trained American army. Currently, there is no museum in the United States dedicated to the American Revolution. I believe it is important that Congress provide the authorization to bring this worthwhile project to fruition, which will not only tell the story of the Philadelphia campaign, but the story of the entire American Revolution as well.

This museum will combine the holdings of the Valley Forge National Historical Park and the Valley Forge Historical Society, making it the largest collection of Revolutionary War era artifacts in the world. The Valley Forge Historical Society, established in 1918, has a long history of service to the park, and has amassed one of the best collections of artifacts, art, books, and documents relating to the 1777–1778 encampment of the Continental Army at Valley Forge, the American Revolution, and the American colonial era. Their collection is currently housed in a facility that is inadequate to properly maintain, preserve, and display the Society's ever-growing collection. Construction of a new facility will rectify this situation.

This project is supported by local officials, and a new facility is part of the Valley Forge National Historical Park's General Management Plan, which has identified inadequacies in the park's current visitor center and calls for the development of a new or significantly renovated museum and visitor center. The museum will educate an estimated 500,000 visitors a year about the critical events surrounding the birth of our nation.

This legislation authorizes the Valley Forge Historical Society to operate the museum in cooperation with the Secretary of Interior. This project will directly support the historical, educational, and interpretive activities and needs of Valley Forge National Historical Park and the Valley Forge Historical Society while combining two outstanding museum collections.

Mr. President, too many important historical sites, especially Revolutionary War battlefields, have already been lost to residential and commercial development. The 105th Congress made a commitment to protecting battlefield sites. I have been pleased to support these efforts as well as the successful effort to obtain funding in the FY99 Interior and Related Agencies Appropriations bill to begin conducting the Revolutionary War and War of 1812 Historic Preservation Study. I hope the 106th Congress will continue that commitment by protecting the Brandywine and Paoli Battlefields. In addition, this legislation holds enormous potential for all Americans to learn about our country's rich history by establishing a new visitor center and museum at Valley Forge National Historical Park, which will then be better able to tell the story of the American Revolution. I therefore urge my colleagues to support this bill.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to reintroduce legislation to authorize the operation of the Gateway Visitor Center in Independence National Historical Park in Philadelphia, Pennsylvania. Similar legislation has already been introduced in the House of Representatives by Representatives ROBERT BORSKI, CURT WELDON, and ROBERT BRADY.

As many of my colleagues are aware, Independence National Historical Park is one of the National Park Service's crown jewels, home to the Liberty Bell and Independence Hall and the birthplace of the Constitution and the Declaration of Independence. In the Spring of 1997, the Final General Management Plan for Independence Park was released, which spells out the vision for the Park for the next fifteen years. The first block of Independence Mall will contain a new home for the Liberty Bell, the second block the Gateway Visitor Center, and the third block the National Constitution Center. The revitalization of Independence Mall is well underway, but legislation is needed to fully implement the General Management Plan with regards to the Gateway Visitor Center.

The National Park Service is aware that this type of site-specific legislation is necessary for the Gateway Visitor Center. I have worked closely with the National Park Service and the Gateway Visitor Center Corporation in developing this legislation, and the National Park Service expressed its full support for this legislation during hearings held in the 105th Congress.

I would note that the $24 million needed to construct the Gateway Visitor Center has already been committed, with the City of Philadelphia contributing $5 million, the Commonwealth of Pennsylvania $10 million, and various Foundations $15 million, of which $6 million will fund an endowment. The legislation I am introducing today merely provides the authorization for the operation of the Center. The Gateway Visitor Center will be financially self-sustaining, with only a modest contribution coming from the National Park Service for operations and maintenance.

While the Gateway Visitor Center will provide the traditional services to visitors to the Park, the Center will also provide some services which are somewhat beyond the scope of existing National Park Service legislation. In addition to its role as the Park's primary visitor center, providing visitor orientation to the Park, the city, and the region as a whole, the Gateway Visitor Center will be permitted to charge fees, conduct events, and sell merchandise, tickets, and food to visitors to the Center. These activities will allow the Gateway Visitor Center to meet its parkwide, citywide and regional missions while defraying the operating and management expenses of the Center.

The current visitor center in Independence National Historical Park is poorly located, making it underutilized and inconvenient to the millions of people who visit the Park each year. The Gateway Visitor Center will serve far more people than ever possible with the current facility by providing information, interpretation, facilities, and services to visitors to the Park, its surrounding historic areas, the City of Philadelphia, and the region in order to assist visitors in their enjoyment of the historical, cultural, educational, and recreational resources of the area. The Gateway Visitor Center will be a major asset for the Park and critical to the central management goal addressed in the General Management Plan of creating an outstanding visitor experience. The Gateway Visitor Center holds enormous potential for Independence National Historical Park and the greater Philadelphia region as a whole, and I therefore urge my colleagues to support this legislation.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for pre-disaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

DISASTER MITIGATION ACT OF 1999

Mr. CHAFEE. Mr. President, today, at the administration's request, I am introducing the Disaster Mitigation Act of 1999. This bill is designed to promote pre-disaster mitigation and streamline the operations of the Federal Emergency Management Agency (FEMA).

Last year, the Senate Committee on Environment and Public Works, which has oversight over FEMA, considered S. 2361, legislation authored by Senators INHOFE and GRAHAM that was based in part on the administration's 1997 proposal. While S. 2361 was reported by the committee, it was not considered by the Senate before it adjourned last November.

I believe it makes sense for Congress and FEMA to pay attention to pre-disaster mitigation efforts—i.e., the steps that can be taken before a disaster strikes. It also makes sense for us to ensure that FEMA's operations are streamlined so that the administering of disaster relief proceeds as smoothly and efficiently as possible. Taking these steps not only would be easier on the budget, but also would help prevent needless human suffering.

It is my hope that working with the administration, we will be able to craft legislation that will accomplish our goals. I look forward to working with my colleagues and administration officials toward that end.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Pre-Disaster Hazard Mitigation.
Sec. 103. Maximum contribution for mitigation costs.
Sec. 104. Conforming amendment.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Federal assistance to households.
Sec. 205. Repeals.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.

SEC. 2. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE I—PREDISASTER HAZARDS MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

(a) Title II of the Act is amended by adding new section 203 as follows:

"SEC. 203. PRE-DISASTER HAZARD MITIGATION.

"(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

"(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may provide financial assistance to the State or local government for such purposes from the fund established under subsection (d) of this section.

"(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

"(2) The Director shall take into account the following when establishing priorities for pre-disaster mitigation grants:

"(A) The level and nature of the risks to be mitigated;

"(B) Grantee commitment to reduce damages from future disasters;

"(C) commitment by the State and local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

"(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director may establish in the United States Treasury a National Predisaster Mitigation Fund ("Fund"), which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

"(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

"(1) Funds appropriated by the Congress for the purposes of this section, which funds shall be available until expended; and

"(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

"(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total costs of the mitigation proposal(s) approved by the Director.

"(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

"(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

"(b) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the date of enactment of the Disaster Mitigation Act of 1999.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

"(a) IN GENERAL.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the last sentence by striking "15 percent" and inserting "20 percent".

"(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to each major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) after the date of enactment of this Act.

SEC. 104. CONFORMING AMENDMENT.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

SEC. 201. INSURANCE.

Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(a) by inserting "(A)" before the sentence; and

(b) adding paragraph (B) to the subsection as follows:

"(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters."

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding a new Section 322 as follows:

"SEC. 322. MANAGEMENT COSTS.

"(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

"(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

"(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

"(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.".

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under that subsection, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW; OTHER EXPENSES.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under that section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) MINIMUM FEDERAL SHARE.—Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions."

(b) CONTRIBUTIONS AND FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting new subsection (e) to read as follows:

"(e) ELIGIBLE COST.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

"(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

"(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

"(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

"(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

"(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

"(1) as a direct result of a major disaster have necessary expenses and serious needs; and

"(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

"(b) HOUSING ASSISTANCE.—

"(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to household to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

"(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

"(c) TYPES OF HOUSING ASSISTANCE.—

"(1) Federal assistance under this subjection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

"(2) TEMPORARY HOUSING.—

"(A) FINANCIAL ASSISTANCE.—

"(i) IN GENERAL.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

"(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

"(I) the fair market rent for the accommodation being provided; and

"(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

"(B) DIRECT ASSISTANCE.—

"(i) IN GENERAL.—The President may directly provide under this section housing units, acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

"(ii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in paragraph (c)(1), the President may charge fair market rent for the accommodation being furnished.

"(3) REPAIRS.—

"(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

"(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

"(i) is used for emergency repairs to make a private primary residence habitable; and

"(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

"(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (c)(1) are unavailable, infeasible, or not cost effective.

"(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

"(1) SITES.—

"(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

"(i) is provided by the State or local government; and

"(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

"(2) DISPOSAL OF UNITS.—

"(A) SALE TO OCCUPANTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

"(ii) SALES PRICE.—Sales of temporary housing units under this clause shall be accomplished at prices that are fair and equitable.

"(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

"(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) OTHER METHODS OF DISPOSAL.—

"(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

"(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organizations agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain and maintain hazard and flood insurance on the housing unit.

"(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

"(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

"(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

"(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 205. REPEALS.

(a) ASSOCIATED EXPENSES.—Subject to the provisions of section 202(b)(2) of this Act, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) is repealed.

(b) COMMUNITY DISASTER LOANS.—Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is repealed.

(c) SIMPLIFIED PROCEDURE.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is repealed.

SECTIONAL ANALYSIS

Sec. 1 Short title; table of contents. Section 1 establishes the short title of the bill as the "Disaster Mitigation Act of 1999."

Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This section states that unless otherwise specified, any amendment or repeal of a section or provision shall be considered to be made to the Stafford Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose. Adopts the findings and statement of purpose found in S. 2361, 105th Congress. Section 101 describes four findings of Congress: (1) greater emphasis needs to be placed on hazard identification and hazard mitigation, (2) expenditures for disaster assistance are increasing without evidence of potential reduction of future losses, (3) a high priority should be placed on the implementation or predisaster mitigation activities, and (4) a unified effort will be successful in reducing future losses from natural disasters.

These findings signal the importance of commitments by States and local communities to long-term disaster mitigation efforts (including developing appropriate construction standards, practices and materials) for new and existing structures. Such commitments can help reduce the rise of future damage to life and property and ensure that critical facilities and public infrastructure will function after a disaster strikes.

Sec. 102. Pre-Disaster Hazard Mitigation. Section 102 creates a new Section 203 in the Stafford Act that authorizes the Director to establish a program for States, local governments, and other entities for carrying out predisaster mitigation activities that exhibit long-term, cost-effective benefits and substantially reduce the risk of future damage from major disasters. For the purposes of this section, the term "entities" refers to governmental entities of the State or local government, regional planning organizations, governmental units organized along watershed or other planning foci, or tribal governments.

In selecting a site, the Director must consider the likelihood of damage resulting from a natural disaster; the identification of cost effective mitigation activities with meaningful outcomes; the consistency with State mitigation programs; the opportunity to maximize net benefits to society; the ability of a State or local government or entity to fund mitigation activities; private sector interest; and other criteria established in coordination with State and local governments. The Director must take into account the level and nature of risks to be mitigated, grantee commitment to reduce damages from future disasters, and commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken when establishing priorities for pre-disaster mitigation grants.

With regard to mitigation activities, this section requires the President and the States to consult on a list of those activities that are appropriate, and delegates decisions regarding selections from the list to local governments.

States receiving financial assistance under this section may use the assistance to fund activities to disseminate information about cost-effective mitigation technologies. Certain construction standards, practices, and materials have been proven effective in mitigating the risks or impacts of actual natural disasters. Public awareness of these technologies can allow communities to make informed decisions that can substantially reduce the risk of future damage, hardship or suffering from a major disaster.

Sec. 103. Maximum contribution for mitigation costs. Section 103 amends Section 404(a) of the Stafford Act by changing maximum hazard mitigation contributions from 15% to 20% of aggregate amount of grants. The changes made by this section are applicable to all major disasters declared after January 1, 1999.

Sec. 104. Conforming amendment. This section amends to the heading of Title II to read "Title II—Disaster Preparedness and Mitigation Assistance".

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE.

Sec. 201. Insurance. Section 201 amends §311(a)(2) of the Stafford Act to authorize the

President to require by regulation that States, communities or other applicants protect property through self-insurance or adequate mitigation measures if the State's insurance commissioner certifies that insurance is not reasonably available. Under current law if the State insurance commissioner certifies that insurance is not reasonably available, an applicant need not take any further action to insure or mitigate the property against future damage. This provision authorizes the President to require further action to reduce future potential damage to the affected property.

Sec. 202. Management costs. Section 203 adds a new Section 322 to the Stafford Act. It provides a definition for management costs and directs the President to establish management cost reimbursement rates, subject to periodic review, for grantees and subgrantees receiving assistance under the Act. Appropriate costs are to be established by Federal regulation. The current reimbursement system will remain in effect for disasters declared before the new rates are established.

Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities. Section 203 amends and reorganizes the section of the Stafford Act (Section 406) that provides authority to the President to make contributions to a State, local government, or person for the repair, restoration, or replacement of public facilities or private nonprofit facilities. As amended, this section establishes a minimum Federal share of 75 percent of the cost of such activities. Section 203 would also amend Section 206 to authorize reduction in Federal disaster assistance for facilities which had received disaster assistance in the past and for which insurance had not been maintained since receipt of the disaster assistance.

This section also sets new rules for cost estimates by allowing the cost of repairs in situations where the actual cost is above 120 percent or below 80 percent of the estimated cost to be reconsidered. In addition, it directs the President to establish an expert panel for development of procedures for cost estimations.

Sec. 204. Federal assistance to households. Section 204(a) amends Section 408 of the Stafford Act to combine the Housing and Individual and Family Grant (IFG) Programs. As amended, this section establishes the type of assistance available for housing, repairs, and construction, and caps total assistance per individual or household under the combined program at $25,000 per major disaster. It authorizes the President to assist individuals by replacing their homes under certain conditions or allowing them to rent alternate housing accommodations, and by providing financial assistance for medical, dental, funeral, personal property, and transportation expenses. The President is to issue regulations to determine eligibility for assistance.

Section 204(b) deletes the term "temporary housing" from §502(a)(6) of the Stafford Act. Section 502 specifies and limits the emergency assistance that the President may provide when he declares an emergency under the Act. Paragraph (a)(6) states that he may provide "temporary housing assistance" under §408 of the Act. This amendment would give the President authority to provide assistance under §408, which would encompass both housing and assistance to individuals and households in the consolidated section.

Sec. 204(c) repeals the Individual and Family Grant programs, which under this legislation are consolidated with the Temporary Housing program.

Sec. 205. Repeals. Section 205 repeals Section 406(f) and Section 417 of the Stafford Act (providing for Associated Expenses and for Community Disaster Loans), as well as Section 422 (regarding simplified procedure), in order to conform with the amendment made under Section 202(d) of the bill.

RAMSEYER/CORDON COMPARISON

Materials deleted within bold brackets **[ ]**, new text in *italic*.

SEC. 101. FINDINGS AND PURPOSE.

(d) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

42 U.S.C. Sec. 203. PRE-DISASTER HAZARD MITIGATION.

(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural disaster hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may make grants to the State or local government for such purposes from the fund established under subsection (d) of this section.

"(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

"(2) The Director shall take into account the following when establishing priorities for pre-disaster mitigation grants:

"(A) the level and nature of the risks to be mitigated;

"(B) Grantee commitment to reduce damages from future disasters;

"(C) commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director shall establish in the United States Treasury a National Predisaster Mitigation Fund ("Fund"), which shall be an account separate from any other accounts or funds, and which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

(1) funds appropriated by the Congress for the purposes of this section which funds shall be available until expended; and

(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total cost of the mitigation proposal(s) approved by the Director.

(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

3(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

42 U.S.C. SEC. 404. HAZARD MITIGATION.

(a) IN GENERAL.—

The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 5176 of this title and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed **[15]** *20* percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this chapter with respect to the major disaster.

SEC. 201. INSURANCE.

42 U.S.C. SEC. 311. INSURANCE.

(a) APPLICANTS FOR REPLACEMENT OF DAMAGED FACILITIES.—

* * * * *

(2) DETERMINATION.—

(A) In making a determination with respect to availability, adequacy, and necessity under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate

State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters.

SEC. 202. MANAGEMENT COSTS

SEC. 322. MANAGEMENT COSTS.

(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

(C) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES

42 U.S.C. SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

(a) MINIMUM FEDERAL SHARE.—

[§406] (b) MINIMUM FEDERAL SHARE.—

[The Federal share of assistance under this section shall be not less than—

(1) 75 percent of the net eligible cost of repair, restoration, reconstruction, or replacement carried out under this section;

(2) 100 percent of associated expenses described in subsections (f)(1) and (f)(2); and

(3) 75 percent of associated expenses described in subsections (f)(3), (f)(4), and (f)(5).]

(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions.

(B) CONTRIBUTIONS AND FEDERAL SHARE

[(e) NET ELIGIBLE COST.—

[(1) General rule.—

[For purposes of this section, the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall, at a minimum, be treated as the net eligible cost of such repair, restoration, reconstruction, or replacement.

[(2) Special rule

[In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.

[§406] *(e) Eligible cost.—*

(1) Determination—

(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS

42 U.S.C. [SEC. 408. TEMPORARY HOUSING ASSISTANCE

[(a) PROVISION OF TEMPORARY HOUSING—

[(1) IN GENERAL—

[The President may—

[(A) provide, by purchase or lease, temporary housing (including unoccupied habitable dwellings), suitable rental housing, mobile homes, or other readily fabricated dwellings to persons who, as a result of a major disaster, require temporary housing; and

[(B) reimburse State and local governments in accordance with paragraph (4) for the cost of sites provided under paragraph (2).

[(2) MOBILE HOME SITE—

[(A) IN GENERAL—

[Any mobile home or other readily fabricated dwelling provided under this section shall whenever possible be located on a site which—

[(i) is provided by the State or local government; and

[(ii) has utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

[(B) Other sites—

[Mobile homes and other readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible than sites described in subparagraph (A).

[(3) PERIOD—

[Federal financial and operational assistance under this section shall continue for not longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that due to extraordinary circumstances it would be in the public interest to extend such 18-month period.

[(4) FEDERAL SHARE—

[The Federal share of assistance under this section shall be 100 percent; except that the Federal share of assistance under this section for construction and site development costs (including installation of utilities) at a mobile home group site shall be 75 percent of the eligible cost of such assistance. The State or local government receiving assistance under this section shall pay any cost which is not paid for from the Federal share.

[(b) TEMPORARY MORTGAGE AND RENTAL PAYMENTS.—

[The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for the duration of the period of financial hardship but not to exceed 18 months.

[(c) IN LIEU EXPENDITURES.—

[In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition.

[(d) TRANSFER OF TEMPORARY HOUSING—

[(1) DIRECT SALE TO OCCUPANTS—

[Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

[(2) TRANSFERS TO STATES, LOCAL GOVERNMENTS, AND VOLUNTARY ORGANIZATIONS—

[The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 308 requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) and to the purposes of providing temporary housing for disaster victims in major disasters or emergencies.

[(e) NOTIFICATION—

[(1) IN GENERAL—

[Each person who applies for assistance under this section shall be notified regarding the type and amount of any assistance for which such person qualifies. Whenever practicable, such notice shall be provided within 7 days after the date of submission of such application.

[(2) INFORMATION—

[Notification under this subsection shall provide information regarding—

[(A) all forms of such assistance available;

[(B) any specific criteria which must be met to qualify for each type of assistance that is available;

[(C) any limitations which apply to each type of assistance; and

[(D) the address and telephone number of offices responsible for responding to—

[(i) appeals of determinations of eligibility for assistance; and

[(ii) requests for changes in the type or amount of assistance provided.

[(f) Location—

[In providing assistance under this section, consideration shall be given to the location of and travel time to—

[(1) the applicant's home and place of business;

[(2) schools which the applicant or members of the applicant's family who reside with the applicant attend; and

[(3) crops of livestock which the applicant tends in the course of any involvement in farming which provides 25 percent or more of the applicant's annual income.]

SEC. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) General Authority.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

(1) as a direct result of a major disaster have necessary expenses and serious needs; and

(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

(b) Housing Assistance—

(1) Eligibility.—The President may provide financial or other assistance under this section to households to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residence or whose predisaster primary residence are rendered uninhabitable as a result of damage caused by a major disaster.

(2) Determination of Appropriate Types of Assistance.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on consideration of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

(c) Types of Housing Assistance—

(1) Federal assistance under this subsection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

(2) Temporary Housing—

(A) Financial Assistance—

(i)—In general.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

(ii) Amount.—The amount of assistance under clause (i) shall be based on the sum of—

(I) the fair market rent for the accommodation being provided; and

(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

(B) Direct Assistance.—

(i) In General.—The President may direct provide under this section housing units; acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) Collection of Rental Charges.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

(3) Repairs.—

(A) In general.—The President may provide financial assistance for the repair of owner-occupied primary residents, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

(B) Emergency Repairs.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

"(i) is used for emergency repairs to make a private primary residence habitable; and

"(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

"(4) Permanent Housing Construction.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (c)(1) are unavailable, infeasible, or not cost effective.

"(d) Terms and Conditions Relating to Housing Assistance—

"(1) Sites—

"(A) In General.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

"(i) is provided by the State or local government; and

"(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) Sites Provided by the President.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

"(2) Disposal of Units—

"(A) Sale to occupants—

"(i) In general.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

"(ii) Sales price.—Sales of temporary housing units under clause shall be accomplished at prices that are fair and equitable.

"(iii) Deposit of proceeds.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

"(iv) Use of GSA services.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) Other Methods of Disposal—

"(i) Sale.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

"(ii) Disposal To Governments and Voluntary Organizations.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organization agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain the maintain hazard and flood insurance on the housing unit.

"(e) Financial Assistance to Address Other Needs—

"(1) Medical, Dental, and Funeral Expenses.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) Personal Property, Transportation, and Other Expenses.—The President, in consultation and coordination with the governor of the affected State, may provide financial assistance under this section to a household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) State Role.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

(g) Maximum Amount of Assistance.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

(h) Issuance of Regulations.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.

Sec. 204(b). CONFORMING AMENDMENT.

SEC. 502. FEDERAL EMERGENCY ASSISTANCE.

(a) Specified.—

In any emergency, the President may—

* * * * *

(6) provide [temporary housing] assistance in accordance with section 408 [42 U.S.C. §5174]; and

Sec. 204(c). REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.

42 U.S.C. [SEC. 411. INDIVIDUAL AND FAMILY GRANT PROGRAMS.

[(a) In General.—

The President is authorized to make a grant to a State for the purpose of making grants to individuals or families adversely affected by a major disaster for meeting disaster-related necessary expenses or serious needs of such individuals or families in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act or through other means.

[(b) Cost Sharing.—

(1) Federal share.—

The Federal share of a grant to an individual or a family under this section shall be equal to 75 percent of the actual cost incurred.

(2) STATE CONTRIBUTION.—

The Federal share of a grant under this section shall be paid only on condition that the remaining 25 percent of the cost is paid to an individual or family from funds made available by a State.

[(c) REGULATIONS.—

[The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants under this section.

[(d) ADMINISTRATIVE EXPENSES.—

A State may expend not to exceed 5 percent of any grant made by the President to it under subsection (a) for expenses of administering grants to individuals and families under this section.

[(e) ADMINISTRATION THROUGH GOVERNOR.—

The Governor of a State shall administer the grant program authorized by this section in the State.

[(f) LIMIT ON GRANTS TO INDIVIDUAL.—

No individual or family shall receive grants under this section aggregating more than $10,000 with respect to any single major disaster. Such $10,000 limit shall annually be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

SEC. 205. REPEALS.

Sec. 205(a). Associated Expenses.

[(f) ASSOCIATED EXPENSES.—

For purposes of this section, associated expenses include the following:

[(1) NECESSARY COSTS.—

Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follows:

(A) For an applicant whose net eligible costs equal less than $100,000, 3 percent of such net eligible costs,

(B) For an applicant whose net eligible costs equal $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such net eligible costs in excess of $100,000.

(C) For an applicant whose net eligible costs equal $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such net eligible costs in excess of $1,000,000.

(D) For an applicant whose net eligible costs equal $5,000,000 or more, $61,000 plus ½ percent of such net eligible costs in excess of $5,000,000.

[(2) EXTRAORDINARY COSTS—

Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees, based on the total amount of assistance provided under sections 5170b, 5170c, 5172, 5173, 5192, 5193 of this title in such State in connection with the major disaster as follows:

(A) If such total amount is less than $100,000, 3 percent of such total amount,

(B) If such total amount is $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such total amount net eligible cost in excess of $100,000,

(C) If such total amount is $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such total amount net eligible cost in excess of $1,000,000,

(D) If such total amount is $5,000,000 or more, $61,000 plus ½ percent of such total amount net eligible cost in excess of $5,000,000.

[(3) COSTS OF NATIONAL GUARD—

The costs of mobilizing and employing the National Guard for performance of eligible work.

[(4) COSTS OF PRISON LABOR—

The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

[(5) OTHER LABOR COSTS—

Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster]

SEC. 205(b) COMMUNITY DISASTER LOANS.

42 U.S.C. [Sec. 417. COMMUNITY DISASTER LOANS.

[(a) The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be canceled.

[(b) Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.]

Sec. 205(c) SIMPLIED PROCEDURE.

[(SEC. 422. SIMPLIFIED PROCEDURE.

[If the Federal estimate of the cost of—

(1) repairing, restoring, reconstructing, or replacing under section 406 any damaged or destroyed public facility or private nonprofit facility,

(2) emergency assistance under section 403 or 502, or

(3) debris removed under section 407,

is less than $35,000, the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 403, 406, 407, or 502, as the case may be, on the basis of such Federal estimate. Such $35,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

CHILDREN'S SMOKING PREVENTION, HEALTH, AND EARLY LEARNING TRUST FUND

Mr. KENNEDY. Mr. President, today I am introducing legislation which will insure that the federal share of the state Medicaid settlements negotiated with the tobacco industry is used by the states to prevent youth smoking, to improve health care, and to promote child development. Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share should be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That would be an eminently fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a vital interest in how the federal share will be used.

My legislation would require states to use half of the amount of money they receive from the tobacco industry each year (the federal share) to protect children and improve public health. At least thirty-five percent of the federal share would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

The remainder of the federal share would be available for states to use to fund health care and early learning initiatives which they select. States can either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve public health and promote child development.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. Finally, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It is particularly appropriate that resources taken from this malignant industry be used to give our children a better start in life. States could use a portion of these funds to improve early learning opportunities for young children, or to expand child care services, or for other child development initiatives.

Congress has a compelling interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens, and particularly for our children.

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Indiana [Mr. BAYH] was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 51

At the request of Mr. BIDEN, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 289

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 289, a bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Georgia [Mr. CLELAND], the Senator from California [Mrs. FEINSTEIN], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Idaho [Mr. CRAPO], the Senator from Colorado [Mr. ALLARD], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 391

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 456

At the request of Mr. CONRAD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 483

At the request of Ms. SNOWE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 483, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 499

At the request of Mr. FRIST, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 532

At the request of Mrs. FEINSTEIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 532, a bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes.

S. 562

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Arizona [Mr. KYL] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE RESOLUTION 60—RECOGNIZING THE PLIGHT OF THE TIBETAN PEOPLE ON THE 40TH ANNIVERSARY OF TIBET'S ATTEMPT TO RESTORE ITS INDEPENDENCE

Mr. MACK (for himself, Mr. MOYNIHAN and Mr. LOTT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas during the period 1949-1950, the newly established communist government of the People's Republic of China sent an army to invade Tibet;

Whereas the Tibetan army was ill equipped and out-numbered, and the People's Liberation Army overwhelmed Tibetan defenses;

Whereas, on May 23, 1951, a delegation sent from the capital city of Lhasa to Peking to negotiate with the Government of the People's Republic of China was forced under duress to accept a Chinese-drafted 17-point agreement that incorporated Tibet into China but promised to preserve Tibetan political, cultural, and religious institutions;

Whereas during the period of 1951-1959, the failure of the Government of the People's Republic of China to uphold guarantees to autonomy contained in the 17-Point Agreement and the imposition of socialist reforms resulted in widespread oppression and brutality;

Whereas on March 10, 1959 the people of Lhasa, fearing for the life of the Dalai Lama, surrounded his palace, organized a permanent guard, and called for the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence;

Whereas on March 17, 1959 the Dalai Lama escaped in disguise during the night after two mortar shells exploded within the walls of his palace and, before crossing the Indian border into exile two weeks later, repudiated the 17-Point Agreement;

Whereas during the "Lhasa Revolt" begun on March 10, 1959, Chinese statistics estimate 87,000 Tibetans were killed, arrested, or deported to labor camps, and only a small percentage of the thousands who attempted to escape to India survived Chinese military attacks, malnutrition, cold, and disease;

Whereas for the past forty years, the Dalai Lama has worked in exile to find ways to allow Tibetans to determine the future status of Tibet and was awarded the Nobel Peace Prize for his efforts in 1989;

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas the Dalai Lama has stated his willingness to negotiate within the framework enunciated by Deng Xiaoping in 1979: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) March 10, 1999 should be recognized as "Tibetan National Day" in solemn remembrance of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression against their country and of the inherent right of the Tibetan people to reject tyranny and to determine their own political future, including independence, if they so determine; and

(2) March 10 of each year should serve as an occasion to renew calls by the President, Congress, and other United States Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until such a time as a peaceful solution, satisfactory to both sides, is achieved.

Mr. MACK. Mr. President, the Tibetan people are suffering today in the name of freedom, and I am pleased to rise with Senator MOYNIHAN to submit a resolution in solemn commemoration of this day, March 10, in Tibetan history.

It was on March 10, 1959 that the Tibetan people said, "enough is enough." The city of Lhasa organized into what later became known as the "Lhasa revolt" on this day forty years ago, to protect their beloved leader, the 14th Dalai Lama, and to reject the impositions of Beijing. Let me provide some details.

The new communist government in Beijing sent an army to invade Tibet in 1949. The People's Liberation Army quickly overwhelmed Tibetan defenses. In 1951, a Tibetan delegation went to Beijing to negotiate a peace agreement. But negotiation is too kind of a word. The Tibetan delegation was forced to sign a PRC-written document known as the "17 Point Agreement." Even though it was forced upon the Tibetan government, it promised to preserve Tibetan political, cultural, and religious institutions, and so was warily accepted by the Tibetan government.

Mr. President, going back to the early days of the PRC, we can see a pattern. The terms on paper protected the Tibetan way of life. But the promises proved empty. I suggest this is a lesson our President today would be wise to learn. Whether regarding Hong Kong, weapons proliferation, or trade, we must remember what Ronald Reagan taught us—"trust, but verify." This is especially true of our dealings with communists and authoritarian rulers.

In Tibet, nine years of trying to compromise with the communists, from 1951 to 1959, failed. In fact, the restrictions on Tibet increased progressively, as did the oppression and brutality of Beijing's rule.

March 10, 1959 stands out as an important day, not only in Tibet's history, but also in the history of humanity's struggle for freedom. On this day, the people of Lhasa organized a permanent guard around the Dalai Lama's palace, and demanded the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence.

One week later, the Dalai Lama was forced to flee his home and his people while his palace was being shelled by the PLA. It is important to note that, in a great and triumphant official act, he repudiated the 17-Point agreement.

According to Chinese statistics, 87,000 Tibetans were killed, arrested, or deported to labor camps during this "Lhasa Revolt." Countless tried to follow the Dalai Lama to India—unfortunately, only a very small percentage of the thousands who attempted to escape through the Himalayas to India survived. If they could successfully avoid the Chinese military—then they would succumb to malnutrition, cold, and disease.

Mr. President, we are today honoring the memory of the more than 87,000 Tibetans who paid with their lives for the preservation of Tibet. We also honor the 6 million Tibetans today who keep alive the hope of one-day returning home.

Mr. President, we believe in certain inalienable rights; it is part of our constitution. I believe that our freedom cannot be complete, and we as a nation cannot achieve our fullest greatness, so long as others suffer from the yoke of tyranny and oppression. Tibet today suffers from cultural genocide at the hands of the PRC. And yet, don't they also have inalienable rights: to reject tyranny? to determine their political future including independence? to chose freedom and reject oppression?

The answer, very clearly, must be a resounding "yes." We have introduced this resolution today, to register this "yes." We do it for His Holiness, the Dalai Lama of Tibet. We do it for the 6 million Tibetans in the world today facing the very real and unfortunate threat of seeing their homeland destroyed and culture obliterated. And, we do it for each of us who believe that the gifts we have in our lives here do not excuse us from caring about the struggles of others.

I am pleased to submit this resolution, and ask my colleagues to support its immediate adoption.

Mr. President, I ask unanimous consent that a statement issued by the Dalai Lama of Tibet be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record as follows:

Statement by the Dalai Lama on the 40th Anniversary of the Tibetan National Uprising, March 10, 1999

My sincere greetings to my compatriots in Tibet as well as in exile and to all our friends and supporters all over the world on the occasion of the 40th anniversary of the Tibetan national uprising of 1959.

Four decades have passed since we came into exile and continued our struggle for freedom both in and outside Tibet. Four decades are a considerable time in a person's life. Many fellow countrymen, both those who stayed back in Tibet in 1959 and those who came out at that time, are now gone. Today, the second and third generations of Tibetans are shouldering the responsibility of our freedom struggle with undiminished determination and indomitable spirit.

During our four decades of life in exile, the Tibetan community has gone through a process of increasing democratization and has made tremendous progress in education. We have also been able to preserve and promote our unique cultural and religious heritage. Our achievement on all these fronts is now widely recognized and acknowledged by the international community. The credit for this achievement goes to the determination and hard work of the Tibetan people. However, our success would not have been possible without the generous assistance of many international aid organizations and individuals. We are especially grateful to the people and government of India for their unsurpassed generosity and hospitality ever since the late Prime Minister Jawaharlal Nehru gave asylum to the Tibetan refugees and laid down the programmes for education and rehabilitation of our exile community.

During the same four decades, Tibet has been under the complete control of the government of the People's Republic of China and the Chinese authorities have had a free hand in governing our country. The late Panchen Lama's 70,000-character petition of 1962 serves as a telling historical document on the draconian Chinese policies and actions in Tibet. The immense destruction and human suffering during the Cultural Revolution, which followed shortly afterwards are today known world-wide and I do not wish to dwell on these sad and painful events. In January 1989, a few days before his sudden death, the Panchen Lama further stated that the progress made in Tibet under China could not match the amount of destruction and suffering inflicted on the Tibetan people. Although some development and economic progress has been made in Tibet, our country continues to face many fundamental problems. In terms of history, culture, language, religion, way of life and geographical conditions, there are stark differences between Tibet and China. These differences result in grave clashes of values, dissent and distrust. At the sight of the slightest dissent the Chinese authorities react with force and repression resulting in widespread and serious violations of human rights in Tibet. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture, and their wish to preserve them. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. The Chinese authorities identify the distinct culture and religion of Tibet as the root cause of Tibetan resentment and dissent. Hence their policies are aimed at decimating this integral core of the Tibetan civilian and identity.

After a half a century of "liberation" the Tibetan issue is still very much alive and remains yet to be resolved. Obviously this situation is of no benefit to anyone, either to Tibet or to China. To continue along this path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China or help in enhancing China's international image and standing. The only sensible and responsible way to address this problem is dialogue. There is no realistic alternative to it.

It is with this realization that in the early seventies I discussed and decided with my senior officials the main points of my "Middle Way Approach". Consequently, I opted for a resolution of the Tibet issue, which does not call for the independence of Tibet or its separation from China. I firmly believe that it is possible to find a political solution that ensures the basic rights and freedoms of the Tibetan people within the framework of the People's Republic of China. My primary concern is the survival and preservation of Tibet's unique spiritual heritage, which is based on compassion and non-violence. And, I believe it is worthwhile and beneficial to preserve this heritage since it continues to remain relevant in our present-day world.

With this spirit I responded immediately when Deng Xiaoping, in late 1978, signalled a willingness to resume dialogue with us. Since then our relation with the Chinese government has taken many twists and turns. Unfortunately, a lack of political will and courage on the part of the Chinese leadership has resulted in their failure to reciprocate my numerous overtures over the years. Thus, our formal contact with the Chinese government came to an end in August 1993. But a few informal channels through private persons and semi-officials were established after that. During the past one-and-a-half year one informal channel seemed to work smoothly and reliably. In addition, there were some indications that President Jiang personally had taken an interest in the Tibetan issue. When US President Clinton visited China last June, President Jiang discussed Tibet with him at some length. Addressing a joint press conference, President Jiang sought a public clarification from me on two conditions before resuming dialogues and negotiations. We, on our part, communicated to the Chinese government my readiness to respond to President Jiang's statement and our desire for an informal consultation before making it public. Sadly, there was no positive response from the Chinese side. Late last autumn, without any obvious reason, there was a noticeable hardening of the Chinese position on dialogue and their attitude towards me. This abrupt change was accompanied by a new round of intensified repression in Tibet. This is the current status of our relation with the Chinese government.

It is clear from our experiences of the past decades that formal statements, official rhetoric and political expediency alone will do little to either lessen the suffering of the concerned people or to solve the problem at hand. It is also clear that force can control human beings only physically. It is through reason, fairness and justice alone that the human mind and heart can be won over. What is required is the political will, courage and vision to tackle the root cause of the problem and resolve it once and for all to the satisfaction and benefit of the concerned people. Once we find a mutually acceptable solution to the Tibetan issue, I will not hold any official position, as I have clearly stated for many years.

The root cause of the Tibetan problem is not the difference in ideology, social system or issues resulting from clashes between tradition and modernity. Neither is it just the issue of human rights violations alone. The root of the Tibetan issue lies in Tibet's long, separate history, its distinct and ancient culture, and its unique identity.

Just as in late 1978, so also today, resumption of contact and dialogue is the only sensible and viable way to tackle this complex and grave problem. The atmosphere of deep distrust between Tibetans and Chinese must be overcome. This distrust will not go away in a day. It will dissipate only through face-to face meetings and sincere dialogues.

I feel that the Chinese leadership is sometimes hindered by its own suspicions so that it is unable to appreciate sincere initiatives from my side, either on the overall solution to the Tibetan problem or on any other matter. A case in point is my consistent and long-standing call for the need to respect the environmental situation in Tibet. I have long warned of the consequences of wanton exploitation of the fragile environment on the Tibet plateau. I did not do this out of selfish concern for Tibet. Rather, it has been acutely clear that any ecological imbalance in Tibet would affect not just Tibet, but all the adjacent areas in China and even its neighbouring counties. It is sad and unfortunate that it took, last year's devastating floods for the Chinese leadership to realize the need for environmental protection. I welcome the moratorium that has been placed on the denudation of forests in Tibetan areas and hope that such measures, belated though they may be, will be followed by more steps to keep Tibet's fragile ecosystem intact.

On my part, I remain committed to the process of dialogue as the means to resolve the Tibetan problem. I do not seek independence for Tibet. I hope that negotiations can begin and that they will provide genuine autonomy for the Tibetan people and the preservation and promotion of their cultural, religious and linguistic integrity, as well as their socio-economic development. I sincerely believe that my "Middle Way Approach" will contribute to stability and unity of the People's Republic of China and secure the right for the Tibetan people to live in freedom, peace and dignity. A just and fair solution to the issue of Tibet will enable me to give full assurance that I will use my moral authority to persuade the Tibetans not to seek separation.

As a free spokesman for the people of Tibet, I have made every possible effort to engage the Chinese government in negotiations on the future of the Tibetan people. In this endeavor, I am greatly encouraged and inspired by the support we receive from many governments, parliaments, non-governmental organizations and the public throughout the world. I am deeply grateful for their concern and support. I would like to make a special mention of the efforts being made by President Clinton and his Administration to encourage the Chinese government to engage in dialogues with us. In addition, we are fortunate to continue to enjoy strong bipartisan support in the United State Congress.

The plight of the Tibetan people and our non-violent freedom struggle has touched the hearts and conscience of all people who cherish truth and justice. The international awareness of the issue of Tibet has reached an unprecedented height since last year. Concerns and active support for Tibet are not confined to human rights organizations, governments and parliaments. Universities, schools, religious and social groups, artistic and business communities as well as people from many other walks of life have also come to understand the problem of Tibet and are now expressing their solidarity with our cause. Reflecting this rising popular sentiment, many governments and parliaments have made the problem of Tibet an important issue on the agenda of their relations with the government of China.

We have also been able to deepen and broaden our relations with our Chinese brothers and sisters, belonging to the democracy and human rights movement. Similarly, we have been able to establish cordial and friendly relations with fellow Chinese Buddhists and ordinary Chinese people living abroad and in Taiwan. The support and solidarity that we receive from our Chinese brothers and sisters are a source of great inspiration and hope. I am particularly encouraged and moved by those brave Chinese within China who have urged their government or publicly called for a change in China's policy towards the Tibetan people.

Today, the Tibetan freedom movement is in a much stronger and better position than ever before and I firmly believe that despite the present intransigence of the Chinese government, the prospects for progress in bringing about a meaningful dialogue and negotiations are better today than ever. I, therefore, appeal to governments, parliaments and our friends to continue their support and efforts with renewed dedication and vigour. I strongly believe that such expressions of international concern and support are essential. They are vital in communicating a sense of urgency to the leadership in Beijing and in persuading them to address the issue of Tibet in a serious and constructive manner.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people.

Mr. MOYNIHAN. Mr. President, every year on March 10th we reflect on the plight of the Tibetan people. Forty years ago many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese army. For those who are committed to standing with the Tibetan people, it is a day to consider what can be done to lend support to Tibetan people, it is a day to consider what can be done to lend support to Tibetan aspirations. The United States Senate will mark the occasion by considering a resolution to mark this solemn occasion.

The United States Congress takes the position that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile. The International Commission of Jurists (ICJ), which has closely followed the situation in Tibet since the Dalai Lama was forced to flee into exile, and has published reports in 1959, 1960, 1964, and 1997. After examining Chinese policies in Tibet, it reported its findings to the Secretary-General of the United Nations. The 1960 report made the important international legal determination that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law."

Now the ICJ has returned to the issue of Tibet and produced another important report. It finds that repression in Tibet has increased since 1994. This is an assessment which my daughter Maura shares after having visited Tibet and having worked closely for many years with Tibetan refugees who continue to make the dangerous journey over the Himalayan mountains to flee persecution in their homeland. In 1996 she returned from Tibet to report that,

> . . . in recent months Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The Dalai Lama, of course, remains unstained, but it is time for the Chinese to consider a policy of "constructive engagement" of their own—with the Tibetans. For many years now, the United States Congress has called on the People's Republic of China to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet. Today we continue that message. This resolution declares March 10, 1999 as "Tibetan National Day in solemn recognition of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression among their country." It also affirms the right of the Tibetan people to "determine their own political future, including independence if they so determine." The government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

LOTT (AND ABRAHAM) AMENDMENT NO. 60

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ABRAHAM) proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

FEINSTEIN AMENDMENT NO. 61

Mrs. FEINSTEIN proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE —STUDENT ACHIEVEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Student Achievement Act of 1999".

SEC. 02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students

who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term "core academic curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the "Standardized School Report Card Act".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents used to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

(5) to the extent practicable, parental involvement, as measured by the extent of parental particpation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, regarding—

(1) student performance in the school in reading and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

(5) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under subsection (a)(1) or (b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(1) of the Elementary and Secondary Education Act of 1965.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

WELLSTONE AMENDMENTS NO. 62

Mr. WELLSTONE proposed an amendment to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

"(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

"(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Education Act of 1965;".

BINGAMAN (AND OTHERS) AMENDMENTS NO. 63

Mr. BINGAMAN (for himself, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

—DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1999".

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) Enhanced Data Collection.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) Plan.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the 'plan') to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) Coordination.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) Available Resources.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) Scope.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) In General.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) Eligible Schools.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) Support.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(II) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) Allotments to States.—

"(1) In general.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) Definition of state.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) Grants.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff;

"(4) planning and research;

"(5) remedial education;

"(6) reduction in pupil-to-teacher ratios;

"(7) efforts to meet State student achievement standards; and

"(8) counseling for at-risk students.

"(b) Intent of Congress.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(c) Amount.—

"(1) In general.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) Increases.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(d) Duration.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) Strategies.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) Allowable Models.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) Capacity Building.—

"(1) In general.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) Number and duration.—

"(A) Number.—The Director shall award not more than 5 contracts under this subsection.

"(B) Duration.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) Support for Existing Reform Networks.—

"(1) In general.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) Definition of eligible entity.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) School Application.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Criteria.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) Eligibility.—

"(1) In general.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a character school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) Other schools.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

"(f) Coordination.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) Reporting.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) Accountability.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) In General.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) Regulations.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) Director.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

"(2) Low-income.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) School dropout.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) Subpart 1.—There are authorized to be appropriated to carry out subpart 1,

$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Subpart 2.—There are authorized to be appropriated to carry out subpart 2 and part B of the Individuals With Disabilities Act (20 U.S.C. 1411 et seq. such sums as may necessary for FY 2000 and each of the 4 succeeding fiscal years, of which—

"(1) No more than $125,000,000 shall be available to carry out section 5322;

"(2) No more than $20,000,000 shall be available to carry out section 5322; and

(3) Any funds appropriated in excess of $145 million shall be made available to carry out part B of the Individuals With Disabilities Education Act (20 U.S.C. 144 et seq.)

"SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"Sec. 220. (a) Establishment.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) Duties.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) Scope of Duties.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) Detailing.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) Uniform data collection.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) Attendance-neutral funding policies.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) Suspension and expulsion policies.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

MURRAY (AND OTHERS) AMENDMENT NO. 64

Mr. Bingaman (for Mrs. Murray for herself, Mr. Kennedy, Mr. Daschle, Mr. Durbin, Mr. Harkin, Mr. Torricelli, Mr. Kerry, Mr. Levin, Mr. Boxer, Ms. Mikulski, Mr. Dodd, Mr. Lautenberg, Mr. Lieberman, Mr. Robb, Mr. Sarbanes, Mr. Reed, Mr. Akaka, Mr. Wellstone, Mr. Kerrey, Ms. Landrieu, Mr. Bryan, Mr. Biden, and Mr. Bingaman) proposed an amendment to the bill, S. 280, supra; as follows:

At the end add the following:

TITLE —AFTER SCHOOL EDUCATION AND CRIME PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the "After School Education and Anti-Crime Act of 1999".

SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 05. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "To Local Educational Agencies for Schools" after "Secretary"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";
(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 06. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) Contents.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting "; including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies,";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year from the activities the local educational agency provides with funds provided under this part.".

SEC. 07. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) In General.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:";

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting ", and job skills preparation" after "placement"; and

(3) by adding at the end the following:

"(14) After school programs, that—

"(A) shall include at least 2 of the following:

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) Limitation.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.".

SEC. 08. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

"(c) Administration.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

"(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors as to assist in other ways;

"(2) ensure that youth in the local community participate in designing the after school activities;

"(3) develop creative methods of conducting outreach to youth in the community;

"(4) request donations of computer equipment and other materials and equipment; and

"(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 09. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting ", including law enforcement organizations such as the Police Athletic and Activity League" after "governmental agencies".

SEC. 010. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "$20,000,000 for fiscal year 1995" and all that follows and inserting "$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.".

SEC. 011. EFFECTIVE DATE.

This title, and the amendments made by this title, take effect on October 1, 1999.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

BOXER (AND OTHERS) AMENDMENT NO. 65

Mr. BINGAMAN (for Mrs. Boxer for herself, Mr. Durbin, Mr. Kennedy, Ms. Mikulski, Mr. Lieberman, Mr. Sarbanes, Mr. Torricelli, Mr. Lautenberg, Mr. Kerrey, Mrs. Murray, Mr. Hollings, Mr. Johnson, and Mr. Kerrey) proposed an amendment to the bill, S. 280, supra; as follows:

At the end of the amendment, add the following:

SEC. . CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the "Class Size Reduction and Teacher Quality Act of 1999".

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' needs for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in larger classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlaying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) DEFINITION OF STATE.—In this part the term 'State' means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

"(c) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

"(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

"(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private non-profit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) AWARD RULE.—Notwithstanding paragraph (1), a local educational agency that receives a subgrant under this section in an amount less than the starting salary for a new teacher in that agency may use the subgrant funds—

"(A) to form a consortium with one or more other local educational agencies for the purpose of reducing class size;

"(B) to help pay the salary of a full or part-time teacher hired to reduce class size; or

"(C) for professional development related to teaching in smaller classes, if the amount of the subgrant is less than $1,000.".

"SEC. 6605. USE OF FUNDS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

"(b) CLASS REDUCTION.—

"(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes.

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

"(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

"Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

"SEC. 6608. REPORTS.

"(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

"(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.".

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA Part B Funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

LOTT (AND OTHERS) AMENDMENT NOS. 66–67

Mr. JEFFORDS (for Mr. LOTT for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS) proposed two amendments to the bill, S. 280, supra, as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411, et seq.) in accordance with the requirements of such part.".

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

LOTT (AND ASHCROFT) AMENDMENT NO. 68

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ASHCROFT) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. . ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

"(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike "and".

On page 13, line 15, strike "all interested" and insert "parents, educators, and all other interested".

On page 13, line 17, strike the period and insert ", shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.".

At the end, add the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 10, 1999. The purpose of this meeting will be to review the nature of agricultural production and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m., in open session, to examine lift requirements versus capabilities for the Marine Corps and the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 10, 1999, at 10:00 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 10, 1999, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "What Works: Education Research" during the session of the Senate on Wednesday, March 10, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 10, 1999 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m. in open session, to receive testimony on tactical aircraft modernization programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 10, 1999, in open session, to receive testimony on the condition of the services' infrastructure and real property maintenance programs for fiscal year 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 40TH ANNIVERSARY OF THE 1959 TIBETAN UPRISING

• Mr. FEINGOLD. Mr President, today we mark a tragic anniversary, 40 years after His Holiness the Dalai Lama and more than 100,000 Tibetans were forced to flee their homeland as a result of brutal suppression by the Chinese government.

Tibetans were driven from their homes, freedom was driven from Tibet, and the Chinese Government began in earnest its campaign to destroy Tibet's culture, religion, and national identity.

But this campaign will never succeed, because Tibet, and the human rights of the Tibetan people, are not China's for the taking. It's been said that "a right is not what someone gives you; it's what no one can take from you." The Tibetan people have a right to their freedom, a right to openly practice their religion, and a right to live with dignity and without fear.

These human rights—that belong to Tibetans, and to people everywhere—bind us to the Tibetan people with a tie stronger than the Chinese government's oppression, mightier than the

Chinese government's policies of destruction, and more powerful than the Chinese or any government's attempt to take that which cannot be taken—the dignity of the human spirit.

I am calling on the Administration to pursue a resolution condemning China's human rights practices in China and Tibet at the upcoming U.N. Commission on Human Rights in Geneva, an action the Senate unanimously endorsed by recorded vote in late February. Only through strong U.S. leadership can we build the international consensus necessary to pressure China to provide the basic human rights the Tibetan people deserve. The time to press for these fundamental rights is now and the place is the U.N. Commission on Human Rights in Geneva.•

GINNIE MAE GUARANTY FEE

• Mr. GORTON. Mr. President, my colleague, Senator GRAMS, introduced S. Con. Res. 16 last week. I am a cosponsor of that legislation expressing the sense that the Government National Mortgage Association (Ginnie Mae) guaranty fee should not be increased.

Ginnie Mae was established to help provide affordable homeownership opportunities for all Americans by facilitating the sale of securities backed by mortgages insured or guaranteed by the Federal Housing Administration, the Department of Veteran's Affairs, and the Rural Housing Service. The Ginnie Mae guaranty assures investors in the securities that they will receive all payments due in a timely manner. Ginnie Mae assesses a fee on lenders who issue such securities and notes for this guaranty. Currently, lenders are charged six basis points per loan.

The Ginnie Mae mortgage-backed securities program has been a universal success. Almost 19 million homes have been financed through Ginnie Mae securities. Ginnie Mae creates a way for Americans who are unable to find other financing options to partake in the dream of homeownership. More than 95 percent of all FHA and VA mortgages are securitized through Ginnie Mae. It is no secret that first-time homebuyers comprise more than two-thirds of FHA home purchase loans and that about 34 percent of FHA borrowers are minorities. In its most basic form, Ginnie Mae creates homeownership opportunities for those borrowers who are typically unserved or underserved by the conventional mortgage markets.

During the last Congress, there were several attempts to increase the Ginnie Mae guaranty fee. Fortunately, most of these attempts failed. However, an increase of three basis points was adopted during deliberations on the Higher Education Reauthorization Act effective in 2004. All of the attempts sought to use the revenue gained by the increase to pay for spending elsewhere. This pattern must be stopped. Not only should Congress refuse to raise the guaranty fee under any circumstances, but it should also seek to have this arbitrary increase repealed prior to effect.

I believe that any increase in the Ginnie Mae guaranty fee is an unnecessary tax on homeownership that would cost homebuyers hundreds of dollars in additional expense at closing and prevent thousands of families from achieving the dream of homeownership. It would defeat the very mission of Ginnie Mae.

In addition, an increase in the Ginnie Mae guaranty fee has absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie Mae is financially sound. In fact, Ginnie Mae had a record profit of $601 million in 1997. In that year alone, Ginnie Mae collected a total of $326 million in guaranty fees. It paid out only $11 million in unreimbursed claims. It is apparent that Ginnie Mae does not need the financial boost from the increase fee.

Even in this era of low interest rates, the dream of homeownership is elusive for many American families. Extensive efforts should be made to eliminate the barriers to affordable housing. Any increase in the Ginnie Mae guaranty fee creates a substantial impediment to homeownership. Such a result is unacceptable.

I ask Senators to please join me in opposing this unjustified tax on homeownership.•

TRIBUTE TO BOB MORROW

• Mr. KERRY. Mr. President, I would like to pause for a few moments to acknowledge that those of us in Massachusetts are mourning the loss of one of our state's finest citizens, a graduate and loyal alumnus of Assumption College, a friend of the Massachusetts congressional delegation, and someone I had the privilege over the years to know as a good friend.

Mr. President, Bob Morrow's death was a shock to those of us who knew him—this wonderful man taken from his family and friends at the age of forty-five—and to those of us who looked forward to the contributions he would make in the years still ahead of us.

Although it seems a gesture wholly insufficient to honor the life of a friend lost too soon—to come to terms with the fact that a friend who was never comfortable behind a desk, who could never sit still, has come to a final rest—we can at least take the time today to remember the kind of person—and the type of friend—Bob Morrow was to those whose lives he touched.

We can certainly remember Bob's extraordinary capacity as an advocate for two of Massachusetts' pioneering high technology firms, The Riley Corporation in Worcester and Stone and Webster in Boston. Bob Morrow was a man who lived his life in a way that proved not only that you can be involved in government and brush against the legislative process without losing your soul, but that politics can be a way for the needs of our citizens to be communicated to those who represent them in Washington, D.C. In this age of seemingly endless cynicism, Bob Morrow truly enjoyed the work of advocating on behalf of the companies he represented—and they were well served by both the depth of his knowledge and the levels of his idealism.

Many of us forget that although Bob was a terrific representative of these companies in Washington—expertly guiding their federal relations—this was just one component of a job that he truly loved. Bob was also responsible for human resources management, training, public relations, and range of other services for an eight thousand employee firm. Although it is incredible to believe that a single person managed not just to juggle, but to excel, in all these enterprises, we all knew that Bob was one of those rare people capable of packing his days with wall to wall activity, because no task proved too difficult for a man who genuinely loved working with people.

Bob drew on these enormous personal talents again and again—in his work in Worcester and Boston, but also in his willingness to bring together citizens from across Massachusetts to share in a political cause or to help one of his friends. I will always be grateful for Bob's efforts to help me in 1996 in my tough battle for the Senate against Bill Weld. Whether the task was large or small, organizing an event for a handful of supporters, or pulling together a dinner with the President of the United States at my home in Boston, Bob was always eager to serve—and he had a tremendous capacity to enlist others in the fights in which he was engaged.

The real measure, though, of Bob Morrow, was in his devotion to family. Few conversations with Bob did not come back to Linda and the boys. He was incredibly proud of his family. He was a wonderful son to his mother Mary, a terrific brother to his sisters. I know that, as much as we will all miss him, his wife Linda and his sons Bobby, Sean, and Tim will miss him infinitely more. I hope they know in this time of grief and sadness, we extend to them our most sincere condolences and support.

It is impossible to capture in words alone the essence of Bob Morrow. From a humble background, through hard work and an absolutely genuine optimism and enthusiasm, Bob made himself an important contributor to our state, a wonderful and loyal friend, an exemplary husband and father, and the kind of outstanding citizen that is the foundation and strength of this nation.

Bob Morrow was loved by so many—and he will be missed by us all.●

JOHN HOFFMAN

● Mr. BOND. Mr. President, I rise to honor a very special person with whom many of us have worked over the years on a variety of technical and important issues. These issues have been and continue to be of great importance to the American consumer and the world marketplace.

I learned recently that John Hoffman, currently Senior Vice President of Sprint Communications, has decided to leave and remit the ongoing telecommunications debate to others. I think that what I, and others, will perhaps miss most, is the calm, rational and fair presence that John brought to the telecommunications debate here in Congress and elsewhere.

John has spent his entire career, some thirty years, with Sprint, helping bring it from a small local exchange company to a major state-of-the-art communications company providing services to millions of businesses and consumers.

Throughout John's career, which began in 1970 while John was still in law school at the University of Missouri-Kansas City and Sprint was called United Telecom, he persevered through tough times and retained his vision of what the small company could become. I don't think there is any doubt that his ideas and efforts were right.

Sprint, today, is a global communications company at the forefront in integrating long distance, local and wireless communications services and one of the world's largest carriers of internet traffic. With John's help and diligence, Sprint built the nation's only all-digital, fiber optic network and is the leader in advanced data communications services.

John has been a good friend to me over the years. He should be very proud of his contributions to making Sprint the world class company it is today.

I wish the best to John, his wife Linda and daughter Heather. Good luck John, and feel free to call me—I know you have a phone.●

CRAGIN & PIKE'S 90TH ANNIVERSARY

● Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's oldest and most respected businesses on the occasion of its 90th Anniversary. The Las Vegas insurance firm of Cragin & Pike was begun in 1909 by Ernie Cragin and William Pike, pioneers in the truest sense of the word. In 1909, Las Vegas was a newborn city, having been founded just four years earlier as a railroad division point for the San Perdro, Los Angeles and Salt Lake Railroad.

Since its 20th century birth, when Las Vegas was established as a railroad community, the Las Vegas Valley has seen dynamic change. Cragin & Pike has enjoyed as colorful a history as the city it calls home, both witnessing and shaping the events that would make Las Vegas the world's premier city for entertainment and tourism. Ernie Cragin himself served as the mayor of Las Vegas for 25 years. William Pike saw the legalization of Nevada gambling in 1931 and the construction of the Boulder Dam completed four years later. Cragin & Pike has been a full partner to many of the city's most familiar names in business.

In a city that defines itself by the ever changing view from the Las Vegas Strip, Cragin & Pike has endured through its dedication to its customers and its rock solid business philosophies. I know that its name sake founders would be as proud as I am today to see this innovative yet faithful member of the Las Vegas community observe yet another achievement in the celebration of its 90th Anniversary. I congratulate the partners and associates of Cragin & Pike on this accomplishment, and look forward to many more.●

MIDDLE EAST PEACE PROCESS

● Mr. ABRAHAM. Mr. President, I rise today to comment on my decision to support two resolutions concerning the Middle East peace process. Both of these resolutions express congressional opposition to any efforts by either party in the peace process to attempt, through unilateral actions, to prejudge or pre-determine the outcome of the negotiations currently taking place between the Palestinians and the Israelis. I would like to take a moment to explain why I decided to cosponsor these resolutions.

I believe that one of the most important foreign policy issues facing America today is how to encourage peace in the Middle East. Reaching a peace agreement at this time is extremely critical, not only to our strategic interests in the region, but to the parties themselves. I remain optimistic that despite the various setbacks, it will still be possible for the parties to achieve a just and lasting peace.

However, in my view, the only way to achieve such a peace is for the parties to abide by the plan of negotiations as set out in the context of Madrid, Oslo, and most recently, in the Wye Plantation Agreement. This plan clearly sets forth a structure which dictates the timetable and order of discussing certain very critical issues.

I am particularly concerned that any unilateral actions by the parties or cosponsors which might pre-judge the outcome or change this plan would have a great potential to undermine what limited chance we have for peace in the Middle East.

Within this context, the parties, with the full support of the co-sponsors, agreed to delay the discussion of many of the most critical and difficult issues until final status negotiations, and promised not to take any unilateral actions which might pre-judge or pre-determine the outcome of those issues. My opposition to unilateral actions by any party or co-sponsor, including the United States, is well known and on the record. It was, for example, the principal basis for my opposition in 1995 to S. 1322, which mandated the relocation of the U.S. Embassy from Tel Aviv to Jerusalem.

Similarly, just as I was concerned about the potentially injurious impact on the peace process of prematurely addressing issues relating to Jerusalem, I am equally concerned about the impact of a unilateral and premature declaration by the Palestinians regarding statehood. I believe such a unilateral declaration by the Palestinian Authority would almost certainly undermine future progress toward a peace accord.

It is my understanding that the Administration's position is consistent with these congressional resolutions, and in fact the United States has maintained ongoing discussions with the Palestinians to discourage them from unilaterally declaring a state outside the context of the negotiations.

My support for both of these resolutions are based on this principle alone: That any unilateral actions by either parties or co-sponsors are disruptive and damaging to the peace process as a whole. My support for these resolutions is not a comment regarding what the Palestinian authorities should do if the peace process fails and no final status agreement can be reached. Nor is it a comment on the merits of a Palestinian state. Nor, finally, is it a suggestion that a Palestinian state should not be created as part of the final status agreement should the parties decide upon that themselves. Indeed, for the process to be successful, the Palestinians must be permitted to exercise their independence.

My support for these resolutions is thus exclusively and solely a statement that in my opinion, a unilateral declaration of a Palestinian state at this time would probably destroy any chance to reach a just and lasting peace between the parties. Peace is too important—and too much effort toward achieving such a peace has been expended by all parties and co-sponsors for it to be jeopardized in this way.●

COMMENDING HAZEL WOLF ON HER 101ST BIRTHDAY

● Mrs. MURRAY. Mr. President, it is my great pleasure to recognize Ms. Hazel Wolf of Seattle, Washington, in honor of her 101st birthday on Wednesday, March 10, 1999. Ms. Wolf, a great, great grand-mother, is a tireless advocate for conservation, environmental protection and social justice throughout the Pacific Northwest. A dedicated volunteer, community activist and leader, Ms. Wolf serves as an outstanding example for all Americans.

Ms. Wolf became involved in the Audubon Society in the early-1960s and had a hand in starting 21 of the 26 Audubon Society chapters in Washington State, plus one in her birthplace of Victoria, British Columbia. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes. For three decades she has served as Secretary of the Seattle Audubon Society chapter, and for 17 years she has edited an environmental newsletter, "Outdoors West". In addition, she is among the founders of Seattle's Community Coalition for Environmental Justice. She is a frequent speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Medal of Excellence. The Seattle Audubon chapter has created the Hazel Wolf "Kids for the Environment" endowment, which will help educate youth about conservation. Ms. Wolf is also the recipient of the 1997 Chevron Conservation Award, the $2,000 prize from which she contributed to the Seattle Audubon Society. In Issaquah, Washington, there is a 116-acre wetland named after her and on the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf retired from her career as a legal secretary in 1965. She has proven repeatedly that significant and lasting contributions to society are a function neither of career nor of age, but of hard work, perseverance and vision. As her family and friends gather to celebrate her 101st birthday, I want to wish Ms. Wolf continued success and good health, and to thank her for being an inspiration to me and countless others. Happy Birthday, Hazel.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LUGAR. Mr. President, I ask that the Rules of the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

The rules follow:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

(As specified in Rule XXV of the Standing Rules of the United States Senate)

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open SESSIONS.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings.—Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and each subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the CONGRESSIONAL RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the CONGRESSIONAL RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.●

UNANIMOUS-CONSENT AGREEMENT—S. CON. RES. 5

Mr. JEFFORDS. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to discharge from the Foreign Relations Committee S. Con. Res. 5; and, further, the Senate would then proceed to its consideration under the following limitations: 45 minutes of debate equally divided between Senator BROWNBACK and the ranking member or designee; no amendments in order to the resolution or preamble. I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate. I finally ask unanimous consent that if the resolution is agreed to, the preamble then be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 11, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Thursday, March 11. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin consideration of S. Con. Res. 5, a concurrent resolution regarding congressional opposition to the unilateral declaration of a Palestine state, as under the previous order, for not to exceed 45 minutes, and the vote occur on adoption of the concurrent resolution first in the voting sequence on Thursday, beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that following the debate on S. Con. Res. 5, the Senate resume consideration of the Ed-Flex bill, with the time until 2 p.m. equally divided between the chairman and the ranking member or their designees. I further ask consent that the votes ordered to occur at the conclusion of debate time in relation to S. 280 occur in the order of the original unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will reconvene on Thursday at noon and debate a resolution on Palestine for not more than 45 minutes, to be followed by debate on the Ed-Flex bill for 1 hour, as outlined in the earlier consent agreement. At the conclusion of that debate time, the Senate will proceed to a stacked series of votes, with the first vote relative to S. Con. Res. 5, and the other votes on or in relation to the amendments on the Ed-Flex bill, including passage. Therefore, Members should expect up to a dozen votes beginning at 2 p.m.

Following passage of the Ed-Flex bill, it may be the leader's intention to begin consideration of the missile defense bill.

ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment until 12 noon on Thursday, March 11, 1999.

Thereupon, the Senate, at 6:17 p.m., adjourned until Thursday, March 11, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 10, 1999:

DEPARTMENT OF JUSTICE

MERVYN M. MOSBACKER, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE GAYNELLE GRIFFIN JONES, RESIGNED.

GREGORY A. VEGA, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ALAN B. BERSIN.

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1999*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Through Your gifts to us, O gracious God, You have provided abundant blessings; of love and forgiveness, of hospitality and generosity, of justice and charity, of friendship and loyalty and of faith and trust. On this day we are aware of the most wonderful gifts of thanksgiving and praise that touch our hearts and truly make such a difference in our lives. We pray that we will live our lives in the spirit of thankfulness to You, our God, for the wonders and blessings You have given and also live with that same thanksgiving as we express our gratitude for those near and dear to us. In the spirit of thankfulness and gratitude we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHAFFER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. TANCREDO) come forward and lead the House in the Pledge of Allegiance.

Mr. TANCREDO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CLINTON RAID ON SOCIAL SECURITY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I rise today to voice my outrage at the President's continual raid on Social Security. While this Nation's elderly are worried that Social Security will not be there when they need it, the White House budget plan for 2000 robs $52 billion from Social Security surpluses.

Mr. Speaker, this is a trust fund, not a slush fund. The President thinks he can dip into Social Security to finance any big government spending project he can dream up. Not only will the President take $52 billion for general spending from Social Security next year, he will continue to pilfer more than $247 billion from the Social Security surplus for the next 5 years. With this kind of scheme, it is no wonder Social Security is in trouble.

Mr. Speaker, the Republican plan wants to lock up 100 percent of the surpluses in Social Security to save Social Security. The Republican plan wants to restore a sense of security to Social Security. In short, the Republican plan will maintain responsibility and discipline in government.

TRIBUTE TO PROFESSOR DOAN VIET HOAT

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today and urge my colleagues to join me in paying tribute to an outstanding individual: Professor Doan Viet Hoat of Vietnam.

A journalist and a university professor, he has spent the last 19 of 21 years in a Hanoi prison for his efforts to bring freedom of the press and democracy to Vietnam. And despite all efforts by the Vietnamese government to prevent his writings from surfacing, his message continued to reach beyond his prison cell.

Professor Hoat instantly became a prisoner of conscience championed by Amnesty International and is a recipient of the Robert F. Kennedy Human Rights Award and the Golden Pen of Freedom Award. This summer Professor Hoat was finally released after decades of government harassment and repression.

Mr. Speaker, today we honor Professor Hoat for his moral courage in the face of absolute tyranny, and I urge all of my colleagues to honor him. I have just brought a resolution to this House, and I hope my colleagues will all help to cosponsor the legislation.

DALAI LAMA TO VISIT SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 40 years ago this week the people of Tibet, in what is known as the Lhasa Uprising, revolted against the illegal and tyrannical occupation of their nation by the Communist Chinese. Unfortunately, their attempt to free their homeland was defeated by the brutal force of the Chinese occupying force, forcing the spiritual leader of Tibet, the Dalai Lama, to flee into exile.

Today, their struggle for freedom continues and is embodied by the tireless efforts of the Dalai Lama, who travels the world seeking support for the autonomy of his nation.

The south Florida community is proud to receive the Dalai Lama on April 16 at Florida International University in Miami in his never-ending journey to preach the language of freedom.

In south Florida, the Dalai Lama will find unconditional support for his enslaved nation because a large portion of my community knows all too well the pain of having to flee one's homeland to escape Communist oppression. Their struggle and the message of the Dalai Lama reminds us all that although the Cold War is over, millions still suffer under the tyranny of communism.

Whether Tibet or Cuba, the world, and in particular the U.S., cannot forget the suffering of these enslaved people.

RESOLUTION TO HONOR PROFESSOR DOAN VIET HOAT

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I am privileged to join the gentlewoman from California (Ms. LORETTA SANCHEZ) in introducing this resolution in honor of Professor Doan Viet Hoat. It is a rare individual who is willing to sacrifice their own personal freedom for the sake of their fellowman, and when

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we do find such a person, it is important for us in Congress, and society at large, to recognize their achievement and the purpose of their struggle.

This journalist spent 19 of the last 21 years in Vietnamese prisons. Dr. Doan repeatedly was arrested for his efforts to bring about political change. He was offered his freedom if he renounced his political views, but he did not succumb to the will of his captors. Instead, despite the temptation of freedom, he continued to write, to smuggle out of prison essays, and to be a leader for freedom in Vietnam.

Last year the Vietnamese government released 7,000 prisoners, and Dr. Doan was among them. As a scholar in residence at Washington Catholic University, Dr. Doan remains committed to his fight for Vietnamese democracy. We are pleased he was finally able to receive the Robert F. Kennedy Human Rights Award he won in 1995.

I hope that Congress will act swiftly to adopt this resolution of commendation.

THROUGH COMPOUND INTEREST, EVERY AMERICAN CAN BECOME RICH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Albert Einstein once said that the most powerful force on Earth is compound interest. Why this is not taught in our Nation's schools I do not know, but every child in America should be taught about the extraordinary power of compound interest.

There is a funny thing about compound interest. My friends on the other side know all about it. In fact, every single one of them is counting on the power of compound interest for the prosperity of their own retirement security. But we will never hear them talk about it.

Through the magic of compound interest, ordinary Americans who save can become rich. Let me repeat that. Through the magic of compound interest, ordinary Americans who save can become rich. This is not, of course, a get-rich-quick scheme. In fact, it takes years of discipline and patience, but it is mathematically guaranteed to work.

Mr. Speaker, Einstein was right. Let us give younger workers a chance to reap the benefits of compound interest, let us reform Social Security.

REJECT PLAN TO PRIVATIZE MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Medicare Commission is expecting to hold its final meeting today. The commission's leaders are advancing a voucher plan called premium support that will end Medicare's guarantee of equal health care to the wealthy, the middle class and the poor. The plan would steer Medicare more into the private sector than at any time in its history. As former Speaker Gingrich infamously said, Medicare would wither on the vine. Privatize Medicare in order to save it.

Clearly, the private insurance market has not provided for the common good. A Nation with our wealth should not leave 43 million of its citizens without health care. The Labor Department shows unemployment still holding steady at 4.4 percent, a rate not seen since 1970. Meanwhile, the proportion of Americans without health insurance has increased from 14 percent in 1995, to 15 percent in 1996, to 16 percent in 1997.

Turning Medicare over to insurance companies, privatizing it in order to save it, will create two Medicares, one for the wealthy and one underfunded program for the poor and middle class. We should reject that thinking, Mr. Speaker.

RELEASE REPORT OF SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, as my friends on the left continue to try to scare senior Americans, perhaps they should heed developments that are truly terrifying to all Americans. I speak of the unlawful transfer of technology and espionage by Communist China against our government and against our people.

In today's Washington Post, the senior Senator from Indiana writes, and I quote, "Complicating matters are the campaign abuses involving China that have been attributed to this White House. Some of these abuses involved extraordinarily bad judgment by the President himself. It is imperative that the administration not yield to its impulses to place damage control above all else. We need the truth about what has happened and a program to repair our national security."

Mr. Speaker, I could not agree more. That is why this Congress, if this Commander-in-Chief will not unilaterally release the report of the Select Committee on U.S. National Security and Military/Commercial concerns with the People's Republic of China, this Congress should go into closed session and vote to release that report so the American people can know the truth.

DO NOT LOAN MONEY TO COUNTRIES WHO VIOLATE OUR TRADE LAWS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Check this out, Mr. Speaker. Foreign banks make bad loans to bad companies; then these foreign banks go belly up. They dial 911 for Uncle Sam, and Uncle Sam sends them checks for billions of dollars.

Billions to Russia, South Korea, Thailand, and now Brazil. And guess what? They all have something in common. Each and every one of those countries violate our trade laws.

Beam me up, Congress. Even Barney Fife can figure this out. If Congress does not stop this madness, the 1990s will end up looking just like the Roaring Twenties.

Before we tax our IRAs, I yield back a $200 billion trade deficit in the international masochist fund.

MISCONCEPTIONS ON KEEPING SOCIAL SECURITY SOLVENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I want to comment on Social Security and two misconceptions that minimize the seriousness of keeping Social Security solvent coming from the White House and from some of the status quo'ers.

One is the suggestion that if we have a strong growing economy that somehow that economic expansion will save Social Security. Let me just point out that because Social Security benefits are indexed to wage inflation, benefits go up faster than inflation. Under the current law a growing expanding economy, regardless of how dramatic, does not solve Social Security. Benefits will continue to be about 36% of income.

The other claim is that if we invest some of the surplus in the capital markets, such as 62 percent, suggested by the President, somehow that investment will save Social Security. Just a quick statistic. If we were to invest the whole trillion dollars that we expect in surplus over the next 5 years into an account drawing 10.5 percent interest, it would only keep Social Security solvent for another 11 years.

Saving Social Security is a serious challenge. Let us face up to it.

□ 1015

SUPPORT MILLER-KILDEE AMENDMENT TO ED FLEX BILL

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today Members will have an opportunity to vote on the Miller-Kildee amendment to the ed flex bill which will provide for stronger accountability on behalf of the States. We will be voting later this year to send the States $50 billion additional in title I moneys. We have sent them $120 billion over the last decade, and the results at best are mixed. In some cases they are shameful. We need to have accountability. The Miller-Kildee amendment simply does what George W. Bush did in Texas. He told the Federal Government in exchange for flexibility, I am willing to set the following standards, all children in Texas or 90 percent of the children in Texas will pass the State exam in 5 years, 90 percent of the African Americans, 90 percent of the Hispanics and 90 percent of the poor children. I do not know what the governor of my State could say and I do not know what the governor of Louisiana or New York could say, but they ought to be able to tell us what their goals for achievement are, how they will measure them. No longer should the Federal Government continue to enable lax accountability for our children's education.

SUPPORT THE ED FLEX BILL

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I am sorry to say that the White House talks a great game when it comes to education reform, but it turns out there is more going on behind the scenes that you will never see on the network news. The White House has been working with Democrats in the Congress to take the "flex" out of ed flex. The whole purpose of this program is to give the States their own authority to assess their programs instead of Washington telling them what they need. Now, 100,000 new teachers is a great slogan but trying to handcuff our governors like this is not exactly the kind of flexibility that reformers have in mind when they advocate ed flex. This program is supposed to allow local schools to spend Federal dollars as they see fit. The special interests will have none of that. But the special interests are not putting the education needs of our children first. Ed flex does. It is a commonsense reform overwhelmingly supported by all 50 governors across this country. Today we will have the opportunity to support it as well.

ON EDUCATION PRIORITIES

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, the greatest gift a parent or elected official even can provide our children is a quality education. Education is one thing that nobody can ever take away from someone. For years we have debated on this floor the most effective way to provide our children with this gift. Later today we will likely pass the ed flex bill that allows States the opportunity and the flexibility in spending their Federal education dollars. Since my home State of Texas already participates in this program and has a great deal of success with it, I support the bill.

However, the benefits of all of the flexibility in the world will be limited if we do not modernize our schools so our children can have a safe learning and clean environment, reduce the class size for each child so they can get the attention and the guidance they need, provide state of the art technology so that all students can benefit from today's best tools in education, and finally we have a responsibility to know that each State is meeting the needs of their students. This can be done by supporting the Miller-Kildee amendment later today and not forgeting that the original reason for Federal assistance for education was to help those children most in need.

REVERSE THE CLINTON CUTS TO SPECIAL EDUCATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, unfortunately the Clinton administration has backed away from the Federal commitment to fund special education adequately. For the second consecutive year the administration has chosen to cut special education funding. For those who have any doubts, I urge them to look up the figures for themselves. By the time you factor in inflation and new children coming into the system special education students will receive less. Despite Clinton cuts to special education, congressional Republicans have worked hard to see that we make progress toward filling the IDEA program or the Individuals with Disabilities Act mandate. Over the last 3 years, Republicans have fought for and achieved dramatic funding increases for this important program. We will fight for another increase this year. Children with special needs should not be shortchanged by the Federal Government and the political priorities of the White House should not prevail at the expense of America's children. I urge my colleagues to reverse the Clinton cuts to special education.

PASS THE PATIENTS' BILL OF RIGHTS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to challenge all of my colleagues, Democrats, Republicans and independents, to pass legislation that would provide all Americans with the health care protections that they need and deserve. I am very concerned that patients from my district are being denied the health care coverage they need to lead productive lives. It seems that I cannot pick up my local newspapers, the Beaumont Enterprise or the Texas City Sun, without reading about someone who was denied care because some insurance company bureaucrat decided that a procedure was not necessary. It is one thing to keep down costs, but it cannot be done at the patient's expense. That is why I support yesterday's reintroduction of the patient's Bill of Rights. I am confident that the Bill of Rights will give residents of Hotel Beaumont, a senior citizens community in the heart of my hometown, the right to choose a specialist and to see the same doctor throughout treatment.

It is time for us to put our money where our mouth is. Let us prove to the American people that this Congress can work together to address issues they really care about. Let us pass the Patients' Bill of Rights.

VOTE YES ON ED FLEX BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Republicans and my colleagues on the left know that the biggest and best investment we can make as a nation is in the proper education of our children. But one of the greatest debates that is taking place in Washington right now concerns the future of our children's education and how scarce Federal education dollars can most effectively and efficiently be spent to improve that education.

I ask, should the money of hardworking parents be left in the pockets of Washington bureaucrats, and should every important decision be left to the red tape bureaucrats in Washington to develop the plan to educate our children in our schools across America? Of course not. We all know the answer. Local control wins out over Washington bureaucracy. As a parent, I know. I want the best education possible for my children. And I envision a national goal on education, a goal that offers every child in America the best education possible. The Republican plan puts our teachers, our parents and our school boards in the education driver's seat. Mr. Speaker, the ed flex bill gets us closer, closer to letting our parents, teachers, schools and communities accomplish this goal by reaching a higher standard of learning.

ED FLEX ACT A FLIMSY PIECE OF LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, last year Democrats were successful in passing a measure to improve education by hiring 100,000 new teachers. We are a third of the way there. This year there are 30,000 new teachers, reducing class size, improving discipline and increasing the individual attention that our kids need.

Democrats want to pass the next installment toward 100,000 teachers, but the Republican leadership is fighting us tooth and nail. The Republican leadership's ed flex act is a flimsy piece of legislation, a fig leaf to cover its barren agenda. It makes no provision for new teachers, no measure to ensure that the neediest school districts receive funds, and it has no accountability. Democrats believe that local school districts should have flexibility when they administer Federal education programs, but there should be flexibility coupled with accountability to ensure that our teachers, students and parents receive the support that they deserve. What we ought to do in this Congress is authorize 30,000 more teachers on our way to 100,000 and hold schools accountable for student performance. These are the measures that are going to make a real difference for our students, ensure that our schools have the support that they need to make the decisions that they need and to provide our youngsters with the best possible opportunity for their future.

CONGRESS RENEWS PLEDGE TO ABIDE BY SPENDING CAPS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, just 4 years ago when they unveiled their budget, the administration acknowledged that we would see $200 billion deficits well into the next century. But the new Republican Congress said that that was unacceptable. Against the shrill cries of our friends on the left, we reformed welfare, saved Medicare, eliminated over 400 Federal programs, and cut the growth in Federal spending by more than half. Today our budget is balanced and we can look forward to a decade of surpluses. We can now begin to tackle the great issue of our generation, saving Social Security, if, if only we continue to exercise the fiscal discipline begun with the balanced budget agreement.

Unfortunately the President in his budget reneges on the spending caps. I am happy to report today that the congressional leaders have said that they will renew their pledge to abide by those spending caps. This means that we can secure every penny of Social Security taxes only for Social Security. It also means that American families can expect lower interest rates and a stronger economy well into the next century.

GIVING PRIORITY TO MATH AND SCIENCE EDUCATION

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, today we will be talking about flexibility and accountability in our schools. My colleagues know that to compete in today's world and to give citizens personally fulfilling lives, we need to give students good education in science and math. International math and science study results show U.S. 12th graders lagging well behind the international average in math and science. Eisenhower funds are the only program available to all schools to help train public school teachers in math and science. If we are to give these students the education they need, we need these Eisenhower funds to help teachers at all levels prepare to teach in science and math. As we give school systems more accountability and flexibility, we need to give a priority to math and science education.

SUPPORT ED FLEX

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, let us take a clue from successful governors across the country who have taken on the special interests in making education their top priority. The same scene has been played out in State after State. A governor proposes real education reforms, from charter schools, to school choice, to tough academic standards, to back-to-basics, to ed flex. Then the special interests rise up in indignation, they denounce those reforms and a battle forms, a public relations battle between the reform-minded governor and the special interests that have produced the terrible results in the first place.

One reform that the special interests particularly do not like is ed flex. They do not like it because it gives States and local schools the power to decide how to best spend the Federal education dollars. The special interests hate this idea because it means that Washington will no longer be telling local schools what they need, and they do not like it because it means parents and local authorities will have more control over education and the special interests will have less.

Let us give governors the power they need to improve our public schools. Let us support ed flex.

CALL FOR BIPARTISAN EDUCATION REFORM

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, some might wonder when it became a partisan issue to support our children and our schools. If you recall after World War II there was truly a bipartisan spirit in this country that we needed to invest in education at all levels. We built more schools in communities all around this country, we encouraged more people to go into teaching, and we hired tens of thousands of new teachers. We need to do the same type of bipartisan plan now that the Cold War has ended, now that we have realized that our battles that we are going to be fighting in the future will be on the economic battlefield, not the military battlefield, thank God.

Now we have to do the same: we have to invest in modernizing those schools, we have to invest in hiring more teachers. We have to take that kind of approach. I think that we can all agree that it should be a bipartisan effort.

When a youngster in PS 254 in my district, which is dramatically overcrowded, is trying to figure out why they are learning in a gymnasium and a lunchroom, they are not thinking because it is a Democrat or a Republican, they are thinking because we simply need new spaces. This is the kind of thing we must do. We need to hire teachers, modernize schools, and make college tax deductible. We should do it in a bipartisan fashion.

COMMITTING TROOPS REQUIRES CONGRESSIONAL APPROVAL

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, I do not believe any Congress should allow any President to send our troops into any sovereign nation without the authorization of Congress. We in Congress are negligent if we do not insist on this restriction and, if necessary, refuse the money to pay for any foreign adventures undertaken without the specific authorization of Congress.

ACCOUNTABILITY BEFORE FLEXIBILITY IN EDUCATION BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, later today we will be taking up the rule and ultimately the bill on ed flex. I believe in having flexibility at the local level, but I think here we are getting the cart before the horse. We are forgetting that there ought to be accountability and a number of other pieces we ought to be dealing with before we give total flexibility.

Let me tell my colleagues why. I served as superintendent. There we required the local systems to identify subgroups. If you do not identify the subgroups, to children who are doing the poorest in the schools, and that is what the Federal money is designed to do, what you do is you mask the children with the greatest needs, and here we are talking about lumping all that money together and sending it down.

I trust the educators, I trust the parents, and I trust the teachers. The people I do not trust are the politicians.

☐ 1030

I was there, and they will take that money, and if we do not watch them, the children with the greatest needs will be the children who are going to be left behind in the 21st century. We will pay a price for that, Mr. Speaker.

NOT NECESSARILY A CORRELATION BETWEEN MONEY AND SUCCESS IN EDUCATION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, education is everybody's priority. I do not think there is probably any issue in this House that could bring us together on a bipartisan basis more than improving education.

But what have we learned from history? Mr. Speaker, there was a recent article in a responsible and respected financial paper which rated the schools in America, and it also showed how much money was spent in each of those schools. I want to tell my colleagues there is not necessarily a correlation between money and success in education.

We need, yes, money to the classrooms, not to the bureaucrats. Yes, we need good teachers, not just 100,000 more. Yes, we need to make decisions at the local level, not here in Washington, and then we have to call on the families to send well fed, clean, rested children to school so they can learn.

Part of the responsibility, a major part, must rest with us, the parents.

SUPPORT ED FLEX

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, as the parent of a third grader in public schools in Oregon, I am absolutely committed to smaller class sizes. But the best way to do that is to fund the special education mandate, not to create more federal mandates and programs.

Coming from Oregon, which is one of the ed flex pilot States, I can tell my colleagues that our local parents, teachers and school boards can make the best decisions for our children, but it is time Washington kept its word and funded its mandates. I think unfunded federal mandates have done quite enough harm already to our public schools. It is time to expand ed flex all Americans. It is time to allow local schools to make their own decision about how best to spend Federal education dollars. That only makes sense.

Mr. Speaker, I urge my colleagues to support the ed flex legislation that will be on the House floor later today.

DEMOCRATS OBJECT TO IMPROVING EDUCATION WITHOUT MORE FEDERAL REGULATION

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, I am incredulous at some of the comments of my friends from the other side, from the Democratic side, who continue to talk about education as being improved or the possibility of it being improved with just more regulation, the fear that if we gave freedom to the educators who we 0know, the people who teach our children, to the principals of the schools in which our children go to school; if we gave them more freedom, somehow or other our children would suffer as a result of it. I am amazed at that kind of an argument.

For years as a teacher, Mr. Speaker, I taught children, and I sat in classrooms and in faculty lounges with other teachers who continually talked about the fact that they needed and demanded more freedom, that they were impeded in their ability to teach because of the regulations we place on them, both the State and Federal level.

So here we come, finally forward with a plan to give those teachers and those principals the freedom to actually teach children in the ways that they know work, and all of a sudden the Democrats in this body rise up, unanimously almost, to object to that.

This is very peculiar indeed, Mr. Speaker, very peculiar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal and the question on the motion to suspend the rules on H.R. 540, the Nursing Home Resident Protection Amendments of 1999, postponed from Tuesday, March 9.

Votes on motions to suspend the rules on H.R. 808, House Resolution 32 and House Concurrent Resolution 28 postponed from yesterday will be taken later.

THE JOURNAL

THE SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 39, not voting 38, as follows:

[Roll No. 34]

YEAS—356

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson

Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—39

Aderholt
Borski
Brady (PA)
Brown (CA)
Clay
Costello
Crane
DeFazio
English
Filner
Ford
Gutierrez
Gutknecht
Hastings (FL)
Hayes
Hefley
Hilliard
Hulshof
Kucinich
LoBiondo
McNulty
Moran (KS)
Oberstar
Peterson (MN)
Pickett
Pomeroy
Ramstad
Rogan
Sabo
Schaffer
Stupak
Tancredo
Taylor (MS)
Thompson (MS)
Towns
Visclosky
Waters
Weller
Wicker

NOT VOTING—38

Becerra
Bilbray
Boehlert
Boucher
Capps
Coble
Cooksey
DeMint
Dixon
Doyle
Engel
Fattah
Frost
Gephardt
Gilchrest
Gordon
Hinchey
Hostettler
Kaptur
Kind (WI)
Klink
Markey
McCrery
McDermott
McKinney
Millender-McDonald
Minge
Ney
Owens
Oxley
Reyes
Roukema
Sherman
Smith (NJ)
Taylor (NC)
Tiahrt
Wise
Young (AK)

□ 1055

Mr. NADLER changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Speaker, during rollcall vote No. 34 on March 10, 1999, I was unavoidably detained. Had 1 been present, I would have voted "yea."

Mr. ENGEL. Mr. Speaker, during rollcall vote No. 34 on approving the Journal, I was unavoidably detained. Had I been present, I would have voted "yes."

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

The SPEAKER pro tempore (Mr. GOODLATTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 540.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 540, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 12, not voting 23, as follows:

[Roll No. 35]

YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Barr
Barton
Burr
Campbell
Chenoweth
Coburn

DeLay
Paul
Sanford
Shadegg
Stump
Thornberry

NOT VOTING—23

Becerra
Bilbray
Capps
Coble
DeMint
Dixon
Frost
Gephardt
Gordon
Hinchey
Hostettler
Kaptur
Klink
McCrery
Miller (FL)
Minge
Ney
Reyes
Roukema
Sherman
Smith (NJ)
Taylor (NC)
Tiahrt

□ 1114

Mr. KINGSTON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on March 10, I was unavoidably detained and missed rollcall No. 35, the recorded vote on H.R. 540, Nursing Home Resident Protection Amendments. Had I been present I would have voted "yes" on passage.

Mr. MINGE. Mr. Speaker, during rollcall vote No. 35, H.R. 540, Nursing Home Protection Amendments of 1999, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. DEMINT. Mr. Speaker, on March 10, 1999 I was unavoidably detained and was not present for rollcall vote No. 35. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 100 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to provide for education flexibility partnerships. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed 5 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may:

(1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and

(2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 100 is a modified open rule providing for the consideration of H.R. 800, the Education Flexibility Partnership Act of 1999, better known as the Ed-Flex bill. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member on the Committee on Education and the Workforce.

For the purpose of amendment, the rule makes in order the amendment in the nature of a substitute of the Committee on Education and the Workforce now printed in the bill. The Ed-Flex bill is truly bipartisan legislation which has the support of Republicans and Democrats alike in the House and Senate, as well as the support of all 50 Governors.

Despite the popularity of Ed-Flex, we have witnessed some try to undermine this bipartisan effort by diverting attention away from the Ed-Flex bill to other issues which are clearly outside the scope of this simple bill. For this reason, the Committee on Rules felt it was reasonable to ask Members to preprint their amendments in the CONGRESSIONAL RECORD. The chairman of the Committee on Rules announced this preprinting requirement on Thursday, so all Members have been properly notified of this policy.

In addition, the committee felt that placing a reasonable time limit on the consideration of the Ed-Flex bill would encourage those who have concerns about H.R. 800 to prioritize their amendments and focus on constructive changes, rather than partisan tactics. Therefore, the rule before us contains a 5-hour time limit on the amendment process, which is considerably more generous than the 3-hour time limit requested by the Committee on Education and the Workforce itself.

With the exception of these reasonable parameters designed to focus the debate on the issue at hand, the rule is open, in the tradition of every other rule reported by the Committee on Rules this year. Let me be clear. Any member who has a concern about this legislation may offer any amendment on the floor, as long as it is germane and has been printed in the RECORD.

In addition to the amendment process, the rule provides a final opportunity for the minority to make changes to the bill through a motion to recommit, with or without instructions.

Further, in the interest of facilitating consideration of this popular bill by the House, the rule waives clause 4(a) of rule XIII, requiring a 3-day layover of the committee report. And, for the convenience of Members, the rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes, as long as the postponed vote follows a 15-minute vote.

Mr. Speaker, all Americans agree that the education of our Nation's children must be a top priority. Education is the foundation on which the future of our country rests. While many of our community schools are shining examples of success, others are miserably failing in their attempts to teach even the most basic skills to our young students.

Unfortunately, there is no magic pill that we can give our neediest schools to bring them up to par, but the very least we can do is to remove some of the obstructions which are blocking their path to improvement.

The fact is that the Federal Government has a stranglehold on our local schools, and the Ed-Flex bill loosens the government's grip. By easing the burden of Federal regulation and clearing away the red tape, Ed-Flex allows States to pursue effective school reform. The Ed-Flex program is founded on the principle of trust, trust in our State and local leaders, who we believe will make good choices for their communities.

Currently, 12 States are participating in the existing Ed-Flex demonstration program, including my own State of Ohio. The positive results in Ohio and 11 other States strongly suggest that we extend this program to all 50 States.

Through the Ed-Flex program, Ohio has been able to apply the good intentions of Federal education policies to more children. For example, Ohio has enabled more schools to use Federal dollars to implement schoolwide programs. Schoolwide programs go beyond helping at-risk children and utilize resources to improve the scholastic skills of all students.

In addition, Ohio has used Ed-Flex to expand its use of Eisenhower Professional Development Grants, which are designed for math and science teacher training. In Ohio, if a school has met its math and science training requirements, it can use unexpended Eisenhower funds to provide training in other areas, such as reading.

These commonsense reforms have helped Ohio to realize tangible improvements in the education of our children. Last year, Ohio exceeded two benchmarks for student performance in both reading and writing. Yet, while Ohio moves ahead, other States continue to be mired in Federal rules and regulations that stunt forward progress. That is why it is so important that we pass the Education Flexibility Partnership Act, to give all 50 States the opportunity to maximize resources to educate students.

Not only will Ed-Flex help our States in their efforts to improve student performance, it will help Congress assess what Federal education policies are burdening States and need to be revamped. This information will be crucial as we work on the reauthorization of the Elementary and Secondary Education Act later this year.

I think some of my colleagues will speak to their concerns about accountability during this debate, but it is not fair to give the impression that we are handing out money and turning our heads the other way. The Ed-Flex program does not simply dissolve Federal education law. In fact, there are strings attached to the flexibility we are offering to the States through this legislation.

To be eligible for Ed-Flex, States must develop and implement a Title I plan, which includes education content standards, student performance standards, and a means of assessing school progress. In addition, States must have an accountability system in place to hold localities and schools responsible for meeting their education goals.

We are asking for a credible education plan, and then trusting the State and local officials to make good decisions for their communities. After all, they are the people who live in those communities, know the citizens, and work in the local school systems every day. Let us not take the "flex" out of Ed-Flex by erecting additional hoops and hurdles under the guise of accountability.

In closing, Mr. Speaker, I would urge my colleagues to support this fair and balanced resolution, as well as the underlying legislation which will move us toward the shared goal of commonsense education reform. All of our 50 Governors have asked us to pass this bill, and our schools and children will be better for it.

Let us move forward together in the spirit of bipartisanship. I urge all my colleagues to vote yes on both the rule and the Education Flexibility Partnership Act.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the snow blanketing the ground outside is enough to make us think fondly of baseball spring training which is being conducted in summer climes over the South and West. The spring training analogy seems appropriate for this rule which is governing the consideration of H.R. 800, the Education Flexibility Partnership Act.

We have been in session for about 2 months, and we have seen a procession of open rules on legislation which, frankly, would have been well received by the Suspension Calendar. Today the House ends its legislative spring training and begins its regular season with a significant initiative on education.

The first pitch from my friends on the other side of the aisle is a fast ball under the chin, an unnecessarily restrictive rule severely limiting amendments and debate. By clinging to its insistence on preprinting amendments in the CONGRESSIONAL RECORD, the majority on the committee is trying to pitch a shutout against Members who have had, previously, precious little time to consider a bill which was reported by the committee of jurisdiction only 2 days ago, and Members have had to contend with that snowstorm that hardly let them into town.

As a result of a party line vote on the Committee on Rules, the rule House Resolution 100 swings and misses by capping debate time at 5 hours, and including under that cap the time it takes to vote on amendments. Mr. Speaker, we are talking about educating our children and preparing them for the game of life. We should spend not 5 hours but 5 days, if necessary, to ensure that we are doing right by them.

Last year, Congress took a significant step toward achieving the goal of hiring 100,000 new teachers over the next 7 years to help local districts reduce class size in the early grades. Thanks to the party line vote by the majority, House Resolution 100 commits a crucial error by refusing to make in order the amendment offered by the gentleman from Missouri (Mr. CLAY) and the gentleman from Oregon (Mr. WU) that would authorize the remainder of our commitment to hire 100,000 new teachers, to reduce class size, and improve the learning environment.

□ 1130

Mr. Speaker, our Nation's Federal elementary and secondary education programs are set to expire, and the reauthorization of these policies is one of the most important tasks any Congress will face. Some Members might argue the need to weigh statutory and regulatory provisions before we even begin to define what those provisions should be.

Our side of the aisle will seek to advance amendments which address our concerns that the underlying bill is weak on accountability and strong on rhetoric.

It is imperative that any law that weighs the Federal Government's longstanding commitment to our Nation's most disadvantaged students contain a viable plan for how student achievement will be assessed.

Of particular concern are the students who benefit from the Title I funding. This provision has been successful at ensuring that the Title I funds are not spread too thin but go to the districts that really need them.

By waiving this requirement, schools with small percentages of poor children will be able to implement a schoolwide program, thereby neglecting the special needs of the economically disadvantaged students in that school.

Mr. Speaker, this is legislation which could be improved, and I urge Members to vote against this rule so that we might do just that.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Texas (Mr. SESSIONS), a member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I rise today in strong support of this fair rule for H.R. 800, the Ed-Flex Partnership Act of 1999. Current law authorizes 12 States under pilot programs to participate in the Education Flexibility Partner Demonstration Program called Ed-Flex.

Ed-Flex States enjoy greater State and local flexibility in determining how to use Federal education funds. H.R. 800 is a bill which will expand the program to give all 50 States the option to apply for Ed-Flex. In short, Ed-Flex increases local control, reduces government red tape, and promotes flexibility with accountability.

My State, Texas, was one of the first States to win Ed-Flex status. Since January of 1996, Texans have incorporated the flexibility granted under Ed-Flex for statewide, comprehensive reform programs centered around local control and accountability for results.

Governor George W. Bush eagerly sought Ed-Flex status and has worked with local educators for the authority to design programs which meet and address local need. Texas also has implemented a system which ensures that there is accountability with concrete results in return for this increased flexibility. As Governor Bush said, "Texans can run Texas." I believe that each of my colleagues would feel the same way about their respective States and their districts.

Although there is still room for improvement, tremendous gains in performance can be documented for students in Texas. In a State with students of diverse ethnicities and socioeconomic statuses, the across-the-board improvement in student performance is, indeed, something that we should be proud of.

Yesterday, during testimony before the Committee on Rules, the gentleman from Delaware (Mr. CASTLE), former Governor and now current U.S. Congressman, indicated that all 50 Governors are in favor of receiving this Ed-Flex status.

This simply is a bill that allows all 50 States to do what they believe is necessary to run their own programs in their own States. I believe it is an admission that the one-size-fits-all rulemaking bureaucracy in Washington, D.C. is broken. Republicans trust local school boards, not Washington bureaucrats.

What works in my home district in Dallas, Texas is not necessarily the most effective program for a school district here in the Washington, D.C. area, in Northern Virginia, or in Maryland.

The combination of Ed-Flex and an effective accountability program allows all States to focus on a foundation, a curriculum that features English language, mathematics, science, social studies, geography, and government.

I am proud of the improvements which have come about as a result of Ed-Flex; flexibility with accountability. This program is good for everyone who has an opportunity to participate.

Today, we are talking about this rule that would allow the opportunity to debate how States are going to utilize their own education programs. I will tell my colleagues that there are others on the other side who want to debate about putting more rules and regulations and dollars to this equation.

But the bottom line is that what we have got to do is to give local school districts, local States those controls, not tell them how to do things, and not put dollars out there which would drive them to the decision making that Washington would like to make instead of what they would like to make locally. I stand in support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, during our appearance before the Committee on Rules yesterday, the gentleman from Oregon (Mr. WU) and I asked that our class size reduction amendment be made in order. Unfortunately, the committee failed to do so.

This restrictive rule that was reported now makes it necessary to defeat the previous question in order for our class size reduction amendment to even be considered.

Our amendment would establish a 6-year authorization for the Clinton-Clay-Wu class size reduction initiative. This would build on the 1-year, $1.2 billion down payment on the initiative that was included in last year's Omnibus Appropriations Act. That funding, however, will only support the hiring of 30,000 teachers for the 1999–2000 school year.

Now it is time, Mr. Speaker, to lock in the remainder of the funding so that school districts across America can count on receiving the full complement of 100,000 teachers needed to achieve the initiatives goal.

Mr. Speaker, some critics, without evidence or documentation, continue to boisterously shout that the 30,000 teachers will be unqualified to teach. This is a sad commentary for those who prefer to build prisons than to build schools and to hire guards than to hire teachers.

Mr. Speaker, the goal of the Clinton-Clay-Wu class size reduction initiative is to help schools improve student achievement by adding additional highly qualified teachers to the work force to ensure that class size is reduced to not more than 18 children per class in the early grades.

Mr. Speaker, this will ensure that every child receives a teacher's personal attention, gets a solid foundation for further learning, and is prepared to read independently by the end of the third grade.

Ample research demonstrates that reducing class size boosts student achievement considerably. The Department the Education data shows that students in smaller classes in North Carolina, Wisconsin, Indiana, and Tennessee outperform their counterparts in larger classes. A study in Tennessee's project STAR found that students in smaller classes in grades K through 3 earn much higher scores on basic skill tests.

Based on this solid record of achievement, the Clinton-Clay-Wu class size reduction initiative should be expanded by granting it a full 7-year authorization to ensure class size reduction in grades K through 3 to an average of just 18 students.

Mr. Speaker, I urge the Members to support this effort, to defeat the previous question, and allow a vote on the Clinton-Clay-Wu class size reduction amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), my good friend, the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I just want to point out some interesting statistics. There are 16,000 school districts in the United States. If we say there are seven schools to each one of those school districts, that gives us about 112,000 schools. That gives us less than one teacher per school.

Of course highly qualified was mentioned. California's great experience has been they spent $1 billion last year. They are going to spend $1.2 billion this year for their 23,000 teachers.

Now what happened with those 23,000 teachers? Of course they could not get a lot of qualified teachers. So the poorer school districts who need the best teachers, what did they get? Totally unqualified people in the classroom.

So I just wanted to point out that what we are talking about here when we talk about 100,000 for 16,000 school districts and 112,000 schools minimum, it is less than one per school.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding the time. The Ed-Flex bill certainly has many features in it. The issue is not whether we are for that or against it, but it is that there are other important issues to make it better.

Last week, all of the school systems were reporting out how their schools fared in the fourth grade and whether it went up. Indeed, as the gentleman from Pennsylvania (Chairman GOODLING) indicated, California did not do so well. But I suspect their investment in teachers is not to be pooh-poohed to suggest that we should not do it.

Certainly we need that 100,000 teachers more that the President has indicated and the gentleman from Missouri (Mr. CLAY) has indicated and that the gentleman from Oregon (Mr. WU) has tried to put before the Committee on Rules, and they ruled that it would be a nongermane amendment. It is not nongermane to education. Good teachers indeed are essential just as good doctors are good for health, just as good engineers are for constructing buildings.

I cannot conceive that one would think that putting 100,000 teachers, although that is not sufficient to speak to all the schools, would not be an appropriate action, and we would not embrace it where the American people want it.

So voting for Ed-Flex is indeed a good thing. But this amendment, however, this rule that does not allow germane amendments is the wrong thing.

So I urge my colleagues to vote against the rule because we can go back to the Committee on Rules, make that amendment in order, so indeed we can have more teachers, more qualified teachers. The assumption that we want to have anything other than qualified teachers again escapes me as any rational approach to improve the education system.

So having 100,000 teachers is germane to reducing the classes. Reducing the classes is germane indeed to having quality education. Quality education is indeed what all America wants for their families.

To suggest that every Governor wants this Ed-Flex, I mean, I do not understand why they would not want it. But also to suggest that they would not want 100,000 teachers again is absurd. They want more teachers, qualified teachers, because they understand that teachers are essential, qualified teachers are essential in the mix if indeed we are to have quality education.

Mr. Speaker, I want to join with my colleagues, Representatives CLAY and WU in opposing this rule—a rule that does not permit an amendment I have filed to be considered.

My amendment would have given States the flexibility to hire more teachers to help reduce class sizes.

While we passed class size reduction legislation in the last Congress, the appropriation was only for one year, and not the full seven year program we had proposed.

Consequently, school districts across the country are unable to plan long-term for class size reduction because they do not know whether there will be funding for the new teachers beyond the one year.

My amendment would have made clear that the funding for these teachers was for the full seven years.

Mr. Speaker, schools across the Nation are struggling because student enrollments are dramatically increasing.

Evidence demonstrates that there is a direct correlation between class size and learning ability.

Students in smaller classes, especially in early grades, make greater educational gains.

More importantly, they maintain those gains over time.

Smaller classes are most advantageous for poor, minority, and rural community children.

However, all children will benefit from smaller classes.

Class size reduction funds for seven years will help States and local school districts recruit, train, and hire 100,000 additional, well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3.

We need more teachers.

It is so critical to maintaining and improving our education system.

Education is the key to the future.

In some parts of the country and in my State, classroom sizes are as high as 36 students—much too large for a teacher to provide individualized attention.

This is especially troubling when the students are in their early developmental stages—grades one through three.

Because 90 percent of our children attend public schools, we must strengthen and improve those schools.

Across the Nation, we have an all-time record school enrollment of 52.2 million students today.

The strain on school systems and the impact on learning will be felt for years to come.

I urge defeat of this rule and support for a rule that would allow an amendment to continue our commitment to reducing class sizes.

Ms. PRYCE of Ohio. Mr. Speaker, it is my honor to yield as much time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I would like to congratulate the gentlewoman from Columbus, Ohio (Ms. PRYCE) and the gentleman from Dallas, Texas (Mr. SESSIONS) who made a very eloquent statement earlier about this issue.

This is a bipartisan goal that we have. As the gentleman from Texas (Mr. SESSIONS) said, all 50 Governors want to have this kind of flexibility. We have Democrats and Republicans alike supporting this. We have the President saying that he wants to sign this measure. Yet, based on what we have witnessed over the last several days, our distinguished colleagues in the other body on the other side of the aisle have decided to totally politicize this and claim that we are not in fact doing the things that the American people want us to do.

Unfortunately, we are seeing this same sort of issue come to the forefront here. This is a modified open rule. No matter what my colleagues try to call it, it is a modified open rule. It is modified so that we do not get to the point where we see complete politicization of a bipartisan issue.

□ 1145

Now, every germane amendment is in order, and we have, in fact, had over 20 amendments that have been filed. The gentleman from Pennsylvania (Mr. GOODLING) is very ably going to deal with those amendments, and I think that this is clearly the right thing for us to do.

As we look at the kinds of constraints that Washington has heretofore imposed on States, it is amazing that there are 14,000 Federal administrators in State agencies that are creating 50 million hours of work. The bipartisan goal here, again, is to try to provide at least a modicum of relief.

All of us like the idea of increasing the number of teachers in schools. No one is opposed to that. And the funding for that has already been provided in the omnibus appropriations bill that was put into place and passed last year. But the authorization of that will be handled during the Elementary and Secondary Education Act consideration. And, again, the Committee on Education and the Workforce will deal with that. This is not the place to do it, and that is why we did not provide waivers to make a nongermane amendment in order.

Now, some have also raised questions, I know, about the 5-hour cap on the time. The request of the committee was that we have a 3-hour outside time limit, and we expanded that to 5 hours. It seems to me that that is the right thing to do.

My very good friend from South Boston, in conversations we have had, raised concerns about the snowstorm. I realize that that has created a challenge for more than a few Members on both sides of the aisle. But as the gentlewoman from Ohio (Ms. PRYCE) said in her opening statement, I announced last Thursday that we would quite possibly have a preprinting requirement in this measure. And we do have amazing technology today. It is known as the web. We communicate through e-mail. And a "Dear Colleague" letter went out informing Members of the fact that we were most likely going to be doing this. And so we had a litany of amendments that were filed, and every single germane amendment is, in fact, in order.

So this does continue our pattern of very fair rules, and I believe it does give every Member the opportunity to participate in debate. I am proud of the rule, and I urge my colleagues to support it.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

I just want to correct a statement made by the chairman of the full committee. There are not 112,000 public elementary schools in this country. There are only 61,000. And the money from this bill will be targeted for grades K through 3.

So we are not talking about 112,000 schools that this money will go to.

Mr. ROEMER. Mr. Speaker, reclaiming my time, I would like to first of all thank the gentleman from Delaware (Mr. CASTLE), my Republican colleague who joined with me in crafting this legislation 8 months ago. The gentleman from Delaware and I have worked very hard in a bipartisan Democrat-Republican way of trying to get this legislation brought before this body, and I am honored that we have it here before the entire 435 Members here this morning.

I also want to say that this is bipartisan legislation not only in that a Democrat and Republican have drafted it, but that the President of the United

States has indicated to the National Governors' Association that he strongly supports it; that 50 governors, many Democrats and Republicans and independents, all support this legislation.

I do want to reflect on the debate about this rule and the 5 hours on this rule. I think what our ranking member the gentlewoman from New York (Ms. SLAUGHTER) said, using the baseball analogy, is absolutely accurate. We are in the first inning on education here, and I think that the gentlewoman's statement to the Republicans who run the Committee on Rules is a fair one.

If we are going to debate Ed-Flex, and I have worked very hard on it for 8 months, I would hope that the Committee on Rules would come forward with five more bills over the next 5 and 6 and 7 months to adequately discuss the quality of teachers in this country; to adequately discuss, with floor time, school construction and the bonding issue and the safety in our schools, of ceilings falling down on children; to adequately discuss after-school programs; to adequately discuss the role that the Chicago public schools in reform is playing as a role model for other public schools.

We could discuss and work in a bipartisan way, and I hope we do. I worry that we might not, but I hope we do. I hope we do not emulate what the Senate is mired down in. I hope we will work together in a host of these different areas over the ensuing 20 months.

Now, what brings us to this legislation today? Abraham Lincoln, I think, said it very, very well 130 years ago. He said, "Every American son and daughter, to the best that the rules and the laws can avail it, is entitled to a fair start in the race of life." A fair start in the race of life for every American son and daughter.

When we look at our public school system, we have some great schools and great teachers, and we have some schools that are not performing well enough for so many of our children. This Congress needs to come together, with Democrats and Republicans working together on fair rules and new legislation, to address the number one issue in America today: reforming and boldly improving public education.

This Ed-Flex bill is an old value and a new idea. The old value is local control. It is embracing the concept of teachers and parents and local communities controlling what goes on in our schools. And the new idea is flexibility. The status quo has not worked, so we are not giving out reams of paperwork and all kinds of data that the schools have to send back to Washington, D.C. We will not handcuff the schools with new regulations, but we have a rope, not a string of accountability, but a rope of accountability tied to student performance. And that is a strong rope.

How did we get here? Well, we looked at 12 States, 12 States that have had this program, this flexibility, for 4½ years. States like Texas and Maryland and Ohio are doing a very good job with this program, and we will talk more about their success. If the other 38 States can live up to the eligibility and assessment requirements that we outline in this bill, that are tougher than current law for eligibility and assessment, tougher than current law, then the other States will be eligible.

Finally, there is a very, very sensitive nexus coming together here, a sensitive synergy between sensibility and between accountability. We think we have worked hard for the last 8 months for an old value, a new idea, a third way of coming together to change the status quo and to boldly and creatively reform our public education system. I hope that my colleagues will support this legislation.

Mr. Speaker, I thank the gentlewoman from New York for yielding me such a generous amount of time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel Island, Florida (Mr. GOSS), a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend, the gentlewoman from Columbus, Ohio (Ms. PRYCE) for yielding me this time, and I rise in support of this fair, modified open rule. This is a very targeted bipartisan bill, and this rule provides ample opportunity for debate and amendment. It is not all there is to be said on the subject of education, but it is a very excellent place to start on a targeted basis.

The Education Flexibility Partnership Act of 1999, or Ed-Flex as we call it, is a step towards local control, away from the dictates of Washington. We all know education is a priority interest in our Nation today. It needs to be. We are not doing as well as we need to be. But education is not about what Washington does. It is about teaching students. It is about students learning. Ed-Flex will empower our school districts with the ability to undertake more effective and innovative reform measures and do what works best for them in their schools.

For too long schools districts have had to operate within the confines of Federal programs, which often act as an obstruction, despite our best intentions here, but an obstruction rather than an aid. While I would prefer to remove these restrictions all together, providing a waiver process for all States is at least an incremental step in the right direction. Ed-Flex will extend to all 50 States the option to waive certain Federal and State regulations in exchange for increased accountability and results. Accountability. That is what Americans are asking for.

It seems to me that the best people to determine what our kids need are not Federal bureaucrats but the folks down at the district level who are directly accountable to parents and involved at the front lines. During the past 3 decades, Washington has attempted to micromanage our schools, without very much success, it seems.

There is a role for the Federal Government to play in public education, I agree, but it must be very balanced and it must be very careful. Ed-Flex will give our local districts the opportunity to make the most of Federal and State resources by giving them the freedom to tailor existing Federal programs to the specific needs of their students.

At the same time, we do not have to exchange flexibility for accountability. States that wish to participate will have to provide clear achievement objectives and then produce solid academic outcomes. We remove the red tape, not the accountability in this piece of legislation.

I am encouraged by the results of the States that are already participating in Ed-Flex, particularly for the poor and disadvantaged students. Something is working here. It is my hope that we will agree to extend this opportunity for success to all our schools and to all Americans. They deserve it.

There is a wide variety of opinion and debate on education, and there will certainly be times when Republicans and Democrats, liberals and conservatives have legitimate disagreements. This should not be one of those times.

We have a good rule today to get this issue on the floor and to get this matter underway so it is available to our students sooner rather than later. Other issues, that obviously we wish to address, we have assurances from the gentleman from Pennsylvania (Mr. GOODLING) that he will be bringing them forward, and we look forward to those as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

As my colleagues know, I am a cosponsor of Ed-Flex. I support Ed-Flex because it provides local school districts with flexibility and freedom from unnecessary Federal regulation.

I also believe in assisting schools and school districts so that they have the resources to exercise that flexibility. Real flexibility, not the illusion of flexibility. That is why the gentleman from Missouri (Mr. CLAY) and I are offering our amendment to the Ed-Flex bill. Basically, to put more education into Ed-Flex.

Our amendment will establish an additional 6-year authorization to reduce class size by hiring 100,000 qualified teachers. Last year Congress made a downpayment on the administration's plan to hire 100,000 new teachers over a period of 7 years in order to reduce average class size to 18 students in grades 1 through 3. But that was only a downpayment.

Unfortunately, the leadership of this House, when it comes time to provide for the remaining 6 years of class size reduction, is leaving school districts and education boards across America in budgetary limbo. They engage in the politics of parliamentary maneuver rather than passing this urgent priority. They employ the tactics of obstruction rather than the healing of true bipartisanship.

To borrow a phrase from Martin Luther King, Jr., "When the children of America come back to this House to redeem our promissory note for a good education,' the House leadership would stamp it 'insufficient funds'." Smaller classes improve classroom discipline and order.

Smaller classes promote quality learning time. Smaller classes improve student performance. We all know that. But as we debate, schools across America are drawing up budgets for next year. They are determining the quality of education that our children will have for that year. These young children will have only one pass at getting a first-rate education. They will have only one chance to go through first grade. They will only have one chance to go through second grade. They will have only one chance to go through third grade. A year lost in a child's life is a year lost forever. While we are debating parliamentary procedure, they are losing their chance for a better education.

□ 1200

So when America's schoolchildren come to redeem our promise, let us make good on it. I urge my colleagues to vote now for smaller class size, before we spend any more of our children's precious and irreplaceable time. I urge my colleagues to vote no against the leadership's parliamentary blockade. I urge my colleagues to vote yes in favor of our children. Let us have a full and fair debate on class size reduction today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee and coauthor of this bill along with the gentleman from Indiana (Mr. ROEMER).

Mr. CASTLE. Let me start, Mr. Speaker, by thanking the gentlewoman from Ohio for yielding me this time and for the opportunity to debate this bill. I would also like to thank all the staff that has worked very hard on this bill. We have done it under a fairly intense schedule. We are pleased to have it to the floor today. The gentleman from Pennsylvania (Mr. GOODLING) has eased the way to this in so many ways, and we are very appreciative of that. Of course my fellow cosponsor, the gentleman from Indiana (Mr. ROEMER) whose words I listened to very carefully and with which I agree. I am sure the gentleman from Michigan (Mr. KILDEE) probably feels this way, too, but if we debated education every week, I would be happy here and if we cannot bring these issues up today, perhaps we could bring them up some other time. The bottom line is that it is very important to all of us.

I have never been one of those who believes that Republicans are totally right in education and Democrats are totally wrong on education. It is my belief that virtually everybody in this Chamber would like to improve the education of our young people in this country. My view is that this piece of legislation, which I think has been a little bit overemphasized as being more complex than it is, this bill of education flexibility, is a relatively simple measure by which we are giving to the States and the local districts the ability to work together so that when some Federal programs come up which have complexities or have administrative problems or paperwork problems, they can step in and make decisions as to how to manage it differently. That is what it is really all about. That is why all 50 governors, remember, two of them are Independents, the rest are Democrats and Republicans, that is why all 50 governors in this country support it as it is. And it is why most of the education groups in this country support it as it is.

Now, we have heard discussions today about more teachers. That is a legitimate discussion. We already, by the way, supply a lot of teachers under title I at the Federal level which some people do not realize, but in terms of more teachers, yes, that is a discussion that we should have. I frankly do not think it should be on this bill. It truly is not germane to this simple bill that everybody wants to get passed that really has nothing to do with this in particular. It has something to do with education, sure, and we will do that on an appropriation bill or on the Elementary and Secondary Education Act.

The same thing with title I, to help disadvantaged students, particularly lower income students. Again, I have a tremendous amount of sympathy for that. The reason I like the ed flex bill is it has probably been the first measure in the 12 States which have done this as a pilot project in which we have seen true measurable improvement in title I outcomes. That has happened in Texas and Maryland. That is a wonderful bottom line that I think that we need to focus on and to make part of the ed flex package as we send it on to the President of the United States.

There is an amendment for after-school programs. I am one who is advocating after-school programs, but unfortunately this is not the place for that. So we are dealing with a relatively simple bill.

I cannot tell you what happened in the Senate. I mean, it is all tangled up there. It is too bad that it is. We are dealing with a bill which helps the people we want to help, the children of our country, and gives them a greater opportunity in terms of their education. It is and should be a clean, stand-alone education flexibility bill.

I was just on a conference call with some governors. They repeated that. They want maximum flexibility. We have 23 amendments. We are going to work out two or three or four of them. But frankly a lot of the others are restrictive in their nature. Instead of introducing flexibility, they are trying to remove areas from flexibility and trying to remove from the local school districts and the States the ability to carry out educating kids as best they can. My view is that while these in some instances are perfectly good, in most cases they do not apply here. I hope we would all pay attention to that.

I think the rule is fair. It did give 5 hours to debate all of these amendments, some of which are duplicative, anyhow, and they had to be published in advance. That is fine. We know what they are. I think it is a rule which we should all be able to support. But I do not want this day to be divisive. I want us to go out of here with this bill passed at 6 o'clock tonight or whatever the heck it is going to be, having said together that we did something good for the children of America. That is what this bill is all about. Yes, we will debate all these amendments, but I hope when it is all said and done we will continue to pull together as Republicans and Democrats for the children of the country.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order an amendment offered in the Committee on Rules by the gentleman from Missouri (Mr. CLAY) and the gentleman from Oregon (Mr. WU). This amendment will provide funding to schools to help hire new teachers and reduce classroom size for grades one through three.

Virtually all experts in the field of education agree that one of the single most important things that we can do to improve the education of our children is to reduce classroom size. This amendment will help schools do just that. Vote "no" on the previous question so that we can consider this worthy legislative initiative.

Mr. Speaker, I include the text of the amendment and extraneous materials for the RECORD.

PREVIOUS QUESTIONS FOR RULES ON H.R. 800, THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

At the end of the resolution add the following new section:

"SEC. . Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment by Representative Clay of Missouri or Representative Wu of Oregon. The amendment shall be considered as read, shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The previous question shall be considered as ordered on the amendments."

At the end of the bill (H.R. 800, as reported) add the following:

SEC. 5. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

"(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

"(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

"(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

"(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

"(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

"(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

"(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

"(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

"(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

"(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

"(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

"(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

"(2) DEFINITION OF STATE.—In this part the term 'State' means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

"(c) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds to local educational agencies in the State, of which—

"(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

"(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

"(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which research has shown class size reduction is most effective.

"(b) CLASS REDUCTION.—

"(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

"(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

"(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

"(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

"(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

"(A) to make further class-size reductions in grades 1 through 3;

"(B) to reduce class size in kindergarten or other grades; or

"(C) to carry out activities to improve teacher quality, including professional development activities.

"(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

"(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

"(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

"SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

"(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

"(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

"(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

“SEC. 6607. REQUEST FOR FUNDS.

“Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

“SEC. 6608. REPORTS.

“(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

“(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.”.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact is that defeating the previous question for the purpose of adding the 100,000 teachers amendment would be futile. It is not germane. And the rule amendment is not allowed under the rules of the House.

I urge my colleagues to focus on the issue at hand, which is the ed flex bill and the rule governing its consideration. All Members should vote “yes” on the previous question.

I would like to remind my colleagues of the strong bipartisan support of the ed flex bill. H.R. 800 has the support of, in addition to many Members on the other side of the aisle, the National School Board Association, the Association of School Administrators, the Chamber of Commerce, the National Education Association, and once again all 50 governors.

I urge my colleagues to set politics aside and think of the kids who need us to open the doors to a better future through education. Let us move forward together to respond to the needs of our States, our local communities, but most importantly our children.

Mr. Speaker, I urge my colleagues to support this reasonable rule so we can move expeditiously toward passage of the Education Flexibility Partnership Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the modified closed rule for H.R. 800, the Education Flexibility Partnership Act. I believe that this rule prevents the introduction of an important amendment, the Clay-Wu amendment for class size reduction.

Last year by making a $1.2 billion appropriation, Congress made a commitment to our schools to reduce class size over the next 7 years. We also committed ourselves to hiring 100,000 more teachers to make that goal of smaller classes a reality. By not allowing this amendment to be considered in this modified rule, we are not keeping our promise.

This amendment resolves that Congress should set aside the necessary funds to continue on our quest to hire 100,000 new teachers. This was an important aspect of the Unified Democratic Agenda that was introduced last week. We cannot renege on our promise to our children.

The Ed Flex Bill purports to boost the academic achievement of our children. By removing certain federal programs, state and local agencies would be able to reform and improve education. However, without an initiative to decrease class sizes and to hire more teachers through this amendment, no amount of local reform will ensure effective learning.

This amendment would allow us to continue our commitment to the education of our children by setting aside at least $1.2 billion again to hire more teachers. I urge my colleagues to oppose this modified closed rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 198, not voting 19, as follows:

[Roll No 36]

YEAS—217

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland

Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—19

Archer
Becerra
Bilbray
Capps
Coble
Conyers
Dooley
Frost
Hinchey
Jefferson
Kaptur
McCrery
Minge
Ney
Owens
Reyes
Roukema
Sherman
Taylor (NC)

☐ 1230

Messrs. GORDON, BISHOP, and ROTHMAN, and Ms. BERKLEY changed their vote from "yea" to "nay."

Mr. LEWIS of California changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 36, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this vote to pass H. Res. 100.

Stated against:

Mr. MINGE. Mr. Speaker, during rollcall vote No. 36, on ordering the previous question providing for consideration of H.R. 800, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DODSON SCHOOL DISTRICTS IMPACT AID PAYMENTS, 1999

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 447) to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Delaware?

Mr. KILDEE. Reserving the right to object, Mr. Speaker, and I will not object, I yield to the gentleman from Delaware (Mr. CASTLE) to explain his request.

Mr. CASTLE. Mr. Speaker, I rise today to encourage Members to support S. 447. Although it would be my intention to consider amendments to Impact Aid during the authorization of the Elementary and Secondary Education Act this bill addresses a problem of a more urgent nature.

In filing for 1999 Impact Aid funds, the Dodson Public Schools in Dodson, Montana, inadvertently forwarded their original application to the National Association of Federally Impacted Schools and not the Department of Education.

The mistake was not discovered until after the filing deadline.

For many school districts, the loss of Impact Aid funds would have minor consequences. This is not the case for Dodson Public Schools. Impact Aid provides a third of the funding for the school district. Without these funds, the school could close and 120 children might have to travel great distances to find alternative education.

This is a small bill with a large impact. I urge my colleagues to pass this legislation, and I believe that the gentleman from Montana (Mr. HILL) will explain it further.

Mr. KILDEE. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly appreciate the effort of the chairman and the ranking member bringing this measure forward. This bill is designed to solve a funding crisis for the Dodson School District in Dodson, Montana. This is a small, rural community. It has historically provided a quality, progressive education opportunity for a unique bicultural group of students. It is located about 3 miles outside the eastern border of the Fort Belknap Indian Reservation.

The Dodson schools are near closure. What happened is a former administrator sent the application for Impact Aid entitlement to the wrong location, and that would impact about a third of the district's funding. The current law prohibits the Secretary of Education from reconsidering any school that misses that application deadline, making it necessary for the Montana delegation to offer this legislation to correct the problem.

This school is the hub and the life of this community, and the loss of these funds would likely mean the demise of the entire public school system, a system that serves many residents of the Fort Belknap Indian Reservation.

The economic state of Montana's reservation economy is suffering and losing this school district would also have adverse economic impacts. That is the reason the Congress needs to act in this expedited measure.

I would like to thank the House leadership and the Committee on Education and the Workforce for recognizing the importance of these students and I want to thank the gentleman from Pennsylvania (Chairman GOODLING), and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, the gentleman from Michigan (Mr. KILDEE), the ranking member, and Majority Leader ARMEY and all their staff in helping to try to bring this measure.

I rise in strong support of S. 477, legislation designed to solve a funding crisis for the Dodson School District in Dodson, Montana.

The small rural community of Dodson has historically provided quality, progressive educational opportunities for a unique bicultural group of students. The school is located in the tiny community of Dodson, three miles outside the eastern fringe of the Fort Belknap Indian Reservation.

Despite its non-reservation location status, the school's student clientele has consistently been comprised of 60% to 70% Assininboine-Gros Ventre students, few of who live within the town itself. In fact, the majority of the student population commutes from surrounding farms and ranches.

Several of Dodson's students are out-of-district children who reside in Blaine County whose boundaries lie from ten to twenty miles west and south of the community. Their parents request permission from the board of trustees for the privilege of attendance.

Dodson Public Schools are near closure after a former administrator sent the application for Impact Aid Entitlement, which provide approximately one third of the district's funding, to the wrong office. A provision in current law prohibits the Secretary of Education from reconsidering schools that miss the application deadline, making it necessary for the Montana delegation to introduce legislation to correct the problem.

These students are victims of a bureaucratic regulations that should be an easily reconciled mistake. The loss of funds would likely mean the demise of the entire public schools system—a system that serves many residents of the Fort Belknap Indian Reservation. The economic state of Montana's reservations is not well and losing this school district would require many students additional transportation costs and travel of over thirty miles. Additionally, adjoining school districts and local governments would be extremely pressed to pick up the tab for additional education and transportation costs with a much lower revenue share. This is the reason that the Congress should act on this legislation in an expedited nature.

Dodson Public Schools has a total enrollment of 120 students in K–12. In grades K–8, 53% of the total 74 students reside on federal land. In grades 9–12, 31% of the total 46 students reside on federal land. Of the total enrollment, 75% of the students are eligible for our free and reduced lunch program.

Without these funds, the capability of the district to provide continued quality education would be seriously jeopardized. In fact, it is possible that closure would be eminent. Sadly, families would be forced to relocate during the school year to access educational services for their children.

The school is the hub and life of the community. I am please that the House leadership and the Education Committee recognize the importance of swift action for the students in Dodson. The House Committee on Education and Majority Leader Armey's staff's have worked diligently to seek the expedited approval of this important legislation. I want to thank the House on behalf of the students and community of Dodson, Montana.

Mr. KILDEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPACT AID.

The Secretary of Education shall deem as timely filed, and shall process for payment, an application for a fiscal year 1999 payment under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) from a local educational agency serving each of the following school districts if the Secretary receives that application not later than 30 days after the date of enactment of this Act:

(1) The Dodson Elementary School District #2, Montana.

(2) The Dodson High School District, Montana.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 100 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 800.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 800) to provide for education flexibility partnerships, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated in the Committee on Rules yesterday, the most painful part about sitting for 20 years in the minority on the committee was the fact that I could not get members of the committee to think in terms of quality and unfunded mandates. The emphasis was always on quantity and, therefore, an awful lot of youngsters did not get what we had intended them to get in relationship to a head start as far as education is concerned.

For instance, in Head Start, the first two studies on Head Start, made it very evident that we should be taking corrective action in order to make sure that every Head Start program is a quality one. We waited more than 15 years to ever mention quality in Head Start.

Finally, in the reauthorization in 1994, we did that. In the reauthorization again last year we put special emphasis on quality so every child has a quality program. We have done the same in Title I. We have paid no attention to quality.

Then it became a jobs program. As I also mentioned yesterday, one cannot help an alcoholic unless they first admit they have a problem. One cannot improve education unless one first admits there are problems, and even though the studies have indicated there are problems in all of these programs, we have failed to do anything about it.

Secondly, I want to point out, because we are going to hear this, we ought to do this with ESEA. This is not ESEA legislation. This came about, this legislation, through Goals 2000. Goals 2000, they said, if we are going to improve schools, we need to have flexibility. So 12 States were given that opportunity, and one of my dearest friends will say that, yes, and I offered that amendment and I will say, yes, and it took me 15 or 16 years to get that word "flexibility" into the vocabulary.

So we have lost a lot of time. We cannot afford to lose any more time. Why is it important not to go beyond where we have gone in relationship to standards and assessment? When Goals 2000 was passed, and when they indicated in Goals 2000 that these 12 States would have an opportunity to get waivers so that they would have flexibility to improve their opportunities to offer an ideal education to all students, we said we will give you until the year 2000–2001, the school year 2000–2001, in order to have your assessments in line, in order to have your standards in line. We knew it would take time.

□ 1245

Now, it is interesting, there is not a State of the 12 that would have been eligible had the amendment that some people are talking about been in place at that time. None of the States would have been eligible of the 12, because they did not have all of those 5 steps in order. One of them at the present time still has 4 of the 5, and she said over and over and over again, we need this flexibility, we need this flexibility. She would not even be eligible the next time to reapply.

So we cannot go back on the word that we gave them when we gave Goals 2000 with the idea that we will give until the school year 2000–2001 to have all the standards and assessments in place.

Now, it is working, folks. It is working. We will hear many, many times how well it is working. So my suggestion is, if it is working in Texas, if it is working in Maryland, why not give all 50 States the same opportunity to provide a better education for all children in that State.

We are going to hear an awful lot of totally inaccurate statements about what the bill does or does not do. So I am going to take a little time to read what the bill does so that even though we are going to hear the statements no matter how many times I read this, I think it is important for the audience who may be out there watching their televisions to know what the bill actually does.

The extension of Ed-Flex authorizes the Secretary of Education to delegate to States the authority to waive certain Federal mandates, certain statutory or regulatory requirements that interfere with States and districts implementing effective education reform plans. The program was originally created because Congress recognized that States are in a better position to judge waiver requests from local school districts. To be eligible, and this is very important, because we are going to hear otherwise; to be eligible, a State must have an approved Title I plan. The Title I plan includes approved content standards, performance measures and assessments. If a State does not have an approved Title I plan, but is making substantial progress, they can be eligible to participate. This is why in the Title I language it was put in that it take effect in the year 2000–2001. If they are making substantial progress toward developing and implementing standards and assessments, they will be eligible for participation. As I said before, none of the 12 would have been eligible had we had the amendment that may be offered later in place.

Of course, it also then says, under this bill, there are certain types of requirements that States cannot waive for local school districts. Requirements relating to maintenance of effort, comparability of services, equitable participation by private pupils and teachers, parental involvement, allocations of funds to States and LEAs, the selection of schools to participate in Title I, Part A, the use of Federal funds to supplement, not supplant.

It is important to note that some of these requirements are not even in present legislation. We are adding requirements to some of the legislation that we are dealing with as far as waivers are concerned.

States, when they apply to the Secretary to be an Ed-Flex State, must list specific measurable objectives they intend to meet as part of their State reform plan. Their application will be considered in light of the waiver approval and accountability system they intend to have in place, and how they will measure the performance of school districts, schools or groups of students affected by the waivers. Local education agencies, the school district waiver application, must describe specific measurable goals for schools or groups of students affected by the waiver, and must be part of a local reform plan.

Monitoring. Every year, States must monitor the activities of LEAs and schools receiving waivers, must submit an annual report to the Secretary in Washington. Two years after being designated an Ed-Flex State, States must submit performance data as part of this report.

After 3 years of being an Ed-Flex State, the Secretary of the United States Department of Education will review the performance of SEAs and can terminate its Ed-Flex status after notice and opportunity for a hearing.

Accountability for performance. States can receive the authority to be an Ed-Flex State for up to 5 years. When they reapply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application.

The question will be, why now. Well, why would we want to lose 2 years to try to help children? Why would we try to wait until we are finished with the elementary, secondary education reauthorization? That may be 2 years down the road. We will lose 2 more years for the most educationally disadvantaged children, to get quality in their education programs.

It is important that I point out what the governors are saying, "As you prepare your budget resolution for the coming fiscal year, the Nation's governors urge Congress to live up to an agreement made early, which is to meet funding commitments to States before funding new education initiatives." And of course they go into great length about the 40 percent of excess costs for special ed. But the President, when he was talking to the governors said, "It is time for the Federal Government to invest in those things which governors and school districts and principals and teachers and students and parents have proved are critical for raising student achievement." I want to repeat that. This is the President of the United States speaking to the governors. "It is time," I quote, "for the Federal Government to invest in those things which governors, school districts, principals, and teachers and students and parents have proved are critical for raising student achievement." That is the President. I agree wholeheartedly with that statement.

Mr. Chairman, I would ask as we finish this hour and the next 5 hours, that at the end of all that, that we do not think about sound bites, that we do not think about polls, that we do not think about special self-interest groups; but that we think only about children. And that would be my plea, that at the end of this day that our consideration is how do we help the most educationally disadvantaged students in this country get a far better education than they have had in the last 30 years. Part of that has been answered by Texas where the Hispanic scores have gone up, the African-American scores have gone up, poor white scores have gone up. Everybody's scores have gone up. Everybody wins.

So I would hope when we are all finished, we will support the Castle-Roemer effort to give the flexibility to all 50 States.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill authorizes States to arbitrarily and capriciously waive provisions of important Federal education programs under the guise of granting flexibility to local school systems. I support flexibility in the administration of Federal education programs, but only if it is coupled with strong accountability provisions and preserves the emphasis on serving the poorest children.

This bill fails on both accounts. First, it provides no accountability for ensuring reliable reporting and increased student achievement. Second, it allows States to significantly diminish the mission of Title I, which is to serve the poorest schools and the poorest children before the more advantaged.

Mr. Chairman, it is legislative folly to let States waive elementary and secondary programs before beginning authorizing and drafting the Elementary and Secondary Education Act.

There is no urgency for this bill. Current law authorizes and Secretary Riley has waived hundreds of Federal education laws to grant flexibility to States and school districts. The Secretary testified that he believes this measure should be considered with the overall ESEA authorization, and the GAO reported that there is insufficient information to assess the Ed-Flex pilot that allowed waivers in 12 States.

Mr. Chairman, data from the National Assessment of Education Progress showed that 9-year-olds in the poorest schools improved their reading scores by 8 points, or almost one grade level between 1992 and 1998. It also pointed out that 10 out of 13 urban districts showed dramatic increases in math and reading for elementary students in the highest poverty schools. These results are directly attributable to Title I assistance. Measurable success in these areas should serve to broaden our commitment to increasing investment in public schools, to continue our targeting to the poorest children, and to insist on greater accountability for results.

Presently, the Title I statute allows schools with at least 50 percent of their children from low-income families to operate a schoolwide program. These programs allow schools with high concentrations of poverty to combine Federal funding to reach certain funding goals. This provision has been a vital reform in Title I schools because it allows schools to coordinate efforts among Federal programs targeted at the most needy children. That will not happen without such authority.

Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and the gentleman from New Jersey (Mr. PAYNE) will offer an amendment to prohibit schools with less than 35 percent poverty from operating a schoolwide program. The Republican majority and Democrats who support this bill claim that H.R. 800 will not reduce funding for poor children. However, an initial report from the Department of Education found that waivers reduced funds for poor children by 18 percent in 1995 to 1996. And if this trend is extended nationwide, it would have a devastating effect on most disadvantaged schoolchildren.

The Republican majority claims that this legislation provides the proper balance between accountability and flexibility. I disagree. The accountability provisions in this legislation must be strengthened if the majority's claim is to be more than political rhetoric.

Mr. Chairman, the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. KILDEE) will offer an amendment to improve the accountability provisions in this legislation. The amendment would require States to have their content and performance standards and aligned assessments required under the Title I statute in place. In addition, this amendment would reinforce the sound education principle that assessment should measure change in student performance from year-to-year and separate out data based on categories of at-risk children.

Lastly, Mr. Chairman, the amendment would require States to hold LEAs accountable for educational objectives and goals as required by the act and to close the achievement gap between disadvantaged students and their peers.

Mr. Chairman, this bill will provide most States with new, sweeping authority to waive Federal law. Given that the Federal Government will invest an additional $50 billion in education funding over the next several years, these accountability provisions are more than appropriate. They are compulsory.

I believe that H.R. 800 in its present form lacks sufficient accountability and targeting and will jeopardize the long-standing mission of Title I to assist in the education of our disadvantaged children. While the majority has sought to capitalize on the simplicity of the call for more flexibility, we do not believe that should be at the expense of educating needy children.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman and coauthor of the bill.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the full committee, who has been so helpful with this legislation. Obviously, I am rising today in strong support of H.R. 800, which is known as the Education Flexibility Partnership Act of 1999, which I did cosponsor along with the gentleman from Indiana (Mr. ROEMER). I cannot say enough positive things about his efforts as this wound its way through the committees and the amendment process and everything else. Hopefully, we can grasp hands at the end of it in celebration that we have gotten it done.

As we all know, there is nothing more important to the future of our country than to ensure that our students receive a challenging and enriching education. Over the years, a top-heavy system of educating our youth has emerged from Washington. Regulations put in at the Federal level have addressed mainstream problems only, overlooking the fact that each and every district in this Nation is different.

□ 1300

The only policies that can truly assist the diversities in schools across the country are flexible policies that allow States and schools to mold Federal assistance to meet their individual needs. H.R. 800 will provide this flexibility, while ensuring that States and schools are held accountable for achieving positive results and improved student performance.

This has been demonstrated by the 12 States that have Ed-Flex authority in current law. The State of Texas has issued 4,000 programmatic and administrative waivers to get Federal assistance in the form they most need it. Students in districts with waivers have outperformed students in districts without waivers. In addition, the scores of educationally disadvantaged students have improved dramatically.

Ed-Flex permits local school districts to think outside the box in order to design a system that is truly focused on improving student performance. Instead of having to plan a specific project around a set of separate and conflicting program requirements, districts can develop a vision of how to use local, State, and Federal resources to more effectively improve student performance, and then make that vision a reality through the Ed-Flex waiver process.

All States deserve the flexibility that has enabled current Ed-Flex States to achieve greater rates of success. That is why the gentleman from Indiana (Mr. ROEMER) and I have introduced H.R. 800, a bill which takes the cap off the Ed-Flex project in current law, making all States eligible to apply for Ed-Flex.

To address concerns raised by the General Accounting Office and some of my colleagues, we have strengthened the accountability requirement to ensure that States integrate Ed-Flex with comprehensive State reform efforts designed to measurably improve student performance. We have also added the Technology Literacy Challenge Fund to the list of programs eligible for waiver. This program did not exist at the time, and therefore was not included in the Ed-Flex legislation authorized in 1994.

Finally, in response to concerns that Ed-Flex may dilute funds to high poverty and Title I schools, we placed a limitation on schools that can qualify for title funds with a waiver.

While Ed-Flex is an important first step towards giving States the flexibility they need, I should point out that it is a relatively limited program. It only applies to 10 programs, and they cannot be combined with one another. States must continue to meet the underlying purposes of the programs, and it does not allow special education regulations to be waived, either.

I am confident that this bill can bring about positive education reform, and by enacting Ed-Flex now, the immediate experiences of the States can help Congress identify the areas of Federal regulatory burden for school districts. We then could address these problems during the reauthorization of the Elementary and Secondary Education Act.

The chart which I have here I think is indicative of how significant this legislation is across the United States of America by the people who count; that is, the people who have to educate our young people. The chart says, look who supports Ed-Flex.

Here is who supports it: The Democratic Governors Association unanimously support it, the National Education Association supports it, the Republican Governors Association also unanimously supports it, the National Governors Association obviously also unanimously supports it, the American Association of School Administrators the National School Boards Association, the National Association of State Boards of Education, the U.S. Chamber of Commerce, and the Association of American Educators are all supporters of our legislation.

We are going to have 23 amendments today. Hopefully we can work out a handful of these amendments. The rest we probably cannot. But I think we have to remember that as good as some of these amendments may sound as they come before us, they largely detract from the issue of flexibility. That is all this bill is.

Indeed, there are going to be opportunities both on appropriation bills and in the Elementary and Secondary Education Act to take up these issues. I do not expect to deter anybody from presenting their amendments by saying that, but I think they need to understand exactly where it is we are coming from.

The people who are from Ed-Flex are for Ed-Flex as it was originally written. That is the way we should pass it. I look forward to the debate. Hopefully by the end of the day we will have passed a very good bill.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the ranking member, or as I call him, the chairman in exile, for yielding this time, with all due respect to the chairman. I am particularly pleased that he yielded to me in light of the fact that I am supportive of this bill. Indeed, I am a cosponsor of this bill.

Just a few days ago we passed the Hoyer-Portman bill on Federal financial assistance improvements, which gave to communities greater flexibility to access Federal monies. I say to my friend, he and I are absolutely in lockstep on wanting to assure that disadvantaged children are helped by Federal programs.

As the gentleman knows, my wife, Judy, was supervisor of early childhood education in Prince Georges County. It is a 70 percent African American school system, as the gentleman knows. While it is obviously not a poor school system, it has pockets of poverty within Prince Georges County. It is faced with the problems of ensuring that we give opportunity and uplift to children who have been disadvantaged, from a lot of different angles.

It was Judy's lament that one of the problems was that she had a child named Sally or a child named Joe, and she could not marshal all of the resources that we at the Federal level want for educational programs, nutritional programs, health programs, whatever they might be, marshal those programs in a way that would maximize their impact on those children.

Really, it is that education from my wife, who was involved in and was principal of a school that was 90 percent, as the gentleman knows, African American, 3-year-olds and 4-year-olds, to try to make sure that we do in fact maximize and provide for every resource possible to help those children, because that is in the best interests of every American.

I rise in support of this bill after talking to the Governors, who are doing a lot of things, and my own Governor, Governor Glendening.

Mr. Chairman, Governor Glendening has used this Ed-Flex to, in one instance, bring a classroom from 25 to 1 down to 12 to 1 in a school that had 43 percent poverty, as opposed to 50 percent poverty, and use those Chapter 1 funds very effectively, and it has resulted in the substantial upgrading of the performance of those children on our State performance tests.

I will vote for the Miller amendment, I want to say to my friend, because I share the view that we ought to have accountability. If we are going to give flexibility, what the taxpayer does expect of all of us is to ensure accountability with that flexibility.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this bipartisan bill. I recently came back from visiting Russell Elementary School in Lexington, Kentucky. It is a school of low-income students. Many of them are minorities. It is type of students that we are talking about really wanting to help in this bill.

Over the years Washington has spent billions of dollars on numerous programs to help, and yet when I visited this school we saw kids that were taking some tests that could not even identify parts of their body like their nose or ear, things that my granddaughter at 1 year old could do. We have seen billions of dollars spent that really has not improved the skills of our students.

I think, as we have looked at what this bill proposes to do and the results that we have already seen in some other States, I think it is a very great initiative to really start giving the flexibilities back. As we look at Texas and Maryland and some of the things that have happened there and the results that they have had, they have seen increased performance by students, and I think that we really need to support this bill without amendments that are going to add more Washington mandates and strings.

What this bill really is about is about hope. It is about allowing our States to really help the students, and help without a lot of Washington mandates and strings. We have all seen what happens when we add more mandates and reports. We have not really had any indication that there has been substantial increase, with all the programs that we have now initiated.

I think, as we look at Ed-Flex, I am even reminded of Bourbon County, Kentucky. There is more than one school district even in that county, because there are different needs for different children. We cannot expect mandates to meet all of the different needs of different children in different areas of the country.

Instead of passing legislation that keeps decision-making in Washington and targets the needs of only some schools, I think it is important that we focus on bills that give all students the ability to work toward making it easier for students to learn, and Ed-Flex does just that. It has done it in Texas, it has done it in Maryland, and in 10 other States.

This is an important task that will only be achieved, improving education, by local moms and dads, teachers and administrators at the local level. I am glad to support this resolution.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's debate on the Ed-Flex bill will focus on whether we should require accountability for the Federal dollars which we send to the States and how those dollars should be targeted. Not top-down Federal-knows-best accountability, but State-developed systems focusing on results that target the resources on the most disadvantaged children.

H.R. 800 expands the existing Ed-Flex program, which the General Accounting Office said in a November report has a questionable accountability structure. The GAO said that Ed-Flex implementation is so uneven that many Ed-Flex States have not established goals for increased academic achievement, and are unable to report on the educational impact of waivers. In short, the GAO report casts serious doubts on whether the Ed-Flex is something worthy of expanding to all 50 States.

Mr. Chairman, due to these serious questions, the gentleman from California (Mr. GEORGE MILLER) and I will offer an amendment to require increased accountability in this legislation, so we are not simply giving flexibility without requiring increased academic achievement.

Under the amendment, States, as a condition of participation in Ed-Flex, must have in place a standards and assessment system that measures the performance of all children. It disaggregates achievement results of at-risk children by categories, and it is designed to close the gap between low-performing disadvantaged children and their peers.

The bill as presently drafted does none of these things. I urge all Members to support this strengthening amendment. We hear two States are doing well, Texas and Maryland. Two out of 12 is not a great record.

I also want to express my support for the amendment offered by the gentleman from Virginia (Mr. SCOTT) and the gentleman from New Jersey (Mr. PAYNE) to prevent low poverty schools below 35 percent poverty from operating school-wide programs.

School-wide programs have become an essential component of school reform in high poverty schools. However, this bill would allow waivers for schools with practically zero poor children to implement school-wide programs, and neglect the needs of disadvantaged children. This critical amendment deserves the support of all Members.

While two of my amendments were accepted during committee consideration of this bill, sunsetting this legislation and terminating ineffective waivers after 2 years, the bill still needs to be strengthened. The bill as presently drafted, Mr. Chairman, does not address the shortcomings found in the GAO report, or ensure that poor children will receive educational services.

Without the accountability provisions in the Miller-Kildee amendment, States cannot truly measure the academic impact of Ed-Flex, or examine the achievement of at-risk children. The questions Members will ask themselves today is, should we endorse the status quo, or demand better accountability for our educational dollars.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCKEON), the subcommittee chairman.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding time to me, for bringing this bill to the floor at this time, and for his strong leadership.

Mr. Chairman, I rise in strong support of the Education Flexibility Partnership Act of 1999. I am a proud cosponsor of this bill. The so-called Ed-Flex legislation, or H.R. 800, will provide our local school districts with the lattitude they demand to ensure our children go to the best and safest schools.

Before coming to Congress, I served for 9 years on my local school board, so I am well aware of the burdens placed on our local educators by the Federal Government. Even as Republicans work to return more dollars directly to the classroom, I hear constantly from witnesses testifying before the Committee on Education and the Workforce that they feel besieged by the Federal bureaucrats, rules, and requirements.

Furthermore, the committee recently heard from State and local education leaders about the reform efforts in their school districts. I was pleased to hear about the success that they have experienced, but I believe they could do more if their States and all States had the opportunity to participate in this Ed-Flex program.

Additionally, I have received many letters endorsing the bill, from the Democrat and Republican Governors Associations to the National School Board Association and to the U.S. Chamber of Commerce.

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So today we have an opportunity to do something those witnesses and others throughout the country have asked for, to provide more flexibility and less red tape so they can implement the effective programs and reform efforts that are being asked for by parents at home but are being held back by Federal requirements and regulations.

I support Ed-Flex because it is a good first step of giving more freedom back to the local school districts. Through this program, we can place our children's education in the hands of those who know our young people best, our local schoolteachers.

So I urge my colleagues to vote for H.R. 800, and I reject any amendment that places additional burdens on States looking for maximum flexibility.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Missouri, our ranking member, for yielding me this time.

Mr. Chairman, I rise in strong support of this Ed-Flex bill. Again, I commend the gentleman from Delaware (Mr. CASTLE), who I have worked so closely with over the last 8 months. He is a pleasure to work with and a class act.

We have worked on this, not to embrace the status quo, not to make this a block grant, but to come up with a third way, a new way, emphasizing old values and new ideas, old values of the local schools and parents being in control of education, the new idea of flexibility.

Who supports this? Well, we have heard across the board from the 50 governors. This is the statement of administration policy from the President. They support it. We also have the National Association of Education supporting it and the Chamber of Commerce supporting it. I am not sure we get those two groups together very often. We also had a 33 to 9 vote in our full committee. Many Democrats on a 10 to 9 vote within our caucus supported this bill.

Why do they support it? They support it because it is working. In a place like Maryland, in Kent County, we heard testimony from Dr. Lorraine Costella, who is the superintendent of Kent County Schools. They applied for a waiver with a 45 percent poverty rate when they needed a 50 percent. They got the waiver. By the time they started implementing and getting the program for schoolwide reform in place, their poverty rate had risen to 55 percent.

They were already moving forward to improve scores. Specifically African-American scores improved in this Maryland school, Garnett Elementary School. That is why Democrats and Republicans are supporting it.

Also, we have tougher eligibility requirements in this bill, the Castle-Roemer bill, than current law. We shift the eligibility from a simple letter that could be written under Goals 2000 to Title I requirements.

Second, on assessment tools, tougher than existing law. I encourage my colleagues to read pages 5 and 6 of the bill to see how specific we are on assessment tools and application of those tools to test the students.

Third, termination. On page 13, we have a tough termination clause that, if scores go down for two successive years, one is terminated under this program.

So I encourage bipartisan support for the Castle-Roemer bill.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON) where they have used the waivers quite well.

Mr. SAM JOHNSON of Texas. Mr. Chairman, educating our children is one of the most important issues facing this Nation today. It is vitally important for our children to receive the best education from the most qualified teachers in the safest schools.

We can only provide this when our local governments, parents, and teachers are given the necessary tools and flexibility to design a learning environment that inspires and captures their attention.

I know Congress can help our children succeed by continuing a program that has freed our schools from needless regulations and giving our teachers, not bureaucracies, the ability to design an education program that works, a program that allows our children to be number one in math, science, and reading. What we call it is Ed-Flex. It gives the States the flexibility to improve education through local control.

Washington cannot and should not dictate how our children are taught. Our parents and teachers are the reason for our children's successes.

Ed-Flex does work. As has been stated, my home State of Texas is the leader of new and innovative ways to give our children the tools they need to excel. Under the proven leadership of George W. Bush, our Governor, Texans have made a commitment to turn around our school system, believe it or not his wife pushed him into doing this, and demand the results from our children, from our teachers, and from our school administrators.

Our Governor has used this program to rid our schools of needless bureaucracy and provide the greatest amount of flexibility to the State school systems. But in return, he has demanded increased accountability and improved academic performance.

The results have been remarkable. It has already been stated, since 1996, Texas has granted over 4,000 Ed-Flex waivers to local schools. Since then, in just three short years, reading and math scores have gone up. Reading scores have risen nearly 7 percent. Math scores have risen nearly 10 percent.

National accountability is in the results. We do not need a Federal mandate for accountability. In fact, all our schools are doing better. The performance gap between high-performing and low-performing schools has narrowed.

The great success of this program has shown me the difference between a child who succeeds and one who fails is the people who are there every day, helping them, giving them support, and encouraging and picking them up if they fail. These are the people who make a difference, not a regulation written by a person 1,000 miles away. It is simple. Local control works. Accountability is in the result.

True education reform can happen in every State if we just give every Governor the flexibility to help improve their own schools. We must make sure that no child is left behind. The time has come to share this opportunity with every school district, every teacher, and every child in our great Nation. Americans deserve no less. This bill helps our kids.

I urge my colleagues to support this bill without amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I rise today in support of improving educational opportunities for our children, children that must grow up in and learn about a world which is expanding with information technologies.

First, let me say that I have visited our Silicon Valley in the State of California and have also seen firsthand the growing information industry companies that are springing up in my Congressional District.

I have seen the exponential growth in high-tech jobs and the shocking lack of a trained work force to fill the positions within that industry.

It is a shame that our children are not adequately prepared to fill these jobs and that the high-tech industry has to go outside the United States to satisfy the need for a trained and skilled work force. We must make sure that our children are adequately prepared to face the future. They need to have a safe space in which to learn and sufficient resources that will enable them to learn.

That is why I am supporting building more classrooms. I am supporting providing local school districts with increased flexibility, the flexibility to help increase student achievement and to promote innovative school reform as long as there is adequate accountability.

I am supporting Ed-Flex and the Miller amendment which strengthens the accountability provisions of Ed-Flex. By enacting smart legislation for our schools, we can improve educational outcomes for our children.

I urge all of my colleagues to join with me in supporting Ed-Flex and the amendments offered by my colleague, the gentleman from California (Mr. GEORGE MILLER).

Mr. GOODLING. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 5½ minutes remaining. The gentleman from Missouri (Mr. CLAY) has 15 minutes remaining.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, today with this debate, we arrive at a crucial point after a number of efforts over the past several years to increase the flexibility by local educational agencies to use Federal dollars.

Today we arrive at a point that, if we are now going to provide additional flexibilities to the States to grant waivers to local school districts, we then have to make a decision about accountability. We have to know that we can hold the States publicly accountable for the results.

Many have said over the past years that the education debate is not about dollars, it is not about how much money we put into it. Let me tell my colleagues what it is about. It is about results. It is about what happens to the children at the end of the schoolyear. Can they or can they not compute and read at grade level? Can they critically think? Can they master the skills so they can participate in our American economic system?

Last night, we retreated to the fact that six young children from the same school in Maryland won the equivalent of the Nobel prize for high school students, the Intel competition. That same State has worked very hard on flexibility, but it has also worked very hard on accountability.

The superintendent of that State's system encourages Members to vote for the Miller-Kildee amendment to increase accountability because, as she said, "This bill, in its current provisions, does not ensure that those States receiving Ed-Flex will be held publicly accountable."

The Governor of Texas, when he came and applied for Ed-Flex for flexibility in running his school system in Texas, he said, "Here is what I am prepared to do as a result. Five years from now, I am telling you that our goal, what we hope to achieve, is to have 90 percent of our children pass the State Texas exams, 90 percent of our children."

He also said something else. He said, "I am prepared to have 90 percent of our Hispanic children, 90 percent of our African-American children, and 90 percent of our poor children pass that exam."

That is public accountability. That is the kind of accountability we would have if we have the Miller-Kildee amendment. I think it is terribly important. Because what did we get from the other States that applied for Ed-Flex? We got educational babble out of them. They did not set any goals. We saw the GAO report. They have very vague goals, very vague references to achievement. Some of them could not even provide the data. We cannot continue that process.

This is now going to become a permanent part of our law. This is now going to govern the investment of $50 billion later this year. We ought to be able to look our constituents and taxpayers in the eye and tell them that we are going to hold people publicly accountable for the results.

I am not telling them what results to achieve. I am not telling them how to do it. But I think they ought to tell us where they are going to be 5 years from now, because the last 5-year plan has not worked out very well. In fact, about 85 percent of the school districts did not do very well on accountability. I appreciate they have got flexibility, but they cannot tell us how their children are doing. That is what parents want to know: How is my child doing? Are they receiving the education that they deserve?

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Missouri, our distinguished ranking member, for yielding me this time.

Mr. Chairman, I rise today in support of a good idea that makes common sense, and I commend its authors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for their excellent effort in this regard.

I do believe there is a growing national consensus that it makes sense to give local educational decision makers more flexibility to do what they think works in their community with Federal money. That is the essential principle of this idea, and it is why we should pass the bill.

I will later today support the amendment of the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER) for the kind of high standards that the gentleman from California (Mr. GEORGE MILLER) just spoke about.

But I am pleased to be part of a growing national consensus in favor of public education. I do not want us, though, today in our justifiable pride in enacting this bill to overlook other aspects of a growing national consensus for public education as well.

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There are 2 million 3 and 4-year-old children in our country who do not have adequate access to prekindergarten education, and I believe there is a growing national consensus that this Congress has a role to step up to the plate and to help those children and those families.

In my State of New Jersey there are 50 schools in operation today that are more than 100 years old, and there are 1,000 schools in operation today that are more than 50 years old. I believe there is a growing national consensus that we should step up to the plate in this Congress and address that problem of inadequate public school facilities.

President Clinton, last year, I believe, reflected a growing national consensus when he called for the recruitment of 100,000 new teachers to reduce class sizes in the primary grades. Last year we made a downpayment on that, but I believe there is a growing national consensus that we finish the job in the Elementary and Secondary Education Act this year.

This is a good idea, but let us understand the limitations of this idea today. It will permit many school districts to have more flexibility with the 3 or 4 or 5 percent of their budget that comes from Washington. It will not build any new schools; it will not open up any large scope of prekindergarten programs; and it will not take the steps to reducing class sizes that I believe our consensus reflects.

Ed-Flex is a powerful but limited good idea. It should be improved on the floor today, and I believe it should be enacted, but it should not be used by this majority as an excuse to ignore the other more powerful ideas that are needed in public education; better prekindergarten options, better facilities and smaller class sizes. Let us get to work on those.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I wish to thank the ranking member, the gentleman from Missouri (Mr. CLAY), and the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING).

This is a solid bill. I rise in support of the Roemer-Castle Ed-Flex bill. I think the gentleman from Indiana (Mr. TIM ROEMER) and the gentleman from Delaware (Mr. CASTLE) have done a great job in pulling together members on this committee as well as Members throughout this House in support of an effort that empowers local school districts to really make the education reforms that we here in the Congress believe need to be made, and certainly those at the local level, who are closer to these issues and closest to the children and the problem, know need to be made at the local level.

But I also rise in support of the amendment of the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. KILDEE), which really calls upon States to really produce some sort of concrete and tangible and meaningful assessment plan for parents and for local educators and for those of us at the Federal level to assess what our States are doing and how close they are coming to closing some of the achievement gaps that exist between certain bodies of students.

I have heard some of my colleagues on the other side of the aisle complain about a national role or a Federal role in education. I would remind my colleagues, and particularly those on the Republican side, that less than 7 percent of all the dollars and really no policy-making authority with regard to what is taught, when it is taught or how it is taught in our local school districts are made here at the Federal level. We should all leave the rhetorical bombs and inflammatory language we use about the Federal role in education at home and really deal with the facts.

The reality is that we need to build new classrooms. We can debate about how it is to be funded, but the reality is we need to build new classrooms. The other reality is that we need more teachers in our classroom. We can debate how it is going to be funded, but the reality is we have this problem. Children, parents and educators certainly are amused by and fascinated by this wonderful debate we have here at this Federal level about who ought to pay for it, but the real losers are children.

As one of the youngest Members of this House, Mr. Chairman, and one who will have to live with these and their children, I hope that we can come to some agreement on what the President has called for in building new schools and hiring new teachers. Whether we want to call it giving all the authority to the States or local school districts or making decisions here at the Federal level, I say to my colleagues on the other side of the aisle, if we can find the courage to use Federal dollars to build prisons, to build roads, and to build highways, we ought to be able to find the courage and the resources and the capacity to build new schools and hire new teachers and give the States and the local school districts to do just that.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the ranking member on the Committee on Education and the Workforce for yielding me this time.

Mr. Chairman, I rise today in support of the Ed-Flex bill, and I commend the gentleman from Indiana (Mr. ROEMER) and the gentleman from Delaware (Mr. CASTLE) for the fine work they have put into it. I believe this is a step in the right direction.

As a member of the Committee on Education and the Workforce, I was proud to support the bill as we reported it out of committee last week. But I, like many of the members of the committee who supported the bill last week, have some additional concerns, concerns on how we can improve the bill before it ultimately passes this Congress and gets signed into law, one of which is the distribution in the allocation formula of title I funding.

I think there is legitimate concern that some of the funds for the more disadvantaged students in our country may be diverted for other programs, and we have to be careful that that historical role that the Federal Government has performed is not diluted in such a way where the most disadvantaged students are shortchanged. That is why I will support the amendment of the gentleman from Virginia (Mr. SCOTT) later today.

I also have some concerns regarding the accountability language in the bill. I think the Miller-Kildee amendment goes a long ways to ensuring that there is going to be some accountability measures that we can sink our teeth into and find out whether these newer, innovative, creative programs are, in fact, working. We in this body have a responsibility to the taxpayers as well that money will not just be thrown into programs without any type of feedback or accountability that it is working.

I think overall the concept of this legislation is commendable. I represent western Wisconsin, which has some larger cities in it and a lot of rural areas, and the educational needs in the district will vary from community to community. I think the concept behind this bill will allow that type of flexibility to take place where local solutions with parents and teachers and administrators and community leaders, working together in order to figure out programs that actually work at the local level, have that opportunity without them having to jump through a lot of hoops and a lot of bureaucratic waiver provisions out here in Washington before it can be implemented.

Now, in my State of Wisconsin we have a proud tradition of supporting public education. Just a few years ago we had the SAGE program to reduce class size that passed. That is a classic example of both flexibility and accountability working in the State of Wisconsin, and I would encourage my colleagues to support the legislation.

Education is consistently ranked by Americans as a top priority Congress should address. That is why, as a returning member of the Education and Workforce Committee, I am very encouraged by the attention education issues are now getting by elected officials here in Washington and everywhere around our Nation. And that is why I was very encouraged to see my good friend from Indiana, Mr. ROEMER, and my friend from Delaware, Mr. CASTLE, work together across the aisle to draft and introduce this bill.

Mr. Chairman, members of our committee looked hard at this bill and we had a very healthy and meaningful debate on it. I was impressed by the depth of conviction from which members spoke when offering and addressing amendments, and the committee came to agreement on most. At the end of the day, we approved a bill to give States and school districts flexibility in meeting Federal requirements for education programming, while requiring accountability to prove they are addressing the needs of their disadvantaged students.

Some of my colleagues express concern that the bill before us may weaken title I protections for our most disadvantaged children. In fact, at committee mark-up, I supported amendments that would have tightened the accountability and oversight requirements of the bill and would have limited waivers for what are known as school-wide programs to those schools serving the most disadvantaged populations. I still have some concern about the title I allocation formula and that's why I will support Mr. Scott's amendment requiring 35 percent of title I students to be eligible, even though I acknowledge and share these concerns, I support the underlying bill and urge my colleagues in the House to do the same. Ed-Flex will help schools use funds available from the Department of Education in ways that are best for their students.

Mr. Chairman, I represent a district that is very large geographically, and that is comprised of many small schools and truly community-based school districts. As I regularly talk with the parents, the teachers, and the administrators of my district, I have come to realize that if a problem exists or arises in one of their schools, the best solution to that problem will be found right there in that community, and in that school. This bill will give them quota flexibility to do so.

I firmly believe the U.S. Department of Education serves a vital function by ensuring that poor or otherwise disadvantaged students are not denied educational opportunities. But if a community pulls together to tackle a problem, and a school district taps that energy to develop reforms to address the problem, we here in Congress should give that community and that school district every opportunity to pursue their reforms and advance their goals. Ed-Flex will provide that opportunity, without sacrificing protection for our most vulnerable children.

Under this bill, before a State is given Ed-Flex authority to grant waivers to schools, the State must have an approved plan for standards and assessments that will be used to measure performance levels. In order to maintain its Ed-Flex authority, the State must monitor the progress of the schools for which it provides waivers and report that progress back to the Secretary of Education. Furthermore, the Education and Workforce Committee agreed to a very wise provision that will require an Ed-Flex State to terminate the waivers of schools which experience 2 years of decreased educational performance. In other words, if a State proves that it is willing and able to take responsibility and work with its schools to achieve better performance results, that State may hold the authority to grant waivers for reform measures its schools would otherwise have to obtain from the Department of Education. This arrangement keeps the Federal Government in a partnership and oversight role with States and schools, while innovations and solutions will be developed at home.

In my State of Wisconsin, we are proud of our tradition of supporting public education. We are also proud of our tradition of community involvement and innovative reform. A few years ago, Wisconsin started a program called Student Achievement Guarantee in Education, or S.A.G.E. The S.A.G.E. Program targets grades one through three and allows participating schools to reduce class size, develop rigorous academic curriculums, provide professional development for teachers, and stay open longer to play a larger role in the community. The S.A.G.E. Program has proven effective by raising performance levels in the most disadvantaged schools in Wisconsin.

If schools in Wisconsin wish to expand on the success of the S.A.G.E. Program or any other, but must obtain waivers to implement a concept, I want my State Department of Public Instruction to have the authority to assess the proposed reform and determine its merit. Under this bill such a scenario is possible, but only if my State agency proves that it has its programs in order and will be able to effectively monitor its schools.

That combination of flexibility and accountability are the key components to Ed-Flex. I believe the necessary elements are there, and I support this bill.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in support of the Education Flexibility Partnership Act of 1999. This would allow all 50 States to take advantage of statutory and regulatory flexibility for their educational programs in exchange for greater accountability. I am proud to be a cosponsor, and I have spoken with a number of educators and administrators in Montgomery County, Pennsylvania, and have learned of their support for this bill.

If allowed to participate in Ed-Flex, in the Abington School District in Montgomery County, they would have the option of using Title I money to hire more reading consultants for a "reading recovery" remedial education program. Rather than being forced to create a new program with redundant administrative overhead, the school district could use Title I money to add to an existing program. This would be more efficient and better for the kids.

In the Norristown Area School District in Montgomery County they could use Eisenhower Professional Development funds to complete more teacher training in reading and writing competence. Now they use those funds for mathematics skills, but they could now use it to flex into reading and writing support as well.

I rise in support of H.R. 800, the Education Flexibility Partnership Act of 1999.

Mr. Chairman, I want to thank my colleagues, the gentleman from Delaware and the gentleman from Indiana, for their leadership on this issue. It is due to their bipartisan commitment to improving our nation's educational system that we can take up this important issue today.

Mr. Chairman, H.R. 800 would allow all 50 states and U.S. territories to apply for statutory and regulatory flexibility for their education programs in exchange for increased accountability. This bill will provide the regulatory room to allow those who are closest to the problem—states and school districts—to exercise their educational judgement about the best use of scarce resources.

In the states which have already participated in Ed-Flex, this innovation has yielded promising results:

Oregon schools were able to pool resources to create a technical education consortium that graduated more students than the schools had individually;

Maryland schools cut in half the number of students-per-teacher in math and science classes, and provided additional instruction time for each student;

In Texas, school districts with waivers increased student scores on statewide aptitude tests by several percentage points in both reading and math. African-American students made even bigger gains.

I am aware that some of my colleagues are critical of H.R. 800 and would like more rigorous standards for state accountability. I also understand there is concern this legislation may provide too much leeway for spending of Title I program funds.

Both of these concerns are legitimate, and both of these concerns are addressed by amendments that will be offered here today. We should work through these issues and do all that we can to strengthen the educational opportunities we offer the nearly 1.8 million children in Pennsylvania public schools today, and the 56 million children in public schools nationwide. I welcome this discussion and look forward to hearing my colleagues' comments.

Mr. Chairman, I am glad we are starting off the 106th Congress with this bill because education is one of my top priorities this Congress, and is a top priority of many families in my District.

I am also glad we are addressing this issue in such a constructive manner. I urge my colleagues to take note of the bipartisan teamwork of Representatives CASTLE and ROEMER that brought this bill to the floor today. The Parties can work together; Congress can find common ground; and we can apply new and innovative solutions to solve problems which are of great concern to the public. I hope we set the direction and the tempo for this Congress with our actions here today.

Mr. Chairman, I urge support of the bill.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. ROEMER), the bipartisan group, and Members, including myself, that have brought this bill forward. I think it is an important first step, and I hope that those who come to the floor and say they are for Ed-Flex do not support the efforts to, in fact, repeal Ed-Flex through the amendment process.

We do not want to have a process where we say, oh, this is a great idea; we are going to, at least in this limited way, give people more flexibility, and then spend the rest of the day trying to figure out how not to give them flexibility. We need to talk straight to the American people.

This is a bipartisan bill. The President has already said he is going to sign it. There are people in both parties. We should be able to do something like this in a bipartisan way, in a limited way, to give people local flexibility without then trying to tie their hands and say, on the one hand, we believe in flexibility but, on the other hand, we do not really trust them.

So I think the important thing to watch this afternoon is who really believes in flexibility and who really trusts their local efforts and will trust their local administrators to do this, and who, in fact, starts to think that the Federal Government knows best.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, the bill before us today offers States the ability to waive certain regulatory and statutory requirements for educational programs. I certainly understand the constraints that many States are faced with when they accept Federal funds. However, many of these requirements are in place so that we can be sure that school districts are meeting the needs of students that these programs are supposed to target.

I am particularly concerned about what will happen to Title I when the Ed-Flex is expanded to all 50 States. It seems to me that some parts of Ed-Flex will take away the main purpose of Title I. When Title I was created, it was a mechanism to reach out to poor-performing, low-poverty schools. That is the reason funding formulas that target high-poverty schools were put in place in the first place. These formulas enabled us to reach out to those poor students and poor schools and give them the funding in those areas that they lack.

The gentleman from Virginia (Mr. SCOTT) and I will offer an amendment today, that I hope will get the support of the Congress, that will simply require schools that ask for a waiver for schoolwide programs to have a poverty level of at least 35 percent or higher. When the legislation went in initially, it was 75 percent. It was moved down to 50. Now we want to eliminate it, and I think that is going in the wrong direction. This gives States considerably more flexibility in issuing schoolwide program funds than they currently have now.

Schoolwide programs are under the regular Title I program, and they must have a student population of at least 50 percent, as I mentioned. So our amendment will allow more schools to be eligible for the schoolwide program while maintaining the emphasis on schools that have high or moderate levels of poverty.

Now, I know many Members today will argue that Title I has not effectively bridged the gap between low- and high-poverty schools, so they would like to take away the priority that these schools and students get in the funding formula. Some States with waivers have done just that and have been successful. But they can prove that only because they have desegregated information. The choice of these States will definitely be undermined.

I support the Miller-Kildee amendment and ask for Members to support the Scott-Payne amendment.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise today in strong support of this bipartisan effort to provide greater local flexibility in education programs. I hope passage of this legislation represents a symbolic reversal in the increasing tension between state and federal education administrators, both of whom would like to improve education standards, but sometimes struggle for greater control over resources.

I have been in both positions. As mayor of Alexandria, I experienced first-hand the sometimes cumbersome yet well-intentioned federal strings attached to funding. As a Representative to this body, I also see the importance of a national perspective on these issues. I applaud the drafters of this legislation for their attempt to create a framework under which local and federal education initiatives can work in concert instead of acrimony.

Education flexibility has already proven successful. In the 12 states in which it has been tested thousands of waivers have been used to enhance education programs and reduce paperwork for the local educational agencies. The best part of Ed-Flex is that the state or local education agency is immediately accountable for improved student performance in response to its administration of waivered programs. In other words, if the programs are not producing results by improving test scores or showing some other form of measurable gains, the state will lose its permission to participate in Ed-Flex.

Mr. Chairman, this is a win-win proposal to improve local education authority while cutting back on federal regulations that local educators feel are unduly cumbersome. It will encourage states and local education agencies to be creative in working to improve student performance with the understanding that without improvement they will lose this authority. Finally, Ed-Flex will help us back on the path of working together to provide the best public education for all children in the United States putting an end to the local-federal power struggle that has been too common in education policy. I urge my colleagues to support this important measure.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in support of H.R. 800, the Education Flexibility Partnership Demonstration Program, which is a pretty good mouthful.

This program is a great example of how States and localities, when given freedom to manage their own affairs, can achieve better results. So far, only 12 States have participated in the Ed-Flex program, and Texas is one of them. In exchange for increased accountability, these States have been granted flexibility in using the Federal education dollars to support locally-designed school improvement programs.

It has worked in Texas. We have seen a notable difference in the program. In fact, paperwork has been reduced and, most of all, the results have been positive. Test scores and graduation rates are on the way up, and class sizes are on the way down.

Even though I support and plan to vote for the bill, the Ed-Flex bill is not enough. We have other things we should do. One, we need to make sure we have smaller class sizes. We need to make sure our schools are wired for the new millennium.

There is a story that my wife tells, who is a high school algebra teacher, which says, "Do you know how long it took to get overhead projectors into the classrooms and out of the bowling alleys?" We do not need to wait again for the next generation of students until we have our schools wired.

We need to have access to the internet for these students. We need to focus on school modernization. All over our country we have problems with the infrastructure of our schools and we need to provide assistance for that.

□ 1345

Mr. Chairman, no amount of flexibility will improve our educational system without these provisions. Furthermore, we may need to make sure that the flexibility and accountability go hand in hand so no student is left behind. We need to make sure that this funding is not taken away from those most needy children that were the original reason we provided Federal funding for education in 1965.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. CLAY) has expired. The gentleman from Pennsylvania (Mr. GOODLING) has 4½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to make sure that everybody understands a few things that may have been misstated, not on the part intentionally but, for instance, we heard a rosy picture that the Department paints on what happened since 1994 when changes to Title I were made. Well, the tragedy with that rosy picture is the fact that there is actually no, I repeat, no linkage between 1994 changes to Title I and NAEP scores. None whatsoever. And we will not know whether there has been any improvement until the Department releases its study on the Longitudinal Evaluation of School Change and Performance. That is looking at 71 Title I schools in seven States: Kentucky, Maryland, Oregon, Kansas, Florida, Pennsylvania and Texas, to see how student achievement has increased, if at all, as a result of the Title I changes in 1994. So it is important to understand that rosy picture has nothing to do with reality.

Now, I want to make sure that everybody understands how the money goes down and then what it is supposed to be used for, because there seems to be confusion about that. The formula sends the money down to the State based on poverty; however, when it gets to the school building, the money is to be used for the educationally disadvantaged. Make sure you understand the difference.

Now, it is kind of interesting that the gentlewoman from Maryland, their Superintendent of Ed is all of a sudden saying that there should be different rules and regulations for everybody else, yet she would not have qualified for flexibility had we had a Miller-Kildee amendment when she applied. She would not have qualified. She does not have the five criteria, even now as she tries to get a reauthorization, she still does not have all five in place. So it is kind of disingenuous, I think, for her to say, for all the rest of you, we expect you to do something different than I had to do.

Let me also point out, a lot of people have been saying, well, two States have done well but the rest have not done it. Let me make sure that everybody understands, two States have done well because they have asked for a lot of waivers and they have been granted a lot of waivers. Two States have asked for a few waivers and they are doing fairly well and that is all they asked for. The other States, the other eight States have asked for very few waivers and the States have granted them very few waivers. Why? Because we promised them when we did Title I that their accountability business had to be in place, all five, in the school year 2000 and 2001. They know that they were not there so they did not ask for the State and the State did not grant them to them. So let us not go back now on what we promised in Goals 2000. Because we said we will allow you to go ahead as long as you and the Secretary here says you are doing a good job of getting your standards and your assessments on line. So do not go back on what we promised, or otherwise no one can participate in flexibility and none of the States presently participating would have been able to participate. It was based on the fact that if you showed tremendous movement toward taking care of the assessments and the standards and so on, we will give you those waivers.

Again, let me make sure my colleagues understand. Only two States have granted very many waivers. Only two other States have granted some waivers. And most of the other States have granted no waivers, because they are waiting to make sure that the Goals 2000 promise that we gave them, they will have things in place.

So let us not deal with all the other issues that we heard. It has nothing to do with flexibility legislation. We are talking about flexibility right now, so we can improve education programs for the most disadvantaged youngsters. We are not talking about any of the other mandates that the President has talked about. That is not part of this legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule for 5 hours and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing education reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide education reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under title II of the Elementary and Secondary Education Act of 1965, (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTENDANCE AREA.—The term "attendance area" has the meaning given the term "school attendance area" in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965.

(2) ED-FLEX PARTNERSHIP STATE.—The term "Ed-Flex Partnership State" means an eligible State designated by the Secretary under section 4(a)(1)(B).

(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) DESIGNATION.—The Secretary shall designate each eligible State participating in the program described in subparagraph (A) to be an Ed-Flex Partnership State.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4); and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an education flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of specific educational objectives the State intends to meet under such a plan;

(iv) a description of the process by which the State will measure the progress of local educational agencies in meeting specific goals described in subsection (a)(4)(A)(iii); and

(v) an assurance that, not less than 30 days prior to waiving any Federal statutory or regulatory requirement, or in accordance with State law, the State educational agency shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to grant such a waiver, a description of the Federal statutory or regulatory requirements that the State educational agency proposes to waive, any improved performance of students that is expected to result from the waiver, and the State official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive education reform, after considering—

(i) the comprehensiveness and quality of the education flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are specific and measurable; and

(II) measure the performance of local educational agencies or schools and specific groups of students affected by waivers;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, school, or group of students affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in meeting such goals; and

(v) provide an assurance that, not less than 30 days prior to submitting the application to the State educational agency for a waiver under this section, or in accordance with State law, the local educational agency or school shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to request the waiver, a description of the Federal statutory or regulatory requirements that will be waived, any improved performance of students that is expected to result from the waiver, and the name and address of the local educational agency official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's education flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (1)(A) will assist the local educational agency or school in meeting its educational goals.

(D) TERMINATION.—If a local educational agency or school that receives a waiver under this section experiences a statistically significant decrease in the level of performance in achieving the objectives described in paragraph (3)(A)(iii) or goals in paragraph (4)(A)(iii) for 2 consecutive years, the State educational agency shall, after notice and an opportunity for a hearing to explain such decrease, terminate the waiver authority granted to such local educational agency or school. If, after notice and an opportunity for a hearing, the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school, the waiver shall not be terminated.

(5) MONITORING.—

(A) IN GENERAL.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE DATA.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in paragraph (3)(A)(iii).

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) PERFORMANCE REVIEW.—Three years after a State is designated an Ed-Flex Partnership State, the Secretary shall—

(i) review the performance of any State educational agency in such State that grants waivers of Federal statutory or regulatory requirements described in paragraph (1)(A); and

(ii) terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for a hearing, that such agency has failed to make measurable progress in meeting the objectives outlined in paragraph (3)(A)(iii) to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 1999 through 2004.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) the selection of schools to participate in part A of title I of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant waivers to allow schools to participate in part A of title I of such Act if the percentage of children from low-income families in the attendance area of such school or who actually attend such school is within 5 percentage points of the lowest percentage of such children for any school in the local educational agency that meets the requirements of section 1113 of the Act;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this Act shall not apply to a State educational agency that has been granted waiver authority under the following provisions of law:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

(2) EXCEPTION.—If a State educational agency that has been granted waiver authority, pursuant to paragraph (1)(A) or (B), applies to the Secretary to extend such authority, the provisions of this Act, except subsection (e)(1), shall apply to such agency.

(3) EFFECTIVE DATE FOR EXISTING ED-FLEX PROGRAMS.—This Act shall apply to a State educational agency described in paragraph (2) beginning on the date that such an extension is granted.

(e) ACCOUNTABILITY.—

(1) EVALUATION FOR ED-FLEX PARTNERSHIP STATES.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if such agency—

(A) makes measurable progress toward achieving the objectives described in the application submitted pursuant to subsection (a)(3)(A)(iii); and

(B) demonstrates that local educational agencies or schools affected by such waiver or authority have made measurable progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(iii).

(2) EVALUATION FOR EXISTING ED-FLEX PROGRAMS.—In deciding whether to extend a request for a State educational agency described in subsection (d)(2) to issue waivers under this section, the Secretary shall review the progress of the agency in achieving the objectives set forth in the application submitted pursuant to subsection (a)(2)(B)(iii) of the Goals 2000: Educate America Act.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

(g) EFFECTIVE DATE.—This Act shall be effective during the period beginning on the date of the enactment of this Act and ending on the date of the enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Elementary and Secondary Education Act of 1965 in its entirety.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Each amendment may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Chairman, I do not know if the rule provides for it or maybe we can find out from the Chair, is there going to be an order for the amendments or is it just going to be based upon recognition? Is the whole bill open for amendment?

The CHAIRMAN. Under the rule, the entire bill is open for amendment.

Mr. GEORGE MILLER of California. So it is just based upon recognition by the Chair?

The CHAIRMAN. Yes. And the Chair will alternate between the sides.

Mr. GEORGE MILLER of California. I thank the Chair.

AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. EHLERS:

In section 4(a)(4)(C)(i) (of H.R. 800, as reported), strike "and" after the semicolon.

In section 4(a)(4)(C)(ii) (of H.R. 800, as reported), strike the period and insert "; and".

After section 4(a)(4)(C)(ii) (of H.R. 800, as reported), insert the following:

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met.

Mr. EHLERS. Mr. Chairman, I am extremely concerned about improving math-science education in the United States and I am very pleased that we have one good program which has done that for a number of years; that is the Eisenhower program. In fact, I would like to see that program strengthened and expanded. In regard to that program's inclusion in this bill, my concern from the beginning was to make sure that we still achieve our objectives in improving math and science education as we provide the increased flexibility included in this bill. At the same time, I am extremely reluctant to alter the basic intent of the bill, which is to provide maximum flexibility to state and local education agencies.

As the committee considered this matter, I offered two amendments which were adopted. One of those amendments was in the findings, and provided that:

> Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under Title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program) . . .

In addition to that, we also put in a restriction in the bill, another amendment of mine, requiring that the Secretary of Education do as follows:

> The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection, (a)(1)(A)— . . . unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

I believe that those amendments which were adopted in committee are excellent amendments which emphasize the importance of the Eisenhower program, emphasize the importance of continuing high quality math and science education, and improvement of math and science education, and yet maintain the flexibility which the bill is intended to provide.

It has been brought to my attention since then that we could strengthen it even more by offering the amendment that we have before us at the moment. That amendment would, in addition, provide that the State educational agency which provides waivers for the local school districts would have the following responsibility, that "the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met."

In addition to that, we have also included language in the committee report which states very clearly the intent of the committee and, therefore, the intent of the Congress, is to continue to insist that the intent of the Eisenhower program be met as we go through this process of providing flexibility in granting waivers. In other words, I think we have the best of both worlds. We will continue to try and improve math and science education and at the same time provide the needed flexibility that we need in that area and other areas so that local schools and State departments of education can provide additional flexibility and make them into more workable programs.

This amendment will strengthen what I have done before. I urge that the body adopt this amendment. I do want to say that I will continue in these efforts in the future. Once the bill is passed, I intend to send a letter, perhaps over the signatures of other Members of Congress as well, to the Secretary of Education indicating precisely why these amendments were offered, stating that we intend to watch the results of this very closely, and encouraging the Secretary to follow the strict intent of what we offered here. I think it is also important in the future as we consider Elementary and Secondary Education Act reauthorization that we completely review the Eisenhower program. I believe we can strengthen it, I believe we should expand it, and I believe by doing that in conjunction with what we are doing here today, we can actually come up with a much better system of offering mathematics and science education within these United States.

AMENDMENT OFFERED BY MR. HOLT TO AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. HOLT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLT to amendment No. 6 offered by Mr. EHLERS:

In the matter proposed to be inserted by Mr. Ehlers' amendment to section 4(a)(4)(C)(ii) of the bill, strike the period and insert the following: ", including, with respect to the statutory requirements of section 2206 of the Elementary and Secondary Education Act of 1965, such application includes a description of how the professional development needs of its teachers, in the areas of mathematics and science, will be, or are being, met.".

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GOODLING. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. GOODLING. Mr. Chairman, we have not seen the amendment.

Mr. HOLT. Mr. Chairman, we have a copy going to the gentleman now.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, the amendment that I am offering today is a simple one and one that I think will add accountability for science and math teacher training that the gentleman from Michigan (Mr. EHLERS) is trying to put in the bill. I applaud his effort. As I try to look at this from the point of view of a local school seeking flexibility to accomplish their aims, I think my amendment will offer improvement. As we discuss ways to give schools the flexibility they need, we should not lose the successful priority given to math and science teacher training under the Eisenhower Professional Development Act. As my colleagues well know, the Eisenhower act is the only readily available Federal program that helps teachers become trained and remain trained in math and science. Previous Congresses have ensured, both through law and through allocation of money, that math and science should be given a priority in teacher training. Congress placed a priority on math and science training in allocation of these funds because math and science are two areas where teachers have traditionally needed the most help. The statistics bear that out.

The study released just last week by the Chief State School Officers points out that in my own State, New Jersey, only 69 percent of secondary school math teachers have a degree in their main teaching assignment. In other States, the percentage is even lower. And when teachers are not up to speed on academic areas, particularly math and science, students do not achieve all they can. The Third International Math and Science Study results showed that U.S. 12th graders lag behind the international average in science and math.

The amendment I am offering is a simple one. It says that when local education agencies, local schools, are applying for a waiver of the math and science priority under the Eisenhower act, they need to explain in their application how the professional development needs of their teachers in math and science will be, or already are being, met. The amendment preserves the importance of math and science professional development while still allowing schools to waive the math-science priority if they need help in other areas. I believe this is a simple change in keeping with the goals of the bill and maintains a needed focus on math and science education. The amendment of the gentleman from Michigan says that the underlying purpose of the statute should be met. My improving amendment only asks each school to state how they will meet that underlying purpose. It protects flexibility. It does not tell the schools how to meet that purpose. It does not tell the schools how to provide the training. It only asks them in their application to state that they are thinking about it and have thought about it. My amendment is supported by nonpartisan education advocates like the National Association of Science Teachers and by Dr. Bruce Alberts, the President of the National Academy of Sciences.

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The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) insist on his point of order?

Mr. GOODLING. Mr. Chairman, I withdraw my point of order.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to respond to the gentleman from New Jersey (Mr. HOLT), who is proposing to amend my amendment. I rise to oppose the amendment to the amendment, although with some reluctance because I am certainly in agreement with the objective of the gentleman from New Jersey in offering this amendment. However, his amendment violates precisely what I tried to avoid in the wording of my amendments both in committee and here. I wanted to avoid adding to the complexity of the application process and avoid creating additional paperwork for those submitting the applications, and I am afraid that his amendment to my amendment ruins that by requiring that every application which involves anything having to do with section 226 of the Elementary and Secondary Education Act of 1965 includes a description of how professional development needs of its teachers in the area of mathematics and science will be or are being met. As I say, I am in agreement with the intent of that, but once again that destroys some of the flexibility that this bill is trying to achieve, and that destroys trying to simplify the application process and make it operate as smoothly as possible.

I would have to add, too, that in the States that have had the ed flex capability for a few years, they by and large to the best of my knowledge have maintained their math and science programs; their scores in math and science have improved even as they have integrated other programs with math and science such as reading programs, and I do not perceive that as a tremendous problem. Even without the restrictive language that was placed in this bill, the States are eager to improve math and science education and are proceeding to do so. The language I got in the bill is a safeguard to ensure that they are required to continue their effort, subject to the approval of the secretary of education and now to the state department of education dealing with that.

Mr. Chairman, I do not believe that the amendment to my amendment adds a great deal, but it does increase the complexity of the application process and reduces the flexibility, so I urge that we not approve that amendment to the amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend and colleague from New Jersey (Mr. HOLT). I agree with my friend, the gentleman from Michigan (Mr. EHLERS), that there is a shared intent here to protect and foster math and science education. I believe respectfully, however, that Mr. HOLT's approach is the right way and better way to do that. Mr. HOLT acknowledges, as I believe we all do, that the only major Federal initiative for math and science education teaching is the Eisenhower program. Its requirements have never been more needed than they are today, and those requirements should be waived only under extraordinary circumstances. I have sat in my district office and listened to dozens of employers talk about their grave need for students who are properly trained in math and science. If there ever was a time when we needed to reassert that national need, it is now.

Mr. Chairman, I believe that the author of the underlying amendment, the gentleman from Michigan (Mr. EHLERS) understands that probably better than anyone in this body and certainly better than I do. I would just respectfully say this on behalf of the Holt amendment:

The Holt amendment does not say that we cannot do things with Eisenhower money that are different than what have been done under the regular statutory formula. The Holt amendment says that before we do, we have to explain very clearly what other steps the local education authority is taking to assure high quality math and science education.

Now the second point about the Holt amendment that I think is the critical one is who gets to evaluate whether or not the local education agency is doing what needs to be done for math and science education. The underlying amendment by the gentleman from Michigan (Mr. EHLERS) would leave that judgment to the state educational policymakers, and in the case of New Jersey, to the New Jersey Department of Education. I have great respect and admiration for people in those state departments, but frankly they are the ones who are applying for the waiver in the first place, and if we are asking the people who are applying for the waiver whether they are doing enough to support math and science education, I would be shocked if their answer were ever anything but "Of course we are."

There needs to be an independent review, in this case a review by the Federal Secretary of Education, to make an independent determination that the local education agency is doing what it ought to be doing for science and math education. So I believe we have agreement.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New Jersey, the author of the amendment.

Mr. HOLT. What I want to make clear, Mr. Chairman, is that from the point of view of the local school, the local school, the people who are preparing the application for the waiver, are not aware of the legislative intent. They just know that they are preparing an application to the state to be excused from some requirements so that they can have the flexibility to achieve their ends, and we want to make sure that they demonstrate that they have thought about how they will achieve the math and science training for their teachers.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, I would just conclude by saying that I feel like a lay person among professionals, that the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) are professional teachers of math and science. I know they share the same goal. I would just respectfully say that I think Mr. HOLT's means of achieving that goal is the preferred one, and I would urge colleagues on both sides to support his amendment.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I would just say to the gentleman from Michigan (Mr. EHLERS) I believe that my good friend's amendment, Mr. HOLT, if I am not mistaken, does give control of how the funds are used completely to the States and local schools. It does not pull the Eisenhower program out of Ed-Flex, it does not prevent local schools from using Eisenhower funds for teacher training and other subjects, and it does not add burdensome paperwork requirements to the waiver process.

I have great respect for the gentleman from Michigan (Mr. EHLERS) but even if it did cause a little extra paperwork to ensure that our math and science teachers are trained to ensure that our kids are being trained for the global marketplace that awaits, and I would hope that my friends on the other side would be sensitive to the children in this debate and not to perhaps the ideology that all of us are espousing here.

Mr. FOSELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise respectfully to oppose the Holt amendment of the gentleman from New Jersey and in support of the Ehlers amendment of the gentleman from Michigan. Before I speak, let me just compliment the gentlemen who put this legislation together: the gentleman from Delaware (Mr. CASTLE), and the gentleman from Indiana (Mr. ROEMER) and, of course, the gentleman from Pennsylvania (Mr. GOODLING) our good chairman of the committee.

I think fundamentally what we want to do, accomplish, is to ensure that, yes, education is a national issue. However, we agree that it should be a local responsibility as much as it can be, and if I go into a school on Staten Island or in Brooklyn, and I ask the parents of the students who would they rather have making the decisions for their children, the teachers and the administrators in this school district or someone in Washington that they will never ever see, someone who never ever will come to Staten Island or Brooklyn, and I think that is the same across the country, and without hesitation those parents, and the teachers, and the principals, and the assistant principals said:

Let us make those decisions; we see these children every day. We know what is best for them as opposed to someone in Washington. We know where our student strengths and weaknesses are, whether it is in math and science or reading. Let us have the flexibility to make the changes that will only serve to improve our performance and, as a result, the students' performance.

Right now that flexibility does not exist. Right now these administrators or teachers have straightjackets around them. We spend an awful lot of money on our children's educations, and by all means we should, but is it not appropriate to have that decisionmaking made at the local level than here in Washington? I just do not get that argument.

Some folks say, well, let us start, see what we can do here in Washington, and whatever is left we will send to the classroom. See, I do not take that approach, and I think I am with most Americans and most parents. Let us see what we can do with the school, let us see what we can do in the classroom, and then whatever is left over, let us see how we can waste it on too much bureaucracy.

Mr. Chairman, I will just give my colleagues an example of how New York State would benefit from the underlying legislation. New York, for example, could use the Ed-Flex waiver to strengthen teacher development in reading. For instance, New York currently gets funds for teacher development through the Eisenhower Professional Development Program. Most of these funds go toward development in math and science. New York could request a waiver so that in areas with strong math and science programs some funds could alternatively be used for reading development.

Now does that not that make sense? What am I missing here?

Ultimately I think where we should be going is to offer parents the freedom and the opportunity to use any school for their children, but this, I think, is at least a reasonable complies to unbridle the straitjacket that too many teachers and administrators share in Staten Island, or Indiana, or Ohio, or Delaware, or Pennsylvania, and let them make decisions. One size does not fit all, and if a superintendent of a local school district thinks that he can better address the needs of those students, better enhance academic standards, let reading scores increase, math scores, science scores by reducing class size, then by all means we should allow him the flexibility to do so. If a teacher thinks that she is in a better position to perhaps rearrange her curriculum to address the needs of the child that she sees every single day of the school year, then should we not give her as much flexibility as possible? How can it be argued that somebody here in Washington knows what child in PS 41 in Staten Island is thinking on a daily basis? I cannot say what is best for that child. I think the teacher and the principal is in a better position, let alone what is happening in California or reforms in Texas.

I compliment really what the gentleman from Indiana (Mr. ROEMER) and the gentleman from Delaware (Mr. CASTLE) are doing here. We are moving in the right direction. We are spending taxpayer money on our child's education, as we should be, but getting the control out of Washington and back home where it belongs, providing the people we trust with our kids every single day, the flexibility, the desire, the opportunity to do what they think is best. I think, if anybody in this Chamber goes into a school in their district, goes before a PTA and asks the parents in that room, or cafeteria, or wherever it is what they think is best, I think they will support my position as well.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am standing to support the amendment of the gentleman from New Jersey (Mr. HOLT) to the amendment because it is consistent with Ed-Flex. Often schools waivers from Federal regulation and returning in return for increased accountability. We cannot have waivers if we do not have accountability because then we have an open ended shoot that we could end up undoing and redoing our entire Eisenhower program.

We must protect the emphasis on math and science education, and we have to ask schools to explain how they will meet their training needs for their math and science teachers. That is all there is to it. We do not want math and science teachers that are not prepared to teach the subject they are teaching. We must give control on how these funds are used to the States and the local schools absolutely, but in return they must be accountable for the fund they receive from the Federal Government.

The amendment offered by the gentleman from New Jersey (Mr. HOLT) does not pull the Eisenhower program out of Ed-Flex, does not prevent local schools from using Eisenhower funding for teacher training and other subjects, does not add burdensome paperwork requirements to the waiver process. What it does is adds accountability for the waiver from Federal regulation.

□ 1415

Nearly every school in this Nation relies on Eisenhower programs for their training and for math and science, and we need to be expanding it to technology.

The Eisenhower Act is the only universally available Federal program that helps teachers become better trained in math and science, and if you support math and science and technical education for the children of this country, if you support the Eisenhower Professional Development Program, you will support the Holt amendment to the amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to talk about the Holt amendment to the Ehlers amendment, and I have to say that I have sympathy with his intent but I will have to oppose his secondary amendment because I am not sure that it achieves anything different from what the gentleman from Michigan (Mr. EHLERS) has proposed, but it does impose a greater paperwork burden on those who are applying for waivers.

The whole point here is to relieve local education authorities from some of the burdensome paperwork that the Federal Government imposes. If we look at most State departments of education, they will say that only 7 cents on the dollar comes from the Federal Government but that 50 percent of their employees spend their time dealing with Federal paperwork.

It is not so much different in local school districts. We should not be levying greater paperwork requirements, which is exactly what the Holt secondary amendment does. It says very specifically, such application includes a description of how the professional development needs of its teachers in the areas of math and science will be or are being met. It requires them to put that in their application process, an application process that should be as streamlined as possible.

I think the gentleman from Michigan (Mr. EHLERS) has been creative in giving us the best of both worlds. He focuses on making sure that the intent of the Federal law is upheld and the State must review all of those applications, but it does not require longer paperwork by the local schools.

I rise today because I like this underlying bill, I like Ed-Flex and the whole concept of it, and I say that being a representative of one of the 12 States that currently has the program in place as a pilot project.

We are not a State, New Mexico, that has taken advantage of it in terms of having large numbers of waivers under Ed-Flex. We have tended to be conservative, with a small C, and that is good, but the things that we have taken advantage of, I think, are important and also the way that we have gone about taking advantage of them.

Let me give you a couple of examples. The first is a little school district in New Mexico that found its enrollment declining but it had a great research based program that it wanted to put in place. It cost $60,000 to do, but because of lower than expected enrollment and a Federal allocation formula, they were only going to be authorized $50,000. It was one of those things if you do not have the $60,000, you cannot do the program.

They asked for a waiver and worked with the State, and the State adjusted the allocation formula so that the school district could get $60,000 rather than $50,000. It is a small example, but it mattered a lot to that school district as an example of what local flexibility can do.

Perhaps more importantly is a waiver that is now pending on our State school superintendent's desk that has to do with the requirement under Title I that all schools who have 75 percent or more students in poverty must get title I funds.

In New Mexico, we have a statewide waiver pending that will allow schools to focus those monies at the elementary level, and I think there is a lot of sense in that kind of proposal.

We want to reach these kids early and intensively. Rather than the requirement to spend money at the high school level and the middle school level, let us focus on where it matters for the long-term with our Title I funds, in those early grades and early years. That is the kind of flexibility that Ed-Flex can give all 50 States, so that other States, in addition to New Mexico, can benefit from this kind of local control.

I want to commend those on both sides of the aisle who have brought this to the floor of the House today, and I think it is a very creative, very innovative approach to improving education. We have much more to do, but I believe that this is a very good first step.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Holt amendment to the Ehlers amendment. I must say that I am somewhat surprised that this amendment would not be accepted by the majority to the legislation, because, one, I think it is quite consistent with the legislation. It is also quite consistent with the priority that this Congress has spoken to with respect to math and science, education and professional development.

If you read the underlying statute in the Eisenhower program, the first monies appropriated go to math and science because we have obviously recognized and continue to recognize that this Nation has a problem with respect to math and science education and also to the development of qualified teachers to teach math and science.

If I remember right, when Governor Ridge was before our committee testifying on this legislation, and many of the changes he has made in the State of Pennsylvania, many leading the Nation with respect to teacher development, he suggested that with respect to math and science, if I remember his testimony correctly, that he essentially felt that Pennsylvania has basically done a very good job in preparing math and science teachers and now he would like to move on to other areas of professional development within that area.

There is nothing in this amendment that would prevent the governor from so doing. When he prepares the plan or the superintendent of schools, public instruction, prepares a plan for submission, they would simply recite how they are doing with respect to this, how they have met it or are meeting the professional development. If he feels he has accomplished this for the time being and he wants to use the resources otherwise, he is fully free to do that under the Holt amendment.

I think that is the important thing about the Holt amendment; it merges with the intent of this legislation. It does not contradict that.

Let us understand something else about this. Some day we will have a hearing about professional development, and I suspect if we go into schools and talk to schoolteachers and others we will find out there are a lot of interesting courses being given that are federally funded about professional development that have very little to do with the real development of teachers. They are there because somebody needs so many units or so many hours of whatever.

We find some people taking language courses before they are going off for the summer on a trip, and all other kinds of problems.

We ought to make sure that the resources for math and science professional development, to make these teachers qualified, to help them become qualified, that it is not a casualty of flexibility. I think that is the goal of the gentleman from Michigan (Mr. EHLERS). I think it is clearly a goal that is properly reinforced. It is a simple recitation. This is not a long, drawn out process. It simply, once again, takes the responsible public officials, puts them on the public record with respect to how they are doing and what we can expect from that State organization, from those local organizations, over the next 5 years of this legislation.

This is a program that is authorized at some $500 million. We have decided this is important; this is what is necessary. I would hope the majority could accept this amendment because I think it is important that we keep this priority and that math and science education does not become a casualty of flexibility.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Holt amendment. I think what we are trying to say is that we do need accountability with this flexibility. As we look at what is going on now in our schools, in 1991, the secondary schools in this country, students were less likely to have a qualified teacher in math than in any core subject. Twenty-seven percent of the students had a teacher without at least a minor in math, and for science 32 percent of the students in the seventh grade had a teacher without at least a minor in science.

Large variations in teacher skills exist among especially low poverty versus high poverty schools. Seventeen percent of the secondary students in low poverty schools were taught by math teachers without at least a minor in math, versus 26 percent in the high poverty schools.

For physics, 57 percent of the students in low poverty schools, versus 71 percent in the high poverty schools, have poorly trained teachers.

What we are asking for is for every student to be included. For chemistry, 23 percent of the students in low poverty schools, versus 37 percent in high poverty schools, have poorly trained teachers.

We must ensure that all of our students have an opportunity for a quality education, especially in the area that I represent. We must have people that can fill these jobs. We are one of the locations that had to lift the caps to bring people from other countries to take the jobs we have available.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, I want to respond to what the gentlewoman says because she makes a very important point. Again, going back to accountability, going back to public accountability, most parents would be shocked at the qualifications of the people who are teaching their children science and math. As just was found here, in good school districts there is a less than one in four chance that that math and science teacher is properly qualified to teach that subject. In poor schools within those districts, the odds get much worse.

Most parents believe that the teacher that is standing in front of their child is, in fact, qualified. Unfortunately, especially in this field, that is simply not the case. That is why I think it is important that when we provide for this waiver, that the person responsible for preparing the waiver is prepared to publicly state how it is they are doing and what they are doing to meet the requirements for teacher professionalism in math and science, because the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) makes a very important point, and it would be shocking to most parents but it is simply a dirty little secret about the qualifications of people teaching math and science in the United States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members have probably observed the Chair has been rather strict in its observation of time requirements. The reason for that is the large number of amendments to be considered and the limited amount of time and the Chair's desire to consider as many amendments as possible. So the Members are admonished that the Chair expects to enforce the time limits.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the last 2½ years, we have had the opportunity in the Subcommittee on Oversight and Investigations to travel around the country having 17 hearings in 17 different states, trying to understand what is going on in education at the local and at the State level.

It is because of that background that I rise in support of the amendment of the gentleman from Michigan (Mr. EHLERS) that he is bringing forward. We have heard from the local level, from parents, from administrators, from government officials, that what they need is they need more flexibility to better serve their students.

We also took a look at how Washington today is establishing priorities. We have 760 programs spread over 39 different agencies. What do we have in math and science? Is that a priority that we have clearly established?

We have 63 different math and science programs, that is according to GAO, math and science programs. They are not all within the Department of Education. The National Science Foundation has multiple programs. NASA has three programs. EPA has three programs. The Department of Energy has three programs.

☐ 1430

I think we have come far enough in mandating to school boards and mandating to officials at the local level what they need to do in their classrooms.

What this program does is it begins to step back and say that real accountability and real responsibility needs to be focused at the local level.

We have a chart here that talks about what Washington says America's schools need, and over the last number of years, that is exactly what we have been doing here in Washington. We say, we have identified this need, we are going to have a program, and we are going to mandate that you do these types of things, whether it is teachers, and we hear a lot of talk about 100,000 teachers; whether it is math and science programs. Whatever the issue, in the last number of years, the response has been, Washington will develop a program, we will give you the answer, you will implement what we tell you to do, and then you will report back to us and tell us exactly what you have done.

Mr. Chairman, what we lose in that whole dialogue is we lose the focus of the child and the education that they are getting.

POINT OF ORDER

Mr. CLAY. Mr. Chairman, I would hope that the gentleman would confine his remarks to the amendment at hand and not be going all over the place. He is not speaking to the amendment.

The CHAIRMAN. The Chair would remind all Members that discussion should be confined to the pending amendment.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the Chairman.

When we are talking about this amendment, we are talking about whether philosophically we believe that Washington ought to be mandating to the local school level what needs to go on in the classroom and how those dollars are spent, or whether there will be a degree of flexibility at the local level to meet the needs of the children.

POINT OF ORDER

Mr. HOLT. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLT. Mr. Chairman, I would like to make a point of order that there are no mandates in my bill.

The CHAIRMAN. Does the gentleman have a point of order?

Mr. HOLT. Yes, Mr. Chairman; that the gentleman is not addressing the amendment.

The CHAIRMAN. The Chair will remind all Members, once again, to confine themselves to the amendment before the committee.

The gentleman may proceed.

Mr. HOEKSTRA. I thank the Chairman.

If this amendment and the other amendments do not deal about flexibility, do not deal about the degree of latitude that a local school district has, I am not sure what the debate is about. But what we have done in Washington is said, you will do these types of things and you will not have the flexibility to do the other types of things. We have 63 math and science programs today. We can, in this one instance, perhaps allow the local level a little bit more flexibility in how they are going to spend their dollars to meet the needs of their children.

We have 63 math and science programs. Those go along with a whole range of other programs designed to meet the needs of the children. Let us move flexibility back into the local level, rather than sticking with mandates.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. Mr. Chairman, I believe that the gentleman has already interrupted me 2 times, and due to that lack of courtesy, no, I do not think that I will yield.

I would like to continue, Mr. Chairman.

The CHAIRMAN. The gentleman controls the time.

Mr. HOEKSTRA. Mr. Chairman, what we have found is that as we go to the local school districts, we find that they have lots of needs. Some have needs for professional development in the area of science and training; some have needs for special education dollars; some need computers.

What we need to do is we need to follow the Ehlers amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Holt amendment. I would like to say first of all that our committee has been really enriched by the membership of the gentleman from New Jersey (Mr. HOLT) on the committee.

The amendment which he offers is extremely simple. It asks school districts to describe what professional development opportunities they are providing for math and science teachers if they waive the math and science priority under the Eisenhower program. This is certainly not a burdensome amendment, and this amendment does not restrict any flexibility provided in the bill.

As Members know, the results of U.S. children in the third International Math and Science Study were dismal when compared to children in other countries around the world. Pulling back on our commitment to improving the professional development qualifications of our math and science teachers at a time when our children are being out-performed by so many internationally seems to be misguided. I would urge all Members to support the Holt amendment.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman from Michigan.

I just want to reiterate what the gentleman from Michigan (Mr. EHLERS) has called for, which is no restriction on the schools' flexibility in accomplishing their ends, and my amendment to his does not add to that, either.

I frankly am surprised that the gentleman from Michigan (Mr. EHLERS), and the others have not accepted my amendment. It seems to be very much in the spirit of his, just trying to look at this matter from the point of view of a local school and how that local school will recognize the intent of the Eisenhower funds, the intent of the legislation.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment of the gentleman from Michigan. Mr. Chairman, Mark Twain observed that the greatness of our Nation comes from the soundness of our schools.

Today more than ever we need to rededicate ourselves to improving the lives of our children, and that is by enhancing the quality of their education. One way to do this, I believe, is Ed-Flex. This program allows States and local school districts to spend their share of Federal education dollars in the way that serves their needs.

Texas is one of the 12 States with waivers today, so let me give an example of how this works in my hometown of Fort Worth, Texas. A few years ago the Briscoe Elementary School was the home of students who were not living up to their potential and teachers who were not meeting expectations. Thanks to Ed-Flex, this school was able to take Title I money and spend it in specific ways to specifically address their problems. A new principal was brought in, new teachers, set new standards for the children. The results: Well, test scores are up significantly. What was once considered a poor performance school by the State is now well on its way to becoming one of the best.

I personally visited Briscoe Elementary and principal Dr. Jennifer Brooks, and I know that flexibility gives this excellent principal and her teachers the tools they need.

Mr. Chairman, let us pass Ed-Flex legislation so that the schools all across America have the chance to do what the schools in my district in Texas are doing, and that is fixing their problems, finding solutions and fighting academic indifference. What a great investment in our future. Children may only represent 20 percent of America today, but they represent 100 percent of our future.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I were the author of the amendment and the amendment to the amendment, I think I would be deliriously happy that so many people are recognizing the importance of math and science education and doing so much to try and perfect the processes by which we are improving it through the Eisenhower Program in this particular case. I am delighted at this situation, and I have been involved in this effort for quite a few years.

As we got into this, I recalled that I was a member of the 89th Congress and the 88th, which originated this basic legislation and we have kept trying to improve it ever since. It still has not reached perfection. I doubt if we will reach perfection. Education is too complex a subject, too many variables, and we are unlikely to reach some magic solution.

I took this time in part to point out that there are other approaches to improving science and math education in addition to the very important one of improving the professional training and capability of the math and science teachers. This is vital, but it is not the whole key to success. We can have some very dumb teachers doing a lousy job who have all the professional requirements to teach math and science in the very best possible way.

I am acquainted with 2 programs which are both privately funded doing an excellent job. One is the Challenger Program, which arose out of the Challenger space accident, which had a science teacher on board, and this Challenger Program is a tribute to science teaching, and it gives middle school students a hands-on opportunity to actually practice the techniques of science in a simulated space-controlled setting. It works well. We have seen these programs in operation, and they motivate the students.

Now, in addition to motivated teachers and good teachers, we do need motivated, excited children. They learn best this way.

We have another program called the Jason Program developed by Dr. Robert Ballard, the discoverer or the scientist who explored a lot of under-sea situations, and I participated out in California earlier this week in his current exciting science experiment. He has an experiment going on down in the rain forests of Brazil in which students participate and the activity down there is beamed to dozens of schools all over the United States. In my own district, where we have a so-called downlink site, there will be literally thousands of students participating and learning and improving their knowledge of science and technology. This again is privately funded to a very large extent.

Mr. Chairman, I am suggesting to my colleagues that we are wasting a lot of time here on 2 amendments which in my opinion are not antithetical to each other. They probably, in an ideal world, should have been combined to begin with so that we can get whatever benefits come from merging 2 good ideas. I fail to see, and I hate to differ with my good friend, the gentleman from Michigan (Mr. EHLERS), how the amendment of the gentleman from New Jersey (Mr. HOLT) puts this much of a burden on school districts, and it is certainly not for putting a Federal mandate on it. They are invited to tell the Federal Government what it is they are doing that makes it unnecessary for them to continue doing what the Eisenhower Program says that they must do. I am sure that ingenious local districts can make an adequate explanation to the Federal Government of why they can have a better program than the Federal Government has laid on them through the Eisenhower provisions.

Now, this is not to belittle the Eisenhower Program in the slightest, because it is necessary that we have this kind of enactment into law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member of the Committee on Science for his remarks and his astuteness on the need to support the Holt amendment, which is really a perfecting amendment. As the gentleman has noted, they should be combined.

Frankly, I think that with the crises, I call them the crises that we have in math and science development, professional development of our teachers, as evidenced by the statistics that show the performance of our students, this is the way to go. Which is, it provides flexibility, but it also ensures accountability. So that none of our schools can borrow from Peter to pay Paul, meaning leaving out math and science national development to the chagrin of our parents, and not realizing that we must make sure these teachers can teach math and science so that our children can be prepared for the next millennium.

Mr. BROWN of California. Mr. Chairman, I thank the gentlewoman for her contribution.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with due respect to the gentleman from California (Mr. BROWN), and I do agree with much of what he just said, this debate, and I will try to confine my remarks to this amendment, but I think we cannot talk about these amendments without talking about the underlying bill.

In some respects I am reminded of the story that during the dark ages, there was a debate that raged through Europe in terms of how many teeth a mule had. Finally, one bright young man said, well, why don't we count them?

I would suggest that as we debate these amendments and ultimately the underlying bill, we ought to talk to the administrators, the school people in our districts, and find out what they think. Why do we not ask them? So we did exactly that in my office. I would like to read for my colleagues some quotes from some faxes and e-mails that we have gotten in my office from school administrators in my district.

The first one is a school administrator in a very small school in my district; in fact, it is one of those schools where they still play 9-man football. Let me read what he says. He says, "Federal mandates cost money, and the money is never offset by increased aids. While we appreciate the Federal funding we do receive, it is never and will never even begin to cover the costs incurred by the federally mandated programs we have been forced to set up. Besides, rarely is national education policy aimed at any school district smaller than Chicago, and never is there any policy aimed at helping rural schools."

□ 1445

Let me read another quote more directly to the issue we are debating now about the Eisenhower program. This is a superintendent from a slightly smaller school, but still a small school.

He said,

> We receive Eisenhower funds and block grant funds. We find the regulations on the Eisenhower funds to be somewhat rerestrictive, as they can only be spent for math and/or science teacher training. The guidelines are so narrow that each year dollars go unspent when there are needs that relate to science and math but do not meet the guidelines.
>
> However, if there is a seminar 150 miles away, which may be of questionable value, we can spend the money traveling to that site, spend it for meals and lodging, and then sit and listen to a dry and (of dubious value) lecture.
>
> New methods of teaching teachers are not encouraged with the present guidelines. If we could buy software and some hardware with that money, we could have teachers teach themselves here in Gopherville, rather than by an expert in Minneapolis.

Mr. Chairman, I suggest that is what this debate is about, who knows best. Let me just close by quoting our new Governor, because a lot of people ask, what does Jesse, the Governor, have to say about some of these issues?

We had lunch with the Governor about 1½ weeks ago. He was very simple and direct. He said, listen, we do not need new fiscal Federal programs. We do not need you to subsidize 100,000 new teachers. We do not need you to help us build new schools in Minnesota. What we need for you to do is fund the programs that you have already set up. If you guys would simply fund the special education program the way you promised to maybe years ago, we could take care of the rest.

Mr. Chairman, this is a relatively simple debate. It really comes down to who knows best. I think we ought to listen to the people who are actually out there teaching our children, working in the schools as school administrators, and if we do, we will come to the clear conclusion that it is time to say that Washington does not know best.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly support the motion offered by my colleague, the gentleman from Michigan. That motion is intended to simply clarify, as I understand it. The secondary motion, as I view it, adds additional bureaucracy and mandates that we are trying to narrow.

Ed-Flex is about restoring local control over education, and in Michigan we have had Ed-Flex since 1994 with what I think are impressive results. Ed-Flex empowers local school districts to make school-specific improvements, bypass cumbersome Federal regulation, and expand accountability at the same time.

Four years ago, if anybody had been asked, what is the more difficult problem, correcting the welfare system in this country or fixing education so that we maximize the potential of every student, I think most people would say, well, probably reforming welfare is a little tougher.

Well, look, we have done that. We have said that we can reform welfare by taking some of these decisions out of Washington and giving more flexibility to States and local governments. Again, that is what we are trying to say with helping to fix education. Let us get the solution a little closer to the problem, so that there is a greater likelihood that the solutions meet and match those problems.

The State of Michigan's success as a participant in the Ed-Flex program speaks directly to why this bill and the Ehlers amendment should pass without amendment. Ed-Flex has allowed Michigan to lower the poverty threshold at which schools are eligible to plan and implement Title I school-wide programs. Lowering the threshold has resulted in 500 additional schools qualifying for school-wide programs.

In Michigan, schools with large concentrations of low-income students are now implementing programs which improve the entire school, rather than implementing several programs that are designed to concentrate only on small groups of students. These are the types of changes that we need to encourage if we are to improve our education system.

Educational flexibility is what my local schools in the southern part of Michigan are asking for. Those schools that have already accomplished smaller classroom size do not want to be gypped, if you will, with proposals that say they can only have this Federal money if they are using it for smaller classroom size and more teachers.

My schools that have already hooked up the Internet to their classrooms do not want to be short-changed out of Federal funds if they have already taken that kind of initiative to hook up their classrooms to the Internet.

Let us allow greater flexibility, and give those local communities, those local teachers and school boards and those States more flexibility in deciding how they are going to be able to implement programs to assure that in the future every student can learn to their maximum potential.

As chairman of the Science Subcommittee on Basic Research, I know it is very important that we dramatically improve math and science education. Ed-Flex can help us achieve those goals. Ed-Flex allows States to avoid many burdensome requirements and focus on improving student performance. It allows States to make better use of Federal education improvement programs to address local needs. Expanding Ed-Flex will also assist Congress in identifying specific changes that should be highlighted when the Elementary and Secondary Education Act is reauthorized. Ed-Flex has succeeded in Michigan and we should make it available to the rest of the Nation.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, there are two major problems with this amendment to the amendment. First, we are starting to pick away at the whole idea of flexibility, little by little by little. But this whole debate is a debate about somehow or other the local district is not going to be responsible.

Who do we think has to answer when the NAEP tests in math are not very good, the math tests are not very good? Not the Members, not me, the local school board, the local teachers, the local administrators. They are the people who have to answer to the neighbors.

Let me give one example. The most affluent school district in my district has a gentleman who attends every board meeting. There is a reason. I imagine his father left him a very nice estate. I imagine that the taxes are just tremendous on that estate.

What was the last thing he asked for? He called me and he said, I need you to get me a copy of the TIMMS test. I said, why do you need a copy of the TIMMS test? He said, I am not satisfied with what we might be doing locally. I want to know how we are doing on the national, the international level. The superintendent said, if you get the test, I will give it.

The TIMMS test is available, and many States take advantage of that to determine how their students are doing in math and science. Well, maybe the superintendent did not know that I could get him that test, but I got him that test. Now the superintendent is bound, because of public pressure, to give that test.

So we have to get off of this idea that somehow or other the local level will not do what they have to do. The bill has important programs, such as the important focus on improving math and science performance under Title II of the Elementary and Secondary Education Act of 1965, the Dwight D. Eisenhower Development Program. So we just now want to nip away at the whole idea of flexibility, and secondly, just tell the local government, you really do not have any interest in your students.

It is a terrible, broad statement to say how little math teachers or science teachers know. Again, it depends very much on the school district. Yes, there are areas where I am sure they can get away with not having people who are really qualified to teach. In my State, if you do that you lose your State subsidy.

So again, let us not pick away little by little at the whole idea of flexibility on something that is working.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS), who authored the original amendment.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Just a few closing observations. The ranking member of the Committee on Science, the gentleman from California (Mr. BROWN) commented that we should be deliriously happy to hear this much discussion about math and science on the Floor of the House. I have never been delirious, but I have to say I am extremely happy and share his joy at hearing this debate. I am very pleased at all this interest.

Another comment regarding his statement. He is absolutely right, we need much more than just the Eisenhower Program. Developing good math and science programs is far more than just professional development. We need better curricula, better training of teachers in their higher educational institutions, we need better certification methods, et cetera. I am willing to engage in that battle and continue to work on that effort.

The final point is, as I said at the start, I agree with the intent of the secondary amendment offered by the gentleman from New Jersey (Mr. HOLT). My concern is the increased paperwork and the lack of flexibility which would arise from his amendment. I feel strongly about that simply because I have worked in local government. I have had local superintendents tell me about their problems.

In fact, a number of them said that when a new Federal program comes out they evaluate how much it is going to cost them to write the application. If it is more than a certain amount, they just forget about it. It is not worth the money they receive from us.

The intent of this bill overall is to try to increase flexibility, reduce the amount of paperwork needed, and therefore we have to honor that intent. Therefore, I oppose the Holt amendment.

Mr. GOODLING. Mr. Chairman, let me close by saying, if a student cannot read at a fourth grade level, I guarantee that he or she is going to have a difficult time doing math and science. Yet, we find that fourth grade scores were flat from 1992 to 1998 in reading. We find that 38 percent scored below basic in fourth-grade reading. That is the same as it was in 1992. We know that 58 percent who have received free and reduced price lunches cannot read at fourth grade level.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) has been recognized on the amendment to the amendment. Does the gentleman wish to address the underlying amendment for 5 minutes?

POINT OF ORDER

Mr. GOODLING. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GOODLING. Mr. Chairman, I believe the gentleman must get someone else to get him the time.

The CHAIRMAN. The gentleman from New Jersey could be recognized to speak on the underlying amendment.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. The Chair is about to put the question to a vote.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words, and I am happy to yield to the gentleman from New Jersey (Mr. HOLT) to address the underlying amendment which he has not been recognized to address.

Mr. HOLT. Mr. Chairman, I thank the gentleman from Indiana for yielding to me.

Mr. Chairman, I just want to point out that I think the points with regard to the amendment and the amendment to the amendment have been made thoroughly, and a local school, in satisfying what I call for in this amendment to the amendment, in other words, an explanation of how the training of teachers in science and education will be met, would take less time than we have spent already debating this this afternoon.

Mr. Chairman, I include the following letter for the RECORD:

NATIONAL SCIENCE
TEACHERS ASSOCIATION,
Arlington, VA, March 9, 1999.

DEAR MEMBER OF CONGRESS: On behalf of science teachers nationwide, the National Science Teachers Association (NSTA) urges you to support an amendment to be offered by Representative RUSH HOLT (D-NJ) during debate on H.R. 800, the Education Flexibility Partnership Act.

One of the programs which can be waived under Ed-Flex is Part B of title II, the Eisenhower Professional Development state grants. Many science and math teachers rely on the Eisenhower grants to pursue training; in fact for many teachers, it is their only source of funds for professional development opportunities.

The NSTA is greatly concerned that the ability to waive Eisenhower grants under Ed Flex undermines the federal focus on science and math education. Rep. HOLT's amendment does not attempt to rescind the Local Education Agency's ability to waive the Eisenhower program. We believe it introduces more accountability to the bill, by requiring that LEAs which are applying for a waiver of the science/math priority under the Eisenhower Act (Part B of Title II) must first document how the professional development needs of science and math teachers in their district or school will be, or already are being, met.

As a physicist, Representative HOLT understands the critical need to keep our science teachers abreast of cutting-edge science content. Eisenhower funds do this; they also help our teachers to teach to state standards, to develop hands-on teaching techniques, and to foster a love of science in young children.

Eisenhower Professional Development state grants will be greatly weakened under H.R. 800 as reported out of the Education and Workforce Committee. We ask that you support science and math education by supporting Rep. HOLTS amendment.

Sincerely,

GERALD WHEELER,
Executive Director.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here wanting to speak on this amendment. While the other side would like to impugn the motives of many of us, which I do not appreciate, the fact is that this is the start of a process this afternoon that I believe undergirds the whole problem with the amendment process with this bill. That is that the purpose of this is an Ed-Flex bill. The purpose of this is to give flexibility to the local level.

I remember one time when I was in court for a traffic ticket, I was talking to one man at the beginning, and he said to me, would you help me fill out my form? He could not write his name, nor could he write his address out. All he could do was put the x. I helped with that.

I personally believe that one of the fundamental problems we have in this country is writing. If somebody cannot write, they are not going to be able to do the math and science. I remember in working, I was doing economic development with a number of people who were getting laid off from a company who had not done the basic reading. If people cannot read, they cannot do math and science.

I do not know anybody in my district, any schoolchildren, any principal, any superintendent, who does not believe that math and science is not one of the critical, if not the most critical, depending upon the school, problems facing that school.

In fact, in northeast Indiana or anywhere in the country, if we are going to compete not only within our country but within our State or internationally, we are going to have to improve the math and science programs.

The question is, if the Member from New Jersey or anyone else feels that his district has a problem in math and science, then perhaps the amendment should be oriented towards micromanaging his district, rather than my district.

Part of the whole underlying purpose of this bill is to say that we do not know what is best for each individual school, for each individual State, and how to do this.

□ 1500

I have a concern about the underlying amendment of the gentleman from Michigan (Mr. EHLERS). I do not really see the purpose of his amendment let alone the second-degree amendment to his. This is hardly a pure Ed-Flex bill. The fact is, in clause after clause, we force them to submit all sorts of plans to the Federal Government.

The Department of Education has to clear it. They are accountable for the performance of the students who are affected by such waivers. That is what the Department of Education has to do. Then the State has to show in print that they are accountable for the performance of the students who are affected by such waivers. Then the local education agency has to show that they have accounted for the students who are affected by such waivers.

For crying out loud, we are micromanaging them to death. Then the second we get a bill that the President is going to sign, that all the governors back, we have amendment after amendment printed in the RECORD today to try to micromanage them.

Math and science is wonderful. The people in Indiana can figure out how to do math and science without this Congress telling them, oh, in addition to giving them waivers, we are going to have this report and this report and this report because we do not trust them. We think we can figure out that math and science is important, but back in the local school, they who spend all the time teaching cannot figure out that math and science is one of the most important things.

Maybe in some schools they have a literacy problem or computer problem or this type of thing in addition to math and science, because I think the people in education of this country know fully well the importance of math and science and do not need the United States Congress to micromanage their budgets.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Holt Amendment to H.R. 800, which requires that school systems that waive out of federal regulations demonstrate a commitment to science and math education for their students.

This bill simply states that "if applying for a waiver . . . the local education agency's application for [the waiver] must include a description of how the professional development needs of its teachers in the areas of mathematics and science will be, or are, being met." This is not a regulation that will stymie the change brought about by this bill. Rather, it merely means that those school systems who choose to escape the rigidity of applicable federal regulations must show, up-front, their willingness to address certain issues that are important to all of America.

This amendment specifically addresses the vacuum created by the waiver of the requirements of the Eisenhower Education program, which assists school districts in training their math and science teachers. This program is heavily relied upon around the country, and mirrors similar programs in other subject areas. Already, our country lags behind others in teaching basic science and math to our students, and we cannot allow this condition to deteriorate further.

As a Member of the Science Committee, I believe that if we are to stay a global leader, we must continue to progress in the areas of science and technology. Already, the growth in the technology industry is outpacing other market segments—and we cannot afford to lose our momentum by neglecting math and science in our schools.

I hope that you will all support this amendment, so that our children can continue our global dominance on issues of engineering, science, and technology.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank Chairman GOODLING and my colleagues Mr. CASTLE and Mr. ROEMER for their leadership on this important issue.

Mr. Chairman, by and large the education system in my home State of Wisconsin is excellent. In fact, our State ranks as one of the best in the Nation. Wisconsin Governor Tommy Thompson and our State legislature have done a wonderful job of working with parents, teachers and school board members. Students are learning in Wisconsin. But more can be done; we can grant our teachers the opportunity and the freedom to use innovative approaches to raise student achievement.

Expanding the Ed-Flex program is a great step for Wisconsin in its efforts to develop an education system focused upon high standards for all students, flexibility, and strong accountability for results.

Mr. Chairman, as I've talked with parents, school board members, teachers and superintendents back in my district, I've asked them what can Congress do to make their jobs easier. Time and time again they've told me, "Cut the red tape. Give us the freedom to do what we know works best."

For example, I received a letter last month from a constituent of mine, John Bechler. John is a Kenosha Unified School District board member, and he wanted to share with me his concerns regarding the impact Federal education programs have had upon his local school district. In his letter, John asked me, "Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?"

The answer is no, they never asked. I am concerned that even today members from other States are attempting to dictate education policy for my district's public schools. Mr. Chairman, we can't have bureaucrats in Washington blindly deciding that programs that may work in Los Angeles or Detroit must also work in my district. This is simply not true. John, and his fellow school board members all across the country, should be asked, "what works?" We should let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded his letter to me by saying, "I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education."

I couldn't agree more. Mr. Chairman, this is what educators all throughout my district are saying. They're saying enough of the cookie-cutter, public relations driven education policies. Enough Federal mandates. We're here every day and we know what works best for our schools. Sound bites and press conferences do not and should not educate our children.

Mr. Chairman, the Federal Government has failed in its attempts to design a one-size-fits-all education system for our Nations' schools. I hope that the students back in Janesville, Beloit, Kenosha and Racine are paying attention to this debate today, because this legislation will greatly affect their education.

I'd ask my colleagues to support H.R. 800, and allow local decision-makers, not Washington, to determine what's best for our students.

Mrs. CAPPS. Mr. Chairman, I rise in support of this legislation.

In Santa Barbara and San Luis Obispo counties issues such as overcrowded classrooms, quality instruction, and the need for technology in the classrooms have been raised again and again as I meet with constituents and local education leaders.

Under the existing Ed-Flex program, the Department of Education gives twelve states the ability to grant local school districts waivers from certain federal requirements, if the state believes that the waiver would foster local school reform efforts. This legislation would extend that demonstration program to all fifty states.

I am a strong supporter of local control for our schools. School superintendents, teachers and parents really know what is best for the children in their communities.

And there are some excellent examples of how states currently employing Ed-Flex rules are engaging in creative educational programs. Oregon, for example, has allowed community colleges and high schools to work together in a consortium to improve their professional technical education program, rather than run separate high school community college programs. This has resulted in an increase in the number of students completing those programs and graduating from high school.

The state of Kansas has used the waiver to provide all-day kindergarten, a pre-school program for four year old children and new reading strategies for all children.

These are truly innovative education initiatives and we should encourage such innovation.

I also believe that the key to successful Ed-Flex programs is to require that states have in place a viable plan for assessing student achievement and establishing concrete numerical goals. If we have no standards and goals with which to measure achievement, we will never really know if we are helping our children or failing them by relaxing long-time federal regulations.

Certain challenges in our education system cry out for national solutions.

For example, I see a clear need for a federal role in class size reduction. Last year the President signed into law the first installment of his seven year program to hire 100,000 well prepared teachers to reduce class sizes. My own district just received over $1.5 million dollars of this funding. This is a great start. But our priority must be to continue to address the important issue of class-size reduction in this Congress.

Additionally, after I came to Congress a year ago, I immediately undertook a comprehensive survey on the state of Central Coast schools. I held meetings with local school officials in Santa Barbara, San Luis Obispo and Santa Maria to explain the survey and distributed them to every school district on the Central Coast. The results clearly indicated that overcrowded classrooms, overuse of portable classrooms, aging buildings and a lack of access to technology for students are serious problems in our communities.

In response to these survey results I cosponsored several school construction bills. This Congress must act now to address the critical issue of modernizing our schools.

I have also introduced my own legislation, the Teacher Training Technology Act.

My bill establishes a competitive grant program to award grants directly to local school districts that set up or have a plan to establish programs to train teachers in class-room related computer skills which can be effectively integrated into the curriculum. By the year 2005, more than a million new computer scientists and engineers, systems analysts, and computer programmers will be required in the U.S. We must ensure that our children are fully prepared to compete in our future economy and that our teachers are prepared teach them.

In closing, I would like to again state my support for this Ed-Flex legislation and the need for high standards and accountability. I am committed to bringing Federal resources to bear to ensure that schools across the country are best prepared to educate our children.

Mr. JONES of North Carolina. Mr. Chairman, I rise today to speak on a matter of the utmost importance to our nation's future: the quality and performance of our nation's public schools.

In the past 34 years, our nation has spent a staggering $181 billion dollars on our education system. What do we have to show for it? Our students are consistently outperformed in mathematics and sciences by their peers in 18 other countries and nearly half fall below basic reading levels. Sadly, my own home state of North Carolina ranks in the bottom third of American education system. In the context of a world classroom, our children are at the back of the class.

Our country is accustomed to having the best: the best military, the best technology, the best athletes, and the best universities. Why then, are we satisfied with such low public school standards and performance?

It is our duty, as a Congress, to change this pattern.

I firmly believe H.R. 800, the Education Flexibility Partnership Act of 1999, is a solid step toward this goal. Currently, twelve states qualify to participate in the Ed-Flex program, which allows states the ability to grant local school districts temporary waivers from certain federal education statues, regulations, and related state requirements (that have proven ineffective)? H.R. 800 expands this program and permits every state to participate. Expanding this program will enable states and local school districts to pursue education reforms while holding them accountable for academic achievement. Local school systems must explain to the state how they will improve education in their area, and they must follow through—if not, a state can lose its Ed-Flex eligibility.

All fifty governors support H.R. 800, as does the Council of Chief State School Officers, the National School Boards Association, the American Association of School Administrators, and a host of other education groups.

I ask my colleagues to join me today in supporting our children and our future. Support H.R. 800.

Mr. HILLEARY. Mr. Chairman, I am proud to say that I am a fervent supporter of the Ed-Flex program and H.R. 800. This bill, of which I am a cosponsor, has been put together thanks to the hard work and dedication of MIKE CASTLE. What Mr. CASTLE did that was so effective was to listen to all sides in this debate.

From the Governors and state administrators he listened and was able to deliver the flexibility that they so desire. Under Ed-Flex, the successes already shown in Maryland and Texas can now expand to other areas, such as my state of Tennessee. The added flexibility will mean the same thing it has meant in other states. Higher standards, higher scores, higher literacy rates, and a higher quality of life for our school-aged children.

Mr. CASTLE also listened to the administration and delivered the accountability that they requested. He went to them with an original copy of H.R. 800, and in response they said "let's have tougher accountability standards like Texas does." So what does Mr. CASTLE do? He rewrites the section modeling the accountability structure after Texas. I, for one, am very disappointed in the reaction of many after this rewrite. They wanted to go further and impose harsh criteria on the states that would have eliminated this program.

The accountability standards in this bill are tough and require actual measurable standards that the state must meet. If they fail to make these standards for consecutive years, they are barred from using the Ed-Flex waiver. This removal is the ultimate accountability. It is impossible to be more forceful than the complete expulsion from this waiver.

This Ex-Flex waiver hits at the very heart of what I have always believed. Our children deserve the best education and the highest priority in receiving the funds necessary for their education, and I believe that programs closed to the people generally work better. The State of Tennessee—not the federal government—will often be better at restructuring programs that do not work well into a format that does.

Let's also not forget that while we representatives go home nearly every weekend to spend time in our districts, state senators, state representatives, and local school administration officials live in our states full time. People who are concerned about education can see these officials in church, in the grocery store check out line and at little league games. We should allow these hard working people to do the job that our constituents have given them.

All of us want a better education for our kids; however, we must do what works and not hold onto past models that have been, in some cases, ineffective. Take the handcuffs off and allow our children to go forward.

Mr. VENTO. Mr. Chairman, I rise today in support of initiatives that provide flexibility and accountability in the administration of federal education programs. However, as we consider legislation such as the Education Flexibility Partnership Act of 1999, we must proceed cautiously, looking beyond the symbolism to the substance. It is vital to ensure that we don't throw the baby out with the bath water. Current restrictions and guidance on the use of instructional resources, as well as the requirements to target students and schools with the greatest incidence of poverty, are intended to focus limited federal resources on those with the greatest need, compensatory in policy and direction. It is critical that such students' needs are not forgotten and left behind.

In giving schools the flexibility and freedom to direct funds to the areas they see fit, we must ensure that the children who most need federal dollars continue to receive the programs and services they need. A fact that should not be ignored is that most of the waivers granted thus far under ED-FLEX have been for Title I school wide program eligibility requirements, or to postpone deadlines for adoption and implementation of curriculum standards. This disturbing trend must be addressed—and before expanding H.R. 800 to all fifty states, we ought to be certain as to the operation and impact in the pilot states.

It is imperative that we ensure that schools have specific goals and objectives for the use of these dollars; accountability is key. Many ED-FLEX states have done little to assess whether waivers have led to higher student achievement. To be effective, there must be a viable, consistent plan in place which will accurately assess student achievement. It would be devastating to the well being of our students to extend waivers to states which have no means in place to evaluate the outcome of their programs. I support the efforts of my Democratic colleagues to expand the scope of this legislation to ensure that accountability provisions are strengthened. It's not surprising that states want more flexibility and more funding—but Congress must insist that accountability and the mission be embraced within such programs.

This year we ought to be debating the very important goal to reduce class size, rather than changing the topic and sweeping under the rug the positive need for more teachers to help in our public education system. It is time for the full authorization of the Class Size Reduction initiative. Our schools have been given a down payment to begin hiring new teachers which will lower average class sizes. It is time for Congress to demonstrate that we are committed to this seven-year Presidential initiative, as implied in the 1999 budget appropriation agreement, so that school districts can count on having the financial resources they need to carry out this plan.

I support providing local schools some flexibility with federal funding so that they can best serve the needs of their students and foster local reform. It sounds good, but not at the cost of cutting resources from special needs populations of low income, disabled, or immigrant children. Flexibility must be done only with proper measures of accountability in place. We must ensure that federal elementary and secondary education funding will continue to be targeted to the students who need it most. And yes, with as little red tape and regulation as possible to achieve and ensure that the focus of federal law is fulfilled.

Mr. POMEROY. Mr. Chairman, I rise in support of H.R. 800, the Education, Flexibility Partnership Act of 1999, also known as the "Ed-Flex" bill. This legislation would allow states to waive federal requirements for certain education programs and tailor federal dollars to local needs.

Mr. Chairman, the Ed-Flex authority currently operating in twelve states allows them to waive sometimes cumbersome federal regulations and has created a climate of real innovation in education. Simply put, the Ed-Flex programs allows states to decide what is best for local schools. A recent GAO report has confirmed that Ed-Flex empowers states to use flexibility to achieve real results. The state of Texas, for example, has used Ed-Flex authority to improve student performance using clearly defined numerical goals. Maryland has used Ed-Flex to reduce student-teacher ratios for students with special needs in math and science from 25 to 1 to 12 to 1. The experience of Texas and Maryland conveys a powerful message: when schools take advantage of flexibility using clear standards and objectives, students benefit. My own state of North Dakota is home to some of the finest schools in the nation, and Ed-Flex will help those schools achieve even more.

The Ed-Flex bill also contains critical safeguards that will prevent the dilution of federal program objectives. First, certain targeted education programs such as IDEA and the Bilingual Education Program are not affected by Ed-Flex. Furthermore, health, safety, and civil rights requirements cannot be waived with Ed-Flex authority. These provisions will grant flexibility while preserving the mission of federal aid to classrooms—to provide equal access to a quality education for all children.

Mr. Chairman, the Ed-Flex program grants states the freedom to use innovative strategies to improve our public schools. I believe that this program should be expanded to include all fifty states, and I urge my colleagues to vote in favor of H.R. 800.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the legislation before us today.

LOCAL CONTROL

Decisions about our children's education should be made by teachers, not politicians. Ed-Flex gives decision-making authority and flexibility to the states in order to allow their schools and school districts to implement programs enabling them to reach their educational goals.

PREVIOUS EXPERIENCE AS A TEACHER

As a former teacher and school board member in my home community, I have always been active in the local school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about the needs of our children are made by the local community.

LOCAL CONTROL

Let the schools and school districts be the master of their own destiny. Lets hold the schools and states to the educational priorities that they have committed themselves.

ACCOUNTABILITY

This legislation allows for States, school districts and schools to make their own decisions about how they will meet their educational goals. In its application for Ed-Flex authority a state must describe specific and measurable educational objectives. A school applying for a waiver must justify how the waiver will enable it to meet its educational goals.

FLEXIBILITY

This bill would allow schools and school districts to determine which waivers would give them the flexibility to meet their specifically defined goals.

Ed-Flex gives greater authority to states to determine their particular educational goals and coordinate local efforts to meet those goals.

The Ed-Flex application process requires States to describe their comprehensive educational goals while enabling schools and school districts to implement those goals through the waiver process.

It will be the local school that decides whether to use the waiver to reduce administrative paperwork, decrease the pupil-teacher ratio, or improve student achievement in the areas of math and science.

ACCOUNTABILITY

The accountability provisions of this legislation will not allow the schools to abandon their commitment made to the students, teachers, and parents.

First, under the monitoring provisions, states and local educational agencies must report their progress toward meeting their goals.

Second, regulations relating to parental involvement cannot be waived.

Third, by providing public notice and comment for applied waivers, Ed-Flex recognizes the importance of community input on a school's use of waivers.

These provisions emphasize that parental and community support are essential elements to a successful student.

BIPARTISAN SUPPORT

Ed-Flex has bipartisan support from the National Governor's Association, the U.S. Chamber of Commerce, and numerous other groups.

NEW JERSEY SUPPORT

My home state of New Jersey also supports the flexibility that Ed-Flex provides. In fact, New Jersey is a state that has enacted state legislation which allows for the waiver of state regulations.

New Jersey has used its flexibility by waiving nearly 300 state educational regulations.

Lets take flexibility to the next level by giving states authority to waive federal regulations.

CONCLUSION

This legislation gives authority over decisions concerning our children's education to principals, teachers, parents, and local communities—where it belongs!

I believe that Ed-Flex will prove to be a valuable tool enabling states and localities to create an end product in which all communities can be proud of—a student who possesses the necessary skills to achieve success in the academic world.

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of H.R. 800, the Education Flexibility Act. As a former educator and current co-chair of the House Education Caucus, I have always made education one of my top priorities.

A great opportunity is before us today. An opportunity we must seize on behalf of all teachers, students and parents. The bill before us today is a positive step in education reform. It is my firm belief that this bill will give every state in the country the opportunities they need and deserve to reach their fullest potential. Ed-Flex will give states and school districts the flexibility and freedom to do things differently. It will allow states and schools to meet the needs of its students.

Education reform should work from the bottom-up rather than enforcing top-down mandates. The federal government should support such local initiatives. Ed-Flex allows and encourages our local school districts to implement programs that meet their specific needs. This is especially important in low-income schools and districts which need all the help we can give them to enable their students to reach their fullest potential.

All too often, federal education programs intend to do good, but fail to meet the unique needs of each state, district, and school. In fact, federal regulations often become hurdles to real school reform rather than aides. What we should all realize is that federal education programs achieve the best results when local authorities are given the flexibility to adapt them to meet their specific needs.

The 12 states which currently use Ed-Flex have achieved remarkable results. Maryland has used Ed-Flex to reduce student-teacher ratios for students with the greatest need in math and science from 25 to 1 to 12 to 1. With Ed-Flex, Kansas has better coordinated its Title 1 and special education services. Vermont reports that its greatest gain with Ed-Flex has been the ability to cut through government red tape to obtain waivers faster. And in Texas, through the use of Ed-Flex waiver authority under Title 1, test scores of underprivileged students have increased faster than the state average. This is clear proof that Ed-Flex has achieved significant positive results. And with this bill, I would like to add the state of Tennessee to this list of successes.

I urge my colleagues on both sides of the aisle to support H.R. 800. Our schools in all 50 states deserve the opportunity that schools in 12 states have enjoyed. These 12 states have proven that Ed-Flex works. Now let's expand it to every state in the country.

Ms. KILPATRICK. Mr. Chairman, I rise today in staunch opposition to H.R. 800, the "Education Flexibility Partnership Act of 1999." As a former teacher, forever parent of two children who graduated from the State of Michigan's public schools, and current grandmother of four beautiful boys, I am personally and professionally invested toward excellent public schools for all Americans. Like most of my colleagues, I support flexibility in the administration of Federal education programs. I do not support flexibility in the administration of these programs, if this flexibility results in inadequate accountability of taxpayer's dollars or an erosion of our fiscal commitment to our Nation's poorest students and school districts. H.R. 800, in its current form, provides inadequate accountability to ensure that there is accurate, valid and reliable reporting. It would also allow States to abandon the mission of title I of the Elementary and Secondary Education Act (ESEA), which is to serve our poorest schools and children first. This waste of taxpayer dollars and the abandonment of our poorest children is something that I, and most thinking Americans, should not tolerate.

I oppose this bill for the following reasons: While H.R. 800 is being touted as a bipartisan education initiative, this bill lacks protections for how Title I funds are allocated within school districts. When the Elementary and Secondary Education Act (ESEA) was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. Regrettably, this is still true. That is why title I was created, to help improve the gap between low and high income students. As evidenced by a recent assessment of the title I program, that gap still exists and students in high poverty schools continue to be in need of targeted assistance. This bill removes that targeted aid.

This bill does not target funding for the poorest school districts or the poorest students. School wide programs under ESEA allow the use of title I funds to be used for services to schools with a 50% or higher poverty rate. In the past, these programs in ESEA have been used to institute reform initiatives and reduce the pupil to teacher ratio at high poverty schools. Under H.R. 800, Ed-Flex states are given the authority to allow all schools to participate in school wide programs under Title I regardless of their low-income child percentages. Giving school districts the authority to use title I funds for school wide programs at any school regardless of the number children who are low-income dilutes the purpose of the title I.

This legislation does not monitor how its funds are being used to improve education. As a Member of the House Appropriations Committee, I am directed to ensure and guard over the purse of the American people. If we, as elected officials, are going to make a financial investment of $50 billion or more in Federal education funds over the next several years for the programs included in this bill, it should not be too much to ask two simple requirements. One is that there is a viable plan in place to serve the students who are the intended beneficiaries of the programs. The second would be that States and school districts show progress in meeting their goals. This bill provides neither.

The citizens of our Nation want and deserve a decent education for all of our children. We need 100,000 more qualified instructors in our schools. We need to repair, refurbish, or build our aging elementary schools. We need to provide before and after-school programs to help our students toward the next millennium. I urge the defeat of H.R. 800 in its current form.

Mr. CAMP. Mr. Chairman, I rise in support of the bipartisan education legislation we have before us today.

Education is an issue of vital importance to our Nation. While our children are succeeding, we need to continue to strengthen our public schools and ensure that every student receives a quality education. A good first step is to expand the Ed-Flex program to all 50 States.

The State of Michigan was lucky enough to be included in the Ed-Flex Pilot Program. This designation has allowed local school officials to stop spending money on Federal programs that don't work, and instead to spend the money on programs that do.

One example is right in my district. The Montcalm Intermediate School District requested, and received, an Ed-Flex waiver.

This waiver allowed them to spend Federal dollars to train their teachers in social studies and language arts. Without this waiver, they would only receive money if they focused on math and science. The district decided the children would be better served by focusing their efforts on social studies and language arts.

I think that is what our Federal education efforts should be about. Giving local districts the flexibility to use Federal money to best educate the children, instead of forcing the children to meet strict Federal guidelines and rules.

I urge my colleagues to vote for this important legislation so that the children in their district will have the same opportunities.

Mr. DINGELL. Mr. Chairman, I rise today to discuss an issue of great importance to our Nation: education. Education has long been the key to a society's success or failure. America must always be proud of its strong tradition of public education, and we in Congress must act to ensure that our public schools have the necessary tools to provide a world-class education to all our children, regardless of race, gender, religion, or economic status.

Mr. Chairman, over the last year I have heard my colleagues on both sides of the aisle talk of the numerous problems faced by our schools. I share their concern over the soaring student enrollment and the shortage of qualifed teachers. I also am deeply troubled about the acute school construction needs, with far too many schools lacking enough classrooms, let alone adequate roofing, heating, and plumbing. Our students also must have greater access to higher education and be taught the latest technology if they are going to compete in the global economy.

With our public schools—where 90% of our Nation's children are enrolled—facing these stiff but not insurmountable challenges, politicians have rushed to reform education. While reform certainly is needed, we must be careful not to hastily pass legislation that offers "reform", but does not provide the necessary accountability or guarantee positive results. Some bold education reform measures offering vague objectives, spotty accountability, and unclear goals may prove successful. But what we gamble with in implementing them is our Nation's future.

Today, Mr. Chairman, we debate Ed-Flex. In an ideal world, the plan proposed by the gentleman from Indiana and the gentleman from Delaware would allow states and local schools to tailor valuable Federal programs to meet their particular needs. The flexibility afforded by this bill will allow education-friendly governors to work with educators to meet the challenges to today and tomorrow, and in doing so improve our schools.

Unfortunately, we do not live in an ideal world. Many governors, by their actions and rhetoric, are not friends of our public schools. They have used teachers and schools alike as punching bags to further their own political agenda. Worse than this, however, they have implemented education policies that abandon our public schools by subsidizing private schools with public tax dollars. I have very serious reservations about giving these governors more flexibility to further their agenda, and with less accountability. Given this climate are we guaranteed that flexibility will usher in positive results?

In Michigan, a state with Ed-Flex currently in place, positive results have not been proven.

None the less, I will reluctantly support the Ed-Flex bill before us today. I will also support the many strong, thoughtful, and meaningful amendments that my Democratic colleagues will introduce to guarantee a significant level of accountability.

Contrary to what my Republican colleagues say, Ed-Flex—even if successful—will not solve the many problems in education that I have enumerated. These problems demand answers far and beyond granting waivers to rules in existing Federal education programs. I am hopeful that we can all work throughout the 106th Congress to solve the very serious problems in education, and protect our Nation's future.

Mr. HOBSON. Mr. Chairman, I rise in support of the Ed-Flex proposal before us today and want to thank my colleagues Mr. CASTLE, Mr. ROEMER, and Chairman GOODLING for their work on this proposal and their continuing efforts to empower our local school districts.

My mother was a school teacher, so I've always placed a high priority on our public schools. When I meet with my constituents, there is widespread support for proposals that give our teachers the tools and flexibility to better prepare our students for the challenges of the 21st Century.

Ed-Flex is an example of the type of positive solutions that Congress, the state Governors, and our local communities can work on together. This measure has the bipartism support of our nation's governors, main-street businesses, and education groups. Under this program, states can apply for waivers to burdensome Federal regulations. In exchange, the states then must remove requirements that interfere with our school's main purpose of improving academic achievement.

My home state of Ohio is one of the 12 states that participated in the initial demonstration program on which the current proposal is based. During the 105th Congress, I worked closely on this program with Ohio's former governor GEORGE VOINOVICH, who was recently elected to the U.S. Senate. I remain a strong proponent of the program, which has allowed individual schools, freed from the burden of both state and Federal regulations, to focus on their core mission of teaching our children. Under Ed-Flex, communities have successfully reduced class size, expanded title I services, improved student achievement, and reduced paperwork.

Too often, the approach Washington has taken is to solve all problems simply by throwing more money at them. In the past, it has been much easier for Congress to create new programs, with new layers of administrative bureaucracy to write pages of guidelines, rules, and regulations for local schools to follow.

This program takes the opposite approach. Ed-Flex is a forward-thinking program which recognizes the importance of local control of our schools. Instead of new program rules and regulations, we free our local school boards, administrators, teachers, and personnel to concentrate on what they do best—teaching our kids.

I've worked with school boards, administrators, and teachers across Ohio's 7th district. I know firsthand that they are a capable, committed, and caring group of individuals who have dedicated their time and energies to our kids. Let's give these individuals and communities the flexibility they need to ensure our kids are prepared for the challenges of the next century.

I urge my colleagues to support this bipartisan, common-sense bill.

Mr. PACKARD. Mr. Chairman, I rise today in support of H.R. 800, The Education Flexibility Partnership Act of 1999. Under this legislation, school districts will be allowed to spend federal dollars in ways that best fit the needs of their students.

I strongly believe that local school boards and parents know what is best for their children, not Washington bureaucrats thousands of miles away. This legislation will get our education system back to the basics, send dollars back to the classroom, and encourage parental involvement.

Getting back to the basic will allow our children to achieve academic success. The painful fact is, today forty percent of our Nation's 4th-graders can't meet basic literacy standards. Our schools must raise student achievement so our children have the proper skills to succeed in the 21st century.

As a former school board member, I have seen first hand how necessary it is for schools to focus funds on the areas they find important. H.R. 800 will direct 95-cents out of every Federal education dollars to our public schools, not on wasteful Washington spending.

As a parent to seven and a grandparent to 34, I know nothing is more essential to a child's education success than parental involvement. Under the Ed-Flex bill, each school district which receives assistance will be required to involve parents in planning for the use of funds at the local level. Involved parents can hold our schools accountable so our kids come first.

Our children are this nation's most precious resource. The future of their education is essential to the future of our Nation. I encourage my colleague to support H.R. 800.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT) to the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6(f) of rule XVIII, the Chair announces that he may reduce to 5 minutes the minimum time for electronic voting without intervening business on the underlying amendment offered by the gentleman from Michigan (Mr. EHLERS).

The vote was taken by electronic device, and there were—ayes 204, noes 218, not voting 11, as follows:

[Roll No. 37]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)

Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Becerra
Bilbray
Capps
Coble
Frost
Hall (OH)
McCrery
Minge
Rangel
Reyes
Sherman

□ 1520

Mrs. NORTHUP and Messrs. YOUNG of Alaska, WALDEN of Oregon, GIBBONS, GILMAN, SAXTON, LEWIS of California and KOLBE changed their vote from "aye" to "no."

Mr. PASCRELL and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 37, on agreeing to the Holt amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 13, not voting 14, as follows:

[Roll No. 38]

AYES—406

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento

Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—13

Abercrombie
Chenoweth
Collins
Cubin
Manzullo
Mink
Paul
Schaffer
Sessions
Smith (WA)
Souder
Stump
Watts (OK)

NOT VOTING—14

Becerra
Bilbray
Capps
Coble
Conyers
Frost
Gejdenson
Gekas
McCrery
Minge
Rangel
Reyes
Sherman
Skelton

☐ 1529

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 38, on agreeing to the Ehlers amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GEORGE MILLER of California:

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike "or" after the semicolon.

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike subclause (II) and insert the following:

(II) developed a system to measure the degree of change from one school year to the next in student performance on such assessments;

(III) developed a system under which assessment information is disaggregated by race, ethnicity, sex, English proficiency status, migrant status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student; and

(IV) established specific, measurable, numerical performance objectives for student achievement, including—

(aa) a definition of performance considered to be satisfactory to the State on the assessment instruments described under subclauses I, II, and III with performance objectives established for all students and for specific student groups, including groups for which data is disaggregated under subclause III; and

(bb) the objective of improving the performance of all groups and narrowing gaps in performance between those groups.

In section 4(a)(2)(A)(ii) (of H.R. 800, as reported), after "under" insert "clause (i)(IV) and".

In section 4(a)(3)(A)(iii) (of H.R. 800, as reported), after "plan" insert "consistent with paragraph (2)(A)(i)".

Mr. GEORGE MILLER of California. Mr. Chairman, the amendment that I am offering on behalf of myself and with the gentleman from Michigan (Mr. KILDEE) I think is the most important education amendment that we will address this year, not because we are the authors but because it has come time for the Congress of the United States to fish or cut bait with respect to education.

This amendment goes to the issue of what is the accountability by us, by governors, by superintendents of schools and local school districts for the education of our children. Why do we get a right to ask for accountability? Why do we get a right to ask how are our children doing? Because over more than a decade, we have spent $118 billion in the elementary and secondary education program, and with all due respect to those expenditures, it is not all that we would like it to be. By some accounts, the results are mixed, by some accounts there are some bright spots, but the bright spots do not warrant the expenditure of $118 billion.

We have decided to head off in a new direction, dealing with flexibility. We made this decision a couple of years ago. We made it with the Goals 2000 where we told States we would put up a couple of billion dollars so they could generate high standards and good assessments of those standards to how those children are doing. We wanted them to do that so that every child could learn, not just some children. Then we had the Ed-Flex pilot program. We gave 10 districts the ability to go out and gain flexibility in putting their programs together at the State and local level. Then we had a GAO report. That GAO report came back and said we are doing fairly well on flexibility but we are not doing very well on accountability. Some of these districts just have not measured up in terms of being able to tell how are the children of America doing, how are the children of any State doing and how are the children of any school district and school doing.

The GAO came back and told us that in fact most of the States that participate in Ed-Flex had very vague if any standards at all. They could not really answer the questions that were asked of them with respect to accountability. They had not established any goals. But they took the money. Except one State, the State of Texas that applied for Ed-Flex that asked for flexibility in the Texas programs, the Governor and the State Superintendent of Schools there said in trading you for flexibility in how we use the Federal money under ESEA, we will tell you that these are our goals for our students and we will put them down in a numerical fashion so you can measure us 5 years from now. At the end of 5 years, they said they expected that 90 percent of the schoolchildren in Texas would pass the State exams, State exams, mind you, that are getting very high marks nationally for what they measure. They said that not only will 90 percent of the children in Texas pass the exams, I am willing to tell you, the Governor of Texas said to us, that 90 percent of the African-American children, 90 percent of the Hispanic children, 90 percent of the poor children, will also pass that exam.

Now, what have most States been telling us in exchange for Federal dollars? One of the Ed-Flex States said, rather than do what the Governor of Texas did, they said that they would have a commitment to the identification and the implementation of programs that will create an environment which all students actualize their academic potential. Absolute educational babble. Absolute educational babble. How do you hold anybody accountable and how do you ask how the students are doing? At the end of 5 years in the State of Texas, we will know whether 90 percent of the children were able to achieve the goals that the State has for the schoolchildren of Texas, or whether 80 percent or 79 percent or what have you. We also know that Texas is moving toward that goal in the interim assessments that we have of their program.

We are about, later this year, to reinvest $50 billion in this program over the next 5 years. I ask my colleagues to think like the people ask us to think when we go to town hall meetings, because they stand up all the time and they say, "Why can't you run the government like a business?"

Well, if a businessperson was going to invest $50 billion in a venture, if a bank was going to invest $50 billion in a venture, if a venture capitalist was going to invest $50 billion in a venture, they would ask the recipients of that money, "What can I expect in return?" In this case, what can I expect in return of student achievement over the next 5 years?

Unfortunately, the bill before us does not allow that question to be answered in the proper form. We will still get back questions about how the average students are doing. This is a program that was originally designed for poor children.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, this was a program that was designed to focus on the educational problems of poor children, of educationally disadvantaged children, and we continue to get back scores about how average children are doing in school districts and in States. What have we found out? The poor children, the educationally disadvantaged children, continue to slide back.

Apparently only in Maryland, only in North Carolina and in Texas will we know how all of the children are doing. This whole program is predicated that we are not going to go the old route of attracting certain children, pulling children out of classrooms, going through all the stuff we have gone through in the last decade but we are going to make a decision that all children can learn. When the Texas Superintendent of Education came before our committee, she said one of the things that having these targets, of having this kind of data that we call for in our amendment, what this has allowed them to do is to redeploy the resources based upon where the problem is, because under the flexibility side of this bill, they are able to do that. They can go after those schools where there is a problem, they can go after those students who are not reading to grade level. That is the advantage of this legislation as authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER). It provides the flexibility to do that. We do not touch that flexibility. We deal with the side of accountability. I think we have an obligation to parents, to students, to taxpayers to ask these tough questions, and I think we have got to get back the answers in a form that we can hold people accountable. This is sort of just old hardheaded accountability.

Now, we do not have a whole lot of accountability in the political system and in our budget systems and all the rest of it, but apparently the Nation has told us that that is what they want. Parents want to know how their children are doing, but in many school districts and even the Ed-Flex school districts in the pilot program, they have no data. They are not able to report how these children are doing. I think it is time, as I said, to fish or cut bait. We are going to invest $50 billion in this program later this year. We ought to be able to get back the answers about how it is doing.

As the Superintendent of Maryland wrote to us, the underlying bill simply does not contain provisions to ensure the States receiving the Ed-Flex waivers are held publicly accountable for student achievement. Interestingly enough, the States that in many ways are doing the best, North Carolina testified that this is the way the questions ought to be asked and this is the way the data ought to be received, Texas that is living under this system said yes, they agreed with this amendment. The State of Maryland that is getting accolades under this program said yes, this is the way the data ought to be received.

There is a lot of talk about how somehow this is going to delay it. Does anybody believe that this legislation and all the rest of it is going to be ready for the next school year? We told people at the end of 5 years after $2 billion, we wanted a system of testing and of assessments and many of the States are there. But we cannot any longer fudge with the timetables.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has again expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, if we continue to allow people to have interim assessments and then they can change the assessments, then we do not know how they are doing year to year, how they are doing test to test, we are right back in the same old muddle we were in before. I am all for the flexibility side. I think it is a place we ought to go. But I think we should be hardheaded about the accountability side. This is not an insignificant amount of money. It may be an insignificant amount of money or some people suggest it is with respect to all educational dollars. It is still $50 billion. Maybe it is only going to be 45 after the budget fights, but it is a lot of money in anybody's realm. I think these are the questions.

Finally let me say this. This is our only chance to find out how all students in America are doing, be they poor, be they African American, be they Hispanic, be they Asian. This is our only opportunity to do that. That is what we said we wanted to do. We said we want results. You cannot get the results necessary with the underlying legislation without this amendment on accountability. I would urge my colleagues to support the Miller-Kildee amendment.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, all that we heard sounds very, very good if, as a matter of fact, we had not taken care of every one of those issues that were mentioned. Keep in mind, now, that if the Miller-Kildee amendment had been in effect when we had the 12 States participating in flexibility, none of them, I repeat, none of them would have been eligible. Zero.

□ 1545

Why? Because none of them had the five necessary entities in place. In fact, one who was saying how good this amendment is does not have five in place now, our neighbor State. She would not be eligible except she is grandfathered. Well, the State would not be eligible because it is grandfathered; I think that sounds better probably.

Now what has the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) done in order to make sure that we have taken care of all the GAO concerns? The GAO said that there are wide variations existing among Ed-Flex States regarding whether they have established clearly defined goals to measure the results of waivers received by districts and schools. So what did they do in the bill? They said:

Unlike existing law, H.R. 800 requires that States set specific measurable objectives. That was not in line when the 12 who originally had an opportunity to participate. It is in this legislation.

The GAO said States also differ in the degree to which they use specific and measurable objectives to assess whether they have achieved their goals. Under existing law, that is true. But in H.R. 800 they require the Secretary to approve State applications after considering the degree to which the States' objectives are specific and measurable and measure the performance of schools or local educational agencies and specific groups of students affected by waivers.

The GAO said that Texas had the best accountability system for it set specific numerical criteria that are closely tied to both the schools or districts and the specific students affected by the waivers.

What did the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) add? They said H.R. 800 now requires the tracking of students' performance as recommended by GAO like Texas. I mean everything GAO questioned they have taken care of.

Now again, Mr. Chairman, let me remind my colleagues that very few States are participating in the 12, very few waivers have been granted by States. When we get beyond Texas and we get beyond Maryland, very few States have given waivers. Why? Because they were told when the 12 were set up that they must either have in place their plan or they must be able to show that they are moving in that direction rapidly, and if the Secretary does not believe that, the Secretary does not even give the State the opportunity to do the waiving.

So they know that they are not in place, and so they have not given them waivers. But they are taking us at face value because we told them they had to be in place by the school year 2000–2001, all of them working rapidly to make sure that they get them all in order, and then they, too, can request waivers.

But let me again remind my colleagues that none of the 12 would have been eligible if this amendment was part of the Goals 2000 Ed-Flex of 1994, I think it might have been 5, somewhere around there. So again, let us not go back on our word. Let us not try to see whether we can preclude anybody, any State, from applying for Ed-Flex and getting Ed-Flex because that is what we are doing with the amendment. Make it very clear the amendment says that zero States will be eligible, zero States will be eligible for Ed-Flex.

Mr. Chairman, it is just as plain as the nose on my colleagues' faces. That is exactly what the amendment says, and that is not what we want to do. We want to encourage those people to move rapidly with the standards, rapidly with the assessment so that they, too, can get in line to get flexibility to do what? To make sure that programs that have failed the children we wanted to help, programs that have failed and failed and failed the very students we wanted to help, the most educationally disadvantaged students, we want to try to correct that.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GOODLING) has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, as my colleagues know, every year we try to zero in and make sure that the money goes to where it is most needed, and one of our friends in the other body and, I might say, in the other party always makes sure there is hold harmless. Not my party, not my side of the aisle, but in the other body, one of the friends from the other side always gets hold harmless so we cannot target to the very people that need it the most.

But, my colleagues, let us target something that is beneficial to the most important students, the most disadvantaged educational students. Let us not give them any more pabulum as they have had in the past. Let us make sure that $50 billion or the $110 billion or $120 billion count for the most disadvantaged education students in this country.

Reject this amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BLUNT) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentleman from California (Mr. MILLER) offering this amendment, and I rise in strong support. This amendment seeks to strengthen the efficiencies in the Ed-Flex program identified in a November General Accounting Office Report. This report of the GAO said that the ability of the existing Ed-Flex program to enforce accountability is suspect. GAO said that the States are not setting required goals for increased student achievement and little is known about the actual impact of waivers.

Part of the rationale for the enactment of this demonstration program in 1994, and it was 1994, Mr. Chairman, when I was still chairman of the subcommittee; part of the rationale for the enactment was that we will be able to gauge the impact of waivers on student achievement. This is not presently possible. The Miller-Kildee amendment, accountability amendment, seeks to address these issues.

Very simply, Mr. Chairman, this amendment would require States who wish to participate in Ed-Flex to have the system of standards and aligned assessments as required in Title I in place. This amendment will mean that States participating in Ed-Flex will be able to accurately measure student performance and also produce disaggregated results based on categories of at-risk student populations. Without this type of information in place, we will not be able to accurately measure whether the student achievement is going up over time and particularly how it is going up with particular groups for whom this bill has been targeted in the rest of ESEA.

Our taxpayers who are the investors in education in this country want to know and have their right to know how their money is being used and whether that money is being used successfully. I think we have an obligation in spending those dollars that we require that assessment make sure that that money is being spent effectively. I urge all our Members to adopt this amendment. This amendment to my mind is such a perfecting amendment, my colleagues will not only gain power in this bill for education, but we will find a real bipartisan bill emerging from this House.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and I guess I rise reluctantly, to oppose this amendment, but in a sense of the bill we are dealing with I cannot be that reluctant. The concept of putting all of these things in place; that is, content standards and performance standards and assessments that are aligned with the performance standards is clearly the way we are supposed to go in this country. I have absolutely no doubts about that whatsoever, and I think we should do it, just as there are other things are being discussed on this floor today about which I also feel good that we should be doing. The question is what should we be doing in the education flexibility bill.

Mr. Chairman, I do not know how many people listen to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and, as my colleagues know, if somebody can repudiate this, hopefully not on my time, but on their time, I would welcome them to do it. But it is my understanding that when we are talking about the final assessments, that there is not one State in the United States at the present time which has its final assessments in and approved by the Secretary. I do understand that the chief State school officers say that there are 17 that are ready to go and they just have not submitted them. Fine. That leaves 33 who are not there, and only 21 States have their performance standards done.

Why? The reason is that in the Elementary and Secondary Education Act, where this would be a very applicable amendment, in that particular act they do not have to have this completed until the school year 2000–2001, and yet we are taking this education flexibility bill in which we are trying to get States the ability to work with the local school districts to get around some of the Federal bureaucratic things that we have done, and we are getting an amendment like this, which is all of a sudden taking an incredibly overwhelming, almost crushing responsibility of getting these ready a couple years in advance or they will not be eligible for education flexibility.

That is a mistake. I mean there is nothing wrong with the amendment. There is nothing wrong with the intent of the amendment. There is nothing wrong with any of the positions that the gentleman from California (Mr. GEORGE MILLER) or anybody else has taken here today. But it is very wrong to even think about attaching this particular amendment to this bill though it is my hope that maybe the statement has been made and this particular amendment can be withdrawn because it just is so ill fitting with the legislation before us.

Now, Mr. Chairman, we have put a great deal of accountability in this bill to the extent that we can. There must be annual reports submitted to Congress. The Secretary has to approve State applications. The Secretary conducts performance reviews of State performance. We have done it at the State level. They must have specific and measurable performance goals required to monitor local waiver recipients annually and hold them accountable for performance. We must provide public notice and opportunity for comment when waivers are approved. We must submit an annual report to the Secretary and States must submit an annual report to the Secretary that summarize the student performance and types of waivers granted and that at the local level local applicants must send specific and measurable performance goals as part of an overall reform effort. They must track the performance of schools and groups of students affected by waivers, and waivers are subject to termination, the performance declines, against objectives for 2 consecutive years.

Why did we put that into this particular bill? Because in the GAO report they said there has to be more accountability and more assessment, and so we have started that process here. But we do not leapfrog over to the demands which are in the gentleman from California's amendment which are final assessments which simply are ready and are going to cut most States out of Ed-Flex.

This is a killer amendment of killer amendments, as far as I can ascertain, and again I honestly ask somebody to try to rebut what I am saying, if they are able to do that at some point in this discussion. But I thing we are making a mistake even considering this amendment. We are close to the universal agreement that this is a good bill. The only question is what amendments are we going to adopt. This is not one that we should adopt.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for bringing forward this bill along with my colleague from Indiana (Mr. ROEMER). I think it is a good bill and one that I am very pleased that we have on the House floor today. I unfortunately have to join the gentleman in rising in opposition to this amendment because I do think it would gut the primary benefit that we receive from this bill, which is essentially to extend to 38 States the possibility to be able to participate in this waiver program that addresses the one problem that I hear over and over and over again when I talk to educators in my home State of Indiana. They tell me that they cannot focus 100 percent of their time on teaching their children and developing policies and curriculums that will make our schools the best in the world because they have to worry about rules, and regulations, and paperwork, and policies coming out of Washington that do not always make sense for their school.

One of my wife's best friends, a young teacher named Brenda Wilson, teaches in the gifted and talented program in Pendleton Schools, and she told me they thought about abolishing gifted and talented programs because they could not fit it into their budget priorities when they met all of the different requirements in the federal programs, and that would be a sad day if that happened.

So I rise in strong support of this bill and would urge my colleagues to vote no on the amendment.

H.R. 800, the Education Flexibility Partnership Act, is our first opportunity this Congress has to reform our nation's troubled education system.

It is bipartisan legislation that the Education Committee passed by a vote of 33 to 9.

ED-FLEX is a step in the right direction for families who are concerned about the education of their children.

Why are families concerned? Because they worry, as you and I do, about poor reading skills—whether their child is reading at grade level and failing math and other test scores. And they care, like so many of us in this body, about the values their community holds dear and wishes to pass on to the next generation through education.

Why can't states fix these problems today? One of the reasons is that states have been saddled with prescriptive, top-down, Washington-knows-best approach to education that stifles local common sense and excellence.

H.R. 800, the Education Flexibility Partnership Act, satisfies many of the problems families are concerned about. Specifically, H.R. 800 allows parents to have greater input and local education agencies more control over the education priorities that matter to them. Twelve states have been eligible for this, but currently, Indiana does not have the freedom to use federal categorical aid on how they wish to support locally-designed, comprehensive school improvement efforts. They are one of the 38 who need this bill. This bill makes all 50 states eligible for greater State and local flexibility in using some federal education funds. It allows waivers from federal mandates, regulations, and requirements that rob local education agencies of their ability to solve the problems they see every day.

The complaint I hear from teachers and school administrators in my district over and over again is that federal mandates get in the way of school's ability to serve their students in the most effective way possible. Ed-Flex would address these concerns by allowing states and local school districts greater flexibility in using federal education funds in exchange for greater accountability.

National test scores place Indiana 44th out of 50 states on the SAT, and 40 to 60% of Hoosier high school students are failing basic math and English on the ISTEP tests we have in Indiana.

Because of this, people in my district want relief from the federal mandates that have a stranglehold on education in Indiana. I have discussed this legislation with teachers, administrators and parents on my Education Advisory Committee, and they support this bill.

They support it because, even in our most rural communities, different schools have different needs. Our teachers and administrators are full of ideas about how to improve education programs and how to best serve their students, but in many cases they cannot because of bureaucratic requirements. This bill will give them the flexibility to act on these ideas.

Can we do better? Should we allow states the chance to do better? Should we give parents more opportunity to help their kids learn? Of course we should!

I urge all of my colleagues to vote for passage of H.R. 800, the Education Flexibility Partnership Act, and give families more control to improve the education of their children.

□ 1600

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and I rise as a supporter of the underlying bill because I believe that the Kildee-Miller amendment significantly strengthens the underlying bill.

The underlying bill here is one in which we say to States and localities that if they truly believe that they have a more creative and powerful way to achieve the goals set forth in various Federal education initiatives, then try them; if they can do better than the orthodox way of doing things, then we applaud them and support them.

Implicit in that proposition is a measurement of whether the States and localities are, in fact, doing better by trying the flexible approach. I know that the words are in this bill that would measure whether the States and localities are doing better, but as the gentleman from California (Mr. GEORGE MILLER) said earlier today, educational bureaucrats in particular are masters at spinning words about what they are doing. They are not always so good about providing measurements.

I would submit that it would be technically within the definition of a meaningful evaluation under the statute if the chief school officer of a State submitted the following annual report about his or her waiver schools: We have spoken to every teacher in every school district and assessed their evaluation of the success of our waiver program. Each of those teachers has reported to us that each of their students is doing better than they were before in reading, language, arts and math. That is a specific measurable evaluation of how well the schools are doing. It is also utterly worthless, because it does not measure.

It makes four mistakes. It permits words rather than numbers. We need measurable, quantitative measures to figure out whether students are doing better under the waivers. It permits us to talk about States and not localities within those States. An aggregate State average may well show improvement but it would mask continuing deficiencies in districts with special challenges and communities with special needs.

It permits States to talk about groups of students without disaggregating or breaking out particular subcategories of students who have particular barriers of discrimination, of poverty of other reasons that they may not perform as well their peers.

Finally, it lets States report on process rather than result. We had 64 seminars last year; we sent out 321 bulletins; we had 5,422 meetings. That is all data. It is performance data. It can be characterized as that, but it tells us nothing about whether these students are performing better than they were under the regular orthodox programs.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) are putting the school districts to the test and saying if they think they can do better, we will give them that opportunity with our money, with Federal money, but prove it; prove that they are doing better. Give us numbers, not words. Break it down by school districts, not in the aggregate State level. Tell us about groups of students, African American students, poor students, Hispanic students, female students, others that may have particular problems.

It requires States to talk about results, not processes.

If we are investing in a company and the chief financial officer of the company says we had a great year, we had six meetings of the board of directors, we added 12,000 new employees, we had a lot of new work on our employee manual this year, but does not tell us how much money they made, what their sales were, we would not invest in that company. This Ed-Flex bill, without the Miller-Kildee amendment, is an invitation for educational bureaucrats to blather us to death.

The Miller amendment says put your results where the money is. It will strengthen the Ed-Flex concept. It should be adopted because it demands those at the local level to give their very best to the children who depend on them.

This is a good bill that could be made much better with the adoption of the Miller-Kildee amendment. I urge both Republican and Democratic supporters of the bill to support this amendment as well.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that Ed-Flex is wonderful for Wisconsin, my home State, and for our country. Unfortunately, this amendment is anti-flexibility. As proponents of this amendment discuss, it demands local control, it demands our local school board members, our local educators, do what they do in Texas.

The law of Texas is great for Texas but the law of Wisconsin should be better for Wisconsin. I believe that we have to go down the road of having more flexibility for our local schools.

As I have talked to parents, school board members, educators and our superintendents, I ask them time and time again, what is it that we can do in Congress to help them educate our children best? They tell me the same thing: Cut the red tape. Give us the freedom to do what we know works best.

I was written by a constituent of mine, a guy named John Bechler, who is a very active member in our Kenosha School District. He is on the Kenosha Unified School District board, and I would like to quote a few things from the letter from Mr. Bechler, our school board member. He said, "Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?"

The answer is no. They assumed that one approach fits all. I am concerned that even today Members from other States are attempting to dictate education policy for my district's public schools. This amendment seeks to dictate education policy from other States on to our local public schools.

Mr. Chairman, we cannot have bureaucrats in Washington or in other parts of the country blindly deciding that programs that work in Los Angeles or Detroit or even in Texas must also work in southern Wisconsin. This is simply not true.

John Bechler and his fellow school board members all across this country should be asked, what works? We should then let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded in his letter to me saying that I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education.

I could not agree more. Mr. Chairman, this is what educators throughout my district are saying. They are saying enough of the cookie-cutter, one-size-fits-all public relation driven education policies. This legislation gets us toward the movement of giving more flexibility to our local school districts.

This amendment is anti-flexibility. I applaud the efforts of the members of the committee to produce the amendment, but it does go against the grain. We need more local control. I believe that the educators in our local school districts know best how to solve the problems in our local school districts. After all, they are there on the front lines of the fight, improving our education standards.

I believe we should vote against this amendment and vote for the Ed-Flex bill. It is a move in the right direction.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to applaud the authors of the amendment, who I deeply respect, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), and also to applaud their amendment.

I think that the gentleman from Delaware (Mr. CASTLE) and I already have much of what they are requiring in their amendment in our bill. I do not know how many times it has to be said, and then say it again, about assessments or measurement or accountability or termination, if it does not work. We do not need to get into the bureaucratic and legislative babble and blather that the people here are talking about not wanting to repeat. We do not want to get into that.

I applaud the authors of the amendment for the following reasons, because they are concerned with what we try to get at and is the very heart and soul of this legislation, and that is the nexus between increased flexibility and reliable accountability. We do not want to do that with new paperwork. We do not want to do that with handcuffing our local parents and teachers. We do not want to do that with more mandates coming from Washington. We want to do it by one rope of accountability to student achievement, and we want to be able to measure that student achievement.

Let me point out, first of all, before I get into some of their arguments, the legislation of myself and the gentleman from Delaware (Mr. CASTLE) is tougher than current law. We incorporate some of the recommendations from the GAO on eligibility, where we have changed to have this tougher eligibility from Goals 2000 to now Title I eligibility. We have tougher assessment tools than current law and we adopted tougher language in our committee on termination.

We do not want to go so far, Mr. Chairman, as to rip out the very flexibility that we are trying to extend to our States.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) talk about reliability assessments, and I agree with that. We need to have reliable assessments. On page 6 of the Castle-Roemer legislation, we talk about assessments, and I quote on lines 12 through line 19, developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and it goes on.

They talk in their amendment about being able to measure and get results on disaggregated data.

On page 10 of our bill, Mr. Chairman, we specifically talk about measuring. My good friend from New Jersey was talking about measuring these things, and we say on page 10, the State's objectives are, one, specific and measurable; two, measure, again measure, the performance of local educational agencies or schools and specific groups of students affected by waivers.

That is the disaggregated data. Those are the specific, different economic, racial, various groups of students that are going to be affected by this legislation and potentially by a waiver. We asked to have that measure.

Thirdly, we get at, on page 13, the termination; that after 2 years if you have significantly declining scores one is terminated from the program and one has to reapply for a waiver.

Those are tough accountability standards, tougher than what we have in current law, but we do not want to overreach, Mr. Chairman. We do not want to take away the very flexibility that we are extending to the States when we say we want to give you added flexibility and we are going to hold you accountable to those students doing better in their classrooms.

I come back to the example of Maryland that I talked about in my opening statements. When they had that waiver authority for success for all, reading for all, schoolwide reform programs, scores went up in Kent County schools in Maryland. African-American scores went up in those schools.

So I think that the gentleman from Delaware (Mr. CASTLE) and I have really tried to craft this delicate nexus, this delicate and sensitive balance, between accountability for taxpayer dollars and increased flexibility to our States, and while I applaud the authors of the amendment, I would encourage us to stay with the underlying legislation and support this bipartisan bill.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, exactly 3 weeks ago tomorrow, I presided over my last board of education meeting as chairman of the State Board of Education of Georgia, so probably from a contemporary standpoint I am closest to the effects of this legislation and the proposed amendment than anyone.

I do oppose the amendment, but I oppose it because I think the previous speaker, the coauthors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER), have done an outstanding job of ensuring that there is accountability without ensuring that the babble that was referred to that went from the local systems up does not also come from the Federal Government down.

In the final amendment that the committee adopted in the legislation, which was referred to by the previous speaker, there is the greatest accountability of all. That accountability is that if a system for two successive years is declining, their waiver is withdrawn.

□ 1615

Now, I understand school people about as well as anybody else. We spend $5 billion State dollars a year in Georgia, and we appropriate it to local systems. I got appointed to the State Board of Education in a unique circumstance. The governor fired the entire board that he had appointed about 2 years prior to my service here. He did because they were fighting, they were raising accountability, they were micromanaging schools, and Georgia was hurting and Georgia was declining.

When he put in a new board, he asked us to do the following. He said, give them the chance to succeed or fail, just make sure if they fail, you take away the latitude that you have given them.

This legislation does not just require a waiver of Federal rules, it requires a waiver of State rules as well. No waiver can be granted from the Federal level if it is also granted at the State level. And if we understand how local boards of education work or how the system works, what in fact happens is a local board of education has to first approve the request before it goes to the State Board of Education and before the Federal Government approves it. Now, that is a lot of accountability. It is a lot of accountability for the merits of the request and the intent.

The last point I want to make is not that I am opposed to accountability by any measure; I am not. But I think the authors have ensured and the committee ensured that it was there.

I want to just for a second close with why flexibility is so important. Children are taught in classrooms by teachers, not by Congressmen, not by boards of education, not by State boards of education. Our children are uniquely different from Montana to Georgia, from California to Michigan. In the programs affected by this legislation from Title I to technology, there are differences as broad in my State from one end to the other as there are in your State to my State. We are opening the door, I think, to a great opportunity, and that is to challenge our States to do better and say we trust them, and if they fail, we will pull it away. There is no greater accountability, and there is no more greater testimony to where education really takes place than to grant flexibility back to where it all begins: in the classroom where a teacher deals with one child at a time, trying to build the future of our country through an improved education.

I urge the adoption of this bill, but not the adoption of this amendment. The authors have put in the accountability. The flexibility our systems need will bring about the progress all of us hope for.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Miller-Kildee amendment.

One thing should be very clear in this debate. Flexibility is not an end, it is a means to an end. I think some of my colleagues get so wrapped up in the notion of flexibility that they think that that is really the problem.

The problem is educational attainment. We got into this business because in the recent international tests, we found American students scoring below the international average, and we said we need to get serious about improving educational performance by all American students.

We are prepared to spend $50 billion over the next 5 years to address this problem. But the issue is not just flexibility, the issue is also accountability. How can we assure that the money we spend actually results in improved performance?

Now, I am from one of the 12 States that had this experiment. I am from Maryland, and Maryland officials, the Superintendent of Schools for the State of Maryland supports the Miller-Kildee amendment, because we understand that we must have stringent accountability. Not just accountability in name, and not just accountability in rhetoric, but accountability with real teeth. There are several things that need to happen. There needs to be some specific assessment, goals and assessment vehicles. We use a set of tests in the third, fifth and eighth grade to accomplish this objective.

Now, I hear my colleagues saying, well, each State is different. That is true. We do not tell the State how to do it; what we tell the State is, you present us with a plan, your plan, for how you want to achieve these results, and I emphasize results. What are going to be your goals, and what are going to be your mechanisms.

Now, some people say, well, we can pull the plug in 2 years. Well, that could be 2 years of wasted money if we do not have stringent assessment tools, goals and mechanisms on the front end, and that is simply all the Miller amendment is saying, is that we need to be serious about accountability, because we are spending the taxpayers' dollars, not just for some elusive goal of flexibility, but for some real, tangible performance results.

Second, the Miller-Kildee amendment says that when we spend this money, it has to benefit all students, not just some students, or not just the overall aggregate. We need to know what black students are doing, what Hispanic students are doing, what poor students are doing, what female students are doing. It specifically says, you must aggregate your data so that even if your State is making progress, we want to see how female students are doing in math and science, we want to see how Latino students are doing in specific subject matters; are African-American students learning to read with the money the Federal Government is spending.

So this is not an outrageous or an intrusive amendment. It is a perfecting amendment that takes the concept of flexibility, which I support, and says, we need to get serious about flexibility.

I believe the Miller-Kildee amendment addresses these concerns in an effective, nondestructive way and I urge my colleagues to support this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Chairman, I would repeat one more time that if this amendment had been part of the Goals 2000 legislation, Maryland would not have been eligible to participate.

Mr. CUNNINGHAM. Mr. Chairman, I thank the chairman of the committee.

Mr. Chairman, this bill is about flexibility. We have had 40 years of bureaucratic control and union control of education. We are number 20, 20th in the world, for math and science. We are a Nation with the resources, more Ph.D.s, more technology, better technology than any other country in the world, but yet we are falling behind. We want to give the States and the local school districts the flexibility, not to tie them down.

When we talk about accountability, in the crux of this whole debate, the gentlewoman a minute ago said, we need to control how the dollars are spent. That is the whole issue. And their statement is, that they do not trust the States to account for the students that my colleague just talked about a minute ago. We do trust the States. We do trust the school districts. Because if anyone knows about an African-American student or a Hispanic student or young women or young men, it is the local teachers, the administrators, the community that knows, not a bureaucrat sitting here in Washington, D.C. And this is the heart of the debate: when we talk about accountability, look at why most of us fought against Goals 2000 when many on that side of the aisle tried to put government regulations in a well-meaning bill that was crafted before.

There were 24 "wills" in Goals 2000. It means to comply under legal language, and a special board in each school district had to look at the local Goals 2000 plan. It had to go to the superintendent. The superintendent had to send it back to the board. The board then sent it to Sacramento where there was a big bureaucracy. That big bureaucracy had to send that bill to Washington D.C. to the Department of Education. The bureaucracy there had the paperwork going back and forth, and that costs a lot of money and ties people up. And that means more wasteful government control in the name of "accountability." By contrast, we on this side of the aisle, just said, let us send the money to the States. Let them do a Goals 2000, without all of that paperwork, without all of that government control. Big difference, I say to my colleagues.

Look at charter schools. The NEA fought tooth and nail against charter schools, which are an attempt to take off many of the burdensome regulations. Charter schools have been a big success. Look in Washington, D.C. We fully funded charter schools, we fully funded the public education system. We got another superintendent that wanted to make change, Arlene Ackerman. And guess what? We had 20,000 students beg to come to summer school in one of the worst school districts in the United States, because they wanted to learn, not because they had to, because we are trying to improve flexibility.

But let us look at other controls. We on this side of the aisle wanted to give flexibility to the States and in this case, Washington, D.C., under the President's goal to have more school construction. The gentleman and I talked about this the other night. If we want to give the State flexibility, let them waive Davis-Bacon, which costs 30 to 35 percent more for school construction. Let the unions compete with private contractors, and let the schools save the 30 percent for other construction or to upgrade their schools. But no, there are some here that want the union control, the government control. That's wrong. That is why we are opposed to this amendment. That is why we are opposed to all of these amendments. We want the flexibility to go forward with it.

I have 3 school board members that came to me along with 3 superintendents. They went to school for 8 days to see if they are in compliance just with the Federal regulations, not even the State regulations. They are going to get audited. Five phone books of regulations. They had to hire a lawyer. It costs $130,000 to see if they are in compliance. That is what we are trying to get rid of, I say to my colleagues. We want the schools to be able to have the flexibility to do it better.

Look at Alan Bersin, a Clinton appointee, now Superintendent of San Diego City Schools. I am going to help Alan Bersin because he is sitting in there trying to clean up San Diego city schools. Look at Gray Davis, the new governor of California. He is trying to identify the schools that are not working within California. He has a big job, but I am going to do everything I can to help Gray Davis. But Federal regulations and the unions are trying to stop him. He wants to support the principals, make them the captain of their ship, so that they can fire or get rid of people that they do not think are performing. But do my colleagues know who is stopping that? Federal regulations and bureaucracy.

Alan Bersin said, his number one problem is special education because of the regulations that are killing the schools. Trial lawyers are ripping off the money, just like they did in the Superfund, and he cannot change it. He is having a difficult time, and we need to help him.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, men like Gray Davis, our new governor, and Alan Bersin in San Diego, are trying to do the right things and get through the bureaucracy and get more flexibility into the school system. We need to support them.

I heard the word "bipartisan." The President will sign this bill as it is, and the saying is, "if it ain't broke, don't fix it." Because by "fixing it," in the way some on the other side want, we are going to increase the Federal regulations in the name of "accountability." We do not want to do that. We want to help these kids. Let us go forward and let us do a good job.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

I think the gentleman who has just spoken and all of the people in this room will agree with me that at least 90 percent, or more than 90 percent of the funds we use to run our public schools with are State and local controlled. We are talking about less than 10 percent of the total funds. We are talking about flexibility on less than 10 percent of what we use to run our schools with, and if we have 10 percent of the funding by the Federal Government, it means the Federal Government only has about 10 percent of the control, if there is any control at all.

So the American people should understand that the whole flexibility argument is based on a phoney hypothesis. Our schools are in bad trouble, bad shape. We are 20th in the international arena because the States and the localities have not done a good job, and the Federal Government wants to participate. They only want to participate. They are not willing to put up even 10 percent. It is less than 10 percent participation. What we are talking about here is an attempt to destroy the Federal Government's role totally. We are back to where we were in 1995 with a call to abolish the Department of Education. It is just another approach. It is a more sanitized approach to destroying the Federal role in education.

The New York Times today has said what I said in the committee. They said it in much more succinct terms. The wise thing to do, this is an editorial of March 10, today, the wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire elementary and secondary education act.

What we are doing here is stampeding. Education, there is an emergency in America on education. It deserves a serious response from Congress. What we are doing here is not a serious response. This is a stampede to push us into a political posture. We want to open the door for block grants. That is what we are doing today.

□ 1630

It is trivializing the legislative process, because we have on our agenda for this year the reauthorization of the Elementary and Secondary Education Act of 1965. That is on our agenda. Why can we not wait, as the New York Times says we should, and I agree? Why can we not wait?

The New York Times editorial also says, "The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do." Correct.

The New York Times starts its editorial with the following: "The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students."

Why did the Federal Government get involved in education? Lyndon Johnson, what was his argument when he started the Elementary and Secondary Education Act of 1965? That we would help the poorest students in the poorest districts.

What Ed-Flex does is provide money for greedy Governors who have shown by the way they have handled the welfare reform money that they do not intend to spend money for exactly what it is intended for, they want to have the freedom to use it in various ways that do not necessarily focus on the poorest people for which the funds are intended.

We have a continuation of an effort to destroy the Federal partnership. The Federal Government only wants a role. We want to make certain that the national security, the national interests, are protected by having the most educated populace we can have.

What the majority in this Congress is seeking to do is what they sought to do in 1995, get rid of the Federal influence. It is only a tiny influence. The American people should understand that we are talking about less than 10 percent funding, less than 10 percent control. The States and the local governments are in control, and they have all that flexibility with the 90 percent of the funding that they put up. They have maximum flexibility.

With all that flexibility, they have not been able to keep up with the demands for modern education. The Federal Government needs to be involved because education is our primary means of guaranteeing the national security. We have a Navy which floated an aircraft carrier, and could not find enough personnel to run the high-tech carrier because they were not available. We need an educated population. We cannot leave it up to the States. They have not done a good job. The States should at least be willing to partner with the Federal Government.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to remind everyone that the law says that at the local level, they will use the money for the most educationally disadvantaged youngsters.

Mr. HAYES. Mr. Chairman, I rise to speak in opposition to the amendment. I move against this amendment, I am in opposition to it and I vigorously want to oppose it, not because I doubt the sincerity or intent of the message. My good friend, the gentleman from New York (Mr. MAJOR OWENS) has spoken very eloquently about his beliefs.

But I would simply ask that Members not confuse the idea of accountability with Federal mandates and government control. The Education Flexibility Partnership Act of 1999 provides our teachers and our local school systems the things that they need, that flexibility within accountability to provide the education.

As I travel through my districts in North Carolina, and I have to be careful not to go back through my own career in public education, which was delightful, so delightful I probably did not achieve as high marks as I should, but I remember those principals and those teachers that worked from morning until night to give me the chance to learn about math, about science.

I think of Jessie Blackwelder in Concord, who took over a school that was suffering real problems. She got on the phone and called me up. She said, get a couple of dump trucks over here. We need to clean this place up. She started calling parents. She said, we need books. We need help. We need new desks. We need you over here. We need local support. We need those of you who know this community and these students to pour out your heart and soul into our education system.

What keeps this from happening so many times is the Federal Government, with more mandates shutting down this creativity, shutting down this support, this enthusiasm, this involvement between parents, teachers, grandparents, school boards, and those that are empowered and entrusted.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, could the gentleman give us one example of what he means by the Federal Government interfering with one's ability to be flexible with parents and run the schools?

Mr. HAYES. Mr. Chairman, it has been my experience as a legislator in North Carolina, and one who has run Statewide, that each time I move into a district, regardless of whether it is the east or west, time and time again a Federal mandate for paperwork, to make it in the simplest terms, takes away from that classroom teacher's time that she could be spending with her children to fill out forms and endless paperwork. This is one of the clearest examples.

Mr. OWENS. I would ask the gentleman, classroom teachers do paperwork?

Mr. HAYES. Yes, sir.

Mr. OWENS. Classroom teachers do the paperwork for the grants?

Mr. HAYES. Classroom teachers, superintendents, principals. It is just too much of their time that is spent meeting Federal requirements which are not productive, and I think this bill does a fabulous job of giving them their time back to spend it in their classrooms with the children.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, it is not a question of flexibility, it is a question that we need more paperwork reduction.

Mr. HAYES. I have lost the gentleman's train of thought, but I appreciate the gentleman rising to talk about that.

Mr. Chairman, my point is that accountability flows from local involvement. Accountability comes from parents and teachers and school boards being involved. It does not come from the Federal Government imposing itself upon our local education system.

Again, I oppose this amendment. I vigorously support the Education Flexibility partnership. It is a commonsense proposal that will help stop the one-size-fits-all mentality that comes from Washington and the Federal Government. The bill addresses the basic fact that what works in New York City unfortunately does not always work in Rockingham, North Carolina.

Our Nation's future rests on the quality of education that our children receive. There is nothing we can do in this Congress that is more important than ensuring the quality of education in our public school system.

Mr. Chairman, I have spent a lot of time listening to parents and teachers in the Eighth District of North Carolina. What I have learned from these conversations is that the best new ideas and innovations come from the districts, and not from Washington. Unfortunately, it is the Washington bureaucracy that stifles the creativity at the local level.

Mr. Chairman, we have before us today a bill that helps cut the Federal red tape which hinders excellence in public education. This amendment works against the Ed-Flex bill, requiring more Federal mandates for local education.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. HAYES) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. HAYES was allowed to proceed for 2 additional minutes.)

Mr. HAYES. Mr. Chairman, the American people know that Republicans and Democrats have some differences on the issue. They accept that. But what they do not understand is why we do not move forward on the issues when we do agree.

The Education Flexibility Partnership Act of 1999 has the support and the endorsement of all 50 Governors, Republicans and Democrats alike, from all areas of the Nation. Mr. Chairman, it is time we passed this bill. It was intended to empower the people who are the true innovators in public education, our local folks, our parents, our teachers.

Do not let those who are opposed to this flexibility speak out and hurt this great bill. Join me in a strong vote of confidence for our parents and teachers. Support the Education Flexibility Partnership Act of 1999 and oppose this amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I know the gentleman wanted to tell his friend, the gentleman from New York City (Mr. OWENS) that the great mandate that the gentleman really wants to tell him about, which is a 100 percent mandate, which destroys his school district from hiring new teachers, destroys his school district from reducing class size, destroys his school district from building new buildings, destroys his school district from maintaining the existing buildings, is the 100 percent mandate from Washington, D.C. called, called "special education."

That is the mandate that the gentleman wants to tell the gentleman from New York City about, because oh, my, if he got that 40 percent of excess costs, he could do anything under the sun in his district. He would get millions of dollars. He would get $1 billion or more every year. That is all he needs.

Mr. HAYES. Mr. Chairman, I just did not want to be that hard on my good friend, the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the course of this debate I have wondered exactly where I was; whether we were really debating the reality.

I rise in support of the Miller-Kildee amendment. I believe it strengthens the basic legislation. I do not feel enacting H.R. 800 is necessary, but I believe that the Congress is probably hellbent in moving in that direction, and if we are going to do it, then it seems to me that accepting the Miller-Kildee amendment would signal to this country that we are not prepared to abandon the very core necessity for title I, ESEA.

I happen to be one of the few legislators here who served in 1965, when the great debate on how Federal aid to education was going to be provided to our communities and our States, led to Congress enacting P.L. 89–10. It was preceded by 25 years of agonizing debate on how to structure this kind of federal assistance to our public school systems.

From that time to now we are still struggling with this issue with mounting frustration coupled with our agony that our school systems still cannot produce quality education where all of our children achieve, based upon reasonable standards and assessments, which must be a part of any legislation we accept.

PL 89–10, which is Title I of ESEA is part of this Ed-Flex legislation. Title I is geared to the idea that the very poor in our society live in districts that cannot afford to educate their children as they are able to in wealthier, richer districts in our country. We need to understand that the strength of this Nation, indeed our national security, is dependent upon lifting the educational performance of all children, wherever they live, whatever their economic background. And if we do this as a Nation, we rise and we achieve, and our society can accomplish all of the complex exercises that we have to engage in in order to prosper as a Nation, to be the leader of the world. So we fashioned Title I.

I want this body to understand that the Title I allocation of funds is based upon a head count, a census, a determination of where the poor children are located. We have a count that is provided to the Federal Government, and based upon this head count of poor children, of the poverty children of America, a formula is created and the money is distributed to the States and local agencies based on the number of poor children that live in a school district.

This money belongs to the poor in these communities. It belongs to the poor children in our communities. We have no right to count the poor children in this country, base a formula for distribution on the poor, and then when it comes time to determine how to spend this money, which is based upon a computation and calculation of these poor children, allocate it in ways that are flexible and could exclude the poor. This is pure manipulation, exploitation of the children for whom this legislation was designed. That is my basic difficulty with the legislation that is now called "flexibility".

We want to be flexible. We do not want to engineer all this heavy bureaucracy on the local communities. But remember, the Federal funds are something less than 7 or 8 percent of the total amount that is spent in our school districts. Ninety-three percent of the funding for education in our school systems is locally raised by the local communities or by the States. The Federal Government only puts in 7 or 8 percent. There is no monstrous bureaucracy here engineering the public educational system to the detriment of our children. It is a small contribution, and because it is so small, the Congress is determined to make sure that that small amount is spent for the benefit of the poor children for whom it was legislated. That is the heart of this debate.

The Miller-Kildee amendment says before we waive requirements to direct the money to the poorest of these communities, let us make sure that the States come up with a plan that sets down the assessments, the criteria for achieving these goals, so that in the end, these States can come forward and say, the poorest of our children benefited. Their test scores must show this. These assessments by our impartial entities must determine that the poor have actually benefited.

That is all that we are doing under the Kildee-Miller amendment, and I urge this House to accept it before enacting a bill that nullifies the purpose of Title I.

□ 1645

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to remind the gentlewoman from Hawaii (Mrs. MINK), and she knows this, yes, the money does go down based on poverty. However, when the money gets to the schoolhouse, it is based upon educationally disadvantaged. That is what the law says.

I would ask the same question that the gentleman from California (Mr. MILLER) asked several times in committee, only I would say it a little differently. He has said over and over again, "What have the taxpayers gotten for $120 billion? We should know." I say, "What did the children that we wanted to help the most get for that $120 billion?" That is the question.

Mr. FORBES. Mr. Chairman, reclaiming my time, I rise reluctantly but necessarily in opposition to the Miller-Kildee amendment. I believe that this amendment would be a killer amendment and would underscore, unfortunately, the loss of this great Ed-Flex legislation. The President has suggested that he supports Ed-Flex. The 50 governors have suggested they support

Ed-Flex. I think we should not mix apples and oranges on this occasion.

Frankly, there are going to be many opportunities for those of us who want to see education and the fixing of what I believe is the despair in our schools, fixing of the problems in our schools.

We are going to be dealing with the reauthorization of the Elementary and Secondary Schools Act, and I think, at that time, we have a great opportunity to stand up for smaller class, to stand up for construction and doing away with some of the overcrowded conditions, to stand up for voluntary testing.

I happen to support all of those worthy goals because I believe there is no greater issue, no greater issue facing the American people and us as problem solvers, as legislators, than making sure that our children are adequately prepared for the 21st Century.

Our praise in the world depend on adequate education for our children. Unfortunately, our schools are in disrepair and despair. They are in despair because we are seeing, for example, in this great sophisticated age, this Internet age, that more and more of our kids, particularly in the inner cities, are not getting the kind of education that they need because they are coming from poor districts, from districts that do not have the wealth to meet these challenges.

So I believe that Ed-Flex is a very good piece of legislation. It needs to be passed but unencumbered at this point by some of the other worthy goals that we talk about here.

So I would urge my colleagues to think long and hard. If we do nothing else in the 106th Congress, I would implore my colleagues, let us dedicate ourselves to this most pressing problem, the problem where our children are not learning, despite in places like my own suburban Long Island districts where we are spending more money than we have ever spent.

The scores are down. They are lower than they have ever been. SAT scores are down. Why? Because we are not doing in our classrooms what we need to be doing.

So I would hope that Congress, which understandably wrests local authority, the States and local authorities must have policy-making, decision-making authority that should never be compromised. But we in Washington should do a greater job of standing by those schools. Yes, we have got 7 percent of national effort helping our local schools, over $120 billion.

But let us deal with some of the most outstanding problems, like the idea of special education. We mandate upon the school districts that they deal with special education, that they fully fund it. But we in Washington are not sending the dollars. We are sending a very embarrassing proportion of those dollars.

The first thing we ought to do as a Congress, 100 percent of funding should come from Washington, because 100 percent of the mandate comes from Washington. That is absolutely necessary. We need to do that if we are going to provide for our schools.

We also need to, as has been suggested here, address the size of our classrooms. We should do that but under another venue, as I have suggested. We have plenty of time in this Congress to do it.

But to sidetrack the Education Flexibility Partnership Act, a most important measure, a bipartisan measure authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) would be wrong.

So I would urge my colleagues, let us deal with these issues. Let us make the 106th Congress the place where we deal with these many problems. We assist the State and local governments in meeting the needs of our children, but let us not sidetrack Ed-Flex in that worthy goal.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Miller-Kildee amendment. I rise in support because it is about accountability. This amendment says that States must show the progress or the lack of progress that students are making from year to year. We are not telling local schools how. We are asking them what. What are the expected results? What are the measurement criteria?

The Miller-Kildee amendment requires States to show what they want their students to learn and how they will measure if the students are actually learning what they intended. In the State of Texas, this information will be broken down by race, gender, and income, giving special attention to the students who are the most at risk.

The funds that the Federal Government sends to the States and schools are, as many of us have said today, and I have heard it on the other side of the aisle, too, and I am grateful for that, these funds are not enough. I would like to work with the other side of the aisle to put together a plan to fully fund IDEA.

But whatever the funding, that funding is in place so that we will be clear that there will be outcomes. The use of Federal funds is in place to ensure that our children in America, all of our children, rich or poor, black, brown, or white, girl or boy, has access to a good quality education. I know this is what all of the supporters of Ed-Flex want. The Miller-Kildee amendment makes this possible.

We still do not really know what the effects of the demonstration programs will have on education. If we are going to extend waivers further, we must have accountability. We must measure whether students are learning in schools. We must measure that Ed-Flex has reached the goal that States have intended. After all, in the end, is not the purpose of Ed-Flex and all of our education programs to enable our students to learn more?

Mr. Chairman, I want to vote for Ed-Flex, but do not ask me to without accountability. I cannot do it.

Mr. FLETCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. This amendment changes the accountability standards of H.R. 800, and it does it in such a way that it is so restrictive that really none of the States currently participating in the Ed-Flex program would be eligible for waivers under the Miller amendment. It also tells the States what their goals must be, again decreasing flexibility.

The following example is the requirements that are in the current Ed-Flex, and this puts exactly the kind of burden we need on schools and exactly the kind of accountability that we really need without going too far and returning to some of the old ways of doing things, the mandates that we have had for years that really have not produced the kind of progress that we really desire and I know all of us desire.

But there is monitoring required. Every year, States must monitor the activities of the local educational administrators. Schools receiving waivers must send an annual report to the Secretary. Two years after being designated as an Ed-Flex State, States must submit performance data as part of that report. After 3 years of being an Ed-Flex State, the U.S. Department of Education can terminate a State's Ed-Flex status after notice and opportunity for a hearing if it has failed to make measurable progress toward its stated goals.

Also, the local education agencies and the school district's waiver application must describe specific measurable goals for schools or groups of students affected by waivers and must be part of the local reform plan.

States can apply to be an Ed-Flex State for up to 5 years. When they reapply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application. So I think there is plenty of accountability in this bill.

Someone mentioned what the New York Times says and what they want to do, and they recommend a delay. Let me say this, my folks back home in Kentucky do not read the New York Times. I think they should be more concerned probably with the schools in New York City than they are necessarily about those across the Nation.

I have had the chance of visiting a lot of schools in the last few weeks, and I can think of two principals of elementary schools. One is Edwina Smith and the other is Elaine Farris. They are in schools that deal with primarily a lot of low-income students, a lot of disadvantaged students.

When I talk to them, the teachers there, as well as the principals of these schools, and some of the superintendents in the districts, they want flexibility. They are tired of having mandates coming down without the funding.

Yes, maybe it is only 6 percent, but what have we done? We have spent $118 billion in educational dollars over Title I the last 34 years. Yesterday, our 12th graders were out-performed in mathematics by their peers in 18 other countries. Sixty percent of our children in urban school districts failed basic tests on reading and math. Forty percent of our Nation's fourth graders fell below the basic reading level.

So I think we really need to look and say, the way we have done things in the past has failed. We do not need to return to that. I think that is what this amendment begins to do is to return to old, failed policies of government mandates, of 6 percent, the tail wagging the dog, 6 percent, dictating what is to be done back in our States.

Yet we have seen in those States that have exercised the flexibility given, which they would not have under this amendment, that they have increased the progress of minorities, of the economically challenged children.

So I think we need to oppose this amendment because it reduces flexibility and goes back to some policies that have failed in the past. It is a new day. I think we ought to start in new policies, in new ways, the flexibilities, things that are proven to work here recently, and give the opportunity of the flexibilities back to the State to take this progress further so that we can see these low-economic students achieve the kind of achievements that they can have to renew their hope and allow them to be all that they can be.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and rise in support of this legislation. I think we all can agree that local educators and parents are closest to our children and are closest to the impact that our policies are having in the elementary and secondary setting.

But here is another reality. When one goes to a bank to borrow money, particularly when one looks like me, the bank asks for a business plan or some other sources of income to determine if one can pay the loan back. Provided one puts forth a good plan, they will loan one the money.

Business people, when they own businesses and ask for money from shareholders and ask for investors to invest, they have to present a plan. If they are able to make a reasonable return on the person's investment or the investor's investment, they will continue to have folks invest in their plan.

What we are asking for here is even less. We are just asking for States to put up a plan. It does not have to necessarily be a cogent plan. But give us some sense of how they are going to go, what goals they are trying to achieve, some sense of how they are going to evaluate, how far they are coming, and where they would like to go.

That is all the Kildee-Miller amendment seeks to do. No new regulations, I say to the gentleman from California (Mr. CUNNINGHAM), my good friend. It does not strengthen the unions, I say to my good friends on the other side. It does not line the pockets of trial lawyers.

I have searched and searched and searched in the legislation for the last half an hour to an hour to find out how this legislation could line the pockets of trial lawyers, but I have yet to find out. But I am open to a conversation if some of my friends on that side can identify that.

We have paid a lot of lip service today to this notion of local control. We have paid a lot of lip service to this motion that the Federal Government somehow or another has come in and intruded and trampled and usurped the powers of our local school boards and local officials. Let us stop deluding ourselves.

We have heard speaker after speaker. The other side gets up and has speaker after speaker. Virtually all of the education policy setting authority in America rests with local authorities. One cannot deny it. It is a fact.

Ninety-four cents of every dollar raised and spent on local education on education is raised and spent at the local level. When one criticizes the Federal Government, and my good friend, the gentleman from Kentucky (Mr. FLETCHER), and I respect his comments about the New York Times, they do not read them in Memphis either, they read the Commercial Appeal, sometimes I wish they read the New York Times, but my friends in Memphis, those folks that are graduating, those seniors that are graduating who might have participated or benefitted from Title I funds, Mr. Chairman, what about the 94 cents that were spent on those children throughout their time in elementary and secondary schools. We have to blame everybody if we are going to begin to point fingers.

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What Ed-Flex seeks to do is to give States the flexibility to make these decisions. But I think it is rational, I think it is sensible to ask them just to provide a plan as to how they are going to spend this money. If the local authorities and local school boards had all the answers, why are our schools falling down? Why are our kids dropping out of school? Why do the international math and science tests over and over and over again demonstrate our kids are failing?

We can argue all day, Democrat, Republican, unions, no unions, lawyers, no lawyers, but the people that are losing are our children. Sure, local educators and parents, give them the authority, but like my colleagues, when I go home, what my parents and teachers and local educators are saying we need to build new schools. We can debate how we are going to do it. Let local authorities decide that. Let us provide incentives for them to do it.

My colleagues cannot deny what this President has done, saying we will end social promotion, we will provide monies to school districts to hire new teachers and build new schools; if they close or address under-performing schools, more money to build new schools. That is what they do in the business community. That is what the Republican Party has been yelling year after year after year.

I am only in my second term, 28 years old. I watched the Republicans growing up. This is what the Republican Party has been talking about. This is the Republican mantra. Why abandon it now?

All we ask for is that these school districts be held accountable. If they do a good job, give them more money, I would say to my good friends, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. GOODLING), the chairman. But if they do not, close them. That is what taxpayers want, that is what shareholders want, that is what we all expect.

All this partisan rancor, unions, lawyers, State authority, local authority, Federal authority. The national government has a role in how kids are being educated. These are our future workers, these are our future congresspeople, our future pastors, our future teachers. We have an obligation to ensure that kids are educated in Kentucky and Tennessee and New York and Delaware, I would say to the former governor, the gentleman from Delaware (Mr. CASTLE). All we want on this side, I think all we want in this body, is to ensure that Delaware is doing a good job, that Tennessee is doing a good job, Nevada, Texas, California, Michigan, New York. All we would like to do is see a plan.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MILLER) are absolutely right. This is not about black kids, white kids, or Hispanic kids. This is about children. This is about a new generation of Americans. We have an opportunity in this House to do something truly historic; reform Title I in a way that gives States that flexibility.

But understand, Ed-Flex is not going to solve all of our problems. We in this Congress must have the courage to do the right thing, and I hope Democrat and Republican can find common ground.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(On request of Mr. CASTLE, and by unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. FORD. Mr. Chairman, I would only hope we would do the right thing in this Congress. We have our differences. I heard someone stand up and say they want to support this bill because the President supports it. There was something the President supported a few months ago that the other side did not support, but I am glad to see we are on the same page on this one. So let us do what is right for the kids.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. My only question, Mr. Chairman, and I do not have a problem with anything the gentleman said, and he says it extremely well, I might add, at any age, but I go back to the original question I posed on this particular bill about an hour ago, and I do not know if the gentleman was on the floor, but I pose it again, and if the gentleman does not know the answer, somebody can answer over there at some point.

My view is, based on what our knowledge is, that if the Miller amendment passes, that we have only 21 States that have performance standards in place and we have no States that have their final assessments in place, and that means that no States will get education flexibility. That is the problem.

It is also true that in the year 2000 and 2001 all these things will be done under ESEA. I do not know how that can be repudiated. That is a fact, not a wandering statement. I would be curious to hear the gentleman's answer or anyone else's.

Mr. FORD. Mr. Chairman, reclaiming my time, my reading of it does not suggest that.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman wants to suggest that under his bill everyone is going to qualify. We know there are about 17 States that are prepared to go. If a State is going to do this right, let us not pretend like they are going to do it this school year. They will be making applications for 2000, 2001. That actually coincides with what we told them 5 years ago to be ready to do.

The fact is most of the States have not been ready because they thought they could slide by again. That is what this accountability is about saying enough is enough, we have made a decision, and we now want standards of accountability that we can measure how the students are doing. So there is nothing inconsistent with that at all.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. The bottom line is that they have to do these things by 2000–2001 anyhow under ESEA, and the gentleman is moving up the time.

Mr. GEORGE MILLER of California. If the gentleman from Tennessee will continue to yield to me, under the gentleman's waiver they do not have to do it.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has again expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The problem with the bill, and why we have the amendment, is that under the gentleman's they do not have to have it done, they have to make substantial progress toward it. They can have interim assessments, so we will not be able to judge how the progress is from year to year because we may have different assessments on that, and we are right back into all the excuses why we cannot finally find out how the children are doing, how they are progressing, and whether or not this investment is worth making or not. That is the difference.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. It is my understanding, Mr. Chairman, that under ESEA all the things the gentleman is talking about have to be in place by the school year 2000–2001 one.

Right now, although 17 schools may be ready for it, right now none have their final assessments in place, a lot of them do not have their standards in place. The gentleman is saying that they cannot have Ed-Flex at all.

We are saying Ed-Flex is a relatively simple bill. We have worked with the gentleman and put a lot more accountability in here than was in before, which the GAO report wanted, but now I think the gentleman is extending it to a level that none of us want to live up to.

I give the gentleman credit for a good presentation, but I was wondering if we really have to go forward with the amendment. I think this amendment would be counterproductive to those of us, including maybe the gentleman, who are supporting the underlying bill.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, it is not counterproductive at all. The question is are we going to fish and cut bait. We all talk about we do not want social promotion of children; I do not want social promotion of school districts in States that are not prepared to meet the standards. And the standards ought to be that they can tell us whether or not children are in fact making advancement and on achievement and meeting the goals of that State and whether they are not.

So far what we have found out from the pilot program, we have not learned from the pilot program, is that essentially 8 out of the 10 States could not tell us that. Could not tell us that.

Mr. FORD. Reclaiming my time, Mr. Chairman, I thank both the gentlemen. I would just close by simply saying that I hope perhaps we can work this out in the interim here. And I would hope if we cannot, I say to the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. MILLER), I do not think anything is wrong with asking these local school districts that want this authority to rise up to the occasion and to be able to live up to these standards today.

I would close by merely saying to all my colleagues in the Congress, particularly on the majority side, the $100 billion infrastructure problem we have in America, the Federal Government did not cause that problem; the 2 million teacher shortage we have in America, the Federal Government did not cause that problem. Let us work together to get the job done. Support the Miller-Kildee amendment.

Mr. DEMINT. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEMINT. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I tell my friend from Tennessee that there is no question if they did not require a plan, if Castle-Roemer did not require a plan, I would not support it. If they did not meet what the GAO said they needed to meet, I would not support it.

And when the gentleman says if they do not produce, kick them out, that is what the legislation says. They have 2 years to show, and they better show. They better produce. And then at the end of 5 years, this secretary down here says, they are out.

So everything that the gentleman wanted in the bill is in the bill, and that is why I can support the bill.

Mr. DEMINT. Reclaiming my time, Mr. Chairman, I rise to speak against the amendment as well. Ed-Flex is a great bill, and the amendment takes the flex out of the whole bill.

This bill does what I think we have been talking about for years. It begins to take dollars, decisions and freedom out of this House and moves it back to houses in our districts. It restores freedom. To me, this bill, flexibility, means more freedom, and I believe that the true accountability comes to teachers and parents and local communities.

Last week I had the opportunity to help present an unprecedented fourth national blue ribbon award to Spartanburg High School in South Carolina. This is the only school in America that has won this four times. So my discussions with the principal, administrators and teachers were very interesting to me, because it seems the Federal regulations that we think are helping to build our schools are, to them, just obstacles that they have to dance around to do what they know really works.

When I talked to the superintendent, he said, quit funding 5 percent of these programs and demanding 100 percent of the control. We have talked about the fact that it is just 10 percent, and that is right, over 90 percent of the funding for these schools comes from local school districts. But when we tie them up with the type of amendment we are talking about today, this type of control invades all aspects of our public school system.

I had a chance to visit Berea Elementary School in Greenville, South Carolina. They had a brand new school. They do not want the Federal Government to build them a new school; they want some new technology. But we will not know what they need from here.

I had a chance to walk up the steps with the class from Berea on my way in here today. They are probably watching what we are doing right now. They know that we cannot manage their school from here, and after meeting their principal, I am glad that Ed-Flex will help to keep us from trying.

I also visited an elementary school that had an old building but plenty of teachers. We cannot decide for them that they need more teachers when they need something else.

I have a son who was playing on a JV basketball team in a public high school. They practiced for about 2 months, but then they had to cancel their game because the girls JV team had not been able to schedule enough games to match theirs and they were afraid of Federal regulation. It is just a little bit, but it invades every aspect of management.

I have learned as a quality consultant that one of the biggest obstacles to quality improvement, that we talk about here for education, comes from multiple levels of authority. There is no way we will ever have quality education in America with local control, State control, and Federal control. This bill recognizes that we need to send dollars, decisions and freedom back to the people who are truly accountable.

It is really a little insulting, I think, to think that we are more accountable here than governors and mayors and county councils and school boards. Actually, we are a lot less accountable because we can hide here away from them and they cannot blame any one of us. We are not talking about accountability with this amendment, we are talking about control, control that we need to relinquish.

I have to take special exception to this idea that our local governments and our States have not done a good job with education. If we track education and our test scores since the Federal Government got involved in the 1970s, there is a direct relationship to the fall of our test scores and the increase in funding from the Federal Government. With every dollar we send them, we send more control.

In my State, about 50 percent of the paperwork has to match only about 5 to 7 percent of the funding.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. DEMINT) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. DEMINT was allowed to proceed for 2 additional minutes.)

Mr. DEMINT. Mr. Chairman, in my State they tell me, with only about 6 to 7 percent of their funding coming from the Federal Government, that the Federal regulations count for about 50 percent of the paperwork. This is what we are trying to do away with, and adding regulation, restrictions and more reports to this bill is not going to help.

The real threat to our education system is coming from us, because the innovation, the trials are being hindered by them trying to keep up with our paperwork and our regulation. I believe that we can secure the future of every child in America if we recognize that freedom does work when it is in the hands of parents and teachers and local communities; when we give more local control.

This bill has the accountability that we need to make sure that we have the plans to match the Federal dollars, but it does not have control that is out of proportion to the funding that we are sending back to the States. I hope all of us will think and vote against this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment, and I do so because I believe that we must try and create equal educational opportunity. We must try and make education available for all of the Nation's children, no matter where they live, no matter where they come from, and no matter who they are.

Mr. Chairman, 80 percent of the schools in the City of Chicago's public school system receive and use title I funds to support the educational needs of disadvantaged children. This means that 80 percent of the schools in the Chicago public school system have over 50 percent of their children from low-income families. We have a responsibility to ensure that these children, that each and every one of them have the greatest amount of educational opportunity that we can provide from all levels of government, whether it be State, local or Federal. That is why I cannot support the Ed-Flex bill as it is.

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Ed-Flex in its current form lacks the efficiency and accountability needed to protect what took decades to correct. The Ed-Flex bill will allow local school authorities to redirect funds from special educational programs as well as dismantle professional development for teachers. In fact, this bill may exempt schools and districts from complying with Federal standards that have been set for student performance.

I am aware, Mr. Chairman, that there have been 12 demonstration programs, and yes, my State, the State of Illinois, is one of them. However, these States have not been totally examined. Therefore, I am not sure that all the potential implications of a nationwide expansion are really known.

Mr. Chairman, it is the responsibility of this Congress as we approach a new millennium to ensure that our Nation's children are educated with whatever resources are needed. And so I call upon us to build a new era of equality for all Americans, an era where African Americans, Latinos, poor children, Native Americans and other minorities who have long lived with the highest poverty schools and in the highest poverty communities will have guaranteed access to resources to try and catch up, to try and come from behind, to try and realize the potential that they have, to try and know that before resources that perhaps are not as greatly needed are put in other places and in other areas, that they would have access to those resources.

And so I appreciate the concept of flexibility. I appreciate the latitude that teachers, principals, and administrators need in order to do the work that they have set out to do. But I do not believe at this time that we can risk these greatly needed resources missing their mark. Therefore, I would urge all of us to vote in favor of the Kildee-Miller amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding. The gentleman from Delaware (Mr. CASTLE) has mentioned that under the Miller-Kildee amendment certain districts would not qualify. But those districts who do not meet the requirements of the Miller-Kildee amendment by the school year 2000 do not lose their Federal dollars. They only fail to achieve that flexibility which must be linked to accountability. There is no loss of Federal dollars at all, but we say if you are going to have flexibility, we have to have accountability. The Kildee-Miller amendment does not penalize them by taking away their Federal dollars, it merely does not give them the flexibility unless there is a nexus with accountability.

Mr. DAVIS of Illinois. Flexibility and accountability must go hand in hand.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to make sure that everybody understands. Nobody said anybody loses money. What we said is you lose the opportunity to participate. That is what you lose. You do not lose money. No one ever said you lose money. You lose the opportunity to participate. That is what you lose.

Mr. TANCREDO. Mr. Chairman, I rise to speak in opposition to this amendment, as if it were passed we would have to change the name of the Ed-Flex bill to the Education Inflexibility bill because, of course, that is exactly what happens here.

I was a former public school teacher, I was the regional director for the U.S. Department of Education for 11½ years, and I have certainly experienced firsthand the Federal Government's bureaucratic overregulation of our country's educational system.

While I was with the U.S. Department of Education, we published a document called "What Works" in which we identified all of the activities, all of the programs that apparently had some positive impact on the educational experience of children. What we also could have done, however, is write another book that was called "What Doesn't Work." We could have identified the hundreds of elementary and secondary education programs at the Federal and State level, thousands of Federal program administrators and State agencies, millions of hours of paperwork requirements produced by the Department every year. We could have identified all of those things as being examples of what does not work and we could have pointed to all of the children who had not learned as a result of all of this bureaucratic intervention.

We know what does not work. It is fascinating to me, because I have been a strong supporter of school choice programs, including vouchers and tuition tax credits. I have said what the gentleman from Tennessee said a little bit ago. I was astounded, as a matter of fact, to hear the gentleman from Tennessee use this very language when he said that he wants schools to either do a good job or be closed. Public schools, he was talking about. He wanted to see that kind of accountability. He wanted to make sure that if they were not operating and actually producing the kind of educational experience that would be best for the kids, that they would close. Those were his words. Great words. Absolutely accurate words.

Mr. Chairman, that is one of the reasons why I can support this Education Flexibility Act and oppose this amendment, because in fact there are a lot of things happening around the country today that do give pause to public school administrators and teachers in the realm of choice because we now know what works, we now know that charter schools and giving parents the ability to make selections from a wide variety of educational opportunities works. We know that works. And so there is accountability in the public school system today. The only reason why we are seeing as much concern expressed on the part of public school administrators today is because in fact there is a little more choice in the system. So I certainly support the concept of choice, and I support the ability of schools to make a lot of decisions here because in fact there are consequences if they do not make those correct decisions. Children do go other places. That is okay. We can watch and see what exactly is going to happen here. I certainly hope that we do not pass the Miller-Kildee amendment as it will, as I say, change the whole concept of this bill to the Education Inflexibility Act.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield further, I just wanted to mention in relationship to Chicago, for instance, the beauty of what is happening there, if they are going to be successful, is the fact the State said, "Hey, all these years you have failed the children in Chicago. Now, Mr. Mayor, you take over. Forget the State regs, forget all these things. You take over." They did not say, "You must have in place everything you are going to do, Chicago," because, of course, this was all new to them. But they are putting everything in place. And from everything we can gather, what they are doing is helping children. All these years they did not help children in Chicago. And so the State said, "Forget us. Forget these regs. Make it work. Make it work your way, but we want the children to learn, to do better," and it appears that they are having success. Flexibility is what they gave them.

Mr. TANCREDO. Also, Mr. Chairman, let me say that it has been my experience that for ages now we have been debating whether or not we should have any confidence in the local administrator, in our local schools, in the local teachers who confront our children every single day. Really what this bill does is it tests that theory.

My friends on the other side of the aisle, I know, believe that people in the system are doing their level best, that everybody is trying as hard as they possibly can.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. TANCREDO) has expired.

(By unanimous consent, Mr. TANCREDO was allowed to proceed for 2 additional minutes.)

Mr. TANCREDO. Does anyone really believe that a majority of the teachers out there, a majority of administrators out there today are looking for ways around doing a good job? That they are trying to figure out what they can possibly do not to have children succeed? In fact, we know that is not true, that in most cases, in 90 percent or more certainly of the cases out there, everybody is working as hard as they possibly can to make sure that children learn.

Something is wrong in the system. We are going to give people the ability to address those problems and come back to us and say, "Here is how we can make this work. You gave us the freedom, here is now what we have been able to show as the success." That is all we are suggesting happen here, give them the freedom to make this thing work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it really amazes me that there is more in common with our commitment to education than maybe the voices on this floor would seem to acknowledge.

I applaud the Miller-Kildee amendment, and I believe that if we were to pause for a moment, we would find more opportunity to agree to this amendment and to have this amendment passed and to move on to do what is best for our children.

Let me simply say to the parents of America, and ask the question whether you would agree or disagree, and the children, with this very simple proposition. The Miller-Kildee amendment simply says that if we are going to waive requirements issued by the Federal Government on educational excellence, then the States must have in place a viable plan for how student achievement will be assessed. Nothing more, nothing less. It simply says that if you are going to move forward to change requirements to enhance the educational standards of our children, tell us how you will still maintain student achievement.

Everybody seems to get it. I do not know why some do not. The New York Times said that the Miller-Kildee amendment provides the answer to the threat of impoverished schools. What it says is that simply there is a gap between affluent and disadvantaged children and it is a challenge in the American education system to bridge that gap. This amendment to what we have all come to accept as a reasonable understanding of the educational leaders of our respective States, that they do know education, I do have a degree of confidence in what they do, but what is wrong with maintaining the fact that they must be accountable?

I am somewhat puzzled again about this whole accusation against the Federal Government, that it should not be in education. I agree it should be a partner, not someone who dictates to our local communities. But I am gratified that the Federal Government moved into this whole idea of the educational realm in looking at math and science issues and saying that we needed more money to provide for professional development for our teachers, for Title IX when there was a discussion about parity between boys and girls and providing dollars to ensure that boys and girls had equal athletic opportunities and other opportunities. What is wrong with that?

And might I simply say, in a time in our country where many went to segregated schools, unequal schools, I am gratified for the, if you will, involvement of the Federal Government. It is interesting to note that the Federal funds are only 8 percent. However, in underprivileged and rural communities, Federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must ensure that those moneys continue to go to those school districts in a manner that helps those students achieve. There is no accusation to my friends on the other side of the aisle. But there is a recognition that there is nothing wrong with the amendment that says be accountable, prove to us if you do a waiver that you will in fact be doing the right thing for our children.

Let me say, finally, my home State of Texas has been very successful in implementing the Ed-Flex program, but it has adopted rigorous standards that makes sure that all students, including minority and economically disadvantaged students, rural students, urban students, receive the benefit of Federal funds. For instance, Texas school districts that waive Federal regulations must still show that 90 percent of the African-American students, 90 percent of the Hispanic students and 90 percent of the economically disadvantaged, that means all of those who find themselves in a position where they have to go over a hurdle to learn, they must show that those students are improving in their studies.

I would say, Mr. Chairman, we have an opportunity to show America that we can work together. The Miller-Kildee amendment clearly says that all we want is accountability.

Mr. Chairman, I would like to ask the gentleman from Michigan (Mr. KILDEE) a question, if I could. There was a comment made that this is an inflexible amendment, that his amendment is inflexible, and I believe that this gives more flexibility. To me it provides flexibility to the extent that it helps us be accountable.

Mr. KILDEE. If the gentlewoman will yield, I think it is a reasonable amendment. The amendment really is patterned basically on the structure that Texas put into place. Texas is the most successful State so far. We were just asking them, if we are going to give them that flexibility, which we will give them, we are not going to deprive them of their money, that they have to have some accountability. Texas was willing to give that accountability. I think our flexibility amendment is very flexible.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, the proof is in the pudding. This is a good amendment and we need to pass it.

I rise in support of this Amendment, which requires that state and local school districts that are able to obtain waivers under this bill must closely monitor their students to make sure that at-risk populations are continuing to achieve academically.

This amendment substantially improves this bill, because it prohibits school districts from taking the additional discretion given to them under the Ed-Flex program, and using it to further disadvantage children from minority and lower-income families.

Federal funds are scarce and highly sought after by the states, but they make up only 8% of all education spending. However, in underprivileged and rural communities, federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must make sure that if federal funding is to be had, that it should be used to benefit all students, and not just a select few.

Federal funds often help finance necessary supplemental programs that substantially improve the quality of education in all regions of the country. These supplemental services include remedial math and reading classes, and career counseling. All schools need these services, and this amendment guarantees that all schools will receive them.

My home State of Texas has been very successful in implementing Flex-Ed because the State has adopted rigorous standards that make sure that all students, including minority and economically disadvantaged students, receive the benefit of federal funds. For instance, Texas school districts that waive federal regulations must still show that 90% of the African-American students, 90% of their Hispanic students, and 90% of the economically-disadvantaged students are improving in their studies.

This type of self-imposed criteria should be lauded, and hopefully they will be emulated by all the 50 states if this bill is passed. However, because we cannot rely on each state to do so, this amendment is necessary if we are to pass H.R. 800. I hope that you will all support it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kildee-Miller amendment. But I wanted to say at the very beginning that I have known both of those gentlemen for many years as a staffer and as a Member and while we may have disagreements as to how to implement education policy, never in my career as a staffer or a Member have I ever seen Members more committed to the interest of kids than the two authors of this amendment.

□ 1730

I disagree with how they do that, and I think that sometimes they want to do what is best not only for their own kids, but other kids, but their heart is right, and it is important when we are debating things to understand those fundamental principles that one can disagree and still want to have what is best for education.

This is not just about process. This is about what is the best way to educate the kids in America, and is it best through the Federal Government or moving it closer to the parents?

But I want to go through this amendment in particular.

In the third clause it says the assessment information is disaggregated by race, and ethnicity, sex, English proficiency status, migrant status and social economic status for the State, each local education agency in each school unless it does not meet the statistical reliable information level.

Now it is important here, as we have been arguing whether this is flexible or inflexible, but let us just think about all these different standards: race, ethnicity, sex, English proficiency, migrant status and social economic status. Now I understand the value of accountability, and I understand about the value of having information. But here we are not block granting everything; it is only within the limits of small changes within certain programs. After all, this is a bill backed by every Governor and by the President of the United States.

In Indiana terms, it is an itty-bitty flexibility. It is not a flexibility like this or a big light. It is a little tiny flexibility, and there becomes a question of proportionality here because there is lots of information that we would like to have that would be useful. I, for example, would like to have family composition information. I think it would be helpful to know how kids are doing in two-parent families, single-parent families. We all know that children of divorce, particularly in those first periods, have a decline in educational standards. Why not have a report to see what the kids are doing there?

How about mobility? Nobody has ever visited an urban school where they are having trouble with their test scores, or even suburban schools, but particularly highlighted in urban schools where kids are moving between these different schools. Often they will move four times in a given year. Maybe we should have data tracking kids by whether they moved in 3 months, 6 months, 1 year or 2 years, and we might find that that data has more meaning than a lot of the particular breakouts here.

Now furthermore, the President's proposed policies on social promotion and school uniforms where maybe we ought to have data on that to see whether, if they put school uniforms in school, stop social promotion, to see whether the President's initiatives are, in fact, working, and maybe that ought to be part of it, so enough that we ought to be passing a bill, we ought to have measurement standards.

Now the problem here is, is that in addition to this, let us look at the actual terms. Ethnicity is a difficult statement here. How many breakouts are we going to have? I have the largest concentration of Macedonian Americans in my district. Does this mean that we have to break it out by Macedonian Americans if there is a statistical reliable subgroup, and how many years in the U.S.? I assume that that has a technical meaning with larger subgroups, but the principle is still there, and we argue that all the time in the census right now of forms and even how to do ethnicity and background.

What about by subject matter? One Member from the other side of the aisle came down to the floor and said that he would like to know how math kids are doing by race.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I do not think I could support the gentleman's amendment. It sounds far too complex and restrictive for myself, but the gentleman should go ahead, if he would.

Mr. SOUDER. Mr. Chairman, I thank the gentleman from California.

But what about having science by sex? What about English proficiency and social economic for reading? Because, in fact, the subcategories, that would be useful information and really is information that is useful in English proficiency if we do not know the differences by whether they are a current migrant or whether they, in other words, we start to multiply the variations in what is already there.

All of this is important data. Are we going to data the districts to death?

Furthermore, in addition in this subsection 4(a)(A) it says that there has to be assessment instruments in performance objectives for every subgroup that is disaggregated. So that means, for example, if we have female and male Macedonian American students by income, unless they come in the current migrant status, then we would have to have them in a different subgroup, and then we say this is giving schools flexibility for this itty-bitty, tiny flexibility that we are seeking here. This is a massive potential even without my proposed additional information. This is a potential massive paperwork problem, and I urge that we reject this amendment, but we in effect gut Ed-Flex.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. KILDEE, and by unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, as my colleague knows, the language that we have in our amendment and the language which the gentleman quotes is not new language at all. It is the language that is in the Title I reauthorization of 1994, the standards that should be put in place, and it is the language which is in the Texas model. So it is not something that the gentleman from California (Mr. MILLER) and I dreamed up; it is something that we voted on, the gentleman from Pennsylvania (Mr. GOODLING) voted for it in 1994, and it is the same language in the Texas model.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, what I would like to point out is, is that while that may be true in a Title I massive grant, the smaller the flexibility becomes, it becomes a proportionality question, and, furthermore, I would suggest that if we want to do this much detail, that is why we run for local school boards, not become Members of the United States Congress.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but as we come to a conclusion on this debate after almost 5 hours, it is and should be fairly clear to all of us and certainly to the American people that the American education system needs reform, it needs changing, it needs improving, and I do not think we can get any disagreement at all from Democrats or Republicans that that is a true statement. But, as usual, we come down to how do we implement that, how do we achieve that goal, and, as usual, we do have different ideas about how one might do that.

Today's bill is about being flexible. It is about allowing people back home, who do very much understand the need for good training and good education, people who actually know the names of some of the children that we wish to educate, people who have a great deal riding on the education system for their State, and indeed, and most importantly, for our country. I listened to a debate a day or two ago where it was pointed out, and I think it has been pointed out this afternoon in numerous occasions, that all 50 Governors support this Ed-Flex.

I oppose the amendment of the gentleman from Michigan (Mr. KILDEE), and I do not really like doing that especially because of my respect for Mr. KILDEE, but I oppose all these amendments simply because every amendment is based on taking away what we started out to do 5 hours ago, which was to be flexible in our funding for education.

The 50 Governors that support this particular bill happen to be Democrat and Republican. My Democratic Governor in Georgia I am very confident believes in education, and is very concerned about education in our State and is going to make the right decisions to the best of his ability. A lot of times some of the Governors, Republican and Democrat, who are trying to make decisions about education back home cannot do so because of the rings of red tape, and that goes back to the philosophy, and maybe the basic difference in us here is the philosophy in many people up here that only education, only the problems in education, can be solved in Washington. Only we care. Nobody back home could possibly care about our children, and their training and their education as much as we care here in Washington.

Mr. Chairman, that is not the contest. The contest is not who cares the most. The contest is what must we do in order to improve their training and improve their education.

I think that the 50 Governors are right. I think there is accountability in this in the sense that there is only one thing we are asking the States to be accountable for: Are they better or are they not? Have they improved, or have not they? And that is the question, and if my colleagues have not solved that within 2 years, then they are not eligible for Ed-Flex.

So with that in mind, let us give it a try. Let us see how we do. We have given it a try in 12 States. Let us try all 50 States, and let us look, I say to the gentleman from California (Mr. MILLER), and see what the results is. Let us look and see if the test scores are going up, if they are learning better, if they are preparing for life through education better, and if they are, let us do a lot more of this, and if they are not, then let us draw back and say, well, maybe they care back home in Georgia, but gosh, they just are not as smart as we are. We are going to have to take back over.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I would like to wrap up by indicating what I said at the beginning of this entire debate, and I do not know how I can say it any more sincere.

The well-intended legislation of the 1960s failed the very people we wanted to help the most. We have to admit that. All the results indicate that. Every study has indicated that. So what I am asking my colleagues to do is we have lost 30 years. How many generations of young children have we lost who have not gotten a decent education because we would not admit that we had a problem? We always said if we had more money, we could cover more children, and somehow or other things would be beautiful. It did not work out.

Now that does not hurt us, but it sure does hurt all of those millions of children that we had hoped that we could give them a good start in education so that the life would be far better for them, and that is why it is so important that the accountability that is put in this bill is there.

I want to review that so that everybody understands exactly what the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) have done. Accountability at the federal level, the annual report to Congress; Secretary must submit a report to Congress of State use of Ed-Flex waivers and their impact on student performances. The Secretary on the Federal level approves the applications, Secretary evaluates the State application for Ed-Flex and determines whether they will receive Ed-Flex authority. The Secretary conducts performance reviews. The Secretary must conduct a performance review of States with Ed-Flex.

Then we go to the State level, accountability at the State level. We must set specific and measurable performance goals. In order to qualify States must set measurable performance goals, agree to hold schools and districts accountable for performance. They are required to monitor local waiver recipients annually. States must monitor local waiver recipients and terminate waivers after 2 years of declining performance.

Public notice and comment. States must notify the public when they grant waivers and provide them with opportunities to comment. They must submit an annual report. States must submit an annual report of how Ed-Flex waivers have been used. This report must include information on the types of waivers granted and how they have helped to implement reform and improve student performance.

Now we get down to the local level. They must set specific and measurable performance goals, specific and measurable performance goals. They must track the performance of schools and groups of students affected by waivers. The waivers are subject to termination if performance declines against objectives for two consecutive years.

This is far more than any of the 12 at the present time are asked to do, far more, and as I have said many times, they could not qualify any of the 12 for the Miller-Kildee if the Miller-Kildee amendment were part of that Goals 2000 proposal.

So again I plead with all of my colleagues. Think not about sound bites, think not about politics. Think about how we have failed the most needy children in this country and what is it we are going to do to make sure that changes and make sure as we do, as I said as the State does, with Chicago. They give them time to get everything in place. It is a new ball game for them, but they are given that opportunity, and, as I said, it appears they are working. It appears that children are benefitting in Texas. It appears children are benefiting in Maryland from this opportunity. Now let us give all 50, and let us stick to our commitment which basically says all must be in order by the school year 2000-2001.

Mr. Chairman, let us think strictly about children. Let us make sure that every child has a golden opportunity for a good quality education.

□ 1745

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding.

I would just say that I would follow on to what the gentleman from Pennsylvania (Mr. GOODLING) has said. We ought to learn from the 30 years. For 30 years, the Federal Government has been enabling very sloppy tactics, a lack of accountability. We have simply evaporated on accountability.

We ought to do it right this time, because we are making a dramatic change in direction with respect to flexibility. I think it is the right change to make, but we ought to be able to look our constituents and parents and teachers and students in the eye and say that we have in here public accountability, to try to assure that, in fact, we do it right, because we have not done it right in the past.

I only wish that so many people who spoke against this amendment would have in fact read the amendment because they characterized it in so many ways it has nothing to do with what this amendment does.

I would ask, for the first time, to put teeth into accountability. Let us find out how all of our children are not doing, it is not just some of the children, and vote for the Miller-Kildee amendment. I urge the passage of this amendment.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of the Miller-Kildee amendment, which ensures that meet our intended education goals: improving public schools, improving student achievement, and making sure our children are well prepared for the future.

Of the 12 states which are currently participating in the Ed-Flex pilot program, only Texas has set specific numerical criteria for student achievement. The GAO found that many participating states have only vague objectives that don't allow us to measure how students are progressing under the program.

The Texas plan has shown results. It has allowed the state the flexibility to identify problems and allocate resources where they are needed the most. School districts which have received waivers have made tremendous gains on state tests. This is the essence of Ed-Flex—the flexibility for states to make their own plan while showing measurable improvement in our student achievement that proves to parents that this money is being put to good use.

Democrats believe that local school districts should have flexibility when they administer federal education programs. But we also believe that flexibility should be coupled with accountability to ensure that our teachers, students, and parents receive the support they deserve. This Congress should: Authorize 30,000 more teachers on our way to 100,000; ensure that the neediest schools are protected; and hold schools accountable for student performance.

We can't just turn this money over to states and say, do with it as you will. States must set measurable goals and show progress in meeting those goals. Vote yes on the Miller-Kildee amendment.

Mr. BALLENGER. Mr. Chairman, Mike Ward, North Carolina Chief School Official said before the Committee, we wanted Ed Flex as soon as possible. This postpones it.

As a former county commissioner, I was able to see the actual effect of federal funding of local education along with the rules and regulations that tell you what you have to do and how you have to do it. One size fits all—like it or not. Same for my poorest or richest schools. Now we have a chance to free local schools from the restrictions and red tape that go with not only federal but also state monies. Let's keep it simple and Ed Flex does that.

Twelve states are currently able to waive certain federal education regulations, giving schools within these states the ability to use federal education funds to support innovative, comprehensive school improvement measures. I feel that it is imperative that we give all 50 states such waivers—including my state of North Carolina—so that students all across America may benefit from locally-designed school improvements.

Only approximately six percent of the funds needed to educate our K–12 students are provided by the federal government. However, countless regulations and requirements are tied to the use of these funds. Again, the education environment in each state and local school district is different, so why should the federal government operate under the assumption that one set of universal program requirements fits all circumstances? States and schools must be flexible in addressing local school matters and the federal government should aide in this effort rather than obstruct positive reforms. And, for the record, H.R. 800 does contain provisions that ensure states are on the way to adopting educational content standards, performance standards, and accountability standards for local education agencies before being granted waiver authority. Under the bill, the Secretary of Education will conduct performance reviews and can revoke a state's waiver authority if a state educational agency fails to make measurable progress in meeting their stated objectives.

Like the existing 12 "ed-flex" states, North Carolina and every other state deserves the right to participate in this program. As we all know, education in this country is at a crisis point. We must let go of limited thinking in terms of education improvement and let the states and local governments use every tool at their disposal in finding new solutions—including non-traditional uses of federal education funds. We need to formulate some new thinking in education and passage of this bill is one step towards that goal.

Some of our colleagues from the other side of the aisle have said that they are in full support of this bill but feel it should only move if it is part of the reauthorization legislation for the Elementary and Secondary Education Act which we hope to pass in the upcoming months. Well, if Congress were to wait for the ideal vehicle to move all legislation, we'd never get anything done. And maybe as some people look to the 2000 election—that's the point.

Two or three weeks ago the minority leader in the Senate said this was the ideal bill to show how bipartisanship works and that probably all 100 Senators would vote for it. Additionally, all 50 governors endorse it. So what happened? Last week the minority decided to hold up that bill in the Senate by offering partisan amendments. Does it appear that our Democratic brethren have decided to stop all constructive efforts in hopes to produce a "do nothing Congress" and in doing so, gain control of the House and forget the needs of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 9, as follows:

[Roll No. 39]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Becerra
Bilbray
Capps
Conyers
Frost
Hinojosa
McCrery
Minge
Reyes

☐ 1805

Messrs. SIMPSON, HANSEN, BURTON of Indiana, EWING and LIPINSKI changed their vote from "aye" to "no."

Ms. KAPTUR changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 39, on agreeing to the Miller amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer amendment number 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CASTLE:

In section 4(a)(4)(A)(iii) (of H.R. 800, as reported), strike "or" and insert "and".

In section 4(a) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

"(5) OVERSIGHT AND REPORTING.—

"(A) IN GENERAL.—

"(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

"(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and its impact on the improvement of education programs.

"(B) PERFORMANCE DATA.—

"(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

"(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver.

"(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

"(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data.".

"(ii) SECRETARY REPORT.—The Secretary shall—

"(I) make each State report available to Congress and the general public;

"(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii). The Secretary shall include in the report to Congress an assurance that the data used to measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data.".

□ 1815

Mr. CASTLE. Mr. Chairman, the amendment is offered by myself, the gentleman from Indiana (Mr. ROEMER), the cosponsor, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), and the gentleman from Pennsylvania (Mr. GOODLING).

This is a relatively simple amendment. I will take very little time to explain it. It pertains to oversight and reporting requirements, as sort of a follow-up on some of the earlier discussions about GAO.

It strengthens accountability by clarifying reporting and oversight requirements. It ensures that when States monitor the performance of local waiver recipients, they use all information available to them to hold them accountable for using Ed-Flex to improve students' performance.

It clarifies what States must submit to the U.S. Department of Education in their annual Ed-Flex reports. States need only to provide performance data and information about the types and characteristics of the waivers granted. No unnecessary burdensome paperwork requirements, just what Congress needs to evaluate the success of the program and how it is helping reform at the local level.

Finally, it will enable Congress to better understand how Ed-Flex waivers are being implemented, a concern raised by the GAO. It requires States to provide an assurance that their data is complete, reliable and accurate, which is in accordance with standard accounting procedures, and it clarifies that the Secretary should report the information they receive to Congress and the general public on an annual basis.

Included in this report will be an overall assessment of the impact of Ed-Flex waivers on student performance. That is the heart and soul of what this amendment is.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the coauthor of this amendment. I support this amendment very strongly. The gentleman from California (Mr. MILLER) originally came up with this language in committee that was modified and hopefully improved on by the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY).

We believe it is very important to get good information about how these waivers are being used. We believe it is very important to get specific information, and not just accumulate a phone book, but get specific data, for instance, on how the Ed-Flex waivers are being used for the Eisenhower Program.

And if a particular program is still keeping scores up and they are still using the waiver, but their science and math scores are maintaining as high or if not higher than the rest of the State, we want them to share that information with other States that are applying for the waiver.

So we strongly support this language. We thank the gentleman from California (Mr. MILLER) for the discussion we had on this in our committee, and I would propose to my good friend, the gentleman from Delaware, the coauthor of the amendment and the bill, that we have a unanimous consent agreement at the present time to limit the debate on this particular amendment, which is an agreed-to amendment, to just two or three speakers, maybe just the managers of the bill, and then move on to the Scott amendment, which is an important and substantive amendment.

Mr. CASTLE. Mr. Chairman, I have no problems with the gentleman's offer, but I have the chairman of the committee standing here. Maybe I should get his wise advice.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I think that would be a good idea, Mr. Chairman. Basically, after the last discussion we had for hours and hours and hours, no one should oppose this, since it strengthens accountability by clarifying reporting and oversight requirements. So I would think it is a unanimous vote, and if the gentleman needs a recorded one to see that it is unanimous, the gentleman can ask for one.

Mr. ROEMER. No, we do not want a recorded vote.

Mr. CASTLE. Mr. Chairman, I realize there is a time problem here. We have one or two people who want to speak. Can we have two speakers of 3 minutes, or something of that nature?

Mr. ROEMER. Mr. Chairman, I ask unanimous consent now that we have two speakers; that the gentleman has 5 minutes of debate and we have 5 minutes of debate, and we would yield back our 5 minutes on this particular amendment.

Mr. CASTLE. Yes. I would agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

Mr. CASTLE. Mr. Chairman, let me restate it, 5 minutes on each side?

Mr. ROEMER. That is correct.

Mr. GOODLING. On this amendment?

Mr. ROEMER. That is correct. Then we would move on to our side, and the gentleman from Virginia (Mr. SCOTT) would be eligible to offer an amendment.

Mr. CASTLE. That is 5 minutes total for our speakers?

Mr. ROEMER. Five minutes on each side, and we would probably yield back our 5 minutes.

Mr. CASTLE. Yes.

The CHAIRMAN. The unanimous consent request, as the Chair understands it, is 5 minutes on each side for this amendment and any amendments thereto.

Mr. ROEMER. No, just this amendment.

Mr. CASTLE. Just this amendment, and amendments to this amendment, yes. Sorry.

The CHAIRMAN. That is what the Chair said.

Mr. CASTLE. Sorry, Mr. Chairman.

The CHAIRMAN. For this amendment and any amendments thereto, 5 minutes on a side, the time to be controlled by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER).

Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank my colleagues from the other side. I came to this debate fully expecting that there would be a donnybrook and battle. I think it has been a very healthy debate, showing differences on the issues itself. It did not get personal. There was very little partisanship that went through. I think that is very, very good.

Mr. Chairman, I would also like to thank the gentleman from Michigan (Mr. KILDEE). Of anybody I have worked with in Congress, both when he was my chairman on the committee and then when I was his chairman on the committee, there is no other one on the other side of the aisle that I have ever worked better with on education issues.

Mr. CASTLE. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. I thank the gentleman for yielding time to me, Mr. Chairman.

I think it is constructive that earlier this afternoon the Pennsylvania delegation met with Governor Ridge, a former member here. The first question that our Governor asked is, When are you going to move this Ed-Flex bill? We absolutely have to have it.

This is what he said was the primary reason, that 40 percent of the bureaucrats working in the State Department of Education are employed filling out Federal forms, only to qualify them for 7 percent of their total educational package.

So the notion that the Castle amendment, joined in with the Ed-Flex bill, will give the Governor of Pennsylvania the opportunity to put some of those 40 percent of the educational bureaucrats to work doing something productive is reason enough for both the Castle amendment and the bill.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

I strongly support the Castle-Roemer amendment, and thank the gentleman from California (Mr. MILLER) for his excellent contributions.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

Mr. SCOTT. Mr. Chairman, historically, when it comes to educating the most difficult and challenging portions of our society, it has always been the Federal Government that has been forced to act because of the States' inability or unwillingness to act.

For example, it was the United States Supreme Court in Brown vs. Board of Education which forced States to provide an equal education for African American students.

It was Congress, through the Individuals with Disabilities Education Act, which required States to afford free and appropriate education to children who are physically and mentally challenged. For low-income children, Title I was fashioned by Congress to focus resources on a population whose needs were not being met.

Today it seems that we are prepared to abrogate our responsibility to make sure that those who are in need of educational services continue to receive focused Federal educational assistance. In the name of increased flexibility, the bill before us allows States and school districts to shift targeted Federal educational assistance away from the most educationally and economically disadvantaged students.

This amendment, which I am offering today with my colleague, the gentleman from New Jersey (Mr. PAYNE), guarantees that we will continue to focus on children most in need of assistance.

Mr. Chairman, without this amendment we would allow schools to shift funds designed to improve educational opportunities for those who are economically and educationally disadvantaged in favor of those who are not in as much need. The purpose of Title I is to focus funding on low-income students, because we recognize that they are educationally at risk and because we recognize that the States were not addressing these needs. Funds must be focused on those children who are most at risk.

But there is an exception to those who are in schools where the majority of the students are poor. In those schools, Title I funds can be used for school-wide programs, not targeted purposes. Although the funds are thereby diluted, the dilution is offset by the administrative efficiencies in the school-wide programs, rather than having to serve only those children who are technically eligible for services, and not others. This amendment will prevent schools with low poverty rates from diluting the funding to the point where the needy students are not helped at all.

Members of Congress should be reminded of why Title I was funded in the first place, because States were ignoring the educational needs of the poor. If we trusted the States to adequately fund the educational needs of the poor, we would not have funded Title I in the first place. Therefore, I offer this amendment to avoid unnecessary dilution of Title I funds, and to maintain our commitment to those educationally at risk.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and I feel that this amendment is extremely important.

When the Elementary and Secondary Education Act was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. The Federal Government decided to commit resources to ensuring those schools receive program funds specifically targeted to schools that had large numbers of children who lived in poverty. That program is now called Title I, and it was created to help improve the gap in achievement between low- and high-income students.

We all know that today the gap of achievement still exists. That is why it is important that we maintain our commitment to reaching out to those schools in the form of targeted assistance. But under H.R. 800, States are given the authority to allow schools to participate in schoolwide programs under Title I, regardless of their low-income child percentages.

Let me give an idea of what Title I schoolwide programs do and how they are funded. Funds are currently given to individual schools with a student population that is 50 percent or more below the poverty level. They are able to use the school-wide funds to institute programs that benefit all students at a high priority school. Such examples include hiring more teachers, instituting reform plans.

This bill will allow waivers to be issued to schools so they may give these funds to any school, regardless of their poverty level. This is wrong. Giving school districts the authority to use Title I funds for schoolwide programs at any school, regardless of the number of children who are low-income, dilutes the purpose of Title I. It is wrong.

Over the years, when the program first started, we had to demonstrate 75 percent of the students. It was dropped to 50 percent. Now we are saying it is unimportant about the level.

Now we stand here today, about to vote on a bill that will give the States the authority to waive this poverty level requirement and allow schoolwide program funds to be allocated to schools that do not have one child who lives below the poverty level. We can argue all we want about the effectiveness of the Title I program over the years. But make no mistake about it, Title I was created to give high poverty, low performing schools a better chance at improving student achievement. We cannot take away our commitment to these schools by allowing waivers to be issued to schools that have low levels of poverty to be eligible for Title I funds. Diluting Title I funds for schoolwide programs so that any school can use them defeats the entire purpose of the program. This amendment will simply make sure that only schools with over a 35% poverty rate are eligible for schoolwide project funds. It will keep low poverty schools from capitalizing on a program meant for high poverty schools. This amendment is consistent with the actions of the Secretary of Education who has only issued waivers for schoolwide programs to schools with poverty levels of above 35%. Without accepting this amendment, we will find that we have spread the funds too thin to see any real gains in achievement at schools using Title I funds for schoolwide programs. And we will most certainly find that disadvantaged schools will see less of the Title I funds originally created to bridge the gap between high and low poverty schools. The Title I program was created as a program for disadvantaged students. You can keep some semblance of that intention if you vote for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I rise to oppose this amendment. Let me explain why.

Over the last few years, as we have taken a look at education around the country, we have visited a lot of different types of school districts, but one constant remains, that people at the local level are focused at meeting the needs of the kids in their schools. They want more flexibility. Washington has stood in the way too often of schools helping kids in their community.

What Ed-Flex does is it steps back and it says, we recognize that at the local level the teachers, the parents, and the school districts are best-equipped to make the decisions to improve the lives and the education of their students.

If we take a look at the facts, Ed-Flex, in the 12 States where it has been operating, has been helping and not hurting Title I students. It just reinforces the direction here that says, let local people make local decisions. We have had lots of cases where schoolwide programs have been more effective at improving student performance than traditional targeted programs.

In both Texas and Maryland, Ed-Flex States, Ed-Flex has enabled school districts in each State to improve the test scores of their poorest children. In return for greater flexibility, both States have produced solid academic outcomes.

An example, in Kent County, Maryland, a 60 percent poverty school that utilizes Ed-Flex, it now has the third highest test scores in the State. In Texas, through the use of Ed-Flex waiver authority for schoolwide projects under Title I, test scores of poor and educationally disadvantaged students have increased significantly.

I think these are just a couple of examples of when we empower people at the local level, they take that flexibility and they make the decisions that are right for that school district and for the kids in their schools.

□ 1830

We saw that over and over again. Whether we were in New York, whether we were in Cleveland, whether we were in Milwaukee, when we give the flexibility, people at the local level embrace it and put together some truly exceptional programs. They do focus on results, and they do focus on the most needy students within their school districts.

We do not need Washington to dictate. We ought to place some confidence in people at the local district. I think what we have seen and the examples that we have out of Texas and Maryland show that that is exactly what happens.

Some would argue that Ed-Flex shortchanges high poverty schools. Again, that is not true. Since 1994, the year that both Ed-Flex and schoolwide projects under Title I became law, the percentage of high poverty schools receiving Title I funds rose from 79 percent in 1993, 1994 to close to 95 percent in 1997, 1998. Poor students are continuing to benefit under Title I.

The question that we have is, when Governors, school administrators, teachers, State boards of education, local boards of education, and chambers of commerce, all experts at improving education, they all support more flexibility for the States, why is it that we continually see amendments here in Washington that are trying to dictate to them what they should do?

We know flexibility works. Local school principals, local teachers, local administrators like having the schoolwide option. The national assessment of Title I shows that, by 1997, 1998, 82 percent of eligible schools were using the schoolwide option, and an additional 12 percent were considering implementing schoolwide programs.

We know that this type of an approach works. We know that the flexibility works. We know that, when we enhance the capability of people at the local level within a set of parameters to improve education, they make the right kinds of decisions. Let us leave this decision making at the local level within those parameters and oppose this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at the end of this debate, when we have 15 or 20 minutes left in this 5-hour debate, to again salute my coauthor the gentleman from Delaware (Mr. CASTLE), who has worked so hard and with so much integrity on this legislation. I have enjoyed working with him very much on this legislation, and I hope to work with him in conference on this legislation.

We have agreed virtually on everything over the last 8 months. Accountability and how, in the sensitivity of enhanced flexibility, but strong accountability, we work through that nexus and that synergy. I think we have accomplished that.

We have worked through a host of other very, very difficult yet bipartisan issues. This is the one issue that I come down in disagreement with my good friend, the gentleman from Delaware (Mr. CASTLE). I come down on this on the side of the amendment of the gentleman from Virginia (Mr. SCOTT).

When we look at this bill and we see how we must maintain accountability, we also have to maintain the integrity of Title I programs. When we look at the genesis of Title I under the SEA Act of 1965, we look at why we formulated this program in the first place, that different children come to school from different families with different incomes.

Some of these children come to schools where they are eligible for free or reduced lunch programs, where their parents or parent are making under the poverty line. We put together the program that tried to compensate some of these school districts that base their tax system on State and local taxes, but they may have high poverty rates and may have high percentages of children on free and reduced lunches.

The Title I program is specifically designed to help these children that attend some schools in some of our inner cities where we do not have adequate access to technology and computers, we do not have adequate textbooks, textbooks are missing pages in algebra in science, where we have children walk through gang-infested neighborhoods, and we have to employ out of those funds in the school full-time police officers. What about equal access to education for these children?

All the Scott amendment does, it says that we are going to try a new way of delivering Title I programs, but there should be a floor as we experiment here. The floor should be at 35 percent. I think the State of Michigan has voluntarily agreed to set that standard at 35 percent.

We must, and I implore my colleagues on the other side, where Democrats have come across the aisle today on several amendments to join with Republicans, that Republicans join now with Democrats; that we look at the genesis of Title I; that we maintain the integrity of helping the poorest of the poor students; that we consider that some of these children come from very different backgrounds and very different incomes and very different families.

Some of these children do not get hot lunches and hot dinners and hot breakfasts if it were not for our hot lunch and hot food program. They would not have access to the kind of education that every son and every daughter should have in this country if it were not for equal distribution or fair distribution or the integrity of the Title I program.

I encourage my colleagues not to let that floor be set any lower than 35 percent and support the Scott amendment. It maintains that integrity in the Title I program. I thank the gentleman from Virginia (Mr. SCOTT) for offering this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak to this as sincerely as I possibly can. Sometimes we get awfully tangled up with numbers on this. I respect the gentleman from Virginia (Mr. SCOTT) in so many ways because we have worked together on a lot of different issues. But I am perplexed by Title I.

I have watched Title I for many, many years in many capacities in the State of Delaware. Quite frankly, while money goes into the system, I have never seen a measurable output that would tell me that Title I is actually doing better. Now one could argue it is, but it is all anecdotal at this point.

We are now seeing under the Ed-Flex legislation, when schools are going to schoolwide projects, which means that they take the whole school and try to have a rising tide with respect to that school, that, all of a sudden, the Title I kids are doing better.

I am not going to sit here and tell my colleagues this is the best thing since sliced bread because it is not absolutely proven yet, but it seems to be working. To put a floor on this and to say, if one does not have 35 percent or more poverty, one cannot get a waiver in this case I think would be a mistake.

I think we should let the local school district and the schools and the States make the decision as to which way we should go. We have this particular chart, which shows that Ed-Flex boosts student performance, Texas uses flexibility to improve reading scores. It shows statewide scores. Then it shows higher scores for Hispanic Ed-Flex schools, for African-American Ed-Flex schools, and for economically disadvantaged Ed-Flex schools.

So we actually can show, we can document improvement in State reading scores in the State of Texas as a result of what they have been able to do with Ed-Flex, with the schoolwide programs, and with the waivers.

I spent time in a school in Dover, Delaware, I guess 3 days ago now, and talked to the principal there. We are not an Ed-Flex State, but she is not sure about whether to go to something like a schoolwide program at this point. That is fine. That is her decision. I do not have a problem with that.

In Kent County, Maryland, right over here on the Eastern Shore, if you go to Rehoboth Beach, Delaware, you drive through it, a 60 percent poverty school there that utilizes Ed-Flex has the third highest test scores in the Nation.

I do not know this, but I would imagine there are not too many Title I programs across this country which can have documentation such as that. They of course are using the schoolwide projects to carry out what they have to do in order to help these young children.

The people who are doing this care a great deal. These are not people who are trying to throw money away. As a matter of fact, in the Ed-Flex bill, one cannot change the money. The money goes to the school district. They get it, and they cannot give it away to another school district. But they can make decisions in their school district, just as Texas has done.

Maybe a school that is a little bit higher income can do better than a school that is a little bit lower income, needs more help than a school that is a little bit lower income, and, therefore, adjusts the flow of their funds accordingly in order to accommodate those problems.

The governors, the school administrators, the teachers, the State boards of education, the local board of education, and the Chamber of Commerce, among others, have all looked at this and believe that it is a positive step going in the right direction.

We also have plenty of accountability in this bill now thanks to some of the discussion today and some of the things we were able to do in committee. Indeed, we can make determinations if these programs are working.

But, again, I am trying to discourage any amendments today, tonight, that are going to, in some way, discourage flexibility. Of all the areas that concern me the most, Title I is the one I am most interested in seeing what we can do, to see if we can have documentable improvement of our students in those particular programs.

The one thing that I see and which truly has worked is the schoolwide programs which we have talked about here today. By the way, schoolwide waivers and the Title I programs are almost the most sought after in some ways of these various waivers under Ed-Flex as well, because a lot of schools are seeing that opportunity.

I personally shy away from arbitrarily putting in some sort of a floor and say, well, if one is below that then one cannot have the schoolwide program. Others might argue, well, if one gets below that level, one is going to have so little money one has to do it for individuals or whatever it may be.

I do not necessarily believe that. I believe that educators in America today are beginning to really understand that people in elected office, parents, and people across this country are beginning to demand better education. That is the best thing that has ever happened.

The next best thing that has ever happened is the fact that we are taking this long to discuss a bill of this importance on the floor of the House of Representatives. As was said at the very beginning, I hope we do it once a week. I am not sure the staff hopes for that. But I hope we do it once a week so we can improve the education of our children.

I would hope, even though I want to help Title I in every way we can, that tomorrow, when we vote on this amendment, that we would defeat the amendment; after we have done that, that we would rally together to pass Ed-Flex.

We have had a good debate on the amendments. I understand there is a good chance it will pass in the other body tomorrow. They have worked some things out apparently. The chairman has given strong support for this. This is really an opportunity for us to join together to move education forward.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Scott amendment and wish to cite improvements in the District of Columbia as one good reason this amendment is minimally necessary if we are really going to pass this Ed-Flex bill at all.

I hope we will not throw poor children into a power struggle to get money, Title I money, and that is what we are doing if we do not safeguard this flexibility, if you will, for those who need it more.

If one asks any parent, any child, any teacher what could the Congress most do that would help you, I do not think they would say give us flexibility. I think they would say give us results.

I implore my colleagues to look at the question: If we are freeing up funds, for what and for whom? No government spends money so well that we should want to give it a blank check. If my colleagues do not think much of the way the Federal Government spends money, I hope they do not believe that the State governments are paragons of fairness and of efficiency in spending money. The problem, as usual, is that one has to watch government and to make sure government spends its money wisely where it is most needed.

We have had an extraordinary thing happen in the District of Columbia, a turnaround in test scores. Every grade, test scores have significantly gone up. How do we do it? We did it by giving individual attention to the children most in need, because they are with children who are pulling down the test scores for everybody else.

□ 1845

We did it by our Summer Stars program, where children were in classes of

15 children to 1 teacher. We do it now with a Saturday Stars program, with the children most in need going to school on Saturday for special attention.

We have not spread the money all around the city and said that whether the children needed it or not, here is some money. We do not need to shoot in the dark, nor do we need to say, here is the bank, come get it, and whichever of them are most powerful, and we know who they are, they will be sure to get it.

Moreover, we have learned something finally about education. Essentially we have learned that if a child is going to learn to read at all, they had better learn to read in those early grades. It becomes very, very difficult afterwards.

Who is having trouble reading? It is the 35 percent that the amendment of the gentleman from Virginia (Mr. SCOTT) would set aside money for. Mr. Chairman, there is a direct correlation between test scores and income. The evidence there is irrefutable. There is a direct correlation between income and IQ. So we do know that if income, which means access to education, goes up, that we do improve what happens to a child.

The gap between the poor and the middle class is not going to erase itself by "flexibility". If we want that gap to be erased, then we have to make sure that at least some of the money is targeted where it is most needed.

Why did we pass this bill in the middle of the war on poverty in the first place? We passed it because there were children who were not getting the attention that was needed. If we must pass this bill, and I have grave problems with this bill, it seems to me that the other side owes us some continuing guarantee that we are not simply blowing the lid off of Title I, telling poor children that they and their parents are now in the mix and may the most powerful and most outspoken win.

We have an obligation to, at the very least, if we must pass this bill, to make certain that the flexibility that we all seek redounds especially to those most in need.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentlewoman for yielding, Mr. Chairman, and I stand in support of the Scott-Payne amendment.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia (Ms. NORTON) has expired.

(On request of Mr. CUMMINGS, and by unanimous consent, Ms. NORTON was allowed to proceed for 1 additional minute.)

Mr. CUMMINGS. Mr. Chairman, if the gentlewoman will continue to yield, I stand in support of the Scott-Payne amendment. And the reason why, Mr. Chairman, is I would have been one who would have come under Title I.

Many years ago I was placed in special education and told that I would never be able to read or write. And as I look at this whole bill, the safeguards are not there to address accountability. When the Kildee amendment was defeated, accountability went away.

In my district, in many of my schools, most of the children are Title I children, and I am very, very concerned about them. I would just ask the House to support this amendment.

Title I is the federal government's way of assuring disadvantaged children have the opportunity to receive the supplemental services they need to succeed, school as reading and math. We must continue this effort to close the academic achievement gap between disadvantaged children and their schoolmates. Unfortunately, the Ed-Flex bill does not include the safeguards to ensure that this happens. With the defeat of the Miller/Kildee amendment this bill will go forth without substantial accountability mechanisms in place. Moreover, the bill itself will allow states to waive the current 50% requirement for Title I. Conceivably, a school could use their Title I funds on a school-wide project that did not take into account special needs of poorer children.

My state of Maryland is one of the 12 states that is currently implementing Ed-Flex, with measured statewide success. The majority of children in my District of Baltimore City are Title I eligible. I have serious concerns that with no accountability with regards to Title I funds, monies could possibly be diverted away from disadvantaged students. As my colleague Sheila Jackson-Lee pointed out in the earlier debate, Title I funds can account for up to one-third of a local school system's budget in a disadvantaged area. That is a lot of money with no accountability.

That is why I stand here today to support the Scott/Payne amendment which would require that only schools in which at least 35% of the students come from low-income families may seek a waiver to use their Title I funds to operate their school-wide programs. We must not reduce targeted resources available to disadvantaged children. It is a risk we cannot take. I urge my colleagues on both sides of the aisle to join me in voting in favor of this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) is entitled to 5 minutes, but under the rule, there is only 3 minutes remaining. The gentleman may have those 3 minutes.

Mr. GOODLING. I can do it in 3 minutes, Mr. Chairman.

I want to, first of all, indicate to the gentlewoman from D.C. that, as a matter of fact, they are turning it around under present existing law. There does not have to be a change. They are turning it around under the 50 percent existing law that is there now.

Now, I have been wanting to, for many, many years, give the gentlewoman an extra $12 million a year. I have been wanting to give the gentlewoman from D.C. an extra $12 million a year. All the gentlewoman has to do is help me. All she has to do is get the special education funding that the gentlewoman's side promised 23 years ago, and we would give her an extra $12 million every year. Boy, could the gentlewoman ever reduce class size; could the gentlewoman ever do a lot of repairs. She could do all sorts of things with that $12 million.

The important thing is that the changes are being made under existing law. All the scores that have gone up in Texas have gone up under the school-wide effort. That is the beauty of it. We are pulling everybody up. So we do not need any changes because it is now working.

So, again, I would ask everyone to oppose this amendment, allow Texas to continue to raise African American students 11.9, when the State average is only 11.4; Hispanic students 9.4, the average is only 9.2; the economically disadvantaged student, 10.3, the average is only 10. They are doing all those wonderful things to help every youngster improve their opportunity for a piece of that American dream. Math, same story. Every one in the Ed-Flex schools have increased, and they have done it with school-wide effort.

So, again, Mr. Chairman, things are improving under existing law, finally. Finally, after 30 years in this program and 23 years in the Head Start, and so on, those youngsters are finally getting an opportunity to get a piece of that American dream.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this Amendment, which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The Scott amendment would add a finding to the bill encouraging the use of flexibility in administering Federal Education programs while not reducing resources to schools with the highest concentrations of poor children.

This amendment sends the message that flexibility and targeting of resources should be coupled together in the effective administration of Federal education programs. It also recognizes that the concept of flexibility and targeting do not have to be at odds.

With this amendment, this body sends an important message that targeting of Federal resources is vital to the success of disadvantaged children, even in efforts to advance flexibility. Focus the use of Ed-Flex in expanding flexibility that recognizes the need to target resources.

I urge my colleagues to support this amendment which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The CHAIRMAN. Time for consideration of the bill for amendment under the 5-minute rule has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 100, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to provide for education flexibility partnerships, had come to no resolution thereon.

REQUEST FOR VOTE ON AMENDMENT NO. 3 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House resolves into the Committee of the Whole House for the further consideration of H.R. 800, that amendment No. 3, printed in the RECORD, be considered ordered for a vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. CASTLE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Missouri (Mr. CLAY) to please explain.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, the Members are being asked to vote on, without debate, amendment No. 3, which would authorize the hiring of 100,000 new teachers to deal with the problems that exist in some of these communities and would be able to reduce class size for the lower grades, K through 3.

I think it is a very important amendment, Mr. Speaker.

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION TO EXTEND TIME FOR DEBATE AND OFFERING OF AMENDMENTS FOR 2 ADDITIONAL HOURS DURING FURTHER CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the time period established on H.R. 800 for consideration of this bill or amendments under the 5-minute rule be extended for 2 additional hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–48) on the resolution (H. Res. 103) providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 819, FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–49) on the resolution (H. Res. 104) providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1999.*

TRIBUTE TO BUCKNER HINKLE, SR.

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, today I rise to recognize the life and accomplishments of Mr. Buckner Hinkle, Sr. of Bourbon County, Kentucky.

Mr. Hinkle will be missed deeply by his family and community, but his memory will live forever in a place he loved so dearly and worked so hard to preserve. He was a leader in his community and worked tirelessly to make sure Bourbon County was the best it possibly could be.

Mr. Hinkle was a dedicated friend, neighbor and citizen, who showed an ongoing interest for people around him and for the community in which he lived. He gave unselfishly of himself and asked for nothing in return.

I know he will be missed by his loving family and friends, however his memory and many contributions to those around him will live forever. It is an honor to recognize the life of an outstanding American who truly made Bourbon County, Kentucky, a better place.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOSSELLA). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO URBANA HIGH SCHOOL'S CONCERT CHOIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the Urbana High School Concert Choir is scheduled to appear in Rome, Italy during this week of March 12 through March 19 as a representative of the State of Illinois in an American Celebration of Music in Italy 1999.

The Urbana High School Concert Choir is under the directorship of Mr. Willie T. Summerville who hails from Crossett, Arkansas, attended the T. W. Daniels High School, Arkansas AM&N College at Pine Bluff, and earned a master's degree in music education from the University of Illinois at Champaign. The choir will sing during the mass on the 16th of March in St. Peter's Basilica in Rome. They will sing one selection at the beginning while the priests enter, one selection during the offertory, two selections during communion, and one selection at the end of the mass.

Mr. Summerville and his 40 Urbana High School advanced concert choir members are to be commended and congratulated for being among the best in the world. But all of the Champaign-Urbana community are to be commended for their spirit of generosity and cooperation in contributing the $70,000 needed for the group to make the trip.

The choir was selected on the basis of recommendations from State music officials, past accomplishments and superior ratings. All of the $70,000 came from donations, many as tributes to Willie T. Summerville, an outstanding teacher for more than 30 years.

This letter, which I will read, contained the first $1,000 contribution and says it all.

To Mr. Summerville:

Twenty-nine years ago, in the fall of 1969, I was a student in Mrs. Bryan's sixth grade class at Robeson Elementary School in Champaign, Illinois. In September of that year my father was killed as a result of injuries he sustained in a brutal beating that took place at Par 3 Golf Course. As you can imagine, it was a very difficult time for me. I found few things capable of lifting my spirits back then. Fortunately, the one exception was you, your music class and the time spent in the Robeson Chorus.

I can still remember walking into your music class. You greeted many of us with the silly names that you had made up for us. Music class was always an enjoyable, fun time. We traveled to many countries, many cultures and many people thanks to you and your piano. You taught us about racial equality and racial harmony. I still remember the words to the songs you taught us, like Marching to Pretoria, Walk on By and Good Old Days, to name just a few. On a more personal level, for a boy who had just lost his father, you served as a male mentor and for the time we were together helped to fill some of the void left behind.

Even outside the classroom, you were an influence in my life. As you may recall, I learned to play trumpet from the band teacher, Phil Garringer, and at his insistence participated in two statewide annual solo music competitions. You were my accompanist for both of those contests, and each time I took home medals. But you were more than an accompanist. You were my coach, my conscience and the driving force behind my success in those contests. You taught me that you play like you practice. You taught me about goals and challenged me to set high standards for performance. You taught me how to work to achieve them. Most of all you taught me to believe in myself at a time when my confidence was shaken. In so many ways, you helped to shape my life and teach me lessons that I still use and practice today. In short, you touched my life.

I am so pleased to learn that you are still shaping and touching young lives. A trip to Rome for your students will no doubt be a life-changing experience for many of them. They will never be the same again for having gone to Italy or for having had you as their teacher. I am thankful that it is finally my turn to help you, and in a very small way repay you for all that you have done for me. I have no doubt that you will succeed in raising the funds you need for the trip. To you and your students, I say learn and enjoy. And thanks again for the memories and lessons on life.

Tim Miller, Vice President, General Counsel, Crane Plastics.

Again I say congratulations to the Urbana High School Concert Choir, to the Champaign-Urbana community, and all of those who made this opportunity possible for 40 outstanding young people to make a trip that they otherwise never would have experienced.

Again I say congratulations to my cousin, Willie Summerville and his wife Valeria, both outstanding teachers, outstanding parents, parents of the year, humanitarians, and I say thanks to you for looking out for the young people from Chicago who come to Champaign-Urbana to attend the University of Illinois. I am certain that Moses and Lenora Summerville are proud of your work and the impact that you have had on the lives of others.

Again, congratulations to you, all of the people of Champaign-Urbana, and certainly to the 40 outstanding young people who will get the opportunity to sing at St. Peter's Basilica.

INTRODUCTION OF MILITARY FAMILY FOOD STAMP TAX CREDIT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, approximately 11,000 of our military families are on food stamps. Let me repeat that. Eleven thousand military families are on food stamps. The men and women who volunteer to protect and defend the citizens and freedoms of this Nation are struggling to make ends meet. Our troops accept the most awesome responsibility, yet they are so severely underpaid that many must take on second jobs. Others are forced to accept food stamps in order to feed their families. Still many others out of pride refuse government assistance and their families suffer silently.

Mr. Speaker, I find this absolutely inexcusable. These men and women are willing to defend and die for this Nation and yet our troops are paid so little that thousands can barely afford to feed their own families. Unfortunately, the problems that face our military extend well beyond pay levels. Today's average soldier, sailor, airman and marine is both overworked and undercompensated, and it is not surprising. Defense spending has been cut nearly in half under the current administration. President Clinton will not pay for the increased operational needs of the armed services, but he continues to deploy our forces at a rate greater than any other President in peacetime since World War II. These deployments, which often have no direct bearing on our national security, have cost our Nation over $13 billion. Frequent deployments are taking their toll on our aging equipment, they are separating our troops from their families, and are quickly wearing out our forces.

I have the honor of representing a district with four military bases, Cherry Point Marine Air Station, Camp Lejeune Marine Base, Seymour Johnson Air Force Base and the Elizabeth City Coast Guard Base. I have spent many hours meeting privately off-base with dozens of pilots, commanders and enlisted personnel. They will tell you, Mr. Speaker, the current state of our military is cause for concern. We cannot continue to do more with less, nor can we expect to continue to recruit and retain men and women to an all-volunteer force until we address the issues that affect the quality of life of our troops.

Mr. Speaker, at this point our military has all but hit the bottom of the barrel. Over the last few years, Congress has continued to bring this serious discrepancy between civilian and military pay to the attention of this administration. As a result, the administration has finally started to consider a pay increase to combat the growing problem. This is a good first step, but we need to build upon this momentum.

Today I introduced a bill to curb what I consider one of the most unacceptable situations that faces our military families, and that is that our military families need food stamps. The bill I filed today, the Military Family Food Stamp Tax Credit Bill of 1999, will extend a tax credit to military families to ensure that they no longer have to depend on the government to put food on their table. The tax credit also helps our enlisted troops overseas who currently cannot participate in the food stamp program. With the anticipated increase in basic pay and this tax credit, we can look forward to raising the income level of our Nation's military so they will no longer be forced to rely on food stamps.

I hope that my colleagues on both sides of the political aisle will join me in honoring the important role of our United States military and support this bill.

QUESTIONS THAT MUST BE ASKED REGARDING OUR NATION'S COMMITMENT OF GROUND FORCES TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 5 minutes.

Mrs. WILSON. Mr. Speaker, tomorrow this House will debate whether the United States ground forces should be deployed to Kosovo as part of a NATO force to oversee the implementation of an agreement negotiated by a group of countries led by the United States. This body does not often debate foreign policy. Under our Constitution, foreign policy is generally the responsibility of the executive branch. But there are some limitations to that power. It is up to us to ask the tough questions, to oversee, to be the check in a system of checks and balances that generally works in the people's best interests.

We are the People's House. And while professionals might sometimes decry our provincialism, collectively we bring a perspective, an important and different perspective, to these decisions. The troops that will go to Kosovo to us are not unit designations or blocks on an organization chart. They are kids, the sons and daughters of members of our Kiwanis Clubs. They played football at our high schools and sang in the church choir. They are the kids who delivered our newspapers and struggled with math homework. They decided to go into the service because their dads did, or because they really have not decided what they want to do with their lives, or because they wanted to earn money for college, or see the world a little bit before they settled down, or because of duty to country.

There will be 4,000 names and faces with families from our hometowns who will be asked to go to a province most of them probably could not have found on a map a few months ago, and before we send them overseas, we need to ask ourselves some tough questions. I know that, because I used to be one of them. I am the first woman veteran in the history of the United States to serve in the House of Representatives. I have friends and classmates who serve tonight in the Gulf, in Korea, in Europe, and all over the United States. I also know a little bit about NATO and European security policy, having served as a member of the United States Mission to NATO and as a director on the National Security Council staff at the White House during the period of the fall of the Berlin Wall and the collapse of the Warsaw Pact. I am a strong supporter of NATO and of American engagement in the world. But my support is not unconditional or blind, nor should it be for any of us.

Let us not underestimate how profoundly serious our vote tomorrow will be. We will endorse or reject the indefinite assignment of 4,000 American men and women as part of a 30,000-person NATO deployment into the territory of a sovereign country, with which we are not at war and over the objections of that country, on the grounds that the administration of the province of Kosovo is not in accordance with international humanitarian standards. While we may have come to this point by small steps, the policy we will debate tomorrow is an extraordinary departure from what was envisioned in the NATO charter, and I would argue a departure from much of American diplomatic history.

I rise tonight not to argue with you for or against the Kosovo resolution, that will be for tomorrow, but to suggest to my colleagues some of the questions we must answer and ask on behalf of our constituents.

□ 1915

First, what is the threat to U.S. security or a vital U.S. national interest? We need to be able to answer this not in vague and rhetorical ways, but very specifically.

Second, what is the political objective we are trying to achieve, and is the deployment likely to achieve that political objective? In Kosovo, the purpose seems to be to stop oppression of the Kosovars and begin a process that will lead to a referendum on autonomy, but not independence.

Third, is the size and structure of the proposed force, their rules of engagement, their lines of command, clearly defined and adequate to the task so that risks are mitigated? Who do our forces report to, and who decides what they can and cannot do? Whom do they shoot at and for what causes? Do they have the armored vehicles and the air support they will need if everything does not go exactly as planned? And it will not. How are forces to react when KLA members refuse to disarm, as many will? How should they react to outside intervention, unlike Bosnia where there are enclaves that different ethnic groups claim? In Kosovo, the Serbs and the Kosovars are claiming the same territory, and we are led to understand that Serbs and Kosovars and NATO forces will be all in the same area. How do we protect our troops in that situation? And what are they allowed to do?

Mr. Speaker, tonight we have a lot to think about as we prepare for the debate tomorrow.

RATIFY CEDAW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to ask my colleagues, my colleagues in the House of Representatives, to take a stand for women. In honor of Women's History Month, I am reintroducing a resolution urging the Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women known as CEDAW, C-E-D-A-W. The convention holds governments responsible for first condemning and then working to eliminate all forms of discrimination against all women. This agreement establishes rights for women not previously subjected to international standards including political laws, including employment law, including education and health care.

CEDAW was approved by the United Nations General Assembly 19 years ago to codify women's equality, 19 years ago. Since then more than 160 nations have ratified CEDAW. Also, more than two-thirds of the U.N. members have gone on record dedicating themselves to ending state sanctioned discrimination against women and girls. The one glaring exception is the oldest democracy in the world, the United States.

Mr. Speaker, since 1994 the President has repeatedly submitted this treaty to the Senate where it has languished in the Committee on Foreign Relations. The position of the United States as an international champion of human rights has been jeopardized by its failing to consider and ratify CEDAW. Worse yet, our failure to act strips the United States of its ability to sit on an international committee established in the treaty to ensure that nations are adhering to the treaty's guidelines. This action sends a message loud and clear to women in this country and all over the world. The message is that we are unwilling to hold ourselves publicly accountable to the same basic standards of women's rights that other countries apply to themselves. This is despite the fact that since federal and state laws already prohibit many forms of discrimination against women, the United States could ratify the convention without changing domestic law.

The President, the Secretary of State, Madeleine Albright, and national and international women's groups have expressed their commitment to CEDAW. Let us ratify CEDAW this year and make the 21st century the first century in the history of humanity where women do not know government sanctioned discrimination.

I encourage my colleagues to join me on this resolution with 41 other original cosponsors and make our desires known loud and clear that we want CEDAW, we want it ratified and we want it now.

TRIBUTE TO CHICAGO POLICE OFFICER JAMES H. CAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I solemnly rise today in tribute to a Chicago police officer who has fallen victim to the senseless violence that is suffocating far too many of our Nation's neighborhoods. Just today we are now mourning the death of Officer James H. Camp, a 35 year old gang tactical officer who was gunned down during a routine traffic stop made across the street from the Albert Einstein Elementary School located in my district.

When Officer Camp approached the vehicle and ordered the driver out, the driver refused. As Officer Camp began to remove the driver from this vehicle, a struggle ensued. The driver grabbed Officer Camp's gun and fatally shot him in his face. Just like that Officer Camp lost his life and became the second Chicago police officer to die in the line of duty this year.

Mr. Speaker, many of his colleagues described him as a young, aggressive, effective police officer whose focus and whose hard work produced many good arrests. Others of his colleagues, his fellow officers, say that he was a polite man who was friendly, he was well liked and he was dependable. These are all wonderful descriptions of this man who committed his life and who contributed quality to his service to the citizens of Chicago.

Today I would like to also add another personal characteristic to this list describing Officer Camp. Officer James Camp was heroic. Every day for the last 4-and-a-half years he bravely and unselfishly served the citizens of Chicago. Yesterday his efforts cleared the way for the children of Einstein Elementary School so that they could walk home in peace. His efforts brought that neighborhood closer to a community that is free of drug activity. His efforts made the first congressional district of Illinois specifically and the City of Chicago in general a much better and a much safer place to live.

It is very important for us, Mr. Speaker, to remember at this time that Officer James Camp's service and dedication is duplicated a thousand times by brave members of the Chicago Police Department. Their bravery, which is exhibited day and night, should never ever be taken for granted. They literally risk everything that they have, including their lives, for our protection.

In closing I would like to reiterate that Officer James Camp in his short life of 35 years made quite a difference to the city, to our Nation. Indeed the Nation should thank Officer Camp for his service, for his commitment and for his dedication, and we as a Nation should extend to his widow of just three months our continued prayers for God's strength and God's grace during her time of bereavement.

HUNGER IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlelady from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Senate has proposed that the emergency supplement appropriation bill, a bill to help those ravaged by storm in Central America, be offset by hurting those ravaged by hunger in North America. This proposal, inappropriately so, requires offset from the food stamps to pay for it. This proposal fails to recognize a hunger in America is more than just a word. It is a harsh and cruel reality that affects millions and millions of Americans, including children.

According to the Catholic charities, the demand for emergency food assistance increased by 26 percent in the first half of 1998. The United States Department of Agriculture and the Census Bureau report that one in eight families in America remain on the edge of hunger. We are in an economic boom, but many working people, their families, their children, far too many, face a food crisis and a hunger burst. Indeed the U.S. Conference of Mayors tells us that close to 40 percent of those seeking food aid in 1997 were members of families where at least one person in the household was working.

That is why I support allowing participants in the Food Stamp Program to own a reliable car. Under the current law, food stamp participants cannot own a car valued at more than $4650. This limit in the law discourages progress and promotes poverty. A reliable car is essential for daily necessity, but more importantly, this is essential for getting to work. It is important, lifting the artificial cap on rent, mortgage payments and utility bills that are used in calculating food allowance for food, also indeed is addressed. Nearly a million households, the vast majority of which include children, receive low food allowance because a cap on their housing expense is there.

In addition, the food stamp program should be available to all legal immigrants, including elderly legal immigrants, especially those that were in the country before the welfare reform was enacted, and the WIC program should be fully funded so that the nearly 10 million women, infants and children who are now eligible can be covered by this vital program. Children Nutrition, the School Lunch Program, is very, very important.

It seems to me that if there is any Federal program that has worked consistently throughout the years and has stood the test of time, it is our National School Lunch Program. Nearly 26 million children are served every day. Through this program children have a healthy meal, a healthy start so they can be alert in school, thereby giving them a chance, a chance for a change, a chance for improvement in their lives.

□ 1930

One does not have to be a rocket scientist to know that a child needs to eat to function. To educate our workforce, we must have a good school system and good teachers. That is why I believe we should fully fund the school breakfast program authorized in the 1998 child nutrition authorization program.

Whether this Congress will make the substantial and significant investment in the school breakfast program is yet to be seen. The debate over how to use this Nation's resources now, fortunately centers around what we do with the surplus.

Now that the deficit has been eliminated, we want to use our resources to help people, especially our children.

I urge my colleagues in the House to reject the Senate proposal to help those in Central America by hurting those in North America.

Everyday, twenty-six million children are served.

When a child has breakfast, that child is going to be more attentive, more alert, and his grades will improve.

When a child has breakfast, he will not have to visit the school nurse or the school principal for discipline as often.

It doesn't take much to understand that.

If America is to be competitive in the world market, we must educate our workforce.

But, good teachers can only be effective if our children are fed and not hungry in the classroom.

As you know, the President, in his budget, has requested Thirteen million for Fiscal Year 2000 for the School Breakfast Pilot Program.

It is very important that we fight for these funds. We must not take them for granted. School breakfast is not a welfare program. It is an education program. School breakfast is not charity. It is a chance for our children

Thirteen million dollars is a modest amount. But, for the children who will eat, it is an amount that will have a major impact. It seems strange that we must fight for food for those who can not fight for themselves. America is a strong Nation, and we are strong because we can provide quality food at affordable prices. There are many places in the World where the same can not be said.

But the real strength of America is not due to our advanced technology, our economic base or our military might.

The real strength of America is its compassion for people, those who live in the shadows of life.

The real strength of this Nation is its compassion for the poor, the weak, the frail, the disabled, our seniors, our children—the hungry.

America's compassion makes us strong.

It really is time to stop picking on the poor.

Less than three percent of America's Budget is targeted for feeding the hungry. Nutrition programs are essential to the well-being of millions of our children. They do not ask much. Just a little help to sustain them through the day. Nutrition programs, in many cases, provide the only nutritious food that millions of our Nation's children receive on a daily basis.

COMMON CONCERN AND ENTHUSIASM FOR THE PROSPECTS OF REDUCING THE TAX BURDEN ON THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I am joined here on the floor by a number of Members from the Republican Conference, and those of us in particular tonight are gathered out of common concern and enthusiasm for the prospects of reducing the tax burden on the American people. There are many of us here in Congress who believe very firmly and passionately that the size of the Federal Government not only is too big but that this government collects far more income and revenue from the American people than is necessary.

Furthermore, we are united in the firm belief that this surplus, this additional revenue that the Federal Government collects, confiscates from the American people and transports here to Washington, D.C., would be better utilized and in fact more powerful if left in the hands of those who work hard to earn this income in the first place.

Very, very clearly, what President Kennedy and President Reagan as well, have shown the Nation is that by reducing the effective tax rates on the American people, through economic growth and productivity of the American people, that the Federal Government actually generates more revenue.

Again, it is the entire distinction between growth in a strong vibrant economy and strengthened family budgets as opposed to slower economic growth and larger government budgets that divides the Congress, quite frankly, and it is the ultimate basis and difference between the Republican Party and the Democrat party.

We do stand squarely for a smaller Federal Government, for a lower tax burden, for stronger family budgets, and for economic prosperity through a deliberate plan to grow the economy of the United States of America.

We are joined and honored, to be joined tonight by the majority leader, and I yield the floor to him immediately, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Colorado (Mr. SCHAFFER) for yielding and let me thank the gentleman from Colorado for reserving this hour for us to discuss this.

We are joined by a good many of our colleagues here. I thought it might be interesting to sort of set the stage, for the American people to have a look at where it is we have brought this budget situation to, since we took over in the elections of 1994 and, of course, commencing in 1995.

Remember, in 1995 we had deficits for as far as the eye could see, and obviously because we were successful in restraining government spending, we have transformed this situation. The fascinating thing, the gentleman from Colorado (Mr. SCHAFFER) made a reference to it earlier, we have now in just these few short years, moved from the public policy discussions of deficits for as far as the eye can see to the current discussion of budget surpluses for as far as the eye can see.

Yet it seems like the terms of the debate between the two major political parties have not changed a bit. Republicans are still saying essentially that the Federal Government is too big and takes too much of your money and that we ought to use the surplus to fulfill our obligation to the American people. Whereas the Democrats seem to say, no, the problem is we really need to grow the government larger and we ought to do so by further prevailing upon the American people for tax increases.

This really centers around this next fiscal year, fiscal year 2000, the first new year of the millennium. We have now, as we look forward to next year, a $137 billion surplus in the Federal budget; that surplus in the budget comes almost exclusively from payroll taxes that are paid in excess of current, particularly Social Security outlays.

Let me just talk about that a little. My daughter, who is a young working professional in her early thirties, who probably represents that generation of Americans that is most worried about their own retirement security in America today, wears a little pin on her lapel and the little pin says, who in the devil is FICA and why is he taking my money?

I think that question is being asked by a lot of our young working people starting their new families and trying to get started in their life.

FICA, or the payroll taxes that we all have withdrawn from our check, is the money that the Federal Government takes for the purpose of fulfilling our obligations to our senior citizens for their retirement.

The youngsters, who are feeling the burden of this tax, are indeed a very loving and generous generation of Americans. We will hear them talk, and I hear them across the country, and they will say, look, these taxes are tough on us, they are tough on our young families. We have our own hopes for our children and our own retirement, but if it is for grandma's and grandpa's retirement, we will pay the taxes.

Now what these youngsters are discovering is, in just next year alone, they will pay $137 billion more in those taxes to that entity called FICA, in their payroll taxes, than what is necessary next year for grandma's and grandpa's retirement.

The young people are quite correctly coming to us and saying, let us have an accounting on that. The first thing they will say is we owe that to grandma's and grandpa's retirement, and bless their little hearts they are saying do not spend it on other government programs like has been done; put it aside for grandma and grandpa. That is what they intended.

This is what we have done. We set aside the entire $137 billion for our seniors. The President has $52 billion of new government spending, growth in the government, and only $85 billion set aside for the seniors.

If one translates this over the next 5 years, what the Republicans are saying to our youngsters on behalf of their grandma and grandpa is, look, we will take $768 billion of your hard earned taxes and for the first time in the history of Social Security we will actually lock that away to make sure that grandma and grandpa are taken care of. The kids, bless their heart, are the first to demand that.

How many times have we heard a 20 or 30 year old youngster, starting their own family, look at that tax and say, this is a moral obligation to grandma and grandpa? It just warms the heart to see the generosity and the love.

President Clinton and Vice President Gore, on the other hand, they are saying, well, only $569 billion, because we need the rest of that for these government programs of growth.

We have also said that to the youngsters, we understand your concern that government grows out of control and it costs too much money. Look down the road. Take a young married couple today with a two or three year old baby, and they are thinking about now where will I get the money, when that youngster is 15 and 16, for the braces and so forth? They feel the burden of the taxes imposed on them to support the government, and yet what the Clinton-Gore people are saying is, we are going to continue growing the government even in these times.

What we have said is, look, in 1997, the Republican majority in the House and the Senate, every one of the gentlemen who are here, made an agreement with the President, and that agreement was that we would hold the line against further growth in the government. That is known as caps on spending, to stop the growth.

What the Clinton and Gore budget says is, let us increase that budget spending each of those years.

We believe that is wrong. We think a deal is a deal. We think we should hold those caps and we should do so in regard to those young people.

Then finally, the Clinton-Gore budget says they are going to raise taxes on those very same young people over the next 5 years, while we say not only can we hold the caps, not only can we set aside every bit of that Social Security payroll tax that these young people are paying for their grandma and grandpa, but we can get them a $146 billion tax reduction. So we find ourselves back to where we were.

The President and his party look at these tax cuts that we are trying to get for the American people. They throw up their hands with despair and they say, oh, that is just Republicans getting tax cuts for the rich. They, in turn, want to have tax increases.

Let us just stop for a moment. Where would their tax increases fall? Look again at that young married couple just trying to get their life together, finally out of their mom's and dad's home, into their own home. They have got a wonderful Tax Code that they work within. We know how generous our Tax Code is, that gives every one of those a home mortgage deduction so they can buy their own home and then they hit them with a marriage penalty so they are tempted to live out of wedlock, but the youngsters are dealing with that tax, doing the best they can. When we take a look at this and say, my gosh, the largest number of people hit are who, it is those people making $24,000 or $25,000. That is the young folks just getting out of college, just finally getting on with their lives. They are the people that bear the burden of this tax; those people who so desperately need the most take-home pay they can get right now because they have a new baby on the way. They want to redecorate that one extra room they have in that house that they managed to put together at the lower interest rates because of the budget deficit being eliminated, so that they can build a nursery.

Yet the other side is saying that money which would be put into redecorating that room for that nursery we need to, what, build some new government program.

Then after that, the $25,000 to $50,000 income category. So once again, relatively low income, younger people struggling to make ends meet, trying to build their family, are being asked by President Clinton and Vice President Gore to pay the tax increase so we can have the new government programs, and that is where we want to focus our attention tonight.

I believe when the gentleman from Colorado (Mr. SCHAFFER) contacted me and talked about this special order and invited all these other folks, he wanted to focus the Nation's attention on this question. When we have this area where finally after all the years we have struggled, where we can get to surpluses, where we can honor our commitment to grandma and grandpa on their retirement, and hold the line on the growth of government, and literally give these young people starting their young families a chance to have a little relief from the burden of this taxation that they feel so heavily, we feel like we have an obligation to all of these generations to step up and do our best. I think we have done that with our budget.

What have the President and Vice President said? Let us put big government first.

□ 1945

That is where we are, and that is what this debate is all about.

I know I have gone on too long, but it seemed to me, and I know the gentleman from Illinois (Mr. WELLER) had been looking at these charts and perhaps might want to use these charts and I want to leave them for the gentleman to use. But I think we ought to have a real candid discussion about that matter.

To the gentleman from Colorado (Mr. SCHAFFER), I again appreciate the gentleman yielding me this time, and perhaps if we have a few questions we can talk about it and get some of the rest of us involved.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Speaker, let me say, because our leader is a modest man and is not going to brag about one of the things that he has done, but I think it is important that we bring this forward and let people know what we are doing to try to reduce that tax burden.

One of the things I want to commend the majority leader on is his America Deserves A Refund campaign that the gentleman launched here in the Capitol, bringing a family with, I believe it was 6 children who were able to benefit from the prime tax cut that Republicans put into the 1997 agreement, the $400 this year and $500 in future years tax credit per child. For that family, that is $2,400 more in their paycheck that they get to keep this year because of that Republican initiative that we were able to put into law.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, it is so neat to see the 6 daughters, the family had 6 daughters, and when they realized as mom and dad were sitting there working out their taxes that gee, this meant $2,400 more take-home pay for mom and dad because of that new provision we put in the law, I believe it was in 1995 or 1996, and in 1997 we finally got the President to sign it, the girls had a lot of fun thinking, gee, what can be done with mom and dad's new $2,400, and I kind of laughed, and they all kind of thought it might be a good idea to put that money away and save it for a new baby brother. That was a good consensus for the girls.

Mr. McINTOSH. Mr. Speaker, the other thing that struck me about that was a statement the majority leader made about using a hypothetical family, the Smiths. What does this tax burden mean in our everyday life? When they get up in the morning, they flip on the lights and they pay a utility tax. They run the water to brush their teeth or take a shower, and they pay the water and the sewage tax. They have breakfast and everything that they bought for breakfast they paid a sales tax on. Then when Mr. Smith gets in his car to head to work, he pays a gas tax and, in most States, a car tax which Republicans here in Virginia are working to eliminate. Then, when he gets to work, he pays an income tax, a FICA tax that the majority leader discussed earlier on this payroll, and if he is investing any of that money in a savings account or in the stock market, he pays a capital gains tax on the returns of his investments.

Mr. Smith comes back home, and the gentleman was kind enough to mention a bill that my colleague the gentleman from Illinois (Mr. WELLER) and I have been working on to eliminate the marriage tax, because he and Mrs. Smith have decided to stay married, in spite of the fact that they pay on average $1,400 more just because they are married. Then, they pay property tax on their home, and if they then reach the end of their lives and want to pass that on or the other assets on to their children, they pay a death tax. That is just 11 taxes, but it is a huge chunk, as much as 50, 60 percent of many people's incomes that go to taxes at all levels of government.

Mr. Speaker, I want to commend the gentleman for taking the initiative and focusing our effort here in Washington on engaging the American people for this campaign of America Deserves A Refund, rather than using those taxes to grow the size of government. I thank the gentleman for doing that.

Mr. SCHAFFER. Mr. Speaker, this is a topic that as a Republican majority we care about, not only from the perspective of managing government and trying to run a more efficient and leaner government, but from the perspective of our concern for middle class Americans. I want to share a couple of sentences here from a letter, and then I will yield to the gentleman from Illinois.

This is a letter I received from a constituent from my district, and I will point out that what we are hearing here in Congress are the concerns of average American people who are realizing that the $52 billion in tax increases that are being proposed by the President of the United States and the White House is not consistent with the best interests of average American families. Average American families want to see tax relief. Here is a good example.

"Dear Congressman Schaefer: The administration's 2000 budget plan presented to Congress on February 1 imposes new taxes that will make it harder for millions of American families to save for their own retirement needs and will seriously jeopardize the financial protection of families and businesses. Providing for retirement and securing your family's financial security should not be a taxing experience," the writer claims.

"Americans are taking more responsibility for their own financial futures and they have made it clear that they oppose both direct and indirect tax bites that jeopardize their retirement security and their ability to protect their families. Congress, on a bipartisan basis, soundly rejected a similar approach last year, and I strongly encourage you to do the same this time around. Please oppose any new direct or indirect taxes like those that commonly are referred to as DAC or COLI on annuities or life insurance products."

Here is a letter from an average American family in Colorado urging us here in Congress to avoid the kinds of tax increases that the Clinton administration is proposing. They are looking to somebody here in Washington, and I am proud to say that the Republican Party is listening to things like this.

Mr. Speaker, I will now yield to the gentleman from Illinois (Mr. WELLER) to help assure not only this constituent, but others like him around the country who are looking to us for real leadership and guidance on trying to shrink the size of the Federal government and provide real meaningful tax relief for families just like his.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Colorado for yielding and organizing tonight's discussion on some of the issues that are so important for us.

Mr. Speaker, think about it. I have been here now 4 years, I have had the privilege of serving in this body, and we were told time and time again that there was so much that we wanted to do that we could not do it, it could not be done, we could not accomplish it. We balanced the budget for the first time in 28 years; we cut taxes for the middle class for the first time in 16 years; we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS for the first time ever. Those were all accomplishments that we were told we could not do. It had never been done before, so you cannot do it, but we did.

As a result of that, we have a big challenge and opportunity before us that is something new in Washington. That is, we have some extra money. We have a projected $2.8 trillion surplus of extra tax revenue that is burning a hole in Washington's pocket. And the debate this year is what are we going to do with it?

Of course, the President came in and gave a great speech on his State of the Union and basically promised to spend it all. He says, we will save Social Security and we will spend it. I went back home after that, because I stood up and applauded several times, because it sounded great. But folks back home said, well, wait a second. If we have all of this extra money, why is the President asking for $176 billion in new tax increases in his budget? And then they said, but he says he wants to save Social Security, but he raids the Social Security Trust Fund by $250 billion. I do not understand that. Wait a second here. We have a surplus; why do we need a tax increase? We have a surplus; why do we need to dip further into the Social Security Trust Fund?

That is why I appreciate the leadership that the majority leader and others have shown with the decision that has been made just in the last few days to do something that the seniors back home in Illinois have told me they would like to see done, and that is that we are going to wall off the Social Security Trust Fund, that we are going to put an end to a practice that has gone on since LBJ was President, and that is, hands off Social Security. For once and for all, we are going to wall off the Social Security Trust Fund, and we can no longer spend it on anything other than Social Security. That will also put a stop to the President's idea of raiding the Social Security Trust Fund.

I think that is an important issue, and I really want to salute the Republicans in the House and Senate who took that issue on over the last 4 years, because it is a big victory, and I see it as a bright light at the end of the tunnel as we go through the budget process, doing something this year that seniors have asked us to do.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, talking about that increased spending the President has before us, in his budget he proposed 120 new government programs. Not expansions of existing programs, but 120 new Federal Government programs. I just have to ask Mr. and Mrs. America, when you see where all you find the Federal Government in your life and in your community with this program, that program and the other program, does anybody in America believe that America today needs 120 new government programs? It seems to me that is just wanton growth, almost as if for the sake of the government alone.

Mr. WELLER. Mr. Speaker, in response to the majority leader, the President wants to pay for these 120 new programs by dipping into the Social Security trust fund. We see the young men and women many of us know back home in our home communities, just graduating from high school, they are in college or entering the workforce and they are paying 12.6 percent of their income into the Social Security Trust Fund with little hope, many of them tell me, of ever receiving Social Security benefits.

So unless we wall off the Social Security Trust Fund and stop Washington from dipping into the Social Security Trust Fund to spend on new government programs, our young people may never see Social Security. That is why it is so important that we make this change in how we budget the process.

Mr. ARMEY. Mr. Speaker, bless the hearts of kids. I love listening to the young people today. They are so good. They are paying these taxes for grandma and grandpa's retirement. They know that is an obligation and responsibility. They are happy to fulfill it. It is just that they cannot understand why then would we take that money that they work so hard for, that they are so willing to give up for grandma and grandpa and give it to 120 new programs they have not even heard of before. It is a fundamental thing, the families that we know and love and trust and we feel responsible for, putting them ahead of new ventures in life, and the kids understand that.

Mr. WELLER. Mr. Speaker, in yielding back my time to the gentleman from Colorado, perhaps I could pose a question to the my colleagues, and that is a question that was posed to me at a union hall back in Joliet, Illinois just a few days ago. This gentleman said, you folks in Washington, you have so much extra money right now, that surplus, over $2 trillion over the next 10 years in extra money, why does the President want to increase taxes? Why does the President say we need $170 billion in new tax increases on the American people and the American economy?

I think that is an important question, and we should be asking the President, but we should also be asking the Congress, why in the world would anyone consider new taxes in a time when we already have all of this extra money.

Mr. SCHAFFER. Mr. Speaker, it is very clear, we do not need new taxes.

Let me again refer to another real American who wrote to me from Fort Collins, Colorado.

"Last year, we withdrew an additional $1,000 from our IRA and found it increased our Federal income taxes by $515. That's right. We only had $485 left. President Clinton's tax increase to 85 percent of Social Security for affluent seniors," and she puts affluent seniors in quotes, "is what did it."

She goes on, she says, "In the 28 percent bracket, each additional dollar is of course taxed at 28 cents, and it also makes an added 85 cents of each Social Security dollar taxable at that rate. So the tax is 28 cents plus 24 cents, or 52 cents on each dollar."

She asks, with exclamation marks, "Who else pays at that marginal rate?" She says, "If we are wrong about any of this, please let us know. But if we are right, please help."

Well, we are pleased to be joined here this evening by the gentleman from the great State of New York (Mr. FOSSELLA) who is here to help, and I yield the floor to him.

Mr. FOSSELLA. Mr. Speaker, she should go see her Congressman from Colorado. He is going to give them all the money back.

Let me just commend the gentleman from Colorado as well for putting this together, and also the majority leader, and the gentleman from Illinois (Mr. WELLER), and the gentleman from Indiana (Mr. MCINTOSH); we are joined also here by the gentleman from Wisconsin (Mr. RYAN) of Wisconsin and the gentleman from South Dakota (Mr. THUNE), all of whom are speaking for the American people who feel that they are overtaxed.

The gentleman from Illinois (Mr. WELLER) posed the question about how can we be doing this? How can the White House be making these statements about a so-called surplus and yet spending more money.

I would like to refer folks back to the movie the Wizard of Oz. Remember Oz, the wizard who would say, do not look behind the curtain. Well, in a way, that is what happens here in Washington. Just do not ask those questions. Trust us. Trust the White House spending your hard-earned money. And if the gentleman from Illinois (Mr. WELLER) goes back home and sees that gentleman again and he asks him the question, does he trust people in Washington or the President to spend the money he earns every single day of the year, or would he prefer the freedom and the opportunity and the liberty to spend that?

Mr. WELLER. Mr. Speaker, if the gentleman will yield, that is really an important fundamental question we should be really answering here in Washington and the Congress, and that is who can better spend the hard-earned dollars of the folks back home, those of us here in Washington, or real people trying to meet their own family's needs? When we think about it, if we allow people to keep more of what they earn, and of course I would like to eliminate the marriage tax penalty that punishes 21 million married working couples an average of $1,400 each just because they are married. Now, $1,400 in the south side of Chicago and the south suburbs, that is a year's tuition at a local community college. It is 3 months of day care at a local day care center. It is a washer and a dryer in the utility room.

The point is, it is real money for real people, and if we allow people to keep more of what they earn, they can also make choices themselves, because we in government really are not in the best position to make the best decisions for folks back home, for families. Because if they have more money in their pockets, they can choose whether or not to take care of their children's needs or set a little aside for Johnny's college education fund or give a little extra money at the church or the temple or for a charity that is important to their community.

□ 2000

That is an important choice. That is a fundamental decision that we are really going to be deciding this year, is whether or not we let folks keep more of what they earned, or do we spend more here in Washington.

That is why I am so concerned about the President's $250 billion raid on the social security trust fund and his $176 billion in new tax increases, because that is taking more money out of the pocketbooks of hardworking folks back home in Illinois, New York, and other States.

Mr. FOSSELLA. Mr. Speaker, the interesting point here is we are from all parts of this country: New York, Illinois, Wisconsin, South Dakota, Colorado, Texas. I think we represent really what the heart and soul of what the American people want from us.

That is, those are the folks who work hard every single day to send that money back home, because ultimately in life we have a choice. We have a choice here in Washington, by sending people who want to spend that money, much of it unnecessarily, or send it back home where it belongs, and at the same time set aside money where it belongs in the social security trust fund so it is not treated as a slush fund instead of a trust fund. That is the decision that is going to be made every single day of this Congress and the next.

I believe strongly, despite what the polls say, despite what the pundits say, that the people at home in my district on Staten Island and Brooklyn, and in that of the gentleman from Illinois (Mr. WELLER), feel they pay too much in taxes. I say we give them that $1,400.

Would they prefer to spend it back in Illinois? People I represent would rather have that $1,400 in Staten Island to spend how they see fit, whether it is education, a vacation, a new car, whatever it is, because we believe in what this country is all about: the fundamentals of freedom and liberty, and the notion that if you provide the incentives to go out there and work hard we will see economic growth, we will see new jobs created, we will see new innovation, we will see the creativity, we believe in the American spirit.

I want to thank all my colleagues for taking time out to really be the voice of the American people here in Congress, and I thank again the gentleman from Colorado (Mr. SCHAFFER) for putting this together.

Mr. SCHAFFER. From Erie, Colorado, I received this note: Dear Representative, please cut taxes. The proposed 10 percent tax rate cut is so little, but at least it is a cut. Please cut taxes, sincerely, and the writer or the author of this e-mail was from Erie, Colorado. I mention this just to let this woman from Erie know that somebody is listening from Washington, cares, and is interested in moving in that direction. Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank my friend, the gentleman from Colorado, for yielding, and my other colleagues on the floor this evening for participating in this dialogue.

I think it is fair to say that a tax cut of a $1,000 probably goes farther in South Dakota than it does in Long Island, but in South Dakota, that is a lot of money.

I think the basic question we are all talking about here in Washington right now is who are we going to trust to fix social security, to save Medicare, to pay down the debt, and to see that the American people get to keep more of what they earn. Are we going to trust the group that for 40 years was in charge of this institution and did not do anything to protect social security, or the people who in 1994 came to this town, were elected, the Republican majority in the Congress, and the gentleman from Illinois (Mr. WELLER) was part of that group, and we were able to join him later, who said we are going to reform welfare and then did it; who said, we can balance the budget, and then did it; who said, we can cut taxes, and then went ahead and did it? Or are we going to trust the other group, that for years and years and years continued to squander the taxpayers' money?

Just to give an example of this, if we look at 1995 and what the projection was, and we have seen a lot of numbers out here this evening, but in 1995 the Congressional Budget Office projected 10 years out into the future. They projected that we would have a $3 trillion deficit, year after year of deficits accumulated. Now the Congressional Budget Office is projecting out for the next 10 years $2.6 trillion in surplus.

The American people I think can do the arithmetic on that and see how far we have come in a very short period of time, 4 year's time. I think it is a great tribute to the hard work and fiscal responsibility of the Republican Congress when they came to this Congress and said that we were going to change business as usual.

I think the ironic thing is that now we have the President of the United States coming up here and saying, we have to pay down debt. We need to invest more in national security. We have the leadership in the Congress on the Democrat side saying that, one, we need to live within the budget caps; and two, we need to look at what we can do to cut taxes.

That tells me we are winning the argument. When we are winning the argument, I think the American people are winning, because it means we are getting more control and more of their hard-earned money back into their hands.

All of us come from different parts of this country. I think we are all a product of those we represent. Where I come from, we have a lot of farmers, a lot of ranchers, a lot of small business people, a lot of hardworking families. It is a place where your word is your bond. It is a place where business deals are still conducted with a shake of the hand. I am proud to represent a place like that.

But they are people who understand that the big hand of big government in Washington is choking them and their existence, if we look at the cost of regulations and the cost of taxes to people who work hard in farming and ranching, and all the ways they get hit. Many of the proposals we are talking about that would reduce the tax burden on people of this country would be directed at people like those I am talking about.

The gentleman from Illinois (Mr. WELLER) has talked about, for example, putting a package together that allows for the deductibility of health insurance premiums for self-employed people. That is critical to farmers and ranchers.

Talk about the death tax, one of the concerns that we have in rural America is how can we keep the family farm and the ranch together? How can we pass it on to the next generation? One of the ways we can do that is to make it easier, so when it comes time and you want to make that transition, and the young person wants to stay on the ranch or the farm, that we do not confiscate it from them through taxes.

If we could do something about the death tax, we would go a long way to preserving the fabric of family farming and ranching in America, which I think strikes at the very heart and soul of the value system of this country. We want to preserve that, and we are not making it easy for them to do that.

If we could address the death tax, if we could address deductibility of health insurance premiums and the burden that we place on hardworking people in this country, the gentleman from Illinois (Mr. WELLER) has been a leader on the marriage penalty.

I think, again, that is something that has been in the tax code for a long number of years, that we have had this notion that somehow if people get married, they are going to be penalized through tax policy. That is just asinine. It is high time we changed it.

The proposals that we are talking about, one, walling off social security and seeing that we preserve that program, and again, I think it is the hard work of the American people and the hard work of this Congress in trying to control spending that has given us the opportunity to say we are going to set the FICA tax aside. We are not going to spend it. The other side, the President, the administration, and the other side of the House, want to, again, raid that social security trust fund.

We are going to set it aside, take that issue off the table, and then let us have a debate, an honest debate in this country about when that is done, are we going to spend more money in Washington on bigger government and more programs, or are we going to give it back to the American people? I think that is one that we win with the American people.

Mr. WELLER. Mr. Speaker, if the gentleman from Colorado (Mr. SCHAFFER) will yield further, that is an important question the gentleman is raising that we probably should ask as we go through the budget process this year. When the President is calling for 120 new government programs, maybe the question we should ask is, who is going to pay for that?

Clearly, in his budget he says that we should take $250 billion out of the social security trust fund and we should increase taxes on top of that another $176 billion. That tells us where the money is coming from, from the pocketbooks of hardworking folks in South Dakota, and also the social security money for young people down the road, as well. I think that is an important question we should ask, where is that money coming from? If they propose a new government program, clearly they are raiding social security to pay for that new government program.

Mr. THUNE. I thank the gentleman for making that point. The irony is that in all of this, we hear an awful lot of demagoguery and an awful lot of rhetoric about what they want to do to protect social security, and yet the numbers bear out. The numbers do not lie.

If we look at the commitment that is made in terms of the rhetoric that comes out of the White House, and then if we look at how this thing actually goes when we read the fine print, it is a very different story.

I would simply say that I think we have a responsibility as guardians of the public trust and as those who defend the people who work hard in this country and pay taxes to see that we do not take any more from them than is absolutely necessary.

If we look at the tax burden, the regulatory burden, and the gentleman was reading some letters, the gentleman from Colorado (Mr. SCHAFFER), from people. We got one the other day. We have a situation in South Dakota where there is a small business deal where a city is taking gravel out of a pit, putting it on the back of a pickup, but because they used a conveyer belt to do it, they fall under the Mine Safety and Health Administration of the Department of Labor. It is considered mining, because they used a conveyer belt.

Under the regulations for mines, one has to have a porta-potty, so they had to put a porta-potty out there for 2 weeks' time, and it costs them $300. It did not get used once, not once. Then they were fined for other things, because they were not complying with some silly regulation because they were trying to move some gravel to the back of a pickup. This is just how ludicrous and ridiculous some of the stuff becomes.

I am not saying for a minute that there is not a need for health and safety type regulations, but there are an awful lot of people in this town who I think have way too much time on their hands who come up with some very ridiculous things.

That is what really this debate is about; again, how do we come up with a government that is more user-friendly, that is modernized, and that sees that because of the hard work of the American people, that we are not taking any more from them than is absolutely necessary.

If we look at what they can spend, if we take a $1,200 tax cut and think about how America could spend it, 15 weeks of child care, 24 weeks of grocery bills, 3 months of rent and housing, three car payments. This is real stuff. This hits people where they really live.

I welcome the opportunity to participate in this debate and talk about what we can do to preserve the way of life where I come from, which is rural America, and how we address some of these agricultural issues, and the tax issues and big government come right into that debate. So I appreciate the chance to visit this evening with my colleagues here.

Mr. SCHAFFER. Mr. Speaker, I ask Members to brace themselves for this. This is a woman from Fort Morgan, Colorado, who writes that she needs to know that there is a Republican Party back here in Washington who cares about her.

She writes, "This January I resigned my job and retired early at the age of 50 to cut our taxes. We are penalized for being married and we have no children, so you guys really sock it to us," she says. "The higher fees on everything we buy or use are taxed at higher rates."

She says, "We have been putting almost the maximum allowed into our 401(k) to help cut our taxes, but I may not live long enough to spend that money, because you look at my retirement dollars as your money," and she is speaking about Washington, D.C. and the Federal Government, of course, "and are determining for me how and when I can spend it."

She says, "When I watched the Senate hearings of Mr. Clinton's budget, it became apparent to me that the era of big government is back. The felon"—her letter may not be compliant with our House rules. Let me skip to the bottom.

"I do not want to hear you guys in Washington say one more time, we have to save social security. Do it now and do it right." She says, "Give us our money." Well, Members can hear the frustration and just the tone of the letter from an average constituent. I would suspect that the sentiments that are expressed in this letter are also expressed in the great State of Wisconsin.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) to elaborate further on what he is hearing from the people in his home district.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Colorado for yielding to me. I am a new Member from Wisconsin, and I was very honored and privileged to serve on the Committee on the Budget. What we have been doing in the Committee on the Budget has been two things, analyzing the President's budget proposal, taking it very seriously, and crafting our own budget proposal.

It was my first time to sit in this well of this House to watch the State of the Union Address. When the President stood right behind me here and talked about his plans to save social security, everybody remembers that 62 percent number, saving 62 percent of the surplus for social security, well, I was wondering and scratching my head at the time, why 62? Why not 100 percent? Where did the 62 number come from?

We have been analyzing that in the Committee on the Budget. It looks like actually he is not saving even that much for social security. But what that policy that the President has subscribed to allows the President to do is to continue raiding the social security trust fund.

Where I come from in Wisconsin, people believe that if they pay taxes for social security off of their payroll taxes, their FICA taxes, it ought to go to social security, not to other government programs. For 30 years our Congress, our presidency, this Nation has been raiding the social security trust fund. We have been taking money out of the social security trust fund that we have been paying every paycheck in our FICA taxes and spending it on other government programs.

I had thought that we would be able to end that process. Today we have two surpluses coming in Washington. We have a social security surplus and we have an income tax surplus, a surplus from non-social security taxes. In my opinion, what we have to do, and in fact what this Republican Congress is going to do, is to end that 30-year practice of raiding social security.

This chart right here beside me shows the differences that exist between our emerging budget plan and the President's budget plan. It shows that this year we have a $137 billion surplus, this year, 1999. It is all from social security.

The President wants to take $85 billion and put it toward social security. Some $52 billion of social security dollars are going to go to new spending. We are putting all of social security dollars back into social security. We are putting a firewall in our budget back in place that simply says that from now on, Congress can no longer raid the social security trust fund; that every ounce of FICA taxes we pay for social security plus interest will be dedicated solely to social security. Then when Washington starts running other surpluses from non-social security parts of the budget, from our income tax overpayment, we should get our money back.

□ 2015

The good point about the Social Security surplus is that that is part of our national debt as well. We have been raiding our Social Security for so long that we owe over $700 billion back to the Trust Fund. The Trust Fund contains nothing but a bunch of IOUs.

But our budget plan is going to pay down that debt. We are going to pay down our publicly held national debt. The President's plan actually increases the national debt by about $1.6 trillion.

The gentleman from Illinois (Mr. WELLER) talked about the new tax increases in the President's budget. It is very clear that what is emerging here is a sharp division of philosophy, a difference of opinion on the role of the Federal Government, on whose money is whose. Are we the stewards of the taxpayers' money, or does the government own their paychecks? That is the difference.

I think the President did a very good service to the Nation when he was speaking about the budget in Buffalo, New York about 4 weeks ago. I want to quote him, because I do not want to put words in the President's mouth. In talking about the surplus, the other 38 percent of the surplus he planned for other programs, he said this, "We could give you your money back in the surplus, but we would not be sure that you would spend it right." Therein lies the difference. Therein lies the difference of philosophy.

We are going to take all the money that people pay in Social Security taxes and dedicate it to Social Security. We are going to stop the raid on Social Security from now on. Then we are going to pay back the money that was stolen out of there in the first place. Then when people start paying overpayments in income taxes over the next 10 to 15 years, we are going to let them have their money back.

Mr. WELLER. Mr. Speaker, if the gentleman will yield, the point the gentleman from Wisconsin (Mr. RYAN) is making, I appreciate the gentleman from Wisconsin discussing this, because I serve on the Subcommittee on Social Security. The President has had a series of town meetings, televised town meetings around the country. His very first one was in Kansas City. He asked four of us to participate in satellite TV hookups with groups in our districts to talk about Social Security.

So I was in South Holland, Illinois with about 400 senior citizens. We had a discussion before we hooked up with the President. It was almost like the Wizard of Oz. There was this big screen, and there was the President's big smile. But they said, "Congressman, when you ask the question of the President for us, would you ask this one that is really important?" This gentleman said, and he is very sincere, "Ask the President when the politicians in Washington are going to stop raiding the Social Security Trust Fund."

Of course all the seniors broke into applause because they all agreed with that question. So when I had the opportunity to ask the President some questions on behalf of those in attendance at this televised town meeting with the President, I said, "Mr. President, the first question they want me to ask of you is they want me to ask, and let me quote this gentleman, when are the politicians in Washington going to stop raiding the Social Security Trust Fund?"

The President just kind of paused and put on a real sincere look and said, "We are not raiding the Social Security Trust Fund. We are just borrowing it. We are going to pay it back again someday."

Well, all the seniors laughed because they do not believe it is going to be paid back. I am proud to say that this Congress, this Republican Congress is answering that question from those 400 seniors at the South Holland, Illinois town meeting.

We are saying, "You are right. We are going to stop that practice. This

Republican Congress is going to wall off the Social Security Trust Fund and ensure that 100 percent of Social Security dollars go to Social Security." That is a big victory once we get that done this year.

That is why I am just so excited that, finally, after those of us, like the gentleman's predecessor, Mark Neumann, who really was a leader in this effort, and all of us that worked on the Social Security Perservation Act wall over the last few years, to save the Social Security Trust Fund, to wall off the Social Security Trust Fund, that the light is at the end of the tunnel.

By the time we finish this budget process, we want to stop raids in the Social Security Trust Fund. When the President proposes taking another $250 billion out of the Social Security Trust Fund in the next few years, that tells us why our effort is so important this year, and we want to win this effort.

I really hope that our friends on the Democratic side will join with us to protect Social Security because this is an important fight. The President says 62 percent. We say 100 percent of Social Security dollars must go to Social Security.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I think it is important to look at why were they raiding the Trust Fund in these early years. I wanted to find out why could they possibly justify taking FICA taxes and spending it on other government programs when they were dedicated to Social Security in the first place.

What we found out is that we have been running these massive deficits on the general revenue side of the government, the general fund. To pay for this deficit spending, rather than Congress passing the balanced budget amendment, which we have passed out of this House in prior Congresses but the President will not sign into law, rather than balancing the budget and cutting spending when we have deficits, they raided the Social Security Trust Fund to pay to these other deficits on the other side of the government ledger book.

But now we are even running surpluses over there. So there is absolutely no conceivable justification for continuing to raid the Social Security Trust Fund, no justification whatsoever.

What we are simply saying is this, from now on, under this Congress and under the budget we are going to present, every dollar coming from Social Security will go to Social Security plus interest. Then when we start overpaying our taxes on the other side of the government ledger book through income taxes and other types of taxes, one should get one's money back.

We are going to accomplish three historic goals that have not been accomplished here in my lifetime, which is this: we are going to stop the raid on the Social Security Trust Fund. We are going to pay that money back. We are going to give people their money back when they overpay their income taxes, and we are going to pay down our debt. We are going to start paying down massive payments of our publicly held national debt.

For the first time, because of the fiscal discipline of this Congress, we made the first down payment on our national debt last year to the tune of about $60 billion.

But here is the question that is being posed to all of us, and here is the question and the alternatives that America is facing: Do we want to continue to go down the road where Congress still plays this shell game, where they continue to raid the Social Security Trust Fund, as the gentleman mentioned, the President continues to raid it by $252 billion; or do we say enough is enough, stop the raid, put the money back that was taken out?

Then when Americans start overpaying their taxes for the next 15 years in income taxes and other areas, do we plow that money into new spending as the President has asked for these 120 new programs he is proposing in this budget, or do we let people have their money back? That is the difference.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, I want to commend the gentleman from Wisconsin (Mr. RYAN) for taking this issue on. The freshman class that joined us here as sophomores now, and the gentleman from Illinois (Mr. WELLER) as junior, I would like to think at least that we have had a lot to do with trying to get this thing switched around.

I want to elaborate on one point the gentleman makes. I think the American people should not miss this. Make no mistake about it, the President is going to continue spending out of the Social Security surplus. That is simple fact.

What we are saying tonight is in the budget that will be presented here, that that is going to be walled off. What I would like to do is elaborate on one point the gentleman made earlier about what he said in New York, because I think it ties in, it links to what is also being said by the administration and by the leadership, the Democrat leadership in the Congress.

That is that, once we have done that, once we have gotten a surplus, the Social Security is walled off, we have paid that back, and we are starting to generate a surplus in the other aspects of the budget, the question then becomes, are we going to have this debate about whether or not to spend it in Washington on new programs or give it back to the American people?

It is interesting what they say about that. Because what they have been saying in the quotes I have been reading, at least from the Democrat leadership that I have been reading, "We cannot afford to spend the surplus on tax cuts." Now think about what that means. I mean right there they are making a basic assumption that it is Washington's money. They are essentially saying that we are going to spend your money giving it back to you.

See, I think that the mentality which we are trying to crack around here is that it is not Washington's money. It is not the government's money. It is the American people's money. That is a fundamental difference in the way that we approach these issues.

I hope that we get to the point where we actually have a surplus beyond Social Security so we can engage this debate and talk about whether or not we build new bureaucracies in Washington or we get the money back. It is not spending the surplus on tax cuts, it is giving the people back their money in the first place.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield to me, in going down the same direction the gentleman from South Dakota was, what our budget plan is going to include is, we are going to make sure that Social Security is walled off, $100 percent of Social Security goes to Social Security. We then use that money to pay off the Social Security debt and our publicly held debt. So we get our national debt going down, the debt held by the public.

All those bonds that are out there by individual Americans, we are going to start retiring those bonds. But in the non-Social Security side of the surplus, that is what we are trying to spend. These surpluses are growing very rapidly over the next 10 years.

Our budget is going to include a budget mechanism, a trigger mechanism which simply says, we are going to save us from ourselves, we are going to save Washington from itself by making sure that these non-Social Security surpluses, when they materialize, that that money can only be used for reducing our debt or reducing our tax burden, not for new spending. Because if we do look at the President's budget, he is dedicating all of those new surpluses for more spending. Our budget is going to protect against that.

Mr. FOSSELLA. Mr. Speaker, if the gentleman will yield, I think one of the benefits of tonight's discussion, and I really appreciate my colleagues bringing out all they are, because I think the American people deserve the truth, and what my colleagues are doing tonight is presenting them with the truth, is we are having a healthy conversation about tax cuts as well.

Now there may be differences of opinion, for example, within the Republican Party as to what tax cuts should be. I support Mr. WELLER's efforts to eliminate the marriage penalty tax. Mr. THUNE's constituents in South Dakota as well as mine would benefit from a reduction in the death tax. The constituents of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFFER) will benefit from a reduction in the capital gains tax. I happen to believe that we need a reduction in marginal rates across the board.

The important thing to note is it is not just a simple choice between what we are discussing in terms of tax cuts for the American people, and none at all on the other side and what the White House is saying, we are talking about saving Social Security, strengthening Social Security, and tax cuts as opposed to more spending and higher taxes. That is what we are hearing from the other side.

I think the more the American people look at the details of what the Republican Congress is doing, what it has done up until now when given the ability to do so, despite the rhetoric, despite the fear, despite the sky is going to fall from the other side, ultimately, at the end of the day, the American people are going to place their trust in the people who are true to them.

I want to congratulate all my colleagues again.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I just want to bring up one more point, and that is the question that I get asked in a lot of my town hall meetings. What if these surpluses never materialize? What if the money does not come? We have to do everything to assure that it does materialize.

But by creating 120 new government programs in Washington, that can become and will become tomorrow's tax increases above and beyond the $176 billion of tax increases in the President's current budget. That becomes tomorrow's debt increases.

One thing that is very important that we need to keep in mind as we look at these budgets is we need these surpluses to materialize so we can pay off these obligations, so we can get ready for the baby boom generation on Social Security, so the money is there in the Trust Fund to pay out benefits when the baby boomers begin to retire, when younger generations begin to retire.

The best thing that we can do to assure strong economic growth which gives us more jobs, produces more taxpayers paying more taxes, giving us the surpluses that they are projecting is to reduce the burden of taxation on the working families of Wisconsin, Colorado, New York, South Dakota, and Illinois.

The best thing that we can do, in addition to keeping our interest rates low by reducing our national debt, which we are doing, is to let people keep more of their own money time after time. Every time we have done that in this century, cut tax rates under Hoover, under Kennedy, under Reagan, we increased economic growth.

We actually increased revenues from those taxes which are going to help us keep the economy growing, produce more jobs in this country, keep these surpluses coming in, so we can pay off our debt, so we can fix Social Security. Because if these surpluses do not materialize, if we go into a recession, all bets are off, and we are stuck with these new government programs. So that is why it is so important to make sure that we pay these obligations down and let people keep more of their money.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, in the remaining 2 minutes that are left, I yield half of that to the gentleman from Illinois (Mr. WELLER) to wrap things up for us.

Mr. WELLER. Mr. Speaker, let me first salute my colleagues here for talking about an important subject tonight, and that is what are we going to do this year in the budget? How are we going to save Social Security? How are we going to lower the tax burden? How are we going to meet our financial obligations and pay off the debt?

The President says that extra money that is burning a hole in Washington's pocket, that $2.6 trillion surplus, he wants to spend it on new government programs and raid Social Security to the tune of $250 billion over the next 10 years.

We have a different approach. The Republican Congress says, look, we are going to stop something that has gone on in Washington for 30 years. We are going to stop the raid on the Social Security Trust Fund and end that practice that President Clinton wants to continue.

We are going to lower the tax burden by eliminating the marriage tax penalty. We are going to pay down the national debt. That is our goals.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I want to thank the Speaker for recognizing a representative sample of the Republican majority here in Congress during this special order.

□ 2030

In Fort Collins, CO, a woman writes, "Although our family is not wealthy, it makes sense to me to give the extra money back to the people who paid it." That is the operative sentiment that drives us here in Congress.

We, as a Republican majority, ultimately believe that any surplus that this government manages to acquire is better reinvested back into the people who earn that money in the first place. That is a far more profitable prospect than what the Democrats prefer, which is to invest other people's cash into the government charity of the Democrats choice. We stand for something very different. We stand for all these constituents who believe that they should come first; that people should come before bureaucracy.

THE REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent a pretty diverse district. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities like the town of Morris, where I live, as well as a lot of corn fields and farm towns. Representing such a diverse district, city and suburbs and country, I have learned to listen, and to listen for the common concerns that the people ask their elected representatives to look out for.

One clear message that I have heard over the last 4 years that I have had the privilege of serving in this House of Representatives is that the folks back home want us to work together, they want us to get things done, and they want us to come up with real solutions, solutions that meet the challenges that we face. I am pretty proud that we have met that request.

When I was first elected in 1994, I was told it would be too difficult to balance the budget, and surely we could not cut taxes, let alone reform welfare or tame the IRS. I am proud to say in the last 4 years we did just that. By working together, by staying focused, by keeping our eye on the ball and working hard, we balanced the budget for the first time in 28 years, we cut taxes for the middle class for the first time in 16 years, we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS. That is pretty good. Those are real accomplishments, major changes in how Washington works.

When I am back home in Illinois folks say, that is pretty good, but what is the Congress going to do next; what is the challenge? When I listen to the concerns back home, I hear several things. The folks back home in Illinois tell me they want low taxes and good schools and they want a secure retirement, and that is the Republican agenda this year.

We want to ensure that our local public schools and private schools are strong, and that our public schools are run by locally elected school boards and local teachers and local parents and local school administrators, and that dollars we provide actually reach the classroom to help kids learn.

We also want to save Social Security by walling off the Social Security Trust Fund and ensuring that 100 percent of Social Security dollars go for Social Security. And we want to lower taxes.

Now, that also means we have some big challenges ahead of us. How are we going to accomplish that? There is a big challenge and an opportunity, and my colleagues and I have participated just in the last hour talking about some of those challenges, but the biggest opportunity and challenge is what are we going to do with the so-called surplus, $2.8 trillion in extra tax revenue, most of which is Social Security?

Well, the President says we should take 62 percent of it for Social Security and spend the rest. Republicans say we want to do it differently; we want to ensure that 100 percent of Social Security dollars go for Social Security, and what is left over, the incomes tax revenue surplus, we want to use to lower the tax burden on working families and pay down the national debt. That is a big challenge.

Our goal this year is to do something that has not been done for a generation. We are going to stop a practice that began with President Johnson, back in the 1960s, when he was looking for a way to finance the Vietnam War and to finance the great society programs and grow government. President Johnson and the Congress in the late 1960's began the practice of raiding the Social Security Trust Fund. Our number one goal this year, as we work to save Social Security is to put a stop to that, to stop the raids on Social Security.

Let me point out something here. This coming year there will be about $137 billion in surplus Social Security revenues. Republicans say let us give 100 percent of that to Social Security. The President, because he only wants to take 62 percent of the surplus, wants to spend a big portion of the Social Security Trust Fund. In fact, he wants to spend about $52 billion of the Social Security Trust Fund revenues this coming year. Over 5 years that is $250 billion raided from the Social Security Trust Fund. We want to put a stop to that.

While we put a stop to the raid on the Social Security Trust Fund, we also want to pay down the national debt. And with money that is left over, after we protect the Social Security Trust Fund dollars, when it comes to those income tax revenues, the extra tax revenue that comes from the income tax, the real surplus beyond Social Security, we want to use that to give back to the people who sent it here.

Some ask, well, how will we lower the tax burden? Taxes are at their highest level in history. Twenty-one percent of our gross domestic product today goes to the Federal Government. The average Illinois family sends 40 percent of their income to local, State, and Federal Government. Clearly, that tax burden is too high. Well, I suggest, as we look for ways of lowering the tax burden on working middle class families, that we work to simplify the Tax Code; to address the fairness issues in the tax codes.

When I am back home, whether at a union hall or the VFW, clearly they identify the need to eliminate the marriage tax penalty, the need to eliminate the death tax and to eliminate the earnings limit. We can save Social Security. Let us wall off the Social Security Trust Fund and bring fairness to the Tax Code.

COUNTRY FACES EDUCATION EMERGENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, several of the previous speakers have mentioned education, and today's agenda in the Congress focused primarily on education.

We had before us the bill which is commonly known as the Ed-Flex bill, H.R. 800, and the rule for that bill allowed for only 5 hours of debate. We need some additional time to discuss it. Why, when the American people have stated that education is one of the highest priorities, do we have only 5 hours in the United States Congress to discuss an important education bill?

It must be important, if it is the first bill that the majority has seen fit to bring to the floor. It is important to them. It is an important proposal that they are making. Some of us contend that what they are doing should not be done in this fashion; that we should have this particular proposal about flexibility considered at the time of the reauthorization of the Elementary and Secondary Education Assistance Act.

We reauthorize the Elementary and Secondary Education Assistance Act every 5 years, and it is up for reauthorization this year. So if we are doing that, why not consider these very important components of that bill all at once?

They are taking a part of the bill, a part of the funds that go into that bill related to Title I, and proposing that a greater portion of it be used in an experiment which grants greater flexibility to the States and localities as to how they spend the money. They are rushing to do that. Already it is suspect, that kind of action. Why are we being stampeded into a consideration of one particular aspect of the Elementary and Secondary Education Assistance Act? What is the hurry?

Why, if we are going to treat education as an emergency, why not bring the entire Elementary and Secondary Education Assistance Act to the floor earlier this year instead of waiting until later? Why not bring it all together instead of Balkanizing it, fragmentizing it, as the Republican majority expects to do? The education emergency faced in this country deserves a serious response from Congress. The emergency is real, and we should go forward in a very serious way to deal with that emergency.

One of the things we should do is to listen to what my Republican colleagues were saying a few minutes ago; that the money that is in the Federal Treasury does not belong to the Federal Government. It does not belong to the Congress, it does not belong to the White House, it belongs to the people. It is the taxpayers' money.

All taxes are local. Tip O'Neill used to say all politics are local. Well, all taxes are local. They come from the pockets of all taxpayers. The biggest tax, of course, is the income tax. It is not only local, it is right into the family, right into the individual's pocket. It is taxpayers' money. If it is taxpayers' money, why can we not match the money up with the priorities the public has set?

In poll after poll we keep hearing that, after Social Security, education is the number one priority. There was a time when education was just one of the top five. There were other things that people wanted done. Crime was a big concern, and it competed with education as one of those top priorities. But it is clear now in all the polls that education is the number one priority, after taking care of Social Security.

If education is the number one priority, then the proposals that the President has made in his budget that he submitted to Congress ought to reflect that priority. The proposals that the Republican majority is making ought to reflect the concern of the public.

We all look at the same kinds of polls. We had a Democratic retreat, we went away and we spent days, and a large part of the time was examining polls, public opinion polls and studies of the voters' attitudes. I am certain that in the Republican Caucus retreat they did the same thing. There is going to be a bipartisan retreat next week. They will probably spend some time with some polls also. The polls repeatedly say the same thing. Pollsters are very good. They take a very scientific approach to things and they do a basically good job. They all come up with the same answers; that, clearly, education is the number one priority of the American people, the American voters.

Why do we not respond? I do not think a single poll has shown that one of the top priorities for consideration by the American voters is defense. The American voters may be concerned about defense, as they should be, but it is not one of their top priorities. It is nowhere near education as a priority. There are a lot of other things that take priority over defense.

The common sense of the American people is amazing. While we stumble around and make problems and create needs to expend greater amounts of money on defense here in Washington, they clearly see that we have other priorities that ought to be taken care of. They see that there is no more Cold War. There is no more nuclear threat from another superpower. They clearly see that we have the most modernized armed forces anywhere in the world. They clearly see we are big enough to handle most real threats to our national security.

So they have the common sense, the people's wisdom to say, look, education is what we are concerned about. They may even be far ahead of the military strategists, because they recognize what military strategists know when questioned closely; that more than a need for weapon systems, more than a need for additional military hardware, we have a need for manpower capable of operating the modern weapon systems that we have now.

We have systems that are very complicated. We have systems that require people, men and women, who have some training, some knowledge of how to deal with this digitalized cyber world that we are living in. I have cited several times the fact that the Navy floated a super aircraft carrier recently, state of the art in aircraft carriers, state-of-the-art in every respect, and for that reason they had a shortage of personnel. They were 300 personnel short of the necessary number of people needed to man that aircraft carrier.

□ 2045

Why were they short? Are there not plenty of young people who want to go to sea? Are there not plenty of young people in America, men and women, who would like to be in the Navy? Yes, there are. But they want people with a certain kind of training and aptitude, people who have been developed to the point where they can learn how to operate very sophisticated weapons systems, very sophisticated energy systems.

That aircraft carrier is probably loaded with systems that many of us would consider systems of the future, kinds of things that we do not see every day. They need young people who are already trained to the point where they can easily pick up and be trained specifically for the duties required in that piece of sophisticated floating city with a lot of sophisticated operational systems that deserve the very best.

In general, our military is complaining about a lack of manpower, that they are short of people. Well, they are short of people because they are not willing to take anybody off the street. They need young people who have some kind of training, some kind of prerequisite preparations that allow them to see that they can train these people to run the systems that we have.

So wherever you look, in the military, the answer is in education, a greater need to train young people so that they can deal with the systems that are necessary to make us secure. Education should be the number-one concern of people who care about our defense. And, of course, our economy, it is obvious that our economy has moved into a high tech economy and that we are almost standing alone in this global economy with sophistication in terms of the operation of a cyberworld for business and it is likely to increase, that we are going to have to carry that load. The Japanese, the second or third largest economy in the world, is way behind this country now in terms of digitalized systems in the business world, and there is probably no other country or area that is going to catch up with us. In Europe they are still far behind in terms of the kind of computerized and digitalized systems that are going to carry us forward into the future. We are going to be the leaders in the world for a long time if we are able to man it. The science is there, the technology is there, but where is the manpower? Where are the personnel? How much longer are we going to have to rely on India and other countries to bring over or send over here the information technology workers? How much can they fill for us? How much longer are we going to ship contracts over to places like Bangalore, India and have the income absorbed by people there that ought to be going into our wage structure here so that the workers who get those jobs in information technology can pay into the Social Security fund.

We are going in a circle. Even Social Security would be greatly benefited if we were to focus more on investing in education. The primary problem with Social Security is that we see that the wage earners paying into Social Security in the future is going to decline in proportion to the number of people who are retired and need to be paid out of the Social Security fund. A very simple problem. Very complicated answers are being offered. One of the answers is that we must keep a wage-earning population out there that pays as much as possible. It may not be the only answer. Some other source of funding is going to have to be found, probably, I think, a Social Security tax on unearned income would be one of those ways that we should seek more revenue to put into the Social Security fund. But I am not going to talk about that in detail here. The number-one source of revenue for the Social Security fund for a long time will be the wage earner. We need more wage earners earning the wages in the high tech areas. We do not need foreigners absorbing that portion of our economy. We do not need overseas contractors absorbing great amounts of money that ought to be going into the economy to pay the wage earners who pay into Social Security.

So education becomes the number-one issue even if you look at it from the point of view of the military or the economy. It just again shows the tremendous wisdom of the American people. Tremendous wisdom. They understand what it is hard for us to understand or respond to here in Congress.

What kind of response have we gotten? We have the Ed-Flex bill that is on the floor now. We dealt with two amendments today, we are going to move forward and finish the final hour of discussion tomorrow. I think at least 3, 3½, most of those hours are gone. The question everybody who is listening out there ought to put to their Congressperson is why do we only have 5 hours to discuss the first education bill on the floor? I mean, why only 5 hours? This bill is not just a simple adjustment to the existing Elementary and Secondary Education Assistance Act. It is not a simple adjustment. It is not a little amendment that is going to make things move faster. We are taking an experiment which involved 12 States, and most of those States failed in that experiment according to the General Accounting Office. They did not do very well. Yet we are going to go and broaden the experiment and cover all 50 States. In the process what we are doing, and the reason the Republican majority has put it on the floor and is pushing us into a stampede mode is they want to set a precedent. They want to open the door for the block grant process. They want block grants to be the way of the 106th Congress. What we are going to see is more and more talk of block granting, giving the money in one block, just take the money and give it to the States. Take the money and give it to the governors. Dollars to the governors. They talk about dollars to the classrooms. It is dollars to the governors. The governors never get enough. They want more and more.

The governors have welfare reform money falling out of all their pockets. They have a great welfare reform windfall that they are supposed to spend on job training, day care and other areas related to dealing with the welfare reform situation. The recent surveys have shown that most of the States are not using the money properly. The governors are just using that money to take care of needs that they consider their own special needs or pet needs. They are not following the general mandate of law. They are not going to do it. Why are they not going to do it? I am not sure I know why they are not going to do it, but here is the history of education funding.

The States and the localities have always had the premier responsibility for education. They still do. Most of the funding for education comes from the States and the localities right now.

Less than 10 percent of the funds for education, elementary and secondary education, is provided by the Federal Government. I am being generous. It is more like 7 or 8 percent. Only 7 or 8 percent is provided by the Federal Government. If we are only providing 7 or 8 percent, then we only have 7 or 8 percent of the control and the influence. The other money is being provided by the States, and they have always provided it, and the localities. The States and localities presently have responsibility for education. They have always had responsibility for education.

We heard speeches today which were fantastic on the floor blaming the Federal Government for the state of education in America. Education is in a poor state, they say, because the Federal Government has saddled the States and localities with bureaucratic mandates, paperwork, they have interfered with innovation, et cetera, et cetera. Well, what is happening with the 93 percent of the funds that are strictly State and local funds? They have total flexibility, total flexibility. They have had flexibility since the dawning of this Nation. The Constitution has never seized responsibility for education. It has always been a State matter. The States have that responsibility.

Why did the Federal Government get involved in the first place? The States were not doing a good job. The States were not placing us in a position to be able to mount the kind of technological drive and scientific drive to keep up with the Soviet Union, which is a backward country in many ways but scientifically they put the first sputnik into space and they showed that when they concentrate on a particular area, they could go forward and leave us in the lurch, leave us behind. For a long time our policies were driven by the fact that we wanted to help improve education in order to create the kinds of minds and the kinds of body of expertise in this Nation that would allow us to do the job. We did that. Large amounts of Federal aid went into the defense, the National Defense Education Act, and later on Lyndon Johnson proposed the Elementary and Secondary Education Assistance Act and other Federal aid to education, because the States were not able to do the job, partially because the complexity of the world had run off and left the States. That is only a small part of the problem. The larger part of the problem is that the States have never shown great vision in terms of investing in their populations. Before World War II they were not doing anything to help the total population just stay alive and healthy. When World War II came along, we had a lot of recruits that were unhealthy, a great majority of the recruits and the people who were drafted were just unfit to fight and they had to be put in condition with special procedures in order to just be able to carry a rifle. The States had neglected their populations to that point in basic matters like health care and providing decent, nutritious food to eat. The Federal Government understood that lesson and began to deal with health care and nutrition programs.

We have an act which provided for school lunches, recognizing that the first thing the Government can do for our young people is to make sure that the poorest youngsters get a decent meal at least once a day at school. They also discovered at the time of sputnik that a nation like Russia, the Soviet Union, had left us behind. Japan in terms of industrial development, technological achievements there, had left us behind. So it has been clear that whatever the States have been doing for the last 300 years with respect to education is not enough just to keep up.

But also the States do not show any great compassion and humanity for their total populations. Large portions of State populations, the people without power, have always been left behind. The poor whites; certainly in the South the African Americans; in the Far West and the West the Hispanics. Anybody who belongs in a group that does not have power, left out of power, they have been consistently neglected and abandoned by the States. That has been true historically and it is still true now. The Federal Government's role was to step in and try to compensate for the fact that the States were not doing what they should be doing.

Now we have a situation where the Federal Government has stepped in, its role is still minor, it is not a major player, it is a minor partnership where they are only providing 7 to 8 percent of the funds, leaving the States to take care of the other 93 percent, and they are being accused, the Federal Government is being accused of ruining the public education system in America.

We have a body of 435 people who are among the most talented people in America. You do not get here without being talented in one way or another. Most of the Members of Congress have a great deal of vision. Maybe the vision does not see exactly what I see, the liberals see one way and the conservatives see another, but they have vision and they have a great deal of education. They know how to use data. It is a highly qualified body here, the United States House of Representatives, and the Senate also. We have highly qualified leaders capable of doing great things. But we have allowed ourselves to be driven into a corner where we are discussing really relative trivialities on education. Our first great debate is focused on a charge that the Federal Government must give more flexibility to the States for the small amounts of money that the Federal Government is supplying. They must supply more flexibility for the States in order for us to improve education in America. That is a hypothesis that has no support in fact. It has no support in fact. Again the American people show they have more common sense than this talented body that we have here in the House of Representatives, more common sense.

Common sense will tell you, if you have 93 percent of the control, you are at fault if it goes wrong. Whatever is happening with education in America that is wrong, the States and localities must accept the blame for. What the Federal Government has said is that we want to be partners. We would like to supply some small amount of money, we would like to supply some advice from a national perspective, from an international perspective.

☐ 2100

We are the only industrialized Nation that leaves the greater proportion of the decision-making about education up to regions or States or localities. Most other nations have national policies and national education administrations that have much more influence than we have. We defer to the States. The Constitution does not give the Federal Government the responsibility for education, and therefore it defers to the States and has done that traditionally.

So while we in 1999, in the 106th Congress, which has wasted a lot of times with matters that really were not that important, but finally we have gotten moving, why are we debating a bill which is based on the assumption that the problem in America in education is that the States need more flexibility? The Federal Government is preventing the States from doing a good job. That is totally erroneous. The Federal Government is not the problem. The Federal Government is begging to be a partner, the Federal Government is taking certain initiatives to try to move the States beyond their inflexibility. States are inflexible in their incompetence, some States are inflexible in their corruption, inflexible in their cronyism.

Mr. Speaker, as my colleagues know, State government is not a model of government in America. They operate in areas where there are more shadows than there are in respect to the Federal Government. I say that at every level of State government. I was of government. I served at every level. I was a commissioner in New York City of an agency, I was a State senator in New York State, and now I serve here in the Congress. I have served at every level of government, and I think that the level of government which needs the most light shined upon it, the most exposure, who should be held up mostly and examined and critiqued is State government. State government is the in-between. They do not have a constituency like you have, of the kind you have in city government where the constituency is real, they are living, they are breathing, and they are right there, and they are pushing for real responses from their government. They do not have the kind of problem that the Federal Government has where the whole Nation is looking at what we do here, and the spotlight is on us, and we are dealing with matters at a high policy level that are complicated and deserve a long and intense discussion and will be picked up on by the media, will pick up on what we are doing, and there are a number of reasons why we cannot operate in shadows here.

But State government operates in shadows in State governments and bureaucracies. They do not have the pressure of a constituency, so state government is the least efficient form of government, least efficient area in government, and it should not be glorified. I have said that many times. We should not be here wasting our time debating a bill which is focused primarily on removing Federal involvement, removing Federal wisdom, in my opinion. What the Federal Government is doing is far superior to anything that most States have offered. They do not want to be told you got to do systematic planning. They do not want to be told you got to have real goals. You cannot drop the burden of education totally on the backs of the students and say we are going to test them and kick them out of schools if they do not do well. When they close down schools they do not do well. What are you doing as a government to provide opportunities to learn? They do not like that concept. Governors hate the concept, the opportunity to learn, because it is all related to the whole approach of necessary accountability.

Everybody else is held accountable. Why cannot Governors and local school boards be held accountable? They do not want to deal with that. They want the flexibility not to be accountable. They want the flexibility of never being held responsible for systematic planning, never to be questioned in their arbitrary decisions about sex in personnel, never to be questioned about the fact that they are always making new laws to put more burdens on the backs of students, but they do not guarantee that students are going to have a safe place to study, they do not guarantee the students are going to be able to have decent laboratories and equipment for science, they do not guarantee the students have enough books. They will not do the things that are necessary for education, and they do not want the Federal Government to say, well, we think you ought to show us how you are going to do that before we give you more money on top of the money you already have.

It is all right to give the money back to the States and localities. I began with the assumption it is our money, give it back to us. Give it back to us for school construction. Give it back to us for whatever needs are identified by the people. The people have identified education as a major need. Do not take our money and spend it on defense or spend it excessively somewhere else and neglect the requests we have made that you provide more federal assistance to education.

Let me just conclude about today's Ed-Flex bill today's Ed-Flex bill, H.R. 800. As my colleagues know, there are many of my colleagues who have amendments to offer which are very useful amendments. We had an amendment offered by the gentleman from California (Mr. MILLER) today which was very useful and would have made it possible for many more Members to vote for the Ed-Flex bill if it had passed because it called for accountability. It says if we are going to give the Governors, the States and localities more flexibility as to how they spend a portion of the Title I funds; that is what this is all about; if you are going to do that, then let us have an agreement that they are going to be held accountable in certain specific ways. They refuse to accept that.

We are discussing that there are other amendments that my colleagues on the Committee on Education and the Workforce: the gentleman from New Jersey (Mr. PAYNE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Virginia (Mr. SCOTT) have to offer in order to improve the bill. Most of them are going to be rejected, and many of them are never going to be considered because all we have is 5 hours to discuss this bill. Now you say why do you only have five hours? We have a system of rules here that determine how every bill will be processed on the floor, and the Committee on Rules at the request obviously of the leadership and the people on the majority party, members on the Committee on Education and the Workforce, they decided to limit the debate to 5 hours. It is as simple as that. So, if people want to change things right away, why not you call your Member of Congress and ask why we are debating this important bill for only 5 hours.

But let me make my final comment by reading from the New York Times editorial page today, March 10, 1999. The New York Times had an excellent editorial, and it says many of the things that the Democratic members of the Committee on Education and the Workforce education said at the time the bill was up for consideration in our committee, and I will read the entire editorial and submit it also for the RECORD so that it will be clearly known that all the parts are here and there will be no mistakes. It is entitled "A Threat To Impoverished Schools". This is a New York Times editorial page of March 10, 1999, and I quote:

> The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing States to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

Let me reread the last sentence from the New York Times editorial. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

To continue reading the second paragraph of the editorial:

> Title I of the Elementary and Secondary Education Act was the Federal government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about $8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all Federal dollars make up only about 8 percent of the public school budgets, but in the poorest schools in the deep rural south Title I can account for more than a third of school spending. The Ed-Flex proposal would allow States to apply for waivers to do what they wish in education with the poverty money on the premise that the States might use it more wisely than federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton administration in 12 States. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The GAO found that of the 12 experimental States only Texas had established clearly-defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Let me repeat what the New York Times editorial of today, March 10 says.

> The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Congressman GEORGE MILLER, and I am continuing to read from the New York Times editorial,

> Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the States employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire Elementary and Secondary Education Act.

Let me reread the last sentence.

> The wise thing to do would be to put Ed-Flex aside until later in the session when

Congress reauthorizes the entire Elementary and Secondary Education Act.

But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible. The Miller-Kildee amendment was defeated on the floor of the House today as a last act of Congress.

Mr. Speaker, I will enter this editorial in its entirety into the RECORD:

[From the New York Times, March 10, 1999]

A THREAT TO IMPOVERISHED SCHOOLS

The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students.

Title I of the Elementary and Secondary Education Act was the Federal Government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about $8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all, Federal dollars make up only about 8 percent of the public school budgets. But in the poorest schools in the deep, rural South, Title I can account for more than a third of school spending.

The Ed-Flex proposal would allow states to apply for waivers to do what they wish in education with the poverty money, on the premise that the states might use it more wisely than Federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton Administration in 12 states. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The G.A.O. found that of the 12 experimental states, only Texas had established clearly defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to states that have no intention of innovation and no means in place of evaluating what they do.

Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the states employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session, when Congress re-authorizes the entire Elementary and Secondary Education Act. But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible.

Mr. Speaker, I contend that the only reason we are considering the Ed-Flex bill at this time is because it is a Trojan horse designed to open the way for a block grant process. What they really want to do is to block grant the entire Title I program. They want to give it all to the States. This is an experiment; they put it on the floor early. If they set a precedent by passing this, it greases the wheels, and it makes it more likely that we are going to be able to get a block grant where you just pick up the education money and hand it to the States.

Well, Congressman OWENS, why should you object to that if you think that all money comes from the States and localities and it ought to be back to the States and localities?

I object to it because this money ought to go back to the States and localities. It ought to go back with some instructions, some wisdom from the Federal Government, some wisdom gleaned from national experience, some wisdom based on the understanding of where we exist in the global economy, some wisdom based on the fact that our military needs are highly sophisticated, population in order to operate. All of these considerations which States do not seem to care about, the Federal Government must be concerned with.

Give the money back, but why not give it back in ways that are going to promote some new approaches? The States have mostly failed up to now in meeting the needs of education, of students in this 20th century. As we go into the 21st century, let us at least end the arrogance of the States or the arrogance of the Republican majority here in Congress. Let us do away with the ideological addiction which says that States must have the money back and can do far more than the Federal Government.

☐ 2115

Why not have a partnership? All the Federal Government is asking is this small amount of money that is being given back to the States should do a few things differently, be more flexible, be more flexible in the approach to education; do not do it the way it has been done for 300 years, and failing.

Let us do it a little differently. Why cannot we have that kind of approach for the benefit of the entire Nation? The States refuse to accept this and the goal is to remove the participation of the Federal Government totally from education.

We are back to 1995. We are back to the Newt Gingrich Congress, the majority, Republican majority, which came into this Congress in 1995. They barnstormed in and said they wanted to eliminate the Department of Education. They barnstormed in and said they wanted to cut education by at least $4 billion. We are back to the process of removing the Federal Government from the process of education reform in America. That is the goal.

I do not know what the motivation is really, because we are not allowed to impugn the integrity of the individuals. I do not care to waste my time describing fully why the party is acting this way. I suspect, however, that if we remove the Federal Government's role in education, it appears to the Republican majority that we have removed another piece of competition in the budget, a valid competitor in the budget, for funds and they can pour more funds into tax cuts and into lucrative defense projects that do not pay off for the American people.

I suspect that the drive to get the Federal Government out of the business of education is based on the assumption that one can make the budget safer for Republican priorities. Why are not Republican priorities the same as the priorities of the American people? Why do not they care about education? I do not know.

They pretend to care about education. When election time rolls around, they bow to the facts that the public opinion polls show us. In 1996, after 2 years of threatening to eliminate the Department of Education, of cutting back on school lunch programs, of threatening to cut the education budget by $4 billion as we approached the 1996 elections in October, at the very last minute the Republican majority went into the Committee on Appropriations process and increased the education budget by $4 billion in response to the overwhelming expression of need that came from the public.

So they are willing to pretend to care about education. When the chips are down and the election is approaching, they pretend to be champions of education, but they really would like to get the Federal Government out of the business of education for their own purposes.

Now we are engaged in a process of wrangling in these discussions about minor matters. The really big issue that ought to be on the table here in this Congress is what will the 106th Congress do about the two primary problems facing our public schools? The Federal Government alone has the resources to deal with the number one problem faced by the schools, and that is school modernization, construction; school acquisition of the technology needed to prepare the students of the day for the cyber civilization that is coming tomorrow.

That is what we need. We need a Federal Government assistance program which can do what most States and localities cannot do fast enough. Yes, there are funds that are available to States and localities which they could use in greater proportion to provide funds for school construction and modernization. They could do it, but they are not doing it.

Certainly New York City and New York State, New York City had a surplus last year of $2 billion. They did not spend a penny on school construction or modernization, even though they have more than 250 schools that have coal burning furnaces. Of the 1,200 schools in New York City, at least 250 still have furnaces that burn coal, polluting the air, immediately threatening the health of children in that vicinity.

We have a great asthma drive on. City Hall is pushing to do something about asthma in dramatic ways but they do not talk about their failure to provide funds for the conversion of the coal burning furnaces. So they could do more.

Every State, most States, could do more. Many have surpluses. Even if they were to put a great proportion of the available funds at the State and local level, they would have to take a long time to catch up with the needs that have accumulated over the years because of the deferring of maintenance and deferring of capital projects.

The General Accounting Office said in 1995 that we needed $110 billion to stay even, to provide adequate schools for the enrollment that existed at that time. Now we have galloped on and there are some estimates that the need is way up at the level of $170 billion to stay even and keep up with the enrollment, to modernize so that we can actually wire schools for the Internet; $170 billion is needed.

We have on the table only the proposals that have been offered by the President with respect to school construction. We should not be debating ed-flex and how to take a portion of the existing title I funds and give them to the governors. We should be debating how we are going to meet the need for space out there in our school districts.

Some districts just need plain space that is clean, that is well lighted, that is safe. Other districts need improvements in existing buildings so that they can wire to be able to bring in technology that is needed to teach students and prepare them for the jobs of tomorrow.

Some districts have a critical need of funds to eliminate health hazards. If the health department of New York City were to be objective and to treat the school system the way it treats private business, they would close down some schools because of the health hazards they pose. We have problems, first, of pollution by coal burning furnaces, asbestos problems, lead poisoning in the pipes, lead poisoning in the paint, and we have schools that have roofs that leak. No matter how much you fix them, the damage keeps occurring. Walls are collapsing.

We have all kinds of health problems that ought to be addressed first. So we need not what the President has proposed. We need far more. The President has proposed $25 billion that would be bonds floated by State and local governments. The Federal Government would pay the interest on those bonds. We are offering to pay the interest on $25 billion in bonds, bonding authority. The interest would amount to about $3.7 billion over a 5-year period. That means that the Federal Government is offering to cope with the construction problem that we have, the need for new schools and modernization of schools. We are offering $3.7 billion over a 5-year period.

The public has said we want the Federal Government to provide more assistance in education to meet the needs of education. The response of the Federal Government in the area construction is $3.7 billion. The need is for $110 billion. The response is $3.7 billion over a 5-year period.

Now, there is something wrong with our democracy if the people, through the polls, keep telling us that we need more Federal assistance and all we get is the $3.7 billion response in the area of construction and modernization.

It is said that is just in the area of construction and modernization. What about in the other areas? We are going to increase the after-school centers to the tune of $400 million. We are going to go from $200 million to $600 million. That will allow us to take care of the after-school center needs, tutoring, counseling, et cetera, for about 1.1 or 1.2 million young people.

We have a policy of no more social promotions that we are proposing, and one of the answers we say to the social promotion is that instead of social promotion, give kids more help through the after-school centers. Do not promote them unless they are ready with the after-school centers. The summer schools will allow them to catch up, but the $600 million to serve the 1.2 million children is all we are offering in that endeavor.

There are 53 million children in the public schools of the Nation right now, 53 million children. If only one quarter of those need help, then one can see how far we are from meeting the needs of that one quarter of 53 million if we are only going to take care of the needs of 1.2 million.

If one adds up all of the increases in education that are being proposed and say that we will be successful, the majority party in the Congress will cooperate, we would get less than $10 million in increases for education, less than $10 million. If we add them all up from the President's budget, then the President is proposing far more than anybody else. So we certainly endorse what the President proposes, but we argue that it is not enough.

We must have a response from the President and from the Congress, which is closer to the need that has been expressed, the priority that has been set, by the public. We have not heard from the public in terms of defense. Nobody has asked for $100 billion over a 6-year period or 5-year period for defense and yet we are proposing to spend $110 billion for defense while we are proposing to spend for school construction only $3.7 billion.

Now tell me what sense that makes. The common sense of the American people has to be brought to bear on this process in order to make the Members of Congress, as well as the President, understand that something is radically wrong. Why not spend $100 billion on construction? When that kind of proposal is made, over a 5-year period, I propose that we spend $100 billion on school construction, $20 billion a year over a 5-year period, we would still not meet the need that the General Accounting Office identified in 1995 but we would be realistic about it. We would be responding to what the American people have said is a priority in a far more responsible way.

The immediate answer we get is that the Federal government cannot spend that kind of money for school construction. We have never done that before. Well, there are many areas where we have never been before. Before Sputnik, we were not in education at all. Before we saw ourselves falling below other industrialized nations, we did not have assistance to education. We recognize that as we go into the 21st Century, the complexities of a high tech economy and a global economy dictate that we need a more educated population so we are going to do things differently.

Why not spent what is necessary, starting with school construction? School construction is the clearest need. School construction is the need that ought to be the least controversial because school construction does not involve tampering with the curriculum. It does not involve telling local school boards what to do. It does not involve a lot of paperwork. One builds a school and they leave it, and local education authorities will run the school.

We could do a great service in an area where only the resources exist at the Federal level to do the job that is needed; $100 billion over a 5-year period. Where is the money going to come from? Well, we could close some loopholes, of course, in the corporate welfare structure. We could raise taxes on unearned income. We could do a number of things.

The simplest thing to do is to take it from the surplus. The surplus, according to the President, and nobody is disputing his priorities here, 62 percent of the surplus should go for Social Security, 62 percent. Fifteen percent he wants for Medicare. We don't argue with that. The next 20 percent, let us have it go for school construction. That is where the money is, the next 20 percent go for school construction. Twenty percent of the surplus each year, or $20 billion, whichever is the smaller amount, let that be the way we deal with the American people's stated priority that education assistance from the government is a great need.

□ 2130

We are going into a cyber civilization. We need an education system which will prepare students for that cyber civilization. We have nothing near that at this point. We are falling further behind as we go along at this point. We have real needs for health and safety. The first priority is to go to those schools that have health and safety problems.

I think that maybe a fair way to do this is to have a per capita distribution of the money for school construction. That is, all districts would get money based on the number of students they have, per capita. Those that do not need to build new schools would modernize their schools for wiring. Those that are modernized and ready for wiring could use the money to buy equipment for technology. The way to deal with it in terms of the money going back to meet needs may be to have a per capita formula.

However, the per capita formula ought to also have, the law should have a provision that in the distribution of the per capita formula, the first priority goes to those areas, not more money, but they get the money first, those areas which have health and safety needs that ought to be met. That is, the money in the first year would be dedicated first to meet the needs of schools that have coal-burning furnaces, lead poisoning, asbestos problems, roofs that are decaying and falling in. Anything that threatens the health and the safety of a child would be the first priority, and we could easily find that out and get that certified.

They would get the first funding, but in the end, when it is all over, they would get no more money, those areas would get no more money than other areas, according to their per capita needs. We would not distribute it the way the Title I formula is distributed, which is fairer in terms of Federal Government helping the poorest districts. We will not get into that. There is a claim that everybody needs help, so let us help everybody at whatever level. They could have the flexibility of spending it on school construction or on school modernization, or on the purchase of technology, they could have that flexibility. But let us understand that we need larger amounts of money. We need $20 billion at a minimum over the next 5 years.

There is a title already in the Elementary and Secondary Assistance Act, I think it is Title XII, it is sometimes stated as Title XI. Title XI or XII, I forget which it is, but it is called the Education Infrastructure Act. It is already in the law. It is already in the law. Carol Moseley-Braun, the Senator from Illinois, and myself, we put it in the law in the last reauthorization of the Elementary and Secondary Assistance Act. It is in the law. The Senate actually helped Carol Moseley-Braun appropriate $100 million to get it started, but the Republican majority came in the following year and took out $100 million, so it never been funded. But it is in the law. It is authorized. Only the Committee on Appropriations needs to act. We could leave it as it is and the Committee on Appropriations could act and begin to take care of the problem.

Mr. Speaker, I am not going to leave it as it is. I intend to amend the title in order to provide for a $20 billion authorization, at a minimum. Mr. Speaker, $20 billion will be less than we are proposing to spend for defense; it will be far less than we authorized last year for highways and transportation. Most of the Members of Congress voted for a bill which provided $218 billion for highways and transportation; $218 billion, because they felt it was needed. There was a general feeling out in the public that it was needed. The public had not said that transportation was a high priority. The public had not said that highways were a priority, but they had no objection.

When we voted on that kind of bill, $218 billion of over I think a 6-year period, there were no objections by the editorial boards, there were no demonstrations, there were no letters; everybody accepted it, that this is a need. Always, we need highways and sidewalks and in New York we need help for our subway system and bus system, so that expenditure was accepted because it made sense, to expend $100 billion over a 5-year period on school construction makes sense.

We have no problem with the general public and the voters out there who are asking us everyday to give education more help. The public must look with great disgust on debates like the one that took place today where the Members of Congress are wasting their time debating a bill which is designed to hand governors more dollars. The greed of the governors knows no end. All kinds of roadblocks are offered when we try to do realistic approaches to meeting the response of the public that they have placed upon us when they ask for more assistance for education.

We have some people who have repeatedly said, we do not want to build more schools because Davis-Bacon will drive up the cost of the schools, and in order to get Davis-Bacon, they do not want to build schools. They are going to punish the children, because two Republicans, one named Davis and one named Bacon, authorized a law some time ago which made a lot of sense that one could not bring contractors from outside an area and lower the standard of living of the people who were workers there by bringing in cheaper labor. If we had a government job involving the Federal Government and we brought in outside labor or used local labor, either way, you are going to have to pay the prevailing wage. The prevailing wage means no more than whatever brick layers, carpenters, whatever they are being paid in that area, you pay it. It makes a lot of sense. Davis and Bacon, Republicans.

Now they are objecting to building more schools because they do not want Davis-Bacon to be utilized because it drives up the cost. We have study after study that shows that we can build schools at basically the same cost or a lower cost when we use the Davis-Bacon contractors.

So let me conclude by saying that I hope the public, the voters who have made it clear that they want education to be a priority will focus intensely on what is happening here in this Congress. It looks as if only the people can turn around the madness that is occurring here, the endless debates about trivialities, the endless debates about changes in the law, rerouting the money which will have minimal effect on the improvement of education, and may have a dangerous impact because it will take the money away from those who need it most.

Mr. Speaker, we need more money for construction, and we should get it as soon as possible.

HONEST SPENDING, HONEST BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes.

Mr. COBURN. Mr. Speaker, I find it very interesting that the issue of education and the issue of Social Security, not wanting to spend Social Security money for anything other than Social Security, is described as trivial.

What we are going to talk about tonight is one of the most important aspects of the future of this country, and that is called honest budgeting, honest numbers, so that the American public actually knows what is going on in Washington. So what we hope to describe for you tonight are the issues surrounding the Social Security Trust Fund, the problems associated with it, how the real problem has been covered up by the Washington habit of spending more money when we do not have it.

I have with me tonight, and I would like to recognize, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Minnesota (Mr. GUTKNECHT), and the gentleman from Minnesota is going to spend a few minutes talking about where we have been, where we are today, and where we are going.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding.

I think it is important to note that for too long in Washington, the name of the game was how can we spend more of the public's money. In fact, the unwritten rule of Washington always was, no good deed goes unpunished.

There was no real reward for trying to save money, because back in the 1960s, in order to cover the cost of the Vietnam War, they created a whole new system of counting here in Washington. What they did was they took in all of these 66 different trust funds we have, they put them all in the same category, and it made it look like the deficit was smaller than it was.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma will yield, if we are talking about history, the one thing I appreciate is taking a reference point of 1995, which is when the two of you joined us here in Washington. As my colleagues may remember, I came in 1993, and if my colleagues think the picture was ugly in 1995, they should have been here in 1993, because in 1993 when we came and when I came here with 110 new freshmen and we had a new President, the mentality of Washington was, let us increase spending. Remember, that is when some of my colleagues were maybe motivated to run for Congress, because the message was the economy may be going into a downturn or whatever, when actually the economy was recovering because of what President Bush had done early in the 1990s. But it was like government spending is going to stimulate the economy.

We did not, or the powers that be at that time did not care about the deficits. The deficits were $200 billion per year, as far as the eye could see, and growing. The belief was that to attack some of these issues, it was not to return money back to the American people, but was to take more of their money and to increase taxes. So in 1993, we had deficits as far as the eye could see, growing deficits as far as the eye could see; $200 billion deficits, increasing taxes, increasing spending, saying, that is the new model for this new presidency.

The good thing about it was that that agenda I think spurred many of my colleagues to say, wait a minute, that is the wrong model, so my colleagues came and got elected in 1994, and in 1995 really set a very, very different tone.

So my colleagues recognize what we have done since 1995. I go back two years previous to that and say, boy, if my colleagues had not come here in 1995, we would have continued that trend of 1993 of more spending and higher taxes. I think my colleagues are going to lay out how ugly the picture was in 1995, but it was much worse in 1993, and a very different solution to the problem in what my colleagues helped introduce and helped pass in 1995.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman from Oklahoma will yield, the gentleman from Michigan is absolutely correct. Obviously, we would certainly like to take some credit for what has happened since 1995. But the truth of the matter is, what the American people finally said was, enough is enough. I mean, higher taxes were the answer to every one of our problems, and the American people understood that higher taxes were not the problem. They certainly were not the solution. The problem was too much spending.

I remember when the gentleman from Oklahoma (Mr. COBURN) and I came as freshmen and we looked at what the President proposed, and this is not according to the House Republican Conference, this is according to the Congressional Budget Office. We should have this on a bigger chart, but I think the chart, if people at home or in their offices can see this, can recognize that what was happening was the deficit was bad, but worse, it was going to get worse every single year, and we were looking at potential deficits by the year 2009. This is using the old accounting standard. We are going to talk about the differences and what we really think the next step ought to be. But we were looking at deficits by the year 2009 approaching $600 billion a year.

The Congressional Budget Office came out shortly after we came to Washington in 1995, and the American people said, enough is enough, and they sent 73 new Republican freshmen, including the two of us, to Congress. But they understood, the American people understood that that was not the answer. The Congressional Budget Office told us that if we did not do something about controlling the rate of growth in Federal spending, about eliminating some of the needless duplicative bureaucracy here in Washington, the real problem was that by the time our children reached middle age, and I hate to admit it, but I am approaching that age myself.

Mr. COBURN. Mr. Speaker, I am well past it.

Mr. GUTKNECHT. By that time, Mr. Speaker, they would be paying a tax rate of upwards of 82 percent just to meet the ongoing needs of the Federal Government and the obligations to Social Security.

Now, that is the situation we confronted in 1995. The American people said, that is unacceptable, we said it is unacceptable. We started about eliminating needless waste. We eliminated 400 programs, we reformed the welfare system, we tackled the entitlements, and we have made enormous progress since then.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma (Mr. COBURN) will yield, just to put this in reference, because we are talking about 1998, we are going to be talking about performance of 1999 and performance of 2000.

Mr. COBURN. Mr. Speaker, CBO is the accounting estimating firm that is part of the Congress that is bipartisan that studies these numbers and makes an estimate.

□ 2145

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for clarifying that.

In 1998 the Congressional Budget Office projected a deficit of somewhere in the neighborhood of $225 billion, the President's plan. In 1999, that number would have been about $250 billion. In the year 2000, it would be about $290 billion. This is a year. We would be in debt $290 billion more.

Mr. COBURN. Mr. Speaker, it is important for everybody to understand when we hear those numbers that that includes spending social security trust fund money to offset even further a worse situation, to the tune of anywhere from $80 billion to $100 billion. So if we had been protecting our seniors' money and protecting our grandchildren's future, in those years the deficit would have been at least $100 billion higher.

Mr. HOEKSTRA. Yes. That brings us to 1999. If we would have treated social security honestly, and we are going to be talking about that later tonight, that number would have been $350 billions of deficit, and for spending of about $1.7 trillion we would have had a deficit of $350 billion.

In the year 2000, we would have been approaching $400 billion. If we would have put in the social security numbers, roughly 20 to 25 percent of our spending would have been deficit-financed, would have been new debt that we would have stacked onto our children, which would have jeopardized the future of social security, either in terms of benefits or eligibility or increasing taxes.

In 1995 the President said that that was good enough. He said, that is where I am going to lead the country. That is when people like the gentlemen here came in and said, wait a minute, that is maybe good enough for this administration, but it is not good enough for the American people, and financing our spending with 20 to 25 percent of debt is just plain wrong. In 1995 we changed the course of this town.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, and it is important to talk about these numbers, because if we add social security, which is about $100 billion a year, we are looking at deficits of $350, $450, $500 billion a year.

Those are just numbers. Most of us do not know what $1 million is, let alone $1 billion. It is hard to imagine what $450 billion is. But let us put that in very simple terms. What does that mean to the average American family? What it means is that we are virtually guaranteed that our children will have a lower standard of living than we have enjoyed.

We can put this in any kind of terms we want, but I think every one of us recognizes that one of the cornerstones of the American dream is leaving our kids a legacy so they can expect to have a better standard of living than we had. That has been part of the American dream I think since the first Pilgrims came to this country, that they wanted to build a better future for their kids.

Unfortunately, because of the deficit spending, because of profligate spending of previous Congresses, because of the basic attitude that deficits do not matter, we had literally begun a process that guaranteed the next generation that they would have a lower standard of living. That is the thing that had to stop.

It is not just about numbers, because I think sometimes when we talk of numbers, I think all of our eyes start to glaze over. We can look at our children and say, do we really want to leave our kids a lower standard of living than we have enjoyed? I think the answer for every American parent is a resounding no.

Mr. COBURN. Let us move in a little bit and just have a discussion about where we really stand on social security, because too many people I find do not have a realistic expectation of how big the problem is; and number two, unfortunately, the Congress in past years has not been honest with the American public about the problem, so part of our goal tonight is to really kind of dive into that.

Each year this government takes in billions and billions of dollars of social security money. Last year it was about $580 billion. We paid out about $480 billion to people who were on social security, receiving social security as a benefit. What that means is that we paid in an excess amount of actually about $86 billion last year that were excess payments of social security.

As we look at this chart here on the left, and notice what the source of this, this is not a Republican or a Democrat chart, this is the Social Security Administration's numbers, what we saw in this area, and we continue to see until the year 2013, more payments coming into social security than are going to be paid out. But in 2013 something big is going to happen. We are going to pay out more money in social security than is coming in.

The purpose of this exercise is to get everybody to realize the size of the problem, because when we start paying out more money for social security than we take in, what will happen is one of three or four things. We will talk about that in a minute.

The fact is, people who are working every day are paying money in for a social security benefit that the Congress is then taking and spending on something besides social security. So as we see past the year 2013, what happens is the area in blue is the amount of tax revenue that either has to come from the general budget or increased taxes, just to meet the obligations.

If we have a 5-year-old at home this year, when they are 35, that deficit is going to be almost $800 billion per year, one and one-half times the total that we take in.

The problem is big. How does the social security trust fund work now? How is it supposed to work, and what is really happening? What is really happening now is the money comes in, a paper IOU goes in, the government takes the money and uses it for a multitude of other things.

Last year we did take $69 billion worth of social security money and buy off external debt, so we did lower the external debt, but it is not a true lowering of the debt, because we still have an interest obligation and we still have to pay the money back. So we did not lower the debt any. What we did was take social security money out of the trust fund and use it for something other than what it was intended for.

What is going to happen in the year 2013? The money is going to come in, but we are not going to have enough money to pay. So we are going to do one of three or four things. Most likely, somebody's taxes are going to get raised to be able to meet that.

How do we stop doing that? The first way we stop doing that is to be honest about what the numbers are, be honest about what the situation is with social security, and get our hands off of the social security money. Not any portion of it should go to be spent for anything other than for social security. We should not grow the government with new entitlement programs, new programs. I have not found anybody in this country who can tell me that they actually believe that this government runs efficiently.

If we need to increase spending in one area, there are more than enough areas for us to decrease spending in areas that are inefficient. We eliminated 400 programs in 1995 and 1996. There are another 400 programs that need to be eliminated that do not accomplish what they were intended to, that spend more than what they were intended to spend, and have never been measured to see if they are effective. Yet, the Congress has not been able to do that because of this disguised budgetary problem. They have not seen the essence of it.

Mr. HOEKSTRA. If the gentleman will yield, Mr. Speaker, I think what we really want to reinforce tonight is that we are going through various stages of addressing these issues because of the magnitude of the problems we are facing.

In 1993, when I came here, getting to a surplus was a critical issue. In 1995, when these two gentlemen joined us here, we were actually able to move to a surplus. We talked a lot about getting to a surplus. That was only a step in a series of steps that we needed to take.

We reached that last year where we got a surplus, but we used the social security surplus to help us get there. Now we are talking about taking the next step, which is, all right, now let us strive for a genuine surplus, or what some of us would describe as a more genuine surplus by taking social security off-budget and walling that money off.

Mr. COBURN. Mr. Speaker, let me say to the gentleman, I am a doctor by trade. I practice on the weekends. I delivered 97 babies last year. I fly home every weekend.

But my first degree was in accounting. There is no such thing as a genuine surplus. There is either a surplus or a deficit, and one of the things we have to do is to be clear to the American public that we have not had a surplus in this country, we do not have a surplus, and we will not have a surplus unless we quit spending more money. That message has to go out.

One of the main reasons that we are coming to this problem to start addressing it is because America is working, and Americans are paying a ton of tax right now. Through their hard efforts and their work, we have government revenues that are rising.

We did cut $70 billion the first year we were here in spending that would have been spent. That has been extrapolated each year. That is probably worth about $150 billion that would have been spent this year that we cut, so we have done the cutting part that we could do. We need to do more to be able to get there.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, just like there is only a surplus or not, not a genuine and a phony, there is either a real surplus or not a real surplus, the other thing is there is either a real cut or not a real cut.

I think we have to be very clear that when we talk about cuts in Federal spending, that I do not believe in any year since the gentleman has been here, since 1995, that our spending in any year, say for 1996, even though we cut spending, we are not spending less than what we spent in 1995.

Mr. COBURN. That is a great point. The government still grew.

Mr. HOEKSTRA. There is only one cut, and that is when the number goes down. What we have done is we have slowed the growth. The government is still growing, it is still getting bigger. We are spending more money on a number of different issues which this Congress and the President have identified as priorities. In no given year, however, can we go through and say that government is smaller in 1996 than it was in 1995.

This is why I think it is so upsetting when so often we go out and hear about all of those cuts in Congress, that Congress has made on government spending, and we sit there and say, no, we are spending more than what we did last year. The only thing is we have slowed the growth and tried to demonstrate some restraint, because of the issues we were dealing with. We were looking at $300 billion deficits.

It is a great thing that somebody finally came here and exercised some restraint so we can get to a surplus, or that we will get to a surplus, and all we did was slow the growth. We did not cut. Sure, we eliminated some programs, but we are spending more than what we did.

Mr. COBURN. Let me just jump in here for one second. I want to make sure the American people understand. We do not really care who gets the credit. Right now what we are concerned about is our grandchildren, because if we steal social security money and we allow the government to grow in terms of new programs, our children, our grandchildren have very limited futures.

So it does not matter. We did our job and we worked hard to try to slow the growth, but I want the American public to know that we do not have to have credit for it. The thing we want credit for is for our children a generation from now to be able to have an opportunity to have a standard of living at least to the level of the average standard of living in this country today.

Mr. GUTKNECHT. If the gentleman will yield, both gentlemen have made a couple of very important points. To a lot of average Americans, the language of Washington is very difficult to understand.

We heard about these draconian cuts in education programs, in student loans, when in fact student loans were going up at greater than the inflation rate, but we were slowing the rate of growth. In Washington a lot of people talk about cuts in spending, when all we are really talking about is slowing the rate of growth in spending.

I think one of the greatest Washingtonspeak expressions that was created many years ago is this comment or term "trust Fund." It has a nice ring to it. In fact, if we talk to our constituents and use the term "trust fund," they think, trust, fund, that there must be a fund there somewhere.

What they do not understand, and particularly with social security, and perhaps we need to do a better job ourselves of explaining it to our colleagues, because I think when they think of social security, they think of a pension fund. Frankly, it is not a pension fund in the classic sense, it is a pay-as-you-go system.

I think, Dr. COBURN, you have talked earlier about when it was first started we had 41 people working for every person who was retired. In 1950 we had 16 workers for every person who was retired. Today that number is slightly over 3 people working for every person who is retired. When the baby-boomers start to retire, that number is going to drop to two workers for every person retired. It is a pay-as-you-go system.

In fact, rather than think of it as a pension fund or even as a trust fund, in some respects I think we need to think of it as a checking account, and that right now there is more money coming into the checking account than is being paid out in benefits. But in 2013 that is going to change.

One last thought. When I graduated from college, I happen to remember who the speaker at our commencement address was. He was Director of the United States Census. I was born in 1951. He told us something interesting that day, that there were more babies born in 1951 than any other single year. We represented the peak of the baby boom.

□ 2200

When we start to retire at about 2012, 2013, that is when we begin to draw so deeply on that "trust fund." That is the real issue that is confronting us. It is demographics because of this huge bulge of 81 million baby boomers that start to retire in the year 2010.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I was going to say, I think that if you take a look at two charts, we will outline how critical it was that we made the types of decisions that we made in 1995.

When you combine the chart of deficit outlooks, which the gentleman from Minnesota (Mr. GUTKNECHT) showed us earlier, here is the dynamics that were going on in 1995 when he came here. The deficit was going down. By 2009, the deficit was going to be $600 billion per year. All right. So that is one. Think of it. We are going to spend $600 billion more than what we are going to collect in revenues.

Look at the trend line. The trend line is that this number is going down. So by 2013, we are probably going to be at $700 billion with the accelerating rate.

If we combine that with what was going to happen in Social Security, because right here, 2013, this was going to become a negative. So we have got the deficit on the general fund being a huge number. Then we are going to compound it with this flow from Social Security. There were people saying that is good enough. We take a look at it and say there is no way we can survive.

Now we have taken care of the one chart, which is just the deficit numbers. We have got that under control.

Mr. COBURN. Mr. Speaker, reclaiming my time, by the way, that is the false deficit.

Mr. HOEKSTRA. The false deficit. Mr. Speaker, that is right. But we still are facing this crisis. So we, with the plan now to wall off the Social Security dollars, say, number one, we are getting a handle on it. But it does not take care of these deficits yet. We are going to have to come up with a plan to reform Social Security. I think that leads into your options.

Mr. COBURN. Absolutely.

Mr. HOEKSTRA. Mr. Speaker, we still have this issue to deal with over the next couple of years.

Mr. COBURN. Mr. Speaker, so what are our options? Three are listed here, but there is four. The first is we can save 100 percent of seniors' money. Remember, when we do that, when we save 100 percent of seniors' money, we are doing two things. We are following the obligation that we really have to the American public because they are paying Social Security taxes for their Social Security. But, number two, we are relieving a tremendous burden on their grandchildren.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I mean that is the one thing, the point that I missed on these two charts. The gentleman from Oklahoma brings it out at exactly the right time.

When the deficit is increasing, and we have got that liability coming up on Social Security. The Federal Government going out and borrowing huge sums of money means potentially increased taxes for our kids and our grandkids. It means that the government is going out and borrowing probably billions, hundreds of billions of dollars per year.

As we went through the Committee on the Budget, Alan Greenspan came in and said, "If you get to a surplus budget or close to a surplus budget, I expect interest rates to drop by 2 percent." Do my colleagues know what? He was absolutely right in 1995. That is not a cost. That is a direct benefit to the American people.

The biggest tax cut that we have given American families is to get close to surplus, because that has kept interest rates down on mortgages, on cars, on student loans and all kinds of things.

Mr. COBURN. Mr. Speaker, what we can do is we can save 100 percent of the money and start working on a program that allows some flexibility in the options for the younger generation. We can do that by never threatening and never putting at risk any seniors' Social Security or any near seniors' Social Security. So we can meet the obligations that we have. We can devise a plan where we can work our way out of the Social Security quagmire that we have.

I want to make one other point before I go to option two. Why are we in the problem we are in? It is not all just demographics. This body has the habit of doing things that are politically pleasing but not asking people to pay for them. So we vote increased benefits and programs but say it is not ever going to cost.

What that is, it is a half truth. A half truth, my daddy always told me, was a whole lie, because all these increased benefits are going to be paid for by my grandchildren and my colleagues' grandchildren. All these benefits that have been passed and increased without accounting for a way to pay for them was an untruthful thing to do to the next two generations.

It got a lot of people reelected because reelection was more important than being truthful with the American public. That is what this debate is all about, absolutely making sure they understand where we are on Social Security.

Second option, we can repay the money taken from the Trust Fund, and we can raise everybody's income taxes. In 2013, the graph that you have up there, something is going to have to happen.

Number three, we can decrease the benefits. We can delay the retirement age. We can raise the payroll taxes. The estimate is, if we do not do something, that the payroll taxes are going to be near 30 percent, just the payroll taxes, counting the employer's contribution in 2015 to account for this large, large deficit in the Social Security system.

Then of course there is the fourth option.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, maybe the gentleman from Minnesota (Mr. GUTKNECHT) can help us out here. But when we take a look at the FICA taxes or the Social Security taxes when an employee at the end of the year gets their W–2 which shows how much income they have made, and it shows how much they have paid in tax, is the full Social Security tax displayed on their W–2 form?

Mr. GUTKNECHT. Mr. Speaker, the answer obviously is no.

Mr. HOEKSTRA. Mr. Speaker, what does the gentleman mean "obviously?" It is all the money that they have made. It is all the money that is excluded that is taken out of their check by taxes. Would not it all be covered?

Mr. GUTKNECHT. Mr. Speaker, the average American does not understand that. Not only do we take 6.2 percent of their income, but their employer matches that to a total of 12.4 percent.

What is worse, because a lot of people think of this in terms of a pension plan, if the average American knew what their rate of return was on these funds, they would be outraged.

I think our colleague from South Carolina (Mr. SANFORD) is joining us. But the numbers that I have seen for the average American today, the average rate of return in fact we hear often, and I talk to a lot of groups, I say, "How many of you heard the expressions Americans do not save enough?" Most of them raise their hands. The truth is Americans save a lot when we take that 12.4 percent that they and their employer put in Social Security. We are saving an enormous amount of the average worker's income.

The problem is we get such a lousy rate of return. The number that I have seen is 1.9 percent on average. It varies depending on one's age and when one started putting it in. But the rate of return is terrible on Social Security.

Mr. COBURN. Mr. Speaker, actually the Social Security Administration, since 1955, gives a real rate of return of 0.6 percent.

Mr. GUTKNECHT. Mr. Speaker, I am being generous then.

Mr. HOEKSTRA. Mr. Speaker,,if the gentleman will yield for just a second, because I think it is going to be a bill that I think I am going to introduce tomorrow. What I do encourage each and every person to do is to take a look at their W–2, to take a look at their FICA number, which is their Social Security tax, and remember that that number, whatever it is, is matched by what their employer paid to the Federal Government. That could have been used for salaries or whatever, but that is money that is coming to the Federal Government. So it is not 6.2. It is 12.4.

Tomorrow I believe we are going to introduce a bill. It say that is the employer, I know we do not like mandates, but that the employer on their W–2, on an employee's W–2 has to put in the employer's share of the tax that they have paid to the Federal Government so that the employee sees that, when they are working, their employer not only pays their salary and their taxes, but there is a hidden 6.2 percent tax that is going to the Federal Government based on the salary that they are making. It is full disclosure. It is truth in budgeting.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me reemphasize first, if I can, four options. One, save the money. Do not spend any of the seniors' Social Security money by growing the government. Number two, raise taxes. Number three, cut benefits. Number four, and that is do nothing. That is what the politically expedient would say, do not do anything with Social Security because one cannot get reelected if one does it.

The fact is we have an obligation to save Social Security. We have an obligation to save 100 percent of the money that is going into it now for Social Security. Then we have an obligation to fix the system for the generations to come.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, just following up on the comments of the gentleman from Minnesota (Mr. GUTKNECHT) on rate of return, because I have heard the same 1.9 percent rate of return. I saw a UCLA study that showed that, for a person born in 1970, earning $30,000, they would have to live 110 years just to get their own money back, not a return on the money, but just to get their own money back.

So the bottom line is it is a low rate. What is interesting is, in contrast, I jotted down some numbers here.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield for one second, remember, this is a low yield on 12.4 percent of one's income.

Mr. SANFORD. Mr. Speaker, which one earns every week, which one earns every month, and which one earns every year. What is interesting is, in contrast, last year, the Fidelity Contra Fund, for instance, which is a huge mutual fund, earned 32 percent. The Van Camp and Capital B Fund, which is the oldest mutual fund in the United States, it was actually started in 1945, earned 28 percent. The T. Rowe Price Tech Fund earned 9 percent. CDs earned 6.5 percent. Even a checking account earned 2 percent.

The point that I am making here is, one thing I think we need to be watchful for as policy folks in Washington is we do not have two different retirement plans, one retirement plan for wealthy people that is earning 30 percent or 28 percent, and clearly these are not sustainable numbers, those numbers will go down, but the point is one group is earning a lot on their retirement plan, and then this other group, because Social Security taxes are the largest tax that 73 percent of Americans pay and consequently the largest investment that basically 73 percent of Americans make, and another group earning a negative number or 1 percent number, and that really creates a problem in our society that I think needs to be addressed in the Social Security issue.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me jump in here, because one of the solutions to the problem, the first solution is to restrain our spending. I have a graph up here that I want my colleagues to compare.

It is, if we restrain spending, what that means is if we live within the caps this we agreed to with the President in 1997, what my colleagues will see in terms of real numbers, not hokey numbers, not supposed surplus, but real surplus and deficit, what my colleagues see is, in the year 2001, that under the CBO estimated numbers right now, we come to a real surplus just by living to the agreement that we made with the President in 1997.

In contrast to that, and my colleagues also will note over here in the green that these are real surplus dollars, dollars that we can in turn turn back towards Social Security, turn back towards Medicare, turn back towards education if we get there.

There is no absolute guarantee that those numbers are going to be right because we have had the longest nonwar peacetime expansion that we have had since World War II. These are estimates. So if we have a system that is going broke, we dare not trust just estimates. What we dare do is restrain our spending.

Now I want to contrast that with what the President has proposed in his budget. These numbers come from his budget numbers. What my colleagues will see is, under his plan, all this red is new spending. Under his plan, with the same revenue projections, we do not come to a true surplus until 2004.

So if we restrain spending between now and 2004 by living up to the agreement that we had with the President in 1997, all of this becomes all of this.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, all the stuff below the line on the President's proposal is new debt for our children.

Mr. COBURN. Mr. Speaker, reclaiming my time, it is stealing money from Social Security is what it is. We are taking money that is Social Security money and spending it for new programs which will be paid back by my grandchildren and my colleagues' grandchildren at a much higher rate and at a tax rate higher than what we are experiencing today.

Going to the first point of the gentleman from Minnesota (Mr. GUTKNECHT) is one of all the desires of the seniors in my district is to make sure their children have at least the same standard of living as they have had, not worse, and hopefully the opportunity.

What stealing Social Security does and what running a deficit does is takes opportunity away from our children. We are stealing their opportunity. We have to be honest that, with this plan, we are going to be taking money out of the Social Security, we are going to be borrowing that money, and spending it on new programs to be paid back by our children and grandchildren.

□ 2215

Mr. HOEKSTRA. If the gentleman will continue to yield, we can take a look at those two charts, and the chart on the top is what happens if we wall off the Social Security dollars. If we protect the Social Security dollars, it says that by 2001 we will be able to sustain some type of change in economic conditions. The further out we get, if we have an economic downturn or if we have some emergency spending requirements, that we have some room in there that we could still have a real surplus, even with some difficulties in the budget.

The bottom one says that under the best of circumstances, by 2004 we will have a small surplus.

Mr. COBURN. It will look just like that. We will be back to those original numbers.

Mr. GUTKNECHT. If the gentleman will yield. In effect, the top chart is essentially what the congressional leadership budget plan has been agreed to; that we will abide by the spending agreement that we made with the President back in 1997. Even if the President will not, we will abide by the spending caps.

Mr. COBURN. This is what the President agreed to in 1997.

Mr. GUTKNECHT. Exactly. Now, what the President has proposed, though, is about $30 billion a year of additional spending above and beyond the spending caps that he agreed to.

Now, one other point that needs to be made about those two charts. If we abide by those spending caps, it will mean we will have lower interest rates, because the government will not be borrowing so much. And as a matter of fact, we will begin to pay down some of that debt, so we will have lower interest rates. That means that we will have a stronger economy, and a stronger economy is good for everybody.

Mr. COBURN. I would just like to make a correction to make sure we understand. If we borrow the money from Social Security and we buy off treasury bills, we really do not lower our debt. We still pay the same amount of interest, we are just paying it to ourselves, but our children are still going to have to pay it back. So the floated public debt actually does decline, but the amount of money and the lost opportunity for our grandchildren goes up.

It is important the American public knows that, because we do want to pay off the debt. We would like to leave our children debt free, but we also want to leave them debt free with opportunity.

Mr. HOEKSTRA. What the top chart enables us to do, if we stick to the spending caps and we pass our budget, is to really focus on what our colleague here has been working on, which is to seriously take a look at Social Security reform.

Because we have to be honest here, we do not save Social Security. What we do is we position ourselves to save Social Security for our kids and for our grandkids. But that is the next step, again. We get to a surplus, then we get to a point where we have sufficient surpluses to save Social Security but we still have to do a Social Security reform proposal.

Mr. SANFORD. I agree, but I think, if the gentleman will yield, what is interesting is that before we can get to any Social Security plan, and the gentleman is right, I have been a big proponent of a number of different things on that front, we ultimately have to have trust in government.

Mr. COBURN. Absolutely.

Mr. SANFORD. That begins with straightforward and honest accounting, which is what the gentleman from Oklahoma (Mr. COBURN) is getting at.

Looking at the numbers, by any family definition, if we had somebody living on our street that had to borrow from their retirement reserves to put gas in the car or food on the table, we would say that family was not running a surplus. Similarly, in the business world, if a businessman borrowed against his retirement reserves to pay for the current operations of the company, he would go to jail, based on Federal law. Yet that is what the Federal Government has been doing.

So what is being talked about here is a first step of restoring confidence so that people will trust government and they will listen when we propose to them things about Social Security.

Mr. COBURN. One of the things we want people to understand about this is this concept of surplus. I have a little history for us and a little proposal for what we have today. It makes sense, if we have a surplus, that the national debt should not go up; correct?

Mr. HOEKSTRA. Right.

Mr. COBURN. Now, supposedly we had a surplus, yesterday. That is what the politicians in Washington are saying. We had a surplus. Why, then, did the debt go up $120 billion for our children and grandchildren to repay if we had a surplus?

The American public should know this. If they want to know if we have a surplus, we will have a surplus the first time the actual debt goes down. And we will not have a surplus until the American people hear that. So if anybody says we have a surplus, people should ask them at the same time, does that mean a surplus with the debt rising or a surplus with the debt going down. Because the only way we can measure if we have a surplus is if the debt goes down.

We can see in 1997 we had a small deficit, but the debt rose significantly. In 1998 we claimed, politicians, a $69 billion surplus; right? What happened to the debt? It rose from $5.330 trillion $5.445 trillion, another $115 billion increase in the national debt. Yet the politicians in Washington said we had a surplus. We did not have a surplus. It is totally dishonest to speak of a surplus.

We had more money coming in than we paid out, but we borrowed all that plus the 44 trust funds that the gentleman from Minnesota (Mr. GUTKNECHT) talked about, the airport trust fund that we pay $2 each way on every ticket; the inland water trust fund. We took money from all those trust funds, plus Social Security, to run the government, and we have not been honest in the accounting of it.

So it is important for people to understand the only time that we have a true surplus is when the debt goes down or taxes go down.

Mr. HOEKSTRA. What the gentleman is pointing out is that with as much progress as we have made since 1995, there is still a lot of reason to be cautious. There is still a lot of work to do.

There are people here in Washington who are saying, wow, look, $60 billion surplus going up to $110, let us go spend. Let us spend it on this program or let us spend it on that program. I think my colleague, perhaps in his next chart or one of the charts coming up, is going to talk about when the President came here for his State of the Union speech and spent most of the surplus that we really do not have.

There is still a lot of work to do to get to a real surplus and to begin preparing for the deficits that we are going to be facing in 2013 in Social Security. So there is still a lot of reason to show restraint as it concerns spending here in Washington.

Mr. COBURN. This next chart kind of brings it home. Every man, woman and child in 1997 owed $19,898. That is the debt divided by the population. In 1998 it went up to $20,123. This year, under the budget that we are operating now, the appropriation bills that have been passed, the debt for every man, woman and child in this country is going to go up over $500.

The debt is rising, as we speak, $275 million a day. A day. We are adding $275 million. We are taking $275 million worth of lost opportunity for our children and grandchildren each day that we continue to run under a dishonest accounting system. I think that is something that the American public can relate to.

So a surplus is only a surplus if an individual's portion of the debt is going down. It is only a surplus if the debt is going down.

Mr. HOEKSTRA. If we really think about it, a debt of $20,000 per person, and I am a family of five, meaning that my share of the national debt is greater than my mortgage.

Mr. COBURN. Correct.

Mr. HOEKSTRA. There are five of us, so our share of the national debt is $100,000, and next year it is going to be $103,000. It is going the wrong way.

Mr. COBURN. The three babies I delivered this weekend owed $20,000 at the time I spanked their bottom to get them to start breathing. That is a heck of a legacy for us to leave those children. They are born, they come into this world, and we are going to strap them with a $20,000 debt.

I have here a little chart based on what is happening right now under the budget we are under and under the proposal of President Clinton. I want to carefully choose my words here as we go through this. I think the American public can understand.

The excess payments in Social Security last year, this year, are expected to be $127 billion. More comes into the trust fund than will be paid out. If we had kept the 1997 spending caps and not, with a gun at our heads, passed an omnibus reconciliation package last year, we would have had a deficit this year of $1 billion. From $220 billion, $350 billion, to $1 billion. But we did not, we gave up $15 billion above the caps in October-November last year.

Then we have the proposal from the President to spend a billion dollars for the disaster in South and Central America, which had no recommendation that we pay for it. That money has to come from somewhere. So we will borrow it from the Social Security Trust Fund. So what is happening right now is, already this year $17 billion of the excess has already been stolen for 1999, leaving $110 billion.

But that is not the important point of this. We can fix that, if we will restrain spending this year and move that $15 billion back up in this next year. But look at what the estimates are from the bipartisan, that is Democrat and Republican, Congressional Budget Office. We are going to get $138 billion in excess payments in the year 2000. That is what they are estimating right now. The Congressional Budget Office estimates right now that the Congress is going to spend $5 billion of that, just on the track that they are on right now with the 1997 agreements. If we add the new programs that President Clinton has in his budget, we steal another $20 billion. Then, if we take what the President said, which is even technically misleading, that he wants to reserve 62 percent, and we spend the rest on the programs that he wants to spend, what we actually do is spend all but 59 percent of the Social Security money.

So the important thing is that, if we look at the green here, we went from $110 billion of savings in Social Security, and now we are looking at a, quote, politician's surplus. And what is happening to it? It is getting spent. So the politician's surplus is going to decline to $81 billion. It is not a real surplus, just how it is measured in Washington.

So not restraining spending means that $57 billion of our seniors' money, of our grandchildren's futures are going to be spent this year in new programs, growing the government and stealing opportunity from our children.

Mr. SANFORD. If the gentleman will yield, I think what is important about that point is that people remember, and, in fact, we all have heard that one simple fact about real estate, where the equation is location, location, location. Well, in Washington the equation is politics, politics, politics. That is not a bad thing; that is not a good thing, but that is certainly the way this city works.

Therefore, I think the real issue to be thought about here is that it is the squeaky wheels that get greased in politics. It is important for people to speak out at town meetings across the country, in writing their Congressmen, in writing their Senators, to say if they are given the choice between spending their children's inheritance or not which one they want done. People really need to be making noise about this, because otherwise the immediate is what gets taken care of in Washington and the money gets spent.

Mr. HOEKSTRA. I think that is exactly right. That is the problem that we are facing. We have had the debate within our own conference, where we talk about debt reduction and getting our fiscal house in order, and people say, well, that does not sell.

□ 2230

In reality, I think when you lay out some of the charts that we laid out earlier that talk about the burden that we are facing, that we are placing on our children, I think when you go back to the chart that the gentleman from Oklahoma (Mr. COBURN) has up there and you start saying, wait a minute, we had $138 billion within our grasp, and in one year we took it away from Social Security and we pile it back on to new debt for our kids, I think the American people would embrace saying, "Wait a minute, let's restrain the spending. We see this bubble coming up on Social Security. Now is the time to act." They understand these kinds of issues. They understand the crisis that we can face with the baby boomers. I think they look very positively at starting to set some of this money aside and getting our fiscal house in order. Again, this is $57 billion of new spending. This is not to get to $138 billion, you are going to cut spending by $57 billion. This is $57 billion of growth beyond what we already are planning on growing the Federal Government. This is brand new growth, brand new growth, brand new spending.

Mr. COBURN. Above the spending caps agreed to in 1997. I would like to make a point. Our country is rightly worried about education. We are going to have a lot of debates on this House floor on how we do that. But to assume that we cannot reprioritize the spending of the Federal Government to direct more money to education by eliminating waste, eliminating duplication, by doing the oversight to make sure that the programs that are out there are working means that we are lazy and we are not willing to do our job. Nobody feels that this government is efficient. It is not efficient by any standard. We can exact more efficiency from this government. If we had a crisis today in this country, if we were to go to war or some other, we would come in here and we would make the cuts that we need to make to still offer the services but we would ensure that it was done efficiently. That is what we have to do. We have to restrain spending. We can direct more money to education, but that money should not be stolen from Social Security. It should come from the wasteful programs that this government funds today. For us to do something less than that means that we violate the very oath for the reason that we came up here.

Mr. SANFORD. We were talking a little bit earlier, and I want to go back for just one second, on possible cures for Social Security. One of the things that the President proposed in his plan was to invest about a fifth of the, quote, trust fund in equities. While that sounds very alluring, I think it is a very dangerous thing, because as Chairman Greenspan pointed out, you need to create a firewall between Social Security money and political forces in Washington.

Mr. COBURN. That is exactly what we are trying to do. We are trying to say, it is time to be honest, it is time to be straight, it is time to get the hands off the Social Security money that is there and start working on a solvable solution for it, but not use it to expand the government and compound the problem associated with Social Security for the future. Remember, in 2013 we are going to be coming back, somebody is going to be coming back—I am not—to the American public and if we have not done our job in this Congress about walling off the Social Security money, we are going to be asking people to cough up a ton more money, regardless of what the economic conditions are. We are going to have to do it to meet the commitments to the seniors that are out there at that time. So we have to start. We have to start today. We have to start this year, this session of this Congress and not let anybody steal the first penny from Social Security for any program.

Mr. HOEKSTRA. The gentleman just brought up education. As he well knows over the last 2 years we have had the opportunity to go to 17 different States and take a look at the Department of Education, 760 education programs, 39 different agencies. For every dollar we spend on education, 30 to 35 cents of it stays in Washington, never gets to a child, never gets to a classroom, never gets to the local level where a parent, a school board, a teacher can say, "Let's spend this money in this way to help our kids achieve academic excellence, to get them to be able to do reading and writing and math." The problem is not that we do not have enough money here in Washington for education. The problem is that we are keeping too much of that money here in Washington. We debated a bill today that just said we are going to give some level of flexibility to local school boards, to State governments, to take this money to get rid of red tape, to get rid of the abuse and to make this system more efficient so that rather than throwing more dollars into an inefficient system, let us make the system efficient so we can get 95 cents of every dollar into the classroom rather than the current 65 to 70 cents.

Mr. COBURN. Let me just summarize. We have about 30 seconds left. A surplus is a surplus is a surplus if it reduces the debt, reduces the debt, reduces the debt. We need to not allow anyone to spend the first dollar of Social Security on anything other than Social Security. I hope the American public can understand what we are trying to do here is to get truth-in-government back in terms of the budgeting process, so that we can start the process of saving Social Security. We will never start that process until we make the firewall and get our hands off the money that is coming in today.

Does the gentleman from South Carolina have any closing comments?

Mr. SANFORD. No, but I will see the gentleman back on the floor tomorrow morning.

Mr. HOEKSTRA. I thank the gentleman for taking the time to do this and look forward to continuing this dialogue.

Mr. COBURN. I appreciate the gentleman's help.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

Mr. FROST (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of surgery.

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. MINGE (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and on March 11.

Mr. FOSSELLA, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, March 11, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of December 17, 1998]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 105–330); to the Committee on House Administration and ordered to be printed.

[Omitted from the Record of January 6, 1999]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 106–37); to the Committee on House Administration and ordered to be printed.

[Submitted March 10, 1999]

958. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998–99 Marketing Year [Docket No. FV99–982–1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

959. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Additional Option for Handler Diversion and Receipt of Diversion Credits [Docket No. FV99–930–1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

960. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Assessment Rate [Docket No. FV99-989-2 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

961. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99-989-1 FIR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

962. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting the Office's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class (RIN: 0720-AA27) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

963. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services [WT Docket No. 97-153] (RM-8584, RM-8623, RM-8680, RM-8734) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

964. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Publication or Submission of Quotations Without Specified Information [Release No. 34-41110; File No. S7-5-99] (RIN: 3235-AH40) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Securities on Form S-8 [Release No. 33-7646, 34-41109; File No. S7-2-98] (RIN: 3235-AG94) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

966. A letter from the Secretary, Department of Agriculture, transmitting the Management Report of the Inspector General for the 6-month period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

967. A letter from the Chairman, Board of Governors, Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

968. A letter from the Executive Director, Securities and Exchange Commission, transmitting the SEC's Government Performance and Results Act Annual Performance Plan for fiscal 2000; to the Committee on Government Reform.

970. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Abandoned Mine Land Reclamation Plan [SPATS No. UT-032-FOR] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

971. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone [Docket No. 990119023-9023-01; I.D. 111898B] (RIN: 0648-AL38) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

972. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea [Docket No. 981021264-9016-02; I.D. 021799A] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

973. A letter from the Marshal of the Court, Supreme Court, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

974. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers [Docket No. 98-25] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 774. A bill to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program (Rept. 106-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 103. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement (Rept. 106-48). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 104. Resolution providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. 106-49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself, Ms. Waters, Mr. Watt of North Carolina, Ms. Lee, Ms. Pelosi, Mr. Kildee, Ms. Lofgren, Mr. Cummings, Mrs. Mink of Hawaii, Mr. Kennedy of Rhode Island, Mr. Hinchey, Mr. Davis of Illinois, Ms. Velázquez, Ms. Kilpatrick, Mr. Meeks of New York, Mrs. Christensen, Mr. Hastings of Florida, Mr. Sanders, Ms. Carson, Mr. Gutierrez, Mr. Wynn, Mr. Serrano, Mr. Rodriguez, Mr. Abercrombie, Mr. Rush, Mr. Thompson of Mississippi, Ms. McKinney, Mr. Hilliard, Mr. Faleomavaega, Mr. Owens, Mr. Payne, Mr. Blagojevich, Mr. Fattah, Mr. Stark, Mr. DeFazio, Mrs. Clayton, Mr. McGovern, Mr. Bonior, Mr. Towns, Ms. Sanchez, and Ms. Berkley):

H.R. 1048. A bill to amend title VII of the Civil Rights Act of 1964 to make such title fully applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. BLAGOJEVICH:

H.R. 1049. A bill to authorize an individual or the estate of an individual who has suffered damages from the discharge of a firearm to bring a civil action in a district court of the United States against the manufacturer, distributor, or retailer of the firearm for such damages if the firearm had been in interstate commerce and the firearm's manufacturer, distributor, or retailer was negligent in its manufacture, distribution, or sale and also to bring such action on behalf of the political subdivision and State in which such individual resides to recover the healthcare and law enforcement costs of the State or political subdivision arising out of the discharge of firearms; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. Bonior, Mr. Brady of Pennsylvania, Mr. Brown of California, Ms. Carson, Mrs. Christensen, Mr. Conyers, Mr. Davis of Illinois, Mr. Fattah, Mr. Gutierrez, Mr. Hinchey, Mr. Hinojosa, Mr. Jackson of Illinois, Ms. Kaptur, Ms. Kilpatrick, Mr. Lantos, Ms. Jackson-Lee of Texas, Mr. Lewis of Georgia, Mr. Martinez, Mr. McDermott, Mrs. Mink of Hawaii, Mr. Nadler, Ms. Norton, Mr. Owens, Mr. Payne, Ms. Pelosi, Mr. Sanders, Ms. Schakowsky, Mr. Serrano, Mr. Stark, Mr. Towns, Mrs. Jones of Ohio, Mr. Olver, and Mr. Filner):

H.R. 1050. A bill to establish a living wage, jobs for all policy by instituting overall planning to develop those living wage job opportunities essential to fulfillment of basic rights and responsibilities in a healthy democratic society; by facilitating conversion from unneeded military programs to civilian activities that meet important human needs; by producing a Federal capital budget through appropriate distinctions between operating and investment outlays; and by reducing poverty, violence, and the undue concentration of income, wealth, and power, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COYNE:

H.R. 1051. A bill to eliminate the fees for Federal administration of State supplementary SSI payments; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1052. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 1053. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. Metcalf, Mr. Cunningham, Mr. Brady of Texas, and Mr. Baker):

H.R. 1054. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on International Relations.

By Mr. JONES of North Carolina (for himself, Mr. Jenkins, Mr. Shows, Mr. Underwood, and Mrs. Myrick):

H.R. 1055. A bill to amend the Internal Revenue Code of 1986 to allow a $500 refundable credit to certain low-income members of the uniformed services; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 1056. A bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. MARKEY (for himself, Mr. McDermott, Mr. Frost, Ms. Kaptur, Mr. Moakley, Ms. Roybal-Allard, Mr. Nadler, Mr. Frank of Massachusetts, Mr. Crowley, Mr. Green of Texas, Mr. McGovern, Mr. Luther, Mr. Sanders, Mr. Mascara, Mr. Brown of California, Mr. Romero-Barcelo, Mr. Delahunt, Mr. DeFazio, Mr. Capuano, Mr. Stark, Mr. Strickland, and Ms. Lofgren):

H.R. 1057. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 1058. A bill to promote greater public participation in decennial censuses by providing for the expansion of the educational program commonly referred to as the "Census in Schools Project"; to the Committee on Government Reform.

By Mr. MINGE:

H.R. 1059. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the pay-as-you-go requirements; to the Committee on the Budget.

H.R. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1061. A bill to amend the Internal Revenue Code of 1986 to provide that ministers may elect at any time not to be covered by Social Security with respect to future services as a minister; to the Committee on Ways and Means.

By Mr. PORTER (for himself and Mr. Conyers):

H.R. 1062. A bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mrs. Lowey, Mr. Olver, Mr. Brown of California, Mr. Faleomavaega, Mr. Gutierrez, Mr. Frank of Massachusetts, Mr. English, Mr. Underwood, Mr. Filner, Mr. McGovern, Mr. Barrett of Wisconsin, Mr. Kennedy of Rhode Island, Mr. Porter, Mr. Tancredo, Mr. Rohrabacher, Mr. Clay, Mr. Gary Miller of California, Ms. Schakowsky, Mr. Vento, Ms. McKinney, Mr. Sanders, Mr. Goodling, Mr. Luther, Mr. Wynn, Mr. LaTourette, Mr. Rush, Mr. Blagojevich, Mr. Abercrombie, Ms. Pelosi, Mr. Brown of Ohio, Mr. Markey, Mr. Stark, Mr. Oberstar, Ms. Kaptur, Mr. Moakley, Mr. Cummings, Mr. Lantos, Mr. Thompson of California, Ms. Rivers, Mr. Wolf, Ms. Lee, Ms. Baldwin, Mr. Serrano, Mr. Hall of Ohio, Mr. Kucinich, Mr. Tierney, Mr. Strickland, Mr. Berman, and Mr. DeFazio):

H.R. 1063. A bill to prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. Gilman, Mr. Hoyer, Mr. Porter, Mr. Engel, Mr. Burton of Indiana, Ms. Slaughter, Mr. Rohrabacher, and Mr. Moran of Virginia):

H.R. 1064. A bill to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro; to the Committee on International Relations.

By Mr. STUPAK:

H.R. 1065. A bill to require the Attorney General to add to schedule III of the Controlled Substances Act, the "Date Rape" drugs ketamine hydrochloride and gamma y-hydroxybutyrate; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 1066. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

H.R. 1067. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, and to permit such persons to enroll in the Federal Employees Health Benefits program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. Brown of Ohio):

H.R. 1068. A bill to amend title XIX of the Social Security Act to include a definition of audiologist; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mr. Oberstar, Mr. Cooksey, Mr. Boehlert, Mr. Houghton, Mr. McDermott, Mr. Lewis of Georgia, Mr. Sabo, Mr. Baird, Mr. Thompson of California, Mr. Nadler, Mr. Brown of California, Mrs. Capps, Mr. Forbes, Mr. Shays, Mr. DeFazio, and Mr. Traficant):

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 50. Concurrent resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Ms. SANCHEZ (for herself, Ms. Lofgren, Mr. Smith of New Jersey, and Mr. Davis of Virginia):

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress that Dr. Doan Viet Hoat is to be praised and honored for his commitment to fight for democratic change in Vietnam; to the Committee on International Relations.

By Mr. SHUSTER (for himself and Mr. Oberstar):

H. Con. Res. 52. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. Ackerman, Mr. Hinchey, Mr. Gilman, Mr. Houghton, Mr. LaFalce, Mr. Owens, Mr. Weiner, Mr. Serrano, Mr. King of New York, Mr. Lazio, Mrs. Lowey, Mr. McNulty, Mrs. Maloney of New York, Mr. Crowley, Mr. Towns, Ms. Velázquez, Mr. Boehlert, Mr. McHugh, Mr. Fossella, Mr. Reynolds, Mr. Quinn, Mr. Sweeney, Mr. Nadler, Mrs. McCarthy of New York, Mr. Walsh, Ms. Slaughter, Mrs. Kelly, Mr. Meeks of New York, and Mr. Engel):

H. Res. 105. A resolution recognizing and honoring Joe DiMaggio; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself, Mr. DeLay, Mr. Cunningham, Mr. Holden, Mrs. Morella, Mr. Saxton, Mr. Traficant, Mr. Underwood, Mr. Neal of Massachusetts, Mr. Crowley, Mr. Brown of California, Mr. Brown of Ohio, Mr. Shows, Mr. Salmon, Mr. Wolf, Mr. Peterson of Pennsylvania, Mr. Barrett of Nebraska, Mr. Stump, Mr. Franks of New Jersey, Mrs. Kelly, Mr. Ney, Mr. Green of Texas, Mr. LoBiondo, Mr. Largent, Mr. Barr of Georgia, Mr. McGovern, Mr. Luther, Mr. Coyne, Mr. English, Mr. Tancredo, Mr. Latham, Mr. Foley, Mr. Calvert, Mr. Ballenger, Ms. Lofgren, Mr. Reyes, Mr. Sessions, Mr. Bliley, Mr. Gibbons, Mr. Ramstad, Mr. Walsh, Mr. Watts of Oklahoma, Mr. Stearns, Mr. McNulty, Mr. Ewing, Mr. Gonzalez, Mr. Goode, Mr. Wynn, Mr. Portman, Mr. Meehan, Mr. Davis of Florida, Mr. Fossella, Ms. Kilpatrick, Mr. Sensenbrenner, Mrs. Chenoweth, Ms. Kaptur, Mr. Frost, Mr. Hyde, Mr. Hayworth, Mr. Rogan, Mr. Davis of Virginia, and Mr. Collins):

H. Res. 106. A resolution expressing the appreciation and thanks of the House of Representatives for the extraordinary efforts of the United States Capitol Police during the impeachment proceedings; to the Committee on House Administration.

By Ms. WOOLSEY (for herself, Ms. Norton, Mrs. Mink of Hawaii, Mrs. Maloney of New York, Ms. Millender-McDonald, Ms. DeGette, Ms. Lee, Mr. Sanders, Mr. Markey, Mr. George Miller of California, Mrs. Morella, Ms. Kaptur, Ms. Pelosi, Ms. Jackson-Lee of Texas, Mr. Tierney, Mr. Olver, Mr. Shays, Mr. Abercrombie, Ms. Waters, Mr. Filner, Ms. DeLauro, Mr. Conyers, Mr. Underwood, Mr. Payne, Mr. Serrano, Mr. LaFalce, Mr. Waxman, Mrs. Jones of Ohio, Mr. Brady of Pennsylvania, Mr. Lewis of Georgia, Ms. Stabenow, Ms. Eshoo, Ms. Roybal-Allard, Ms. Lofgren, Mrs. Napolitano, Mr. Thompson of California, Mr. Farr of California, Ms. Rivers, Mr. Gejdenson, Ms. McKinney, Mr. Vento, and Mr. Lampson):

H. Res. 107. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. Ramstad, Mr. Dunn, Mr. Traficant, and Mr. Hefley.

H.R. 25: Mr. Quinn, Mrs. Kelly, Mr. Ackerman, Mr. Forbes, Mr. McNulty, Mr. Houghton, and Mr. Towns.

H.R. 38: Mr. Sam Johnson of Texas.

H.R. 44: Mr. Wolf, Mr. Gallegly, Mr. Goodling, Mr. Wynn, Mr. Maloney of Connecticut, and Mr. McGovern.

H.R. 45: Mr. Etheridge, Mr. Gary Miller of California, Mr. Barr of Georgia, and Mr. Everett.

H.R. 49: Mr. Luther.

H.R. 50: Mr. Shows.

H.R. 53: Mr. Hall of Texas, Mr. Shows, Mr. Rahall, and Mr. Ney.

H.R. 65: Mr. Gallegly, Mr. Maloney of Connecticut, and Mr. DeFazio.

H.R. 89: Mr. McIntyre.

H.R. 116: Mr. Hill of Indiana, Mr. Jenkins, and Mr. Graham.

H.R. 119: Mr. Reyes and Mr. McHugh.

H.R. 152: Mr. Martinez, Mr. Stupak, and Mr. Hinchey.

H.R. 170: Mr. Cardin, Mrs. Myrick, Ms. Carson, Ms. Millender-McDonald, Mr. Underwood, Mr. Gilman, Mr. Weldon of Pennsylvania, Mr. Quinn, Mr. Cooksey, Mr. Kasich, Mr. Bilirakis, Mr. Barrett of Wisconsin, Ms. Danner, Mr. Hilliard, Mr. Olver, Mr. Castle, Mr. Gilchrest, Mrs. Kelly, Mr. Franks of New Jersey, Mr. Wamp, Mr. Stenholm, Ms. Slaughter, Mr. Salmon, Mr. Moran of Virginia, Mr. George Miller of California, Mr. Frost, Mr. Bishop, Mr. Bilbray, Mr. Greenwood, Mrs. Thurman, Ms. Roybal-Allard, Mr. Pallone, Mr. Saxton, Mr. Hinchey, Ms. Pelosi, Mr. LaFalce, Mr. Faleomavaega, Mr. Stark, Mr. Kucinich, Mr. Baldacci, Mr. Tanner, Mr. Wise, Mr. Bentsen, Mrs. Christensen, Mr. Boyd, Mr. Andrews, Mr. Shows, Mr. Wynn, Mr. Taylor of Mississippi, Mrs. Capps, Mr. Gibbons, Mr. Frelinghuysen, Mr. Inslee, Mr. McGovern, Mr. Upton, Mr. Ganske, Mr. Ramstad, Mr. Deal of Georgia, Mr. Cook, Mr. Forbes, Mr. Gekas, Mr. Gillmor, Mr. Horn, Mr. Weller, Mrs. Biggert, Mr. Bereuter, Mr. Borski, Mr. DeFazio, Mrs. Johnson of Connecticut, Mrs. Morella, Mr. Wexler, Mr. Bateman, Mr. Oxley, Mr. Foley, Mr. Kolbe, Mrs. Emerson, Mr. Watkins, Mr. Luther, Mr. Ewing, Mr. LaTourette, Mr. Ehlers, Mr. Traficant, Mr. Sweeney, Mrs. Roukema, Ms. Pryce of Ohio, Mr. Edwards, Mr. Hill of Indiana, Mr. Young of Alaska, Mr. Shays, Mr. Gary Miller of California, Mr. Hall of Texas, Mr. Holden, Mr. Doyle, Mr. Smith of New Jersey, Mr. Menendez, Mr. Pascrell, Ms. Norton, Mr. Moakley, Mr. Brown of California, and Mr. Blagojevich.

H.R. 206: Mr. Etheridge.

H.R. 216: Mr. Graham and Mr. Andrews.

H.R. 218: Mr. King of New York, Mr. Ryan of Wisconsin, and Mr. Baird.

H.R. 237: Mr. Hansen and Mr. Inslee.

H.R. 274: Mr. Baldacci and Mr. Rothman.

H.R. 275: Mr. Shows.

H.R. 303: Mr. Gallegly, Mr. Hutchinson, Mr. LoBiondo, Mr. Maloney of Connecticut, and Mr. DeFazio.

H.R. 351: Mr. Walden of Oregon, Mr. Turner, Mr. Hobson, Mrs. Johnson of Connecticut, Mr. Bentsen, Mr. Fletcher, Mr. Ose, and Mr. Sweeney.

H.R. 355: Mr. Strickland, Mr. Wynn, Mr. Engel, Mr. Hill of Indiana, Mr. LaTourette, Mrs. Meek of Florida, Mr. Oberstar, Mr. Barr of Georgia, Mr. Inslee, Mr. Klink, and Mr. Boehner.

H.R. 357: Mr. Clyburn, Mr. Rahall, and Mr. Moore.

H.R. 358: Mr. Watt of North Carolina.

H.R. 408: Mr. Larson, Mr. Olver, Mr. Blunt, Mr. Gutknecht, Mr. Martinez, Mr. Cunningham, Mrs. Emerson, Mr. Tanner, Mr. Kind of Wisconsin, and Mr. Evans.

H.R. 415: Mr. Weiner.

H.R. 483: Mr. Weldon of Florida.

H.R. 528: Mrs. Myrick and Mr. Graham.

H.R. 531: Mr. Ford, Mr. Bereuter, and Mr. Jenkins.

H.R. 541: Mr. Pallone, Ms. Lee, Mr. Pastor, Ms. Brown of Florida, Mr. Blagojevich, Mr. Frank of Massachusetts, and Mrs. Capps.

H.R. 555: Mr. Sanders and Mr. Hinojosa.

H.R. 556: Mr. Maloney of Connecticut.

H.R. 561: Mr. Andrews.

H.R. 573: Mr. Barr of Georgia, Mr. Taylor of Mississippi, Mr. Pallone, Mr. Sanders, Mr. Bentsen, Mr. Moore, Mr. Mascara, Mr. Kanjorski, Mrs. Johnson of Connecticut, Mr. Bachus, Mr. John, Mr. Abercrombie, Mr. Ackerman, Mr. Aderholt, Ms. Baldwin, Mr. Berry, Mr. Bishop, Mr. Boswell, Mr. Cramer, Mr. Strickland, Ms. Dunn, Ms. Stabenow, Mr. Towns, Mrs. Tauscher, Mr. Everett, Mr. Nadler, Ms. Roybal-Allard, Mr. Etheridge, Mr. Dingell, Ms. Woolsey, Mr. Hyde, Mr. Scarborough, Mr. Largent, Mr. Evans, Ms. DeGette, Mrs. Emerson, Mr. Blumenauer, Ms. Sanchez, Mrs. McCarthy of New York, Mr. Obey, and Mr. Saxton.

H.R. 574: Mr. Peterson of Pennsylvania.

H.R. 582: Mr. Sisisky, Ms. Brown of Florida, and Mr. Pallone.

H.R. 585: Mr. Hayworth and Mr. Cunningham.

H.R. 586: Mr. Smith of New Jersey.

H.R. 590: Mr. Goodling.

H.R. 599: Mr. Wynn and Ms. McKinney.

H.R. 610: Mr. Barrett of Wisconsin and Mr. Shows.

H.R. 611: Mr. Meehan, Mr. Maloney of Connecticut, Mr. Skelton, Mr. Turner, Mr. Dooley of California Mr. DeMint, and Mr. DeFazio.

H.R. 612: Mr. Edwards, Mr. Borski, Mrs. Jones of Ohio, Mr. Wise, Mr. Oberstar, Mr. Luther, and Mr. Davis of Illinois.

H.R. 614: Mrs. Northup, Mr. Goode, and Mr. Graham.

H.R. 621: Mr. Goode, Mr. Shows, and Mr. Smith of Washington.

H.R. 625: Mr. English.

H.R. 640: Mrs. Johnson of Connecticut.

H.R. 641: Mr. Thompson of Mississippi, Mr. Bonior, and Mr. Sweeney.

H.R. 654: Mr. Hobson and Mr. Udall of Colorado.

H.R. 664: Mrs. Jones of Ohio, Mr. Lewis of Georgia, Ms. Woolsey, Ms. McCarthy of Missouri, and Mr. Rush.

H.R. 697: Mr. DeLay, Mr. Largent, Mr. Shadegg, Mr. Paul, Mr. Reynolds, Mr. Stearns, Mr. Aderholt, Mr. Pickering, Mr. Shows, Mr. Gutknecht, Mr. Deal of Georgia, Mrs. Myrick, and Mr. Graham.

H.R. 698: Mr. Goss, Mr. Ehrlich, Mr. English, Mr. Borski, Ms. Rivers, Mr. Boehlert, Mr. Delahunt, Mr. LaHood, Mr. Wamp, Mr. Barrett of Wisconsin, and Mr. Andrews.

H.R. 775: Mr. Stenholm, Mr. Roemer, Mr. Foley, Mr. Knollenberg, Mr. Gillmor, and Mr. Ose.

H.R. 783: Mr. Farr of California, Mr. Talent, Mr. Buyer, Mr. Kildee, Mr. Dicks, Mr. Pickett, Mrs. Cubin, Mr. LaTourette, Mrs. Emerson, Mr. Nethercutt, Mr. Aderholt, Mr. Hobson, and Mr. Oxley.

H.R. 784: Mr. Romero-Barcelo.

H.R. 792: Mr. Nussle, Mr. Gary Miller of California, Mr. Combest, Mr. Smith of Texas, Mr. Crane, Mr. Duncan, Mr. Baker, Mr. Cox, Mr. Lucas of Oklahoma, Mr. Royce, and Mr. Bilbray.

H.R. 796: Mr. Bateman, Mr. Sessions, Mr. Foley, Mr. Bartlett of Maryland, and Mr. Ramstad.

H.R. 815: Mrs. Northup, Mr. Jones of North Carolina, Mr. Peterson of Pennsylvania, and Mr. Brown of California.

H.R. 826: Mr. English, Mr. Peterson of Pennsylvania, Mrs. Morella, and Mr. Wolf.

H.R. 828: Mr. Scott and Mr. Goode.

H.R. 833: Mr. Bliley, Mr. Burton of Indiana, Mr. Crane, Mr. Hoyer, Mr. Pickett, Mr. Weller, Mr. Boehner, Mr. Blumenauer, Mr. Foley, and Mr. Holden.

H.R. 845: Mr. Frank of Massachusetts and Mr. Strickland.

H.R. 846: Mr. Sandlin and Mr. McGovern.

H.R. 847: Mr. Sandlin, Ms. Brown of Florida, and Ms. Lofgren.

H.R. 850: Mr. Hall of Ohio, Mr. Forbes, Mr. Holt, and Mr. Gibbons.

H.R. 868: Mr. Gillmor.

H.R. 872: Mr. Frank of Massachusetts, Mr. Nadler, Mr. Maloneyof Connecticut, Mr. Hinchey, Mr. Hilliard, and Mr. Romero-Barcelo.

H.R. 884: Mr. Gutierrez, Mr. Sweeney, Ms. DeLauro, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Mr. Oberstar, Mr. Delahunt, and Mr. Gilman.

H.R. 894: Mr. Hostettler.

H.R. 901: Mr. Sweeney.

H.R. 906: Mr. Watt of North Carolina, Ms. Norton, and Mr. Faleomavaega.

H.R. 933: Mr. Jenkins.

H.R. 975: Ms. Woolsey, Mr. Farr of California, Mr. Evertt, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Mr. Rothman, Ms. Slaughter, Mr. Weygand, Mr. Fattah, Mr. Hefley, Mr. Riley, Mr. Underwood, Mr. Romero-Barcelo, Ms. Waters, Mr. Kasich, Mr. Watt of North Carolina, Mr. Wamp, Mr. Towns, Mr. Peterson of Minnesota, Mr. Conyers, Mr. Crowley, Mr. Gibbons, Mr. Markey, Mrs. McCarthy of New York, Mrs. Napolitano, Mr. Whitfield, Mr. Hostettler, Mr. Martinez, Ms. Baldwin, and Mr. Menendez.

H.R. 981: Mr. GILMAN and Mr. GEORGE MILLER of California.

H.R. 1032: Mr. BAKER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. BACHUS, Mr. RILEY, Mr. DEAL of Georgia, Mr. DOOLITTLE, and Mr. TIAHRT.

H.R. 1035: Mr. CLEMENT.

H.R. 1040: Mr. CALLAHAN.

H.R. 1042: Mr. MCCOLLUM, Mr. BOEHNER, and Mr. CHAMBLISS.

H.J. Res. 9: Mr. GREENWOOD, Mr. TALENT, Mr. PORTMAN, Mr. BLUNT, Mr. BASS, Mr. GOODLING, Mr. COLLINS, Mr. FOLEY, Mr. UPTON, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. HILL of Montana, Mr. BOEHNER, and Mr. CHABOT.

H.J. Res. 35: Mr. TIAHRT, Mr. SWEENEY, and Mr. HUNTER.

H. Con. Res. 24: Mr. COLLINS, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. MANZULLO, Mr. GALLEGLY, Mr. GEPHARDT, Mr. BARTON of Texas, Mr. TAYLOR of North Carolina, Mr. GRAHAM, Mr. ROEMER, Mr. BILIRAKIS, Mr. VISCLOSKY, Ms. BROWN of Florida, Mr. BOYD, and Mr. REGULA.

H. Con. Res. 34: Mr. MCGOVERN, Mr. GUTIERREZ, Mr. INSLEE, and Ms. KILPATRICK.

H. Con. Res. 39: Mr. BARTON of Texas.

H. Res. 35: Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. BARRETT of Wisconsin, Mr. GEPHARDT, Mr. PASCRELL, Mrs. MEEK of Florida, Mr. NADLER, Mr. UNDERWOOD, Mr. GILMAN, Mr. WALSH, Mr. LAFALCE, Mr. KING, Mr. PASTOR, Mr. HOLT, Mrs. MORELLA, Mr. BOYD, and Mrs. MCCARTHY of New York.

H. Res. 41: Mr. FILNER, Mr. GONZALEZ, Mr. HAYWORTH, Mr. HOYER, and Mr. PALLONE.

H. Res. 89: Ms. PRYCE of Ohio, Mr. MOAKLEY, Mr. CUNNINGHAM, Mr. HORN, Mr. BLAGOJEVICH, Mr. GONZALEZ, Mr. ETHERIDGE, Mr. COOKSEY, Mr. BACHUS, Mr. OSE, and Mr. FRANK of Massachusetts.

H. Res. 94: Mr. SCHAFFER, Mr. WALSH, and Mr. FROST.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. CON. RES. 42

OFFERED BY: MR. COX

AMENDMENT NO. 1: On page 2, after line 14, insert the following:

SEC. 4. CONDITIONS PRECEDENT TO DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

Nothing in this resolution shall be deemed to authorize the deployment of United States Armed Forces to Kosovo, and such action shall not be authorized, unless and until the President has first transmitted to the Congress a report as described in section 8115(a) of the Fiscal Year 1999 Defense Appropriations Act (Public Law 105–262) that consists of the following:

(1) The President's certification that the presence of those forces in Kosovo is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to Kosovo.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States Forces.

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: Page 1, line 8, strike "has caused" and insert ", caused by Slobodan Milosevic's brutal policies, has resulted in".

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 3: Page 2, line 1, strike "The" and insert "The Government of Serbia-Montenegro, the".

H. CON. RES. 42

OFFERED BY: MRS. FOWLER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 4: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Limitation on Peacekeeping Operations in Kosovo Resolution".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) President Clinton is contemplating the introduction of ground elements of the United States Armed Forces to Kosovo as part of a larger North Atlantic Treaty Organization (NATO) operation to conduct peacemaking or peacekeeping between warring parties in Kosovo, and these Armed Forces may be subject to foreign command.

(2) Such a deployment, if it were to occur, would in all likelihood require the commitment of United States ground forces for a minimum of 3 years and cost billions of dollars.

(3) Kosovo, unlike Bosnia, is a province of the Republic of Serbia, a sovereign foreign state.

(4) The deployment of United States ground forces to enforce a peace agreement between warring parties in a sovereign foreign state is not consistent with the prior employment of deadly military force by the United States against either or both of the warring parties in that sovereign foreign state.

(5) The Secretary of Defense, William Cohen, has opposed the deployment of United States ground forces to Kosovo, as reflected in his testimony before the Congress on October 6, 1998.

(6) The deployment of United States ground forces to participate in the peacekeeping operation in Bosnia, which has resulted in the expenditure of more than $10,000,000,000 by United States taxpayers to date, which has already been extended past 2 previous withdrawal dates established by the administration, and which shows no sign of ending in the near future, clearly argues that the costs and duration of a deployment to Kosovo for peacekeeping purposes will be much heavier and much longer than initially foreseen.

(7) The substantial drain on military readiness of a deployment to Kosovo would be inconsistent with the need, recently acknowledged by the Joint Chiefs of Staff, to reverse the trends which have already severely compromised the ability of the United States Armed Forces to carry out the basic National Military Strategy of the United States.

(8) The Congress has already indicated its considerable concern about the possible deployment of United States Armed Forces to Kosovo, as evidenced by section 8115 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2327), which sets forth among other things a requirement for the President to transmit to the Congress a report detailing the anticipated costs, funding sources, and exit strategy for any additional United States Armed Forces deployed to Yugoslavia, Albania, or Macedonia.

(9) The introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities may occur, clearly indicates authorization by the Congress when such action is not required for the defense of the United States, its Armed Forces, or its nationals.

(10) United States national security interests in Kosovo do not rise to a level that warrants the introduction of United States ground forces in Kosovo for peacekeeping purposes.

SEC. 3. PROHIBITION ON DEPLOYMENT OF UNITED STATES GROUND FORCES TO KOSOVO.

(a) IN GENERAL.—The President is not authorized to deploy ground elements of the United States Armed Forces to Kosovo as part of a North Atlantic Treaty Organization (NATO) operation to implement a peace agreement between the Republic of Serbia and representatives of ethnic Albanians living in the province of Kosovo.

(b) RULES OF CONSTRUCTION.—Nothing in this concurrent resolution shall be construed—

(1) to prevent United States Armed Forces from taking such actions as the Armed Forces consider necessary for self-defense against an immediate threat emanating from the Republic of Serbia; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 5: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 6: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 7: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 8: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 9: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DECLARATION OF POLICY.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 10: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 11: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, but any such deployment may be made (1) only after the signing of a peace agreement by the President of the Republic of Serbia, representatives of the Kosovo Liberation Army, and the six member nations of the Contact Group, and (2) only for a period not to exceed one year from the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 12: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 13: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 14: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 15: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate and detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 16: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 17: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 18: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 19: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of United States Armed Forces military officers.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 20: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 21: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. Con. Res. 42

Offered By: Mr. Goss

Amendment No. 22: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In General.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Limitation.—The President should, before ordering the deployment of any United

States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 23: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 24: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 25: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 26: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebescite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 27: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 28: Strike section 3 in its entirety and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitations in subsections (b) and (c), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) REPORTS TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed pursuant to subsection (a) will be under the operational control only of United States Armed Forces military officers.

(2) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO nations participating in that operation.

(3) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel participating in the Kosovo NATO peace keeping operation shall operate;

(D) in classified and unclassified form provides the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee on the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces will affect, impede, or hinder any such intelligence sharing arrangement.

(6) Submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(i) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(ii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(iii) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(iv) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

(c) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 29: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 30: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 31: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 32: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 33: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 34: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 35: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 36: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of the United States Armed Forces military officers.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 37. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 38. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 39. Strike section 3 and insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 40. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 41. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 42. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives;

and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 43. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebescite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 44. At the end of section 3 insert the following:

LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 45. At the end of section 3 insert the following:

REPORT TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed will be commanded by United States Armed Forces military officers.

(2) Submit to the Congress a detailed report prepared by the Secretary of Defense that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participation in any NATO deployment in Kosovo, including ground troops, air support, logistics support, and intelligence support when compared to the other participant nations involved in the NATO deployment.

(3) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel deployed in Kosovo shall operate;

(D) in classified and unclassified form explains the budgetary impact for Fiscal Years 1999, and every year thereafter, on the Department of Defense, and each of the military services in particular; the Intelligence Community; and the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report prepared by the Secretary of Defense and the Director of Central Intelligence that addressing the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how this would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO troops will affect, impede, or hinder such intelligence sharing arrangements.

(6) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Secretary of State on the scope of the mission in which the United States Armed Forces personnel so deployed shall be engaged.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be adjudged;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict, including:

(i) a detailed discussion and explanation of any and all side agreements, whether or not all parties to the agreement are aware of such;

(ii) a detailed discussion and explanation of the obligations of the United States with respect to the flow of weapons into Kosovo and Serbia;

(iii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States would be bound;

(iv) a detailed discussion and explanation of who will fund any future plebescite or referendum on independence for Kosovo; and

(v) a detailed discussion and explanation of the obligations of the NATO troops to enforce any provision of such peace agreement.

(a) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 46: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Limited Authorization for Peacekeeping Operations in Kosovo Resolution".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe.

(2) The Government of Serbia and representatives of the people of Kosovo may agree in Rambouillet, France, to end the conflict in Kosovo.

(3) President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORITY.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) shall terminate on March 15, 2000.

(2) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) is subject to the limitation that the Armed Forces personnel participating in a deployment described in such subsection may not be placed under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3(a):

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term "functions", used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term "Kosovo peace agreement" means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 47: Page 1, line 4, before "Peacekeeping" insert "Limited Authorization for".

Page 2, after line 8, insert the following:

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

Page 2, after line 14, add the following:

SEC. 4. LIMITATIONS.

(a) TERMINATION OF AUTHORITY.—The authority to deploy United States Armed Forces personnel to Kosovo under section 3 shall terminate on March 15, 2000.

(b) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under section 3 is subject to the limitation that the Armed Forces personnel participating in a deployment described in such section may not be placed under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 5. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3:

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 6. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term "functions", used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term "Kosovo peace agreement" means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. PAUL

AMENDMENT NO. 48: Page 2, after line 14, add the following:

SEC. 4. RULE OF CONSTRUCTION.

The authorization in section 3 meets neither the requirements of Article I, section 8 of the Constitution nor the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.) and therefore any deployment of United States Armed Forces personnel described in that section lacks the proper legal authority.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 49: Strike all after the resolved clause and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

SEC. 2. REPEAL OF WAR POWERS RESOLUTION.

The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 50: Page 2, strike line 9 and all that follows and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 51: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless a Kosovo peace agreement has been reached.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 52: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless—

(1) a Kosovo peace agreement has been reached; and

(2) such deployment is specifically approved by the Congress.

H. CON. RES. 42

OFFERED BY: MR. TURNER

AMENDMENT NO. 53: At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE SENIOR CITIZENS' FREEDOM TO WORK BILL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, on March 1, COLLIN PETERSON of Minnesota and I introduced H.R. 5, the "Senior Citizens' Freedom to Work Act of 1999." This legislation will eliminate the so-called Social Security "earnings limit." Under current law, our senior citizens aged 65–69 can earn $15,500 before they lose $1 in Social Security benefits for each additional $3 of earnings. This limit is unfair, discriminatory, and adversely effects our country's economy. The Social Security earnings limit must be eliminated.

The Social Security earnings limit is unfair and inappropriate because it imposes a "means" test for a retirement benefit. As we all know, our seniors have earned Social Security benefits through a lifetime of contributions to the program and they should not be penalized because they choose to work. We have a fundamental right to work in America and earn money without government intrusion.

Additionally, the Social Security earnings limit discriminates against senior citizens who must work in order to supplement their benefits and is unfair to our nation's senior citizens who have the greatest need for additional income.

It is a Depression-era law whose time has long since come and gone. In the 1930's, the earnings limit was used to force seniors out of the workforce. Today, with unemployment at record lows, seniors are needed in the workforce.

The disincentive effect is magnified when viewed on an after-tax basis. Senior citizens who work lose a large percentage of their Social Security benefits due to the Social Security earnings limit, but they must also continue to pay Social Security taxes, and probably federal and state income taxes as well. The Social Security earnings limit forces seniors to avoid work or seek lower-paying or part-time work.

In addition to being complicated and difficult for the individual senior citizen to understand, the Social Security earnings limit is complex and costly for the federal government to administer. For example, the test is responsible for more than one-half of retirement and survivor program overpayments. Elimination of the earnings limit would help minimize administration expenses, and recipients would be less confused.

Finally, repealing the Social Security earnings limit would aid our country's economy. Our senior citizens would be likely to work more and the American economy would benefit from their experience and skills. The combined increase in the amounts that they would pay in Social Security and other taxes, as well as the additional contribution to our Gross National Product, would largely offset the increase in benefit payments. For decades, our senior citizens worked and dutifully paid their Social Security taxes; it is only fair that they receive all of the Social Security benefits when they are at the retirement age.

I fought for freedom in two wars and I believe that freedom entitles our seniors the ability to work without a penalty. America's seniors want, need and deserve the repeal of the Social Security earnings limit.

HONORING THE VICTORIA HIGH SCHOOL VARSITY CHEERLEADERS OF VICTORIA, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, I rise today to pay honor to the winners of the National High School Cheerleading Championship sponsored by the Universal Cheerleaders Association—the Victoria High School Varsity Cheerleaders from Victoria, Texas. Under the able leadership of Denise Neel and Terese Reese, the squad of teens took the title for 1999 following an impressive history of second place in 1998, and third place in 1997. Each year, the cheerleaders set their mark higher, worked harder, trained longer, and kept their eyes on their goal. Their training and perseverance paid off when they brought the national trophy home to their school.

The cheerleaders competed against a field of 74 squads in the Medium Varsity Division to reach the national trials. There, they competed against the thirteen regional finalists, coming out on top. The VHS cheerleading team is the first Texas squad to ever win the National Championship.

In addition to their cheerleading duties which include cheering at every sporting event held by their school and a rigorous practice schedule, each of these girls must maintain a grade of at least 80 in each class. They also participate in numerous community activities, such as the American Cancer Society's Relay for Life and the March of Dimes Walk America. Additionally, they worked with the elementary and middle schools during TAAS testing and Red Ribbon Week, and the Gulf Bend Mental Health-Mental Retardation during Friendship Fest.

This group of students deserve the honor they have earned. I commend each one of them:

Liz Lasater and Kendra Serold—Co-Head Cheerleaders
Natalie Cole
Leah Green
Melissa Myers
Laurie Beck
Lindy Burns
Amy Reimann
Amber Clemmons
Sara Dickson
Courtney Horecka
Haley Kolle
Amanda Rodriquez
Karla Sterne
Melissa Keefe
Chelsie Luhn
Sara Carville

I am proud to have these national champions in the 14th Congressional District of Texas, and trust all my colleagues join me in congratulating them on this impressive achievement.

CONGRATULATIONS VA CENTRAL CALIFORNIA HEALTH CARE SYSTEM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate The VA Central California Health Care System on the outstanding score received with the Joint Commission on Accreditation of Health Care Organizations. This organization is dedicated to improving government health care through voluntary accreditation.

The VA Central California Health Care System, known as the VA Medical Center Fresno, received high scores on its accreditation from the Joint Commission on Accreditation of Health Care Organizations (JCAHO). Formed in 1951, JCAHO is dedicated to the improvement of America's public and private health care system through a process of voluntary accreditation. The accreditation serves as proof of an organization's commitment to providing quality health care on an ongoing basis. The mission of the VA Central California Health Care System is to deliver this commitment to its veteran patients.

The JCAHO scores achieved by the VA Central California Health Care System were outstanding. For its Hospital Accreditation Program (HAP) a score of 96 was given. For its Ambulatory Care service a score of 100 was obtained. The VA also scored 100 for its Alcohol and Drug treatment program. The Long Term Care program received a 99 and the Home Care program was given a 98. Special recognition was received for the Infection Control and Performance Improvement Programs and the Computerized Pharmacy Processing System. All of the scores represent great accomplishments for this health care system. The hospital staff worked together to meet the challenge, scoring above the national average.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I rise today to congratulate the VA Central California Health Care System on this outstanding accomplishment. I urge my colleagues to join me in wishing the administration and staff of the VA Central California Health Care System congratulations on this achievement and many years of continued success.

A GIFT OF LIFE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize an extraordinary little girl from my state of Illinois, Megan Dawson. Five-year old Megan is a liver recipient. An organ became available for Megan in time to give her a chance at what hopefully will be a long and active life. But everyone is not as lucky as Megan. Every two hours, one of the more than 60,000 Americans now on transplant waiting lists dies for lack of an available organ.

Megan's story should remind all of us that organ donation is the most precious gift that one human can give to another. During the first nine months of last year in my state, almost 800 residents had life-saving transplants of the kidney, liver, pancreas, intestines, lung or heart. They all received the gift of life.

Unfortunately, while the science of transplantation has made dramatic gains, the number of organ donors is not keeping pace. As a result, we have growing waiting lists. The only way to address this growing crisis is to discuss transplantation and organ donation with our families.

It shouldn't actually be all that hard a subject to bring up, because what we are really talking about is the miracle of transplantation—the miracle that gives a little girl like Megan a second chance at life. The subject for the family discussion is the wonders of modern medicine. And since we would hope that the miracle of a new chance at life through transplantation would be available to a member of our family in a time of need—and it would be, provided an organ becomes available—shouldn't we agree as a family to do the right and generous thing if the situation is ever reversed. It's really no more than that—the application of the old Golden Rule to modern medicine.

That is why I am proud to have signed on to the First Family Pledge. The First Family Pledge is a non-partisan effort sponsored by the American Society of Transplant Surgeons. I encourage my colleagues and constituents to pay attention to this life-saving initiative. And on April 14th, I will be proud to participate in the First Family Pledge Congress. At that time, I and many of my colleagues from both sides of the aisle will greet young children from across this great nation who have received organ and tissue transplants. They are truly living examples of what it is to receive the gift of life.

TRIBUTE TO THE MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SKELTON. Mr. Speaker, today I ask all members of the House to join me in honoring the Missouri State Society Daughters of the American Revolution (MSSDAR) as they celebrate a "Century of Service" at their 100th State Conference on March 12–14, 1999. The century celebration will feature remembrances of ten decades of conference highlights, recognition of this year's Outstanding State History Teacher, and the presentation of scholarships and awards to exemplary Missouri students. The first state conference was held in a stately St. Louis home on November 15, 1899 with eight members in attendance.

Today, the MSSDAR, founded in 1894 in Kansas City, has over 5,500 members in 116 Chapters throughout the state dedicated to historic preservation, promotion of education and patriotic endeavor. Additionally, they play a leadership role in helping inform its members and the general public about the need for a strong national defense.

The MSSDAR is affiliated with the National Society Daughters of the American Revolution (NSDAR). Incorporated by an Act of Congress in 1896, the NSDAR is a non-profit, non-political, volunteer service organization with nearly 180,000 women in some 3,000 chapters in each of the fifty states, the District of Columbia, Australia, Canada, France, Mexico, the United Kingdom and Japan. The Society was founded in Washington, D.C. on October 11, 1890, and has celebrated more than 100 years of service to the nation.

Mr. Speaker, I know the Members of the House will join me in paying tribute to the Missouri State Society Daughters of the American Revolution as they celebrate their "Century of Service."

TRIBUTE TO RULON STACEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to commend Mr. Rulon Stacey who was named Young Health Care Executive of the Year by the American College of Health Care Executives. He is the Chief Executive Officer of Poudre Valley Hospital in Fort Collins, Colorado.

Poudre Valley Hospital is not only the largest hospital in my district, it is the hub of a much larger health care system serving communities throughout eastern Colorado, Wyoming, and Nebraska. Since Mr. Stacey joined the Poudre Valley Health System in 1996, the system has grown to include Mountain Crest Orthopedic Center of the Rockies, Estes Park Medical Center, Children's Clinic, Northside Health Center, and regional trauma, heart, and neuroscience centers.

Mr. Stacey earned this award because he has worked to bring together diverse interests in the medical community into a partnership. His talents have earned him the respect of his colleagues and associates. The ultimate benefactors of his work, however, may never know his name. They are the patients and their families served by the network of care at the Poudre Valley Health System. On behalf of my constituents, I congratulate Mr. Stacey on his award and commend his work to the House of Representatives.

TRIBUTE TO LOUIS BRYANT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to honor a teacher from my district who has received national recognition for his exemplary courage and selflessness in the face of adversity. Mr. Louis Bryant of Louisville is a social studies teacher at Ballard High School who recently accompanied a group of students to Ghana, Africa, on a cultural exchange program. During an afternoon excursion the group's bus was in a terrible accident. Mr. Bryant—the most seriously injured passenger—refused to leave his students even though he had been told that, without an immediate airlift to the United States and emergency surgery, he could lose his hand.

The U.S. Embassy in Ghana reported that Mr. Bryant ignored his own injuries and instead tried to keep his students optimistic and upbeat. He remained at the hospital in Ghana with his students until they all returned home together. Nearly 4 weeks later, Mr. Bryant still is undergoing painful surgery and rehabilitation in an effort to save his hand. Not once, however, has he expressed regret about his decision to remain with his students.

Without question, Mr. Bryant's dedication, courage, and self-sacrifice warrant the admiration of his community and this Nation. He is evidence that there are heroes among us. I heartily applaud Mr. Bryant and, once again, wish to express to him the gratitude that all members of the Louisville community feel for his heroic actions.

EXPRESSING SUPPORT FOR FREE, FAIR, AND TRANSPARENT ELECTIONS IN INDONESIA

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. EVANS. Mr. Speaker, I rise today to join my colleagues in support of H. Res. 32, a resolution calling for free, fair and transparent elections in Indonesia, but also to commend the attention of my colleagues to the plight of the people of East Timor, the tiny island illegally occupied by Indonesia for over 25 years.

I have been greatly encouraged by recent demonstrations of reform in Indonesia, yet the post-Suharto government still has far to go to prove that it is serious about addressing basic human rights. Most urgent is the humanitarian crisis that continues to embroil the people of East Timor. Even as President Habibie announces that he will support independence for East Timor should its citizens reject an autonomy plan, I receive daily reports indicating a serious increase in violent actions by several armed militias, including those by the Makihit, Alfa, Saka and Mahidi. In the last two months, these groups have reportedly attacked villagers in several areas, most recently around Sua, killing civilians and precipitating a refugee crisis with over 5,000 seeking refuge on the grounds of a local church and school. Indonesian Generals have admitted to arming these groups. In this supposed era of promise, turmoil and unrest persist.

In addition, there are reports of on-going and extreme human rights abuses on the part of the Indonesian military in the areas of West Papua, Irian Jaya, Aceh, and Ambon. The summary executions, kidnappings, arbitrary arrest, beatings and torture of civilians continue to create a climate of fear, intimidation. I believe it will be virtually impossible to hold a truly democratic election.

While I support the spirit in which H. Res. 32 was written and support its intentions wholeheartedly, Congress must take this opportunity to encourage the Clinton Administration to press the Indonesian government to address the civil and human rights issues plaguing this nation and its provinces. In addition, we must continue to call for the withdrawal of Indonesian troops, the introduction of U.N. monitors and the immediate and unconditional release of political prisoners in East Timor. Without these crucial steps, Indonesia will not be on a true path to reform.

TRIBUTE TO STELIO MANFREDI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Stelio Manfredi on his retirement from Lucca's Restaurant. Mr. Manfredi has been a respected member of the Madera community for many years. "After all these years, it's finally time to turn the lights out," Manfredi said.

Stelio Manfredi was already one of the most well-known men in town; a life-long Maderan, his face, and name, are among the most recognizable in the community. Manfredi was a bartender at Lucca's Restaurant for 40 years, and during that time he shot the breeze with many, many community members, and listened to the problems of so many more. He always tried to lend a sympathetic ear or give them some advice from the wisdom he's gained in his 83 years of living.

The restaurant's decision to only serve lunch prompted Manfredi's decision to step away, giving himself more time to spend with his wife of 59 years. Being friendly was always Manfredi's nature, as he worked behind the bar at Lucca's. Manfredi, known for his margaritas, will now spend more time in his garden and tending to his many trees and bushes. Leaving behind the people that he befriended will be the hardest part of retiring from the job.

Stelio and Eve Manfredi have lived in the same central Madera home for 52 years, and during that time they have nurtured their shrubs and trees to the point that it is a lush, virtual paradise. "It's therapy for me," Manfredi said of the many hours he spends outside tending to Mother Nature's creations.

Manfredi hopes to go to the Madera Center and work on his General Education Diploma (GED). Stelio and Eve have two children and six grandchildren. As they raised their family, Stelio worked as a bottling room foreman at Hueblein Winery. He also had his own bar on Gateway Drive for 16 years.

The couple has developed a deep respect and commitment for Madera as they grew up, a feeling they continue to have to this day. Madera has grown tremendously since the early days of their childhoods, they say there will never be another place they will call home. The couple attends St. Joachim's Church and Stelio is a member of the Italo-American Club. Stelio Manfredi said he couldn't ask for more out of life.

Mr. Speaker, I rise today to pay tribute to Stelio Manfredi on his retirement and service to the community of Madera and Lucca's Restaurant. Stelio Manfredi has been a fixture in the community for many years. I urge my colleagues to join me in wishing Stelio and Eve Manfredi many years of continued happiness.

TRIBUTE TO THE BAY CITY GIRLS SOFTBALL ASSOCIATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, later this month I will attend the 40th anniversary celebration of the Bay City Girls Softball Association. The Association has a distinguished history of providing recreational opportunities to girls in Bay City, Texas.

Begun in 1959 with the fielding of the Delta Sparks by Lila Ray and Jerry Babik, currently the association serves youth ages 4 to 18. Among the honors received by the group are induction in 1975 of the Bay City VIPs led by Coach Ratliff into to the National Amateur Softball Association Hall of Fame, and the receipt of the National Association's "Most Improved Award" in 1944.

With heroic community leaders like Jack Rice and Palmer Robbins and recent activists such as Mike Mariner, Judd Perry, J.B. Smith and Dennis Mueck the business of preparing and making available playing fields for the association has been a real community effort in Bay City.

And, with a storied history including legendary players like Patty Branagan, Diane Herreth, Carol Ray, Jeannie Mathis, Linda Babik, Diana Sliva and Connie Brooks and renowned coach Lila Ray the ladies have certainly made the most of these opportunities.

Mr. Speaker, I wish to commend and congratulate the Bay City Girls Softball Association and all the community activists who contribute to this association, on this the 40th Anniversary celebration of this important group.

TRIBUTE TO LINDSEY NICHOLS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to commend my constituent, Lindsey Nichols for placing third in the 1999 Voice of Democracy contest. Lindsey is a junior at Collinsville High School in Collinsville, IL. This statewide contest was sponsored by the Veterans of Foreign Wars and Kahokian Memorial Post 5691 and held in Springfield, IL. I insert her entry for the RECORD:

> I sat patiently while Dad attempted to reason with the sales manager over a recently purchased, yet non-functioning, vacuum cleaner. Thirty minutes later I watched as he walked away from the counter, shaking his head in dismay and muttering, "*No one* believes in service anymore!"
>
> Unfortunately, I'd heard him speak these words on other occasions—while pulling away from fast food drive-ups, standing in a long line at a single open check-out lane or listening to automated voice instructions on the phone.
>
> So I asked, "Dad, what do you expect that you aren't getting . . . what exactly is good service?" He was ready with an answer; for he'd obviously been giving thought to this all his years as a consumer. He replied, "Excellent service is when pride is priority and there is a willingness to go beyond what is necessary, to seek no excuses and to accept responsibility for the outcome."
>
> Wow! That was a lot to think about. For the next couple of days that's exactly what I did. I let those words roll around my head, sort of free-floating, and a funny thing happened. They triggered a memory of the voice of President John F. Kennedy saying, "Ask not what your country can do for you, ask what you can do for your country." Then, another memory, the voice of President George Bush calling for service in the form of "a thousand points of light."
>
> Wait a minute—what was happening here? Well, my brain was telling me that what my Dad had said was tied to a bigger picture. Service to customers was merely a model for a much more important concept that we all need to act on, service to country.
>
> However, excuses seem to get in the way of service and there are as many of them as there are people in the world. We sometimes want to do what's easy, to look for a back door, a reason not to "go the extra mile."
>
> During W.W. II the female pilots who flew supply planes never said, "What can I do? I'm just a woman." Nor did the countless women who kept the factories producing for the war effort or the six nurses who won medals of valor for their actions in the Corregidor.
>
> The Native American servicemen, known as the Navajo Code Talkers never said, "Why should I help? I don't owe them a thing." They didn't let racial issues get in the way when their country needed their unique abilities. The Japanese-American soldiers of the 442nd Regimental Combat Team didn't either when they fought for their country even though their families were being held in internment camps.

Nine-year old Melissa Poe never said, "They can't expect anything from me, I'm just a kid." Instead she founded Kid's FACE in 1989, a national organization of youth united for a clean environment.

Instead of excuses all these people said, "I'm an American! I believe in the value of my service and in my ability to make a difference." So you see, everyone can support their country through service—regardless of race, gender, or age.

How can I let my point of light shine? School and community programs offer me opportunities for service through volunteerism. I can take part in community clean-up days, recycling efforts, holiday projects for the underprivileged, and the list goes on. I do realize, however, that as I grow what is expected of me will also grow proportionately. Will I show initiative, help my community, and be a positive example to others?

I think of the word "service" as an acronym, each of the letters representing a philosophy to guide me. "S" is for selflessness; "E" is for effort; "R" is for responsibility; "V" is for volunteerism; "I" is for initiative; "C" is for community; and "E" is for example.

So I've come to modify my dad's definition of service and I hope each day to let this motto remind me of my duty—"Proud service to my country is a priority and I will go beyond what is necessary. I will seek no excuses and will accept responsibilities."

COLORADO NONPROFIT DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the fourth annual Colorado Nonprofit Day. Coloradans have set aside today to honor the 12,660 charitable nonprofit groups registered in our state. We are very fortunate to have these groups operating in our cities, towns, and countryside. Because of the strong spirit of volunteerism in our state, Colorado ranks 15th in the country in voluntary community participation. We exceed national levels of nonprofit participation in such areas as religion, recreation, the arts, and environmental and scientific research.

Few Coloradans have not experienced the joy, fun, succor, reprieve, shelter, guidance, or friendship from these agencies. From churches and synagogues, to boys and girls clubs, to senior associations, to charities for the poor and infirm, Colorado nonprofits provide a great benefit to our communities.

For those people serving the poor, the aged, the young, the infirm, the lost, and each of us in times of want and times of plenty, I commend the energy, compassion, and dedication of nonprofits to fellow Coloradans. I applaud them for the impact they have had on our communities and the lives they have saved and enriched through service to others. They have cared for neighbors and strangers with equal zeal. They have mended the social fabric and knitted us together. Colorado recognizes their sacrifices. Colorado's nonprofits make us proud.

CONGRATULATIONS TO HARVEY WILLIAMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Harvey Williams of Versailles, MO, was selected by the Versailles Chamber of Commerce as the 1999 Citizen of the Year.

Williams was chosen for his various generous contributions to the community. He has been president of the Versailles Area Chamber of Commerce and served on the chamber board. He was instrumental in bringing Gates Rubber Company and Wal-Mart into Versailles.

He has been president of the Morgan County Fair Board and held several other offices while an active member of the Versailles Lions Club. He has also served on the Olde Tyme Apple Festival organizing committee, and was instrumental in incorporating the Royal Theater. He still serves on the Royal Theater Board of Directors.

Williams is a former chairman of the Morgan County Health Center Board of Directors and has spoken on behalf of the local cancer society on cancer survival from personal experience as a cancer survivor.

Williams is Vice-President of Mercantile Bank, and he and his wife are owners of Harvest Designs in Versailles.

I wish to extend my congratulations to Mr. Williams for his well deserved award as the Versailles Chamber of Commerce's 1999 Citizen of the Year.

TRIBUTE TO MARIAN KRISTEN CHURCH OF GIRL SCOUT TROOP 395

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BACHUS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Cahaba Girl Scout Council in Birmingham, Alabama. She is Marian Kristen Church of Girl Scout Troop 395. She has been honored for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by a girl aged 14 through 17 or in grades 9 through 12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout Volunteer.

As a member of the Cahaba Girl Scout Council, Marian Kristen Church began working toward the Girl Scout Gold Award on August 20, 1998. She completed her project, Landscaping of Alabama Mining Museum Sign, and I believe she should receive the public recognition due her for this significant service to her community and her country.

INTRODUCTION OF THE UNITED NATIONS VOTING ACCOUNTABILITY ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing legislation which is long overdue, requiring real accountability of the U.S. foreign military assistance program. In these tight budgetary times we must not lose sight of eliminating wasteful spending and ensuring the usefulness of all federal programs. It is well known that U.S. foreign assistance initiatives have always been among the least popular federal programs. Primarily, this is because U.S. foreign aid programs seem ineffective and counterproductive. Members of Congress either oppose foreign assistance outright, or those who support it find themselves defending foreign aid as "serving the interests of the United States." I believe Members subscribing to either position will be interested in the "United Nations Accountability Act," which I introduced today.

The Department of State is required by the law to submit a report to Congress each year outlining voting trends in the United Nations General Assembly (UNGA). The overall voting coincidence with the U.S. (the number of times that nations voted the same as the U.S. on all votes) is always appallingly low. In 1997, it was 46.7%—down from 49.4% in 1996 and 50.6% in 1995. Despite that, a number of nations receive foreign aid from the U.S. that clearly do not see things the way we do. It is no coincidence the world's most brutal regimes vote with the U.S. such a low percentage of the time in the U.N. Americans would be surprised to hear the U.S. often provides military aid to the very regimes which are cited for human rights violations, disregard for democracy, and disdain of free market practices.

Simply, this bill would prohibit military assistance to countries which failed to support the U.S. at least 25% of the time in the UNGA. Humanitarian aid and developmental assistance would be left intact. The House on previous occasions has approved this language as part of both authorization and appropriation bill.

I believe our message to these nations is making an impact. In just the past four years, the number of nations voting with the U.S. less than 25% of the time in the U.N. and receiving U.S. military assistance has been reduced from 43 nations to 6 and from $187 million to $13.4 million in military assistance. Our intent should be to encourage countries to adopt our domestic traditions and commitment to human rights.

A 25% voting coincidental is not asking too much. We are not coercing states to vote our position. However, we have right to withhold aid if we believe that the states we are currently aiding do not share our ideals and values. We should not support military assistance to oppressive regimes which consistently oppose American efforts in the U.N. General Assembly. We must ensure the money we spend on foreign assistance best serve the interests of the American taxpayer. If we cut or reform domestic programs that are not working, why not require it of our foreign aid program? Mr. Speaker, I strongly encourage Members interested in accountability, reform and fiscal responsibility to cosponsor this timely and imperative initiative.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 24 and 25 and March 4 I was unavoidably detained and consequently missed several votes.

Had I been here I would have voted: "Yes" on passage of H.R. 438; "yes" on passage of the Journal for February 25; "yes" on passage of H.R. 514; and "yes" on passage of H.R. 707.

DON'T BLOW AWAY SOCIAL SECURITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SANDERS. Mr. Speaker, I would like to call your attention to an article printed in the March edition of the Labor Party Press, and ask that it be printed in the CONGRESSIONAL RECORD for my colleagues' benefit:

"DON'T BLOW AWAY SOCIAL SECURITY"

There is no Social Security crisis. But if Democrats and Republicans get their way and privatize the system, there will be.

"It's weird," says economist Dean Baker of the Preamble Center, who has been studying and writing about Social Security reform. "We're all looking at the same numbers, and what the numbers say—even the pessimistic ones—is that we could take absolutely no action on Social Security for the next 34 years, and the program would continue to pay out all its benefits." And yet, politicians of both parties are all aflutter about the need to radically reform Social Security right away.

The picture they paint does sound grim. Mostly because people are living longer, today's workforce is supporting a greater and greater number of Social Security recipients. And the trend will probably continue. In 1995, there were nearly five people under 65 for every one person over retirement age. But by 2030, the ratio will be more like three workers for every retiree. And since Social Security is actually a pay-as-you-go system—current workers pay for current retirees—that spells trouble. (See "Social Security Basics" on page 4.) For the time being, we can supplement the shortfall by drawing from the extra pot of money the Social Security system has amassed (the Social Security Trust Fund). But then, in 2034, according to some projections, that fund will be depleted, and Social Security money will have to come from active workers alone. And, under the current formula, they would only be able to cover about 75 percent of the benefits retirees had been promised from Social Security.

President Clinton and members of Congress say "saving" Social Security is at the top of their agenda (after impeachment, of course). Many recipes have been written for rescuing Social Security. The most extreme plans involve privatization. Some people want the Social Security payroll withholding to go into our own "personal security account" that we can invest ourselves. Less radical plans would allow the Social Security Trust Fund to be invested in the stock market, where it would supposedly get a higher return than where it is invested now, in U.S. Treasury bonds.

President Clinton favors a combination of both ideas. He wants to invest part of the Social Security Fund (eventually up to 15 percent of it) in the stock market. He also proposes setting up voluntary new private accounts for middle- and low-income Americans—but outside the Social Security system.

At a time when the stock market is in the stratosphere, record numbers of Americans are investing, and the airwaves are full of experts advising the general public on how to get the best return, the idea of turning Social Security into a personal Wall Street investment portfolio is appealing to a lot of people.

But not everybody's sold on the idea. To begin with, many people question whether there even will be a Social Security shortfall. They argue that the Social Security hullabaloo is all based on some very gloomy economic projections made by Social Security trustees. In their reports, the trustees assume that over the next 75 years, the U.S. economy will grow at less than half the rate it has grown for the past 75 years. According to a report by the New York-based Century Foundation, an increase in annual economic growth of just .15 percentage points over the next 35 years would raise output by as much as the combined increase in the cost of both Social Security and Medicare. Meaning: Workers of the future may have no trouble supporting the growing ranks of the retired.

And yet, our politicians have managed to convince a majority of Americans that there really is a crisis at hand. Polls of younger Americans show that many believe they can expect little or no money from Social Security when they retire (unless, perhaps, the system is radically changed).

So who started this rush for a "solution" to the Social Security "crisis"? Follow the money. Wall Street could stand to gain $240 billion in fees within the first 12 years of a privatized system, according to economist Christian Weller. That, he points out, is enough to give 20,000 fund managers an annual salary of $1 million each. No wonder the financial industry has spent millions of dollars of late to promote the idea of Social Security privatization.

Economist Dean Baker believes there's a deeper motive behind the privatization push: "I think much of this is being driven by people who are just plain anti-government," he says. "And Social Security is the government's flagship social program."

It may be, says Baker, that some minor adjustments will need to be made to allow the Social Security system to continue in good health. (See the sidebar on "What We Should Do.") But privatizing the system and investing Social Security money in the stock market is not the way to go. In fact, he believes, it would take the "security" out of Social Security. Most of us would see our retirement incomes dramatically reduced.

HONORING GAIL WALLACE PETERSON ON HIS RETIREMENT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. CONDIT. Mr. Speaker, I rise to recognize and honor the distinguished career of my good friend, Chief Gail Wallace "Pete" Peterson. On March 26th, Pete will step down after 16 years as the Chief of Police/Director of Public Safety for the City of Ceres and retire after 40 years in law enforcement.

Pete has accumulated a very impressive and broad range of experience. Rising through the ranks, Pete proved that setting high standards and meeting them on a daily basis is the key to success. I think we take for granted the role people like Pete play. As critical as the police chief is—particularly in small communities—Pete is more than just the head of law enforcement. He's a role model, a friend, and an excellent example.

I am proud to report Pete proved his commitment to leadership in bringing both police and fire services under one department to better serve the city. He has played an active role in supporting initiatives to enhance school safety, prevent gang violence and provide a drug-free environment.

I appreciate Pete very much. He's been a good friend to me and he's been very good for the people of Ceres. It's hard to ask anyone for more than that. Under his watch the city met the challenge of developing community-oriented policing with an impressive list of new programs and initiatives including the city's first K–9 unit and motorcycle division. There are more police officers on the street thanks to his efforts. From the Explorer Scouts to the Bicycle Patrol program. Volunteers in Public Safety to working to increase traffic safety, Pete is responsible for several proactive programs to forge an effective bond with the public.

Outside the law enforcement arena, Pete is also a proven leader in a number of other areas including the Chamber of Commerce and Rotary. Pete is one of the invaluable people who always seem to be there for the community on a moment's notice.

I consider it an honor to call Pete my friend. He has served our community well and I wish him and his wife, Karen, much happiness as he begins his retirement. Mr. Speaker, I ask that my colleagues in the House of Representatives rise and join me in honoring Pete Peterson as he retires from a distinguished law enforcement career.

INTRODUCTION OF THE CLERGY FREEDOM OF CHOICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, today I introduce the Clergy Freedom of Choice Act. Under current law, clergy may opt out of Social Security within 2 years of ordination. My legislation extends this provision, to allow clergy to opt out at any time in their career.

For some clergy, they will choose to opt out for religious reasons, while others will do so because their particular denomination, sect or organization makes other arrangements for their retirement. It is important to note that this opt-out will only apply to income derived from pastoral duties.

I expect this legislation to be non-controversial, as it simply extends the current opt-out option for our religious leaders, providing them with a way to exercise their freedom of choice.

I ask my colleagues to join me in giving our pastors, priests, rabbis, and other clergy this choice.

THE INTRODUCTION OF THE INTERNATIONAL MILITARY TRAINING TRANSPARENCY AND ACCOUNTABILITY ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. EVANS. Mr. Speaker, today, with the leadership of Congressman CHRISTOPHER SMITH and the bipartisan support of 48 of my colleagues, I sponsored the International Military Training Transparency and Accountability Act. This legislation will ensure that the United States armed forces ceases to assist foreign militaries that do not share our respect for human rights.

Specifically, the bill prohibits the U.S. from providing military services or training to countries that are restricted by U.S. law from receiving International Military Education and Training (IMET) or other military assistance because of their strong record of human rights violations. This bill will also ensure that the Department of Defense cannot circumvent Congressional intent and find other methods in which to engage with foreign militaries that are notorious human rights abusers.

The Pentagon's relationship with the Indonesian military in recent years demonstrates the urgency and necessity of this legislation. In 1992, Congress banned U.S. taxpayer funded IMET training in the wake of the brutal Dili massacre, where over 270 peaceful demonstrators were shot down in an East Timor cemetery. This ban was enacted in an attempt to put an end to the egregious human rights abuses the Indonesian government committed against its own people and the people of East Timor.

Since 1975, the Indonesian government has engaged in a reign of terror in East Timor, implementing a policy of severe repression of the Timorese people. Since the onset of the occupation, over 200,000—one-third of the original population—have perished. Extra-judicial killings, kidnappings, tortures and imprisonments have become a way of life for those who challenge the authoritarian regime.

In 1997, I wrote Secretary of Defense William Cohen, requesting detailed information on the training of members of the Kopassus, the elite, special forces division of the Indonesian military. The Kopassus is infamous for its role as the ruthless enforcer of Indonesia's illegal occupation of East Timor. Shortly thereafter, I received a response from the Pentagon describing the United States' continued training of the Indonesian military under another program—the Joint Combined Exchange and Training (JCET) program. While the JCET program is legal, it violated the spirit of Congressional efforts to ban any military assistance to the notoriously brutal and repressive Indonesian armed forces.

Under the auspices of the JCET program, U.S. Special Operations forces trained the Kopassus in sniper skills, marksmanship, and close quarter combat, all while the Kopassus continued to repress and terrorize the people of East Timor. In Spring, 1998, the Pentagon announced it would cease its military relationship with Indonesia indefinitely. Yet, the Pentagon's decision to end military exercises with the Indonesian forces should not have come voluntarily. It should be illegal for our armed services to engage in any manner with known human rights violators.

More important, this legislation will limit U.S. assistance to egregious violators of human rights. In Latin America, and in Africa—the U.S. continues to train and engage with forces that are well-known for their disregard for basic human dignity. The International Military Training Transparency and Accountability Act will clarify our stance on engagement with brutal military forces. We have a responsibility to ensure that our national security policy embodies the very democratic principles it seeks to defend.

NORTHERN IRELAND PEACE PROCESS—ST. PATRICK'S DAY, MARCH 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. GILMAN. Mr. Speaker, as Saint Patrick's Day approaches once again, permit me to share some thoughts with my colleagues concerning the peace process in Ireland.

Ireland is at another critical crossroads in its search for a lasting peace and justice. The difficult struggle in the north of Ireland is of concern to millions of Americans, as well as the peace loving people all over the world.

Last year was an historic chapter in Irish history. The Good Friday accord was signed on April 3rd. The Irish people, both in the north and south, overwhelmingly endorsed that peace accord in a public referendum. The people in the north in May then elected, as part of the terms of the peace accord, a new Northern Ireland assembly to govern much of their own internal affairs.

Regrettably, as has so often been the case over the last several years, the issue of IRA arms "decommissioning" is still a major obstacle to further progress in the effort to bring about a permanent lasting peace and real concrete change to the north of Ireland. These are common goals which we, and most of the people in all of Ireland accept, and want desperately for their children and for future generations.

What is still lacking is the political will and leadership on the ground in the north, especially in the unionist community, to begin to bring about the much needed real change, genuine "power sharing" and an end to the unsatisfactory status quo of unionist domination.

The arms issue is once again being used as the old "unionist veto" which blocks progress and full implementation of the Good Friday peace accords.

In particular, the decommissioning issue is being used to block the creation of a new Northern Ireland cabinet level executive intended to help govern the north, as well as to help implement the new North/South bodies under the Good Friday accord. All of the steps needed to devolve that power sharing arrangement have been taken by Westminster, and now all we need is strong leadership from the Northern Ireland Secretary of State, the British government and the unionist leadership in the north to create the new executive.

The new cabinet executive must include the second major nationalist (Catholic) party Sinn Fein. It won that legitimate right through the ballot box and the democratic process to participate and govern the north, as well as to participate fully in the new North/South cross border bodies to govern the new Ireland.

Like it or not, the unionists must acknowledge that Sinn Fein has a legitimate democratic mandate, which under the terms of the accord, entitles them to two ministerial posts on the new Executive Cabinet to be formed.

The Good Friday Accord did not make the issue of IRA decommissioning a precondition to Sinn Fein's entry into government and the new institutions it established. It provides only for best efforts and the hopeful completion of the arms decommissioning process by the year 2000.

What is needed is not more calls for symbolic arms destruction gestures in the midst of a genuine cease-fire, but substantial power sharing as envisioned by the Good Friday accord.

The entire complex Good Friday accord and peace process will work only if everyone keeps their word and does not seek revenge on those portions of the agreement they now profess to dislike.

There can be no unilateral re-negotiations now of portions of the accord that some parties decide they don't want to honor, especially now that the day for power sharing is soon to be upon them.

Yet, sadly, the IRA arms issue is once again being used as a red herring to re-write and undo the Good Friday accord and to thwart the will of the Irish people who voted in massive numbers for the accord and for peaceful political change.

It is time to get on with it, and put an end to the unionist veto which for far too long has been used to maintain the unsatisfactory status quo which is in the north of Ireland today.

We all know far too well how political vacuums in the past have been filled in Northern Ireland. No one wants a return of violence on all sides.

Change must come on the ground. The nationalist community must be given equality and be given their rightful voice in the future of the new north. Many in the nationalist community have chosen Sinn Fein to represent them in the new government and no one has the right to try to undo that election.

We also need to see new and acceptable community policing in the north, and equal opportunity and a shared economic future.

Our House International Relations Committee will be holding full committee hearings on April 22nd on the need for new and acceptable policing in the north. We will be taking constructive testimony from witnesses from the north and the leading international human rights groups on the question of reform of the Royal Ulster Constabulary (RUC), and the compelling need for new and acceptable policing. The new police service must be both responsive and accountable as envisioned by the Good Friday accord.

We look forward to constructive ideas for meaningful police reform in the north to emerge from our hearings and examination of this vital question. More than 9000 witnesses and 2000 written submissions on this important issue have been presented to the Patten Commission which has been examining this issue in Northern Ireland.

Our hearing efforts will add to that record and will consider police reform in other parts of the world, which have brought about change and improved public support for the police.

We must work together to bring about concrete meaningful change and reform in the north.

At a minimum, if the RUC is not disbanded, as many in the nationalist community are demanding based on years of harsh experience and great pain and suffering, we need real and concrete responses and a major change as soon as possible. At a minimum, there must be root and branch reforms of the RUC including such proposals as follows:

1. Bringing in new police leadership, starting at the very top, who will publicly apologize to all of the community for past policing abuses to help bring about much needed reconciliation. The new leadership must also actively work to bring about fundamental changes essential to building broad cross community support through, among other things, actively working to make the police representative of the community as a whole.

2. A new, younger police personnel, including new mid-level officials who truly reflect and substantially represent the whole community they serve, which will help the new policing gain badly needed community acceptance and support. If this fundamental reform requires a one time temporary change in the Northern Ireland Fair Employment laws to help build a representative police service, it will be justified by a current 93% dominated Protestant force.

3. Clear and unequivocal right to dismiss (consistent with due process) by the head of the policing service of any police officers who do not measure up to new performance and human rights standards, and/or who based upon evidence of their human rights records have failed to respect fundamental human rights, and/or the diversity that is the north of Ireland.

Both within the police service (reporting directly to the head of the police), and outside the new police entity as well, there must be independent investigative authorities. These investigative entities must be freely able to conduct inquiries into police abuses and misconduct, which may in turn justify and require the firing of police officers acting under their direction to the head of the police based on their investigative findings; or alternatively where appropriate based upon their investigations, the prosecution of police officers under the law by authorities outside the police.

These strong no nonsense disciplinary actions must regularly follow whenever evidence of wrongdoing is uncovered (either by internal or external methods), and they must result in appropriate and timely disciplinary action and/or prosecution where warranted.

4. Prohibition on police membership in the Orange Order and any other societies whose very principles and practices are inconsistent with developing broad cross community support for the police. This too may require a change in current Northern Ireland law, but is fully justifiable. This is critical to helping develop a working environment that can and will attract, as well as to hold Catholics in the police service. Any on the job harassment or intimidation of the nationalist community members must also be banned, and severely punished, whenever it is established.

5. Repeal of the emergency power authorities, and restoration of the right to silence without any adverse inferences of guilt to be drawn from the exercise of this fundamental right by those detained for questioning by the police in Northern Ireland. Such reforms will help make more routine, as well as clearly define and normalize daily contacts by the police with the community.

6. Increased professional human rights and respect for diversity training, both for new recruits and current police personnel at all levels. The increased training should also include cross border training and exercises with the Garda in the Republic of Ireland.

7. De-centralization of the police force from the few current and large divisional levels down to much smaller units (e.g. precincts, wards, or constituency based units). This would help bring the new police much closer to the community and increase the ability to communicate and inter-act together. It can serve to build better local community support through greater accountability for the "faceless police force" that serves many nationalist areas today.

8. Close Castlereagh and other interrogation centers as a important gesture of reconciliation and change to many who see it as "symbolic" of so many of the RUC abuses in the nationalist community.

9. Eventual devolution of the policing issue to local government control when true power sharing and equality have been established. This too can help increase "local accountability" and build support for the new policing service.

10. Recruitment and processing for entry into the new police service should be done in as many local communities (including nationalist areas) as possible throughout the north of Ireland and not limited in just one location in a unionist area. This will better serve in helping to outreach, and increase the diversity and attractiveness of the new police force, to the nationalist community.

11. End the paramilitary role and ethos of the RUC, and turn the new service into a community policing service to serve the needs of all the community, not suppressing and politically controlling portions of it. Based on the British policing model, the new policing service in a peaceful north of Ireland, should prevent the carrying of sidearms.

12. Change the title, uniform and other unacceptable symbols of the current police service in order to help create a new and acceptable community policing service. The process of separation of the policing duties from the security situation and concerns, must begin as soon as possible. These symbolic changes must also be made in a sensitive and mindful way, especially for the families of the more than 300 RUC officers who have been killed wearing the current uniform during the troubles.

As we approach Saint Patrick's Day 1999, it is time to get on with the peace process, ending the foot dragging, and implement the will of the good and generous Irish people in the north of Ireland.

May we soon see peace, justice and a unified Ireland.

HONORING HEALTH ADVOCATES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. KILDEE. Mr. Speaker, I rise today on behalf of a wonderful organization devoted to improving the quality of life in Michigan and throughout the country, the American Lung Association. On March 18, the American Lung Association of Michigan, Genesee Valley Region, will hold their 16th Annual Health Advocate Awards Dinner, where they will honor Dr. Samuel J. Dismond, Jr. as their Individual Health Advocate and HealthPlus of Michigan as Corporate Health Advocate for the year 1998.

The Association's criteria for Individual Health Advocate includes a minimum of 5 years on a health association board or participation in a health related activity, and outstanding contributions to health education and promotion of research, Dr. Samuel Dismond, Jr. serves as a shining example of this commitment to health issues.

Dr. Dismond currently serves as Chief of Staff at Hurley Medical Center in Flint, Michigan, which employs approximately 2,500 employees and 475 attending physicians who serve more than 20,000 patients annually. He has been honored as Michigan Family Physician of the Year in 1997 by the Michigan Academy of Family Practice, and also as 1999 Family Physician of the United States by the American Academy of Family Physicians. Dr.

Dismond has made many contributions not only on behalf of family medicine, but throughout the Flint area as well. He has been an influence in non-medical groups such as the NAACP, Boy Scouts of America, the Urban League of Flint, and the Flint Institutes of Art and Music. He has also been honored for his commitment to substance abuse treatment, and his dedication to community service.

For the honor of Corporate Health Advocate of the Year, the American Lung Association has listed as requirements a definitive plan to promote lung health in the workplace, demonstration of commitment to social responsibility on the part of its employees, a positive display of financial support, and a dedication to improving the quality of life for the citizens of the region. HealthPlus of Michigan has consistently proven itself worthy of this distinction.

After determining that smoking was a serious issue in regard to their membership, HealthPlus of Michigan actively set into motion a series of objectives designed to improve the quality of life for their clients, including the implementation of smoking guidelines, behavioral and education programs, and the creation and publication of the HealthQuest Directory of community programs and resources.

Mr. Speaker, since 1904, the American Lung Association has provided an invaluable resource to the country for information and research of lung disease and health. I commend the Association for recognizing and honoring Dr. Samuel Dismond, Jr. and HealthPlus of Michigan as their Health Advocates of the Year. I ask my colleagues to join me in congratulating Samuel Dismond, Jr. and HealthPlus of Michigan.

THREE-MONTH EXTENSION OF RE-ENACTMENT OF CHAPTER 12, TITLE II, UNITED STATES CODE

SPEECH OF

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. MINGE. Mr. Speaker, I rise in support of the bill H.R. 808 which extends Chapter 12 of Title 11 of the U.S. Code. This short-term extension is a good start, but it does not give our small farmers the security of mind they need in an already desperate agricultural economy. I recently introduced legislation, H.R. 763, to make the farm bankruptcy provisions a permanent part of the bankruptcy law. A sense of stability is needed to help farmers and financial planners alike.

We know that during these periods of low commodities prices that some farmers simply won't be able to cash flow their operations. Current Chapter 12 bankruptcy law helps farmers restructure their debts to allow them to keep farming during the toughest times. We need to permanently extend this law because it works. Families are able to save their farms and map out a manageable repayment schedule. And we have seen that creditors are comfortable with this debt reorganization approach because it simply allows families to lengthen the period they have to repay their loans.

IN HONOR OF POLICE OFFICER DANIEL ALDAY AND HIS 26 YEARS OF SERVICE TO THE RESIDENTS OF MILPITAS, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. STARK. Mr. Speaker, I would like to honor Officer Daniel Alday, a dedicated member of the Milpitas Police Department for over two decades. Officer Alday retired on February 14, 1999 and will be honored later this month by the Milpitas Police Department.

Officer Alday joined the Department on January 31, 1977, after four years of experience as a County Animal Control Officer. Officer Alday's bilingual abilities were a great asset to the Department over the years. His ready assistance was much appreciated by other officers and the Hispanic community.

Officer Alday was a K–9 officer from 1980 to 1983. During this time, he and his dog were productive in locating and apprehending suspects; they received numerous commendations from the community, and neighboring police agencies.

From 1983 to 1992, Officer Alday served in the traffic division as a Motorcycle Traffic Officer. He attended the California Highway Patrol Academy for motorcycle training, and surpassed their rigorous requirements. During his tenure as a traffic officer, Officer Alday was certified by the courts as an expert in DUI cases. He advanced to accident reconstructionist after completion of accident reconstruction school and certification by the State of California.

From 1989 to 1996, Officer Alday served as a hostage negotiator. He assisted in many difficult situations that ended peacefully.

Officer Alday returned to patrol in 1992 and was selected for the position of DARE Officer. In 1994, Dan was assigned to the Public Relations Unit as a DARE Officer. He taught the DARE curriculum each year to four elementary schools, where he was instrumental in bringing new ideas to the DARE program. DARE activities included Skate Night for DARE students, lunch with the DARE Officer, and slide presentations of Student DARE activities that promoted parent participation to DARE graduations.

Officer Alday's duties also included giving safety presentations to women's groups, businesses, and the community-at-large. He also conducted Mock Robbery Training courses for bank employees. Officer Alday continued to receive commendations from the community during his time with the Public Relations Unit.

Regretfully, Officer Alday's police career is ending early because of a job-related injury. He has been an asset to the Milpitas Police Department because of his long-term service to the community. His contributions are numerous and his example is an inspiration. I join the Milpitas community in applauding Officer Alday's dedication, expertise and achievements. I wish him continued success in his future endeavors.

THREE-MONTH EXTENSION OF RE-ENACTMENT OF CHAPTER 12, TITLE II, UNITED STATES CODE

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 808, a measure that would extend by an additional 3 months the Chapter 12 farm bankruptcy code. This legislation is a stopgap measure that would continue the program past its April 1 expiration date.

Farmer friendly bankruptcy and reorganization provisions are needed now more than ever before. This past Friday, dairy farmers saw their price collapse by 39% as the February Basic Formula Price fell to $10.27 per hundredweight, a $6 decline from the proceeding month.

When Congress originally passed the Chapter 12 farm bankruptcy code in the mid-1980s they realized that our nation's family farmers oftentimes face economic difficulties that were not of their making and are essentially out of their control. The prices of nearly all commodities including livestock, milk, grains and feedstuffs were or are at near record low prices. As a result, it is imperative that Congress work to create federal financial mechanisms that recognize these difficulties.

Mr. Speaker, I am happy to join my colleagues in supporting this worthwhile measure.

HONORING THE JAMES H. QUILLEN COLLEGE OF MEDICINE AT EAST TENNESSEE STATE UNIVERSITY IN COMMEMORATION OF ITS 25TH ANNIVERSARY

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. JENKINS. Mr. Speaker, I rise today to honor the James H. Quillen College of Medicine at East Tennessee State University located in the First District of Tennessee. This month, the Quillen College of Medicine celebrates its 25th anniversary.

The College of Medicine at East Tennessee State University was established in March of 1974 by the Tennessee General Assembly. It was formally dedicated as the James H. Quillen College of Medicine in honor of the tireless efforts of my predecessor and friend, Congressman James H. (Jimmy) Quillen, who served the First District with distinction for 34 years. Congressman Quillen recognized the severe shortage of primary care physicians in the 1970's, especially in many of the rural areas in East Tennessee, and was instrumental in the efforts to establish this school.

In August of 1978, the first class of 24 students enrolled at the College of Medicine. Since their graduation in 1982, the college has awarded more than 850 Medical Doctor degrees, including a significant number of resident physicians, fellows, and biomedical students. A substantial number of these students are serving the health care industry today as primary care physicians, filling many of the shortages which led to the creation of the institution in 1974.

The Quillen College of Medicine remains focused today on primary care and has earned notes of recognition by several national organizations and publications for the institution's successful rural medicine programs and its efforts to train more primary care physicians.

One of the more innovative approaches utilized by the Quillen College of Medicine is its utilization of the region's hospitals. Rather than having one teaching hospital, East Tennessee State University has affiliated itself with nine area hospitals, providing its students with access to more than 3,000 beds in the areas and training in every area of primary and tertiary care medicine. Furthermore, the immediate success of the college in its primary care work led to the receipt of the largest grant in the university's history, $6 million in 1991 from the W.K. Kellogg Foundation. This financial support allowed the college to move into two additional rural communities in the First District, training over 80 students on site using a team approach in which the medical, nursing, and public and allied health students learn together.

The ETSU Quillen College of Medicine continues to expand its scope while remaining focused to its original purpose of creating primary care physicians. All of the teaching and research facilities at the university and its affiliated hospitals are fully supported by modern classrooms, laboratories, and clinical facilities. New facilities are being built to serve the expanded demands of this popular school, and I am confident that the Quillen College of Medicine will continue to meet the growing needs of the health care industry in the next millennium.

Mr. Speaker, I am proud of the great accomplishments of the James H. Quillen College of Medicine in its 25th year of existence. It has served the region and the country well, providing a wealth of trained, experienced doctors to serve our health care needs. Its presence has been a leading force in revolutionizing the health care industry in the Upper East Tennessee/Southwest Virginia region. There will be many great things to come from this fine institution, and it is my hope that my colleagues here in the Congress will join me in honoring the college's alumni, students, residents, fellows, faculty, staff, and others for their past and future contributions to improving health care in America.

A TRIBUTE TO ROBERT L. OZUNA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to pay a heartfelt tribute to Robert L. Ozuna, Chief Executive Office of New Bedford Panoramex Corporation from 1966 to date. My good friend died on Saturday, March 6, 1999, at Queen of the Valley Hospital in West Covina at the age of 69.

Robert Ozuna was the oldest of four children born in Miami, AZ to Mexican-American parents. In 1940, after his father's early death, the family moved to East Los Angeles where he grew up with his mother, brother, and two sisters. Robert was required to seek steady work at an early age to assist the family in meeting their financial burdens.

Robert Ozuna emerged as one of the leading Mexican-American entrepreneurs in Southern California as Founder and President of New Bedford Panoramex Corporation (NBP). He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Mr. Ozuna began to build his company with a second mortgage on his residence, a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronic manufacturing business it is today in Upland, CA. NBP engages in the design, development, and manufacturing of electronic communication systems and remote monitoring systems for its primary client, the U.S. Government.

Mr. Ozuna's hard work and dedication has been rewarded by receiving the Department of Transportation Minority Business Enterprise Award in both 1987 and 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He continued to be an active member of the California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament which he instituted to raise funds for the Rancho de Los Niños Orphanage in BajaMar, Mexico.

As industrious as he has been in business, he has been equally involved in sharing his prosperity with many philanthropic activities in his community. He is the sponsor of many events in the Hispanic neighborhood where he grew up and was a founding director in the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a handsome man who had a passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed away in November 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven Ozuna and Jeff Dominelli; his daughters, Nancy DeSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas; and his brother, Tony Ozuna. He also leaves eight grandchildren.

Mr. Speaker, Robert Ozuna epitomized the American Dream. It is a dream that promises that any citizen of this country can achieve anything to which he or she aspires, as long as they work hard and play by the rules. Robert Ozuna achieved that dream and he will be greatly missed. I ask my colleagues to join me in paying tribute to him today.

"A SENSE OF AUTHENTIC FREEDOM"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HYDE. Mr. Speaker, on Sunday October 4, 1998, Francis Cardinal George, OMI, the Archbishop of Chicago, delivered the homily at St. Matthew's Cathedral in Washington, D.C. at the annual Red Mass, celebrated on the Sunday prior to the first Monday in October, which traditionally marks the opening of the Supreme Court's new term.

I am pleased and honored to place into the RECORD the text of Cardinal George's inspiring remarks, for the edification of my colleagues: "Homily, 1998 Red Mass."

RED MASS

(By Francis Cardinal George, OMI)

Your Eminence, Cardinal Hickey. Your Excellency, Archbishop Cacciavillan. Members of the judiciary and of the bar and of the government and Congress Members of the John Carroll Society and friends.

The picture of Jesus given us by the evangelist Luke places him in the synagogue of Nazareth, his home town, ready to begin his public ministry under the inspiration of the Holy Spirit. This was to be his only, his last occasion to preach in Nazareth, for his mission took him elsewhere in Judea and Israel and, finally, to his death outside Jerusalem. In the mission and preaching of his disciples after Jesus' resurrection from the dead, Luke has Jesus taken farther: to Antioch and Corinth and Rome, to the ends of the earth.

In Luke's Gospel, Jesus does not preach until after listening and proclaiming the word of God. In the text within our Gospel text, the prophet Isaiah proclaims a time of Jubilee, of deliverance from captivity, a time of liberation; only then does Jesus speak and explain the prophet in such a way—"This day, these words are fulfilled in your hearing."—that Jesus' friends and neighbors, far from being liberated by his words, took him to the edge of the hill on which their city was built and tried to kill him. Jesus listened, he spoke, he escaped to take up elsewhere the mission given him by his Father. That mission makes possible our coming together today at this end of the earth as we and the entire world, with renewed self-consciousness as a globe, look toward the celebration of a new millennium.

If we today believe that where there is Jesus there is Jubilee, how is it that we are still enslaved? Every five years, as you may know, each bishop of the Catholic Church goes to Rome to pray at the tombs of Peter and Paul; then he goes in to talk with Peter's successor. This year, the bishops of the United States are making their visits *ad limina apostolorum*, and the bishops of Illinois, Indiana and Wisconsin made theirs together last May. When I went in to talk with the Holy Father, he listened politely as I explained that the report he had received had been drawn up by my staff since I had only recently come to Chicago. He looked at it, put it aside and asked me a single question: "What are you doing to change the culture?" I was surprised, but shouldn't have been, for the Pope has spoken often of how culture liberates us, creates the world in which what is best in human experience can be passed on and celebrated and of how, conversely, culture can also blind us, enslave us and must sometimes be changed in the light of God's word.

Taken by surprise, I spontaneously began to speak to the Holy Father about the Church's relation to the legal profession in Chicago, of the many contacts and gatherings, of the several Chicago priests who are also civil lawyers, of the pro bono work for the poor, of the Catholic law schools and of many initiatives similar to what takes place here through the good offices of the members of the John Carroll society. Then I backed up and began to explain that, in the United States, the law is a primary carrier of culture. In a country continuously being knit together from so many diverse cultural, religious, and linguistic threads, legal language most often creates the terms of our public discourse as Americans. A vocation to make and to serve the law is a calling to shape our culture.

We live in worded worlds. If there is no common language, very likely there is no common vision and citizens find themselves trapped in separate worlds. Listening to God's liberating word, in this Mass and elsewhere, believers must wonder where the language of civil law and the language of faith might share a common vocabulary. The Catholic Church has tried for some generations to speak here a language of natural law, a language that presupposes God speaks in nature as well as in history, a language, therefore, able to speak of God's ways without explicitly confessional terminology. But our various attempts have not really provided a dictionary shared between American culture and Catholic faith. The National Conference of Catholic Bishops often tries to speak the language of policy, hoping that well argued policy statements will influence legal discussion; but the common understanding generated has clear limitations. There is the language of Holy Scripture itself, common to great extent to all Christians and Jews, but the Bible's phraseology and stories are no longer common cultural parlance in our country.

Speaking, in order to be heard today, a language largely shorn of religious nuances, the believer can still ask two questions of the vision behind legal discourse:

First, can the vision of courts and legislatures expand to see at least dimly God's actions and purposes in history? Abraham Lincoln of Illinois used public language to speak of God's purpose at the end of a bloody American civil war. "With firmness in the right, as God gives us to see the right, let us strive to finish the work we are in." Lincoln, who wrestled like a biblical prophet with God's purposes in history and his judgment on this nation, grew, because of his public service, in his ability to bring together, always tentatively, the law he defended finally with his own life and God's word which, like a two-edged sword, cuts through the rhetoric of public as well as personal deceit. Lincoln knew that God judges nations as well as persons, and he forged a language which, and the end, placed even the personal liberty to which this nation was dedicated second to the designs of God himself. Are we permitted to speak similarly today or must the language of law, rather than setting us free, blind us and leave us mute in any world not constructed by our private interests and intentions?

And a second question, put to us often these days by Pope John Paul II: does the vision of the human person found in public laws and decisions adequately express what it means to be human? Do our laws not only protect contracts but also tend to force all human relations into them? Is the language of contract becoming the only public language of America? Does the model of association which is accorded public rights tend more and more to constrain or even exclude the natural family, the life of faith, cultural and racial groupings, relations which cannot be unchosen without destroying the human person shaped by them.

Christian faith gives us a vision of a person we call the Word of God, made flesh. Crucified and risen from the dead, Jesus sends us the Holy Spirit, who speaks every language and gives every good gift. This vision should set us free from any lesser picture of things; the language of faith should keep us from supposing that we adequately understand reality in its depths and heights. This is a vision that should humble and, in humbling us, open us to other worlds. Approaching a third Christian millennium (using what is now a common calendar), we gather to worship the God we believe to be the Father of Our Lord Jesus Christ and therefore, in Christ, our Father as well. It is good to do so, for if we do not worship God we will inevitably end up worshiping ourselves. Nations worshiping themselves have plagued this last century of the second millennium, and God's word prompts us now to examine anew ourselves and our history. Without warrant, we have associated ourselves with the biblical city on a hill, not Nazareth but Jerusalem itself. Without right, we too often judge other people and nations by our standards and interests, assuming that our interests must be universal. Without sense, we even seriously consider if this nation is the end of history, as if our present political and economic arrangements were surely the culmination of God's designs for the universe. Lincoln, who had the good grace to speak of us only as an "almost chosen people", would surely blush, and so should we.

Today, as yesterday and tomorrow, the Church speaks a language of respect for public office holders, whose vocation is shaped by the constraints of law; but the Church, today as yesterday and tomorrow, also speaks as best she can to judge the actions and decision of public officials, and the culture shaped by them, when these are inadequate to the vision given us by the truths of faith. "Faith must become culture," Pope John Paul II says. "What are you doing to change the culture?" he asks. But how can we speak of change in America today when the law itself blinds us to basic truths? One egregious blind spot is our very sense of liberation construed as personal autonomy. An autonomous person has no need of jubilee, of freedom as gift; he has set himself free. The fault line that runs through our culture, and it is sometimes exacerbated rather than corrected by law, is the sacrificing of the full truth about the human person in the name of freedom construed as personal autonomy. It is a blind spot as deep as that in Marxism's sacrifice of personal freedom in the name of justice construed as absolute economic equality. Such a profound error makes our future uncertain. Will the United States be here when the human race celebrates the end of the third millennium? Not without a very changed, a very converted culture.

The Church, however, must also listen first to God's word before she speaks, before she translates God's word into the words of our culture or any other. Hence the Church can speak only with deep humility a language which purports to give definitive access to God's designs in history. Even prophetic judgment, while certain in its proclamation, is tentative in its final outcome. The Spirit is always free, but never self-contradictory.

Tentatively, then, let us try the language of prayer and ask that God's judgment fall lightly on us and our nation. Gratefully, I pray that God reward your dedication to public service and your desire to create a common language adequate to the experience of all our people and open to all others. Joyfully, let us hope that the Jubilee introducing the coming millennium may restore to the United States a sense of authentic freedom rooted in an evergrowing generosity of spirit. May God bless us all. Amen.

A TRAGIC LOSS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. CAMPBELL. Mr. Speaker, my state and our nation recently suffered a grievous loss in the passing of California State Senator Milton Marks. I expressed my sorrow in a letter to his wife, the Honorable Carolene Marks, San Francisco Commissioner on the Status of Women, and I would like to put into the RECORD of the House of Representatives my letter to her, as a tribute to him.

DEAR CAROLENE: My heart sank with an empty feeling the moment I learned of Milton's passing. Both Susanne and I send our heartfelt condolences to let you know that we share your loss. It was my personal joy and honor to call Milton a colleague and dear friend. He will be missed by those who knew of his dedication and service to the citizens of San Francisco and the State of California.

Carolene, there are no words that can be spoken, no words that can be written, to relieve the pain and sorrow of losing Milton. He was the consummate statesman who worked hard at his profession using his drive, dedication and spirit to champion many causes. He lived life with compassion by creating laws that protected our youth from harm, by improving the quality of our environment, and by encouraging the development of economic policy that makes California the greatest state in the nation. His service to the public will be a lasting memory for the next generation. May God bless you and your loved ones in this time of grief.

THE SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOYER. Mr. Speaker, for the last eight years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race along Constitution Avenue. Yesterday, I proudly introduced H. Con. Res. 47 to permit the 58th running of the Greater Washington Soap Box Derby, which is to take place on the Capitol Grounds on July 10, 1999. This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out running of the Greater Washington Soap Box Derby in complete compliance with rules and regulations governing the use of the Capitol Grounds.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, and JIM MORAN in supporting this resolution.

From 1992 to 1998, the Greater Washington Soap Box derby welcomed over 40 contestants which made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington Metropolitan Area in the National Race, which will be held in Akron, OH on July 31, 1999.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the Derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

IN HONOR OF GARY A. POLIAKOFF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Gary A. Poliakoff, soon to be awarded the Learned Hand Human Relations award by the American Jewish Committee. This prestigious award is given annually to members of the legal profession, and there could be no better candidate that embodies the spirit of the award than Gary Poliakoff. Gary's work on co-ownership housing personifies the thoughtful and humane spirit of Judge Hand, one of the most distinguished scholars in American jurisprudence.

Recognized internationally as an expert in co-ownership housing, Gary's contributions to this important legal field epitomize the ideals on which this award is based. After receiving his law degree from the University of Miami in 1969, Gary established his strong roots in the South Florida community as founding principal of Becker and Poliakoff, P.A. Serving as President of the firm since its inception, Gary has dedicated much time and effort to become an authority on co-ownership housing. He has provided his expertise to State legislatures, Senate Committees, and the White House, helping to draft legislation and addressing concerns regarding the sale, development, and operation of condominiums. Additionally, he has lectured internationally, addressing the Parliament of the Czech Republic on issues relating to the conversion of State housing to private ownership, as well as the Russian Academy of Jurisprudence in Moscow on co-ownership issues.

Serving on the Board of Governors of the Shepard Broad Law Center of Nova Southeastern University, Gary shares his wealth of knowledge on co-ownership housing through his course on Condominium Law and Practice. He has served as chairman of the State Advisory Council on Condominiums and as a board member of the Board of Governors of the College of Community Association of Lawyers. Finally, Gary is an accomplished author, creating a national treatise, The Law of Condominium Operations, West Group 1998, and co-authoring Florida Condominium Law and Practice for the Florida Bar Association.

Aside from his wealth of knowledge and experience in the legal profession, Mr. Poliakoff is a known leader in philanthropic and community causes in South Florida. Serving as Chairman of the Southeast Region of the American Jewish Committee for the Shaare Zedek Medical Center in Jerusalem and as a pro bono counsel to the Miami Youth Museum, Gary recognizes the importance of community spirit and dedicates a good part of his time to the betterment of society.

Mr. Speaker, Gary Poliakoff has shown a tireless devotion to both his profession and his community. I could not think of a more deserving recipient of this prestigious award. I wish to convey a heartfelt congratulations to Gary, his wife, and his children on this special day, as well as many thanks to him for his work on behalf of the entire South Florida Community.

HONORING THE 75TH ANNIVERSARY OF THE BOROUGH OF FAIR LAWN

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. ROTHMAN. Mr. Speaker, March 11 marks the 75th anniversary jubilee of the founding of the Borough of Fair Lawn, NJ, a town in New Jersey's 9th Congressional District where I, and more than 30,000 other residents, make our home.

Fair Lawn is a compact community located in the Northwest corner of Bergen County, one of the most densely populated areas of our State. But it is a very liveable community, with interesting sites, and a distinctive history that I would like to briefly call to the attention of the House.

The 75th Anniversary jubilee celebration kicks off on March 11. To get the year-long series of anniversary events underway, the Fair Lawn League of Women Voters has invited residents to tour the building which houses the office of their local government, and to "Meet Fair Lawn's Government-Live!"

Beginning at 7 p.m., guests can be escorted into the Council Chambers and greeted by League members, Mayor David Ganz, Borough Manager Barbara Sacks, the Borough Council, 75th Anniversary Committee Chairman John Cosgrove, and some 75 year Fair Lawn residents.

Visitors will be able to select five or six departments to visit and Borough employees will be available to explain how their department works and to answer any questions guests may have. Among the departments available will be: Recreation, Fire, Engineering, Public Works, Finance, Building Tax Collector/Assessor, Police, Borough Clerk, Health, and Welfare.

Local students will act as ushers and help to distribute literature. As a special bonus, the first 300 visitors will receive a copy of the League's popular 45-page book, the "1999 Citizen Guide,", which is everything you wanted to know about New Jersey Government.

No historic account of Fair Lawn would be complete without recognition of the Lenni-Lenapi ("original people"), native tributes of northern New Jersey. Their trails, campsites, rock shelters and hunting grounds became the roads and towns that Fair Lawn uses today.

When the first Dutch settlers made their way up to what we know as the Hackensack and Passaic Rivers, it was to establish fur trading posts with the Hackinghaesaky Indians, one of the tribes of the Lenni-Lenapi. The great chief of the tribes was Oratam. As settlements grew, the Lenni-Lenapi were forced further west to unsettled land.

They left behind place names of Indian origin. Few of us realize how many such names are still with us, for example: Passaic (either "where the river goes over the falls" or "valley"), Paramus ("fine stream" or "place of wild turkeys"), Wagaraw ("crooked place" or "river bend"). Typically, River Road, one of the oldest roads in the eastern part of our country, was once an Indian trail, leading to the "Great Rock" tribal council site in Glen Rock.

The most interesting Indian relic in Fair Lawn is the fist trap (weir) in the Passaic River. It can be seen during low water 200 yards upstream from the Fair Lawn Avenue bridge. The trap consists of two rows of stones forming a V-shaped dam into which the Indians drove the fish during migration, closing the opening at the point of the "V" with weighted nets. The Dutch called this the "soltendam," or "sloterdam" from the verb sluiten, "shut."

This give rise to the name of Slooterdam (also spelled Sloterdam) which was used to describe the surrounding area. Fair Lawn was known as Slooterdam as late as 1791, and River Road was called the "Slauterdam Road" until after the Civil War.

Probably the oldest structure standing in Fair Lawn is the Garreston-Brocker home, now known as the Garreston Forge and Farm Restoration, on River Road, south of Morlot Avenue. The west wing, the kitchen, was the original building built some time between 1708–1730. The main wing was built before 1800 but the gambrel roof, dormer and porch were added in 1903. The property, known at its purchase in 1719 as the Sloterdam Patent, was originally a huge plantation stretching between the Passaic and Saddle Rivers.

Another structure, almost as old, was built by Jacob Vanderbeck. It is located off Fair Lawn Avenue (formerly Dunkerhook Road) east of Saddle River Road. Nearby, on Dunkerhook Road ("Donckerhoek" or "dark corner" in old Dutch) is the Naugle House, built in the 18th century by Jacob Vanderbeck's son-in-law, a paymaster to General Lafayette's troops. Lafayette stayed in this house for several days in 1824 when he returned to this country after the Revolutionary War.

Another old structure is on Fair Lawn Avenue, east of Plaza Road. It is known as the "Dutch House" and has been a restaurant or tavern since 1929. The sandstone construction is typical of the early Flemish Colonial style. No early ownership has been established but it is believed to be the Bogert House built between 1740 and 1760. The land stretched to the Glen Rock area and was farmed until the Radburn developers bought it in the late 1920's.

The Thomas Cadmus House was moved to its site north of the Radburn railroad station from nearby Fair Lawn Avenue to save it from demolition. It is now the official Fair Lawn Museum. It has a typical dressed stone front and roughly coursed sides, wide board floors and hewn beams. It is thought to have been built before 1815.

The only other old sandstone house still standing in Fair Lawn is the G.V.H. Berdan House on River Road between Berdan and Hopper Avenues. Although the exterior was carefully reconditioned with respect for its historic style when the building was converted to offices, the end facing the street has since been marred by numerous signs.

The "Old Red Mill," which is located along the Saddle River south of what is now Route 4, is another well-known landmark of the area. The original mill, believed to have been located on the Fair Lawn side of the river, was a central meeting place for the neighboring farmers. It gave the name "Red Mill" to the area. The mill, a large red wooden building, was built in 1745 and stood two and one-half stories high.

At the outbreak of the Revolutionary War, the mill was converted to manufacture woolen blankets and yarn from flax grown in Fair Lawn. During the Civil War, the mill produced blankets for the Union Army. The mill was visited by at least two famous persons: Aaron Burr was honored at a Christmas party there during the Revolution and President William McKinley visited Easton's renowned lake and fountains.

Only a few minor skirmishes were fought during the Revolutionary War in the area later to be known as Fair Lawn. But Bergen County had the distinction of being the only county in all the nation which saw George Washington during each of the eight years of the War. When Washington and his troops retreated from the British across New Jersey to Pennsylvania in 1776, it was John H. Post of Sloterdam who dismantled the bridge across the Passaic River, preventing pursuit by Cornwallis after Washington's troops reached safety on the other side. With foresight, Post stacked the bridge planks on the far side of the river for future use.

The railroad came through town in the early 1880's and the trolley line to Hackensack and the Hudson River in 1906. Toward the end of the 19th century and in the early 20th, homes were built near the Passaic River, off Fair Lawn and Morlot Avenues ("the flats") and at Columbia Heights, to house workers for Paterson's mills and factories and for the Textile Dyeing and Finishing Co. on Wagaraw road. Warren Point also developed at the end of the 19th century, with a railroad station and post office, but most of the development was in what is now Elmwood Park.

Within Fair Lawn's boundaries is a unique community called Radburn. One of the first modern planned communities in the United States, it was intended originally to be a self-sufficient entity known as "Town for the Motor Age." The architect-planners Clarence S. Stein and Henry Wright enlisted the practical aid of financier Alexander Bing who had organized the City Housing Corporation in 1924. Bing's enthusiasm brought his corporation to New Jersey, and Radburn was born in 1928.

Unhappily, the Great Depression in 1929 struck Radburn hard and in 1933 the corporation went bankrupt. Unfortunately, the hope for self sufficiency for 25,000 residents in Radburn reached only 5,000 by 1964 when Anthony Bailey wrote his "Radburn Revisited" report in the New York Herald-Tribune. The Radburn idea did not die, however; it was admired, copied and improved on in England, Scandinavia, India, Canada, Russia, and in many "new towns" in the United States.

Fair Lawn's greatest period of growth was during the 1940's and 1950's. Vast areas of farm lands were developed for single-family homes and several large garden apartment complexes. The population grew from 9,000 in 1940 to an estimated peak of about 37,000 in 1968. Fair Lawn Industrial Park on Route 208 was developed during the 1950's with several additions in the following decade. Among the Industrial Park's corporate residents are internationally known firms such as Kodak, Nabisco and Lea & Perrins.

By 1970, the last large tracts of land had been utilized. The last farm in Fair Lawn was a 20-acre tract in the Industrial Park at Fair Lawn Avenue. In 1998 this tract started development as apartments, and by the end of this year, there will be more than 340 new apartment units open. The certificates of occupancy for the first units were issued just a few weeks ago.

What began as an agricultural hamlet has grown into a suburban town providing homes, schools parks and shops for residents and jobs for thousands of workers in businesses, offices and industries.

All of us who reside in Fair Lawn are proud of our community and Mr. Speaker, I thought it would be appropriate to bring to your attention that this jubilee celebration gives us all the opportunity to celebrate not only a town and good government, but its good people.

TRIBUTE TO ROBERT L. OZUNA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to pay a heartfelt tribute to Robert L. Ozuna, Chief Executive Officer of New Bedford Panoramex Corporation from 1966 to date has died. Robert Ozuna died Saturday, March 6, 1999 at Queen of the Valley Hospital in West Covina. He was 69.

Robert Ozuna was the oldest of four children born in Miami, Arizona to Mexican-American parents. In 1940, after his father's early death, the family moved to East Los Angeles where he grew up with his mother, brother and two sisters. Robert was required to seek steady work at an early age to assist the family in meeting their financial burdens.

Robert Ozuna emerged as one of the leading Mexican-American entrepreneurs in Southern California as Founder and President of New Bedford Panoramex Corporation (NBP). He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Mr. Ozuna began to build his company with a second mortgage on his residence, a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronics manufacturing business it is today in Upland, California. NBP engages in the design, development and manufacturing of electronic communication systems and remote monitoring systems for its primary client, the United States Government.

Mr. Ozuna's hard work and dedication has been rewarded by receiving the Department of Transportation Minority Business Enterprise Award for 1987 and again for 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He continued to be an active member of The California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament, which he instituted to raise funds for the Rancho de Los Ninos Orphanage in BajaMar, Mexico.

As industrious as Mr. Ozuna has been in business, he has been equally involved in sharing his prosperity with many philanthropic activities in his community. He is the sponsor of many events in the Hispanic neighborhood where he grew up, and he was a founding director in the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a handsome man who had a passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed way in November of 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven Ozuna and Jeff Dominelli; his daughters Nancy DoSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas and his brother Tony Ozuna. He also leaves 8 grandchildren.

A Memorial Service will be held on Friday, March 12th at 12:00 noon, at St. Gregory's Church, 1393 E. Telegraph Rd., Whittier, CA. The burial will follow at Queen of Heaven Cemetery.

Mr. Speaker, Robert Ozuna epitomized the American dream. It is a dream that promises that any citizen of this country can achieve anything to which he or she aspires, as long as they work hard and play by the rules. Robert Ozuna achieved that dream and he will be missed.

HONORING MR. WALTER D. WEBDALE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to an individual who has dedicated the past 25 years of his career and life to serving the people of Fairfax County, VA. On Friday, February 26, 1999, Mr. Walter D. Webdale will retire as Director of the Fairfax County Department of Housing and Community Development (HCD).

The Department of Housing and Community Development was established in 1974, and Mr. Webdale has been the Director since its inception. Under his leadership of the last 25 years the HCD has won nationwide recognition as one of the preeminent policy leaders and innovators in the fields of affordable housing and community development. The Agency has been the recipient of more than 40 major awards and special recognitions for project design and development, community development, property management, and affordable housing finance.

But more important than the national accolades are the tangible improvements he was able to provide to the people of Fairfax County. During Mr. Webdale's 25 years of service, the HCD built or acquired more than 800 units of public housing. Additionally, 1,500 more units were developed under the Fairfax County Rental Program, an initiative of Mr. Webdale's, which preserved existing affordable housing and made it available to seniors and moderate income households not able to find housing through Federal housing projects.

One of Mr. Webdale's most lasting contributions to Fairfax County, and the Nation, will be the mixed income/mixed financing program which combines the use of Low Income Housing Tax Credits with Public Housing development funds, and has become the model which is being replicated across the Nation. Because of this innovative program, coupled with the Agency's financing expertise, the HCD secured the designation as an FHA Risk-Sharing Agency in Virginia. The Fairfax County Housing and Community Development Agency was the only local housing authority in Virginia to qualify for this designation.

While Mr. Webdale dedicated much of the Agency's resources to developing low-income housing, the HCD also implemented a strong series of programs to support and encourage first-time home buyers. All told over the past 25 years more than $26 million was invested in needed home improvements to almost 1,700 qualified homeowners under the Home Improvement Loan Program. Complimenting the improvement funds, two separate home ownership programs were created which have subsequently provided more than 1,000 first-time home buyers with home ownership opportunities.

Mr. Speaker, I have merely hinted at the contribution Walter Webdale has made to Fairfax County. He is recognized nationwide as one of the leading Housing and Community Development professionals in the country. A number of the initiatives he developed in Fairfax County have been adopted by other Housing Authorities across the Nation. Mr. Walter D. Webdale has dedicated the best years of his life in the service of others, and has done it with a determination and professionalism well beyond the norm. Mr. Speaker, on behalf of the people of Fairfax County, VA, I wish to sincerely thank Mr. Webdale for all he has done and wish him well as he enjoys a long-overdue vacation.

TRIBUTE TO THE WHITE MOUNTAIN REGIONAL HIGH SCHOOL CLASS M CHAMPION GIRL'S BASKETBALL TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the White Mountain Regional High School Class M Champion Girl's Basketball team. On Saturday, February 27, 1999, the Regional Girl's Basketball team capped what can only be described as a perfect season. It was perfect not only because the team won the first Class M Girls Basketball Title in the 30 year history of the regional high school, but because they did so by going an impressive 22–0 over the course of the entire season.

It should be said, however, that the climax of this spectacular season was not a fluke, as they say, but, instead, the result of years of practice, preparation, and commitment. In particular, the dedication of the team's coach, James Haley, has been instrumental to the success of the team over the last several years. Coach Haley revitalized the girl's basketball program by instituting summer programs and traveling teams that developed the girls' skill on and off the court. The results for Coach Haley have been obvious. Over the last four seasons, the White Mountain Regional Girl's Basketball program has amassed a record of 79 wins and only 6 losses.

Coach Haley deflects any praise he receives to his talented team and players. A few highlights from this team include all six seniors being selected for the 1999 Class M All-Academic Team. Senior Becky Hilton broke her own school record for the most 3-point shots made during a season. Senior Jennifer Martin scored her 1000th high school career point during the team's quarter final game against Mascoma, which is a tremendous achievement for any high school basketball player.

Mr. Speaker, I would like to list all the coaches, members, and managers of the 1999 Class M Champion Girl's Basketball Team: Coach James Haley, Coach Adrianna Champney, Captain Jennifer Martin, Captain Becky Hilton, Stephanie Wallace, Kris Odell, Keira Russell, Liz Ehlert, Jaclyn Comeau, Kerry Brady, Jessica LaPlante, Becky Quay, Martha Harris, Amanda Kay, Gail Snowman, Adriane Kilby, Liz Samson, Manager Christi Nugent, and Manager Emily Tenney.

Mr. Speaker, the White Mountain Regional Girl's Basketball Team's coaches, team members, fans, family, and school should be extremely proud of this accomplishment. Through no small effort are state championships won, and for 1999 the Class M Girl's Basketball Championship is going home to the White Mountain Regional High School.

THE SERBIA AND MONTENEGRO DEMOCRACY ACT OF 1999

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Serbia and Montenegro Democracy Act of 1999, a bill which will target much needed assistance to democratic groups in Serbia and Montenegro. I am joined by Representatives BEN GILMAN, STENY HOYER, JOHN PORTER, DAN BURTON, ELIOT ENGEL, DANA ROHRABACHER, LOUISE SLAUGHTER and JIM MORAN, all strong promoters of human rights worldwide and the original co-sponsors of this Act.

It is fitting that this important piece of legislation be introduced today, as a high-level envoy for the United States is in Belgrade to seek the blessing of Yugoslav President Slobodan Milosevic for a political settlement which hopefully will restore peace to the troubled region of Kosovo. We are dealing directly with the man most responsible for the conflict in Kosovo, not to mention Bosnia and Croatia. Milosevic has maintained his power from within Serbia throughout the 1990s at the cost of 300,000 lives and the displacement of 3 million people. He has relied on virulent Serbian nationalism to instigate conflict which will divide the people of the region for decades.

The most fundamental flaw in U.S. policy toward the region is that it relies on getting Milosevic's agreement, when Milosevic simply should be forced to stop his assaults on innocent civilians. It relies on Milosevic's dictatorial powers to implement an agreement, undermining support for democratic alternatives. In short, U.S. policy perpetuates Milosevic's rule and ensures that more trouble will come to the Balkans. There can be no long-term stability in the Balkans without a democratic Serbia.

Moreover, we need to be clear that the people of Serbia deserve the same rights and freedoms which other people in Europe enjoy today. They also deserve greater prosperity. Milosevic and his criminal thugs deny the same Serbian people they claim to defend these very rights, freedoms and economic opportunities. Independent media is repeatedly harassed, fined and sometimes just closed down. University professors are forced to take a ridiculous loyalty oath or are replaced by know-nothing party hacks. The regime goes after the political leadership of Montenegro, which is federated with Serbia in a new Yugoslav state but is undergoing democratic change itself. The regime goes after the successful Serb-American pharmaceutical executive Milan Panic, seizing his company's assets in Serbia to intimidate a potentially serious political rival and get its hands on the hard currency it desperately needs to sustain itself. The regime also goes after young students, like Boris Karajcic, who was beaten on the streets of Belgrade for his public advocacy of academic freedom and social tolerance.

Building a democracy in Serbia will be difficult, and it is largely in the hands of those democratic forces within Serbia to do the job. However, given how the regime has stacked the situation against them—through endless propaganda, harassment and violence—they need help. This Act intends to do just that. It would allocate $41 million in various sectors of Serbian society where democratic forces can be strengthened, and to encourage further strengthening of these forces in neighboring Montenegro. It would ensure that this funding will, in fact, go to these areas, in contrast to the Administration's budget request which indicates that much of this funding could be siphoned off to implement a peace agreement in Kosovo. Another $350,000 would go to the Organization for Security and Cooperation in Europe and its Parliamentary Assembly, which could provide assistance on a multilateral basis and demonstrate that Serbia can rejoin Europe—through the OSCE—once it moves in a democratic direction and ends its instigation of conflict.

This Act also states what policy toward Serbia and Montenegro must be: to promote the development of democracy and to support those who are committed to the building of democratic institutions, defending human rights, promoting rule of law and fostering tolerance in society.

This funding, authorized by the Support for East European Democracy Act of 1989, represents a tremendous increase for building democratic institutions in Sebia and Montenegro. This fiscal year, an anticipated $25 million will be spent, but most of that is going to Kosovo. The President's budget request for the next fiscal year is a welcome $55 million, but, with international attention focused on Kosovo, too much of that will likely go toward implementing a peace agreement. Make no mistake—I support strongly assistance for Kosovo. I simply view it as a mistake to get that assistance by diverting it from Serbia and Montenegro. We have spent billions of dollars in Bosnia and will likely spend at least hundreds of millions more in Kosovo, cleaning up the messes Milosevic has made. The least we can do is invest in democracy in Serbia, which can stop Milosevic from making more problems in the future.

Building democracy in Serbia will be difficult, given all of the harm Milosevic has done to Serbian society. The opposition has traditionally been weak and divided, and sometimes compromised by Milosevic's political maneuvering. There are signs, however, the new Alliance for Change could make a difference, and there certainly is substantial social unrest in Serbia from which opposition can gain support. In addition, there are very good people working in human rights organizations, and very capable independent journalists and editors. The independent labor movement has serious potential to gain support, and the student and academic communities are organized to defend the integrity of the universities. Simply demonstrating our real support for the democratic movement in Serbia could convince more people to become involved.

Finally, Montenegro's democratic changes in the last year place that republic in a difficult position. A federation in which one republic is becoming more free and open while the other, much larger republic remains repressive and controls federal institutions cannot last for long, yet Montenegrins know they could be the next victims of Milosevic. It would be a mistake to leave those building a democracy in Montenegro out on that limb. They need our support as well.

In conclusion, Mr. Speaker, I am today introducing the Serbia and Democracy Act of 1999 because I feel our country's policy in the Balkans has all too long been based on false assumptions about the region. Granted, social tensions, primarily based on ethnic issues, were bound to have plagued the former Yugoslavia, but it is an absolute fact that violence could have been avoided if Slobodan Milosevic did not play on those tensions to enhance his power. As we prepare debate the sending of American forces to Kosovo to keep a peace which does not yet exist, we must address the root cause of the conflict in the former Yugoslavia from 1991 to today. This Act, Mr. Speaker, does just that, and I urge my colleagues to support its swift and overwhelming passage by the House. The Senate is working on similar legislation, and hopefully the Congress can help put U.S. policy back on the right track.

WINTHROP EAGLES WINS THE BIG SOUTH CONFERENCE TOURNAMENT

HON. JOHN M. SPRATT JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SPRATT. Mr. Speaker, I want to salute the Winthrop Eagles—the men's basketball team at Winthrop University, located in my district in Rock Hill, South Carolina. For the first time in the program's 20-year history, the team has won not only the regular season championship, but the Big South Conference Tournament as well, and will go on to compete in the NCAA tournament.

The Eagles racked up 12 wins in a row—the longest winning streak in the history of the university and the conference. Nine were against Big South teams, the most Winthrop has ever had. It is no wonder the Eagles were the top seed in the Big South Conference Tournament, and no wonder that Coach Gregg Marshall, in his first year, was named the Big South Conference men's basketball coach of the year.

This is a sports success story I wanted to share with the House. Congratulations on a job well done are due all of the Eagles, Coach Gregg Marshall and his fine staff, and everyone who helped make this a real win for Winthrop.

INTRODUCTION OF THE SSI BENEFIT PROTECTION ACT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. COYNE. Mr. Speaker, I rise to introduce the "SSI Benefit Protection Act."

The Supplemental Security Income (SSI) program serves some of our poorest and most vulnerable citizens. SSI recipients qualify because they are elderly, blind, or disabled, and have annual income of less that $6,000 a year—a total income of less than $500 a month. Qualified medical personnel have determined that their disabilities are so severe that they are incapable of gainful employment. Nationally, about 6.6 million people qualify for SSI.

SSI is a subsistence income that barely pays for life's basic necessities. The maximum federal payment is less than 75% of the poverty level. And the average federal SSI payment is about $340 a month—over $100 less than the maximum.

15 states and the District of Columbia offer additional help to their aged and disabled citizens by sending money to the Social Security Administration to supplement payments to their residents. The average state supplement is between $50 and $100 a month, which brings SSI recipients a little closer to the poverty line.

A little-noticed provision in the 1993 Omnibus Budget Reconciliation Act began charging the states that supplemented SSI payments a small monthly "processing fee" for each check. The fee was not based on any assessment of SSA's costs and in fact, did not go to SSA. It was simply a revenue-raiser. The fee was increased substantially in the 1997 Balanced Budget Act, and it is now scheduled to increase to $8.50 per recipient, per month, in 2002. This year in my home state of Pennsylvania, the governor's office estimated that the fees paid for "processing" totaled about $24 million. In Pennsylvania, if the whole fee was passed on to recipients it would reduce their state supplement by almost 25%.

Understandably, this rapidly increasing fee has had a chilling effect on state willingness to increase the supplement. State program costs have continued to increase because of the fee, but no state being charged the fee has increased its payment to beneficiaries since 1993, not even to keep up with inflation. Six states have reduced their supplement and one eliminated it.

The Congress should be encouraging states to maintain and increase the supplement so that our most vulnerable citizens can afford food and shelter, not punishing those states that have reached out to help. Even a small increase in benefits can markedly improve life for SSI recipients, and even a small cut has devastating consequences.

That is why I have introduced the "SSI Benefit Protection Act." It would repeal this unfair fee, which is not justified by any analysis of SSAs costs. I hope removing this burden from states will encourage them to reassess their current SSI supplementation levels and increase them to a reasonable level. I hope the Congress and the states can work together to provide for our aged and disabled citizens.

HAPPY 30TH BIRTHDAY, WTOP

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. WATTS of Oklahoma. Mr. Speaker, today I want to wish WTOP, 1500 AM, 107.7 FM, a happy 30th birthday. From the Apollo XI mission to put a man on the moon to home rule for the District of Columbia, from the Reagan Revolution to the first Republican Congress in 40 years, this top-flight radio station has established a tradition of excellence for delivering comprehensive, up-to-the-minute coverage of news, traffic, weather, and sports.

WTOP Congressional correspondent Dave McConnell's informative "Today on the Hill" broadcasts are a prime source of the latest developments on Capitol Hill and an integral part of WTOP's thorough news coverage. I truly hope Dave stays on the Congressional beat another 30 years.

So on behalf of all House Republicans, happy birthday, WTOP. May you have many more.

TRIBUTE TO STAFF SERGEANT JAMES T. TAYLOR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DUNCAN. Mr. Speaker, one of the most solemn duties an Army Soldier can perform is to protect the Tomb of the Unknowns at Arlington National Cemetery. Those soldiers fortunate enough to serve as honor guards at the Tomb of the Unknowns refer to their watch simply as "the walk."

Recently one of my constituents, Staff Sgt. James T. Taylor, completed his 785th walk, thus concluding his memorable service as a sentinel at the Tomb of the Unknowns.

Mr. Speaker, I know that I speak for the entire Congress when I say that our fallen soldiers, both identified and unknown, deserve this fitting tribute and recognition at Arlington National Cemetery. They also deserve to be guarded by soldiers like Staff Sgt. James T. Taylor and other members of the "Old Guard," who are prepared to maker personal sacrifices in order to preserve the sanctity and memory of their fallen comrades.

Mr. Speaker, I would like to personally commend Staff Sgt. Taylor on his dedicated and meritorious service to this grateful Nation. Our country is a better place because of his service.

Finally Mr. Speaker, I have attached a copy of an article from the Pentagram that honors the "last walk" of Staff Sgt. Taylor and would like to call it to the attention of my colleagues and other readers of the RECORD.

[From the Pentagram, Jan. 22, 1999]

TOMB OF THE UNKNOWNS SENTINEL MAKES HIS LAST WALK, PAYS HIS FINAL RESPECTS

(By Renee McElveen)

An ice storm the night before left everything encased in crystal, creating a surreal atmosphere.

The only sounds at that hour were the popping sounds of tree branches breaking off under the weight of the ice, and the measured clicks of metal on marble as Staff Sgt. James T. Taylor's boots traced a precise pattern.

It was 6:45 a.m. on Jan. 15 in Arlington National Cemetery. Taylor was making his final preparations for what would be his 785th walk, his final walk, as a sentinel. He had a chance to prepare now, before the cemetery opened to the public, and run through one time with others the last-walk ceremony that would mark the end of his tour as an honor guard at the Tomb of the Unknowns.

This day was a long time coming for the 32-year-old Tennessee native. He was a materiel storage and handling specialist attending Advanced Individual Training in 1986 at Fort Lee, Va., when his platoon traveled to Washington, D.C., to see the guard-change ceremony at The Tomb of the Unknowns.

He was so impressed by the ceremony, he asked his platoon sergeant how he could go about becoming a sentinel. At that time, the duty Military Occupational Speciality was limited to Infantrymen. Taylor did not think he could ever become a sentinel since he was serving in a logistics MOS.

He completed his enlistment in 1988 and left active duty to join the Tennessee National Guard back home. Taylor attended college in Berea, Ky., then transferred to Middle Tennessee State in Murfreesboro, where he earned a bachelor of arts degree in special education in 1993.

He re-enlisted that same year as an infantryman. Taylor said he decided to go back on active duty because he missed the Army and the camaraderie of military service.

"You don't get that anywhere else," he explained.

Taylor was assigned to the 3rd Infantry Regiment (The Old Guard) in the Military District of Washington in 1994 and spent a year in Delta Company performing ceremonial duties in the cemetery. He volunteered to become a sentinel for The Tomb of the Unknowns, and was transferred to Hotel Company.

Taylor then entered an intensive training program for his new assignment. The train-up period for a sentinel is about six months.

"It just depends on how quickly a soldier grasps the knowledge and progresses," Taylor explained.

Not only does the sentinel have to learn "the walk," he must become proficient in the manual of arms for the M-14 rifle, prepare his uniform to standard, learn a seven-page history of The Tomb of the Unknowns, memorize 150 locations of headstones as well as pages upon pages of facts about the cemetery in "The Knowledge Book."

Some of the facts about the cemetery which the sentinels must memorize are:

1. Name the caparisoned horse for the funeral of President John F. Kennedy.

Answer—Black Jack.

2. How many POWs are buried in Arlington National Cemetery?

Answer—Three (2 Italian and 1 German).

3. What is a cenotaph?

Answer—A headstone erected in memory of someone whose remains are not recoverable.

The purpose of learning all of these facts about the cemetery is for the sentinel to be able to answer questions during the frequent visitor tours of their quarters below the amphitheater, Taylor said. Also, the sentinels are often stopped on their way to their cars by the tourists and asked about locations of burial sites of famous individuals.

The Knowledge Book also contains the mission statement of the sentinel, the "guard of honor" for the Tomb of the Unknowns. The sentinel is to be responsible "for maintaining the highest standards and traditions of the U.S. Army and this nation while keeping a constant vigil at this national shrine." The sentinels' "special duty is to prevent any desecration or disrespect directed toward The Tomb of the Unknowns."

Sentinels are tested periodically throughout their training, according to Master Sgt. Richard K. Cline, sergeant of the guard for the sentinels. Oral exams are administered at the three-, six-, nine-, and 12-week intervals. Cline said a timed performance exam accompanies these tests. Sentinels must take the test administrator to the headstones of persons named by the administrator and give biographical sketches on the notables within the time allotted.

In order to "graduate" and qualify to wear the Tomb Badge, sentinels must take and pass a written exam, pass a uniform inspection, and demonstrate proficiency in the time-honored ritual of maintaining the guard sentinel, referred to simply as "the walk."

Taylor said that he had to learn how to eliminate any bounce whatsoever in his walk, which translates to a technique of rolling the feet in a particular manner. His trainer told him the walk should make people think of the way a ghost might move, drifting along smoothly with no up and down movement.

In addition, the sentinel's arms must not bend at the elbows during the walk, but instead swing in a straight line like a pendulum on a grandfather clock. The eyes must stay focused straight ahead, ignoring the crowds of tourists, which can number up to 2,000 at a single changing of the guard ceremony during the summer months, Cline said.

Taylor said it irritates him when soldiers outside The Old Guard tell him he has "easy duty" because all he does is "walk back and forth." He says they have no idea of the intensive training involved, the performance standard required in all weather conditions, and the level of commitment sentinels have to their job.

"This is probably the greatest honor I ever will have," he said.

Taylor said he has performed his sentinel duty under all types of weather conditions. Snow, sleet, rain, heat, or even thunderstorms do not deter the sentinels from guarding The Tomb of the Unknowns.

A poem submitted by a visitor (known only as Simon) to The Tomb of the Unknowns in 1971 has since been adopted as "The Sentinel's Creed."

"My dedication to this sacred duty is total and wholehearted. In the responsibility bestowed on me never will I falter, and with dignity and perseverance my standard will remain perfection. Through the years of diligence and praise and the discomfort of the element, I will walk my tour in humble reverence to the best of my ability. It is he who commands the respect I protect his bravery that made us so proud. Surrounded by well-meaning crowds by day, alone in the thoughtful peace of night this soldier will in honored glory rest under my eternal vigilance."

Sentinels are on duty for 24 hours, then off for 24 hours. During the winter months, sentinels perform two of three hour-long walks each 24-hour period and two hour-long night shifts. During the summer months, sentinels perform six or seven 30-minute walks, and two night shifts.

Cline said the walks are shortened to 30 minutes during the summer months to accommodate the large number of tourists visiting the MDW area. Shorter walks result in more changing-of-the-guard ceremonies, which are a popular tourist attraction at the cemetery.

Taylor said he has had many memorable moments as a sentinel. Two moments, one very public and one very private, stand out in particular.

In 1997, he was selected as the presidential wreath bearer for President Bill Clinton during the Veterans Day Ceremony at The

Tomb of the Unknowns. Taylor admits he was nervous, but once the National Anthem started playing, he said, "I felt like a giant out there."

The private moment occurred during one of his early morning walks. The only visitor at the cemetery at that hour was a man wearing uniform items from the Vietnam War era. Taylor said the man stood at attention at the end of the plaza near the guard booth, saluting him. The man watched him for the entire hour and appeared to be very emotional, watching him perform his duty.

"It was a real moving experience for me," Taylor said.

He said he changed his uniform after his tour, then went back up to the amphitheater to try to find the man so that he could speak with him, but he was already gone.

While assigned to Hotel Company, Taylor held five positions at The Tomb of the Unknowns. He was a sentinel, an assistant relief commander, a relief commander, an assistant sergeant of the guard and a trainer.

One of the sentinels he trained, William Q. Hanna, returned for Taylor's last walk. Hanna completed his enlistment in the Army in December. He said he served with Taylor for more than two years, and wanted to be present for his "special moment."

Hanna explained that the last walk is a "rite of passage" and an extremely emotional event for a sentinel as he pays his final respects to The Tomb of the Unknowns.

"I could hardly get through mine," he recalled.

At 10:45 a.m., Taylor asked Hanna to drive to the Vistors Center to pick up his family and bring them back to the amphitheater. His mother, Sandra S. Taylor of Knoxville, Tenn., had driven 10 hours through the ice storm so that she could be there for his last walk. His father, James L. Taylor, and stepmother, Linda Taylor, of Middlesboro, Ky., had spent nine hours on the road as well.

While waiting for his final hour-long walk as a sentinel, Taylor made adjustments to his uniform. He pulled the brim of his Dress Blues service cap down and adjusted it over his eyes, checking his reflection in the mirror. Pfc. Daniel Baccus took a large piece of masking tape and blotted up any stray lint on Taylor's raincoat. Taylor then went to the water fountain and ran water over his white gloves and rubbed them together. The water provides a better grip on the wooden stock of the M-14 rifle.

At 11 a.m., the bells toiled the hour and Taylor made his way down the marble sidewalk to take his place on the plaza for the last time. Cline inspected his uniform and weapon. The guards were changed, and Taylor spent the next hour guarding the Tomb of the Unknowns.

At noon, the bells toiled the hour again, Taylor walked to the center of the plaza to retrieve four red roses from his fiancee, standing at the base of the steps.

He placed one red rose at the base of each of the three crypts, and the fourth rose at the base of the marble tomb. A bugler played "Taps." Taylor saluted. His last walk as a sentinel at The Tomb of the Unknowns was over.

HONORING MORRIS KING UDALL, FORMER UNITED STATES REPRESENTATIVE FROM ARIZONA

SPEECH OF

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FROST. Mr. Speaker, I rise to add my voice in commemoration of the remarkable career of Mo Udall.

During my first term in Congress, the great respect that we all had for Mo was demonstrated in an incident that took place in the Rules Committee. We had under consideration the rule on the Alaska National Land Act, the landmark legislation which preserved thousands of acres of pristine wilderness in the state of Alaska.

There were two competing versions of the bill: one that was reported from the Interior Committee and one that was authored by Mo. Mo's bill was defeated in his own committee and the reported bill was supported by interests who sought to drill for oil in the Alaska wilderness, a position Mo vigorously opposed. Mo acknowledged his defeat in committee but still sought the right to offer his bill as a substitute on the floor.

There was a fierce battle over the rule. Everyone knew that Mo had the votes in the House to pass his substitute. Mo's bill was favored by the environmental community and they lobbied furiously to allow the Udall substitute to be considered in the House. However, the opponents of Mo's bill were lobbying just as hard to deny him the chance to present his substitute once the Alaska Lands bill came to the floor.

The Rules Committee was closely divided on the question of whether or not to specifically make Mo's substitute in order. I was the most junior Member of the committee and would thus vote last on the roll call. When the vote got to me, the vote was tied: everyone in the room assumed that since I was from Texas, an oil producing state, that I would side with the oil industry and against Mo.

However, I held Mo Udall in such high regard as a person and as a legislator, that I voted with him to allow him to offer his substitute on the floor. He was, after all, the Chairman of the Interior Committee and a champion of protecting the wilderness, and there was little doubt in my mind, in spite of my home-state loyalties, that he should be given that opportunity.

Ultimately, the rule passed and when Mo's substitute was voted on, it passed by a vote of 268 to 157. The bill itself, as amended with the Udall substitute, was ultimately passed by an overwhelming vote of 360 to 65.

I can honestly say that had it been any other Member of Congress who had asked to have this far-reaching version of the Alaska Lands bill made in order that, as a freshman, I probably would not have gone against an important industry in my home state.

However, there was no way in good conscience that I could have denied Mo his day in court and his vote on the floor of the House. He was that good a man; that good a legislator. Mo had the moral authority to command fair treatment. And that, Mr. Speaker, is what made him a great legislator.

I am honored to have known him and more honored still to have served with him in this House. His legacy will live on for many generations of Americans both in the crown jewels of our national park system in Alaska and here in the House of Representatives.

LEHIGH VALLEY HEROES

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to deliver a Report from Pennsylvania's 15th District.

So many good things are happening in Pennsylvania's Lehigh Valley. There are scores of good people doing amazing things that make our communities better places to live and I would like to share their stories with my colleagues and the American people. These good people should be recognized, lifted up and known as Lehigh Valley Heroes.

In my book, Lehigh Valley Heroes are individuals who reach out and lend a helping hand to others. Today I'd like to recognize all the individuals involved with Lehigh Valley's Summerbridge after-school-tutoring program in Bethlehem, Pennsylvania.

The Summerbridge Program tutors and mentors young children from inner city schools. These young children may be the first-member in their family who has an opportunity to go to college. These volunteers help young students with their homework and take them on field trips. Additionally, the primary goal is to help ensure they are on a path for college.

Mr. Speaker I'd like to recognize all of the tutors at the Summerbridge Program for making a difference. By helping young students learn, these heroes are making our community a better place to live.

LEHIGH VALLEY TUTORS

Jen Auman, Matthew Schultz, Sarah Noblitt, Kelly Cannon, Michelle Hoffman, Chris Balassano, Harry Foley, Michelle Anderson, Daniel Surria, Jessica Rappa, Maria Calafati, Natalie Paraska, Danny Pichardo, Rebecca Kross, Dave Yuan, Payal Shah, Steph Katsaros, Rich Taylor, Brian Brunner, and Kristin Vasquez.

Tami Votral, Brooke Kraus, Sunil Samtani, Michelle Williamson, Kelly Schaeffer, Albert Kelly, Brandi Gilmore, Darren McGill, Lori Wehr, John Fritzky, Steph Kilgge, Dorene Brill, Terri Ertle, Cheyenne DeMulder, Allison Sheniak, Mays Nimeh, Elizabeth Hohenstein, Jaime Silfies, Jarred Weaver, and Nicole Oertman.

Jason Erk, Suzanne Mlynarczyk, Nicky Rothdeutsch, Emily Deck, Nicky Krupa, Brandi Christine, Melissa Hummel, Claudi Reycraft, Chris Verdier, Capri Thornton, Brandi Schultz, Vanessa Boyer, Steph Ropel, Alicia Giasi, Jessica Almond, David Rodriguez, Molly Shank, and Justin Christein.

Marisol Ocasio, Shawna Hasford, Kori Newman, Mandy Burkhardt, Stacey Barron, Steve Weiss, Corrine Reph, Tabitha Hymans, Diana

Rodebaugh, Autumn Rainere, Maria Bainbridge, A.J. Bradley, Jeannot Gangwisch, Asad Nawaz, Megan Markulies, Amber Zettlemoyer, Robyn Christine, Sarah Clautier, and Sarah Eitzen.

Kari Druckenmiller, Amy Simonka, Steph Miller, Jacquin Pierce, Steve Schenk, Dana Popkave, Becky Balog, Crystal Leidy, Christine Tessier, Vanessa Vanderberg, Jodi Glenn, Jen Yamerik, and Holda Adams.

PLANTING TREES TO REDUCE GLOBAL WARMING

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PICKERING. Mr. Speaker, I would like to request that the following be included in the Extension of Remarks. It is a op-ed written by a Mr. Chester Thigpen, a constituent of mine from Montrose, Mississippi, that appeared in the Clarion-Ledger on February 27, 1999.

Mr. Chester Thigpen has worked his entire life as a tree farmer to provide for his family—his wife and four children.

Mr. Thigpen's first day's work, in 1918, yielded him 35 cents but, today he is a successful tree farmer. He has been a tree farmer for over forty years and is living the American dream.

In his editorial, he raises some valuable points that members should bear in mind and I encourage them to read this editorial.

[From the Montrose Clarion-Ledger, Feb. 27, 1999]

PLANTING TREES MAY HELP REDUCE GLOBAL WARMING

(By Chester A. Thigpen)

I hope that I can be forgiven for feeling like a bystander in the national debate on global warming. As I try to sift through the news coming out of Washington, the problem seems to pose a high environmental as well as economic danger.

Yet something can be done about it, if President Clinton and Congress will mobilize Americans in a campaign to plant trees everywhere they will grow, especially on millions of acres of marginal farmland.

As a farmer in Mississippi, I know something about the value of trees. Stands of loblolly pine on my 650-acre farm provide shade and prevent erosion, and they soak up huge amounts of carbon dioxide.

There is plenty of reason to believe that a coordinated program to plant trees and properly manage our nation's forests is precisely the way to minimize the greenhouse warming problem, and it can be done without harming American living standards.

Climate change affects us all, yet I'm struck by how little attention is being paid to actually dealing with the problem. Yes, President Clinton has asked Congress for $105 million to conduct research into how forest can offset greenhouse gas emissions by absorbing carbon dioxide. But convincing proof of nature's role in carbon storage already exists.

Recently, a team of scientists, including experts from Columbia University and Princeton University, determined that more carbon may be stored by forests and other ecosystems in the United States than is released by industrial activities in this country. Scientists believe that one reason global temperatures have not increased as much as expected over the past half century may be that the forested portion of the Western world has grown during that time.

Because young trees take in and store carbon dioxide, they act as nature's "sink" for vast amounts of carbon. It is through photosynthesis that trees and other vegetation generate life-giving oxygen and store carbon for decades in the form of wood.

A nationally coordinated program to plant large numbers of trees and improve the health of the nation's forests could have a major impact. A study by American Forests, the nation's oldest conservation organization, estimated that such a program could offset 20 percent to 40 percent of the estimated 1.5 billion tons of carbon dioxide emitted each year in the U.S.

Why not launch a serious tree planting effort now? Anything that can be done to save forests and plant trees on millions of acres might have more effect on global warming than all the emission regulations combined.

Acre-for-acre, U.S. forests store 20 times more carbon than croplands do. Under the Federal Conservation Reserve Program, an estimated 4 million to 5 million acres of eroded land once used to grow crops have been converted to timberland. But with appropriate incentive to landowners, more than 100 million acres of marginal land considered biologically suitable for trees—an area three times the size of North Carolina—could be reforested.

Planting large numbers of trees would provide many additional benefits—erosion control, protection of drinking water sources and better habitat for wildlife. Moreover, forests provide great economic benefits in valuable wood products.

We should also plant more trees in cities and suburbs. By increasing the amount of shade in residential areas, trees and shrubs reduce the need for air conditioning while storing carbon from automobile exhausts and other fossil-fuel combustion. More trees mean cleaner air, and they provide green space for recreation.

THE FORTIETH ANNIVERSARY OF THE TIBETAN UPRISING AGAINST CHINESE SUBJUGATION—TIBETAN NATIONAL DAY 1999

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. LANTOS. Mr. Speaker, today the international human rights community commemorates the fortieth anniversary of the uprising of the Tibetan people against Communist Chinese oppression. On March 10, 1959, the people of this sparsely populated mountain region rose up against a despotic regime intent on destroying its liberty, its culture, and its ancient religious heritage. Inspired by the leadership and courage of His Holiness the Dalai Lama, the Tibetan people stood up and repulsed Chinese efforts to deny them their individuality and their rights. We celebrate Tibetan National Day to pay tribute to their brave crusade.

The uprising of March 10, 1959, was crushed by China's immense military might. The Beijing authorities promptly instituted martial law and used armed soldiers in their brutal effort to suppress the Tibetan people. The Dalai Lama was forced to flee to India in order to preserve his own life, and some 120,000 Tibetans joined him in exile. The government of India has graciously permitted the Tibetan people and His Holiness to remain in India.

Chinese guns and tanks, however, could not destroy the indomitable spirit of the Tibetan people. Guided by the moral strength of the Dalai Lama, who was awarded the Nobel Peace Prize in 1989 for his peaceful effort to resolve the conflict over Tibet, knowledge of the tragedy of the Tibetan people has spread from the Himalayan foothills to the consciousness of the international community.

China's heavy-handed brutality continues to this day. Buddhist monks and nuns as well as others who value and seek to preserve Tibet's unique cultural and historical heritage have suffered imprisonment, torture, and constant abuse at the hands of Beijing authorities. All signs of Tibet's pre-1959 existence, from its religion to its architecture to its music, have been targets for Chinese officials seeking systematically to destroy every vestige of Tibet's identity.

Mr. Speaker, our American democratic and pluralistic heritage and our principled views on religious tolerance and cultural diversity mandate that we stand firmly against these outrageous crime against international law and human decency.

The Chinese Government has marked the 40th Tibetan National Day by continuing its decades-long strategy of spewing deceitful propaganda about the Dalai Lama and his followers. the chairman of the so-called "People's Congress of Tibet" declared that the Dalai Lama "is the chief representative of the feudal serf system," and that "under his rule, the Tibetan people were reduced to animal status." The overseas edition of the official People's Daily accused the Dalai Lama of attempting "to stir up riots and terrorist activities."

In stark contrast with these Chinese absurdities, the Dalai Lama has expressed a genuine desire to achieve a just and fair resolution of the Tibetan issue. His Five Point Peace Plan—one of the principal reasons for which he received the Nobel Peace Prize—reflects a thoughtful and reasoned position in his quest for a peaceful settlement. As his Holiness stated ten years ago in his Nobel acceptance speech in Oslo, his sole desire is that his homeland to become "a sanctuary of peace and non-violence where human beings and nature can live in peace and harmony." The Dalai Lama is not asking too much.

I invite my colleagues, Mr. Speaker, to join me in urging Chinese authorities to take a more reasonable and more forthcoming position in dealing with representatives of His Holiness. It is time to make a serious effort to bring peace, justice, and religious freedom to the Tibetan people so that the Tibetans have the opportunity to preserve and perpetuate their unique culture.

Mr. Speaker, this 40th anniversary is a sorrowful event, an occasion that we mark in sadness and regret. But we also mark this event with rejoicing that, despite four decades of brutal repression, the people of Tibetan continue their struggle. The Chinese have not succeeded. Growing legions of friends of Tibet around the world join them in their fight. This anniversary reminds us that the struggle will be long, but it also reminds us that ultimately it will be successful.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. BACHUS. Mr. Speaker, I rise in strong support of H.R. 540, the Nursing Home Resident Protection Amendments. This much needed legislation will protect nursing home residents from being unfairly evicted just because they are on Medicaid. I commend my colleagues from Florida, Mr. DAVIS and Mr. BILIRAKIS, for introducing this measure and I am very proud to support it.

Mr. Speaker, this bill prohibits nursing homes that decide to withdraw from the Medicaid program from evicting current residents already admitted under the Medicaid program.

Nursing home residents should not have to live in fear of eviction simply because they must depend on Medicaid for help in paying their nursing home bills. After we pass this bill and get it signed into law, families can be confident their elderly loved ones won't be evicted because of economic factors.

This is a problem in the United States today. One nursing home in Florida tried to evict Medicaid residents and replace them with higher-paying, privately insured residents last year. After a relative of one of the residents of that Florida nursing home brought suit, a federal judge issued an injunction and the residents were allowed to remain in the nursing home. The Wall Street Journal reported last year that similar evictions were attempted at thirteen homes in nine states. We cannot allow this to happen.

Under the Nursing Home Resident Protection Amendments, a nursing home that decides to withdraw from Medicaid must provide notice to future residents that it no longer participates in the program and won't accept Medicaid payments. Existing residents, however, are protected.

Mr. Speaker, all of us want to do something to help our senior citizens. We talk about that every day in Congress, sometimes in terms of saving Social Security, sometimes in terms of strengthening Medicare. But today, we can do more than just talk about helping our seniors. Today, we can actually do something to help millions of our senior citizens who face the real threat of being unfairly evicted from their nursing homes. Let's pass H.R. 540. Let's help our senior citizens. Let's protect them from these unfair evictions.

TRIBUTE TO THE HONORABLE ANTONIO CRUZ CRUZ

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. UNDERWOOD. Mr. Speaker, on Friday, January 29, 1999, the island of Guam lost one of its most prominent legislators. The Honorable Antonio Cruz Cruz passed away at the age of 86.

A member of the House of Assembly during the days of the Guam Congress and an eight-term member of the Guam Legislature, the late Senator Cruz was one of the most honored and active members of the Democratic Party on Guam. Better known as "Ton Gaga," he was born in the city of Hagåtña on May 21, 1912—the son of Maria Perez Cruz and Vicente Iglesias Franquez.

He attended the Guam Public High School and later worked as a clerk messenger for the Naval Government's Department of Public Works and the Bank of Guam in the late 1920's and early 1930's. After holding on the position of bookkeeper at the Bank of Guam for several years in the 1930's, he gained employment with the government serving in administrative capacities for a Refugee Camp in the mid-1940's, the Land Claims Commission, the Alcoholic Beverage Control Board, and the Federal Housing Administration.

Prior to being elected to the Guam Legislature, Senator Cruz served as a member of the pre-Organic Act Guam Congress and House of Assembly, serving from 1946 to 1950. He was elected to the Guam Legislature serving in the First through the Sixth legislatures. At the conclusion of the First Session of the Sixth Legislature, Senator Cruz opted to resign in order to fill the post of chief of the Department of Labor and Personnel's Retirement Division. Later that year, he was named assistant Director of the Guam Housing and Urban Renewal Authority. He also served in the Ninth and Tenth Legislatures.

In the eight terms that he served in the Legislature, the late senator introduced and co-sponsored numerous bills focused on the issues of education. He was instrumental in establishing a student loan program, developing the Government of Guam retirement system, enhancing personnel benefits for government employees, and funding a number of community projects.

Taking time off his official duties, the former senator always made it a point to be an active member in the village of Barrigada. He served as Secretary for the Barrigada Democratic Party of Guam Precinct. In addition, he also served as Vice-President and Treasurer of the Holy Name Society at San Vicente Catholic Church.

The legacy he leaves behind includes over three decades of government service, of which twenty years were spent as Assemblyman and senator. I join his widow, the former Mercedes Garrido Camacho, and their children Julia, Joseph, David, John, Frank, and Edward in celebrating his accomplishment and mourning the loss of a dutiful husband, a loving father and fellow legislator. Adios Senator Cruz.

CHARTER DAY CLOSING AT THE COLLEGE OF WILLIAM AND MARY

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BATEMAN. Mr. Speaker, I rise today to share with you a speech I recently heard at my alma mater, the College of William and Mary. It was delivered by the President of the College, Timothy J. Sullivan, at the college's Charter Day ceremonies on February 6, 1999 in Williamsburg, Virginia. Charter Day, which is held annually, commemorates the anniversary of the granting of the royal charter by King William III and Queen Mary II for the establishment of the college in 1693.

CHARTER DAY CLOSING

(President Timothy J. Sullivan, February 6, 1999)

"I tremble for my country when I reflect that God is just." So wrote Thomas Jefferson—about slavery—the great stain on our national story. Might we not today—for different reasons—borrow Jefferson's words. Should not we "tremble for our country when we consider that God is just?"

Our President has broken a bond of precious trust. He has degraded the great office that was our gift to him. He has embarrassed his country. And if that were all, it would be tragedy enough.

But this is not a one-man show. The full dimensions of this sad tale verge on the operatic—with principal players—secondary figures—extras by the hundreds—and multiple story-lines.

And no matter how many times the tenor gets stabbed, he'll sing loud enough to reach the cheap seats.

It is as sickening as it is astounding—an American epic that most wish would just go away.

But it will not. Nor should we delude ourselves that closure beckons with the end of the impeachment process. It may take a long time to fully measure what this means for our Republic or to discover what we have done to ourselves.

For in the end, it is to ourselves that we must turn. Leaders do not spring from the ground in full flower. We grow them, water them, allow them to bloom—we the people—we bear the ultimate responsibility for the Republic. Whatever it becomes says much about what we have become. So—yes—the impeachment debacle is cause for pain. But what really worries me—what causes me to "tremble for my country"—is the almost certain accelerating effect that this sorry spectacle will have upon an already cynical popular view of politics, of politicians and of the making of public policy.

For at least a generation we have borne the burden of politicians—some in office—some merely hungry for office—who have based their campaigns—indeed their careers on the crackpot notion that *our* government—the *American government*—is the mortal enemy—of our liberty—of our honor—of our legitimate aspirations.

It is one thing—and a right thing—to argue about the cost of government—about its scope—about its competence. These are legitimate—these are vital issues. It is quite another to suggest that by its very nature our freely elected government is evil. That idea—in our America—is historically inaccurate—constitutionally unimaginable—and profoundly dangerous.

Dangerous because the growth of such a distorted notion was first a cause—and later a justification—for the damaging flight of so many from the vital duties of active citizenship.

There are other forces which have degraded our public life and fueled public cynicism about our elected leaders. Perhaps the most potent of these is a stunning popular ignorance about our constitutional system and the defining events in our national history. In a 1996 Washington Post national poll, only 24% of those surveyed could name their United States Senators, just 26% knew the length of a United States Senator's term, and 6% could identify the Chief Justice of the United States.

We have all read the full results of these surveys. They need no further repetition.

But here is the terrible truth. Our founders created a government that will survive as a guardian of liberty only with the active support of citizens who are both engaged and informed. Those honored with the power to govern must be accountable to voters who care about the vitality of our public institutions—and who understand what is required to preserve that vitality.

Last November, 36% of eligible voters participated in congressional elections. In 1996, barely 49% of our fellow citizens voted in the presidential elections. These are signs of sickness—not of health—these are clear warning signs that the foundation upon which our representative government depends is weakening and growing weaker.

A public culture crippled by apathy and infected by ignorance spawns other enemies of freedom. As more and more reject the idea of active citizenship, many who remain engaged embrace intensely focused but narrow views. These activists are passionate about a single issue and indifferent to all others. They are one-cause citizens, and they see the complexities of our time through the distorting prism of a glass that makes balance impossible and context irrelevant. Name the subject—you will find a "one-cause caucus" eager to impose what are inevitably minority views upon an indifferent—and thus unrepresented—majority.

We have—to take one example—seen the rise of preacher-politicians or politician-preachers who seem convinced that God is a politician with views just like their own. Does God really have a firm opinion about the right number of rest stops on interstate highways? I hope He doesn't. In the American system, you cannot make a religion of politics and you should not make religion political. But we are in danger of doing both.

Our founders took measured—determined steps to insure that our country would never be *constitutionally* a Christian nation—that we would never be a nation with a state religion of any kind. But they took equally measured—determined steps to guarantee that the private right to worship would be meticulously protected. Understanding that critical constitutional difference demands a thoughtful and engaged electorate. That so many of our fellow citizens manifestly do not understand is yet another of the dangers we confront.

The rising tide of constitutional and historical ignorance is exacerbated by the popular media's increasing abdication of its responsibility. The columnist, Russell Baker, has written about

> "Our dependence on entertainments that are almost ritualistic in their repetitious shootings, capers, chases, carnal congresses and witless humor—thought is almost entirely absent from these entertainments. Their producers clearly assume that there is no audience for thought."

And thought is not the only thing absent. Also nearly invisible is any serious attention to important matters of public policy. The capers—congresses—and chases—are dominant almost to the point of exclusion.

Mine is a somber message. Many—even those who share some of these concerns—will argue that I have missed the larger point—the larger point being that America has never been richer—safer—or more content. We do enjoy unprecedented prosperity. As journalist Greg Easterbrook reminds us, "Even home runs are at an all-time high."

To those who argue that proposition—and I respect them—I reply that you have missed an even larger point. Economic progress, social stability, the true happiness of our people—none can be long sustained if our public life is impoverished by citizen neglect—if our constitutional system is left to the mercy of accidental leaders unaccountable to an informed electorate. Political liberty—economic freedom both depend upon citizens who understand and who care and who are passionate about the discharge of their duties as free men and women. Upon this proposition our founders staked their "lives, their fortunes and their sacred honor." What was true for them—remains true for us.

The citizen leaders who imagined and created our government were not afraid to remind us of its demands. As the delegates to the Constitutional Convention left Independence Hall for the last time, the crowd that met them was anxious and concerned. One in that gathering shouted out above the din, "What have you given us?" To that question, Benjamin Franklin replied,—"a republic—if you can keep it." A republic—if you can keep it.

And throughout our history, our greatest leaders have been those who knew that government's purpose is far more than to preserve public ease—it is also to promote public service. And so these leaders—true leaders—were not afraid to remind us of our public obligation. More than 60 years ago, in the midst of the great depression—in the shadow of the Second World War, Franklin Roosevelt spoke words that still stir—and still shine:

> "There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny."

To my generation and the one which follows, much has been given. But not much has been expected. We turn now to face *our* destiny—a destiny I believe that will depend upon whether—we have the will—the intelligence—the civic soul—to place safely into later hands the glorious republic it has been our honor to inherit.

Of our destiny, what would we have history say?

IN HONOR OF POLICE CHIEF WILLIAM J. HARRIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Police Chief William J. Harris of Manhattan, Illinois as he retires from the Village of Manhattan's police department which he served for over 30 years.

Chief Harris was born on December 15th, 1938 in Joliet, Illinois where he resided until he and his family moved to Manhattan in 1945. Following his high school years, William Harris served our country in the United States Air Force's Security Division from 1956 through 1960. On October 20, 1962 Mr. Harris joined Ms. Mary Jane Buitenwerf in a marriage that has produced three sons; David, Daniel, and Michael. Bill and Mary Jane have lived their entire married life in Manhattan.

While working for the Caterpillar Tractor Company in Joliet, Mr. Harris began his tremendous record of public service while working as a part time Manhattan police officer in 1965. Nearly four years later, Mr. Harris took over the position as acting police chief on June 1, 1969. Only six months later, on January 1, 1970, William Harris was hired as Manhattan's full time police chief where he has served to present day.

In addition to his dedication to keep Manhattan a peaceful community, Mr. Harris was a member of the Manhattan Volunteer Fire Department for several years. He still enjoys active memberships with both the Will County Police Chief Association and the Illinois Association of Chiefs of Police.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Mr. Harris has given to his community. Undoubtedly, there are many families in Will County who are thankful each day for the service Bill Harris has done for Manhattan. The Village of Manhattan is a quiet and safe community, and its residents can point to Chief Harris' good work as the reason for this.

I wish Chief Harris, his wife Mary Jane, and their children and grandchildren all the best life can offer in the coming years.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall Vote No. 35, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this vote to pass H.R. 540.

TRIBUTE TO WTOP RADIO ON ITS 30TH ANNIVERSARY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HASTERT. Mr. Speaker, I submit the following statement about WTOP Radio to the CONGRESSIONAL RECORD:

> It is with great pleasure that I note that today is the 30th anniversary of WTOP Radio in Washington, D.C. This organization plays a vital part in our city by being a prime source of information on major news events. Over the past 30 years, WTOP has offered extensive, up-to-the-minute coverage of all the important happenings in the nation's capital and around the world.

On this occasion of WTOP's 30th anniversary, it is with great honor that I wish the entire organization a hearty congratulations on its many accomplishments. From detailing the weather to helping our children know how to dress for school each morning to providing the latest sports scores, WTOP has provided comprehensive reporting.

Through my personal experience of being interviewed by WTOP's congressional correspondent Dave McConnell, I know that WTOP—and Dave—always provide fair, balanced and accurate reporting. It's always been a pleasure to work with Dave and WTOP.

To all the hard-working staffers of WTOP, I offer my sincere congratulations. I look forward to hearing news from you for the next 30 years!

TRIBUTE TO JERRY REGAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PALLONE. Mr. Speaker, on Tuesday, March 9, 1999, the Jersey Shore area lost one of its leading citizens with the passing of Jeremiah F. Regan of Oceanport, NJ. Jerry Regan was one of those individuals who could find time for a seemingly endless list of professional, community, political and religious activities, and yet still devote himself to his family and friends. His contributions will continue to be felt across the community, particularly by our young people to whom he devoted so much time and heartfelt concern.

Mr. Speaker, Jerry Regan's influence was felt throughout New Jersey, as well as here in our nation's capital. Jerry served as campaign director and comptroller for the late Rep. James J. Howard, a Member of this body for nearly a quarter of a century. He had a longstanding involvement in education issues, including his service as New Jersey delegate to the National School Boards Association and represented school boards in New Jersey's Sixth Congressional District on the Federal Relations Network, a public school advocacy effort. He was a member of the Oceanport Board of Education, and adjunct professor at Monmouth College, and an active leader in the Monmouth County and New Jersey school boards associations. He was President of the Executive Board of the New Jersey School Boards Association from 1988 to 1990, and held other senior posts with the Association.

An Army veteran of World War II, Jerry had a long and highly decorated career at Fort Monmouth. He was promoted to the highest civilian level in the Department of Defense. He also served with me and several of my Congressional colleagues past and present on the Save Our Fort Committee.

Jerry also served on the Diocesan Education Advisory Council of the Diocese of Trenton. He was a communicant of St. Michael's Roman Catholic Church in Long Branch, NJ, and was active in the St. Vincent DePaul Society. He was a Scoutmaster for Boy Scout Troop 58 in Oceanport for 12 years. Jerry was also a member of the Oceanport Senior Citizens and the Oceanport Division of the Veterans of Foreign Wars, and he served on the Public Employees Relations Commission.

Born in Skibbereen in County Cork, Ireland, Jerry came to the U.S. in 1932. He became an American citizen while serving in Germany with the Army. Throughout his life, Jerry maintained a strong devotion to both America and Ireland.

My heart goes out to Jerry's wife Marilyn (Pinky) Regan, who has for many years done an absolutely superb job in my campaign office. I also extend my heartfelt condolences to their two sons and three daughters, six grandchildren and other relatives on both sides of the Atlantic.

Mr. Speaker, even if I didn't know Jerry Regan personally, I would be proud to pay tribute to such an outstanding citizen. But, besides working with him on public policy matters, I was proud to call Jerry a friend. His passing leaves a big void in all of our lives, but the memory of his hard work, his generous spirit and his wonderful sense of humor will continue to be an inspiration for me and everyone lucky enough to know Jerry Regan.

A TRIBUTE TO ROBERT OZUNA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DREIER. Mr. Speaker, today I rise to honor Robert Ozuna, a businessman, philanthropist, and friend, who truly lived the American dream. The son of Mexican-American parents, Mr. Ozuna was a self-made success story. He worked his way through school, and started New Bedford Panoramex, a firm that has become an important regional employer and leading supplier of advanced electronics equipment to the FAA and other agencies. Through his career Mr. Ozuna came to be respected by many as a leading entrepreneur, and a supporter of charitable causes through Southern California. Mr. Ozuna's passing on Saturday is a major loss to the community, and he will be missed.

Robert Ozuna was born in Miami, Arizona, the oldest of four children, and he lost his father when he was only about ten years old. After his father's death, Mr. Ozuna's family moved to East Los Angeles, where he began working to help support his mother, brother, and two sisters. Through his years on the job he acquired important business experience, and he both supported himself and paid for his education in electrical engineering.

In 1966 Mr. Ozuna founded New Bedford Panoramex. Under his leadership as CEO for the last 33 years, NBP has grown into a thriving electronics-manufacturing business, a leader in the development and manufacture of electronic communications systems and remote monitoring systems. For his work Mr. Ozuna earned the Air Traffic Control Association Chairman's Citation of Merit Award, and was twice honored with the Department of Transportation's Minority Business Enterprise Award.

Over the years Mr. Ozuna ensured that his community benefitted from his success. He sponsored many philanthropic activities, and was a founding director in the East Los Angeles Sheriff's Youth Athletic Association.

Mr. Speaker, Mr. Ozuna will be missed. I want to take this opportunity to extend my heartfelt condolences to his mother Amelia Ozuna, his sons Steve Ozuna and Jeff Dominelli, his daughters Nancy DeSilva and Lisa Jarrett, his sisters Lillian Gomez and Vera Venegas, his brother Tony Ozuna, and his eight grandchildren.

UPLAND ENTREPRENEUR OZUNA DIES AT 69

(By Joan Kite)

UPLAND.—Robert L. Ozuna, a Mexican-American entrepreneur who turned a garage-based electronics manufacturing business into one of the largest companies in Upland, selling instrument landing systems to the American government, died Saturday. He was 69.

Mr. Ozuna, president and CEO of New Bedford Panoramex Corp., died of cancer at Queen of the Valley Hospital in West Covina, months after his wife died of leukemia, said Mr. Ozuna's daughter-in-law, Gina Ozuna.

"He was a real fighter. He was only given two months to live, but he lasted six months," Gina Ozuna said. "He worked up until the day before he went into the hospital."

That was two weeks ago.

Mr. Ozuna was born to Mexican-American parents in Miami, Ariz.

In 1940, his father died of cancer, and Mr. Ozuna assumed much of the responsibility for his brother and two sisters while his mother worked.

Taking out a second mortgage on his Whittier home, Mr. Ozuna used that money to start his business in 1966. He built that business up and attended community college to learn about electronics engineering.

The business took off. Mr. Ozuna's most important customer was the American government. He flew back and forth from Washington, D.C., hobnobbing with politicians.

At the peak of the company's growth, Mr. Ozuna had about 500 employees working for him at 1037 W. Ninth St.

Mr. Ozuna was married twice. His first wife, Yolanda, died of cancer when Mr. Ozuna's son, Steve, was 8.

Gina Ozuna's husband, Steve, will now take over New Bedford Panoramex Corp.

A humanitarian as well, Mr. Ozuna founded the East Los Angeles Sheriff's Youth Athletic Association, which promotes healthy living and smart choices for about 60,000 young people.

Mr. Ozuna is survived by his mother, Amelia Ozuna; sons Steven Ozuna and Jeff Dominelli; daughters Nancy DeSilva and Lisa Jarrett; sisters Lillian Gomez and Vera Venegas; brother Tony Ozuna; and eight grandchildren.

A memorial service will be noon Friday at St. Gregory's Church, 13935 E. Telegraph Road, Whittier. Interment will follow at Queen of Heaven Cemetery in Rowland heights.

The family requests donations to Make a Wish Foundation, Rancho de Los Niños Orphanage and City of Hope.

NURSING HOME PROTECTION AMENDMENTS OF 1999

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. STUPAK. Mr. Speaker, I rise today in support of H.R. 540, The Nursing Home Resident Protection Amendments. I am an original co-sponsor of this legislation and want to thank Chairman BILIRAKIS and Chairman BLILEY for their support of this measure. In addition, I want to thank Mr. DAVIS of Florida for his hard work as well as the Democratic Ranking Members Mr. DINGELL and Mr. BROWN.

Mr. Speaker, for senior citizens a nursing home is a home. Our Nation's elderly or disabled should not have to worry that they will be evicted from their nursing homes, merely because they are on Medicaid.

This bill will prevent incidents, like the one in Florida, where a nursing home lied to the residents and their families about undertaking renovations as a pretext for evicting their Medicaid residents.

Some of my colleagues have voiced concerns during the markup in committee that since we repealed the Boren amendment, States could readjust their payments to pay nursing homes less than the cost of service. I would be very concerned if this would occur, because the Governors lobbied Congress to repeal the Boren amendment, based on a promise they would not lower rates below reasonable payments. However, I agree with my colleagues that we need to be vigilant in watching whether States lower their Medicaid payments to unreasonable levels and believe we should take action if that occurs. I urge my colleagues to vote for this bill.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 34, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this Journal vote.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 11, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 12

9 a.m.
Judiciary
To hold hearings on President's proposed budget request for fiscal year 2000 for the Department of Justice.
SD–226

MARCH 16

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine education programs for the disadvantaged.
SD–430

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's Risk Management Plan Program of the Clean Air Act.
SD–406

10 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2000 for the Small Business Administration.
SR–428A

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–366

MARCH 17

9 a.m.
Environment and Public Works
Business meeting to consider pending calendar business.
SD–406

9:30 a.m.
Indian Affairs
To hold hearings on S.400, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance.
SR–485

Health, Education, Labor, and Pensions
Business meeting to markup S.326, to improve the access and choice of patients to quality, affordable health care, and to consider pending nominations.
SD–430

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Governmental Affairs
To resume hearings on the future of the Independent Counsel Act.
SH–216

Energy and Natural Resources
Foreign Relations
To hold joint hearings on proposals to expand Iraqi oil for food.
SD–419

10:30 a.m.
Environment and Public Works
To hold hearings on loss of open space and environmental quality.
SD–406

MARCH 18

Time to be announced
Finance To resume hearings to examine spending trends in the Medicare program, the impact on those trends of Medicare savings in the Balanced Budget Act of 1997, and the President's proposed budget request for fiscal year 2000 for Medicare, including the fifteen-percent surplus funding proposal.
SD–215

9:30 a.m.
Environment and Public Works
To resume hearings on loss of open space and environmental quality.
SD–406

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Air Force and Army operating forces.
SH–216

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MARCH 22

1 p.m.
Aging
To hold hearings to examine the quality of care in nursing homes.
SH–216

MARCH 23

9 a.m.
Aging
To hold hearings on a proposal to support family care givers.
SD–106

MARCH 24

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
SR–485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program.
SR–222

APRIL 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the published scandals plaguing the Olympics.

SR–253

Indian Affairs

To hold oversight hearings on the implementation of welfare reform for Indians.

SR–485

APRIL 21

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR–485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Thursday, March 11, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, like the signers of the Declaration of Independence, we pledge to You and to our Nation our lives, our fortunes, and our sacred honor. We confess that it is a lot easier for us to say that than for the 56 men who placed their signatures on that historic liberating document. We reflect thoughtfully that few were long to survive. Five were captured, tortured, and later died. Twelve had their homes ransacked, looted, occupied by enemy soldiers, or burned. Two lost sons in the Army. One had two sons captured. Nine died of hardships. Thomas McKean of Delaware was so harassed that he had to move his family five times and yet served in Congress without pay, his family living in poverty and hiding. Thomas Nelson, Jr. of Virginia committed his own estate to pay back loans of the Government for $2 million and was never paid back. And we remember John Hancock's courage was as large in commitment of his funds as his signature was on the Declaration.

Father, remind us that freedom is not free. May we do our work today with profound gratitude, but it is You we give the praise. Thank You for women and men in every period of our history who really had to give up their lives, offer up their fortunes, and keep their sacred honor with costly patriotism. God, bless America with women and men like that today and start with each of us now. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BROWNBACK. What a beautiful prayer and beautiful way to start the day.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will begin consideration of Senate Concurrent Resolution 5, a concurrent resolution relating to congressional opposition to the unilateral declaration of a Palestinian state. Under the order, there will be 45 minutes for debate on the resolution with time controlled by Senators BROWNBACK and WELLSTONE.

At the conclusion of the debate time, the Senate will resume consideration of S. 280, the education flexibility bill, with the time until 2 p.m. equally divided between the chairman and the ranking member.

At 2 p.m., under a previous order, the Senate will proceed to a stacked series of rollcall votes. The first vote will be on adoption of Senate Concurrent Resolution 5, to be followed by votes on amendments pending to the Ed-Flex bill. The final vote in the sequence will be on the passage of the bill.

Following the stacked series of votes, it may be the leader's intention to begin consideration of Calendar No. 16, S. 257, a bill regarding the deployment of a missile defense system.

I thank my colleagues for their attention.

CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the pending business.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I yield myself such time as I may consume. Under the previous order, I believe there are 45 minutes equally divided between myself and Mr. WELLSTONE on this debate.

At the very start of the Oslo peace process between Israel and the Palestinians, PLO Chairman Yasser Arafat wrote a letter to then Israeli Prime Minister Yitzhak Rabin in which he stated this: "The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides, and declares that all outstanding issues relating to permanent status will be resolved through negotiations." That letter was dated September 9, 1993, and it led to the ceremony on the White House lawn 4 days later that publicly launched the peace process.

Indeed, it was on the basis of the words that Chairman Arafat wrote that Israel agreed to enter into the negotiations. It was on that basis that Israel agreed to cede land and political authority to the Palestinians. It is the most important and fundamental Palestinian commitment, and it undergirds the entire peace process.

And yet it is this very principle that Chairman Arafat now threatens to abandon. Over the past several months he has repeatedly threatened to unilaterally declare a Palestinian state over the entire West Bank and the Gaza Strip, with the eastern part of Jerusalem as its capital.

Mr. President, this issue touches the core of the Israel-Palestinian conflict as the question of the permanent status of the Palestinian entity. What will be its final borders? Will there be limits on its sovereignty? Will it be allowed to have a military, to possess jets and tanks and missiles, to enter into foreign alliances with the likes of Iraq or Iran or Libya? All these questions need to be bilaterally negotiated between Israel and the Palestinians so that Israel's security can be assured.

You can just imagine what happens the day after a unilateral declaration. Palestinian security forces begin patrolling an area that they now consider part of an independent state but that is part of the area that Israel has had security control over. Israel would undoubtedly have to take steps to provide for the safety of its citizens. Tension will mount quickly, leading inevitably—and rapidly—to a quick descent into violence and bloodshed.

And consider for a moment what the Palestinians have already achieved in the peace process. Five years ago at this time, not one Palestinian living in the Gaza Strip or on the West Bank lived under Palestinian civilian authority. Today, 98 percent have their own executive branch, democratically-elected legislature, and courts. They have their own educational system, their own broadcasting authority, their own airport, their own travel documents, their own flag and anthem. They have full control over virtually the entire Gaza Strip and ten percent of the West Bank, including all major population centers, and civilian authority over another seventeen percent. And that is even before the start of final status negotiations. There has been much progress.

So why does Arafat make such a threat? Why jeopardize the entire peace process? On May 4, the five-year period that began with the signing of the first agreement between Israel and the Palestinians ends. It had been hoped that by that point all final status negotiations would have been completed. But it should be noted that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

none of the agreements signed between Israel and the Palestinians—Oslo I, Oslo II, the agreement on redeployment in the city of Hebron, and the Wye River Accord were negotiated by the hoped for date. Still, the negotiators stuck to it until agreements were hammered out. That is exactly what should occur now. The peace process is much too important to be held hostage to an arbitrary date.

Some say that Arafat will back down and not carry out this threat, or that he will postpone the date. I certainly hope that is right. But listen to these words of his closest associate which were spoken as recently as February 22, less than 3 weeks ago. He said,

> We . . . assure the whole world that the establishment of the independent state of Palestine, with holy Jerusalem as its capital, is a sacred and legitimate right of the Palestinian people. It is a goal that our people will not accept to abdicate or to give up no matter what the difficulties.

Palestinian Authority Minister Nabil Shaath said on February 9, "Our position concerning our right to declare a state on the fourth of May has not changed. Any opposition to this right is rejected."

Eleven days later, on February 20, he continued on the same line, stating, "We are moving forward in our preparations for the day, May 4, the date of the declaration of the Palestinian state." A few weeks earlier, in January of this year, he indicated that the declaration of independence would, in his words, "delineate the borders of the Palestinian state as being the borders of June 4, 1967, including all of the West Bank, Gaza Strip, and the part of Jerusalem that was on the Jordanian side of the armistice."

So it is clear that the Palestinians are still considering their options. Chairman Arafat should know, therefore, that the Congress of the United States strongly urges him not to pursue this reckless course, but to live up to his own words and his own fundamental commitment to negotiate this most complicated and important issue bilaterally with Israel. That is the only true path to a final and lasting peace, which is what we all see.

He should know that the Congress of the United States stands strongly in opposition to a unilateral declaration. This resolution expresses that opposition to a unilateral declaration, and it urges the President to make clear to Chairman Arafat that we will not recognize a unilaterally declared state.

We should be very clear on this point. This is a matter of principle. We should not be relieved if Mr. Arafat arises on May 4 and says, "We will postpone this decision until December 31." A unilateral declaration, whenever it would occur, would be wrong. The status of the territories controlled by the Palestinian Authority can only be determined through negotiations with Israel. Period.

We should not pay Mr. Arafat for not doing something which he should not have threatened to do in the first place. We should have only one message: To make a unilateral declaration of statehood is wrong, we will not recognize it, and we urge you not to go forward with it, but instead to return to the process that has gotten us this far to date—the peace process. That is the only course which holds a promise of meeting the legitimate aspirations of the Palestinian people while providing the people of Israel what they have yearned for in the past 50 years: peace with security.

Mr. President, we have a number of speakers on our side, and I know Senator WELLSTONE does as well.

Before I yield the floor, I ask unanimous consent to add Senators KYL, ROBB, ABRAHAM and MOYNIHAN as cosponsors of S. Con. Res. 5. Their names appear to have been inadvertently omitted in the printed RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I reserve the remainder of our time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I shall be relatively brief, and then I will ask Senator WYDEN, who is a cosponsor of this resolution, to really manage the rest of the time for Democrats. He is really the person who has taken the lead in the Senate on this, and he certainly should have the most time to talk about the resolution and the importance of it.

Mr. President, I will make a couple of points. One of them is very much in agreement with my colleague from Kansas, having to do with the importance of the peace process.

First, let me say that I think this resolution, which calls on the Palestinians not to unilaterally declare an independent state, is an important resolution. It is one which I certainly support. I support this resolution because I think that whatever ultimately is decided about whether or not there is or is not an independent Palestinian state, that is to be decided by Israel and the Palestinians. That is a part of the negotiation, part of where this peace process has to go in terms of dealing with these kinds of difficult questions. It would be a tragic mistake for there to be a unilateral declaration of a Palestinian state now. It would be a tragic mistake. I think this resolution really says that in a fairly strong and firm way.

Second of all, let me just say that I did have a chance, in December, to go to Israel with President Clinton. I have been a critic of the President on any number of different issues, especially when it comes to human rights questions. I think the administration's record is very weak. I think the President is trying to do the right thing in the Mideast. I went, in part, because I thought this was a commitment that the President was living up to, which he had made, regarding the Wye River agreement.

It was a very moving trip. I thought it was especially significant. I am convinced that the historians will write about what happened in Gaza when the Palestinian National Council went on record voting to revoke that part of their charter that called for the destruction of Israel. That can only be a step forward. It was very moving to be there when that vote took place. I just think that it raised the benchmark in terms of where we are going in the peace process. I thought it was a terribly important step that was taken.

Now we really wait to see what will happen in Israel. There are key elections. It is my hope that both Israel and the Palestinians will live up to a commitment that I think is so important to people all over the world. If there is not some political settlement, if there is not some resolution of this conflict, I fear that Israeli children and Palestinian children will be killing each other for generations to come.

My final point is that I would like to make this a part of the Senate record, and that is why I wanted to speak briefly about this. I do not believe that our support for this resolution should be construed as the U.S. Senate taking a one-sided point of view. I think we should be evenhanded. I think the role of our Government is to encourage both parties to be committed to this peace process.

I think the role of the U.S. Government is to have credibility with both parties and to simply say that this really is the only step that can be taken, and the only step that can be taken is a political settlement.

So let me just make it clear, as ranking minority member of this committee, that this resolution is a terribly important resolution. I thank my colleagues for their leadership on this question, but I also want to make it clear that I believe it is important for the U.S. Senate to maintain an evenhanded approach and to do everything we can to encourage this peace process to go forward, to do everything we can to encourage both parties to be a part of this peace process. And I believe that is what this resolution does.

I will reserve the remainder of the time on our side. I will ask my colleague, Senator WYDEN from Oregon, to please manage this bill forthwith.

I ask unanimous consent that John Bradshaw, a fellow in my office, be allowed to be on the floor of the Senate for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I rise today in strong support of S. Con. Res. 5 expressing congressional opposition to the unilateral declaration of a Palestinian state. Yasser Arafat and other senior Palestinian leaders repeatedly have threatened to declare a Palestinian state on May 4, the original deadline for completion of the Oslo peace process. Along with other difficult issues such as the status of Jerusalem, refugees, and water rights, the issue of a Palestinian state should be determined in "final status" negotiations between Israel and the Palestinians.

Recognizing the security threat posed to Israel from a self-contained Palestinian entity, President Reagan wisely enunciated the U.S. policy of opposing the creation of a Palestinian state. Behind President Reagan's policy on Palestinian statehood was his correct understanding that Israel, to ensure its own security, must be able to determine how and in what form a Palestinian state comes to exist. The Reagan policy has endured since 1982 and has served the interests of the United States, Israel, and all other earnest supporters of peace in the Middle East.

But the winds of change have been blowing in the past year. The First Lady was quoted in *The New York Times* in May 1998 as stating that "it will be in the long-term interest of the Middle East for Palestine to be a state" (May 7, 1988, *New York Times*). President Clinton's trip to Gaza last December added a great deal of momentum to Palestinian statehood.

In other parts of the world, implicit policy shifts and diplomatic overtures may pass without much notice. But we have to remember that Israel is in one of the most dangerous and unstable regions of the world. In the Middle East, our actions as Israel's strongest ally have greater implications. That is all the more reason why our diplomacy in the peace process and the Near East generally must exercise foresight, discretion, and firmness.

Since the beginning of the Oslo process in 1993, Israel has lost more than 280 of its citizens to terrorist violence (a portion of the Israeli population comparable to 15,000 Americans) in over 1,000 terrorist attacks. That death toll is worse than in the 15 years prior to Oslo. Rather than eradicate terrorist infrastructure in Palestinian territory, the Palestinian Authority apparently has maintained its revolving door policy in detaining terrorists. Over 20 prominent terrorists have been released since President Clinton's visit to Gaza in December 1998. The Israeli Government reports that at least 12 wanted fugitives, including several who have killed American and Israeli citizens, are known to be serving in the Palestinian police.

At times, Mr. Arafat has threatened to cross out the peace accords and unleash a new uprising against Israel. He has described the peace accords as a temporary truce. The Palestinian Authority's official media arm, the Palestinian Broadcasting Corporation, consistently broadcasts incitement against Israel, including a children's program where martyrdom as "suicide warriors" is glorified. Mr. Arafat has not been helpful in resolving Israeli MIA cases, including the case of Zachary Baumel, missing since 1982.

This is not the behavior of a responsible partner in the sear for peace. The United States should be demanding full accountability for these violations of the Oslo Accord.

Too often, we have been seen as pressuring our friends and rewarding those who undermine the peace process, both in our dealings with the Palestinian Authority and our diplomacy throughout the Middle East.

Palestinian Violations of the Wye Accord: In spite of Palestinian violations of the Wye Accord, the latest agreement in the peace process, State Department spokesman James Rubin said Palestinian leaders had "worked hard" to fulfill their commitments. Rubin then emphasized "It is the Israelis who have not fulfilled any of their Phase Two obligations by failing to pull back the further redeployment as required by Phase Two" (January 6, 1999).

Iran poses a military and terrorist threat to Israel: Iran's ballistic missile and weapons of mass destruction programs are a direct threat to Israel. The Senate passed the Iran Missile Proliferation Sanctions Act (H.R. 2709) to sanction missile proliferation to Iran by a 90–4 vote last year, but the President vetoed the legislation. Iran supports terrorist groups which have killed Americans and Israelis, yet the Administration waived sanctions last year under the Iran-Libya Sanctions Act designed to restrict billions of dollars in foreign investment in Iran's oil and gas fields—dollars which will fund Iran's support of the enemies of peace in the Middle East.

Lack of U.S. Leadership in Iraq: Saddam Hussein is the chief terrorist of a terrorist government committed to the destruction of Israel. The Iraqi president has provided nothing but provocation for over a year and international support for the sanctions regime is eroding. An inconsistent Administration policy on Iraq over the last five years has undermined our efforts to bring about a change of government in Baghdad.

Syria continues to harbor Hezbollah terrorists: Syria provides safe haven to Hezbollah terrorists which wage an almost constant low-grade war with Israel. Hezbollah killed four Israelis in southern Lebanon on February 28, including a Brigadier General, the highest ranking Israeli officer to be killed in Lebanon in 17 years. I have sponsored legislation to sanction the Syrian Government for its support of terrorism, but the Asdministration has opposed the bill for the past 2 years.

As Israel faces each of these threats, it must determine finally what steps in the peace process preserve and enhance its security. American policy has been most successful in the region when it has respected this fact. A unilateral declaration of a Palestinan state undoubtedly would upset futures peace talks and introduce a destablizing element into Middle Eastern politics. The Administration has said it opposes unilateral acts by either side in the peace process, but neutral statements are not good enough when it comes to supporting a friend like Israel in a dangerous region. Our leadership must be more consistent and forthright in opposition to the unilateral declaration of a Palestinian state.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. Seventeen minutes 33 seconds.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am going to speak for a few minutes, and then I am going to yield some of our time to the Senator from New Jersey, the cosponsor of this resolution who has very strong feelings on this matter as well. We appreciate him coming over, as well, this morning.

Mr. President, a unilateral declaration of Palestinian statehood is irresponsible political brinksmanship, a provocative act that literally dares the State of Israel to respond, and it directly contravenes the spirit of the historic Oslo accords.

Six years ago, at those accords, the Israeli and Palestinian people took significant steps toward achieving peace and stability in the Middle East. Together there was a commitment to work and cooperate to produce a lasting peace through open and honest negotiations.

Despite that very promising beginning, the peace process is now on dangerously thin ice. The greatest risk to stability in the Middle East today is a repeated threat by Palestinian leaders to unilaterally declare statehood once the historic Oslo accords expire on May 4. Not only would such a declaration run counter to the spirit of the accords, but it would truly send a chilling message to all those who want meaningful peace in the Middle East.

That meaningful peace is why Senator BROWNBACK and I in our bipartisan resolution today have garnered the support of 95 Members of the U.S. Senate to stand in strong opposition to a unilateral declaration of a Palestinian state. We believe that step would constitute an ill-conceived plan that would truly short-circuit the peace process. It would be bad news to all those who value stability in the Middle East.

The question of achieving Palestinian statehood while maintaining Israel's security lies at the heart of the conflict between Israel and the Palestinian people. It is not going to be resolved overnight with a press release. It is going to take careful face-to-face negotiations and real commitment from both sides.

Both Israeli and Palestinian leaders made a commitment in the Oslo accords to go forward with the negotiated process. Chairman Arafat said so himself in a letter to Prime Minister Rabin in 1993. In his own words, he said, "All outstanding issues relating to permanent status will be resolved through negotiations." He needs to be held to this promise. Israel has held up its end of the bargain. Mr. Arafat must do the same.

A rash move such as unilateral declaration would derail these negotiations and risk a dangerous escalation of this conflict. This sheer defiance of both the Oslo accords and the peace process would be the diplomatic equivalent of drawing a line in the sand, which invites a response and a potential escalation of this conflict.

On the playground, fights begin when the schoolyard bully balances a stick on his shoulder and dares someone to knock it off. A unilateral declaration of statehood employs the same kind of school-yard bullying—it dares the State of Israel to respond. And when Israel does respond by taking reasonable and necessary steps to ensure its security, these actions would be used as an excuse to further escalate this conflict.

How long would it be before we have Israeli defense forces and Palestinian militiamen standing eyeball to eyeball across the disputed border waiting for the other to blink, if there is a unilateral declaration of statehood?

How long before tensions rise so high that the smallest spark ignites more violence?

How long before we are faced again with the disturbing images where both Palestinian and Israeli mothers are shown mourning their children slain in some senseless act of violence?

The people of the Middle East have been down that road before. They have tried the old ways in resolving conflict through violence and bloodshed. Now they want the opportunity to use peaceful negotiation to resolve their differences. Let us not sabotage the prospect of peaceful resolution with a unilateral declaration. The Oslo peace process is a valuable opportunity to begin healing centuries-old wounds. A unilateral declaration of statehood would only reopen those old wounds and eventually lead to yet more bloodshed.

No one wants to see diplomats being replaced by armed soldiers. No one wants to see open dialog give way to angry threats. The peace process will be far better served by an open hand extended in friendship than by a fist clenched in anger.

Mr. President, the resolution that we will be voting on today is vitally important to keep the peace process moving forward. With overwhelming bipartisan support in the Senate, we have the opportunity to send a clear, unequivocal message that we stand united in our opposition to a unilateral declaration of statehood. This resolution will hopefully make Palestinian leaders think twice about scrapping the peace process.

I am pleased that the President of the United States indicated his opposition to a unilateral declaration of statehood. The reason so many Members of the Senate join us today in this bipartisan resolution is we wish to drive this message home even further.

The President is going to be meeting with Chairman Arafat in several weeks to discuss this important issue. By the Senate making this unequivocal assertion this morning, we can strengthen his hand as he goes forward using the Oslo peace process to make sure that there are no end runs around the critically needed negotiations.

I am optimistic that a peaceful resolution can be found in the Middle East. Last month, Israeli and Palestinian authorities committed themselves to try to change the images they have of each other and to break through the mistrust that has divided them for so long.

They decided to exchange columns in each other's newspapers and to hold joint briefings for Israeli and Palestinian journalists. These are positive steps toward peace, and I'm hopeful to see more of this kind of cooperation in the Middle East.

But even an incurable optimist like me knows that it would be difficult to take further positive steps after a bad-faith attempt to unilaterally declare independence.

Palestinian statehood is a complex issue that must be dealt with carefully. It cannot be resolved through force or fiat. The prospect of peace in the Middle East is just too important to risk in a game of political chicken. If the Palestinian leadership is truly serious about peace, they will abandon the prospect of unilateral statehood.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I am very proud to join with Senator BROWNBACK, Senator WYDEN, and my other colleagues in offering this resolution. I strongly support S. Con. Res. 5 and urge all of my colleagues in the Senate to adopt it.

S. Con. Res. 5 states not only our opposition to a unilateral declaration of a Palestinian state; it also urges the President of the United States to make very clear the opposition of this Government to such a unilateral action.

It is fair to state that the peace process in the Middle East has reached a critical point. Since the signing of the Wye River agreement, there has in truth been little progress. Some predicted that with the passage of the January 29 implementation date, the agreement might fail. All parties have a common interest that the Wye Plantation agreement not fail because the consequences would be enormous. The arguments for success remain overwhelming.

First, only implementation of the agreement will allow the parties to move to talks on final status, and only talks on final status hold the promise of ending this decades-old dispute.

Second, only implementation of the agreement will allow the parties to build on the basic elements of trust and confidence that are required for any complete and final agreement.

And finally, only a successful agreement will contribute to stability in the region, and bring an end to the use of the Palestinian dispute to fuel other conflicts.

Fifty years of negotiating for greater peace in the Middle East has taught us one lesson, peace requires both words and deeds. Any deed that runs contrary to written agreements has enormous consequences.

We have also learned through these 50 years that progress may be unsteady, but it is certain. It has been a very long road from Golan disengagement of the Syrians, to a Sinai agreement, to Egyptian peace, to the Wye Plantation, following Oslo. There were moments when it appeared it might come to an end, but it has been continuous. The process does work, and it yields results. Abandoning the peace process now by a unilateral declaration of Palestinian statehood runs contrary to everything we have learned. It is contrary not only to the interests of the peace process of Israel and the United States, but ironically, in the long term contrary to the interests of the Palestinians themselves.

I believe the consequences would be enormous: The destabilization of the peace process would perhaps be irrevocable; second, the declaration is almost certain to lead to renewed bloodshed and frustration—people would believe the peace process would never be resumed. And, third, tragically, it may damage the interests of the U.S. Government in the supplemental aid package that is part of the Wye River agreement, and the hope of economic progress on the West Bank and Gaza so the Palestinian people themselves believe there is a dividend in the peace process and their quality of life. It would be extremely difficult to return to the Congress and argue for that supplemental aid package, including funds for the Palestinians, if the peace process has been abandoned and a Palestinian state unilaterally declared.

Mr. President, both parties committed themselves to a continuous bilateral process of negotiation. In September 1993, Yasser Arafat said to then-Prime Minister Rabin, "All outstanding issues relating to permanent status will be resolved through negotiations." That was not a simple statement of fact. It was a promise. It is on that promise that Israel entered into the Wye agreement. It is on that promise that the United States has lent its good offices. It is on that basis that Israel recognized the Palestinian Liberation Organization and began these negotiations.

A unilateral act by the Palestinians on statehood would undermine this process perhaps irrevocably. I urge my colleagues' support of this resolution.

Just as importantly, I urge Chairman Arafat to consider these consequences. Whatever frustration he may feel, whatever disappointment they all feel that the deadline of January 29 has passed, I urge Chairman Arafat to remember that while progress has been unsteady, it has continued. This process will go forward. Do not abandon it. The Israeli elections may have caused a delay, but a new Israeli Government will remain committed to the peace process no matter who is elected. Reject the advice of abandoning peace. Reject the temptation of a unilateral declaration of statehood. Await the outcome of the Israeli elections and then let us return to the only peace process that guarantees the Israeli and the Palestinian people final determination through permanent status talks.

That is the process that is now before us. I thank my colleagues for offering this resolution. I thank Senator WYDEN for yielding me time.

I reserve the remainder of my time.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, could I inquire how much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes 6 seconds.

Mr. DEWINE. Mr. President, I rise today in strong support of this concurrent resolution, S. Con. Res. 5. This resolution expresses the strong disapproval of the U.S. Senate to any proposed or contemplated Palestinian state that is created, not through negotiation, but rather through unilateral declaration on the part of the Palestinian Authority.

I strongly support and have cosponsored this resolution because I believe in the Middle East process. Brave Israeli leaders have taken great risks for peace. So have Arab leaders. And so, importantly, have the people of the Middle East. I believe this process still offers the most promising approach for an enduring peace in the region.

Palestinian Chairman Arafat made a fundamental commitment at Oslo that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations." I am here on the Senate floor today to call for a reassertion of that very policy. To move away from the Oslo process and take refuge in unilateralism would put the whole region at risk of destabilization. That is simply the wrong direction. I do not believe that a lasting peace can be built on the basis of unilateral declarations. Negotiations remain the single best way to secure the two pillars of a secure peace—addressing Israel's security concerns and creating a sustainable framework for preserving the human rights and political self-determination of the Palestinians.

The American people want security for Israel in the context of human rights for Palestinians. A unilateral declaration of independence by the Palestinian Authority would only delay the fulfillment of these goals. So I am proud to join my colleagues today in supporting this very important resolution.

Mr. LEVIN. Mr. President, I rise today to voice my support for Senate Concurrent Resolution 5 and announce my opposition to the unilateral declaration of a Palestinian state.

Palestinian statehood is an issue that has been left to be resolved between Israel and the Palestinians during permanent status negotiations. Nevertheless, Chairman Yasser Arafat has stated on a number of occasions his intention to declare a Palestinian state on May 4, 1999. This action would seriously undermine the continuation of the Oslo peace process. Prime Minister Binyamin Netanyahu has stated publicly that he would respond to such a unilateral declaration by annexing parts of the West Bank. Such a chain of events would surely mark a major setback and probably the end of the peace process.

In his September 9, 1993 letter to the late Prime Minister Yitzhak Rabin, Chairman Arafat writes that "all outstanding issues will be resolved through negotiations." The unilateral declaration of a Palestinian state would clearly violate this commitment as well as the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip which was signed in Washington, D.C. on September 28, 1995. The agreement states that it is the understanding of the parties involved that permanent status negotiations "shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest" and further that "neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

Mr. President, this resolution puts the U.S. Senate on record as opposing the unilateral declaration of Palestinian statehood. It is a statement, in my mind, in support of the peace process and the continuation of negotiations between the Palestinians and the Israelis. Negotiation and mutual agreement are the only way a true and lasting peace can be reached in the Middle East. While a Palestinian state may indeed become a reality at some point in the future, it is my hope that any such entity would be born from the direct negotiations of the Israeli and Palestinian people and not a unilateral declaration.

Mr. MACK. Mr. President, a unilateral statehood declaration by chairman Arafat would constitute a gross violation of the Oslo accords, in effect ending the peace process. And any state that he might declare, outside of the peace process, would be illegitimate, irresponsible, and wrong.

I am pleased to see this initiative has been cosponsored by 90 Senators as of this morning. But we must realize that this show of support grows from a very deep and heartfelt concern. We want peace to succeed, but Chairman Arafat's threat to unilaterally declare a state clearly threatens peace.

Mr. President, last week in a statement on the Senate floor, I asked how can peace be reached while the Palestinian leadership teaches children to hate. Today I ask, how can peace be reached when the Palestinian leadership threatens to unilaterally impose a final status.

I rise today to oppose this threat to the peace process. I hope the President will join us in making this statement to Chairman Arafat.

Mr. LEAHY. Mr. President, S. Con. Res. 5 expresses congressional opposition to a unilateral declaration of a Palestinian state and urges President Clinton to unequivocally assert United States opposition to such a declaration. I agree with the sponsors of this resolution that it would be extremely unwise for the Palestinian Authority to take such a provocative and destabilizing step.

In open forums and behind closed doors the administration has expressed repeatedly its opposition to any unilateral action by either Palestinians or Israelis which would predetermine issues reserved for final status negotiations. There is no doubt that the United States firmly opposes a unilateral declaration of a Palestinian state.

Such a declaration would be a violation of the principles contained in the Oslo Accords, and it could imperil the hard won but fragile agreement reached at Wye River. At the signing of the Wye River Memorandum, the late King Hussein said, "we are not marking time, we are moving in the right direction." A unilateral declaration of a

Palestinian state would throw the entire process into reverse. It would be a serious mistake.

So I support S. Con. Res. 5 as far as it goes. Unfortunately, it does not reflect the inescapable fact that there are two sides to the Middle East Conflict. Just as the Palestinian Authority has fallen short in its implementation of its Oslo commitments, so have some Israeli Government actions exacerbated the condition which have caused some Palestinians to demand that the issue of statehood be resolved outside the scope of the Oslo process. Many have lost the hope that was kindled by the handshake between Prime Minister Rabin and Chairman Arafat on the White House lawn in 1995. Had the resolution been better written or balanced I could have co-sponsored it.

Despite these setbacks, the administration has played a key role in keeping the peace process alive. Congress has been asked to provide over a billion dollars in new funding to support implementation of the Wye River Memorandum. This is funding that we are very hard-pressed to find, but lasting peace in the Middle East is in the strong interest of the United States. Just as we are doing our utmost to bring the parties together, they need to demonstrate that they are fulfilling their commitments. They must both refrain from taking provocative, unilateral actions that would jeopardize the prospects for peace and they must both be willing to take the necessary risks to ensure a safe and prosperous future for their people.

Mr. FITZGERALD. Mr. President, I rise today as an original cosponsor of S. Con. Res. 5, a resolution expressing opposition to a unilateral declaration of a Palestinian state. I am proud to join my colleagues in supporting this resolution

We cannot allow the work of the past several years to be swept away by unilateral acts such as that threatened by Yasser Arafat. President Arafat has threatened to declare a Palestinian state by May 4, 1999 if there is no further progress in the Peace Process.

Mr. President, this act, in defiance of the Oslo Peace agreements signed by the late Prime Minister Yitzhak Rabin and Mr. Arafat, can only destabilize the region. It would no doubt precipitate further acts and the entire Peace Process, as precarious as it is, could be shattered.

The only true path to peace is through negotiation with Israel. There is no other way to achieve a satisfactory conclusion to this 100-year conflict. With the passage of this resolution Congress sends the message that if Yasser Arafat declares a Palestinian state on May 4, the United States should not recognize the validity of the declaration and Congress will strongly oppose it.

Mr. President, if there is to be peace between Israel and the Palestinians, it will be accomplished through peaceful negotiations between the two parties, not through unilateral acts.

Mr. BOND. Mr. President, I rise to offer my strong support to the resolution. For a long time now, the Palestinians and the Israelis have been negotiating a peace, based on compromise and a vision of peaceful coexistence.

These negotiations have been difficult, for both sides. But, they have progressed steadily toward an extraordinary agreement. One which could be a model for all the world to marvel.

A unilateral declaration by Chairman Arafat would destroy the advances he has made for his people in their quest for peaceful political and geographic autonomy. It is provocative, and it goes against every tenet of every accord to which he has affixed his signature. It would destroy any goodwill he has developed in this body because of his good faith negotiation with the Israeli Government.

I am proud that this body has the courage to stand up and voice its opposition to any unilateral moves by Mr. Arafat. I hope that he can see through the political fog he has created by floating this situation, which was made obviously in an effort to pander to radical elements.

As an original cosponsor of this resolution, I call upon all my colleagues to send a clear message that we could not accept such a declaration.

Mr. BYRD. Mr. President, I have no doubt that S. Con. Res. 5 is a well-intentioned effort by the members of this body to express their opposition to any unilateral declaration of statehood by the Palestinians. I support that position—such a reckless action on the part of the Palestinians would be disastrous to the Middle East peace process—but I cannot support this resolution. It is, in my opinion, ill-timed and unnecessary.

The Administration has made clear its opposition to any unilateral action that would preempt the negotiations between Israel and the Palestinian Authority. But the Palestinians are not the only players in this drama. The Israelis are also partners in the peace process, and have an equal stake in refraining from provocative and destabilizing actions. This resolution, however, does not address the responsibilities of the Israelis.

If Yasser Arafat has not yet gotten the message that the United States is opposed to a unilateral declaration of statehood, this non-binding resolution is not sufficient to drive the point home. But it contains the kind of rhetoric that could be used by those who wish to further disrupt the peace process. Given the tensions inherent in the efforts to negotiate a peaceful settlement between the Israelis and the Palestinians, the Congress should not take up what amounts to little more than a self-serving resolution that may do more harm than good.

If the United States Congress wishes to make a meaningful contribution to the Middle East peace process, we should, first, keep pressure on both sides to negotiate in good faith and to avoid provocative words or actions, and second, we should act promptly when the Administration sends to Congress its request for supplemental appropriations to implement the Wye River peace agreement. In this way, we can demonstrate our commitment to peace in the Middle East without adding fuel to an already incendiary situation.

Mr. KYL. Mr. President, I rise to express my support for Senator BROWNBACK'S legislation, Senate Concurrent Resolution 5, regarding the unilateral declaration of a Palestinian state. As an original cosponsor of this legislation, I believe it is important for the Senate to indicate its opposition to any unilateral declaration of statehood by the Palestinian Authority before Chairman Yasser Arafat's visit to the United States to meet with President Clinton.

The legislation underscores three important points:

First, the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority.

Second, any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.

Third, the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian state making clear that a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

As we all know from reading the newspapers, this legislation is directed toward those Palestinians, including Chairman Yasser Arafat, who have made statements about the possibility of issuing a unilateral declaration on or about May 4 of this year. Last month a top Palestinian official said, "We are moving forward in our preparation for the day, May 4th, the date of the declaration of the Palestinian state that would encompass a portion of Jerusalem. The cabinet announced that "At the end of the interim period [the Palestinian Authority] shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state."

On several occasions over the past year, the Clinton administration has refused to express U.S. opposition to the unilateral declaration of an independent Palestinian state, and has left it an open question as to whether the United States will recognize a unilaterally declared Palestinian state. As an example, his intention to establish a Palestinian state with its capital in Jerusalem. Unfortunately, the President may have only encouraged this course when he said: "[T]he Palestinian people and their elected representatives now have a chance to determine their own destiny on their own land."

This legislation is intended to set the record straight. Despite the President's ambiguous statements, there should be no confusion among the Palestinian leadership about where the United States Congress stands on the issue of a unilateral declaration of statehood.

Mr. President, this matter brings to the fore another issue in which the administration's mixed signals and inconsistent policy in the Middle East has enabled false hopes and fantasy to flourish. I am referring to the policy of the United States regarding the status of Jerusalem.

With support from 90 percent of the members in both Houses, in 1995, Congress passed the Jerusalem Embassy Relocation Act, the principle feature of which was the requirement to establish an American embassy in Jerusalem no later than May 31, 1999. Another key element of the legislation, which the administration has repeatedly refused to acknowledge, is the statement of U.S. policy regarding Jerusalem. The legislation states: "It is the policy of the United States that Jerusalem is the capital of Israel." Despite that the legislation is now law, the Clinton State Department has repeatedly refused to acknowledge this policy.

So, with the acquiescence of the Clinton administration, the Palestinian Authority has chosen to ignore American law and continues to hold out hope that the United States will recognize Jerusalem as the capital of a Palestinian state, perhaps even the capital of a state established unilaterally.

This will not happen.

The United States Congress has a clear policy regarding Jerusalem. Today, we are stating our position regarding the unilateral establishment of a Palestinian state. While the administration's policies are confusing, ambiguous statements of general support for everything on the table, the Congress is clear and direct. No unilateral declaration. No Palestinian sovereignty over Jerusalem.

I commend Senator BROWNBACK and my colleague from Arizona, MATT SALMON, who is the principal sponsor of this legislation in the House of Representatives.

Mr. KENNEDY. Mr. President, I strongly support this resolution, and I urge the Senate to approve it. I oppose the unilateral declaration of an independent Palestinian state. Such a provocative action would violate the letter and the spirit of the peace process in the Middle East, and could well be an irreparable blow to that process.

The issue of an independent state is clearly one of the most critical issues in the peace process, and just as clearly, it is an issue that must be negotiated by the parties themselves.

I hope very much that Chairman Arafat will be successful in resisting the pressure he is under to take this irresponsible action. The peace process is too important, and the parties have come too far, to allow this to happen.

It is very important for all of us in the United States who care about peace in the Middle East to make our views clear on this fundamental issue. I commend the Senate leadership of both parties for enabling the Senate to go on record today in strong opposition to any such unilateral declaration.

Mr. BIDEN. Mr. President, when the Prime Minister of Israel, the late Yitzhak Rabin, and the Chairman of the Palestine Liberation Organization, Yasser Arafat, signed the Declaration of Principles on September 13, 1993, they each made a commitment to put nearly a century of conflict behind them and agreed to settle their differences through negotiation.

Since then, the process they set into motion has had its ups and downs. Many innocent lives have been lost at the hands of those opposed to peace and reconciliation. But progress has been sustained because both sides have ultimately demonstrated a willingness to resolve their disputes at the bargaining table.

Were Chairman Arafat now to take the unilateral step of declaring a Palestinian state, I fear that it would threaten the progress that has been made over the past 6 years.

The Declaration of Principles stipulates that the toughest issues—Jerusalem, refugees, settlements, borders—are to be resolved by permanent status negotiations. It is dangerous to argue that the end of the interim period on May 4 gives either side the right to decide an issue that both sides agreed to negotiate.

Any action or proclamation by either side that prejudges the outcome of negotiations can only hurt the cause of peace. it invites the other side to respond in-kind, and it serves only to delay a lasting peace settlement.

Mr. President, last August, I had the opportunity to meet with the Chairman Arafat and Prime Minister Netanyahu. At the request of President Clinton, I discussed with them some of the key issues in dispute.

Contrary to what many were saying at the time, I found both leaders to be committed to the peace process. Not many believed that these two individuals would overcome the profound differences over territory and security that were holding up an agreement on the second redeployment. With the Wye River Memorandum, both leaders proved that negotiations can resolve disputes, if both sides share the same goal.

It is in that spirit that I trust that the Palestinian leadership will not proceed with a unilateral declaration of statehood.

I am confident that they will realize that their aspirations can best be realized through a commitment to the principles of negotiation.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. I yield time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is my expectation—and really prediction—that this resolution will pass the U.S. Senate by overwhelming numbers and that it should be heeded by any of those who wish to have a unilateral declaration of a Palestinian state. My colleagues have already articulated the point that Chairman Arafat has made a commitment to determine issues such as the Palestinian state by negotiations, and we would expect that commitment to be preserved. There are very delicate matters involving Israel and the Palestinian Authority with respect to withdrawals, and there are major risks in ceding as much real estate, as much ground, as much territory as Israel has ceded to the Palestinians.

There is an element of great emotionalism, over and above the issue of security. I recall the famous handshake on the White House lawn on September 13, 1993, with the expectation of working out a permanent peace in the Middle East.

In December of 1993 I had occasion to travel with a congressional delegation and visited Egypt. President Mubarak arranged a meeting with Chairman Arafat at that time, where he renewed his pledges to live by the Oslo accord.

A few weeks later I was in Israel, in Jericho, and found for sale at the roadside stands, flags of the Palestinian state. The ink was barely dry on the Oslo accords and the handshakes were barely unclasped on the White House lawn before people were talking about a Palestinian state and there was, in fact, the Palestinian flag.

I recall visiting in Amman, Jordan, in the mid-1980s, awaiting a meeting with King Hussein and looking at a map of the Mideast. Where I expected to see the designation of "Israel," there was the designation of "Palestine." I mentioned that to King Hussein, the leader of Jordan, and had the comment that "it was an old map." Well, maps can be redrawn. But for years the State of Israel was not recognized in the Arab world. Instead of having "Israel," which had control of the land and was the sovereign controlling that land, "Palestine" was still noted on the maps.

There is also the issue of a very substantial appropriation which is being sought from the Congress of the United

States. I am not saying that appropriation would be conditioned on the Palestinian Authority abiding by the terms of the Oslo accord with respect to settling the declaration of a Palestinian state by negotiations, but certainly it would be in mind, it would be a factor to be considered, with many, many others.

So, in sum total, there is much to recommend restraint by the Palestinian Authority and to leave this issue, as to whether there will be a declaration or not, to final status negotiations in accordance with the terms of the Oslo accord.

I thank the Chair and thank my colleague from Ohio for yielding the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, Senator LAUTENBERG, the Senator from New Jersey, is interested in speaking on this as well. He is not here at this time.

I ask unanimous consent that the remainder of our time be allowed to go to Senator LAUTENBERG. I believe it is just under 5 minutes. It is my understanding there will be a vote on this measure at 2 o'clock or sometime in that time vicinity, so he would have to get here, obviously, fairly soon. But I ask unanimous consent the remainder of our time be allocated to Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I understand there is a unanimous consent agreement that says I should be permitted to use the remainder of the time on this side.

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I rise in support of this resolution, of which I am an original cosponsor, opposing Palestinian statehood as a unilateral declaration. We need to send an unequivocal signal of the Senate's opposition to any unilateral declaration of Palestinian statehood.

I know the players here very well. I knew Israeli Prime Minister Rabin. I considered him a close friend. I had a lot of contact with him over a period of more than 20 years. I got to know Chairman Arafat when he came to Washington, and I have seen him in Jericho. I have seen him here several times; I have seen him in New York. When they got together, shook hands, and signed the Declaration of Principles that was negotiated in Oslo, it was a tremendous historical moment.

The Oslo accords set in motion a process to end violence and bring peace to this troubled region. Despite obstacles and delays, Israel and the Palestinians have come a long way down the road to a better future. Last year, with the peace process stalled, President Clinton brought together Prime Minister Netanyahu and Chairman Arafat for intensive discussion on a plan that would achieve further progress in implementing the Oslo accord. With the help of a good friend to the United States, to Israel, and to the Palestinians—King Hussein of Jordan—President Clinton convinced the parties to sign the Wye River agreement.

Both Israel and the Palestinians implemented their commitments in the first phase of the Wye memorandum. Unfortunately, the process remains stalled there, though important cooperation between Israeli and Palestinian representatives continues.

President Clinton has rightly urged the parties to respect and implement the Wye memorandum, despite the pending election in Israel. Prospects for further implementation are good, in my view, even if this is not happening right now.

The point is that, on the whole, the Oslo framework is still intact. Final status negotiations to resolve the most challenging issues should begin within a matter of months. In that context, the resolution we are considering today makes a vital point. The Palestinians must not jeopardize the peace process by unilaterally declaring statehood, as Chairman Arafat and other Palestinian leaders have suggested. By adopting this resolution, we send an unequivocal message that, certainly as far as the Congress is concerned, the United States would not recognize a unilateral statehood declaration and would instead condemn it as a violation of the Oslo accords.

Mr. President, this resolution represents our strong commitment to a negotiated peace in the Middle East. I, on a personal basis, look forward to the fact that one day they will put aside violence there and they will get along. It is a necessity; this is not a matter of choice. I welcome the overwhelming support that is indicated for this message on the part of my colleagues, that no unilateral declaration of statehood will receive the support or the encouragement of the United States.

With that, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I think this is a terribly important issue in that we understand that the bottom line is that threats undermine the peace process. It is that simple. Autonomy has to be determined through the process of negotiations. We are not talking about statehood. I applaud all of the Members who have joined in cosponsoring this resolution. I hope it will be passed unanimously by the U.S. Senate.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Jeffords (for Lott) modified amendment No. 60 (to amendment No. 31), to express the sense of the Senate regarding flexibility to use certain Federal education funds to carry out part B of the Individuals with Disabilities Education Act, and to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Feinstein/Dorgan/Bingaman amendment No. 61 (to amendment No. 31), to assist local educational agencies to help all students achieve State achievement standards, and to end the practice of social promotion.

Wellstone amendment No. 62 (to amendment No. 31), to provide for local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and postsecondary consortia.

Bingaman amendment No. 63 (to amendment No. 31), to provide for a national school dropout prevention program.

Bingaman (for Murray/Kennedy) amendment No. 64 (to amendment No. 31), authorizing funds for fiscal years 2000 through 2005 to provide for class-size reduction in the early grades and to provide for the hiring of additional qualified teachers.

Bingaman (for Boxer) amendment No. 65 (to amendment No. 31), to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

Jeffords (for Lott) amendment No. 66 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Jeffords (for Lott) amendment No. 67 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Jeffords (for Lott) amendment No. 68 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act, and to amend the Individuals with Disabilities Education Act with respect to alternative educational settings.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, under the previous order, I yield myself 10 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TORRICELLI. Mr. President, there is understandably much discussion in our country about the ways and means to continue the rather extraordinary economic prosperity that has been visited upon our generation. Theories abound about how to maintain this economic growth that is providing employment, a growing Federal surplus, and a rising quality of life in America.

It is one thing upon which I suspect we can all agree, as we think about continuing the current economic expansion, that this prosperity is built upon a foundation of quality education. Indeed, I would argue that it is the investment of our parents' generation in quality schools, rising standards of excellence, attraction of good teachers, 30 and 40 years ago, that we are now reaping in dividends of prosperity. There is no question that in those years our parents understood that the security of our Nation and our prosperity would be no stronger than the investment we made in education.

I believe that as our parents recognized the opportunity and made the investment and that investment yielded these dividends, the problems of American education now stand like a dagger at the heart of our economy. Too many of our children are now attending schools that would be a source of embarrassment for any Member of this institution. I have visited schools across New Jersey where children meet in hallways, in gymnasiums, because there are no longer classes available. The very schools that our parents provided for us that helped build this prosperity are crumbling around our feet.

The GAO has reported that one-third of all schools in America, serving 14 million students, are in serious need of repair. Teachers, no matter how hard they try, no matter their level of effort, can only do so much with old textbooks and with the dearth of modern technology. All the inventions and services on the Internet in the world won't make any difference in American education when only 27 percent of public schools are even connected to the Internet. Far too few communities can any longer afford the extra curricular activities, the extra hours of instruction that we enjoyed as students ourselves.

Across America, school districts are canceling sports activities. The club activities, the tutoring activities, the activities where students excelled a generation ago are being lost, leaving between 5 and 15 million students left alone at home after school. The reality of the two-wage-earner family means that millions of these students not only do not have supervision in school or activities but are left alone. Even if they did not need the instruction, even if they did not need the socialization or activities, these students are going home, where we are laying the groundwork for drug abuse, teenage pregnancy, truancy, with a direct correlation between students who do not have activities after school and failing grades and dropouts.

Local schools are so overwhelmed with these social problems, the overcrowding, the crumbling schools, sometimes they have no choice but social promotion, take a student who is failing and send them through the system and on to the streets. The reality of this education debate is, there are a lot of good answers, and they are represented by many Senators on this floor—efforts to help local communities deal with the cost of reconstructing our schools, dealing with the problems of social promotion, the problems of rising standards, the problems of getting better teachers, retaining good teachers.

What is unique about this education debate is—everybody is right—there is no one good idea. There are no two good ideas. This is a problem of such complexity that is so central to quality of life and economic opportunity in America that succeeding requires everybody's best efforts. What is most important is that it is a debate that requires a competition of the best ideas between Democrats and Republicans and liberals and conservatives.

There is no monopoly on creative thinking in dealing with the problems of education in America. Indeed, the underlying legislation, the Education Flexibility Partnership Act, is a good idea, it is a sound idea, but it is one idea that in and of itself does nothing about overcrowding or rising standards or new technology. It is one idea. I will vote for it, and this Senate should enact it. But at the end of the day it leaves us with this question: What do we do about these varieties of other problems?

Indeed, can this Senate say at the conclusion of the 106th Congress that we have dealt with educational flexibility, but that is all we have done, and seriously argue that we have dealt with the issue of education in America?

Last year, in this Senate, I joined with Senator COVERDELL in the belief that we should establish savings accounts to help fund private and public education. I believed it was a good idea. But even then, I argued, in answer to my own legislation, that if that is all that we have done, we haven't begun to address the problems of education in America. I return to that argument today.

Consider the dimensions of the problem, if you are to disagree and argue that educational flexibility alone will deal with this national dilemma. Forty percent of fourth grade students are failing to obtain basic levels of reading; 40 percent of eighth graders fail to obtain a basic level of mathematics. High school seniors across the Nation are ranked 19th out of 21 industrialized nations in math and science. Of course, I support legislation for educational flexibility, but I am also here to support the Murray amendment to hire more teachers and reduce class size, because we know, according to the Department of Education in their 1998 May report, that one element most directly relating to improved student performance is a reduction of class size in the early grades. The Murray amendment is the one answer we know will improve student performance in early grades. The Murray amendment would finish the process we began last year of adding 100,000 new teachers in America to reduce class size.

Indeed, I would have liked to have today added to the efforts of Senator MURRAY with an amendment of my own, and that would have been to give signing bonuses to people who will become teachers. Where our best college graduates will go to schools most in need, I would have offered them a signing bonus to get them into the classroom immediately.

It confronts the reality of the fact that a starting teacher in America today could hope to earn, in a public school, $25,000. For a software engineer, our leading high-tech companies are offering $50,000 to the same person, with a signing bonus. Teachers are prepared to make sacrifices because they are dedicated, but how much of a sacrifice? We know they are our most important asset in dealing with the issue of educational quality.

So, my colleagues, I urge that we all come together to support educational flexibility. But I would have liked to have offered my amendment, which will not be allowed today. I urge my colleagues to consider Senator MURRAY's amendment, and also Senator FEINSTEIN's to end social promotion in our schools—the passing of the problem along to the streets because we will not deal with it in the classroom—and Senator BINGAMAN's amendment to help stem the tide of dropouts. Unfortunately, one of the most important problems of all—deteriorating schools—we won't be able to vote on.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Mr. President, I thank you for yielding me the time. I support the underlying legislation but also the amendments being offered.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I stand before you today in strong support of Senator FRIST's Educational Flexibility Partnership Act. But then again, most of the Senate, and all 50 Governors, Secretary Riley, and even the President want this wonderful piece of legislation to pass today.

It is a big day personally for me. Some people are not aware of the fact that this effort for flexibility started in Ohio in 1981, when I commissioned a private-sector audit of the department of education to make it more friendly to our school districts. At the same time, it was command and control. The private-sector management audit came back and said it was riddled with paperwork, and the shocking thing was that half the paperwork the department had to do and the schools had to do was as a result of Federal regulations, and we were only getting 6 percent of our money from the Federal Government.

I recall going to Washington at that time and sitting down with Secretary Lamar Alexander and asking him if he could do something about it. Unfortunately, he could not. Later on when President Clinton became President and Dick Riley, a former Governor, became Secretary of Education, in the Goals 2000 legislation he provided for States to take advantage of some flexibility.

I want to underscore that a State cannot take advantage of this program unless they agree themselves to waive their regulations, and in some instances—for example, in Ohio—even waive statutes. This provided an opportunity for school districts to get waivers that, prior to Ed-Flex, had to go directly to Washington in order to get a waiver. It allows them to go to their superintendents of public instruction in their respective States.

I am proud that we have had an opportunity to take advantage of this. In Ohio we have 186 schools using a title I waiver, with over half of these schools increasing their proficiency test scores in math and science. Those school districts have taken advantage of waivers in the Eisenhower grants. As you know, in the Eisenhower grants, 85 percent of the money is supposed to be used for math and science. But in the elementary schools, how can a kid learn math or science if they cannot read? So as a result of the waiver program, we were able to get waivers to allow the money to be spent on reading, and today in those schools we have seen a dramatic increase in the math and science scores as a result of the fact that those schools were able to take advantage of the waiver.

There are some people who would argue that we need more accountability. I argue that we have accountability in most States. In Ohio, for example, we have our report cards, not only by districts but by individual buildings. With Ed-Flex, a building or a classroom that takes advantage of a waiver has to agree that within a year they will report back on how they are taking advantage of that waiver and whether it is making a difference in the classroom.

I would say that if I could get every title I school in the United States of America to become an Ed-Flex waiver school, we would have a lot more accountability with that title I money that is going into those districts—for those that are concerned about title I.

I think this idea is so overwhelming that last year, as chairman of the National Governors' Association, I made Ed-Flex one of my top priorities. I recall going to the White House and talking to President Clinton about it and his indicating that he thought it was a good idea. Last year, we almost got it done with the help of Tom Carper, the Democratic Governor of the State of Delaware. Again, we are bringing it back to Congress for their consideration.

To my Democratic colleagues I say this: There are a lot of ideas that have been proposed here on the floor. My attitude is that they all involve money. This is not a money bill. Ed-Flex does not require one additional dime from the Federal Government. What it does do is that it allows school districts to save the paperwork and the redtape so their administrators can spend time on education, and the teachers can, and they can take more of the money that is coming in from the Federal Government and put it in the classroom to improve the education of our children.

And if you want to talk about priorities: Rather than 100,000 new teachers, I would rather put the money in funding the Individuals With Disabilities Education Assistance Act or, in the alternative, my favorite: If I had the choice, instead of 100,000 teachers, I would put the money into 0 to 3, or conception to 3, a time in a child's life that is being, quite frankly, neglected in this country, not only by the Federal Government but by the local governments. We can prove that if you put money in during that period of time, when it is most important to the development of a child's ability to learn, you can get the best return on your investment.

So let's debate how we want to spend this Federal money and where we ought to be spending it, but let's not make that part of the debate on Ed-Flex. We will get to that. We will have that debate. We will look at what is available and decide how it is to be spent.

So today I ask the Members of the Senate to support Ed-Flex. Let's have a clean Ed-Flex bill. Let's get it done. It has made a great difference for the people of Ohio and those States that have taken advantage of it. I think it is long overdue to give the other 38 States of this Nation the same opportunities that we have.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I first thank the Senator from Massachusetts for yielding me time but, more importantly, thank him for his tremendous efforts on the floor of this Senate for the last several days. Hour upon hour, he has been battling to ensure that this education flexibility bill is not simply a blank check to the States but it also has the kind of accountability that will be necessary to ensure that this flexibility will result in improved student performance. In fact, it is a battle the Governors urged us to take up because they are as concerned as anyone else to ensure that this flexibility is accompanied by accountability.

He has also taken up the fight on two important issues of unfinished business. Last year, we appropriated significant amounts of money over the next several years to ensure that we could reduce class size by hiring additional teachers. It is now imperative that we authorize that appropriation, that we give a sense of continuity, stability, and assurance to the local communities that this money, this program, will be in place over time. Second, last year we also went a long way toward developing programs to prevent students from dropping out of our schools. Senator BINGAMAN has been the champion of this program and that is unfinished business that we want to take up.

What has happened in the course of this debate is we have moved beyond both Ed-Flex and accountability and some unfinished business to embrace other issues. The positive value of that is any debate about education, I believe, is inherently healthy, and I am pleased to do that, but we have taken some steps away from the main topic.

There is one issue I particularly want to concentrate on and focus on. That is an amendment I introduced that would go directly to the issue of educational flexibility, directly to the issue of accountability. I had hoped to have the opportunity to offer the amendment as a stand-alone, that I could debate it and engage in a principled discussion, but because of the parliamentary condition of the floor, because of the unanimous consent, the only opportunity I had to have the amendment offered was to do so in conjunction with one of Senator LOTT's amendments.

I am in the awkward position of supporting my amendment and grateful that Senator LOTT included it in his amendment, but respectfully differing with Senator LOTT on his proposal with respect to IDEA. What Senator LOTT is essentially providing to the school districts of America is a Hobson's choice, a choice between decreasing class size or additional resources for IDEA, the Individuals with Disabilities Education Act. I don't think we should present that choice to school districts. I think we should do all we can to ensure that we properly fund IDEA and at the same time we are able to reduce class sizes throughout the country.

In fact, I argue that a reduction in class size will materially benefit the Individuals with Disabilities Education Act programs throughout the country because the reality of many schoolrooms is that there are IDEA students in large classrooms. They are not getting the attention they need and deserve. At the same time, the other students aren't getting that type of attention. By reducing class size—and this is an amendment that Senator MURRAY has championed and I salute her—we will help both programs, but ultimately we should be able to find the resources to fund both reduced class sizes and also keep up our commitment to the Individuals with Disabilities Education Act program.

Let me speak specifically about my amendment that goes to the heart of Ed-Flex. It goes to the heart of accountability. What it would do is involve parents, which I think is a topic we have not paid enough attention to. I hope in this oncoming reauthorization of the Elementary and Secondary Education Act, we would put a special emphasis on innovative ways of involving parents in the educational process. We know it works. We know it is important. We know that good schools are schools not only with robust and intellectually curious children and good teachers, they are those schools that have strong parental involvement.

My amendment would simply require the States to have a comment period with respect to their proposals for educational flexibility. Specifically, ask that parents and other interested parties be allowed to comment. These comments would be taken pursuant to State laws. We are not trying to create a special unique procedure. We don't want to add to the burden of States, but we want States to listen to the parents in their communities when they talk about educational flexibility.

More than that, we want these comments to be incorporated in the application to the Secretary of Education so that the Secretary understands not just the perspective of the Governor, but just as importantly—in fact, one might argue more importantly—the perspective of parents in the communities of that State.

I am pleased to say after spending a great deal of discussion with Senator FRIST, particularly, we have reached an accommodation acceptable to both sides. In fact, it represents a movement on my part from the amendment I suggested last year which would have required a formal 30-day period of comments that would require an evaluation of the comments by the States in terms of their goals for educational flexibility and incorporating that in the application. We have decided to move closer together in terms of a more streamlined process.

I point out that just a few days ago the Committee on Education and the Workforce in the other body, by an overwhelming vote of 30–9, passed my amendment of last year requiring a much more rigorous parental involvement, a more heavily regulated, if you will, approach to the issue.

In order to have a position in conference that will give us the opportunity to discuss this and discuss this with a principle proposal already on the table, I am extremely pleased that this amendment, the Reed amendment, has been incorporated into Senator LOTT's proposal. This Reed amendment is going forward.

It also, I might add, follows precedents we established last year with respect to parental involvement, in particular with respect to the Workforce Investment Act and the Reading Excellence Act. I hope this is the beginning of a trend to involve parents directly with the issue of educational reform at the local level.

I hope it also represents an opportunity that we will follow up in the Elementary and Secondary Education Act to think about ways we can get parents more involved in the education of their youngsters. I also add that the Parent Teachers Association of America supports my amendment, the Education Trust supports it, the American Federation of Teachers and the Center for Law and Education supports this. Also, this was one of the provisions that was pointed out specifically in the statement of administration policy dated March 3 as part of their review of the underlying Ed-Flex legislation.

I say with some regret I cannot support Senator LOTT's proposal because I do think it is presenting a Hobson's choice. I think we can do better. I don't think we have to choose between some children versus others. I think we have to recognize that class size will help all children. It may, in fact, be additionally beneficial to children with special needs.

Again, I think as we all recognize that we have a special responsibility to put our money where our noble words are when it comes to the issue of individuals with disabilities and their education in the United States, that requires looking for additional resources rather than simply trying to play one off the other in terms of some children versus other children.

I thank, again, Senator KENNEDY's leadership and certainly Senator FRIST and Senator WYDEN who have been doing a remarkable job on the floor. I hope at the end of the day we will have a bill we can all support. There are some provisions, as I outlined, that I opposed, but I conclude by strongly supporting my amendment which would give parents a real say in the educational flexibility plans that emanate from the States.

With that, I yield back any time I have to Senator KENNEDY.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will be managing the time on our side until Senator JEFFORDS arrives. I yield myself 6 minutes and then I will yield to the distinguished Senator.

Mr. President, first, I rise in strong support of the Education Flexibility Partnership Act. I begin with a brief quote:

> An investment in knowledge always pays the best interest.

Benjamin Franklin stated that in the early years of our Republic.

Building upon this statement, I say it is a simple fact—which the occupant of the Chair, as a distinguished Governor in a State that has seen great economic growth and prosperity and better jobs and more opportunity—it is a simple fact that the future is prejudiced in favor of those who can read, write, and do math.

A good education is a ticket to a secure future in this United States. And obviously, the opposite is equally true. As the earning gap between brains and brawn grows even larger, almost no one doubts that there is a link between education and the individual's prospects, even in this great land of opportunity.

Today, the Senate is taking a first step to improve our Nation's educational system, because everyone acknowledges that our children are the future of this country and we must make every effort to provide them with the tools to succeed. Our action provides States with increased flexibility to ensure that our students have an even better opportunity to succeed. I submit that because we have so many programs at the national level, small and large—and I will allude to the number shortly—that if you are looking for a place to reform, maybe you ought to start right here.

Maybe we ought to look at the whole package of targeted educational programs at the national level and see how far off the mark they really are when it comes to helping children in the United States. This takes some of our programs and says that one size doesn't fit all, and Washington bureaucrats and interpreters of these various laws don't always know best, so we are going to give local teachers and administrators who know the problems the opportunity to create flexibility in terms of how these various programs are used in the field for our children.

I want to move ahead to a summary that was given to us by the GAO that, in conjunction with the Budget Committee staff and under the leadership of Senator FRIST, looked at a whole myriad of U.S. Federal programs to see just what we were doing and what we were not doing. And so, Mr. President, I want to inform you that your concern when you were Governor of Ohio of all the bureaucracy and paperwork and missing the target by Federal programs, if you wondered why, this is why. Our National Government has funded over 86 teacher training programs in 9 agencies and offices; 127 at-risk and delinquent youth programs in 15 agencies and offices; and over 90 childhood programs in 11 Federal agencies and 20 offices.

Now, it is quite obvious that the U.S. Government, our committees, and our Secretary, are not the know-all and end-all of good education occurring in Ohio, New Mexico, Arizona or Massachusetts. How could we be the end-all and the know-all when, essentially, we contribute less than 7 percent of the funding? Now, it almost makes us, standing on the floor speaking so eloquently about what the Federal Government is doing with its money on education, to some extent, borderline unreasonable in terms of credibility, because how can you change this big education system—and I am going to estimate that we are spending $427 billion a year on kindergarten through 12 in all our sovereign States and all the school districts. You tell me how that $200 million or $300 million targeted in some way—Mr. President, a former Governor, tell me how that $200 million or so spread across this land can have a real impact on a system that is as diverse as America and into which we are spending $417 billion and we can't get the job done. It can't be that the million dollars is going to help. It is only that we make it appear as if it is going to help. We invent the amendments and the bills, and sometimes we even take a poll before we invent them to see what it is the people want.

Who can be against more teachers? But if you fund the States with more money for IDEA, the disabled children, which we are already obligated to do, it relieves an equal number of dollars for them to use for teachers if they would like. Some are frightened, however, that the States and the schools might not use it for more teachers. They might use just a little piece of it for that because they already might have sufficient teachers.

It is not a new thing in education that we dreamt up here in Washington that we need more teachers in our schools, although it is still not unequivocal as to whether reducing the size to the level we contemplate nationally is what every school system thinks would do the job best for their children. That is not decided yet. That is still out there feverishly being tossed around with many other concepts in terms of education.

So, Mr. President, this is just the beginning—this flexibility—of what I hope is a real effort by the U.S. Government to reform its own education commitment to our States. We are all saying we want the States to reform, we want them to be more accountable. Well, when the bill comes up this year on primary and secondary education, it is my hope that we will not do more of the same. It is my hope that we will seriously consider a total reform of those programs, because if we are asking the States to do better, it is pretty obvious that we can do better also. As a matter of fact, I believe it is borderline these days as to just how much the Federal Government's assistance is really raising the education level of our children.

I repeat, if I had my way, and we could focus it into the right channels, I would be for more Federal aid to education, not less. But I guarantee you, with the myriad of programs, as I have described them, spread throughout Government with no accountability, one program to another, I would not be for spending more money to feed that kind of educational assistance when I have very serious doubts as to whether it has contributed significantly to helping our young people.

I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, the Senator from South Dakota was here before I was. Does he wish to have time on the Democratic side?

Mr. DOMENICI. Mr. President, we were rotating. I will take the privilege of saying that Senator KENNEDY would yield to Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I will be brief.

I ask unanimous consent that Susan Hansen of my staff be permitted to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I join with my colleagues, Republican and Democrat, in expressing support for the underlying Ed-Flex legislation that we are taking up today. This legislation recognizes that the final thought in how to prioritize educational needs in our school districts and our States does not reside exclusively here in Washington. It will commit to a level of innovation that I think is needed in the 50 States, and with the proper accountability, provide for many different strategies designed to improve student achievement all across this country.

However, I think Congress would be remiss if it stopped there. I think there are a number of very constructive amendments being offered relative to this legislation, not least of which is the afterschool program amendment being offered by the Senator from California, Senator BOXER, to provide for what I believe is a commonsense kind of Federal, State and local partnership, to provide for an enhanced ability to deal with afterschool programs for children K through 12.

This is not a new idea and it is not the province of either particular political party. There has been a tremendous amount of effort through the 21st Century Community Learning Centers Program across some 46 States today that have afterschool programs of one kind or another, in 800 different schools, involving some 190,000 students. This amendment would create the kind of partnership that would not involve Federal bureaucracy or Federal micromanagement, but would provide some additional resources for our States and our schools to expand afterschool efforts to 1.1 million additional students in the United States.

Our school budgets are strapped. Property taxes that fund school districts in many of our States are already too high.

It is apparent to anyone who has had any discussions with school leaders and community leaders and child advocacy leaders that they simply cannot go it alone, that this kind of effort requires a new form of partnership.

Not least of all, one of the great gains that we have already seen demonstrated by effective afterschool programs in this country has been a significant reduction in juvenile crime. At a time when we see crime rates going down nationally but yet crime rates among children, among young juveniles, in too many instances going up, there is a need for an additional strategy, an additional partnership to address that crisis.

Every study we have presented to the Senate indicates that most juvenile crime occurs between 3 o'clock in the afternoon and dinnertime. That is when experimentation with drugs, with alcohol, with sexual activity, and with gang participation most often occur, it is when it is initiated, and it is the time when we most need this kind of partnership not just with our schools but with other community organizations and civic organizations to provide alternative kinds of activities for young people.

The studies have already shown that to the degree we have these effective programs in place, they have cut juvenile crime by anywhere from 40 to 70 percent. That is why we have such broad-based support from national law enforcement and police groups across this country. And it is why we can make a contrast between the modest expenditure required to significantly increase these afterschool programs and the alternative cost of incarceration. The cost of keeping a young person in a juvenile facility and ultimately in a prison equates roughly to the cost of sending them to Harvard for a year. For a much more modest expenditure, we can keep whole communities intact, have the kind of responsible adult supervision, and have the kind of focus in these young people's lives that they so badly need.

I have been holding meetings all across my home State of South Dakota, meeting with parents, with teachers, with law enforcement officials, with child care providers, and the need for expanding after school programs is obvious. More and more families are working. Both spouses are in the workplace, neither of them at home, because of the economic necessity of having a two income household. South Dakota has one of the highest ratios of two-spouse incomes in the Nation. More and more single-parent households as well find themselves confronting the latchkey option with their young people in the family.

As a consequence of this very apparent reality, South Dakota. Has struck a bipartisan level of cooperation and understanding about the need for these programs. My Governor, Republican Governor William Janklow, has been one of the more forceful advocates of an expanded State-local partnership on afterschool programs. I applaud his leadership on the issue. He has secured the services of Loila Hunking, the state coordinator for child care services and a long-time Democrat activist, to head up his afterschool program. It has been a model in many ways and reflects what States in other parts of the country have been doing to bring both sides together to set aside political polarization and, instead, to focus on what in fact is in the best interest of our kids and our communities.

But it is all too apparent—even though we have been building facilities and afterschool program facilities that can be used for afterschool programs, and day-care centers, even though we are scraping to find private funds to match local school funds and State funds—that the resources simply are not there, and all too often the communities where the need is the greatest are the communities that have the least financial capability of providing for these kinds of programs.

So, again, if we can come up with this amendment to authorize adequate funding for an afterschool program, we will, make a long stride forward not only to anticrime strategy but a pro-education strategy and one that both political parties can rally around. I think it compliments our Ed-Flex legislation. It compliments everything else that we are doing here on the floor today.

I want to again applaud Senator BOXER, Senator KENNEDY, and others who have worked hard to promote this afterschool amendment and the underlying Ed-Flex legislation as well.

Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Six and one-half minutes on your side.

Mr. JOHNSON. I retain my time and yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first I will yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. GREGG. Mr. President, I thank the Senator from Vermont. I want to congratulate the Senator from Vermont and the Senator from Tennessee, Senator FRIST, for having brought this bill finally to a vote after what was considerable resistance from the other side and what amounted to essentially a blocking of this bill as initiative after initiative after initiative was brought forward from the other side.

I think you have to look at the context of this bill in the context of those amendments from the other side that were offered. The concept of this bill is to give local communities, local teachers, local principals, and local school boards the ability to apply the Federal funds and to be released from the burden, the cost, and the interference of Federal regulations. That is what Ed-Flex is all about.

Thus, it is with some irony and significant inconsistency of the proposals that we have seen thrown at this bill from the other side do just the opposite. They create new program initiatives, almost all of which have been subject to no hearings, no disclosure in the sense of the congressional process, almost all of which create brand new, federally mandated, programmatic initiatives which tell the local communities, you must do this in order to get these Federal dollars: You must do this in order to get these Federal dollars. And the directive comes from here in Washington. It says that some group of bureaucrats sitting in the Department of Education, or at the White House, or maybe just the leadership on the other side of the aisle, is going to tell some school district in New Hampshire, or Vermont, or Missouri, or wherever, how to manage their day-to-day activity of managing the education of children.

Those proposals, which are being put forward—whether it is the 100,000 teachers, the afterschool program, the school building program—are all fundamentally inconsistent with the underlying purpose of this bill, which is to free up the local communities from the burden of Federal regulation.

More significantly than that, every one of those proposals suggests as its funding mechanism taking money from the special education accounts, money that is due the special education children of this Nation under the law that was already passed by this Congress—taking that money and using it for a brand new Federal program instead of putting it where it is supposed to be, which is with the special education child through 94–142.

Let's review that issue for a second, because it is so critical to this whole debate.

We have put forward an amendment on our side that says: Before you start a new program, before you create a new panoply of Federal regulations, let's do the job that we said we were going to do for the special education kids in this country; let's pay, or begin to pay, a higher percentage of the cost of special-education education.

When the special education bill was originally passed, the Federal Government said it was going to pay 40 percent of the cost. It dropped down to where the Federal Government was only paying 6 percent of the cost 3 years ago. And that difference, that 34 percent, was having to be picked up by the local taxpayers. The Federal share was having to be paid for by the local taxpayer. So that skewed education at the local community.

So, if the local teacher needed some assistance in their classroom, maybe a teaching assistant, or, if a principal needed an addition onto the school, or needed some new computers, they couldn't buy those kinds of things, they couldn't hire that new teacher. Why? Because the Federal Government wasn't paying its fair share, its obligated share, of the cost of special education. And the local community was having to take local dollars to support the Federal obligation for special education.

So what did the other side come forward and suggest? We are not going to pay any more money to special education. We are not going to increase that money at all. This administration set up a Federal budget. Instead of new money for special education, it essentially flat-funded that program and took the money that was supposed to go to special education and put it in all these new programs they created.

What does the local school district do now? They get hit twice: First, they get hit by the Federal Government, which refuses to pay for the special education children to the tune of the 40 percent they are supposed to. Then, they get told, if you want to get the dollars from the Federal Government, which is supposed to be coming to you for special education, you have to follow one of these brand new, great ideas that the President has held a press conference on. You have to follow one of these press conference initiatives, whether it happens to be more teachers, more classroom size, or more afterschool programs.

So the local school district, in order to get this money, first loses it, and then it is told, "Oh, but we will give you the money that we just took from you, but you are going to have to follow what we want you to do here in Washington."

How arrogant can we get? At what point does the arrogance of this administration stop in the area of education?

I do not believe that there is one person in this administration who can name more than maybe one child at Epping Elementary. I do not believe they have any idea what the child in the Epping Elementary School needs for education. When that teacher in the Epping Elementary School walks into that classroom and that teacher knows every child at every desk and knows what the child needs for education and knows that they need more books or more computers or maybe they need another teaching assistant, it should be that teacher who makes the decision as to what is used to help that child's education. It should not be here in Washington that that decision is made. And yet, that is exactly what these proposals suggest: Don't give the local school districts the flexibility to spend their own money on special ed, to spend their own money on general education activities. Instead, force the local school districts to take up the Federal share of special education costs and then tell the local school districts that because we want you to have more teachers in order for you to get the money which was supposed to go to special ed, you have to apply and take on this new Federal program.

It is total hypocrisy. It is total arrogance. And yet, it is these proposals that are coming forward. Fortunately, the people in this Congress, at least in the Senate, are going to have a chance to make a choice. They are going to have a chance today, because we are going to give them the option. We are saying that the money last year which was appropriated for the teachers' program, $1.2 billion, let's free that money up so that local school districts can make the choice: Do they want a new teacher or do they want the money to come to the special education accounts?

That is the simple choice that comes on the Lott amendment which was drafted by the Senator from Vermont and myself and the Senator from Tennessee, and it is really an excellent idea. We will find out what the local school districts need more. Do they want the dollars for special ed, or do they want the dollars for teachers? It is a perfectly reasonable proposal, and it is flexibility in the tradition of Ed-Flex.

So this amendment, this underlying amendment, about which I have heard people on the other side get up and say, oh, I can't support that because it pits one group of students against another group of students, well, ladies and gentlemen, the people who are pitting one group of students against the other group of students is the administration and the people who support these administration initiatives, because what they have done is to say we are going to pit the special ed students, who we are supposed to be funding, against our programs coming from Washington because we are going to take their money and use it.

That is where the real conflict comes. So we are going to give you an opportunity. We are going to give you an opportunity to live up to the obligations which the Federal Government put on the books back in 1976 and has refused to live up to. And we are going to give the communities the option of choosing whether they want a teacher, a program directed from Washington, designed by Washington, told to them how to operate by Washington, or whether they want to free up their local dollars by getting more special ed dollars that the Federal Government was obligated to pay in the first place and use those local dollars to either, one, hire a teacher; two, buy books, add new computers, add a new classroom, whatever they want to do with it. That is the ultimate flexibility.

The choice is going to be pretty clear here today as to how you want to manage education in this country. You can vote for all these directives from Washington, all these programs which are made for the creation of press conferences but give the local communities no flexibility and no opportunity to make their choices as to how they spend the money, or you can vote to give the local communities true flexibility by funding an obligation that has been on the books since 1976 and thus freeing up the dollars for the local community to either hire teachers, buy books, add classrooms, or create afterschool programs. I opt for the side of giving local communities, teachers who know their kids, principals who know their schools, parents who know their children, the opportunity to make decisions on dollars rather than the Federal bureaucracy or even an American President.

Mr. President, I yield the remainder of my time back to the floor manager.

Mr. JEFFORDS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

I appreciate the work Senator JEFFORDS has done.

Mr. President, I would like to share just a few thoughts. I have been involved in education with my children. I have taught, my wife has taught in public school. We care about education. We have school boards all over America that care about education. I know one of the school board members in my hometown of Mobile, AL, exceedingly well. His abilities and talents will match any Member of this body. He knows a lot more about the education going on in his area than we know in this body. Who is to say what is the best way to expend money to improve our children's education? The thing that counts is that magic moment in a classroom when learning occurs and children are motivated and inspired to do better.

I do not believe this Congress has the ability or has a proven track record of improvement. We now have a host of amendments. We have 788 Federal programs—788. We had an amendment offered yesterday that would mean the 789th; it would create a dropout czar for America.

I have been involved in local programs to deal with dropouts. Programs like that are happening all over America. It is not going to be solved by some Federal dropout czar.

This legislation is precisely what we need. It needs to go out of here clean, not as an appropriation, big Government spending bill, but a bill that gives flexibility to the schools.

The Presiding Officer was Governor. He knows how much benefit was gained when welfare reform was accomplished and we gave flexibility to Governors. I think it is time we give flexibility to our State and local school systems to improve education.

I thank the chairman, the Senator from Vermont, for his leadership. This is good legislation. It is time for us to pass it, and we can debate these issues about how further to help education when the elementary and secondary education bill comes up, which the Senator will be leading later this month.

I thank the Senator.

Mr. GRAMS. Mr. President, today the Senate debates an important bill designed to facilitate education administration and free more resources for our students. The "Education Flexibility Partnership Act of 1999" would extend the "Education Flexibility Partnership Demonstration Program," otherwise known as "Ed-Flex." Ed-Flex allows eligible local school districts to forgo Federal red tape that consumes precious education resources. In return, States must have sufficient accountability measures in place and continue to make progress toward improving student education. States must also comply with certain core Federal principles, such as civil rights. The concept of Ed-Flex is simple, yet the benefits would be significant. In other words, let's put more money into educating our kids in the classroom rather than lining the pockets of bureaucrats.

The Ed-Flex demonstration program is currently in place in 12 States. The "Ed-Flex Act of 1999" would allow all

50 States the option to participate in the program. With good reason, the program has been very popular. Unnecessary, time-and-money-consuming Federal regulations are rightly despised by school administrators. Did you know that the Federal Government provides only seven percent of local school funding, but requires 50 percent of all school paperwork? That is ridiculous. Again, let's put money into the classroom instead of bureaucracy.

Ed-Flex is a step toward allowing more localized decisionmaking authority—the power to decide when the Federal regulations are more troublesome and expensive than they are worth. Today, there are simply too many regulations which are despised by school administrators.

Giving more decisionmaking authority to States and local school districts is good common sense. Naturally, those who are closest to our students are in the best position to make the most appropriate and effective decisions concerning their education. One-size-fits-all legislation may work well in other areas, but not in education. Some of the most successful classrooms across our Nation vary tremendously in their structure, functioning, and appearance.

In my home State of Minnesota, for instance, we have very rural communities, urban communities, and everything in between. We have got farm kids, suburban kids, and city kids. And all of these kids are students. And I know this sort of rural-to-urban community-mix is typical for most States. How much sense does it make then, to require local school districts and classrooms—all with their own particular strengths and weaknesses—to follow, in lock-step, the homogenized, uniform routine of Federal bureaucracy? Not much.

We have some opportunities before us to do something meaningful for our children's education. A complementary possible amendment to Ed-Flex which promotes local decisionmaking power is Senator GORTON's block grant amendment, as well as Senator HUTCHINSON's Dollars to the Classroom Act. Under these proposals, many federally funded K–12 programs would be consolidated and the dollars sent directly to states or local school districts—free from the usual Washington red tape. This helps to ensure that our education dollars go to students, as opposed to bureaucrats.

Similarly, Senator COVERDELL's Education Savings Accounts and School Excellence Act is an important step forward in restoring decisionmaking authority to parents and families—where it is needed. The bill simply allows families to save for their children's education, without tax penalty. It would expand the college education savings accounts established in the Taxpayer Relief Act of 1997 to include primary and secondary students. It would also increase the annual contribution limit from $500 to $2,000 per child. The money could be used without tax penalty to pay for a variety of education-related expenses for students in K–12, as well as college expenses.

This is a simple, straight-forward initiative for families and students. Common sense would have had us pass the Education Savings Accounts bill long ago. Unfortunately, tired, groundless attacks continue. The charge I hear most frequently is that "education savings accounts and tax breaks for parents would shift tax dollars away from public schools." That is simply not the case.

More education dollars under parental control would promote education by encouraging parents to save, invest in, and support programs and materials that facilitate and provide the right option for a child's education.

We all want the best education available for our children, and to improve the state of American education and schools for all children. It would be nice to think that we could solve the problems of education by spending more and more money. Unfortunately, that doesn't work. The United States is the world leader in national spending per student. Yet our test scores show that our system is failing our children.

Test results released last year show that American high school seniors score far below their peers from other countries in math and science. We are at rock bottom. It is going to take more time and effort to solve these problems—and the most important work will be done by those in the best position to do so: parents, teachers, and local administrators. We must give them the freedom they need to accomplish the job. This freedom comes with the authority to make decisions based on a variety of specific needs. I will continue to support measures like the Ed-Flex legislation that return money and control—from Washington—to parents, teachers, and local school districts. After all, they know best how to spend education dollars.

Mr. MCCAIN. Mr. President, I rise today to express my support for S. 280, the Education Flexibility Partnership Act of 1999, which would free all fifty states from many of the costly and burdensome federal regulations which are imposed on them by the federal government. These unnecessary regulations prevent their schools from providing innovative and effective academic opportunities for millions of young Americans. I am proud to be an original cosponsor of this measure which would expand the current Ed-Flex program to all fifty states.

One of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation; economically, intellectually, civically and morally. We must strive to develop and implement initiatives which strengthen and improve our education system, thereby ensuring that our children are provided with the essential academic tools for succeeding professionally, economically and personally.

The most exciting aspect of this bill is that it brings teaching back to our classrooms and frees our schools from excessive filing, correlating, faxing and shuffling of paper. It would allow schools like Barbara Bush Elementary School in Mesa, Arizona to focus on helping children learn essentials like reading and using a computer. It would allow Barbara Bush Elementary School to focus on teaching its students rather than wasting its valuable educational resources for filing, typing, refiling, and faxing paper to the bureaucrats in Washington, DC.

It is important to note that all states which obtain an Ed-Flex waiver must adhere to basic Federal principles, including the protection of civil rights, educational equity and academic accountability.

Like many Americans, I have grave concerns about the current condition of our nation's education system. If a report card on our educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of "D's" and "F's." These abominable grades demonstrate our failure to meet the needs of our nation's students in kindergarten through twelfth grade.

Our failure is clearly visible throughout the educational system. One prominent display of our nation's failure is seen in the results of the Third International Mathematics and Science Study (TIMSS). Over forty countries participated in the 1996 study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Tragically, our students scored lower than students in other countries. According to this study, our twelfth graders scored near the bottom, placing 19th out of 21 nations in math and 16th in science, while scoring at the absolute bottom in physics.

Meanwhile, students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes in our children's academic performance in order to remain a viable force in the world economy.

We can also see our failure when we look at the Federal Government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans cannot read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade cannot read.

Another clear sign of our failure is displayed by the inadequate preparation of many students when they exit the system. The number of college freshmen who require remedial courses in reading, writing and mathematics when they begin their higher education is unacceptably high. In fact, presently, more than 30 percent of entering freshman need to enroll in one or more remedial courses when they start college. Equally dismal is a Wall Street Journal report that two-thirds of job applicants for a division of the Ford Motor Company "fail a test in which they are asked to add fractions." It does not bode well for our future economy if the majority of workers are not prepared with the basic skills to engage in a competitive global marketplace.

I am also disturbed by the disproportionate amount of federal education dollars which actually reach our students and schools. It is deplorable that the vast majority of federal education funds do not reach our school districts, schools and children. In 1995, the Department of Education spent $33 billion for education and only 13.1 percent of that reached the local education agencies. It is unacceptable that less than 13 percent of the funds directly reached the individuals schools and their students.

My home state of Arizona receives approximately $420 million each year in federal education funding. These funds account for seven percent of Arizona's education budget, yet it takes almost half of the staff at the State Department of Education to administer the numerous rules and regulations which accompany the federal dollars. This means that half of the Arizona Department of Education staff is busy working on Federal paperwork rather than developing improved curriculum, helping teachers with professional development skills and working to improve the quality of education for Arizona children. This is a sad commentary on the current structure of our educational system.

Much of the Federal Government's involvement in education is highly bureaucratic, overly regulatory, and actually impedes our children's learning. Clearly, we need to be more innovative in our approach to educating our children. We need to focus on providing parents, teachers, and local communities with the flexibility, freedom, and, yes, the financial support to address the unique educational needs of their children and the children in their communities. This is precisely what the Ed-Flex program does. It removes the obstacles for innovative, productive and successful educational initiatives in our classrooms and frees our schools from the choking grip of federal bureaucrats.

Mr. President, it is absolutely crucial, as we debate this and other proposals to reform our educational system, that we not lose sight of the fact that our paramount goal must be to increase the academic knowledge and skills of our nation's students. Our children are our future, and if we neglect their educational needs, we threaten that future.

I am gravely concerned that goal is sometimes lost in the very spirited and often emotional debate on education policies and responsibilities. Instead, this should be a debate about how best to ensure that young Americans will be able to compete globally in the future. I believe the key to academic excellence is broadening educational opportunities and providing families and communities both the responsibility and the resources to choose the best course for their students.

Ed-Flex is an important step in our journey to improve our nation's education system and better prepare our children so that each of them has much more than their individual dreams of becoming an astronaut, fire fighter or pilot. The bill is an important step towards ensuring that our children not only dream but have the capacity to make their dreams a reality. This is what education is all about—providing an endless realm of possibilities through knowledge. But it is just the first of many steps which we need to make to ensure that the best interests of our children, our future are being realized. I look forward to working with my colleagues as we continue this journey towards a strong and successful educational system.

Mr. BYRD. Mr. President, I have long been concerned about our nation's education system and the many problems that individual classes across the country grapple with every day. When I reflect on my days in a two-room schoolhouse, I have fond memories of my teachers and classmates, and, most importantly, my learning experience. The students were disciplined, my teachers were serious about their work, classes were small and well-kept, and students thrived on learning for learning's own sake. We did not have the kinds of problems so common in schools today.

I do, however, recognize that with each passing year, educating our nation's children becomes an even more formidable challenge. I am pleased that we were able to address a few of the many concerns facing parents, students, and educators as part of the Senate's debate on this bill, S. 280, the Education Flexibility Partnership Act of 1999. With classrooms bursting at their seams with students, there is a definite need for smaller class size. Students do better when they have the individual attention of a teacher. Moreover, I believe that this kind of environment provides teachers and students with a setting truly conducive to quality instruction. We, as a nation, need to do more in this regard.

But, Mr. President, there are also other pressing education priorities for states, including funding for the Individuals with Disabilities Education Act (IDEA), which remains underfunded to date. Disabled children deserve the same opportunity to receive a good education as those without a disability. I am hopeful that we in Congress will continue to build toward the forty-percent funding commitment that was established as part of the IDEA legislation. I believe, however, that reducing class size and providing for the needs of disabled children, are both worthy goals that are not mutually exclusive, and I am troubled that efforts to provide sufficient resources to achieve one of those goals may have the effect of undercutting the other. The notion of pitting these two worthy goals against one another to score partisan political points is embarrassing. Certainly, both can, and should, be accomplished.

While many important education programs and new initiatives have been discussed during the Senate's debate of S. 280, I believe that the underlying legislation offers some benefits in the form of flexibility. I do have concerns that there is little substantive performance data on the impact of Ed-Flex in the states now operating with it. I would have preferred to see some positive results on student achievement levels prior to making this type of expansion. But I am hopeful that the education accountability built into this legislation will hold states to a higher standard and serve as an incentive to all states seeking Ed-Flex status. I am also somewhat comforted by the fact that the bill contains a sunset provision, which will force the Congress to revisit this issue, and, I hope, live up to its oversight responsibilities.

Mr. President, it disturbs me greatly to witness the political divide in this body on such an important issue which affects us all, whether it be our own child's education, that of a grandchild, or a neighbor's child. We are all for education—it is the country's number one priority, and with many problems to solve, it is time for us to work together to make every child's educational experience a rewarding one.

Ms. SNOWE. Mr. President, during the consideration of S. 280, the Education Flexibility (Ed-Flex) Partnership Act of 1999, several new education proposals have been advanced by my colleagues on the other side of the aisle. In particular, an issue that has received prominent attention is an amendment that would authorize federal monies for the hiring of 100,000 new teachers.

Like my colleagues, I am strongly committed to improving K–12 education and ensuring that the unique needs of our nation's schools are addressed. While the federal government provides only a fraction of our nation's total K–12 education spending, the amount that it does provide is critical to ensuring that our nation's children receive the quality education that they need and deserve.

Mr. President, as I look at the various challenges and issues facing our nation's schools, it is clear that every state and every community has different needs, even if some of these needs are fairly pervasive. While one community may feel that its greatest need is the hiring of more teachers, another may feel that buying new textbooks or purchasing computers for the classroom may be the most pressing need.

Over the years, various federal education programs have been created to assist state and local governments in addressing their disparate needs, including programs that are designed to address issues that demand national oversight. For instance, more than 20 years ago, the federal government appropriately demanded that individuals with disabilities receive a quality education, and the Individuals with Disabilities Education Act (IDEA) was enacted accordingly.

Unfortunately, even as the federal government appropriately mandated that disabled children be educated at the local level, it has continued to fall woefully short in fulfilling its promised commitment to cover 40 percent of the associated cost. In fact, as several of my colleagues have emphasized, the federal government only funds approximately 10 percent of the cost today—and that paltry percent has only been achieved through Republican-led efforts over the past three years to increase funding for IDEA by 85 percent!

As a result of the ongoing federal shortfall, state and local governments are not only forced to cover the 60 percent share that was agreed to—but they also pick-up the missing 30 percent federal share.

Mr. President, this broken promise on the part of the federal government must not continue. Not only does it represent a failure on the part of the federal government to meet an important obligation to our nation's disabled children, but it also forces states and communities to divert their scarce resources for this unfunded mandate—resources that could otherwise be used to address a wide variety of local needs, including the hiring of new teachers.

To demonstrate the impact of this unfunded mandate, consider that in my home state of Maine, the federal government currently provides approximately $20 million for the education of the disabled, while the state and local governments are forced to shoulder more than $200 million of the cost. Therefore, if the federal government were to fulfill its 40 percent commitment, an additional $60 million would flow to the state.

That's $60 million now spent by Maine's state and local governments to cover a federal commitment—$60 million that would otherwise be freed-up to address distinct and pressing local needs. Sixty million dollars.

Needless to say, this shortfall has not been overlooked by officials at the state or local level. During a recent meeting with representatives of the Maine Municipal Association, local officials emphasized to me the need for the federal government to fulfill its commitment to fund 40 percent of the cost of educating the disabled because of the substantial budgetary impact it is having on their communities.

And during the recent gathering of the National Governors Association (NGA), the Governor of Maine, Angus King, interrupted President Clinton during his presentation on education issues to hammer home the need for special education funding. As quoted in a March 1, 1999, article in the Portland Press Herald, Governor King "raised his hand and interrupted" the President saying:

> Mr. President, I'm bringing you a report from Franklin, Maine, and a lot of other places in Maine. What I'm telling you is that if you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools.

Mr. President, I don't believe the thoughts and comments by the Governor of Maine are unique to our state. This is a national problem that requires federal action. Paying "lip-service" to this funding commitment is no longer enough. We cannot simply brush off the comments of governors and local leaders by expressing support for the full-funding of education for the disabled and not achieving it—rather, it's time to actually deliver on the promise made more than 20 years ago.

For this reason, I believe Congress should ensure that the federal share of education for the disabled is fully-funded before new programs are created. Not only will this ensure that a longstanding federal promise will finally be met, but it will also ensure that distinct local needs—which may include the hiring of new teachers—can be readily addressed.

During the upcoming reauthorization of the Elementary and Secondary Education (ESEA) Act, there will be countless opportunities to reform and improve federal education programs that are intended to address distinct needs. But the time to create truly new federal education programs—and to devote federal resources to these new proposals—should not occur until we have met our outstanding federal obligation to disabled children and to the states and communities that educate them.

Mr. President, the time to fully-fund the federal share of education for the disabled is now. I urge that my colleagues vote to ensure that any new K–12 education monies be used to meet this commitment, and to finally fulfill a federal promise made to state and local governments more than 20 years ago.

Mr. KOHL. Mr. President, I rise today to express my intention to vote for final passage of the Education Flexibility Act. Although this bill is far from perfect, I support the underlying principle of flexibility in education, and believe we should move this bill forward.

Despite my support for giving local school districts more flexibility in improving education, I have serious concerns about this bill. Last year, we passed a new initiative to hire 100,000 teachers to reduce class size in the early grades. We approved this program on a bipartisan basis, recognizing that research has shown that smaller classes give teachers more time to spend with individual students and improves student achievement.

School districts in Wisconsin are already putting together their budgets and planning to use this Federal money to hire teachers. They are looking to Congress to send them assurances that the teachers they hire today will receive Federal support over the next six years. I am extremely disappointed that the Senate failed to adopt Senator MURRAY's class size amendment, which would authorized the program for six years and given our school districts that assurance. I am hopeful that we can still address this important issue later this year.

In addition to the Senate's failure to authorize the class size initiative, I am also concerned that the bill, as amended, pits students with special needs against other students in fighting for education funding. This is inexcusable—and unnecessary.

I agree that the Federal government must live up to its obligation to pay for 40% of the costs of special education. It is a responsibility we have failed to meet for far too long, and I will continue to fight for full funding of special education. However, I believe it is time that we make education of all our children—including those with special needs—our top priority. There is no reason why we cannot fully fund all of our educational needs in this country. We should fully fund special education, and we should fully fund class size, and after-school programs, and school construction. We can do all of these things—and we should not pit any of these vital programs against one another as some have tried to do here today.

I am extremely concerned about the amendments that were added to this bill today. Although I recognize that school districts need additional resources for special education, I believe these amendments wrongly force them to choose between special education and hiring teachers—another essential need they face. We should not force them to make this choice—we should provide enough funding to fill both needs.

Although I am deeply troubled about these amendments, I will vote for final passage of the bill because I believe in the original intent of providing more flexibility to States and local school districts. I am voting for it now because I think we need to move this bill forward. However, I strongly believe these amendments should be dropped in conference. If this bill comes back from the Conference Committee with these amendments still included, I will be forced to oppose the bill.

Mr. President, I still hold out hope that these problems can be worked out in conference, and that we can move this bill, which was originally a bipartisan bill, forward expeditiously.

Mr. DEWINE. Mr. President, I rise today in strong support of S. 280, the Education Flexibility Act. This legislation will give greater responsibility, flexibility, and control to local schools. That's where the students, parents, and teachers are. That's where the education happens.

That's where the control ought to be. I have been fighting for our teachers and local school administrators for many years, and I think one of the most important things we can do for them is liberate them from Federal red tape—so they can do what they do best: Teach our kids.

In offering this bill, our distinguished colleague from Tennessee, Senator FRIST, is striking a blow for freedom in American education.

This bill would expand an existing pilot program to all eligible states. It is a good deal for the states—in this bill we offer to free the states from the burden of unnecessary, time-consuming Federal regulations. In return, all states have to do is comply with certain core principles, such as civil rights, and establish a system of accountability. The bill also would require states to have a system of waiving their own regulations.

My own home state of Ohio has been one of the pilot programs and has provided over 200 waivers for local schools. For example, the Eisenhower teacher training program only supported math and science training. Using Ed-Flex, Ohio waived this requirement—and today schools can use this program for training teachers in other subjects such as reading and social studies.

The Ohio Department of Education, in its annual report to the Secretary of Education, reached the following conclusion, and I quote: "The greatest benefit to having Ed-Flex authority is that it, combined with the ability to waive State rules and statutes, establishes a school-planning environment unencumbered by real or perceived regulatory barriers. This environment encourages creativity, thoughtful planning, and innovation."

Mr. President, that's as true everywhere else in America as it is in Ohio. And that's why this Ed-Flex bill has such strong bipartisan support.

But I should note that while Ed-Flex is an important step forward, it is just a single step. We need to do more. Over the next year, the Health, Education, Labor, and Pensions Committee, on which I serve, will be working on the Elementary and Secondary Education Act of 1999—which will deal with almost all of the federal programs that impact K–12 grade education. When the Elementary and Secondary Education Act was passed in 1965, it was 30 pages long, today it is more than 300 pages long. As a member of that committee, I will be looking to empower parents, support local control, promote effective teacher training programs, recognize and reward excellent teachers, and send more money back to the states and local schools with no strings attached.

Remember: The Federal Government provides only 6 percent of local school funding, but demands 50 percent of the paperwork that burdens local teachers and administrators. That burden demands nearly 49 million hours each year—or the equivalent of 25,000 school employees working full time—on paperwork, not kids. There are over 700 separate federal education programs spread across 40 separate federal bureaucracies.

Mr. President, I am concerned about the quality of our children's education. The Third International Math and Science Study recently reported that out of 21 countries, the U.S. ranked 19th in math and 16th in science, barely ahead of South Africa. Verbal and combined SAT scores are lower today than they were in 1970. Businesses spend more than $30 billion annually in retraining employees who cannot read proficiently. Nearly 30 percent of college freshmen need remedial classes.

Mr. President, these are disturbing statistics. As we move forward to improve our children's education, I urge my colleagues to remember that the most important education tool in any classroom is a qualified, highly trained teacher. After parents and families, America's teachers play the most important role in helping our children realize their potential. Our current teachers are doing a good job—indeed, a great job—given the resources they have to work with. Clearly, it's time to change the way we allocate resources. It's time that today's teachers get more support and training and less paperwork from the federal government.

I want to thank the sponsor of the Ed-Flex legislation, Senator FRIST, for his work with all members to improve this bill. The manager's amendment that we accepted last week addresses many of the concerns that have been raised about this legislation. Without going into the details of the amendment, I would simply point out that it will strengthen accountability measures currently in the bill, require states to coordinate their Ed-Flex applications with state comprehensive plans, emphasize school and student performance as an objective of Ed-Flex and add additional provisions for public notice and comment regarding Ed-Flex proposals.

Ultimately, our children's success in education depends on the support they receive at home and in the classroom. Our focus in Washington should be to take every opportunity to empower parents and then free local schools from regulations that prevent improvements and innovations in local schools.

Mr. President, that's why I strongly support this bill.

PREVENTION OF TRUANCY ACT

Mr. DODD. In the 105th Congress, I offered my legislation, the Prevention of Truancy Act, as an amendment to the Ed-Flex bill during the Labor and Human Resources Committee's consideration, where it failed on a tie vote. It was my intention to offer it on the floor on this bill. However, I am pleased instead to be on the floor with my colleague from Alabama, Senator SESSIONS, to discuss our common interest in assisting communities address this real and serious problem and express our intent to offer legislation similar to the bill I offered last year soon. We will also be working with Senator BINGAMAN who offered similar legislation last Congress and Senator COLLINS who supported my amendment in Committee last year.

Senator SESSIONS, a new member to the Committee on Health, Education, Labor, and Pensions and the Chairman of the Judiciary Committee's Subcommittee on Youth Violence, believes as I do that truancy is a gateway offense, and that this legislation would present us with an opportunity to catch good kids before it is too late. The Senator from Alabama has worked hard for the duration of his career on finding solutions to difficult issues such as truancy. I believe this legislation will truly make a difference in the lives of many children and, at the same time, prevent juvenile crime. I also believe that our working together will produce strong, solid legislation that we should all be able to support.

Mr. SESSIONS. Mr. President, I am pleased to be working with the Senator from Connecticut on truancy legislation. I am struck by the alignment of our interests here. I believe this is a national problem and one that deserves federal attention. I am pleased that

Senator DODD and I have been able to work out an agreement here that avoids an amendment to the Ed-Flex bill on this subject, which would be a concern for me and a number of my colleagues who very much want to be supportive in this effort to address truancy. I look forward to working with the Senator to bring forward a strong bill from my committee to support efforts to assist local governments in their efforts to reduce truancy.

AFTERSCHOOL CARE

Mr. DODD. Mr. President, I'd like to thank my colleague from Vermont for his cooperation in working out an agreement to address the need for afterschool programs as part of the Health and Education Committee's reauthorization of the Elementary and Secondary Education Act later this year.

As my colleagues know, I was planning to offer an amendment to the Education Flexibility Act, that I offered when this bill was in committee, to increase funding for programs serving children during out-of-school hours through the Child Care and Development Block Grant and the 21st Century Community Learning Centers Program.

I know that my colleague from Vermont shares my strong interest in ensuring that children have safe alternatives during the hours they are not in school. He has been a leader for years on this specific issue as well as a tireless advocate for many other critical concerns of American families.

Mr. JEFFORDS. This is a very important issue for me, but not nearly as important as it is to the parents of the nearly 24 million school-age children who need care while their parents work. The issue of how best to meet the needs of school-aged children and youth will be addressed—not just in the context of one program, like the 21st Century Community Learning Centers Act, but within the framework of a comprehensive, cohesive review of Federal public education policy.

Mr. DODD. Out of consideration for the Senator's interest in moving this bill forward expeditiously, I have agreed to withdraw my amendment. I am pleased that Senator JEFFORDS has agreed instead to take up this issue as part of ESEA and to hold comprehensive hearings on the issue of afterschool care this year.

I am particularly pleased that Senator FRIST shares our concern about the documented rise in juvenile crime that we see in the hours immediately after school. I also appreciate his pledge to work with us to increase support for afterschool programs.

Mr. JEFFORDS. I want to thank Senator DODD for helping us move the educational flexibility legislation along. I want to assure him and my Senate colleagues that the withdrawal of Senator DODD's amendment does not signal the end of the Senate debate on school-aged child care, but the beginning of our work.

Senator DODD has been a leader on child care and other youth issues for his entire congressional career. He has continually worked to craft effective legislation that will help children and their families, and I appreciate his tireless efforts.

By working together, I have little doubt that we can greatly improve the Federal Government's response to the needs of school-aged children and their families.

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the Education Flexibility Partnership Act of 1999. I am pleased to join with a bipartisan group that includes thirty-three of my colleagues and almost all of the nation's governors, to ensure that all states have the flexibility to encourage education reforms of the highest standards in our schools. This legislation enjoys the support of the National Education Association, the National School Board Association, the National Conference of State Legislatures, and the National Governors' Association.

As many of my colleagues know, the Ed-Flex Program was established in 1994 under the Goals 2000 Program. It originally authorized 6 states to participate in a demonstration program that would allow States the ability to waive certain Federal regulations and statutes for local school districts and schools in return for high standards and accountability. In 1996, Congress expanded the Ed-Flex Program in the Omnibus Appropriations Act to include six more states. While this waiver authority may seem broad, Ed-Flex States may only grant waivers for selected Federal programs. Most importantly, these states may not waive Federal requirements relating to health, safety, civil rights, parental involvement, allocation of funds, participation by pupils attending private schools, and fiscal accountability.

With over 14,000 school districts in this nation, there cannot be one education reform plan that fits every community. Ed-Flex allows states and local education agencies to commit to common goals and purposes and yet allows them to choose the best path to achieve these results. Ed-Flex is not a cure-all for education reform. It is just a common-sense, practical tool that allows local school districts and schools to get back to the business of educating our youth and away from the business of filling out forms.

Most waivers granted under Ed-Flex have dealt primarily with the use of Title I funds on a school-wide basis and the allocation of Eisenhower Professional Development Funds for teaching disciplines other than math and science. These are common sense changes that have allowed local school districts and schools to use Federal dollars in a smart and efficient manner. Ed-Flex has also encouraged several states to streamline their own regulations and statutes, thus providing their schools with better guidance and clarity on state requirements.

Some of the requirements of Federal programs have produced nonsensical results. For instance, in my home state of Indiana, the town of Elwood operates two separate elementary schools. One of these schools meets the 50 percent threshold for Title I so it can implement Title I programs school-wide. However, the other school just misses this threshold and must restrict Title I resources to only Title I students. That particular elementary school in Elwood, Indiana would be cited by the State Board of Accounts if they were to allow non-Title I students the use of their computer lab which was paid for with Title I funding. These Federal requirements have not only produced two systems of elementary education for this town, but has created confusion over what sort of educational programs can be implemented. This kind of strict regulation is not only absurd, but counterproductive to school reform. As long as Title I students are being targeted for additional assistance, there is no reason a school should be prohibited from sharing its resources with all of its students. In twelve states, Ed-Flex has allowed local education agencies and schools to operate Title I programs on a school-wide basis thus equalizing the standard of learning for all students.

Some have raised the issue that Ed-Flex does not address the major concerns of our nation's school districts. While Ed-Flex will not on its own solve our education problems, it can spur our States and schools to creatively approach old problems in a new way. As a former Governor, I know first-hand how easing strict Federal requirements can help states achieve positive results. Any school teacher will tell you that there is no one lesson plan from which to educate all of our nation's students. Just as each child is unique in his or her capacity to learn and grow, so too our are nation's school districts unique. No matter how well-intentioned, the Federal Government cannot continue down the path of a one-size fits all educational system for our nation's children. Education is now and will continue to be the primary responsibility of local communities and states. Educators, community leaders, and parents are the best judges of what is good education policy for their schools. Each community has different needs and by expanding the Ed-Flex Program, we can allow them to partner with the Federal Government to achieve some truly outstanding results.

For example, a Maryland school district was able to identify a trend in math and science performance of middle school students who came from two elementary schools. After looking at the assessment results and the demographic make-up of the student population, they were able to use the waiver authority to implement comprehensive planning and greater resource coordination. The result has been improved reading and math instruction for this school district's elementary and middle school students.

Our nation's schools will face many challenges in the next century. Dilapidated school buildings, overcrowding in the classrooms, and a shortage of qualified teachers will place great demands on our country's educational systems. While Ed-Flex alone will not solve all of these problems it can ease the burdens placed on our educators so they can rise to meet the challenges of the future. I am pleased to vote in favor of final passage of the Education Flexibility Partnership Act which expands this successful program so that all states, not just twelve, have the opportunity to waive Federal requirements that present an obstacle to innovation in their schools.

I thank Senators FRIST and WYDEN for re-introducing this effective tool of reform. I believe this bipartisan approach is a step in the right direction towards helping our nation's schools achieve positive results.

Mr. THOMPSON. Mr. President, I rise today to express my support for the Education Flexibility Partnership Act of 1999, better known as Ed-Flex. This bill will help to restore the proper respect for the ability of states and local communities to educate our children. I applaud the work done by my colleagues, BILL FRIST and RON WYDEN, and I am pleased to join them as a cosponsor of this bill. Ed-Flex is a common sense, bipartisan, cost-effective approach that empowers states and local communities to put their focus where it belongs—on educating our children, not on complying with federal mandates.

The principle of federalism is vital to our democracy. This principle holds that the Federal Government has limited powers and that government closest to the people—states and local communities—is best positioned to serve the people. Our Founding Fathers had serious concerns about the tendency of our government to centralize power and to encroach on a state's ability to improve the lives of its citizens.

This federal encroachment has been particularly pronounced in the area of education. The U.S. Constitution assigns Washington no responsibility at all for education. Indeed, for its first two centuries, America's Federal Government understood that the 10th amendment left responsibility for education to the states. America's education system works best when parents, teachers, and local school officials, who know our students best, make the decisions about where a school spends its money. But as federal involvement in education increased since the 1960's, Washington began to regulate how our schools spend their funds. Even after all these new regulations, America's dropout rates are near 40 percent in many urban areas, three-fourths of all 4th graders in high-poverty communities cannot read at a basic level, and our most disadvantaged communities remain in need of real education reform.

Americans understand that Washington can't possibly know what is best for a particular student in Memphis or in Los Angeles or in Miami. Patrick Jacob of Germantown, TN, wrote to me earlier this month to remind me that when the Federal Government tells our schools how to spend their money, it reduces the community's ability to take responsibility for educating our children.

There are real solutions in education and they are coming from states from Texas to North Carolina and Arizona and from cities from Milwaukee to New York. However, federal regulations often prohibit states from expanding these reforms. Ed-Flex will give state and local school officials greater freedom from burdensome requirements of federal education statutes or regulations that impede local efforts to improve education. For example, if the parents, teachers and leaders of a particular school district decide that additional money is needed for reading instruction, that school district should not be precluded from shifting its resources to achieve that goal. Ed-Flex will free our schools to make more of these critical choices for themselves. Ed-Flex costs American taxpayers nothing. And instead of sending another unfunded mandate down from Washington, it provides our states with what governors from both parties asked us for when they came to Washington last week—flexibility.

I urge my colleagues to join me in supporting this important legislation.

Mr. BINGAMAN. Mr. President, I rise in support of final passage of S. 280, the Education Flexibility Partnership Act of 1999 and would like to take a brief moment to describe my reasons for supporting this legislation. Despite serious concerns about the amendments that will be offered here on the floor today, I am voting for this legislation as a strong supporter of both increased federal flexibility and additional federal funding for special education.

First and foremost, I am in favor of making federal education programs as flexible as possible. Over the years, requirements and regulations in many areas have crossed the line from responsible monitoring to redundant paperwork. Much has been done in recent years to lessen administrative burdens and eliminate federal regulation. However, I strongly believe that federal education programs need to go farther in to set clear goals and then provide as much flexibility as possible to local policymakers, as well as principals and classroom teachers.

To that end, this bill will allow schools in all 50 states to apply for waivers from a set of state and federal education laws. I voted for expanding Ed-Flex in 1998, and I am proud to have supported creation of the demonstration program that gave New Mexico this flexibility three years ago.

I am also supporting this bill because I am a strong advocate of increased funding for special education. Special education provides specialized services to students that can require significant additional costs to schools and local school districts. These services are essential to these students, and the federal government should do its part to support these efforts.

During the past 3 years, I have worked with my colleagues in the Senate to help increase funding for the Individuals with Disabilities Education Act by billions of dollars. My goal, as stated in the IDEA statute, is that the federal government meet its commitment to IDEA funding by providing 40 percent of the costs of educating special education students. And this bill sends a strong signal that additional funding in FY2000 and beyond is required for IDEA grants to states.

For these reasons, I am voting in favor of final passage. However, I will carefully watch the final legislation that is produced by the conference committee on S. 280 before deciding how to cast my final vote before this bill is sent to the President.

For example, in my view it is unfortunate that the final version of this legislation could have the unintended and unnecessary effect of diverting funding from the new class size reduction program started last year. Under this program, New Mexico is slated to receive $9.6 million in FY99, which would allow schools around the state to hire more than 250 teachers.

There is no reason that the Senate cannot support this program as well as increased funding for IDEA. In fact it would have been preferable to have extended the authorization for the class size reduction program so that these efforts could continue into the future. I am concerned that, by merging two viable streams of funding into what is in effect just one source, the overall amount of funds awarded for education may not increase as much as is needed.

Because of these concerns I voted against several amendments to S. 280 that would make schools decide between the special needs of disabled students and the clear imperative to lower class size in the early grades. Ideally, there would be two strong programs that would both receive the funding they deserve.

I am also concerned that the Senate version of this legislation may not have sufficient accountability measures to go along with the expanded flexibility that is in the Ed-Flex bill. The taxpayers expect us to account for the roughly $15 billion per year that is sent to local schools, and in my view there should be stronger measures of performance and review in the final conference report.

Finally, it is extremely unfortunate that this version of the bill does not create the national dropout prevention program that I had offered as an amendment. This amendment, which passed last year by 74 to 26, would address the fact that 500,000 students drop out of school each year. There is no funded program to help lower dropout rates. And yet students in too many schools have just a 50–50 chance of graduating. Those that don't will earn less, be more likely to need public support, and more likely to get involved in crime. That affects all of us, not just the individual students.

It is my hope that some of these concerns can be addressed during the conference between the House and Senate.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the important education bill which we are about to pass on its substantive merits, and also to speak briefly on the politics, where the bill might have appeared at some points to be partisan, with three votes on amendments being cast along party lines. I am convinced that we will have a very strong bipartisan vote on final passage. At the same time that the Senate will pass this Education Flexibility Partnership Act, the House of Representatives is working on similar legislation, so it will be presented to the President for his signature, which we are optimistic of obtaining.

I think it is important to note that there were important provisions in amendments offered by Members on the other side of the aisle, where there were good programs which can be taken up in due course. The program for new teachers I think is a good idea. The program for dropout prevention is another good idea. The program for afterschool provisions I think, again, is sound and can be taken up at a later time. But had they been pressed on this bill, we would have had gridlock and this bill would not have been enacted.

Last year, the President proposed $1.2 billion as a starter for 100,000 new teachers. That was accepted by the Congress. Before the President came forward with that proposal, in the subcommittee of Labor, Health, Human Services, and Education which I have the privilege to chair, we had put provisions in for some $300 million which would have provided for as many new teachers as could have been hired during fiscal year 1999. The President came in with a bigger figure at a later date. That was ultimately accepted by the Congress.

But I do think the idea for new teachers is a good idea. The question of how to fund it is always the tough issue. Similarly, the proposals for dropout prevention and afterschool programs again are sound and it is a question of finding the adequate funding for these kinds of important programs.

I believe the Senate spoke very loudly and very emphatically on the question of giving local school districts the choice as to whether to use the money for special education, or whether to use the money for new teachers, or what to use the money for. The local education agencies were given that discretion on a vote of 61 to 38, where 6 Democrats voted with 55 Republicans on that choice issue. Funding special education is a very major problem in America today. The Federal Government has imposed a mandate on the States, and the Supreme Court in a recent decision has broadened the terms of that mandate.

In the subcommittee that I chair, which funds education, we have provided very substantial increases for special education, but the Federal Government has made a commitment for 40 percent funding and we are nowhere near that. So when you talk about the priorities of more new teachers or money for special education, that matter was put to the Senate for a vote and, not strictly along party lines, the Senate voted to have the option with the local education agencies; with the vote being 61 to 38, some 6 Democrats joined the 55 Republicans.

When the choice issue was articulated along a slightly different line, the vote was 78 to 21, with some 23 Democrats joining 55 Republicans. That amendment also had provisions to keep the guns out of schools, which was doubtless an incentive to make that a stronger bipartisan vote than on some of the others.

Two of the other amendments were 59 to 40, with 4 Democrats joining the Republicans and, 57 to 42, 2 Democrats joining—and although we did have 3 votes along party lines, 55 to 44, there was a very definite bipartisan flavor to the votes on this matter.

It is always difficult when we have votes which are 55 to 44, strictly along party lines, with the question being raised: Isn't there any independence among 55 Republicans or the 44 Democrats? But the party line was adhered to in order to get the bill passed, even though, as I say, in voting against new teachers, against dropout prevention programs, and against afterschool programs—those are good ideas, and on another day we will be able to take them up. But if we were to maintain these programs, I think this bill could not pass if we do not draw the line to focus on Ed-Flex in this bill.

The flexibility I think is a very good idea. The Federal Government funds some 7 to 8 percent of the total funding. Last year, again in the subcommittee, we increased the funding by about $3.5 billion, about 10 percent, bringing the total Federal share to about $34.5 billion. But the principle of federalism continues to be sound, and that is that we ought to leave as much to the States as we can and we ought to leave as much to the local education agencies as we can, with the people at the local level knowing best what their needs are. So if there is a limited amount of funding, let them make the choice among special education or new teachers or dropout prevention programs or afterschool programs; leave it to the people who are closest to the problems.

So, all in all, there was a bit of partisanship here but I think it was justified to get the bill passed—not too much, with only three votes being along party lines—and deferring to another day the important programs which were not enacted today, but maintaining a very important point of flexibility to allow local education agencies to have the dominant voice in meeting their needs as they see them, being closest to them.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have.

The PRESIDING OFFICER. The Senator has 6 minutes 24 seconds.

Mr. KENNEDY. I yield myself 6 minutes, Mr. President.

Mr. President, in the last 3 or 4 weeks, we have heard our majority leader on three different occasions indicate that the most important issue we are going to address in the early part of this session was education. Over the period of the last 6 days, we have tried to debate a number of the ideas that we have on this side of the aisle, and certainly there ought to be the opportunity to debate amendments from the other side of the aisle as well.

We have tried to do that, but have been effectively closed out from that opportunity.

I would like at this time, to read a statement by Senator PATTY MURRAY, who, because of a death in the family, will be unable to be here to make this representation in the final few minutes of consideration before we go into a series of votes—the most important being the time-sensitive issue of smaller classes for grades K through 3. This is what Senator MURRAY says:

> Mr. President, I want to express how deeply disappointed I am. The Senate had a tremendous opportunity to work together to make a tangible difference in our children's lives and their futures. But instead, Republicans have chosen the path of partisanship and division.
>
> Last October, the Senate reached a bipartisan agreement to reduce class size and improve teacher quality. Republicans and

> Democrats worked together to reach a compromise that is sending funds to local school districts this July. We did it because we knew it was the right thing to do. That simple fact has not changed in the last 5 months.
>
> So I am absolutely baffled about why we could not reach this agreement again. The Senate's failure to pass this amendment was irresponsible and inexcusable.
>
> The Senate Republicans have broken their promise to teachers, to parents, and worst of all, to children in the first, second, and third grades across the country.
>
> The Senate Republicans are hoping that this issue will just fade away, but the education of our children is far too important for me to allow that to happen. I will be back for as long as it takes to get them to recognize they cannot continue to stall. Until they take real steps to reduce the class size, Mr. President, the Republicans owe the children of this country an explanation.

This is what we heard last fall. At that time, leading Republicans in Congress hailed the class size agreement. House Majority Leader DICK ARMEY said, "We were very pleased to receive the President's request for more teachers, especially since he offered a way to pay for them," effectively supporting the first year of getting smaller class sizes. Republican Congressman BILL GOODLING, Chairman of House Education Committee, declared that the Class Size Reduction Act was ". . . a real victory for the Republican Congress but, more importantly, a huge win for local educators." Senator SLADE GORTON said the same thing about the Class Size Reduction Act, representing the Republicans in negotiation on education, "On education, there s been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . ."

Now before the Senate we have the amendment of the Senator from Washington, to fulfill that commitment—which Republicans were taking credit for 5 months ago—and we are being denied this opportunity.

We will have a chance this afternoon to vote on it. This is the time, today is the day, where the U.S. Senate can go on record for smaller class sizes in grades K-3. Today—today is the day to do it.

I say to my good friend from New Hampshire, all of us are very concerned about our nation's children. We, on this side, do not yield that there is anyone who is more concerned about those needy children in our local communities. The fact of the matter is that his battle is not with us—it is with the Republican leadership that supported this program 5 months ago.

Special ed educators all over this country are supporting the Murray amendment. Why? Because they think you can serve special needs children in many different ways, not just in targeting money for a particular funding program, but in smaller classes. We put that in the record. So we reject this idea that we are pitting one group of children against another, which effectively is what the Republican amendments are doing.

Mr. President, today in just 8 minutes we will start a series of votes. They are on amendments that can make a major difference in student achievement. They are supported by parents, local school boards, principals, and teachers all across this Nation for smaller class size, expanding afterschool programs, reducing drop out rates, and ending social promotion. We have a chance on the floor of the U.S. Senate, to take votes and declare that we want action in those areas. That is what we are trying to do. We have been trying to do it for 6 days and have been denied that through parliamentary mechanisms of our Republican friends.

I hope those Americans who care so deeply about those issues know how important it is to the children of this country. It is intuitive. Every parent knows if you have a child in a smaller class the child is going to do better. We have an opportunity to do something about that and I hope this afternoon we will have a strong vote in support of the Murray amendment—the children in this country deserve it.

I reserve the remainder of my time.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Tennessee, the sponsor of the bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, it is an exciting day because education in the United States is off to a fresh start. The underlying bill, which I am hopeful and confident will be passed later today, does something that previous bills out of this body did not do, and that is cut redtape. It combines flexibility and allows local innovation, local creativity to emerge, with strong accountability built in to give our students—and that is the purpose—to give our students the best chance to receive a solid and a strong education to prepare them for the millennium which is just around the corner.

Ed-Flex is not a panacea. We have been very careful, as sponsors of this bill, to point out it is not a panacea to our Nation's educational systems' woes, but it is a strong bipartisan, bicameral first step. It is a first step to unshackle the hands of our teachers, to unshackle the hands of our administrators, of our principals—all who are working hard every day to educate our children. You look around at the success of Ed-Flex, whether it is just around the corner in Phelps Luck School in Maryland where waiver authority was granted to reduce class size, or in Kansas where Ed-Flex has made it possible to implement all-day kindergarten, or in many of the States that have access to Ed-Flex now to reduce paperwork. After today, coupled with the passage in the House of Representatives just a few hours ago, and ultimately to be signed by the President, we can give these opportunities to all States, to all children, to all schools in this country.

I am proud to have been an original author and original sponsor of this particular bill. I am very appreciative of the manager and his conduct of the floor proceedings over the last several days, and I especially want to thank the Governors with whom I have worked very closely over the last several weeks to accomplish passage of this bill. I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Maine 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman and again commend Senator FRIST, chief sponsor of this legislation, and the chairman of the committee. I am pleased to join with them in this effort.

Mr. President, the question before us is simple. This is not a question of who is for better schools; this is not a question of who is for putting more Federal resources in education; because both Democrats and Republicans alike share those two goals. The question before us is whom do you trust to make education decisions? Should education decisions be decided in Washington? Should every Federal dollar be attached to a string? Or should we trust the people at the local level—our school board members, our teachers, our parents, to make the best decisions for the students in local schools? To me, the answer is clear. We should increase the Federal commitment to education, but empower local school boards, teachers and parents to make the best decisions in keeping with the needs of their communities. That is the question before us.

The second question before us is, Is the Government, is Congress, going to keep its promise with regard to funding special education? I say the answer to that should be yes. Let's keep the promise that was made more than 20 years ago when Congress passed the legislation mandating special ed. Let's keep our promise. Let's fully fund that important program before creating a whole lot of new categorical grant programs with strings attached. That is the debate.

Everyone here is for better schools, better teachers, but that is not the issue.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 50 seconds.

Mr. JEFFORDS. I yield the remainder of my time to myself.

I have noticed over the years with my good friend from Massachusetts.

that the weaker his arguments, the louder the volume. He exceeded all my expectations today.

My Democratic friends have a number of amendments that will be coming up for votes shortly. As I have pointed out this week, we will be considering the reauthorization of the Elementary and Secondary Education Act this Congress. The Committee on Health, Education, Labor, and Pensions has already held several hearings on the ESEA, and many more are in the works. I will oppose all amendments that are relevant to the Elementary and Secondary Education Act. I will do this, not because I am callous to these issues, in fact, I ve championed them, but because these amendments should be discussed in the normal committee process. I will, however, support amendments that are designed to let local educators direct more money to special education. The reauthorization of special ed occurred last year, and it is open to have more money. The amendment I introduced on behalf of Senator LOTT and others will provide local communities with a choice regarding how much they will use their share of the $1.2 billion included in last year's omnibus appropriations bill for education.

Under our amendments, a school system may use the funds either to hire teachers or to support activities under the Individuals with Disabilities Education Act. What fairer system can you have under the circumstances? That is all we are doing. We are saying give them an option, give the locals an option: More teachers or more money for special ed. Our amendment will permit local school officials themselves to decide whether they need more money to educate children with disabilities or whether they need funds to hire more teachers.

In Vermont, I am betting the funds will be used for IDEA. Time and again, Vermonters have made clear to me that special education funding is far and away the most pressing need of our communities. And time and again, Vermonters have pressed me to find out whether the Federal Government will honor its promise to pay 40 percent of the costs of special education. We are fortunate in Vermont to have already achieved the small class sizes which the President is trying to promote with his teacher hiring program. We do not need more. We need more money for special ed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has 24 seconds.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the concurrent resolution.

Mr. KENNEDY. Is it appropriate or is it in order to ask for the yeas and nays on all of the amendments this afternoon? I ask unanimous consent that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Is there an objection to the Senator's request? Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second on the amendments en bloc?

There appears to be a sufficient second.

The yeas and nays were ordered en bloc.

CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on Senate Concurrent Resolution 5.

The clerk will report the concurrent resolution.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question, the yeas and nays were ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Byrd

NOT VOTING—1

Murray

The concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations";

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate continued with consideration of the bill.

AMENDMENT NO. 60

The PRESIDING OFFICER. The question is on amendment No. 60 offered by Senator JEFFORDS for the majority leader. There is 5 minutes of debate equally divided. Who yields time?

Mr. JEFFORDS. It is my understanding the yeas and nays have already been ordered on all of these amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. I yield myself 2½ minutes.

Mr. President, I urge a "yes" vote on this amendment for your local school districts. This is the most important amendment you will have this afternoon. I emphasize that this is extremely important for your local school districts.

The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act. It would allow any local educational agency the choice of using its share of the $1.2 billion provided under those provisions either to hire teachers or to carry out activities under part B of the Individuals with Disabilities Education Act, IDEA.

We reauthorized IDEA last year, and this is the perfect time to do this. Local school officials would have the opportunity to determine which of these two activities is a greater need for their schools, and to spend the additional funds accordingly.

In addition, the amendment contains a finding that reemphasizes a simple fact—full funding of IDEA would offer LEAs the flexibility in their budgets to develop class size reduction, or other programs that best meet the needs of their communities.

I believe this approach offers a good middle ground. It is a compromise between those of us who are urging we live up to our promises, with respect to IDEA funding, and those who believe we should undertake a massive new effort to hire teachers for local schools.

I urge all of my colleagues to support this amendment. I think it ought to be unanimous.

Mr. KENNEDY. Mr. President, last year we made a bipartisan agreement to support the hiring of additional teachers. We had a $500 million increase in IDEA and $1 billion increase in terms of the teachers, including special needs teachers.

Communities need funds both for IDEA and smaller classes—and for other top priorities too. We can reduce class size and give children with disabilities a better education. There is no reason to choose one or the other—both are priorities and both can be met.

Every local community in this country is trying to decide whether they are going to hire additional teachers within the next few weeks. If we say now we are going to accept the Lott amendment, you are emasculating this particular provision, which the local communities have been basing their judgment on, and saying, no, that isn't what you are going to do, you are going to have to come up with a new kind of a program.

If we make a commitment to a local community that permitted them to hire general teachers or special needs teachers, I daresay one of the principal reasons that the special needs community supported this amendment last year was because we added that specific provision. We are saying let us, let the local communities live out the bipartisan commitment that we made to them 5 months ago. They can make that local judgment depending upon the needs of the community.

How can you have greater flexibility than that—rather than overturn the whole proposal that was out there and dump this on the school committees that are all finalizing their budgets in the next few weeks?

I hope that the amendment would not be accepted.

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 9 seconds.

Mr. JEFFORDS. I reiterate what I said before. If you want flexibility, vote yes. This amendment gives the local communities total flexibility to meet the needs they have. If you want to limit them down to one thing, hiring new teachers, vote no.

All of our schools want total flexibility, especially in order to have money for special education. We have promised them 40 percent, but have given them 11 percent. We are the cause of the terrible problems local schools have in trying to do what they can to improve their school systems.

I urge a "yes" vote.

Mr. KENNEDY. This is the language:

> . . . to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement of both regular and special needs children.

That is defined as "providing professional development to teachers, including special education teachers and teachers of special-needs children. . . ." We already have it. The local school communities are committed to making their own judgment and decision. Why are we turning that all over, Mr. President, now in the final hours of this? It makes absolutely no sense whatsoever. The special needs community supported that amendment last year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). Does the Senator yield his time?

Mr. JEFFORDS. I yield back my time.

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to determine the absence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 5]

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER (Mr. VOINOVICH). A quorum is present.

Mr. KENNEDY. I move to table the Lott amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President——

Mr. KENNEDY. Mr. President, I made a motion to table, and I asked for the yeas and nays. It is not debatable. I asked for the yeas and nays on the motion to table. I made a motion to table, and I have asked for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The motion has been made to table.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Cleland
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed

Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—61

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Murray

The motion to lay on the table amendment No. 60 was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 60.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 60, nays 39, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The amendment (No. 60) was agreed to.

AMENDMENT NO. 64

The PRESIDING OFFICER. Under the prior order, we are now on amendment No. 64. There are 5 minutes equally divided.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Am I correct that the 5 minutes is for debate only?

The PRESIDING OFFICER. That is correct, the 5 minutes is for debate only. It is equally divided.

Who yields time? The 5 minutes is equally divided.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is the Murray amendment. Senator MURRAY is not here today, due to a death in the family, otherwise, she would be making the presentation at this particular time.

Basically, the Murray amendment builds on what was agreed to in the budget last October by providing 6 years of funding. It gives certainty to school boards all across the country that we are making a national commitment to see smaller class size in schools all across the Nation.

In the President's budget, there is $11 billion that is effectively allocated for this particular purpose. It follows the pattern that was agreed to last year that states if a particular district has already achieved 18 students, they can use the funds for professional enhancement or for special needs children. That is why it has the support of the special education community.

This amendment has the wholehearted support of all the school boards, of all the parent-teacher organizations, of the school teachers and local authorities across the Nation. It is a major national effort to try to get smaller class sizes.

We are going to need 2 million teachers over the next 10 years. This is only going to provide 100,000, but it will make sure that they are well-qualified teachers. It will place support the early grades, which ought to be our priority. I hope it will be accepted.

It also includes, Mr. President, the sense of the Senate that the budget resolution shall include an annual increase for the IDEA part B and funding so that the program can be fully funded within the next 5 years. So, we are committed to that as well. And it also says these increases shall not come at the expense of the other education programs.

If you support this amendment, you are also supporting a commitment to fund the IDEA over the period of the next 5 years.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will not support the amendment offered by my colleagues from Washington and Massachusetts.

First and foremost, the 100,000 teacher proposal is flawed. It puts quantity over quality. There is little or no emphasis on improving teacher quality in the proposal. Yet, the research shows with certainty that the quality of the teacher leading the class is significantly more important than the size of the class.

Furthermore, adopting a new, untested, multi-billion dollar program without hearings or local input is no way to make good public policy. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and we should examine this proposal during consideration of that bill. I give my assurance to my friends on the other side of the aisle that I intend to fully examine this question. But the proper way to do it is under the orderly committee process. We are in the middle of that right now. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and this issue should be appropriately addressed during this process.

So I inform my colleagues that I will, at the time of the vote, move to table the amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I am pleased to join with my colleagues Senator MURRAY, Senator KENNEDY and others in introducing this Class Size Reduction amendment, which builds on last years successful effort towards reducing class sizes in grades 1–3 to 18 or fewer students nationwide. Last year, President Clinton proposed this historic initiative and Congress approved a down payment on this request last year, providing a $1.2 billion appropriation to help communities hire approximately 30,000 teachers nationwide.

Under the initiative enacted into law last year, school districts will begin to receive funding this July 1 in order to hire teachers to begin reducing class size this fall. While last year's appropriation provided an important start on this seven year initiative, the amendment before us gives us a chance to support effective local planning by giving school districts the confidence they need that funding will be available under this initiative for future years.

The average U.S. class size is 24 students with some as high as 30 students per class. A consensus of research indicates that students attending small classes in the early grades make more rapid educational progress than students in larger classes and that those achievement gains persist through at least the middle grades. More specifically, class size reduction leads to enhanced teacher-student quality relationships, higher student achievement, solid foundation for further student learning, and the ability of students to read independently by the end of the 3rd grade.

Mr. President, there are 3,750 schools in my state of Michigan. Some of these schools have been fortunate enough to reduce some of their classes in the early grades. Last month, I visited about a dozen of them, witnessing first hand the benefits of smaller classes. I also visited several of the numerous schools in my state that are disadvantaged by large class sizes. For example, at the Calvin Britain Elementary School in Benton Harbor, where the student to teacher ratio is higher than the national average, teachers worry that they are not able to identify their students' learning needs. When I asked 2nd grade teacher Louise Hufnagel what it would mean to reduce her class of 26 down to 17 or 18, she said, "It would make a world of difference. A lot of the children have special needs and it would make it easier to give them the individual attention they need."

At East Leonard Elementary School in Grand Rapids, principal Tina Barwacz said she is convinced that lower class size improves academic performance. Teachers there are now giving more personalized attention to their students because their classes are smaller. Third grade teacher Dan Mayhew, with 17 students this year down from 23 last year, says that now he can get to each student more often and make sure the individual masters the standards and the core curriculum. Another third grade teacher, Sharon Uminski, with 17 students this year, down from 28 last year, says she gets to know her class better, including learning faster students strengths and weaknesses. She went on to say that it also allows her to initiate remedial education in a subject when necessary on an individual basis; and that she encounters less discipline problems resulting in more class time for instruction. First Grade teacher Teresa Guinnup who had 25 students last year and 17 this year says now she can talk to each child and check his or her ability. The students told me that they like smaller class sizes because it was easier to concentrate, there was more room and some kids get to sit at their own desk.

At Winchell Elementary School in Kalamazoo where some classes have gone from 29 down to 17, teachers are seeing major improvements in their pupil's reading skills. First grade teacher, Mary Trotter, who had 28 students last year and has 19 this year said, "I'm able to give children much more individual help. It's a dream." First grade teacher Kitty Wunderlin who had 29 students last year and 19 this year, said "it is divine to have 19 students. I can give them one to one attention. With 29 students I felt overwhelmed." And, first grade teacher Kathie Gibson told me, "I've seen great gains in my students reading skills this year."

In Lansing, at Harley Frank Elementary School, kindergarten teacher Mrs. Zimmerman, who has been teaching for 34 years and who last year planned to retire until she heard class sizes were going to be reduced, said that she now has more control over her class, the kids are happier and more adjusted and in short, they are able to learn more. With smaller classes, teachers can assess each student's progress in a more timely manner and students develop more interest in learning, all of which create higher student achievement.

Many other direct experiences of teachers and students were shared with me. For instance, at Merrill Community Elementary school in Flint, which started a class downsizing program five years ago for grades K–4. Before this program began, their student to teacher ratio was 30–1. One teacher, Mrs. Stephanie Thibault told me that "having 30 first and second graders in a classroom was overwhelming and exhausting." Teachers would literally find themselves counselling some of their students in the hallways because their buildings and classrooms were so overcrowded. After the implementation of their new program, that ratio changed to 17 students to 1 teacher, and listen to the difference expressed by Mrs. Thibault. She exclaims "As a teacher, my role has expanded beyond instruction. Having a 17–1 ratio allows me to know my students and their families better, allows me to personalize learning tasks for each child and it gives me opportunities to provide one-on-one help. Students benefit because they receive the attention and caring they deserve."

Because of a class size reduction program, Mrs. Thibault can now give students the instruction they deserve. Isn't that exactly what we should strive for? Our teachers should not be overwhelmed and exhausted at the end of each day. Our students should not be competing with each other to get the attention of their teachers. Each child deserves that attention and caring that teachers like Mrs. Thibault can provide. But some teachers are not capable of providing that teaching environment. Too many of our classrooms are spilling out into the hallways and until we change this by reducing class size, our young people will be at a disadvantage.

When we reduce class size, we not only help our teachers and students, but we meet needs of parents whose children are learning more and performing better in school. When the program to reduce class size first began in the Flint Community School District, test scores for students were low. For the 1994–95 school year, only 8 percent of the students at Merrill Elementary passed the "Reading/Story" portion of the Michigan Education Assessment Program, the MEAP test. For that same year, only 26 percent passed the "Reading/Info" section and just 10 percent passed the Math portion of the MEAP test. Since the implementation of the program, the students at Merrill Elementary school have seen their scores rise dramatically, and I'm not just taking about a couple of percentage points. Last school year, after just 4 years of smaller class sizes, 54 percent of those elementary students passed the "Reading/Story" portion of the test, an increase of 45 percent. In addition, 70 percent of Merrill elementary students passed the "Reading/Info" portion, a 44 percent increase and 55 percent passed the "Math" section of the MEAP test, a 44 percent increase. In just a few years, these students were receiving more attention in a better academic environment and were simply, learning more.

Let's take the important lessons from these elementary schools in Michigan and apply them to this legislation. We must start reducing class sizes now. If we fail to pass this amendment, reducing class size, we fail the students of Michigan and the rest of the nation.

Ms. MIKULSKI. Mr. President, I am proud to be an original cosponsor of the Murray/Kennedy Class Size Amendment. This amendment continues a major six year effort to help local school districts hire 100,000 teachers nationally. It is one the most important pieces of legislation the Senate will consider this year. This amendment will strengthen our schools today and build a framework for the future.

Last year we made a down payment by including $1.2 billion in the budget for class size. This year, we must continue the fight for our schools and the fight for our kids. We must give our schools the support they need to lower class size. We must get behind our kids by passing this critical legislation.

Last year, we worked together in a bipartisan fashion to reduce class size in the FY99 Omnibus Appropriations Act. Last year we got $1.2 billion in the Omnibus to reduce class size using highly qualified teachers. Nationally, this allowed us to hire some 30,000 new teachers this year. My state of Maryland alone received $17.5 million and will get about 425 new teachers this summer.

Mr. President, I have visited these classrooms and I have talked to these kids. These children have told me over and over again that they want to learn. They have told me they need more individualized attention. I have received letters from kids in school who are begging for our help. They tell me their schools are overcrowded and the teachers can't control the large classrooms.

They tell me they are scared to go to school and that they can't learn because the teachers are too busy trying to manage the overcrowded classes.

Mr. President, this is a sad time for our students. A child should never fear going to school. We need to work and work hard to ensure that our efforts are not short circuited because of politics. I have told many teachers and students about the important strides we made last year to make sure they will have smaller and more effective classrooms. These children are excited about having more opportunities to learn. They are eager to learn to read and learn about science and technology. They are excited about all the wonderful possibilities that lie ahead for them with a proper education. But we need to do more. By passing this amendment today, we in the Senate have an opportunity to prove our commitment to education.

Efforts are already underway in my state of Maryland to reduce class size. I have heard from at least five counties in my state that they have class reduction programs already in place or in development. The schools in Montgomery County, Maryland, for example, are reducing class size for reading at the primary grade level. In the primary grades, they have started a program where there are only 15 students per teacher for a 90 minute reading block. They are also reducing class size in math at the middle and high school levels and have added an extra math teacher to each school to ensure success in algebra. I applaud these efforts, but they need federal help to do more.

These programs started this school year and are being phased in over the next three years focusing initially on low-performing schools. And do you know what these programs will do? They will prepare Maryland kids for the new millennium. They will prepare our children to go onto college and gain the important skills they will need in the future. These class reduction programs are the building blocks that will help prepare our kids to be our future leaders.

The American people are counting on us to help fix an education system which failed so many children. Our education system has been ignored for far too long. If we don't pass this amendment today, we are sending the wrong message to the American public. Because of our efforts last year, our schools will be able to hire new teachers this summer. If we don't pass this amendment, we are telling those school that we are not committed to improving America's education system. We need to continue this effort to provide 100,000 new teachers for America. Let's get behind our kids and pass this amendment.

Mr. KENNEDY. Do I have any time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The Senator from Massachusetts has no time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. No time remaining.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield back the remainder of my time and I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Murray amendment No. 64. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 64) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRAIG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 66

The PRESIDING OFFICER. Under the previous order, we will now debate Lott amendment No. 66 with 5 minutes equally divided.

Mr. JEFFORDS. Mr. President, this is very similar to the amendment we previously voted on, referred to as the Lott-Jeffords amendment. The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need for their schools, and to spend the additional funds accordingly.

I am sure that many areas would choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA. A number of small States are already at the level of teachers they need, but we are grossly underfunded in taking care of our special needs children. I have heard many times during my trips home, that the current level of funding for IDEA falls far short of the 40 percent we promised in 1975. Full funding of IDEA would offer local school officials the flexibility in their budgets to develop dropout prevention or other programs that best meet the needs of their communities. I urge my colleagues to support this amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, it is very difficult to hear. The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Connecticut.

Mr. DODD. Mr. President, I rise in opposition to the amendment and do so with a sense of some regret. I offered an amendment a year ago with, in fact, Senator COVERDELL, our colleague from Georgia, on the $7 tax break proposal as an alternative where real money—$1.6 billion—would go toward IDEA.

I think all of us appreciate the fact that many of us over the years wanted to raise our level of support for that program. But in this particular issue, to kind of ask in a sense that we now take needed dollars to try to bring down class size and throw this item in—by the way, I lost on that amendment where we would have had $1.6 billion for IDEA. I got voted down on that proposal. Here we have a real issue of class size.

One of the major problems in IDEA is the learning disabilities. Two-thirds of IDEA kids are learning disabled; primarily speech, and language is the second disorder. That problem is not discovered until the third or fourth grade in most schools. You don't discover that with a younger child.

The irony here, in a sense, is that we are trying to reduce class size, which is what the underlying amendment would do, so that you try to avoid the problems from being created in the first place. Here we are sort of competing against each other. We have a legitimate issue that we are trying to get dollars into, and that is to reduce class size. To the extent that we do that, we are going to reduce the IDEA problem. That is what we ought to be trying to do, instead of creating this false choice out here, in a sense. If you can choose between these dollars, clearly, in many communities, because it is a tax issue, they are going to go with IDEA. The underlying problem with IDEA gets addressed if we reduce the class size.

I urge my colleagues in this particular case—after we increased by $500 million last year IDEA funding—that we reject the amendment. Do what we can in this partnership and bring down class size, which is what most Americans would like us to do across the board, and still work on the IDEA issue and reducing the obligations there.

For those reasons, I urge the rejection of this amendment.

Mr. JEFFORDS. Mr. President, I point out that all we are doing is giving flexibility to States like Wyoming, North Dakota, Vermont, and other States that are already at the reduced class size. Why not let them spend it for IDEA, which is grossly underfunded? That is where the money is really needed. That is where the kids will be helped.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The amendment (No. 66) was agreed to.

AMENDMENT NO. 63

The PRESIDING OFFICER. We are now on amendment No. 63. There are 5 minutes equally divided for debate. But before we begin that, we will need to get the attention of the Senate. Will Members in the well take their conversations to the Cloakroom?

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is intended to commit the Federal Government to help local school districts deal with a very serious problem, the problem of students dropping out of school before they graduate. There is no Federal program that is intended to resolve this problem. I hear a lot of talk about how there are other Federal programs. There is no Federal program that is funded that is intended to solve this problem. This amendment would help us do this.

Clearly, this is a major issue in all of our States.

This is particularly an important issue in our States where we have large numbers of Hispanic students. The dropout rate is 30 to 50 percent among that community.

I yield the rest of the time to the Senator from Nevada who is a cosponsor on this amendment.

Mr. REID. Mr. President, we have over 1 million people, men and women, in prison in this country. Let's round it off and say we have 1 million people in prison, and 820,000 of those people in prison, men and women, have not graduated from high school. If there were no better reason to do something about the dropout problem, that would be it. We have to keep young men and women in school. Three thousand children drop out of school every day, 500,000 a year. This amendment would do nothing to take away from local school districts absolute control as to how they handle dropouts, but it would give them additional resources and assets they now do not have.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am reluctant to oppose this amendment because I have such great empathy and sympathy for the problem, and, because I respect the Senator from New Mexico a great deal. We have worked together on so many programs and problems over the years, and we will continue to do so. And I respect his judgment. However, to address this issue at this time is not appropriate. This is a program already in existence, though obviously, not working well. The program is within the Elementary and Secondary Education Act. I am dedicated to working closely with the Senator from New Mexico to find out how and what we should do to amend existing programs in order to have better dropout programs. So I hope he would understand that, and that by opposing this amendment, which I will move to table eventually, I am not doing anything other than saying wait—wait until we go through the reauthorization of the ESEA this year. We are going to hold hearings and make sure we do the best thing possible to solve the dropout problem.

Right now, I cannot accept this amendment. I retain the remainder of my time.

Mr. BINGAMAN. Mr. President, is there additional time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The Senator from New Mexico has no more time.

Mr. JEFFORDS. That is all the time that is available?

Mr. President, for the reasons that I have stated, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Mexico, Mr. BINGAMAN. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR
Snowe

Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 63) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, let me explain what we intend to do on this side of the aisle. I intend to arrange for a voice vote on the next two amendments. They are Lott amendments. They are very similar to the ones that we had before. I do not believe it is worthy of time to get votes on those, because that dye is well cast by the previous vote.

AMENDMENT NO. 67

Mr. JEFFORDS. The amendment we have now is Lott No. 67. Fulfilling a promise is not as exciting as raising new expectations with new programs. We don't get much press coverage, presumably, for doing the right thing, but if we fulfill our obligation to fund IDEA, State and local agencies will be able to target their own resources toward their own, very real needs. These may be needs for afterschool activities, or for dropouts, or for any number of the pressing needs facing our Nation. All of this is going to be discussed in the reauthorization of the Elementary and Secondary Education Act.

With that, Mr. President, I will yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Are there further remarks on amendment No. 67?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Just a point of information, is this the Boxer amendment that the Senator has just spoken against?

Mr. JEFFORDS. This is the Lott amendment.

Mrs. BOXER. Fine, I will withhold.

Mr. JEFFORDS. Mr. President, I ask to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 67.

The amendment (No. 67) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 65

Mrs. BOXER. Thank you, Mr. President. In 2½ minutes I hope to convince my colleagues to support this afterschool amendment.

The Senator from Vermont said it is not so exciting to fund new programs. This is not a new program. This is a tried and true program. This is a program that works. This is a program that we all agreed we would spend $200 million on last year. The response in the community has been overwhelmingly positive and we need to fund it at a greater level.

What we do in this amendment is authorize the same amount of funding that the President has put in his budget; $600 million would accommodate over 1 million children. Look at these children, look at their faces, look at how they are involved with a mentor after school. After school programs keep children like them from getting into trouble by involving them in positive activities. We can see here, if we look at this chart, that the time when juvenile offenders commit violent crimes is during the after school hours. You do not need a degree in criminology or sociology or psychology to understand that youth offenders are more likely to commit crime or become involved in criminal activity when they are home alone or unsupervised. We see criminal activity among youth peaking here at 3 p.m., when schools let out. Gradually, as the hours move into the early evening and parents come home, the peak drops. Additionally, law enforcement supports afterschool programs. We call this particular amendment an anticrime amendment. It has been endorsed by police athletic leagues from across the Nation. Members have been calling in favor of this amendment. Here is the list of the many law enforcement groups, just a handful of them, to show you how popular this program is.

Who supports afterschool programs in America? In a recent poll, August of 1998, 92 percent of Americans support afterschool programs. After school programs are anticrime, pro-education, pro-community, and make common sense. Again, I hope Senators will vote in favor of afterschool programs. This is not a new program. I thank my colleagues for their attention.

Mr. LEVIN. Mr. President, I am pleased to cosponsor this legislation to provide quality after school programs for our nation's youth. There are 23.5 million school-age children who have working parents, and of these children, 5 to 7 million are considered "latchkey" kids, or children who are alone at some point in the day.

Mr. President, law enforcement statistics show that from the hours of 3:00 p.m. to 6:00 p.m., students between the ages 12 to 17, are more likely to commit violent acts or be the victims of violent activity. We know that they are more likely to engage in these activities if young people are without adult supervision. According to a report published by the U.S. Department of Education and U.S. Department of Justice in June of 1998, entitled Safe and Smart: Making After School Hours Work for Kids, "first and foremost, after school programs keep children of all ages safe and out of trouble."

There is no question that afterschool programs keep most kids out of trouble, unfortunately, there are not enough of them to keep all kids on the right track. According to findings of Mr. Herbert Moyer of the Michigan State Board of Education, which were published in the March 10, 1999 Oakland Press:

> More than 80 percent of parents want their children to attend an after-school program, but only 30 percent of elementary and middle schools offer such programs. After-school hours are when juvenile crime rates triple and youth without positive alternatives may do drugs, smoke, drink or engage in sexual activity . . . eighth-graders who are left unsupervised for 11 hours or more a week are twice as likely to abuse drugs or alcohol as those under adult supervision.

Mr. President, this amendment would make a substantial effort to resolve that problem. By increasing the appropriations for the 21st Century Learning Centers program to $600 million, a three fold increase over last year's funding, public schools will be able to develop after school centers for children that provide educational, recreational, cultural, health and social services. Specifically, activities and services may include: Literacy programs, telecommunications and technology education programs, mentoring, academic assistance, job skills assistance, expanded library services, nutrition and health programs, summer and weekend school programs, services to individuals with disabilities, drug, alcohol, and gang prevention.

Last year, 21st Century Community Learning Centers grants were awarded to four school districts in my State. Schools in Armada, Benton Harbor, Grant Rapids and the Highland Park School have received these grants. I would like to share with you some of the possibilities that these grants can provide to local school districts around my state and nationwide.

In the Armada Area Schools, the district planned a virtual network of middle school computer centers (called "clubhouse"). The centers are meant to increase student engagement in learning through computer use; foster collaboration among students, schools and communities; and develop a model of statewide collaboration through the sharing of resources.

The Benton Harbor Area Schools planned to partner up with local community groups and Western Michigan University to provide Community Learning Centers, which are established to assist middle school students in developing literacy and technology skills and they plan, produce, and present constructive projects that deal with community-wide issues such as poverty, violence, drug use, and teen pregnancy.

The Grand Rapids Public Schools planned to create four local Learning Centers in its middle schools. The program is designed to operate on afternoons, one evening per week, and several hours on Saturdays and provide enrichment activities, recreational activities, parent and child activities and community support activities.

The Highland Park School District, which collaborated with government, nonprofit groups, and local universities, planned to create two Learning Centers in their area. At these centers, students and community members can participate in academic programs, sports and recreational activities, literacy and family recreational activities.

I would like to applaud the innovative ways in which Michigan educators have provided students with after school programs. These school districts were selected for the 21st Century Learning Centers grants because of their innovative projects in addressing their after-school needs. And, let me say, Mr. President, that Michigan students and parents are lucky to have people like Kathleen Strauss, Vice President of the Michigan Board of Education, who has championed the cause of after-school programs for our youth for many years. We are also lucky to have such dedicated educators, especially in Armada, Benton Harbor, Grand Rapids and Highland Park, who have helped students gain access to computers and new technologies, and to encourage student involvement in the community.

I am pleased that Michigan schools are benefiting from these grants, and am hopeful that the model set by these school districts will encourage the establishment of similar initiatives in communities throughout my state and the nation. I urge my colleagues to support this amendment.

Ms. MIKULSKI. I rise today as an original cosponsor of Senator BOXER's After School Education and Anti Crime Amendment. I am very pleased to support this important legislation with Senator BOXER. One of my highest priorities as Senator is to promote structured, community-based after school activities to help kids stay safe. I will support this amendment for three reasons. First, there is a desperate need in this country for constructive after school programs for our youth. Second, it authorizes increased funding for after school programs. Third, this amendment specifically includes Police Athletic Leagues as part of the after school effort.

Mr. President, America's youth needs our help. Kids need constructive after school activities to keep their young minds healthy and active. In many families today, both parents have to work. And that's if they are lucky enough to have two parents. Many kids are raised by single moms who hold down one or more often, even two jobs just to make ends meet. I talk to single moms in my state of Maryland who can barely get by. Many of them hold down steady jobs while trying to go to school. They are trying to improve themselves so they can get better jobs and take care of their families. These parents can't always be there after school to supervise their children. They cannot leave their jobs at 3:30 when school lets out. They cannot quit their jobs because even if there are two parents working, they still need every dime.

So what do we tell these people to do with their kids after school? What if they aren't lucky enough to have grandparents or aunts and uncles to take care of the kids after school? Most of these parents can't afford the high costs of day care. Do we just blame the parents when their kids get in trouble? No. This is a responsibility for us all. This situation presents a problem for us all. Gangs, drugs, and violent crimes has become an epidemic among our children. These kids are the future of our country. One day, they will be our leaders. Here in Congress we have the ability and the duty to save our youth. And this amendment helps communities build after school programs for our youth.

I also support this amendment because it authorizes $600 million for after school programs. This money will allow 1.1 million kids each year to go to an after school program. In the budget last year, we put $200 million in after school programs. Last year, we made the downpayment. This year, the President has tripled that amount to $600 million. And what will this funding mean? It means that after school programs could get more space. They could hire more staff and add programs and services. It means that these programs can serve more young people.

Mr. President, I will also support this amendment because it specifically includes Police Athletic Leagues as part of the after school effort. I have made it a priority to do all I can to help the PAL programs in Maryland. We have 27 PAL centers in Baltimore, Maryland. The first PAL center in Maryland was in 1995, in northeastern Baltimore, located in a transformed convenience store. Our PAL centers were not started with the help of the federal government. The success of this program is due to the hard work of the Baltimore Police Department and the support and involvement of members of the community. But now it's time for the federal government to help fund the PAL centers and the excellent work that they do.

The PAL centers provide adult role models for our kids. They promote character & responsibility. The people there help kids with their homework. They teach them about art, cultural activities and sports. This is all part of our effort to get behind our kids and combat juvenile crime. PAL centers help to make our streets safe and give kids the tools for success. These programs recognize that we need to give kids alternatives to the streets.

Mr. President, after school programs must be a priority. We don't have the luxury of funding after school programs just because we want to do something extra for our kids. After school is not an extra anymore. After school programs are now a necessary fact of life. We need to give kids a fighting chance. I will be fighting to enact this bill into law and I encourage all of my colleagues here to get behind our kids and vote for this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will likely oppose this amendment because, again, this will be reauthorizing the Elementary and Secondary Education Act. Actually, this program is already part of the law in a way. It is the 21st Century Schools program I got in in 1994. The administration has, by regulation, kind of changed it into an afterschool program. I do not mind that, but I think the 21st Century Schools was much broader and a better program. We can argue this out, and we will have hearings on it and evidence presented during the next few weeks and months. At this point, I would have to oppose the Boxer amendment, and eventually, after time runs out, I will move to table it.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California has 58 seconds remaining.

Mrs. BOXER. Thank you, Mr. President. I will take that time, if I might. I knew I could speak fast, but I did not realize I had left all that time.

Again, I say to my friend, this is a moment, an opportunity for us. We have an education bill before the U.S. Senate. Why would we wait to put more teachers in the classroom? Why would we wait on afterschool programs when, in fact, it is so necessary? Throughout America, people are asking us to act. If you go to the community and say, well, we are waiting for a different vehicle to come before the Senate before we address after school programs, they will look at you and say, wait a minute, we need these funds now. Our kids are getting into trouble after school. We have an opportunity, with a good bill that Senator WYDEN has brought to us and Senator FRIST, to make it even better. I urge my colleagues, please vote in favor of this amendment for afterschool programs.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, again, I just reiterate, this is not the time to be arguing about this. The time is with reauthorization of the Elementary and Secondary Education Act. Therefore, I would strongly urge Members of both sides to vote against this amendment.

Mr. President, I move to table the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. JEFFORDS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment of the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 65) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 68

Mr. JEFFORDS. Mr. President, I am going to now ask for a voice vote on Lott amendment numbered 68. This is basically the same amendment we have been voting on. I think I talked to the other side of the aisle and they have no reason not to have a voice vote.

At this point, I ask unanimous consent to vitiate the yeas and nays on Lott amendment No. 68.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. JEFFORDS. Mr. President, let me explain this amendment. Like the previous Lott amendment, this would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need in the schools and spend the additional funds accordingly.

I am sure that many areas will choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA, special education. If a locality has a plentiful supply of unemployed qualified teachers and lacks only the funds to hire them, that locale will use the $1.2 billion to hire teachers. If that is not the case, those funds will be put to better use by supporting existing efforts to educate special education students.

I urge my colleagues to support this amendment. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I want to make it crystal clear that I am not in favor of amending IDEA in any significant way, now or in the near future. In the last Congress, members of both the House and the Senate worked hard to bring all sides together to reauthorize IDEA. Now, Congress owes children and families across the country the most effective possible implementation of this legislation.

The amendments enacted in 1997 were the product of comprehensive, bipartisan negotiations involving Congress and the Administration, with extensive public input. The final product involved compromises on many sensitive and complex issues, and it has been widely recognized as a significant improvement of this landmark legislation, to protect the rights of 6 million children to a free, appropriate public education. The Department of Education moved quickly to propose regulations, and the final regulations are expected this Friday.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral intervention plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The 1997 changes in the law and the implementation of the regulations under it must be given a chance to work. At this point, it is clearly premature to make substantive changes in the statute. The goal of this Congress should be to give all children the educational opportunity to pursue their goals and dreams. We should not prematurely undermine the implementation of this landmark legislation.

Mr. President, for the reasons outlined earlier, we were prepared to move towards a voice vote.

There is one change in terms of the IDEA regulations. There will be some IDEA regulations with regard to discipline that have been included in this amendment that are generally not objectionable. However, since it does effectively undermine the previous agreement, I hope it would not be accepted.

Mr. President, I have three letters—one from the National Parent Network on Disabilities, the Disability Rights Education and Defense Fund, and the National Organization on Mental Retardation—from organizations that are opposed to this amendment, and I ask unanimous consent they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL PARENT NETWORK
ON DISABILITIES,
Washington, DC, March 11, 1999.

Senator EDWARD M. KENNEDY,
Russell Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the board and members of the National Parent Network on Disabilities (NPND) we are opposed to any amendments to the Individuals with Disabilities Education Act (IDEA) now or in the near future. In the last Congress, members of both the House and Senate worked hard to bring all sides together to pass the rauthorization of IDEA. The vote in both Houses was near unanimous in favor of reauthorization.

Tomorrow the regulations to implement this law will be promulgated. With these regulations there is an opportunity to move forward with full implementation of the law. Congress owes the children and families across the country the most effective possible implementation of this legislation.

The amendments which were enacted on June 4, 1997 were the product of comprehensive, bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input. The final product, which involved compromises on many sensitive and complex issues, has been widely recognized as a significant improvement of this landmark legislation, which protects the rights of 6 million children to a free, appropriate public education.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral interventions plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The NPND represents 147 organizations nationwide that serve parents and families of students with disabilities. NPND provides a voice and a presence at the national level to influence public policy on behalf of its constituents. NPND is opposed to any amendments to IDEA.

Sincerely,

PATRICIA M. SMITH,
Executive Director.

DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.,
March 11, 1999.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, the Disability Rights and Education Fund (DREDF), is an organization which specializes in disability, civil rights and education law. We are strongly opposed to any amendments to the Individuals with Disabilities Education Act (IDEA).

In the last Congress, the House and Senate worked hard in a bipartisan manner to bring all sides together to pass the reauthorization of IDEA. The amendments which were enacted on June 4, 1997 were the product of intense negotiations involving both chambers of Congress and the Administration, with extensive public input. Parents, family members, educators, administrators and legal scholars came together week after week prior to passage to provide input to assist in crafting this landmark legislation which protects the rights of 6 million children to a free, appropriate public education.

The final regulations for IDEA are going to be promulgated tomorrow. With these regulations, we expect full implementation and enforcement of the law. We believe that it is imperative that Congress allow this law to be implemented on behalf of these students nationwide.

One of the major points of contention in the reauthorization was the subject of discipline. Section 615 of IDEA reflected very carefully crafted language dealing with discipline. In many communities, schools are only beginning to use the tools that are available to them under Section 615 in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral intervention plans for children with disabilities.

Please, as you have done so many times before, continue to fight to protect the rights of children with disabilities and their families.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

THE ARC OF THE UNITED STATES,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, March 11, 1999.

Hon. EDWARD M. KENNEDY,
Ranking Minority Leader, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY, it has come to the attention of The Arc that the Senate intends to vote on the Ed-Flex legislation, S. 280, today. Much to our chagrin, a last second amendment which would amend the discipline provisions of the Individuals with Disabilities Education Act has been added to S. 280. While we know that IDEA funding has been heavily debated during consideration of this bill, there has been no debate on the IDEA discipline provisions. Amending IDEA at this time and under this circumstance is absolutely unacceptable to the disability community and The Arc. The last Congress, after more than 2 years of intense negotiation, made major changes to the IDEA discipline provisions. These provisions have not had a chance to be fully understood and implemented since we still do not have the final regulations to implement these complicated provisions. Further amending IDEA this way is fraught with danger and will lead to considerable more confusion in the education and special education communities. It is simply not the time and the Ed-Flex bill is not the place to amend IDEA. Thus, we reluctantly recommend you oppose final passage of the Ed-Flex bill.

We thank you for your consideration of our views.

Sincerely,

LORRAINE SHEEHAN,
Chairman.

Mr. LOTT. Mr. President, I would like to yield to the Senator from Missouri, Senator ASHCROFT, so that he can explain a provision that he drafted for Amendment No. 68, an amendment that he and I have offered to the Ed-Flex bill.

Mr. ASHCROFT. I thank the Majority Leader for this opportunity to give an explanation of the provision.

Mr. LOTT. It is my understanding that the Senator from Missouri's provision makes an important clarification to a discipline provision within the Individuals with Disabilities Education Act.

Mr. ASHCROFT. Yes, that is correct. I am proposing this provision in response to specific concerns I have heard from Missourians.

Mr. President, a message that I am hearing from parents and teachers and students is the issue of school discipline. For the past few months my staff and I have been looking into this issue to see if there are changes that can and should be made to the Individuals with Disabilities Act Reauthorization legislation, in order to give local schools the flexibility they need to apply disciplinary measures in a fair, uniform, and logical manner. I will have more to say on this issue when the Senate takes up the reauthorization of the Elementary and Secondary Education Act.

But one issue has come to my attention that I believe Congress should address right now, and it involves the issue of a school's ability to discipline IDEA students who carry or possess weapons to or at schools.

Mr. President, I have proposed a provision within Amendment No. 68 which makes an important addition to a provision in the Individuals with Disabilities Education Act. The revision I propose will ensure that the IDEA legislation accurately reflects the intent of Congress that schools should have the ability to place a child with a disability in an alternative setting for discipline situations involving weapons.

Specifically, this provision revises the law to explicitly allow a school to place a child with a disability in an appropriate interim alternative educational setting for up to 45 days if the child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function. Currently, the law says that a school could take such action only if the child carries a weapon to school or to a school function.

The problem with the current statutory language is that it creates an unintended loophole which could prevent a school from placing a child in an alternative placement if the child at question is in possession of a weapon.

Some school boards in my state have expressed concerns about the language in the IDEA reauthorization allowing a 45 day change in placement of a child who "carries" a weapon to school. Schools want to know whether that language means they can change the placement of a child whom they found to be in "possession" of a weapon, as well as a child found to be simply "carrying" the weapon to school. They are afraid that the language of the statute sets up a distinction that is going to create a big loophole which kids can jump through to avoid the 45 day change in placement.

Right now, there is a situation in a school district in my state involving two students, both with individualized education programs (IEPs). I have been asked not to name the specific school district at issue because proceedings are still pending on this matter. But here are the facts: Student A carried a weapon into the school and gave it to Student B, who then put the weapon into his (Student B's) locker. The school knew that it could put Student A into an alternative placement, since Student A literally "carried "the weapon into school. But could the school also change Student B's placement, since technically he didn't "carry" the weapon into school, but instead was simply "possessing" it?

The school went ahead and also placed Student B in an alternative placement as well. However, the school is now worried that at the pending proceeding, Student B will raise the issue of "carrying" as opposed to "possessing" the weapon. The school says that it doesn't know how it will be able to get around an argument from the child or his parent that the child did not literally carry the weapon to school.

Surely Congress did not intend to set up such a situation in the 1997 IDEA reauthorization. Surely we intended that schools have the ability to place a child in an alternative setting for up to 45 days if the child possessed a weapon on school premises, as well as carried a weapon to the school. And this is why we should pass this amendment: to ensure that schools have the ability to take the appropriate measures against students when weapons are involved.

I would like to point out that even the Department of Education has acknowledged that the current statutory language "carries a weapon to school or to a school function" is ambiguous, and that it was the clear intent of Congress to cover instances in which the child is found to be in possession of a weapon at school.

Now this amendment, if passed, would not apply to the school district in Missouri that is facing this dilemma, since that is a pending case. But we would be addressing this problem for any future situations, providing the clarity that schools, parents, and children need.

Mr. President, schools, teachers, principals, and administrators want and need to be able to treat all students on a uniform basis when weapons are involved. We need to be sure that our laws allow a school to remove any student from the regular classroom if that student is found with a weapon at school. We need to close up any loopholes in the law that would prevent a school from taking this immediate action to maintain a safe learning environment for our students.

Mr. President, I hope that my colleagues will join with me in making this vital addition to the IDEA law, so that schools will be able to exercise the authority we intended to give them to maintain a safe school environment for all our children.

Mr. JEFFORDS. Mr. President, this is an amendment which I think everyone would agree is an appropriate amendment regarding the rules with respect to discipline and carrying a weapon into a school. A decision was made, that the law only applied to those individuals who carried a weapon to the school. But, if the weapon was in the possession of someone within the school, the law did not apply. This would make sure that possession, as well as carrying it in, is a violation. That is why I will obviously support the amendment.

Mr. KENNEDY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—78

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—21

Akaka
Biden
Bingaman
Cleland
Daschle
Dodd
Feingold
Graham
Harkin
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Reed
Sarbanes
Wellstone

NOT VOTING—1

Murray

The amendment (No. 68) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

The PRESIDING OFFICER (Mr. SMITH of Oregon). There are now 5 minutes evenly divided on amendment No. 61.

Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to share my 2½ minutes with Senator DORGAN. The amendment before the body right now is a combined amendment. My amendment is on social promotion and provides funding for—

Mr. WELLSTONE. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, the amendment before the body is a combination amendment with Senator DORGAN. It is remedial education and a report card amendment. He will speak on the report card provisions. My amendment is on social promotion and remedial education. I hope this is one area this body can agree on; that is, the practice, formal or informal, of promoting youngsters from grade to grade when they sometimes don't even attend school and often fail classes. That is not the way to educate young people in the United States of America.

Increasingly, States are doing away with the practice of social promotion and providing standards and enabling school districts to implement those standards in the basic core curriculum—reading, writing, math, and social sciences.

This amendment tries to provide Federal incentives and Federal help for the remedial education that is necessary to make the abolition of the policy of social promotion a realistic possibility.

So it would authorize $500 million to school districts for remedial education for afterschool, summer school, intensive intervention for students who are failing or at risk of failing. As a condition of receiving the funds, the school districts would have to adopt a policy that prohibits social promotion. District would have to require students to meet academic standards. And they would test students for achievement.

Now, I think the problem is clear. This course of least resistance, of simply promoting youngsters, has really led to declining test scores, failure, frustration, and certainly the inability of many to even fill out an employment application to be able to get a job after graduation.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

So I feel very strongly that the linchpin of reform of the public education system is the elimination of social promotion. But if you eliminate it and you do not provide any help for failing students, it will not work. So this is a small authorization, $500 million to help those students and not just leave them languishing. I very much hope that both sides of the aisle will vote for it.

I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I am sorry.

Mr. DORGAN. Mr. President, let me ask unanimous consent for 1 minute.

Mr. JEFFORDS. Mr. President, I yield 1 minute to my good friend.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

The second half of this amendment would allow for the opportunity to have a standardized report card on schools—not students, schools. What does it mean if your child gets the best grades in the worst school in the school district? We know about our children. Our children bring home report cards every 6 weeks or 9 weeks. We don't know about our schools.

Do you get a report card on your school? You sure don't. Oh, there are some 30 States that call for a certain kind of report card. Most parents have never seen one. This would suggest that parents ought to be able to understand what they have received from that school with the investment they have made. How does that school compare to other schools? How does your State compare to other States?

That is what this report card proposal would do. It would say, let's do for schools what we do for students, and let's allow parents the opportunity to understand how well their school does in educating children.

I have been joined by Senator BINGAMAN in offering this amendment. We have added it to the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I reluctantly rise in opposition and also will move to table after I finish. But I oppose it only because it should be in the reauthorization act which we are doing for elementary and secondary education. I promise my colleagues that I will work with them to improve programs that make sure that we do a better job in ending the problems we have with so-called social promotion.

How much time do I have?

The PRESIDING OFFICER. Fifty seconds.

Mr. JEFFORDS. I will yield it back.

I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wyden

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 61) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 62

The PRESIDING OFFICER. There are now 5 minutes evenly divided on the Wellstone amendment. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, following is a list of requirements this amendment will make unwaivable under Ed-Flex: providing opportunities for all children to meet challenging achievement levels; using learning approaches that meet the needs of historical underserved populations, including girls and women; provide instruction by highly qualified professional staff; provide professional development for teachers and aides to enable all children in the school to meet the State's student performance standards.

I am for flexibility, but we ought to also have, in addition, accountability. These are the core requirements of the title I program as a part of ESEA passed in 1965. There is a reason for these core requirements. We want to make sure that there will be no loophole so that we give protection to poor children in this country. Right now, this ed flexibility bill, unless this amendment is agreed to, creates a loophole whereby a State could allow a school district to be exempt from these basic core requirements, which is our effort as a national community to make sure that poor children have educational opportunities.

The Ed-Flex bill, if this amendment is not agreed to, could take away opportunities for poor children. I ask for your support in relation to title I, in relation to the vocational education program. This is the right thing to do. If this amendment is not agreed to, this piece of legislation will not be a step forward for low-income children in America. It will be a great leap backward.

Please support this amendment, colleagues.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry that I must disagree with the words of my colleague and member of my committee.

Ed-Flex, as it currently operates, demands accountability of participating States. It is important to keep in mind that accountability has been a part of Ed-Flex since its inception, and the manager's package builds upon those strong accountability provisions. The manager's package, adopted last week, adds the following accountability features: State Ed-Flex applications must be coordinated with the title I plan or with the State's comprehensive reform plan; emphasis on school and student performance; requires additional reporting by the Secretary regarding rationale for approving waiver authority.

It is very important to keep in mind that the Department of Education, the Secretary, is the entity that determines whether or not a State qualifies as an Ed-Flex State. That is retained.

The September 1998 GAO report stated:

> The recent flexibility initiatives increase the amount of information districts need, rather than simplifying or streamlining information on Federal requirements. Federal flexibility efforts neither reduce districts' financial obligations nor provide additional dollars.

For those reasons, I ask my colleagues to oppose the Wellstone amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back the balance of his time?

Mr. WELLSTONE. I do.

Mr. JEFFORDS. Mr. President, I move to table the Wellstone amendment, and I ask for the yeas and nays.

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 62.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 62) was agreed to.

Mr. LOTT. Mr. President, I believe we are through with the list of amendments and we will be ready to go to final passage.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, the Senate after this vote will be finished for the day. We will not have any recorded votes on Friday, and because we have been able to work out an agreement on how to proceed on the national missile defense issue, we will not have any recorded votes on Monday either. We will be on the bill. We worked it out where we would not have to have a cloture vote on the motion to proceed. I think this is a positive. I want to commend the Democratic leader for working with us on that.

Also, before we vote, I want to say how pleased I am that we have completed this Education Flexibility Act. The managers of the bill have done a good job. We have been through all these votes today and we are going to complete this legislation, and the story will be that the Senate passed a bipartisan education bill that is going to help the children at the local level.

I commend all who have been involved with it, and I am pleased that, as a result of that, we will not have to have recorded votes on Friday or Monday.

I yield the floor.

Mr. KENNEDY. Mr. President, I intend to vote for the Jeffords substitute to the Ed-Flex bill today because it is a small step forward in improving the federal, state, and local partnerships in education. It helps to guarantee that accountability goes hand in hand with flexibility, and that increased flexibility will in fact lead to improved student achievement.

But I'm concerned that we are not fulfilling the 7-year commitment we made only a few months ago to help communities reduce class size. It makes no sense to take a small step forward by passing Ed-Flex, and a giant step backward by breaking the class size commitment.

The National Parents and Teachers Association, the American Federation of Teachers, the Council of Chief State School Officers, and the National Education Association strongly oppose the Lott Amendment, because it undermines the commitment to class size reduction that was approved with broad bipartisan support only a few months ago, and because it pits class size reduction against helping disabled children.

Congress made a specific promise last fall to help schools hire 100,000 new teachers over the next seven years to reduce class size. We should keep that promise, not undermine it, and not put it in competition with IDEA.

School districts can't choose to do what is right for some children and not for others. They must—and do—serve all children. They need a federal helping hand to make sure all children get a good education. We should not force communities to choose between smaller classes and students with special needs. Pitting one child against another is wrong. We should meet our commitment to improving education for all children.

Nothing is more important on the calendar of schools right now than their budgets. Over the next few weeks, schools across the country will be making major decisions on their budgets for the next school year. And in many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, Kentucky, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due in the first week of April. In San Francisco, they are due by April 1. In Council Bluffs, Iowa, school budgets are due April 15th. In Altoona, Pennsylvania, school budgets are due in April.

Communities can't do it alone. They want the federal government to be a strong partner in improving their schools—not sit on the sidelines—and certainly not break its promises to help.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We need to act now, so that communities can plan effectively for the full seven years. No school can hire teachers one year at a time. That makes no sense. Communities want to reduce class size—and they need to be sure that Congress will do its part to help them over the long term, as we promised.

I intend to vote for the final Ed-Flex bill to move this defective legislation to the next stage, where I hope we can reach a satisfactory compromise.

Clearly we should not break promises to communities. We should make commitments and keep them. And I will oppose a conference report that includes any provisions to undermine our commitment to reducing class size.

I will continue to work to make sure that we meet our commitments to helping communities give all children a good education. The nation's future depends on it.

I want to thank the leaders, Senator LOTT and Senator DASCHLE, for their courtesy and I want to congratulate my friend and colleague, the chairman of the committee, on his work, too.

I want to thank Danica Petroshius, my education advisor, for her able assistance on this legislation and tireless work, along with Jane Oates, Dana Fiordaliso, Connie Garner, and Mark Taylor, along with my committee staff director Michael Myers.

I also thank Greg Williamson of Senator MURRAY's staff, Suzanne Day of Senator DODD's staff, Elyse Wasch of Senator REED's staff, Bev Schroeder of Senator HARKIN's staff, Roger Wolfson of Senator WELLSTONE's staff, and Lindsay Rosenberg of Senator WYDEN's staff.

And I also thank Sherry Kaiman, Jenny Smulson, and Susan Hattan of Senator JEFFORDS' staff, and Meredith Medley of Senator FRIST's staff.

Mr. LOTT. Mr. President, across our Nation, courageous teachers and school administrators, parents and Governors, are working to find creative ways to ensure that our children receive a world class education. The United States Senate is prepared to promote and support these efforts. Nothing is more important to the future of our Nation that the education of our children.

The ideas we propose today are confident reform, rooted in tested principles, parents, teachers and principals, the ones who know our children best, should have the greatest influence on their classrooms. The needs of America's schools differ from community to community, and we help them most when we empower them to make wise choices for the children in their care. Our money, manpower and energy should be primarily devoted to teaching children, not to filing paperwork and fueling bureaucracies.

These commonsense proposals have broad appeal. They have received strong bipartisan support. Every Democratic Governor in the country supports this bill. Last year, the President promised he would expand the program we are considering today to all fifty States. The bill passed out of committee by a vote of 17-1 last July, and Secretary Riley strongly supported its enactment at that time. There is no reason why the Senate should not quickly pass the bill sponsored by Senators FRIST and WYDEN.

So the question before the Senate is really quite simple. It is not whether we will pass the Ed-Flex bill, for in the end the overwhelming majority of the Senate will support it. Rather, the question is whether the Senate will keep faith with the American people, by working together in a bipartisan fashion, to help America's school children. Republicans stand ready to do just that. The evidence of our commitment is the fact that we offer a bipartisan bill as one of the very first we bring to the Senate floor.

Republicans and Democrats have honest disagreements on many education initiatives. Democrats believe that new Federal categorical grant programs that distribute money to States and counties based on complex formulas are the best way to hire more teachers. Republicans believe that Federal dollars should be sent directly to the classroom so that parents, teachers, and principals can address the unique educational needs of their particular students, whether it be to hire more teachers, to provide special tutors, to buy new books or to teach computer skills. These differing philosophies will be debated, and ought to be debated, fully by the Senate. We will have ample opportunity throughout this Congress to do just that.

However, there is simply no need to have divisive debates on a bipartisan bill. So I urge my colleagues from across the aisle to choose constructive progress over political posturing for the sake of improving America's schools.

Ed-Flex works for America's children. It proposes a simple exchange. States will hold schools accountable for their performance in return for granting each school the freedom to determine how best to achieve those results. This is not an untested premise. Currently, twelve States have this authority. The results have been promising.

In Texas, Ed-Flex schools outperformed those without waivers by several percentage points on student achievement scores. An elementary school in Maryland now provides individual tutors for its students who lag behind in reading. The same school has dramatically reduced class size in math and reading, providing one teacher for every twelve students.

The bill before us today simply expands the right to become an Ed-Flex State to all fifty States. It is strongly supported by our Nation's Governors, both Democrats and Republicans. Last month, the National Governors Association stated, "The expansion of the Ed-Flex program is a high priority for Governors. . . . We strongly support this legislation as well as your decision to move forward at this time." The Nation's Democratic Governors joined together unanimously saying, "S. 280 is commonsense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment."

Governors across America are united. There is simply no reason why the Senate should not be as well. I urge my good friends and colleagues on the other side of aisle to listen to their Governors. Join us in supporting the prompt enactment of a simple bill that will provide meaningful reform to schools throughout our Nation. Let's not squander an opportunity to work together to demonstrate our common commitment to America's schoolchildren.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of the House companion measure, Calendar No. 37, H.R. 800, and, further, after the enacting clause be stricken and the text of S. 280, as amended, be inserted in lieu thereof. I further ask unanimous consent the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended. Finally, I ask consent that immediately following that vote, the Senate insist on its amendment, request a conference with the House, and S. 280 be placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. REID. I announce that the Senator from Washington (Ms. MURRAY) is absent because of a death in the family.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—1

Wellstone

NOT VOTING—1

Murray

The bill (H.R. 800), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 800) entitled "An Act to provide for education flexibility partnerships.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, and maintaining such fundamental requirements as those relating to

civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) OUTLYING AREA.—The term "outlying area" means Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(2) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, including the requirements of that section relating to disaggregation of data, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) made substantial progress, as determined by the Secretary, toward developing and implementing the standards and assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting educational goals and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(iv) a description of how the State educational agency will meet the requirements of paragraph (8); and

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, and educational goals for each local educational agency or school affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

(5) MONITORING AND PERFORMANCE REVIEW.—

(A) MONITORING.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE REVIEW.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and opportunity for hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(B) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B), and has improved student performance.

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed

waiver authority or waiver, shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

*(B) The proviso referring to such section 311(e) under the heading "***EDUCATION REFORM***" in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).*

(e) ACCOUNTABILITY.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results and goals described in the application submitted pursuant to clauses (ii) and (iii) of subsection (a)(4)(A), respectively.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 5. PROGRESS REPORTS.

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

SEC. 6. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. 7. FLEXIBILITY TO DEVELOP DROPOUT PREVENTION PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

SEC. 9. FLEXIBILITY TO DEVELOP AFTERSCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop afterschool programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. 10. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

SEC. 11. FLEXIBILITY TO DEVELOP PROGRAMS TO REDUCE SOCIAL PROMOTION AND ESTABLISH SCHOOL ACCOUNTABILITY PROCEDURES.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.".

SEC. 12. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

"(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

SEC. 13. FURTHER AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, as an Oregonian, I am especially proud this evening that a program that began in my home State—we were the first to get an Ed-Flex waiver—on the basis of this vote in the U.S. Senate, this program that began in my State is going to be expanded across the country.

I would like to spend just a couple of minutes of the Senate's time this evening, and first begin by thanking my colleagues who put so much effort into this.

Senator FRIST is here this evening. He and I have been living and breathing this legislation for well over a year.

I think it is worth noting that this began in the Senate Budget Committee. Senator DOMENICI worked on a bipartisan basis with a number of us. And this legislation began with hearings in the Senate Budget Committee.

I thank the Senator from Tennessee for the opportunity to work with him.

I also see Senator JEFFORDS here. He was especially gracious to me this afternoon. He pointed out that from time to time it felt a little lonely on their side. But I want to assure him that I think that this is truly bipartisan.

Senator DASCHLE every step of the way was enormously supportive in this legislation. I thank Senator KENNEDY. He had to leave this evening. But he worked very closely with us, especially on the accountability provision.

Now, shortly after dealing with the impeachment matter, the Senate can show that we have dealt with the premier domestic issue of our day—the premier domestic issue of our day—education, in a bipartisan fashion. It is always possible in the Senate and just about anywhere else to find something on which to disagree. The Senate ultimately resisted that proposition, and we went forward with something we could agree on, which is the principle that you ought to squeeze every dollar of value out of the Federal budget for education in order to help the kids, to help them raise their scholastic performance, to deal with the issues that were debated on the floor of the U.S. Senate.

I think my only regret is that to some extent in the last hours of this discussion it became a debate about whether you are for more resources for education or whether you are for more efficiently allocating the dollars that are currently obligated. I think that is a false choice.

I happen to believe that we are going to need some additional resources for the key education areas. We want our young people to get a good quality education so they will be ready for the high-skill, high-wage jobs of tomorrow.

But the single best way to go to the taxpayers when additional resources are needed is to show the taxpayers that you are efficiently spending the dollars that are currently obligated.

That is why Ed-Flex is so important. All across the country we saw that without Ed-Flex what you have is sort of a "one-size-fits-all" approach to education. Folks inside the beltway will say, "Well, what works in Coos Bay, OR, is what we ought to do in the Bronx, and what works in the Bronx ought to be done in the State of the majority leader, the State of Mississippi." That doesn't make sense.

We ought to hold school districts accountable. But we also ought to give them the freedom to be innovative and creative and make those dollars stretch so that we can serve more poor schoolchildren.

The fact of the matter is that there is a school very close to the U.S. Capitol that has cut class size in half with Ed-Flex using existing dollars. They didn't spend $1 more, not one, and they cut class size in half.

In my home State of Oregon, in one rural district, the poor kids weren't able to get advanced computing, because their school district didn't have the technology and they didn't have the instructors. There was a community college close by with Ed-Flex. Without any additional expenses to the taxpayers, those kids could go to the community college and get the skills they needed. Again, we see a concrete example of how with just a little bit of flexibility we can better serve the poor kids of this country.

We were on the floor of the U.S. Senate, I guess, for the better part of 2 weeks dealing with Ed-Flex, and not one single example of abuse was ever shown on the floor of the Senate—not one. But there were plenty of examples of how this program worked. I just cited one close by the Capitol that cut class size in half. In Texas, the scores went up with better use of technology. From one end of the country to the other, we see how this program has worked.

I know that my colleagues wish to speak tonight on this issue. But I just wanted to take a minute or two to talk about why I think this is a particularly good day for the U.S. Senate. There is no issue more important than this.

I see the majority leader is here. I want to express my thanks to him, and to TOM DASCHLE.

The fact is that this important legislation could have blown up 15 or 20 times in the last few days. And Tom DASCHLE and TRENT LOTT said that this was too important to let that happen.

Senator KENNEDY and Senator JEFFORDS hung in there as well, with Senator FRIST, who constantly came to the floor and just appealed to let this bipartisan idea, which every Governor in the country wants, to go forward. We were able to get it done.

I suspect the conference on this legislation will not be for the fainthearted. There are certainly differences of opinion on a number of the issues.

But this is a very good day for the U.S. Senate, and a good day for American families, because we have shown that we could tackle important issues.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to say thank you to the Senator from Oregon, because without him we would have had a much more difficult time. It was bipartisan from the start, and it ended up very bipartisan. We ended up, I think, with a 98 to 1 vote.

Also, Mr. FRIST, I am going to use 30 seconds, and then allow those who wish to speak longer to do so.

I want to express my particular gratitude to all the members of the Health, Education, Labor, and Pensions Committee, who have worked especially hard on this legislation. I very much value the time, effort, and commitment they have brought to this task.

I would also like to acknowledge the two sponsors of the Ed-Flex bill, Senators FRIST and WYDEN. It is in large part due to their dedication and commitment that we were able to pass this bill with such overwhelming bipartisan support.

Finally, I would like to extend my sincerest thanks to the many staff people who contributed to the passage of this important Ed-Flex legislation:

Sherry Kaiman, Mark Powden, Jenny Smulson, Heidi Scheuermann and Susan Hattan of my staff;

Townsend Lange and Denzel McGuire with Senator GREGG;

Lori Meyer, Meredith Medley, and Gus Puryear with Senator FRIST;

Paul Palagyi with Senator DEWINE; Chad Calvert with Senator ENZI: Holly Kuzmich with Senator HUTCHINSON; Julian Hayes with Senator COLLINS; Cherie Harder with Senator BROWNBACK; Jim Brown with Senator HAGEL; and Jim Hirni with Senator SESSIONS.

I also want to acknowledge the extraordinary assistance offered by Mark Sigurski with Senate Legislative Counsel, and Wayne Riddle with the Congressional Research Service.

Mr. President, I also thank all of the staff here who have worked so many hours to expeditiously pass this legislation.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I, too, will be very brief.

I believe that today has been almost a momentous day, and a very important day to set the stage, I believe, for the way, the manner, and the spirit in which I hope to see a lot of legislation be addressed over the coming months in the remainder of this Congress.

We started off with a bill that originated out of really a town meeting format where we have had people come and testify on the task force, and listen very carefully. People came forward, and said, "We have a program that works."

To be honest with you, 2 years ago I didn't know what Ed-Flex was. But somebody came forward, and said in a community, as my colleague has just pointed out, that this program works.

We fulfilled exactly what the Federal mandate was, and what the Federal intention was. We took the appropriate funding—the Federal dollars that came down. But what the Federal Government allowed us to do through a waiver was to participate through Ed-Flex to accomplish that stated goal of fulfilling the intent of Congress, but in a way that we knew was best for us based on our local circumstances.

Not everybody needs a computer, not everybody needs tutoring, not everybody needs kindergarten, not everybody needs an extra teacher, but that varies from community to community, and the beauty of that is we took that idea, we discussed it, we developed legislation, we passed it through the committee last year, but we ran out of time last year. It was brought to the floor. It was one of the first major bills brought to this body, and after 7 days of intense debate, a lot of negotiation, we passed the bill here 10 minutes ago.

It is a momentous day also because the House passed a very similar bill, almost an identical bill, about 6 hours ago. And that means, because in a bipartisan way, in a bicameral way, meaning both the House and Senate, in a Federal, State and local way, meaning we worked very closely with the Governors, together we were able to pass legislation which, once it is signed by the President, can inure to the benefit of millions of children within 6 months or 8 months—millions of children. And that is nice. That is what people expect Government to do; produce in a spirit, in an environment where you can work together to accomplish the goals that we all care about.

A lot of people should be thanked, and again most of those names will be made a part of the RECORD, but I do want to recognize the coauthor and cosponsor of this particular bill, Senator WYDEN, who just had the floor.

Again, this is a bipartisan bill. Both of us knew what our goals were. We worked very hard on both sides. I appreciate his support, his collegiality as we addressed these issues.

As is so often the case, what we have accomplished in large part is as a result of the work of many staff members, and I do want to take this opportunity to thank the staff who were most immediately involved over the last year and a half. My own staff of Meredith Medley, Lori Meyer and Gus Puryear have literally been here with other staff members until early hours of the morning each night.

Again, most everybody has been recognized already, but I am going to take the liberty of going ahead and verbally mentioning them. Lindsay Rosenberg of Senator WYDEN's staff has been somebody whom my staff has enjoyed and I personally have enjoyed working with in this process as we have gone through it.

Senator JEFFORDS, the chairman, who has literally been in the Chamber every day for the last 7 days, does have the patience of Job going through this, looking at every bill and every word that comes forward with a response. And I just want to express my appreciation because he ushered this thing through in a very direct way and really put in both the time and the effort. He is the leader on our side in education. We cited again and again the number of bills passed last year under his leadership as chairman of the former Labor, Health and Education Committee. Currently, he is examining all public education, K through 12, through the Elementary and Secondary Education Act. I have the privilege of working on that committee with him and his wonderful staff who have been at his side. Mark Powden, Susan Hattan and Sherry Kaiman really all deserve our gratitude for their tremendous work over the last several days.

I am not going to list all the staff, but Senator GREGG, again, from whom we have heard so much about special education; Senator LOTT, who needs to be thanked because it would have been very easy after 3 or 4 days, when it looked as if gridlock—it was gridlock, but he, with the Democratic leader, agreed to keep this bill in the Chamber so we could address those issues, and that is what the American people expect. We addressed it with very good, very strong debate, sometimes too strong maybe, but we were able to work it out. And that bipartisanship in coming together, again, is what the American people expect. I thank the majority leader for allowing us to bring this to a resolution, to completion, to a product that we know will benefit, as I said, millions of children in the short term as well as the longer term.

I have to just briefly mention the Governors because it has been a fantastic relationship for me over the last month in that at least every day we, a Federal body, the Congress, the Senate, were in touch with all of our Governors, Democrat and Republican. I have talked to as many Democrat Governors as I have Republican, and America doesn't see that sort of interaction, but I think it is important for people to hear because so many problems, whether they be welfare, health care, or education, demand that constant dialog and discussion about what we do here at the Federal level, at the State level, as well as the local level.

Senator VOINOVICH, who is new to this body but a former Governor, spearheaded much of that. Governors Carper of Delaware, Ridge of Pennsylvania, Leavitt of Utah, O'Bannon of Indiana, and House Members Castle and Roemer all played a major role and were significant participants in what we have accomplished today.

With that, I think I will stop. I am very excited about this particular bill. It accomplishes much in a way that I think will really set that track for the next several months as we consider other legislation. We do have a fresh start for education. It is a first step. It does not address all the problems, all the challenges in education, but it is a major first step.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 595 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I see the Senator from Pennsylvania may wish to make a statement in a moment also, but if I could just do a couple of things here.

First, before the Senators leave the Chamber, the Senator from Tennessee and the Senator from Oregon, I want to again thank them for their effort. It was bipartisan because the Senator from Oregon, Mr WYDEN, made it so, stayed in there, worked with us, but I particularly wish to thank the Senator from Tennessee, Mr. FRIST, the doctor, who gave us an education. He took us to school. He used apples and information and examples. He acted like a good teacher should. I congratulate him for that. He even showed us how you could use a scalpel to cut the redtape, and that is what this Ed-Flex bill will do.

So to the two Senators, I thank them for their leadership, for their work, for their persistence because they both have been heckling me about this bill for a year, and I am glad it is done. I congratulate them for their effort.

NATIONAL MISSILE DEFENSE ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to S. 257, the Missile Defense Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will be able to have the initial statement by Senator COCHRAN, the manager, tonight. We will resume the missile defense bill on Monday, and it is our hope that an agreement can be reached on a time agreement and that amendments will be offered during Monday's session.

I urge that Members be present on Monday to make their statements on this legislation and to offer amendments, if they have them. This is a very important defense initiative. I am pleased that we are going to be able to go straight to the bill, and I hope that within short order next week we will be able to get to the conclusion of this very important national defense issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank the distinguished majority leader for calling up the national missile defense bill and also compliment the Democratic leader for refraining from objecting to proceeding to consider this bill at this time.

Senators may remember that this is the bill that was brought up on two occasions during the last session of the Senate and objections were made to considering the bill, a motion to proceed to consider the bill was filed, and then it was necessary to file a cloture motion to shut off debate to get to the bill. On both of those occasions we fell one vote short of invoking cloture on the motion to proceed to consider the bill. So this Senate has agreed to take up this legislation without objection. This is progress, and we are very proud to see this momentum to address this issue that is so important for the national security interests of the United States.

For the information of Senators, the operative part of this legislation is simply a statement of policy as follows:

> It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

I look forward to discussing questions that Senators might pose about this bill when we reconvene on Monday. The Armed Services Committee has considered it and reported it out without amendment, and we are ready to proceed to consider the bill. We look forward to discussing this important issue.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now have a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSAULT ON WASHINGTON STATE'S CROWN JEWELS

Mr. GORTON. Mr. President, over the past few years, Vice President AL GORE has made a series of trips to my home State of Washington. His goals on these trips are simple: to raise money for his political campaigns; to recruit supporters for his Presidential endeavors; and to distract Washington State voters from the administration's true agenda for the Pacific Northwest.

The Vice President's visits to Washington State are nothing new, but recently the administration, of which he is a vital leader, has chosen to adopt policies that pose a threat to the continued vitality of our economy. Those policies are aimed at the destruction of two of Washington State's economic crown jewels: our hydropower system and Microsoft.

During the past year, I have welcomed the Vice President to Washington State by repeatedly asking him two questions: The first, Will you commit to the preservation of each of the dams on the Columbia and Snake Rivers unless Congress or the people of the Northwest agree to the removal of each or all of them? The second question: Mr. Vice President, if you are elected President, will you end the Justice Department's suit against Microsoft?

At first, these questions were answered with silence. Now the Vice President answers them with personal attacks. Whether it is silence or personal attacks, the Vice President makes clear that he does not intend to answer these two questions so fundamental to every family and community in the Northwest. These questions deserve and should receive straight answers from the Vice President, and I will continue to ask them until the Vice President does so.

His silence, of course, is eloquent. Vice President GORE's administration is responsible for the Microsoft lawsuit and for a flatout refusal to subject dam removal either to congressional authority or to the consent of the people of the Northwest. What is most illuminating is that the Vice President's silence and personal attacks in response to these questions about dams and Microsoft run counter to positions taken by top Democratic officeholders in Washington State. When it comes to protecting dams on the Columbia River, our Democratic Governor and Democratic U.S. Senator, two of the most powerful Democrats in Washington State, have already publicly opposed efforts by national environmental organizations to take out dams. But the Vice President is silent.

Last week I suggested that he had a political motive. That is my opinion, but, frankly, it doesn't matter why he pursues policies to dismantle our hydro system without being willing to say so openly. What matters is whether he will make his position clear. So who loses out on the equation? The people of Washington State, of course. And then there is Microsoft.

The good news is that most Democrats in Washington State have come forward to defend Microsoft's freedom to innovate, but the Vice President won't stand with his fellow Democrats in Washington State in support of the company. When he answers this one, he is either silent or he attacks and then attempts to evade the question.

Here is a recent example of the Vice President's verbal dance when it comes to the issue of protecting Microsoft: Last week, I admonished the administration for its assault on that company. In responding to my statement, the Vice President's spokeswoman said that I am "suffering from a Y2K bug" and have forgotten all the wonderful things AL GORE has done for Washington State. Specifically, the spokeswoman cited hundreds of thousands of new jobs, higher home ownership rates and lower welfare rolls, as if he were responsible for them.

There was no answer to the central question—will you work to end the suit against Microsoft?

There was another troubling side to this statement. The Vice President, of course, was attempting to take credit for the booming economy in the State that I represent. He should understand that that success comes from the hundreds of thousands of hard-working Washingtonians, plus Microsoft and the amazing group of entrepreneurs who have developed new and better systems, plus our natural resources, not the least of which is our low-cost electricity, or all of the smaller high-tech companies that have sprung up overnight. This success does not come from the Vice President.

As to the specifics of the Justice Department's case against Microsoft, the so-called high-tech Vice President says he will not comment on or involve himself in the Justice Department's case against the company. Can we believe that as the administration's point man on high-tech issues, he has no opinion whatsoever on the highest profile high-tech issue before his administration—the future of Microsoft? I do not believe it, nor does anyone else.

To claim that he is not involved in an action spearheaded by his own administration is unbelievable. When the Vice President continually refuses to answer the question of whether or not he supports this attack, he has not been straight with the people of the State of Washington.

There is a simple answer to the Microsoft question. The answer is for the Vice President to tell us that if he is elected President, he will stop the Justice Department's pursuit of Microsoft. We Washingtonians are 3,000 miles away from the center of AL GORE's universe, but we know only too well that the actions of this administration can have a long and detrimental impact on our economy, our way of life and on our future. We deserve more from the Vice President than silence, distraction and personal attacks.

We will remember his silence on what are perhaps the most important Federal public policy questions to face our State in years. We will remember his evasive comments. We will remember his refusal to denounce or even comment on the antitrust case against Microsoft and his unwillingness to make clear his position on protecting Columbia and Snake River dams. I challenge the Vice President again today to tell us plainly whether he supports this administration's assault on two of Washington State's economic crown jewels.

Do you, Mr. Vice President, support the Justice Department's antitrust action against Microsoft or not? And do you, Mr. Vice President, support the efforts by national environmental groups to destroy dams on the Columbia and Snake Rivers or not?

We in the Northwest await the Vice President's answers, and you can be sure that so long as silence and evasiveness carry the day, I will continue to ask these questions.

RETIREMENT OF WILLIAM D. LACKEY, JR.

Mr. LOTT. Mr. President, on February 28, 1999, the Senate said farewell to a valuable employee. William D. "Bill" Lackey, Jr., Journal Clerk of the Senate, retired after 34½ years of service to the Senate.

Bill arrived at the Senate's doorstep on September 1, 1964, from North Carolina. He served the Senate in a number of important capacities, including Assistant Executive Clerk, Bill Clerk, Assistant Parliamentarian, Assistant Journal Clerk, and from 1987 to 1999, as Senate Journal Clerk. During the last 12 years, Bill was responsible for the production of the Senate Journal. This role required that he sit at the dias here on the Senate floor to record the minutes of the Senate's legislative proceedings. His became a very familiar face to us all.

Bill Lackey has been the source of wise and good counsel to many over the years. We commend him for his outstanding service to the Senate and the Nation, and wish him Godspeed as he returns to the beloved foothills of his native Shelby, NC.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 10, 1999, the federal debt stood at $5,652,343,384,711.69 (Five trillion, six hundred fifty-two billion, three hundred forty-three million, three hundred eighty-four thousand, seven hundred eleven dollars and sixty-nine cents).

One year ago, March 10, 1998, the federal debt stood at $5,525,631,000,000 (Five trillion, five hundred twenty-five billion, six hundred thirty-one million).

Five years ago, March 10, 1994, the federal debt stood at $4,546,801,000,000 (Four trillion, five hundred forty-six billion, eight hundred one million).

Ten years ago, March 10, 1989, the federal debt stood at $2,737,909,000,000 (Two trillion, seven hundred thirty-seven billion, nine hundred nine million) which reflects a debt increase of almost $3 trillion—$2,914,434,384,711.69 (Two trillion, nine hundred fourteen billion, four hundred thirty-four million, three hundred eighty-four thousand, seven hundred eleven dollars and sixty-nine cents) during the past 10 years.

MESSAGES FROM THE HOUSE

At 12:41 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

H.R. 800. An act to provide for education flexibility partnerships.

The message also announced that the House had passed the following bill, without amendment:

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson Districts for certain Impact Aid payments for fiscal year 1999.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified begging farmers or ranchers, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

H.R. 800. An act to provide for education flexibility partnerships.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 585. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself and Mr. SESSIONS):

S. 586. A bill to amend title 11, United States Code, to limit the value of certain real property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 587. A bill to provide for the mandatory suspension of Federal benefits to convicted drug traffickers, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING:

S. 588. A bill to amend title II of the Social Security Act to provide for retirement security amounts funded by employee social security payroll deductions, to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 589. A bill to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 590. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 591. A bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 592. A bill to improve the health of children; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ABRAHAM):

S. 593. A bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 594. A bill to ban the importation of large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. INHOFE):

S. 595. A bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. GRAMM):

S. 596. A bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. BURNS, Mr. ENZI, and Mr. MURKOWSKI):

S. 597. A bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SANTORUM;

S, 598. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. HATCH, Mr. COCHRAN, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 600. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on Foreign Relations.

By Mr. COCHRAN:

S. 601. A bill to improve the foreign language assistance program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY (for himself, Mr. BOND, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON, and Ms. SNOWE):

S. 602. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal Revenue, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 603. A bill to promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. LOTT, Mr. HELMS, Mr. THOMAS, Mr. BURNS, Mr. KYL, and Mr. ROCKEFELLER):

S. Con. Res. 17. A concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 585. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

RECONSTRUCTIVE SURGERY ACT OF 1999

● Mrs. FEINSTEIN. Mr. President, today, I am introducing a bill to require health insurance plans to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, trauma, infection, tumors, or disease.

This bill is modeled on a new California law and responds to the growing incidence of denials of coverage by insurance, often managed care. Despite physicians' judgment that surgery is often medically necessary, too many plans are labeling it "cosmetic surgery." The American Medical News calls the HMO's response that these surgeries are cosmetic as, "a classic health plan word game. . . ."

Testifying before the California Assembly Committee on Insurance, Dr. Henry Kawamoto put it well. He said:

> It used to be that if you were born with something deforming, or were in an accident and had bad scars, the surgery performed to fix the problem was considered reconstructive surgery. Now, insurers of many kinds are calling it cosmetic surgery and refusing to pay for it.

The Los Angeles Times reported on July 9, 1997, "There has been a virtual wipeout of coverage to repair the appearance of children whose looks are affected by illness, congenital abnormalities or trauma."

Similarly, the New York University Physician reported in their spring 1998 issue:

> Before the advent of managed care, repairing abnormalites was considered reconstructive surgery and insurance companies reimbursed for the medical, hospital and surgical costs of their rehabilitation. But in today's reconfigured medical reimbursement system, many insurance companies and managed care organizations will not pay for reconstruction of facial deformities because it is deemed a "cosmetic" and not a "functional" repair.

This bill is endorsed by the March of Dimes, the American Academy of Pediatrics, the National Organization for Rare Disorders, the American Society of Plastic and Reconstructive Surgeons, the American College of Surgeons, the American Association of Pediatric Plastic Surgeons, the American Society of Craniofacial Surgery, the American Society of Maxillofacial Surgeons, the American Society of Plastic and Reconstructive Surgeons and the National Foundation for Facial Reconstruction.

The children who face refusals to pay for surgery are the true evidence that this bill is needed.

Hanna Gremp, a 6-year old from my own state of California, was born with a congenital birth defect, called bilateral microtia, the absence of an inner ear. Once the first stage of the surgery was complete, the Gremp's HMO denied the next surgery for Hanna. They called the other surgeries "cosmetic" and not medically necessary.

Michael Hatfield, a 19-year old from Texas, who has gone through similar struggles. He was born with a congenital birth defect, that is known as a midline facial cleft. The self-insured plan his parents had only paid for a small portion of the surgery which reconstructed his nose. The HMO also refused to pay any part of the surgery that reconstructed his cheekbones and eye sockets. The HMO considered some of these surgeries to be "cosmetic."

Cigna Health Care denied coverage for surgery to construct an ear for a little California girl born without an ear and only after adverse press coverage reversed its position saying that, "It was determined that studies have show some functional improvement following surgery."

Qual-Med, another California HMO, denied coverage for reconstructive surgery for a little boy without an ear, a condition called microtia, and after only many appeals and two years delay, authorized it.

The bill uses medically-recognized terms to distinguish between medically necessary surgery and cosmetic surgery. It defines medically necessary reconstructive surgery as surgery "performed to correct or repair abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease to (1) improve functions; or (2) give the patient a normal appearance, to the extent possible, in the judgment of the physician performing the surgery." The bill specifically excludes cosmetic surgery, defined as "surgery that is performed to alter or reshape normal structures of the body in order to improve appearance."

Examples of conditions for which surgery might be medically necessary are the following: cleft lips and palates, burns, skull deformities, benign tumors, vascular lesions, missing pectoral muscles that cause chest deformities, Crouson's syndrome (failure of the mid-face to develop normally), and injuries from accidents.

The American Society of Plastic and Reconstructive Surgeons has released a survey on reconstructive surgery, concluding that 53.5 percent of surgeons surveyed have had pediatric patients who in the last two years were denied coverage for reconstructive surgery. Of those same surgeons surveyed whose pediatric patients were totally or partially denied coverage, 74 percent had patients denied for initial procedures and 53 percent denied for subsequent procedures.

Another reason for this bill is that only 17 out of 50 states have state legislation which requires insurance coverage for children's deformities and congenital defects. My own state, California, passed legislation in 1998 requiring insurance plans to cover medically necessary reconstructive surgery, and on September 23, 1998 it was signed by former Governor Pete Wilson. This bill was enacted after many sad personal stories, and hours of testimony were presented to the state legislators.

This bill is an effort to address yet one more development in the health insurance industry that almost daily is creating new hassles when people try to get coverage for the plan they pay for every month.

We need our body parts to function and fortunately modern medicine today often make that happen. We can restore, repair and make whole parts which by fate, accident, genes, or whatever, do not perform as they should. I hope this bill can make that happen.●

By Mr. KOHL (for himself, and Mr. SESSIONS):

S. 586. A bill to amend title 11, United States Code, to limit the value of certain real property that a debtor may elect to exempt under State or local law, and for other purposes to the Committee on the Judiciary.

BANKRUPTCY ABUSE REFORM ACT OF 1999

Mr. KOHL. Mr. President, I rise today, with Senator SESSIONS, to introduce the bipartisan Bankruptcy Abuse Reform Act of 1999, legislation which addresses a serious problem that threatens Americans' confidence in our bankruptcy laws. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. It passed the Senate last year when it was included in the Consumer Bankruptcy Reform Act of 1998 (H.R. 3150), and I hope that we can all support this measure again this year. The goal of our measure is simple but vitally important: to make sure that our Bankruptcy Code is more than just a beachball for crooked millionaires who want to hide their assets.

Let me tell you why this legislation is critically needed. In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with that in principle. Few question that debtors should be able to keep a roof over their heads. But, in practice, this homestead exemption has become a source of great abuse.

Under section 522 of the Code, a debtor may opt to exempt his home according to local, State, or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $15,000 of value in his house. The State exemptions vary tremendously: some States do not allow the debtor to exempt any of his home's value, while a handful of states set no ceiling and allow an unlimited exemption. The vast majority of states have exemptions under $40,000.

Our proposal would amend Section 522 to cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the past few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the states with unlimited exemptions—most often Florida or Texas—bought multi-million-dollar houses, and continued to live like kings even after declaring bankruptcy. This shameless manipulation of the Bankruptcy Code cheats honest creditors out of compensation and rewards only those who can "game" the system. Oftentimes, the creditor who is robbed is the American taxpayer. In recent years, S&L swindlers, convicted insider trader convicts, and others have managed to protect their ill-gotten gains through this loophole.

The owner of a failed Ohio S&L, who was convicted of securities fraud, wrote off most of $300 million in bankruptcy claims, but still held on to the multi-million dollar ranch he bought in Florida. A convicted Wall Street financier filed bankruptcy while owing at least $50 million in debts and fines, but still kept his $5 million Florida mansion with 11 bedrooms and 21 bathrooms. And just last year, movie star Burt Reynolds wrote off over $8 million in debt through bankruptcy, but still held onto his $2.5 million Florida estate. These deadbeats stay wealthy while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

Mr. President, the legislation that I have introduced today is simple, effective and straightforward. It caps the homestead exemption at $100,000, which is far more than estimated median home equity of people in bankruptcy. It is endorsed by the National Bankruptcy Review Commission. And it will protect middle class Americans while preventing the abuses that are making the middle class question the integrity of our laws—the abuses the average American taxpayer is paying for out of pocket.

Indeed, it is even generous to debtors. Less than ten states have a homestead exemption that exceeds $100,000. More than two-thirds of states cap the exemption at $40,000 or less. My own home state of Wisconsin has a $40,000 exemption and that, in my opinion, is more than sufficient.

Mr. President, this proposal is an effort to make our bankruptcy laws more equitable. I urge my colleagues to support this important measure.

By Mr. ASHCROFT:

S. 587. A bill to provide for the mandatory suspension of Federal benefits to convicted drug traffickers, and for other purposes; to the Committee on the Judiciary.

NO FEDERAL BENEFITS FOR DRUG TRAFFICKERS ACT OF 1999

Mr. ASHCROFT. Mr. President, the time for mixed messages in our war against drugs has passed. There was a time when our message on illegal drugs was crystal clear. "Just say no." The results of that simple message were also clear: The decade of the 1980's saw substantial and persistent decreases in the level of drug use, and in the level of teenage drug use in particular. Sadly, however, the current Administration has offered America and its children a mixed message on drugs.

The President himself has shifted the message from "just say no" to "just don't inhale." Even the head of the Drug Enforcement Agency candidly has admitted that in the current climate we lack the will to win the war against drugs. This is intolerable. We must return to a clear message in the war against drugs—a message of zero tolerance for those who would attempt to ruin our children's lives through the scourge of illegal drugs. The government must speak clearly and unequivocally. Trafficking in illegal drugs will not be tolerated.

However, we will not succeed in convincing either drug dealers or our children that we are serious about the war on drugs if we send them mixed messages. One mixed message sent by current law is that convicted drug dealers remain eligible for federal government benefits. We need to change that practice.

Mr. President, the bill I introduce today, the "No Federal Benefits for Drug Traffickers Act" requires the suspension of federal benefits to convicted drug traffickers. This bill will send a clear message that we mean what we say in the war against drugs. Current federal law provides for the denial of federal benefits (excluding certain programs like food stamps, aid to families with dependent children, and approved drug treatment programs) for individuals convicted of drug trafficking offenses. Unfortunately, however, the law gives judges unlimited discretion to decide whether or not to suspend a convicted drug trafficker's federal benefits. For example, under current law a repeat offender could retain his full federal benefits.

The "No Federal Benefits for Drug Traffickers Act" addresses this loophole in the current law by mandating the suspension of a convicted drug trafficker's federal benefits for at least a minimum period of time. Specifically, the bill requires the suspension of a convicted drug offender's federal benefits for a minimum of one year. The bill also mandates suspension of benefits for at least three years upon a second conviction.

In addition, the bill closes a loophole that allowed drug trafficker who were supposed to be barred from receiving federal benefits for life because of three separate drug trafficking convictions to regain their eligibility for federal benefits. Once again we need to make our message clear and unmistakable. Under the bill I introduce today, life means life and it is truly three strikes and you're out.

This is what we need in the war against drugs—a clear message. Those who choose to traffic in drugs have no legitimate claim to federal benefits. This is common sense. There is no need for exceptions or discretion. There is a need for clarity, and this bill provides that clarity.

By Mr. HARKIN:

S. 589. A bill to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; to the Committee on Energy and Natural Resources.

LOESS HILLS PRESERVATION ACT OF 1999

Mr. HARKIN. Mr. President, today, I am introducing legislation calling upon the National Park Service to conduct a study of the Loess Hills in western Iowa. This study would be the first official step towards possible national protection for the Loess Hills.

Specifically, this legislation would require the National Park Service to monitor the area between Waubansie State Park and Stone Park to study the possibility of a portion of this area to receive National Park status.

Loess Hills is a unique national treasure that was formed by ancient glaciers and hundreds of centuries of westerly winds. Only the loess soil in China has accumulated as high as Iowa's. Although these hills have survived for hundreds of centuries, today they are beginning to crumble. Urban sprawl is unfortunately beginning to take its toll on Loess Hills. Protecting this area must be given a high priority.

In 1986, the Loess Hills area was designated as a National Natural Landmark by the National Park Service. This gives recognition to this area as an area of national significance. Although this designation encourages landowners to use conservation practices in use of the area, this designation does nothing to control land ownership or to restrict land use.

The only thing holding the loess in place is the roots of the vegetation. Today, however, as the human exploitation of the hills continues to increase the destruction of the vegetation, loess is left once again blowing in the winds as the fragile hills begins to flatten.

This is of great concern to me. This area which marks one of the only remaining natural ecosystems in the state is one of the few areas where Iowans can experience nature. Iowa presently ranks 49th among the 50 states in National Park and Forest space. Iowa is also 400 miles away from a sizable national recreation area (the Boundary Waters Canoe Area). The Loess Hills, however, is an area of national significance and has the potential to be a much needed National Park for the Plains States.

Mr. President, since 1992, I have secured funding through the United States Department of Agriculture to design better bridges and other structures in the Loess Hills area to reduce soil erosion. But more needs to be done.

One thing I would like to make clear—this study can only be successfully implemented with the participation of local governments in western Iowa and private property owners.

The Loess Hills are an Iowa treasure. This legislation would begin the process of making Loess Hills a national treasure.

I invite my colleagues to join me as co-sponsors of this much needed legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Loess Hills Preservation Act of 1999".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The Loess Hills area in western Iowa, formed by ancient glaciers and hundreds of centuries of westerly winds blowing across the Missouri River, has resulted in the largest loess formation in the United States, and one of the two largest in the world;

(2) portions of the Loess Hills remain undeveloped and provide an important opportunity to protect an historic and unique natural resource;

(3) a program to study the Loess Hills can only be successfully implemented with the cooperation and participation of affected local governments and landowners;

(4) in 1986, the Loess Hills area was designated as a National Natural Landmark in recognition of the area's nationally significant natural resources;

(5) although significant natural resources remain in the area, increasing development in the area has threatened the future stability and integrity of the Loess Hills area; and

(6) the Loess Hills area merits further study by the National Park Service, in cooperation with the State of Iowa, local governments, and affected landowners, to determine appropriate means to better protect, preserve, and interpret the significant resources in the area.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Loess Hills" means the area in the State of Iowa located between Waubansie State Park and Stone Park, and which includes Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont counties.

(2) the term "Secretary" means the Secretary of the Interior.

(3) the term "State" means the State of Iowa.

SEC. 4. LOESS HILLS STUDY.

(a) The Secretary shall undertake a study of the Loess Hills area to review options for the protection and interpretation of the area's natural, cultural, and historical resources. The study shall include, but need not be limited to an analysis of the suitability and feasibility of designating the area as—

(1) a unit of the National Park System;

(2) a National Heritage Area or Heritage Corridor; or

(3) such other designation as may be appropriate.

(b) The study shall examine the appropriateness and feasibility of cooperative protection and interpretive efforts between the United States, the State, and its political subdivisions.

(c) The Secretary shall consult in the preparation of the study with State and local governmental entities, affected landowners, and other interested public and private organizations and individuals.

(d) The study shall be completed within one year after the date funds are made available. Upon its completion, the Secretary shall transmit a report of the study, along with any recommendations, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 590. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

ELIMINATION OF DOUBLE SUBSIDIES FOR THE HARDROCK MINING INDUSTRY ACT OF 1999

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to eliminate from the federal tax code percentage depletion allowances for hardrock minerals mined on federal public lands. I am joined in introducing this legislation by my colleague from Vermont, Mr. LEAHY.

The President proposes the elimination of the percentage depletion allowance on public lands in his FY 2000 budget. The President's FY 2000 budget estimates that, under this legislation, income to the federal treasury from the elimination of percentage depletion allowances for hardrock mining on public lands would total $478 million over five years, more than $95 million in this year alone. These savings are calculated as the excess amount of federal revenues above what would be collected if depletion allowances were limited to "sunk costs" in capital investments. Percentage depletion allowances are contained in the tax code for extracted fuel, minerals, metal and other mined commodities. These allowances have a combined value, according to 1994 estimates by the Joint Committee on Taxation, of $4.8 billion.

Mr. President, these percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, 1909. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration and output. However, percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of their capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Using cost depletion, a company would deduct a portion of its original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

However, under percentage depletion, the deduction for recovery of a company's investment is a fixed percentage of "gross income"—namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, Mr. President, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 percent to 22 percent.

In addition to repealing the percentage depletion allowances for minerals mined on public lands, Mr. President, my bill also creates a new fund, called the Abandoned Mine Reclamation Fund. One fourth of the revenue raised by the bill, or approximately $120 million dollars, will be deposited into an interest bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. Mineral Policy Center estimates that there are 557,650 hardrock abandoned mine sites nationwide and the cost of cleaning them up will range from $32.7 billion to $71.5 billion.

There are currently no comprehensive federal or state programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

Mr. President, in today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, yet these subsidies remain a persistent tax expenditure that raise the deficit for all citizens or shift a greater tax burden to other taxpayers to compensate for the special tax breaks provided to the mining industry.

Mr. President, the measure I am introducing is fairly straightforward. It eliminates the percentage depletion allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with those given to other businesses.

Mr. President, the time has come for the Federal Government to get out of the business of subsidizing business. We can no longer afford its costs in dollars or its cost to the health of our citizens. This legislation is one step toward the goal of ending these corporate welfare subsidies.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1999".

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting "(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)" after "In the case of the mines".

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

"SEC. 9511. ABANDONED MINE RECLAMATION FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1999.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

"(A) the reclamation and restoration of lands and water resources described in paragraph (2) adversely affected by mineral (other than coal and fluid minerals) and mineral material mining, including—

"(i) reclamation and restoration of abandoned surface mine areas and abandoned milling and processing areas,

"(ii) sealing, filling, and grading abandoned deep mine entries,

"(iii) planting on lands adversely affected by mining to prevent erosion and sedimentation,

"(iv) prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage, and

"(v) control of surface subsidence due to abandoned deep mines, and

"(B) the expenses necessary to accomplish the purposes of this section.

"(2) LANDS AND WATER RESOURCES.—

"(A) IN GENERAL.—The lands and water resources described in this paragraph are lands within States that have land and water resources subject to the general mining laws or lands patented under the general mining laws—

"(i) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status before the date of the enactment of this section,

"(ii) for which the Secretary of the Interior makes a determination that there is no continuing reclamation responsibility under State or Federal law, and

"(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

"(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 9511. Abandoned Mine Reclamation Trust Fund."

By Mr. BOND:

S. 592. A bill to improve the health of children; to the Committee on Finance.

HEALTHY KIDS 2000 ACT

Mr. BOND. Mr. President, one year ago today, the Birth Defects Prevention Act passed the House of Representatives, clearing its way for the President's signature.

With this new funding, the Centers for Disease Control has implemented a national strategy, in conjunction with the States and local organizations such as the March of Dimes, to prevent the devastating incidence of birth defects.

Building upon that success, today I rise to introduce the Healthy Kids 2000 Act—comprehensive approach which addresses the broad spectrum of health issues affecting our nation's children.

And I want to thank the March of Dimes and the National Association of Children's Hospitals for supporting me in this effort to improve the health of our nation's children and pregnant women as we move into the new millennium.

I also want to thank my colleague from Ohio, MIKE DEWINE, for his work on children's health issues, and for allowing me to adopt some of his ideas for inclusion in this bill. Senator DEWINE has been a dedicated leader on children's health, and has been essential to the development of the sections of this bill that focus on poison control centers and pediatric research within the National Institutes of Health.

I am struck, every time I go into the neonatal wards across my home state of Missouri, at the tiny one and two pound babies, hooked up to monitors and tubes and looking so helpless. Many of them will survive; a few may not. My first thought is always one of thanks that I have been blessed with a very healthy son.

The good news is that we are making progress in preventing diseases and in making sick and injured children well. Healing never thought possible a few years ago for those who are burn victims, or born with birth defects, or trauma victims, or even cancer patients, now occurs on a daily basis around our country.

The question about how to finance health care and how to improve access to and the quality of health care, however, are the hottest challenges we face as a nation.

There are some things we can all agree on: that the care and well-being of our children should come first, particularly those who are ill. Prenatal care is also paramount, because a great deal of child health is determined in the womb.

Thus as a nation, we must stand up and speak for those who cannot speak for themselves.

That is why I am introducing the "Healthy Kids 2000 Act." The idea behind it is simple: we want pregnant women to be healthy, and we want children to be healthy. So we are going to remove some of the barriers they encounter in receiving good, appropriate health care.

This bill will give States the flexibility to enroll eligible pregnant women in the State Children's Health Insurance Program (CHIP) and to coordinate essential outreach efforts to enroll qualified children. This program has already been funded by Congress to assist 10 million children whose families lack health insurance. These children are eligible to receive basic health care services like immunizations and antibiotics for ear infections, but pregnant women are not now eligible. Since so much of a child's health is determined in the womb, it is imperative that low-income pregnant women receive quality prenatal care.

Similarly, we need to ensure that the National Institutes of Health research machine is focusing on diseases and conditions which afflict our nation's children, such as birth defects, SIDS, cystic fibrosis, juvenile diabetes, and arthritis, just to name a few. A simple statistic will highlight this need: 80% of prescription medications marketed in the U.S. today are not approved by the FDA for use by children under 12 because studies have not been conducted to document their safety or whether or not they work for children. That is a terrible disservice to the young people of our country who may need the relief of a particular prescription drug.

This bill will also consolidate programs and provide more funds for local initiatives to prevent birth defects and maternal mortality.

150,000 infants are born each year with a serious birth defect, and birth defects are still the leading cause of infant death. During the 1990s we have witnessed an increase in maternal death during pregnancy and childbirth. There is no question that we need better approaches to ensure that women have healthier, safe pregnancies, and healthier babies. And my bill will help fund these vital prevention strategies.

This bill will also ensure direct access to obstetric care, and direct access to pediatric care. Children have health needs that are very different than those of the adult population. Diseases and medications behave differently than in adults, and when children are treated, it should be by those who understand those differences.

Finally, this initiative will assist children's hospitals in educating the next generation of pediatricians. Even with strapped budgets, teaching children's hospitals offer the more egalitarian health care in this country. These hospitals turn no one away. And it is essential that we support this noble mission by equipping children's hospitals with the tools to continue their educational and research efforts.

So much of the most important work in our society goes unnoticed, and unrewarded. Saving the lives of our children, improving the health of our children, even caring for our children on a daily basis is not glamorous work, or sometimes even all that much fun. Doctors, nurses, mothers, fathers, child-care workers and teachers are performing the most difficult, and the most important, work of our society: raising up the next generation to be happy, healthy, and productive citizens.

We must assist them in their efforts, and we can take a positive step by debating and enacting Healthy Kids 2000.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
CHILDREN'S HOSPITALS,
Alexandria, VA, March 9, 1999.

Hon. CHRISTOPHER "KIT" BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: The National Association of Children's Hospitals (N.A.C.H.), which represents more than 100 children's hospitals across the country, strongly supports your efforts to address the full spectrum of children's health care needs through your new "Healthy Kids 200 Act," legislation that knits together several important individual initiatives to improve the health and well-being of our nation's children.

This legislation takes a comprehensive approach to addressing barriers and obstacles, both health system and governmental, that families and pediatric providers encounter in improving the health care of children. Its focus on strengthening health coverage, graduate medical education, research, and public health protections for children clearly reflects the children's hospitals' own fourfold missions of clinical care, education, research, and public health advocacy for child health. Together, they are essential to the ability of communities to meet the unique health care needs of their children.

CHILDREN'S HEALTH COVERAGE

This legislation recognizes that the prescription for good, comprehensive health care for children is not only health insurance coverage but also quality and access to care. The "Healthy Kids 200 Act" would provide important health care protections for children as well as enable providers, professionals, systems, and workers to assure improved quality of health care for children.

By providing families access to providers that specialize in pediatrics for the care delivered to their children, the legislation takes the important step of ensuring that children receive health care in the most appropriate setting and condition possible.

The legislation recognizes that, as the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry writes, "[c]hildren have health and development needs that are markedly different from adults and require age-appropriate care. Developmental changes, dependency on others, and different patterns of illness, disability and injury require that attention be paid to the unique needs of children in the health system."

In addition, the legislation improves upon the State Children's Health Insurance Program (SCHIP) by allowing states the option to use SCHIP to provide health insurance coverage for pregnant women. The linkages between prenatal care and healthy children have long been understood in American social policy, including Medicaid, the Maternal and Child Health Block Grant and WIC. As the GAO found in its report Health Insurance; Coverage Leads to Increased Health Care Access for Children, Medicaid coverage of maternal and child health improves health care access but also decreases infant and child mortality.

For these reasons, N.A.C.H. supports giving states the option of covering low income, uninsured pregnant women through SCHIP, as well as the bill's provision to establish automatic enrollment of their infants upon birth through that critical first year of life.

PEDIATRIC EDUCATION

N.A.C.H. applauds you for including in the "Healthy Kids 2000 Act" the commitment to commensurate federal graduate medical education support for independent children's hospitals proposed by the "Children's Hospitals Education and Research Act," which you have twice co-sponsored with Senator Bob Kerrey (D-MO). Through the establishment of a capped time-limited fund, the legislation would go a long way toward providing a more equitable competitive playing field for independent children's hospitals.

Like all teaching hospitals, children's hospitals receive less and less support for their graduate medical education (GME) programs from most insurers. Unlike other teaching hospitals, independent children's hospitals receive virtually no support for GME from the one remaining, stable source of GME support—the Medicare program—because they serve children, not the elderly. Yet, these hospitals play a critical role in training the next generation of health care providers for children. Although they represent less than one percent of all hospitals, they train nearly 30 percent of all pediatricians and nearly half of all pediatric subspecialists.

PEDIATRIC RESEARCH

As centers of research devoted to improving the prevention, diagnosis, treatment, and evaluation of children's illnesses and conditions, children's hospitals very much appreciate your efforts to bring new visibility the need for increased NIH investment in pediatric biomedical research overall and in pediatric research training in particular. While there are a variety of ways to structure this increased investment in NIH, we know that you share our conviction that in the end, the result must be a real increase in total support for pediatric research. Its purpose should be to stimulate significant additional pediatric research investment and growth in the number of researchers focusing on children's health, not to cause a shift in funding that comes at the expense of any current NIH research efforts for children.

PEDIATRIC PUBLIC HEALTH PROMOTION

With so many children's hospitals serving as their states' or regions' poison control centers, N.A.C.H. especially appreciates the provisions of your legislation to stabilize and improve our nation's poison control system. Over half of the two million poisonings reported in 1996 were by parents of children under age 6. Almost 2 out of 3 poison calls are on behalf of children under age 18. Legislation that serves to improve and stabilize this critical system will undoubtedly improve the lives and health of children as well.

N.A.C.H. also supports the bill's provisions to improve prenatal care and birth defects research through the Centers for Disease Control and Prevention, which are important to reduce morbidity and mortality from birth, improving health, and preventing lifelong health care costs for children and adults.

In conclusion, Senator Bond, we commend you for the breadth and depth that this bill undertakes to improve the health of our nation's children. This legislation certainly sets the standard for what the 106th Congress should consider and pass with respect to child health.

If you have any questions or need additional information, call Peters Willson or Bruce Lesley at 703-684-1355.

Sincerely,

LAWRENCE A. MCANDREWS.

MARCH OF DIMES,
BIRTH DEFECTS FOUNDATION,
Washington, DC, March 8, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: On behalf of more than 3 million volunteers and 1500 staff members of the March of Dimes, I want to commend you for introducing the "Healthy Kids 2000 Act." We are particularly pleased that you have included in this legislation three specific initiatives important to the Foundation and to the health of mothers, infants and children.

The first section of the bill, "Health Care Accessibility and Accountability for Mothers and Newborns," includes a much needed initiative to improve access to health care for pregnant women. Numerous studies have shown that prenatal care improves the likelihood that a child will be born healthy. Your proposal that states be given the flexibility to cover prenatal care for income-eligible pregnant women through the new State Children's Health Insurance Program (S-CHIP) is an important step to take. If enacted, this provision would help provide women the prenatal and maternity care they need to have healthy, full term babies. The March of Dimes strongly supports access to prenatal care. Because of the Foundation's concern that more than 350,000 women do not have access to these needed services, the Foundation has identified the expansion of S-CHIP to cover pregnant women as one of its highest federal legislative priorities for 1999.

The Foundation is also pleased to support the "Pediatric Public Health Promotion" provision that would establish a National Center for Birth Defects Research and Prevention at the Centers for Disease Control and Prevention. This change in law would elevate the visibility of the birth defects activities of the CDC, authorized by the Birth Defects Prevention Act (P.L. 105-168), which you guided to enactment in 1998. As you know, for many years the March of Dimes has been a strong supporter of federal birth defects research and prevention activities. We applaud you for proposing to integrate the activities of various programs to further promote the prevention of birth defects.

In addition, the March of Dimes commends you on including the "Pediatric Research Initiative" in the "Healthy Kids 2000 Act." If enacted, this initiative would establish the authorization needed to obtain additional funding for pediatric biomedical research within the National Institutes of Health. The Foundation believes that a partnership between the public and private sectors is the more effective way to raise the level of investment in clinical research pertaining to children. The March of Dimes urges Congress to strengthen the national commitment to all children.

We thank you for your leadership and are eager to work with you on this and other legislative initiatives important to the health of the nation's mothers, infants and children.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ABRAHAM):

S. 593. A bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes; to the Committee on Finance.

THE SMALL SAVERS ACT

Mr. COVERDELL. Mr. President, I rise today, joined by my good friends Senator TORRICELLI and Senator ABRAHAM, to introduce legislation whose time I believe has clearly come. We are faced with a real crisis. That crisis is the state of personal savings, savings by families that let them prepare for the bumps in the road.

Families are not saving, and I believe it is not happening because our government takes too much from them. A recent report by the Congressional Budget Office showed that taxes on the American public are at their highest level since World War II. Too many middle-class families have been squeezed to the point where they live paycheck to paycheck without the option of saving for the future.

Today, the Nation's economy remains the envy of the world. The United States has the first federal budget surplus in thirty years, unemployment is down and the stock market is up, but there are troubling signs on the horizon. Manufacturing activity slowed in December for the seventh straight month, dropping to its lowest level in almost eight years as global economic problems continued to hinder exports. At the same time, personal savings are at Depression-era lows.

In 1982, families saved nine percent of their personal income. In 1992, it was between five and six percent. Last year, it was one-half of one percent and headed into the red. Personal savings is so important because it helps prepare families for any crisis that could occur, such as a health emergency or job loss.

Having said that, I believe we would all do well to remember the lessons from the biblical parable of Joseph. Recall that Joseph warned Pharaoh his kingdom would experience seven years of plenty followed by seven years of famine. His message to Pharaoh was to build reserves during the years of plenty in preparation for the years of famine, so that his people would not suffer. To ensure the longevity of our recent economic gains, it is important to remember the lessons of Joseph and heed the words of President Kennedy who, in his second State of the Union address said: "Pleasant as it is to bask in the warmth of recovery . . . the time to repair the roof is when the sun is shining."

One-third of Americans have no savings at all, and the next third have less than $3,000 in savings. Although the baby-boom generation has contributed to the explosion of people investing in the equities, only two in five baby boomers will have enough savings to maintain their current standard of living when they begin to retire in 2011.

The Small Savers Act would help to reverse these troubling trends. First, our proposal returns middle class taxpayers to the lowest Federal income tax bracket. Under our legislation, 7 million taxpayers would no longer find themselves taxed at 28%. Instead, they would be taxed at the 15% bracket.

Second, it would encourage modest savings and investment. We propose to enable savers to earn $500, or $250 for singles, in interest and dividends without paying a tax. According to the Joint Economic Committee, 30 million low and middle income taxpayers would be able to save tax free. Our proposal also would wipe out capital gains taxes for 10 million low and middle income investors by exempting the first $5,000 of long-term capital gains. For those committed to ending the taxation of capital gains, this would be an opportunity to take that first step while encouraging lower and middle class workers to invest for their future.

Finally, we provide for a modest $1,000 increase in the contribution limit for deductible IRA contributions, from $2,000 to $3,000, and index for inflation after 2009. These contribution limits have not been raised since 1981.

The Nation faces many challenges in the years ahead. None is more important than sustaining economic growth and ensuring our retirement security. The Small Savers Act is a modest and progressive step to begin shoring up personal savings and to keep the Nation on the path to long-term economic health.

By Mrs. FEINSTEIN:

S. 594. A bill to ban the importation of large capacity ammunition feeding devices; to the Committee on the Judiciary.

LARGE-CAPACITY AMMUNITION MAGAZINE IMPORT BAN OF 1999

Mr. FEINSTEIN. Mr. President, I rise today to introduce legislation that will plug a gaping loophole in our gun laws and protect us all from the deadly, tragic violence of assault weapons.

This bill is not about gun control. This bill is not about politics. And this bill is not about partisanship. But this bill is about stopping foreign manufacturers from skirting the laws that already apply to companies within our borders.

The bill we introduce today will address, finally, the loophole in the law that allows foreign manufacturers to flood our shores with high capacity ammunition clips, while domestic manufacturers are prohibited from selling those very clips.

Our bill bans future importation of all ammunition clips with a capacity of greater than 10 rounds.

Mr. President, this legislation would not ban the sale or possession of clips already in circulation. And the domestic manufacture of these clips is already illegal for most purposes. Under current law, U.S. manufacturers are already prohibited from manufacturing large capacity clips for sale to the general public, but foreign companies continue to do so.

As the author of the 1994 provision, I can assure you that this was not our intent. We intended to ban the future manufacture of all high capacity clips, leaving only a narrow clause allowing for the importation of clips already on their way to this country. Instead, the Bureau of Alcohol, Tobacco and Firearms has allowed millions of foreign clips into this country, with no true method of determining date of manufacture.

In fact, between March and August of last year alone, BATF approved more than 8 million large-capacity clips for importation into America.

Many of these clips were surely manufactured after 1994, but ATF has no way to determining whether or not this is true. As a result, they simply must take the word of the exporting company or country.

The clips come from at least 20 different countries, from Austria to Zimbabwe.

The clips approved during this one short period accounted for almost 128 million rounds of ammunition—and every round represents the potential for taking one human life.

These clips come in sizes ranging from 15 rounds per clip to 30, 75, 90, or even 250 rounds per clip.

Twenty thousand clips of 250-rounds came from England;

Two million 15-round magazines came from Italy;

Five thousand clips of 70-rounds came from the Czech Republic.

And the list goes on, and on.

Mr. President, 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling. It is time to plug this loophole and close our borders to these tools of death and destruction. Our domestic manufacturers are complying with the law, and we must now force foreign manufacturers to comply as well.

In April of last year, President Clinton and Treasury Secretary Rubin closed one loophole in the 1994 ban on assault weapons by blocking further imports of modified semiautomatic assault weapons. However, the Department of Justice advises me that the President lacks the legal authority to take the same action regarding large-capacity clips. As a result, we must take legislative action to stop further imports of these killer clips.

In closing our borders to these high capacity clips, we will not put an end to all incidents of gun violence. But we will limit the destructive power of that violence. We will not stop every troubled child who decides to commit an act of violence from doing so, but we can limit the tools that a child can find to carry out the act.

Each of us has been touched in some way by the devastating effects of gun violence. Each of our states has faced unnecessary tragedy and senseless destruction as a result of the high-powered, high-capacity weapons falling into the hands of gangs, drive-by shooters, cop killers, grievance killers, and yes, even children. My own state of California has too often been the subject of national attention due to incidents of gun violence.

Just a few short months ago in Oakland, California, officer James Williams became yet another example of what can happen when a troubled teenager gets hold of a high-capacity weapon. Soon after midnight on a Sunday early this New Year, Officer Williams and two colleagues found themselves searching the side of the road for a gun that had reportedly been thrown by suspects involved in a recent chase. Officer Williams had been out of the police academy for only eleven weeks, and was undoubtedly looking forward to getting home to see his three children.

But tragically, James Williams never made it home that night. While Williams searched for the lost gun, a 19-year-old man stood on the freeway overpass above and fired the shots that would change Williams' family forever. Using a Hungarian made AK-47 with a Chinese made high-capacity ammunition clip, the teenager fired many shots—too many.

One Telfon-coated bullet from this high capacity clip fatally wounded officer Williams, tearing through his bulletproof vest and leaving his three children without a father. And that lone bullet tore through more than just James Williams' body armor. It tore through the very fabric of his entire family, and its damage cannot be repaired.

To many, Officer Williams has now become just another statistic in the fight against gun violence. But he is more than that to his family, and he must mean more than that to us, as well. We must fight to end the tragedies faced by so many families across this nation. We must fight to give meaning to the countless lives that have been extinguished before their time.

One phenomenon which has most tragically revealed the problems presented by these high capacity clips has been the use of these clips by youngsters to kill other youngsters.

In Springfield, Oregon, a 15-year-old boy used a 30-round clip to kill two of his fellow students and wound 22 others.

In Jonesboro, Arkansas, one of two boys carried a Universal carbine equipped with a 15-round killer clip. Firing every one of those 15 bullets, the boy helped his partner kill five people and wound 10 more.

And just last December in Los Angeles, 27 year old LAPD officer Bryan Brown was shot and killed by an assailant with a rifle and double magazine. Following the tragic shooting, Officer Brown's 7 year old son asked, "Why did my daddy have to die?"

Mr. President, Officer Brown and Officer Williams gave their lives to protect the lives of so many others, and their children have now been left without a father. We must do what we can to make the lives of our law enforcement officers more safe.

And we must also do what we can to bring foreign companies into compliance with the same laws we impose on companies here at home. The only way we can accomplish these goals is to pass this simple bill.

In 1994, we fired a first shot in the fight against assault weapons and killer clips by banning the assault weapons most commonly used in crime and to kill police officers. I am proud to have authored that legislation, and many of my colleagues who joined me in that fight remember how hard we worked to make a difference. Our opponents told us our efforts would accomplish nothing—but they were wrong. They told us our efforts would infringe upon the rights of innocent gun owners—again, they were wrong.

In fact, recent statistics prove that the assault weapons ban is working to reduce crime and to save the lives of law enforcement officers and countless others.

A recent study by the Bureau of Alcohol, Tobacco and Firearms showed that compared to other guns, the use of assault weapons in crimes is rapidly falling. In fact, while assault weapons accounted for more than 6% of the guns traced in crimes before the 1994 crime bill went into effect, these guns now account for less than 2.4% of those traces.

But it has now become apparent that the 1994 ban on assault weapons left open certain loopholes. Through those loopholes fall the lives of courageous police officers like Officer James Williams.

There is no convincing reason to allow foreign manufacturers to circumvent the ban on assault weapons while domestic manufacturers comply. And there is no convincing reason to keep an unlimited supply of these clips flowing onto our shores and into the hands of American criminals.

The ban on assault weapons is working to save lives and to keep us safe. But we must act to fix those loopholes which still remain. Last year we came close—we offered this bill as an amendment on short notice and lost by only a few votes. I am confident that once my colleagues understand what this bill does—and more importantly what it does not do—we will win our fight.

I urge my colleagues to support this bill, and I look forward to voting on this issue in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Large Capacity Ammunition Magazine Import Ban Act of 1999".

SEC. 2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 3. CONFORMING AMENDMENT.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

By Mr. DOMENICI (for himself and Mr. INHOFE):

S. 595. A bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes; to the Committee on Finance.

THE DOMESTIC OIL AND GAS CRISIS TAX RELIEF AND FOREIGN OIL RELIANCE REVERSAL ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today to introduce the Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999.

It is a comprehensive, graduated approach to ensure that the United States retains control of its foreign policy and its economic destiny.

I believe that oil is essential to our way of life. Oil is power.

It has been pointed out by numerous commentators that major oil reserves and political volatility go together. The Middle East has the world's most abundant and cheapest oil, unfortunately, the U.S. does not.

Saudi Arabia, United Arab Emirates and Kuwait are our current allies, but Iran and Iraq are not. Russia is a major natural gas producer, but reliable Russia is not.

Our dependence on foreign oil is reaching 57 percent, projected to reach 68 percent by 2010 if current prices prevail.

This isn't the usual boom and bust that the oil and gas industry goes through. The price has dropped by half in the past two years. In real terms, oil now costs roughly what it did before 1973. And prices could stay low or drop lower according to the March 6th, Economist magazine.

Chairman Greenspan, thus, far has been more cautious.

At a Budget Committee hearing recently, I asked Chairman Greenspan about the oil and gas depressed prices. For the first time that I can remember, Greenspan blessed Independent Petroleum Association of America (IPAA) numbers.

Greenspan said, "In the short term, profits for the oil and gas industry are likely to come under pressure. According to industry surveys, exploration and production spending in the U.S. is projected to decline 21 percent this year to $22.6 billion from $28.2 billion in 1998. A recent survey by the Independent Petroleum Association of

America (IPAA) estimates that over 36 thousand crude oil wells and more than 56 thousand natural gas wells have been shut down since November 1997. During the same period, the IPAA estimates that 24 thousand jobs in the industry have been eliminated * * * The financial pressures are most serious among small producers in the United States."

Let me describe the financial pressures facing New Mexico.

One of the city officials told me that oil and gas revenues were so low that the town of Eunice has to decide which it will keep open—the school or the hospital. There isn't enough tax revenue in the coffers to do both! In New Mexico, the oil and gas industry is a major source of revenue. For some communities it is the only significant source.

The bill I am introducing today is a comprehensive, graduated response to the problem of the shrinking domestic oil and gas industry. It builds upon, and includes all of the provisions included in S. 325 introduced by Senator KAY BAILEY HUTCHISON and cosponsored by Senators NICKLES, MURKOWSKI, BREAUX and LANDREU and myself.

The Hutchison bill focuses on helping our independent producers and maintaining marginal wells. These are wells that produce less than 15 barrels a day by IRS definition, but in reality, on average produce about 2.2 barrels of oil a day. There are a lot of marginal wells in the United States, and together they produce as much oil as the United States imports from Saudi Arabia.

I am also told if prices stay where they are the state could lose half of those wells by the end of the year.

Title I of the bill I am introducing today is part of S. 325. It includes a marginal well tax credit designed to prolong marginal domestic oil and gas well production. The credit is equal to $3.00 a barrel.

The bill also provides a Federal income tax exclusion for income earned from inactive wells. It is an incentive for producers to keep pumping and not to plug the wells because low prices make them uneconomic. Once a well is plugged, the oil from that well is lost for ever.

The bill expands the Enhanced Oil Recovery credit (EOR) that was enacted in 1990.

Enhanced oil recovery techniques can recover the other seventy-five percent of the oil left behind when regular techniques have pumped as much oil as they can from a well. The EOR credit is expanded to cover additional techniques and to be used by AMT taxpayers.

The oil and gas industry is a capital intensive industry.

When the price of oil drops, the cash flow for small producers dries up. There are countless producers who haven't been able to make an interest payment on their operating loans in months and as loans come due, the banks haven't been willing to renew them.

The world is feasting on cheap oil, and yet the oil patch is starving for capital. This credit crunch is made all the more painful because producers know that they have accumulated tax benefits and credits that they have not been able to use, first, because they were Alternative Minimum Tax (AMT) taxpayers, and more recently, because low prices have devastated their bottomline.

The AMT was intended to make sure that profitable companies paid their fair share of taxes. It has not worked as it was intended. In practice, the AMT imposes four penalties on investments made by U.S.-based taxpayers who explore for and produce oil and natural gas. Penalties are imposed on drilling investment and asset depreciation. These penalties significantly increase the after-tax costs and the business risks of drilling new wells. This is a very imprudent policy at a time when the U.S. is experiencing historically low drilling activity and growing import dependency.

The AMT increases the cost of capital of AMT taxpayers by approximately 15 to 20 percent over what it would be under the regular corporate income tax according to testimony given before the Senate Finance Committee.

TITLE II of the bill tries to correct the past imprudence of the AMT and other tax cod provisions by providing domestic oil and gas industry crisis tax relief triggered when the price of oil is below $15 a barrel.

This title of the bill creates what I call a "credits to cash" program.

The purpose is to transform earned tax credits and other accumulated tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies.

This is accomplished by creating a ten year carry-back for unused AMT credits, and unused percentage depletion for oil and gas producers. The bill would also eliminate one of the most restrictive limitations on an oil and gas producer's ability to claim his intangible drilling costs—the so-called 65 percent net income limitation. The bill repeals it so that producers can finally recover their out of pocket costs.

The bill also includes a provision similar to a bill introduced by Congressman THOMAS. My bill allows both producers and the oil and gas service industry to go back ten years and use up their Net operating losses (NOL)s.

HARD TIMES TAX RELIEF WHEN PRICE OF OIL IS LESS THAN $14 A BARREL

The National Energy Policy Act partially eliminated Intangible Drilling Costs as a preference item under the AMT. This bill finishes the job for any year when the price of oil is less than $14 a barrel (phased out when oil prices hit $17)

IDCs are up front, out of pocket costs that have to be paid before a producer even knows whether there will be any oil produced.

IDCs are one of the principal ordinary and necessary business costs of the oil and gas industry. IDCs can comprise up to 80 percent of the total costs incurred in developing a well.

IDCs are comparable to research and development costs because they are incurred before a capital asset is known to exist. Examples of IDCs include amounts paid to negotiate and finalize drilling contracts; costs to prepare the drill site, costs of transporting and setting up the rigs and costs of cementing casing in place; costs for wages, fuel, repairs, supplies, and other costs in the drilling, shooting and cleaning of wells, onsite preparation for the drilling of wells, and the construction of the physical structures that are necessary for the drilling of wells. IDCs are funded with cold, hard cash and typically cannot be financed by a bank or financial institution, and must be paid through an operator's internal cash flow or outside equity money supplied by an investor.

Under the regular corporate tax, IDCs are generally allowed to be expensed.

If they were the expenses of any other business they would not be included as add-back preference items for purposes of the AMT. We took the first step to correcting this injustice in the National Energy Policy Act. It is time to finish the job now.

Percentage depletion is also an ordinary and necessary business cost. It recognizes that the economic profit from successful wells must compensate for economic losses from dry holes and marginal wells that do not recover their investment. Percentage depletion also recognizes that oil and gas properties are wasting assets with no residual value. These expenses correspond to ordinary business expenses that are deductible for every other business without limitations.

The bill would also eliminate the depreciation adjustment under the AMT for oil and gas assets so that the depreciation schedules for the regular tax are also used for AMT.

The oil and gas industry must spend significant amounts of capital to acquire, find, develop and produce oil and gas resources The regular tax system's modified accelerated cost recovery system (MACRS) is designed to encourage such investments. The incentive of accelerated tax depreciation is especially important in periods when oil is cheap and companies are under economic pressure to reduce capital investment and jobs. Yet, the depreciation adjustment required under the AMT results in removing much of the regular tax incentive precisely when it is needed most. This occurs because companies in the industry are more likely to be subject to AMT in periods of low commodity prices.

While the AMT is the second tax system imbedded in our Internal Revenue code, the Accumulated Current Earnings (ACE) effectively acts as a third system of taxation, in addition to the regular tax system and the AMT. ACE generally acts to measure income in the same manner "earnings and profits" which is a measure of income used by "C" corporations to determine whether their dividends will be taxable. Under ACE, a corporate taxpayer must compute the deductions for equipment depreciation (pre-1994), and intangible drilling cost recovery in a third manner in addition to that mandated under the regular tax system and the AMT.

Congress has nibbled at fixing the ACE several times in the 1990's. It is time to get rid of it and its complexity. The bill eliminates the Adjusted Current Earnings adjustment (ACE) as it applies to IDCs.

The bill would also permit the EOR credit and the Section 29 credit to reduce the Alternative Minimum Tax.

The Alternative Minimum Tax (AMT) imposes tax penalties on the oil and gas industry. It taxes investment, not income, and it is more punitive the less profitable a company is. The longer prices are low and profits thin, the harsher is the AMT's impact.

The bill recognizes that the Oil for Food program is contributing to the depressed oil and gas prices and is causing economic hardship for our domestic oil and gas producers. To compensate our domestic industry for the economic loss that is being caused by this UN policy, the bill would restore percentage depletion to 27.5 percent. It also would include the remaining tax provisions included in S. 325 e.g., Allows expensing geological and geophysical expenditures Allows producers to make an election to Expense Delay Rentals payments; and provides an Extension of Spudding rule

Title III of the bill would be triggered whenever foreign oil reliance exceeds 50 percent. The purpose of this title is to reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves here at home in the U.S. Our goal should be to double current domestic oil and gas production.

The bill provides a 20 percent exploration and development credit.

Title IV recognizes that 60 percent foreign oil dependence is a national security risk and provides for an emergency procedure. When foreign imports exceed 60 percent the President is required to implement an energy security strategic plan designed to prevent crude oil and product imports from exceeding 60 percent. I will remind my colleagues that when we experienced the economic disruption of the 1973 oil embargo our dependence on foreign oil was only 36 percent.

Mr. President, we need a comprehensive response to foreign oil dependence. We need to have a healthy domestic oil and gas industry. This bill along with measures to help the industry through the current credit crunch are essential. I ask that my colleagues join me in developing a comprehensive plan to insure our energy and foreign policy independence.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999."

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports;

(2) to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic oil and gas production of the United States;

(3) to transform earned tax credits and other tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies;

(4) to reverse the trend of increased dependence on foreign oil and gas by encouraging exploration and development of oil and gas reserves in the United States to achieve the goal of doubling current domestic oil and gas production; and

(5) to provide an emergency procedure for times when foreign imports exceed 60 percent of the total United States crude and oil product consumption, thereby recognizing that when imports exceed a statutory level a national security threat exists that demands Presidential action.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Foreign oil consumption in the United States is estimated to be equal to 56 percent of total oil consumption and could reach 68 percent by the year 2010 if current prices prevail.

(2) The number of oil and gas rigs operating in the United States is at the lowest count since 1944, when records of this number began to be recorded.

(3) If oil prices do not increase soon, the United States could lose at least half of its marginal wells which, in the aggregate, produce as much oil as the amount of oil the United States imports from Saudi Arabia.

(4) Oil and gas prices are unlikely to increase for the next several years.

(5) Declining production, well abandonment, and the lack of exploration and development are shrinking the domestic oil and gas industry.

(6) It is essential in order for the United States to have a vibrant economy to have a healthy domestic oil and gas industry.

(7) The world's richest oil producing regions in the Middle East are experiencing great political stability.

(8) The policy of the United Nations may make Iraq the swing oil producing nation, thereby granting an enemy of the United States a tremendous amount of power.

(9) Reliance on foreign oil for more than 60 percent of the daily oil and gas consumption in the United States is a national security threat.

(10) The United States is the leader of the free world and has a worldwide responsibility to promote economic and political security.

(11) The exercise of traditional responsibilities in the United States and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of gas and oil shortages.

(12) The level of the United States security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas.

(13) A national energy policy should be developed which ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

SEC. 4. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Table of contents.

TITLE I—DOMESTIC OIL AND GAS PRODUCTION PRESERVATION PROVISIONS

Sec. 101. Tax credit for marginal domestic oil and natural gas well production.
Sec. 102. Exclusion of certain amounts received from recovered inactive wells.
Sec. 103. Enhanced oil recovery credit extended to certain nontertiary recovery methods.

TITLE II—DOMESTIC OIL AND GAS INDUSTRY CRISIS TAX RELIEF

Sec. 200. Purpose.

Subtitle A—Credits to Cash Provisions

Sec. 201. 10-year carryback for unused minimum tax credit.
Sec. 202. 10-year carryback for percentage depletion for oil and gas property.
Sec. 203. 10-year net operating loss carryback for losses attributable to oil servicing companies and mineral interests of oil and gas producers.
Sec. 204. Waiver of limitations.

Subtitle B—Hard Times Tax Relief

Sec. 211. Phase-out of certain minimum tax preferences relating to energy production.
Sec. 212. Depreciation adjustment not to apply to oil and gas assets.
Sec. 213. Repeal certain adjustments based on adjusted current earnings relating to oil and gas assets.
Sec. 214. Enhanced oil recovery credit and credit for producing fuel from a nonconventional source allowed against minimum tax.

Subtitle C—Oil-for-Food Program Compensating Tax Benefits

Sec. 220. Purpose.

Sec. 221. Increase in percentage depletion for stripper wells.
Sec. 222. Net income limitation on percentage depletion repealed for oil and gas properties.
Sec. 223. Election to expense geological and geophysical expenditures and delay rental payments.
Sec. 224. Extension of Spudding rule.

TITLE II—FOREIGN OIL RELIANCE REVERSAL PROVISIONS

Sec. 300. Purpose.
Sec. 301. Crude oil and natural gas exploration and development credit.

TITLE IV—NATIONAL EMERGENCY PROVISIONS

Sec. 400. Purpose.
Sec. 401. Duties of the President.
Sec. 402. Congressional review.
Sec. 403. National security and oil production actions.

TITLE I—DOMESTIC OIL AND GAS PRODUCTION PRESERVATION PROVISIONS

SEC. 101. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) PURPOSE.—The purpose of this section is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States.

(b) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

“SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

“(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

“(1) the credit amount, and

“(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

“(b) CREDIT AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The credit amount is—

“(A) $3 per barrel of qualified crude oil production, and

“(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

“(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

“(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

“(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

“(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting ‘1999’ for ‘1990’).

“(C) REFERENCE PRICE.—For purposes of this paragraph, the term ‘reference price’ means, with respect to any calendar year—

“(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

“(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

“(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

“(1) IN GENERAL.—The terms ‘qualified crude oil production’ and ‘qualified natural gas production’ mean domestic crude oil or natural gas which is produced from a marginal well.

“(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

“(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

“(B) PROPORTIONATE REDUCTIONS.—

“(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

“(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

“(3) DEFINITIONS.—

“(A) MARGINAL WELL.—The term ‘marginal well’ means a domestic well—

“(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

“(ii) which, during the taxable year—

“(I) has average daily production of not more than 25 barrel equivalents, and

“(II) produces water at a rate not less than 95 percent of total well effluent.

“(B) CRUDE OIL, ETC.—The terms ‘crude oil’, ‘natural gas’, ‘domestic’, and ‘barrel’ have the meanings given such terms by section 613A(e).

“(C) BARREL EQUIVALENT.—The term ‘barrel equivalent’ means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

“(d) OTHER RULES.—

“(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

“(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

“(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.”.

“(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking “plus” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “, plus”, and by adding at the end the following new paragraph:

“(13) the marginal oil and gas well production credit determined under section 45D(a).”.

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

“(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

“(i) this section and section 39 shall be applied separately with respect to the credit, and

“(ii) in applying paragraph (1) to the credit—

“(I) subparagraphs (A) and (B) thereof shall not apply, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

“(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term ‘marginal oil and gas well production credit’ means the credit allowable under subsection (a) by reason of section 45D(a).”.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting “or the marginal oil and gas well production credit” after “employment credit”.

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

“(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

“(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

“(B) paragraph (1) shall be applied by substituting ‘10 taxable years’ for ‘1 taxable years’ in subparagraph (A) thereof, and

“(C) paragraph (2) shall be applied—

“(i) by substituting ‘31 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘30 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.”

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking “There” and inserting “At the election of the taxpayer, there”.

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

“45D. Credit for producing oil and gas from marginal wells.”

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 102. EXCLUSION OF CERTAIN AMOUNTS RECEIVED FROM RECOVERED INACTIVE WELLS.

(a) PURPOSE.—The purpose of this section is to encourage producers to reopen wells that have not been producing oil and gas because the wells have been plugged or abandoned.

(b) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

"SEC. 139. OIL OR GAS PRODUCED FROM A RECOVERED INACTIVE WELL.

"(a) In General.—Gross income does not include income attributable to independent producer oil from a recovered inactive well.

"(b) Definitions.—For purposes of this section—

"(1) Independent producer oil.—The term 'independent producer oil' means crude oil or natural gas in which the economic interest of the independent producer is attributable to an operating mineral interest (within the meaning of section 614(d)), overriding royalty interest, production payment, net profits interest, or similar interest.

"(2) Crude oil and natural gas.—The terms 'crude oil' and 'natural gas' have the meanings given such terms by section 613A(e).

"(3) Recovered inactive well.—The term 'recovered inactive well' means a well if—

"(A) throughout the time period beginning any time prior to January 15, 1999, and ending on such date, such well is inactive or has been plugged and abandoned, as determined by the agency of the State in which such well is located that is responsible for regulating such wells, and

"(B) during the 5-year period beginning on the date of the enactment of this section, such well resumes producing crude oil or natural gas.

"(4) Independent producer.—The term 'independent producer' means a producer of crude oil or natural gas whose allowance for depletion is determined under section 613A(c).

"(c) Deductions.—No deductions directly connected with amounts excluded from gross income by subsection (a) shall be allowed.

"(d) Election.—

"(1) In general.—This section shall apply for any taxable year only at the election of the taxpayer.

"(2) Manner.—Such election shall be made, in accordance with regulations prescribed by the Secretary, not later than the time prescribed for filing the return (including extensions thereof) and shall be made annually on a property-by-property basis."

(c) Minimum Tax.—Section 56(g)(4)(B) is amended by adding at the end the following new clause:

"(iii) Inactive wells.—In the case of income attributable to independent producers of oil recovered from an inactive well, clause (i) shall not apply to any amount allowable as an exclusion under section 139."

(d) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following:

"Sec. 139. Oil or gas produced from a recovered inactive well.
"Sec. 140. Cross references to other Acts.;;

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 103. ENHANCED OIL RECOVERY CREDIT EXTENDED TO CERTAIN NONTERTIARY RECOVERY METHODS.

(A) Purpose.—The propose of section is to extend the productive lives of existing domestic oil and gas wells in order to recover the 75 percent of the oil and gas that is not recoverable using primary oil and gas recovery techniques.

(b) In General.—Clause (i) of section 43(c)(2)(A) (defining qualified enhanced oil recovery project) is amended to read as follows:

"(i) which involves the application (in accordance with sound engineering principles) of—

"(I) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered, or

"(II) one or more qualified nontertiary recovery methods which are required to recover oil with traditionally immobile characteristics or from formations which have proven to be uneconomical or noncommercial under conventional recovery methods,"

(c) Qualified Nontertiary Recovery Methods.—Section 43(c)(2) is amended by adding at the end the following new subparagraphs:

"(C) Qualified nontertiary recovery method.—For purposes of this paragraph—

"(i) In General.—The term 'qualified nontertiary recovery method' means any recovery method described in clause (ii), (iii), or (iv), or any combination there of.

"(ii) Enhanced gravity drainage (EGD) methods.—The methods described in this clause are as follows:

"(I) Horizontal drilling.—The drilling of horizontal, rather than vertical, wells to penetrate any hydrocarbon-bearing formation which has an average in situ calculated permeability to fluid flow of less than or equal to 12 or less millidarcies and which has been demonstrated by use of a vertical wellbore to be uneconomical unless drilled with lateral horizontal lengths in excess of 1,000 feet.

"(II) Gravity drainage.—The production of oil by gravity flow from drainholes that are drilled from a shaft or tunnel dug within or below the oil-bearing zone.

"(iii) Marginally economic reservoir repressurization (MERR) methods.—The methods described in this clause are as follows, except that this clause shall only apply to the first 1,000,000 barrels produced in any project:

"(I) Cyclic gas injection.—The increase or maintenance of pressure by injection of hydrocarbon gas into the reservoir from which it was originally produced.

"(II) Flooding.—The injection of water into an oil reservoir to displace oil from the reservoir rock and into the bore of a producing well.

"(iv) Other methods.—Any method used to recover oil having an average laboratory measured air permeability less than or equal to 100 millidarcies when averaged over the productive interval being completed, or an in situ calculated permeability to fluid flow less than or equal to 12 millidarcies or oil defined by the Department of Energy as being immobile.

"(D) Authority to add other nontertiary recovery methods.—The Secretary shall provide procedures under which—

"(i) the Secretary may treat methods not described in clause (ii), (iii), or (iv) of subparagraph (C) as qualified nontertiary recovery methods, and

"(ii) a taxpayer may request the Secretary to treat any method not so described as a qualified nontertiary recovery method.

The Secretary may only specify methods as qualified nontertiary recovery methods under this subparagraph if the Secretary determines that such specification is consistent with the purposes of subparagraph (C) and will result in greater production of oil and natural gas."

(d) Conforming Amendment.—Clause (iii) of section 43(c)(2)(A) is amended to read as follows:

"(iii) with respect to which—

"(I) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, and

"(II) in the case of a qualified nontertiary recovery method, the implementation of the method begins after December 31, 1998."

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1998.

TITLE II—DOMESTIC OIL AND GAS INDUSTRY CRISIS TAX RELIEF

SEC. 200. PURPOSE.

The purpose of this title is to transform earned tax credits and other accumulated tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies.

Subtitle A—Credits to Cash Provisions

SEC. 201. 10-YEAR CARRYBACK FOR UNUSED MINIMUM TAX CREDIT.

(a) In General.—Section 53(c) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new paragraph:

"(2) Special rule for taxpayers with unused energy minimum tax credits.—

"(A) In general.—If, during the 10-taxable year period ending with the current taxable year, a taxpayer has an unused energy minimum tax credit for any taxable year in such period (determined without regard to the application of this paragraph to the current taxable year)—

"(i) paragraph (1) shall not apply to each of the taxable years in such period for which the taxpayer has an unused energy minimum tax credit (as so determined), and

"(ii) the credit allowable under subsection (a) for each of such taxable years shall be equal to the excess (if any) of—

"(II) the sum of the regular tax liability and the net minimum tax for such taxable year, over

"(II) the sum of the credits allowable under subparts A, B, D, E, and F of this part.

"(B) Energy minimum tax credit.—For purposes of this paragraph, the term 'energy minimum tax credit' means the minimum tax credit which would be computed with respect to any taxable year if the adjusted net minimum tax were computed by only taking into account items attributable to—

"(i) the taxpayer's mineral interests in oil and gas property, and

"(ii) the taxpayer's active conduct of a trade or business of providing tools, products, personnel, and technical solutions on a contractural basis to persons engaged in oil and gas exploration and production."

(b) Conforming Amendments.—Section 53(c) of such Code (as in effect before the amendment made by subsection (a)) is amended—

(1) by striking "The" and inserting:

"(1) In general.—Except as provided in paragraph (2), the ", and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 53(c)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 202. 10-YEAR CARRYBACK FOR PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTY.

(a) In General.—Subsection (d)(1) of section 613A (relating to limitations on percentage depletion in case of oil and gas wells) is amended to read as follows:

"(1) Limitation based on taxable income.—

"(A) In general.—The deduction for the taxable year attributable to the application of subsection (c) shall not exceed the taxpayer's taxable income for the year computed without regard to—

"(i) any depletion on production from an oil or gas property which is subject to the provisions of subsection (c),

"(ii) any net operating loss carryback to the taxable year under section 172,

"(iii) any capital loss carryback to the taxable year under section 1212, and

"(iv) in the case of a trust, any distributions to its beneficiary, except in the case of any trust where any beneficiary of such trust is a member of the family (as defined in section 267(c)(4)) of a settlor who created inter vivos and testamentary trusts for members of the family and such settlor died within the last six days of the fifth month in 1970, and the law in the jurisdiction in which such trust was created requires all or a portion of the gross or net proceeds of any royalty or other interest in oil, gas, or other mineral representing any percentage depletion allowance to be allocated to the principal of the trust.

"(B) Carrybacks and carryforwards.—

"(i) In general.—If any amount is disallowed as a deduction for the taxable year (in this subparagraph referred to as the 'unused depletion year') by reason of application of subparagraph (A), the disallowed amount shall be treated as an amount allowable as a deduction under subsection (c) for—

"(I) each of the 10 taxable years preceding the unused depletion year, and

"(II) the taxable year following the unused depletion year,

subject to the application of subparagraph (A) to such taxable year.

"(ii) Applicable rules.—Rules similar to the rules of section 39 shall apply for purposes of this subparagraph.

"(C) Allocation of disallowed amounts.—For purposes of basis adjustments and determining whether cost depletion exceeds percentage depletion with respect to the production from a property, any amount disallowed as a deduction on the application of this paragraph shall be allocated to the respective properties from which the oil or gas was produced in proportion to the percentage depletion otherwise allowable to such properties under subsection (c)."

"(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 613A(d)(1)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 203. 10-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OIL SERVICING COMPANIES AND MINERAL INTERESTS OF OIL AND GAS PRODUCERS.

"(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) Losses on operating mineral interests of oil and gas producers and oilfield servicing companies.—In the case of a taxpayer which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, such eligible oil and gas loss shall be a net operating loss carryback to each of the 10 taxable years preceding the taxable year of such loss."

(b) Eligible Oil and Gas Loss.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) Eligible Oil and Gas Loss.—For purposes of this section—

"(1) In general.—The term 'eligible oil and gas loss' means the lesser of—

"(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to—

"(i) mineral interests in oil and gas wells, and

"(ii) the active conduct of a trade or business of providing tools, products, personnel, and technical solutions on a contractual basis to persons engaged in oil and gas exploration and production,

are taken into account, and

"(B) the amount of the net operating loss for such taxable year.

"(2) Coordination with subsection (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

"(3) Election.—Any taxpayer entitled to a 10-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year."

(c) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 172(b)(1)(H) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 204. WAIVER OF LIMITATIONS.

If refund or credit of any overpayment of tax resulting from the application of the amendments made by this subtitle is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

Subtitle B—Hard Times Tax Relief

SEC. 211. PHASE-OUT OF CERTAIN MINIMUM TAX PREFERENCES RELATING TO ENERGY PRODUCTION.

(a) Energy Preferences for Integrated Oil Companies.—Section 56 (relating to alternative minimum taxable income) is amended by adding at the end the following new subsection:

"(h) Adjustment Based on Energy Preference.—

"(1) In general.—In computing the alternative minimum taxable income of any taxpayer which is an integrated oil company (as defined in section 291(b)(4)) for any taxable year beginning after 1998, there shall be allowed as a deduction an amount equal to the alternative tax energy preference deduction.

"(2) Phase-out of deduction as oil prices increases.—The amount of the deduction under paragraph (1) (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such amount as—

"(A) the amount by which the reference price for the calendar year preceding the calendar year in which the taxable year begins exceeds $14, bears to

"(B) $3.

For purposes of this paragraph, the reference price for any calendar year shall be determined under section 29(d)(2)(C) and the $14 amount under subparagraph (A) shall be adjusted at the same time and in the same manner as under section 43(b)(3).

"(3) Alternative tax energy preference deduction.—For purposes of paragraph (1), the term 'alternative tax energy preference deduction' means an amount equal to the sum of—

"(A) the intangible drilling cost preference, and

"(B) the depletion preference.

"(4) Intangible drilling cost preference.—For purposes of this subsection, the term 'intangible drilling cost preference' means the amount by which alternative minimum taxable income would be reduced if it were computed without regard to section 57(a)(2).

"(5) Depletion preference.—For purposes of this subsection, the term 'depletion preference' means the amount by which alternative minimum taxable income would be reduced if it were computed without regard to section 57(a)(1).

"(6) Alternative minimum taxable income.—For purposes of paragraphs (1), (4), and (5), alternative minimum taxable income shall be determined without regard to the deduction allowable under this subsection and the alternative tax net operating loss deduction under subsection (a)(4).

"(7) Regulations.—The Secretary may by regulation provide for appropriate adjustments in computing alternative minimum taxable income or adjusted current earnings for any taxable year following a taxable year for which a deduction was allowed under this subsection to ensure that no double benefit is allowed by reason of such deduction."

(b) Repeal of Limit on Reduction for Independent Producers.—Subparagraphs (E) of section 57(a)(2) (relating to exception for independent producers) is amended to read as follows:

"(E) Exception for independent producers.—In the case of any oil or gas well, this paragraph shall not apply to any taxpayer which is not an integrated oil company (as defined in section 291(b)(4))."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after, and amounts paid or incurred in taxable years after, December 31, 1998.

SEC. 212. DEPRECIATION ADJUSTMENT NOT TO APPLY TO OIL AND GAS ASSETS.

(a) In General.—Subparagraph (B) of section 56(a)(1) (relating to depreciation adjustments) is amended to read as follows:

"(B) Exceptions.—This paragraph shall not apply to—

"(i) property described in paragraph (1), (2), (3), or (4) of section 168(f), or

"(ii) property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas."

(b) Conforming Amendment.—Paragraph (4)(A) of section 56(g) (relating to adjustments based on adjusted current earnings) is amended by adding at the end the following new clause:

"(vi) Oil and gas property.—In the case of property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas, the amount allowable as depreciation or amortization with respect to such property shall be determined in the same manner as for purposes of computing the regular tax."

(c) Effective Date.—The amendment made by this section shall apply to property placed in service in taxable years beginning after December 31, 1998.

SEC. 213. REPEAL CERTAIN ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS RELATING TO OIL AND GAS ASSETS.

(a) Depreciation.—Clause (vi) of section 56(g)(4)(A), as added by section 212(b), is amended to read as follows:

"(vi) Oil and gas property.—This subparagraph shall not apply to property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas."

(b) Intangible Drilling Costs.—Clause (i) of section 56(g)(4)(D) is amended by striking the second sentence and inserting "In the case of any oil or gas well, this clause shall not apply in the case of amounts paid or incurred in taxable years beginning after December 31, 1998.".

(c) Depletion.—Clause (ii) of section 56(g)(4)(F) is amended to read as follows:

"(ii) Exception for oil and gas wells.—In the case of any taxable year beginning after December 31, 1998, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 214. ENHANCED OIL RECOVERY CREDIT AND CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE ALLOWED AGAINST MINIMUM TAX.

(a) Enhanced Oil Recovery Credit Allowed Against Regular and Minimum Tax.—

(1) Allowing credit against minimum tax.—Subsection (c) of section 38 (relating to limitation based on amount of tax), as amended by section 101(d), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Special rules for enhanced oil recovery credit.—

"(A) In general.—In the case of the enhanced oil recovery credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil recovery credit).

"(B) Enhanced oil recovery credit.—For purposes of this subsection, the term 'enhanced oil recovery credit' means the credit allowable under subsection (a) by reason of section 43(a).".

(2) Conforming amendments.—

(A) Subclause (II) of section 38(c)(2)(A)(ii), as amended by section 101(d), is amended by striking "or the marginal oil and gas well production credit" and inserting ", the marginal oil and gas well production credit, or the enhanced oil recovery credit".

(B) Subclause (II) of section 38(c)(3)(A)(ii), as added by section 101(d), is amended by inserting "or the enhanced oil recovery credit" after "recovery credit".

(b) Credit for Producing Fuel From a Non-conventional Source.—

(1) Allowing credit against minimum tax.—Section 29(b)(6) is amended to read as follows:

"(6) Application with other credits.—The credit allowed by subsection (a) for any taxable year shall not exceed—

"(A) the regular tax for the taxable year and the tax imposed by section 55, reduced by

"(B) the sum of the credits allowable under subpart A and section 27."

(2) Conforming amendments.—

(A) Section 53(d)(1)(B)(iii) is amended by inserting "as in effect on the date of the enactment of the Domestic Oil and Gas Crisis Tax Reliance Reversal Act of 1999," after "29(b)(6)(B),".

(B) Section 55(c)(2) is amended by striking "29(b)(6),".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

Subtitle C—Oil-for-Food Program Compensating Tax Benefits

SEC. 220. PURPOSE.

The purpose of this subtitle is to provide compensation to the domestic oil and gas industry in the form of tax benefits to offset the depressing impact that the Oil-for-Food Program is having on the world market.

SEC. 221. INCREASE IN PERCENTAGE DEPLETION FOR STRIPPER WELLS.

(a) In General.—Subparagraph (C) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended—

(1) by striking "25 percent" and inserting "27.5 percent" in the matter preceding clause (i); and

(2) by striking "$20" and inserting "$28" in clause (ii).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 222. NET INCOME LIMITATION ON PERCENTAGE DEPLETION REPEALED FOR OIL AND GAS PROPERTIES.

(a) In General.—Section 613(a) (relating to percentage depletion) is amended by striking the second sentence and inserting: "Except in the case of oil and gas properties, such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowances for depletion)."

(b) Conforming Amendments.—

(1) Section 613A(c)(7) (relating to special rules) is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(2) Section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking subparagraph (H).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 223. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) Purpose.—The purpose of this section is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(b) Election To Expense Geological and Geophysical Expenditures.—

(1) In general.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

"(j) Geological and Geophysical Expenditures for Domestic Oil and Gas Wells.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred."

(2) Conforming amendment.—Section 263A(c)(3) is amended by inserting by inserting "263(j)," after "263(i),".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to expenses paid or incurred after the date of the enactment of this Act.

(B) Transition rule.—In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by this subsection, which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the unamortized portion of any expense is the amount remaining unamortized as of the first day of the 36-month period.

(c) Election To Expense Delay Rental Payments.—

(1) In general.—Section 263 (relating to capital expenditures), as amended by subsection (b)(1), is amended by adding at the end the following new subsection:

"(k) Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) Delay rental payments.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well."

(2) Conforming amendment.—Section 263A(c)(3), as amended by subsection (b)(2), is amended by inserting "263(k)," after "263(j),".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to payments made or incurred after the date of the enactment of this Act.

(B) Transition rule.—In the case of any payments described in section 263(k) of the Internal Revenue Code of 1986, as added by this subsection, which were made or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such payments over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the unamortized portion of any payment is the amount remaining unamortized as of the first day of the 36-month period.

SEC. 224. EXTENSION OF SPUDDING RULE.

(a) In General.—Section 461(i)(2)(A) (relating to special rule for spudding of oil or gas wells) is amended by striking “90th day” and inserting “180th day”.

(b) EFFECTIVE DATE—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE III—FOREIGN OIL RELIANCE REVERSAL PROVISIONS

SEC. 300. PURPOSE.

The purpose of this title is to reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves in the United States to achieve the goal of doubling current domestic oil and gas production.

“SEC. 301. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

(a) CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 30B. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

“(a) GENERAL RULE.—The crude oil and natural gas exploration and development credit determined under this section for any applicable taxable year shall be an amount equal to the sum of—

“(1) 20 percent of so much of the taxpayer’s qualified investment for the taxable year as does not exceed $1,000,000, plus

“(2) 10 percent of so much of such qualified investment for the taxable year as exceeds $1,000,000.

“(b) APPLICALE TAXABLE YEAR.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘applicable taxable year’ means any taxable year beginning in a calendar year during which the imports of foreign crude and oil product are determined by the Secretary of Energy to exceed 50 percent of the amount of United States crude and oil product consumption for such year.

“(2) DETERMINATION.—A determination under paragraph (1) shall be made not later than March 1 of each year with respect to the preceding calendar year.

“(c) QUALIFIED INVESTMENT.—For purposes of this section, the term ‘qualified investment’ means amounts paid or incurred by a taxpayer—

“(1) for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells located in the United States or in a possession of the United States as defined in section 638, or

“(2) for the purpose of developing a property (located in the United States or in a possession of the United States as defined in section 638) on which there is a reservoir capable of commercial production and such amounts are paid or incurred in connection with activities which are intended to result in the recovery of crude oil or natural gas on such property.

“(d) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the sum of—

“(i) the taxpayer’s tentative minimum tax liability under section 55(b) for such taxable year determined without regard to this section, plus

“(ii) the taxpayer’s regular tax liability for such taxable year (as defined in section 26(b)), over

“(B) the sum of the credits allowable against the taxpayer’s regular tax liability under part IV (other than section 43 of this section).

“(2) APPLICATION OF THE CREDIT.—Each of the following amounts shall be reduced by the full amount of the credit determined under paragraph (1):

“(A) the taxpayer’s tentative minimum tax under section 55(b) for the taxable year, and

“(B) the taxpayer’s regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under part IV (other than section 43 of this section).

If the amount of the credit determined under paragraph (1) exceeds the amount described in subparagraph (B) of paragraph (2), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53.

“(3) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

“(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereafter in this paragraph referred to as the ‘unused credit year’), such excess shall be—

“(i) an oil and gas exploration and development credit carryback to each of the 3 taxable years preceding the unused credit year, and

“(ii) an oil and gas exploration and development credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years, except that no portion of the unused oil and gas exploration and development credit for any taxable year may be carried to a taxable year ending before the date of the enactment of this section.

“(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

“(i) the credit allowable under subsection (a) for such taxable year, and

“(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

“(e) SPECIAL RULES.—For purposes of this section—

“(1) AGGREGATION OF QUALIFIED INVESTMENT EXPENSES.—

“(A) CONTROLLED GROUPS; COMMON CONTROL.—In determining the amount of the credit under this section, all members of the same controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as a single taxpayer for purposes of this section.

“(B) APPORTIONMENT OF CREDIT.—The credit (if any) allowable by this section to members of any group (or to any person) described in subparagraph (A) shall be such member’s or person’s proportionate share of the qualified investment expenses giving rise to the credit determined under regulations prescribed by the Secretary.

“(2) PARTNERSHIPS, S CORPORATIONS, ESTATES AND TRUSTS.—

“(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership, the credit shall be allocated among partners under regulations prescribed by the Secretary. A similar rule shall apply in the case of an S corporation and its shareholders.

“(B) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

“(3) ADJUSTMENTS FOR CERTAIN ACQUISITIONS AND DISPOSITIONS.—Under regulations prescribed by the Secretary, rules similar to the rules contained in section 41(f)(3) shall apply with respect to the acquisition or disposition of a taxpayer.

“(4) SHORT TAXABLE YEARS.—In the case of any short taxable year, qualified investment expenses shall be annualized in such circumstances and under such methods as the Secretary may prescribe by regulation.

“(5) DENIAL OF DOUBLE BENEFIT.—

“(A) DISALLOWANCE OF DEDUCTION.—Any deduction allowable under this chapter for any costs taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such costs.

“(B) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 30B. Crude oil and natural gas exploration and development credit.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 1998.

TITLE IV—NATIONAL SECURITY EMERGENCY PROVISIONS

SEC. 400. PURPOSE.

The purpose of this title is to recognize that a national security threat exists when foreign crude oil, oil product, and natural gas imports exceed 60 percent of United States oil and gas consumption and to create an emergency procedure to address that threat.

SEC. 401. DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—The President shall establish a National Security Energy Independence Ceiling (Referred to in this title as the “ceiling level”) which shall represent a ceiling level beyond which foreign crude oil, oil product, and natural gas imports as a share of United States crude and oil product consumption shall not rise.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 60 percent of United States crude oil, oil product, and natural gas consumption for any annual period.

(c) REPORT.—

(1) CONTENTS.—

(A) IN GENERAL.—The President shall prepare and submit an annual report to Congress containing a national security projection for energy independence (in this title referred to as the “projection”), which shall contain a forecast of domestic oil and liquid natural gas (commonly known as “NGL”) demand and production, and imports of crude oil, oil product, and natural gas, for the subsequent 3 years.

(B) REQUIRED ADJUSTMENTS.—The projection shall contain appropriate adjustments for expected price and production changes.

(2) PRESENTATION.—The projection prepared under paragraph (1) shall be presented to Congress with the Budget.

(3) CERTIFICATION.—The President shall certify in the report whether foreign crude

oil, oil product, and natural gas imports will exceed the ceiling level for any year during the 3 years succeeding the date of the report.

SEC. 402. CONGRESSIONAL REVIEW.

(a) Review.—Congress shall have 10 continuous session days after submission of each projection under section 401 to review the projection and make a determination whether the ceiling level will be violated within 3 years.

(b) Certification Binding.—Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

SEC. 403. NATIONAL SECURITY AND OIL AND GAS PRODUCTION ACTIONS.

(a) National Security and Oil and Gas Production Policy.—

(1) Submission.—Upon certification under section 401(c)(3) that the ceiling level will be exceeded, the President shall, within 90 days, submit a National Security and Oil and Gas Production Policy (in this section referred to as the "policy") to Congress. The policy shall prevent crude oil, oil product, and natural gas imports from exceeding the ceiling level.

(2) Approval.—Unless disapproved or modified by joint resolution, the policy shall be effective 90 session days after submitted to Congress.

(b) Contents of Policy.—The National Security and Oil Production Policy may include—

(1) energy conservation actions, including improved fuel efficiency for automobiles;

(2) expansion of the Strategic Petroleum Reserves to maintain a larger cushion against projected oil import blockages;

(3) additional production incentives for domestic oil and gas, including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques;

(4) regulatory burden relief; and

(5) other policy initiatives designed to lower foreign import reliance.

Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999

SEC. 2. PURPOSES.

To establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports;

To prevent the abandonment of marginal oil and gas wells responsible for half of U.S. domestic production;

To transform earned tax credits and other benefits into working capital for the cash-strapped domestic oil and gas producers and service companies;

To compensate U.S. producers for the hardship the Oil for Food program is causing them;

To reverse the trend of increased foreign oil and gas dependence by encouraging exploration and development of oil and gas reserves in the U.S. to achieve the goal of doubling current domestic oil and gas production;

To provide an emergency procedure when foreign imports exceed 60 percent, thereby recognizing that when imports exceed a Congressionally legislated peril point, a national security threat exists that demands Presidential action.

SEC. 3. FINDINGS.

(a) Findings.—The Congress finds that—

(1) U.S. foreign oil consumption is estimated at 56 percent and could reach 68 percent by 2010 if current prices prevail.

(2) The number of oil and gas rigs operating in the United States is at the lowest count since 1944, when records of this tally began.

(3) If prices do not increase soon, the U.S. could lose at least half of its marginal wells which in aggregate produce as much oil as we import from Saudi Arabia;

(4) Oil and gas prices are unlikely to increase for at least several years;

(5) Declining production, well abandonment and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) The world's richest oil producing regions in the Middle East are experiencing greater political instability;

(7) U.N. policy may make Iraq the swing oil producing nation, thereby granting Saddem Hussein a tremendous amount of power;

(8) Reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of the United States energy security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts.

SEC. 4. TABLE OF CONTENTS.

TITLE I—DOMESTIC OIL AND GAS PRODUCTION PRESERVATION PROVISIONS

(101(a)) Purpose: To prevent the abandonment of marginal oil and gas wells responsible for half of U.S. Domestic production

(101) Tax credit to prolong marginal domestic oil and gas well production.

( ) Expand definition of marginal well to include high water content wells.

(102) Exclusion of certain amounts received from the production of wells reopened after they have been plugged or abandoned.

(103) Tax credits to prolong domestic oil and gas well production through secondary and other nontertiary recovery methods in order to produce the remaining 75 percent of oil and gas that is not recoverable using primary methods.

TITLE II—DOMESTIC OIL AND GAS INDUSTRY CRISIS TAX RELIEF TRIGGERED WHEN PRICE OF OIL IS BELOW $15 A BARREL

A. Credits to cash provisions

(200) Purpose: To transform earned tax credits and other accumulated tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies.

(201) Ten year carry-back for unused AMT credits for oil and gas producers and servicing firms.

(202) Ten year carry-back for unused percentage depletion for oil and gas producers.

( ) Repeal 65 percent of net rule.

(203) Ten year carry-back for NOLs for producers and servicing firms.

B. Hard times tax relief when price of oil is less than $14 a barrel

(211) Remove IDCs as AMT tax preference in any year when price of oil is less than $14 a barrel (Phased out when oil prices hit $17).

(212) Eliminate the depreciation adjustment under the AMT for oil and gas assets so that the depreciation schedules for the regular tax is also used for AMT.

(213) Eliminate the Adjusted Current Earnings adjustment (ACE) as it applies to IDCs.

(214) Permit EOR credit and Section 29 credit to reduce the Alternative Minimum Tax.

C. Tax benefits to offset the depressing impact on oil prices that the Food for Oil Program is having

(221) Restore percentage depletion to 27.5 percent.

(222) Repeal net income limitation on percentage depletion.

(223) Allow Expensing geological and geophysical expenditures.

(223) Allow Election to Expense Delay Rentals payments.

(224) Extension of Spudding rule.

TITLE III—FOREIGN OIL RELIANCE REVERSAL PROVISIONS TRIGGERED WHEN IMPORTS EXCEED 50 PERCENT

(300) Purpose: To reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves in the U.S. to achieve the goal of doubling current domestic oil and gas production.

(301) 20 percent exploration and development credit when imports exceed 50 percent.

TITLE IV—NATIONAL SECURITY EMERGENCY WHEN IMPORTS EXCEED 60 PERCENT

(400) Purpose: To provide an emergency procedure when foreign imports exceed 60 percent to require the President to implement an energy security strategic plan to designed to prevent crude and product imports from exceeding 60 percent.

(401) Duties of the President.

(402) Congressional Review of the Strategic plan proposed by the President.

(403) Energy Security strategic plan and course of action.

By Mr. SMITH of New Hampshire (for himself, Mr. Inhofe, Mr. Burns, Mr. Enzi, and Mr. Murkowski):

S. 597. A bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

SECOND AMENDMENT RIGHTS PROTECTION ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce the "Second Anendment Rights Protection Act of 1999." I am pleased and honored that Senators Inhofe, Burns, Enzi, and Murkowski are joining me as original cosponsors.

Mr. President, the Second Amendment Rights Protection Act of 1999 encompasses all of the provisions of the Smith Amendment, which passed the Senate by a vote of 69–31 on July 21, 1998, during consideration of the Commerce, Justice, State appropriations bill for fiscal year 1999. Only a substantially modified version of the Smith amendment was included in the final omnibus appropriations measure.

The National Instant Criminal Background Check System (NICS) went into effect on December 1, 1998. My bill would require the immediate destruction of all information submitted by any person who has been cleared by the NICS to purchase a firearm. There is no reason why such private information on law-abiding gun owners should be retained. I continue to be troubled by the Clinton administration's insistence upon doing so.

In addition, Mr. President, my bill would prohibit the imposition of any tax or fee in connection with the NICS. Once again, in his budget submission for fiscal year 2000, President Clinton is seeking to fund NICS with a gun tax.

With the Smith amendment last year, we told President Clinton "no" to the gun tax. Let us tell him "no" again, once and for all, by enacting the Second Amendment Rights Protection Act.

Finally, Mr. President, my bill would create a private cause of action for any individual who is aggrieved by a violation of its provisions.

Mr. President, I ask unanimous consent for the printing of the text of my bill, the Second Amendment Rights Protection Act of 1999, in the RECORD.

There being no objection, the bill was ordered to the printed in the RECORD, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Amendment Rights Protection Act of 1999."

SEC. 2. PROTECTION OF SECOND AMENDMENT RIGHTS.

Subsection (t) of section 922 of chapter 44 of Title 18, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(7) None of the funds appropriated pursuant to any provision of law may be used for (1) any system to implement this subsection that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not be prohibited from owning a firearm; (2) the implementation or collection of any tax or fee by any officer, agent, or employee of the United States, or by any state or local officer or agent acting on behalf of the United States, in connection with the implementation of this subsection, provided, that any person aggrieved by a violation of this provision may bring an action in the Federal district court for the district in which the person resides; provided further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee."

By Mr. SANTORUM:

S. 598. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FARMLAND PROTECTION ACT OF 1999

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that would reauthorize the Farmland Protection Program that was originally authorized with passage of the 1996 Farm Bill.

Every year more than one million acres of our nation's most productive farmland is lost to urbanization. This is land that produces three-quarters of America's fruits and vegetables, and more than half of our dairy products. While state and local governments have taken the lead in preservation efforts, the demand for assistance continues to grow.

Considering the importance of agriculture to our nation, and to generations of families throughout our country, I was proud to take a lead role in the United States Senate to assist farmers and communities in confronting the obstacle of growing pressure on the use of farmland. As such, I, with the support of many Senate colleagues, established the Federal Farmland Protection Program to stem the loss of valuable farmland, and to provide states with adequate tools to accomplish that goal. Those efforts resulted in a $35 million authorization in the 1996 Farm Bill.

This money has been used to help states leverage dollars in order to purchase development rights, and keep productive farmland in use—all through voluntary efforts. In just three short years, the funds were exhausted due to the overwhelming response by farmers and state governments. In fact, by the end of fiscal year 1997 the original $35 million authorization had been spent, and the demand outstripped funding availability by 900 percent.

The legislation that I'm introducing today, the Farmland Protection Act of 1999, would provide a $50 million per year authorization for the much-needed funds to carry out the important work of farmland preservation. In addition, my bill would allow non-profit organizations to participate in the program—where there is no established government program—as they are currently precluded from doing so in certain states.

Mr. President, I am proud to introduce this legislation that will enable us to take another giant step forward in protecting a valuable resource to many Americans. To date, nineteen states have capitalized on this opportunity to augment their preservation efforts, and hopefully, the Farmland Protection Act of 1999 will give more states the tools to assist their local farming community.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmland Protection Act of 1999".

SEC. 2. FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104–127) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) any agency of any State or local government, or federally recognized Indian tribe; and

"(2) any organization that—

"(A) is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(B) is an organization described in section 501(c)(3) of the Code that is exempt from taxation under section 501(a) of the Code; and

"(C)(i) is described in section 509(a)(2) of the Code; or

"(ii) is described in section 509(a)(3) of the Code and is controlled by an organization described in section 509(a)(2) of the Code.

"(b) AUTHORITY.—The Secretary of Agriculture shall establish and carry out a farmland protection program under which the Secretary shall provide grants to eligible entities, to provide the Federal share of the cost of purchasing conservation easements or other interests in land with prime, unique, or other productive soil for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

"(c) ELIGIBLE ENTITIES.—The Secretary may provide a grant to an eligible entity described in subsection (a)(2) for the purchase of a conservation easement or other interest in land within the jurisdiction of a State or local government or federally recognized Indian tribe only if the appropriate agency of the State or local government or the federally recognized Indian tribe does not operate a farmland protection program.

"(d) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement or other interest described in subsection (b) shall be not more than 50 percent.

"(e) CONSERVATION PLAN.—Any land for which a conservation easement or other interest is purchased under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the land to less intensive uses.

"(f) RANKING CRITERIA.—The Secretary shall consult with appropriate agencies of States and local governments and federally recognized Indian tribes in developing criteria for ranking applications for grants under this section.

"(g) FUNDING.—For each fiscal year, the Secretary shall use not more than $50,000,000 of the funds of the Commodity Credit Corporation to carry out this section.".

By Mr. CHAFEE (for himself, Mr. HATCH, Mr. COCHRAN, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

THE CARING FOR CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased today to introduce the Caring for Children Act, legislation to help all families with their child care needs.

I want to thank my colleagues who have worked so hard to put this bill together. Senator HATCH, who was a leader in the development of the child care block grant, and is always a stalwart supporter of children. Senator SNOWE, who has worked on this issue for many years. Senator ROBERTS, who has taken an active interest in this issue. Senator SPECTER, who made an enormous contribution to the development of this bill. And Senators SUSAN COLLINS and THAD COCHRAN, who we are very fortunate to have on our child care proposal.

Our proposal is straightforward and far-reaching. It makes the current child care credit more equitable for lower and middle income families. And, for the first time, makes the credit available to families where one parent stays at home to care for the children. That is a critical step and an important change for families across America.

Raising children in today's world is a true challenge. In many families, both parents must work in order to support the family. Often, the child care expenses consume all or most of one parent's income. How often do we hear the refrain, particularly from women, that after they pay for day care, there is little or nothing left of their wages.

Another common complaint is from parents who desperately want to stay home and raise their children themselves—especially in those very critical, early years of childhood—but who simply cannot afford to forgo that second income.

The legislation we are introducing today responds to both of these concerns. We believe that parents should make their own decisions about who is going to care for their children. The government and the Tax Code should not be promoting one choice over another.

By making more of the existing child care tax credit available to lower and middle income families, and making it available also to families where one parent stays at home, we are sending the message that the choice is yours, and we support your choice.

Our bill makes several changes to the existing dependent care tax credit. First, the maximum credit percentage is increased from 30 percent to 50 percent to provide more benefits to those most in need. Second, the income level at which the maximum credit begins to be reduced is moved from $10,000 to $30,000, so that more lower-income families will qualify for the maximum amount of assistance. Third, we propose to completely phase out the credit for wealthier families. Finally, families where one spouse stays at home to care for the children will be eligible for a credit similar to the one they would receive if both parents were working outside the home and the child was in daycare.

We also acknowledge that we cannot solve the entire child care problem through the Tax Code alone. Many low-income families do not have taxable income, and therefore cannot benefit from a tax credit. The Child Care and Development Block Grant (CCDBG) provides critical funding to help these lower-income families—and I have been a strong supporter of the program. Recognizing the critical role CCDBG plays in subsidizing daycare for low-income families in the states, our proposal doubles the block grant over a five-year period.

Of course, the problem with child care is not limited to just affordability. Many parents cannot find an available child care slot. Our proposal addresses this issue of accessibility by providing a tax credit to businesses to build or renovate on or near-site child care centers for their employees.

Finally, there is the issue of quality daycare. Parents cannot be productive in the workplace if they are constantly worrying about the health and safety of their children in daycare. We have all read the horrifying stories in the newspapers about daycare facilities that are unsafe or unsanitary, about the poor record of enforcement of standards in many states.

While we acknowledge that the federal government should not be setting standards for daycare providers, we do believe the states should set at least minimum health and safety standards and enforce them rigorously. Our legislation beefs up this enforcement by rewarding states with a good enforcement record and penalizing those with poor records.

I am very proud of this legislation, and proud that this group was able to come together and produce this initiative. Child care is a problem that must be solved, and we are committed to doing that. I look forward to working with my colleagues in the Congress to find workable, affordable solutions for all families. I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Caring for Children Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

Sec. 101. Expansion of dependent care tax credit.
Sec. 102. Promotion of dependent care assistance programs.
Sec. 103. Allowance of credit for employer expenses for child care assistance.

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

Sec. 201. Collection and dissemination of information.
Sec. 202. Grants for the development of a child care training infrastructure.
Sec. 203. Authorization of appropriations.

Subtitle B—Increased Enforcement of State Health and Safety Standards

Sec. 211. Enforcement of State health and safety standards.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

Sec. 221. Increased authorization of appropriations for the Child Care and Development Block Grant Act.
Sec. 222. Small business child care grant program.
Sec. 223. GAO report regarding the relationship between legal liability concerns and the availability and affordability of child care.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

Sec. 231. Providing quality child care in Federal facilities.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

SEC. 101. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Section 21(a)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayers's adjusted gross income for the taxable year exceeds $30,000.".

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

"(11) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with one or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

"(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

"(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 1998.

SEC. 102. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program under paragraph (1) $1,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

SEC. 103. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 20 percent of the qualified child care expenditures of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees,

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

"(iv) under a contract to provide child care resource and referral services to employees of the taxpayer.

"(2) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified child care expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(3) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and "plus", and

(C) by adding at the end the following new paragraph:

"(13) the employer-provided child care credit determined under section 45D.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45D. Employer-provided child care credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

SEC. 201. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) Information and Findings To Be Generally Available.—

(1) Secretarial responsibility.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) Definition of generally available.—For purposes of paragraph (1), the term "generally available" means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 202. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) Authority To Award Grants.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers. The Secretary shall, to the maximum extent possible, ensure that grants for the development of distance learning child care training technology infrastructures are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) Eligibility Requirements.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) sites from which individuals may access the training;

(B) conversion of standard child care training courses to programs for distance learning; and

(C) ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) Application.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be disseminated and made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) Limitation On Fees.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning child care training program funded in whole or in part by this section that exceed the pro rata share of the amount expended by the entity to provide materials for the training program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded by this section).

(e) Rule of Construction.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning child care training program made available by this section.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 2000 through 2004.

Subtitle B—Increased Enforcement of State Health and Safety Standards

SEC. 211. ENFORCEMENT OF STATE HEALTH AND SAFETY STANDARDS.

(a) Identification of State Inspection Rate.—

(1) In general.—Section 658E(c)(2)(G) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(2)(G)) is amended by striking the period and inserting ", and provide the percentage of completed child care provider inspections that were required under State law for each of the 2 preceding fiscal years.".

(2) Effective date.—The amendment made by paragraph (1) applies to State plans under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) on and after September 1, 1999.

(b) Increased or Decreased Allotments.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ", subject to paragraph (5)," after "shall"; and

(2) by adding at the end the following:

"(5) Increased or decreased allotment based on State inspection rate.—

"(A) Increased allotment for fiscal years 2000, 2001, and 2002.—

"(i) In general.—Subject to clause (iii), for fiscal years 2000, 2001, and 2002, the allotment determined for a State under paragraph (1) for each such fiscal year shall be increased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State—

"(I) that certifies to the Secretary that the State has not reduced the scope of any State child care health or safety standards or requirements that were in effect as of December 31, 1998; and

"(II) that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)), that equaled or exceeded the target inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

"(ii) Target inspection and enforcement percentage.—For purposes of clause (i)(II), the target inspection and enforcement percentage is—

"(I) for fiscal year 2000, 75 percent;

"(II) for fiscal year 2001, 80 percent; and

"(III) for fiscal year 2002, 100 percent.

"(iii) Pro rata reductions if insufficient appropriations.—The Secretary shall make pro rata reductions in the percentage increase otherwise required under clause (i) for a State allotment for a fiscal year as necessary so that the aggregate of all the allotments made under this section do not exceed the amount appropriated for that fiscal year under section 658B.

"(B) Decreased allotment for fiscal years 2001 and 2002.—

"(i) In general.—The allotment determined for a State under paragraph (1) for each of fiscal years 2001 and 2002 shall be decreased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)) that was below the minimum inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

"(ii) Minimum inspection and enforcement percentage.—For purposes of clause (i), the minimum inspection and enforcement percentage is—

"(I) for fiscal year 2001, 50 percent; and

"(II) for fiscal year 2002, 75 percent.

"(iii) Requirement to expend State funds to replace reduction.—If the allotment determined for a State for a fiscal year is reduced by reason of clause (i), the State shall, during the immediately succeeding fiscal year, expend additional State funds under the State plan funded under this subchapter by an amount equal to the amount of such reduction.".

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. 221. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter—

"(1) for fiscal year 1999, $1,182,672,000;

"(2) for fiscal year 2000, $1,500,000,000;

"(3) for fiscal year 2001, $1,750,000,000;

"(4) for fiscal year 2002, $2,000,000,000;

"(5) for fiscal year 2003, $2,250,000,000; and

"(6) for fiscal year 2004, $2,500,000,000.".

SEC. 222. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program to award grants to States to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States.

(d) Use of Funds.—

(1) In general.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start up costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which an entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which an entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering the grant awarded under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within a State;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant made under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—As used in this section, the term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 2000 through 2002. With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2003.

SEC. 223. GAO REPORT REGARDING THE RELATIONSHIP BETWEEN LEGAL LIABILITY CONCERNS AND THE AVAILABILITY AND AFFORDABILITY OF CHILD CARE.

Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress regarding whether and, if so, the extent to which, concerns regarding potential legal liability exposure inhibit the availability and affordability of child care. The report shall include an assessment of whether such concerns prevent—

(1) employers from establishing on or near-site child care for their employees;

(2) schools or community centers from allowing their facilities to be used for on-site child care; and

(3) individuals from providing professional, licensed child care services in their homes.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

SEC. 231. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, but does not include the Department of Defense.

(3) EXECUTIVE FACILITY.—The term "executive facility" means a facility that is owned or leased by an Executive agency.

(4) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency, a judicial office, or a legislative office.

(5) JUDICIAL FACILITY.—The term "judicial facility" means a facility that is owned or leased by a judicial office.

(6) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(7) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(8) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(b) EXECUTIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring any entity operating a child care center in an executive facility to comply with applicable State and local licensing requirements related to the provision of child care.

(B) COMPLIANCE.—The regulations shall require that, not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the requirements; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided in accordance with the requirements.

(2) EVALUATION AND ENFORCEMENT.—The Administrator shall evaluate the compliance of the entities described in paragraph (1) with the regulations issued under that paragraph. The Administrator may conduct the evaluation of such an entity directly, or through an agreement with another Federal agency, other than the Federal agency for which the entity is providing child care. If the Administrator determines, on the basis of such an evaluation, that the entity is not in compliance with the regulations, the Administrator shall notify the Executive agency.

(c) LEGISLATIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Architect of the Capitol shall issue regulations for entities operating child care centers in legislative facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Architect may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more

effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Architect of the Capitol, entities operating child care centers in legislative facilities, and legislative offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(d) JUDICIAL BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for entities operating child care centers in judicial facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Director described in paragraph (1), entities operating child care centers in judicial facilities, and judicial offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(e) APPLICATION.—Notwithstanding any other provision of this section, if 3 or more child care centers are operated in facilities owned or leased by a Federal agency, the head of the Federal agency may carry out the responsibilities assigned to the Administrator under subsection (b)(2), the Architect of the Capitol under subsection (c)(2), or the Director described in subsection (d)(2) under such subsection, as appropriate.

Mr. HATCH. Mr. President, as this decade nears a close, and as our Nation has enjoyed an unprecedented period of economic growth, there remains an issue that affects many American families. I am referring to child care.

It has been nearly 9 years since the passage of the bipartisan Child Care and Development Block Grant Act. I was proud to have been a sponsor of this legislation, and I remain committed to its goals, structure, and principles.

Though the CCDBG has led to great improvements in the child care situation facing low-income families in every State, it has become clear that more needs to be done to help the family. In my home State of Utah, an extraordinary 57 percent of mothers with children under the age of 6 are in the labor force, and 134,000 children under the age of 6 in Utah will be cared for by someone other than their parents.

I am pleased to again join my colleagues—Senators CHAFEE, SNOWE, ROBERTS, SPECTER, COLLINS, and COCHRAN—each of whom has a long record of concern and involvement in child care issues—in sponsoring this measure. The Caring for Children Act is a comprehensive, realistic child care proposal, which we believe will benefit middle- and lower-income American families who struggle to get ahead or struggle to keep up.

First, the Caring for Children Act will, by expanding the Dependent Care Tax Credit, cut taxes for many middle- and lower-income families. Under the current system, the maximum credit of 30 percent is available only to families with incomes of $10,000 or less. Our proposal increases the Dependent Care Tax Credit (DCTC) from 30 percent to 50 percent. The maximum income is also increased to $30,000. The maximum allowable expenses of $2,400 for one child and $4,800 for two or more children will remain the same.

For example, a working family in Vernal, UT, earning $30,000 with two children, could receive a tax credit of $2,400 (50 percent of $4,800), instead of $960 under the current law.

Our bill also lowers the maximum credit more gradually than current law. This provides a form of tax relief for DCTC-eligible families earning between $30,000 and $75,000. This change is intended to benefit an often forgotten group—taxpayers who earn too much for Federal breaks but not enough for child care expenses not to be a big bite out of their budget.

This proposal also breaks new ground. It recognizes, for the first time, as a matter of Federal child care policy, that many families elect to have one parent remain at home to serve as the primary are giver. We understand the value of a parent at home to care for a child, both in terms of quality of care and monetary sacrifice. Such families pay for their child care by forfeiting a second income. The Caring for Children Act would expand eligibility for the Dependent Care Tax Credit (DCTC) to families with young children in which one parent remained at home.

Our bill assumes child care expenses for such a family of $150 per month. Thus, a family earning $30,000 with two children, ages 3 and 1, in Farmington, UT, in which one parent remains at home, would receive a tax credit of $900 (50 percent of $150 × 12 months).

Some have criticized our bill for not giving the same tax benefits to families with a stay-at-home parent. Frankly, I support such parity in the DCTC. I would like our bill to be able to provide a larger credit. But, expanding eligibility for this credit is an expensive proposition. While we may not be able to propose DCTC parity in one fell swoop, we should establish the concept in this bill and increase the level of benefit as quickly as we can. But, we should not fail to do something just because we cannot do it all.

Many families across America elect to forego a second income in order to have a parent remain at home with children. Federal policy has so far failed to recognize parental care as child care, even if many people, myself included, consider it the best possible care. I happen to believe that parental care is the best care there is.

And, let me offer a word of praise and gratitude for my wife, Elaine. Elaine could have had a successful career as a professional educator. Instead, she chose to stay home with our children—all of whom are now married with children of their own.

Of course, my daughters and daughters-in-law will make their own choices about balancing career and family. Different families make different choices and face different circumstances that drive their choices. Our bill asserts that the Dependent Care Tax Credit should be available to families regardless of their choice. The DCTC should be a tax credit to help families care for children, not just a credit for employment expenses. We should not minimize the significance of this change in the federal child care paradigm.

Yet, many working but low-income families have no tax liability and will not benefit from our proposed changes to the DCTC. These families, many of which may be headed by single parents or headed by individuals moving from welfare to work, are struggling to make ends meet.

One of the family's biggest expenses is child care.

The cost of child care, like almost everything else, has increase in the 9 years since the implementation of the Child Care and Development Block Grant. When the CCDBG was enacted, the average cost of care per child was $3,000. Today, it is estimated to be more than $4,000 per child.

I invite senators to do the math: If a parent is making $10 an hour ($20,800 per year before taxes) and has just one child, child care expenses claim almost one-fifth of the family budget. It is no wonder that the Utah Child Protective Services told me some years ago about a mother who was forced to choose between groceries and child care.

The Caring for Children Act proposes to increase the authorization of appropriations for the Child Care and Development Block grant Act (CCDBG), which states use to subsidize child care for low-income parents and to develop new capacity in areas—both geographic and functional—where there are shortages.

In Utah, as in other states as well, smaller and more rural communities often have shortages of child care. And, nearly every community suffers shortages of infant care, after school care, and care for special needs children.

The CCDBG is the only federal program we have for assisting low-income working families with child care expenses. We are not proposing to create another one. We are not expanding the statutory eligibility or entitlement for this program. The Caring for Children Act merely makes it possible for states to serve more eligible people and to address more of the problem of shortages under the provisions of the CCDBG.

I have said many times in this body that I do not support federal assistance for those who are able but do not help themselves. But, I likewise believe that some help is warranted when people are working and doing all they can to provide for their families. This is why I joined as a sponsor of the Child Care and Development Block Grant 10 years ago. I do not want Utah families to have to choose between child care and food.

We still face issues of quality of care. Our bill affirms state prerogatives to set their own standards for child care. My colleagues are well aware of my strong opposition to any federal effort to set or imply federal standards. States must be allowed discretion in this. But, our bill also recognizes that standards are worthless if they are not enforced.

To encourage states to make a stronger commitment to enforce their own standards for child care, the Caring for Children Act provides a system of bonuses for states who exceed a threshold of inspections or, conversely, penalties for those who fail to conduct a minimum number of inspections. In my view, the most stringent standards in the world do not provide any assurance of quality care if providers do not believe standards will be enforced.

I also believe that the best assurance of quality is a parent's own good judgment. The Caring for Children Act takes the very inexpensive, but potentially very productive step of providing funds for beefed up consumer information to parents.

There are other important provisions in our bill that are designed to encourage private sector initiatives in child care as well as to enhance training opportunities for child care providers.

All together, the Caring for Children Act attempts to address all three of the major issues in child care: affordability, availability, and quality. I believe the bill we are introducing today is measured and responsible.

In no way is this a government knows best model of social problem solving; rather, it builds on what we already know works and what we already know that parents want. They want resources and information to make their own decisions and to care for their own children. They want input into the plans developed by states. They want control over child care.

The bill we are introducing today endeavors to put government on the side of parents by returning resources to them through tax credits, by enabling states to do more under the CCDBG, by increasing available child care information, and, finally by respecting the choices they make.

I am again pleased to join my colleagues in this legislation and hope other Senators will support this measure as well.

Mr. ROBERTS. Mr. President, I am pleased to join with my colleagues to reintroduce legislation to help meet the child care challenges facing families in Kansas and around the nation.

Child care, in the home when possible and outside the home when parents work, goes right to the heart of keeping families strong.

Unfortunately, just being able to afford child care is a major issue for most families. Some child care can cost as much as college tuition and consume up to 40 percent of a family's income. Finding quality care is another challenge.

Welfare reforms have cut Kansas welfare rolls in half since 1996. As more and more of these families come off the rolls, child care needs grow. About half of the 11,000 families that have left welfare rolls in Kansas have young children. In order to continue the successful transition from welfare to work, parents, especially single parents, must have access to affordable, quality child care.

Only parents can and should decide what child care arrangements work best for their children. This includes the decision to stay at home.

The Caring for Children Act includes provisions to allow a parent who is able to stay at home and care for a child to receive a tax credit to help cover expenses. This credit applies during the first three years of a child's life and amounts to about $900 per year.

The Caring for Children Act takes steps to assist small businesses that want to provide child care. I am pleased that this bill includes a short-term flexible grant program to encourage these businesses to work together to provide child care services. This program, which provides $60 million to the states, allows those closer to home to make decisions necessary to improve child care in communities. This funding provides the start-up assistance necessary to create self-sustaining child care programs.

I have pledged to work to improve child care. I will continue this effort. I look forward to working with my colleagues to expand child care options and protect our nation's most valuable resource, our children.

Mr. SPECTER. Mr. President, I have sought recognition to once again join my colleagues in introducing the Caring for Children Act, which will ease the financial burden of child care for American families—for those parents who work, and for those who choose to stay home to raise their children for a period of time. This legislation is identical to the child care proposal my colleagues and I introduced during the 105th Congress, on January 28, 1998. I believe it is vital that the Congress recognize the importance of affordable, quality child care to the successful development of our children.

The Caring for Children Act is a middle-ground, targeted response to the growing child care needs facing American families. Our bill includes tax incentives for employers and parents, and an increase in funding for programs that assist the most needy families. Most importantly, our bill proposes prudent adjustments to discretionary programs rather than implementing new mandatory spending.

Our bill would expand the Dependent Care tax credit to make it more accessible to families who need it, double the authorization for the Child Care Development Block Grant, and provide grants to small businesses to create or enhance child care facilities for their employees. This bill also includes provisions from the proposal I introduced during the 105th Congress with my colleagues, Congressman JON FOX, The Affordable Child Care Act, which provides a tax credit for employers who provide on-site or site-adjacent child care to their employees in order to reduce the child care expenses of the employee.

Not all families choose the same option for child care. Many families rely on relatives, centers operated by churches and other religious organizations, centers at or near their workplace, or make other arrangements to provide care for their children while they work. In light of the diverse needs for child care in America, this bill represents a good start toward expanding the choices for American parents. And, any such legislation must recognize that there is a need to provide some relief to families where one parent stays at home.

The need for affordable and accessible day care is critical given the increasing numbers of working parents and dual-income families in the United States. According to the Bureau of the Census, in 1975, 31 percent of married mothers with a child younger than age one participated in the labor force. By 1995, that figure had risen to 59 percent. Almost 64 percent of married mothers and 53 percent of single mothers with children younger than age six participated in the labor force in 1995.

The cost of child care for families is also significant. Licensed day care centers in some urban areas cost as much as $200 per week, and the disparity in costs and availability of child care between urban and rural grows greater every day. For families which need or choose to have both parents work outside the home, the burden of making child care decisions is great. These figures serve to underscore the need for action on the part of the Federal Government to provide the necessary assistance to our Nation's working families.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am pleased that this legislation would build on an existing Federal child care program by authorizing an additional $5 billion over 5 years to the Child Care Development Block Grant program, bringing total spending for this program to nearly $2.5 billion annually by fiscal year 2003. The child care block grant works well to assist low-income families acquire child care, and helped over 93,000 Pennsylvania families last year. Fiscal year 1999 funding for this vital assistance program totaled $1.182 billion, $182 billion, $182 million above the currently authorized level. By increasing the authorization, we can help even more families without creating a new entitlement program.

Our legislation will also require States to create and enforce safety and health standards in child care facilities, and provide money for the Department of Health and Human Services to disseminate information to parents and providers about quality child care, through brochures, toll-free hotlines, the Internet, and other technological assistance.

The Caring for Children Act complements my recent efforts to assist working families in the context of welfare reform and children's health insurance. When Congress debated welfare reform in 1995 and 1996, I worked to ensure that adequate funds were provided for child care, a critical component for welfare mothers who would be required to work to receive new limited welfare benefits. I am pleased that the welfare reform bill that became law provided $20 billion in child care funding over a 6-year period. Similarly, I was pleased to participate in the bipartisan effort in 1997 to enact legislation to provide $24 billion over the next 5 years for States to establish or broaden children's health insurance programs. Utilizing these new Federal funds, over 10,000 previously uninsured children in Pennsylvania have been enrolled in this program since May of 1998.

In conclusion, Mr. President, I believe that it is critical that the 106th Congress not adjourn without enacting legislation to assist families in their ability to afford safe, quality child care for their children, either at home with a parent or another arrangement. Our legislation will provide peace of mind to millions of American families struggling to balance career and child raising. I urge my colleagues to join me in cosponsoring this important legislation, and I urge its swift adoption.

By Mr. WELLSTONE.

S. 600. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on Foreign Relations.

INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION ACT OF 1999

Mr. WELLSTONE. Mr. President, this week across the globe, men and women have celebrated International Women's Day, highlighting the achievements of women around the world. From Qatar to Indonesia, the day was marked by women marching, meeting, and protesting for recognition of their inherent dignity and fundamental human rights. I believe there is much work yet to be done to ensure that women and girls' human rights are protected and respected.

One of the most horrendous human rights violations of our time is trafficking in human beings, particularly among women and children, for purposes of sexual exploitation and forced labor. To curb this horrific practice, I am introducing the "International Trafficking of Women and Children Victim Protection Act of 1999" which will put Congress on record as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes, or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by economic collapse, civil wars, or fundamental changes in political geography, such as the disintegration of the Soviet Union, have fallen prey to traffickers. The United States government estimates that 1–2 million women and girls are trafficked annually around the world. According to experts, between 50 and 100 thousand women are trafficked each year into the United States alone. They come from Thailand, Russia, the Ukraine and other countries in Asia and the former Soviet Union.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by the traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer women—women who are far from help and home, and who do not speak the language—precisely because of the ease of controlling them.

Most of these women never imagined that they would enter such a hellish world, having traveled abroad to find better jobs or to see the world. Many in their naivete, believed that nothing bad could happen to them in the rich and comfortable countries such as Switzerland, Germany, or the United States. Others, who are less naive but desperate for money and opportunity, are no less hurt by the trafficker's brutal grip.

Last year, First Lady Hilary Clinton spoke powerfully of this human tragedy. She said: "I have spoken to young girls in northern Thailand whose parents were persuaded to sell them as prostitutes, and they received a great deal of money by their standards. You could often tell the homes of where the girls had been sold because they might even have a satellite dish or an addition built on their house. But I met girls who had come home after they had been used up, after they had contracted HIV or AIDS. If you've ever held the hand of a 13-year-old girl dying of AIDS, you can understand how critical it is that we take every step possible to prevent this happening to any other girl anywhere in the world. I also, in the Ukraine, heard of women who told me with tears running down their faces that young women in their communities were disappearing. They answered ads that promised a much better future in another place and they were never heard from again."

These events are occurring not just in far off lands, but here at home in the U.S. as well. According to a report in the Washington Post in 1997, the FBI raided a massage parlor in downtown Bethesda. The massage parlor was involved in the trafficking of Russian women into the United States. The eight Russian women who worked there, lived at the massage parlor, sleeping on the massage tables at night. They were charged a $150 a week for "housing" and were not paid any salary, only receiving a portion of their tips.

According to recent reports by the Justice Department, teenage Mexican girls were held in slavery in Florida and the Carolinas and forced to submit to prostitution. In addition, Russian and Latvian women were forced to work in nightclubs in Chicago. According to charges filed against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat them. The women were told that if they refused to dance nude in various nightclubs, the Russian mafia would kill their families. Further, over three years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Trafficking in women and girls is a human rights problem that requires a human rights response. Trafficking is condemned by human rights treaties as a violation of basic human rights and a slavery-like practice. Women who are trafficked are subjected to other abuses—rape, beatings, physical confinement—squarely prohibited by human rights law. The human abuses continue in the workplace, in the forms of physical and sexual abuse, debt bondage and illegal confinement, and all are prohibited.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs following the UN World Conference on Women in Beijing. The United Nations General Assembly has called upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims. The President's Interagency Council on Women is working hard to mobilize a response to this problem. Churches, synagogues, and NGOs, such as Human Rights Watch and the Global Survival Network, are fighting this battle daily. But, much, much more must be done.

My legislation provides a human rights response to the problem. It has a comprehensive and integrated approach focused on prevention, protection and assistance for victims, and prosecution of traffickers.

I will highlight a few of its provisions now:

It sets an international standard for governments to meet in their efforts to fight trafficking and assist victims of this human rights abuse. It calls on the State Department and Justice Department to investigate and take action against international trafficking. In addition, it creates an Interagency Task Force to Monitor and Combat Trafficking in the Office of the Secretary of State and directs the Secretary to submit an annual report to Congress on international trafficking.

The annual report would, among other things, identify states engaged in trafficking, the efforts of these states to combat trafficking, and whether their government officials are complicit in the practice. Corrupt government or law enforcement officials sometimes directly participate and benefit in the trade of women and girls. And, corruption also prevents prosecution of traffickers. U.S. police assistance would be barred to countries found not to have taken effective action in ending the participation of their officials in trafficking, and in investigating and prosecuting meaningfully their officials involved in trafficking. A waiver is provided for the President if he finds that provision of such assistance is in the national interest.

On a national level, it ensures that our immigration laws do not encourage rapid deportation of trafficked women, a practice which effectively insulates traffickers from ever being prosecuted for their crimes. Trafficking victims are eligible for a nonimmigrant status valid for three months. If the victim pursues criminal or civil actions against her trafficker, or if she pursues an asylum claim, she is provided with an extension of time. Further, it provides that trafficked women should not be detained, but instead receive needed services, safe shelter, and the opportunity to seek justice against their abusers. Finally, my bill provides much needed resources to programs assisting trafficking victims here at home and abroad.

We must commit ourselves to ending the trafficking of women and girls and to building a world in which such exploitation is relegated to the dark past. I urge my colleagues to support the International Trafficking of Women and Children Protection Act of 1999.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Trafficking of Women and Children Victim Protection Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.

(2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

(3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.

(4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

(5) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

(7) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

SEC. 3. PURPOSES.

The purposes of this Act are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by—

(1) setting a standard by which governments are evaluated for their response to trafficking and their treatment of victims;

(2) authorizing and funding an interagency task force to carry out such evaluations and to issue an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

(3) assisting trafficking victims in the United States by providing humanitarian assistance and by providing them temporary nonimmigrant status in the United States;

(4) assisting trafficking victims abroad by providing humanitarian assistance; and

(5) denying certain forms of United States foreign assistance to those governments which tolerate or participate in trafficking, abuse victims, and fail to cooperate with international efforts to prosecute perpetrators.

SEC. 4. DEFINITIONS.

In this Act:

(1) POLICE ASSISTANCE.—The term "police assistance"—

(A) means—

(i) assistance of any kind, whether in the form of grant, loan, training, or otherwise, provided to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials;

(ii) government-to-government sales of any item to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials; and

(iii) any license for the export of an item sold under contract to or for the officials described in clause (i); and

(B) does not include assistance furnished under section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice) or any other assistance under that Act to promote respect for internationally recognized human rights.

(2) TRAFFICKING.—The term "trafficking" means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(3) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means any person subjected to the treatment described in paragraph (2).

SEC. 5. INTER-AGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of State in the Office of the Secretary of State an Inter-Agency Task Force to Monitor and Combat Trafficking (in this section referred to as the "Task Force"). The Task Force shall be co-chaired by the Assistant Secretary of State for Democracy, Human Rights, and Labor Affairs and the Senior Coordinator on International

Women's Issues, President's Interagency Council on Women.

(2) APPOINTMENT OF MEMBERS.—The members of the Task Force shall be appointed by the Secretary of State. The Task Force shall consist of no more than twelve members.

(3) COMPOSITION.—The Task Force shall include representatives from the—

(A) Violence Against Women Office, Office of Justice Programs, Department of Justice;

(B) Office of Women in Development, United States Agency for International Development; and

(C) Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

(4) STAFF.—The Task Force shall be authorized to retain up to five staff members within the Bureau of Democracy, Human Rights, and Labor Affairs, and the President's Interagency Council on Women to prepare the annual report described in subsection (b) and to carry out additional tasks which the Task Force may require. The Task Force shall regularly hold meetings on its activities with nongovernmental organizations.

(b) ANNUAL REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State, with the assistance of the Task Force, shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) REPORTING STANDARDS AND INVESTIGATIONS.—

(1) RESPONSIBILITY OF THE SECRETARY OF STATE.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the Human Rights Report and the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 6. INELIGIBILITY FOR POLICE ASSISTANCE.

(a) INELIGIBILITY.—Except as provided in subsection (b), any foreign government country identified in the latest report submitted under section 5 as a government that—

(1) has failed to take effective action towards ending the participation of its officials in trafficking; and

(2) has failed to investigate and prosecute meaningfully those officials found to be involved in trafficking,

shall not be eligible for police assistance.

(b) WAIVER OF INELIGIBILITY.—The President may waive the application of subsection (a) to a foreign country if the President determines and certifies to Congress that the provision of police assistance to the country is in the national interest of the United States.

SEC. 7. PROTECTION OF TRAFFICKING VICTIMS.

(a) NONIMMIGRANT CLASSIFICATION FOR TRAFFICKING VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T) an alien who the Attorney General determines—

"(i) is physically present in the United States, and

"(ii) is or has been a trafficking victim (as defined in section 4 of the International Trafficking of Women and Children Victim Protection Act of 1999),

for a stay of not to exceed 3 months in the United States, except that any such alien who has filed a petition seeking asylum or who is pursuing civil or criminal action against traffickers shall have the alien's status extended until the petition or litigation reaches its conclusion.".

(b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The Attorney General shall, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so.".

(c) INVOLUNTARY SERVITUDE.—Section 1584 of title 18, United States Code, is amended—

(1) inserting "(a)" before "Whoever";

(2) by striking "or" after "servitude";

(3) by inserting "transfers, receives or harbors any person into involuntary servitude, or" after "servitude,"; and

(4) by adding at the end the following:

"(b) In this section, the term 'involuntary servitude' includes trafficking, slavery-like practices in which persons are forced into labor through non-physical means, such as debt bondage, blackmail, fraud, deceit, isolation, and psychological pressure.".

(d) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate regulations for law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) Federal, State and local law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or nature of work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

SEC. 8. ASSISTANCE TO TRAFFICKING VICTIMS.

(a) IN THE UNITED STATES.—The Secretary of Health and Human Services is authorized to provide, through the Office of Refugee Resettlement, assistance to trafficking victims and their children in the United States, including mental and physical health services, and shelter.

(b) IN OTHER COUNTRIES.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide programs and activities to assist trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AGENCY TASK FORCE.—To carry out the purposes of section 5, there are authorized to be appropriated to the Secretary of State $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HHS.—To carry out the purposes of section 8(a), there are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE PRESIDENT.—To carry out the purposes of section 8(b), there are authorized to be appropriated to the President $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(d) PROHIBITION.—Funds made available to carry out this Act shall not be available for the procurement of weapons or ammunition.

By Mr. COCHRAN:

S. 601. A bill to improve the foreign language assistance program; to the Committee on Health, Education, Labor, and Pensions.

FOREIGN LANGUAGE EDUCATION IMPROVEMENT AMENDMENTS OF 1999

Mr. COCHRAN. Mr. President, today I am introducing a bill to amend the Foreign Language Assistance Program which is administered under the Elementary and Secondary Education Act.

The Foreign Language Education Improvement Amendments of 1999 make changes that encourage and make possible the teaching of a second language to students in elementary and secondary schools with limited resources—in particular, those schools heavily impacted by the unique problems of educating a high population of disadvantaged students.

My bill also provides schools an incentive to initiate foreign language programs, promotes technology, distance learning, and other innovative activities in the effective instruction of a foreign language.

Recent research about the human brain and language acquisition, which we've heard a lot about in connection to the teaching of reading and early childhood development, revealed that the ability to learn new languages is highest between birth and age six. "Windows of opportunity" is how a February 3, 1997, Time article described this neurological function, which effectively is open and pliable during the early years of life and closes by the age of ten.

We all know, from personal and other practical experience, that of course, people learn foreign languages beyond the age of ten. But, the enlightening fact of the research is that humans learn languages easier, and best at an early age.

The National School Boards Association publication, School Board News, printed an article in July, 1997 that describes early foreign language programs, and the benefits of learning languages early:

> According to the Center for Applied Linguistics (CAL) in Washington, D.C., the early study of a second language offers many benefits for students, including gains in academic achievement, positive attitudes toward diversity, increased flexibility in thinking, greater sensitivity to language, and a better ear for listening and pronunciation. Foreign language study also improves children's understanding of their native language, increase creativity, helps students get better SAT scores, and increase their job opportunities.

The evidence shows that children who learn foreign languages score higher in all academic subjects than those who speak only English. Most developed countries recognize this and, according to the National Foreign Language Center, the United States is alone in not teaching foreign languages routinely before the age of twelve. Congress recognized the need for foreign language study when it passed Goals 2000 in 1994, making foreign language acquisition an education priority.

In February of this year, the Center for Applied Linguistics released the results of a U.S. Department of Education funded survey of foreign language teaching in preschool through 12th grade in the United States. The results show a rising awareness and increase in the teaching of foreign languages, but in the 31 percent of elementary schools that offer foreign language instruction, only 21 percent have proficiency as the goal of the program. Among the most frequently cited problems facing foreign language programs were inadequate funding, inadequate in-service teacher training, teacher shortages and a lack of sequencing from elementary to secondary school.

This survey is a good snapshot of the state of the teaching of foreign languages K–12 in our country. It can be read as encouraging: that we know we should be teaching languages earlier; that more schools are attempting to teach foreign languages; and that more languages are being taught. It also clearly shows where we need improvement: that we need to show accomplishment in teaching our students foreign languages; that more schools need to have the resources to offer the necessary course work for attaining this skill; and, that foreign languages should be a priority.

The advantages of having foreign language ability range from greater opportunities for college admission to fulfilling national security needs. The National Council for Languages and International Studies found that the top attainable skill cited as a determining factor for likely college admission is foreign language proficiency. There are also social and cultural tolerance advantages that the National Council for Languages and International Studies and others cite, which most of us can appreciate. According to a February 1998, USA Today survey, top executives of America's businesses cited a need for and lack of foreign language skills twice as great as any other skill in demand.

The National Foreign Language Center published a 1999 report titled, Language and National Security for the 21st Century: The Federal Role in Supporting National Language Capacity. This report is very compelling in its review of the need for military and civilian personnel with foreign language capability, and the lack thereof in our current and rising workforces. Here are some quotes from that report:

> For example, the admission of a DEA official in September, 1997 that the agency lacks sufficient Russian language expertise to combat organized crime in groups from the former Soviet Union indicates a shortfall in supply of such expertise.
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> * * * * *
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> The Foreign Service reports that only 60% of its billets requiring language are at present filled, with waivers applied to the other 35%.
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> * * * * *
>
> Clearly, the academic system falls short in producing speakers minimally qualified to hold jobs requiring the use of foreign language, which is why the federal language programs exist and why the language training business in the private sector is so successful.

The same report further explains that the language training business is estimated to be $20 billion internationally. That is money spent by our government, our businesses and individuals to teach adults a skill essential in the global relationships of industry, diplomacy, defense, and higher education.

The evidence of need is great, and yet there is a lack of sufficient foreign language training at the K–12 level. We have one program in the Elementary and Secondary Education Act aimed at providing incentives and giving grants to schools for this purpose. It is a program that is currently funded at just $5 million for a few matching grants in a handful of states. However, the section of this law providing a grant for schools that offer foreign language instruction programs has never been funded. A frustrating aspect of this good program is that the schools in the most need of the assistance can't afford the ante. My amendments establish a 50 percent set aside for schools serving the most disadvantaged students, and eliminates the matching share requirement for those schools. This bill also increases the annual authorization for the program from $55,000,000 to $75,000,000.

I hope that we will give greater attention to this program when we make funding decisions, so that schools without the advantages of plentiful resources can provide their students with a high quality and competitive education.

My amendments to the ESEA Foreign Language Assistance Program will provide new opportunities and encouragement to our school children, teachers, and parents, so we can better meet our global business challenges and national security needs.

By Mr. SHELBY (for himself, Mr. BOND, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON and Ms. SNOWE):

S. 602. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal Revenue, and for other purposes; to the Committee on Government Affairs.

THE STEALTH TAX PREVENTION ACT

Mr. SHELBY. Mr. President, I rise today with my colleague Senator BOND, to introduce the Stealth Tax Prevention Act. Among the many powers given to Congress by the Constitution of the United States, the responsibility of taxation is perhaps the most important. The Founding Fathers rationale behind bestowing this power to Congress is that because, as elected representative, Congress remains accountable to the voters when they levy and collect taxes. Politicians are rightly held responsible to the public for producing fair and prudent tax legislation.

Three years ago, Mr. President, Congress passed the Congressional Review Act, which provides that when a major agency rule takes effect, Congress has 60 days to review it. During this time period, Congress has the option to pass a disapproval resolution. If no such resolution is passed, the rule then goes into effect.

As you know, Mr. President, the Internal Revenue Service maintains an enormous amount of power over the lives and the livelihoods of the American taxpayers through their authority to interpret the Tax Code. The Stealth Tax Prevention Act, that Senator BOND and I are introducing along with Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON, and Ms. SNOWE, will expand the definition of a major rule to include, Mr. President, any IRS regulation which increases Federal revenue. Why? Because we need to return the authority of taxation to the United States Congress.

For example, if the Office of Management and Budget finds that the implementation and enforcement of a rule would result in an increase of Federal revenues over current practices or revenues anticipated from the rule on the date of the enactment of the statute, the Stealth Tax Prevention Act would allow Congress to review the regulations and take appropriate measures to avoid raising taxes on hard working Americans, in most cases, small businesses.

The discretionary authority of the Internal Revenue Service exposes small businesses, farmers, and others to the sometimes arbitrary actions of bureaucrats, thus creating an uncertain and, under certain cases, hostile environment in which to conduct day-to-day activities. Most of these people do not have lobbyists that work for them other than their elected Representatives. The Stealth Tax Prevention Act will be particularly helpful in lowering the tax burden on small business which suffers disproportionately, Mr. President, from IRS regulations. This burden discourages the startup of new firms and ultimately the creation of new jobs in the economy, which has really made America great today.

Americans are now paying a higher share of their income to the Federal government than at any time since the end of World War II. They, Mr. President, as you well know, pay State income taxes. They pay property taxes. On the way to work in the morning they pay a gasoline tax when they fill up their car, and a sales tax when they buy a cup of coffee.

Allowing bureaucrats to increase taxes even further, at their own discretion through interpretation of the Tax Code is unconscionable. The Stealth Tax Prevention Act will leave tax policy where it belongs, to elected Members of the Congress, not unelected and unaccountable IRS bureaucrats.

Mr. BOND. Mr. President, today I join my distinguished colleague from Alabama, Senator SHELBY, in reintroducing legislation, which we proudly offered in the 105th Congress and will work to enact during the 106th Congress. Our goal is to ensure that the Treasury Department's Internal Revenue Service does not usurp the power to tax—a power solely vested in Congress by the U.S. Constitution. "The Stealth Tax Prevention Act" will ensure that the duly elected representatives of the people, who are accountable to the electorate for our actions, will have discretion to exercise the power to tax. This legislation is intended to curb the ability of the Treasury Department to bypass Congress by proposing a tax increase without the authorization or consent of Congress.

The Stealth Tax Prevention Act builds on legislation passed unanimously by the Senate in the 104th Congress. As Chairman of the Committee on Small Business, I authored the Small Business Regulatory Enforcement Fairness Act—better known as the Red Tape Reduction Act—to ensure that small businesses are treated fairly in agency rulemaking and enforcement activities. Subtitle E of the Red Tape Reduction Act provides that a final rule issued by a Federal agency and deemed a "major rule" by the Office of Information and Regulatory Affairs of the Office of Management and Budget cannot go into effect for at least sixty days. This delay is to provide Congress with a window during which we can review the rule and its impact, allowing time for Congress to consider whether a resolution of disapproval should be enacted to strike down the regulation. To become effective, the resolution must pass both the House and Senate and be signed into law by the President or enacted as the result of a veto override.

Later this month, I will commemorate the third anniversary of the Red Tape Reduction Act's enactment by highlighting the progress made to date and the obstacles small businesses continue to face primarily due to agency noncompliance. Because of the IRS' significant impact on the activities of small businesses, the Service's implementation of the Red Tape Reduction Act and the Regulatory Flexibility Act is of utmost importance to the Committee on Small Business.

The bill Senator SHELBY and I introduce today amends this law to provide that any rule issued by the Treasury Department's Internal Revenue Service that will result in a tax increase—any increase—will be deemed a major rule by OIRA and, consequently, not go into effect for at least 60 days. This procedural safeguard will ensure that the Department of the Treasury and its Internal Revenue Service cannot make an end-run around Congress, as it attempted with the "stealth tax" it proposed on January 13, 1997.

In that case, the IRS issued a proposal that is tantamount to a tax increase on businesses structured as limited liability companies. The IRS proposed to disqualify a taxpayer from being considered as a limited partner if he or she "participates in the partnership's trade or business for more than 500 hours during a taxable year" or is involved in a "service" partnership, such as lawyers, accountants, engineers, architects, and health-care providers.

The IRS alleges that its proposal merely interprets section 1402(a)(13) of the Internal Revenue Code, providing clarification, when in actuality it is a tax increase regulatory fiat. Under the IRS proposal, disqualification as a limited partner will result in a tax increase on income from both capital investments as well as earnings of the partnership. The effect will be to add the self-employment tax (12.4% for social security and 2.9% for Medicare) to income from investments as well as earnings for limited partners who under current rules can exclude such income from the self employment tax.

Under the bill introduced today, this tax increase on limited partners, if later issued as a final rule, could not go into effect for at least 60 days following its publication in the Federal Register. This window, which coincides with issuance of a report by the Comptroller General, would allow Congress the opportunity to review the rule and vote on a resolution to disapprove the tax increase before it is applied to a single taxpayer.

The Stealth Tax Prevention Act strengthens the Red Tape Reduction Act and the vital procedural safeguards it provides to ensure that small businesses are not burdened unnecessarily by new Federal regulations. Congress enacted the 1996 provisions to strengthen the effectiveness of the Regulatory Flexibility Act, a law which had been ignored too often by government agencies, especially the Internal Revenue Service. Three of the top recommendations of the 1995 White House Conference on Small Business sought reforms to the way government regulations are developed and enforced, and the Red Tape Reduction Act passed the Senate without a single dissenting vote on its way to being signed into law on March 29, 1996. Despite the inclusion of language in the 1996 amendments that expressly addresses coverage of IRS interpretative rules, the IRS continues to bypass compliance with the Regulatory Flexibility Act.

As 18 of my Senate colleagues and I advised Secretary Rubin in an April 9, 1997, letter, the proposed IRS regulation on limited-partner taxation is precisely the type or rule for which a regulatory flexibility analysis should be done. Although, on its face, the rulemaking seeks merely to "define a limited partner" or to "eliminate uncertainty" in determining net earnings from self-employment, the real effect of the rule would be to raise taxes by executive fiat and expand substantially the spirit and letter of the underlying statute. The rule also seeks to impose on small businesses a burdensome new recordkeeping and collection of information requirement that would affect millions of limited partners and members of limited liability companies. The IRS proposed this "stealth" tax increase with the knowledge that Congress declined to adopt a similar tax increase in the Health Security Act proposed in 1994—a provision that the Congressional Joint Committee on Taxation estimated in 1994 would have resulted in a tax increase of approximately $500 million per year.

The Stealth Tax Prevention Act would remove any incentive for the Treasury Department to underestimate the cost imposed by an IRS proposed or final rule in an effort to skirt the Administration's regulatory review process or its obligations under the Regulatory Flexibility Act. By amending the definition of "major rule" under the Congressional Review Act, which is Subtitle E of the Red Tape Reduction Act, we ensure that an IRS rule that imposes a tax increase will be a major rule, whether or not it has an estimated annual effect on the economy of $100,000,000. Our amendment does not change the trigger for a regulatory flexibility analysis, which still will be required if a proposed rule would have "a significant economic impact on a substantial number of small entities." We believe the heightened scrutiny of IRS regulations called for by this legislation will provide an additional incentive for the Treasury Department's Internal Revenue Service to meet all of its procedural obligations under the Reg Flex Act and the Red Tape Reduction Act.

I urge my colleagues to join us in supporting this important legislation to ensure that the IRS neither usurps the proper role of Congress—nor skirts its obligations to identify the impact of its proposed and final rules. When the Department of the Treasury issues a final IRS rule that increases taxes, Congress should have the ability to exercise its discretion to enact a resolution of disapproval before the rule is applicable to a single taxpayer. The Stealth Tax Prevention Act Senator Shelby and I introduce today provides that opportunity.

By Mr. SHELBY:

S. 603. A bill to promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE DEREGULATION AND DISCLOSURE ACT OF 1999

Mr. SHELBY. Mr. President, the legislation that abolished the Civil Aeronautics Board in 1978 and deregulated the airline industry has been a huge success. Americans are flying more, and more Americans are flying; at the same time, air fares have dropped and air travel has become safer. The average price of an airline ticket has decreased approximately 33 percent in real terms since market forces replaced the whims of federal bureaucrats in setting fares. The number of passengers flying domestic routes has more than doubled to approximately 600 million annually. It is not surprising, then, that air travel is no longer an exclusive privilege of the elite and today is accessible to most Americans.

While deregulation of the airline industry overall has yielded the benefits that free markets promise, there are growing pains. As the number of air passengers increases, so has the number of consumer complaints against air carriers. Some members of Congress have concluded that competition does not work for commercial aviation. They have stepped forward with proposals to reimpose federal control over air fares and carrier routes, to offer taxpayer subsidies to fledgling air carriers to compete against industry goliaths, or to levy a variety of new fines that would add to the Department of Transportation's duty the role of meter maid. We should be wary of any such effort to reintroduce the heavy hand of government under the auspices of protecting airline passengers.

Mr. President, lets not rush to throw out the baby with the bath water and undo twenty years of unprecedented growth and consumer savings under deregulation. Now is the time to reinvigorate competition in the air passenger market, even if the air carriers do not welcome it. The best way to increase competition is to regulate less, not more. Regulations that serve as barriers to the commercial aviation market should be removed. Regulations that promote the division of the marketplace into regional cartels should be abandoned. Regulations and FAA management practices that delay the installation of new technology that facilitates competition should be streamlined.

I believe that we can also increase competition in the airline industry by providing the traveling public with more useful information and by giving consumers ownership of the commodity they have purchased—their seat on an airplane. Today, I am introducing legislation that will provide passengers with greater information about their air fare and flight and with greater flexibility over unused or partially used fares.

The price of an airline ticket is as much a mystery as the Pyramids or the Hanging Gardens. In fact, The New York Times reported that on a single flight, passengers paid 27 different fares, ranging from $87 to $728. We should not adopt any measure that discourage air carriers from discounting fares or that chill the benefits airline consumers are now receiving. Air carriers, however, should not be allowed to continue bait-and-switch advertising. If an air carrier offers a discounted fare, my bill permits all passengers to make a confirmed reservation at that same price for a twenty-four hour period.

Under my bill, consumers will get more ticket and flight information. Airlines will be required to notify passengers about flight delays, cancellations, or diversions. Air carriers must also disclose if the passenger will be traveling on a carrier other than the one from whom the consumer purchased the ticket or if the flight will require the passenger to change planes.

At the same time, my bill will ensure that air carriers are penalized for canceling flights, bumping passengers, and holding travelers hostage on board an aircraft with inpunity. Whenever an airline passenger is unable to make a flight, the passenger will have the opportunity to board a similar flight on a standby basis. Whenever an airline cancels a flight for their convenience, it will have to offer to compensate each passenger. Whenever an airline keeps passengers on board an aircraft that sits on the tarmac for more than two hours, it will have to offer to compensate each passenger.

The Airline Deregulation Act of 1978 started a revolution in the airline industry, a revolution that according to a Brookings Institution study has benefitted consumers by $18.4 billion. That revolution is unfinished. I want to take the next step and promote new competition in the passenger aviation marketplace. My bill does this by taking away much of the mystery associated with flying.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Deregulation and Disclosure Act of 1999".

SEC. 2. AIRLINE PASSENGER PROTECTION.

(a) In General.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41716. Air carrier passenger protection

"(a) Delay, Cancellation, or Diversion.—

"(1) Explanation of delay, cancellation, or diversion required.—An announcement by an air carrier of a delay or cancellation of a flight, or a diversion of a flight to an airport other than the airport at which the flight is scheduled to land, shall include an explanation of each reason for the delay, cancellation, or diversion.

"(2) Prohibition on false or misleading explanations.—No air carrier shall provide an explanation under paragraph (1) that the air carrier knows or has reason to know is false or misleading.

"(3) Delays after enplaning or before deplaning.—

"(A) In general.—Except as provided in subparagraph (B), no air carrier may require a passenger on a flight of that air carrier to remain onboard an aircraft for a period longer than 2 hours after—

"(i) the passenger enplaned, in any case in which the aircraft has not taken flight from the airport during that period; or

"(ii) the aircraft has landed at an airport, if the aircraft remains in that airport without taking flight.

"(B) Election.—A passenger described in subparagraph (A) may remain onboard an aircraft described in clause (i) or (ii) of that subparagraph for a period longer than the applicable period described in that subparagraph, if, not later than the end of that 2-hour period—

"(i) the air carrier offers the passenger an opportunity to deplane with a full refund of air fare; and

"(ii) the passenger declines that offer.".

"(b) Economic Cancellations.—

"(1) Nonsafety cancellations.—If, on the date a flight of an air carrier is scheduled, the carrier cancels the flight for any reason other than safety, the carrier shall provide to each passenger that purchased air transportation on the flight a refund of the amount paid for the air transportation.

"(2) Cancellations for safety.—A cancellation for safety is a cancellation made by reason of—

"(A) an insufficient number of crew members;

"(B) weather;

"(C) a mechanical problem; or

"(D) any other matter that prevents—

"(i) the safe operation of the flight; or

"(ii) the flight from operating in accordance with applicable regulations of the Federal Aviation Administration.

"(c) Code Sharing.—An air carrier, foreign air carrier, or ticket agent may sell air transportation in the United States for a flight that bears a designator code of a carrier other than the carrier that will provide the air transportation, only if the carrier or ticket agent selling the air transportation first informs the person purchasing the air transportation that the carrier providing the air transportation will be a carrier other than the carrier whose designator code is used to identify the flight.

"(d) Multiple Flights.—An air carrier, foreign air carrier, or ticket agent that sells air transportation in the United States that requires taking flights on more than 1 aircraft shall be required to provide notification on a ticket, receipt, or itinerary provided to the purchaser of that air transportation that the passenger shall be required to change aircraft.

"(e) Air Carrier Pricing Policies.—An air carrier may not—

"(1) prohibit a person (including a governmental entity) that purchases air transportation from only using a portion of the air transportation purchased (including using the air transportation purchased only for 1-way travel instead of round-trip travel); or

"(2) assess an additional fee or charge for using only a portion of that purchased air transportation to be paid by—

"(A) that person; or

"(B) any ticket agent that sold the air transportation to that person.

"(f) Equitable Fares; Frequent Flyer Program Awards.—

"(1) Reduced fares.—Subject to paragraph (2), if an air carrier makes seats available on a specific date at a reduced fare, that air carrier shall be required to make available air transportation at that reduced fare for any passenger that requests a seat at that reduced fare during a 24-hour period beginning with the initial offering of that reduced fare.

"(2) Limitation.—

"(A) In general.—An air carrier shall not be required under paragraph (1) to make a seat available for a route at a reduced fare, if providing that seat at that fare would result in the air carrier being unable to provide, for the 24-hour period specified in that paragraph, the applicable historic average number of seats offered at an unreduced fare for the route, as determined under subparagraph (B).

"(B) Historic average.—With respect to a route, the historic average number of seats offered at an unreduced fare for the route is the average number of seats offered at an unreduced fare per day by an air carrier for flights scheduled on that route during the 24-month period preceding the 24-hour period specified in paragraph (1).

"(3) Standby use of tickets.—An air carrier shall permit an individual to use a ticket (or equivalent electronic record) issued by that air carrier on a standby basis for any flight that has the same origin and destination as are indicated on that ticket (or equivalent electronic record).

"(4) Frequent flyer program awards.—

"(A) In general.—Subject to subparagraph (C), in a manner consistent with applicable requirements of a frequent flyer program, if an air carrier makes any seat available on a specific date for use by a person redeeming an award under that frequent flyer program on any route in air transportation provided by the air carrier, that air carrier shall, to the extent practicable during the 24-hour period beginning with the redemption of that award—

"(i) redeem any other award under that frequent flyer program for air transportation on that route; and

"(ii) make a seat available for the person who redeems that other award on a flight on that route.

"(B) Standby use of frequent flyer program awards.—An air carrier shall permit an individual to redeem a ticket (or equivalent electronic record) acquired through a frequent flyer award on a standby basis for any flight that has the same origin and destination as are indicated on that ticket (or equivalent electronic record).

"(C) Limitation.—

"(i) In general.—An air carrier shall not be required under subparagraph (A) to make a seat available for a route for use by a person redeeming a frequent flyer award, if providing that seat to that person would result in the air carrier being unable to provide, for the 24-hour period specified in that paragraph, the applicable historic average number of seats offered at an unreduced fare for the route, as determined under clause (ii).

"(ii) Historic average.—With respect to a route, the historic average number of seats offered at an unreduced fare for the route is the average number of seats offered at an unreduced fare per day by an air carrier for flights scheduled on that route during the 24-month period preceding the 24-hour period specified in subparagraph (A).

"(g) Access to All Fares.—Each air carrier operating in the United States shall make information concerning all fares for air transportation charged by that air carrier available to the public, through—

"(1) computer-based technology; and

"(2) means other than computer-based technology.".

(b) Penalties.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking "or 41715 of this title" and inserting ", 41715, or 41716 of this title".

(c) Conforming Amendment.—The table of sections for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

"41716. Air carrier passenger protection.".

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. McCAIN, the names of the Senator from Kentucky (Mr. McCONNELL), the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. ALLARD), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 98 a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 249

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 261

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 306

At the request of Mr. FRIST, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 306, a bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes.

S. 336

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 346

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 499

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 575

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 575, a bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act".

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Nebraska (Mr. HAGEL), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SHELBY), the Senator from Wyoming (Mr. THOMAS), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 60

At the request of Mr. MACK, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

SENATE CONCURRENT RESOLUTION 17—CONCERNING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. LOTT, Mr. HELMS, Mr. THOMAS, Mr. BURNS, Mr. KYL, and Mr. ROCKEFELLER) submitted the following concurrent resolution; which was referred to the Committeeon Foreign Relations:

S. CON. RES. 17

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and democratic Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the United States and the Republic of China on Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas, when the Taiwan Relations Act was enacted, it reaffirmed that the United States decision to establish diplomatic relations with the People's Republic of China is based upon the expectation that the future of Taiwan will be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on "The Security Situation in the Taiwan Strait", could threaten cross-strait and East Asian stability and United States interests in the East Asia region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and defense services in such quantities as may be necessary for Taiwan to maintain a sufficient self-defense capability;

Whereas the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and Congress;

Whereas Congress and the President are committed by section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)) to determine the nature and quantity of what Taiwan's legitimate needs are for its self-defense;

Whereas the Republic of China on Taiwan routinely makes informal requests to United States Government officials, which are discouraged or declined informally by United States Government personnel;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and defense services legitimately needed for Taiwan's self-defense;

Whereas it is the current executive branch policy to bar most high-level dialog regarding regional stability with senior military officials on Taiwan;

Whereas the Taiwan Relations Act sets forth the policy to promote extensive commercial relations between the people of the United States and the people on Taiwan, and that policy is advanced by membership in the World Trade Organization;

Whereas the human rights provisions in the Taiwan Relations Act helped stimulate the democratization of Taiwan;

Whereas Taiwan today is a full-fledged, multiparty democracy that fully respects human rights and civil liberties and, as such, serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is the policy of the United States to promote extensive cultural relations between the United States and Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered as a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas the Taiwan Relations Act established the American Institute in Taiwan to carry out the programs, transactions, and other relations of the United States with respect to Taiwan; and

Whereas the American Institute in Taiwan has played a successful role in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees of provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement of those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait;

(3) the President should direct all appropriate officials to raise with officials from the People's Republic of China the grave concern of the United States over China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement of those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait;

(4) the President should seek from the leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against democratic Taiwan;

(5) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs underway;

(6) the Secretary of Defense should inform the appropriate committees of Congress when officials from Taiwan seek to purchase defense articles for self-defense;

(7) the United States Government should encourage a high-level dialog with officials of Taiwan and of other United States allies in East Asia, including Japan and South Korea, on the best means to ensure stability, peace, and freedom of the seas in East Asia;

(8) it should be United States policy, in conformity with the spirit of section 4(d) of the Taiwan Relations Act (22 U.S.C. 3303(d)), to publicly support Taiwan's admission to the World Trade Organization forthwith, on its own merits as well as to encourage others to adopt similar policies, without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the World Trade Organization.

Mr. MURKOWSKI. Mr. President. April 10, 1999 will mark the twentieth anniversary of the signing of the Taiwan Relations Act ("TRA"). Today, I am submitting a concurrent resolution commemorating this important piece of legislation and the commitments that the United States made to the people of Taiwan. The resolution is cosponsored by Senator LOTT, the majority leader, Senator HELMS, the chairman of the Senate Foreign Relations Committee, Senator THOMAS, the chairman of the East Asia Subcommittee of the Senate Foreign Relations Committee, Senator TORRICELLI, also on the Senate Foreign Relations Committee, Senator ROCKEFELLER, Senator BURNS, and Senator KYL. A similar resolution is being introduced today in the House of Representatives by Representative DANA ROHRABACHER.

Mr. President. I was not here when Congress passed the TRA in 1979, but I have great respect for the wisdom that those who proceeded me played in passing this enduring piece of legislation. As former Senator Dole said in commenting on the changes the Congress made to the legislation proposed by the Carter Administration:

> [The changes in the bill] "were meant only to recognize the simple reality of U.S. concerns in the Asia-Pacific region and our desire for peace for an old and faithful ally."—March 7, 1979.

In talking to colleagues and former Administration officials who were here for the creation of the TRA, you get the sense that no one expected Taiwan to be around for very long. But Taiwan not only survived, she thrived. Taiwan turned into one of the Asian Tigers, and has managed to weather the Asian flu. She is a full-fledged multi-party democracy that respects human rights and civil liberties. She serves as a model of successful democratic reform.

The positive changes in Taiwan are a tribute to the spirit and perseverance of her people, who have achieved an almost impossible dream in the view of many. The United States cannot take credit for Taiwan's achievements, but we can be proud of East Asia. So I think it is appropriate that we take up this resolution that commemorates the anniversary of this piece of legislation.

Mr. President. The resolution praises the TRA for contributing to peace, security and stability in the Taiwan Strait. The resolution also praises the growth of democracy, human rights and civil liberties on Taiwan. And the resolution notes the successful role that the American Institute in Taiwan has played in sustaining and enhancing our relations with Taiwan.

The resolution does express concern about several issues including the process for evaluating Taiwan's legitimate defense needs, the lack of high-level dialog between senior military officials on Taiwan and American defense officials regarding regional stability. The resolution also expresses Congress's grave concern over the possible threat to security in the Taiwan Strait from China's defense modernization and procurement as documented in the February 1, 1999, report to Congress by the Secretary of Defense on "The Security Situation in the Taiwan Strait".

Mr. President. This resolution calls for the Congress to reaffirm our commitment to the TRA and to the specific guarantees to provide legitimate defense articles to Taiwan. The Resolution also expresses our grave concern over the threat to Taiwan from China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement to those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait.

The resolution also encourages a high-level dialog with officials of Taiwan and our other East Asia allies concerning the best means to ensure peace and stability in East Asia.

To provide the Congress with timely information to evaluate Taiwan's self-defense needs, this resolution asks the President to provide an annual report detailing the military balance on both sides of the Taiwan Strait.

Finally, this resolution notes that it should be United States policy to publicly support Taiwan's admission to the World Trade Organization on its own merits as well as to encourage other countries to adopt similar policies, without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the World Trade Organization.

Mr. President. I hope that the full Senate will have the opportunity to vote on this resolution in the near future.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 3 p.m. on Thursday, March 11, 1999, in open session, to receive testimony on Department of Defense policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Thursday, March 11, 1999 at 9:30 a.m. on S. 383—Airline Passenger Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 11, for purposes of conducting a full committee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, March 11, 9:30 a.m., Hearing Room (SD-406), on S. 507, the Water Resources Development Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 11, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 11, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Key Patients' Protections: Lessons from the Field" during the session of the Senate on Thursday, March 11, 1999 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON YEAR 2000 TECHNOLOGY PROBLEM

Mr. GORTON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on Thursday, March 11, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHTS AND THE COURTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, together with the House Judiciary Committee's Subcommittee on Commercial and Administrative Law, be authorized to meet during the session of the Senate on Thursday, March 11, 1999 at 2 p.m. to hold a hearing in room 2141 of the Rayburn House Office Building, on "Bankruptcy Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC SUBCOMMITTEE

Mr. GORTON. Mr. President, I ask unanimous consent that the Strategic Subcommittee of the Committee on Armed Services be authorized to meet on Thursday, March 11, 1999 at 10 a.m. in open session, to receive testimony on ballistic missile defense programs and management, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Thursday, March 11, 1999, at 2 p.m. in open session, to receive testimony on the defense health program in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RESTORATION OF LITHUANIA'S INDEPENDENCE

• Mr. ABRAHAM. Mr. President, I rise to mark the ninth anniversary of the restoration of Lithuania's independence. I also rise to pay tribute to the Lithuanian people for their perseverance and sacrifice, which enabled them to achieve the freedom they now enjoy.

On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania and for lovers of freedom around the globe.

The people of Lithuania endured a 51-year foreign occupation. Resulting from the infamous Hitler-Stalin Pact of 1939, this Soviet occupation brought with it communist dictatorship and cultural genocide. But the Lithuanian people were not defeated. They resisted their oppressors and kept their culture, their faith and their dream of independence very much alive even during the hardest times.

The people of Lithuania were even able to mobilize and sustain a non-violent movement for social and political change, a movement which came to be known as Sajudis. This people's movement helped guarantee a peaceful transition to independence through full participation in democratic elections on February 24, 1990.

Unfortunately, the peace did not last. In January 1991, ten months after restoration of independence, the people and government of Lithuania faced a bloody assault by foreign troops intent on overthrowing their democratic institutions. Lithuanians withstood this assault, maintaining their independence and their democracy. Their successful use of non-violent resistance to an oppressive regime is an inspiration to all.

On September 17, 1991, Lithuania became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe. Lithuania is an associate member of the European Union, has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. But our nation never really broke with the government and people of Lithuania. The U.S. never recognized the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the inter-war republic. Indeed, for over fifty years the United States maintained a bipartisan consensus that our nation would refuse to recognize the forcible incorporation of Lithuania into the former Soviet Union.

Our relations with Lithuania are strong, friendly and mutually beneficial. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the U.S. since December, 1991. Through 1996, the U.S. has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the U.S. and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

In 1998 the U.S. and Lithuania signed The Baltic Charter Partnership. That charter recalls the history of American relations with the area and underscores our "real, profound, and enduring" interest in the security and independence of the three Baltic states. As the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I pledge to work with my colleagues to continue working to secure the freedom and independence of Lithuania and its Baltic neighbors, and I join with the people of Lithuania as they celebrate their independence.•

TRIBUTE TO ROBERT CONDON

• Mrs. BOXER. Mr. President, I rise to pay tribute to Robert Condon, one of our nation's leading child literacy advocates, who died last month, tragically, at the all-too-young age of 40. I ask my colleagues to join me in sending condolences to the Condon family.

Robert Condon was a successful businessman, but his true passion was reading. Throughout the 1980s, he took time from his career and family to read to children at local homeless shelters. He understood, far before many Americans did, that reading aloud to children is one of the most effective ways to teach literacy and improve young people's lives.

In 1991, Robert Condon quit his regular job in order to work full time promoting youth literacy. He founded the non-profit organization "Rolling Readers USA," where he and a small cadre of volunteers read to children in public housing developments, homeless shelters, and schools in the San Diego area.

Robert Condon's passion was contagious and Rolling Readers grew exponentially. Today, it has 40,000 volunteers reading to children in 24 states. Rolling Readers has won acclaim from national organizations, including the International Reading Association and Reading Is Fundamental.

In his short life, Robert Condon touched the lives of hundreds of thousands of children. In his memory, Rolling Readers USA is sponsoring March 27 as a national read-in day, when tens of thousands of volunteers will spend part of their day reading to children, keeping Robert Condon's ideals moving forward.

Mr. President, I encourage all Americans to participate in Rolling Readers USA's national read-in day and to become involved throughout the year to promote youth literacy. Volunteering our time and energy makes a difference and is a fitting way to pay tribute to this remarkable Californian.●

REMARKS BY BETH MACY HONORING SENATOR CLAIBORNE PELL

● Mr. JEFFORDS. Mr. President, I submit for the RECORD the following remarks made by Ms. Beth Macy at an event honoring Senator Claiborne Pell, hosted by the National Association of Independent Colleges and Universities (NAICU). Ms. Macy, a former Pell Grant recipient, spoke eloquently about the positive difference that the Pell grant made in her life and the difference it has made in the lives of the students she now teaches. Senator Pell, a statesman committed to education, was visionary in his creation of the grant that now bears his name. The Pell Grant still serves as the very foundation of our federal commitment to postsecondary study and it has helped make the dream of higher education a reality for millions of low-income individuals. I was pleased and honored to participate in this event for Senator Pell.

I urge my colleagues to take the time to read Ms. Macy's remarks. They remind us of why our support for the Pell grant program is important.

The remarks follow:

REMARKS OF BETH MACY

When a friend of mine, a writer who is in her 80s, heard I was going to give a speech about having been a Pell grant recipient, her first reaction was to joke: "Don't do it," she said "Unless they promise to forgive any outstanding loan payments." And then she said: "You always hear about Fulbrights, but nobody ever says how much they appreciated their Pell grants." That was my thought exactly. And it has been my thought since the day I realized just how much the Pell grant has done for me and thousands of other people like me. They say the G.I. bill changed America; that thousands of people became the first in their families to go to college, turning education from an elites-only business to a more democratic enterprise. Well, the Pells did the same thing a little later and went deeper, helping more women and minorities than the G.I. bill did. And I say this to you unequivocally because I believe it: Had I not gone to college, I don't think I'd have any of the things I treasure most today—my husband, my sons, my friends, my work, even my psychological well-being.

I am not a rich person now, by any means. I drive a used Volvo station wagon with 122,000 miles. My husband drives to the inner-city school where he works in a 1986 Mustang convertible—with a roof that leaks every time it rains. We live in a three-bedroom, four-square house in Roanoke, Virginia, with questionable floor joists and cranky plumbing. The house was built in 1927, the same year my mother was born. Both my house and my mother have character, as they say of things that charm you and annoy you and sometimes make you laugh. My mother was too poor to go to college, and my father dropped out of school in the seventh grade. He told me once that serving as a cook in World War II was the best thing he'd ever done, but he came home from the war to a life of alcoholism, depression and scattered employment. My three older siblings—whose early-adult years predate the founding of the Pell grant—didn't go to college, either; they didn't even consider it. It was just not something people in our family did. I don't want to give you the impression that we grew up hungry or physically abused; we didn't. But we were afflicted with the most serious side effect of growing up poor: the inability to dream. We felt inferior to the kind of people who took vacations and drove cars that started every time.

A few years ago I was reminded of how small my world used to be before I went away to college. My husband and I were driving my 16-year-old niece, who lives in Ohio, to our house in Virginia—on her first trip across state lines. We stopped in Charleston, West Virginia, to refuel the car and our bellies, when Sara removed her requisite teenage earphones, bolted upright in her seat and gasped, "You mean they have McDonald's here, too?!"

Today I teach personal-essay and memoir writing as an adjunct instructor at Hollins University. I also teach freshman comp and remedial writing part-time at our community college. When any of my students complain that their stories aren't worthy of the written word—or that nothing significant has happened to them—I have them make a list of the defining moments in their lives. To find your plot, I tell them, try to think of one event in your life that has fundamentally changed the way you think and act.

This is mine: I am riding through the flat cornfields of Northwest Ohio on my way to Bowling Green State University. I am in my mom's rusting Mustang, which is packed to the roof with stolen milk crates and cheap suitcases containing my life's belongings: my clothes and books, my Neil Young album collection and my beloved stuffed Ziggy. The year is 1986, and I am 18 years old. I have never seen the beach, nor written a check, nor spent the night any farther from home than Mary Beth Buxton's house on the outskirts of town. As we drive, there are thousands of station wagons packed with thousands of suitcases; thousands of grinding stomachs converging on universities across the country. As we drive, I'm certain that I'm the only college freshman who fears getting lost, not making any friends, failing courses, being shipped back home. And I know I'm the only one arriving on campus with a lucky buckeye from my Grandma Macy's tree in the pocket of my brand-new too-blue jeans. Courage, as defined by Emerson: having the guts to do the thing you've never done before. The one time I dove off the city-pool high dive, I land flat on my belly. They said you could hear the smack at the tennis courts a quarter-mile away. Sure, I tried something new, but I never climbed that ladder again. In my mom's Mustang, my heart soars and plummets with every mile crossed. I'm excited that I just might break into the ranks of the Official Middle Class, but I fear being found out as the impostor I believe I am. I consider asking my mom to turn around and take me home, but for the life of me I can't even talk. Courage, as defined by me: having the guts to dive in over and over again, until the belly flop becomes a perfect plunge. I climbed back up the high-dive ladder the day I went to college. But I couldn't have done it without the Pell grant, which paid my tuition. To cover room and board, I worked two, sometimes three jobs at a time, and I received several National Direct Student Loans.

This is why last year, on my first night of teaching—after working as a journalist for 12 years and earning a master's degree in creative writing at Hollins—the following people inspired me: Sandy and Teree, sisters who both drive school buses and dream of earning associate's business degrees so they can help their truck-driver husbands start their own company; Amy, a single mom who spoke of what it was like to be diagnosed as having ADD (at age 30) and, with the help of medicine, finally being able to THINK; Charles, who'd recently moved to Virginia from a drug-treatment center in Connecticut, ready to try life without drugs; Beth, mother of four, who said she came to college because she doesn't want her kids to grow up thinking she's stupid; and Randy, a mechanic who came to class without first washing his greasy hands. For our first in-class exercise, Randy wrote about the best job he'd ever had, in construction. His ideas were developed, his examples full of detail. But he didn't have a single period or comma on the page. He said he had no idea where to place a period. "If I get me a computer," he asked, "won't that put in all the periods for me?" Randy wasn't exactly Hemingway by the semester's end, but he did know how to punctuate a sentence. He came to every class early, stayed late and never missed dropping by during office hours to show me his work. He improved more than any student I've ever taught, and I'm told he's still in school—plugging away at "The Great Gatsby" and "Once More to the Lake" after his eight-hour shift fixing cars. He wants to buy his own business, too, and I believe some day he will. He was one of several who stayed late that first night to get me to sign his Pell Grant form.

I know there are people who like to bash Pell grant recipients. About 10 years ago, on our way to cover a newspaper story, a photojournalist friend and I were riding in a company car, when the subject of lost loves and old boyfriends reared its ugly head. The daughter of a doctor, my friend confided that she still pines over one ex-beau in particular—but added that he was not worthy of her angst, on account of, as she put it: "He was a total loser. I mean, he went to college on a Pell grant." Back then I was too ashamed of my roots to confront that kind of elitism, so I stewed and said nothing. But a few months ago at a teaching conference I attended, a colleague made a similar comment. He said that most of his Pell students are slackers; that they take advantage of government hand-outs; that they don't have what it takes to make it in a white-collar world. This time I could not keep quiet. I told him that most of my Pell students are even more driven than my middle- and upper-class students, with a lot more riding on the success of their papers than a letter grade or the refinement of their creative-writing skills. Most of my Pell students are working toward not only a degree and a decent job, but also a fundamental shift in the direction of their lives. They want to worry not about paying the bills, but about whether their kids are more suited to playing soccer or the violin. When you're mired in poverty's problems, you don't have the luxury of worrying about basic "quality of life"; it wouldn't occur to you to even use that phrase.

I am not rich now by any means. But most of the time I am happy, and I am productive, and I am not ashamed. I thank you, Senator Pell, for your gift of education—on behalf of myself, my students and all the rest of the people out there who might yet get a shot at a life better than the one they were born into.•

WOMEN'S HISTORY MONTH

• Mr. SARBANES. Mr. President, today I rise in recognition of Women's History Month—a time to honor the many great women leaders from our past and present who have served our Nation so well. They have worked diligently to achieve social change and personal triumph usually against incredible odds. As scientists, writers, doctors, teachers, and mothers, they have shaped our world and guided us down the road to prosperity and peace. For far too long, however, their contributions to the strength and character of our society went unrecognized and undervalued.

Women have led efforts to secure not only their own rights, but have also been the guiding force behind many of the other major social movements of our time—the abolitionist movement, the industrial labor movement, and the civil rights movement, to name a few. We also have women to thank for the establishment of many of our early charitable, philanthropic, and cultural institutions.

In Maryland, we are proud to honor the many women who have played such critical roles in the development of our State heritage. They include Margaret Brent, who, in 1648, became America's first woman lawyer and landholder, and Harriet Tubman, who saved thousands of lives during the Civil War through the Underground railroad. Other great Maryland women include Henrietta Szold, the founder of Hadassah, the Women's Zionist Organization of America and Dr. Helen Taussig, who developed, in 1945, the first successful medical procedure to save "blue babies."

Now more than ever, women are a guiding force in Maryland and a major presence in our business sector. As of 1996, there were over 167,000 women-owned businesses in our State—that amounts to 39 percent of all firms in Maryland. Maryland's women-owned businesses employ over 301,000 people and generate over $39 billion in sales. Between 1987 and 1996, the number of women-owned firms in Maryland is estimated to have increased by 88 percent.

During Women's History month we have the opportunity to remember and praise great women leaders who have opened doors for today's young women in ways that are often overlooked. Their legacy has enriched the lives of us all and deserves prominence in the annals of American history.

With this in mind, I have co-sponsored legislation again this Congress to establish a National Museum of Women's History Advisory Committee. This Committee would be charged with identifying a site for the National Museum of Women's History and developing strategies for raising private funding for the development and maintenance of the museum. Ultimately, the museum will enlighten the young and old about the key roles women have played in our Nation's history and the many contributions they have made to our culture.

However, we must do more than merely recognize the outstanding accomplishments women have made. Women's History Month also is a time to recognize that women still face substantial obstacles and inequities at every turn. Access to capital for female entrepreneurs is still a significant stumbling block, and women business owners of color are even less likely than white women entrepreneurs to have financial backing from a bank. A female physician still only earns about 58 cents to her male counterpart's dollar, and female business executives earn about 65 cents for every dollar paid to a male executive. At every age, women are more likely than their male contemporaries to be poor, and the average personal income of men over 65 is nearly double that of their female peers. Tragically, the incidence of AIDS among black and Hispanic women and teenage girls is far out of proportion to their percentage of the population.

On the other hand, we have made great strides toward ensuring a fairer place for women in our society. The college-educated proportion of women, although still smaller than the comparable proportion of men, has been increasing rapidly. Black and white women's death rates from heart disease have dropped significantly since 1970. Women are now the majority in some professional and managerial occupations that were largely male until relatively recently.

Mr. President, as we begin a new millennium, it is my hope that our progress in securing women's rights will accelerate. As we celebrate Women's History Month, let us reaffirm our commitment to the women of this Nation and to insuring full equality for all of our citizens.•

RECOGNIZING PHYLLIS MARCKWORTH OF THE PORT TOWNSEND SCHOOL DISTRICT

• Mr. GORTON. Mr. President, I would like to recognize the outstanding achievements of a local educator, Phyllis Marckworth, from Port Townsend in Washington State. Phyllis has been brought to my attention for her devoted efforts in singlehandedly taking charge of efforts to create an integrated system of technology throughout the Port Townsend School District. Indeed, Superintendent Gene Medina credits Phyllis' enthusiastic efforts for literally transforming the fundamental nature of student learning in the district. It is individuals like Ms. Marckworth that should remind all of us here in the U.S. Senate of the indispensable role that the innovation of local educators play in our children's education.

Phyllis is the kind of rare and special educator which schools across this country cherish. She serves as a teacher, a technology administrator, and a staff developer. Thus, her contributions to the better education of students of Port Townsend are noteworthy for several reasons: first, her incredible zeal in tirelessly laboring on behalf of the students she serves. In 1993, she was coordinating plans to purchase computers and telephones for the Port Townsend District. Rather than follow the tradition path of initial hardware investment to supply individual classrooms, Phyllis embarked on a bolder and eventually more rewarding task of assembling an entire telecommunications network for all the students in the district to utilize and learn from. That network has since become the backbone of the improved communication and learning in Port Townsend that all schools hope technology will bring to our classrooms.

Secondly, her visionary innovation in implementing an integrated system of technology within the Port Townsend school district has resulted not just in a "technology curriculum" but technology that is fully integrated within the entire district's curriculum. This integration has resulted in better education for students who now understand and utilize technology as a part of every aspect of their lives and learning, not just a computer that is used for typing term papers or biology lab reports.

Finally, this integration which Phyllis sparked has also corresponded with a direct focus on developing the ability of staff throughout the Port Townsend district to make technology a part of their classrooms. Hence, teachers can make technology a part of the whole education process rather than simply a small piece student learning. Too often technology is brought in to the classrooms of today without the training necessary for our teachers to best use that technology to train our students for tomorrow. Phyllis Marckworth has met that challenge head on and has made her district and its students better because of the creative and dedicated way in which she has done so.

It is individuals like Phyllis Marchworth that make education across this country and in our local schools great, not more rules and regulations from Washington, DC. As we in the Senate work on important education legislation, I hope my colleagues will remember the innovative work of educators like Phyllis Marchworth who show how local communities create education success stories when we give them the flexibility they need and deserve.●

BRUMIDI IN NEW YORK

● Mr. MOYNIHAN. Mr. President, I rise today to call the Senate's attention to works of an artist with whom we are all quite familiar. Constantino Brumidi is famous for having painted much of the fine murals here in the Capitol. What is not as yet known, however, is that his other major body of work, in fact the only other great body of work in the United States, is at the Our Lady of the Scapular & St. Stephen's Church (St. Stephen's) in New York City. Located on 29th Street and Third Avenue on Manhattan's East Side, St. Stephens is home to many Brumidi masterpieces, including a mural of the crucifixion which is believed to be the largest of its kind in the world. At one time, St. Stephen's was home to the New York City Arch Diocese and the largest Catholic Church in New York.

Unfortunately, many of the paintings and murals have fallen into disrepair and are in need of restoration. The church has undertaken a campaign to raise the funds necessary to complete this task. I am hopeful that some government funds may be available as well, perhaps through the Save America's Treasures program. Our own Barbara Wolanin from the Architect of the Capitol's office is familiar with St. Stephen's and their efforts to preserve their collection of Brumidis. I invite my colleagues to visit St. Stephen's the next time they are in New York and see the other body of work by the artist we have all come to love.

Mr. President, I ask that an article written by members of St. Stephen's about their Brumidi collection be printed in the RECORD.

The article follows:

Constantino Brumidi—Artist of the Capitol—Classical Artist and Decorator of St. Stephen's Church

In a new publication, Constantino Brumidi: Artist of the Capitol, Barbara Wolanin (curator for the architect of the Capitol) and a host of other scholars present the first in depth biography of this important painter whose work at the Capitol has recently been restored.

In addition to "The Apotheosis of George Washington" which adorns the Capitol dome in the Rotunda, Brumidi painted in the House of Representatives Chamber, the President's Room, the Senate Reception Room, and throughout many of the corridors of our nation's Capitol. The first floor Senate corridors of the Capitol are known as the "Brumidi Corridors."

Ms. Wolanin brings to our attention the fact that a large body of Constantino Brumidi's work is in a Catholic church in New York City. The Order of Carmelites, who serve the parish of Our Lady of the Scapular & St. Stephen's Church in the Rosehill District of Manhattan, have invested over a million dollars of their own funds to restore the exterior of their Romanesque Revival church built to the designs of the architect James Renwick Jr. in 1854 (Mr. Renwick also designed the Smithsonian Castle and the Renwick Gallery). This initial investment has halted deterioration of the many frescoes, murals and decorative elements by Brumidi on the church's interior walls.

Brumidi's mural of the Crucifixion behind the main altar of the church is believed to be the largest of its kind in the world. Brumidi's frescoes of David, the Madonna and Child and St. Cecilia on the south wall, once neglected and in danger of irreversible damage, have been restored by Constance Silver of Preservar in an effort to understand the composition of the underlying wall and the materials and techniques Brumidi used. The goal of the Carmelites is to fully restore the baroque interior of the church, which may be the only one of its kind in America.

Examples of "trompe l'oeil," Brumidi's scheme of architectural illusion which originally united all of the artistic and architectural elements of the church, have been exposed for study and may be seen on the partially restored south wall.

From the mid 1850's through the early 1870's when not working at the Capitol, Brumidi traveled to New York to work at St. Stephen's. Today, the parish serves a small and thriving community. In the 19th century, however, due to a massive immigration of Irish fleeing the Great Famine, St. Stephen's Church became, for a time, the largest and most influential Catholic parish in the United States.●

THE NURSING HOME RESIDENTIAL SECURITY ACT OF 1999

● Mr. ROTH. Mr. President, one week ago today, the Finance Committee unanimously voted to support legislation to protect from eviction nursing home residents who rely on Medicaid. Our bill, S. 494, the Nursing Home Residential Security Act of 1999, is supported by both the nursing home industry and senior citizens' advocates.

Yesterday, the House of Representatives passed H.R. 540, companion legislation to our bill, by a vote of 392 to 12. I call on my colleagues now to join me in voting in support of this important legislation. Let us send it to the President and make it the first piece of health care legislation to become law this year.

Our legislation prohibits nursing homes that withdraw from participation in the Medicaid program from evicting the Medicaid residents who are already in the facility. Essentially, we provide for a phase-down rather than an immediate termination of participation in Medicaid.

Sixty-eight percent of all nursing home residents eventually end up on Medicaid. Our bill protects these vulnerable senior citizens and individuals with disabilities from finding themselves evicted. The bill goes a long way toward assuring residents and their families that they will continue to receive quality nursing home care without fear of inappropriate eviction.

S. 494/H.R. 540 is a modest but important proposal that will promote the peace of mind of millions of Americans. I ask my colleagues for their support.●

IN MEMORY OF LOUISIANA STATE REPRESENTATIVE AVERY ALEXANDER

● Mr. BREAUX. Mr. President, with the passing this week of Louisiana state Representative Avery Alexander, our nation and my state of Louisiana lost one of its most legendary and respected citizens. For most of his 88 years, Reverend Alexander gave himself selflessly and completely to the service of others—as a dedicated and caring minister, as a fearless and principled civil rights leader and as a tireless and thoroughly honorable public servant.

To those who knew him, "The Rev," as he was called, was a nothing short of a living legend and the very embodiment of the courage, passion and vision that characterized the civil rights movement of the 1950s and 1960s. In a day and time when standing up for your rights as an American meant taking your life into your hands, Avery Alexander and his allies took to the streets and helped transform our nation. Avery Alexander and his contemporaries in the civil rights movement helped give our nation a new birth of freedom and for that we are internally grateful.

Yet long after the great civil rights marches and protests of the 1960s and well into his ninth decade of life, Reverend Alexander was still as passionate and committed to the cause of human rights as he had always been. It wasn't that long ago—three years to be exact—that the people of Louisiana were treated to the familiar image of Avery Alexander on a ticket line in Baton Rouge, protesting changes to the state's affirmative action laws that he believed were unfair and unwise. When Avery Alexander believed in something, especially civil rights, he gave it his all. And he knew better than most that the civil rights laws of the 1960s were only a beginning, not an end, of a great national journey for every citizen, black, white, Hispanic or Asian.

Whatever one might have thought about him, and however one might have disagreed with him, I know of no one who would have ever thought of questioning Avery Alexander's motives. He was a supremely principled man, led by conscience and an innate sense of mission and morality to serve always as a voice for those who had lost or had never been given the right to speak for themselves. If you were down and out, forgotten, discriminated against, despised or rejected by society, then Avery Alexander was your friend. I have known few people who lived up to the Biblical admonition to love unconditionally as well as he did. Avery Alexander will be missed. But he will also be long remembered for the ways he taught and inspired us to love, to care, to serve and, most of all, to look beyond skin color and gender and age and creed and to see that which is best, noble and God-given in each of us.

We will all miss the "Rev!"•

CONGRATULATING WTOP FOR 30 YEARS OF OUTSTANDING SERVICE

• Mr. SARBANES. Mr. President, I rise today to commemorate the 30th Anniversary of one of the area's finest news stations, WTOP, a station that has been a trustworthy and informative source of regional and national news since 1969.

In our increasingly inter-connected society where technology has increased the speed at which information is collected, disseminated and analyzed, the importance of responsible journalism has become even more important. WTOP has maintained a reputation as an accurate news source by its reporting of events from Watergate to the recent impeachment trial; from Vietnam to conflicts in the Persian Gulf; from issues regarding the District of Columbia to the politics of my home State of Maryland. In addition to news accounts on these issues, WTOP always has weather, traffic and sports reports to complete its effective coverage. Much as CNN is the leader in television news coverage, WTOP leads the way in providing up-to-date radio news 24 hours a day.

I would also like to commend the service of one individual in particular, WTOP's Congressional correspondent Dave McConnell, who has been with the station for almost 20 years. I have worked first-hand with Dave over the years and have the utmost respect for his journalistic integrity and his dedication to reporting the news in a precise yet understandable way. Indeed, his "Today on the Hill" broadcasts have provided listeners with the most up-to-date information on legislative activities on Capitol Hill by talking directly with members of Congress about the issues.

Mr. President, I am pleased to have this opportunity to recognize the professionalism of this station and its employees on this auspicious anniversary, and to extend my best wishes to WTOP for the next 30 years and beyond.•

TRIBUTE TO ROBERT L. OZUNA

• Mrs. BOXER. Mr. President, I rise to pay tribute to Robert L. Ozuna, Chief Executive Officer of New Bedford Panoramex Corporation from 1966 until his death on March 6 at the Queen of the Valley Hospital in West Covina, California. He was 69.

Robert Ozuna was the oldest of four children born in Miami, Arizona to Mexican-American parents. In 1940, after his father's death, Robert moved with his mother, brother and sisters to East Los Angeles, where he worked steadily from an early age in order to help support the family.

As Founder and President of New Bedford Panoramex Corporation (NBP), Robert Ozuna became one of the most successful Mexican-American entrepreneurs in southern California. He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Ozuna began to build his company with a second mortgage on his home, and a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronics manufacturing business it is today in Upland, California. NBP designs, develops and manufactures electronic communication systems and remote monitoring systems for its primary client, the United States Government.

Robert Ozuna's hard work and dedication were given public recognition when he received the Department of Transportation Minority Business Enterprise Award for 1987 and again for 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He was an active member of The California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament, which he started to raise funds for the Rancho de Los Ninos Orphanage in BajaMar, Mexico.

As industrious as Robert Ozuna was in business, he was equally involved sharing his prosperity with many philanthropic activities in his community. He sponsored many events in the Hispanic neighborhood where he grew up, and he was a founding director of the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a man with a deep passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed away in November of 1998. He is survived by his mother Amella Ozuna, his sons Steven Ozuna and Jeff Dominelli, his daughters Nancy DeSilva and Lisa Jarrett, his sisters Lillian Gomez and Vera Venagas, and his brother Tony Ozuna. He also leaves six grandchildren.

Robert Ozuna epitomized the American dream, which promises to anyone who works hard and plays by the rules the opportunity to achieve great success. Robert Ozuna lived that dream. Though he will be greatly missed, his life and achievements will serve as an inspiration to generations to come.•

ORDERS FOR MONDAY, MARCH 15, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 15. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 3:00 p.m., with the following limitations: Senator HATCH, 30 minutes; Senator COLLINS, 15 minutes; Senator INHOFE, 30 minutes; Senator HOLLINGS, 20 minutes; Senator DURBIN, or his designee, 30 minutes; Senator BUNNING, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask consent that following morning business, the Senate resume consideration of S. 257, the missile defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will reconvene at 12 noon on Monday, March 15, and begin a period for morning business until 3:00 p.m. Following morning business, the Senate will resume consideration of the missile defense bill. The leader has announced that there will be no rollcall votes on Monday, but he hopes that Members will be available on Monday in order to offer and debate amendments to the missile defense legislation. Any votes ordered with respect to any offered amendments will be ordered to occur on Tuesday, and all Members will be notified of that voting schedule when it is available.

ADJOURNMENT UNTIL MONDAY, MARCH 15, 1999

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Monday, March 15, 1999, at 12 noon.

HOUSE OF REPRESENTATIVES—*Thursday, March 11, 1999*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that we are not judged by our attempts to do the works of justice or by our failures to be the people You would have us be, but rather by Your mercy and forgiveness and grace. We seek to do the right, but we also miss the mark; we wish to remember others with appreciation, but we can become too filled with pride to show gratitude; we can talk about the need for respect in our communities, but we can also speak words without any change in our deeds. May the words we say with our lips find meaning with what we believe in our hearts, and all that we believe in our hearts may we practice in our daily lives. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be 10 1-minutes on each side.

VOTE NO ON H.R. 45

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, H.R. 45 is the nuclear waste lottery. We bet our homes, our property, the safety of our family, and then if one of these nuclear carnivals passes by our property, bingo, we get big bucks.

This is a lawyer's dream. Thousands of innocent people will get a large payment of taxpayer money because the transportation of this deadly radioactive waste will devalue and endanger their property. Mr. Speaker, let me explain.

Recently the New Mexico State Supreme Court ruled that Mr. John Komis of Santa Fe will be awarded more than $884,000 in damages resulting from the devaluation of his property simply due to the transportation of nuclear waste past his property.

If H.R. 45 were to pass, almost 80,000 tons of nuclear garbage will be shipped across our Nation's highways, destroying property values across this country like a string of dominos falling in its path, and who will pay for this devaluation of private property? The American taxpayer will foot the bill to support a radical, extremely costly policy mandated by H.R. 45.

Mr. Speaker, this is a risk America cannot afford.

STRENGTHENING RETIREMENT SECURITY FOR MIDDLE CLASS FAMILIES INTO THE 21ST CENTURY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the Republicans have failed to make a commitment to use any of the Federal surplus to shore up the Medicare Trust Fund.

Medicare, as we know, is projected to become insolvent in 2008.

Democrats call for strengthening and improving Medicare by locking in 15 percent of the projected budget surplus over the next 15 years in the Medicare trust fund. Democrats would add at least a decade to the life of the Medicare Trust Fund while we work to enact long-term reforms to extend the life of the plan. Republicans, on the other hand, are pursuing broad-based tax cuts instead of saving Medicare, and they want short-term giveaways instead of long-term investments in the future.

The Democrats have the only plan that extends the life span of both Social Security and Medicare and strengthens retirement security for middle class families well into the 21st century.

MIAMI-DADE COUNTY'S WOMEN'S PARK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to tell my colleagues and the visitors here today about a very special place in south Florida, the Women's Park. This is the very first park of its kind anywhere in the entire country that is devoted solely to the contributions that women have made to our community, our history, to our society and our lives. It is hoped that the many achievements made by women will be recognized throughout the entire year and not just now during the month of March, which is designated as Women's History Month. When the Women's Park opened in Miami in 1992, it was dedicated to all the women of the community in recognition of their diverse contributions to our quality of life.

Madam Speaker, I hope that the Women's Park in Miami will serve as an inspiration to celebrate the many achievements of women throughout our country, and if any of my congressional colleagues would like to start such a women's park in their communities, I will be glad to work with them so we can all celebrate the many achievements of women.

URGING SPEAKER NOT TO ALLOW VOTE ON TROOPS IN KOSOVO TODAY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. MCDERMOTT. Madam Speaker, the House of Representatives has become like a scene from Alice in Wonderland. Yesterday in the Committee on Ways and Means we were asked to bring out a bill by the Speaker with a recommendation that it do not pass because the Speaker wants it brought to the floor but does not intend to vote for it. Today, even more amazingly, we have a foreign policy issue where the President of the United States and the Secretary of State have asked that it not be voted on now while the peace negotiations in Kosovo are proceeding. Yet the Speaker brings it to the floor intending not to vote for it, and he is third in succession in the United States Government. It is the President, the Vice President and the Speaker of the House; the third most important man in the country is running foreign policy here while we are putting at risk our soldiers in Kosovo.

Now I ask you, Mr. Speaker, do not bring this issue to a vote today. It is irresponsible, it should not be done, it puts our soldiers at risk, and those of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

us who lived through the Vietnam era say do not do this again.

REASONS TO HAVE GRAVE CONCERNS ABOUT THE STEWARDSHIP OF FOREIGN POLICY BY THIS ADMINISTRATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, we just received two instances of the MO of the liberals on the Hill. It is fear and smear first, scare the elderly about Medicare, then come back and attack the new Speaker of the House.

Very interesting. We have been down this road before.

But as my colleagues know, Madam Speaker, there is a reason to have grave concerns about the stewardship of foreign policy by this administration, especially Madam Speaker, when this administration, the Clinton-Gore team, took campaign cash from the Communist Chinese and then ignored the warnings of the intelligence community with reference to nuclear espionage.

Madam Speaker, it is incumbent upon this House to exercise its oversight capabilities to make sure that our genuine interests are, in fact, protected, because Madam Speaker, if the administration is more susceptible to Chinese campaign cash, then this House must protect the American people.

WE PLEDGED AN OATH TO UPHOLD THE CONSTITUTION, NOT THE WORLD TRADE ORGANIZATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, even though Article 21 of GATT clearly states any Nation can take action when their military security is threatened, the White House has vowed to veto any bill on steel imports.

Beam me up.

We cannot defend America with plastic and Styrofoam. It seems the White House is more concerned with violating the World Trade Organization than they are in violating America's steel workers.

Let me remind Members of Congress we pledged an oath to the Constitution of the United States of America, not the World Trade Organization.

I yield back all the bankruptcy, despair, downsizing, layoffs and foreclosure of America's steel workers.

WE MUST STOP DRUNK DRIVERS FROM DESTROYING THE LIVES OF INNOCENT PEOPLE

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Madam Speaker, this past week I lost a true friend as well as my chief of staff, Alex Haught, who was killed in an automobile wreck in Nashville, Tennessee, the victim of a drunk driver.

Perhaps the only thing more shocking than the suddenness of Alex's death was the information about the reckless individual who got behind the wheel of the 2-ton van that slammed into Alex's car. In the past 20 years he had been arrested over 70 times for crimes, including frequent public drunkenness, he had been convicted of driving while intoxicated, and his license had been revoked for over 8 years. Worse yet, he had gotten out of jail having served only 3 days of a 10-day sentence the day he killed Alex.

This sickens me, Madam Speaker. Our system has broken down at every level, the local, State and Federal. We must revisit laws at every level of government to find ways to keep drunk drivers from destroying the lives of innocent people. In addition, we are going to have to look at some harsh measures that we have never looked at before.

Are we going to keep operating the ambulance in the valley, or are we going to build a permanent fence to help our people, to help our families, to help our loved ones and to ensure that this senseless loss of life does not happen again? I assure Alex that we are going to look at those laws at the local, State and Federal level and do everything we possibly can to use you as well as others as an example that the time has come that we have got to get these drunk drivers off the road. God bless you, Alex.

INTRODUCTION OF THE FAMILY FARM PROTECTION ACT

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Madam Speaker, on Monday I was back in northeastern Wisconsin unveiling what will be my first bill before this House, a proposal that I call the Family Farm Protection Act.

Now this simple plan exempts farmers from a Federal capital gains tax when they sell their farm to a family member when they try to keep their family farm within the family.

Now, while the U.S. economy is booming, our family members, some of the hardest working people in America, face a tragic crisis. Traditionally, when a farm crisis comes along, we in the Congress look at ways to create more programs, to build more government help. All too often we forget that it is the government itself which is at the heart of many problems that our farmers face. My proposal removes an onerous tax that forces families out of farming and is contributing to the destruction of our Nation's lifelong agricultural heritage.

I ask my colleagues to join me in this effort and to become original cosponsors of the Family Farm Protection Act.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

(Mr. LUCAS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Kentucky. Madam Speaker, it is imperative that we pass the Senior Citizens' Freedom to Work Act of 1999. The proposed measure would eliminate the Social Security earnings limit for retirement age Americans. We must end the practice of penalizing seniors and discouraging work. With their wealth of information and experience, senior citizens are truly vital to the stability of our work force and the development of the work force of tomorrow.

□ 1015

The current limit takes away retirement benefits from those who have rightfully earned them through a lifetime of hard work. We should not be punishing our senior citizens for continuing to work but, rather, encouraging them. That is just common sense.

BIG BROTHER IS BACK

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, they are at it again. We learned this morning from The Washington Post that those big government loving bureaucrats in the Clinton administration are up to their old tricks again. When we last heard from our friends in the Federal health care data collection business, they were attempting to carry out a little known provision in the law that would require every single American to have a special identification number so that their medical records could be tracked by the government.

Now we learn that the administration seeks to create a new database that would collect personal information about millions of Americans who receive in-home benefits under the Medicare program. Under the guise of improving service, the Clinton administration intends to conduct a 19-page assessment of each patient, including questions concerning the patient's sense of failure, or socially inappropriate behavior.

Enough already. Let us put a stop to this nonsense before it begins. Let us protect the privacy of millions of Americans. Let us once again say no to Big Brother.

MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, I hold in my hand a letter to the Speaker of the House imploring him to devote 15 percent of the budget surplus to strengthen Medicare. This letter has been signed by 201 Democrats. We speak with a unified message: Do not jeopardize Medicare for political tax breaks.

In the most recent Republican budget, not one penny of the surplus is used to shore up Medicare. Medicare is projected to be bankrupt in the year 2008. That is only 9 years away. The Democratic plan to use 15 percent of the surplus would extend the life of Medicare by a decade, giving us time to reform the program so that it endures the coming strain of the retiring baby boom generation and allows us to put a prescription drug benefit together.

The Republican plan is irresponsible. It puts short-term political gain ahead of long-term fiscal responsibility and, in the process, jeopardizes seniors' health and their retirement security.

Today 99 percent of America's seniors are covered by Medicare. Social Security and Medicare have combined to give our seniors independence, dignity and security in their retirement. Let us strengthen them and not dismantle them.

THE FOREST SERVICE MORATORIUM IS AN ATTACK ON ACCESS TO OUR PUBLIC FORESTS

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Madam Speaker, the Forest Service roads moratorium now in effect, defies the good common sense required to maintain our Nation's force.

In essence, the administration is saying that we are going to take a timeout in managing our forests. In the meantime, of course, the problems will not wait. They only become more serious.

This moratorium is also an attack on access to our public forests. It is nothing more than a sweeping mandate from Washington. This mandate is not designed to study our forests roads but, rather, to keep the American citizen out of their forests.

A representative from the most respected sportsmen's group in Washington, the Safari Club, called this decision bad for sportsmen and other recreational users, so bad that it must have the dedicated professionals in the Forest Service shaking their heads.

The Forest Service reports that 93 percent of forest road use is for recreational purposes, and now they are trying to lock up the very roads where we recreate.

It makes no sense. I cannot understand how an agency that is directed to manage our forests is walking away and washing its hands of such a serious issue.

This is a bad policy, Madam Speaker. It is bad for America. It is bad for the economy. It is bad for the forests and it is bad for the citizens.

The question is, who is it good for?

RAIDING THE SOCIAL SECURITY TRUST FUND TO SPEND MONEY ON 120 NEW GOVERNMENT PROGRAMS

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, back home, when I am back home in the south side of Chicago, in the south suburbs, I get asked some pretty basic questions by the folks back home. I had a really pretty good one asked to me just this past week.

They say, it is our understanding that there is this $2.6 trillion surplus of extra tax revenue. If we have all this extra money in Washington, why does President Clinton, the Clinton-Gore Democrats, propose a $176 billion tax increase, and why do the Clinton-Gore Democrats, why do they propose raiding the Social Security trust fund by $250 billion to spend money on 120 new government programs?

That is an important question because on the Republican side, we say we do not need $176 billion in tax increases. We say we do not want to raid the Social Security trust fund. In fact, this year we want to stop something that has been going on for 30 years. We believe it is time to wall off the Social Security trust fund and stop the raids that President Clinton wants to have on Social Security.

Let us stop the raids on Social Security. Let us wall off the Social Security trust fund.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The Speaker pro tempore (Mrs. EMERSON) laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Having accepted an appointment to the Committee on the Judiciary, I must hereby regretfully resign from the Committee on Veterans' Affairs.

Sincerely,

SPENCER BACHUS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GOODLING. Madam Speaker, I offer a resolution (H. Res. 108) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the Judiciary: Mr. SCARBOROUGH of Florida.

Committee on Veterans' Affairs: Mr. BAKER of Louisiana.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 100 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 800.

□ 1022

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 800) to provide for education flexibility partnerships, with Mr. WELLER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 10, 1999, the demand for a recorded vote on amendment No. 21 by the gentleman from Virginia (Mr. SCOTT) had been postponed and all time for consideration of the bill under the 5-minute rule had expired.

AMENDMENT NO. 21 OFFERED BY MR. SCOTT

The CHAIRMAN pro tempore. There being no further amendments in order under the rule, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 15, as follows:

[Roll No. 40]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (NE)
Becerra
Bilbray
Blagojevich
Capps
Cox
Delahunt
Fattah
Frost
John
Kaptur
Martinez
McCrery
Rangel
Reyes

□ 1043

Mr. CAMPBELL, Mr. TERRY, and Mrs. CUBIN changed their vote from "aye" to "no."

Ms. STABENOW and Mr. FRANK of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARRETT of Nebraska. Mr. Chairman, on rollcall No. 40, I was inadvertently detained. Had I been present, I would have voted "no."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. EMERSON) having assumed the chair, Mr. WELLER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to provide for education flexibility partnerships, pursuant to House Resolution 100, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Postponed suspension votes after this vote will all be five-minute votes.

The vote was taken by electronic device, and there were—ayes 330, noes 90, not voting 14, as follows:

[Roll No. 41]

AYES—330

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon

Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden

Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)

Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—90

Abercrombie
Ackerman
Barrett (WI)
Berman
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
Dingell
Dixon
Engel
Filner
Frank (MA)
Hastings (FL)
Hilliard
Hinchey
Holt
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaFalce
Lee
Levin
Lewis (GA)
Lowey
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Nadler
Neal

Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rivers
Roybal-Allard
Rush
Sanchez
Sawyer
Schakowsky
Scott
Serrano
Stark
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Woolsey

NOT VOTING—14

Becerra
Bilbray
Capps
Delahunt
Fattah

Frost
Hastings (WA)
John
Martinez
McCrery

Miller (FL)
Minge
Reyes
Smith (NJ)

□ 1104

Mrs. LOWEY and Mr. PALLONE changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Madam Speaker, on rollcall No. 41, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. MINGE. Madam Speaker, during rollcall vote No. 41, on passage of the Educational Partnership Flexibility Act, H.R. 800, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Madam Speaker, earlier today I was inadvertently detained away from the floor during the vote on final passage of H.R. 800. This was my only opportunity to question Attorney General Janet Reno about a heinous murder which occurred in my congressional district. The suspect fled to Mexico, and 15 months later we are still awaiting extradition of this suspect to the United States. Had I been present I would have voted "aye."

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 800, the Education Flexibility Partnership Act of 1999.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. GOODLING. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 800, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the remaining motions to suspend the rules on which further proceedings were postponed on Tuesday, March 9, 1999, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 808, by the yeas and nays;

H. Res. 32, by the yeas and nays;

H. Con. Res. 28, by the yeas and nays.

These will all be 5-minute votes.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 808, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 808, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

[Roll No. 42]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter

Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)

Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble

Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—14

Becerra
Bilbray
Capps
Cox
Delahunt
Fattah
Ford
Frost
Hilleary
Jefferson
John
McCrery
Reyes
Weiner

□ 1113

Mrs. MEEK of Florida changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted."

A motion to reconsider was laid on the table.

Stated for:

Mr. WEINER. Madam Speaker, on rollcall No. 42, had I been present, I would have voted "yea."

□ 1115

EXPRESSING SUPPORT FOR FREE, FAIR, AND TRANSPARENT ELECTIONS IN INDONESIA

The SPEAKER pro tempore (Mrs. EMERSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 32.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 32, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 6, not voting 14, as follows:

[Roll No. 43]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman

Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—6

Bonilla
Chenoweth
Cooksey
Jones (NC)
Paul
Pombo

NOT VOTING—14

Becerra
Bilbray
Capps
Delahunt
Ford
Frost
John
Lampson
McCrery
Rangel
Reyes
Watts (OK)
Weiner
Wu

□ 1120

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WEINER. Madam Speaker, on rollcall No. 43, had I been present, I would have voted "yea."

Mr. WU. Madam Speaker, during rollcall vote No. 43, on H. Res. 32, I was unavoidably detained. Had I been present, I would have voted "yes."

SENSE OF CONGRESS URGING CRITICISM OF PEOPLE'S REPUBLIC OF CHINA FOR HUMAN RIGHTS ABUSES IN CHINA AND TIBET AT ANNUAL MEETING OF UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 28, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 28, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 44]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Becerra
Bilbray
Capps
Chambliss
Delahunt
Frost
John
McCrery
Pickett
Reyes
Stabenow
Waxman

□ 1130

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. STABENOW. Mr. Speaker, during rollcall vote No. 44 on H. Con. Res. 28, I was unavoidably detained. Had I been present, I would have voted "yea."

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 103

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement. The first reading of the concurrent resolution shall be dispensed with. General debate shall be confined to the concurrent resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment to the concurrent resolution shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the concurrent resolution for amendment the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL). During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield such time as he may consume to the distinguished Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I rise in support of this rule. I would like to address the House for a few moments on the issue we are preparing to consider, the possible deployment of U.S. troops to Kosovo.

The President has made it clear that he is committed to sending approximately 4,000 U.S. troops to Kosovo as part of a NATO force intended to keep the peace. I am convinced that the President firmly believes the presence of U.S. troops in Kosovo is essential to maintaining peace in this troubled area. Like every American, I hope the Serbs and the Kosovars are able to achieve a peaceful resolution to their dispute. We all pray for that outcome. Kosovo is a great human tragedy, fanned by injustice and unexplained hatred.

As a Member of this great body and now as your Speaker, I have never wavered in my belief and trust in this institution. Some have argued that we should not have this debate today, that we should just leave it to the President. Some have even suggested that taking part and talking about this could damage the peace process. I disagree. No one should fear the free expression of ideas, the frank exchange of opinions in a representative democracy. Two weeks ago, the German Bundestag held an extensive debate and voted on whether or not Germany should deploy over 5,000 German troops in Kosovo. The British Parliament has also discussed the deployment of British troops in Kosovo. I do not believe that any harm has been done to the peace process by the workings of these two great democracies. In fact, one message which should come from this debate and those held in the parliaments of our allies is that a free people can disagree without violence and bloodshed.

On this important subject, I have tried to be direct and honest. I have spoken with the President and with his Secretary of State. I told them that I believed it was my duty as Speaker to ensure that Members of the House of Representatives, Republicans and Democrats, have the opportunity to fairly and openly debate the important issue before troops are sent into a potentially dangerous situation. I believe Congress must have a meaningful role in this decision, no matter how difficult our choice nor how hard our task.

I have been equally honest in telling the President that I personally have reservations regarding the wisdom of deploying the additional U.S. troops to the former Yugoslavia, but I have not made up my mind and I will listen intently and closely to this debate. I hope that each of you will do the same, because it is our heavy responsibility and high honor to represent the men and women who are being asked by the President to go into harm's way. Each of us must be prepared to answer to their families and loved ones. I am deeply convinced that we owe them today's debate, for under our Constitution we share this burden with our President.

Our debate today will enable each of us to carry out our responsibilities in a fair and thoughtful way. The gentleman from New York (Mr. GILMAN), at my request, has offered without prejudice this resolution stating the President's position, that troops be deployed. I urge the adoption of this open rule that allows every Member of this House to have a say and to amend this resolution. We have set in place a fair and open process. We are here to discuss sensitive issues of policy and not personality. And let me repeat, we are here today to discuss policy and not personality. I know it does not need to be said, but I urge all Members to treat this issue with the seriousness that it deserves. We have a solemn duty to perform. And let us do it with the dignity that brings credit to this great House.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 103 is a modified open rule providing for the consideration, as the Speaker of the House has just explained, of House Concurrent Resolution 42, the Peacekeeping Operations in Kosovo Resolution.

The purpose of the resolution is to authorize the President to deploy United States armed forces to Kosovo and just as importantly it makes possible congressional discussion of this very complex situation.

The rule provides for 2 hours of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations. It is the intention of the rule that the managers of general debate yield time fairly to Republican and Democratic proponents and opponents of the concurrent resolution.

Further, the bill provides that the concurrent resolution shall be considered as read and makes in order only those amendments preprinted in the CONGRESSIONAL RECORD, to be offered only by the Member who caused the amendment to be printed, or his designee, and each amendment shall be considered as read.

In addition, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on votes following a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 103 is a fair framework to provide a forum to debate the issues surrounding the possible deployment of U.S. troops for participation in a NATO peacekeeping force in Kosovo. Any Member can offer any germane amendment to this resolution providing the amendment was preprinted in the CONGRESSIONAL RECORD prior to its consideration. The gentleman from California (Mr. DREIER) made this announcement on Monday, March 8, on the House floor, as well as through a Dear Colleague letter to Members.

It has been well known, including in fact through constant press reports, that the House would be debating this difficult issue this week. In spite of the snowstorm we had on Tuesday, Members have known for weeks that we would be taking up this issue prior to the March 15 peace talks in France, the deadline. Were it not for this fair rule, if, for example, we had brought H. Con. Res. 42 to the floor under suspension of the rules, it would be nonamendable and would be allowed only 40 minutes of debate. Therefore, I think it is very important that Members support this rule, regardless of their position on deployment or nondeployment of troops, because Congress has every right to be debating this resolution today and this rule provides a fair way to do so.

Some Members as well as other foreign policy experts have questioned the timing of this debate while peace negotiations have not been concluded. But if Congress is to deliberate these serious issues prior to the possible deployment of U.S. troops, now is the time. March 15, the proposed deadline for a peace agreement for Kosovo, is this Monday, and U.S. troops could be on their way to Kosovo Monday night if agreement is reached.

As the gentleman from Florida (Mr. GOSS) stated at the Committee on Rules during our markup, there is no perfect time for this. At least two of the Members of the six-nation contact group on Kosovo, Germany and Great Britain, as the Speaker of the House just made reference, have debated in their parliaments this precise issue this past month. Now is indeed an appropriate time for the United States House of Representatives as the sovereign representative body of the American people to take up the issue of possible deployment of our troops to join a NATO force.

The situation in Kosovo is indeed precarious. It has now been over a year since fighting broke out between the Albanian rebels and the Serbian forces in Kosovo and in spite of an October 1998 cease-fire agreement, hostilities have continued.

□ 1145

March 15 is the current deadline for negotiations to be completed on a peace agreement. What is at issue is the expansion of the U.S. role in Kosovo and whether U.S. troops should be deployed to participate in a NATO peace mission should a peace agreement be reached.

Historically it is well known that the Balkans have been a tinder box for regional wars, and we must not forget that World War I began in that part of the world.

In 1995, as a member of the Committee on Rules, I brought to the floor the Bosnia-Herzegovina Self-defense Act to end the arms embargo on Bosnia. That embargo was morally wrong, and I believe that it was legally questionable as well from the very beginning. While not contiguous with Bosnia, where U.S. troops are currently deployed, the dangers of a spill-over effect and renewed violence in the region have been realized in the Serbian province of Kosovo. I am extremely concerned by the genocidal attacks on civilians in Kosovo. As a British statesman said while debating the situation in the Balkans:

No language can describe adequately the condition of that large portion of the Balkan peninsula, Serbia, Bosnia, Herzegovina and the other provinces, political intrigues, constant rivalries, a total absence of public spirit, hatred of all races, animosities of rival religions and an absence of any controlling power, nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.

That statement was made by Prime Minister Benjamin Disraeli in October 1878. Unfortunately his words still ring true today.

In summary, the Congress, Mr. Speaker, has every right to debate whether we should put U.S. troops in harm's way before they are sent. That is the reason for today's debate.

I urge my colleagues to support this fair rule so that the House will have the opportunity to debate this very critical issue regarding the possible deployment of our troops to Kosovo. I would urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time. This is a modified open rule. It will allow for consideration of House Concurrent Resolution 42 which, as my colleagues have heard, is a resolution authorizing the President to deploy United States troops to Kosovo. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. Under this rule, only amendments which have been preprinted in the CONGRESSIONAL RECORD will be in order.

The Committee on Rules has crafted a rule which at another time would be acceptable. However I believe that the Kosovo resolution should not be brought up at this time. Therefore I will oppose the previous question so that the rule can be amended.

For most Americans Kosovo and Serbia are only distant points on the globe, but that is not so for the community of Dayton, Ohio, the community which I represent, because it was my community of Dayton that hosted the peace talks in 1995 that led to the fragile peace that we are trying to preserve. Today there is continued unrest between the Serbians and the Albanians in Kosovo. The conflict has already left more than a thousand civilians dead and as many as 400,000 homeless. If left unchecked, the turmoil could lead to a broader war in Europe.

However there is hope. Sensitive peace talks are taking place in the region. Through the efforts of Bob Dole the Albanians appear to be ready to sign a peace agreement. The United States and its allies continue to press the parties to restore peace to the region.

My concern with this resolution is not whether Congress has the right to authorize the commitment of U.S. troops; we have that right. My concern with this resolution is whether it is in our national interest to take it up today in the middle of the peace talks that appear to be succeeding.

Yesterday at the hearing of the Committee on Rules the gentleman from Connecticut (Mr. GEJDENSON), who is the ranking Democratic member of the House Committee on International Relations warned against bringing this resolution to the House floor today. He testified that it seriously undermines the prospects for reaching peace in the region and could lead to more warfare.

Secretary of State Madeleine Albright sounded a similar note of alarm. Yesterday she testified before the Subcommittee on Commerce, Justice, State, and Judiciary that this vote will be taken as a green light for the warring parties to continue fighting.

During the Committee on Rules consideration the gentleman from Massachusetts (Mr. MOAKLEY), the ranking Democratic member, offered an amendment to the rule postponing consideration of the resolution until the end of the current peace negotiations, and that amendment was defeated on a straight party line vote. Mr. MOAKLEY also offered an amendment to the rule making in order a floor amendment by the gentleman from Connecticut (Mr. GEJDENSON) supporting the peace process and authorizing the deployment of troops if a fair and just peace agreement is reached. The amendment was also defeated on a straight party line vote.

Perhaps when the time comes under the right conditions Congress should support the deployment of troops to Kosovo, and perhaps when the time comes Congress should oppose the move. But the time is not today.

We in Dayton, Ohio, know about peace negotiations in Kosovo and Serbia. We know how sensitive they can be. We also know how important they can be because for a brief moment the negotiations of the 1995 accord lived in my community. Let us let the administration negotiate a peace without Congress sending the wrong signal, and we should not bring up the resolution today.

If the previous question is defeated, I will offer an amendment to the rule which will permit the Kosovo resolution to come up only after the two parties have signed the agreement on the status of Kosovo. The delay is necessary to ensure that the actions of the House do not interfere with the peace negotiations in Kosovo.

Before concluding, I want to express my appreciation to the gentleman from California (Mr. DREIER) and to the Republicans on the Committee on Rules for keeping this a relatively unrestricted rule and for permitting the motion to recommit. I am heartened by the bipartisan spirit in which the gentleman from California (Mr. DREIER) approached this rule, and I believe this sends a positive signal at the beginning of this Congress. Our differences are not in the crafting of the rule, only in the timing.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS), a member of the Committee on Rules and chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Mr. Speaker, today the House will debate whether to send U.S. troops to Kosovo, an issue that may seem to have little relevance to the lives of many Americans in this time of very blue skies in this country which we are fortunate to enjoy. But appearances aside, the decisions we make about Kosovo will affect the course of the United States and our allies in the world over the next several years.

This matters. It is a critically important debate, and I urge Members to give it their most thoughtful attention.

Some may question whether this is the right time for a congressional debate, as we have already heard, about sending U.S. troops to Kosovo. Once an agreement is reached, the Clinton administration has announced that it will deploy troops forthwith to begin enforcement of the agreement. So when is the right time to debate the issue? The answer is before our men and women in uniform are placed in harm's way.

I am concerned that the administration tends to place U.S. troops into a dangerous situation where they are unwelcomed by both parties and do not have clear marching orders. Serbian President Milosevic, an unsavory strong man in my view, refuses to accept the presence of foreign troops on Serbian soil, and the Kosovar rebels on their part refuse to give up their ultimate goal of independence from Serbia. Of even greater concern is the possibility that the NATO mission may have the unintended consequence of destabilizing the region by encouraging separatism in neighboring areas, a situation we are already familiar with.

Mr. Speaker, there is no question that the humanitarian crisis in Kosovo cries out for international attention and assistance. But the real question is: How should the United States of America respond? Is the answer always the commission of U.S. forces no matter what? Listening to the Clinton administration, we would think, that bombing and deployment of troops is the only solution available to us.

I am also concerned about the implications of the administration's Kosovo plans on the future of NATO. For several years NATO has been grappling with its role in the post cold war period. The administration's headlong rush to support deployment of NATO troops outside the treaty area risks damage to the delicate consensus that underlies the alliance.

In April at NATO's 50th anniversary to be celebrated here in Washington the Alliance will announce its new strategic concept for the direction and mission of NATO. Will this document explain why NATO must intervene in Kosovo, an area outside the treaty boundary, but not intervene in an area, say, in Africa where there is genocide and a civil war going where human suffering is just as great.

Mr. Speaker, when President Clinton first proposed sending U.S. troops to Kosovo, he laid out the following criteria: a strong and effective peace agreement with full participation by both parties, a permissive security environment, including the disarmament of the Kosovar power militaries and a well-defined NATO mission with a clear exit strategy. These criteria are a good starting point for the congressional consideration.

Later today I or others may offer amendments to this resolution to ensure that these criteria and other equally important ones are met before U.S. troops are sent to Kosovo.

Before I vote to support sending our men and women in uniform to Kosovo, people in my district want to know the exit strategy as well as the entry strategy. They want to know how this fits into our national interest, and they want to know the costs. These are basic questions that we in Congress should raise so that the American people are fully informed. Getting answers from the administration is part of our job description, especially when the use of our men and women in uniform is involved.

This rule provides for full debate. I urge its support.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time, and again I rise to say that the timing of this resolution could not be worse, not the fact that we are debating it. I think the fact that they have allowed a debate and under a generally open rule is a positive sign, as my friend from Ohio has stated. But having this debate and having this vote in the midst of negotiations makes little sense and, in fact, undermines those negotiations.

Mr. Speaker, I think it is important for us to review where we have been in the Balkans. In Bosnia tens of thousands of people lost their lives, thousands of women were raped, hundreds of thousands of people displaced from their home before we had the courage to finally say no, and within the past year in Kosovo we have had 2000 people killed, we have had 400,000 people displaced in Slobodan Milosevic's genocidal campaign of violence and human rights abuses against the 2 million ethnic Albanians.

Mr. Speaker, this is not the time to have this resolution on the floor of the House. On the 15th of January, at Racak, Serbian special police shot at least 15 ethnic Albanians including elderly people and children. Human Rights Watch has evidence suggesting that the Serbians had, and I quote, "direct orders to kill village inhabitants over the age of 15." In Rogovo, just 2 weeks later Serbian police raided a farming village and executed 25 people.

This has gone on for a year, it has gone on for more than a year, but within the last year we have seen these numbers rise to 2,000 people.

Why would Milosevic do anything but stall, not agree to a peace agreement, if the United States Congress says in a vote later today, if this rule passes, that we, in fact, will not deploy troops? We will be giving him a green light, and we will be seeing more Racaks, we will be seeing more slaughters as we saw in Rogovo, and we will be in an unvirtuous circle of islands in which we undoubtedly will have to revisit again on this House floor.

Just today, while Richard Holbrooke was talking with Milosevic yesterday, violence continued, and there is a picture in the New York Times showing the deaths of people in the village of Ivaja in Kosovo.

□ 1200

This slaughter must stop, and the way to stop it is to stop this resolution from coming to the floor of the House, and we can do that by voting against the rule. Arthur Vandenberg once said that politics should stop at the water's edge when it comes to foreign policy. Bob Dole asked us not to do this yesterday. Let us not do this. Let us stop here. Vote no on this rule. Then we can have a good debate on this issue when the issue comes before us when an agreement occurs in this troubled land.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding.

Mr. Speaker, I rise in support of H. Res. 103, the rule providing for consideration of the resolution regarding peacekeeping operations in Kosovo. This rule ensures a free and open debate and provides Members the opportunity to have their voices heard on this very important matter involving the lives of our troops.

The modified open rule passed the House Committee on Rules and it did not provide any preferential waivers. It allows for all germane amendments and complies with the request of the gentleman from Connecticut (Mr. GEJDENSON), who requested that all amendments be preprinted in the CONGRESSIONAL RECORD.

The passage of this rule will, I admit, lead to a wide open discussion on a very public issue, with the prospect of counter argument and earnest debate. I welcome that debate and I expect it to be an extraordinary exchange of ideas and opinions.

I will be honest in stating that I have grave reservations about the deployment of American troops in Kosovo, but I also do not see anything wrong with giving Members the opportunity to listen closely to the arguments on each side of the debate.

Our allies, Great Britain and Germany, have deliberated and engaged in this debate already, and that leads us to the question underlying the rule we are discussing today: Should the United States House of Representatives have the opportunity to participate in the decision to deploy our troops in Kosovo and debate it today?

My personal view is that it would be better if we did not. I would prefer that this resolution inform the President that we are unwilling to fund his adventurism without clear rules of engagement, exit strategies, specific goals and a budget. We have a constitutional responsibility to participate in decisions putting our troops in harm's way. I do believe that would better be the question before us.

Having said that, I urge Members to support the fair rule that will initiate a full and open debate regarding the deployment of young Americans' lives in a dangerous foreign land.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), who is the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding to me.

Mr. Speaker, I speak against the rule. I will vote against the rule. I am deeply concerned that taking this matter up now in the midst of negotiations between the opposing parties, the Kosovars and Milosevic's people, will cause great harm and great damage to the negotiating process.

Should what we do today cause there to be no agreement, we would have lost, Europe would have lost and there will be continued bloodshed and anguish in Kosovo. I think it is wrong to take this up now. It is untimely. It is improper to do so.

Secondly, as it was mentioned by my friend, the gentleman from Ohio (Mr. HALL), I am the ranking member on the Committee on Armed Services. This deals with the military of the United States of America.

We in our committee should have had the opportunity to have had a hearing to find out what troops, under what conditions and if there is a possibility of saving some other deployments because we are short on troops today. These are questions that we in our committee should have had the opportunity to ask, a full and fair hearing in the Committee on Armed Services, which we did not have.

Thirdly, I would like to mention that I also have an amendment, should this rule carry, which I hope in all sincerity it does not. I will have an amendment that requires that there be an agreement between the parties before any American troops are allowed to go into Kosovo. That is the bottom line. Right now, bringing up this resolution is improper and uncalled for because it could very well change the agreement, cause there not to be an agreement and cause confusion in that part of the Balkans.

I wish that everyone could have been with me to witness the four-starred German general who is the second in command at NATO a few weeks ago when I asked him why is it important that America be involved in Europe and in NATO?

His answer was a full and complete one, which said it is important that America be there. I think that if America should be there, we should have the opportunity to do it the right way, the right time and under the right resolution and the right vote.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding.

Mr. Speaker, I usually vote consistently in favor of rules, and I may vote for this rule, but I am opposed to our dispatching troops to Kosovo, not unlike my friend, the gentleman from Missouri (Mr. SKELTON) who just spoke.

I recall Bosnia. The President told us our troops would be back home, I believe, by December 1996. Well, when I last checked, December 1996 has come and long gone and our troops are still there. I was uneasy about it because I could not grasp the importance of our national security vis-a-vis Bosnia. Now Kosovo is on the screen and, unlike Bosnia, as best I remember it, I do not think we have even been invited to come to Kosovo.

Given these two situations, I don't mean to portray myself as an isolationist but to suggest that Bosnia and Kosovo are European problems that should be resolved by Europeans hardly constitutes isolationism. It is isolationism light at its best, if that.

I just believe that we do not need to insert our oars into those waters, and I don't mean to come across as uncaring or indifferent to the problems plaguing Europe, but doggone it, it is indeed a European problem.

Let our European friends handle it unless it becomes a situation that causes United States national security to be exposed.

Now, absent that, Mr. Speaker, and my colleagues on both sides, I think we need to go about our business here. Let our friends across the water, as my late grandma used to say, let them resolve those problems.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ)

Mr. ORTIZ. Mr. Speaker, I rise today as a member of the House Committee on Armed Services to oppose the rule allowing the House to consider House Resolution 42 regarding Kosovo.

I want to say this in the strongest possible terms, considering this vote today is so ill-timed as to adversely affect the peace negotiations ongoing in the Balkans. It has taken us so long to build the coalition that we have been able to build in that part of the world, and we understand this. This Congress says they have the obligation to ensure that the diplomats in the region exhaust all possible means in their negotiations.

Like the gentleman from Missouri (Mr. SKELTON), I wish that we had been able to debate this issue in the committee before it came to the House floor to see what the needs are, how many troops, the equipment. So I think that it has all been done in good faith but it is ill-timed.

We also have a unique responsibility in this situation, as we do in most global spots. We are the world's only remaining superpower. We have more and better military might than any other country in the world. If we are indeed the only remaining superpower, then that status brings certain obligations and responsibilities. This is why I say, let us discuss it further.

I just got back from Bosnia 4 days ago. The morale of our troops is high and, not only that, they believe in the mission that they are conducting in that part of the world. They said for the first time we have seen young children play in the parks, play in the streets, go to school. So please help us defeat this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this is exactly the time to have this discussion, exactly the time. It may not be the time for negotiators and bean counters but it is for our troops.

I remember Somalia, where the President did not come to Congress when he changed going after Aideed, and we lost 22 rangers because they failed to give armor which the military wanted; or Haiti, that we are today spending $25 million a year in building schools and roads out of the defense budget.

Kosovo is like any of the United States is to Greater Serbia. It is not a separate entity. It is the birthplace of the Orthodox Catholic religion. It is their home. It was occupied by 100 percent Serbs, and the Turks and the Nazis eliminated and desecrated and ethnically cleansed Jews, Gypsies and Serbs and now the population is Albanian.

Albania does not want just Kosovo. They want part of Greece. They want Montenegro. This is only a beginning.

Listen to George Tenet's brief. Bin Laden is working with the KLA, the terrorists, that is going to hit the United States. If we do not want to stop this, then do not talk about it, but if we go in there, we are going to lose a great number of people. For what? They have been fighting for 400 years.

This debate is well timed. Maybe not for my colleagues on the other side but for the kids that have to put those backpacks on and carry rifles. It is the time to stop this.

Take a look at the number of military deployments. It was 300 percent during the height of Vietnam. We are killing our military as it is, and we have one-half the force to do it. That is why they are bailing out. This is exactly the time, Mr. Speaker, and I reject the other side.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I strongly object to this rule which will provide for the House to debate the U.S. involvement in the Kosovo peace agreement. The reason I object to consideration of this issue at this time is that as of today, there is no peace agreement and the process leading to the arriving at a peace agreement is at a terribly tenuous, sensitive and delicate stage.

□ 1215

We have all read with horror about the atrocities committed in Kosovo. Innocent civilians, including little children, have been savagely and brutally murdered. For the sake of humanity and decency, we all want this butchery to end. It will require a peace agreement to end this killing. Our taking up the resolution now while the deliberations are still underway can only make it more difficult to resolve this.

Yesterday, former Majority Leader Bob Dole gave advice to the Committee on International Relations. He says, "We have 2 steps here. First, we get an agreement, then the President goes to the American people to explain it."

Mr. Speaker, I think we must follow Majority Leader Dole's advice. Defeat this rule and let the deliberations leading to peace be concluded.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman from Florida yielding me this time.

The preceding speaker talked about the tragedies that are going on. Mr. Speaker, those kinds of tragedies are going on throughout the entire world. This country cannot be the world's police officer. We do have international commitments, but before we exercise these commitments, we need to look at the precedents, what we have done in regards to these kinds of situations.

Number one, we have never gone into the sovereign territory of another country like this without being invited to settle a dispute within their boundaries. This is a very similar situation. If the State of Colorado that I am from got in a dispute with the State of Texas, would we invite the Turks or the Greeks or NATO to come in and resolve the dispute between Colorado and Texas?

There are atrocities occurring in Kosovo. It is a proper mission for humanitarian efforts. It is not a proper mission to intervene with American military troops that will be there on an indefinite basis. Do not kid ourselves. It is an indefinite basis.

Look at Cyprus, the United Nations. I just came from Cyprus. United Nations troops have never been able to make the peace there. They have been able to keep the peace because of the fact they have troops there. They have been there for 27 years. It is the same thing here. We are attempting as outsiders to intervene within the boundaries of a sovereign country to resolve a dispute that is based in large part on religion, in large part on nationality; a dispute of which we have very little historical knowledge; we certainly have very little historical experience, and we think by force and sending in troops we are going to make peace. We are not.

We are going to be able to keep the peace. As long as we have troops in Kosovo, we can keep peace. But we cannot, we do not have the capability to take hundreds of years of battle and hundreds of years of rock-solid feelings and force them into a peace agreement.

Finally, Mr. Speaker, let me wrap up by saying that some would suggest that this is not an appropriate time for delay. This is an appropriate time for delay before the troops go in. Do not debate after the troops are in; do it before the troops are in.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York, (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Mr. Speaker, I have spent as much time as anyone over these past 10 or 11 years dealing with the problem in Kosovo. I want to tell my colleagues as far as I am concerned this is a wrong rule and the wrong resolution at the wrong time, and it should be defeated. I have hardly seen anything more irresponsible, quite frankly, in my 10 plus years here than this resolution and this rule.

As far as I am concerned, this is an attempt to embarrass the President, this is mischief-making at its worst, and it undermines American foreign policy, it undermines the negotiations going on. I returned from Rambouillet 3 weeks ago, and I can tell my colleagues that if we pass this rule and the resolution offered by the gentleman from New York (Mr. GILMAN) goes down to defeat, as I suspect it will, this will destroy the negotiations and destroy the peace process, and we will be responsible for that.

The Speaker of the House, the gentleman from Illinois (Mr. HASTERT) came and said that this was an open process, and I think he was a bit disingenuous, quite frankly. He says that he wants to meet Democrats halfway. We have not seen that meeting us halfway on committee ratios, we have not seen it on funding, and now the Democrats are pleading, the administration is pleading and saying please postpone this vote until there is an agreement, and we cannot even get a postponement on the vote.

Senator Dole was quite eloquent yesterday. He said, quite simply, first we get an agreement and then we go before Congress to ratify the agreement. We do not do it the other way around. Senator Dole has also spent more time than anybody in terms of Kosovo, and he thinks this will be very damaging. Everybody that has worked in this process thinks it will be very, very damaging.

There is no reason to do this kind of thing now, except to embarrass the President politically and undermine U.S. foreign policy. This is absolutely irresponsible. It will damage the peace process.

Let me remind my colleagues that foreign policy should be bipartisan. I was one of those Democrats that voted with President Bush and supported him in the Persian Gulf War when he asked for bipartisanship. Now that the shoe is on the other foot, we get very little of it from the other side. All I know is that in Kosovo there is genocide, ethnic cleansing and killing, and it needs to stop, and if the United States Congress votes against sending troops to

Kosovo, Slobodan Milosevic, the butcher of Kosovo, will laugh and laugh and laugh, because we will have given him cover.

The Albanians, who have agreed to the agreement will back off, because without strong American participation they will not have the fortitude; they only trust the United States of America. We have seen time and time again, we saw it in Bosnia, 200,000 people were ethnically cleansed, and until the United States grabbed the bull by the horns and showed the leadership in NATO, people were being killed and genocide was happening again on the face of Europe. And when the United States grabbed the bull by the horns, only then did it stop, and it is the same situation here. It is disingenuous of my colleagues to say they want the killing to stop, but they do not want to support American troops as part of NATO on the ground.

Without our participation, the killing will continue and the ethnic cleansing will continue.

Defeat this rule. It is nothing more than mischief making and it does not do this Congress good service at all.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I feel obliged to reject the allegation that Congress would be responsible for atrocities based on the fact that we are bringing forth this resolution as a sovereign representative body of the American people. I am unaccustomed to citing, to quoting The Washington Post, Mr. Speaker, but I feel at this time that I must.

The Washington Post editorial today says, "It is a bad time for Congress to debate whether the United States should send troops to help police any peace reached in Kosovo. But there is no better time left, and Congress has good reason to proceed."

The Washington Post continues by saying, "The President ought to be asking forthrightly for congressional approval, not trying to evade a congressional judgment on his policy in Kosovo."

So with all respect, I tell my colleagues that it is not fair, based on a policy disagreement, which is genuine and which is most appropriate to say that we would be responsible for atrocities or horrors that are based on unexplainable and historical reasons in that part of the world.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in support of the rule, H. Con. Res. 42, authorizing deployment of our U.S. armed forces in Kosovo. It provides for a clear general debate, and then opens this measure up to amendments from any member, as long as these amendments were preprinted in the RECORD.

I understand that some 53 amendments have been filed and some are duplicates and I expect the debate will focus on authorizing the deployment, requiring reports, praising the negotiations, praising our troops, or prohibiting the deployment. This debate will fulfill our historic constitutional and legal mandate given by our Founding Fathers to put the war powers in the hands of the Congress, not the President.

We have called for this because as I understand it, the President does not want us to vote prior to the conclusions of the ongoing Kosovo negotiations, and will deploy troops within 48 hours of the agreement, as he has indicated that he will deploy some 4,000 troops to support the agreement. And if we were to vote subsequent to deployment, we would risk undercutting our troops in the field.

According to the Secretary of State, the people's elected representatives should not vote before deployment and to avoid undercutting the troops, we should not vote after deployment. That must not be so. The elected representatives of the people must vote on this risky mission.

From some of the past conflicts up to and including Desert Storm, Congress has voted on deployment of our troops and when we did so, we strengthened our Nation's resolve and our diplomacy.

I believe we must have this vote to require the President to clarify our mission and to bring the American people into the debate that could put our uniformed personnel in harm's way.

I want to state that I support this resolution. I support the deployment of troops to Kosovo, provided they enter Kosovo in a permissive environment and with agreed-on conditions of the contact group. With such conditions, I would support our President's commitment to guaranteeing peace in Kosovo.

To quote the editorial that was just cited by our good colleague from Florida, the editorial in today's Washington Post entitled "Bring Congress In," and I quote, "It takes a bold decision for Bill Clinton to bring Congress in as a partner this Kosovo, and he should not shy away from it."

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON), who is the ranking minority member on the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, first let us get straight where we are. There is no constitutional requirement that the United States Congress take action prior to the President putting troops into a peacekeeping situation. This is not initiating a war; this is not moving troops in an area where we anticipate war. These are peacekeeping operations, and we have troops all over the world in peacekeeping operations without having gotten prior congressional approval.

Let us also get rid of some of the arguments that we have heard here on the floor that we are going to let the Europeans take care of that. That was tried. The previous administration waited for Europe to respond to the crisis in Yugoslavia. Mr. Speaker, 200,000 people murdered, raped, killed in their homes, in open fields, maybe not reaching the numbers of other mass murders in this century, but certainly enough that the American people felt that we could no longer wait, and this President led our effort to end that slaughter.

Burden sharing. We have never had an action where the United States is to play such a small role in the number of people on the ground; that in every other action, American forces were there in larger number and in this case the Europeans are, for the first time in my memory, accepting a larger responsibility. When we look at the statements, not just of Ambassador Kirkpatrick and Senator Dole who are clearly in favor of the President's policy, and in particular Senator Dole deserves great praise for his actions, his efforts, going to the region and the work he has done. But even Secretary Kissinger, who has written in opposition to the policy, was very hesitant to suggest that anybody should interpret from his article that they should vote against this resolution.

☐ 1230

What is the right thing to do? The right thing to do, as Senator Dole said, is first have an agreement and then have a vote. Because if we do not do it that way, as again Senator Dole said, if we have the vote first and we fail to pass it, we will probably not have an agreement.

It is an awfully hard place to get an agreement in the first place. Without all the support from Congress, with the unanimity of the American people, expressed by 435 Members of this House voting in favor of the President's actions, it will be exceedingly difficult to achieve a goal of peace in that area.

But with the actions that we take today, even if we pass it, but with a small number, it will encourage Milosevic and others who object to the peace process, who want to see battle continue, and who care not for the lives on the ground.

I do hope this is a sincere effort where we differ. I sure hope that we do not see a unified rejection of the negotiations that are going on today because it is a Democratic President. Speaker Foley, when he sat in this House, held up the vote on the Persian Gulf for months at the request of the President of the United States, George

Bush. He waited until the troops were there and ready, and then, with agreement from the administration, held a vote.

We are asked to vote before there is an agreement, before there is a conclusion. Support the Committee on Rules' proposal to send this back and bring it back to the floor when there is actually something to vote on.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LANTOS), who is also a very distinguished member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, I have the highest regard for all of my colleagues on the other side of the Chamber, and of course, I recognize, as we all must, that this is not a partisan issue.

When President Bush asked this body to support him with respect to the Persian Gulf, I was one of those Democrats who proudly and publicly supported him. I want to pay tribute to Senator Dole for his courageous public statements and actions supporting the policy that we support.

It is self-evident that this is the wrong time to deal with this issue. There may be no agreement for us to implement. But if we vote now, the likelihood of an agreement diminishes.

How many innocent children and women have to be killed in the former Yugoslavia for us to talk about genocide? Had we acted in 1991, a quarter million innocent people who are now dead would be here, and 2½ million refugees would still be living in their homes.

I know the difference between the Persian Gulf and Kosovo. Kosovo has no oil. That is the principle that is invoked here, under the table. Clearly we are not protecting our oil resources in Kosovo, as we did in the Persian Gulf.

This ought not to be a partisan dispute. We are undermining NATO, that succeeded in destroying the mighty Soviet Union, if we as the leader of NATO bail out on our international responsibilities.

If we listen closely, we hear the voices of isolationism reverberating in this Chamber. It is mindboggling. As we close this century, the lesson of it is that appeasement does not pay, that aggression must be resisted. I ask my colleagues to reject this rule, and to have this debate after an agreement will have been reached.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I was in Bosnia 4 years ago as cochair of a House delegation, and there were three clear lessons from that trip.

Number one, there is a U.S. national interest in preventing an outbreak of major conflagration in the Balkans. We should not be the world's policeman, true. We also should not be asleep at the switch. Whether we like it or not, the Balkans is an important crossroads.

Secondly, Mr. Milosevic is a major roadblock to peace, and understands only firmness, total firmness.

Third, the U.S. has a special credibility there. We have a special credibility, and we need to use it to help bring about peace and to help enforce it.

The question now is not whether we are going to go to war, but whether we can negotiate a peace. I urge Members on the majority side to listen to their standardbearer of 1996, Robert Dole, who said just yesterday, I would rather have the vote come after the agreement. Mr. Dole, to his credit, knows the importance of bipartisanship in foreign policy.

I close with this. This is a particularly sensitive time in the negotiations for peace in Kosovo. This is not the time to take risks in undermining those efforts. Those who insist on a debate at this particular moment should think again, or they bear the responsibility for the possible consequences of their actions.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK), a distinguished member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I do rise today in support of this rule, because it provides a fair and open debate, as should be the case with such an important matter. But that said, I strongly oppose the commitment of U.S. troops to Kosovo unless we are going to go in and solve the problem.

I do not believe the United States can be the parent or the policeman of the world, and the fighting there and in the rest of the Balkans is primarily a European matter and should remain a European matter, and they should be involved in taking the lead in this.

I believe wholeheartedly in maintaining a strong national defense, and I will always support our men and women in uniform. In fact, it is because of my commitment to the troops and not despite of it that I oppose this deployment of the troops to Kosovo.

To put it simply, our forces are stretched too thin around the globe to commit 4,000 or 5,000 troops in an effort whose end is nowhere in sight. When we committed troops to Bosnia, we were told they would be home that fall; then, that Christmas. That was in 1996. Three years later, our troops are still in Bosnia.

I have tremendous confidence in America's Armed Forces, and have no doubt that given a properly defined mission with a clear objective and a sensible exit strategy, our forces would perform brilliantly. That, however, does not describe our presence in the former Yugoslavia.

I urge my colleagues to join me in supporting this rule and opposing House Concurrent Resolution 42.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to our leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I have always believed that Congress should be involved in decisions by our government to send our armed services into harm's way. I really believe it is best to first commit the people and then commit the troops.

However, I object strongly to the timing of this debate. We should not be debating this matter while our diplomats at this very moment are seeking to convince the parties to this conflict to lay down their weapons and choose the path of peace.

To conduct a divisive debate in Congress and perhaps fail to support our government's efforts is the height of irresponsibility, and threatens the hope for an agreement to halt the bloodshed and prevent the widening of this war.

We all know that we are at a very delicate moment in the Kosovo peace negotiations. In part due to the efforts of former Senate Majority Leader Bob Dole, the Kosovar Albanians are reportedly ready to sign an agreement, and our diplomats are right now continuing to convince Yugoslavia President Milosevic to agree, as well.

If we reject this legislation, the Kosovars may refuse to sign an agreement out of fear that U.S. leadership is wavering, and clearly, Milosevic will be emboldened to continue his rejection of a NATO force as part of any agreement. Either outcome will only lead to more violence, more bloodshed, which has engulfed this region over the past years.

This should not be about politics. It should not be about giving the administration a black eye. This is about ending a humanitarian catastrophe and preventing the slaughter of thousands of innocent people caught in a simmering ethnic conflict.

Lives are at stake here. Our actions today may determine whether the people of Kosovo have a chance for a peaceful future, or simply resume the killing that could destabilize the region and threaten United States interests. I thought until recently that the Republican leadership shared this view, and grieve that partisanship has no place in this debate.

When asked a few weeks ago about a House vote on Kosovo, the Speaker stated publicly, I think we need to make sure that the administration has the room to negotiate and get the job done in Rambouillet first. The fact that we are here today demonstrates that Republican leaders have chosen partisan politics over a united American effort to end the conflict. It seems that politics has infected foreign policy, and I think, if that has happened, with great harm to our credibility overseas.

Others will talk about the importance of U.S. leadership in the Balkans and Kosovo's significance for the future of NATO. I will simply reiterate to the Members what Bob Dole said yesterday in the Committee on International Relations. When asked about the timing of the vote, Senator Dole said, "I would rather have the vote come after the agreement between the Kosovar Albanians and Serbia."

When asked how Members should vote if this resolution is not postponed, Senator Dole said, we hope there will be strong bipartisan support. It is in our national interest to do this.

I regret that the leadership in Congress has forgotten our history and our background, and the importance of standing united as we attempt to resolve yet another international conflict. I urge all Members, Republican and Democratic alike, to vote against this rule, and defer this action that very well may provoke further bloodshed in the Balkans.

We can have this vote if there is a treaty. We can have this vote once there has been some kind of pulling together of a policy that we can look at and evaluate. This vote today is premature. It is wrong to have it today. The Members have it within their ability to put this vote off. I urge Members to vote against the previous question, vote against the rule, and let us bring up this vote when it is timely and appropriate.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will delay consideration of the Kosovo peacekeeping resolution until an agreement on the status of Kosovo has been signed between the Serbian government and the Kosovo Albanians.

There is potential for serious damage to the peace process if we insist on bringing this debate while negotiations are in midstream and are in a precarious state. We certainly would not want to do anything in this body which could have the effect of disrupting or even ending the prospect for peace in the Balkan region.

□ 1245

Mr. Speaker, I urge a no vote on the previous question.

I ask unanimous consent to insert the text of the amendment and extraneous materials at this point in the RECORD.

There was no objection.

PREVIOUS QUESTION FOR RULE ON H. CON. RES. 42 PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

On page 1, line 2, after "resolution" insert "and after an agreement between the Serbian Government and the Kosovar Albanians has been signed on the status of Kosovo".

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's "Precedents of the House of Representatives," (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership "Manual on the Legislative Process in the United States House of Representatives," (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's "Procedure in the U.S. House of Representatives," the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, I want to encourage Members on both sides of the aisle to support the motion of the gentleman from Ohio (Mr. HALL) to defeat the previous question and do so for the following two reasons: One, maybe the most important book written on the history of Kosovo and Bosnia in the last several years by Robert Kaplan is "Balkan Ghosts." Certainly the ghosts of this distinguished Chamber are rattling around as we play some politics with the timing of this resolution.

When it comes to foreign policy, it used to be that we did not play politics and go across the water's edge. Certainly when it comes to war, my very first vote in this Chamber, we had dignified and civil debate really that embodied the comity that this institution is capable of.

The timing of this resolution is very important. We should not do it before we see the peace agreement that is reached, if one is reached in this very volatile and delicate region of the world.

Secondly, Mr. Speaker, and I openly will criticize the administration for this, I do not know how I would vote next week or the week after on deploying troops. I think we should have answers to questions about how thinly our troops might be deployed, what the cost would be, what the exit strategy will be, how we are going to pay for this, what is the morale of the troops like and what state is that?

I do not think we should give carte blanche to the administration who simply announces to Congress that they are going to send 4,000 troops overseas whether Congress wants to or not.

So in terms of these two reasons, the politics of the timing today is not appropriate. Let us see if we can get a peace agreement; and then once we have it, let us debate it. Let us play our constitutional role in the United States Congress and have input, valuable input and debate on such a critically important matter for our Constitution, our country, and our Congress.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the accusations made by our distinguished colleagues on the other side of the aisle, especially the minority leader, have been most unfair, unfortunate, and must be rejected.

Partisanship has not played a role in this timing. The deadline for negotiations is Monday night. Our troops could be on their way to being deployed Monday night. If Congress is to have a voice on this issue, Congress must speak now, as even the Washington Post has recognized.

I personally will join the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in voting in favor of the authorization, in other words, the underlying concurrent resolution being brought forth by this rule.

So I would urge my colleagues to vote to support the previous question and to support the rule.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to speak on House Concurrent Resolution 42, a measure regarding the use of United States Armed Forces as part of a NATO peacekeeping operation to implement a peace agreement in Kosovo.

At the outset, Mr. Speaker, I would voice my objection on procedural grounds to the rule authorizing debate today of H. Con. Res. 42, a measure on which the Democrats had no input and the Administration has not been permitted to comment upon.

As we all know, Mr. Speaker, the fragile peace negotiations on Kosovo are being conducted by the six member Contact Group and international community as we speak. Because of the sensitivity of these on-going negotiations, this is the absolute worst time to hold a contentious debate on Kosovo in the House of Representatives. Mixed signals from the U.S. Congress concerning the U.S. role in Kosovo undercut the Administration's ability to forge a successful peace agreement between the warring factions in Kosovo.

Already the situation is being manipulated by Serb leader Slobodan Milosevic, whose belligerence has been encouraged by perceived ambivalence in Washington. No doubt this has played a role in recent setbacks to the peace process, as exemplified by Milosevic's emboldened insistence to U.S. Special Envoy Richard Holbrooke that any political agreement based upon his country's acceptance of foreign troops is unacceptable.

Mr. Speaker, I urge our colleagues to vote against the rule on H. Con. Res. 42. It is clearly irresponsible to hold a divisive Kosovo debate now in Congress that will, in all likelihood, materially damage prospects for a lasting peace agreement being reached in that war-torn province.

Having said that, Mr. Speaker, if a peace accord in Kosovo is negotiated, I would urge support for the President's authority to deploy U.S. troops to implement the peace agreement, as embodied in H. Con. Res. 42.

As the world's lone superpower, I believe the government of the United States has a moral obligation to do what we can to stop the senseless bloodshed in Kosovo. Already over 200,000 lives have been sacrificed in the region's violence and it must be stopped.

On a strategic level, it is important that the war in Kosovo not be allowed to escalate and spread, threatening the stability of surrounding Balkan states as well as that of NATO partners, Greece and Turkey. The United States has a strategic interest in preserving the peace and stability of all of Europe, including its southern flank.

Achieving these important objectives require that an international peacekeeping force be formed by NATO. As NATO's leader, I believe it appropriate and not an undue burden that the United States contribute 4,000 U.S. troops, only 14% of the total NATO deployment of 28,000 peacekeeping soldiers. History has shown repeatedly that if the United States does not participate and lead, NATO is ineffective and falls apart.

Mr. Speaker, whether we like it or not, America cannot afford to walk away from the genocide and instability festering in Kosovo. I urge our colleagues to support H. Con. Res. 42 and its urgent mission to bring peace to the long suffering people of Kosovo.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule allowing for the consideration of H. Con. Res. 42.

Mr. Speaker, the consideration of this bill comes at a most inopportune time. Timing is the key issue in this debate. As Negotiations to end the fighting in Kosovo are scheduled to resume next week this body has scheduled a debate as to the course of American policy in the region. In debating this resolution now we send the wrong message to friend and foe alike. In debating this issue now we send a message of indecisiveness and reluctance to fulfill our role as a peace partner in the region.

A decisive debate on this issue could undermine the talks at a critical juncture in the dialogue. Even former Senator Dole who supports a NATO ground presence, recognizes the bad timing of this resolution. On March 10, Senator Dole testified before the House International Relations Committee that he "would rather have the vote come after the agreement between the Albanians and Serbia."

Mr. Speaker, I will vote against the rule on H. Con. Res. 42 because this is the wrong time for the consideration of this legislation by the House at such a critical moment in the peace negotiations.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 203, not voting 12, as follows:

[Roll No. 45]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)

Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Becerra
Bilbray
Capps
Delahunt
Frost
Goodling
Gutknecht
John
Mollohan
Morella
Reyes
Saxton

□ 1308

Messrs. BISHOP, HOEFFEL and PAYNE changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 46]

AYES—218

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—15

Archer
Bartlett
Becerra
Bilbray
Capps
Delahunt
Frost
Goodling
Horn
Hunter
John
Mollohan
Morella
Reyes
Saxton

□ 1319

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was unavoidably detained for rollcall votes 45 and 46. Had I been present, I would have voted "yes" on both rollcall votes.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 103 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 42.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, with Mr. THORNBERRY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) will each control 1 hour.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to begin this historic debate on H. Con. Res. 42.

The purpose of this resolution, which I introduced at the Speaker's request, is to afford an opportunity for the House to participate in a decision whether or not to deploy our armed forces to Kosovo to implement the peace agreement now being negotiated at Rambouillet, France. The Congress has not only a right but a constitutional responsibility with respect to deployments of our armed forces into potentially hostile situations and, along with the Speaker, I believe that debating and voting on this resolution is an appropriate way for the Congress to begin to carry out this responsibility.

Some Members of Congress have serious reservations about deploying U.S. Armed Forces to Kosovo as peacekeepers. Others strongly support the President's policy. In an effort to give the benefit of the doubt to our President, the text of this resolution does not criticize or oppose the proposed deployment to Kosovo. To the contrary, it states that "the President is authorized to deploy United States armed forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement."

The Speaker has stressed that this resolution is being offered without prejudice to the underlying question. We expect Members to vote their conscience on the resolution, in the solemn exercise of their responsibility as elected representatives of the American people. No one can deny that the debate now under way in this House is one of the most weighty questions a Congress can face: sending into harm's way, on foreign soil, our uniformed personnel who volunteered to be part of our Nation's military.

The administration has asserted that it believes it has the authority to send U.S. troops to Kosovo to enforce a peace plan without congressional approval. There are many in the House who disagree. Regardless of where our individual Members may stand on the role of the Congress in the deployment of our armed forces on foreign soil to undertake risky missions, it is undeniable that the President's hand will be strengthened when he seeks and obtains the assent of the Congress.

There are two observations on this prospective deployment, and I stress that we are debating this issue before it is fully developed in order to have a meaningful debate. First, this resolution is an authorization if the conditions are appropriate, that is, if and only if, hostilities have ceased and if there is an agreement that has been accepted by both sides.

And, second, as Senator Bob Dole told our Committee on International Relations yesterday, "If we're not part of this agreement, there will not be an agreement." Senator Dole's point is that the Albanians of Kosovo believe that our Nation has to be present for them to accept the peace plan. We must recognize, also, the proportion of the burden that we will be accepting in sending our troops to Kosovo. Out of some 30,000 total troops that are expected to guarantee the peace, our share will be only 15 percent. The Europeans will be doing the rest, and I think it is a fair distribution if the United States wants to continue to be considered the leader in the NATO alliance.

I would also point out that today's debate is not the last we will have regarding the U.S. role in Kosovo. There will be ample opportunities as events unfold in Kosovo for Members to introduce, to debate and to vote on measures regarding what the U.S. is doing and not doing in Kosovo. We need, however, to start this debate today and to demonstrate that the Congress is involved, that it should be involved, and that it can be involved responsibly in foreign policy questions of this nature.

Mr. Chairman, in our committee's hearings yesterday, we were also privileged to have Ambassador Jeane Kirkpatrick provide some of her acumen on complex foreign policy questions such as Kosovo. Ambassador Kirkpatrick pointed out that there is a risk in not paying attention to violence because it may seem to be disorganized, or its proponents remote or poorly armed. Ambassador Kirkpatrick went on to state that "violence can spread, not like dominoes but like putty because we don't think that it is dangerous." This was the attitude of European nations when Hitler moved into the Rhineland. If the conditions are appropriate and there are no hostilities, I am inclined to support the deployment of our forces to Kosovo. I will vote for this measure in its present form in order to preserve human life. I am confident that this House over the next several hours will conduct a debate that will be remembered as one of the higher points of this 106th Congress, where our Members do the work that they have been entrusted to do by the American people. Accordingly, Mr. Chairman, I ask that each one of our colleagues follow the debate closely and vote their conscience on this measure.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume. As I said earlier, I do not think we should be here today. As a general practice, I think the Congress ought to execute its authority based on a concluded agreement, not taking action prior to having any understanding what the parameters of the agreement will be in that region or anywhere else. It would be akin to voting on treaties before they were drafted. If the leadership of this body were running the Senate, I imagine the next time we had a nuclear missile proliferation treaty or other arms control treaty, the Senate would either approve them or reject them before the ink was even on the page.

□ 1330

But we are here now, and we have taken this fateful step. The lives of men, women and children in the region will depend on the actions we take, and again I would like to briefly review a little history.

A previous administration said this was a European problem, let the Europeans solve it. Over 200,000 men, women and children died, entire villages were exterminated, a level of atrocity not seen since World War II or Cambodia occurred in the heart of Europe.

When the committee called in witnesses, they brought in the majority's best: Senator Dole, who deserves great credit for actually going to the region on behalf of the administration to try to argue for the peace plan. Senator Dole testified that if we fail to act today, it will be likely that we will fail to achieve peace. He wanted to put this vote off, but he said:

"If you have this vote, make sure you pass it, because if you do not pass it, you will undermine the possibility of peace in the region."

Ambassador Kirkpatrick said the same thing.

The only witness brought forth that day to argue the opposite proposition was former Secretary of State Henry Kissinger, and even he said that he would be very careful to take his previous editorial comments as an excuse to vote against this resolution. Even he understood the importance of not undermining our negotiators as they try to achieve the goal to stop murder in the region.

This is not a question about whether we trust the President or we trust the Secretary of State's agreement. We do not have an agreement before us.

So I would hope we would accept some amendments that give the Congress time to reflect but that support the policy that we have initiated, that we continue to support America's power to save lives and bring peace to this region of the world.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I was in Kosovo 2 weeks ago. It was my second trip there since 1995. I rise in support of the resolution. I will stipulate the administration has not done a good job on educating and conferring with the Congress, nor has it done a good job of telling the American people what the mission is. However, if there is an agreement in France, I support the deployment of American troops because I believe without U.S. participation it will not work.

I spoke to one person over there. I said, "How many American soldiers do you need?"

He said, "At least one, and he has to be out in front because without America's involvement it will not take place."

Two hundred thousand people died in Bosnia. Were it not for the Sarajevo market slaughter, we would not have gotten involved then, and since our participation nobody has died and it is working.

This is the 50th anniversary of NATO. NATO leaders from all the world will come here to celebrate the working of NATO, and how can they celebrate the working of NATO if NATO forces go into Kosovo if there is an agreement and the Americans do not participate in it?

George Will wrote in Newsweek where he said:

> If NATO cannot stop massacres in the center of Europe, it cannot long continue as an instrument of collective security against Wye. Given how well things have gone in the last 50 years on the continent, wherein the preceding 35 years things went wrong at such cost in American blood and treasure, do Americans want the risk, arising tide of anarchy?

It is important, if there is going to be a NATO, and what we are voting on today is not only troops with regard to Kosovo if there is an agreement, we are in essence today, whether we like it or not, voting on the vitality and the future of NATO.

In closing, if there is a lasting peace though in this region, it is important that we do everything we can to see that President Milosevic is removed from power. A just and permanent way for him to step down must be found. The longer he remains, the longer the turmoil and unrest and killing will continue in Eastern Europe.

It is not an easy vote, but in the Bible in Luke it says to whom much is given much is expected, and in one verse it says to whom much is given much is required. We have been blessed in this country with peace and prosperity. NATO has been a success, NATO has worked, NATO is important, and with the 50th anniversary coming up to say that NATO will participate in Kosovo if there is an agreement, and I stipulate, but the United States will not participate, will basically be the first nail in the coffin in the death of NATO.

So with great reluctance stipulating the administration has not treated our troops fairly with regard to benefits and pay and they have been weakened, and also they have not made the case, I support the resolution.

Mr. Chairman, I rise in support of H. Con. Res. 42, a resolution authorizing the deployment of U.S. troops to Kosovo. I support the resolution, although imperfect, in its current form. I do so reluctantly. I do not believe President Clinton has made a credible case to the American people or to the Congress about the need for this deployment. I urge him to do so and do so quickly. We will, after all, be sending America's young men and women into harm's way and the people deserve to know "why."

Two weeks ago I visited Kosovo to get a first-hand glimpse into the current conflict. I met with representatives of the Kosovo Liberation Army (KLA/UCK), Serb government officials, NGO representatives and U.S. Ambassador William Walker, the head of the Organization on Security and Cooperation in Europe (OSCE) mission in Pristina. I also had the chance to talk to members of the KLA army, many of them everyday people, farmers, storekeepers, workers and such who were driven to the KLA by the constant, brutal action of the Serbs.

I am submitting a copy of my trip report for the CONGRESSIONAL RECORD. It contains my observations and recommendations regarding the Kosovo conflict.

I have concluded that if there is a signed peace agreement in Rambouillet, it will be necessary to commit troops to the Kosovo peace effort. It is only with the greatest reluctance that I support the deployment of American troops abroad, but I believe that without U.S. troops, peacekeeping won't work. The U.S. is both the leader of the world and of NATO. If NATO is involved, we must be part of the effort or it will not succeed.

This year is the 50th anniversary of NATO. The anniversary will be celebrated with events in Washington and elsewhere in the United States. Kosovo will be a big test for this important alliance. The U.S. has always been the leader of NATO and we should not shy away from our commitment now. If we refuse to become part of the NATO effort in Kosovo, it could only further embolden Serb President Slobodan Milosevic and dim the prospects for reaching a lasting, peaceful settlement. The fighting will continue and more people, including many women and children, will lose their lives. I agree with the words of Bob Kagan in the Weekly Standard of March 1, 1999. He says the practical effect of opposing U.S. involvement "would be to reinforce Milosevic's conviction that NATO, and particularly the United States, does not have the stomach to take him on."

George Will wrote in Newsweek on March 1, ". . . if NATO cannot stop massacres in the center of Europe, it cannot long continue as an instrument of collective security against . . . what? Given how well things have gone in the last 50 years on the continent where in the preceding 35 years things went so wrong, at such cost in American blood and treasure, do Americans want to risk a rising tide of anarchy?" I agree with his thoughts.

However, I do not believe the Clinton administration has made a credible case for U.S. involvement in Kosovo to the American people nor do I believe that this administration has done a good job taking care of our men and women in uniform who, at personal risk, have been carrying out our policy in Bosnia, in Iraq, in Haiti, in South Korea, on our high seas and "wherever the U.S." needs its strength. We have drawndown troops to a level now insufficient to meet today's needs. Many troops go from one deployment to another without time to be home with their families. U.S. troops are stretched too thin and are not being treated fairly. Pay and allowances are inadequate, the tempo of operations is too high (we just need a larger military force to face the tasks they have been given) and we are not giving our first class military men and women the tools they need to do the job.

I want to emphasize that there are no better soldiers anywhere in the world and the morale of our troops is high. But they are not being treated fairly.

If the troops are to be deployed to Kosovo, we must give them strong political leadership and a clear mission. We also must be sure that Americans soldiers, airmen, seamen and marines are given the resources they need to carry out their ever increasing number of missions around the world. It's not enough to pass a resolution. Congress must ensure that the resources available for the American military are there for them to carry out the growing number of missions the military is being called upon to carry out.

We also must do more than we have done in Bosnia to build a lasting peace. While our military effort in Bosnia has been successful, thanks to the commitment and skill of American troops, the civilian side of the effort has fallen far short. We have failed so far to bring about reconciliation among the ethnic factions. An interdependent society enhanced by an effective marketplace and economic trade system has not gotten off the ground. For example, three years after the Dayton accord, the railroad in Bosnia does not yet operate.

We must learn lessons from Bosnia and help create a working regional government in Kosovo that effectively represents and is accountable to the people and contributes to the creation of a viable economy. We also must ensure that a new Kosovo government has effective civilian oversight over the military and that KLA forces are disarmed and brought under civilian command. Without strong civilian control, the KLA could get out of hand.

Most importantly, lasting peace may not occur in the Balkans while Serbian President Slobodan Milesovic is in power. A just and permanent way for him to step down must be found. The longer he remains, the longer turmoil, unrest and killing will continue in eastern Europe.

It is never an easy decision for a Member of Congress to decide to vote in favor of sending American men and women into a possibly dangerous situation. I believe, however, that once a peace agreement is reached—if it is reached—deploying NATO troops to the region to keep the peace, prevent the conflict from spreading and prevent destabilizing refugee outflows into neighboring countries is the only way to ensure stability in Europe. Stability in Europe is in the best interest of the United States.

STATEMENT BY U.S. REPRESENTATIVE FRANK R. WOLF, REPORT OF A VISIT TO THE BALKANS KOSOVO: THE LATEST BALKAN HOT SPOT, FEBRUARY 13–18, 1999

This report provides details of my trip to Albania, Macedonia and Kosovo during mid-February, 1999. This visit occurred during the time the Serb-Kosovo Albanian peace conference was taking place in Rambouillet, France, and ended only a few days before the contact group's initially imposed deadline to reach agreement of February 20. There is every indication that the U.S. will be concerned with Kosovo for some time to come and it was important to have a clear, first-hand view of conditions there.

I have, for many years, had a deep interest in the Balkans and concern for the people who live there. I have traveled numerous times to the region. There has been hostility, unrest and turmoil for hundreds of years. It has been said that there is too much history for these small countries to bear. If this is so, it has never been more true than today.

During this trip, I spent one day in Tirana, Albania, where I met with the U.S. Ambassador Marissa Lino and her embassy staff; Albanian President Meidani; Prime Minister Majko; cabinet ministers; the Speaker and other members of parliament; religious leaders, and heads of Non-Government Organizations (NGOs) active there.

I spent parts of two days in Skopje, Macedonia, where I met with embassy Deputy Chief of Mission and Charge d'affaires Paul Jones; Political Officer Charles Stonecipher; members of the Macedonian parliament; former Prime Minister and President of the Social Democratic Union (opposition political party) Branko Crvenkovski; American soliders assigned to United Nations forces guarding the Macedonia-Kosovo border, and the commander and men of the NATO Kosovo verification and extraction forces as well as representatives of NGOs in Macedonia.

In Kosovo for a day and a half, I met with head of mission Ambassador William Walker and senior adviser to ethnic Albanian elected President Ibrahim Rugova, Professor Alush Gashi. I also met with Kosovo Liberation Army (KLA/UCK) spokesman Adem Demaci (who previously spent 26 years in Serb prisons) and senior Serbian representative in Kosovo, Zoran Andelkovic. Other meetings included NGO representatives, head of the Kosovo office of the U.N. High Commissioner for Refugees (UNHCR), and other officials and representatives. Our understanding and most able escort was State Department Foreign Service Officer Ronald Capps. We also stopped at a Serb police barracks and met with the officer in charge. We met individual members of the KLA and with a number of individual Kosovars who had returned to their villages after having been driven out by Serb attacks. Some villages were largely destroyed and remain mostly deserted.

The fate of Albania, Macedonia and Kosovo, which border one another, is interrelated. Albania has a population of about two million people. Macedonia's population of two million includes about one third ethnic Albanian. About 90 percent of the nearly two million people in Kosovo are also ethnic Albanian.

Kosovo is the southernmost province of present-day Serbia and has a centuries long history of conflict, turbulence and hatred. By 1987 Serbian dominance in the region had been established, Slobodan Milosevic was President and ethnic Albanian participation in government was virtually nonexistent.

In response, ethnic Albanians in 1991 formed a shadow government complete with president, parliament, tax system and schools. Ibrahim Rugova was elected president and has since worked for Kosovo independence through peaceful means.

By the mid-1990, the ethnic Albanian population in Kosovo had grown to nearly 90 percent as human rights conditions continued to go down hill with the Serbs in total control of police and the army. Many, if not most, individual Serbs also have weapons as opposed to ethnic Albanians for whom possessing a gun is against strictly enforced law. Beatings, harassment and brutality toward ethnic Albanians became commonplace, particularly in villages and smaller towns.

In 1996 the shadowy, separatist Kosovo Liberation Army (KLA) surfaced for the first time, claiming responsibility for bombings in southern Yugoslavia. KLA efforts intensified over the next several years, government officials and alleged ethnic Albanian collaborators were killed. The Serbian government cracked down and violence has escalated since.

I met with a number of KLA members. Most of them are everyday people, farmers, storekeepers, workers and such who were driven to the KLA by the constant brutal action of the Serbs. There are, no doubt, some bad people in the KLA including thugs, gangsters and smugglers, but most are motivated by a hunger for independence. Still, it must be recognized that some acts of terrorism have been committed by the KLA.

Conditions in Kosovo continued to deteriorate and alarm the international community. In October 1998, under threat of NATO air strikes, Serbian President Milosevic made commitments to implement terms of U.N. Security Council Resolution 1199 to end violence in Kosovo, partially withdraw Serbian forces, open access to humanitarian relief organizations (NGOs), cooperate with war crimes investigators and progress toward a political settlement.

As part of this commitment, in order to verify compliance, President Milosevic agreed to an on-scene verification mission by the Organization for Security and Cooperation in Europe (OSCE) and NATO surveillance of Kosovo by non-combatant aircraft. These activities are in progress and NATO has deployed a small extraction force in next door Macedonia. I visited with each of these groups.

However, conditions in Kosovo have not stabilized and more have been killed. Finally, a contact group with members from the U.S., Great Britain, France, Russia, Italy and Germany issued an ultimatum to the sides to reach a peace accord by February 20, 1999. NATO air strikes against targets in Serbia were threatened if Belgrade did not comply.

The Serbs consider Kosovo the cradle of their culture and their orthodox religion and are not willing to give it up. I visited the Field of Blackbirds where the Serbs battled for and lost control of the region in 1389. I also visited a Monastery dating back to 1535 that is an important part of Serb history.

The Clinton administration, which does not favor independence for Kosovo, worries this conflict could spread if NATO does not intervene and could even involve Turkey, Bulgaria, Albania and Greece. While this is of concern, there are other reasons for the U.S. to remain active. The U.S. can never stand by and allow genocide to take place. Part of the effort, once a peace agreement between the Serbs and ethnic Albanians has been signed, could include a NATO ground force in Kosovo containing a contingent of U.S. troops.

It is clear that a main pipeline for arms reaching ethnic Albanians in Kosovo is across the Albania-Kosovo border and any stabilization effort will likely include shutting off this arms route. It has been suggested that an effective arms blockade could be accomplished by the Italian government from the Albanian side of the border with Kosovo.

A number of issues must be addressed before the outcome of this conflict can be predicted. Principal among these is the likely strength and stability of an ethnic Albanian led Kosovo government. Another is the economic potential of a stand-alone Kosovo, free from Serbia. Also important is what will be the future of the KLA? Will they give up their arms? Many in the KLA say "no". Could an independent Kosovo make it on its own? Political ability has not been demonstrated. Economic development help from the private sector in the West may not be immediately forthcoming. How would they be propped up? How will long term cross border hatred between Serbs and ethnic Albanians be kept in check? Who is going to foot the bill for all this? European nations?

How and by whom will the issue of war crimes be addressed? A terrible job on this issue has been done in Bosnia. Known war criminals have not been pursued after more than three years. Reconciliation is an important ingredient to lasting peace but terrible acts have been committed and justice must be served. The principal perpetrator of injustice and brutality has been Serbian President Slobodan Milosevic. What about him?

The White House and the present administration are deserving of some sharp criticism for allowing conditions to get where they are today.

There appear to be few lessons this administration has learned from the painful experience of Bosnia. Our government waited too long to get involved and, once engaged, has been somewhat ineffective. Too many died in Bosnia during this delay. While committing troops to the region for one year (now over three years with no end in sight) has indeed halted killing, at least temporarily, Bosnia is no further along toward peaceful self sufficiency than when troops arrive. Rather, it is as though there is merely a pause in time. If our troops leave, hostility and brutality would likely resume. Little infrastructure is being created. Railroads are not running. Little economic development or growth is emerging. No lasting plan for peace has been developed and no interdependent community has been created which would make undesirable, a return to conflict. Little has been done to bring about reconciliation.

Meanwhile, as we look at our overall U.S. military capabilities throughout the world, we see that this administration has drawn down U.S. military strength to the level where there are now insufficient forces to meet today's needs. When I met with our soldiers in the Balkan region I found many who have gone from one deployment to another without time to be home with their families. The troopers I met on the Kosovo border are assigned to a battalion on its third deployment in three years.

There are no better soldiers anywhere in the world than these and their morale is high. They are ready to do what is expected of them and more. But they are not being treated fairly. Pay and benefits have been allowed to deteriorate. The tempo of operations has grown to the point where they have too little time at home. There are just not sufficient forces to do all the things they are expected to do. According to the February 17, Washington Post, the Secretary of the Army's answer is to lower standards and recruit high school drop-outs. Turning his back on history, this official has unwisely decided upon another social experiment rather than dealing fairly with the shortfall.

From 1990 to 1998 the armed forces went from 18 active army divisions to eight. The navy battle force went from 546 ships to 346. Air force fighter wings decreased from 36 to 30. Discretionary defense budget outlays will decrease 31 percent in the ten years beginning 1990. Service chiefs predict FY 1999 ammunition shortages for the army of $1.7B and

$193M for the marines. These statistics are just the tip of the iceberg. There is compelling evidence that, in the face of a huge increase in troop deployments (26 group deployments between 1991 and 1998 by the Army's own count), this administration has not made the investment to give our fighting men and women the tools to do the job asked of them.

The fact that the men and women in uniform are bending to their task is to their credit, but it is past time to give them what they need and stop driving them into the ground. The White House must face up to this shortfall and address the issue of where the money to pay for our involvement is to come from. They have not yet done so and time is short.

A strong NATO involvement, with solid U.S. participation, will be an important part of any workable solution to this mess. There is a story making the rounds of NATO forces where an American general, about to depart the region asks his NATO counterpart how many U.S. troops must remain to ensure safety and success of the mission. The NATO commander responds, "Only one, but he must be at the very front". This is only a story told in good humor but it makes the point that U.S. presence is key—perhaps vital.

It is not without irony that the one key player omitted from the contact group meetings in France is a NATO representative. The irony deepens when the presence on the contact group of chronic problem-makes Russia and France is noted.

Frankly, the U.S. Congress has also had too little involvement in this Balkan process. The administration has done and continues to do a poor job in dealing with these issues. Consultation with the Congress does not appear to have been a major concern to the White House. While foreign policy is largely the prerogative of the President, American lives are being placed at risk in a far-off land and untold dollars are being committed to this effort. Congress has a role and must participate in this debate. Congressional hearings to explore all aspects of this situation are in order.

CONCLUSIONS AND RECOMMENDATIONS:

1. If there is a signed peace agreement in Rambouillet, it could be necessary to commit U.S. troops to the Kosovo peace effort. I make this recommendation with reluctance but, without U.S. troops, peacekeeping won't work. The U.S. is both the leader of the world and of NATO. If NATO is involved, we must be a part of the effort or it will fail. NATO's 50th anniversary is later this spring and there will be a large celebration in the U.S. Kosovo will be a big test for this important alliance.

2. There are many differences between the situation existing several years ago in Bosnia and what is happening today in Kosovo. Still, thousands died in Bosnia including too many women and children before NATO troops including a large contingent of U.S. soldiers moved in and put an end to the killing. Had not NATO peacekeepers acted over three years ago, the killing might still be going on today. Without the commitment of U.S. troops, a NATO peacekeeping intervention might not even have been attempted. We may wish this were not so, but it is. Perhaps things can change in the future but this is today's reality.

3. U.S. troops are stretched too thin and are not being treated fairly. Pay and allowances are inadequate, the tempo of operations is far too high (we just need a larger military force to face the tasks they have been given) and we are not giving our first class military men and women the tools they need to do the job. The administration needs to take better care of our soldiers, sailors, marines and airmen. Congress should force this issue.

4. Special attention must be paid to the Kosovo Liberation Army (KLA). While many, perhaps most, are common people whose interest is defending their families, their homes and themselves, the army is not without a rogue element. There is no clearly established and proven civilian government and there is no line of authority/responsibility between the KLA and a representative government. Without control, the KLA could get out of hand.

5. When peacekeepers arrive in Kosovo, one of their first tasks must be to disarm the KLA. Many in the KLA have said they will not give up their weapons. An armed KLA will be a time bomb in the way of progress toward peace. Providing safeguards for Serbs in Kosovo is an important part of the peace process.

6. Efforts thus far to build a lasting peace in Bosnia have come up short. Not only must more be done there but the lessons learned must be applied to Kosovo. The military presence in Bosnia has done the job of ending killing and brutality as it likely will in Kosovo, but the peace-building effort of reconciliation and creating an interdependent society and effective marketplace and economic trade system has not gotten off the ground.

7. Lasting peace in the Balkans will not occur while Serbian President Slobodan Milosevic is in power. A just and permanent way for him to step down must be found. The longer he remains, the longer turmoil, unrest and killing will continue in eastern Europe.

8. American and other workers and officials of all nations present in Kosovo (diplomats, United Nations, NGOs, contract workers, humanitarian care-givers and others) are true heros. They risk their lives daily to make life a little better for the people in Kosovo and we should all pray for them. I happened to see a warning sign posted in a U.N. office talking about mines. In part, it said, "There is strong evidence to suggest some police posts have had anti-personnel mines placed near them. . . . All staff are asked to be extremely cautious when in the vicinity . . ." Yet these men and women go about their daily duties with dedication and care for others in spite of the harm that is just a step away.

9. The foreign policy of this administration continues to come up short and is deserving of sharp criticism. America is the one remaining superpower and, like it or not, must assume this responsibility. Unfolding events continue to point to the absence of a coherent idea of what to do and how to do it. While we should have already developed a peace-making strategy and an exit strategy, the participants at Rambouillet remain unable to even get things started.

10. President Clinton has done a poor job of making the case to the American people for U.S. involvement in this conflict which also has a significant moral aspect to it. While the U.S. cannot be involved all over the world, we are a member of NATO which deals with peace and stability in Europe. Kosovo is a part of Europe and its destabilization could create a huge refugee population there. Fighting could even break out elsewhere if this issue is not dealt with early and effectively. America has been blessed with peace and prosperity. In the Bible, it says that to whom much is given, much is expected and there is an obligation on our part to be a participant in the search for solutions in this troubled spot.

11. I would like to conclude on a personal note to thank all of those who assisted me on this mission. I am especially grateful to U.S. Ambassador Marisa Lino and her staff, foreign service officer Charles Stonecipher who assisted me in Macedonia, foreign service officer Ron Capps whose knowledge and concern was of great help in Kosovo and U.S. Army Lieutenant Colonel Mike Prendergast who traveled with me. I appreciate their invaluable assistance.

Mr. CROWLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentleman from New York for yielding this time to me. I am speaking to my colleagues today on a matter of deep personal importance to me. For 3 years my family and I hosted a young Bosnian student. His name is Namik, and when he was 14 years old he was running through his village when a Serbian mortar shell landed next to him and blew his left leg off just below the hip. For 3 years I worked with Namik, kept him in our home as my own son taught him to climb and to kayak so that he could have a normal life. But for 3 years I helped him deal with what it is like to be a young man who has lost a leg in a war that was not his fault.

When we talk about this issue, Mr. Chairman, we are talking about human lives, we are talking about NATO, and we are talking about standing up to genocide and standing up to tyranny. Mr. Milosevic is a sociopath. He is bloodthirsty, he does not respect basic tenets of human dignity and morality. If a sociopath were holding hostages, and he had a police scanner and heard that the police were debating about whether or not to send in officers to put a stop to what he was trying to do, we know what would happen to those hostages: they would be killed. Mr. Milosevic has got to be stopped.

I urge my colleagues for the sake of Namik, for the sake of the future of NATO, for the sake of the future of our country and for the sake of stability in Europe and peace internationally, please pass this resolution. Do not undermine the President at this time, do not allow the killing to continue in the Balkans.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Washington for his support for this resolution.

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in strong support of H.Con.Res. 42, a resolution which supports the deployment of U.S. troops in support of a NATO peacekeeping effort in Kosovo. The reason we need to support this legislation today and the reason why we should resist weakening amendments is the simple fact that NATO peacekeepers, supported by U.S. troops, represent our last and best chance for a workable peace in this very troubled land.

I would also add that if we are to maintain any credibility within NATO, we have an obligation to support this vital peacekeeping mission.

Mr. Chairman, I visited the former Yugoslavia on two separate occasions in recent years, and I have had the opportunity to visit Rambouillet recently, to observe the peace talks firsthand and to talk with the participants. Let me be very clear about this. I believe the only peace that will occur in Kosovo is one that is enforced by NATO. Serbian strong man Slobodan Milosevic has shown us time and time again that he does not recognize international law, he does not respond to international appeals for peace, and the experience has demonstrated that he does not always respect prior peace agreements. What he does respect and what he does respond to is the very real threat of force.

NATO peacekeepers are the only safeguard that will put a stop to the killing in Kosovo and the only thing that will prevent further violence down the road.

I cannot over emphasize how sensitive the point at which we now find ourselves in these negotiations is and that the failure of this resolution would deal a potentially fatal blow to the peace effort. Indications are that absent a peace agreement both sides are preparing for a major escalation of fighting in the spring, and as always in this case, it will be the innocent civilians who are once again suffering the horrifying consequences.

Mr. Chairman, a considerable amount of time and effort has been put into this peace effort, and the stakes could not be higher. Success means an end to the fighting, an end to the killing and an end to the destruction of entire villages and towns.

Ultimately we have all witnessed on the evening news the price that failure has brought to the people of Kosovo. Thousands have been killed, and tens of thousands turned into homeless refugees.

Peace is at hand if we have the wisdom and the courage to see this through.

I strongly urge my colleagues to send a message to both sides that the United States is committed to the peace process and, with that message, the assurance that we will stand by our commitments to NATO.

Mr. CROWLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today in strong support of this resolution, but I seriously question the Republican leadership's timing in bringing this measure to the floor for debate while negotiations are still underway. I believe a fractious congressional debate about whether or not to support implementation of a peace agreement at such a critical juncture in the negotiations seriously undermines our ability to negotiate a settlement and place directly into the hands of Mr. Milosevic. We must, as a Congress, show that we are committed to peace in the former Yugoslavia and working with our allies in NATO towards that common goal.

Mr. Chairman, I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, the United States Armed Forces are being stretched too thin. They have been asked to take on peacekeeping missions in Somalia, Haiti, Bosnia and now possibly Kosovo. President Clinton told Congress and the Nation that the United States deployment to Bosnia in 1995 would be over in 1 year. However, the mission in Bosnia has continued for 4 years with no strategic exit plan in sight and, at a cost to the United States at $10 billion, not only are their peacekeeping missions costly, but they are degrading to the overall readiness of our fighting forces.

Mr. Chairman, 2,200 troops from the 24th Marine expeditionary unit currently stationed aboard the Navy ships in the Mediterranean will be part of the initial force moving into Kosovo as soon as an agreement is reached between ethnic Albanians and the Serbian government. However that unit is headed into its final month of a 6-month deployment and scheduled to be home in North Carolina by May 1. To be home by that time the unit will have to leave Kosovo no later than mid April.

Mr. Chairman, that leaves the administration with limited options, the most prominent one being extending the length of the unit's deployment. How long will this unit be there? How much longer will they be away from their families and beyond their expected 6-month deployment?

Mr. Chairman, for America's Armed Forces to sustain this administration's peacekeeping pace the forces must be augmented by an increased amount of part-time Reserve and National Guard personnel. Not only are Reserve and National Guard personnel being forced to leave their families more often, but they are also being asked to increase the amount of time and technical knowledge taken away from their careers here in the United States. These military personnel are being forced to explain open end deployments to their employers who are becoming less willing to continually lose their skilled employees.

Mr. Chairman, to be able to keep these individuals in the Reserve and National Guard we must continue to send them into peacekeeping situations around the globe. In the future, when the Reserve and National Guard personnel have the opportunity to leave military service, they will choose their family quality of life and their career over serving their country. A Kosovo peacekeeping mission will place a heavy burden on America's Armed Forces and compromise their readiness levels, the quality of life of their families and the national security of the United States. We cannot and must not continue to ask our military to do more with less.

Mr. Chairman, before the administration decides to deploy troops to Kosovo, I ask that they lay out their plan and details to Congress.

Mr. Chairman, before the Administration decides to deploy troops to Kosovo, I ask that they lay out their plan in detail to Congress. The administration should not be able to put the men and women of our armed forces in harm's way without explaining their reasons for doing so.

Mr. CROWLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I rise today in support of H. Con. Res. 42, legislation to authorize U.S. involvement in peacekeeping actions in Kosovo.

This debate is about how we see our role in the world. Do we want to be involved? Do we want to be an active part of the NATO alliance? Do we want to export our values of democracy? Do we want to be in a position to influence world events? Because, if we do, we have to be active even when the direct benefit to the United States is difficult to discern and most certainly when we can discern that genocide may occur.

☐ 1345

A secure and stable Europe is of great concern to the United States. We have fought two major wars of this century, both on the continent of Europe and both because Europe was completely destabilized by tyrannical despots and weak economies.

If we weaken the contact group alliance that has worked on this matter, as well as NATO, the Organization for Security and Cooperation in Europe, efforts on the ground, by defeating this resolution, it will surely stoke the fires of instability in Europe.

If our allies cannot count on us, they will surely stop looking to us for leadership and our influence will wane.

I talked to a colleague of mine in the Organization of Security and Cooperation in Europe, who is the Chair of the first committee on which I served. His name is Bruce George and he is a member of the British Parliament and is their defense expert. He said if we fail today to support this resolution, it will be short of catastrophic.

Yesterday Ambassador Jeane Kirkpatrick said that if we do not support this resolution, we will regret it. I suggest to this body that we cannot stand idly by and watch children maimed, autonomy destroyed and a people who are seeking no more than freedom, an opportunity to gain the same.

Support this resolution.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of our Committee on International Relations.

Mr. BEREUTER. Mr. Chairman, my colleagues, I rise in opposition to the resolution. I want to drop back, though, to some of the debate that took place on the rule. The minority leader came here and suggested it was inappropriate for us to be debating this resolution at this time. That was also voiced by the ranking minority member of the House International Relations Committee here today, and by others.

As the gentleman from New York (Chairman GILMAN) said, unfortunately debating the issue before the situation fully developed is important for Congress to have a meaningful role.

I want to remind my colleagues what happened in Somalia where without any consultation we saw the Administration move from protecting the people involved in the deliveries of food to a nation-building process. It was classic mission creep. I want to remind Members what happened in the formulation of the Dayton Accords when, in fact, we were told by the Administration "do not do anything, it might upset these delicate negotiations ongoing in Dayton."

Then what happened? Before Congress had any opportunity express its view or to have a role, before the Dayton Accords were actually signed, troops were on the way to Bosnia and we were locked in. Then what were we told? What we had been told before, we have to support our troops, our men and women in the field, and Congress was cut out of the process.

Here we are in another similar situation, but what we have here is very different. What we have here is an invasion by the United States and NATO of a sovereign country. Kosovo is an autonomous region within Serbia.

This Member has previously voiced, and still has enormous difficulties for many reasons, with the proposal for a peace keeping, I would have to call it a peace enforcement, plan in Kosovo. Chief among them is the Member's reservation that the President is ready to act outside the U.S. Constitution to engage uninvited U.S. combat forces in an internal conflict in a country which is not a threat to the United States.

The U.S. Constitution clearly limits his authority to place U.S. Armed Forces in hostile situations, but can do so only in response to a national emergency created by attack upon the United States, its territories or its armed forces.

The more extreme measure of launching unprovoked air strikes against Serbia, a sovereign country for which I have little respect in terms of their leadership, who have committed extraordinary atrocities in Kosovo, nevertheless the Administration proposal to deploy troops to Kosovo is tantamount to a declaration of war against Serbia.

Article I, Section 8 of the U.S. Constitution specifically grants war declaration authority exclusively to the Congress. The President's commitment to deploy our troops into a hostile and foreign territory of Kosovo cannot be considered a defensive measure that falls under his authority.

What is going to happen? If we ever have a peace agreement on Kosovo, it will be coerced and it will have to be an enforced peace—for who knows how long. We have an Administration which has threatened, imagine this, if you do not sign, Mr. Milosevic, we are going to bomb you.

I suppose we are going to bomb the KLA, too. How does one find the KLA to bomb? How does one enforce peace on that side?

Let me ask some questions about the current peace proposal. We have one party somewhat bound to the U.S., the other bound by the threat of U.S. force.

Many questions need to be addressed: By what means are we going to protect the Kosovars? Who will police the borders? How will we neutralize the danger of Kosovo expansion when it has no international status? What is the political objective? (Autonomy is not the destination sought by the Albanians.) How do we handle the relationship of the Albanians in Kosovo with those in the surrounding region? What are the rules of engagement? What is the concept of how it will end? Under what authority can NATO "invade" a country in this matter?

Morover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. The KLA is certain to try to use the cease-fire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a "strong peace agreement" is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the President as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia or FYROM—and perhaps Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a semi-permanent NATO move into Macedonia just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate. In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serbs' attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to the Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

The President's statements "that we can make a difference" and that "America symbolizes hope and resolve" are exhortations, not policy prescription. This is bumper sticker foreign policy. Is NATO to become the artillery to end ethnic conflict? If Kosovo, why not intervention in East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established? In Henry Kissinger's view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support here. The nearly 300 million Europeans should be able to generate the ground forces to deal with the problems for 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Again, paraphrasing Henry Kissinger, he said in opposing ground troops in Kosovo that: Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force." Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies.

MILITARY READINESS

Where will the money be coming from to support Kosovo deployment? Will it be pulled from readiness accounts? As recently as Monday, March 8, in an HASC hearing that included Maj. Gen. Larry R. Ellis, the 1st Armored Division commander (Germany based division now with troops in Bosnia and FY ROM), five other flag officers, and a group of mid-grade and senior noncommissioned officers, readiness was described as "a rubber band that is stretched very, very tight." While military strength has drawn down, deployments have picked up steadily and there aren't enough people to do the job. Across the board, readiness is wearing dangerously thin.

A former militaryman described the plight of the mid-career professional soldier this way:

"They are sent to far-off places with inadequate support, pointless missions and foolish rules of engagement so the cocktail party set back in D.C. can have their consciences feel good."

"We keep drawing down long-term readiness to meet near-term missions," said Gen. Charles C. Krulak, the Marine Corps commandant. "That is severely straining our long-term readiness and modernization efforts."

A 4,000 troop commitment translates into 12,000 troops involved in Kosovo support (4,000 training to go in, 4,000 on the ground, and 4,000 being retrained upon coming out). This is demoralizing, it degrades retention, and leads to questions about management.

Secretary Cohen said yesterday that NATO forces would enter Kosovo to maintain an ongoing peace—that may be true, but it is certainly debatable. Indeed, this Member would argue that we are talking about peace-enforcement, not peacekeeping. And I would remind my colleagues that our last experience with peace enforcement (Somalia) was not a pleasant one.

The Kosovo Liberation Army (KLA) is an armed separatist group that would appear bent on independence; major element in the Serb population are adamantly opposed to the KLA's objective. This is a situation were any existing "peace" is highly suspect.

There is no way to place a time limit on a Kosovo deployment.

Remember the Bosnia experience. Upon the rapid deployment (without congressional consent) following the Dayton Accord, Secretary Christopher assured the nation that it would be for one year only—to give the Bosnians a chance for peace. Four years later, everyone acknowledges there is no end in sight to the Bosnia deployment. The cultural difficulties that gave rise to the violence are far too great.

The cultural difficulties in Kosovo are at least as serious as those in Bosnia. Milosevic has successfully preyed upon the ancient fears and hatreds of the Serb population. The Albanian diaspora has fed the most violent tendencies of the Kosovar Albanian population. And the Albanians in Kosovo are insisting that a NATO presence remain for at least three years!

In short, we lack an exit strategy. This is the same point that House Members argued four years ago regarding Bosnia. At that time, the Administration discounted our warning that, once deployed, U.S. troops would be in Bosnia for the long haul. Well, we were right and the Administration was wrong.

I absolutely do not condone anything that the Serbians have done. In many ways, they are their own worst enemy. Belgrade has been condescending and abusive of the rights of ethnic Albanians, and their brutality gave rise to the KLA. My concern is, do the very real abuses of the Serbian forces warrant the long term deployment of an undetèrmined number of U.S. ground troops?

Mr. CROWLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me this time.

Mr. Chairman, I rise in strong support of the resolution. The only problem with being a world leader is that sometimes we have to lead. In the first instance, leadership requires patience, and in that context, although I strongly support the resolution, I believe it is premature.

We have representatives in the region attempting to negotiate a framework for peace. We should not be debating whether or not we are going to intervene at this point.

Having said that, I do support our intervention in the context of this resolution. It seems to me that leadership also requires taking some risk and also adopting some unpopular positions.

I do not think anyone is cavalier about putting American troops in harm's way, but the fact remains that if we are going to support peace around the world, if we are going to try to maintain and promote an environment for peace, we have to get involved.

Amendments later today will set parameters for our involvement. We are not talking about an extensive involvement. We are talking about a limited involvement, with the limited use of American troops.

The fact remains we are a world leader. We are a leader in NATO, and if we want to maintain that position of leadership, we cannot back away, we cannot cut and run when we are confronted with an unpopular situation.

Some will say in the course of this debate, we do not know what the objective is. The objective is abundantly clear. We are trying to maintain a framework for peace and maintain an environment for peace. We are trying to prevent genocide.

Thirdly, we are trying to prevent the spread of this violence throughout the region, which could lead to even greater catastrophe. This is not a popular situation. This is a situation that calls for American leadership.

I think we should proceed on that assumption, allow U.S. troops to be involved to a limited extent in the context of a negotiated treaty. I hope people will rise above narrow concerns and take a broader view.

We used to have a notion that Americans were about preserving world peace. I think we should continue to adopt that position.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BATEMAN), a member of the Committee on Armed Services.

Mr. BATEMAN. Mr. Chairman, I am more than aware of the prospects of negative consequences if our country declines to become involved in a peacekeeping or peacemaking mission in Kosovo, but in its present form I cannot support the resolution before us.

If I had some confidence that it would indeed be a peacekeeping mission, I would feel much differently. Even if certain people signed an agreement that others have written for them, which is the case here, and have cajoled them into signing it, it will not be a true peace agreement.

An agreement requires consent. Absent true consent, we will not be enforcing or keeping the peace. We will be making a peace foisted upon parties whose goals are widely disparate and who are determined to resist by violence those who oppose the achievement of their goal.

Our country has repeatedly enunciated a policy that recognizes Serbian sovereignty over Kosovo. While we have urged a high degree of autonomy for that province of Yugoslavia, we have not endorsed the determination of the ethnic Albanian majority for independence. For our country to intervene in an issue of the operative relationship between the central government of Yugoslavia and one of its provinces would be tantamount to Great Britain having intervened in our Civil War on behalf of the Confederate States of America. History has verified the wisdom of our English friends in not having done so.

Consistent with international law, we do not have the legal authority to intervene against the will of the sovereign state involved.

Policy statements of the administration that we would participate in bombing of Serbian targets if the Federal Republic of Yugoslavia did not sign an agreement written by us or someone is an appalling notion.

An agreement, even if it is signed under a direct threat of aerial bombardment, is not worthy of being called an agreement. If the government of the Federal Republic of Yugoslavia does not accept the agreement we wrote for them, I must condemn American military action that our country will be involved in for what it will be, an act of war without sanction under our Constitution or international law.

As to the ethnic majority in Kosovo, who is duly authorized to bind them to an agreement? Is it Mr. Rugova, the head of the Democratic League of Kosovo? Or is it Mr. Demaci, who is described as, quote, the chief political representative of the Kosovo Liberation Army?

This gentleman has resigned and condemned those in the KLA who are inclined to vote for the so-called agreement.

By what authority, if any, was Mr. Thaci charged with the formation of a provisional ethnic Albanian government?

My generation has a special affinity for collective security, and I have and hope to remain a steadfast supporter of our NATO alliance.

I wish this debate was not taking place today but unfortunately it must because if it did not, any debate would come only after the President had committed us to a military action without the consent of a majority in the Congress and with only minimal consultation.

Mr. GEJDENSON. Mr. Chairman, I yield 2¼ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, Jesus said, blessed are the peacemakers for they shall be called the children of God.

What can be said of a Congress which will not let the United States make peace in Kosovo? What can be said of a Congress which would intervene at a critical point in peace negotiations and take steps to undermine a peace agreement? What can be said of a Congress which refuses to let the United States join hands with other peacekeepers of the North Atlantic Treaty Organization?

What can be said is this: If we are not letting peace be waged, then we are letting war be waged.

What can be said is that if we are not thoughtful as to the consequences of our actions today upon the Kosovo peace talks, then we are as sorcerer's apprentices, mindlessly stirring a cauldron full of the blood of Balkan innocents. When this cauldron is stirred, there will be blood on our hands.

What will be said about this Congress is that with our NATO allies at the ready, Congress abdicated the United States role as a world leader.

Blessed are the peacemakers.

We are able to make peace because we are the strongest nation in the world. We are able to make peace because we have been committed to peace.

Listen to the words of John F. Kennedy's inaugural. He said that we have been unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed and to which we are committed today at home and around the world.

We are challenged every day to renew our commitments to peace, to justice, to the American way of democratic principles, to lifting the burden of our brothers and sisters anywhere in the world, to becoming the light of the world.

Our Star Spangled Banner asks this question every day: Oh, say, does that star spangled banner still wave over the land of the free and the home of the brave?

Let us continue to demonstrate that we will be brave so that we may remain free and that others may remain free. Let us not turn our backs on peace. Let us not turn our backs on our allies. Let us not turn our backs on those principles which have helped form this Nation. Let us not turn our backs on those who thirst for justice, on those who hunger for righteousness, on those who look to the United States to be first in peace.

□ 1400

Mr. GILMAN. Mr. Chairman, I thank the gentleman who has just made a very eloquent address, the gentleman from Ohio (Mr. KUCINICH), for his supporting remarks.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, I will not condemn any one of the Members in here for the way that they vote on this. They do it so because they have different knowledge, they have different beliefs. But I do resent the minority leader impugning the motives of many of us.

I make my statements on some very deep, rich beliefs and experience from training, of planning innovations in the defense of countries all over this world on military staff. And I hated politicians that sat in soft, cushy chairs and put our men and women in harm's way so easily, they who had never done that themselves.

Kosovo is not an independent state, it is part of Greater Serbia. When we go into the full committee, I want to put in here some 1,500 shrines and sanctuaries that the Serbs have in Kosovo, the birthplace of the orthodox Catholic religion. This is their homeland. This is a map of Albania. The Albanians do not want just Kosovo, they want part of Greece, they want Montenegro, and they want Kosovo. This is a map of the massacred Serbs, Jews, gypsies that the KLA has murdered in recent times, not World War II. The KLA is supported by the mujahedin, Hamas, and even bin Laden. Get George Tenet's brief, classified brief. That is about as far as I can go.

This is a list of where the Serbs established Kosovo and were ethnically cleansed and murdered and forced to flee across the Danube, their homeland, and Albanians filled the void. Yet, they are defending their own homeland right now and being murdered.

Now, Milosevic is an impediment. He needs to be removed, in my opinion, much worse than that. So is Tudjman. But then we look at Itzebegovic, who has 12,000 mujahedin and Hamas surrounding him. The prime minister under him trained with Kadafi. If we want to talk about a foreign policy and we say we are saving lives, it is a powder keg when we move out of there. Let us not send our men and women to Kosovo.

Mr. GEJDENSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding this time to me.

There is an air of unreality about this debate. Tomorrow, some of us will be at the Harry Truman Library in Independence, Missouri, when Hungary, the Czech Republic and Poland will formally become members of NATO. NATO, this incredible defensive alliance, which kept the peace in Europe for two generations, which resulted in the collapse of the mighty Soviet Union, and which is the cornerstone of security, not just for Europe, but for much of the rest of the world, and we are now debating as to whether, after the Albanians and the Serbs agree and invite us, we might participate with the force of 4,000 in a NATO contingent of 28,000 to keep the peace in Kosovo.

My wife and I went to Kosovo the first time maybe 35 years ago, and we have been back there many times since. It is the only place in Europe where one can find a beautiful young woman of 22 or 23 who has two teeth because they have no dental care. There is a grinding poverty that boggles the mind, and these people have been suppressed, persecuted, given third class citizenship for a long time.

This is our opportunity to do a tiny bit, a tiny bit of what the great generation of the second war did under infinitely more dangerous circumstances with infinitely greater sacrifices.

Sunday night, the two vice presidential candidates of the last presidential election, AL GORE and Jack Kemp, joined me for the Washington premier of The Last Days, a movie about the Holocaust. The pictures of that movie will remain with everybody who will ever see that movie. Do we want such movies made of Kosovo? Have we not had enough slaughter and massacre and murder and extermination of innocent people there? The only thing that differentiates Kosovo from the Persian Gulf War is that there is no oil there. But there are principles there. The same principles that compelled President Bush decide to send not 4,000 NATO U.S. forces, but half a million American troops to the Persian Gulf; President Bush, who drew a line at Kosovo at Christmas 1992, when he said, we are drawing the line, we are not going to allow Bosnia to be repeated.

Now we have another President, a Democratic President who says the same thing. One of the great heroes of the second war in public service, Senator Bob Dole, yesterday told us in committee he is passionately committed to this course of action.

I am sick and tired of my colleagues saying, this is in Europe; let the Europeans deal with it. Sarajevo was in Europe. That was the genesis of the First World War. Czechoslovakia was in Europe. That was the genesis of the Second World War.

These people who never learn, who are uneducable cannot carry the day today. I plead with my colleagues to give our government an opportunity to participate in a NATO peacekeeping force to the tune of 4,000 American soldiers to keep the peace. This is the only honorable way, and this is the only way not to undermine NATO and the hope of mankind.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary and a member of our Committee on International Relations.

Mr. HYDE. Mr. Chairman, I recognize this is a very difficult decision, and I regret disagreeing with some of my colleagues who oppose the participation of our forces in the NATO peacekeeping effort, but it boils down really to a simple proposition: Is NATO worthwhile? What is the purpose of NATO? What is our role with NATO? We are the leaders of NATO. NATO is an extremely useful institution to have. It is beginning to integrate Germany in this exercise. Germany is to provide 3,000 troops, the British, 8,000, the French, 6,000, the United States 4,000, and to what end? To stop genocide. To stop the slaughter. To be peacekeepers.

There really is a moral obligation on those people who have the resources to intercede when people are being wantonly, atrociously killed, and that is what our purpose is. We have a national purpose: to prevent the spread of this conflict. If we appease Milosevic, if we leave the field and let the killing go on, we are inviting a wider spread of the war that could involve two of our NATO allies on the opposite side, Greece and Turkey.

So there is a humanitarian purpose; there is a peacekeeping purpose, and in my judgment, the very purpose of NATO would be frustrated; it would be eviscerated if we turned our back and walked away.

Mr. Chairman, leadership imposes heavy burdens and a cost must be paid, but we either are going to lead in the struggle, and it is a struggle for world peace, or we are going to be on the sidelines. I think for the vitality of NATO, for our role in NATO as a leader, for integrating the peacekeeping forces with these other countries, clearly we have to participate, and I will support the resolution.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Our colleague from Illinois posed the question, is NATO worth it? Absolutely. NATO is worth it.

First, we should understand those pages of history that point out that World War I started in the Balkans, and if NATO in its role in keeping peace in Europe can be fulfilled, it will be necessary for NATO to do a peacekeeping mission in Kosovo.

Second, in answer to the gentleman's question, is NATO worth it, history also tells us that we have had more years of continuous peace in Europe since the days of the Roman Empire. NATO not only is worth it, it works, and the United States of America is the leader of NATO.

Tomorrow in Independence, Missouri, at the Truman Library, with the Secretary of State present as well as other noted Americans, the 50th anniversary of NATO will be celebrated.

Today, by this vote, we will declare whether NATO is worth it, whether NATO is to fulfill its goal and mission in the days and years ahead. I agree with the resolution.

I might also say that I have an amendment which I do not see how anyone could vote against. Later in the day, my amendment to this resolution will be to the effect that there should be no troops deployed until there is an agreement and a subsequent vote. But the bottom line is, NATO, Mr. Chairman, is worth it.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of our Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I want to address my remarks to my colleagues on this side of the aisle. Yes, the Clinton administration has failed to address the American people on why we should be in the Balkans, why we should be in Bosnia, and why we should be in Kosovo. But let me tell my colleagues, I have spent 15 years as a member of the U.S. delegation to the NATO parliamentary group. I now serve as the Vice President. We must be a participant in Kosovo.

Why? Because the Europeans cannot do it themselves. They have historic alliances. The French and the Russians have been with the Serbs. The Germans and the Italians have been with the Albanians. If we are not there and the NATO alliance is not able to go because we are not there, we are going to see the fighting begin again.

When the Yugoslavs begin bringing in heavy weapons, the Kosovos are going to call on their Albanian brothers to come to their aid. We run the risk of Macedonia being involved or the former Yugoslav Republic of Macedonia, and then the really big danger that we have of the Turks and the Greeks becoming involved.

□ 1415

Remember, World War I began at Sarajevo. Remember, we hesitated and did not go into Bosnia right away. We were treated every night to the atrocities on CNN. Please, support the resolution, even though the administration has failed to come forward and adequately address the Congress and the American people.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, unfortunately, today we are debating sending U.S. forces to keep a peace that does not exist, to carry out an agreement that has not been agreed to, and to assist people on both sides who do not seem to want our help.

We are being asked to vote on something we cannot even see, and to sign a blank check. We have written blank checks before, and we have discovered afterwards just how high the cost has been. In what we do on Kosovo, we should first make sure that we have an agreement, know the plans, and know the cost.

In thinking about the cost, we should realize how much our own reckless actions have added to the bill. For years we have been selling our highest technology weapons to countries whose possible involvement in this conflict is important, both for those who want us in and those who want us to stay out. By our own actions we have greatly raised the stakes for such a conflict, and we have raised the risks that our soldiers again and again unnecessarily will be facing the products of our own factories.

If the parties in Kosovo really want peace, they will both sign the agreement, and if they do not, the mission of our forces will be truly impossible. Arms selling and peacemaking do not mix in Kosovo or anywhere else.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our Committee on International Relations.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to sending America's young defenders to Kosovo. We are being asked to deploy our troops yet again, eroding our overall strength even as new threats are becoming evident in Asia. Our military is being stretched so thin we are putting them at grave risk.

Unlike what is happening in the Balkans, there are other national security threats to our country. By dissipating our limited resources, asking our military for yet more sacrifice, we are doing a horrible disservice to our country and to its defenders.

I have no doubt that the people of Kosovo have a right to their self-determination, just as the people in Slovenia had a right to their self-determination, in Croatia, in Macedonia, and in Bosnia. Yes, we were given an option then, do nothing or send in the troops. We could have then provided the support necessary for those people to fight for their own independence, but instead, we held off, and then it was just send in the American troops.

But the people of Kosovo, just like the people in Croatia, are willing to fight for their own freedom. We are being told, it is either send troops or do nothing. That is nonsense. If we are too timid to even recognize that the people of Kosovo, 90 percent of whom want their independence, they are Muslims, Albanians, who do not want to be under the heel of oppression of the Serbs, if we cannot at least recognize their independence, if we are too timid to do that, how can we ask our own military to jump in the middle of that cauldron?

There is no peace plan. There is no peace plan at all. Our troops will end up either being the police force of the Serbians, or we will end up fighting the battle that the people of Kosovo are willing to fight for themselves.

We have been promised things before in the Balkans. We have been promised, the last time we have sent our troops, that it would take 1 year and $2 billion. That was 5 years and $12 billion ago. That dissipation of our money, that stretching our troop strength so wide that it is about to break, is causing great damage to our national security.

The Balkans is not in America's national security interest. We can talk about NATO in nostalgic terms all we want. The job of NATO was done when the Soviet Union split apart. It is not our job now, because at that time it was in our national security interest. Now it is not in our interest to send our young people all over the world, trying to be the police force of the world in a way that it weakens us as a Nation, so when there are threats to us from China or from elsewhere, or in Korea, that we will be unable to act, and that perhaps thousands of American lives will be lost in situations like that.

Let us support the people of Kosovo's right to self-determination. Let us give them the weapons they need to do their own fight, and not have American lives at stake.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say, the gentleman's proposition would lead to arms races globally, and increased murder. The choice we have here today is to support peacekeeping, as compared to warmaking. It is the right use for our people.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would ask, what does it say about the United States and its NATO allies that we cannot take on a two-bit bully down the block? By allowing Milosevic to get away with his third brutal war in a decade, the United States and NATO will send an encouraging message to dictators, aggressors, and terrorists around the globe.

Those are not my words, Mr. Chairman. Those are the words of majority leader Bob Dole in his testimony yesterday to the Committee on International Relations. He is now charged with getting the parties to an agreement, and is in the final stages of accomplishing that extraordinarily difficult undertaking.

It is therefore deeply regrettable, Mr. Chairman, that we are having this debate today. How can we reasonably make a decision on a resolution regarding a peace agreement when the peace agreement itself has yet to be finalized?

But we are where we are, so I urge Members to vote for the resolution. The slaughter that has been occurring in Kosovo is so deeply disturbing. If we look at the statistics, they are shocking. If we look at the individual accounts, they are even more disturbing. I have a 5-year-old daughter at home. When I read the New York Times account of the 5-year-old that was hunted down in her backyard and brutally murdered, and the photograph of her little shoes in the garden, it is something of a tragedy of a magnitude we cannot ignore.

The U.S. role being considered is only a minor, supporting role. Our participation will be 15 percent or less, we are told. It is a situation where we have to do our part to bring the genocide and atrocities to an end. Vote yes on the resolution.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Armed Services.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am delighted we are doing this debate today. I think that for us not to do this and to wait until it was too late would be a terrible mistake. I think, as a member of the Committee on Armed Services, there are four considerations that we need to consider before we send troops into Kosovo.

First, the manner in which this administration has circumvented the legislative process when it comes to deployment of U.S. military forces around the world has been unprecedented, so it should come as no surprise that the President does not want us to debate this today. The President is the Commander in Chief, but he has a consultative partner in the Congress. He ought to consult us about these things.

When we were debating Bosnia, Mr. Chairman, when we were going to debate it that night, the President told me he did not care what we thought about Bosnia. He did not care. He was sending troops into Bosnia anyway. That should not be the attitude of the Chief Executive. So we are doing something right here today. Even if he does not care what we think, we are doing something that should be done.

Secondly, before we send troops in we should have a measure of success. How do we know when we have done our job? How do we know when we are finished, when we have completed it? I do not see that in the plan at this point. I do not see any clear mission or goals or accomplishment standards, what will be the measure of success.

Third, for the United States to enter the region, there should be a signed agreement by both the Albanians and the Serbs. Following that, there should be a request that we in NATO come in to help them. This is a civil war in a sovereign nation. We should be there only at their request.

I recently visited similar nations in the Balkans. We can see the hatred all over that part of the world. The idea that we would be so arrogant as to believe that we can go in and fix a problem without the full participation of all the stakeholders in this is just ridiculous. Then it is even more arrogant, I believe, to think we can mollify this problem in a short period of time. We may be there a while, if we go in.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

I would like to say that for all the talk of an end game, if we had had the discussion when we put NATO forces in Europe to stop Communist expansion, and said, how long are you going to be there, are you going to be out of there in 2 years, out in a year, we would have lost Europe while we were debating how long we would stay.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding time to me, and thank the gentleman from New York (Mr. GILMAN).

This is a serious matter, we all know that. But the fact is, I think a lot of us are questioning the timing of this. I was in Bosnia last year with the gentleman from Missouri (Mr. IKE SKELTON) and others. Those people were so appreciative of the United States, knowing that the United States is the one and only superpower in the world. We also know that we do not want to be the Big Brother in the world, as well. But we also realize that we have a responsibility. We also know that that is where World War I started, was in the Balkan area.

We have to ask ourselves the question, how can we help? How can we be supportive, knowing that whatever we do it is not going to be just a unilateral effort, it is going to be a number of other countries in concert with the United States agreeing on a peace plan?

The atrocities over there are horrendous, how peoples' lives have been destroyed, their homes are being destroyed, the looting. It was an orchestrated conspiracy, and Milosevic, operating in Belfast, is going to look at all of the things we are doing or not doing.

Yet, we know what Senator Dole has already said. The Republican nominee for President has made it very clear why. This was before the Committee on International Relations just yesterday. He said, "I would rather have the vote come after the agreement between the Kosovar Albanians and Serbia." I think he is correct, because are we going to put ourselves in a position where we are going to be responsible for ruining any opportunity for peace at the table? Let us support our leadership, and let us have peace in Kosovo.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise reluctantly to speak in opposition to sending our the United States Armed Forces into Kosovo. If we look at the U.S. military, it is overwhelmingly apparent that the Clinton administration has placed our military budget and the needs of our men and women in uniform on the back burner while greatly increasing the number of overseas deployments.

By reducing our national defense budget and failing to provide the funding necessary for training, equipment, and compensation, this administration is eroding morale and troop strength. I cannot, in good conscience, support sending our troops again overseas to support another overseas mission. It is not fair to our troops. It is not fair to our families.

Let us review some of the facts on this issue. The number of active duty army divisions has been reduced from 18 to 8. Under the Clinton-Gore administration, the number of fighter wings has gone down from 36 to 20. Our naval forces have been reduced by 30 percent.

Today our troops do not have enough ammunition. The Army is short $1.7 billion in ammunition, the marines $193 million. Too many of our men and women in uniform have gone too long without seeing their families, their wives, their husbands, children, and parents. This is having a terrible effect on morale and retention of a fine, qualified, uniformed service.

This Administration's neglect of our troops has led to fewer troops reenlisting and more troops leaving the Armed Forces. Some of our men and women in uniform are actually on food stamps. This is an outrage.

It is time for this administration to put its money where its mouth is. It is time for it to draw a line in the sand, and demand that we send the right amount of funds to support our troops, particularly if now we are going to send 3,000 more troops overseas to support another unending overseas deployment.

□ 1430

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), former speaker of the Maryland House.

Mr. CUMMINGS. Mr. Chairman, I want to thank my colleague for yielding time to me.

Mr. Chairman, I stand today in support of House Concurrent Resolution 42. Probably one of the most significant moments of my life was when, back in December of 1997, I went over to Bosnia with the President. There I saw our troops. When we arrived in Bosnia at about 5 or 6 o'clock in the morning, thousands of people had stood all night just to simply say thank you for saving our lives. Thank you for giving us our lives for Christmas.

The President is right. We have to act. We cannot just stand aside and allow lives to be lost. The fact is that we have a duty, and we must fulfill that duty. Lest we forget, let us not turn a blind eye. Remember the Holocaust, remember South Africa, remember Rwanda.

Our Nation is a very, very powerful nation. The fact is, is that we have to stand up and bring peace and bring life to life. So I stand in support of House Concurrent Resolution 42 and urge all of my colleagues to vote for it.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of our Committee on International Relations.

Mr. HOUGHTON. Mr. Chairman, I am tempted to go through the philosophies and the history and the risks and the costs that are involved here. But to me, and it may be a reflection on my own position, to me, it is a very simple issue that we are in a situation now where decisions have to be made. We can be doubtful and unclear and opinionated about some of the things, whether it is the reigniting of anarchy in Albania or destabilizing Macedonia, but that is not the point.

The point is this is a horrible time I think to have this debate. If we are going to have peace, we must have successful negotiations. We are right in the middle of negotiations now.

If we vote down this resolution, the negotiations have no merit because there is no incentive for the people to continue the negotiations. If we vote for this resolution, we can continue the negotiations. It is a nonbinding resolution. If we want to, we can take up the issue whether we should have troops in Bosnia or not.

So, therefore, it is a very clear issue. Do we want to continue the negotiations? Do we not want to continue the negotiations? I am for continuing, and I am for this resolution.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I rise today to urge my colleagues to help Kosovo achieve peace, not only for the benefits of the thousands of people living in that troubled area of the world, but also for their family members who live here in the United States.

Let me tell my colleagues about a family in my southeast Texas district who has loved ones who are trapped in violence-torn Kosovo. John and Lisa Halili, who own and operate an oyster and shrimping business in San Leon, watch 24-hour television and read newspapers with anxiety and anticipation each and every day. Why? Because John's father and brother, and many other people, have been forced to flee their homes and, in one instance, hide in a single house in the village of Vushtrri.

Unfortunately, Bajram and Idriz Halili have been unable to leave their hideaway and escape to the safety of the United States. So they, along with their son and daughter-in-law in Texas, wait and wait and wait for peace to come to Kosovo and the entire region.

Feeling helpless and sometimes hopeless, John and Lisa have contacted me, hoping that I, as a United States Representative, could do something to diminish their worry or reunite their family.

Unlike the Halilis, Congress is not helpless, nor should it be hopeless about peace talks in Kosovo. I know that there are other areas of the world that are crying out for help, including places in our own country. But where we can make a difference, we have an obligation to do so. We have the duty to do whatever it takes to help this troubled region of the world create an environment of peace for its people and their families who live within all of our Congressional District.

We as a Congress have a responsibility to support the President so that the United States speaks with one voice on foreign policy.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to begin by congratulating and thanking the chairman, the gentleman from New York (Mr. GILMAN) for his leadership in helping to move this to a debate which is such an important part of this process.

One of the most important accomplishments of which America can be justly proud is its victory in the Cold War, a 50-year struggle during which literally 500 million people were liberated from control of the Soviets.

Our ideals, our American ideals of democracy and market capitalism are in triumph throughout the world, but not in every corner of the world. With that triumph comes some responsibility.

In the Balkans where slaughter and bloodshed and systemic rape as a tool of terror have been used over and over again, where families and villages have been wiped out, America properly has a role, not the only role, but a leading role. But this is a sobering debate frankly because of some of the failures of our foreign policy that got us here.

I am in support of the Gilman amendment, because I believe in America's role in ensuring the peace, in ensuring a strong, integrated Europe. But let us remind ourselves of the fact that the Dayton Accord helped perpetuate this because the people of Kosovo who pursued a nonviolent strategy were left out. The message that was translated from the State Department was that we will only be engaged if violence is pursued as a tool. That is the wrong message.

The message from Milosevic was, if one pursues a strategy of violence and terror, one can consolidate their gains; and we will not push them back, and they will win.

When our lead negotiator, the Special Envoy to the Balkans, praised Milosevic for his cooperation in Bosnia and branded the Kosovo Liberation Army, "without question a terrorist organization," what is the message that he sends?

We must be there because of a failed American foreign policy, but we must also be there to keep the people of Kosovo confident in America's efforts.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, a 1986 intelligence report warned us of today's debate. They said the genocide in Kosovo will end by one of two means, by Western governments assisting and pressuring Belgrade to grant independence to Kosovo, or be revolutionized.

This is a tough vote. I, like everybody else, want to stop the slaughter in Yugoslavia and in Kosovo. But let me say this, today's vote will also reward an international tyrant Milosevic, because we will be rewarding a flawed agreement.

This agreement should be modified to say, number one, upon enactment of the agreement, there should be no Serbian troops in Kosovo; number two, a provision clearly warning Milosevic he will be bombed if he violates the terms of the agreement; number three, that all war criminals will be apprehended and will be subject to prosecution, bar none; and, number four, that, on conclusion of the terms of Rambouillet, there shall be a referendum vote for independence.

God, we are here in the halls of Washington and Lincoln. In 1986, they told us, there would be more genocide, more killing, more oppression, and we have done nothing, and we are about to make the same mistake.

This is a tough vote for me. But our committee must look at those facts, Mr. Chairman. My bill clearly speaks to it. There should be an amendment on this floor to modify that agreement, at least the sense of this House to, in fact, infer that that subject mattered.

Be careful here. It just is not about deploying troops. Europe should be providing those ground troops. We should be providing the air and strategic support. But it is a tough vote, and I give credit to the Speaker for at least taking up the issue. Our war making powers should not come down from the White House.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD), a member of our Committee on International Relations.

Mr. SANFORD. Mr. Chairman, I stand as one against sending troops to Kosovo and one very much behind the timing of this vote for a couple of different reasons, but one in which was well described by Henry Kissinger yesterday.

Yesterday, he said before our committee that he and President Nixon believed that we were in trouble in Vietnam because our predecessors had launched the U.S. into an enterprise in a distant region for worthy causes but without adequately assessing the national interest and the likely cost. Now, not after the troops are deployed, not after troops are in the field, but now is the time to assess that cost.

I do not think it passes the cost test for a couple of different reasons, the first of which is the domino theory has long been disproven. Clifford Clark was sent by Lyndon Johnson to see our C2 allies in Southeast Asia over 30 years ago to use the same argument. The C2 allies said, no, we do not think this will grow into a giant conflict in Southeast Asia. We choose not to go into South Vietnam or North Vietnam. We ignored their advice and, as a result, 50,000 American boys died.

The domino theory has been disproven. For us to send boys into Kosovo means it has got to pass the mommy test. The mommy test for me means it is not only in our strategic interest, but we also have a chance in making a difference.

Here, as my colleague just pointed out just a moment ago, we were signing an agreement with Milosevic, who is a person who does not exactly have a lot of trust in the world community. Yet we are validating him by signing an agreement with him. In other words, we are building an agreement on shifting sand.

Thirdly, I would say that troops are thought to be used as policemen. Modern armies are designed to move. They are not designed to stand still. I sat on a plane the other day with a young enlisted officer who complained about the fact that he had not seen his baby in 6 months and was being used as a policeman in Bosnia.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of this resolution although I must tell my colleagues I have certain misgivings. My misgivings are not surrounded by the U.S. role, because I think it is clear that the United States has a very vital role in this peace process. The stability in the Balkans are very important to our national interests, and we are not going to achieve peace in the Balkans without U.S. leadership.

It is important for the United States to maintain a very strong position with NATO. So I support the Clinton administration's efforts in this area.

My concern is a matter of timing. Why are we considering this resolution now? I agree with my friend the gentleman from New York (Mr. HOUGHTON) in his comments, in that we should have an agreement first before we are asked to vote on what the United States' role should be in enforcing that peace agreement.

We do not know what the agreement itself will be. However, I plan to vote in support of this resolution because I want to make it clear that I support the Clinton administration's efforts to bring peace to the Balkans, that I acknowledge that the U.S. will play, must play a leadership role in enforcing that peace agreement that we hope will be achieved.

By voting for this resolution, I think we move forward the peace process in the Balkans. If we do otherwise, then we are going to be at least partially responsible for making it more difficult for us to achieve peace in that very difficult area of the world.

Mr. Chairman, I urge my colleagues to support the resolution if we must vote on it today. If we must vote on it today, then we should support it.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I want to thank the leadership for allowing this debate to come to the floor. I have, for quite a few weeks, advocated that we talk about this and have urged that the troops never be sent to Kosovo without our consent. I do believe, though, that the process here is less than perfect. The fact that we are talking about a House Concurrent Resolution at the same time authorizing troop deployment raises serious questions.

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Since World War II we have not been diligent here in the Congress to protect our prerogatives with respect to the declaration of war. Korean and Vietnam wars were fought without a declaration of war. And these wars were not won.

Since 1973, since the War Powers Resolution was passed, we have further undermined the authority of the Congress and delivered more authority to the President because the resolution essentially has given the President more power to wage war up to 90 days without the Congress granting authority. It is to our credit at least that we are bringing this matter up at this particular time.

We must remember that there are various things involved here. First, whether or not we should be the world policeman. That answer should be easy. We should not be. It costs a lot of money to do what we are doing, and it undermines our military strength. So we should consider that.

We should consider the law and the process in the War Powers Resolution and just exactly how we grant authority to the President to wage war. We should be more concerned about the Constitution and how we should give this authority. We should be concerned about this procedure.

The bigger question here, however, is if we vote for this, and I strongly oppose passing this, because if we vote for this, we authorize the moving of troops into a dangerous area. We should ask ourselves, if we are willing to vote for this resolution; are we ourselves willing to go to Kosovo and expose our lives on the front lines? Are we willing to send our children or our grandchildren; to not only be exposed to the danger, with the pretext we are going to save the world, but with the idea that we may lose our life? That is what we have to consider.

Mr. HOEFFEL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, now is not the time to have this debate. Too much is at stake to risk sending a message of America's disunity at this critical point in the negotiations. Innocent men, women and children, little babies, entire families have been butchered, children have been orphaned, women have been raped, 400,000 people have been driven from their homes. That is what is at stake here today: human lives.

If we are the leaders of the free world, if we are still that brave Nation that stood against darkness in World War II, now is the time to stand together to help the people of Kosovo find peace. But as we speak, negotiations are at a critical stage. We are either on the brink of a breakthrough or at the point of a breakdown. If the negotiations succeed, thousands of lives will be saved. Thousands of these children will live to grow up. And if we fail, many of these people will die.

With all that at stake, at a time when these poor people are looking to us for stability, to help them find their way back to peace, why are Republicans holding this debate here today at the very moment we need to show unity?

If there are parts of any final agreement we want to debate, then for God's sake, let us wait until we see it, let us wait until the ink is dry, let us wait until it is signed. Right now there is no accord to debate, there is only the possibility of sabotaging the process before it has had the chance to reach a conclusion.

That is why this premature debate is the very height of irresponsibility, and even more so because this is where World War I began. My colleagues, past is prologue, and we should not have to learn this lesson twice. This region does have strategic importance to the United States and many Americans died when the world ignored these tensions once before.

Preventing an escalation will save American lives in the long run. We cannot afford a war in Kosovo that could destabilize the region, that could spill over into Albania, to Macedonia, Turkey, and Greece, which are NATO allies. We should be standing together. We should be supporting these negotiations. We should be supporting the suffering families in Kosovo, and we should have delayed this debate until the negotiators have had the time to finish their work.

But if Republicans want to force a decision now, the decision should be and must be that this is a cause and a region in the national interests of the United States and, ultimately, in the national security interests of the United States worth defending. And if troops are needed to do that, we should support that mission and we should support them.

Mr. Chairman, I urge my colleagues to once again join with us to try to delay this vote and, if not, then to vote to send a clear message that America stands ready to help in Kosovo.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, the peace talks in Kosovo are predicated on one very simple premise: The international community must pose a credible military threat to enforce any peace agreement that is reached between the Kosovars and the Serbs.

To discuss today whether or not the United States, the world's only superpower and the world's greatest military force, will lend its support to any Kosovo peace settlement is premature and is inappropriate at this time. To debate this issue today undermines the efforts of the envoys who are trying to negotiate a peace settlement between the Serbs and Kosovars.

However, the credible threat of military force does provide an incentive for the Serbs and Kosovars to reach a peace agreement. To debate this issue today threatens that incentive and could embolden Slobodan Milosevic to reject NATO peacekeeping troops completely, and could cause the Kosovars to give up on the peace process.

The bottom line, though, is that wavering American leadership in this situation has the potential to lead to more bloodshed in Kosovo that could spill over into other parts of Europe and metastasize beyond our control. Mr. Chairman, we cannot have it both ways. We cannot be the world's only superpower but then remain aloof when the situation demands our leadership.

Mr. Chairman, I do not rise today to say that the United States is obligated to resolve every conflict that erupts around the world. We have the right to decide these matters on a case-by-case basis. But in this case it is in our national interests to lend our country's support to the international effort to prevent the return of wanton bloodshed, murder, rape and wholesale slaughter in Kosovo.

The Balkans have been the birthplace of war before. Allowing a conflict to explode in that region could have devastating consequences to the peace and stability of Europe and, hence, to America's national interests.

Mr. HOEFFEL. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this resolution; in support of basic human rights, in support of doing the right thing for our country and for the people of Kosovo.

I welcome this debate, Mr. Chairman, yet I fear that in undertaking it, what we have done today could have a very serious negative impact on the current sensitive negotiations on a peace plan. That is why I voted against the rule. The resolution, however, I pray, will be passed; that America, at our shores, will stand united; that the message we send this day will be that America is united in its conviction and in its commitment to face tyranny where it finds it.

In addition, Mr. Chairman, I am hopeful that we will ratify and support the representations of two American Presidents, President Bush and President Clinton.

President Bush said, in his Christmas warning to Milosevic, and I quote, "In the event of a conflict in Kosovo, caused by Serbian action, the U.S. will be prepared to employ military force against the Serbians in Kosovo and in Serbia proper.'' That was George Bush, then President of the United States, Christmas 1992.

Mr. Chairman, shortly thereafter, the President of the United States, William Jefferson Clinton, recommitted to that proposition set forth by George Bush; that Milosevic, perceived by this Nation as a war criminal, perceived as savaging the people of Bosnia, if he tried to do the same in Kosovo, would be confronted by America and, yes, by its troops.

Mr. Chairman, today we hear that Robert Dole, the candidate for President of the United States in 1996, testified before the Committee on International Relations that we should not have this resolution on the floor. But if we did have it on the floor, as we do, that it ought to be passed.

That sentiment was shared by Jeane Kirkpatrick under President Reagan, our representative to the United Nations, by Richard Perle, an assistant in the Department of Defense, known as a hard-liner, I might say. A conservative. Vin Weber, a member of this Congress, a close friend of the former Speaker, signed a letter saying that this action that the President proposes should be supported. And, lastly, I cite Caspar Weinberger, Secretary of Defense under Ronald Reagan.

Mr. Chairman, America's strength has, in instances overseas, been our unit, our unity of purpose, our unity of conviction. It is clear that the Europeans alone will not be able to summon up the political will and, indeed, the military strength to confront this Bully of Belgrade, as referred to by Senator Dole.

I would hope, my colleagues, that we come together today, as has Bob Dole and Bill Clinton, Jeane Kirkpatrick and others, and Richard Holbrooke, our perhaps next secretary of the United Nations—come together and say that we will confront war crimes when our Presidents commit us to that end; that we will support this President and facilitate the attaining of an agreement. Because to facilitate that agreement may not only save lives, but it will save the dispossession of thousands of people. The dispossession from their homes, from their lands.

Mr. Chairman, this is a great country, and I would remind my Republican colleagues that when George Bush made a determination to confront tyranny and send troops to Saudi Arabia, there was a request on our side for a vote. President Bush asked Tom Foley, the Speaker of the House of Representatives—and I sat in the room with him—let us not vote now; let us support this policy so we can put together this coalition and bring peace and stop this aggression. Speaker Foley agreed to do so with the President of the United States.

And, indeed, when there was a vote, I tell my friends on the Republican side of the aisle, as to whether or not we were going to then deploy those troops in Saudi Arabia into Kuwait, that almost half of our caucus supported President Bush. I hope we find that bipartisanship today. I hope we follow Bob Dole. I hope we commit ourselves to bipartisanship in foreign policy in confronting tyranny.

There are those who say that the United States has no strategic interest in Kosovo, that we have no interest in the "internal affairs" of another country, that war has become a "fact of life" in the former Yugoslavia.

Mr. Chairman, I submit to you and my colleagues that helping to resolve the crisis in Kosovo, as we have in Bosnia—stopping war in the heart of Europe—is a preeminent strategic and moral interest of the United States. The crisis in Kosovo, like Bosnia, has the potential to ignite the entire Balkan region, undoing what we have achieved in Bosnia and drawing in already unstable Albania, Macedonia and potentially our NATO allies Greece and Turkey.

To those who say that the international community has no interest in the "internal affairs" of another state, I say that both the Universal Declaration on Human Rights and the Helsinki Final Act to which the United States is a signatory, hold otherwise.

Fifty years ago, the Universal Declaration on Human Rights shattered the idea that national sovereignty should shield governments from scrutiny of their human rights records. This concept had long insulated countries from being held accountable for the gross mistreatment of their own citizens. In the aftermath of the Holocaust, the declaration captured the world's revulsion of that traditional view of international relations and made clear a new norm—how a state treats its own people is of direct and legitimate concern to all states and is not simply an internal affair of the state concerned. Thirty years later, the Helsinki Final Act reaffirmed this principle.

Mr. Chairman, the events which have occurred in Kosovo since the beginning of last year are but an escalation of the repression and brutality the Albania Kosovars have suffered at the hands of the Belgrade authorities since 1989 when Slobodan Milosevic unilaterally revoked the substantial autonomy Kosovo enjoyed under the old Yugoslav Federation. Of course, since the beginning of 1998 more than 2,000 ethnic Albanians—including women and children—have been killed, many brutally massacred. Hundreds of villages have been destroyed, and more than 400,000 people have been displaced. Make no mistake about it, this is ethnic cleansing.

To those who say that what is happening in Kosovo is the continuation of centuries old ethnic hatreds, and that "War has become a fact of life in this part of the world," I ask, what do you propose? Accept the status quo? Let the opposing factions "slug it out"—let the bloodbath continue? I say this is totally unacceptable. Such a course legitimizes the violence—the murder, the ethnic cleansing—and accepts the premise that this is the kind of world in which we will always live.

Mr. Chairman, Kosovo is not Bosnia. The situation on the ground is certainly different in many ways, yet both share a common suffering—the scourge of ethnic cleansing, and a common curse—Slobodan Milosevic. The killing and devastation in Kosovo, like the ethnic cleansing in Bosnia, are a direct result of the efforts of Milosevic and his thugs to maintain and consolidate their power.

Mr. Chairman, the United States, NATO and the international community have made a commitment to bring peace and long-term stability to the former Yugoslavia. This is a long and difficult struggle, and any peace agreement will not be effectively implemented without NATO muscle. The United States must lead and take a strong stand against the enemies of peace.

Mr. Chairman, NATO no longer confronts a monolithic enemy. The threats with which it must now deal come from terrorism and regional conflicts—like Kosovo. If we and our NATO allies are not willing to confront the bullies in Kosovo and lay the groundwork for long-term peace in that region, we will encourage such bullies and ensure that they will act again sometime, somewhere, That is the lesson of history we must not forget.

Vote for H. Con. Res. 42.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time. If we believe this operation is equal to what was going on in Kuwait, we should vote "yes".

□ 1500

If we see it to be different, then we ought to ask what are the differences. I think it is dramatically different. Our country is about to commit 4,000 young men and women into a sovereign nation, in a region in that nation where 90 percent of the inhabitants of Kosovo are Albanian, who are trying to become independent. We are about to get ourselves in the middle of a Civil War. This is not fighting Saddam Hussein, this is interjecting 4,000 Americans into a faraway place where heartache is normal, where tyranny has existed before, and will exist after. How do we come home?

You are asking the Congress to have a one-way ticket to a region of the world that is not going to lead to a world war. It is going to be a place where they will eventually figure out they can live together, with our help, but our help should not include 4,000 young Americans standing in the middle of people with a lot of hot temper. This makes no sense. Piling this on top of Bosnia is unbelievably expensive. This is different than Bosnia, this is different than Kuwait. The American public does not understand what we are doing or why. And all the big names in international politics to me have not justified why we are there and how we are going to get out.

Secretary Kissinger says this is more like Vietnam than it is Kuwait. I hope he is wrong, but I believe he is right. How many more young men and women are going to go in faraway places to get in the middle of civil wars where there is a dubious reason to be there to start with and no way home? I hope none of them come home hurt or maimed. Vote "no." Stand up for America.

Mr. HOEFFEL. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

What has become of us, my friends? We may well be on the brink of a peace agreement between the Serbian government and the Kosovo ethnic Albanian population. Our hearts have been broken for months now. Yet in the midst of possibility finally, a resolution on this floor to polarize our country as to what it is already doing. We have been polarized on domestic issues, but I think the American people expect more of us when it comes to our international posture.

As I speak, we are erasing the rhetoric of bipartisanship that the majority has sounded. Because if we cannot be bipartisan when our country is in the midst of what looks like it can be a successful effort to stop genocide, then I do not know when we can be bipartisan. We are undermining not war but peace. There can be no debate that this is in our national interest, and I have not heard that it is not. Nor after the Bosnia precedent should there be any debate as to whether we should go forward now having gotten this far.

What has happened to the Albanians is unspeakable. Milosevic began shutting down their language institutions and he has ended with genocide. We have gone, on the other side, from partisanship to isolationism.

My friends, we cannot lead the world in war or in peace if every time the party on the other side of the aisle wants to move, you on that side says, "We don't move simply because you want to move," and that is what this comes down to. We are assuming the posture you have historically assumed and yet now that it is our posture, because it is our President, you have simply jumped to the other side, against the national interest.

I ask you to stand beside our country, postpone this vote, but, to be sure, I hope that you will not be found on the other side of a vote that would undermine our country as it wages peace, not war.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I come reluctantly to the floor to oppose the use of United States troops on the ground in Kosovo. I do that because of two reasons. First, because of the lack of trust and confidence that I have in this President, and secondly because of the pattern of experience.

When I got elected in 1992 and began service in 1993, this President inherited the question of Somalia which President Bush had started as a humanitarian rescue effort. President Clinton turned that into a national tragedy, a loss of our troops as we saw our troops drug through the streets of Somalia. Where are we in Somalia 4 or 5 years later? Just a few days ago 60 were killed in Somalia.

Then we had Haiti, our second experience in nation-building. And what have we done in Haiti? We have traded one corrupt government for supporting another corrupt government at the cost of billions to our taxpayers. This President and this administration opposed an international pan-African force in Rwanda before the genocide of our time took place. That was the experience then, they said no troops then, and after the genocide we sent our troops into that area.

Bosnia. Time and time again we have set deadlines for our troops in Bosnia, and our troops are still in Bosnia and our troops are spread thin across the globe with these deployments from this President, this administration. Only after Congress stepped in and made sure that we micromanaged the military effort in Bosnia did we ensure that our troops would not be killed, that they would have adequate equipment and that they would serve under United States command and not U.N. international command. We have no exit strategy. Our military is stretched to the limits. When the wives and mothers of our reserve forces call me, I am going to refer them to 1600 Pennsylvania Avenue and this President.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, let me thank the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for bringing this to the floor. I must tell the gentleman from New York (Mr. GILMAN) that this is not an easy vote for me. Indeed I have spent most of the last week worrying and studying about this vote and even at times trying to come to the point where I could vote in agreement with you on this proposition, largely out of the respect that I have for yourself, the gentleman from Missouri (Mr. SKELTON) and others that I have talked to. But I have to say, it has been a struggle.

I have always been very proud of the American people, proud that Americans love freedom so much that they are prepared to risk their peace to defend the freedoms of others.

Since the end of the last war, we have rightly held a larger vision of our national interest. We do not see it as merely defending our coastal waters, protecting our commercial interests, or stopping an invasion of our homeland. We have understood in a way that no other people in history have that our freedom depends on the freedom of others.

This principle has inspired our great national initiatives, the Marshall Plan, the Truman Policy, the democratization of Japan, our fights for freedom in Korea and Southeast Asia, the Reagan doctrine, and most recently the expansion of the NATO Alliance for which many in this body, including the gentleman from New York, and especially the gentleman from New York, have been responsible.

The result of this effort is that America has made a world in which hundreds of millions of human beings are living in peace and under governments of their own choosing and working together for their common benefit. Very few times in this bloody century would anyone have predicted that it would have ended as well as it does. But it does, because of the wisdom of the United States of America.

Mr. Chairman, we do have an enduring interest in a peaceful Europe. What happens in the Balkans is important to our security. Indeed we must do all we can reasonably expect to do to prevent further killing and suffering in these troubled lands. But I cannot in good conscience support the proposed deployment we are debating today. I believe it has been poorly considered and is unlikely to achieve our desired ends.

I make this objection on purely practical grounds. Its central flaw is that it depends on negotiating an agreement with the Serbia dictator, the very man who is responsible for the Balkan horrors in the first place. Mr. Chairman, he is a brutal killer and we can have no confidence that he or his followers will respect any agreement that might be reached.

On the other side will be the Kosovar Liberation Army, a new formation with little experience in these matters. Its cause may be noble, but there is little reason to hope its leadership will be able to discipline its members. The agreement will, after all, come far short of their desire for true independence.

Our troops may thus find themselves opposed by free-lance opponents on both sides of this brutal conflict, opponents undisciplined by any central authority. The resulting bloodshed may produce events that are far more destabilizing than those the administration fears today. This could be, Mr. Chairman, another Somalia. For these and other reasons I have heard stated today, I believe this deployment is unwise and must be opposed.

Mr. Chairman, we need to take a fresh look at our policy towards the world's outlaw governments, not just in Serbia, but in Iraq, North Korea and elsewhere. These rogue regimes are without question the greatest security threat we face today. The administration response to them has been haphazard containment efforts, loose arms control arrangements or other negotiations. Containment and negotiation, however, can do little to solve the underlying problem, the very existence of the regimes. What we need is a new version of the Reagan Doctrine of the 1980s, a policy that seeks not to contain these regimes but to replace them with democratic alternatives.

Last year, Congress began to shape exactly such a policy towards Iraq with our passage of the Iraq Liberation Act. We need to consider similar legislation for other rogue states, including Serbia. I for one reject the idea that the Serbian people are themselves inherently bent on ethnic warfare. As the large civil liberties protests in Belgrade have shown, they aspire to the same democratic privileges that other Europeans enjoy.

The problem, Mr. Chairman, is Milosevic. Had we followed a determined policy to change his regime, we could have vastly improved the prospects for peace in the Balkans and liberated the Serbian people as well. It is time to begin such a policy now.

The lesson of the Cold War should be clear. True peace, justice and security come not from negotiating with inhuman regimes but transcending them. Even the most enduring dictatorships can melt before the power and the ideals of the United States. The power of freedom is an ideal shared by all people. It can be and must be in the end larger than any man, no matter how brutal.

Mr. GILMAN. Mr. Chairman, I thank the majority leader for his words with regard to this issue.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, the debate we are entered upon today has the gravest of consequences for our Nation and for our future. Having recently returned from Bosnia, I had the opportunity there to learn a little bit about the attitudes present in that region. One thing that I did learn is that our allies, our NATO allies, have a strong commitment to keeping peace in the Balkans and they feel very strongly about our willingness as a NATO partner to stand tall with them in this crisis. I also learned from talking to some of our military leaders that there is a clear relationship between the situation in Bosnia and the developing events in Kosovo. Our investment in Bosnia, as one military leader told me, is clearly threatened by the developments in Kosovo.

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I also had the opportunity to talk with soldiers on the ground who are doing an excellent job keeping the peace in Bosnia, and, as one first sergeant shared with us in testimony before a committee hearing, he has made a spiritual investment in Bosnia and believes very strongly that we have done the right thing in trying to help keep the peace there. He said because of our soldiers children now go to school in Bosnia, can safely play in playgrounds without fear of land mines or snipers. We have clearly accomplished the objective of keeping peace in Bosnia, and the relationship between the situation in Kosovo and Bosnia is undisputed by those who serve us in our Armed Forces.

I also learned that there are clear limits to what we can hope to accomplish in that part of the world, and for that reason there must be clear guidelines before we commit troops to any mission, any joint NATO mission, in Kosovo. Those principles were set out by the President in a February 4 address, and I think we must include those principles in the resolution that will be adopted here today.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, I rise in opposition to the resolution.

Mr. Chairman, I believe this debate is timely and important. Public debate, by those Representatives closest to the people, before our troops are put in harms way, is not a sign of weakness and division but rather a clear reminder that the great power of America comes not from its government, or its military might, but from its people and their commitment to freedom, peace and democracy.

In my recent travels to the Balkans and Southwest Asia, I have been greatly impressed by the professionalism of our soldiers, sailors, airmen, and marines. They have done tremendous service to our country with few rewards. They care for their aging equipment with great pride, though hampered by a worsening shortage of spare parts and lack of meaningful training. While at home, their loved ones struggle to keep their families together during the many long separations. The military mission to Bosnia has been an almost flawless success.

In contrast, the foreign policy and political decisions that so easily put our troops in harms way is a growing failure.

This administration has engaged our troops too often, for too long, with too small a budget and with too little support from the American people, the Congress and the world. Our soldiers can stop the fighting, but Bosnia is not closer to peaceful, stable government today than they were 5 years ago. Remember, the President promised this effort would take only 1 year and cost $1 billion. Five years and $10 billion later there is no end in sight.

In this new age foreign policy, which replaces "power projection" with "sympathy projection," we find the easier it is for the United States to commit its troops into the war zone, the harder it is to get them out. The objectives of these new entanglements are ambiguous—if stated at all. The goals change in the middle of the operation. The troops are left without any way of gauging their progress or even visualizing the set of circumstances which would enable them to finally return home.

Today our troops are engaged in Africa, Asia, Europe, and South and Central America—virtually all over the globe. And they are doing a magnificient job with only half of the cold war force, and 35 percent fewer resources. The rate of overseas deployments is up more than 400 percent in this administration alone. Meanwhile, the Joint Chiefs of Staff stated requirement for an additional $22 billion in defense investment falls on deaf ears at the White House.

Now we learn that there is another crisis that "requires" American intervention. This time the call comes not from a threatened ally, a loyal friend or even a recognized country, but from a province within a sovereign country. When will it end? Or will this new policy or well meaning enlargement, simply encourage any group with a gripe to choose separation over the harder course of honest dialogue and true democracy. There is no doubt in my mind that Serbian President Milosevic is a brutal and oppressive thug who is guilty of crimes against humanity and genocide. However, an invasion of his country to embrace a "county" in search of independence can only speed our sinking into a Balkan quagmire.

Though we would like to think we can, America cannot erase, merely by its presence, the animosity between religious and ethnic enemies. We cannot cause a love of freedom and devotion to democracy to bloom in this fallow land. We cannot make thugs and tyrants believe that "it takes a village". U.S. troops separating warring factions does nothing to soothe the root cause of the hatred. It only delays the explosion of vengeance and mistrust. As I see it, these conflicts will eventually explode. We can only choose whether the explosion happens with U.S. troops at ground zero or not.

With regard to the prestige and effectiveness of NATO. The only action which weakens our most important alliance is this President's repeated use of empty threats of therapeutic air strikes and endless promises that twenty thousand troops can solve in 1 year—problems which have defied solution for thousands.

As the American presence lengthens in these "peacemaking" and "nation building" missions, the animosity inevitably broadens to also be directed at our troops. Soon the referee is taking blows from both of the fighters. Our troops must eventually defend themselves, but in that self-defense they will only serve to increase the hate of both sides toward America. In these situations, there is no resolution for America, but shameful retreat or total war. Has the tragedy of Somalia been that long ago? I cannot support this flawed political effort without a clear goal, a believable exit strategy and guarantee that this mission will not further degrade fragile military readiness.

In this case, the best way to support our troops is to keep them home.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I heard somebody on the other side of the aisle say this is a partisan decision. Not so. Republicans have mixed emotions. This is a serious decision. Our chairman is voting for the resolution. Some of us question it very seriously. It is only partisan if the Democrats decide that they are going to support whatever the President might do.

It seems reasonable that the President of the United States should come to not only Congress, but the American people, and present some of the reasons why it is in America's interest to send our young men and women into this land of Serbia, into one of the regions of that sovereign country called Kosovo, to risk their lives. There needs to be a compelling reason. Dr. Kissinger yesterday said that we might have to bomb our way in and then not really know which side is going to shoot at us. The President is planning to deploy U.S. troops without a clear objective or exit strategy.

Before we deploy any troops, we need clear answers to basic questions like how will our presence advance lasting peace, and how long will our troops remain in the region. Serbs and Albanians have fought in Kosovo, an Albanian-dominated region of southern Serbia, for centuries. Conflict in the last year between ethnic Albanian rebels and Serb police has resulted in over 2,000 deaths.

If the President is not willing to come to Congress, and explain; here is the plan, here is the strategy, here is how long we expect to be there, here is what we expect American taxpayers to pay; what is going to happen when we start taking out some of our young men and women in body bags? One question I had to Dr. Kissinger is why is NATO willing to commit 24,000 of their troops? His answer was partly the U.S. demand and the U.S. initiative.

Mr. Chairman, we can not be the police force for the world. We can not keep spending the Social Security trust fund money. One day, if we are not careful we will not even have these options of helping those in need.

While some remain optimistic about the potential peace agreement, I have serious reservations. Ethnic Albanian leaders in Kosovo have said that they will settle for nothing less than independence. Serbia refuses to sign an agreement which dismembers the country. As Dr. Kissinger stated, "the projected Kosovo agreement is unlikely to enjoy the support of the parties involved for a very long period of time."

The long history of the ethnic conflict in the Balkans makes a lasting peace in Kosovo unlikely, with or without a NATO presence. If our goal is to quell the hostilities that have persevered for centuries, than we will find ourselves in the same situation that we face in Bosnia, where our troops deployed for an unlimited amount of time, with no end in sight. U.S. troops have been in Bosnia-Herzegovina since 1995 at a cost of more than $9 billion to the U.S. taxpayer. Roughly 6,900 troops are still in Bosnia, even though President Clinton promised that U.S. participation would be limited to one year.

Despite the massive cuts made to our military, we have more troops deployed to hostile regions now than during the Cold War. Dr. Kissinger made the point that "each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea."

If NATO intervenes with troops in Kosovo, the U.S. can assist its NATO partners with communications and intelligence support and back a political strategy aimed at boosting Serbian opposition to Serbian President Milosevic. However, I will not support Congressional authorization to deploy ground troops into a civil conflict with a sovereign nation to enforce a peace agreement that neither side supports.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding this time to me.

As I mentioned before, I think this resolution is ill-timed and we should not be doing this, but since it is on the floor I rise to support the Gilman resolution.

Carnage has gone on in Kosova for too long, and by the way, I say Kosova with an "A" because 92 percent of the people that live there are ethnic Albanians and pronounce it Kosova. Ethnic and cleansing and genocide has gone on for too long. The butcher of Kosova, Slobodan Milosevic, continues to kill people. We continue to see genocide on the face of Europe. We cannot sit still and continue to allow this to happen. Until the United States stepped in in Bosnia, we saw 200,000 people ethnically cleansed by Milosevic and his people, murdered, and we are going to see it again unless the United States grabs the bull by the horns.

We were told by some on the other side of the aisle that when U.S. troops went to Bosnia there would be many, many American casualties. That has not happened. It will not happen in Kosova, but we will prevent innocent civilians from dying.

I support independence for the people of Kosova because I believe that is the only long-range plan that works, they are entitled to the same things that we hold dear, they are entitled when Yugoslavia broke up the former Yugoslavia, the Croats, and the Slovenians, and the Bosnians, and the Macedonians all had the right to independence and self-determination. The Kosovar Albanians should have that same right. This agreement does not do that, but at least it stops the killing, it stops the ethnic cleansing, it gives them half a loaf.

Milosevic does not want it. He does not want U.S. troops or NATO troops because he wants to keep the killing and he wants to keep the stranglehold on the people of Kosova that have no political rights, no economic rights, no human rights.

NATO has to lead, and the United States has to lead in NATO. NATO cannot do it alone. If we are not the leaders, we will not be successful, NATO will not be successful, and I say to my colleagues we cannot be in favor of stopping genocide and helping the Albanians if we are not willing to have NATO troops on the ground with U.S. leadership and U.S. participation. This is in the vital interests of the U.S. We do not want a larger war.

We need to support the Gilman resolution. It is time to step up to the plate.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of our Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I have some prepared remarks I would like to make on this subject, but, if I might, I would like to submit my remarks for the RECORD and try to sum up how I feel about this very important resolution we have before us today.

Of course, as chairman of the Committee on Armed Services, I know that each and every Member will support our men and women in uniform whenever and wherever they are called upon to go in harm's way. That is why I am in opposition to sending ground forces to Kosovo, however my colleagues want to pronounce it. My abiding concern is for the ability of our fighting forces to respond to crises that amount to real wars. We are right now stretched thin all over the world with all kind of commitments. The op tempo is great. We have torn down our forces to the extent that I have very real grave concerns about our ability to carry out our national strategy of being able to fight and win two nearly simultaneous major regional contingencies, or whatever they call them.

We ask our military leaders are we capable, what is our position, our readiness from the standpoint of being able to carry out this mission, and they tell us that they can do it, but the risk will be high to moderate. Mr. Chairman, high to moderate means hundreds of thousands of casualties I am not prepared to take.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise today to express my dire concern and the concern of many of my constituents in my district and in my State regarding any further deployment of U.S. troops to Kosovo. I would like to thank the Speaker for providing us with the opportunity to state our beliefs at this time on this controversial issue, and I thank the gentleman from Pennsylvania (Mr. HOEFFEL) and the leadership of my party for giving me this opportunity to differ with my party on this very important item.

I have always supported our uniformed service members and will continue to do so, but I just cannot support the deployment of our sons and daughters to locations around the world where we, as an administration, we, as a Congress, we, as a country, have not explicitly spelled out our objectives.

Do I regret suffering around the world? Of course. Everyone here does on both sides of the aisle. But would I sacrifice one American life for all of Bosnia, Iraq or Kosovo? I absolutely would not without a true national interest, or a plan to successfully enter, a plan to successfully succeed and a plan to successfully leave.

Originally the administration assured Congress that it would not send troops to Kosovo without first providing this body a chance to consider such an action, but the administration knows that this Congress will always support our troops once they are deployed, so off they went. And I would like to ask the President what is our strategy in Kosovo, what are our objectives, how long are we going to keep our men and women in uniform away from their families, what action dictates their return and, finally, what is the overriding national interest in Kosovo that has prepared him to risk the life of a single American.

In 1996 there were 15,000 American soldiers in Bosnia. Today there are still some 7,000. We promised our troops an end to Bosnia, yet they remain a broken promise. At some time we are going to have to keep our promises to the young men and women of arms of this country.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BURR), a member of our Committee on International Relations.

Mr. BURR of North Carolina. Mr. Chairman, I thank the gentleman for yielding this time to me.

I had remarks to make, and I cannot make them. As I have sat here, I found that this is an ever-changing process and some are not relevant. I would only say to many of my colleagues who suggest that this is ill-timed, to debate whether we send troops is not ill-timed. It is, in fact, a debate that I believe our process demands.

That process also demands us to ask questions like my colleague from Texas just asked: Does a deployment to this region make us too thin for the mission of protecting our national interests? What is our exit strategy? Will a peace agreement that may be reached be agreed to by both sides? These are legitimate questions that we need answers to before we agree to anything.

I found myself going through this process when I sat down with people that I have a great deal of confidence in: Senator Dole, Jeane Kirkpatrick, Henry Kissinger, those mountains of the past in foreign policy and, more important, in United States policy.

As my colleagues know, Mr. Chairman, there are people around the world that will watch what we do. They will watch what we do, and they will watch how we act. They realize, as we do, that as we see more and more evidence of genocide on the TV, that we reach out not necessarily because of national interests, but because of injustice, injustice in a region where we have seen martial law take doctors and teachers and eliminate their profession.

We have many questions to find answers to. I am hopeful that the resolution that we have got we can perfect and that we can have unanimous support, but until that point we have a tremendous amount of work to do, and this administration has a tremendous number of questions to answer.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, at least 2,000 people have been killed and 400,000 have been displaced over this past year by Slobodan Milosevic's genocidal campaign of violence and human rights abuses against the 2 million ethnic Albanians in Kosovo. The peace process now underway represents our best hope for ending this bloodshed. We do not know if this peace process will succeed, but we do know that NATO is the best and most credible peacekeeping force, and we know that U.S. participation may be critical to the viability of NATO operations.

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A vote at this point against authorizing the deployment of troops will embolden Milosevic, disrupt the peace process, and call into question our commitment to NATO.

It used to be said, Mr. Chairman, that politics stopped at the water's edge. It used to be that if a President said, as this President has, that a divisive vote of this sort would undermine delicate negotiations and would harm national security, that that vote would be deferred.

This raw display of partisanship, this calculated attempt to undermine the President, and this reckless disregard for the consequences of our action are unworthy of this body and should be rejected.

This resolution should not be on the floor in the first place, and bringing it up is an irresponsible act. But since it is before us and since the delicate peace negotiations are at risk, the only responsible vote is yes.

Mr. GILMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise in opposition to House Concurrent Resolution 42. This is not a partisan issue. I oppose sending our troops to Kosovo. However, I strongly support the Speaker's call for debate on this issue.

Enough is enough. We can no longer expect some of the Nation's finest men and women to travel halfway around the world to accomplish a mission without objectives.

Mr. Chairman, my district, the 8th of North Carolina, is steeped in military tradition. We hail Fort Bragg and Pope Air Force Base as our own, two installations that have sent their fair share into combat. I visit these bases frequently and I am sure these young men and women I speak to there are no different than the million and a half soldiers we have stationed all over the world.

What amazes me every time I speak with these young soldiers is, without exception, the can-do spirit they demonstrate. They so quickly forget the sacrifices we asked of them yesterday to accept the challenges of tomorrow, never once questioning why their government continues to ask for more while giving less.

In the forty years leading up to 1990, the United States deployed our troops 10 times. Since then, in only nine years, this country has deployed more than 25 times; 19 under this administration.

Mr. Chairman, today I am doing what all of our men and women in this service proudly resist. I am asking why? I am asking why do we continue to send our troops on missions navigated by an administration with seemingly rudderless foreign policy?

Nearly 20 years ago, Secretary of Defense Caspar Weinberger laid out a doctrine of criterion that must be met before our forces are sent into combat.

Is a vital national interest at stake? Will we commit sufficient resources to win? Will we sustain the commitment? Are the objectives clearly defined? Is there a reasonable expectation that the public and Congress support the mission? Have we exhausted our options? And I would add we must have a clear exit strategy.

Mr. Chairman, on the eve of yet another deployment I ask my colleagues to join me in sending the administration a strong message. Do not approve, do not send our troops to Kosovo.

Mr. HOEFFEL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to express my support for this resolution and for the attempts to bring peace and stability to Kosovo. While valid questions have been asked whether or not this is a reasonable time to debate this issue, we now must act and send a message to Milosevic and to the world community that enough is enough.

The U.S. must demonstrate leadership. We can only help bring about democracy, peace and stability, the cornerstones of our society, if we engage, if we send troops, as part of a NATO peacekeeping force.

Mr. Chairman, our purpose in sending troops if a peace agreement is reached is clear, to help implement and enforce that peace. We must not shrink from this responsibility. We must not allow politics to undermine our leadership abroad. We must stand tall.

Just yesterday, as I sat as a member of the Committee on International Relations, I heard Ambassador Kirkpatrick say that it is important for Congress to vote yes. I urge all of my colleagues to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the resolution before us. Frankly, the administration, the Congress, our allies and the international community as a whole have no easy choices regarding Kosovo.

Many of our colleagues agree that the United States has the responsibility to assert its leadership in the world. In asserting this leadership role, I believe that it is in the interest of the United States to include protection of human rights, especially the mitigation of atrocities and the cessation of slaughter, and this sometimes requires the prudent use of force.

As we debate the deployment of American troops in Kosovo, however, those of us who had advocated last summer and in the fall that NATO should intervene, not as peacekeepers but peacemakers, to stop the Serbian offensive against innocent civilians in Kosovo feel that we have lost some very significant ground.

NATO has threatened to intervene time and time again and its credibility regrettably has been tarnished by inaction. Innocent lives have been lost as a result of indecision, and now one of the seemingly only alternatives is the deployment of NATO forces, including our own troops, in an environment in which one side or another may test NATO's resolve.

Many of us felt the same frustration regarding the United States, policy towards Bosnia. The Dayton agreement of late 1995 was no substitute for action. Even just lifting the arms embargo might have made a significant difference in stopping that genocide in those early years.

At yesterday's hearing in the Committee on International Relations regarding Kosovo, Senator Bob Dole and Ambassador Jeane Kirkpatrick made very convincing arguments for participation in a peacekeeping force. I have sympathy with those who take the side that Former Secretary of State Henry Kissinger made about not being involved in all of the conflicts around the world. We must, however, consider involvement where we can make a difference. Kosovo fits that category.

I want to say very clearly, unambiguously, I respect everyone's position on this. This is one of the harder, more difficult issues that we have to decide, and we need to listen to all sides, obviously, as we work through this policy decision.

I intend, Mr. Chairman, to vote for H. Con. Res. 42 as introduced. I think many of us do have some misgivings about our own Commander-in-Chief. It is very often not said but thought, but we need to factor in that fact.

I do believe this is the right thing to do at this particular time. Failing to participate could mean a further slaughter, perhaps on a larger scale, of innocent civilians in the Balkans. Failing to participate could lead to a renewed Balkan conflict which could spread to neighboring Macedonia and elsewhere. Failing to do so will send a signal that the United States will not take the lead, even when matters of principle are being challenged, when people are being killed in droves, to the detriment of NATO and the other alliances we have around the world.

This is a resolution that I think deserves support and I hope Members will consider doing so.

Mr. HOEFFEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise this afternoon to save lives. I rise in particular to acknowledge the gentleman from New York (Chairman GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON) for realizing the importance of this commitment.

I would, however, disagree that we should even be on the floor today precipitously raising this issue, because I believe that we still have the opportunity for a peace agreement, and we should have awaited what the details of that peace agreement would be.

There is not one American, Mr. Chairman, that has not acknowledged and has not shared in the hurt and the pain of the disaster in Kosovo and the terrible strife between Albanians and Serbs; there is not one. There is not one that has not watched the bloodshed, has seen the reports of massacres, seen the untold graves that have been discovered, there is not one American that does not realize that we hold a very privileged position in this world. It is one where others look to us.

Mr. Chairman, I do not come here out of guessing, reading news articles and looking at news reports. I went to Bosnia. I went there on behalf of the President at the start of us trying to determine how we in this Congress and the United States could best respond to the terrible plight of innocent people, women and children.

It was my belief, my heartfelt and studied belief, that the Dayton Peace Treaty was right. Why? Was it because I sat in rooms behind closed door? No. Because I walked the streets of Sarajevo and talked to the people there who said, please help us.

I, too, do not want to see American lives lost. I do not want to send young men and women in harm's way, but I say we have got a wonderful bunch in the military, proud, determined, fine. I think we should get behind them in a bipartisan way, Mr. Chairman, and support this resolution but let us not do danger to the peace operations that are going on.

I rise in support of H. Con. Res. 42. This resolution authorizes the President's use of approximately 4,000 troops for a peacekeeping operation with Kosovo.

This Body can send an invaluable message to the peace negotiations, which begin next week. In sending our troops we signal our willingness to participate as partners in peace. In sending our troops we signal our continued resolve to see that all of the people of the Balkans enjoy the benefits of their human rights. In sending our troops we signal our willingness to be accountable to our NATO commitments and to the world as its sole remaining super power.

If this Body fails to adopt this resolution now it would be interpreted as a vote of no confidence for our foreign policy in the Balkans. It would send confusing signals about our national resolve to persevere to friend and foe alike. I wish we were not considering this bill in the middle of the peace talks in Kosovo. But if we are to consider this resolution let us send a clear signal of America's resolve to be a partner for peace.

The conflict in Kosovo has caused great human suffering and if left unchecked this conflict could potentially threaten the peace and stability of Europe. Despite the seriousness of this conflict there are those who oppose the use of troops. I wonder if those who are opposed to the use of troops are paying attention to the daily reports of atrocities, as some 2,000 people have been killed. Are those in opposition to the use of our troops listening to the international aide workers who are trying to aid the thousands of refugees fleeing the war-ravaged province.

Tension in this ethnic Albanian region has been increasing since the government of Yugoslavia removed Kosovo's autonomous status. Belgrade's decision came without the approval of the people of Kosovo, which has a population consisting of 90% ethnic Albanians. Several human rights groups have made ominous reports of Serbian forces conducting abductions and summary executions. These reprisal killings and the continued human rights violations gives rise to the specter of ethnic cleansing.

The United States and its allies need to take concrete steps to ensure that this continued violence in the Kosovo region does not spread to Albania, Macedonia, Greece, and Turkey. In supporting the President's use of troops, this body would signal a determination to take proactive measures in the Balkan region and encourage an immediate peaceful resolution to the conflict.

Mr. Chairman, this bill expresses the sense of the United States Congress that it deeply deplores and strongly condemns any loss of life or the destruction of property. In supporting this bill this body does not choose sides but indicates a willingness to choose the side of human rights and human dignity.

Mr. Chairman, I urge my colleagues to support this bill and continue the U.S. role as a active participant in the Balkan peace process.

Mr. HOEFFEL. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, it is in our interest to engage in Kosovo. It is in our interest because the reason we enjoy world peace and domestic prosperity is that we gain from worldwide peace and prosperity more than any other nation in the world today. If there were war and depression in Europe we would pay the higher price. We are the leader of this free world because we have defined ourselves as a principled nation; because we believe in democracy and free enterprise and freedom of expression and respect for human rights. And because we do more than just believe in it and talk about it. We are willing to stand up for those principles.

One might say we do not belong in the Balkans, that we have nothing to do with the Balkans. To say that, though, we would have to conveniently ignore the fact that two world wars were started in the Balkans, but we cannot ignore it because the reason Europe is stable today is that we invested after World War II to make sure that it would not come apart; that it would not be taken over by fascists. We did that through the Marshall Plan. We did it through investing in the European powers, and we did it by establishing the North Atlantic Treaty Organization, NATO.

We established NATO, have invested in it sustained it, and must lead it. The nations of Europe depend upon the strength of our leadership. A free democratic Europe might not exist today if it were not for the United States, and it might not exist as free democratic states in the future if we do not lead through NATO in defense of democracy and human rights.

The other countries of the world recognize they have to look to us for leadership. They also have to look to us because we are the principal military power in this world. We have the capacity to enforce peace, and the moral compass to insist that it be a principled peace.

We should not be empowering a war criminal, a bully, somebody who has gained power by using the situation in Kosovo to divide Yugoslavia and to appeal to the Serbian peoples' worst instincts.

He took away the autonomy of Kosovo in the late 1980s and Milosevic knew exactly what he did. He bred upon the hatred of ethnic fears. He used Kosovo to rise to power and he wants to use Kosovo to stay in power.

It is not in our interest that war criminals have that kind of power. As we all know, when one stands up to a bully they back down. This is our opportunity to stand up to that bully. He should not be given the kind of credibility he has been given. He cannot compete with us militarily, and he understands that we are acting out of principle; that if we act, if we lead, the rest of the European powers will follow. He is counting, though, on the U.S. Congress doing the politically expedient thing by tying the President's hands and refusing to stand up to him.

We need to do the right thing in Kosovo today because if we do not do the right thing in Kosovo today, tomorrow it will be some place else because other bullies around the world will be empowered by Milosevic's success in Kosovo. They will learn from this that the United States is not as determined, we are not as resolved, we are not as principled that we are not the same Nation that rebuilt Europe after World War II.

The fact is we are the same Nation. We must be the same Nation. We must not allow this situation to implode so that we enter the conflict after thousands more people have died and when our troops will be subjected to far greater danger. Do the right thing in Kosovo today.

The CHAIRMAN. All time of the gentleman from Connecticut (Mr. GEJDENSON) has expired. The gentleman from New York (Mr. GILMAN) has 1 minute remaining.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise in opposition to the resolution for military involvement in Kosovo.

Mr. Chairman, I rise in opposition not only to this resolution, but to the principle of governing that has brought it to the floor today.

As we all know, this resolution binds no one; it is fundamentally meaningless. Its passage or failure may make a sound, but that sound will not be heard outside this chamber.

Right now, American troops are deployed all over the globe on missions of dubious value with questionable rules of engagement. We will do our business here today, close the doors, turn out the lights, and go home; yet American troops will still be deployed all over the globe, on missions of dubious value, with questionable rules of engagement.

We can listen to college professors, government bureaucrats, diplomats, and pundits talk about international law for days. However, once they're silent, we'll still be left with the cold, hard fact that it is our job to determine when to commit American troops to military action.

Once again, we seek to tiptoe around a tough decision. We're trying to avoid doing our job so we won't sustain any political damage that might come as a side effect.

What are we afraid of? The Constitution gives us—the Congress—exclusive power to commit American military forces to action. Congress certainly hasn't shown similar reticence to use its appropriation powers, or its power to tax, or its power to regulate.

Personally, I have carefully considered the merits of using American troops as policemen in Kosovo. I have come to two simple conclusions.

First, the job of a soldier is not to act as a referee, an arbiter, a builder of societies or nations, or a policeman. The job of a soldier is to protect America's interests by destroying America's enemies on the battlefield. It is even more insulting to ask a soldier to serve as a policeman under the aegis of some international organization instead of the American flag. Such actions do nothing to further vital American strategic interests. The role of such international groups is to perpetuate themselves by talking, sopping up U.S. tax dollars, and satisfying the goals of some committee of leaders more concerned about the shape of the table they are sitting around that with the interests of the United States.

The second conclusion I have come to is that no amount of American involvement in Kosovo is going to eliminate ethnic conflicts that have raged for centuries. We've been trying to resolve this problem for three years and have gotten nowhere. The 4,000 American troops serving in a NATO occupation are exactly where they started. In a few short years, Kosovo will take its place in history books along with Bosnia, Haiti, and Somalia as examples of a foreign policy that has no principled framework, and which bounces from one so-called crisis to another, as a drunk bounces off the walls going down a flight of stairs.

The only people who will rate this action a success are the foreign policy bureaucrats in the Clinton Administration. Because their foreign policy is not saddled with the burden of concrete goals and objectives, they therefore can—and will—define anything as a "success" whenever pollsters tell them the "public" needs a dose of "success." This is not a recipe for measured military action; it is a recipe for failure, as defined by sound historical standards of politics among nations. Doubtlessly, as this operation sputters to close—whenever that might be—it will be praised in panel discussions and campaign speeches as a resounding success, when the facts indicate it was a tremendous waste of time, resources, prestige, and possibly lives.

However, no matter how strong my feelings on this issue are, I'm willing to agree that sensible people can disagree over the merits of military action in Kosovo. What I am not willing to do is agree that Congress should have a non-binding vote on this matter, wash our hands of it, move on to other issues that test better in focus groups, and then periodically return to this issue when bullied by the Administration into pouring more money into it.

Right now, our soldiers are risking their lives in a country many Americans have never heard of. My constituents feel very strongly about this issue. Sadly, their opinions will not be a part of American foreign policy. While I urge a no vote on the resolution today, it is far more important for Congress to reassert its role in determining when and where American forces are committed. To do otherwise is to knowingly reject a specific, constitutional, and moral duty.

Mr. GILMAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I commend the chairman of the Committee on International Relations for bringing this resolution to the floor.

The conflict in Kosovo is taking place within a sovereign nation. If we are going to go to war with a sovereign nation, we ought to provide a declaration of war. That is what the Constitution of the United States would have us do. I think all of us in this Chamber know that Serbian leader Milosevic is a war criminal that should be tried by an international tribunal. The issue here today is, by what criteria should Congress and the President of the United States judge whether American troops should go there?

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When is the success known by American troops sent to Kosovo? The President repeatedly broke promises regarding the length of service in Bosnia before admitting our troops will be there indefinitely. Are they going to spend 50 years in the Balkans around Kosovo to bring peace as we have in Korea? Korea was where another Nation invaded South Korea.

This is the time to ask the President to face up to the tough questions and give us the answers to the questions that have been submitted to him. I would keep American troops out of Kosovo.

Mr. SPRATT. Mr. Chairman, we should not be asked to vote on this ill-timed resolution, asked to sign a blank check for this deployment; and were it not for the consequences, I would not vote for it, certainly not in the form it comes to us. But if at this critical point, we vote down this resolution, the winner will be Slobodan Milosevic. He will read our action as his warrant to act with impunity, to stonewall the peace negotiators and move with vicious aggression against Kosovo. The best we can make of the choices before us is to vote for the Gejdenson-Turner Amendment, and make this resolution turn on the achievement of a genuine peace agreement.

I would gladly vote for more conditions, for conditions like those proposed by Mr. COX and Mr. NETHERCUTT in the amendments they filed in the record. At the very least, before we send ground troops, we should know: are they peace-keepers or peace-makers? The words sound similar, but the missions differ dramatically. I am opposed to sending ground troops to be peace-makers. But if a durable agreement is reached, I can support, reluctantly, the deployment of our troops as peace-keepers. I say "reluctantly" because if there were a reasonable division of labor between us and our European allies, they would take on this mission. We have at least made the minor precedent of committing only 4,000 troops out of a force of 28,000.

Like everyone in this House, I would prefer to send none. I would prefer not to put any of our young men and women in harm's way. But we have learned that if the United States wants things to happen, we have to lead; and if we want to be the leader among our allies, we have to participate.

As Senator Dole told us yesterday, if we want to remain the "leader of NATO," the "United States cannot ignore serious threats to stability in Europe." I think the U.S. should remain the leader of NATO, and I will, therefore, vote for this resolution, as amended by GEJDENSON and others.

Mr. BORSKI. Mr. Chairman, I rise today to express support for the peace process in Kosovo and our troops in the Balkans. Failure to pass this resolution would seriously hamper the efforts of the United States to seek a peace agreement in Kosovo.

Ten years ago, Slobodan Milosevic stripped Kosovo of its autonomy—an action which precipitated the collapse of Yugoslavia and ethnic violence throughout the Balkans. Since that time, the Kosovars have been struggling to attain self detemination—a principle we cherish so deeply here in the United States. Milosevic has responded with brutality, using the Yugoslavian army to crush the aspirations of the Kosovars. His forces have terrorized and murdered innocent civilians and forced thousands from their homes. Indeed, the region today is on the verge of massive violence and human suffering.

The U.S. is currently leading international negotiations to achieve a peace agreement between the Serbian Government and Kosovo's ethnic Albanian population. America and its allies have given Milosevic every opportunity to resolve this conflict through peaceful means. We are not asking him to grant anything new to Kosovo—only to restore the autonomy that we stripped from Kosovo in 1989. Yet Milosevic remains resistant to an agreement and the presence of an international peacekeeping force to implement it. Without forceful diplomatic effort from the U.S. and our allies, peace will never be achieved in Kosovo.

Mr. Chairman each member of this body has reservations anytime we commit U.S. troops to peacekeeping forces, or to any deployment in a potentially hostile area. In fact, I have always believed that our European allies should commit a higher proportion of the peacekeepers in the Balkans. Fortunately, the Kosovo plan takes a step in that direction by calling on our European allies to contribute over 24,000 troops—86 percent of the total force.

While U.S. troops would comprise, a small portion of the overall force, the absence of U.S. troops in a NATO peacekeeping force would have great consequences. NATO's members continue to look to the U.S. as a leader—imagine the consequences of not honoring our obligations as leader of this security alliance. If we fail to respond to new challenges in the Balkans, our allies will leave the Balkans. If we abandon our responsibilities in the alliance, we greatly jeopardize our national interests in Europe, and weaken our leadership role in the world.

As a new member of the House delegation to the North Atlantic Assembly, I have been studying our role in NATO in the post-cold-war world. We recently celebrated the 50th anniversary of NATO—the most successful security alliance in our Nation's history. But like all successful institutions, NATO must adapt to the new challenges it confronts.

In the post-cold-war Balkan world, ethnic conflicts know no boundaries. Violence in Kosovo greatly jeopardizes the fragile peace in neighboring Bosnia and Macedonia. It also threatens to place Greece and Turkey—our NATO allies—at odds with each other. Without peace in the Balkans, NATO's credibility as a guarantor of peace and stability in Europe is at risk.

We are at a crucial juncture today in this delicate and complex peace process. All parties will reconvene on Monday, March 15, to hopefully achieve an agreement. Any actions taken by Congress between now and next week will have a profound impact on the final outcome of the peace process.

Fortunately, the U.S. and its allies are negotiating from a position of strength. Thanks in large part to the efforts of Bob Dole, the Kosovars are reportedly united and ready to sign a peace agreement. Clearly, the pressure is now on Milosevic to make concessions and sign on the dotted line.

But if we fail to approve this resolution, the pendulum will shift the other way, and possibly destroy all hopes of achieving a peace agreement. Defeat today would clearly strengthen Milosevic's hand, diminish our ability to keep the Kosovars united and greatly weaken our position of leadership in NATO.

Peace in Kosovo is not a Democratic or Republican priority—it is in the interests of all of us who support the values of freedom and the growth of democracy. I would remind my Republican colleagues that President George Bush in 1992 took forceful steps to warn Milosevic against the use of force in Kosovo—an action supported in a bipartisan manner by Congress. I would certainly hope that this same bipartisan spirit would prevail on the floor today.

Mr. Chairman, instead of sniping at the foreign policy of our President, we should be expressing our strongest possible support for the men and women of the U.S. Armed Forces. They will not go to Kosovo if there is no peacekeeping agreement to enforce. But should they be called upon to serve in Kosovo, our troops should know that they are strongly supported by Congress.

Mr. HORN. Mr. Chairman, earlier today I expressed my views on why the American military should not be sent to Kosovo.

The conflict in Kosovo is taking place within a sovereign nation. If we are going to go to war with a sovereign nation, we ought to provide a declaration of war. That is what the Constitution of the United States would have us do. I think all of us in this Chamber know that Serbian leader Milosevic is a war criminal that should be tried by an international tribunal. The issue here today is, by what criteria should Congress and the President of the United States judge whether American troops should go there? When is the success known by American troops sent to Kosovo? The President repeatedly broke promises regarding the length of service in Bosnia before admitting our troops will be there indefinitely. Are they going to spend 50 years in the Balkans around Kosovo to bring peace as we have in Korea? Korea was where another Nation invaded South Korea.

This is the time to ask the President to face up to the tough questions and give us the answers to the questions that have been submitted to him. I would keep American troops out of Kosovo.

The President has failed to explain the urgent national interest which requires the introduction of U.S. forces into Kosovo. He has failed to even attempt a full explanation of this policy to Congress. The Constitution has given Congress a clear role to play which the President has ignored.

The Administration argues that if the House votes against authorizing its experiments in peacebuilding today, it will undercut ongoing negotiations and perhaps even lead to more bloodshed. This is insulting. It is the Administration's refusal to consult with Congress and its inability to form a strong policy against Serbian aggression that has led to the debate today. The Administration has rejected all attempts by Congress to assert its Constitutional role on every occasion it has put our forces in harm's way without a clear explanation of its mission or on what our forces were supposed to accomplish. The current objections by the White House are more of the same rhetoric from an Executive Branch derisive of consultation with Congress.

The conflict in Kosovo is taking place within a sovereign nation. Intervention in Kosovo, even following an agreement forced upon both sides, is the intervention in a civil war to mediate between two sides which we are trying to force into an agreement that will require our forces to uphold.

By what criteria would the President judge success in this mission whereby American troops could be recalled from Kosovo? The President repeatedly broke promises regarding the length of service in Bosnia before admitting that our troops will be there indefinitely. Once a peacekeeping force enters Kosovo to uphold a forced agreement, that force will serve indefinitely unless Congress acts to responsibly to restrict yet another open-ended commitment to achieve nebulous goals.

While the House debates the commitment of forces to Kosovo, we are also wrestling with the question of funding our armed forces, forces stretched thin by multiple commitments around the world. We are debating how to protect our nation from missile attack, perhaps from missiles improved with stolen American technology. How, then, will another open-ended commitment of American forces help American security. I have heard the argument on why American forces must be present to make a peacekeeping force work, and while these arguments have merit, they also point out the failure of Europe to deal with issues in its own backyard.

Under the agreement being negotiated now, the peacekeeping force would attack Serbia if its forces or sympathizers violate the agreement, but what would happen if elements of the Kosovo Liberation Army violates the agreement? How would the United States with NATO punish Kosovar violations?

The United States presumably has a responsibility to end the bloodshed in Kosovo because it is the only nation left with the resources to do so. So why, then, is the Administration not seeking to put peacekeepers on the ground in Turkey, where thousands of innocent Kurds have been killed in Turkey's attempt to destroy the terrorists of the PKK? Why have American peacekeepers not been dispatched to Sierra Leone, where the killing continues? Why were international peacekeepers not part of the Irish or Basque peace agreement? What makes Kosovo different?

Let us keep American troops out of Kosovo. If lives are to be in harm's way let the European members of NATO handle regional conflicts in their own backyard.

Mr. CROWLEY. Mr. Chairman, for the past decade, ethnic Albanians of Kosovo, a province of Serbia, the dominant republic of Yugoslavia, have fought a courageous campaign to regain the rights they had taken away by Yugoslav President Slobodan Milosevic who in 1989 stripped away the autonomy they had enjoyed under the Yugoslav Constitution. Milosevic, the architect of this crisis who also produced the Bosnian tragedy, and presided over the dissolution of what was once Yugoslavia, has brought poverty and misery to his own people and has sown the seeds of strident nationalism throughout the Balkans.

Milosevic has met all attempts to reach a peaceful settlement with the ethnic Albanian community with forceful vengeance and repression. President Milosevic escalated this campaign of terror about one year ago when he launched a brutal crackdown on the majority Albanian population. Civilians were terrorized, tortured and murdered by Serbian police and military forces while hundreds more were driven from their homes. This systematic campaign of repression manifested itself this past January, when Serbian security forces brutally massacred 45 Albanian citizens in the village of Racak.

Spurred on by Milosevic's campaign of terror, the United States and its European allies initiated peace talks between the two sides which ended with both agreeing to resume negotiations on March 15. As part of a proposed peace agreement, the United States would contribute 4,000 American troops to an international peacekeeping force of 28,000 that would be responsible for implementing the provisions of the peace accord.

This possible deployment of American troops to Kosovo has created a contentious debate within congress. Critics of an American participation in Kosovo claim that the United States lacks a vital national interest in this conflict, that we "don't have a dog in this fight". But I would argue that we do indeed have a vital national interest in this conflict, as this region has previously been the source of great pain and suffering. Twice before in the 20th century we have seen American soldiers drawn to Europe to fight wars that either began in the Balkan region or ignited fighting there. When this region was again the source of conflict after World War I, the United States did not intervene and subsequently hundreds of thousands of brave Americans and Europeans paid the ultimate price. As George Santayana once said, "those who cannot remember the past are condemned to repeat it." Experience dictates that turning a blind eye to this region can be fraught with peril.

I believe that the current crisis in Kosovo, if not confronted now, could have devastating and disastrous effects on this region. We must remember that violence in southern Europe has no boundaries. There is a strong possibility that the current fighting in Kosovo could trigger a chain reaction of conflict that might engulf the entire region. A spreading conflict could re-ignite fighting in neighboring Albania and destabilize fragile Macedonia where the UN peacekeeping force mission has ended. In addition, our NATO allies Greece and Turkey, longtime adversaries with historical ties to both sides, could also be brought into the conflict. Increasing hostilities would cause massive suffering, displace tens of thousands of people, undermine stability throughout South Central Europe and directly affect our key allies in the region.

As we have learned in Bosnia and seen in Kosovo, the only language that President Milosevic understands is that of force. Additionally, what we have seen in the former Yugoslavia in the last decade is that it is very difficult to stop internal conflicts if the international community is not willing to use force. The United States must be willing to show Mr. Milosevic that we will not stand idly by while his forces systematically murder and displace innocent civilians.

President Clinton once said that the United States is the world's indispensable nation. I strongly believe this to be true. Our country has a moral obligation to stand up and act when innocent civilians are being murdered and their basic fundamental rights are being violated. As the leading voice in the world for democracy, respect for the rule of law and fundamental human rights, we are sometimes confronted with difficult decisions.

This I believe, is one of those decisions. And while I do not take lightly the decision to dispatch our armed forces abroad, I strongly believe that the United States must lead the efforts to halt the bloodshed and violence in Kosovo.

Mr. BONILLA. Mr. Chairman, our responsibility is to protect America. Our responsibility is to act prudently before placing any of our fellow Americans in harm's way. We have no responsibility to referee bloody disputes wherever they crop up.

The fuse on Kosovo has been lit. The Serbs have no interest in relinquishing their historic claims on the territory. The Albanians speak with so many voices that the only certainty we have is that any Albanian leader we deal with will not be speaking for most of his armed compatriots. When we make ourselves this region's policeman we make our young men and women targets for armed fanatics. And committing them will continue to place greater strains and burdens on our over-stretched military.

Neither side there likes us. Neither side respects us. Neither side wants us there. Who are we protecting?

There is no reason to believe that the Albanian and Serb positions are reconcilable or that either side wants reconciliation.

The risks of this strategy are that transparent. The benefits in contrast are little more than wishes and hopes which we have no reason to believe will materialize. Some have argued that defeating this resolution today will kill the peace process. Let me just say that if killing the so-called peace process saves American lives I will always make that choice.

We should oppose this deployment because it will only erode our military strength, weaken our nation's credibility and place our military forces at great risk.

If you vote to approve this resolution, you should know why, because you may have to explain that to the family of an American soldier. That's not a pleasant thought. I hope, with all my heart, it will never come true, but that's your responsibility if you vote for this resolution.

The administration has failed diplomatically. Please don't send our troops over to make some diplomats look good.

Please reject this misguided policy which threatens the lives of our military and the security of our nation.

Mr. EVANS. Mr. Chairman, I support H. Con. Res. 42 and encourage my colleagues to vote for it. At this delicate moment, our support of the President is critical to the success of this peace agreement.

I am always wary of committing our uniformed men and women into conflict. However, I strongly believe that we cannot turn a blind eye to a genocide that is steadily destroying Kosovo and threatening the peace throughout the region. Rejecting this resolution is complying with the continued slaughter of hundreds of thousands of men, women and children. To date, over 400,000 people have been driven from their homes, 200,000 have perished and entire villages have been pillaged in the name of "ethnic cleansing."

As the sole remaining superpower, we have a responsibility to the people of the Balkins, NATO and the greater global community to take our proper role in helping to end this tragedy. I believe that our allies have truly stepped up to the plate—the bulk of the peacekeeping forces will not be American, but European. Our participation will help achieve a European solution to this crisis—something that we must encourage.

Now is not the time to step away from our responsibility, but to seize it. I urge my colleagues to support the resolution.

Mr. HILLEARY. Mr. Chairman, I rise today in strong support of our troops, as always, but I stand absolutely opposed to yet another black hole-undefined U.S. troop deployment, this time to Kosovo, for peacemaking and peacekeeping reasons.

The debate today mirrors what we have debated the last 4 years over Bosnia, and yes Mr. Speaker, it is not a news flash that thousands of U.S. troops are right next door and will unfortunately remain there indefinitely.

I remind my colleagues of what the President said before he dispatched thousands of troops to Bosnia. It was to only be a temporary operation of 12 months and only cost the American taxpayers $1 billion dollars. As we all know, we are now in year 4 and the price tag is over $10 billion. We should not be fooled again.

Asked what the plans are now, the Administration says about one year and about $2 billion. Two billion dollars to merely detour warring factions. If and when the United States ever does leave the region, some estimates are that fighting would be restarted within months, if not weeks.

Mr. Chairman, Kosovo is a dangerous place. If there are questions about troop safety and regional stability in the Balkans (Bosnia and Kosovo), I encourage my colleagues to please take a look at a recently released classified GAO report entitled "International Security; NATO's Operations and Contingency Plans for Stabilizing the Balkans" (GAO–C–NSIAD–99–4).

However, I have also asked that the GAO provide an unclassified version of this report for the public record. I hope that my colleagues will consider reading one of these versions before we vote.

The President's plan to add more than 4,000 U.S. ground troops to Kosovo on top of the 6,900 troops next door in Bosnia, is wrong.

Much to my dismay, this geographic region is increasingly becoming a permanent forward deployment area and it is conceivable that within the next few years, we might be in half a dozen countries because of a Balkan domino effect.

The Administration failed to answer many key questions before U.S. troops were sent into Bosnia. I ask my colleagues to consider the following three questions which were never answered before.

What is the mission?

Is the mission in our national security interest or is it a European security interest?

What is the exit strategy and when does it kick in?

Mr. Chairman, Congress needs to regain control of this peacemaking/peacekeeping situation, because I think we have a White House with an itch to disperse U.S. troops worldwide with insufficient American security interests at stake.

I hope my colleagues on both sides of the aisle will join me in opposing this important Kosovo resolution.

Mrs. ROUKEMA. Mr. Chairman, I rise to speak on this most serious issue that confronts us today.

There is little disagreement on the brutal behavior of the Serbs and the inhuman atrocities they have inflicted upon the Albanian Kosovars. There is a great human tragedy unfolding in the region.

But the placement of American troops on the ground as a part of peacekeeping force in a sovereign state torn by civil war must be a decision that has been fully debated and consented to by Congress. The President must include Congress in the formulation of this policy.

The Washington Post stated this morning that, "We think the stakes are sufficient to make it highly desirable that the president's policy be supported by a strong bipartisan vote in Congress. The president ought to be asking forthrightly for congressional approval, not trying to evade a congressional judgment on his policy in Kosovo."

Some argue that those in this House that have reservations about sending American ground forces to Kosovo are isolationists. I emphatically disagree with this assertion. I firmly support a strong U.S. presence throughout the world on every stage, including military, economic, and political. I worked hard in this body on issues such as full participation in the IMF, being a leader in world trade, economic support to many nations, humanitarian relief and the fight against hunger throughout the world, and the strengthening of NATO to mention a few.

There is no doubt a brutal bloody ethnic civil war is occurring in Kosovo and that there is the need for a greater debate on this issue. These ethnic animosities have existed for centuries of time. But to place American troops in the middle of this ethnic war without a defined mission, without a defined goal, and without an exit strategy is highly questionable. It is a question that must be answered by both the President and Congress before any action it taken.

I question the use of NATO to coerce a sovereign nation to consent to our position on their own internal issues. Europe should take the lead on dealing with the Kosovo situation. Europe should supply the ground troops. I have no problem with the United States providing logistic, technical, and intelligence assets to support our European allies.

As Henry Kissinger stated in his widely read article, Kosovo, in terms of security, is a European interest not an American interest. "Kosovo is no more a threat to America than Haiti was to Europe and our NATO allies were not asked to help there."

Let me add this . . . if the President decides to send troops to Kosovo, with or without the consent of Congress, once young Americans hit the ground I will strongly support them with the knowledge that America's sons and daughters will perform with true fidelity to honor, duty, country. They will as always do their best and make us proud.

So I caution my colleagues that this debate is about policy not support of our troops in the field and it is about Congress' role in foreign affairs not isolationism.

With that, Mr. Chairman, I must state my great reservations about sending American troops to Kosovo.

I include the Kissinger editorial in the RECORD of this debate.

[From the Washington Post, Feb. 21, 1999]

NO U.S. GROUND FORCES FOR KOSOVO—LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES.

(By Henry Kissinger)

President Clinton's announcement that some 4,000 American troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at one time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the ceasefire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a "strong peace agreement" is like to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement in so far as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serbs' attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that "America symbolizes hope and resolve" are exhortations, not policy prescriptions. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Sooner of later, we must articulate the American capability to sustain a global policy. The failure to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northwest Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end, our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

Mr. EWING. Mr. Chairman, I rise today to express my concern with the possibility that U.S. troops my soon be deployed to Kosovo. The U.S. has promised to send approximately 4,000 troops to Kosovo to enforce a cease-fire that has not yet been agreed to. We are told that our servicemen and women will be in Kosovo for at least three years, but are given no indication of the expected cost, or the goals of the mission.

I am troubled by the fact that the administration appears to be rushing towards a quick deployment without explaining to the Congress and the country why our troops need to be sent to Kosovo. I have yet to hear a clear explanation of what our interests are in Kosovo—why does the most powerful nation in the world need to put its troops in harm's way to enforce a peace agreement that doesn't even exist?

I am not convinced that it is in our best interest to send U.S. troops to Kosovo. We have many potential trouble spots brewing around the world that beg for our attention—North Korea, China's missile race, and the deteriorating situation in Russia are national security problems vital to our interests, and they beg for strong U.S. involvement. Yet Congress is being told that the situation in Kosovo is a vital national security concern, and this threat justifies placing our troops in harm's way.

We have had troops in Bosnia since 1995, at a cost of more than $12 billion. This is money that is taken directly from DoD accounts, reducing our readiness in other crucial areas. Even worse, the long and repeated tours of duty in Bosnia have convinced many soldiers in the active and reserve branches to retire, depleting our ranks of dedicated and experienced people. Congress is now told that the Army wants to lower its recruitment standards and begin hiring high school dropouts to make up for shortages in manpower.

The same crowd that ridiculed the "Domino Theory" of communist expansion now appear to be advancing their own "Domino Theory" for the region around the former Yugoslavia—first it was Macedonia, then Bosnia, now Kosovo, and then what?

Mr. Chairman, a convincing case has not been made for the necessity of U.S. troop involvement in Kosovo. The U.S. does not need the best trained and most powerful army in the world sitting in Kosovo playing peacekeeper. If Europe is so concerned about the destabilizing effects of Kosovo, then let them handle the problem. When it is said that "NATO" will be providing the troops, that usually can be translated as "the U.S." America pays the bills and undertakes most of the difficult missions—virtually all the bombing and other air missions are handled by our Air Force.

Our troops have been in Bosnia since 1995, at a huge cost to our military readiness and to the Defense budget. We must resist the urge to use military force to resolve every humanitarian problem that crops us. We need to take our troops out of the equation in Kosovo and begin focusing on real national security concerns.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to consideration of this resolution authorizing the use of U.S. ground troops in Kosovo.

I do not support putting American ground troops, even as part of a NATO force, in the middle of a civil war in central Europe. But I object to this resolution on other grounds, as well. This very debate may hamstring our negotiators as they seek a peaceful resolution of the Kosovo conflict with the Serbian government and ethnic Albanians.

It makes no sense to me that the Congress is debating a resolution on use of force before our negotiators have even concluded their attempts to resolve the Kosovo situation peacefully. I hope we do not damage their efforts by even taking this resolution under consideration.

I am not opposed to NATO forces being involved in enforcing an agreement. Our air forces have effectively been used to enforce the United Nations resolutions involving Iraq, for example. However, I do not believe it is in our best interests—or in the interest of the European Community—for Americans to be part of a ground force in Kosovo. That is why I will cast my vote against this resolution today.

Mr. FRELINGHUYSEN. Mr. Chairman, while there may be no desire by President Clinton and his Administration to recognize Congress' role in determining whether or not to deploy troops to Kosovo, we all know that their decision will require Congress to find the necessary dollars to pay for this mission. And there is no question that Congress will provide the necessary dollars to support our men and women in uniform.

But we need to be prepared for the tough choices that lie ahead.

Let's take the U.S. mission in Bosnia as an example. We have been in Bosnia for almost four years and there is still no end-date in sight. Yet, the Administration has not included funding for this mission in their budget until this year. This open-ended mission, while it has saved lives, it has also cost $19 billion to date.

The Administration may be embarking on this mission in Kosovo to save lives and prevent open warfare in the Balkans, but we here in Congress will be responsible for making the tough decisions about how to pay for it.

There is no money in the President's budget to pay for this deployment. The Administration has requested increased spending on all sorts of new programs from education to health care but there is no money for our troops that may be deployed in Kosovo.

And from the hearings I have attended so far as a Member of the Defense Appropriations Subcommittee, we are already facing real shortfalls in funding and manpower in several other ongoing missions, including the Persian Gulf. And don't be fooled by claims that this mission will be far more limited than the one in Bosnia and thus, less costly. In a recent hearing with Secretary of Defense Cohen, I asked him about the U.S. commitment to deploy 4,000 troops as part of a larger NATO force. In reality, he told me that the number is closer to 12,000 because for every one of our men on the ground, 3 more of our soldiers are required in support.

So, I rise to forewarn my colleagues that we will face some very tough choices about how to pay for these missions, as well as the proposed pay raise for our military personnel and to address the many other shortfalls in our military readiness. The President has failed to do so in his budget, but we will not. The President has not only failed to consult Congress, but he has failed in his budget proposal to say how he will pay for this critical decision.

Mr. LIPINSKI. Mr. Chairman, I rise today in opposition to H. Con. Res. 42, a concurrent resolution regarding the use of U.S. Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

Let me first say that I am a strong supporter of the brave and hard-working men and women of our armed services. I salute them for all they have done for our great nation, and I am extremely proud of them.

However, this is an initiative that NATO was never intended to undertake. As Henry Kissinger said at a House International Relations Committee hearing, this would be an "unprecedented extension of NATO's authority."

More importantly, I believe that inserting our troops in the middle of an ethnically charged civil war is very dangerous. Neither the Albanians nor the Serbs are interested in any sort of compromise. The Albanians want only independence and the Serbs, who view Kosovo as the cradle of the Serbian civilization, are unwilling to give up their ancestral homeland. If neither side is interested in working out a peaceful agreement, the introduction of American troops into the conflict will probably inflame anti-American sentiments and Albanian nationalism with disastrous results. They don't want our help and don't want to work towards peace. I do not believe that we should risk the lives of our troops for intangible goals that have no basis in reality.

Now, I certainly do not advocate the actions of Yugoslav President Slobodan Milosevic. There is a compelling body of evidence to believe that Milosevic is guilty of crimes against humanity and other war crimes, and I am deeply concerned about this affront to human rights. This chamber has voted to support the International Criminal Tribunal for the former Yugoslavia in its efforts to bring Milosevic to justice. However, without a well thought out plan on how we should utilize our troops, I cannot support this action.

Mr. Chairman, look at the other conflicts we have gotten involved with. Somalia was a disaster. Iraq continues in its defiance. American troops are still inextricably entangled in Bosnia. Haiti dissolved its democracy and now has an authoritarian regime. The track record for this Administration is not good.

The Administration has not explained how dragging American troops into another ethnic conflict will protect American interests, and until that is done in a satisfactory fashion, I cannot and will not support the Administration's attempts to put American troops in harm's way.

Mr. Chairman, we are not the emergency 911 number for the world, and I urge my colleagues to oppose this resolution.

Mr. FORD. Mr. Chairman, I rise today in support of the Gejdenson Amendment to H. Con. Res. 42. Three months before he died, in his fourth inaugural address, President Franklin Roosevelt expressed his hope for a "just, honorable, and durable" settlement to World War II. But he cautioned against acting impetuously to bring about this settlement, knowing that "peace could not be achieved immediately."

President Roosevelt was aware that peacemaking is a delicate process. We have learned, as a country and as a people, that peace is a difficult goal to achieve. Peace takes engagement. Most of all, peace takes time.

As most of you know, I am the youngest member of the House. Many people have tried to find a name for my generation, because in earlier times there was the World War I generation, the World War II generation, and the Vietnam Generation. There are no wars to name us by. Why is that? Because we have learned that U.S. forces should only be used when there is a clear goal and U.S. interests are threatened. And even then, we must use force judiciously and effectively.

I myself have some concerns on the extent of our commitment, our exit strategy, and our rules of engagement. But how can we dictate the terms of our involvement when a settlement has not yet been reached?

Unfortunately, the majority has brought this resolution to the floor at this time, against the blatant wishes of all those involved in the process, from Senator Dole to the President to the Kosovars to the Serbs. This is an obstruction of the peace process. I support this amendment because I support the Administration's efforts to secure a just peace.

At the same time, we must play our constitutional role responsibly. Let the Administration continue its efforts toward reaching a settlement. As Speaker HASTERT himself said two weeks ago, let's give them the "room to negotiate." I would be surprised to learn that Speaker HASTERT considers two weeks enough time to resolve a conflict that spans centuries.

The President should continue taking steps to bring the parties to a fair and just agreement. If and when such an agreement is reached, we should give our full support for the deployment of U.S. troops. For these reason, I support the Gejdenson Amendment to H. Con. Res. 42.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 42 is as follows:

H. CON. RES. 42

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Peacekeeping Operations in Kosovo Resolution".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe.

(2) The Government of Serbia and representatives of the people of Kosovo may agree in Rambouillet, France, to end the conflict in Kosovo.

(3) President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

The CHAIRMAN. No amendment to the concurrent resolution is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee, and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the concurrent resolution?

AMENDMENT NO. 7 OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GEJDENSON:

Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GILMAN. Mr. Chairman, subsection 3 of the proposed amendment includes language that goes beyond the jurisdiction of the Committee on International Relations and extends into the jurisdiction of the Committee on National Security. Additionally, the subject matter of the amendment is different from the underlying text.

For both of these reasons, I urge the Chair to sustain a point of order.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEJDENSON. Mr. Chairman, is it my understanding that the objection relates to the statement that the Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in the Balkans and throughout the world with professional excellence and dedicated patriotism?

Mr. GILMAN. Mr. Chairman, regular order.

Mr. GEJDENSON. Mr. Chairman, is that the section the gentleman is objecting to?

The CHAIRMAN. The gentleman will suspend.

If the gentleman has a parliamentary inquiry, or if the gentleman would like to be heard on the point of order, the Chair would recognize him.

Mr. GEJDENSON. Mr. Chairman, my question is, is that the section that the gentleman objects to?

Mr. GILMAN. Yes. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman is not making a proper parliamentary inquiry of the Chair. The Chair will rule on the germaneness of the amendment after hearing argument.

Does the gentleman wish to be heard on the point of order?

Mr. GEJDENSON. I do wish to be heard, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. GEJDENSON. Mr. Chairman, it is my understanding that the Chairman has just indicated that he objects to this one section that commends the armed forces for the excellence that they are involved in in carrying out their mission and their commitment. I would, at the appropriate time, ask for unanimous consent that we allow this language to be retained, because I do think, no matter which side of this issue people are on, that they want to express their support and admiration for our troops.

So I would ask unanimous consent at the appropriate time, or ask the gentleman to withdraw his point of order so that we can go forward with our amendment. It does not really change the policy or the amendment itself; it is simply, I think, the kind of support we have always included in times when we are dealing with foreign policy issues, and we ought not let jurisdictional battles in the Congress preclude us from making a positive statement about the troops.

The CHAIRMAN. Is there any other Member who wishes to be heard on the point of order?

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I want to express support for our forces, as all of our colleagues do, and as a veteran, I know the sacrifices that our men and women are asked to make.

I would support a separate resolution on this matter at an appropriate time, but I do not think that this is an appropriate part of this resolution, and I raise the point of order.

The CHAIRMAN. If there are no other Members who wish to be heard on the point of order, the Chair is ready to rule.

The gentleman from New York makes the point of order that the amendment offered by the gentleman from Connecticut is not germane.

The concurrent resolution authorizes the President to deploy United States Armed Forces to implement a Kosovo peace agreement. Its provisions fall exclusively within the jurisdiction of the Committee on International Relations. That committee has jurisdiction over "intervention abroad", which includes the deployment of armed forces by the President. Conditions, limitations or other attributes of such deployment are within the ambit of "intervention abroad."

The amendment offered by the gentleman from Connecticut includes a provision declaring the support of Congress for the armed forces who are carrying out their missions in the Balkan region. As evidenced by the referral of House Resolution 306 in the 104th Congress which was considered by the House, such a provision falls within the jurisdiction of both the Committee on Armed Services and the Committee on International Relations. The sentiment contained in section 3 of the amendment is not a condition, limitation or attribute of the deployment of armed forces to Kosovo.

As noted in section 798a and 798c of the House Rules and Manual of the 105th Congress, to be germane, an amendment must relate to the same subject matter and the same jurisdiction as are addressed in the concurrent resolution. The Chair finds that the amendment fails both of these longstanding tests. Therefore, the Chair holds that the amendment is not germane. Accordingly, the point of order is sustained.

Mr. GEJDENSON. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 205, not voting 10, as follows:

[Roll No. 47]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—10

Becerra
Bilbray
Capps
Frost
John
Mollohan
Quinn
Reyes
Wu
Young (AK)

□ 1614

Mr. MORAN of Virginia, Ms. LOFGREN, Ms. BERKLEY, and Ms. KAPTUR changed their vote from "aye" to "no."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GEJDENSON:

Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, I have a perfecting amendment to the Gejdenson amendment or to the Fowler amendment. It is not a substitute. It is in fact an additional section that would leave the Gejdenson amendment in effect.

What would be the process here since the Fowler amendment is in fact a substitute for Gejdenson? Is it? It is not?

The CHAIRMAN. The Chair informs the gentleman from Ohio (Mr. TRAFICANT) that the amendment pending is the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON). No other amendment or substitute has been offered to the amendment offered by the gentleman from Connecticut. The gentleman from Connecticut is entitled to speak for 5 minutes on his amendment.

Mr. TRAFICANT. Mr. Chairman, further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, I will have, then, an amendment, a secondary amendment to the Gejdenson amendment in the form of an addition, and I would like to be protected for an opportunity to provide that amendment.

The CHAIRMAN. The Chair cannot guarantee recognition of any Member for the purpose of offering second degree amendments. The Chair's job is to follow regular order, and that is what the Chair intends to do.

The Chair recognizes the gentleman from Connecticut (Mr. GEJDENSON) for 5 minutes on his amendment.

Mr. GEJDENSON. Mr. Chairman, let me first say to my friends that the gentleman from Ohio (Mr. TRAFICANT), while he referenced it as a perfecting amendment, I would say that is a term of the parliamentary procedures. I would not see it as an improvement on the underlying amendment. He has a right to offer it, but I disagree with that. I will just get that out on the table.

Let me tell my colleagues a story about my father. My father will turn 87 in the next 5 days. Although he never spoke about World War II much, he told me this one story of a day that raised his hopes, and then of course there was a lot more calamity after that day. It was December 7, 1941.

He was a prisoner in a work camp run by the Germans, the Nazis in World War II. He was one of thousands of Jews across Eastern Europe who had been rounded up. In his small village of Profonia, there was about 400 Jews and 400 non-Jews. The Jews were put into a labor camp.

On that day or shortly after December 7, he heard that American ships had been bombed in Pearl Harbor. While in this country there was obviously great anxiety, my father saw great hope, because for the first time in the darkness of World War II, he had the vision and hope that America would be rapidly in this war and that it would soon be over. But he was wrong.

Before American forces could liberate concentration camps and work camps across Europe, virtually every member of his family and every Jewish member of that village, except for a few, were shot to death in a small depression in their town.

A friend of mine, Senator WYDEN's father, found me a letter from a Nazi who witnessed the executions. He said the first person he shot was a woman who had given birth the day before. They had her stand naked. They shot her and her child and proceeded to shoot every other member of the village that they had rounded up.

What we do here today is not an academic exercise. It is not simply a function of parliamentary procedures between the executive and the legislative. This has a real life and death impact for people on this planet.

We are going to decide whether or not today these negotiations have a chance at succeeding. There is no guarantee they will succeed. There is a hope that they will succeed, but there is a guaranteed failure if the House shuts off the administration's abilities to move forward.

There is no constitutional demand that we vote on this, but we are here by the procedures that have been forced upon us. So having them before us, we had better vote yes.

We are not asking to assert American forces in a live fire zone. We have had on both sides of the aisle broad bipartisan support to send Americans in harm's way where many would perish. We are sending the smallest percentage of Americans in a conflict in my memory, and the President and the Secretary of State say they only enter if a peace agreement has been signed.

So whatever my colleagues' inclinations are, whatever my colleagues' philosophies are about war powers in the Constitution, that small village in Profonia may be replayed again, and it will be on our head what happens to those people.

Think carefully before one makes their final vote today. This is not about relationships with the White House, Democrats versus Republicans, those who believe in intervention and nonintervention. This is about whether we give peace a chance and whether we have an opportunity to let children grow into adults.

Mr. Chairman, I yield to the gentleman from Texas (Mr. TURNER), the cosponsor of this resolution.

Mr. TURNER. Mr. Chairman, it is a pleasure to offer this amendment which I think embodies the intent of many Members of this body. This amendment very clearly states that if a just and fair interim agreement is not reached we will not deploy troops.

The President made that very clear as his position on February 4 in a speech made here in Washington at the Baldridge Quality Awards Ceremony. No troops unless there is first an agreement. We believe this amendment should be adopted to make that clear.

Secondly, we believe that there is a limited involvement that the United States should have and that that involvement should be limited to 15 percent of the total troop force assembled by the NATO forces for this mission

AMENDMENT OFFERED BY MRS. FOWLER TO AMENDMENT NO. 5 OFFERED BY MR. GEJDENSON

Mrs. FOWLER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. FOWLER to Amendment No. 5 offered by Mr. GEJDENSON:

Page 1, strike line 1 and all that follows through line 9 and insert the following:

(1) President Clinton is contemplating the introduction of ground elements of the United States Armed Forces to Kosovo as part of a larger North Atlantic Treaty Organization (NATO) operation to conduct peacemaking or peacekeeping between warring parties in Kosovo, and these Armed Forces may be subject to foreign command.

(2) Such a deployment, if it were to occur, would in all likelihood require the commitment of United States ground forces for a minimum of 3 years and cost billions of dollars.

(3) Kosovo, unlike Bosnia, is a province of the Republic of Serbia, a sovereign foreign state.

(4) The deployment of United States ground forces to enforce a peace agreement between warring parties in a sovereign foreign state is not consistent with the prior employment of deadly military force by the United States against either or both of the warring parties in that sovereign foreign state.

(5) The Secretary of Defense, William Cohen, has opposed the deployment of United States ground forces to Kosovo, as reflected

in his testimony before the Congress on October 6, 1998.

(6) The deployment of United States ground forces to participate in the peacekeeping operation in Bosnia, which has resulted in the expenditure of more than $10,000,000,000 by United States taxpayers to date, which has already been extended past 2 previous withdrawal dates established by the administration, and which shows no sign of ending in the near future, clearly argues that the costs and duration of a deployment to Kosovo for peacekeeping purposes will be much heavier and much longer than initially foreseen.

(7) The substantial drain on military readiness of a deployment to Kosovo would be inconsistent with the need, recently acknowledged by the Joint Chiefs of Staff, to reverse the trends which have already severely compromised the ability of the United States Armed Forces to carry out the basic National Military Strategy of the United States.

(8) The Congress has already indicated its considerable concern about the possible deployment of United States Armed Forces to Kosovo, as evidenced by section 8115 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2327), which sets forth among other things a requirement for the President to transmit to the Congress a report detailing the anticipated costs, funding sources, and exit strategy for any additional United States Armed Forces deployed to Yugoslavia, Albania, or Macedonia.

(9) The introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities may occur, clearly indicates authorization by the Congress when such action is not required for the defense of the United States, its Armed Forces, or its nationals.

(10) United States national security interests in Kosovo do not rise to a level that warrants the introduction of United States ground forces in Kosovo for peacekeeping purposes.

Page 1, strike the second amendatory instructions and insert the following:

Page 1, strike line 8 and all that follows through line 3 on page 2.

Page 2, strike line 4 and all that follows through line 8.

Page 1, line 10, strike "**DEPLOYMENT**" and insert "**LIMITATION ON DEPLOYMENT**".

Page 1, line 14, strike "described in (b)" and insert ", subject to the limitation contained in subsection (b),".

Page 2, strike line 1 through line 6 and insert the following:

(b) LIMITATION.—The President is not authorized to deploy ground elements of the United States Armed Forces to Kosovo as part of a North Atlantic Treaty Organization (NATO) operation to implement a peace agreement between the Republic of Serbia and representatives of ethnic Albanians living in the province of Kosovo.

(c) RULES OF CONSTRUCTION.—Nothing in this concurrent resolution shall be construed—

(1) to prevent United States Armed Forces from taking such actions as the Armed Forces consider necessary for self-defense against an immediate threat emanating from the Republic of Serbia; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Strike the second line 1 and all that follows:

Mrs. FOWLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Mr. GEJDENSON. Mr. Chairman, reserving the right to object, we have not yet seen the language of this amendment, and we would like our counsel to just have a moment.

The CHAIRMAN. Does the gentleman object to the dispensing of the reading?

Mr. GEJDENSON. No, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is considered as having been read.

There was no objection.

The CHAIRMAN. The gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes on her amendment.

Mrs. FOWLER. Mr. Chairman, the amendment that I am putting forward today with the gentlewoman from Missouri (Ms. DANNER) would make it clear that the House does not support the deployment of United States ground forces to Kosovo and would spell out the reasons why.

There is no question that the situation in Kosovo is a tragedy. My heart aches for the people there just as it does for those who are caught in the midst of the civil war in Sierra Leone, the victims of religious strife in Kashmir and Indonesia, the hundreds of thousands suffering from induced famine in North Korea, the masses subjected to suppression of human rights in China and Cuba, the many who have been violated by enslavement in Sudan.

But as much as we would like to see all of these tragedies resolved and as much energy as our diplomats and other officials might appropriately expend to accomplish that, we have not sent our troops to those places because it is not within our power to solve all the world's problems.

□ 1630

It does not make sense to me to compound the tragedy in Kosovo by deploying American troops there and subjecting them to hostilities and potential casualties. That would be an even greater tragedy.

Simply put, while I am willing to provide other forms of support, including air, intelligence, communications and logistics support to a European initiative to deploy ground forces to Kosovo, steps which my amendment would permit, I do not believe that our national security interests in Kosovo rise to a level that warrants the commitment of U.S. ground troops.

I am deeply concerned that U.S. ground forces are about to be deployed on the sovereign territory of a dictator who is essentially being blackmailed to accept a NATO military presence. The administration is pressuring Milosevic and the KLA to negotiate by literally holding a gun to their heads. Even if an agreement on Kosovo is reached, it is a recipe for resentment, not reconciliation, and it will be our troops on the ground in the cross hairs.

Furthermore, I am deeply concerned that the administration has not articulated an exit strategy and that there has been no determination made regarding the cost of the operations or the source of funds to pay for it. The administration's initiative would draw the United States further into commitments in the Balkans that have already cost U.S. taxpayers some $10 billion. After violating two self-imposed deadlines for the withdrawal of our military forces from Bosnia, the administration today offers no end in sight to our commitment there.

I would note that the Congress is already on record in requiring the administration, in Section 8115 of the fiscal year 1999 Defense Appropriations bill, to provide a report to the Congress on the national security justification, exit strategy, cost, source of funds, and other key considerations before the deployment of any additional U.S. forces to Yugoslavia, Albania or Macedonia. That is Public Law that we voted on in this House and the President signed.

The President has indicated that the size of any U.S. ground presence will be small. The fact is the deployment will last for a minimum of 3 years. It will increase already sky-high military personnel deployment rates. It will place a significant additional strain on our troops and will further compromise the Nation's military readiness.

For those who have not been out in the field to see our troops firsthand, today our military is undermanned, is undertrained, and is underequipped. Our service people have had it with constant deployments, chronic shortages and cannibalized equipment.

For me, the bottom line is this: Could I look one of my neighbors in the eye and tell them, with conviction, that their loved one died in Kosovo in defense of America's vital interests? The answer is no. I urge Members to vote "yes" on the Fowler-Danner amendment.

Mr. LANTOS. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

I have visited our troops in Bosnia on several occasions. One of the great miracles of the Bosnia venture is that not one single American soldier has been injured or killed as a result of that participation, but our presence, along with our NATO allies, has prevented the continuing bloodbath that has inflicted that territory.

Now, no one is arguing that American troops should go to war in Kosovo. What we are advocating is a conclusion of an agreement between the Albanians and the Serbs in Kosovo, after which, upon invitation, a 28,000 person force would go to that country to keep the peace. Of the 28,000 soldiers, 4,000 should be members of our own armed forces.

Kosovo, in a sense, is becoming a secondary issue in this debate. What we are talking about is the survival and the vitality of NATO. As I mentioned earlier today, some of us will be in Independence, Missouri, tomorrow at the Truman Library with the ambassadors and governmental leaders of Poland, the Czech Republic and Hungary, as we invite them to join NATO. They will ask the question: Why should they join NATO if NATO is unwilling, upon invitation, to take part in a peacekeeping mission?

The gentlewoman is talking about military readiness. What is the military readiness for if it is not to prevent the continuance of bloodshed upon reaching an agreement between the Albanians and the Serbs?

This debate today in this House makes me awfully glad that some of my colleagues were not here when the decision was made to participate in the Second World War or the Korean War or the Persian Gulf War. Isolationism is rampant in this body. I repeat that. Isolationism is rampant in this body. If the Congress of the United States is not prepared to participate in a NATO peacekeeping mission, upon the invitation of the two parties, for goodness sake, what is NATO prepared to do? What is the purpose of NATO if it is not minimally to preserve peace in Europe?

I ask my colleagues to reject my colleague's amendment and to accept the responsibility of the one remaining superpower for making a modest contribution, and I underscore it is a modest contribution, to a NATO effort to preserve the peace.

Our friends in the United Kingdom are ready to send 8,000 people to Kosovo, twice as many as we are, yet the Brits' population is one-fifth of ours. What do we tell our friends in London when they are ready to send 8,000 people into that peacekeeping force; that they should do it all? Well, they have told us there will not be a NATO peacekeeping force unless we participate. It is only rational that this minimal participation on the part of the United States be approved overwhelmingly by this body.

The voices of isolationism have often carried the day in the Congress of the United States. I hope to God this will not be one of those days.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word, and I rise in support of the Fowler amendment.

I particularly want to claim the right to speak after the distinguished gentleman from California (Mr. LANTOS), because the gentleman knows perfectly well that this Member is not an isolationist, since the gentleman from California and I were among the two Members who probably had more impact on the President's decision to have a preventive force sent into Macedonia, or the former Yugoslavian, Republic of Macedonia (FYROM), if one prefers, under United Nations auspices. And, of course, this Member voted for deployment of our troops to the Persian Gulf area for Desert Shield and Desert Storm because, in fact, one country, a member of the United Nations, invaded another.

But I do think the gentlewoman's amendment is entirely appropriate, and it does not go to totally restricting American involvement in Kosovo. It simply says no ground troops. It does not prevent all kinds of support, such as logistical, intelligence or even air support.

Now, I would like to address the issue of why the Europeans think American forces should be involved on the ground in Kosovo. Our European friends and allies say they cannot act without American leadership. As a long-term member of the North Atlantic Assembly from the House, I regularly have heard from our European friends that nothing can be done without America. Frankly, this is nonsense. NATO has established and has had in place for the last 2 years a concept or procedure called Combined Joint Task Forces, CJTF, where, out of area, some members of NATO can participate in a mission, out of area without all of them participating. This is an ideal time for the CJTF concept to be employed.

I also would note that the press reports coming out of the negotiations have some of our European friends insisting that the administration's willingness to offer several thousand troops is far too small—that several times that number are necessary. The Europeans desperately want to be treated as equals but they seem terrified to act on their own. While I firmly support the Alliance, we have to break our friends of their undue reliance on U.S. military superiority.

This Member is also concerned about the deployment of more U.S. armed forces on yet another peacekeeping mission. Really, however, in Kosovo it is peace enforcement. There is not going to be any peace to be kept because both these parties, the Government of Yugoslavia or Serbia and the KLA and the Kosovars are being coerced. That peace enforcement mission for U.S. ground forces in Kosovo will exacerbate the detrimental impact these missions are having on our military readiness to respond to a major attack against our direct interests.

Mr. Chairman, peacekeeping is wholly different from war fighting. Military units deployed on peacekeeping assignments must undergo extensive training to regain, renew and reestablish their fighting skills. Reliance on the U.S. to spearhead and to put teeth into peacekeeping or peace enforcement missions is, frankly, eroding the war fighting capability of the United States armed forces. The ever-increasing number of peacekeeping operations threatens to erode it. And, in fact, I would have to say that what has been done by moving this country's armed forces more and more into peace enforcement activities. It is damaging the capability of the U.S. military.

This Member would also mention that frequent and recurring recalls of reservists and National Guardsmen to support these missions will eventually take its toll on U.S. businesses, American productivity and personal careers. Perhaps the Members understand that the gentleman from Washington (Mr. NETHERCUTT) already has a tax credit bill introduced to try to assist businesses whose National Guard personnel and military reservists are abroad all the time. That is an understandable concern. I guess we have had about 10,000 lawsuits filed now against enterprises by Guardsmen or reservists who have not been able, in the eyes of the Guardsmen or the reservists, to be placed back in the job they left for deployment or in a comparable job when they return. Now that should tell us something.

The Administration appears intent to act independent of Congress to commit troops to Kosovo. This is both unconstitutional and it is shortsighted. It jeopardizes the very interests President Clinton has vowed to preserve and protect, placing at risk not only the Balkans but also the U.S. war-fighting capacity.

And I would say that what is happening in Macedonia today, with Serbian troops on their border with tanks and artillery as a result of American and coalition threats, certainly does not stabilize Macedonia; Certainly does not prevent the possibility of Greece and Turkey coming in on opposite sides; it makes a destabilized Macedonia more likely. What is happening there today because of this so-called peace enforcement, peace arrangement between Serbia and the KLA, or the Kosovars, is really destabilizing.

The Kosovars, particularly the KLA, do not have any interest in autonomy. Their interest is independence. And, in fact, we have Members standing up in our committees insisting that the Kosovars should be acting for independence. What is that going to do to the stability of Albania, Turkey, Macedonia and Bulgaria? It is not positive.

Mr. Chairman, I thank my colleagues for listening.

Mr. Chairman, this member has yet to be convinced that this mission is well-thought-out or that it is necessary to risk the lives of U.S. armed forces men and women in another country's civil war. This Member is also mindful of assertions that a civil war in Serbia could spread to Macedonia and then bring two NATO allies into conflict—Greece and Turkey. While this might make a case if the conflict were occurring in a country adjacent to a

NATO ally, Serbia does not meet this criteria. The use of this argument, to deploy U.S. armed forces to Serbia, is nothing more than veiled, highly speculative justification. In this Member's mind, it is a poor display of leadership for the world's only superpower. The Clinton Administration is too quick to resort to the heavy hand of U.S. military intervention. Just because we can, doesn't mean we should!

While some liken the circumstances leading to our potential involvement in Kosovo as similar to those that resulted in U.S. troops deploying to Bosnia, this Member disagrees with this assessment. Unlike Bosnia, Kosovo is not a sovereign nation—it is a province within the sovereign nation of Serbia. The Kosovo Liberation Army (KLA) is an armed separatist group that appears focused on a singularly important objective—independence for the approximately two (2) million ethnic Albanians living in Kosovo. Kosovar leaders, in Serbia, want independence, not peace. Serbs are led by one man, Slobodan Milosevic, who is adamantly opposed to independence for Kosovo and who is willing to militarily oppose the presence of foreign troops in Serbia. With tension on both sides, and a history of failed attempts to establish an accord between Serbs and Kosovars, it is highly likely that the already sizeable casualty count will continue to rise. This Member has not been convinced we should risk adding the names of U.S. personnel to that growing casualty list.

The high tension between KLA and Serb forces, compounded by recent action by the Serbs to amass 4,500 heavily armored troops with artillery on the southern Kosovo border with the Former Yugoslav Republic of Macedonia (FYROM), will turn this into peace-enforcement—a police action. This brings back haunting memories of Korea, Vietnam, and Somalia. As history has shown, peace-enforcement does not lend itself to an exit strategy. Police presence is rarely a temporary situation. In 1995, the Administration indicated that U.S. troops would be home from Bosnia within a year. The fact is that about 6,200 American military personnel remain deployed within Bosnia nearly four years later. The successful resolution of the crisis in Serbia will guarantee a continuous, long-term U.S. military presence there, as well as in Bosnia.

This Member has previously voiced, and still has, enormous difficulties, for many reasons, with the proposal to deploy several thousand U.S. troops as part of a NATO peacekeeping force for Kosovo. Those reservations have nothing to do with whether Serbian misbehavior merits punishment. This Member certainly does not condone anything the Serbs have done recently, or over the past decade, to foment Kosovar unrest. Belgrade has been condescending toward, and abusive of, the rights of ethnic Albanians, giving rise to the KLA. Yet, Secretary of Defense William Cohen correctly has noted that "the notion that only the Serbs have engaged in atrocities is incorrect." While acknowledging that both sides are contributing to the conflict, this member would quickly point out that the KLA forces were not the ones to displace nearly 400,000 people, they did not destroy more than 19,000 homes, nor did they destroy nearly 500 villages. The Serbs accomplished this brutality, now under the ultimate direction of one individual, Slobodan Milosevic.

Despite the precedents set by this Administration's previous actions, or by previous presidents, President Clinton has avoided the constitutional framework for determining whether it is of vital national interest to devote a significant portion of our military capability keeping the peace at two places in the Balkans. Why is this important? It is important because it jeopardizes the continuity of American policy. Policy set by the Administration acting alone in this case becomes susceptible to change upon election of a new president, which will occur in less than 2 years. Congressional approval of any American or NATO invasion of Kosovo, on the other hand, enables continuity of our foreign policy and use of combat force, even after the end of the president's term.

Last, and far from least, we are on the verge of what this Member considers to be a much more serious breech of peace in the Balkans. The People's Republic of China has used its veto power on the U.N. Security Council to kill extension of the first-ever United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia (FYROM). Continuation of the international peacekeeping presence in Macedonia (FYROM) has now come into question. Yesterday, the distinguished gentleman from the 12th District in California, the Honorable Tom Lantos, joined this Member in signing a joint letter to the Secretaries of Defense and State, urging, in the strongest possible terms, that a continued U.S. "preventative" peacekeeping force remain in Macedonia. It is this Member's hope that the Scandinavian forces of UNPREDEP will also remain.

Macedonia is surrounded by countries—Albania, Bulgaria, Yugoslavia, Greece, and Turkey—that, themselves, are experiencing internal or external difficulties, or both. Macedonia is a highly volatile friction point, and it is no coincidence that the Macedonian region has been the starting point for past wars. Therefore, it is vitally important that the presence of a stabilization force be maintained. A continuation of the U.N. mandate may no longer be an option, but the U.S. may find it necessary to expand its force structure in this sovereign country, where we, legitimately, have been invited, where we have unambiguous national interests because of threats to the integrity of the NATO alliance, and where we absolutely cannot afford an escalation of conflict. Were Macedonia to become engulfed in ethnic conflict, it is quite possible that Greece and Turkey, two key NATO allies, would become engaged on opposing sides—and Albania and Bulgaria might become involved, too. The potential is that instability in Macedonia would cause the southern Balkans to erupt into yet another conflict, potentially leading to a much broader conflagration, or even war. It is a possibility that must be avoided.

There are appropriate places in the Balkans to deploy U.S. troops: Macedonia, for example. This Member is not convinced, yet, that it is appropriate to further tax the U.S. or its armed forces by allowing this Administration to risk the lives of U.S. service personnel in Serbia, including Kosovo.

Ms. DANNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to express my strong support of the Fowler-Danner amendment and in opposition to sending troops to Kosovo. We must always question the wisdom of putting our military in harm's way, most particularly in what is essentially a civil war.

I would like to share with my colleagues today a letter I received from a constituent whose husband and family are much closer to this situation and its ramifications than those of us here today.

□ 1645

I like many of my colleagues have also traveled to Bosnia, but let me tell you the story of someone who has served there.

She writes:

> Congresswoman Danner, I would like to commend you for your stance on the issue of sending troops into Kosovo. You may remember that Bob was with one of the first units to serve in Bosnia. Ten days after we were married, he left for 11 months there. At the time, I supported it, believing that the troops would be out in a short period of time and that real peace would be achieved. After the experience of spending time in Europe, my position has changed. I have watched soldiers spending multiple tours in Bosnia away from families. The divorce rate is high, children do not have their fathers and mothers with them, and families are breaking apart due to the strain. Please work to encourage your colleagues to think about the ramifications of sending troops to Kosovo in human terms.

Mr. Chairman, we were told that our military commitment to Bosnia would last 1 year. We are now approaching the fourth year. We were told it would cost $1 billion. It has now cost $10 billion. Thus, we must have, I think, great concern for any commitment with regard to Kosovo. There is no reason to believe that a mission in Kosovo would not drag on indefinitely with a high possibility of American casualties.

I strongly urge my colleagues to support this amendment.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we keep talking about a peace agreement. There is not one. If there were one and our forces were sent in, that is fine. But without a peace agreement, we are going to coerce those other nations into signing one, and I do not think that that is a very American way to deal with this problem, not by force. And I do not think that we ought to be bombing over there in an effort to try to coerce them to comply with our peace agreement that we put forward.

NATO is not at risk. NATO is a defensive organization, not an offensive organization. We appear to be aggressors. I really worry after talking with our people over there that we are going to lose an airplane or two. It may not be from ground fire but ultimately we could lose one from engine failure, and we may. And if that guy gets down in that area, those people are not going to be very nice to him. They do not like us over there.

Yesterday, Secretary of State Madeleine Albright told the Congress to put off today's debate because it might harm the negotiations. I would tell the Secretary the reason this debate is necessary is because the real danger is recklessness with our foreign policy.

The President is about to put our troops in the middle of an ethnic and religious war that has been going on for thousands of years. It is a lose-lose situation for America. We lose because our troops will be deployed to a country without a clear mission. Just as in Bosnia, the President has no entry or exit plan, he has failed to explain the cost of the mission, and he has failed to explain what effect it will have on the already sinking morale of our fighting men and women. The President's continued use of hollow threats of force only guarantees that our soldiers will be put in harm's way and that dictators will continue to control how our foreign policy is run. Despite this, the President continues to state he will send 4,000 U.S. troops to Kosovo if a peace agreement is signed.

Mr. Chairman, I fought with our Air Force in both Korea and Vietnam, and I am opposed to the use of U.S. military force where we are not threatened in this country. I am disturbed that the President would use NATO to attack a sovereign nation. NATO was not designed to and should not be used for those purposes. The President knows this, and he has continually ignored the Congress when making decisions that impact our ability to keep peace throughout the world. Our fighting men and women are being used as pawns in a failed foreign policy by this administration. Our soldiers are leaving the services in droves. Recruiting is down, morale is low, and the main reason is failed policies that ship our soldiers, sailors and airmen around the world with no purpose or plan.

Mr. Chairman, we should not send troops, we should not send bombs, we should not get involved. It is a conflict that is destined to follow the rest to failure. The President ought to think long and hard before he puts our troops in a bottomless pit. He has a responsibility to our fighting men and women and to this Nation to admit there is no defined mission in Kosovo and our troops do not belong there. I know that, however, if our fighting men and women are called to duty, they will go and they will serve with honor as they always do. But under our Constitution, I believe we in the Congress have as much responsibility as the President and we must not ask our soldiers, sailors and airmen to serve in Kosovo without a defined mission or national interest.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the other side talks about all kinds of reasons why the United States should not send any of its troops into Kosovo. We know that there has been ethnic cleansing. We know there has been genocide. I was always taught that two wrongs do not make a right and to me it is ridiculous to say, well, there is genocide going on in all parts of the world so therefore we should not intervene in any part of the world. That does not make sense to me at all.

I rise in opposition to the gentlewoman from Florida's amendment which in effect guts the gentleman from Connecticut's amendment. The isolationist attitude that I hear amongst some of my colleagues is indeed troubling and puzzling. We have heard these arguments time and time and time again. We heard these arguments during the Second World War when 6 million people plus were ethnically cleansed and the Holocaust was there. I am not saying that this is on the same level, but when innocent people are killed because of their race, or ethnicity, we have a right and a duty, I think, to respond. We saw in Bosnia that until the United States grabbed the bull by the horns, Europe was not capable of stopping the carnage, and we saw 200,000 people ethnically cleansed because of their ethnicity, and we will see it again in Kosovo unless we are willing to step in.

Now, we talk about burdensharing, and I accept the argument that it is not fair to ask us to do the lion's share. But here we are only proposing 4,000 troops out of 28,000. This is the poster child for burdensharing. Our NATO allies are doing the bulk of the troops. And for the United States to pull out now or for this Congress to send a wrong message now does such harm to the negotiations, I think probably destroys the negotiations, and how many more thousands of people will have to be killed until we step in a year or two or three years away? Isolationism did not work during World War II, it did not work during other wars, and it will not work now. I can never understand my colleagues who say that somehow people who volunteer for the armed forces and do not want to go, somehow that is a reason not to send troops. If you volunteer, you know you are volunteering, and in the future you know you may have to go. So to me because somebody wants to be with their family, I would want to be with my family, too, but that is not a reason for United States troops not to do what we need to do, which is in our national interest. It is in our interest to stop genocide. It is in our interest to stop a wider war which will surely happen if we let it go unchecked. We have allies, Greece and Turkey and other allies, that can be sucked into a wider Balkan war. But if we take steps now along with NATO, we can prevent all this.

I also do not understand some of my colleagues who are always one to have more money for the defense budget, they always fight for more money for defense but yet they never seem to want to use the defense. It does not make sense to me at all. If we are the superpower in the world, and we have a strong defense, and we need to beef up our defense, then there are times we need to use our defense. This is such a time. We heard when we were debating Bosnia here in Congress that there would be hundreds if not thousands of American casualties. That has not happened. It will not happen in Kosovo, either. The naysayers, the doom and gloom people, it will not happen because our forces are the best. There is a mission here, and it is a specific mission here. We are going to Kosovo to keep the peace. Mr. Milosevic has slaughtered hundreds and hundreds and thousands of Albanians. People there have no rights. They have no civil rights. They have no human rights. Men, women and children are slaughtered. We have seen the carnage. Only the United States leadership can stop it. This is not the time to be isolationists.

I appeal to my colleagues, and again I think this is the wrong time to be debating this, because there is no peace agreement. That is just the point. The gentleman from Texas said there was no agreement. I think if we pull the rug out from under the President and say we do not want troops before there is an agreement, there surely will not be an agreement. We should have waited until there was an agreement to debate this in the United States House of Representatives.

I sincerely hope that our colleagues will understand the gravity of this issue and support the gentleman from Connecticut and support the gentleman from Texas. No more than 15 percent United States participation is needed.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to voice my complete opposition to sending American troops to Kosovo. There is simply no vision to this mission. Even the casual observer can see that the proposed Kosovo initiative has no timetable, no rules of engagement and no greater strategic plan for that region. Unfortunately, the undefined Kosovo mission is symbolic of the lack of direction of our recent American foreign policy. There is a 6-year trend to send American troops anywhere for any reason, but there are no consistent goals that tie all of these missions together.

Ronald Reagan once said that changing America's foreign policy is a little like towing an iceberg. You can only pick up speed as the frozen attitudes and mistakes of the past melt away. America needs to quickly change directions and leave behind the chilling comedy of errors that has defined our recent foreign policy.

Ronald Reagan is a statesman. During his administration, the United States was the dominant force on the world's stage because there was no mystery to American foreign policy. During that time, America boldly told the world that we would bring peace through strength. Ronald Reagan stood up to the tyranny of communism and said that the American way would triumph, but not through conciliation and not through appeasement. The United States won that Cold War because of the truth of our principles. In every corner of the world we pushed for freedom and democracy.

Oh, how American policy has changed since the days of Ronald Reagan. Today there is simply no cohesion and no consistent principles that form the basis for everything we do on any spot of this map of the world. American foreign policy is now one huge big mystery. Simply put, the administration is trying to lead the world with a feel-good foreign policy. This feel-good foreign policy tears us away from peace through strength and it has resulted in creating chaos through weakness. This administration makes threats and never follows up on them. They set deadlines that are broken and reset, just to be broken again. American foreign policy failures over the last 6 years litter the international landscape. Mission-creep in Somalia cost the lives of American soldiers. North Korea continues to flaunt international law by speeding ahead with their nuclear program with no consequences whatsoever. Haiti is still not the beacon of democracy, despite sending U.S. Marines there. Afghanistan and the Sudan were bombed in the blink of an eye. Yet Osama bin Laden still represents a threat to thousands of American lives.

We continuously bomb Iraq, without any clear goals, and without getting any closer to our ultimate objective of Saddam Hussein being removed from power. Russia, with its massive nuclear capability is coming apart at the seams and selling weapons and technology to scrape by, and we do nothing. China is walking all over us, pure and simple. Currently we are stuck in a never-ending peacekeeping mission in Bosnia that was proposed as a 1-year commitment. That promise was made 4 years ago. And now we have Kosovo.

□ 1700

Kosovo is not a hopeful nation aspiring to democracy. It is a big dangerous quagmire. The ethnic Albanians wanted total independence, and the Serbs do not want to give up any important parts of their country. Both parties have consistently rejected any chance of a real cease-fire.

Mr. Chairman, American soldiers are trained to be warriors, not baby-sitters. The administration has no plan to do anything but just go to Kosovo, hold the hands of both sides and hope that they will behave when we leave. But of course they will not. The killing and mayhem will continue as soon as NATO pulls out.

So how long does the President plan to keep our troops there any way? No occupation can or should last forever.

There is a litany of reasons why we should not send troops to Kosovo, but the most compelling are the new power and responsibilities the mission unthinkingly gives to NATO. There are serious concerns about this new peace making direction for NATO. Its purpose is always to be a defensive alliance, not an offensive force.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DELAY) has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, NATO's purpose has always been a defensive alliance, not an offensive force going into nonmember nations uninvited. Once NATO starts meddling in the internal affairs of sovereign nations, where does it stop? Think about this question for a moment. Outside of the questions of time and cost and objective, the Kosovo policy we are debating here today would have tremendous ramification on NATO's overall mission. We have to take a stand against these kinds of deployments now to ensure that we stop them before they ever get started.

NATO is starting to resemble a power-hungry imperialist army. Originally designed to defend member nations from attack, it is now setting itself up to be the attacker. Despite the fact that the two parties in Kosovo refuse to negotiate even directly amongst themselves and have rejected a cease-fire, the administration threatens to bomb the Serbs to make them cooperate at the peace table.

There is one major catch here. There is no peace table, just like there is no peace. The two sides continue to attack one another with a vengeance. It does not matter how many soldiers NATO sends over there, no number of troops can keep peace if there is no peace to begin with. The proposed Kosovo mission is just another bad idea in a foreign policy with no focus.

As with all the recent failures in American diplomacy, the administration is trying to obscure its lack of a comprehensive agenda, and they are doing it with bombs. Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world. The international respect and trust for America has diminished every time we casually let the bombs fly. We must stop giving the appearance that our foreign policy is formulated by the Unabomber.

Mr. Chairman, sending U.S. troops to Kosovo is a lose-lose situation. No matter how we look at it, it is dangerous, it is costly.

America has no strategic interests in the matter, and no one wants us to be there in the first place. Support the gentlewoman from Florida's amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the underlying amendment, the Gejdenson amendment limiting the U.S. share of the operation 15 percent, and in opposition to the second degree amendment.

I was a bit puzzled by the gentleman from Texas (Mr. SAM JOHNSON), who preceded me in the well, who stated that we were voting on an agreement that was not yet complete and, therefore, we should vote against it. I share part of that concern. I wish that the leaders of the House had held this debate until the agreement was complete. I talked to the White House today. They assured me that if an agreement is reached, and I believe if we vote in opposition to this resolution an agreement will not be reached, that there would be a minimum, absolute minimum, of 3 days before U.S. troop deployment could begin. That would give the House more than ample time. We could stay here this weekend and conduct the Nation's business with the full facts of the peace agreement before us instead of having to vote in the context of are we undermining the peace agreement that might happen or are we not, which is what we are doing right now in this debate.

There is no one in this House whose been a stronger proponent for more than a decade of the restoration of the rightful powers of the Congress when it comes to war powers. As my colleagues know, there are a few who have been more critical of the lack of participation of our wealthy NATO allies in many things, including their own defense during the years of threat by the Soviet Union. But that said, the timing of the resolution before us and the debate are very troubling. As my colleagues know, we should not be having a debate on authorizing the use of U.S. troops under not yet totally clear conditions while the negotiations are ongoing.

Mr. Chairman, I really fear that a no vote here by the House of Representatives tonight will embolden Mr. Milosevic and his genocidal henchmen and keep them from signing an agreement. Some say we are bullying him. Well, someone has got to stand up to the bullies in this world, and perhaps it is time that the United States did.

On the other hand, a yes vote is problematic in that we do not have the final agreement before us. The gentleman spoke the truth. What should happen is we should stay in town. If an agreement is signed on Saturday, we can meet on Saturday, we can meet on Sunday, we can meet on Monday, and then we can consider a proper authorization which could have conditions on length, duration, size of the deployment, scope of deployment, objectives and all those things in it for an up or down vote.

That would be the proper way to proceed in this matter.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Nebraska.

Mr. BEREUTER. We may come out on different sides of this, but I thought the gentleman ought to know that one of the reasons why we are in this debate from my perspective and I think from the perspective of many people is that we were told the same sort of thing: Wait until the Dayton accord is concluded. This is a very delicate negotiation; do not get involved. But by the time the signature ended up on the line at Dayton, troops were already on the way, Congress was precluded from action, and we were told, "You must now support our men and women, the troops abroad."

Mr. Chairman, that is the reason why we are at this stage in my judgment.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for that, but we always reserve the power, and I have come to this floor many times to question precipitous deployment without lawful consultation with Congress and without an authorization of Congress. I have gone so far as to sue past Presidents over this issue, but we were denied standing in the courts.

So in this case, as my colleagues know, I believe that we would be given that opportunity. We can certainly grasp that opportunity by staying in town and going into session the moment we hear the accords have been signed, and then framing a resolution that properly addresses the concerns around those accords. That is the way we should proceed. So we are being given a pretty crummy choice here tonight, which is to undermine the peace negotiations by voting no or vote yes on something when we do not fully absolutely 100 percent understand the conditions and terms.

Mr. Chairman, I wish that the leadership on the other side would reconsider perhaps, pull the bill, keep us in town and take up this issue when it is more timely.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when a member of my own party tried to stop COLAs for our military, the gentlewoman from Florida (Mrs. FOWLER) was the first one to jump and say, "Duke, I'll support you. Let's get a coalition together, and let's stop it." She cares deeply about our military and our troops.

I have an article right here that they started fighting last night again in Kosovo. They are burning houses, they are burning bridges.

I rise in support of the gentlewoman's resolution. Do my colleagues know who rejected it? Not the Serbs. Holbrooke, Mr. Holbrooke, had to cancel the peace talks last night. He canceled them until the 23rd because the Albanians rejected it. They will stop nothing short of having a separate Kosovo. They do not want just Kosovo. They want Montenegro, and they want parts of Greece.

I said on the floor before, "Look at Bin Laden, look at the terrorist leaders speaking openly and how they then filtrated around Itzebegovic in Bosnia, 12,000 mujahedin in Hamas. That is a threat to Europe, it is a threat to Greece, and it is a threat to this country. Bin Laden, active in Albania with the KLA; they have genocided Montenegrins, Serbs, gypsies and Jews recently, and they continue to do that. They have been fighting for 500 years.

As my colleagues know, the gentleman talked about some of us fight for defense dollars. Absolutely right. Look at the emergency state that our national security is in right now. The President has not asked for one dime that our defense are going down, and helping building the roads and working our DOD and other agencies. In Honduras, millions of dollars, and I support them doing that. I mean they have made a marvelous expansion down there in helping people in poverty. But when we look at Haiti, as my colleagues know, we are still spending $25 million a year there building schools and bridges. That comes out of the defense dollar. In Somalia, billions of dollars. And look what four times going to Iraq, the billions of dollars. In the Sudan, a billion dollars did not do very much. Knocked out a pharmaceutical plant. But all of these things come out of that defense dollar, and what has that set us back to?

Our kids, our men and women in the military, we are keeping only 23 percent of them because our deployments exceed by 300 percent the deployments during the height of Vietnam, and yet we are going to ask only 4,000 of them. Do my colleagues know the families and what they are going through right now? We are keeping only 30 percent of our pilots. The number one issue is family separation. We are driving our military into the ground in a very balanced budget amount that we allow, and then we take 16, not 8 billion, 16 billion, if we take the cost of bringing on the reserves and we take the other costs associated with going, 16 billion just for Bosnia, and that does not include next year. That all comes out of defense, and then again we are going to have to go in here.

And they were talking about giving a billion dollars to Russia to stop some nuclear weapons. Well, let Europe. My colleagues say Europe had not done it. Leadership would force Europe to pay their fair share and do what we are trying to do. Russia has offered to put more troops in there. KLA did not want that. Well, the hell with the KLA. Let the Europeans, France, run by a Socialist-Communist group when they took over the conservatives' coalition, and they refused to do their part, let them go in and do it, and let us not send our men and women in harm's way.

My colleague talked about not understanding the gentleman from Texas (Mr. SAM JOHNSON). I do not expect my colleague would. He was a POW for 6½ years, and he was a war hero. He was tortured, he was shot down in Vietnam, and he knows what it is to put our kids in harm's way instead of sitting here in a soft, cushy chair saying, "Let's send them."

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Gejdenson amendment. I support the gentleman from Connecticut's amendment, but I have strong reservations, strong reservations of the Republican leadership's timing on this legislation. Bringing this measure to the floor for debate while negotiations are still underway is totally irresponsible.

Mr. Chairman, if and when a peace agreement is signed by both sides, I believe an American presence as part of a larger international peacekeeping force in Kosovo is and will be necessary.

□ 1715

The Kosovar Albanians have already made clear that they will not agree to any peace proposal without American participation in an implementation force.

In addition, we have seen that the threat of force is the only language that President Milosevic understands. A strong U.S. presence in Kosova would demonstrate to Mr. Milosevic that we would not tolerate noncompliance with any of the agreements, provisions or a return to the brutal campaign of repression and genocide that he has brought upon the ethnic Albanian community.

Mr. Chairman, while our NATO allies have already pledged to provide the bulk of a post settlement force in Kosovo, we must recognize that some U.S. participation is not only desired but is expected by our allies. Quite simply, such participation may be essential to securing the confidence of all the parties involved.

Mr. Chairman, I have a strong and vibrant Albanian and American community in my district in the Bronx and Queens. Many of these families have relatives in Kosovo who have been raped, maimed and murdered by Serbian forces.

The United States, and we as a Congress, cannot turn our backs or jeopardize the peace process in Kosovo.

While I strongly support an American presence in an international implementation of force, I believe to debate this issue at this time is both irresponsible and damaging to our ability to conclude a peaceful agreement.

Mr. Chairman, I include for the RECORD the following New York Times article.

[From the New York Times, Nov. 6, 1998]

FAR FROM KOSOVO, ANGUISHED VIGILS AND MOURNING; CONCERN FOR FAMILY MEMBERS RESHAPES IMMIGRANTS' LIVES

(By Barbara Stewart)

Nearly every week, all summer long, Ismer Mjeku, a Bronx entrepreneur from Kosovo, attended at least one wake, as one Albanian compatriot after another learned of relatives back home killed by Serbian soldiers. By late August, it was practically routine. He would meet his uncle and cousins at one of the small, dim clubhouses where Albanian men sit, smoking cigarettes and drinking tiny cups of sweet Turkish coffee and where traditionally, they have also held wakes.

For the last few months, these spaces have been rented time and again by immigrant Albanian men, who would spend a day or two of mourning there. While the women remained home, receiving the condolences of their female friends, the men would spend the day at the club in a ritual called pame, "to see," or ngushellime, "condolences."

By Labor Day, Mr. Mjeku, 38, had attended 10 or 11 pamet within 9 weeks. Like the others in his group, he shook the hands or hugged the shoulders of each grieving man, sat and drank a single cup of coffee and smoked one cigarette, rose and offered his condolences to each man again, and then left, making room for the next group.

But a few weeks ago, after the older cousin who had been a second father to him was shot and killed in his home village, Mr. Mjeku refused to hold a pame. "We cannot keep doing these one by one," he said in his small walk-up office on Arthur Avenue in the Belmont section of the Bronx, where he produces an Albanian business directory. "So many people died in Kosovo the last three months. It's not special, each death. It's not—wow. It's war."

For many of the approximately 200,000 Albanians in and around New York and New Jersey—70 percent of whom come from Kosovo, a Serbian province of Yugoslavia in which 90 percent of the population are ethnic Albanians—death is no longer special. After eight months of Serbian attacks on their relatives in Kosovo, even the deaths of children have become numbingly routine.

Yet the deaths back home have reshaped the lives of immigrants here, making them less festive, less social: gone are the big weddings, the nights of folk dancing, the gay music.

"When I hear Albanian music, it hurts me," said Al Haxhaj, an Albanian who is a co-owner of the Mona Lisa, a restaurant in the Murry Hill section of Manhattan that was formerly called the Piazza Bella. "It reminds me."

Since the first Serbian attacks were reported in February, Albanians around the world have watched events back home with anguish: the looted and torched villages, the murdered civilians, the hundreds of thousands of people forced to take refuge in the surrounding mountains. The violence peaked in the summer, with 500,000 Albanians living as refugees, according to international relief agencies. These agencies also say that 1,000 to 2,000 ethnic Albanians have been killed, though many agency representatives say they believe that figure is low.

Reports last week that Yugoslav soldiers were withdrawing from ethnic Albanian villages because of NATO bombing threats offered scant comfort. Local immigrants say they do not believe that the Serbians, their ancient enemies, will stop their attacks.

All along Arthur Avenue and Pelham Parkway in the Bronx, in New Jersey cities like Paterson and Garfield and in neighborhoods throughout Manhattan, ethnic Albanians are trying to deal with their personal tragedies in the midst of this international drama.

Weddings and other celebrations are being canceled. When their world is right, Albanians frequently celebrate with huge parties, hiring Albanian musicians so that hundreds of guests can do traditional folk dancing until morning. But nobody has the heart now for celebrating.

Last fall, the Piazza Bella hired an Albanian band to play traditional music, attracting expatriates from miles around. In February, after the first massacres were reported, Mr. Haxhaj and Bilbil Ahmetaj, the co-owners, stopped the music.

"We can't be over here dancing and getting drunk when little kids are being killed and villages are being trashed," said Fekrim Haxhaj, the owner's 18-year-old son.

In normal times, the vast majority of the big wedding parties at Il Galletto, a banquet hall in North Bergen, N.J., are held by Albanian parents, said Vymer Bruncaj, who is a part owner. But lately, he said: "The wedding invitation for Albanians is zero—no invitations. The last five, six months, you cannot find one."

Young couples are postponing their weddings or marrying quietly, with fewer guests and afternoon parties without music. Last spring, Alta Haxhaj, Fekrim's cousin, canceled the elaborate wedding for 1,000 guests that she had been planning for a year. Instead, she and here fiance married quietly, in street clothes. "No big pouf," she said. "No tail behind me, no white pearls."

When ethnic Albanians get together these days, it is probably for a candlelight vigil outside the United Nations or the White House. Conversation never strays far from their worries. At home and in offices, the computer stays on; the Web site www.kosova.com carries updates on news from the region in Albanian and lists the most recent victims. (Kosova is the ethnic Albanians' preferred spelling.)

Mr. Mjeku, the Bronx businessman, checks the Internet when he gets to work. On Sept. 30, he spotted his cousin's name on the list of casualties. "I closed the office," he said. "I told my uncle in Riverdale. He started to cry. I felt very bad."

Now, a month later, Mr. Mjeku said he was having a hard time focusing on his work. His mind is occupied by memories of his cousin.

While the Internet brings daily updates, many Albanian-Americans have been able to reach family members in Kosovo through satellite cell phones that allow them to connect even with refugees in the mountains.

The conversations have often been eerie. A few months ago, Dervish Ukehaxhaj was summoned from the kitchen of the Madonia Brothers Bakery in the Bronx, which he manages, to the office downstairs, where Peter Madonia, the owner, handed him a phone.

"It was his brother in Kosova, and he was in the middle of shooting." Mr. Madonia said. "He's sitting here in this office, talking to his brother who is in the front lines, in the middle of a war."

In July, there were other calls. One brother and two cousins had been fatally shot.

The Kosovan Liberation Army, with the help of European expatriates, obtained dozens of powerful cell phones and distributed them to the villages, according to Isuf Hajrizi, managing editor of Illyria, and Albanian newspaper based in the Bronx. When Mr. Hajrizi's parents, along with about 40 other relatives in the village, climbed high into the mountains above the village to escape Serbian soldiers, they carried the cell phone with them. "They had no food," he said. "But they had that phone—their only link to life."

But with only one cell phone for at least 1,000 refugees, it can take hours, or even days to get through. Mr. Hajrizi last reached his family after spending 10 straight hours dialing, and then persuading the person who answered to hike over to his parents' campsite to deliver the phone.

When he finally hear his 74-year-old mother's voice, she told him that their home and their village had been looted and burned. They had no food or shelter. She begged for help. "Why is it like this?" she asked, as her son listened helplessly.

That was two weeks ago. Since then, he has not been able to get through despite trying every day. They must have returned to the village and are trying to cobble together shelter there, he tells himself.

"I check the Internet constantly," he said. "I haven't seen their names on the lists. As long as they don't show up on the lists, they probably are O.K."

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentlewoman from Florida (Mrs. FOWLER). Obviously, she does not come to this issue as a casual observer. In fact, she represents Mayport Naval Station, which is often the first to deploy forces in times of conflict.

I join her in opposition to sending American ground forces to the wartorn province of Kosovo. I would remind my colleagues that four years ago the President sent thousands of American troops to Bosnia for what he assured us would be a 1-year mission.

I underscore the comments of the gentleman from Nebraska who was quite concerned that while we were negotiating a peace agreement at that time of the Dayton Accords, American troops were deployed in Bosnia. There was no way to recall them because we were told by the Administration to support the troops because they are already over there.

We are again falling into the same trap. Four years have passed and our troops are still over there. It has become a mission with no end in sight.

If we send troops to Kosovo, I fear the same thing will happen again, an open-ended commitment of thousands of young American soldiers to yet another bloody conflict in the Balkans.

The President wants to send 4,000 American troops to Kosovo if a peace plan is agreed to by the two warring factions. Of course, we were all sickened by atrocities that have been committed by both sides in this war. However, we cannot put our troops in the middle of a conflict where the rules of engagement are ambiguous.

If American forces go to Kosovo, they will very likely end up in combat situations. I think we should remember 1993, the disaster in Somalia where 18 U.S. Army rangers were killed tracking down a Somalian warlord. These lives were lost because the Administration placed those forces under international command and refused to provide the heavy armor and air support that would have given our forces the upper hand in combat.

Mr. Chairman, too many questions exist as to how our troops will be deployed. There are too many questions about the rules of engagement and too many questions about a successful exit strategy.

Mr. Chairman, our Armed Forces are stretched very thin across the globe in a multitude of deployments. We should be very, very careful before we commit to another one.

This past weekend, 44 Haitians drowned at sea in an attempt to come to Florida, to the United States of America. Once again, we have problems in Haiti but nobody is addressing it.

Cuba shot down two Brothers to the Rescue aircraft, and now we are sending a baseball team to promote peace and prosperity in Cuba.

The gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. CUNNINGHAM) spoke on this floor and these two gentlemen, Members of Congress, have the right to speak about the deployment of our troops in conflict because they themselves have represented this great Nation in combat. They speak with authority and I respect their views.

The December bombing of Iraq occurred and the Administration told us it had to be done because Ramadan, the Muslim holy month, was fast approaching. They said we must attack now because if we don't, it would create an international incident.

What about Hanukkah, which was being celebrated at the time of our bombing in Iraq?

So I would suggest to the Congress that we carefully consider the amendment of the gentlewoman from Jacksonville, Florida (Mrs. FOWLER) and that we support it before we become engaged, before we are drawn into another conflict with no end in sight.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment by the gentlewoman from Florida (Mrs. FOWLER). Barely 11 years ago, Slobodan Milosevic seized power in what was then Yugoslavia, and he remains today the last old line, unrepentant Communist dictator in Europe.

Just 10 years ago, in March of 1989, using tactics that would have made Joseph Stalin proud, Milosevic surrounded the elected assembly of Kosovo with Yugoslav Army tanks and secret police and forced that elected body at gunpoint to renounce the autonomy that was guaranteed to Kosovo by the Constitution of Yugoslavia. Milosevic did not even bother to change the Constitution.

In rapid succession, all ethnic Albanian public employees were dismissed from their jobs, 100,000 of them. The Albanian language was proscribed for public purposes. The Albanian schools and the university were closed and systematic repression of the ethnic Albanians began.

Remember that ethnic Albanians were already a majority of the citizens of Kosovo when Yugoslavia was freed after World War II, and now are more than 90 percent of that population.

Then the Milosevic regime was distracted in 1991 and 1992 by its attacks upon two other U.N. members, namely Croatia and Bosnia, that led, as we know, to 200,000 deaths and 2 million refugees that have been spread all over Europe.

It is in that context that President George Bush, on December 27, 1992, warned Milosevic that the U.S. would act if he attacked Kosovo in a similar way. I quote from the letter that President Bush delivered to Milosevic, quote, in the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbs in Kosovo and in Serbia proper, and it was that policy that President Clinton has been following and reiterated, reaffirmed in 1993 and has been following.

In that context, the then minority leader, later majority leader and Republican candidate for President, Robert Dole, has always supported the strongest possible action, American action, to contain Milosevic's regime.

In Kosovo, Milosevic used his army and secret police under a renewed rein of terror to impose thousands of arbitrary arrests, beatings and extrajudicial killings on ethnic Albanians. We should remember that just last October, Milosevic signed agreements in regard to Kosovo and because there were no enforcement provisions there has violated every provision of those agreements signed only four months or so ago.

All told, at least 2,000 have been indiscriminately killed, men, women, aged, children, baby in arms and in the womb and at least 400,000 driven from their homes. For all those reasons, the contact powers have agreed to a NATO effort to establish an enforceable peace in Kosovo, and if this NATO effort is subverted, and the amendment by the gentlewoman from Florida (Mrs. FOWLER) clearly subverts the effort to impose a peace in Kosovo, then later this spring this Congress will have contributed to the creation of hundreds of thousands of more refugees and to the deaths of a whole new cadre of victims of the national socialist regime of Slobodan Milosevic.

Milosevic's right-hand deputy, President Seselj, has already told the Yugoslav parliament that they will drive all of the ethnic Albanians, citizens of Yugoslavia, from Kosovo.

I implore this Congress not to make this great United States of America complicit, complicit in these deaths, and creating these refugees and in aiding in Milosevic's brutal campaign of ethnic cleansing.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise regrettably opposed to the amendment, the well-crafted amendment from my good friend and colleague, the gentlewoman from Florida (Mrs. FOWLER). It is a good amendment and has led to good debate, but I have a different view of this situation.

I think that the underlying resolution, H.Con.Res. 42 that we are talking about cannot be supported in its present form because it is essentially a blank check that grants the Clinton administration authorization to send troops to Kosovo without any limitations or restrictions. I think that is much too broad.

The Fowler amendment, on the other hand, would go to the opposite end of the spectrum denying the administration the authority to send troops under nearly all but the most dire circumstances.

While the President is the primary architect of American foreign policy, and we all understand that, Congress nevertheless has very important obligations in this area, most notably oversight, overseeing the deployment of our troops. That is one of the reasons we are here. We do this on behalf of the people we represent back home.

Finding the right balance is never easy, as we know, but I do believe that the people in my district feel that we should seek something that is more akin to a middle ground solution to either the underlying resolution or the Fowler amendment.

The Clinton administration is intent on deploying U.S. troops to Kosovo and maintains that it does not require congressional approval to do so. In response, I believe Congress should be careful not to deal itself out of the process altogether, and I think this debate has been useful and is going to be more constructive as we go along.

Many members are concerned about the administration's plan and are not satisfied with standing on the sidelines, which is the practical effect of both the resolution that underlies H.Con.Res. 42 and the Fowler amendment. It is either yes or no.

I believe that it is incumbent on Congress to seize this opportunity to offer constructive input and to put into place reasonable requirements before our troops are committed. Rather than providing a blank check or obstructing the way altogether, Congress should require an explicit statement of the national interests involved, the rules of engagement, for example, for our troops; the cost of the mission, for example, of interest to our taxpayers; as well as the entry strategy, the exit strategy, the amount of protection provided to make sure our forces will be as safe as possible; those kinds of questions.

As the debate progresses, I anticipate there will be a series of amendments to do just those kinds of things. I am going to oppose, somewhat reluctantly, the Fowler amendment because I think there is a better way to achieve proper accountability from the President about using our troops in Kosovo.

I urge my colleagues to understand that there are good choices between the carte blanche of the underlying H.Con.Res. 42 and the no deployment proposal by the gentlewoman from Florida (Mrs. FOWLER).

Those amendments are printed. I urge that my colleagues look at them and in the meantime I urge a no vote on the Fowler amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend my colleague from Florida (Mr. GOSS) for his well thought out, articulate view on this. I want to tell him that I am in total agreement.

☐ 1730

I urge my colleagues to vote against both the Gejdenson amendment and the Fowler amendment for all the reasons that the gentleman articulated.

I think the Gejdenson amendment would have us rush into something that has yet to have been written. The Fowler amendment would have us condemn it. I do not think that is a very adult thing to do.

Mr. Chairman, I would urge my colleagues to give strong consideration to an amendment by the ranking minority member on the House Committee on National Security, the gentleman from Missouri (Mr. SKELTON). I think it gives us the best of all of these worlds. It says to those of us, including myself, who are reluctant to commit troops, Mr. President, you cannot send troops right now. It gives those of us who would like to see the details of the peace agreement the opportunity to wait until it is written, wait until it is brought before this body, wait until our Supreme Allied Commander, General Wesley Clark, can come to Washington and explain our concerns about the safety of the troops, what our mission is, how much it is going to cost, and yes, how long we are going to be there. Then and only then it calls on Congress to vote on it.

I applaud my colleagues who say that yes, it is time that Congress finally starts fulfilling our duties as given to us by the Founding Fathers in Article I, Section 8, where it says we must decide where and when young Americans are put in harm's way. We have let both Democratic and Republican Presidents walk all over us. We have failed in our duties.

So I applaud those of my colleagues who say, let us do our job. I also want to applaud the people, including the troops who went to Bosnia, who showed me that I was wrong when I opposed our intervention there. It was not a general, it was not an admiral, it was not a bureaucrat, and it was not a State Department official that showed me that I was wrong, it was an 18-year-old kid from Ocean Springs, Mississippi. When I went over there with a notebook looking for kids to tell me why we should not be there and how stupid it was, and a young man by the name of Rhodes who might have been all of a corporal, I said, should we be here? And I was shocked when he said yes. I said, why? Fresh out of high school, he says, Because I am keeping women from getting raped, I am keeping little kids from getting tortured, I am keeping old men from being murdered just because of their religion. That is why I joined the army, to be a good guy.

Folks, I was dumbfounded. That mission has never been articulated better by anyone anywhere and to Corporal Rhodes, wherever you are, God bless you for saying it, and to his parents, God bless you for bringing such a kid into this world.

Folks, this is the only rational way to go about this. Let us do our job. Mr. President, you have no authority to send troops; therefore, you cannot. Mr. President, bring us a proposal that we can read, take a look at, and then yes, Mr. President, we owe you the respect of at least looking at it and then voting on it.

I urge my colleagues to reject the Fowler amendment, I urge my colleagues to reject the Gejdenson amendment, but I rise in very strong support of the very rational position brought to us by the gentleman from Missouri (Mr. SKELTON).

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the argument that the United States should become militarily involved in Kosovo at all, and I support the Fowler amendment. For an administration that places so much stock in political polls, I wonder if the President does not find it ironic that most Americans cannot even find Kosovo on the map. Not only that, but most Americans could not articulate one reason why we should send other Americans to risk and very possibly lose their lives.

What is the vital interest over there which is being advanced by our getting involved in the middle of this dispute? We have not heard a clear answer to this question. Yet, President Clinton has made very clear what his intention is. He intends to intervene in Kosovo with an open-ended occupation force, perhaps preceded by air strikes.

We have absolutely forgotten the rules of engagement that were laid out in the War Powers Act. We do not have an exit strategy. He has made it clear that he does not think he needs congressional authorization for this mission. Well, I think, as my colleague, the gentleman from Mississippi (Mr. TAYLOR) just articulated, in the Constitution, Article I, Section 8, it clearly states that it is the Congress that shall raise up armies and declare war. In the War Powers Act, presidential executive powers are defined with the ability for the President to deploy troops without congressional authority only when there has been a declaration of war, a specific statutory authorization, or, and this is very important, Mr. Chairman, a national emergency created by attack upon the United States, its territories, its possessions, or its armed forces. The situation in Kosovo certainly does not match statutory authority.

Mr. Chairman, if we are to prevail under the rule of law, the President must obey the law, like everyone else, and certainly in this situation that could get us into a quagmire that we may never get out of.

The administration policy absolutely goes against the fundamentals of constitutional government and the rule of law. On February 10, for instance, in testimony before the Committee on International Relations, Thomas Pickering, who is the Under Secretary of State for Political Affairs, confirmed that Kosovo is sovereign territory of Serbia, and that attacking the Serbs because they will not consent to foreign occupation of a part of their territory would be an act of war. An act of war, Mr. Chairman.

The Constitution of the United States gives sole power to declare war to the Congress, not to the President. Nothing in the laws or the Constitution of the United States suggests that a determination by the United Nations Security Council or by the North Atlantic Council is a substitute for our country's laws. The mission in Kosovo intended by this administration is contrary to the principle of national sovereignty and is a major step towards global authority. The United States and NATO are demanding that a sovereign state consent to foreign occupation of its territory, or be bombed if it refuses. This distinction should be a key one for all Americans concerned about the threat of the growing power of international institutions and what they present to national sovereignty.

What kind of precedent are we going to set with this action? What country are we claiming the right to attack next if we determine that its behavior does not rise to some international standard? Should we attack Turkey to protect the Kurds? China, to protect Tibet or Taiwan? Sri Lanka to protect the Tamils, India to protect the Muslims in Kashmir? I think not, Mr. Chairman.

Do all of the Members of the House fully appreciate the complicated quagmire of Kosovo? The history of Kosovo with its competing claims of Albanians and Serbs is at least as tangled as that of Bosnia, and both groups are passionately attached to their irreconcilable differences of what is right and wrong, in their view.

The administration and its supporters tell us all about the sufferings of the Albanians under the Milosevic regime, and those should not be minimized, and I concur and identify with their argument there. But they also tell us almost nothing about the attacks committed by the Kosovo Liberation Army against Serbian civilians and against moderate Albanians as well. They tell us nothing about the ethnic cleansing of Christian Serbs by radical Albanian Muslims under the Turks, Nazis and Communists alike.

Mr. Chairman, this is a dangerous step that we must not take.

They tell us nothing about the drug-trafficking and other criminal activity that funds the KLA. They tell us nothing about the support of Islamic radicals like the Osama bin Ladin network, which, with other radical forces, is well-established in the KLA's staging area in northern Albania and is promising to strike at Americans wherever they are found.

Do we need to put Americans down in a place where they'll be convenient targets for terrorism?

Putting American troops into this quagmire, where we have no legitimate interests, is a dangerous and needless risk to American personnel. Kosovo is not America's fight.

The Congress should reject any measure that is retrospect will be seen as a blank check for Bill Clinton—a Gulf of Tonkin Resolution for the Balkans.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset, I want to commend my colleague, the gentleman from Mississippi (Mr. TAYLOR) for very well articulated remarks. I come to a slightly different conclusion. I rise to speak in favor of the Gejdenson amendment and in opposition to the Fowler amendment.

First, let me speak to the alternative amendment advanced by the gentlewoman from Florida (Mrs. FOWLER). I believe that it is extremely ill-advised of this House to be debating this resolution at all. We are debating involvement in a peace agreement that has yet to be finalized, so it is not timely right from the outset.

To even try and interject this House into the negotiations underway by placing proscriptions on what the negotiators might come up with is, in my opinion, the direct intervention of this House into the formulation of foreign policy, something placed in the executive branch under the Constitution for very good reasons. We are not constituted as individual representatives representing this country to try and steer negotiations even as they unfold.

Senator Dole, certainly someone who knows the legislative process as well as any American, advised the Committee on International Relations yesterday that the time for congressional involvement in these matters is after the agreements themselves have been reached. Let us look at what the President might bring back, evaluated and debated at that time, but not before.

I favor the Gejdenson amendment, because in the absence of orderly consideration of this matter, it is appropriate, I think, that we not extend a blank check, but rather a measured authorization, and that is the Gejdenson amendment before us. It would encourage a conclusion of the peace process and authorize a NATO force with U.S. involvement of up to 15 percent. That is clearly a minor supporting role in this process, but an essential one, in light of the standing of the United States of America in the world today.

To try and absolutely foreclose any participation by the United States in a peacekeeping force that might be agreed to under the agreement, should an agreement be reached, would I believe give great comfort to those who are the enemies of peace in this region, and who want no peace agreement.

All of us are involved in our legislative responsibilities in negotiations, and we know that negotiations are, in large part, about leverage. Why would we want to give Slobodan Milosevic, a perpetrator of unspeakable horrors in this region, the leverage at this time in the peace process that, precluding any U.S. troop involvement, would extend to this evil leader.

Mr. Milosevic 11 years ago went down to Kosovo and began his own ascendancy in the region by commencing a reign of terror on the Kosovars of Albanian ethnicity. During the course of that reign of terror, their autonomy has been stripped and they have been the victims of unspeakable horrors. We need to bring this to a conclusion with a negotiated peace, but that is made infinitely more difficult by the House debate today, and if we should adopt the Fowler amendment it would be made, in my opinion and the opinion of many observing this process, it would be made impossible.

The Scriptures tell us, blessed are the peacemakers, and we in the House want to do everything we can to make their job more difficult, if not altogether impossible, at this terribly important time.

So let me conclude by saying, let us oppose the Fowler amendment. I believe it would forestall a conclusion of the peace process. Let us support the Gejdenson amendment, which would place very significant and appropriate strictures on the U.S. involvement in what might be a NATO force, an involvement not to exceed 15 percent; a limited, minor supporting role, but an essential one, to stop the killing and the atrocities that have plagued that region.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this situation, regardless of which route we take, stay out or go in, has potential dangers. Many people have argued that going in is going to cause more of a conflagration than if we stayed out. There are good intellects on both sides of the debate. It is a very difficult debate. It is a very close question, I think.

I am going to support the base bill. I think in the end the organization that we created, NATO, that we have always been the guts, the leadership of, that was put together to handle then the Soviet Union, has a role in this post-Cold War environment in keeping stability in Europe. If we do not participate in this operation, and it is a very dangerous operation, one in which I think we may take casualties, I think NATO will dissolve as a real entity.

□ 1745

It may be a debating society, it may have a location, but I think that NATO will dissolve, and maybe the stability that NATO could bring to Europe over the long haul will be gone.

So I am going to support the base resolution. All of the dangers that we see and all of the problems with this deployment or with the nondeployment are things that we really cannot do much about. We cannot change the situation, the political situation, in Kosovo. We cannot change the military offsets. We can do something by participating in this force.

There is something we can do something about. That is to provide our men and women who carry out American foreign policy after debates like this one the wherewithal to be effective. We, the government of the United States, have not been doing that. Let me show the Members what we have been doing.

Since Desert Storm, we have cut our military almost in half. We have gone from 18 army divisions to only 10; 546 naval ships to only 325 now. We have cut another 20 since this chart was put together. We have gone from 24 fighter air wings to only 13 fighter air wings, cut our air power almost in half.

Our mission capability, that is the capability of our aircraft to fly off of their runways or off their carrier decks, like the gentleman from California (Mr. CUNNINGHAM) used to, to fulfill our mission, whether bombing or recon or something else and return to that home base, that mission capability that I want 83 percent in the Air Force has now dropped to 74 percent.

It used to be 77 percent in the Marine Corps. It is now down to 61 percent. Mission capability used to be 69 percent in the Air Force, it is now 61 percent. A lot of our planes are hanging around as old hangar queens. They are like old hay balers that we are taking spare parts off of so the few we have left on the runway will work.

Military aircraft crashes. I can tell the Members, we are now crashing more aircraft, some 55 in the last 13 months, 14 months, than we are building, along with the 55 Americans who died as pilots and crews in those crashes.

Equipment shortages. We are building, and President Clinton's defense budget continues that this year, if we follow it, we are building to a 200-ship Navy, down from 600 ships. The marines are $193 million short in basic ammunition. The Army is short about $1.6 billion in ammunition.

We have aging equipment. We are living off the old equipment of the Reagan years. Our CH-46 helicopter is over 40 years old. The Clinton administration intends to fly B-52 bombers with no replacement until they are 80 years old.

Personnel shortages, we are 18,000 sailors short in the Navy. We are going to be over 700 pilots short in the Air Force. We are going to be short in marine aviation, and we are down about 140 helicopter pilots in the Army.

Here is something we have not been paying attention to. We have a 13.5 percent pay gap between the people who wear the uniform and the people in the private sector. I want to ask all of the patriotic folks who have gotten up and spoken about going into Kosovo, and I am going to vote to go into Kosovo, to really support our troops. I am going to give the gentleman from Connecticut (Mr. GEJDENSON) a substitute amendment that says, let us support them with a pay raise, with new equipment, by building military construction to house their families while they are gone, and maybe we will even give them a little ammunition go. Let us support the troops.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(On request of Mr. CUNNINGHAM, and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, the Joint Chiefs have done something this year that they have not done in a long time. I think it is because the services are desperate, they are desperate for help. The 10,000 uniformed service men and women on food stamps are desperate for help.

They have told us what they need. The Army has come forth and said, we need an additional $5 billion a year just to maintain this downsized military of 10 divisions. The Navy has come forth and said, to maintain 305 ships, we need an additional $6 billion a year. The Air Force has said, to maintain this downsized Air Force of only 13 active fighter wings, we need an additional $5 billion a year. The marines have said that to maintain this downsized Marine Corps, that now has the highest operating tempo of any time since World War II, we need an additional $1.75 billion a year. They said that on top of that they need a pay raise for our troops, to start cutting into that 13½ percent pay gap.

If we add those together, and if we add the cost of Bosnia, which we should not take out of ammunition and operations and maintenance, that is $21.95 billion or $22 billion a year more that our service people need to be well-equipped and well-paid to serve our country.

So however Members vote on these resolutions, and let me really commend the brilliant gentlewoman from Florida (Mrs. TILLIE FOWLER). I wish I could support her amendment. I think her conditions are excellent. But I am going to support the base bill.

However Members vote on this, we should follow up very quickly with a series of votes, manifested in our budget and in supplemental appropriations bills, to provide our military what they need, so they can provide us what we need.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I will not take the 5 minutes to do it, but I want to thank the gentleman for presenting this picture, because that is the picture I wanted to present. He did it better than I could.

Who is going to pay the bill for these kinds of things? If we are going to do them, and we are going to do them, obviously, around the world, who is going to pay the bill? We need to pony up and do what we should for our troops.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Fowler amendment and to support the Gejdenson amendment.

As we have this debate in this House at this time, a time that is poorly timed in terms of what the national interests of the United States are and ultimately how that may lead to the national security of the United States, we simply should not be having this debate at this time.

Right now, as we debate, I am sure that Slobodan Milosevic is looking at this debate, and how we decide today sends him a signal as to how he will move, and move militarily. Even before we give an opportunity for peace to have a chance, we snuff it out with the actions on the Floor.

The gentleman from Connecticut (Mr. GEJDENSON) recognizes that the representatives of the respective parties are supposed to reconvene next week in France. We could not hold off until there was the opportunity for those parties to be brought together by the international community, led by the United States, to see if there is a chance to avoid countless numbers of murders, countless numbers of deaths? We could not give that simple opportunity for peace to take place? It was so compelling to proceed today?

Mr. Chairman, this is not about enforcing our will. It is about enforcing, hopefully, an agreed commitment, an agreed commitment to peace. This is a test of NATO, and ultimately, maybe in some different context, at some different time, Members are going to want NATO to work.

If Members do not step up to the plate now, the portion of the amendment offered by the gentleman from Texas (Mr. TURNER) to the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON) which limits us to 15 percent, and says, in a clear message to the Europeans, this is clearly your problem, but we are part of NATO and we are going to participate in it, if Members want NATO to be put at risk, they will not respond.

The Fowler amendment is ultimately, in my mind, with all due respect, should it pass, a death sentence to thousands of people in Kosovo, because in essence what we are saying by virtue of that amendment, it is a vote on the ultimate question, to not permit troops to be deployed, even before we know that in fact an agreement in which we would be invited in as part of NATO could take place.

We are already sending a message to Slobodan Milosevic that in fact he does not have to make an agreement; go ahead, just hold out there, do what you want, and at the end of the day we will have that on our minds and in our consciences and in the national security interests of the United States, because the conflagration that will take place if we do not act under an agreed-upon peace will be incredibly dangerous to the United States. This is, after all, the location in which World War II started.

Let me just finish by saying that I am reminded of that quote that said, during World War II, "First they came after the trade unionists, and since I was not a trade unionist, I did not object; and then they came after the Catholics, and since I was not a Catholic, I did not object; and then they came after the Jews, and since I was not a Jew, I did not object; and then they came after me, and there was no one left to object."

I agree with the previous speaker, we need to assist our military. I think many of us are willing to put our votes there. But we need to make sure that we stand ready not to cast today a vote that in essence precipitates the chance for peace, that ends it, that gives it a blow before there is even a chance; and that in essence this vote that we will be casting, particularly on this amendment, ends up being a death sentence to thousands of people. We have an opportunity for peace, and we need to preserve that opportunity for peace.

I urge my colleagues very seriously to vote against the Fowler amendment, because if not, they are already voting on the ultimate question; and to therefore, in voting against her amendment and giving peace an opportunity, then vote for the Gejdenson amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a lot of thoughtful and difficult issues that people have been trying to address here on all sides this afternoon. I think there is sincerity on all sides.

The underlying proposal that we are asked to endorse today is to endorse, without conditions, the indefinite assignment of 4,000 Americans as part of a NATO force of 30,000 in the territory of a sovereign country with which we are not at war, and over the objections of that country, on the grounds that the administration of the province of Kosovo is not in accordance with international humanitarian standards.

I am a supporter of NATO, and I am a supporter of American involvement in the world. In fact, I used to serve in the United States mission to NATO. I have worn the uniform of a member of the armed services. But let us not make any mistake here, this deployment is an extraordinary departure from what is envisioned in the NATO charter, and it is a departure from much of American diplomatic history.

There are several questions that I asked myself and that I will share with the Members as a contribution to this debate that I think we are faced with answering today: What is threat to U.S. security or to U.S. vital national interests? Clearly, there is no threat to U.S. security directly, so we are talking about vital U.S. national interests.

We have to answer this question not in some rhetorical way, but in a very practical, pragmatic, personal way. Put it this way: If a young person in the hometown of one of us does not come home from Kosovo, what do we tell their parents they died for? Every man and woman who has worn the uniform knows that there are things that are worth dying for. I do not believe that this is one of them.

The administration has said that this is about maintaining stability in Europe. They are right, the Balkans have been a cauldron of war in this century. But the threat that they draw from Serbia is overdrawn. We are not talking about a power on the rise, as we faced in the 1930s in Europe, but a vicious leader in decline. It is equally probable that our intervention in Kosovo will itself spread the conflict beyond the borders of Kosovo and Serbia.

Let there be no doubt that Milosevic is an evil man who has wreaked havoc on his own people, but the question must be, what is in the U.S. national interest, and our foreign policy must be based on that.

□ 1800

The second question is, what are the political objectives that we hope to achieve, and will the use of military force help us to achieve those objectives? In Korea, our forces are there to deter aggression from North Korea. In Desert Storm, our objective was to expel Iraq from Kuwait.

This is unlike Bosnia where, after 3 years of war, we had exhausted parties ready to sue for peace, Bosnian Serbs who were being beaten back and who were eager to free the lines of ethnic enclaves where they were.

In Kosovo, we have two groups, two ethnic groups that claim the same territory. There are no enclaves. Into this, we are thrusting U.S. and NATO forces with no lines to be defended. There is no clear objective. We are the beginning of a political process, not a peacekeeping operation, as has been suggested.

Third, what is the size and the structure of the military force, and is it adequate? What are their rules of engagement, and are these all clearly defined? If they are not, not one American should go in not understanding exactly what the rules of engagement are.

If a 19-year-old kid confronts a KLA member who refuses to give up his or her weapon, what is that 19-year-old kid to do? Do they walk away? Do they fight? Until we have the answers to basic questions like that and are confident that our troops know what to do, they should not go in.

Kosovo is a much more dangerous situation than we faced going into Bosnia. We need to recognize those risks there and mitigate against them. There are too many unanswered questions on a deployment of questionable national interest, and I cannot support the underlying amendment.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand here today, not as a Democrat, and I hope that my colleagues do not stand there as Republicans, and I would ask all of our colleagues, indeed, to question why do we stand here. What is this all about? What are our values? Where do we fit in this world?

We think sometimes about heroes. Indeed, what are heroes? A hero is usually an ordinary person who steps out of the crowd, having no gain for himself, and tries to stop a maddened mob from destroying somebody else's life and interjects himself into the fray. These are some of the values that we try to impart to our children. We should not mind only our own business, we should be trying to help other people.

I have heard the question asked over and over again by so many colleagues on both sides of the aisle, what is in the U.S. interest? What are we as a country? I think there is probably not a person in this body who would dispute the fact that they would like to see the U.S. recorded in permanent history as a Nation that is both mighty and just. What is the purpose of our might if we do not use it for good? Is justice not just a state of mind unless we use it for the greater good?

I have been, most of my life, a passivist, opposed to so many of the things that so many of my friends have supported. This is a time for peace. This is a time to use our might and our strength and the unique position that the United States of America is in today for good, for something decent, to help save the lives of people in a place so far away, where human beings have been destroyed, where ethnic cleansing has taken place, where genocide has existed. Is that not in the American interest?

Mr. Chairman, I come from a very small people, a people who, in our lifetime, were almost totally annihilated by forces of evil. So much of the world turned its back. Oh, they had excuses. We did not know. We did not see. We did not believe. No one told us.

We have been disabused of those excuses, Mr. Chairman, today, because we know what is going on and what has gone on and what will go on unless the forces of justice and reason somehow intervene.

It was not until the world intervened and democratic countries stepped up to the plate that the people that I come from were liberated, snatched from the jaws of death in concentration camps.

So many of the countries, including the United States, for whom all of us are so grateful, stepped up to the plate because it was in America's national interest, and to do the right thing.

So many of us and so many others took an oath when that happened, Mr. Chairman, that said, never again, never again were we going to allow something like this to happen. We swore this to ourselves, and we swore this to our God. Others swore along with us.

What does that mean? Did we mean this only for ourselves? Did we mean that we would step up to the plate only if we were going to be wiped out? I do not think so, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from New York (Mr. ACKERMAN) has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. Mr. Chairman, we could not mean that only for ourselves, because that would be ingenuous. Never again will I want to remind my friends who have said that, which include probably everybody in this House, that never again is upon us yet again.

What is it that we are to do? Are we to shrug our shoulder? Are we to examine costs? Are we that people that would let others die unjustly, unpleasantly, because we are cheap, because we are thoughtless? I do not think so. This is the time to act in the interests of justice and in the interests of peace lest the notion that we are a mighty and just Nation be but an illusion.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will admit I am in somewhat of a dilemma. I have spoken to this House in situations such as this on several occasions during Desert Storm, when we first sent our troops into Bosnia, and now here we are back again this year talking about a similar situation.

I read with interest, and in great depth the resolution of the gentleman from New York (Mr. GILMAN), and I know that we are talking about probably a substitute or an amendment to the substitute of the gentleman from Connecticut (Mr. GEJDENSON).

But, Mr. Chairman, in reading the original resolution, I find myself in a State of confusion because I do not know what to do. Certainly no one can disagree in the first part original resolution that this may be cited as peacekeeping operation. I agree with that. Certainly the part that the Congress makes the following findings about the conflict in Kosovo causing human suffering. I agree with that. The government of Serbia and the representatives of the peoples of Kosovo may reach some agreement soon. I agree with that.

Then it says President Clinton has promised to deploy 4,000 troops to Kosovo. I disagree with that. But it is correct. When I was approached, as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I disagreed with the President about sending our troops into Kosovo. I have expressed this to him. I have expressed it to the Secretary of State and to the Secretary of Defense.

That is my prerogative as a Member of Congress, just as it is my colleagues' prerogative to introduce the amendments and the resolutions as they have today.

But I think it is a very serious mistake for us to send at this time a message to the world and to the people negotiating the hopeful peace agreement that ultimately will be arranged whereby we can provide some vehicle for peace in Serbia and whereby the Albanians and the citizens of Kosovo can someday live in harmony.

I disagree with the President. But I agree with the mission he is trying to undertake, and that is to reach some type of peace agreement before he sends the troops in there. If they reach a peace agreement, he is going to send the troops in there. If they do not reach a peace agreement, he is going to send the troops in there.

The Constitution and this Congress has given the Administrative Branch of government the authority to do that. So we are not here saying let us change the authority. We are expressing a message that could be interpreted by Milosevic or by any of the principles of disagreement as an advantage to his side.

For us to hamstring the President, to hamstring our negotiations I think at this time is a very serious error that we should not be doing that. At the same time, if I vote for the agreement, the original resolution that we have, it indicates that I am supportive of sending troops into Kosovo, which I am not.

So I think that this is ill-timed. I do not know what I am going to do, but I expressed myself on the floor here today. I think a simple "present" vote will convince the people of the district I represent that I am concerned, as they are, about where we are headed.

But I am concerned, as they are, that the Constitution of the United States of America leaves foreign policy to the President of the United States, and that Congress is the check and balance.

I did not vote for Bill Clinton in the last election, nor the time before. But a majority of the people of the United States of America did. As a result, we gave him the authority to be the Commander in Chief of our armed services. We cannot deny him the authority that is granted to him in the Constitution.

So I think I am going to vote "present." It is not an indication of lack of support. It is an indication that is not the correct time to be debating this when they are in negotiations trying to resolve a peace agreement.

So my message is, to my colleagues, is that I applaud their willingness to stand and express their views. But I think this Congress is making a mistake to be handling a resolution about this matter at this time.

To the President, I will tell him I still do not support sending troops to Kosovo.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number or words.

Mr. Chairman, I rise to oppose the Fowler amendment. I absolutely agree with the last speaker. Let me tell my colleagues, I want to make quite clear where I come from. I regard Mr. Milosevic as a sociopath. If I had my way, NATO would have gone after him a long time ago. I think he ought to be tried as a war criminal. I think he is one of the most useless leaders to ever walk on the face of the earth. That is what I think about him when I am in a mild mood.

But let me tell my colleagues my problem today. My problem is that I totally agree with what the administration is trying to do in the region, but I am not happy, frankly, with their implementation.

□ 1815

I think they have not accurately gauged the position of the Russians in this situation, and I think that they misjudged the reliability of the Kosovars. And under those circumstances, I am not convinced, while I agree with what they are trying to negotiate, I am not yet convinced that their negotiating partners have demonstrated enough maturity to rely on them in a sensitive situation like this.

My problem is, like the gentleman from Alabama, I believe this should not be here today. And the reason I say that is this: I think it is here because a lot of us have a fundamental misunderstanding of our constitutional role. You can make a very respectable argument that we ought to have a vote before we do something such as bomb Mr. Milosevic. I would vote for such an explicit action. I think he has got it coming, and I think NATO needs to lead and we need to lead NATO. But I also do not believe that this Congress has any business whatsoever interposing its judgment on questions that involve the President's Commander-in-Chief responsibilities.

With all due respect to the Fowler amendment and the Gejdenson amendment, both of which I will vote against, there is not a Member on this floor who has any qualification whatsoever to say what our troop levels ought to be in a peacekeeping situation. The most dangerous human being on the face of the earth is a Member of Congress who has taken a 3-day trip somewhere and thinks that they have learned enough to tell the entire country what we ought to do on a crucial issue. Nine times out of ten they are more of a menace than a help.

I do not believe we have the personal expertise to make military decisions. I want the Joint Chiefs of Staff to decide what the level ought to be, if we do have a peacekeeping force. I do not want that decision made on a political basis by the Congress or the White House. And I certainly do not want it made on the basis of a budgetary question.

I do not want to have to look into the eyes of any more parents and explain why their sons or daughters were killed in an operation. And sometimes, to protect those sons and daughters, we need more troops not less. I happen to think that this is probably one of those cases.

So I am going to vote against the Fowler amendment. I am going to vote against the Gejdenson amendment. I will not vote for the Gilman resolution because I do not believe in giving Presidents blank checks, and I am not going to endorse an agreement until I know what it is and until I have had an opportunity to gauge the reliability of the people that we are negotiating with.

But I also will not vote against it today, because if we vote against it, we help assure that those negotiations will not come to a constructive conclusion. And that is why, like the gentleman from Alabama, I will vote present. Because until we have an agreement to judge, Congress has no right to muck things up when the result will be lost lives.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fowler amendment and in opposition to H. Con. Res. 42.

Today we are going to have a vote on whether or not troops should be authorized to go to Kosovo. If we vote in favor of this, we are voting for war. This is not a war resolution in the conventional sense of the Constitution, but in this day and age it is about as close as we are going to come to since we have ignored the Constitution with regards to war powers essentially since World War II. If we vote for troops to go to Kosovo, we are complicit in a potential war and the responsibility should be on the shoulders of those who vote to send the troops.

I strongly urge that we not send the troops. It is not our fight. We are not the policemen of the world. It weakens our national defense. There are numerous reasons why we do not need to send more troops into another country someplace around the world. Every time we do this it just leads to the next problem.

It is said that we should not have much to say about foreign policy because the Constitution has given responsibility to the President. The term "foreign policy" does not even exist in the Constitution. The President has been given the authority to be the Commander-in-Chief; to lead the troops after we direct him as to what he should do. He is the commander. We do not have a military commander, we have a civilian commander. But we do not forego our right to debate and be concerned about what is happening on issues of troop deployment and war.

A report put out by those who sponsor this resolution had this to say. "This measure does not address the underlying question of the merits or misgivings of sending U.S. forces into Kosovo." We are not even supposed to debate the merits and misgivings of sending troops. Why not? "Instead, the purpose of this resolution" they go on to say, "is to give the House an opportunity to fulfill its constitutional responsibility of authorizing the deployment of U.S. troops into potentially hostile situations." In other words, we are to do nothing more than rubber stamp what the President has asked for.

Where does the President claim he gets his authority? Does he come to us? Has he asked us for this? No, he assumes he has the authority. He has already threatened that what we do here will have no effect on his decision. He is going to do what he thinks he should do anyway. He does not come and ask for permission. Where does he get this authority? Sometimes the Presidents, since World War II, have assumed it comes from the United Nations. That means that Congress has reneged on its responsibility.

We do not just give it to the President, we give it to the President plus the United Nations or NATO. And when we joined NATO and the United Nations, it was explicitly said it was not to be inferred that this takes away the sovereignty and the decision-making powers of the individual countries and their legislative bodies. And yet we have now, for quite a few decades, allowed this power to gravitate into the hands of the President.

After Vietnam there was a great deal of concern about this power to wage war. First, we had Korea. We did not win that war. Next we had Vietnam. And with very sincere intent, the Congress in 1973 passed the War Powers Resolution. The tragedy of the War Powers Resolution, no matter how well motivated, is that it did exactly the opposite of what was intended.

What has actually happened is it has been interpreted by all our Presidents since then that they have the authority to wage war for 60–90 days before we can say anything. That is wrong. We have turned it upside down. So it is up to us to do something about getting the prerogative of waging war back into the hands of the Congress.

It is said that we do not have this authority; that we should give it to the President; that he has it under the Constitution based on his authority to formulate foreign policy. It is not there. The Congress has the responsibility to declare war, write letters of marks and reprisals, call up the militia, raise and train army and regulate foreign commerce. The President shares with the Senate treaty power as well as appointment of ambassadors. The President cannot even do that alone.

We have the ultimate power, and that is the power of the purse. If the power of the purse is given up, then we lose everything. Because we have not assumed our responsibilities up until this point, it is up to us to declare that the President cannot spend money in this manner. I have legislation that would take care of this; that the President cannot place troops in Kosovo unless he gets explicit authority from us to do so. If he does it, the monies should be denied to the President, unless we want to be complicit in this dangerous military adventurism.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words and oppose the Fowler amendment in favor of the Turner amendment.

Mr. Chairman, why are we debating this issue at this point in time? We all recognize that it is political; politics that could come back to haunt us.

One of the biggest problems we have in Congress is the fact that we have an obligation and a duty. The only reason to debate this resolution today is to undercut the administration at the critical time of our negotiations. It is more than irony that some of those pushing for consideration of this resolution today fully intend to oppose the resolution. This is an exercise in rhetoric.

POINT OF ORDER

Mr. CUNNINGHAM. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CUNNINGHAM. Mr. Chairman, is it improper, either in the full House or in the body, to characterize the reasons for why different people vote for things; to characterize and impugn?

Mr. RODRIGUEZ. Mr. Chairman, I apologize if I have offended anybody.

The CHAIRMAN. The gentleman will suspend.

The Chair will simply state that it is improper debate to question the personal motives of any Member.

Mr. CUNNINGHAM. Mr. Chairman, I will not demand the words be taken down, but I would ask the gentleman not to characterize.

Mr. RODRIGUEZ. Mr. Chairman, if I have offended anybody, I apologize. But as a member of this Congress, I recognize the fact that politics is played within the House floor, and I recognize that this particular resolution does undermine the administration's efforts at this point in time.

As a Member representing a community of more than 42,000 active duty service members and nearly 6,000 reservists and guard members, I do not take this issue lightly because the lives of those service members may be put in harm's way.

I deplore the timing of this resolution. This resolution is being set up for failure. At least 2,000 people have been killed and 400,000 displaced in the Balkans region. The United States clearly has a vested interest in peace in the region. Kosovo and the Balkans fall in between two allies, Greece and Turkey. The Balkans' historical role in Europe has been critical. We all recognize that we also have in jeopardy Macedonia, Montenegro, Northern Greece, Albania, as well as Turkey, and the possibility of this particular situation going out of its boundaries.

Our interests are humanitarian, economic and military, and also an interest as it deals with the leadership of this country and the fact that we have not only an obligation but a duty to make sure that peace is obtained. By playing politics with sensitive peace negotiations that are set to resume March 15, the House of Representatives could jeopardize peace in the region. Failure to achieve peace now in Kosovo could cause significant instability in the already volatile region.

Secretary of State Albright stressed this point yesterday before the House Committee on International Relations saying that a new outbreak of fighting in Kosovo could expand into regional hostilities that could cause massive suffering, displace tens of thousands of people, undermine stability throughout South Central Europe, and directly affect key allies.

If we can secure peace, if we can end the slaughter, we have the duty to do so. If we can join our NATO friends and allies by providing those 4,000 troops as part of the large NATO force, then we have the duty to do so. The failure to obtain peace now could put greater numbers of potential U.S. and European troops in danger if broader hostilities break out.

Our Nation's modest personnel but crucial political investments in the Kosovo peace process is essential to achieving peace. Without the U.S. involvement, peace is unlikely. Mr. Chairman, I urge my colleagues to support this resolution.

I also want to add, Mr. Chairman, that this is very different from Bosnia, and it is very different from Bosnia in the sense that in Bosnia we took the lead. Here only 14 percent of the troops will be from the United States. Europe is taking the lead, and we have an obligation and a duty, Mr. Chairman.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hopefully will not take the 5 minutes, but let me express to my colleagues the deep, deep anguish I feel in what we are doing and how we are doing it. I cannot rise in support of the base amendment, the Gilman resolution, nor the Gejdenson amendment to it, nor the amendment of my dear friend the gentlewoman from Florida (Mrs. FOWLER), or substitute.

Much has been said about the timing of why we are here and that we should not be here at this time. I agree with that, but I am not sure that I attach the responsibility for that fact the way others have done so. If our President had assured us that, upon being able to negotiate an agreement, he would come to us and seek our approval for going forward with military deployments in Kosovo, it would have been the time for this debate to have taken place, after the agreement had been reached.

□ 1830

I almost certainly would have been one of those who would have supported doing what he asked if there was an agreement we could look at and know what it provided and that it was a bona fide agreement. But here we are with the certainty that he would not come to the Congress and yet he does not have an agreement and we do not even know whether or not at such time somebody in Paris signs their names to a stack of papers that it will indeed be an agreement of anyone.

How do you say you have the agreement of the Federal Republic of Yugoslavia when you are saying, "If the Kosovo Albanians sign it and you don't, we're going to bomb you." Now, I am not sure that that is an agreement. How do we know that anyone who purports to be representing the people of Kosovo has any authority to represent the people of Kosovo? The chief political observer of the Kosovar Liberation Army left Paris and criticized those who even entertained the notion of signing the agreement. We do not have any basis for knowing that this agreement is real. If it is not real, then we have put ourselves in a very tenuous position to say that we will deploy American armed forces in the sovereign territory of another state against its will and conduct bombing or other military action. That certainly is an act of war. That requires us to declare it. It makes us an international outlaw if it has not been done that way and we do not in fact go there by agreement.

I do not like the fact that this debate is taking place now. But for anyone to say this Congress does not need to have a debate on matters of this kind and of this consequence I think denigrates the role of this Congress in the governance of the United States of America. I do not want to be in a position where someone has deployed forces, my constituents, and to have to go back to the people I represent and say, "Well, they've been sent there because we didn't think that the Yugoslavia Federal Republic had given Kosovo sufficient autonomy, but we certainly didn't send them there to fight for the independence of Kosovo." Those kind of subtle distinctions certainly escape me. I think they will escape my constituents. I wish this debate came later, when the President could say there is an agreement and we could test whether it was real and then support him. But unfortunately we are not in that position. I frankly do not know whether we are going to find anything that is going to be before us in the course of this debate that I will be in a position to vote for.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I wonder if we vote not to deploy troops in Kosovo if the President would abide by it. I thought the gentleman from New York (Mr. ACKERMAN) made a good statement. I would like to concur. There is a reason for United States support in the region. Maybe the most important reason is genocide. The world took genocide lightly once before and we should not do it again. But what bothers me is we have been turning aside from this dilemma since 1986 when there was an intelligence report that said there is only going to be two dynamics that come out of Kosovo: We will either press the Serbs for independence for Kosovo or there will be a revolution and there will ultimately be a great entanglement.

I believe we must support the ethnic Albanians in Kosovo who are being brutalized. But the gentlewoman from Florida (Mrs. FOWLER) brings a good question to the House. How do we do it? She says we should not deploy troops, we should use air strikes, logistics, intelligence and other means of identifiable support. There is a lot of sense to that. I think it is time for Europe to stand up for Europe. We may be the superpower, but by God we are not the only power.

Let me say one last thing. I want to commend the Speaker for this debate. We have been debating war, ladies and gentlemen, after wars have been engaged. If these are peacekeepers, we ought to send the Peace Corps. If these are police actions, we ought to send the D.C. police. These are potential wars.

I am going to support helping in our cause in Kosovo. But I am going to vote for the Fowler amendment. In addition, if the Fowler amendment should fail, I will support Gejdenson, because I think this thing is going to be passed. But I will then offer an amendment to Gejdenson that says no troops shall be deployed unless all Serb troops are removed from Kosovo on the schedule of which Rambouillet would require. Number two, that if Milosevic violates the agreement, it is to be understood that NATO strikes in Serbia at military installations will be immediately commenced. And, number three, that any suspected war criminal shall be investigated and, if necessary or warranted, apprehended and tried by an international tribunal.

In closing out, let me say this. I have left out the question of independence, because we do not have enough guts yet, but I will make this point to you. Milosevic has laughed in our face. Unless there are some terms in that agreement, we will have failed. Ninety-three percent of the population of Kosovo is ethnic Albanians. Milosevic has lost the moral authority to lead. So I am willing to back up on that. But not on the war crimes and not on other conditions. And if this bum violates it again, by God, we should codify it into law that action will be taken.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a number of times here today that the Congress should not be acting on this question yet. It is amazing to me that of our NATO allies, the members of the Bundestag can debate this question and vote on it, the members of the Parliament can debate this question, but the Members of the U.S. Congress cannot debate this question.

I have heard here a number of times today that we should be waiting until there is a final agreement. Mr. Chairman, I am confident that every effort has been made to get assurances that if there was a final agreement, that the Congress would be consulted after that final agreement and before troops were deployed, and those assurances are not there.

Yesterday, before a committee of the House, the Secretary of State said that this is not a good time for the Congress to be debating this issue. But then she went on to say that there is never a good time for the Congress to debate these issues because we just get in the way of diplomacy. That is not the role of the Congress as I see the role of the Congress in the Constitution and many others do. I am grateful for the Speaker's decision to provide this debate. Too many times, the Congress has said we will wait until the decision is made and the decision is made and the commitment is made so quickly that then we have a decision of whether we are going to support troops in the field, not to whether those troops would be in the field or not.

There are questions that this House has an obligation to ask right now. Dr. Henry Kissinger, the former national security adviser, the former Secretary of State, gave some insightful testimony before the House Committee on International Relations yesterday. He said there is a critical question to be asked, under what circumstances should American military forces be used to pursue national objectives and what should those objectives be? Should American military might be available to enable every ethnic or religious group to achieve self-determination? If Kosovo, why not East Africa? Why not Central Asia? Is this part of our policy?

I think there are questions that this Congress has to ask in regard to Kosovo. Why would we be there if we are there? What is our goal in Kosovo? I understand that part of the goal is to get Serbia out of Kosovo without getting Kosovo out of Serbia. I submit to the Congress that that is a very difficult goal to achieve. How will we know when we have done it? We have been in Bosnia now for years and the checklist that we had hoped to be checking off, we cannot check any of the boxes yet. We are no closer to leaving Bosnia than we were the day we went into Bosnia. And what is the cost to our armed forces? What is the cost of our ability to defend America around the world?

I thought the gentleman from California (Mr. HUNTER) made an incredibly effective presentation with the wrong conclusion. The presentation was the diminution of our military forces, our military readiness, our military benefits, our military research, our development of new weapons, and then one of the main reasons for that is this willingness to commit troops, to commit our defense capacity without any end in sight. We need to ask what that end is. There may in fact be a better way for the Congress to take up this issue. I would be fully in favor of the administration negotiating this question and then coming to the Congress and say, "Here is what we have negotiated. What do you think?" That has not happened time after time after time. We have sought assurances it would happen this time. There are no assurances forthcoming. For all those who say now is not the time, I would say to them, there will not be a time if we wait for the administration to determine when the Congress should be involved in this because, as the Secretary of State said yesterday, it is really never helpful for us to discuss these issues.

The President and the Secretary of State should be asking for our approval. We need to be partners in this kind of policy. I rise in support of this amendment and to encourage the administration to fully involve the Congress in its future activities before they are completed.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, of the hundreds of votes we cast in this Chamber each year I believe money is more important than the issue of deploying our troops abroad and placing them in harm's way. While I believe it is fully appropriate for Congress to have a voice in the crucial decisions, I also know that there are some in this debate who are motivated by questions of domestic politics rather than foreign policy. They want to score political points at the President's expense and I think that is regrettable. This important debate over the nature and extent of our military involvement in the Balkans should be driven by long-term national interests, not short-term political considerations.

It is on the basis of our long-term national interests that I oppose the resolution to authorize the President to deploy American troops to Kosovo. I am not pleased to find myself at odds with a major foreign policy initiative of my President. But I come to this position based on a close evaluation of U.S. foreign policy in the Balkans. Mr. Chairman, the Balkans are a complicated, dangerous area. For six centuries Kosovo has marked the confluence of three vastly different cultures. Since the first battle of Kosovo in 1389, these cultures, Western, Slavic and Islamic, have clashed violently at this very spot. These battles are not over something so simple as land or even as valuable as mineral rights. Instead they are battles in which each party believes they are guided by heaven in a fight for the future of their people.

The current war in Kosovo is no different from those that have preceded it. The fall of the Soviet empire did not write a new chapter in the history of the Balkans. As much as it repeated one that came before with the fall of the Hapsburgs and before that with the fall of the Ottoman Empire. Kosovo belongs less to the end of our century than to the beginning, and the motivations of the combatants are the same as those in previous battles.

Though technically begun by one man, Slobodan Milosevic, who reflects on little more than his own greed, it is being fought by two peoples convinced of their own imminent destruction. These people believe the sword is the only option to preserve their own life and, barring that, their only honorable path to death.

Putting U.S. troops on the ground in Kosovo is not a recipe for peace. It is a recipe for disaster. The history of the Balkans has only marginally been kinder to its inhabitants than it has been to outsiders. Placing U.S. troops in the middle of this conflict will not bring an end to the killing but instead draw Americans into it.

□ 1845

We have put our troops in this position before in places such as Lebanon and Somalia, and while peacekeeping is a noble task, it works only when there is a peace to keep. A signed piece of paper between two peoples who see no options, but war is not peace.

Our troops are going into Kosovo with no clearly defined mission and no exit strategy. We have already seen this pattern in Bosnia. We were originally told our troops would be in Bosnia for 6 months. Almost 4 years later they are still there with no end in sight, and, unlike Bosnia, this conflict in Kosovo would inevitably be far more difficult and dangerous to American forces.

What happens if we begin to incur casualties? Will we fall victim to mission creep? Will we deploy troops to defend Macedonia? Albania? And Bulgaria? The unique and tragic history of the Balkans teaches us that these battles grow into wider conflict, and when outsiders are drawn into it, they are drawn into it and cannot get out.

I do not shy away from the use of military force to protect our Nation's vital interests, and I do not deny that the war in Kosovo is a tragedy that grips our Nation's conscience. In this sad world of ours there are many tragedies around the globe: Turkey's war with the Kurds, Russia's battle with the Chechens, China's war on Tibet. Yet no one suggests that we intervene in these conflicts and for a simple reason. Many American soldiers would die in vain.

Instead of elevating Milosevic as a savior for his people, we should be working to undermine him and make Serbia a democracy.

In Serbia today, pro-democracy groups such as the Alliance for Change, the Council for Democratic Change and the Democratic Party of Serbia struggle to build an open society without us taking notice. This must change.

Tomorrow in Independence, Missouri, the success of our policies elsewhere in Europe will be ratified when Poland, Hungary and the Czech Republic officially join NATO. Let us use this occasion to acknowledge the serious flaws in our Balkan policy. More troops are not the answer.

Let me say again this is a difficult vote for me and I regret it is taking place at a crucial time in ongoing negotiations. But the fact remains I cannot in good conscience support sending our young men and women in uniform into harm's way without clear, achievable goals.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that the single greatest challenge in foreign policy as we head into the next century is our ability to define vital national interests of the United States.

There are many people that are concerned about this debate today because they take a look at some of the terrible violence that goes on around the world, and they say how can the United States not intervene in the face of that?

Mr. Chairman, if we try to pick and choose those areas in the world where we will intervene based on the power of television, I think we will not be able to make good choices.

The fact is whenever the television stations focus their cameras on violence in one particular part of the world and brings that violence to our attention, then it seems as though a case is being made and gets made within this administration, and frankly on this floor, that the United States has a vital interest or has an interest in order to stop the violence.

The fact is, as we look around the world, when we look at the plight of the Kurds, when we look at the tragedy, the ongoing tragedy, in Sierra Leone, when we consider the plight of the people in Afghanistan, and Sudan, and in Somalia, and in Indonesia, the list goes on and on to demonstrate man's inhumanity to man.

But what is the responsibility of a great power? How does a great power decide where to go?

When I came on the floor earlier today, I heard somebody talking about how much they hated the violence and the tragedy that was ongoing in Kosovo, and yet then I heard another speaker stand and say:

But how can we put American forces in harm's way where somebody is going to have to call somebody's mother or father and explain why somebody lost their lives?

This is not a question of whose heart is bigger. This is a question of what is in the best interests of a national power to in the long run do what is in the best interests of world peace and world security.

The fact is there are some benchmarks and some landmarks and some compasses and some guiding stars that I believe can allow us to make the prudent decision. The first and most important question is: Is it in the vital national interests of the United States? Can we in fact be able to define specifically and with great credence exactly why it does benefit us? And frankly combined and intertwined right with that struggle to define the vital national interest comes right with it the need for the American people to support our involvement.

Now I have been in the Congress, now starting my 17th year, and we have faced this issue over and over again, and it is not a matter of partisanship. I remember the debate on this floor when Ronald Reagan committed us to Lebanon, a place where we saw great ongoing tragedy every night on the national news, and we went frankly because we followed our hearts in order to rescue people from violence, and at the end of the day we lost a great number of marines and we left because we were never able to define Lebanon in the vital national interests of the United States with the combined support of the American people. I voted against Ronald Reagan that day on the floor in regard to Lebanon.

There is another third issue that involves not just the vital national interests and whether the American people support our efforts, but do we have an achievable goal? Do we have something that is an objective that is likely to succeed? And if, in fact, we look at what the goals are and they are ill-defined, as they were in Lebanon and, I believe, as they are in Kosovo, then all the committing of forces in the world will not achieve our goal, our objective, if it is not clear and if it is not achievable.

And in addition to that, what is the timetable? The timetable is one where it is always easy to get in. The question is what is the exit strategy? How do we get out after having achieved our goal? Mr. Chairman, if we consider these notions of is it in the vital national direct interests of the United States, does the commitment have broad support among the American people, is there an achievable goal and is there a timetable to go in and get out; if the answers to those questions are not all in the affirmative, then I believe the United States makes a huge mistake by committing itself. In Lebanon we engaged ourselves in a civil war.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KASICH) has expired.

(By unanimous consent, Mr. KASICH was allowed to proceed for 3 additional minutes.)

Mr. KASICH. Mr. Chairman, look. We got involved against Saddam Hussein because we were able to explain the vital direct national interests of the United States, we were able to get the support of the American people and we had a good timetable. We made a mistake in Lebanon, we made a mistake in Somalia in the middle of a civil war. See, the fact is that when we engage in conflicts that represent ethnic strife or civil wars where there is not a clear American interest, and an achievable goal and a timetable to get in and get out, what happens is a superpower entangles itself all over the globe, and George Washington warned us in the beginning of his administration, at the beginning of our country, that a great power that entangles itself in too many places in the world will diminish itself.

So the challenge for the United States is to literally define the direct national interests of the United States whenever we go and for our leaders to gather the support of the American people, and to have a good goal and to have a good timetable. Short of that, short of being able to answer those questions affirmatively, then the United States needs to preserve its power, because in preserving its power and at the same time using it successfully, we will enhance a great power. To use it wantonly around the world without answering this affirmatively will diminish us over time.

I believe that the gentlewoman from Florida (Mrs. FOWLER) is right tonight. We should not make a commitment to go to Kosovo to engage in a civil war, an ethnic conflict. I believe over time that these kind of commitments will diminish us rather than strengthening us and will not serve the peace and the security of people across the world as we would want them to be served.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I am just curious if my distinguished colleague has any concern for our credibility in the NATO alliance and whether or not our decision here would impact that alliance.

Mr. KASICH. Mr. Chairman, I would say to the gentleman from Florida that we spent 40 years training our NATO allies to work against the Soviet Union moving across the Fulda gap with an incredible display of armor and lethality. I believe that the Europeans in this case, if they want to go into Kosovo, they should go, they should make that decision. The United States could offer them technical support.

But I believe this is foremost their job, this is in their direct national interest, but not in the direct national interests of the United States. We can participate in indirect ways to offer the technical support they would need, but for us to be involved in the bombing and the committing of troops on the ground is not in our vital national interests, I do not believe the goal is achievable, and frankly I do not even know what the goal is over there as defined by the administration, and finally, I just do not think there is a timetable that gets us out.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Ohio.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Fowler amendment with the greatest respect for the maker of this motion. I oppose the amendment on the grounds of its substance and find the timing of it most unfortunate.

In doing so, though, I want to praise the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for their participation on the floor today. I would say for their leadership in bringing this issue to the floor, but I do not think that this issue should be on the floor today. Having said that, I applaud them for their impressive presentation on why we should be supporting the President's policy in Kosovo and why we should be opposing the Fowler amendment here today.

I also want to commend my colleague the gentleman from Texas (Mr. TURNER) for his very wise amendment to the Gejdenson amendment and hope that this House will give it its fullest consideration when the opportunity comes.

Mr. Chairman, other speakers this evening have said that Kosovo, is a very difficult decision. Well, Kosovo is a very difficult and dangerous place, and we are sent here, after all, to make the difficult decisions. I, for one, do not think that we, Congress, has a role in voting on whether the President should send peacekeepers into a region, so I do not think that this debate is a necessary one, and I think again that the timing of it is unfortunate.

What is happening in Kosovo is a challenge to the conscience of our country, what is happening in Kosovo is a challenge to the future of NATO. I would say to our colleague the gentleman from Ohio (Mr. KASICH) that it is in our vital national interest, it is in our vital national interest to support NATO. Indeed the United States is so much a part of NATO that NATO is not effective without U.S. participation.

I would have hoped that we could have had the administration bring the negotiations to fruition. There can be no agreement without American troops on the ground. The Kosovars would never agree to any peacekeeping force that did not include American troops. There can be no agreement without NATO in Kosovo, and NATO will not go in without U.S. troops. So our involvement is fundamental to any agreement about keeping the peace in Kosovo.

I said earlier that Kosovo is a challenge to our conscience. Just a few years earlier Bosnia was, and over 200,000 people were killed there. I wondered when I was a child and first learned about the Holocaust and read "The Diary Of Anne Frank" as a teenager, I wondered how did this ever happen? Didn't anybody know? Why didn't anybody do anything about it? And when the Bosnian situation came along, I could see how it happened. People knew, people cared, but people did not want to get involved.

Before the 2,000 people who have been killed, 2,000 plus in Kosovo, grow to a greater number, I hope that we can be smart about this and support the reasonable negotiations that would involve U.S. troops on the ground. Two thousand people were killed there, many of whom are women and children. There have to be certain recognitions. As I have said before, there is no effective NATO without U.S. participation.

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There is no effective peace agreement without U.S. participation of troops on the ground, and the other recognition is that Milosevic the ruthless president of Serbia, as we know, and is a ruthless killer. He has an endless appetite for killing people. So it is not a question of his conscience ever being challenged.

We cannot count on any balance, on any reason, on any humanitarianism springing from the other side. It must spring from NATO and, again, the U.S. is almost synonymous with NATO now.

I talked about the timing, and I want to return to that, Mr. Chairman, because I think that this is really unfortunate. The President of the United States is bringing a message of compassion and humanitarianism to Central America after the most disastrous natural disaster in this hemisphere. Over thousands of people killed, millions of people made homeless, thousands without jobs, economies wiped out.

The President is bringing the compassion of the American people there. That is an appropriate mission for the President. The Secretary of State is joining him. The Secretary of Defense is out of the country, and we bring up a resolution to undermine their efforts in Kosovo.

I urge my colleagues to oppose this ill-timed resolution.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first want to commend the Members on both sides of the aisle for the dignified and calm way and thorough way in which they have conducted the debate on this important measure, and I also commend Speaker HASTERT for arranging this debate. I think it is extremely important that we have had this opportunity to voice our views, both pro and con, with regard to the commitment of troops to Kosovo.

Mr. Chairman, I rise with some reluctance to oppose the amendment offered by the gentlewoman from Florida (Mrs. FOWLER). I understand that the gentlewoman from Florida (Mrs. FOWLER) is offering this amendment because she is genuinely concerned about the effect of NATO peacekeeping missions in the Balkans on our troops and on our military readiness.

To a degree, I share some of those concerns. Nevertheless, in the interest of preventing hostility in Kosovo, I must rise in opposition to the Fowler amendment.

My main concern is that the situation there is fluid, and regrettably the Fowler amendment would lock us in an inflexible position of having to decline outright our participation with our NATO allies in bringing peace to Kosovo. Accordingly, I rise in opposition to the Fowler amendment. I believe U.S. participation in this NATO peacekeeping mission is an essential ingredient for peace in Kosovo.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support this evening of the Fowler amendment. If we look at the Fowler amendment it really does not prohibit United States assistance to stop the bloodshed that we see in this region of the world.

My colleagues, I do not think there is anyone who serves here among us that would like to see another person die, another person harmed, would like to see the continuation of tragedy in that part of the world that we have witnessed on television, we have witnessed in media accounts. We all want to see that end, but, my colleagues, we have been there and we have done that before.

I have only served 6 short years in the House of Representatives, but from the time I came to first serve here we have seen what has happened under this administration. Again, I reiterate and recite the experience of Somalia. It started out as a humanitarian mission, a compassionate mission, and we were sucked into this conflict.

If we look at the newspaper just a few weeks ago, we will see that 60 people were killed in Somalia; that, in fact, our policy failed there, our efforts failed, and the killing goes on.

We spoke from the well here about Haiti, about a policy relating to Haiti. We spent $3 billion. We are the most compassionate government and Congress on the face of this Earth to try to bring peace and order and stability to Haiti and other nations. I say that tonight Haiti is just as unstable as it has ever been and, again, we have turned from one set of dictators to another set of dictators.

We saw the example of Rwanda and how this administration failed to act when we had the greatest genocide in the history of my lifetime, my short lifetime, that only after continuous pleas of the United Nations were rebuked. I spoke here on the Floor of the House and others did asking that the United Nations be allowed to send a pan-African force with no American troops there to stop the situation from turning into a disaster. We knew what was going to happen, and this administration blocked that effort.

In Bosnia, we heard about the quarter of a million people who have lost their lives there. I have been to Sarajevo and I have looked across the parks in Sarajevo that now have the white crosses of the tens of thousands who died.

Why did they die? They died because of the failed policy of this administration. They did not come to the rescue of the people when they needed it. A quarter of a million had to die and advisors from this administration, who we talked with, resigned in disgust.

They kept people from protecting themselves in that region, and that is why we had that quarter of a million die.

We were promised time and time again here that our troops would be gone, thousands of troops gone, and we still have 6,000 to 8,000 troops in that area and we were told when we visited there recently that, again, it takes 10,000 to support the several thousand that we now have there years later.

So, yes, we want to stop violence.

Does nation building work? Sometimes a thousand years of conflict cannot be resolved by our troops or our fine efforts.

Tonight, as we are here enjoying the comforts of the United States, there are 30 armed conflicts in the world. There are people dying throughout the world for various reasons in almost every hemisphere.

Can the United States be the policeman of the world? I say that we cannot. Can we support organizations like the United Nations, who should go in and take actions? Yes, we should. Should we support NATO? Yes, we should. Have we helped NATO over the years to build forces to resolve conflicts in the European theater? Yes, we have.

We have been good neighbors. We have tried to assist but, again, we have been there, we have done that.

Let me say finally why we are in the situation in Kosovo, and that is again because of a failed policy by this administration.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this point to speak in favor of the Gejdenson amendment but also to say that I think the original amendment, the Gilman amendment, is an acceptable alternative.

I would prefer that we were not doing this. I think tonight the timing is not exactly right, but we are doing it. So in those terms I would ask that we remember the history that has gone on; who it is we are dealing with and what the history of those dealings have been in the period of time that Slobodan Milosevic has been the leader of Yugoslavia.

I ask us to remember that Milosevic attacked not one but two members of the United Nations in 1991 and 1992, both Croatia and Bosnia, and it was the regular Yugoslav Army, not indigenous folk, who attacked and destroyed the ancient and beautiful city of Vukovar after a 2-month siege, and in the aftermath of that siege the slaughter included people who were pulled out of the hospital, men and women pulled out of hospital beds and slaughtered at the end of that siege.

Their crime was that they happened to live in an area that Milosevic wanted to add to Serbia, but their other crime was that they were Roman Catholics.

Then I ask us to remember that Milosevic deployed his regular Yugoslav army, that that was the instrument by which the overwhelming Muslim cities and towns in the Drina River Valley in eastern Bosnia were ethnically cleansed in early 1992. That was when the major ethnic cleansing occurred, early in 1992.

Their crime was that they were in a part of Bosnia that Mr. Milosevic wanted to add to Serbia. Their other crime happened to be that they were Muslims. So they were ethnically cleansed, which meant that they were either killed or driven out.

I ask us to remember Srebrenica, crowded with refugees, whose only crime really was to have taken the U.N. seriously when the U.N. said that Srebrenica would be a safe haven, but, of course, they also happened to be Muslims. They, 8,000 men and boys, every male in that community, when it was overrun, was slaughtered like pigs in a stockyard.

I ask us to remember that Milosevic signed the Dayton Accords in 1995, after it was clear that the tide was running against him. That has been a remarkably successful deployment as peacekeeping. The only area, the major area, where it has been unsuccessful is because Milosevic has violated all of the terms of the Dayton Accords that related to allowing refugees to return.

I ask us to remember that Milosevic signed agreements in regard to Kosovo only four months ago and has violated every one of those agreements. There is no difference between the policy that the Milosevic regime has put forward either before or after those signings back in October. So there have been thousands of people killed and another 400,000 refugees have been sent around in various places in Europe.

It is that history, that history of dealing with this what my ranking member on the Committee on Appropriations called the psychopathic, psychotic, one of those words, whichever one it was, nature of the leader that we are dealing with.

With all of that history, it is the contact powers that have come together and empowered NATO, suggested that they go in and create an atmosphere for peace. NATO has not moved quickly. Those contact powers have not moved quickly before in Yugoslavia and it is only because of the history, the 10 years now virtually of history in dealing with that regime, that they are now acting. I think that it would be a tragedy if we did not support their capacity to act at this time.

It is not our part, nor any part, nor any intent of that effort on the part of NATO, to give Kosova independence. What is intended is to stop the killing. It is a mission designed to stop the killing, to impose peace.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

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Mr. OLVER. Mr. Chairman, I hope in that process, I think everyone hopes in that process, if an agreement can be reached, that it will be possible to see if those people can live together, can live and coexist together. After all that has gone on, all of the repression of the Albanian ethnic majority, now 93 percent of the population of Kosovo is Albanian ethnic citizens of the origination of Yugoslavia, from some time ago, whose autonomy was taken away, and the very policies that Milosevic has followed has led to more Serbs leaving Kosovo. So it is 93 percent Albanian.

But I think also, now, in the last year of the 20th century, we ought to look at this century and see that early in this century there was a peaceful divorce of two nations put together, two peoples put together by an agreement that had been made after a war earlier. The Swedes and the Norwegians in 1905, they peacefully divorced. Not a single person was killed in that process. At the end of this century, we have seen the Czech Republic and Slovakia. They were united. There was no separated sovereignty, there was only one sovereignty. They decided to peacefully divorce, and there was not a single person killed in that process.

We should be seeking ways of developing a peaceful divorce here, if that is what it comes to, and if it is clear that those people cannot live together peacefully and in fairness and in justice, which is what clearly we are trying to have 3 years to be able to develop over a period of time.

So I hope that the Gejdenson amendment will be adopted, and if not, the Gilman underlying amendment, either is acceptable, to allow that kind of policy to go forward.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly to oppose the gentlewoman from Florida (Mrs. FOWLER), my good friend whom I almost always agree with, but she is wrong. We cannot back out of this. If we do, we might as well back out of NATO.

The Europeans cannot do this without us. We have to be there. It is not pleasant. I would just as soon we did not have to be there. However, we need to remember, World War I started in the Balkans, and if we do not participate, the Europeans will not participate without us. I serve in the NATO Parliamentary Group, I have for the last 15 years. They have made it clear that without us, they will not be there. Then, the fighting will continue. We will see the ethnic cleansing going on that we saw in Bosnia. We will see on the evening news the body bags, the atrocities, and the Kosovars, who are lightly armed in comparison to the Serbs, will call on their Albanian colleagues and brothers to come to their defense, and we will begin to have a widening war in the Balkans.

Is it in our interests? You bet. It is in our interests if for no other reason but for humanitarian reasons to make sure the slaughter does not go on. Far more than that, what it means to the future of the North Atlantic Treaty Organization, the most successful defense group in the history of the world, it would be a tragedy.

Has the administration fumbled? Has it failed to come forward as they should have long ago to explain to the American people and to the Congress why it is absolutely necessary that we participate? You bet. The fact is, that is water over the dam. We are here at a crucial point. We need to make sure that we do our part.

Mr. Chairman, 4,000 troops out of a contingency of 28,000 or more is a small price to pay for peace. Would that we had had 4,000 troops in 1934 to boost up the morale of the French and the British when Hitler broke the Treaty of Versailles and moved back into the Saar. We might have had a far different historic turnout.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to underscore and associate myself with the remarks of the previous speaker, the distinguished gentleman from Virginia.

Mr. Chairman, as an internationalist, I believe that the United States can and should intervene when a country violates international law and commits crimes against humanity. It is shameful that we waited as long as we did to intervene during World War II and the more recent genocides in Bosnia and Rwanda.

Yesterday, before the Committee on International Relations, Senator Dole put the question, how many murders make a genocide? Mr. Chairman, do we wait until the deaths in Kosovo number hundreds of thousands as opposed to the 2,000 to 3,000, or do we intervene earlier? Europeans with whom I have discussed Kosovo are truly perplexed. I have had an occasion to discuss it often with my colleagues in Europe and the responsibility that I happily undertake as a rapporteur of the First Committee which deals with politics and security in the Organization for Security and Cooperation in Europe. Four times a year I have traveled to those meetings for the last 3 years and talked constantly about this particular problem.

Mr. Chairman, my colleagues in other bodies in Europe cannot fathom how any thinking person can oppose efforts to craft a solution to this enormous human conflict. This is not a local problem. Objective observers agree that the conflict could draw in Albania and Macedonia, threaten NATO allies Greece and Turkey, divide the NATO alliance, undermine NATO's credibility as a guarantor of peace, jeopardize the fragile situation in Bosnia, and initiate a massive refugee movement throughout Europe.

The President is not considering a particularly large American presence. I believe that all of us know that he anticipates sending less than 4,000 Americans to join 28,000 in the NATO force. Included in the 28,000 will be 8,000 British soldiers, and 6,000 Germans. The fact that the Germans are planning to send ground troops is not insignificant; it is a testament to the importance of this issue for all of Europe and all of the world.

America is truly the greatest country in the world. But perhaps because we are so large and diverse, we are often conflicted about our place in the world. Every time a post-Cold War Congress has had to consider committing United States troops to places such as Haiti or Rwanda or Bosnia or Iraq, it has been difficult to garner sufficient support from Congress. But we cannot expect to be a world leader, actually the only real superpower, without participating in international operations. We demand that the rest of the world cherish our democratic values and that NATO and the United Nations intervene in conflicts that we deem important. But when we are called upon to participate in missions which were not initiated by us, we balk.

For many years, the goal of our foreign policy was the dissolution of the Communist system. We ultimately achieved success, but the erosion of communism created power vacuums around the world. We did not foresee the problems that would be created, and now that we can see them, we are unwilling to do anything to heal the fissures. While communism in its original form may be largely dead, it has been substituted in some places with brutality and instability. We seduced the Communists. We said, our way is better. It works. Come with us, we will help you. The people looked to the West, saw us and saw that it was good, so they took our advice. In some places, our example has worked. In the Balkans, it has not. Rather than help, some of us are prepared to close our eyes. We are telling them that they are on their own. It is your problem, not ours, we are saying.

Well, I do not agree. It is our problem. And if this resolution fails today, we will leave our President and Commander in Chief flapping in the wind, along with the people of Kosovo, and we should be ashamed.

The CHAIRMAN pro tempore (Mr. CALVERT). The time of the gentleman from Florida (Mr. HASTINGS) has expired.

(By unanimous consent, Mr. HASTINGS of Florida was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Florida. Mr. Chairman, let me tell my colleagues why we should be there. Our credibility in the NATO alliance is at stake. The fact that two Presidents have put forward our position very plainly, and the work of the contact group, this did not come about in a vacuum. Russia even agrees with the contact group that this peace agreement should be given a chance to go forward, the work of the Organization of Security and Cooperation that has 2,000 people on the ground now and an extraction force. Finally and most importantly, we must make clear to the world that we will oppose genocide any time, anywhere.

Last night on ABC News, seven little boys stood without their mother and father in Kosovo who had done nothing but go somewhere to look for food. I stand here to say that I am committed with those seven children in the hopes that somewhere along the way we can provide what is necessary for peace and stability through our efforts in the NATO alliance to ensure that they grow up and, yes, become just as free as all of us in this great country.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Missouri.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fowler amendment. There are many uncertainties regarding the consequences of our action on this resolution, but there is no uncertainty, however, about the historical reaction of the American people when our citizens, either civilian or military, are killed by foreign powers. Whether it is the slaughter of Americans at the Alamo which led to war with Mexico, the sinking of the Lucitania in 1915 and the loss of 123 American lives that led to our involvement in World War I, or the bombing of Pearl Harbor and the loss of hundreds of American personnel that resulted in our entrance into World War II, one thing is constant. Our Nation will go to war when we believe our citizens have been killed by others without reason.

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So therefore, what are we prepared to do if our soldiers are killed in Kosovo? To say that such has not occurred in Bosnia is no guarantee that it will not happen here. It is altogether appropriate to ask other questions, such as the scope of the mission, the duration of the engagement, and the exit strategy, none of which can be answered with any degree of certainty.

I am more concerned about our escalation strategy. Do we really believe that the killing of American soldiers will not result in more than 4,000 soldiers being sent to Kosovo? Will we abandon our historical reaction to such events? National pride would say we dare not do so.

Therefore, even though there are many unanswered questions, there is one question to which we do know the answer, the question, what will the United States do if Slobodan Milosevic and his forces kill our troops? The answer, we will respond with greater force to avenge their deaths, and the mission will escalate.

Therefore, I oppose sending troops to Kosovo. Let us not forget the lessons of Vietnam, which many Members of this body have said include that of nonintervention in the internal affairs of another Nation. We should never use our military forces as bait to arouse national indignation when a bloody dictator takes the bait.

If our purpose is to take out Milosevic, then we should have the political courage to do so with overwhelming force. We should not deceive ourselves about the dangers to our troops by calling it a peacekeeping mission, in an effort to simply make ourselves feel good. We should not go to Kosovo.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise against the amendment offered by the gentlewoman from Florida (Mrs. FOWLER). It is bad policy. It leaves America sending a clear signal that here tonight, on the floor of the United States House of Representatives, America is telling the President and the Europeans to abandon hope in Kosovo, that America is not going to participate; and do not try to take any other view of this, if America does not participate then there will be no agreement.

We can look at history, we can look at recent history in Yugoslavia. The Bush administration I think correctly began with the assumption that as the Soviet Union had dissolved, that there was no longer one monolithic Communist State there to affect our smaller European allies and that they would handle Yugoslavia. For months and years America did nothing, and women and children died, over 200,000, as the world stood by yet again.

What will happen in this new conflict? Tonight on the news we see more people heading for the hills, leaving their homes under the threat of death and destruction.

This President has had some great strengths, and I disagree with the Republican whip, one of them has been foreign policy. In Haiti, when President Clinton was elected, we had boatloads of Haitians rushing the shores of America, overpowering the social services of the States to our south. We have put an end to that. Is it paradise yet? No, but it was a long way from paradise when President Clinton was elected.

In Iraq, yes, we have not gotten rid of Saddam Hussein, and President Bush, with all the armies of the world there, also did not get rid of Saddam Hussein.

Members look for exit strategies and end dates. Again, if we used that strategy at the end of World War II in confronting Soviet expansionism, the Soviets would merely have taken out their calendars and said, yes, the Americans have come to Berlin to protect Western Europe, and they will do so for 90 days, a year, 2 years? And what would they have done?

I say the same thing here today. When we talked about burden-sharing for over a decade in this House and more, we never dreamed that there would be an action in Europe where American forces represented 15 percent or less. The Europeans are taking on the largest responsibility they have ever undertaken in these exercises.

Defeat the proposal of the gentlewoman from Florida (Mrs. FOWLER). Pass one of the proposals that are before us today. Many of us would have preferred to have had this debate on another date. But to leave this Chamber tonight without giving support to our policymakers to end the killing in Kosovo is wrong and irresponsible. Defeat the gentlewoman's amendment.

Mr PORTER. Mr. sChairman, I move to strike the requisite number of words.

Mr. Chairman, perhaps no one has been more critical of the President's foreign policies than I have. In China, in northern Iraq, and in Turkey, the United States has done nothing to cover itself with glory, and much to be ashamed of.

In fairness, I would have to say that the President has had some victories, Northern Ireland for one, and Bosnia; yes, Bosnia, where the proud representatives of the United States military, in small numbers, are keeping the peace, and are teaching people who have not really ever known it tolerance and understanding; and have done so, I might add, without casualties, because Slobodan Milosevic will not respond if the United States stands tall and strong.

So I have no case to make for this President's foreign policy generally. The President has failed to adequately consult the Congress in respect to Kosovo, and he also, I think it is fair to say, deserves great criticism for permitting the conditions in Kosovo to deteriorate to the point at which we find ourselves today.

Clearly no one, including the United States, can force parties to a peace who want to engage in war. Clearly, no deployment can be made before there is a signed peace agreement.

However, Mr. Chairman, the defeat of this resolution or the passage of the Fowler amendment would be a victory for Milosevic. The butcher of Bosnia, the author of the bloody ethnic cleansing and genocide, will win if we do nothing.

We are the world's strongest Nation. We are the beacon of hope to oppressed peoples everywhere. We must stand up to our responsibilities. We cannot expect Europe to do it. They do not have political unity. We do.

I believe that if we do not stand up in Kosovo for what we believe in as a people, NATO itself will suffer the consequences. We have right now the Secretary of State Madeleine Albright, Bob Dole, Richard Holbrooke. They are providing leadership. They are working for peace. If we defeat the resolution, we will pull the rug out from under our peacekeepers, our peacemakers.

I would commend all of our colleagues in the House to the report of the gentleman from Virginia (Mr. FRANK WOLF). He was just there in February. He visited Albania and Macedonia as well. He spent 5 days in the region. No one has given more of his time, no one has gone more miles, no one has cared more deeply, no one has worked harder for peace on behalf of the world's oppressed peoples than the gentleman from Virginia (Mr. FRANK WOLF). He has studied extensively the history and what is happening in the region. I recommend that every single Member read his report. It really tells us what we need to know.

I agree with what the gentleman from Virginia (Mr. WOLF) believes: Do not prevent the opportunity for a peaceful resolution of the Kosovo conflict. Support peace. Blessed are the peacemakers. Support the resolution.

Mr. Chairman, I include for the RECORD the report of the gentleman from Virginia (Mr. WOLF).

The report referred to is as follows:

Statement by U.S. Representative Frank R. Wolf—Report of a Visit to the Balkans—Kosovo: The Latest Balkan Hot Spot February 13–18, 1999

This report provides details of my trip to Albania, Macedonia and Kosovo during mid-February, 1999. This visit occurred during the time the Serb-Kosovo Albanian peace conference was taking place in Rambouillet, France, and ended only a few days before the contact group's initially imposed deadline to reach agreement of February 20. There is every indication that the U.S. will be concerned with Kosovo for some time to come and it was important to have a clear, first-hand view of conditions there.

I have, for many years, had a deep interest in the Balkans and concern for the people who live there. I have traveled numerous times to the region. There has been hostility, unrest and turmoil for hundreds of years. It has been said that there is too much history for these small countries to bear. If this is so, it has never been more true than today.

During this trip, I spent one day in Tirana, Albania, where I met with the U.S. Ambassador Marissa Lino and her embassy staff; Albanian President Meidani; Prime Minister Majko; cabinet ministers; the Speaker and other members of parliament; religious leaders, and heads of Non-Governmental Organizations (NGOs) active there.

I spent parts of two days in Skopje, Macedonia, where I met with embassy Deputy Chief of Mission and Charge d'affaires Paul Jones; Political Officer Charles Stonecipher; members of the Macedonian parliament; former Prime Minister and President of the Social Democratic Union (opposition political party) Branko Crvenkovski; American soldiers assigned to United Nations forces guarding the Macedonia-Kosovo border, and the commander and men of the NATO Kosovo verification and extraction forces as well as representatives of NGOs in Macedonia.

In Kosovo for a day and a half, I met with head of mission Ambassador William Walker and senior adviser to ethnic Albanian elected President Ibrahim Rugova, Professor Alush Gashi. I also met with Kosovo Liberation Army (KLA/UCK) spokesman Adem Demaci (who previously spent 26 years in Serb prisons) and senior Serbian representative in Kosovo, Zoran Andelkovic. Other meetings included NGO representatives, head of the Kosovo office of the U.N. High Commissioner for Refugees (UNHCR), and other officials and representatives. Our outstanding and most able escort was State Department Foreign Service Officer Ronald Capps. We also stopped at a Serb police barracks and met with the officer in charge. We met individual members of the KLA and with a number of individual Kosovars who had returned to their villages after having been driven out by Serb attacks. Some villages were largely destroyed and remain mostly deserted.

The fate of Albania, Macedonia and Kosovo, which border one another, is interrelated. Albania has a population of about two million people. Macedonia's population of two million includes about one third ethnic Albanian. About 90 percent of the nearly two million people in Kosovo are also ethnic Albanian.

Kosovo is the southernmost province of present-day Serbia and has a centuries long history of conflict, turbulence and hatred. By 1987 Serbian dominance in the region had been established, Slobodan Milosevic was President and ethnic Albanian participation in government was virtually nonexistent.

In response, ethnic Albanians in 1991 formed a shadow government complete with president, parliament, tax system and schools. Ibrahim Rugova was elected president and has since worked for Kosovo independence through peaceful means.

By the mid-1990s, the ethnic Albanian population in Kosovo had grown to nearly 90 percent as human rights conditions continued to go down hill with the Serbs in total control of police and the army. Many, if not most, individual Serbs also have weapons as opposed to ethnic Albanians for whom possessing a gun is against strictly enforced law. Beatings, harassment and brutality toward ethnic Albanians became commonplace, particularly in villages and smaller towns.

In 1996 the shadowy, separatist Kosovo Liberation Army (KLA) surfaced for the first time, claiming responsibility for bombings in southern Yugoslavia. KLA efforts intensified over the next several years, government officials and alleged ethnic Albanian collaborators were killed. The Serbian government cracked down and violence has escalated since.

I met with a number of KLA members. Most of them are everyday people, farmers, storekeepers, workers and such who were driven to the KLA by the constant brutal action of the Serbs. There are, no doubt, some bad people in the KLA including thugs, gangsters and smugglers, but most are motivated by a hunger for independence. Still, it must be recognized that some acts of terrorism have been committed by the KLA.

Conditions in Kosovo continued to deteriorate and alarm the international community. In October 1998, under threat of NATO air strikes, Serbian President Milosevic made commitments to implement terms of U.N. Security Council Resolution 1199 to end violence in Kosovo, partially withdraw Serbian forces, open access to humanitarian relief organizations (NGOs), cooperate with war crimes investigators and progress toward a political settlement.

As part of this commitment, in order to verify compliance, President Milosevic agreed to an on-scene verification mission by the Organization for Security and Cooperation in Europe (OSCE) and NATO surveillance of Kosovo by non-combatant aircraft. These activities are in progress and NATO has deployed a small extraction force in next door Macedonia. I visited with each of these groups.

However, conditions in Kosovo have not stabilized and more have been killed. Finally, a contact group with members from the U.S., Great Britain, France, Russia, Italy and Germany issued an ultimatum to the sides to reach a peace accord by February 20, 1999. NATO air strikes against targets in Serbia were threatened if Belgrade did not comply.

The Serbs consider Kosovo the cradle of their culture and their orthodox religion and are not willing to give it up. I visited the Field of Blackbirds where the Serbs battled for and lost control of the region in 1389. I also visited a Monastery dating back to 1535 that is an important part of Serb history.

The Clinton administration, which does not favor independence for Kosovo, worries this conflict could spread if NATO does not intervene and could even involve Turkey, Bulgaria, Albania and Greece. While this is of concern, there are other reasons for the U.S. to remain active. The U.S. can never stand by and allow genocide to take place. Part of the effort, once a peace agreement between the Serbs and ethnic Albanians has been signed, could include a NATO ground force in Kosovo containing a contingent of U.S. troops.

It is clear that a main pipeline for arms reaching ethnic Albanians in Kosovo is across the Albania-Kosovo border and any stabilization effort will likely include shutting off this arms route. It has been suggested that an effective arms blockade could be accomplished by the Italian government from the Albanian side of the border with Kosovo.

A number of issues must be addressed before the outcome of this conflict can be predicted. Principal among these is the likely strength and stability of an ethnic Albanian led Kosovo government. Another is the economic potential of a stand-alone Kosovo, free from Serbia. Also important is what will be the future of the KLA? Will they give up their arms? Many in the KLA say "no". Could an independent Kosovo make it on its own? Political ability has not been demonstrated. Economic development help from the private sector in the West may not be immediately forthcoming. How would they be propped up? How will long term cross border hatred between Serbs and ethnic Albanians be kept in check? Who is going to foot the bill for all this? European nations?

How and by whom will the issue of war crimes be addressed? A terrible job on this issue has been done in Bosnia. Known war criminals have not been pursued after more than three years. Reconciliation is an important ingredient to lasting peace but terrible acts have been committed and justice must be served. The principal perpetrator of injustice and brutality has been Serbian President Slobodan Milosevic. What about him?

The White House and the present administration are deserving of some sharp criticism for allowing conditions to get where they are today.

There appear to be few lessons this administration has learned from the painful experience of Bosnia. Our government waited too long to get involved and, once engaged, has been somewhat ineffective. Too many died in Bosnia during this delay. While committing troops to the region for one year (now over three years with no end in sight) has indeed halted killing, at least temporarily, Bosnia is no further along toward peaceful self sufficiency than when troops arrived. Rather, it is as though there is merely a pause in time. If our troops leave, hostility and brutality would likely resume. Little infrastructure is being created. Railroads are not running. Little economic development or growth is emerging. No lasting plan for peace has been developed and no interdependent community has been created which would make undesirable, a return to conflict. Little has been done to bring about reconciliation.

Meanwhile, as we look at our overall U.S. military capabilities throughout the world, we see that this administration has drawn down U.S. military strength to the level where there are now insufficient forces to meet today's needs. When I met with our soldiers in the Balkan region I found many who have gone from one deployment to another without time to be home with their families. The troopers I met on the Kosovo border are assigned to a battalion on its third deployment in three years.

There are no better soldiers anywhere in the world than these and their morale is high. They are ready to do what is expected of them and more. But they are not being treated fairly. Pay and benefits have been allowed to deteriorate. The tempo of operations has grown to the point where they have too little time at home. There are just not sufficient forces to do all the things they are expected to do. According to the February 17, Washington Post, the Secretary of the Army's answer is to lower standards and recruit high school drop-outs. Turning his back on history, this official has unwisely decided upon another social experiment rather than dealing fairly with the shortfall.

From 1990 to 1998 the armed forces went from 18 active army divisions to eight. The navy battle force went from 546 ships to 346. Air force fighter wings decreased from 36 to 20. Discretionary defense budget outlays will decrease 31 percent in the ten years beginning 1990. Service chiefs predict FY 1999 ammunition shortages for the army of $1.7B and $193M for the marines. These statistics are just the tip of the iceberg. There is compelling evidence that, in the face of a huge increase in troop deployments (26 troop deployments between 1991 and 1998 by the army's own count), this administration has not made the investment to give our fighting men and women the tools to do the job asked of them.

The fact that the men and women in uniform are bending to their task is to their credit, but it is past time to give them what they need and stop driving them into the ground. The White House must face up to this shortfall and address the issue of where the money to pay for our involvement is to come from. They have not yet done so and time is short.

A strong NATO involvement, with solid U.S. participation, will be an important part of any workable solution to this mess. There is a story making the rounds of NATO forces where an American general, about to depart the region asks his NATO counterpart how many U.S. troops must remain to ensure safety and success of the mission. The NATO commander responds, "Only one, but he must be at the very front". This is only a story told in good humor but it makes the point that U.S. presence is key—perhaps vital.

It is not without irony that the one key player omitted from the contact group meetings in France is a NATO representative. The irony deepens when the presence on the contact group of chronic problem-makers Russia and France is noted.

Frankly, the U.S. Congress has also had too little involvement in this Balkan process. The administration has done and continues to do a poor job in dealing with these issues. Consultation with the Congress does not appear to have been a major concern to the White House. While foreign policy is largely the prerogative of the President, American lives are being placed at risk in a far-off land and untold dollars are being committed to this effort. Congress has a role and must participate in this debate. Congressional hearings to explore all aspects of this situation are in order.

CONCLUSIONS AND RECOMMENDATIONS

1. If there is a signed peace agreement in Rambouillet, it could be necessary to commit U.S. troops to the Kosovo peace effort. I make this recommendation with reluctance but, without U.S. troops, peacekeeping won't work. The U.S. is both the leader of the world and of NATO. If NATO is involved, we must be a part of the effort or it will fail. NATO's 50th anniversary is later this spring and there will be a large celebration in the U.S. Kosovo will be a big test for this important alliance.

2. There are many differences between the situation existing several years ago in Bosnia and what is happening today in Kosovo. Still, thousands died in Bosnia including too many women and children before NATO troops including a large contingent of U.S. soldiers moved in and put an end to the killing. Had not NATO peacekeepers acted over three years ago, the killing might still be going on today. Without the commitment of U.S. troops, a NATO peacekeeping intervention might not even have been attempted. We may wish this were not so, but it is. Perhaps things can change in the future but this is today's reality.

3. U.S. troops are stretched too thin and are not being treated fairly. Pay and allowances are inadequate, the tempo of operations is far too high (we just need a larger military force to face the tasks they have been given) and we are not giving our first class military men and women the tools they need to do the job. The administration needs to take better care of our soldiers, sailors, marines and airmen. Congress should force this issue.

4. Special attention must be paid to the Kosovo Liberation Army (KLA). While many, perhaps most, are common people whose interest is defending their families, their homes and themselves, the army is not without a rogue element. There is no clearly established and proven civilian government and there is no line of authority/responsibility between the KLA and a representative government. Without control, the KLA could get out of hand.

5. When peacekeepers arrive in Kosovo, one of their first tasks must be to disarm the KLA. Many in the KLA have said they will not give up their weapons. An armed KLA will be a time bomb in the way of progress toward peace. Providing safeguards for Serbs in Kosovo is an important part of the peace process.

6. Efforts thus far to build a lasting peace in Bosnia have come up short. Not only must more be done there but the lessons learned must be applied to Kosovo. The military presence in Bosnia has done the job of ending killing and brutality as it likely will in Kosovo, but the peace-building effort of reconciliation and creating an interdependent society and effective marketplace and economic trade system has not gotten off the ground.

7. Lasting peace in the Balkans will not occur while Serbian President Slobodan Milosevic is in power. A just and permanent way for him to step down must be found. The longer he remains, the longer turmoil, unrest and killing will continue in eastern Europe.

8. American and other workers and officials of all nations present in Kosovo (diplomats, United Nations, NGOs, contract workers, humanitarian care-givers and others) are true heros. They risk their lives daily to make life a little better for the people in Kosovo and we should all pray for them. I happened to see a warning sign posted in a U.N. office talking about mines. In part, it said. "There is strong evidence to suggest some police posts have had anti-personnel mines placed near them . . . . All staff are asked to be extremely cautious when in the vicinity. . ." Yet these men and women go about their daily duties with dedication and care for others in spite of the harm that is just a step away.

9. The foreign policy of this administration continues to come up short and is deserving of sharp criticism. America is the one remaining superpower and, like it or not, must assume this responsibility. Unfolding events continue to point to the absence of a coherent idea of what to do and how to do it. While we should have already developed a peace-making strategy and an exit strategy, the participants at Rambouillet remain unable to even get things started.

10. President Clinton has done a poor job of making the case to the American people for U.S. involvement in this conflict which also has a significant moral aspect to it. While the U.S. cannot be involved all over the world, we are a member of NATO which deals with peace and stability in Europe. Kosovo is a part of Europe and its destabilization could create a huge refugee population there. Fighting could even break out elsewhere if this issue is not dealt with early and effectively. America has been blessed with peace and prosperity. In the Bible, it says that to whom much is given, much is expected and there is an obligation on our part to be a participant in the search for solutions in this troubled spot.

11. I would like to conclude on a personal note to thank all of those who assisted me on this mission. I am especially grateful to U.S. Ambassador Marisa Lino and her staff, foreign service officer Charles Stonecipher who assisted me in Macedonia, foreign service officer Ron Capps whose knowledge and concern was of great help in Kosovo and U.S. Army Lieutenant Colonel Mike Prendergast who traveled with me. I appreciate their invaluable assistance.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I returned Monday from Bosnia with a group from the Committee on Armed Services led by the chairman, the gentleman from Virginia (Mr. BATEMAN). For those in Bosnia, our troops tonight who may very well be listening to this debate, I want to say that we were very much impressed with the spirit and with the quality of our troops. An all-volunteer force, war fighters at their best, are keeping peace tonight in Bosnia.

I rise in opposition to the Fowler amendment for four reasons.

First of all, the Fowler amendment would jeopardize the potential for success of the current peace negotiations that will reconvene in France in just a few days. It strengthens Milosevic's hand, and it will harden his resolve not to cooperate with the negotiators.

Second, the Fowler amendment turns our back on our NATO allies, and it relinquishes an important leadership role that we have always exercised in that alliance for over 50 years.

Third, the Fowler amendment would send the wrong message around the world, where American resolve and American strength is the only barrier to those who would exercise, through the force of arms, violence and terror against their neighbors.

Finally, the Fowler amendment fails to recognize that clear relationship between the safety of our troops in Bosnia tonight and the developing events in Kosovo. Milosevic's hand will clearly be strengthened were we to adopt the Fowler amendment.

On February 4 of this year, in a speech at the Baldrige Quality Awards Ceremony, the President set forth his four preconditions for involvement of U.S. forces in Kosovo.

He said, first, we must have a strong and effective peace agreement signed by the parties. He said, we must have a commitment by the parties to implement the agreement and to cooperate with NATO. Third, he said we must have a permissive security environment, with withdrawal of enough Serbian security forces and an agreement restricting the weapons of the Kosovar paramilitaries. Finally, the President said we must have a well-defined NATO mission with a clear exit strategy.

I would hope this resolution, this sense of the Congress resolution that we are considering tonight, would have no less.

The Gejdenson-Turner amendment which is before this body, which the gentlewoman from Florida (Mrs. Fowler) is attempting to amend, our amendment requires that there be reasonable limits on U.S. participation. That, we think, is only fair.

The gentleman from Connecticut (Mr. GEJDENSON) offered an amendment requiring a fair and just agreement signed by the parties before any U.S. troop involvement. I offered an amendment to limit our troop participation to 15 percent of the total NATO force. This is not a number that came out of the air. This is a number that the President acknowledged and that our military leaders have acknowledged that is being negotiated as we speak with our NATO allies.

These limits are appropriate for two reasons. First, our European NATO allies should properly bear the lion's share of this peacekeeping mission, and they understand that.

Second, these limits are ones that I think in the Balkan region represents the maximum commitment that we should have, considering our current total troop strength and the need to maintain our readiness to address threats to our national interest in other parts of the world. Yes, there is a cost to keeping peace, but its cost is far less than the costs of war.

In this world which grows ever smaller, peace and security in the Balkan region is in our national interest, and is consistent with our moral and political leadership. We must not tell the young sergeant that I spoke to in Bosnia this week that his mission will be placed in jeopardy tonight by virtue of the fact that we fail to make a commitment toward peace in Kosovo.

We should not shoulder the total responsibility, but neither can we be a shrinking violet and fail to shoulder responsibility. Vote no on the Fowler amendment. Vote yes for the reasonable limits in the Gejdenson-Turner amendment.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the United States has not been attacked. Serbia in whose sovereign territory we recognize Kosovo to be, has not invited us to enter. The United States would thus be exercising force against the sovereign territory of a country that has not attacked us, and which we recognize has the right of sovereignty over Kosovo.

The proposal, apparently, is that we bomb Serbia until they agree with this plan. As soon as the Kosovars agree with us, we would commence bombing to force the Serbs to enter into this agreement.

If by dint of that bombing the Serbs agree, we would then insert troops, supposedly to keep the peace agreement. But what kind of peace agreement? A peace agreement that the Serbs did not want, one they were bombed into accepting, a peace agreement that requires us to disarm the Kosovars, a task that they do not wish us to perform.

And there they would be—United States troops, on the territory of a country that did not attack us, committing an act of war against that country. I use the term, "act of war," advisedly, because in the hearings of our committee I had the opportunity to ask Ambassador Pickering, the President's special adviser and delegate on this issue, whether bombing a part of another sovereign country would be an act of war.

□ 1945

He said he thought that it would. So we would be committing an act of war to force an agreement, and then we would be putting our troops in to monitor an agreement that recent evidence has suggested neither side wants. It is for that reason that I think our colleague, Mrs. FOWLER from Florida, has the right approach, that the case has not been made in favor of this use of force.

I do wish to comment very favorably on the Speaker of the House and what I consider a remarkable act of courage and statesmanship, on his part, to bring the matter before the House so that we could debate it before the use of force is commenced. Speaker HASTERT did what no other Speaker under whom I have served has done, and he deserves credit. He realized that the Constitution requires that only the Congress has the right to declare war.

Mr. Chairman, if the United States bombs a sovereign nation that has not attacked us, if we commit an act of war, which the administration's own spokesman admits is what we would be doing, then it would require the act of this Congress, it seems to me, to declare war, or else that constitutional provision is meaningless. So the debate that we have tonight is remarkable. It is to the credit of the Speaker that we are having it.

Good people will disagree on the policy; I recognize that. But it is right that we, the people's Representatives in the people's House, decide, and not when it is too late to decide, not when the troops are already committed, not when casualties have already been taken, but in advance, which is as the Constitution intended, and which guarantees the practical effect as well that we know what it is we are embarking upon, what the likely cost will be, and whether it is the will of our Nation.

If, contrary to my advice, the majority opinion of this body tonight is to support the President's proposal in using force, then he will be far more effective and stronger in that use of force because he will have the people's Representatives with him. So I applaud Speaker HASTERT for allowing us to have this debate.

I have only one final comment. There must be some occasions, I recognize, when it would be legitimate to use force against another sovereign that has not attacked us. My personal belief is that genocide would constitute such a case.

I have done my very best to research, and what I believe is happening in Kosovo now is a horrible, bloody civil war. But I do not believe the evidence sustains that it is an attempt by the Serbians systematically and by use of government to exterminate Albanians on the basis of their ethnic origin. It is, in other words, not genocide—where I would say it is permissible to use force against another sovereign.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(On request of Mr. HASTINGS of Florida, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL. Mr. Chairman, I yield to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank my distinguished colleague, the gentleman from California, a member of the committee, for yielding to me.

Mr. Chairman, I cannot quarrel with the basic premise. The gentleman answered the question I was going to put to him with reference to genocide. He and I were in the hearing yesterday when Senator Dole talked about the personal experience where Albanian homes were destroyed, and Serbian homes were standing. His comment was, "It does not take me to be a rocket scientist to recognize what is going on."

The gentleman from California and I have a disagreement as to genocide. Would the gentleman agree that, if genocide is in fact occurring, or at some other time the international community does deign that genocide is occurring, that it would be appropriate for us to respond in that instance?

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I do. As one example, let me put on the record I believe that our country should, at least, have assisted African countries in an effort to end the genocide in Rwanda, but we turned our back to our shame, and, to their shame, so did the rest of the world.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we debate this resolution, thousands of refugees from Kosovo are trudging down muddy roads, they are shivering in sodden tents, and they are mourning the murder of their families.

These are innocent people, farmers, teachers, shopkeepers, young children, aged grandparents, people whose only hope in this genocidal war is that we can muster the will, that we can muster the will to force Slobodan Milosevic to stop the slaughter.

The list of atrocities grows almost every day. In today's New York Times, there is a picture of an elderly Kosovar, tending to the body of his 22-year-old cousin shot dead by Serbs in a raid on his village.

Aid workers are still looking for hundreds of his neighbors. They disappeared into the hills as the Serbs slaughtered their farm animals and set their homes on fire.

This is a war of terror. This war of ethnic cleansing has been escalating for more than a year. Two thousand ethnic Albanians have died and some 400,000 have been forced to abandon their homes. It is no wonder they flee in terror.

Earlier this year, Serbian special police forces stormed the village of Racak. According to the Human Rights Watch, they had "direct orders to kill village inhabitants over the age of 15." They executed 45 people, men, women, and children.

Sadly, my colleagues, we have seen this before. What we are witnessing is the nightmare of Bosnia all over again. Now the world has a chance to stop this genocidal war before it goes any further, before the carnage spreads, before it ignites into an even broader regional conflict. But that chance, that chance depends on the outcome of the peace negotiations.

So what will happen if we vote for this amendment before us this evening? If we vote for this amendment, we will undermine those peace talks now teetering between success and failure. If we vote for this amendment, we will take away NATO's bite and leave it gnashing its gums as Milosevic taunts our indecision.

If we vote for this amendment, Milosevic will continue to butcher innocent people based solely on their ethnic heritage and their desire to live free. If we vote for this amendment, and these negotiations falter, the cost will only rise in dollars, in sweat, in tears, and, yes, in blood.

This crisis will not disappear because we simply close our eyes or turn our heads. We made that mistake in Bosnia until, finally, after coming to this floor, week after week, month after month, we finally convinced people to stop the carnage.

Are we going to let things get that bad, tens of thousands dead, thousands of women raped, lives destroyed before we take action here tonight, today? Is this the kind of American leadership we want for the 21st Century? If these negotiations fail because of our actions today, how long can we stand idle?

Will the United States merely wring its hands as the flames of this war spread to Albania and Macedonia and Greece and perhaps Turkey?

Even as we are here tonight, even as we speak, Milosevic has been emboldened. Serb troops are crossing the Kosovo border. Tanks are pounding villages, helpless villages; and refugees are running, literally running for their lives.

We have a chance tonight. Vote "no" on this amendment and say "yes" to the Gejdenson resolution for peace. If we do not, we will face an even higher cost in the months and the years ahead. Let us tonight live up to our responsibilities, not just as Americans, but as human beings, as moral, compassionate people who cannot and will not tolerate, yes, genocide. Vote "no" on this amendment.

Mr. METCALF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the amendment. Our policy in Bosnia has been a failure, with one broken promise to our troops after another. Remember when they were sent there, they were to be there less than 1 year.

The operations in Bosnia have cost over $10 billion that we can ill-afford. The administration continues to seek emergency funding and shifting defense funds away from our troops and away from our readiness in pursuit of an undetermined policy and unstated goals.

What are the vital interests of the United States today in Kosovo? The President has failed to enunciate a clear and compelling reason for our involvement. What are our objectives? The administration has failed to enunciate a clear exit strategy, really critical, no exit strategy.

This Congress should officially notify the President that there will be no money for any military adventure without express authorization by Congress. We must not allow the constitutional authority of Congress to declare war to be undermined again by the administration. We have a responsibility to ensure that, before we take military action against a sovereign nation, this Congress either authorizes or refuses to authorize that action.

Mr. PAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that there are many, many difficult decisions that we have to make in our lifetime. I think that, when the world is looking for leadership, it puts one in a position because, if one is a leader, one is expected simply to lead.

When people say what is our interest there in central Europe, I think that, if we start to remember what our country stood for for many, many years, we were the place that had the Statute of Liberty, we were the place that the whole world looked to for leadership, we were the place that we could stand proud and tall and say in justice anywhere is in justice everywhere.

We should attempt to keep stability in the world. Perhaps it is not a good position to be the strongest Nation in the world. Perhaps if we were weaker, we would not have this responsibility. But I do not know how we could support NATO for decades and decades and then, when there gets to be a little tough situation, we say we should not participate, we should not be a part of this.

No, I do not like to see our young men go off to foreign places and to be put into harm's way. But if we are a Nation of leaders, if we are the world's leader, then people are really looking for us to participate in keeping this world together.

We attempted to have intervention in Rwanda at the beginning of an ethnic cleansing, but the U.N. said the U.S. was not really pushing it. We are not sure this is genocide. Then we waited, and we waited, and close to a million people were killed.

We showed no leadership. We were not even asking for American troops to go there but simply to bring in troops from African countries that were willing to go to get between the combatants and the innocent people.

So here we are talking about having an agreement signed and simply to have our people there trying to keep the peace because the same way that we went from one to a million in Rwanda, if this conflict goes beyond borders, we will have people lining up on all sides.

So I think that we have actually a responsibility as a world leader or we should simply become a force to simply defend our borders. Maybe we should even start to reduce the size of our forces just to be here to protect our borders.

□ 2000

They wanted to do that before World War II, a lot of isolationists. So I think the thing to do is to stand up tall and to take this serious responsibility not to turn our backs on our colleagues around the world.

We are a proud, strong Nation, and we need to simply behave that way in a world that is full of people who need to know that there is a higher order, there is someone else who is around in order to keep the peace, so to speak.

So I would strongly urge the support of the Gejdenson amendment. I think it is the right thing to do. It is a tough thing to do, but I think when things get tough, that is the time we have to stand up with our back straight and our head held high and we move forward, as this great Nation has done in the past, and I think that we will, of course, be called upon to do this again in the future.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise here in support of the base bill, I rise in opposition to the Fowler amendment, and I rise in opposition to the Gejdenson amendment. Now I need to explain myself to my colleagues, and let me do it in this manner.

First, I am going to compliment the Speaker, because I think debate on this issue is timely and is appropriate. I think some of the arguments I have heard today are out of place. And the reason I say out of place is because I recall the good debate we had in this House where over 315 Members voted for a Buyer-McHale resolution about the Dayton Accords prior to the signing of the Dayton Accords, which said do not send in ground troops to Bosnia as the predicate to peace. We had a very good debate here on the floor prior to the Dayton Accords.

So we are having a second debate prior to a signing of a peace accord, and if there is something good that comes out of this discussion that can help frame that peace accord, all the better. So I think it is a hollow argument to be talking about timing.

The second point I would like to make is a matter of policy. I think there is a policy disagreement in this House on both sides of the aisle, from some, with the present administration's policies.

There are two things that are rather curious to me. It is rather curious to hear Members come to the well in support of using U.S. ground troops for a humanitarian mission when they were the same Members who voted against the use of force when I was in the Gulf War. Now, I will keep record of that, and I am remembering that I asked others to be just as curious about their motives as I am.

The second point I would like to make is on the matter of foreign policy. Here is the disagreement. I believe the United States, as the world's superpower, should have a policy of restraint in international conflict management. Regional powers should take greater stability to police and manage the regional stability, economic cohesion and military balance of power. U.S. troops should only intervene on the ground to ensure regional stability, not intervene in civil wars which have no real threat of destabilizing a region.

If the United States intervenes in every intercontinental conflict, in every corner of the world, then the United States becomes the world's guarantor of global security and such action enables the regional powers to escape their regional responsibilities. This leads to the second point of curiosity.

Since when did genocide become the standard for us to commit ground troops around the world? That is not the standard. It needs to be tied to vital national security interests.

Now, here is my difficulty. My difficulty is, having authored three bills, for which my colleagues have supported on this floor with regard to Bosnia, I have told the President of the United States I will not be the barking dog. I will be his constructive critic.

And let me talk to my Republican colleagues. I believe we are going to have a Republican president and we are going to inherit this in 2001. So we need to ask these questions: How do we get America out of the box? How do we turn this over to the European allies? How do we ensure that our regional allies lead on the ground? We do that by ensuring that the time lines of success for the simple implementation of the Dayton Accords are met appropriately. We make sure the leaders of the peace, who are leaders of the war, begin to focus on what brings them together instead of their differences.

We also have to recognize Milosevic and what he is. There are some of us who have been there and have spoken to Milosevic. I have sat on the couch and looked him in the eye, and I could not help but sense that I was talking to a Hitler-type himself. Now, that leads me to something that we had better think long and hard about, and that is when the President of the United States sends the Supreme Allied Commander in to see Milosevic, we better think long and hard before we undercut a United States general on the ground.

Now, that is where I come down painfully on this. Painfully, because I disagree with the administration's foreign policy. I disagree how they utilize the force to these open-ended commitments around the world, as if we can only justify the use of the military for humanitarian missions. That is why I am torn inside, because I disagree with the policies. But I am not going to undercut General Wesley Clark when he meets with Milosevic on the ground.

So I have to rise in support of the base bill and in opposition to the Gejdenson amendment and in opposition to the Fowler amendment.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in support of the base resolution as well as the Gejdenson amendment and in opposition to the Fowler amendment.

Our debate today and this evening centers on one of the most serious and fundamental responsibilities that we hold as elected representatives of a free and open democracy, the recommendation to commit our military forces to a hostile or potentially hostile environment.

I respect the fact that we as Members of this body should debate this issue fully. I am, however, concerned that the timing of this debate is suspect and, in fact, is very dangerous and can undermine the peace process that the administration has been engaged in in the Balkan region for some time.

Former Senate majority leader Bob Dole, who recently returned from the peace negotiations in the Kosovo region, testified yesterday that Congress should wait to debate the deployment of American troops there until an agreement between the parties in the region has first, in fact, been reached. In fact, Secretary of State Madeleine Albright has said the same exact thing. Delicate negotiations continue to take place in Europe, even as we debate this today.

There is a plan to have the sides meet in 1 week to try to work out an agreement. And over the last few days hopes have been raised that such an agreement may be possible, even as heavy weapons pour into the area and shelling wracks the countryside. I would hope that this body would give those negotiators every opportunity to develop a working peace plan. I am concerned our actions may, instead, give the impression to warmongers in former Yugoslavia that American leadership is divided and its resolve is weak. Such an impression, I am afraid, will only encourage fanatical opportunists to continue their violence and terrorize the innocent noncombatant residents of Kosovo.

I hope our debate today is truly based, as has been stated numerous times today, on the desire to have an open discussion of American foreign policy. It has been said in the past that politics should stop at water's edge, and I would hope that in the context of this debate that that statement is more true today than even in the past.

During my first term in office, Mr. Chairman, in fact, last spring I had the honor to go over to Bosnia and to visit our troops and the military leaders, and even the residents of a war torn region. I wish every American in this country had the opportunity to go over there and experience the pride that I felt in meeting with the young men and women in American uniforms who are carrying out a very dangerous and a very difficult policy in a distant land. They are proud of their work and show great professionalism and integrity. They are committed to carrying out the tasks that we have asked them to with honor and pride.

In fact, the killing has stopped, and peace does have a chance now. Democratic institutions are being created when, just a few short years ago, there were genocidal practices being conducted in Bosnia. They feel like their mission means something. They have stopped the killing. They are instructing young children who, just a few years ago, were playing in mine fields and getting maimed by the explosion of mines, where it is safe for them to play.

It is an incredible testament to the leadership the United States has shown in this war torn region. I would hope that we view the success that we have attained so far in Bosnia as a possibility to achieve that type of success in the entire Balkan region, including Kosovo.

I support our troops serving this Nation's interests throughout the world, and I support the peace process in Kosovo. If needed, I will support a well-planned use of troops to assist in maintaining the peace in that region that has been the spark of continental and worldwide conflict in the not-so-distant past. It is in the Nation's interest to work with our European allies to prevent the Kosovo region from destabilizing and drawing the Balkan region into further armed conflict.

But I submit that the debate we are having today is premature. I would like to first see a detailed plan and objective goals that the administration establishes in that region before we introduce U.S. men and women in U.S. uniforms in that region, so we know when we can withdraw them again from that region.

Such a conflict that now exists there poses a humanitarian threat to innocent civilians and a political threat to the struggling independent nations emerging from the Cold War. The United States will be impacted by all these threats and preventive action is the best way to protect our interests there.

The reality is that our Nation holds a unique position in worldwide affairs, whether we like it or not. Most major peace accords in recent years have required a deeply involved American presence and American negotiators at the table. Just a few weeks ago forces in Kosovo indicated that international peacekeeping efforts will have little credibility unless the United States is intimately involved in carrying out that mission.

When the international community speaks out against brutality and tyranny, the voice of the United States of America resounds with particular strength and emphasis.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KIND) has expired.

(By unanimous consent, Mr. KIND was allowed to proceed for 1 additional minute.)

Mr. KIND. Mr. Chairman, let us be certain we are speaking with sincerity today, because there is no doubt that what we say here will be heard across the oceans and will be acted upon, one way or the other.

Our leadership for freedom and democracy in the world is at stake, our leadership in the NATO alliance is very much at stake. In fact, I would submit, that the very credibility and the justification for the existence of NATO is at stake on how well we negotiate peace agreements in this very important historical region in the Balkans.

I hope and pray our message here today encourages action that is positive and peaceful and brings a tormented region to the brink of freedom, rather than to the brink of war once again.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Wisconsin just noted that he had visited our troops in Bosnia, and it has been noted here in Bosnia there have not been any casualties. Let me say I have visited troops in the last few months as well and American troops are stretched thin throughout the world, whether it is in the Persian Gulf or whether it is in Asia.

We have a situation where thousands of American military personnel lives are on the line. They are being put in jeopardy because we do not know how to say no. We do not know how to lay or to set the parameters. Has our involvement in the Balkans so far been worth the $12 billion that we have spent and the stretching out of our military forces?

Yes, we have been lucky that there has not been a major crisis. But had there been a major crisis during this time period, yes, we can be proud of those military guys that were there, and they have done a good job, but the fact is that $12 billion that we have spent, and stretching our forces in that way, could have resulted in a catastrophe. We are talking about the loss of thousands of American lives. But we have been lucky. We have been very lucky. I do not think we can try this again.

We were told that the Bosnia operation was going to be 1 year and $2 billion, and it has been 5 years and $12 billion and counting. And this peace accord, the one we are being asked to support now, the plans are not even down yet. Do any of us doubt this is going to cost more than $2 billion? Do any of us doubt that 3-year time period? They do not even have a plan yet that encompasses something that the Kosovars themselves, not to mention Milosevic, could accept?

No, this will go on and on, and we will spend tens of billions of dollars in the Balkans. Our people around the world, who are putting their lives on the line for us, will be put in great jeopardy because we did not have the courage to say that, in the post-Cold War world, maintaining stability in Europe is the job of the Europeans.

And while we tip our hat to NATO and say they did a good job during the Cold War, and thank God NATO was there because it prevented the Russians from sweeping across Western Europe and creating a war, that the job of NATO has been done, thank God, our hats off to NATO, but through some nostalgic attachment to NATO that we are going to commit our treasury and the lives of our young people to maintaining stability for Europe, and in the far stretches of Eastern Europe at that, is ridiculous and we are not standing by the people we need to stand by.

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First and foremost we need to make sure that if we send our military out, we give them the weapons they need, we give them the support they need or we do not send them. We are doing that throughout the world today because we are stretching ourselves too thin.

This has been an historic debate and I am proud tonight to rise in support of the Fowler amendment and opposed to any new deployment of troops in the Balkans. This is an historic debate. We can be proud of this debate. There have been high points, but there have been some low points. Let me first say what the low point is. The low point to me is that there have been some suggestions here by Members, and I do not know what it is by this body but some people cannot disagree without trying to impugn the motives of those who disagree with them. Any suggestion that those of us who are opposing yet another deployment of American troops in the Balkans, that we are in some way politically motivated, that we are just doing this to attack the President or something, that argument is not fit for this debate, this great historic debate where we are trying to define what America's role will be in the post Cold War world. There are conservatives and liberals, there are Democrats and Republicans on both sides of this issue. We will see that when the vote comes, because we are trying to define what our country will stand for and what we will do in the years ahead.

During the Cold War it was easy. We had Ronald Reagan defining everything for us, it polarized everybody, everybody knew what the arguments were, where we were going to stand. Well, it is not that way anymore. It is fitting that now when we are outside of a Cold War setting that the power comes back to us, the elected representatives of the people of the United States to determine what our policies will be. I say yes, there is genocide all over the world, and we have heard these accounts. I am the first one to admit that the Serbians are engaged in genocide and atrocities. And yes, there have been genocide and atrocities on both sides. However, they are the bad guys.

The CHAIRMAN. The time of the gentleman from California (Mr. ROHRABACHER) has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 2 additional minutes.)

Mr. ROHRABACHER. Let us debate this issue honestly, Mr. Chairman. What are the parameters? Are we going to send troops everywhere where genocide is committed? No, that is obviously not the case. Why then do we determine the Balkans is the case, when in Africa and other places around the world surely tens of thousands of people are dying in a similar fashion? No, in the Balkans, actually this should be the job of the Europeans. We are told, "They won't do it." It is their job now that the Cold War is over. The United States of America shouldered its share of the burden for stability in the whole world in this century. In the First World War we went to Europe to save them. In the Second World War we fought the Japanese and the Nazis, and in the last four decades we have had to carry the burden of the Cold War. Yet we carried that and we carried it to victory and the world has a better chance for peace today. But it will not be a peace where Americans have to continue garrisoning the entire planet for the sake of stability. We must set the parameters or we will lose the peace because we have not been willing to meet the challenges that we can face.

I ask for support for the Fowler amendment.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gilman resolution and also the Gejdenson amendment. Let me agree with my colleague, the previous speaker, when he says that there has indeed been genocide perpetrated by the Serbs in the Balkans.

Let me say that, obviously when one would concur with such an assertion, one would have to therefore be prepared to support the notion that the only remaining superpower in the world, the nation that has the strongest, most well-prepared, well-trained, well-equipped military force anywhere in the world, that we have a responsibility. And that as we come to this debate this evening, I would also like to agree with the previous speaker that I am sure that no one's motives this evening could be political. One could not be seeking to weaken the President of the United States, because the action if we were this evening to do in some unwise fashion, and that is to vote for the Fowler amendment, would not just weaken the President of the United States, it would weaken NATO in which this country has invested so much, it would weaken the United States of America and its reputation around the world which is represented by the words and actions of our President, the Secretary of State, a respected leader of the other party, Bob Dole; listen to the words of Jeane Kirkpatrick when she suggests that this resolution should be supported.

Clearly no one who wanted to weaken Bill Clinton should use this as the opportunity. For those who would look at what is taking place in the Balkans, genocide, yes. Women, tens of thousands, hundreds of thousands, raped. Our efforts in Bosnia are something that this Nation should be, and I believe is, very proud of. The Kosovo circumstance threatens the entire operation in Bosnia.

So this evening as we come, I would hope that each of us would bear our burden as well as those who wear the uniform and represent us throughout this world as members of our armed forces. Let us as Members of Congress bear the burden of being Americans, understanding that we do have an unequal share of responsibility in this world because we come to this question with unequal power. And with that power there is the question: Since we have the power, what do we do with it at a moment of crisis? What do we do when human beings are threatened or murdered and are suffering? What do we do when we would have tens of thousands of our troops right nearby but refuse to lift a hand and to lift a finger to save the innocent lives of women and children and others? I would hope that this Congress would rise to the occasion, bear our burden and support the appropriate policy and stand by this President but, more important, stand by America's principles.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fowler amendment because it does what Congress is asked to do and, that is, it asks us to be deliberative. We are a deliberative body. It slows us down to look at what is really going on in that part of the world and what should America's involvement be over there.

I think that this amendment makes sense and that the policy of engagement in Kosovo, by sending 4,000 American troops onto the ground there, is not one that makes sense.

First, because doing so is treating the symptom and not the disease and, therefore, as my colleague from Georgia would realize and know, it is something that does not cure the patient. What I mean by that is that if you had cancer and were given aspirin, you might feel a little bit better but you would not be healed. If you were bleeding because you were in a car wreck and got one of my kid's band-aids to patch you up, you might feel a little bit better but you would not be healed. Milosevic is the problem in that part of the world. Until that problem is fixed, you can have all the agreements you want, you can send all the troops you want, but you will not be doing anything other than treating a symptom, not the disease.

It was back in 1987 that Milosevic realized that iron control, if you want to call it that, over Kosovo was his springboard to power. He exercised that control, and by 1991, the former Yugoslavia splitting up, in part because they saw what was happening in Kosovo. Therefore, an agreement that keeps Kosovo as a part of Serbia and disarms the Kosovars to me is a recipe not for peace but for future conflict. It is an agreement that keeps the cause, the real problem here, as the real problem; that is, it is an agreement that keeps Milosevic in power.

Two, I would say we need to be deliberative about this, because lasting peace requires either good faith or a victor. This agreement would give us neither one. I mean, the Kosovar Liberation Army wants full independence for Kosovo. Milosevic has built his power, has built a large part of his rise to power on subjugation of Kosovo. What we have, therefore, is no victor and certainly no good will.

If we look back to the 1300s, we see not exactly a lot of good will in this part of the world. We leave both ingredients in place which to me again would be a recipe for building an agreement, basically building an agreement on sand, building an agreement that I think would lead to future disaster.

Third, I would say this agreement, the idea of sending 4,000 troops into that part of the world is something that does not pass the mommy test. The mommy test to me would be if somebody was killed in the line of duty and the mother of that son or that daughter was in my district and I had to go back and explain that your son or your daughter died for the right reasons, to me that would mean more than just a strategic interest to the United States, because we have a lot of strategic interests around the globe. It would also mean that that son or that daughter's death would have been part of leading to change, that it would have led to some real action. Again, that is not what we have here. Because if we are signing an agreement that some people have equated to Hitler, some people have equated to Saddam Hussein, I mean, clearly a very bad guy, is that an agreement that we are going to really trust? Is that a lasting thing? Most people would say if we signed an agreement with Saddam Hussein, we would not really trust that agreement. In fact that has been proven in the Persian Gulf. If you sign an agreement with Hitler, would you trust that agreement as a lasting instrument? No, you would not. That is what this would be doing.

I would say, fourthly, this idea does not make sense because the domino theory has long been disproven. Clark Clifford was sent by President Johnson down to Vietnam for the very reason that is being described as one of the reasons we need to go to Kosovo, and, that was, if we do not do something, this could escalate, this could really grow. That was disproven there. In fact Kissinger came and spoke before our committee yesterday and what he talked about was people did not analyze the cost of involvement and the duration of involvement when they sent people to Vietnam. Are we analyzing that now?

Lastly, I would pick up on what the gentleman from California (Mr. CAMPBELL) was saying, who incidentally was a constitutional lawyer and taught constitutional law at Stanford University, and, that is, it is the Congress' role to declare war. Sending troops into somebody else's sovereign territory or bombing a sovereign territory is clearly an act of war and, therefore, it does need our signature.

With that, I would say again, I would ask this body to support the Fowler amendment.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come at this from a little bit different approach. I certainly do not seek to impugn the integrity of any of the Members who are involved in this. I am not on the specific committee that this came from. First of all, I think this amendment is wrong, but I also think the whole consideration of the underlying text at this point in time is wrong.

As the gentleman from South Carolina just mentioned in referencing the gentleman from California and the role of Congress in determining whether or not troops should be sent in anywhere, I do agree with that. But the fact is we have got the cart ahead of the horse here. In doing so, we are undercutting the administration's ability to be involved in the working group, in the contact group. I just think that is a mistake. Now, whether or not the motives are political or not is not for me to judge, but I just think this is a terrible policy mistake.

I also do not understand exactly the gentlewoman's amendment, because I think this is a concurrent resolution but it has a strict limitation. So I gather that this amendment and the underlying text really has no force of law, that this is just a piece of paper to make us feel good.

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I am very concerned about whether or not we should deploy troops to Kosovo. I do not know if that is the best policy or not. But I also know, and every Member of this body knows, is there is no agreement yet so we do not know what the U.S. involvement will be, we do not know whether or not it is an agreement that we feel is right or wrong, and if the leadership of the House, I think if they want to do the right thing, they would withdraw this bill now, allow the Executive Branch and the State Department to go ahead with what their role is, and then at the appropriate time call the House back in to address the question of whether or not U.S. troops should be part of any peace agreement in Kosovo.

Do not do it before. Do not try and cut the legs out from under the administration while they are trying to negotiate some deal. Let them negotiate the deal, let them bring it back to the Congress, let us decide whether or not it is a good deal.

That is how we should do things, and I would just remind Members I did not have the honor or the pleasure of serving in this body back in the 1980s, although I was staff back here during part of that time, but some of the Members were. If this had been done when Ronald Reagan was President, Members would have been accused of treason for undercutting the administration while they were trying to conduct the art of foreign policy. We should allow the Executive Branch to do what they want. If we do not like what they have done, we can deal with it later. We can deal with it on a Friday, Saturday, Sunday, whenever, and if we decide we do not want them to send troops, then let us do it once we know what the deal is. Let us not come up with some fig leaf resolution that is going to make us all feel good and we can all send out a press release about it later on. Let us let them go through with it and come up with their agreement, and then let us come back and debate the issue, debate the terms of the agreement on whether or not we think U.S. troops should be involved.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fowler amendment, and I would like to make a few comments before we vote.

First of all, I want to emphasize what a number of others have emphasized, and that is this is clearly a constitutional issue.

I have here a copy of the Constitution. I do not think that it is a very difficult decision to come to. Article I, Section 8 states the prerogatives of Congress in just 8 little words: The Congress shall have power to declare war.

Very short, very simple.

Article II, Section 2, uses 34 words to define the prerogatives of the President: The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

It is the Congress that declares war. It is the Congress that commits the troops. It is the President who is the Commander in Chief after the Congress has committed the troops.

The fact that prior Presidents have also violated the Constitution does not mean that we should continue to permit our Presidents to do that. It is a little bit like being hauled into traffic court and protesting to the judge, "Gee, judge, I speed every day on that strip of road. How can you fine me today because I was speeding all those other times and I was never apprehended?" Past violations do not justify a present violation.

The country to which the President proposes to send our troops is a sovereign state. This is not an emergency. There is no one in the Congress that I know of who wants to limit the power of the President to commit our troops in a true emergency. This is not an emergency. There is plenty of time to debate it, and I am very pleased that we are having this debate.

What is going on in that country is a civil war. No one will argue but that atrocities are being committed. That being true, the correct course of action is to bring the offenders to the bar of justice. There is a war crimes tribunal; that is where they should be brought. Sending our troops there will not solve that problem.

I know of no exit strategy. The problems in Kosovo are very deep, they have been there a very long time, and if we stay there 2 years, or 3 years, or 5 years, when we leave the situation will be exactly as it was when we came. Hostilities will continue. We will not have solved those problems.

Mr. Chairman, I am very pleased that we are here debating this this evening. We need to debate this. We need to do more than just debate this. We, as a Congress, need to assert our constitutional prerogatives. We really need legislation that says that no President, this President or any other President, can commit our troops to battle, can put our young men and women in harm's way, without a vote of the Congress.

We must be careful in the wording of the legislation that does this because we do not want to limit his ability, do not want to limit his ability to commit our troops in a true emergency. There is clearly not time to convene the Congress and declare war if intercontinental ballistic missiles are headed our way, and our President must have the ability to commit our military resources in a true emergency. Neither this, nor any of the very large number of deployments that this administration is engaged in have been an emergency, not a single one of them has been an emergency, and there have been more deployments during this administration than during the previous 40 years.

This is the first time since I have been here that we have had a debate before the action occurred except before going into Bosnia we did have some sense of the Congress resolutions that were totally ignored by the President. I hope this one passes with this amendment, and I hope that it is not ignored by the President.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in a very difficult situation for us and unfortunately have come to a very difficult decision. I have supported this President on a number of occasions that have been very difficult for me, but because I believe we must support the Commander in Chief in very difficult deployments. When he stood up to Saddam Hussein and the Russians were staring us down and very upset with our position, I traveled to Moscow. I met privately with the leadership of the Duma to convince them that they should understand why this Republican supports our Democrat President in his position with Saddam Hussein. It was the right thing, and I felt strongly about that position.

Tomorrow I will travel to Moscow a second time with eight of our colleagues, with former Defense Minister Rumsfeld, former CIA Director Woolsey, former Deputy Undersecretary of State Bill Snyder, and we will make the case on Sunday and Monday and Tuesday of why the proliferation is so great that it threatens both Russian people and American people. I will again underscore my support for the steps being taken by this administration.

The positions of the administration are clear in those areas, and I support them, but I cannot support the insertion of troops now in Kosovo.

Mr. Chairman, in my opinion the case has not yet been made. There has not been a case made by this President to the American people, let alone to this Congress, about why at this point in time we should place American young people on the ground in Kosovo.

At least we are having a debate, Mr. Chairman. At least we are discussing the pros and cons in a very careful and deliberate way, and I applaud both sides for the level of the debate. We need to debate this issue.

Some are saying, Mr. Chairman, this is not the right time. It is too delicate of a time in the negotiations. Mr. Chairman, there is never a right time to debate these issues. When is the right time? After the President makes a decision? When our troops are on the way in? Then we debate not to support them? This Congress needs to play its appropriate role in deciding whether or not we should take the steps to deploy our troops in Kosovo.

Mr. Chairman, one of the things that bothers me is this past week I met with two members of the German Bundestag. They came in and talked to me about our NATO responsibility, and I agree with them that we need to keep NATO strong. But let me tell my colleagues what the Bundestag members told me, Mr. Chairman. They said in their vote; they understood the dollar amount that was being requested for the deployment. In fact, they authorized 400 million Deutsche marks to pay for the operation. We have no idea not only what the mission is, we have no idea what the dollar cost is.

Mr. Chairman, I am very sad. In the previous 40 years to 1991, from World War II until 1991, 40 years under Democrat and Republican Presidents, we deployed our troops a total of 10 times at home and abroad. Ten times. Mr. Chairman, in the 8 years from 1991 until today, we have deployed our troops 32 times. This will be the 33rd. Mr. Chairman, none of these 32 deployments were budgeted for up front. None of them, except for the deployment to the Middle East in Desert Storm, were requested by the Congress to support. Each of the payments that were required to pay for these deployments were taken out of an already decreasing defense budget.

Mr. Chairman, we spent $19 billion in contingency costs on these 32 deployments, $9 billion alone on Bosnia.

Mr. Chairman, those who support the use of our troops in Kosovo had better be prepared to start to put the funding on the table to pay for these deployments.

Mr. Chairman, we are in an impossible situation now. We are not being asked, we are being told for the 33rd time that we are going to send our troops into harm's way. We were told in Bosnia there would be a time limit, they would be back home in a few years. We were told in Haiti they would be back home. We have troops in Somalia, in Haiti. We have troops in Macedonia. We have troops all over the continent, and the money is being taken out of our defense budget because we did not have the authorization up front, we did not have a legitimate debate on whether or not this Congress supported placing our troops into harm's way, and we are about to do it again.

Mr. Chairman, I may support the deployment of our troops to Kosovo, I may support the President because I want to support my Commander in Chief. He is my President. Even though he is not of my party, he is my leader, and I want to support him, make no mistake about it.

But this President needs to make the case to us and to the American people, and he has not done that. This President needs to tell us how much it will cost, and he has not done that. This President needs to tell us what the allied commitment will be in hard terms, and he has not done that either. Until he does that, we should vote no and not support the deployment of troops in Kosovo.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have great respect and very close personal friendship with the previous speaker. I have great respect for his intellect and for his knowledge with respect to the defense posture of the United States. He is one of our leaders on the Committee on Armed Services, and he has a view which is based upon a very thoughtful analysis of the situation.

Having said that, he and I disagree on this issue.

Now the specific issue, as I understand it, that confronts us is the amendment of the gentlewoman from Florida (Mrs. FOWLER), who is also my friend and for whom I have a great deal of respect, and that specific amendment, as I understand it, limits the Gejdenson amendment which tries to define the limits of participation of the United States in an action by NATO in Kosovo to ensure that the killing and the displacement of persons will stop and that an environment will be created conducive to the possibility of peace for the people of Kosovo, the people of Serbia and indeed the people of the region.

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The gentleman from Pennsylvania (Mr. WELDON), however, spoke to the overall issue, not to the amendment, the overall issue as to whether or not we ought to support the President.

I am hopeful that this Congress does, in fact, support the President. The previous speaker, the gentleman from Maryland (Mr. BARTLETT), spoke of the Constitution. That issue, I would suggest, is not relevant at this point in time, because in fact the Congress is considering whether or not to authorize the President to participate with troops, with American force, in the implementation of a peace agreement.

Very frankly, Mr. Chairman, I doubt that there is a Member on this floor who does not know and does not have a conviction that if America does not participate, there will not be an agreement, period. If there is not an agreement, the butcher of Belgrade, call it a civil war if you want, will continue to commit atrocities. We call them war crimes, genocides, the elimination of a people because of their ethnic or national origin. It occurred in Bosnia and we stood for too long silent.

My friend, the gentleman from Pennsylvania (Mr. WELDON) had a chart. He talked about 40 years prior to the end of the Cold War that we had 8 deployments. Do my colleagues remember what two of those deployments were in those 40 years? Korea, Vietnam; between them, approximately 100,000 plus loss of life.

In the deployments that have occurred since 1990, we have been very fortunate. No one would have predicted so few losses of lives in the Persian Gulf.

I have stood on this floor with some of my colleagues, and in many of the deployments the predictions of disaster were frequent and impassioned. That was the case in Haiti. That was the case in Bosnia, and that has been the case in other instances of deployment.

Yes, the United States has a unique role and the world, frankly, is better off because we on this floor and the President of the United States and the American people are prepared to accept a responsibility that we would prefer not to have, but it is ours because of our might; it is ours because of our position in the world as the leader; it is ours because we are a moral nation that acts upon its moral precepts.

Are we always perfect? Of course not, but all of us on this floor and every American can be proud of the fact that it is America usually, not always but usually, that raises the issue of humanitarian concerns, not solely economic or strategic concerns.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(On request of Mr. ROHRABACHER, and by unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, every one of us understands the weighty responsibility to enable this government to put in harm's way young Americans and, yes, even older Americans, in the defense of freedom.

John Kennedy said that this country would pay any price, bear any burden, to defend freedom here and around the world. I heard Jack Kemp on a number of occasions quote that very phrase on the floor of this House. It is not an easy undertaking, but it is an undertaking that saves lives and stabilizes this world, economically and politically.

The amendment of the gentlewoman from Florida (Mrs. FOWLER) is spoken to by Jeane Kirkpatrick, Bob Dole, Caspar Weinberger and others.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has again expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, when they point out that if we do not put ground troops this effort at trying to stabilize a critically important situation will not succeed and the Europeans will not participate, we can all say they should but we saw in Bosnia that they would not.

My colleagues, I ask that the amendment of the gentlewoman from Florida (Mrs. FOWLER) be rejected, which I know is well intended and she believes strongly that it is the right policy, but it is a policy that will inevitably lead to failure of the effort to bring peace to the Balkans. It is an amendment which I think detracts from the Gejdenson amendment which tries, as I said at the beginning, to limit and make proportional our participation.

I would ask my colleagues to reject the Fowler amendment, to pass the Gejdenson amendment and then to pass this resolution so that America continues to lead and continues to be the moral leader as well as the military leader of this world.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a good debate. There has been honest disagreement. There has been a high degree of sincerity and integrity in the debate, but I rise in strong support of the Fowler-Danner bipartisan substitute amendment. I think to not do so is a recipe for resentment and not reconciliation, and at this time we need reconciliation.

Three things I would like my colleagues to keep in mind as we vote. Number one, to deploy troops without a clear exit strategy is potentially disastrous. My good friend, the gentleman from Maryland (Mr. HOYER), had talked about Vietnam. If we go back in history and see the very early days of Vietnam, there was clearly no exit strategy; exactly what we have in front of us today.

Number two, the administration has been vague, at best, about the cost of this operation. As an appropriator we spent two or three hours today debating a billion dollar disaster bill for Honduras. In that, we struggled to find money. The budget is tight. We do not have the budget just to spend money anyplace we want to. We have already spent in this administration $10 billion in the Balkans, and there seems to be no end in sight of our current commitment.

Number three, as we all know, the military readiness question is a big one. Our military simply does not have the personnel to go every place that there is a problem.

We talk about quality of life for our service men and women. When they are deployed every single weekend of their lives, they are going to get out of the armed services, and that is why we are losing so many good, professional soldiers right now.

I strongly urge my colleagues to support the Fowler-Danner amendment.

Mrs. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Florida.

Mrs. FOWLER. Mr. Chairman, this is the conclusion of the speakers on our side for the amendment, and I just want to thank the Members of this body. I think this has been a very serious, a very thoughtful debate this afternoon and evening on a very serious matter.

This is why we were elected. This is why our constituents sent us to be Members of the United States House of Representatives, and no matter what our position, it has been obvious that every Member has given a lot of thought, a lot of concern, to their position and to what we are about to vote on.

I want to just thank my colleagues for the time and effort they have spent this evening, and I do urge them to vote yes on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER), to the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII the Chair announces that he may reduce to 5 minutes the minimum time for electronic voting without intervening business on the underlying amendment offered by the gentleman from Connecticut (Mr. GEJDENSON).

The vote was taken by electronic device, and there were—ayes 178, noes 237, answered "present" 2, not voting 16, as follows:

[Roll No. 48]

AYES—178

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilirakis
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Doolittle
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Ramstad
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton

Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu

Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden

Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—237

Ackerman
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bateman
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Gejdenson
Gekas
Gephardt
Gilchrest

Gilman
Gonzalez
Goss
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge

Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Regula
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner

Wexler
Weygand

Wise
Wolf

Woolsey
Wynn

ANSWERED "PRESENT"—2

Abercrombie
Callahan

NOT VOTING—16

Becerra
Bilbray
Brown (CA)
Capps
Clay
Frost

John
Lipinski
Quinn
Reyes
Shuster
Strickland

Thompson (MS)
Towns
Velázquez
Wu

☐ 2115

Mr. GREEN of Texas and Mr. FLETCHER changed their vote from "aye" to "no."

Messrs. GORDON, STUMP, SWEENEY and FOSSELLA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GILMAN TO AMENDMENT NO. 5 OFFERED BY MR. GEJDENSON

Mr. GILMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN to amendment No. 5 offered by Mr. GEJDENSON:

1. Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) In general.—Subject to the limitations in subsection (b) the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) Reports to Congress.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress that all United States Armed Forces personnel so deployed pursuant to subsection (a) will be under the operational control only of United States Armed Forces military officers.

(2) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO nations participating in that operation.

(3) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) provides the timeframe in which withdrawal of all United States Armed Forces personnel from Kosovo could reasonably be expected;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel participating in the Kosovo NATO peace keeping operation shall operate;

(D) in classified and unclassified form provides the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces will affect, impede, or hinder any such intelligence sharing arrangement.

(6) Submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence, who developed the language in this amendment and who has worked closely with our committee on this issue.

Mr. GOSS. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, I would like to advise Members of what is contained in this proposed amendment, which actually reflects on some of the concerns we have heard in the debate today, and deals with some of the other amendments that we have all read about that we were considering as other amendments for this particular House concurrent resolution.

I would describe generally the resolution that is under consideration as between House Concurrent Resolution 32, which is somewhat of a carte blanche, and the Fowler amendment, which was a prohibition.

What we attempt to do here is authorize deployment, but because of some of the concerns we have heard today, call on the President to submit a number of reports and vital pieces of information to the Congress before ordering deployment.

These would include reports on a declaration explaining the national interest of the U.S. at risk in Kosovo, and a certification that all U.S. armed forces in Kosovo will be under the operational control of U.S. military officers.

We would request further details on the rules of engagement before we have deployment; the military resources that would be required, both the personnel and the equipment; the military exit strategy; the diplomatic exit strategy; the chain of command for the U.S. forces in Kosovo; the percentage of United States participation compared to other NATO countries in any force, concerning particularly ground troops, air support, logistic support, and intelligence support; the impact on military readiness, and that goes to morale and rotation; that we would have information providing a time frame in which U.S. forces could reasonably expect to be withdrawn; that we would have information on the budgetary impact for this fiscal year and the next 5 fiscal years of deployment; we would have an assessment of the threats to our armed forces in Kosovo, the men and women in uniform, and the level of force protection required to give them the maximum amount of protection; the intelligence-sharing arrangements, if any, resulting from a peace agreement; any modification to the intelligence-sharing arrangement within NATO, the present arrangement we have now; the effect of Russian participation in Kosovo on any intelligence-sharing arrangements within NATO; the scope of the mission of the U.S. armed forces, in other words, what is expected, when do we declare success; the means and methods by which compliance with the terms of the peace agreement will be verified, verification; the terms and conditions in any peace agreement, in particular; the details on any secret side agreements; any other military arrangements of the U.S. as a result of the peace agreement or side agreements or obligations; any other obligations of the United States resulting from the peace agreement, such as weapons interdiction; the funding source for the referendum on independence 3 years hence in Kosovo, and the role of peacekeeping forces to enforce any provision of the peace agreement.

Mr. Chairman, we should support this deployment to make Mr. Milosevic understand that the United States means business. We should support the deployment with our eyes wide open, if we are going to have a deployment, and that is why we are offering these amendments.

I would argue that a successful vote to send the troops can in fact strengthen the hand of our negotiators. I would note that even the minority leader earlier today conceded that we should not deploy troops without a policy. I could not agree more with the gentleman from Missouri.

A commitment to deploy has already been made, pursuant to some ad hoc policy determination. Congress needs to be involved. Therefore, now is the appropriate time to take up this issue, before the troops are deployed without a firm policy.

That is the explanation, Mr. Chairman.

Mr. GILMAN. Mr. Chairman, I am pleased to yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, I understand this amendment is going to be accepted. I asked to speak on it so I would not have to call a recorded vote on it, and I will not do that.

I support strongly the amendment offered by the gentleman from Florida (Mr. PORTER GOSS). I am not going to say why I am against the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON) because it would sound partisan, but I want to the gentleman to know that it is not, it is a very deep-seated belief I have, and mistrust. I will support the amendment offered by the gentleman from New York and the gentleman from Florida, and vote against the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GILMAN. Mr. Chairman, I thank the gentleman from California (Mr. CUNNINGHAM) for his support.

Mr. GEJDENSON. Mr. Chairman, with some reluctance, I would take the advice of my chair and support the amendment of the gentleman from Florida (Mr. GOSS).

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN) to amendment No. 5 offered by the gentleman from Connecticut (Mr. GEJDENSON).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 52 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Mr. GEJDENSON. I reserve the right to object, Mr. Chairman.

The CHAIRMAN. The Chair would inquire of the gentleman from Missouri which amendment he is offering.

Mr. SKELTON. It is the one that says Section 4. Section 4.

Mr. GEJDENSON. Mr. Chairman, I reserve the right to object.

□ 2130

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. SKELTON:

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless—

(1) a Kosovo peace agreement has been reached; and

(2) such deployment is specifically approved by the Congress.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 52 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that, on line 1, where it says strike and insert section 3 in the original, it be changed to add section 4.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 52 offered by Mr. SKELTON:

The amendment as modified is as follows:

Add at the end the following:

SEC. 4 LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless—

(1) a Kosovo peace agreement has been reached; and

(2) such deployment is specifically approved by the Congress.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Missouri?

Mr. MORAN of Virginia. Mr. Chairman, reserving the right to object, the gentleman from Missouri (Mr. SKELTON) listed two amendments, one that would not allow U.S. forces to be deployed to Kosovo unless there is an agreement between the two sides, a second that would say that U.S. forces could not be deployed unless there is agreement between two sides and Congress has approved the deployment.

I would ask of the distinguished gentleman from Missouri that he fully explain the implications of this amendment, because it would appear that it may be out of order and require a unanimous consent. If the gentleman from Missouri would explain the amendment.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, the amendment is very clear.

Mr. MORAN of Virginia. Mr. Chairman, I yield to the gentleman from Missouri to explain the impact of the amendment.

Mr. SKELTON. Mr. Chairman, there shall be no deployment of American personnel peacekeeping forces unless there is an agreement reached between the parties in question in Kosovo, and, number two, that such deployment must be approved by Congress.

Mr. MORAN of Virginia. Mr. Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I just want to make sure that whatever happens here, that the sectioning does not wipe out the section of the gentleman from Texas. So my understanding is that this maybe should actually be section 5.

Mr. SKELTON. Mr. Chairman, then that is fine. I thought it would be 4. Then it will be 5, and I so request.

The CHAIRMAN. Does the gentleman from Virginia object to the modification of the amendment?

Mr. MORAN of Virginia. Mr. Chairman, I do object to the modification of the amendment.

The CHAIRMAN. Objection is heard.

The gentleman from Missouri is entitled to 5 minutes on his amendment as originally designated.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia seek recognition?

Mr. MORAN of Virginia. Mr. Chairman, I seek recognition for a point of order that, because the gentleman is amending the portion of underlying text that has already been amended, this amendment is out of order.

Mr. SKELTON. Mr. Chairman, that is not correct. I am merely changing a 3 to a 5. It is in conflict with no other section.

The CHAIRMAN. Does the gentleman from Missouri wish to be heard further on the point of order? The Chair is prepared to rule.

Mr. SKELTON. Mr. Chairman, I think that it speaks for itself. It is in addition thereto. It is in conflict with no other section.

The CHAIRMAN. The Chair is prepared to rule. Pursuant to section 469 of Jefferson's Manual of the 105th Congress and for the reasons stated by the gentleman from Virginia, the point of order is sustained, and the amendment No. 52 may not be offered at this time.

Mr. STENHOLM. Mr. Chairman, I rise today in support of the Kosovo resolution before us, however suspect the timing may be. Furthermore, I support the Skelton Amendment, which would specify once a peace agreement is reached, Congress must approve the deployment of our troops.

The United States is in an unquestionable position of world leadership. Along with that position comes a sense of duty. If we want free trade and open markets, not to mention exemplary worldwide standards of behavior in the realms of justice, scientific discovery, human rights, and other democratic values, we must lead by example. The responsibility of neutralizing potential global flare-ups of hostility comes with this territory.

Senator BOB DOLE recently returned from discussions with the KLA in Kosovo. He stated his support of continued work towards a peace agreement, and expressed his hope for bipartisan Congressional support. I stand with Senator DOLE on this issue; I believe partisanship should end at the water's edge. Whatever we think of the muddled foreign policy of this Administration, we should never engage in activities that produce American weakness in the international theater.

NATO is the perfect and appropriate vehicle for this operation. I have supported the mission of NATO and will continue to do so. We have NATO to thank for one of the longest sustained periods of peace in Europe.

Many in this body have complained that the Europeans in NATO were not pulling their weight in dealing with conflict in their own backyard. Many of these same voices are also opposing this peacekeeping operation. This confuses me; if we wanted the Europeans to shoulder a greater responsibility in resolving European issues, shouldn't we be pleased that European forces are going to make up 86 percent of the peacekeeping force?

If we allow ourselves to succumb to the voices of isolationism that have been reverberating around this chamber, all that we do is create an international power void that allows other nations the opportunity to start operating as the Number One world power. Would we prefer to have China calling the shots in the world of international diplomacy, as opposed to the United States? I know I for one sure don't, and I bet my friends that are calling for an isolationist world view, if they really thought about it, wouldn't either.

This resolution before us is only a Sense of Congress that has no binding effect. I support efforts to bring before the House, after a peace agreement has been signed, a bill in which Congress specifically authorizes the deployment of troops. My friend from Missouri, Mr. SKELTON, is offering an amendment that says just that, and I plan to support it.

My colleagues, I urge you to support Mr. SKELTON's amendment, as well as the resolution as whole.

The CHAIRMAN. Are there further amendments to the resolution?

There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GIBBONS) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H.Con.Res. 42) regarding the use of United States Armed Forces as part of NATO peacekeeping operation implementing a Kosovo peace agreement, pursuant to House Resolution 103, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 191, answered "present" 9, not voting 15, as follows:

[Roll No. 49]

AYES—219

Ackerman
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Berkley
Berman
Berry
Biggert
Bishop
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Buyer
Calvert
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frelinghuysen
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goss
Green (TX)
Gutierrez
Hall (OH)
Hastert
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shows
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wynn

NOES—191

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Costello
Cox
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Doolittle
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Kolbe
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pryce (OH)
Ramstad
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)
Young (FL)

ANSWERED "PRESENT"—9

Abercrombie
Bentsen
Brown (OH)
Callahan
Coburn
Lofgren
Mink
Obey
Slaughter

NOT VOTING—15

Becerra
Bilbray
Brown (CA)
Capps
Clay
Frost
John
Lipinski
Quinn
Reyes
Shuster
Strickland
Thompson (MS)
Towns
Wu

□ 2155

Mr. YOUNG of Alaska changed his vote from "aye" to "no."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SHUSTER. Mr. Speaker, on rollcall No. 49, I was unable to be on the House floor. Had I been present, I would have voted "no."

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 42, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 744

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to have my name taken off H.R. 744. It was mistakenly placed on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I have asked to speak for the purpose of inquiring of the distinguished majority leader the schedule for the remainder of the week and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that we have had our last vote for the week. There will be no votes tomorrow, on Friday, March 12.

On Monday, March 15, the House will meet at 2 p.m. for a pro forma session. Of course, there will be no legislative business and no votes that day.

On Tuesday, March 16, the House will meet at 9:30 a.m. for the morning hour and at 11 a.m. for legislative business. Votes are expected after noon on Tuesday, March 16.

□ 2200

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

Also on Tuesday, March 16, the House will take up H.R. 819, the Federal Maritime Commission Authorization Act of 1999.

On Wednesday, March 17, the House will meet at 10 a.m. to consider the following legislative business:

H.R. 975, a bill to provide for a reduction in the volume of steel imports and to establish a steel import notification monitoring program; and H.R. 820, the Coast Guard Authorization Act of 1999.

On Thursday, March 18, we expect a national security briefing on the House floor from 10 a.m. to 11 a.m. to discuss the ballistic missile threat. Of course, all Members will want to attend.

The House will then take up H.R. 4, a bill to declare it to be the policy of the United States to deploy a national missile defense.

Mr. Speaker, we expect to conclude legislative business next week on Thursday, March 18.

Mr. BONIOR. Mr. Speaker, if the gentleman could address one concern that we have. On Tuesday, I know that the schedule is relatively light in terms of business. We have the two suspensions which I suspect are relatively noncontroversial. I am wondering if it would not be possible to help the folks on the West Coast if we could not roll and postpone votes until about 5 o'clock on Tuesday.

Mr. ARMEY. Let me thank the gentleman for his inquiry. I think it is an important point, a point a lot of Members have made, but in the interest of a good bit of the committee work that we hope to conclude in preparation for the appropriations season soon before us, we really feel that we need that time to have Members in town. Therefore, we constructed the schedule to that end.

Mr. BONIOR. Could the gentleman inform us when he expects the supplemental appropriation bill to come to the floor?

Mr. ARMEY. I appreciate that. I believe the Committee on Appropriations reported a supplemental bill out today. We will probably find it filed on Tuesday of next week and would have it available then for the week following.

Mr. BONIOR. I thank my colleague and wish him a good weekend.

Mr. ARMEY. I thank him and I hope you all have a good weekend.

ADJOURNMENT TO MONDAY, MARCH 15, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. WOLF of Virginia;

Mr. SALMON of Arizona;

Mr. GREENWOOD of Pennsylvania; and

Mr. FORBES of New York.

There was no objection.

GAMBLING EFFORT DIES IN PENNSYLVANIA SENATE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to bring to the attention of the Members of the House today the following Philadelphia Inquirer headline where it says gambling efforts die in Pennsylvania Senate. This Monday, the Pennsylvania State Senate rejected a resolution by the vote of 28 to 21 calling for three statewide gambling referendums. Gambling was rejected despite the gambling lobby's political campaign contribution of $606,000. This is a very large amount of money for a State with no gambling except for horse racing and State lotteries.

Mr. Speaker, people got involved at the grass roots level. The people learned the truth about how gambling is bad for families and communities, especially the poor and the Nation's youth. Also, the newspapers had the courage to speak out about how gambling brings crime, and corruption, and cannibalizes local businesses and breaks up families.

What took place in Pennsylvania should give great hope to any community that if it wants to eradicate and remove gambling or keep it out, it can do it. I congratulate the Pennsylvania State Senate for its actions on Monday.

[From the Philadelphia Inquirer, Mar. 8, 1999]

GAMBLING CONTRIBUTIONS

GAMBLING INTERESTS HAVE DONATED GENEROUSLY TO RIDGE, LEGISLATIVE LEADERS

HARRISBURG.—Gov. Tom Ridge and legislative leaders have accepted at least $606,000 in contributions from gambling interests and their lobbyists in recent years, according to a report published Monday.

Ridge received about $240,000 from gambling interests, including lobbyists, since he began raising money for his 1995 campaign. Legislative leaders and their committees took in $366,100, according to the analysis by The Philadelphia Inquirer.

Lawmakers and lobbyists rejected the notion of any link between campaign money and legislative action. Further, they said the gambling interests have been relatively restrained in their giving, compared with what has taken place in other states.

"I don't think the industry really felt that (large contributions) was the approach they wanted to take," said Obra S. Kernodle 3d, a lawyer-lobbyist who is a principal in a Philadelphia company that wants to build a riverboat casino.

"I can't see a relationship between the contributions and a vote on any issue—especially this issue," said Senate Minority Leader Robert J. Mellow, D-Lackawanna.

Anti-gambling activists say the contributions are unseemly and that the money at least helped push gambling to the top of the 1999 legislative agenda.

Gambling legislation "is being passed on a cash and carry basis," said Tom Grey, a national antigambling activist who has been involved in efforts to defeat the referendum bill. "Legalized gambling gives (lawmakers) the cash, and they carry the bill."

"Special interests, through campaign contributions and hiring every lobbyist in town, are driving the system with the pedal to the metal," said Barry Kauffmann, executive director of Pennsylvania Common Cause. "It's an increasingly troubling part of the way the process is being run."

The referendum bill, which the House approved last month, would let voters state their opinions about three potential expansions of legalized gambling: riverboat casinos, video poker in bars and slot machines at four horse tracks. Lawmakers then must shape legislation to legalize any new games.

Ridge has said he would sign the bill, but also says he will demand that any actual expansion of gambling would have to be approved, project by project, in subsequent local referendums.

It is impossible to determine how much gambling interest spend on lobbying, because current disclosure laws provide no meaningful information. A tough new disclosure law takes effect in June.

Among the campaign-finance reports examined by The Inquirer were those listing contributions during the two election cycles to Ridge, the Republican and Democratic leaders in both houses, House and Senate campaign committees controlled by the leaders, and funds maintained by the Republican and Democratic state committees.

Most of the gaming-related contributions to Harrisburg leaders in recent years, about $438,000, came from the horse-racing industry and its lobbyist, records show.

And most of that came from four lobbying firms with horse-racing clients—Pugliese Associates, Greenlee Associates, S.R. Wojdak & Associates and the law firm of Buchanan Ingersoll—that contributed a total of $311,000 to the governor and top lawmakers, records show.

Riverboat-gaming advocates gave about $85,000; casino companies donated a total of $58,000; and video-poker interests gave about $25,000, The Inquirer reported.

SWIFT VOTE DOOMS BID FOR BALLOT QUESTION

(By Glen Justice, Ken Dilanian and Rena Singer)

HARRISBURG—With virtually no debate, the Pennsylvania Senate yesterday killed the effort to expand legalized gambling in the state and left little room for the issue to be resurrected anytime soon.

The Senate voted, 28–21, to declare as unconstitutional the bill passed last month by the House that would have authorized a public vote on the gaming issue. By doing so, the Senate essentially eliminated any chance of legalizing gambling while Gov. Ridge is in office. Ridge, whose term ends in January 2003, has insisted on a referendum before he would consider signing any gambling bill.

"If gambling isn't dead, it is in a pretty deep coma, and I don't see it coming out," Senate President Pro Tempore Robert Jubelirer (R., Blair) said after the vote.

The governor echoed that view, saying it was "time to move on" to other issues. And one longtime supporter of legalized gaming, Sen. Robert Tomlinson (R., Bucks), conceded "it's going to be a long time" before any new forms of gambling come to the state.

The end came swiftly to the proposal to ask voters in the May 18 primary whether they approved of riverboat gambling, slot machines at horse-racing tracks, and video poker in taverns. The House had debated for 10 hours over two days last month before approving the proposal to place the nonbinding questions on the ballot.

But the Senate wasted little time in dispatching the issue. As soon as the issue came to the floor, a gaming opponent, Sen. David Brightbill (R., Lebanon), invoked a parliamentary maneuver by asking the Senate to consider the bill's legality under the state constitution. One senator rose briefly to oppose the move, and then the roll-call vote was taken.

Within minutes, the issue that had commanded the legislature's attention since January was over.

The vote was a blow to the horseracing industry, which has been losing customers to Delaware and West Virginia, where slots are legal. Another loser was the tavern industry, which saw the video-poker proposal as a way to boost what it says are sagging sales. Mayor Rendell saw riverboat gambling as a way to raise money for Philadelphia's schools.

"There is nothing on the horizon that will provide our kids with adequate funding for education," Rendell said yesterday, with resignation and a touch of bitterness in his voice. "I'd like to ask the senators who voted this way: Where is funding for our kids going to come from? I'm just perplexed."

But opponents, including church groups and community activists, hailed the vote. They had warned that an expansion of gambling would lead to a plague of social ills.

Several lawmakers said yesterday that the Senate's move to declare the proposal unconstitutional was a quick way to kill a bill that did not have the votes. The vote has no legally binding effect. That would be for the courts to decade.

"It's definitely a signal there weren't sufficient votes for all three forms of gambling to get on the ballot," said Senate Majority Leader F. Joseph Loeper (R., Delaware), adding that the vote was "a litmus test for where the rest of the issue would have gone."

Proponents—and even some critics—had been saying the votes were there to send the bill to the governor's desk. But they spoke too soon. Most senators who had been undecided as late as last week ended up voting against gambling yesterday.

The margins going into yesterday's vote were seen as too close to call.

The day opened with a strong showing by more than 100 pro-gambling demonstrators, most from the state's racetracks, who jammed the capitol's hallways carrying signs.

But gambling backers saw a bad omen early in the day when Rendell, long a supporter of riverboat gambling, pulled out of a scheduled news conference so he could keep lobbying for the bill.

Interviews with 47 of 50 senators or their aides two weeks ago showed senators were nearly tied on the issue, with nine undecided, three unreachable, and one who declined comment. Of that group, 10 voted to call the referendum unconstitutional: two voted against that finding; and one, Sen. Anthony Hardy Williams (D., Phila.), did not vote. Williams said he was upstairs in the office portion of the buildings during the vote and did not make it to the floor in time. He said he would have voted against gambling.

Some last-minute decision-makers said they receive considerable constituent input against gambling. Sen. James Gerlach (R., Chester) said he was shown a poll paid for by gambling opponents indicating that 65 percent of his district was against riverboat casinos, 65 percent against video poker, and 55 against slot machines at horse-racing tracks.

Gerlach said he voted that the bill was constitutional because he supports referendums, but added that he would have voted to defeat gambling.

"This became the quickest and least painful way to bring closure to the issue," said Stephen C. MacNett, counsel to the Senate Republicans.

Sen. Vincent Fumo (D., Phila.), who has supported riverboat gambling in the past but had worked to defeat the current bill, called it "a polite way of letting it go away."

Fumo's usually ally, Rendell, expressed frustration.

He noted that gambling is allowed in West Virginia, Delaware, New Jersey, Connecticut and New York. "I mean, we're like ostriches—we stick our heads in the sand," he said.

The vote caused friction between the two powerful men.

Rendell called Fumo's stance "a shame, because he did it for a purely political reason. He's always been a supporter of our [riverboat] legislation."

Rendell said he meant that Fumo was worried about "what gambling would do on the ballot in May to the turnout," presumably to Fumo's choice for mayor, Democrat Marty Weinberg.

Fumo rejected that assertion, saying he did not believe a referendum would have hurt Weinberg. He said he opposed it because he thought it would lose, killing chances for gambling forever.

"I don't know why he went on such a fool's errand," Fumo said of Rendell. He added that he was miffed at the mayor for calling Democratic senators.

I've delivered for him when nobody else would," Fumo said. "This just makes it harder the next time I have to do something for him."

Gaming advocates had fought for years to advance the issue and had pushed especially hard in recent months, hoping the May ballot was a window of opportunity.

Tavern owners statewide held rallies and visited lawmakers to push poker. The horse-racing industry continued its effort in the hope of bolstering its competitive position with slot-machine revenue. And riverboat companies such as President Casinos Inc., Ameristar Casinos Inc., and Epic Horizon LP added their lobbying clout.

Gaming interests and their lobbyists made political contributions totaling more than $606,000 to Gov. Ridge and a handful of legislative leaders in the last two election cycles. In recent years, though gambling bills have met with varying degrees of success, none has been signed and advocates were hopeful that 1999 might be the year.

But Pennsylvania's antigambling lobbyists, a diverse group of religious and community interests, worked hard after the House passed the bill to have the upper chamber defeat it.

Michael Geer, president of Pennsylvanians Against Gambling Expansion, said the grassroots work done by activists in his camp had an effect.

"The reason it happened is [senators] heard the voice of the people in the state," he said.

But gambling supporters said the defeat had more to do with the way the bill was structured.

"It's difficult with three issues intertwined in the bill," said Bob Green, president of Bucks County's Philadelphia Park racetrack. "If it was just ours, it probably wouldn't have been a problem."

Calling the vote "setback," some supporters said they would be back.

"We can't just go away," Green said.

HISTORY OF GAMBLING BILLS

Efforts to legalize gambling in Pennsylvania have, for the most part, been unsuccessful. In 1972, Pennsylvania became the fourth state to authorize a government-sponsored lottery. Since then, things have not gone well for legalized-gambling proponents. Here's a look at the recent history:

1983: The state's worsening financial condition prompts a flurry of gambling bills, including one proposal to legalize slot machines in the Poconos to fund education statewide. Half a dozen bills that would legalize gambling await a vote by the legislature throughout the next year but go nowhere.

1985: Philadelphia City Council approves a resolution requesting the state legislature to allow the city to legalize video-poker machines. The legislature doesn't.

1988: Gov. Robert P. Casey signs a bill allowing nonprofit organizations to raise funds through small games of chance, such as "punchboards." He vetoes a bill to authorize offtrack-betting facilities, but the legislature overrides his veto and the bill becomes law.

1989: The State Horse Racing Commission approves the first application for an offtrack-betting outlet, in Reading.

1990: Casey vetoes a bill that would have legalized gambling on video-poker machines in bars, restaurants and clubs.

1991: The House rejects a riverboat-gambling bill, which Casey had promised to veto.

1994: Gov.-elect Ridge promises to veto any bill that would legalize riverboat gambling without first submitting the issue to voters in a nonbinding statewide referendum. Proponents push without success to win passage of a bill that would authorize a referendum.

1997: The Senate passes a bill that would allow slot machines at horse-racing tracks, but it fails to gain House approval.

Feb. 10, 1999: The House passes a bill that would authorize nonbinding statewide referendums on slots, riverboats and video poker on the May 18 primary ballot.

March 8, 1999: The Senate votes to declare the House bill unconstitutional, killing the effort to place the referendums on the primary ballot.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BALTIMORE ORIOLES TO PLAY EXHIBITION GAME IN HAVANA, CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on Monday, this Nation and baseball lovers around the world mourned the passing of the Yankee Clipper. Joe DiMaggio's career was certainly brilliant and worthy of the praise and the eulogies we have heard these past few days. As a testament to his career, many people who never saw him swing a bat or steal a base felt a sense of loss, a loss felt not only for the man but for the institution that he so nobly represented, the game of baseball.

Baseball, Mr. Speaker, transcends generations. The names of Ruth, Gehrig, Mantle and Aaron are as familiar to baseball fans of today as they were during their playing days.

Baseball also transcends borders, Mr. Speaker. The passion we Americans have for the game of baseball is not confined to this nation. That same passion can be found in many parts of the globe, including the nation of Cuba.

On March 28, the Baltimore Orioles will travel to Havana, Cuba, in pursuit of that passion.

Mr. Speaker, I yield to the gentleman from Baltimore, MD (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Baltimore Orioles' goodwill mission to Cuba. In the past year we have witnessed several historic events that are significant to the evolving debate surrounding Cuba, its citizens and United States efforts to promote democracy.

Last year, Cuban citizens were allowed to celebrate Christmas. In January, Pope John Paul II conducted a series of open air masses across the country that were televised. And recently, direct humanitarian charter flights to Cuba and cash remittances to Cuban relatives of U.S. citizens were resumed and the provision of medicine and food was authorized.

These initiatives were the precursors to future efforts toward peaceful cross-cultural engagement, including people-to-people contact among academics, media and yes, even athletes.

The last major league team to play baseball in Cuba was the 1947 Brooklyn Dodgers, who held spring training in Havana to insulate Jackie Robinson from the racial hatred so prevalent in the United States at that time. Fifty-two years later, the role has changed. The first major league team to visit Cuba in 40 years, on March 28, 1999, the Baltimore Orioles, will be ambassadors of peace.

Sports has historically been an arena in which athlete-to-athlete contact has led to off-the-field or court engagement. Moreover, baseball as the national pastime of the United States and Cuba is the natural choice to promote goodwill among our countries' citizens. It is time that we reach out to the Cuban people with such democracy-building efforts.

I am proud that the City of Baltimore is in the forefront of an initiative that will help to chip away the barriers that have isolated the citizens of Cuba from the United States. I applaud Mayor Kurt Schmoke and Peter Angelos, the Orioles owner, for seizing the opportunity to strengthen a historic bond between the Cuban and American people.

Let us all take note, democracy is based upon the conviction that there are extraordinary possibilities in ordinary times. I urge my colleagues to support the Baltimore Orioles and the City of Baltimore in their efforts.

Mr. HOYER. Mr. Speaker, let me add that this exhibition is not an abandonment of our Nation's policies toward Castro or his regime, nor is it a weakening of our resolve against the tyranny of communism. The proceeds from this game, in fact, will go to build baseball stadiums, not politics. But it is an opportunity to showcase what is common to the people of the United States and Cuba, a passion for the game of baseball.

I want to join the gentleman from Maryland (Mr. CUMMINGS) in congratulating Peter Angelos, the owner of the Baltimore Orioles, who has done so much for baseball, so much for Baltimore and is now doing so much to reach out a hand to try to bring better relations but doing so in the context of not accommodating a regime with which we do not agree but telling a people that is sometimes under that regime that we want to be their friends, if not the friends of their government.

Governments cannot come together unless the people they serve find a common ground.

This exhibition will not dissolve the differences between our two governments but it will allow the people of both lands to share in their common passion.

Once again this spring, children in this country will pick up their bats and gloves and hit the playing fields with the same passion that has motivated children and lovers of the game for years.

So too will the youth of Cuba.

Their determination and effort will be directed to the game.

They will be absorbed in the pitching and power hitters of their opponents not their politics.

The Baltimore Orioles exhibition in Havana will allow the people of both countries to share their passions for the game and perhaps highlight what the people of our nations have in common and not the differences that divide them.

It comes as no surprise to me that Peter Angelos and the Baltimore Orioles have led the effort to see this game become a reality and on behalf of the State of Maryland I want to thank Peter Angelos for his vision for baseball.

A vision broader than the game itself which removes the barriers for all who share a love for the great game of baseball.

BALTIMORE ORIOLES-CUBA EXHIBITION BASEBALL GAMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes.

Mr. CARDIN. Mr. Speaker, I want to follow the comments of the gentleman from Maryland (Mr. HOYER) and the gentleman from Maryland (Mr. CUMMINGS) in really congratulating the Baltimore Orioles and Peter Angelos for arranging for a game between the Baltimore Orioles and the Cuban national team.

As the gentleman from Maryland (Mr. HOYER) indicated, baseball really speaks an international language. This is going to be good for our Nation and good for the people of Cuba. None of the economic proceeds will go to the government of Cuba. Peter Angelos has really, I think, done a favor for this Nation. I support this game. It has nothing to do about politics. It is a game. Two countries whose identity is deeply rooted in their national pastime. I think a fan who was quoted in the Miami Herald recently had the right outlook for this game when he said, "They should play it. It's a game after all."

I would also like to quote from one of the real great diplomats in baseball, one of the great Earls, the Earl of Baltimore, Earl Weaver, the famous manager of the Baltimore Orioles. I think he had the game of baseball right when he said, in baseball you can't sit on a lead and run a few plays into the line and just kill the clock. Earl once said, you've got to throw the ball over the plate and give the other man his chance. That is why baseball is the greatest game of them all, and now we are going to be able to have a good will game, two good will games between the Cuban national team and the Baltimore Orioles.

Mr. Speaker, let the games begin.

I am thrilled at the likelihood of an historic sports exchange with Cuba in the very near future

I am sure many of you have heard the news of a goodwill game between the Cuban national team and Maryland's beloved Baltimore Orioles. I commend Orioles owner Peter Angelos for his hard work to make this dream a reality.

I am here tonight to express my strong support for this initiative and to urge the U.S. Congress to join all of us here tonight in supporting this worthy endeavor.

I want to say from the outset that any proceeds from this exchange will not go to the Cuban Government. The proceeds will go to support baseball and other activities related to sports in our two countries.

Indeed, supporting this initiative has nothing to do with politics. That may seem strange here in Washington where it is our job in many respects to see the world through a political prism.

But this is one time, thankfully, when it is to our advantage to see an exchange between two countries, not as a political event, but simply as a game—America's game and Cuba's game. These are two countries whose identity is deeply rooted to their national pastime.

I think a fan quoted in the Miami Herald recently had the right outlook for this game when he said, "They should just play. It's a game after all."

It is indeed a game after all. A bat and a ball, two teams, a field and the undivided attention of two nations. That is all, Mr. Speaker, and that should be enough for now.

Perhaps we should heed the diplomatic words of one of the world's great Earls—the Earl of Baltimore. Earl Weaver's famous comment about America's pastime is the reason why this game is such a wonderful idea and opportunity for both nations:

In baseball "you can't sit on a lead and run a few plays into the line and just kill the clock," Earl once said. "You've got to throw the ball over the plate and give the other man his chance. That's why baseball is the greatest game of them all."

Wherever it might be played, baseball is the best game around. So Mr. Speaker, let the games begin.

THE DEBT DOWN PAYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am pleased to be here this evening and particularly with the distinguished gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the

Budget, in the Chamber this evening. I would like to point out a few facts to my colleagues.

I know that these are issues of importance to all of us, and I think it is useful to be reminded that as of March 1, the first day of this month, 1999, the Federal national debt was $5.62 trillion. That debt is increasing. In fact, it increased in 1999 by $95 billion in all of our trust funds. The total interest that we paid last year on the national debt was almost 15 percent of the total budget, about $243 billion.

Mr. Speaker, now is the optimum time to take the steps necessary to reduce the national debt. Our economy, although not necessarily the Kansas economy, is strong and Federal revenues stand ready for debt reduction. On the very near horizon, however, we face a challenge of financing the retirement of the baby boom generation. If we can get our fiscal house in order now, we can meet this challenge. But if we delay, our children will face the dual burden of servicing a large national debt, along with facing the liabilities to Social Security and Medicare. We do not have surpluses as far out as we can see.

Mr. Speaker, as the chart indicates, the national debt grows, and by the year 2040, because of that generation of retirees, the national debt increases to 200 percent of the gross domestic product. We need to take advantage of this opportunity to begin the process of paying down our national debt. Paying down the debt can lower interest rates. Student loans, car loans, home mortgages and farm debts can all be less burdensome with lower interest rates that the borrowing from the Federal Government would generate.

Last week, the gentleman from Mississippi (Mr. PICKERING) and I introduced H.R. 948, the Debt Down Payment Act, and I spent some time on the floor, an extended amount of time on the floor, explaining this legislative attempt to my colleagues. This bill establishes a 10-year plan for reducing the debt held by the public. It would reduce it by $2.4 trillion; an average annual payment on the debt of $240 billion; no new spending; saves $729 billion in interest payments over 10 years. $729 billion. And it removes the Social Security trust fund from the revenues that we calculate our surplus to provide some honesty, not only to the American people but especially to ourselves.

This bill establishes a gradually reduced limit for public debt held over the next 10 years, and by the year 2000, this debt limit would be lowered to $3.5 trillion, requiring a first year debt reduction of $100 billion.

Our Nation's most respected economists remind us of the importance of paying down the national debt and the opportunity that provides to shore up Social Security.

In just 13 years, payment from the Social Security trust fund will exceed the incoming revenue to the Social Security trust fund. By reducing debt today, we can do something that will make it easier to meet the needs of the next generation's retirement, and by removing the Social Security trust fund revenues from the annual surplus calculations, we will gain a more accurate understanding of where we stand financially.

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I have been pleased by recent reports the Senate budget proposal may include a similar proposal toward reducing the debt. By establishing statutory debt limits on publicly held debt we can hold our collective feet to the fire by locking in gradual debt reduction. Debt reduction should be a central component of our budget plans, and I urge my colleagues in both chambers to insist that the 2000 budget proposal include a long-term plan to pay down our national debt. Let us agree today to put an end to treating our national budget like a bad credit card spending. Let us agree to pay more than the monthly minimum and stop spending 15 percent of our budget on interest payments.

We are like those people with the credit card who just keep spending. We do not even hardly make the minimum payment. We pay the interest, but we have no plan to ever pay the principle, and today we ought to take the steps toward establishing a plan to do just that. We are at a crossroads. Let us make the legacy that we leave to the next generation one of economic hope and prosperity.

RESOLUTION OF THE NAGORNO KARABAGH CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take this opportunity tonight to welcome the visiting President of the Nagorno Karabagh Republic, Mr. Arkady Ghoukasian. President Ghoukasian is visiting our Nation's capital this week as part of a trip that also includes stops in California and New York, and accompanying the President on his first visit to the United States is Ms. Naira Melkoumian, the Foreign Minister of the Nagorno Karabagh Republic.

Yesterday I took part in a meeting with President Ghoukasian and Foreign Minister Melkoumian that was attended by several of my colleagues in the House from both parties. The President also held private meetings with several other Members of the House and the Senate and representatives of the Armenian Assembly of America and the Armenian National Committee of America also took part in those meetings. The President also had meetings with the State Department and met with some of Washington's leading think tanks and the media.

Mr. Speaker, Nagorno Karabagh is a region in the Caucasus Mountains of the former Soviet Union that has now and always has historically been populated by Armenians. Unfortunately, Nagorno Karabagh's independence has not been given recognition by the United States or the international community. Neighboring Azerbaijan continues to claim Nagorno Karabagh's territory. A bloody war was fought over this region, and the Karabagh Armenians successfully defended their homeland. A cease-fire was declared in 1994, which has more or less held despite ongoing violations by Azerbaijan, but a final resolution of the conflict has been elusive.

Mr. Speaker, the United States is a leader in the effort to help the parties to this conflict achieve a just and lasting resolution of the conflict. The U.S. is a co-chair along with France and Russia of the Minsk Group, of the Organization for Security and Cooperation in Europe established to resolve this dispute.

The United States and our Minsk Group partners last year put forward a new plan known as the Common-State proposal for resolving the conflict. Armenia and Nagorno Karabagh have both agreed to accept the proposal as a basis for negotiations despite serious reservations, but Azerbaijan's response to the constructive proposal by the United States and our partners has been a flat no.

Mr. Speaker, the U.S. non-recognition of Nagorno Karabagh creates issues about who in the State Department should meet with President Ghoukasian or other representatives of Nagorno Karabagh, and last week I was joined by 19 of my colleagues on a bipartisan basis in writing to Deputy Secretary of State Strobe Talbott asking that in his capacity as the American co-chair of the Minsk Group he personally meet with Mr. Ghoukasian during his visit to our Nation's capital. Unfortunately, Secretary Talbott was not in Washington at the time of President Ghoukasian's visit, and President Ghoukasian met instead with Donald Keyser who is special negotiator for Nagorno Karabagh and the NIS regional conflicts. Mr. Keyser I should say is doing a fine job in trying to win the confidence of the parties to the conflict, but I believe it is important to stress the need for the highest level contacts possible which are appropriate and provide a sign of goodwill that would help encourage progress in the negotiations. President Ghoukasian's status as the elected leader of one of the parties to the conflict argues in of according him high-level recognition, and indeed our two Minsk Group partners, France and Russia, provide a stronger degree of recognition for the Karabagh government than the United States does.

Last month a bipartisan group of Members of Congress and our staffs met with Special Negotiator Keyser. At that meeting and in our follow-up letter to Secretary Talbott we urged that the United States stay the course in terms of the compromise Common-State approach, and, as I mentioned, this approach has been accepted by Armenian Nagorno Karabagh as a basis for direct negotiations, but thus far Azerbaijan has rejected this approach. We hope that this rejection will not be the last word, and we urge the administration to take proactive steps to reverse Azerbaijan's rejection.

Mr. Speaker, last week I testified before the Subcommittee on Foreign Operations of the House Committee on Appropriations on the fiscal year 2000 legislation, and I called for assistance to both the Republic of Armenia and the Republic of Nagorno Karabagh and to offer some proposals for how we can advance the peace process through this legislation. The subcommittee, I should say, has been extremely attentive to the concerns of Armenia, Nagorno Karabagh and the entire Caucasus region, and thanks to the subcommittee U.S. humanitarian assistance is flowing to Nagorno Karabagh. I urged the Subcommittee on Foreign Operations to express its strong support for the U.S. position in the Minsk Group negotiations on Nagorno Karabagh, and I hope the subcommittee will adopt language calling on the State Department to stay the course and to press Azerbaijan to come back to the negotiating table. There are strong indications that Azerbaijan believes that it can maintain its rejectionist policy by playing the oil card given the interest in developing petroleum resources in the Caspian Sea although recent test drilling indicates less than expected quantities of oil are causing some major American oil companies to pull out of Azerbaijan.

And there have also been troubling statements from Azerbaijan's President Aliyev that he considers renewal of military conflict a viable option for settling the dispute.

Mr. Speaker, if I could just submit the rest of my statement for the RECORD, I just want to say it is very important that we send a message to Azerbaijan that their intransigence in opposing the Minsk Group proposal is a matter of concern here in Washington.

Finally, I am concerned about the aid numbers for Armenia and Azerbaijan that were included in the Administration's budget request, which provide for a decrease in aid to Armenia, and an increase in aid to Azerbaijan. This is strange, since Armenia (as well as Nagorno Karabagh) has accepted the compromise proposal supported by the U.S., while Azerbaijan has rejected it. But the Administration budget proposed cutting aid to Armenia while increasing aid to Azerbaijan. The unfortunate message to Azerbaijan is that their intransigence in opposing the Minsk Group proposal is not a matter of concern here in Washington. That is not the signal we should be sending.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. SWEENEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payment for fiscal year 1999.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President for his approval, a bill of the House of the following title:

H.R. 882. To nullify any reservation of funds during fiscal year 1999 for guaranteed loads under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Monday, March 15, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

975. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Implementation of Preferred Lender Program and Streamlining of Guaranteed Loan Regulations (RIN: 0560–AF38) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

976. A communication from the President of the United States, transmitting a request for an FY 1999 supplemental appropriation for the Department of the Interior; (H. Doc. No. 106–39); to the Committee on Appropriations and ordered to be printed.

977. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards: Tier 1 Leverage Ratio [Docket No. 98–125] (RIN: 1550–AB11) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

978. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rule 701—Exempt Offerings Pursuant to Compensatory Arrangements [Release No. 33–7645; File No. S7–5–98] (RIN: 3235–AH21) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

979. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Revision of Rule 504 of Regulation D, the "Seed Capital" Exemption [Release No. 33–7644; S7–14–98] (RIN: 3235–AH35) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

980. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of Presidential Determination No. 99–16 in connection with the U.S. contribution to the Korean Peninsula Energy Development Organization ("KEDO"); to the Committee on International Relations.

981. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 021699B] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

982. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Air Clearance Restrictions at the Entrance to Lakeside Yacht Club and the Northeast Approach to Burke Lakefront Airport in Cleveland Harbor, OH [CGD09–97–002] (RIN: 2115–AE84) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

983. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lower Grand River, LA [CGD08–99–008] (RIN: 2115–AE47) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

984. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey [CGD01-98-125] (RIN: 2115-AE46) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

985. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Sunken Fishing Vessel CAPE FEAR, Buzzards Bay Entrance [CGD01 99-008] (RIN: 2115-AA97) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

986. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newtown Creek, New York [CGD01-99-004] (RIN: 2115-AA97) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

987. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; River Rouge (Short Cut Canal), Michigan [CGD09-98-055] (RIN: 2115-AE47) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

988. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines, Correction [Docket No. 98-ANE-14; Amendment 39-11017; AD 99-03-03] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

989. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc. AE 2100A, AE 2100C, and AE 2100D3 Series Turbofan Engines, Correction [Docket No. 98-ANE-83; Amendment 39-11023; AD 99-03-09] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

990. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes [Docket No. 98-CE-76-AD; Amendment 39-11046; AD 99-04-21] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

991. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 98-NM-148-AD; Amendment 39-11048; AD 99-04-23] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

992. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 97-NM-316-AD; Amendment 39-11041; AD 99-04-16] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

993. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. 98-NM-301-AD; Amendment 39-11043; AD 99-04-18] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

994. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 98-NM-320-AD; Amendment 39-11044; AD 99-04-19] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

995. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 97-NM-236-AD; Amendment 39-11042; AD 99-04-17] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

996. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No. 98-NM-317-AD; Amendment 39-10904; AD 98-24-19] (RIN: 2120-AA64) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

997. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; El Dorado, KS [Airspace Docket No. 99-ACE-5] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

998. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dubuque, IA [Airspace Docket No. 98-ACE-58] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

999. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Madison, IA [Airspace Docket No. 98-ACE-57] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1000. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace Kirksville, MO [Airspace Docket No. 99-ACE-9] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1001. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace Springfield, MO [Airspace Docket No. 99-ACE-8] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1002. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Newton, KS [Airspace Docket No. 99-ACE-3] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1003. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Perry, IA [Airspace Docket No. 98-ACE-52] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1004. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Boonville, MO [Airspace Docket No. 99-ACE-6] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1005. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Selinsgrove, PA [Airspace Docket No. 98-AEA-45] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1006. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Leadville, CO [Airspace Docket No. 98-ANM-08] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1007. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rockland, ME [Airspace Docket No. 98-ANE-95] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1008. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29467; Amdt. No. 414] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 106-50). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 820. A bill to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes; with an amendment (Rept. 106-51). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOODLATTE:

H.R. 1069. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAZIO (for himself, Ms. ESHOO, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mrs.

Morella, Mrs. Kelly, Mr. Brown of Ohio, Mr. George Miller of California, Mr. Horn, Mr. Dixon, Ms. Pelosi, Mr. LaTourette, Mr. Waxman, Mr. Serrano, Mr. Gilman, Mr. Maloney of Connecticut, Mr. Meehan, Mr. Weldon of Pennsylvania, Mr. Underwood, Mr. Shows, Mr. Abercrombie, Mr. McHugh, Mr. Etheridge, Mr. Sanders, Mrs. Clayton, Mr. Walsh, Mr. McGovern, Mr. McNulty, Mr. Frost, Mr. Ney, Mr. Olver, Ms. Millender-McDonald, Mr. Crowley, Mr. Sununu, Mr. Clement, Mr. Stark, Ms. Carson, Mr. Foley, Mr. Coyne, Mr. Lantos, Mr. Inslee, Mrs. Wilson, Mr. Sherman, Mr. Baldacci, Mr. Boehlert, Mr. Luther, Mr. Hinojosa, Mr. DeFazio, Mr. Quinn, Mr. Price of North Carolina, Mr. Rangel, Mr. Weygand, Mr. Forbes, Mr. Meeks of New York, Mr. Nadler, Mr. Barrett of Wisconsin, Ms. Woolsey, Mr. Kucinich, Mr. King of New York, Ms. Slaughter, Mrs. Tauscher, Mr. Bilbray, Mr. Thompson of Mississippi, Mr. Hinchey, Mr. Kleczka, Mr. Payne, Mr. Wynn, Mr. Jefferson, Mr. Smith of New Jersey, Mr. Mascara, Mr. LoBiondo, Mr. Oberstar, Mr. Leach, Mr. Rush, Mr. Matsui, Mr. Dingell, Mrs. Emerson, Mr. Filner, Mrs. Myrick, and Ms. Lofgren):

H.R. 1070. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Commerce.

By Mr. EVANS (for himself, Mr. Dingell, Mr. Filner, Mr. Shows, and Ms. Brown of Florida):

H.R. 1071. A bill to amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program, by increasing the amount of basic educational assistance, by repealing the requirement for reduction in pay for participation in the program, by authorizing the Secretary of Veterans Affairs to make accelerated payments of basic educational assistance, and by reopening the period for certain VEAP participants to elect to participate in the program of basic educational assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FORBES:

H.R. 1072. A bill to require the Nuclear Regulatory Commission to require applicants for or holders of operating licenses for nuclear power reactors to have in effect an emergency response plan for an area within a 50 mile radius of the reactor; to the Committee on Commerce.

By Mr. LAZIO (for himself and Mr. Frank of Massachusetts):

H.R. 1073. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the Committee on Banking and Financial Services.

By Mr. BLILEY (for himself, Mr. McIntosh, Mr. Condit, Mr. Stenholm, Mr. Shuster, Mr. Pickett, Mr. Goode, Mr. Hall of Texas, Mr. John, Mr. Turner, Mr. English, Mr. Goodlatte, Mr. Armey, Mr. DeLay, Mr. Cramer, Mr. Gillmor, Mr. Oxley, Mr. Largent, Mr. Archer, Mr. Manzullo, Mr. Sandlin, Mr. Watts of Oklahoma, Mr. Gekas, Mr. Barcia, Mr. Bishop, Mr. Boyd, Mr. Clement, Mr. Ford, Mr. Shows, Mr. Tanner, and Mr. Traficant):

H.R. 1074. A bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes; to the Committee on Government Reform.

By Ms. STABENOW (for herself, Mr. Conyers, Ms. Kilpatrick, Mrs. Maloney of New York, Mr. Pomeroy, Ms. Lofgren, and Mr. Larson):

H.R. 1075. A bill to amend the Internal Revenue Code of 1986 to provide incentives to elementary and secondary teachers for technology-related training for purposes of integrating educational technologies into the courses taught in our Nation's classrooms; to the Committee on Ways and Means.

By Ms. STABENOW (for herself, Mr. Conyers, Ms. Kilpatrick, Ms. Lofgren, and Mr. Larson):

H.R. 1076. A bill to amend the Internal Revenue Code of 1986 to provide incentives to elementary and secondary teachers for acquisition of computer hardware and software; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mrs. Chenoweth, Mr. DeFazio, Mr. Duncan, Mr. Hostettler, and Mr. Stump):

H.R. 1077. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow consumers greater access to information regarding the health benefits of foods and dietary supplements; to the Committee on Commerce.

By Mr. PAUL:

H.R. 1078. A bill to amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers; to the Committee on Commerce.

By Mr. ABERCROMBIE (for himself, Mr. Kildee, Mr. Rush, Mr. Underwood, Mrs. Mink of Hawaii, Ms. Kilpatrick, Mr. Kennedy of Rhode Island, Mr. Shows, Mrs. Jones of Ohio, Mr. Frost, Mr. Brady of Pennsylvania, Mr. Payne, Mr. Cook, Mr. Camp, Mr. Thompson of Mississippi, Mr. Sherman, Mr. Jefferson, Mr. Hinchey, Ms. Brown of Florida, Mr. Blagojevich, Mr. Kleczka, Mrs. Capps, Mrs. Myrick, Ms. Stabenow, and Mr. Oberstar):

H.R. 1079. A bill to provide for equitable retirement for military reserve technicians who are covered under the Federal Employment Retirement System or the Civil Service Retirement System; to the Committee on Government Reform.

By Mr. BLUMENAUER (for himself, Mr. Inslee, Mrs. Meek of Florida, Mr. Ney, and Mr. Quinn):

H.R. 1080. A bill to provide penalties for terrorist attacks against mass transportation; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. Gilchrest, Mr. Petri, Mr. Jefferson, Mr. Tanner, Mr. Price of North Carolina, and Mr. Frost):

H.R. 1081. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. Morella, Ms. Baldwin, Mr. Forbes, Mr. Gephardt, Mr. Frank of Massachusetts, Mr. Berman, Mr. Boucher, Mr. Nadler, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Mr. Rothman, Mr. Weiner, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baird, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Bilbray, Mr. Blagojevich, Mr. Blumenauer, Mr. Boehlert, Mr. Bonior, Mr. Boswell, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of California, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Mr. Cardin, Ms. Carson, Mr. Clay, Mrs. Clayton, Mrs. Christensen, Mr. Coyne, Mr. Crowley, Mr. Davis of Illinois, Ms. DeGette, Mr. Dingell, Mr. Dixon, Mr. Engel, Mr. Farr of California, Mr. Filner, Mr. Ford, Mr. Frost, Mr. Gejdenson, Mr. Gilman, Mr. Gonzalez, Mr. Green of Texas, Mr. Greenwood, Mr. Hastings of Florida, Mr. Hinojosa, Mr. Horn, Mr. Hoyer, Ms. Eddie Bernice Johnson of Texas, Mrs. Johnson of Connecticut, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kucinich, Mr. Lantos, Mr. Larson, Mr. Leach, Mr. Levin, Mr. Lewis of Georgia, Mrs. Lowey, Mrs. McCarthy of New York, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mr. Matsui, Mrs. Meek of Florida, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Moore, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Price of North Carolina, Mr. Rahall, Mr. Reyes, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Sherman, Ms. Slaughter, Mr. Smith of Washington, Ms. Stabenow, Mr. Stark, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Towns, Mr. Underwood, Mr. Waxman, Mr. Weygand, Ms. Woolsey, and Mr. Wynn):

H.R. 1082. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. Smith of Washington, Mr. Ramstad, Mr. Sandlin, Mr. Camp, Mr. Cramer, Mr. Foley, Mr. Baldacci, Mr. Watkins, Mr. Shows, Mr. Herger, Mr. Bishop, Mr. Green of Wisconsin, Mr. Peterson of Minnesota, Mr. Stupak, Mr. McCrery, Mr. English, and Mr. Collins):

H.R. 1083. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. Weller, Mr. Gillmor, Mr. Hill of Montana, Mr. Lewis of California, Mr. Hostettler, Mrs. Fowler, Mr. Spence, Mr. Cunningham, and Mrs. Biggert):

H.R. 1084. A bill to amend the Internal Revenue Code of 1986 to provide tax relief, to encourage savings and investment, and to provide incentives for public school construction, and to amend the Social Security Act to provide relief from the earnings test; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 1085. A bill to improve the health of children; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD (for himself, Mrs. McCarthy of New York, Mr. Meehan, Mr. Weiner, Ms. Jackson-Lee of Texas, Mrs. Maloney of New York, Mr. Wynn, Mr. Menendez, Mrs. Meek of Florida, Mrs. Lowey, Mr. Nadler, Mr. Conyers, Ms. Millender-McDonald, Mr. Jackson of Illinois, and Mr. Davis of Illinois):

H.R. 1086. A bill to reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 1087. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, California; to the Committee on Science.

By Mr. GILCHREST:

H.R. 1088. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare+Choice organizations and to accelerate the transition to the 50:50 blended rate in 2000; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. Oxley, Mr. Markey, Mr. Towns, Mr. Whitfield, Mr. Largent, Mr. Waxman, Mr. Deal of Georgia, Mr. Burr of North Carolina, Mr. Tauzin, and Mr. Hall of Texas):

H.R. 1089. A bill to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes; to the Committee on Commerce.

By Mr. GREEN of Texas (for himself, Mr. Towns, Mr. LaTourette, Mr. Shows, Mr. Meehan, Mr. Gonzalez, Mr. Frost, Mr. Pallone, Mr. Nadler, Mrs. Maloney of New York, Mr. Bentsen, Ms. DeLauro, Mrs. Kelly, Mr. LaFalce, Mr. Rodriguez, Mrs. Mink of Hawaii, Mr. Rahall, Mr. Foley, Mr. Walsh, Mr. Wynn, Mr. Kolbe, and Mrs. Emerson):

H.R. 1090. A bill to amend title XVIII of the Social Security Act to exclude cancer treatment services from the prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 1091. A bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with diabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to work, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Matsui, Mr. Campbell, Ms. Lofgren, Mr. Cox, Mr. Cunningham, Mrs. Tauscher, Ms. Eshoo, Mr. Kuykendall, Mr. Shows, Mrs. Bono, Mr. McNulty, Mr. Sessions, Mr. Frost, Mr. Sam Johnson of Texas, Mr. Thompson of California, Mr. Kanjorski, Ms. Dunn, Mr. Lewis of California, Mr. Ramstad, Mr. Herger, Mrs. Napolitano, Mr. Doolittle, Mr. Packard, Mr. Bilbray, Mr. Condit, Mr. Radanovich, and Mr. Pombo):

H.R. 1092. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. Ney, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baird, Mr. Baldacci, Mr. Barcia, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Blagojevich, Mr. Blumenauer, Mr. Boehlert, Mr. Bonior, Mr. Borski, Mr. Boswell, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of California, Mr. Brown of Ohio, Mr. Campbell, Mrs. Capps, Mr. Capuano, Mr. Clay, Mrs. Clayton, Mr. Coyne, Mr. Cramer, Mr. Crowley, Mr. Davis of Florida, Mr. Davis of Virginia, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Deutsch, Mr. Diaz-Balart, Mr. Dicks, Mr. Doyle, Mr. Duncan, Mr. Engel, Mr. English, Mr. Farr of California, Mr. Fattah, Mr. Filner, Mr. Foley, Mr. Forbes, Mr. Ford, Mr. Frost, Mr. Gallegly, Mr. Gejdenson, Mr. Gilman, Mr. Gonzalez, Mr. Green of Texas, Mr. Gutierrez, Mr. Hinojosa, Mr. Holden, Mr. Hoyer, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kind of Wisconsin, Mr. King of New York, Mr. Kleczka, Mr. Klink, Mr. Kucinich, Mr. Lampson, Mr. Lantos, Mr. LaTourette, Ms. Lee, Mr. Lewis of Georgia, Mr. LoBiondo, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mr. McDermott, Mr. McGovern, Mr. Maloney of Connecticut, Mr. Martinez, Mr. Mascara, Mrs. Meek of Florida, Mr. Metcalf, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Quinn, Mr. Rahall, Mr. Ramstad, Mr. Reyes, Ms. Rivers, Ms. Ros-Lehtinen, Mr. Rothman, Mrs. Roukema, Mr. Rush, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Mr. Sherman, Mr. Shows, Ms. Slaughter, Mr. Snyder, Ms. Stabenow, Mr. Stark, Mr. Strickland, Mr. Stupak, Mr. Sununu, Mrs. Tauscher, Mrs. Thurman, Mr. Tierney, Mr. Towns, Mr. Traficant, Mr. Vento, Mr. Walsh, Mr. Waxman, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Weygand, Mr. Wexler, Ms. Woolsey, Mr. Wynn, and Mr. Young of Alaska):

H.R. 1093. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. LEACH (for himself, Mr. LaFalce, Mr. Bachus, and Ms. Waters):

H.R. 1094. A bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes; to the Committee on Banking and Financial Services.

By Mr. LEACH (for himself, Mr. LaFalce, Mr. Bachus, Ms. Waters, Mr. Bereuter, Mr. Frank of Massachusetts, Mr. Wolf, and Mr. Hall of Ohio):

H.R. 1095. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. DeLauro, Mr. Shays, Mr. Lewis of Georgia, Ms. Pelosi, Mr. Kennedy of Rhode Island, Mr. Ackerman, Mr. Frost, Mr. Meehan, and Mr. Crowley):

H.R. 1096. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NEAL of Massachusetts:

H.R. 1097. A bill to amend the Internal Revenue Code of 1986 to simplify the $500 per child tax credit and other individual non-refundable credits by repealing the complex limitations on the allowance of those credits resulting from their interaction with the alternative minimum tax; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 1098. A bill to amend title 10, United States Code, to require an annual report by the Secretary of Defense on the military capabilities of the People's Republic of China; to the Committee on Armed Services.

By Mr. OWENS (for himself, Mr. Hilliard, Ms. McKinney, and Mr. Sanders):

H.R. 1099. A bill to amend the Internal Revenue Code of 1986 to provide more revenue for the Social Security system by imposing a tax on certain unearned income and to provide tax relief for more than 80,000,000 individuals and families who pay more in Social Security taxes than income taxes by reducing the rate of the old age, survivors, and disability insurance Social Security payroll tax; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 1100. A bill to correct an oversight in earlier legislation by directing the National Park Service to grant to three individuals a right of use and occupancy of certain property on Santa Cruz Island; to the Committee on Resources.

H.R. 1101. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to prevent natural flood disaster; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. Cardin, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Lewis of Georgia, Mr. Weller, Mr. Tanner, Mr. BLUNT, Mr. BOEHNER, Mr. POMEROY, Mr. BENTSEN, Mr. KOLBE, Mrs. MORELLA, Mr. NUSSLE, Mr. MCCRERY, and Mr. RAMSTAD):

H.R. 1102. A bill to provide for pension reform, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. STARK, Mr. QUINN, Mr. WALSH, Mr. ACKERMAN, Mrs. CHRISTENSEN, Mr. DOYLE, Mr. FATTAH, Mr. FROST, Mr. HINCHEY, Mr. HOLDEN, Mr. JENKINS, Ms. KILPATRICK, Mr. KLINK, Mr. LAFALCE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY of New York, MCDERMOTT, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. NADLER, Mr. PASTOR, Mr. SERRANO, Mrs. THURMAN, Mr. TOWNS, and Ms. VELÁZQUEZ):

H.R. 1103. A bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 1104. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. OSE, Mr. DOOLEY of California, and Mr. RADANOVICH):

H.R. 1105. A bill to amend the Internal Revenue Code of 1986 to provide that transfers of family-owned business interests shall be exempt from estate taxation; to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Mrs. FOWLER, Ms. BROWN of Florida, Mr. MICA, Mr. BILIRAKIS, Mr. BOYD, Mr. COLLINS, Mr. DAVIS of Florida, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. SHAW, Mr. STEARNS, and Mr. YOUNG of Florida):

H.R. 1106. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources; to the Committee on Transportation and Infrastructure.

By Mr. WATKINS:

H.R. 1107. A bill to amend title II of the Social Security Act to waive the waiting period otherwise required for diability beneficiaries in the case of individuals suffering from terminal illnesses with not more than six months to live; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. HALL of Texas, Mr. GOODE, Mr. SHADEGG, Mr. ADERHOLT, Mr. ANDREWS, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BIGGERT, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HULSHOF, Mr. HUNTER, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PEASE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SHIMKUS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TAUZIN, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. TOOMEY, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, and Mr. YOUNG of Alaska):

H. J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. HYDE, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SENSENBRENNER, Mr. SABO, and Mr. PALLONE):

H. J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States repealing the twenty-second article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. DELAY, Mr. GEJDENSON, Mr. LANTOS, Mr. COX, Mr. BURTON of Indiana, Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. HUNTER, Mr. CHABOT, and Mr. TANCREDO):

H. Con. Res. 53. A concurrent resolution concerning the Taiwan Relations Act; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. SHOWS, Mr. HOLDEN, Mr. BROWN of California, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mrs. MINK of Hawaii, Mr. CUMMINGS, Mr. MEEHAN, Mr. MOAKLEY, Mr. HORN, Mr. CLAY, Mrs. MCCARTHY of New York, Mr. LAHOOD, Mr. QUINN, Mr. WEINER, Ms. LOFGREN, Mr. BERMAN, Mr. DEUTSCH, Mrs. MALONEY of New York, Mr. KUCINICH, Mr. GUTIERREZ, Mr. DINGELL, Mrs. MORELLA, Mr. SESSIONS, Mr. DIAZ-BALART, Mr. MCDERMOTT, Mr. WAXMAN, Mr. SNYDER, Mr. ABERCROMBIE, Mr. SWEENEY, Mr. LAZIO, Mr. FOLEY, Mr. ENGEL, Mr. CAPUANO, Ms. ESHOO, Mr. MCGOVERN, Mr. FORD, Mr. CUNNINGHAM, Mr. LATOURETTE, Mr. BARRETT of Wisconsin, Mr. CLEMENT, Mr. REYNOLDS, Mr. DOYLE, Mrs. ROUKEMA, Mr. WALSH, Mr. MCHUGH, Mr. GEJDENSON, Mr. BOUCHER, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. RAHALL, Mr. MORAN of Virginia, Mr. VENTO, Mr. KENNEDY of Rhode Island, Mrs. KELLY, and Mr. LARSON):

H. Con. Res. 54. A concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement; to the Committee on International Relations.

By Mr. GOODLING:

H. Res. 108. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FOLEY:

H. Res. 109. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued recognizing the 4–H Youth Development Program's centennial; to the Committee on Government Reform.

By Mr. GALLEGLY (for himself, Mr. MENENDEZ, Mr. ACKERMAN, Mr. BALLENGER, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, and Ms. ROYBAL-ALLARD):

H. Res. 110. A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. CONYERS, Mr. HILLIARD, Mrs. CHRISTENSEN, Ms. NORTON, Mr. WYNN, Mr. JEFFERSON, Mr. RUSH, Mr. FORD, Mrs. MINK of Hawaii, Mrs. CLAYTON, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. STARK, Mr. SANDLIN, Mr. BRADY of Pennsylvania, Mr. KILDEE, Ms. VELÁZQUEZ, Ms. LEE, Mr. CUMMINGS, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. DIXON, Mr. UNDERWOOD, Mr. CLAY, Mr. TOWNS, Mr. OWENS, and Mr. RANGEL):

H. Res. 111. A resolution expressing the sense of the House of Representatives that the Supreme Court of the United States should improve its employment practices with regard to hiring more qualified minority applicants to serve as clerks to the Justices; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. ROHRABACHER and Mr. DOOLITTLE.

H.R. 14: Mr. HOSTETTLER.

H.R. 21: Mr. PICKETT, Mr. HERGER, Mr. SMITH of Washington, Mr. WELLER, Mr. PALLONE, Mr. DOOLEY of California, Mr. OSE, Mr. LEWIS of Kentucky, Mr. CRANE, Ms. SANCHEZ, and Mr. DEAL of Georgia.

H.R. 70: Mr. STUPAK, Mr. MALONEY of Connecticut, and Mr. FOSSELLA.

H.R. 90: Mr. HOLDEN, Mr. PALLONE, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. LaTOURETTE, and Mr. STUPAK.

H.R. 111: Mr. ENGLISH, Mr. KLINK, Mr. LUCAS of Oklahoma, Mr. POMEROY, Mr. GREENWOOD, Ms. McCARTHY of Missouri, and Mr. UPTON.

H.R. 120: Mr. STUPAK, Mr. NEY, Mr. SHOWS, Mr. BOUCHER, Mr. BACHUS, Mr. LaHOOD, Mr. STEARNS, and Mrs. WILSON.

H.R. 122: Mr. SHOWS.

H.R. 127: Mr. CROWLEY and Mr. RANGEL.

H.R. 175: Mr. JENKINS, Mr. WAMP, Mr. LIPINSKI, Ms. KILPATRICK, Mr. UDALL of Colorado, Mr. LARSON, Mr. LANTOS, Mrs. MYRICK, Mr. SUNUNU, Mr. SIMPSON, Mr. NETHERCUTT, Mr. DAVIS of Florida, Mrs. ROUKEMA, Mr. BACHUS, Mr. MANZULLO, Mr. BLAGOJEVICH, Mr. ADERHOLT, Mr. BARCIA, Mr. BISHOP, Mr. ANDREWS, Mr. FILNER, Mr. TANCREDO, Mr. HILLIARD, Mr. DOYLE, and Mr. MOORE.

H.R. 205: Mr. DEAL of Georgia.

H.R. 220: Mr. GOODLING.

H.R. 275: Mr. BURTON of Indiana.

H.R. 306: Mr. CARDIN, Mr. DICKS, Mr. FOLEY, Mr. HOYER, Mr. MATSUI, Mr. MOORE, Mr. RAHALL, and Ms. SANCHEZ.

H.R. 323: Mr. UDALL of Colorado, Mr. DOYLE, Mr. WYNN, Mr. SENSENBRENNER, Mr. FORBES, Mr. BLAGOJEVICH, Mr. BURR of North Carolina, Mrs. NORTHUP, and Mr. STUMP.

H.R. 351: Mr. THUNE.

H.R. 357: Mr. JACKSON of Illinois.

H.R. 362: Mr. WYNN and Mr. McNULTY.

H.R. 363: Mr. McGOVERN, Mrs. EMERSON, Mr. WYNN, and Mrs. CAPPS.

H.R. 364: Mr. WYNN.

H.R. 365: Mr. WYNN.

H.R. 366: Mr. WYNN.

H.R. 380: Mr. MEEHAN, Mr. McGOVERN, Mr. SHUSTER, and Mr. FORBES.

H.R. 399: Ms. DeLAURO and Mr. ABERCROMBIE.

H.R. 405: Mr. ALLEN, Mr. OSE, and Mr. GRAHAM.

H.R. 406: Mr. SUNUNU, Mr. ADERHOLT, Mr. BLUMENAUER, and Mr. RADANOVICH.

H.R. 413: Mrs. ROUKEMA, Mr. PASTOR, Ms. LOFGREN, Mr. LANTOS, Mrs. MEEK of Florida, Mr. LUTHER, Mr. DICKS, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mr. GEORGE MILLER of California, Mr. OBERSTAR, and Ms. ESHOO.

H.R. 430: Mrs. CAPPS and Mr. NETHERCUTT.

H.R. 434: Mr. PORTER and Mrs. MEEK of Florida.

H.R. 453: Mr. BROWN of California, Mr. DOYLE, Mr. BARCIA, Mr. BALLENGER, Mr. GOODLATTE, Mr. BOUCHER, Mr. MOORE, Mrs. CLAYTON, and Mr. LaTOURETTE.

H.R. 483: Mr. FOLEY.

H.R. 488: Ms. PELOSI.

H.R. 516: Mr. PACKARD.

H.R. 555: Mr. DAVIS of Illinois and Mr. MEEKS of New York.

H.R. 571: Mr. BURTON of Indiana.

H.R. 574: Mr. SHOWS.

H.R. 575: Mr. TOOMEY.

H.R. 576: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. INSLEE.

H.R. 599: Mr. HINOJOSA and Mr. HILLIARD.

H.R. 622: Mrs. THURMAN, Mr. BOEHLERT, Mr. McHUGH, Mr. MASCARA, and Mr. WELLER.

H.R. 644: Ms. LEE.

H.R. 645: Mr. GALLEGLY, Mr. SHOWS, Ms. BROWN of Florida, Mr. RUSH, Mr. INSLEE, and Ms. LOFGREN.

H.R. 664: Mrs. CLAYTON.

H.R. 670: Mr. BAIRD and Ms. DANNER.

H.R. 672: Mrs. JOHNSON of Connecticut, Mr. TANNER, Mr. HOUGHTON, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. RAMSTAD, and Mr. McCRERY.

H.R. 678: Mr. DICKEY, Mrs. MYRICK, Mr. GOODLATTE, Mr. ABERCROMBIE, Mr. GARY MILLER of California, Mr. MALONEY of Connecticut, Mr. HILL of Indiana, Mr. FALEOMAVAEGA, and Mr. NEY.

H.R. 709: Mr. RANGEL, Ms. NORTON, Ms. LOFGREN, Mr. LUTHER, Mr. McGOVERN, Mr. DeFAZIO, Mr. FROST, and Mr. WU.

H.R. 710: Mr. BOSWELL, Mr. LEACH, Mr. GRAHAM, Mr. HILL of Montana, Mr. NUSSLE, Mr. BRADY of Texas, and Mr. METCALF.

H.R. 731: Ms. ROS-LEHTINEN and Mr. ABERCROMBIE.

H.R. 732: Mr. STRICKLAND, Mr. LUTHER, Mr. CROWLEY, Mr. PASCRELL, Mr. RODRIGUEZ, Mr. FRANKS of New Jersey, and Mr. STUPAK.

H.R. 771: Mr. JENKINS and Mr. MURTHA.

H.R. 773: Ms. LOFGREN, Mr. STENHOLM, Mr. HILL of Indiana, Mr. LUCAS of Kentucky, Mr. UDALL of Colorado, Mr. KILDEE, Mr. MATSUI, Mr. DAVIS of Illinois, Mr. MENENDEZ, Mr. ROTHMAN, Mr. HOLDEN, Mr. BEREUTER, Mr. HORN, Mr. HOBSON, Mr. BASS, and Mrs. KELLY.

H.R. 777: Mr. PAYNE.

H.R. 789: Mr. KING of New York and Mr. RANGEL.

H.R. 798: Mr. NADLER, Ms. NORTON, and Mr. MATSUI.

H.R. 804: Mr. KLINK.

H.R. 815: Mr. CONYERS.

H.R. 832: Mr. TIERNEY and Mr. SANDLIN.

H.R. 833: Mr. ADERHOLT and Mr. JENKINS.

H.R. 835: Mr. GOODLING, Mr. THOMAS, Mr. GEPHARDT, Mr. OSE, and Mr. HINOJOSA.

H.R. 837: Ms. DeGETTE, Ms. WATERS, Ms. RIVERS, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Ms. VELÁZQUEZ, Mr. SCOTT, and Ms. LOFGREN.

H.R. 850: Mr. CALVERT and Ms. SLAUGHTER.

H.R. 851: Mr. LaTOURETTE, Mr. OLVER, Mr. RUSH, Mr. EHRLICH, Mr. WALSH, Mr. BARCIA, Mr. SMITH of Michigan, Mr. REYES, Mr. CAMPBELL, Mrs. KELLY, Mr. LAMPSON, Mr. GEORGE MILLER of California, Mr. NORWOOD, Mr. CASTLE, Mr. DEAL of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 860: Mr. HOEFFEL.

H.R. 864: Mr. BALDACCI, Mrs. MYRICK, Mr. OLVER, Mr. BACHUS, Mr. DICKEY, Mr. FILNER, Mr. DAVIS of Florida, Mr. ADERHOLT, Mrs. ROUKEMA, Mr. FROST, Mr. CLAY, Mr. ANDREWS, Mr. BARCIA, Mr. TANCREDO, Mr. SIMPSON, Mr. HILLIARD, and Mr. ROGERS.

H.R. 866: Mr. NEY.

H.R. 878: Mr. RADANOVICH, Mr. HEFLEY, Mr. SKEEN, Mr. SCHAFFER, Mr. PETERSON of Pennsylvania, Mrs. CHENOWETH, Mr. CALVERT, Mr. HAYWORTH, Mr. PETRI, Mr. HASTINGS of Washington, Mr. LEWIS of Kentucky, and Mr. SAM JOHNSON of Texas.

H.R. 883: Mr. GUTKNECHT, Mr. HOBSON, Mr. WATTS of Oklahoma, Mr. TALENT, Mr. McCRERY, Mr. SALMON, and Mr. CHABOT.

H.R. 889: Mrs. CLAYTON, Mr. KILDEE, Ms. VELÁZQUEZ, Mr. WYNN, Mr. WALSH, Mr. GREEN of Texas, Mr. UNDERWOOD, Ms. PRYCE of Ohio, and Ms. LOFGREN.

H.R. 890: Mrs. CLAYTON, Mr. KILDEE, Ms. VELÁZQUEZ, Mr. WYNN, Mr. WALSH, Mr. GREEN of Texas, Mr. UNDERWOOD, Ms. PRYCE of Ohio, and Ms. LOFGREN.

H.R. 895: Mr. BILBRAY, Mrs. JOHNSON of Connecticut, and Mr. HORN.

H.R. 903: Mr. FOLEY.

H.R. 925: Mr. BONIOR, Mr. WYNN, Mr. KILDEE, Ms. ESHOO, Mr. LAMPSON, Ms. LOFGREN, Ms. PELOSI, Mr. STRICKLAND, Mr. PAYNE, Mr. DAVIS of Illinois, Mrs. TAUSCHER, and Mr. BLAGOJEVICH.

H.R. 959: Mr. MARKEY, Mr. PAYNE, Mr. OLVER, Mr. SHOWS, Mr. McDERMOTT, Mr. MEEHAN, MR. GEORGE MILLER of California, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, Mr. PASTOR, Mr. BOUCHER, Mr. RUSH, Ms. BALDWIN, Mr. ORTIZ, Mr. WEINER, Mr. UNDERWOOD, Mr. CONYERS, Mr. FILNER, Mr. TIERNEY, Mr. FRANK of Massachusetts, Ms. DeLAURO, and Mr. HALL of Ohio.

H.R. 979: Mr. HOUGHTON, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. THOMPSON of California, Mr. PETERSON of Minnesota, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. SHOWS, and Mr. BROWN of Ohio.

H.R. 984: Mr. JEFFERSON.

H.R. 987: Mr. TALENT and Mr. BACHUS.

H.R. 991: Mrs. TAUSCHER and Mr. UNDERWOOD.

H.R. 996: Mrs. THURMAN, Ms. HOOLEY of Oregon, Mr. UDALL of Colorado, Mr. SANDERS, Mr. HILLIARD, Mr. HOLT, and Mr. MOAKLEY.

H.R. 997: Mr. FOLEY, Mrs. KELLY, and Mrs. MORELLA.

H.R. 999: Mrs. KELLY.

H.R. 1000: Mr. DICKEY, Mr. TRAFICANT, Mr. HOLDEN, Mr. LaTOURETTE, Mr. KLINK, Mr. COSTELLO, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. BLUMENAUER, Mr. COOKSEY, Mr. RAHALL, Mr. BASS, Ms. BROWN of Florida, Mr. DOOLITTLE, Mr. BOSWELL, Mr. TAUZIN, Mr. LAMPSON, Mr. BEREUTER, Ms. MILLENDER-McDONALD, Mr. KUYKENDALL, Ms. NORTON, Mr. ISAKSON, and Mr. EHLERS.

H.R. 1002: Mr. DOOLITTLE.

H.R. 1011: Mr. FRANK of Massachusetts.

H.R. 1015: Mr. DIXON and Mr. GEORGE MILLER of California.

H.R. 1022: Mr. COSTELLO, Ms. LOFGREN, and Mr. BERMAN.

H.R. 1030: Mr. FARR of California.

H.R. 1034: Mr. PICKETT.

H.R. 1062: Mr. BLAGOJEVICH and Mrs. MORELLA.

H.J. Res. 25: Mrs. MYRICK, Mr. BARRETT of Nebraska, Mr. SWEENEY, Mr. HILL of Indiana, Mr. BRADY of Pennsylvania, and Mr. HAYWORTH.

H.J. Res. 34: Mrs. KELLY, Mr. HILL of Indiana, and Mr. BOYD.

H. Con. Res. 8: Mrs. NORTHUP, Mr. McGOVERN, and Mr. KIND of Wisconsin.

H. Con. Res. 24: Mr. VENTO, Mr. DAVIS of Illinois, Mr. HYDE, Mr. McKEON, and Ms. BALDWIN.

H. Con. Res. 30: Mr. NETHERCUTT, Mr. NEY, Mr. BURTON of Indiana, and Mr. PAUL.

H. Con. Res. 31: Mr. MARTINEZ and Mr. MALONEY of Connecticut.

H. Res. 59: Mr. BLUNT.

H. Res. 62: Mr. BERMAN, Mr. SMITH of Washington, Mr. LANTOS, and Ms. MILLENDER-MCDONALD.

H. Res. 89: Ms. LOFGREN, Mr. NADLER, Mr. BALDACCI, and Mr. KING of New York.

H. Res. 102: Mr. METCALF, Mr. KING of New York, Mr. DELAY, Mr. FORBES, Mr. PITTS, Mr. COBURN, and Mr. LARGENT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 744: Mr. GEJDENSON.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO HELP THE NATION'S SAFETY NET HOSPITALS: CARVE-OUT OF DISPROPORTIONATE SHARE HOSPITAL PAYMENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. RANGEL. Mr. Speaker, I am today introducing legislation to give equitable treatment to the Nation's safety-net hospitals, the hospitals which serve a disproportionate share of the Nation's uninsured and low-income. I am pleased to be joined by Representatives STARK, QUINN, WALSH, and 26 other Members.

Our bill "carves out" Disproportionate Share Hospital (DSH) payments from the amount we give HMOs and pays those DSH funds directly to DSH hospitals when managed care company patients use a DSH hospital.

This legislation completes a process well-started in the Balanced Budget Act. In the just-enacted Balanced Budget Act, we "carved out" from what we pay HMOs the amount attributable to the cost of Graduate Medical Education (GME) and provided that, when an HMO's patient actually uses a GME Hospital, that hospital will be directly reimbursed by Medicare for its extra GME expenses. This provision corrects a serious problem facing our Nation's teaching and research hospitals: HMOs get paid as if they use these hospitals, but in many (but not all) cases, HMOs avoid these more expensive hospitals. The "carve out" will prevent windfalls to HMOs and permit the GME hospitals to compete fairly for HMO patients.

The same logic that supported the GME carve-out supports the DSH carve-out. Though the Senate Finance and Commerce Committees' bills provided for both a DSH carve-out and a GME carve-out, the DSH carve-out was dropped from the final BBA. There is no logic to not applying the same principle to DSH payments.

Our Nation's safety-net hospitals desperately need these extra payments—and HMOs which do not use DSH hospitals do not deserve the extra amount. As data from 1995 show, the Nation's public hospitals in over 100 of America's largest metropolitan areas are the key safety-net hospitals. These hospitals make up only about 2 percent of all the Nation's hospitals, yet they provide more than 20 percent of all uncompensated care and they rely on Medicare and Medicaid to fund more than half of that uncompensated care. In 1995, 67 of these safety-net hospitals reported incurring $5.8 billion in uncompensated care costs (defined as bad debt and charity care)—an average of over $86 million per hospital. For these institutions, bad debt and charity care represented 25 percent of their total gross charges. And this disparity is only getting worse. Private and for-profit hospitals are increasingly competing for Medicaid patients (who at least bring with them some government reimbursement) and leaving the totally uninsured to these disproportionate share safety-net hospitals. These safety-net hospitals have the worst total margins (i.e., "profits") in the hospital industry. Overall, hospital margins from Medicare payments are at record highs and this fact justified the Medicare payment update freeze and reductions which were included in the Balanced Budget Act. But the Prospective Payment Assessment Commission estimates that in 1997 the Nation's major teaching hospitals (who also tend to be DSH hospitals) will have the lowest total margins of any hospital category: 3.9 percent—a thin and shrinking margin that will surely turn negative in the next economic downturn. The enactment of this legislation could help improve these margins and preserve these hospitals.

Providing a DSH carve-out will also help these hospitals compete equally for managed care patients. Failing to provide a carve-out serves as an incentive to managed care plans not to use these more expensive hospitals. A recent White Paper from the National Association of Public Hospitals and Health Systems entitled "Preserving America's Safety Net Hospitals" explains why the DSH carve-out should be legislated:

> The current methodology for distributing Direct Graduate Medical Education, Indirect Medical Education, and DSH payments is seriously flawed in the Medicare managed care context. For Medicare patients enrolled in managed care, these supplemental payments are incorporated into the average adjusted per capita cost (AAPCC) which is the capitation payment made to managed care plans. The plans do not necessarily pass these payments along to the hospitals which incur the costs that justify the payments. In fact, some plans receive the payments and do not even contract with such hospitals. As Medicare increases the use of capitated risk contracting, the amount of DGME, IME, and DSH funds that go to teaching hospitals will diminish considerably unless this payment policy is changed. In essence, payments intended to support the costs of teaching or low income care are being diverted from the hospitals that provide the care to managed care plans that are not fulfilling this mission. For this reason, the GME and DSH payments must be carved out of the AAPCC rate and made directly to the hospitals that incur those costs.

The carve-out for graduate medical education was wisely included in the Balanced Budget Act. It is logical, appropriate, and important that we complete the work and carve out the DSH payments.

I want to thank the Greater New York Hospital Association, the American Hospital Association, and the Healthcare Association of New York State (HANYS) for their support of the bill in the 105th Congress (H.R. 2701), and we look forward to working with them on the issue in the 106th Congress.

IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE DUNSMUIR HOUSE AND GARDENS IN OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. LEE. Mr. Speaker, I rise in celebration of the 100th anniversary of the establishment of the Dunsmuir House and Gardens in Oakland, CA. This milestone will be commemorated with a year-long series of special events including lectures, concerts, and exhibits, beginning on Thursday, March 11, 1999, to celebrate the Dunsmuir estate and the history of the City of Oakland.

The Dunsmuir House and Gardens is a 50-acre early 20th century summer estate located in the hills of northeast Oakland. The estate features a 37-room, 16,224 square foot neoclassical revival mansion, carriage house, and barn, as well as additional farm buildings and a beautifically manicured landscape.

The estate was built by Alexander Dunsmuir as a wedding gift for his bride Josephine Wallace. In 1906, the estate was purchased by L.W. Hellman and later sold to the City of Oakland in the early 1960s. In 1971, the Dunsmuir House & Gardens, Inc. (DHGI), was formed to provide public access to the estate and grounds.

The Dunsmuir House & Gardens, Inc., is a non-profit organization with over 200 volunteers responsible for the restoration, preservation, and management of the Dunsmuir Estate. Throughout the year, DHGI presents several multi-cultural events, tours, and educational programs that provide opportunities for the public to enjoy the estate.

The mission of DHGI is to preserve and restore the buildings and grounds while maintaining their historic character; to interpret the valuable historical, cultural, architectural, and horticultural resources for the estate during the period of 1900 to 1910; to operate and maintain the estate for the enjoyment and education of the public; and to encourage the community's use of the property while maintaining a balance between site use and preservation.

The Dunsmuir House has been designated as a National Historic Site by the United States Department of the Interior and has been placed on the California Historic Register by the California Office of Historic Preservation. The Dunsmuir House is also designated as a Historic Landmark by the City of Oakland.

Throughout this centennial celebration, the Dunsmuir Estate will be alive with new construction and preservation projects. A new

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Garden Pavilion will be constructed in 1999, featuring a ballroom and meeting space which will accommodate up to 299 guests. During the construction of the new Garden Pavilion, a Garden Tent will also be installed on the estate.

In order to preserve, protect, and restore the Dunsmuir estate, DHGI relies on memberships and financial donations as well as donations and loans of furniture, art, collectibles, books and clothing from the turn-of-the-century.

The Dunsmuir House is truly a source of civic pride and a valuable resource for the community, and I am excited to join in the celebration of the 100th anniversary of its establishment.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H.R. 808, the Chapter 12 Farm Bankruptcy Bill, of which I am a cosponsor.

During the farm crisis of the 1980's, Congress recognized that the bankruptcy code failed to address the needs of most family farmers. In an effort to fill this void, Congress in 1986 enacted Chapter 12 of the bankruptcy code providing relief designed specifically for family farmers. Chapter 12 enabled family farmers to reorganize their debt and continue to operate, rather than having to liquidate, when they declared bankruptcy.

Chapter 12 is scheduled to expire in 3 weeks, on April 1, 1999. The Chapter 12 Farm Bankruptcy Bill, will extend Chapter 12 of the bankruptcy code for 3 additional months and continue this much needed bankruptcy option until it can be made permanent with the bankruptcy reform legislation that will be heard later this year.

Family farmers, the backbone of our country, deserve an opportunity to reorganize their debts and continue operating after they have declared bankruptcy. I support H.R. 808 and urge it's immediate passage.

TRIBUTE TO THE LATE ROBERT HAWTHORNE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, today I pay tribute to Mr. Robert J. Hawthorne who passed away on February 19, 1999. Mr. Hawthorne was a motivator, educator, and served as a positive role model for many of the youths in his community.

Mr. Hawthorne received his early education at Jackson Lanier High School. Upon completion, he entered Tougaloo College, my alma mater, in Tougaloo, MS. Mr. Hawthorne's stay at Tougaloo was temporarily put on hold in order for him to serve his country in the United States Army. After being discharged from the service, he returned to Tougaloo College and received his degree.

In the early 1960's, Mr. Hawthorne moved to the Delta where he embarked on a 36-year teaching and coaching career in the Hollandale School District in Hollandale, MS. The highlight of Mr. Hawthorne's career came when he was inducted into the Mississippi Association of Coaches Hall of Fame. Over the 36-year span, Mr. Hawthorne compiled a football record of 154–110–13 including several conference and district championships. In addition to coaching football, Mr. Hawthorne contributed to the boys and girls basketball teams and the boys and girls track teams. The fruits of Mr. Hawthorne's labor of love have resulted in his athletes going on to become doctors, lawyers, teachers, politicians and successful business persons.

Mr. Speaker, Mr. Hawthorne was truly an asset to the Second Congressional District of Mississippi. He served as a pillar of strength and hope for young people in the Mississippi Delta. If there ever was an example for a role model, Mr. Hawthorne would certainly fit the bill. He will be surely missed by all.

CONTINUATION OF AID DENIAL FOR TURKEY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. PORTER. Mr. Speaker, I want to express my support for the continuation of current U.S. Policy regarding economic and military assistance to the Government of Turkey.

Over the past decade, I have worked tirelessly, as a member of the House Appropriations Committee to end the practice of providing scarce U.S. foreign assistance dollars to abusive governments around the world. Turkey is one example where sustained action by concerned Members of Congress has had an important impact. In 1995, despite a deplorable human rights record and consistently poor relations with its neighbors, Turkey was the third largest recipient of U.S. foreign assistance. Through the efforts of Congressman ANDREWS and many other concerned Members, we were able to end direct assistance to Turkey in fiscal year 1999. Today, I call upon Congress to maintain this policy as we begin working on the appropriations bills for the coming fiscal year.

The U.S. State Department and numerous non-governmental organizations both in and outside Turkey, have compiled a thorough record of the serious human rights problems that persist in Turkey to this day. The international community has continuously expressed dismay with Turkey's refusal to withdraw troops from Cyprus, its total rejection of any political solution to the Kurdish problem, and its ongoing mistreatment of the Kurds and other minority groups. Unfortunately, Turkey has done little to address these problems or move any closer to the standards of behavior that are expected of a country which desires a place in Europe and in the community of democratic nations.

I regret that the Turkish government has refused to accept responsibility for or take steps to correct the problems that hold Turkey back from its potential positive role in the region and the world. Until such time as that government does make a genuine effort to address these serious issues, the U.S. Congress must continue to send a strong message by refusing to permit U.S. taxpayer funds to be squandered on an abusive government that refuses to conform itself to the basic international standards that we hold dear. I do not always agree with the policies of the Administration when it comes to Turkey, but I am pleased to note that there was not a request for economic or military assistance for Turkey in the President's budget for Fiscal Year 2000. I am pleased that the Administration has finally come around to the view shared by a majority of the Members of the House of Representatives on this issue, and I am hopeful that this signals a new willingness on the part of the Executive Branch to work with Members on a more constructive approach to improving Turkey's human rights practices.

HONORING ARTHUR O. EVANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of a man who has made it his life's work to protect and defend human dignity, and to ensure the safety of our streets for our citizens and our children. On March 12, friends and family will gather to honor the career of Arthur O. Evans, who is retiring after more than 30 years in law enforcement.

It is difficult to imagine what the Flint, MI community would be like had it not been for the influence of Art Evans, an influence which began after he joined the Flint Police Department, following the end of his tenure as a member of the U.S. Air Force Air Police. Art began his career as a police officer in 1968, and rose through the ranks becoming a sergeant in 1974 and a lieutenant in 1984. During his tenure with the Flint police, Art served in divisions such as the Criminal Investigation Bureau, Neighborhood Foot Patrol, and the Inspection Bureau. During this time, Art also attended Flint Junior College and Michigan State University, earning degrees in Police Administration, Criminal Justice, and Criminal Justice Education and Administration. For over 25 years, he also worked as a Criminal Justice instructor at the University of Michigan-Flint, Saginaw Valley State University, and Mott Community College. In February 1985, Art was appointed Undersheriff of Genesee County, thereby giving him a larger jurisdiction and a greater opportunity for public service.

Art has often been involved in groups such as the Genesee County Association of Chiefs of Police, Flint Area Crime Stoppers, National Organization of Black Law Enforcement Executives, and the International Association of Chiefs of Police. He has worked to enhance the quality of life for his constituents through his involvement in groups such as Genesee County Violence Prevention Coalition, Mott Community College Criminal Justice Advisory Board, and the National Council on Alcoholism.

Art has many times stepped from behind his badge through his work with the Boy Scouts of America, Bishop International Airport Authority, and the YMCA. He has been General Chairperson for the Untied Negro College Fund in Genesee County, President of the Urban League of Flint Board of Directors, and President of the Flint Board of Education.

Mr. Speaker, many people in the Flint area, myself included, have greatly benefitted from Art Evans' insight and experience. He has truly made Genesee County a better place in which to live. I ask my colleagues in the 106th Congress to join me in congratulating him for his dedication and commitment to justice.

PROVIDING FOR USE OF CATAFALQUE IN CRYPT BENEATH ROTUNDA OF CAPITOL IN CONNECTION WITH MEMORIAL SERVICES FOR THE LATE HONORABLE HARRY A. BLACKMUN, FORMER ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. LUTHER. Mr. Speaker, I rise today to pay tribute to the life and legacy of late Supreme Court Justice Harry Blackmun. Ascending from a modest St. Paul Childhood to the Nation's highest court, Mr. Blackmun served the people of Minnesota for decades with his meticulous yet open legal mind before dutifully serving his Nation as Supreme Court Justice for 24 years.

Reflective and courageous Justice Blackmun bore great personal burdens in order to translate the Constitution's theory of liberty into fundamental guarantees for all people. He was a genuine and humble public servant. His passing will be mourned by people everywhere.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. LAZIO of New York. Mr. Speaker, I rise today to introduce legislation that will allow states the option of providing Medicaid coverage to women who have been diagnosed with breast and cervical cancer through the federal government's National Breast and Cervical Cancer Early Detection Program (NBCCEDP).

This bill would allow women who are screened through the CDC program and diagnosed with cancer to help obtain the quality treatment they deserve. The Breast and Cervical Cancer Treatment Act would allow women to focus their efforts on getting well instead of worrying about how they or their family will be able to pay for their treatment.

Currently, screening services through this CDC-administered program are provided to women who earn too much to be eligible for Medicaid but not enough for private insurance. The nine-year-old-program exists in 50 states, in five U.S. territories, in the District of Columbia, and through 15 American Indian/Alaska Native organizations.

The CDC screening program is a terrific success and has saved an untold number of lives. Since its inception in 1990, the program has provided more than 1.5 million screening tests to women who might have otherwise not had access to it.

More than 700,000 mammograms have been provided to primarily low-income women. Of this number, over 48,000 of the tests were abnormal, and over 3,600 cases of breast cancer were diagnosed. In addition, through the 850,000 cervical cancer screenings, more than 26,000 pre-cancerous lesions were detected, and 400 women were diagnosed with invasive cervical cancer.

But frankly, screening and early detection are only half the battle. These proactive efforts must be coupled with a quality plan for follow-up treatment. As the CDC program works today, treatment for these women is—at best—an ad hoc system. Women must rely on a tremendous amount of time and effort from volunteers, state workers, doctors, public hospitals, and others, to find appropriate treatment services for their disease. Follow-up services are very rare, and 5% of women in this program are never even treated. Congress needs to provide a plan that follows through for these women.

In my district of Long Island, the severity of this problem is very real. My staff has dealt with a number of women with varying issues that stemmed from this loophole of care in the current system.

For example, one women from Suffolk County—while she was extremely grateful for the screening programs available to her—often referred to her treatment as "begging" because she often had to get treatment anywhere she could find it.

Another constituent with breast cancer felt like her disease was "public" because she found that the only way to get treatment as a women in this situation is to tell every advocate and every doctor about your situation—to make these extraordinarily personal problems public—in the hope that someone can find what you need and help.

Finally, one women chose not to get tested because she knew that treatment would not be guaranteed. This final example is what frightens me the most—some women are avoiding a screening that could save their life because of the potential expense it might cost them.

Seeing a need to complete this quality program, I joined with my colleagues Rep. ANNA ESHOO and Rep. ILEANA ROS-LEHTINEN, to sponsor The Breast and Cervical Cancer Treatment Act of 1999. Our legislation will allow states the option of providing Medicaid coverage to women who have been screened and diagnosed with breast and cervical cancer through the CDC program. In my view, this bill is the best long-term solution. Congress needs to ensure Americans that our government programs are working for them and that Congress is making the right decisions.

I am proud to introduce this critical piece of legislation in an effort to ensure that all women of all income levels will have access to the screening and appropriate and quality treatment to help combat this terrifying disease.

INTRODUCTION OF THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. ESHOO. Mr. Speaker, I rise today to talk about two diseases we all hope to avoid but which often touches too many of our lives—breast and cervical cancer.

Mr. Speaker, breast and cervical cancer are killers. Breast cancer kills over 46,000 women each year and is the leading cause of death among women between 40 and 45. Cervical cancer will kill, 4,400 of our wives, daughters, mothers and sisters this year.

In 1990, Congress took the first step to fight breast and cervical cancer by passing the Breast and Cervical Cancer Mortality Prevention Act. This law authorized a breast and cervical cancer-screening program for low-income, uninsured or underinsured women through the Centers for Disease Control (CDC).

This law was an important first step, but it was only a first step. While the current program covers screening services, it does not cover treatment for women who are found to be positive through the program. The bill I am introducing today with my colleagues, Representatives LAZIO, CAPPS, and ROS-LEHTINEN, takes the next critical step by providing lifesaving treatment for these dreaded diseases.

Our bill, the Breast and Cervical Cancer Treatment Act of 1999, would establish an optional state Medicaid benefit for the coverage of certain women who were screened and diagnosed with breast or cervical cancer under the CDC National Breast and Cervical Cancer Early Detection Program.

Thankfully, Mr. Speaker, we possess the technology to detect and treat breast and cervical cancer. But we must pair this with the will to help women fight these diseases. The current method of providing treatment is through an ad hoc patchwork of providers, volunteers, and local programs that often results in unpredictable, delayed, or incomplete. Our bill would provide a consistent, reliable method of treatment for uninsured and underinsured women fighting breast or cervical cancer.

Mr. Speaker, I am pleased to say that over 90 of my colleagues from both sides of the aisle have already signed on to be original cosponsors of the Breast and Cervical Cancer Treatment Act. These members who have shown their support for this bill recognize that breast and cervical cancer are not only women's diseases. For the son who has lost a mother, the husband who has lost a wife, or the mother who has lost a daughter, this disease is a family disease.

In the last decade we have made great strides in diagnosing and treating breast and cervical cancer. But the causes of these cancers remain unknown and for many women how they will pay for their treatment remains unknown as well. Mr. Speaker, our hope is that Breast and Cervical Cancer Treatment Act will help change that.

IN HONOR OF AMELIA ASHLEY-WARD, PUBLISHER OF SUN-REPORTER PUBLISHING COMPANY BY THE SAN FRANCISCO NAACP

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. LEE. Mr. Speaker, I rise in recognition of the honor bestowed upon Amelia Ashley-Ward by the San Francisco NAACP for her outstanding career in the field of journalism.

Ms. Ashley-Ward is the publisher of the Sun-Reporter Publishing Company and was recently named "Publisher of the Year" by the National Newspaper Publishers Association (NNPA).

The Sun Reporter Publishing Company publishes nine weekly newspapers throughout Northern California, including the Sun-Reporter, the California Voice and the Oakland Metro Reporter. Through these various publications the African-American community is kept informed of issues affecting African-Americans politically, economically, and culturally.

Ms. Ashley-Ward assumed control of the Sun-Reporter following the death of Dr. Carlton Goodlett, its longtime leader. Since then, she has revitalized the company and continued Dr. Goodlett's crusade for social justice.

Ms. Ashley-Ward's achievements in journalism as a reporter, photo-journalist, Editor of the California Voice, Managing Editor and now Publisher of the Sun-Reporter are significant. These awards include the 1997 Woman of the Year designated by the San Francisco Black Chamber of Commerce; the Leslie Urquhart Community Service Award; and the leaders in Action Award in journalism.

Ms. Ashley-Ward is an executive board member of the NAACP, serving as 2nd Vice President.

Ms. Ashley-Ward is also the Founding President of the Young Adult Christian Movement, which is an outreach organization that discusses faith and how to make one's life better spiritually.

I want to join with the NAACP and with community leaders throughout the Bay Area and the nation to pay tribute to the work and legacy of Ms. Amelia Ashley-Ward.

H.R. 473—PROVIDING ASSISTANCE TO FARMERS FOR CROP DISEASES AND VIRUSES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced H.R. 473, to ensure that farmers who suffer crop losses due to plant viruses and plant diseases are eligible for crop insurance and noninsured crop assistance programs and that agricultural producers who suffer such losses are eligible for emergency loans.

Pandemics of plant viruses and diseases regularly destroy the crops of entire farms and often the crops of entire geographic areas. A single plant virus or disease outbreak can send farms into bankruptcy and farmers are left without any means of recovering. Agriculture producers can qualify for emergency loans when adverse weather conditions and other natural phenomena have caused severe physical crop property damage or production losses, however, under current law, crop viruses and diseases are not considered "natural disasters" and thus are not eligible for these types of loans.

For example, in Hawaii, the State recently ordered the eradication of all banana plants on the entire island of Kauai and in a 10 square-mile area on the Big Island in an effort to eradicate the banana "bunchy top" virus. A court order required compliance of all who did not cooperate and farmers were ordered to destroy their entire farm and livelihood without any compensation. These farmers do not qualify for emergency loans or disaster assistance and many were left with no other option but to sell their farms.

The survival of our Nation's farmers is largely dependent upon the unpredictable temper of mother nature. We provide our farmers with assistance when adversely affected by severe weather but that is not enough. Emergency loans and disaster assistance must be made available to farmers for crops suffering from calamitous plant viruses and diseases.

H.R. 473 would enable farmers to qualify for crop insurance programs, noninsured assistance programs, and low-interest emergency loans, when devastated by crop losses due to plant viruses and diseases.

I invite my colleagues to cosponsor this worthy legislation and I urge immediate consideration of H.R. 473 in the House.

TRIBUTE TO LILLIAN WEST-ADAMS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, today I pay tribute in memory of a dear friend who recently passed away, Mrs. Lillian West-Adams. Mrs. West-Adams was indeed a friend to me and many people in her community and will be missed by all.

Mrs. West-Adams was born December 17, 1940 in Bolton, MS. She was the third of four children. Her education began in the elementary and secondary schools of Hinds County Public School System. She went on to receive a Bachelor of Science Degree in Home Economics from Alcorn College in Lorman, MS.

She left Alcorn for Chicago after receiving her degree. It was there where Lillian accepted a teaching position with the Chicago Board of Education. It was also in Chicago where she met and later married Mr. Lonnie E. Adams. This union was blessed with one daughter, Larissa J. Adams. Education and enriching the lives of young people became her lifelong commitment.

Mrs. West-Adams will always be remembered as a warm and giving person. Whether it was her family, friends or community, she was willing to go the extra mile. In closing Mr. Speaker, I would like to say that Mrs. Lillian West-Adams made a tremendous contribution to the future of America by imparting knowledge to countless numbers of young people. My prayers go out to her family.

SENSE OF CONGRESS URGING CRITICISM OF PEOPLE'S REPUBLIC OF CHINA FOR HUMAN RIGHTS ABUSES IN CHINA AND TIBET AT ANNUAL MEETING OF UNITED NATIONS COMMISSION ON HUMAN RIGHTS

SPEECH OF

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. PORTER. Mr. Speaker, I rise today in strong support of H. Con. Res. 28. Congress must strongly signal the administration in urging the United Nations to criticize China's human rights record.

Let me start by thanking the gentleman from New York (Mr. GILMAN) for bringing this resolution to the floor, and so many of my other colleagues including the gentleman from California (Mr. LANTOS), the gentleman from Virginia (Mr. WOLF), and the gentlewoman from California (Ms. PELOSI) for their efforts to focus the attention of this body on the human rights situation in China.

China recognizes the U.N. Declaration of Human Rights as does this great Nation of ours. Unfortunately, China's recognition of this monumental document lives only on paper. China has proven through its repeated mistreatment of its citizens, its continuing genocide in Tibet, and the lack of fundamental freedom of religion and expression that it does not stand for the most basic of human rights. The United States must no longer accept China's defiance of the precepts of the U.N. Declaration on Human Rights, which the rest of the international community accepts and lives by.

China is witnessing the worst crackdown on dissent since the days immediately following the Tiananmen Square massacre. Since this crackdown began in November, the United States along with the international community has done little to condemn China. When three prominent dissidents were given absurd prison sentences for their efforts to register the China Democracy Party, there was barely a sound from our administration. When a leading labor activist was arrested for giving an interview on Radio Free Asia, there was hardly a word. When a computer entrepreneur was arrested for selling e-mail addresses to a magazine which promotes democracy, the silence was deafening. While brave warriors for democracy sit in jail or labor in work camps, the administration has declined to stand up for these people and for the principle they embody. China's actions are indefensible; it is time our Nation stands up and shows China that its actions are unacceptable and the international community is watching.

Promotion and preservation of basic human rights is an issue for the entire international community—it is not China's internal matter. I urge the administration to begin a genuine dialog with the Congress in order to demonstrate the sincerity of its desire to work with the Congress to address the very serious human rights problems in China.

I ask all of you to join me in urging this administration to send a unequivocal message to China by having the United Nations criticize its human rights record. The United States must take the lead in preserving the most basic of rights for the people around the world and it must take a stand against the horrendous policies which China continue to live by.

HONORING PASTOR EDDIE McDONALD, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. KILDEE. Mr. Speaker, I come before you today with a heavy heart, as I stand here to recognize the achievements of a great man who gave much to his family, his community, and to the Lord. On March 8, Pastor Eddie McDonald, Sr. of Friendship Missionary Baptist Church in Pontiac, Michigan, joined the Lord after a lifetime of service.

For many years, Pastor Eddie McDonald was known as one of the most respected and influential leaders in the City of Pontiac. It is nearly impossible to imagine what the Pontiac area would be like had Pastor McDonald chosen not to move here from his home in Fayetteville, North Carolina in 1953. In 1958 he joined the congregation of Messiah Missionary Baptist Church. He was ordained as a deacon in January 1959 and became a minister on March 18, 1962.

In 1966, Pastor McDonald began a street ministry, and the following year organized Bibleway Missionary Baptist Church, serving as Pastor through its first year. On March 28, 1968, Pastor McDonald became the pastor of Friendship Missionary Baptist Church, and held the position up until his untimely death.

Pastor McDonald's influence extended not only in the Church, but the community as well. He was affiliated with a number of professional and charitable organizations including the Pontiac Ecumenical Ministry, Pontiac Citizen's Coalition, Lighthouse and the Pontiac Youth Assistance Program. Pastor McDonald also served as president of the Oakland County Ministerial Fellowship. Not limiting his good deeds to the State of Michigan, he and his family have been instrumental in food and clothing drives benefitting needy individuals throughout the country.

Mr. Speaker, when Pontiac became a part of my district, I was told by many that the first person I should meet was Pastor Eddie McDonald. This advice proved to be beneficial because from it, I gained a resource, an ally, a confidant, and most importantly, a friend. My sincerest condolences go out to his wonderful wife, Mary, their extended family, and the congregation of Friendship Missionary Baptist Church. He will be sorely missed.

TRIBUTE TO MAYOR THOMAS A. EGAN

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. LUTHER. Mr. Speaker, I come before the House today to honor a devoted public servant, Thomas A. Egan of Eagan, MN. After 20 distinguished years as council member and mayor of Eagan, Tom recently decided to retire from public service. Although his leadership will be greatly missed, Tom's legacy is the shared sense of community and responsibility that Eagan residents will carry into the new millennium.

Tom also served a successful tenure as president of the National Organization to Insure a Sound-Controlled Environment (NOISE) where he was a tireless advocate of airport noise mitigation. Tom's dedication to airport noise reduction helped communities and citizens nationwide address the adverse effects of increased noise pollution.

On behalf of these communities and citizens, especially his constituents in Eagan, MN, we greatly appreciate all of Tom's contributions and efforts and we wish him all the best in his future endeavors.

CONGRATULATING THE MEMBERS OF THE UNIVERSITY HIGH SCHOOL MARIACHI CULTURAL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. EDWARDS. Mr. Speaker, I rise today to offer my best wishes to the members of the University High School's Mariachi Cultural. This group represents Texas' multicultural heritage and helps instill pride in our Hispanic culture.

The group was started in March 1997, under the capable leadership of Jose Nino. Since then, the volunteer student group has performed at numerous events and was featured on Univision, the international cable station.

Earlier this year, the group was able to purchase new uniforms after a successful fundraising effort. The Waco community came out full force for this talented musical group and made the new uniforms a reality.

I ask members to join me in congratulating this special group on their musical successes.

THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 1999

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. NEY. Mr. Speaker, I rise today in support of the Public Safety Employer-Employee Cooperation Act of 1999, a bill I proudly re-introduce with the gentleman from Michigan, Mr. KILDEE.

This legislation, which was originally introduced in the 105th Congress and had 203 cosponsors, establishes modest, minimum federal standards relating to collective bargaining for those groups who provide safety and security to the public, namely our fire fighters and police officers.

Unfortunately, many of those whose job it is to protect the public from danger are left to fend for themselves. They do not have the right to negotiate such basic issues as hours, wages and conditions of employment because some states still do not provide collective bargaining rights for their public employees. This is especially troublesome since fire fighters and police officers take their oaths to serve and protect the public very seriously, putting themselves at risk for the public's well-being.

Our bill recognizes the public safety officers' unique situation by creating a special collective bargaining right outside the scope of other federal labor law. More importantly, it does so without dictating to the states what their specific laws should be since the legislation is general enough to preserve a state's right to implement a collective bargaining statute on their own terms. Furthermore, states that already have collective bargaining laws in place would be exempt from the federal statute.

I would like to make it clear that this legislation does not permit strikes by public safety officers nor does it provide for mandatory binding arbitration. This is in keeping with the bill's intent to provide a basic and fundamental right of negotiating for those who protect us without endangering the lives of the people they are hired to protect.

It is well-known that labor-management relationships are based on trust, mutual respect, open communications, compromise and shared accountability. I believe this to be especially true as it relates to our public safety officers. We depend on them to maintain our safety and they depend on our respect and understanding if they are going to continue to provide us with the level of comfort in our communities to which we are accustomed. They deserve no less.

This bill has the support of the International Association of Fire Fighters; the International Brotherhood of Police Officers; the International Union of Police Associations; the National Association of Police Organizations and the Fraternal Order of Police. It also has the bi-partisan support of over 125 of our colleagues upon its introduction.

I urge our colleagues to join us in supporting the Public Safety Employer-Employee Cooperation Act of 1999.

THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 1999

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues to join my friend from Ohio, Mr. NEY, myself, and over 100 of their colleagues, to support the Public Safety Employer-Employee Cooperation Act of 1999.

Congress has long recognized the importance of assuring and protecting the right of workers to collectively bargain. Over the years, federal laws have been extended to guarantee collective bargaining to different sectors and now the only sizable group of workers without the rights to collectively bargain are employees of state and local government.

This is particularly troubling as it applies to the public safety arena. Fire fighters and police officers take seriously their oath to protect the public and as a result they do not engage in worker slowdowns or stoppages. The absence of the right to collectively bargain denies them the opportunity to influence decisions that affect their lives.

The Public Safety Employer-Employee Act provides public safety officers with a collective bargaining right that is outside the scope of other federal labor laws. This legislation establishes basic minimum standards that state laws must meet and provides a process to resolve impasses in states without such laws. States that already have collective bargaining laws would be exempt from the federal statute. Furthermore, this bill prohibits strikes and does not call for mandatory binding arbitration.

Public safety workers risk their lives every day to protect the public. At the very least, they should be allowed to bargain for wages, hours, and safe working conditions. This bill helps workers, management, and the general public, because employer-employee cooperation leads to cost savings and better delivery of services.

This bill is supported by the International Association of Fire Fighters, International Brotherhood of Police Officers, International Union of Police Organizations, National Association of Police Organizations, and the Fraternal Order of Police.

I urge my colleagues to join us in supporting the Public Safety Employer-Employee Cooperation Act of 1999.

EXPRESS YOUR CONCERN ABOUT CHINA

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. SWEENEY. Mr. Speaker, I would respectfully request all of my colleagues to join me in signing a letter requesting the President to use the upcoming visit with China's Premier Zhu Rongji to express our profound concern regarding several issues, including: Human rights violations in China and Tibet; China's ongoing public vilification against Japan; China's deployment of several hundred missiles against Taiwan; China's buildup of their nuclear strike capability; China's clandestine efforts to acquire secret United States military technologies; China's assistance to the development of the North Korea missile program; and China's sales of missile and nuclear technologies to terrorist states.

If you agree with me that the time has come for some truth and realism to be put back into our relations with the People's Republic of China please join in signing the letter I have submitted into the RECORD by contacting my office.

DEAR MR. PRESIDENT: We are taking this opportunity, in advance of Premier Zhu Rongji's visit, to express our profound concern about several issues involving the People's Republic of China.

Since 1994 the P.R.C. has been constructing military facilities in the Spratly Islands. The size and nature of these facilities suggest that the P.R.C. is attempting to establish a permanent strategic presence in the area, from which it could patrol the sea lanes in the South China Sea, the waterway through which one sixth of the world's trade is shipped.

The military buildup in the Spratly Islands has been accompanied by an ever more strident campaign of public vilification against Japan, a treaty ally of the United States and the base for 50,000 United States troops, the largest single concentration of United States military forces abroad. In another strategic concern, in March 1997 a Chinese controlled company was able to obtain, from Panama, the rights to the port facilities that flank the canal zone.

Then there is the matter of the democratic nation of Taiwan. The P.R.C.'s 1995 military exercises and 1996 missile firings in the Taiwan Strait have been followed by an offensive military buildup on the Chinese mainland itself that includes tripling the number of missiles (to more than 100) already deployed against Taiwan. With several hundred more missiles expected for similar deployment, the recent Defense Department study on the military balance in the Taiwan Strait describes an "overwhelming advantage in offensive missiles which Bejing is projected to possess in 2005."

These developments are all the more alarming when seen against the backdrop of (1) China's overall military modernization, its abandonment of a traditional, land-based "people's army" in favor a comprehensive strategic and nuclear strike capability by land, sea, and air; (2) China's clandestine efforts to acquire the most secret and sensitive of United States military technologies, including the know-how to replicate the W 88 warhead, the most dangerous security breach in 50 years; and (3) allegations that China has assisted the North Korean missile program, on top of its known and suspected sales of missile and nuclear technologies to terrorist states.

Mr. President, with respect to China, our country has looked the other way for too long. And we have tolerated a ballooning trade deficit for too long. We request that you make it emphatically clear to Premier Zhu that the United States has legal and moral obligations to our allies that we will honor. And if that means, as we believe it does, a land or sea based missile defense in the Western Pacific—then so be it.

Mr. President, we would also request that you emphasize the P.R.C.'s worsening record regarding human rights violations in China and Tibet. Among these violations are the recent excessive jail and labor camp sentences for pro-democracy activists, Xu Wenli, Qin Yongmin, Wang Youcai, and Zhang Shanguang, the latter for allegedly "providing intelligence to hostile foreign organizations" while giving an interview on Radio Free Asia regarding farmer protests.

And as for Taiwan, now is the time to remind Beijing that the Taiwan Relations Act—the law of the United States—mandates the United States to "make available to Taiwan such defense articles in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. That is our law, period. And that same law mandates that the determination of what Taiwan needs will be made by "the President and the Congress."

Mr. President, the United States policy toward the P.R.C. has been based on wishful thinking for far too long. Policy makers in the Administration of both parties have time and time again been willing to give Chinese leaders the benefits of the doubt only to be consistently let down. The occasion of Premier Zhu's visit provides a timely opportunity to put some truth and realism back into this relationship. It will take the same kind of resolution you showed by sending aircraft carriers into the Taiwan Strait in 1996. We applauded you then, and we will support you now in taking the necessary steps to protect the United States interests and our allies in the region.

PERMANENTLY FIX THE ALTERNATIVE MINIMUM TAX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation to permanently fix the tax problem caused by the fact that the new tax credits for education and children are limited by the alternative minimum tax (AMT). Consequently, more and more average Americans who use the dependent care credit, the new child credit, the HOPE credit or the lifelong learning credit, will be forced to fill out the complex alternative minimum tax form. Even worse, a growing number of Americans will have all or part of these credits denied by the interaction of the regular federal income tax and the alternative minimum tax.

This is not a new issue. Last year I introduced legislation, H.R. 4489, to permanently fix this problem. Once it was clear that permanent legislation would not pass, I introduced H.R. 4611 to correct this problem for 1998. This one year temporary "fix" did pass Congress last fall as part of the Omnibus Appropriations Act. This year, the Administration's budget includes a two year "fix" of this problem. This is simply not enough. This is a permanent problem; it demands a permanent solution.

Specifically, my legislation allows personal nonrefundable credits to be used against AMT liability. Nonrefundable credits include the child credit, the HOPE and lifetime learning credits, the dependent care credit, and the adoption tax credit. In addition, the bill eliminates the complex interaction of the partially refundable family credit with the AMT. In doing so, the bill would eliminate a penalty faced by large families.

Under current law, the total allowable amount of nonrefundable personal credits may not exceed the amount by which the individual's regular income tax liability exceeds the individual's tentative minimum tax. For families with three or more children, an additional refundable child credit is provided and this is reduced by the amount of the individual's minimum tax liability. This requires all taxpayers who claim the child credit with incomes above $45,000 for joint filers and $33,750 for single filers to make at least a rudimentary minimum tax calculation.

The Department of the Treasury estimated that in 1998, without the one year "fix", eight hundred thousand taxpayers who are entitled to the child credit or the education credits would have been denied the full benefit of these credits by the AMT.

In order to eliminate the complexities of the AMT in a revenue neutral manner, this bill reduces the income phase-outs for the child credit from $110,000 to $91,000 on a joint return, and from $7,500 to $60,000 for single filers.

According to the IRS, the estimated average time it takes to fill out the alternative minimum tax form is 5 hours and 39 minutes. It would, of course, take much longer for hundreds of thousands of taxpayers who may be forced to fill this form out for the first time as a result of the credits Congress offered them last year in the name of child care and education.

And to show how truly perverse this provision is, the interaction between the AMT and the partially refundable child credit will result in a tax increase on 177,000 large families if the Republican 10 percent across the board tax cut was passed into law. Some might respond that they intend to fix this problem later, but that is exactly the type of thinking that put us in this situation to begin with.

Mr. Speaker, this bill is "must pass" legislation, and it must be passed on a bipartisan, revenue neutral, permanent basis. I hope it will be.

HONORING GLEN STILLWELL OF ORANGE COUNTY, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. COX. Mr. Speaker, ladies and gentlemen, I rise today to honor Glen Stillwell, one of Orange County, California's finest and most generous philanthropists.

Glen, after a long and courageous struggle, recently succumbed to a terminal illness. He has left behind his lovely wife Dotti of 53 years, and a rich legacy of service and leadership in the community of Orange County. His charitable and selfless influence upon the McIntosh Center for the Disabled, the Providence Speech and Hearing Center, the Olive Crest Treatment Center for Abused Children, the Assistance League, the Orange County Performing Arts Center, and the Freedoms Foundation at Valley Forge, allowed these much-needed institutions to thrive.

Glen Stillwell truly lived the American dream. He came to California at the end of the Great Depression and became a pioneer in the budding aerospace engineering industry—a California industry, that, with Glen's help, has become a world-leader. In time, through his own grit and determination, Glen built his own aerospace-manufacturing company, which under the example of his guidance, continues to flourish. But throughout his brilliant career, however, Glen always considered the upbringing of his two sons, Thomas and Richard, his most important calling.

Glen Stillwell was a visionary. He planted the seeds that ultimately became Chapman College and the world-renowned Orange County Performing Arts Center. He also had a passion for civic involvement, and his voice was often heard in the public arena on important issues of statecraft. Indeed, Glen was the best kind of patriot; he loved his country and he loved the community of Orange County, and he loved his family.

Orange County will miss Glen Stillwell, but will enjoy the fruits of his hard work and dedication for many generations to come.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Ms. DUNN. Mr. Chairman, I rise today to support the Education Flexibility Act. Republicans in the House are working on a bipartisan basis to put education back in the hands of local teachers and schools, and provide relief from federal regulations that only serve to stifle innovation in education.

H.R. 800 will give states and communities more decision-making flexibility. This flexibility is crucial to ensure that schools can promote the best opportunities for our children so that they may reach their greatest learning potential. This bill also creates real, measurable accountability standards for teachers to encourage them to bring out the best in every child at school.

With the passage of the Ed-Flex, my home state of Washington will finally have the opportunity to utilize this flexibility when designing their education programs. Local districts and schools, such as Tahoma High School in Maple Valley, will have the flexibility to design a plan that works for Tahoma, not bureaucrats in Washington, DC. By broadening this plan from the original plan of 12 states to include the rest of the nation, we offer all states much needed relief from over-burdensome regulations.

The proof is in the reforms already begun by states that participated in the ed-flex pilot program. In both Texas and Maryland, Ed-Flex has enabled school districts in each state to improve the test scores of their poorest children. In return for greater flexibility, both states have produced solid academic results.

Ed-Flex is a program that works—for schools and for students. A Kent County, Maryland school with 60% of the students at the poverty level utilized ed-flex and now has the third highest test scores in the state for elementary schools. Parents of the students in this school know first hand the value of local flexibility. Their kids are improving their reading, writing, and math skills—some of the most important tools in life.

Mr. Speaker, I encourage my colleagues to think of the possibilities ed-flex can create in their home districts, to imagine how flexibility at the local level will stimulate new ideas and programs that will improve the quality of education for our children, and create opportunities for our teachers and educators to design plans that help our children reach their fullest potential. I ask my colleagues to support this bill.

HONORING GLORIA B. CORLEY-MCKOY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Gloria B. Corley-McKoy for her exemplary community service and contribution to the Brooklyn Community.

Ms. Corley-McKoy has lived in the Brooklyn Community of East New York for the past 35 years. She was employed as a drug counselor by the Board of Education for 22 years and currently works as a community and project liaison for the AFSCME–AFL–CIO.

Although retired from her position at the Board of Education, Ms. Corley-McKoy continues her tireless advocacy on behalf of the children of New York. She currently serves as President of the Community School Board and President of the Boulevard Houses Tenant Association, a position she uses to advocate for improving the lives of children in the community.

Ms. Corely-McKoy is married to Jeffrey McKoy. She is a product of the New York Public School System. Her late son, Edward, was a graduate of Community School District 19. Ms. Corley-McKoy comes from a loving family of eight sisters and 2 brothers. One of her sisters, Priscilla A. Wooten, serves on the City Council and Ms. Corley-McKoy played an instrumental role in her sister's election while serving as campaign manager.

Mr. Speaker, it is a considerable honor for me to speak about one of our community's most cherished leaders. I have known Gloria for several years, and I can think of no better role model for the community. America should be aware of the tireless, unselfish work of community leaders like Gloria B. Corley-McKoy.

IN HONOR OF LAVATUS V. POWELL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Lavatus V. "Vate" Powell, a friend and community leader, who passed away on February 17, 1999.

Vate was known for his integrity, straightforwardness, and positive outlook on life. His life was centered around service to others.

Vate was born in Mississippi and graduated from Jackson State University in 1955. He earned his master of science degree in 1964 from Case Western Reserve University. He was a Cincinnati Public Schools teacher from 1955 to 1965.

He began his career with Procter & Gamble in 1965 as a systems analyst in the Data Processing Systems Department. He went on to hold positions in personnel, urban affairs, and public relations, before becoming public affairs manager. He went on to become vice president of Procter & Gamble's Ohio Government Relations Division, where he served until his retirement in 1997.

Vate was an extraordinary community volunteer. He served as president of the Andrew Jergens Foundation; chairman of Preserving Affordable Housing; chairman of the Purcell-Marian High School Foundation and a member of the Purcell-Marian board of trustees; trustee of the Cincinnati Museum Center; member of the Partners of Children's Defense Fund, and a director of the Ohio Chamber of Commerce. He served as co-founder and treasurer of the Black Male Coalition; Capitol Revival Task Force; chairman of the Cincinnati United Way Government Affairs Committee; and president of the Board of Trustees of Family Service of the Cincinnati area. He was an elder at Carmel Presbyterian Church.

In 1997, he received an Imagemaker Award from Applause magazine for his efforts to promote education. That same year, he was honored by the African American Leadership Network for his work with Procter & Gamble.

Vate was a warm and caring person who gave generously of his time and talents. Cincinnati was blessed to have him as a leading citizen. Many of us were blessed to have him as a friend.

TRIBUTE TO GENE McCARTHY, IRISHMAN OF THE YEAR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. QUINN. Mr. Speaker, I am honored to rise today on the floor of this House in recognition of Mr. Gene McCarthy from Buffalo, NY in my district, as the 1999 Goin' South "Irishman of the Year."

Born in Buffalo's "Old First Ward" in 1926, Gene McCarthy is a lifelong member of our community. After high school, Gene began working on Buffalo's waterfront at Pillsbury grain elevators, where he spent twelve years.

In 1955, Gene wed Mary (Dories). He and his wife rasied their three children, Patti, Bill, and Maureen to respect their proud Western New York and Irish-American heritage. In addition, the McCarthy's now have seven grandchildren.

Twenty-five years ago, Gene and Mary opened McCarthy's, a fine restaurant and tavern in the heart of the Old First Ward, at the corner of Hamburg and Republic Streets. Famous for its corned beef, fish fries, and friendly service, McCarthy's has become a true landmark. It is a proud symbol of not only his community, and not only the McCarthy family, but of our Irish heritage in Buffalo.

In 1996, I invited the Honorable Dermott Gallagher, then Irish Ambassador to the United States, to Buffalo to dedicate a monument which was erected in honor of the Great Famine in Ireland. During his stay, I took him to McCarthy's. Ambassador Gallagher has said that the tavern was his favorite place in all of Western New York, no doubt a reflection on the McCarthy's overwhelming hospitality.

Whether it is for the famous Notre Dame football parties in the fall, the Shamrock Run, the many local organizations and causes which the McCarthys support, or the best St. Patrick's Day atmosphere outside of Ireland, McCarthy's Tavern and Gene and Mary McCarthy will always be an important part of the proud history of our City. I am proud to call him my friend.

Mr. Speaker, today I would like to join with the entire McCarthy Family, the Goin' South community organization, and indeed, all of Western New York in tribute to Mr. Gene McCarthy, Irishman of the Year.

DEMOCRACY PROGRESSES IN SLOVAKIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. SMITH of New Jersey. Mr. Speaker, this week a distinguished delegation from the Slovak parliament visited Washington to meet with congressional leaders and other officials. I regret that, because of a hearing on urgent developments in Kosovo, I was unable to meet with them. Nevertheless, the occasion of their visit prompts me to reflect on some of the developments in Slovakia since the elections there on September 25 and 26, 1998.

Since a new government was installed on October 30, there has been a sea change in Slovak political life. They very fact that a peaceful transition of power occurred is something we could not have taken for granted, given the increasingly authoritarian rule of Vladimir Meciar manifested by, for example, the refusal of the parliament he controlled to seat two duly elected members.

Today, the situation is very different. The formation of a new government has included key changes that were much needed and will foster greater confidence in Slovakia's renewed process of democratization. In particular, the appointment of a new head of the intelligence service, the resolution of competing claims to the position of chief of the armed forces, and the selection of a new general prosecutor help address many of the concerns that arose during Meciar's tenure. The new government's efforts to hold previous officials accountable for their violations of the rule of law and manipulation of parliamentary and constitutional democracy is also a positive sign. During local elections in the fall, nongovernmental monitors were permitted to observe the counting of the vote, further fostering public and international confidence in Slovakia's democratic structures. Direct presidential elections are scheduled to be held in May, which will fill a constitutional lacuna. The decision to permit, once again, the issuance of bi-lingual report cards restores common sense to the discussion of issues of concern to the Hungarian minority. The government's stated intent to address the concerns of the Romani minority—concerns which have led many Slovak Roma to seek asylum in other countries—is a welcome step in the right direction.

In short, Mr. Speaker, the new government is Slovakia has already undertaken important steps towards fulfilling the promises made when communism collapsed.

Slovakia is now at a critical juncture, having succeeded by a slim electoral margin in peacefully removing Vladimir Meciar after 4 years of increasing authoritarian rule. The new government must struggle to restore Slovakia's good name, repair the economy, and get Slovakia back on track for NATO and EU membership. If Slovakia is to succeed in this effort, it is critical that the current coalition hold together long enough to implement real reforms. As it seeks to do so, the new government will be aided by a wellspring of credibility with the internationally community and certainly in Washington, where as the Meciar government, in the end, had none.

That wellspring of credibility, however, is not bottomless and time is truly of the essence in Slovakia's reform process. I hope all of the parties participating in the ruling coalition will quickly address some of the issues that have been of special concern to the international community, including the adoption in the first half of this year of a minority language law. Such a step would be a concrete demonstration of the differences between this government and the last.

Mr. Speaker, I wish this new coalition government of Slovakia every success in their resolve to make lasting reforms.

TRIBUTE TO GRANDMARIE'S CHICKEN PIE SHOP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Grandmarie's Chicken Pie Shop on the occasion of their 42nd Anniversary. Grandmarie's has enjoyed 4 decades of success at their Tower District location.

Keeping it simple and keeping it delicious was the slogan of Marie Ross, the restaurant's namesake, original owner, and grandmother of current owner Gary Ross. The Ross chicken pie tradition dates back to the early part of the century when relatives to Marie Ross made creamy chicken tarts and left them on the window sill to cool. A legendary treat was formed and soon the Chicken Pie Shop was formed. After 42 years, Grandmarie's Chicken Pie Shop still follows Marie's advice, make it "simply delicious." Simplicity is the key, large portions with all of the food groups represented at a reasonable price continues to attract thousands of Fresnans. A visit of Grandmarie's is a must for those new to the Fresno area, nothing can compare to the fine foods prepared there daily.

Mr. Speaker, I rise today to pay tribute to Grandmarie's Chicken Pie Shop on the occasion of their 42nd Anniversary. Grandmarie's remains one of Fresno's finest traditions. I urge my colleagues to join me in wishing Grandmarie's and the Ross family, many years of continued success.

HONORING FREDDIE HAMILTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Freddie Hamilton, for her tremendous contributions to the Brooklyn community and her exemplary community service.

As a native of New Orleans, LA, Freddie Hamilton has lived and worked in Central Brooklyn for almost 40 years. Over the years, Freddie has participated in numerous civic and political organizations and causes to improve the quality of life for children and families in her community.

Ms. Hamilton is the founding executive director of the Child Development Support Corporation, a child welfare agency in Bedford-Stuyvesant. The agency employs 150 people and provides a range of social services to over 3,000 children and families annually.

After losing a 17-year-old son, as a result of gun violence, Ms. Hamilton became a founding member of Parents United to Rally for Gun Violence Elimination (PURGE). The organization was created to address the issues of gun violence among African American youth. Ms. Hamilton was successful plaintiff in the first class action strict liability suit against gun manufacturers.

Since 1994, Freddie has served as the elected Democratic Committeewoman (District Leader) for the 57th Assembly District in Brooklyn.

During a recent trip to Ghana, Freddie was honored in a traditional "Enstoolment Ceremony" to designate her a Queen Mother. She was given the name Nana Yaa Serwaa II and she is now an official elder of the township of Pankese in Ghana, West Africa. She and her husband, Johnnie Ray, have six children and they are the proud grandparents of five grandchildren.

Mr. Speaker, please join me in saluting Freddie Hamilton for her dedication to her family and her community.

TRIBUTE TO KEITH COMRIE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, it is a privilege to recognize the career of one of Los Angeles' leading public officials. After 35 years of public service, Mr. Keith Comrie is retiring as the City Administrative Officer for the City of Los Angeles. During his illustrious career, Mr. Comrie served both the City and the County of Los Angeles, making significant contributions to both governments.

Mr. Comrie grew up in South-Central Los Angeles and first entered public service with the City of Los Angeles in 1963, after earning a Bachelor of Science in Accounting and a Masters in Public Administration from the University of Southern California. He moved to the County government in 1969 where he rose to become the Director of the Department of Public Social Services receiving statewide recognition from Governor Ronald Reagan for saving County taxpayers $120 million per year and for making the welfare system one of the most responsive and efficient in the state.

In 1979, Mr. Comrie returned to the City of Los Angeles at the request of Mayor Tom Bradley to serve as the City Administrative Officer. He has served in that position for 19 years, including one year as interim Administrator of the $200 million Community Redevelopment Agency. During Mr. Comrie's tenure of service, the City of Los Angeles has seen its economic base expand to keep pace with population increases that have made it not only the second largest city in the nation but a city of world class status.

Today, Mr. Comrie can look with pride at his role in successfully steering the City through the recession of the early 1990's with balanced budgets. During this time, he helped maintain the City's position as one of the best managed cities in the nation. Additionally, he played a key role in most of the major developments in the City, including such landmark projects as the renovated Central Library, the Los Angeles Convention Center, and the Staples Center Arena. He also played a central role in rebuilding the City after the 1994 Northridge Earthquake and oversaw over $3 billion in capital improvement projects such as libraries, fire and police facilities, and sewer system reconstruction.

Many of these projects are in my Congressional District, which includes much of the central business district of the City of Los Angeles. Therefore, I can attest to the significance of these projects, many of which were started under Mr. Comrie's watch.

Mr. Comrie oversaw a staff of more than 100 and worked with over 30 council members during the terms of two mayors. Mr. Comrie's accomplishments on behalf of the City of Los Angeles have been recognized by his peers. Of his many prestigious awards, he is very proud of being named the "Best City Administrative Officer in America" by City and State Magazine.

At 59, Mr. Comrie and his wife Sandra McNutt-Comrie can look foward to many productive years in retirement during which he can pursue his interests in cars and auto racing while taking satisfaction in a job well done for the City of Los Angeles.

TRIBUTE TO AMANDA CHRISTINE DRESCHER OF GIRL SCOUT TROOP 395

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. BACHUS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Cahaba Girl Scout Council in Birmingham, Alabama. She is Amanda Christine Drescher of Girl Scout Troop 563. She has been honored for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by a girl aged fourteen through seventeen, or in grades ninth through twelfth.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than twenty thousand Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout Volunteer.

As a member of the Cahaba Girl Scout Council, Amanda Christine Drescher began working toward the Girl Scout Gold Award on February 12, 1998. She completed her project, Art Day Camp, and I believe she should receive the public recognition due her for this significant service to her community and her country.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. HINOJOSA. Mr. Speaker, yesterday when the House was taking rollcall vote No. 39, an amendment by Representative GEORGE MILLER to the Education Flexibility Partnership Act, I was unavoidably detained and unfortunately missed the vote. Had I been present I would have voted "yea."

72ND ANNIVERSARY BANQUET OF YESHIVAH OF FLATBUSH

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the

Yeshivah of Flatbush and it's honorees on the occasion of it's 72nd Anniversary Banquet.

The Yeshivah of Flatbush has long served as a pillar of strength for my constituents by providing our children with the tools they will need to face the challenges of the twenty-first century.

Dr. Mayer Ballas, recipient of the Keter Shem Tov Leadership Award, has dedicated himself to helping members of the community as an advocate and spokesperson for Jewish people in need. He is the founding President of the Council of Rescue of Syrian Jews and has served as a member of the Federation Oversight Committee, the arm of Operation Abraham concerned with the resettlement of the most recent wave of immigrants from Syria. At the Yeshivah of Flatbush, Dr. Ballas sits on the Board of Directors and Board of Education and is a member of the Tuition Assistance Committee. He participates in all school functions and generously gives of himself and his time to the Yeshivah.

Hon. Steven Cohn, recipient of the Keter Shem Tov Community Service Award, is staunchly committed to both the Yeshivah and his community. For the past sixteen years, Mr. Cohn has served as the Democratic State Committeeman for the 50th Assembly District. He is the Vice-Chair of the New York State Democratic Party, Secretary of the Democratic Party of Kings County and has served as Parliamentarian to the Democratic National Convention. Working side by side with community leaders, elected officials and neighborhood residents to protect the environment, improve homeless shelters and maintain quality medical care in his district. His affiliation with the Yeshivah of Flatbush parallels his children's education and has strengthened over the years. In addition to working on the Banquet Journal, Chinese Auction and Building Committees, Steve is currently an Associate Treasurer on the Executive Board of Officers and sits on the school's Board of Trustees and Board of Education.

Dr. Cheryl Fishbein, recipient of the Alumna of the Year Award, is an alumna of both the Elementary School and the Joel Braverman High School. Throughout her adult life, Cheryl has focused her efforts on serving the community. She is President of the Jewish Community House in Bensonhurst and is currently overseeing its capital building campaign. She serves as the Metro Chair of the Institutional Trustees Campaign for UJA and sits on the organization's Planning and Allocations Committee. Additionally, Dr. Fishbein devotes much of her time to the Board of Jewish Education and serves as a Vice President of its Board of Directors. She also sits on the Boards of Gesher and the National Board of the Jewish Community Center Association.

Each of today's honorees have long been known as innovators and beacons of good will to all those they come into contact with. In recognition of their may accomplishments on behalf of my constituents. I offer many congratulations on their being honored by the Yeshivah of Flatbush.

SALUTE TO A. LEON HIGGINBOTHAM

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as I witness attacks on affirmative action in education and a legal system that overlooks police brutality among African-Americans, I realize that our country is experiencing a huge gap in fairness and equality under the law with the passing of Judge A. Leon Higginbotham, Jr.

Mr. Speaker, Judge Higginbotham spent his life vigorously protecting and championing the causes of equality and opportunity for African-Americans.

The French philosopher Montesquieu once said that "In the state of nature, indeed, all men are born equal, but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the laws."

In confronting racial injustice, violence and inequality through the legal system, Judge Higginbotham recovered and secured equality for countless African-Americans. His life long commitment to eliminating discrimination forced our society to recognize the equality inherent in all men and women, despite their race or ethnicity.

In his capacity as special deputy attorney general of Pennsylvania, judge of the U.S. District Court for the eastern district of Pennsylvania and judge of the U.S. Third-Circuit Court of Appeals, many men and women regained their rights taken away from them by society.

His zeal in tearing down the walls of injustice and erecting the walls of opportunity began after he earned his law degree at Yale Law School by working in Philadelphia as an assistant district attorney. Six years later after becoming a special deputy attorney general for Pennsylvania, President John F. Kennedy named him to the Federal Trade Commission (FTC). This appointment was notable in the fact that it made him the FTC's first black commissioner and its youngest as well.

In 1977, after serving as a district court judge in Philadelphia from 1964 to 1977, President Jimmy Carter appointed him judge of the U.S. Third-Circuit Court of Appeals where he served with distinction as judge, chief judge and senior judge until his retirement in March 1993.

Throughout the years, U.S. Chief Justice Warren, Burger and Rehnquist appointed Judge Higginbotham to various judicial conferences. In addition, the Congressional Black Caucus benefitted from his excellent legal mind in a series of voting rights cases brought before the U.S. Supreme Court.

Current South African President Nelson Mandela also called upon his knowledge and wisdom during the country's historic 1994 national elections where Judge Higginbotham served as an international mediator.

Mr. Speaker, the aforementioned feats and accomplishments mark this important fact: when he was called upon by presidents, world leaders, Members of Congress and citizens to defend civil rights, Judge Higginbotham answered with vigor and passion.

Millions of Americans saw him protect the tenets of the Constitution during the recent House Judiciary Committee impeachment hearings. This was just two weeks before his passing on December 14, 1998.

Like so many times during his stellar legal career, he was a steadfast advocate and defender of the true meanings and intents of the law and our Constitution. During the hearings, it was not partisan winds that steered his testimony that the President should not be impeached. Rather, it was scholarly and intellectual interpretation of the Constitution and the separation of powers between the Judicial, Executive and Legislative branches of our government.

For those viewers of the hearings, that was their first contact with the great judge. However, I have constantly been a witness to—and a beneficiary of—Judge Higginbotham's passionate and eloquent defense of justice.

On behalf of the constituents of the 30th congressional district of Texas, I would like to tell his family what a great equalizer in this society he was to us. He served an extended family of poor, powerless and downtrodden individuals in this society. His advocacy for their causes meant a great deal to them and strengthened our principles as a country.

In particular he leaves his wife, Evelyn Brooks Higginbotham; two daughters, Karen and Nia; and two sons, Stephen and Kenneth. I would like to thank them for allowing the country to share and benefit from his mind, heart and soul.

STATEMENT ON THE SUPPRESSION OF RIGHTS IN SERBIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. SMITH of New Jersey. Mr. Speaker, as we have debated today the issue of American participation in any NATO peacekeeping effort in Kosovo, I urge my colleagues, regardless of their views on that matter, to focus on what is happening in Serbia itself. Slobodan Milosevic, President of an unrecognized Yugoslav state of which Serbia and Montenegro are part, is using Kosovo to perpetuate his regime, to rally Serbia's public opinion around him, and to label as "traitors" not only his opponents but anyone who thinks independently.

Last year, Milosevic imposed draconian laws which curtailed the independence of journalists to report news freely, and threatened the academic community's ability to maintain its intellectual integrity. In response, the Helsinki Commission which I chair, held a hearing appropriately entitled: "The Milosevic Regime Versus Serbian Democracy and Balkan Stability."

As an example of what is happening right now in Serbia, I would note for the RECORD what has happened to three of the witnesses at the hearing.

On December 28, 1998—less than three weeks after the hearing—Boris Karajcic, a leader in the university student movement "Otpor" (Resistance), was attacked and beaten on the street in front of his Belgrade home by masked thugs with bats. As they fled, their comments indicated the political nature of the attack.

During the first week of February, Milan Panic, the Serb-American pharmaceutical executive who is a leader of the Alliance for Change, the main coalition of political opposition to Milosevic's ruling Socialist Party, has had his Serbian subsidiary company taken over by the authorities. The purpose was likely two-fold: to intimidate Panic and to gain hard-currency assets.

On March 8, Slavko Curuvija, the chief editor of newspaper Dnevni Telegraf and the new magazine Evropljanin, was sentenced along with two of his journalists to five months in prison by a Belgrade court for "spreading false reports with an intention to endanger pubic order." They remain free on appeal.

Mr. Speaker, these assaults on freedom demonstrate that Milosevic feels vulnerable to democratic forces which do, in fact, exist in Serbia, forces which may indeed be growing. Indeed, the Serbian Government undertook to make a paper prepared by the hearing witness from the United States Institute for Peace and openly circulated at that same hearing into an alleged confidential CIA document which showed, they alleged, that the U.S. Government was plotting to overthrow the Belgrade government.

Despite his insecurity at home, Milosevic does feel sufficiently secure in a U.S. policy which seemingly needs his presence for implementation for the Dayton Agreement in Bosnia, and to get an agreement in France on Kosovo. Our dependence on him, he reckons, means we will not seek to undercut his dictatorial power. The clear lack of attention many senior Administration officials have paid to Serbia' democrats has only reinforced this feeling in Belgrade.

Mr. Speaker, this must change. The actions against Karajcic, Panic, Curuvija and countless other advocates of a democratic Serbia must be condemned not with words alone. The United States must stop dealing with Milosevic directly. The United States must protest his assault on innocent civilians when they occur. The United States must encourage democratic change in Serbia, and assist those who promote this change from within, the true Serbian patriots.

One way in which the Congress can help in this regard is to move quickly on the legislation I have just introduced, H.R. 1064, the Serbia and Montenegro Democracy Act of 1999. This Act would ensure adequate attention is paid to democratic forces in Serbia and Montenegro by those allocating U.S. democratic assistance. The legislation has bipartisan support.

Mr. Speaker, I am deeply concerned about developments in Serbia generally, and the incidents involving Helsinki Commission hearing witnesses in particular. As Chairman of the Commission, I am committed to making sure that the people in Serbia have the same rights and freedoms which so many other Europeans enjoy and take for granted, the rights and freedoms enshrined in the Helsinki Final Act and defined in subsequent OSCE documents. The suppression of these rights in Serbia is unacceptable, it ultimately will prove untenable, and it must change sooner rather than later, not only for the sake of the people in Serbia but all people in south-central Europe.

HONORING GENES THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the unique community service of Genes Thompson.

Genes, a native of Greenville, North Carolina, has lived in the East New York community for the past 20 years with her husband, Dwight and their son, Anthony. As an East New York resident, she has devoted a great deal of her time to helping the community to be a better place in which to live. For example, Genes has been a member of the 76th Precinct Community Council since 1980 where her efforts and devotion has been instrumental in uplifting her community.

The Metropolitan Jewish Geriatric Center has employed Genes for the last 25 years as its Chief Switchboard Operator. She is also a shop delegate for Local 1199, 144 division for the past 19 years. In addition to these daily responsibilities, she is an active member of Liberty Baptist Church where she serves on the Pastor's Aid Committee as well as working with staff of Thomas Jefferson High school. Genes' civic activism includes membership in the Milford Street Block Association and work as a volunteer with the political campaigns of Senator CHARLES SCHUMER and New York State Comptroller Carl McCall.

I commend the achievements of Genes Thompson, a true community activist, to the attention of my colleagues.

HONORING MR. CHANCY WHEELER OF WEST UNION, OH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay special tribute to a distinguished resident of West Union. OH, in the Second Congressional District, Mr. Chancy Wheeler. Mr. Wheeler will turn 100 years old on June 5, and he is being honored by the Government of France for his military service in the First World War.

Mr. Wheeler was born in 1899 in Mount Olivet, KY. He volunteered for the Kentucky National Guard, and then transferred into the United States Army in 1917. As a member of the First Infantry Division, 28th Regiment, First Machine Gun Brigade, he served in 1918 in the Aisne-Marne offensive, the St. Michiel offensive, and the Meuse-Argonne offensive. He was wounded twice in battle. For his actions, he received the Silver Star medal on July 21, 1918. He also received a 75th Anniversary Commemorative Medal for World War I veterans from the U.S. Army.

Mr. Wheeler will receive the French Legion of Honor in a ceremony organized by VFW Post 3400 in West Union, OH, on March 12. In his letter conveying the Legion of Honor to Mr. Wheeler, French Ambassador Bujon de l'Estang wrote: "The Legion of Honor is conferred on you by the French government as a sign of the high esteem my country has for you who personally contributed to the decisive support the United States gave to French soldiers in the defense of their country during World War I."

Chancy Wheeler distinguished himself in the struggle to "make the world safe for democracy" and served his country with honor. All of us in the Second Congressional District are grateful for his service and commend him on his recognition by the French Government. I wish him health and happiness in the years to come.

TRIBUTE TO WILLIAM "SONNY" RESSEL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the memory of William (Sonny) Ressel.

Sonny Ressel was neither a politician nor someone who took on the responsibility of helping others because of some ulterior motive. Despite working long hours, Sonny Ressel always found time for his family and the community that he loved.

Before his untimely death on February 8th, Sonny Ressel served as the Co-President of the New Kensington Neighborhood Association where he strove to improve his neighbor's quality of life.

Sonny Ressel was a man of action who dedicated his life to helping others regardless of who they were. Through his efforts, broken streets and traffic lights in Kensington were quickly repaired. In response to a growth in the number of hearing impaired residents in the community, Sonny secured the installation of "Deaf People Crossing" signs alerting motorists that some pedestrians would be unable to hear their horns.

With his loving wife Ricki, Sonny Ressel helped the old and the infirm of our community. They did this by making people laugh and reminding them that they were not forgotten.

Friends and admirers have likened Sonny Ressel to an angel who was put on earth to help others and to spread happiness. I can think of no better tribute for a man who always rose to the challenge of helping meet the needs of others.

Sonny Ressel was an innovator and beacon of good will to all those he came into contact with. On behalf of myself and my constituents, I would like to extend my condolences to the Ressel family on Sonny's untimely passing and to thank them for allowing us to share in the bright light that was his life.

TRIBUTE TO HOPE EDUCATION AND LEADERSHIP FUND

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, on March 12, 1999, Hispanas Organized for Political Equality (HOPE) Education and Leadership Fund's Eighth Annual Symposium, entitled "A Proud Past . . . A Powerful Tomorrow," will take place in the 33rd Congressional District. In honor of this important event, I am proclaiming March 12, 1999, as Latina History Day.

The Symposium serves to address a variety of issues important to Latinas of all ages. I am pleased that Latinas benefit from the workshops on health, business opportunities, and cultural identity. This Symposium also includes Teen Track, which focuses on providing young Latinas with workshops on leadership and on establishing a path to success.

Since its founding in 1989, the HOPE Education and Leadership Fund has remained dedicated to improving the educational, political and economic status of Latinas. HOPE has anchored itself by the principle that knowledge of the political process coupled with active participation will guarantee a more representative, democratic government.

The proclamation of Latina History Day during "Women's History Month" memorializes the important role Latinas play in American society. Latinas are breaking glass ceilings and pioneering into areas our mothers never imagined. Latinas own businesses, are executives in our country's largest corporations, are being elected to public office and appointed to powerful positions. We recognize the work and sacrifices of our mothers and grandmothers, celebrate contemporary Latinas, and are building the foundation for future generations.

I commend the HOPE Education and Leadership Fund for their commitment to Latinas, and in their honor, proclaim March 12, 1999, as Latina History Day.

TRIBUTE TO KARNEY HODGE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Karney Hodge for his many years of service to the community. Mr. Hodge has been a dedicated public servant and successful businessman.

Karney is an investment banker and vice president of Salomon Smith Barney and has spent his life in service to the community, initially as a volunteer. Hodge most recently worked as a financier of projects aimed at improving the facilities that Fresno is able to offer to its residents.

Hodge was an avid baseball player in his college days at California State University, Fresno. He seriously considered playing professionally, but he eventually left college to become a partner in the family clothing store, Hodge and Sons. He still played baseball and got his first taste of public service from an avid fan. In the 1960's Mayor Selland of Fresno, appointed Hodge to the planning commission, sparking Karney's interest in public service.

In 1982 Governor George Deukmejian was looking to involve members of the private sector in agencies like Retail Development and Planning. State Senator Ken Maddy surmised that Hodge's background in retail and long history of community service made him a perfect candidate for such a position. In 1983 Hodge and his wife Marilyn relocated to Sacramento and he embarked on his second career, Executive Director of the California Housing Finance Agency. Karney built a structure for the young agency by bringing in the best people. Under his leadership the agency became a major provider of housing to residents of California and is considered one of the highlights of Governor Deukmejian's term. Today Hodge is a vice president at Salomon Smith Barney.

Mr. Speaker, I rise today to pay tribute to Karney Hodge on his remarkable service to the community. Mr. Hodge has served well in both the public and private sector. I urge my colleagues to join me in thanking Karney Hodge for a job well done and wishing him many years of continued success.

HONORING EMILIA CONOLLY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I rise to honor the work of Emilia Conolly, a committed health professional in the borough of Brooklyn.

Emilia is a native of Honduras who immigrated to the United States over 20 years ago. She was educated in the New York City public schools, including Ft. Hamilton High School, where she received her high school diploma. Emilia began her nursing career as a student in Interfaith Medical Center's School of Nursing where she made the Dean's List, received three honorary awards and ultimately graduated as a registered nurse.

As part of her professional growth and development, she joined the nursing department at Brookdale University Medical Center. Presently, she specializes in nursing care of critically ill newborns (the Neonatal Intensive Care Unit). In addition, Emilia serves as a nurse preceptor for new graduate nurses. She strives to maintain and to develop her clinical expertise by teaching neonatal resuscitation classes to both doctors and nurses.

Emilia is an active member of Interfaith's Nurses Alumnae Association. As a member of the Mid-Brooklyn Civic Association, she helps to organize and to participate in voter registration, fundraising and the selection of candidates for outstanding community service. She has also been recognized for her strong negotiating abilities on behalf of nursing contracts within the bargaining unit of Local 1199. Emilia is married to James Conolly and they are the proud parents of two daughters, Taryn and Thalia.

As stated on one of her awards, Emilia has demonstrated "compassion, empathy and personal interests" in striving to make a difference in the lives of others. Mr. Speaker, please join me in presenting the achievements of Emilia Conolly to my colleagues.

TRIBUTE TO BILL BENTON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. SCHAFFER. Mr. Speaker, among the most thoughtful constituents in the Colorado district I represent in Congress is Mr. Bill Benton of Fort Collins.

He recently composed a letter to me regarding the agenda of the House of Representatives. I'm grateful, Mr. Speaker, the Republican budget proposal moves the country dramatically in the direction proposed by Mr. Benton.

Moreover, Mr. Benton's sentiments are representative of a great many Americans concerned about the country's future. As such, I hereby commend the remarks of Mr. Benton to the House and urge my colleagues to consider these observations as we proceed in accomplishing the nation's business in Congress.

WILLIAM (BILL) M. BENTON,
Fort Collins, CO, February 24, 1999.

Hon. BOB SCHAFFER,
Fourth Congressional District of Colorado,

DEAR BOB: This problem of Republican leadership in both the house and the senate has been weighing heavily on my mind since we lost so much ground in the last national election.

After a lot of thought, and praying about it too, reading Cal Thomas, Thomas Sowell, Tony Snow and listening to Rush Limbaugh (as well as other "conservative" talking heads), studying what conservative leading magazines and newspapers (damn few, but available) have to say on this subject, I think I've boiled this very complicated knot down to—we've lost our soul in the party and we are running scared because of it.

Despite almost sixty years of a mass media trying to convince the general populace that we ought to be "a kinder, gentler" nation as a whole and feeding them huge amounts of liberal philosophy, we still, by and large, are a culture deeply rooted in conservative principles. I.E, less government, minimum governmental intrusion in our private affairs, minimum government "hand-outs" (let the churches handle the welfare needs), low taxing policies, States rights rather than Federal control, etc. etc. In other words, the backbone of what made The United States of America a unique entity among all the governments of the world past and present.

In eight short years, Ronald Reagan's administration *started* to get the Republican party, with its "rock ribbed" conservative tack, back on the path that the *majority* of our peoples felt "worked" and were comfortable with. My feeling is the voters didn't give him a Republican majority to work with is because the Republican leadership in both houses simply failed to lead! Robert Dole and his cohorts were on that appeasement road even then.

But he had a Judas Goat within the folds of the administration by the name of George "read my lips" Bush. Most of us didn't recognize this at the time and probably a lot of the leadership of our party will, even now, deny this fact. But former president Bush's capitulation to appeasement with the Democratic Majority was the beginning of the end of the conservative movement in the country as it should be practiced! (Gospel according to Benton?)

The rhetoric that came out of the February 23rd meeting between the senate leadership and President Clinton turned my stomach! These guys are from the Neville Chamberlain school! We know well that "sleeping with the enemy" only gets you beat up and bloodied.

After forty plus years of ever-increasing Democratic liberalism, Republicans don't know how to win! The House is better than the Senate and because of the House's "Contract With America," that the Senate promptly botched, it showed Republicans can win if the conservative message is packaged correctly. The loss we suffered in November can be laid directly at the Republican Senator's doorstep. Unfortunately, because we blew it, the Coach got fired (or plain tired) and our fire left the field of fight. Put that House loss in the Senate's column too.

If we are to salvage the Republican majority in both legislative bodies, we need a group of firebrands to step up and be counted—and we need it now! Our history and our soul is conservative principles. Being "nice guys" is stupid and dangerous. I don't mean we shouldn't have compassion for any who need a helping hand. But there are a multitude of ways to help people than through government intervention and the sooner the "moderates" realize this fact, the better off all of our citizens will be.

Both parties have been corrupted by foregoing their ideals. The Democrats have been taken over by the liberal faction of their party. My parents were rock ribbed anti-Roosevelt (both Franklin and Eleanor). They were Democrats who recognized the dangerous path that was starting to be followed by the New Deal Democrats. Government run pension a.k.a. Social Security that only made our oldsters dependent on the Federal octopus and our young workers drawn into one of the biggest Ponzi schemes of all time. And I remember my father saying that was only the tip of the governmental interference iceberg. In the twenties, my Dad was elected by the Trainmen's Union to be one of the board members of the Railroad Retirement Fund. I remember full well how he mustered the members of that board to resist the take over of their pension plan by the Social Security board. His faction won and that fund is one of the strongest pension plans in the world today. It is independently run on a solid actuarial basis and it hasn't loaned one damn dime to the Federal Government to hide deficit spending!

Springboarding from that background, I switched from being a Democrat to a Republican at about age twenty-five because I was very uncomfortable with the direction of the Democratic Party. Just about as uncomfortable as I am today, at age sixty-seven, with the Republican Party's inclination to forego conservatism in favor of "getting along."

Now that I'm getting close to the end of my life, I guess I shouldn't be so passionate about these things. However, I have children and grandchildren who deserve better from the Republican leadership than simply rolling over and playing footsie with the Liberals.

Now, Bob, I'm not about to go down shouting at the wind without offering a plan of action. This is something I proposed in 1965, on the editorial pages of the now-defunct Colorado Springs Free Press newspaper, and I think it is viable today as a conservative cause. Permanently "fix" the Old Age Retirement System by taking it out of the hands of the Feds per se. Much like the Railroad Retirement plan, I fashioned and envision a system that sets up a government sponsored board to make annual recommendations as to what financial institutions would be approved for investments. Coupled with this would be the requirement by each wage earner that they choose one of these financial houses and their payroll deductions go to one of the approved money warehouses. In addition, they would be required to furnish a certificate of deposit to be reported annually with their IRS filing. This way they controlled, to a certain extent, their own retirement fund but monitored by this governing board's staff. There would have to be provisions for disablement problems, but this could be tied down very stringently through the proper legislation. This way such a fund would be actuarially sound, private enterprise would be fostered, and the sorry savings rate of our citizens would be greatly improved. Plus, there would be all manners of funds available to help businesses grow, mortgages funded, etc. If done right, the Federal Government couldn't lay their grimy mitts on a single dime—not even in the form of taxation!

I do not wish to brag, and I'm not even sure this can be proven, but an acquaintance of long ago, who was a professor at Colorado College in the sixties and still a citizen of a South American country (I do not recall his name nor what land he came from), told me about five or six years ago when we re-met that he'd sent my editorial to one of the ministers in his country and it was barely possible this "model" fed into their social security system. He claimed it was a very solid program and had helped make his country financially strong.

You have tons of reading material and I hope this three page treatise isn't so long it will get just a cursory glance. Maybe you can read it on the plane?

Your friend and supporter,

BILL.

TRIBUTE TO PAUL M. AUSTER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. ARCHER. Mr. Speaker, this week marks the culmination of a very successful career for Paul M. Auster who for the past twenty-three years has served as Tax Counsel for the House Committee on Ways and Means.

A native of Brooklyn, New York, Paul secured his law degree from the College of William and Mary in Virginia. Afterwards, he received his Masters in Taxation from New York University and began public service in the Chief Counsel's Office at the Internal Revenue Service. In 1976, Paul joined the Republican Staff of the Ways and Means Committee and became responsible for all areas of the Tax Code relating to employee benefits, international taxation and insurance. Anyone who is familiar with these issues knows that Paul was the principal attorney dealing with some of the most complicated provisions of the Internal Revenue Code.

Throughout his years with the Ways and Means Committee, Paul assisted Members and staff with a myriad of legislative initiatives and helped draft legislative language for at least a dozen major tax bills starting with the 1976 Tax Reform Act and finishing with the Taxpayer Relief Act of 1997. As the pension and foreign tax rules grew increasingly more complex, Paul's expertise and depth of knowledge became crucial to sound tax policy.

I know Paul's friends and coworkers join me in wishing him the very best. Paul has earned a fulfilling retirement marked with the satisfaction of a job well done. He will be truly missed by those fortunate to have worked at this side. Good Luck, Paul, and thank you.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 800, the Education Flexibility Partnership Act of 1999 and I commend the distinguished gentlemen from the education committee, Mr. GOODLING and Mr. CASTLE for bringing this important legislation to the floor today.

This legislation will provide states and our local education officials with greater flexibility in using federal education funds to support locally-designed, comprehensive school improvement efforts. Currently only 12 states have this ability, but this bill would extend this flexibility to all 50 states. Supported by many groups such as the U.S. Chamber of Commerce, the National School Boards Association, and the New York State United Teachers, the expansion of the ed-flex program will give states and local school districts, much needed regulatory relief to pursue education reforms, while maintaining a level of accountability.

To ensure that this program will not be abused, the Secretary of Education must determine that a state has an approved title I plan or has made substantial progress in developing and implementing state content standards and assessments under the Elementary and Secondary Education Act of 1965, in order to be eligible for ed-flex waivers. Moreover, states are required to develop detailed improvement plans, specific to the waiver authority requested, and must continue to comply with basic federal requirements concerning civil rights and educational equity.

Ed-flex will reduce the federal demands on local school districts and will allow local officials the freedom to choose between what works and what doesn't work for their specific school system. This will in turn, help the federal government to see what federal regulations are not being used by local districts and allocate those funds to other programs that the state and local officials deem necessary and useful.

This program helps everyone. Local districts will have the flexibility to customize their schools to bring about maximum performances from their teachers and students, and the federal government will learn from the local and state officials which programs work and which programs need to be changed.

Once again I applaud the efforts of the Education Committee and I urge my fellow colleagues to support the ed flex bill.

H.R. 1074 THE REGULATORY RIGHT-TO-KNOW ACT OF 1999

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. BLILEY. Mr. Speaker, today I am introducing H.R. 1074, the Regulatory Right-to-Know Act of 1999. The Regulatory Right-to-Know Act is an important tool to understand the magnitude and impact of Federal regulatory programs. The Act will provide all Americans, including state and local officials, with new tools to help them participate more fully and improve our government. Better information and public input will help regulators ensure better, more accountable decisions and promote greater confidence in the quality of federal policy and regulatory decisions. Better decisions and updated programs will help Americans enhance innovation, improve the quality of our environment, make our families safer, improve our economic security, and improve the quality of life.

Mr. Speaker, we know the right steps. Over the past four years, this Congress has changed the direction of Federal Government from the endless burden of more taxes and spending to the new fiscal discipline of balance and accountability. For the past decade the genius of freedom and innovation has driven American businesses through a quality and productivity revolution. The result of this drive toward efficiency and accountability is an American economy which is the unparalleled envy of the world. The freedom and innovation of millions of Americans in private businesses have brought incredible improvements to our quality of life, health care, education, and prosperity. Through the new emphasis on flexibility and innovation, State and local officials have led the way to safer, cleaner and more prosperous places to live. We in Congress must be the allies of state and local government, American business and families through responsible management of the Nation's regulatory programs to ensure quality in necessary regulation and even greater freedom from unwise regulation.

To do our jobs we must first understand the impact of Federal regulatory programs on our economy and innovation. In addition to taxes, the Federal Government imposes tremendous costs and restrictions on innovation on the private sector, State and local governments and, ultimately, the public through ever increasing Federal regulations. Here too we must drive toward quality, efficiency and accountability.

Some estimates place the compliance costs from Federal regulatory programs at more than $680 billion annually and project substantial growth even without new legislation. These costs are often hidden in increased prices for goods and services, loss of competitiveness in the global economy, lack of investment in job growth, and pressure on the ability of State and local governments to fund essential services, such as crime prevention and education. More recently we have heard mayors decry the effect that unwise Federal regulations have on the problems of brownfields redevelopment and preventing reinvestment in our urban areas. As a former mayor of Richmond I am familiar with and very sympathetic to these problems.

Unlike the private sector, where freedom of contract and free market competition drive price and quality, Federal programs are only accountable through the political process. Over the past few decades both Congress and the Executive Branch have driven growth in Federal regulatory programs, creating layer upon layer of bureaucracy at great cost and often with diminishing returns for the American people. Congress and the Executive Branch must take concrete steps to manage and reform these programs. The Regulatory Right-to-Know Act is a fundamental building block for a smarter partnership in federal regulatory programs. The leadership we show or fail to show will affect the quality of life for ourselves and our children.

Bipartisan organizations representing the Nation's governors, mayors, professional city managers, county officials and others are unanimous in their support for the Regulatory Right-to-Know Act. Citizens for a Sound Economy, the National Federation of Independent Businesses, the U.S. Chamber of Commerce, the National Association of Manufacturers, and many others agree that the American taxpayers and consumers have the right-to-know the costs and benefits of federal regulations, and have endorsed the Regulatory Right-to-Know Act of 1999.

I would like to thank Mr. MCINTOSH, Mr. CONDIT, Mr. STENHOLM and others for their leadership on this bill in the 104th, 105th, and 106th Congresses. As evidenced by the original co-sponsorship list, the Regulatory Right-to-Know Act of 1999 has broad bipartisan support. Senator THOMPSON and Senator BREAUX have provided leadership in the Senate and have, once again, introduced the analogue to the Regulatory Right-to-Know Act.

The legislation changes no regulatory standard. It will, however, provide vital information to Congress and the Executive branch so they may fulfill their obligation to ensure wise expenditure of limited national economic resources and improve our regulatory system. Let's not forget that a tax or consumer dollar spent on a wasteful program is a dollar that cannot be spent on teachers, police officers or health care. If we are serious about openness, the public's right to know, accountability, and fulfilling our responsibility as managers, we will enact this important piece of legislation.

TRIBUTE TO ROBERT L. OZUNA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. BROWN of California. Mr. Speaker, I rise today to pay a tribute to Robert L. Ozuna, who was Chief Executive Officer of New Bedford Panoramex Corporation in Upland, California. Mr. Ozuna died Saturday, March 6, 1999 at Queen of the Valley Hospital in West Covina, California. He was 69.

Robert Ozuna was the oldest of four children born in Miami, Arizona to Mexican-American parents. In 1940, after his father's early death, his family moved to East Los Angeles where he grew up with his mother, brother and two sisters. Robert was required to seek steady work at an early age to assist the family financially.

Robert Ozuna emerged as one of the leading Mexican-American entrepreneurs in Southern California as Founder and President of New Bedford Panoramex Corporation (NBP). He gained his business experience on the job and he gained his engineering education by attending night school in the California community and junior college system.

In 1966, Mr. Ozuna began to build his company with a second mortgage on his residence, a few electrician's hand tools, hard work, and entrepreneurial instincts into the thriving electronics manufacturing business it is today in Upland, California. NBP engages in the design, development, and manufacturing of electronic communication systems and remote monitoring systems for its primary client, the United States Government.

Mr. Ozuna's hard work and dedication were recognized through such honors as the U.S. Department of Transportation's Minority Business Enterprise Award for 1987 and again for 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He was an active member of the California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament, which he instituted to raise funds for the Rancho de Los Ninos Orphanage in BajaMar, Mexico.

As industrious as Mr. Ozuna was in business, he was equally involved sharing his prosperity with many philanthropic activities in his community. He was the sponsor of many events in the Hispanic neighborhood where he grew up, and he was a founding director in the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a handsome man who had a passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed away in November of 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven Ozuna and Jeff Dominelli; his daughters, Nancy DeSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas; and his brother Tony Ozuna. He also leaves 8 grandchildren.

A Memorial Service will be held on Friday, March 12th at 12:00 noon, at St. Gregory's Church, 13935 E. Telegraph Rd., Whittier, CA. The burial will follow at Queen of Heaven Cemetery.

Mr. Speaker, Robert Ozuna's life epitomized much that is the American dream. He rose from economically humble roots to found and head a well-respected electronics manufacturing firm, and he gave back to his community and to those around him, helping to create a better future for others through his life. America is a better place because of Robert Ozuna, and he will be sorely missed.

LEGISLATION TO MEMORIALIZE VETERANS WHO DONATE THEIR ORGANS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. GOODLATTE. Mr. Speaker, several months ago, I was contacted by one of my constituents, Mrs. Linnae Hedgebeth of Salem, Virginia. She requested that my office intervene on a matter of great importance to her family, and others across the country.

Mrs. Hedgebeth is the widow of Roger Hedgebeth, Sr., a decorated World War II veteran and a career civil servant. When Mr. Hedgebeth passed away in 1997, he requested that his body be donated to assist in medical research, and that his ashes be memorialized at Arlington National Cemetery. Following his wishes, his family donated his body to science, but unfortunately were not able to give this military hero the final recognition that he deserved at Arlington National Cemetery.

As it stands now, due to various legal concerns, no ashes of individuals who donate their bodies to science are returned. And unfortunately, current regulations at Arlington National Cemetery prohibit memorializing veterans in the Columbarium unless their remains are actually inurned there. While I understand that space is limited at Arlington, and it is necessary to follow strict guidelines regarding burial and memorialization, I cannot accept that an entitled veteran can be denied appropriate recognition simply because he has donated his remains to further medical research.

While our nation is blessed with many treasures, none is more cherished than the peace we enjoy in our prosperous country. Arlington National Cemetery has long been a sanctuary for remembrance to veterans who provided and safeguarded that peace. We should not deny any eligible veteran that recognition simply because they may choose to help others by donating their remains to medical study.

With that said, Mr. Speaker, I submit this bill which seeks to modify current regulations to allow otherwise eligible veterans, who have donated their bodies to science, to be memorialized at the Columbarium in Arlington National Cemetery, not withstanding the absence of their physical remains. I urge my colleagues to support this important legislation.

FATHER DRINAN'S VOICE FOR SANITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, my predecessor in Congress, Father Robert Drinan, was during his very impressive tenure here an important spokesman for a sensible reordering of our national spending priorities. Since leaving Congress, Father Drinan, has continued to be a leader on issues of human rights and social justice, and his most recent article on national policy makes in a compelling way the case against the proposed military budget increases President Clinton has unfortunately requested. Father Drinan sets this in the appropriate context and I believe his reasoning is persuasive and his facts compelling. As Father Drinan notes in this article in the National Catholic Report for January 22, "the world scene has changed, but neither the White House nor the Pentagon seems to have heard the good news." I ask that this important statement be printed here.

THE MILITARY-INDUSTRIAL COMPLEX JUST MARCHES ON

(By Robert F. Drinan)

When I read in early January that President Clinton had agreed to support the Pentagon's request for an increase of some $125 billion over the next six years, I became certain that the United States had failed to produce a new foreign policy for the world after the Cold War.

All my anxieties and misgivings about U.S. foreign policy in the six years of the Clinton administration coalesced into the conviction that the United States had lost an unprecedented opportunity to fashion for the entire world a policy that would relieve hunger, promote democracy and bring stability to troubled regions.

Since the Warsaw Pact and world communism dissolved in 1990, the entire human family has been looking to the United States for moral leadership that could usher in a new era of peace.

The military has not rethought its goals since 1990. The one review the Pentagon conducted resulted in the questionable finding that the United States must be prepared to wage two regional wars at the same time. That theory has never been approved by Congress following hearings or evaluated in the crucible of public opinion.

It is self-evident that the world has changed radically since the disappearance of the Soviet Union. The nations of the world do not need military jets or sophisticated armaments; they need the skill and resources to promote economic stability and make adequate provision for health and education for their people.

America could help make that happen. Instead, the White House chooses to invest the nation's wealth in the largest boost in military spending since the heyday of the Reagan buildup. The Air Force will be able to buy more F-22 fighters, and Army can acquire new Comanche attack helicopters and the Navy will build new ships.

In so doing, the president may have headed off a potentially dangerous issue in the race for the White House in the year 2000. Vice President Gore will not have to face charges of letting America's guard down. But meanwhile the opportunity to rethink the military policies of the United States in a postcommunist world is slipping away.

For me, the concession of 1999 to the Pentagon symbolize the failure of the White House to engage Congress and the country in a fundamental re-examination of what America should do as the human family struggles with feeding, sheltering and keeping all its members safe.

The White House has rejected all the voices since 1990 that have been pressing for new foreign policy priorities. Arms control experts, activists and academics in the peace community and scores of religious organizations feel spurned by Clinton as he agrees to go along with the Pentagon with business as usual.

The Council for a Livable World and similar organizations get regular assessments from military experts of what the United States needs to deal with its current challenges. Their estimate is nowhere close to the $260 billion available to the Pentagon this year.

There certainly is no need for the entire world to be spending $780 billion on arms this year.

The world scene has changed, but neither the White House nor the Pentagon seems to have heard the good news. The military is still operating with 80 percent of its Cold War budget and much the same attitude.

The military establishment in this country is awesome. It includes 1,396,000 men and women on active duty, 877,000 in the reserves and 747,000 full-time civilians. Imagine the impact if only a fraction of this vast armada joined the 7,000 Peace Corps volunteers serving the poor in useful ways.

Supervision of the sprawling world of the Department of Defense seems to be beyond even the Congress. There are 122 separate kinds of accounting used by the Department of Defense—so many that even the Pentagon's inspector general admits the need for reform. And although there is every indication that the country's military needs are shrinking, the Pentagon asked Congress for 54 new slots for generals and admirals this year.

It should also be remembered that the Pentagon resisted and prevented America's acceptance of the international ban on land mines whose advocates captured last year's Nobel Peace Prize. The Pentagon blocked U.S. participation in the new International Criminal Court, a sort of permanent Nuremberg Court, and it was the Pentagon that spent $35 billion in 1998 monitoring and maintaining some 12,500 nuclear warheads.

Opportunities to protest the latest surge in defense spending will probably be minimal, since the administration and Congress usually push such measures through as a matter of routine.

There is no sign of hope. Dale Bumpers, longtime arms control advocate, took office Jan. 4 as the new director of the Center for Defense Information. After 24 years as a Democratic senator from Arkansas. Bumpers now head up an organization composed of retired high-ranking military officers devoted to developing a sensible military policy for the United States.

Widely regarded as a leader on arms control issues, Bumpers will carry forward the center's work seeking a sensible and balanced military policy. Bumpers opposed plans for an elaborate missile defense system, fought against the F-22 and supported procurement reform at the Pentagon.

The present dominance of the Pentagon and its arms merchants reminds one of the familiar but distressingly true observation of President Dwight Eisenhower in his farewell address of Jan. 17, 1961. The only U.S. general to be president in the 20th century said:

"We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

ONE YEAR ANNIVERSARY OF THE STONEVILLE TORNADO

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. BURR of North Carolina. Mr. Speaker, on the afternoon of March 20, 1998, a tornado ripped through the town of Stoneville, NC which is in my district. The people of this small town had no warning before the powerful winds of an F2 tornado ravaged the downtown area and touched the surrounding towns of Madison and Mayodan.

The path of the tornado was 12 miles long and 100 to 400 yards wide. It claimed the lives of 2 individuals while damaging or destroying 500 to 600 homes and nearly all of the businesses in the downtown area.

Yet, after facing this devastating force of nature, the people of Stoneville did not give up. They pulled together with the aid of their neighbors and have been rebuilding their homes, their businesses and their lives over the past 12 months.

I was there the night of the tornado, and from that time until now I have witnessed the best in the human spirit as everyone has volunteered to help those in need.

The buildings were destroyed, but not the determination to survive. This is a true example of American's working together for the good of their fellow man.

I salute the people of Stoneville and all of their neighbors who have volunteered for their will to rebuild rather than to let their heritage be destroyed. I wish them the best and brightest future which they surely deserve.

HONORING VALERIA SOWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I rise to honor Ms. Valeria Sowell for her distinguished service to the Brooklyn community of East New York. A teacher for fifteen years, Ms. Sowell has served her community as educator, lobbyist, and activist.

Known for her no nonsense approach to solving problems, Ms. Sowell earned the respect and admiration of members of the community by helping to establish The Cleveland Street Block Association. In addition to community development, Ms. Sowell is concerned about health issues in Brooklyn. Wearing her hat as community lobbyist, Ms. Sowell is presently working with members of the New York General Assembly to change state law to permit HMO coverage of alternative forms of medicine.

While serving as American Federation of Teachers School Delegate, Ms. Sowell was honored by her peers with the prestigious Very Special Arts Award and later the Impact Award. She is affiliated with several organizations, including the NAACP, Democratic National Committee, New York Alliance of Black School Educators, New York Coalition of Black School Educators, Association of Orthodox Jewish Teachers, and the New York Coalition of 100 Black Women.

Ms. Sowell is an active member of the Christian Life Center in Brooklyn. Born in Brooklyn, New York, Ms. Sowell was the fourth of five children from the union of her beloved parents, Mildred and Clyburn Sowell.

In closing, Mr. Speaker, I am pleased to honor an unselfish, positive role model for the community, Ms. Valeria Sowell.

A BUDGET WORTHY OF OUR NATION'S VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. FILNER. Mr. Speaker, I rise today to speak about a travesty that happened in the House Committee on Veterans' Affairs just a few hours ago. As we all know, this committee has had a long-standing tradition of bipartisanship, of working together, of advocacy for our nation's veterans.

That all changed today. Unbelievably, on the eve of the bipartisan retreat in Hershey, Pennsylvania, the Members of the majority on this committee decided not to allow a discussion or a vote on an alternative budget that was derived from the Independent Budget for Fiscal Year 2000, a comprehensive policy document created by veterans for veterans and endorsed by over 50 veterans' service organizations.

As we are well aware, the Administration's fiscal year 2000 budget for veterans is completely unacceptable. Under this budget, the VA health care system is drastically underfunded and in danger of actual collapse. This budget for the GI Bill is far short of realistic needs and failing as a readjustment benefit and as a recruitment incentive. Desperately needed staffing increases included in this budget appear to be phony—little more than transparent shell games. The National Cemetery System has been underfunded for years, and the money needed for the most basic repairs and upkeep is unavailable. These are drastic problems and they demand serious, substantial solutions! Veterans have been wronged by this budget, and it is the responsibility of Congress to right that wrong.

For many, many years, America's veterans have been good soldiers. They have done their duty and been conscientious, responsible citizens. Every time the Veteran's Affairs Committee was handed a reconciliation target, it met that target. Billions of veterans' dollars have been handed over in order to balance the budget and eliminate the deficit. Time and time again, America's veterans answered their nation's call. The country needed their support, and America's veterans gave all that they could give.

Well, the budget deficit has been eliminated. That battle has been won. I believe that this year, it is time for America's veterans to come first. We, as a nation, owe them that.

I listened closely to the testimony of the many veterans' service organizations as they have come to Washington to appear before the House and Senate Veterans' Affairs Committees over the past few weeks. I carefully studied the Independent Budget for Fiscal Year 2000, which I mentioned earlier. I hear a strong sense of urgency and frustration and even anger that I've never heard before. America's veterans are telling us that they have done more than their fair share—and now they expect us to be their advocates.

As I read the Independent Budget, I was struck by this powerful statement that I would like to share with you. The signers of the Independent Budget said, "As the Administration and Congress develop budgets and policies for the new millennium, we urge them to look up from their balance sheets and into the faces of the men and women who risked their lives to defend our country. We ask them to consider the human consequences of inadequate budgets and benefit denials for those who answered the call to military service."

I took this to heart! Because, as I said earlier, the Administration budget of $43.6 billion is completely unacceptable, we Democrats on the Veterans' Affairs Committee developed a proposal, based on this Independent Budget, that would add $3.19 billion to the Administration proposal.

We came to the meeting today, hoping for a full discussion of the chairman's proposal which added $1.9 billion to the Administration's request, the Democratic alternative which added $3.19 billion—and a vote on which one to send to the Budget Committee. For I believe that it is our duty, as members of the Veterans' Affairs Committee, to send to the Budget Committee the very best "views and estimates" on the VA budget that we can.

In a democratic society, it is our right to be able to express ourselves, to debate and discuss various alternatives, and to vote!

The chairman's recommendation could have gained more votes than the Democratic alternative proposal, but we will never know. Because a vote was not permitted. Not to allow a full discussion of the needs of veterans and the best way to meet those needs—this is simply outrageous. These are the needs of our veterans that we are talking about! Let us hope that the travesty that occurred this afternoon in the Veterans' Affairs Committee will not be repeated for a very long time.

As the Independent Budget asks of us, I ask my colleagues to remember the faces of the men and women who sacrified so much as we develop a budget worthy of our nation's veterans.

TRIBUTE TO DR. MARLENE DAVIS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. LEVIN. Mr. Speaker, I rise today to honor Dr. Marlene Davis, Superintendent of the Southfield Public Schools.

Dr. Davis recently was named the 1999 Michigan School Superintendent of the Year. A native of Dearborn, Michigan, Dr. Davis has an extensive educational background. She holds a Bachelors of Arts in Art History, from Michigan State University; a Masters of Arts in

Guidance and Counseling, from the University of Michigan; a Masters of Science and a Ph.D. in Education Administration, from Purdue University.

Before coming to the Southfield Public Schools in 1991, Dr. Davis was the Superintendent of Novator Unified Schools and Fillmore Unified Schools, in California from 1985 to 1991. She was also a proud member of the United States Peace Corps for three years, serving in Sierra Leone.

Dr. Davis was named Michigan's 1999 Superintendent of the Year because of her vision and leadership as exemplified by her initiation of the Southfield Public Schools strategic plan, designing the framework of the high school restructuring plan and the implementation of various diversity programs.

Although she has dedicated the last 20 years of her life to make education a priority for the leaders of tomorrow, Dr. Davis is deeply involved in the Southfield community as well. This includes serving on the Boards of the following: Southfield Chamber of Commerce, the Southfield Community Foundation, the Metro Detroit Bureau of School Studies, Gilda's Club and the Southfield Total Living Commission.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Marlene Davis as the recipient of this most prestigious award and wishing her success as she continues to serve the educational community.

A TRIBUTE TO RICHARD KILEY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. GILMAN. Mr. Speaker, it is with deep regret that I report to our colleagues the passing this past weekend of one of the outstanding actors in American show business—an individual for whom respect was universal.

Richard Kiley was one of the most respected members of his craft because he brought sincerity and professionalism to everything he did. Richard Kiley was not only a gifted actor, but a great humanitarian, whose friendship spanned nearly a half century.

Richard was one of the few people in show business who had the reputation of lending class to every project he had undertaken. From originating the starring role in "Man of LaMancha" to providing the voice over of thirty years of "National Geographic" documentaries, and from his Emmy-winning role as star of "A Day In The Life" to his guest appearances on various other programs, and his most recent film, "Patch Adams," Richard Kiley brought grace, dignity and intelligence to all of his many roles.

In recent years, we came to rely on Richard Kiley, not only for his advocacy of the National Endowment for the Arts and other programs to encourage artistic development, but also his concern for the environment of his home town of Warwick.

Richard Kiley is perhaps best known as the first actor to play the title role in "Man of LaMancha" for which he received the Tony Award for "the most distinguished performance by a musical star" as well as the Drama Critics Poll and the Drama League Award. He repeated the role in London Center, and on a record-breaking tour of the United States.

Born in Chicago, Richard began his career in radio as a soap opera juvenile in such vintage favorites as "The Guiding Light" and "Ma Perkins." After three-and-a-half years in the Navy, his first significant employment was to understudy Anthony Quinn in the touring company of "A Streetcar Named Desire" and later take over the role of Stanley. He was first seen on Broadway as Joey Percival in the successful revival of Shaw's "Misalliançe," for which he received the Theater World Award.

Richard's first musical role was the Caliph in "Kismet" in which he introduced the classic, haunting song, "Stranger in Paradise," which was one of the biggest hit songs of the 1950's. For a time he was in the enviable position of alternating straight plays with musicals, following the Caliph and Major Cargill in the Theater Guild's "Time Limit." He co-starred with Gwen Verdon in "Redhead," for which he won his first Tony Award. The following season he was seen as Brig Andersen in "Advise and Consent," the dramatization of Allen Drury's Pulitzer Prize-winning novel, after which he co-starred with Diahann Carroll in Richard Rodgers' "No Strings."

Richard co-starred with Colleen Dewhurst in the Spoleto Festival production of O'Neill's "A Moon for the Misbegotten." He returned to Broadway as Caesar in "Her First Roman," followed by the "Incomparable Max," "Voices" with Julie Harris, "Absurd Person Singular," "The Heiress," and "Knickerbocker Holiday." He appeared at the Kennedy Center in "The Master Builder" and at the Edinburgh Festival in an American poetry reading with Princess Grace of Monaco. He played Tartuffe at Philadelphia's Drama Guild, Moliere in "Spite of Himself" at the Hartford Stage, and toured as Scrooge in a new musical version of "A Christmas Carol." He was last seen on Broadway in the revival of Arthur Miller's "All My Sons" for which he received a Tony nomination.

His television career began during the medium's "Golden Age" and continued until his death with regular guest appearances on many popular shows. He received both the Emmy and Golden Globe Awards for his performances in "The Thorn Birds," as the lead star in the series "A Day In The Life," and as Kathy Baker's father on the acclaimed series, "Picket Fences."

Richard Kiley's motion picture career began with his spellbinding, standout performance in the classic 1955 film, "The Blackboard Jungle." Other notable performances include his roles in "Eight Iron Men," "The Phoenix City Story," "The Little Prince," and "Looking for Mr. Goodbar," in which he appeared as Diane Keaton's father. Richard also appeared in "Endless Love," and his last film, the box office and critical smash, "Patch Adams." Richard Kiley possessed one of the most melodious and thus frequently heard voices in show business. He narrated numerous television programs throughout the years, including thirty years of "National Geographic" specials, "Mysteries of the Bible," "Nova," and "The Planet Earth."

Unlike many successful show business personalities, Richard Kiley did not divorce himself from his community, but remained an activist who his neighbors in Warwick, NY, knew they could count upon for assistance with community concerns, most especially in protecting the local environment.

Richard devoted time and energy to a number of charitable concerns, and has never been known to turn his back on any worthy cause or individual in need of help.

Richard Kiley was truly a man for all seasons and all generations.

We extend our condolences to Richard's widow Pat, and to his six children: Kathleen, Erin, Dierdre, David, Michael, and Dorothy. Richard also leaves behind 12 grandchildren and one great-grandchild.

Richard Kiley was a person who could serve as a role model not only to aspiring actors and actresses, but to all young people who aspire to success in their professions and as good citizens. Richard Kiley is an individual whose shoes will be difficult to fill, and who will long be missed.

CHEAP CAR PARTS CAN COST YOU A BUNDLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached article, "Cheap Car Parts Can Cost You a Bundle", from Consumer Reports which appeared in its February 1999 issue.

CHEAP CAR PARTS CAN COST YOU A BUNDLE

One January morning last year, Daniel Della Rova was passing another car at about 55 mph on Route 222 near Kutztown, Pa. Suddenly the hood of his 1988 Honda Accord flew up, fractured the windshield, and wrapped itself around the roof. Unable to see ahead, Della Rova gripped the wheel tightly and managed to steer to the side of the road. "Luckily," he says, "I didn't hit anything." But the insurance company declared the car a total loss.

According to Charlie Barone, a vehicle damage appraiser in Malverne, Pa., who has examined the car, the cause of the mishap was what collision repairers disparagingly call offshore "tin"—a cheap imitation hood made by a Taiwan manufacturer. It's one of many, mostly Asian-made imitations of automakers' OEM (original equipment manufacture) parts.

Barone, an outspoken critic of imitation parts, says they're cheaper than OEM for a reason: "They're inferior to original manufacturer parts."

He adds that the previous owner of Della Rova's Honda, who had damaged the original hood in a minor accident, probably paid $100 less for the imitation hood than the $225 the Honda OEM part would have cost. But the real cost could have been catastrophic.

An auto-repair problem similar to Della Rova's may be parked in your driveway right now. If your car was ever in an accident, the repair shop may have installed cheap imitation parts, perhaps without your even knowing it.

Crash parts are a big business. Each year, U.S. drivers have an estimated 35 million automobile accidents costing some $9 billion in crash parts. The most frequently replaced parts are bumpers and fenders.

Not all imitation parts are bad. Various brand-name replacement batteries, filters, spark plugs, and shock absorbers can provide quality along with competitive pricing. Some body-part copies are OK, too, but others are junk.

Several consumer groups have supported imitation crash parts, and for good reason: These parts provide competition, forcing automakers to reduce prices. That's good for consumers—but only if quality doesn't suffer. Unfortunately, the quality of imitation crash parts can vary widely.

Many collision repairers complain that imitation parts generally don't have the same fit and quality as OEM parts. "Approximately 75 percent of the time, you have to make modifications or tweak the sheet metal to make aftermarket body parts fit," says Phillip Bradshaw, owner of Bradshaw Collision Centers in Madison, Tenn. "And even then, it's often impossible to get the alignment and fit right."

In an effort to assure the quality of imitation body parts, the insurance industry established the nonprofit Certified Automobile Parts Association in 1987. To date, CAPA's certification program covers a small percentage of imitation body parts.

Because of the controversy over the price and quality of collision-repair parts, we decided to conduct our own tests on fenders and bumpers to learn about their quality firsthand. All the non-OEM fenders that Consumer Reports tested were CAPA-certified. (CAPA doesn't certify bumpers.)

We also investigated the claims and counterclaims about the benefits of aftermarket parts. Our tests and investigation uncovered two key findings:

Most auto insurers endorse imitation parts because they can be 20 percent to 65 percent less expensive than OEM. But the companies we surveyed provided no evidence that those savings are being passed on to policyholders.

The imitation bumpers and fenders we tested were inferior to OEM parts. The bumpers fit badly and gave poor low-speed crash protection. Most of the fenders also fit worse than OEM fenders, and they rusted more quickly when scratched to bare metal.

THE PRICE VS. QUALITY DEBATE

Some insurers acknowledge there's a quality problem. That's why the Interinsurance Exchange of the Automobile Club of Southern California uses only OEM metal body parts. "We have found significant problems in the quality and specifications of non-OEM sheet metal," says spokeswoman Carol Thorp.

Raleigh Floyd, an Allstate spokesman, says that his company uses OEM parts—and imitation parts "whose quality has been certified" by CAPA. But our tests of some CAPA-certified fenders indicate that the CAPA seal of approval is no guarantee of quality comparable with that of an OEM part. (The CAPA seal was affixed to the hood on Della Rova's Honda.)

Also, some consumers may not know what kind of parts they're getting. They may simply assume their car will be restored to its precrash condition.

Besides fenders and hoods, CAPA certifies other sheet-metal and plastic parts. In the crash parts market, CAPA parts account for 3 percent or less of the units sold. OEM parts account for 72 percent; salvage parts, 10 percent. Non-CAPA imitation parts make up the remaining 15 percent. CAPA looms large in the industry because it's the only organization that sets quality standards for imitation replacement parts. Although its overall market share is small, CAPA is growing.

The debate over quality should heat up this summer as a $10.4 billion class-action lawsuit, Snider vs. State Farm, goes to trial in Marion, Ill. The suit accuses State Farm of pressing shops and policyholders to use imitation parts that aren't equal in quality to OEM parts. That's "a breach of their promise to resote the vehicle to pre-loss condition, says Thomas Thrash, an attorney for the plaintiffs.

State Farm firmly denies this. "We believe these [non OEM] parts are of the same quality as the manufacturer parts," says spokesman Dave Hurst.

Insurers haven't always looked kindly on non-OEM crash parts. In the early 1980s, State Farm's periodic repair reinspections revealed that many repair shops were charging for OEM parts but installing cheaper imitations and pocketing the difference.

"The shops were making a very long dollar," says Stan Rodman, director of the Automotive Body Parts Association, which represents manufacturers and distributors of imitation parts—and which was briefly the predecessor of CAPA. "They were getting a non-OEM fender for 90 bucks that the insurance company was paying them $400 for."

By the mid-'80s, however, insurers began recommending imitation parts. Their repair estimates assured policyholders that the parts were as good as OEM parts.

The plaintiffs in the State Farm suit allege that the insurer knew better. In June and August 1986, for example, State Farm consultant Franklin Schoonover warned the company's research department that a sampling of imitation crash parts tested earlier that year by the Detroit Testing Laboratory represented a "major risk for consumer usage when compared to the GM OEM parts."

The lab found that some of the imitation parts weren't as strong, were more likely to have problems with cracking and peeling paint, and showed weight differences, indicating a wide variation in quality control.

In 1987, Ford sued Keystone Automative Industries, the largest distributor of non-OEM body parts in the U.S., for using the phrase "like kind and quality" to compare its imitation parts with OEM parts. In 1992, a U.S. District Court ruling found that Keystone's claims were "false" and "made with the deliberate intention of misleading the public." In a $1.8 million settlement, Keystone agreed to allow Ford to state in its advertising, "Crash parts from Keystone do not meet Ford OEM quality."

"We should not have made those statements," says Charles Hogarty, president and CEO of Keystone, which now uses the term "functionally equivalent" to describe its products. Hogarty says the description is "probably loose enough to mean whatever you want it to mean . . . it's not identical and there may be some minor, we'd say insignificant, differences."

THE CONSUMER CONNECTION

After it was established in 1987, CAPA compiled a manual that spells out quality controls, test procedures, and other steps required for manfuacturers to get its seal.

In 1988, CAPA added consumer advocate Clarence M. Ditlow to its nine-member board. Ditlow is executive director of the Center for Auto Safety, a nonprofit watchdog group founded in 1970. (He is also on the board of directors of Consumers Union, Publisher of Consumer Reports. The center received funding from CU during its early years.)

In 1989, CAPA hired Jack Gillis as its executive director. Gillis is also director of public affairs for the Consumer Federation of America and the author of a long list of consumer-oriented books.

Ditlow says that CAPA parts are better quality than non-CAPA imitation parts "by virtue of the fact that you set a standard." But when asked, neither he nor Gillis provided compelling evidence to support that claim.

Gillis also says that CAPA parts are of "like kind and quality" to OEM parts. But CAPA's quality-standards manual requires only "functionally equivalent" parts. Such a careful choice of words is significant: A Saturn may be functionally equivalent to a BMW, but the two are hardly equal.

A twice-a-year survey of 500 repair shops done for the auto industry by Industrial Marketing Research of Clarendon Hills, Ill., does suggest that CAPA parts are better than non-CAPA and that the quality of all imitation parts is improving. But according to the same study, only one-third of repair shops termed CAPA parts an acceptable substitute for OEM parts. Two-thirds judged the quality of CAPA parts "somewhat worse" or "much worse" than OEM parts.

In the IMR study, repairers also indicated that customers came back twice as often with complaints about imitation parts, and that shops often must absorb the cost of extra labor.

Last March, the Automotive Service Association (ASA), representing more than 12,500 repair shops, withdrew its support of CAPA because "CAPA has failed in its mission" and hasn't assured imitation crash parts that are equal in quality and consistency to OEM.

"ASA is no friend of the consumer," says Ditlow. "These are people who have an agenda, and that agenda is higher repair costs." But CAPA board member Clark Plucinski, who oversees a network of 30 repair shops, says that ASA has grown frustrated with the slowness of CAPA's progress, despite the fact that CAPA is improving the quality of all imitation parts.

Gillis says that CAPA has an "aggressive" program to solicit complaints from repair shops, but that last year it received only 1,055 complaint forms on some 2.3 million CAPA parts used. However, Plucinski says that hands-on collision-repair people are more likely to chew out the parts supplier than to fill out a complaint form.

ONE SIZE FITS NONE

Collision repairers we talked to almost universally complained that too many imitation parts, whether CAPA-certified or not, leave noticeable gaps and don't always match the car's contours. They "fit like a sock on a rooster's foot," says a Scottsdale, Ariz., collision repairer who fixes almost 200 cars each month.

"Fifty to 70 percent of the time the darn things don't fit," says John Loftus, executive director of the 8,000-member Society of Collision Repair Specialists, a trade association.

Jerry Dalton, owner of the Craftsman Auto Body chain in Virginia, says, "I like the idea of alternate parts other than OEM to keep pricing in line, and we try to use them as often as we can. But we still have to return a large percentage of them."

In a demonstration in Colorado Springs, Colo., last October by the Collision Industry Conference (CIC), a repair-shop education and training group, a CAPA hood and fender and a non-CAPA imitation headlight assembly didn't fit properly on an undamaged 1994 Toyota Camry, though a non-CAPA parking light and grille did fit. (Gillis, who was at the demonstration, says that the fender had been decertified just days earlier, and that he himself decertified the hood on the spot.) At another CIC demonstration in Dallas last December, all the CAPA and non-CAPA substitute parts fit well.

Of 160 repairs shops surveyed last year by Frost & Sullivan, an independent international marketing-consulting firm in Mountain View, Calif., 89 percent said that it takes about two hours longer to install an imitation part, costing $60 to $90 extra in labor.

HOW CAPA TESTS

CAPA uses Entela Laboratories, an independent test lab in Grand Rapids, Mich., to verify adherence to its standards. Entela has industry-standard equipment and the capability for testing materials.

Reports provided by Entela detail various side-by-side tests of materials in parts being considered for CAPA certification and their OEM counterparts. Entela reports for the Honda and Ford fenders we evaluated include material thickness, chemical composition, tensile strength, and corrosion resistance. The imitation part must be within certain limits of the OEM part in order to be granted certification.

The other half of the certification process is inspection of fit, done at the factory. The Entela fender reports we read list measurements of gaps, flushness with mating parts, and size and location of holes and slots. Each report gives the range of dimensions that the CAPA part must fall within.

The Ford and Honda fenders like those we evaluated appeared to have fallen within CAPA limits in the reports, and they were certified. We did find inconsistencies in the number of holes and slots among the same CAPA-certified part made by different manufacturers.

There may be two reasons for the poor fit of CAPA parts that repair shops complain about. One is "reverse engineering"—where manufacturers make copies of OEM parts. Although Gillis didn't acknowledge problems of fit with CAPA parts, he blames OEM parts for being inconsistent.

But Greg Marshall, Entela's research and development manager, says the OEM parts variations are perhaps 0.060 inch. Even when magnified by the copying process, that shouldn't account for the fit problems we found in CAPA fenders.

The second problem is that CAPA sheet-metal parts are tested for fit on a jig rather than on a car. Gillis says CAPA is changing its standards to require that each part be designed and fit-tested to its intended vehicle as of April. If implemented, that should improve fit. But Gillis says that the requirement will be only for newly certified parts. Parts already certified aren't affected by this change unless CAPA receives at least five complaints about the part in one year.

Repair-shop owner Dalton, a CAPA adviser and a former member of its technical committee who has visited plants in Asia, raises another issue. He says that CAPA isn't able to exercise sufficient control over quality "because they don't buy or sell the parts, and CAPA is a voluntary program."

To assess the claims and counter-claims of the controversy, we installed a sampling of replacement fenders and bumpers on cars and simulated several real-world challenges.

CR'S TEST RESULTS: FENDERS

Our engineers mounted three OEM and six CAPA left fenders on each of two popular cars, a 1993 Honda Accord and a 1993 Ford Taurus. (Our shoppers, who bought the fenders in the New York area and in California, couldn't find non-CAPA fenders for these cars.) Without making the extensive modifications a professional shop might have to carry out, we judged their appearance.

Two of the Ford OEM fenders matched up nicely, while the third didn't fit as well. By contrast, we found fit problems with all six CAPA fenders for the Ford. Some would require widening the holes or using shims. The worst didn't match the contour of the car and would require significant reworking.

All three Honda OEM fenders fit well. Three of the CAPA fenders for the Honda also fit well, but the other three had problems similar to those for the Ford.

We then had a repair shop install one OEM feeder and two CAPA fenders on each car, allowing the professionals to work the metal as they ordinarily would to make it fit. The shop found problems similar to the ones we found with the CAPA fenders. After working for an extra 30 to 60 minutes, the shop judged the resulting fit acceptable, though not as good as that of the OEM fenders.

Rust resistance. To simulate what rocks, vandals, or a shopping cart might do in the real world, we scratched a grid down to bare metal on four primed but unpainted fenders—two OEM and two CAPA-certified. We then hired a lab to put them through a cyclic 168-hour salt-spray fog test, in accordance with industry test standards. Both CAPA fenders showed heavy red rust by the end of the test. The Ford OEM fender showed only moderate white corrosion; the Honda OEM fender, nearly none.

The superior performance of the OEM fenders (and the telltale white corrosion) resulted from galvanization, in which a zinc coating is bonded to the steel. When the paint and primer are scratched, the zinc protects the steel by sacrificing itself, oxidizing into a white residue less damaging than rust. Most OEM parts are galvanized on both sides. The CAPA parts we tested aren't galvanized.

CAPA's corrosion test is different from ours. Entela engineers scratch an "X" in the primer and then expose the fender to a 500-hour salt-spray test. The parts get CAPA approval even when the X-ed area rusts, since the test is designed to evaluate the primer rather than the metal beneath. CAPA regards the results as problematic only if the rust spreads, making the primer blister or flake 3 mm beyond the "X," or if 10 percent of the entire fender shows red rust.

Gillis says galvanization is "not much of a value added because today's automotive paint processes are quite good." But Bruce Craig, a fellow of the National Association of Corrosion Engineers and author of the American Society of Metallurgists' Handbook of Corrosion Data, says, "It's kind of a slam dunk that galvanized is better. I'm perplexed why there would be a controversy."

That's a reason the Interinsurance Exchange of the Automobile Club of Southern California won't use imitation body parts: "You get bubbling, paint flaking off, premature rusting," says Gil Palmer, assistant group manager for physical damage claims.

Gillis told us that CAPA would begin requiring all sheet-metal parts manufactured starting January 1 to be galvanized to earn certification. That should be a major step toward equality with OEM parts. Meanwhile, distributors will continue to sell ungalvanized CAPA parts that are already in the sales pipeline.

Strength. We found the CAPA fenders comparable with OEM in one respect: Our tests for tensile strength uncovered no significant differences between CAPA and OEM fenders.

CR'S TEST RESULTS: BUMPERS

CAPA doesn't certify bumpers. A repair shop under our engineers' supervision installed a total of 4 OEM and 17 imitation bumpers, bought in the New York area and in California, on our Honda Accord and Ford Taurus. We saw startling deficiencies in the imitations.

How they fit. All the OEM bumpers fit nicely. But none of the imitations did, even after we redrilled or widened their holes as needed. All left large gaps or uneven surfaces.

How they protect. Our hydraulic bumper-basher simulated the thumps that might occur, say, in a parking lot—at 5 mph head-on, 5 mph offset, and 3 mph on the right corner. That's our standard test for new cars.

The OEM bumpers suffered only minor damage. Even so, repairing the scuffs and indentation on the Ford bumper would cost $235, and replacing the Honda's scuffed bumper cover and underlying brackets would cost $576. Those are pricey scuffs, but at least the OEM bumpers protected the cars themselves from damage.

In our 25 years of bashing hundreds of new-car bumpers, we've seen few perform as miserably as the imitations. Twelve of the 17 sustained so much damage in the first bash that we couldn't test them any further.

One imitation bumper shattered and allowed our basher to damage the Ford's headlight mounting panel, radiator support, and air-conditioner condenser. Repairs, using OEM parts, were estimated at $1,350. Another imitation bumper allowed our basher to damage the Honda's radiator, air-conditioner condenser, radiator-support tie bar, and center lock support. Repairs, using OEM parts, were estimated at $1,797.

LIMITED CHOICES

Most insurance adjusters don't clearly disclose that you're getting imitation parts of potentially lesser quality. ("Like kind and quality" or "LKQ" on the paperwork is a cryptic giveaway.) Some repair shops complain that they must follow the insurer's "recommendation" or risk losing customers from "direct repair programs"—the automotive equivalent of managed health care that most auto insurers use to cut costs.

The Automotive Service Association says that 33 states require repair shops to disclose the use of imitation parts to consumers. Six others—Arkansas, Indiana, Oregon, Rhode Island, West Virginia, and Wyoming—also require the consumer's written consent.

But disclosure and consent are meaningless if insurers promise higher quality than they deliver. The lawsuit against State Farm argues that the insurer did not restore damaged vehicles to pre-loss condition as promised.

Don Barrett, an attorney for the plaintiffs, says that cars repaired with "2/55 fenders"—an appraisers' disparaging term for fenders identifiable as imitations "from two miles away at 55 mph"—reduce appraised value by at least 10 percent.

John Donley, president of the Independent Automotive Damage Appraisers Association and a CAPA proponent, says that it's poor fit and poor corrosion resistance, not the mere fact that a part is an imitation, that hurts appraised value. Either way, that could be a problem not only at resale time but possibly at the end of a lease.

Industrial Marketing Research found that insurers call for imitation parts 59 percent of the time. We surveyed 19 of the nation's largest private auto insurers, who wrote 68 percent of the $115 billion in policies in 1997, and asked if they require or recommend imitation body parts for covered repairs. Nine didn't respond (American Family, California State Auto Assn., CNA, GEICO, GMAC, Metropolitan, Progressive, Prudential, and Safeco). Of the ten that did, Allstate, Erie, Farmers, State Farm, and USAA said they recommend but didn't require imitation parts.

Allstate says that if a customer insists on OEM parts, it will pick up the bill. Erie, State Farm, and Travelers make the customer pay the difference.

The Hartford said it doesn't recommend imitations for safety-related parts but does allow them for noncritical applications. And Travelers Insurance doesn't recommend imitations for cars less than two years old or with less than 20,000 miles.

The Interinsurance Exchange of the Automobile Club of Southern California, which writes policies only in Arizona, California, New Mexico, and Texas, calls for imitation parts only for nonmental trim items like bumper covers and moldings.

INSURERS AND CONSUMERS

Many of the insurers maintain that imitation parts keep premiums down, but none provided hard data to prove it.

CAPA and auto insurers have spent the last decade promoting imitation parts as purely pro-consumer. By breaking the automakers' "strangle-hold monopoly" over crash parts, says one recent release from the Alliance of American Insurers, auto insurers protect consumers from high parts prices and high insurance premiums.

"There is absolutely no question the insurance industry is on the side of the angels on this issue," says Gillis.

But there is a question.

Buying imitation parts simply diverts money from the pockets of one big industry—automobile manufacturing—to the pockets of another big industry—auto insurance. The insurers won't earn their wings until they demonstrate that a fair share of the money they save ends up in the pockets of consumers.

And CAPA, whose executive director often accuses automakers and repair shops of having a financial interest in promoting OEM parts, has its own financial interests. Half of its $3.9 million budget comes from insurance companies (the other half comes from the sale of CAPA seals to parts manufacturers). And six of the nine CAPA board members are insurance-industry executives.

The Center for Auto Safety—whose executive director, Clarence Ditlow, is a CAPA board member and a staunch advocate of CAPA parts—also receives funding from the insurance industry, though to a much lesser extent. In 1998, State Farm and Allstate contributed some $50,000 to CAS, accrding to Ditlow. (He says that amounts to only five percent of annual revenues. He also says that CAS' insurance funding has steadily decreased since the mid-1970s.)

Where's the consumer in all this? For now, stuck in a bind between automakers that charge high prices for factory body parts and auto insurers that push less-expensive parts of questionable quality. Until things change, car owners—including used-car buyers who may inherit the inferior crash parts—are being ill served.

CELEBRATING THE 10TH ANNIVERSARY OF VA'S CABINET DESIGNATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. FILNER. Mr. Speaker, I rise today to recognize Monday, March 15th as the 10th anniversary of the Department of Veterans Affairs (VA) as a Cabinet-level position.

Because by 1988, VA had become the largest independent agency in government, thought was given to its recognition as a member of the President's Cabinet.

Serving a population of 27.5 million veterans with a budget of $28.3 billion, with 245,000 employees, it was second only to the Department of Defense in the number of staff providing service to our citizens.

At the urging of both Congress and many veterans' service organizations, the current President endorsed the idea that the time had come for the VA to become a part of the Cabinet. It was time to give our nation's veterans their seat at this highest table of government.

Elevating the Department of Veterans Affairs to Cabinet level status provided the Department the opportunity to have greater national impact for veterans in the fields of health care, education, housing, and insurance. It was a move that cost virtually nothing in that era of tight budgets, yet gave veterans a prominent voice in the issues that dominate the national agenda.

I congratulate the Department of Veterans Affairs on a decade of growth in service to our nation's veterans, the dedicated men and women who accepted the challenge to protect their country, many of which gave the ultimate sacrifice for our freedom and liberty. I further encourage the Secretary of the Department of Veterans Affairs and his staff to continue to take full advantage of the opportunity that Cabinet-level status provides to advocate on behalf of these brave men and women.

REFORESTATION TAX ACT OF 1999

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. DUNN. Mr. Speaker, I am introducing today the Reforestation Tax Act of 1999 along with 16 of my colleagues who are deeply concerned about the future of our forest products companies. With the global marketplace becoming more competitive, we must take positive steps to remove barriers to our companies' ability to compete abroad. In the case of forest products, one of the largest impediments to success is our nation's tax code.

Beginning with changes brought about by the Tax Reform Act of 1986, America has been struggling to competitively produce timber in a global market. Despite a tax system that gives U.S. forest products companies one of the highest effective tax rates in the world, they have been one of the most visionary sectors in helping to expand trade into new markets. During the recent negotiations over sectoral liberalization in the Asia Pacific Economic Cooperative forum, forest products companies worked closely with Congress and the Administration to try to develop a long-term agreement to benefit American workers. Unfortunately, this process has not come to fruition due to disagreements among competing nations, something common when we solely rely on multilateral trade agreements to increase our competitiveness. It is time to focus on what we can do unilaterally: adjust our tax code so that our companies are not disadvantaged in the global marketplace.

The Reforestation Tax Act recognizes the unique nature of timber and the overwhelming risks that accompany investment in the industry. It will reduce the capital gains paid on timber for individuals and corporations by 3 percent each year up to 50 percent. Because this reduction would apply to all companies, we minimize the current inequity whereby neighboring tracks of the same timber are taxed at different rates simply because of the business form of their investment. For timber companies, the capital gain on these forest products can be enormous. In some regions, tree farmers must wait more than 50 years from the planting of a relatively worthless seedling to the harvest of a mature tree. No other industry faces the extreme risks from wind, fire, and disease in protecting their asset over such an expansive period of time so they can realize a profit.

In addition, the Reforestation Tax Act rewards those environmentally-conscious companies that choose to use their dollars for reforestation of their lands. By extending tax credits for all reforestation expanses, and shortening the amortization period for reforestation costs, Congress encourages and assists those companies that are making a conscious effort to operate in an ecologically-sound manner.

The Reforestation Tax Act represents the best of tax, global competitiveness, and environmental policy. I urge my colleagues to support this important initiative.

IN MEMORY OF JOSEPH PAUL DiMAGGIO

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. McCARTHY of Missouri. Ms. Speaker, I rise today to honor the memory of the greatest baseball player who ever lived. Joe DiMaggio was my hero and a hero to our Nation. I am saddened by his passing, and I extend my heartfelt sympathy to his friends and family. The Yankee Clipper personified dignity and greatness. He understood the importance of having both guts and grace, and he took his responsibility as a national figure seriously.

DiMaggio and dignity are synonyms. Mr. DiMaggio viewed his position as an example to the young people of America and was always careful about the impression he made. He never lost control in public and was always conscious of his reputation and responsibility. He played every game as if it were the last game of the World Series, so someone seeing him for the first time would not be disappointed.

The people of my district in Kansas City, MO, were fortunate enough to see Mr. DiMaggio play in an exhibition game against the Kansas City Blues. A Yankee teammate and Kansas City resident Hank Bauer said of DiMaggio, "He was the most outstanding center fielder I have seen." He taught America what it means to embrace excellence and strive for greatness without seeking acclaim. I and others of my generation are in public service today because of role models like Joe DiMaggio.

Joe DiMaggio served as an inspiration to my generation. Simon and Garfunkel memorialized his leadership in their song *Mrs. Robinson*. The lyrics, "Where have you gone Joe DiMaggio? Our Nation turns its lonely eyes to you," express dismay at the absence of heroes like the Yankee Clipper to lead our Nation to peace and prosperity.

The number five will always hold a special place in the hearts of Yankee fans everywhere. His record of safe hits in 56 consecutive games might never be broken. His lifetime batting average of .325 and his 361 career home runs remain impressive numbers even when we have new heroes such as Mark McGwire and Sammy Sosa. He led his Yankee to nine World Series titles and was the American League's Most Valuable Player three times. As our Nation turns its lonely eyes once more toward this hero, let us learn from his life and his example of heroism. In the words of the Negro League Legend Buck O'Neil, "I don't cry for Joe. I cry for the people who never got to see him play."

MILLS-PENINSULA HOSPITAL HONORED FOR OUTSTANDING CARE AND PERFORMANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. LANTOS. Mr. Speaker, it is my distinct privilege today to recognize the Mills-Peninsula Hospital, which is located in my congressional district. In an annual study, "100 Top Hospitals: Benchmarks for Success," Mills-Peninsula was named one of the top hospitals for 1998 in the United States. The study was conducted by HCIA, a health care information company based in Baltimore, and William M. Mercer, a New York-based human resources management consulting firm. Nine measures of clinical, operational, and financial performance were used in the study to determine accurately the best hospitals.

Mills-Peninsula is a not-for-profit health service organization, and it has managed to improve and maintain existing services, despite battling extreme difficulties associated with the costs of managed care. By combining the highest quality care with the most cost-efficient operation, Mills-Peninsula has increased the standard of medical care and quality of life in the Bay Area. We are truly honored to have such an outstanding hospital located in our area.

Managed health care has sought to improve cost reductions and to streamline operations. The standards of excellence in health care management are becoming ever higher. Mills-Peninsula has thrived in this challenging atmosphere and continued to deliver a high level of care, and at the same time shown an ability to respond to change.

Mr. Speaker, the recognition of Mills-Peninsula Hospital has only confirmed the high value which residents of my district already place on the hospital's services. I offer my deepest and warmest congratulation to those individuals that have contributed to the success of Mills-Peninsula Hospital.

Mr. Speaker, I ask that the editorial praising Mills-Peninsula Hospital from The Independent be placed in the RECORD.

PENINSULA HOSPITAL AMONG TOP 100

Bravo to Peninsula Hospital for being named among the top 100 performing hospitals in the nation by the consulting firm of William M. Mercer Inc., of New York, NY, the honor is one that should reassure residents in the area that they have one of the top hospitals in the country taking care of their health needs.

The study, naming Peninsula Hospital, was published in the December issue of Modern Health care magazine. This assessment of the nations benchmark acute care hospitals is published annually by Mercer and HCIA Inc., a data processing company based in Baltimore.

The study considers three separate categories including financial management, operations and clinical practice. Each category is then broken down into smaller components and evaluated.

The elements considered under clinical practices include mortality rates of complications during treatment. The information is published to show legitimate health care data about patients and health care facilities to measure performance.

This is a study that is in its sixth year of identifying the top management teams and best run facilities in the country. The longer the publication studies industry trends, the more established and prestigious its list becomes. People throughout the country are concerned and interested in the performance of their community hospitals and this rating hospital care.

In an interview with this newspaper, Mills-Peninsula CEO Robert Merwin explained the price pressures Peninsula is under, to maintain services at the hospital. Merwin explained that the business community, Medicare and the costs of managed care, put pressure on all hospitals throughout the country, so maintaining standards of excellence was a major challenge.

We are happy to see that Peninsula has met that challenge and among the thousands of hospitals throughout the nation, been rated one of the best. That makes us proud of Peninsula and of the management and staff at the hospital who have carried the ball of excellence in recent years while the health care industry has been in radical change.

We know what happens when change comes to an industry, when economic pressures for change bring so many disruptions to the way a hospital does business. We commend the folks at Peninsula for not letting these changes disrupt the quality of health care they provide to the community. This rating is welcome news, especially in light of the fact that a decision must be made soon to spend millions of dollars either retrofitting peninsula or rearing it down to build a new facility.

We don't know which decision the powers to be will make but we do know that Peninsula is a very special hospital facility that is valued by everyone in the community. The rating only bears out the fact that its management and staff have been outstanding in face of unbelievable stress in the industry. We congratulate the people, all of them, that made this rating possible and look forward to the continuation of an evaluation that places Peninsula among the top 100 hospitals in the nation.

INTRODUCTION OF THE WATER POLLUTION CONTROL AND ESTUARY RESTORATION ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Water Pollution Control and Estuary Restoration Act being re-introduced today by the gentlelady from New York, Mrs. LOWEY, and gentlelady from Connecticut, Ms. DELAURO. I compliment and applaud my colleagues for their untiring efforts on behalf of our Nation's valuable fresh and estuarine water bodies.

Mr. Speaker, the protection of America's lakes, rivers, streams, and near coastal waters should indeed be one of our top concerns as a Nation, and I am proud and honored to be an original cosponsor of this important piece of legislation. The DeLauro-Lowey bill is a reasonable, straightforward measure that seeks to build upon past successes under the Clean Water Act (CWA). This measure will continue and strengthen several progressive programs to protect and enhance water bodies throughout our country, and I urge my colleagues to support this common sense and cost effective means of cleaning-up and protecting our water resources.

The DeLauro-Lowey bill will ensure that the existing State Revolving Loan Fund (SRF) program continues to be adequately funded to provide the financial wherewithal for States and municipalities to maintain and upgrade their wastewater treatment facilities to protect America's water bodies. This program has achieved tremendous success in the past and clearly deserves to be maintained and enhanced.

While fresh water is important for life itself, and clean lakes and rivers provide a multitude of recreational benefits to society, the vitality of our estuaries is also of great importance. Estuaries, near coastal waters, play a dual function of protecting coastal lands as well as serving as the all important nursery grounds for most marine species. Of course, these waters also provide many important recreational activities.

The Congresswomen's legislation will serve to strengthen the U.S. Environmental Protection Agency's existing National Estuary Program (NEP) that is widely regarded as a model for watershed-based pollution control. In addition, the legislation will clarify EPA's responsibility to assist States in developing and implementing their estuary management plans.

Mr. Speaker, as the Representative of the 7th Congressional District of New York, which includes a substantial portion of the Long Island Sound coastline, and a Member of the House Committee on Resources, I can think of few efforts more important to our environment. I intend to work closely with Congresswoman LOWEY and Congresswoman DELAURO to ensure we enact this vital measure into law early on in the 106th Congress.

TRIBUTE TO QUENTIN AND ELLEN BURKE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding service and dedication of two of my constituents, Quentin and Ellen Burke of Imperial County. It is my understanding that Mr. and Mrs. Burke will be retiring after working for 34 years with the American Field Service (AFS), the international student exchange program.

Mr. and Mrs. Burke, who were publishers of the Holtville Tribune for 25 years, began their dedicated service to AFS in 1964 when they interviewed a visiting student, Helen Keel, from Switzerland and became excited about the program. Soon thereafter, they began to regularly print articles and photographs in their weekly newspaper regarding AFS activities and events. For 15 years, Ellen acted as liaison between the Imperial Valley chapter and AFS international.

During the past three decades, Quentin and Ellen Burke have served as hosts for foreign students, worked with local families to open their homes and encouraged American students to travel abroad for the opportunity and experience to learn about other lands and cultures. I firmly believe that through their efforts with AFS, Mr. and Mrs. Burke have made a contribution to promoting peace through the global exchange of ideas, the sharing of customs and the collaboration of knowledge. On March 21, friends and family will gather in El Centro to honor this generous and caring couple. I would like to join with these individuals in honoring Mr. and Mrs. Burke for all their remarkable achievements and wishing them great happiness and success in all their future endeavors.

TRIBUTE TO BEN ALEXANDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. MCINNIS. Mr. Speaker, I wanted to take this opportunity to recognize former state Senator Ben Alexander who, for the last four years, has provided strong leadership and a dynamic voice for Western Colorado in the Colorado General Assembly. In doing so, I would like to pay tribute to my friend for his distinguished service and wish him well in all of his future endeavors.

Following his election to the state Senate in 1994, Senator Alexander rose through the rank and file with unprecedented speed serving as Vice-chairman of the Senate Finance Committee in his first year in the legislature. In just his third year, Senator Alexander was named Chairman of the powerful Senate Education Committee where he would play a leading role in shaping Colorado's education policy for the next two years. In addition to his duties as chairman, Senator Alexander also provided powerful leadership on the Senate's Finance and Business Affairs and Labor committees.

In addition to his service in the Colorado legislature, Senator Alexander also served his country distinguishedly and with great valor as an F–111 pilot for the Air Force during the Vietnam War. Senator Alexander's remarkable bravery during his 69 air combat missions earned him the Distinguished Flying Cross and Air Medal with three Oak Leaf Clusters as well as the respect and gratitude of those familiar with his extraordinary sacrifices.

Senator Alexander's eagerness to serve the American people, both as a pilot and legislator, has won him the unwavering esteem and admiration of friends and colleagues alike. It is clear that Colorado is a better place because of his remarkable service.

It is with this, Mr. Speaker, that I pay tribute to this true public servant and friend for his extraordinary efforts and wish him all the best in each of his future endeavors.

INTRODUCTION OF THE MEDICARE FULL ACCESS TO CANCER TREATMENT ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. GREEN of Texas. Mr. Speaker, today I am introducing the Medicare Full Access to Cancer Treatment Act. This bill is critical to protect the Medicare beneficiary's access to the newest and best treatments for cancer.

The BBA of 1997 directed HCFA to implement a prospective payment system (PPS) for hospital outpatient services provided through the Medicare program. When Congress passed this requirement, we recognized that some services would be difficult or impossible to include in a PPS and therefore authorized HCFA to use its discretion to exclude certain services from the payment system. Unfortunately, under their proposed rule, HCFA would bundle the costs of all cancer drugs into a small number of Ambulatory Payment Categories (APCs) and pay hospitals only for the average cost of these services.

The main problem with this proposal is that it fails to recognize the complexities of cancer treatments and the wide range and individual needs of each patient with cancer. As a result, the new payment system could threaten the quality and availability of cancer treatment for Medicare beneficiaries. In fact, under HCFA's plan, the lowest reimbursement rate for some cancer treatments would be only $52.70 (which is expected to include supportive care such as anti-nausea drugs)! Moreover, under the proposal, new drugs, which are defined as anything after 1996, would be reimbursed at this lowest rate. Such a policy would have a crippling effect on research and development for new drug therapies.

This policy will create an overall reduction in the quality of patient care since hospitals will be pressured to provide the least expensive, rather than the most effective treatment. Moreover, research and development for new drug therapies may be diminished or delayed, ultimately denying the patients of today and those of future generations access to more effective treatments.

To correct this problem, the Medicare Full Access to Cancer Treatment Act would carve-out cancer treatment from the outpatient PPS. This simple yet sensible action would fully protect Medicare beneficiaries' continued access to the best and most effective cancer care.

I am pleased to introduce this legislation with over twenty bipartisan original cosponsors as well as the support of several patient and provider organizations, including Center for Patient Advocacy, National Alliance of Breast Cancer Organizations, Cancer Care, Inc., Cancer Research Foundation of America, Oncology Nursing Society, Association of Community Cancer Centers, Lymphoma Research Foundation of America, Alliance for Lung Cancer Advocacy, Support and Education, Lupus Foundation of America, US–TOO International and the Multiple Myeloma Research Foundation.

CONSUMER PROTECTION LEGISLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. PAUL. Mr. Speaker, I rise to introduce my Consumer Protection Package—consisting of two pieces of legislation which will benefit consumers by repealing federal regulations. The first piece of legislation, the Consumer Health Free Speech Act, stops the Food and Drug Administration (FDA) from interfering with consumers' access to truthful information about foods and dietary supplements in order to make informed choices about their health. The second bill, the Television Consumer Freedom Act, repeals federal regulations which interfere with a consumers ability to avail themselves of desired television programming.

The Consumer Health Free Speech Act accomplishes its goal by making two simple changes in the Food and Drug Act. First, it adds the six words "other than foods, including dietary supplements" to the statutory definition of "drug," thus allowing food and dietary supplement producers to provide consumers with more information regarding the health benefits of their products, without having to go through the time-consuming and costly process of getting FDA approval. This bill does not affect the FDA's jurisdiction over those who make false claims about their products.

Scientific research in nutrition over the past few years has demonstrated how various foods and other dietary supplements are safe and effective in preventing or mitigating many diseases. Currently, however, disclosure of these well-documented statements triggers more extensive drug-like FDA regulation. The result is consumers cannot learn about simple and inexpensive ways to improve their health. Just last year, the FDA dragged manufacturers of Cholestin, a dietary supplement containing lovastatin, which is helpful in lowering cholesterol, into court. The FDA did not dispute the benefits of Cholestin, rather the FDA attempted to deny consumers access to this helpful product simply because the manufacturers did not submit Cholestin to the FDA's drug approval process!

The FDA's treatment of the manufacturers of Cholestin is not an isolated example of how current FDA policy harms consumers. Even though coronary heart disease is the nation's number-one killer, the FDA waited nine years until it allowed consumers to learn about how consumption of foods and dietary supplements containing soluble fiber from the husk of psyllium seeds can reduce the risk of coronary heart disease! The Consumer Health Free Speech Act ends this breakfast table censorship.

The bill's second provision prevents the FDA's arbitrary removal of a product from the marketplace, absent finding a dietary supplement "presents a significant and unreasonable risk of illness or injury." Current law allows the FDA to remove a supplement if it prevents a "significant or unreasonable" risk of disease. This standard has allowed the FDA to easily remove a targeted herb or dietary supplement since every food, herb, or dietary supplement contains some risk to at least a few sensitive or allergic persons. Under this bill, the FDA will maintain its ability to remove products from the marketplace under an expedited process if they determine the product causes an "imminent danger."

Allowing American consumers access to information about the benefits of foods and dietary supplements will help America's consumers improve their health. However, this bill is about more than physical health, it is about freedom. The first amendment forbids Congress from abridging freedom of all speech, including commercial speech.

My second bill, the Television Consumer Freedom Act, repeals federal regulations which interfere with a consumers ability to avail themselves of desired television programming. For the last several weeks, congressional offices have been flooded with calls from rural satellite TV customers who are upset because their satellite service providers have informed them that they will lose access to certain network television programs.

In an attempt to protect the rights of network program creators and affiliate local stations, a federal court in Florida properly granted an injunction to prevent the satellite service industry from making certain programming available to its customers. This is programming for which the satellite service providers had not secured from the program creator-owners the right to rebroadcast. At the root of this problem, of course, is that we have a so-called marketplace fraught with interventionism at every level. Cable companies have historically been granted franchises of monopoly privilege at the local level. Government has previously intervened to invalidate "exclusive dealings" contracts between private parties, namely cable service providers and program creators, and have most recently assumed the role of price setter. The Library of Congress, if you can imagine, has been delegated the power to determine prices at which program suppliers must make their programs available to cable and satellite programming service providers.

It is, of course, within the constitutionally enumerated powers of Congress to "promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." However, operating a clearing-house for the subsequent transfer of such property rights in the name of setting a just price or "instilling competition" via "central planning" seems not to be an economically prudent nor justifiable action under this enumerated power. This process is one best reserved to the competitive marketplace.

Government's attempt to set the just price for satellite programming outside the market mechanism is inherently impossible. This has resulted in competition among service providers for government privilege rather than consumer-benefits inherent to the genuine free market. Currently, while federal regulation does leave satellite programming service providers free to bypass the governmental royalty distribution scheme and negotiate directly with owners of programming for program rights, there is a federal prohibition on satellite service providers making local network affiliate's programs available to nearby satellite subscribers. This bill repeals that federal prohibition and allows satellite service providers to more freely negotiate with program owners for programming desired by satellite service subscribers. Technology is now available by which viewers will be able to view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers.

Mr. Speaker, these two bills take a step toward restoring the right of free speech in the marketplace and restoring the American consumer's control over the means by which they cast their "dollar votes." In a free society, the federal government must not be allowed to prevent people from receiving information enabling them to make informed decisions about whether or not to use dietary supplements or eat certain foods. The federal government should also not interfere with a consumer's ability to purchase services such as satellite or cable television on the free market. I, therefore, urge my colleagues to take a step toward restoring freedom by cosponsoring my Consumer Protection Package: the Consumer Health Free Speech Act and the Television Consumer Freedom Act.

"AUDIOLOGIST" FOR MEDICAID

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. WHITFIELD. Mr. Speaker, today I am introducing a bill with my good friend from Ohio, Mr. SHERROD BROWN, that would establish a Medicaid definition of "audiologist" used for Medicare reimbursement. Congress updated the definition of "audiologist" for Medicare reimbursement in 1994, but the same update has not yet occurred for Medicaid. The definition used by Medicare, and which I am proposing to be used for Medicaid purposes, relies primarily on state licensure or registration as the mechanism for identifying audiologists who are qualified to participate in the program.

Currently, under Health Care Financing Administration (HCFA) regulations, the Medicaid program uses a definition of "audiologist" that is nearly thirty years old and relies upon certification from third party organizations. HCFA's Medicaid definition has not kept pace with the significant changes that have occurred in audiology credentialing over the last three decades. The current definition also does not reflect the critical role that state licensure/registration now plays in assuring the quality of audiology services. State licensure/registration statutes currently exist in 49 of the 50 states.

Today, there are approximately 28 million Americans with some degree of hearing loss. While this number will grow along with the aging of the Baby Boomers, hearing loss is not exclusively an "older" person's problem. A recent article in the Washington Post entitled "Hearing Loss Touches A Younger Generation" points out that more and more Americans are suffering from various degrees of hearing loss at a younger age. The article refers to a Journal of the American Medical Association study which found that nearly 15% of children ages 6 to 19 who were tested showed some hearing deficit in either low or high frequencies. Audiologists are specifically trained and licensed to provide a broad range of diagnostic and rehabilitative services to persons with hearing loss and related disorders (e.g. vestibular/balance disorders).

The legislation would not expand or change the scope of practice for an audiologist, or alter the important relationship that exists between audiologists and Ear, Nose and Throat physicians. There would be no new benefits or services under this legislation. The bill I am introducing today, while technical in nature, would help establish uniform professional qualifications for audiologists, and a more reliable standard for the more than 28 million people with a hearing loss who may use audiological services.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. PHELPS. Mr. Chairman, I rise today to express my strong support for H.R. 800, the Education Flexibility Partnership Act, of which

I am proud to be a co-sponsor. I have made the improvement of our nation's public education system one of my top priorities as a legislator, and I believe that the Ed-Flex bill represents an important step towards the fulfillment of this goal. This legislation should not be viewed as a solution to the myriad problems which plague our schools, but I wholeheartedly support it and hope that the valuable debate it generates will catalyze our continued efforts on critical education issues.

H.R. 800 extends to all 50 states the opportunity to participate in the "Ed-Flex" program, currently in place as a demonstration program in 12 states. Under Ed-Flex, the Department of Education allows states to grant local school districts waivers to certain federal regulations if the state believes such a waiver would enhance local school reform efforts. I believe it is important for those of us in Washington to recognize that local officials, parents, teachers and students are often in a better position to creatively and effectively address the particular educational issues being faced in their communities. H.R. 800 will allow localities the flexibility to begin responding to the unique needs of their school systems, and I embrace any measure that will help our children obtain the top-quality education they need and deserve.

I must voice some concern that the accountability provisions of H.R. 800 are not as strong as they should be. I am, for example, disappointed that this body did not agree to the Miller-Kildee amendment, which would have required states to have in place a viable plan for assessing student achievement, as well as concrete goals for such achievement. In addition, it must be clearly understood that, although Ed-Flex can be an important component of our education reform efforts this session, many critical issues remain to be addressed, such as class size, school safety and student discipline.

Mr. Chairman, I urge my colleagues to join me in supporting Ed-Flex today, not because it solves all of our problems, but because it represents a substantive bipartisan effort to begin addressing the many difficulties which plague our local school systems. I am pleased that we are getting an early start in meeting our obligations to America's students, and I look forward to confronting these crucial education issues as the 106th Congress continues.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. CROWLEY. Mr. Chairman, I take this time to state for the record my reasons for voting against H.R. 800 the Ed-Flex bill.

Mr. Chairman, I am not opposed to the idea of flexibility in education. I laud my colleagues for their desire to work on the education issues facing our country. Ed-Flex has the potential to be a workable program that provides states and local school districts with the flexibility to improve academic achievements and the quality of education for their students.

However, I believe that we need to protect those students who come from families in need. The intent of Congress, through Title I of the Elementary and Secondary School Act, was to target funds toward low-income students, in order to help them have a chance at success in life. I could not vote for Ed-Flex unless I was sure that students from low-income families are not going to lose their funds through waivers. This is why I supported the Scott-Payne amendment, which would have required that only schools in which at least 35% of the students come from low-income families may seek a waiver to use their Title I funds to operate a school-wide program. For my New York City District, this provision is especially important. We have many students coming from low-income families in the Bronx and Queens, and I cannot support a program that does not have provision to prohibit funds being taken away from those needy students.

I am also concerned about the timing of this legislation. In the coming year, we need to reauthorize the Elementary and Secondary Education Act. It does not make sense to me that we pass legislation to waive the requirements that we have not even written yet! The best solution would have been to consider Ed-Flex and ESEA together. Then, we could have worked to alleviate my concerns, and those of my colleagues, regarding the targeting of ESEA funds under the provisions of the Ed-Flex program.

Finally, I would like to express my dismay that the majority did not allow class-size reduction and school construction initiatives to be attached to H.R. 800. Public schools are working hard to raise academic standards and improve student achievement, but in many schools their efforts are hampered by overcrowded classes and inadequate and deteriorating facilities. Smaller class sizes improve student learning and are effective in improving student achievement. But we cannot reduce class size without considering the condition and lack of space in school facilities. These issues go hand-in-hand. This is why I feel Ed-Flex should not have been considered now, but rather considered along with ESEA and school construction.

I strongly support bipartisan efforts to strengthen our school systems and help our students. I look forward to working with my colleagues on school construction legislation and on reauthorizing the Elementary and Secondary Education Act. It is with regret that I had to vote against the first education bill on the floor of the House in the 106th Congress and I thank you for allowing me the opportunity to outline my reasons for my opposition to H.R. 800.

HONORING REVEREND DR. H.M. CRENSHAW

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the work and achievements of a shepherd to our entire community, Reverend Dr. H.M. Crenshaw, a spiritual leader of enormous dimension. Reverend Crenshaw's 30 years of personal ministry to the Jerusalem Missionary Baptist Church congregation is to be recognized in a special celebration in Toledo, OH on March 13, 1999.

After his ordination as a minister in 1952, Reverend Crenshaw pastored in the First Baptist Church of Rossford, Ohio from 1953 until 1958. He then went on to First Baptist Church in Fostoria, OH, and during his decade-long tenure there he led the congregation in the building of a new church as well as the purchase of additional land. In December of 1968, Reverend Crenshaw was called to minister to the congregation of Jerusalem Missionary Baptist Church, where he remains today.

A true community leader, Reverend Crenshaw has guided his congregation through growth, property acquisition, and building expansion and enhancement. Through it all, he has been a revitalizing force both in the community and the church. Recognizing the deeper needs of the youth in the church's neighborhood, Reverend Crenshaw founded the Jerusalem Outreach Center in 1982. With a goal to motivate and direct young people not targeted by other programs to fully realize their greatest potential, Reverend Crenshaw and the Jerusalem Outreach Center staff have helped over 1,675 at-risk youth and their families. Working through referrals from the juvenile court and juvenile justice systems, the local school system and an area mentoring program, the Jerusalem Outreach Center has redirected the path for these young people and their families. Further, the center serves as a beacon in the neighborhood: a welcoming place for the youth.

Ever mindful of the need to provide stewardship to promising young people, Reverend and Mrs. Crenshaw established the Crenshaw Scholarship Fund in memory of their deceased daughter Marilyn. This fund has contributed over $12,500.00 toward the college education of students in the church.

The holder of a Bachelor of Theology from the International Bible Institute and Seminary, a Master of Arts in Psychology and Counseling from Ashland Theological Seminary, a Doctorate of Divinity from Calvary Bible College, and an Honorary Doctorate from Selma University, Reverend Crenshaw is the author of a book, "A Reality Roadmap for Delinquent Youth" and a teaching video, "The Reality of Therapeutic Techniques in Working with Delinquent Youth."

In addition to pastoring to his congregation, engaging in outreach to troubled youth, and raising a family, Reverend Crenshaw has also found time to serve on several key area boards including the Lucas County Criminal Justice Coordinating Council, Lucas County

Mental Health Advisory Council, Baptist Pastors' Conference, Interdenominational Ministerial Alliance, Interracial Religious Coalition, Board of Community Relations, the Board of Education's Alternative School Programming Committee, Baptist Ministers Conference, and Chairman of the Advisory Board of the American Baptist Theological Seminary Extension of Toledo.

His unwavering commitment to the causes of social justice, his dedication to God and living His Word, and his deep involvement in the fabric of our community have earned Reverend Crenshaw the admiration of many in our area who hold him in high esteem. He has been showered with honors too numerous to mention, has received commendations from federal, state, and city officials, and has received accolades from his peers in the psychology, counseling, and ministerial fields.

Reverend Crenshaw is married to Frances, and together they have raised five children: Marvin, Shirley, the late Marilyn, Vanessa and Kay. They are also proud and loving grandparents to O'Shai and O'Lajidai, and great grandson O'Mauryai.

The constant thread through Reverend Crenshaw's life of service is his devotion to "his ministry in saving souls." I am greatly honored and deeply humbled to join his congregation and community in offering thanks for his 30 years as pastor of Jerusalem Missionary Baptist Church. May God continue to bless him, his wife, their family and the Jerusalem Missionary Baptist Church congregation.

INTRODUCTION OF HATE CRIMES PREVENTION ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. CONYERS. Mr. Speaker, I am pleased to be introducing the Hate Crimes Prevention Act of 1999, along with Representatives MORELLA, BALDWIN and FORBES. As of today there are 118 original cosponsors. This legislation will amend Federal law to enhance the ability of Federal prosecutors to combat racial and religious savagery, and will permit Federal prosecution of violence motivated by prejudice against the victim's sexual orientation, gender or disability.

In 1963, the Sixteenth Street Baptist Church in Birmingham, was dynamited by the Ku Klux Klan. The killing of four African-American girls preparing for a religious ceremony shocked the Nation and acted as a catalyst for the civil rights movement. Last month, 36 years after the brutal bombing in Birmingham, AL was witness to another heinous act of violence motivated by base bigotry. The beating and burning of Billy Jack Gaither is testament to the reality that a guarantee of civil rights is not enough if violence motivated by hatred and prejudice continues. The atrocity, coming on the heels of last year's torture and murder of James Byrd in Jasper, TX and Matthew Shepard in Laramie, WY illustrates the need for the passage of the Hate Crimes Prevention Act of 1999.

Current Federal hate crimes law only covers crimes motivated by racial, religious or ethnic prejudice. Our bill adds violence motivated by prejudice against the victim's sexual orientation, gender or disability. This legislation also makes it easier for Federal authorities to prosecute racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson by loosening the unduly rigid jurisdictional requirements under Federal law for prosecuting church arson.

Under my legislation, States will continue to take the lead in the persecution of hate crimes. In the years 1991 through 1997 there were more than 50,000 hate crimes reported. From 1990 through 1998, there were 42 Federal hate crimes prosecutions nationwide under the original hate crimes statute. Our bill will result only in a modest increase in the number of Federal prosecutions of hate crimes. The Attorney General or other high ranking Justice Department officials must approve all prosecution under this law. This requirement ensures Federal restraint, and ensures that States will continue to take the lead.

At one time lynchings were commonplace in our Nation. Nearly 4,000 African Americans were tortured and killed between 1880 and 1930. Today, Americans are being tortured and killed not only because of their race, but also because of their religion, their disability, their sex, and their sexual orientation. It is long past time that Congress passed a comprehensive law banning such contemptible acts. It is a Federal crime to hijack an automobile or to possess cocaine and it ought to be a Federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to Federal law enforcement assistance and prosecution. There certainly is a role for the States, but far too many States have no hate crimes laws and many existing laws do not specify sexual orientation as a category for protection.

This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in proposing this legislation today. This is a battle we cannot afford to lose—we owe it to the thousands of African Americans who have been lynched, and we owe it to the families of James Byrd, Matthew Shepard and Billy Jack Gaither.

SOCIAL SECURITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. SANDERS. Mr. Speaker, I would like to call your attention to an article printed in the March edition of the Labor Party Press, and submit the article to the CONGRESSIONAL RECORD for my colleagues' benefit:

[Labor Party Press, Volume 4, Number 2, March 1999]

"DON'T BLOW AWAY SOCIAL SECURITY" (PART 2 OF 3)

WHAT'S WRONG WITH PRIVATIZING SOCIAL SECURITY?

1. The stock market is volatile.

The stock market goes up and up. And sometimes it goes down and down. Even without an economic catastrophe, the stock market's volatility would make our retirement income entirely unpredictable. Dean Baker has noted that if the economy grows as slowly as the Social Security trustees are predicting, then the prognosis for the stock market isn't too rosy either. Social Security barely covers seniors' expenses as it is now.

Former Congressional Budget Office director Robert Reischauer has pointed out that if we had private Social Security accounts back in 1969, a person retiring in that year would have had a 60 percent larger payout upon retirement than someone retiring seven years later, after the market dipped. John Mueller, a former economic advisor to the House Republicans, makes a similar observation. Since 1900, he notes, there have been three 20-year periods in which returns on the stock market fell to about zero. In between were periods of positive returns. "This meant that some people earned a negative real return from investing in the stock market, while others received a real pretax return as high as 10 percent." For retirees, it would be the luck of the draw.

Under our current system, the government bears the risk of economic downturn, and we're all promised a constant monthly amount of retirement income. Under a privatized system, we each individually bear the risk. Even the cleverest investor will likely lose money in a major financial downturn. And not all of us are so clever—or can afford to spend our time playing amateur Wall Street trader.

2. Shifting to a privatized system would require a hugely expensive period of transition.

Say we begin establishing private Social Security accounts for all of us Americans who are currently working and under 65. Who will generate funds to cover the current retirees? You and me. Essentially, the next several generations of Americans would have to pay twice—once into our own fund, and again to sustain current retirees. According to one estimate, full-scale privatization of Social Security would require about $6.5 trillion in additional taxes over the next seventy-two years. The Employee Benefits Research Institute estimates that transition costs could amount to something like 5 percent of the nation's Gross Domestic Product for the next 40 years. By instituting privatization, we'd be starting a Social Security crisis, not ending one.

3. Maintaining private accounts will be costly.

Many of us tend to think that any federal program must be incredibly inefficient and bureaucratic. A Roper poll asked Americans to estimate the administrative costs of Social Security as a percentage of benefits. They guessed, on average, 50 percent. The real answer is one percent. Only one percent of the money that goes into Social Security is spent on administration. By comparison, the administrative costs for private insurance are about 13 percent of annual benefit amounts.

The main reason Social Security administration is so cheap is that the whole fund is invested in one place, the U.S. Treasury. Imagine the administrative cost of managing millions of separate accounts invested in a myriad of stocks and bonds. Much of the money would go to Wall Street investment houses which is why they like the privatization idea so much.

In Chile, which privatized its retirement system in 1981, people pay between 10 and 20 percent of their annual retirement contribution just to maintain their account. The stock market would have to perform spectacularly to make up for that kind of expense.

WHAT'S WRONG WITH INVESTING THE SOCIAL SECURITY FUND IN STOCKS?

Clinton and others are advocating that part of the Social Security system's extra money be invested in the stock market instead of the Treasury, hoping that it would collect more interest there. Because the money would still stay in one big lump, the administrative costs wouldn't stack up the way they would if everyone had their own account.

But again, the stock market is volatile. There's no guarantee that the gamble would pay off.

Dean Baker and others also worry that investing the Social Security Fund in the stock market just opens the door to further privatization. "I think it plays into the hands of people who want individual accounts," he says. "It logically leads people to believe that there's a fortune to be made in the stock market. And if there's a fortune to be made, well then, let me get access to that as an individual. But in fact, there isn't a fortune to be made, because they've overestimated the returns."

As it happens, financial institutions hate this aspect of Clinton's plan. If dollars are going to be invested in the stock market, they want to get a cut. But that won't happen if the government does the investing in one big lump. Financial types have also complained about the "danger" of having the government controlling such a big chunk of change on Wall St.

Because so much of the Social Security reform debate is being driven by Wall Street, Baker believes this plan isn't going anywhere. And he's glad.

RAISING THE RETIREMENT AGE & OTHER "POPULAR IDEAS"

There are many other proposals afloat for "saving" Social Security. There's Clinton's idea of setting up voluntary "Universal Savings Accounts" outside the Social Security system. Workers could contribute through payroll deduction and the government would match their contribution. Workers could then invest this pot of money in the stock market. What's ironic about this plan is that it does nothing to address the alleged crisis in the Social Security system. But it does address the deep desire of Wall Street brokers to get a massive new influx of commissions. And it would also ease the way for cutting back Social Security in the years to come.

Some people have proposed shoring up Social Security by cutting back or even eliminating rich people's access to Social Security. At a time when the rich are filthy rich, this does sound appetizing. But politically, it's probably poison. Because these days, any program that's perceived as a poor people's program is likely to end up on the chopping block—just like Medicaid and welfare.

Some of our elected officials propose raising the eligibility age to get full Social Security benefits as a way of keeping money in the system. The retirement age is already slated to rise from 65 to 67 in the coming years, but they want to force us to work even longer. Proponents of this idea think it's only fair, since Americans are living longer than they used to.

Anyone who can make this argument has probably never worked in a hospital, a refinery, or on a railroad. No one should be forced to do this work at the age of 70! The average black man can't possibly like this idea, since in this country a black man born in 1950 was expected at birth to live only 59 years, on average: he'll never see a dime of Social Security money. Instead, we should be talking about lowering the retirement age to match that in other industrialized countries—and to reflect our growing productivity (See "But Other Countries Do Better.")

One plan by two leading Democrats, Sen. Daniel Patrick Moynihan of New York and Sen. Bob Kerrey of Nebraska, would both increase the retirement age to 68 and reduce Social Security's cost-of-living adjustment by a percentage point. Dean Baker points out that such a COLA cut would really add up for people who live into their 80s and 90s. By the time someone reaches 85, they would see their annual benefit reduced by 19 percent. That makes it hard to pay the rent.

There are more equitable ways to bring more money into the Social Security system. The Labor Party and others advocate eliminating the cap on the payroll tax. But our main message is this: When it comes to Social Security, our most popular and efficient social program . . . if it ain't broke, don't fix it.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Ms. PELOSI. Mr. Chairman, I rise in support of the Miller Amendment to the Ed Flex Bill to promote educational accountability. We all recognize that education is central to the lives of America's children and is central in our effort to develop healthy communities. At today's Appropriations Subcommittee Labor-HHS-Education Hearing, I listened to the Department of Education's testimony.

They stress the importance of results and performance based educational instruction and funding. While Federal education programs should be administered with flexibility, this flexibility must be met with effective accountability provisions and assurances funds targeted for America's impoverished children.

For these reasons, I support Democratic amendments to strengthen educational reporting and accountability requirements and to require local districts to target funds to economically disadvantaged students. To be effective and accountable, states and schools must develop and maintain effective management and information systems, collect student data, design and implement effective assessment plans, and issue timely and parent-friendly reports.

I support Representative MILLER's amendment to require States that seek waivers to first have in place a viable plan to assess student achievement. It also requires States to use the same plan throughout H.R. 800's full five-year flexibility plan. States must establish, as they determine appropriate, concrete quantifiable goals for all their students as well as specific student subgroups, such as impoverished students. If states find achievement gaps between student subgroups, they must set goals to close these gaps.

We must not choose between flexibility and accountability. America's children deserve both. We must work for both and target our education funds effectively. I urge my colleagues to support the Miller amendment.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 800, the Education Flexibility Partnership Act. This bill would expand the "Ed Flex" demonstration program, which is currently in use in 12 states, to allow all 50 states to participate, and has broad, bipartisan support from a number of groups from our governors to our local school boards.

I support this bill because I believe that our states need more flexibility when it comes to making decisions on spending Federal education dollars. Local school board members and school administrators are better positioned than Federal bureaucrats in Washington to make decisions that will lead to positive improvements in our children's education.

The "Ed Flex" bill will allow local school districts to have greater flexibility in how they spend Federal education dollars. It empowers them to determine how to best meet the needs of their students. In exchange, states will get greater accountability from local school districts on how that money is being spent, and whether the flexible spending has improved results.

We hear of numerous examples from the pilot states that have benefitted from the "Ed Flex" program. In these states, scores have increased and students have excelled, even in the poorest areas. My governor in New Jersey, Christine Todd Whitman, has made clear what "Ed Flex" will mean to our students. She said, "Ed Flex would be another tool in our arsenal to better coordinate state and Federal requirements to provide maximum support for our reform efforts with the specific goal of improving student performance."

"Ed Flex" is an idea whose time has come. The flexibility will allow school districts to stretch limited dollars farther, and use money where it is most needed. There must still be accountability from our local school districts on how the money is being spent, and whether core needs—such as math and science education—are being met. This bill provides that accountability.

Mr. Chairman, I support H.R. 800, and urge my colleagues to do the same.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. SALMON. Mr. Chairman, I rise today in support of the Education Flexibility Partnership Act (H.R. 800). This legislation, as the title implies, empowers states with greater flexibility in administering certain federal education programs. When one considers that federal dollars represent only about seven percent of total primary and secondary education funds, but 50 percent of the time districts spend on paperwork, common sense demands a more flexible process of distributing federal resources.

Federal education programs have been more successful in creating jobs for bureaucrats—over 25,000 a year—than in improving the educational performance of America's children. The results of the Third International Mathematics and Science Study (TIMSS), released last year, emphasize this point. TIMSS revealed that U.S. 12th-graders scored next to last in advanced math and dead last in physics. Reading scores, which were not measured by the international tests, were equally disappointing. Forty percent of fourth graders can't even read at the basic level. Unfortunately, the increased federal contribution in education over the past 30 years has not resulted in a corresponding improvement in the quality of the education our children receive. Hopefully, passage of Ed-Flex will mark the first of many steps taken by the 106th Congress to reform antiquated federal education programs.

Only 12 states currently participate in Ed-Flex. As constructed, Ed-Flex provides greater state and local flexibility in utilizing federal dollars. The legislation before us provides for the expansion of this program to all 50 states.

In a letter to me dated March 9th (which I will have included in the CONGRESSIONAL RECORD) Arizona Superintendent of Public Instruction Lisa Graham Keegan expressed support for H.R. 800 and stated that Arizona will apply for Ed-Flex status. There is one potential glitch that needs to be resolved so that Arizona can participate. A November 1998 GAO report on Ed-Flex concluded that Arizona did not qualify for this program because the state did not have the authority to waive state statutes or regulations—a prerequisite to participate in the program. I have been assured by the Education Committee that report language to accompany the bill will clarify that Arizona is eligible to participate in Ed-Flex.

Passage of Ed-Flex marks progress in the effort to loosen the federal strings that have strangled innovative and effective education programs. We've taken a positive step today and I look forward to working on additional legislation that will remove administrative burdens so that schools can spend more time teaching kids.

DEPARTMENT OF EDUCATION,
Phoenix, AZ, March 9, 1999.

Hon. MATT SALMON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SALMON: Later this week, the U.S. House of Representatives will begin its debate on H.R. 800, the Education Flexibility Partnership Act of 1999. While this legislation still falls short of giving State and local education agencies the full flexibility they need to deliver the best education to children, it is, nevertheless, a step in the right direction. For this reason, the Arizona Department of Education (ADE) urges you and your colleagues to support this legislation.

Given the opportunity afforded by this legislation, Arizona will apply for Ed-Flex status. According to the General Accounting Office's November 1998 report on Ed-Flex, Arizona did not qualify for the Ed-Flex program because the State did not have the authority to waive State statutes or regulations. While the Arizona State Board of Education has never asserted its right to waive State statute, Arizona Administrative Code R7-2-801 clearly gives the Board the authority to issue waivers from administrative rules. I have enclosed a copy of this rule for your reference.

We are uncertain if whether upon review of Arizona's administrative structure it was determined that the State Board of Education's authority to waive regulations did not sufficiently meet the Ed-Flex Act requirement that the "State" have such waiver authority. As our State Board has the authority to act as the "State" when it comes to accepting federal dollars, we feel its ability to waive state regulations should also clearly mean that the "State" has such an authority when it comes to meeting the requirements of Ed-Flex. We therefore support including report language to clarify that, in states where a State Education Agency is defined as the State Board of Education, the authority of the State Board to waive regulations should be considered adequate authority to qualify for Ed-Flex.

While ADE will, as mentioned above, apply for Ed-Flex status, I must bring to your attention one provision of this legislation that is still of serious concern to Arizona

Under Section 4(c)(1)(E) of H.R. 800, States are prohibited from waiving any statutory or regulatory requirements relating to the distribution of funds to States or to local education agencies. There are a number of reasons this explicit prohibition will directly obstruct our efforts to improve the quality of education in Arizona.

As you know, Arizona is home to more charter schools than any other state in the nation, with 311 schools serving more than 30,000 students across our State. New charter schools are being created and chartered regularly, and it is our policy to provide to the charter school the federal funding that its attending students generate as soon as the charter school comes into existence. This is what we call "real time" funding. We do not wait for the charter school to report its student data to us at the end of the year, and then fund the school based on prior year data. However, in order to ensure that we will have funding on hand to provide to these charter schools that crop up, it is ADE's policy to reserve a portion of its Title I funding at the State level to be used specifically for this purpose.

The federal government recently changed the way it allocates Title I funding, so that these dollars now flow directly to the existing LEAs. In most circumstances, I strongly support efforts that leave the SEA out of the equation and provide as much funding as possible to the local level. However, this allocation method does not take into account any charter schools that might come into existence at a later date. That means that these new charter schools, and the children attending them, are left holding the bag without any funding—and that, I can tell you, I do not support.

For this reason, ADE would like the flexibility to continue with its unique policy of reserving funds at the State level for the sole purpose of funding newly-created charter schools. However, even Ed-Flex, with its explicit prohibition on waiving requirements related to the distribution of funds, will not allow us to do this. The current proposal will not allow us to fund charter schools in a way that is consistent with our state policy and which aligns itself with our philosophy of sending funding directly to the school where that student is being taught as quickly as possible.

I find it ironic, and a bit discouraging, to know that even as the President and the Administration are encouraging the creation of 3,000 charter schools by the year 2000, they are, at the same time, impeding the efforts of states to fund them. Nonetheless, even with the prohibitive language included in this bill, we plan to include a request to waive some restrictions on the allocation of federal funds in our Ed-Flex proposal. As I understand it, flexibility and accountability are at the heart of Ed-Flex. It is our intention, then, to allocate dollars in a manner consistent with Arizona's philosophy of funding students while at the same time remaining fully accountable for these funds. I know we can count on your support for these efforts, and I hope we can count on the Congress' support as well.

The Arizona Department of Education prides itself in helping educators across our State concentrate on the task of teaching students, not conforming with burdensome regulations and reporting requirements. For this reason, we are supportive of any efforts by the Congress to give schools and State and local education agencies the flexibility they need to do their jobs well. H.R. 800 is a good start, and deserves the support of Congress.

I urge swift passage of this legislation.

Sincerely,

LISA GRAHAM KEEGAN,
Superintendent of Public Instruction.

THE HEALTHY KIDS 2000 ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mrs. EMERSON. Mr. Speaker, today I join my colleague, Senator KIT BOND, in introducing legislation that addresses one of the greatest challenges of our Nation: assuring quality health care for pregnant women and appropriate pediatric care for infants. Our bill, the Healthy Kids 2000 Act, builds upon the Birth Defects Prevention Act signed into law last April, by consolidating programs and providing more funds for local initiatives to prevent birth defects and maternal mortality.

The idea behind our proposal is simple: we want pregnant women to be healthy, and we want children to be healthy. To accomplish this, we must remove some of the barriers women and children encounter in receiving adequate, appropriate health care.

The Healthy Kids 2000 Act will allow States greater flexibility in ensuring quality prenatal care by allowing States to enroll eligible pregnant women in the State Children's Health Insurance Program (CHIP), for which Congress provided $25 billion in 1997 to assist 10 million uninsured children in receiving the most basic health care. A recent study by the March of Dimes estimates that 45,000 uninsured pregnant women who are not eligible for Medicaid could be covered by S–CHIP if States were given the flexibility of extending coverage to income eligible pregnant women age 19 or older.

Additionally, the bill increases enrollment of Medicaid-eligible pregnant women. Currently, approximately 77 percent of uninsured pregnant women are eligible for Medicaid but are not enrolled. The bill also ensures direct access to obstetric care for women, and direct access to pediatric care, since children have health needs that are very different than those of the adult population.

Another crucial element of our bill allows our Nation's independent children's hospitals to receive Federal funding for graduate medical education. Currently, children's hospitals receive almost no Federal GME funding. With few Medicare patients, these children's hospitals receive less than $400 in Federal funds for each medical resident they train, while other teaching hospitals receive on average more than $79,000 for each resident—creating a serious inequity in the competitive market for these children's hospitals. As these hospitals try to fulfill their teaching missions, competitive market pressures provide little incentive for private payers to contribute toward teaching costs.

In an effort to reduce our Nation's infant death rate and to improve the chances of healthy birth outcomes, the Healthy Kids 2000 Act establishes a National Center for Birth Defects Research and Prevention, and strengthens local initiatives for drug, alcohol, and smoking prevention and cessation programs for pregnant mothers. An estimated 150,000 infants are born each year with a birth defect, resulting in one out of every five infant deaths. More children die in the U.S. from birth defects in the first year of life than from any other cause. Effective locally-based programs will prevent these horrific outcomes by equipping mothers, families, and health care providers with information and approaches needed to ensure women safer pregnancies.

Furthermore, our bill increases funding for the National Institutes of Health by creating the Pediatric Research Initiative, which will provide further money to research efforts on diseases and conditions which afflict our Nation's children, such as birth defects, SIDS, cystic fibrosis, juvenile diabetes, and muscular dystrophy.

Our health care professionals in southern Missouri and across the Nation work very hard to provide the highest quality care for our children. The reality is that pediatric care, like all health care, does cost money. We need to take positive steps to ensure that every mother-to-be and their children are able to access this quality care. I am very pleased to again be working with Senator BOND on an important children's health initiative. On behalf of our youngest and most vulnerable citizens, I urge my colleagues to review the Healthy Kids 2000 Act, to discuss this bill with families in their districts, and to join me in cosponsoring this important legislation.

DELAURO-LOWEY WATER POLLUTION CONTROL AND ESTUARY RESTORATION ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mrs. LOWEY. Mr. Speaker, today Congresswoman DELAURO, Congressman SHAYS, and I are once again joining with a geographically diverse group of our colleagues in reintroducing legislation to renew and expand the Federal Government's role in controlling pollution and in stewarding our coastal resources.

Without question, much remains to be done to take our Nation's estuaries off the endangered list. Nationally, we face an appalling backlog of water quality infrastructure upgrade needs that threatens to choke our economy just as it is robbing our waters of life-giving oxygen. Quite simply, we need leadership at the Federal level to match the energy and ingenuity of our communities that are working toward a better environmental and economic future. Without strong Federal leadership and substantial funds to back it up, we run the risk of squandering over 20 years of progress in cleaning up and protecting our waters.

Therefore, our legislation will re-ignite Federal, State, and local cooperation in water pollution control by significantly increasing annual authorization levels for the State Revolving Fund [SRF] Program to $4 billion in 2005, thereby providing the resources to expand and modernize the Nation's water pollution control infrastructure.

Moreover, our legislation would strengthen section 320 of the Clean Water Act, which authorizes the National Estuary Program. First established under the Water Quality Act of 1987, the NEP provides a mechanism for bringing together Federal, State, and local authorities—and interested citizens—to develop comprehensive, watershed-based plans for cleaning up and protecting nationally significant estuaries. In Long Island Sound, Puget Sound, Massachusetts Bay, and a number of other estuaries, the NEP has helped bring about unprecedented cooperation aimed at saving these threatened waters and the economies that rely on them.

Our bill would build on the success of the NEP by clarifying the funding and staffing responsibilities of Federal agencies concerned with the program, including the Environmental Protection Agency [EPA] and the National Oceanic and Atmospheric Administration [NOAA]. Specifically, the bill states that implementation of estuary management plans is a nondiscretionary duty of the EPA. The measure seeks to improve Federal leadership in the NEP by directing the EPA to promulgate guidelines for development, approval, and implementation of comprehensive management plans. Other important proposed changes include measures to improve coordination of clean-up efforts with other Federal activities in estuaries. In short, this bill is designed to make certain that those plans do not end up on shelves in bureaucrats' offices, but instead truly clean up these critical bodies of water.

Mr. Speaker, our legislation is a call to action that says through sensible investments in water pollution control we can help ensure our economic and environmental future. Without Federal assistance, our estuaries will die while the long-term growth of our economies suffers.

The time has come to act, Mr. Speaker.

MILITARY RESERVE (DUAL STATUS) TECHNICIANS RETIREMENT EQUITY BILL

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. ABERCROMBIE. Mr. Speaker, our National Guard and Reservists have performed admirably whenever called upon to assist our military at home and abroad and to aid federal, state and local emergencies. Serving side by side with active military personnel, fire fighters and other professional counterparts, some Guard and Reservists are exposed to hazardous and physically demanding duty as a routine part of their job. A well-earned and timely retirement should be a welcome relief from a job that requires youth, strength and virgo. Yet, for a select group of talented individuals, known as Dual Status Technicians, retirement eligibility is several years beyond that of their counterparts.

Dual Status Technicians are held to the same physical and mental criteria as their military counterparts and the jobs they perform are likewise challenging. Although active military personnel, fire fighters and federal police can retire after 20 years of service, Technicians must work until age 55 with 30 years of service to receive full benefits. This bill gives Dual Status Technicians retirement eligibility equity with their counterparts.

The Military Reserve (Dual Status) Technicians Retirement Equity Bill allows qualified National Guard and Reservists the option to retire under the same criteria as other professionals in similar challenging careers.

HOUSE OF REPRESENTATIVES—*Monday, March 15, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 15, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of David C. Roberts: God of our fathers, whose almighty hand leads forth in beauty all the starry band of shining worlds in splendor through the skies; our grateful songs before Your throne arise.

Refresh Your people on their toilsome way; lead us from night to never ending day; fill all our lives with heav'n-born love and grace until at last we meet before Your face. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. JONES) come forward and lead the House in the Pledge of Allegiance.

Mr. JONES of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 5. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

OPPOSE H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the question of the day is can this Nation afford the cleanup cost of a nuclear waste accident under H.R. 45, the Nuclear Waste Policy Act of 1999.

Well, a 1985 Department of Energy contractor report concluded that a severe accident involving a rail cask would result in the release of radioactive materials sufficient to contaminate a 42-square-mile area.

If it occurred in a rural area, the estimated cost of cleanup would range from $176 million to $19.4 billion and would require up to 460 days to complete.

Cleanup after a similar accident in a typical urban area would be considerably more expensive and time consuming, perhaps around $9.5 billion just to raze and rebuild the most heavily contaminated single square mile.

Mr. Speaker, guess who picks up the tab for these expensive and deadly accidents? That is right. It will be the American taxpayer. Realize these figures cannot include the intangible cost of human life or the disastrous effects it could have on our children, our communities, and our homes.

Before nuclear waste is shipped through my colleagues' districts, think about the consequence, and oppose H.R. 45. It is a bill we cannot afford to live with.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REBECCA MASON'S PETITION FOR CHRISTIAN VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have the honor of representing a very special part of North Carolina. I represent the Third District, which includes 18 counties in the eastern part of the State.

We have beautiful beaches, sprawling farmland, a strong military presence, and wonderful people who I am sure any one of my colleagues would be proud to represent.

As I travel throughout the District, I am reminded that, despite whatever problems may face our Nation, there are communities that still cherish the Judeo-Christian principles this great Nation was founded upon, the same values that make our Nation and our citizens strong.

I am proud of each and every citizen of eastern North Carolina, because the majority have a great respect and admiration for the Bible and the Constitution.

Because of this, I very rarely like to single out any one person. However, I am recognizing a very special 10-year-old girl from Goldsboro, North Carolina. Rebecca Mason and her family attend Rosewood First Baptist Church in Goldsboro.

One day Rebecca learned some frightening statistics about the rate of crime and violence in our Nation's neighborhoods. I am proud of Rebecca, not simply out of her concern for a problem, but in our actions to address the problem.

Rebecca could not understand why more adults of faith were not fighting to combat these issues. So with the support of her family and her church, she developed a petition to alert us to the same statistics that prompted her to act. Her petition calls upon all Americans to stand up for the morals and values we learn from the Bible.

I could tell my colleagues about Rebecca's petition, but I think the words of a child are often more powerful than our own. Mr. Speaker, she wrote, "The people of America are crying out for a return to Christian values. Drug and alcohol abuse are plaguing our Nation. More people have died in alcohol-related crashes than have died in all the wars the United States has ever fought. America is leading the way to teen pregnancy, illiteracy and divorce. Since 1973, over 30 million children have been murdered in the name of convenience. Teenage runaways are on the rise, and America averages one teenage suicide every 1 hour and 45 minutes. Suicide is the third leading cause of death to those under the age of 25.

"With the restriction of prayer in school, our Nation has gone on a downhill slide. The only way to put our Nation on the right path is to turn toward

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

God. We, as Christian Americans, would like to ensure the rights of our children to pray freely in schools. We would like to have increased regulations on drug- and alcohol-related crimes and the repeal of legal abortions in America. It is time we all make a stand for God and Christian values. By signing this petition, you will show your concern on these issues to our local, State, and national leaders."

Mr. Speaker, Rebecca's petition reminds me of one of my favorite Bible verses. It is from Isaiah, book 6, verse 8; and it reads, "Also I heard the voice of the Lord, saying Whom shall I send, and who will go for us? Then said I, Here I am; send me."

Mr. Speaker, Rebecca is serving as a messenger to remind my colleagues and I that this country was founded on Judeo-Christian principles.

I am proud of Rebecca and all the young people like her who work to remind us that, during difficult times, we need to draw strength from our faith and return to the values that make America strong.

In his farewell address, George Washington said, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Even at 10 years of age, Rebecca Mason recognizes the importance of faith and morality. She represents the strength and character that promises a bright future for our Nation. I am thankful that Rebecca has allowed me to be part of her efforts. That is why I am here today to share with my colleagues what concerns our children have about the future of our Nation.

Whether it begins with Federal, State, or local leaders, the teachers in our schools, or the families in our communities, we must all take responsibility for the future and help our children learn the importance of morality and faith. But we need to act now. Our children are asking for our help.

I hope that concerned people of faith will join me in signing Rebecca's petition for Christian values. It is time that we show our children we care about the future and we work together to return to the values that strengthen this Nation and its citizens.

DRUG PROBLEMS OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the leadership for allowing me time to address an issue which is very, very important. The Nation has certainly understood the gravity of the problem of drugs within our communities, within our States, and throughout the whole country. It is a problem that I certainly have recognized in my years of service to this Congress as well as in the local community.

But I think, like most citizens, I have more or less assumed that this was a problem that individuals like ourselves could not deal with in any effective way, that we had to rely upon our law enforcement agencies, our Federal Bureau of Investigation, our DEA agents, and the Justice Department, and, in some instances, the State Department to come to grips with this very, very critical and persuasive problem.

Not until this year at the beginning of the 106th Congress did I come face to face with the reality that I did indeed, as one Member of this Congress, have a great responsibility for the development of the policy and the course of action and the emphasis and the direction that we would take with regard to the drug problem within our United States.

I left the 6-year term, left service of the Committee on the Budget in the House of Representatives and returned back to my committee previously known as the Committee on Government Operations, now known as the Committee on Government Reform, and found myself being named the ranking minority member of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

Under that jurisdiction, it became my responsibility not only to formulate human resource policies and directions and oversight, but to take a very critical look with the rest of my subcommittee on the overall problems of drug usage within the United States.

First, an immediate responsibility came in being invited to join the chairman of the subcommittee on an extensive field trip through El Salvador, Panama, Peru, Bolivia, and on through Mexico in order to investigate the whole problem of the trafficking of these narcotic drugs into the United States.

It was a very interesting field trip, and I learned a great deal. I learned where the drugs were coming from, where they are being produced, how they were entering into the traffic, by sea and by air and over the land, and to some extent what the individual countries were doing with respect to this whole traffic issue.

Some countries I felt had done a great deal. Peru, in fact, was probably the outstanding example of where a changeover in national leadership made all the difference in the world in terms of their being able to handle the traffic that was flowing through their country into the United States.

Colombia was another place that we visited and met with the president of that country and learned from them the monumental steps that that country had taken. Of interest in Colombia is, in fact, that several years ago, Colombia had been decertified because the leadership of the Congress felt that their efforts to try to curb the traffic and to do something about the offenders and all of the drug lords was minimal at least, and so the decision, under the wishes of the Congress at that time, was to decertify that country in order to emphasize the fact that the United States felt they could do more.

In fact, the consequence was that that country did more and did a very aggressive job in arresting and curbing the traffic from Colombia to this country. So they have now come back into a cooperative venture with the United States in trying to help us deal with the problem.

The issue, therefore, that the Congress now faces is that every March 1, the President of the United States must make a recommendation to the Congress as to whether all of the countries with whom we have relationships should be certified in terms of their enactment, pursuit, administration, and enforcement of a drug policy which helps the United States to deal with the traffic coming from that particular country.

□ 1415

The big debate this year, as has been in the past, is whether Mexico should be decertified or not. And we visited Mexico. We spent 3 days there discussing the matter with their leadership and trying to understand what, in fact, that nation was doing in terms of curbing not only production and the harvesting and the growing of these various drug producing plants but also what they were doing in the criminal enforcement area in picking up these narco-traffickers and putting them in prison and enforcing their own national laws, irrespective of our laws, which many of them had also violated and for whom outstanding arrest warrants had been issued without any particular results.

So we are now back here in the Congress and one of the major issues that we have to decide and debate is what to do about Mexico. And the question before the Congress is whether, in our opinion, the country of Mexico has done enough, has maintained a substantial pressure within all the criminal elements in their country that has created this enormous traffic of drugs flowing from Mexico to the United States.

It is a very difficult issue because, as we debate the issue of decertifying, we are questioning their sovereignty, we are in fact intervening in internal politics. But I think it is important to remember that this crisis situation within the United States is something of deep concern to the people of the United States. And while it attempts, it appears, to be invasive of another country's internal policies, what we must come to grips with is that these internal policies of our neighbors have a very, very deep repercussion on our own national well-being, the safety of our children and our families and of our own ability to deal with these criminal activities within the United States.

Having said that, I have come to the conclusion that the steps that Mexico has taken, the level of cooperation that they have exhibited, their leadership having been expressed in many ways, including funding and including collaborative efforts with the United States, indicated a deep, deep abiding will to help themselves in their country of Mexico, as well as the United States, to bring an end to this very, very terrible miserable, criminal element in their society.

They have some very profound problems of internal corruption, of a takeover of major portions of their country, and enormous instability in parts of their nation that contribute to their problem and exacerbate their difficulties. But I believe very strongly that, if we are to do anything about this supply coming in from Mexico, we need the continued cooperation of the Mexican government, and I believe that they have cooperated.

The problem still exists and in some ways perhaps they have become greater in some areas. But I do feel the cooperation, the will to help us, is there. We just need to maintain the connection and keep insisting on progress.

Looking at this whole drug problem within the United States, surveying it from the traffic element, it has certainly brought to my focus the element that it is not only the supply coming into the United States which is of crisis proportions, it is our own inability within the United States to come to grips with the criminal element which is within our own cities, within our own States, within our own borders.

We are told by high placed DEA officials that the connection between the supply in Mexico and those who are harvesting billions of dollars within our cities, plaguing upon our families and our children, are right in our midst operating within our cities and within our States. I feel, if we are going to make an exhausting demand and inquiry as to what the Mexican government is doing in their own country, it is equally important that we make that same sort of inquiry with respect to our own law enforcement agencies and to look to the people who are controlling the purse strings here in the Congress to make sure that the budgets that we are providing our law enforcement agencies is adequate.

The problem is very, very grave indeed. We have something like 14,000 drug-induced deaths every year in America, some half a million emergency visits to our hospitals and clinics, all derived from drug-related incidents. This is a very major problem, affecting at least one out of ten of our American families who have someone that we love dear to us involved in this particular problem. It is a problem that is not only disturbing but is something that we cannot ignore.

We have a report that is produced by the Office of National Drug Control Policy. There are volumes. I brought to the floor with me today the Executive Summary. This is the National Drug Control Strategy for 1999. It is in your libraries. I commend all of you interested in this issue to get a hold of the report and try to understand the enormity of the problem.

The major thrust of the National Office is to look to ways in which we can reduce the demand. That means education. That means working with the young people. This means treatment and all sorts of preventive measures, and I think that those are very, very important. And I know that there are many, many agencies, local, state and Federal, that are engaged in that effort.

The national budget is somewhere around $17 billion to help us reduce the demand. If we did not have a demand within this country, no amount of trafficking would make this issue into a major problem. So they are right in talking about reduction of demand. We are right in talking about the necessity of reducing these huge supplies coming across our borders from other countries. Those two issues are important.

But equally important, as I see it, is the ability of our local enforcement officers, together with our Federal authorities, to make a much bigger effort to arrest, locate through high-tech purposes, or whatever, these individuals who are trafficking these drugs in our cities throughout America. And I do not believe that enough effort is being made.

I was recently visited by a student from my district who said he reported to a local police officer that on a certain corner in his community he was sure that this individual was trafficking in drugs and the police officer or no one else has followed up on that. And I believe that that situation is indicative of fear, reluctance, inhibitions, intimidations, or whatever that exist in our societies that prevent us from being tough on the law enforcement area.

Let's take a look at the realities of our drug problem within the United States. Here is a chart that indicates that Americans spend $57 billion on illegal drugs each year. It shows the amount that is spent on cocaine, which is the largest column on the right, and a much smaller expenditure wasted on heroin and a smaller amount on marijuana and others. This indicates the monies going down the drain on an entirely abusive, illegal, nonfunctioning, harmful activity within the United States.

We worry about where our resources are going. Here is where a lot of the monies are going, and we need to stop this waste. Look at the loss of human life. Drug-related deaths are increasing. Every year, almost 10,000 drug-related deaths. This is not including all of the nondirect what they call "other related" deaths, waste of human life as a result of drug consumption in our communities.

Our jails are being filled with people that have drug-related offenses. Something like 1.5 million total arrests either in the possession, sale, or manufacturing of illegal drugs. We have something like 1.8 million persons in our prisons today and those represent over a million in state prisons, at the cost of something like $25 billion to our States. We have about 100,000 in Federal prisons, at the cost of $3 billion, and another half a million in our local jails, at the cost of $11 billion. And when you add up the prison expenditure, it is almost $40 billion added to what I already showed in the chart of what is being spent on the purchase of these drugs.

The rate of incarceration is the second highest in the entire world per capita. Russia is the only other country that surpasses us in the number of persons that we have behind bars today. And of the 1.8 million, this report advises that 1.5 million are related in some way to a drug offense. Either they were drug users or they were drug offenders in particular.

So our prisons are bursting at their seams. We are arresting people who are using and selling these commodities on our streets. But what I officially believe is that we have not gone after the major traffickers in our cities, and this is what we need to pursue. The DEA tells me that they know who these people are, that in many cases they have issued warrants for their arrests but they have fled and they are not able to be found. I believe that these individuals' names, pictures, identifications should be posted all over America so that everyone will know who these individuals are.

We talk about the Mexican traffickers and these drug lords that are running the traffic in Mexico itself, but the DEA tells us in their testimony before our committees that these people in Mexico are linked up to the distributors who operate within our cities.

So while we are very outraged at the fact that the warrants that we have issued for the arrest of people that are in Mexico have not ended up in their conviction and brought to trial within the United States because of various technicalities on how to extradite, how the appeal process is extremely slow, in point of fact, there are tens of thousands of these operatives linked up to the gangs that exist in Mexico who now operate within the United States.

So I believe what this should tell us, what this should instruct us is a stronger, much more determined commitment on the part of the United States to do something about these individuals that are already operating within the United States.

This is a statistic that I have already given you about the percentage of Federal prisoners who were sentenced because of drug offenses. There is no doubt that the problem within the United States is a major one insofar as our prison population is concerned, and that gives you an idea of the relationship of criminal activity to a drug-abuse situation.

The marijuana arrests within the United States is also an interesting statistic. In 1998, this report tells us that 12 percent of the eighth graders in all of our schools in this country were users of marijuana. In the 10th grade it rose to 21 percent. In the 12th grade it rose to 25.6 percent.

☐ 1430

This is a very, very high proportion. A lot of people wink or blink or just look the other way when we talk about marijuana on the assumption that it is not a serious matter. It is an extremely serious matter, because the studies prove that there is a very high correlation between marijuana use and serious behavior problems in the schools, including cutting class, low scores in their academic studies, physical violence against teachers and their schoolmates, and outright theft and destruction of property. So there is an antisocial behavior problem with those of our youngsters who are using marijuana at such early ages.

And so we have to worry about this whole concept of marijuana use. Each year about 60,000 of our youngsters in our elementary and secondary schools are arrested on varying degrees of marijuana offenses. We have a very, very disturbing problem there that is affecting many thousands of our young people and their families.

The report also tells us that overall, throughout the whole country, there are more than 4 million chronic users of one or more of the drugs that I had listed. This is a very, very serious problem. These are chronic users, 4 million. About 14 million are current users. They may not become chronic abusers, but they are current users of one of these various drugs. And so it is a dimension of a problem that cannot be dismissed in terms of our social and political agenda.

The National Office has listed five goals, as I said earlier: First to educate our young people; second, to reduce drug-related crimes; third, to reduce the social-economic costs of illegal drug use; fourth, to shield our frontiers, to close the borders so that the supply does not come forward; and, fifth, to do something about our domestic sources. This is an issue that I think we can do something about.

Let us take marijuana as an example. There are currently 11 million users of marijuana. Much of the marijuana that is being abused in this country is produced in this country. We cannot point a finger at another country and say they are the culprits, shut off their supply, and this problem will go away. It will not. Because a good deal of marijuana is raised within this country. California, my own State of Hawaii, Kentucky, West Virginia, and Tennessee are listed in this report as major growing States of marijuana. And while all attention is put on Mexico because of the decertification problem, the report also cautions us that another growing, major supplier of marijuana is Canada. And so maybe we should look to Canada, also, as a country that needs to have a drug policy that we could examine.

Heroin has about 800,000 chronic users. The purity of heroin is an issue, because as it becomes more and more pure, which is the phenomenon we are experiencing now, it allows it to be smoked or snorted rather than injected. As a consequence, the use of it is expanding rather than contracting. The increases are quite significant. In 1996, there were an estimated 200,000 heroin chronic users. Today there are 325,000 users. And so the numbers are increasing quite dramatically.

The other drug abuse in this country which is causing great alarm because of its highly addictive qualities is a drug known as methamphetamine, or in some cases with crystal methamphetamines, it is referred to as ice. Meth can be manufactured in a bathtub. We refer to them as laboratories. But really they are not complicated places where the drug is manufactured. It just could be in somebody's kitchen. A great deal of it is manufactured within the United States. This is a drug that is not dependent upon being trafficked across the borders from somewhere. It is being produced and manufactured right within our own communities, predominantly in the West. It is highly toxic. So if you think that this is a problem only with the producers of meth and the consumers, think again, because when this stuff is put into the sewer and drains out of the bathtub, it goes into the environment and it is becoming a very, very serious, toxic, dangerous, highly polluting commodity. Communities are becoming quite alarmed because they have ways to detect its disposal in our sewage system. Meth is produced primarily in the West, consumed primarily in the West, and we have very, very large indications of its use. In one statistic that I saw, 52 percent of all persons arrested in San Jose were tested positive for having used methamphetamines.

Here is an issue that we have to come to grips with. The DEA seized over 4,140 methamphetamine laboratories in the last 4 years. In this 1998 period, over 2,000 were seized and destroyed. These meth operatives, people who go out and sell it and dispose of it, have connections with the Mexican drug traders. And so in that sense it is the same people that are selling the cocaine and the heroin and so forth are also dispersing the methamphetamines. This is a new aspect of a problem that is growing and causing tremendous concern.

We have many, many other issues in terms of our working relationship with Mexico. We have various bilateral agreements. It is indicative, to me at least as an observer in our discussions and in reading all the various materials that I have seen, that the leadership of Mexico, President Zedillo and others, his Attorney General and other individuals that we spoke with, have a very firm commitment and a will to do something about it. It is as though one could look at our own law enforcement considerations within the United States and ask the question, are we doing enough? I would have to answer no, I do not believe we are. That is the same question we put to the Mexican Government, are they doing enough, and my answer there would be also, no, I do not believe they are doing enough. But I certainly do not believe that Mexico should be decertified and cut off from any potential agreements or collaboration or cooperation or joint efforts to try to do something about the supply of these drugs coming across the border.

This is certainly a very, very critical problem. We have the opportunity to debate it and discuss it. I am not sure whether it will come up in a legislative matter. There have been bills that have been introduced calling for decertification. I hope the Congress does not take that step. But neither should the problem be dismissed as something that simply comes up once a year and that the country is asked to engage upon it only once in 12 months. This is an issue which is serious, it is pervasive, it is destroying tens of thousands of lives within the United States. It is making it impossible for young people to develop as normal human beings because their lives have been interjected and contaminated and abused by drugs.

So I feel that while we are taking this issue of the international responsibilities that our neighbors have with respect to this issue and the complicity that their nonperformance or noncooperation may have to the exacerbation of our own problem within the United States, we cannot any longer dismiss our responsibility to make sure that everything possible is being done. We certainly have the experts, we certainly have the science, we have the technology. We have all the means by which to detect the movement of individuals, money, and the drugs.

So I would like to see a much more heavily engaged, much more largely financed operation of people within the DEA and within the Justice Department helping us to interdict these criminals within our community. They have a long list. They tell me thousands of these traffickers have been arrested. But so many of them have not been brought to justice. So they are out there still, lurking around our communities, banking tens of billions of dollars in investments and creating this problem which we call money laundering, because this money is illegal, it is illicit, it was made from the benefit of selling illegal products within the United States. It has no business moving into the normal legal commerce of this nation or of any nation. And so we need to take greater steps to interdict this money, find out where it is, where it is being deposited, which banks, and making sure that no benefits, no profit, no advance, no monetary benefits are derived from this illegal traffic. That is another area which I feel we need to engage the financial interests of this country.

When you go to Mexico, immediately the big American businesses will come to you and say, "You can't decertify Mexico," because billions of dollars of our American interests are involved in the trade between Mexico and the United States. I certainly will agree to that. There are huge connections of involvement between American business and Mexican business. But I call upon the American businessmen here in this country as well as in Mexico to join forces with the United States in making sure that every effort that they can pursue to help us interdict and arrest these individuals and bring them to justice be done.

So I like to look upon this decertification process as an opportunity for us to examine our policies, to make sure that we are protecting our young people, in the schools we are teaching them about the tremendous hazards of drug consumption and how addictive it is and how they must stay away from it. We must do everything we can to prevent the adult population from engaging in this kind of activity. We have to arrest the people who are on the street selling this stuff. We have to also engage ourselves with the nearly 2 million people that are in our prisons, to make sure that adequate treatment is available to them so that when they are released, and they all will be released eventually, can go back into society completely rid of any habits they might have had previously with regard to drug usage.

So we have an enormous problem. But the most important, it seems to me, for our American communities is to make our streets safe so that while we are teaching our young people and have all these treatment and prevention programs in place, it is not an easy thing to just walk to the street corner and pick up a gram or two of heroin or cocaine or buy marijuana or whatever. It should not be something which is that easy to do in our communities. I believe that law enforcement agencies need our support, they need our commitment to make sure that these laws are abided by. They need enough funds to make sure that enough people are in their agencies to make it possible for law enforcement activities to take place. They need a lot of intelligence. They need a lot of undercover agents to ferret out where these activities are taking place.

So we in the Congress have a dual responsibility. We have to make sure that adequate resources are being engaged to combat this problem within the United States, because demand is an issue. And if we can get our hands on an adequate control of the demand that comes from the United States to buy these terrible things, then, it seems to me, we have an evenhanded policy with other countries by insisting that they shut off the supply as well.

□ 1445

Mr. Speaker, I shall pursue with great vigor, and great enthusiasm and a great deal of interest my new responsibilities as the ranking member of this subcommittee. I know that I have a great deal more to learn about the hazards of this problem, but I am certainly prepared to engage myself and my staff on a full and complete examination of this issue.

Before I leave the special order this afternoon, I wanted to indicate that the President of the United States does not stand alone on his recommendation that Mexico ought to continue its work, and that we ought to join forces with them, and cooperate with them and encourage them to fulfill their commitment to us and to their own people because their own people are suffering just as tragically from what I have described as our own internal problem. The Mexican people are also suffering.

So I have here a letter that was recently sent to the President of the United States, Mr. Clinton, signed by the Governor of Texas, George W. Bush, the Governor of Arizona, Jane Dee Hull, and the Governor of New Mexico, Gary E. Johnson, urging the President on behalf of the States of Arizona, New Mexico and Texas that they convey their full support for the certification of Mexico as a responsible ally in the international war against drugs. The letter states we believe that under President Zedillo's leadership Mexico's commitment to and cooperation in counter narcotics efforts has definitely improved, and they support full certification of Mexico. Mr. Speaker, I ask that this letter be incorporated at the end of my remarks.

Mr. Speaker, the Congress will be pursuing this matter of certification, our subcommittee will be pursuing the overall national policies of drug control within the United States, and I hope that the Congress and the people of the United States can be engaged in a fair and thorough examination of our own internal domestic crisis and come up with a determination and a will to do much better than we are currently doing.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
February 22, 1999.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: On behalf of the States of Arizona, New Mexico and Texas, we are writing to urge your support for full certification of Mexico as a responsible ally in the international war against drugs. We believe that under President Ernesto Zedillo's leadership, Mexico's commitment to and cooperation in counter-narcotics efforts has definitely improved. For this reason, we support full certification of Mexico.

We maintain that the United States should not undermine Mexico in its effort to control the drug trade, but should demonstrate confidence in Mexico's ability to cooperate and actively participate in a long-term counter-narcotics strategy. Mexico has clearly demonstrated a renewed commitment in the battle against drug trafficking by announcing a $400 million increase in funding for anti-drug operations and agreeing to improve cross-border undercover operations. In addition, Mexico's new three-year plan targeting early detection of drug flights and sea shipments and an increased counter-narcotics role for the Mexican Army should make a significant impact in the number of seizures and arrests.

It is our belief that de-certification could jeopardize existing and future anti-drug and law enforcement efforts, ultimately impairing the positive relationship between our two nations. Moreover, as Governors of border states, whose economies are interdependent with Mexico, we support full certification because potential economic sanctions against Mexico and decreased development aid resulting from de-certification would have a direct negative impact to our states.

We have confidence in President Zedillo's efforts and commitment to a zero tolerance policy for drugs. Mexico has been steadily on its way back to economic recovery, and de-certification would only hinder Mexico's efforts to implement political and economic reforms.

We thank you in advance for your consideration of our joint position and look forward to working with you to ensure that our congressional leaders support full certification of Mexico as an ally in the war against drugs.

Sincerely,

GEORGE W. BUSH,
Governor of Texas.
JANE DEE HULL,
Governor of Arizona.
GARY E. JOHNSON,
Governor of New Mexico.

ADJOURNMENT

Mrs. MINK of Hawaii. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 16, 1999, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1009. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions [OPP–300794; FRL–6062–4] (RIN: 2070–AB78) received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1010. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dicamba (3,6-dichloro-o-anisic acid); Pesticide Tolerance, Technical Correction [OPP–300767A; FRL–6049–2] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1011. A letter from the Secretary of Defense, transmitting a report on the event-based decision making for the F–22 aircraft program; to the Committee on Armed Services.

1012. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting the Office's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds; Leverage Capital Standards: Tier 1 Leverage Ratio [Docket No. 98–125] (RIN: 1550–AB11) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1013. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Annual Report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1998, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1014. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1015. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1016. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7272] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1017. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Accident Investigations—received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1018. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL–049–1–9907a; FRL 6236–1] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1019. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Michigan: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6236–2] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1020. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the St. Louis, Missouri Moderate Ozone Nonattainment Area [FRL–6306–1] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1021. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 99–08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1022. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations; Commerce Control List [Docket No. 981229330–8330–01] (RIN: 0694–AB77) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1023. A letter from the Mayor of the District of Columbia, transmitting the Comprehensive Annual Financial Report of the District of Columbia, pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

1024. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Additions—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1025. A letter from the Director, Federal Emergency Management Agency, transmitting the FY 2000 Annual Performance Plan for the Federal Emergency Management Agency; to the Committee on Government Reform.

1026. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1027. A letter from the Administrator, General Services Administration, transmitting the Performance Plan of the General Services Administration for fiscal years 1999 and 2000; to the Committee on Government Reform.

1028. A letter from the Inspector General, National Science Foundation, transmitting the semiannual report of the National Science Foundation for the period March 1 1998 through September 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1029. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits [Docket No. 981026267–9013–02; I.D. 100798B] (RIN: 0648–AL36) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1030. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 981222313–8320–02; I.D. 021299A] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1031. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 970129015–9044–09; I.D. 031997C] (RIN: 0648–AI84) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1032. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment [Docket No. 970129015–8123–06; I.D. 042798B] (RIN: 0648–AI84) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1033. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Final List of Fisheries for 1999; Update of Regulations Authorizing Commercial Fisheries Under the Marine Mammal Protection Act [Docket No. 980724195–9038–02; I.D. 070798F] (RIN: 0648–AK95) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1034. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No. 970129015–8287–08; I.D. 042597B] (RIN: 0648–AI84) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1035. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud [EOIR No. 116P; A.G. Order No. 2203–99] (RIN: 1125–AA17) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1036. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA [CGD1–99–015] (RIN: 2115–AA97) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1037. A letter from the Program Analyst, Office of Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes [Docket No. 98–CE–61–AD; Amendment 39–11061; AD 99–05–13] (RIN: 2120–AA64) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1038. A letter from the Program Analyst, Office of Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99–NM–09–AD; Amendment 39–11063; AD 99–05–15] (RIN: 2120–AA64) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1039. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes [Docket No. 98–NM–27–AD; Amendment 39–11059; AD 99–05–11] (RIN: 2120–AA64) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1040. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 96–NM–12–AD; Amendment 39–11058; AD 99–05–10] (RIN: 2120–AA64) received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1041. A letter from the Program Analyst, Office of Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pampa, TX [Airspace Docket No. 98–AWS–57] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1042. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Crockett, TX [Airspace Docket No. 99–ASW–03] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1043. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Neosho, MO [Airspace Docket No. 99–ACE–11] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1044. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Stockton, MO [Airspace Docket No. 99–ACE–7] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1045. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, MO [Airspace Docket No. 99–ACE–10] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1046. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Liberal, KS [Airspace Docket No. 98–ACE–60] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1047. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Authorization for the Continued Manufacture of Certain MC 331 Cargo Tanks [Docket No. RSPA–98–4943 (HM–225B)] (RIN: 2137–AD31) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1048. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Final Rule [FRL–6304] (RIN: 2040–AA13) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1049. A letter from the Chairman, Federal Maritime Commission, transmitting the Department's final rule—Marine Terminal Operator Schedules [Docket No. 98–27] received February 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1050. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills—received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1051. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 99–11] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1052. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 99–15] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1053. A letter from the Secretary of Health and Human Services, transmitting the steps taken to ensure the confidentiality of the SSANs submitted; to the Committee on Ways and Means.

1054. A letter from the Chairman, Federal Trade Commission, transmitting the eighty-third Annual Report of the Federal Trade Commission, pursuant to 47 U.S.C. 154(k); jointly to the Committees on Commerce and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 975. A bill to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program (adversely) (Rept. 106–52). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COLLINS (for himself, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Abercrombie, Mrs. Mink of Hawaii, Mrs. Thurman, Mr. Wynn, and Mr. Boehlert):

H.R. 1108. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of electric vehicles; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. Nadler, Mr. Owens, Mr. Crowley, Mr. Rush, Mr. Ackerman, Mr. Wynn, Mr. Weiner, and Mrs. McCarthy of New York):

H.R. 1109. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H. Con. Res. 55. A concurrent resolution congratulating His Excellency, General Vasco Joaquim Rocha Vieira, Governor of Macao, and the Macao government on the Third Meeting of the Macanese people, the "Terceiro Encontro"; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. Ackerman, Mr. Ballenger, Ms. Ros-Lehtinen, Mr. Diaz-Balart, Ms. Roybal-Allard, and Mr. Davis of Florida):

H. Res. 112. A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. McGovern, Mr. Underwood, Ms. Waters, Mr. Thompson of Mississippi, and Ms. Kilpatrick.

H.R. 125: Mr. Underwood and Ms. Roybal-Allard.

H.R. 163: Mr. Vento, Mr. McCollum, and Ms. Lofgren.

H.R. 316: Mr. Mica.

H.R. 325: Mr. Brady of Pennsylvania, Mr. Cummings, Ms. Waters and Mr. Wu.

H.R. 329: Mr. Luther and Mr. Sherman.

H.R. 347: Mr. Ryun of Kansas.

H.R. 351: Mrs. Wilson and Mr. Stenholm.

H.R. 424: Ms. Ros-Lehtinen, Mr. Campbell, Mrs. Cubin, Mr. Gonzalez, Mr. McGovern, Mr. Martinez, and Mr. Rangel.

H.R. 448: Mrs. BIGGERT.

H.R. 632: Mr. SHERMAN, Mr. GOSS, Mr. BALDACCI, Mr. SANDLIN, Mr. SHOWS, Mr. MATSUI, Mr. MILLER of Florida, Mr. BACHUS, Mr. PAYNE, Mr. SHAW, Mr. MCINTOSH, Mr. MCKEON, and Mr. LINDER.

H.R. 637: Mr. LEACH.

H.R. 701: Mr. PICKERING, Mr. LEWIS of Georgia, Mr. FORD, Mrs. CHRISTENSEN, and Mr. PICKETT.

H.R. 716: Mr. KINGSTON and Mr. FORD.

H.R. 750: Mr. KENNEDY of Rhode Island, Mr. BONIOR, Mrs. LOWEY, Mr. ACKERMAN, Mr. SAXTON, and Mr. BARTLETT of Maryland.

H.R. 832: Mr. BONIOR.

H.R. 886: Ms. LOFGREN, Mr. HINCHEY, and Mr. MARKEY.

H.R. 894: Mr. BARR of Georgia.

H.R. 914: Mr. DEFAZIO, Mr. MATSUI, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. ROTHMAN, and Mr. BROWN of California.

H.R. 975: Mr. SISISKY, Mr. FROST, Mr. LUTHER, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. BOYD, Mr. BENTSEN, and Mr. SHUSTER.

H.R. 985: Mr. FRANK of Massachusetts, Mr. LOBIONDO, and Mr. HUTCHINSON.

H. Con. Res. 24: Mr. THORNBERRY, Mr. MCINTYRE, Mr. CASTLE, Mr. PITTS, Mr. EVANS, Mr. TURNER, Mr. BERRY, Mr. BLAGOJEVICH, Mr. WAMP, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. SCARBOROUGH, Mr. JENKINS, and Mr. CHAMBLISS.

H. Con. Res. 37: Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. MCGOVERN, Mr. MOORE, Mr. SNYDER, Ms. WOOLSEY, Mr. WEXLER, and Mr. SHOWS.

H. Res. 105: Mr. BROWN of California, Mr. KLECZKA, Mr. WAXMAN, Mr. PALLONE, Mr. MARKEY, Mr. SNYDER, Mr. BERMAN, Mr. NEAL of Massachusetts, Mr. FROST, Ms. PELOSI, Mr. UNDERWOOD, Mr. HOLDEN, Mr. FORBES, Mr. FRANK of Massachusetts, Mrs. MINK of Hawaii, Mr. LANTOS, Mr. GEJDENSON, Mrs. THURMAN, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. TRAFICANT, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. SESSIONS, Mr. GOODLING, Ms. RIVERS, Mr. POMBO, Mr. SHERMAN, Mr. LAHOOD, Mr. WATTS of Oklahoma, and Mr. ENGLISH.

SENATE—*Monday, March 15, 1999*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for Your blessing and care for the Senators and the crucial work of this Senate. We praise You for the way the Senators of both parties worked together on the passage of the educational legislation last Thursday. May this spirit of cooperation continue as the strategic legislation of this week is considered. As the Senators do their work here, continue to bless their families. Watch over them with Your gracious protection. Also, we thank You for all the people who work to make the Senate run smoothly: the officers of the Senate, the Senators' staffs, the many Senate staff departments, the police officers, the reporters of debate, the pages, those who run the subways and elevators, the food service people, and the custodial staff. Give each person a renewed sense of his or her importance in the effectiveness of the operation of the Senate. Keep us all working together as a family of loyal Americans privileged to serve our Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Oklahoma, Senator INHOFE, is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, following morning business, the Senate will resume consideration of S. 257, the missile defense bill. The majority leader has announced there will be no rollcall votes during today's session. However, Members are encouraged to come to the floor and offer amendments in relation to the missile defense bill. Any rollcall votes ordered today on amendments will be postponed to occur on Tuesday at a time to be determined by the two leaders.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 3 p.m.

Under the previous order, the Senator from Oklahoma is recognized to speak for up to 30 minutes.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 35 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that at the conclusion of my remarks Senator ORRIN HATCH be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

CHINA'S THEFT OF NUCLEAR SECRETS

Mr. INHOFE. Mr. President, I want you to listen. I am going to tell you a story of espionage, conspiracy, deception, and coverup, a story with life and death implications for millions of Americans, a story about national security, and a President and an administration that deliberately chose to put national security at risk, while telling everyone that everything was fine.

If it was written in a book, Mr. President, it wouldn't sell, because no one would believe it. If it was fictionalized in a novel, few could conceive it. But it is true.

For the sake of my statement today, I am stating that the President withheld information and covered up the Chinese theft of our technology. But I am realistic enough to know that a person with the history of deception this President has will have provided himself with some cover in case he got caught. So I am sure there is a paper trail that he can allege. The way the President probably covered himself was to include tidbits about this theft buried in briefings of 40 or 50 other items so the significance of it would not be noticed. But a paper trail would be established.

Anticipating that, I, over the weekend, talked to the chairman of the House Intelligence Committee, Congressman PORTER GOSS, and the chairman of the Senate Intelligence Committee at the time of the discovery of this secret, this information, Senator ARLEN SPECTER. Neither chairman was notified of the W-88 nuclear warhead technology theft. And these would have been the first to be notified, Mr. President.

There can be no doubt that President Clinton engaged in a coverup scheme.

Let me read three paragraphs from last week's op-ed article by Michael Kelly in the Washington Post, entitled "Lies About China." I am quoting now, Mr. President:

> In April 1996, Energy Department officials informed Samuel Berger, then Clinton's deputy national security advisor, that Notra Trulock, the department's chief of intelligence, had uncovered evidence that showed China had learned how to miniaturize nuclear bombs, allowing for smaller, more lethal warheads . . .

Further quoting:

> The Times reports that the House Intelligence Committee asked Trulock for a briefing in July 1998. Trulock asked for permission from Elizabeth Moler, then acting energy secretary. According to Trulock, Moler told him not to brief the committee because the information might be used against Clinton's China policy. . .

Further quoting:

> The White House's secret would have remained secret had it not been for a select investigative committee headed by Republican [Representative] Christopher Cox. . .

But even using the President's fictitious paper trail, the earliest either chairman could have known about it would have been late in the spring of 1997, years after the Clinton administration learned of it and, of course, after the 1996 election.

I start, Mr. President, by listing a few things which we now know to be true, factual, incontrovertible, and nonclassified.

For years, the Clinton administration covered up China's interest of top secret U.S. nuclear weapons data. They never informed the Congress or the American people about what had happened or its significance to our national security.

Let me tell you what President Clinton did during this period of time.

During this period of time, the President misled the American people on numerous occasions about the threat posed by strategic nuclear missiles in the post-cold-war era.

During this period of time, President Clinton made statements on over 130 separate occasions, such as the following:—and I am quoting—

> For the first time since the dawn of the nuclear age, there is not a single solitary nuclear missile pointed at an American child tonight. Not one. Not a single one.

During this period of time, he knew that China was targeting up to 18 intercontinental ballistic missiles at American children.

During this period of time, President Clinton signed export control waivers which allowed his top campaign fundraisers' aerospace company to transfer sensitive U.S. missile guidance technology to China.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

During this period of time, he shifted the prime satellite export responsibility from the State Department, where it had always been to maintain security, to the Commerce Department so that it would be easier to share sensitive information with the Chinese and others.

During this period of time, President Clinton hosted over 100 White House fundraisers as a part of a larger aggressive scheme to raise campaign contributions, many from illegal foreign sources primarily, including sources in China. Among guests permitted to attend these White House fundraisers were a convicted felon and a Chinese arms dealer.

During this period of time, John Huang, Charlie Trie, Johnny Chung, James Riady, and others with strong ties to China, were deeply involved, with the President's knowledge, in raising Chinese-tainted campaign cash for the Clinton campaign.

During this period of time, John Huang, who had been given a security clearance without a background check, was permitted to receive numerous classified CIA briefings, both during and after his stay at the Commerce Department.

And during this period of time, President Clinton was successfully stopping the deployment of a national missile defense system—exposing every American life to a missile attack, leaving us with no defense whatsoever against an intercontinental ballistic missile.

Mr. President, China's theft of secret data on the so-called W-88 nuclear warhead may be one of the most serious breaches of national security in the history of our Nation, more serious than Aldrich Ames; perhaps more serious than the Rosenbergs.

The public needs to understand that this story is true. This is not about partisanship. It is not about some ancient history of some long gone cold war.

This is about the real world here and now. It is about national security in its most important aspects. It is about protecting our freedom and our existence as a Nation. This is ultimately a matter which concerns the life and death of every American citizen.

The W-88 is the most advanced nuclear warhead in the U.S. arsenal and is carried on top of a Trident submarine-launched ballistic missile. This is the cornerstone weapon of our Nation's nuclear deterrent. As many as 8 can fit on top of a submarine-launched missile; as many as 10 can fit on top of a land-based missile—either ours or China's. We are talking about a miniaturized warhead much smaller in size than the Hiroshima atomic bomb but 10 times more powerful.

This chart appeared in the New York Times on March 6 of this year. The first atomic bomb dropped on Hiroshima weighed almost 9,000 pounds, yielded 15 kilotons and was dropped from a plane. By contrast, the modern W-88 is more powerful than this. It is 2.6 feet in length and weighs about 300 pounds and yields up to 150 kilotons. Several fit into the head of one missile. The technology on which it is built is super top secret and represents billions of dollars and years, if not decades, of investment on the part of dedicated scientists and engineers working in the supreme American national interest.

Some ask, why does America have such a weapon? Because it is part of our responsibility as a world superpower to have the most advanced, efficient, and credible nuclear deterrent, not only to protect our own freedom but the freedom of our allies. It is part of our policy of peace through strength.

I think about my friend from Texas, the Senator who is always talking about how we want to see the day when the lion and the lamb lie down together. But when that happens, we want to make sure we are the lion and not the lamb. We don't intend to use any of these nuclear weapons. It is a fact of life, in the most dangerous world we live in, we have to be prepared to deter any potential adversary.

The W-88 allows for multiple warheads to be placed on one missile. With this technology, China will now be able to put up to 10 warheads on a single long-range missile. Each warhead is targeted at a different city, each city subject to an explosion 10 times as great as that which destroyed Hiroshima at the end of World War II.

Mr. President, I am from Oklahoma. I can remember in 1995 when the bomb went off. It was a truck bomb. A 4,800-pound truck bomb destroyed the Murrah Office Building, maiming and killing 168 Oklahomans. I remember standing out there and watching the police and the firemen enter the building where there was no security and pulling out parts of bodies and bodies. It was the most devastating thing I have ever experienced. It was the worst act of terrorism ever recorded on American soil. That bomb had a force of 1,000 pounds of TNT, half of 1 ton. By contrast, the Hiroshima bomb had an explosive force of 15 tons, or 30,000 times as large as the Oklahoma City bomb. The W-88, while smaller in physical size, had a force of 150 kilotons, or 300,000 times the explosion power of the Oklahoma City bomb. By carrying 10 of these, it would be 3 million times the force of the Oklahoma City bomb.

The more compact W-88 warhead makes possible what is called MIRV technology, or multiple independent reentry vehicle, which allows the missile to reenter and then go to various targets. This is technology that we thought China was many, many years away from developing on its own, and they stole this technology, and President Clinton covered it up.

We also used to think North Korea was many years away from building a long-range multiple stage rocket. I got a phone call and a letter from Henry Shelton, Chairman of the Joint Chiefs of Staff, on August 24. In this letter he said he was confident we would have 3 years warning of any new long-range missile threat—that is, any new country that we already didn't know about. Seven days later, on August 31, a multiple-stage rocket was launched in North Korea. Part of it reached the coast of Alaska.

Because of the disparity over what our nuclear threat is, in the wisdom of the House and the Senate, the Democrats and the Republicans commissioned the Rumsfeld Committee. We were charged with the responsibility of finding the nine most informed scientists and authorities on missile technology, who formed a committee for assessing the threat that we have in this country. This was a bipartisan committee, appointed jointly by Democrats and Republicans. Of the nine, five were Republican appointments and four were Democrat appointments. They concluded unanimously that when it comes to advanced missiles and weapons, with countries willing to buy, sell, and steal technology, "We live in an environment of little or no warning." That means we must immediately be prepared.

Last year, you may remember it was revealed that the Clinton administration had changed the approval process for high-technology satellite transfers, how waivers were granted for American companies so they could launch satellites in China. This ultimately resulted in China acquiring advanced United States missile guidance technology, making their missiles more accurate and more reliable. President Clinton personally signed the waiver allowing China to acquire this missile technology. Let me repeat, President Clinton personally signed the waiver allowing China to achieve this missile technology.

Executives of these two corporations which benefited, Loral and Hughes, were among the largest financial creditors to President Clinton's campaign ever but this is not important. The motive for aiding and abetting our adversaries could be money, or it could be some kind of perverted allegiance to some of these countries, or it could be just a callous disregard for the lives of American citizens. The motive is not important. The fact is, President Clinton did it and he knew exactly what he was doing.

Accompanying the transferred missile guidance technology with the stolen nuclear weapon technology, China can threaten United States cities with accurate, reliable, and horribly destructive multiple-warhead nuclear missiles. This is not science fiction. Two years ago, a high-ranking Chinese official made a statement. Two years ago, when the Chinese were trying to intimidate the elections of the Taiwanese and they were launching missiles at the Taiwan Straits, it was suggested to this high-ranking military official in China that it could be that America would come to Taiwan's defense and would intervene. His response was, "No, they are not going to do that because America would rather defend Los Angeles than defend Taipei." At the very least, that is an indirect threat to use missiles on the United States of America.

By helping China develop their long-range missiles, President Clinton also helped North Korea and other rogue nations with theirs—nations like Iran. Let me read three paragraphs from last week's Washington Times article entitled "China Assists North Korea Space Launches."

> China is sharing space technology with North Korea, a move that could boost P'yongyang's long-range missile program, White House and Pentagon officials told the Washington Times. . . .
>
> Another Pentagon report on the 1996 Chinese booster that failed to launch a U.S. satellite concluded that "U.S. national security was harmed" by the improper sharing of technology with China by Hughes and other satellite maker Loral Space & Communications Ltd. . . .

Keep in mind, it was President Clinton who signed the waiver to give the Chinese this technology.

> In 1994, the Pentagon's Defense Intelligence Agency reported that it believed China had helped design the Taepo Dong 2 missile (this is the North Korea missile) because its first stage diameter is very close in size to the Chinese CSS-2 immediate range missile.

It is factual to say that President Clinton knew he was giving our missile technology to North Korea as well as China.

I take this moment to remind my colleagues once again that America today has no defense whatever against such a threat. The Clinton administration today, despite its rhetoric, opposes the deployment of any national missile defense system. Someone who is pretty smart, back in 1983 when they determined that we would have to have a defense against an incoming missile by fiscal year 1998—that is, last year—so during the Reagan administration, then the Bush Administration, they embarked on this thing called SDI, Strategic Defense Initiative, to make sure that by 1998 we would have something to defend ourselves in the event an ICBM came over from China, from Russia, from Iran, from North Korea, from anywhere. So we were on schedule to have this deployed by fiscal year 1998.

Well, in 1993, that came to a screeching halt when President Clinton vetoed the defense authorization bill and vetoed all further efforts, including the bills that were introduced to put us on line with the national missile defense system. As an excuse for this, he said he had to protect the integrity of the 1972 ABM Treaty. Let me remind you that treaty was not a Democrat-inspired treaty. That was Republican-inspired; it was President Nixon and Henry Kissinger. The idea was that we had two superpowers, the U.S.S.R. and the United States of America. So we made a deal with them. Under the ABM Treaty, we said we won't defend ourselves, and you don't defend yourselves, and that way, if they launch a missile that goes to us, we launch one that goes back to them and everybody dies. I didn't like that theory back then, but it made sense when there were two superpowers. That is not true today.

Today, virtually every country has a weapon of mass destruction. We have missiles that we are finding that now even North Korea has. China is exchanging technology and systems with Iran and other countries like that. So there is a proliferation of missiles as well as weapons of mass destruction. I have to say that the mutual assured destruction concept which was adopted at that time has no relevance today. Even Henry Kissinger, who was the architect of the ABM Treaty of 1972 said, "It's nuts to make a virtue out of our vulnerability." He said we should not be looking at that. Besides, somebody should remind the President that was a treaty that was made in 1972, and it was made between the United States and the Soviet Union. The Soviet Union no longer exists. So I have to say that President Clinton is solely responsible for the fact that we are totally defenseless against an incoming ICBM from China or any other place in the world.

Now, Mr. President, from news reports, this is some of what we know about China's theft of our nuclear secrets. Apparently, a spy at the Los Alamos weapons lab succeeded in transferring data on this highly classified W–88 warhead technology to China in the mid-1980s. That was not during the current administration; nobody refutes that. But our Government did not find out about it until April of 1995. That is 3 years into the Clinton administration.

This is a critical date, Mr. President. We did not know about the theft until April of 1995. Detection came when experts analyzed data from then-recent Chinese underground nuclear tests and saw remarkable similarities to the W-88 U.S. warhead to what they were experimenting with. Later in 1995, secret Chinese Government documents confirmed that there had been a security breach at Los Alamos. That was in 1995.

Deputy National Security Advisor Sandy Berger was first briefed about it. President Clinton did not respond then because he was obviously a little preoccupied with what he considered to be more important matters at that time. After all, there were White House fundraisers to host, foreign campaign contributions, satellite transfers to approve, high technology trade with China to promote and, of course, an election to be won—at all costs. Mr. Berger was well aware of all this. We know that he sat in on strategy sessions for the campaign for 1996.

So this was also the time when President Clinton was running around the country telling audiences that "for the first time since the dawn of the nuclear age, there is not a single, solitary nuclear missile pointed at an American child tonight. Not one. Not a single one." Of course everybody cheered, wanting to believe he was telling the truth.

Of all the lies this President has told, this is the most egregious of all.

He repeated this misleading, deceptive lie over 130 times between 1995 and 1997, right at the very time he and his national security advisors knew that this horrible breach of nuclear security had occurred and was under investigation. It was also at that very time that he knew that up to 18 American cities were being targeted by Chinese long-range missiles, missiles that had and have the potential of killing millions of Americans. During this time, he said 130 times: "For the first time since the dawn of the nuclear age, there is not a single, solitary nuclear missile pointed at an American child tonight. Not one. Not a single one."

So while the American people consume his misleading and dishonest public statements—helping to secure his reelection—nothing was done for over a year about the security breach at Los Alamos.

The likely suspect spy was identified in early 1997, and the FBI urged that he at least be transferred to a less sensitive position. But inexplicably, he was allowed to keep his sensitive job at Los Alamos for a another year and a half. This was the spy who was responsible for the theft, and President Clinton kept him in that sensitive job for another year and a half. Finally, he was fired by Energy Secretary Richardson last Monday—a week ago today, March 8, 1999—but only after he was publicly identified in news reports as having failed two previous lie detector tests.

In all of this, was Congress ever informed? As a Member of the Senate Armed Services Committee and the Senate Intelligence Committee, I certainly was not. As I said earlier, I talked to the chairmen of both the House Intelligence Committee and the Senate Intelligence Committee and they weren't informed either.

Did the President ever take the appropriate aggressive and timely steps that should have been taken in order to protect the national security interest in the wake of this matter? No, he did not.

Why? Why the delays? Why the lack of consultation and communication? Why the seeming indifference to this very, very serious breach of national security? We will be asking some tough questions about this in the days to come. I note that the Armed Services Committee will have a hearing on this, and the Intelligence Committee will have a hearing the day after tomorrow, Wednesday. We will have a lot of questions. The American people need to know what is going on here.

The President's National Security Advisor, Mr. Berger, has a lot to answer for here. He had better be prepared to answer questions from Members of Congress honestly, forthrightly, and without intention to deceive, mislead, or change the meaning of words. Otherwise, he should resign now and take the rap for President Clinton.

I am convinced that we have not yet scratched the surface of the national security scandal exposed by these most recent revelations.

This administration obviously wanted nothing to interfere with developing good relations with China. While it was soliciting and accepting campaign contributions from China, it was dragging its feet on investigating the most egregious espionage operation China had ever succeeded in pulling off in the U.S., a breach of security which could potentially put the lives of millions of Americans at great risk.

This is, without doubt, the worst example yet of how this administration has put its own selfish motives above the national security interests of this country and above the protection of American lives.

The American people and the Congress must demand that the President be held accountable for this gross dereliction of duty. I guess the question is, What can we do? We are Members of Congress and what can we do? I am not sure there is anything we can do except inform the American people and let public outrage solve the problem. And why are we in Congress so limited in what we can do?

Our Founding Fathers never envisioned we would have a President who would do these kinds of things and act in these ways. This is why the Constitution gives the President great latitude of action in carrying out his duties and why he is protected from the other branches of Government under the separation of powers.

When John Adams wrote to his wife after the first night he spent in the White House in 1799, he spoke of the expectations of all the founders during that time: "May only honest and wise men rule under this roof." The White House.

There was an assumption that the American people would always elect Presidents with a basic level of morality, honesty and integrity, who out of patriotism would always put the welfare of the country above any personal ambitions for power or glory.

This President knew he was covering up information vital to the safety and well-being of every American—that China had stolen from us the advanced technology which would give them the capability to kill millions of Americans in multiple cities with just one missile, and he knew it.

In 1945, World War II was ended when the atomic bombs were dropped in Nagasaki and Hiroshima. Each explosion destroyed an entire city, killing tens of thousands. The death toll in Hiroshima was about 75,000 lives from that 15-ton nuclear bomb.

Just think, that with the technology that this President has transferred to China and what China has stolen and the President has covered up, China is now capable of producing a 150-kiloton bomb small enough to fit ten of them on top of one missile, each bomb targeted at a different American city with accuracy and reliability.

Just extrapolating the numbers, that—in theory—is enough destructive power to kill as many as 7,500,000 Americans—with just one missile.

And, due to this President who stopped our national missile defense effort, we have no defense. We have a President who acts as if he doesn't care about us.

So finally, Mr. President, let me repeat the six proven incontrovertible facts:

1. President Clinton hosted over 100 campaign fundraisers in the White House, many with Chinese connections.

2. President Clinton used John Huang, Charlie Trie, Johnny Chung, James Riady, and others with strong Chinese ties to raise campaign money.

3. President Clinton signed waivers to allow his top campaign fundraiser's aerospace company to transfer United States missile guidance technology to China.

4. President Clinton covered up the theft of our most valuable nuclear weapons technology.

5. President Clinton lied to the American people over 130 times about our Nation's security while he knew Chinese missiles were aimed at American children.

6. President Clinton single-handedly stopped the deployment of a national missile defense system, exposing every American life to a missile attack, leaving America with no defense whatsoever against an intercontinental ballistic missile.

Again, it doesn't matter whether President Clinton did these things for Chinese campaign contributions because the motive for aiding and abetting our adversaries is not important. The fact is President Clinton did it and he knew exactly what he was doing.

I'm not a lawyer, Mr. President, but I have to ask, could President Clinton have been tried for impeachment for the wrong crime?

Why am I here telling the truth about the President?

I think it is because I haven't heard anyone else do it. They know this President will lie with such conviction that the American people will continue to believe him, and they don't want to take the risk.

I happened to go yesterday to the McLean Bible Church, and the sermon was about taking risks—being willing to take a risk. They talked about the Israelites who were in the desert, and they sent a team up to Canaan to look to see what the risk was up there. They came back, and they said: There are giants up there. We don't have a chance. We are like mosquitoes next to them, except for Caleb." Caleb came back, and he said, "We should take the risks. We can win. We can fight and win."

What happened? The rest of the story you know. You know what that is. God left the Israelites out in the desert, and he sent Caleb to the Promised Land. With all these blessings, we just do not seem to learn. I think Henry Ward Beecher said it in a different way. He said, "I don't like those cold, precise, perfect people who, in order not to say wrong, say nothing . . . and in order not to do wrong, do nothing."

We have a lot of people around here who are more concerned about their jobs that they would go ahead and do nothing. So somebody has to tell the truth about this President. We can't all be appeasers. An appeaser is a guy who throws his friends to the alligators hoping they will eat him last.

Hiram Mann said, "No man survives when freedom fails, the best men rot in filthy jails, and those who cry appease, appease are hanged by those they tried to please."

I believe that truth will ultimately prevail. It is just stubborn. Winston Churchill said, "Truth is incontrovertible. Ignorance may deride it, panic may resent it, malice may destroy it, but there it is."

Mr. President, everything I have said during the course of the last 30 minutes is absolutely proven and true. I hope America is listening. We have a nation to save from this President.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes and that immediately following my remarks Senator HOLLINGS be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. HATCH. I thank the Chair.

COMPETITION IN THE DIGITAL AGE: UNITED STATES VERSUS MICROSOFT

Mr. HATCH. Mr. President, today I rise to speak for a few moments on the Justice Department's ongoing case against Microsoft, and to discuss the Judiciary Committee's upcoming agenda in examining competition in the digital markets.

As my colleagues know, the Department of Justice and 19 states have sued Microsoft for violating federal antitrust laws. In the case brought by the Department of Justice, the Government has completed its case in chief, and Microsoft rested its case on Friday, February 26.

While the trial is proceeding in the courts, I have not held hearings on Microsoft's apparent monopolistic activities and their impact on competition within the software and related technology markets. However, as I noted last November, the Judiciary Committee will continue to examine the important role proper and timely enforcement of federal antitrust laws can have on fostering both competition and innovation for emerging technologies, while minimizing the need for government regulation of the Internet.

I believe an important area of inquiry is evaluating the significant public policy concerns posed by the question of what remedies should be imposed in cases where, notwithstanding the generally dynamic and competitive nature of Internet-related industries, high technology companies have been found to have violated the antitrust laws.

As I have maintained in the past, these dynamic high-technology industries are different from other traditional industries of the past, and antitrust remedies must take these differences and the special characteristics of the respective high-tech industries into account.

Mr. President, if, at the close of the trial, Microsoft is found to have violated the law, the remedies that the court would apply will implicate many policy concerns with respect to how business in the high-technology industry is transacted. Any resolution of the matter—including any settlement, I believe, should aim to restore competition and ensure that neither Microsoft, nor any other monopolist similarly situated, is allowed to continue to benefit from the market advantages it gained unfairly.

Promoting real and vigorous competition, which respects intellectual property rights, will not only ensure better prices for the consumers, but will also ensure that innovation is not hampered due to the market stranglehold of a monopolist. Ensuring that true competition exists in the market is also the best way to keep the government out of the business of regulating the Internet.

Government should not exert unwarranted control over the Internet—even if Vice President GORE still thinks he created it. Nor should any one company. Indeed, I share Senator GORTON'S interest in knowing where the Vice President stands with respect to the Microsoft case. After all, doesn't the father of the Internet have a view on who should be able to control his creation?

In the trial, we saw the government put forth a powerful case against Microsoft. And, we saw Microsoft put forth a not so stellar defense. Many experts, even those who were skeptical at first, now believe that the government may well prevail.

I ask unanimous consent that several illustrative articles related to this case be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 11, 1999]

U.S. HAMMERS AT MICROSOFT'S BROWSER DEALS

(By Joel Brinkley)

A senior Microsoft official acknowledged in Federal court today that the company's contracts had prohibited Internet service providers from offering its browser on the same Web page as its main competition because Microsoft executives "thought we would lose in a side-by-side choice."

The admission clearly pleased David Boies, the Government lawyer who elicited it from the witness, Cameron Myhrvold, a vice president in the Microsoft Corporation's Internet Customer Unit division—so much so that Mr. Boies asked the same question four different ways and got the same answer each time.

"Was it true you were trying to prevent Internet service providers from presenting Netscape and Internet Explorer side by side so users could choose?" he asked at one point. Internet Explorer is the name of Microsoft's browser; the Netscape Communications Corporation's Navigator is its principal rival.

"We thought we would lose in a side-by-side choice, "Mr. Myhrvold answered, because Netscape was already so firmly established in the market.

In all, it was another bad day in court for Microsoft in its antitrust battle with the Justice Department, which charges that the software giant used a monopoly in personal computer operating systems to achieve a dominant position in Internet software. Hour after hour, Mr. Boies chiseled away at Mr. Myhrvold's testimony, forcing him to acknowledge incorrect assertions, misleading omissions and deceptive statements.

Mr. Myhrvold repeatedly acknowledged that he made misstatements in E-mail memos. He also testified that he disagreed with Microsoft employees whose memos contradicted his own assertions.

As he completed his testimony this evening it was clear the Mr. Myhrvold's appearance had not helped Microsoft's case. In fact, as Microsoft's defense reached its midpoint this evening, none of its first five witnesses had proved particularly effective advocates of the company's position.

Mr. Myhrvold, a brother of Nathan Myhrvold, Microsoft's chief technology officer, is in charge of the Microsoft division that negotiates agreements with Internet service providers, the companies that give computer users access to the Internet. The Government charges that Microsoft's restrictive contracts with these companies are anticompetitive and illegal. Mr. Myhrvold tried to make the case that the contracts were largely ineffective or benign.

Many of these companies have agreements to be listed in the Internet Referral Service in Microsoft's Windows operating system, which enables users to subscribe to an Internet service posted there. On Tuesday, Mr. Myhrvold insisted that the Government's assertion that these companies had to favor Explorer over Navigator to be included in the service was "absolutely wrong."

But under further cross-examination by Mr. Boies today, Mr. Myhrvold admitted that in most cases the companies had been required to ship Explorer to at least 75 percent of their customers. Mr. Myhrvold added that they were free to stop shipping the Microsoft product if they wanted, in which case they could be dropped from the Windows referral service.

"It's a fairly subtle point," Mr. Myhrvold acknowledged.

Similarly, in his written direct testimony, Mr. Myhrvold pointedly noted that several Internet service providers in the referral service were not shipping Explorer as required, and yet the company had decided not to enforce the contracts.

For example, he wrote, "of the copies of Web browsing software shipped by Concentric," a reference to Concentric Networks, a small Internet service provider, "only 17 percent were Internet Explorer."

But those figures were for 1997, Mr. Boies entered into evidence a Microsoft document showing that by the first quarter of 1998, 100 percent of Concentric's browser shipments were Internet Explorer.

Mr. Myhrvold repeatedly noted that Netcom, a Internet service unit of ICG Communications Inc. that has a contract with Microsoft, made no real effort to switch customers to Internet Explorer, testifying that one point in 1997—when 10 percent of Netcom's customers were getting the Microsoft product—was "the high-water mark."

But Mr. Boies then displayed a Microsoft document showing that in early 1998 the percentage had risen to 40 percent. Then Mr. Boies offered another Microsoft document showing that Netcom was actually able to control the browser choice of only a small percentage of the people who signed up for its service; most customers were handed to Netcom by computer makers, or by Netscape. That same document showed that Microsoft won an agreement with Netcom that 90 percent of the customers Netcom did control would switch to Internet Explorer.

To that, Mr. Myhrvold said only that the author of the Microsoft document "was a pretty good salesman."

Later, the response to a question from a Microsoft lawyer, Mr. Myhrvold denied a Government assertion that his staff had offered a British division of Uunet, an Internet service owned by MCI Worldcom, $500,000 to swtich to Internet Explorer. He said he told his staff that "it would not be appropriate to tie payments to shipments of Internet Explorer."

Moments later, Mr. Boies displayed still another E-mail that Mr. Mhyrvold had written to a subordinate in Britain in which he said, "I think tying the payment to their shipping of IE is a great idea, though I would not do this formally." Mr. Myhrvold explained that the message had not meant what it said. and he had called the subordinate later to tell him not to tie the two.

There was no record of that call, he conceded.

On Thursday, Brad Chase, another Microsoft executive, takes the stand. In his written direct testimony, which was made public today, he defends Microsoft's contract requiring America Online to switch its customers to Internet Explorer.

Mr. Chase writes that "nothing in the license requires AOL's subscribers to choose Internet Explorer." But a Mircosoft memo introduced today suggests the cross-examination Mr. Chase is likely to face.

In it, a Microsoft executive writes that "the typical AOL user is a novice." And as a result, AOL uses "the force-feed approach. They force feed the upgrade at log off," meaning that Ameica Online automatically downloaded Internet Explorer to users when they logged off the service.

An America Online executive testified earlier in the trial that very few users bothered to swtich from Internet Explorer to Navigator, even though they were allowed to, because finding and installing the Netsccape browser was too difficult.

[From the New York Times, Feb. 5, 1999]

MICROSOFT SHOWS NEW TAPE, AND OPENS A NEW CAN OF WORMS

(By Joel Brinkley)

WASHINGTON, FEB. 4.—Trying to stop the damage from a disastrous week in court, the Microsoft Corporation played a new, videotaped demonstration at its antitrust trial Thursday.

The 70-minute video showed James E. Allchin, a senior company executive, performing live tests and then looking into the camera and saying that he had proved his point—that a prototype Government program intended to separate Microsoft's Web browser from the Windows operating system had really done no such thing.

The program just hid the browser, he showed. Further, he demonstrated, running the program disabled some other features in Windows and caused additional problems.

In Federal Court on Monday, Microsoft had played a long videotape intended to demonstrate the advantages of integrating a Web browser with Windows and debunk the Government program, written by a Princeton University professor and two of his students.

But in the last two days, David Boies, the Government's lead lawyer in the antitrust lawsuit against Microsoft, gradually pulled the tape apart, pointing out numerous technical questions and errors, until finally Judge Thomas Penfield Jackson declared Wednesday afternoon that he no longer viewed the tape as reliable evidence.

"It's very troubling," he said.

After that, Microsoft gave up and asked for an opportunity to make a new tape. As soon as court adjourned Wednesday, a Microsoft spokesman drove to a shopping mall in suburban Landover, Md., and bought six I.B.M. Thinkpad laptop computers at CompUSA, for use in the new effort.

A film crew was hired on short notice, and the computers were delivered to a conference room at Sullivan & Cromwell, the law firm that is representing Microsoft.

To assure that the new tape would be viewed as credible, a Government lawyer and the Princeton professor, Dr. Edward W. Felten, along with his two students, were invited to come by at 8:30 p.m. to witness the taping. But they were not permitted into the room for two hours, while the Microsoft team unpacked the boxes and set up the computers—leading to angry concerns that something nefarious was under way. The taping was not completed until after midnight.

Asked in court Thursday why the Government representatives were not let in, Allchin—normally a low-key unflappable man—bristled and said: "Sir, I was not involved with that, and it would have been okay with me."

Allchin sat in the witness stand and watched silently as his tape was played. On the tape, Allchin, who is a senior vice president for Microsoft in charge of the Windows division, navigated his way into a new computer he did not know and ran up against the same software problems and glitches every computer user encounters.

"Okay, I've got to figure this out, and I don't have my glasses with me," he said matter of factly when his screen suddenly went blank. Later, when a Microsoft promotional program popped onto the screen unbidden, complete with a loud gong from Big Ben followed by upbeat jazz, Allchin looked a bit annoyed and said, "Very nice music, but not tonight."

As he tried to connect to the Internet while the camera watched, the connections often failed, and when one did succeed, it seemed to be agonizingly slow—nothing like the zippy Internet downloads shown in Microsoft's demonstration tape that was played in court on Monday.

"The performance problem you see here has nothing to do with Dr. Felten's program," Allchin acknowledged at one point.

Judge Jackson, who is hearing the case without a jury, watched the tape silently, often with a bemused expression on his face.

When it was over, Allchin demonstrated that, after running the Government program, he was able to re-enable Internet Explorer through a complex series of changes in the Windows registry file that no normal user would be able to carry out without precise instructions.

Before doing that, he demonstrated that several programs did not work properly on what he called "a Felten-ized machine."

All of the problems he showed related to features of the programs that interacted with the Internet. And when Boies got a chance to question Allchin again, he immediately asked: Isn't it logical to expect, after disabling the browser, "that anything that depended on the browser wouldn't work right?"

Allchin conceded that. And as for the other problems and glitches Allchin demonstrated, Boies said: "What Dr. Felten prepared was not a commercial product. It was a concept program. Wouldn't you expect it to have problems? Doesn't Microsoft find bugs in its programs during the normal course of software development?" To that last question, Allchin said yes.

Before Allchin played his tape, another Microsoft witness, Michael Devlin, an independent software developer, completed his testimony in about 90 minutes. In his direct, written testimony, he said his company appreciated Microsoft's decision to include a Web browser with Windows.

Boies, the lead Government attorney, barely referred to that testimony in his brief, 27-minute cross-examination. Instead he tried to throw Devlin's motivations for testifying into question by demonstrating that his company was dependent on Microsoft for more than half of its business and was at risk of serious financial damage from Microsoft if the company were to decide to make a competing product.

Devlin acknowledged that, but Boies never asked him directly if those concerns had played into his decision to agree to Microsoft's request to testify.

Microsoft also made public the written testimony of the next witness, William Poole, senior director of business development for Microsoft, who will take the stand on Monday.

In it, Poole defends the restrictive contracts Microsoft won from other companies doing business on the Internet, requiring them to promote Internet Explorer in exchange for advertising space in Windows.

The Government charges that these contracts are anticompetitive and illegal, but Poole calls them "routine cross-licensing agreements, common across many industries."

Poole also argues that, in the end, the contracts did not significantly impede the Netscape Communications Corporation, the chief competitor to Internet Explorer. And he adds, the "channel bar," the space in Windows where the ads appeared, "turned out to be a commercial disappointment" in any case.

[From the Seattle Times, Feb. 23, 1999]

MICROSOFT TRIAL—EXECUTIVE ADMITS OFFERING NETSCAPE INDUCEMENTS

(By James V. Grimaldi)

WASHINGTON.—A Microsoft executive acknowledged offering Netscape Communications executives "several inducements" in mid-1995 to get the browser maker to adopt certain Microsoft Internet technologies.

* * * * *

Today, U.S. District Judge Thomas Penfield Jackson indicated just how far Microsoft had to go to repair the damage. As Rosen resumed the stand for direct questioning by Microsoft attorney Michael Lacovara, Jackson reminded Rosen that he was still under oath. Then, the judge turned to the attorney's podium and said, "Mr. Lacovara, it is always inspiring to watch young people embark on heroic endeavors."

Testifying that archrival Netscape posed no significant threat to Microsoft in 1995, Rosen yesterday attempted to refute allegations that the Redmond corporation attempted to divide the market for Internet browsers with Netscape during a June 21, 1995, meeting.

* * * * *

By saying that he didn't consider Netscape a significant competitor before the meeting, Rosen was trying to build a foundation for his defense: If Netscape was not perceived as a competitor, then Microsoft couldn't possibly have been trying to divide the market for browsers with the Silicon Valley company's executives.

Rosen strongly denied the market-division allegation in written testimony. In particular, he was called to dispute the testimony of Netscape Chief Executive Jim Barksdale, the government's first witness, and other Netscape officials who were questioned before the trial.

Today he said Netscape officials first suggested the idea that a "line" be drawn between the underlying operating-system technology and what would run on top of that technology, such as an Internet browser.

But when Boies began his second round of questioning, Rosen had more difficulties. He testified that he had not received a copy of the Netscape browser software before the 1995 meeting. Shown a copy of an e-mail with Rosen asking another Microsoft executive for it, Rosen said that it turned out to be an early copy that did not install well.

Boies blew up: "You don't remember that, do you, sir? You're just making that up right now."

Rosen replied: "No, sir. I remember it."

Boies showed Rosen another e-mail. Rosen read it and replied, "I stand corrected."

* * * * *

"I remember thinking that Bill was probably wrong because Jim Barksdale was telling me that Netscape didn't intend to compete in this way," Rosen said. "I probably had a better perspective than Mr. Gates did on Netscape's true intentions."

Rosen testified that it was his understanding that Netscape did not want leadership for its Navigator browser on the Windows 95 platform, though he had written in a May 1995 memo that Microsoft should try to control Netscape.

Rosen worked hard to repudiate his own memo, which indicates he considered Netscape a threat. He said he had just joined Microsoft and the memo was a draft that contained errors.

On Page 3 of the five-page memo, Rosen wrote, "Microsoft currently controls the base and the evolution of the desktop platform. The threat of another company—Netscape has been mentioned by many—to use their Internet WWW browser as an evolution based could threaten a considerable portion of Microsoft's future revenue."

Boies asked: "Did you believe that when you wrote it?"

Rosen said "No, sir." He added, "I don't know why this is surprising. I wrote this down to discuss this with others to find out what my ideas looked like compared to others. This was a draft document."

Boies and Rosen continued to tangle over the memo, which Rosen acknowledged he wrote but repeatedly said he never sent.

"If you want me to comment on a draft memo that was never set," he said, "I don't know how fair it is."

Replied Boies: "You might understand how someone reading this might believe you meant what you wrote."

Said Rosen: "Yes."

After a lunch break, the government showed Rosen a document from Preston, Gates & Ellis showing that the memo was produced from the files of Microsoft executive Ben Slivka. Rosen acknowledged he must have sent it "at the very least" to Slivka.

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[From the New York Times, February 27, 1999]

MICROSOFT RESTS ITS CASE, ENDING ON A MISSTEP

(By Joel Brinkley)

After more than five months of testimony, the Microsoft Corporation rested its case today in the Government's landmark antitrust suit, but not before the presiding judge had shouted angrily at the company's final witness and ordered him to stop talking.

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John Warden, Microsoft's lead trial lawyer, acknowledged that others believed that the Government had "succeeded in undermining our witnesses." But he called this a desperation tactic. "When you don't have the laws or the facts, you try credibility, and that's what I think has driven them to this strategy."

David Boies, the Government's lead trial lawyer, who has tripped up and embarrassed most of Microsoft's witnesses, said he believed that casting doubt on witnesses' credibility was not all that had been achieved.

"They've admitted monopoly power," he said. "They've admitted the absence of competitive constraints. They've admitted raising prices to hurt consumers. They've admitted depriving consumers of choice."

In the witness box today, Robert Muglia, a Microsoft senior vice president, tried to put the best face on his company's relationship with Sun Microsystems, the creator and owner of the Java programming language. The Government charges that Microsoft tried to sabotage Sun because it saw Java as a competitive threat.

Mr. Muglia, who said Microsoft's relationship with Sun was his responsibility, repeatedly asserted that Microsoft was interested in cooperating with Sun. But Mr. Boies presented numerous E-mail messages and memos from senior Microsoft executives, saying in one manner or another that they wanted to defeat Sun.

The combined effect of the memos was to leave the impression that if Mr. Muglia was to be believed, he was either out of touch or naive. And his continued defense of his position, even in the face of a contradictory E-mail from William H. Gates, the company's chairman, set off the judge.

In May 1997, Mr. Gates wrote: "I am hardcore about NOT supporting" the latest version of Java. Messages in the same string of E-mail from other senior executives made the same statement, but with exclamation points and expletives.

Yet Mr. Muglia tried to make the case that Mr. Gates had not really meant what he wrote, adding, "I don't exactly know what Bill meant by support."

At that, Judge Thomas Penfield Jackson, who is hearing the case without a jury, shook his head and interrupted with an irritated tone, saying: "There's no question he says he does not like the idea of supporting it. Let's not argue about it."

* * * * *

Earlier, Mr. Boies had showed him a Microsoft memo setting out the company's strategy on Java. The first line was "Kill cross-platform Java by growing the polluted Java market." Sun and the Government accuse Microsoft of creating its own "polluted" version of Java to undermine Sun's version. Microsoft argues that its version is better.

* * * * *

This morning Microsoft's lawyer was questioning the preceding witness, Joachim Kempin, a Microsoft vice president, prompting him to list the modifications Microsoft was not allowing computer manufacturers to make to its Windows operating system. A year ago, the company forbade most or all such changes, which contributed to Federal antitrust charges.

Judge Jackson interrupted the questions to ask in an even tone: "Are all these rights manufacturers now possess a matter of sufferance and grace on the part of Microsoft, or are they expressly written into the contracts?"

Mr. Kempin said some were granted in personal letters to the companies, others in phone conversations—not in contracts.

"So you have chosen to waive or give up certain rights you have in your contract?" the judge said.

That's right, Mr. Kempin said. The judge's questions appeared to mirror the Government's assertions that Microsoft's new generosity to manufacturers could be temporary—lasting only as long as Microsoft's previous behavior is the subject of antitrust charges.

* * * * *

Mr. HATCH. Mr. President, I urge my colleagues to read them if they have not already done so. These articles set forth but a few examples of Microsoft's unfortunate actions that have manifested in what has been several months of missteps and embarrassments for the company.

The trial is not over. The case is just suspended until the week of April 12, when the court will reconvene for probably several weeks of testimony from rebuttal witnesses. But Microsoft and its defenders have again begun their public relations efforts here in the Senate.

Just last Friday, my friend, the distinguished senior Senator from Washington, Senator GORTON, took the floor to again defend Microsoft, and attack the Antitrust enforcers and me for questioning Microsoft's actions. I have said before and will say it again: Microsoft is not above the law. The facts and the law should and will prevail regardless of Microsoft's public relations campaign, its ill-advised lobbying efforts, and its muddled defenses.

I had been surprised to read several weeks ago that Senator GORTON, in a February 9 press conference, "vowed to use his influence as a member of the Appropriations Committee to cut funding for the Justice Department's antitrust division." I and several concerned Senators wrote to Senators GREGG and HOLLINGS and argued that a move to cut the Division's funding without justification could be perceived by many as interfering with an ongoing litigation.

I was pleased to hear that my colleague has apparently conceded that trying to cut DOJ's funding would be unwise. However, he has now properly downsized his ambition and is now advocating not increasing the Antitrust Division's budget by the amount the Administration has requested.

I am not yet convinced that the Antitrust Division has fully justified its request for a substantial budget increase. In fact, I believe the Congress should work with the Administration to examine whether we should adjust the Hart-Scott-Rodino value thresholds in order to ensure that the Department's merger reviews take into account inflation and the true economic impact of mergers in today's economy. Attorney General Reno has pledged to work with me on this, and I look forward to working with any of my colleagues who may have an interest in this issue. In this age of precious resources, we will be looking closely at the Antitrust Division's budget and operations, and making sure that any reasonable budget increase is justified.

A final point. My friend and Senator from Microsoft's home state has publicly stated that a number of companies across the nation, including some in my state of Utah, work with Microsoft and would be hurt by the current antitrust litigation against Microsoft. I don't know if they will be hurt, but what I do know is that there are many high technology companies and millions of consumers in the States of Washington, Utah and across the nation that would be harmed by any anticompetitive act of Microsoft.

In fact, we heard testimony before the Judiciary Committee from one Seattle, Washington-based company, Real Networks, describing how Microsoft's anticompetitive conduct crippled their technology and hurt the company, although I have to say Real Networks has been doing very well ever since because of their fascinating innovations and the tremendous abilities that they have in this field. However, if violations of the antitrust laws are not pursued against powerful companies like the Microsofts of the world, as the Senator from Washington suggests, many of the technology companies, not to mention the consumers, in the states of Washington, Utah and all across the nation, will suffer. Mr. President, the survival of these companies means jobs, it means innovation, it means competition in the digital market, and it means the availability of consumer choice.

I just hope that Microsoft can learn from its mistakes in court and its earlier mistakes here in Congress. Frankly, some of their efforts here have reminded me of those who would tie themselves to railroad tracks and wait for a train to come just to make a point. Microsoft's misguided legal and legislative advice has not helped its case to date, and I would hope, for Microsoft's case, that they would not initiate a foolish political protest which could leave them even more damaged than they are now. Frankly, I don't think this train is going to stop.

Mr. President, I yield back the remainder of my time and turn the floor over for my dear friend from South Carolina.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Chair and my distinguished colleague for setting aside this particular time.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 605 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KYL). The distinguished Senator from Idaho is recognized.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Kristine Svinichi, a congressional fellow in my office, be granted the privilege of the floor for the duration of the discussion on the Nuclear Waste Policy Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 607 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. CRAIG, Mr. MURKOWSKI and Mr. GRAMS pertaining to the introduction S. 608 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 609 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY FOR THE 21ST CENTURY

Mr. BUNNING. Mr. President, I rise today to make my maiden speech on the floor of the Senate. It is about a subject near and dear to me, protecting and strengthening Social Security for this generation and the next.

In the other body, I served on the Social Security Subcommittee for 8 years. Over the last 4 years, I had the privilege of being the chairman. It was the most satisfying task I have had since coming to the Congress. In the subcommittee, we held numerous hearings over the past several years on Social Security reform and how to tackle the looming problem that will be facing us in the next century.

I have already introduced my own personal Social Security reform bill. It is called The Social Security for the 21st Century Act. Basically, Social Security reform is a two-sided coin. The first side of the coin is that we must guarantee the benefits that have been promised our older workers, workers who have paid into the program for years. We must assure them that their investment is safe and their benefits will always be there when they are needed.

The second side of the coin is that we have to find a way to give younger workers a reason to believe in the program, a reason to believe that they will get a reasonable rate of return on the money they invest in Social Security taxes throughout their working careers.

My bill focuses primarily on the second side of the coin. It gives taxpayers a one-time, voluntary option to set aside a small portion of their income that they have to pay into FICA taxes, and to invest this money in their own retirement security account.

The Social Security for the 21st Century Act enables them to begin by investing just 2.5 percent of their FICA taxes each year, and slowly increasing this amount by 2.5 percent annually over 20 years until eventually taxpayers can invest one-half of all of their FICA taxes in their own personal retirement security account. In return for choosing to set up a retirement security account, a taxpayer would agree to a 50-percent reduction in Social Security benefits.

The most important point about my bill is that it is voluntary, not mandatory. It gives people a choice, and it does not force them to do anything they do not want to do. If they are satisfied with what they have now, they can keep their benefits simply by doing nothing. But, if taxpayer-investors elect to set up a retirement security account, they would be able to manage their investment just like the Government workers do today in the successful Federal employee Thrift Savings Plan. Investors would have the additional choice to stop investing, but they could not do it again later on. They couldn't choose to come back.

They would have at least five options for investing their money. They could elect to put their money into a number of investments: stocks, fixed income, Government securities—whatever best meets their needs. There would be an annual open season so they could adjust their portfolios. In short, this would give Americans more control over their futures, and enable them to harness the power of markets and the miracle of compound interest.

Now, I know that many Americans, especially older taxpayers, might not want to make any changes at all to Social Security. We should respect that. They have been promised their benefits for years and they have relied on that in good faith. That is the second side of the coin. To protect these folks, and our most vulnerable citizens, my legislation guarantees the Social Security safety net. It does not raise the retirement age, it does not cut benefits, and it does not cut COLAs.

But I think that many workers, if given a choice, would opt to set aside some of their money and invest it in a retirement security account. Based on our experience with the Thrift Savings Plan, I think it would be a significant step towards stronger financial security for all Americans.

The TSP has been a great success for Federal workers. Over the past 10 years, the three investment choices available to workers in the TSP have average annual rates of return of 17.5 percent, 8.5 percent, and 7.6 percent.

That means the worst performing of these three funds, the G fund, which invests strictly in Government securities, has returned over 7 percent annually to investors. That compares very, very well to the 2 to 3 percent annual return that most Americans get for their money that they pay into Social Security. Compounded over decades, the differences in the rates of return are staggering.

Under my bill, taxpayers will own their own retirement secured accounts, and they, not the Federal Government, can control how their money is invested. My legislation follows the scrupulous conflict of interest rules that have worked well for the TSP to make sure that Government cannot vote shares of stock or manipulate markets. Best of all, withdrawals from this retirement secured account will be tax free, because we should not need to penalize Americans who successfully plan for their retirement.

Congress has wisely moved in recent years to help retirees keep more of their own money. Social Security reform must continue that trend. I believe Social Security reform must be voluntary. It should give taxpayers more, not fewer, investment choices, and it must protect the most vulnerable Americans who are counting on these benefits. It is important to bring as many ideas to the table as possible as part of a national dialogue about Social Security reform. These are the principles I have tried to follow in writing this bill, and I will work with anyone on my legislation and on any other proposals to improve the Social Security system.

Mr. President, we have a golden window of opportunity now to reform Social Security. Our economy is the strongest it has been in decades. We have a budget surplus to give us some flexibility in making difficult decisions. Now we have to find the political will. It is a challenge we must meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator DURBIN, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

DELAY IN CAPITOL VISITORS CENTER

Mr. REID. Mr. President, I didn't know Jacob Chestnut, but I did know Detective John Gibson, as a result of an unfortunate incident with a member of my family. Officer Gibson reacted in a very valiant way on something a couple months before he was murdered last July in this Capitol complex.

Jacob Chestnut and John Gibson, about 9 months ago, were murdered. They were murdered when an assailant went through a door, shot both of them, killed both of them, and was after other people as well. The Presiding Officer, being a physician/surgeon, was on the floor and rendered great aid and assistance to others who were injured, for which we are all grateful. After that tragedy, many of us stood on this floor and talked about the need to do something to stop these incidents in the future.

Mr. President, I look at this in a number of different ways. I look at it as someone who knows what a valiant man John Gibson was and, of course, I am sure Officer Chestnut also; I just did not know him on a personal basis. I approach this on the basis that I am a Senator and have some responsibility for this Capitol complex. I approach it as a person who is concerned about my staff and the visitors who come to this complex being safe and secure.

I approach it also as a former Capitol police officer. I have great empathy and great understanding, I believe, for what police officers go through in this facility. What we talked about last year, after this incident, is that finally, after more than a decade, we were going to do something to create a visitors center in the east plaza. In this beautiful Capitol complex, we have a big parking lot; we have asphalt. We have talked about having a nice grassy area, as well as an underground area where people can come and enter the Capitol.

Now, if people want to come and take a tour through the Capitol, they stand out on the east plaza, on that asphalt. No matter the temperature, it can be 5 degrees below zero, they still stand out there. There is no place else for them to go. If it is 100 degrees, like it gets here in August, they still stand out there. There is no place else for them to go. There is no place for them to get a drink of water. There is no place for them to go to the bathroom. They stand out on the asphalt waiting to come through the Capitol.

After the unfortunate murders of these two police officers, we talked about how we were going to do something. We immediately authorized a bill to allow construction of this facility. After that was done, we appropriated money to initiate the planning of this visitors center. In fact, we are no closer to completion of this facility today than when these two officers were gunned down by this man, this terrorist.

We need to move forward with this effort. However, we have created a bureaucratic nightmare. We have four or five committees and subcommittees which have jurisdiction over how it is going to be constructed, when it is going to be constructed, and who is going to be constructing it, in what manner it is going to be constructed. We have heard lately that other committees want to get involved. We do not have enough now. We want to add some more.

I say, as a member of two committees that are talking about this, out of the three or four that are involved, I think we should get on with the business at hand. I understand the need for oversight, I understand very much, but there comes a time when we have said enough and we must move forward to do what we have to do.

This is not a waste of taxpayers' money. If we have this beautiful facility, not only will it be a convenience for the public but it will be a safety factor, because it will give a way to funnel people in this Capitol so that proper measures can be taken to find out if they are carrying weapons or bombs or anything else that could be of danger to the people inside this facility. In addition to that, it will be a place where people can go to the bathroom and escape from the elements. It will probably be set up so that there will be places for them to eat. In effect, it will be a place where there will be revenues gained from this facility. We owe this facility to the two officers who were gunned down 9 months ago, we owe it to our staffs, for we, as Members, are responsible for their safety and security. We owe it to the millions of people who come to this facility on a yearly basis. We are very proud of this U.S. Capitol; all Americans are. We should be able to come to this Capitol without fearing for our safety.

For more than 10 years, well before last year's tragedy, there had been a lot of talk about building a Capitol complex visitors center, but it has only been talk. It is about time we turn this talk into action, for the good of the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that I be able to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you.

NEED FOR A VISITORS CENTER

Ms. LANDRIEU. Mr. President, I came to the floor to speak for a moment of personal privilege, but I heard my colleague from Nevada speaking about the need for a visitors center. I would like to add my support for his calling for us to resolve whatever difficulties there may be and try to get this visitors center constructed for all the good reasons he outlined.

There are millions and millions of young people and adults who come to this beautiful building. This really is the people's house. There really is no place for them to rest and to have a refreshment and to get someplace away from the hot Sun. The lines are quite long.

For all the reasons he laid out in his few minutes, I add my voice to how important I think it is for us to get on with the business of a visitors center for this Capitol.

TRIBUTE TO REVEREND AVERY C. ALEXANDER, STATE HOUSE REPRESENTATIVE FROM LOUISIANA

Ms. LANDRIEU. Mr. President, I come to the floor today to rise for a moment of personal privilege on behalf of myself and Senator JOHN BREAUX to note with great sadness the passing of a leading citizen of my hometown, New Orleans, LA, our State representative, Rev. Avery C. Alexander, a community and civil rights leader for many decades who passed away in New Orleans last Friday at the age of 88.

Reverend Alexander, or "the Rev," as he was referred to by all of his many, many, many friends, was the son of a sharecropper from Houma, LA, and rose to prominence in the 1960s civil rights struggle. From the streets of New Orleans where he "shouted out" for the voiceless, to the halls of Baton Rouge where he fought for better schools, civil rights, and a more inclusive economy, "the Rev" stood tall.

When I was considering running for the legislature many, many years ago at the ripe old age of 23, my father rightfully advised me to meet with a small group of leaders to ask for their input and their ideas and their counsel.

The first person to show up at our home on that day was "the Rev." Once I was elected to the legislature, he helped me understand the political process from the inside as well as the outside. I will always be grateful for his early advice and counsel, and so will the thousands of others who have benefited from his encouraging words, his fighting spirit and determination to make this world a better place for all.

Reverend Alexander was a person who always managed somehow to rise above the man-made limitations placed on him, and he succeeded triumphantly.

It was Margaret Mead who said, "Never doubt that a small group of thoughtful, committed citizens can change the world." In fact, she said, it has never been done any other way. "The Rev" knew that and lived that until the day he passed. Many times, he alone was that small group, and he did, in fact, change our world for the better.

He worked as a laborer and a longshoreman—before he was a member of the legislature—while continuing his education at night. When he witnessed the unfair treatment of dock workers, he became active in the labor movement on the waterfront in New Orleans.

As a lifelong member of the NAACP, he championed the cause of anti-discrimination, voter registration, and citizen review of police brutality and misconduct.

He participated in the now famous march from Selma to Montgomery alongside the Rev. Martin Luther King, Jr. In 1956, Reverend Alexander was arrested and dragged up the steps from the basement of city hall while attempting to integrate the public cafeteria in that building.

In 1992, he established a non-denominational ministry founded on the principle of "helping all people." Reverend Alexander was elected to the House of Representatives in 1975 and remained an active and effective member until his recent death.

As dedicated as he was to advocating civil rights for African Americans, he was equally dedicated to standing up for the rights of women. His words of encouragement throughout the years were in no small part responsible for helping me become the first elected woman Senator from Louisiana.

As a strong believer in higher education, he continued his own personal education at Xavier University, Southern University, Tulane University and the Union Theological Seminary and the University of New Orleans. Reverend Alexander also served as chaplain for many, many years of the Louisiana legislative black caucus, on the National Board of the Southern Christian Leadership Conference and was a delegate on three separate occasions to the National Democratic Convention.

Mr. President, the citizens of New Orleans and the State of Louisiana have lost a dear friend. Many young leaders in our State and throughout the country have lost a great mentor, and the American people have lost a great civil rights leader. He will be missed. God bless his family, especially his daughter Cheryl, his brother Lymon and all the grandchildren and great grandchildren. We today commend him to you, dear Lord, in your eternal care.

Thank you, Mr. President. I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Mr. President, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, I come to the floor today because I believe that the time has come for a thoughtful and critical re-examination of United States policy towards the People's Republic of China.

There had been encouraging developments in China in the past two years. China has begun tackling the staggering job of reforming an antiquated command economy and opening it to private enterprise; and have begun to move the military out of the private sector. They've taken this difficult step even though they know it will result in the displacement and unemployment of literally millions of people. In addition, the government has greatly increased the number of democratic elections taking place at the village level throughout China. And Beijing has, for the most part, avoided interfering in Hong Kong affairs now that it is again a part of the PRC

But Mr. President, despite these improvements, I cannot ignore the fact that for every step China has taken forward, it appears to have also taken one or two back. And a bilateral relationship that 10 months ago looked as though it were showing improvement is instead, I believe, headed down a rocky road.

FOR EXAMPLE: NUCLEAR AND TECHNOLOGY TRANSFER

Recent press reports have indicated that over the span of the last several years there have been damaging leaks to the Chinese of sensitive United States nuclear technology which has enabled them to advance their own nuclear program. The exact facts of the case are still unclear, and I am sure will be the subject of intense Congressional scrutiny in the months ahead, but what is clear to me is that there is a credible foundation for the accusations and that they are not, as the Chinese would have us believe, the figment of some supposed "anti-China" media bias. My examination of the Cox report leads me to the identical conclusion with regards to the transfer and acquisition of satellite technology.

Now it would be naive to deny that espionage is a fact of geopolitical life, or that countries act in their own best interests; we should neither be shocked nor appalled that it goes on. But still, China's willingness to systematically circumvent our laws and acquire over the last several years—by stealth or otherwise—nuclear and computer technology is troubling to me, and demonstrates a willingness to take advantage of our relationship when possible.

TAIWAN

After a long-standing chill in relations across the Taiwan Straits, during which the two sides failed to carry on even basic dialog, things had begun looking up lately. The two sides resumed direct meetings last year, and the head of the Taiwanese department that oversees cross-straits affairs visited Beijing a few months ago; his PRC counterpart, Wang Daohan, has agreed to a return visit to Taipei in the near future.

Recently though, there have been some signs that things might turn chilly again. In the last several months, the PRC has relocated a number of its missiles from the interior of the country to Fujian, Zhejiang, and Guangdong Provinces—the three provinces directly across the Straits from Taiwan. Moving so many missiles into these coastal provinces is clearly meant, and understood, to send one signal to Taiwan. Remember, Mr. President, that it was from these provinces that China launched a series of "missile tests" just north and south of Taiwan during its 1996 presidential elections which effectively blockaded the ports of Kaoshiung and Taipei and which we felt were threatening enough to require the movement of part of the 7th Fleet to the Straits.

The movement of those missiles, and the not so veiled threat that accompanies them, can only prove to be another destabilizing effect in the region. Accompanied by rather bellicose statements in the last two weeks by PRC Foreign Minister Tang Jiaxuan which pointedly omitted any promise to rule out the use of military force to achieve the reunification of Taiwan with the PRC, Taiwan cannot be faulted for feeling that the threat against it from the mainland has increased; nor can it be faulted for feeling the only way to protect themselves from that threat is to explore participating in the discussions about establishing a theater missile defense (TMD) system in East Asia.

In reaction to the TMD discussions, last week Beijing started a media blitz charging that any Taiwanese participation in a TMD "would be the absolute last straw" is US-PRC relations, and have threatened a series of serious—albeit unspecified—retaliatory steps. Yet China completely overlooks the fact that their missile movements have, in great measure, precipitated Taiwan's interest.

TIBET

Yesterday was the 40th anniversary of the beginning of a failed Tibetan uprising against Chinese occupation of their country—an uprising that was brutally suppressed. And which resulted in the death, arrest, or imprisonment of more that 87,000 Tibetans. It is unfortunate that since that time, the core position that China has vis-a-vis Tibet has changed very little.

Despite a sincere ongoing effort on the part of the Dalai Lama to engage the PRC in a dialog about the future of Tibet, the Chinese have repeatedly refused to meet with the Dalai Lama or his representatives to discuss the issue. Each time Beijing has placed preconditions on the commencement of those talks, and the Dalai Lama has acceded to those conditions despite their unpopularity among his people, the Chinese have effectively moved the goalposts. For example, the Dalai Lama has agreed to negotiate within the framework enunciated by Deng Xiaoping in 1979; namely, that he does not seek independence for Tibet but rather the opportunity for Tibetans to handle their domestic affairs and freely determine their social, economic, and cultural development. Once he acquiesced to that position, however, Beijing apparently decided that Deng's framework was no longer sufficient.

Most recently, during his meeting with President Clinton last year, Jiang Zemin suggested he would meet with the Dalai Lama if the latter would recognize that Tibet and Taiwan are a part of China. His Holiness subsequently made a statement to that effect. But then the Chinese said that "he is not sincere" in his statement—that the Dalai Lama is lying—and therefore still refuse to negotiate with him.

And in the meantime, China continues to do all it can to squelch the Tibetan identity. Large numbers of ethnic Han Chinese are still being moved into Tibet in an apparent effort to make Tibetans a minority in their own land. Buddhist monks and nuns are imprisoned, and monasteries closed or their populations severely reduced. The government continues to manipulate and direct the selection of religious leaders more agreeable to the party line.

When confronted with these facts, the Chinese are fond of sidestepping them and noting that the life of the average Tibetan —from a health and economic standpoint—is better than it was before they took over. That may be. But that isn't the issue. The issue is whether the Tibetan people are free to worship as they please. Whether they are free to express their cultural and ethnic identity. Whether they are free to determine their futures for themselves. And at present, the answer to those questions is a simple no.

HUMAN RIGHTS

There has been a disturbing increase in the last six months in government crackdowns on the freedom of expression, as evidenced by a sharp increase in the number of arrests and convictions of prodemocracy advocates. In addition, the government has shut down fledgling prodemocracy organizations, and sought to curb Internet use and access.

I believe I understand, although I certainly in no way condone, the impetus behind the crackdown. As I noted earlier, China has recently embarked on a program to restructure its economy along free-market lines and to open itself more to the world around it. These changes could be viewed as potentially destabilizing for a communist regime which controls over 1.2 billion people. President Jiang admitted as much at the end of last year when he characterized government actions as necessary "to nip those factors that undermine social stability in the bud."

As with other campaigns in China's recent past, such as the "Let 100 Flowers Bloom" campaign, when this latest openness campaign took hold and began to accelerate, the central authorities got overly anxious about their ability to control the pace of reforms and about it getting out from underneath them and unleashing democracy. They have thus, true to form, begun slamming on the brakes and stifling any dissent, real or perceived.

But in doing so, the Chinese are blatantly flouting international norms and agreements to which they had previously pledged to adhere among them the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Cultural, and Social Rights. And in doing so, the Chinese are turning their backs on us and an issue that is of central importance to us.

NORTH KOREA

As a participant in the Four Party Talks in Geneva, China has helped facilitate getting North Korea to the negotiating table in an attempt to stabilize the Korean peninsula. But while purporting to assist us on the one hand, despite United States requests the Chinese are still not doing all they could—or in their own best interests should—do to defuse the potential powder keg that is North Korea.

Beijing's initial response is to say, as Foreign Minister Tang did this week, that we are overestimating the potential threat North Korea poses to the region. But to anyone with even a passing familiarity with the issue, North Korea is probably the number one threat to peace and stability in all of East Asia. The Chinese fall-back position then is to say that they have no influence over the North that could be used to help us effectuate change. But China continues to supply the North, a country that is literally starving its own people to death to maintain its military and its political elite, with food and technical goods, and serves as its only source of aviation fuel. In fact, it was reported last week that China has supplied the North with missile technology. All those seem to me to be potent incentives that could be used to influence the actions of the North, but which are pointedly not being taken advantage of by the Chinese.

Mr. President, we have had a policy of "engagement" with China now for a number of years. I have, since I came to the Senate, generally supported the concept as the best way—in my view—to effectuate change in China. But as a supporter of the concept, I now have to look at the facts and ask what the payoff has been to us. Mr. President, this is what engagement has gotten us lately: a military buildup that seriously threatens Taiwan, a Chinese veto last month in the UN of a proposed peacekeeping operation in the Balkans, an upswing in the harsh suppression of internationally recognized human and political rights, a continuing refusal to address the question of Tibet, the undermining of United States efforts to deal with North Korea, a continuing effort to purchase or steal sensitive computer and nuclear technology from us, and a trade deficit that hit an all-time high this year.

At times, it has seemed to me that this Administration—one that ironically accused its predecessor of "coddling Beijing"—has been more interested in the concept of engagement than in what results, if any, the application of that concept is achieving. Call it "engagement for engagement's sake."

The most glaring, and disturbing, illustration of that tendency may involve the allegations of leaks of nuclear technology from our facility at Los Alamos to the Chinese which came to light this week. Regardless of when the leaks occurred, initial reports suggest to me that this Administration knew of the problem but soft-peddled it so as to avoid calling its China policy into question. A NSC spokesman recently refuted that allegation by saying that the Administration has kept the relevant committees of Congress closely informed of the problem over the last 18 months, and of what was being done to address it. Mr. President, I have been Chairman of the East Asia Subcommittee for more than four years now. No one from the Administration has ever mentioned it to me, or to my staff. Nor has anyone contacted the staff of the full Foreign Relations Committee, or Chairman HELMS' Asia advisors.

I believe it is time to take a step back—on both sides of the aisle—and give our China policy a very long, hard, critical look. Congress needs to take the lead in examining whether, in the Administration's eagerness to engage China, we have overlooked the fact that our return—an improvement in China's domestic or international behavior—has been negligible at best.

I am not advocating isolating China, or shutting off our contacts or dialog. I do not believe that we can bully or badger the Chinese into accepting our view of the world as the only one that is correct. Instead, I agree that we need to communicate with Beijing on a whole variety of fronts, to engage in open and frank dialog, and that because of its size, its economy, and its geopolitical importance we cannot, and should not, ignore them. But we need to take a look at the level at which that interaction takes place, and what we are willing to give up in exchange for that relationship. And we also need to look at what we want or expect in return.

Mr. President, our relationship with them should be grounded in reality, not in wishful thinking. And it should be a two-way street, not a one-way to a dead-end.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, today, March 15th, is the Ides of March for 1999. Like Caesar, Congress and the Administration are ignoring the one thing that has the potential to cripple our nation by crippling the booming U.S. economy—I am speaking of the Federal Debt.

While the political debate addresses the budget surplus, the balanced budget, and Social Security, it ignores the larger and lingering problem of the federal debt, and the lurking interest on the federal debt. Essentially, Mr. President, the forest cannot be seen for the trees.

Well, Mr. President, I am one who far prefers to examine to see the whole picture. If we continue to ignore the escalating debt and its enormous interest growing almost one billion dollars daily—just to pay the interest, mind you—then we will continue to risk economic bedlam down the road.

With these thoughts in mind, Mr. President, I begin where I left off Friday:

At the close of business, Friday, March 12, 1999, the federal debt stood at 5,653,581,734,840.04 (Five trillion, six hundred fifty-three billion, five hundred eighty-one million, seven hundred thirty-four thousand, eight hundred forty dollars and four cents).

One year ago, March 12, 1998, the federal debt stood at $5,529,750,000,000 (Five trillion, five hundred twenty-nine billion, seven hundred fifty million).

Fifteen years ago, March 12, 1984, the federal debt stood at $1,464,623,000,000 (One trillion, four hundred sixty-four billion, six hundred twenty-three million).

Twenty-five years ago, March 12, 1974, the federal debt stood at $469,792,000,000 (Four hundred sixty-nine billion, seven hundred ninety-two million) which reflects a debt increase of more than $5 trillion—$5,183,789,734,840.04 (Five trillion, one hundred eighty-three billion, seven hundred eighty-nine million, seven hundred thirty-four thousand, eight hundred forty dollars and four cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. COLLINS). Morning business is now closed.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, the National Missile Defense Act of 1999 will make it the policy of the United States to deploy an effective missile defense system to defend against a limited ballistic missile attack as soon as technologically possible. Today, American citizens are completely vulnerable to ballistic missile attack.

Last year, when the Senate debated similar legislation, some suggested that our bill was premature, that there was not yet any reason to suspect that we were confronted with a ballistic missile threat. Now, however, there is no disagreement about the nature of the threat. Consider these recent developments:

(1) In 1997, the Director of Central Intelligence said, "Gaps and uncertainties preclude a good projection of when 'rest of the world' countries will deploy ICBMs."

(2) Last year, both Pakistan and Iran successfully tested new medium-range missiles, each based in some degree on a newly deployed North Korean missile, the No Dong.

(3) Also last year, in July, the bipartisan commission headed by the former Secretary of Defense, Donald Rumsfeld, reported its unanimous conclusions that foreign assistance to missile programs was a pervasive fact and that new ICBM threats to the United States might appear with "little or no warning."

(4) A few weeks after the Rumsfeld report, North Korea launched the Taepo Dong 1, successfully demonstrating a multiple-staging capability, and using a solid-fuel third stage. According to the National Intelligence Officer for Strategic and Nuclear Systems, instead of having the expected 2,000-kilometer range, the

Taepo Dong 1 can attack targets up to 6,000 kilometers away, which puts Alaska and Hawaii within its range. The Taepo Dong 2 is expected to be able to reach the entire United States.

(5) The Secretary of Defense announced in January that the ballistic missile threat to the United States was no longer in question. He said, "We have crossed that threshold."

These recent events have answered the question about the threat. The question today is whether we intend to defend ourselves against that threat. The National Missile Defense Act is the appropriate answer to that question. It will send a clear message—to our adversaries, our allies, and our own citizens—that the United States will not leave itself vulnerable to weapons of mass destruction delivered by long-range ballistic missiles.

Some may suggest instead a continuation of our old policy of mutual assured destruction. That was the policy of deterrence we used to deal with the threat from the former Soviet Union. Former Defense Secretary William Perry warned us about using this policy with a new class of rogue states that may be "undeterrable" in the sense that we understand that concept.

The fact is, we do not need to be at the mercy of a policy of mutual assured death or destruction. Assistant Secretary of Defense Edward Warner said in January,

> I believe that we are unlikely to turn back to the point where we will rely only on deterrence. I think over time we will rely on a combination of deterrence by threat of retaliation and this limited type of national missile defense. . . .

The passage of this bill by the Senate will also send an important message to those who are working to develop our missile defenses. The development program has suffered from the lack of a commitment to deploy the system. No other acquisition program has been handled by the Defense Department without an endpoint of deployment to aim for and reach.

The National Missile Defense Act will put an end to this uncertainty by telling the talented people building this system that it will be put in the field just as soon as they can get it ready. The NMD contractor's program manager testified in the Armed Services Committee last month that passage of this legislation would be a major motivation for those building the system, saying, "It would make them feel better about the mission they are being asked to carry out than any one thing I can think of [and that] people are much more motivated by knowing that the Government is truly behind this. . . ."

Finally, passage of this bill will tell America's citizens that its Government is meeting its first and most important constitutional duty—providing for the common defense. One legacy of the cold war may be the absence of a defense against a massive and deliberate strategic attack from the former Soviet Union. But vulnerability to attack by everyone who desires to threaten America does not have to continue, and our Government would be irresponsible if it were to let it continue.

Madam President, there is no purpose in this bill other than to clearly establish, as a matter of policy, that the United States will deploy, as soon as technologically possible, an effective national missile defense system which is capable against limited threats. There are no ulterior motives, no hidden goals; there is only an intent to correct a defense policy that leaves us vulnerable to a serious and growing threat.

On the subject of missile defense, there are other things the Senate could legislate, such as system architecture, schedule, costs, or ABM Treaty issues. These issues will have to be dealt with in due course. But none of them has to be resolved in this bill, and we should not let this legislation become an effort to answer all of the questions related to missile defense.

The question this bill addresses is not a simplistic one, as suggested by an administration spokesman; it is more fundamental: Will we, or will we not, commit in a meaningful way to defending ourselves against limited ballistic missile attack? Will we tell the world the United States will not be subject to blackmail by ballistic missile? Will we tell our citizens they will not be hostages to the demands of those nations who seek to coerce the United States?

We have heard many statements made to reassure us about the willingness of the United States to defend itself, but there is always an "if" attached—"if" the threat appears, "if" we can afford it, "if" other nations give us their permission. With all of these "ifs," these qualifiers, we should hardly be surprised that the world doubts the United States is serious about defending itself from ballistic missile attack. And no one should be surprised that, in the face of this doubt, the threat continues to grow.

The National Missile Defense Act of 1999 will put an end to those doubts. It will tell the world that there is no question of "if," and as soon as it is able, the United States will deploy a system to defend itself against limited ballistic missile attack. I urge all Senators to support this bill.

AMENDMENT NO. 69

(Purpose: To clarify that the deployment funding is subject to the annual authorization and appropriation process)

Mr. COCHRAN. Madam President, to make it crystal clear that this legislation is a statement of policy and not an effort to circumvent legislative and appropriations committees of jurisdiction, I send an amendment to the desk and ask that it be stated.

The bill clerk read as follows:

> The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. INOUYE, Mr. LIEBERMAN, and Mr. WARNER, proposes an amendment numbered 69.
>
> On page 2, line 11, insert before the period at the end the following: "with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense".

Mr. COCHRAN. Madam President, I will state for the RECORD that the cosponsors of the amendment are Senators WARNER, LIEBERMAN, and INOUYE.

Madam President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I share the goal of providing the American people with effective protection against the emerging long-range missile threat from rogue states.

I support developing an operationally effective, cost-effective limited national missile defense, and making an effort to negotiate with Russia, for a reasonable period of time, any appropriate modifications to the Anti-Ballistic Missile Treaty that might be necessary to permit deployment of a limited national missile defense system. That is why, Madam President, I support the Defense Department's National Missile Defense Deployment Readiness Program to develop a limited NMD system to protect the United States against such a developing threat.

But that is not what this bill before us does.

This bill says we are going to deploy a national missile defense system "as soon as technologically possible." No other factors are to be considered. Don't consider if the system is operationally effective.

Those are important words to the military, "operationally effective." But we are not supposed to consider that under this bill.

Don't consider if it is cost-effective. Don't consider whether it ends the elimination of thousands of nuclear weapons in Russia under the START process. Don't consider whether it increases the threat of the proliferation of these terrible weapons to rogue states interested in getting them by any means possible. This bill says to heck with all of these considerations—we are going to deploy a national missile defense system as soon as it is technologically possible, no matter whether it is operationally effective, no matter if it increases the threat of proliferation of nuclear weapons, no matter what it costs.

The fundamental question that we should ask ourselves is whether passing this bill will make us more secure or less secure.

That is truly the fundamental question that all of us must address.

I agree with the President's senior national security advisors that enacting this bill will make us less secure. It puts at risk our decades-long efforts to reduce strategic offensive nuclear weapons in Russia and increases the likelihood that these weapons will proliferate to rogue states.

CONCERNS OF THE UNIFORMED MILITARY

And where is the support of our uniformed military leaders for this bill, Madam President? The answer is, there isn't any. I have not heard any of our senior military leaders say they support this legislation. Our military leaders tell us that we are not ready yet to make a decision to deploy a national missile defense system. They are worried that if we make a hasty and headlong rush to deployment, we will be less able to deal with other very real—and unfortunately more likely—threats to our security, including the proliferation of weapons of mass destruction and their use by terrorists.

General Shelton, the Chairman of the Joint Chiefs of Staff, testified before the Armed Services Committee in January that the decision to deploy a national missile defense system should be made only after considering a number of critical factors:

> There are two aspects of the National Missile Defense [issue] that we have to be concerned with. No. 1 is: is the technology that allows us to deploy one that is an effective system, and within the means of this country money-wise? Second is the threat and whether or not the threat, when measured against all the other threats that we face, justifies the expenditure of that type of money for that particular system at the time when the technology will allow us to field it?
>
> Right now it is not a matter of whether or not we should field one because the technology has not reached the point that we have the capability. It is a 12-year system that we have been trying to do within 3 years. It is a high risk program which has yet to prove that we will be able to make a bullet hit the bullet. Certainly we need to continue to pursue this technology, and DOD has that within their program right now to pursue it. They are also putting money into the program so that at the time that we have the technology, that if in fact the threat justifies it, then we in fact could go ahead with the fielding. If not, then we need to continue with the R&D that will develop a system that could provide missile defense.

Listen to just a few of the factors that General Shelton says that we ought to be concerned with; that is, that the technology, one, is effective. Is it within the means of this country moneywise? Assess the threat. Measure the threat against all the other threats that we face, and then see whether or not that justifies the expenditure of that type of money for that particular system at the time the technology will allow us to field it. And he points out that it is a high-risk program.

Lieutenant General Lester Lyles, the Director of the Ballistic Missile Defense Office, made similar points in January:

> We've always stated within the National Missile Defense program that a decision to deploy is based essentially on four basic things. One, whether or not we have a valid threat; two, whether or not we have the right amount of dollars budgeted for deployment; three, whether the issue with the treaty has been addressed; and four, are we technically ready, is the technology ready in order to make such a decision and to support the deployment.

That is the Director of the Ballistic Missile Defense Office who says four basic things must be considered. This bill considers one. Is it technologically possible? The Director of the Missile Defense Office in charge of this program, who surely is interested in securing this Nation as much as anybody against an attack, says there are four factors that need to be considered.

General Lyles says that these four factors are essential. At least we surely should not limit General Lyles, General Shelton, and the Secretary of Defense to considering the sole criterion of "technologically possible," as this bill does.

The Joint Chiefs have expressed reservations about the commitment now to deploy a national missile defense system; they have raised these concerns in many ways and at many times.

Last September, Army Chief of Staff General Dennis Reimer told the Armed Services Committee: "I think we need to have something that's practical; has a degree of success. I think it also has to be balanced against other priorities."

The question of other priorities—other threats—is a major concern of the Joint Chiefs. In an interview last month, General Shelton pointed out: "There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports."

Does the bill we are debating today address any of these concerns raised by our senior military leaders? The answer is, Madam President, it does not. And that is one of the many reasons we do not see our senior military leaders supporting this bill.

If this legislation would advance—even by one day—the development of an operationally effective and cost effective NMD system suitable for deployment, then maybe our military leaders would support it. But this bill doesn't do that.

It doesn't advance by one day the development of an operationally effective, cost-effective national missile defense system.

The bill simply says that we are going to deploy a national missile defense system as soon as it is technologically possible, without regard to operational effectiveness, without regard to cost, without regard to the impact on nuclear weapons reduction in Russia, without regard to proliferation of nuclear weapons that could result. If this legislation said that we should stop any further reductions of nuclear weapons on Russian soil, I do not think many Members of this Senate would support it.

That may not be what the language of this bill says, but that will be the likely outcome of the policy in this bill. And here is why. At the Helsinki summit on March 21, 1997, President Clinton and President Yeltsin issued a joint statement on the ABM Treaty, on the Anti-Ballistic Missile Treaty, which began as follows:

> President Clinton and President Yeltsin, expressing their commitment to strengthening strategic stability and international security, emphasizing the importance of further reductions in strategic offensive arms, and recognizing the fundamental significance of the Anti-Ballistic Missile Treaty for these objectives, as well as the necessity for effective theater missile defense systems, consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability.

That is a summit statement. That is not some casual comment to a reporter. That is a joint statement that was issued at the highest level by the two Presidents of the United States and Russia.

Defense Secretary Cohen has made it clear that both pursuing a limited national missile defense program and maintaining the ABM Treaty are in our national interests and can both be accomplished. During his press conference in January, Secretary Cohen stated his view on the Anti-Ballistic Missile Treaty as follows:

> I believe it's in our interest to maintain that. I think we need to modify it to allow for a national missile defense program that I've outlined, but the ABM Treaty, I think, is important to maintain the limitations on offensive missiles. To the extent that there is no ABM Treaty, then certainly Russia or other countries would feel free to develop as many offensive weapons as they wanted, which would set in motion a comparable dynamic to offset that with more missiles here.

The bill before us, S. 257, states that we will deploy a national missile defense system as soon as it is technologically possible despite our treaty commitment to Russia and the ABM Treaty and its importance to strategic stability and future nuclear arms reductions in Russia. The bill before us will jeopardize our recently begun effort to reach a negotiated agreement with Russia on possible changes to the ABM Treaty that may be necessary to permit deployment of a limited national missile defense system. We cannot, and we will not, give Russia or any other nation a veto over our national missile defense requirements or programs.

I want to repeat that so it is not misunderstood. We cannot and we should not give any nation, including Russia, a veto over our decision whether or not to deploy a national missile defense.

But making a decision now to deploy a national missile defense system before we attempt to negotiate changes to the ABM Treaty, before the military and civilian leadership of the Defense Department say that the Nation can responsibly make such a decision, will likely reduce Russia's willingness to continue reducing nuclear weapons under the START process, likely lead Russia to retain thousands of nuclear weapons that it would otherwise eliminate, and thereby dramatically increase the threat of nuclear proliferation.

The Committee on Armed Services has previously recognized the importance of a cooperative approach on missile defense and the ABM Treaty. Last year, the committee included a provision in the National Defense Authorization Act for fiscal year 1999 that encouraged the United States to work in a cooperative manner with Russia on issues of missile defense. The conference report for that bill said the following:

> The conferees believe that a cooperative approach to ballistic missile defense could lead to a mutually agreeable evolution of the ABM Treaty, i.e., either modification or replacement by a newer understanding or agreement that would clear the way for the United States and Russia to deploy national missile defenses each believes necessary for its security. If implemented in a cooperative manner, the conferees do not believe that such steps would undermine the original intent of the ABM Treaty, which was to maintain strategic stability and permit significant nuclear arms reduction.

That was from the conference report on our 1999 defense authorization bill. And how different it is from the bill before us, when the conferees said that a cooperative approach, cooperative approach to ballistic missile defense, could lead to a mutually agreeable evolution of the ABM Treaty.

None of that is in the bill before us. Instead, S. 257 is inconsistent with this understanding of the importance of a cooperative approach toward the ABM Treaty, to maintaining strategic stability and permitting large reductions in nuclear weapons because it threatens a unilateral breach of the ABM Treaty.

Passing this bill would make it much more difficult for the administration to maintain the continuing benefits of the ABM Treaty and the cooperative approach to nuclear arms reduction under the START process. Russia's Foreign Minister Ivanov recently noted the following:

> We believe further cuts in strategic offensive weapons can be done only if there is a clear vision for preserving and observing the ABM Treaty.

There is no such vision or attempted vision, no reference to modification of the ABM Treaty here as being desired, to allow us to cooperatively move toward the deployment of national missile defense, nothing in the bill before us other than the statement, "We're going to deploy this system as soon as technologically possible."

And so by making the deployment decision now, S. 257, the bill before us, would be giving the Russians an ultimatum: We are going to deploy a national missile defense system regardless of the ABM Treaty. That kind of ultimatum will make it more difficult to negotiate possible changes to the ABM Treaty before the scheduled deployment decision in June of 2000.

Some are going to say that we move forward with NATO expansion in the face of Russian opposition. Why not move forward this legislation to commit to deploy a national missile defense system in spite of Russia's objection.

There is a critical difference. When we expanded NATO, we were not taking an action that explicitly violated a bilateral treaty with Russia such as the ABM Treaty. In all likelihood, the unilateral deployment of a national missile defense system that is truly an effective system to defend all 50 States would violate the ABM Treaty. How different from the expansion of NATO. NATO was not a treaty with Russia that we were violating by expanding it.

The ABM Treaty is a treaty with Russia that we would almost certainly be violating with deployment of a 50-State national missile defense.

There is another difference that has to go to the relationship between us and Russia. Russia may be economically extremely weak and militarily weak at the moment, but, nonetheless, Russia is still a power that has huge numbers in military capability and nuclear capability and will someday surely be even more powerful than it is now.

But what did we do before we expanded NATO? All of the NATO members, including the United States, worked with Russia to explain that NATO expansion was not aimed at Russia. Indeed, the alliance entered into the NATO-Russia Founding Act and, as a result of those efforts, Russia has worked constructively with NATO on a number of issues. That is what we are trying to do now with the ABM Treaty. We are trying to negotiate with Russia right now to amend the ABM Treaty, to allow both the United States and Russia to retain this important treaty and the nuclear arms reduction benefits that it has brought us while still moving forward with the development and deployment of a limited missile defense. This bill will make that much more difficult.

The President's National Security Advisor, on February 3, 1999, wrote us that:

> If S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed.

Madam President, I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEVIN. I will just read a few other portions of Mr. Berger's letter, where he explains the basis for the position of the President's senior national security advisors recommending that this bill be vetoed if it is passed:

> The Administration strongly opposes S. 257 because it suggests that our decision on deployment of this system should be based solely on a determination that the system is "technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.
>
> We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

Then Mr. Berger went on to say the following:

> A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

Madam President, senior Defense Department officials have stated repeatedly that the Department of Defense is already developing a national missile defense system as fast as is technically possible. Deputy Secretary of Defense John Hamre testified to the Armed Services Committee on October 2, 1998, that the national missile defense program:

> . . . is as close as we can get in the Department of Defense to a Manhattan project. We are pushing this very fast.

And General Joe Ralston, the Vice Chairman of the Joint Chiefs of Staff, testified at the same hearing:

> I know of no other program in the Department of Defense that has had as many constraints removed in terms of oversight and reviews just so that we can develop and deploy it as quickly as possible.

As the Department of Defense has made clear on numerous occasions, adding more money will not accelerate the program because we are moving this program, the development program, as quickly as is possible, and there are no resource constraints on that development. In addition, on January 20, Defense Secretary Cohen announced four steps, demonstrating the commitment to develop an operationally effective national missile defense as quickly as possible, achieving the option to deploy, not only as quickly as possible, but also in a way consistent with continuing nuclear arms reductions.

First, Secretary Cohen announced the Defense Department would be budgeting the funds—and they now have $6.6 billion—in the Future Years Defense Program for possible deployment of a limited national missile defense system. This funding will permit deployment if the decision is made to deploy. This would bring the total national missile defense funding for 1999 through 2005 to $10.5 billion.

Second, Secretary Cohen affirmed that the administration expects that the threat of ballistic missiles from rogue nations will continue to grow and will pose a threat to the U.S. territory in the near future.

Third, Secretary Cohen announced that the administration is seeking possible changes to the ABM Treaty with Russia in the event that deployment would require modification.

I was particularly glad to hear that because I had been urging the administration to take this step myself for many, many months. Secretary Cohen also noted that if we cannot agree on changes to the treaty, the United States can exercise its right to withdraw from the treaty under the "supreme national interest" clause of the treaty, if necessary for our national security.

Finally, Secretary Cohen announced that the earliest anticipated deployment date for the national missile defense system was going to be 2005 instead of 2003, because of concerns about the technology of the system and because certain critical tests will not occur until 2003.

Secretary Cohen's announcement clearly demonstrates the administration's commitment to moving forward as quickly as possible with the development of an operationally effective national missile defense program. The Department of Defense policy, unlike the bill before us, permits consideration of a number of relevant factors, including operational effectiveness and cost, and permits us to pursue planned negotiations on possible ABM Treaty modifications before making a deployment decision next year, in the year 2000.

The national missile defense program is a high-risk program. It faces numerous technical challenges. The integration of all the component parts into a system that can demonstrate its capability is still years away. The first integrated system test using a production interceptor is not scheduled to take place until the year 2003. Prior to that time, tests will rely on surrogate components for some of the most critical pieces of hardware. But S. 257 will make the deployment commitment now, prior to any demonstration of the capability of the system, prior to any ability to evaluate whether it is operationally effective—key word "operationally"—and able to meet its system requirements. As the Defense Department and Joint Chiefs of Staff have pointed out, if we were to commit to deployment of an NMD system "as soon as technologically possible," we might be committing ourselves to building a system that is not as effective as we would need or desire to counter the evolving threat.

In 1997, General John Shalikashvili, then-Chairman of the Joint Chiefs of Staff, testified to the committee that the earliest possible system may not provide the necessary capability:

> If a decision is made to deploy an NMD system in the near term, then the system fielded would provide a very limited capability. If deploying a system in the near term can be avoided, DOD can continue to enhance the technology base and the commensurate capability of the NMD program system.

That is why General Shalikashvili stated at the same time that the National Missile Defense Readiness Program of the administration is the program that "optimizes the potential for an effective national missile defense system."

The normal Department of Defense acquisition process for major weapons systems requires a rigorous review of numerous technical performance and cost considerations at each major decision point in the development or acquisition process. The Department of Defense has mandatory procedures for major defense acquisition programs that provide that "threat projections, system performance, unit production cost estimates, life cycle costs, cost performance tradeoffs, acquisition strategy, affordability constraints and risk management shall be major considerations at each milestone decision point."

S. 257 would make a deployment decision now while ignoring all of those critical requirements that have been applied, I think, with one exception where we paid a huge price, to the acquisition of every major system.

Secretary Cohen's announcement that the actual deployment date is expected no sooner than 2005 is designed to reduce the risk of failure, but in mandating deployment "as soon as technologically possible," the bill before us could undermine the Department's efforts to ensure that the national missile defense system is operationally effective, emphasis on the "operationally."

For example, it may be "technologically possible," with a 1 in 20 success rate for a specific system to hit an incoming missile under certain circumstances, but do we really want to make a deployment commitment now to a national missile defense system under those conditions?

The Joint Chiefs of Staff and our warfighting commanders certainly do not want a system that is not operationally effective. Gen. Howell Estes, the then-Commander in Chief of the North American Aerospace Defense Command, testified before the Armed Services Committee in March of 1997 that, from his perspective, "it is vitally important that any ballistic missile defense system we ultimately deploy must be effective."

The bill before us also ignores the issue of cost-effectiveness. If a system does not provide us with a capability at a cost that can be justified in light of other high priority national security requirements, then, it seems to me, we are missing an opportunity, indeed, a requirement, that a logical factor be considered as part of the decision process, because what happens then is that we will be saying, regardless of the cost, it makes no difference whether this is cost-effective or not, in light of whatever its capability is, regardless of whether it is operationally effective, if it is technologically possible, to heck with the cost, to heck with the operational effectiveness, and to heck with the impact on nuclear arms reductions.

This cost-effectiveness issue is one of the four crucial factors that Secretary Cohen and National Security Advisor Berger have said that the administration will take into account in its deployment decision review in June of next year. We should not disregard cost-effectiveness completely, as this bill does.

Madam President, Secretary Cohen has testified that the administration will make the decision in June of 2000 on whether to deploy a limited national missile defense system, after taking into account the threat, the operational effectiveness of the national missile defense system, the cost-effectiveness of the system, and the impact of deployment on nuclear arms reductions and arms control. This bill ignores these factors and reduces the issue to one—what is technologically possible and, when that is shown, then we are going to deploy regardless of what those other factors indicate.

The bill would undermine the current effort of the administration to reach a negotiated agreement on any changes to the Anti-Ballistic Missile Treaty that may be necessary to permit deployment of a limited national missile defense system. Again, the summit statement of the two Presidents, Presidents Clinton and Yeltsin, in March of 1997, underscores the continuing importance of this treaty between us and the Russians for strategic stability and for further reductions in strategic offensive nuclear weapons. It pledges both parties to "consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability." This bill would throw that pledge into the wastepaper basket.

As Secretary Cohen has made clear, we will not negotiate any needed changes to the ABM Treaty forever. There may come a time when we determine that we must withdraw from the treaty under the supreme national interest clause. That would be a very serious step, but it is not one that we need to take now or should take now before we have a system developed, before we have tried to modify the ABM Treaty to allow both the United States and Russia to move toward defenses against limited ballistic missile threats.

Making a decision to deploy an NMD system before we even attempt to negotiate changes to the ABM Treaty and before the Department of Defense says that the Nation can responsibly make such a decision will almost surely reduce Russia's willingness to cooperate with us on reducing nuclear weapons on her soil under the START process, and likely will lead Russia to retain thousands of nuclear warheads it would otherwise eliminate, and would, thereby, dramatically increase the threat of nuclear proliferation. The most likely threat that we face isn't an intercontinental ballistic missile strike with a return address guaranteeing our massive destruction of the sender. The most likely threat is a terrorist using weapons of mass destruction.

This bill increases that threat by significantly increasing the odds that Russia will end the reduction of nuclear weapons, which the treaty that this bill would violate has led to, and for no good reason, because this bill would not accelerate the national missile defense development by a single day. It increases the proliferation risk from thousands of nuclear weapons that would otherwise be eliminated through the START process for no tangible benefit to this program.

This bill reduces our security by increasing the threat of proliferation of nuclear weapons to rogue states, and that is one of the many reasons why this bill has no support among our military leaders.

Next week, the Prime Minister of Russia is coming to Washington for an important series of meetings. Senate adoption of this bill effectively says we are going to deploy a national missile defense system in violation of an important treaty that we have with Russia. The message that we are sending to Russia with this bill is we do not care about our treaty commitment. We do not care about cooperation on nuclear weapons reduction. I just wonder how the U.S. Senate would react if, on the eve of an American President's visit to Moscow, the Russian Duma passed legislation that undermined one of the basic foundations of U.S.-Russian relations. You can bet it would cause one heck of an uproar here, and I think Congress would be leading the chorus.

Those of us who say that this bill will contribute to our national security have to answer the question: why don't our senior military and senior civilian defense and security leaders in this administration support. the bill? Where are the senior military leaders supporting this bill? Why don't General Shelton and the Joint Chiefs of Staff support this bill? Why doesn't General Lyles, the Director of the Ballistic Missile Defense Office, support this bill? Why doesn't the Secretary of Defense Bill Cohen, who is a proponent of national missile defense now and when he served in the Senate, support this bill? They don't support this bill because they know it will not contribute to our national security.

Secretary Cohen's national missile defense plan has the strong support of General Shelton, has the support of the Joint Chiefs of Staff. We should stick with it and vote against this bill.

I thank the Chair, and I yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, February 3, 1999.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand the Senate Armed Services Committee will consider tomorrow S. 257—The National Missile Defense Act of 1999.

I want to underscore that the Administration shares with Congress a commitment to ensuring the American people are provided effective protection against the emerging long-range missile threat from rogue states. That is why we have since 1996 diligently pursued a deployment readiness program to develop a limited National Missile Defense (NMD) system designed to protect against such threats. We have now budgeted $10.5 billion between FY 1999–2005 for this program, including the funds that would be necessary during this period to deploy a limited NMD system.

Secretary Cohen has recently made clear that the Administration will address the deployment decision in June 2000. The Administration strongly opposes S. 257 because it suggests that our decision on deploying this system should be based *solely* on a determination that the system is "technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.

We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue states ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability, and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

The Administration has made clear to Russia that deployment of a limited NMD that required amendments to the ABM Treaty would not be incompatible with the underlying purpose of the ABM Treaty, i.e., to maintain strategic stability and enable further reductions in strategic nuclear arms. The ABM Treaty has been amended before, and we see no reason why we should not be able to modify it again to permit deployment of an NMD effective against rogue nation missile threats.

We could not and would not give Russia or any other nation a veto over our NMD requirements. It is important to recognize that our sovereign rights are fully protected by the supreme national interests clause that is an integral part of this Treaty. But neither should we issue ultimatums. We are prepared to negotiate any necessary amendments in good faith.

S. 257 suggests that neither the ABM Treaty nor our objectives for START II and START III are factors in an NMD deployment decision. This would clearly be interpreted by Russia as evidence that we are not interested in working towards a cooperative solution, one that is in both our nations' security interests. I cannot think of a worse way to begin a negotiation on the ABM Treaty, nor one that would put at greater risk the hard-won bipartisan gains of START. Our goal would be to achieve success in negotiations on the ABM Treaty while also securing the strategic arms reductions available through START. That means we need to recognize the address the interrelationship between these two tracks.

The Administration hopes the Senate will work to modify S. 257 to reflect the priority that we believe must be attached to the ABM and START objectives I have outlined above. But if S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LEVIN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent that the privilege of the floor be granted to David Auerswald of Senator BIDEN's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I, likewise, ask unanimous consent for the Senator from Michigan, Mr. ABRAHAM, that Bill Adkins, a legislative fellow on his staff, be granted the privilege of the floor during the Senate's consideration of S. 257.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, it is interesting to hear the comments of my good friend from Michigan. It reminds me, though, of someone who has heard what this bill is about but really hasn't read the fine print yet. That is one reason why when the bill was reported I was hopeful that we could start off by reading the bill. It is very short. Unlike the legislation that was debated last year in the Senate, this bill has really a very small operative section. It is so small and clear and concise that I could almost recite it. I am sure I would leave out something. But the operative words are that it will be the policy upon the passage of this legislation for the United States to deploy a missile defense system—an effective missile defense system—that would be capable of defending the United States against limited ballistic missile attack as soon as technologically possible, and that that attack would include missiles that were launched either intentionally, accidentally or unauthorized. That is the bill that we are debating here.

The suggestion that we are insisting on the passage of this bill that the administration immediately deploy a system that may not be workable, that may not be operationally effective, ignores the clear wording of the legislation. It describes the missile defense system that we are directing be deployed as an effective ballistic missile system. So that is taken care of.

The amendment that has been submitted, which I hope will be adopted by the Senate on a voice vote—it certainly is not controversial or it should not be controversial—says that the deployment would be subject to the authorization of appropriations and the appropriation of funds by the committees of jurisdiction of the Congress.

Like any other defense system or new acquisition of weapons system by the Department of Defense, the deployment of a national missile defense system will be subject to the review of the committees with jurisdiction over that subject in the Congress, and bills to authorize the deployment and to fund the deployment will have to be passed and they will have to be signed by the President.

The suggestion that the passage of this bill is the final step in the process misses the point completely. It is the first step in the process. We are trying to correct an outdated, outmoded, irrelevant policy of wait and see—wait and see if a threat to the security interests of the United States develops from ballistic missiles.

We have waited, and we have seen. We have seen the testing of a multistage rocket by North Korea which they said was launched for the purpose of putting a satellite in orbit. Our analysts have been reported as saying that missile system used a solid fuel in its last stage. It would be capable of striking the territory of Hawaii and Alaska, and the last time I checked, they were part of the United States.

At the present time, we have no defense against such a ballistic missile attack from a rocket like that or from a missile. The design or possible uses are virtually the same.

We are also puzzled over the fact that the Senator seems to suggest in his statement that our relationship with Russia is going to be put at risk if we adopt this bill, the first step in a process to correct an outdated policy. This is our policy. This is our policy to defend the security interests of the United States and American citizens who might be at risk from a ballistic missile attack and weapons of mass destruction that could be delivered by long-range, speedier missiles.

We have known for some time that our administration has been trying to negotiate a so-called demarcation agreement with Russia, distinguishing between theater missile defense capability and other kinds of missile defense capabilities. It has been an excruciating process to watch, and we basically have watched in the Congress as the administration has reached agreements or suggestions of agreements reduced to memoranda of understanding, not submitted to the Senate for ratification as amendments to the ABM Treaty, but changes, nonetheless, in the definition of what is permissible and possible for us to do as a matter of our own national security interests with respect to theater defensive missiles. It limits the speed at which our interceptors can be tested against targets.

The point of this is, this administration has gone to great lengths to try to manage the relationship with Russia so as not to ruffle any feathers, not to upset Russia. Ask Mr. Primakov when he comes to the United States why hasn't his government, his government parliamentarians, ratified START II.

This is an effort to reach an agreement and an arrangement with Russia to reduce and limit strategic arms, missiles systems and nuclear weapons capabilities. We ratified that agreement 3 years ago in the Senate. Russia has not kept its part of the bargain by ratifying that agreement.

My point in saying this is that the relationship between the Russians and the United States is of great importance to us, to me, to this Senate. We cannot ignore the fact that Russia remains heavily armed with nuclear weapons and missile capabilities like no other country in the world, other than the United States. We do have concerns about that relationship. We should take care to try to reach understandings with the Russians on these matters, and I think we will continue to work closely with our administration officials as they negotiate, discuss and try to reach understandings about what are our intentions.

We are not trying to upset the strategic balance between the United States and Russia on missile capability or nuclear weapons or the like. We are trying to change a policy about our relationship with other States that are developing weapons that are capable of threatening our security where we do not have a history of much success.

North Korea is an example. There are other nation states that are now engaged in developing missile capabilities where their missiles can go much farther and much faster than they have in the past, and we have to take that into account. We would be derelict in our duty if we did not.

We think this administration is behind the curve on the policy decisions with respect to ballistic missile defense, and it is putting the security interests of the United States at risk. That is what we are trying to correct.

We are not trying to answer every question that can be raised or every issue involved in ballistic missile defense in this one bill. It just cannot be done. But that is the test that my good friend is trying to measure this bill against. Does it answer every question? Does it answer the question of whether or not a system will be adequately tested? No. But before the Congress will authorize the deployment of a system, it is bound to insist that there be some indication that it is workable, that it is effective. That is why we use the phrase "effective ballistic missile defense system" in this bill. We also want to make sure it is "technologically feasible or possible" for us to field a system. And that is why we use that phrase in this bill.

What we are hoping to accomplish is to make this administration recognize that there is a legitimate concern. The threat exists today to the security interests because of developments we have seen over the last several years. Senators will remember that our subcommittee had 2 years of hearings analyzing the problems of proliferation of missile technology, other technologies, computer technology, the proliferation of weapons of mass destruction, the easy access that some countries have to information here in the United States, over the Internet, at universities, at laboratories—we have heard a lot about that recently—at laboratories here in the United States. You can get information from those sources, and you can use them then if you are a country that needs to upgrade its missile capability or nuclear weapons capability. There are suggestions that that has been happening. Are we to just close our eyes to that? Are we to ignore that and say, "Well, let's wait and see what happens"?

We have been waiting, and we have seen what has happened in North Korea, in Iran, in China, in other countries as well. All of these facts now convince us, the authors and the sponsors of this legislation, that it is time to change our policy. That is what the passage of this bill will do. It will put an end to the outdated wait-and-see policy of the Clinton administration on this issue, and it will say that as a matter of national policy we will deploy an effective ballistic missile defense system as soon as technologically possible to defend our country against limited ballistic missile attack—whether unintentional, unauthorized, or deliberate.

I suggest we keep in mind that we dedicated that proliferation report from our 2 years of hearings to the 28 U.S. servicemen who were killed in the gulf war with a Scud missile. That was several years ago. We have 8 years of experience to build on from that event. But that got the attention of the American people and the families of those soldiers who were killed that the United States is vulnerable and its service men and women and its citizens and its embassies all around the world are very vulnerable to missile attack and other attacks by weapons of mass destruction.

This bill does not solve all those problems but it states as a matter of national policy that we are not going to sit back and wait and see any longer. We are going to move, and as quickly as technologically possible, we are going to deploy a national missile defense system.

I am convinced that that is the right policy. We are not going to disregard our obligations to work toward improving relationships with Russia or China or other countries. That is a part of our responsibility, too. But neither are we going to sacrifice the security of our citizens to those relationships. We are, first of all, going to protect the security interests of this country. That is the highest priority we have as Members of this body.

We have every reason to believe that there are clear and present dangers to the security of American citizens and our country. This is a step, a first step, toward changing that policy and doing what has to be done to fully protect our security interests.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Michigan.

Mr. LEVIN. Mr. President, just a couple of additional brief points. First, there is one thing we do agree on, I hope unanimously, in this body, which is that our highest priority is to defend the security interests of the United States. I do not know of anybody in this body who would disagree with that premise. The question is, Is our security advanced or is it harmed by making a statement that we are going to deploy a system that violates a treaty with Russia, without first trying to at least negotiate a modification in that treaty so that we can do so jointly without a unilateral breach?

The stakes here are huge. We should make no mistake about it. The stakes are that Russia has been reducing the number of nuclear weapons on its soil. Indeed, we have been helping to dismantle those weapons so that we are safer. And what they have told us is that the reason they have done that is because they have a treaty with us which has permitted them to do that called the ABM Treaty, and that without that treaty in place—indeed, without that treaty enhanced—those reductions are going to end.

We want fewer nuclear weapons on Russian soil. The fewer weapons they have on their soil, the more secure we are. We have a treaty which has permitted a significant reduction of those weapons on Russian soil, and other states in the former Soviet Union. The fewer weapons they have, the less the chance of proliferation.

I think most of us would agree that the greatest threat that we face—security threat that we face—is the proliferation of weapons of mass destruction. And the leakage of even one of those weapons from Russian soil to a rogue state or a terrorist organization would create a greater threat to the security of this Nation than any Soviet threat we face, because a rogue nation could use it against us, where the Soviets would have been committing suicide and would have cared about committing suicide if they started an attack.

The proliferation threat against us is real. We keep talking about it in this body. We keep saying the greatest emerging threat is the proliferation of weapons of mass destruction. Before we take any step which would lead Russia to stop reducing the number of nuclear weapons on its soil, surely we ought to sit down and negotiate with Russia to see if we cannot do two things: One, accomplish a national missile defense here, assuming we can come up with one which is operationally effective; and, two, keep those reductions of nuclear weapons flowing. Those goals are not incompatible. We are seeking both of them right now. We are negotiating with the Russians in terms of a modification of the ABM Treaty, and we are developing national missile defense as quickly as is possible to develop.

There is no wait-and-see approach that has been going on here. The uniformed military have told us this is a high-risk development program. We are trying to do in a few years what usually takes us over 10 to develop. So we are engaged as quickly as we can in what Deputy Secretary Hamre called the closest thing to a Manhattan project as exists in the Defense Department. We are trying to develop a national missile defense.

I think most if not all Members of this body are in favor of that development.

The issue here in this bill is whether we commit to deploy that system before it is developed, before it is shown to be operationally effective, with no consideration to cost and without considering the need to try, if possible, to negotiate a modification in a treaty with the Russians which has allowed us and them to significantly reduce the number of nuclear weapons on their soil.

We can accomplish all those things, hopefully, but not if we perceive to tell the Russians, in advance of these negotiations being completed or at least proceeding, that we are pulling out of this treaty in order to deploy a system. There is not the slightest awareness in this resolution of the desirability of modifying the ABM Treaty with Russia so that we can continue to see reductions in nuclear weapons on their soil.

For heaven's sake, aren't we more secure if they have fewer nuclear weapons on their soil and if the ones that are being reduced are dismantled, "defanged," so they no longer threaten us? Shouldn't we ask ourselves, Why is it the senior military leadership of this country does not support this bill, people who spend their lives and have dedicated their lives to the security of this Nation—our top military officials—do not support this bill. Shouldn't we ask ourselves why?

There is no use invoking the question of Scud missiles. The defense against Scud missiles does not violate a treaty between us and Russia. The Patriot antimissile system, which we continue to support I think unanimously in this body and continue to seek to improve it, is a defense against theater ballistic missiles, the missiles such as the Scud missile. There is no issue about that. I think everybody in this body has for decades supported a theater missile defense system. That is not a violation of the ABM Treaty. A limited national missile defense system probably will violate that treaty.

Before we commit to do as this bill does, we should seek to modify a treaty between us and Russia so that we can do two things at once: Deploy a system, assuming we can get one that is operationally effective against the rogue states, at the same time that we continue to obtain and achieve the reduction of nuclear missiles on Russian soil. Those goals are compatible, they are both desirable, they are both achievable. At least we hope they are both achievable. Surely we ought to explore whether they are both achievable without committing ourselves to a course of action which tells the Russians, on the eve of the visit of Prime Minister Primakov we are going to do something, like it or not, whether it violates a treaty between us or not. I must again ask this question: If the Russian Duma had taken an action 1 week before our President went to Moscow, which tore at the basic fundamental security relationship between us and Russia, what would our reaction be in this Senate?

What troubles me the most is it is so needless. We are not advancing by 1 day the development of a national missile defense system in this bill; not by a day. I think everybody in this body wants to develop a national missile defense system as quickly as can be done. The money is in the budget to do so and has been there. The Congress has added some hundreds of millions dollars, by the way, over the years for broad support in order to make sure we do develop a national missile defense as quickly as we possibly can. The President's budget has the money in there to deploy such a system—assuming we can develop it. We are not advancing by 1 day the development of a national missile defense with this bill.

What we are doing is jeopardizing the reductions of nuclear weapons on Russian soil for no gain in terms of the development of national missile defense. That commitment to deploy, which this bill represents, gains us nothing in terms of developing more speedily the system which we all want to be developed, but jeopardizes the reduction of nuclear weapons on Russian soil which is so important to the security of this Nation.

My good friend from Mississippi surely speaks for all of us when he says that is our top priority as a Senate. I couldn't agree with the Senator more. There are very strong differences, however, as to whether or not that priority is achieved with this bill, which ignores one-half of a very important issue, which is the relationship between the deployment of a national missile defense and the reduction of nuclear weapons on Russian soil and the proliferation problem that is increased when we act in a way that reduces the prospects of those continuing reductions.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, the National Missile Defense Act of 1999, in addition to being sort of a jawbreaker of a title, is exceedingly significant legislation which takes the first step toward protecting the American people from the growing threat of attack from ballistic missiles carrying nuclear, chemical, or biological warheads.

Now, I am gladly a cosponsor because this establishes the unmistakable policy of the U.S. Government emphasizing the need to defend the American people from missile attack. This policy is clear, it is unequivocal.

However, it is only the first step. Ultimately, the President must agree or be compelled to agree by an overwhelming congressional override of his veto to begin immediately the building and deploying of a national missile defense.

The construction of a meaningful defense will take time, obviously—time that, given North Korea's recent missile test—we may not have. I am among those who have become increasingly frustrated as the Clinton administration has squandered month after month, year after year, dithering and delaying, and otherwise reacting in ostrich-like fashion to the fast-approaching threat of missile attack by a rogue regime.

I have long regarded as beyond belief that the Clinton administration still refuses to commit to the immediate deployment of a national missile defense. I wonder, given the fact that North Korea now has a three-stage intercontinental ballistic missile capable of dropping anthrax on U.S. cities in Alaska and perhaps Hawaii, how much indifference could so dictate such a perilous do-nothing attitude by the President and his advisors. Nero fiddled as Rome burned—and the crowd in charge on Pennsylvania Avenue may wake up one morning and realize that they have been playing with the safety of the American people and playing fast and loose.

I trust I am very clear on this point: it is an absolute, irrefutable fact that a hostile tyrant today possesses missiles capable of exterminating American cities.

Mr. President, North Korea is not our only concern. The Islamic fundamentalists in Iran continue their crash missile program. The Rumsfeld Commission has warned that Iran has everything it needs to put together an ICBM within a few years. And because the Clinton administration has fooled around in its do-nothing mode for so long, Iran may very well be able to deploy an ICBM before America has a missile defense to counter it, even if the United States breaks ground on construction tomorrow morning.

Perhaps most troubling, however, is Communist China's nuclear missile program. China fields dozens of submarine-launched ballistic missiles, hundreds of warheads on heavy bombers, roughly 24 medium and long-range ballistic missiles, and has several crash modernization initiatives in progress this very moment.

Further, Red China has begun deploying several new types of ballistic missiles. And most troubling, it is now clear that China has stolen America's most sensitive nuclear secret—technical data for the W–88 warhead. Theft of that warhead design, coupled with the multiple-satellite dispenser that China developed working with United States satellite companies, will enable the PRC to deploy MIRVed weapons far sooner than expected.

In other words, China is on the verge of tripling or quadrupling, the number of warheads pointed at our cities, and this, Mr. President, is the same country that flexed its military might by firing missiles in the Strait of Taiwan in an effort to intimidate a long-standing and peaceful ally of the United States. The People's Republic of China—that is to say, Communist China—also is the same nation that engaged in a bit of nuclear blackmail by threatening a missile strike against Los Angeles.

Obviously, Mr. President, with these hostile threats emerging, it would be assumed that the United States would already have deployed a system to protect the American people against this danger; and it would be assumed that the Clinton administration surely is working, in cooperation with a bi-partisan majority in Congress, to make certain that the United States will never be exposed to a missile attack by a terrorist regime.

Well, such assumptions have been woefully wrong. The do-nothing Clinton administration has aggressively blocked every effort by Congress to implement a national missile defense system to protect the American people. More than 3 years have already been lost in deploying a missile defense system because of the President's veto, in December, 1995, of critical legislation designed to protect the American people. The President's people, in fact, are out there right now lobbying against the pending business of the Senate today, the National Missile Defense Act of 1999, of which I am a cosponsor.

Indeed, China, North Korea, and Iran can today hold the American people hostage to missile attack because of the do-nothing attitude of the President of the United States who, here in Washington, has consistently refused to build, or even consider building, the strategic missile defenses necessary to protect the American people from such an attack.

For years, liberals have tut-tutted that no long-range missile threat existed to necessitate a missile defense. But now, in the wake of the Rumsfeld Commission's report and North Korea's missile launch, even the most zealous arms control advocates have been forced to admit that their critical lapse of judgment and foresight has put our nation at heightened risk.

Though these people now admit the existence of a serious threat, just the same, they cannot bring themselves to agree to the deployment of a shield against missile attack. Why, Mr. President?

I'll tell you why. It is because of an incredible and dumb devotion to an antiquated arms control theory. Critics of the National Missile Defense Act of 1999 claim that Henny Penny's sky will fall because even the most limited effort to defend the American people will scuttle strategic nuclear reductions. One Senator, for example, declared in a recent press release that, if S. 257 is passed, "Russia would likely retain thousands of nuclear warheads it would otherwise eliminate under existing and planned arms reduction treaties."

Mr. President, if this is the last, best argument that can be mustered against deploying a national missile defense, opponents of the pending National Missile Defense Act of 1999 had better go back to the drawing board in search of logic. While they are at it, they should ponder the fact that Russia has been threatening to block ratification of START II since almost the day it was signed. For more than 6 years, the United States has been waiting for the Russian Government to put this treaty into force; in the meantime the American people have been subjected to a barrage of Russian threats and demands for concessions on a bewildering array of issues, largely unrelated to the treaty.

For the benefit of Senators, and the American people, I ask unanimous consent that a document, cataloging just a few of these Russian demands regarding START II, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

An Ever-Growing Number of Russian Excuses For Not Ratifying Start II

The United States and Russia signed the START II Treaty on January 3, 1993. The Senate provided its advice and consent to ratification on January 26, 1996. Since then, Russia has used START II ratification as a pretext to hold hostage an ever-changing number of issues. As the Chairman of the Duma's International Affairs Committee said on March 14, 1998, the Duma contains people "who are ready to use any pretext in order to delay consideration of this issue."

Threat Number 1: No START II unless the U.S. Gives in to Russian demands on the CFE Treaty.

In 1994, Defense Minister Grachev declared that CFE treaty-limits on Russia's conventional armed forces were unacceptable and demanded their revision. No action on START II would be possible, according to Grachev, until this issue was resolved. So what did the Clinton Administration do? The U.S. dutifully changed the treaty to meet the Russian demands. We are, by the way, now changing it yet again to meet more Russian demands.

Threat Number 2: No START II unless the U.S. ratifies the treaty first.

In 1995, the Russian foreign minister, Mr. Primakov—now the Prime Minister—demanded that the U.S. must first ratify START II as a sign of good faith. We did that in January, 1996, and we are still waiting.

Threat Number 3: No START II if the U.S. does not pay for Russian implementation of START I.

Then the Russians complained that they could not afford to meet their obligations under the START I agreement and threatened not to move on START II unless the U.S. taxpayer paid to dismantle all of Russia's obsolete missiles (to make room for the deployment of far more modern systems). So what did the Clinton Administration do? It has shelled out billions of dollars in Cooperative Threat Reduction funding to meet this demand.

Threat Number 4: No START II unless the U.S. makes concessions on the ABM Treaty.

As negotiations to clarify the ABM Treaty's demarcation line between strategic and theater missile defenses dragged on, the Russians insisted that tissue had to be resolved before they could ratify START II. The United States agreed to a series of concessions that resulted in a demarcation agreement which did *not* clarify the distinction between theater and strategic defenses but which did impose new restrictions on theater missile defense systems.

Threat Number 5: No START II unless the U.S. makes more foreign aid concessions.

In 1996 the Chairman of the Duma's Defense Committee, Sergei Yushkov, tied START II ratification not just to the ABM Treaty, but to "the provision of adequate funds for the maintenance of Russia's strategic nuclear arsenal."

Threat Number 6: No START II unless the U.S. makes other concessions.

In September, 1997, Ultranationalist Vladimir Zhirinovsky, who controls a sizeable bloc of Duma votes, declared that START II should not be ratified until "a favorable moment" and that Russia should hold out for more U.S. concessions. According to Zhirinovsky, "We have created a powerful missile complex, and we must use it to get certain advantages."

Threat Number 7: No START II if the U.S. strikes against Saddam Hussein.

In connection with the U.S. military buildup in the Persian Gulf, the Deputy Speaker of the Duma declared that START II would never be approved if the United States were to use force against Iraq.

Threat Number 8: No START II unless the U.S. agrees to allow continued Russian violation of the START Treaty.

Most recently, U.S. arms control negotiators were told that their refusal to shelve U.S. concerns over repeated Russian violations of the START Treaty would jeopardize START II ratification.

Bottom line: The Russian threat over deployment of a U.S. missile defense is just one in a long, tired litany of ever-changing excuses for not ratifying START II.

Mr. HELMS. The bottom line, Mr. President, is that it is prima facie ridiculous to still insist that the United States must forgo defending itself against missile attack in order to ensure that Russia ratifies START II. The United States has already paid a dozen ransom notes to Russia in an effort to secure START II's ratification—to no avail. This latest price demanded by Russia is simply too high.

Now, I believe that START II may still be in the United States' national security interests, but it is not of such overriding interest that we must forgo the defense of the American people in order to salvage START II. What will happen if START II is not ratified? Strategic forces are expensive to maintain, as both the United States and Russia have rediscovered. That is why the Clinton administration is seeking permission to fall below START I levels regardless of whether the Russians honor their START II obligations—because it wants the money that would be spent on strategic nuclear forces to be used for other, neglected requirements like readiness.

And what of Russia, Mr. President? The truth is that Russia's strategic force levels are going to plummet far past the levels mandated by START II regardless of whether there is any agreement in force. The strategic missiles Russia (then the Soviet Union) deployed in the 1980s are reaching the end of their useful life, and cannot be replaced. Russia has neither the money nor a reason, to replace them.

In fact, last year the Russian Minister of Defense told Russia's Security Council that even the new SS-27 Topol ICBM currently being deployed, Russia will be unable to field more than 1,500 warheads by the year 2010, which, at the rate things are going, might be about the time the Duma finally gets around to ratifying START II.

The truth is that arms control agreements are not controlling force levels. Fiscal and strategic realities are. Why is Russia allowing its forces to fall to historically low levels? I will tell you. For the same reason as is the United States. We no longer live in a cold war world in which huge nuclear arsenals are our top spending priority. The notion that limited ballistic missile defenses will somehow set off a new arms race—or forestall further reductions—is absurd.

Mr. President, the truth of the matter is that the arguments about START II are really a cover for those who continue to worship the arms control doctrine of mutually-assured destruction. No amount of policy sophistry or arms control rhetoric by the Clinton administration can alter the fact that the United States is vulnerable to nuclear-tipped missiles fielded by China, or any one else. Rectifying this dangerous deficiency requires leadership and action. It is an all the more pressing issue because the current course charted by the administration fails to recognize the inherent danger in China's pursuit of an advanced nuclear arsenal, based—as we have learned in recent days—around the W-88 warhead.

Mr. President, any further delay in the development by the United States of a flexible, cost-effective national missile defense is unconscionable. I am honored to cosponsor the National Missile Defense Act of 1999 and I urge Senators to support this legislation to make certain that the United States Government will finally adopt a policy to protect the American people from attack by ballistic missiles.

Mr. President, I yield the floor. I thank the Chair.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise today to support S. 257, the National Missile Defense Act of 1999, and, in doing so, I rise to support development and deployment of a limited national missile defense.

Colleagues have said that this debate has begun today, and I am sure each Member of the Senate believes, because we have no greater responsibility under the Constitution than to provide for the common defense of our Nation. That is one of the fundamental reasons people form governments, to provide for their common defense. It is a duty we must fulfill with intellectual honesty and with thoughtful attention to the world in which we reside.

Let us look honestly at the world today. The cold war is over, thankfully. Democracy triumphed over communism. The bipolar strategic tension of the world—two armed camps living in a strange balance of terror where each threatened to destroy the other if the first acted—is over, thankfully over. And in that sense we enjoy today the benefits of that victory. Everybody around the globe—people here in the United States, those in Russia, and certainly those who lived under the tyranny of the Soviet Union, three peoples of which so proudly and joyously joined NATO just this past weekend. Though the existential threats we faced are not there, the threats to our very existence are not there, as the operating tempo of our military makes clear, we face a remarkable series of threats to our security around the world. And we face something like threats we have faced before, but with an intensity and a breadth that are unparalleled; and that is the potential of threats to our homeland, to the United States of America, shielded as we have been by geography, by two oceans. Although we have worried in the past and we have been at war and conflict about threats to our homeland, we have never faced them, I fear, to the same extent we will in the years ahead. And this is a reflection not only of the dispersion of power, the breakup of the two armed camps that dominated and defined the cold war, it is a reflection of what history tells us, which is that whenever there are developments in the nonmilitary world, in the industrial, or, in our time, the technological world, they work their way into the military.

Today, even as nationalism rears its head with a new intensity in places like the Balkans, national boundaries in the conventional sense are seamless and less dominant. We communicate with each other through television and now, dramatically, in two-way communication over the Internet, jumping over traditional national boundaries. We have a growing number of assets, defense and civilian related, which exist in space that affect our lives, civilian and military, in very, very fundamental ways. We have increasing capacity through technology to deliver weapons of mass destruction against other peoples and to fear and face the potential of their delivery against us.

So it is not surprising that, within the community of those who worry about our national security, and particularly, of course, within the Department of Defense, there is new concern, new thinking, talk of new organization, to deal with homeland defense, the defense of the United States of America; that the very technology that has enabled us to reach across national boundaries, to have international commerce at enormous volume and worth with remarkable speed, also begins to subject us in our homes, businesses, neighborhoods, communities, and States to attack.

I don't mean to suggest a panic, but, to be intellectually honest and thoughtful about it, the fact is that we have in our time already seen ourselves subject to terrorist attack here in our homeland, some of which has been inspired from outside, that we know we face a risk of attack to our information systems, which dominate and on which we depend for so much in the lives that we lead so well today.

Another element of that new vulnerability that our homeland faces is from missile attack. We faced it during the cold war when the Soviet Union and the United States were two armed camps with intercontinental ballistic missiles aimed at each other, in which we reached a kind of bizarre agreement, "rationality" in the midst of irrationality, that neither would push the button for fear of what damage that would do to the one who pushed the button. Today, we are facing a threat of a different order. Though it is limited, it is coming from people who will not, we fear, bind to the same rationale of a system of mutual assured destruction.

That is what motivates this bill. I see it as a response not just to the proliferation of ballistic missiles and weapons of mass destruction, but as part of a broader, growing concern that we in the Senate and the American people will have to face to raise our defenses once again here at home.

In the very near future—perhaps within a few months—erratic leaders, tyrants of rogue regimes, will control ballistic missiles possibly armed with weapons of mass destruction that can reach our national territory. One or more rogue states may have the technology to do so today. Equally unsettling is the fact that criminal or insurgent elements from countries in turmoil could also have access to those weapons.

So the threat is real and it is current, and everything we know about the rapid dissemination of technological information and the commercial proliferation of ballistic missile technology and weapons of mass destruction tells us that the threat will get worse faster than we had previously thought.

Until this past year, most observers, intelligent observers, thoughtful observers, believed that the emergence of such a threat was way over the horizon, a problem for the future. A national intelligence estimate written in 1993 and revised in 1995 concluded that no country other than the declared nuclear powers would develop or otherwise acquire ballistic missiles that could reach the 48 contiguous United States within the next 10 to 15 years. But in July of 1998, a commission of distinguished experts, chaired by former Secretary of Defense Rumsfeld, concluded that this earlier estimate was far too optimistic.

The Rumsfeld Commission report found that North Korea, Iran, and Iraq were engaged in concerted efforts to build or acquire ballistic missiles. The panel also found that North Korea and Iran could use these missiles to inflict major damage on the United States within 5 years of a decision to do so. Iraq, a rogue state that has constantly challenged its neighbors, the United States, and the international community militarily for two decades now, so the Rumsfeld Commission said, could inflict major damage on the United States within 10 years. The Commission warned that the ability of our intelligence community to provide timely and accurate warning of attempts to produce ballistic missiles was eroding.

So a problem is growing, with the capacity of the intelligence community to warn us of its forward movement eroded. And then the Rumsfeld Commission predicted prophetically, as it turned out, that Iran would soon deploy a Shahab-3 missile on the way to developing intercontinental ballistic missile capability and that North Korea would soon have a missile capable of hitting Alaska or Hawaii.

Well, unfortunately, the Rumsfeld Commission was right on target. Within a month of its report, Iran did flight test the Shahab-3 missile, and 1 month later North Korea launched its Taepo Dong missiles. We had long known North Korea had strong missile technology. Analysts were broadly surprised that the Taepo Dong was a three-stage missile with enough range to hit parts of the United States of America.

The Iranian and North Korean missile tests validated two of the Rumsfeld Commission's findings. First, that rogue states are in possession of missiles that threaten American territory; and, second, that these states have developed this capability far more rapidly than we had assumed possible and with very little warning.

Recent events in places such as North Korea and Iran have contributed to a revision and updated a speeding up of the administration's approach to missile defense, and I appreciate that acceleration very much. Just a few months ago, in January of this year, Secretary of Defense Cohen announced that the administration would seek $6.6 billion over 5 years to field a limited national missile defense.

Secretary Cohen explained:

> We are affirming that there is a threat and the threat is growing, and that it will pose a danger not only to our troops overseas but also to Americans here at home.
>
> The Taepo Dong I test was another strong indicator that the United States will, in fact,

face a rogue nation missile threat to our homeland against which we will have to defend the American people.

The bill before us today, S. 257, is designed to respond to that very real threat that rogue states and organizations with missile technology pose to our Nation. S. 257 states what I think we all believe, which is that we should take action to protect ourselves against this threat. We would be derelict in our duty if we did not. I view S. 257 as a statement of policy, a statement of policy that it is the intention of the United States of America, the administration, executive branch, Members of Congress, shoulder to shoulder together, to develop a defense to this threat which could be a cataclysmic threat that we all seem to agree we are now facing.

So I must admit that I am disappointed by the disagreement that still exists over this measure. The statement of policy that came from the Clinton administration in January of this year seems to me to be reflected in and consistent with the simple statement embodied in S. 257. And yet, there is opposition. I hope that the debate and discussion that we are having today and the days ahead will lead us to find a way to express what I believe we all feel: The threat is real and we have to do something about it as quickly as possible.

As I understand the concerns of the administration and my colleagues in the Senate who oppose S. 257, they are as follows: They argue that this bill considers only technological feasibility in making a commitment now to deploy a national missile defense without taking into account the actual threat, the operation, the effectiveness of the system against a threat, the affordability of the system, including the balance of other critical defense needs, and the impact of the policy stated in this bill on nuclear weapons reductions and arms control efforts particularly with Russia.

I know that some are also concerned that S. 257 contradicts the administration's policy of not deciding on deployment until June of 2000 after a series of tests. Some also fear that this bill will make it less likely that the Russians would continue arms control negotiations. Some still feel that since the administration has budgeted $6.6 billion for national missile defense development and deployment, S. 257 is not necessary and will not advance the deployment deadline, as the effort is technology constrained, not policy or resource constrained. And there are others who say that this response does not help defend against the most likely methods of delivery such as maritime vessels.

Of course, the most likely methods of delivery, if they are in fact the most likely methods of delivery such as maritime vessels, if I may start with the last argument, should only lead us to want to accelerate the development of a limited defense because delivery from the water, from the oceans may speed up the date by which the United States will be vulnerable to this attack.

Let me try to respond to some of the arguments that have been made. First, while it is true that S. 257 does state that the United States should deploy a limited national missile defense when technologically feasible, that is a broad statement of policy which does not preclude consideration of other important factors. It simply says—and I hope when I join with Senator COCHRAN, Senator INOUYE and others, that it would be a broad enough statement of policy—that it would lead a broad bipartisan majority to feel comfortable coming to its support.

The fact is that we will consider questions of affordability and other questions each year, as we in Congress carry out our responsibility to authorize and appropriate with regard to a limited national missile defense and other defense programs, to decide how to proceed and how much money to devote to the program. To me, that is implicit in the bill, because it is inherent in the legislative process. A policy statement saying that it is our intent to deploy a national missile defense when technologically feasible doesn't mean it will happen automatically or overnight, it doesn't mean that Congress will be precluded from participation in the program and that the Ballistic Missile Defense Office will essentially be given a blank check. Quite the contrary. Each year we will authorize—which this bill does not do; it is a policy statement—and we will appropriate, which this bill most certainly does not do.

Though I think that is clear from the wording in S. 257, I am very pleased to be a cosponsor of the amendment which has been laid down by the Senator from Mississippi which makes clear that this policy that we would declare in S. 257 is subject to the annual authorization and appropriations process.

As to the question of the administration's policy or plan to make a judgment about deployment in June of 2000 based on some tests that will be done by then—four tests, I believe, that would be done by then—to me the bill before us neither negates nor endorses that policy. In fact, under the bill before us, it is possible that the decision to deploy would not be made until well after June of 2000, because the threshold of technological feasibility, technological possibility, would not have been reached. But the fact that we are not ready now to deploy a system surely cannot mean that we should not now declare our policy to deploy such a system, to get ready to defend our territory and our people as soon as possible. In fact, we should declare that policy unequivocally, and I think this bill, S. 257, gives us the opportunity to do that.

Let me now talk of the concerns about the impact that passage of this bill will have on our relations with Russia and particularly on arms control negotiations that are going on with Russia. I have long supported those negotiations, they are so clearly and palpably in our national security interests. They have run into obstacles along the way—START agreements ran into political difficulties in the Russian Duma. But of course we are part of a process in which we are trying to move those forward in our national security interests.

But I must say, I fail to see how passage of this measure, in which we in the U.S. Senate would be declaring our intention to develop a limited national missile defense, should be stopped by our concern about what I believe is a misunderstanding or misapprehension, if in fact it exists, in Russia, about our intentions here. In all the debate and discussion I have heard about the development of a national missile defense, a limited national missile defense, I have not heard anybody—certainly I have not, Senator COCHRAN has not, Senator INOUYE has not—suggest that the country we are developing this defense against is Russia.

The countries we are developing this defense against are rogue nations, subnational groups that may attempt to inflict harm, intimidate us, leverage us to extract compromises on our national security from our leadership—not Russia. In fact, I believe the administration has spoken these words to the Russians.

We have common enemies here in these rogue states. This system is not being developed against the nations of the former Soviet Union or Russia. This is not star wars. Star wars was aimed at—speaking simplistically, if I may—putting a security umbrella over the United States to protect us from a massive ICBM attack from the Soviet Union. This is a highly limited system aimed at trying to preserve a measure of security for our people against limited missile attack from rogue nations.

So I am puzzled and troubled about why we should not simply state our policy to develop a defense of our homeland against rogue nations because there may be some in Russia who misunderstand our intention. We understand that doing so will compromise the ABM Treaty, negotiated in a very different context for very different reasons more than a quarter of a century ago at the height of the cold war. That is why top level officials of our administration have already begun to speak with the Russians about our intention. It is clearly evident from the policy that Secretary Cohen articulated in January, clearly evident from the additional billions of dollars that President

Clinton has put into the defense budget in the coming years to accelerate our development of a national missile defense. But I, for one, would feel irresponsible—put it another way. I would feel we had not worked hard enough to reassure the Russians that this national missile defense that we state in this measure that we intend to build is not aimed at them. It is aimed at common enemies that they and we have.

The fact is, in some measure the content of S. 257 is an honest expression to the leadership in Russia, with whom we are working on so many different matters, that this has now become a matter of American national policy—self defense. And, as much as we value good relations with Russia, as much as we adhere to our treaty obligations, we are saying to them here that we have made a judgment in our own national self-interest and self-defense that we must develop a limited national missile defense and therefore we must begin, as we have, to renegotiate the ABM Treaty. But to not go ahead with this policy statement for fear of the way it will be misread in Russia seems to me to be an underestimation of both our relationship and of our ability to speak truth to the Russians and of their ability to understand it.

So, mindful as I am, respectful as I am of the importance of ongoing arms control negotiations with the Russians, I think we do not serve our national interests if we yield to that misapprehension when we know that this system is not being developed to defend against hostile action by them.

Mr. President, we need the national missile defense. We face a real and growing threat that cannot be countered by our conventional forces and which will not be deterred by the threat of retaliation. Remember, Russia, on whom we are focused in our judgment on this measure—and some are focused to the extent that they will oppose it because of concerns in Russia—we and the Russian-dominated Soviet Union reached this meeting of minds during a cold war that we were each rational enough to be deterred by the threat of massive retaliation. Deterrence, after all, requires rationality. By definition, accidental, unauthorized, or rogue acts are not the acts of rational leaders and cannot be reliably deterred.

Thus, we have a choice: Either we will endure the possibility of limited missile attack on our country with weapons of mass destruction, or we will commit ourselves, with all that we have in us, and will state so honestly in this measure, that we are going to do everything we can to defend against such an attack.

I don't agree that this measure is not needed. It is needed. It is a clarion statement of policy about a critical national security vulnerability at an important transitional period in our national history. The fact is, its very existence has already acted as a catalyst in moving this debate forward, the debate about the threat. After all, congressional concern about this led to the Rumsfeld Commission, which led to the report, which predicted the North Korean-Iranian action, which now has led to a coming closer together between congressional opinion and administration policy.

Mr. President, both sides in this debate are, after all is said and done, separated by very little. A critical national security decision such as this should not be partisan. The amendment that Senator COCHRAN and I and others, I believe Senators WARNER and INOUYE, put down, which makes clear what was implicit before, that S. 257 will naturally be subjected to the annual authorization and appropriations process, makes clear that Congress each year will consider the affordability, the extent of the threat, the impact funding of this system has on other defense needs, and even the impact of the level of funding on our relations with Russia and other arms control negotiations.

I think that defending against limited missile attacks is something that all of us, both parties, 100 strong, clearly want to do. I take it that the disagreement is how to do it and what we should express, if anything, in a statement of policy. This is such an important matter and at such a critical moment that I hope in this debate we will listen to each other, that we will reason together, and that we will ultimately come up with a proposal here that a broad bipartisan majority can support.

I thank the Chair, and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Mississippi.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Madam President, I ask unanimous consent that the privilege of the floor be extended to John Rood and Gordon Behr, who are legislative fellows from the staff of Senator JOHN KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the pending legislation. I am listed as a cosponsor, and I believe that it is an important statement of U.S. policy which we ought to adopt. This is one of the most direct bills that I have seen in my tenure in the Senate, providing:

> It is the policy of the United States to deploy, as soon as is technologically possible, an effective national missile defense system, capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized or deliberate.

The most basic purpose of government is to protect its citizenry. The most basic purpose of the Government of the United States of America is to protect the people of the United States from foreign and domestic dangers. We have focused a great deal of attention on the threat of weapons of mass destruction, and the top of the list involves the issue of ballistic missile attack.

Beyond ballistic missile attack, we know that there are many other concerns of biological warfare and chemical warfare. Right now a commission is working to try to streamline the Federal Government to try to make some organizational sense, organizational improvements out of the 96 separate agencies which now deal with weapons of mass destruction.

During my tenure as chairman of the Senate Intelligence Committee, working collaboratively at that time with CIA Director John Deutch, a provision was inserted in the Intelligence Authorization bill in 1996 to provide a commission to take a look at the 96 separate agencies dealing with weapons of mass destruction. We find that the Department of Health and Human Services is involved in this venture, as is the Department of Defense, as is the Department of Justice. Tomorrow we are holding a hearing on some aspects of the domestic problem.

Internationally, the strategic defense initiative has been a hotly contested subject for debate for more than a decade, going into the early administration of President Reagan when he articulated the idea of a strategic defense initiative, popularly known as Star Wars. At that time many people debunked the idea that there could be a shield to protect the United States from a ballistic missile attack, and we have relied upon the theory of mutual assured destruction—accurately labeled, in shorthand, MAD, for mutual assured destruction—with our basic defense posture being that the Soviet Union, our principal adversary, would not fire ballistic missiles at the United States because of fear of retaliation, so that the balance of power was maintained.

More than a decade ago, we had some very lively debates on the Senate floor as to whether the Anti-Ballistic Missile Treaty should have a narrow or a broad interpretation, going back to the origin of the treaty, the history. The debate then was whether we might be able to deploy some sort of strategic defense initiative under a broad interpretation of the Anti-Ballistic Missile Treaty. That treaty, entered into in 1972, has been a subject of very extended debate on the floor of the U.S. Senate and beyond. It may well be that with the enactment of this policy, there will have to be some negotiations with Russia, with other parties to the ABM Treaty. It was entered into by the Soviet Union, which no longer exists. There have been many modifications of the policy with the former Soviet Union, with Russia, where the United States, under the Nunn-LUGAR program, has appropriated very substantial sums of money to acquire and destroy Russian missiles, missiles formerly housed by the U.S.S.R. I do believe that with the changing relationship between the United States and the former Soviet Union, and with the expansion of NATO, a move that many thought Russia would never tolerate but now has become acclimated to, there are signs of a maturation process, a changing relationship between the United States and Russia.

I do believe that it is important to have talks with Russia about the Anti-Ballistic Missile Treaty, but I do think that the treaty is subject to modification. There are provisions for revocation of the treaty on notice by the United States, but we now face a very different kind of a threat. We now face a threat, perhaps, from North Korea, perhaps soon from rogue nations like Iran or Iraq. It is none too soon to look toward the deployment of a national missile defense system which is intended to deal with the threat posed by the rogue nations.

The technology is very hard to calculate as to what can be achieved.

When President Reagan articulated the principle, or the idea of a strategic defense initiative, people said it was impossible. I recall reading a commentary more than a decade ago about Vannevar Bush's comment back in the mid-forties, about 1945, when Vannevar Bush said it would be an impossibility to have intercontinental ballistic missiles. Now look at what has happened; we have them by the thousands.

In 1965, then Secretary of Defense McNamara said that the United States was so far ahead of the Soviet Union that they could never catch up. They did. For a time, they passed the United States, until we rearmed America, leading, in effect, to the bankruptcy of the Soviet Union and the disintegration of the Soviet Union in 1991.

There is a story many people believe to be apocryphal, but it is a true story, about a man who worked for the Patent Office shortly after the turn of the 19th century who resigned his post because everything that could be discovered or invented had been discovered or invented. We see how modern science has produced discoveries, inventions unthought of, uncontemplated. So, too, we may be able to find an effective system to protect the United States from missiles from rogue countries.

I believe this is an important bill. We could not bring it to the floor in the 105th Congress because we were one vote short of cloture. There are some 54 cosponsors on this bill, and I believe it articulates a very important principle, to defend America, to defend Americans and to find a national missile defense system which would protect our country against rogue nations, against accidental, unauthorized, or deliberate attacks.

We will have other considerations to deal with regarding Russia, other considerations to deal with in relation to China where recent events have shown advances in China's missile technology, in part, according to reliable reports, as a result of China having gained access to United States technology through espionage. But this principle—of having a national missile defense policy—is something which ought to be adopted.

I thank the Chair and yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

PRIVILEGE OF THE FLOOR

Mr. REED. Madam President, first, as a procedural matter, I ask unanimous consent that Anthony Blaylock, a defense fellow working in Senator DORGAN's office, be granted the privilege of the floor during debate on S. 257.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we are here today debating an issue of fundamental importance to the United States and to the world community, and that is whether or not we will adopt a resolution of this Senate to proceed with a national missile defense as soon as it is technologically possible.

As many of my colleagues have indicated, I believe there is strong recognition of the need for the careful deployment of a national missile defense because we are at a historical crossroads.

First, there have been technological advances by rogue states which, for the first time, allow them in the near future to be able to launch intercontinental ballistic missiles that would strike the territory of the United States. That, in and of itself, has focused our attention, our resolve, and our commitment to begin accelerated development and, one would hope, the eventual deployment of a national missile defense.

But the issue before us today is whether this legislation, S. 257, will materially aid that effort without unduly complicating our ability, first, to defend the United States and, second, to maintain the regime of deterrence that has lasted throughout the cold war and has avoided to date, and we hope indefinitely, the use of nuclear weapons in the world.

I mentioned that we are at a historical crossroads, the first element of which is the fact that rogue nations can, in fact, begin to launch in the near future intercontinental ballistic missiles. But the second aspect of this historical crossroads is the fact that we have been maintaining over decades a strategic balance which always contemplated limits on offensive capability and which has led to treaties between ourselves and the former Soviet Union, and now Russia, with respect to limitations on offensive weapons. Complementing that has been, since 1972, the limitation on antiballistic missile systems.

Sometimes I think we take this balance for granted. We assume that is the way it always will be because it exists today. But we are seeing pressure on this balance. First and most obviously, because of the collapse of the Soviet Union and the constrained position of Russia, we are seeing some operational wearing around the edges in terms of their ability to maintain the same type of controls that they had at the height of the cold war.

We are also seeing a situation where operationally they might, regretfully, be a little bit quicker on the draw, since they do not have the same type of panoply of long-term observation or radars that they had or those that they have are beginning to deteriorate.

The point I want to make with respect to strategic balance is that this is not something automatically that comes into play, it is something that has to be sustained and maintained, and when we look at legislation like the bill before us, we have to seriously ask the question, Will this aid the maintenance of this strategic balance, or will it give incentives to act unilaterally? That is a serious question which I think we have to address.

There is a second factor with respect to the historical crossroads, and that is, for the first time in recent memory, Russia, as the legatee of the Soviet Union, is not able to match dollar for dollar, ruble for dollar, if you will, developments that we, in fact, might put in place. Unlike the cold war, where they could accelerate their offensive missile capability by putting out more launches if we did something, they cannot do that too easily. Nor could they easily copy an extensive national missile defense if we put it in place. Again, this is another strategic aspect that has to be considered when we consider this legislation.

All of these issues together suggest a few things. First, we have to seriously address the issue of the rogue state with intercontinental ballistic missiles, but, just as seriously, we have to be concerned about doing something that might destabilize the overall arms control regime in the world. What we want to avoid is the temptation for states with nuclear weapons and a capacity for intercontinental-range launches to start taking unilateral actions which may imperil us just as much as the development of missiles by a rogue state.

Having said that, I think we can look at the situations which we potentially are trying to cover with this national missile defense and pose two questions which I think are at the heart of our debate.

First of all, we are really focused at this juncture, with respect to this legislation, on what is called the simple case, as the Ballistic Missile Defense Office will describe it, the C–1 situation: A few simple ICBMs, no sophisticated countermeasures. In that context, we are proposing to create a system to deter that threat and also, in some respects, to undermine or simply, hopefully, to modify, through mutual assent, the arms control regime in the ABM Treaty. That is just one situation.

The second situation is what they call C–2. That is not just some simple ICBMs but a few advanced ICBMs—those having, for example, multiple independent reentry vehicles and some more sophisticated countermeasures.

Finally, the category of many sophisticated reentry vehicles, many with independently targeted warheads, and also with sophisticated countermeasures.

For this latter category we have to ask ourselves, is that technologically possible, national missile defense scoped and designed for the first simple threat going to meet what might evolve into the more complicated threat? That is a technological question. I think that is a question that gives us some pause in the sense of rushing into this, this declaration that we are going to do it now and we are going to do it with respect to the rogue nation threat.

Again, I think we have to ask two basic questions: First, will this first technologically possible solution be the best solution, not just to our short-run dilemma with respect to potential missile development in North Korea or Iran but over time as these systems may well evolve from a simple missile threat to a very sophisticated missile threat? Then second, we have to ask ourselves, will we build a system designed to counter this simple threat, the rogue threat, and cause, unwittingly, the precipitation of a much more sophisticated threat—to cause, unwittingly, powers like Russia, that have the capacity to put MIRVs on top of their launchers, to have, through strained resources and through frayed nerves, perhaps the potential to shoot a little quicker than they did in the cold war? That, I think, would be a tremendous misstep in maintaining our strategic balance.

For all these reasons, I suggest that we must move with caution—with deliberation but with caution. I think we have to move not with some single-factor analysis, simply "technologically possible," but with a multifaceted analysis which I hope would undergird all our decisions with respect to momentous decisions and costly decisions. We have to consider cost. We have to consider the evolution of the threat. We have to consider our diplomatic relationships and the fact that we have maintained this nuclear balance through mutual decisions.

First we maintained it through the policy of mutual assured destruction. We built enough offensive weapons so that no enemy thought they could conduct a successful first strike. And then we moved down a much more promising road by talking about limiting offensive weapons and limiting defensive weapons through diplomacy.

The rejection of this mutuality would be a casualty which I do not think any of us would like to see. So I think we have to be very, very careful. And if we need an anecdote to suggest the care which we must devote to this exercise, I think it could be seen from a story I recently read in the Washington Post about an incident that took place on September 26, 1983, where a Russian lieutenant colonel was sitting in his bunker and suddenly all the lights went on that said "start." And what the "start" meant was to start a nuclear retaliation round.

But because of that officer's judgment, in the environment of that time of 1983, an environment in which the thought was that a nuclear attack by the United States would not be possible —the fact that there was no effective ABM system providing national defense—the fact that the operative motivation was not ordering a counterstrike but waiting for further information, that could be changed by what we do in the next several months, particularly, I think, if we do not make a good-faith effort to modify, through negotiation and through mutuality, the ABM Treaty.

We could have a situation in which, through an error of software, an error of misperception, instead of waiting the extra second, a lieutenant colonel in the Russian rocket forces could decide that this very well could be an active launch by the United States and that his only recourse is to launch a retaliatory strike.

So we have to be careful. I believe that such care would lead us, I hope, to consider legislation that does not just talk about technological possibility but talks about a range of things, including, we hope, a mutual adjustment of the ABM Treaty.

Missile defense is a situation, a topic, that has followed us since 1940, when we first became aware that Germany was developing intercontinental ballistic missiles. It has followed us through my entire life, and it will go on, we hope, without a dramatic conclusion, for as long as we can foresee. We have been able to manage these issues, and each administration has taken them seriously, and the Clinton administration is no stranger to the seriousness of this endeavor.

We have also seen changes in terms of programs, in terms of budget. Just a few years ago, in the Persian Gulf we discovered that there was a real threat to our theater forces, our forces in the field, and we began actively upgrading our theater missile defense, a program which we also bought and which we consider to be vital to the operational effectiveness of our forces around the world.

In 1996, the administration announced that they were moving forward with respect to national missile defense with their 3+3 approach. That would be 3 years devoted to research and development, a deployment decision due in June of 2000, and then, if required, the deployment would take place within the next 3 years. All of this, of course, supposed and presumed that there would be active discussion with Russia and others with respect to the ABM Treaty.

We have devoted not only conceptual energy to this project, we have also devoted dollars. We have increased the administration's proposal for efforts through fiscal year 2005 to the order of $10.5 billion. This is not a project that is languishing without financial support and financial resources.

In short, in sum, both the Congress and the administration agree on the importance of missile defense, of providing the resources to do that, and are hoping that we can in fact develop a technologically feasible, cost-effective system that will be appropriate to our needs and also, hopefully, will be agreed upon by the world community as a necessary part of our defense.

I have mentioned before what I think some of the limitations are of the approach that we are debating today with respect to S. 257. Principally, it is the sole reliance upon one criterion, and that is, "technologically possible."

There are other parameters that we have to look at.

The threat: Again, today we are looking at a very limited threat, that C–1 threat, a rogue nation with a simple IBM, without any countermeasures. But that threat quickly will mature to something else. It does not take too much to incorporate countermeasures on our reentry vehicle. And once we do that, we might be into a configuration of national defense which does not fit that neat picture of what is technologically possible right now.

Of course, we have to look at cost. And it is not just an issue of cost in and of itself, it is the classic issue of opportunity cost. To develop this system immediately might preclude us from taking other steps which are just as important with respect to our defense, with respect to our missile defense, with respect to other aspects of our defense policy.

And then we certainly, I think, have to look at the effect on arms control agreements.

Consideration of these factors I think would mitigate against unconstrained, unconditional support for S. 257 and would suggest that we would amend this measure and adopt a more comprehensive and a more realistic approach to the decision matrix we face when it comes to national missile defense.

Just briefly, there is a threat out there; no one is denying that. The administration is not denying it. No one in this body is denying it.

We have seen just recently, in May of 1998, India and Pakistan conduct nuclear tests.

We have also been the beneficiaries of the Rumsfeld Commission report that anticipates the ability of a rogue nation to have an intercontinental capability by the year 2010.

Then, on July 22, 1998, Iran test fired an intermediate-range ballistic missile capable of hitting most of the Middle East.

Then, finally, perhaps most chillingly, on August 31, 1998, North Korea launched a Taepo Dong 1 missile that was far more advanced than we thought capable at that time. These threats are serious. They are not taken lightly.

It is because of these threats that we are moving and committing dollars for the development of a national missile defense system. As General Shelton, our Chairman of the Joint Chiefs of Staff, pointed out in "Seapower" magazine:

> There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports.

Essentially, it raises the issue that if we, in a break-neck race to just deploy our first technologically possible system, all of these resources—are we missing out on providing effective deterrence and defense for these other approaches? I think we raise that issue with respect to S. 257.

Now, the other aspect of this is we don't want to buy a system with billions of dollars that will work for a couple of years and then be obsolete. We don't want to go through the trouble of renegotiating a treaty—or perhaps the worst case, of walking away from a treaty for a system that is just not going to work.

William Perry, our former Secretary of Defense, put it well when he said:

> Think of this problem in terms of buying a personal computer for college. If you had ordered your computer as a high-school sophomore it would have been obsolete by the time you started college. It would lack the capabilities you now need and would be impossible, or prohibitively expensive, to update.

In many respects, that is the same type of intellectual dilemma we face today. Putting a system in the field because it is technologically possible might not be the best approach. That is the only criterion in S. 257.

We know this is also a very difficult technical problem, essentially because we are using "kill" vehicles that are target upon target, using kinetic energy—i.e. impact. It is like a bullet hitting a bullet. That is a tough problem. In fact, we have had very few successes in the experiments we have tried to run to date. So few, in fact, a Pentagon review panel has called the program to date a "rush to failure." We don't want to rush to failure. We want "progress to deployment" of a system that works for us, defends the country and maintains our strength—not just in the small case of a rogue nation but in the larger case of international nuclear stability.

Now, S. 257 will require us to deploy this system as long as it is technologically possible. Again, one could ask, what does that mean? Is that the first step that succeeds? Is it a series of two or three tests to succeed in any case? That type of analysis alone is not, I think, the optimal way to approach this issue.

As I mentioned before, we have to consider costs. Between 1984 and 1994, the Congressional Research Service estimated that the Pentagon spent $70.7 billion on ballistic missile defense activities, yet no system was deployed. I hope valuable information was gained and research could be applied to the ongoing projects, but $70 billion was spent in a decade without the breakthrough deployment, the breakthrough technology of a system. Again, we have to consider costs.

Just the simple preparation of one site for a national missile defense would range between $6 and $13 billion. These costs would be justified in many respects by the threat if we are confident or more confident that the system we are putting in place would be something that could evolve to the greater threats in the future and is something that really does provide comprehensive protections to the United States—not just today but in the future. This legislation does not call for such a comprehensive measure in which to determine whether to deploy or not to deploy.

As mentioned before, every dollar we spend on national missile defense is important, but there are some other measures of defense which are equally important and which may find themselves shortchanged if we have this rush for deployment as soon as we are technologically possible. Again, we have to consider, I think, this issue in broader terms beyond just technological possibility.

Then we have to consider, as I have mentioned, the effect of arms control agreements. Since 1940, we have been wrestling with this issue of how to defend the United States against intercontinental ballistic missiles. We tried to develop defense mechanisms. We have had systems in place. We were developing in the 1970s and the late 1960s a central system. The central system turned into Safeguard and Safeguard was moving forward, but at the height of the cold war at a time when the tensions between ourselves and the Soviet Union were extremely pronounced, President Nixon negotiated and ultimately agreed to an antiballistic missile treaty. In fact, this treaty limited what was technically possible. The Safeguard system was going in place to protect our ICBM fields. It was technically possible, it was thought then that we would be more secure if we limited the deployment of ballistic missile systems—mutually limited—amongst ourselves and the Soviet Union. That decision was made. That decision has stood the test of time to date.

The ABM Treaty has been questioned over time, but it has provided us a situation where we have a more stable balance between ourselves, certainly, and at one time the Soviet Union, and now Russia.

I think, however, recognizing the rise of these rogue states with their missile capability, it is appropriate to look at ABM. It is appropriate to go back and attempt to modify the treaty—modify it not just in terms of the simple case, the C-1 case, but look at it in terms of modifications that will carry us through the medium and the long run for systems that very well may not be technically possible today or in 2 years but would be extremely important, indeed perhaps necessary, in 5 to 10 years. We could do this if we negotiate with the Russians.

We have to ask ourselves what kind of message S. 257 would send, basically saying we are going to deploy this as soon as we think it works, without any mention of negotiation of ABM. I don't think it sends the right message. It sends the message at a time when the Soviet missile force has been transferred to the Russians. We know it is fraying on the edges in terms of command control, in terms of its replacement, in terms of its technological sophistication.

Again, do we really want to change what was the operative rule in the cold war—that a missile strike by the United States, a first strike; or by Russia or the Soviet Union—would be unlikely if not impossible? That is the type of mindset which gave a lieutenant colonel in the Russian rocket forces the gut feeling to disregard all the warnings on his computer and on the screen to say, "This can't be right; it would be reckless and foolish for the United States to launch five or so missiles against us." We certainly don't want a situation where some lieutenant colonel says, "They have an ABM system which they put in unilaterally without our consent, over our opposition. You know what? Maybe these five missiles are more than a mistake on my computer."

We have to very serious about this. I know we are all serious, but I suggest, and I think Senator LEVIN would suggest later, that this legislation could benefit mightily from the amendments that at least acknowledge the importance of negotiation, the importance of cost estimates, the importance of evaluation or threat before we go forward.

The other aspect of this legislation is that it will not speed up the deployment of a national missile defense. The administration is committed to developing, doing the research, making a decision based on all of these factors I mentioned and deploying a missile defense, at the same time negotiating with the Russians with respect to the ABM Treaty. As the President indicated, if those negotiations are fruitless, if we are ready to deploy, if the threat is there with respect to rogue states, he is quite prepared at that point to make a decision to deploy.

That is a far cry from standing here today saying, "Disregard negotiations, disregard the evolution of the threat, disregard the cost. As soon as we have one successful test we are going to put it in the field." I don't think that is the wisest course. I think we can do better. Indeed, I believe that everyone—the sponsors of the legislation, those who disagree with the legislation—want to do the best for this country and want to ensure that we are protected, want to ensure that in the long run we have comprehensive national security; that we don't have a situation where we might provide for the inherent missile strike from a rogue nation, yet we have undermined the balance between ourselves and another major nuclear power—Russia or, indeed, China.

I think we can do this, but I think we have to begin with the conception that it is just not one parameter, one criteria, and that it is done in a careful way on a multiplicity of issues like cost, technological possibility, threat, and also maintaining a strong regime of arms control, which has benefited us mightily over the course of many decades.

So I hope very much that we will be able to amend this legislation to reflect those different aspects and, having amended it, to agree unanimously to send it forward to the President for his signature. I hope we can do that in the days ahead. We will see.

At this time, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I rise in support of S. 257, the National Missile Defense Act of 1999. This straight-forward bill states that due to the increasing ballistic missile threat we face, "It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)." This bill is essentially identical to last year's measure which was filibustered by the minority and failed to gain cloture by a single vote. I would ask those who opposed the bill last year to consider the events over the intervening period which reinforce the arguments in favor of national missile defense:

First, North Korea launched a three-stage missile last August that overflew Japan in an attempt to orbit a satellite. This missile, the Taepo Dong 1, has sufficient range to reach Alaska and Hawaii as demonstrated by the fact that its debris landed 4000 miles out in the Pacific. The range and the presence of a third stage was a surprise to the Intelligence Community, according to unclassified statements by Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs. Furthermore, successor missile, the Taepo Dong 2 is expected to be able to reach all of the American mainland and may be ready for testing this year. As the Chairman of the CIA's National Intelligence Council noted last October, "An ICBM threat from North Korea is looming."

Second, Iran tested a medium range missile last July that is capable of reaching Israel and U.S. forces throughout the Middle East. This missile, the Shahab-3, may already be in production and Iran, with Russian assistance, is developing a longer-range missile capable of reaching Central Europe. Russian missile assistance to Iran has continued despite intensive U.S. efforts to halt this deadly trade. As CIA Director Tenet noted in testimony last month to the Armed Services Committee, "Especially during the last six months, expertise and materiel from Russia has continued to assist the Iranian missile effort in areas ranging from training, to testing, to components." General Zinni, our CENTCOM commander has stated that Iran may have nuclear weapons within five years. Iran has been typically bloody-minded in its propaganda. During a military parade in Tehran last year, slogans were written on sides of missiles that read "Israel should be wiped off the map" and "the USA can do nothing". Moreover, last year's hopeful signs that Iranian moderates were gaining ascendancy now look much less clear.

Third, Iraq has achieved its long-sought goal of escaping from UNSCOM inspections. Chief UN arms inspector Butler has stated that Iraq has resumed its weapons programs. There is now no inspection regime in place, the UN embargo is under mounting attack including by erstwhile allies, potential suppliers are eager to be of assistance, and Iraq retains a significant missile production and support infrastructure upon which to build. UN inspectors had uncovered drawings of multi-stage missiles and they are within a decade of an intercontinental missile capability.

Fourth, China continues measured but steady improvement in its existing force of ICBMs which are already capable of hitting American cities. China's ICBMs have benefitted from both the outright theft and the unwisely permitted transfers of American space launch vehicle technology. Recently there have been disturbing published reports that China stole the design of the nuclear warhead of our Trident missile. This sophisticated multiple independently-targeted reentry vehicle or MIRV design has the capability to be a real force multiplier. Moreover, the technology that China obtains from the United States may not remain there. According to a Washington Times report on February 23, China has assisted North Korea's missile and space technology. China has also developed a habit of using ballistic missiles to intimidate its neighbors. On the eve of Taiwan's first democratic elections in 1996, China launched M-9 missiles to areas within 30 miles of Taiwan's two primary ports. A report just released by the Defense Department states that China is engaged in an intense buildup of ballistic and cruise missiles opposite Taiwan. Easy assumptions that the U.S. can enjoy a constructive relationship with China may be rooted in hope rather than reality. Beijing's recent crackdown on the fledgling Democracy Party serves as a reminder that China remains an authoritarian and potentially hostile regime with a highly uncertain future.

Finally, the condition of Russia is cause for serious concern. Russia retains over 6000 strategic nuclear warheads and is still conducting limited modernization even as their strategic forces experience overall decay. While a return to cold war confrontation is unlikely today, the prospects for Russia's successful transition to democracy remain unclear. Their economic meltdown last summer further aggravated problems of nuclear weapons security, and command and control. The competence and morale and, hence, the safety of their nuclear forces are increasingly in question.

The timeliness of the warnings of the bipartisan Rumsfeld Commission Report last summer have been more than borne out by these events. The North Korean and Iranian missile tests followed within weeks of that report. You will recall that the Rumsfeld Commission offered three major conclusions. (1) The missile threat to the United States is real and growing. (2) The threat is greater than previously assessed and a rogue nation could acquire the capability to threaten the U.S. with an ICBM within as little as five years. And (3) we may have little or no warning of the emergence of new threats. How prescient these conclusions were. How quickly they were borne out by subsequent events.

Madam President, the administration is to be commended for its recognition that a missile threat to the United States exists. On January 20, Secretary of Defense Cohen stated that "the United States will, in fact, face a rogue nation threat to our homeland against which we will have to defend the American people" and that "technological readiness will be the sole remaining criteria" in deciding when to deploy a national missile defense system. But subsequent statements by administration spokesman have hedged on this forthright statement and suggested that other considerations may affect our deployment decision. For example, Secretary of State Albright has suggested that any deployment was conditional on the actual emergence of a threat and on the successful renegotiation of the Anti-Ballistic Missile Treaty.

I've just outlined the threat and, in particular, the recent events which demonstrate that it is closer than many believed. There may well be rogue nations with the capability to reach American shores with weapons of mass destruction before we can deploy even a limited missile shield under the administration's most optimistic scenarios of successful tests and timely decisions. And even after Secretary Cohen's announcement, there has been slippage in a key program, namely the Space-Based Infrared System (SBIRS) satellites for missile detection and tracking. I joined several others Senators in expressing my concern at this unfortunate decision by the Air Force to delay development of this vial component of any missile defense architecture. If left unchanged, this decision will delay the deployment of any NMD system until 2006 when the first SBIRS-low satellites are launched. The bottom line is that the threat is developing more rapidly than our response to it. We cannot afford additional delays while our potential adversaries develop and deploy increasingly capable missiles.

Second, Secretary Albright and other administration officials have spoken of the need to revise the ABM Treaty to accommodate deployment of a national missile defense. Mr. President, the ABM Treaty is an anachronism. It is the last relic of the cold war. Whatever its merit then, it has none now. In fact, some legal scholars believe the ABM Treaty is no longer binding on the United States since one of the original parties to the Treaty has ceased to exist. Renegotiation of the ABM Treaty is likely to prove a long and fruitless undertaking. Russia will no doubt hold out the prospect of START II ratification as they have done for six years now. The United States has purchased START II ratification several times over and we should not do so again. The economic situation in Russia today renders it unlikely that a START II level, let alone a START I level, of weapons is sustainable. To hold hostage the defense of the United States for the constantly receding mirage of START II would be strategic folly. Russia is not the target of American national missile defense except in so far as we seek the capability to defend against accidental or unauthorized launch. We can and should continue cooperative efforts with Russia, but they should not exercise a veto over our decision to defend ourselves against an Iran or a North Korea.

Some of my colleagues on the other side of the aisle have advanced arms control arguments in opposition to missile defense. I suggest that American deployment of national missile defense will actually be a profoundly stabilizing step. If we have the prospect of defending our country from attack by weapons of mass destruction, we are less likely to have to resort to nuclear retaliation. Further, our deployment of a national missile defense will reduce the incentive for nuclear and missile proliferation by our prospective adversaries. It will reduce the ability of a North Korea to successfully blackmail us and our allies with its nuclear and missile programs.

The bill before the Senate does not, however, address the ABM Treaty. The bill does not say what kind of architecture the missile defense system should have. It does not say where such a system should be located, or more generally, whether it should be based on land, at sea, or in space. It does not specify a date by which such a system should be deployed. It simply states a national goal, a goal on which bipartisan agreement should be possible. I am surprised and disappointed that the administration has chosen to oppose this bill, the purpose of which seems identical to the policy announced by the Secretary of Defense in January. I would have hoped that we could agree on the goal and turn our attention to the means to achieve it.

There is an important debate that has only just begun as to the best means of providing a national missile defense. For example, one option that I don't think has received enough attention is a sea-based missile defense. While the best defense is obviously an integrated land, sea, and space combination, I think it is becoming more and more clear that sea-based systems offer our best near term solution to both theater and national missile defense needs. This is because of their operational flexibility, cost-effectiveness, ability to deploy rapidly where needed, and the potential for ascent-phase intercepts. As you will recall, the ABM Treaty precludes sea-and space-based defenses. Unfortunately, the Clinton administration is attempting to remain within the sacred scripture of the ABM Treaty by proposing one or two fixed land-based sites and hasn't vigorously pursued research and funding of more promising technologies.

We need a better alternative. For my money, that alternative is to develop a robust theater navy system which can provide a limited defense against some strategic missiles possibly at an earlier date than the administration's proposals would allow. Such a system can be a bridge to a complete national defense later. For many years now, the Navy has been heavily involved in missile defense and has invested over $50 billion in the Aegis fleet which now comprises more than 60 ships with more than 5,000 missile launchers. The Navy is currently working on two missile defense programs to be based on Aegis ships—the area or "Lower Tier" system that will provide protection for point targets against short-range missiles, and the Theater Wide or "Upper Tier" system capable of defending areas as large as several countries against much longer range missiles. The Pentagon's current plans do not call for the Navy Theater Wide system to be deployed before 2010 but this timing is driven by budget constraints rather than technology development. In fact, both the navy and the Ballistic Missile Defense Office have recently concluded that if funding were increased by roughly $300 million per year, the system could be deployed between 2003 and 2005 without a significant increase in risk.

Madam President, it is a more dangerous world out there than it was two or five years ago. Rogue nations have been able to pursue missile and nuclear programs with little effective hindrance from international proliferation regimes. The past twelve months have witnessed the first tests of the North Korean Taepo Dong I and the Iranian Shahab-3, the latter based on North Korea's No Dong design. Russia flirts with chaos and China once again reminds us that they remain a repressive, authoritarian regime, not a "strategic partner" in the administration's ill-chosen phrase. Both continue to assist rogue nations in their weapons of mass destruction. The administration's diplomacy has been inconsistent, distracted, and shortsighted at best. Its military programs are hobbled by outdated arms control strictures. Proliferation outstrips anti-proliferation efforts and rogue state offensive weaponry is advancing more rapidly than the administration's programs to counter them. The time has come for the United States to defend itself from the increasing missile threat that I have just described. The Cochran bill is the first step on this path. I urge my colleagues to support its passage.

Madam President, I would like to respond to my friend from Rhode Island and to speak to the question of whether or not we ought to maintain a window of vulnerability, because that is basically what has been presented here. My friend acknowledged the threat to the United States, but said we ought to go slow; after all, this might cost a lot and technology is hard and the Russians are going to be nervous about it. Therefore, maybe we ought to go slow.

Let me remind my colleagues what this amendment says. It is very simple:

> It is the policy of the United States to deploy, as soon as is technologically possible, an effective missile defense capable of defending the territory of the United States against limited ballistic missile attack.

Madam President, that is pretty straightforward. We are saying that when it is possible, we should deploy such a system. Why? Because we are threatened. Is that threat sometime off in the future? No. The threat is now. There is a window of vulnerability between the time that we are threatened and the time we can deploy a system to protect ourselves against the threat. Why is this important? We know that Russian missiles can reach the United States already. We know Chinese missiles can reach the United States, and we now know that the North Koreans probably have a missile that can at least reach some of the United States, and they are testing further missiles that would have a longer range and eventually have the capability of reaching the continental United States.

Have we ever been threatened by any of these countries? Yes, as a matter of fact, we have. Back when the Chinese were launching missiles across Taiwan before the Taiwanese elections in an obvious effort to intimidate them, the United States decided to send carriers to the Taiwan Strait. One of the Chinese generals is supposed to have said to an American: "You know, we believe in the long run that you care more about Los Angeles than you do about Taiwan"—the implicit threat being, of course, if you get in our way, if we are ever serious about doing something to Taiwan, we can threaten to launch ballistic missiles against Los Angeles.

Is it fair for the people of the United States, for their leaders, knowing this vulnerability exists, to do nothing about it, or to take the "let's go slow" approach that has just been suggested by my colleague? I think not. We would be negligent to the utmost degree if we understood that a threat existed, yet, we failed to protect the American people against a potential attack by a foreign country. That is the first and most important obligation of the U.S. Government—to protect the American people.

We now know that ballistic missiles and weapons of mass destruction carried by them are the weapon of choice—and not just by our old adversary, the Russians, but by rogue nations. That is why we should not allow a piece of paper—the ABM Treaty—to get in the way of defending us. Back in the days my colleague was just referring to, the United States and Russia—whether for good reasons or bad—decided we would remain neutrally vulnerable to an attack by the other; thereby, we would create stability. That may or may not have worked in those days.

I argue that there were other factors at play, but let's assume that was the reason. There were only two countries that could threaten each other; therefore, this was a workable arrangement. But to tie our hands behind our back mutually with the Russians doesn't account for today's reality in which there are other nations that could attack us. So while we politely agree with the Russians to maintain a lack of defense against ballistic missile attack, other countries have developed that capability and can threaten us, impede our foreign policy goals and, God forbid, even use the weapons against us with impunity because we don't have the means to defend ourselves.

Some would argue that we have the nuclear retaliatory capability to respond to such an attack. Well, Madam President, I for one would not like to have to launch a massive nuclear retaliation against North Korea, or anyone else, as the price of being attacked myself. I would rather deter that attack in the first place by having a defense—a limited defense—which would threaten in no way the Russian system because it would easily overwhelm it, but which would provide limited protection against an attack by a rogue nation.

I applaud Senator COCHRAN for his perseverance in continuing to bring this before the body, even though many on the other side of the aisle have not up until now allowed us to have a vote on this, and even though the administration strongly opposes it.

What were the arguments posed against the amendment? First is that we should not rush to this, and I think I have already made the point. There is no doubt about the threat here. The window of vulnerability will be in the neighborhood of a minimum of 5 or 6 years. That is too long. Under the administration's plan, we would deploy, maybe in 2005, a system that could defend us—or probably in 2006. We are talking 6 to 7 years from now. I don't think that trying to deploy this system as soon as technologically possible is rushing in any sense that is bad for the United States. Rather, I see a 6- or 7-year window of vulnerability as the problem. I would like to rush even more. I wish we could create the technology tomorrow and deploy this tomorrow. I don't think waiting 6 or 7 years and being threatened during that interim is rushing too much.

Secondly, my colleague suggested that we have to consider the threat. I don't know of anybody that denies the threat. The Rumsfeld Commission made it crystal clear that the Russians, Chinese, and the North Koreans have the capability, and that other countries will soon have the capability of reaching States of the United States. Now, that is a threat from weapons of mass destruction.

How about the cost? Of course, we have to consider the cost. So how much is this going to cost? Well, about as much as it has cost us to go to Bosnia. The estimates there range from $12 billion to $20 billion. Whatever the cost is, certainly protecting the American people from ballistic missile attack ought to at least be as important as what we have spent in Bosnia, shouldn't it? How about 1 percent of the defense budget? That is what we are talking about. The administration is talking about adding about a billion dollars to a defense budget of $260 billion, or maybe $270 billion. So, Madam President, that is less than 1 percent of the defense budget. It is a fraction of the overall budget of the United States.

If this represents the No. 1 threat to the United States from rogue nations, and if it is 1 percent of the defense budget, is that too much? How much is too much to protect the American people, I ask my colleagues? Can you put a number on it? I can't. Certainly, 1 percent of the defense budget is not too much.

So first of all, there is a threat and there is a window of vulnerability. We are not rushing this, and we are not spending too much money on it. I challenge my colleagues to answer the question: How much is too much to protect the American people? When we don't even want to see one American life lost in a place like Bosnia, and we go to great lengths to protect our service people when we deploy them abroad because we don't want to lose one person, how much is too much to protect the people of Hawaii or Alaska, the States that are currently threatened by a country like North Korea, which is a country that absolutely cannot be predicted in terms of its behavior?

The third issue is diplomacy. We have the ABM Treaty to deal with. I am going to get into a little bit more detail on that in just a moment because we certainly have to think about strategic stability. We don't want to do anything here that would be so disruptive to our relationships with other nations, that somehow we would find ourselves in greater danger than from this particular threat. I suggest to my colleagues that there is no upsetting of the strategic stability of the world if we proceed to defend ourselves, especially from rogue nations.

As a matter of fact, I suggest that the deployment of missile defenses to protect the people of the United States will be profoundly stabilizing. If we have the prospect of defending our country against a ballistic missile attack, we are less likely to have to use massive nuclear retaliation, which is more destabilizing. Furthermore, our deployment of a national missile defense will reduce the incentive for nuclear and missile proliferation by our potential adversaries knowing that they can't succeed against us because we have this defense.

That is one of the key things that brought down the Soviet Union—knowing that we were committed to develop what was then the Strategic Defense Initiative to preclude the Soviet Union from ever succeeding in an attack against us. They basically packed it up. They said: We cannot compete with that; therefore, we are going to quit.

It seems to me that a strong commitment to defend ourselves will have the right effect. It will cause other countries to get realistic about the ability to try to push the United States around by the development of these threatening weapons. They will decide that discretion is the better part of valor and will decide that they can spend their money on more useful things. It will certainly reduce the ability of countries like North Korea to successfully blackmail the United States and our allies because we can't defend ourselves against their weapons.

Madam President, let me show, with the aid of a couple of charts, some things that I think are very interesting. This first chart shows the level of offensive weapons, nuclear warheads, permitted under different regimens today under treaties. This is the one we are currently under. It is called the START I. It said both Russia and the United States had to limit their nuclear warheads to about 6,000. So that is where we are.

We proposed, and the United States has ratified, the START II treaty, which almost cuts this in half—down to 3,500. We have been waiting, I believe now for 6 years, for Russia to ratify the START II treaty. They haven't ratified it yet.

We are worried here about making the Russians upset. How about us being upset? For a long time we have said: Let's create a more stable world; let's get rid of these dangerous weapons; you don't need them; we don't need them; let's reduce them down to 3,500—6 years ago. The Russians still haven't ratified. We have given a lot to the Russians as inducements for them to ratify. We bought the START II treaty many times. But they have yet to deliver. So we are still waiting.

Some argue that, because it is so costly to maintain these weapons, actually the Russians would prefer to go right to a more realistic level that they could sustain, a START III level, about 2,000; maybe they can afford to keep 2,000 weapons around; and, therefore, we ought to just jump right over START II and go all the way down to START III. Let's examine that argument for a minute.

It turns out that it is not the ABM Treaty at all, or the START II treaty, that is determining the strategic parity between the United States and Russia with respect to nuclear weapons. It turns out that this stability is created more by a very practical situation; that is, how much can the Russians afford? How much, frankly, can the United States afford?

As it turns out, Igor Sergeyev, the Russian Minister of Defense, last summer told the Russian Security Council that Russia will be unable to muster a strategic nuclear force of more than 1,500 warheads by the year 2010 and that the reasons have nothing to do with armaments control. They can't afford it. Their economy is broken. They have no money. Much of their military force is in disrepair. And, indeed, the only part they have been modernizing is their strategic nuclear offensive capability. As a result, Sergeyev points out that this is the maximum level they are going to be able to maintain with or without an ABM Treaty, with or without a START II or START III treaty.

So it is not what we do with respect to these arms control agreements that is going to dictate the parity of nuclear weapons between our two countries; it is the stark reality of what we can both afford.

Frankly, this level of 1,500 to 2,000 is about where we are going to end up. So it doesn't matter whether we deploy another defensive system or not, or a defensive system against nuclear-tipped missiles or not. The fact is, the Russians are going down to this level because they can't afford to do anything else.

I think, therefore, that the notion that offensive reductions in strategic nuclear warheads will not occur if this bill is passed is simply not borne out by the facts. This bill has nothing whatsoever to do with that. It is happening and will continue to happen regardless of what we do today.

But let's suppose something. Let's make believe something—that some of the arguments similar to those that have just been made are correct and that "Russia would likely retain thousands of nuclear warheads" and somehow they would develop the money to do this that they would "otherwise eliminate" under these arms control agreements. Suppose some miracle occurs and Russia finds the resources to rejuvenate its strategic forces.

What rationale would Russia have for doing this?

Bear in mind that what we are talking about here is a national missile defense system. We qualified it, it says "limited," and the reason is that we do not intend to build anything more, and we would not build anything more, than a limited system capable of providing a defense against a limited attack, an attack that we currently believe we are threatened by a rogue nation like North Korea, or, given the debate about China these days, perhaps a China, which doesn't have the same quantity of missiles that Russia does.

There are other nations in the world that I will not list that also are developing this capability.

Suppose that when we develop this system, Russia looks at it and says, "How is this going to affect our strategic missile offensive warhead situation? Maybe we ought to have more warheads, because the United States system is going to degrade our capability of successfully attacking them." In other words, "If they have a good defense, maybe we need more offense."

I pointed out that the defense we are talking about is a minimal defense, perhaps capable of defending against just a handful of missiles, not the 6,000 warheads that the Russians may have today. If the strategic stability argument is to be believed, it has to be because the Russians would find the idea of the United States missile defense so threatening that they would have to retain thousands and thousands of warheads in order to be sure they could overcome our defense.

So, let's examine the defensive side of the equation.

I have another chart which I think will explain this situation. The offensive warheads again are in red. This is what was originally permitted under START I. You can see that we had about 2,000 warheads at the time. But START I eventually got to the level of 6,000 that I mentioned a while ago. That is where we are today—both countries in the neighborhood of authorized 6,000 warheads. That is the column in red. This is the way it began back when START I was actually ratified, and when the ABM Treaty was created. Back in those days, each side was limited by the ABM Treaty to 200 interceptor missiles. In 1974, at the time the treaty was negotiated, or signed, neither side having plans to deploy the full complement of defensive missiles it was allowed, that number was reduced to 100. That remains the limit today. So both countries have 100 authorized interceptors. Of course, Russia has built its system. We have not built our system.

The limited missile defense system the United States is developing will be capable initially of shooting down, as I said, a handful of relatively unsophisticated warheads. The plans for "Capability 1," as we will call it, called for deployment of 20 interceptor missiles to do this job—just 20 interceptor missiles. This is the system the administration claims can be deployed by 2005. Subsequently, this will grow to "Capability 2," which, according to the Ballistic Missile Defense Organization, will consist of up to 100 interceptor missiles able to shoot down a somewhat larger number of sophisticated warheads.

Although the concept of operations envisions firing several interceptors at each warhead, let's assume for the purpose of argument that each interceptor will work absolutely perfectly and kill one warhead. That is never going to be the case, but we will give the other side the absolute maximum benefit of the doubt. That means that, at most, as envisioned today, the United States system will be capable of destroying 100 Russian warheads, out of a START III total of no fewer than 2,000, or perhaps 1,500, if Minister Sergeyev is correct. Let's examine what that means.

Back in 1974, when the ABM Treaty was created, there was a 10-to-1 ratio in terms of offensive to defensive, because you had about 2,000 warheads and 200-interceptor authorized capability, although we never built it. We have now built up to 2,000 warheads, and we have an authorized 100-interceptor capability. The blue line here is the defensive warheads, or the defensive missile capability.

So you have 6,000 warheads existing, and a 60-to-1 ratio, because you can only intercept 100 at the absolute most, because you get 1 for 1. Under START II, that ratio would be 35 to 1, because you would have 3,500 warheads and you still have 100 authorized interceptors. Under START III, it would be 20 to 1, because you would have 2,000 warheads, 100 interceptors. Even if Minister Sergeyev is correct, as I said, you would have no more than 1,500 warheads in the Soviet Union and you would have 100 interceptors, for a 15-to-1 ratio—15-to-1 ratio. That is still greater than the ratio that existed at the time of the signing of the ABM Treaty, the time and the age we are trying to go back to and preserve. This is the way things ought to be—1974, a ratio of 10-to-1, offensive weapons to interceptors. That was strategic stability. That was the ratio, the parity that we wanted, and so we negotiated it. That is what is in jeopardy now.

That is what is in jeopardy now, Madam President? If you give the other side the absolute maximum of a 1-to-1 kill ratio, you hit 100 missiles with 100 interceptors, the ratio today at 15 to 1 is still a greater ratio than 10 to 1. How could the Russians be more threatened today with a 15-to-1 ratio of offensive over defensive capability when they were perfectly happy to sign the ABM Treaty back in 1974 with a 10-to-1 ratio? How could this be more destabilizing? How could any Senator argue against the protection of the American people today because it would threaten the Russians because it would be destabilizing, it would create a worse situation than existed back in 1974, when the ratio then was 10 to 1? And it would be 50 percent more than that today—15 to 1.

You cannot argue it; it is illogical. And for the Russians to contend otherwise would be irresponsible. Certainly for us to act on behalf of their irrational objections would be irresponsible on our part.

Incidentally, I might add that this Nation that will allegedly be so angered and concerned about the deployment of our limited defense has the world's only ABM system, nuclear armed, recently upgraded, now in its fourth generation. It is deployed around Moscow with all 100 interceptor missiles allowed under the ABM Treaty. So how is it that a comparable U.S. system cannot be deployed without unduly angering the Russian leadership? They have 100 very modern interceptor missiles today. We have none. So if we have 100 just like they have, how is that going to be destabilizing? It is we who should be arguing about instability, not the Russians.

I think the argument that strategic stability would be somehow upset if the United States did what the ABM Treaty authorizes, and that is create a capability to intercept first 20 and then 100 missiles, would hardly be destabilizing, at least to the point that we should delay or preclude ourselves from doing it.

Obviously, the Russians will complain; it is in their interest to do so. Although the cold war has ended and we still enjoy a much more positive relationship with the Russians, all traces of rivalry have not disappeared. They still find it in their interest when possible to work in ways inimical to U.S. interests, and they know that our defenselessness against ballistic missile attack constrains our actions around the world, and that, in the Russian view, is not necessarily a bad thing.

So one realistically understands that there will be objections, but one must realistically evaluate those objections. I wish my colleague who just spoke a few minutes ago, who so tortuously examined all of the reasons why we could not move forward with this—it is going to cost a lot, the technology is hard, diplomatically we need to think of how the Russians would feel—I wish that we were as concerned about the threat to the United States as we are the feelings of the Russian leadership. And I wish we were as concerned about our ability to project our national interests in our foreign policy against the threat of rogue nations such as the Irans and the Iraqs and the North Koreas of the world as we are about the feelings of the Russians. Russian soldiers and scientists understand the reality that is portrayed on these charts just as well as we do, and we know that a very limited missile defense system that we have the right to deploy in no way threatens strategic stability, no matter how loudly they may protest that it does. Our relationship with Russia is something that must be taken very seriously, but it cannot prevent us from taking reasonable actions to defend the American people against threats from other countries. The day that we conclude that unduly taking Russian concerns into account would inhibit our ability to defend ourselves is the day we have to move forward.

So, in summary, strategic stability as defined by the other side in this debate, the ABM Treaty at the time that it was negotiated, which created a 10-to-1 advantage of strategic offensive over defensive weapons, that 10-to-1 ratio is not degraded even under the worst set of conditions that one might imagine in terms of our ability to defend ourselves here, or I should say even under the best of conditions because the ratio will still be 15 to 1 under this condition. It is more likely to be in the neighborhood of 20 to 1 or 35 to 1, the point being that no Russian could feel threatened with this kind of relationship if they didn't feel threatened back here anyway. And this defines the golden mean, remember.

With respect to the cost, I think I have covered that. Even this administration is willing to add money to the budget to pay for what it believes will be a system that it can build when it is technologically feasible. Recognizing that the technology is hard, we provide in this amendment that it is our policy to deploy as soon as is technologically possible an effective missile defense system.

So we are not saying deploy something that is not technologically possible. Yes, we know technology is hard, but we also know we can get there, the administration believes, by about the year 2005.

So to the thought we should not be rushing forward with this amendment, I simply say how long do you want to leave the American people vulnerable? How valuable is it to you to leave the American people vulnerable to a missile attack, or to leave our Nation subject to blackmail, to the threat of such an attack; to prevent us, for example, from defending our friends in South Korea because the North Koreans have a nuclear weapon with a missile capable of hitting Alaska or Hawaii; to prevent us from defending Taiwan against Chinese aggression because they have missiles that can reach Los Angeles; to prevent us from supporting a country like Japan or any of the other interests that we may have around the world?

Eventually, it boils down to this: We have an obligation to defend the American people. We will have the technological capability of doing that soon in the next century. There is a threat to the American people today. The cost of building a national missile defense is not prohibitive. Even if it were 1 percent of the defense budget, it would not be prohibitive—I submit, even if it were 10 percent, but it is obviously not going to cost that much.

So given the nature of the threat, given the fact that technology is taken into account in this proposal, that it clearly is not going to cost too much even by this administration's analysis, and the fact that it will not disrupt strategic stability in the world, it seems to me that we would be derelict in our duty as representatives of the people not to move forward.

The first step in moving forward is to adopt this simple resolution because, as is clear from the debate on the other side, unless we are committed to deploying a national missile defense, we are going to find excuses for not doing it. And until the Senate and the House of Representatives pass a resolution that says we are going to do this, the bureaucrats and the naysayers and those who don't want to do it will have good reason for not moving forward. We will not have spoken on the issue in a definitive way. That is why I applaud my colleague, Senator COCHRAN. He understands that we have to get an expression of serious intent in order to be able to convince the naysayers to move forward. And that is why adoption of this resolution is so important.

So I urge my colleagues to support this bill when we have a chance to do so; we do it with great pride and with understanding that it fulfills the most important responsibility we have to the American people, and that is to provide for the national defense.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Rhode Island.

Mr. REED. Mr. President, if I may just respond briefly to the comments made by my colleague, the Senator from Arizona.

First, let me again emphasize something that I think is implicit in his statement, and that is we all recognize the threat that is posed by the potential development of intercontinental delivery systems by these rogue nations. No one is discounting that. That has changed the calculus significantly. The question is whether we are going to move forward on the very simple—and one might say simplistic—criterion of "technologically possible," or if we are going to, in this legislation, and in practice, address the complexities of this issue.

Historical analogies are never perfect, but I suspect back in the 1930s when France was debating defense policy, the notion of building a series of concrete forts along their territorial line was not only technologically feasible but ultimately was constructed. But when it came to 1940, the Maginot Line just did not work to defend the people of France. I am not suggesting we are in the same type of debate, but I think it is sometimes too alluring to think in the simple terms of: If we have the technology of doing something, let's do it—particularly when we get to the issue of national missile defense.

The Senator talked about a window of vulnerability, and there is increasing potential, because of the development of these missiles by North Korea and others, of threats to our territory. But I ask that we think also of the potential vulnerability if Russia, for example, decides, because of our actions, to abandon reasonable arms control; decides, instead, to walk away from START II, to keep their launchers, their land-based systems with multiple independent reentry vehicles which complicate our defense enormously; if it decides, in fact, to more aggressively deploy its submarines with cruise missiles that may have nuclear warheads, all of which could easily defeat the system that we are proposing to spend billions of dollars on today to counter a limited military threat.

Put that new sort of spirit—an ill spirit, I should suggest—together with what one can see as a decaying command and control system and we might be increasing our vulnerabilities by moving forward with this particular legislation.

I think we have to be sensitive to those issues. I would not readily accept the notion that simply because of the number of launchers that we have, the number of launchers that they have, that the Russians would simply disregard our unilateral abandonment of the ABM as not a threat to them.

We feel threatened, I think with good reason, when the North Koreans—a very, very remote and ill-prepared power—begin to experiment with intercontinental ballistic missiles which would have a capability years from now. To hear on the floor the suggestion that the Russians will just casually shrug their shoulders, although we have made no attempt to renegotiate the ABM and we will have a law that says we have to put the system in place as soon as we can technologically do it, I think misreads their character and, frankly, the predictable character of any country—particularly one like Russia which sees its national greatness eroding greatly, to react, perhaps not rationally but predictably—to not be cooperative, in fact creating more vulnerability.

The issue, too, of how much is too much, is a question that can be raised in every context. But, frankly, we all understand that there are opportunity costs, not with respect to using defense dollars for other nondefense matters, but within the context of defense. Take, for example, not the theoretical but the operational possibility of an enhanced submarine fleet which the Russians might deploy with cruise missiles. By the way, those cruise missiles launched reasonably close to our shores could not be countered by any type of national missile defense, C–1, C–2, or C–3.

So, in respect to what we have to do, I think we have to ask ourselves, for one thing, is this the wisest course of action? Are we truly protecting the American public? And there can be many answers to that question. But I hope, in the course of this debate and in the conclusion of this debate, we will simply embrace the reality of the situation. It is not one dimensional. It is not just technological feasibility. It has to do with cost, it has to do with threat, it has to do with the evolution of a threat. It has to do with already-existing agreements with respect to international arms control.

If we reflect those issues in our legislation, we will find, I suspect, unanimous support for a strong message which would correspond with the administration's message on national missile defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the Cochran-Inouye Missile Defense Act because I think it is long overdue that this Senate take an action that is so very crucial to the security of our Nation. I commend Senator COCHRAN and Senator INOUYE for trying so hard to get our Congress to move forward, to deploy this defense system in the face of opposition from the President of the United States.

I appreciate that they have twice come to the Senate and twice been filibustered and have been unable to set this very important national security policy. In fact, the question is, Shall it be the policy of the United States to deploy, as soon as technologically possible, an effective national missile defense capable of defending the United States against limited ballistic missile attacks? It is a very simple question, and most people in this country think we already have a defense to an incoming ballistic missile. But in fact we do not.

We now know that Chinese missiles can reach our mainland. In a few short years, Iran, Iraq and North Korea could also be able to attack the United States. Today, we cannot defend the people of our country nor any place in the world where we have troops on the ground.

The Clinton administration said that we would have 15 years' warning for missiles from North Korea and Iran, but the Rumsfeld report said the danger could arise at any time. I commend former Secretary of Defense and former Congressman Don Rumsfeld for really delving into this issue in a very bipartisan commission. He had a very tough row to hoe. But he said we are going to get to the bottom of this and he did not stop until he had a unanimous report from his commission, some of whom were naysayers in the beginning, that said this danger is upon us and we better do something about it. He gave us the wake-up call.

and we should be forever grateful to Don Rumsfeld for having the guts to get to the truth so we would have the facts to back up the need for this security for our country.

Unfortunately, U.S. espionage has shown that China has tremendously boosted its military space and missile capabilities. There is just no good argument against this resolution.

The bill has support from both sides of the aisle. It really shows that people are beginning to be aware that we have a security threat to the United States. This bill is not what many of the critics have said. It does not mandate a missile defense architecture. It does not authorize a particular funding level. It is not a production decision, and it doesn't lead to the signing of any contracts. Instead, it is a policy statement by the Senate of the United States. But it is an important step for our national security.

America, the innovative Nation that landed a man on the Moon, has built up an impressive array of antimissile technology. We have had a formal missile defense program since President Ronald Reagan launched SDI in 1983, and there were various antimissile technologies in research before that. An operational system is now within our reach. The experts say we could have one in 2 years, 3 years, perhaps 4. But because of misinformation, this promising system remains confined to the laboratory, and the Government has never taken the policy step that is illustrated in this bill.

As long as we continue to ignore this basic policy question, we won't have an antimissile protection for our country, nor an effective theater defense for our forces and allies abroad. We have a chance to take that first step, and it is time that we did this.

What do the opponents of a missile defense system fear so much that they will not even permit us to go forward to try to get the technology in place? The danger of ballistic missiles can no longer be ignored. The Clinton administration stubbornly sticks to the old ABM Treaty.

In a letter to Senator LEVIN on February 3, the President's National Security Adviser, Sandy Berger wrote:

> . . . a decision regarding national missile defense deployment must also be addressed within the context of the ABM treaty and our objectives for achieving future reductions in strategic offensive arms through START II and START III. The ABM treaty remains a cornerstone of strategic stability. . . .

The letter promises a Presidential veto of this measure if it is passed in its present form. Our choice is clear. We deploy a missile defense system as soon as technologically feasible, or we hide behind a 25-year-old treaty with a country that no longer exists. In fact, many legal and treaty scholars believe that as a matter of international law, the treaty terminated when the U.S.S.R. collapsed. How anyone can believe that the ABM Treaty is the cornerstone of strategic stability, when so many nations outside the treaty are flagrantly ignoring its principles, I do not understand, when nearly three dozen countries are building or transferring ballistic missile technology. How does the ABM Treaty protect us from high-tech missiles in North Korea, in Iran, in Iraq and in China?

In fact, Mr. President, the White House cannot even say who the treaty partner is right now. To solve that problem, the administration negotiated a new ABM Treaty, signed in 1997 in New York, that would make Russia, Belarus, Ukraine and Kazakhstan parties to the new treaty. It would also impose new limits on the most promising theater missile defenses, limits that were never envisioned in the ABM Treaty of 1972. The New York treaty would handcuff us, crippling our defenses.

Where is that treaty now? The Senate has gone on record on several occasions insisting that the new treaty be submitted for our constitutionally required advice and consent, but the President has consistently refused to submit the treaty that would put new countries into it to the Senate for ratification.

Have we learned nothing from the Rumsfeld Commission report, from the test of a three-stage ICBM by North Korea that went right over Japan where we have thousands of troops on the ground, from the launch of Iran's Shahab-3, from China's own threats? Eight years after the fall of the U.S.S.R., we are still fighting the last war. We are basing our safety in the cold war strategy of arms control with Russia, coupled with deliberate vulnerability to missile attack.

Polls show that most Americans believe we have antiballistic missile protection. Can you imagine our country being vulnerable and not even taking the first step, the first step to a policy that says we are not going to leave ourselves open when countries are threatening that they have ballistic missiles that will reach our shores, based on an obsolete treaty that is not even in the best interest of Russia, which is the country that this administration says is the other party to the treaty? I think we would sit down with Russia, and it would be in both our best interests to have a defense for both of our countries from rogue nations that have already shown that they have ballistic missile capabilities, and some even have nuclear capabilities to put right on one of those ballistic missiles.

Mr. President, there is no responsibility any greater for the U.S. Senate than the security of our country. That we would not pass the Cochran-Inouye resolution immediately and go forward with a technology that would protect our country is unthinkable; it is unthinkable. Yet, we have seen a filibuster of this very resolution twice in the last year in the U.S. Senate. I urge my colleagues not to let one more day pass that this country is not in high gear, pursuing the security of our Nation and our forces in any theater in the field and our allies who depend on us for their protection as well.

Mr. President, we should not let another day pass or we will be walking away from one of the key responsibilities that Congress has, and that is to stand up to the President of the United States, to admit that the ABM Treaty is obsolete and no longer in the best interest of the former U.S.S.R., nor the United States of America, and to say we are going to protect the people of America and the troops that are fighting for our freedom wherever they may be in the world, that we would protect them from an incoming ballistic missile with nuclear, chemical or biological capabilities. That is the statement that we will be making if we pass the Cochran-Inouye bill. I urge my colleagues to do it, hopefully very soon, to start the first step.

This does not appropriate the money. It doesn't designate the authorization. It only says it is the policy of this country to go forward to make the technology something that will work and to put our very best minds on this issue. Then we will authorize it. Then we will appropriate for it. We cannot shirk this responsibility, Mr. President.

Once again, I thank Senator Cochran and I thank Senator INOUYE for being determined that on their watch we will do the right thing for the people of the United States of America and all of our allies, wherever they may need us in the future.

Thank you, Mr. President. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first let me thank the distinguished Senator from Texas for her remarks on the bill and other Senators who have spoken today on both sides of the aisle on this subject. I think we have a better understanding now of this issue.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Seeing no other Senators seeking recognition on the floor at this time, in behalf of the majority leader, I ask unanimous consent that the Senate resume the pending missile defense bill at 11:30 a.m. on Tuesday and at that time there be 1 hour for debate on the pending Cochran amendment, with a vote to occur on or in relation to that amendment No. 69 at 2:15 p.m. on Tuesday and that no other amendments be in order prior to that vote.

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, in light of this agreement, the leader has asked that we announce that the next rollcall vote will occur in the Senate at 2:15 p.m. on Tuesday, March 16.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGES FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of march 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 15, 1999.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2144. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on a violation of the Antideficiency Act that occurred at the Naval Computer and Telecommunications Area Master Station Mediterranean Detachment, Rota, Spain during fiscal year 1993; to the Committee on Appropriations.

EC-2145. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud" (RIN1125-AA17) received on March 5, 1999; to the Committee on the Judiciary.

EC-2146. A communication from the President and Chairman of the Import-Export Bank of the United States, transmitting, pursuant to law, a report on the commitment of a Working Capital Guarantee to GSE Power Systems, Inc., of Columbia, Maryland; to the Committee on Banking, Housing, and Urban Affairs.

EC-2147. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Declassification, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Identifying Classified Information" (M475.1-1) received on March 4, 1999; to the Select Committee on Intelligence.

EC-2148. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on recommended legislative action regarding electronic filing thresholds, campaign-cycle reporting, and the application of the $25,000 Annual Limit; to the Committee on Rules and Administration.

EC-2149. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-2150. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Review of FAR Representations" (Case 96-013) received on March 5, 1999; to the Committee on Governmental Affairs.

EC-2151. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Child Care Assess Means Parents in School Program; Notice of Final Priority and Invitation for Applications for New Awards for Fiscal Year 1999" (CFDA No. 84.335) received on March 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2152. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Foods and Drugs; Technical Amendments; Correction" received on February 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2153. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners: Charge for Self-Queries" (RIN0906-AA42) received on March 8, 1999; to the Committee on Environment and Public Works.

EC-2154. A communication from the Assistant Secretary of the Army for Civil Works, transmitting a post authorization change report on the "Sacramento River Flood Control Project; Glenn-Colusa Irrigation District; Riverbed Gradient Facility" received on March 5, 1999; to the Committee on Environment and Public Works.

EC-2155. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution District" (FRL6235-4) received on March 9, 1999; to the Committee on Environment and Public Works.

EC-2156. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona and California State Implementation Plan Revision; Maricopa County, Arizona, Antelope Valley Air Pollution Control District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District" (FRL6235-5) received on March 9, 1999; to the Committee on Environment and Public Works.

EC-2157. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, transmitting a draft of proposed legislation entitled "The Scotts Bluff National Monument Boundary Adjustment Act"; to the Committee on Energy and Natural Resources.

EC-2158. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, transmitting a draft of proposed legislation to amend the Act establishing the Keweenaw National Historic Park; to the Committee on Energy and Natural Resources.

EC-2159. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, transmitting a draft of proposed legislation to revise the boundary of Fort Matanzas National Monument; to the Committee on Energy and Natural Resources.

EC-2160. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, transmitting a draft of proposed legislation entitled "The El Camino Real de los Tejas National Historic Trail Act"; to the Committee on Energy and Natural Resources.

EC-2161. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Personnel Security Program Manual" (M475.1-1) received on March 4, 1999; to the Committee on Energy and Natural Resources.

EC-2162. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Emergency Management Guide" (G151.1-1) received on March 4, 1999; to the Committee on Energy and Natural Resources.

EC-2163. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Procedures for State, Tribal, and Local Government Historic Preservation Programs" (RIN1024-AC44) received on

March 9, 1999; to the Committee on Energy and Natural Resources.

EC–2164. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's report on the Expenditure and Need for Worker Adjustment Assistance Training Funds Under the Trade Act of 1974; to the Committee on Finance.

EC–2165. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "The Independent Living Program Improvement Act"; to the Committee on Finance.

EC–2166. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "The United States—Caribbean Basin Trade Enhancement Act"; to the Committee on Finance.

EC–2167. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules for Certain Reserves" (Rev. Rul. 99–10) received on March 8, 1999; to the Committee on Finance.

EC–2168. A communication from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation, Audit and Penalty" (RIN0970–AB81) received on February 10, 1999; to the Committee on Finance.

EC–2169. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems" (FV99–989–1 FIR) received on February 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2170. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998–99 Marketing Year" (FV99–982–1 IFR) received on February 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2171. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Potato Leaf Roll Virus Resistance Gene (also known as orf1/orf2 gene); Exemption from the Requirement of a Tolerance" (FRL6052–3) received on March 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2172. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,4–D; Time-Limited Pesticide Tolerance" (FRL6065–3) received on March 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2173. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carboxin; Extension of Tolerance for Emergency Exemptions" (FRL6065–1) received on March 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2174. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maleic hydrazide; Extension of Tolerances for Emergency Exemptions" (FRL6064–1) received on March 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2175. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor; Pesticide Tolerances for Emergency Exemptions" (FRL6062–5) received on March 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2176. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Coast Guard Authorization Act of 1999"; to the Committee on Commerce, Science, and Transportation.

EC–2177. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's biannual report of the Aquatic Nuisance Species Task Force and Smithsonian Institute relating to ballast water delivery management; to the Committee on Commerce, Science, and Transportation.

EC–2178. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Carrier Automated Tariff System" (Docket 98–29) received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2179. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts Subject to the Shipping Act of 1984" (Docket 98–30) received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2180. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984" (Docket 98–26) received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2181. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Mentor-Protege Program" received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2182. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Application of Earned Value Management (EVM)" received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2183. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Waiver of Submission of Cost or Pricing Data for Acquisitions With the Canadian Commercial Corporation and for Small Business Innovation Research Phase II Contracts" received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2184. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, TV Broadcast Stations (Kansas City, Missouri)" (Docket 96–134) received on March 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2185. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Brewster, Massachusetts)" (Docket 98–58) received on March 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2186. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Spencer and Webster, Massachusetts)" (Docket 98–174) received on March 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2187. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Pottsboro, Roxton and Whitesboro, Texas, and Durant, Leonard, Madill, and Sopher, Oklahoma)" (Docket 98–63) received on March 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2188. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Utility Vehicle Label" (RIN2127–AG53) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2189. A communication from the Research and Special Programs Administration Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD15) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following report of committees was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process (Rept. No. 106–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 604. A bill to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS:

S. 605. A bill to solidify the off-budget status of the old-age, survivors, and disability insurance program under title II of the Social Security Act and to protect program assets; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the Committee have thirty days to report or be discharged.

By Mr. NICKLES (for himself, Mr. Hatch, Mr. Mack, and Mrs. Feinstein):

S. 606. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. Murkowski):

S. 607. A bill reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. Craig, Mr. Grams, and Mr. Crapo):

S. 608. A bill to amend the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 609. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under the Act, and for other purposes; read the first time.

By Mr. ENZI (for himself and Mr. Thomas):

S. 610. A bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 611. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Indian Affairs.

S. 612. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations; and for other purposes; to the Committee on Indian Affairs.

S. 613. A bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 614. A bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 615. A bill to encourage Indian economic development, to provide for a framework to encourage and facilitate intergovernmental tax agreements, and for other purposes; to the Committee on Indian Affairs.

By Mr. WELLSTONE:

S. 616. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Higher Education Act of 1965 to establish and improve programs to increase the availability of quality child care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 617. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of insulin pumps as items of durable medical equipment; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 618. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 619. A bill to provide for a community development venture capital program; to the Committee on Small Business.

By Mr. SARBANES (for himself, Mr. Warner, Mrs. Murray, and Mr. Campbell):

S. 620. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. Dorgan, Mr. Burns, Mr. Roberts, and Mr. Conrad):

S. 621. A bill to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 605. A bill to solidify the off-budget status of the old-age, survivors, and disability insurance program under title II of the Social Security Act and to protect program assets; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the committee have 30 days to report or be discharged.

SOCIAL SECURITY FISCAL PROTECTION ACT OF 1999

Mr. HOLLINGS. Mr. President, on tomorrow afternoon, we begin to mark up the budget. That is, when I say we, I mean that the Budget Committee on the Senate side meets to mark up the budget for the year 2000 commencing October 1 this year, and immediately we will hear the cry, "Surplus."

I am constrained to say—as in the earliest days of the Republic when Patrick Henry said, "Peace, Peace, everywhere men cry peace," and there was no peace—"surplus, surplus, everywhere men cry surplus," but there is no surplus.

The fact is that we are spending $100 billion more than we are taking in already this fiscal year, and under current policy the deficit for next year will be right at $90 billion.

Also, Mr. President, another thing to note is the fact that you are going to hear the cry, "Saving Social Security." I can tell you categorically that neither the Republican plan, policy or approach nor the Democratic White House plan, policy or approach will save Social Security. Both spend 100 percent of the Social Security moneys coming in the fiscal year 2000, as is the case already this year. And otherwise, all the wonderful talk about paying down the debt is nothing more than fancy rhetoric for a flawed policy that has got us into a situation of fiscal cancer.

Now let me go right to the meaning of "Surplus." Yes, we are making progress on the budget and the deficit. At a news conference earlier today I was asked about this and when did we ever expect to get some results. Well, I see that we are beginning to understand that there is no surplus. Most of the nation's astute commentators on the budget see this, too. Allan Sloan of Newsweek said, of course, that the President's plan was double accounting. Paul Samuelson talks about when they said "surplus," it was "surplus in the sky." The Concord Coalition, made up of our former colleagues, Senators Rudman and Nunn, with whom I have had an on-going engagement, finally says there is no surplus. And only two weeks ago Barron's, the conservative financial newspaper—which I hold it here—said: "Hey, Guys, There is no Budget Surplus."

But be that as it may, the White House and many members of Congress are going to start dealing around the so-called surplus, nonexistent that it is, for education, Medicare, tax cuts, anything and everything—everything but saving Social Security. It has been a constant charade on messages of the party caucuses on both sides since January, even during the impeachment days; we have got to get our message out. Unfortunately, most of the media falls right in line with the message. They don't look into the actual fact or the reality.

On the matter of the so-called surplus and the $100 billion that we are spending now: mind you me, Mr. President, we set spending caps year before last, and last year we broke the caps by $12 billion, and we have already broken the cap in this year's budget by $21 billion, which would mean in marking up 2000's budget we would immediately have to cut spending $33 billion to conform to the fiscal year 2000 budget cap.

Instead of doing that, we have already met in unison, almost like a chorus singing "Whoopee for the military," and we have spent $18 billion on the military, money which is unaccounted for. Instead of cutting back, the Senate has already exceeded the agreed-to caps by $18 billion. Unless, of course, they intend to cut $18 billion in domestic programs or cut $18 billion in operation, maintenance and readiness within the defense budget.

We are going in the wrong direction. No one should think that Social Security has a surplus. This fiscal year, we have a surplus of the amount required to be paid out, but since we have been spending it each year there is a $730 billion deficit due and owing. Social Security is in the red.

So there are no surpluses. Even trying to get around that to try to get something to politic on for this year and next year, the Campaign 2000, they say, "Well, wait a minute; we will start our tax cuts in the year 2002 when there is one document to the effect there might be a slight surplus in Social Security, over and above the Social Security amount or otherwise we can spend it on Medicare beginning in 2000"—anything for the Campaign 2000.

They talk in the Chamber about the Chinese. Come, come, come. It is not the Chinese. It is not the baby boomers in the next generation. It is the adults in Congress who are looting the Social Security trust fund. Each one of these particular plans spends 100 percent of the Social Security so-called surplus.

How do I say that? Well, it is easy. You go back into the original law—and I have a copy of the law itself—section 201.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SOCIAL SECURITY ACT (ACT OF AUGUST 14, 1935) [H.R. 7260]

TITLE II—FEDERAL OLD-AGE BENEFITS OLD-AGE RESERVE ACCOUNT

Section 201. (a) There is hereby created an account in the Treasury of the United States to be known as the Old-Age Reserve Account hereinafter in this title called the Account. There is hereby authorized to be appropriated to the Account for each fiscal year, beginning with the fiscal year ending June 30, 1937, an amount sufficient as an annual premium to provide for the payments required under this title, such amount to be determined on a reserve basis in accordance with accepted actuarial principles, and based upon such tables of mortality as the Secretary of the Treasury shall from time to time adopt, and upon an interest rate of 3 per centum per annum compounded annually. The Secretary of the Treasury shall submit annually to the Bureau of the Budget an estimate of the appropriations to be made to the Account.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Account as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Account. Such special obligations shall bear interest at the rate of 3 per centum per annum. Obligations other than such special obligations may be acquired for the Account only on such terms as to provide an investment yield of not less than 3 per centum per annum.

(c) Any obligations acquired by the Account (except special obligations issued exclusively to the Account) may be sold at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Account shall be credited to and form a part of the Account.

(e) All amounts credited to the Account shall be available for making payments required under this title.

(f) The Secretary of the Treasury shall include in his annual report the actuarial status of the Account.

Mr. HOLLINGS. Mr. President, I will send that momentarily to the desk, section 201 of the Social Security Act. Under section 201 of Social Security, we required at this moment—and have been doing so for years—under law to invest only and immediately in T-bills, Treasury bills, these special securities of the Federal Government. Once we do that, of course, we get a bond or IOU; the Government gets the money, and immediately all of those moneys are transferred to the Government account and it is spent, allocated, or used to pay down the so-called public debt.

The one way to stop that is a bill, which I will send to the desk and for which I request proper referral. Mr. President, this bill simply says, amongst other things—and I will read section 5—that:

> Notwithstanding any other provision of law, throughout each month that begins after October 1, 1999, the Secretary of Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of each month.

Advisedly, Mr. President, this was worked out by none other than my Social Security friends. At one time, I had the distinction of being the chairman of the Budget Committee. We had an outstanding staffer then named Ken Apfel. He is now the Social Security Administrator. I called over there and I said: Let's stop this roundabout dance about surpluses and spending all the money and everything else; I want you to write a provision whereby we can do exactly what we said when Congress passed the Social Security Act.

Remember old John Mitchell, under the Nixon administration? He said, "Watch what we do, not what we say." I am afraid on budget matters we have arrived exactly at that point. But, in any event, to do what we say, we have prepared this bill and now it has been introduced and, if passed by the Congress, yes, we will save Social Security.

Immediately, one of the distinguished Senators said, "Wait a minute. Is the money going to just sit there?"

No. Mr. President, that money will be invested in T-bills, just as it has been all these years. Or, if there is an additional plan, like the Kerrey-Moynihan plan, like our Thrift Savings Plan—a certain percentage invested in the market in order to make more money but take on more risk—we can debate that. What this particular bill really does is save Social Security. Social Security funds will not be spent, save and excepting on Social Security purposes.

This is exactly what was intended by Mr. Greenspan when he headed the Greenspan Commission in 1983. In 1983, section 21 of the Greenspan Commission report said to take Social Security outside of the unified budget, outside of the unified deficit, and set it aside in trust. I struggled from 1983 until 1990 to translate Chairman Greenspan's recommendations into law. I thought we had done it in 1990, when we passed the Budget Act by a vote of 98 Senators here on the floor of the Senate and almost an equal majority, overwhelming as it was, over on the House side. President Bush, on November 5, 1990, signed the bill into law, including section 13301 of the Budget Act, which stated Congress could not spend Social Security moneys on anything other than the Social Security program; you had it outside of the unified budget and the deficit.

Unfortunately, Mr. President, that has been ignored. That is why I have to reword it this way. But the contemplation at the particular time, the law itself, the policy of the U.S. Government with respect to corporate America—we passed the Pension Reform Act of 1994 saying: Thou shalt not, in corporate America, spend your pension fund to pay off the company debt.

The most interesting and ironic thing is, when Denny McLain, the former great pitcher for the Detroit Tigers, became the head of a corporation and paid off its debt with the pension fund, he was sent to jail for 8 years. If you can find what jail poor Denny is in, say to him, "Denny, next time, run for the U.S. Senate. Instead of a jail term, they will give you the good government award."

That is exactly what we are doing. We violate our own policy. We pay off the debt with the Social Security Trust Fund and have been doing it for 15 years.

That gets me immediately to the point of so-called paying off the public debt. You know, they have these euphemisms and different expressions that come around budget time and make you think you have a real policy on board. That has been the policy.

Admittedly, if you had a stagnant economy, if you had a dormant stock market, you could welcome paying off the public debt to get the economy and the stock market moving and everything else. But to do it, not over just a year or 2, but to do it for the last 15 years to the tune of in excess of $100 billion, what it has really done is given us fiscal cancer. We have gone up, up, and away with the national debt, and the interest costs are killing us.

Let me dwell a minute on the interest costs on the national debt. The interest cost, when President Lyndon Johnson last balanced the budget, was $16 billion. Today the interest cost is projected to be $357 billion, almost a billion dollars a day. What it says to me is, this year I have to spend—and next year I have to spend—$357 billion for nothing. If I had been fiscally prudent, I could have had $80 billion for tax cuts plus $80 billion for spending increases plus $80 billion to pay down the debt plus $80 billion to save Social Security. That is $320 billion. I would have had $37 billion for you to have a party out here on the west front when I jump off the Capitol dome.

Since 1995, I have been telling Chairman DOMENICI, trying to bring sense to this entire budget debate by talking in the extreme, that by the year 2002, if he had a balanced budget, truly balanced—if we were paying out less than what we were bringing in or just at that amount—I would jump off the Capitol dome. And I reiterate the pledge. Let's make the bets—"Get old HOLLINGS to jump off the dome." Because under current policies, no one can possibly balance the budget while exceeding revenue by over $100 billion. Nobody is cutting $100 billion. They are spending $18 billion more unaccounted for, breaking the caps. Nobody is spending less than $90 billion. So we know with all of this spending for tax cuts, Medicare, education, housing, and everything else of that kind, that we are in deep trouble.

We have fiscal cancer. What we really should do, probably, as Mr. Greenspan, the head of the Federal Reserve, finally came around to saying, is do nothing: take this year's budget for next year. I did that as the Governor of South Carolina. I capped the debt. By the way, that would bring truth in budgeting to this crowd, if they are right. Let's plead guilty: They are right, I am wrong, there is a surplus and we are going to pay down the debt. If that occurs, we can cap the debt as of October 1 of this year, the beginning of the next fiscal year. Whatever it is, since there is a surplus and since we are going to pay down the debt, let's cap it so it does not exceed that particular amount.

You cannot get the White House—I faced them down in one of these briefings—to go along with it. I will make the motion and we will see how many people vote for that.

I am trying to bring truth to our federal budget. I am trying to avoid the fiscal cancer. The Republicans talk about an $80 billion across-the-board tax cut. I want a $357 billion tax cut this year, next year, and right along the line. I want, in that 10-year period, $3.5 trillion in tax cuts, not just this $800 billion tax cut. I want to get rid of this waste in Government.

I served on the Grace Commission to Eliminate Waste. I know what waste is. I speak advisedly. Before long, if those interest rates go up, instead of $357 billion, we will be up around $500 billion in interest costs. It is the largest item in the domestic budget for spending at this minute.

What we ought to do is get a hold of ourselves, start talking sense to each other, work out a plan to take care of the needs of Government, but quit using the Social Security surplus and trust fund as a political slush fund for any and every idea on the media message. And the media are going along with this nonsense and act like we actually are doing it. My particular bill will bring sobriety to the entire process and debate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Fiscal Protection Act of 1999".

SEC. 2. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 4. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget Office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 5. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, throughout each month that begins after October 1, 1999, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

By Mr. NICKLES (for himself, Mr. HATCH, Mr. MACK, and Mrs. FEINSTEIN):

S. 606. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. NICKLES. Mr. President, today I introduce S. 606 for Senator MACK, Senator FEINSTEIN, Senator HATCH, and myself. This bill is intended to resolve litigation between the federal government and Kerr-McGee Corporation and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation) and Global Exploration and Development Corporation. This legislation embodies an agreement that has been reviewed and accepted by the Hearing Officer and a three judge reviewing panel. The Department of Justice has no objection to this legislation. In addition, this legislation would also make it a criminal act to distribute certain information relating to explosives, destructive devices, and weapons of mass destruction. This bill was reported by the Committee on the Judiciary in this form during the 105th Congress.

As background to this relief for Kerr-McGee and Global Exploration, in 1964, they first filed applications for phosphate prospecting permits in Osceola National Forest. Under Sec. 211(a) of the Mineral Lands Leasing Act, the Secretary can only grant prospecting permit applications following a determination that the public interest will be served by doing so. The U.S. Forest Service must also consent to the issuance of the prospecting permits. The permits were granted, and the plaintiffs subsequently discovered phosphate deposits.

The plaintiffs then filed applications with the Department of Interior for leases to mine the deposits in January of 1969. Whether the plaintiffs are entitled to leases is governed by the Mineral Lands Leasing Act (30 U.S.C. sec. 181 et. seq.) which requires the Secretary of Interior to issue leases to a permittee that has discovered a "valuable deposit" of mineral. The U.S. Geological Survey, the Bureau of Mines and the Office of Minerals Policy Department all confirmed that valuable deposits had in fact been discovered (valued at $100 to $300 million in 1970's dollars).

Kerr-McGee filed suit in 1973 and Global filed suit in 1978 seeking the immediate issuance of the leases. In 1981, the U.S. Forest Service began setting out the requirements for reclamation. The Department of Interior concluded the reclamation technology did not exist based on an Environmental Assessment ("EA") prepared by Interior and issued in January of 1983. Based on that conclusion, the plaintiffs' applications for leases to mine the deposits were rejected.

Agency personnel had told plaintiffs that they would be able to comment on the EA findings before their final issuance. By law, the government was required to permit the applicants to participate in the EA process by submitting comments and expert analysis on the feasibility of reclamation. Plaintiffs were never given a chance to participate in the EA process, to show feasibility of reclamation, or to comment on the draft EA.

In 1984, the Florida Wilderness Act (Pub. L. 98–430, 98 Stat. 1665) was enacted which prevented the issuance of phosphate mining leases in Osceola, effectively foreclosing a legal remedy since plaintiffs could no longer ask for reversal of the prior decision or for relief for damages incurred. The House Committee Report accompanying the Act stated that "in the event the courts ultimately determined that applicants have established lease rights, [the Act] provides that leases will not be issued. The applicants would instead be compensated as required in accordance with constitutional principles." H. Rpt. 98–102 Part I, 97th Cong., 1st Sess., at 7.

The plaintiffs pursued their case in federal district court and the Court of Appeals for the D.C. Circuit. The Court of Appeals vacated the district court's judgment and remanded the case with instructions to dismiss the suit as moot in light of Florida Wilderness Act. The U.S. Court of Federal Claims then questioned whether or not it had jurisdiction to hear the case, leaving plaintiffs without a forum to be heard.

Under 28 U.S.C. 2509, a congressional reference empowers a judge of the Court of Federal Claims to sit as a Hearing Officer, hold a hearing and determine the facts of the case. The Hearing Officer's findings and conclusions are then reviewed by a three-judge panel. The panel then adopts or modifies the findings and conclusions and submits its report to the Chief Judge who then transmits the recommendations to the house of Congress which referred the case.

On Jan. 10, 1991, H. Res. 29 and H.R. 477 were introduced during the 102nd Congress to refer the case to the U.S. Court of Federal Claims in order to compensate plaintiffs for any damages incurred on account of the failure of the Secretary of the Interior to grant and permit mining operations pursuant to phosphate leases in the Osceola National Forest. On July 10, 1991, the House Judiciary Subcommittee on Administrative Law and Government Relations held hearings on H.R. 477 and H. Res. 29. On October 3, 1991, the Subcommittee reported the resolution, with a technical amendment, to full Committee. On July 21, 1992, the House of Representatives passed H. Res. 29, referring H.R. 477 to Court of Claims. The formal Congressional reference confirmed jurisdiction for the plaintiffs' suit in the U.S. Court of Federal Claims.

In the Court of Federal Claims, the Government moved for summary judgement. The Court ruled that plaintiffs did not have a legal claim but did have an equitable claim since the government failed to comply with the legal requirement of the EA. The court ruled that the Secretary of Interior had made an error in denying phosphate mining leases on the basis of an EA without allowing plaintiffs the opportunity to comment. The court concluded that the error was not harmless.

Remaining was the question of fact whether reclamation was feasible, according to Forest Service standards as of January of 1983. A 6 week evidentiary hearing was held on that issue from October 13 to December 14, 1995. Plaintiffs presented leading experts in reclamation who showed they could have successfully reclaimed the land, that the analysis in the EA was scientifically incorrect, and that EA members who concluded successful reclamation had their conclusions omitted.

Before the court issued its opinion, the parties agreed to a joint stipulation of settlement and submitted this stipulation to the Court: Global is to received $9.5 million; Kerr-McGee is to receive $10 million, which it will return to the government as partial payment for a Superfund cleanup site in Louisiana; and Kerr-McGee Chemical LLC is to receive $0. Global, Kerr-McGee and the Department of Justice accepted the report of the Hearing Officer, dated November 18, 1996, and the Review Panel endorsed the decision.

On November 18, 1996, the court published its recommendations to Congress that the disputes be settled for the amounts set forth in the joint stipulation of settlement. The court's recommendation was based on a finding that the settlement was fair, just, equitable and supported by the evidence. As noted in the Hearing Officer's report, "if the case were to proceed to final disposition and plaintiffs to prevail, then the Government would face a potential liability substantially in excess of the proposed settlement amounts. Conversely, however, a victory for the Government would not assure it of protection against all future liability."

This legislation would implement this settlement, and we urge its prompt consideration and approval by the Senate.

For the information of all Senators, I have included the House Committee Report from the 105th Congress which provides a very clear background and the need for this provision.

In addition, the bill includes language related to the prohibition of distribution of information related to destructive devices, explosives, and weapons of mass destruction in furtherance of a violent crime. This language was added to this legislation during markup of H.R. 1211 during the 105th Congress in the Senate Judiciary Committee by Senator FEINSTEIN and is a reasonable resolution of an issue pushed by Senator FEINSTEIN for several years.

I urge quick consideration and passage of this overdue and important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, $9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, $10,000,000; and

(3) to Kerr-McGee Chemical, LLC, a limited liability company organized under the laws of Delaware, $0.

(b) CONDITION OF PAYMENT.—

(1) GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION.—The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) KERR-MCGEE CORPORATION AND KERR-MCGEE CHEMICAL, LLC.—The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical, LLC, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

"(B) the term 'explosive' has the same meaning as in section 844(j); and

"(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—

"(1) violates any of subsections";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(4) in subsection (j), by striking "and (i)" and inserting "(i), and (p)".

By Mr. CRAIG (for himself and Mr. MURKOWSKI):

S. 607. A bill reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1999

Mr. CRAIG. Mr. President, I am today introducing along with Senator MURKOWSKI, the National Geologic Mapping Reauthorization Act of 1999. This is an act that has been very beneficial to the Nation and deserves to be reauthorized.

The National Cooperative Geologic Mapping Act (NCGMA) was originally signed into law in 1992. The purpose of this geologic mapping program is to provide the nation with urgently needed geologic maps that can be and are used by a diverse clientele. These maps are vital to understanding groundwater regimes, mineral resources, geologic hazards such as landslides and earthquakes, geology essential for all types of land use planning, as well as providing basic scientific data. The NCGMA contains three parts; FedMap—the U.S. Geological Survey's geologic mapping program, StateMap—the state geological survey's part of the act, and EdMap—a program to encourage the training of future geologic mappers at our colleges and universities.

StateMap is a competitive program wherein the states submit proposals for geologic mapping that are critiqued by a peer review panel. A requirement of this section of the legislation is that each federal dollar be matched one-for-one with state funds. Each participating state has a StateMap Advisory Committee to insure that its proposal addresses priority areas and needs. The success of this program insured reauthorization of similar legislation in 1997 with widespread bipartisan support in both the House and Senate.

According to a recent poll conducted by the Association of American State Geologists, the 50 states have produced over 1,900 new geologic maps since the program authorized by this legislation started. There are an additional 300 maps currently being completed. Also, the states have digitized 650 existing geologic maps (1:24,000 scale) so they can be used as a computer data base. All of these maps have been submitted to the U.S. Geological Survey for inclusion in a national geologic map database. One of the purposes of this database is to eventually provide a digital geologic map of the entire nation at a scale of 1:100,000. This national database will assure that future maps will be easy to use by anyone.

The Edmap and Fedmap sections of the legislation support mapping projects led by Universities and regional mapping projects that address needs for geologic information to deal with land, water, mineral resource, natural hazard mitigation and environmental protection issues. Fed map projects are coordinated with State and university mapping portions of the program, through regional meetings, liaison groups and national reviews of ongoing projects.

Mr. President, the National Geologic Mapping Reauthorization Act benefits numerous citizens every day by assuring there is accurate and usable geologic information available to communities and individuals so better and safer resource use decisions can be made. I encourage my colleagues to support this legislation and am committed to its timely consideration.

Thank you, Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 1999".

SEC. 2. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) by redesignating paragraph (8) as paragraph (10);

(3) by inserting after paragraph (7) the following:

"(8) geologic map information is required for the sustainable and balanced development of natural resources of all types, including energy, minerals, land, water, and biological resources;

"(9) advances in digital technology and geographical information system science have made geologic map databases increasingly important as decision support tools for land and resource management; and"; and

(4) in paragraph (10) (as redesignated by paragraph (2)), by inserting "of surficial and bedrock deposits" after "geologic mapping".

SEC. 3. DEFINITIONS.

Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (10), respectively;

(2) by inserting after paragraph (3) the following:

"(4) EDUCATION COMPONENT.—The term 'education component' means the education component of the geologic mapping program described in section 6(d)(3).

"(5) FEDERAL COMPONENT.—The term 'Federal component' means the Federal component of the geologic mapping program described in section 6(d)(1)."; and

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) STATE COMPONENT.—The term 'State component' means the State component of the geologic mapping program described in section 6(d)(2).".

SEC. 4. GEOLOGIC MAPPING PROGRAM.

Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence, by striking "priorities" and inserting "national priorities and standards for";

(B) in subparagraph (A)—

(i) by striking "develop a geologic mapping program implementation plan" and inserting "develop a 5-year strategic plan for the geologic mapping program"; and

(ii) by striking "within 300 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997" and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999";

(C) in subparagraph (B), by striking "within 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997" and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999"; and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking "within 210 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997" and inserting "not later than 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999, and biennially thereafter";

(ii) in clause (i), by striking "will coordinate" and inserting "are coordinating";

(iii) in clause (ii), by striking "will establish" and inserting "establish"; and

(iv) in clause (iii), by striking "will lead to" and inserting "affect"; and

(2) by striking subsection (d) and inserting the following:

"(d) PROGRAM COMPONENTS—

"(1) FEDERAL COMPONENT.—

"(A) IN GENERAL.—The geologic mapping program shall include a Federal geologic mapping component, the objective of which shall be to determine the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of the United States.

"(B) Mapping priorities.—For the Federal component, mapping priorities—

"(i) shall be described in the 5-year plan under section 6; and

"(ii) shall be based on—

"(I) national requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

"(II) national requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

"(C) Interdisciplinary studies.—

"(i) In general.—The Federal component shall include interdisciplinary studies that add value to geologic mapping.

"(ii) Representative categories.—Interdisciplinary studies under clause (i) may include—

"(I) establishment of a national geologic map database under section 7;

"(II) studies that lead to the implementation of cost-effective digital methods for the acquisition, compilation, analysis, cartographic production, and dissemination of geologic map information;

"(III) paleontologic, geochrono-logic, and isotopic investigations that provide information critical to understanding the age and history of geologic map units;

"(IV) geophysical investigations that assist in delineating and mapping the physical characteristics and 3-dimensional distribution of geologic materials and geologic structures; and

"(V) geochemical investigations and analytical operations that characterize the composition of geologic map units.

"(iii) Use of results.—The results of investigations under clause (ii) shall be contributed to national databases.

"(2) State component.—

"(A) In general.—The geologic mapping program shall include a State geologic mapping component, the objective of which shall be to establish the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of individual States.

"(B) Mapping priorities.—For the State component, mapping priorities—

"(i) shall be determined by State panels representing a broad range of users of geologic maps; and

"(ii) shall be based on—

"(I) State requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

"(II) State requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

"(C) Integration of federal and state priorities.—A national panel including representatives of the Survey shall integrate the State mapping priorities under this paragraph with the Federal mapping priorities under paragraph (1).

"(D) Use of funds.—The Survey and recipients of grants under the State component shall not use more than 15.25 percent of the Federal funds made available under the State component for any fiscal year to pay indirect, servicing, or program management charges.

"(E) Federal share.—The Federal share of the cost of activities under the State component for any fiscal year shall not exceed 50 percent.

"(3) Education component.—

"(A) In general.—The geologic mapping program shall include a geologic mapping education component for the training of geologic mappers, the objectives of which shall be—

"(i) to provide for broad education in geologic mapping and field analysis through support of field studies; and

"(ii) to develop academic programs that teach students of earth science the fundamental principles of geologic mapping and field analysis.

"(B) Investigations.—The education component may include the conduct of investigations, which—

"(i) shall be integrated with the Federal component and the State component; and

"(ii) shall respond to mapping priorities identified for the Federal component and the State component.

"(C) Use of funds.—The Survey and recipients of grants under the education component shall not use more than 15.25 percent of the Federal funds made available under the education component for any fiscal year to pay indirect, servicing, or program management charges.

"(D) Federal share.—The Federal share of the cost of activities under the education component for any fiscal year shall not exceed 50 percent.".

SEC. 5. ADVISORY COMMITTEE.

Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—

(1) in subsection (a)(3), by striking "90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997" and inserting "1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "critique the draft implementation plan" and inserting "update the 5-year plan"; and

(B) in paragraph (3), by striking "this Act" and inserting "sections 4 through 7".

SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.

The National Geologic Mapping Act of 1992 is amended by striking section 6 (43 U.S.C. 31e) and inserting the following:

"SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.

"(a) In General.—The Secretary, acting through the Director, shall, with the advice and review of the advisory committee, prepare a 5-year plan for the geologic mapping program.

"(b) Requirements.—The 5-year plan shall identify—

"(1) overall priorities for the geologic mapping program; and

"(2) implementation of the overall management structure and operation of the geologic mapping program, including—

"(A) the role of the Survey in the capacity of overall management lead, including the responsibility for developing the national geologic mapping program that meets Federal needs while fostering State needs;

"(B) the responsibilities of the State geological surveys, with emphasis on mechanisms that incorporate the needs, missions, capabilities, and requirements of the State geological surveys, into the nationwide geologic mapping program;

"(C) mechanisms for identifying short- and long-term priorities for each component of the geologic mapping program, including—

"(i) for the Federal component, a priority-setting mechanism that responds to—

"(I) Federal mission requirements for geologic map information;

"(II) critical scientific problems that require geologic maps for their resolution; and

"(III) shared Federal and State needs for geologic maps, in which joint Federal-State geologic mapping projects are in the national interest;

"(ii) for the State component, a priority-setting mechanism that responds to—

"(I) specific intrastate needs for geologic map information; and

"(II) interstate needs shared by adjacent States that have common requirements; and

"(iii) for the education component, a priority-setting mechanism that responds to requirements for geologic map information that are dictated by Federal and State mission requirements;

"(D) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general- and special-purpose geologic maps to—

"(i) ensure uniformity of cartographic and scientific conventions; and

"(ii) provide a basis for assessing the comparability and quality of map products; and

"(E) a mechanism for monitoring the inventory of published and current mapping investigations nationwide to facilitate planning and information exchange and to avoid redundancy.".

SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.

Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking the section heading and all that follows through subsection (a) and inserting the following:

"SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.

"(a) Establishment.—

"(1) In general.—The Survey shall establish a national geologic map database.

"(2) Function.—The database shall serve as a national catalog and archive, distributed through links to Federal and State geologic map holdings, that includes—

"(A) all maps developed under the Federal component and the education component;

"(B) the databases developed in connection with investigations under subclauses (III), (IV), and (V) of section 4(d)(1)(C)(ii); and

"(C) other maps and data that the Survey and the Association consider appropriate.".

SEC. 8. BIENNIAL REPORT.

The National Geologic Mapping Act of 1992 is amended by striking section 8 (43 U.S.C. 31g) and inserting the following:

"SEC. 8. BIENNIAL REPORT.

"Not later 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999 and biennially thereafter, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

"(1) describes the status of the national geologic mapping program;

"(2) describes and evaluates the progress achieved during the preceding 2 years in developing the national geologic map database; and

"(3) includes any recommendations that the Secretary may have for legislative or other action to achieve the purposes of sections 4 through 7.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

The National Geologic Mapping Act of 1992 is amended by striking section 9 (43 U.S.C. 31h) and inserting the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this Act—

"(1) $28,000,000 for fiscal year 1999;

"(2) $30,000,000 for fiscal year 2000;

"(3) $37,000,000 for fiscal year 2001;

"(4) $43,000,000 for fiscal year 2002;

"(5) $50,000,000 for fiscal year 2003;

"(6) $57,000,000 for fiscal year 2004; and

"(7) $64,000,000 for fiscal year 2005.

"(b) ALLOCATION OF APPROPRIATIONS.—Of any amounts appropriated for any fiscal year in excess of the amount appropriated for fiscal year 2000—

"(1) 48 percent shall be available for the State component; and

"(2) 2 percent shall be available for the education component.".

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. GRAMS, and Mr. CRAPO):

S. 608. A bill to amend the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

NUCLEAR WASTE POLICY ACT OF 1999

Mr. CRAIG. Mr. President, I come to the floor today with my colleague, Senator FRANK MURKOWSKI of Alaska, chairman of the Energy and Natural Resources Committee, and Senator ROD GRAMS to introduce the Nuclear Waste Policy Act of 1999.

Once again, Congress must clarify its intention toward the disposal of spent nuclear fuel and nuclear waste. It is for this reason that I introduced the Nuclear Waste Policy Act of 1997, which passed with broad bipartisan support in this body last year, as did similar legislation in the other body. It is why I am an original cosponsor of the legislation this year.

We must resolve the problem that this Nation faces with disposing of nuclear materials. Congress must recognize its responsibility to set a clear and definitive nuclear material disposal policy. With the passage of this legislation in the last Congress, the Senate expressed its will that Government fulfill its responsibilities. This legislation makes one significant change to the course we are currently on by directing that an interim storage facility for nuclear materials be constructed at area 25 at the Nevada test site and that the interim facility be prepared to accept nuclear materials by June 30, 2003.

The President and the Vice President do not support this provision. They do not support an interim storage facility at one safe, secure location in the Nevada desert. What they do support, according to Energy Secretary Bill Richardson, is an interim storage at 70 some sites spread across this Nation. They support storage near population centers and major bodies of water, but not at a site located right next to a permanent repository, a site where hundreds of nuclear explosions have already been detonated over the last 50 years.

In an announcement last month, the administration proposes to federalize storage of spent fuel at commercial reactors around this country by having the Government come in and take responsibility for each site. But do not worry, folks, because they promise to come and pick up the waste eventually, or at least that is what they have been promising for a long, long while. Well, I have some experience with the DOE and its promises, as many of my colleagues have, especially in the area of nuclear waste over the last number of years.

In 1995, the Secretary of Energy promised the State of Idaho, and signed a court enforceable agreement, that transuranic waste in Idaho would be headed out of the State to the Waste Isolation Pilot Plant no later than next month. Now DOE says they can't meet that deadline. Why? The Environmental Protection Agency has said that the Waste Isolation Pilot Plant is safe and ready to receive waste, but the State of New Mexico won't issue a permit for the disposal and that the court won't lift its injunction.

Now, I do believe our Secretary of Energy is trying in good faith to honor his commitment to the State of Idaho in moving that waste, but, once again, on issues of this kind of political sensitivity, our Government has shown no willingness to lead on this issue, and this administration is the prime example of a government without leadership.

I know something about the politics of nuclear waste. I know something about DOE's broken promises. I mentioned the example of WIPP as a misuse of environmental regulation to subvert the will of Congress. It is this kind of game playing that we must eliminate.

I guess my bottom line advice to those living next to one of these commercial nuclear reactors is, when DOE says they will come in and take responsibility for spent fuel and move it later, do not be fooled. You need a centralized interim storage facility and you need this legislation to make it happen.

This administration has said that interim storage in Nevada will prejudge the repository site investigation now going on at Yucca Mountain. I think it is important to note that this legislation calls for beginning operation of an interim storage facility in the year 2003, 2 years after DOE will have recommended the repository site to the President and 1 year after DOE will have submitted a license application for the repository to the Nuclear Regulatory Commission. This can hardly be called rushing ahead recklessly on interim storage. What it is is sealing the deal, trying to build credibility with the American people on this Government's responsibility and dedication toward the appropriate handling of high-level nuclear waste.

In addition to the billions of dollars that utility ratepayers have contributed to the disposal fund, taxpayers have contributed hundreds of millions of dollars to the disposal program for the removal of spent fuel and nuclear waste from the Nation's national laboratory sites. This legislation will make good on the Government's commitment to the communities which agreed to host our defense laboratories—that cleanup of these sites will happen, that it will happen sooner rather than later, and that defense nuclear waste, our legacy from the cold war, will be disposed of responsibly.

Just this past week, before the appropriate Appropriations Committee, I and Senator DOMENICI heard at length what this administration is doing to help Russia get rid of its cold war nuclear waste legacy. While we are going headlong to help them, it is ironic that we cannot help ourselves. This administration has promised and yet, in 6 years, has delivered nothing and finally gave up on its promises and found itself in a box canyon with a lot of lawyers lining up in lawsuits, because they are now out of compliance with an act that this Congress passed in the mid-1980s to deal with nuclear waste.

This bill will assure that the spent fuel from our nuclear fighting ships and submarines, currently stored at the Idaho National Engineering and Environmental Laboratory, can be sent to the interim storage facility beginning in the year 2003. This is good news for both the Navy and for Idaho. Our nuclear Navy ought to be concerned that DOE is still playing games with the real hard fact that sooner, rather than later, they must have a permanent repository for spent nuclear fuel coming from our Navy vessels.

Spent nuclear fuel will be moved out of Idaho well before the agreed date of the year 2035 called for in the agreement between Idaho Governor Batt, DOE and the Navy. This legislation will provide assurance that nuclear waste now in Idaho for permanent storage will eventually be disposed of at the repository. The tragedy here, of course, and we understand it, in the building of safe facilities, is the long lead time necessary. That is why this legislation is important now, to construct an interim storage facility ready to receive by the year 2003.

Critics of this legislation will attempt to distract you over the issue of transportation. In just a few months we will hear on the floor of the Senate the term "mobile Chernobyl." This is just so much politics or political statement. There is absolutely no fact or record behind that statement other than a scare tactic that some of my colleagues will attempt to use to support an absence of fact. The fact is that there have been over 2,500 commercial shipments of spent fuel in the United States and that there has not been a single death or injury from the radioactivity nature of the cargo. In my State of Idaho, there have been over 600 shipments of naval fuel and over 4,000 other shipments of radioactive material. Again, there has been not one single injury related to the radioactive nature of these shipments.

This is a phenomenal safety record, but it is a real safety record, because this Government has insisted that the appropriate handling of our spent nuclear fuels and waste long term be dealt with in the right way. The proof is in the reality and the responsibility that this country has taken for years in the transportation of its waste. Those are the facts as I have related them.

I know that many people would prefer not to address the problem of spent nuclear fuel disposal. Some of my colleagues are probably fatigued at the prospect of debating this issue once again in the 106th Congress. Unfortunately, as long as this administration continues to stick its head in the sand, sand that is now going to cost millions of dollars in legal fees, my colleagues and I have no choice but to address this issue once again for the sake of our country, for the future of energy production in our country from radioactive materials, and just the tremendous responsibility we have in making sure to our public that all of it is done well and safely.

As this legislative body sets policies for the Nation, the Congress cannot sit by and watch while key components of the energy security of this Nation, the source of 20 percent of this country's electricity—and that is coming from nuclear powerplants—risk going down simply because we cannot manage our waste.

The Nuclear Waste Policy Act of 1999 will address what neither the 1982 nor the 1987 Act did, and that is to provide a cost-effective and safe means to store spent fuel in the near term while we continue to investigate and provide for the ultimate disposal.

I thank you, Mr. President. I see my colleague, the chairman of the full committee, has joined me now on the floor. I yield my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wish the Presiding Officer a pleasant afternoon.

I thank my colleague, Senator CRAIG, for his statement relative to the reality that 22 percent of the Nation's power is generated by nuclear energy.

Here we are again today, Mr. President, with an obligation to fulfill a commitment. That obligation and that commitment was made to the ratepayers, the individuals all over America who depend on nuclear energy for their power. They paid $14 billion over the last 18 years.

What have they paid for? They have paid the Federal Government to take the waste under contract in the year 1998. That was a year ago. Shakespeare wrote in Henry III, "Delays have dangerous ends. . . ." We might also add, "expensive ends."

In addition to what the ratepayers have paid, there has been over $6 billion expended by the Federal Government in preparation for the waste primarily at Yucca Mountain. Delay has been the administration's answer to the problem of what to do with nuclear waste in this country. This administration simply doesn't want to take it up on its watch under any terms or circumstances.

In 1997, the administration objected to siting a temporary storage facility before 1998 when the viability assessment for Yucca Mountain would be complete.

The so-called "dangerous ends" to that delay is that 1998 has come and gone. The viability assessment was presented and guess what? There were no show stoppers. Safety issues requiring that we abandon the proposed Yucca Mountain nuclear waste repository project were not called for. The next step, of course, is to move on with the licensing, which is to take place in the year 2001.

What is the delay this year? It is the inability of the administration to recognize its contractual commitment under the agreement. To his credit, the new Secretary of Energy Bill Richardson has come forward with the first ever—and I mean first ever—administration proposal on nuclear waste. The Department of Energy would assume ownership of the used nuclear fuel and continue storing it at its commercial and defense sites in the 41 States across the country. The cost of the storage would be offset by consumer fees collected by the Department of Energy over the past 18 years, as I have stated. These are fees that were to have been dedicated to the removal and permanent storage of the spent fuel.

While this proposal may seem interesting, let's reflect on it a little bit, because what it means is that there is no date certain to remove the waste. The waste would sit onsite near the reactors.

It seems that we have gone full cycle in one sense. If you recognize that the Government had contracted to take the waste in 1998, the court has specifically stated that the Federal Government is liable to take that waste. So the court says, in effect, the Federal Government owns the waste onsite.

The proposal is the Government take the waste onsite. In fact, it owns the waste anyway. Think about it. There is a duplication, of course. I have a map here that I think warrants a little consideration. It shows some of the sites where we have nuclear fuel and radioactive waste that is destined for the geologic disposal.

The commercial reactors are in brown in California, in Washington, in Arizona, in Texas, up and down the east coast, in Illinois.

We have the shutdown reactors with the spent fuel onsite. These are the little triangles. We have them in Oregon, California, and Illinois. We have them in Michigan. This is significant amounts of waste that would go to a central repository at Yucca Mountain if this administration would come to grips with its responsibility.

Commercial spent nuclear fuel storage facilities are depicted by the little black squares. There are a few of them around.

Non-DOE research reactors. These are reactors that are spread through the country.

Then we have the Navy reactor fuel in Idaho. And we have the Department of Energy-owned spent fuel, high-level radioactive waste in New Mexico.

We have this all around the country, Mr. President, and the whole purpose of this legislation is to provide for and put this waste in one central repository at Yucca Mountain in Nevada where it would be retrievable. As a consequence, as we look at this proposal—and, again, I would like to point out there is no date for removal—one of the more interesting things is that there are claims now brought about by the nuclear industry against the Federal Government for nonperformance of its contract. Those claims total somewhere between $60 billion and $80 billion.

The Government is in default for nonperformance of its contractual obligation. One of the proposals circulated is if the Government agrees to take the waste onsite, that those claims be dropped. If you think about this a little bit more, the Government has already collected a significant amount of money from the ratepayers over the last 18 years, some $14 billion. Now the Government is going to take this waste and use that money, paid for by the ratepayers, to store the nuclear waste onsite for no timeframe that can be ascertained. In other words, this waste is going to sit where it is, Mr. President. We do not know how long because there is no definite date in the proposal for the administration to take the waste.

So what have we done? We have simply gone full circle. The court said the Federal Government owned the waste. The Federal Government says they will take it and store it at site. They will not tell you when they are going to get rid of it. They use the money the ratepayers pay to store it there. I don't think that is satisfactory. It is a little different. It is acknowledging that they have come up with a proposal, but I do not think it is workable.

What we have here is, if you will, more delay. The Department of Energy—and really it is not the Department of Energy's fault—it is the administration that has broken its promise to the electric consumers, who depend on nuclear energy, people who have paid more than $14 billion to the Federal Government.

That $14 billion paid by consumers was designed specifically to remove this waste, Mr. President, to a single—a single—storage facility at Yucca Mountain. And that is what we have been building. The waste, again, was supposed to be taken in the year 1998.

Where have we been over the past 15 years? We have done nothing but slip the schedule on nuclear waste. First it was to have this waste removed by the year 2003, then 2005, then 2010, now 2015. With this proposal that I have just mentioned, that is in draft form, they are proposing it go back to 2010. Maybe that is progress; I don't know. Through it all, the nuclear ratepayers have paid the bill, but we are not through with the cost.

As I have indicated previously, the U.S. Court of Appeals has ruled the Department of Energy had an obligation to take possession of the waste in 1998, whether or not a repository was ready. The court ordered the Department of Energy to pay contractual remedies. This is a pretty big hit on the Federal Government and, hence, the taxpayer, Mr. President.

Estimates of damages range as high as $40, $50, $60—up to $80 billion. How do the damages break down? Here they are: the cost of storage of spent nuclear fuel, $19.6 billion; return of nuclear waste fees, $8.5 billion; interest on nuclear waste fees, $15 to $27.8 billion; consequential damages for shutdown of 25 percent of nuclear plants due to insufficient storage—these are power replacement costs—$24 billion.

That is a pretty disastrous scenario for the consumers. It would add, if you will, the high cost of replacement power if these reactors go down as a consequence of not being able to basically remove their waste. There is loss of emissions, a free source of electric energy if the nuclear plants are forced to close. And again, I would remind you that 22 percent of our total electric power is generated from nuclear energy.

These costs, these "dangerous ends" can be fixed. It is really time for the administration to stop trying out bats, if you will, and step up to the plate on its obligation. So today I once again, along with Senator CRAIG, and a number of my colleagues, Senator GRAMS, are introducing the Nuclear Waste Policy Act to solve our immediate liability problems by establishing an interim nuclear waste facility at the Nevada test site.

Why the Nevada test site? Over the last 50 years, we have tested nuclear bombs, nuclear weapons in that area numerous times. As a consequence, it appears, and was selected, to be the best site for a permanent repository.

What we are proposing, by this legislation, is to move this waste out and put it at site, but have it retrievable so when the permanent repository is ready it can be placed there. In the meantime, we will remove the waste from some 70 sites around the country.

In addition, this measure improves the process towards a permanent nuclear waste repository by making sure that funding is adequate and that the process to reach that goal is sound and viable?

While my committee will examine the proposal put forth by the Secretary, there is some circular reasoning inherent in it.

One, the administration's arguments to date have been that building an interim storage facility would divert funds from the study of the proposed permanent repository. But the Secretary's proposal for continued onsite storage would do just that. It would redirect consumer funds to pay for continued onsite storage.

Do we really want this nuclear waste piling up at 71 sites around the Nation rather than one? That is the critical question, Mr. President. Here is the proposed site for the nuclear waste—out in the Nevada desert. And the Nevada test site was previously used for more than 800 nuclear weapons tests. There it is.

There is some conversation that suggests, What if the current repository at Yucca Mountain does not prove to be licensable, what will you do with it then? Obviously, we will have to address that. But in the meantime, we would concentrate it out in this area in retrievable casks that would allow us to move it someplace for permanent storage. Or there is the technology that is developing on reprocessing that the Japanese and the French have proceeded with, which is to recover the plutonium out of the spent nuclear fuel and put it back in the reactors. That is another alternative.

So the alternative to leaving it at the 71 sites, vis-a-vis putting it out in one place where we have had over 800 nuclear tests over the past 50 years, obviously is a logical and reasonable progression to remove this from the various sites around the United States.

Finally, Mr. President, the time for delay is long past. We have had enough delay now. In the last Congress, we had a vote on this matter. It was overwhelmingly bipartisan. There were 65 Members of the U.S. Senate that voted yes—that voted yes—to put the waste in a temporary retrievable repository at Yucca Mountain. In the House there were 307 Members that voted yes.

Obviously the time is now at hand to move this bill out, to meet the responsibility that we have committed to with the ratepayers over these last 18 years and take that $14 billion and move this waste out to the Nevada test site once and for all until the permanent repository is licensed.

So, Mr. President, I encourage my colleagues to reflect on the merits of this bill—the debate went on in the last Congress—and recognize that we simply cannot put our heads in the sand and ignore this. This is a contract commitment. You have to recognize the sanctity of that contract and the recognition of 22 percent of our power is from nuclear energy, and if we are to allow this industry to strangle on its high-level waste, we are doing a great disservice and simply are going to have to come up with power sources from other generating capabilities that do not offer the air quality that is available by nuclear energy.

As we look at global warming and greenhouse gases and various legislative proposals by the administration, the role of nuclear energy is noticeably absent. I think that is unfortunate as we recognize that nuclear energy contributes to reducing greenhouse gases and hence global warming.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in introducing the Nuclear Waste Policy Act amendments of 1999.

First, I would like to thank Senators MURKOWSKI and CRAIG for once again authoring this legislation and for their combined efforts in the Energy and Natural Resources Committee on matters related to nuclear waste storage.

As we all know, Washington's involvement in nuclear power isn't new. Since the 1950's "Atoms for Peace" program, the federal government has promoted nuclear energy, in part, by promising to remove radioactive waste from power plants. Congress decisively committed the federal government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982, and its amendments in 1987. These acts established the DOE Office of Civilian Radioactive Waste Management to conduct the program, selected Yucca Mountain, Nevada as the site to assess for the permanent disposal facility, and established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity, and provided that these fees would be deposited in the Nuclear Waste Fund. Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the standard contract addressed how radioactive waste would be taken, stored, and disposed of. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning January 31, 1998. Other administrative proceedings, such as the Nuclear Regulatory Commission's Waste Confidence Rule, told the American public that they should literally bank on the federal government's promise.

Because of these promises and measures taken by the federal government, ratepayers have paid over $15 billion, including interest, into the Nuclear Waste Fund. Today, these payments continue, exceeding $1 billion annually, or $70,000 for every hour of every day of the year.

Up until recently, however, the administration has acted as if there is no problem. They have maintained a hands-off approach to the issue and when they have engaged Congress on nuclear waste storage, it has only been to issue a veto threat against this legislation.

As a member of the Senate Energy and Natural Resources committee last year, I had the opportunity to question Secretary Richardson on nuclear waste issues during his Senate confirmation hearings. Unfortunately, his answers to my questions were generally incomplete and contained little substantive discussion on the very real problems facing our nation's utilities, states, and ratepayers.

Mr. Richardson did, however, write some interesting things about nuclear power in his responses. Let me share with you a few of those responses. They read:

> Nuclear power is a proven means of generating electricity. When managed well, it is also a safe means of generating electricity.

* * * * *

> It is my understanding that spent nuclear fuel has been safely transported in the United States in compliance with the regulatory requirements set forth by the Nuclear Regulatory Commission and the Department of Transportation.

* * * * *

> The widely publicized shipment last week of spent fuel from California to Idaho is proof that transportation can be done safely. The safety record of nuclear shipments would be among the issues I would focus on as Secretary of Energy.

I asked Mr. Richardson to tell me who would pay the billions of dollars in damages some say the DOE will owe utilities as a result of DOE failure to remove spent nuclear fuel by January 31, 1998. After writing about the DOE's beliefs on their level of liability, he wrote: "I will give this issue priority attention once I am confirmed as Secretary of Energy."

I asked Mr. Richardson if he felt the taxpayers had been treated fairly. Again, after telling me about the history of the Department's actions to avoid its responsibilities, he wrote: "I share your interest in resolving these issues and I will continue to pursue this once I am confirmed."

Now, Mr. President, let's look at how then-nominee Federico Peña responded to my question regarding the responsibility of the DOE to begin removing spent nuclear fuel from my state. He said in testimony before the Energy and Natural Resources Committee:

> . . . we will work with the Committee to address these issues within the context of the President's statement last year. So we've got a very difficult issue. I am prepared to address it. I will do that as best as I can, understanding the complexities involved. But they are all very legitimate questions and I look forward to working with you and others to try to find a solution.

Does that sound familiar? I suspect Secretary O'Leary had something equally vague to say about nuclear waste storage as well. Secretary Peña, I believe, said it best when he stated, "I will do that as best as I can, understanding the complexities involved." Those complexities, Mr. President, are not that complex at all. Quite simply, the President of the United States, despite the will of 307 Members of the House of Representatives and 65 Senators, last year refused to keep the DOE's promise.

Now, Secretary Richardson has come before the Senate and offered a "new" approach to the nuclear waste storage crisis. He believes we should leave the waste at sites across the country and merely transfer title, or ownership, to the federal government. The federal government would then be responsible for the costs associated with maintaining each of the 73 interim storage sites in 34 states, including the Prairie Island facility in Minnesota. To pay for this, Secretary Richardson is suggesting we raid the Nuclear Waste Fund, which was created to pay for the removal of that same spent nuclear fuel.

While I am glad to see the Administration is finally engaged in the nuclear waste debate and that Secretary Richardson has finally been allowed to address the issue before the U.S. Senate, his proposal is a "year late and several billion dollars short." It does nothing to actually move the waste out of our states and into an interim storage facility. It is unclear whether his proposal would do anything to prevent the premature shutdown of nuclear facilities in states like Minnesota. And the one thing we know it will do, is take money from the Nuclear Waste Fund that was supposed to pay for the removal of spent nuclear fuel, not the indefinite continuance of a failed approach to nuclear waste management.

Mr. President, I want to be very clear that I am sincere in these complaints. My concern is for the ratepayers of my state and ratepayers across the country. They have poured billions of dollars into the Nuclear Waste Fund expecting the DOE to take this waste. They have paid countless more millions paying for on-site nuclear waste storage. Effective January 31, 1998, they began paying for both of these costs simultaneously, even though no waste has been moved.

When the DOE is forced to pay damages to utilities across the nation, the ratepayers and taxpayers will again pay for the follies created by the DOE. Some estimate the costs of damages to be $80 to $100 billion or more. The ratepayers will also have to pay the price of building new gas or coal-fired plants when nuclear plants must shut down. And, if the Administration gets its way, my constituents will pay again when the Kyoto Protocol takes effect in 2008—exactly the same time Minnesota will be losing 20 percent of its electricity from clean nuclear power and replacing it with fossil fuels.

That is why we must move forward, pass the legislation introduced today, and send it to the President for his signature. If he refuses to sign the bill, then I believe we will be able to find those last two votes we need to override his veto and remove the cloud hanging over our nation's ratepayers. There is no scientific or technical reason why we should not move this bill forward and pass it into law.

The administration has admitted nuclear waste can be transported safely. They have admitted they neglected their responsibility. They have admitted nuclear power is a proven, safe means of generating electricity. And they have admitted there is a general consensus that centralized interim storage is scientifically and technically possible and can be done safely. If you add all of these points together and hold them up against this Administration's lack of action, you can only come to one conclusion: politics has indeed won out over policy and science.

Mr. President, I am proud to once again support these amendments to the Nuclear Waste Policy Act and urge my colleagues to move this bill quickly through committee and onto the Senate floor where it will once again be approved by an overwhelming majority.

By Mr. MURKOWSKI:

S. 609. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under the Act, and for other purposes; read the first time.

THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will help fight a silent epidemic among America's youth. This epidemic can leave young people permanently brain damaged, and in some cases even dead. It is called inhalant abuse. An awful lot of attention goes to substance abuse—alcohol, drugs—but very little attention is being given to inhalant abuse. It seems to be the silent killer. I ask that the bill be introduced pursuant to Senate rule 14 and be placed immediately on the Calendar.

My bill amends the Safe and Drug-Free Schools and Communities Act of 1994 to include inhalant abuse among the act's definition of "abused substances," thereby allowing schools the option to educate students about the horrors of inhalant abuse.

What exactly are inhalants? What are we talking about? Inhalants are the intentional breathing of gas or vapors for the purpose of getting a high. Over 1,400 common products can be abused—lighter fluid, pressurized whipped cream, hair spray; gasoline is often used in my rural State of Alaska. These products are inexpensive, they are easily obtained, and, most of all, they are legal. One inhalant abuse counselor told me, "If it smells like a chemical, it can be abused."

It is a silent epidemic because few adults appreciate the severity of the problem or how often it occurs. It is estimated one in five students have tried inhalants by the time they reach the eighth grade. The use of inhalants by children has nearly doubled in the last 10 years. Inhalants are the third most abused substance among teenagers, behind alcohol and tobacco.

Inhalants are deadly. Inhalant vapors react with fatty tissues of the brain and literally dissolve those tissues. A one-time use of inhalants can cause instant and permanent brain damage, heart failure, kidney failure, liver failure, or death. The user can also suffer instant heart failure. This is known as sudden sniffing death syndrome. This means an abuser can die on the very first time he or she tries it or the 10th time or the 100th time that an individual sees fit to use an inhalant. In fact, according to a recent study by the National Native Health Consortium, "inhaling has a higher risk of 'instant death' than any other abused substance." Think of that: Inhalants have a higher risk of instant death, the first time, than any other abused substance.

That is what happened last year to Theresa, an 18-year-old who lived in a rural western Alaska village. Last year Theresa was inhaling gasoline; shortly thereafter, her heart stopped. She was found outside in the near-zero temperature. Theresa was the youngest of five children and just a month shy of graduation. She was flown to the Fairbanks Memorial Hospital where she was pronounced dead on arrival.

Earlier this year in Pennsylvania, a teenaged driver with four teenaged passengers lost control of her car in broad daylight. The car hit a tree with such impact that all the passengers were killed. High levels of a chemical found in computer keyboard cleaners—think about this, computer keyboard cleaners—were found in the young driver's body. The medical examiner report cited impairment due to inhalant abuse as the cause of that crash.

Mr. Haviland, the principal of the school that the five girls attended, said the teacher never suspected that the students were involved with inhalants. That is why this bill is so important. The most effective prevention against inhalant abuse is education. It is preventable. But educators must first know about inhalants before they can teach our kids of their dangers.

My bill will amend section 4131 of the Safe and Drug-Free Schools and Communities Act to allow States and communities the option to develop programs on inhalant abuse. Under my amendment, the principals, teachers, and counselors will be able to learn about inhalants and will have the option to develop educational programs to teach about inhalant abuse.

There is no cost associated with this legislation. This bill makes fiscal sense. A 1993 study by the Alaska Indian Health Service revealed that a 19-year-old chronic inhalant abuser could have an average lifetime cost of up to $1.4 million. These are the costs of chronic medical care, substance abuse treatment, rehabilitation treatment, and social services. The costs go on and on. We can save those costs if we just prevent this type of abuse.

The goal of the Safe and Drug-Free Schools and Communities Act is to save the lives of young people, but currently only illegal drugs, alcohol, and tobacco are covered under the definitions of this act. This bill will help us solve the problem and save the lives of our youth. We support this legislation.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

Section 4131 of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7141) is amended by adding at the end the following:

"(7) ABUSE.—The term 'abuse', used with respect to an inhalant, means the intentional breathing of gas or vapors from the inhalant for the purpose of achieving an altered state of consciousness.

"(8) DRUG.—The term 'drug' includes a substance that is an inhalant, whether or not possession or consumption of the substance is legal.

"(9) INHALANT.—The term 'inhalant' means a product that—

"(A) may be a legal, commonly available product; and

"(B) has a useful purpose but can be abused, such as spray paint, glue, gasoline, correction fluid, furniture polish, a felt tip marker, pressurized whipped cream, an air freshener, butane, or cooking spray.

"(10) USE.—The term 'use', used with respect to an inhalant, means abuse of the inhalant.".

SEC. 2. FINDINGS.

Section 4002 of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7102) is amended—

(1) in paragraph (2), by inserting ", and the abuse of inhalants," after "other drugs";

(2) in paragraph (5), by striking "and the illegal use of alcohol and drugs" and inserting ", the illegal use of alcohol and drugs, and the abuse of inhalants";

(3) in paragraph (7), by striking "and tobacco" each place it appears and inserting ", tobacco, and inhalants";

(4) in paragraph (9), by striking "and illegal drug use" and inserting ", illegal drug use, and inhalant abuse"; and

(5) by adding at the end the following:

"(11)(A) The number of children using inhalants has doubled during the 10-year period preceding 1999. Inhalants are the third most abused class of substances by children age 12 through 14 in the United States, behind alcohol and tobacco. One of 5 students in the United States has tried inhalants by the time the student has reached the 8th grade.

"(B) Inhalant vapors react with fatty tissues in the brain, literally dissolving the tissues. A single use of inhalants can cause instant and permanent brain, heart, kidney, liver, and other organ damage. The user of an inhalant can suffer from Sudden Sniffing Death Syndrome, which can cause a user to die the first, tenth, or hundredth time the user uses an inhalant.

"(C) Because inhalants are legal, education on the dangers of inhalant abuse is the most effective method of preventing the abuse of inhalants.".

SEC. 3. PURPOSE.

Section 4003 of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7103) is amended, in the matter preceding paragraph (1), by inserting "and abuse of inhalants" after "and drugs".

SEC. 4. GOVERNOR'S PROGRAMS.

Section 4114(c)(2) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7114(c)(2)) is amended by inserting "(including inhalant abuse education)" after "drug and violence prevention".

SEC. 5. DRUG AND VIOLENCE PREVENTION PROGRAMS.

Section 4116 of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7116) is amended—

(1) in subsection (a)(1)(A), by inserting ", and the abuse of inhalants," after "illegal drugs"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "and the abuse of inhalants" after "use of illegal drugs"; and

(ii) by inserting "and abuse inhalants" after "use illegal drugs"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "(including age appropriate inhalant abuse prevention programs for all students, from the preschool level through grade 12)" after "drug prevention"; and

(ii) in subparagraph (C), by inserting "and inhalant abuse" after "drug use".

SEC. 6. FEDERAL ACTIVITIES.

Section 4121(a) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7131(a)) is amended, in the first sentence, by striking "illegal use of drugs" and inserting "illegal use of drugs, the abuse of inhalants,".

SEC. 7. MATERIALS.

Section 4132(a) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7142(a)) is amended by striking "illegal use of alcohol and other drugs" and inserting "illegal use of alcohol and other drugs and the abuse of inhalants".

SEC. 8. QUALITY RATING.

Section 4134(b)(1) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7144(b)(1)) is amended by inserting ", and the abuse of inhalants," after "tobacco".

By Mr. ENZI (for himself and Mr. THOMAS):

S. 610. A bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; to the Committee on Energy and Natural Resources.

WESTSIDE IRRIGATION DISTRICT LEGISLATION

• Mr. ENZI. Mr. President, today I am introducing legislation with my colleague from Wyoming, Senator THOMAS, that would authorize a land exchange project called the Westside Irrigation District in Washakie and Big Horn Counties, Wyoming. This project has been many years in the making and is very important to many people in our state. It will provide a strong foundation for economic development in the area and it will provide a great opportunity for the public to obtain parcels of land that are now in private hands.

The Westside District is a win-win project for everyone. It takes public land that is of low value for wildlife or aesthetic enjoyment and sells it to a non-profit district for conveyance into agricultural use. The District will pay fair market value for the surface land—not the mineral rights, which would remain federal property—and the Bureau of Land Management can then take the money and purchase other property that has a much higher value for public recreation, public access, fish and wildlife habitat, or cultural resources. The Bureau presently has very limited funds for this purpose and they could make good use of the money in the Worland District, which has a very complex land ownership mix.

The description of the project is nearly 37,000 acres of shelf land near the Big Horn River. The proposal would make use of unallocated water rights to irrigate approximately 20,000 acres, leaving the remainder in conservation buffer zones, rights of way and wildlife habitat. The local economy, which has been hit very hard in recent years, would benefit from additional production of barley, corn, beans, hay and sugar beets. The anticipated benefit of a fully implemented project could be as many as 216 new jobs in the community. And this is in a county that only has about 4,500 working people—so there is a real positive impact expected.

The district has been working diligently to address public questions that had been expressed early in the process. Some of these related to water quality, wildlife habitat, access, and land values. The Wyoming Game and Fish, the Bureau of Land Management, and the Westside District have been working out plans to mitigate each of the project's impacts. For example, the District will make use of overhead sprinkler systems to prevent runoff and will maintain vegetative buffer zones to capture any possible runoff due to natural events, such as snow melt. The District only plans to irrigate 20,000 acres of the total area, so the remaining 46 percent of the land will remain in native cover to provide habitat for wildlife and antelope winter range. The District will also help support additional staff with the Wyoming Game and Fish for mitigation assistance. And all existing rights of way and public access to surrounding public lands will be preserved.

Mr. President, this bill is necessary because the BLM does not have the statutory authority to complete a sale of lands. Although they could conduct an exchange, the sheer size of this project prevented creating a reasonable exchange portfolio of other lands. This could have been accomplished with existing authority, but was prohibitively difficult to achieve in a single process. This legislation enables the BLM to take the money now, and then purchase various private lands as they become available—lands that are more suitable to our public objectives, such as wildlife and resource conservation and public enjoyment.

This bill should be referred to the Senate Energy Committee and it is my hope that a hearing could be held and a report generated with enough time to complete action on the legislation this year. The people in Worland, Wyoming, have worked very hard to make this project happen. I would urge my colleagues to review the bill and support it.•

• Mr. THOMAS. Mr. President, it gives me great pleasure to join my colleague from Wyoming, Senator ENZI, in introducing legislation to convey certain BLM lands to the Westside Irrigation District. This measure is a culmination of years of hard work, by folks affected, to reach a solution through perseverance and much negotiation. It is a compromise—interested parties working together for a common goal, and it has been 30 years in the making. I am pleased today to be part of setting forth what is needed to turn a goal for many Wyoming residents into a reality.

This legislation directs the Secretary of the Interior to convey roughly 37,000 acres of land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District. In turn, Westside Irrigation District will irrigate these lands and sell them as farmland parcels. Proceeds raised from the land sales will be given to the Secretary of the Interior for the acquisition of land in the Worland District of the Bureau of Land Management, for the purpose of benefiting public recreation, increasing public access, enhancing fish and wildlife habitat and improving cultural resources.

In recent years, expanded residential development in Washakie and Big Horn Counties has resulted in key loss to the economy—farmland. What this legislation proposes to do is afford communities an opportunity to retain their economic vitality while protecting cultural and natural resources. It promises to benefit both the business community and preserve the environment.

Benefits attained from this legislation will be fruitful for all parties. Agricultural producers have the rare chance to increase private land holdings in a largely public lands State. Wildlife interests are given the resources necessary to enhance critical habitat areas. In addition, the creation of 200 new jobs and an estimated financial impact of $16.8 million annually will spur tremendous economic development in these Wyoming counties.

Mr. President, let me once again congratulate all of the folks who have worked so hard on this measure—it is a job well done. I hope the Senate will give this bill every consideration and I look forward to taking action on it in the near future.•

By Mr. CAMPBELL:

S. 611. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Indian Affairs.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT

Mr. CAMPBELL. Mr. President, just as it recognizes foreign governments, the United States is called upon to consider extending its recognition to Indian tribal governments here at home.

From the first days of the republic, the Congress has acted to recognize the unique legal and political relationship the United States has with the Indian tribes. Reforming the process of recognition is the goal of the legislation I am introducing today.

Just as the United States at times refuses to recognize foreign governments, there are and always have been tribal governments which have not been recognized by the Federal government. This lack of recognition does not alter the "Indian-ness" of a tribe's members; rather it merely means that there is no formal political relationship between that tribal group and the United States.

Federal recognition is critical to tribal groups because it triggers eligibility for services and benefits provided by the United States because of their status as members of federally recognized Indian tribes.

I want to be clear—I am not advocating for the approval of every petition for recognition, and I am not proposing that the petitions receive a limited or cursory review. I am concerned with the viability of the current recognition process and am interested in seeing fairness, promptness, and finality brought into that process while providing basic assurances to already-recognized tribes regarding their inherent rights.

Federal recognition can be accomplished in two ways: through the enactment of federal legislation; or through the administrative process that occurs, or more accurately does not occur, within the Bureau of Indian Affairs (BIA).

Over the years, uncertainty has developed over just how or when the Bureau would process tribal group applications for recognition. In short, the current process is not getting the job done.

The process in the Department of the Interior is time consuming and costly, although it has improved from its original state. Some tribal groups allege that the Department's process leads to unfair and unfounded results. It has frequently been hindered by a lack of staff and resources needed to fairly and promptly review all petitions. At the same time, the Congress extends recognition to tribes with little or no reference to the legal standards and criteria employed by the Department.

The amount of time some tribal groups have had to wait before their petitions are acted on in some cases is outrageous. Sometimes these applications for recognition are pending literally for decades. The concerns expressed go beyond the delays I mentioned and involve the viability of the current recognition process itself.

As with any decision-making body, fairness and timeliness are the keys to maintaining a credible system which holds the confidence of affected parties. I believe that it is in the interests of all parties to have a clear deadline for the completion of the recognition process.

In 1978, the Department of the Interior promulgated regulations to establish criteria and procedures for the recognition of Indian tribes by the Secretary.

Since that time to date, tribal groups have filed hundreds of petitions for review. Of those, 42 have been resolved, and 179 are new petitioners; During this same time, 89 expressed letters of intent to petition, and 5 required legislative authority to proceed which are now deemed inactive.

The remainder are in various stages of consideration by the Department either ready for active status or are already placed on active status. During this same time to date, the Congress has recognized 7 other tribal groups through legislation.

In the last twenty years, the Committee on Indian Affairs held oversight hearings on the Federal recognition process. At each of those hearings the record clearly showed that the process is not working properly. At a Committee on Indian Affairs hearing in 1995, the Bureau testified that at the current rate of review and consideration, it would take several decades to eliminate the entire backlog of tribal petitions. The record from numerous previous hearings reveals a clear need for the Congress to address the problems affecting the recognition process.

The bill I am introducing today will go a long way toward resolving the problems which have plagued both the Department of the Interior and tribal petitioners over the years.

This bill, the Indian Federal Recognition Administrative Procedures Act of 1999, provides the required clarification and changes that will help tribal petitioners and the United States in providing fair and orderly administrative procedures to extend Federal recognition to eligible Indian groups. The key element of this bill is that it removes the recognition process from the BIA and places it in a temporary and independent "Commission on Indian Recognition."

This bill provides that the Commission will be an independent agency, composed of three members appointed by the President, and authorized to hold hearings, take testimony and reach final determinations on petitions for recognition.

The bill provides strict but realistic time-lines to guide the Commission in the review and decision making process. Under the existing process in the Bureau of Indian Affairs, some petitioners have waited ten years or more for even a cursory review of their petition.

The bill I am introducing today requires the Commission to set a date for a preliminary hearing on a petition not later than 60 days after the filing of a documented petition. Not later than 30 days after the conclusion of a preliminary hearing, the Commission would be required to either decide to extend federal acknowledgment to the petitioner or to require the petitioner to proceed to an adjudicatory hearing.

The current recognition process becomes so expensive that the consideration of petitions are stretched out over a number of years because there have been no real deadlines for these decisions.

This bill will allow for a cost-effective process for the BIA and the petitioners, will provide definite time-lines for the administrative recognition process, and "sunsets" the Commission in 12 years.

To ensure fairness, the bill provides for appeals of adverse decisions to the federal district court here in the District of Columbia.

To ensure promptness, the bill authorizes adequate funding for the costs of processing petitions through the Commission.

The bill also provides finality for both the petitioners and the Department by requiring all interested tribal groups to file their petitions within 6 years after the date of enactment and requiring the Commission to complete its work within 12 years from enactment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this much-needed reform legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Federal Recognition Administrative Procedures Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To establish an administrative procedure to extend Federal recognition to certain Indian groups.

(2) To extend to Indian groups that are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility with respect to Indian tribes.

(3) To extend to Indian groups that are determined to be Indian tribes the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States.

(4) To ensure that when the Federal Government extends acknowledgment to an Indian tribe, the Federal Government does so with a consistent legal, factual, and historical basis.

(5) To establish a Commission on Indian Recognition to review and act upon petitions submitted by Indian groups that apply for Federal recognition.

(6) To provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment.

(7) To clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions.

(8) To remove the Federal acknowledgment process from the Bureau of Indian Affairs and transfer the responsibility for the process to an independent Commission on Indian Recognition.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACKNOWLEDGED.—The term "acknowledged" means, with respect to an Indian group, that the Commission on Indian Recognition has made an acknowledgment, as defined in paragraph (2), for that group.

(2) ACKNOWLEDGMENT.—The term "acknowledgment" means a determination by the Commission on Indian Recognition that an Indian group—

(A) constitutes an Indian tribe with a government-to-government relationship with the United States; and

(B) with respect to which the members are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) ALASKA NATIVE.—The term "Alaska Native" means an individual who is an Alaskan Indian, Eskimo, or Aleut, or any combination thereof.

(4) AUTONOMOUS.—

(A) IN GENERAL.—The term "autonomous" means the exercise of political influence or authority independent of the control of any other Indian governing entity.

(B) CONTEXT OF TERM.—With respect to a petitioner, that term shall be understood in the context of the history, geography, culture, and social organization of the petitioner.

(5) Bureau.—The term "Bureau" means the Bureau of Indian Affairs of the Department.

(6) Commission.—The term "Commission" means the Commission on Indian Recognition established under section 4.

(7) Community.—

(A) In general.—The term "community" means any group of people, living within a reasonable territorial that is able to demonstrate that—

(i) consistent interactions and significant social relationships exist within the membership; and

(ii) the members of that group are differentiated from and identified as distinct from nonmembers.

(B) Context of term.—The term shall be understood in the context of the history, culture, and social organization of the group, taking into account the geography of the region in which the group resides.

(8) Continuous or continuously.—With respect to a period of history of a group, the term "continuous" or "continuously" means extending from the first sustained contact with Euro-Americans throughout the history of the group to the present substantially without interruption.

(9) Department.—The term "Department" means the Department of the Interior.

(10) Documented petition.—The term "documented petition" means the detailed, factual exposition and arguments, including all documentary evidence, necessary to demonstrate that those arguments specifically address the mandatory criteria established in section 5.

(11) Group.—The term "group" means an Indian group, as defined in paragraph (13).

(12) Historically, historical, history.—The terms "historically", "historical", and "history" refer to the period dating from the first sustained contact with Euro-Americans.

(13) Indian group.—The term "Indian group" means any Indian or Alaska Native band, pueblo, village or community within the United States that the Secretary does not acknowledge to be an Indian tribe.

(14) Indian tribe.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, pueblo, village, or community within the United States that—

(A) the Secretary has acknowledged as an Indian tribe as of the date of enactment of this Act, or acknowledges to be an Indian tribe pursuant to the procedures applicable to certain petitions under active consideration at the time of the transfer of petitions to the Commission under section 5(a)(3); or

(B) the Commission acknowledges as an Indian tribe under this Act.

(15) Indigenous.—With respect to a petitioner, the term "indigenous" means native to the United States, in that at least part of the traditional territory of the petitioner at the time of first sustained contact with Euro-Americans extended into the United States.

(16) Letter of intent.—The term "letter of intent" means an undocumented letter or resolution that—

(A) is dated and signed by the governing body of an Indian group;

(B) is submitted to the Commission; and

(C) indicates the intent of the Indian group to submit a petition for Federal acknowledgment.

(17) Member of an Indian group.—The term "member of an Indian group" means an individual who—

(A) is recognized by an Indian group as meeting the membership criteria of the Indian group; and

(B) consents in writing to being listed as a member of that group.

(18) Member of an Indian tribe.—The term "member of an Indian tribe" means an individual who—

(A)(i) meets the membership requirements of the tribe as set forth in its governing document; or

(ii) in the absence of a governing document which sets out those requirements, has been recognized as a member collectively by those persons comprising the tribal governing body; and

(B)(i) has consistently maintained tribal relations with the tribe; or

(ii) is listed on the tribal membership rolls as a member, if those rolls are kept.

(19) Petition.—The term "petition" means a petition for acknowledgment submitted or transferred to the Commission pursuant to section 5.

(20) Petitioner.—The term "petitioner" means any group that submits a letter of intent to the Commission requesting acknowledgment.

(21) Political influence or authority.—

(A) In general.—The term "political influence or authority" means a tribal council, leadership, internal process, or other mechanism that a group has used as a means of—

(i) influencing or controlling the behavior of its members in a significant manner;

(ii) making decisions for the group which substantially affect its members; or

(iii) representing the group in dealing with nonmembers in matters of consequence to the group.

(B) Context of term.—The term shall be understood in the context of the history, culture, and social organization of the group.

(22) Previous Federal acknowledgment.—The term "previous Federal acknowledgment" means any action by the Federal Government, the character of which—

(A) is clearly premised on identification of a tribal political entity; and

(B) clearly indicates the recognition of a government-to-government relationship between that entity and the Federal Government.

(23) Restoration.—The term "restoration" means the reextension of acknowledgment to any previously acknowledged tribe with respect to which the acknowledged status may have been abrogated or diminished by reason of legislation enacted by Congress expressly terminating that status.

(24) Secretary.—The term "Secretary" means the Secretary of the Interior.

(25) Sustained contact.—The term "sustained contact" means the period of earliest sustained Euro-American settlement or governmental presence in the local area in which the tribe or tribes from which the petitioner claims descent was located historically.

(26) Treaty.—The term "treaty" means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or tribe;

(B) made by any government with, or on behalf of, any Indian group or tribe, from which the Federal Government subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

(27) Tribe.—The term "tribe" means an Indian tribe.

(28) Tribal relations.—The term "tribal relations" means participation by an individual in a political and social relationship with an Indian tribe.

(29) Tribal roll.—The term "tribal roll" means a list exclusively of those individuals who—

(A)(i) have been determined by the tribe to meet the membership requirements of the tribe, as set forth in the governing document of the tribe; or

(ii) in the absence of a governing document that sets forth those requirements, have been recognized as members by the governing body of the tribe; and

(B) have affirmatively demonstrated consent to being listed as members of the tribe.

(30) United states.—The term "United States" means the 48 contiguous States, and the States of Alaska and Hawaii. The term does not include territories or possessions of the United States.

SEC. 4. COMMISSION ON INDIAN RECOGNITION.

(a) Establishment.—There is established, as an independent commission, the Commission on Indian Recognition. The Commission shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) Membership.—

(1) In general.—

(A) Members.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(B) Individuals to be considered for membership.—In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes; and

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history.

(2) Political affiliation.—Not more than 2 members of the Commission may be members of the same political party.

(3) Terms.—

(A) In general.—Except as provided in subparagraph (B), each member of the Commission shall be appointed for a term of 4 years.

(B) Initial appointments.—As designated by the President at the time of appointment, of the members initially appointed under this subsection—

(i) 1 member shall be appointed for a term of 2 years;

(ii) 1 member shall be appointed for a term of 3 years; and

(iii) 1 member shall be appointed for a term of 4 years.

(4) Vacancies.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of the term of that member until a successor has taken office.

(5) Compensation.—

(A) In general.—Each member of the Commission shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, that member is engaged in the actual performance of duties authorized by the Commission.

(B) TRAVEL.—All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from their homes or regular places of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) FULL-TIME EMPLOYMENT.—Each member of the Commission shall serve on the Commission as a full-time employee of the Federal Government. No member of the Commission may, while serving on the Commission, be otherwise employed as an officer or employee of the Federal Government. Service by a member who is an employee of the Federal Government at the time of nomination as a member shall be without interruption or loss of civil service status or privilege.

(7) CHAIRPERSON.—At the time appointments are made under paragraph (1), the President shall designate a Chairperson of the Commission (referred to in this section as the "Chairperson") from among the appointees.

(c) MEETINGS AND PROCEDURES.—

(1) IN GENERAL.—The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(2) QUORUM.—Two members of the Commission shall constitute a quorum for the transaction of business.

(3) RULES.—The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish the procedures of the Commission and to govern the manner of operations, organization, and personnel of the Commission.

(4) PRINCIPAL OFFICE.—The principal office of the Commission shall be in the District of Columbia.

(d) DUTIES.—The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(e) POWERS AND AUTHORITIES.—

(1) POWERS AND AUTHORITIES OF CHAIRPERSON.—Subject to such rules and regulations as may be adopted by the Commission, the Chairperson may—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the Chairperson considers advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(2) GENERAL POWERS AND AUTHORITIES OF COMMISSION.—

(A) IN GENERAL.—The Commission may hold such hearings and sit and act at such times as the Commission considers to be appropriate.

(B) OTHER AUTHORITIES.—As the Commission may consider advisable, the Commission may—

(i) take testimony;

(ii) have printing and binding done;

(iii) enter into contracts and other arrangements, subject to the availability of funds;

(iv) make expenditures; and

(v) take other actions.

(C) OATHS AND AFFIRMATIONS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3) INFORMATION.—

(A) IN GENERAL.—The Commission may secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require to carry out this Act. Each such officer, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon the request of the Chairperson.

(B) FACILITIES, SERVICES, AND DETAILS.—Upon the request of the Chairperson, to assist the Commission in carrying out the duties of the Commission under this section, the head of any Federal department, agency, or instrumentality may—

(i) make any of the facilities and services of that department, agency, or instrumentality available to the Commission; and

(ii) detail any of the personnel of that department, agency, or instrumentality to the Commission, on a nonreimbursable basis.

(C) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 12 years after the date of enactment of this Act.

SEC. 5. PETITIONS FOR RECOGNITION.

(a) IN GENERAL.—

(1) PETITIONS.—Subject to subsection (d) and except as provided in paragraph (2), any Indian group may submit to the Commission a petition requesting that the Commission recognize an Indian group as an Indian tribe.

(2) EXCLUSION.—The following groups and entities shall not be eligible to submit a petition for recognition by the Commission under this Act:

(A) CERTAIN ENTITIES THAT ARE ELIGIBLE TO RECEIVE SERVICES FROM THE BUREAU.—Indian tribes, organized bands, pueblos, communities, and Alaska Native entities that are recognized by the Secretary as of the date of enactment of this Act as eligible to receive services from the Bureau.

(B) CERTAIN SPLINTER GROUPS, POLITICAL FACTIONS, AND COMMUNITIES.—Splinter groups, political factions, communities, or groups of any character that separate from the main body of an Indian tribe that, at the time of that separation, is recognized as an Indian tribe by the Secretary, unless the group, faction, or community is able to establish clearly that the group, faction, or community has functioned throughout history until the date of that petition as an autonomous Indian tribal entity.

(C) CERTAIN GROUPS THAT HAVE PREVIOUSLY SUBMITTED PETITIONS.—Groups, or successors in interest of groups, that before the date of enactment of this Act, have petitioned for and been denied or refused recognition as an Indian tribe under regulations prescribed by the Secretary.

(D) INDIAN GROUPS SUBJECT TO TERMINATION.—Any Indian group whose relationship with the Federal Government was expressly terminated by an Act of Congress.

(E) PARTIES TO CERTAIN ACTIONS.—Any Indian group that—

(i) in any action in a United States court of competent jurisdiction to which the group was a party, attempted to establish its status as an Indian tribe or a successor in interest to an Indian tribe that was a party to a treaty with the United States;

(ii) was determined by that court—

(I) not to be an Indian tribe; or

(II) not to be a successor in interest to an Indian tribe that was a party to a treaty with the United States; or

(iii) was the subject of findings of fact by that court which, if made by the Commission, would show that the group was incapable of establishing 1 or more of the criteria set forth in this section.

(3) TRANSFER OF PETITION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate under section 4(b), the Secretary shall transfer to the Commission all petitions pending before the Department that—

(i) are not under active consideration by the Secretary at the time of the transfer; and

(ii) request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an Indian tribe.

(B) CESSATION OF CERTAIN AUTHORITIES OF SECRETARY.—Notwithstanding any other provision of law, on the date of the transfer under subparagraph (A), the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal Government, any Indian group as an Indian tribe, except for those groups under active consideration at the time of the transfer whose petitions have been retained by the Secretary pursuant to subparagraph (A).

(C) DETERMINATION OF ORDER OF SUBMISSION OF TRANSFERRED PETITIONS.—Petitions transferred to the Commission under subparagraph (A) shall, for purposes of this Act, be considered as having been submitted to the Commission in the same order as those petitions were submitted to the Department.

(b) PETITION FORM AND CONTENT.—Except as provided in subsection (c), any petition submitted under subsection (a) by an Indian group shall be in any readable form that clearly indicates that the petition is a petition requesting the Commission to recognize the Indian group as an Indian tribe and that contains detailed, specific evidence concerning each of the following items:

(1) STATEMENT OF FACTS.—A statement of facts establishing that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1871. Evidence that the character of the group as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence that the Commission may rely on in determining the Indian identity of a group may include any 1 or more of the following items:

(A) IDENTIFICATION OF PETITIONER.—An identification of the petitioner as an Indian entity by any department, agency, or instrumentality of the Federal Government.

(B) RELATIONSHIP OF PETITIONER WITH STATE GOVERNMENT.—A relationship between the petitioner and any State government, based on an identification of the petitioner as an Indian entity.

(C) RELATIONSHIP OF PETITIONER WITH A POLITICAL SUBDIVISION OF A STATE.—Dealings of the petitioner with a county or political subdivision of a State in a relationship based on the Indian identity of the petitioner.

(D) IDENTIFICATION OF PETITIONER ON THE BASIS OF CERTAIN RECORDS.—An identification of the petitioner as an Indian entity by records in a private or public archive, courthouse, church, or school.

(E) IDENTIFICATION OF PETITIONER BY CERTAIN EXPERTS.—An identification of the petitioner as an Indian entity by an anthropologist, historian, or other scholar.

(F) IDENTIFICATION OF PETITIONER BY CERTAIN MEDIA.—An identification of the petitioner as an Indian entity in a newspaper, book, or similar medium.

(G) IDENTIFICATION OF PETITIONER BY ANOTHER INDIAN TRIBE OR ORGANIZATION.—An identification of the petitioner as an Indian entity by another Indian tribe or by a national, regional, or State Indian organization.

(H) IDENTIFICATION OF PETITIONER BY A FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION.—An identification of the petitioner as an Indian entity by a foreign government or an international organization.

(I) OTHER EVIDENCE OF IDENTIFICATION.—Such other evidence of identification as may be provided by a person or entity other than the petitioner or a member of the membership of the petitioner.

(2) EVIDENCE OF COMMUNITY.—

(A) IN GENERAL.—A statement of facts establishing that a predominant portion of the membership of the petitioner—

(i) comprises a community distinct from those communities surrounding that community; and

(ii) has existed as a community from historical times to the present.

(B) EVIDENCE.—Evidence that the Commission may rely on in determining that the petitioner meets the criterion described in clauses (i) and (ii) of subparagraph (A) may include 1 or more of the following items:

(i) MARRIAGES.—Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) SOCIAL RELATIONSHIPS.—Significant social relationships connecting individual members.

(iii) SOCIAL INTERACTION.—Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) SHARED ECONOMIC ACTIVITY.—A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) DISCRIMINATION OR OTHER SOCIAL DISTINCTIONS.—Evidence of strong patterns of discrimination or other social distinctions by nonmembers.

(vi) SHARED RITUAL ACTIVITY.—Shared sacred or secular ritual activity encompassing most of the group.

(vii) CULTURAL PATTERNS.—Cultural patterns that—

(I) are shared among a significant portion of the group that are different from the cultural patterns of the non-Indian populations with whom the group interacts;

(II) function as more than a symbolic identification of the group as Indian; and

(III) may include language, kinship or religious organizations, or religious beliefs and practices.

(viii) COLLECTIVE INDIAN IDENTITY.—The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) HISTORICAL POLITICAL INFLUENCE.—A demonstration of historical political influence pursuant to the criterion set forth in paragraph (3).

(C) CRITERIA FOR SUFFICIENT EVIDENCE.—The Commission shall consider the petitioner to have provided sufficient evidence of community at a given point in time if the petitioner has provided evidence that demonstrates any one of the following:

(i) RESIDENCE OF MEMBERS.—More than 50 percent of the members of the group of the petitioner reside in a particular geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent social interaction with some members of the community.

(ii) MARRIAGES.—Not less than 50 percent of the marriages of the group are between members of the group.

(iii) DISTINCT CULTURAL PATTERNS.—Not less than 50 percent of the members of the group maintain distinct cultural patterns including language, kinship or religious organizations, or religious beliefs or practices.

(iv) COMMUNITY SOCIAL INSTITUTIONS.—Distinct community social institutions encompassing a substantial portion of the members of the group, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

(v) APPLICABILITY OF CRITERIA.—The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

(3) AUTONOMOUS ENTITY.—

(A) IN GENERAL.—A statement of facts establishing that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the time of the petition. The Commission may rely on 1 or more of the following items in determining whether a petitioner meets the criterion described in the preceding sentence:

(i) MOBILIZATION OF MEMBERS.—The group is capable of mobilizing significant numbers of members and significant resources from its members for group purposes.

(ii) ISSUES OF PERSONAL IMPORTANCE.—Most of the membership of the group consider issues acted upon or taken by group leaders or governing bodies to be of personal importance.

(iii) POLITICAL PROCESS.—There is a widespread knowledge, communication, and involvement in political processes by most of the members of the group.

(iv) LEVEL OF APPLICATION OF CRITERIA.—The group meets the criterion described in paragraph (2) at more than a minimal level.

(v) INTRAGROUP CONFLICTS.—There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(B) EVIDENCE OF EXERCISE OF POLITICAL INFLUENCE OR AUTHORITY.—The Commission shall consider that a petitioner has provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or have existed that accomplish the following:

(i) ALLOCATION OF GROUP RESOURCES.—Allocate group resources such as land, residence rights, or similar resources on a consistent basis.

(ii) SETTLEMENT OF DISPUTES.—Settle disputes between members or subgroups such as clans or moieties by mediation or other means on a regular basis.

(iii) INFLUENCE ON BEHAVIOR OF INDIVIDUAL MEMBERS.—Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) ECONOMIC SUBSISTENCE ACTIVITIES.—Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) TEMPORALITY OF SUFFICIENCY OF EVIDENCE.—A group that has met the requirements of paragraph (2)(C) at any point in time shall be considered to have provided sufficient evidence to meet the criterion described in subparagraph (A) at that point in time.

(4) GOVERNING DOCUMENT.—A copy of the then present governing document of the petitioner that includes the membership criteria of the petitioner. In the absence of a written document, the petitioner shall be required to provide a statement describing in full the membership criteria of the petitioner and the then current governing procedures of the petitioner.

(5) LIST OF MEMBERS.—

(A) IN GENERAL.—A list of all then current members of the petitioner, including the full name (and maiden name, if any), date, and place of birth, and then current residential address of each member, a copy of each available former list of members based on the criteria defined by the petitioner, and a statement describing the methods used in preparing those lists.

(B) REQUIREMENTS FOR MEMBERSHIP.—In order for the Commission to consider the members of the group to be members of an Indian tribe for the purposes of the petition, that membership shall be required to consist of established descendancy from an Indian group that existed historically, or from historical Indian groups that combined and functioned as a single autonomous entity.

(C) EVIDENCE OF TRIBAL MEMBERSHIP.—Evidence of tribal membership required by the Commission for a determination of tribal membership shall include the following items:

(i) DESCENDANCY ROLLS.—Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes.

(ii) CERTAIN OFFICIAL RECORDS.—Federal, State, or other official records or evidence identifying then present members of the petitioner, or ancestors of then present members of the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iii) ENROLLMENT RECORDS.—Church, school, and other similar enrollment records identifying then present members or ancestors of then present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iv) AFFIDAVITS OF RECOGNITION.—Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying then present members or ancestors of then present members as being descendants of 1 or more historic tribes that combined and functioned as a single autonomous political entity.

(v) OTHER RECORDS OR EVIDENCE.—Other records or evidence identifying then present members or ancestors of then present members as being descendants of 1 or more historic tribes that combined and functioned as a single autonomous political entity.

(c) EXCEPTIONS.—A petition from an Indian group that is able to demonstrate by a preponderance of the evidence that the group was, or is the successor in interest to, a—

(1) party to a treaty or treaties;

(2) group acknowledged [illegible] any agency of the Federal Government [illegible]gible to participate under the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.);

(3) group for the benefit of which the United States took into trust lands, or which the Federal Government has treated as having collective rights in tribal lands or funds; or

(4) group that has been denominated a tribe by an Act of Congress or Executive order,

shall be required to establish the criteria set forth in this section only with respect to the period beginning on the date of the applicable action described in paragraph (1), (2), (3), or (4) and ending on the date of submission of the petition.

(d) DEADLINE FOR SUBMISSION OF PETITIONS.—No Indian group may submit a petition to the Commission requesting that the Commission recognize an Indian group as an Indian tribe after the date that is 8 years after the date of enactment of this Act. After the Commission makes a determination on each petition submitted before that date, the Commission may not make any further determination under this Act to recognize any Indian group as an Indian tribe.

SEC. 6. NOTICE OF RECEIPT OF PETITION.

(a) PETITIONER.—

(1) IN GENERAL.—Not later than 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall—

(A) send an acknowledgement of receipt in writing to the petitioner; and

(B) publish in the Federal Register a notice of that receipt, including the name, location, and mailing address of the petitioner and such other information that—

(i) identifies the entity that submitted the petition and the date the petition was received by the Commission;

(ii) indicates where a copy of the petition may be examined; and

(iii) indicates whether the petition is a transferred petition that is subject to the special provisions under paragraph (2).

(2) SPECIAL PROVISIONS FOR TRANSFERRED PETITIONS.—

(A) IN GENERAL.—With respect to a petition that is transferred to the Commission under section 5(a)(3), the notice provided to the petitioner, shall, in addition to providing the information specified in paragraph (1), inform the petitioner whether the petition constitutes a documented petition that meets the requirements of section 5.

(B) AMENDED PETITIONS.—If the petition described in subparagraph (A) is not a documented petition, the Commission shall notify the petitioner that the petitioner may, not later than 90 days after the date of the notice, submit to the Commission an amended petition that is a documented petition for review under section 7.

(C) EFFECT OF AMENDED PETITION.—To the extent practicable, the submission of an amended petition by a petitioner by the date specified in this paragraph shall not affect the order of consideration of the petition by the Commission.

(b) OTHERS.—In addition to providing the notification required under subsection (a), the Commission shall notify, in writing, the Governor and attorney general of, and each federally recognized Indian tribe within, any State in which a petitioner resides.

(c) PUBLICATION; OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—

(1) PUBLICATION.—The Commission shall publish the notice of receipt of each petition (including any amended petition submitted pursuant to subsection (a)(2)) in a major newspaper of general circulation in the town or city located nearest the location of the petitioner.

(2) OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—

(A) IN GENERAL.—Each notice published under paragraph (1) shall include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of or in opposition to, the petition.

(B) COPY TO PETITIONER.—A copy of any submission made under subparagraph (A) shall be provided to the petitioner upon receipt by the Commission.

(C) RESPONSE.—The petitioner shall be provided an opportunity to respond to any submission made under subparagraph (A) before a determination on the petition by the Commission.

SEC. 7. PROCESSING THE PETITION.

(a) REVIEW.—

(1) IN GENERAL.—Upon receipt of a documented petition submitted or transferred under section 5(a) or submitted under section 6(a)(2)(B), the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) CONTENT OF REVIEW.—The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) OTHER RESEARCH.—In conducting a review under this subsection, the Commission may—

(A) initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the status of the petitioner; and

(B) consider such evidence as may be submitted by other parties.

(4) ACCESS TO LIBRARY OF CONGRESS AND NATIONAL ARCHIVES.—Upon request by the petitioner, the appropriate officials of the Library of Congress and the National Archives shall allow access by the petitioner to the resources, records, and documents of those entities, for the purpose of conducting research and preparing evidence concerning the status of the petitioner.

(b) CONSIDERATION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, petitions submitted or transferred to the Commission shall be considered on a first come, first served basis, determined by the date of the original filing of each such petition with the Commission (or the Department if the petition is transferred to the Commission pursuant to section 5(a) or is an amended petition submitted pursuant to section 6(a)(2)(B)). The Commission shall establish a priority register that includes petitions that are pending before the Department on the date of enactment of this Act.

(2) PRIORITY CONSIDERATION.—Each petition (that is submitted or transferred to the Commission pursuant to section 5(a) or that is submitted to the Commission pursuant to section 6(a)(2)(B)) of an Indian group that meets 1 or more of the requirements set forth in section 5(c) shall receive priority consideration over a petition submitted by any other Indian group.

SEC. 8. PRELIMINARY HEARING.

(a) IN GENERAL.—Not later than 60 days after the receipt of a documented petition by the Commission submitted or transferred under section 5(a) or submitted to the Commission pursuant to section 6(a)(2)(B), the Commission shall set a date for a preliminary hearing. At the preliminary hearing, the petitioner and any other concerned party may provide evidence concerning the status of the petitioner.

(b) DETERMINATION.—

(1) IN GENERAL.—Not later than 30 days after the conclusion of a preliminary hearing under subsection (a), the Commission shall make a determination—

(A) to extend Federal acknowledgment of the petitioner as an Indian tribe to the petitioner; or

(B) that provides that the petitioner should proceed to an adjudicatory hearing.

(2) NOTICE OF DETERMINATION.—The Commission shall publish in the Federal Register a notice of each determination made under paragraph (1).

(c) INFORMATION TO BE PROVIDED PREPARATORY TO AN ADJUDICATORY HEARING.—

(1) IN GENERAL.—If the Commission makes a determination under subsection (b)(1)(B) that the petitioner should proceed to an adjudicatory hearing, the Commission shall—

(A)(i) make available appropriate evidentiary records of the Commission to the petitioner to assist the petitioner in preparing for the adjudicatory hearing; and

(ii) include such guidance as the Commission considers necessary or appropriate to assist the petitioner in preparing for the hearing; and

(B) not later than 30 days after the conclusion of the preliminary hearing under subsection (a), provide a written notification to the petitioner that includes a list of any deficiencies or omissions that the Commission relied on in making a determination under subsection (b)(1)(B).

(2) SUBJECT OF ADJUDICATORY HEARING.—The list of deficiencies and omissions provided by the Commission to a petitioner under paragraph (1)(B) shall be the subject of the adjudicatory hearing. The Commission may not make any additions to the list after the Commission issues the list.

SEC. 9. ADJUDICATORY HEARING.

(a) IN GENERAL.—Not later than 180 days after the conclusion of a preliminary hearing under section 8(a), the Commission shall afford a petitioner who is subject to section 8(b)(1)(B) an adjudicatory hearing. The subject of the adjudicatory hearing shall be the list of deficiencies and omissions provided under section 8(c)(1)(B) and shall be conducted pursuant to section 554 of title 5, United States Code.

(b) TESTIMONY FROM STAFF OF COMMISSION.—In any hearing held under subsection (a), the Commission may require testimony from the acknowledgement and research staff of the Commission or other witnesses. Any such testimony shall be subject to cross-examination by the petitioner.

(c) EVIDENCE BY PETITIONER.—In any hearing held under subsection (a), the petitioner may provide such evidence as the petitioner considers appropriate.

(d) DETERMINATION BY COMMISSION.—Not later than 60 days after the conclusion of any hearing held under subsection (a), the Commission shall—

(1) make a determination concerning the extension or denial of Federal acknowledgment of the petitioner as an Indian tribe to the petitioner;

(2) publish the determination of the Commission under paragraph (1) in the Federal Register; and

(3) deliver a copy of the determination to the petitioner, and to every other interested party.

SEC. 10. APPEALS.

(a) IN GENERAL.—Not later than 60 days after the date that the Commission publishes a determination under section 9(d), the petitioner may appeal the determination to the United States District Court for the District of Columbia.

(b) ATTORNEY FEES.—If the petitioner prevails in an appeal made under subsection (a), the petitioner shall be eligible for an award of reasonable attorney fees and costs under section 504 of title 5, United States Code, or section 2412 of title 28, United States Code, whichever is applicable.

SEC. 11. EFFECT OF DETERMINATIONS.

A determination by the Commission under section 9(d) that an Indian group is recognized by the Federal Government as an Indian tribe shall not have the effect of depriving or diminishing—

(1) the right of any other Indian tribe to govern the reservation of such other tribe as that reservation existed before the recognition of that Indian group, or as that reservation may exist thereafter;

(2) any property right held in trust or recognized by the United States for that other Indian tribe as that property existed before the recognition of that Indian group; or

(3) any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for that other Indian tribe before the recognition by the Federal Government of that Indian group as an Indian tribe.

SEC. 12. IMPLEMENTATION OF DECISIONS.

(a) ELIGIBILITY FOR SERVICES AND BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), upon recognition by the Commission of a petitioner as an Indian tribe under this Act, the Indian tribe shall—

(A) be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States; and

(B) have the responsibilities, obligations, privileges, and immunities of those Indian tribes.

(2) PROGRAMS OF THE BUREAU.—

(A) IN GENERAL.—The recognition of an Indian group as an Indian tribe by the Commission under this Act shall not create an immediate entitlement to programs of the Bureau in existence on the date of the recognition.

(B) AVAILABILITY OF PROGRAMS.—

(i) IN GENERAL.—The programs described in subparagraph (A) shall become available to the Indian tribe upon the appropriation of funds.

(ii) REQUESTS FOR APPROPRIATIONS.—The Secretary and the Secretary of Health and Human Services shall forward budget requests for funding the programs for the Indian tribe pursuant to the needs determination procedures established under subsection (b).

(b) NEEDS DETERMINATION AND BUDGET REQUEST.—

(1) IN GENERAL.—Not later than 180 days after an Indian group is recognized by the Commission as an Indian tribe under this Act, the appropriate officials of the Bureau and the Indian Health Service of the Department of Health and Human Services shall consult and develop in cooperation with the Indian tribe, and forward to the Secretary or the Secretary of Health and Human Services, as appropriate, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe.

(2) SUBMISSION OF BUDGET REQUEST.—Upon receipt of the information described in paragraph (1), the appropriate Secretary shall submit to the President a recommended budget along with recommendations, concerning the information received under paragraph (1), for inclusion in the annual budget submitted by the President to the Congress pursuant to section 1108 of title 31, United States Code.

SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S ACTIVITIES.

(a) LIST OF RECOGNIZED TRIBES.—Not later than 90 days after the first meeting of the Commission, and annually on or before each January 30 thereafter, the Commission shall publish in the Federal Register a list of all Indian tribes that—

(1) are recognized by the Federal Government; and

(2) receive services from the Bureau.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, and annually thereafter, the Commission shall prepare and submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives that describes the activities of the Commission.

(2) CONTENT OF REPORTS.—Each report submitted under this subsection shall include, at a minimum, for the year that is the subject of the report—

(A) the number of petitions pending at the beginning of the year and the names of the petitioners;

(B) the number of petitions received during the year and the names of the petitioners;

(C) the number of petitions the Commission approved for acknowledgment during the year and the names of the acknowledged petitioners;

(D) the number of petitions the Commission denied for acknowledgment during the year and the names of the petitioners; and

(E) the status of all pending petitions on the date of the report and the names of the petitioners.

SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.

Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act. The district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

SEC. 15. REGULATIONS.

The Commission may, in accordance with applicable requirements of title 5, United States Code, promulgate and publish such regulations as may be necessary to carry out this Act.

SEC. 16. GUIDELINES AND ADVICE.

(a) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the Commission shall make available to Indian groups suggested guidelines for the format of petitions, including general suggestions and guidelines concerning where and how to research information that is required to be included in a petition. The examples included in the guidelines shall not preclude the use of any other appropriate format.

(b) RESEARCH ADVICE.—The Commission may, upon request, provide suggestions and advice to any petitioner with respect to the research of the petitioner concerning the historical background and Indian identity of that petitioner. The Commission shall not be responsible for conducting research on behalf of the petitioner.

SEC. 17. ASSISTANCE TO PETITIONERS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may award grants to Indian groups seeking Federal recognition as Indian tribes to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act; and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) TREATMENT OF GRANTS.—The grants made under this subsection shall be in addition to any other grants the Secretary of Health and Human Services is authorized to provide under any other provision of law.

(b) COMPETITIVE AWARD.—The grants made under subsection (a) shall be awarded competitively on the basis of objective criteria prescribed in regulations promulgated by the Secretary of Health and Human Services.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated to the Commission to carry out this Act (other than section 17) such sums as are necessary for each of fiscal years 2001 through 2009.

(b) SECRETARY OF HHS.—To carry out section 17, there are authorized to be appropriated to the Department of Health and Human Services for the Administration for Native Americans such sums as are necessary for each of fiscal years 2001 through 2009.

By Mr. CAMPBELL:

S. 612. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations; and for other purposes; to the Committee on Indian Affairs.

INDIAN NEEDS ASSESSMENT, PROGRAM EVALUATION AND POLICY COORDINATION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the Indian Needs Assessment, Program Evaluation and Policy Coordination Act of 1999 to bring about needed reforms in the way Indian programs are designed and funded.

As the annual funding debates over Indian programs show us year after year, rational and equitable funding decisions are made more difficult because of the lack of accurate and up to date information about the needs of tribal governments and tribal members.

The ability of the Congress to target unmet needs and make available adequate funds for tribes and tribal members is directly related to the quantity and quality of information available about the type and degree of demand for federal programs and services.

Within one year of the enactment of this Act, and every 5 years thereafter, each Federal agency or department is required to conduct an "Indian Needs Assessment" ("INA") aimed at determining the needs of tribes and Indians eligible for programs and services administered by such agency or department.

To facilitate information collection and analysis, the bill requires the development of a uniform method, criteria and procedures for determining, analyzing, and compiling the program and service needs of tribes and Indians.

The resulting "Indian Needs Assessments" are to be filed with the Committees on Appropriations and Indian Affairs of the Senate, and the Committees on Appropriations and Resources of the House of Representatives.

In addition to a Needs Assessment, the bill also requires that each Federal agency or department responsible for providing services to Indians file an "Annual Indian Program Evaluation" ("AIPE") with these same committees. The AIPE will measure the performance and effectiveness of the programs under the jurisdiction of that agency or department, and include recommendations as to how such programs can be improved.

I ask unanimous consent that a copy of the bill be printed in the RECORD and urge my colleagues to join me in supporting this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Needs Assessment and Program Evaluation Act of 1999".

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—the Congress finds that—

(1) the United States and the Indian tribes have a unique legal and political government-to-government relationship;

(2) pursuant to Constitution, treaties, statutes, executive order, court decisions, and course of conduct, the United States has a trust obligation to provide certain services to Indian tribes and to Indians;

(3) Federal agencies charged with administering programs and providing services to or for the benefit of Indians have not furnished Congress with adequate information necessary to assess such programs or the needs of Indians and Indian tribes;

(4) such lack of information has hampered the ability of the Congress to determine the nature, type, and magnitude of such needs as well as its ability to respond to them.

(5) Congress cannot properly fulfill its obligation to Indian tribes and Indian people unless and until it has an adequate store of information related to the needs of Indians nationwide.

(b) PURPOSES.—the purposes of this Act are to—

(1) ensure that Indian needs for federal programs and services are known in a more certain and predictable fashion;

(2) to require that Federal agencies and departments carefully review and monitor the effectiveness of the programs and services provided to Indians;

(3) to provide for more efficient and effective cooperation and coordination of, and accountability from, the agencies and departments providing programs and services, including technical and business development assistance, to Indians; and

(4) to provide Congress with reliable information regarding both Indian needs and the evaluation of federal programs and services provided to Indians nationwide.

SEC. 3. INDIAN TRIBAL NEEDS ASSESSMENT.

(a) INDIAN TRIBAL NEEDS ASSESSMENTS.—In General.—

(1) within 180 days after the enactment of this Act, the Secretary, in consultation and coordination with the Departments of Agriculture, Commerce, Defense, Energy, Labor, Justice, Treasury, Transportation, and Veterans Affairs, the Environmental Protection Agency, other relevant agencies, offices, and departments, shall develop a uniform method, criteria and procedures for determining, analyzing, and compiling the program and service assistance needs of Indian tribes and Indians nationwide. The needs assessment shall address, but not be limited to, the following:

(A) The total population of the tribe(s), and the population of tribal members located in the service area, where applicable;

(B) The size of the service area;

(C) The location of the service area;

(D) The availability of similar programs within the geographical area to tribes or tribal members; and

(E) socio-economic conditions that exist within the service area.

(2) the Secretary shall consult with tribal governments in establishing and conducting the needs assessment mandated by this Act.

(3) within 1 year of the enactment of this Act, and every five (5) years thereafter, each Federal agency or department, in coordination with the Secretary, shall conduct an Indian Needs Assessment ("INA") aimed at determining the actual needs of Indian tribes and Indians eligible for programs and services administered by such agency or department.

(4) the Indian Needs Assessment developed pursuant to subsection (c)(3) above shall be filed with the Committees on Appropriations and Indian Affairs of the Senate, and the Committees on Appropriations and Resources of the House of Representatives on February 1 of each year in which it is to be submitted.

(b) FEDERAL AGENCY INDIAN TRIBAL PROGRAM EVALUATION.—

(1) within 180 days of enactment of this Act, the Secretary shall develop a uniform method, criteria and procedures for compiling, maintaining, keeping current and reporting to Congress all information concerning

(A) the agency or department annual expenditure for programs and services for which Indians are eligible, with specific information regarding the names of tribes who are currently participating in or receiving each service, the names of tribes who have applied for and not received programs or services, and the names of tribes whose services or programs have been terminated within the last fiscal year;

(B) services or programs specifically for the benefit of Indians, with specific information regarding the names of tribes who are currently participating in or receiving each service, the names of tribes who have applied for and not received programs or services, and the names of tribes whose services or programs have been terminated within the last fiscal year;

(C) the agency or department method of delivery of such services and funding, including a detailed explanation of the outreach efforts of each agency or department to Indian tribes.

(2) within 1 year of the enactment of this Act, and annually thereafter, each Federal agency or department responsible for providing services or programs to or for the benefit of Indian tribes or Indians shall file an Annual Indian Program Evaluation ("AIPE") with the Committees on Appropriations and Indian Affairs of the Senate, and the Committees on Appropriations and Resources of the House of Representatives.

(c) ANNUAL LISTING OF TRIBAL ELIGIBLE PROGRAMS.—On or before February 1 of each calendar year, those Federal agencies or departments mentioned in (b)(2) above, shall develop and publish in the Federal Register a list of all programs and services offered by such agency or department for which Indian tribes or their members are or may be eligible, and shall provide a brief explanation of the program or service.

SEC. 4. REPORT TO CONGRESS

(a) IN GENERAL.—the Secretary shall, within 1 years of the enactment of this Act, develop and submit to the Committees on Appropriations and Indian Affairs of the Senate, and the Committees on Appropriations and Resources of the House of Representatives a report detailing the coordination of federal program and service assistance for which Indian tribes and their members are eligible.

(b) STRATEGIC PLAN.—the Secretary shall, within 18 months after the enactment of this Act, and after consultation and coordination with the Indian tribes, file a Strategic Plan for the Coordination of Federal Assistance for Indians.

(c) CONTENTS OF STRATEGIC PLAN.—the Plan required under this Act shall contain (1) identification of reforms necessary to the laws, regulations, policies, procedures, practices, and systems of the agencies involved; (2) proposals for remedying the reforms identified in the Plan; and (3) other recommendations consistent with the purposes of the Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) Beginning in fiscal year 2001 and for each fiscal year thereafter, there are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CAMPBELL:

S. 613. A bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes; to the Committee on Indian Affairs.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Indian Tribal Economic Development and Contract Encouragement Act of 1999 to encourage tribal economic development, provide for disclosures regarding tribal sovereign immunity, and eliminate excessive and unproductive bureaucratic oversight of tribal decisions.

As many of my colleagues are aware, most Indian tribes are not in the position to fund all, or even most of their governmental operations through taxes imposed on reservation-based activities or assets. Often a tribe's own land and other natural resources are the only means a tribe has to fund its activities or to promote economic development within its reservation boundaries.

Since land is the basic trust resource, the United States has the authority and the responsibility to oversee the lease of tribal lands. Where tribes propose to enter leases of their lands, a federal statute provides that the lease is only valid if it is approved by the Interior Department. My proposed bill does not affect the federal government's authority to approve leases. My bill addresses non-lease agreements between Indian tribes and those that provide services that relate to the tribe's lands.

Not that long ago, tribes had to rely on federal bureaucrats to devise ways to develop their lands, to negotiate leases, and to then approve those leases. In many instances, tribes are now developing their own proposals. To assist in the development of a private sector, I want to encourage this entrepreneurial spirit.

There are strong indications, however, that an ancient federal statute is impeding every Indian tribe's ability to enter into agreements with those who might be hired by the tribe to assist it in developing its lands. Like most laws, this statute was enacted with the best intentions. I speak of a law enacted over 125 years ago; a law enacted when many Indians had to rely on translators to read the treaties between the United States and their tribal government. The statute I propose to amend was enacted in 1871, and it survives in much the same form today as it did then—64 Congresses ago.

Section 81, as it is known, provides that a contract “relating to Indian lands” is not valid unless it is approved by the Secretary. Section 81 imposes no limits on how long the BIA may take to review the agreement or even what standards apply to decide whether the contract should be approved or denied.

The bill I introduce today addresses these issues and others.

First, the bill gives the Secretary 90 days to review a proposed contract. This is the same amount of time the Secretary has to review contracts relating to the management of gaming facilities. My bill provides that if the government takes no action for 90 days, then the tribe can proceed with the project unhindered by the lack of approval.

All other federal laws will still apply to the agreement.

Second, the Secretary must identify the types of contracts that are not covered by this statute. A tribe can submit such contracts and the BIA has 45 days to determine whether they are covered by the law. The Secretary is still authorized to reject any contract that violates federal law.

Finally, the bill incorporates a suggestion made in 1988 by then-Assistant Secretary Ross Swimmer to “eliminate the current statutory requirements that the Secretary approve the tribal selection of attorneys and attorney fees.” To allow the selection of counsel, without the Secretary's oversight, is fundamental to Indian self-determination.

My bill addresses one other key matter. Like other sovereign governments, Indian tribes are free to negotiate with potential business partners whether, in what form, and to what extent the parties can sue and be sued under a contract they enter. My bill recognizes a tribe's discretion in this area and it leaves it in place.

After numerous hearings conducted in the 105th Congress and in previous congresses, I believe the record is clear: Indian tribes have been increasingly responsible in their consideration of immunity decisions.

I am concerned, however, about those who may enter into agreements with Indian tribes knowing that the tribe retains immunity but at a later time insist that they have been treated unfairly by the tribe raising the immunity defense.

Under my bill, the Secretary must deny approval of contracts if the agreement in question fails to state that the parties recognize that the tribe is immune from suit unless immunity is expressly waived.

Excessive federal regulation, especially if it impedes business and economic development in Indian Country, needs to be eliminated. Whether we put this belief in terms of the Contract with America, or the initiative to reinvent government, our objective is the same.

There is no group of people who have experienced more federal regulation of every aspect of their lives than Indians. This bill represents a commitment to reduce unnecessary and anachronistic federal bureaucratic requirements.

I ask unanimous consent that a copy of the bill be printed in the RECORD, and I urge my colleagues to join me in supporting this critical measure.

There being no objection, this bill was ordered to be printed in the RECORD, as follows:

S. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Economic Development and Contract Encouragement Act of 1999”.

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended—

(1) by inserting “(a)” before “No agreement”;

(2) in subsection (a), as designated by paragraph (1) of this section—

(A) by striking “, or individual Indians not citizens of the United States,”;

(B) by striking “First. Such agreement” and inserting the following:

“(1) Such contract or agreement”;

(C) by striking “Second. It shall bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs endorsed up on it.” and inserting the following:

“(2) Except as provided in subsection (b), it shall bear the approval of the Secretary of the Interior (referred to in this section as the ‘Secretary’) or a designee of the Secretary of the Interior endorsed upon it.”;

(D) by striking “Third. It” and inserting the following:

“(3) It”;

(E) by striking “Fourth. It” and inserting the following:

“(4) It”; and

(F) by striking “Fifth. It” and inserting the following:

“(5) It”;

(3) by inserting “(d)” before “All contracts”;

(4) by inserting after subsection (a) the following:

“(b) Subsection (a)(2) shall not apply to a contract or agreement in any case in which—

“(1) the Secretary (or a designee of the Secretary) fails to approve or disapprove the contract or agreement by the date that is 90 days after the date on which the contract or agreement is filed with the Secretary under this section; or

“(2)(A) the tribe notifies the Secretary in a manner prescribed by the Secretary under subsection (c)(3) that a contract or agreement is not covered under subsection (a); and

“(B) the Secretary (or a designee of the Secretary) fails to inform the tribe in writing, by the date that is 45 days after receipt of the notification under subparagraph (A), that the Secretary (or designee) intends to review the contract agreement by the date specified in paragraph (1).

“(c)(1) The Secretary (or a designee of the Secretary) shall refuse to approve a contract or agreement that is filed with the Secretary under this section if the Secretary (or designee) determines that the contract or agreement—

“(A) violates Federal law; or

“(B)(i) is covered under subsection (a); and

“(ii) does not include a provision that—

“(I) provides for remedies in the case of a breach of the contract or agreement;

“(II) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the tribe to assert sovereign immunity as a defense in an action brought against the tribe; or

“(III) includes an express waiver of the right of the tribe to assert sovereign immunity as a defense in an action brought against the tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

“(2)(A) The Secretary (or a designee of the Secretary) shall not approve any contract or agreement that is submitted to the Secretary for approval under this section if the Secretary (or designee) determines that the contract or agreement is not covered under subsection (a).

“(B) If the Secretary determines that a contract or agreement is not covered under subsection (a), the Secretary shall notify the tribe of that determination.

“(3) To assist tribes in providing notice under subsection (b)(2), the Secretary shall—

"(A) issue guidelines for identifying types of contracts or agreements that are not covered under subsection (a); and

"(B) establish procedures for providing that notice.

"(4) The failure of the Secretary to approve a contract or agreement under this subsection or to provide notice under paragraph (2)(B) shall not affect the applicability of a requirement under any other provision of Federal law.";

(5) in subsection (d), as redesignated by paragraph (3) of this section, by striking "paid to any person by any Indian tribe" and all that follows through the end of the subsection and inserting "paid to any person by any tribe or any other person on behalf of the tribe on account of such services in excess of the amount approved by the Secretary of the Interior, may be recovered in an action brought by the tribe or the United States. Such an action may be brought in any district court of the United States, without regard to the amount in controversy. Any amount recovered under this subsection shall be paid to the Treasury of the United States for use by the tribe for whom it was recovered."; and

(6) by adding at the end the following:

"(e) Nothing in this section shall be construed to require the Secretary of the Interior to approve a contract for legal services by an attorney.".

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking ", the choice of counsel and fixing of fees to be subject to the approval of the Secretary".

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 614. A bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; to the Committee on Indian Affairs.

INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to introduce another key piece of legislation to encourage private sector development on Indian lands. This bill is aimed at removing the obstacles that stand in the way of responsive government and greater levels of business activity in Indian country—the Indian Tribal Regulatory Reform and Business Development Act of 1999.

Over the years, laws, regulations and policies have been built up—often with good intentions—but have outlived their usefulness or relevance to the contemporary needs of Indian tribal governments and economies.

More importantly, the multi-layered bureaucracies, federal as well as tribal, have been repeatedly identified as a barrier to Indian entrepreneurship and business development on and around Indian lands.

Efforts to reduce bureaucracy are not new or unique to Indian country. Governments around the world have begun embarking on efforts to downsize and streamline government operations to an appropriate level—one that complements human endeavors rather than hindering them.

The bill I am introducing today is part of the much-needed effort to accomplish the same goal to benefit the business environments on Indian lands nationwide.

The legislation requires a comprehensive review of the laws and regulations affecting investment and business decisions on Indian lands, and requires the Regulatory Reform and Business Development on Indian lands Authority to determine the extent to which such laws and regulations unnecessarily or inappropriately impair investment and business development on Indian lands.

The Authority is also required to determine how such laws and regulations impact the financial stability and management efficiency of tribal governments.

Under the provisions of this bill, the Authority is required to conduct the review and within one year report the findings and recommendations to the Congress and the President for further actions.

Mr. President, this is not the first time an effort of this sort has been proposed, but I believe that if conducted properly, it can serve as a lasting and constructive initiative to further the long-term health and prosperity of tribal governments and economies.

I ask unanimous consent that a copy of the bill be printed in the Record, and urge my colleagues to join me in supporting this key measure.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Regulatory Reform and Business Development Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) Findings.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, American Indians and Alaska Natives suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills to a greater degree than any other group in the United States;

(2) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has confirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) Purposes.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

In this Act:

(1) Authority.—The term "Authority" means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) Federal agency.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) Indian.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) Indian lands.—The term "Indian lands" has the meaning given that term in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(5) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) Secretary.—The term "Secretary" means the Secretary of Commerce.

(7) Tribal organization.—The term "tribal organization" has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) Establishment.—

(1) In general.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) Purpose.—The Secretary shall establish the Authority under this subsection in order to facilitate identifying and subsequently removing obstacles to investment, business development, and the creation of wealth with respect to the economies of Indian reservations.

(b) Membership.—

(1) In general.—The Authority established under this section shall be composed of 21 members.

(2) Representatives of Indian tribes.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(c) Initial Meeting.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

SEC. 6. POWERS OF THE AUTHORITY.

(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) POSTAL SERVICES.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Authority may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses, as provided under subsection (b).

(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent service under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted, to the committees of Congress specified in section 5, and to the governing body of each Indian tribe, a copy of the report prepared under section 5.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

By Mr. CAMPBELL:

S. 615. A bill to encourage Indian economic development, to provide for a framework to encourage and facilitate intergovernmental tax agreements, and for other purposes.

INTER-GOVERNMENTAL TAX AGREEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, to encourage states and tribes to negotiate and enter fair and binding tax compacts, I introduce today the Inter-Governmental Tax Agreement Act of 1999.

In 1998, I introduced similar legislation to provide a mechanism, short of litigation, for the collection of state retail sales taxes. The Committee on Indian Affairs held several hearings on the issue of taxation involving tribes and sales made on Indian lands and heard from tribal leaders, state tax officials, private retailers, and other affected parties. Though no resolution was reached, the voluminous record developed by the Committee has helped flesh out the issue of taxation and has led to a fuller picture being developed.

Because there is much confusion about Indians and tax matters, I should be clear and explain exactly what we are talking about when we address these matters. Indian tribal governments, like state governments, pay no federal taxes on income earned by the tribe. Individual members of Indian tribes pay the same taxes other citizens of the United States pay: federal income taxes, Social Security taxes, and a host of other taxes.

What we are focusing on with this bill are state taxes on retail sales made to non-Indians on goods such as tobacco and fuel when the transaction occurs on Indian lands. As late as 1991, the Supreme Court ruled that such taxes are legitimately levied taxes and set out several possible remedies available to states including lawsuits against tribal officials and negotiating a tax compact. The court was equally clear, however, that because of tribal common law immunity from lawsuits, tribes cannot be sued to collect the tax revenues.

Consistent with that opinion, at least 18 states and dozens of Indian tribes have chosen to negotiate and enter into tax agreements. At the Committee hearing in March 1998, it was estimated that more than 200 "intergovernmental tax agreements" are now in place covering a variety of retail goods.

These agreements detail the collection and remittance of tax revenues by the tribe to the state on sales to nonmembers of the tribe, and often allow for an "administrative fee" paid to the tribe for their efforts to collect and remit the tax revenues.

Two factors were presented to the Committee which are legitimate issues for debate in the 106th Congress. First, the question of services provided by the state and/or the tribe to Indians and non-Indians living on tribal lands; and second, the devastating impact on Indian economies as a result of "dual" state and tribal taxes levied on the same transaction.

This legislation encourages state-tribal agreements by requiring that states and tribes attempt to resolve their differences in good faith through negotiations aimed at entering into a tax compact.

If efforts to reach agreement through negotiations and mediation fail, under this bill the Interior Secretary may refer the matter to the "Intergovernmental Dispute Resolution Panel" consisting of representatives of the departments of Interior, Justice, and Treasury, Indian tribal governments, and State governments.

Rather than create an entirely new mechanism, the framework provided by this bill relies on existing mediation services provided by the Federal Mediation and Conciliation Service to assist the Panel in carrying out its duties in arriving at fair agreements.

The history of state-tribal relations is one full of acrimony with brief periods of cooperation. The tax issue is an emotional one with a long history, Mr. President, but I am hopeful that fair and equitable solutions to matters involving states, tribes and taxation can be developed with the input of all affected parties.

I ask unanimous consent that a copy of the bill be printed in the RECORD and urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intergovernmental Tax Agreement Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Indian tribal governments exercise governmental authority and powers over persons and activities that occur on Indian lands;

(2) a dual State-tribal tax burden on transactions by Indian tribes and members of Indian tribes with non-Indian persons and entities undermines the ability of Indian tribes to finance governmental functions and programs of those Indian tribes;

(3) the apportionment of taxes from commercial activities occurring on Indian lands should take into account the government services provided by the State and the Indian tribe involved to members of that Indian tribe and other individuals residing on those lands;

(4) the governments of Indian tribes and States have negotiated and entered into more than 200 tax compacts, and those compacts cover a variety of commodities and retail taxes;

(5) in cases in which a tax compact between an Indian tribe and a State is not in effect, conflicts between the State and Indian tribe may require the active involvement of the United States in the role of the United States as a trustee for the Indian tribe;

(6) alternative dispute resolution—

(A) has been used to resolve successfully disputes in the public and private sectors;

(B) results in expedited decisionmaking; and

(C) is less costly and less contentious than litigation; and

(7) it is necessary to facilitate intergovernmental agreements between Indian tribes and States and political subdivisions thereof.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To strengthen the economies of Indian tribes.

(2) To encourage and facilitate tax agreements between the governments of Indian tribes and State governments.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMPACT.—The term "compact" means a written agreement between a State and an Indian tribe concerning the collection and remittance of—

(A) applicable State taxes on retail commercial transactions involving non-Indians on Indian lands of that Indian tribe; or

(B) covered tribal equivalency taxes.

(2) COVERED TRIBAL EQUIVALENCY TAX.—The term "covered tribal equivalency tax" means a tribal equivalency tax—

(A) with a rate that is equal to or greater than the rate of an applicable State sales or excise tax for transactions for which the tax is imposed; and

(B)(i) that is used to—

(I) fund tribal government operations or programs;

(II) provide for the general welfare of the Indian tribe and the members of that Indian tribe;

(III) promote the economic development of that Indian tribe; or

(IV) assist in funding operations of local governmental agencies; or

(ii) that is a fuel or highway tax, with respect to which the revenues derived from the tax are used only for highway and transportation purposes.

(3) INDIAN LANDS.—The term "Indian lands" means, with respect to an Indian tribe—

(A) lands within the reservation of that Indian tribe; and

(B) other lands over which the Indian tribe exercises governmental jurisdiction.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) NON-INDIAN.—The term "non-Indian" means a person who is not—

(A) an Indian tribe;

(B) comprised of members of an Indian tribe; or

(C) a member of an Indian tribe.

(6) PANEL.—The term "Panel" means the Intergovernmental Dispute Resolution Panel established under section 5.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior. '

(8) STATE.—The term "State" means each of the 50 States.

(9) TRIBAL EQUIVALENCY TAX.—The term "tribal equivalency tax" means a tax that—

(A) is imposed by the tribal government of an Indian tribe on retail commercial transactions that involve non-Indians on Indian lands within the jurisdiction of that Indian tribe; and

(B) is in addition to any State tax that may be imposed.

SEC. 4. INTERGOVERNMENTAL TAX AGREEMENTS.

(a) IN GENERAL.—The consent of the United States is granted to States and Indian tribes to enter into compacts and agreements in accordance with this Act.

(b) COMPACT NEGOTIATIONS.—An Indian tribe may request the Secretary to initiate negotiations on the part of that Indian tribe with a State for the purpose of entering into a tax compact under this section. A State may request the Secretary to initiate negotiations between an Indian tribe and the State to enter into such a tax compact.

(c) NOTIFICATION.—The Secretary shall notify each affected Indian tribe or State of any request made under subsection (b).

(d) REQUIREMENTS FOR REQUEST FOR INITIATION OF NEGOTIATIONS.—

(1) WRITTEN REQUEST.—A request by an Indian tribe or State under subsection (a) shall be in writing.

(2) RESPONSE.—Not later than 30 days after receiving a request referred to in paragraph (1), the Secretary shall issue a written response to the Indian tribe or State that submitted the request.

(e) COMMENCEMENT OF NEGOTIATIONS; COMPLETION OF NEGOTIATIONS.—

(1) COMMENCEMENT OF NEGOTIATIONS.—Not later than 30 days after the date specified in subsection (d), the Secretary shall commence negotiations with respect to the tax compact that is the subject of the request submitted by the Indian tribe or State.

(2) COMPLETION OF NEGOTIATIONS.—Not later than 120 days after the commencement of the negotiations under paragraph (1), the parties shall complete the negotiations, unless the parties agree to an extension of the period of time for completion of the negotiations.

(f) MEDIATION.—The Secretary shall initiate a mediation process, with the goal of achieving a tax compact, if—

(1) by the date specified in subsection (e)(1), the party that was requested to enter into negotiations, failed to respond to that request; or

(2) upon the completion of an applicable period for negotiations, as determined under subsection (e)(2), the parties have failed to execute a compact.

SEC. 5. INTERGOVERNMENTAL DISPUTE RESOLUTION PANEL.

(a) ESTABLISHMENT.—There is established the Intergovernmental Dispute Resolution Panel.

(b) MEMBERSHIP OF THE PANEL.—

(1) IN GENERAL.—The Panel shall consist of—

(A) 1 representative from the Department of the Interior;

(B) 1 representative from the Department of Justice;

(C) 1 representative from the Department of the Treasury;

(D) 1 representative of State governments; and

(E) 1 representative of tribal governments of Indian tribes.

(2) CHAIRPERSON.—The members of the Panel shall select a Chairperson from among the members of the Panel.

(c) DUTIES OF PANEL.—To the extent allowable by law, the Panel may consider and render a decision on the following:

(1) If negotiations and mediation conducted under section 4 do not result in the execution of a compact, a dispute between the State and Indian tribe that is referred to the Panel at the discretion of the Secretary.

(2) Any claim involving the legitimacy of a claim for the collection or payment of retail taxes claimed by a State with respect to transactions conducted on Indian lands (including counterclaims, setoffs, or related claims submitted or filed by an Indian tribe in question regarding an original claim involving that Indian tribe).

(d) FEDERAL MEDIATION CONCILIATION SERVICE.—

(1) IN GENERAL.—In a manner consistent with this Act, the Panel shall consult with the Federal Mediation Conciliation Service (referred to in this subsection as the "Service") established under section 202 of the National Labor Relations Act (29 U.S.C. 172).

(2) DUTIES OF SERVICE.—The Service shall, upon request of the Panel and in a manner consistent with applicable law, provide services to the Panel to aid in resolving disputes brought before the Panel.

SEC. 6. JUDICIAL ENFORCEMENT.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the district courts of the United States shall have original jurisdiction with respect to—

(1) the enforcement of any compact entered into under this Act; and

(2) any civil action, claim, counterclaim, or setoff, brought by any party with respect to a compact entered into under this Act to secure equitable relief, including injunctive and declaratory relief.

(b) DAMAGES.—No action to recover damages arising out of or in connection with an agreement or compact entered into under this Act may be brought, except as specifically provided for in that agreement or compact.

(c) CONSENT TO SUIT.—Each compact entered into under this Act shall specify that each party to the compact—

(1) consents to litigation to enforce the compact; and

(2) to the extent necessary to enforce that compact, waives any defense of sovereign immunity.

By Ms. COLLINS:

S. 617. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of insulin pumps as items of durable medical equipment; to the Committee on Finance.

MEDICARE INSULIN PUMP COVERAGE ACT OF 1999

Ms. COLLINS. Mr. President, diabetes is a serious and potentially life-threatening disease affecting more than 16 million Americans at a cost of more than $105 billion annually. Moreover, since 3 million elderly Medicare beneficiaries have been diagnosed with diabetes, and another 3 million are likely to have the disease but not know it, nowhere is the economic impact of diabetes felt more strongly than in the Medicare Program.

Treating these seniors for the often devastating complications associated with diabetes accounts for more than one-quarter of all Medicare expenditures. Therefore, helping diabetic seniors avoid the complications of their disease will not only improve the quality of their lives but also help reduce the economic burden that diabetes places on Medicare. While there is no known cure, diabetes is largely a treatable disease. Many people who have diabetes can often lead relatively normal, active lives as long as they stick to a proper diet, carefully monitor the amount of sugar or glucose in their blood and take their medication, which may or may not include insulin.

However, if these people with diabetes are unable to follow or do not follow this regimen, they put themselves at risk of blindness, loss of limbs and have an increased chance of heart disease, kidney failure and stroke. Therefore, preventive services for people with diabetes has the potential to save a great deal of money that would otherwise go for hospitalizations or acute care costs—not to mention a great deal of unnecessary pain and suffering.

Congress recently took a number of important steps to improve Medicare coverage of preventive care for diabetics. Prior to the enactment of the balanced budget amendment in 1997, Medicare covered diabetics' self-maintenance education services in inpatient or hospital-based settings and in limited outpatient settings, specifically hospital outpatient departments or rural health clinics. Medicare did not, however, cover education services if they were given in any other outpatient setting, such as a doctor's office. Moreover, while Medicare did cover the cost of blood-testing strips used to monitor the sugar in the blood, the program did so for only Type I diabetics who require insulin to control their disease.

The balanced budget amendment of 1997 rightly expanded Medicare to cover all outpatient self-management training services as well as providing uniform coverage of blood-testing strips for all persons with diabetes. With the enactment of the balanced budget amendment, we made significant progress toward improving care for our senior citizens with diabetes. However, there is more that we can do.

External insulin infusion pumps have proven to be much more effective in controlling blood glucose levels than conventional therapy injection therapy for insulin-dependent diabetics whose blood sugar levels are difficult to control. Such pumps help them to avoid the expensive complications and suffering resulting from uncontrolled diabetes. However, Medicare currently does not cover these pumps, even when they have been prescribed as medically necessary by a patient's physician.

I am, therefore, pleased to introduce today legislation, the Medicare Insulin Pump Coverage Act of 1999, that would expand Medicare coverage to include insulin infusion pumps for certain Type I diabetics.

External insulin pumps are neither investigational nor experimental. They are widely accepted by health care professionals involved in treating parties with diabetes. Moreover, studies such as the Diabetes Control and Complications Trial sponsored by the National Institutes of Health have established that maintaining blood glucose levels as close to normal as possible is the key to preventing devastating complications from this disease. For many patients, the use of an infusion pump is the only way that optimal blood glucose control can be safely achieved. That is why virtually all other third party payers—including many State Medicaid Programs and CHAMPUS—cover the device. Moreover, there is precedent in Medicare since it currently does cover infusion pumps for numerous cancer drugs, as well as for pain control medications.

The need for this legislation became apparent to me based on my attempts to help one of my constituents, Nona Frederich of Raymond, ME. She is an example of the Medicare patient who would benefit from the pump but who is currently being denied what is for her the most effective form of glucose control. Nona has been an insulin-dependent diabetic since 1962. Because of her extremely volatile insulin sensitivity, her diabetic specialists placed her on an insulin infusion pump in January 1982. Until she reached the age of 65, the cost of the pump and operating supplies were underwritten in large part by her insurer.

In March of 1995 it became necessary for Nona to purchase a new infusion pump. However, by this time, she was now on Medicare and Medicare refused to cover it, even though her doctor had prescribed it as clearly being medically necessary. With the help of my Portland office, the Frederichs worked their way through the Health Care Financing Administration system of appeals. Unfortunately, in January of last year, they received final notification of a negative decision. Their only remaining option is to file a civil suit which they are simply not in a position to pursue.

The Frederichs literally have notebooks filled with documentation of the procedures they followed and the evidence they submitted. Moreover, they personally paid close to $5,000 in original pump costs and supplies for which they received no reimbursement. For a Medicare beneficiary with a limited income, these kinds of costs would be devastating and would place the pump—the medically necessary pump—completely out of reach. In such a case, they would be forced to return to or to continue with conventional insulin therapy which simply just may not be as effective in controlling blood sugar. As a consequence, these patients are admitted to the hospital over and over again, and Medicare now picks up the bill—a far greater bill than if Medicare had simply paid for the pump in the first place.

While potentially devastating for an individual, the financial costs to Medicare of expanding coverage to include the insulin infusion pump will not be great. Under my bill, the pump would have to be prescribed by a physician and the beneficiary would have to be a Type I diabetic experiencing severe swings of high and low blood glucose levels. Of the estimated 3 million Medicare beneficiaries with diabetes, only about 5 percent are Type I, or insulin dependent; of these, it is estimated that the pump would be appropriate for only about 4 percent. Mr. President, what a difference it would make for those individuals.

The American Diabetes Association, the Juvenile Diabetes Foundation, the American Association of Clinical Endocrinologists and the American Association of Diabetes Educators, as well as officials at the Centers for Disease Control, all have advocated expanding Medicare to cover insulin infusion pumps for Type I diabetics who otherwise would have great difficulty in controlling their blood sugar.

I am pleased to introduce legislation today to do just that. I urge all of my colleagues to join me in support of this important legislation, legislation that would not cost much money but would enrich the lives of those diabetics who need these pumps immeasurably.

I ask unanimous consent that the text of the legislation as well as the letters of support from the American Diabetes Association and the Juvenile Diabetes Foundation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Insulin Pump Coverage Act of 1999".

SEC. 2. COVERAGE OF INSULIN PUMPS UNDER MEDICARE.

(a) INCLUSION AS ITEM OF DURABLE MEDICAL EQUIPMENT.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by inserting before the semicolon the following: ", and includes insulin infusion pumps (as defined in subsection (uu)) prescribed by the physician of an individual with Type I diabetes who is experiencing severe swings of high and low blood glucose levels and has successfully completed a training program that meets standards established by the Secretary or who has used such a pump without interruption for at least 18 months immediately before enrollment under part B''.

(b) DEFINITION OF INSULIN INFUSION PUMP.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following:

''Insulin Infusion Pump

''(uu) The term 'insulin infusion pump' means an infusion pump, approved by the Federal Food and Drug Administration, that provides for the computerized delivery of insulin for individuals with diabetes in lieu of multiple daily manual insulin injections.''.

(c) PAYMENT FOR SUPPLIES RELATING TO INFUSION PUMPS.—Section 1834(a)(2)(A) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by inserting ''or'' at the end; and

(3) by inserting after clause (iii) the following:

''(iv) which is an accessory used in conjunction with an insulin infusion pump (as defined in section 1861(uu)).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to items of durable medical equipment furnished under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) on or after the date of enactment of this Act.

STATEMENT BY THE AMERICAN DIABETES ASSOCIATION IN SUPPORT OF THE MEDICARE INSULIN PUMP COVERAGE ACT

The American Diabetes Association lends its full support to passage of the Medicare Insulin Pump Coverage Act in Congress. Effective maintenance of blood glucose levels is imperative if people with diabetes are to forestall the onset of the complications of diabetes, such as cardiovascular disease, end-stage renal disease, blindness or amputations. External insulin infusion pumps have proven to be more effective in controlling blood glucose levels than conventional injection therapy for insulin-dependent people whose blood sugar levels are difficult to control. Many, including those who have had access to the insulin pump prior to becoming a Medicare beneficiary, need access to the pump for better control. Medicare access to the insulin pump will help Medicare enhance the quality of life for people with diabetes and contain the costly complications of diabetes.

Diabetes is a disease that requires a lifetime of medical care and self-treatment. People with diabetes must have full access to supplies, equipment and education. The Diabetes Control and Complications Trial (DCCT), a 10-year clinical study conducted by the National Institutes of Health, proved that maintaining blood glucose levels as close to normal as possible is the key to preventing the devastating complications associated with diabetes.

''Unfortunately, many health insurance plans, including Medicare, do not provide comprehensive coverage for the supplies and education people with diabetes need to control their disease,'' said Gerald Bernstein, MD, President of the American Diabetes Association. ''For example, Medicare does not provide coverage for the insulin pump,'' Bernstein added.

According to the Health Care Financing Administration (HCFA), the federal agency responsible for administering the Medicare program, the insulin pump is not covered because ''there [is no] medical advantage to using controlled continuous insulin infusion (via infusion pump) rather than conventional multiple daily injections to treat diabetes.''

Bernstein added, ''The use of the insulin pump has proven to be effective for individuals who, despite multiple insulin injections and frequent monitoring, have unstable diabetes. For many of these individuals, use of the insulin pump is a life-enhancing decision.'' The Medicare Insulin Pump Coverage Act will require Medicare to cover insulin pumps for beneficiaries with Type 1 diabetes who are experiencing severe swings of high and low blood glucose levels or who have used an insulin pump without interruption for at least 18 months immediately before enrollment under Medicare Part B.

According to Bernstein, ''This legislation is especially important for those individuals who face the prospect of losing their coverage of the pump upon entering Medicare. Now is the right time for HCFA to move forward with coverage of the insulin pump in these limited circumstances.''

For these reasons the American Diabetes Association strongly supports The Medicare Insulin Pump Coverage Act and applauds Senator Susan M. Collins (R–ME) for introducing this important legislation. Passage of the Collins Bill will dramatically improve the lives of those striving to maintain a healthy life, while at the same time, reducing costly hospital stays.

JUVENILE DIABETES FOUNDATION INTERNATIONAL, THE DIABETES RESEARCH FOUNDATION,
Washington, DC, March 8, 1999.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Juvenile Diabetes Foundation International (JDF), I want to express our strong support for your insulin pump legislation which would ensure that pumps are covered by the Medicare program.

Diabetes is a devastating disease that affects 16 million Americans and 120 million people worldwide. A new case of diabetes is diagnosed every forty seconds, and diabetes kills one American every three minutes. Diabetes is the leading cause of kidney failure, adult blindness, and nontraumatic amputations, and it substantially increases the risk of having a heart attack or stroke. In all, the life expectancy of people with diabetes averages 15 years less than that of people without diabetes.

As you know, people with diabetes who use insulin take up to five injections daily to treat their diabetes. However, injection therapy does not work will for many diabetes sufferers. In these and other cases, insulin pumps are an effective and critical tool in assisting persons with diabetes in more closely controlling blood glucose levels. Better control of blood glucose levels is likely to lead to fewer health complications from diabetes, and will result in enormous cost savings to the Medicare system where one in four Medicare dollars presently goes to pay for health care of people with diabetes.

Senator Collins, the JDF applauds you for introducing this important legislation to help our nation's seniors and other Medicare-covered Americans have access to cost-effective and life-improving medical supplies such as the insulin pump.

Sincerely,

LEAH J. MULLIN,
Chairman, JDF Government Relations.

By Mr. MOYNIHAN:

S. 618. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF BILL

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation I introduced in the 105th Congress to require the Department of Energy to return the journal Dr. Glenn T. Seaborg kept as Chairman of the Atomic Energy Commission. Dr. Glenn T. Seaborg, who died on February 25 at the age of 86, was the co-discoverer of plutonium, and led a research team which created a total of nine elements, all of which are heavier than uranium. For this he was awarded the Nobel Prize in Chemistry in 1951 which he shared with Dr. Edwin M. McMillan.

Dr. Seaborg kept a journal while chairman of the AEC. The journal consisted of a diary written at home each evening, correspondence, announcements, minutes, and the like. He was careful about classified matters; nothing was included that could not be made public, and the journal was reviewed by the AEC before his departure in 1971. Nevertheless, more than a decade after his departure from the AEC, the Department of Energy subjected two copies of Dr. Seaborg's journals—one of which it had borrowed—to a number of classification reviews. He came unannounced to my Senate office in September of 1997 to tell me of the problems he was having getting his journal released, saying it was something he wished to have resolved prior to his death. Although he has left us, it is fitting that his journal should finally be returned to his estate. This bill would do just that. I introduced a bill to return to Dr. Seaborg his journal in its original, unredacted form but to no avail, so bureaucracy triumphed. It was never returned. Now he has left us without having the satisfaction of resolving the fate of his journal. It is devastating that a man who gave so much of his life to his country was so outrageously treated by his own government.•

By Mr. WELLSTONE:

S. 619. A bill to provide for a community development venture capital program; to the Committee on Small Business.

THE COMMUNITY DEVELOPMENT VENTURE CAPITAL ASSISTANCE ACT OF 1999

• Mr. WELLSTONE. Mr. President, I rise today to introduce the Community Development Venture Capital Assistance Act of 1999. This bill would create a demonstration program to promote small business development and entrepreneurship in economically distressed communities through support of Community Development Venture Capital funds.

While our nation has enjoyed a historic period of economic growth over the past several years, there are concentrated pockets of poverty, in rural and urban areas, which have not experienced development of jobs and opportunities for its residents. Small businesses, which have led America's economic expansion, have not been able to gain a toehold in these areas. A major reason for this lackluster performance is inability for entrepreneurs in economically distressed areas to access capital.

No business can grow without infusions of capital for equipment purchases, to conduct research, to expand capacity, or to build infrastructure. At some point all successful ventures outgrow incubation in the entrepreneur's garage or living room; additional staff must be hired and the complexity of managing supply and demand increases. Yet it is clear that throughout the country there are small business owners who are being starved of the capital necessary to take this step. They have viable businesses or ideas for businesses but cannot fully transform their aspirations into reality because of this financial roadblock.

Traditional venture capital firms are not meeting the need for equity capital in disadvantaged communities. Such investments are risky in the best of circumstances, but they can and do succeed with adequate time and attention. These communities need patient investors who are willing to work closely with small business owners to realize a financial return over the long term. Often, the investments needed are smaller than those made by traditional sources. Throughout America, organizations known as Community Development Venture Capital funds are making these kinds of equity investments in communities and are producing excellent results.

CDVC funds make equity investments in small businesses for two purposes: to reap a financial return to the fund, and to generate a social benefit for the community through creation of well paying jobs. This "double bottom line" is what makes CDVC funds unique. There are around 30 CDVC funds currently operating throughout the country, in both rural and urban areas. These funds are demonstrating the success of socially conscious investment and entrepreneurial solutions to social and economic problems.

My own state of Minnesota is home to a good example of a seasoned, and successful CDVC fund: Northeast Ventures Corporation of Duluth. NEV serves a seven county rural area and focuses on creating good jobs in high value-added industries. NEV targets 50% of the jobs created through investments to women, and to low income and structurally unemployed persons. They also require portfolio companies to offer employees an opportunity to participate in a health care plan to which the employer contributes. The following story illustrates an NEV achievement:

In 1990 a group of entrepreneurs approached Northeast Ventures about setting up a car wash equipment manufacturing facility in Tower, a town of 508 people, in one of the poorest parts of Northeastern Minnesota. While NEV thought that the market opportunity was attractive, the company, called Powerain, had an incomplete business plan and lacked a Chief Operating Officer. NEV also felt that the business provided a good opportunity to create jobs and bring some economic vitality to an area that needed it badly.

Other assistance was needed before NEV could provide financing for the effort. Northeast worked closely with Powerain's founders to revise the business plan and identify a strong CEO candidate for the company. Northeast also invested $200,000 in equity into the business.

Northeast's involvement did not stop after making its first investment. NEV staff conducted the strategic planning sessions of Powerain and continue to be essential in developing the company's strategic plan. They assist in identifying the need for key personnel; recruit the necessary staff; and are integral in qualifying the short list of candidates. Over a multi year period, NEV has talked daily with the Powerain CEO regarding subjects as diverse as sales, distributor relationships and the financial structure of loans. Over an eight year period, NEV has assisted Powerain in all subsequent rounds of financing totaling $826,932.

Powerain had a record sales year in 1998 and is expecting another record year in 1999. The company currently employs 20 full-time people, and expects to increase that number significantly in the future. The company provides ongoing training to its staff and entry level positions begin at $8 an hour—with full benefits. Most employees earn well in excess of $10 per hour. Success stories such as these are typical for CDVC funds.

The purpose of the Community Development Venture Capital Assistance Act is to grow the capacity of the CDVC fund "industry" by authorizing a $20 million four year demonstration program through the Small Business Administration. First, the bill would authorize $15 million for SBA grants to private, nonprofit organizations with expertise in making venture capital investments in poor communities. This will provide hands-on technical assistance to the new and emerging CDVC funds. These grants could also be used to fund the start up and operating costs of new CDVC organizations. Grants to these intermediary organizations would be matched dollar for dollar with funds raised by the intermediary from non-Federal sources. Second, the bill would provide $5 million in SBA grants to colleges, universities, and other firms or organizations—public or private—to create and operate training programs, intern programs, a national conference, and academic research and study dealing with community development venture capital.

This legislation would provide support for entrepreneurial solutions to economic development issues in rural and urban America. It will allow the Federal government to promote what's working in distressed communities. Last year, the Senate approved a nearly identical provision as part of an SBA technical amendments bill. I was pleased that the demonstration program enjoyed bipartisan support last year and I hope it will again.●

By Mr. SARBANES (for himself, Mr. WARNER, Mrs. MURRAY, and Mr. CAMPBELL):

S. 620. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

LEGISLATION TO GRANT A FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION

● Mr. SARBANES. Mr. President, today I am introducing legislation together with Senators WARNER, CAMPBELL, and MURRAY, which would grant a Federal Charter to the Korean War Veterans Association, Incorporated. This legislation recognizes and honors the 5.7 million Americans who fought and served during the Korean War for their struggles and sacrifices on behalf of freedom and the principles and ideals of our Nation.

Mr. President, the year 2000 will mark the 50th Anniversary of the Korean War. In June 1950 when the North Korea People's Army swept across the 38th Parallel to occupy Seoul, South Korea, members of our Armed Forces—including many from the State of Maryland—immediately answered the call of the U.N. to repel this forceful invasion. Without hesitation, these soldiers travelled to an unfamiliar corner of the world, and joining an unprecedented multinational force comprised of 22 countries, they risked their lives to protect freedom. The Americans who led this international effort were true patriots who fought with remarkable courage.

In battles such as Pork Chop Hill, the Inchon Landing and the frozen Chosin Reservoir, which was fought in temperatures as low as 57 degrees below 0, they faced some of the most brutal combat in history. By the time the fighting had ended, 8,177 Americans were listed as missing or prisoners of war—some of whom are still missing—and 54,246 Americans had died, the most of any American war in the 20th Century. One hundred and thirty-one Korean War Veterans were awarded the

Nation's highest commendation for combat bravery, the Medal of Honor. Ninety-four of these soldiers gave their lives in the process. There is an engraving on the Korean War Veterans Memorial which reflects these losses and how brutal a war this was. It reads, "Freedom is not Free." Yet, as a nation, we have done little more than establish this memorial to publicly acknowledge the bravery of those who fought the Korean War. The Korean War has been termed by many as the "Forgotten War." Mr. President, freedom is not free. We owe our Korean War Veterans a debt of gratitude. Granting this federal charter—at no cost to the government—is a small expression of appreciation that we as a nation can offer to these men and women, one which will enable them to work as a unified front to ensure that the "Forgotten War" is forgotten no more.

The Korean War Veterans Association was originally incorporated on June 25, 1985. Since its first annual reunion and memorial service in Arlington, Virginia, where its members decided to develop a national focus and strong commitment to service, the association has grown substantially to a membership of over 25,000. At present, the KWVA is the only veterans organization comprised exclusively of Korean War Veterans and one of the few such organizations of its size without a federal charter. Over the years, it has established a strong record of service and commitment to fellow Korean War veterans, ranging from its efforts on behalf of Project Freedom to its successful effort to construct a national Korean War Veterans Memorial on the Mall. A federal charter would allow the Association to continue and grow its mission and further its charitable and benevolent causes. Specifically, it will afford the Korean War Veterans' Association the same status as other major veterans organizations and allow it to participate as part of select committees with other congressionally chartered veterans and military groups. A federal charter will also accelerate the Association's "accreditation" with the Department of Veterans Affairs which will enable its members to assist in processing veterans' claims.

Mr. President, the Korean War Veterans have asked for very little in return for their service and sacrifice. I urge my colleagues to join me in supporting this legislation and ask that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. BURNS, Mr. ROBERTS, and Mr. CONRAD):

S. 621. A bill to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

RAILROAD COMPETITION AND SERVICE IMPROVEMENT ACT OF 1999

• Mr. ROCKEFELLER. Mr. President, I rise today to introduce a bill that will, twenty years after the Staggers Rail Act, finally deliver the benefits of market competition to the railroad industry and its customers—the Railroad Competition and Service Improvement Act of 1999. I am joined in this effort by Senators DORGAN, BURNS, ROBERTS and CONRAD, and I thank them for their leadership on this bill for the benefit not only of rail customers but also the future health of the railroads themselves.

As many of my colleagues know, there are certain issues that I feel especially strongly about, and all of them are issues that have far-reaching consequences for the State of West Virginia and for our nation. Competition—or the lack thereof—in the railroad industry is one of those issues.

In the United States we have a railroad industry that has gone from 63 class I railroads in 1976 to 9 class I railroads today, of which only 5 control the vast majority of rail freight across the country: 2 in the East, 2 in the West, and one down the Mississippi River in the middle of the country. We also have a railroad industry with service problems so expansive and so disruptive that grain and chemical and other manufacturers have lost tens of millions of dollars in recent years, must operate with the vulnerability of future service crises, and have no choice but to constantly be on the lookout for better and more reliable transportation options. And we have a railroad industry that seems continually to assert undue and anti-competitive power over its customers in increasing local monopoly situations.

I believe the railroad industry is at a crossroads. It's been nearly twenty years since the Staggers Rail Act of 1980, which limited the regulation of the railroad industry by allowing government intervention only where a railroad customer has no effective means of competition. By many measures, the railroads are in far better financial health today, and rail freight transportation is far more safe, stable and efficient than in the dire days of the 1970s.

Yet despite these apparent gains, shippers across the nation are broadly discontent. As a significant new report from the General Accounting Office confirms, rail shippers believe that in the aftermath of Staggers—and in direct conflict with the intent of Staggers—we have in fact created a system that very heavily, and with tremendous financial consequences, favors monopoly railroads and shuts shippers out of the regulatory process that is supposed to protect them.

We have put in place a system that leaves 70 percent of shippers with poorer rate and service options than they need to run their businesses cost-efficiently, and a system in which nearly 60 percent of shippers fear retaliation from the railroads should they access the rate relief process—a process which costs between $500,000 and $3 million per complaint and can take up to 16 years to get a resolution. The GAO makes crystal clear that the rate relief process for shippers with no competitive rail options is too costly and too time-consuming to be effective.

Now some would say that customers always want more and better service, always want lower prices, and always are unhappy—so we should discount their railroad customer concerns and leave the system alone. They would say that the railroads are happy with the status quo, so Staggers must be working well.

To my mind, that's a cop-out. The "shipping community" is the backbone of our nation—they are our farmers, our auto and chemical manufacturers, our utilities, our coal miners, our forest products workers—and they're not just crying wolf. They have legitimate problems with a skewed system, and they deserve the Congress' full attention and a commitment to deal with increased concentration and a developing pattern of service problems by infusing some degree of real and effective competition into the railroad industry as a whole.

The legislation we introduce today is designed to do just that: it will jump-start competition and uphold the common carrier obligation by requiring railroads to quote a rate on any given segment; it will reduce monopoly routing by facilitating terminal access; it will streamline the rate relief process by simplifying the market dominance test; it will restore the integrity of the Surface Transportation Board by eliminating its annual revenue adequacy pronouncements; it will bolster rail access for small farmers by creating a targeted rate relief process; and it will require the railroads to file monthly service performance reports with the Department of Transportation, similar to what we require of the airline industry, so that rail customers have access to the information they need to make good railroad and transportation choices.

We intend to offer this legislation as an amendment to the Surface Transportation Board reauthorization legislation later this year, and we especially look forward to working with our colleagues on the Commerce and Agriculture Committees to that end.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Competition and Service Improvement Act of 1999".

SEC. 2 PURPOSES.

The purposes of this Act are—

(1) to clarify the rail transportation policy of the United States by requiring the Surface Transportation Board to accord greater weight to the need for increased competition between and among rail carriers and consistent and efficient rail service in its decision making;

(2) to eliminate unreasonable barriers to competition among rail carriers serving the same geographic areas and ensure that smaller carload or intermodal shippers are not precluded from accessing rail systems due to volume requirements;

(3) to ensure reasonable rail rates for captive rail shippers;

(4) to provide relief for certain agricultural facilities lacking effective competitive alternatives; and

(5) to remove unnecessary regulatory burdens from the rate reasonableness procedures of the Surface Transportation Board.

SEC. 3. FINDINGS.

The Congress finds that:

(1) Prior to 1976, the Interstate Commerce Commission regulated most of the rates that railroads charged shippers. The Railroad Revitalization and Regulatory Act (1976) and the Staggers Rail Act (1980) limited the regulation of the rail industry by allowing the Interstate Commerce Commission to regulate rates only where railroads have no effective competition and established the Interstate Commerce Commission's process for resolving rate disputes.

(2) In 1976, when the Congress began the process of railroad deregulation, there were 63 class I railroads in the United States. By 1997, through mergers and other factors, the number of class I railroads shrunk to nine.

(3) The nine class I carriers accounted for more than 90 percent of the industry's freight revenue and 71 percent of the industry's mileage operated in 1997.

(4) Rail industry consolidation has diminished competition, creating an even greater dependence upon a rate relief process through a regulatory body such as the Surface Transportation Board.

(5) Agricultural, chemical, and utility industries in particular rely heavily upon rail transportation, and unreasonable rail rates and inadequate service have a dramatic impact on these important industries.

(6) According to a report issued by the General Accounting Office, ". . . [t]he Surface Transportation Board's standard procedures for obtaining rate relief are highly complex and time-consuming" and the General Accounting Office estimates that over "70 percent [of shippers] believe that the time, complexity, and costs of filing complaints are barriers that often preclude them from seeking relief."

(7) The General Accounting Office analyzed all 41 rate complaints filed with the Interstate Commerce Commission and its successor, the Surface Transportation Board, since 1990 and found that each complaint cost shippers between $500,000 to $3 million apiece and took between a few months and 16 years to resolve.

(8) The General Accounting Office surveyed over 700 shippers and found that—

(A) 75 percent of the shippers believed that they are overcharged with unreasonable rates and

(B) over 70 percent of the shippers believed that the time, complexity, and costs of filing complaints create unsurmountable barriers and therefore preclude them form pursuing the rate relief they are entitled to under the law.

(9) The General Accounting Office survey of shippers identified the following barriers to obtaining rate relief under the current process:

(A) The costs associated with filing complaints outweighs the benefits of winning relief.

(B) The rate complaint process is too complex and too lengthy.

(C) Developing the stand-alone revenue-to-variable cost model is too costly.

(D) Most shippers believe that the STB is most likely to decide in favor of the railroad.

(E) The discovery process is too difficult because the shipper is dependent upon the railroad for all the necessary data.

(F) Responding to the railroads requests for discovery is too difficult and time consuming.

(G) Shippers fear reprisal from the railroad.

(H) The Surface Transportation Board filing fee is too high.

(10) According to the General Accounting Office report, the vast majority of shippers believe that the following changes in the rate relief process are necessary to provide them with the ability to seek the rate relief:

(A) The Surface Transportation Board's time limit for deciding a rate relief case should be shortened.

(B) The complaint fee required upon filing should be eliminated or reduced.

(C) The market dominance requirement should be simplified.

(D) Mandatory binding arbitration should be used to resolve rate disputes.

(E) The Surface Transportation Board's jurisdictional threshold of 180% revenue-to-variable cost should be lowered.

(11) According to the General Accounting Office report, shippers believe that increasing competition in the railroad industry would lower rates and diminish the need for a rate complaint process. Proposals to increase railroad competition identified in the report include the following:

(A) Require the STB to grant trackage rights; require reciprocal switching at the nearest junction or interchange upon request of a shipper or competing railroad; and increase rail access for shortline and regional railroads.

(B) Overturn the STB's "bottle neck" decision by requiring railroads to quote a rate for all route segments.

(12) Consolidation in the railroad industry has diminished competition, thwarting the intended objectives of deregulation to allow competition to lower rates and improve service.

(13) The rate protection intended for shippers without effective competition has been de-railed by a complex, costly, and time-consuming maze of discovery, findings, and appeals that take years and cost millions of dollars.

(14) Because of diminished rail competition, a rate relief process plagued with unsurmountable barriers and blanket antitrust immunity unique to the railroad industry, captive shippers have no effective recourse under the current system.

SEC. 4. CLARIFICATION OF RAIL TRANSPORTATION POLICY.

Section 10101 of title 49, United States Code, is amended—

(1) by inserting "(a) In General.—" before "In regulating"; and

(2) by adding at the end the following:

"(b) Primary Objectives.—The primary objectives of the rail transportation policy of the United States shall be—

"(1) to ensure effective competition among rail carriers at origin and destination;

"(2) to maintain reasonable rates in the absence of effective competition; and

"(3) to maintain consistent and efficient rail transportation service to shippers, including the timely provision of railcars requested by shippers; and

"(4) to ensure that smaller carload and intermodal shippers are not precluded from accessing rail systems due to volume requirements.".

SEC. 5. FOSTERING RAIL TO RAIL COMPETITION.

(a) Establishment of Rate.—Section 11101(a) of title 49, United States Code, is amended by inserting after the first sentence the following: "Upon the request of a shipper, a rail carrier shall establish a rate for transportation and provide service requested by the shipper between any two points on the system of that carrier where traffic originates, terminates, or may reasonably be interchanged. A carrier shall establish a rate and provide service upon such request without regard to—

"(1) whether the rate established is for only part of a movement between an origin and a destination;

"(2) whether the shipper has made arrangements for transportation for any other part of that movement; or

"(3) whether the shipper currently has a contract with any rail carrier for part or all of its transportation needs over the route of movement.

"If such a contract exists, the rate established by the carrier shall not apply to transportation covered by the contract.".

(b) Review of Reasonableness of Rates.—Section 10701(d) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) A shipper may challenge the reasonableness of any rate established by a rail carrier in accordance with sections 11101(a) and 10701(c) of this title. The Board shall determine the reasonableness of the rate so challenged without regard to—

"(A) whether the rate established is for only part of a movement between an origin and a destination;

"(B) whether the shipper has made arrangements for transportation for any other part of that movement; or

"(C) whether the shipper currently has a contract with a rail carrier for any part of the rail traffic at issue, provided that the rate prescribed by the Board shall not apply to transportation covered by such a contract.".

SEC. 6. SIMPLIFIED RELIEF PROCESS FOR CERTAIN AGRICULTURAL SHIPPERS.

(a) Limitation of Fees.—Nothwithstanding any other provision of law, the Surface Transportation Board shall not impose fees in excess of $1,000 for services collected from an eligible facility in connection with rail maximum rate complaints under part 1002 of title 49, Code of Federal Regulations.

(b) Simplified Rate and Service Relief.—Section 10701 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Simplified Rates and Services.—

"(1) In general.—Notwithstanding any other provision of law, a rail carrier may not charge a rate for shipments from or to an eligible facility which results in a revenue-to-variable cost percentage, using system average costs, for the transportation service to which the rate applies that is greater than 180 percent.

"(2) Acceptance of requests.—Nothwithstanding any other provision of law, a rail carrier shall accept all requests, for grain service from an eligible facility up to a maximum of 110 percent of the grain carloads shipped from or to the facility in the immediately preceding calendar year. If, in a majority of instances, a rail carrier does not in any 45-days period, supply the number of grain cars so ordered by an eligible facility or does not initiate service within 30 days of the reasonably specified loading date, the eligible facility may request that an alternative rail carrier provide the service using the tracks of the original carrier. If the alternative rail carrier agrees to provide such service, and such service can be provided without substantially impairing the ability of the carrier whose tracks reach the facility to use such tracks to handle its own business, the Board shall order the alternative carrier to commence service and to compensate the other carrier for the use of its tracks. The alternative carrier shall provide reasonable compensation to the original carrier for the use of the original carrier's tracks.

"(3) Cancellation penalties.—A carrier may accept car orders under paragraph (2) subject to reasonable penalties for service requests that are canceled by the requester. If the carrier fills such orders more than 15 days after the reasonably specified loading date, the carrier may not assess a penalty for canceled car orders.

"(4) Damages.—A rail carrier that fails to provide service under the requirements of paragraph (2) is liable for damages to an eligible facility that does not have access to an alternative carrier, including lost profits, attorney's fees, and any other consequences attributable to the carrier's failure to provide the ordered service. A claim for such damage may be brought in an appropriate United States District Court or before the Board.

"(5) Timetable for board proceeding.—The Board shall conclude any proceeding brought under this subsection no later than 180 days from the date a complaint is filed.

"(6) Definitions.—In this subsection:

"(A) Eligibility facility.—The term 'eligible facility' means a shipper facility that—

"(i) is the origin or destination for not more than 4,000 carloads annually of grain as defined in section 3(g) of the United States Grain Standards Act (7 U.S.C. 75(g));

"(ii) is served by a single rail carrier at its origin;

"(iii) has more than 60 percent of the facility's inbound or outbound grain and grain product shipments (excluding the delivery of grain to the facility by producers), measured by weight or bushels moved via a rail carrier in the immediately preceding calendar year; and

"(iv) the rate charged by the rail carrier for the majority of shipments of grain and grain products from or to the facility, excluding premium for special service programs, results in a revenue-to-variable cost percentage, using system average costs, for the transportation to which the rate applies that is equal to or greater than 180 percent.

"(B) Reasonable compensation.—The term 'reasonable compensation' shall mean an amount no greater than the total shared costs of the original carrier and the alternative carrier incurred, on a usage basis, for the provision of service to an eligible facility. If the carriers are unable to agree on compensation terms within 15 days after the facility requests service from the alternative carrier, the alternative carrier or the eligible facility may request the Board to establish the compensation and the Board shall establish the compensation within 45 days after such request is made.

"(C) ORIGINAL CARRIER.—The term 'original carrier' means a rail carrier which provides the only rail service to an eligible facility using its own tracks or provides such service over an exclusive lease of the tracks serving the eligible facility.

"(D) ALTERNATIVE CARRIER.—The term 'alternative carrier' means a rail carrier that is not an original carrier to an eligible facility.".

SEC. 7. COMPETITIVE RAIL SERVICE IN TERMINAL AREAS.

(a) TRACKAGE RIGHTS.—Section 11102(a) of title 49, United States Code, is amended—

(1) by striking "may" in the first sentence and inserting "shall";

(2) by inserting [as a new second sentence] after "business." the following: "In making this determination, the Board shall not require evidence of anticompetitive conduct by the rail carrier from which access is sought."; and

(3) by striking "may establish" in the next-to-last sentence and inserting "shall."

(b) RECIPROCAL SWITCHING.—Section 11102(c)(1) of title 49, United States Code, is amended—

(1) by striking "may" in the first sentence and inserting "shall";

(2) by inserting after "service." the following: "In making this determination, the Board shall not require evidence of anticompetitive conduct by the rail carrier from which access is sought."; and

(3) by striking "may establish" in the last sentence and inserting "shall".

SEC. 8. SIMPLIFIED STANDARDS FOR MARKET DOMINANCE.

Section 10707(d)(1)(A) of title 49, United States Code, is amended by adding at the end thereof the following: "The Board shall not consider evidence of product or geographic competition in making a market dominance determination under this section.".

SEC. 9. REVENUE ADEQUACY DETERMINATIONS.

(a) RAIL TRANSPORTATION POLICY.—Section 10101(3) of title 49, United States Code, is amended by striking "revenues, as determined by the Board;" and inserting "revenues;".

(b) STANDARDS FOR RATES.—Section 10701(d)(2) is amended by striking "revenues, as established by the Board under section 10704(a)(2) of this title" and inserting "revenues.".

(c) REVENUE ADEQUACY DETERMINATIONS.—Section 10704(a) of title 49, United States Code, is amended—

(1) by striking "(a)(1)" and inserting "(a)"; and

(2) by striking paragraphs (2) and (3).

SEC. 10. RAIL CARRIER SERVICE QUALITY PERFORMANCE REPORTS.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 49, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III. PERFORMANCE REPORTS

"§541. Rail carrier service quality performance reports

"(a) IN GENERAL.—The Secretary of Transportation shall require, by regulation, each rail carrier to submit a monthly report to the Secretary, in such a uniform format as the Secretary may be regulation prescribe, containing information about—

"(1) its on-time performance;

"(2) its car availability deadline performance;

"(3) its average train speed;

"(4) its average terminal dwell time;

"(5) the number of its cars loaded (by major commodity group); and

"(6) such other aspects of its performance as a rail carrier as the Secretary may require.

"(b) INFORMATION FURNISHED TO STB; THE PUBLIC.—The Secretary shall furnish a copy of each report required under subsection (a) to the Surface Transportation Board no later than the next business day following its receipt by the Secretary, and shall make each such report available to the public.

"(c) ANNUAL REPORT TO THE CONGRESS.—The Secretary shall transmit to the Congress an annual report based upon information received by the Secretary under this section.

"(d) DEFINITIONS.—In this section, the definitions in section 10102 apply.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 5 of subtitle I of title 49, United States Code, is amended by adding at the end thereof the following:

"Subchapter III. Performance Reports

"541. Rail carrier service quality performance reports".●

● Mr. DORGAN. Mr. President, I am very pleased to join Senators ROCKEFELLER, BURNS, and ROBERTS today in introducing the "Railroad Competition and Service improvement Act of 1999." This legislation is designed to stimulate railroad competition and level the field for shippers who need relief from unreasonable rates. Earlier this month, the General Accounting Office (GAO) issued a report on the barriers to rate relief that prevent small captive shippers from unreasonable rates. That report, outlined below, identified a number of remedies that would give captive shippers a fighting chance at rate relief. This legislation closely mirrors the GAO's findings and if enacted, would go a long way to improve rail service and promote competition.

In my home state of North Dakota over fifty percent of the state economy is dependent upon agriculture. Our ability to move its agricultural production to distant markets affects large sectors of North Dakota's economy. Over eighty percent of all the grain shipped out-of-state moves by rail and 97 percent of North Dakota's grain elevators have access to only one railroad. Those who survive on farming and those who live in states like North Dakota whose main business is agriculture have a great deal at stake when it comes to rail transportation. Overcharges cost us millions of dollars a year, adding a substantial cost to a product that already operates at very low margins.

Since virtually all of the shippers in North Dakota are subject to monopoly service, our farmers and county grain elevators are paying a premium for a service they cannot afford to live without. Rail service in this country is supposed to be competitive where the forces of competition determine shipping rates and in the absence of competition, the STB is suppose to have a process that will protect captive shippers from overcharges. Unfortunately, rail competition is more of an exception than the rule and the process that is designed to protect captive shippers is so costly and time-consuming that shippers are without recourse; left to the mercy of monopoly railroads who not only determine whether or not their product will get to market but also how much they will charge to deliver that product. This is a circumstance that must be addressed as the Congress considers the reauthorization of the STB this year.

Prior to 1976, the ICC regulated almost all the rates that railroads charged shippers. The Railroad Revitalization and Regulatory Act (1976) and the Staggers Rail Act (1980) limited the regulation of the rail industry by allowing the ICC to regulate rates only where railroads have no effective competition and established the ICC's process for resolving rate disputes.

At the time when the Congress began the process of railroad deregulation (1976) there were 63 class I railroads in the United States. By 1997, through mergers and other factors, the number of class I railroads shrunk to nine. These nine carriers accounted for more than 90 percent of the industry's freight revenue and 71 percent of the industry's mileage operated in 1997. In July, 1998, the STB approved another Class I merger by splitting the assets of Conrail between CSX and Norfolk Southern (reducing the Class I count to 8 once implemented). Another merger between Canadian National Railway and Illinois Central is pending before the STB.

This consolidation has diminished competition, creating an even greater dependence upon a rate relief process through a regulatory body such as the STB. Agricultural, utility, and chemical industries in particular rely heavily upon rail transportation and the cost of unreasonable rail rates has a dramatic impact on these important industries.

According to GAO/RCED–99–46, "Railroad Regulation: Current Issues Associated With the Rate Relief Process," February 1999, "[t]he Surface Transportation Board's standard procedures for obtaining rate relief are highly complex and time-consuming" and the GAO estimates that over "70 percent [of shippers] believe that the time, complexity, and costs of filing complaints are barriers that often preclude them from seeking relief." The report documents that the process for a small captive shipper to obtain rate relief under the current regulatory and legal framework is broken and unworkable. The reasons for these barriers are multiple:

(A) Historical regulatory precedence has created a complex web of hurdles and barriers building an insurmountable maze for a small shipper to seek rate relief;

(B) contradictory statutorily directives based on a statute that was designed to protect the financial health of railroads while at the same time attempt to protect the needs of shippers to challenge unreasonable rates; and

(C) the time and cost entailed in filing a rate complaint has reached absurd levels, far outweighing the potential savings that could be achieved through a successful challenge to an unreasonable rate.

The STB rate complaint process involves an up front filing fee cost of $54,500 ($5,400 for the simplified guidelines)—plus the costs of pursuing the case through years of negotiation through a complex maze of discovery; evidentiary hearings; rebuttals; and administrative appeals.

Seeking rate relief under the current process is very costly to shippers. The rate relief cases analyzed by the GAO cost shippers between $500,000 to $3 million each to file and wade through the process and took between a few months and 16 years to resolve. For example, the McCarty Farms case took over 16 years to resolve and ended up in Federal District Court.

The GAO surveyed over 700 shippers and found that (a) 75 percent of the shippers believed that they are overcharged with unreasonable rates; and (b) over 70 percent of the shippers believed that the time, complexity, and costs of filing complaints create unsurmountable barriers and therefore preclude them from pursuing the rate relief they are entitled to under the law. (It is not surprising that the GAO found that the railroad monopolies unanimously support the current process and see no need for change.)

The report reviewed all the rate relief filings pending before the STB (and its predecessor, the ICC) since 1990. The GAO found that only 41 rate relief filings were either pending or have been filed since 1990. About half of these complaints were settled outside of the STB's process and therefore dismissed. Of the remaining complaints, 7 were decided in favor of the railroad and only 2 have been decided in favor of the shipper; 9 are still pending; and 5 were dismissed without settlement.

The GAO also found that, in 1997, only 18 percent of the total tonnage shipped via rail in this country is subject to rate regulation by the STB. About 70 percent of all shipments is exempt because it is shipped under contract and the STB has exempted another 12 percent. Thus, the GAO's analysis of barriers to shippers only relates to a portion of the total tonnage of rail shipments in the United States.

The ICC Terminations Act required the STB to develop simplified procedures for rate complaint filings. While the STB has developed those simplified procedures, the railroad industry has already challenged them in court and not a single shipper has filed a complaint under these new procedures since the STB issued the simplified guidelines in December 1996.

The GAO survey of shippers found that the vast majority of shippers (over 70%) believe that the STB rate relief process is too costly, complex, and time consuming. Shippers identified the following barriers to obtaining rate relief under the current process:

The legal costs associated with filing complaints outweighs the benefits of winning relief.

The rate complaint process is too complex and takes too long.

Developing the stand alone revenue to variable cost model (shippers are required to calculate that the rate they are charged exceeds 180% of the revenue to variable cost of a hypothetical railroad to provide them service) is too costly.

Most shippers believe that the STB is most likely to decide in favor of the railroad so the effort is not worth its costs.

The discovery process is too difficult because the shipper is dependent upon the railroad for all the necessary data to calculate the revenue to variable cost ratio.

Responding to the railroad requests for discovery is too difficult and time consuming (note: the GAO identified instances in its analysis of the 41 cases filed since 1990 that railroads often extended the complaint process through lengthy discovery requests).

Fear of reprisal from the railroads.

The STB filing fee in itself is too high to consider filing a rate complaint.

The GAO report found that shippers desire to see (1) a more simplified rate complaint process and (2) increased competition in the railroad industry that would lower rates and diminish the need for a rate complaint process.

According to the GAO report, the vast majority of shippers believe that the following changes in the rate relief process are necessary to provide them with the ability to seek the rate relief—

The STB's time limit for deciding a rate relief case should be shortened (the current limit is 16 months).

The complaint fee required upon fining should be eliminated or reduced.

The market dominance requirement should be simplified.

Use mandatory binding arbitration between shippers and railroads to resolve rate disputes.

Lower the STB's jurisdictional threshold from the current level of 180% of revenue to variable cost.

While shippers contend that the rate complaint process needs serious repair, shippers believe that increasing competition in the railroad industry would do more to lower rates and diminish the need for a rate complaint process. Proposals to increase railroad competition identified in this report include the following:

Require the STB to grant trackage rights; require reciprocal switching at the nearest junction or interchange upon request of a shipper or competing railroad; and increase rail access for shortline and regional railroads.

Overturn the STB's "bottle neck" decision by requiring railroads to quote a rate for all route segments.

Consolidation in the railroad industry has diminished competition, thwarting the intended objectives of deregulation to allow competition to lower rates and improve service. The rate protection intended for shippers without effective competition has been de-railed by a complex; costly; and time consuming web of discoveries, findings, and appeals that take years and cost millions of dollars. The result is that we have more captive shippers whose only recourse for rate protection is an impossible process that is simply not worth the expense. This cannot continue.

Small shippers are forced to take on well financed railroad corporations populated with hundreds of lawyers who can use the complex system to make rate relief an impossible maze of endless filings, appeals, and delays. In the GAO's survey, shippers emphasized the time, cost, and complexity involved in filing a rate complaint as significant enough barriers as to prevent them from attempting to seek rate relief through the STB process. Since the railroad industry has blanket antitrust immunity—which is a status not enjoyed by another industry—captive shippers have no recourse and will remain overcharged unless Congress takes some action to level the field.

I urge my colleagues to support this legislation. Attached is a summary of the bill's provisions. I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

RAILROAD COMPETITION AND SERVICE IMPROVEMENT ACT—SUMMARY

SECTION 1. SHORT TITLE

The "Railroad Competition and Service Improvement Act of 1999"

SECTION 2. PURPOSES

The purpose of the legislation is to require the STB to accord greater weight to increase rail competition; to eliminate unreasonable barriers to competition; ensure reasonable rates in the absence of competition; and remove unnecessary regulatory barriers that impede the ability of rail shippers to obtain rate relief.

SECTION 3. FINDINGS

The Congress finds that the railroad industry has become concentrated and that rail industry consolidation has diminished competition, creating a greater dependence upon the Surface Transportation Board's rate relief process, whose procedures for obtaining rate relief, according to a report issued by the General Accounting Office, "are highly complex and time-consuming."

The GAO also found that—

75 percent of the shippers believed that they are overcharged with unreasonable rates and over 70 percent of the shippers believed that the time, complexity, and costs

of filing complaints create unsurmountable barriers and therefore precluded them from pursuing the rate relief they are entitled to under the law;

The STB rate relief process cost shippers between $500,000 to $3 million per complaint and took between a few months and 16 years to resolve;

Over "70 percent [of shippers] believe that the time, complexity, and costs of filing complaints are barriers that often preclude them from seeking relief"; and

While shippers contend that the rate complaint process needs serious repair, shippers believe that increasing competition in the railroad industry would do more to lower rates and diminish the need for a rate complaint process.

Consolidation in the railroad industry has diminished competition, thwarting the intended objectives of deregulation to allow completion to lower rates and improve service. The rate protection intended for shippers without effective competition has been derailed by a complex; costly; and time consuming web of discoveries, findings, and appeals that take years and cost millions of dollars.

SECTION 4. CLARIFICATION OF TRANSPORTATION POLICY

The legislation requires the STB to give priority to the following policy objectives:

(1) ensuring effective competition among rail carriers;

(2) maintaining reasonable rates where there is an absence of effective competition;

(3) maintaining consistent and efficient service to shippers, including the timely provision of railcars requested by shippers.

SECTION 5. FOSTERING RAIL COMPETITION

The bill overturns the STB's "bottle neck" decision that has been disappointing for shippers. Under the legislation, rail carriers would have to quote a rate for transportation over a segment of line upon the request of a shipper. If the rail carrier refuses, the STB shall establish the rate.

SECTION 6. RELIEF FOR CERTAIN AGRICULTURAL SHIPPERS

Places a $1,000 limit on filing fees on rate complaints filed by small, captive agricultural shippers; establishes a simplified and streamlines rate complaint process for small, captive agricultural shippers; and would allow a small, captive agricultural shipper to request service from another railroad or file for damages when their carrier fails to honor railcar orders.

SECTION 7. COMPETITIVE RAIL SERVICE IN TERMINAL AREAS

Eliminates the requirement that evidence of anti-competitive conduct be produced when the STB determines the outcome of requests to allow another railroad access to rail customer facilities within an area served by the tracks of more than one railroad.

SECTION 8. SIMPLIFIED STANDARDS FOR MARKET DOMINANCE

The market dominance standard (which establishes the terms in which rail shippers may have standing to challenge the reasonableness of a rate) is simplified in a goal to minimize the regulatory burdens confronting captive rail shippers. Under this legislation, a rail carrier will be presumed to have market dominance if the shipper is served by only one rail carrier and if the rail shipper can demonstrate that the carrier's rate is above 180% revenue to variable cost. [Currently, a shipper must demonstrate—in addition to the above criteria—there is no geographic or product competition. This legislation would eliminate those hurdles for the shipper.]

SECTION 9. REVENUE ADEQUACY DETERMINATIONS

Repeals the revenue adequacy test [which is a determination by the STB on the financial fitness of the railroads and creates another obstacle for shippers seeking rate relief from the STB].

SECTION 10. SERVICE PERFORMANCE REPORTS

Requires the railroads to submit service performance reports to the Department of Transportation.●

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 110

At the request of Mr. SMITH, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. DURBIN], the Senator from North Carolina [Mr. HELMS], the Senator from Illinois [Mr. FITZGERALD], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 110, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a federally- funded screening program.

S. 249

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 261

At the request of Mr. SPECTER, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 329

At the request of Mr. ROBB, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. SESSIONS], the Senator from South Dakota [Mr. JOHNSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. BREAUX, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 494

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 494, supra.

S. 521

At the request of Mr. LEAHY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 521, a bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Ohio [Mr. DEWINE], the Senator from New York [Mr. SCHUMER], and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 562

At the request of Mr. HARKIN, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 575

At the request of Mr. CLELAND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 575, a bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act."

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

AMENDMENTS SUBMITTED

NATIONAL MISSILE DEFENSE ACT OF 1999

COCHRAN (AND OTHERS) AMENDMENT NO. 69

Mr. COCHRAN (for himself, Mr. INOUYE, Mr. LIEBERMAN, and Mr. WARNER) proposed an amendment to the bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack; as follows:

On page 2, line 11, insert before the period at the end the following: "with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense".

DORGAN AMENDMENTS NOS. 70–71

(Ordered to lie on the table.)

Mr. DORGAN submitted two amendments intended to be proposed by him to the bill, S. 257, supra; as follows:

AMENDMENT NO. 70

On page 2, strike line 7 and all that follows and insert the following:

It is the policy of the United States—

(1) to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate); and

(2) that deployment of the system shall be carried out in a manner that—

(A) balances such deployment with the deployment or utilization of other measures to protect the United States against attack by weapons of mass destruction; and

(B) gives appropriate consideration to the cooperative relationship between the United States and Russia regarding a reduction in the threat posed by weapons of mass destruction.

AMENDMENT NO. 71

On page 2, strike line 7 and all that follows and insert the following:

(a) POLICY FOR DEVELOPMENT OF NATIONAL MISSILE DEFENSE SYSTEM.—It is the policy of the United States to develop for potential deployment an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(b) POLICY FOR DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.—It is the policy of the United States to deploy a National Missile Defense system only if that system—

(1) is well managed, proven under rigorous and repeated testing, and cost-effective when assessed within the context of other requirements relating to the national security interest of the United States;

(2) is deployed in concert with a variety of additional measures to protect the United States against attack by weapons of mass destruction, including efforts toward arms reduction and weapons nonproliferation;

(3) enhances strategic stability; and

(4) is deployed in a manner that contributes to a cooperative relationship between the United States and Russia with respect to a reduction in the dangers to both countries posed by weapons of mass destruction.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, March 16, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Educating the Disadvantaged." For further information, please call the committee, 202/224–5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, March 17, 1999 in SR–328A at 8 a.m. The purpose of this meeting will be to review the current status of the federal crop insurance program and explore the various proposals to expand and/or restructure the program.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, March 17, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The Committee will consider S. 326, "Patient's Bill of Rights Act." For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 17, 1999 at 9:30 a.m. to conduct a hearing on S. 400, the Native American Housing Assistance and Self-Determination Act Amendments of 1999. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Monday, March 15, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

Ms. COLLINS. Mr. President, I as unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Medical Records Privacy" during the session of the Senate on Monday, March 15, 1999, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF TUNISIA NATIONAL DAY AND UNITED STATES-TUNISIA RELATIONS

• Mr. INOUYE. Mr. President, I rise today to direct your attention to a milestone soon to be celebrated by one of America's oldest friends and allies. On March 20, 1999, Tunisia observes its National Day, the 43rd anniversary of freedom from foreign control.

Tunisians have many reasons to be proud of their progress during these last four decades. We as Americans should share that satisfaction, because we have important common values and a long history of strong, mutually beneficial relations.

In fact, when Tunisia was still governed by Pasha Bey of Tunis, as a unit of the Ottoman Empire, Tunisia became one of the first treaty partners of the newly independent United States. The two nations signed a "Treaty of Amity, Commerce and Navigation" in 1797. The pact provided for "perpetual and constant peace" between the parties. If all our treaties were as faithfully observed as this one, our foreign relations would be more serene.

Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, or supporting Western interests during the Cold War, the U.S. could count on Tunisia. More than 30 years ago, Tunisia displayed great courage in urging other Arab nations to seek an equitable settlement with Israel. Tunisia later built on that pioneering stand by playing an important role as an honest broker at delicate points in the peace process.

You do not see many headlines or television footage about Tunisia. The reason is that news coverage of Africa and the Middle East is dominated by conflict, extremism, famine, and other calamities. Tunisia, by enviable contrast, is a quiet success. On a recent visit to Tunisia, Undersecretary of State, Stuart Eizenstat, called Tunisia a "model for developing countries." He was correct. During these last 43 years, Tunisia has built a stable, middle class society. Tunisia has adopted progressive social policies that feature tolerance for minorities, equal rights for women, universal education and a first-rate public health system, and avoided the pitfall of religious extremism that has tormented so many other developing nations.

Under President Ben Ali's leadership, Tunisia has undertaken political reforms toward political pluralism and become the first nation south of the Mediterranean to formally associate itself with the European Union.

These are only some of the accomplishments of this small, resilient, forward-looking nation. We should be mindful of this enviable record. We should also take satisfaction that, 43 years ago, the United States welcomed Tunisia's independence and provided both moral and financial support. If all our investments abroad paid such dividends, the world would be a more peaceful place.•

RAIL COMPETITION AND SERVICE IMPROVEMENT ACT

• Mr. BURNS. Mr. President, since the early 1980's, Montana has been faced with a very serious transportation problem regarding the transportation of our grain and coal out of our state at reasonable prices and in a reasonable period of time.

Montana is a classic case of what happens to rail customers when you eliminate competitive transportation alternatives. Our rail rates go through the roof and our rail customers end up subsidizing rail rates in regions where competition is present. In a nutshell, our rail customers pay more for less service. The rail customers in regions with competitive alternatives pay less and receive more service.

Now, we're seeing the same thing happen in other regions around the nation. Montana has been down this road and I encourage my colleagues to look at the problems we face in Montana as a pre-cursor to what will happen in their states.

The Surface Transportation Board (STB), based on their deliberations over the McCarty Farms vs. Burlington Northern case, has indicated to the producer that BNSF's rates are not excessive. I am concerned that after 17 years of adjudication using the STB's decision making process, that process is flawed.

In the West, we have only two Class I railroads and in Montana, we have only one Class I railroad. Under today's deregulated environment, we have come full circle back to limited competition. Because of this lack of competition, Montana's producers pick up the tab for those who have competition.

Montana's shippers pay some of the highest rates in the world while our neighbors pay a significantly lower cost for transportation. In Montana, we are truly dependent on the railroads to transport bulk commodities that could not be efficiently transported by any other means.

Agricultural shippers are the most vulnerable to predatory marketing by monopolistic practices of railroads. The farm producer unlike every other industry we know of in America, cannot pass the freight costs on to anyone else, they must simply eat it.

We do not need to re-regulate the railroads; rather we need to restore the balance between rail customers and the railroads that Congress intended to achieve originally in the Staggers Rail Act of 1980. I look forward to working with my colleagues to restore the competitive balance in the rail transportation industry and level the playing field for our nation's rail customers.•

RECOGNITION OF YVONNE GELLISE, RSM

• Mr. LEVIN. Mr. President, I rise to honor Yvonne Gellise, who was awarded the Mary Maurita Sengelaub, RSM, Award for Meritorious Service for 1997. This award is presented annually to a person "whose contributions to the healing ministry are in striking harmony with the works of Catherine McAuley, foundress and first Sister of Mercy."

Yvonne Gellise was born in Bay City, Michigan, the fifth and last child of Levy and Regina Gellise. An early experience with polio fostered her early determination that characterized her many efforts on behalf of the community. In 1995, Yvonne joined the Religious Sisters of Mercy and became Sister Yvonne Gellise. Since then, Sister Yvonne has served in several administrative positions in Mercy facilities in

Michigan and Iowa. A milestone in her career came when she was named chief executive officer of St. Joseph Mercy Hospital, Ann Arbor. Sister Yvonne provided indispensable leadership during the relocation of the hospital to its current site. Sister Yvonne currently serves as senior advisor for Governance at Saint Joseph Mercy Health System, Ann Arbor.

Mr. President, Sister Yvonne Gellise is a very deserving recipient of the Mary Maurita Sengelaub, RSM, Award for Meritorious Service. I know my Senate colleagues join me in honoring her on the notable contribution she made to our community.•

HEALTH CARE PERSONAL INFORMATION NONDISCLOSURE ACT OF 1999

• Mr. JEFFORDS: Mr. President, I rise today to speak about the Health Care Personal Information Nondisclosure Act, or the Health Care PIN Act of 1999, which I introduced last Wednesday with my friend, Senator DODD. This timely piece of bipartisan legislation sets the necessary national standards that will secure the privacy and confidentiality of every American's medical records.

This legislation clarifies patients' rights to copy or amend their medical records. The legislation also encourages insurers and providers with large sets of records to implement their own safeguards and protections from misuse. It sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, and employers. Most importantly, it requires that individually identifiable health care information not be released without the patient's informed consent.

In the past few decades, the delivery and administration of medicine have evolved by leaps and bounds. Technological advances have contributed to a better and more efficient health care system. They create new opportunities for the prevention and treatment of disease. Electronic pharmaceutical records make it possible for pharmacists to identify potential drug interactions before they fill a prescription. Telemedicine will make it possible for patients at Copley Hospital in Morrisville, Vermont, a small village of 2,000 people, to benefit from the expertise of physicians fifty miles away at Fletcher-Allen, Burlington, Vermont's nationally known academic medical center.

The improved access to this information does not come without a risk. We often don't know with any certainty, who has access to our private records. The establishment of large computer databases, some with millions of patient records, has not only allowed for new, life-saving medical research but has increased the potential for misuse of private medical information.

Last month, for example, at the University of Michigan Medical Center, several thousand patient records were inadvertently posted on an Internet site. Private patient records containing names, addresses, employment status, and treatment for specific medical conditions lingered on the Web for two months. Fortunately, in this case, the lapse was discovered before anyone accessed the site, or any damage done.

The Health Care PIN Act establishes clear guidelines for the use and disclosure of medical records by health care providers, researchers, insurers, and employers. With very few exceptions, individually identifiable health care information should be disclosed for health purposes only, which includes the provision and payment of care and plan operations. In order to protect patients from abuse and exploitation, this bill imposes civil and criminal penalties on individuals who use information improperly through unauthorized disclosure.

Other nations have taken steps to protect patient privacy. In 1995, the European union enacted the Data Privacy directive. This Directive requires all 15 European Union member states establish consistent national privacy laws. This initiative raises the concern that the European Union could limit the flow of data between countries that do not provide for comparable protections. If we do not act promptly, this directive may act as a deterrent to the international exchange of health information and restrict the ability of American companies to compete overseas.

Even more pressing is the Health Insurance Portability and Accountability Act of 1996, also known as the Kassebaum-Kennedy Act, which established several mandates relating to medical records privacy. One provision set August, 1999, as the deadline by which Congress must act to ensure the confidentiality of electronically transmitted data. If, for some reason, Congress fails to act by this date, HIPAA includes a default provision directing the Secretary of Health and Human Services to promulgate regulations. We are introducing this bill now and we must act as soon as possible in order to meet the HIPAA deadline.

Our bill recognizes that some states, like my home state of Vermont, have already taken the lead in the area of privacy protections. Last year's bill provided a uniform federal standard for protected health information, with the exceptions of state mental health and public health laws. In addition to these protections, this bill will also allow stronger medical records privacy laws enacted prior to the effective date of the act to remain in place.

Senator DODD and I look forward to working with members of the Committee on Health, Education, Labor, and Pensions, as well as others who have contributed time and effort to this issue, as we move forward to enact this necessary and bipartisan Health Care PIN Act of 1999.•

COMMEMORATION OF THE 108TH BIRTHDAY OF MS. NORA HILL

• Mrs. MURRAY. Mr. President, it is my pleasure to rise today to congratulate Ms. Nora Hill of Yakima, Washington, who celebrated her 108th birthday on February 1, 1999.

Nora Maddie Wilson was born on February 1, 1891 in Benton County, Arkansas and is the youngest of twelve children. Nora never had a formal education, but was educated by her older brothers and sisters. She loved to read and had beautiful penmanship. Nora was also an avid quilter, making extra money by making quilts for other people. In 1911, Nora married John Bunyon Hill and had four children. In 1940 her family moved to the Yakima Valley in Washington state. Nora could handle a team of horses and a wagon with the best of them, however, she never wanted to learn how to drive an automobile, as it made her too nervous.

Nora is a survivor of cancer at the age of 99 and a broken hip at the age of 104. Both of Nora's sons, who served in World War II, have since passed away. Her daughters are still living. Nora has over sixty grand, great grand, great-great grand and great-great-great grand children.

Please all join me in wishing Ms. Nora Hill of Yakima, Washington a very happy 108th year.•

NATIONWIDE DIFFERENTIAL GLOBAL POSITIONING SYSTEM

• Mr. JOHNSON. Mr. President, today is a great day for South Dakota and the nation as March 15, 1999, marks the operation of a Nationwide Differential Global Positioning System (NDGPS) site in Clark, South Dakota. This morning, Secretary of Transportation Rodney Slater officially "flipped the switch" on the Clark site, which activated the Coast Guard's expansion of its maritime global positioning system into the NDGPS. The Clark site, along with one in Whitney, Nebraska, will provide South Dakota with complete NDGPS service at no fee.

It is not often that a Senator from South Dakota has the opportunity to work with the Coast Guard on a project that benefits the people of my state. About two years ago, Rudy Persaud with South Dakota Department of Transportation contacted me about a technology that was developed to find ships out at sea. Rudy, along with a number of community development districts in my state, convinced me that this same technology could have enormous benefits on the prairies of South Dakota. In fact, the benefit to cost ratio for the NDGPS system is an astounding 150 to 1, with future uses for the technology appearing almost limitless.

Working with the development districts, the South Dakota Department of Transportation's goal was to map every mile of every road in the state of South Dakota to give the state and local governments the ability to develop their communities and allocate important highway funds.

I was pleased to introduce legislation in 1997 to expand the Coast Guard DGPS into a nationwide system. With the help of Senator DASCHLE, the legislation was added to the Department of Transportation's annual appropriations bill.

Throughout the process of securing funding for NDGPS, I have become aware of the numerous benefits NDGPS has for rural states like South Dakota. Four nonprofit planning districts in South Dakota currently use the technology for mapping roads. In some counties, NDGPS will be integrated with E–911 systems to provide accurate addresses for rural households.

NDGPS will allow hospital helicopters to electronically locate accident sites. The need for such technology was evident two winters ago when a Webster woman became stranded in her car in the middle of a blizzard. Running low on gas, and with the temperature around −50 degrees, it took rescue crews several hours to find her and take her to safety.

The US Geological Survey will also map potential flood areas in the state, potentially saving lives and millions of dollars in property. Considering the farms and communities already inundated with flooding from the past two years, I am pleased this technology will allow South Dakotans to take a proactive approach to identifying potential flood areas.

The Mid-Dakota Rural Water System is using NDGPS to locate PVC pipeline for its system that will provide clean drinking water to over 30,000 South Dakotans who currently rely on wells or municipal water trucked to their home.

One of the most promising benefits of NDGPS technology will probably come in agriculture, South Dakota's number one industry. I look forward to working with agriculture leaders in South Dakota to promote and support this technology in a way that makes NDGPS an affordable and accessible tool. NDGPS, used in precision farming, may save $5 to 14 per acre by showing farmers exactly how best to apply fertilizer and chemical inputs on their land, so as to treat the land well for future generations while cutting costs now. NDGPS-based field mapping helps determine more accurate yields and makes it easier to more accurately utilize fertilizers, chemicals, and crop inputs. This technology can also be used by farmers to keep better crop production records. For example, this technology makes it possible for a properly equipped spray rig to switch chemicals or rates of application to address a specific weed problem in a specific section of the field.

As of today, March 15, 1999, the NDGPS technology is available in every community in South Dakota. I want to commend Rudy Persaud and the many others involved with NDGPS for their dedication and hard work and look forward to working with them on future uses of this incredible technology.•

CHILD DEVELOPMENT ACT

• Mr. WELLSTONE. Mr. President, I address you today to speak about a problem that is one of the most pressing facing our nation today. Ten million children in America are eligible for federal child care assistance, yet we provide for only 1.4 million of them. Fully 86 percent of eligible children are left unattended or are forced into inadequate facilities that are often overcrowded. These are the only viable options for parents who are struggling to make ends meet even in these times of national prosperity. The waiting list for child care assistance in many states extends to tens of thousands of eligible families. And so many parents who would give almost anything to be able to stay at home and care for their children themselves simply can't afford to do so. Something needs to be done soon. The problems that we are facing today will only compound as children who have been inadequately cared for struggle in school and society. As President Kennedy said, "the time to fix the roof is when the sun is shining."

Today I reintroduce the most ambitious effort to address this problem to date, The Child Development Act. With this one piece of legislation, our nation will cut our most threatening problem in half. This bill provides support for half of the ten million American children who are eligible for federal child support assistance, and provides billions of dollars in tax credits for parents who choose to stay home with their children.

The Child Development Act will help children and their parents several ways. First, it will greatly increase funding for the CCDBG program, a tried and proven method of providing for care of our children. The bulk of this money ($37.5 billion over 5 years) will be used to provide more affordability for families wanting to enroll their children in child care programs. There is also $4 billion in CCDBG funds set aside for improving the quality of child care in our country, which is definitely necessary as Children's Defense Fund studies show that 6 out of 7 child care facilities in this country provide only poor to mediocre service, and one out of eight centers actually put the safety of children at risk. Five billion dollars in CCDBG increases is set aside for improving afterschool programs for school age children. Additional $2 billion in CCDBG increases is allocated for new child care facilities construction ($500 million) providing 50,000 to 75,000 new high quality child care slots each year; increases in public/private partnerships where states and local communities' private sectors must each match twenty five percent of grants ($500 million); and $1 billion is allocated for professional development of child care workers. The remaining portions of the $62.5 billion bill are $1 billion in loan forgiveness to those who earn a degree and work in early childhood education, and $13 billion in tax credits for low- and middle-income working parents, so that they can better afford quality care for their children. Those parents who make the tough financial decision to stay at home and care for their children will be greatly assisted by this provision.

Research has shown that much of what happens in life depends upon the first three years of development. The brain is so profoundly influenced during this time because the brain of a three-year-old has twice as many synapses (connections between brain cells) as that of her adult parents. The process of brain development is actually one of "pruning" out the synapses that one does not need (or more accurately, does not use) from those that become the brains standard "wiring." This is why the first three years of development are so important—this is the time that the brain must develop the wiring that is going to be used for the rest of one's life. According to a report on brain development published by the Families and Work Institute, "Early care and nurture have a decisive, long lasting impact on how people develop, their ability to learn, and their capacity to control their own emotions." If children do not receive proper care before the age of three, they never receive the chance to develop into fully functioning adults.

We are not allowing our children a chance in life when we do not provide them with proper care in their early years. If America is to achieve its goal of equal opportunity for our children, we need to start with proper care in their early years. It is a painful statistic then that our youngest citizens are also some of the poorest Americans. One out of every four of our country's 12 million children under the age of three live in poverty. It becomes very difficult to break out of the cycle of poverty if poor children are not allowed to develop into fully functioning adults.

Yet many parents in America do not have the option of providing adequate care for their children. For parents who can barely afford rent it is nearly impossible to take advantage of the

Family Medical Leave Act, and sacrifice 12 weeks of pay in order to directly supervise a child. Many mothers need to return to work shortly after giving birth and find that the only options open to them are to place their children in care that is substandard, even potentially dangerous—but affordable. According to the Children's Defense Fund, six out of seven child care centers provide only poor to mediocre care, and one in eight centers provide care that could jeopardize children's safety and development. The same study said that one in three home-based care situations could be harmful to a child's development. How can we abide by these statistics?

This is a serious problem, and frighteningly widespread. The eligibility levels set for receiving child care aid through the federal Child Care and Development Block Grant (CCDBG) is 85 percent of a state's median income. Nationally, this came out to about $35,000 for a family of three in 1998. However, according to the Children's Defense Fund, fully half of all families with young children earn less than $35,000 per year. Half! A family that has two parents working full time at minimum wage earns only $21,400 per year. This is not nearly enough to even dream of adequate child care.

Child care costs in the United States for one child in full-day day care range from $4,000 to $10,000 a year. It is not surprising that, on average, families with incomes under $15,000 a year spend 23 percent of their annual incomes on child care. And in West Virginia, if a family of three makes more than that $15,000, they no longer qualify for child care aid! In fact, thirty-two states do not allow a family of three which earns $25,000 a year (approximately 185 percent of poverty) to qualify for help. Only four states in our nation set eligibility cut-offs for receiving child care assistance at 85 percent of median family income, the maximum allowed by federal law. There is obviously not enough funding to support the huge need for child care assistance in our nation, and that is why I am proposing the Child Care Development Act.

There is widespread support for expanded investments to improve the affordability and quality of child care. A recent survey of 550 police chiefs found that nine out of ten police chiefs surveyed agreed that "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" such as Head Start and child care. Mayors across the country identified child care, more than any other issue, as one of the most pressing issues facing children and families in their communities in 1996 survey. A recent poll found that a bipartisan majority of those polled support increased investments in helping families pay for child care—specifically, 74% of those polled favor a bill to help low-income and middle-class families pay for child care, including 79% of Democrats, 69% of Republicans, and 76% of Independents.

It is clear that many like to talk about supporting our children, and many are in favor of supporting our children, but what action is actually taken? Yes, the addition of new child care dollars in 1996 has helped welfare recipients, but it has done nothing for working, low-income families not receiving TANF. The Children's Defense Fund recommends that Congress pass comprehensive legislation that guarantees at least $20 billion over five years in new funding for the Child Care Development Block Grant (CCDBG). My Child Care Development Act goes beyond this, yet even my bill is just a first step. This bill is designed to provide affordable, quality child care to half of the ten million American children presently in need of subsidized care. It will provide $62.5 billion over 5 years—$12.5 billion a year—nearly three times the amount proposed in the President's most ambitious, and still unprosecuted, proposal. In 1997 the President proposed extending care to 600,000 children from poor families, leaving fully 80% of eligible children without aid. The last time we heard about that proposal was 1997.

If we are serious about putting parents to work and protecting children, we need to invest more in families and in child care help for them. Enabling families to work and helping children thrive means giving states enough money so that they can set reasonable eligibility levels, let families know that help is available, and take working families off the waiting lists.

The Child Care Development Act will require $62.5 billion over five years. There will be several offsets necessary if we are serious about giving children in this country the type of care they need and deserve. Shifting spending from these offsets demonstrates that our true national priority is children, not wasteful military spending and corporate tax loopholes.

The offsets that will be necessary are as follows. If we repeal the reductions in the Corporate Minimum Tax from the 1997 Budget Bill, we create $8.2 billion. The elimination of the Special Oil and Gas Depletion Allowance will make room for and additional $4.3 billion. An offset of $575 million will come from a repeal of the Enhanced Oil Recovery Credit and an offset of $13.8 billion will come from the elimination of exclusion for Foreign-Earned Income. From these four different offsets in tax provisions a sub total amount of $26.8 billion is created to spend on child care.

Defense cuts will also be necessary in the amount of $24.4 billion. This will come from canceling the F-22, a plane plagued with troubles, which will free up $19.3 billion, and $5.1 billion will come from a reduction in Nuclear Delivery Systems Within Overall Limits of START II.

The remaining offsets can be made by reducing the Intelligence Budget by 5%, which would save $6.7 billion; by reducing Military Export Subsidies by $850 million; and by canceling the International Space Station, which costs $10 billion. All of which, when added together, allows for an additional $68.8 billion to be used to support our children.

This is, finally, a child care bill on the same scope as the problem itself. We as a nation are neglecting the most vulnerable and important portion of our society—our children. Here is an ambitious solution to this vast problem that has been plaguing our country, so that we don't have to be a country that just talks about putting our children first.●

RECOGNITION OF STEVEN BOLTON, MD

● Mr. LEVIN. Mr. President, I rise to honor Dr. Steven Bolton, who was recently awarded the Mary Maurita Sengelaub, RSM, Award for Meritorious Service for 1998. This award is presented annually to a person "whose contributions to the healing ministry are in striking harmony with the works of Catherine McAuley, foundress and first Sister of Mercy."

Steve Bolton was raised in the city of Detroit. While growing up in the city his parents placed a strong emphasis on helping the less fortunate in our society, and they passed that feeling along to Norman, Kenneth and Steven. This experience led Steve to dedicate himself to becoming a doctor in order to "understand what makes us human and to use this knowledge to help others." Steve eventually came to understand how poverty affects the health of the "working poor" and is now a general surgeon at St. Joseph Mercy Oakland making a difference in the lives of working families.

Steve Bolton has also served over the past seven years as volunteer medical director of Mercy Place in Pontiac, Michigan. Mercy Place is a clinic offering free health care to the community. In addition to his demanding work schedule as a general surgeon, Steve volunteers several days a week at the clinic. He also often donates his professional fees if a patient needs surgery and cannot afford to pay.

Mr. President, Dr. Steve Bolton is most deserving of the Mary Maurita Sengelaub, RSM, Award for Meritorious Service. I know my Senate colleagues join me in honoring this extraordinary individual for the outstanding work he does on behalf of the community.●

A SALUTE TO SUNLL "SUNNY" AGHI

• Mr. KERRY. Mr. President, I want to take just a few moments today to salute one of the young leaders of the Indo-American community, someone who is providing for all of us an exemplary model of what it means to serve our neighborhoods, our communities, and our fellow Americans.

Mr. Sunll "Sunny" Aghi is the founder and President of the Indo-American Political Foundation, an organization based in California, dedicated to engaging Indo-Americans in the political process and ensuring that Indo-Americans gain a foothold in our government as elected officials. Sunll Aghi has brought an impressive energy to this mission—actively recruiting Indo-Americans to meet the challenges of participatory democracy as voters, supporters, and candidates, whether they be new citizens or established leaders in California's diverse communities.

Sunll has also found substantial ways to contribute to life in California beyond politics. Mr. Aghi is the founder of Thank You America—an organization dedicated to providing food and clothing to the homeless of Orange County each year on Thanksgiving Day, an effort which has benefits over 500 needy individuals each holiday. Sunll hopes to expand Thank You America's operations to eventually include providing college scholarships for talented, young Californians struggling to afford a college education. These efforts demonstrate to all of us the truth that DeTocqueville spoke of 150 years ago when he said "America is great because Americans are good." Sunll Aghi is keeping that tradition of civic responsibility alive and well for a new generation of our citizens.

Mr. President, I am pleased to have the chance to acknowledge Mr. Aghi for his contributions to our country and to the democratic process. I applaud his efforts and share his hopes that someday soon we will bring all Indo-Americans into the mainstream of American politics as full participants, and that in the coming years we will build an America where Indo-Americans serve in and are fully represented in the House, the Senate, and the Administration. His work is an inspiration to all of us, and I hope more Americans will follow his tremendous example of activism and citizenship raised to a higher level.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephanie Mercier:									
USA	Dollar		2,300.00		1,217.50				3,517.50
Total			2,300.00		1,217.50				3,517.50

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Jan. 7, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				5,214.49				5,214.49
Yugoslavia	Dinar	218.96	238.00					218.96	238.00
Israel	Shekel	3,349.70	779.00					3,349.70	779.00
Jordan	Dinar	256	183.00					256	183.00
Senator Daniel Inouye:									
South Korea	Won	938,160	712.35					938.60	712.35
Japan	Yen	97,474	825.00					97,474	825.00
Charles J. Houy:									
South Korea	Won	928,160	704.65					928,160	704.65
Japan	Yen	147,684	1,250.00					147,684	1,250.00
Total			4,692.00		5,214.49				9,906.49

TED STEVENS,
Chairman, Committee on Appropriations, Jan. 31, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott W. Stucky:									
United States	Dollar				4,588.77				4,588.77
Germany	Mark	103	63.19					103	63.19
Italy	Lire	680,000	410.63					680,000	410.63
Cord A. Sterling:									
Italy	Dollar		536.00						536.00
Germany	Dollar		545.00						545.00
United Kingdom	Dollar		2,068.00						2,068.00
Yugoslavia	Dollar		199.00						199.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				5,962.70				5,962.70
Honduras	Dollar		400.00						400.00
Nicaragua	Dollar		260.00						260.00
United States	Dollar				1,121.28				1,121.28
Ann M. Mittermeyer									
United States	Dollar				4,065.77				4,065.77
Italy	Lire	1,415,880	855.00	11,000	6.64	661,000	399.15	672,000	1,260.79
Michael McCord:									
United States	Dollar				4,722.58				4,722.58
Germany	Mark	719	427.00					719	427.00
David Lyles:									
Bosnia	Dollar		206.14						206.14
Yugoslavia	Dollar		85.49						85.49
Armenia	Dollar		196.00						196.00
Turkey	Dollar		125.00						125.00
Ukraine	Dollar		250.00						250.00
Russia	Dollar		952.64				395.65		1,348.29
Senator Carl Levin:									
Bosnia	Dollar		204.85						204.85
Yugoslavia	Dollar		98.38						98.38
Armenia	Dollar		98.00						98.00
Turkey	Dollar		125.00						125.00
Ukraine	Dollar		260.00						260.00
Russia	Dollar		811.04				205.73		1,016.77
Peter Levine:									
United States	Dollar				4,065.77				4,065.77
Germany			209.00						209.00
Italy	Lire	777,444	469.47	10,000	6.04			787,444	475.51
	Dollar		25.00						25.00
Senator John McCain:									
Japan	Dollar		275.00						275.00
China	Dollar		1,179.00						1,179.00
Thailand	Dollar		240.00						240.00
Vietnam	Dollar		125.00						125.00
Singapore	Dollar		753.00						753.00
United States	Dollar				5,498.24				5,498.24
Mark Salter:									
United States	Dollar				3,831.24				3,831.24
Japan	Dollar		275.00						275.00
China	Dollar		1,179.00						1,179.00
Thailand	Dollar		240.00						240.00
Vietnam	Dollar		278.00						278.00
Singapore	Dollar		502.00						502.00
Total			14,925.83		33,869.03		1,000.53		49,795.39

STROM THURMOND,
Chairman, Committee on Armed Services, Feb. 22, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Russia	Dollar		503.00						503.00
Lithuania	Dollar		500.00						500.00
Neil Campbell:									
Russia	Dollar		556.00						556.00
Lithuania	Dollar		550.00						550.00
Total			2,109.00						2,109.00

ALFONSE D'AMATO,
Chairman, Committee on Banking,
Housing and Urban Affairs, Feb. 22, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John D. Rockefeller, IV:									
Taiwan	Dollar	29,411	903.00		6,074.00			29,411	6,977.00
Robert Six:									
Taiwan	Dollar	29,411	903.00		3,181.00			29,411	4,084.00
Sloan Rappoport:									
Spain	Dollar		1,500.00		1,534.50				3,034.50
Penelope Dalton:									
Spain	Dollar		1,220.67		783.92				2,004.59
Total			4,526.67		11,573.42				16,100.09

JOHN McCAIN,
Chairman, Committee on Commerce,
Science, and Transportation, Jan. 5, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. TO DEC. 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Murkowski:									
Hong Kong	Dollar	9.125	1,179.00						1,179.00
Taiwan	Dollar	21,008	645.00						645
United States	Dollar				4683.46				4,683.46
Deanna Tanner Okun:									
Hong Kong	Dollar	9,125	1,179.00						1,179.00
Taiwan	Dollar	21,008	645.00						645.00
United States	Dollar				2953.76				2,953.76
Andrew Lundquist:									
Hong Kong	Dollar	9,125	1,179.00						1,179.00
Taiwan	Dollar	21,008	645.00						645.00
United States	Dollar				2365.46				2,365.46
Daniel P. Brindle:									
Hong Kong	Dollar	9.125	1,179.00						1,179.00
Taiwan	Dollar	21,008	645.00						645.00
United States	Dollar				2,558.46				2,558.46
David Garman:									
Argentina	Peso		1,556.00						1,556.00
United States	Dollar				4,369.50				4,369.50
Sarah Bittleman:									
Argentina	Peso		1,419.00						1,419.00
United States	Dollar				4,367.50				4,367.50
David Garman:									
Norway	Kronin		346.90						346.90
United States	Dollar				42223.38				4,223.38
Total			10,617.90		25,521.52				36,139.42

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and National Resources, Jan. 8, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Canada	Dollar				527.08				527.08
Angela Marshall:									
Canada	Dollar		251.81		1,012.56				1,264.37
Senator Phil Gramm:									
Japan	Dollar		275.00						275.00
China	Dollar		1,179.00						1,179.00
Thailand	Dollar		240.00						240.00
Vietnam	Dollar		125.00						125.00
Singapore	Dollar		753.00						753.00
United States	Dollar				4,292.23				4,292.23
Richard Ribbentrop:									
Japan	Dollar		275.00						275.00
China	Dollar		1,179.00						1,179.00
Thailand	Dollar		240.00						240.00
Vietnam	Dollar		278.00						278.00
Singapore	Dollar		753.00						753.00
United States	Dollar				4,292.23				4,292.23
Senator Charles E. Grassley:									
New Zealamd	Dollar		865.00						865.00
Australia	Dollar		774.00						774.00
R. Alexander Vachon:									
United States	Dollar				1,562.09				1,562.09
United Kingdom	Dollar		780.92						780.92
Sweden	Dollar		547.95						547.95
Mark Patterson:									
United States	Dollar				1,562.09				1,562.09
United Kingdom	Dollar		1,059.15						1,059.15
Sweden	Dollar		690.70						690.70
Nicholas Giordano:									
United States	Dollar				1,588.55		8.28		1,596.83
United Kingdom	Dollar		788.50						788.50
Sweden	Dollar		501.63						501.63
Deborah Lamb:									
United States	Dollar				1,562.09				1,562.09
United Kingdom	Dollar		1,044.19						1,044.19
Sweden	Dollar		402.37						402.37
David Podoff:									
United States	Dollar				1,562.09				1,562.09
United Kingdom	Dollar		958.76						958.76
Sweden	Dollar		638.56						638.56
Faryar Shirzad:									
United States	Dollar				1,562.09				1,562.09
United Kingdom	Dollar		718.86						718.86
Sweden	Dollar		496.51						496.51
United States	Dollar				1,933.36				1,933.36
Switzerland	Dollar		794.52						794.52
Deborah Lamb:									
Belgium	Dollar		713.25						713.25
Grant Aldonas:									
United States	Dollar				1,933.36				1,933.36
Switzerland	Dollar		978.13						978.13
Belgium	Dollar		873.00						873.00
Faryar Shirzad:									
United States	Dollar				1,933.36				1,933.36
Switzerland	Dollar		865.68						865.68
Belgium	Dollar		730.72						730.72
Tim Keeler:									
United States	Dollar				1,322.16				1,322.16

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. TO DEC. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland	Dollar		808.43						808.43
Belgium	Dollar		733.45						733.45
Lisa Lee:									
United States	Dollar				1,933.36				1,933.36
Switzerland	Dollar		950.14						950.14
Belgium	Dollar		815.18						815.18
Joan Woodward:									
United States	Dollar				924.55				924.55
Switzerland	Dollar		671.99						671.99
Ian Brzezinski:									
United States	Dollar				303.28				303.28
Sweden	Dollar		192.76						192.76
Ukraine	Dollar		109.00						109.00
Total			25,051.46		29,806.53		8.28		54,866.27

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Feb. 10, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Turkey	Dollar		176.00						176.00
Saudi Arabia	Dollar		246.00						246.00
Jordan	Dollar		366.60						366.60
United States	Dollar				4,329.54				4,329.54
Senator Paul Coverdell:									
Nicaragua	Dollar		200.00						200.00
United States	Dollar				1,471.16		179.38		1,650.54
Senator Christopher Dodd:									
Cuba	Dollar		917.00						917.00
United States	Dollar				1,964.54				1,964.54
Norway	Dollar		558.00						558.00
United States	Dollar				3,909.11				3,909.11
Senator Chuck Hagel:									
Russian Federation	Dollar		1,622.00						1,622.00
Lithuania	Dollar		228.00				398.47		626.47
Senator John Kerry:									
Argentina	Dollar		744.00						744.00
United States	Dollar				6,648.50				6,648.50
Indonesia	Dollar		466.00						466.00
Singapore	Dollar		135.00						135.00
Vietnam	Dollar		566.00						556.00
United Kingdom	Dollar		365.00						365.00
United States	Dollar				5,893.00				5,893.00
Senator Gordon Smith:									
Romania	Dollar		299.00						299.00
Sweden	Dollar		282.00						282.00
Ukraine	Dollar		582.00						582.00
United States	Dollar				5,626.28				5,626.28
Alex Albert:									
Nicaragua	Dollar		200.00						200.00
United States	Dollar				1,245.00				1,245.00
Stephen Biegun:									
Romania	Dollar		299.00						299.00
Sweden	Dollar		282.00						282.00
Ukraine	Dollar		582.00						582.00
United States	Dollar				5,626.28				5,626.28
Russian Federation	Dollar		1,622.00						1,622.00
Lithuania	Dollar		228.00				398.46		626.46
James Doran:									
Taiwan	Dollar		2,579.17						2,579.17
Hong Kong	Dollar		1,856.53						1,856.53
Thailand	Dollar		735.67						735.67
United States	Dollar				4,226.46				4,226.46
Heather Flynn:									
Guinea	Dollar		615.00						615.00
Kenya	Dollar		707.87						707.87
Rwanda	Dollar		917.00						917.00
United States	Dollar				9,777.30				9,777.30
Sherry Grandjean:									
Kazakhstan	Dollar		484.00						484.00
United States	Dollar				6,442.54				6,442.54
James Green:									
Argentina	Dollar		1,419.00						1,419.00
United States	Dollar				1,524.50				1,524.50
Garrett Grigsby:									
Germany	Dollar		876.00						876.00
Tanzania	Dollar		555.00						555.00
Kenya	Dollar		880.00						880.00
Mauritius	Dollar		838.74						838.74
United States	Dollar				9,032.09				9,032.09
Michael Haltzel:									
Germany	Dollar		2,100.00						2,100.00
United States	Dollar				5,627.51				5,627.51
James Jones:									
Indonesia	Dollar		466.00						466.00
Singapore	Dollar		251.00						251.00
Vietnam	Dollar		556.00						556.00
Thailand	Dollar		219.78						219.78
United States	Dollar				5,863.99				5,863.99

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Marudas:									
Germany	Dollar		375.80						375.80
United States	Dollar				679.42				679.42
Patricia McNerney:									
Argentina	Dollar		1,860.00						1,860.00
United States	Dollar				4,367.50				4,367.50
Michael Miller:									
Germany	Dollar		876.00						876.00
Tanzania	Dollar		555.00						555.00
Kenya	Dollar		735.00						735.00
United States	Dollar				7,587.11				7,587.11
Roger Noriega:									
Nicaragua	Dollar		120.00						120.00
Argentina	Dollar		2,810.00						2,810.00
United States	Dollar				3,022.50				3,022.50
Venezuela	Dollar				1,454.00				1,454.00
Janice O'Connell:									
Cuba	Dollar		917.00						917.00
United States	Dollar				1.964.54				1.964.54
Kenneth Peel:									
Argentina	Dollar		2,535.00						2,535.00
United States	Dollar				4,367.50				4,367.50
Russian Federation	Dollar		1,622.00						1,622.00
Lithuania	Dollar		228.00				398.46		626.46
Christina Rocca:									
Turkey	Dollar		176.00						176.00
Saudi Arabia	Dollar		246.00						246.00
Jordan	Dollar		366.60						366.60
Kuwait	Dollar		362.00						362.00
United States	Dollar				4,329.54				4,329.54
Linda Rotblatt:									
Nigeria	Dollar		1,148.42		113.12				1,261.54
Senegal	Dollar		362.00						362.00
United States	Dollar				8,952.59				8,952.59
Nancy Stetson:									
Indonesia	Dollar		466.00						466.00
Singapore	Dollar		251.00						251.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		274.00						274.00
United States	Dollar				6,293.00				6,293.00
Christopher Walker:									
United Kingdom	Dollar		1,095.00						1,095.00
United States	Dollar				4,657.28				4,657.28
Kenya	Dollar		735.00						735.00
Tanzania	Dollar		555.00						555.00
United States	Dollar				7,404.54				7,404.54
Michael Westphal:									
Germany	Dollar		876.00						876.00
Tanzania	Dollar		555.00						555.00
Kenya	Dollar		880.00						880.00
Mauritius	Dollar		838.74						838.74
United States:	Dollar				9,032.09				9,032.09
AMENDMENT TO THIRD QUARTER 1998									
Senator Chuck Hagel:									
Saudi Arabia	Dollar						163.06		163.06
Egypt	Dollar						424.86		424.86
Senator Charles Robb:									
United States	Dollar				6,493.88				6,492.88
Kenneth Peel:									
Saudi Arabia	Dollar						163.06		163.06
Egypt	Dollar						424.86		424.86
Total	Dollar		49,968.92		149,96.4		2,550,61		202,485.94

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 23, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United Kingdom	Pound		1,534.50		4,621.28				6,155.78
Curtis Silvers:									
United Kingdom	Pound		2,187.00		5,642.92				7,829.92
Mitchel Kugler:									
Israel	Shekel		1,353.00		5,170.08				6,523.08
Total			5,074.50		15,434.28				20,508.78

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Jan. 8, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Powden, Mark E.:									
United States	Dollar				1,936.00				1,936.00
New Zealand	Dollar		450.00						450.00
Antarctica									
Day, Suzanne L.:									
United States	Dollar				1.936.00				1,936.00
New Zealand	Dollar		765.00						765.00
Antarctica									
Total			1,215.00		3,872.00				5,087.00

JIM JEFFORDS,
Chairman, Committee on Labor and Human Resources, Jan. 15, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Syria	Dollar		180.00						180.00
Macedonia	Dollar		119.00						119.0
England	Dollar		850.35				7.50		857.85
Belgium	Dollar		390.82						390.82
Greece	Dollar		187.79						187.79
Bahrain	Dollar		199.80				3.96		203.76
Oman	Dollar		90.83						90.83
Jordan	Dollar		115.45						115.45
Turkey	Dollar		538.55				709.05		1,247.60
United States	Dollar				2,715.52				2,715.52
John Ullyot:									
Israel	Dollar		148.17				35.95		184.12
Syria	Dollar		207.13				17.82		224.95
Macedonia	Dollar		140.63				67.00		207.63
England	Dollar		625.24				125.14		750.38
United States	Dollar				5,138.22				5,138.22
Charles Robbins:									
England	Dollar		713.16				27.31		740.47
Belgium	Dollar		367.89						367.89
Bahrain	Dollar		139.42						139.42
Oman	Dollar		577.66		10.00		11.08		598.74
Turkey	Dollar		463.45				155.93		619.38
Greece	Dollar		166.49				2.90		169.39
Jordan	Dollar		127.12						127.12
United States	Dollar		245.65		5,544.03		107.75		5,897.43
Total			6,594.60		13,407.77		1,271.39		21,273.76

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Feb. 12, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			3,748.00		5,007.58				8,755.58
Taylor W. Lawrence			4,600.00		5,007.58				9,607.58
Christopher Straub			1,370.00		5,827.82				7,197.82
Senator Richard Lugar			2,314.00						2,314.00
Kenneth Myers, Jr			2,431.00						2,431.00
Kenneth Myers III			2,383.00						2,383.00
Art Grant			1,690.00		4,342.55				6,032.55
Linda Taylor			1,684.00		3,859.94				5,543.94
Peter Dorn			1,684.00		4,485.36				6,169.36
Peter Cleveland			1,684.00		4,392.98				6,076.98
Christopher Straub			568.50		693.00				1,261.50
James Stinebower			858.00		693.00				1,551.00
Total			25,014.50		34,309.81				59,324.31

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Jan. 11, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky:									
United States	Dollar				3,597.59				3,597.59

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Poland	Dollar		1,213.00						1,213.00
Belarus	Dollar		730.00						730.00
Chadwick Gore:									
United States	Dollar				5,184.09				5,184.09
Malta	Dollar		902.32						902.32
Germany	Dollar		1,187.94						1,187.94
Poland	Dollar		1,012.02						1,012.02
Robert Hand:									
United States	Dollar				1,856.34				1,856.34
Macedonia	Dollar		500.00						500.00
Janice Helwig:									
Austria	Dollar		16,693.20						16,693.20
Serbia-Montenegro	Dollar				659.00				659.00
Macedonia	Dollar				630.00				630.00
Poland	Dollar				490.00				490.00
Albania	Dollar				1,469.00				1,469.00
Norway	Dollar				960.00				960.00
Rep. Steny Hoyer:									
United States	Dollar				5,655.64				5,655.64
Norway	Dollar		229.00						229.00
Russia	Dollar		971.00						971.00
Marlene Kaufmann:									
United States	Dollar				5,655.64				5,655.64
Norway	Dollar		229.00						229.00
Russia	Dollar		971.00						971.00
Karen Lord:									
United States	Dollar				5,610.78				5,610.78
Germany	Dollar		916.00						916.00
Poland	Dollar		1,458.25						1,458.25
Ronald McNamara:									
United States	Dollar				4,198.59				4,198.59
Poland	Dollar		1,428.00						1,428.00
Edward Wayne Merry:									
United States	Dollar				5,119.94				5,119.94
Bosnia-Herzegovina	Dollar		1,535.00						1,535.00
Croatia	Dollar		170.00						170.00
Slovakia	Dollar		900.00						900.00
Michael Ochs:									
United States	Dollar				5,644.88				5,644.88
Azerbaijan	Dollar		3,680.76						3,680.76
Turkey	Dollar		211.00						211.00
Erika Schlager:									
United States	Dollar				3,591.37				3,591.37
Slovakia	Dollar		1,080.00						1,080.00
Czech Republic	Dollar		955.00						955.00
Poland	Dollar		3,183.91		4,203.18				7,387.09
Dorothy D. Taft:									
United States	Dollar				4,982.88				4,982.88
Azerbaijan	Dollar		1,391.28		238.00				1,629.28
Turkey	Dollar		211.00						211.00
Polland	Dollar		3,094.00		2,443.20				5,537.20
Belarus	Dollar		730.00						730.00
Total			45,582.68		62.190.12				107,772.80

ALFONSE D'AMATO,
Chairman, Commission on Security
and Cooperation in Europe, Dec. 21, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM DEC. 10 TO DEC. 12, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete Domenici:									
Nicaragua	Dollar		128.00						128.00
Honduras	Dollar		100.00						100.00
Senator Bill Frist:									
Nicaragua	Dollar		167.25						167.25
Honduras	Dollar		102.00						102.00
Alice Grant:									
Nicaragua	Dollar		166.50						166.50
Honduras	Dollar		132.00						132.00
Michael Miller:									
Nicaragua	Dollar		141.50						141.50
Honduras	Dollar		132.00						132.00
Veronica Rodriguez:									
Nicaragua	Dollar		134.00						134.00
Honduras	Dollar		100.00						100.00
Elizabeth Turpen:									
Nicaragua	Dollar		115.50						115.50
Honduras	Dollar		132.00						132.00
Sally Walsh:									
Nicaragua	Dollar		109.50						109.50
Honduras	Dollar		100.00						100.00
Delegation expenses:[1]									
Nicaragua							1,479.00		1,479.00
Honduras							163.35		163.35
Total			1,760.25				1,642.35		3,402.60

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1997.

TRENT LOTT,
Majority Leader, Jan. 13, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM NOV. 2 TO NOV. 13, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Chuck Hagel:									
United States	Dollar				5,337.50				5,337.50
Argentina	Dollar		1,419.00						1,419.00
Senator Bob Kerrey:									
United States	Dollar				4,710.50				4,710.50
Argentina	Dollar		1,351.00						1,351.00
Senator Mike Enzi:									
United States	Dollar				4,459.50				4,459.50
Argentina	Dollar		1,419.00						1,419.00
Kent Bonham:									
United States	Dollar				4,203.50				4,203.50
Argentina	Dollar		2,535.00						2,535.00
Kate English:									
United States	Dollar				1,217.50				1,217.50
Argentina	Dollar		2,787.00						2,787.00
Deb Fiddelke:									
United States	Dollar				4,049.50				4,049.50
Argentina	Dollar		1,791.00						1,791.00
Debra Reed:									
United States	Dollar				1,217.50				1,217.50
Argentina	Dollar		3,230.00						3,230.00
Franz Wuerfmannsdorbler:									
United States	Dollar				1,217.50				1,217.50
Argentina	Dollar		3,279.00						3,279.00
Delegation expenses:[1]									
Argentina							2,236.11		2,236.11
Total			17,811.00		26,413.00		2,236.11		46,460.11

[1] Delegation expenses: include direct payments and reimbursements, to the Department of State and to the Deparment of Defense udner authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977:

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Dec. 23, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William Roth, Jr.:									
Poland	Zloty		728.00						728.00
Lithuania	Lita		152.00						152.00
Denmark	Krone		160.75						160.75
Senator Dale Bumpers:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Senator John Warner:									
Poland	Zloty		288.00						288.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Senator Charles Grassley:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Senator Barbara Mikulski:									
Poland	Zloty		810.00						810.00
Senator Daniel Akaka:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Senator Tim Hutchinson:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Senator Gordon Smith:									
Poland	Zloty		522.00						522.00
Lithuania	Lita		228.00						228.00
Senator Michael Enzi:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Steve Biegun:									
Poland	Zloty		522.00						522.00
Lithuania	Lita		228.00						228.00
Ian Brzezinski:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Virginia Flynn:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Julia Hart:									
Poland	Zloty		810.00						810.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		239.75						239.75
Brian Moran:									
Poland	Zloty		660.00						660.00
Lithuania	Lita		228.00						228.00
Denmark	Krone		219.75						219.75
Delegation Expenses:[1]									
Poland							8,998.75	8,998.75	
Lithuania							2,798.74	2,798.74	

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM OCT. 1 TO DEC. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Denmark							4,123.92	4,123.92	
Total			15,196.50					15,921.23	31,117.73

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense. Including inflight expenses, reciprocal entertainment, and stationery expenses.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Jan. 25, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
A. Christopher Bryant:									
United States	Dollar				678.41				678.41
Germany	Dollar		812.95						812.95
Total			812.95		678.41				1,491.36

TRENT LOTT, Majority Leader.
TOM DASCHLE, Democratic Leader.
Feb. 24, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Smith:									
United States	Dollar				6,803.00				6,803.00
Russia	Dollar		750.00						750.00
Dino Carluccio:									
United States	Dollar				5,016.00				5,016.00
Russia	Dollar		715.00						715.00
Senator Connie Mack:									
United States	Dollar				4,727.00				4,727.00
N. Ireland	Dollar		502.46				850.13		1,352.59
Ireland	Dollar		446.00				637.29		1,083.29
Gary Shiffman:									
United States	Dollar				4,727.00				4,727.00
N. Ireland	Dollar		533.00				850.13		1,383.13
Ireland	Dollar		496.00				637.28		1,133.28
Total			3,442.46		21,273.00		2,974.83		27,690.29

TRENT LOTT,
Majority Leader, Feb. 24, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
United States	Dollar				5,693.37				5,693.37
Austria	Dollar						335.85		335.85
Czech Republic	Dollar						10.50		10.50
Senator Byron Dorgan:									
United States	Dollar				662.21				662.21
Austria	Dollar						335.85		335.85
Czech Republic	Dollar						10.50		10.50
Total					6,355.58		692.70		7,048.28

TOM DASCHLE,
Democratic Leader, Feb. 24, 1999.

MEASURE READ FOR THE FIRST TIME—S. 609

Mr. COCHRAN. Mr. President, I understand that S. 609, which was introduced earlier by Senator MURKOWSKI, is at the desk. I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 609) to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes.

Mr. COCHRAN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, pursuant to section 201(a)(2) of Public Law 93–344, announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives the joint appointment of Mr. Dan L. Crippen as Director of the Congressional Budget Office, effective February 3, 1999, for the term of office expiring on January 3, 2003.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 38, H.R. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 540) to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

The Senate proceeded to consider the bill.

Mr. BAYH. Mr. President, today I rise as an original co-sponsor of S. 494, the Nursing Home Resident Protection Amendments of 1999, a bipartisan bill that would protect Medicaid patients from being dumped out of nursing homes in favor of patients who pay only through private funds.

When a senior citizen enters a nursing home facility he or she does so with the intention of making it their new home. It may not have the memories or immediate comfort level of the home they are used to, but for each elderly person that must enter a nursing home, they are exchanging the feelings of familiarity connected with their old home for the security and peace of mind that only comes with constant medical attention. In the recent past, some nursing home companies took actions that jettisoned these residents from the beds of their new homes based solely on their method of payment. Those who had the economic capability to pay with private funds were allowed to remain in the facility while those that needed governmental assistance in payment, paying with Medicaid dollars, were told to leave.

The eviction is not just a matter of the inconvenience of finding a new home, it is a matter of life and death. Studies show that death rates among nursing home patients who are transferred or evicted is two to three times higher than normal.

In some circumstances people were left without any real "home" to go to. Someone's method of payment should not determine whether or not they can continue to live in their new community or receive necessary medical attention. Once a facility has decided to accept a resident they should not be able to remove them based on whether they pay with private dollars or Medicaid. That is discrimination. Therefore, I decided to co-sponsor this bill and join the efforts of Senator BOB GRAHAM and others to prevent this discriminatory and traumatizing event from happening to even one more person.

I fully agree that the nursing home industry is a vital element in the continuum of care available to the elderly, and that a balance must be struck between encouraging private operators to make the investment necessary to operate these vital facilities and protecting patients and their families from unfair treatment. The reality is that nursing homes are a business and it must be economically feasible for them to operate. However, once a nursing home accepts a patient they should fulfill their promise and allow the patient to remain a part of the nursing home community regardless of payment status.

This issue is of particular concern to me since Indiana seniors experienced this unfair treatment. Approximately sixty elderly patients from one nursing home facility in Indiana, Wildwood, were told to leave because of their method of payment. In some cases, after they had worked hard to save for their future and were forced to spend every dollar to support themselves in the nursing home. Even spending every dollar they saved did not ensure them security since, once that money was depleted and they received government assistance, they were told their money was not good enough to keep them in the facility.

Robyn Grant was the Indiana State Long-Term care Ombudsman for eight years. She recently testified on behalf of the National Citizens' Coalition for Nursing Home Reform before the House Subcommittee on Health and Environment in regard to this issue. Ms. Grant relayed the letter of a daughter of a resident who was evicted because they were paying with Medicaid. That woman wrote that "You have destroyed lives and emotions and torn apart families. Yes, many of these people though not blood related, considered their companions and friends as family. Your facility was their home. Physical and emotional health was gravely endangered by the insensitive actions of the nursing home company."

Current law must be changed so there is no propensity for seniors to be torn apart from their newly found families in the future.

Nursing homes should have the ability to chose what payment programs in which they will participate. However, if a facility decides to accept Medicaid patients, they must uphold the promise they made to those seniors. This bill would prevent a nursing home that decides to withdraw from the Medicaid program from evicting residents who were accepted prior to the facility's withdrawal. In addition, if a facility is a private-pay only, it would be required to notify the resident upon her entrance to the facility that she could be evicted after her private funds were exhausted. The Nursing Home Resident Protection Amendments of 1999 would protect the 68% of nursing home residents who rely on Medicaid at some point during their stay. This bill will not cost anything, but will have a significant positive impact on the lives of seniors faced with the need to enter a nursing home.

We owe it to all our citizens to keep them informed and protected from discriminatory practices. This bill does that and I urge my colleagues to join us in turning this legislation into law.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 540) was considered read the third time and passed.

ORDERS FOR TUESDAY, MARCH 16, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, March 16. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then begin consideration of a resolution commending Senator KERREY on the 30th anniversary of the events leading to his receiving the Congressional Medal of Honor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that the Kerrey resolution be considered under a 1-hour time limitation, divided between Senators HAGEL and EDWARDS, and that there be no amendments in order to the resolution or preamble.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask unanimous consent that at 11:30 a.m., the Senate resume consideration of S. 257, the missile defense bill, under the provisions of the unanimous consent agreement reached earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate stand in recess for the weekly party conferences to meet between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the Senate will reconvene on Tuesday at 10:30 a.m. and begin 1 hour of debate on a resolution commending Senator KERREY of Nebraska. Following that debate, at 11:30 a.m., the Senate will resume consideration of the missile defense bill with a Cochran amendment pending regarding clarification of funding. Under the previous order, there will be 1 hour for debate on the amendment equally divided between the chairman and ranking member or their designees. The Senate will recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons, and immediately upon reconvening at 2:15 p.m. will proceed to a vote on or in relation to the Cochran amendment. Further rollcall votes are expected throughout tomorrow's session in relation to the missile defense bill in the hope of making progress on this important legislation.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Tuesday, March 16, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 1999:

DEPARTMENT OF JUSTICE

RAYMOND C. FISHER, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE DAVID R. THOMPSON, RETIRED.

ADALBERTO JOSE JORDAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE LENORE CARRERO NESBITT, RETIRED.

EXTENSIONS OF REMARKS

COMMEMORATING THE 10TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. EVANS. Mr. Speaker, ten years ago, on March 15, 1989, President Bush hailed the creation of the new Department of Veterans Affairs by saying, "There is only one place for the veterans of America, in the Cabinet Room, at the table with the President of the United States of America." Ten years ago today, veterans took their rightful place at the highest executive level of Federal Government. The Department of Veterans Affairs Act, passed the previous October by the 100th Congress, was implemented and the new Department of Veterans Affairs became a reality. The Secretary of Veterans Affairs became the 14th member of the President's cabinet.

While the United States has the most comprehensive system of assistance for veterans of any nation in the world, it was not until 10 years ago that our Nation's veterans received the hard earned recognition provided them by the creation of a cabinet level department. It is also somewhat ironic that veterans waited so long for the establishment of a cabinet level department as the foundation for the Department of Veterans Affairs was established some 350 years earlier in 1636, when the Pilgrims of Plymouth Colony, who were at war with the Pequot Indians, approved a measure stating that disabled soldiers would be supported by the colony.

The establishment of the Department of Veterans Affairs fulfilled this Nation's promise to those who had risked it all to preserve, protect and defend by giving them direct representation before the Nation's chief executive. As Rep. G.V. "Sonny" Montgomery, Chairman of the House Veterans' Affairs Committee at the time the legislation passed, said, "We didn't make the government bigger, we gave our veterans a bigger voice in government."

Rep. Gerald Solomon, ranking minority member of the House Committee on Veterans' Affairs at the time, said, "The change directly supported Congress's and the President's effort to rebuild the military. A strong VA and strong veterans' benefits programs are the underpinning of a viable all-volunteer military force. We understood that then, and we understand it now."

After becoming a cabinet level department in 1989, VA began to grow, not in size, but in importance, operating as an equal to other departments. As a department, VA has played a major, if not the lead, role in issues that have dominated our national agenda—homelessness, health care management, government reinvention and reengineering, AIDS, workplace diversity and medical research to name a few.

As a cabinet department, VA has successfully embarked on bold initiatives to reinvent the veterans' benefits delivery process and reengineer the nation's largest hospital-based health care system into a patient-focused health network delivering a uniform package of health maintenance services to more veterans in more locations than ever before. VA is today undergoing an evolution like never before in its history with the goal of continuing to provide better service to our Nation's veterans, their survivors and dependents.

As a cabinet level department of federal government, VA is well positioned to fulfill the Nation's promise to its veterans well into the 21st century and to give renewed meaning to Lincoln's call for this nation "to care for him who shall have borne the battle, and for his widow, and his orphan." We expect and will accept no less.

HONORING MARIE JOSSE L. MONTROSE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Marie J. Montrose, for her exemplary community service, and for her numerous contributions to the Brooklyn community.

Ms. Marie J. Montrose is the Director of Community and Patient Relations at Interfaith Medical Center in Brooklyn, New York. In that capacity, she is responsible for Community Affairs, Patient Relations, Pastoral Care and Volunteers Services. Ms. Montrose is Interfaiths's liaison with community organizations, agencies, churches, schools and other groups that are interested in working together with the institution to continue to improve the health of residents of the Central Brooklyn community.

Ms. Marie J. Montrose has implemented several new programs at the hospital: The Dr. Martin Luther King—the African American Celebration Day, Employee Honor Roll, Employee Satisfaction Survey, Random Act of Kindness Day, the Annual Memorial Service for deceased employees, the Summer Youth Employment Program and the hospital-wide Customer Relations training program. Last September, she directed the activities for the groundbreaking ceremony of "Interfaith, A New Beginning".

A native of Haiti, Ms. Montrose is a long time resident of Brooklyn. She is also a proud parent. Her daughter Sarah Anne gives her the inspiration to lecture and write extensively on health care advocacy and children issues. Her thesis "Who are the Children and How is their Health?" was published in the book "The Multicultural Challenge in Health Education" in 1996. Her latest projects "The Economics of Health and the Immigrant"—"The Patient and Managed Care—Whose Right Is It Anyway?" were accepted for publication.

Ms. Montrose is an active member of national, state, and local organizations. She serves on several local boards dedicated to improving health care: AMBA Executives, New York Society of Health Care Advocacy, National Society for Consumer Affairs, Visions Services for the Blind, American Public Health Association, and the Ryan White Advisory Committee. With all of her activities Ms. Montrose still finds time to volunteer as a teacher for newly emigrated teenagers.

Mr. Speaker, please join me in honoring Ms. Marie J. Montrose who has helped the community, and has served as an excellent role model.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Speaker, during rollcall vote No. 37 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "aye."

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

SPEECH OF

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement:

Mr. COLLINS. Mr. Chairman, today I rise in strong opposition to the deployment of U.S. ground forces in Kosovo. I base my opposition on three principles: first, that the administration must abide by U.S. law in the event of a deployment; second, that the Kosovo issue represents a threat primarily to European, rather than American interests; and third, that intervention in Kosovo at this time would set a dangerous precedent for NATO and the U.S. armed forces by providing military support to an independence movement within a sovereign nation—a far different mission than that currently underway on the Balkan Peninsula.

With particular regard to the administration's legal obligation, I believe it critical for the President to abide by last year's defense authorization measure (P. Law 105–262), which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the President signed into law. This law requires that before American troops are deployed to Kosovo, the President must (1) certify that the presence of U.S. forces in Kosovo is necessary to the national security interests of the United States; (2) provide the reasoning behind this certification; (3) report the number of American men and women who will be deployed; (4) establish the mission and objectives of U.S. forces in Kosovo; (5) detail the expected schedule for accomplishing mission objectives; (6) outline the exit strategy for U.S. forces; (7) provide an estimate of the costs of the deployment and the funding sources that will be used to pay those costs; and (8) estimate and report the potential effects of this additional deployment on the morale, retention, and effectiveness of the Armed Forces.

These eight requirements are, in my view, the minimum amount of information a President should provide the people and their duly elected representatives prior to sending American men and women into harms way. President Clinton should follow the example of President Bush in the months leading up to the American deployments and military action in Operation Desert Storm. During that time, President Bush reached out to Congress and the American people to explain why the action was necessary and the extent and nature of its risks. Not only does President Clinton have a moral and ethical obligation to the American people to explain our interests before risking the lives of our soldiers, he has a legal obligation to report to Congress, as well. Congress was clear in its requirements, and the President must be held accountable to the law.

Regarding the interests at stake in Kosovo, it is clear that the conflict represents very little threat to American military, diplomatic, economic, or other interests. While protecting human rights is clearly an important goal of American foreign policy, it is unclear whether the deployment of U.S. ground forces will serve or complicate attempts to accomplish this goal. A long-term solution would likely be all the more difficult to reach if the U.S. intervenes as Turkey, Greece, and Russia would all likely oppose such an action. Intervention would, therefore, put U.S. troops at odds with allies and adversaries alike.

While it is unclear what effect American military action would have in Kosovo at this time, it is obvious that the current fighting has significant ramifications for Europe and North Africa. Albanian minorities in Montenegro and Greece will take cues from the international response to Kosovo, and Albania itself could face severe difficulties if NATO actions force the repatriation of tens of thousands of refugees. Clearly, Europe has an interest in stopping the violence and the flow of refugees from Yugoslavia. It is the nations of Europe, therefore, that should lead the peace effort in Kosovo and that should bear the human and economic costs of any military action.

Finally, I believe the United States should be very wary of setting a precedent for supporting independence movements within sovereign nations. While there is no doubt that Serbian forces have committed and, apparently, continue to commit deplorable acts of violence and oppression, there are political minorities in virtually every country in the world that legitimately claim some degree of oppression. I do not think the American people are ready to deploy U.S. armed forces throughout the world to establish new countries for every group that seeks greater political influence. And I know that our armed forces—already stretched so thin that our readiness for engagement in a major contingency has come into question—will find it even more difficult to accomplish their primary function of national defense if the President chooses to engage in yet another unfunded, open-ended operation on foreign soil.

I have traveled to Bosnia three times and have great sympathy for all of the people living on the Balkan Peninsula. I also have great respect for the accomplishments of the peacekeeping effort in Bosnia. The crisis in Kosovo, however, represents a very different threat in need of a very different solution. I do not believe that the deployment of ground troops will serve the interest of peace, the interest of human rights, or the interests of the United States.

Furthermore, I demand that President Clinton and his administration abide by the law and provide Congress and the American people the information required under the Fiscal Year 1999 Defense Authorization Act (Pub. L. 105–262). Only through full disclosure will Congress and the American people have all the facts necessary to make a fully informed decision regarding the proposed deployment.

TERRY McGINTY HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring the achievements of Mr. Terry McGinty to the attention of my colleagues. The Greater Pittston Friendly Sons of St. Patrick will honor Terry as their "Man of the Year" at this year's annual St. Patrick's Day Banquet. I am pleased to have been asked to participate in this event.

Terry is the son of Terry McGinty, Sr. and Mary Catherine McGinty of Inkerman, Pennsylvania. He is a graduate of Pittston Area High School and Mansfield University, where he earned his Bachelor of Science degree in Special Education. Terry worked for the Luzerne Intermediate Unit for seventeen years, then moved to the Pittston Area School District to teach in the special education department. Currently, he teaches special needs students at the Martin L. Mattei Middle School. In 1990, Mr. McGinty was awarded the Annie Sullivan Award for Excellence in Teaching by the Luzerne County Intermediate Unit for his years of dedication to his special students.

Terry's love of sports has continued throughout his life. He has been a volunteer coach in several different youth sports programs including soccer and t-ball. He jointly volunteered his time with Luzerne County Commons Pleas Court Judge Mark Ciavarella at the Catholic Youth Center as coach of the girl's swim team. Terry was honored by the Center in 1997 after leading the team to seven consecutive, undefeated championship seasons.

He has assisted coaching at the high school level in both swimming and track and has organized and coached summer programs in swimming. Terry is an avid runner and has completed two marathons and participated in triathlons and numerous other local races.

Terry and his wife, Lynn, have been hosts for Project Children which brings children from Northern Ireland to America for the summer. In 1987, the McGintys visited the family of one of their visitors in Ireland. Terry has been an active member of the Friendly Sons for many years, serving as its President in 1986 and as Program Chairman for the annual banquet for seventeen years.

Terry is a member of the American Federation of Teachers, the Knights of Columbus, the Ancient Order of Hibernians, and the Laflin Homeowners Association. He and Lynn reside in Laflin and are the parents of two high school age children: Kelly and Terry, III.

Mr. Speaker, I am proud to join with the Friendly Sons in honoring this fine educator and community volunteer as its "Man of the Year." I send my very best wishes to Terry and his family as he accepts this prestigious award.

HONORING MS. ELA CECILE TONEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Ela Cecile Toney, for her exemplary community service, and for her numerous contributions to the Brooklyn community.

Ms. Toney is a registered nurse and works as a Women's Health Care Nurse Practitioner at Interfaith Medical Center. Her primary interests include reduction of teenage pregnancies and sexually transmitted diseases. Throughout Ela Toney's tenure she has worked in many low income community health care organizations. She has practiced in Bedford Stuyvesant, Brownsville, East New York and Coney Island. She is a dedicated nurse who is extremely concerned about the women of her community and has lobbied in Albany to make women's health top priority.

Ms. Toney immigrated to the United States from St. Vincent and the Grenadines four decades ago. Her dream was to educate herself and help others. She has achieved both goals. She is a graduate of the Brooklyn Jewish Hospital School of Nursing and she received her Bachelor of Arts degree in nursing from Jersey City State College. Ms. Toney is a grandmother and an active member in many professional and charitable organizations.

Mr. Speaker, please join me in honoring Ms. Ela Cecile Toney, who has served the Brooklyn community with pride, and is an excellent role model.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Speaker, during rollcall vote No. 36 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "no."

ELECTRIC VEHICLE CONSUMER INCENTIVE TAX ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Electric Vehicle Consumer Incentive Tax Act "EVCITA" of 1999. This legislation provides important tax incentives for electric vehicles. It is important because the widespread use of electric vehicles can result in significant environmental, energy security, and economic development opportunities in the United States.

HOW CAN ELECTRIC VEHICLES TAX INCENTIVES BENEFIT THE ECONOMY?

Each major automobile manufacturer, domestic and foreign, has, or plans to offer, electric vehicles for sale or lease. As in the case with any new, advanced technology that is initially offered to consumers, the price of these early vehicles is significantly higher than the expected lower price for EVs when greater volumes are achieved. The government can play a role in making these vehicles more affordable by reducing the tax costs. Doing so can help increase consumer access and stimulate rapid growth of the industry.

WHY ARE ENVIRONMENTALISTS AND STATE/LOCAL GOVERNMENTS INTERESTED IN ELECTRIC VEHICLES?

Many metropolitan areas in the United States suffer from poor air quality and are falling under the definition of "non-attainment zones." The use of electric vehicles, especially in these areas, could provide an effective means to reduce transportation-related pollution. Electric vehicles emit no hydrocarbons, volatile organic compounds, carbon monoxide or nitrogen oxides.

WHY ARE ELECTRIC VEHICLES IMPORTANT TO ENERGY SECURITY?

According to the Department of Energy, U.S. net imports of petroleum in the year 2000 are forecast to account for 52 percent of total U.S. petroleum demand, up from an estimated 50 percent in 1998. Making alternative fuel vehicles a more affordable option ensures lower dependency on foreign supply.

HOW THE LEGISLATION WOULD WORK

One key to weaning the country off of imported oil and into alternative fuel vehicles, like electric cars and buses, is bringing down the high initial purchase price of the vehicles and assuring that targeted, early markets are better able to take the steps necessary to purchase the vehicles. The provisions included in the EV Consumer Incentive Tax Act of 1999 are intended to do just that. The tax incentives included in EVCITA will make early EVs and electric buses more affordable to consumers, and will allow an important market segment—governments, universities and other non-taxpaying fleets—to take advantage of the savings provided through the federal tax incentive.

TAX EQUITY FOR OVERSIZED ELECTRIC VEHICLES

Under current law, electric powered buses are allowed to only take advantage of the existing $4,000 tax credit for electric vehicles while all other alternatively fueled buses are eligible for a $50,000 tax deduction. EVCITA equalizes the tax treatment by allowing oversized electric vehicles the same benefit provided oversized clean-fuel vehicles. Electric buses can be used by many urban transit authorities. According to the Electric Transit Vehicle Institute, there are 179 electric buses in operation throughout the United States as of December, 1998.

MAXIMIZING THE BENEFIT OF THE ELECTRIC VEHICLE TAX CREDIT

Current law provides a tax credit of the lesser of 10% or $4,000 against the cost of a standard-size electric vehicle. This provision expires December 31, 2004. The investment value of this credit has eroded since its enactment in 1992. EVCITA will restore the value of the credit by making the benefit a flat $4,000 against the cost of the vehicle. In addition, this legislation will extend the credit through December 31, 2008.

PROVIDING FEDERAL AND LOCAL GOVERNMENTS THE BENEFIT OF REDUCED COSTS

Current law prohibits the use of tax credits for electric vehicles used by a federal, state or local government entity. Across the country, local municipalities are leading the charge in reducing environmental costs by putting electric vehicles into service. In instances where local governments lease electric vehicles, EVCITA will permit the owner of the vehicle to be eligible for the tax benefit.

ENDORSEMENTS

The provisions of this legislation have been endorsed by the following organizations: Union of Concerned Scientists, Coalition for Clean Air, American Methanol Institute, the Georgia Conservancy, the Edison Electric Institute, the Electric Transportation Coalition, Clean Cities—Atlanta, the Southern Coalition for Advanced Transportation, Georgia Power, and the Clean Air Campaign.

The provisions of the EV Consumer Incentive Act of 1999 are comparatively modest in cost. According to the Joint Tax Committee estimate provided in 1998, the cost associated with the provisions of the EV Consumer Incentive Tax Act between FY 1999–2002 was $44 million. These tax incentives will help ensure that electric vehicles are a viable transportation option for consumers.

THOMAS M. LOUGHNEY HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Thomas M. Loughney from Pennsylvania's Eleventh Congressional District. The Greater Pittston Friendly Sons of St. Patrick will bestow the W. Francis Swingle award upon Mr. Loughney at their annual banquet this year. I am proud to have been asked to participate in this event.

The Swingle award is named for Professor Frank Swingle and is given each year to the member who most honors his memory in career and personal achievement. Tom Loughney is an excellent choice for this year's honor.

Tom is a graduate of St. John's High School and the University of Scranton. He completed his graduate work at Drexel University and George Washington University. Tom served with the Department of Defense for thirty-two years as an electronic engineer. One of the highlights of his distinguished career was his participation in the Mallard Project, a joint, cooperative communications development program, sponsored by the United States, Australia, Canada, and England. Since his retirement, Tom has been a consultant for Logistics Engineering.

Tom has been an active member of the Society of Logistics Engineers throughout his career, at one time serving on the Society's Board of Directors and on the Board of Governors of the Logistics Education Foundation. He is also a Certified Professional Logistician.

Tom combined an active career, community, and family life with a love for his ancestral country. He first visited Ireland on his honeymoon with his wife, Maureen, and has returned more than twenty-five times. He is active in the Knights of Columbus and was Home Association President for two years during the purchasing and renovation of its building in the late 1950s. He is also a member of the Friendly Sons of St. Patrick of the Jersey Shore and the Irish Federation of Monmouth County, New Jersey. He was founder and General Chairman of the "Afternoon in Ireland" event held each year in Monmouth County.

Although born and raised in Pittston, Pennsylvania, he now lives with his wife in Middletown, New Jersey. Tom and Maureen have four grown children, Tom, Jr., Mike, Dan, and Maureen, all pursuing careers around the country.

Mr. Speaker, I am pleased to join with the Friendly Sons in congratulating Tom on this prestigious honor and send my very best wishes for continued health and happiness.

ON THE 50TH ANNIVERSARY OF THE AIR FORCE JUDGE ADVOCATE GENERAL'S DEPARTMENT

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. GRAHAM. Mr. Speaker, I rise today to recognize the outstanding men and women, past and present, active and reserve, of the Air Force Judge Advocate General's Department on the occasion of the Department's 50th Anniversary. General Hoyt S. Vandenberg, the second Chief of Staff of the Air Force, officially created the Judge Advocate

General's Department Order #7 on January 25, 1949. The First Air Force Judge Advocate General, Major General Reginald C. Harmon, was promoted to major general directly from the rank of colonel. Following Major General Harmon, 12 other Judge Advocates General have served, including Major General Bryan G. Hawley who retired recently, and the newly installed incumbent Major General William A. Moorman.

The JAG Department has a rich and colorful history. Before the Air Force was formed, there were special Air JAGs for the Army Air Corps. JAGs and paralegals have been at commanders' sides in every operation since the department was formed, including Korea, Vietnam, Grenada, and the Persian Gulf. In addition to combat theaters, JAGs have been critical components of forces conducting humanitarian, peacekeeping, and contingency operations in far-off places like Somalia, Bosnia, Haiti, and Rwanda. Often, much of the JAG's work is carried on behind the scenes, negotiating with foreign leaders, making arrangements for proper services, and ensuring agreements are in the place to service members abroad. As important and even less conspicuous are the paralegals and other legal staff that support these operations.

Perhaps the single most important role JAGs perform is in assisting commanders to administer a fair and equitable system of military justice. General Washington recognized, as did Caesar and Alexander before him, that discipline distinguishes an armed force from a mob. History has shown that discipline, enforced by an even-handed and credible system of justice, is an essential element of an effective fighting force. That system of justice must be mobile, be able to react to unique military offenses, and be administered by those who understand the environment in which it functions. Air Force JAGs have preserved such a system for Air Force members, whether stationed at home or at remote sites worldwide. Mothers and fathers throughout America have entrusted their sons and daughters to Air Force commanders, knowing that they will be treated fairly and justly.

Air Force Judge Advocates have made significant contributions to the practice of law throughout the military. Air Force JAGs were instrumental in establishing the requirement to inform an accused of his rights well before the Supreme Court directed Miranda warnings be read. The Air Force was the first service to institute an independent defense counsel program, ensuring accused military members received zealous representation, without even the appearance of command influence. Air Force JAGs have also participated in some of the most influential cases in military history on topics ranging from military jurisdiction over off-base offenses, to the use of polygraph results in court and drug analysis.

In addition, as the Air Force has adapted to ever changing environments, JAGs have led the way by resolving the complex legal issues that have accompanied these changes. To meet these challenges, the JAG Department has grown from 442 officers to a force of over 4,680 personnel, including JAGs, civilian attorneys, enlisted members, civilian support staff, and Reserve and National Guard personnel. The JAG Department has also expanded its expertise into other critical legal specialties such as aviation, civil, claims, environmental, ethics, international, labor, legal assistance, medical, operations, procurement, space, and tax law. As the Air Force faces the challenges of the 21st Century, the JAG Department will be there to help commanders maintain the world's greatest Air Force, committed to going anywhere in the world, anytime.

I am honored to rise in recognition of the 50th Anniversary of the Air Force Judge Advocate General's Department and express the heartfelt thanks of the people of the United States for a job well done to all who serve or who have served in the Air Force Judge Advocate General's Department.

HONORING MS. LENA B. MEDLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Lena B. Medley, for her exemplary community service, and dedication to educating the children of the Brooklyn community.

Ms. Lena B. Medley, is an unsung American Hero in Education who took on the arduous task of saving a school and a community, six years ago when she became the Principal of Thomas Jefferson High School. Ms. Medley restored pride and injected self-esteem into a school that was thought of to be failing. The heroic actions initiated by Ms. Medley began when Thomas Jefferson High School was placed on a list marked for take over and subsequent closing by the New York State Education Department in 1993. As of December 1997, Thomas Jefferson High School was removed from the Schools Under Registration Review (SURR) List due to Ms. Medley's dynamic leadership.

Ms. Medley implemented several programs; (1) the Ninth Grade Prepatory Academy for Math and Science, which emphasized biology, sequential mathematics and technology. (2) the Marine Corps Junior ROTC—which strengthened character, helped form habits of self discipline, leadership and (3) the academy of Success—which graduated more special education students into the mainstream than in the schools history. Because of Ms. Medley's vision to have these unprecedented programs in an inner-city high school located in East New York Brooklyn, she has transformed this school successfully.

Ms. Medley holds degrees from Tennessee State and Fordham University. She has studied at Lehman College, Hunter College, and Harvard University.

Mr. Speaker, please join me in honoring Ms. Lean B. Medley, a 34 year veteran of education who cared enough to make a difference in the life of a child. She is truly an American Hero.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Speaker, during rollcall vote No. 35 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "yes."

TRIBUTE TO THE JAMESPORT FIRE DEPARTMENT ON ITS 50TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to the Jamesport Fire Department and to join the volunteer firefighters, emergency medical personnel and grateful people of this Long Island community as they celebrate the 50th anniversary of the fire department's founding.

I would like to tell my colleagues about Jamesport, a special place where neighbors look out for neighbors and every resident possesses a special pride in their hometown. In a service that exemplifies selfless heroism, the men and women of the Jamesport Fire Department perform above and beyond the call of duty each and every day. Compensated only by the satisfaction that their efforts surely save lives and protect property, these volunteers have answered every alarm for 50 years. I am proud and honored to count these brave firefighters among my friends and neighbors.

Moreover, I am proud to join with the Jamesport Fire Department in honoring five charter members for their 50 years of faithful service. Since 1949 these men have answered the siren's call whenever a fire or other peril threatened a member of the Jamesport community. Herbert Fleischman has served as 2nd Lt., 1st Lt., Captain, 2nd Asst. Chief, 1st Asst. Chief and Chief. Walter Rolle has served as 2nd Lt., 1st Lt. and Captain. Raymond Zaleski has served as 2nd Lt., 1st Lt., Captain and a Fire Commissioner. Stanley Zaweski has served as 2nd Lt., 1st Lt. and Captain. And John Ziemacki has served as 2nd Lt., 1st Lt., Captain, 1st Asst. Chief, Chief, Fire Commissioner and was chosen Fireman of the Year in 1973. Time and again these brave men joined their comrades as they hastened to the scene, placing themselves in harm's way to aid another human being in danger, regardless of whether it be a friend, neighbor or stranger.

Demonstrating that true heroes are created over a lifetime of selfless acts and service to their God, family and country, these brave men of the Jamesport Fire Department are perfect role models for every volunteer firefighter who will come after them. They truly reflect the outstanding work of the Jamesport Fire Department and its commitment to training and service that keep their neighbors, friends and even their own children safe and secure. That is why, Mr. Speaker, I ask my colleagues in the House of Representatives to join me on this 50th anniversary in saluting the courageous, devoted volunteers of the Jamesport Fire Department. May God keep them safe as they have worked to keep safe the Jamesport community.

HONORING MS. JEANETTE RUFFINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Jeanette Ruffins for her exemplary community service, and her numerous contributions to the Brooklyn community.

Ms. Ruffins is currently the Executive Director of Genesis Homes, a 150 apartment, low income housing complex in East New York, Brooklyn. Genesis Homes is a service enriched complex that includes the Nelson Mandela Community Center. Ms. Ruffin oversees the daily operation of a Day Care Center, Primary Care Medical Services, G.E.D., Adult Basic Education, and a Boys & Girls Club site. The Boys and Girls Club provides recreation and leadership development for youth ages 6–18.

Ms. Ruffins has extensive experience in case management as well as social service administration and management. She has many years of experience with issues of victimization and domestic violence, including more than three years of experience with the Queens Safe Homes Program operated through the District Attorney's Office.

Ms. Ruffins has a Bachelors degree from Northwestern University and a Masters in Social Service Administration from the University of Chicago.

Mr. Speaker, please join me in honoring Ms. Jeanette Ruffins, who has helped the underprivileged of our community, and has served as an excellent role model for countless individuals.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Speaker, during rollcall vote No. 34 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes this week. Had I been here I would have made the following votes:

Rollcall No. 34—aye; 35—aye; 36—no; 37—aye; 38—aye; 39—aye; 40—aye; 41—aye; 42—aye; 43—aye; 44—aye; 45—no; 46—no; 47—no; 48—no; 49—yes.

PROPERTY RESTITUTION IN THE CZECH REPUBLIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my concern over recent setbacks in the return of expropriated properties to rightful owners in the Czech Republic. As Chairman of the Commission on Security and Cooperation in Europe, I have followed property restitution issues in Central and Eastern Europe over the past several years with an eye toward determining whether the restitution and compensation laws adopted in this region are being implemented according to the rule of law and whether American citizens' interests are protected under the laws. While restitution and compensation programs in several East-Central European countries have aspects of concern, today I want to bring attention to the status of restitution in the Czech Republic because of recent troubling developments there.

Since the Velvet Revolution, the Czech Republic has adopted laws that provide for the return of private property confiscated by Nazi or communist regimes. When the actual return of property is not possible, these laws offer former owners the right to receive alternate compensation. Regrettably, the Czech laws limit these rights to those who had Czechoslovak citizenship when the restitution law was adopted or who acquired citizenship before the deadline for filing restitution claims. As a result, former Czechoslovak citizens who fled to the United States seeking refuge from fascism or communism earlier this century, and are now American citizens, have been precluded from making restitution claims unless they renounce their American citizenship. Ironically, had these same individuals fled to Canada, Israel, or any country other than the United States, they would not have lost their Czech citizenship and would today be eligible to receive restitution or compensation. This result stems from a treaty signed in 1928 by the United States and Czechoslovakia that automatically terminated a person's citizenship in the United States or Czechoslovakia if that person became a citizen of the other country. That treaty was terminated in 1997, but its impact remains: under Czech law, Czech Americans are not eligible for dual citizenship in the Czech Republic. Therefore, without abandoning the citizenship of the country that took them in during their time of need, the law denies them the right to receive restitution or compensation as others have. In other words, the citizenship requirement in the Czech property restitution laws discriminates against American citizens. Moreover, it is difficult for me to think that this discrimination was simply an unintended consequence.

In the 105th Congress, the House adopted my resolution, H. Res. 562, that urges the formerly totalitarian countries in Central and Eastern Europe to restore wrongfully confiscated properties, and specifically calls on the Czech Republic to eliminate this discriminatory citizenship restriction. In this regard, the resolution echoes the view of the United Nations Human Rights Committee (UNHRC) which has concluded in two cases that these citizenship restrictions violate the anti-discrimination clause (art. 26) of the International Covenant on Civil and Political Rights. I recently learned that the UNHRC has agreed to hear at least four more cases that challenge these restrictions.

The persuasiveness of the UNHRC's reasoning, when it determined that the citizenship restriction in the restitution law is discriminatory, was compelling. Unfortunately, the Czech Parliament last month debated and rejected a proposed amendment to the law that would have eliminated Czech citizenship as a condition for property restitution claims. This approach was widely considered the most effective remedy to a serious problem. In rejecting the amendment, the parliament missed an excellent opportunity to resolve this long-standing and contentious issue between the Czech Republic and the United States.

While I deeply regret the parliament's decision, I hope that the Czech Government will now seek alternative means to end the discrimination against Czech Americans. In January, several weeks before the parliament voted down the restitution amendment, Deputy Foreign Minister Martin Palous assured me that his government planned to propose a new citizenship law that would permit dual citizenship for Czech Americans. I was heartened to learn that last month the Czech Government introduced this amendment and it is my hope that its early passage will be followed by a reopening of the claims filing period for those individuals who, by virtue of acquiring dual citizenship, will become eligible for property restitution or compensation.

Another disturbing situation involves the case of restitution to the "double victims" in the Czech Republic—those individuals, primarily Jews, whose properties were confiscated during World War II by Nazis and then again by the communists that swept the region in the postwar era. One case, for example, is that of Susan Benda who is seeking compensation for an expropriated house in the town of Liberec where her father and his brother grew up. Susan's grandparents were killed by the Nazis and her father and uncle fled their homeland in 1939. The family home was "sold" in 1940 to a German company in a transaction subsequently invalidated by a 1945 Czech presidential decree.

In 1994, the Czech Parliament expanded its earlier restitution law to allow individuals whose property was originally confiscated by Nazis between the years 1938–45 to join those whose property was taken by communists in claiming restitution. Under the amended laws, Susan Benda is theoretically eligible to receive restitution of, or compensation for, the home in Liberec. Notwithstanding the Czech Government's purported intention to restore Jewish property seized by the Nazis, however, the Czech Ministry of Finance has arbitrarily imposed additional onerous and burdensome conditions for restitution that do not appear in the law and which, in fact, appear designed to defeat the intent of the law.

Beyond the citizenship requirement in the law, the Ministry of Finance has declared that claimants must prove that they were entitled to file a claim under a postwar 1946 restitution law, that they did file a claim, and that the claim was not satisfied. Remarkably, Susan Benda found a record in the Liberec town hall which establishes that her uncle returned to Czechoslovakia and filed a restitution claim in 1947.

Next, the Finance Ministry requires claimants to prove that a court expressly rejected the postwar claim. In a country that has endured the political and social turmoil of the Czech Republic over the past half-century, the notion that claimants in the 1990s must prove, not only that a court considered a certain case more than fifty years ago, but also must produce a record of the court's decision in the case, is outrageous. Susan Benda was able to produce a claim of title showing that the house was stolen by the Nazis in 1940, confiscated by the communist Czech Government in 1953 and purchased from the Czech Government in 1992 by its current owner-occupant. While Susan cannot produce a document showing that the court actually considered, and then rejected, her uncle's postwar claim, the chain of title and the witness testimony confirm that the Benda family never got the house back—in itself simple, dramatic proof that the postwar claim was not satisfied. Apparently, however, this proof was not sufficient for the Czech authorities and Susan Benda was forced to sue the Ministry of Finance.

Last September, more than three years after filing the claim, Susan Benda was vindicated when a Czech court agreed with her assertion that the Finance Ministry should not have attached the extralegal requirements for restitution. The court ordered the Finance Ministry to pay the Benda family compensation for the value of the expropriated house.

I wish Susan Benda's story could end here but it does not—the Czech Government has appealed the court decision apparently fearful that a precedent would be set for other claims—that is, out of a fear that property might actually be returned under this law. Thus, while the Czech Government proclaims its desire to address the wrongs of the past, those who, like Susan Benda, seek the return of wrongfully confiscated property are painfully aware that the reality is much different.

Another case that has come to my attention involves Peter Glaser's claim for a house in the town of Zatec. After the 1948 communist takeover in Czechoslovakia, Peter Glaser sought to emigrate to the United States. To obtain a passport, Mr. Glaser was forced to sign a statement renouncing any future claims to his home. In 1954, Mr. Glaser became an American citizen; in 1962, the communist Czech Government officially recorded the expropriation of Mr. Glaser's home in the land records.

In 1982, the United States and Czechoslovakia signed an agreement that settled the property loss claims of all American citizens against Czechoslovakia. The U.S. Government agency charged with carrying out the settlement advised Mr. Glaser that, because he was a Czechoslovak citizen when his property was taken—according to the U.S. Government, this occurred in 1948 when Mr. Glaser was forced under duress to relinquish the rights to his house—he was not eligible to participate in the claims settlement program but must rather seek redress for his property loss under Czech laws.

When the post-communist Czech Republic passed a property restitution law in 1991, Peter Glaser filed his claim. In a cruel irony, despite presenting documentation from the U.S. Government attesting to the fact that Mr. Glaser was not eligible to participate in the U.S.-Czechoslovakia claims settlement program, the Czech Courts have repeatedly rejected his claim on the grounds that he was an American citizen at the time his property was taken—which, according to the Czech Government, occurred in 1962. The Czech Government asserts that Mr. Glaser's claims were settled and should have been compensated under the 1982 agreement. In other words, the current Czech Government and courts have adopted the communist fiction that although Mr. Glaser's property was expropriated in 1948, somehow the confiscation did not count until 1962, when the communists got around to the nicety of recording the deed.

This rationalization by Czech authorities looks like a back door attempt to avoid restitution. The reality of what happened to the property in Zatec is clear: Peter Glaser lost his home in 1948 when a totalitarian regime claimed the rights to his house in exchange for allowing him to leave the oppression and persecution of communist Czechoslovakia. As the Czech Government knows, communist expropriations—whether effectuated by sweeping land reform laws, as a condition or punishment for emigration, or under other circumstances—frequently went unrecorded in land registries, but that did not make the loss any less real for the victims. For the Czech Government today to cling to technicalities, such as the date the communists officially recorded their confiscation in the land registry, as a means to avoid returning Peter Glaser's home is a sobering indication of the Czech Government's true commitment to rectifying the wrongs of its communist past.

Mr. Speaker, the issue of property restitution is complex. No easy solutions exist to the many questions that restitution policies raise. Nonetheless, when a country chooses to institute a restitution or compensation program, international norms mandate that the process be just, fair and nondiscriminatory. The Czech Government has failed to live up to these standards in the cases I cited.

The Czech Government must end the discrimination against Czech Americans in the restitution of private property. Moreover, the rule of law must be respected. I call on the Czech Government to reconsider its disposition in the Benda and Glaser cases. Czech officials often say that aggrieved property claimants can seek redress in the courts for unfavorable decisions. However, when claimants do just that, as did Peter Glaser and Susan Benda, the Czech Government asserts outrageous or technical defenses to thwart the rightful owner's claim or simply refuses to accept a decision in favor of the claimant. Fortunately, Mr. Glaser, Ms. Benda, and others like them, have pledged to fight on despite mounting costs and legal fees that they will never recoup. The passion and determination of Peter Glaser and Susan Benda, as of all victims of fascism and communism in Central and Eastern Europe, reveal that what may look to some as a battle for real estate is ultimately a search for justice and for peace with the past.

IN HONOR OF THE UNION COUNTY COMMISSION ON THE STATUS OF WOMEN AND THE WINNERS OF THE 1999 WOMEN OF EXCELLENCE AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Union County Commission on the Status of Women and the winners of the 1999 Women of Excellence award. This organization was established in September, 1989, and has dedicated itself to ensuring that women in Union County are treated fairly in the workplace. They continue to provide information and support to women that affects not only my district, but the whole state of New Jersey.

By providing this information to a number of governmental agencies, the Union County Commission on the Status of Women has played a central role in attaining and maintaining equality for women. They advise the Board of Chosen Freeholders in the policy and decisionmaking process of County government, recommend programs to promote the expansion of rights and opportunities available to women in Union County, and originate and implement comprehensive programs to meet the special needs, interests, and concerns of the women of Union County.

To accomplish this necessary and important task, the organization has consistently sought out the best and the brightest people to help them achieve their goals. They have been so successful in this venture that this year, twelve women are singled out for their drive, motivation, and accomplishment in guaranteeing that the rights of the women of Union County are protected. And, as they were singled out by the Commission, I would like to take this opportunity to recognize these women once again for their work and dedication:

Business—Nora Holley MacMillan of Summit

Community Service—Nancy Terrezza of Union Township

Education—Roberta T. Feehan of Elizabeth

Government—Charlotte DeFilippo of Hillside

Government—Senator Wynona M. Lipman of Newark

Health Care—Hazel H. Garlic of Elizabeth

Journalism/Public Relation—Adele Kenny of Fanwood

Law—Judge Susan M. McMullan of Westfield

Law Enforcement—Sergeant Nancy McKenzie of Rahway

Volunteerism—Glenda Magloire of Union County

Women's Advocacy—Mayor Geri Samuel of Scotch Plains

Women's Advocacy—Nellie Suggs of Westfield.

These women exemplify leadership and dedication to both Union County and the community at large. For these tremendous contributions to New Jersey and their incredible example as public servants, I am very happy to honor these individuals for their achievements. I salute and congratulate all of them on their extraordinary accomplishments.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, due to inclement weather I was unavoidably detained in North Carolina this morning and was therefore unable to cast a vote on rollcall Votes 34, 35 and 36. Had I been present, I would have voted "YEA" on rollcall 34, "YEA" on rollcall 35 and "YEA" on rollcall 36.

HONORING MS. RITA SCHWARTZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Rita Schwartz, for her exemplary community service, and for her numerous contributions to the Brooklyn community.

Ms. Rita Schwartz is the Director of Government Relations for the General Contractors Association of New York Inc., a trade organization representing the heavy construction industry. She is responsible for developing and implementing legislative and community strategies for the funding and building of the city's infrastructure system and is active politically in City Hall, Albany, and Washington. Ms. Schwartz is committed to developing opportunities for women and minorities in the construction industry and is involved in several organizations to help these groups gain access to various career opportunities.

Ms. Schwartz has served in the public sector for many years as Supervisor for Government Relations and Community Affairs with the Port Authority of New York and New Jersey. She was responsible for government and community relations and represented the Port Authority with civic, business, community groups and elected officials. In addition, she coordinated special projects and events and had an additional responsibility as Director of Homeless Service Programs for the Port Authority. Before working for the Port Authority, Ms. Schwartz was with the New York City Department of the Aging, the Health and Hospitals Corporation and the New York City Department of Parks, Recreation and Cultural Affairs.

Ms. Schwartz is a lifetime resident of Brooklyn, she and her husband live in Brooklyn Heights where they raised their son and daughter. She served as a Board member of Community Board 2, and other community organizations. She received a bachelor's degree in music education from the State University of New York, Potsdam, a master degree from New York University and a Ph.D. Teaching Fellow at New York University.

Mr. Speaker, please join me in honoring Ms. Rita Schwartz, who has helped our community and has served as an excellent role model.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1999

Mr. SHERMAN. Mr. Chairman, during rollcall vote No. 38 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "aye."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 16, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

8 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings to examine the nature of risk management in agriculture and federal crop insurance programs.

SR–328A

9 a.m.

Environment and Public Works

Business meeting to consider pending calendar business.

SD–406

9:30 a.m.

Indian Affairs

To hold hearings on S.400, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance.

SR–485

Health, Education, Labor, and Pensions

Business meeting to mark up S.326, to improve the access and choice of patients to quality, affordable health care, and to consider pending nominations.

SD–430

Governmental Affairs

To resume hearings on the future of the Independent Counsel Act.

SH–216

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the efforts to reform and streamline the Department of Defense's acquisition process.

SR–222

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345, Cannon Building

Energy and Natural Resources

Foreign Relations

To hold joint hearings on proposals to expand Iraqi oil for food.

SD–419

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Library of Congress, Congressional Research Service, General Accounting Office, and the Government Printing Office.

SD–116

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for Air Force programs.

SD–192

Finance

To hold hearings on the implementation of 1997 Medicare changes to Medicare-Fee for Service and Medicare+Choice Programs.

SD–215

10:30 a.m.

Environment and Public Works

To hold hearings on loss of open space and environmental quality.

SD–406

2 p.m.

Armed Services

Airland Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on tactical aviation modernization, and the future years defense program.

SR–222

MARCH 18

9:30 a.m.

Environment and Public Works

To resume hearings on loss of open space and environmental quality.

SD–406

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for Civilian Radioactive Waste and Environmental Management programs.

SD–124

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program.

SH–216

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the National Aeronautics and Space Administration.
SD–116

10 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on the countdown to elections in Indonesia.
SD–419

Finance
To hold hearings to examine issues of the federal recovery of a portion of the tobacco settlement funds attributable to Medicaid.
SD–215

10:30 a.m.
Commission on Security and Cooperation in Europe
To hold joint hearings to review United States policy and strategy for the Organization for Security and Cooperation in Europe (OSCE) in preparation for the OSCE Summit Meeting scheduled to convene in Istanbul this year.
SR–485

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Air Force and Army operating forces.
SH–216

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Energy, focusing on energy conservation, fossil energy research and development, and other related programs.
SD–124

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings on issues relating to the European Union, focusing on internal reform, enlargement, and a common foreign policy.
SD–419

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on Medicare fraud issues.
SD–124

MARCH 22

10 a.m.
Judiciary
Youth Violence Subcommittee
Criminal Justice Oversight Subcommittee
To hold joint oversight hearings to review the Department of Justice firearm prosecutions.
SD–226

1 p.m.
Aging
To hold hearings to examine the quality of care in nursing homes.
SH–216

1:30 p.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on securities fraud on the internet.
SD–342

MARCH 23

9 a.m.
Aging
To hold hearings on a proposal to support family care givers.
SD–106

9:30 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on issues relating to internet gambling.
SD–226

Governmental Affairs
Investigations Subcommittee
To resume hearings on securities fraud on the internet.
SD–342

MARCH 24

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
SR–485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program.
SR–222

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S.323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area; S.338, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior; and S.568, to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions.
SD–366

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine littoral force protection and power projection in the 21st century.
SR–232A

MARCH 25

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the economic impacts of the Kyoto Protocol to the Framework Convention on Climate Change.
SD–366

10 a.m.
Foreign Relations
To hold hearings on issues relating to United States-Taiwan relations.
SD–419

APRIL 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SR–253

Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR–485

APRIL 21

9:30 a.m.
Indian Affairs
To hold oversight hearings on Bureau of Indian Affairs capacity and mission.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 18

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S–146 Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, March 16, 1999*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 2 minutes.

IN HONOR OF JAMES C. KIRKPATRICK

Mr. SKELTON. Madam Speaker, today I join the gentleman from Missouri (Mr. BLUNT) in paying tribute to the late James C. Kirkpatrick. The memory of Jim Kirkpatrick will be honored this week with the dedication of a library named for him at Central Missouri State University in Warrensburg, Missouri. This is certainly a fitting tribute to a great Missourian who served our neighbors so well through the years as Missouri's Secretary of State.

Actually, I inherited my friendship with Jim Kirkpatrick, as he was a close friend of my father's through the years. Back in 1932, when my father ran for Attorney General, Jim Kirkpatrick, then editor of the Windsor newspaper, endorsed him.

When I served in the Missouri State Senate, I had close contact with Jim Kirkpatrick, who was then serving as Secretary of State. Filing for election and reelection with him was always a memorable occasion.

America is always in need of role models for those who enter public service. Jim Kirkpatrick was such a role model, putting the people's business first, running an efficient office, and having a warm greeting for all with whom he came in contact. He was a model of integrity.

We all miss Jim Kirkpatrick, but his name and his example will live on with the building being named in his memory at CMSU.

IN HONOR OF JAMES C. KIRKPATRICK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Missouri (Mr. BLUNT) is recognized during morning hour debates for 2 minutes.

Mr. BLUNT. Madam Speaker, there are many memories that come to mind when I think of Missouri's longest serving Secretary of State, Jim Kirkpatrick, of Warrensburg, Missouri. There was the quick laugh and sparkling eyes that often calmed a political confrontation. There was the always present Irish green tie, the green jacket, the green stationery, the green ink, the green furniture. In fact, everything in the Secretary of State's office when I had the privilege to follow him there was some shade of green.

It is a privilege for me today, the only Republican elected Secretary of State in Missouri in the last seven decades, to join with the gentleman from Missouri (Mr. SKELTON) as we honor the memory of Missouri's "Mr. Democrat" as its most Irish politician this week of Saint Patrick's Day.

Many Missourians remember Jim Kirkpatrick working to establish statewide voter registration, directing two winning campaigns for better roads, and championing the establishment of a records management and archives division in State government.

Jim Kirkpatrick instinctively understood Tip O'Neill's axiom that all politics is local, as he crisscrossed the State for two decades eagerly meeting with citizens wherever he went.

Others remember Jim Kirkpatrick and his newspapers. He worked his way up to be the editor of the Warrensburg Daily Star-Journal. He then moved to edit the Jefferson City News and Tribune. He was the publisher of the Windsor Review and Lamar Daily Democrat. It was Missouri Governer Forrest Smith who first brought him into State government as his administrative assistant in 1948.

What I remember most about him was he put "service" in public service. When he left office after five terms, his commitment to the people of Missouri and to the job done by the Secretary of State's office was as strong as ever. He continued to dedicate himself to the efforts of his office during his last week as a State official with the same concern that I am sure he had during his first week.

In 1985, Jim retired to Warrensburg and to the campus of Central Missouri State University, where he graduated, served on the Board of Regents and led in effort after effort.

His office in the Ward Edwards Library was the replica of his office in the State capitol. His lectures to the students were high points for them and him. Jim and his wife traveled with campus groups, went to hundreds of campus events, and were involved in the community as a great team until Jim's death.

Next week, the campus and the community will officially dedicate the new James C. Kirkpatrick Library at Central Missouri State University. Jim Kirkpatrick's legacy of service continues.

ELIMINATE DISCRIMINATION AGAINST PUERTO RICAN CITIZENS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Madam Speaker, I rise this morning with a heavy heart. While I congratulate my colleagues for the fine manner in which they debated the deployment of American troops to Kosovo on the floor, I must also point out a great injustice in our American democratic system.

Last Thursday, throughout the discussion on the floor, precisely at this podium where I now stand, what my esteemed colleagues debated was the reaffirmation of the Congress' power as the sovereign representative body of all Americans.

On a bipartisan level, the debate reflected important concerns about the authority that Congress exercises on the issues that affect our Nation and our standing in the world. It is to this House's great credit and a decision that in my estimation marks a significant turning point in Congressional relations that my colleagues overcame party differences and acted in unison to enable our troops to join NATO forces in Kosovo.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The deployment of American troops to any conflict is an issue of critical importance to all Americans. It is critical not only for the soldier who is the individual facing the greatest danger and may be called upon to sacrifice his or her life, but also for every one of the American families, the wives and husbands, parents, and children, or even the friends.

In short, it is critical for all who will sacrifice the companionship of their loved ones, who will be sent to a faraway place to defend liberty and freedom according to the best interests of our Nation.

I have the deepest admiration for our troops who place themselves in harm's way and do so willingly, because they commit their lives to our Nation in defense of democracy. This is what patriotism is all about. From the depths of my heart, I salute our troops for their commitment to their fellow citizens and our Nation and ask God to protect them and bless them wherever they are.

Throughout the debate of the House, I feel deeply troubled by the fact that, in all likelihood, the troops to be deployed to Kosovo will include many American citizens from Puerto Rico and yet I, as their sole representative in the Congress of the United States, was unable to vote in the decision that could place their lives in peril.

How is it possible that the Nation that acts as the supreme defender of freedom, liberty, and rights everywhere in the world maintains a policy that does not extend those rights to all of its citizens? The ugly reality is that some of the soldiers who defend our American democracy do not possess the right to vote by virtue of living in a territory.

To me, it is tragically clear that what the United States is telling these soldiers is that, yes, you must place your life on the line to defend American values. Yes, you must go to a foreign country as a member of the peacekeeping troops. Yes, you must fight, if called to fight, and you may even die, but, no, your opinion does not count because the Congressman that represents you cannot exert the right to vote that may place your life in harm's way.

Last Thursday, I heard many of my colleagues affirm the Congress' power as the sovereign representative of the body of all Americans and was saddened that this representation is not equal for all Americans.

It is not a proud moment for our country when we muzzle American citizens and hold them in abeyance. After all, is this not the reason our troops are going over there? How come we continue to ask them to defend rights that they themselves do not possess despite a century of partnership and 83 years of American citizenship?

Can we as a democratic nation afford to continue to support discrimination, disenfranchisement against the 3.8 million Americans in Puerto Rico? The American soldiers from Puerto Rico and their loved ones commit their lives to the cause of freedom and democracy as willingly and patriotically as any one of their fellow citizens in the 50 States. Should we not affirm their full rights in Congress?

Madam Speaker, I call on all of my colleagues to join us in our quest to eliminate disenfranchisement and discrimination against the American citizens in Puerto Rico. No less is possible and no less can be expected from our democracy.

NATIONAL SECURITY CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Madam Speaker, I wish that I did not have to rise this morning on this topic, and yesterday I am shocked by the emperor's new clothes mentality that engulfs our Nation's Capitol on issues as vital as our national security.

For, indeed, Madam Speaker, from the same crowd who would have us believe that there is another definition for the word "alone," from the same bunch who would say, well, that depends on what the meaning of "is" is, today, Madam Speaker, we have a new definition of "swiftly".

For according to the weekend talk shows, to hear Secretary of Energy Richardson and National Security Advisor Berger talk, they claim that this administration acted swiftly to try and counteract the intelligence breaches and espionage at our national laboratory at Los Alamos. Yet, this is the same crowd that, in the previous year, in an afternoon was able to clear out the White House Travel Office on a spurious charge of messing with the petty cash drawer, and yet it took this administration 3 long years to react to the first reports of an intelligence breach, Mr. Berger, notified in 1996 of the problem, apparently failing to take action.

Indeed this morning, Madam Speaker, on the front page of the Washington Times the report is as follows, "Security remains weak at U.S. nuclear labs despite the uncovering in 1995 of Chinese espionage efforts, says a recently retired U.S. counterintelligence official. His detailed firsthand knowledge contradicts President Clinton's claims that security has been tight." Quoting now, "Security at the Department of Energy has not improved." This former official told the Washington Times, indeed.

In yesterday's New York Times, columnist Bill Safire asked this question, "Why, if Secretary Bill Richardson were so 'seized of' this secret issue last August when he was named, did he demote the expert, Trulock, and put in charge a CIA man from his UN embassy staff, Larry Sanchez, who knew nothing about the agency's worst problem?"

Safire also writes, "It would be outrageous indeed to suggest that American officials were consciously betraying our national interest. But the confluence of these facts in election year 1996, combined with the urge to disregard or derogate any intelligence that would stop the political blessings of a 'strategic partnership' with China, led to Clinton's denial of a dangerous penetration."

Madam Speaker, indeed, the distinguished senior Senator from my home State, Senator JOHN MCCAIN, in a major foreign policy speech yesterday spoke more on this topic, this curious timing of illegal campaign contributions to the Clinton-Gore campaign in 1996. My senior Senator said, and I quote, "Sadly that charge grows more credible every day. And if it is proven beyond a reasonable doubt it will bring more of history's shame upon the President than his personal failings will, indeed greater shame than any President has ever suffered."

Madam Speaker, we acknowledge the obvious. We acknowledge that, sadly, in this town at the other end of Pennsylvania Avenue, there are some people who are beyond shame. Madam Speaker, our Vice President who last week claimed that he was father of the Internet also gave us a very curious interpretation when he claimed that, because this espionage may have started in the 1980s, someone else was to blame.

Madam Speaker, if we are to use that as our standard, then I suppose we should blame Lyndon Johnson for the Navy spy ring that began its espionage in 1968. No, Madam Speaker, espionage is a serious charge and is a serious problem that we deplore at any time. But the challenge is not when it started but when we chose to do something about it once we had the knowledge.

Again, our President speaks of a strategic partnership with China. We know now in the fullness of time exactly what his strategic partnership meant. Take a look at the record. Take a look at the videotapes. Leaders of the People's Liberation Army and Chinese business interests giving to the Clinton-Gore campaign?

Madam Speaker, even though, in this environment of the emperor's new clothes, let me step forward as did the young girl in that tale by Hans Christian Andersen and say this, it is illegal, it is unpardonable, it is unconscionable for an American administration to take money from foreign governments.

□ 0945

WE MUST NOT PRIVATIZE MEDICARE

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, the National Bipartisan Commission on the Future of Medicare is poised today to vote on a proposal that would end Medicare as we know it.

The Commission's charge was to come up with a scheme for putting Medicare on solid financial footing and improving its value to seniors. They definitely came up with a scheme, a scheme to privatize America's best government program.

Under the Commission proposal, known as Premium Support, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for their private health insurance coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government or to join a private plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan. Seniors then would shop for the best plan that best suits their needs, paying the balance of the premium and paying extra if they want higher quality health care. The Commission proposal creates a system of health coverage but it abandons Medicare's bedrock principle of egalitarianism.

Today, Medicare is income blind. All seniors have access to the same level of health care. The Commission proposal, however, is structured to provide comprehensiveness, access and quality only to those who can afford them.

The idea that vouchers will empower seniors to choose a health plan that best suits their needs is quite simply a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The Medicare Commission is charged with ensuring Medicare's long-term solvency. This proposal will not do that. Proponents of the voucher plan say it would shave off 1 percent of the Medicare budget per year over the next few decades. It will only do that by charging senior citizens more. In fact, Bruce Vladeck, a Commission member and former Medicare administrator, doubts Premium Support will save the government even a dime.

The privatization of Medicare is nothing new. Medicare beneficiaries have been able to enroll in private managed Medicare plans for some time now, and their experience does not bode well for a full-fledged privatization effort. Managed care plans are profit oriented, and the theory that they can sustain significantly lower costs than traditional Medicare simply has not panned out.

Profit-driven managed care plans do not tough it out when those profits are unrealized. Last year, 96 Medicare HMOs deserted 400,000 Medicare beneficiaries because the HMOs' customers did not meet the HMOs' profit objectives.

Before the Medicare program was launched in 1965, more than one-half of America's senior citizens did not have health insurance. Private insurance was the only option then for seniors. Insurers simply did not want seniors to join their plans because they knew the elderly would use much of their coverage. The private insurance market still avoids high-risk enrollees and, whenever possible, dodges the bill for high cost medical services.

What is perhaps most disturbing about the Commission's Premium Support plan is what it does not tell us. It does not tell us how we can make Medicare more efficient while still preserving its egalitarian underpinnings. It does not tell us how much the Nation can or wants to spend on health care for seniors. It does not give us options for reconciling what the Nation wants with how much we have or are willing to spend.

If we privatize Medicare, like the Commission wants, we are telling America that not all seniors deserve the same level of care. The wisest course for the Medicare Commission is to disband without delivering a final product. We should go back to the drawing board and we should construct a plan that builds on Medicare's strengths and ensures its long-term solvency. Selling off Medicare to the managed care industry is the easy way out and it is wrong.

REPUBLICAN AGENDA IS TO STRENGTHEN SCHOOLS, LOWER TAXES AND SAVE SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Madam Speaker, I appreciate the opportunity to address the House this morning.

I have the privilege of representing a diverse district. I represent the south side of Chicago and the south suburbs and Cook and Will Counties, bedroom communities like Morris, the town where I live, and a lot of corn fields and farm towns. Representing such a diverse district of city and suburbs and country, I have learned to listen, to try to find the common concerns and ideas and suggestions of the folks back home.

I find one very common message whether I am in the city, the suburbs or the country, and that is that the folks back home want us to work together to find solutions, and they are looking for real accomplishments as we face the issues that are before us here in the Congress.

I am proud to say that over the last 4 years this Congress has met that challenge. I am pretty proud of what we have accomplished over the last 4 years. We did some things that people told us that we could not do. We balanced the budget for the first time in 28 years, we cut taxes for the middle class for the first time in 16 years, we reformed welfare for the first time in a generation, and we tamed the IRS for the first time ever. Those are real accomplishments.

I find as I talk about those accomplishments, folks say, well, that is pretty good, but what will the Congress do next? What are the next challenges? Where will we look to find solutions for in Washington that really matter to the folks back home? And I find as I listen to the concerns of the folks back home, they really offer a simple series of questions and a simple agenda that they want us to be working on here.

My constituents tell me they want good schools, they want low taxes, and they want a secure retirement, and that is our agenda here in this Congress, I am proud to say. Our agenda, particularly on the Republican side, is simple, just like the agenda of the folks back home. We want to strengthen our local schools, making sure that our dollars get into the classroom and that our schools are run by local school boards and local school administrators and local teachers and local parents. We want to lower taxes, recognizing the tax burden has never been higher than it is today. We want to help the middle class by allowing them to keep more of what they earn, because they can spend it better than we can for them here in Washington. We also want to provide for a secure retirement by saving Social Security and rewarding retirement savings.

It is an important agenda, but it is a simple agenda, and that is our focus this year. But we also have another challenge and another opportunity before us. Thanks to the fiscal responsibilities of this Congress, we balanced the budget for the first time in 28 years. We have now produced a surplus of extra tax revenue, an estimated $2.6 trillion of extra money. It is burning a hole in Washington's pocket and a lot of people want to spend it. The challenge and the opportunity really is what do we do and how do we do the right thing?

The President gave a great speech back in January in his State of the Union. He said a lot of great sounding things. He said we should take 62 percent of this surplus, this extra tax revenue, and use it for Social Security. That sounded pretty good. But if we look at the fine print, that 62 percent means he wants to spend the rest on new government.

Now, we Republicans want to take a different approach. We say we want to take 100 percent of the Social Security money and use it for Social Security. The money that is left over, the income tax surplus, we want to use for other purposes. But the reason that is important to point out is because when the President says 62 percent of the surplus for Social Security, what he is not telling us is that he wants to take $250 billion in Social Security surplus trust fund monies and spend them on other purposes.

Now, back home, the senior citizens that I have the privilege of representing on the south side of Chicago and the south suburbs and rural Illinois tell me that is called raiding the Social Security Trust Fund. The President wants to raid the Social Security Trust Fund by $250 billion. We on the Republican side of the aisle want to put a stop to that. We believe that 100 percent of the Social Security Trust Fund should go to Social Security. That is the contract of Social Security. We believe it is time to wall off the Social Security Trust Fund so that Social Security dollars only go to Social Security, as they were promised when we all paid our payroll taxes.

Also, I want to point out that in the first few years of the surplus that almost 100 percent of that surplus, extra tax revenue, is Social Security Trust Fund dollars. So when someone wants to create new government programs, they are borrowing, as they would say, or raiding, as senior citizens would say, to create new government. They are raiding the Social Security trust funds. We need to keep an eye on that.

We also need to look at the tax burden, recognizing that the folks back home who tell me they want lower taxes, to see why the tax burden is so high today. I have been told that for the average family in Illinois that almost 40 percent of the average Illinois family's income today goes to government. We need to lower taxes.

Let us eliminate the marriage tax penalty, let us save Social Security, and let us wall off the Social Security Trust Fund.

Madam Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

Many may recall in January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus. Although we were prepared to dedicate 90 percent of the budget surplus to saving Social Security, we agree with the President that at least 62% of the Budget Surplus must be used to save Social Security.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending for new big government programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it is fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	$31,500	$31,500	$63,000	$63,000
Less personal exemption and standard deduction	$6,950	$6,950	$12,500	$13,900 (Singles x 2)
Taxable income	$24,550 (x .15)	$24,550 (x .15)	$50,500 (Partial x .28)	$49,100 (x .15)
Tax liability	$3,682.5	$3,682.5	$8,635	$7,365
Marriage penalty			$1,270	
Relief				***$1,270***

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, *The Marriage Tax Elimination Act* will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles. H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 is enjoys the bipartisan support of 230 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate The Marriage Tax Penalty and do it now.

Madam Speaker, I include for the RECORD a copy of a newspaper article dealing with the Tax Code and handling the budget surplus.

[From the Chicago Tribune, Jan. 31, 1999]

HOW TO HANDLE THE BUDGET SURPLUS

WASHINGTON.—Four years ago when I was first elected to Congress, I ran on the need for fiscal restraint in Washington, D.C., and a return of power to people back home. We fought for our belief that we could balance the budget and provide a tax relief for America's working families. For months we were told by Washington insiders and the media that it couldn't be done. Well, we proved them wrong, and we did it ahead of schedule.

Today Congress has a great opportunity as well as a significant challenge before it. A massive surplus of extra tax revenue is projected as a result of a balanced budget. The challenge lies in what Congress chooses to do with the budget surplus.

Saving Social Security is the first priority for the surplus. It's a bipartisan consensus. Last fall, House Republicans showed tremendous responsibility and leadership by passing a plan that earmarked 90 percent of the surplus for Social Security. President Clinton used this month's State of the Union message to call for setting aside a minimum of 62 percent of the surplus ($2.7 trillion over 15 years) for Social Security.

Although we were prepared to set aside much more to save Social Security, Republicans agree to the president's request to set aside 62 percent of the surplus for Social Security. But the question remains of what to do with the rest. President Clinton proposes to spend it on big, new, expensive programs; Republicans want to give this back as tax relief.

Those who oppose tax cuts will fight tooth and nail against lowering today's tax burden. According to the U.S. Treasury, the total income tax take from individuals and families has increased 63 percent since 1992. In fact, according to the Tax Foundation, if you add up the local, state and federal tax burden, taxes are almost 40 percent of the average family's income. Wouldn't most people agree that today's tax burden is too high?

We can save Social Security and cut taxes at the same time. Some say we can't—they were the same ones who opposed balancing the budget and cutting taxes. We proved them wrong. For example, using only 25 percent of the surplus (allowing for an additional 13 percent of the surplus to be dedicated to shoring up Social Security or paying down the national debt) we could enact a 10 percent across-the-board tax cut for all American taxpayers while still eliminating the unfair marriage tax penalty and relieving family farms and family businesses of the inheritance or "death" tax.

The president's step gives us a window of opportunity to save Social Security. We commend the president for his new-found willingness to work with us to save Social Security, secure retirement savings, provide sorely needed tax relief and equip the next generation to compete in a global economy. But now that we have agreed on the first step in saving Social Security, we need to focus on the details. It is irresponsible to spend the people's surplus on new, big government programs. We must give this money back to the American people. Saving Social Security, paying down our national debt and offering real and substantial tax relief to all working Americans are three strong ways to spur our economy and lead the way into the next century.

—U.S. Rep. Jerry Weller (R-Ill.).

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Madam Speaker, a previous Speaker talked about his concerns that the Medicare Commission is going to be unsuccessful today, and that is very unfortunate. I think that Senator BREAUX, a Democrat from Louisiana, and Senator KERREY, a Democrat from Nebraska, and other Members are advocating a way to save the Medicare program for the future. Ten of the 16 Members, according to the newspaper, will support a Premium Support plan, which is a way to really modernize Medicare and bring it into the 21st century. It is disappointing that they are not going to be able to get this supermajority, but we need to continue to try, because Medicare is too important a program to let fail as it is moving towards bankruptcy.

But, Madam Speaker, today I rise to talk about the upcoming 2000 Census. One year from this month the forms will go in the mail and we will begin the process of counting everyone in this great country. After wasting millions of dollars, the Census Bureau had planned for an illegal census plan to use sampling. The Supreme Court ruled this past January that they cannot use this illegal plan to only count 90 percent of the population.

Thank goodness the Supreme Court ruled when it did, because now we will at least have an actual count of the population. But sadly, the Census Bureau is going to advocate a two-number census. They are going to advocate a number, as approved by the Supreme Court, where they will count everyone, and then they want to adjust those numbers and have a second set of Clinton numbers. So we will have the Supreme Court approved numbers of actual counts and then the adjusted or manipulated numbers of the Clinton administration.

Wow, what a disaster we are going to face with this census. And the census, I think we could call it, the DNA of our democracy, because most elected officials in America are dependent on this census for drawing their lines to represent, whether it is a school board, a State legislator or a city council person. Billions of dollars are allocated by this money, based on the census.

A two-number census is bad for several reasons. First of all, it is terrible public policy; second of all, it is illegal; and, third, it is less accurate. As far as public policy, the Census Bureau has argued for years that we should only have a one-number census, and now they have flip-flopped. Due to political pressure they have flip-flopped to go to a two-number census. It will add confusion and create a lack of trust in this system.

Imagine that. I am from Bradenton, Florida. My city will have two numbers. Not just the city, every census block in the city; every census track in the city. A block may have 20 or 50 people. There will be two numbers, one by the Supreme Court approval and one that Clinton says, these are my numbers, use these. Talk about confusion. The Census Bureau was right, until they flip-flopped, and now political pressure has caused them to change.

Well, I expect the Supreme Court will rule that the second set of numbers will be illegal anyway. Reading the ruling by Supreme Court Justice O'Connor in the majority opinion in January, talking about the issues of one man, one vote issues, talking about the technical statistical issues of taking a census track where we may have 20, 40, or 50 people living and then adjusting it, it is going to be torn apart in the courts and thrown out. So, again, they are proceeding down an illegal route.

And then the statistics. I used to teach statistics for many years, and I have a lot of confidence in sampling. The problem is, when we start using statistics and sampling and adjustment for redistricting, we have to work with census block data. There are millions of census blocks in this country, and when we start drawing lines based on a block, whether it is a city block or whatever the dimensions are in an individual's area, and then those are adjusted, the accuracy is not very accurate.

When they analyzed the attempt to do this back in 1990, they said it was less accurate, and yet that is what they are advocating, and that is what is so disappointing. Well, the Republicans in Congress have been advocating some improvements to the 2000 Census plan, and I am puzzled why Democrats would oppose ideas to improve the plan. It is just puzzling why they do not want to improve it.

□ 1000

For example, one proposal made is the Census Bureau is only going to publish the forms in five languages. They say that accounts for 99 percent of the people. There are a lot of different languages out there representing a lot of other people living in this country that are going to have a hard time completing the form.

We had a hearing in Miami. There are over 100,000 Haitians living in the Dade County area in Miami. They do not publish the form in Creole. So how are you going to count this undercounted area? How do you tell these people, "Tough, you cannot get counted, or else if you call in we will find a translator for you?"

What is wrong in publishing the form in Creole? They will publish the instructions in Creole, but they refuse to publish the seven-question short form in Creole. And that is true of all the other languages. They do not even do it for Braille. If you cannot see, what do you have to do? You have to call the Census Bureau and discuss it with someone on the telephone. Why will they not listen to some ideas to improve it?

Another one that local officials should support is to give them a chance to check the numbers before they become final. They did it in 1990. It is not a new idea. But they are afraid for people to check their work. They make mistakes. We all make mistakes. Why not allow local officials, mayors, city managers, county commissioners, what have you, to check the numbers before they become official?

Conducting the census is hard work, and we need to concentrate our efforts into doing the best census possible to eliminate the undercount and get everyone counted.

YOUNG PEOPLE WORKING FOR LIVABLE COMMUNITIES

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, an important part of what makes livable communities is a broad concept of what constitutes the infrastructure that constructs them. That means both the natural environment as well as the built environment. And most important, it also means our people.

Today I would like to focus for a moment on one of the most important parts of the human infrastructure in a livable community, our young people. They are a key part in our community in Portland, Oregon, not just young people at work learning to prepare for their future careers but making real accomplishments as they go.

This week in Washington, D.C., one of my constituents, Jennifer Fletcher, from Grant High School, is being honored by Seventeen Magazine for her volunteerism. Jennifer is one of those extraordinary young people, although only 16 years of age, who has focused in on things that will make a difference in her community, I think in part inspired by a movie that was shot at her high school, "Mr. Holland's Opus," a Richard Dreyfus story about how a music teacher was able to inspire a community to make investments for its future.

Jennifer has done something that would make any screen writer proud. She has founded "Arts Alive" in our community in response to funding cuts for arts programs at their schools. "Arts Alive" is dedicated to providing funding for these schools, and she has exhibited extraordinary creativity in how to go about it.

Her most recent accomplishment was to stage a benefit concert. She approached her favorite singer, Jackson Browne, to help her in the cause. She handled all the details from ticket sales, to securing a Portland concert hall, to arranging transportation and hotel accommodations for the band. And as a result of her dedication and marvelous skills, the concert was a huge success, bringing together people in the community to celebrate the arts, to be a part of a larger effort, and, by the way, raising almost $100,000.

I am proud of the difference that Ms. Fletcher has made. I applaud her future efforts. But they are just the tip of the iceberg in our community. As I look at the Oregon Youth Conservation Corps, which has put young people to work improving the environment, hiring at-risk high school young people, giving them school credit for their work but giving them real-life activities where they were shoulder to shoulder with professionals in creating recreation trails, viewing areas, restoring watershed, preventing soil erosion, promoting recycling, and participating in wetland restoration projects, real work for real kids, learning kids, earning while they went.

In David Douglas High School, I have seen young people solve very creatively a transportation problem between two of their buildings by creating their own light rail line, converting two buses, laying the track, all with volunteers and donated labor.

The Northwest Service Academy, with 150 AmeriCorps volunteers, working with over 10,000 people in the community, dealing with issues of storm water runoff, roof drain disconnect, converting hundreds of homes to different approaches to solve this problem much more cheaply than if we were just building concrete underground cisterns.

The goal of a livable community through smart growth and careful planning is to get more out of our scarce dollars, our land, and our people. By harnessing the creative power of our youth, putting them to work through education, employment, and environmental activities is one of the most creative ways that we can truly make America's communities livable.

And for all our talk about smart growth and transportation initiatives and protecting the environment, I hope that we will continue to focus on ways to harness our young people to be full partners in making our communities livable.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 10 o'clock and 6 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom all blessings flow, we remember in our prayer all those who turn to You with their petitions and their needs. Where there is hunger, grant nourishment; where there is sadness, grant a full measure of joy and gladness; where there is uncertainty or anxiety about the future, grant Your peace that passes all human understanding. May Your good spirit, O God, that is with us in all the moments of life grant peace and pardon and hope to us and to all Your people now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KLECZKA) come forward and lead the House in the Pledge of Allegiance.

Mr. KLECZKA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

> H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

The message also announced, That pursuant to section 201(a)(2) of Public Law 93–344, the Chair, on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, announces the joint appointment of Mr. Dan Crippen as Director of the Congressional Budget Office, effective February 3, 1999, for a term expiring on January 3, 2003.

LET US GET TO THE BOTTOM OF THE TRANSFER OF TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, in the wake of shocking revelations of Chinese espionage, and the unlawful and unauthorized transfer of nuclear technology from our Nation to the People's Republic of China and the curious coincidence that the Clinton-Gore campaign took Chinese money in the 1996 presidential campaign, let me propose four immediate steps that this House should take.

Number 1, Mr. Speaker, let me call on the President. If he wants to get to the bottom of this scandal, as his spinners suggest, this President should release forthwith the report of this House's select committee headed by the gentleman from California (Mr. COX) into the entire episode.

Number 2, I should point out, Mr. Speaker, 60 colleagues have joined me in signing a letter to the chairman of our Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), urging him to conduct his own hearings since the Cox committee will soon lapse.

Number 3, I would call on this Congress to close our national laboratories to these so-called cultural exchanges because what they are are pilfering—our technology.

And Number 4, Mr. Speaker, Sandy Berger must go.

CHINA WILL STOP AT NOTHING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1992 a Russian spy who defected to America said China is determined to destroy America from within. He further said, and I quote, China would buy or steal our industrial and military secrets. He said China would buy American politicians. And the Russian spy further said, and I quote, China will stop at nothing. In spite of all this, China got for free our missile technology, China got naval bases, and China gets and continues to get a sweetheart trade deal financing the next major threat to our sovereignty.

Beam me up. Someone in high places in America is in bed with the Chinese Red Army and the Chinese Communists.

Mr. Speaker, I yield back a $50-billion-plus trade deficit that threatens our future.

CELEBRATING THE 100TH ANNIVERSARY OF SCOTLAND COUNTY, NORTH CAROLINA

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to Scotland County, North Carolina, as it celebrates in 1999 its 100th anniversary. I also want to recognize this Thursday, March 18, as Agricultural Appreciation Day in Scotland County.

Although Scotland County is relatively young among North Carolina counties, having been created by the North Carolina General Assembly on February 20, 1899, it has a rich and interesting history. Central in the history of Scotland County is the presence of and dependence on agriculture. Agriculture in Scotland County, just like in the rest of America, is recognized as the foundation of our society.

Scotland County Farmers contribute over 40 million dollars to the local economy. There are approximately 125 farms in Scotland County which produce cotton, soybeans, corn, wheat, tobacco, oats and hay; hogs and broilers are also raised in Scotland County.

Scotland County farmers contribute over $40 million to the local economy. There are approximately 125 farms in Scotland County which produce cotton, soybeans, corn, wheat, tobacco, oats, hay and hogs. Broilers are also raised in Scotland County.

Mr. Speaker, Scotland County farmers are the stewards of the soil and water resources that provide substance to feed, clothe and shelter the American people and those around the globe.

Mr. Speaker, I would like to join with others in Scotland County to honor those individuals involved in agriculture, one of the most noble of professions, and thank each farmer in Scotland County, indeed each farmer in America, for their hard work and commitment to stewardship of the land and providing food and clothing to the world.

KEEPING OUR PROMISE TO VETERANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise in support of the Republican solution to add $1.9 billion to the administration's proposal to save and improve the health care of our Nation's veterans.

Mr. Speaker, few things are more sacred and solemn than the promises we have made to our Nation's veterans because we would not enjoy the peace, the prosperity and the freedoms we have today without their sacrifices. Unfortunately, though, that promise does not mean much to some because they would like to pass a budget that literally is a slap in the face to every veteran we have.

Mr. Speaker, 10 years ago we elevated the VA to a Cabinet level department for a very good reason. We wanted the VA to have the President's ear. But is the President listening?

We need to protect the future of VA health care, we need to protect the future of our veterans. Unfortunately, however, the administration's proposed budget fails to do this.

I encourage all Members to support our Nation's veterans, back the Committee on Veterans' Affairs' budget recommendation and keep the promises we have made to those who have paid the ultimate sacrifice to this country.

REPUBLICANS TAKING THE LEAD IN MAKING SURE SOCIAL SECURITY AND MEDICARE WILL BE THERE WHEN PEOPLE NEED IT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, to make sure that the Social Security and Medicare are there when people need it, the Republican plan locks away 100 percent of the retirement surplus in a safe deposit box.

Now I know that the response of many seniors in my district is, "But I thought that was already the case," or, "Why wasn't that done a long time ago?"

Mr. Speaker, I cannot answer for 40 years of Democrat control of this body, but I can say that Republicans are taking the lead on the issue. While the President's plan takes only 62 percent of the surplus and reserves it for Social Security, the Republican plan takes 100 percent of the retirement surplus and locks it away for both Social Security and Medicare.

Now let me repeat that the Republican plan locks away 100 percent of the retirement surplus and reserves it for Social Security and Medicare. Let us not kid ourselves. The retirement surplus alone will not solve the problems of Social Security and Medicare, but our commitment to strengthen these two programs and protect seniors is clear.

Mr. Speaker, I urge my Democrat colleagues to join us in a commitment to protecting these programs for seniors.

PUT THE TRUST BACK INTO THE SOCIAL SECURITY TRUST FUND

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, this week we know two things we did not know last week. First, Republicans are setting aside more money for Social Security than the President is in his budget. Second thing we know is that the President's budget numbers do not add up. In fact, the numbers are so wrong that no one is defending them. The nonpartisan Congressional Budget Office, or CBO, found that they have not seen such double counting since the White House wacky plan to use sampling and educated guesses for the census.

Mr. Speaker, the President's spending numbers are pure fiction. His Social Security numbers are even worse. How does one take seriously a plan that double counts to the tune of $2.4 trillion? Even Newsweek and the Washington Post are having a good laugh about that.

Unfortunately, the retirement security of seniors should not be subject to phony numbers and accounting gimmicks that even Orange County, California could not get away with.

Let us put the trust back in the Social Security Trust Fund.

ALL AMERICANS WILL GET TO SEE THEIR STATE OR TERRITORY ON THE BACK OF A QUARTER THANKS TO THE GENTLEMAN FROM ALABAMA (MR. BACHUS)

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, congratulations to Delaware, the first State whose design appears on the back of a quarter. This follows a bill we passed last year allowing this privilege to every State, privileges to deficit reduction. Every State gets a turn at its own design except the District of Columbia and the four territories who were somehow left out.

We are American citizens every bit as much as the residents of the 50 States thanks to the gentleman from Alabama (Mr. BACHUS), who has cosponsored a bill to allow the District of Columbia and the territories to be added. All American citizens will get to see their State, their territory or their District of Columbia design on the back of a quarter.

Mr. Speaker, we welcome the help of the gentleman from Alabama (Mr. BACHUS) and ask that this bill come to the floor soon so that we can cure this oversight.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on March 15, 1999 at 4:44 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with respect to Iran.

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-40)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 15, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

WOMEN'S BUSINESS CENTER AMENDMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 774) to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program, as amended.

The Clerk read as follows:

H.R. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Center Amendments Act of 1999".

SEC. 2. CONDITIONS OF PARTICIPATION.

(a) IN GENERAL.—Section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is amended—

(1) in subparagraph (A) by inserting "and" after the semicolon at the end; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) in the third, fourth, and fifth years, 1 non-Federal dollar for each Federal dollar.".

(b) APPLICABILITY.—The amendments made by this section shall apply beginning October 1, 1998.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 29(k)(1) of the Small Business Act (15 U.S.C. 656(k)(1)) is amended by striking "8,000,000" and inserting "11,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Today the House considers H.R. 774, the Women's Business Center Amendments Act of 1999. As a member of the Committee on Small Business, I know how important this bill is to Members on both sides of the aisle and to some small business women throughout the Nation. The committee held a hearing in early February and thoroughly examined this program before drafting the legislation. The committee marked up H.R. 774 and unanimously passed it on February 25.

Before I take a moment to explain the bill, Mr. Speaker, I would like to thank the ranking member of the Committee on Small Business, my colleague from New York (Ms. VELÁZQUEZ) as well as the rest of my friends from the Democratic side of the aisle for their commitment to this issue and their help in moving this legislation forward.

Mr. Speaker, as my colleagues know, March is Women's History Month. Throughout March we honor women who have dedicated their lives to improving the position of women society, and we celebrate the achievements of women throughout history. While this month we celebrate the accomplishments of the past, today we have the opportunity to promote the success of thousands of women in the future. The ability of women-owned businesses to flourish is crucial to our Nation's economic future.

Consider some of the following statistics. Women entrepreneurs are starting two-thirds of all small businesses in this country. Women-owned businesses are growing at twice the rate of all other businesses. Women own nearly 40 percent of all businesses in the United States of America.

I have been a small business owner, and I know both the joy and heartbreak that comes from owning a business. Additionally, as chair of the Congressional Women's Caucus, I have heard much from women who want to succeed in the business world. They will do so if given a chance. Consequently, this Congress has a responsibility to do all we can to support the growing economic force of women business owners.

One way in which we can do this is to support the Women's Business Center Program at the U.S. Small Business Administration. Women's business centers play a major role in empowering women entrepreneurs with the tools necessary to succeed in business. Right now there are more than 60 women's business centers operating in almost 40 States.

□ 1115

Whether it is targeting low income women, assisting women to focus their business plans through courses on workshops, or providing information on access to capital, these centers tailor their services to the communities they serve.

The bottom line is that women's business centers contribute to the success of thousands of women entrepreneurs by enhancing their management capacity and capability and offering the critical community infrastructure necessary for them to succeed in today's business climate.

The women's business center program is funded through the Small Business Administration. It began as a demonstration program in 1988. In 1993, the program received only $1.5 million per year. By 1997, Congress recognized the program's growth and success and made the program permanent. It also increased the program's authorization level to $8 million per year.

In the 106th Congress, the committee has continued its interest and oversight in the program. As part of this process, it became clear that while the program was expanding to States that do not currently have centers, existing centers were experiencing obstacles to their own growth. We also found that the existing authorization level did not adequately meet the needs of the program.

H.R. 774 addresses both of these concerns. First, H.R. 774 changes the funding ratio in the fifth year of funding to ease the fund-raising burden on centers entering their final year of Federal funding. In the past, federally funded centers had to raise two non-Federal dollars to obtain one Federal dollar in their fifth and final year of funding.

Some sites, particularly those located in rural areas, have limited access to foundations, corporations and banks that provide the private funds used to match the Federal funds. H.R. 774 eases this fund-raising burden by changing the ratio of funding to one non-Federal dollar for every one Federal dollar.

Second, H.R. 774 increases the authorization of appropriations to $11 million in order to support expansion of the program in fiscal year 2000. In conclusion, Mr. Speaker, H.R. 774 is not controversial legislation. The bill was passed by the Committee on Small Business unanimously.

I would like to thank the chairman, the gentleman from Missouri (Mr. TALENT) for his efforts on this legislation. I would also like to again thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) and the entire Committee on Small Business for their bipartisan work on this legislation. I urge all of my colleagues to support H.R. 774.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 774, the Women's Business Center Amendments Act of 1999, legislation that I introduced in committee with the gentleman from Missouri (Mr. TALENT), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from New York (Mrs. KELLY), the gentlewoman from Illinois (Mrs. SCHAKOWSKY), the gentlewoman from California (Mrs. BONO), the gentleman from New Jersey (Mr. PASCRELL), the gentlewoman from the Virgin Islands (Mrs. MC CHRISTENSEN), the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Texas (Mr. HINOJOSA). It is fitting that this bill, which will help America's women entrepreneurs succeed, is before the House during Women's History Month.

I thank the Members of the Committee on Small Business for their support of this bill. I would also like to take this opportunity to thank the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. TALENT), for all of his hard work on this legislation and for being such a strong supporter of the women's business center program.

My colleagues, the face of American business is changing. Over the past 2 decades, we have seen phenomenal growth in the number of women-owned businesses. In 1976, women owned just 6 percent of this country's businesses. Today, that number has grown to over 35 percent. That is over 8 million businesses nationwide. By the year 2000, it is expected that one out of every two businesses will be owned by a woman. That is a remarkable transformation and one which will help more Americans achieve the American dream.

In order to help women achieve this goal, however, we must provide them with the skills necessary to compete in the global economy of the 21st century. This is why the women's business center program is so important. These centers provide a broad range of services, including training and counseling, to women in the area of finance, management and marketing. Currently, the program serves an average of 2,000 women in 36 states and results in economic development, new jobs, increased earning potential and a larger pool of skilled entrepreneurs. Thanks to this program, countless women entrepreneurs have opened or expanded their own business.

The women's business center program becomes even more important when you realize its potential for helping women move from welfare to work. Women on public assistance often want to start their own business but lack the training and support necessary to accomplish this goal. Women's business centers show them how to turn their skills and knowledge into a viable business. By providing business counseling and technical assistance, women's centers are helping women entrepreneurs break the cycle of poverty and become economically self-sufficient. This is one of the many remarkable stories of this program.

Today's legislation, H.R. 774, does two important things to help the women's business center program. First, it increases the authorization level to $11 million for fiscal year 2000. This increase of $3 million over the previous authorization level will ensure the continued growth of this initiative. One of the original goals of this program was to give women in all 50 states access to the business training and programs that they need to become their own boss. By providing an additional $3 million, not only will we be helping existing centers but we can open new facilities in currently underserved areas. That means that more women will be able to work toward the goal of self-employment.

The second part of this legislation reduces the requirement in the fifth year of funding. Currently, women's business centers are required to raise two non-Federal dollars for every Federal dollar they receive. In some cases, centers have been forced to cut back on valuable services because they have not been able to raise the money needed to drawdown the full amount. Reducing the fifth year match to a one-to-one ratio, one Federal dollar for every one non-Federal dollar, will allow these valuable entrepreneurial training services to continue without interruption. This is a step that will benefit everyone.

The legislation before us today represents an important investment in the future of our country. As more and more women decide to become their own boss these centers will provide them with the resources and training they need to achieve this goal. No one can deny that women have come a long way in this country, but more needs to be done. With women entrepreneurs playing a critical role in the economic health of our Nation, we must make sure that they have access to the tools they need for success. The public-private partnership of the women's business center program helps meet this critical need and today's legislation represents an important step in making sure that we continue to move forward with this program and empowering our Nation's women. I strongly support this legislation and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 774, the Women's Business Center Amendments Act of 1999. As a business woman, I share a kindred spirit with the entrepreneurial females of today. Anyone, be it a man or a woman, who strikes it on their own takes a certain amount of risk. Not only can you lose your investment if your business does not succeed but also your pride and spirit. So it is comforting to know that there is a resource for women to turn to when they choose to start or expand their business.

With women owning nearly 40 percent of all firms in the United States, it is obvious we have come a long way towards achieving equity in the business world. Through programs such as the women's business centers and the hard work of the business women themselves, maybe government assistance will not even be necessary in the near future. Congress can play a vital role in helping women help themselves and achieve this goal of self sufficiency. Currently, women's business centers must raise two non-Federal dollars to obtain one Federal dollar in their fifth and final year of funding. By changing the ratio to one Federal dollar for one non-Federal dollar, we can help these centers achieve an even higher level of success.

While we must continue to reassess this program and how it is best administered, I am confident that at this point the women's business centers need and deserve our support.

Mr. Speaker, I urge all Members to pass this important piece of legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the good news in our economy today is the booming sector of women-owned businesses. We are seeing a dramatic increase. Let me give you a couple of numbers from the State of Illinois, my State.

As of 1996, there were nearly 337,000 women-owned businesses in Illinois employing nearly 950,000, almost a million people, and generating $119.8 billion in sales.

During the period of 1987 and 1996, the National Federation of Women-Owned Businesses estimates that the number of women-owned firms in Illinois has increased by 75 percent, and that employment has grown by 201 percent and sales have risen 252 percent, a pretty good record.

In Chicago, we have the Women's Business Development Center, an organization that I have worked with for many years and watched the kind of nurturing they do of women-owned businesses. They provide counseling, entrepreneurial training, financial assistance, loan packaging, certification of women business enterprises, procurement assistance at the State and local and Federal levels and they also do advocacy on women's economic empowerment.

The majority of the clients of the Women's Business Development Center are low income women. Fifty-three percent are women of color and much of their work helps women with self-employment and microenterprise development, and they also provide assistance to women who have formerly been on welfare. So we are saying that they are providing women the ladder of economic opportunity.

In my own town, I have an example of a business that was assisted by the Women's Business Development Center. It is not really a very dramatic story but it is the kind of work that they do every single day. A woman named Victoria Fonseca came to the Women's Business Development Center in November of 1997 with a desire to open an establishment that is a wine bar, a bistro and a wine retail store. She had some experience in the business but had not worked for herself at all, had not established her own enterprise.

She went to the Women's Business Development Center, who assisted her in developing a business plan and the development of realistic projections. The women's business development center packaged the loan for the Small Business Administration women's prequalification loan program, and they got that. There were many bumps along the road in finding a location, in finding a bank that would accept it, and all the way the Women's Business Development Center was holding her hand and leading her through the process.

Finally, a location was found in downtown Evanston and it required redoing the projections to ensure that the original loan amount was sufficient.

Finally, last month the Sustained Glass, an enterprise in Evanston, was opened up and opened for business and, again, is just one example of the many businesses that have been assisted by the Women's Business Development Center.

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So I would encourage support of this bill, the increase in funding, the increase in ability to access these dollars, so that we can see more good news for our economic sector, and business development.

Mrs. KELLY. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, I would again urge my colleagues to support H.R. 774, the Women's Business Center Amendments Act.

As we stand at the dawn of the 21st century and think about the future, this bill embodies the potential that the next millennium holds for all of us. It is a bill that will help women continue to realize their full potential and take a bold step into the future, and now is the time to act.

As our economy continues to bloom, the need for more and more skilled businesswomen and entrepreneurs becomes of paramount importance. Women's business centers are vital in assuring that all segments of our economy are able to take advantage of the current time of prosperity.

By providing women entrepreneurs with the training they need to move to economic independence, we help communities throughout our country grow. In my district in North Brooklyn, many women entrepreneurs and small businesses are poised to start or expand their businesses. All they need is access to some of the technical information and training services that are available through SBA. Today, by expanding the women's business centers, we will take a step toward unlocking that untapped potential in neighborhoods throughout the country.

The type of work done by women's business centers is a catalyst for success. Women's business centers take the promise of potential and turn it into the reality of results, and I urge all of my colleagues to join me in supporting this measure. It is an initiative that will have a lasting positive impact for the economic strength of our communities, both now and in the future.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to offer my support for the Women's Business Center Amendments Act of 1999. This important piece of legislation will continue to help women business owners obtain the necessary tools needed to succeed in the competitive business environment.

Women business owners have historically been under-served, or even excluded, from past legislation aimed at assisting small businesses. This is unfortunate because women are starting businesses at twice the rate of all businesses. They employ over 23 million people within the United States and contribute well over $3 trillion to the economy. Yet they still encounter obstacles when trying to foster their growth.

The Women's Business Center Amendments Act of 1999 directly addresses this concern by providing the technical assistance, and training needed to gain access to credit and capital needed to launch a new business. Since 1988 these centers have proven their usefulness by tailoring their services to the particular needs of the community. Even today, they continue to find more effective ways to serve aspiring women entrepreneurs, from inner cities to rural areas across the country.

Given the proven success of this program, and the positive impact it has on surrounding communities, I fully support the need to increase funding for this program, along with changing the fifth year matching requirement for federal support. The SBA has stated that it is their goal to have a Women's Business Center in every state. Voting in support of this legislation will greatly enhance the chances of this becoming a reality.

Mr. PHELPS. Mr. Speaker, I rise today in support of H.R. 774, the Women's Business Center Amendment Act. This valuable program provides women entrepreneurs with assistance in running their business, receiving access to capital and other support they need to succeed.

The number of women business owners is increasing—by the year 2000 it is expected that one out of every two businesses will be owned by a woman. As women continue to open businesses at twice the rate of men, those numbers are only expected to grow. It is vital that we strengthen this program to help create opportunities for women across the country and ensure they can take advantage of them.

H.R. 774 improves the Small Business Administration's Women's Business Center Program by increasing the authorization for funding by $3 million for Fiscal Year 2000, and reducing the amount of private funding that centers are required to have in their fifth and final year of operation. These two changes will strengthen this valuable program by providing additional funds so more Women's Business Centers can be opened and existing centers can continue to offer a variety of services in their fifth year.

This legislation will benefit the nineteenth district of Illinois by helping rural women business owners and promoting economic development, and urge my colleagues to join me in supporting this important measure.

Mrs. CAPPS. Mr. Speaker, today I rise in strong support of H.R. 774, the Women's Business Center Amendments Act.

In addition to reauthorizing this important program, this bill will increase funding for the Small Business Administration's Women's Business Center program by $3 million. I strongly support the vision of this program as well as the increase in funding levels.

Providing assistance and services to women considering entrepreneurial endeavors is vital to the success of the economy of the 22nd District of Columbia and our entire nation. On the Central Coast, 80% of all business activity is generated by small business, and many of these businesses are run by women. Assisting small businesses, and ensuring that the doors of economic opportunity are open to all women, are priorities for me in Congress.

Currently, there are only 60 Women's Business Centers in 36 states, but many more are needed. At this time, women in my congressional district must travel over 100 miles to reach a center, and for many this distance precludes them from availing themselves of those resources. By increasing the funding for this program, we will be able to reach out to the many women that are now underserved on the Central Coast and throughout the nation.

Women's Business Centers assists women entrepreneurs at all levels of business development by teaching the principles of finance, management and marketing. The program has demonstrated particular success with low-income, single and minority women.

The assistance provided at Women's Business Centers enables women to fight poverty by giving them the tools to become self-sufficient, successful business owners who are leaders in their communities.

I strongly urge my colleagues to pass this bill and support the Women's Business Center program.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I urge all Members to support H.R. 774, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 774, as amended.

The question was taken.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 774, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

DISTRICT OF COLUMBIA COURT EMPLOYEES WHISTLEBLOWER PROTECTION ACT OF 1999

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 858) to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia.

The Clerk read as follows:

H.R. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Court Employees Whistleblower Protection Act of 1999".

SEC. 2. WHISTLEBLOWER PROTECTION FOR PERSONNEL OF THE COURTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new section:

"§ 11-1733. Whistleblower protection for court personnel

"Notwithstanding any other provision of law, section 1503 of the District of Columbia Comprehensive Merit Personnel Act of 1978 (DC Code, sec. 1-616.3) shall apply to court personnel, except that court personnel may institute a civil action pursuant to subsection (c) of such section in the Superior Court of the District of Columbia or the United States District Court for the District of Columbia.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

"11-1733. Whistleblower protection for court personnel.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 858 is a straightforward, bipartisan bill. It simply levels the playing field by providing employees of the D.C. Superior Court, many of whom are my constituents, the same whistleblower protections that are enjoyed by other city employees under the District's Merit Personnel Act. It is also in accordance with the protections which cover employees in the Federal court system. The only additional option we are providing for any claimants, for obvious reasons, is the possibility of seeking relief in either the local or the Federal courts.

The reason we need this bill, and we need to pass it in an expeditious fashion, is because of an ongoing GAO study of the financial and budgetary practices of the District of Columbia courts. At my request, management practices are being included in the GAO study.

On January 26, 1999, I joined with the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, and the ranking member of that subcommittee, the gentleman from Virginia (Mr. MORAN), in encouraging the Superior Court to urge employees who may have information useful to the GAO auditors to step forward without fear of retaliation. These assurances were provided in the form of administrative orders. We are grateful for such assurances. The bill is intended to provide statutory guarantees that can back up the court's order. It also plugs a loophole in the law that would help to ensure that Congress and others will continue to get the most candid and accurate information.

It is obviously very important that when Congress asks for a GAO study, that GAO auditors be in a position to get the answers that they seek. Otherwise, Congress could be basing its subsequent oversight and legislation on misleading data. H.R. 858 would help to guarantee the integrity of the information Congress will be receiving.

The D.C. Superior Court has over 1,000 employees and an annual budget of over $128 million. Whistleblower protection is by now a time-honored method of uncovering waste, fraud, abuse and mismanagement. It should also be noted that Title XI of the D.C. Code, which this bill amends, is the sole prerogative of Congress to change under the Home Rule Act.

I would emphasize that this legislation should not be misconstrued to cast any aspersions on those responsible for the sound management of the D.C. Superior Court. We are merely backing up the Court's own directives by providing routine protections which are overdue and which could help the GAO and Congress to receive the most accurate information.

The Congressional Budget Office has assured us that this bill will not affect direct spending or receipts, and I want to urge passage of H.R. 858.

Mr. Speaker, we have a number of cosponsors to this bill, and I want to thank the gentleman from Indiana (Mr. BURTON) for moving this through the Committee on Government Reform so expeditiously and my colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her help in the drafting of this.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Virginia (Mr. DAVIS) for bringing the District of Columbia Court Employees Whistleblower Protection Act of 1999 to the House floor today. May I also thank the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations and the gentleman from Virginia (Mr. MORAN), the ranking member, for their work on the problems underlying this bill. I am an original cosponsor of this noncontroversial legislation, and I am pleased to have been so.

Mr. Speaker, H.R. 858 amends Title XI of the District of Columbia Code to provide a new section affording whistleblower protections to D.C. court personnel. Congressional action is required because the District's Home Rule Charter allows only the Congress to amend Title XI, which relates to the Federal judiciary. As well, the Federal assumption of D.C. court costs in the District of Columbia Revitalization and Self-Government Improvement Act of 1997, known as the Revitalization Act, leaves Congress as the body with principal oversight over the D.C. courts.

May I say that we remain very pleased and gratified that through action of the Congress, the Federal Government has taken over certain State functions that no city could carry today.

While this bill addresses an important issue, I want to indicate that there are other concerns as well that are similar, and perhaps other inevitable gaps in the law affecting the public safety elements of the Revitalization Act that were transferred because, after all, we were dealing with a very large transfer in that act.

I appreciate that the gentleman from Virginia (Mr. DAVIS) has agreed that the Subcommittee on the District of Columbia of the Committee on Government Reform will hold hearings in the spring on the other outstanding issues, especially those affecting the courts and halfway houses. Meanwhile, I agree that whistleblower protection is needed now in order to allow the GAO to proceed on an investigation of certain aspects of the D.C. court system.

Mr. Speaker, H.R. 858 would grant D.C. court personnel the same whistleblower protections currently enjoyed by other D.C. employees under the District's Merit Personnel Act. An employee who discloses what she reasonably believes to be a violation of law, misuse of government resources or funds, should always be protected. In addition, H.R. 858 would allow court employees to bring a civil action in either D.C. Superior Court or the United States Court for violation of whistleblower protections. District court jurisdiction is appropriate, considering that it is the Superior Court that might be the subject of litigation, and also because of the jurisdiction of the Federal Government over the district courts under the Revitalization Act.

Mr. Speaker, let me emphasize that I have full confidence in Superior Court Chief Judge Eugene Hamilton who has indicated, and I am quoting him, that "There has not been, nor will there be, any retaliation or any other adverse consequences to any employee as a result of cooperating with the audit." Judge Hamilton has issued his own order to this effect.

Mr. Speaker, H.R. 858, applying the same whistleblower protection to court employees that other D.C. employees now rely upon, should bolster Judge Hamilton's orders to court management to fully comply with the GAO requests. I urge my colleagues to support this noncontroversial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I include for the RECORD the Congressional Budget Office cost estimate and the statement of administration policy, the support from the administration.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 858—DISTRICT OF COLUMBIA COURT EMPLOYEES WHISTLEBLOWER PROTECTION ACT OF 1999

(Rep. Davis (R) VA and 3 cosponsors)

The Administration supports H.R. 858, which would extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia. The change would protect these employees from losing their jobs or otherwise being penalized for disclosing violations of the law or misuse of government funds or resources. Similar protection is already provided to most District employees.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MARCH 15, 1999

H.R. 858—DISTRICT OF COLUMBIA COURT EMPLOYEES' WHISTLEBLOWER PROTECTION ACT OF 1999—AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON GOVERNMENT REFORM ON MARCH 10, 1999

H.R. 858 would amend District of Columbia statutes to extend protection from retaliatory action to court personnel who disclose seemingly unlawful or fraudulent practices. Protection would also extend to D.C. court personnel who participate in an investigation into alleged violations of law or refuse to participate in activities that are fraudulent or unlawful. Under the bill, court employees could seek relief from violations by filing civil claims in either the Superior Court of the District of Columbia or the U.S. District Court for the District of Columbia. CBO estimates that enacting H.R. 858 would have little or no effect on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 858 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would impose enforceable duties on the District of Columbia with regard to the treatment of court personnel. CBO estimates that the costs of complying with this mandate would be minimal. H.R. 858 contains no private-sector mandates as defined in UMRA.

The CBO staff contacts are John R. Righter (for federal costs), who can be reached at 226-2860, and Susan Sieg (for the state and local impact), who can be reached at 225-3220. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mrs. MORELLA. Mr. Speaker, I am pleased to add my voice in support of H.R. 858, the District of Columbia Whistleblower Act. I commend Committee Chairman DAN BURTON and

D.C. Subcommittee Chairman TOM DAVIS for bringing this legislation to the House floor in a timely manner.

H.R. 858 merely extends the same whistleblower protections to employees of the D.C. Superior Court that federal employees and District of Columbia workers enjoy. The bill also gives D.C. Superior Court employees the option of taking complaints of wrongdoing to the local or to the federal courts.

It is my understanding that the General Accounting Office (GAO) is conducting a study of the financial operations and the management practices of the D.C. courts. This legislation will give D.C. Superior Court workers the confidence and security they need to step forward with information that may be helpful to the GAO.

Whenever waste, fraud, and abuse occur within a federal agency or within a federal or local court, there are employees who know about it and are angered by it. These employees need to know that they will not suffer damage to their careers if they uncover and try to correct these abuses. Pentagon employees who report millions of dollars of wasteful spending and lawyers at the Nuclear Regulatory Commission who question the safety of nuclear plants are all assured that they will not suffer retaliation for disclosing wrongdoing within their agencies. H.R. 858 will also ensure that dedicated civil servants within the D.C. Superior Court will receive the statutory protection that they deserve for the disclosure of accurate information regarding mismanagement and abuse within the courts.

As the Vice-Chair of the D.C. Subcommittee, I am proud to be an original cosponsor of H.R. 858. Let me add that, in no way, do I mean to suggest that there is rampant mismanagement or abuse within the D.C. Superior Court. This legislation merely levels the playing field for Court employees and corrects an inequity in the law that will help to strengthen the D.C. court system. Protecting D.C. Superior Court employees who disclose government waste and mismanagement is a major step toward a more effective court system, which is essential to the revitalization of the District of Columbia.

Many of the 1,000 employees of the D.C. Superior Court live in my congressional district, and I am pleased to be part of this effort to afford them the same whistleblower protections that cover all workers in the city of D.C. and throughout the federal government.

I urge my colleagues to support H.R. 858.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the District of Columbia Court Employees Whistleblower Protection Act of 1999 (H.R. 858).

My colleagues, this is important legislation. It deserves strong bi-partisan support.

As my good friends TOM DAVIS and ELEANOR HOLMES NORTON acknowledge this legislation is important to correct an error that has permitted employees of the District's Superior and Appeals Courts to operate without any whistleblower protection.

The error was probably an oversight.

As part of home-rule back in 1971, Congress fused the functions of state and municipal court functions to produce the D.C. Superior Court and the D.C. Court of Appeals.

Both courts are funded by the city, but their judges are nominated for 15-year terms by the President and confirmed by the Senate.

Apparently no one sought or succeeded in extending the District's merit protection laws to court employees.

As a result, court employees have lacked the same whistleblower protections all other district government employees receive.

Unfortunately, it took a series of troubling events to bring this issue back to the attention of Congress.

Last fall, I was contacted by several court-appointed attorneys handling both criminal and child abuse cases who indicated that they were not being paid because the D.C. Superior Court was running out of money.

Some of these billable hours remained unpaid for up to 6 months.

From these initial calls, it became apparent that the Superior Court was facing a severe financial crisis.

Probing further a number of charges were raised about the Court's financial management practices.

These charges range from mismanagement to specific misdeeds.

On September 22, 1998, D.C. Appropriations Chairman Charles Taylor and I asked the General Accounting Office to conduct an audit of the Court's financial and personnel practices.

In response to reports that some court personnel were reluctant to cooperate with GAO's audit for fear of retaliation, I joined Reps. TOM DAVIS and ERNEST ISTOOK on January 26th of this year in a letter sent to Chief Judge Eugene Hamilton asking him to ensure that no court employees were retaliated against for cooperating with GAO auditors.

Judge Hamilton has assured us of his cooperation, but reports on employees' fear of retaliation have continued.

It is for this reason, that we are now compelled to move forward with whistleblower protection legislation.

It is my sincere hope that the Court will receive a clean audit, but it is critical Congress and the residents of the District of Columbia have full confidence that their courts operate with sound financial and personnel practices.

This legislation will help give us the confidence these goals are attainable.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 858.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FEDERAL RESERVE BOARD RETIREMENT PORTABILITY ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 807) to amend title 5, United States Code, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, as amended.

The Clerk read as follows:

H.R. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Board Retirement Portability Act".

SEC. 2. PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking "of the preceding provisions" and inserting "other paragraph"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank Plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank Plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.".

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(i) For purposes of subsection (b)(5), the term 'Bank Plan' means the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).".

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

"(2)(A) any employee or Member who has separated from the service after—

"(i) having been subject to—

"(I) subchapter III of chapter 83 of this title;

"(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

"(ii) having completed—

"(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

"(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or".

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

"(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

"(1) becomes subject to—

"(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election; or

"(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

"(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.".

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(1) has at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code,

shall, for purposes of section 302 of the Federal Employees' Retirement System Act of 1986 (100 Stat. 601; 5 U.S.C. 8331 note) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to succeeding provisions of this subsection, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual's appointment.

SEC. 3. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

"§ 8431. Certain transfers to be treated as a separation

"(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any of them.

"(b) The retirement systems described in this subsection are—

"(1) the retirement system under this chapter;

"(2) the retirement system under subchapter III of chapter 83; and

"(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

"8431. Certain transfers to be treated as a separation.".

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

"(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may prescribe any regulations necessary to carry out this subsection.

SEC. 4. CLARIFYING AMENDMENTS.

(a) IN GENERAL.—Subsection (f) of section 3304 of title 5, United States Code, as added by section 2 of Public Law 105–339, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 807, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this morning I would like to take this opportunity to commend the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Services, for introducing this legislation. I also would like to take this opportunity to thank the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member of the Subcommittee on Civil Service, for his strong support for this legislation.

I also want to take this opportunity to thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN), the ranking member, for their support on this bill and also moving it through the committee process in an expedited fashion. I also wanted to take this opportunity to extend my congratulations and thanks to the gentlewoman from Maryland (Mrs. MORELLA) for her strong support, not only of this legislation, but the gentlewoman is one of the most active individuals in the Congress in support of our Federal employees, no matter what capacity they serve our Federal Government in, and the citizens of America.

Mr. Speaker, this bipartisan legislation today will provide retirement portability for certain Federal Reserve Board employees who take jobs in our executive branch of government. This legislation will allow those employees who participate in the Board's FERS-like retirement plan, and FERS is our Federal Employee Retirement System, for those not familiar with the acronym, to obtain FERS credit for their Federal Reserve years when they transfer to another Federal agency.

□ 1145

The Federal Reserve already provides such reciprocity for employees who transfer to the Federal Reserve from other Federal agencies. Without this corrective legislation today, former Board employees would receive smaller annuities upon retirement than they otherwise should and they otherwise deserve.

This is a simple bill that also corrects an inequity in current law that prevents some Federal employees from withdrawing their funds from their Thrift Savings Plan accounts.

Under current law, employees participating in the Thrift Savings Plan who transfer to the Federal Reserve Board from other Federal agencies are not permitted to withdraw funds from their Thrift Savings Plan accounts.

Current law specifies that employees, and I will quote from the law, "must separate from government employment," in order to be entitled to withdraw funds. However, employment at the Board is considered to be government employment. Therefore, employees who transfer to the Board and commence participation in the Federal Reserves retirement plan may not withdraw the funds in their Thrift Savings Plan accounts.

Section 3 of this legislation corrects that problem by allowing our Federal employees who have transferred or will transfer to the Board to move the funds in their Thrift Savings accounts to the Board's thrift plan.

Mr. Speaker, sections 3's technical correction, along with the portability language in section 2, are appropriate and necessary remedies to ensure Board employees fair treatment under our current law.

Section 4 of this bill is also critically important to the men and women who have served our Nation under arms. It clarifies the Veterans Employment Opportunities Act that we passed last year to ensure that our veterans will receive their benefits that Congress intended when it passed the Act again in the last session of Congress.

Mr. Speaker, with those opening comments, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Mr. SCARBOROUGH) for moving swiftly to bring this bipartisan bill to the floor.

Under current law, if an employee of the Federal Reserve Board leaves to work for another Federal agency, the employee is required to join FERS, the Federal Employees Retirement System. Under the current FERS statute, time spent working at the Board after 1988 does not count as credible service towards a FERS annuity. This is simply not fair. As a result, these employees will receive smaller pensions upon retirement.

This outcome resulted from an oversight that occurred when the FERS statute was written in late 1980s. It affects Federal Reserve Board employees hired after 1983 who continued working at the Board after 1988.

In human terms, the problem affects approximately 50 employees who have already left the Board for other agencies. But if not addressed, it will potentially affect approximately 1,000 people, translating into 60 percent of the Board's current workforce should they move to other agencies and then retire under FERS.

In the long run, if the problem is left unaddressed, an ever-larger proportion of the Board's workforce will be potentially affected in the same manner.

Last week, H.R. 807 was marked up by full committee, and two amendments were offered and approved by the committee that further enhanced the bill, and a bill that Congress passed last year, the Veterans Employment Opportunities Act of 1998.

Due to an amendment offered by the gentleman from Florida (Mr. SCARBOROUGH), the bill will also allow current and future Federal employees who transfer to the Federal Reserve Board to transfer the funds from their FERS Thrift Savings accounts to the Federal Reserve through a savings plan.

At present, current law dictates that Federal employees who participate in the TSP, then transfer to the Board, cannot withdraw funds from their TSP account. The affected employees can no longer contribute money to their TSP or transfer money from their TSP accounts to the Board's thrift plan. They also lose the option to borrow money from their TSP, which is an option that should be available to them as Federal employees.

The Federal Reserve Board has requested this technical correction, and I am pleased to support it. During the last Congress, the gentleman from Florida (Mr. MICA), former chairman of the Subcommittee on Civil Service, and myself, worked hard to see that the Veterans Employment Opportunities Act of 1998 be enacted. I applaud him for all of his efforts.

This Act improves the ability of veterans to compete during the Federal hiring process, extends veterans' preference to all branches of the Federal Government, and instructs the Secretary of Labor to maintain a database of contractors who have filed reports on the number of veterans they have hired.

Since the enactment of this legislation, concerns have arisen regarding OPM's interpretation of a section of the Act providing for the hiring of veterans by Federal agencies. OPM interpreted the language in the act to mean that veterans could be hired for a Federal job as schedule B appointees rather than as career status appointees. Schedule B appointments are not afforded the same rights and privileges as career status employees.

This issue was discussed with our counterparts in the Senate and with OPM. All parties agreed that language was needed to clarify the original intent of the Congress. This clarifying language is reflected in the amendment of the gentleman from Florida (Mr. MICA). Again I compliment him for that. The amendment will ensure American veterans are hired.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Virginia (Mr. DAVIS), chairman of the NRCC and also chair of the Subcommittee on the District of Columbia, who has brought the District of Columbia from the depths of disaster to fiscal soundness.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. The introduction is longer than my speech, I am afraid.

Mr. Speaker, I rise today in support of H.R. 807, the Federal Reserve Board Retirement Portability Act introduced by the gentleman from Florida (Mr. SCARBOROUGH) and of which I am proud to be a cosponsor.

This bill corrects two technical oversights that significantly harm the ability of the 1,700 Reserve Board employees who work at the facility's Washington headquarters to pursue career opportunities open to all other Federal employees.

This legislation will accord Federal Reserve Board employees, many of whom live in my District, some of the same privileges that other Federal employees enjoy. The Board currently has its own retirement plan covering employees hired prior to 1984 under the Civil Service Retirement System as well as a bank plan for those hired after that date.

Those covered under the CSRS plan have had the pension reciprocity and enjoyed pension civil service portability. Unfortunately, due to a technical oversight when the Federal retirement system, the FERS system, was created, those employees covered solely by the bank plan are not allowed to credit their service with the Federal Reserve to FERS if they leave for another employment opportunity within the Executive Branch. Conversely, under current Federal law, Federal employees who transfer to the Federal Reserve Board are given portability.

The result of this oversight is that Board employees may face a reduced pension that does not accurately reflect their years of service to the Federal Government. As a matter of fact, Federal Reserve Board employees may collect a reduced pension from both the FERS and the Board plan that does not equal a FERS pension corrected to reflect continuous government service. This problem hinders the career opportunities of Board employees and limits the ability of other Federal Government agencies to recruit those individuals.

H.R. 807 also makes another technical correction to allow Federal employees who transfer to the Federal Reserve Board from other Federal agencies to have access to their Thrift Savings Plan. Presently, Federal employees who transfer to the Board cannot access their TSP, nor can they roll those TSP dollars over to the Board's thrift plan. Again, this harms the employment opportunities of Federal employees and limits some of the choices they might otherwise enjoy.

H.R. 807 will give the Federal Reserve Board the necessary tools to attract the most qualified candidates from within the Executive Branch.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service and his pinch-hitter today, the gentleman from Florida (Mr. MICA), former chairman, who endorses this legislation. It is a worthwhile bill that deserves the support of every Member.

Mr. Speaker, I rise today in support of H.R. 807, the Federal Reserve Board Retirement Portability Act introduced by Representative SCARBOROUGH and of which I am proud to be a cosponsor. This bill corrects two technical oversights that significantly harm the ability of the 1700 Federal Reserve Board employees who work at the facility's Washington headquarters to pursue career opportunities open to other federal employees.

This legislation will accord Federal Reserve Board employees—many of whom live in my Congressional district—some of the same privileges that other federal employees enjoy. The Federal Reserve Board currently has its own retirement plan covering employees hired prior to 1984 under the Civil Service Retirement System (CSRS) as well as a Bank plan for those hired after that date. Those covered under the CSRS plan have had pension reciprocity and enjoyed pension civil service portability. Unfortunately, due to a technical oversight when the Federal Retirement System (FERS) was created, those employees covered solely by the bank plan are not allowed to credit their service with the Federal Reserve to FERS if they leave for another employment opportunity within the Executive branch. Conversely, under current law, Federal employees who transfer to the Federal Reserve Board are given portability.

The result of this oversight is that Board employees may face a reduced pension that does not accurately reflect their years of service to the federal government. As a matter of fact, Federal Reserve Board employees may collect a reduced pension from both the FERS and the Board plan that does not equal a FERS pension corrected to reflect continuous government service. This problem hinders the career opportunities of Federal Reserve employees and limits the ability of other federal government agencies to recruit these individuals.

H.R. 807 also makes another technical correction to allow federal employees who transfer to the Federal Reserve Board from other federal agencies to have access to their Thrift Savings Plans (TSP). Presently, federal employees who transfer to the Federal Reserve Board cannot access their TSP, nor can they roll those TSP dollars over to the Board's thrift plan. Again, this harms the employment opportunities of federal employees and limits some of the choices they might otherwise enjoy. H.R. 807 will give the Federal Reserve Board the necessary tools to attract the most qualified candidates from within the Executive Branch.

H.R. 807 substantially corrects these problems and it recognizes the importance of treating all federal employees fairly. When we ignore these technical oversights, we send our federal employees the wrong message. By addressing the retirement program problems at the Federal Reserve, we enhance that Agency's ability to attract and retain the most qualified individuals.

Mr. Speaker, I would like to commend my colleague, Mr. SCARBOROUGH, Chairman of the Civil Service Subcommittee for introducing this legislation. H.R. 807 is a worthwhile bill that deserves the support of every Member, and I urge my colleagues on both sides of the aisle to vote in favor of this legislation.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. DAVIS) for his comments. I agree with him. This legislation is extremely important. Although it affects 50 people now and will eventually affect 1,000 people, this is a perfect example of the Congress working in a bipartisan manner to put a face on legislation and to address the problems that these Members of the Federal Reserve System are facing.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of this bill, H.R. 807. Through the portability, it provides equity for those employees who so deserve it. It is indeed a bipartisan piece of legislation.

I want to commend the gentleman from Florida (Mr. SCARBOROUGH) for introducing it, the gentleman from Maryland (Mr. CUMMINGS), ranking member of the Subcommittee on Civil Service, the gentleman from Florida (Mr. MICA), the gentleman from Virginia (Mr. DAVIS), and all of the Members who have voted unanimously on a committee level in favor of this bill which allows the Federal Reserve Board employees to count their years of service there toward a civil service retirement plan if they later work for another government agency.

It is the kind of equity that we must offer our employees to be able to recruit and retain the very finest as we currently have. So I am most supportive of this legislation; and, as the ranking minority member mentioned, I hope that this is a hallmark and a prototype of continued bipartisan legislation to help our civil service.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, we have no further speakers, but I just want to reemphasize the fact that this legislation is one that just shows how fast this Congress can move. When we heard about the problems, when the gentleman from Florida (Mr. MICA), our former chairman, was chairman heard about this problem during testimony, we immediately moved to address it. We set deadlines that were met.

I think that that is the way Americans want their government to work. This time we have gotten this legislation in early. We will do everything in our power of course to make sure that it moves swiftly through the other body.

With that, Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to focus some attention for a few moments on section 4 of H.R. 807. This section is particularly important to our Nation's veterans. I want to thank again the gentleman from Florida (Mr. SCARBOROUGH), who is the chairman now of the Subcommittee on Civil Service, and also thank again the gentleman from Maryland (Mr. CUMMINGS), the ranking member, for their strong support for this section and revision that has been provided space in this bill.

When the Committee on Government Reform marked up H.R. 807, I was able to add section 4 in order to perfect the language of Public Law 105–339, the Veterans Employment Opportunities Act, which passed in the last session in 1998. That bill, which I had the pleasure of introducing with others in the House, expanded veterans employment opportunities and strengthened veterans preference in our civil service system.

□ 1200

It was an important bill to our Nation's veterans. In fact, it was called the most significant veterans preference legislation since World War II and was strongly supported by every one of our Nation's veterans service organizations.

A key provision of that act allowed veterans to compete for civil service jobs even if they did not have the status as Federal employees. Before the act was passed, competition for many jobs was limited to current Federal employees. However, after the act was passed, the Office of Personnel Management raised an important technical issue. OPM held that individuals who were selected under this provision could not be appointed to competitive service unless they already had what is known as competitive status. Instead, the Office of Personnel Management instructed agencies to provide these individuals with excepted service appointments.

As excepted service employees, these veterans would have, in fact, fewer rights than their colleagues in the competitive service. Most importantly, as excepted service employees, these veterans would not be able to compete for other agency jobs under internal merit promotion procedures. This was not what I intended; this was not what Congress intended. Congress intended that veterans appointed under this provision would have all of the rights of their fellow employees in a particular agency.

Mr. Speaker, the majority and the minority staffs of the Subcommittee on Civil Service and of the Senate Committee on Veterans' Affairs met with the Office of Personnel Management's experts to discuss this problem. Section 4 enacts language suggested by the Office of Personnel Management. Under this language, in fact, veterans who are selected under the access provision of the Veterans Employment Opportunities Act will receive competitive appointments and competitive status. That is what we intended and that is what Congress wants. They will have the same rights as their coworkers.

Mr. Speaker, we have discussed this situation extensively with veterans' organizations and various service groups represented by veterans. They are keenly interested in resolving this problem and have urged Congress to act as quickly as possible to correct and clarify this situation and cure this problem. They strongly support section 4, and I urge all Members to support section 4 and also this legislation.

In closing, Mr. Speaker, this bill is really about fairness. The Federal Reserve already allows Federal employees who transfer there to receive credit for their years of service at other agencies. Congress should provide reciprocal rights under the Federal employees' retirement system for those Federal Reserve employees who transfer to other agencies, particularly when the cost is negligible. Likewise, there is no reason to deny individuals who transfer to the Federal Reserve the right to withdraw their funds from their own thrift savings plan accounts.

Section 4 of this bill, as I stated, is extremely important to our Nation's veterans. It will, again, clarify the meaning of the Veterans Employment Opportunities Act, which was passed in the last Congress. Congress intended that those veterans selected for Federal employment under the access provisions of that act would have the very same rights as their coworkers and compete for other jobs. Both Republicans and Democrats support this legislation, as does the administration. We have worked very closely with the Federal Reserve Board, the Office of Personnel Management, the Federal Retirement Thrift Investment Board, and others in crafting the language before the House of Representatives this morning.

Mr. Speaker, H.R. 807, as amended, is a good piece of legislation, a bipartisan piece of legislation, and a fair bill. It is important to our Federal employees at the Federal Reserve Board, it is also important to those who have served our Nation. I urge all Members to vote for H.R. 807, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 807, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend title 5, United States Code, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING JOE DIMAGGIO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 105) recognizing and honoring Joe DiMaggio.

The Clerk read as follows:

H. RES. 105

Whereas Joseph Paul ("Joe") DiMaggio was born in Martinez, California, on November 25, 1914;

Whereas Joe DiMaggio was the son of Sicilian immigrants, Joseph Paul and Rosalia DiMaggio, and was the 2nd of 3 brothers to play Major League Baseball;

Whereas Joe DiMaggio played 13 seasons in the major leagues, all for the New York Yankees;

Whereas Joe DiMaggio, who wore Number 5 in Yankee pinstripes, became a baseball icon in the 1941 season by hitting safely in 56 consecutive games, a major league record that has stood for more than 5 decades and has never been seriously challenged;

Whereas Joe DiMaggio compiled a .325 batting average during his storied career and played on 9 World Series championship teams;

Whereas Joe DiMaggio was selected to the Baseball Hall of Fame in 1955, 4 years after his retirement, in his 1st year of eligibility;

Whereas Joe DiMaggio in 1969 was voted Major League Baseball's greatest living player;

Whereas Joe DiMaggio served the Nation in World War II as a member of the Army Air Corps;

Whereas Joe DiMaggio was tireless in helping others and was devoted to the "Joe DiMaggio Children's Hospital" in Hollywood, Florida;

Whereas Joe DiMaggio will be remembered as a role model for generations of young people; and

Whereas Joe DiMaggio transcended baseball and will remain a symbol for the ages of talent, commitment, and achievement: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Joe DiMaggio—

(1) for his storied baseball career;

(2) for his many contributions to the Nation throughout his lifetime; and

(3) for transcending baseball and becoming a symbol for the ages of talent, commitment, and achievement.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 105, recognizing and honoring Joe DiMaggio.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Joseph Paul DiMaggio was a man of grace, class and of dignity. He was a modern day American icon, hero and a gentleman.

Joe DiMaggio was born in Martinez, California, on November 25, 1914, the son of Sicilian immigrants and one of nine children. At the age of 18 he joined the San Francisco Seals of the Pacific Coast League and began his career in baseball that would make him one of the most popular men to ever play at America's favorite pastime.

In 1936, Joe DiMaggio became a "Yankee" and remained so for the rest of his life. During his 13 seasons he played in 10 world series and 11 All-Star games. He was the American League's most valuable player for three seasons. In 1941 he set the untouchable record for the longest hitting streak with 56 consecutive games, and in 1955 major league baseball set Joe DiMaggio's name in stone by inducting him into baseball's Hall of Fame. To some he was "Joltin' Joe", to others he was the "Yankee Clipper", but to baseball he remained a legend.

Moreover, Joe DiMaggio's life goes far beyond his on-field extensive achievements. He was a patriot and an ambassador of humanity. In 1943, he volunteered to serve his Nation in World War II. In 1986, he was awarded the Ellis Island Medal of Honor. He founded the Joe DiMaggio's Children Hospital Foundation to provide the highest quality health care for our Nation's most precious possessions. Joe DiMaggio's dedication is an example of class and dignity to every American.

In conclusion, I am proud to take this time on the floor today to remember Joe DiMaggio. The image of number 5, running gracefully through centerfield in Yankee Stadium making another deceptively easy catch, is a symbol to America, one that we will never forget. We thank "Gentleman Joe" for being an inspiration to our Nation.

Accordingly, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I extend my thanks and the appreciation of the Congress to the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. GILMAN), both of whom hail from the other city with a great baseball team, for introducing H. Res. 105 honoring Joe DiMaggio.

Baseball Commissioner, Bud Selig, in commenting on the death of Joe DiMaggio, stated, and I quote: "For several generations of baseball fans, Joe was the personification of grace, class and dignity on the baseball diamond. His persona extended beyond the playing field and touched all of our hearts. In many respects, as an immigrant's son, he represented the hopes and ideals of our great country."

This high praise for a man born in a small fishing village 25 miles from northeast of San Francisco is indeed a wonderful tribute. But it was Emerson who said it best when he said, "It is better to judge a man not by his station in life but what he has done to get there." And so the story of Joe DiMaggio is one that, by anybody's measuring stick, would have to be termed a great life.

Joe DiMaggio's father expected him to become a fisherman, like his brothers, but Joe had different dreams. He dreamt of fields and diamonds. He dreamt of playing the game of baseball.

In 1932, at the age of 17, he began his professional baseball career, playing in three games for the San Francisco Seals of the Pacific coast. He played his first major league game on May 3 of 1936 at Yankee Stadium against the St. Louis Browns.

Joe DiMaggio served the Yankees as one of the best outfielders to play the game. Nicknamed the "Yankee Clipper", for his superb fielding ability, DiMaggio was a great offensive player as well. He set a major league record by establishing a 56 game hitting streak in 1941. And as one who loves the game of baseball, I can tell my colleagues that is a great, great feat.

DiMaggio played in 10 World Series, and was the American League's most valuable player in 1939, 1941 and 1947. In 1948, he led the league with 39 home runs and 155 runs batted in. He ended his phenomenal baseball career with 361 runs in 1,736 games. He was inducted into the Baseball Hall of Fame in 1955.

In 1986, DiMaggio received the Ellis Island Medal of Honor for both his achievements on the baseball field as well as for being a worthy role model for past, present and future youth of America. In a recent interview on "60 Minutes", DiMaggio talked about his role as a role model, and he said that he felt blessed that so many people looked up to him and looked to him for strength and for a person who they could follow behind.

For all his glory, Joe DiMaggio was a quiet man, who took pride in who he was and what he did. He had a basic set of values that went untainted by his celebrity status.

DiMaggio's field of dreams took him from a fishing town in San Francisco to the bright lights of New York City and made him, indeed, a baseball great. He gave baseball fans around the world something to cheer about, but more importantly, he gave us all something to believe in, and it is simply called the American Dream.

Joe DiMaggio was a true hero and a gentleman, and I am pleased to support this resolution in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I commend the distinguished cochairman of our New York delegation, the gentleman from New York (Mr. RANGEL), for having brought this matter to the floor at this time.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I rise today to join my colleagues in expressing my strong support for this resolution honoring the accomplishments of the great Joe DiMaggio.

Like millions of other young boys of the era, Joe DiMaggio was my hero. I never met him, I never saw him play, and only on occasion did I hear him on the radio. The Yankees won so many world championships that was always possible, it seemed, in the fall of the year.

The Yankee Clipper's grace and skill on the field were inspirational, and they fostered a deeper understanding and love of the game of baseball in everyone, and particularly to those who did get a chance to see him in action.

During his storied career, which was interrupted by his honorable service to our country in World War II, Joe DiMaggio led the Yankees to nine world championships and compiled a lifetime batting average of .325.

These accomplishments aside, he will always be best remembered for the 1941 season in which he established one of the sport's most enduring records by hitting safely in 56 consecutive games. After that record was broken, he immediately continued another streak of 16 games.

Mr. Speaker, Joe DiMaggio was an American icon. His stature, presence and commitment to excellence transcended the baseball diamond and left an indelible impact on the culture of our great Nation.

□ 1215

His accomplishments, along with his style and grace, both on and off the field will never be forgotten.

Mr. CUMMINGS. Mr. Speaker, it is my honor to yield 5 minutes to the gentleman from New York (Mr. RANGEL), one of my mentors and just one of our greatest Congressmen and an admirer of Joe DiMaggio.

Mr. RANGEL. Mr. Speaker, let me commend the gentleman from Maryland (Mr. CUMMINGS), the ranking member; the gentleman from Florida (Mr. SCARBOROUGH), the chairman; the gentleman from California (Mr. WAXMAN); and the gentleman from Indiana (Mr. BURTON) for moving so swiftly in bringing this bipartisan measure to the floor. And as one who chairs our great New York delegation, which is probably the most bipartisan delegation we have in this House, let me thank my long and dear friend, the gentleman from New York (Mr. GILMAN) for assisting in bringing our members together to pay tribute to a hero that far too often we thought just belonged to us.

Joe DiMaggio and the New York Yankees are like treasures that you take for granted. And when word came of his ill health, there was no member of the delegation or hardly anybody that was known from New York that did not receive sympathy cards and get well cards as though we just lived around the corner from Joe.

As many times as I have had the pleasure of going to Yankee Stadium and hearing the roar of the crowd both for an active playing Joe DiMaggio or for retired gentleman hero Joe DiMaggio, the class that he brought not just to the Yankees, not just to New York, but to America is something that we have to see and we have to feel.

I was so amazed and indeed surprised to hear from so many Italian Americans to talk about what Joe meant to them. And it was so pleasant to see that, with all of the discrimination and anti-Italian feelings that we have had in this country in the years gone by, that Italian Americans felt that Joe just shattered the image of the Mafia, shattered the image of how Italians were portrayed in our motion pictures and television. And I said, my God, don't you understand, Frank Guarini, who is a former member of Congress and who heads up the National Italian American Foundation, that you may think of Joe as just being a famous and an outstanding Italian American but the people in Harlem and in Bed-Stuy and in the South Bronx were all weeping when we lost Joe DiMaggio.

Sure, he was a classic example of how anybody, no matter what their background, could achieve the high levels of respect and admiration and love. But he also was one that transcended being an Italian American or Jewish American or black American because he played the game and allowed everyone to believe that if they played it fairly and carried themselves in a decent way that this country would respect them.

Let us, I say to the gentleman from Maryland (Mr. CUMMINGS), say to Joe that he fought for all of us, not Italian Americans. Let us say, the best way to pay tribute to Joe is to try to live our lives the way he lived his. Let us look at all Americans as though, no matter where they came from, give them an opportunity to achieve and they, like our great Joe DiMaggio, can excel.

I believe that one thing that stands out in the greatness of this man is that he never took failure as being an option for him. He starred and yet he acted as though he was just a bat boy when we were in his presence. Few Americans, few people can carry the heavy toll of being so well-known. He did it. He did it well. He sets an example for America and indeed an example for this Congress.

Let me thank all of my colleagues that made it possible for us to bring this to the floor. We brought it to the floor thinking we were honoring a fellow New Yorker and New York Yankee. We know better. We are honoring a great American and a great member of this great world that we live in.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York, our cochairman of our New York delegation, for again bringing this measure to the floor and giving us the opportunity to recognize this hero of American baseball, a hero of many other endeavors, Joe DiMaggio.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time.

I would like to associate my remarks with both of the gentlemen from New York. Joe DiMaggio was a constituent of mine living in Hollywood, Florida. And when the Hall of Famer Joe DiMaggio died last week, baseball fans of course lost a great hero. However, the children of south Florida lost more than a hero. They lost an advocate.

While humbly turning away the attention of adults, Joe DiMaggio always had time for children. During his years of retirement in south Florida, the baseball great was particularly concerned with helping alleviating the pain and loneliness of sick children. As a result of his concern and compassion, the Joe DiMaggio Children's Hospital was dedicated in Hollywood, Florida in 1992.

Although he ordinarily shied way from celebrity events and public attention, Joe DiMaggio faithfully made exceptions for the children at the hospital. Without fail, Joe DiMaggio lent his name and his efforts to fund-raising events and publicity for the hospital, including the annual celebrity baseball game fund-raiser. His aim was to improve the quality and accessibility of medical services for children of all economic classes. Because of this, no child is turned away from the Joe DiMaggio Children's Hospital due to lack of financial resources.

But the most special gift Joe DiMaggio gave to the Children's Hospital was his personal time. Each month, without fanfare, Joe DiMaggio would roam the halls of the ward which bears his name visiting with sick children and their families, posing for pictures, telling stories, signing autographs, and giving an encouraging word or just a gentle smile. Knowing of his great regard for personal privacy, I see that these acts were a great sacrifice for DiMaggio which he made for the suffering kids.

Mr. Speaker, I am grateful to Joe DiMaggio for his contributions to Broward and Dade Counties. Like the rest of the Nation, I am saddened by the loss of this hero of children. While his Hall of Fame records may be broken, Joe DiMaggio's healing touch in the halls of the Joe DiMaggio Children's Hospital will live on forever.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

One author said, Mr. Speaker, that when people who are important to us die, when people who have had an impact on our lives pass on, a small part of us dies with him. And there is no question, as I listen to my colleagues today and I listen to the sponsor of this resolution, the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. GILMAN) and others, that I realize that we were blessed, truly blessed, to have our lives eclipsed by Joe DiMaggio's and to be touched by his life.

I can remember as a small boy hearing about DiMaggio and growing up in a neighborhood where we did not play on grass but we played on glass, as I often say, but the fact is, when we saw heroes and heard about heroes like Jackie Robinson and Joe DiMaggio and others, it made us realize that we could accomplish things too. And as I listen to the gentleman from New York (Mr. RANGEL), he is absolutely right, Joe DiMaggio was not only a hero for New Yorkers but he was a hero for youngsters in Baltimore and New Orleans and the West Coast, all over our country, and not just this country, Mr. Speaker, but also the world.

Paul Simon, in one of his songs "Mrs. Robinson" stated these words. He said, "Where have you gone, Joe DiMaggio? A nation turns its lonely eyes to you." Well, I think it can be safely said that Joe DiMaggio's spirit, his humility, and his grace lives in all of us who have been touched by his life.

One author said that when one goes through the difficult times of life and they are unseen, unnoticed, unappreciated, and unapplauded, it is those moments that bring about a certain obscurity but those who work hard in obscurity that are best able to address the fame and the glory of greatness.

And I think that, as we have listened and shared our thoughts here today, it is clear that God created a wonderful, wonderful road for Joe DiMaggio to walk but at the same time gave him the humility, the strength, and the power to walk it.

And so, Mr. Speaker, I would just simply ask all of our colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that another one of my mentors, the gentlewoman from California (Ms. PELOSI), who originally hailed from Baltimore but decided to move to San Francisco, is here. And she, too, is a tremendous baseball fan and an admirer of Joe DiMaggio.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his kind comments.

Yes, I am from Baltimore. And it was in the 1940s I remember as a little, little girl when Joe DiMaggio came to Baltimore in the 1940s to have, I think it was, a heel operation at Johns Hopkins University. My much older brother, Thomas D'Alesandro—just kidding—interviewed him for the Loyola College newspaper at that time, the Greyhound, and that was the thrill of all time for all of us. Because Joe DiMaggio was, of course, the great star.

I was teasing our colleague, the gentleman from New York (Mr. RANGEL), about the fact that he beat San Franciscans to the punch, and the gentleman from Maryland (Mr. CUMMINGS), they beat us to the punch with this resolution. Because while he was a

Yankee, the Yankee Clipper, and while he always thought of himself in those terms, he was a San Franciscan and we claim him with great pride.

His experience was that of many Italian immigrant families. He was raised partially in North Beach and then his family moved. He built a home when he was making $100,000 a year for his parents in the Marina district, which is a trip of not many blocks but a great distance for many Italian Americans at the time, in fact, a trip that the Pelosi family made from North Beach to the Marina as well.

So, as a San Franciscan, I rise to convey the sadness of my constituents on the passing of Joe DiMaggio. We thought he would live forever, certainly his fame, his celebrity and his great dignity will, but also to express the pride of the Italian American community in his success.

Many fans and sports writers consider Joe DiMaggio the best all-around player of all time. But that is not the only reason why this son of Italian immigrants who grew up in San Francisco's fishing community could to this day force millions around the world to pause at the mere mention of his name. Yes, it is the 56-game hitting streak and the speed on the base paths and the quick dash to the center field that made Joe DiMaggio a great American hero. It is also because, through all of his success, through all of his acclamation and praise, Joe DiMaggio was a modest man devoted to family, friends, and fans. He was a hero we could look up to without reservation or hesitation.

Mr. Speaker, it might interest my colleagues to know that during the earthquake of 1989, the Marina district, where Joe DiMaggio's home was, was severely devastated by the earthquake. And as a congressional office, of course we had to help or constituents. But the sight that was so impressive to so many of us was Joe DiMaggio standing in line like just any other person from the Marina to get assistance from FEMA, not assistance but the direction where do we go from here on that. So through it all, he was, as I say, a modest man. He died as he had lived, quietly surrounded by friends and carrying the great dignity for which he will always be remembered.

As a San Franciscan, as an Italian American, as an American, I thank my colleagues for this resolution and remembering the Yankee Clipper, San Franciscan, Joe DiMaggio.

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to Joe DiMaggio, Baseball Hall of Famer and American icon, who passed away the morning of March 8.

Joe DiMaggio was the personification of grace, class and dignity on the baseball diamond. He was the centerpiece of baseball's most storied franchise, leading the New York Yankees to nine World Series titles in his 12 seasons. He was named to the all-star team every season he played, won three American League most valuable player awards, was a lifetime .325 hitter and his 56 game hitting streak in 1941 still stands as one of the most impressive and untouchable records in all of sports.

Mr. Speaker, Joe DiMaggio performed with an elegance and grace that commanded the respect of both his fans and fellow players. His persona on the field also made him one of the most recognizable and beloved figures off it. Although his demeanor was reserved almost to the point of being aloof, in his case lack of emotion could not be confused with lack of intensity. Nobody played harder than Joltin' Joe, even if a score was lopsided or a pennant already clinched. When asked why he played with such fire, DiMaggio replied simply, "Because there might be someone out there who has never seen me play before."

It was this tireless work ethic and professionalism that set Joseph Paul DiMaggio apart from his peers. In modern day sports, too often players are criticized for selfishness, lack of intensity or being overly concerned with money. Mr. Speaker, none of these qualities were ever attributed to the Yankee Clipper, a great ballplayer, a great man, a great American. Thanks for the memories, Joe. You will be sorely missed, in New York and beyond.

Mr. SENSENBRENNER. Mr. Speaker, according to biographer Richard Ben Cramer, Joe DiMaggio was upset to be placed prematurely in past tense by Paul Simon in his song from "The Graduate". "Joltin' Joe has left and gone away," sang Simon. "What're they talking about?" shot back the Yankee Clipper, "I haven't gone anywhere."

Mr. Speaker, I rise today to pay tribute to an American hero. Joe DiMaggio was the first of his kind, a sports legend of the stature only 20th Century America could nurture. He was also one of the last of his breed, a celebrity of shy, quiet dignity.

The son of a fisherman and high school drop out, Joltin' Joe learned the game that would make him famous hitting with a broken oar. He played semipro ball beginning at the age of 18, but by the age of 21, he had debuted with much panache in the majors. The New York Yankees scored perhaps their best hit as a team when they recruited Joe DiMaggio to play center field in 1936.

There was no one like him in the game. What other players had to work at, DiMaggio did with an innate ability that often surprised even the greats. In a professional career lasting only 13 seasons, he won three MVPs, and led the Yankees to ten pennants and nine World Series championships.

After his retirement in 1951, DiMaggio continued to make Americans' lives a little sweeter. His devotion to children, possibly strengthened by his estrangement from his own son, was evident in his commitment to the Joe DiMaggio Children's Hospital Foundation and the Joe DiMaggio Children's Hospital in Hollywood, Florida. Through his service, children and their families in South Florida could finally receive the specialized medical services they require.

Joltin' Joe passed away on March 8, 1999, and Paul Simon's words still ring true, "A nation turns its lonely eyes to you," not because we lack for great players in the many professional sports that pass our time today, but because in this commercialized age, we lack for heroes—the kind that legends are made of and the kind who, no matter what, maintain their public dignity. Joe DiMaggio did it, and there will never be another like him.

Mr. WAXMAN. Mr. Speaker, i rise in support of this Resolution honoring Joe DiMaggio.

Joe DiMaggio was more than just a terrific ballplayer—he was special to Americans across our country because of his professionalism, his work ethic, and his remarkable grace.

We honor Joe DiMaggio for that, and we honor him as well for the particular importance he had for millions of Italian-Americans. It's easy to forget today how ingrained prejudices were sixty year ago. In 1939, Life magazine printed what it believed was a favorable profile of Joe DiMaggio. In the article, however, it noted that "Instead of olive oil or smelly bear grease, DiMaggio keeps his hair slick with water. He never reeks of garlic and prefers chicken chow mein to spaghetti."

For a generation of Italian-Americans facing daily bigotry, Joe DiMaggio was a hero whose quiet dignity and excellence shattered stereotypes and eloquently rebutted ignorance.

Casey Stengel once modestly and astutely said that "I know I'm a better manager when Joe DiMaggio's in center field." Mr. Speaker, I would only add to that that we have been a better country because Joe DiMaggio was an American.

□ 1230

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I urge the House to unanimously support the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 105.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 24) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Clerk read as follows:

H. CON. RES. 24

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir

Arafat that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations";

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas, in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian state, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 24. It is a concurrent resolution expressing the sense of the Congress against a unilateral declaration of a Palestinian state and urging our President to assert clearly our Nation's opposition to such a unilateral declaration of statehood.

Mr. Speaker, over 280 Members of the House have cosponsored this measure, introduced by the gentleman from Arizona (Mr. SALMON), our colleague on the Committee on International Relations. I am pleased to cosponsor this measure with the gentleman from Arizona, and I thank him for his support of this critical issue.

Of concern to many of us, Mr. Speaker, since the signing of the Oslo Accords back in September of 1993 has been PLO Chairman Arafat's ongoing claim to unilaterally declare an independent Palestinian state on May 4, 1999. Despite recent contentions that he will not do so, regrettably Chairman Arafat has not yet categorically and publicly reversed that position.

Support has been growing in both the House and Senate for this resolution, a resolution opposing a unilateral declaration of independence. The Senate sent a clear message just last week when its measure was adopted by a significant vote of 98–1.

H. Con. Res. 24 expresses the opposition of the House to a unilateral declaration of a Palestinian state, simply because every issue in dispute between the Israelis and Palestinians must be negotiated in order to be resolved. A unilateral declaration of statehood by Chairman Arafat automatically falls outside the Oslo negotiating framework and would, therefore, constitute a fundamental and an extremely serious violation of the Oslo Accords.

H. Con. Res. 24 goes on to note that President Clinton should make clear that our Nation is opposed to such a declaration and that if such a declaration were to be made, our Nation would consider it a gross violation of the agreements already signed between the PLO and Israel and, moreover, would not be recognized by our Nation.

Chairman Arafat is expected to meet this coming week with President Clinton in Washington. Therefore, the consideration of H. Con. Res. 24 by the House sends a distinct message to both Chairman Arafat and to President Clinton that Congress is unalterably opposed to such a dangerous unilateral declaration.

Mr. Speaker, we have a number of Members interested in speaking on this suspension, as the chorus of opposition to a unilateral declaration of statehood grows stronger each day. Accordingly, Mr. Speaker, I urge my colleagues' support for H. Con. Res. 24.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the distinguished committee ranking member for yielding me the time.

Mr. Speaker, I have no illusions as to what the outcome of this vote will be, but I think it is necessary to rise in opposition to this resolution. It is well-intended, I am sure, and I certainly respect the sponsors of it and certainly respect the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

The administration, Mr. Speaker, is unmistakably on record as opposing a Palestinian unilateral declaration of statehood. There is no real need for this resolution and particularly at this time, a very sensitive time in the Middle East itself.

In a letter from the State Department to the gentleman from New York, our esteemed chairman of the Committee on International Relations, dated March 9, U.S. policy was clearly stated, that the administration opposes unilateral actions, but it goes further in stating, and I quote:

"We believe that any congressional resolution should make clear our opposition to all unilateral acts." I stress the word "all," which the letter does in several different cases. "Singling out one side would not be as effective as stressing what both parties have already committed themselves to do."

Simply put, it was not only the Palestinians who signed the Oslo Agreement and later the Wye Accords. Israeli commitments as well should be reiterated in any congressional resolution on this subject. H. Con. Res. 24 simply fails to mention the other half of the equation. Failure to mention both parties in this resolution is only rhetoric aimed at this particular sensitive point in Israeli political elections at tilting the side toward one side or the other.

I reiterate that while I may be opposed to a unilateral declaration of Palestinian statehood at this time, although that does not make me in opposition to a Palestinian state, this particular resolution is one-sided and comes in an untimely manner and an untimely fashion for this Congress to be considering. I oppose the resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for bringing this resolution to the floor, and I particularly thank the gentleman from Arizona not only for bringing this resolution but for his courtesy.

I rise to state that the United States position on the Middle East peace process must be made perfectly clear. Unilateral announcement of an independent Palestinian state cannot be accepted.

Yasser Arafat's plan to announce Palestinian statehood when the Oslo Accords expire is nothing more than an attempt to shatter a fragile peace in the Middle East. Israel is an island of democracy surrounded by hostile enemies. Defending this lone democracy in the Middle East should be nothing short of a crusade for America.

The Clinton administration tries to govern with words only, typically talking on both sides of every issue. A successful foreign policy cannot be built upon equivocation and confusion. It is no wonder that the Israelis are worried about U.S. support. Every time peace talks stall, it is Israel that is expected to surrender more territory and concede more diplomatic ground to come to the negotiating table.

Mr. Speaker, peace depends on the willing participation and agreement of both parties. Any unilateral declaration of an independent Palestinian state must be clearly condemned for all time by the United States. American silence now will spell chaos in the Middle East in the future. I urge my colleagues to support the Salmon resolution and send a very clear message not only to Israel but the world that we stand beside Israel.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

I think that we are missing an opportunity here. It is frankly somewhat sad. We are at a stage in the peace process that is probably more tenuous than at any time since Oslo. It is clear by every assessment, from the Israelis and the Americans as well, that the Palestinians are fulfilling their obligations with every possible effort.

We find ourselves here today with a resolution that does not even quote the President correctly. It says the President should. The President has already come out against a unilateral declaration of a Palestinian state. But the President rightly goes on to say there should not be unilateral actions by either party.

We have elections in Israel, we have some politics here at home as well, but what is frightening to me is that some Members have not recognized the change that has occurred in the Middle East. In Israel, from Sharon to the far left, we now have unanimity that working with the Palestinians and coming to an agreement is the most important act for the security of their families and children. But here in the Congress, we have to find people that are harder line than even the Israeli government under Mr. Netanyahu. Everyone agrees that I know in this Chamber that there should not be a unilateral declaration of statehood. But I think not to recognize the change that has occurred in the Middle East, with the Palestinians at the PNC officially removing the language that offended the Netanyahu government even though the Labor government before argued that language had already been removed, that we continue to deal with the Palestinians not as if they were partners in the peace process but the same adversaries they were in the past I think is a mistake.

For those of us who care about the children and the women who die in marketplace bombings, who worry about the poverty and starvation in camps, we need to move this peace process forward and we need to take opportunities like this one not simply to single out one side, especially at a point in history where there is hope for a comprehensive peace. I hope that we will find ourselves in the future recognizing the change that has occurred in the Middle East, that Mr. Netanyahu and Mr. Peres and Mr. Rabin have all been negotiating in good faith with Mr. Arafat, that we want no unilateral actions, and that this resolution, and I do not want to put judgments on the motivation of the sponsors, but in my opinion is not helpful coming at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Arizona (Mr. SALMON), the sponsor of this resolution.

Mr. SALMON. Mr. Speaker, this resolution we are considering today is clear-cut but critical. It expresses congressional opposition to the unilateral declaration of a Palestinian state and urges the President to do the same. As far as the comments that were just made regarding the intentions of the sponsor or the cosponsors, I am glad that the gentleman did not question the motives of this cosponsor since it would implicate over 280 Members of the House and 98 Senators in the Senate who voted for this resolution who believe that this is an idea whose time has come, who believe that rather than spout rhetoric it is time to be ahead of the curve and make sure that the Palestinian authority understand that our intentions are clear so that we can avert bloodshed.

The consensus on the need for this resolution is clear. As I mentioned, over 200 Members of the House have cosponsored H. Con. Res. 24. I worked diligently with Democrats as well on this bill. I believe that the gentleman from New York (Mr. ENGEL), the gentleman from California (Mr. SHERMAN), the gentleman from New Jersey (Mr. ROTHMAN), the gentleman from New York (Mr. ACKERMAN), the gentleman from California (Mr. LANTOS) and some of my other friends on the other side of the aisle can attest to this. Language that criticized the administration was removed, even though we all know that the administration, had the administration reacted sooner against the possibility of a unilaterally declared Palestinian state, Chairman Arafat would probably not be meeting with President Clinton this week to discuss the matter. There is also no reference in the resolution about the First Lady's damaging comments on the subject which may have encouraged a belief with many in the Palestinian Authority that the U.S. might support and recognize such a unilaterally declared state.

We must act now. The Palestinian Authority plans to unilaterally declare parts of Israel, including Jerusalem, as their own state as early as May 4 of this year, the target date the Oslo Accords set for a permanent accord to be reached. Doing so would obliterate Oslo and would mark a repudiation of the commitment of Chairman Arafat to negotiate all permanent status issues. At the start of the Oslo process, 4 days before the famous September 13, 1993 White House lawn ceremony that publicly launched the peace process, Chairman Arafat wrote a letter to then Israeli prime minister Yitzhak Rabin, in which he pledged that "The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two states and declares that all outstanding issues relating to permanent status will be resolved through negotiations."

□ 1245

Clearly, if Arafat plans to declare as his own land land that belongs to another country outside of the Oslo process, then he is inviting war upon the region. The President himself has suggested that such a move would be catastrophic, and Assistant Secretary of State for Near Eastern Affairs, Martin Indyk, warned in October of dire consequences of unilateral declaration of independence: In the process of the Palestinians seeking to assert the sovereignty of their so-called independent state and the Israelis seeking to deny it, a clash would seem inevitable. I can see a movement from a kind of declaration of independence to a war of independence that would be the absolute antithesis of the peace process.

Arafat has been planning for many months now to declare unilaterally a Palestinian State and reject the Oslo process. In late February, Arafat said we assure the whole world that the establishment of the independent state of Palestine with holy Jerusalem as its capital is a sacred and legitimate right of the Palestinian people. It is a goal that our people will not accept to advocate or to give up no matter what the difficulties and the challenges.

Other Palestinian leaders have been echoing Arafat's announcements. As recently as Sunday, this last Sunday, a senior adviser to Chairman Arafat said, quote, the Palestinian position is still that May 4 is the fixed date on declaring statehood, but he also added that the Palestinian leadership will study all proposals and ideas. Another key Palestinian official said in late February that we are moving forward in our preparations for the day, May 4, the date of declaration of Palestinian state. More specifically, on September 24 Chairman Arafat's cabinet announced that at the end of the interim period the Palestinian authorities shall declare the establishment of the Palestinian state on all Palestinian land occupied since 1967, which Jerusalem is the eternal capital of the Palestinian state.

The provocative statements by Arafat and his ministers show that his intentions are real and imminent. However, Arafat knows that he cannot simply choose to declare another country's land as his own so he has been trying to gain the support of other countries. Arafat has already visited with leaders of several other countries including Muammar Kadafi, the terrorist leader of Libya, in his worldwide tour to gain acceptance. Arafat's courting of Kadafi should in itself make clear to the U.S. policymakers that a unilaterally-declared Palestinian state could result in the development of an alliance that is detrimental to the U.S. interests.

Let us also remember that Arafat supported Saddam Hussein during the Gulf War, and many Palestinian citizens took to the streets a few months ago to burn American flags in protest of America's bombing campaign of Iraqi military targets.

In any event, on March 23 Arafat will be visiting President Clinton to press the United States to support his move, and the United States must not succumb to his tactics. When President Clinton and the administration confront Arafat on this issue, they must be firm that the United States will never recognize a unilaterally-declared Palestinian state.

This is timely. I hope that we can receive cooperation. The bulk of the people in this body, Republican and Democrat, support this measure. Let us move forth in a good faith effort of bipartisanship to get this done.

Mr. CROWLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I have to rise in opposition to this resolution. There are several reasons why I think this further complicates the peace process.

For one, it does not condemn unilateral acts by both Israelis and Palestinians, but only the Palestinian authority. The House leadership brought it up under suspension of the rules, so there are no amendments that would make it a more balanced bill. The committee refused to consider an amendment that would have achieved that objective, and so the perception is going to be that we are acting in a biased, unbalanced manner even though our intelligence community, as the ranking member of the Committee on International Relations has said, has reported that the Palestinian authority is doing everything it can right now to comply with the Oslo requirements.

We are in a terribly delicate situation. I do not think that it is in anyone's interest to declare a Palestinian state on May 4. For one thing, it plays into the hands of the right wing elements in Israeli politics with elections occurring in 2 weeks. For another thing, it means that Mr. Arafat is going to find it much more difficult not to declare Palestinian statehood because it is going to look as though he is bowing to the pressures of the American political system. That is not in our interests.

Mr. Arafat is our best hope right now, like it or not, for advancing the peace process. We all have a stake in advancing the peace process. If Mr. Arafat goes, who knows who will take control of the Palestinian community? The likelihood is that it will be someone far more radical and extreme. We have lost King Hussein, a leader of the peace process; we lost Mr. Rabin. We cannot afford to lose a Palestinian leader who is now fully invested in bringing about a successful conclusion to the Mideast peace process.

Mr. Speaker, I do not disagree with the sponsor of this resolution or the chairman of the committee who I know want the peace process to succeed, but I do disagree with their judgment that this is constructive. I do not think it is constructive. I do not think that the resolution that we passed in June of 1997, even though that also was nonbinding, was constructive. In fact, it led to riots, it led to people being killed. The actions that we take have real consequence, even though they may be nonbinding. The only hope for peace to succeed is that we be an unbiased, balanced broker for peace in the Middle East. It is particularly important right now that we sustain that principled effort and not bow to domestic political considerations.

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, over the past several months Chairman Yasser Arafat has repeatedly threatened to unilaterally declare a Palestinian state in the West Bank on the Gaza Strip with, of course, East Jerusalem as its capital. We cannot recognize any such declaration, and we urge Mr. Arafat not to pursue this reckless course. Such a declaration will have a destabilizing effect on the Middle East and will render the Oslo Accords and the Wye agreements meaningless.

Recently, however, Mr. Arafat suggested a PA confederation with Jordan. Perhaps that could be subject to negotiation, but only after Mr. Arafat and the PA have concluded successfully the promises that they have already made.

For example, first, Mr. Arafat and the PA must reduce the size of the Palestinian authority to the agreed upon level so that it does not violate the Oslo Accords.

Second, Mr. Arafat and the PA must end all PA-run incitement of violence, and anti-Semitism, and vilification of Jews and make meaningful reconciliation between Jews and Arabs a real possibility.

Third, Mr. Arafat and the PA must renounce the validity of the right of return, a policy which by definition challenges the viability of the state of Israel even after Palestinian independence.

Fourth, Mr. Speaker, Mr. Arafat and the PA should renounce and cut off ongoing ties to terrorists. Their insistence on releasing terrorists who plan acts of terror and provide the wherewithal to commit such acts must come to an end.

And fifth, Mr. Arafat and the PA must establish modes of economic transparency and accountability relative to foreign aid received by them, thus preventing endemic corruption and theft currently plaguing the very structure of the Palestinian authority.

Among the many disturbing incidences noted in Point 2 is the PA-run anti-Semitic incitement mainly to children via textbooks, newspapers and television and radio programs. The PA through international anti-Semitic rhetoric, even in school books, is attempting to raise Palestinian children with a deep rooted hatred toward Israel and Jews.

Simply put, the PA and Yasser Arafat are subverting the peace agreements signed and perpetuating hostile feelings toward Israel and ultimately brainwashing Palestinian children. Therefore, I conclude by saying I support H. Con. Res. 24 and continue to oppose the creation of a Palestinian state on a unilateral basis.

Mr. CROWLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding me this time.

For 50 years and more my dad and I have supported two things: The rights and the freedoms of Israel and the cause of peace in the Middle East. I do not believe the action that we are taking today is furthering either of those goals. What we are doing is rejecting an evenhanded, honest broker approach to peace in the Middle East and substituting for that a participation in and invective directed at only one side. There is fault aplenty in the Middle East, but I do not believe that a honest broker should spend his or her time engaged in the finding or the charging of that fault. Clearly here we are breaching that rule.

Mr. Speaker, I would urge my colleagues to reject this resolution. It is not in our interests, it is not in the interests of the Palestinians, and it is not in the interests of the Israelis. It is clearly not in the interests of peace. We best serve our own interests by working for peace and by seeing to it that all parties are aware of the fact that that is our sole and only goal in this matter. We are breaching that rule.

I would urge my colleagues to keep in mind the fact that there is plenty that this country can do which will have much more beneficial effect on the cause of peace. We can work to see that both sides honor the Wye Accord and the Oslo commitments. That is not being done, nor is it being furthered here, and I would admit that there is fault again on both sides. But that fault is not to be judged by us, if we are to be honest brokers in the cause of peace. Rather, it should be the effort of this country to see to it that we bring the parties together to negotiate in an honest and an open and as friendly a fashion as we can arrange. Clearly that is not being accomplished here.

I am not here to take sides with the Israelis, nor am I here to take sides with the Palestinians. I am here to say that what we are doing here is wrong, it is not in the interests of this country, nor is it in the interests of the cause of peace.

I would observe that it is very easy to start a war in an area like the Middle East where tensions and passions are high. It is very, very hard to stop. This country has invested hundreds of billions of dollars in peace in the Middle East. Do we want to reject it by the adoption of a resolution which does nothing of good and which very probably is going to contribute much mischief and much evil to an already overheated area where tensions are high and where the peace process is not prospering.

I would urge my colleagues to reject this resolution, to support measures which will put us in the position of being, as the United States, honestly concerned about peace in the area, in the position where we are leading both parties towards peace and towards an honest negotiation. This peace is not going to be resolved by invective. It will be resolved by all working together and by the leadership of the United States in the cause of peace.

Mr. GILMAN. Mr. Speaker, since there are a number of Members seeking recognition on this issue, I ask unanimous consent that the time for debate be extended by 20 minutes on each side.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding this time to me particularly because he knows that I oppose this resolution, yet in his graciousness offers me the time to speak my mind. For that I am most grateful.

This is the wrong time for this resolution. Why? Because there is an election pending in Israel. This resolution, although not necessarily so intended, will unavoidably have an effect on that election in Israel, and here is why.

First of all, the resolution itself does not criticize any potential unilateral action on the Israeli side. Part of the debate in the Israeli political elections right now is the record of the Likud government, to bring about successful peace negotiations.

□ 1300

For this resolution, therefore, to have no criticism at all, no comment at all, about threatened unilateral actions which would jeopardize that peace process on the Likud side, plays into one side in that political battle. It supports Likud's characterizaton of the negotiations over that of Labor.

Secondly, the mere fact that we are considering the resolution at this time influences the Israeli elections. I believe it is fair to say that the Likud government has argued that one of their advantages, which they present to the Israeli electorate, is that they are singularly able to have influence in the halls of Congress. The fact that we are taking this resolution up now, with the election pending, plays to that perception. It is a mistake; nevertheless, that would be the perception, and so the timing is wrong.

Accordingly, I would urge my colleagues who cannot vote no to vote present as a way of saying that whether or not the matter is appropriate, it is not appropriate at this time.

Lastly, I intend to vote no because I believe that the people of Palestine are entitled to their own country. That does not mean that they can threaten Israel. It does not mean that they will practically have a country until they reach an accommodation with Israel. I strongly strongly stand for the right of Israel to be free, secure and safe. All of that must be negotiated.

But to the child born in a refugee camp who has never known a home except a refugee camp, to the child born in Gaza whose parents go up to work through a chute, as though a cattle chute, every day into Israel, to the resident of the West Bank who cannot carry on the trade with Jordan, I say you have a country; and you have the right to say you do. Everything else is subject to negotiation.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my friend from New York (Mr. CROWLEY) for yielding me the time.

Mr. Speaker, all of us hope and pray for a just and a lasting peace in the Middle East. The question that we face today is how can we best achieve that? What can the United States do to encourage both sides, the Israelis and the Palestinians alike, to overcome years of suspicion and sorrow and anger and disappointment? How can we hope to move the peace process forward?

I regret to say that I come to the conclusion that this resolution takes us in the wrong direction. I join my previous two colleagues, the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. DINGELL) in that view. It is, I believe, a one-sided resolution that will only set things back. If it passes, I think it risks undermining our credibility. It risks frustrating our progress and, indeed, I think it risks postponing peace.

If this House is to take a position on the peace process, I think what we ought to do is tell both sides that they ought to live by the agreement that they have made, to abide by the agreement that they have made.

Choosing sides now, and that is what the resolution does, I believe, is shortsighted. There is, as we know, an election going on in Israel and there is a great deal of anxiety and a great deal of tension in the Palestinian community. Lives are literally hanging in the balance. What we do today could have enormous implications for that peace process, and I think the United States should do everything it can to remain a firm, neutral arbiter in this ongoing process.

I urge my colleagues to oppose this resolution.

Mr. SALMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to respond to a couple of the things that have been said on the other side. First of all, I think as the debate goes forward we will see clearly that this is a bipartisan measure. It looks as though it is becoming a polarization between the Republicans and the Democrats with the Republicans favoring this measure and the Democrats not. Nothing could be further from this truth. In fact, we have well over 280 cosponsors, 100 of those Democrat Members, courageous Members, the gentleman from California (Mr. LANTOS), many, many, congressmen on the other side, who believe that this is an idea that will strengthen the peace process and not harm it.

I also might suggest there have been those who have said suggest that this might be irresponsible, not well timed, would harm the peace process. I might remind Members that just a few short days ago, 98 members of the Senate and one against voted for this exact same measure word for word, and I really think that it is getting kind of a misrepresentation today as something that is kind of out there on the limb when really it is not. It is a very responsible measure.

I might also say that it is intended to protect the peace process because if the Palestinian Authority did declare unilateral statehood it is tantamount to war, and the consequences would be extremely dire.

To my knowledge, the Israelis have not proposed any unilateral measure outside of the negotiations, and so if they had proposed and if anybody on the other side can come up with just one unilateral action that the Israelis have proposed that is outside of the Oslo Accord, please bring it forward and we will add it to a resolution and bring it up next week.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank my friend from Arizona (Mr. SALMON) for his leadership on this question.

Mr. Speaker, unfortunately, we are here today contemplating passage of this most necessary resolution because of the public pronouncements of Yasser Arafat. He has necessitated this action because in direct contravention of the Wye and Oslo agreements, he has put out there the notion that he may, in fact, declare unilaterally a Palestinian state. If there is ever an act that would sabotage the hopes for peace and security in the region, it would be that unilateral declaration.

Yasser Arafat unquestionably remains, in fact, a professional terrorist. He has American, Israeli, European and Arab blood on his hands. There are many of his allies, the Hezbollah and the Hamas, who consider themselves close allies, who would like nothing better than a declaration of independence by Yasser Arafat sometime in May. It would give them the opportunity to have a state that is fully sovereign and inviolable; able to import and manufacture any weapon; turn a police force that in all reality is actually an army into what we know it to be; free to support terrorism and poised to attack Israel and possibly Jordan.

From his past actions, we can only infer that a unilateral declaration by Yasser Arafat would be absolutely the matter that would destroy the process for peace and security in the region. Therefore, we are obligated, as a nation who has been an honest broker in this process, to bring this resolution forward and to state for all the world that we will not stand for a unilateral declaration of a Palestinian state that would really lead, frankly, to the compromising of the security and the safety and the peaceful coexistence of Israel.

Mr. CROWLEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, there is no doubt that this resolution is going to pass overwhelmingly today. No one has argued, after all, that a unilateral declaration of a Palestinian state is a helpful idea, especially in light of the precarious state of the peace process and the impending Israeli elections.

The resolution, moreover, has been redrawn since the last Congress, to clarify that it opposes the unilateral declaration of Palestinian statehood, not Palestinian statehood as such.

The most promising path to peace, most of us agree, and the most promising path to the satisfaction of both Palestinian and Israeli aspirations, is to have no provocative unilateral actions taken by either side but, rather, to continue the process of negotiation and cooperation mapped out in Oslo.

Having said that, Mr. Speaker, I must add that both the timing and the content of this resolution give cause for great concern.

The resolution is one-sided in focusing its attention on what the Palestinians need to do to promote the peace process with no attention to Israeli obligations stemming from the Oslo and the Wye Accords.

The Oslo agreement signified that the Israelis and Palestinians have become partners on the road to peace and both sides must live up to their obligations and avoid provocations that undermine the peace process.

The ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), proposed language in committee that would have made this a more balanced resolution, asserting United States opposition to "a unilateral declaration of statehood or unilateral actions by either party outside the negotiating process that prejudge or predetermine those negotiations."

Israel has been and remains our strongest and most reliable ally in the Middle East. Declaring as part of this resolution that they too must be responsible for carrying out their obligations would not undermine our relationship or threaten its future. In fact, it might make it stronger.

Mr. Speaker, I hope and believe that Chairman Arafat has no intention of declaring statehood unilaterally, despite the arrival of the deadline date anticipated at Oslo. Our administration has already made it abundantly clear that it is opposed to a unilateral declaration of statehood. No one doubts that.

So why are we considering this resolution now? And will this resolution make it harder or easier, politically, for Chairman Arafat to do the right thing?

I think I know the answers to these questions, and I wish the sponsors of this resolution had conscientiously thought them through before bringing this resolution to the floor today.

Mr. SALMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I rise in strong support of the resolution of the gentleman from Arizona (Mr. SALMON) and I want to underscore once again the United States Senate, in a vote of 98-to-1, passed the exact same resolution, the exact same resolution word for word.

We oppose the PLO's unilateral declaration of a Palestinian state, despite the First Lady's claim that there should be one. Many in the PLO leadership seem to think that the final word on a Palestinian state will come from the PLO and no one else. Well that assumption cannot be more wrong.

I will remind Mr. Arafat that unilateral action violates the basic provisions of the Oslo peace process. I will also remind Mr. Arafat that since the Oslo peace agreement was signed in 1993, the U.S. has provided hundreds of millions of dollars in aid to the Palestinian Authority for maintaining its commitment to bring peace to the Middle East.

I have always been skeptical of that commitment, and if the PLO moves toward unilateral declaration of statehood it will prove to the world what I have always suspected, the PLO is committed to rhetoric, not peace.

Mr. Arafat, the U.S. Congress is putting you on notice, declare statehood on May 4 and we will declare your financial support from the U.S. null and void.

Mr. CROWLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Arizona (Mr. SALMON) for his bill.

Mr. Speaker, which country is America's greatest ally in the Middle East? Which country votes with the United States 95 percent of the time at the United Nations, more so than any other American ally? Which country allows U.S. planes to fly over her air space? Which country cares for America's soldiers and her hospitals and is our partner in developing a missile defense system? Who is the Middle East's only democracy and the longest and best ally of the United States?

Israel.

Mr. Speaker, the resolution pending before this body right now is very simple. It simply reaffirms America's commitments to both her number one ally in the Middle East, Israel, and to the peace process that began with the signing of the Oslo Accords in 1993.

Palestinian threats to unilaterally declare statehood is a violation of the Oslo Accords that they signed. A unilaterally declared Palestinian state, without borders agreed upon by the state of Israel, would take Israeli land, would threaten Israel's people and would, yes, threaten Israel's very existence.

America, and the United States Congress, must be very clear to the Palestinian Authority. When you wrongfully threaten America's best and most strategic ally in the Middle East and one of America's greatest allies in the world, there will be immediate, lasting and severe consequences.

□ 1315

Mr. Speaker, the United States must not recognize a unilaterally declared Palestinian state, and I urge my colleagues to support this resolution.

Mr. SALMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I rise in support of House concurrent resolution 24 expressing this Congress's opposition to a unilateral declaration of an independent Palestinian state.

Mr. Speaker, peace in the Middle East cannot be achieved through unilateral declarations. A lasting peace can and will only be achieved at the bargaining table, through the give and take of diplomacy and negotiation.

PLO leader Yasser Arafat's repeated assertions that he would declare a Palestinian state on or after May 4, 1999, are both an affront to and a violation of the spirit of the Oslo Accords, threatening not only a delicate peace process, but an escalation of violence and bloodshed.

Palestinian statehood is a fundamental issue in the Arab-Israeli negotiations and one that needs to be addressed through deliberation and consensus, not posturing and proclamation. America's response to these declarations must be certain and unambiguous: That we oppose any and all arbitrary declarations of statehood, and would not under any circumstances recognize a unilaterally declared Palestinian state.

When President Clinton meets next week with Yasser Arafat, he must repeat this Congress's and this Nation's resolve that any Palestinian state must be created at the bargaining table.

Mr. CROWLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am not going to give my prepared remarks; I would rather at this point take a little time to respond to some of the comments that have been raised on this issue, because I think that the resolution of the gentleman from Arizona (Mr. SALMON) has received a bit of an unfair rap.

This is not a resolution to catalog all of the violations that have occurred by one party or another and to make an accurate statement of who has been wronged and who has not been wronged. It is not about the past, it is about the future. I say most respectfully, when I hear the gentleman from California (Mr. CAMPBELL) say, I want to see a Palestinian state, my guess is, if asked, the gentleman from New York (Mr. FORBES), would say, I never want to see a Palestinian state. I think what the gentleman from California (Mr. CAMPBELL) wants and what the gentleman from New York (Mr. FORBES) wants or what I want is irrelevant.

The parties agreed at Oslo to decide this most fundamental of issues: the negotiations over what kind of entity will be there in the final status talks and negotiations between the parties. It is not a U.S. decision, and it is not a Members of Congress decision.

Mr. Speaker, all this resolution does is say, Congress opposes in every way it can such a fundamental and material breach of the Oslo process as the unilateral declaration of a Palestinian state. If the Israeli cabinet and the Israeli Knesset announced tomorrow that they were going to annex every portion of the West Bank now under Israeli military occupation, which is the vast, vast majority of the West Bank, people would say, wait a second, you are fundamentally breaching the commitments you made under Oslo, and they would be accurate in saying so. This is the exact equivalent. However, no one in responsible positions in Israel has suggested annexation, a unilateral annexation, except in retaliation for the declaration of statehood; but on the Palestinian side, a number of leaders under the Palestinian Authority have threatened the unilateral declaration.

So I can sit here and talk about whether enough guns have been confiscated by the Palestinian Authority or whether terrorists have been released or what is the state of Israel's settlements, and I have opinions on all of those different issues. This is not a resolution to catalog all of those questions; this is a resolution that goes to the heart of the breach that will destroy the peace process, and that is unilateral declaration of statehood.

One final point. There is a lot of talk here about U.S. as honest broker, U.S. as evenhanded. Let me tell my colleagues, the Palestinians, Chairman Arafat, the leadership of the Palestinian Authority, wants the U.S. involved in the peace process because of the U.S.'s relationship with the State of Israel, because the U.S. has been Israel's strongest ally, because Israel has come to the U.S.

The U.S. role, yes, is to be an honest broker and to play a facilitating role and to bring the parties together and to push the peace process forward. But make no mistake about it. If parties wanted evenhanded, neutral people who have demonstrated equal distance from all of the parties, they could have gone to the Swedes or Norway or to the European Union to play this role. No. The Palestinian Authority recognizes that it is the U.S. and its relationship with Israel, close as it is, that makes it a useful party to help facilitate these talks. It is not for the U.S. to be evenhanded; it is for the U.S. to recognize its relationship with Israel and to play that kind of a role, and that is the way this process will succeed, with the United States playing that role.

So I commend the gentleman from Arizona (Mr. SALMON). I think this is a good resolution. This recognizes that a fundamental breach might very well occur and we should right now let everyone know that this destroys the peace process and we think it is a big mistake, and on the other issues, let us work to resolve them and move that process forward.

Mr. Speaker, I rise in support of H. Con. Res. 24, expressing congressional opposition to the unilateral declaration of a Palestinian state.

The most basic and fundamental principle of the Middle East peace process is that all issues related to the permanent status of a Palestinian entity must be addressed through negotiations.

A unilateral declaration of a Palestinian state would, by definition, constitute a blatant violation of that principle and fly in the face of Palestinian commitments under the Oslo accords.

Palestinian statehood—more than any other issue—goes right to the core of the Arab-Israeli conflict. One side cannot act alone in determining this status and in answering the numerous questions that it raises: Where should its borders be? What should be the limitations on its sovereignty? How will Israel's security be guaranteed?

A unilateral declaration of a Palestinian state would destroy the peace process. Years of hard work, sacrifice and efforts to build trust would go down the drain in the blink of an eye. There would be no winners, only losers.

As Prime Minister Netanyahu recently stated, Israel would respond "very forcefully" if such a declaration were made. This response would probably include an Israeli decision to annex portions of the West Bank currently under their control.

Although you wouldn't know it from reading the text of this resolution, President Clinton has repeatedly declared strong opposition to the unilateral declaration of a Palestinian state and made it abundantly clear that it would not be recognized by the United States.

Nevertheless, Palestinian Authority Chairman Yassar Arafat has refused to rule out the possibility.

As recently as February 20, a high level Palestinian Authority official said, and I quote, "We are moving forward in our preparations for the day, May 4, the date of the declaration of a Palestinian state."

So, as much as I'd like to believe the conventional wisdom that Chairman Arafat will not make a unilateral declaration of statehood, it is clear that we as a body must go on record to express our complete and total opposition to such an act.

I urge my colleagues to support H. Con. Res. 24.

Mr. SALMON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Arizona for yielding to me. I stand in support of his resolution.

I also want to associate myself with the comments just made by the gentleman from California (Mr. BERMAN). I think that was an excellent analysis of the delicacy of the decisions that are going to be made in the next few weeks.

The repeated threats to unilaterally declare a Palestinian state are as unstabilizing, as destabilizing, as unsettling as anything could be in this process. That action is in violation of the agreement as I see it. Article XXXI of the Oslo II Accords clearly states, "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of permanent status negotiations."

Obviously, this is at the heart of the outcome of those negotiations. Obviously, this is a core issue that more than any other can provide great imbalance at a time when the Middle East has at least within sight the opportunity for peace, the opportunity for balance there.

Mr. Speaker, our response to what the Palestinians might do would be crucial. Chairman Arafat's understanding of our response is crucial. We need to make it clear that we will not recognize a unilaterally declared State; that the peace process would be in jeopardy; that the United States will do its best to help mediate this conflict, to help ensure permanent peace, but that the timing could not be worse than the timing that is projected to declare this state, a timing only days before an election in Israel. Elections are volatile times anywhere. They are most volatile in the Middle East; they are most volatile in Israel. The debate is a difficult debate to achieve. It is particularly difficult to achieve in the middle of an election campaign.

Mr. Speaker, our message to Chairman Arafat should be, do not take this step, do not jeopardize the process. Do everything you can to stabilize the situation with Israel. Our message to Israel should be to work hard for peace.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I would like to set the record straight and to argue that support for this resolution is the single-most helpful thing we can do for Yassir Arafat to continue the peace process.

In recent months, I had occasion 3 times to discuss with Mr. Arafat and his associates this issue. Last summer, then Speaker Gingrich and Democratic Leader Gephardt led a small group of us to the area for discussions. Last December, the President went with a few of us to talk to both sides and we spent considerable time with Mr. Arafat discussing this issue.

Earlier this year, I had the privilege of addressing the Palestinian National Council, along with Former Prime Minister Peres and the former head of the Soviet Union, Mikhail Gorbachev. My message on all three occasions was very simple: A unilateral declaration of statehood by Arafat would permanently destroy the peace process. Let me repeat that. If Arafat goes ahead with a unilateral declaration of statehood, whether it is on May 4 or May 25, or July 11, the peace process is over.

Let me say to some of my colleagues, some on my side of the aisle who are straining for equivalence, the equivalence would be to call on Israel, not to unilaterally declare statehood. Israel has been a State for over 50 years, an ally of the United States, a member of the United Nations with diplomatic representation all over the world. There is no equivalence here, because the two sides are not equivalent. We are talking about a unique historic situation whereby a sovereign and independent state is in the process of voluntarily negotiating the surrender of territories it occupies, and possibly negotiating the creation by mutual consent of another state.

Now, some have belittled this resolution as being not binding. Well, it may not be binding, but it surely has consequences. Let me state here and now so that there will not be any question or doubt about it, that if Arafat does declare unilaterally a Palestinian state, I intend to introduce legislation in this body which will cut off all aid to the Palestinian Authority instantaneously. So this is not an academic debate. Should it be necessary to introduce such legislation, it will pass overwhelmingly.

Mr. Speaker, some think that since there have been technical violations on both sides of the Oslo Accords, we should discuss all of those. I think it is extremely important to realize that obviously there will be charges of technical violations of an incredibly complex, life and death agreement that might eventually solve this long-simmering crisis. But we are not talking about little technical violations. A unilateral declaration of state by Arafat terminates the peace process.

Since I am passionately committed to the peace process for the sake of the Palestinian people, for the sake of the Israeli people, for the whole region and indeed, for global stability, I urge my colleagues to support this resolution. It is a carefully crafted, balanced, reasonable resolution, the purpose of which is to save Arafat from the hotheads in his own camp. There are people within Arafat's group who are pushing him for a unilateral declaration of state. If he follows their advice, the peace process is doomed.

Mr. Speaker, I ask all of my colleagues to support this resolution. I commend my friend, the gentleman from Arizona (Mr. SALMON) for introducing it.

□ 1330

Mr. CROWLEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to express my strong support for this legislation which expresses congressional opposition to the unilateral declaration of a Palestinian state and urges the President to assert clearly United States opposition to such unilateral declaration of statehood.

Mr. Speaker, Yasser Arafat's repeated threats that he would unilaterally declare a Palestinian state on May 4, 1999 are a grievous violation of the spirit of the Oslo Accords. At the heart of the peace process lies the fundamental commitment that all outstanding issues relating to permanent status will be resolved through negotiations.

In breach of this central obligation, Mr. Arafat is asserting that he can preempt the negotiations and act unilaterally on the critical and crucial issue of statehood. While Israel has committed itself to continuous negotiations to resolve all issues, Mr. Arafat's threat is imperiling the peace process.

Clearly a unilateral declaration of statehood would violate the very principles on which the Oslo Peace Accords are based, and such an action would without question trigger a cycle of retaliation and escalation, possibly leading to violence and perhaps a collapse of the peace process itself.

Mr. Speaker, I am proud to be a cosponsor of this legislation, and I strongly urge my colleagues on both sides of the aisle to support this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I am proud to be the lead Democrat on this resolution, and I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership in sponsoring this resolution.

As the gentleman from Arizona said before, this is a bipartisan resolution. It has 280 cosponsors, which is a majority of this House. What this does is simply bring Congress in line with what has been said many, many times before by President Clinton, by the administration, and by anyone who is in the know about the Middle East, that a unilateral declaration of a Palestinian state destroys the peace process. Clear and simple.

So if we want the peace process to continue, then there ought to be no unilateral declarations of any kind. If we want to destroy the peace process, then Mr. Arafat can go right ahead and issue his unilateral declaration.

Some of my colleagues have said this will influence the Israeli elections. That is nonsense, because every mainstream party in Israel, every candidate for prime minister in Israel who is in the mainstream is opposed to a unilateral declaration of a Palestinian state. So this will not affect the Israeli elections. It simply holds Mr. Arafat's feet to the fire.

Now we know Mr. Arafat has a way of talking out of 32 sides of his mouth. We want him to keep his commitments. This is a very, very balanced resolution, and I want to read some of it. Simple. It says, "Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasser Arafat that, in his words, 'all outstanding issues relating to permanent status will be resolved through negotiations.'" That is from Yasser Arafat's own mouth. Why would anyone be opposed to holding his feet to the fire on that?

The resolution further states, "Resolved by the House of Representatives * * * That (1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority." Who could oppose that?

"(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition," as it will. Finally, "(3) the President should unequivocally assert United States opposition," which the President has, "to the unilateral declaration of a Palestinian state, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States."

If you ask me, this is again certainly a mainstream resolution. It has broad bipartisan support. It is only asking the parties to keep the commitments to which they made.

Mr. Arafat has to understand that there will be severe consequences if he does not fulfill his commitment, blowing up the peace process and a cut off of American aid. So, again, this is bipartisan. I strongly urge my colleagues to support it. I thank the gentleman from Arizona (Mr. SALMON) for his leadership.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Obey), ranking Democrat and soon to be chairman again of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will vote for this resolution because I am against all unilateral agencies in the Middle East. But do not kid ourselves by saying this is a balanced resolution. It is not. If it were, it would take note of all unilateral actions taken by all parties in the Middle East, including some unilateral actions taken by this very Congress.

I believe that there will be a Palestinian State someday, but I think it should be established through direct negotiations with Israel. I believe the United States will have an embassy in Jerusalem, but I believe it should be, again, at the end of the process because to attack precipitously will simply inflame the situation and make the peace process more difficult.

I also believe, however, if this Congress is going to be fair-minded in urging people like Mr. Arafat not to unilaterally declare a Palestinian State, and I agree he should not, then this Congress should also be fair-minded in noting the actions on the part of the Israeli government in taking unilateral actions with respect to some settlement activities in the West Bank and in the Jerusalem neighborhoods.

It just seems to me that if Congress wants to be constructive rather than simply political, that when it brings resolutions to the floor such as this, they ought to be more balanced than this is.

I say that as a friend of Israel. I say that as the person who, for 10 years, chaired the Subcommittee on Foreign Operations, Export Financing and Related Programs. During that time, that committee provided immense amounts of aid to Israel with my support.

But I think that, if Congress wants to help move the peace process forward, it needs to be more balanced and more constructive than it usually is. This resolution I think, while it is correct in asking Mr. Arafat not to proceed, it is most certainly not correct to call it a balanced resolution because most definitely it is not.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. SALMON), the sponsor of the resolution.

Mr. SALMON. Mr. Speaker, I thank the gentleman from New York for yielding me this time. I might also congratulate the gentleman from Wisconsin (Mr. OBEY). I had no idea he was reregistering as a Republican, obviously, if he is going to be the chairman of the Committee on Appropriations. I think that is a great move.

I would also like to thank the people who have tirelessly worked on behalf of this resolution. I would like to thank on our side most of all the gentleman from New Jersey (Mr. SAXTON) for his tireless efforts. He introduced the legislation last year and has been working on it for a long, long time.

I also owe a great debt of gratitude to the majority whip, the gentleman from Texas (Mr. DELAY) for making H. Con. Res. 24 a foreign policy priority in the 106th Congress.

The gentleman from New York (Mr. ENGEL), the lead Democratic sponsor, has been an enormous help in moving the resolution forward. The gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from California (Mr. SHERMAN) have also contributed both in front and behind the scenes.

Moreover, the help of the gentleman from New York (Mr. FORBES) and the gentlewoman from Nevada (Ms. BERKLEY) in gathering cosponsors is greatly appreciated. Last, I would really like to thank the gentleman from New York (Chairman GILMAN) for making this a priority of the Committee on International Relations and bringing it to the floor.

I think many have spoken about this resolution in ways that I think really do not grasp the essence of what we are trying to accomplish. But there have been a few that I think have very cogently delineated what exactly this bill does.

I think of the comments of the gentleman from California (Mr. LANTOS) and I think of the comments of the gentleman from New Jersey (Mr. ROTHMAN). They understand what this is all about.

What this is about is to strengthen the peace process. Many times here in the Congress we have tried to be ahead of the curve, not to cause problems, but to make sure that it is clear in the minds of those that we are negotiating with, that we deal with in good faith, that they are clear of our intentions.

I recall when we were dealing with China, and they started lobbying missiles in the Taiwan Strait, that Congress was very forceful in communicating to China what our intentions were and what our relationship with Taiwan is and will be in the future.

Those statements were not harmful to our relationship with China. They were clear statements of a purpose, of what we stand for, of what we are about. As was mentioned, there is nothing in this resolution that denounces anything that the Palestinian Authority has done.

All it does is denounce what they might possibly do and let them know, with due process and clear intention, that if they declare unilaterally a Palestinian state, that the United States will not recognize that, end of story. There is no beating up on them. There is no beating our chests. It is simply a clear delineation of what we stand for and what we believe.

As far as the peace process is concerned, we are all committed. Those who have suggested that this might somehow thwart the peace process, I think they know better. I think that sometimes their rhetoric gets a little reckless and out of control, but, frankly, I think they know better.

They know what the intentions of this resolution are, and that is why it passed the Senate 98 to 1. That is why there are 280 cosponsors, because it is very plain, straightforward, and to the point.

It reiterates what the American people and the Congress have believed for a long, long time, and that is that the peace process cannot proceed if reckless action such as declaring unilaterally a Palestinian state goes forward.

As the gentleman from California (Mr. LANTOS) aptly pointed out, it would completely obliterate, explode the peace process. That is not what we are about.

For those who have suggested the intentions are somewhat different, I ask them to please don their reading glasses and take another look at it, try a little harder to understand it. It is not that difficult.

Therefore, I urge my colleagues to support the resolution that we are considering today, which underscores three important and timely points: (1) The final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority; (2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and (3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian state, making clear that such a declaration would be a grievous violation of the Oslo Accords and that a declared state would not be recognized by the United States.

The resolution is forward thinking. Its intention is to prevent bloodshed. The Palestinian Authority must understand that it cannot break away from peaceful negotiations and receive support and recognition from the United States.

Before I close, I would like to thank Representative SAXTON for all of his work on this effort. And I owe a debt of gratitude to the Majority Whip, TOM DELAY, for making H. Con. Res. 24 a foreign policy priority in the 106th Congress. The lead Democratic cosponsor, Representative ELIOT ENGEL, has been an enormous help in moving the resolution forward. Representatives ROTHMAN and SHERMAN have also contributed both in front and behind the scenes. Moreover, the help of Representatives FORBES and BERKLEY in gathering cosponsors is greatly appreciated. And lastly, I thank Chairman GILMAN for his commitment to bring this resolution to the floor.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 24.

This resolution was introduced barely six weeks ago to make clear the United States' position on the Middle East peace process.

Today, this resolution will send a clear signal to Palestinian and other Middle East leaders that this government remains unified on two things.

First, we unconditionally support the Middle East peace process and the agreements that have been entered into by the Palestinians, Israelis and other nations.

Second, we stand firmly and unconditionally opposed to actions that either undermine the peace process or contradict the Olso or Wye agreements.

A unilateral declaration of a Palestinian state will only lead to turmoil and destabilize the peace process.

The recent passing of King Hussein of Jordan combined with the upcoming election in Israel places the already fragile peace agreement on even shakier ground.

That is why it is imperative for all parties, including the United States, to redouble their commitment to a fair and lasting peace.

Again, I am pleased to support this resolution because I believe it clearly and fairly reinforces our support for peace in the Middle East.

Mr. LAZIO. Mr. Speaker, I am pleased to rise in support of H. Con. Res. 24 expressing the House's opposition to the unilateral declaration of a Palestinian state, and urging the President to clearly state that the United States government is united in its opposition to such a move—one that would certainly destabilize the Middle East peace process.

Several critical points must be understood. First, it is Palestinian Authority chairman Yasir Arafat who has suggested that he might unilaterally declare a free and independent Palestinian state on May 4th of this year. This unilateral step would contravene the entire process that was set in motion by the Oslo Accords and confirmed in the Wye River Memorandum. The fundamental premise of this process is one that Yasir Arafat himself recognized in a letter to Prime Minister Yitzhak Rabin years ago where he wrote that: "all outstanding issues relating to the permanent status will be resolved through negotiations." The threatened unilateral declaration of statehood flies in the face of this understanding and resorts to one side taking matters into its own hands. It is thus a violation of commitments made at Oslo and Wye.

Second, such a step would certainly destabilize the peace process and serve as a catalyst for violence in Israel and in those areas already governed by the Palestinian Authority. Effectively, therefore, a unilateral declaration by the Palestinian Authority could be interpreted as a threat of violence. This too flies in the face of the tenets of the peace process and calls into question Mr. Arafat's trustworthiness as a negotiating partner.

Third, while some have suggested that this resolution should also call upon Israel as well to avoid unilateral actions that might be questioned under the Oslo framework, such an inclusion would lack any balance and proportionality. Israel has not threatened to abdicate its commitments and unilaterally determine a final status issue of the magnitude of Palestinian statehood.

Fourth, the United States Congress has supported the Oslo process and the position that the parties themselves must resolve such thorny issues through negotiation. The United States Senate has remained true to this position by passing its resolution on this matter last week by a vote of 98 to 1. The House must do the same today. And the entire Congress must thereby insist that the Administration support resolving any permanent status issues through negotiations and agreement, not by unilateral action. The Administration must clearly state that any unilateral declaration of statehood by the Palestinian Authority will not receive the recognition of the United States and that the Administration will encourage its allies not to afford it any recognition either.

Mr. Speaker, I traveled to Israel last December with the President as the designee of the Speaker of this House. On that trip and others, I have seen up-close the challenges that this tiny island of democracy in the Middle East confronts and the risks she has taken for peace. Today, Yasir Arafat suggests the Palestinians may abandon the peace process and unilaterally declare a Palestinian state; tomorrow, he will threaten to declare Jerusalem as its capital.

Mr. Speaker, we must stand with our friends when they are challenged, and today that means standing with Israel.

Mr. RODRIGUEZ. Mr. Speaker, I rise to express my concern over language utilized in H. Con. Res. 24. Although I supported the resolution, I feel that Congress did not have an adequate opportunity to more fully discuss all unilateral declarations by any party to the Middle East peace process, including those by the United States. I believe that final status issues should be subject to good faith negotiations by both sides.

Mr. BENTSEN. Mr. Speaker, as an original co-sponsor of H. Con. Res. 24, I rise in strong support of this resolution and urge its adoption.

This resolution not only opposes a unilateral declaration of a Palestinian state, but also urges the President to make very clear the opposition of the United States to such unilateral action. A unilateral declaration would be brinkmanship of the most irresponsible kind, a provocative act that would force the State of Israel to respond and a direct affront to the spirit of the Oslo accords.

Only six years ago, at the Oslo accords, Israeli and Palestinian negotiators took significant steps towards achieving peace and stability in the Middle East. Oslo forged a commitment to cooperate and strive for a lasting peace through open and honest negotiations.

Unfortunately, the peace process is now seriously threatened by a repeated threat by Palestinian leaders to unilaterally declare statehood once the Oslo accords expire on May 4. Such a declaration would short circuit the peace process, roll back the progress that has been made and undermine the hard work of all those who want meaningful peace in the Middle East.

Both Israeli and Palestinian leaders made a commitment at Oslo to resolve differences through negotiation. As Chairman Arafat said himself in a letter to Prime Minister Rabin in 1993, "All outstanding issues relating to permanent status will be resolved through negotiations." Chairman Arafat must be held accountable to this promise. A unilateral declaration would terminate the negotiations and risk a needless, perilous escalation of this conflict. Such defiance would compel the State of Israel to respond to protect its security, likely leading to escalating conflict.

The people of the Middle East have lived with conflict, violence and bloodshed for too long. Now they have the opportunity to negotiate a permanent peace. This opportunity must not be sabotaged by a unilateral declaration. The Oslo peace process has presented a valuable opportunity for the people of the Middle East to begin healing the wounds of centuries of conflict and distrust. A unilateral declaration of statehood would reopen those old wounds and inevitably lead to more violence and bloodshed.

It is my hope that both Israel and the Palestinians will live up to their commitments in the Oslo accords. This resolution puts the Congress on record in support of negotiation, not brinkmanship and unilateral action. That is the right road to peace.

Mr. POMEROY. Mr. Speaker, I rise to support this resolution expressing congressional opposition to the unilateral declaration of a Palestinian state. My support, however, is given with a degree of reluctance. I believe that the unilateral declaration of a Palestinian state is in direct conflict with the spirit of the Oslo Accords and would be a fatal blow to the ongoing peace process. I hope that our Palestinian and Israeli friends will continue to work together through the negotiating process to come to resolution on the final status of Palestine.

Mr. Speaker, I am, however, disappointed with the one-sidedness of this resolution. I am disappointed that my colleagues on the International Relations Committee did not see fit to amend the resolution as my colleague Mr. Gejdenson proposed. He asked that the resolution reflect the positive efforts made thus far by both parties to the negotiations and acknowledged that unilateral actions of any kind by either party are contrary to the spirit of negotiation. I wholeheartedly agree. Though I will vote in favor of this resolution, it is my hope that in the future this body keep in mind the necessity of fairmindedness in language and treatment for all parties in the Middle East working to find resolution to these extremely sensitive, contentious issues.

In a recent editorial to the Washington Post, Dr. Henry Kissinger noted that the role of the United States in the peace process is to help each party find terms that meet their own needs and yet are compatible with the necessities of the other. "As keepers of the diplomatic process, we should be steering the parties to a realistic dialogue on those subjects on which the survival of both sides truly depends." Today, we are sending a strong message to the Palestinian Authority not to take irrevocable action for which serious consequences will result. However, by condemning unilateral action by only one party to the negotiation, I believe we fail to meet our obligation to help the parties raise the dialogue to a higher level.

Mrs. CAPPS. Mr. Speaker, I rise in support of the resolution. A unilateral declaration of statehood by the Palestinians would be a provocative act that would threaten the peace process. The President opposes such a declaration, and Congress should put its opposition on the record.

Both the Oslo Accord and the Wye Memorandum prohibit unilateral actions by either side. For years, it has been mutually understood that critical final status issues—prime among them the question of a Palestinian state—must be resolved in the context of direct negotiations between Israelis and Palestinians, not through unilateral actions.

My only problem with this resolution is that it is not strong enough. Congress should be on record opposing all unilateral acts, including, but not limited to, a declaration of Palestinian statehood. This resolution would be immeasurably strengthened if it opposed any and all unilateral actions by either party. In my view, Congress can do its part to advance the peace process by urging both parties to resist political temptations and refrain from unilateral actions.

Mr. Speaker, attaining peace in the Middle East is of paramount importance to U.S. national interests. The alternatives to a successful peace process are economic disruption, terrorism, and even war. The ability of future generations of Israelis and Palestinians to live in peace and enjoy economic prosperity depends on the peace process. The two main ingredients to continuing the peace process are active U.S. involvement and strict adherence to the historic agreements hammered out in Olso and at Wye. This resolution urges one party to fulfill its commitment. In order to achieve peace, all parties must do their part.

Mr. WELLER. Mr. Speaker, I rise today to express my strong support for the passage of H. Con. Res. 24 expressing the opposition of this Congress to the unilateral declaration of a Palestinian State.

As you might remember, Mr. Speaker, five years ago Israel and the Palestinian Authority joined together in Oslo, Norway and signed the Oslo Accords as the first step towards a negotiated permanent peace accord. The Oslo Accords agreed to by both sides stated that any declaration of Palestinian Statehood must be the result of bilateral negotiation and mutually agreed security.

That being said, Chairman Arafat has announced on several occasions since Oslo his intentions to unilaterally declare an independent Palestinian state this May. Adding fuel to the fire have been the remarks last year of First Lady Hillary Clinton suggesting that a Palestinian State is in the best long term interest of the region, statements by officials at the State Department suggesting that the Palestinians should move forward and even President Clinton himself whose visit late last year to Gaza had all the pomp and circumstance of an official "state" visit.

While the Administration has expressed their opposition in recent weeks to a unilateral declaration of a Palestinian State, it is clear that Congress must now send Chairman Arafat a strong message in the absence once again of a clear and consistent Clinton Administration policy. Additionally, I am concerned that the Administration may be attempting to hold hostage U.S. assistance in the region due to Israel's reluctance to fully implement the Wye Agreement in response to Chairman Arafat's intentions to unilaterally declare statehood. Clearly, Mr. Speaker, this once again shows the Administration's willingness to send the Palestinians the wrong message. it is my fear that if the Clinton Administration continues on this course, we risk blowing a hole in the peace process and permanently injuring the relationship we have with America's strongest ally in the region, Israel.

Throughout my first two terms in Congress I have invested a great deal of time helping to ensure that we can reach a negotiated peace in the Middle East. I have served as an international observer of the Palestinian Elections, Chairman of the House Republican Israel Caucus and have made several trips to the region. I know from my first hand experiences and meetings with leaders on both sides, that a lasting peace in this region can only be achieved through negotiation and agreement by both Israel and the Palestinian Authority.

Mr. Speaker, the Senate has already acted on an identical resolution which passed by an overwhelming vote of 98 to 1. I urge my colleagues in the House to follow suit and send Chairman Arafat and the Clinton Administration a message that any declaration of a Palestinian State must be along the guidelines of the bilateral negotiations contained in the Oslo Accords.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of this resolution because we, as a nation, must make it unmistakably clear that a unilateral declaration of a Palestinian state by the Palestinian Authority is totally unacceptable.

The United States must never recognize a unilaterally declared Palestinian state. Such an act does nothing to further the peace process. It does, however, present a direct affront and challenge to Israel, one of our strongest allies.

A unilaterally declared Palestinian state would violate the most basic principles upon which the Middle East peace process has rested since the Oslo accords. Most importantly, it would dramatically destabilize the Middle East and increase the risk of renewed violence that could spell an end to the Middle East peace process.

A unilateral action by one party would allow this situation to snowball out of control. Too many people of good will have worked for too long trying to address these issues. We must make it clear that the Palestinian Authority must not abandon its commitments.

The interests of the United States require political, economic and social stability in the Middle East; the long-suffering people of the region deserve true peace. Yet clearly, we cannot impose a solution on the parties. Only Israel and the Palestinians—together—can forge a mutually acceptable solution to these difficult issues. The United States must continue to do everything in its power to assure that the parties to the negotiations stay the course.

As the resolution properly notes, Palestinian Authority Chairman Arafat, at Oslo, made a basic irrevocable commitment that "all outstanding issues relating to permanent status will be resolved through negotiations." The final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority.

Chairman Arafat and the Palestinian Authority made an agreement with Israel that these issues would be resolved through negotiations, not through unilateral declarations. Just as Israel agreed to a process for resolving these issues, so did the Palestinians. Both Israel and the Palestinian Authority must honor their agreements.

I urge my colleagues to support this important resolution.

Mr. KILDEE. Mr. Speaker, I rise to express my views on H. Con. Res. 24, a resolution expressing Congressional opposition to the unilateral declaration of a Palestinian state.

Mr. Speaker, I oppose any unilateral action, by any of the parties to the Oslo Agreement and the Wye River Agreement that would endanger further progress in the Middle East peace process. I agree with the many observers who believe that for the Palestinian authority to declare a Palestinian state, at this time, would be disruptive and dangerous for the Middle East peace process. Such a unilateral declaration could also have a negative impact on the upcoming elections in Israel. While the Palestinian people do have the right of self determination, the declaration and establishment of a Palestinian state is an issue best dealt with in the context of a negotiated, comprehensive peace agreement.

Mr. Speaker, I also agree with the remarks of Mr. Dennis Ross, President Clinton's chief Middle East peace negotiator, regarding the negative impact on the peace process of the current Israeli government's continued push to build and expand Israeli settlements on the West Bank. Such settlement activity not only creates "new facts on the ground" but they create real obstacles to the completion of a fair and enduring peace between the Israeli and the Palestinian people.

Mr. Speaker, I will support this resolution today. However, I continue to urge both sides, the Palestinians and the Israelis, to avoid any unilateral actions which could endanger the Middle East peace process. We need to build more progress towards a peaceful solution, not more obstacles thrown in the path of peace.

Mr. WEYGAND. Mr. Speaker, as a cosponsor of H. Con. Res. 24, I urge my colleagues to support this resolution.

Since the United States officially recognized the state of Israel on May 15, 1948, we have enjoyed a close diplomatic relationship. As the only democracy in the Middle East, Israel has been a strong ally in this often tumultuous region and, in turn, the United States has provided necessary foreign aid. Without the strong support of our allies, including Israel, it is certain that long lasting peace would be far more difficult to achieve in the Middle East.

In the summer of 1997, I accompanied a congressional delegation to Israel to obtain a better understanding of the many important and delicate issues in the Middle East and to discuss the latest developments in the peace process. It is my belief that in order to secure U.S. interests in the Middle East, we must help ensure economic and political stability in Israel as well.

This past fall, President Clinton, Prime Minister Netanyahu, and Chairman Arafat met at the Wye River Plantation and reaffirmed the importance of maintaining a peace in the Middle East. The agreement struck at the Wye Plantation in October underscored the fact that both Israel and Palestine have to work together to form an enduring peace.

If Palestine unilaterally were to declare itself an independent state it could jeopardize the foundation upon which the Oslo Accords, the Hebron Agreement, and the Wye Agreement were built. Mr. Speaker, it is imperative that any changes regarding "statehood" are done through the negotiating process, as stated in H. Con. Res. 24.

It is my hope that a lasting peace will soon be attained in the Middle East. Again, I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, we have no further requests of time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 24.

The question was taken.

Mr. SALMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 104

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. STEARNS). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last Wednesday the Committee on Rules met and granted an open rule for H.R. 81, the Federal Maritime Commission Authorization Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule provides that the bill shall be open for amendment at any point and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H. Res. 104 is an open rule for a good, noncontroversial bill. The Federal Maritime Commission Authorization Act allocates $15.7 million for the Federal Maritime Commission in 2000 and $16.3 million for the Commission in 2001, an increase of approximately $1 million.

Because the Commission ably protects United States shippers and carriers, including Sea-Land Service of Charlotte, North Carolina, from the unfair trade practices of foreign governments and flag carriers, the Committee on Transportation and Infrastructure reported a bill that makes no changes to the duties of the Commission. I urge my colleagues to support this open rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, like every other Member of this House, I am a big fan of the Federal Maritime Commission. It protects United States shippers from the restrictive rules of foreign governments and from the unfair practices of foreign flagged carriers. It investigates complaints and helps keep shippers in compliance with the Shipping Act of 1984. It also monitors tariffs to make sure they are reasonable.

In short, Mr. Speaker, the Federal Maritime Commission keeps order on the high seas, especially when it comes to commerce. The commissioners do very good work, and their work should continue.

I support this open rule and the bill to fund the Federal Maritime Commission in fiscal years 2000 and 2001. However, Mr. Speaker, let me note that I do not think that this bill even needs a rule at all.

The Federal Maritime Commission has such widespread support that, once upon a time, this bill was on the suspension calendar. I know of no amendments to this bill, so I am wondering why we are bringing the bill up with a rule in the first place.

Mr. Speaker, this is starting to become a pattern. Bills that normally come up under suspension of the rules are instead being sent to the Committee on Rules and coming to the floor for a vote. In fact, 9 of the last 15 bills that we have sent to the Committee on Rules have passed by more than 400 votes.

On the other hand, Mr. Speaker, the bills that should have open rules are being closed down. We just finished the Ed-Flex bill, which was brought to the floor under a restrictive rule with a preprinting requirement and a time cap. Twenty-three Democratic amendments were submitted and preprinted; two Republican amendments were submitted and preprinted. Both Republican amendments were considered and only three of the 23 Democratic amendments were considered before the time cap was up.

In other words, Mr. Speaker, 20 Democratic amendments which were preprinted in the RECORD, according to the rule, were blocked from consideration. In order to give Members more time to offer their amendments, the Democratic ranking member of the committee, the gentleman from Missouri (Mr. CLAY) made a unanimous consent request for 2 additional hours, which the Republican chairman, the gentleman from Pennsylvania (Mr. GOODLING), denied.

I wonder, Mr. Speaker, why we need a rule for this simple 2-page noncontroversial bill while bigger and more controversial rules, like Education and Kosovo, are brought up under restrictive rules.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 104 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 819.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, with Mr. STEARNS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. TAYLOR) will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am quite pleased to bring this bill to the floor today to authorize expenditures of the Federal Maritime Commission. The Federal Maritime Commission has important work ahead to implement the important provisions of the Ocean Shipping Reform Act of 1998. That act contains the first major amendments to deregulate international ocean shipping since 1984.

H.R. 819 also contains funds for the Federal Maritime Commission to enforce the provisions of the Foreign Shipping Practices Act and to carry out the other responsibilities of the Commission. So I would urge my colleagues to support this important bill.

Mr. Chairman, I would report to the House that thus far, in the early days of this Congress, the Committee on Transportation and Infrastructure has already had nine bills pass the House and ten other measures pass the committee and which we are prepared to bring to the floor of the House. So we are off to a very fast start on the committee and look forward to a very productive legislative session.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 819, the Federal Maritime Commission Authorization Act of 1999. The Federal Maritime Commission performs a vital role of protecting our international trade from unfair practices by foreign governments and is actively engaged in implementing the new Ocean Shipping Reform Act of 1998. Deregulation of international maritime shipping begins May 1. The ocean carriers and shippers are quickly moving to enter into service contracts in which their competitors will no longer know the rates. A new era in competition in international shipping is about to begin.

The Commission has also been actively involved in resolving practices by the governments of China, Japan and Brazil that distort the free market system of international shipping by imposing restrictions on U.S. carriers in these trades.

H.R. 819 authorizes $15.6 million for the Federal Maritime Commission for fiscal year 2000 and $16.3 million for fiscal year 2001. The fiscal year 2000 funding level is $385,000 above the amount requested by the President to fund the appointment of the fifth commissioner and his staff. Mr. Chairman, this is a very reasonable budget request.

Mr. Chairman, I urge my colleagues to support H.R. 819, the Federal Maritime Commission Authorization Act of 1999.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 819, the Federal Maritime Commission Authorization Act. The Federal Maritime Commission (FMC) was created to advocate for an open and fair system of international ocean borne transportation for U.S. imports and exports.

One of the most important responsibilities vested in the Commission is its duty to protect U.S. ocean borne trade and U.S. carriers from discriminatory or unfavorable treatment by foreign governments. The Commission has a long history of using its authority to impose sanctions and other retaliatory measures, to force foreign governments to abandon protectionist policies and to open maritime markets to U.S. companies. These ongoing actions have created business opportunities for U.S. shipping companies and provide more favorable transportation conditions for U.S. exports. Presently, the FMC is contending with the monitoring and/or reviewing conditions and activities in the U.S./China trade, commitments to reform Japanese port practices, and conditions in Brazil which may be hindering free and open ocean trade.

The FMC performs a wide range of other important statutory functions as well. This includes policing anti-competitive abuses of antitrust immunity, various types of fraud against consumers, mis-description or mis-declarations of cargo, illegal or unfiled agreements, unlicensed freight forwarding, untariffed cargo carriage and illegal kickbacks, and unbonded passenger vessel operations. Another essential responsibility of the Commission is the oversight of carrier activity and commercial conditions in the U.S. liner trades. The Commission also conducts a variety of economic analyses of the pricing and service behavior of carriers operating in the U.S. trades, as well as research on emerging trends in the liner shipping industry. Most uniquely, the Commission provides an expeditious and inexpensive forum for the resolution of disputes between private parties involved in ocean transportation.

The territory of Guam has utilized the adjudication arm of the FMC in its quest to obtain honest and fair prices for shipping products to and from the island. These so called "rate cases" have been instrumental in exposing the historical inequity in shipping costs for Guam that have long been the unseemly byproduct of the Jones Act.

Guam's potential for serving as a "clearinghouse for maritime transported trade goods" is limited by the application of the Jones Act and other federal coastwise shipping laws, cargo-preference laws, and cabotage laws. Generally, these laws require that goods shipped between U.S. ports (e.g. Guam to San Francisco) must be carried on U.S. built ships that are of U.S. registry and manned by U.S. crews.

The political coalition that protects the U.S. shipping interests through the Jones Act and associated laws is not only formidable, it is probably the best-organized and broadest coalition of interests in Washington. This coalition includes the U.S. shipbuilders who have an interest in requiring that the domestic U.S. trade be reserved for them; maritime labor unions who fight for jobs on these ships; conservative defense "hawks" who argue that only a domestic U.S. flagged fleet can be counted on in war time; and communities with strong maritime interests.

Guam makes the best case for Jones Act reform—we are technically in the domestic market of offshore trade, so a reform aimed at our specific needs would not necessarily upset the total balance of domestic political interests. Under current artificial conditions, Guam does not have adequate economies of scale to attract and sustain large port transshipment industries. For example, the rates for a container shipment from the U.S. west coast to Guam is three times higher, on average, than for a similar container going from the west coast to Japan. It is almost impossible to compete with these numbers. An unfortunate result was the 1996 relocation of the Navy's Diego Garcia supply ship from Guam to Yokosuka based on the econmics of these shipping rates.

Our problem has always been the political reluctance of the "Jones Act coalition" to allow any erosion of current law. They argue that allowing one exemption, however minor, starts us down a slippery slope that jeopardizes all the other interests. The defense of the Jones Act reaches across party lines, so that neither the Democrats nor the Republicans in Congress or in the respective Democrat (Clinton) and Republican (Bush) administrations have had any burning desire to mess with it. Our most visible allies for Jones Act reform are the farmers in the Midwest who feel that the Jones Act makes their grain exports less competitive because of the artifically high transportation costs. Unfortunately, the farmers' arguments do contribute to the feeling that the slippery slope fear has some merit to it.

Transportation and trade have links, but in our case, the links are tenuous. While the world is moving to a global economy with freer trade, that trade is not going to pass through our port unless we have an economically attractive package to offer to exporters in transportation services. "Transshipment" through Guam is also hindered by customs and tariff issues. Guam is not in the U.S. customs zone, which means that except for goods manufactured on Guam, other goods arriving from Guam are foreign. Certain goods manufactured on Guam are subject to customs quotas. Multilateral trade agreements (NAFTA, APEC) are moving us in a direction where trade barriers are being eased. While we do not have complete free trade in any area, it is likely that high technology products will lead the way on this movement. But where there is free trade, the advantages of a U.S. territory outside the customs zone also may evaporate—and if the only advantage therefore is our transportation costs, then we are not attractive to exporters under the current Jones Act constraints.

Certainly, it is difficult to argue against the National Security element of the Jones Act. Admittedly, there seems to be some truth to it and in that narrow regard, I support the arguments. However, in the case of my home territory, Guam, we will seek a workable and proven solution that will provide relief to the solitary economic anomaly of being the only U.S. port in Asia. On behalf of the people of Guam, I look forward to working with the Honorable Harold J. Creel, Jr., Chairman of the Federal Maritime Commission and the Honorable Clyde Hart, Administrator of the U.S. Maritime Administration toward this end. Si Yu'os Ma'ase.

Mr. TAYLOR of Mississippi. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 819 is as follows:

H.R. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2000, $15,685,000; and

(2) for fiscal year 2001, $16,312,000.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any proposed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. STEARNS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, pursuant to House Resolution 104, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 3, not voting 27, as follows:

[Roll No. 50]

YEAS—403

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell

Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth
Paul
Sensenbrenner

NOT VOTING—27

Bartlett
Bilirakis
Boyd
Callahan
Cramer
Cubin
DeFazio
Dooley
Duncan
Gilchrest
Hall (OH)
Hastings (FL)
Hostettler
King (NY)
Lewis (KY)
Millender-McDonald
Moakley
Oxley
Pitts
Pryce (OH)
Scarborough
Schaffer
Turner
Vento
Watkins
Weldon (PA)
Wicker

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALLAHAN. Mr. Speaker, during rollcall vote No. 50, on H.R. 819, I was unavoidably detained. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 774, by the yeas and nays;

H. Con. Res. 24, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

WOMEN'S BUSINESS CENTER AMENDMENTS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 774, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 774, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 23, not voting 25, as follows:

[Roll No. 51]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Campbell
Canady
Cannon
Chenoweth
Coble
Coburn
Cox
Crane
DeLay
Doolittle
Hefley
Herger
Manzullo
Miller, Gary
Paul
Rohrabacher
Royce
Sanford
Sensenbrenner
Stump
Tancredo
Taylor (MS)
Taylor (NC)

NOT VOTING—25

Bartlett
Bonilla
Boyd
Callahan
Cramer
Cubin
DeFazio
Duncan
Gilchrest
Goodlatte
Hastings (FL)
Hostettler
King (NY)
Lewis (KY)
McCarthy (NY)
Millender-McDonald
Miller (FL)
Pitts
Pryce (OH)
Scarborough
Schaffer
Slaughter
Turner
Weldon (PA)
Wicker

□ 1437

Mr. HERGER and Mr. GARY MILLER of California changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SLAUGHTER. Mr. Speaker, during rollcall vote No. 51 on H.R. 774, I was unavoidably detained. Had I been present, I would have voted "yea."

Mrs. McCARTHY of New York. Mr. Speaker, during rollcall vote No. 51 on H.R. 774, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. CALLAHAN. Mr. Speaker, during rollcall vote No. 51 on H.R. 774, I was unavoidably detained. Had I been present, I would have voted "aye."

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 24.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 24, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 24, answered "present" 2, not voting 28, as follows:

[Roll No. 52]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

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Bonior
Campbell
Clay
Conyers
Dingell
Houghton
Jackson (IL)
John
Kanjorski
Kucinich
Lee
McKinney
Miller, George
Moran (VA)
Murtha
Ney
Paul
Payne
Rahall
Rohrabacher
Stark
Sununu
Waters
Watt (NC)

ANSWERED "PRESENT"—2

Radanovich
Rivers

NOT VOTING—28

Bartlett
Bass
Boyd
Callahan
Cooksey
Cramer
Cubin
DeFazio
Duncan
Gilchrest
Hastings (FL)
Hostettler
Hunter
Jones (NC)
King (NY)
Lewis (KY)
Millender-McDonald
Obey
Peterson (MN)
Pitts
Pryce (OH)
Rothman
Scarborough
Schaffer
Souder
Turner
Weldon (PA)
Wicker

□ 1448

Mr. THOMAS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, earlier today, I missed the rollcall vote on H.R. 819, the Federal Maritime Commission Authorization Act, because my plane into Washington was delayed. Had I been present, I would have voted "aye."

Mr. CALLAHAN. Mr. Speaker, during rollcall vote No. 52, on H. Con. Res. 24, I was unavoidably detained. Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–54) on the resolution (H. Res. 113) providing for consideration of the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–55) on the resolution (H. Res. 114) providing for consideration of the bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

STEEL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I want to speak briefly on the steel issue tonight because tomorrow during the debate we have several markups where I may be tied up and may not be able to give a statement on the floor, plus I couldn't give them as extended remarks.

There will be much talk tomorrow about the question of free trade versus fair trade, and I wanted to register my opinions as somebody who is concerned about how to promote international trade and at the same time make sure that that trade is fair.

As we are aware, since July of 1997, as a result of the collapse of numerous economies around the world, there has been a flood of imports into the United States. Foreign corporations from Japan, Korea, Russia and a host of other countries have been selling steel at as much as $100 a ton less than it costs them to produce it. Steel producers from Russia, one of the more egregious examples, were allowed to dump 47 percent more steel on our market than was shipped in 1997. We simply cannot allow this to continue.

We cannot have free trade if some people cheat. Russia is a particularly interesting case. Last fall, I was part of a Duma-House of Representatives' exchange where I spent a number of days in Russia. The steel industry was tremendously important and still is to the Soviet regime. It represents both an obvious source of the war machine there and reflected an almost excessive emphasis on manufacturing.

Enormous resources were mobilized and poured into this industry, without regard for market forces or efficient use of capital. This awesome industrial effort transformed vast rural regions into major steel producers. By the 1970s, the Soviets created by far the largest steel industry the world had seen. For many years, the Soviet Union was the leading producer, about 186 million tons in 1986, but there still was and still is no reliable cost data, no standardized accounting practices and no interest in even thinking of market efficiencies. In fact, most of their business transactions were conducted in barter, even paying taxes with steel.

The breakup of the Soviet Union has created a significant crisis for their steel industry. To say domestic demand has dropped is a laughable understatement. Russian steel's traditional market, especially the Soviet war machine, pales in comparison to what it once was. Russian GNP has fallen over 42 percent since 1989. Steel consumption, once 970 pounds, per capita has fallen to 265 today.

In 1997, it was estimated that they had nearly 5 times as much steel-making capacity as was needed to meet domestic demand, yet production continued. By mid-1998, Russian mills exported about 65 percent of their output, some even 100 percent of their output, usually at prices well below market levels.

In May 1998, Metal Bulletin reported that, incredibly, Russian plate and hot-rolled coils were being sold in some markets at less than half the prevailing domestic market price.

By late 1998, at least 30 countries had imposed import restrictions against Soviet companies or were preparing to do so. In 1998, the U.S. bore the brunt of this tremendous Russian onslaught. The President proposed a suspension agreement that represented a 78 percent reduction from the 1998 level, a good start but nowhere near enough.

Essentially, this still allows a significant amount of dumping to occur. We must do more.

In the meetings with the Duma, I raised this issue of dumping and their response is particularly telling. For those who tell me that this is a free trade issue, it simply is not. When I raised the fundamental injustice of their subsidization of energy costs, in my district we have the lowest producing steel companies in the world, Steel Dynamics being the example, and they have seen their energy costs soar, and when I raised this problem they advised me that we should do like they do; they said, we own our energy producers. Therefore, our energy costs are nothing.

That is a creative cost accounting way to get around the principle of free trade. This simply is not free trade. We in America cannot tell our foundries, we cannot tell our steel companies, that they have all these regulations, they have all of these energy prices, now go out there and compete freely, when we allow, contrary to free market principles, people to dump at below cost.

The principle of free trade requires fair trade and equitable trade. The President cannot merely say we are going to kind of jawbone with these other countries that have had the problems in Asia, that have had the problems in South America, the problems in Russia and then make us promises to enforce the rule of law. We need to do it.

I heard really moving stories about how in Russia and other countries steel workers have been laid off, how towns are being shuttered. Well, come to America. Whether it is in Pennsylvania or Indiana or all over this country, we have steel workers out of work, too. Only we have steel workers out of work because people did not follow the laws that are essential to making free trade work.

This bill that we are going to consider tomorrow not only rolls the level of imports back to where it was before the illegal dumping came but also establishes a more effective steel import monitoring system. It is essential, if we are to have free trade, to make sure that it is fair.

□ 1500

GHB—DATE RAPE DRUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am back again. I am back again because young people are still dying from the date rape drug called GHB. I do, however, want to thank the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations, and the gentleman from Pennsylvania (Mr. KLINK), the ranking member, for having me before the Subcommittee on Oversight and Investigations on the dangerous effects of GHB.

It is an important topic to me because young people are still losing their lives, and parents are not informed of the dangerousness of GHB. This uncontrolled substance has been used to commit date rape by rendering victims helpless to defend themselves against attack. But Mr. Speaker, teenagers, teenagers who have no history of drug use are dying.

So I thank the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce Chairman and the gentleman from Michigan (Mr. DINGELL), the ranking member, and encourage a quick hearing on this matter, along with the Subcommittee on Health and the Environment of the Committee on Commerce, the gentleman from Florida (Mr. BILIRAKIS), and certainly I thank the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, of which I sit on the Committee on the Judiciary, and let me thank my colleague, the gentleman from Michigan (Mr. STUPAK), because we are committed to working together.

The GHB legislation that I am sponsoring, H.R. 75, is named in honor of a 17-year-old from my community, Hillary J. Farias from LaPorte, Texas. Hillary died from an overdose of GHB that was put in her soda in a teenage nondrinking club on August 5, 1996. The gentlemen from Michigan (Mr. UPTON) and (Mr. STUPAK) have seen the same kinds of deaths in Michigan.

My bill, H.R. 75, directs the Attorney General to schedule GHB as a Schedule I drug and to establish programs throughout the country to educate young people about the use of controlled substances. The DEA has been working to place this drug on Schedule I of the Controlled Substances Act at the Federal level, and we are looking forward to the testing and report by the Food and Drug Administration.

Do we realize that the GHB formula is on the Internet and it is made by the tub loads for these parties around the Nation. We realize that young people who have never been drug users are silently using this by way of those who think it is a joke or would like to see them immobilized and are dropping this in their nonalcoholic drinks. It has no taste or smell.

Scheduling the drug on the Federal Controlled Substances Act allows Federal prosecutors to punish anyone who uses the drug under the Drug Induced Rape Prevention and Punishment Act. Certainly, it would prohibit these untimely and tragic deaths. Specifically, my bill would increase the sentence for someone using GHB to commit a sex crime to 20 years imprisonment.

GHB has been used to render victims helpless to defend against attack and it even erases any memory of the attack. It is responsible for as many as 60 emergency room admissions in the past 6 months in Houston.

The recipe for this drug and its analogs can be accessed, as I said, on the Internet. In checking some of the web sites that focus on GHB, I was shocked to discover how easy it was to find misleading information on the effects on this drug. It is being touted as an anti-depressant, an aphrodisiac, a euphoriant, and as a sleep aid. One site even contends that the deaths attributable to GHB are actually caused by other underlying health problems.

How about that? A 17-year-old volleyball player died with an overdose of GHB where a grandmother could not wake her the next morning, and she never made it to the hospital.

I do believe if there are medicinal purposes for GHB, we can work through it. But the testimony last week before the subcommittee showed there is great evidence from law enforcement, DEA and other victims to suggest we must do something about GHB. I am looking forward to working with my colleagues, Mr. STUPAK and Mr. UPTON and Mr. KLINK, Mr. BLILEY and Mr. DINGELL and Mr. BILIRAKIS to ensure that we stop this siege now.

Oh, yes, many people will say too many laws, but there are never enough laws to save our teenagers. What do we say to a family who says, she was a good kid, she never took drugs, she was athletic. I know she would not do this to herself, and yet she is now dead, along with other teenagers younger than her.

So as a mother and a legislator, I urge my colleagues to support this legislation and our efforts to protect women from violent sexual assault and as well, those innocent victims who now have lost their lives. We can do no less in tribute to them. Let us move this legislation, this collaborative legislation that we can work together on swiftly, quickly, fast, expeditiously, so that we can go on record in this Congress for saving young lives.

MAKING THE R&D TAX CREDIT PERMANENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support of the R&D tax credit, a program that has done a lot to help our technology sector in the United States, and as these charts show, the technology sector has done a lot to contribute to the job growth in this country. It is the key, the cornerstone to the growth that we are going to experience in the years ahead and most of the growth that we have experienced in this decade to this point. We must do everything we can to encourage the technology sector.

The R&D tax credit is set to expire, as it does every year. I urge that we do not reauthorize it, but we make it permanent.

The first big point is that the technology sector drives job growth, and the chart that I have brought with me shows how the computer industry and the technology sector in general, first of all, it pays more. The jobs that we have in this sector on average pay twice as much as typical jobs in other areas of the economy. It also shows that the job growth, the jobs that are being created, are coming predominantly from the high-tech sector. Also, in the 10 years ahead, that is going to become even more the case. Technology is what is driving our economy, and the R&D tax credit helps that technology grow.

The second chart that I want to show shows specifically how the R&D tax credit helps. It helps because it helps increase the productivity of companies across all sectors. Because computers are a part of a company whether one is in the technology business or not, whether one makes computers or software for the Internet or if one makes airplanes or furniture or just about anything, having money for R&D helps you increase your productivity and more and better jobs. This has just some of the various sectors of our economy that have benefited substantially from the R&D tax credit that has created jobs.

That is what this is all about. We may look at these industries and sectors and think well, gosh, I do not work in the pharmaceutical industry or the computer industry, but no matter where one works in the American economy, technology touches us, and the R&D tax credit helps advance that.

I would like us to make it permanent this time instead of doing the year-after-year reauthorization. First of all, as I have argued, this is a very good program and should be made permanent, but more importantly long term planning of companies that depend on this tax credit could be greatly enhanced if they knew it was going to be there from year-to-year. They could invest even more in the R&D tax credit over the long haul, knowing that it is going to be around, knowing that every year they are not going to have to come back and try to seek reauthorization. This is a program that should be permanent because it does so much for our economy.

Technology touches on a lot of issues, the R&D tax credit being just one of them. I strongly urge that our government get in touch with high-tech issues in the high-tech industry and find out what we can do to help them. It is critical to our job growth. Technology crosses all sectors. Yes, there are the ones that we think of off the top of our heads when we think of technology. We think of telecommunications, we think of hardware and software, we think of the Internet. But just about any industry we have benefits from a better computer system, from better software, from access to the Internet. They can make better products, they can transfer that information all across the world to various segments of their business to help that business grow. This touches everything. We will not find an industry that is not high-tech.

I ran into someone from the company Kosco out in my area which sells food and various other products on a sort of wholesale retail basis, and they thought of themselves as not being a high-tech company. But they too are dependent on the computer systems that help them keep track of their inventory, that help them track their financial records, their sales records, and the faster and better those systems become, the more efficient and the more productive their business becomes. It does not matter what sector of the economy one is in. Technology affects us, and the R&D tax credit can help us have better jobs that pay more and will also help create more and more jobs for those who do not have them yet.

Mr. Speaker, I strongly urge this body to adopt a permanent authorization of the R&D tax credit as soon as possible for the sake of our future economic growth.

H.R. 961, THE OVARIAN CANCER RESEARCH AND INFORMATION AMENDMENTS OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to announce that I have recently introduced H.R. 961, the Ovarian Cancer Research and Information Amendments of 1999, and would like to invite my colleagues to join me in support of this bill.

H.R. 961 builds upon the Ovarian Cancer Research and Information Amendments of 1997, H.R. 953 which had 85 cosponsors in the 105th Congress.

The Ovarian Cancer Research and Information Amendments of 1999 has three components. First, it authorizes $150 million of ovarian cancer research. One half to be spent on basic cancer research and one half on clinical trials and treatment.

Of this research, the bill requires that priority be given to: developing a test for the early detection of ovarian cancer; research to identify precursor lesions and research to determine the manner in which benign conditions progress to malignant status; research to determine the relationship between ovarian cancer and endometriosis; and requires that appropriate counseling, including on the issue of genetic basis, be provided to women who participate as subjects in research.

Second, the bill provides for a comprehensive information program to provide the patients and the public information regarding screening procedures; information on the genetic basis to ovarian cancer; any known factors which increase risk of getting ovarian cancer; and any new treatments for ovarian cancer.

Finally, it requires that the National Cancer Advisory Board include one or more individuals who are at high risk for developing ovarian cancer.

Unlike the bill from the previous Congress, H.R. 961 does not contain the section authorizing a Specialized Program of Research Excellence (SPORE) for Ovarian Cancer. Although this was a major component of the previous bill, I am pleased to report that the Scientific Advisory Board at the National Cancer Institute approved a SPORE for Ovarian Cancer last year and funding for it should be released this summer.

I would like to commend the National Cancer Research Institute for their efforts on this particular subject.

I invite my colleagues to cosponsor this bill and help to give women a fighting chance against ovarian cancer.

H.R. 473—PROVIDING ASSISTANCE TO FARMERS FOR CROP DISEASES AND VIRUSES

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced H.R. 473, to ensure that farmers who suffer crop losses due to plant viruses and plant diseases are eligible for crop insurance and noninsured crop assistance programs and that agricultural producers who suffer such losses are eligible for emergency loans.

Pandemics of plant viruses and diseases regularly destroy the crops of entire farms and often the crops of entire geographic areas. A single plant virus or disease outbreak can send farms into bankruptcy and farmers are left without any means of recovering. Agriculture producers can qualify for emergency loans when adverse weather conditions and other natural phenomena have caused severe physical crop property damage or production losses, however, under current law, crop viruses and diseases are not considered "natural disasters" and thus are not eligible for these types of loans.

For example, in Hawaii, the State recently ordered the eradication of all banana plants on the entire island of Kauai and in a 10 square-mile area on the Big Island in an effort to eradicate the banana "bunchy top" virus. A court order required compliance of all who did not cooperate and farmers were ordered to destroy their entire farm and livelihood without any compensation. These farmers do not qualify for emergency loans or disaster assistance and many were left with no other option but to sell their farms.

The survival of our Nation's farmers is largely dependent upon the unpredictable temper of mother nature. We provide our farmers with assistance when adversely affected by severe weather but that is not enough. Emergency loans and disaster assistance must be made available to farmers for crops suffering from calamitous plant viruses and diseases.

H.R. 473 would enable farmers to qualify for crop insurance programs, noninsured assistance programs, and low-interest emergency loans, when devastated by crop losses due to plant viruses and diseases.

I invite my colleagues to cosponsor this worthy legislation and I urge immediate consideration of H.R. 473 in the House.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Mexico (Mr. UDALL) is recognized for 60 minutes as the designee of the minority leader.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to talk about an issue that is absolutely crucial to our democracy, and that issue is the issue of reforming our campaign finance system.

America is built, I say to my colleagues, on a system of a marketplace of ideas where we enter into elections, we debate ideas, we are out front, trying to figure out where we should move as a country, what direction we should go in as a country. That marketplace of ideas is being interfered with today, because what is happening is the biggest checkbook is determining what goes on in America, rather than the people's voices.

As one person said, "The poor man's soap box does not equal the rich man's checkbook." So we need to return to those basic democratic principles, and if we reform our campaign finance system, we can do that.

This is an issue that calls for bipartisanship. We have got to see the kind of bipartisanship that we have seen on this issue in the past. The Shays-Meehan bill, which is the bill I have signed on to and many Members of my freshman class and many Members from both sides of the aisle have signed on to, last year passed the House of Representatives 252 to 179 in August of 1998. This year, we have seen even more support than last year. We have more cosponsors at this point. Mr. Speaker, we have 110 cosponsors at this point, with 27 Republicans.

When we take the new Members, we have more support than we did last year, and it is bipartisan support, it is encouraging to see friends from both sides of the aisle rising and joining on an issue that is so important to our democracy.

People say that there is no support. I have heard the comment over and over again. People say there is no support for campaign finance reform. We cannot limit in any way the system. People do not want it. Well, I say to my colleagues, the voters are disenchanted and part of the reason they are disenchanted is because they view the system as one that is being controlled by money. They view the system as one that is controlled by special interests, and they do not believe that their voices are being heard. The undue influence of money is an absolutely crucial issue.

This bill, the Shays-Meehan bill, would ban soft money. It would take soft money completely out of the system. Some people have described soft money as the cancer on our democracy, I think a very apt description.

Let us talk a little bit about the disenchantment of citizens. Mr. Speaker, 30 years ago in this Nation, 75 percent of the people, 75 percent of the people when they were asked the question said, they trusted government to do the right thing, trusted elected officials to do the right thing most of the time, and 25 percent said they did not. Now, a generation later, we have 75 percent of the people saying they do not trust elected officials to do the right thing most of the time. Not a very tough test, but that is what they say. So in a generation, we have eroded the trust, the credibility in our electoral system.

Well, this campaign finance system that we have now is what is undermining that credibility. It is what is getting to the people, saying that it is actually convincing people that they should not participate in our democracy, that they should not be a part of our democracy.

Let me say to my colleagues, this bill, this bill is not all that should be done. I support this bill. We are going to push this bill through the House. But more can be done, and that is what is so hopeful about this bill. Because one of the things we are going to see is a commission. Mr. Speaker, a 12-member commission, after this law is passed, is going to meet 180 days after the adjournment of the session and is going to report on other major reforms that should be taken in this area.

□ 1515

They are going to study issues and bring back to us major reforms, and those reforms will have to be voted up or down along the same lines as the Base Closing Commission operates.

The other fact that I think needs to be noted is that the Federal Government is far, far behind the States on this issue. The States are making huge changes in their campaign finance system. The State of Maine had a ballot initiative in 1996, over 2 years ago, where 56 percent of the voters said we do not like the current system. Let us change it. They passed a $3 checkoff, and 80,000 have already signed up for that checkoff. They have a financing system that cuts government in order to get the revenues to finance their campaign finance system. They have taken a big step to clean up the system.

In Arizona, taxpayers have done the same thing. They have increased lobbyist fees from $25 to $100 to try to do everything they can to raise the money to operate a decent system. They have created voluntary tax checkoff on their tax forms, and they have imposed a 20 percent surcharge on civil and criminal fines in order to raise money to operate the system better.

Massachusetts has also taken major reforms at the State level.

So I say to Members now is the time to return democracy to the people. In order to do that, a big step would be made by endorsing campaign finance reform legislation in the form of the Shays-Meehan bill. We have to do it early. We have to do it now.

Mr. Speaker, I yield to the gentleman from the great State of Kansas (Mr. MOORE) for his statements on this issue.

Mr. MOORE. Mr. Speaker, I am here today to rise in support of the Shays-Meehan bill which is now pending before this Congress. As the gentleman from New Mexico (Mr. UDALL) has already pointed out, it passed the 105th Congress and died a slow death in the Senate. We need to revive and pass this legislation and do it early.

I think most people would agree that politics and public service have become something of a negative and distasteful word to a lot of people in this country, and it really should not be that way. Politics is a noble profession, as is public service. Politics, after all, is really the art of governing without guns.

I think the public reaction, the adverse reaction that we have and that we see in this country to political campaigns is a direct result of the public perception that both political parties are awash in corrupt money. People in this country believe that both parties receive so much corrupt money from interest groups, from lobbyists, from other sources, that the whole system is corrupt. We need to change that perception. We dramatically need to change that perception.

Right now, the Shays-Meehan bill, if we pass this bill, will ban soft money. It will also regulate so-called issue ads which were intended to influence the outcome of elections for or against a particular candidate.

Mr. Speaker, even an 8-year-old child watching one of these issue ads could tell which side the interest group is supporting by the expenditure of money. We need to restore public confidence in our electoral process, and I believe the only way we can do that is to pass a strong finance campaign law such as Shays-Meehan.

I urge all of the Members of this body in the House of Representatives to vote in favor of the Shays-Meehan bill. It passed the last Congress. It should pass this Congress. We need to send a message to the United States that it also should pass that body and be enacted into law.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Kansas for his excellent comments.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. UDALL), my cousin.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from New Mexico for yielding to me to speak on this very important issue facing us today in the 106th Congress.

I am pleased to join my freshman colleagues in calling for this early consideration of campaign finance reform in our 106th Congress. I know that a lot of my colleagues, many of my colleagues share my concern that the high cost of elections and the flood of so-called soft money, special interest money may threaten the integrity of our electoral system.

Just 6 months ago, the majority of our House voted to pass the Shays-Meehan bill. This bill had at that time, and I believe still has, strong bipartisan support. This is for a number of reasons. Let me tell my colleagues about a few of them, Mr. Speaker.

First is that unlimited soft money contributions allow special interests to buy political access. It is important to point out that soft money, unlike hard money, is unregulated. On the hard money side, there are limits on the amounts of money one can contribute. It is also transparent. It is public money. Soft money is much harder to trace. We need to make sure that the policy decisions that we make here are not unduly influenced by these special interests.

Secondly, the high cost of elections now contributes to the public's perception that elections and, therefore, public servants can be bought and sold. I think, especially given the events of these last months, more public cynicism is not now what we need about our U.S. Congress.

Third, more and more time spent chasing money means that less time is devoted to our public duties as Representatives. We need to restore this balance. All of us, Republicans and Democrats, who ran for the Congress this last election for the first time, and we are elected as freshmen, know how much time we spent on the telephone and at fund-raising events rather than studying issues of importance around public policies, whether it is education or Social Security or health care. We need to restore that balance so that we can spend more of our time on those important issues and less time on raising money.

Fourth, the high cost of campaigns unfairly restricts the process in many cases to those who can afford to run. We need a system that is equitable for all candidates. This country has been built on the idea that all of us are equal, that it is an egalitarian system. We ought to make sure that anybody that wants to and has a passion can run for office, not just those people who have deep pockets.

Fifth, and I think maybe most importantly, a majority of Americans, in fact an enormous majority, a New York Times survey shows that 9 out of 10 Americans think that we ought to have significant campaign finance reform. We are here to listen to our constituents and represent our constituents. We ought to be doing that on campaign finance reform.

It is early in our session, but we need to act now so that we can begin to put this legislation in place for the races in the year 2000. I am here to speak in favor of beginning that process.

I am proud to be a sponsor of the bipartisan Shays-Meehan campaign finance reform bill. I have to tell my colleagues, Mr. Speaker, I recognize the bill may need some work. It is probably not perfect. But we ought to bring it up so that it sees the light of day. We ought to begin a debate in committee. We ought to bring it to the floor of the House.

So let us start today. Let us address this problem now. Let us make sure that we bring this legislation forward and we begin to restore common sense to our campaign finance reform system.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Colorado for those comments.

The gentleman from Colorado mentioned the issue of spending time and how it takes away from the job. It seems to me, as I have been here for this short period of time, and I am sure that it impresses upon him that the number of issues that the United States Congress deals with and that the House deals with, whether it is international issues in Kosovo, whether it is education and health care, Social Security, Medicare, I mean, every day, there is so much for us to learn.

We could be much better at legislating if we had the time to spend on those issues, studying the issues, meeting with people that have concerns, trying to do everything we can to educate ourselves.

I think all of us know that, when we are out there fund-raising, we are taking time away from something that we should be spending time on. Yet we know that we have to be prepared to deal with these sham issue ads and attack ads that come from other sides.

So we are caught in a rough place. I know the gentleman from Colorado has been through a campaign where he has had something like that happen. The gentleman from Colorado may want to talk a little bit about that.

Mr. UDALL of Colorado. Mr. Speaker, I agree. Let me give my colleagues a couple of examples. I probably spent many days on the campaign trail, 4 or 5, 6 hours on the telephone making these phone calls. I even got to the point where I purchased a headset so that I could save my neck from the constant strain of holding that telephone handset.

I know there are people out there who do that for a living, and a headset is a great tool. But it was symbolic to me that I was not out visiting with people and learning about the issues and studying the broad range of things that we are faced with while we are here in the Congress.

Let me talk a little bit about the issue ads and so-called expenditure campaigns. These groups can come in and be for you or be against you. But in either case one has no say, no control over these ads that are running.

In particular, I have been concerned about groups who think they might want to support me, but they could be running negative campaigns against my opponents when that is not the way I want to campaign. So we need to get ahold of these independent expenditure campaigns. We need to get ahold of this soft money situation.

As Jefferson talked about, when democracy is ailing, one of the best solutions, one of the best treatments is more sunshine, more transparency. We need to make sure that all of the money that is contributed to our campaigns is visible, and people can track it and trace it. We could use the Internet. We could have almost instantaneous disclosure. I would certainly support that. I think many Members of the House of Representatives would.

Mr. UDALL of New Mexico. Mr. Speaker, the issue ads, it seems to me, are something that, I do not know in the State of Colorado, but I know in New Mexico that the issue ads are a completely different thing when one gets to the Federal level. I mean I ran 2 years, two times, two terms as State Attorney General. I never saw an issue add. I never had an independent group come in and attack me or speak up for my opponent. They did not clutter the debate that was going on, the very serious debate about the issues.

But one gets in the Federal race, and it is remarkable the change that takes place. Big national groups raising soft money, raising hard money, come into one's district, they label themselves with the most innocuous sounding labels, Responsible Citizens For Good Government, and then they get in there and slash and burn against one's opponent or for you or however it comes out.

It generally is very, very negative stuff. They are dumping things that candidates would not ever touch. They are getting into issues that candidates would be editorialized against, would be criticized bringing up the issues. They have changed the whole tenor of the campaign.

I really believe that those issue ads with these changes we make will go a long way, will go a long way towards reforming the system, because if one has to disclose who is supporting them, if one has to have it in hard dollars, it is going to make a big difference.

I do not know what the gentleman's thoughts are on that, but I am sure that he has seen the same thing in his elections in Colorado, that maybe he does not see these issue ads at the State level.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, this is one of the most important parts of the Shays-Meehan bill is that the sham ads, and they really are that, would be exposed for what they are.

I do not have any problem with people wanting to speak out. That is the First Amendment. That is what this country is founded upon. It is one of the key principles that makes our country so free. But we ought to be clear about where those ads are coming from. We ought to be clear about who is paying for those ads.

I think that is not an abrogation of the First Amendment. It is not restricting people's right to free speech. But it is letting all of the voters know where these resources are coming from so they can make an informed choice. I think there is nothing more crucial with Shays-Meehan than getting a handle on all of this money that comes from outside the system right now.

Mr. UDALL of New Mexico. Mr. Speaker, I yield to the gentleman from the great State of Washington (Mr. BAIRD), who is also the President of our freshman class.

Mr. BAIRD. Mr. Speaker, we are here today to discuss an issue which, if we ask pollsters, they will tell us it does not poll high. Education, fighting crime, Social Security, that is all the American people care about. Those things are absolutely critical, and we have spoken on those issues here as well.

□ 1530

But if this body is to be able to address those critical issues, we need to give our Members time and we need to give them the freedom to speak their mind without fear of political attack.

This is my first term in Congress. I was sent here by the good people of southwest Washington to represent their views. Southwest Washington is a beautiful area. It is a rural district as well as urban-suburban. I am here to speak their voice. We should be here to speak the voices of our people, not the voice of money. That is why campaign reform is so important.

People across this country are losing faith in the political system. Young people are saying their vote and their voice do not matter. People are saying they do not need to turn out and vote, and we are seeing voter turnouts below 50 percent, even below 30 and 25 percent in primaries.

Mr. Speaker, yesterday our freshman class submitted a letter to the Speaker's office signed by 22 of our 23 Democratic freshmen, and what we called for was early consideration of meaningful campaign finance reform. Early consideration. We cannot wait until the end of this year or until the end of this session of Congress and then say, gosh, we tried, but we ran out of time.

We must address this issue early for two reasons. Early, to give us time for meaningful, informative debate; early, so that we show we are sincere in this effort; and also early so that we have time to enact some of these laws to save the integrity of the next campaign season.

Mr. Speaker, I do not want to see any more campaigns of the kind that we have seen in recent years, with vast independent expenditures, with scorched earth policies of saying anything and doing anything to be elected. We have seen too much of that. It is poisoning the political process; it is souring people in the belief that their voice and their vote matters.

During the 1997–98 election cycle, the national political parties raised $193 million in soft money. That is right, my colleagues, $193 million. I have to ask myself, how else might we have spent that money in this country? Could we have put it towards improving our education system? Could we have put it towards helping to reduce crime in our communities? Could we have helped senior citizens pay for their housing? Could we have improved the environment? There are innumerable uses we could put $193 million towards, but we put it towards advertising.

We have had some laws that have attempted to deal with the problem of campaign funding, but existing loopholes have actually made the system worse, not better. Last year, 252 Members of this body voted to pass substantial reform legislation. Now, the Shays-Meehan bill may not have been perfect, but it was the best that we had before us, and I personally have signed on as a cosponsor of that bill because I think it is reasonable and it is responsible.

We have to do everything possible to maintain the public trust. Reforming campaign finance laws is not a Democratic problem, it is not a Republican problem, it is an American problem. It is a threat to our constitution if we do not achieve it, and we need to work now to do that.

I would like to speak to a couple of elements of the Shays-Meehan bill that make common sense, and I firmly believe if we ask the general public, the folks who sent us here to represent them, if these proposals make sense, they would encourage us to put them forward.

First, and my colleague mentioned it, a soft money ban. When we receive in the mail every single day during the campaign's final weeks a letter attacking one person or attacking another person, and at the bottom, as the gentleman from New Mexico said, it has some innocuous sounding name suggesting that that fine group of responsible citizens voluntarily put small contributions together to have a voice, that sounds reasonable. But that is not what happens. In fact, huge, virtually unlimited donations can come in and they can be spent on so-called issue advocacy ads.

Let me share with my colleagues what some of those issue advocacy ads do. In our campaign, one issue advocacy group spent over $12,000 for a single 30 second advertisement. That is correct, $12,000 for 30 seconds. The ad was later denounced as deliberatively false and misleading, but they continued to run it. Now, $12,000 for 30 seconds comes down to $400 a second. Four hundred dollars a second to disseminate disruptive, deceptive and mean spirited information. Misinformation. That is wrong, Mr. Speaker, and we need to change it.

The Shays-Meehan bill before us this year would ban soft money and would set hard dollar contribution limits for the party so that we know where the money is coming from, and it has a meaningful ceiling.

The Shays-Meehan bill would recognize sham issue ads for what they truly are. They are campaign ads. It would say that if that group identifies a person in an advertisement, and it is within 60 days of an election, by golly, that is not information, that is political advertising, and they will fall under the restrictions that restrict political advertising.

It would say that any ad that contains unambiguous support or attacks on a position of a politician would also fall under the guidelines of campaign financing and, therefore, under the restrictions.

It would improve FEC disclosure. We should not have to spend days and weeks after an election to find out who contributed to a candidate or who spent money on issue ads during the election.

It would establish a commission to study further reforms to our campaign system.

It would also limit and restrict foreign soft money contributions.

It would restrict further franking. Franking, as a means of informing the public, is a wonderful thing, but if it happens just a few weeks before an election, and currently I believe the limit is about 60 days, if it happens a few weeks before an election, it may well be political in nature.

The Shays-Meehan bill would limit the amount of money that wealthy candidates can contribute. When the young people who visit us here every day look down on this floor and say to themselves, I would like to be a representative someday, they should say, I would like to be a representative because I believe so strongly in this democracy; I believe in the issues I care about. That is what should bring them here. It should not be a question of how much money they have to raise or how wealthy their friends are. It should be a question of how decent their values are, how strong their commitment to this country is, how much they know about the issues, and how strongly they will fight to make this a better Nation. That is what should get them into Congress, and not just how much money they are able to raise.

The Shays-Meehan bill would establish a clearinghouse for information from the FEC and it would strengthen penalties for violations.

Mr. Speaker, my good friend, the gentleman from New Mexico (Mr. UDALL), was elected by our class to lead our freshman class's efforts to make campaign finance reform a top priority issue in this congressional session. He is doing an outstanding job in that. We are united as a freshman class in the commitment to campaign finance reform being addressed early in this session. I stand with my friend from New Mexico and with our freshman class in a commitment to keep bringing this issue forward until we pass meaningful legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Washington (Mr. BAIRD) very much.

One of the issues that the gentleman mentioned, and I hope we can carry on a little discussion about some of these issues that the gentleman has raised here, the first one is this issue of people being discouraged from going into elective politics.

I have traveled throughout my Congressional District and gone into high schools and taught high school classes and tried to talk about what it means to be a public servant and why we need good public servants. And, in fact, I have heard people say if we do not have the best and the brightest going into our governmental arena, then we relegate ourselves to second class leadership.

I think that is really the thrust of what the gentleman is saying there. The gentleman, in a very powerful way, is saying if we change the system, we may open it up to a whole new group of leaders out there that will say, look, this is a cleaner system, this is a better system, this is a system that I believe I can stand up and be a part of.

I was wondering, does the gentleman see those kinds of things in Washington, in his district, where he thinks there would be a lot more interest in terms of individuals?

Mr. BAIRD. Absolutely. I cannot tell my colleague the numbers of people, fine, decent, upstanding people, who would make outstanding representatives at all levels of government, who come to me and say, what is it like? I have to tell them that I believe being a representative to the United States Congress is the highest privilege, the highest honor one could ever aspire to, but it is a tremendous responsibility as well.

That is the positive side. What I hate to have to tell people, but I do, because it is, unfortunately, the truth, that if they want to serve today in the United States Congress, and if they are from a district that is competitive, they need to be prepared not to study the issues as well as they wish they could, not to have as much time as they wish they had to meet the people, not to spend time with their family sometimes, but that they need to be prepared, regrettably, to attach themselves to a telephone and become basically a phone solicitor.

That is a tragedy. It is nothing short of a tragedy. When Jefferson and Madison and Mason and George Washington and Benjamin Franklin, the Founding Fathers of this country, were establishing this great Nation, they did not envision, in their wildest imagination, that good people, people who they inspire every day by their example, would be tied to a telephone asking for money. They did not envision that all the wonderful people who care about the democracy would feel that dollars sometimes mean more than votes. That is wrong. It should not be that way.

I want to compliment the people who do contribute, the donors who, most of the time, are not asking for anything. I cannot tell my colleague how many folks have said that they are contributing to my campaign because they believe in me as a person. They are not asking for anything except for me to do my best for our country. We should not insult them. We should not demean them. We should praise them for being active participants. But we should also honor their contributions by setting reasonable limits like those proposed in Shays-Meehan.

I talked to a woman once who was on Social Security, a fixed income, and she said she knew how much we have to raise to run for Congress and she wished she could give it all to me. She said she would offer to give $5, but she would be embarrassed because she knew that I may have to raise $1 million and that I would not get there very fast if I went at it $5 at a time.

I was happy to accept her contribution. That $5 meant a lot of me. Proportionately, it was probably a greater portion of her income than a lot of folks, and it should not be overwhelmed by a tide of soft money. It should not be overwhelmed by a tide of enormous contributions. It should stand as her contribution to the democratic process.

We need to ensure, through legislation like this, that everyone's voice matters in this process. The gentleman is exactly right, we have to free our candidates up, we have to reinspire a sense of hope and civility and civic pride that once led people to say, I would like to run for political office and serve this country. The gentleman is exactly right.

Mr. UDALL of New Mexico. One of the parts, and I think the gentleman touched on it, that I believe is a particularly valuable part of this bill, is the setting up of a blue ribbon panel to study the entire campaign finance system. Those of us here in the House that have worked on this issue realize that we probably need some people to take a big comprehensive look at the whole system, spend 18 months and come back to us with some of the issues that we are not addressing here.

The gentleman and I both know that in a campaign today 80–85 percent of our money is spent on television. Well, these are airwaves that are owned by the public. The broadcasters and media people get these licenses. In Britain they have great debates when they enter into an election. They are all publicly televised at no cost.

I think there are parts of this bill where we could make the bill stronger, but I believe the way to do it is to have this big broad commission go out and do their very best to find out how we can get back to work in this body, how we can lessen the impact of special interests, how we can do everything we can to make sure that the people's voices are heard in our democracy.

I think this commission idea, although it is not mentioned that much, I think is a good one, of getting citizens to go out and report back to us.

Mr. BAIRD. I agree. Absolutely. The Shays-Meehan bill is a start. It is a first step, an important and essential first step, and one we should take today or tomorrow. We should not wait until the end of this year.

But there are other things we can do, and the gentleman raises an interesting point. Throughout my campaign, for example, I said that we needed to have informative voter pamphlets. In our State of Washington a candidate for the United States Congress is allowed 250 words in the State voter pamphlets. Two hundred and fifty words, with critical issues like national defense, health care, Social Security, our children's education, stopping crime.

With those issues on the table, we get 250 words to condense a lifetime of community service and teaching and training and experience. Two hundred and fifty words. We need informative voter pamphlets. We need to work with the media. And I think that is part of what the gentleman is addressing.

In our district we have some very, very responsible broadcast stations, stations that do grant candidates time; that do air debates. We need to encourage those stations, and we need to encourage the viewers to not just dive for the remote and say, oh my goodness, it is a political debate, I have to watch something else.

□ 1545

Because if they do that, candidates have no choice but to change them with advertising, and a 30-second advertisement will not tell them as much as a 1-hour debate. So we have got to encourage the stations that do provide coverage. We need to work, I believe, in our public schools, and it is something I am going to work through and throughout my life in Congress. And here is what I would like to see us do.

I would like to see us consider every senior in this class getting an American Government course which talks about their personal responsibility to the country, which talks about how the transition from high school is not just the end of drudgery, as some view it, but it is their transition to the most sacred responsibility a person in a democracy has, that of citizen.

If we combine those informative voters pamphlets, meaningful broadcast information, better public civics education in our public schools, we could, in addition to things like Shays-Meehan, reinvigorate a vibrant and vital political debate, a debate on which a democracy depends. And so we need exactly, as you said, to strengthen that commission, to let it do its job and provide comprehensive recommendations for further improvements in this process.

Mr. UDALL of New Mexico. Mr. BAIRD, you mention the point of the responsible broadcasters that are out there, and I really believe that many of us have seen in our congressional districts many responsible broadcasters. And I think over the 8 to 9 years that I have been in public service, I have seen broadcasters step forward with free time and say right near an election, "we are going to give you 5 minutes completely unrestricted and you can say whatever you want." Now, that is a very I think commendable effort on their part.

And there is another proposal they have come up with, this idea of banking credits for television time and involving the political process and the electoral process in that. So I would like to hear their ideas as to how is the best way to do this. When I spent 5 weeks in England during one of their elections, all of it was on television. The entire public was engaged. And it was not on in 30-second ads. It was on real debates, where men and women were discussing the direction of the country, they were discussing what are their values and what direction do they want to move in. And it was a very stimulating debate. And as somebody that was not even allowed to vote, they would walk into one of their establishments and they would be right in the middle of a big political debate to where Britain should go.

So we need to try to get to the point where we bring our elections back to really this idea of a marketplace of ideas, a true discussion, involving the public, bringing them in. And we are not doing that right now. The 30-second commercials I think are turning people off. They are saying this is not a part, this is not a part of me; this is some other debate taking place over there.

Mr. BAIRD. I sometimes think we need to pose to the American people a basic choice, and the choice would be this. Do they want people who are going to represent them to spend their time on the telephone raising huge amounts of money so they can run 30-second advertisements or do they want them to come visit them in town meetings? Do they want them to be studying the issues, to be listening to them, to be meeting with their colleagues to try to propose constructive progressive legislation?

I personally believe that there is no question people want us to do the latter. But until we have campaign finance reform and until the American public feels that they have a voice and a responsibility in the political process, we will not have the kind of dialogue that my colleague has described. That is why I think Shays-Meehan is so important and it is why we need to dedicate ourselves to that.

Let me, if I might, address one other issue that I feel real strongly about. In a sense, people might say we are foolish to be even talking about campaign finance reform. We are incumbent now for goodness sake. The incumbent potentially would have all the advantages of a system where large dollar contributions come flying in because of our position here.

In some ways, we are saying we are willing to set down our advantage, what might be a financial advantage, for the good of the country, we are willing to say we are prepared to compete on a level playing field, we are prepared to clean up the process. So that, for the good of everybody, we have got to stop saying in this body, how will this legislation impact our opportunity to win the next election and we have got to start asking, how will this legislation work for the good of the country.

That is what it is about with campaign finance reform. It should not be a partisan issue. And if there are special-interest groups pressuring Members of one party or the other and saying, "you must not support campaign finance reform or we will come after you," which I know to be a fact, there are special-interest groups doing that, those special-interest groups that do that are the problem, and Members who feel pressured need to speak out about that.

It is not right for people to threaten Members by saying, "we will attack you with financial resources if you try to change the campaign finance system." That is symptomatic of the problem, and we need to speak out vigorously about that and the public needs to speak out and I think they need to ask themselves where their Member was on the issue of campaign reform. That is why we are here today.

Mr. UDALL of New Mexico. Mr. Speaker, I could not agree more with the gentleman from Washington (Mr. BAIRD) in terms of leveling the playing field. I very much believe that the imbalance that is there with the fundraising, with the ability of an incumbent to buy incredible numbers of 30-second ads, it perverts the whole system. And we need to try for a system where when there are two candidates or three candidates, or however many there are in a particular primary or general election, that they do have equal time and that they have the ability to get their ideas across.

The 30-second spot, although it may be a good medium to convey an idea, is so restricting in terms of allowing an individual to really articulate their vision for the country, where they want to take the country. And so in structuring this, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) put together a bill that I think is going to level the playing field, create a commission where they can come back and tell us other ways that we can try to make sure the challengers have a true opportunity to get their ideas out. And I think that is what we are all about here in terms of our freshman class, and members of our freshman class that have signed on, is saying, we have been through it, we know how it works, we need to reform it and we need to reform it right now.

Mr. BAIRD. People have said that the legislative process is like making sausage, it might taste good at the end but we do not want to see how it is made. I think people are all too familiar and believe that the process is made unfortunately through contributions.

What we are trying to do here is say, and I want to emphasize this, the bill that we are putting forward that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have put forward and in our class and my colleague and myself have endorsed does not say we have to stop all money. Because, quite frankly, we do need financial resources. Campaigns to reach 500,000 people with their message do cost money. But it says the way we raise the money needs to be reformed. It says the playing field needs to be level. It says enormous special-interest contributions and thinly disguised attack ads need to be eliminated. It says they need to have access to information about who is contributing so they can see the groups they agree with or disagree with support this candidate, they can see if the group says, "we are citizens for a wonderful, happy economy and gracious environment," or some such thing, who the heck are those people? Because oftentimes the names they choose are different than the agenda they would have us believe through their titles.

That is why we need the reform. We have got to have transparency. We have got to have a level playing field. We have got to have reasonable limits. And we have got to set our candidates free from the drudgery of having to spend their lives on the telephone. We get to talk to a lot of nice folks when we do that and there is merit to that. And I have met some wonderful people through the process of politics so far, but I will tell my colleagues that I would most of all like to meet with them and just listen to their issues and never have to have them or myself worried about the proverbial pitch for money, because that is a blight on our system. And the more we can do to reduce that, the more we can do to level the playing field for the small and individual donors, to limit soft money, to ban soft money used in political advertising, the better off we will be.

Mr. UDALL of New Mexico. Mr. BAIRD, the idea that people do not care about this, the idea that somehow the electorate is not concerned about the issue of how our campaigns are financed is one that when people throw that idea out I just instinctively believe that they have not been around, they have not heard what people have said. Because when I ask people, "what would you do to change the system?" they say, "no gifts at all, no corporate giving, very small amounts of money." They do not even like how high the amount is now. "Get the money completely out of politics." Those are the kinds of comments I hear. And that is clearly where they are coming from, and they want us to reform.

Mr. Speaker, we have here the gentlewoman from the great State of Illinois (Ms. SCHAKOWSKY). She would like to join our debate I believe, and I yield to her.

Ms. SCHAKOWSKY. Mr. Speaker, representing the State of Illinois was the great Senator Paul Simon just for two terms. He decided not to run again, and one of the reasons he decided not to run again was that he knew that he was going to have to raise an obscene amount of money in order to be a viable candidate for the United States Senate.

Paul Simon has been a paragon of integrity, a person who has represented the highest in public service, and decided not to run. And he would tell a story during the campaign about how, after a long day on the trail, he would come back to his hotel room and there would be a stack of messages, all those pink slips that we all get telling us who to call back, and he would look through that list and among them would be maybe four from people or PACs that have contributed a lot of money. And he said, you know, I just want to ask you, who do you think after a long day it was that I felt a priority to call back? Now, he was making an admission about how campaigns and how running for office really works. He said, yeah, I called those big givers back because, without the millions of dollars that it took to run for the United States Senate, all of those things that I believe in and that my constituents stand for, I would not be able to be there in the Senate. And it was partly that that drove him from office. I think what Paul Simon was saying is that money to the extent that it is a factor in politics imperils our democracy.

Now, we have a number of opportunities this session to address this issue. I know that the Shays-Meehan bill will be up again, a bill that deals with the question of soft money, a way to get around campaign financing rules, and I support that. But there are other options too that I think eventually we are going to have to get to, the clean elections, clean money proposals, which essentially say that we are going to just take that special-interest money, those big bucks, out of politics.

Now, we looked in the State of Illinois at how much it would cost each Illinois family per year to pay for all of the Federal elections within our State. And do my colleagues know what we found? It would cost about $5 per family per year to fund the elections at the level that they are being funded now, which is very high. We are talking millions of dollars per election. Well, it seems to me that 5 bucks a family per year to buy back our Government is a bargain.

Why don't people vote? Why don't they participate? Because they have a sense that there is not a place at the table unless they put their money down and they have bought that place at the table. And all too often that is true and certainly in terms of access to elected officials. And that was that story that Paul Simon was sadly telling and all too often I think in the outcome of public policy decisions.

□ 1600

Do people care about it? Do they care about how much they pay in their utility bills? Do they care who is polluting their air? Do they care whether or not their schools are of a good quality? All of these issues are influenced by big-money players in the political arena. Those are issues that they care about. Fundamentally I think we are never going to get to deciding on the basis of what is right, what is wrong, what is best for people unless we take the element of big money out of our election campaigns.

Mr. UDALL of New Mexico. I thank the gentlewoman very much for those excellent comments.

Mr. Speaker, one of the issues that either one of my colleagues may want to engage me in, is an important issue. There were people in the past that have shone the light. The gentlewoman mentioned Paul Simon from her great State. I know two individuals, one, Senator Proxmire from Wisconsin who took the attitude that he was not going to take any money, and he sent money back, actually. What he would do is every time he would go out to Wisconsin, he would get out at the professional football games, stand in line and shake 40,000 hands. He figured that was the way to get reelected. Back in those days, he did a good job of it and people loved him. And Representative Pat Williams, I think, was asked when he left Congress what he was going to miss, and he said that the one thing he had never gotten into was making telephone calls for fund-raising. He said, "Somebody else can do that."

Clearly we are in a different time because of the mistrust and because of all of the issue ads and everything else that is out there, but we need to try and move back, I think, to the point where there is more of that. Their real purpose in doing that was saying, "I want to focus on my job. I don't want to take one minute away from my job."

Mr. BAIRD. Let me share with my colleagues an example actually from our recent experience. We had a very expensive campaign, I will admit it, because we were getting attacked heavily, one of the number-one targets in the whole country. But we also had a grassroots campaign. That is what we need to have more of. We had 1,100 volunteers in the field on the day of the election, 1,100 people going around the district working telephones, saying why they cared so much about that election. I know my good friend from Illinois had a similar organization. That is politics at its best. Politics at its best is people working in the field for people they believe. Politics at its worst is when people pay telephone solicitors to call with smear campaigns. Politics at its worst are last-minute $100,000, $200,000 and $300,000 TV attack ads.

What I am hoping we can do is inspire the young people who come watch us each day and watch us on TV and who are in our schools today to be a part of politics at its best. This bill will help reduce the impact of politics at its worst and maybe inspire people to do more.

I know my good friend from Illinois has had similar work with people in the field.

Ms. SCHAKOWSKY. During the election campaign, I spent about 25 hours a week on the telephone, as they say, dialing for dollars, asking people if they would contribute to my campaign. Those are 25 hours a week that I could have been learning more about issues, attending meetings with community representatives, out shaking hands, going to grocery stores, meeting with constituents, learning about the real issues that affect people in my district and not calling name after name of people who might be able to contribute to the campaigns. But worse than that, it seems to me, what they want in a Member of Congress, when we reach for our voting card to put it in a slot and vote on an issue, I think what the voters want us to be thinking about is them, what is good for them, not making a calculation in our minds, "If I vote yes, which of my major contributors is going to be upset?" Or "how am I going to explain this to somebody who has given me a lot of money?"

I know from being in the State legislature that unfortunately these kinds of calculations are made. I think anyone who says otherwise is simply not telling the truth about how it works in terms of money. And so I think that it is not only the candidate's time but also the candidate's vote that is at stake here.

Mr. BAIRD. If I could echo that a little bit. One of the things that is frustrating about some of these discussions of reform, people have come and said that the politicians are corrupt. People need to understand that I do not know a single person who says, "Gosh, I'm so excited because there's 5 hours of call time on my schedule today."

We need to understand that money does not come to the candidates. It goes to your campaign fund, which then typically goes almost directly to a TV or radio station or direct mail house. The people who are running for office, the people I have met in this great body, are decent people. They are here because they care about the system. They do the fund-raising side not because they like that, not because they line their own pockets but because they are willing to endure the humiliation and the drudgery and the frustration in order to get here and have a voice for the people of their State. We need to be very careful when we talk about this to not tear down this House and not tear down our colleagues because they are good, decent people. The system of funding may be corroded but the people involved are not corrupt people. I want to make sure what we do is we free them from that drudgery and we free them from that stigma and that stain that other people might attach to it.

Ms. SCHAKOWSKY. I would certainly echo that. I would also say that the gentleman raises a good point about the cost of media and the idea that radio time, that TV time which eats up so many of the dollars that are raised in campaigns, if we could get more contributions from the public airwaves toward campaigns, if we could have some free air time on radio and television, that it would certainly help ease the need for campaign donations.

Mr. UDALL of New Mexico. The issue of the individuals, the Members of Congress, that are here and how they relate to this system, I do not think there is any doubt that we have people that are here that are well-intentioned, they care about their constituencies, they care very much about their congressional districts, and they are caught in a bad system. They are caught in a bad system. That is why I am so proud of our freshman class for stepping up to the plate. The freshman class that preceded us did the same thing.

Members from both sides of the aisle last August, in 1998, 252 Members, voted for this bill that all of us want to see passed today. I think that sends a very strong message that we want change, we want people to be heard, we want truly to open up the system and get back to ideas rather than money.

If there are no additional comments from either the gentleman from Washington or the gentlewoman from Illinois, let me at this point just close by saying that I am very, very proud of our freshman class for stepping up to the plate on this issue. I am very proud of the gentleman from Washington for his leadership on this issue as the president of our freshman class, and the gentlewoman from Illinois. I know that she has also become a leader on this issue and I compliment her on that and say that I think with all of us working together and reaching across the aisle, I really and truly think we are going to get this done, we are going to get it done early and get it over to the other body. I think we are going to see progress on this issue this year. I thank both my colleagues for their participation.

PROMOTING LIVABLE COMMUNITIES

The SPEAKER pro tempore (Ms. BIGGERT). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, one of the benefits of a livable community is that it provides a setting that high technology industries can flourish. Indeed, it works both ways. While a livable community attracts high technology, high technology can in fact provide the support for a more livable community, support via a more educated workforce, support in terms of having the financial resources that that community can pay for growth and development, support by having a workforce that is intensely sensitive to the requirements of livable communities.

This has had a tremendous impact on our national economy. It is common knowledge to most Members of this body that high technology has been the fastest growing area of our national economic growth, over 4 million jobs, and it approaches almost $1 trillion in terms of our gross national product. In my State of Oregon, the effects have been even more profound. We are known, for example, for agriculture and wood products. Yet technology-based industries in the State of Oregon now provide twice the economic impact as agriculture and forest products combined. It provides an average wage that is almost twice the State average. There is every indication as far as the future is concerned that the impact nationally and in the State of Oregon in the years ahead is going to be even more profound. Yet the question is, how do we take maximum advantage of this growing economic and sociological phenomenon.

It would seem to me that it is important for the Federal Government to have in place a series of policies that promote the full implementation of this opportunity. There has been significant indirect Federal support through the research and development tax credit that has helped invest in the future as far as these industries are concerned. Again, just taking the impact on a small State like Oregon where 8 percent of the total revenue is tied up in research and development, well over $1.3 billion.

But it is time for us in the Federal Government to get real about what our policy is towards stability in the high-tech industry. We have had in place for years a temporary investment tax credit that we approve a year at a time. We are going to extend the investment tax credit, once again due to expire. I hope that this year is the last time we go through this charade of the 1-year extension. We know that it is critical for the future of the high-tech industry. We know that it is a benefit that is well-placed, that pays dividends far in excess of the amount of benefit that is granted. Indeed, there is every indication that, according to one estimate, over $41 billion of new investment would be unleashed by making the investment tax credit permanent. Nobody in the private sector, however, is going to make the long-term investments based on our good intentions. Even though we know we are going to extend it, even though they are certain we probably will extend it, it simply is not prudent for people to put millions of dollars, tens of millions of dollars or more on the line based on our good intention. We have seen train wrecks on the floor of this Chamber before.

I hope that Members on both sides of the aisle will come together quickly to make clear that we are going to make this a permanent extension. Livable communities, I have suggested time and again on the floor of this Chamber, require not so much rules and regulations as they require the Federal Government to be a constructive partner with State and local governments, with private citizens and business to help promote livable communities. The stability that would come from a permanent extension of the investment tax credit would be a very tangible expression of that stable Federal partnership, and I hope we are about that business soon in this congressional session.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Madam Speaker, tomorrow on the other side of the Capitol, in the Senate, debate begins on managed care reform legislation.

I would like to take my colleagues back to May 30, 1996, when a small, nervous woman testified before the House Committee on Commerce. Her testimony, Madam Speaker, was buried in the fourth panel at the end of a long day about the abuses of managed care. The reporters were gone, the television cameras had packed up, most of the original crowd had dispersed.

□ 1615

Madam Speaker, she should have been the first witness that day, not one of the last. She told about the choices that managed care companies and self-insured plans are making every day when they determine medical necessity.

This woman, Linda Peeno, had been a claims reviewer for several HMOs. Here is her story:

"I wish to begin by making a public confession. In the spring of 1987, as a physician, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I exemplified the good company doctor. I saved half a million dollars."

Madam Speaker, as she spoke, a hush came over the room. The representatives of the trade associations who were still there averted their eyes. The audience shifted uncomfortably in their seats, both gripped and alarmed by her story.

Her voice became husky, and I could see tears in her eyes. Her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bear her soul.

She continued:

"Since that day I have lived with this act and many others eating into my heart and soul. For me a physician is a professional charged with the care or healing of his or her fellow human beings. The primary ethical norm is: Do no harm. I did worse; I caused death."

She went on:

"Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools: my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When any moral qualms arose I was to remember I am not denying care, I am only denying payment."

Madam Speaker, by this time the trade association representatives were staring at the floor, the Congressmen who had spoken on behalf of the HMOs were distinctly uncomfortable and the staff, several of whom subsequently became representatives of HMO trade organizations, were thanking God that this witness came at the end of the day.

Dr. Peeno's testimony continued:

"At the time this helped me avoid any sense of responsibility for my decision. Now I am no longer willing to accept the escapist reasoning that allowed me to rationalize this action. I accept my responsibility now for this man's death as well as for the immeasurable pain and suffering many other decisions of mine caused."

She then listed the many ways managed care health plans deny care to patients, but she emphasized one particular issue: the right to decide what care is medically necessary.

She said:

"There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process."

She continued:

"It is rarely standardized across the field. The criteria is rarely available for prior review by the physicians or the members of the plan. We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry."

After exposing her own transgressions, she closed by urging everyone in the room to examine their own consciences:

"One can only wonder how much pain, suffering and death we will have before we have the courage to change our course. Personally, I have decided even one death is too much for me."

Madam Speaker, the hearing room at that time was stone cold quiet. The chairman mumbled, "Thank you, Doctor."

Linda Peeno could have rationalized her decisions, as many do. Oh, I was just working within guidelines, or I was just following orders, or, you know, we have to save resources, or this is not about treatment, it is really just about benefits.

Madam Speaker, Dr. Peeno refused to continue this denial, and she will do penance for her sins the rest of her life by exposing the dirty little secret of HMOs determining medical necessity.

Madam Speaker, if there is only one thing to consider before our colleagues vote on patient protection legislation, I urge our colleagues to consider the following:

Before we vote on any patient protection legislation, we must keep in mind the fact that no amount of procedural protection or schemes of external review can help patients if insurers are legislatively given broad powers to determine what standards will be used to make decisions about coverage. As Dr. Peeno so poignantly observed, insurers now routinely make decisions by determining what goods and services they will pay for. The difference between clinical decisions about medical necessary care and decisions about insurance coverage are especially blurred, and, Madam Speaker, because all but the wealthy rely on insurers, the power of insurers to determine coverage gives them the power to dictate professional standards of care.

Make no mistake. Along with the question of health plan liability, the determination of who should decide when health care is medically necessary is the key issue in patient protection legislation.

Contrary to the claims of HMOs that this is some new concept, for over 200 years most private insurers and third party payers have viewed as medically necessary those products or services provided in accordance with prevailing standards of medical practice, quote, unquote. This is the definition that I use in my own managed care reform bill, the Managed Care Reform Act of 1999, and the courts have been sensitive to the fact that insurers have a conflict of interest because they stand to gain financially from denying care and have used clinically-derived professional standards of care, the courts have, to reverse insurers' attempts to deviate from those standards. That is why it is so important that managed care reform legislation include an independent appeals panel with no financial interest in the outcome. A fair review process utilizing clinical standards of care guarantees that the decision of the review board is made without regard to the financial interests of either the HMO or the physician. On the other hand, if the review board has to use the health plan's definition of medically necessary, there is no such guarantee.

Now, Madam Speaker, in response to a growing body of case law and the HMOs' own need to demonstrate profitability to their shareholders insurers are now writing contracts that threaten even this minimal level of consumer protection. They are writing contracts in which standards of medical necessity are not only separated from standards of good practice but are also essentially not subject to review.

Here is one example of many of a health plan's definition of medically necessary services. This is directly from the language of a contract from an HMO:

"Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided as determined by us, the health plan."

Contracts like this demonstrate that some health plans are manipulating the definition of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not the patient's medical needs.

Now on the surface some might say, so what is wrong with the least expensive treatment? Well, let me give my colleagues one example out of thousands I could cite:

Before I came to Congress, I was a reconstructive surgeon. I treated children with cleft palets, a fissure on the roof of the mouth. Clinical standards of care would determine that the best treatment is surgical correction, but under this HMO's definition, the one that says shortest, least expensive, the plan could limit coverage to a piece of plastic to fill the hole in the roof of that patient's mouth. After all, that plastic obturator would be cheaper. However, instead of condemning children to a lifetime of using a messy prosthesis, the proper treatment, reconstruction using the child's own tissue, would give that child the best chance at normal speech and a normal life, and let me warn my colleagues paradoxically insurers stand to benefit from misguided legislative changes that can displace case law.

Last year legislation passed this House and the GOP bill in the Senate would have granted insurers the explicit power to define medical necessity without regard to current standards of medical practice. This would have been accomplished by allowing them to classify as medically unnecessary any procedures not specifically found to be necessary by the insurer's own technical review panel. The Senate bill also would have given insurers the power to determine what evidence would be relevant in evaluating claims for coverage and would have permitted insurers to classify some coverage decisions as exempt from administrative review.

Madam Speaker, I know that many of our colleagues who supported those bills last year had no idea of the implication of the medical necessity provisions in them.

□ 1630

That is why I hope my friends in both the House and the Senate are listening. As I said, tomorrow the Senate starts to address this issue.

Specifically, insurers now want to move away from clinical standards of care applied to particular patients to standards linking medical necessity to what are called population studies.

On the surface, this may seem to be scientific and rational. However, as a physician who is a former medical reviewer myself and who worked with many insurers, large and small, let me explain why I think it is critical that we stick with medical necessity as defined by clinical standard of care.

First, sole reliance on broad standards from generalized evidence is not good medical practice. I will explain these. Second, there are practical limits to designing studies that can answer all clinical questions. Third, most studies are not of sufficient scientific quality to justify overruling clinical judgment.

Let me explain these points, and I also recommend an article on this by Rosenbaum in the January 21, 1999, edition of the New England Journal of Medicine.

First, while it may seem counterintuitive, it is not good medicine to solely use what are called outcomes-based studies of medical necessity, even when the science is rigorous. Let me explain why.

The reason is because the choice of the outcome is inherently value laden. The medical reviewer for the HMO is likely, as shown by the above-mentioned contract, to consider cost the essential value.

What about quality? As a surgeon, I treated many patients with broken fingers merely by reducing the fracture and splinting the finger and, Madam Speaker, for most patients this inexpensive treatment would restore adequate function.

What about the musician, the piano player who needs a better range of motion? For that patient, surgery might be necessary.

Which outcome should be the basis for the decision about insurance coverage? Playing the piano or routine functioning?

My point is this: Taking care of patients requires a lot of variation and a lot of individualization. Definitions of medical necessity have to be flexible enough to take into account the needs of each patient. One-size-fits-all outcomes make irrelevant the doctor's knowledge of the individual patient and is bad medicine, period.

Second, there are practical limitations on basing medical necessity on what is called generalized evidence, particularly as applied by HMOs.

Much of medicine is a result of collective experience, and many basic medical treatments have not been studied rigorously. Furthermore, aside from a handful of procedures that are not explicitly covered, most care is not specifically defined in health plans because the number of procedures and the circumstances of their application is limitless.

In addition, by their very nature, many controlled clinical trials study treatments in isolation; whereas physicians need to know the benefits of one type of treatment over another when they are taking care of an individual patient. Prospective randomized comparison studies, on the other hand, are very expensive. Given the enormous number of procedures and individual circumstances, if coverage is limited to only those that have scientifically sound generalized outcomes, care could be denied for almost all conditions.

Come to think of it, Madam Speaker, maybe that is why HMOs are so keen to get away from prevailing standards of care.

Third, the validity of HMO guidelines and how they are used is open to question. Medical directors of HMOs were asked to rank the sources of information they used to make medical decisions. Industry guidelines, generated by the trade associations representing health plans, were ranked ahead of information from national experts, government documents and NIH consensus conferences. The most highly respected source, medical journals, was used less than 60 percent of the time.

Industry guidelines are frequently written by a firm by the name of Milliman and Robertson, a strategy shop for the HMO industry. This is the same firm that championed drive-through deliveries and outpatient mastectomies. Many times these practice guidelines are not grounded in science but are cookbook recipes derived by actuaries to reduce health care costs.

Here are two examples of the errors of their guidelines. In reference to outpatient mastectomies, a National Cancer Institute study released in June found that women receiving outpatient mastectomies face significantly higher risks of being rehospitalized and have a higher risk of surgery-related complications like infections and blood clots. In regard to drive-through deliveries, in 1997, a study published in the Journal of the American Medical Association showed that babies discharged within a day of birth faced increase risk of developing jaundice, dehydration and dangerous infections.

Objectivity of medical decision-making requires that the results of studies be open to peer review, yet much of the decision-making by HMOs is based on unpublished proprietary and unexamined methods and data. Such secret and potentially biased guidelines simply cannot be called scientific.

This is not to say that outcomes-based studies do not make up a part of how clinical standards of care are determined. They do, but we are all familiar with the ephemeral nature of new scientific studies such as those on the supposed dangers of alar. Remember the apple scare a few years ago?

Clinical standard of care, the standard that we should use for medical necessity, does take into account valid and replicable studies in the peer-reviewed literature, as well as the results of professional consensus conferences, practice guidelines based on government-funded studies and guidelines prepared by insurers that have been determined to have been free of conflict of interest, but most importantly, they also include the patient's individual health and medical information and the clinical judgment of the treating physician.

Madam Speaker, Congress should pass legislation defining this standard of medical necessity because, one, the Employee Retirement Income Security Act, ERISA, shields plans from the consequences of most decisions about medical necessity. Two, under ERISA, patients generally can only recover the value of the benefits denied. Three, even this limited remedy is being eroded by insurance contracts that give insurers the authority to make decisions about medical necessity based on questionable evidence.

To ensure these protections, Congress must provide patients with a speedy external review of all coverage decisions, not merely those that insurers decide are subject to review. It is time for Congress to defuse the smart bomb of HMOs.

Madam Speaker, the issues of managed care reform should go from the drawing board to the signing ceremony this year. Last year, I joined with the gentleman from Michigan (Mr. DINGELL) and offered the Patients' Bill of Rights as an amendment on the House floor. While I regret that it did not pass, there may have been at least one good thing about that. In the last few weeks, many HMOs have announced double digit premium increases. We can be sure that if the Patients' Bill of Rights had passed, there would be a whole lot of HMO fingers pointing at Congress blaming us now for those skyrocketing premiums which are really due to HMO mismanagement.

I think it is important to remember why it is so important that Congress should pass HMO reform legislation. I will bet, Madam Speaker, that every one of our colleagues has heard from constituents describing their own HMO horror story.

We have all seen headlines like, HMO's rules leave her dying for the doc she needs, or ex-New Yorker is told get castrated so we can save dollars. Or how about this headline: What his parents did not know about HMOs may have killed this baby.

Consider the 29-year-old cancer patient whose HMO would not pay for his treatments. The HMO case manager told him instead to hold a fund-raiser, a fund-raiser.

Well, Madam Speaker, we just had an hour of debate about campaign fundraising. I certainly hope that campaign finance reform will not stymie that man's chance to get his cancer treatment.

During congressional hearings 2 years ago we heard testimony from Alan DeMeurers who lost his wife Christy to breast cancer. When a specialist at UCLA recommended she undergo bone marrow transplant surgery her HMO leaned on UCLA to change its medical opinion. Who knows whether Kristi would be with her two children today had her HMO not interfered with her doctor/patient relationship?

Other plans have placed ridiculous burdens on those seeking emergency care. Ask Jacqueline Lee how bad that can be. This 28-year-old lady was hiking in the mountains, just west of Washington, D.C. in the Shenandoah Mountains when she fell off a 40-foot cliff. She fractured her skull, her arm, her pelvis. She was comatose, lying at the bottom of this 40-foot cliff. Fortunately, her hiking companion had a cellular phone and she was airlifted to a local hospital and she was treated in the ICU for a month on morphine drips.

Now, one will not believe this. Her HMO refused to pay for the services because she failed to get preauthorization. I ask, what was she supposed to do with her fractured skull, her broken arm, her broken pelvis, lying at the base of the cliff? Maybe wake up from her coma with her nonbroken arm, pull a cellular phone out of her pocket, dial a 1–800 phone number and say, hey, I just fell off a 40-foot cliff; I need to go to the hospital?

There are countless other examples. A pediatrician who worked in this area took care of a pediatric ICU. She told me about how a few years ago, a 6-year-old boy came into her ICU, after drowning. Prognosis was terrible. The little boy had been in the unit about 5 hours. They had him intubated. They had the drips running. Doctors and nurses and family were standing around the bed praying for a sign of life when the phone rings. It is a medical manager from the HMO.

Well, tell me about this little boy.

Well, he nearly drowned. The prognosis is not very good.

Now, one can almost picture the computer screen and the algorithm from this medical manager a thousand miles away. Ventilator patient, poor prognosis.

Well, came the next question, have you considered sending this little boy home on home ventilation? After all, it is cheaper.

Think about that. Does not that just about make the hair stand up on the back of your head? That is what we are dealing with.

☐ 1645

Madam Speaker, because our friends and our neighbors and our fellow workers and our own families have had these types of experiences, countless polls show that people want Congress to pass managed care reform.

A recent Kaiser Family Foundation survey found that 78 percent of voters support managed care reform, and a similar percentage support allowing consumers to go to court to sue their health plans when those health plans are negligent. No public opinion poll, however, conveys the depth of emotion on this issue as well as movie audiences around the country who spontaneously clapped and cheered Helen Hunt when she gave an obscenity-laced evaluation and description of her HMO in the Oscar-winning movie, "As Good As It Gets." Audiences across the country responded to the plight of her little boy with asthma because they see the same thing happening to their friends, their neighbors, and their family members.

The industry responds by saying, Christy DeMeurers, Jacqueline Lee, this little boy who has just drowned, they are just anecdotes; we do not legislate because of anecdotes. Well, Madam Speaker, to paraphrase Shakespeare, Hath not these anecdotes, these HMO victims, eyes? Hath not these anecdotes hands, organs, dimensions, senses, affections, passions? If you prick the anecdotes, do they not bleed? And if you cut short their care for profits, do those anecdotes not die?

Madam Speaker, I hope we never hear that word anecdote when we debate this issue on the floor this year.

Last year, I and a few other brave souls crossed party lines to push for passage of the Patients' Bill of Rights. It was a good bill, and it would have done a great deal to end the constant stream of HMO horror stories. It contained, for example, very strong language ensuring that health plans pay for emergency care.

Consider the plight of James Adams, aged 6 months old. At 3:30 in the morning, his mother, Lamona, found him hot, panting, and moaning. His temperature was 104 degrees. Lamona phoned her HMO and was told to take little Jimmy to the Scottish Rite Medical Center. Quote: "That is the only hospital I can send you to," the HMO reviewer added. "How do I get there," Lamona asked. "I don't know," the nurse said. "I am not good at directions."

Well, it turns out that Scottish Rite Hospital was about 70-some miles away. So, at 3:30 in the morning, Lamona and her husband wrap up little Jimmy, put him in the car. Picture this: It is a stormy night. They start their drive to the hospital. Madam Speaker, 20 miles into their ride they passed Emory University Hospital, a renowned pediatric center. Nearby were two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial. But the Adams did not have permission to stop there, and so they pushed on. They had farther to go to get to Scottish Rite Hospital. While searching for the hospital, James' heart stopped.

There is a scene in the movie that is out now, A Civil Action, showing a mother and a father in a car on the side of the road on a stormy night administering CPR to their child. Think of Jimmy Adams when you see that movie.

Well, Lamona and her husband eventually got Jimmy to Scottish Rite. It looked like the boy would die. But he was a tough little guy, and despite his cardiac arrest, due to delay in treatment by his HMO, he survived. However, the doctors had to amputate both of his hands and both his feet because of the gangrene that resulted from his cardiac arrest.

All of this is documented in the book, Health Against Wealth, and as the details of Baby James' HMO's methods were emerged, it became clear that the margins of safety in that HMO were razor thin. Maybe as thin as the scalpel that had to amputate both this little boy's hands and both of his feet. For the rest of his life, this little boy will never be able to play basketball. I talked to his mother last week. He has learned how to put on his leg prostheses without his bilateral hooks, but he cannot get on his bilateral hooks unless he has help from his mom. He will never be able to touch and caress the cheek of the woman that he loves some day.

Think of the dilemma an HMO places on a mother struggling to make ends meet. In Lamona's situation, if she rushes her child to the nearest emergency room, she could be at risk for hundreds or even thousands of dollars because she was not given authorization. It was not medically necessary to go to that nonprovider hospital. Or, she could hope that her child's condition will not worsen as they drive past one hospital after another, an additional 20 miles, to get to the nearest emergency room affiliated with their plan.

Madam Speaker, a strong HMO reform bill would ensure that consumers would not have to make that potentially disastrous choice.

Now, in recognition of problems in managed care, three managed care plans joined with Families USA and other consumer groups in 1997 to announce their support of an 18-point agenda. Here is a sample of the issues that the groups felt required nationally enforceable standards: Guaranteeing access to appropriate services, providing people with a choice of health plans, ensuring the confidentiality of medical records, protecting the continuity of care, providing consumers with relevant information, covering emergency care, and banning gag rules.

These health plans and consumer groups wrote, "Together, we are seeking to address problems that have led to a decline in consumer confidence and trust in health plans. We believe that thoughtfully designed health plan standards will help to restore confidence and ensure needed protection."

After listening to some of these examples of the victims of managed care, I would certainly agree with them, that we need some Federal standards to correct the abuses, and from the viewpoint of the plans, they certainly have a public relations disaster.

These plans said that they noted that they already make extensive efforts to improve the quality of care, and the Chief Executive Officer of the one plan said quote, "We intend to insist on even higher standards of behavior within our industry, and we are more than willing to see laws enacted to ensure that result."

Let me repeat that. The Chief Executive Officer of one of these nonprofit plans said, "We are more than willing to see laws enacted to ensure that result." However, I am sad to say that despite strong public support to correct problems like these and the support of some responsible managed care plans, legislation stalled in Washington last year. That is truly unfortunate, since the problem demands Federal action.

While historically, State insurance commissions have done an excellent job of monitoring the performance of health plans, Federal law puts most HMOs beyond the reach of State regulations. Now, how is this possible?

Well, more than two decades ago, Congress passed the Employee Retirement Income Security Act. As I have said before, this is called ERISA. It did this to provide some uniformity for pension plans in dealing with different State laws. Health plans were included in ERISA, almost as an afterthought. But the result has been a gaping regulatory loophole for self-insured plans under ERISA. Even more alarming is the fact that this lack of effective regulation is coupled with an immunity from liability for negligent actions.

Now, Madam Speaker, personal responsibility has been a watchword for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created this ERISA loophole, and Congress should fix it.

Now, many of the opponents to this legislation say, well, we will end up, if we pass this, with nationalized health insurance. It is always the big bogeyman, nationalized health insurance. But I ask my colleagues, think for a moment about buying a car. Federal laws ensure that cars have horns and brakes and headlights and seatbelts; they also ensure that they do not pollute. Yet, despite these minimum standards, we do not have a nationalized auto industry. Instead, consumers have lots of choices. But they know that whatever car they buy will meet certain minimum safety standards. One does not buy safety a la carte.

The same notion of basic protections and standards should apply to health plans. Consumer protections will not lead to socialized medicine any more than requiring seatbelts has led to a nationalized auto industry. In a free market, these minimum standards set a level playing field that allows competition to flourish.

Before closing, Madam Speaker, let me share some thoughts on how I think this issue will evolve in the coming months. As we know, we came close to passing the Patients' Bill of Rights last year in part, because I and some other Republicans crossed party lines to support the better bill. Already I see signs this year that the fight could break out the same way. We simply cannot let the issue of managed care reform die on the cross of partisanship.

So I decided not to cosponsor the Patients' Bill of Rights when it was introduced earlier this year. Instead, I introduced my own bill: The Managed Care Reform Act of 1999, H.R. 719. While my bill shares the best features of other leading managed care reform proposals, it also eliminates some provisions that would add regulatory burdens on health plans without providing much in the way of added patient safety. In addition, the bill has a new formulation on the issue of health plan liability. I continue to believe that health plans which make negligent medical decisions should be accountable for their actions.

But a winning lawsuit is little consolation to a family who has lost a loved one. The best HMO bill ensures that health care is delivered when it is needed, and I also believe that the liability should attach to the entity that is making medical decisions.

Many self-insured companies contract with large managed care plans to deliver care. If the business is not making discretionary decisions, they should not face liability. This is true of folks like third-party administrators if they merely perform administrative functions. But if they cross the line and determine whether a particular treatment is medically necessary; remember, this brings us back to the medical necessity issue that I started this speech about. If they cross that line in a given case, then they are making medical decisions, and they should be responsible for their actions.

To encourage health plans to give patients the right care without having to go to court, my bill provides for both an internal and an external appeals process. But unlike last year's Republican bill, the external review is binding on the plan.

□ 1700

It could be requested by either the patient or the health plan. The review would be done by an independent panel of medical experts. Frequently, patients pursuing cases through appeal win. They win their treatment. But many times, also, the plan's decision is proven to be the right one.

My bill provides that, if the plan follows the definition of the external review panel, there could not be punitive damages liability on either the health plan or the business. After all, there cannot be any malice if they have bound themselves to the decision of an independent panel of experts.

Madam Speaker, I suspect Aetna wishes they had had an independent peer panel available, even with the binding decision on care, when it denied care to David Goodrich. Earlier this year, a California jury handed down a verdict with $116 million in punitive damages to Teresa Goodrich, his widow. If Aetna or the Goodriches had had the ability to send the denial of care to an external review, with a binding decision on the plan, where that independent panel has the authority to determine clinical standards of care as medical necessity, then they could have avoided the courtroom. But more importantly, David Goodrich might be alive today.

That is why my plan should be attractive to both sides. Consumers get a reliable and quick external appeals process that will help them get the care that they need. They can go to court to collect economic damages like lost wages and future medical care and noneconomic damages like pain and suffering.

If the plan fails to follow the external reviews decision, the patient can sue for punitive damages. But if it has gone in a timely fashion through the review process to that independent panel for a binding decision on the plan, that plan then knows that it has no punitive damages liability. That is the big unknown to an insurance company. That eliminates for them the risk of a $50 million or $100 million punitive damages award. But they have to follow the recommendations of that independent review panel.

I have heard from insurers that they fear that this legislation will cause premiums to increase. I think there is ample evidence that this would not be the case. Last year, the Congressional Budget Office estimated that a similar proposal, which did not include punitive damages relief, would only increase premiums around 2 percent over 10 years.

When Texas passed its own liability law 2 years ago, Scott and White Health Plan estimated that premiums would have to increase just 34 cents per member per month to cover the cost. These are hardly alarming figures.

The low estimate by Scott and White seems accurate since only one suit has been filed against a Texas health plan since Texas passed legislation similar to this. That is far from the flood of litigation that opponents predicted.

Madam Speaker, I have been encouraged by the positive response my bill has received. I think this could be the basis for a bipartisan bill this year. In fact, I spoke with the CEO of a large Blue Cross plan who confided to me that his organization is already implementing virtually all of the recommendations of the President's Health Care Quality Advisory Commission for little or no cost.

One part of the health care debate that concerns him is the issue of liability. He has indicated that shielding plans from punitive damages when they follow an external review body would strike an appropriate balance.

Madam Speaker, passage of real patient protection legislation is going to require a lot of hard work, dedication, and some compromise. My new bill represents an effort to break through this partisan gridlock and move this issue forward.

I hope to work with all my colleagues to help break the logjam keeping patient protection legislation from becoming law. This issue is vitally important to families across this country.

To my fellow legislators, please do not let the insurers define "medically necessary" or someday my colleagues or a family member or a friend will find themselves defined out of a treatment that is a clinical standard of care that could save their life or the life of somebody else.

RACISM, DEADLY DIFFERENCES AND DIVERSITY PROBLEMS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, I would like to address a number of issues that I think are very much related to the problem of racism, of deadly differences, and diversity problems that have broken out all over the world and we are part of trying to resolve.

A lot of them occur right here at home. In my own city of New York, a poll was taken that showed, and the New York Times announced today, that one-fourth of all New Yorkers, white and black New Yorkers, believe that the police of New York City behave quite differently with people of color, with minority groups, African Americans, Hispanics, and Asians, they behave quite differently with them than they do with whites. Whites as well as blacks have come to this conclusion. One-fourth of all the citizens of New York believe that this is the case.

So we have a serious problem right at home with a very crucial body of people, the police, who are so vital to the law and order of the city for everybody, everybody's protection.

Then we have far-ranging problems like those that are taking place in Kosovo and Yugoslavia where this government is spending large amounts of money, we have spent about $9 billion, to try to work through situations in Yugoslavia which evolve out of racial and ethnic and religious differences. Whereas I was all in favor, of course, of extending the resources of this country into that situation, I think that the Yugoslavia situation is totally out of hand. And $9 billion, more than $9 billion is enough to invest.

Our Nation is an indispensable Nation available, and I think that is important to help with trouble spots anywhere in the world. But we should not let ourselves get sucked into any trouble spot for so long that it absorbs an inordinate amount of resources and takes away the possibility of helping with other problems.

I think it was right that we went into Haiti to help liberate Haiti from people who had taken over from a duly elected democratic government. I think it was important that we went into Somalia. I think it is important that the President has shown great concern, and there are some resources now deployed in Rwanda. All of these situations, Rwanda, Somalia, Kosovo, Serbia, Bosnia, Northern Ireland. Our President did not dispense large amounts of military aid in Northern Ireland, but his own personal commitment there and the use of American diplomatic skills have helped to abate that situation.

But all over the country, all over the world, we have these conflicts based on differences and diversity. They are probably going to go on for a long, long time. We have to learn how to live with them and to try to abate them and try to lessen them. Hopefully over the long period, decades and centuries, we can eliminate some of them.

First we have to understand how difficult it is and how deeply entrenched it is and how it is important that governmental resources be invested in the effort to lessen the amount of racism, hate crimes, ethnic rivalries that exist and might explode at any moment. It is important.

It is important that we understand the need to deal, first of all, with those that are closest to us. One of the closest conflicts and ongoing problems in America is racism related to the long history of African Americans who were held in slavery for 232 years.

We do not like to think that 232 years of slavery had any consequences or that there is anything special about this particular group and their relationship with the rest of the Americans, just as we do not like to think there is any special relationship between the Native Americans and the rest of the American people, that there should be any special consideration.

But surely there ought to be some special consideration about the relationship between the descendents of the Native Americans and the rest of the Americans in view of the fact that history was quite brutal with respect to the Native Americans.

History was quite brutal with respect to African Americans who are a group of people in this country, in this hemisphere, only because they were transported to this hemisphere against their will.

So I want to talk about all of these things. In the news today, there was also an account of a new effort to try to fight slavery in the Sudan and slavery in Mauritania. We have some groups that are American based that are actually raising money to buy slaves from the Sudanese.

The Sudanese are practicing slavery in a very cruel and inhuman way even to this day. They say it is all part of the Civil War. Only the women and children of the enemy are captured, and they have a right to take them and use them for bounty and whatever. Whatever the reason given, it is still slavery.

In 1999, in Sudan, which is a country of people who are of dark hue, one might say black, a lot of black people, whatever range of color they may have, there is slavery.

There is slavery in Mauritania. Arabs and people of an Arab descent and African descent, all in Mauritania. But in Mauritania, there are some black people who are still enslaved in 1999.

I thought that was interesting that that appeared on the news today. At the same time I heard on the news this morning, and I listen usually to National Public Radio, and there was some bad news about Northern Ireland. A civil rights lawyer in Northern Ireland, Catholic civil rights activist lawyer was assassinated with a fire bomb. A fire bomb blew up her car.

So we have reminders of many kinds of how these ethnic tensions, religion. In the case of Ireland, it is religion that has divided people. It is very interesting how human beings seem to look for reasons for conflict. They want to accentuate differences. So we have people who are ethnically pretty much the same, racially the same in Northern Ireland, but the religious differences have set off a long time feud which is quite violent and bloody.

In Somalia, we could not understand what the problem was in Somalia. They were all most of the same religion, same race. There were no deep tribal divisions. They all spoke the same language.

Yet, in Somalia, the human beings there found ways to accentuate some differences. That was generally based on pure politics, people having power ambitions in one area and organizing their own gang; and over here, they would organize another gang. There were no tribes, but they created tribes out of interests that were really power interests.

Of course here is the crux of the problem. Most of the time, these ethnic tensions, racial tensions and divisions are accelerated and exacerbated by people who do want power, demagogues who exploit the situation for power reasons.

We have 232 years of slavery in this Nation because, for economic reasons, which also are power reasons, for economic reasons, it was beneficial to enslave a population and provide the free labor from one end of the country to the other. It was mostly in the south, the plantations. There was a long-term need for free labor and large amounts of labor there.

But in New York, large amounts of slaves were used to build the original city. Slavery was just as cruel there as it was anywhere else. The third largest slave port of the country at one time was a New York slave port. So all of these things still have their long-term fallout on history. It would do well for us to pay more attention to history.

I applaud President Clinton and his appointment of a commission on race relations to at least stimulate a set of discussions and dialogues among the American people about the issue of race and differences in relationships.

Some people say it got out of hand and it was not very productive. It only had a year's life. For whatever the problems were, it was still a positive, constructive action. I hope the President will follow it up with further action. But more importantly, here is an area where I think foundations and philanthropists could make a contribution.

□ 1715

There are a lot of controversies that are inevitably associated with anything related to race relations. The controversies could probably better be handled by the philanthropic sector. And the kind of controversies they are, they are not so much current but scholarly discussions and discussions of positions and attitudes, and I think they ought to be handled more with foundations and other philanthropic organizations financing those areas than the government. But the government should stimulate that discussion. President Clinton started the discussion, and I think we ought to, as a government, follow up on that.

I think that the resolution of the gentleman from Ohio (Mr. TONY HALL), that called for the government of America to apologize for slavery, which aroused so much controversy and ill feeling across the country, I think that is still a pertinent item of discussion. I think it is a lightning rod that we should really discuss.

Why should the American government not apologize for slavery when we are seeing the governments of Japan and of Germany and various other governments that exist now that were not really there, the German government was not there when Hitler was there, but the present government has apologized in certain areas; as well as the government of Japan has apologized to the Korean women who were forced into prostitution and to some others; and other apologies are taking place.

The Swiss government just apologized and set up a fund to the victims of greed the holocaust victims of greed, where they put the money in Swiss banks and the Swiss banks used various maneuvers to keep those people from getting money.

So it is a discussion which carries civilization forward, and a discussion of an American apology for slavery would do a great deal in that direction.

I think the South Africans set an example for civilized nations of today and the future that should not be ignored. The Government of South Africa today, the new Government of South Africa today, that took over just 4 years ago, insisted that it would not seek justice, it would seek reconciliation. That was a very important and unprecedented move by a national government.

Here is a government made up of a new majority. The majority of the people, about 40 million black Africans in South Africa, had been oppressed for many decades by the white South Africans. The black majority took over in South Africa. The government was made up of a government elected by the people and most of the people in power were black. Instead of seeking justice, which would have resulted in large numbers of trials, executions, and a whole lot of revenge-seeking, the South African government that took power proclaimed that it wanted reconciliation. And no matter how horrible the crime was, no matter how horrible the political crime was related to the politics of the long years of oppression and the fight against apartheid, they would allow people to come forward and, if they would tell the truth, they would offer amnesty to those folks who told the truth.

More important than the individuals who came forward and the testimonies that took place and the whole unprecedented kind of activity that they developed, is the spirit that that sent out throughout the whole country; that we are not going to look at the past, we are not going to live in the past to the point where it becomes a noose around the throat of the future and the present. We are not going to seek justice to the point where it destroys the possibility for reconciliation and progress.

So reconciliation. And this was a new idea to me, I never thought of it that way before Nelson Mandela and the Government of South Africa today put it forward. Reconciliation is more important than justice. Reconciliation is more important than justice.

We hammered home this same theme when Jean Bertrand Aristide was restored to his rightful place in Haiti. The government of the United States insisted that he also follow the same policy. We made an official request that the Aristide government not seek justice but, instead, emphasize reconciliation.

That whole approach, of course, is being carried out in Bosnia and Serbia and Croatia. We are paying billions for that, too much in my opinion, but we are leading the way to a process of reconciliation, which will provide for building for a future rather than justice.

I do not say justice is not important, and I do not think human society can exist unless we have forms of punishment. People must be punished, and there must be an understanding that individuals will be held accountable for crimes. I do not think anybody would ever say that Hitler should have been treated the way some of the leaders of Haiti were treated.

The United States Government actually paid the rent, leased the homes of the dictators in Haiti that they deposed. Cedras and the other two who were at the top of the official terror apparatus in Haiti were treated like princes and helped to get out of the place and given enough income to maintain themselves for a long time. They are still out there alive, and may come back. That is a danger. Instead of justice, it was important that they be moved from the scene peacefully in order to facilitate reconciliation.

Now, I do not think the Nuremberg trials were wrong, I do not think the trials of the Japanese perpetrators of massive violence in Asia, the people who attacked Pearl Harbor, I do not think it was wrong to punish them. That is going quite far. But it is something to consider, this whole reconciliation process. And in the case of the nations now that participate in reconciliation, we are seeing a more positive result as a result of reconciliation being placed above justice.

But the South Africans in the process of seeking reconciliation felt it was very important to have truth. Truth was a very important part of establishing reconciliation. I think in America we have missed that point with respect to race relations, and certainly relationships between the Native Americans and the rest of the American population, and certainly with relationship between the African Americans and the rest of the American population.

We have never admitted, as a government, that great crimes were done to the African Americans who were enslaved, and that the consequences of 232 years of slavery need to be studied. The truth needs to be laid out, and we need to take steps to combat some of those consequences.

A very interesting individual specific development is taking place which I think we ought to focus on as part of the way to get more truth thrown on the whole phenomenon of American slavery. There is a controversy which is made for America because it is very individual, it is very personal, and it involves a love story. It is the story of Thomas Jefferson and Sally Hemings.

Sally Hemings was a slave at Monticello under Thomas Jefferson. For many, many years there has been a controversy about whether or not there was a relationship between Sally Hemings and Thomas Jefferson which produced some children, four or five children. The controversy is not about whether Thomas Jefferson might have had sex with Sally Hemings. Many slave owners had sex with their slaves, and there are millions of mulattos that resulted from those unions to provide concrete evidence that many slave owners had sexual relationships with their slaves. The problem with Jefferson is that it appears that he had a long-term relationship with Sally Hemings, that he treated her as if she was his common law wife.

For 38 years, Sally Hemings was on the scene, starting from the time that she went to Paris as a nurse and maid for Jefferson's youngest daughter, to the time that Jefferson died. She was there all the time. She was there in Paris. She could have gone free; stayed in Paris and been a free person. She did not. She came back to Monticello. She was in Monticello during the whole time that Jefferson was President. And when he left the Presidency, she remained at Monticello, and she was there when he died.

There was a big public scandal related to the relationship between Sally Hemings and Thomas Jefferson. A man named Callendar, who had been a so-called friend of Jefferson, Jefferson had gotten him out of prison when John Adams, with his alien and sedition laws put large numbers of people in prison who were accused of treason on the basis of what they wrote and the criticisms they made of the government. Callendar was imprisoned. And, of course, Jefferson was against the alien and sedition laws and against the federalist dictatorship that was being generated.

Once Jefferson was elected as President, Callendar was set free. Callendar had written articles and done some things with Jefferson's party and Jefferson, and Callendar wanted to become a postmaster. When Jefferson would not make him a postmaster, Callendar turned on Jefferson and went to Monticello and got all the gossip together, and he was the one who accused Jefferson of having a mistress with children at Monticello.

It became a big public scandal. It was in newspapers from one part of the country to the other. Jefferson was ridiculed. John Quincy Adams wrote a ballad making fun of him, et cetera, et cetera. Jefferson never admitted anything, of course. He never even commented. But the relationship was not ended. Sally Hemings was not sent away from Monticello. She remained there. She remained there during his Presidency, and then after he went back, she remained there, and until his death, as I have just said several times. So Sally Hemings and Thomas Jefferson, the questions remained.

A historian recently, not so recently, about 15 years ago, documented the fact that Jefferson was at Monticello every time that Sally Hemings conceived children. The period before the birth of her children, he was at Monticello at all those times. They had other various things that they documented in his notations in his farm books, et cetera, which indicated that Sally Hemings was very much a presence at Monticello.

There are certain letters, of course, and other kinds of things that are missing from Jefferson's numerous writings that were also timed at a time when he had some kind of important relationship that might have had a record of some kind of relationship with Sally Hemings. Many of those letters are missing. No documentation.

Sally Hemings is erased from history. We do not have any photographs of her or any descriptions of her, except the one or two from her son and from a man who had been a slave at Monticello, Isaac Jefferson.

So I will talk about the controversy that has now mounted to the point where so much documentation existed which confirmed the fact that there was a relationship between Jefferson and Hemings that a DNA test was developed. A scientist who happened to be residing at Monticello carefully put together a DNA test. He secretly got permission from Jefferson offspring, known offspring of the Jefferson family, and he got permission and DNA from the offspring of Sally Hemings. And after putting it through a very rigorous set of tests, the confirmation is that it is very probable. The DNA tests bear out the other kinds of documentation that Jefferson was the father of Sally Hemings' youngest child and, therefore, it makes all of the other evidence more credible.

I am going to quote from an article that I wrote on this whole matter, and I think I will save some time and make the point better if I read from this article. It is entitled "Kingpins for Truth and Reconciliation, Thomas and Sally".

"DNA evidence confirming Jefferson's relationship with Sally Hemings could open the door for a more profound dialogue on slavery and race relations."

If that strikes my colleagues as strange, let me read it again. "DNA evidence confirming Jefferson's relationship with Sally Hemings could open the door for a more profound dialogue on slavery and race relations".

This portion of slavery that has never been discussed fully is related to the fact that there were intimate relations between the races. From a power point of view, it usually was the slave owners and the overseers and the people who had privileges and power who interacted with the female slaves. But out of that is a set of truths that come concerning myths about inferiority, myths about abilities to coexist, a number of things which not only are documented and reinforced by the new evidence of Jefferson's relationship with Sally Hemings, but there have been several books written lately which I think also fall into this same pattern.

I am going to read first from my article to make things shorter.

□ 1730

I will read some excerpts from it. "Only a few months after the release of the report of the Advisory Board of the President's Initiative on Race, and that report is entitled 'One America In The 21st Century: Forging a New Future,' a scientific report has confirmed the likelihood that President Thomas Jefferson was the father of the children of his slave and long-time companion, Sally Hemings. These two events can be constructively related."

Let me repeat. "Only a few months after the release of the report of the Advisory Board of the President's Initiative on Race, and the report is entitled 'One America In The 21st Century, Forging a New Future,' a scientific report has confirmed the likelihood that President Thomas Jefferson was the father of the children of his slave and long-time companion Sally Hemings. These two events can be constructively related."

And again, I want to point out that two new books have come out which talk about slave owners and their children by slaves. And I read only the review of this. I have not had a chance to read the book. The review appeared in the Washington Post. It is called "The Hairstons, an American Family in Black and White," published by St. Martin's Press. And it talks about a family where slaves and slave owners and the personnel of the plantations were intermixed, and it singles out one tragic story of one slave owner who decided that he loved his slave wife, common-law wife. Some would call it a mistress or concubine. I do not think he thought of it that way. He loved her so much that he willed her daughter a large part of his property. And there was a big fight to take that property away, which succeeded of course, and she was left in slavery. But a very concrete tragedy there.

Another book that recently came out is called "Slaves in the Family." The author of that one is Edward Ball. "Slaves in the Family" by Edward Ball goes back and deals with a South Carolina based huge plantation and a large family over several generations and he shows how the intermarriage and the mixtures came down to the present.

I think it is important, another book that also talks about this in more general terms and had the advantage of being part of a public television series is "Africans in America." "Africans in America" brings out some very interesting facts that are little known about slavery and the freed men and the whole relationship with the general population, etcetera.

So returning to my article, "The new discussions of the life, philosophy, and politics of Thomas Jefferson might do more to facilitate an honest assessment of black-white relations in America than the report which is laden with facts."

The report is the "One America in the 21st Century" that was put out by the Initiative On Race. I thought it was an interesting report. But, as my colleagues can see from my remarks here, I do not think it went nearly far enough. But if we took the report together with the new facts, together these two developments could greatly enhance our understanding of an extremely complex phenomena.

"The weakness of the report of the President's Advisory Board is that it is thorough about obvious kinds of things that we all know about but it lacks the vital ingredient of profundity. The report is competent, respectful, universal in its coverage, balanced, and not at all an embarrassment to the White House. However, when the depth of the deliberations of that report are measured against the complexity of the mission and the intensity of the challenge, the appropriate grade for this noble but feeble effort would be B− or C+. Our national dialogue would be greatly benefited by the establishment of several adequately financed commissions on group relations.

"Native Americans certainly deserve their own separate historical documentation and analysis. African-Americans require no less than an objective statement of history, a thorough and comprehensive study as a basis for the unraveling of the many complexities of our present interaction with mainstream society.

"Contrary to the beliefs of many African-Americans, as well as others, current policy-making would be greatly enhanced by a world-class study of American slavery and the thwarted reconstruction effort that followed the Emancipation Proclamation and the 13th, 14th and 15th Amendments. Such a study would be useful if it is done in the spirit of truth and reconciliation.

"The noble embryo that the President's Initiative has planted should be allowed to sprout and grow. Using the bully pulpit of the White House, the President should call on private foundations to finance such a world-class project and he should recommend that the world's top scholars and thinkers, including Nobel Prize winners, be recruited to provide research and editorial guidance for such a study.

"One of the first items that should be placed on the research and analysis agenda is a controversial question of the relationship between Thomas Jefferson and Sally Hemings. It would be a human interest case study offering great illuminations for American history. It could also be an educational landmark love story that captures the attention of a mass audience and forces them to confront the institution of slavery in all of its dimensions.

"The scientific validation of Jefferson's paternity with respect to Hemings' children is a historical blockbuster. DNA evidence has exposed the fact that respected academicians and historians have promulgated or tolerated a dangerous and suffocating denial of certain self-evident truths about American slavery. This same distortion process applies to too much of American history as it relates to slavery, the Civil War and reconstruction.

"Unlike the very civilized behavior of the new rulers of South Africa, the United States has never had a truth and reconciliation commission. As part of a larger effort, the story of Thomas Jefferson and Sally Hemings could provide a potent spark to generate a bonfire of new revelations which will increase the possibility of long-term, improved black-white reconciliation."

Most people would say that they do not see how any probing of such a relationship could lead to anything but more controversy, more hostility, and more antagonism between the races, starting with the numerous African-Americans who want to throw Thomas Jefferson down from his throne because now it has been confirmed that he took advantage of a slave woman. Well, I do not think the evidence confirms anything of the nature.

Slave owners were in a position to take advantage of all their slaves. That is true. But the evidence with respect to Thomas Jefferson is that this particular woman he cared a great deal for. He maintained her near him in Monticello, in the mansion, for 38 years despite a scandal that normally would lead a politician to distance himself from such a person.

"The story of Thomas and Sally may be summarized as follows: While Jefferson was serving as the American ambassador in Paris, Sally Hemings arrived as a maid for his younger daughter who sailed from Virginia to join her father. Jefferson seduced her, and the pregnant Sally returned to America only after he promised that all of her children would be set free. Under French law, she could have remained a free person in France.

"During the first year of his presidency, a journalist exposed the fact that Jefferson had a 'slave mistress' who was the mother of his children. The third president of the United States refused to answer this charge. He also never removed Sally Hemings from Monticello. They were together for 38 years at Monticello until Jefferson died.

"Three of their children were allowed to 'run.'" Jefferson noted in his farm books and his accounts that whenever one of the Hemings children left the plantation they really were set free with his consent, he would just note in his book that they were allowed to run. Because to set them free required certain kinds of filing of papers; and in Virginia, once you were set free, you had a limited amount of time to get out of the State. There were complications. So they were just allowed to run and the notations were made.

Nevertheless, these same children who were allowed to run always ended up in urban settings where they got new footing and it was assumed that Jefferson, and his friends had helped to establish his children in those new settings to enable them to thrive. Two of the children were set free in Jefferson's will.

"With the DNA testing confirming Jefferson paternity, the journey so competently and eloquently begun by Fawn Brodie with her best selling book entitled "Thomas Jefferson: An Intimate History" has now reached its peak."

That is more than 15 years ago that Fawn Brodie, who was a professor at one of California universities, wrote a book called "Thomas Jefferson: An Intimate History." The book was denounced by the Regional Daughters of Virginia, and a number of other historical groups denounced Fawn Brodie. But her set of facts, her documentation, was used to set in motion a process that has continued to today. And finally we have the DNA testing.

"Despite vicious criticisms from the establishment historians still prolonging the Confederate view of American history, Brodie's scholarship propelled the search for truth forward. While the relationship between Jefferson and Hemings was not her primary preoccupation, Brodie provided this story with a rightful proportion of the space," and she integrated the story of Sally Hemings with the rest of her narrative.

"Brodie's thorough account of Jefferson as a failing businessman on the brink of bankruptcy alongside the documentation of the continuous presentation of Sally Hemings may both raise and answer an obvious question: Why didn't Jefferson marry a wealthy widow or a daughter of a wealthy person to end his financial woes?" I repeat. "Brodie's thorough account of Jefferson as a failing businessman on the brink of bankruptcy alongside the documentation of the continuous presence of Sally Hemings may both raise and answer an obvious question: Why didn't Jefferson matter a wealthy widow or the daughter of a wealthy person to end his financial woes?

"With an eye more focused, and operating from a courtroom point of view, a more recent book by Annette Gordon-Bennett updates the work of Brodie, and with her remarkable presentation of the evidence, has stimulated the more recent debates which has helped produce the DNA testing. Now all sides must respond to the scientific evidence. In her book, 'Thomas Jefferson and Sally Hemings: An American Controversy,' Gordon-Bennett goes on to indict the establishment historians for their gross neglect of vital records.

"Barbara Chase-Riboud in the novel entitled 'Sally Hemings,'" which was written based on facts related in Fawn Brodie's nonfiction work, the novel by Barbara Chase-Riboud "offers a uniquely constructed and very ambitious fictional account to interpret the relationship between Thomas Jefferson and Sally Hemings. Her point of view repeatedly emerges crystal clear throughout the novel. Although her writing is often laborious and strained, she sometimes reaches dramatic heights in her depictions of emotions of her imagined victims of Jefferson's patriarchal and slave-owning powers. Chase-Riboud is able fictionally to occupy the bodies not souls of Sally and her children, and from within them she confronts what she imagines to be the cold blue insensitive eyes of the master of Monticello."

Chase-Riboud depicts Jefferson as a patronizing anti-woman, cruel oppressor.

"From this novelist, Jefferson is a white, southern aristocrat trapped within the personality parameters of his class and his time." That is her point of view. "He is also a male chauvinist pig who raped and ruined a young slave girl who is left with no alternative except to 'love him to death.'

"Chase-Riboud forces Sally to become a drug to afflict the addict Jefferson til death parts them. The merits of Jefferson's public achievements and historic accomplishments can never offset his intimate behavior flaws in the opinion of Barbara Chase-Riboud," who is a female story teller of African descent.

□ 1745

Each day since the new DNA discovery, I read or hear the same kind of intense condemnations of Jefferson, although they are usually more blunt and crude and they lack the redeeming eloquence of Barbara Chase-Riboud.

I hear them from African-American females who want to dismiss Jefferson and forget about the fact that Jefferson was a precursor to Lincoln and the whole idealistic bold advance of Jefferson made it possible to create an America which would later emancipate its slaves.

I am compelled personally to register intense disagreement with Chase-Riboud and all those others who want to knock Jefferson off his pedestal for that reason. There are people on the other side, the conservatives and the Confederates, who want to dismiss Jefferson now because, if he did have a serious relationship with a slave, then he does not deserve to remain in their pantheon. But let me deal with those who are African American who refuse to accept Jefferson for what he really is and what he did contribute both to America and to the emancipation of the slaves.

Any interpretation of the Thomas Jefferson and Sally Hemings relationship that discounts or trivializes Jefferson as an idealist, a visionary, an intellectual, a pragmatic statesman and a crafty Machiavellian politician is not acceptable in my view. He was an idealist and his ideals are still very important to what happened, the sequence of events that took place in America, even those that led to the Emancipation Proclamation. The fact that such a giant as Thomas Jefferson chose to keep Sally Hemings at his side for 38 years opens the door to a myriad of magnificent questions: Does the length of the relationship despite the inconvenience caused by public exposure and scandal clearly show that it was not a lust but a love relationship? If he did not "love" Sally Hemings, then why did he not just keep her as a concubine while he married a woman of wealth to solve his ever present financial problems? Would a confirmation of his deep love for Sally Hemings not also clarify a number of the other riddles and contradictions which are related to this so-called "sphinx"? The last great book on Jefferson was called "The Sphinx."

The same youthful Jefferson who wrote the Declaration of Independence, with an original draft that condemned slavery, also set forth a racist platform in the book called "Notes on the State of Virginia." I repeat. The same youthful Jefferson who wrote the Declaration of Independence, with an original draft that condemned slavery, also set forth a racist platform in "Notes on the State of Virginia." As a young Congressman, however, Jefferson led the fight to stop the spread of slavery into the new States. He led the fight to stop the spread of slavery, and he lost that by one vote, by the way. He lost that bill by one vote. He stated that slaves had a limited capacity for learning. Nevertheless, Jefferson urged at one time that slaves should be educated and then set free. In the oppressive social and political environment of Virginia, why did Jefferson speak out of both sides of his mouth? Why were there contradictions? Why did Jefferson not just settle down comfortably as a pure acknowledged slave owner and racist? In his philosophical restlessness and his discontent with his own public positions, one can find the wellsprings of Jefferson's greatness. The politician in his pronouncements surrendered to his peers while privately he subscribed to greater truths. His love for Sally was probably a constant internal irritant. This lifelong reverence for his chambermaid is also a vital and legitimate clue to what he personally believed with respect to the equality of the races.

I said that Jefferson was an idealist, he was a visionary, he was an intellectual, but he was also a pragmatic statesman and a crafty Machiavellian politician. Jefferson founded the first political party in America. Jefferson united with a guy called Aaron Burr who most people did not trust to form the first political party in America. Aaron Burr, true to his reputation, later betrayed Jefferson, but that was necessary to get an opposition party going to the Federalists. Jefferson pretended he was not interested in being elected President, while he was plotting all the time to become President and successfully managed to become President. Jefferson was a politician, and I do not find the fact that he made contradictory statements to be a great puzzle. He is not a sphinx to me. Politicians do make contradictory statements all the time. Unfortunately that happens and we say it is in order to achieve some more noble goal that we distort the truth or we do not tell what we really think. But Jefferson was not only a politician, he was a southern politician. He was rooted in the plantation culture of Virginia. Consider all that and consider the fact that he still led the fight on the floor of the House of Representatives to stop the spread of slavery into the other States.

In the Virginia environment where slavery escalated downward into an ever more savage and criminal institution, did Jefferson's attachment to Sally and her children keep the embers of his antislavery sentiments burning? If there was some way that we could miraculously recover the missing letters of Jefferson, would we find corrections of his most racist utterings? Would we find apologies to Sally Hemings? Would we find expressions of his great love for Sally in his own insightful words?

Jefferson, while he was President, also later narrowly fought for and narrowly passed the legislation which ended the importation of slaves into the country. That was very difficult. It took his son-in-law, Randolph. His son-in-law Randolph had to help him a great deal to pass that legislation. It is probable that the recent DNA clarification will generate more than new scholarly debates among academicians. More fictional interpretations in poetry and novels and drama are inevitable in the quest to fill in the gaps of a tale that is about both love and power. I think that the accounts of Thomas Jefferson and Sally Hemings, the story of Thomas Jefferson and Sally Hemings, the history of Thomas Jefferson and Sally Hemings is now at the point where it is a bit of a legend and it will take on all the trappings of a legend, and Barbara Chase-Riboud's novel will not be the last novel. There will be many novels, there will be many plays, there will be other kinds of things done in connection with this love story which also tells a whole lot about power in America and about the idealism and the kind of people who helped to make this Nation great, the kind of person who helped to twist events in a way which led the way, established the prerequisite for what later happened with Lincoln and the Emancipation Proclamation.

As much as he was the author of the Declaration of Independence, the third President of the United States and the purchaser of the Louisiana Territory, Thomas Jefferson was also the concerned father of several children of African descent. With unfortunate limitations and restraints, the evidence is that Jefferson loved his common-law wife and his children. He was not a brilliant, cold-blooded beast. The hypocrisy he felt compelled to perpetrate certainly created a personal life wracked with intense conflicts.

Jefferson's public statements on race and slavery often stand in opposition to his private passion and compassion. However, when his intimate relationship with Sally is affixed to selected public actions, it is clear that he consciously made a vital contribution to the abolition of slavery. There are many who contend that without Jefferson, there could never have been an emancipating Abraham Lincoln. Congressman Jefferson attempted to halt the expansion of slavery into new States and failed by one vote in the House of Representatives. As President he narrowly won a victory for a law that finally ended the legal importation of slaves. It is also important to note that Jefferson's advocacy for the rights of the common white man had to take roots before Lincoln could fight the war that freed the slaves. Let me repeat. It is also important to note that Jefferson's advocacy for the rights of the common white man had to take roots before Lincoln could fight the war that freed the slaves.

Jefferson was quoted by the slave mongers as well as by the abolitionists as they made their cases during his time, or shortly after his death and up to the Civil War, into the Civil War. Both sides claimed Jefferson. Until today he is still cited by racists as well as progressives. The new DNA clarification of his paternity of Sally Hemings' children may finally end this ideological tug of war. In a superficial response, the races may jettison the man who treated the slave mother of his children as if she were his common-law wife.

A more profound response from progressives in general and African Americans specifically would be a new celebration of Jefferson as the prerequisite to Lincoln. It is an historical fact that one of Jefferson's proteges, Edward Coles, took his slaves from Virginia to Illinois where he gave them their freedom and acres of land. Edward Coles later became governor of Illinois, he defeated a referendum seeking to make Illinois a slave State, and he was an active politician in Illinois at the time of Lincoln's election and at the time of the Civil War. More than mere words and ideas connected Thomas Jefferson to Abraham Lincoln.

Celebrations of the new Jefferson discoveries and expressions of gratitude to the science of genetics which produced DNA testing I think are very much in order. What the historians and the researchers of several generations refused to examine objectively has now been determined to be almost certainly true. The white male southern academicians who have dominated the interpretation of pre and post Civil War history have now been thoroughly discredited. Their refusal to accept overwhelming evidence with respect to Jefferson, of necessity, raises serious questions about the integrity of the rest of their scholarship.

Some obvious indictments of these proponents of the Confederate view of history are now in order. The establishment historians are guilty of ignoring the record of widespread miscegenation fostered by white men and its implications. Mainstream scholars have refused to offer any meaningful expositions of the "breeding farm" industry, for example. On the other hand, post-Civil War terrorism and violence by the defeated rebels has been glorified. "The Birth of a Nation" movie was an interpretation that has never been answered by academicians with a true and thorough story of the terrorism, the murder and the mayhem which returned the blacks of the South to a state of semi-slavery. I am talking about what a Truth and Reconciliation Commission could have accomplished. Instead of a Truth and Reconciliation Commission, we had John Wilkes Booth. We had Booth assassinating Lincoln. We had Andrew Johnson, who took over at that point, the last thing he wanted was truth, and as a result we had a downward slide back into the era when terror, murder and mayhem for the blacks in the South returned, and it took us another 100, or more than 100 years to get back to restoring the civil rights of the African-American population, certainly of the South.

If we had some truth, if we had some honest historians to shed some light along the way on some of these things, we might have made different kinds of public policy decisions and, of course, the reason I am here today is because there is a definite connection. Our present race problems, our present serious race problems as far as African Americans are concerned are rooted in 232 years of slavery. There are still people who make speeches about African Americans being inferior, African Americans are prone to criminal activities, African Americans are generally not as well off as other people. Even immigrants who came to this country much later than the African Americans have accumulated more wealth. There are answers to all of these assertions, to all of these misstatements of fact. There are answers, but unless you have a concerted, systematic pursuit of truth, you are never going to be able to establish the answers which will allow us to have meaningful public policymaking.

In summary, the recent kingpin discovery which confirms the common-law marriage relationship between Thomas Jefferson and Sally Hemings has generated new demands for more historical truth to support current reconciliation between whites and African Americans. I am saying that the recent kingpin discovery which confirms the common-law marriage relationship between Thomas Jefferson and Sally Hemings has generated new demands for more historical truth to support current reconciliation between whites and African Americans.

□ 1800

Madam Speaker, I believe that the truth can support reconciliation. I do not think the truth has to be a generator of more hostility and ill will.

Since there was no Truth In Reconciliation Commission established following the Civil War, it would be wise to currently create a substitute project. That has come as close as we can to a Truth In Reconciliation Commission. We did not have the advantage of the South African Nation has when it tried to get rid of a large part of the baggage and the garbage related to racial oppression, the victimization, the response to the victimization, the people seeking revenge. All kinds of poison existed that the South African government is trying to get rid of by establishing a Truth In Reconciliation Commission. We had no such commission following the Civil War.

Instead of a comprehensive approach similar to the Truth In Reconciliation Commission and instead of a comprehensive approach, which was attempted by the President's Commission on Race, it is recommended that smaller components of the overall problem of U.S. race relations be explored separately. I recommend that we have this kind of Nobel Prize guided winner, guided truth-seeking group who would write an objective history for us of slavery. I would recommend that it be explored in segments. An objective rewrite of the history of slavery in America constitutes a productive beginning. They may want to go back and write the history of slavery for all times. They may want to write the history of the exploitation and the destruction of the Indian Nations, the Native Americans, on this continent. They may want to get segments in order to help tell the whole story. But certainly the history of slavery in America would constitute a productive beginning, an objective history of what it was all about. You know, what does it mean to keep people for 232 years in bondage, what was the cruelty, and the abuse of children and the attempt to obliterate the humanity of human beings? What were the consequences of that?

And as I said earlier, a consortium of foundations could finance such a sweeping study, and Nobel Prize winning scholars throughout the world could be recruited to supervise such a study and to guarantee the objectivity of such a study. In that demonstration of extraordinary and original insight into the dynamics of civilization development and nation building the recently formed government of South Africa, the government of Nelson Mandela, has pointed the way out of contradictions, the way out of conflicts and enmities which heretofore had seemed to be inevitable. To avoid the endless sufferings and social retardations inflicted by lies, guilt and preoccupations with revenge, nations must labor vigorously. The process of striving must be supported systematically and with adequate resources by governments. Since America has not yet matched the South Africans in their recognition of the power of this approach, let us imagine the ghost of Thomas Jefferson and Sally Hemings holding hands as they hover over us. We must strive harder to acquire insights from the emotion laden and sociologically complex legend of Thomas Jefferson and Sally Hemings.

Madam Speaker, let me close by saying that I applaud and congratulate the University of Virginia and the Thomas Jefferson Memorial Foundation for a conference which they held on the weekend of March 5 which brought together 20 scholars from all over the Nation to explore the meaning of the relationship of Thomas Jefferson and Sally Hemings for American history, and they intend to publish an entire series of writings on this subject. The University of Virginia and the Thomas Jefferson Memorial Foundation are moving in the right direction to take an objective fact of history and use that fact of history for a very positive purpose. If it helps America to seek reconciliation among the races, then it will have made a great contribution.

Madam Speaker, before we can have reconciliation, we need to have truth, and the truth of the relationship between Thomas Jefferson and Sally Hemings is a magnificent truth that should be thoroughly examined.

The article referred to follows:

KINGPINS FOR TRUTH AND RECONCILIATION: THOMAS AND SALLY

DNA EVIDENCE CONFIRMING JEFFERSON'S RELATIONSHIP WITH SALLY HEMINGS COULD OPEN THE DOOR FOR A MORE PROFOUND DIALOGUE ON SLAVERY AND RACE RELATIONS

Only a few months after the release of the report of the Advisory Board of the President's Initiative on Race entitled One America In The 21st Century: Forging A New Future, a scientific report has confirmed the likelihood that President Thomas Jefferson was the father of the children of his slave and long-time companion, Sally Hemings. These two events can be constructively related.

The new discussions of the life, philosophy and politics of Thomas Jefferson might do more to facilitate an honest assessment of black-white relations in America than this fact laden official report. Or reviewed together these two developments could greatly enhance our understanding of an extremely complex phenomenon. The weakness of the report of the President's Advisory Board is that it is thorough about the obvious, but it lacks the vital ingredient of profundity. The report is competent, respectful, universal in its coverage, balanced and not at all an embarrassment to the White House; however, when the depth of the deliberations is measured against the complexity of the mission and the intensity of the challenge, the appropriate grade for this noble but feeble effort would be a B− or a C+.

Our national dialogue would be greatly benefitted by the establishment of several adequately funded Commissions on group relations. Native Americans certainly deserve their own separate historical documentation and analysis. African Americans require no less than an objective statement of history, a thorough and comprehensive study, as the basis for unraveling the many complexities of our present interaction with mainstream society. Contrary to the beliefs of many African Americans as well as others, current policy making would be greatly enhanced by a world class study of American slavery and the thwarted reconstruction effort. Such a study would be useful if it is done in the spirit of "truth and reconciliation". The noble embryo that the President's initiative has planted should be allowed to sprout and grow. Using the bully pulpit of the White House the President should call on private Foundations to finance such a world class project, and he should recommend that the world's top scholars and thinkers, including Nobel Prize winners, be recruited to provide research and editorial guidance.

One of the first items that should be placed on the research and analysis agenda is the controversial question of the relationship between Thomas Jefferson and Sally Hemings. It would be a human interest case study offering great illuminations for American history. It could also be an educational landmark love story that captures the attention of a mass audience and forces them to confront the institution of slavery in all of its dimensions. The scientific validation of Jefferson's paternity with respect to the Hemings children is a historical blockbuster. DNA evidence has exposed the fact that respected academicians and historians have promulgated or tolerated a dangerous and suffocating denial of certain self-evident truths about American history.

This same distortion process applies to too much of American history as it relates to slavery, the civil war and reconstruction. Unlike the very civilized behavior of the new rulers of South Africa, the United States has never had a Truth And Reconciliation Commission. As part of a larger effort the story of Thomas Jefferson and Sally Hemings could provide a potent spark to generate a bonfire of new revelations which will increase the possibility of long-term improved black-white reconciliation.

The story of Thomas and Sally may be summarized as follows: While Jefferson was serving as the American Ambassador in Paris, Sally Hemings arrived as the maid for his youngest daughter who sailed from Virginia to join her father. Jefferson seduced her and the pregnant Sally returned to America only after she promised that all of her children would be set free. Under French law she could have remained as a free person in France. During the fist year of his presidency a journalist exposed the fact that Jefferson had a slave mistress who was the mother of his children. The third President of the U.S. refused to answer this charge. He also never removed Sally Hemings from Monticello. They were together for 38 years at Monticello until Jefferson died. Three of their children were allowed to "run" and two were set free in Jefferson's will.

With the DNA test confirming Jefferson paternity, the journey, so completely and eloquently begun by Fawn M. Brodie with her best selling Thomas Jefferson: An Intimate History, has now reached its peak. Despite vicious criticisms from the establishment historians still promulgating the Confederate view of American history, Brodie's scholarship propelled the search for truth forward. While the relationship between Jefferson and Hemings was not her primary preoccupation, she provided this story with a rightful proportion of the space, and she integrated it with the rest of her narrative. Brodie's thorough account of Jefferson as a failing business man on the brink of bankruptcy alongside the documentation of the continuous presence of Sally Hemings may both raise and answer an obvious question: Why didn't Jefferson marry a wealthy widow or daughter and end his financial woes?

With an eye more focused, and operating from a court room point-of-view, Annette Gordon-Bennett updates the work of Brodie, and with her remarkable presentation of the evidence, has stimulated the more recent debates which have helped to produce the DNA testing. Now all sides must respond to the scientific evidence. In her book, Thomas Jefferson and Sally Hemings: An American Controversy, Gordon-Bennett goes on to indict the establishment historians for their gross neglect of vital records.

Barbara Chase Riboud in the novel, Sally Hemings, offers a uniquely constructed and very ambitious fictional attempt to interpret the relationship between Thomas Jefferson and Sally Hemings. Her point-of-view repeatedly emerges crystal clear throughout the novel. Although her writing is often laborious and strained, she sometimes reaches dramatic heights in her depictions of the emotions of her imagined victims of Jefferson's partiarchal and slave owning powers. Chase-Riboud is able to occupy the bodies and souls of Sally and her children, from within them she confronts what she imagines to be the cold blue insensitive eyes of the master of Monticello.

For this novelist Jefferson is a white, Southern aristocrat trapped within the personality parameters of his class and his time. He is also a male chauvinist pig who raped and ruined a young slave girl who is left with no alternative except to "love him to death." Chase-Riboud forces Sally to become a drug to afflict the addict Jefferson til death parts them. The merits of Jefferson's public achievements and historic accomplishments can never offset his intimate behavior flaws in the opinion of this female storyteller of African descent. Each day since the new DNA discovery I read or hear such intense condemnations of Jefferson although they are usually more blunt and crude, and lack the redeeming eloquence of Ms. Chase-Riboud.

This male writer of African descent is compelled to register intense disagreement with Chase-Riboud and any interpretation of the Thomas and Sally relationship that discounts or trivializes Jefferson as an idealist, a visionary, an intellectual, a pragmatic statesman and a crafty Machiavellian politician. The fact that such a giant chose to keep Sally Hemings at his side for thirty eight years opens the door to a myriad of magnificent questions: Does the length of the relationship, despite the inconvenience caused by public exposure and scandal, clearly show that it was not a lust, but a love relationship? If he did not "love" Sally, then why didn't he just keep her as a concubine while he married a woman of wealth to solve his ever present financial problems? Would a confirmation of his deep love for Sally not clarify a number of other riddles and contradictions related to this "Sphinx"?

The same youthful Jefferson who wrote the Declaration of Independence, with an original draft that condemned slavery, also set forth a racist platform in Notes On The State of Virginia. As a young Congressman he led the fight to stop the spread of slavery into the new states. He stated that slaves had a limited capacity for learning, nevertheless, he urged at one time that slaves should be educated and then set free. In the oppressive social and political environment of Virginia why didn't Jefferson just settle down comfortably as a pure acknowledged racist? In his philosophical restlessness and his discontent with his own public positions one can find the well springs of his greatness. The politician in his pronouncements surrendered to his peers while privately he subscribed to greater truths. His love for Sally was probably a constant internal irritant. This lifelong reverence for his chamber maid is also a legitimate and vital clue to what he personally believed with respect to the equality of the races.

In the Virginia environment where slavery escalated downward into an ever more savage and criminal institution, did Jefferson's attachment to Sally and her children keep the embers of his anti-slavery sentiments burning? If there was some way that we could miraculously recover the missing letters of Jefferson would we find corrections of his most racist utterings? Would we find apologies to Sally Hemings? Would we find expressions of his great love for Sally in his own insightful words?

It is probable that the recent DNA clarification will generate more than new scholarly debates among academicians. More fictional interpretations in poetry, novels, and drama are inevitable in the quest to fill in the gaps of a tale that is about both love and power. The long term fascination of this writer with Jefferson and Hemings has inspired a play which is presently being considered for production and publication. All quotes utilized below in this exposition are taken from the manuscript of the play, Thomas and Sally.

In Act I, Scene 9 of Thomas and Sally, Jefferson recalls his initial seduction of Sally following his wrenching breakup with Maria Cosway in Paris:

Jefferson: Your mind is as splendid as your beautiful face, Sally. Soon, you may become my French teacher. But not today. In my present condition your energy would be too much for me.

Sally: I am so sorry that you have no time to talk to me. When we sit and chat, for a tiny while, you make me feel that it is Christmas morning.

Jefferson: How interesting. You think of Christmas when you talk to me. But always when I see you it is the image of Easter that rises in my mind. Always you remind me of Spring with seeds bursting and flowers blooming. I have been leaving early and I have missed you. Tomorrow we will practice French together again. But not now. Today I am like a dog exhausted after chasing a bone that finally had no meat on it. For some women the ultimate excitement is to lead a man through a maze, forever pulling him at a faster pace until . . . Set the tea down here, Sally, and leave me. I want to be alone. . . .

Sally: Yes, Marse Tom, I will go. But you look sick, sir. (Begins to walk slowly toward the door while Jefferson lowers his head into his hands again.)

Jefferson: Wait, Sally! (He suddenly raises his head and calls after her.) Come and sit for a minute. (Motions toward a chair near him.) Just for a minute. It is so cold in here.

Sally: (Pushing into the chair.) Yes, Marse Tom, I will sit with you.

Jefferson: It is cold and your eyes are like two suns. Always they seem so bright and full of heat.

Sally: No, Marse Tom, your eyes are bright. I see the sun coming out of your eyes.

Jefferson: What you see in me is the reflection of your own eyes.

Sally: Slaves are not supposed to look into the eyes of masters, but you always make me look into your eyes, Marse Tom. I try hard to turn away, but you make it so hard for me not to look into your eyes. Please excuse me, sir. . . .

Jefferson: I did not mention Maria Cosway. Aha! You have been spying on me, Sally. You are a naughty child.

Sally: Please, Marse Tom, do not call me a child. And I am sorry that I called the name of the English woman. I do not spy on you. But I do watch you. I watch everywhere you go, whatever you do. I listen to everything you say.

Jefferson: I am not angry, Sally. I called you a spy in jest. I have seen you watching me. And you have my permission to call the name of the English woman. We have seen the last of Maria Cosway. I will never follow her through that mysterious maze again.

Sally: Maze? Is that the same as the labyrinth thing, Marse Tom?

Jefferson: A maze, a labyrinth, a wolf-trap, a deadly bear hug, a snare, quicksand in a swamp. She was all of these crushed into one.

Sally: She fiddled with your heart. She led you around the mulberry bush. Maria Cosway was a mean woman, Marse Tom. Marse Tom! Your face is turning red like fire! . . .

Jefferson: (Raising his head abruptly.) Please, Sally, lay your hands on my head again. Massage the back of my neck. Your hands are so warm.

Sally: Yes, Marse Tom, I will rub your head; I will rub your neck. Come back to life, Marse Tom. Do not leave me!

Jefferson: (Abruptly standing and pushing Sally down until he towers over her and gazes down at her with a look of astonishment.) Two suns are set in your eyes. And those same eyes are filled with Virginia. There is no limit to what your eyes can hold. I see the world when it first came. I see the world going on forever. It is all there without embellishment, without ornaments. It's all there shining in your eyes. It shines even through your tears. (Bends down to kiss her head. She responds by throwing her arms around his long legs.). . . .

At the end of a failed attempt to separate him from Sally by banning her from the Monticello mansion the two lovers are united:

Scene thirteen: Sally joins Jefferson in the bedroom. Jefferson is first alone. He has placed a light in a small window above his bed.

Jefferson: Come, sweet Sally, and bring me peace. The force of my feeling gives me direction. Let it be disease, affliction, addiction; you are a habit I will pursue. No surgeon can cut me free of you. If I am blind then I never want to see. If this is rape then I declare that all husbands, with their wedding night madness, are similarly guilty. Thomas and Sally are one. In what language does God require the marriage license? Is he satisfied to see the vows written on men's hearts; or do only wedding gowns and hypocritical ceremonies move him? Am I condemned because of my oath of monogamy is unregistered? Is it some base perversion that leads me to discern that nothing is more delicious than fidelity?

(Sally emerges from the floor climbing up from the stairs at the foot of Jefferson's bed. She is draped in a black cloak on the upper part of her body but below the knees a white night gown can be seen.)

Jefferson: (Throwing open his arms as he moves toward her.) Ma Cherie! My magnificent flower!

Sally: (Leaping into his arms.) Like a baby rabbit racing for its mother I came running. Please excuse me but my legs leaped forward all on their own. I could not hold back one minute more. I have waited so long for the lamp in the window to light my way back to you.

Jefferson: Please forgive me. You have been humiliated for the last time. I beg you! Forgive me! (Falls to his knees and throws his arms around her legs.)

Sally: Mon Cher, please don't greet me on your knees. Don't drown my mind in fancy pleas. Just squeeze me close. (He rises and envelopes her in his arms.) Speak to me with the strength in your hands and arms. I have been a lost orphan without your love to surround me.

Jefferson: My Sweet Angel, look at Monticello. (Begins to speak French.) C'est un château três incomplete. Mais un jour, je le finirai totalement. Monticello est ton château, Sally. You will never be driven from your castle again. I swear it to you, sweet Sally. You demand nothing but this is my gift to you. No one, not even Martha, shall ever take Monticello away from you again. I swear it!

Sally: Please do not swear again. I do not need another oath. Make no promises except one.

Promise you will love me like the green grass grows. The grass is forever.

Jefferson: I will love you forever, Sally. We are one. Now, tell me that you forgive me. Promise that you will love me forever.

Sally: Oh my sweet Cher, how can I answer you? I can't match your basket of fancy words. Just look into my eyes and real all of your answers. You see my pain. You alone know how much I hurt. I can see the understanding in your eyes. The heavy beating of your heart is sending me a message. As much as I have missed you, you have missed me. You still Love me. The election, your daughters, the planters, the guests; nothing has been enough to block your path back to me. The message is so simple, Mon Cher. You still love me. And I promise to love you forever.

Jefferson: The world is as it is. Let the violent variables swirl around us in chaos. You, sweet Angel, shall be my constant. Everlasting you are mine!

Sally: You have recited enough of your sweet speeches tonight. Take me to our bed. Your cold sheets are waiting to be warmed. (Sally takes off her black cloak and stands in her white nightgown before Jefferson carries her to the bed.)

In Act I, Scene 25, Jefferson is forced to justify his love for Sally to his jealous daughter, Martha:

Martha: I did not like her. Perhaps I was jealous of every female in your life. But Maria Cosway was an elegant lady. Sally was nothing. You remade Sally. Why did you select Sally?

Jefferson: An architect can read his own blueprint easily; but it is not always possible for a man to decipher his soul.

Martha: You told her the right books to read in your library. You coached her until she learned to speak French better than me. You let her reign supreme over all the servants. Sally was nothing but mud. But you diligently molded her into your favorite statue.

Jefferson: To some degree maybe I did mold her. But God alone could teach her to burst into a room like a morning glory; to bloom as the reddest rose commanding every eye; to stand as the sunflower in every crowd; to always be the lily who lights up a dark pond of tears. Sally is what nature and God and I have made together. And so is Patsy. You are separate and distinct but blessed be the priceless two of you. Sally extracts nothing from Patsy.

Martha: Why love, Father? Why not just let it be lust? The South is littered with mulattos but white men don't treat their mothers like wives.

Jefferson: Tonight, Patsy, I beg you to be my daughter. I have only two of you. I have hundreds of inquisitors. Do not insult me. Do not degrade me with conventional accusations. If you have ears, then hear me. I need more than pleasure! Watching loved ones die maims the spirit, cripples the soul; even the strongest among us are never fully rehabilitated. There is but one antidote to such despair and most men never find her. Life and joy are for the living (pauses) but we disabled souls require magnificent assistance. Sally is my magnificent assistance. Inspiration is that which completes a man; supplies drive and ambition; stimulates vision; absorbs despair. She who inspires is sacred. Sally is sacred.

The fact that an aging Jefferson could not separate himself from Sally raises questions less about sexual addiction and more about the magic and magnetism of Sally Hemings. She obviously had more than her beautiful body to offer. Why are all records of Sally so thoroughly and meticulously missing? In his seventies and eighties why did Jefferson still find her company indispensable? Since her continued existence posed an obvious embarrassing threat to Jefferson's heirs, how did Sally manage to outwit them and survive? And is it not obvious that both the father and the mother had to be involved in the arrangements made for the big city survival of their children who were allowed to "run"? For a lifetime Thomas and Sally did more than merely sleep together. But what was it that made Sally "sacred" in the eyes of Jefferson?

All traces of Sally Hemings have been scrubbed from Jefferson's writings and from history. Fiction writers thus have great latitude in the challenge to recreate this central character. She may be glimpsed through her own speeches:

In Act I, Scene 16, on the day she learns of the public charges that she is the President's mistress and the mother of his children:

Sally: Marse Tom don't want to know what's happening here. Marse Tom won't look down at the dirt. Marse Tom rather gaze up at the skies. He always goes in person to buy slaves. But you won't see him around when slaves are sold. But Marse Tom is many men all squeezed into one. He is the owl and the eagle, the fox and the sheep, rose and thorn, still pond and flooding river. God was straining hard the day he made Marse Tom . . . The closer you watch Marse Tom, the less you understand him. I have seen him wave his hand at heaven and thumb his nose at the angels. But some days he takes oaths and swears under the watchful eyes of God. So much about him stays in the dark. But why must we figure out the puzzle? Why do you ask so many questions Millie? I just know in my bones that Marse Tom is the grandest man that walks on this earth. . . .

Preacher Zeke: They say Marse Tom could be pushed out of office. They say nobody will vote for him a second time. This is bad, Miss Sally. Look right there in the paper. They called you a concubine!

Sally: Our love is right, Preacher. Your God, our Jesus smiles down on Thomas and Sally. The newspapers are all wrong and our love is right. He will not bend, Preacher. Marse Tom will stand and fight.

Preacher Zeke: Chief Justice Marshall, Patrick Henry, John Adams! They have all come out against Marse Tom.

Sally: You hear a hundred dirty puppies howling at the heels of a mountain lion. My Master will never bow to them. You watch, Preacher Zeke. Watch and see him strike with quiet lightning. He will leave the puppies scattered across the woods. He will stand in this storm. Pray to make him strong. The God who gave me my love will not tease me and then take him away. The Almighty who made me a slave would not torture me twice. Pray the right prayer, Preacher. Make him like David against Goliath; like Daniel in the lion's den; let him be Samson. Give him the jawbone of an ass and let him beat the Philistines down. For our love he will go up to the gates of heaven and wrestle St. Peter himself. Pray, Preacher, pray!

Millie: Preacher Zeke, do they put corcupines in jail?

Sally: Concubine, Millie? Not corcupine! The word is concubine! Any woman that is used but not loved is a concubine. Many waives are concubines. I am not a concubine . . .

In Act I, Scene 24, Sally confronts Jefferson's daughter:

Martha: You are both reckless! Love has nothing to do with it. My Father is first of all a man and men are prone to allow their lust to place everything else in jeopardy.

Sally: Be careful what you label lust. Lust is an easy pig to feed. Men can drop their pants anywhere. My love gives life to him. He says that he can sometimes only heal his headaches by placing his head in my hands. He calls me his magic and his medicine. . . .

Martha: Yes, I hear you as a woman, tonight. But all these years I have worked so hard to make you a thing. I could not admit my Father had succumbed to a mere woman. You had to be a soft, fuzzy, lustful creature that he took to bed to keep himself warm; a witch to cure his manly madness; a slop jar for his boiling male juices; a submissive sheep; a ravishing werewolf; I made you anything in my mind but a woman. You could not be human.

Sally: Not human, Martha? But we played together as girls. We have lived for twenty-three years within each other shadows. I am your mother's slave sister, her half sister. The father of your mother was my father. You are my niece, Martha.

Martha: Stop it! Don't remind me of the disgusting lust of my maternal grandfather. Let me forget how our lives are intermingled, miscegenated and tied together like insane serpents.

Sally: Consider the serpents, Martha. In the Spring when certain snakes mate, they wrap themselves around each other with passion. And neither snake supplies the poison to ruin their great hug. You come to the love feast with fangs, Martha! You bring the poison!

Martha: Stop judging me! We are not as the gates of heaven—and you are not St. Peter. You are not an angel merely because you are a slave. Other women suffer too!

Sally: Yes, Martha, admit it. We are both women. But after tonight we will never suffer together again. Thomas Jefferson is your Father. I give him all to you. To take him from me, day and night you tear at him with sharp hooks in his mind. Every axe and dagger you use. Sometimes you dump a heavy load of reminders about your mother. Sometimes you paint me as a demon. I am unlawful, illegal, sinful, the Jezebel dragging him down to hell. But your spray of poison has not put out my Master's passion. Our love is like an iron rock against all of your heavy hammers. I win the battles but you keep fighting the war. You can not take him from me. No woman can take him from me—no daughter, no Washington ladies with all of their lace and lovely speeches. No ghost of a wife long gone. You have all failed. You can not take him, He is mine! And since he is all mine I have the power to give him to you. (Begins to cry.) For his sake I give him to you. Take your Father and let me go!

Martha: Sally, Father will be here soon. Perhaps you should rest. You should not meet him with tears.

Sally: Take him! To get at me you are driving him mad. You will split his soul right down the middle. Preacher Zeke tells the story of two women before King Solomon both claiming a baby. Like the real mother standing before Solomon my love is bigger than yours. Your Father has been split in half too long. Take him! He should not have to wake up each day and choose between me and you. I am my own butcher. I choose to cut him free. I want him made whole again. The country still needs him undivided. I stand on one side and all the world weighs down against me. So heavy a sin will surely drag me to the bottom of hell. . . .

In Act I, Scene 26, declaring that she will leave Monticello, Sally confronts Jefferson:

Jefferson: Liberty and freedom are necessary to guarantee the opportunity to love. Around your waist in a pouch are the papers that validate freedom for you and each child. You are not my slave, Sally, You don't have to stay if you do not love me.

Sally: In the dark you whisper over and over again that you love me; at night I am your adored wife. But in the morning I am again just a slave. At night I am everything. In the morning I am nothing. Monticello you declared to be my castle but when company comes I am the pussy cat who must crawl into a corner or go hide in the bushes.

Jefferson: You stab with a long rusty knife!

Sally: Hear me til the sound of my voice makes you want to puke. And then maybe you will never ever want to hear my voice again.

Jefferson: You speak from great pain, Sally. I honor your suffering.

Sally: To be a slave, night black or mulatto, is to live always in pain. The days creep by so slowly for a slave—and there is nothing to look forward to but more misery tomorrow. If we slaves were wise we would punish all slave owners by killing ourselves and destroying their property. If slaves had a democratic government we would all go to the polls and cast our ballots for a holiday of destruction; a grand day of death. . . .

Jefferson: Forgive me, Sally. I have written in riddles and traveled in evasive circles for too long. I swear I will someday set these matters straight.

Sally: If you are truly my champion—and since you are the powerful President of the United States, I most reverently appeal to you to publicly whip the man who wrote these words that I have copied from his book: (She reads from a piece of paper.) "Among the blacks is misery enough, God knows, but no poetry; in imagination they are dull, tasteless, and anomalous on. They secrete less by the kidneys, and more by the glands of the skins, which give them a very strong and disagreeable odor". . . .

Sally: And you will promise never to be mad at me for doing what it was right to do. (Pause) I have a gift for you, Mon Cher, a gift I bought in a Paris flea market. I bought this from an old African who was selling carvings. He had a big head and a face that could only have been chiseled by a very strong angel. He was tall with big hands and long bony fingers. (Pulls the cloth covering from a small black stone carving.) See, it is a tiny family of a man, his wife and two children—the way families must have been before the slave catchers came. Take it! It was dreamed up by an inferior "dull, tasteless" black mind, and carved with inferior black physical fingers. Take it and always remember that the Sally you once adored was first of all a slave. I am Black Sally!

Jefferson: Thank you Sally. But please do not remind me that the trial is over.

Sally: I sentence you to one day write that any being able to bear the daily burdens of slavery and still be able to laugh and to love is surly superior to all other human beings.

Jefferson: I swear that I shall truthfully instruct posterity and work to shield them from the errors committed by my generation.

Sally: Say no more. (Holds a finger up to her lip.)

Jefferson: As you wish, my divine inquisitor. The nobility of Adam is best reflected by the fact that he made no attempt to argue with his God. Adam quietly acknowledged his guilt and he left the Garden of Eden. . . .

In Act I, Scene 27, Sally reverses her decision to run away from Monticello:

Sally: I could take my children and live anywhere. I could mop floors as a maid, or melt away in sweat cooking in some lady's kitchen; or I would do well as a seamstress. I could put plenty of food on my table for my children. Black Sally could survive. But there would be no thread tough enough, no needle big enough to sew up the aching hole in my heart.

Martha: I promise you peace Sally. I shall never again harass or insult you. In no way will I ever block or handicap you in your pursuit of happiness at Monticello.

Sally: The slave in me is beaten down and bitter, but I can never be happy unless I stay hostage to my heart. Against the hurricane of the heart the head is like a crippled fly. This morning when I got out of bed I knew in my bones that I had lost the battle. No woman can love him, be loved by him, and them pick up and run away from Thomas Jefferson. It would take an angel or some other being able to work miracles to carry out such a deed. I'm only a woman. I love him. I can't abandon him. (She takes up a pen and begins scribbling a note.)

Martha: In the end we must always remember that we are only women; incomplete and not fully made without our men.

Sally: We are women, and men are not fully finished until we make them so.

In Act II, Scene 3, Sally comforts an old, sick and dying Jefferson:

Jefferson: My dearest Magic Woman, now you are so kind as to assign me another son when I have refused to claim the sons you gave me.

Sally: I didn't come to talk about that. Your morning is cloudy enough already. Accept Edward Coles as a son from you soul and celebrate.

Jefferson: Why accept a son who publicly chides me and privately mocks me with flattery.

Sally: Sons do sometimes rebel and challenge their fathers.

Jefferson: And sometimes children hate their fathers. I have given ample cause to your Thomas and Harriet and Beverly and Eston and Madison. Toward my own flesh I have behaved abominably!

Sally: (Screaming) Stop it! The world is as it is. In a great burst of love you gave my children life. And later you gave them their freedom. I asked for nothing else. You must not torture yourself! If my children have suffered it is because they were abandoned by their mother who wouldn't carry them all at once to freedom because she couldn't bear to leave her lover.

Jefferson: My loud and powerful queen, I beg you not to scream at this old man. My conscience is crammed with sins that break out like blisters. Brains overloaded with living and learning become grotesque. That I sometimes become unhinged should not surprise you. Wrinkled hearts and musty minds are not good company. Wise women do not waste their love on old men.

Sally: (almost whispering) Then I never want to be a wise woman. Let me die a fool! Loving an old man is like loving a baby. It is the best used time of your life. No need to have a reason. The love just swells up all inside you and then runs over in a flood. (She kneels beside his chair and begins to caress and kiss him). . . .

As much as he was the author of the Declaration of Independence, the third President of the United States and the purchaser of the Louisiana Territory, Thomas Jefferson was also the concerned father of several children of African descent. With unfortunate limitations and restraints the evidence is that Jefferson loved his common-law wife and children. He was not a brilliant, cold blooded beast. The hypocrisy he felt compelled to perpetrate certainly created a personal life wracked with intense conflicts.

Jefferson's public statements on race and slavery often stand in opposition to his private passion and compassion; however, when his intimate relationship with Sally is affixed to selected public actions, it is clear that he consciously made a vital contribution to the abolition of slavery. There are many who contend that without Jefferson there could never have been an emancipating Abraham Lincoln. Congressman Jefferson attempted to halt the expansion of slavery into new states and failed by one vote in the House of Representatives. As President he narrowly won a victory for a law that finally ended the legal importation of slaves. It is also important to note that Jefferson's advocacy for the rights of the common white man had to take roots before Lincoln could fight the war that freed the slaves.

Jefferson was quoted by the slave mongers as well as the Abolitionists as they made their cases. Until today he is still cited by racists as well as progressives. The new DNA clarification of his paternity of Sally Hemings' children may finally end this ideological tug of war. In a superficial response the racists may jettison the man who treated the slave mother of his children as if she was his wife.

A more profound response from progressives in general, and African Americans specifically, would be a new celebration of Jefferson as the pre-requisite to Lincoln. It is a historical fact that one of Jefferson's proteges, Edward Coles, took his slaves from Virginia to Illinois where he gave them their freedom and acres of land. Coles later became Governor of Illinois; defeated a referendum seeking to make Illinois a slave state; and was an active politician in Illinois at the time of Lincoln's election and the Civil War. More than mere words and ideas linked Lincoln to Jefferson.

Celebrations of the new Jefferson discoveries, and expressions of gratitude to the science of genetics which produced DNA testing are very much in order. What the historians and researchers of several generations refused to examine objectively has now been determined to be almost certainly true. The white male southern academicians who have dominated the interpretation of pre and post civil war history have now been thoroughly discredited. Their refusal to accept overwhelming evidence with respect to Jefferson, of necessity, raises serious questions about the integrity of the rest of their scholarship.

Some obvious indictments of these proponents of the Confederate view of history are now in order: The establishment historians are guilty of ignoring the record of widespread miscegenation fostered by White men and its implications. Mainstream scholars have refused to offer any meaningful expositions of the "breeding farm" industry. On the other hand post civil war terrorism and violence by the defeated rebels has been glorified. "The Birth Of A Nation" interpretation has never been answered by academicians with a true and thorough story of the terrorism, murder and mayhem which returned the blacks of the South to a state of semi-slavery.

WHERE ARE THE DRUGS COMING FROM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come again tonight to the floor of the House of Representatives as chair of the new Subcommittee on Criminal Justice, Drug Policy and Human Resources to talk about a situation that is confronting our Nation, Congress and has touched almost every household in America, and that is the situation dealing with illegal narcotics. The situation basically is out of control and affects our young people. Some 14,200 Americans died last year because of drug-related deaths. This is a problem that has been swept under the table by Congress, by this administration and not really addressed adequately in my opinion. As chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources responsible for developing at least the House side of our national policy, I intend to continue my efforts to bring this situation to the attention of the American people and to my colleagues here.

Mr. Speaker, the situation is so bad relating to narcotics, particularly among our young people, that the statistics are absolutely staggering and should shock every American, particularly in the area of hard drug use by our young people. The statistics since 1993, when this administration came into power, of drug use among our teens and our young people, the instance of use of heroin by our teenage population has soared 875 percent.

In the area that I come from, Central Florida, a relatively prosperous area, an area that has economic stability, growth, viability, no inner city problems, our area has been absolutely wracked and ravaged by deaths, particularly again among our young people, our teenage population and young adults by heroin deaths. In fact, in the Orlando Sentinel, a headline at the end of last year said that the drug overdose deaths in Central Florida exceed homicides.

One of my first duties and responsibilities as chair of this new subcommittee to deal with drug policy was to conduct a hearing in Central Florida on the issue, and I was told by the father of one of the young people who died of a drug overdose, a heroin overdose, "Mr. Mica, those who have died from drug overdoses are in fact homicides." And that situation is repeating itself across our land.

Not only do we see increased use of heroin among our young people and in my area and other areas, we are now seeing more and more Mexican black tar, high purity heroin, coming across the border into Texas and other border States. Additionally, the amounts of methamphetamines coming into middle America, the western States and across this land are soaring dramatically. The episodes in our emergency rooms from overdoses across the land are increasing, not decreasing, and again we are seeing more and more of the drug abuse of these hard, high-purity drugs such as cocaine, heroin, methamphetamines among our young population.

Tonight I wanted to spend most of my time talking to my colleagues that are listening and the American people that are listening about where those drugs are coming from, and it is very easy for me to identify where those drugs are coming from.

If I may, if we could pay attention to this chart, it is very easy to see that the drugs are coming from South America, primarily Colombia where heroin and now cocaine from coca production have increased since this administration has stopped equipment or stopped in the last few years equipment reaching Colombia, helicopters, ammunition, eradication equipment reaching that country. Incredible fields of poppies are being grown in Colombia, and now we are told that Colombia is also the largest source of coca production in the world, exceeding even Peru and Bolivia, which both countries have managed to curtail some of their production. But it is coming through Colombia and then transiting through Mexico.

Mr. Speaker, today 60 to 70 percent of the hard drugs entering the United States of America enter through Mexico, and this chart shows the pattern of Mexican and Colombian based organized crimes, crime in the 1990's and currently. So, again we know exactly where these drugs are being produced, and we know who is producing them, and we know who is trafficking in those drugs.

Let me use, if I may, a quote that disturbed me as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and this is a quote from our chief DEA administrator. He said, and let me repeat it, in testimony: Recently in my lifetime I have never witnessed any group of criminals that has had such a terrible impact on so many individuals and communities in our Nation. Mr. Constantine said corruption among Mexican anti-drug authorities was unparalleled with anything I have seen in 39 years of police work.

This is our chief drug enforcement officer for the Nation, and these are his comments.

Now it would be bad enough to hear that from our DEA chief enforcement officer, but all we have to do is as a Congress look at the statistics about what is happening with Mexico. We look to see how our partner, how our friend, how our ally is cooperating in the war on drugs in the effort to stop the trafficking and production of illegal narcotics.

Let me address two fronts. First of all, Mexico, which was a minor producer of heroin, has now become a major producer of heroin, so they are producing heroin and in larger quantities than they ever have and at a higher deadly purity rate than we have ever seen before. The second area that we would judge countries' cooperation with the United States in dealing with the drug problem would be the amount of drugs that are seized in that particular country, and that is how we base our certification of a country in cooperating and making them eligible for foreign assistance, international finance and international trade benefits.

What are the other measures? As I said, first of all, again production and then trafficking. In trafficking the statistics are absolutely startling. In 1998 the seizures for heroin fell in Mexico, the seizures for cocaine and coca products fell in Mexico. So the major hard drugs in Mexico actually in the area of seizures decreased in Mexico, so they were actually assisting us less in seizing hard drugs coming across the border.

Then if we look at the other dangerous deadly drug that we have talked about as methamphetamine, we find that not only the drug, but the ingredients and the precursors to produce and traffic in methamphetamine, another deadly hard drug today that is taking its toll on so many young Americans, is also up, production is up, incidents of finding this across our land are up.

Now I spoke very briefly about the process of certification of a country, and there is confusion among the Congress and lack of knowledge about the certification process. I was able in the 1980's, as chief of staff for Senator Hawkins, to work with Senator Hawkins, Members of the other body in Congress and this side, the gentleman from New York (Mr. GILMAN) and others who were here, the gentleman from New York (Mr. RANGEL), and the Congress adopted a drug certification law. That is a simple law, and what it does again is it says that any country who deals in illegal narcotics shall be certified annually by the Department of State and the President of the United States as, and the terms in the law are very specific, as fully cooperating to do again two things. One, to stop the production; and two, to stop the trafficking.

Now that is the certification. The administration and the President must certify to Congress that these countries that are dealing in illegal narcotics are in fact cooperating with us, fully cooperating with us to stop the production and trafficking, a simple law, a simple certification. And what do those countries get in return for their cooperation and being fully certified? Mr. Speaker, they get basically several benefits.

The first of these would be United States foreign assistance. So if they are fully cooperating, they get United States foreign assistance, foreign aid. They also would get foreign assistance as far as international financial benefit and support. So in the World Bank, Inter-American Development Bank, IMF, the United States, which is the major underwriting partner for financing all of these international operations and actually the basis of financial stability for so many countries, including Mexico, the United States lends its vote to approve various loans and grants and assistance from these international finance organizations. So that is another criterion.

□ 1815

Then the third area is the trade area. We give trade benefits. I cannot think of any nation in the world that we have given a better trade advantage to.

We have different levels of trade equity but there certainly is an inequity between the United States, between our wages, between our labor standards, between our environmental standards, between all the things we judge trade equity and economic equity, there is a disparity between the United States and Mexico. Stop and think that we passed NAFTA giving that country some of the best trade benefits ever bestowed by any government to any other nation or ally. We give, in fact, those trade benefits to Mexico and we ask very little in return. In fact, we have almost a $16 billion trade deficit, and our trade deficit in the United States and I plan to hold a hearing on this issue because it is another issue that has not received the adequate attention or concern by the Congress or its appropriate committees, but the deficit has now ballooned. It is in orbit, the highest it has ever been, trade deficit.

That is, the United States is buying more foreign goods than selling those goods. Only for so long can the United States continue to have this incredible hundred billion dollars in excess flowing out year after year from the policies of this administration, but that is one more benefit that we gave to Mexico and they are benefitting by the trade surplus that they experience in selling us their goods, again, produced at a different level. So all of these benefits are given to the country of Mexico.

In return, we ask very little and, in fact, we go through this certification process every year to say who is helping us and who is not assisting us and should they get trade foreign assistance benefits. That brings me to the topic that I wanted to raise tonight, and that is the question of certification of Mexico and what is going on with our Mexican allies.

Are they cooperating? I just read the quote by Tom Constantine, who is the Director of our Drug Enforcement Agency, very harshly critical of what is going on in Mexico. Two years ago, this Congress stumbled and part of it was because of Wall Street weighing in. They were concerned with this big trade agreement, that there might be some repercussions and American businesses have now invested in Mexico and the interconnection of these economic relationships by decertifying Mexico there could be some implication, and they extended the real meaning of decertification and have since, with the cooperation of the administration, turned this into a political process rather than a policy process of this Congress and how it extends benefits to other countries. Again, those benefits trade financial assistance and economic benefits in regard to international organizations. So that has been distorted and the process is distorted.

Two years ago, this Congress concerned about the certification of Mexico at that point, passed a resolution and asked Mexico to do several things to help end this war, if it was to be a joint war, but to take certain very specific actions but not unreasonable requests to deal with the narcotics problem that was just as bad then as it is today. In fact, it has gotten worse today as a result of nothing being done by Mexico to address the specific concerns of this Congress.

Many people who were here several years ago remember what we asked Mexico to do in a cooperative fashion. First we asked for extradition of Mexican officials who were involved in drug activities. We asked for extradition of the drug traffickers who were charged and we asked for the arrest in Mexico, by Mexicans, of major drug traffickers. So we asked for extradition of those who were involved in illegal narcotics activities at the highest level, major drug traffickers; and we asked for, again, cooperation in trying to bring under control some of the corruption that existed in Mexico at various levels of their government.

A second thing we asked for was Mexico to sign a maritime agreement with the United States. A maritime agreement is important because if we look again at this chart we can see the drugs travel not only overland but also through some of the water areas that surround Mexico, and United States officials and United States enforcement officers who work off of this coast, in even our military, have no rights, no maritime agreement. Mexico is the only country in this region with which the United States does not have a maritime agreement except, I believe, Haiti.

The only reason we have not had one with Haiti is because the administration has done such a great job, with their system of justice down there, where we spent three or four billion dollars, and the parliament has not met and we have had basically a dictatorship that refuses to operate in a legitimate fashion. So we have a parliament or a Congress in Haiti that basically has not been able to meet and approve a maritime agreement, but that is not the case in Mexico, even though what has happened in Haiti in not signing an agreement with the disorganization of their government, with the pouring of billions of U.S. dollars into that pit, we have a different situation, a different set of circumstances with Haiti and that failure as opposed to the Mexican record of failure and failing to sign or come to terms on a maritime agreement. That is number two.

We asked for radar in the south. Now, of course, if we just look at this chart again we see that the drugs are coming in through Mexico through the southern border and transiting through their country. A simple request still not adhered to.

The fourth request was to enforce some of the laws that had been passed. Now, we did get Mexico to pass some tougher laws several years back, but it is nice to have a law. The question is enforcing the law.

What happened when we asked for cooperation? Last year, our agents uncovered an incredibly large activity relating to money laundering in Mexico. The scope of it was mind-boggling and hundreds of millions of dollars being laundered through Mexican banks. We arranged for a sting operation and Mexican banks customers were arrested. What did the Mexicans do? Did they cooperate with us, enforcing the law as we had asked 2 years ago in money laundering and corruption? No, they did not. In fact, the Mexicans had the audacity to blast the United States and then threaten to indict our Customs officials. This is an operation known as Casa Blanca.

So here again was another item, the fourth item that we had asked for cooperation from Mexico; two years ago, and the situation is worse than it was then.

An additional item that we asked for, a simple request, was our agents, our DEA agents who work around the world, particularly where there are international narcotics problems and they are welcomed by most host countries. What did Mexico do to a request that they secure protection, they allow our agents to arm themselves and that we also increase the presence of those agents in that country for the purpose of conducting investigations with Mexican officials? What they did was really take little or no action. We still have a cap on those agents and our agents still do not have the protection they need.

So these are a few of the basic requests this House of Representatives asked Mexico 2 years ago to comply with to assist us.

□ 1830

Again, nothing, at most very little, has been done.

What disturbs me the most about the situation with Mexico is that instead of getting better on any front, the situation becomes worse and worse.

Tonight, before the House of Representatives, I am going to read most of the article that appeared in today's New York Times, and I ask every Member of Congress who tomorrow will receive a copy of this article from me to take time to read this article.

We have been concerned about corruption in Mexico at the highest levels. We have been concerned that this administration made decisions about certification not based on facts, not based on intelligence information, but based on diplomacy and also in trying to protect United States officials which I believe have covered up a horrible situation. This article that I am going to read tonight that appeared in The New York Times by Tim Golden, again I refer to every Member of Congress and ask that they pay particular attention to its contents, because its contents is very damaging to what has taken place regarding Mexico.

Mr. Speaker, let me, if I may, read this. I will try to read most of the article. I think again it deserves our attention, and it was written today. This is not something that is dated.

"Early last year as undercover United States Customs agents neared the end of the biggest inquiry ever conducted into the illegal movement of drug money, bankers working with Mexico's most powerful cocaine cartel approached them with a stunning offer. The agents, posing as money-launderers from Colombia, had insinuated themselves deeply into the Mexican underworld, helping the traffickers hide more than $60 million. Now moneymen working with the cartel said they had clients who needed to launder $1.5 billion more. The most important of those clients," they said, now listen to this, "was Mexico's Minister of Defense.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. MICA. Mr. Speaker, I would be glad to yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, I think it is important to point out in looking at this article that "early last year" means this is around the time we were about to certify Mexico as cooperating, and I think that is really important. The gentleman called my attention to this article. This is not something that is historic; this is something that was happening while on the floor of this Congress. We had Members down here saying they were cooperating, and that is important, I think, in the context of what the gentleman is reading here. This was going on while we are here saying, oh, things are going fine.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MICA. Mr. Speaker, I thank the gentleman from Indiana not only for his comments, but also for his continued interest in trying to bring to the attention of the American people the situation relating to Mexico's involvement in this drug matter.

Again, the point being here, these drug dealers said that they had a client who needed to launder $1.5 billion more. Most important, those clients, one of those clients, they said, was Mexico's Minister of Defense.

"The Customs agents didn't know whether the money really existed, or if any of it belonged to the Minister, General Enrique Cervantes, officials said. But having heard about American intelligence reports, pointing to corruption at the high levels of the Mexican military, the agents were mystified by what happened next.

"Rather than continue the undercover operation to pursue the deal, Clinton administration officials ordered that it be shut down on schedule several weeks later. No further effort was ever made to investigate the offer, and officials said that prosecutors have not even raised the matter with the suspects in the case who have pleaded guilty and who are cooperating with authorities."

Let me read this quote: "Why are we sitting on this kind of information, asked the former senior Customs agent who led the undercover inquiry," and that agent was William F. Gately. "It's either because we are lazy, we are stupid, or the political will doesn't exist to engage in the kind of investigation where our law enforcement efforts might damage our foreign policy."

So here we have the question of whether or not we should have, and our officials should have, pursued this matter of corruption at the very highest levels, and in fact, it may have been compromised for the sake of damaging our foreign policy or our diplomacy, or our relations with Mexico.

"Senior officials denied," and I will continue reading, that foreign policy had influenced their decision to end the operation, saying they had been moved primarily by concerns for its security. They also emphasized that the agents had been unable to verify the Mexican traffickers' claims.

"Other officials of the administration, which has based much of its Mexican drug strategy on collaboration with General Cervantes, said they were confident that he was above reproach. A spokesman for the Ministry of Defense, Lieutenant Francisco Aguilar Hernandez, dismissed the traffickers' proposal as self-serving lies."

But now listen to this part of this story: "But a detailed account of the case, based on confidential government documents, court records, and dozens of interviews, suggests that United States officials walked away from an extraordinary opportunity to examine allegations of the official corruption that is considered the main obstacle to anti-drug efforts in Mexico."

Basically, they walked away from the investigation.

"For nearly a decade, American officials have been haunted by the spectacle of Mexican officials being linked to illicit activities soon after they are embraced in Washington. And just weeks before the Customs investigation known as Operation Casablanca", which I referred to earlier, "which ended last year, administration officials received intelligence reports indicating that the Mexican military's ties to the drug trade were more serious than had been previously thought. But when faced with the possibility that one of Washington's critical Mexican allies might be linked to the traffickers, the official gave the matter little consideration. They said they opted for a sure thing, arresting mid-level traffickers and their associates, and at least disrupting the money-laundering system that drug gangs had set up. To reach for a general, they asserted, would have added to their risk with no certainty of success.

"Obviously, it was a significant allegation, the Commissioner of Customs, Raymond W. Kelly, said in an interview. But he added, there was skepticism about it. Was it puffing? It just was not seen as being, I wouldn't use the word credible, but it wasn't verified.

Quote: "When senior administration officials announced the stink last May, they took a triumphant inventory: The indictments of three big Mexican banks and bankers from a dozen foreign banks and the arrest of 142 suspects, the confiscation of $35 million in drug profits, and the seizing of accounts holding $66 million more. The officials claimed that the success was a result of a long-standing administration fight against money-laundering. But Mr. Gately, who retired from the Customs Service on December 31, said his investigation had run the gauntlet of resistance from the start.

"The Justice Department, uncomfortable with cases in which undercover agents laundered more money for drug traffickers than they ultimately seized, was imposing new limits on the time that such operations could run and the money they would launder, officials said. And though the restrictions did not apply to Customs, a branch of Treasury, Justice Department officials continued to play strong skeptical roles in supervising cases throughout the government.

"One Federal official who spoke on the condition of anonymity admitted that he had initially dismissed Mr. Gately's plan. 'You're out of your mind', the official remembered saying. Several colleagues said it was the sort of response that Mr. Gately, 49 years of age, tended to see as a challenge. A decorated former Marine who enlisted for service in Vietnam at 17, he had already been at the center of several cases that mixed internal struggle and public success. Friends and critics described him in similar terms: Driven, sometimes abrasive, and usually creative.

"After leading an investigation that revealed ties between the Italian Mafia and Colombian cocaine cartels, Mr. Gately cowrote a 1994 book about the case, Dead Ringer, that cast him as a lonely crusader surrounded by small-minded bureaucrats. 'It is the story of one man who refused to succumb to corruption,' the prologue reads, 'who believed in his oath and mission and the consequences he paid for believing in what he was doing.'

"As the senior Customs drug investigator in Los Angeles, Mr. Gately said he first heard from a confidential source in 1993 about an important shift in the way that Mexican and Colombian drug traffickers were converting cash into funds that could be freely spent. The source said, 'Traffickers were depositing their money with corrupt Mexican bankers who sent it back to them in almost untraceable cashier's checks drawn on American accounts that the Mexican banks used to do business with in the United States.' Mr. Gately hoped his source could infiltrate that system, collecting cash from drug wholesalers in the United States, and wiring it to corrupt bankers in Mexico.

"The bankers would issue drafts for the money and Customs would develop evidence against the suspects on both ends of the transaction. Many Customs officials, however, doubted that the ruse would work. Drug enforcement agents wanted to use the source in another case. Because the man had a criminal past, one Federal prosecutor opposed using him at all and threatened to indict him on a 10-year-old case. Even when Mr. Gately was eventually able to recruit another undercover intermediary, a Colombian known by the pseudonym, Javier Ramirez, he and others, said a senior Justice Department official", and this is very important, "Mary Warren, pressed him to limit the operation's scope."

So we have an official in the Department of Justice pressing him to limit the scope of this operation.

"What she wanted to know was when was this going to be over," he said of Ms. Warren, "who declined to comment. What was our end game?"

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. MICA. Mr. Speaker, I am glad to recognize the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, one of my concerns when I read this article and in listening to the gentleman go through this is that we on the Committee on Government Reform, we have heard some of this type of thing before, that the constant trying to limit investigations, trying to cut it off, it is a very disturbing pattern that this administration seems to have when they are investigating things that are very uncomfortable regarding their policy.

It is not clear who and where this decision was being made by. We do not know whether it is coming out of the White House or whether at the top of the Justice Department; much like in the Indian casinos investigation, whether it was in the data bank or whether it was in the missing files. But it is amazing how we constantly hear people inside the Justice Department saying that top officials were impeding their investigation rather than seeking the truth.

□ 1845

What is really disturbing here is that it is not as though as I recall it was just the year before this, that their drug czar was implicated and eventually had to come down. It was not like these were kind of off-the-wall charges that had never happened before in the Mexican government.

The gentleman from Florida has been establishing through this New York Times article that, while this person is a very driven person, he has established that he has some track record. This is a disturbing pattern we are seeing.

In fact, the gentleman read one statement a little bit ago that was also disturbing, because we often hear at the grassroots level, "why do you get the little guys and not the bigger guys?" The gentleman read a statement from this article that said that they were being limited by the Justice Department because, if the cash that they were having to do to move up the line was less than that they could actually close on at given point, which means that, by principle, we are defining we are only going to go for midrange if we cannot keep levering the deal as we move up.

There are some fundamental questions here even as to how we approach this and do we really have the goal in our Justice Department to go after the top officials even when we have a strong tip. I think that, to some degree, this gets confusing as we move with it, but this is really disturbing, and I hope the gentleman from Florida will continue reading this into the RECORD and people will get copies of this because this is a fundamental at the heart of our policy right now in Mexico.

Mr. MICA. As they say in the mystery books, the plot thickens here. Let me continue if I may to read this into the RECORD. "In November of 1995, Colombian drug contacts introduced the undercover agents to Victor Alcala Navarro, a representative of Mexico's biggest drug mafia, the so-called Juarez cartel.

"The Customs agents, posing as money launderers from a dummy company called the Emerald Empire Corporation, began picking up the Mexican's profits and laundering them as planned.

"In February 1997, at meetings in Mexico, Javier Ramirez was introduced to Mr. Alcala's boss. A few months later, the Customs source found himself chatting by phone with the head of the cartel, Amado Carrillo Fuentes.

"Over scores of meetings and million-dollar deals, the traffickers grew more open about the official protection they enjoyed in Mexico, law enforcement officials and government documents indicate.

"At one meeting in Mexico City on May 16, 1997, the traffickers took along 16 federal police agents as bodyguards." This is again police agents of Mexico acting as bodyguards for drug dealers. "At another meeting, a man who identified himself as an official of the Mexican Attorney General's office picked up $1.7 million in cash, including $415,000 that the undercover agents had carried to Mexico for the cartel boss himself.

"During a later meeting in New York, Mr. Alcala told the agents that like Mexico's drug enforcement chief, who had been arrested for collaborating with the Juarez cartel," again let me interject an aside here, much to the embarrassment of our United States drug czar who had embraced the Mexican drug czar, and here he is arrested "for collaborating with the Juarez cartel, the Defense Minister, General Cervantes, was in league with the competing Tijuana cartel."

But here we have allegations about the Attorney General, the former drug czar, and the Minister of Defense, and we have hundreds of thousands of dollars, $1.7 million of cash being picked up by officials of the Mexican government.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. MICA. Yes, I will be glad to yield.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for yielding, because what the gentleman just read here sounds eerily close to what happened in Colombia, only here we even have more direct involvement with the leaders in the government.

We have the drug enforcement chief, eventually who was proven guilty, who was actually renting an apartment from the head of the Juarez cartel while he was getting information from our government. The allegation is that the defense minister who was involved in helping bring down that cartel may be, we do not know this but this article is suggesting that we failed to pursue this, may be involved with the competing cartel just like the Cali cartel in Colombia helped bring down the Medellin cartel in Colombia because they wanted to put a rival out.

We have been hearing steadily on this floor and other bodies that the fact one way we can tell Mexico is cooperating is they helped bring down their drug czar. But what if, and we did not investigate this, they brought down their drug czar because another faction was a part in helping a different cartel?

I am not saying that is happening, but that is a really disturbing charge, because we would be played, for lack of a better word, as suckers in Congress if in fact we use as an argument for not doing decertification something which actually was a setup for a more powerful cartel.

Mr. MICA. Mr. Speaker, again the plot thickens here, and I want to continue reading from this investigative piece in today's New York Times.

"Customs officials said they remain skeptical of what the agents heard, including the traffickers' claim that Mr. Carrillo Fuentes's death in 1997 had actually been faked. But in December 1997, Javier Ramirez invited Mr. Alcala to Colombia for an elaborately staged meeting that seemed to raise that partnership to a new level." This meeting here with these folks. Let me continue.

"At a heavily guarded hacienda overlooking Bogota, an operative acting as Javier Ramirez's Colombian boss, Carlos, said he and his partners had $500 million to launder," half a billion dollars to launder. "They wanted to know whether the Mexican bankers used by Mr. Alcala's boss, Juan Jose Castellanos Alvarez Tostado, could help.

"'Alvarez called us right back,' Mr. Gately recalled. 'He said, 'Let me send you my very best people, and we will get it done.'"

"On March 6, 1998," just about a year ago, "Mr. Alcala arrived with several businessmen at the tastefully furnished offices of Emerald Empire in a Los Angeles suburb. This time the businessmen offered a deal of their own.

"One of the men, David Loera, said he knew 'a general,' who had $150 million in Mexico City to invest. Would Mr. Ramirez—who had told the traffickers he owned part of a Nevada casino used to launder money—care to help?

"Over the next six weeks, according to government documents," again let me read this, "over the next six weeks, according to government documents and the accounts of Mr. Gately and several officials, the deal was discussed in three more meetings and three more telephone conversations involving Mr. Ramirez, the undercover agents and the traffickers. All of the contacts were secretly tape-recorded and their words transcribed, officials said.

"In one call, two senior investment managers at Mexico's second largest bank told the Customs operatives that the money belonged not just to 'a general,' but to the Minister of Defense. Later, the two Mexicans advised Mr. Ramirez that the minister was sending 'his daughter' (a woman later said to be friend) to meet with them, along with an army colonel and a third person.

"However, the investment managers said, the amount to be laundered was much more than they had discussed: the minister had $500 million in cash in New York and another $500 million in the Netherlands, in addition to $150 million in Mexico City.

"Customs officials said they queried the Central Intelligence Agency, which works closely with the Mexican military on drug control and other programs. The CIA responded that it had no such information about General Cervantes, an assessment that other officials have since reiterated.

"But although General Cervantes has not been a focus of suspicion, Mexican and American officials have said several senior generals close to him had been under the scrutiny of investigators from both the Mexican Attorney General's office and a special military intelligence unit.

"On February 6, analysts at the Drug Enforcement Administration briefed Attorney General Janet Reno on intelligence indicating that the senior Mexican generals might indeed be cooperating with Mr. Carrillo Fuentes' organization, officials said. And in a separate Customs case in Houston, undercover agents had been approached about laundering millions of dollars for an unidentified Mexican Army general, officials said."

Now listen to this, and again I quote from this article, "On April 9, Mr. Alcala visited Emerald Empire with a cousin, who had just returned from Mexico with a message. The cousin 'was very nervous about the deal,' Mr. Gately said. 'He said it could be very dangerous if it got screwed up, because the money belonged to, 'all of them, including the President.'" The President, here it says Ernesto Zedillo. Then in parentheses, it says "(A spokesman for Mr. Zedillo, David Najera, dismissed the claim as baseless.)"

"Later that month, Mr. Gately went to Washington to brief officials including Mr. Kelly—who was then about to take over the Customs Service after having overseen it as Treasury Undersecretary for Enforcement.

"Kelly said, 'How do we know it's really him?' Mr. Gately recalled, referring to General Cervantes. 'I told him we do not know,' Mr. Gately said. 'We cannot substantiate it. But we have no reason to believe that they are telling us anything than what they know.'.

"'They weren't trying to impress us, they were not trying to make deals with us,' Mr. Gately added. 'So whoever had this money, I thought it was worth pursuing—whether it was the Defense Minister of Mexico or somebody we had never heard of.'

"People familiar with the discussions said they did not go much further. The general's supposed emissaries were to meet with Javier Ramirez in Las Vegas, Nevada on April 22. They did not arrive, and the traffickers reported they had become nervous.

Mr. Kelly acknowledged that he had been pressing for months to wrap up the investigation; he said he had grown increasingly concerned that information about it might be leaked out, endangering the undercover agents.

"The final sting had already been postponed twice because Federal prosecutors were still preparing indictments.

"James E. Johnson, who succeeded Mr. Kelly as Undersecretary and has closely supervised the Treasury's relations with Mexico on enforcement issues, added a cautionary note that several officials said seemed to underscore his concern for the political stakes. Unless the agents had proof of general Cervantes's role, officials quoted him as warning, they should not bandy his name about in connection with the case.

"'We need to be very careful about how we talk about this sort of thing,' a senior law enforcement official, who would not speak for attribution, quoted him as saying. 'If we don't have the goods, it makes us look like we're overreaching.'.

"Mr. Johnson would not comment publicly."

"The operation had already navigated a series of sizable obstacles.

"Mr. Gately and some other agents were worried that their boss in Los Angeles, John Hensley, had leaked information about the secret operation to congressional aides and others; Mr. Hensley had also pressed hard to bring the operation to an end, officials said.

"For his part, officials said, Mr. Hensley had accused his strong-willed subordinate of transgressions ranging from traveling without authorization to stealing millions of dollars. Mr. Kelly alleged that the charges against Mr. Gately had been investigated and found baseless; Mr. Hensley declined to comment."

□ 1900

"As discussions about this supposed $1.15 billion were going on, the undercover operation also suffered serious setbacks with the capture of an important Juarez operative in Chicago. The arrest brought money deliveries to a halt while the cartel hunted a mole.

"On May 16, more than two dozen Mexican traffickers, bankers and other operatives, who had been invited to the United States by the undercover team, were rounded up in San Diego at the Casablanca Casino Resort in Mesquite, Nevada. Officials said whatever thoughts they had entertained of pursuing the allegations about General Cervantes were dropped in the diplomatic backlash that followed."

And, again, I told my colleagues what the Mexicans did is they threatened to indict United States Customs officials.

"While the Mexican authorities were asked to arrest about 20 suspects indicted in the case, they initially located only 6. One was a partner of Mr. Loera, the fugitive businessman who had first proposed the deal with 'the general'. The partner was found dead in a Mexican jail from injuries that the police described as self-inflicted. Mr. Alvarez Tostado has never been found. His deputy, Mr. Alcala, awaits trial in Los Angeles.

"Soon after the operation, American officials said they revealed to the Mexican government some of their information on ostensible corruption in the case. They said they kept silent about more explosive evidence to avoid intensifying the furor that had followed their decision not to warn Mexico about the operation."

And this is the Casablanca operation.

"Still, the officials said none of the information was ever pursued, and in a little-noticed statement in July, the office of the Mexican Attorney General, Jorge Madrazo Cuellar, dismissed allegations of money laundering by 'senior commanders of the Army and officials of the Mexican government.'

"Mr. Madrazo said in a telephone interview that the Americans had told him only about unidentified Federal agents and a money laundering scheme involving 'a general who had a daughter'. He said the name of General Cervantes, who has no daughter, was never mentioned.

"With the information that they gave me, Mr. Madrazo asked, what could I possibly have done, gone and looked for a general with a daughter?"

And that was the response that we have out of the Attorney General and other officials of Mexico. So, basically, what this article outlines, and I read it in haste, but I wanted to make sure it was included in the record, what this article and this investigative report outlines is, in fact, we may have corruption at the very highest levels of the Mexican government.

This information is now public. We have known that there was very high levels of corruption. Here there are serious questions raised again that lead to a high minister's office all the way to the office of the President of Mexico.

We also see in this article a situation in which it appears that high United States officials stopped this investigation when it was disclosed that this corruption reached both the top of Mexican cabinet officials and possibly even reached the office of the President of Mexico, President Zedillo.

We also have here evidence tonight that the Mexican military, with whom the United States is confiding with in the war on drugs, is corrupt from the bottom to the very top. We must know who those generals are that are hoarding this kind of money in such an incredible fashion.

What else do we know? Those who reveal the truth about corruption in the Mexican government are found dead, and United States officials who attempt to reveal the truth about corruption are either deterred or they are penalized or they come under close scrutiny.

What else have we learned from this investigative report? United States officials, including the Attorney General, Secretary of State, and others may be risking our national security. And if we are losing 14,200 Americans from the effects of illegal narcotics, and 60 to 70 percent of those hard drugs are coming through Mexico, we know we have a national security problem of a huge proportion.

The information revealed by this New York Times report deserves further investigation. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, I intend to investigate it. We will not be deterred in seeing how high this corruption leads to in the Mexican government. Wherever it may lead us, we will follow it, and we will find out why officials of the United States Government brought these investigations either to a close or did not pursue adequately these investigations with incredible allegations of this magnitude.

We will conduct those hearings and those meetings either in public or behind closed doors.

CONCLUSION OF DISCUSSION ON DRUGS

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I yield to the gentleman from Florida (Mr. MICA) for a conclusion.

Mr. MICA. Mr. Speaker, I thank the gentleman from Indiana for his cooperation, for coming out tonight and telling the American people about the situation we face with the corruption in Mexico, about the incredible volume of drugs that are coming across our border through Mexico, and about the apparent coverup and lack of investigation by this administration of corruption at the highest levels of Mexican government.

Mr. Speaker, I simply wished to say that we will hold hearings, we will investigate, and we will pursue this matter to the fullest extent. We will conduct hearings on this. Our subcommittee and other committees of Congress will act, and we will get the facts and information no matter where they lead us.

Mr. SOUDER. Mr. Speaker, I look forward to working with the gentleman to find the truth. We do not know where the truth lies, but when we make foreign policy decisions on Mexico and China, we do not want to hear about coverups, we want to hear we are actually pursuing every lead to make sure we are doing things in the best national interests of the United States and not just trying to up our trade dollars making decisions otherwise.

I hope all this is false. I hope the top leaders of the Mexican government are completely clean. We need to work with them to eliminate our drug problem, but we have to know what the truth is.

INTRODUCTION OF THE RATEPAYER PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida, Mr. STEARNS, is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I rise to introduce legislation with strong bipartisan support that will not only save American consumers billions of dollars. It will also remove a significant federal barrier to a more competitive electric power industry.

More than 20 years ago, the Public Utility Regulatory Policies Act (PURPA) was enacted as one of the original components of the Carter Energy Plan. Convinced that we were running out of natural gas and that the price of oil would soar to $100 per barrel or even more by the year 2000, Congress passed PURPA to encourage conservation and promote the use of renewable fuels to generate electricity. It did this by establishing a special class of power generators known as qualifying facilities ("QF's") and it required utilities to buy all the electricity that these facilities wished to sell at a price determined generally by federal regulators and specifically by state regulators.

Congress sought, in drafting PURPA, to ensure that customers would pay no more for PURPA power than they would have to pay for other power. It did this by providing in PURPA that the maximum price for electricity from QF's would be the cost that the purchase utility would have incurred if it had generated the electricity itself or had purchased it from a source other than the QF. Unfortunately, this has not proven to be the case because government projections of utility avoided costs have been seriously in error. One recent study estimates that PURPA is costing electricity consumers nearly $8 billion a year in excess power costs. Since over 60 percent of PURPA contracts will not expire until after the year 2010, consumers will continue to pay these excess costs well into the future.

PURPA also stands in the way of a more competitive electric industry. By granting special status to some electricity generators, but not others, PURPA encourages the creation of uneconomic projects just to qualify for PURPA benefits. Moreover, PURPA was premised on utilities continuing to be the exclusive suppliers of electricity to all consumers within their franchise territories. In many states today, customers have the ability to choose their own electric supplier. Requiring utilities to purchase new PURPA power when they may no longer have retail customers to whom they can resell power makes no sense.

With 20 years of experience behind us, it is clear that PURPA has outlived its usefulness. My legislation would do three things to reform PURPA: (1) It would prospectively repeal PURPA's mandatory purchase obligation on the date of enactment, so that there would no longer be any new obligations to purchase this power; (2) it would respect the sanctity of existing PURPA contracts; and (3) it would ensure that purchasing utilities would continue to be permitted to recover the costs of existing PURPA contracts as long as these contracts are in effect.

As I said upon introduction of virtually identical legislation during the last two Congresses, my only interest in introducing this bill lies in achieving the most efficient and most cost-effective means of electric generation for America's consumers. While it would prospectively repeal PURPA and would ensure that no new PURPA contracts would be required, it recognizes the legitimate current expectations of QF developers and utility purchasers. I believe that it represents a broad based consensus on this important issue and I would urge that this measure be included in whatever electric industry legislation might be considered by this Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and Wednesday, March 17, on account of official business.

Mr. HOSTETTLER (at the request of Mr. ARMEY) for today, on account of official business.

Mr. LEWIS of Kentucky (at the request of Mr. ARMEY) for today, on account of official business.

Mr. PITTS (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PAUL, for 5 minutes, on March 17.

Mr. DIAZ-BALART, for 5 minutes, today and on March 17.

Mr. HULSHOF, for 5 minutes, on March 17.

(The following Member (at the request of Mr. MICA) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1055. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1998–99 Zante Currant Raisins [Docket No. FV99–989–3 IFR] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1056. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Noxious Weeds; Update of Weed Lists [Docket No. 98–063–2] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerance [OPP–300801; FRL–6064–6] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1058. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dicloran; Extension of Tolerance for Emergency Exemptions [OPP–300806; FRL 6065–6] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1059. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maneb (manganous ethylenebisdithio- carbamate); Pesticide Tolerances for Emergency Exemptions [OPP–300809; FRL–6067–9] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1060. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin: Extension of Tolerances for Emergency Exemptions [OPP–300804; FRL–6063–9] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1061. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phase 2 Emission Standards for New Nonroad Spark-Ignition Nonhandheld Engines At or Below 19 Kilowatts (RIN: 2060–AE29) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1062. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Establishment of Time-Limited Pesticide Tolerances [OPP–300810; FRL–6068–4] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1063. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Extension of Tolerances for Emergency Exemptions [OPP–300797; FRL–6064–2] (RIN: 2070–AB78) received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1064. A letter from the Comptroller, Department of Defense, transmitting a report on the violation of the Antideficiency Act by the Department of the Navy; to the Committee on Appropriations.

1065. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the Department has not yet completed the Plan for Redesign of Military Pharmacy System; to the Committee on Armed Services.

1066. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds; Leverage Capital Standards: Tier 1 Leverage Ratio [Docket No. 98–125] (RIN: 1550–AB11) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1067. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1068. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7708] received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1069. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7707] received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1070. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Contractor Human Resource Management Programs—received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1071. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Documentation For Work Smart Standards Applications: Characteristics and Considerations—March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1072. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Scientific and Technical Information Management—received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1073. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval And Promulgation Of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [GA–34–3–9819a; FRL–6306–2] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1074. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pottsboro, Roxton and Whitesboro, Texas, and Durant, Leonard, Madill, and Sopher, Oklahoma) [MM Docket No. 98–63 RM–9209, RM–9392; RM–9393] received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1075. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Spencer and Webster, Massachusetts) [MM Docket No. 98–174 RM–9356] received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1076. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations. (Kansas City, Missouri) [MM Docket No. 96–134, RM–8817] received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1077. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Brewster, Massachusetts) [MM Docket No. 98-58] (RM-9252) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1078. A letter from the Director, Administration and Management, Department of Defense, transmitting a report relating to the Office of the Secretary of Defense; to the Committee on Government Reform.

1079. A letter from the Comptroller General, General Accounting Office, transmitting a listing of new investigations, audits, and evaluations; to the Committee on Government Reform.

1080. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Definitions of Overfishing, Maximum Sustainable Yield, and Optimum Yield for the Crab and Scallop Fisheries [I.D. 111798A] (RIN: 0648-AL89) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1081. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Garden City, KS [Airspace Docket No. 98-ACE-59] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON. Committee on Government Reform. H.R. 807. A bill to amend title 5, United States Code, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies; with an amendment (Rept. 106-53). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 113. Resolution providing for consideration of the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes (Rept. 106-54). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 114. Resolution providing for consideration of the bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program (Rept. 106-55). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 130. A bill to designate the United States Courthouse located at 40 Centre Street in New York, New York as the "Thurgood Marshall United States Courthouse" (Rept. 106-56). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 751. A bill to designate the Federal building and United States courthouse located at 504 Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; with amendments (Rept. 106-57). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 44. Resolution authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service; with an amendment (Rept. 106-58). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 47. Resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; with an amendment (Rept. 106-59). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 48. Resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99 (Rept. 106-60). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 49. Resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit (Rept. 106-61). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 50. Resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds (Rept. 106-62). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 52. Resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts (Rept. 106-63). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAXTON:

H.R. 1110. A bill to reauthorize and amend the Coastal Zone Management Act of 1972; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 1111. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. Baker, Mr. Kanjorski, Mr. Gilman, Mr. Frost, Mrs. Kelly, Mr. Gutierrez, Mr. Jackson of Illinois, Mr. Cook, Ms. Lofgren, Ms. Lee, Ms. Sanchez, Mr. Barrett of Wisconsin, Mr. Martinez, Mr. Fattah, Mrs. Meek of Florida, Mr. Allen, Mr. Engel, Mr. Sawyer, Mr. Edwards, Ms. Brown of Florida, Mr. Bishop, Mrs. Capps, Mr. Shows, Mrs. Christensen, Mrs. Clayton, Mr. Hinchey, Mr. Crowley, Ms. Schakowsky, Mr. Payne, Mr. Ford, Mr. Brown of California, Mrs. Mink of Hawaii, Mr. Sandlin, Mr. Hill of Indiana, and Mr. Underwood):

H.R. 1112. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. OSE (for himself, Mr. Doolittle, Mr. Matsui, Mr. Herger, Mr. Thompson of California, Mr. Pombo, and Mr. Radanovich):

H.R. 1113. A bill to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself and Mr. LaTourette):

H.R. 1114. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

By Mr. CANADY of Florida (for himself, Mrs. Thurman, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baldacci, Mr. Barrett of Nebraska, Mr. Bentsen, Mr. Boehlert, Mr. Borski, Mr. Boucher, Mr. Coburn, Mr. Cooksey, Mr. Coyne, Mr. Deal of Georgia, Mr. DeFazio, Mr. Engel, Mr. English, Mr. Filner, Mr. Foley, Mr. Frank of Massachusetts, Mr. Franks of New Jersey, Mr. Frost, Mr. Gallegly, Mr. Gilchrest, Mr. Goss, Mr. Graham, Mr. Green of Texas, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Hayworth, Mr. Inslee, Mr. Jenkins, Mrs. Johnson of Connecticut, Ms. Kilpatrick, Mr. Kleczka, Mr. Kolbe, Mr. LaFalce, Mr. Matsui, Mr. Mascara, Mr. McCollum, Mr. McGovern, Mr. McHugh, Mrs. Mink of Hawaii, Mr. Moakley, Mrs. Morella, Mr. Nethercutt, Mr. Olver, Mr. Price of North Carolina, Mr. Quinn, Mr. Rahall, Mr. Regula, Mr. Rothman, Mr. Rush, Mr. Sanders, Mr. Sandlin, Mr. Shadegg, Mr. Shays, Mr. Shows, Ms. Slaughter, Mr. Smith of New Jersey, Mr. Snyder, Mr. Souder, Ms. Stabenow, Mr. Stark, Mr. Tierney, Mr. Towns, Mr. Walsh, Mr. Waxman, Mr. Wexler, Mr. Weygand, Mr. Whitfield, Mrs. Wilson, Mr. Wolf, and Ms. Woolsey):

H.R. 1115. A bill to amend title XVIII of the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. Sessions, Mr. Pickering, and Mr. Watkins):

H.R. 1116. A bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. Tiahrt, Mr. Ryun of Kansas, and Mr. Moore):

H.R. 1117. A bill to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Commerce.

By Mr. CAMPBELL (for himself, Mr. Thompson of California, and Mr. Lewis of Georgia):

H.R. 1118. A bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes; to the Committee on Resources.

By Mr. CARDIN (for himself, Mr. Rangel, Mr. Matsui, Mr. Coyne, Mr. Jefferson, Mr. Levin, Mr. Lewis of Georgia, Mr. Doggett, and Mr. Stark):

H.R. 1119. A bill to enable a greater number of children to receive child care services, and to improve the quality of child care services; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself and Mr. Houghton):

H.R. 1120. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1121. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself and Mr. Matsui):

H.R. 1122. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. Campbell):

H.R. 1123. A bill to exclude grants for student financial assistance from the prohibition on certain departments and agencies of the Government making grants to institutions of higher education that prevent ROTC access to campus or military recruiting on campus; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL of Montana:

H.R. 1124. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Resources.

By Mr. KUCINICH (for himself and Mr. Norwood):

H.R. 1125. A bill to amend the Trademark Act of 1946 to increase the penalties for infringing the rights pertaining to famous performing groups and to clarify the law pertaining to the rights of individuals who perform services as a group; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. Towns, Mr. Nadler, Mr. Owens, and Mr. Weiner):

H.R. 1126. A bill to require newly-constructed multifamily housing in New York City to comply with the Federal Fire Prevention and Control Act of 1974; to the Committee on Science.

By Mr. McCRERY (for himself and Mr. Watkins):

H.R. 1127. A bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD (for herself, Ms. Lee, Ms. Kilpatrick, Mr. Frost, Mr. Filner, Mrs. Mink of Hawaii, Mr. Lantos, Mr. Meeks of New York, Mr. Abercrombie, Mr. Rangel, Mr. Clay, Mr. McGovern, Mrs. Christensen, Mrs. Maloney of New York, Mr. Jefferson, Mrs. Meek of Florida, Mrs. Jones of Ohio, Mr. Rush, Ms. Lofgren, Ms. Pelosi, Mr. Olver, Mr. Faleomavaega, Mr. George Miller of California, Mr. LaFalce, and Mr. Wynn):

H.R. 1128. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 1129. A bill to amend the Internal Revenue Code of 1986 to repeal the 60-month limitation period on the allowance of a deduction of interest on loans for higher education expenses; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. Waxman, Mr. Markey, Mr. Boehlert, Mr. Neal of Massachusetts, Mr. Barrett of Wisconsin, Mr. Delahunt, Mr. McGovern, Mr. Olver, Mr. Capuano, Mr. Nadler, Ms. Pelosi, Mr. Kennedy of Rhode Island, Mr. Serrano, Mr. Meehan, Ms. Slaughter, Mr. Cummings, Mr. Cardin, Mrs. Morella, Ms. Jackson-Lee of Texas, Mr. Brown of California, Mr. Weiner, Mr. Gutierrez, Ms. DeLauro, Mr. Owens, Mrs. McCarthy of New York, Mr. Tierney, and Mr. Ford):

H.R. 1130. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce.

By Mr. NADLER:

H.R. 1131. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1132. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Mr. Frost):

H.R. 1133. A bill to provide for comprehensive reform for managed health care plans; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1134. A bill to amend title XVIII of the Social Security Act with respect to restrictions on changes in benefits under Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself, Mr. Deal of Georgia, and Mr. Linder):

H.R. 1135. A bill to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company; to the Committee on Agriculture.

By Mr. NORWOOD (for himself, Mr. Armey, Mr. Burr of North Carolina, and Mr. Weldon of Florida):

H.R. 1136. A bill to increase the availability and choice of quality health care; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 1137. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. Towns, Mr. Houghton, Mr. English, Mr. Murtha, Mr. Bilbray, Mr. Peterson of Pennsylvania, Mr. Boehlert, Ms. Dunn, Mr. Packard, Mr. Boyd, Mr. Lewis of California, Mr. Mica, and Mrs. Thurman):

H.R. 1138. A bill to prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Commerce.

By Mrs. TAUSCHER (for herself, Mr. Gephardt, Mr. Bonior, Mr. Frost, Mr. Menendez, Mr. Cardin, Mr. Clay, Ms. DeLauro, Ms. Lofgren, Mrs. Maloney of New York, Mr. Rangel, Mr. Weygand, Ms. Woolsey, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baldacci, Mr. Barrett of Wisconsin, Ms. Berkley, Mr. Berman, Mr. Borski, Mr. Boswell, Mr. Boucher, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of California, Mr. Brown of Ohio, Mrs. Capps, Ms. Carson, Mrs. Christensen, Mrs. Clayton, Mr. Clement, Mr. Conyers, Mr. Costello, Mr. Crowley, Mr. Cummings, Mr. DeFazio, Mr. Delahunt, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Engel, Ms. Eshoo, Mr. Farr of California, Mr. Filner, Mr. Gejdenson, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoyer, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Mr. Lewis of Georgia, Mr. Matsui, Mr. McGovern, Mr. McNulty, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Price of North Carolina, Mr. Rahall, Mr. Rodriguez, Mr. Romero-Barcelo, Ms. Roybal-Allard, Mr. Rush, Ms. Sanchez, Mr. Sandlin, Mr. Scott, Mr. Serrano, Mr. Sherman, Mr. Shows, Ms. Slaughter, Ms. Stabenow, Mrs. Thurman, Mr. Vento, Mr. Waxman, Mr. Wexler, and Mr. Wynn):

H.R. 1139. A bill to make child care more affordable for working families and for stay-at-home parents with children under the age of 1, to double the number of children receiving child care assistance, to provide for after-school care, and to improve child care safety and quality and enhance early childhood development; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN:

H.R. 1140. A bill to authorize the Secretary of Health and Human Services to make payments to hospitals under the Medicare Program for costs associated with training psychologists; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relating to the budgetary treatment of the Federal programs currently known as the old-age, survivors, and disability insurance program and the hospital insurance program; to the Committee on the Judiciary.

By Mr. HILL of Indiana (for himself, Mr. Condit, Mr. Reyes, Mr. Shows, Mr. McGovern, Mr. LaTourette, Mr. Holden, Ms. Danner, Mr. Engel, Mr. Payne, Mr. Frank of Massachusetts, Mr. Leach, Mr. Dingell, Mr. Baldacci, Ms. DeLauro, Mr. Maloney of Connecticut, Mr. Meehan, Mr. LaHood, Mr. Berman, Mr. Filner, Ms. Carson, Mr. Spratt, Mr. Clement, Mr. Frost, Ms. Kilpatrick, and Mr. Gutierrez):

H. Res. 115. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued recognizing the Veterans of Foreign Wars of the United States; to the Committee on Government Reform.

By Mr. NADLER:

H. Res. 116. A resolution amending the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

By Mr. RANGEL:

H. Res. 117. A resolution expressing Support for a National Week of Reflection and Tolernace; to the Committee on Government Reform.

By Mr. TIAHRT (for himself, Mr. Smith of New Jersey, Mr. Hyde, Mr. Bachus, Mr. Hill of Montana, Mr. Shows, Mr. Buyer, Mr. Metcalf, Mr. King, Mr. DeLay, Mr. Forbes, Mr. Pitts, Mr. Coburn, Mr. Largent, Mr. Lewis of Kentucky, Mr. Aderholt, Mr. Shadegg, Mr. Gary Miller of California, Mr. DeMint, Mr. Weldon of Florida, Mr. Bliley, Mr. Bartlett of Maryland, and Mr. English):

H. Res. 118. A resolution reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. Boyd, Mr. Hastings of Florida, and Mr. Mica.

H.R. 44: Mr. LoBiondo, Mr. Pickering, Mr. Holt, and Mr. Kildee.

H.R. 51: Mr. Gary Miller of California, Mr. Franks of New Jersey, and Mr. Shows.

H.R. 65: Mr. Stupak, Mr. Wynn, Mr. Kildee, and Mr. Pickering.

H.R. 70: Mr. Everett, Mrs. Johnson of Connecticut, Mr. Pickering, Mr. Jefferson, Mr. McIntyre, and Ms. Lofgren.

H.R. 72: Mr. Spence and Mr. Goodling.

H.R. 116: Mr. Wexler.

H.R. 163: Mr. Farr of California, Mr. Hastings of Florida, and Mr. Bliley.

H/R. 198: Mr. Crane.

H.R. 216: Mr. Duncan and Mr. Canady of Florida.

H.R. 219: Mrs. Myrick.

H.R. 220: Mr. Bachus.

H.R. 263: Mr. Cardin, Mr. Portman, and Ms. Dunn.

H.R. 303: Mr. Bartlett of Maryland, Mr. Sandlin, Mr. Stupak, Mrs. Mink of Hawaii, Mr. Kildee, and Mr. Pickering.

H.R. 306: Mr. Hastings of Florida, Mr. Sawyer, Mr. Farr of California, Mr. Menendez, and Mr. Owens.

H.R. 323: Mr. Ney, Ms. DeGette, Mr. Houghton, and Mr. Clement.

H.R. 330: Mr. Smith of New Jersey and Mr. McIntosh.

H.R. 347: Mr. Skeen and Mr. Chambliss.

H.R. 351: Mr. Tauzin and Mr. Sisisky.

H.R. 352: Mr. Oxley, Ms. Kaptur, Mr. Moore, Mr. Lewis of Kentucky, and Mr. Gillmor.

H.R. 354: Mr. Delahunt and Mr. Wexler.

H.R. 355: Mr. Ney, Mr. Barrett of Nebraska, Mr. Baldacci, Mr. Sandlin, Mr. Metcalf, Mr. Pickering, and Mrs. Maloney of New York.

H.R. 357: Mr. LaFalce.

H.R. 362: Mr. Jefferson.

H.R. 363: Mr. Jefferson, Mr. Metcalf, and Mr. Pickering.

H.R. 364: Mr. Jefferson and Mr. Pickering.

H.R. 365: Mr. Jefferson.

H.R. 366: Mr. Jefferson.

H.R. 370: Mr. Taylor of Mississippi.

H.R. 371: Mr. Conyers, Mrs. Myrick, Mrs. Bono, Mr. Barcia, Ms. Sanchez, Mr. Inslee, Mrs. Lowey, Mr. Sweeney, Mr. Bonior, Mr. Leach, Mr. Diaz-Balart, Mr. Gilman, and Mr. Jefferson.

H.R. 380: Mr. Bartlett of Maryland, Mr. Etheridge, and Mr. Regula.

H.R. 389: Mr. Pastor, Mr. Hill of Indiana, Mr. Baird, and Mr. Inslee.

H.R. 398: Mr. Abercrombie.

H.R. 407: Mr. English and Mr. Shows.

H.R. 417: Ms. Lee and Mr. Udall of Colorado.

H.R. 430: Mr. Canady of Florida and Mr. Cummings.

H.R. 464: Mr. Whitfield, Mr. McKeon, Mr. Blunt, Mr. Goodling, Mr. Peterson of Pennsylvania, Mr. Turner, Mr. Bliley, Mr. Gary Miller of California, Mr. Largent, Mr. Norwood, Mr. Smith of Texas, Mrs. Northup, Mr. Watts of Oklahoma, and Mr. Calvert.

H.R. 472: Mr. Shadegg, Mr. Dickey, Mr. English, and Mr. Weldon of Florida.

H.R. 492: Mr. Hastings of Washington and Mr. Taylor of Mississippi.

H.R. 500: Mr. Pickering.

H.R. 506: Mr. Deutsch.

H.R. 531: Ms. Rivers, Mr. Greenwood, Mr. Pomeroy, and Mr. Coburn.

H.R. 534: Mr. Thompson of Mississippi.

H.R. 541: Mr. Vento, Ms. Carson, Mr. Moore, Mr. Cummings, and Mr. Matsui.

H.R. 544: Mrs. Jones of Ohio.

H.R. 557: Mr. Weldon of Pennsylvania.

H.R. 564: Mr. Doolittle.

H.R. 566: Mr. Wynn, Mr. Diaz-Balart, and Mr. Jefferson.

H.R. 621: Mr. English and Mr. Frost.

H.R. 625: Mr. Wynn and Mr. Frost.

H.R. 628: Mr. Barr of Georgia, Mr. Forbes, Mr. Hunter, and Mrs. Thurman.

H.R. 632: Mr. Gibbons.

H.R. 642: Mr. Stark, Mr. McKeon, Mr. Dixon, Ms. Roybal-Allard, Ms. Woolsey, Mr. Condit, Mr. Campbell, Mr. Bilbray, Mr. Hunter, Mr. Pombo, Mr. Dooley of California, and Mrs. Tauscher.

H.R. 643: Mr. Stark, Mr. McKeon, Mr. Dixon, Ms. Roybal-Allard, Ms. Woolsey, Mr. Condit, Mr. Campbell, Mr. Bilbray, Mr. Hunter, Mr. Pombo, Mr. Dooley of California, and Mrs. Tauscher.

H.R. 670: Mr. DeFazio and Ms. Schakowsky.

H.R. 684: Mr. Dicks, Mr. Inslee, and Mr. Udall of Colorado.

H.R. 685: Mr. Moran of Kansas.

H.R. 689: Mr. McInnis, Mr. Foley, Mr. Lewis of Kentucky, and Mr. Nussle.

H.R. 708: Mr. Jefferson, Ms. Lofgren, and Ms. Woolsey.

H.R. 716: Mr. Delahunt.

H.R. 732: Mr. Bonior, Mr. Brown of California, Mrs. Lowey, Ms. McKinney, Ms. Brown of Florida, Mr. Blumenauer, and Ms. Norton.

H.R. 735: Mr. Sessions.

H.R. 745: Mr. Sandlin, Mr. Smith of New Jersey, Mr. Olver, Mr. Barrett of Wisconsin, Mr. Brown of Ohio, and Mr. Matsui.

H.R. 750: Ms. Lee.

H.R. 764: Mr. Shows, Mr. Lipinski, Mr. Frost, Mr. English, Mr. Shimkus, Mr. Oxley, Mr. McHugh, Mr. Wise, Mr. Foley, Mr. Hilliard, Mr. Burton of Indiana, Mrs. Kelly, Mr. Matsui, Mrs. Myrick, and Mr. Cummings.

H.R. 772: Mrs. Meek of Florida, Mr. Bishop, Mr. Filner, Mr. Hall of Ohio, Ms. Kaptur, Mr. Watt of North Carolina, Mr. Davis of Illinois, Mr. Frank of Massachusetts, Ms. Baldwin, Mr. Frost, Mr. Nadler, Mr. Crowley, Ms. Woolsey, Mr. Weygand, Mr. Strickland, Mr. Lewis of Georgia, Mr. Towns, Mr. Rodriguez, Mr. Balgojevich, Mr. Hoeffel, Ms. Carson, Mr. Fattah, Mr. Payne, Ms. DeLauro, Mr. Maloney of Connecticut, and Mr. Tierney.

H.R. 775: Mr. Barcia, Mr. Shays, and Mr. Sessions.

H.R. 783: Mr. Burton of Indiana and Mr. Sanders.

H.R. 784: Mr. Martinez, Mr. Blunt, Mr. Pickering, and Mr. Jenkins.

H.R. 791: Mr. Hoyer.

H.R. 795: Mr. Hayworth.

H.R. 832: Mr. Farr of California and Ms. Lofgren.

H.R. 837: Mrs. Capps and Mr. Cummings.

H.R. 844: Mr. McCollum, Mr. Ramstad, Mr. Calvert, Mr. Neal of Massachusetts, Mr. McCrery, Mr. Andrews, Ms. Dunn, and Mrs. Kelly.

H.R. 845: Mr. Wexler and Ms. Slaughter.

H.R. 850: Mr. Bonilla, Mr. Diaz-Balart, Mr. Engel, Mr. Hastings of Florida, Mr. Hilliard, Mr. King, Mr. LaHood, Ms. McKinney, Mr. Ney, Mrs. Northup, Mr. Riley, Mr. Serrano, Mr. Stenholm, Mr. Tancredo, Mr. Hansen, Mr. Moran of Kansas, Mr. Sam Johnson of Texas, and Mr. Hilleary.

H.R. 853: Mrs. Myrick, Mr. Reynolds, Mr. Gutknecht, Mr. Upton, Mr. Campbell, and Mr. Burr of North Carolina.

H.R. 858: Mr. Scarborough and Mr. Horn.

H.R. 860: Mr. Filner.

H.R. 884: Mr. Barrett of Wisconsin, Mr. Clay, Mr. Wu, Mrs. Thurman, Mr. Barcia, Mr. Kildee, Mr. Porter, Mr. Rohrabacher, Mr. Weiner, and Mr. Abercrombie.

H.R. 886: Mr. Matsui.

H.R. 896: Mr. Oxley, Mr. Pickering, Mr. Aderholt, and Mr. Burr of North Carolina.

H.R. 904: Mr. Graham, Mr. Frank of Massachusetts, Mr. Sanders, and Mr. John.

H.R. 936: Mr. Largent.

H.R. 941: Mr. Cramer, Mr. Shows, Mr. Snyder, Mr. McHugh, Mr. Kennedy of Rhode Island, Mr. Wexler, Mr. Green of Texas, Mr. Clement, Mr. McGovern, and Mrs. Kelly.

H.R. 959: Mr. Kennedy of Rhode Island, Mr. DeFazio, Mr. Gejdenson, Ms. Schakowsky, Mr. Frost, Mr. Green of Texas, Mr. Crowley, and Ms. Eddie Bernice Johnson of Texas.

H.R. 960: Mrs. Morella, Mr. LaFalce, and Ms. Slaughter.

H.R. 976: Mrs. Mink of Hawaii, Mr. Meehan, Ms. Millender-McDonald, Ms. Kilpatrick, Mr. Dicks, Mr. Sanders, Mr. Olver, Mr. Bentsen, Mr. Shows, Mr. English, Mr. Borski, Mr. Allen, Mr. Rodriguez, Mrs. Emerson, Mr. Kennedy of Rhode Island, Mr. Metcalf, Mr. Matsui, Mr. McNulty, Mr. Peterson of Pennsylvania, Mr. Barrett of Wisconsin, Mrs. Capps, Mr. Brown of Ohio, Mr. Wexler, Mr. Frost, Mr. Weygand, Mr. Sandlin, and Mrs. Kelly.

H.R. 987: Mr. Dickey, Mr. Istook, Mr. Miller of Florida, and Mr. Norwood.

H.R. 1008: Ms. Berkley, Mr. Everett, Mrs. Kelly, Mr. Shows, Mr. Hilleary, Mr. Cunningham, Mr. Cooksey, and Mr. Cook.

H.R. 1034: Mr. Sisisky.

H.R. 1040: Mr. Sanford.

H.R. 1041: Mr. Coble, Mr. McIntosh, Mr. McKeon, and Mr. Talent.

H.R. 1046: Mr. Sanders and Mr. Rush.

H.R. 1071: Mr. Taylor of Mississippi and Mr. Wynn.

H.R. 1082: Mr. Hoeffel, Ms. DeLauro, Ms. McKinney, Mrs. Thurman, Mr. Cummings, Mr. Deutsch, Ms. Berkley, and Mrs. Kelly.

H.R. 1106: Mr. Canady of Florida and Mr. Wexler.

H.J. Res. 14: Mr. Sensenbrenner, Mr. Bliley, Mr. Crane, and Mr. Horn.

H.J. Res. 34: Mr. Baldacci and Mr. Pickering.

H. Con. Res. 8: Mr. John and Mrs. Roukema.

H. Con. Res. 21: Mr. McGovern, Mr. Horn, and Mr. Mica.

H. Con. Res. 24: Mr. Sabo, Mr. Owens, Mr. Cardin, Mr. Upton, Mr. Gary Miller of California, Mr. Goode, Mr. Istook, and Mr. Strickland.

H. Con. Res. 30: Mr. Aderholt and Mr. Tiahrt.

H. Con. Res. 31: Mr. Green of Texas, Mr. Barrett of Wisconsin, Mr. Watt of North Carolina, Mr. Vento, Mrs. Thurman, Mrs. Kelly, and Ms. Sanchez.

H. Con. Res. 47: Mr. Wolf.

H. Con. Res. 51: Mr. Lantos, Mr. McDermott, and Mr. Gutierrez.

H. Con. Res. 54: Mr. Mascara, Mr. Sununu, Mr. Cardin, Mr. English, Mr. Maloney of Connecticut, Mr. Payne, Mr. Olver, Mr. Pallone, Mr. McKeon, Mr. Gilman, Mr. Pascrell, Mr. Underwood, Mr. Weygand, and Mr. Hinchey.

H. Res. 35: Mr. Boehlert, Mr. Farr of California, Mr. Dickey, Mr. Capuano, Mr. Andrews, Mr. Gutierrez, Mr. Berry, Mr. Gejdenson, Mr. Cardin, and Ms. Berkley.

H. Res. 41: Mr. Callahan, Mr. Clyburn, Mr. Deutsch, Mr. Dickey, Mr. Jefferson, Mr. Pickering, Mr. Tiahrt, and Mr. Wynn.

H. Res. 92: Mr. Blagojevich.

H. Res. 97: Mr. Rangel, Mr. Bonior, Mrs. Christensen, and Mr. Cummings.

H. Res. 99: Mr. Pascrell, Mr. Foley, Mr. King, Mr. Chabot, Mr. Andrews, Mr. McCollum, Mr. Engel, Mr. Lantos, MR. Bonilla, Mr. Pallone, and Mr. Radanovich.

H. Res. 105: Mr. Dixon, Mrs. Myrick, Mr. Shows, Mr. Ehrlich, Mr. Franks of New Jersey, and Mr. Knollenberg.

H. Res. 106: Mr. King, Mr. Kennedy of Rhode Island, Mr. Barrett of Wisconsin, Mr. Sununu, Ms. Roybal-Allard, Ms. Norton, Mr. Clement, Mrs. Myrick, Mr. Hoyer, and Mr. Lucas of Oklahoma.

SENATE—*Tuesday, March 16, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of grace and God of judgment, we present our lives for Your review and Your regeneration. In the bright light of Your truth, we see ourselves as we really are and ask for the power to become all that You meant us to be. We pray that we will be distinguished for our integrity. Help us nurture that quality of undivided wholeness and unimpaired completeness. Strengthen our desire to have congruity between beliefs and behavior, consistency between what we know is honest and what we do. Particularly, we ask You to refortify the Senators' determination to have You guide their convictions and then give them the courage to vote these convictions. May their lives and their leadership reclaim the admiration of the American people for political leaders and the political process. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin consideration of a resolution commending Senator KERREY on the 30th anniversary of his receiving the Congressional Medal of Honor. I had the pleasure of talking to Senator KERREY late last night, as a matter of fact, as he typically was working aggressively on matters of great interest to our country. I think it is appropriate that we have this resolution before us. Under the previous order, there will be 1 hour for consideration of the resolution, with the time equally divided between Senators HAGEL and EDWARDS or their designees.

At 11:30 a.m., the Senate will resume consideration of S. 257, the national missile defense bill, with a Cochran amendment pending regarding clarification of funding. Under a previous consent agreement, there will be 1 hour for debate on the amendment, equally divided between Senators COCHRAN and LEVIN or their designees.

At the conclusion of that debate time, the Senate will recess until 2:15 p.m. to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will immediately proceed to a vote on or in relation to the Cochran amendment. And further votes are expected throughout Tuesday's session as the Senate continues consideration of the missile defense bill.

MEASURE PLACED ON THE CALENDAR—S. 609

Mr. LOTT. I understand there is a bill at the desk due for its second reading, Mr. President.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 609) to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes.

Mr. LOTT. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the Calendar.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, with regard to the missile defense bill, it seems to me good progress is being made. And the fact that we did not have to have a vote on a motion to proceed or on cloture on a motion to proceed was a very positive development.

I hope the Cochran amendment can be adopted and perhaps other action taken today, but if we could actually get to final passage of this bill tonight, that would be very positive, because we do have two other issues we would like to be able to consider in some form this week. One of them is the matter of Kosovo, how the Senate wishes to express itself on that issue and how ground troops would be introduced, if at all. And then also we have the emergency supplemental appropriations bill pending. Next week, the entirety of the week will have to be spent on the budget resolution in order to complete action on that before the Easter recess. So the sooner we can finish the missile defense bill, the better it will be in addressing these other issues in a timely fashion.

Mr. President, I know that Senators HAGEL and REID and EDWARDS are in the Chamber and wish to speak on the resolution commemorating this Congressional Medal of Honor given to Senator KERREY, but I would like to take just 5 minutes or so to talk about the missile defense bill.

NATIONAL MISSILE DEFENSE ACT

Mr. LOTT. Mr. President, I rise in support and am a proud sponsor of S. 257, the National Missile Defense Act of 1999. If enacted, it would make the policy of the United States to deploy, as soon as is technologically possible, an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or deliberate.

As I go around the country and I talk about this issue, people are surprised, stunned, to hear that we do not have this missile defense capability right now. They think that if there happened to be a rogue missile launched, accidentally or even intended, we would be able to just knock that out, no problem. When they find out we do not have that technology in place now, they are greatly alarmed.

So I commend the principal sponsors of this bipartisan legislation, Senator COCHRAN of Mississippi and Senator INOUYE of Hawaii, for their diligent efforts to ensure that all 50 States—indeed, all Americans—enjoy protection against missile attack.

My colleagues are aware that similar legislation has been brought before the Senate before—twice last year—and twice we failed, just one vote short of cutting off a filibuster. I am glad it appears we may not have a filibuster this time, that we can deal with the substance of this bill and we can vote on amendments and hopefully get to final passage, because it is clear there is bipartisan support and the realization that we need to move forward.

I know there are those who are concerned that it could be misinterpreted what we are trying to do here and what are the ramifications with regard to the ABM Treaty, the Anti-Ballistic Missile Treaty. My answer to that is that we should make it clear what our intentions are. This is a defensive mechanism; this is to go forward and develop the technology, and when we have that technology, then we should move to deploy it. But we would have time to explain to one and all—whether it is Russia, members of the Russian Duma or the federation in Russia, their leadership, or members of the Israeli Knesset—what our intentions are.

To make sure that is done, I have been discussing with the President and with Senator DASCHLE, and with others on both sides of the aisle, the idea that we should set up a working group, patterned after the example of the arms control observer group that served us quite well during the 1980s and early 1990s when we were dealing with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SALT treaties and we were trying to get disarmament agreements worked out in Europe and with the Soviet Union.

We had Senators and Members of Congress who met with representatives of the then Soviet Government. We went to the Soviet Union. We had them come here. We had meetings in Geneva. And I believe that Members of the Senate who were involved will tell you it was very helpful. I discussed it with Senator MOYNIHAN just yesterday at lunch, and he said clearly when he went to Geneva and met with the Russians and explained what our intentions were, and they talked about their concerns about cruise missiles in Europe, that everybody had a better understanding.

So what I have advocated is that we set up a group which would be entitled something like this, although I am not wedded to a title, but the national security and missile defense working group, and that Senator COCHRAN would chair that group. I understand Senator DASCHLE has some Senators in mind on his side of the aisle—it would be equally divided—who would be involved in this effort. It would be a follow-on to what we are trying to do with the National Missile Defense Act. I hope that before this day is out we can set up this group and it will represent a broad cross section of the Senate so that everybody will understand what is intended.

There are real dangers here. "The threat is real, serious, and growing." That is not my quote. That is a quote of the Central Intelligence Agency, an analyst who works in this critical area.

Let me recite what has happened since March of last year: Pakistan launched a medium-range missile that it acquired from North Korea; China and North Korea continue to provide Pakistan with technical and other assistance on missiles and nuclear weapons; Iran launched a medium-range missile. The original design also came from North Korea. It was improved by technology that it has been receiving from Russia and China. Up to this day, Russian companies are still exchanging technology and information with Iran. They are developing greater capability. That is extremely dangerous.

While Congress has expressed its concern about this, the administration has even taken actions against certain companies in Russia. It continues to this very moment. We know that Iran is interested in developing and acquiring a long-range missile that could reach—yes—the United States as well as European capitals and that Tehran is benefiting from this extensive assistance from Russia and from China.

North Korea is a very nervous situation. That country launched a long-range missile last August that demonstrated both intent and capability to deliver payloads over extremely long distances. Having been advised of this development, the CIA now concludes that the North Koreans "would be able to use the three-stage configuration as a ballistic missile . . . to deliver small payloads to ICBM ranges." With minor modifications, this missile, the CIA notes, could probably reach not only Hawaii and Alaska but also the rest of the United States.

The People's Republic of China, PRC, likewise continues to engage in a massive buildup of its missile forces both at the theater level—that is aimed against our friend, Taiwan, their neighbor—and the strategic level—aimed at, perhaps, even the United States.

Today the PRC has more than a dozen missiles aimed at American cities. Yet, we are told on occasion there is not a missile aimed at the United States today. That is not true. The Chinese are in the process of developing multiple warheads for those and their next-generation mobile missiles, which are much more difficult to locate.

Sadly, there is a serious problem here, and it is one that is growing. Just recently, of course, is the situation brought to the public's attention regarding China's nuclear espionage and how we are dealing with that. There are those wanting to know, How did this happen? Who did it? Who is to blame? All of that is interesting and we should determine that, but here is the real question: Is it still going on? Have we stopped it?

I think Congress should take a serious look at this situation. We need to deal with some laws to make it possible for us to stop this sort of espionage. Do they need additional money? We would need to have the appropriate briefing from the Energy Department and the CIA to judge whether or not additional money should be needed.

This post-cold-war era is a unique time, but it is also a dangerous time. It is a time when historically, reviewing what we have done in the past, we drop our guard when there appears to be times of calm and peace, but I think that is when we are at our greatest danger. Our inability to defend against incoming accidental or rogue-launched missiles is our Achilles' heel. It is where we are in the greatest danger. Would we not act? Should we not begin the process now? The truth of the matter is we should have already done it. If we don't, there will come a time soon—perhaps early in the millennium—when we will, in fact, be threatened and in serious danger.

This National Missile Defense Act will get us started. It will be the kind of progress we need. We will still have to make the decisions about the appropriations and when we actually go forward with deployment. I sense there has been movement in the Senate on this issue. I know there has been movement in the administration on this issue. Now is the time to act. I hope the Senate will do it in an expeditious and bipartisan manner. I believe we will look back on this bill and this vote as one of the most significant votes that we take in the year 1999.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. EDWARDS. Mr. President, I ask unanimous consent that Bill Beane, a fellow on my staff from the Department of the Army, be allowed floor privileges during the course of this Congress for all matters relating to defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF THE HONORABLE J. ROBERT KERREY ON THE 30TH ANNIVERSARY OF HIS RECEIVING THE MEDAL OF HONOR

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 61) commending the Honorable J. Robert Kerrey, United States Senator from Nebraska, on the 30th anniversary of the events giving rise to his receiving the Medal of Honor.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding there is 1 hour reserved.

The PRESIDING OFFICER. The Senator is correct. There is 1 hour equally divided under the control of the Senator from Nebraska and the Senator from North Carolina.

Mr. EDWARDS. Mr. President, the order we intend to follow to speak on this resolution will be myself first, followed by the Senator from Nebraska, Mr. HAGEL, Senator MOYNIHAN will speak next, followed by Senator REID from Nevada.

Mr. President, this resolution is supported by all Senators, other than Senator KERREY.

I will talk for just a moment about how I got to know Senator KERREY and what I have learned about him. Senator KERREY and I first met about 2 years ago when I was looking for a new job, the job that I presently have as U.S. Senator from North Carolina. At the time, Senator KERREY was the head of the Democratic Senatorial Campaign Committee. I came here to Washington to meet with Senator KERREY and was grilled by him on why I was seeking this office, what my motivations were, and why I thought I should be able to represent the people of North Carolina in this esteemed body.

Over the course of brief time through campaigning and spending lots of time together, we have gotten to know each other very well. He is the definition of a leader, in my mind. Here is a man who is independent, clear thinking, always willing to speak his mind regardless of the politics, willing to speak against his own political party if he believes that his position is right and just, who cares a great deal and empathizes for the plight of others.

He has done an extraordinary job during the time I have seen him work here in the Senate during the brief time that I have been here. He is the kind of Senator who many of us young Senators would like to emulate.

I want to talk for just a minute about the events that give rise to this resolution. Thirty years ago this past Sunday, Senator KERREY, when he was a Navy SEAL, commanded a unit of Navy SEALs that were involved in an attack on the Vietcong. His unit scaled a 350-foot shear cliff in order to position themselves for the attack.

During the course of the attack on the Vietcong, a grenade exploded at the feet of Senator KERREY. He was severely injured by the grenade, but in spite of these severe injuries, which eventually led to the loss of a part of his leg, he continued to direct the attack in a clear-thinking way that eventually led to victory by this Navy SEAL team.

The work he did on that day was extraordinarily courageous and showed the leadership that we have come to know over the last 30 years since that event occurred. He went from that event to winning the Medal of Honor for the events that occurred on that day, and from that place to a veterans hospital in Philadelphia for a long, long period of recuperation.

I will first read the last sentence of that citation that he received at the time he received his Medal of Honor, which I think encapsulates what Senator KERREY did 30 years ago this past Sunday.

> Kerrey's courageous and inspiring leadership, valued fighting spirit, and tenacious devotion to duty in the face of almost overwhelming opposition sustain and enhance the finest traditions of the United States Naval service.

The courage and leadership that Senator KERREY showed on that day, as I mentioned earlier, led to his receipt of the Medal of Honor. From there, he went to a veterans hospital in Philadelphia for a long, long period of recuperation and, as he has told many of his friends and colleagues, it was a very difficult time for him. He went from there to becoming a successful businessman, and he eventually became Governor of Nebraska. That led to the time he has spent here in the U.S. Senate.

As I mentioned, Senator KERREY is a man who most of us look up to; he is clear thinking and independent minded. The thing that always inspires me about him is his willingness to speak up even when speaking up is not always in his best political interest or in the best political interest of his party. He, as I mentioned, is the definition of a leader.

I want to mention one quote that I think is critically important in understanding the kind of leadership that Senator KERREY has brought to this body during the time he has been here. It is a quote that he gave recently to a Nebraska newspaper:

> It's odd to say, but this all became a real gift in many ways.

Speaking now of the events that occurred 30 years ago this past Sunday and the injuries he received as a result:

> It's odd to say, but this all became a real gift in many ways. The world got bigger to me. I didn't realize there was so much pain in the world. Up until then, I presumed that if I didn't feel it, then it wasn't happening. But it's going on out there every day. In hospitals. In lots of homes.
>
> I learned that the most valuable, priceless thing you can give anyone is kindness. At the right moment, it can be life-changing.

That is a perfect description of Senator BOB KERREY. It is the reason that he is the extraordinary man and the extraordinary leader and the extraordinary Senator that he has been in this body, and he is the reason that I support, with great enthusiasm, this resolution honoring him.

At this time, I yield for the junior Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska, Mr. HAGEL, is recognized.

Mr. HAGEL. Mr. President, I thank my friend and colleague from North Carolina for helping organize this recognition of our friend and colleague, my senior Senator from the State of Nebraska, BOB KERREY.

In 1979, on the cover of a Newsweek magazine, with a glorious picture of Teddy Roosevelt riding to the charge, the headline blared out, "Where Have Our Heroes Gone?"

Mr. President, that was in 1979, at a time when many Americans were questioning the very foundation and base of our Government and our society. They were reaching out for inspiration and courage and asking the Newsweek 1979 question, "Where have our heroes gone?"

There are heroes all around us. One in our midst is the man whom we recognize this morning, BOB KERREY. BOB KERREY is a hero for many reasons. Anyone who has been awarded the Congressional Medal of Honor, our Nation's highest award for valor and bravery, is a hero. But the mark of a hero is what happens after that recognition. What has BOB KERREY done with his life since that time 30 years ago when he, in a selfless, valorous way, led his men and put his men, his duty, his country and his mission above himself? What has happened to this man since?

Well, as he tells the story, in a rather self-effacing way—that is how we Nebraskans are, humble, self-effacing—the only flaw I can find in KERREY is that he was not Army. But other than that defect, he has conducted himself rather well.

The mark of a hero is what one has taken in life—the good, the bad, and all that is in between, and how they have applied that to make the world better, and what they have done to improve the lives of others. That begins with some belief—belief in oneself, belief in one's country, belief in others, belief that in fact God has given us all strengths, resources and weaknesses. As BOB KERREY has often said, there were so many who surrounded him after those days in Vietnam—in the hospital, in rehabilitation—who helped him put his life back together. That is what inspired him. He rose inspired as well. He rose and reinspired, and reinspired, and reinspired. They lead and they never stop and they never stop. That is the story, to me, that is most magnificent about BOB KERREY.

It is appropriate that we recognize one of our own on the floor of the Senate today. I am particularly proud because I come from the State where BOB KERREY was grounded with foundations, with values, with standards, with expectations; and so I know how he has inspired our State. Our colleagues know how he has inspired this body and the people around him, and they know of the lives of the people that he has touched.

For all of those reasons, and more, Mr. President, I am proud to take a moment to share in recognizing the goodness and, yes, the heroism of our friend and our colleague, BOB KERREY. To you, good friend, I salute you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I am honored to follow the distinguished Senator from Nebraska.

Might I begin with a phrase from the old Navy—by which I mean the old, old Navy. When a sailor was mustering out, he would say, "I'm going to put that oar on my shoulder." The idea was that you were going to march inland until you reached a town where someone said, "Say, fella, what's that thing you've got on your shoulder?" Then you could settle down in safety after years at sea. Nebraska would surely qualify for such a site. But today we honor an extraordinary man, who left Nebraska, joined the Navy, brought honor and distinction to himself, and now to the United States Senate.

A word about the man. Hemingway described courage as grace under pressure. BOB KERREY has shown that grace from that very moment 30 years ago on that bluff. Michael Barone in the Almanac of American Politics recounts that when asked about the medals he had won, Senator Kerrey answered, "One Purple Heart, one Bronze Star—one whatever." Well, the "whatever" is of course, the Congressional Medal of Honor. There have been—all told—five U.S. Senators to have won that medal. It was created during the Civil War. Four of the Senators received the medal for service in the Civil War. And now, 134 years later, a fifth.

BOB KERREY does do such honor to this body, as he has done to his country, with grace under pressure. Perhaps nothing more distinguished him than the long and difficult time in the Philadelphia Naval Hospital witnessed by many, including the marine Lewis Puller, Jr.—son of the most decorated marine in history. He wrote of Senator KERREY, "His stoicism, though unnerving, was a source of amazement to all." It continues such. It continues with an evenness that can be eerie at the same moment it is inspiring. Robert Novak has recently written that what sets Senator KERREY apart is how "unashamedly he preaches love of and service to country." And, so, sir, from anther generation and in a far distant conflict, this lieutenant junior grade salutes him and would have the Senate know—those who don't—that when a Medal of Honor winner is piped aboard a warship, the order goes out, "Attention on deck." He is to be so saluted on all occasions and honored throughout his life, and for the extraordinary legacy he will one day leave.

I salute you, sir.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, I yield 1 minute to the junior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. ROBB. Thank you, Mr. President. I thank my friend from Nevada for yielding. I will be very brief.

Mr. President, I happened to be serving in the Republic of Vietnam at the time that this particular act of heroism was made. I am more than a little familiar with the criteria for the particular award that was given. Almost any major award for gallantry is subject to some degree of subjectivity. This is the one that is clearly proven beyond any reasonable doubt to have been awarded meritoriously under any and all circumstances.

I join all of my colleagues who are here, including those veterans who served in Vietnam with our distinguished Senator, and I thank my colleague for yielding. This is one that makes all of us proud.

I yield the floor.

Mr. REID. Mr. President, Groucho Marx used to say that he wouldn't belong to any club that would have him as a member. I get that feeling about the very small club consisting of those who have been awarded the Medal of Honor.

Nobody asks to join, the price of admission is too high. Nobody applies, the rules don't permit applications.

You get in this select club by doing something that no one would do, or should I say rarely does, and most of the time you pass the test by not surviving it.

I dare say that if BOB KERREY had been offered membership in this club as a volunteer, he would have declined. But membership isn't voluntary.

Once you have performed those acts of outstanding courage, of valor, of heroism—above and beyond the call of duty—once you have come through the valley of the shadow of death and into the light—once you have, in the unique circumstances of military combat, saved lives and taken lives and in most instances, given your own life, to qualify for the medal—you are a marked man.

BOB KERREY bears that mark. That mark shows through his grace, and his intelligence and concentration and wit—aspects with which, I dare say, many in our body are handsomely endowed.

That mark shines above his hard work, love of country, and respect for his fellow members—qualities which most here share in ample quantity.

That mark transcends every other skill or point of character which makes us all unique human beings. The mark BOB KERREY bears is his having given one of his limbs for our country.

The mark BOB KERREY wears is his unique courage, his honor, his valor. He shows it in his daily life, in his political decisions, and in his dealings with the world.

BOB KERREY, when dealing with entitlements, education, Iraq, and farm issues, has shown unparalleled courage. But, to me he is simply my friend.

Thirty years ago, on an island in Southeast Asia, ten thousand miles from the Senate Chamber, Navy Lt. BOB KERREY did something above and beyond the call of duty. If he did nothing else with the rest of his life, we would, as Americans, honor him for what he did on that island far away.

I suspect, however, when the time comes—as for all of us it must—to summarize this man's contributions to his friends, his Nation, and the world—the Congressional Medal of Honor will be cited, not as an award which shaped the man, but rather as just one example in a life and litany of courage which has known no bounds and which serves as a Platonic example for the rest of us to pursue, but never to achieve.

Thank you, Senator BOB KERREY, for sharing with the people of Nebraska, this Nation, and each of us who serve with you—your exemplary life.

The PRESIDING OFFICER. The distinguished Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, "It was my duty." So did my friend and colleague BOB KERREY recently respond to a question by CBS' Bob Schieffer, who had asked my friend why he did it—why he led his elite SEAL team up a 350-foot sheer cliff and then down into the waiting enemy's camp, suffering life-threatening injuries in the process but effectively commanding his team throughout their successful mission.

For then-Lieutenant KERREY, his duty was his honor, and his country's cause was his highest calling. That a young man from the plains of Nebraska showed "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty" in Vietnam, as his Medal of Honor citation recalls, reminds us that exceptional heroism can spring from the humblest of roots.

It was his duty, BOB says. Near the very beginning of the assault on the Viet Cong camp, a grenade exploded at his feet, injuring him terribly and threatening the success of the mission. In similar circumstances, many men, incapacitated and bleeding, might have given up. Not BOB. His sense of duty did not allow it.

His sense of duty compelled him to fight on, despite the trauma of sustaining multiple injuries, including one that would take his leg, and despite the chaos of battle, which has undone other good men who have found themselves in less dire circumstances.

BOB's courageous leadership won that battle on a Vietnamese island in Nha Trang Bay thirty years ago. "I don't remember doing anything especially heroic," says the plain-spoken Nebraskan. Although I do not know the men BOB commanded on that fateful day, I do know that their testimonial to his selfless heroism ensured that history recorded my friend's sacrifice.

That record, in the form of BOB's Medal of Honor citation, has surely inspired countless Americans in uniform over the past thirty years. As my colleagues know, it is with reverence and awe that uniformed service members and veterans speak of America's Medal of Honor recipients. They are, indeed, the heroes' heroes.

I myself am privileged to have served in the United States Navy, as did my father and grandfather before me. They would tell you, as I do today, how honored we all should be to know a man like BOB KERREY, a man whose fighting spirit earned him the nation's highest award for exceptional military service above and beyond the call of duty.

I am deeply honored to serve in the Senate with BOB. Ironically, he would be the first to tell you that he felt little calling for public service when he came home from Vietnam. For he came home not only with a broken body, but with an understandable resentment about the war, and toward those politicians in Washington who conducted it.

BOB's faith in our Nation and the values she embodies was reaffirmed by his military service. "It's a great country that will fight for other people's freedom," he says. But his faith in his Government was shaken, as was that of many Americans, after the divisive experience of Vietnam.

What restored BOB's faith in his Government? By his reckoning, it was the Philadelphia Naval Hospital where he spent months in surgery and therapy. As BOB has said, the fact that our Government would build and fund a hospital for people like him—anonymous people who had never contributed to a politician's campaign—and provide the medical care they needed, simply because they were wounded Americans, was inspirational. So were the medical staff and volunteers who helped heal his wounds.

Faith renewed, BOB went on to become Governor of Nebraska and a U.S. Senator. His independent leadership on some of the toughest issues we face today, including Social Security, education, and tax reform, demonstrates that this man, who gave so much for his country in military service, makes an important contribution to America's governance in peacetime.

In the words of BOB's Medal of Honor citation:

> Lt. (j.g.) Kerrey's courageous and inspiring leadership, valiant fighting spirit, and tenacious devotion to duty in the face of almost overwhelming opposition sustain and enhance the finest traditions of the U.S. Naval Service.

That leadership and sense of duty continues to motivate his public service today.

BOB's contribution to America's governance may grow. Although he will sit out next year's Presidential race, he may be a contender in the future. In the meantime, I am honored and privileged to work with him in the Senate.

Thank you for your valued service, BOB.

I yield the floor.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Arizona for his eloquence, as well as the Senator from Nevada, whom I also heard. I thank the Senator from North Carolina for making the effort to allow us this opportunity on the floor this morning.

Mr. President, last week, when Joe DiMaggio died, I heard many people say it is a shame how few heroes there are left among us. To anyone who believes that, I say: Meet my friend, BOB KERREY. To me and to many others, he is a genuine American hero.

As others have noted, on a moonless black night, 30 years ago this past Sunday, Lieutenant KERREY, then a 25-year-old Navy SEAL commander, led his squad in a surprise attack on North Vietnamese Army guerillas on the island of Hon Tre.

During the fierce firefight that broke out, an enemy grenade exploded on the ground beside him. The blast shattered his right leg below the knee, badly wounded his right hand, and pierced much of his body with shrapnel.

Despite his massive injuries, Lieutenant KERREY continued to direct his squad until the last man was safely evacuated. Days later, doctors were forced to amputate his injured leg just below the knee. Lieutenant KERREY had been in Vietnam only 3 months.

For his sacrifice, he was awarded the Bronze Star, the Purple Heart, and the highest award our nation bestows for bravery, the Congressional Medal of Honor. But it is not only what others pinned over his heart that makes BOB KERREY a hero. It is what is in his heart.

JOSEPH ROBERT KERREY returned from Vietnam angry and disillusioned. What he endured in Vietnam, and what he saw later at the Philadelphia Naval Hospital, where he spent nine months learning how to walk again, shook his faith—both in the war, and in the Government that had sent him there. It forced him to re-examine everything he had ever believed about his country. But slowly, out of his pain and anger and doubt, he began to acquire a new faith in this Nation.

Years ago, when he was Governor of Nebraska, he described that faith to a reporter. He said, "There are . . . people who like to say, 'You know all these subsidy programs we've got? They make people lazy.' And I like to jump right in their face and say, that is an absolute lie." Government help "didn't make me lazy. It made me grateful."

Another time, he put it more simply. While government "almost killed me" in a war, he said, government also "saved my life."

It was the United States Government, he said, that fitted him with a prosthesis and taught him to walk again. It was the Government that paid for the countless operations he needed. Later, in 1973, it was the Government that helped him open his first restaurant with his brother-in-law. Two years later, when that restaurant was destroyed in a tornado, it was the Government—the people of the United States—that loaned them the money to rebuild.

As Governor and, for the last 11 years, as a Member of the Senate, BOB KERREY has fought to make sure Government works for all Americans. He has fought to make health care more affordable and accessible.

He has fought to give entrepreneurs the chance to turn their good ideas into profitable businesses. He has fought to make sure this nation keeps its promises to veterans.

He has also fought tirelessly to preserve family farms and rural communities.

For several years now, I've had the good fortune to serve with Senator KERREY on the Agriculture Committee. I know how deeply committed he is to restoring the agricultural economy.

In 1994, he played a key role in preserving the Federal crop insurance program, and today, with the Presiding Officer he is one of the leaders in the effort to strengthen it again, so we reduce our over-reliance on disaster programs and make the system fairer and more predictable for producers.

Senator KERREY is continually looking for new ways to create new opportunities for American farmers. He is a strong supporter of ethanol, and of increased agricultural research. He is committed to preserving the integrity of the U.S. food supply, so that we continue to have the safest, most abundant, most economical food supply in the world.

Like Senator KERREY, I come from a state that is made up mostly of small towns and rural communities, so I am personally grateful to him for his efforts to help agricultural producers. I am also grateful for his insistence that rural America be treated fairly on a whole array of critical issues, from expanding the information superhighway, to improving our health care system, and strengthening the schools America's children attend, especially in rural areas.

But Senator KERREY's greatest contribution to this Senate, and to this Nation, may be that he is not afraid to challenge conventional wisdom. In 1994, almost single-handedly, he created and chaired the Bipartisan Commission on Entitlement and Tax Reform. Conventional wisdom said, don't get involved with entitlements. You can't make anyone happy; you can only make enemies.

But BOB KERREY's personal experience told him that preserving Social Security and Medicare was worth taking a risks—risking some political capital. He has repeatedly opposed efforts to amend our Constitution to make flag-burning a crime. It is politically risky, even for a wounded war hero, to take such a position. But Senator KERREY has taken that risk, time and time again, because—in his words:

> America is a beacon of hope for the people of this world who yearn for freedom from the despotism of "repressive government." This hope is diluted when we advise others that we are frightened by flag burning.

He is, at heart, a genuine patriot.

He was born in Lincoln, Nebraska, one of 7 children. His father was a builder, his mother was a housewife. As a child, he suffered from such severe asthma that one of his teachers later said, when he breathed, he sometimes sounded like a fireplace bellows. Despite his asthma, he was on his high school basketball, football, golf and swim teams. Is anyone surprised?

After high school, he went to the University of Nebraska, where he finished his 5-year pharmacy program in 4 years. His asthma likely would have given him a legitimate way to avoid military service, but he wasn't looking for a way out.

Shortly after he graduated, he enlisted in the Navy as an officer candidate. The Navy was then just starting its elite SEALs program, the Navy's version of the Green Berets. Of the 5,000 men who applied for underwater demolition training with the SEALs, only 197 were selected, and only about 60 made it through the brutal training. His plan was to do his duty with the SEALs and return to Nebraska to work as a pharmacist. He made the SEALs, with asthma. Is anyone surprised?

But then that all changed on that black night 30 years ago. When he finally got the chance to practice pharmacy after he had been put back together at the naval hospital, he discovered he could no longer stand for as long as the job required. Changing courses, he and his brother-in-law started a restaurant. Eventually they would own several restaurants and health clubs and employ more than 900 people. Is anyone surprised?

In the beginning, they did everything themselves, from tending bar to flipping burgers to washing dishes. Is anyone surprised?

He entered politics in 1982, beating an incumbent Republican Governor in a heavily Republican State. At the time, Nebraska was in the middle of a terrible budget and farm crisis. Over the next 4 years, he replaced the 3-percent deficit he inherited with a 7-percent surplus. Knowing BOB KERREY, is anyone surprised?

He never received lower than a 55-percent approval rating for the entire time he was Governor. In 1985, when he stunned Nebraskans by announcing that he would not seek a second term, he was at a 70-percent approval rating.

After the Governor's office, he went briefly to Santa Barbara, CA, where he taught a college class on the Vietnam War with Walter Capps. In 1988, Nebraskans elected him to the U.S. Senate. In 1992, he ran for our party's Presidential nomination. He is a fierce defender of Nebraska's interests and a national leader as well.

This Senate is enriched by the contributions of many heroes from different wars, Mr. President:

MAX CLELAND, who lost an arm and both of his legs in Vietnam, holds a Silver Star. CHUCK HAGEL holds two Purple Hearts. FRITZ HOLLINGS holds a Bronze Star. DANNY INOUYE lost an arm in Italy in World War II. He was awarded a Purple Heart, a Bronze Star, and the Distinguished Service Cross. JOHN KERRY holds the Silver Star, the Bronze Star, three Purple Hearts, the National Defense Service Medal, and two Presidential Unit Citations. JOHN MCCAIN spent 5½ years in hell as a POW. He holds a Silver Star, a Bronze Star, a Legion of Merit honor, a Purple Heart, and the Distinguished Flying Cross. BILL ROTH holds a Bronze Star. TED STEVENS was awarded two Distinguished Flying Crosses and two Air Medals in World War II. Many other Senators served with distinction as well in times of peace as well as in times of war.

One Senator among us holds the Congressional Medal of Honor. To him, this Nation is indebted for all that he did to achieve it.

I am reminded of a story Senator KERREY has told many times about a conversation he had with his mother 30 years ago. Doctors at the Philadelphia Naval Hospital had just amputated his leg. When he awoke from surgery, his mother was standing at his bedside. "How much is left?" he asked her.

His mother said, "There's a lot left." As Senator KERREY says, "She wasn't talking about body parts. She was talking about here." She was talking about what is in his heart.

For 30 years, BOB KERREY has drawn on the courage and compassion of what is here—first to rebuild his own life, then to try to make a better life for people in Nebraska, and then for people all across this country. He is to me a genuine American hero, and he is my friend.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I can't pass up the opportunity to embarrass BOB KERREY. I know, as we all do, that he did not ask for this and that it is always uncomfortable to come to your own wake, but he deserves it. I want to participate in it and do what I can to not only add to his embarrassment a little, but to let him know how well regarded he is on both sides of the aisle and among those who may disagree with him on all of the great issues that the minority leader just listed.

I served in the military at a time when the only shots I ever heard fired were in basic training. After I got out of basic training, I ended up in classroom and spent my time trying to teach surveying to a group of draftees who didn't understand what the word meant. The only reason I was doing that is because my particular military specialty, for which I was being trained, was being phased out in the way the military always does. They train you for an obsolete skill and then make you an instructor to teach that skill to other people who do not need it.

I have absolutely no basis for identifying with the group, the very small group of people who have heard shots fired in anger, who have faced the difficulty and the challenge of combat. I can only read about it. I can only hear about it. I cannot identify with it in any personal way.

So why am I taking the time to stand here and talk about the contribution of BOB KERREY when everyone who has had those kinds of experiences has talked about it? I am standing because of an experience I had 2 years ago—3 years ago now—with the former majority leader, Bob Dole. I was on the campaign trail with Senator Dole, and we were out making the usual kinds of stops. I was told our next stop was in Battle Creek, MI. Battle Creek, MI, to me means breakfast cereal. I had no idea why Senator Dole wanted to go to Battle Creek, MI.

We went into a building in Battle Creek, a Federal building. It was under renovation, but the lobby had not been renovated. I felt as if I had walked into a movie set. It was the 1940s all over again. This building, being renovated into a Federal office building, had been a Federal hospital. It was the hospital where Bob Dole spent, on and off, 3 years of his life. They had found the place—that is, the floor—where Bob Dole's bed had been when he was taken there in a condition where he could do nothing for himself. He couldn't brush his teeth himself. He certainly couldn't go to the bathroom for himself. He was just taken there and placed in a bed and left there, as they began to work on him.

We walked around the floor. As I say, it was being renovated. Finally, Senator Dole identified the place on that floor where his bed had been. He stood there and said, "Yep, that's the view out of the window; that's where the bathroom was, where I would be wheeled," so on, so forth. "Okay, let's go."

It was the working press that said, "Wait a minute, Senator. Don't leave. Tell us how you feel."

Probably for the first time in public, Bob Dole told us what it was like in a military hospital without any prospects, without any immediate hope, completely paralyzed by his condition. The thing that struck me the most and the thing that brings me to my feet today was his description of some of the other things that happened in that war.

He said, catching me completely by surprise, "Over there was where Phil Hart had his bed."

And he said, "Over there"—or maybe it was down the hall—"was DANNY INOUYE." He said, "Phil wasn't hurt as badly as the rest of us, so he could get out from time to time. The Hart family owned a hotel down the street, and he would go down to the hotel and get some decent food for us and smuggle it in so that we didn't have the hospital food all the time."

He said, "DANNY INOUYE was the best bridge player in the whole hospital." Subsequent to that, I talked to Senator INOUYE on the subway and said, "I understand you were the best bridge player in the hospital in Battle Creek." He said, "Oh, no, I wasn't very good; it's just that Dole was terrible."

Then Bob Dole said, "As I got a little better, they began to move my bed around the hospital, because I could tell jokes and I would cheer some of the others up."

Why do I bring this up? Of course, we all know Bob Dole. We have named a building after Phil Hart. I don't know what we will name after DANNY INOUYE, but he is still here. I bring this up with respect to BOB KERREY because we honor these men not solely for what they did in the military, not solely for what they did to rebuild their bodies, but for the example they set to rebuild their lives. To me, that is more heroic than the instant in battle when your instincts take over and you do what your duty tells you you have to do. I say that without ever having been there. So I could well be wrong.

But how much heroism is involved in pulling yourself together when you are lying in a bed unable to brush your own teeth and say, "I'm going to rebuild my body, I'm going to rebuild my life, I'm going to go to law school or found a restaurant," or do whatever it is that has to be done to such an extent that you are qualified in the eyes of the voters in the State in which you live to represent them in the U.S. Senate.

We are surrounded by heroes, not just because of what they did while under enemy fire, but what they did in the years following when they gave our children and our contemporaries the example of never giving up, of never allowing what happened to them to destroy them. Bob Dole was such a hero; Phil Hart was such a hero; DANNY INOUYE, JOHN MCCAIN, MAX CLELAND, and BOB KERREY.

I will never join the select group of people who receive military honors or military medals, but I am proud to be part of the select group that knows and works with these heroes, these men who have demonstrated to us that what you do over a lifetime is many times more important than what you do in an instant, and BOB KERREY stands at the first rank of that select group, and I salute him.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. REED. Mr. President, prior to making comments about the senior Senator from Nebraska, I yield 1 minute to the Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator so much for yielding.

I say to the Senator from North Carolina, Mr. EDWARDS, and the Senator from Rhode Island, Mr. REED, for arranging this, thank you. I think it has been a very high moment in my career in the U.S. Senate. I say to Senator KERREY, I wish you never had been hurt in war, and I just want to thank you for coming back from that trauma, because it has changed the lives of so many people.

To those who do not know BOB KERREY as well as his colleagues know him, I say this is a man of no wasted words. This is not a man of small talk. This is a man with big vision, big ideas, and little time to waste. One, I think, can make the leap that that experience, that brush with death, has made him understand, as many do not understand, that life is fleeting and life goes fast.

Although his rehabilitation must have seemed like an eternity, what he got out of that clearly was the love and support of many people, and it made him realize that he wanted to have a chance to give that kind of support to others.

I consider working with BOB KERREY an honor. It is always interesting. It is always exciting. It is always an experience you can never figure out until it actually happens, because he is not someone who is driven by the ordinary; it is the extraordinary.

I add my words of praise for my friend BOB KERREY. I also add words of praise for the people who rehabilitated you in your tough times. Because of their work, we have you here.

Thank you very much.

Mr. EDWARDS. Mr. President, before the Senator from Rhode Island proceeds, how much time do we have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). Eight minutes 53 seconds.

Mr. EDWARDS. Mr. President, I ask unanimous consent for an additional 10 minutes so that Senators who are present will be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, today is one of those rare moments on the floor of the Senate that we can, with respect and reverence and, indeed, humility, salute a true American hero, Senator BOB KERREY.

Senator KERREY is a man of great courage. That is obvious from his accomplishments, not just as a SEAL in Vietnam, but as a public figure for many, many years. He is also a patriot, someone who loves this country deeply and sincerely and fervently. It is this patriotism which caused him to join the U.S. Navy, although I suspect if you asked him back then, he would have made some type of joke about his joining the Navy and joining the SEALs. But in his heart, it was because of his profound love for his country and his dedication to his future.

Then I suspect also that in the course of his training, he began to realize that he had been given the most profound privilege any American can be given, and that is the opportunity to lead American fighting men. That privilege also implies a sacred trust, a commitment to do all you can to lead your troops with both courage and sound judgment.

He was leading his SEALs that night 30 years ago. He had brought them to a dangerous place, and he was bound and determined, at the risk of his own life, to bring them all back. He fought with great valor. He never lost faith. He always insisted that what he would do would be in the best interests of his men.

For him, the world then was very simple: his mission, his men, and then, and only then, himself. He was and is a hero. BOB KERREY saw war in all its brutality, in all its confusion, in all its senselessness, but he never surrendered his heart and his spirit to that brutality. He never let it harden his heart or cloud his judgment.

He came back from a war committed to continue to serve his Nation. He remains an idealist, and more importantly an idealist without illusions. And again in his acerbic way he would deny all this. But it is true.

He still believes deeply in his country. He still understands that it is necessary to lead. He still understands and keeps faith with those he led and those, sadly, he left behind. He is somebody of whom we are all tremendously proud. And there is something else about BOB KERREY which might explain how he could lead men successfully on virtually impossible missions, because he has that kind of talent to walk into a room when everyone else is depressed, feeling oppressed, feeling without hope, and the combination of his energy and his confidence and that glint in his eye convince people they should follow him, even if the task appears impossible.

Fortunately for us, he has brought these great skills to the U.S. Senate. He continues to serve his country. He continues to take the tough missions—not the milk runs but the hard missions. We all appreciate his courage and his valor.

We all have many personal anecdotes. Let me just share one. I admired BOB KERREY long before I ever got to the U.S. Senate. I met him several times before, but the first time I was really sort of speechless was on Inauguration Day in 1996, where I showed up outside there in the corridor a few feet away from here, ready to meet with my new colleagues in the U.S. Senate, and for the first time in my life, within a step away, I actually saw someone wearing the Medal of Honor. I looked at Senator KERREY as a starstruck teenager would look at a great hero. And, in fact, that was one of the most rewarding and impressive moments of that very impressive day.

But I will recall one other final anecdote. BOB and I were together in Nantucket a few years ago. We got up early one morning to go running. Now, I must confess, I thought I might have an advantage running against Senator KERREY. After all, I am younger. But at about the 3-mile mark, when he turned around and said, "got to go" and sped away, I felt a little chagrined.

My youth and my other talents could not keep up with this gentleman.

He honors us with his presence. He has honored us with his service. We treasure him. We respect him. And today we are giving him his due.

Senator KERREY, thank you for your service to this Nation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, who controls time? How much time is remaining?

Mr. EDWARDS. We yield to the Senator from Massachusetts.

Mr. KERRY. I thank the distinguished Senator.

Mr. President, I thank my colleagues, Senators DASCHLE, HAGEL and EDWARDS, for placing this resolution before us today; and I would like to speak just for a few moments about both the event and the person that it commemorates.

This is an important anniversary in the life of one of our colleagues and one of our great friends, my personal friend, the senior Senator from the State of Nebraska. I first came to know BOB KERREY during the very time that we commemorate today. He and I were in the Navy together. We were in Vietnam together.

In fact, though we did not know each other, we knew of each other because it is inevitable that two young lieutenants with the same name, somewhat in the same vicinity, will hear of each other. And irony of ironies, I actually was on a couple of missions in the very area, Nha Trang Bay, just about 2 months or so prior to the event which led to BOB winning the Medal of Honor.

BOB and I also knew of each other afterwards when he came back and he was in the hospital and I had shortly thereafter returned. Our mail crossed, and we have had about 30 years of our mail crossing. On one occasion I think my newsletter from Massachusetts went to Nebraska, and people didn't know what that was all about. And on other occasions we have joked about the fact that he probably received a couple of real "Dear John" letters while he was in the hospital and quickly discerned they were not meant for him but for me. And I often had these images of what he might have been reading of my mail. But at any rate, that began sort of a strange odyssey for both of us long before our paths crossed in the U.S. Senate.

I still get letters about the wheat prices in Omaha and he still gets letters about the cod fishing in Massachusetts, and we somehow manage to work these things out. But, Mr. President, it is no light matter to suggest that I have always had an enormous special respect for BOB KERREY. I am honored, as I think all of my colleagues are, to serve with him here in the U.S. Senate.

It was 30 years ago this past Sunday that a 25-year-old lieutenant junior grade BOB KERREY was, as we know, severely injured in Vietnam, sustaining those critical injuries that cost him his right leg. And over the years we have heard others describe, with great eloquence and great poignancy, the fighting on that island in Nha Trang Bay and the courageous way in which BOB fought on after a grenade had exploded at his feet, that he kept fighting even though he was nearly unconscious at the time, kept on the radio directing his men, leading—leading—in the way that we have come to know and expect BOB KERREY to lead, leading those SEALs under his command to suppress the enemy's fire and to try to safely get out of a bad situation.

I think, though, that what we really celebrate here today—and I think for those of us who have served in Vietnam, it is not so much the fighting there as the things that people faced when they returned. In that regard, I think BOB KERREY has also traveled a very special journey. And it is a journey that teaches us a great deal, as it taught him a great deal. It is a journey of personal recovery and of personal discovery.

In many ways, he struggled to put things back into perspective. It is not easy to lose people; it is certainly not easy to lose a piece of yourself, and come back to a country that has deep questions itself about why it was that it put you through that kind of turmoil. And BOB managed to sort all of that out, finding a special sense of humor, a kind of impish reverence, I think we might call it at times, that he shares with all of us to help keep a perspective in our lives.

He also forged a new patriotism out of that experience. Clearly, he went as a patriot because he chose to go. But he came back and struggled even with the definition of "patriotism" and of his concern and love for his country. He had to "refind" that, if you will, in those difficult times.

I think it is fair to say that he has come back more tested, more capable, and more understanding of what it means to care about the country and to give something to the country and to ask other people to join you in doing that. So he has the ability here to ask all of us in the Senate or our fellow citizens in the country to join with us in acts of giving in ways that others cannot.

I also say that it is not just for that that we celebrate his presence here, but he has been a steady friend and ally in the effort of a number of us here in the U.S. Senate to keep faith with the lingering questions over those who may have been left behind in the course of the war, and also to try to really make peace with Vietnam itself, and to help bring the Senate to a point where we were able to lead the country in normalizing relations and, indeed, putting the war behind us.

It is a great pleasure for me to say how proud I am to serve with BOB KERREY, not just because of the qualities that were celebrated in the Nation's highest award for valor, not just for the qualities that people talk about for his military service, but, more importantly, for his humanity and for his sense of purpose, for his idealism and for his understanding of the real priorities in life. I am delighted to be here today to share in this special celebration of who our colleague is and what he brings us.

Mr. EDWARDS. How much time remains?

The PRESIDING OFFICER. Five minutes 20 seconds.

Mr. EDWARDS. We yield 3 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Carolina for this resolution honoring our fellow colleague, Senator BOB KERREY of Nebraska. I want to add my voice to those who have spoken in salute to this individual and the contribution he has made.

The Vietnam war was like nothing else in my life politically—I am sure virtually everyone my age in this Chamber would say the same thing—the way it preoccupied the attention of this country, the way it dominated our political and personal lives, and the debate that went on for so many years. There were some who stayed and some who went and some who protested; there were some who served. Everyone was touched by that war in some way or another.

I was particularly struck by the story of our colleague, Senator BOB KERREY, and the contribution that he made as a member of the U.S. Navy and of course the injury which he sustained in his heroic effort on behalf of our country. Senator JACK REED of Rhode Island, a graduate of West Point, talked about his humbling experience of joining BOB KERREY for a race. He is a jogger—a runner, if you will. I have joined him for a race from time to time. You can tell by my physique I am not a runner. However, it is always a humbling experience as BOB KERREY comes motoring past you with a big smile and you realize that this man just can't be stopped. And I am glad he can't be stopped because he has made not only a great contribution to his State and his country but he continues to do so.

A few years back, Senator BOB KERREY got the notion that he wanted to run for President of the United States. There were some Members of the House of Representatives who stood by him and endorsed his candidacy—the few, the proud, the Members of Congress—who believed that

BOB KERREY would have been an excellent President of the United States. I believe that today.

I have come to know this man even better as a Member of the U.S. Senate while serving with him. I know that he has courage. He showed it not only in battle, but he shows it every day on the floor of the Senate. I cannot imagine what he has endured in his life. I only stand in awe and respect for what he brings to this institution because of that contribution. Very few people in the history of the United States have been awarded the Congressional Medal of Honor. It is my great honor personally to count one of those recipients as a personal friend and colleague.

I thank Senator EDWARDS and I salute my friend, BOB KERREY. I am happy to stand as a cosponsor of this resolution.

Mr. EDWARDS. Thank you, Mr. President.

I will conclude the remarks, and if Senator KERREY has remarks to make, of course we would love to hear them.

I have listened this morning to the remarks from all of these distinguished Senators on this wonderful day honoring this extraordinary man. This is a man who loves others more than he loves himself, a man who loves his country more than he loves himself.

I have to say, Senator KERREY, I think your mother had it right when you were lying on that hospital bed in Philadelphia after your operation that removed part of your leg when she said, "There's an awful lot left." There is an awful lot left, and we Americans are the beneficiaries of what is left.

Thank you very much, Mr. President. I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I want to thank Senator EDWARDS, Senator HAGEL, Senator DASCHLE, Senator BOXER, Senator DURBIN, and all the others who have spoken. I appreciate very much and am very moved by these words and more moved by the friendships in this body.

Thirty years ago is a long time. I am reminded of a slogan at the beginning of any exercise to remember what happened, especially in combat 30 years ago, and I will give you the watered-down version of that slogan. The only difference between a fairy tale and a war story is, the fairy tale always begins, "Once upon a time," and the war story always starts off, "No kidding, this is true; I was there."

We don't necessarily have perfect memories when it comes to bringing back that moment and I, for one, have always been very uncomfortable—and BOB BENNETT earlier said he wanted to make me uncomfortable by saying some nice things about me. I have been uncomfortable for almost 30 years to be introduced as a hero, and it made me somewhat uncomfortable in part because I did do something that was simply my duty; I didn't feel that evening that I had done anything necessarily out of the ordinary.

Indeed, JOHN MCCAIN's father upgraded my award from a Navy Cross to a Medal of Honor. Otherwise, this event might not be happening at all. There are many men, Senator INOUYE will tell you, who received nothing, whose actions weren't seen or were seen by somebody who didn't like them, or were seen by somebody who liked them but couldn't write very well, or something else happened to their award along the way. So I am aware that there are many people who have done heroic things that were not so recognized.

As a consequence of being introduced all the time and being given many opportunities to think what it means to be a hero—and I again appreciate very much all this recognition—my heroes are those who sustained an effort. In my case, it was the effort of a single night. Who knows; in the daytime, I may have performed differently. I may have, under different circumstances, done things differently.

The heroes who are impressive to me are those who sustained the efforts, whose bravery, whose courage, is called upon every single day. I think of my mother; I think of my father. I think of millions of men and women who, as mothers and fathers, sustained the bravery and the courage needed to be a good parent. I think of all those volunteers who came out not just to my hospital—I watched Bob Dole on television in 1988 in Russell, KS, break down at the start of his Presidential campaign as he remembered what it was like to come home to Russell, KS, and be welcomed into the arms of people who took up a collection so he could travel to see his father.

The heroes in my life are the people in Lincoln, NE, who welcomed me home and who gave me far more than I thought I had a right to deserve. One of the people in my life who has been very important—I have never met him, but I read his work; indeed, he was killed shortly before I went to Vietnam. Although he was a great opponent of the war, he came back in an airplane, along with other men who had been killed in that war—is a man by the name of Thomas Merton. Merton wrote,

> Human nature has a way of making very specious arguments to suit its own cowardice and its lack of generosity.

I find myself falling victim to that understandable human part of myself. I do sometimes exhibit cowardice. I do sometimes exhibit a lack of generosity. All of us, I suspect, have those moments.

It is the ever-present need to sustain the bravery to do the right thing that impresses me the most. Those whose brave acts are done, knowing there will be no recognition, knowing there will be no moment when they will be recognized and stand before their colleagues, trembling and wondering what to say in response—it is those brave acts that are done anonymously that are most important of all.

I have received a gift in many ways as a consequence not just of the award and considering what heroes are but also as a consequence of my injury. I don't know if Senator INOUYE feels the same way.

I remember a night almost 30 years ago to the day, in 1969, when a nurse came into my room very late at night. It was a difficult night for me. And among other things, she said to me that I was lucky to be alive and that I would get through this, I would survive it, I would get through this valley of pain that I was in at the moment. Well, I remember not believing that. I believed that I was not necessarily lucky to be alive at all at that particular moment of my suffering.

Today I recognize that she was absolutely right, that I was lucky to experience suffering and know that you do not have to feel pain for pain to exist, that it is out there as I speak, as we hear these words. That suffering is universal is a lesson I was given in 1969, and perhaps of all the lessons I was given, it was the most important of all.

I was also given a gift in discovering that the world is much bigger. It is not just us white men from Lincoln, NE, who grew up in a middle class home and had a great deal of abundance as a result of two rather extraordinary and loving people. It is a world composed of many colors, many creeds. It is a world composed of over 6 billion people, not just the 270 million who live in the United States of America.

I have been taught and had the chance to learn that you do not really heal until you have the willingness, courage and bravery to forgive people who you believe have done you wrong. I would not be back in public service, I do not think, were it not for Walter Capps, who invited me to come to Santa Barbara to teach a class on Vietnam, where in studying the history of that war I was able to forgive a man I hated—Richard Nixon. I doubt that former President Nixon felt any relief in that moment when I forgave him, understanding as I did then how easy it is to make mistakes when you are given power. But I was the one who was healed. I was the one who was liberated. I was the one who was able then to live a different life as a consequence of my having the courage in that moment to forgive.

I have discovered, through my own healing, that the most powerful thing that we can give, the most valuable thing we can give another human being costs us nothing. It is merely kindness. It is merely laying a hand on someone and saying to them, as that nurse said to me, that it will be all right; you are not alone here tonight; you are not alone with this suffering that you are feeling.

I also learned through service in the Senate. Oddly enough, at a time when people think that the only reason that we are given to vote a certain way is because there are financial contributions hanging in the balance, I have learned in this Senate that a nation can be heroic. I discovered on the Appropriations Committee, of all things, that that hospital in Philadelphia was not there by accident. It was there because a law passed this Congress—a law that was signed by Richard Nixon—authorizing that hospital to be operated, authorizing those nurses, those doctors and all the rest of those wonderful people to be there to save my life. A law made that possible. I made no financial contributions in 1969. There wasn't a politician in America who I liked. Yet, this great Nation allowed its Congress to pass a law that gave me a chance to put my life back together.

In 1990 and 1991, as a Senator, I went back to Southeast Asia, with the Bush administration, trying to find a way to bring peace to Cambodia. We succeeded in 1992. But in going back, especially to Vietnam in 1991, and especially in the South, I discovered again something rather remarkable about the people of this great country—that though I still believed the war was a tragic mistake and that we made lots of errors along the way, the people of South Vietnam repeatedly said to me, "We know you came here to fight and put your life on the line for strangers, and that you were willing to die for us will not be forgotten."

I sat, along with my colleagues, and listened to Kim Dae-jung of South Korea say the very same thing in even more personal ways. Our Nation can be heroic by recognizing that we might write laws that give all of us a chance at the American dream, and by recognizing that as a great nation there will come a time when we must risk it all, not for the freedom of people that we know but for the freedom of strangers.

I did, as JOHN KERRY said earlier, come back to the United States of America an angry and bitter person. I did not have my patriotism intact. I had gone to the war patriotic because it was a duty, and I stand here today before you honored by your words, moved by your sentiment, and to tell you that I love the United States of America because it not only has given me more than I have given it, but time and time again it has stood for the right thing, not just at home but abroad.

I appreciate just the chance to be able to come to this floor and offer my views on what our laws ought to be. I appreciate very much more than I can say to all of you—Senator EDWARDS, Senator DASCHLE, Senator HAGEL, and the others who have spoken—your sentiment, your words and, most of all, your friendship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the courage and bravery and love of country that my friend, BOB KERREY, demonstrated 30 years ago in Vietnam is obviously still alive. For that, I salute you, sir. Thank you.

Mr. KENNEDY. Mr. President, it is an honor to join in this tribute to our friend and colleague, Senator BOB KERREY.

The Nation's highest award for bravery in combat is the Congressional Medal of Honor. Since its creation in 1861, 3,400 Medals of Honor have been awarded to America's bravest Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen for heroic action in battles from the Civil War to Somalia. Our colleague BOB KERREY is one of these brave American heroes.

Senator KERREY was awarded the Medal of Honor for risking his life above and beyond the call of duty during the Vietnam War. The leadership and courage demonstrated by this young, 25-year-old SEAL team leader during intense and ferocious combat are nothing short of extraordinary. These events occurred thirty years ago this month, but the same courage and leadership can be seen everyday in his work in the United States Senate.

I welcome the opportunity to commend Senator BOB KERREY on this auspicious anniversary, and I commend him as well for his outstanding service to the Senate and to the people of Nebraska and the nation. He's a hero for our time and for all times, and I'm proud to serve with him in the Senate.

Mr. FEINGOLD. Mr. President, I come to the floor today to honor and to thank a true American hero. A man who risked his life to defend this nation and continues to serve this nation. I am proud to say that J. ROBERT KERREY is a friend and colleague.

Mr. President, thirty years ago this Sunday, on March 14, 1969, BOB KERREY led a team of Navy SEALs onto an island in the Bay of Nha Trang. In the course of battle, an enemy grenade exploded at his feet. He wound up losing his right leg below the knee, but BOB directed fire into the enemy camp, resulting in its capture. His extraordinary valor cost him part of his leg, but it earned him the respect of every American.

Mr. President, I am proud to join Senators DASCHLE, EDWARDS, and HAGEL on this resolution honoring the only Medal of Honor winner in the current Congress. The Medal of Honor is the highest military award for valor that can be conferred on a member of the American armed forces. It is awarded to a soldier, sailor, airman, or marine who ". . . in action involving actual conflict with the enemy, distinguish[es] himself conspicuously by gallantry and intrepidity at the risk of his life, above and beyond the call of duty."

It is that spirit we honor today, which has time and again moved ordinary Americans to rise to every threat to our nation and stand against great odds. It is the spirit that sustained the Revolution at Valley Forge, that carried the day at Gettysburg and Belleau Wood, and that made the difference at the Battle of the Bulge and Iwo Jima. This is the spirit that crashed ashore at Inchon, sustained our resolve at Khe Sanh and swept through the deserts along the Persian Gulf.

And BOB KERREY has showed courage in public life. Whether it's Social Security, Medicare, the budget or protection of the First Amendment, BOB KERREY is not afraid to take the unpopular position. Above all, I admire his willingness to act and speak according to his conscience.

BOB KERREY has earned our utmost gratitude and our lasting admiration.

Mr. COCHRAN. Mr. President, I am very pleased to see the time the Senate is taking this morning to pay tribute to Senator BOB KERREY, and to recognize his contribution during our war in Vietnam, and the recognition that he received as a Medal of Honor winner as a result of his sacrifice and his heroic actions during that conflict. I am certainly not, in any way, sad that we didn't spend the time that we had earlier set aside for the Missile Defense Act. I am very glad the Senate acted as it did to make this very important statement about his service and his contribution during that period in our country's history. He has certainly earned the respect not only of the Senate for his service but of the American people as well. I am glad to join with those who pay tribute to him this morning.

Mr. BYRD. Mr. President, I am honored today to join my colleagues in saluting one of our own, Senator BOB KERREY of Nebraska, for the courage and heroism that he displayed as a U.S. Navy SEAL 30 years ago, and for the courage and determination that he continues to inspire today.

The United States Senate is no stranger to heroes. Through the centuries, this Chamber has embraced the souls of some of the greatest heroes of our nation. It still does. We are privileged to work among heroes every day, individuals like BOB KERREY, STROM THURMOND, DANNY INOUYE, JOHN MCCAIN, and MAX CLELAND.

I hope we never take the courage of these individuals for granted, or lose sight of the great legacy of their predecessors. Certainly, among the history of heroism in the Senate, BOB KERREY's story is one of inspiration. Horribly injured by a grenade, he nevertheless carried on an attack against the Viet Cong and led his men to victory. His bravery won for him the highest honor that the United States government can bestow upon an individual for valor: the Congressional Medal of Honor. But his act of courage also took a great toll. It cost him his leg, challenged his spirit, and threatened to taint his life with bitterness.

BOB KERREY overcame those crises. He turned adversity to success. He recovered from the grievous wounds to his body and soul. He became a successful businessman, went on to become governor of the state of Nebraska, and in 1988 was elected to the United States Senate.

As I said before, Mr. President, the United States Senate is no stranger to heroes. But the Congressional Medal of Honor is something special. Only six Senators in our history have been awarded that honor. All of them, with the exception of BOB KERREY, fought in the Civil War.

As I listen today to the account of BOB KERREY's heroism, hear of the bravery that he displayed at the youthful age of 25, I am reminded of another account of bravery, this one told by the poet William E. Henley who, as a young man, lost his leg as a result of tuberculosis of the bone. He wrote these words from his hospital bed.

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate:
I am the captain of my soul.

The year was 1875. The poem was "Invictus." The words belong to William Henley, but the spirit behind them belongs just as surely to Senator BOB KERREY. I salute him.

Mr. LEVIN. Mr. President, I rise to join my colleagues in honoring someone who has already done more to serve his country than most people could accomplish in several lifetimes, BOB KERREY.

Many of my colleagues today have described the circumstances thirty years ago when a twenty-five year old Lieutenant KERREY led an elite Navy Sea, Air, Land (SEAL) team to successfully apprehend a group of North Vietnamese soldiers. I stand in awe as they have recounted the way in which Lt. KERREY continued to direct the team despite his serious injury. For his extraordinary valor, Lt. KERREY was rightfully bestowed the nation's highest award for military service, the Medal of Honor in 1970, by President Richard Nixon.

These actions alone are worthy of reflection by this body thirty years after the event. However, this was only one episode in a lifetime of extraordinary service to his country by Senator BOB KERREY. Luckily for our nation, he did not allow the unfortunate events of that day thirty years ago to stop him from reaching the lofty goals that he had always set for himself. After a trying rehabilitation in Philadelphia, KERREY returned to Nebraska and began his life anew, becoming a successful businessman and eventually winning a race for the state's Governorship. In 1988, he won election to the Senate after mounting a spirited campaign.

During his time in the Senate, BOB KERREY has continued to exhibit exemplary bravery and dedication. He has taken on some of the most important and difficult issues this body faces: Social Security reform, IRS reform and repeated farm crises. Senator KERREY focused on the issue of Social Security early in his career, and his many efforts have greatly enhanced the prospects for reform of this important and far reaching program. Senator KERREY is a champion of American agriculture, working tirelessly to support and protect family farmers facing economic hardship. He has also dedicated himself to improving health care services in the United States.

Mr. President, we honor Senator BOB KERREY today because thirty years ago he exhibited extraordinary heroism under the most difficult of circumstances. Senator KERREY's duty and sacrifice on that day and his important contributions since continue to earn him the respect of the people of Nebraska and the United States. I am delighted to join my Senate colleagues in honoring Senator BOB KERREY.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, the resolution is agreed to and the preamble is agreed to.

The resolution (S. Res. 61) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows

S. RES. 61

Whereas Honorable J. Robert "Bob" Kerrey has served the United States with distinction and honor for all of his adult life;

Whereas 30 years ago this past Sunday, on March 14, 1969, Bob Kerrey lead a successful sea-air-land (SEAL) team mission in Vietnam during which he was wounded;

Whereas he was awarded the Medal of Honor for his actions and leadership during that mission;

Whereas according to his Medal of Honor citation, "Lt. (j.g.) Kerrey's courageous and inspiring leadership, valiant fighting spirit, and tenacious devotion to duty in the face of almost overwhelming opposition sustain and enhance the finest traditions of the U.S. Naval Service";

Whereas during his 10 years of service in the United States Senate, Bob Kerrey has demonstrated the same qualities of leadership and spirit and has devoted his considerable talents to working on social security, Internal Revenue Service, and entitlement reform, improving health care services, guiding the intelligence community and supporting the agricultural community: Now, therefore, be it

Resolved, That the United States Senate commends the Honorable J. Robert Kerrey for the service that he rendered to the United States, and expresses its appreciation and respect for his commitment to and example of bipartisanship and collegial interaction in the legislative process.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Honorable J. Robert Kerrey.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Pending:

Cochran Amendment No. 69, to clarify that the deployment funding is subject to the annual authorization and appropriation process.

AMENDMENT NO. 69

The PRESIDING OFFICER. There will now be 1 hour of debate on the pending Cochran amendment No. 69, to be divided equally between the chairman and ranking member, or their designees.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, yesterday, we began debate of the National Missile Defense Act of 1999. We have reached a point where we will soon be voting on an amendment that seeks to more clearly define the context for this legislation and the purpose we see that it will serve. This legislation is a statement of a new policy for our Government with respect to the need to develop and deploy a national missile defense system as soon as technology permits.

It is very clear from recent developments that we identified yesterday that we are confronted with a very real threat to our national security interests from ballistic missile technology, the proliferation of this technology, and the capacity of other countries to use it to deliver weapons of mass destruction against the territory of the United States.

Americans today are completely vulnerable to a ballistic missile attack. We need to see that that is changed. We need to see that the technology that we have available to us is used to develop and deploy a defense against ballistic missile attack to protect American security interests and American citizens.

During the discussion yesterday, there was some suggestion that administration officials and military officials in our country were opposed to this legislation. I must say that I heard some of these officials testify at hearings, and I disagree with that conclusion. I think there is ample evidence in the record of our Defense Appropriations Subcommittee hearings, and in other statements that officials have made, both civilian and military officials, to the media about their views on this subject, that we can draw a completely different conclusion from the conclusion that was expressed yesterday by some of those who participated in this debate.

Let me give you one example. The other day, on March 3, I was in a meeting of our Defense Appropriations Subcommittee. We were having a hearing reviewing the request for funds for the Department of Defense for the next fiscal year. The Deputy Secretary of Defense, Dr. Hamre, was a witness, and we started a discussion about whether or not the administration interpreted this legislation that is pending now in the Senate to mean that the Department of Defense should disregard measures relating to the operational effectiveness of developmental testing in determining whether the national missile defense system is technologically ready to provide an effective defense against limited ballistic missile attack.

I asked Dr. Hamre, the Deputy Secretary of Defense, what his interpretation of that legislation was, and if he read the language in a way that suggested we would be deploying an operationally ineffective system or would require the administration to do so. Here is what the Deputy Secretary of Defense said. I am quoting.

> No, sir . . . I read the language that it says that you would still expect us to be good program managers. You would still expect us to do testing, disciplined rigorous testing. Not slowing things up just to test for test's sake but to do disciplined testing and know that it really would be effective and that it really would work.

So it is clear from that response to my question that in the mind of the Deputy Secretary of Defense this bill does not require deployment of a missile defense system that is operationally ineffective. On the contrary, he understands clearly, as do the cosponsors of this legislation, that we would put in place a policy and a practice that is common and ordinary in the acquisition process in our Department of Defense.

Finally, to those who suggest that a deployment decision should wait yet another evaluation of the threat, which was one of the four additional criteria outlined yesterday by the distinguished Senator from Michigan, I think a quote attributed to General Lyles, who is the Director of the Ballistic Missile Organization, might be helpful. He was asked again at a January press conference whether another evaluation of the threat would be necessary when the administration gave the go-ahead for production of the national missile defense system. This is what he said. I quote:

> The key decision will be on the technological readiness. My statement about looking at the threat, that's something we do for all programs all the time. So yes, we will again look at the threat. But as the Secretary stated, we are affirming today that the threat is real and growing, so that's not an issue. But we will always look at the threat to see has it changed, is it coming from a different source, etc.? That's part of anything we do for any program.

So there is really no question in the minds of the military managers and the civilian leadership at the Department of Defense about the threat. In General Lyles' view, or in the view of Dr. Hamre, and as stated, as Senators know, by the Secretary of Defense, our former colleague, former Senator Cohen, it is routine and a matter of course that there will be a continued evaluation and a monitoring of the threat. But the question as to whether the threat of ballistic missile attack exists now against the United States has been more clearly demonstrated by the actions of North Korea than any other thing anybody can say. The evidence is hard and clear and obvious. There is a capability now in North Korea to launch a missile—multiple stage—with a solid fuel, third stage, with a capacity to reach the territory of the United States.

As Secretary Cohen said when he came to talk to Senators not too long ago, "We have checked the threat box." "We have checked the threat box." The threat is clear. It is present. The threat exists.

That is why the administration's policy of waiting to see whether a threat develops to then decide whether we deploy a system that we have developed is an outdated policy and needs to be replaced with a current policy that matches the facts and the realities of our situation.

That is why this legislation is needed, and that is why this amendment is important, because it restates that the policy will be subject to the annual review of the authorization committees, of the appropriations committees, as every defense acquisition system is under current practices. That is what this pending amendment suggests—that we will see the jurisdictional responsibilities for authorizing a deployment, and funding the deployment will be constrained by budget considerations, by the realities of the threat as it then exists on the regular annual processes that this Congress follows each year.

The administration will have an opportunity to sign those bills, or veto them. So we are not changing the policies, or practices, or rules, or the laws that govern the appropriations and the authorization processes of Congress. That is what this amendment clearly suggests.

I am hopeful that with this further information that is available to the Senate as we proceed to wind up debate on this amendment Senators will ask whatever questions they have, and we will be glad to try to respond to them.

We appreciate having the cosponsorship for this amendment of the distinguished Senator from Hawaii, Senator INOUYE, who is the senior member of the Defense Appropriations Subcommittee, Senator WARNER, who is the chairman of the Armed Services Committee, and Senator LIEBERMAN, who is also active in the review and assistance on this issue.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I commend and congratulate my colleague from Mississippi for his leadership in this area.

Most respectfully and candidly, I must say that I have been a bit surprised and saddened by the attacks made upon this measure. This bill, in my mind, is a wake-up call. It is telling all of us that there is a threat. Anyone who studies North Korea, anyone who looks at the Soviet Union, anyone who has taken time to study the situation in Iraq and Iran, would have to conclude that there is a threat. This measure does not deploy any ballistic missile defense system. It just tells us it is about time we begin looking to the possibility of deploying a system.

As the author of this measure has pointed out very clearly, we would have to go through the regular process of authorization. This Senate and this Congress will have an opportunity to have a full-scale debate, to debate whether we have the funds, whether the threat is real, whether there is a necessity for this system. Then it will have to go through the appropriations process. At each level, the President of the United States will have an opportunity of either concurring or vetoing our efforts. We are not in any way short-circuiting the process that has been laid down by our Founding Fathers. We are following the process. But we are, in essence, telling our Nation: Wake up. There is a threat, and it is about time we look at it seriously.

I am proud to be a cosponsor, not only of the amendment but of the bill itself. It is about time somebody took the leadership to do what Senator COCHRAN has been doing. So I hope my colleagues will reconsider their opposition, look at it very objectively, and I am certain they will concur with us.

For those who have been criticizing that this is going to be a very expensive bill, there is not a single dollar in this measure—not a single dollar. That will have to be determined at a later time if the Congress so decides.

I hope my colleagues on my side will join us when the final vote is taken to support this measure.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know that under the order we are going to recess at 12:30, and then the order provides for 1 hour of debate on this amendment and then a vote at 2:15.

I am going to recommend—I do not know what the pleasure of the leadership will be—that we go ahead and have that vote and yield back the time on the amendment. That is going to be my recommendation to our leader on this side of the aisle. I don't know that we left anything out in our debate yesterday. We had time from 3 o'clock until 6:30 yesterday evening when we debated this issue and all of the issues that were involved. But I am happy to abide by whatever decision the leadership makes on that. I am just suggesting, for my part I will be happy to yield back our time on the amendment so we can vote at 2:15 when we resume our session after lunch.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that time for this introduction be allocated against the time on this amendment but appear as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. DORGAN pertaining to the introduction of S. 623 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NATIONAL MISSILE DEFENSE ACT OF 1999

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 69

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Feinstein

The amendment (No. 69) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to add my support to S. 257, The National Missile Defense Act of 1999.

Any questions on whether or not the United States faces a missile threat were answered by the Director of the Central Intelligence Agency, George Tenet, and the Director of the Defense Intelligence Agency, General Hughes, in testimony before the Armed Services Committee. In his opening statement Director Tenet described the threat of a new North Korean missile in the following terms:

> With a third stage like the one demonstrated last August on the Taepo Dong-1, this missile would be able to deliver large payloads to the rest of the U.S.

General Hughes stated:

> The number of Chinese strategic missiles capable of hitting the United States will increase significantly during the next two decades.

This testimony coupled with the findings of the Rumsfeld Commission make an overwhelming case for a National Missile Defense System. We must not be dissuaded by the impact of the National Missile Defense System on the ABM Treaty. The evidence of the missile threat to the United States is too overwhelming.

The bill before us is only a first step toward the deployment of a National Missile Defense System. It provides deployment flexibility to the Department of Defense. It states that it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense System. It does not mandate a specific time nor a specific type of a system.

Mr. President, I want to express my appreciation to Senator COCHRAN for introducing this legislation and for his passionate and articulate expression of support for a National Missile Defense System. Our citizens owe him a debt of gratitude for his persistence in pursuit of a missile defense program to protect them and the Nation.

Mr. President, there has been enough discussion on this issue, it is time for the Nation and this Congress to act. I urge the Senate to express its support for the security of our Nation by overwhelmingly approving S. 257, The National Missile Defense Act of 1999.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise to express my strong support, along with the distinguished Senator from South Carolina, for the National Missile Defense Act. It is, in my opinion, long overdue and will correct a serious deficiency in our defense policy, one that leaves us utterly defenseless against a threat that is real today and promises to get worse tomorrow.

Last week, Thursday, in the Wall Street Journal, this headline greeted us:

> China Buys . . .
>
> Stolen information about the U.S.'s most advanced miniature W–88 nuclear warhead from Los Alamos helped the Chinese close a generation gap in the development of its nuclear force.

This, of course, is a very abbreviated account of what the New York Times expanded on in great detail and great length. I think it describes for us not only a serious breach in our national security but a quantum leap in the ability of the Chinese Government to not only threaten the security of their neighbors in Asia but ultimately and eventually to threaten the security of American cities; thus, the importance of a National Missile Defense Act.

Mr. President, the Clinton administration is in its sunset, but the effects of its failed, flawed China policy are clearly on the horizon. We are faced today with a very disturbing situation. At the same time that the administration is fostering what it calls "constructive engagement" with the People's Republic of China, the Government of China is increasingly posing a threat to the United States and its interests. This policy is nothing if not contradictory and inconsistent. It is no less than a threat to American security.

China has made significant advances in its nuclear weapons program in recent years. By achieving the miniaturization of its bombs, the Chinese military can now attach multiple nuclear warheads to a single missile and hit several targets. China's technical advance means it can now deploy a modern nuclear force and pose an even greater threat to Taiwan, Japan and South Korea, not to mention the United States. The sad fact is that this technical advance was made possible by sensitive W–88 design information stolen from Los Alamos National Laboratory, a facility that we have discovered has very lax security.

The details that I am going to recount in the next few minutes are those that have all been published and have been available to the public in news accounts in recent days.

The W–88 is the smallest and most advanced warhead of the U.S. arsenal. It is typically attached to the Trident II submarine-launched ballistic missile. With smaller warheads, the Chinese military will be able to deploy intercontinental ballistic missiles with multiple warheads.

In the last 2 days, I have attended two briefings with the Secretary of Energy. To me, the accounts that we heard were chilling and alarming. The secret information on the W–88 was probably stolen in the mid-1980s. This active espionage went undetected until April of 1995, when nuclear weapons experts at Los Alamos studying Chinese underground tests detected similarities to the W–88. The CIA found corroborating information 2 months later. The FBI and the Department of Energy's intelligence group, under Notra Trulock, investigated the matter and were able to narrow its list of suspects to five, including Wen Ho Lee, an employee of the Los Alamos National Laboratory with access to sensitive and classified information. Lee has since been dismissed but not arrested. The other four suspects remain employed.

DOE briefed CIA officials and then Deputy National Security Adviser Sandy Berger on the espionage in early 1996. The FBI subsequently opened a limited investigation in mid-1996 and recommended improved security at DOE labs in April of 1997. But DOE, under Federico Pena, shelved Trulock's counterintelligence program and ignored FBI recommendations, and although some of these accounts in the press have been contested and all of the facts are not yet out, according to press accounts, they ignored FBI recommendations to reinstate background checks. Instead, Chinese officials continued to visit DOE facilities without proper clearances. Meanwhile, Trulock, aware of other possible spy operations at DOE facilities, sought to inform Secretary Pena. It was 4 months before he could get an appointment.

Finally, in July of 1997, DOE briefed National Security Adviser Sandy Berger on the situation and the possibility of current espionage efforts, and Berger kept President Clinton informed.

What was the administration's response? It was back in the 1980s when we believe most of the theft on the W–88 took place. When it became evident in the mid-1990s, what was the administration's response? Unfortunately, the administration swept the matter under the red carpet they were preparing to roll out for President Jiang Zemin of China.

The National Counterintelligence Policy Board made recommendations for strengthening lab security in September of 1997. It was 5 months before President Clinton signed a Presidential decision directive in February 1998. The recommendations occurred in September as to the changes that should be made as to the strengthening of security requirements at our Laboratories. It was 5 months later when President Clinton finally signed a PDD February of 1998 mandating a more vigorous counterintelligence effort at DOE. It took 9 more months to implement those changes that were first recommended back in September of 1997, PDD in February of 1998, and then 9 more months before implementation occurs.

In addition, it is alleged that Acting Energy Secretary Elizabeth Moler ordered Trulock to withhold information from Congress.

That is an allegation, and it is an allegation that is a serious allegation. And it is one that needs to be investigated by this Congress.

She reportedly ordered him not to brief the House Intelligence Committee on the espionage matter, and not to deliver written testimony to the House National Security Committee. It was only when Trulock testified before Congressman Cox's committee investigating this whole matter that Trulock was then able to fully inform Congress. If what Trulock claims is true—that he was hindered, that obstacles were placed before him and he was ordered not to testify, not to provide that vital information to Congress—then I think we have not just a security breach that resulted in stolen secrets, but it involves, in effect, a refusal to give vital information to Congress so that the administration's China policy could move forward without criticism—significant criticism—from Congress.

Only in the last several weeks was a lie detector test administered to Wen Ho Lee, the main suspect in this espionage. He has now been dismissed. Only now will periodic polygraph examinations be required of certain employees.

The administration's response to this situation seems puzzling at best. But then—if you put it in context of what is going on with our relations with China—it at least raises troubling questions. The administration was fostering its policy of constructive engagement, engaging China by in part selling nuclear technology, supercomputers, and satellites to China.

To bring up this vital issue of national security spying, espionage stealing of secrets—to have brought that up would have disturbed the flow of high-tech trade to China. And so it simply never was brought up.

At the same time that the Clinton administration knew about Chinese efforts to steal nuclear weapons technology, it certified that China was no longer assisting other countries in their nuclear weapons program.

It is amazing that when the administration knew that espionage was occurring at our Laboratories, that secrets were being stolen, it went ahead and certified that China was no longer assisting other countries in their nuclear weapons program.

That certification lifted a 12-year ban on the sale of American nuclear technology to China.

Why would we want to assist China in nuclear technology at the very time we are discovering their intensive efforts to infiltrate our Laboratories?

At the same time that the Clinton administration knew about Chinese efforts to steal militarily sensitive technology, it loosened export control laws on supercomputers and satellites.

Once again, it becomes not just a spy case. It becomes a situation in which the administration was pursuing a policy that to have disclosed what was happening in the security realm would have interfered with the pursuit of that policy goal by the administration. So it loosened export control laws on supercomputers and satellites at the very time the investigation was going on at Los Alamos.

At the same time that the Clinton administration knew about Chinese efforts to steal nuclear weapons technology, President Clinton was seeking reelection, receiving donations from Chinese sources, and allowing White House access to military intelligence officials.

At the same time that the Clinton administration knew about Chinese efforts to steal nuclear weapons technology, administration officials were preparing for a visit by President Jiang Zemin.

At the same time that Congress was investigating illegal campaign contributions with Chinese sources, the Clinton administration withheld vital information regarding security breaches at our National Laboratories from Congress and the American people.

How many briefs there were is yet in dispute. Who was providing the information and who was not, if anyone, is yet in dispute.

But it is troubling that there is evidence of an effort on the part of administration officials to preclude those who should have known, those who had oversight responsibilities, those who had appropriations responsibilities, from knowing the full extent of the security breaches at our National Laboratories.

President Clinton's China policy, I believe, has been a failure. And I believe that these most recent revelations fit into the broader context of the failure of this administration's policy toward the People's Republic of China. "Constructive engagement" has proven constructive, but it has been constructive only for the Chinese military.

The implications of this policy extend beyond the United States. In East Asia, our allies, including Japan, South Korea and Taiwan will face a new and greater threat because of China's nuclear capabilities. It is ironic that the Chinese Government warns us not to develop a theater missile defense system while it aims more missiles at Taiwan and develops multiple nuclear warheads. The Chinese nuclear advancements will certainly inflame anxieties in India, which may lead to further proliferation in both India and Pakistan.

So President Clinton has left us with a "strategic partner," as he terms it, pointing 13 of its 19 long-range missiles at us—a strategic partner building new long-range missiles, the DF-31 and DF-41; a strategic partner well on its way to developing multiple warhead missiles. These are the bitter fruits of a policy borne out of warped motives.

There were some in the administration who would like to dismiss this espionage case as a failure of the Reagan administration. I agree. There should have been greater security measures taken at that time. But this administration cannot blame its failure to uphold American security interests on past administrations. National security is a bipartisan issue. But it cannot blame its failure to adequately notify Congress on past administrations. This administration is responsible for a comprehensive policy failure in regard to China. The American people will be suffering the consequences long after the President has left office.

Mr. President, it is a fact that, while there are many facts yet in dispute, and while there are many questions that have gone unanswered, and it is my sincere desire that the appropriate committees of the U.S. Senate will begin immediate hearings and fulfillment of oversight responsibilities—while there are facts in dispute, and while there are questions to be answered, there are some facts that are indisputable.

It is an indisputable fact that the Chinese Government stole nuclear secrets allowing it to build smaller and more efficient warheads.

We can argue and we can debate as to whether it was a 2-year loss of technology or a decade, whether it was a generation, or whether it was less than that, but it is not disputable that China stole nuclear secrets allowing it to build a smaller and more efficient nuclear capability.

It is indisputable that the Chinese Government continues to aggressively seek to obtain technology from U.S. companies allowing it to better target their ICBMs. That is indisputable. Whether legitimate means, whether legal means, or whether serreptitious means, it is indisputable that China today continues on an aggressive pattern of seeking to obtain technology from the U.S. companies.

It is an indisputable fact that the Chinese Government is engaging in an expensive modernization of their weapons system.

While there may be much debate, that is a fact. That is beyond dispute. China today is expending vast amounts of its budget in order to modernize their weapons systems.

Mr. President, while there is much in dispute, it is a fact beyond dispute that the Chinese Government continues to be a major nuclear proliferator in the world, giving North Korea the missile capability even to hit American cities.

It is a fact beyond dispute that the Chinese Government continues to menace our allies in Asia with military threats. And it is a fact that the Chinese Government has again brutally clamped down on democracy advocates within China and seeks to extinguish free expression, whether religious or political.

In the face of all these facts, the administration is still determined to give an irresponsible actor in the world arena a major role by offering to China World Trade Organization accession. It is my sincere desire, it is my sincere hope, that the administration will not seek to bring China into the WTO, will not bend the rules, will not allow China to enter as a developing nation as they desire, and that we will, in dealing with the largest, most populous nation on the globe, take our rightful place and we will regain our voice where, when it comes to the World Trade Organization, we will require that Congress approve China's membership in the WTO before they are allowed to enter.

These facts, all incontrovertible and indisputable, reveal what I think is already obvious. The administration must reexamine its China policy and restore American security as its main priority. It must take responsibility for defending the American people, and it must commit to a national missile defense system. I applaud the efforts of the distinguished Senator from Mississippi, Mr. COCHRAN, for his leadership and his perseverance and his determination to bring this bill forward and to ensure its enactment.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened with interest to the Senator from Arkansas. I think there are far more questions than answers on the issues he raised. I think the issues of national security dealing with China are serious. The alleged spying, as I understand it, occurred in the mid-1980s; the transfer of missile technology and agreements for that transfer occurred at the beginning of the 1980s. The Senator raises very important security questions and we need answers to those questions. I am sure in the coming days we will learn more about many of these issues as we discuss them with the appropriate people who have been a part of this matter for, now, a decade or a decade and a half.

But I came to the floor and have waited here to speak about the national missile defense proposal. That is what is on the floor at the moment, national missile defense. Mr. President, 24 years ago our country built an antiballistic missile system in my home State. It is the only ABM, or antiballistic missile, system anywhere in the free world. That ABM—or what we would now call national missile defense—system, that ABM program, cost over $20 billion in today's dollars.

On October 1, 1975, the antiballistic missile system was declared operational. On October 2, 1 day later, Congress voted to mothball it. We spent a great deal of money. I encourage those who are interested in seeing what that money purchased to get on an airplane and fly over that sparsely populated northeastern portion of North Dakota. You will see a concrete monument to the ABM system. It was abandoned a day after it was declared operational.

Did that system make us safer? Did taking the taxpayers' dollars and building that ABM system improve national security in this country? The judgment was it was not worth the money after all. Yet here we are, nearly a quarter of a century later, debating a bill that would require the deployment of a national missile defense system, another ballistic missile defense system, as soon as technologically feasible.

It was technologically feasible 24 years ago. It was a different technology. The technology then was, if you see a Russian missile—or a Soviet missile then—coming in to attack this country, you send up some antiballistic missile defenses, and they have nuclear warheads, and you blow off a nuclear warhead somewhere up there in the heavens and it obliterates the incoming missiles. That was the technology then. It was technologically possible then.

Now the new technology is, we are not going to send a nuclear missile up to wipe out some incoming nuclear missile—or a missile with a nuclear warhead, I should say. What we will do is, we will hit a speeding bullet with another speeding bullet. If someone puts a missile up with a nuclear warhead, we send a missile up with our charge and we hit it—a bullet hitting a bullet. Of course, all the tests now demonstrate that is very hard to do. There have been far more test failures than successes in this technology. But here we are saying, let us deploy a National Missile Defense System as soon as technologically feasible.

It is technologically feasible for my 11-year-old son to drive my car. I wouldn't suggest that someone who meets him on the road would consider it very safe or appropriate for Brendon to be driving my automobile, but it is technologically feasible.

So what does that mean, technologically feasible? What does it mean with respect to missile defense? Will it make us safer? Here is what we do know. A national missile defense system cannot protect us from a low-flying cruise missile launched by a Third World despot who can much more easily access a cruise missile than an intercontinental ballistic missile and put it on a barge somewhere off a coast and lob in a nuclear-tipped cruise missile. Will we, when we deploy this system, defend against that? No, not at all. That is not what this system is for. It is to defend against an ICBM. And not just any ICBM—not a Russian ICBM, for example, because any kind of robust launch of more than a handful of missiles cannot be defended with this new technology, the kind of technological catcher's mitt that we send up to catch an incoming missile.

It is only a missile from a rogue nation. If a rogue nation acquires an intercontinental ballistic missile—unlikely perhaps, but let's assume a rogue nation acquires an intercontinental ballistic missile and uses that with a nuclear warhead attached to its top to threaten this country. What are the likely threats? Among the threats, the least likely would be a rogue nation using an intercontinental ballistic missile. More likely would be their access to a cruise missile, to purchase a cruise missile someplace. Of course this system will not defend against that. More likely than that is, perhaps, a rental truck filled with a nuclear explosive or perhaps a suitcase nuclear bomb planted in the trunk of an old Yugo car parked at a New York dock—a far more likely threat by a rogue nation than access to an intercontinental ballistic missile. Will this protect us against those threats? No.

National missile defense shields us against one threat only—the accidental launch of a ballistic missile from an existing nuclear power or the future possibility of an attack by a rogue nation. But it is not just any accidental launch. It would be an accidental launch of just one or two or a few missiles, because any launch beyond that, of course, would be a launch that would prevail over a limited national missile defense system.

If we deploy a national missile defense system before it is ready—not just technologically possible, but tested and ready —then what are we getting for our money? What does the taxpayer get for the requirement to deploy a new weapons program, albeit defensive, before it is ready to be deployed? Detecting, tracking, discriminating, and hitting a trashcan-sized target traveling 20 times the speed of sound, landing in 20 or 30 minutes anywhere in the world after it is launched—intercepting that with another bullet that we send up into the skies? To put it mildly, that is problematic. Our efforts to date, under highly controlled test environments, come nowhere close to meeting the requirements a ballistic missile system would need to satisfy and justify deployment.

If we deploy without regard to all of the other issues and all of the other considerations, all of the efforts we have made to reduce weapons of mass destruction that pose such a danger to the world, will we make this a safer world? Or a world that is more dangerous? If we deploy this system before we have renegotiated with Russia the Anti-Ballistic Missile Treaty, we are sure to jeopardize the enormous gains we have already made in arms reduction efforts.

I would like to show a picture just for a moment. I also ask unanimous consent to show a piece of an airplane on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a piece of a backfire bomber. I suppose that some years ago, you would have thought the only way a Member of the U.S. Senate could hold a piece of a Soviet bomber or a Russian bomber in his hands would be if it were shot down somewhere in hostile action.

This is a wing strut from a bomber that used to carry nuclear weapons that threatened this country. This bomber, as you can see, no longer flies. This wing strut is a result of a cut from the wing of that bomber that rendered that bomber useless. How did that happen? How does it happen that we are able to cut the wings off Russian bombers, and we are able to destroy Russian missile silos?

Last year I held in my hand on the floor a metal flange from a missile silo in the Ukraine that used to sit on the prairies there in the Ukraine with a nuclear warhead aimed at the United States of America, and that piece of metal now doesn't come from a missile silo. I held it in my hand. The missile silo is gone. The missile is gone. The warhead is gone. Where a missile once sat aimed at the United States, there now is planted a field of sunflowers, sunflowers rather than missiles.

How did it happen that in the Ukraine an intercontinental ballistic missile site was dug up, the missile gone, the warhead gone, and there are now sunflowers? How does it happen that a Soviet bomber has its wings sawed off? I tell you how it happens —Nunn-Lugar. Senators DICK LUGAR and Sam Nunn offered a program here in the U.S. Senate trailing the arms control agreements we have had with the old Soviet Union and now Russia. It says the United States will help pay for the destruction of your weapons.

Doesn't it make good sense for us to destroy Russian bombers, not with our bullets but with saws? Doesn't it make good sense for us to destroy Russian missiles in their silo through the use of American taxpayer funds, not with people who have to go in the field and fight and risk their lives, but through a treaty of arms control in which we help pay the cost of the destruction of nuclear weapons and delivery systems controlled by Russia and the old Soviet Union?

Since the dissolution of the Soviet Union, Russia, the Ukraine and others have destroyed over 400 intercontinental ballistic missiles, 400.

In the last several weeks, I saw a nuclear weapon. I was in a weapons storage facility on a tour, and I won't describe it in great detail, probably because I couldn't. A nuclear weapon is not very big. A nuclear bomb is not large at all. You can have a nuclear bomb dozens of times the power of the bomb that was dropped on Hiroshima. It is no bigger than that desk.

The Soviet Union, Russia and the Ukraine, now named, have destroyed over 400 intercontinental ballistic missiles with MIRV warheads, over 400 of them gone. Our arms control agreement has rendered them gone. They are gone. We helped pay for it. We cut the wings off the planes. We pulled the missiles out of the ground. We saw those missiles destroyed. We have cut the wings off 37 Soviet bombers. Eighty submarine missile launch tubes are now gone; 95 nuclear warhead test tunnels are now sealed. That is major progress. If the Russians ratify START II, which I think they are likely to do, we will see further dramatic reductions in the number of bombers and missiles and warheads on both sides.

That will happen not because we are fighting but because we are cooperating, not because there are tensions but because there is an arms control regime we are following and because we are helping them destroy their weapons at the same time we are reducing our weapons. We want to deactivate over 5,000 warheads, destroy 200 missile silos, 40,000 chemical weapons. Look at the success. Eliminate 500 metric tons of highly enriched uranium. Would we or should we do anything to jeopardize this progress? What might jeopardize it?

We have a treaty with the Russians, and the treaty is an ABM Treaty. The proposal by some is to say ignore the treaty; it doesn't matter. These treaties are not very important. These treaties START I, START II, ABM, hopefully a START III, these treaties allow us to make this progress and reduce the nuclear threat and reduce the threat of nuclear war.

Thirty-two thousand nuclear weapons remain in the United States and Russian arsenals today. Some of those are theater weapons; thousands and thousands of nuclear weapons, of course. That is half the number of a decade ago, but does that give us great confidence? No. We need to reduce them much, much further.

How can we do that? I know how we won't do that. All of that progress in the reduction of nuclear weapons could come to an abrupt halt if we deploy a national missile defense system without any regard to the concerns raised about whether this legislation would violate the ABM Treaty that we have made with the Russians in order to slow the nuclear arms race. Instead of working cooperatively with other nuclear powers, if we act unilaterally we surely risk a return to a costly and dangerous arms race with Russia and China as well.

A former colleague, Dale Bumpers, said something interesting about this. He said:

> We can ignore Russia's concerns now, but in the years to come, she will slowly recover and resume a great power role in the world. By rash actions such as abrogation of the ABM Treaty, we are far more likely to rekindle the cold war with a hostile nation than to produce a constructive relationship with a cooperative Russia.

Senator Bumpers, then, was wisely cautioning us that the calculations that go into our strategic defense decisions today will have enormous consequences and costly consequences for the world that we pass on to our children. Each day we move closer to eliminating the nuclear threat left over from the cold war, thanks to arms reductions mandated in START I and START II and thanks to the Nunn-Lugar threat reduction that has been so successful.

As I indicated, that investment has been a critically important investment in reducing the nuclear threat. I show my colleagues a chart that talks about the imbalance between money that some propose we spend on a national missile defense program versus money we spend on arms reduction. This chart shows what we are prepared to spend on a national missile defense system, a limited one, one that won't protect us against much of the threat, but compare it even at that to what is planned to be spent on arms reduction. I hope this is not a picture of our priorities. I wish it were reversed.

This legislation that we are considering says just do it, in the popular jargon of today. Deploy the system as soon as the military can get it up there. Cost doesn't matter. Arms control doesn't matter. Nothing much matters. Deploy it as soon as is possible. We are nervous.

Mr. President, let me say that I support the strongest possible defense against any threat to our country, but if you rationally think through the range of threats to our country, you must start with the understanding that the largest possible threat to our country comes from thousands of nuclear warheads that now exist, thousands of nuclear warheads already in stockpiles with delivery vehicles, bombers and ICBMs and others. We must continue the work of reducing them, and we have done that very successfully. Anything we do here to jeopardize that would be a profound mistake.

In addition to that, what are the other threats? A rogue nation getting an ICBM? Yes, that is a small threat way over here on the edge. How about a rogue nation getting a rental truck, as I said, with a nuclear device planted in the back somewhere? Probably more likely. Or a deadly vial of the most deadly biological agent? More likely. A suitcase nuclear bomb? More likely.

Should we worry about all of these? Should we prepare for all of these? Of course. We would be foolhardy as a nation to underestimate the threat of terrorism and underestimate the intentions of rogue nations. We would be fools to do that. But it would be shortsighted for us to decide, because we are concerned about all of that, we are willing to push all of our chips to the middle of the table and say we will risk the very substantial achievements we have made in arms control reductions.

The elimination of Russian bombers by cutting off their wings, the destruction of Russian missiles, the dismantling of Russian warheads, making Ukraine nuclear free—did anyone think they would hear that? We risk all of that if we move in a manner in the Senate that says, "You don't matter; all that matters is our short-term nervousness about one small slice of one of the threats that exist." That is not a balanced approach.

Mr. President, I conclude by saying I think one of the more talented Senators in this country is the Senator from Mississippi, Senator COCHRAN. I enjoy working with him. I think he is bright and productive, and he is one of the people that makes me proud to be a Senator. The same is true of my colleague from Michigan, Senator LEVIN. The fact is, they have pretty big disagreements about some of these issues, but this is a very big issue.

This idea about how this country responds to nuclear threats and what kind of nuclear threat should persuade us to respond in certain ways will have profound implications for all of us and for our children and our grandchildren.

I have a young son age 11 and a daughter age 9 who are in school today, at least I hope they are in school today. They are the most wonderful children any father would ever hope to have. I hope when my service is done in the U.S. Senate, whatever I might contribute to public policy, that they might say I helped in a way to reduce the nuclear threat, I helped in a significant way to have this world move away from the kind of nuclear threat that has existed now for many, many decades.

It is hard for people to believe because it does not get much press and it is not very sexy, but every day we are spending American taxpayer dollars to destroy missiles that used to be aimed at American cities. What a remarkable thing to have happen. What a remarkable success.

I think it was Mark Twain who said once that bad news travels halfway around the world before good news gets its shoes on. That certainly has to be true with respect to this nuclear issue, the nuclear threat. How much attention does this get, the day-to-day success we have in reducing nuclear warheads and delivery vehicles? Let us not jeopardize that. Let us move forward together in a thoughtful way, understanding, yes, we should prepare for some kind of missile defense. Let's do it thoughtfully, let's do it when it is technologically possible, but let's make sure we do it when it is cost effective, technologically possible, will not interrupt and will not pose danger to our arms control agreements. Let us condition it on all of those issues together and, as a country, then do the right thing.

Again, I thank the Senator from Michigan, Senator LEVIN, for allowing me to have some time in this debate. I hope in the coming hours we will be able to address this just a bit further.

Let me conclude—I know the Senator from Tennessee is waiting—let me conclude with one final statement. The majority leader said this morning that we should be clear in our intentions toward the ABM Treaty. I do not know what that means. I encourage him to tell me what that means. I agree with it, we should be clear, and I hope we are clear with respect to our intentions about the ABM Treaty to say that treaty matters, that treaty means something, and to the extent we seek changes in that treaty, we will, with the Russians, negotiate those changes, but we will not take an attitude that this treaty does not matter to this country. Let us hope that is what the majority leader meant when he said, let's be clear about our intentions toward the ABM Treaty. I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the chair.

My friend from North Dakota points out that there are, indeed, other threats to this Nation besides those that pose a threat that this bill is designed to prevent. There are, indeed, other threats. He points out that our missile defense system may not stop all of the threats that are out there, and he, of course, is correct with regard to that, also.

I do not believe that is sufficient grounds for opposing a missile defense system for this country. We have become aware, much more than we would like, recently of the new threats, the new world that we live in, the new threats that are posed not only from old sources but from many, many new sources, some of which we may not be fully aware of and what their capabilities might be, which apparently have missed the estimates of our own intelligence community, in many instances.

I agree with my friend concerning the Nunn-Lugar program. I have also visited Russia and have seen that program in operation and the many good things that it is doing and its related programs. We have a nuclear cities program over there where we are trying to turn some of their nuclear cities and help them turn their enterprises in other directions.

We have assisted with regard to their scientists, hopefully so, that they will not leave the country and go to places and spread technology in places that would be detrimental to us.

We have, indeed, destroyed some of the nuclear stockpile, but I think it is important to note that we are essentially still dipping in the ocean as far as that is concerned. We are just getting started in that regard. They have many, many more tons of nuclear materials and many, many missiles that we have not touched yet, even if we are aware of their existence.

We should not in any case believe that we have begun to seriously eat into the Soviet Union's nuclear capabilities. We are trying to do that. Those programs must be maintained. It is going to take a period of time before we can make any progress in that regard.

We have spent hundreds of millions of dollars in Russia in order to maintain these programs. Our taxpayers have made a decision that it is worthwhile that we go over there and try to make friends with the Russians and try to help them make this transition. We have put our cash on the barrel head to the tune of hundreds of millions of dollars. That money is sorely needed in Russia right now, and hopefully it will be put to good use.

At the same time that we are doing this, our intelligence community and our Government still have serious concerns about proliferation activities of the Russians. When you consider the threats around the world and the so-called rogue nations and the outlaw nations and the dangers they present, oftentimes if you trace back to where they are getting their capabilities, you will go back to Russia, you will go back to China. It is a serious, serious problem.

If what we are saying today is that if the United States protects itself with a missile defense program, not only is Russia going to continue to proliferate but it is going to refuse the hundreds of millions of dollars that we propose to put in there, then so be it. I think we still have to go forward in the best interests of our country.

Make no mistake; we do not want to abrogate understandings lightly. Everyone knows the circumstances have totally changed. Our deal with the U.S.S.R. no longer exists. We have shown our friendship. The Soviet Union for years and years said, "We have to counter the United States of America, because they have all these hostile intentions and they have these aggressive tendencies."

We have shown that not to be the case. We have reached out a hand of friendship, but we cannot, in turn, be threatened with closing us out, especially when they are still too often spreading nuclear technology and capability and missile capability around the world at a time when we are considering whether or not we want to have a missile defense system to protect ourselves against whomever might be hostile to us in the future.

Clearly, that is not Russia today. But it is a dangerous world out there in many, many more respects than when the old Soviet Union posed its threat.

Many of my colleagues have already recited the growing missile and weapons of mass destruction threats which America faces from many hostile and potentially hostile countries, and I will not take the time to recite them again. Most of these threats in fact were well known when we voted on missile defense last September. What is new since the last time we debated missile defense is the news that China has obtained the design for our most modern nuclear weapon, the W–88 warhead. This technology permits the development of massively destructive nuclear warheads at a fraction of the size previously possible.

Acquiring this technology will allow the Chinese to fit multiple warheads into a single missile for the first time and to deploy more nuclear weapons on submarines. Of course, this revelation must be coupled with the knowledge that because of lax export controls, the Chinese have also been able to obtain American technology to improve the guidance of their missiles and to develop the capability to deliver multiple warheads from one missile.

As we saw in the hearings of the Governmental Affairs Committee in our International Security Subcommittee, chaired by Senator COCHRAN, last year, cooperation with American satellite manufacturers has actually helped Beijing learn how to build better missiles and deploy multiple payloads from a single rocket. This enhances China's capability to develop this latter technology for use on ballistic missiles. As a result, they will be able to launch multiple warheads from a single missile, a capability called MIRV'ing.

So now the Chinese have more reliable missiles, each of which may soon become capable of delivering multiple warheads with one shot. And now they have stolen the final ingredient to make this work—our own most sophisticated miniature warhead design.

But that is not all the U.S. technology they have. American supercomputers may allow China to maintain the W–88 without nuclear testing. The administration has loosened export restrictions on this technology. The Chinese are also reported to have stolen U.S. laser technology and, in conjunction with advanced computers, may have helped them simulate nuclear explosions in the laboratory.

Now the United States has a huge program underway to develop the means to ensure the viability of its weapons without conducting test explosions. Were the Chinese to develop similar capabilities, then they could maintain this W–88 and other modern warheads without testing. This would enable Beijing to conduct nuclear weapons work without telltale underground explosions and help the Chinese missile force threaten the United States for decades to come.

So what does this actually mean in terms of U.S. national security? Until now, China's nuclear arsenal has been quite small, built around a comparatively tiny force of land-based and mostly liquid-fueled intercontinental ballistic missiles. However, thanks to the acquisition, both legal and illegal, of new technologies, Beijing now stands on the verge of both a qualitative and a quantitative breakthrough.

There are at least four new missile programs currently underway designed to provide the People's Liberation Army with dramatically improved capabilities by the first years of the next century. Moreover, the Chinese now have a class of submarine capable of launching ballistic missiles. These developments are highly relevant to our debates over U.S. missile defense.

Moreover, Mr. President, these developments threaten not only the United States but pose a more imminent threat to our allies in Asia. They are at least as worried as we are about missile and weapons of mass destruction advances by China and North Korea. After all, countries such as Japan, South Korea, and Taiwan are much more likely targets for these weapons than we are—at least for now.

If ongoing Chinese missile deployments and nuclear proliferation are not addressed, and if we do not provide access to effective missile defenses to U.S. allies in Asia, then such vulnerable countries may have little choice but to try to develop their own means of nuclear defense or deterrence. This would intensify rather than diminish the proliferation problem in Asia and is yet another reason it is imperative that we develop the interrelated technologies and control systems for theater-level and national-level missile defenses.

We should not forget that China has a well established propensity to export its nuclear weapons and ballistic missile technology. It has been reported in the press, for example, that China provided a fully tested nuclear weapons design and highly enriched uranium to Pakistan. China has also provided ballistic missile technology to Pakistan and other countries. In 1988, China provided a turnkey medium-range missile system to Saudi Arabia. That is an entire weapons system ready to use right out of the box. China has also a record of providing nuclear, chemical, and biological missile technology to Iran.

Furthermore, the Rumsfeld Commission reported that a number of countries hostile to the United States, including Iran, Libya, Iraq, and North Korea, are capable of manufacturing weapons of mass destruction and ballistic missiles and that previous United States intelligence assessments had greatly underestimated the danger that such developments pose to the United States. Should China decide to export the W-88 or a complete weapon to such nations, as has been done with so many other dangerous technologies, the consequences for regional and global stability would be grave indeed.

All this, Mr. President, makes it more important than ever that the National Missile Defense Act of 1999 be passed. Faced with new and growing nuclear and ballistic missile threats, in part through our own carelessness, America needs the protection that such a missile defense system would offer. And Americans need the confidence of knowing that a system will be deployed rather than waiting on some future administrative decision on whether to deploy.

It is time for Congress to act. The technology to develop and deliver nuclear and other weapons of mass destruction is widely available and is spreading rapidly. If we do not prepare today, when the day arrives that America is paralyzed by our own vulnerability to ballistic missile attack or when an attack actually occurs, we will be reduced to telling the American people and history merely that we had hoped this would not happen.

I urge my colleagues to support S. 257, the National Missile Defense Act of 1999. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, proponents of S. 257, the bill we are debating now, suggest that this bill is vital to our country's defense. The very distinguished Senator from Tennessee just got up and made his case, and as an illustration he pointed to the technology that the Chinese Government, apparently through espionage, has acquired.

I want to make it clear for the record, I am not confirming anything at this point. But assume that what was said is accurate—and I am not disputing it either. One of the two things the Senator pointed out, as things we should be worried about, is that they may have acquired the capability of MIRVing missiles. For the public, that means they can put more than one nuclear bomb on the nose of a missile, an intercontinental ballistic missile. And they may have gained the capacity to independently target those warheads.

Put another way, we know what the Russians can do. The Russians have SS-18s and other intercontinental missiles, each with any of 3, 7, 10—depending on the missile—nuclear bombs with a combined capacity that exceeds Hiroshima and Nagasaki. They could launch a missile, and within 30 minutes they could have one of those warheads, one of those nuclear weapons, landing in Wilmington, DE, a small town, in relative terms, in my State, taking out all of the Delaware Valley and its 10 million people, and the same missile could send one warhead to Washington, DC, one to Roanoke, VA, et cetera—all with one missile. That is a very, very, very awesome capacity. We are worried that the Chinese may have acquired some of that technology.

It is also suggested that the Chinese may have acquired the capacity to target with more accuracy. An accurate missile can breach the overpressure limit of certain missile silos—the pounds per square inch they could sustain from a blast and still be able to launch—so it became important during the time of the arms buildup between the Soviet Union and the United States what the hard kill capacity was. That is, could you fire a missile that would not only kill all the people in all the Delaware Valley, but, assuming there were silos that had Minuteman rockets in those silos with nuclear weapons, could also knock out that missile itself? That is what they called the hard kill. Accuracy became a big deal because you could take out the other guy's missiles, and not just his cities.

We had the capacity to drop these missiles 12,000 or 13,000 miles away within 30 minutes on pinpointed areas the size of a soccer field in the Soviet Union then, in Russia now. We are worried the Chinese may have acquired that capacity. I think my friend from Tennessee is absolutely correct to be worried about that; so am I.

What are we doing here today? We are debating what I believe to be a political document, not a substantive piece of legislation that adds anything to the concept of what our strategic doctrine should be. We are saying that Taepo Dong missiles in the next 1 to 5 years—the Koreans may be able to get up to five of them—may be able to hit the United States, assuming the regime in North Korea lasts that long or outlives the research that would be required to get this done. We are talking about building a thin nuclear defense system to counter that immediate threat and future threats from Iran, Iraq, and other rogue states, and we are talking about it in almost total disregard of what impact it will have upon the ABM Treaty.

People say, "What is the ABM Treaty?" The ABM Treaty, as Senator DORGAN discussed, is the basis upon which we have gone from somewhere on the order of 25,000 to 30,000 nuclear warheads—and the capacity that my friend from Tennessee is worried about the Chinese acquiring—down to 12,000 total, roughly, or 13,000 maybe, roughly evenly divided between the United States and Russia.

Guess what? George Bush came along and said the single most destabilizing thing of all—in what I call "nuclear theology"—are these "MIRVed" missiles, those missiles with up to 10 nuclear bombs on their tip, able to be targeted independently, once they separate, able to go in ten different directions with significant accuracy.

Why are they destabilizing? They are destabilizing because of the nuclear scenarios about who strikes first and whether you can strike back. Anybody who faces an enemy that has this capacity has to target those missiles, because they are the single most dangerous thing out there. That means that in a crisis, if a missile were accidentally launched, or we thought one was launched, what we would have to do is go and strike those missiles first.

What would the Russians now have to do? They would have to launch on warning. Knowing that their MIRVed missiles were logical targets, they would adopt the use-it-or-lose-it philosophy. It is the only rational decision a nuclear planner could make.

So George Bush figured out these are incredibly destabilizing weapons. They are vulnerable to a first attack by sophisticated missiles and they are awesome—awesome, as the kids say—in their destructive capacity. So what do you do? As long as they are around, it means they must be on a hair trigger. No country who possesses them can wait for them to be struck before they fire them. Everybody can understand that. The gallery is nodding; they all get it. They figured it out. When it is explained in simple terms, everybody understands it. That is called crisis instability.

What did we do? George Bush came along and said these are bad things to have hanging around, so we negotiated this treaty called the START II treaty where, in an incredible bit of negotiation on the part of the Republican administration, they convinced the Russians they should do away with these MIRVed missiles—do away with them. That means we would achieve crisis stability; it adds up to stability.

What is left on both sides are single-warhead missiles that don't have to be launched on warning, because they are less tempting targets in a first strike; therefore, you pull back from the hair trigger. So if, God forbid, there is a mistake, it doesn't mean Armageddon is guaranteed. That is a sound policy.

There is only one little trick. Russia has a quasidemocracy—my term, "quasi" democracy. They have learned the perils and joys of living with a parliament, a congress, a legislative body, called the Duma. The Duma has not ratified this agreement yet.

Why hasn't the Duma ratified the agreement? The Duma has not ratified the agreement for a lot of reasons. Some Nationalists think it is a bad idea; some old apparatchik Communists think it is a terrible idea; some of the democrats there don't quite know what to do as the next step. Here is what happens: Unfortunately for the Russians, the bulk of their nuclear arsenal is in these MIRVed, silo-based weapons, these intercontinental ballistic missiles with multiple warheads. The bulk of ours are on submarines (which are less vulnerable to a first strike), in single-warhead missiles called Minuteman missiles, or on B–1 bombers and B–52 bombers.

The Russians, if they go forward with the deal to destroy their silo-based MIRVed missiles, at the end of the day will have less destructive capacity in their arsenal than we will. Now, they don't have to keep it as less, because they are allowed to build single-warhead missiles so we would each end up with the same number of warheads. But guess what? They are bankrupt. They don't have any money. They hardly have the money they need to destroy the missiles they have agreed to destroy. That is why we have the Nunn-Lugar program, spending millions of dollars a year to send American technicians over to Russia to help dismantle, destroy, break up, and crush strategic weapons.

Think about that. If I had stood on the floor 20 years ago and said that, my colleagues would have had a little white jacket ready for me. They would have hauled me off to the nearest insane asylum, I having lost my credibility completely by suggesting that the Russians would ever let Americans come over and destroy their nuclear weapons.

The reason they made that agreement is that they realized it is in their long-term interests, and they had no money to do it. If they don't have money to do that, they also don't have money to build these new weapons that only have one bomb on the end. It costs a lot of money to do that. So if they can't do that and they keep the agreement called START II, they end up at the end of the day with fewer nuclear bombs than we have—something we would never do. We would never allow us not to have parity with the Russians.

That is their dilemma right now. That is why the administration is arguing about a thing called START III. At Helsinki, President Clinton said not only should we do START II, we could jump and do START III and take the total number of nuclear warheads each of us has to between 2,000 and 2,500, from 6,000 to 6,500 which is in the first stage of the reduction.

Obviously, the Russians are very interested in being able to go right to START III. They don't want to spend a whole lot of time where we have more bombs than they have, and they don't have the money to build many new missiles. Although they are allowed to build more missiles, they don't have the money to do it.

What are we debating? We are here debating as if it were a serious part of our nuclear strategy whether or not we will deploy some time in the future a system that has not yet been developed, that if it is developed may be able to take out what might end up being up to five weapons that might be able to get to the continental United States, from a government that might be in place 5 years from now.

So, what to worry about, right? No problem, it is not going to stop the Russian missiles, so they are not going to get worried about this. Let's put this in reverse. Let's assume we were about to ratify a START II that was going to put us at having fewer nuclear bombs than the Russians, and we heard that the Russian Government was about to erect a nuclear shield—they called it a "thin" shield—to intercept missiles that were going to come from Iran. Now, I am sure not a single Member on this floor would say the following:

> You know, what those Russians are really doing is erecting something that is going to stop our missiles from being able to strike. What have they done to us? They have convinced our administration to destroy missiles that we have that can penetrate their territory now; they convinced them to do that. We are going to end up with fewer missiles than them, and they are going ahead at the same time and building this nuclear shield. And you actually have some people in the Duma saying, "The ABM Treaty doesn't mean anything to me."

What do you think would happen with my right-wing friends, my left-wing friends, my middle friends, all my friends? There would be a mild frenzy. I can hear the Republican Party now; they would be talking about the selling out of America, and they would have good reason to think about that. We would have Democrats joining, and I can hear Pat Buchanan now—he could make a whole campaign out of that.

Well, what do you think is going on in Russia right now with the Nationalists and the old Communists? Are they listening to our debate about the ABM Treaty, which some people say doesn't apply anymore? That is not what the sponsor of the amendment is saying, to the best of my knowledge, but others are. And we say to them that they should not worry. Why worry? We are only building this tiny, thin shield. Our shield isn't designed to affect them.

Yet, to the best of my knowledge, the sponsor of this bill would not even accept an amendment that would say, by the way, if whatever we come up with would violate the ABM Treaty, we will negotiate a change with the Russians first. It seems like a simple proposition, doesn't it?

Now, where does this leave us? I think I can say, without fear of contradiction, that at best, it leaves us with essentially a congressional resolution of no meaning, of no consequence, changing nothing that the administration has said about seeking the ability to have a thin missile defense system, for it doesn't appropriate money; it says this is subject—which is obvious—to the yearly appropriations bill. It doesn't make any guarantees; it doesn't say anything of consequence. In one sense, it is a meaningless resolution.

But in another sense, because we have debated it so vigorously, it is invested with a meaning beyond its substance. What I worry about now is that it will be taken as viewing our national strategy on nuclear weapons as no longer envisioning as the centerpiece of that strategy the ABM Treaty—the very treaty that allows us to keep reducing the number of strategic weapons on each side.

Let me make one more point. You may say, "Well, BIDEN, what does the ABM Treaty have to do with the START agreement and reducing these nuclear weapons?" Well, there are two kinds of truisms in this nuclear theology. One is, if you are incapable of building a missile shield, and you think the other side might build one, then there is only one thing you can do: build more missiles to overwhelm the defense system. That is axiomatic, it is cheaper, it is consistent with old-line policy, and it is doable. At a minimum, you would say, don't destroy the number of weapons you have.

Look at it this way. If you think the other team is about to put up this missile shield—thin, thick or medium—and you now have 6,500 weapons that can reach their territory, you know, as a matter of course, that if you reduce that number to 2,500 or 2,000, you have a two-thirds fewer opportunities to penetrate that shield. So why would you do that? Why would you do that?

I realize my friend from Louisiana is about to offer an amendment that I hope will at least be read as having the impact of saying, hey, look, arms reduction is still important to us—translated to mean the ABM Treaty still makes a difference. But let's understand that, at best, this bill is hortatory. At worst, it is a real, real bad idea because, to the extent that the threat is real—and there is a potential threat from Korea—to the extent that it is real, it pales, pales, pales in comparison to the threat that remains in Russia—a country that is, at its best, to be characterized now as struggling to keep its head above water; at worst, it is losing the battle of democratization.

Mr. President, the threat of a missile attack on the United States is real and disturbing, but the true test is not how angry we get, but how rationally we deal with the threats to our national interests. A rational development and deployment of a limited nuclear missile defense does not require us to ignore our ABM Treaty obligations. Only fear and politics drive missile defense adherents to take such a risk in the bill before us.

My generation understands both that fear and the dream of a ballistic missile defense. Anyone who has ducked under his desk in grade school in an air raid drill knows the collective sense of vulnerability and futility caused by the thought of a nuclear holocaust.

We have spent well over $100 billion in our effort to ease that sense of helplessness through civil defense or missile defense. But the role of this Senate, over two centuries, has been to resist those savage fears and passionate dreams that would otherwise take us down a dangerous path. America needs a balanced strategy to meet the rogue state missile threat, while also preserving the ABM Treaty, continuing the START process, and using nonproliferation assistance to combat loose nukes in Russia and, at the same time, advancing entry into force of the Comprehensive Test Ban Treaty. That is what I believe to be a sound and balanced strategy, and that is what I hope Senator KERRY and Senator LEVIN and I will propose in a thing called the "National Security Policy Act of 1999."

I respectfully suggest that it is a far cry from the "bumper sticker" bill that is currently before us. If reason can overcome fear, perhaps reason can also overcome politics. If the Republicans have the courage and foresight to pursue their goal of a limited national missile defense, while preserving arms control and strategic stability, I urge them to get to the business of talking about that.

But right now, what is left uncertain is not whether or not we should have a limited nuclear defense—we should and could if it is capable of being done—but it can and must be done only in the context of the ABM Treaty, START II and START III, as well as the Comprehensive Test Ban Treaty. That constitutes a national strategic policy.

Mr. President, I have departed from my text in order to convey the depth of my concern over this bill. Allow me now to restate those concerns in a more precise manner.

When I said that this was nothing more than an exercise in political theater, I may have sounded like the Police Commissioner in the film "Casablanca." I am "shocked . . . shocked" to discover politics in the U.S. Senate. But we ought to make one thing clear: the issue at stake is not—is not—whether to deploy a national missile defense.

Recent Administration actions make clear that it will deploy a missile defense system if that should be in the national interest. The real issue here is whether we will be pragmatic or ideological about it.

The pragmatic solution considers the cost of a missile defense; this ideological bill ignores it.

Serious technical challenges remain in developing a national missile defense system. But that is not for a lack of trying. In fact, we have committed significant resources to the effort. Deputy Secretary of Defense John Hamre testified last October that the National Missile Defense program "is as close as we can get in the Department of Defense to a Manhattan Project."

The Clinton administration has submitted plans to spend approximately $30 billion in additional funds between 1999 and 2005 for missile defense development and deployment. Of that, roughly $11 billion is earmarked for deployment of a "thin" National Missile Defense with 20 interceptors. The Defense Department estimated last summer that an expanded 100-interceptor system at a single site would cost upwards of $15 billion to deploy.

That $11–15 billion may very well provide us with a deployed system that is effective against rudimentary countermeasures. It is not at all clear, however, that it will buy a system that is capable against truly advanced countermeasures, such as are claimed for Russia's new SS-27 missile or even other current Russian or Chinese missiles.

Now, before my colleagues remind me that our missile defense system is not aimed at Russia, I would refer them to the Rumsfeld Report. That report warns that technology transfer is the key way that potential antagonists might acquire missile capabilities against the United States.

The danger is that we will spend billions of dollars deploying a missile defense system that may work against Scud-like technology, but will not work even five or ten years down the road, against the potential threat from rogue states who have bought or developed more sophisticated missile technology.

It may be the case that we will have to spend those $11–15 billion dollars on missile defense deployment. It seems to me, however, that a much smaller sum might suffice to remove much of the threat that concerns us here.

If we could move from START to START Two and START Three, a portion of that $11–15 billion could be spent on dismantling Russian nuclear weapons and securing its large quantity of fissile material. This would make a real, immediate, and lasting contribution to our security.

Another portion of those funds could be used to curb North Korea's efforts to develop intercontinental missiles or weapons of mass destruction. It is clear that we need to inject new life into the 1994 Agreed Framework if we are to curtail North Korea's nuclear program. It is also clear that we need to take proactive steps to halt North Korea's long-range missile capability.

To be taken seriously, any U.S. initiative toward North Korea must combine carrots and sticks. We must bolster our deterrent posture to demonstrate to the North Koreans the penalties they face if they threaten United States security. Improving our theater defenses, increasing our capability for pre-emptive strikes if we should face imminent attack, interdicting North Korean missile shipments abroad, and increasing our security cooperation with other regional actors are all possible sticks we can wield.

At the same time, our policy should also provide adequate incentives to persuade the North Korean elite that their best choice for survival is the path of civil international behavior. These incentives could include our joining Japan and South Korea in funding two light-water reactors in exchange for our possession of the spent fuel in North Korea's Yongbyon nuclear reactor, sanctions relief in return for a verifiable end to North Korea's missile programs, and security assurances that we have no intention of forcing a change in North Korea's political system.

While these initiatives would cost money, together they could be funded for far less than the $11-15 billion we plan to spend for missile defense deployment. Thus, an article in Sunday's Washington Post noted that North Korea has already offered to cease exporting its missile technology in return for only one billion dollars.

We rejected that proposal, and I think we can get that deal for a lower price. But we should remember our experience in negotiating access to that suspect underground site in North Korea. In this time of famine, North Korea would settle for food aid instead of cash. And a billion dollars spent on food aid goes to American farmers, rather than to North Korean weapons.

I don't know how much it would cost to truly end North Korea's missile and nuclear programs, but we might consider putting our money where our mouth is. While an embryonic missile defense program might increase our sense of security, halting the North Korean's missile and nuclear programs would provide real benefit to our national security.

The pragmatic solution considers whether the first "technologically possible" national missile defense will be reliable and effective, especially in light of warnings by the head of the Ballistic Missile Defense Office that national missile defense is a "high risk" program. This ideological bill commits us to spend at least 5 million dollars per day to build and deploy that first system, even if it has only a mediocre test record.

Most importantly, the pragmatic solution considers ballistic missile defense in the context of the U.S.-Russian strategic relationship.

Perhaps we will need to deploy a national missile defense. But this ideological bill would foolishly sacrifice arms control, non-proliferation and strategic stability with Russia in order to field an imperfect missile defense.

And the fact is, we don't have to make that sacrifice in order to address the ballistic missile threat. But we do have to reject simplistic answers to complex issues.

The basic problem with this bill is not that it advocates a national missile defense, but that it is so narrowly ideological about it. What a shame, that we spend our time debating right-wing litmus tests. A bill that looked more broadly at challenges to our national security would be much more worthy of our attention.

To underscore that point, I intend to introduce in the coming days the "National Security Policy Act of 1999." Working with me on that bill are Senator KERREY of Nebraska, who is Vice Chairman of the Intelligence Committee; and Senator LEVIN of Michigan, who is Ranking Member on the Armed Services Committee.

We earnestly hope that our bill will provoke a much more serious debate than is possible on the one-sentence bill before us. We invite our Republican colleagues to join with us in forging a comprehensive, truly bipartisan consensus on critical national security issues.

One such issue is the future of deterrence. Is deterrence so weak that we must deploy a national missile defense to combat third-rate powers like North Korea, Iran and Iraq? If so, then I believe we must reinforce deterrence.

Deterrence is—and will remain—the bedrock of U.S. nuclear strategy. Rogue states must never be allowed to forget that utter annihilation will be their fate if they should attack the United States with weapons of mass destruction. We should emphasize that basic fact.

What about the risk of ICBM's in the hands of a leader too crazy to be deterred? If that should happen, we should make it clear that the United States will destroy—pre-emptively—any ICBM's that such a leader may target at us. I intend that our bill will do that, building on our basic deterrence policy.

What is it about nuclear deterrence that makes it so hard for some people to support that strategy? Nuclear deterrence between the United States and the Soviets, and now between the United States and Russia, is based upon what is sometimes called "Mutually Assured Destruction" or a "balance of terror." Each country maintains the capability to destroy the other, even if the other side strikes first.

Both the right wing and the left wing of American politics rebel against this. They abhor leaving our very fates to U.S. and Russian political leaders and military personnel. They also hear the warning of some religious and ethical leaders that no nuclear war can ever be a "just war" in moral terms.

But the "balance of terror" remains in place, fully half a century after the Soviet Union joined the United States as a nuclear power. And those of us in the center of the political spectrum continue to support it.

Why is that? To put it simply: "because it works."

Yet one of the implicit purposes of this bill is to substitute our policy of deterrence with one of defense. Instead of deterring an attack on our territory we would defend against such an attack with missile defenses.

Some people believe we must make this transition from deterrence to defense—in this case using a National Missile Defense—because the leaders of North Korea, Iran, and Iraq cannot be deterred by the same means we have used to deter Russia and China. I disagree. These countries' leaders take tactical risks, but none has been willing to risk complete annihilation.

Let's consider the record of deterrence against extremist leaders.

In the 1950's, the Soviet Union under Joseph Stalin was deterred from a conventional invasion of Western Europe. But why? Why did the Soviets not crush the Berlin Airlift? Because Stalin—that great butcher of souls—feared a nuclear war.

Why did the Soviet Union pull back from confrontation in Berlin in 1961 and Cuba in 1962? Because Nikita Khrushchev—that foolish risk-taker who was later deposed by his nervous cohorts—still feared nuclear war.

Why has China not invaded Taiwan? Because every Chinese Communist leader—from the consummate butcher Mao to the would-be capitalist dictators of today—has feared nuclear war.

More recently, Saddam Hussein was deterred from using chemical or biological weapons during the Gulf War, despite his threats to do so, by the United State's promise that such an attack would meet with a devastating U.S. response.

The record demonstrates that extremist states are deterred when we credibly threaten to retaliate, and when our threatened retaliation imperils their vital interests.

That is what has deterred the Iraqis, the Soviets, and the Chinese from using weapons of mass destruction against U.S. interests in the past. That is what has brought the Serbs to the bargaining table, both in the Bosnian and Kosovo crises. That is what has deterred the Syrians from directly attacking Israel.

Yet our concern today is over the North Korean threat. At some point in the near future, the North Koreans may achieve a limited ability to strike U.S. territory. We must ask ourselves whether the logic of deterrence—a logic that has worked in so many other instances—will work against the North Koreans. Again, lets consider the record.

For years, North Korea has had the ability to rain short-range missiles on all of South Korea and to kill untold thousands within range of North Korean artillery. Yet the South Korean and U.S. militaries have kept the peace by threatening punishing retaliation should the North Koreans attack. We have kept the peace by threatening to destroy the very heart of the North Korean regime—its military—which is crucial to its control over its population.

Our military will continue to have that retaliatory capability in the North Korean theater of operations—whether we have a national missile defense or not. We maintain approximately 37,000 troops on the ground in Korea, including the 8th Army and 7th Air Force, to say nothing of the 47,000 American troops in Japan or the portions of the 7th Fleet deployed in the region.

Moreover, the North Koreans must know that our early warning radars could pinpoint the source of any missile attack on the United States and that such an attack would bring a devastating response.

Maintaining U.S. retaliatory forces, and demonstrating our willingness to use them when necessary, are the keys that have kept the peace. There is every prospect that the credible threat of retaliation will continue to deter extremist states in the future.

So let us all think carefully—and rationally—before letting our fears of destruction move us away from a policy that has avoided destruction so well and for so long.

Traditional deterrence may unnerve us because it depends upon rational leaders and weapons control systems. But the alternative—missile defense—depends in turn upon the perfection of complex systems and their human components.

Think of the great computer-assisted systems of our time: the Internal Revenue Service, the air traffic control system, credit bureaus, or the National Weather Service.

Then ask yourselves whether missile defense will really make you safe—especially if the price of it is the end of the START process and, therefore, continued Russian reliance upon MIRVed ICBM's.

Whatever missiles a rogue state might build, however, the one missile threat to our very existence is still from Russia. A rogue state might deploy a few tens of nuclear warheads; Russia has thousands. And what is especially appalling is this bill's cavalier treatment of the U.S.-Russia relationship.

As we debate S. 257, I have to ask myself: Why is the other side so determined to pass this bill, rather than a more serious piece of legislation? The sad truth is that the real goal of many ballistic missile defense adherents is to do away with the ABM Treaty.

Why would they want to do that? Because they know that the "thin" missile defense proposed in this bill is at best a strictly limited defense. It may work against a handful of incoming missiles, but not against an attack of any serious magnitude.

To achieve a defense against a serious ballistic missile attack with nuclear weapons, we would probably need multiple radar sites—perhaps using ship-borne radars—and surely more interceptor sites. (The Heritage Foundation proposes putting the interceptors on ships, as well.)

To stop a serious missile attack using chemical or biological warheads, we might well need a boost-phase intercept system, either ship-borne or space-based. That is because the chemical or biological agents could be carried in scores of bomblets dispersed shortly after boost-phase shut-off. The national missile defense systems currently under development would be nearly useless against such bomblets.

So missile defense is rather like Lay's Potato Chips: it's hard to eat just one. For the real ballistic missile defense adherents, even "Star Wars" is therefore not dead. But the ABM Treaty bars both ship-borne and space-based ABM systems.

Still, the dream persists: if only this bill were passed, if only the ABM Treaty were killed, then "Brilliant Pebbles" or some other system could be pulled out of the drawer, dusted off, and contracted out to every congressional district to keep the money coming.

Many missile defense adherents are quite open about their determination to kill the ABM Treaty, and frustrated because Congress lacks the Constitutional authority to do that. Some fall back on strained legal theories to argue that the break-up of the Soviet Union left the ABM Treaty null and void—while hoping that nobody will apply that reasoning to other U.S.-Soviet treaties.

At other times, missile defense adherents press to deploy a ballistic missile defense regardless of whether this requires violation or abrogation of the ABM Treaty. That is what this bill would do.

If we enact S. 257 and make it U.S. policy to deploy an ABM system without addressing Russian concerns and U.S. treaty obligations, then Russia will almost certainly use its thousands of ICBM warheads to maintain its nuclear deterrence posture.

That would end strategic arms control. It would also sacrifice our longstanding goal—ever since the Reagan Administration—of removing the greatest threat to strategic stability: land-based, MIRVed ICBM's.

MIRVed ICBM's—with Multiple, Independently-targeted Re-entry Vehicles—are the cheapest way for Russia to overwhelm a missile defense. But they also put nuclear Armageddon just a hair-trigger away, because a missile with 3, or 7, or 10 warheads is a truly tempting target for a first strike by the other side.

In a crisis, a Russia that relies upon MIRVed ICBM's may feel it has to "use them or lose them." That's why President Bush signed START Two to ban those missiles.

Today, maintaining the START momentum is a real national security challenge. The Russian Duma has balked at ratifying START Two, largely because Russia cannot afford to replace its MIRVed ICBM's with enough new, single-warhead missiles to maintain the force levels permitted by the treaty.

But major force reductions under START Three, to reduce nuclear forces to a level that Russia can hope to maintain, could get the Russian Duma to permit Russia to give up MIRVed ICBMs.

Serious legislation would call for lower START Three levels than those proposed at the Helsinki summit in 1997. The bill before us, by contrast, would put the final nail in the coffin of START Two.

That is because Russia truly doubts that it can do without MIRVed ICBM's if the United States deploys a national missile defense. Now, U.S. officials are explaining to Russian leaders how a limited missile defense could defend America without threatening Russia or the basic goals of the ABM Treaty.

The Administration thinks there is a reasonable chance of bringing Russia around. But that will take time. Our bill will endorse that process of education and negotiation.

Passage of S. 257, by contrast, risks torpedoing those important U.S.-Russian talks. This bill will very likely be seen by Russia as a slap in the face. And it's hard to blame them, when the litmus-testers set up a vote just a few days before Russia's Prime Minister is due here for talks with Vice President GORE.

If my colleagues want a limited national missile defense without sacrificing the ABM Treaty, we can get that. If, however, their real aim is to kill the ABM Treaty and strategic arms control, then they are making a tragic mistake.

S. 257, which ignores our treaty obligations, could force us to abrogate the ABM Treaty. Enactment of this bill would thus practically guarantee that the START process would collapse, leaving us facing MIRVed Russian ICBM's for decades to come.

One of the fascinating questions in the missile defense debate is why missile defense adherents are so willing to sacrifice the START process. The answers tell us a lot about isolationist ideology and the politics of paranoia.

Isolationists in the Senate—mostly Republicans—have a long history of opposing international obligations. Henry Cabot Lodge opposed the League of Nations after World War I. Republicans opposed Franklin Delano Roosevelt's preparations for World War II, and some continued to accuse him of "getting us into" that war for another 20 years, as though America would have been better off accepting a Nazi Europe. And some Republicans opposed the United Nations in the post-World War II world.

Conservative Republicans have opposed arms control treaties as well, from the Limited Test Ban Treaty of 1963 to the SALT Treaty of 1972, the Threshold Test Ban Treaty of 1974, the START Treaties of 1991 and 1993, and the Chemical Weapons Convention of 1993. Today they oppose the Comprehensive Test Ban Treaty and call for an end to the Anti-Ballistic Missile Treaty of 1972.

Imagine their frustration, then, with the tendency of Republican Presidents to negotiate and sign arms control treaties. Dwight Eisenhower's pursuit of a test-ban treaty was the first betrayal, even though it was John F.

Kennedy who finally signed the Limited Test Ban Treaty.

Richard Nixon was truly a turncoat, to many Republicans. Aside from recognizing Communist China, Nixon signed both the ABM Treaty and the SALT Treaty with the Soviet Union. The Soviets promptly used a loophole in SALT to deploy the MIRVed SS–19 ICBM, which the Senate had thought would be illegal under the treaty. Republican anger was hardly lessened when it came to light that the Soviets had told U.S. officials of their plans, and that the word had not been passed to the Senate.

I think that the conservative Republican anger at Henry Kissinger—which continues to this day—is due to his willingness to pursue arms control with the Soviet Union and better relations with China, even as the United States bombed their ships in Haiphong harbor. Nixon and Kissinger pursued the Vietnam War far beyond the point of diminishing returns, and they supported right-wing regimes from Greece to Chile and Guatemala. But their subtle power politics rejected isolationist ideology, and true-blue conservatives never forgave them.

Gerald Ford was hardly better, as he signed the Threshold Test Ban Treaty.

Ronald Reagan could never be seen as a traitor to the right wing. He brought it into the White House and brought Republicans to power in the Senate. He opposed SALT Two and breached the limits of that signed-but-unratified treaty. He also brought back the missile defense issue, with his Strategic Defense Initiative—better known as "Star Wars," as much for its overreaching ambition as for its space-based architecture.

Even Ronald Reagan puzzled many right-wingers, however, when he came out against nuclear weapons and proposed sharing Star Wars technology with the Soviets. Puzzlement turned to frustration in the Bush Administration, as some Reagan proposals were actually accepted by the Soviet Union and its successors: especially the Intermediate Nuclear Forces agreement, the START Treaties, and the Chemical Weapons Convention.

The Clinton Administration has achieved ratification of START Two and the Chemical Weapons Convention, but perhaps only because former Republican officials worked with Democrats to complete President Bush's legacy. The real political problem with the Comprehensive Test Ban Treaty is that it was a Democratic president who signed it.

The truth is that conservative Republicans are still uncomfortable with the whole concept of arms control. They see arms control treaties as either hamstringing the United States or defrauding the world by merely codifying what the two sides would have done unilaterally.

Against this background, it is not so surprising that Republicans are willing to sacrifice the START process in order to kill the ABM Treaty. Conservatives were not very pleased to be signing arms control treaties in the first place. To them, the end of the Cold War is a time to rid ourselves of those "foreign entanglements," to use President Washington's famous phrase.

As a Democrat, I must admit to being perplexed by some of this behavior. You might expect that conservatives would appreciate the virtues of "law and order" in the field of strategic weapons, just as they preach it at home.

Certainly professional military officers appreciate the virtue of predictability that enables them to prepare more rationally for any future conflict. As a result, the military nearly always supports ratification of arms control treaties, again to the great frustration of conservative Republicans. The Comprehensive Test Ban Treaty is just the latest example, as every Chairman of the Joint Chiefs of Staff since General David Jones from the Reagan Administration supports ratification, while conservative Republicans in the Senate vow to keep that treaty from coming to a vote.

Perhaps the real clash here is between ideology and reality. Conservative Republicans idolize self-reliance, both in the individual and in the state.

The Great Depression of 60 years ago and the interdependent world economy of today have made rugged individualism an insufficient guideline in economic and social policy. Two world wars and the threat of annihilation posed by weapons of mass destruction have done the same thing in our international relations.

The American people understand this and vote consistently against those who would sacrifice national or international consensus for the sake of left-wing or right-wing ideologies.

But the dream of unfettered individualism lives on. For some, it is the dream of resuming nuclear weapons tests, even though the price of that would be permitting similar tests by increasing numbers of other countries. For others, it is the dream of fighting the next war in the so-called "high frontier" of outer space. And for still others, it is the dream of a shield against enemy missiles—perhaps a U.S. shield against our enemies or, in some versions, a U.S.-Russian shield against the rest of the world.

To these dreamers, the bill before us is but a first step. A "thin" national missile defense will lead to "thicker" defenses. Demise of the ABM Treaty and strategic arms control will merely usher in an age of unfettered nuclear dominion, as the United States builds an eventually impregnable, space-based defense from missiles of all sorts.

This is only a dream. But it is a dream that energizes the right wing. And it is a dream that has become a litmus test for Republicans in this body.

That is truly a shame. For rational policy must be built on reality, not on dreams.

Mr. President, the threat of a missile attack on the United States is real; it is disturbing. But the true test of statecraft is not how angry you get, but how rationally you deal with threats to the national interest.

A rational development and deployment of a limited national missile defense does not require us to ignore our ABM Treaty obligations. Only fear and politics drive missile defense adherents to take such a risk in the bill before us.

My generation understands both that fear and the dream of a ballistic missile defense. Anyone who has ducked under his desk in a school "air raid" drill knows the collective sense of vulnerability and futility caused by the thought of a nuclear holocaust. We have spent well over a hundred billion dollars on efforts to ease that sense of helplessness through civil defense or missile defense.

But the role of this Senate, for over two centuries, has been to resist those savage fears and passionate dreams that would otherwise take us down dangerous paths.

America needs a balanced strategy, to meet the rogue-state missile threat while also preserving the ABM Treaty, continuing the START process, using non-proliferation assistance to combat "loose nukes" in Russia, and achieving entry into force of the Comprehensive Test-Ban Treaty.

That is what I hope Senator KERREY, Senator LEVIN and I will propose in the "National Security Policy Act of 1999." It is a far cry from the bumper-sticker bill currently before us.

Let me make a special appeal to those Republican members with whom we Democrats make common cause to support threat reduction programs in the former Soviet Union. Some of those programs, like the Nunn-Lugar program, further the START process by underwriting the destruction of former Soviet weapons.

Others guard against proliferation by safeguarding or downgrading special nuclear material and by improving export and border controls to prevent the proliferation of weapons of mass destruction. Still others help weapons scientists and technicians to find non-military employment, so they will not have to consider contracts with rogue states for their dangerous goods or services.

Economic collapse and resurgent nationalism may be closing Russia's window to the West. But these programs help to keep that window open. The Clinton Administration has seen the risks and opportunities that are inherent in Russia's economic plight: the risk of rogue-state recruitment has increased, but so has the buying power of every dollar and Deutschmark that we and our allies can devote to threat reduction and non-proliferation assistance.

The Expanded Threat Reduction Initiative announced last month deserves our support, and I am confident that it will gain that support. I believe that we should do even more, including financing retired officer housing in return for Russian withdrawal of troops from Moldova and Georgia.

We should also consider more programs that employ former weapons experts in non-military pursuits, even if their activities are not likely to result in commercially viable ventures. Eventually the Russian economy will turn around and provide new careers for the talented experts from the Soviet Union's nuclear, chemical weapons, biological weapons, and long-range missile programs. Until that happens, however, it is clearly in our national interest to keep that talent off the international market.

Democrats will support our moderate Republican friends on these issues, and I believe that Republicans will support our similar efforts in return. But my moderate Republican friends should not deceive themselves: these programs will not survive if right-wing policies on national missile defense bring down the ABM Treaty and the START process.

Russian pride is already damaged by its shattered power and by the need to accept our money. If a precipitous decision to deploy missile defense leads Russia to preserve its MIRVed ICBM's, Cooperative Threat Reduction will be ended. Once that goes, I predict that Russian cooperation on non-proliferation will go as well.

Then our nuclear and chemical and biological weapon fears will expand from the fear of missile warheads to the fear of every ship or plane or truck that approaches our borders. And the far-sighted legacy of Sam Nunn and his concerned co-sponsors will have been but a blissful rest stop on the highway to destruction.

If reason can overcome fear, perhaps reason can also overcome the politics behind S. 257. If Republicans have the courage and foresight to pursue their goal of a limited national missile defense while preserving arms control and strategic stability, I urge them to withdraw S. 257 and talk to us.

Otherwise, I urge all my colleagues to reject this bill and avert the substantial peril that it risks to our national security.

I hope the amendment of my friend from Louisiana prevails because, although she may not mean it this way, I read it to say arms reduction is still vitally important. Arms reductions are critical and, I would argue, are not capable of being conducted with any efficacy in the absence of an ABM Treaty.

I thank my colleague for allowing me to speak, my colleague from Louisiana who is about to introduce her amendment. I also thank my friend from Mississippi, who is a consummate gentleman for following and listening to what I have to say.

I yield the floor.

AMENDMENT NO. 72

(Purpose: To add a statement of policy that the United States seek continued negotiated reductions in Russian nuclear forces)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU), for herself, Mr. LEVIN, Ms. SNOWE, Mr. DORGAN, Mr. BREAUX, and Mr. LIEBERMAN, proposes an amendment numbered seventy-two:

At the end, add the following:

SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, it is a simply worded amendment but a very important amendment.

The distinguished Senator from Delaware brought up excellent points in terms of the necessity for us, as we consider this important bill that the Senator from Mississippi has brought to us, to continue to talk about our commitments to further reductions of nuclear weapons.

I strongly support a limited national missile defense. It is important that we pursue this program with energy and determination. But we must also keep pursuing other means of enhancing our security.

We need to move our strategic relationship with Russia from the cold war paradigm of mutually assured destruction to one of mutually assured security. We have made great progress in this regard, as has been pointed out in the last hour on this floor by Members on both sides, but much remains to be done.

However, in making this transition, we cannot allow the territory of the United States to be threatened by ballistic missiles from rogue nations, especially if it is in our capacity to protect ourselves from this imminent threat. Nevertheless, we should not allow our missile defense effort to distract from our security relationship with Russia, if at all possible. And that is the essence of this amendment.

Our country and Russia have come a long way in terms of reducing strategic nuclear threats to both countries, and nothing we do today should negate this progress. But, in my view, nothing in the 20th century has contributed more to American security than an end to the imminent threat of nuclear war.

It is important that we carry this momentum to finish the task. No threat from a rogue nation should outweigh the need for us to attain a mutually secure and stable relationship with our Russian partners. On the eve of a visit from Prime Minister Primakov, it is important that we continue to work towards this goal and we use this opportunity to further our negotiations.

Therefore, I offer this amendment, which simply states that it is our policy to seek continued negotiated reductions in Russian nuclear forces which will reaffirm the Senate's belief that such reductions are in our national interests. It would also be an important signal to the Russians on the eve of that visit.

Furthermore, this amendment is in keeping with the recommendations of our National Defense Panel. As you know, the NDP was created by Congress to review the Pentagon's conclusion in its Quadrennial Defense Review. It is a nonpartisan panel of defense experts, some of the finest minds working on national security. They are in agreement that a defensive system, such as our national missile defense, is best developed if coupled with limiting our offensive capabilities in our arms reduction efforts.

That is what we are trying to do with this amendment. I believe it will receive bipartisan support. It will help make this bill an even better bill.

Before I conclude, I would like to add just a few things to the RECORD that I think are very important as we negotiate the passage of this important piece of legislation.

Our distinguished colleague from Mississippi did not include this language in his very simple bill to deploy an effective national missile defense system in his efforts to gain support. And I agree with that. But I think it is important, Mr. President, for those who are considering whether or not to vote for this bill—and I hope they will vote for this amendment and then vote for the bill—for me to take 2 minutes to read into the RECORD some important statements that have been made by our President, as well as some of the enemies of this country, about why it is important for this bill to pass.

Not last year, not the year before, but in 1994, President Clinton certified that:

> I * * * find that the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and the means of delivering such weapons, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

For those who say the threat is not real, recently—last year—some new information came out about the significance of this threat.

This is 1994.

Let me go on to read:

> Several countries hostile to the United States have been particularly determined to acquire missiles and weapons of mass destruction. President Clinton observed in January of 1998, for example, that "Saddam Hussein has spent the better part of this decade, and must of his nation's wealth, not on providing for the Iraqi people, but on developing nuclear, chemical and biological weapons and the missiles to deliver them".

Let me also say that it is not just this country. Qadhafi, the Libyan leader, has stated:

> If they know that you have a deterrent force capable of hitting the United States, they would not be able to hit you. If we had possessed a deterrent—missiles that could reach New York—we would have hit it at the same moment. Consequently, we should build this force so that they and others will no longer think about an attack.

I could go on. But I think the RECORD is replete with quote after quote by hostile leaders to the United States that it is most certainly their intention to develop these weapons that could possibly hit our homeland. Although it is hard for people to think about this—and we most certainly don't want people to panic—we want to be realistic to the threat.

I thank the Senator from Mississippi for bringing this bill before us at this time.

I offer this amendment in an attempt to get more bipartisan support for what I consider to be a good bill, and a quite timely one, that will not, and should not, disrupt our ongoing and very beneficial relations with Russia in our reductions, but one that will protect the people of Louisiana, the people of Alaska, the people of Mississippi, the people of Michigan, and everyone in this Nation for this growing and imminent threat that even the President himself has acknowledged over and over is real.

I yield the remainder of my time. I ask the floor leaders to give whatever time they think is appropriate to the discussion of this amendment. I will call for a rollcall vote at the appropriate time.

Several Senators addressed the Chair.

Mr. ALLARD. Mr. President, I believe the minority manager wants to be recognized. I yield, with the understanding that I will follow.

Mr. LEVIN. Mr. President, I thank my friend from Colorado.

I want to make an inquiry of both him and the Senator from Louisiana as well and, of course, the floor managers, and the sponsors of the bill. We are trying to determine how much time is going to be needed on the Landrieu-Levin amendment which is pending. We are seeking a fairly early vote on this amendment. I wonder if I can inquire of my friend from Colorado approximately how long he plans on speaking.

Mr. ALLARD. Probably 15 to 20 minutes would be adequate for my remarks. I request 20 minutes, and then, if I finish before that, I will yield back.

Mr. LEVIN. There is no time limit, of course, at this point.

Mr. President, I then alert our colleagues. I think I am speaking for Senator COCHRAN also. We are seeking to know how many people will want to speak on the pending amendment after the Senator from Colorado has completed. Perhaps the cloakrooms can be notified of that promptly, if that is appropriate, so we can determine just whether it is possible to have a vote on the pending amendment sometime prior to the—what was the Senator's goal?

Mr. COCHRAN. Mr. President, if the Senator will yield, I would like to see a vote around 4:30, or 4:45 at the latest.

But we don't want to cut any Senators off. If others want to speak on this amendment, then we want to encourage them to come over and let us hear their remarks. This is an amendment we are prepared to recommend be approved by the Senate. We think it is a good amendment, noncontroversial, helps the bill, strengthens the bill, and I compliment the distinguished Senator for offering it.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to John Bradshaw, who is a fellow in Senator WELLSTONE's office, during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we will propound a unanimous consent agreement hopefully after the Senator from Colorado has completed his presentation. I will need about 10 minutes in support of the Landrieu-Levin amendment, which is a critically important amendment. It should be discussed before we vote on it because of the impact it will have, I believe, on the bill and perhaps on the vote on the bill, because it will also have an impact on the recommendation of the senior advisers to the President as to whether or not he will veto this bill.

Because it is so significant—it is simple but very vital and very significant—it is important that there be discussion of the Landrieu amendment. So I will need about 10 minutes on that, I alert my friend from Mississippi. We can figure out if any time agreement is possible after the Senator from Colorado has completed. I thank him for his courtesy.

The PRESIDING OFFICER. The Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I rise in support of S. 257, the National Missile Defense Act of 1999. Before I make my comments, I ask unanimous consent that Tim Coy be granted the privilege of the floor for the duration of the consideration of S. 257.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I thank the Senator from Mississippi for his thought and effort in this regard.

Mr. President, I think we get stuck in the way things used to be. The fact is, this is a changing world. We have changing dynamics as far as what other countries are doing in regard to weapons development and what their risks may be to the mainland of the United States.

My colleague from Mississippi has said yes, this is a changing world out there and we need to make sure we have a national missile defense system. If you talk to the average Americans out here on the street, they think we do have a national missile defense system. The fact is, we are no longer in a cold war era where the foreign policy of threat of mutual destruction is going to be effective. We are in a modern era where countries can develop a missile rather quickly, because of the natural resources that they have—maybe it is oil and gas—and with these huge financial resources that all of a sudden become available to them. In fact, we have heard testimony in the committees on which I serve—I serve on both the Intelligence Committee and the Armed Services Committee—that the time required for a newly developed country to build a missile from scratch has halved in the last few years. That is because there is lots of technology out there, that is readily available, that they can acquire quickly. They can put this all together into a very effective offensive system if they so choose.

So I want to take some time today to talk about what the bill means to me, and some of the language in the bill specifically. I would like to talk a little bit about the threats of today's world and talk about the system's feasibility. We have heard comments here on the floor that we are dreaming, that this is really not that feasible an approach. I want to make some comments in that regard and talk a little bit about the cost of the system and how I think we can pay for it. And then, finally, before I conclude, I want to talk a little bit about the ABM Treaty and the treaty ramifications.

What does S. 257, the National Defense Act of 1999, do? Simply, the National Defense Act of 1999 states that it is the policy of the United States "to deploy as soon as technologically possible a National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether that is accidental, unauthorized or deliberate)."

The bill's policy statement is identical to that of S. 1873, which was proposed during the 105th Congress, except for the addition of the statement that missile defense is subject to the authorization and appropriations process, which is an amendment we just adopted here in a vote we had around 2 o'clock or 2:15.

This bill does not mandate a date for deployment of a system, calling instead for deployment as soon as the required technology is mature.

As I mentioned earlier, the United States has no defense against these systems, but I think it is important that we continue to push for their development as soon as it is technologically feasible—that we quickly move ahead. I think this is completely compatible with the January 20, 1999, statement of the Secretary of Defense: "The United States in fact will face a rogue nation threat to our homeland against which we will have to defend the American people." And, he goes on to say, "technological readiness will be the sole remaining criterion" in deciding when to deploy a national missile defense system.

Secretary Cohen stated on February 3, 1999, during the Armed Services hearing, that any country which fires ballistic missiles at us will face immediate retaliation. Again, this is the old, cold war attitude of mutual destruction. While I agree with this statement, we again decide to place ourselves at the mercy of rogue states instead of being proactive in protecting our citizens, because these rogue states have the capability of developing a system of missiles with some type of warhead—whether it is bacteriological, chemical, or nuclear—and we do not have any defense system today to counteract any missile that would be headed towards the United States.

I would like to talk a little bit about the threats that are posed to the U.S. mainland today. I want to refer to the July 1998 Rumsfeld report on ballistic missile threats to the United States. The commissioners who put together the report concluded:

> [T]he threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence community.

The report goes on and further states:

> [T]he warning times that the U.S. can expect of new ballistic missile deployments are being reduced.

I believe the missile threat to the United States is growing at an accelerated pace. Numerous hostile nations have declared their intent to obtain missiles capable of attacking the United States, and are succeeding in doing so. These include launches that have been made from North Korea and China, the old missile fields of the former Soviet Union—now in the Commonwealth of Independent States. I happen to believe that very soon Iraq, Iran, Libya, India, and Pakistan will have the same capability.

Two of the worst proliferators of ballistic missiles are North Korea and Russia. North Korea has tested a missile capable of attacking Alaska and Hawaii, and is apparently developing a second missile which will be capable of reaching the entire United States mainland. North Korea has sold every missile it has developed, and the associated technology, to other rogue states.

During the Armed Services hearing on February 2, 1999, Director of Central Intelligence George Tenet said:

> North Korea is on the verge of developing ballistic missiles capable of hitting the continental United States.

Again, relating to the North Koreans' launch when they set off a second-stage rocket that went over the tip of Japan, Tenet said:

> The proliferation implications of these missiles are obviously significant.

During the hearing, Director Tenet also warned that Russia is reneging on their earlier commitment to the United States to curb the transfer of advanced missile technology to Iran. Again, he stated:

> The bottom line is that assistance from Russian countries is still contributing substantially to progress in Iran's dangerous missile programs.

He added:

> India, Pakistan, and Iran, who have traditionally been considered technology customers, now have developed capabilities that could, in some cases, be exported to others.

So here we are. We have a commission set up by the United States to analyze our defensive posture and our ability to counteract a missile attack, and we have the Director of the Central Intelligence Agency both warning us that we need to update our defense system to a current situation that exists throughout the world. I happen to believe both the report as well as the comments by George Tenet. I think that we need to move forward.

The President's 3+3 Missile Defense Plan has already been pushed back to 2005, but the problem is that the threat is right now. It is not in 2005. In December, Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs, said in a speech that the Central Intelligence Agency was caught by surprise by North Korea's flight testing of a three-stage missile. While the third stage of the missile failed, CIA analysts had to agree to the Rumsfeld report, as I stated earlier in my comments, that the threat is here despite the CIA's dismissal of the report when it was released.

I want to talk a little bit about the feasibility of us moving ahead with the technology that we have today. We have the pieces of a national missile defense system with proven technology. However, the risk to development lies not in the pieces but in the integration of these pieces into an effective system in a timely manner, which is exactly what this bill does. When we talk about the term "technologically possible," it includes system integration. There is no date in the bill. The bill just calls for the policy to deploy when technologically possible.

During a February 3, 1999, Sea Power interview, General Shelton said:

> The simple fact is that we do not have the technology to field a national missile defense. . . . My colleagues—the Joint Chiefs and I—believe that when we have the technology for NMD, we ought to have the capability to be able to transition right into the deployment, if the threat warrants.

A followup on that, Ted Warner, Assistant Secretary of Defense for Strategy and Threat Reduction, said that the threat is no longer the issue holding back national missile defense, but technical feasibility is all that drives deployment.

During a February 3, 1999, Armed Services hearing, Secretary Cohen stated that the Department is committed to advancing its missile defense efforts as technology risks allow, without any mention of when the threat is there. He admits that the threat is here now.

I will discuss the architecture of a national missile defense system. The architecture for national missile defense consists of three pieces: the battle management system, the radars that detect incoming missiles, and the booster and ground-based interceptor that will comprise our response.

The battle management command, control and communications system will receive data on the incoming missiles, calculate the number of interceptors needed to destroy the missiles, and monitor the status of the test elements, giving decisionmakers a prioritized set of choices for our response. Portions of this system have already been tested and performed flawlessly in previous tests.

Our current detection system consists of a combination of upgraded early warning radars, new ground-based radars and our space-based satellites. Once the satellites detect a launch, they will pass the data to our ground-based radars, which will create a detection net to gather high-fidelity data on the incoming missile that will help our interceptor strike its target. The upgraded early warning radars have been rigorously tested using both computer simulations and actual test launches and are more than capable of performing their mission.

Their replacement, a space-based infrared radar system, will vastly improve our detection. Moreover, our targeting capabilities will be increased with the eventual deployment of a complementary low space-based infrared system which performs cold-body tracking of incoming missiles.

The least proven piece of the architecture may very well be the booster and interceptor. Various parts of the interceptors, such as the seeker, have been tested many times, and the test objectives have been met. Actually, just yesterday the PAC-3 missile collected, detected, tracked and gauged and then hit an incoming test missile.

The technology exists to build a national missile defense system. Further testing of integration should show whether the system is ready to deploy. Requiring more studies and analysis to see if the technology is here, which it is, before we decide to deploy will only place us at the mercy of a threat we already know is out there.

Let me speak a little bit about the cost of the system. With regard to the national missile defense budget, on one hand, the administration added $600 million from its fiscal year 1999 emergency supplemental but has yet to put forward exactly where this money will be spent. There was discussion to use part of this money for the Wye peace agreement. Then the administration added $6.6 billion over the 5-year plan for the national missile defense but pushed the majority of the money into the outyears, making it vulnerable to future cuts and the whims of another administration. I happen to believe that we should field an NMD system as soon as it works. Given that most of the system is technologically feasible already, we should be putting money in military construction and procurement starting in fiscal year 2000 and deploy much earlier than the year 2005.

To make a few comments about the ABM Treaty and the treaty ratification, this bill is not about the ABM Treaty, specific architecture, deployment dates, or reports. The cold war is over, and we shouldn't hold to the cold war ways of protecting ourselves, the ABM Treaty. MAD, referred to as mutually assured destruction, should not rule our defense posture. We are no longer facing a superpower but now face rogue states.

We keep hearing that if we deploy a missile defense system, Russia will not ratify START II. They have used this threat entirely too many times—in the bombing of Iraq, they used it; in the sanctions for missile proliferation with Iran.

As columnist Charles Krauthammer wrote:

> What standing does Russia, of all nations, have to dictate how and whether the United States will defend itself? Russia is the principal supplier to Iran of the missile and nuclear technology that could one day turn New York into a Hiroshima.

The administration has been saying that any national missile defense is not directed at Russia. National Security Adviser Sandy Berger said:

> It's directed at rogue states that have long range missiles. These are threats not only to us, but to the Russians.

In conclusion, Mr. President, a firm policy to build a defense against ballistic missiles will send a clear message to rogue states that they are wasting their money building ballistic missiles with which to attack or threaten the United States. If rogue countries decide to ignore this message, the United States will be prepared to protect itself as soon as the technology is ready against such attack or threat of attack.

The bill is a policy declaration, making clear to the citizens, allies, and adversaries of the United States that it will not remain defenseless against a ballistic missile attack. I believe there is a need to have a bipartisan bill, and this is a bipartisan bill. This bill was introduced by Senator COCHRAN and Senator INOUYE, and the exact same bill in the 105th Congress had three Democrat cosponsors, with four voting for cloture.

Let me end with a final conclusion from the Rumsfeld report and our ability to protect the threats for the future:

> Therefore, we unanimously recommend that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, has anyone propounded the unanimous-consent request?

The PRESIDING OFFICER. No.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be 20 minutes for debate on the pending amendment, with the debate divided as follows: 10 minutes for Senator LEVIN; 5 minutes for Senator LANDRIEU; 5 minutes for Senator COCHRAN. I further ask unanimous consent that following that debate, the Senate proceed to a vote on, or in relation to, the amendment, with no other amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment of Senator LANDRIEU that is pending is a very simple and a very straightforward amendment, but it is a vital amendment. It will make a major difference in this bill, because if this amendment is adopted, this bill will contain two policy statements. It now contains but one. The policy statement that it currently contains has to do with the deployment of a missile defense system. The policy statement, which the Landrieu amendment will add, is that it is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

This is a very significant policy statement, and I want to take just a minute and explain why.

In my opening comments on this bill, I addressed what I consider to be a number of flaws or omissions in this bill. I talked about the fact that there is no reference here to "operational effectiveness." One can look at the word "effective" in this bill's language and argue, I think reasonably, that operational effectiveness is included in that term "effectiveness." Nonetheless, I think the bill would be stronger if that were clearer. That was one of the issues which was raised.

It is a very important question to our uniformed military and to the Secretary of Defense, because they want to be sure that before any decision is made to deploy, that we have an operationally effective system, that it works. And those are not just casual words. "Operational effectiveness" are words that have a very important technical meaning to our military.

I also pointed out in my opening remarks that there was no reference in here to cost. Now there is.

With the Cochran amendment that was adopted earlier this afternoon, we now at least have an acknowledgment that the usual authorization and appropriation process is going to apply to national missile defense. The authorizers and the appropriators naturally look at cost. So there is now, at least in this bill with the adoption of the Cochran amendment, a way in which the cost issue will be addressed in the years to come.

Another factor which the uniformed military and our civilian leadership wanted to look at is the threat. I think it is clear to most of us that there is a threat that was not predicted to come this quickly but which is either here or will soon be here from states such as North Korea.

Finally—and this was the one which to me was the greatest sticking point—is the omission in this bill, until Senator LANDRIEU's amendment was introduced and hopefully will be adopted, of the acknowledgment of the importance of continuing to negotiate reductions in Russian nuclear forces. Those reductions are critically important to our security. Those reductions have been carried out, and hopefully additional reductions will be carried out, because we have a treaty with Russia which has allowed for these reductions to be carried out in a way which is strategically stable.

That treaty, called the Anti-Ballistic Missile Treaty, has been critically important to nuclear arms reductions.

Hopefully, there will be further reductions negotiated. Hopefully, the Duma will ratify START II. But it is important that we be aware of the fact that arms reductions, nuclear arms reductions, are very important in terms of reducing proliferation threats and very important in terms of the terrorist threat.

If we act in such a way that leads Russia to stop the reduction of the nuclear weapons on her soil, to stop the dismantling of the nuclear weapons on her soil, to stop negotiating further reductions in nuclear weapons, we are taking a very dangerous step in terms of our own security.

That is why the fourth point which our uniformed military has pointed to as being important, in terms of considering national missile defense deployment, is the effect of that deployment on nuclear arms reductions. Nobody is going to give Russia or any other country a veto over whether or not we deploy a national missile defense system. That issue has got to be resolved in terms of our own security. If it adds to our security, we should do it. If it diminishes our security, we should not.

But whether or not it adds to our security is dependent upon a number of factors. And one of those factors is the effect on the nuclear weapons reduction program on Russian soil. This has been pointed out at the highest level between President Clinton and President Yeltsin. In their Helsinki summit statement in March of 1997, they emphasized—and these are their words—"the importance of further reductions in strategic offensive arms" and they recognized explicitly, in their words, "the significance of the ABM Treaty for those objectives."

Secretary Cohen, has recognized and stated the importance of that treaty between ourselves and Russia in terms of accomplishing these nuclear arms reduction objectives.

Sandy Berger, in a letter which he has addressed to us, has recognized and stated the importance of that treaty between ourselves and Russia in terms of reducing nuclear arms and the threat of proliferation to this country.

In his letter he said:

> The Administration strongly opposes S. 257 because it suggests that our decision on deploying this system should be based solely on a determination that the system is "technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000. . . .

And then he went on to say:

> A decision regarding national missile defense deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and [START] III. The ABM Treaty remains a cornerstone of strategic stability, and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

What this amendment before us does is simply acknowledge the policy of the United States to seek continued negotiated reductions in Russian nuclear forces. That is all that it says. In that sense it is very straightforward, very direct. But it also, to me at least, and I think to many other Members of this body, acknowledges that we have a number of policy goals that we should be achieving.

One is the deployment of an effective national missile defense system to meet a threat—I believe that is a legitimate policy goal that Senator COCHRAN's bill sets forth—a policy to deploy a cost-effective, operationally effective national missile defense to meet a threat. We do not have that system yet. It is being developed as quickly as we possibly can.

Hopefully, someday we will have a cost-effective, operationally effective national missile defense system. And hopefully, we can take that step after negotiating modifications with the Russians to that treaty, so that we can proceed consistent with a cooperative relationship with the Russians and not in a confrontational way. If we cannot do it cooperatively and with an amendment to that treaty, and if our security interests indicate that we should do it because we have something operationally effective and cost effective, and the threat is there, then we should do it anyway.

But what the Landrieu language does is state a very important policy objective that I hope all of us share: to seek continued negotiated reductions in Russian nuclear forces. It is that straightforward. It is that important. I commend the Senator from Louisiana for framing an amendment in a way which hopefully will attract broad bipartisan support but at the same time makes a very important addition to this bill by setting forth, if this is adopted, two important policies of this Government.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I thank our ranking member, the Senator from Michigan, for his good work in this area. He is a national leader and has been outspoken on this issue. His guidance and counsel have been very important as we have worked through this very important piece of legislation. I thank him.

I also thank the Senator from Mississippi for his graciousness and being open to working out this bill—although simple, it is quite important and quite historic—and to make sure it is done in the right and appropriate way.

I am convinced, Mr. President, that if this amendment I have offered, on behalf of myself, Senator LEVIN, and some of my colleagues here and on the other side of the aisle, is adopted, it will enable us to vote in good faith and in good conscience for this bill, which I have said earlier I support but have some hesitation.

This amendment will make sure it is the policy that we have a national missile defense system capable to deploy, as soon as technologically possible, an effective system and one that also states, with this amendment, that while we are developing this we will continue to negotiate reductions in Russian nuclear forces. It is the policy, a joint policy. It makes this bill stronger and better. And it enables us to pass this bill that recognizes the threat is real, that the world has changed significantly.

The record is replete, as I have mentioned earlier in my remarks, with hostile neighbors to the United States, with the development of these weapons that could, in fact, now threaten parts of our homeland—Hawaii, for instance, which is why the distinguished Senators from Hawaii are supporting this bill. And it is clear to many of us now that this threat is more real than ever before, so the need for this bill is important.

I think this amendment helps to strengthen the bill. It most certainly will enable several of us on this side of the aisle to vote for this bill and to pass it with bipartisan support and, I believe, with the administration's support.

I thank my distinguished ranking member. I thank the author and sponsor of this bill, and I yield back the remaining time I have.

I strongly urge my colleagues to give consideration to this amendment which will make a good bill even better.

Mr. HELMS. Mr. President, I am pleased to support the amendment of the able Senator from Louisiana (Ms. LANDRIEU) because I interpret that it refers to the policy of pursuing Russian ratification of the START II Treaty. Any proposed reduction below the START II level should, of course, be considered on its specific merits.

I commend Senator LANDRIEU for offering the amendment consistent with my interpretation stated above.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I indicated earlier, I support the amendment offered by the distinguished Senator from Louisiana and thank her for her contribution to strengthening the legislation. Like the statement of policy already contained in S. 257, this is a straightforward statement of an important national security goal.

The high levels of strategic forces deployed during the cold war are no longer necessary in today's vastly changed strategic environment. Already our two countries have reduced levels significantly through START I and will reduce them further under START II. Both policies articulated here, our determination to deploy a missile defense against limited threats and our continued interest in further offensive reductions, are in our interests. Of course, inclusion of both in this bill does not imply that one is contingent upon the other, but that is completely consistent with what we have been saying all along—that defensive and offensive reductions are not incompatible. I urge all Senators to support the amendment.

I also urge Senators, if they have other amendments, to let us know about them. I am hoping that we can get an agreement that would identify any other amendments and that we can have a time limit agreed upon with respect to those amendments. If there are no other amendments, it would be our expectation that we could go to third reading within a short period of time. Senators communicating that to the managers or their intentions to the managers would be appreciated very much so we could go forward with the expeditious handling and conclusion of the bill.

I yield back whatever time remains, and I ask for the yeas and nays on the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, a brief 10 seconds. As I indicated earlier, I have been informed by the President's National Security Adviser that if this amendment is adopted, the recommendation to the President to veto this bill will be withdrawn. I think that is a very significant development and I think folks may want to consider that as part of the overall debate on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Feinstein

The amendment (No. 72) was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we understand that it is possible to reach an agreement on the identity of amendments that are yet to be offered to the bill. I will, on behalf of the leader, propound a unanimous consent request regarding the amendments that would be in order to the bill and a time agreement on each, in the hope that we can complete action on this bill tomorrow and have final passage. If we do get the agreement, we would then proceed to hear any further statements that Senators might have on the bill tonight. Senator ASHCROFT, I know, is here and available to speak on the bill, but there would be no further votes on amendments tonight.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order, that they be subject to first- and second-degree amendments where applicable, and they must be relevant to the first-degree they propose to amend.

I further ask that all first-degree amendments be limited to 1 hour, equally divided in the usual form for debate, and any second-degree amendments limited to 30 minutes in the usual form.

I further ask that following the disposition of the listed amendments, the bill be immediately advanced to third reading and passage occur, all without intervening action or debate, and that no motions be in order other than motions to table.

The list is as follows: a Bingaman amendment on operational success of system; Conrad amendment, space-based missile defense; Dorgan amendment on NMD deployment; a second Dorgan amendment on NMD deployment; Harkin amendment on study on relevant risks, and a second amendment on condition on relevant; Kerry amendment, relevant; a Levin amendment, relevant; a Robb amendment, relevant; and a Wellstone amendment, relevant.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we have no objection to that, and I believe that all of the Senators on this side of the aisle now are included. I wanted to make sure that they all understand there is, in addition to this list, a time agreement here, as the Senator from Mississippi has indicated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCHRAN. Mr. President, in light of this agreement limiting amendments, there will be no further votes this evening, and I thank all colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from Missouri.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that Stephanie Sharp of my staff be granted the privilege of the floor during the pendency of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I rise today in strong support of S. 257, the National Missile Defense Act of 1999. I commend the two principal sponsors of the bill, Senator COCHRAN and Senator INOUYE, for their commitment to this legislation and for their dedication to the national security of our country.

The fact that we are having a debate on this bill at all, in the sense of trying to overcome opposition to this legislation, is somewhat troubling to me. The foreign missile threat has come to our very door in the last 6 years, and yet the administration and many of my Democratic colleagues continue to oppose this legislation, which simply says we will defend the American people as soon as we can.

A recent poll shows that more than 85 percent of Americans favor the deployment of a missile defense system and that three out of every four Americans were surprised to learn that the United States cannot destroy an incoming ballistic missile. The American people would be even more surprised to learn that they remain defenseless today, not so much due to the cost or technological hurdles of missile defense as to a lack of political leadership here in Washington.

The administration's record on missile defense has been plagued with the same inconsistency and lack of foresight that is characteristic of our more general foreign policy over the last 6 years. In each of the critical areas that we are facing today in deploying a missile defense system—modifications of the Anti-Ballistic Missile Treaty, program management and budgeting, and the assessment of the missile threat—the administration is having to reverse astoundingly shortsighted policies adopted only a few years ago.

Secretary Albright has encountered firm resistance from Russia in modifying the Anti-Ballistic Missile Treaty, but Russia eagerly discussed possible modifications to the treaty in the Ross-Mamedov talks in 1992. To Russia's great surprise, one of the first things President Clinton did after coming to office was suspend this dialogue on modifying the ABM Treaty. Now, 6 years later, with a greatly altered diplomatic landscape, the window of opportunity for active Russian cooperation on modifying the treaty may be permanently closed. Regardless of one's views on the ABM Treaty, squandering opportunities such as the Ross-Mamedov dialogue is serious negligence.

The lack of foresight in program management and budgeting for missile defense also has undermined the development and deployment of an effective system. When President Clinton entered office in 1993, promising missile defense initiatives fostered under the Bush administration were limited or curtailed. Ambassador Hank Cooper, President Bush's Director of the Strategic Defense Initiative Organization, had a procurement program in place in 1992 for the first site of a ground-based missile defense system which potentially could have been deployed by the year 2000. This effort was suspended, and the budget for the national missile defense system was slashed by an astounding 71 percent in the first year of the Clinton administration.

Here is a chart which shows our commitment to missile defense. During the Reagan and Bush years, we saw a consistent and strong commitment to missile defense. In the years when the budgeting was under the control of this administration, we saw an astounding drop, a 71-percent drop in the funding to develop a national missile defense system.

Now, after 4 years of undermining the National Missile Defense Program, the administration is rushing to increase the funding levels because the threat can no longer be ignored or denied.

The administration has used faulty intelligence estimates of the foreign missile threat to justify a missile defense policy of delay and obfuscation. Based in part on a National Intelligence Estimate in 1995 that said the Continental United States would not face a new ballistic missile threat until 2010, the President vetoed the FY 1996 defense authorization bill because of language which called for the deployment of a missile defense system by the year 2003.

Now, 3 years after the President's veto, with North Korea and Iran developing ballistic missiles to strike the United States, with China modernizing its nuclear weapons, possibly with U.S. technology, and with the threat of accidental missile launch from Russia rising, 2003 is, if anything, too late to deploy a national missile defense system.

The administration has relied on faulty intelligence to our collective peril. North Korea's test of the Taepo Dong 1 in August of 1998 was the last nail in the coffin of the National Intelligence Estimate and a strong indictment of the administration's complacency in preparing for an imminent foreign missile threat. But the Taepo Dong test was a result of proliferation trends that have been detectable and discernible for over a decade.

We could see the threat coming as proliferation accelerated in the 1980s. We saw the threat arrive when the largest single loss of life of U.S. soldiers in the Gulf War occurred when an Iraqi ballistic missile killed 28 of our soldiers and wounded 89 more on February 25, 1991.

The threat was apparent by 1991, at the latest, and that is why the Senate passed the National Missile Defense Act that year as part of the Defense Authorization bill. The National Missile Defense Act was a strong piece of legislation calling for modifications to the Antiballistic Missile Treaty and calling for deployment of an effective missile defense system by a date certain, that date to be 1996.

Yet now, 8 years after passage of the National Missile Defense Act, 8 years in which two terrorist governments, Iran and North Korea, have come to the threshold of acquiring ICBM capability, this administration and many of my Democratic colleagues continue to oppose legislation which simply states that it is United States policy to defend the American people as soon as we can.

Winston Churchill once said, "Occasionally you must take the enemy into consideration." This administration would be well advised to heed Mr. Churchill's words and to grasp the seriousness of the multiple missile threats posed to the United States.

At least 25 countries have or are pursuing weapons of mass destruction programs that could threaten not only their neighbors but the stability of this globe, and nearly all of those countries also have ballistic missiles of one kind or another. The technology is out there and is being proliferated at an alarming rate.

In spite of these rising missile threats to the United States, the administration continues to speak of the Antiballistic Missile Treaty as the cornerstone of strategic stability. Although the legal status of the treaty is in doubt after the dissolution of the Soviet Union, the accord continues to guide administration policies that have undermined the entire missile defense effort.

As William Graham, former science adviser to President Reagan, stated before the Senate Foreign Relations Committee:

> Not only has the ABM Treaty prohibited the deployment of national missile defenses, it has led to the prohibition of funding for the research and development on systems which might, if deployed, conflict with the ABM Treaty. Moreover, it has made Defense Department program managers unwilling even to propose missile defense systems and programs that might . . . be viewed as conflicting with the largely ambiguous details of the ABM Treaty. . . .

Mr. Graham's point is simply this: that the ABM Treaty has kept people in the administration from even exploring alternatives that might well defend the people of this country.

This administration's commitment to the ABM Treaty has precluded our best space-based options for national missile defense and limited the more advanced capabilities of our theater missile defense programs.

A host of critical missile defense initiatives under the Bush administration were derailed or downsized in 1993. Brilliant Eyes, now known as SBIRS Low, a satellite program to provide essential tracking capabilities for national missile defense, has seen its deployment delayed by as much as a decade.

Brilliant Pebbles, a system of hit-to-kill vehicles in low Earth orbit and still potentially the best national missile defense option, was canceled as a result of this administration's policies.

A space-based national missile defense system could best defend the American people. So why isn't it being pursued? Even President Clinton's current Director of the Ballistic Missile Defense Organization, General Lester Lyles, stated before the Armed Services Committee last month:

> I think all of us recognize that the optimum way to do missile defense, particularly in a robust manner in the future, is from space.

This is President Clinton's Director of the Ballistic Missile Defense Organization.

Space-based national missile defense systems have been shelved for one simple reason: this administration's commitment to the outdated and dangerous Antiballistic Missile Treaty.

If the administration is so concerned about the cost of missile defense, why is it expending precious missile defense dollars on the least effective systems, rather than the most effective ones acknowledged by the administration's own Director of the Ballistic Missile Defense Organization?

If the administration is so concerned about deploying a technologically sound missile defense system, why is a ground-based system that has the highest technological challenges the administration's only near-term missile defense initiative? As Ambassador Cooper testified before the Senate Foreign

Relations Committee in September 1996, ground-based systems are the most expensive, least effective defense that will take the longest to build. The administration has cut the national missile defense budget and diverted those scarce funds into the least effective national missile defense programs.

All of this, because the administration refuses to relinquish its tight grip on the ABM Treaty.

Finally, the ABM Treaty is undermining the robustness of theater missile defense programs. For example, limiting the use of additional off-site radars for theater missile defense programs out of concerns for the ABM Treaty increases the cost of missile defense exponentially. Bill Graham, former science adviser to Presidents Reagan and Bush, states:

> . . . the area that a surface-based interceptor system can defend using only its . . . radar is one-tenth the area that the same interceptor can defend using space-based sensing. Therefore, to defend the same area without space-based sensing, 10 times as many missile/radar systems would have to be deployed at a cost that would be approximately 10 times as much. . . .

So this persistent, dogged determination to honor an outdated treaty, the ABM Treaty, increases the cost of our theater missile defense systems tenfold, just to cover the same territory.

In almost every theater missile defense program we have, serious constraints have been imposed to try to limit the ICBM intercept capability of regional theater missile defense systems. Software and radar of the Navy Aegis cruisers have been constrained to limit their ability to track ballistic missiles. Software for THAAD has been constrained to limit its intercept capability. The ballistic missile intercept capability of the Patriot system was restrained until the urgency of the gulf war.

Ambassador Cooper stated before the Senate Foreign Relations Committee:

> . . . the 28 military personnel killed when an Iraqi Scud hit their barracks during the Gulf War might have been spared if Patriot had not been dumbed-down and delayed because of ABM Treaty concerns.

It seems like the loss of life and the injury to dozens and dozens of others in that particular incident should have sounded a wakeup call sufficiently urgent to at least startle this administration into pursuing a course of action which would not be guided by an unwarranted commitment to the ABM Treaty.

In spite of the restrictions the Anti-Ballistic Missile Treaty imposes on U.S. missile defense efforts, the administration continues to view the accord as the cornerstone of strategic stability and essential for future arms control efforts. Although the past 27 years have demonstrated that the treaty probably accelerated the arms race rather than curtailed it, this administration remains committed to the idea that reductions in nuclear weapons cannot occur unless the American people are completely vulnerable to missile attack.

I want to say that again. This administration remains committed to the idea that reductions in nuclear weapons cannot occur unless the American people are completely vulnerable to missile attack. My view is that we deter aggression through strength, not through increasing our own vulnerability. To continue to risk American lives for thoroughly invalidated arms control policies is a serious abnegation of our duty to protect and defend the United States.

Administration officials seem mortified by the prospect that Russia will reject the START II treaty if the United States builds an effective missile defense. The administration seems to have forgotten however that the size of Russia's nuclear stockpile will continue to decline with or without another arms control agreement. The size of Russia's nuclear arsenal is in freefall thanks in large part to one American President who returned America to the tried and true principle that strength deters aggression.

Ronald Reagan knew that "Nations do not mistrust each other because they are armed; they are armed because they mistrust each other." He confronted and deterred aggression, and although this administration would like to forget it, Ronald Reagan used ballistic missile defense to hasten the demise of the Soviet Union.

This particular graph shows the level of nuclear warheads maintained by the United States and the Soviet Union, later Russia, over the last several decades. The ABM Treaty was negotiated in 1972, and shortly after the ABM Treaty came into force, we see the levels of Soviet nuclear warheads begin to increase dramatically. This graph illustrates that America's weaknesses under the ABM Treaty was one factor behind the Soviet arms buildup, while Reagan's resolve to confront Soviet aggression, in part through the Strategic Defense Initiative—hastened the collapse of the Soviet Union. President Reagan used missile defense to deter Soviet aggression, and the dissolution of the Soviet empire led to the reductions in arms that always proved elusive to advocates of appeasement.

Reagan's success in confronting and undermining Soviet tyranny was one of the greatest contributions to freedom in modern history. As part of that broader policy, Reagan's commitment to missile defense is at once a telling indictment on the failed policies of the more recent past and a shining example of the courage needed to chart a course for the revitalized defense of the American people.

The legislation we are considering today simply says this: We will defend the American people against missile attack as soon as possible. How could there be opposition to this bill when every conflict we have fought in the past has proven that weakness and vulnerability invite aggression? We do not get a reduction in our vulnerability by remaining vulnerable. We get a reduction in our vulnerability by showing strength.

How could there be opposition to this bill when missiles from North Korea and Iran pose an imminent threat to the United States? How can there be opposition to this bill when China points the majority of its nuclear weapons at the United States and has implicitly threatened Los Angeles if American forces defend Taiwan?

Mr. President, the sad truth is that the United States is completely defenseless against a ballistic missile strike. George Washington once said, "If we desire to avoid insult, we must be able to repel it . . ." Why are North Korea and Iran pursuing advanced missile technology at breakneck speed? These terrorist governments are seeking the tools of aggression because they know that we cannot repel their attacks.

Our ambivalence and complacency in providing an effective missile defense for American citizens and for American interests is an unconscionable act of negligence. We should not shrink from or shirk the burden of eternal vigilance in the defense of freedom because the cost of missile defense is high or the technology is complicated or there will be difficulties to overcome in the development of a system.

As Franklin Roosevelt said in September 1941, "Let us not ask ourselves whether the Americas should begin to defend themselves after the first attack, or the fifth attack, or the tenth attack, or the twentieth attack. The time for active defense is now."

Mr. President, those words ring as true today as they did before World War II and reflect the commitment of the American people to safeguard the blessings of liberty. The defeatist policies which would leave America vulnerable to nuclear, chemical or biological warheads have been followed for too long, to the great detriment of our country. We must return to the sound policies of an active defense system before a missile strike on U.S. soil eclipses the catastrophe of Pearl Harbor. We do not have another 6 years to waste, Mr. President. I applaud Senator COCHRAN and Senator INOUYE for their leadership on ballistic missile defense and I urge my colleagues in the Senate to pass this legislation.

Mr. SHELBY. Mr. President, I stand today in support of a very simple yet essential piece of legislation, the National Missile Defense Act of 1999. The bill states:

> It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United

> States against limited ballistic missile attack, whether that attack is accidental, unauthorized, or deliberate.

That is all the language does. Mr. President, this bill may concern rocket science but it does not take a rocket scientist to realize the inherent necessity of this legislation for the safety of this country.

Currently, our nation is defenseless against the threat of ballistic missile attack. Some have shrugged their shoulders and said, "So what, America won the cold war without a missile defense. The Soviet Union never attacked us and no one else will either." Yet the fact that the United States won the cold war is the very reason that America faces a new and very real missile threat today.

The world is not as simple in 1999 as it was during the cold war. Today, a much less stable Russia still maintains an awesome nuclear arsenal. Communist China is developing into a superpower with interests which are frequently adverse to our own. That development includes a force of ballistic missiles capable of striking the continental United States. And as we have seen in recent weeks, China is persistent in its efforts to acquire the technology necessary to make its missiles more accurate and deadly.

Equally disturbing, today's threat includes the use of ballistic missiles by rogue nations and terrorist groups. The disintegration of the Soviet Union has exacerbated the proliferation of missile technology and lethal payloads. Iran and North Korea are developing and testing longer range missiles. Both countries are potential adversaries in regions vital to the national interest of the United States. Both countries have ties to international terrorist groups. With proliferation rampant, these two countries will surely not be the last to acquire long range missile technology. The failure to deploy an effective national missile defense system could subject this nation to diplomatic blackmail from any rogue state or terrorist group that can purchase or steal ballistic missile technology.

Some have argued, as does the administration, that this bill will disrupt ongoing negotiations with Russia concerning the Anti-Ballistic Missile Treaty. Mr. President, if that is the case, then so be it. The ABM Treaty was signed with the Soviet Union. That state no longer exists and as such the treaty should be declared void. A number of constitutional scholars have adopted this view. Nevertheless, if it is the policy of this administration to honor the treaty, that policy should not be permitted to impede the deployment of a missile defense system. The administration can negotiate enough flexibility into the treaty to permit a viable national missile defense.

Mr. President, the bill we are considering states that this nation will deploy a system when it is technologically feasible. That technology is being developed as we speak and is nearly at hand. However, I would urge my colleagues in the months and years ahead to continue investment in missile defense support technology. It is an important yet often overlooked investment. Under funding support technology today will jeopardize the future effectiveness of any missile defense system. Rapid changes in technology and potential development of missile defense countermeasures by our adversaries require that this nation maintain its technological superiority. That superiority does not come without a price. However the cost of losing our technological edge is one I hope this body never has to consider.

Mr. President, some well intentioned opponents of this bill have stated that treaties and superior intelligence gathering will protect us from a future ballistic missile attack. This is nothing more than a gamble with the lives of the American people. Treaties have been broken throughout history. Intelligence is effective only when properly interpreted and disseminated. Ask the men of the U.S.S. *Arizona* at the bottom of Pearl Harbor. Intelligence collection did them little good. Mr. President, I am not willing to gamble with the lives of the American people. I continue to strongly support the National Missile Defense Act of 1999 and I urge my colleagues to do the same.

Mr. KERREY. Mr. President, I rise today to offer my support for S. 257, the National Missile Defense Act currently pending before the Senate. I do so with the firm belief that passage of this legislation will help keep the American people safe. Given the seriousness of the threat posed by ballistic missiles, it is our duty to act to confront this threat through the development of a national missile defense system.

I believe some of the controversy surrounding this piece of legislation comes from the misperception of what national missile defense really is. Mr. President, we are not proposing to build a star wars-style system. We are not proposing to build a system designed to counter a massive nuclear attack from the Soviet Union. That plan was unworkable in the 1980s and is unnecessary today. Instead, the missile defense system we are talking about today is a limited system, designed to protect the United States from rogue-state ballistic missile launches and accidental launches—precisely the kind of threats that will not be countered by our traditional reliance on deterrence.

The truth is, Mr. President, we do not currently possess the ability to protect the American people from these threats. But we should. The legislation we are debating today would take the first step toward protecting the United States by declaring it to be the official policy of the United States to deploy a national missile defense system. The bill before us does not identify a particular system for deployment. It does not authorize or appropriate a single dollar. These are decisions that will be left up to this and future Congresses. Instead, the National Missile Defense Act simply states that the United States should deploy a missile defense system to protect the American people.

Mr. President, perhaps the only situation worse than not having an adequate missile defense system to protect the American people, is deploying a system that has not been proven feasible. I am pleased with the recent announcement by the Clinton administration that they plan to increase spending on missile defense research by $6 billion over the next five years. I applaud the administration's decision to fund missile defense in the fiscal year 2000 Defense budget so that a decision to deploy a missile defense in 2005 could be made as early as June of next year. We should all take note of the outstanding scientific and engineering efforts which have been ongoing for years in the Defense Department to get us to this point. This administration deserves credit for vigorously attacking the very daunting set of scientific and engineering challenges by which a bullet can strike another bullet. At the same time, development of a system will only come through further research and development and a rigorous testing regime.

Many opponents of this legislation have asked why should we take this step now? It's true, the threat of ballistic missiles is not a new one. The American people have lived for decades under this threat. In fact, during the cold war, the Soviet Union had thousands of nuclear-tipped ballistic missiles pointed, ready to shoot at American cities. What has changed is the source of the ballistic missile threat. During the cold war, and even today, we used the power of deterrence to protect ourselves. Nations like Russia and China know that an attack on America would be met with an immediate and overwhelming response by United States forces. They were and still are deterred by a calculation of their own self-interest. However, the underlying assumption of deterrence is rational behavior by the other side. None of the emerging threats—whether they be terrorist states or rouge or desperate individuals—can be counted on to respond rationally to the threat of retaliation.

In the past, I have voted against cloture on the motion to proceed to this bill. However, two distinct events over the last few months have highlighted the changed nature of the threat and have led me to support this legislation. First, the release of the Rumsfeld Commission Report last July stated that the newer ballistic missile threats are developing from countries like Iran, Iraq, and North Korea. The report went on to state that these nations could be able to acquire the capability to inflict major destruction on the United States within about 5 years of a decision to acquire ballistic missiles. Furthermore, the Rumsfeld Report warmed that these emerging threats had more mature capabilities than previous assessments has thought possible.

Then, almost on cue, North Korea tested the Taepo Dong I missile on August 31, 1998. The details of this test have been widely reported in the media. But the real lesson of this missile test was that our intelligence community was surprised by the North Koreans' ability to launch a three-stage missile. We saw that North Korea may have the ability to hit parts of the United States with a missile with a small payload. We also know that the North Koreans continue to work on the Taepo Dong II; an intercontinental missile with the capability of reaching the United States mainland. In addition, North Korea's nuclear capability and nuclear ambitions turn these missile developments into a clear strategic warning.

Mr. President, aside from demonstrating the validity of the conclusions of the Rumsfeld Report, the North Korean missile test put a face on the emerging ballistic missile threat. There may not be a more unpredictable regime on earth than that of Kim Jong Il. A government which continues to pour resources into weapons of mass destruction while its people undergo a famine is beyond our understanding. But I have no doubt of North Korea's willingness to use ballistic missiles—in an all-out desperate act of terror—against United States cities. Traditional threats of massive retaliation are unlikely to deter a man as unstable as Kim Jong Il. They will not likely deter the Iranian or Libyan governments or other future rogue states. Instead, we must protect our nation through a limited missile defense. Time remains for us to counter this threat. But we must act now.

Mr. President, opponents of this legislation have valid concerns about how national missile defense will affect our relationship with Russia. I share these concerns. Our long-term global interests are best secured by maintaining a cooperative relationship with Russia. While a wide variety of Russian political leaders have expressed their opposition to United States national missile defense, I do not believe Russian opposition is insurmountable.

Just as our allies like Britain and France realize United States national missile defense is not directed against them, the Russians can be convinced the threats we seek to counter through missile defense come from unauthorized and rouge-nation launches. Furthermore, these are threats—given their proximity to countries like Iraq, Iran, and North Korea—Russia must also confront. Although Russia has deployed an ABM system around Moscow, there is nothing particular about Russia that will make it impervious to these threats. Mr. President, in their vulnerability I see a chance to engage Russia; to work cooperatively to confront the mutual threat of ballistic missile proliferation. By jointly developing national missile defense with Russia, we will make our citizens safer and improve our bilateral relationship. Similarly, the problems presented by the ABM Treaty may in fact present opportunities. There is no reason why we can't work with Russia to adapt the ABM Treaty to reflect the changes that have occurred in the world since the treaty was signed in 1972. At that time, we could not anticipate the proliferation of ballistic missile technology we face today. By changing the treaty to allow each side to develop a limited missile defense system to protect from unauthorized or rogue launches, we can address the threat, maintain the treaty, and not upset the strategic balance ABM sought to create.

Mr. President, I see further opportunity to reduce the threat of ballistic missiles and make significant strides in our relationship with Russia. In the past, and again today, I call on the President to seize this opportunity to make a bold gesture to reduce the danger posed by United States and Russian strategic nuclear weapons. More than 6 years after the end of the cold war, both the United States and Russia maintain thousands of nuclear weapons on hair-trigger alert. My fear, Mr. President, is our maintenance of more weapons than we need to defend our interests is prompting Russia to keep more weapons than she is able to control.

I have proposed that the President, acting in his capacity as Commander in Chief, order the immediate elimination of U.S. strategic nuclear forces in excess of proposed START III levels. Such a bold gesture would give the Russians the security to act reciprocally. Russia not only wants to follow our lead in such reductions, it must. Russia's own Defense Minister recently said, publicly, that Russia is thinking of its long-term nuclear arsenal in terms of hundreds, not thousands. To help Russia accomplish these reductions, Congress must be prepared to provide funding through the Nunn-Lugar Cooperative Threat Reduction Program. We should spend whatever is necessary to help Russia dismantle and secure its nuclear arsenal. The best form of missile defense is helping Russia destroy its missiles.

Mr. President, my support for the bill before you comes from my belief that its passage will make Americans safer. The time to prepare for the emerging threat of ballistic missiles is today. The legislation before us sets us on the path to confront these threats in a real and manageable way. I strongly encourage my colleagues support for this legislation and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, knowing of no other Senators seeking recognition on the bill, I now ask unanimous consent that the Senate proceed to a period of morning business, with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 15, 1999, the federal debt stood at $5,634,976,613,497.51 (Five trillion, six hundred thirty-four billion, nine hundred seventy-six million, six hundred thirteen thousand, four hundred ninety-seven dollars and fifty-one cents).

Five years ago, March 15, 1994, the federal debt stood at $4,549,059,000,000 (Four trillion, five hundred forty-nine billion, fifty-nine million).

Ten years ago, March 15, 1989, the federal debt stood at $2,737,036,000,000 (Two trillion, seven hundred thirty-seven billion, thirty-six million).

Fifteen years ago, March 15, 1984, the federal debt stood at $1,465,029,000,000 (One trillion, four hundred sixty-five billion, twenty-nine million).

Twenty-five years ago, March 15, 1974, the federal debt stood at $471,094,000,000 (Four hundred seventy-one billion, ninety-four million) which reflects a debt increase of more than $5 trillion—$5,163,882,613,497.51 (Five trillion, one hundred sixty-three billion, eight hundred eighty-two million, six hundred thirteen thousand, four hundred ninety-seven dollars and fifty-one cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 808. An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

H. Con. Res. 42. Concurrent resolution regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

The message further announced that pursuant to section 710(a)(2) of Public Law 105–277, the Minority Leader appoints the following individuals to the Parents Advisory Council on Youth Drug Abuse: Ms. Marilyn Bader of St. Louis, Missouri, for a one year term and Mr. J. Tracy Wiecking of Farmington, Missouri, for a two-year term.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 609. An act to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under the Act, and for other purposes.

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

The following concurrent resolution was read and ordered placed on the calendar:

H. Con. Res. 42. Concurrent resolution regarding the use of United States Armed Forces as a part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 16, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2190. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report entitled "The Security Situation in the Taiwan Strait"; to the Committee on Armed Services.

EC–2191. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report on the Defense Nuclear Facilities Safety Board for calendar year 1998; to the Committee on Armed Services.

EC–2192. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, notice of licenses issued for the export of commercial communications satellites and related items; to the Committee on Armed Services.

EC–2193. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on pilot programs to improve cooperation with private sector entities for the performance of research and development functions; to the Committee on Armed Services.

EC–2194. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Military Traffic Management Command's report entitled "Current DOD Demonstration Program to Improve the Quality of Personal Property Shipments of Armed Forces, Interim Progress Report"; to the Committee on Armed Services.

EC–2195. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, certification that the Future Years Defense Program fully funds the support costs associated with the Longbow Hellfire missile multiyear procurement program; to the Committee on Armed Services.

EC–2196. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report on the Plan for Redesign of the Military Pharmacy System; to the Committee on Armed Services.

EC–2197. A communication from the Secretary of the Navy, transmitting, pursuant to law, certification that the Department has converted the Fisher House Trust Fund to a nonappropriated fund instrumentality; to the Committee on Armed Services.

EC–2198. A communication from the Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Communications and Information functions at 11 Air Force Reserve Command bases; to the Committee on Armed Services.

EC–2199. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2200. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Principal Deputy Assistant Secretary of Defense (Legislative Affairs); to the Committee on Armed Services.

EC–2201. A communication from the Alternate OSD Federal Register, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS; Corporate Services Provider Class" (RIN0721–AA27) received on March 5, 1999; to the Committee on Armed Services.

EC–2202. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services" (RIN2900–AJ04) received on March 2, 1999; to the Committee on Veterans Affairs.

EC–2203. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Programs" received on March 10, 1999; to the Committee on Small Business.

EC–2204. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Interim Designation of Acceptable Receipts for Employment Eligibility Verification" (RIN1115–AE94) received on February 8, 1999; to the Committee on the Judiciary.

EC–2205. A communication from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Consideration of Interlocutory Rulings at Final Hearing in Interference Proceedings" (RIN0651–AB03) received on March 11, 1999; to the Committee on the Judiciary.

EC–2206. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries" (Docket 98–28) received on March 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2207. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches" (I.D. 093097E) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2208. A communication from the Senior Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases" (RIN2105–AC10) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2209. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, a report on the Health Care Fraud and Abuse Control Program for fiscal year 1998; to the Committee on Finance.

EC–2210. A communication from the Commissioner of Social Security, transmitting, a report entitled "Social Security and Supplemental Security Income Disability Programs: Managing for Today, Planning for Tomorrow"; to the Committee on Finance.

EC–2211. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Trade or Business Expenses: Rentals" (Rev. Rul. 99–14) received on March 11, 1999; to the Committee on Finance.

EC–2212. A communication from the Acting Assistant General Counsel for Regulatory

Law, Office of Scientific and Technical Information, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Scientific and Technical Information Management" (DOE O 241.1) received on March 11, 1999; to the Committee on Energy and Natural Resources.

EC–2213. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Documentation for Work Smart Standards Applications: Characteristics and Considerations" (DOE G 450.3–1) received on March 11, 1999; to the Committee on Energy and Natural Resources.

EC–2214. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Human Resources and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Contractor Human Resource Management Programs" (DOE O 350.1 Chg 1) received on March 11, 1999; to the Committee on Energy and Natural Resources.

EC–2215. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN-144-FOR) received on March 11, 1999; to the Committee on Energy and Natural Resources.

EC–2216. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of Area Weapons Effect Simulator systems to the United Kingdom; to the Committee on Foreign Relations.

EC–2217. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (99–19 to 99–31) received on March 10, 1999; to the Committee on Foreign Relations.

EC–2218. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2219. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the 1993 Survey of Certified Commercial Applicators of Non-Agricultural Pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2220. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1998–99 Zante Currant Raisins" (Docket FV99–989–3 IFR) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2221. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds; Update of Weed Lists" (Docket 98–063–2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 558) To Prevent the Shutdown of the Government at the Beginning of a Fiscal Year if a New Budget Is Not Yet Enacted (Rept. No. 106–15).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 278: A bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico (Rept. No. 106–16).

S. 293: A bill to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College (Rept. No. 106–17).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. Specter, Mr. Wyden, Mr. Schumer, Mr. Smith of Oregon, Mr. Daschle, Mr. Leahy, Mr. Torricelli, Mr. Akaka, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Bryan, Mr. Chafee, Mr. Cleland, Mr. Dodd, Mr. Durbin, Mr. Harkin, Mr. Jeffords, Mr. Johnson, Mr. Kerrey, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, and Mr. Wellstone):

S. 622. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. Dorgan):

S. 623. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURNS (for himself and Mr. Baucus):

S. 624. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Torricelli, Mr. Biden, and Mr. Sessions):

S. 625. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself and Mr. Brownback):

S. 626. A bill to provide from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. Brownback, Mr. Burns, Mr. Smith of New Hampshire, Mr. Coverdell, Mr. McCain, Mr. Inhofe, Mr. Ashcroft, Mr. Bunning, Mr. Allard, Mr. Gramm, Mr. Gorton, Mr. DeWine, Mr. Grams, Mr. Bond, Mr. Domenici, Mr. Sessions, Mr. Helms, Mr. Craig, and Mr. Crapo):

S. 627. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Ms. Collins, Mr. Cochran, Mr. Conrad, Mr. Wyden, and Mr. Jeffords):

S. 628. A bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. Craig):

S. 629. A bill to amend the Federal Crop Insurance Act and the Agricultural Market Transition Act to provide for a safety net to producers through cost of production crop insurance coverage, to improve procedures used to determine yields for crop insurance, to improve the noninsured crop assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURNS (for himself and Mr. Baucus):

S. 630. A bill to provide for the preservation and sustainability for the family farm through the transfer of responsibility for operation and maintenance of the Flathead Irrigation Project, Montana; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. Brownback, Mr. Bingaman, Mr. Inouye, Mr. Levin, Mr. Hollings, and Mr. Durbin):

S. 631. A bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. Abraham, Mr. Chafee, Mr. Graham, Mr. Bond, Mr. Domenici, Mr. Kennedy, Mr. Durbin, Mr. Burns, and Mr. Dodd):

S. 632. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 633. A bill to amend title II of the Social Security Act to require that investment decisions regarding the social security trust funds be made on the basis of the best interests of beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. Harkin, Mr. Helms, Mr. Mack, Mr. Robb, Mr. Gorton, Mr. Kyl, and Mr. Roberts):

S. 634. A bill to suspend certain sanctions with respect to India and Pakistan; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. Grams, Mr. Lieberman, and Mr. Kyl):

S. 635. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment; to the Committee on Finance.

By Mr. REED:

S. 636. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 637. A bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. EDWARDS, Mr. HAGEL, Mr. CLELAND, Mr. MCCAIN, Mr. HARKIN, Mr. KERRY, Mr. ROBB, Mr. REED, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 61. A resolution commending the Honorable J. Robert Kerrey, United States Senator from Nebraska, on the 30th anniversary of the events giving rise to his receiving the Medal of Honor; considered and agreed to.

By Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. AKAKA, Mrs. BOXER, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. GORTON, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, and Mr. TORRICELLI):

S. Res. 62. A resolution proclaiming the month of January 1999 as "National Cervical Health Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LEAHY, Mr. JOHNSON, Mr. HELMS, and Mr. BUNNING):

S. Res. 63. A resolution recognizing and honoring Joe DiMaggio; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. LEAHY, Mr. TORRICELLI, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CHAFEE, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE):

S. 622. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES PREVENTION ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SPECTOR, Senator WYDEN, Senator SCHUMER, and Senator SMITH in introducing the Hate Crimes Prevention Act of 1999. This bill has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, the National Gay and Lesbian Task Force, the National Organization for Women Legal Defense and Education Fund, the National Coalition Against Domestic Violence and The Consortium for Citizens with Disabilities Rights Task Force.

Congress has a responsibility to act this year to deal with the festering problem of hate crimes. The silence of Congress on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress has been A.W.O.L.

Few crimes tear more deeply at the fabric of our society than hate crimes. These despicable acts injure the victim, the community, and the nation itself. The brutal murders in Texas, Wyoming, and most recently in Alabama have shocked the conscience of the nation. Sadly, these three crimes are only the tip of the hate crimes iceberg. We need to do more—much more—to combat them.

I'm convinced that if Congress acted today, and President Clinton signed our bill tomorrow, we'd have fewer hate crimes in all the days that follow.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close these glaring gaps in present law. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back.

Our bill does not undermine the role of the states in investigating and prosecuting hate crimes. States will continue to take the lead. But the full power of federal law should also be available to investigate, prosecute, and punish these crimes.

The Hate Crimes Prevention Act of 1999 addresses two serious deficiencies in the principal federal hate crimes statutes, 18 U.S.C. §245, which applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, the statute requires the government to prove that the defendant committed an offense not only because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" enumerated in the statute. These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

Second, the statute provides no coverage for hate crimes based on the victim's sexual orientation, gender, or disability. Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation amends 18 U.S.C. §245 to address each of these limitations. In cases involving racial, religious, or ethnic violence, the bill prohibits the intentional infliction of bodily injury without regard to the victim's participation in one of the six "federally protected activities". In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the bill prohibits the intentional infliction of bodily injury whenever the act has a nexus, as defined in the bill, to interstate commerce. These provisions will permit the federal government to work in partnership with state and local officials in the investigation and prosecution of hate crimes. I urge the Senate to act quickly on this important legislation, and I look forward to working with my colleagues to bring it to a vote. I ask unanimous consent that the bill and a more detailed description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crimes Prevention Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

"(i) death results from the acts committed in violation of this paragraph; or

"(ii) the acts omitted in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

"(I) death results from the acts committed in violation of this paragraph; or

"(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

"(ii) the offense is in or affects interstate or foreign commerce.".

SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 6. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2000, 2001 and 2002 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SUMMARY OF THE HATE CRIMES PREVENTION ACT OF 1999

The Hate Crimes Prevention Act of 1999 creates a three-tiered system for the federal prosecution of hate crimes under 18 U.S.C. §245, as follows:

1. The bill leaves 18 U.S.C. §245(b)(2) unchanged. That provision prohibits the intentional interference, or attempted interference, with a person's participation in one of six specifically enumerated "federally protected activities" on the basis of the person's race, color, religion, or national origin. These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

2. The bill adds a new provision, 18 U.S.C. §245(c)(1), which prohibits the intentional infliction of bodily injury on the basis of race, color, religion, or national origin. This new provision does not require a showing that the defendant committed the offense because of the victim's participation in a federally protected activity. However, an offense under the new 18 U.S.C. §245(c)(1) will be prosecuted as a felony only, and a showing of bodily injury or death or of an attempt to cause bodily injury or death through the use of fire, a firearm, or an explosive device is required. Other attempts will not constitute offenses under this section.

3. The bill adds another new provision, 18 U.S.C. §245(c)(2), which prohibits the intentional infliction of bodily injury or death (or an attempt to inflict bodily injury or death) through the use of fire, a firearm, or an explosive device on the basis of religion, gender, sexual orientation, or disability. Like 18 U.S.C. §245(c)(1), this provision authorizes the prosecution of felonies only, and excludes most attempts, while omitting the "federally protected activity" requirement. Unlike 18 U.S.C. §245(c)(1), this provision requires proof of a Commerce Clause nexus as an element of the offense.

4. For prosecutions under both of the new provisions, a certification by the Attorney General or other senior Justice Department official that "a prosecution by the United States is in the public interest and necessary to secure substantial justice."

FEDERALIZATION

It is expected that the Hate Crimes Prevention Act of 1999 will result in only a modest increase in the number of hate crimes prosecutions brought by the federal government. The intent is to ensure that the federal government will limit its prosecutions of hate crimes to cases that implicate the greatest federal interest and present a clear need for federal intervention. The Act is not intended, for example, to federalize all rapes or all acts of domestic violence.

The bill requires a nexus to interstate commerce for hate crimes based on sexual orientation, gender, or disability. This requirement, which the government must prove beyond a reasonable doubt as an element of the offense, will limit federal jurisdiction in these categories to cases that involve clear federal interests.

The bill excludes misdemeanors and limits federal hate crimes based on sexual orientation, gender, or disability to those involving bodily injury or death (and a limited set of attempts to cause bodily injury or death). These limitations will limit federal cases to truly serious offenses.

18 U.S.C. §245 already requires a written certification by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a specially designated Assistant Attorney General that "a prosecution by the United States is in the public interest and necessary to secure substantial justice." This requirement will apply to the new crimes in the Act.

EXISTING FEDERAL LAW AND THE NEED FOR EXPANDED JURISDICTION

1. The "Federally Protected Activity" requirement of 18 U.S.C. §245(b)(2)

18 U.S.C. §245(b)(2) has been the principal federal hate crimes statute for many years. It prohibits the use of force, or threat of force, to injure, intimidate, or interfere with (or to attempt to injure, intimidate, or interfere with) "any person because of his race, color, religion, or national origin" and because of his participation in any of six "federally protected activities" specifically enumerated in the statute. The six enumerated "federally protected activities" are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

Federal jurisdiction exists under 18 U.S.C. §245(b)(2) only if a crime motivated by racial, ethnic, or religious hatred has been committed with the intent to interfere with the victim's participation in one or more of the six federally protected activities. Even in the most blatant cases of racial, ethnic, or religious violence, no federal jurisdiction exists under this section unless the federally protected activity requirement is satisfied. This requirement has limited the ability of federal law enforcement officials to work with state and local officials in the investigation and prosecution of many incidents of brutal, hate-motivated violence and has led to acquittals in several cases in which the Department of Justice has found a need to assert federal jurisdiction.

The most important benefit of concurrent state and federal criminal jurisdiction is the ability of state and federal law enforcement officials to work together as partners in the investigation and prosecution of serious hate crimes. When federal jurisdiction has existed in the limited contexts authorized by 18 U.S.C. §245(b)(2), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations often have provided a valuable investigative assistance to local investigators. By working cooperatively, state and federal law enforcement officials have the best chance of bringing the perpetrators of hate crimes swiftly to justice.

The work of the National Church Arson Task Force is a useful precedent. Created in 1996 to address the rash of church arsons across the country, the Task Force's federal prosecutors and investigators from ATF and the FBI have collaborated with state and local officials in the investigation of every church arson since then. The results of these state-federal partnerships have been impressive. Thirty-four percent of the joint state-federal church arson investigations conducted by the Task Force resulted in arrests of one or more suspects on state or federal charges. This arrest rate is more than double the normal 16 percent arrest rate in all arson cases nationwide, most of which are investigated by local officials without federal assistance. More than 80 percent of the suspects in joint state-federal church arson investigations by the Task Force have been prosecuted in state court under state law.

2. Violent hate crimes based on sexual orientation, gender, or disability

Current federal law does not prohibit hate crimes based on the victim's sexual orientation, gender, or disability.

a. Sexual Orientation

Statistics gathered by the federal government and private organizations indicate that a significant number of hate crimes based on the sexual orientation of the victim are committed every year in the United States. Data collected by the FBI pursuant to the Hate Crimes Statistics Act indicate that 1,102 bias incidents based on the sexual orientation of the victim were reported to local law enforcement agencies in 1997; that 1,256 such incidents were reported in 1996; and 1,019 and 677 such incidents were reported in 1995 and 1994, respectively. The National Coalition of Anti-Violence Programs (NCAVP), a private organization that tracks bias incidents based on sexual orientation, reported 2,445 such incidents in 1997; 2,529 in 1996; 2,395 in 1995; and 2,064 in 1994.

Even the higher statistics reported by NCAVP may significantly understate the number of hate crimes based on sexual orientation actually committed in this country. Many victims of anti-lesbian and anti-gay incidents do not report the crimes to local law enforcement officials because they fear a hostile response or mistreatment. According to the NCAVP survey, 12% of those who reported hate crimes based on sexual orientation to the police in 1996 stated that the police response was verbally or physically abusive.

b. Gender

Although acts of violence committed against women traditionally have been viewed as "personal attacks" rather than as hate crimes, a significant number of women are exposed to terror, brutality, serious injury, and even death because of their gender. In the enactment of the Violence Against Women Act (VAWA) in 1994, Congress recognized that some violent assaults committed against women are bias crimes rather than mere "random" attacks. The Senate Report on VAWA, which created a federal civil cause of action for victims of gender-based hate crimes, stated: "The Violence Against Women Act aims to consider gender-motivated bias crimes as seriously as other bias crimes. Whether the attack is motivated by racial bias, ethnic bias, or gender bias, the results are often the same. The victims are reduced to symbols of hatred; they are chosen not because of who they are as individuals but because of their class status. The violence not only wounds physically, it degrades and terrorizes, instilling fear and inhibiting the lives of all those similarly situated. 'Placing this violence in the context of the civil rights laws recognizes it for what it is—a hate crime.'" Senate Repot No. 103-138 (1993) (quoting testimony of Prof. Burt Neuborne.)

The majority of states do not specifically prohibit gender-based hate crimes. All 50 states have statutes prohibiting rape and other crimes typically committed against women, but only 17 states have hate crimes statutes that include gender among the categories of prohibited bias motives.

The federal government should have jurisdiction to work with state and local law enforcement officials in the investigation of violent gender-based hate crimes and, where appropriate in rare circumstances, to bring federal prosecutions to vindicate the strong federal interest in combating the serious gender-based hate crimes of violence.

Enactment of the Hate Crimes Prevention Act will not result in the federalization of all rapes, other sexual assaults, or acts of domestic violence. The intent is to ensure that the federal government's investigations and prosecutions of gender-based hate crimes will be strictly limited to the most flagrant cases.

c. Disability

Congress has shown a consistent commitment over the past decade to the protection of persons with disabilities from discrimination. In amendments to the Fair Housing Act in 1988, and the Americans With Disabilities Act in 1990, Congress extended protections to persons with disabilities in many traditional civil rights contexts.

The Hate Crimes Prevention Act is a measured response to a critical problem facing the Nation. It will make the federal government a full partner in the battle against hate crimes. In recognition of State and local efforts, the Act also provides grants to states and local governments to combat hate crimes, including programs to train local law enforcement officers in investigating, prosecuting and preventing hate crimes.

• Mr. WYDEN. Mr. President, the legislation I am proud to be a principal cosponsor of again today is a referendum on whether Congress will tolerate acts born out of prejudice. Every hate-filled attack, whether the target is a young gay man in Alabama or Wyoming or an African American man in Jasper, Texas, is an attack on all Americans. We must not allow such acts to stain our national greatness.

Our nation is committed to the ideal that all men and women are created equal, and protected equally in the eyes of the law. But some people aren't getting the message. It is high time to drive that message home.

The 1999 Hate Crimes Prevention Act will put bigots and racists on notice: hate and bigotry will not be tolerated in America.

This bill will close the loopholes in the current hate crimes laws. Right now, there's a patchwork of hate crimes laws in states across the country. This bill will provide a unified, Federal approach in how to deal with these despicable crimes.

It puts an end to the double standard where Federal authorities can help states and localities prosecute crimes motivated by ethnicity, religion, race, and color, but not those motivated by gender, disability, or sexual orientation. This bill would finally extend federal hate crime laws to cover attacks against women, gays and lesbians, people with disabilities.

It also removes the current straightjacket on local law enforcement seeking Federal help to prosecute hate crimes. Current law targets hate crimes that are committed against victims who are performing a federally protected act, like voting, or eating in a restaurant. But a hate crime is a hate crime, regardless of what the victims are doing when they're attacked.

With this legislation, we could prosecute under Federal law the thugs who murdered James Byrd, Matthew Shepard, and Billy Jack Gaither, as well as other victims.

No one is suggesting that the Federal government should override local law enforcement authorities. This bill will complement, not supplant, the work of local law enforcement in investigating and prosecuting hate crimes. It gives these local authorities more tools in prosecuting these crimes. If they need assistance in prosecuting a hate crime, then Federal authorities would be available to assist them—to make sure that justice is served.

Of course, no legislation can ever make up for the loss of any victim of a hate crime. But we can honor their memories by doing our best to make sure that crimes like these never happen again.●

Mr. LEAHY. Mr. President, I again urge prompt consideration and passage of Hate Crimes Prevention Act. I cosponsored this measure in the last Congress and do so again this year. This bill would amend the federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It would also focus the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual preference, gender, or disability.

As the Ranking Member of the Judiciary Committee, I look forward to working on hearings next month on this important initiative. Violent crime motivated by prejudice demands attention from all of us. It is not a new problem, but recent incidents of hate crimes have shocked the American conscience. The beating death of Matthew Shepard in Wyoming was one of those crimes; the dragging death of James Byrd in Texas was another. The recent murder of Billy Jack Gaither in Alabama appears to be yet another. These are sensational crimes, the ones that focus public attention. But there is a toll we are paying each year in other hate crimes that find less notoriety, but with no less suffering for the victims and their families.

It remains painfully clear that we as a nation still have serious work to do in protecting all Americans and ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. This continues that great and honorable tradition.

Several of us come to this issue with backgrounds in local law enforcement. We support local law enforcement and work for initiatives that assist law enforcement. It is in that vein that I support the Hate Crimes Prevention Act, which has received strong bipartisan support from state and local law enforcement organizations across the country.

When the Committee takes up the issue of hate crimes next month, one of the questions that must be addressed is whether the bill as drafted is sufficiently respectful of state and local law enforcement interests. I welcome such questions and believe that Congress should think carefully before federalizing prohibitions that already exist at the state level.

To my mind, there is nothing questionable about the notion that hate crimes warrant federal attention. As evidenced by the national outrage at the Byrd, Shepard, and Gaither murders, hate crimes have a broader and more injurious impact on our national society than ordinary street crimes. The 1991 murder in the Crown Heights section of Brooklyn, New York, of an Hasidic Jew, Yankel Rosenbaum, by a youth later tried federally for violation of the hate crime law, showed that hate crimes may lead to civil unrest and even riots. This heightens the federal interest in such cases, warranting enhanced federal penalties, particularly if the state declines the case or does not adequately investigate or prosecute it.

Beyond this, hate crimes may be committed by multiple offenders who belong to hate groups that operate across state lines. Criminal activity with substantial multi-state or international aspects raises federal interests and warrants federal enforcement attention.

Current law already provides some measure of protection against excessive federalization by requiring the Attorney General to certify all prosecutions under the hate crimes statute as being "in the public interest and necessary to secure substantial justice." We should be confident that this provision is sufficient to ensure restraint at the federal level under the broader hate crimes legislation that we introduce today. I look forward to examining that issue and considering ways to guard against unwarranted federal intrusions under this legislation. In the end, we should work on a bipartisan basis to ensure that the Hate Crimes Prevention Act operates as intended, strengthening federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 623. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Environment and Public Works.

DAKOTA WATER RESOURCES ACT OF 1999

Mr. CONRAD. I rise today to introduce the Dakota Water Resources Act of 1999, as cosponsored by my colleague, Senator DORGAN. Our colleague, Congressman POMEROY, is introducing identical legislation in the House of Representatives today.

Mr. President, the Dakota Water Resources Act represents a fiscally responsible, environmentally sound, treaty-compliant approach to completing the Garrison project. The U.S. Senate is well aware of the history of failed promises on water development projects on the Missouri River. The 1944 Flood Control Act authorized six main-stem dams along the Missouri River. These structures flooded about 550,000 acres of land in North Dakota. These were prime agricultural lands that were flooded. We were promised that we would get certain things in return for the loss of these lands. We were promised that we would get a major water project for the State of North Dakota. Unfortunately, only part of that promise has been kept.

You can see here the kinds of things that have happened. This is the town of Elbowoods, July 7, 1954. This town is now under water. It is not the only town that is under water. Town after town along the Missouri was flooded in order to give protection to downstream

States, to remove from them the flood threat that so long had devastated them economically.

We accepted the permanent flood, a flood that came and has never gone. That flood has cost our State tremendously. All we are asking is that the promise that was made to us in exchange for flooding these 550,000 acres now be kept.

Mr. President, the Dakota Water Resources Act would assure North Dakota an adequate supply of quality water for municipal, rural, and industrial purposes. In fact, without these amendments, many communities in North Dakota will be forced to be without clean and reliable water supplies.

I think you can see these two jars. This is water that is delivered to rural North Dakotans via a pipeline. It is clean. It is healthy. It is wholesome.

This is the typical water supply for rural North Dakotans. It looks like coffee or dark tea. This is actually what comes out when you turn on your spigot in the homes of many of the people in rural North Dakota. This is like living in the Third World. I tell my colleagues, there is nothing quite like getting ready to step into a bathtub of water when it looks like this; even worse, to have your child getting ready to step into a bathtub of water that looks like this. This is absolutely at the heart of what we are trying to accomplish with the Dakota Water Resources Act, to provide clean, healthy supplies of water to our population.

Mr. President, water development is essential for economic development, agriculture, recreation and improving the environment. The legislation that we are offering today will provide an adequate and dependable water supply throughout North Dakota, including communities in the Red River Valley.

This picture shows what we have faced in the past. This is 1910. This is the Red River, the famous Red River of the North. You could have walked across this river. You can see, at that point it was nothing more than a few puddles. It had virtually dried up. Now, since that time we have had major cities spring up, and we can't face a circumstance in which those towns would be high and dry. Fargo, ND—I think many people have heard of Fargo, ND—Grand Forks, ND; they are on the Red River. They depend, for their water supplies, on the Red River. Yet periodically in history the Red River all but dries up. We need to make certain that there is ample supplies of water so that we aren't facing that circumstance.

The bill that we are offering today is addressing the current water needs of our State. Those needs are significantly different than what we faced in 1944.

Let me briefly summarize the bill. It provides $300 million for statewide MR&I projects. It provides $200 million for tribal MR&I projects—in many cases, the water conditions on our reservations are even worse than the ones that I have shown that pertain in much of rural North Dakota—$200 million to deliver water to the Red River Valley to make certain that those towns and cities have reliable and adequate supplies of water; $40 million to replace the dangerous Four Bears Bridge that was required because of flooding that occurred, a bridge was built—that bridge is now badly out of date and dangerous—$25 million for a natural resources trust fund; $6.5 million for recreation projects; and an understanding that the State pays for the project facilities that it uses. We think that is a fundamental principle that ought to be recognized.

Those are the key elements of the bill that we are offering. Let me say, this bill is friendly to taxpayers as well, because our bill, while proposing $770 million of new authority to complete the project, deauthorizes many parts of the project that were previously authorized. The total project cost of the Dakota Water Resources Act would be roughly $1.5 billion, nearly $500 million less than the current cost of constructing the remainder of the 1986 project that is already authorized. In other words, we are trading in parts of the project that no longer make the most sense in exchange for new elements which do make sense, and we are doing it in a way that is cost-effective for the taxpayers, reducing the overall bill by $500 million.

Now, there are some, representing certain national environmental organizations that will remain unnamed here, who have said that this is nearly a billion dollars of new spending. They aren't telling the truth. That is not the truth. We are reducing the spending by deauthorizing certain features previously authorized in exchange for new ones, less costly ones that make sense in light of contemporary needs.

Mr. President, North Dakota has been waiting a long time, a long time for the promise to be kept to our State. It is desperately needed.

Mr. President, this legislation represents a fiscally responsible, environmentally sound, treaty-compliant approach to completing the Garrison Project that was promised in North Dakota. I look forward to continuing to work with Members of this body and the other body and the administration to advance this legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am happy to join my colleague, Senator CONRAD, on the introduction of the Dakota Water Resources Act of 1999. We have previously introduced similar legislation.

We worked on this legislation with the Governor of North Dakota, as well as the bi-partisan leadership in the State legislature in North Dakota, Tribal leaders, and many others. Republicans and Democrats together developed a piece of legislation that we think is not only good for our State and important for the State's long-term future, but which also completes the promise that was given our State many, many years ago.

I will not talk about the specific provisions of the bill in a way that will duplicate information which has already been provided, but let me again describe the story, just for a moment. People say, Water projects—this is some kind of proposal to enrich your region of the country. Well, there is more to the story.

In the 1940s, we had a wild Missouri River that would periodically flood in a very significant way, and in the downstream reaches of the river, Kansas City, MO, and elsewhere, areas would have massive spring flooding. The Federal Government said, Let's put some main stem dams on the Missouri River in order to control that flooding. As we put these dams on that river, we will also be able to generate electricity from those dams, so we will prevent flooding and provide electrical benefits. It will be a wonderful opportunity.

North Dakota, your deal in this is to accept a flood that comes and stays every year. You take a half-million-acre flood that comes to your State and stays there forever. If you are willing to play host to a flood forever, we will make you a deal. We know it is not in your interest to say, please, bring us a permanent flood, so if you do that, we will make you a deal. Accept a flood—the size of the State of Rhode Island, by the way—and when that flood comes, you can take the water from behind the reservoir and move it around your State for water development and quality purposes.

That was the original Garrison proposal. Now, that promise, that commitment has not been kept. The flood came; that part of the bargain has been kept. But we have not received the full flower of benefits that we would expect as a result of the Federal commitment. For that reason, we continue to insist that if your word is your bond and the Federal Government said take this flood and we will provide these benefits for your State, and we need these benefits for our State to be able to move good quality water around our State, for that reason we feel compelled to say to the Federal Government, finish the job.

That is what this legislation is about. It is not, as some environmental organizations insist, some new billion-dollar project. It is not that at all. In fact, what we are doing will, in a minor way, reduce the authorized project that already exists as a result of the 1965 authorization and the 1986 authorization. This bill makes the final adjustments to this project.

I have a series of charts which I will not go through, recognizing that the folks who are in charge of the timing of this institution want to go to lunch. Let me come back at a more appropriate time and go through all of my charts in great detail for the benefit of everyone.

I will only say in closing that my colleague and I feel that this is a very important project and a bipartisan piece of legislation that will be good for this country, allow our country to keep its promise and will especially be a good investment for North Dakota. My prepared remarks on the Dakota Water Resources Act will explain these points in greater detail.

Mr. President, the new bill has been substantially modified in the form of a substitute amendment (No. 3112) which we introduced on July 9, 1998. This revised bill represents a bi-partisan consensus carefully negotiated by the major elected officials in our State.

It's a water development bill that I am proud to sponsor. It reduces Federal costs, meets environmental and international obligations, and fulfills the Federal promise to address North Dakota's contemporary water needs.

This is still among the most important pieces of legislation I will introduce for my State. I emphasize once more that this is because the key to North Dakota's economic development is water resource management and development. And the key to water development in my State has come to be the Garrison Diversion Project in the Dakota Water Resources Act of 1999.

I want to share with my colleagues in greater detail the frustrating story of an unfulfilled promise to build a water project because some have questioned the rationale for the project. I want to explain why the people of North Dakota need and expect to have this promise fulfilled in the form of the Dakota Water Resources Act.

Over 100 years ago, John Wesley Powell of the U.S. Geological Survey predicted to the North Dakota Constitutional Convention that the lean years in agriculture would cause "thousands of people . . . (to) become discouraged and leave." He was referring to the difficulty of making a living on farms and ranches in a state with abundant water but limited rainfall.

Unfortunately, Powell's prediction is as telling today as it was in the last century. Thousands of North Dakotans are leaving the State for economic opportunities in cities such as Denver and Minneapolis. Due to this substantial out-migration only 7 North Dakota counties, or less than one in seven, had population increases in the past decade. What perhaps worries me even more is the fact that our farm youth population has declined by 50% in both of the last two decades. In other words, out-migration is pummeling our State's well-being and threatening our economic future.

I would say to my colleagues that the root of North Dakota's problem is twofold. One, we need to diversify our agricultural base so that family farmers can make a more dependable living. This requires access to water for the growth and processing of specialty crops to replace or augment the usual grains that North Dakota farmers have grown for decades. Second, we must provide reliable supplies of clean, affordable water needed for economic growth in towns and cities across North Dakota. Too many of them now lack dependable water supplies for municipal and industrial growth.

What we need, then, is water development. And we thought we would get it!

Over fifty years ago, the Federal Government began building a series of main stem dams on the Missouri River to provide flood protection, dependable river navigation and inexpensive hydropower—primarily for the benefit of states in the Lower Missouri Basin. The problem became acute when flooding during World War II disrupted the transport of war supplies and spawned disaster relief needs in a budget already over-stretched.

When North Dakota allowed the Garrison Dam and Reservoir to be built in the State (and the consequences of the Oahe Reservoir in South Dakota are added in), it agreed to host permanent floods that inundated 500,000 acres of prime farm land and the Indian communities on two reservations. The State and Tribes did so in exchange for a promise that the Federal Government would replace the loss of these economic and social assets with a major water development project, the Garrison Diversion Unit.

But 50 years later, the project is less than half done.

I would like to explain for the benefit of my colleagues just how this bill relates to the Federal commitment to my State, what progress has been made on that commitment, what remains to be done, and how this bill will complete the project in a prudent way.

May I remind my colleagues that the State lost a half million acres of prime farm land, a major component of its overall economic base. To grasp the size of this negative impact, I ask my colleagues to think of flooding a chunk of farm land the size of Rhode Island. As a result, North Dakota has lost hundreds of millions of dollars in farm income. Think, too, of Indian Tribes that lost their traditional homelands, their economic and social base, hospitals and roads, and a healthy lifestyle. Their lives were disrupted and their culture was turned upside down.

We were promised, in exchange, a major water and irrigation project. It was designed to help meet the agricultural needs of a semi-arid state that gets only 15–17 inches of rainfall per year. We originally expected the resources to irrigate over a million acres of land, most of it in areas less productive than the land lost to the Garrison Reservoir. The Federal Government eventually started a scaled-down version of the project, with 250,000 acres of irrigation. In response to criticisms that the project was too costly and too environmentally disruptive, a federal commission proposed a major revision in 1984 and made recommendations on how to meet the State's contemporary water needs.

But make no mistake, the promise remained. The Garrison Diversion Unit Commission stated:

> 1. The State of North Dakota deserves a federally-funded water project, at least some of which should be in the form of irrigation development, for land lost through inundation by reservoirs of the Pick-Sloan Missouri Basin Program.
>
> 2. The Commission agrees with Congress that a moral commitment was made in 1944 to the Upper Basin States and Indian Tribes with the passage of the Flood Control Act of 1944. The language of the statute establishing this commission reinforces this view. The State of North Dakota sacrificed hundreds of thousands of acres, much of it prime river bottomland, for the greater benefit of the nation. In return, the Federal Government promised assistance in replacement of the economic base of the State and Indian Tribes. There is evidence this has not taken place.

In 1986, I renegotiated the project with the Reagan Administration, the House Interior Committee, and national environmental groups and these talks resulted in the Garrison Diversion Reformulation Act of 1986. The law implemented the Garrison Commission findings and recommendations and included a 130,000 acre irrigation project for the State and tribes, the promise of Missouri River water to augment water supplies in the Red River Valley, an installment on municipal, industrial, and rural (MR&I) water for communities across the State, the initial water systems for the Standing Rock, Fort Berthold, and Ft. Totten Indian reservations and a range of activities to mitigate and enhance wildlife and habitat.

So you may ask, "What progress has been made on the project?"

Although the promise of irrigation remains largely unfulfilled—with the exception of the Oakes Test Area—we have made substantial progress in laying the groundwork for water delivery and the provision of a partial network for MR&I supplies across the state.

Over one-third of North Dakotans now benefit from 25 MRI programs on four Indian reservations and in some 80 communities.

The Southwest Pipeline constructed by the Bureau of Reclamation has begun to solve water problems in the region where I grew up. For example, in my hometown of Regent the ranching family of Michelle McCormack used to struggle with coffee-colored water that stained their fixtures and clogged their distiller with sludge.

Their well barely provided enough water for a family of six, let alone a herd of cattle. Because of the Garrison Project, the McCormacks can now enjoy ample supplies of quality, clean water—something most of us take for granted. And they can make a better living to boot.

We have also taken great strides to mitigate wildlife areas impacted by the development of the McClusky and New Rockford Canals. We now have mitigated over 200% of the required lands, developed a Wetlands Trust Fund and programs, and begun to manage the former Lonetree Dam and Reservoir as a state wildlife conservation area. Incidentally, our new legislation would complete the process by de-authorizing the Lonetree features and converting them into a wildlife conservation area.

For a variety of reasons, though, we have not fully realized the promise of the 1986 Act. Despite some strides, we have yet to develop a major irrigation unit under the Garrison Diversion project. We have only been able to develop a pilot research plot near Oakes, which has validated the use of irrigation for growing high value crops in North Dakota. Under terms of the 1986 Act, we would have 130,000 acres of irrigation, which will be scaled back to 70,000 acres in the bill we introduce today. This will reduce project costs and target limited funds in the bill on high priority irrigation and MR&I water development.

We have completed Phase 1 of Municipal, Rural and Industrial development for three Indian tribes. There remains well over $200 million in needs to complete projects on all four reservations which will meet the charge of the Garrison Reformulation Act for the Secretary of the Interior "to meet the economic, public health, and environmental needs" of North Dakota tribes. From hearings I have held on the reservations, I can tell you that tribal members have some of the worst water problems in the nation and we must fulfill the 1986 mandate. Our new legislation will provide $200 million to meet the critical water needs of North Dakota's four Indian nations.

We have developed major elements of a water delivery system for the Red River Valley. But the Bureau of Reclamation is currently reviewing that issue with the State of North Dakota to determine the best way to meet the needs of Fargo, Grand Forks, and other communities throughout the Red River Valley.

Let me illustrate the severity of the problem for the valley by noting that in many years in this century, the Red River either has slowed to a trickle or stopped running altogether. Imagine a major city that depends on a river for its municipal and industrial water supply and that river stops running. That is why our bill provides $200 million to meet the critical water needs for the most populous part of our state. But let me add that this money will be fully repaid by water users.

Finally, we have dozens of communities awaiting the promise of reliable supplies of clean and usable water. In several hearings I have held up bottles of coffee-like water from the McCormack ranch and several others, which have not yet been served by such projects as the Southwest Pipeline or the Northwest Area Water System.

Patsy Storhoff's family, for one, has to haul and store water for their household use. At times, they make 1,400 gallons last up to three weeks—what most families tap in just five days. She sometimes tells her kids they have to postpone a bath in order to conserve scarce water because the neighbor who hauls their water won't get to Nome for a couple more days. Although when you pause to think about it, taking a bath in coffee-like water is a liquid oxymoron.

In part because the State would forego 60,000 acres of irrigation in this bill and because we have realized only half of the Garrison Commission's promise of MR&I water for nearly 400,000 North Dakotans, we do provide $300 million for MR&I development across the state. That amount, plus the existing $200 million in authority for MR&I, will roughly match the amount promised by the Commission and the 1986 Act.

So the Dakota Water Resources Act provides $700 million in new authority for water development, of which $200 million is fully repayable. In order to complete this project, however, North Dakota has had to make some major changes. In November of 1997, the delegation introduced the Dakota Water Resources Act as a bill that reflected a consensus of the bi-partisan elected leadership of the state, major cities, four tribal governments, water users, conservation groups, the State Water Coalition, and the Garrison Conservancy District.

In a word, the bill scaled back irrigation from 130,000 to 70,000 acres, provided new resources to complete the major MR&I delivery systems for the four Indian tribes and the state's water supply network, and provided a process for choosing the best way to address Red River Valley water needs. It also made wildlife conservation a project purpose, expanded the Wetlands Trust into a more robust Natural Resources Trust, funded a critical bridge on the Ft. Berthold Reservation and a few priority recreation projects.

Subsequently, the Bureau of Reclamation raised several questions and concerns about the bill which we have addressed in a series of negotiations and discussions over the past months. The revisions mainly address reducing costs, meeting tough environmental standards, strengthening compliance with an international border agreement, and reaffirming the role of the Secretary of the Interior in decision-making. The bi-partisan elected leaders embraced those changes and have agreed to re-introduce the Dakota Water Resources Act with the same language as the substitute amendment (No. 3112) which I offered with Senator CONRAD last year.

Mr. President, permit me to outline the specific provisions in the new version of the bill:

1. Retain the cost share of 25% for MR&I projects, along with a credit for cost share contributions exceeding that amount. This, in place of a 15% cost share.

2. Reimburse the federal government for the share of the capacity of the main stem delivery features which are used by the state. This, instead of writing off these features.

3. Index MR&I and Red River features only from the date of enactment, not since 1986.

4. Expressly bar any irrigation in the Hudson's Bay Basin.

5. Give the Secretary of the Interior the authority to select the Red River Valley Water Supply feature and to determine the feasibility of any newly authorized irrigation areas in the scaled-back package.

6. Extend the Environmental Impact Studies period and firm up Boundary Waters Treaty measures.

Taken together with prior provisions, these changes achieve four purposes. First, they reduce costs by limiting indexing; by defining specific State responsibility for repayment of existing features instead of blanket debt forgiveness; by de-authorizing such major irrigation features as the Lonetree Dam and Reservoir, James River Feeder Canal and Sykeston Canal; and by retaining current law with respect to MR&I cost-sharing and repayment for Red River supply features.

Second, the changes affirm the decision making authority of the Secretary of the Interior on key issues. The Secretary consults with the State of North Dakota on the plan to meet the water needs of the Red River Valley but he makes the final selection of the plan that works best. The Secretary also negotiates cooperative agreements with the State on other aspects of the project. These arrangements protect the Federal interest while assuring that North Dakota is a partner in a project so closely linked to its destiny.

Third, the bill forthrightly addresses concerns of Canada. The U.S. and Canada have a mutual responsibility to abide by the Boundary Waters Treaty and other environmental conventions. The Dakota Water Resources Act states in the purpose that the United States must comply strictly with the Treaty. It further bars any irrigation in the Hudson's Bay drainage with water diverted from the Missouri River, thus limiting biota transfer between basins. Again, the Secretary of

Interior chooses the Red River Valley water supply plan, but if that choice entails diversion of Missouri River water, then it must be fully treated with state-of-the-art purification and screening to prevent biota transfer. And as noted before, the bill de-authorizes the Lonetree features to which Canada previously had objected.

Fourth, the revised bill strengthens environmental protection and does so by incorporating the specific recommendations of North Dakota wildlife and conservation groups. It lengthens the periods for completing Environmental Impact Statements. It also protects the Sheyenne Lake National Wildlife Refuge. Moreover, it preserves the role of the Secretary of the Interior on compliance matters and drops the provision that called for a study of bank stabilization on the Missouri River.

In other words, these measures improve even more the proposals in the 1985 Garrison Commission Report on how to meet North Dakota's contemporary water needs. This sounds reasonable, but how does it stack up against the fiscal and environmental challenges of 1999?

Irrespective of the Federal commitment to North Dakota, the State has not even received a proportional share of Bureau of Reclamation funds. Although my state includes six percent of the population in western states, it has received only two percent of Bureau funding.

Next, most Bureau projects were awarded to augment water development and economic growth, not to compensate states for losses suffered from the construction of flood control projects by the Corps of Engineers. So just on the equities, North Dakota has a fair claim to complete Garrison project.

The revised bill will also save the American taxpayer $500 million—when compared to the cost of completing the current project. Moreover, of the $770 million in new authority in the revised bill, North Dakota will repay $345 million—almost half. There is no blanket debt retirement because North Dakota will pay for all facilities it uses.

Moreover, this bill is not just about costs, though reduced and restrained, but about investments. The Dakota Water Resources Act underpins North Dakota's entire effort to stop the outmigration of its young people, the dwindling of family farms, and the decimation of rural communities. It is a charter for rural renewal and economic growth that will help family farms keep the yard lights burning and small towns keep their shop signs glowing.

Finally, this bill is environmentally sound. It does not destroy wetlands, it preserves them. It preserves grasslands and riparian habitat, too. It was not dreamed up by a water development group. It was drafted with the input of tribal and community leaders, local and national environmental groups, the bipartisan leadership of the state, and the Bureau of Reclamation and Office of Management and Budget. It reflects a balanced approach to water resource development that applies the principles of conservation while offering the hope of economic development.

Ultimately, this bill practices the policy of being a good neighbor that is the hallmark of our state. The Government of Canada approved the 1986 Garrison Act. This bill provides even more protection for Canadian interests. So while we can't appease the political agendas of certain folks in Canada, we can sure keep faith with the Boundary Waters Treaty. And we do.

In conclusion, the Dakota Water Resources Act of 1999 will guarantee that this project meets the tests of fiscal responsibility, environmental protection, and treaty compliance. It will do so while also addressing the critical water development needs of North Dakota and fulfilling the Federal obligation for water development for the communities and tribes of our State. Accordingly, I urge that my colleagues support the Dakota Water Resources Act of 1999.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 624. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

FORT PECK RURAL WATER SYSTEM

Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that is vitally important for the Northeast corner of my great state of Montana. As you are aware, water is the most valuable commodity in the West. Unfortunately, in many parts of the West the water available is unsafe to use. This is the case on the Fort Peck Reservation and in the surrounding communities.

These communities are currently dependent on water sources that are either unreliable or contaminated. In some areas the ground water is in short supply, in others high levels of nitrates, sulfates, manganese, iron, dissolved solids and other contaminates ensure that the water is not only unusable for human consumption, but even unusable for livestock. Quite simply, the water is not safe.

Safe drinking water is a necessity in all communities, however, these communities have a very unique set of needs that underscore the importance of clean water. This legislation would ensure the Assiniboine and Sioux people of the Fort Peck Reservation a safe and reliable water supply system. One of the largest reservations in the nation, the Fort Peck Reservation is located in Northeastern Montana and is the home of more than 10,000 people. In addition to a 75 percent unemployment rate, the residents suffer from unusually high incidents of heart disease, high blood pressure and diabetes.

These health problems are magnified by the poor drinking water currently available on the reservation. In one community, the sulfate levels in the water are four times the standard for safe drinking water. In four other communities, the iron levels are five times the standard. Some families have even been forced to abandon their homes as a result of the substandard water quality.

In many cases, residents of the reservation purchased bottled water to avoid illness. While this isn't a big deal to those who can afford it, we are dealing with an area living in extreme poverty. To add insult to injury, one of the largest man made reservoirs in the United States is right down the road. Why must we continue to ask the residents of these communities to place their health at risk when a clean, safe, stable source of water is readily available?

The economic health of the region is also affected by the poor water supply. In fact, a major constraint on the growth of the livestock industry around Fort Peck has been the lack of an adequate watering site for cattle. Only an adequate water system will solve this problem, and hopefully serve to spur economic activity on the reservation. Recently the administration designated this area as an "Empowerment Zone." The purpose of this designation is to help the tribal government enhance the economic and social well-being of the area's residents. What better foundation can we provide than a safe and reliable water infrastructure. This region's aspirations towards being healthy, both economically and physically, will continue to be stifled until we reach out a helping hand and work towards providing a safe water system.

This legislation, which has the support of Fort Peck residents and the endorsement of the Tribal Council of the Assiniboine and Sioux Tribes, would authorize a reservation-wide municipal, rural and industrial water system for the Fort Peck Reservation. A safe and reliable source of water would improve the health status of the residents and increase the region's attractiveness for economic development.

As the future water needs of the Fort Peck Reservation expand, I believe that it is only right that we take action now. The people of the Fort Peck Reservation and the State of Montana are making a simple request—clean, safe drinking water.

• Mr. BAUCUS. Mr. President, I rise today with my colleague, Senator BURNS, to introduce the "Fort Peck Reservation Rural Water System Act of 1999." This bill, which is broadly supported, will ensure the Assiniboine and Sioux people of the Fort Peck Reservation, as well as the surrounding communities in my great state of Montana, something that each and every-one one of us in this body take for granted everyday—a safe and reliable water supply.

This legislation authorizes a municipal, rural and industrial water system for the Fort Peck Reservation and the surrounding communities off the Reservation who compose the Dry Prairie Water Association. Using a small amount of water from the Missouri River, this project will benefit the entire region of Northeast Montana. This legislation has the support of the State of Montana, the residents of the Fort Peck Reservation, the Tribal Council of the Assiniboine and Sioux Tribes, and all of the towns and communities surrounding the Reservation.

I am proud to sponsor this legislation because it represents the coming together of people who have traditionally been divided on many issues. The need for water has surfaced a tremendous show of friendship and trust in Northeast Montana. This project has given the Fort Peck Assiniboine and Sioux Tribes and the off-Reservation public common ground to work towards and provided the trust needed for rural communities to grow and prosper. The need for water exists not only for drinking, but also for agricultural, municipal, and industrial purposes.

Together, the people in this region are plagued with major drinking water problems. The Reservation and surrounding communities are clearly in desperate need of a safe and good source of drinking water. In one community, the sulfate levels in the water are four times the standard for safe drinking water. In four of the communities, iron levels are five times the standard. Sadly, some residents have been forced to abandon their homes and their farms because their only source of water has been polluted with brine from oil production.

In all of the communities throughout the Reservation, groundwater exceeds the standards for total dissolved solids, iron, sulfates, and nitrates. In some instances, more lethal minerals such as selenium, manganese, and fluorine are found in high concentrations.

In the area north of Culbertson, nitrate levels are too high to safely use ground water. Along the Eastern borders, from Froid to Plentywood, the high manganese, iron and total dissolved solids, make treating the water very expensive. In the Northeast, near Westby, there is oil field contamination from seismographing and salt water injection methods.

In the middle of the service area, near Flaxville, nitrates and sulfates exceed safe drinking water standards also. Finally, in the west, in the St. Marie area, ground water is so hard and in such short supply that it is unusable. In addition, several local water systems have had occurrences of biological contamination.

As a result of the poor water that exists here, the Indian Health Service has issued several public health alerts. In most communities in this region, residents are forced to buy bottled water at a cost of at least $75 a month. Those who cannot afford to buy bottled water—of whom there are many,—must continue to use the existing water sources, at great risk to their health. Yet, despite the above mentioned health risks, an ideal source of safe water, the Missouri River, flows past these people every day.

In addition to the need for safe drinking water, an adequate source of water is needed to preserve and protect agricultural operations. As you know Mr. President, Northeast Montana relies almost exclusively on agriculture to survive. The changing agricultural industry has brought high unemployment and low family income to this area. To compete in these challenging times, most agriculture producers in rural America are adding value to the products they grow. To add value however, you must have processing facilities that allow you to manufacture a high quality, finished product. The people of Northeast Montana do not have the quality of water needed to support industry of this kind. The region's ability to supply employment and compete in agriculture is destroyed without essential infrastructure.

I have described a desperate and complex situation, Mr. President. The solution however, is simple. We need to provide a water system that will deliver a safe and good source of water to the residents of the Region. Fortunately, most of the work has been done. By working together on a local and state level, these groups have struck a deal that provides an adequate source of water for all who need it, for this generation of users and for future generations. By using a small amount of water from the Missouri River, combined with the structure this bill provides, residents of Northeast Montana will be able to enjoy the same, safe water supply that you and I do.

I look forward to swift passage of this legislation.●

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. BIDEN, and Mr. SESSIONS):

S. 625. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

THE BANKRUPTCY REFORM ACT OF 1999

Mr. GRASSLEY. Mr. President, I rise today to introduce "The Bankruptcy Reform Act of 1999" with Senators TORRICELLI and BIDEN. This bill builds on the conference report which the Senate and House produced at the end of the 105th Congress, which melded together good legislation from both the Senate and the House to create a final product that combined the best aspects of both bills.

The bill I'm introducing today makes important changes to the conference report from last year to accommodate concerns raised by some Senators.

The need for real bankruptcy reform is pretty obvious. You don't need an army of so-called scientists, law professors and academics to tell us that we have a serious bankruptcy problem.

These are good times in America. Thanks to the hard work of a Republican Congress, we have the first balanced budget in a generation. Unemployment is low, we have a solid stock market and most Americans are optimistic about the future.

Despite the prosperity we are experiencing now, About one and a half million Americans will declare bankruptcy this year if previous trends continue. Since 1990, the rate of personal bankruptcy filings are up an amazing 94.7 percent. That's almost a 100 percent increase in bankruptcies since 1990.

Clearly something is amiss, and to paraphrase, "it's not the economy stupid." The problem with the explosion in bankruptcies lies elsewhere. While many Americans who declare bankruptcy undoubtedly need a fresh start, it defies common sense to think that all of the million and a half Americans in bankruptcy court can't repay at least some of their debts. The point of bankruptcy reform is to limit chapter 7—which provides for a no-questions asked complete discharge of debts—to people who don't have the ability to repay any of their debts. People who can repay some or all of their debts should be required to do so in a chapter 13 repayment plan.

An important aspect to remember about bankruptcies is that we all have to pick up the tab for bankrupts who walk away from their debts. Businesses have to raise prices on products and services to offset bankruptcy losses. When you realize this, it becomes very apparent that allowing unfettered access to chapter 7 bankruptcy for high income people is a lot like a special interest tax loophole. Over 30 years ago, Senator Albert Gore, Sr. recognized this in a speech on the Senate floor. According to Senator Gore, like tax loopholes, chapter 7 allows someone to get out of paying his fair share and to shift the cost to hardworking Americans who play by the rules.

I think that Senator Gore had it exactly right. Bankruptcy reform is all about closing loopholes so higher income can't get out of paying their fair share.

As I indicated earlier, the bill I'm introducing now contains significant modifications to accommodate the concerns raised by some Senators. At the outset, I want to make it clear that, as was the case with the original Senate bill from last Congress, under this bill, a person in financial trouble can file in any chapter of the bankruptcy code he or she chooses. And before a debtor can be transferred from chapter 7 to chapter 13 or kicked out of bankruptcy, a judge will have the chance to review the merits of each and every case. I want to repeat this: Each and every chapter 7 debtor who meets the means-test will receive an individual hearing to press his or her own unique case before anything happens. In other words, this bill maintains much of the judicial scrutiny and discretion that was the distinguishing factor of the Senate bill's means-test in the 105th Congress. In the bill Senator TORRICELLI and I are introducing today, there is more flexibility given to the bankruptcy judge.

Under the Grassley-Torricelli bill, there are even greater consumer protections than were in last year's conference report. For instance, in order to protect consumers from deceptive and coercive collection Practices, the Justice Department and the FBI are directed to appoint one agent and one prosecutor to investigate abusive or deceptive reaffirmation practices. Sears recently plead guilty in Massachusetts to bankruptcy fraud in connection with its business practices in seeking reaffirmations, and agreed to pay 60 million dollars in fines.

I think this shows that we already have tough laws on the books regarding reaffirmations. What we need is better law enforcement, not new laws. That's why we require the Justice Department and the FBI to designate a person to investigate reaffirmation practices. Under the Grassley-Torricelli bill, State attorney generals may enforce State criminal statutes similar to those under which Sears was prosecuted, and the State attorney generals are given the express authority to enforce consumer protections already in the bankruptcy code. Taken together, these provisions amount to a massive infusion of Federal and State law enforcment resources for the purpose of protecting consumers in bankruptcy court from abusive collection tactics.

The Grassley-Torricelli bill retains all the protections for child support in last year's conference report, with important new additions. Now, bankruptcy trustees would be required to notify State enforcment agencies of a bankrupt's address and telephone number if the bankrupt owes child support. This means that the bankruptcy court will now help to track down dead-beat parents.

Also, the bill I'm introducing today also provides that debts incurred prior to bankruptcy to pay off non-dischargeable debts will still be dischargeable if the bankrupt owes child support. This means that child support will never have to compete with this new category of non-dischargeable debt after bankruptcy. Taken together, these provisions will provide key new protections for child support claimants.

Mr. President, in addition to the consumer provisions, the Grassley-Torricelli bill also contains numerous changes to improve the bankruptcy code for businesses. The bill makes numerous changes to the treatment of tax claims in bankruptcy, and I expect that these provision will be refined on the floor as the Finance Committee makes some suggestions.

The bill also creates a new chapter 15 to address the growing problem on transnational bankruptcies.

The bill contains provisions to make chapter 12 permanent and to expand access to chapter 12.

The bill contains an entire title dedicated to expediting chapter 11 proceedings for small businesses.

One business-related provision I want to high-light relates to protecting patients when hospitals and health-care businesses declare bankruptcy. I chaired a hearing on this topic last year and I was shocked to realize that the bankruptcy code doesn't require bankruptcy trustees and creditor committees to consider the welfare of patients when closing down or re-organizing a hospital or nursing home. So, under the Grassley-Torricelli bill, whenever a hospital or nursing home declares bankruptcy a patient ombudsman will be appointed to represent the interests of patients during bankruptcy proceedings. And bankruptcy trustees are required to safeguard the privacy of medical records when closing a health care business. These provisions will provide significant protections for patients in bankruptcy proceedings.

Mr. President, this bill contains many much-needed reforms. This bill is fair, balanced and should receive strong bi-partisan support. I ask unanimous consent to print the bill in the RECORD as there is much public interest in bankruptcy reform and I want to get as much information out as possible. I also ask unanimous consent to print in the RECORD a summary of the major differences between this bill and the conference report from last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Notice of alternatives.
Sec. 104. Debtor financial management training test program.
Sec. 105. Credit counseling.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Violations of the automatic stay.
Sec. 204. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Priorities for claims for domestic support obligations.
Sec. 212. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 213. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 214. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 215. Continued liability of property.
Sec. 216. Protection of domestic support claims against preferential transfer motions.
Sec. 217. Amendment to section 1325 of title 11, United States Code.
Sec. 218. Definition of domestic support obligation.
Sec. 219. Collection of child support.

Subtitle C—Other Consumer Protections

Sec. 221. Definitions.
Sec. 222. Disclosures.
Sec. 223. Debtor's bill of rights.
Sec. 224. Enforcement.
Sec. 225. Sense of Congress.
Sec. 226. Additional amendments to title 11, United States Code.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Exemptions.
Sec. 308. Residency requirement for homestead exemption.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of the Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.

Sec. 320. Prompt relief from stay in individual cases.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Rolling stock equipment.
Sec. 402. Adequate protection for investors.
Sec. 403. Meetings of creditors and equity security holders.
Sec. 404. Protection of refinance of security interest.
Sec. 405. Executory contracts and unexpired leases.
Sec. 406. Creditors and equity security holders committees.
Sec. 407. Amendment to section 546 of title 11, United States Code.
Sec. 408. Limitation.
Sec. 409. Amendment to section 330(a) of title 11, United States Code.
Sec. 410. Postpetition disclosure and solicitation.
Sec. 411. Preferences.
Sec. 412. Venue of certain proceedings.
Sec. 413. Period for filing plan under chapter 11.
Sec. 414. Fees arising from certain ownership interests.
Sec. 415. Creditor representation at first meeting of creditors.
Sec. 416. Elimination of certain fees payable in chapter 11 bankruptcy cases.
Sec. 417. Definition of disinterested person.
Sec. 418. Factors for compensation of professional persons.
Sec. 419. Appointment of elected trustee.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 421. Flexible rules for disclosure statement and plan.
Sec. 422. Definitions; effect of discharge.
Sec. 423. Standard form disclosure statement and plan.
Sec. 424. Uniform national reporting requirements.
Sec. 425. Uniform reporting rules and forms for small business cases.
Sec. 426. Duties in small business cases.
Sec. 427. Plan filing and confirmation deadlines.
Sec. 428. Plan confirmation deadline.
Sec. 429. Prohibition against extension of time.
Sec. 430. Duties of the United States trustee.
Sec. 431. Scheduling conferences.
Sec. 432. Serial filer provisions.
Sec. 433. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 434. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 435. Payment of interest.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

Sec. 601. Audit procedures.
Sec. 602. Improved bankruptcy statistics.
Sec. 603. Uniform rules for the collection of bankruptcy data.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Effective notice to government.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Tolling of priority of tax claim time periods.
Sec. 706. Priority property taxes incurred.
Sec. 707. Chapter 13 discharge of fraudulent and other taxes.
Sec. 708. Chapter 11 discharge of fraudulent taxes.
Sec. 709. Stay of tax proceedings.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Amendments to other chapters in title 11, United States Code.
Sec. 803. Claims relating to insurance deposits in cases ancillary to foreign proceedings.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Bankruptcy Code amendments.
Sec. 902. Damage measure.
Sec. 903. Asset-backed securitizations.
Sec. 904. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS

Sec. 1001. Reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1004. Certain claims owed to governmental units.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Special tax provisions.
Sec. 1208. Effect of conversion.
Sec. 1209. Allowance of administrative expenses.
Sec. 1210. Priorities.
Sec. 1211. Exemptions.
Sec. 1212. Exceptions to discharge.
Sec. 1213. Effect of discharge.
Sec. 1214. Protection against discriminatory treatment.
Sec. 1215. Property of the estate.
Sec. 1216. Preferences.
Sec. 1217. Postpetition transactions.
Sec. 1218. Disposition of property of the estate.
Sec. 1219. General provisions.
Sec. 1220. Abandonment of railroad line.
Sec. 1221. Contents of plan.
Sec. 1222. Discharge under chapter 12.
Sec. 1223. Bankruptcy cases and proceedings.
Sec. 1224. Knowing disregard of bankruptcy law or rule.
Sec. 1225. Transfers made by nonprofit charitable corporations.
Sec. 1226. Protection of valid purchase money security interests.
Sec. 1227. Extensions.
Sec. 1228. Bankruptcy judgeships.

TITLE XIII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1301. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion" and inserting ", panel trustee or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case; or

"(II) $15,000.

"(ii) The debtor's monthly expenses shall be the applicable monthly (excluding payments for debts) expenses under standards issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent.

"(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

"(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; divided by

"(II) 60.

"(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

"(I) the total amount of debts entitled to priority; divided by

"(II) 60.

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly total income. In order to establish special circumstances, the debtor shall be required to—

"(I) itemize each additional expense or adjustment of income; and

"(II) provide—

"(aa) documentation for such expenses; and

"(bb) a detailed explanation of the special circumstances that make such expenses necessary and reasonable.

"(ii) The debtor, and the attorney for the debtor if the debtor has an attorney, shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

"(iii) The presumption of abuse may be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) multiplied by 60 to be less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims; or

"(II) $15,000.

"(C)(i) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

"(ii) The Supreme Court shall promulgate rules under section 2075 of title 28, that prescribe a form for a statement under clause (i) and may provide general rules on the content of the statement.

"(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

"(A) whether the debtor filed the petition in bad faith; or

"(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.".

(b) DEFINITION.—Title 11, United States Code, is amended—

(1) in section 101, by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 180-day period preceding the date of determination; and

"(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent);"; and

(2) in section 704—

(A) by inserting "(a)" before "The trustee shall—"; and

(B) by adding at the end the following:

"(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days before the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall not later than 30 days after receiving a statement filed under paragraph (1) file a motion to dismiss or convert under section 707(b), or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be appropriate. If, based on the filing of such statement with the court, the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) the highest national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

"(B) in the case of a household of 1 person, the national or applicable State median household income for 1 earner, whichever is greater.

"(3)(A) The court shall order the counsel for the debtor to reimburse the panel trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

"(i) a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection; and

"(ii) the court—

"(I) grants that motion; and

"(II) finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

"(4)(A) Except as provided in subparagraph (B) and subject to paragraph (5), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion was not substantially justified; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

"(5) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have a total current monthly income equal to or less than the national or applicable State median family monthly income calculated on a monthly basis for a family of equal size.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 13.".

SEC. 103. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b)(1) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter I of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28.

"(2) The notice shall contain the following:

"(A) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

"(B) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee for that district.".

SEC. 104. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall—

(1) consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors; and

(2) develop a financial management training curriculum and materials that may be used to educate individual debtors concerning how to better manage their finances.

(b) TEST.—

(1) IN GENERAL.—The Director shall select 3 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) AVAILABILITY OF CURRICULUM AND MATERIALS.—For a 1-year period beginning not later than 270 days after the date of enactment of this Act, the curriculum and materials referred to in paragraph (1) shall be made available by the Director, directly or indirectly, on request to individual debtors

in cases filed during that 1-year period under chapter 7 or 13 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 1-year period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the report of the National Bankruptcy Review Commission issued on October 20, 1997, that are representative of consumer education programs carried out by—

(i) the credit industry;

(ii) trustees serving under chapter 13 of title 11, United States Code; and

(iii) consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding the evaluation under paragraph (1), the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs.

SEC. 105. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit credit counseling service described in section 111(a) an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit credit counseling services for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.".

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.".

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).".

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and a list of instructional courses concerning personal financial management that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 of this title is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.".

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made in the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).".

SEC. 203. VIOLATIONS OF THE AUTOMATIC STAY.

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) any communication (other than a recitation of the creditor's legal rights) threatening a debtor (for the purpose of coercing an agreement for the reaffirmation of debt), at any time after the commencement and before the granting of a discharge in a case under this title, of an intention to—

"(A) file a motion to—

"(i) determine the dischargeability of a debt; or

"(ii) under section 707(b), to dismiss or convert a case; or

"(B) repossess collateral from the debtor to which the stay applies.".

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) In General.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by inserting "and" at the end; and

(iii) by adding at the end the following:

"(C)(i) the consideration for such agreement is based on a wholly unsecured consumer debt; and

"(ii) such agreement contains a clear and conspicuous statement that advises the debtor that—

"(I) the debtor is entitled to a hearing before the court at which—

"(aa) the debtor shall appear in person; and

"(bb) the court shall decide whether the agreement constitutes an undue hardship, is not in the debtor's best interest, or is not the result of a threat by the creditor to take an action that, at the time of the threat, that the creditor may not legally take or does not intend to take; and

"(II) if the debtor is represented by counsel, the debtor may waive the debtor's right to a hearing under subclause (I) by signing a statement—

"(aa) waiving the hearing;

"(bb) stating that the debtor is represented by counsel; and

"(cc) identifying the counsel."; and

(B) in paragraph (6)(A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period and inserting "and"; and

(iii) by adding at the end the following:

"(iii) not an agreement that the debtor entered into as a result of a threat by the creditor to take an action that, at the time of the threat, the creditor could not legally take or did not intend to take."; and

(2) in subsection (d), in the third sentence, by inserting after "during the course of negotiating an agreement" the following: "(or if the consideration by such agreement is based on a wholly secured consumer debt, and the debtor has not waived the right to a hearing under subsection (c)(2)(C))".

(b) Law Enforcement.—

(1) In general.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt

"(a) In General.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt.

"(b) United States District Attorneys and Agents of the Federal Bureau of Investigation—The individuals referred to in subsection (a) are

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) Bankruptcy Investigations.—Each United States attorney designated under this section shall have primary responsibility for carrying out the duties of a United States attorney under section 3057.".

(2) Clerical amendment.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt.".

(c) Exceptions to Discharge.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) Nothing in this section or in any other provision of this title shall preempt any State law relating to unfair trade practices that imposes restrictions on creditor conduct that would give rise to liability—

"(1) under this section; or

"(2) under section 524, for failure to comply with applicable requirements for seeking a reaffirmation of debt.

"(g) Actions by States.—The attorney general of a State, or an official or agency designated by a State—

"(1) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d) or section 524(c); and

"(2) may bring an action in a State court to enforce a State criminal law that is similar to section 152 or 157 of title 18.".

Subtitle B—Priority Child Support

SEC. 211. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated, by striking "Third" and inserting "Fourth";

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First, allowed claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied:

"(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or parent, or is filed by a governmental unit on behalf of that person.

"(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.".

SEC. 212. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.";

(2) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that become payable after the date on which the petition is filed."; and

(3) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before or after the petition was filed) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 213. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement of an action or proceeding for—

"(i) the establishment of paternity as a part of an effort to collect domestic support obligations; or

"(ii) the establishment or modification of an order for domestic support obligations; or

"(B) the collection of a domestic support obligation from property that is not property of the estate;";

(2) in paragraph (17), by striking "or" at the end;

(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(4) by inserting after paragraph (18) the following:

"(19) under subsection (a) with respect to the withholding of income under an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

"(20) under subsection (a) with respect to—

"(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(B) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)); or

"(C) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).".

SEC. 214. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)"; and

(3) in paragraph (15), by striking "governmental unit" and all through the end of the paragraph and inserting a semicolon.

SEC. 215. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

“(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));”; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting “of a kind that is specified in section 523(a)(5); or”.

SEC. 216. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

“(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or”.

SEC. 217. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.

Section 1325(b)(2) of title 11, United States Code, is amended by inserting “(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)” after “received by the debtor”.

SEC. 218. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

“(14A) ‘domestic support obligation’ means a debt that accrues before or after the entry of an order for relief under this title that is—

“(A) owed to or recoverable by—

“(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

“(ii) a governmental unit;

“(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

“(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

“(i) a separation agreement, divorce decree, or property settlement agreement;

“(ii) an order of a court of record; or

“(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

“(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.”.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking “and” at the end;

(B) in paragraph (9), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(10) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).”; and

(2) by adding at the end the following:

“(c)(1) In any case described in subsection (a)(10), the trustee shall—

“(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 654 and 666, respectively) for the State in which the holder resides; and

“(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

“(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

“(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

“(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

“(I) the granting of the discharge;

“(II) the last recent known address of the debtor; and

“(III) with respect to the debtor's case, the name of each creditor that holds a claim—

“(aa) that is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

“(bb) that was reaffirmed by the debtor under section 524(c).

“(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

“(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.”.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (d).”; and

(s) by adding at the end the following:

“(d)(1) In any case described in subsection (b)(6), the trustee shall—

“(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 654 and 666, respectively) for the State in which the holder resides; and

“(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

“(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim; and

“(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim;

“(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

“(I) the granting of the discharge;

“(II) the last recent known address of the debtor; and

“(III) with respect to the debtor's case, the name of each creditor that holds a claim—

“(aa) that is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

“(bb) that was reaffirmed by the debtor under section 524(c).

“(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

“(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.”.

Subtitle C—Other Consumer Protections

SEC. 221. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (3) the following:

“(3A) ‘assisted person’ means any person whose debts consist primarily of consumer debts and whose nonexempt assets are less than $150,000;”;

(2) by inserting after paragraph (4) the following:

“(4A) ‘bankruptcy assistance’ means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a proceeding under this title;”; and

(3) by inserting after paragraph (12A) the following:

“(12B) ‘debt relief agency’ means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include any person that is any of the following or an officer, director, employee, or agent thereof—

“(A) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(B) any creditor of the person to the extent the creditor is assisting the person to restructure any debt owed by the person to the creditor; or

“(C) any depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1751)), or any affiliate or subsidiary of such a depository institution or credit union;”.

(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting “101(3),” after “sections”.

SEC. 222. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

“§ 526. Disclosures

“(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

“(1) The written notice required under section 342(b)(1).

“(2) To the extent not covered in the written notice described in paragraph (1) and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

“(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title shall be complete, accurate, and truthful;

“(B) all assets and all liabilities shall be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset, as defined in section 506, shall be stated in those documents if requested after reasonable inquiry to establish such value;

“(C) total current monthly income, projected monthly net income and, in a case under chapter 13, monthly net income shall be stated after reasonable inquiry; and

“(D) information an assisted person provides during the case of that person may be audited under this title and the failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

“(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or a substantially similar statement. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

“‘IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

“‘If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

“‘The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

“‘Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

“‘If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

“‘If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

“‘If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

“‘Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.’.

“(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which may be provided orally or in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

“(1) how to value assets at replacement value, determine total current monthly income, projected monthly income and, in a case under chapter 13, net monthly income, and related calculations;

“(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

“(3) how to—

“(A) determine what property is exempt; and

“(B) value exempt property at replacement value, as defined in section 506.

“(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for a period of 2 years after the latest date on which the notice is given the assisted person.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525 the following:

“526. Disclosures.”.

SEC. 223. DEBTOR'S BILL OF RIGHTS.

(a) DEBTOR'S BILL OF RIGHTS.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by adding at the end the following:

“§ 527. Debtor's bill of rights

“(a)(1) A debt relief agency shall—

“(A) not later than 5 business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but before that assisted person's petition under this title is filed—

“(i) execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment; and

“(ii) give the assisted person a copy of the fully executed and completed contract in a form the person is able to retain;

“(B) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the statement: ‘We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement; and

“(C) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: ‘We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement.

“(2) For purposes of paragraph (1)(B), an advertisement shall be of bankruptcy assistance services if that advertisement describes or offers bankruptcy assistance with a plan under chapter 12, without regard to whether chapter 13 is specifically mentioned. A statement such as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or any other similar statement that would lead a reasonable consumer to believe that help with debts is being offered when in fact in most cases the help available is bankruptcy assistance with a plan under chapter 13 is a statement covered under the preceding sentence.

“(b) A debt relief agency shall not—

“(1) fail to perform any service that the debt relief agency has told the assisted person or prospective assisted person the agency would provide that person in connection with the preparation for or activities during a proceeding under this title;

“(2) make any statement, or counsel or advise any assisted person to make any statement in any document filed in a proceeding under this title, that—

“(A) is untrue and misleading; or

“(B) upon the exercise of reasonable care, should be known by the debt relief agency to be untrue or misleading;

“(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, what services the debt relief agency may reasonably expect to provide that person, or the benefits an assisted person may obtain or the difficulties the person may experience if the person seeks relief in a proceeding under this title; or

“(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of that person filing a proceeding under this title or in order to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a proceeding under this title.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by inserting after the item relating to section 526 of title 11, United States Code, the following:

“527. Debtor’s bill of rights.”.

SEC. 224. ENFORCEMENT.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by adding at the end the following:

“§ 528. Debt relief agency enforcement

“(a) Any waiver by any assisted person of any protection or right provided by or under section 526 or 527 shall be void and may not be enforced by any Federal or State court or any other person.

“(b)(1) Any contract between a debt relief agency and an assisted person for bankruptcy assistance that does not comply with the material requirements of section 526 or 527 shall be treated as void and may not be enforced by any Federal or State court or by any other person.

“(2) Any debt relief agency that has been found, after notice and hearing, to have—

“(A) negligently failed to comply with any provision of section 526 or 527 with respect to a bankruptcy case or related proceeding of an assisted person;

“(B) provided bankruptcy assistance to an assisted person in a case or related proceeding which is dismissed or converted because the debt relief agency’s negligent failure to file bankruptcy papers, including papers specified in section 521; or

“(C) negligently or intentionally disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such debt relief agency shall be liable to the assisted person in the amount of any fees and charges in connection with providing bankruptcy assistance to such person that the debt relief agency has already been paid on account of that proceeding.

“(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 526 or 527, the State—

“(A) may bring an action to enjoin such violation;

“(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

“(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

“(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

“(5) Notwithstanding any other provision of Federal law, if the court, on its own motion or on the motion of the United States trustee, finds that a person intentionally violated section 526 or 527, or engaged in a clear and consistent pattern or practice of violating section 526 or 527, the court may—

“(A) enjoin the violation of such section; or

“(B) impose an appropriate civil penalty against such person.

“(c) This section and sections 526 and 527 shall not annul, alter, affect, or exempt any person subject to those sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by inserting after the item relating to section 527 of title 11, United States Code, the following:

“528. Debt relief agency enforcement.”.

SEC. 225. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 226. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) Section 507(a) of title 11, United States Code, as amended by section 211 of this Act, is amended by inserting after paragraph (9) the following:

“(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.”.

(b) Section 523(a)(9) of title 11, United States Code, is amended by inserting “or vessel” after “vehicle”.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking “by a court” and inserting “on a prisoner by any court”,

(2) by striking “section 1915(b) or (f)” and inserting “subsection (b) or (f)(2) of section 1915”, and

(3) by inserting “(or a similar non-Federal law)” after “title 28” each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

“(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease will terminate with respect to the debtor on the 30th day after the filing of the later case;

“(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

“(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

“(i) as to all creditors, if—

“(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

“(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

“(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor’s attorney);

“(bb) provide adequate protection as ordered by the court; or

“(cc) perform the terms of a plan confirmed by the court; or

“(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 of this title, or any other reason to conclude that the later case will be concluded—

“(aa) if a case under chapter 7 of this title, with a discharge; or

“(bb) if a case under chapter 11 or 13 of this title, with a confirmed plan which will be fully performed; and

“(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

“(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

“(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

“(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

“(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

“(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

“(i) as to all creditors if—

“(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

“(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor’s attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

“(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 213 of this Act, is amended—

(1) in paragraph (19), by striking "or" at the end;

(2) in paragraph (20), by striking the period at the end; and

(3) by inserting after paragraph (20) the following:

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(22) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so redesignated—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7 of this title, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor within 45 days after the first meeting of creditors under section 341(a)—

"(A) enters into an agreement with the creditor under section 524(c) with respect to the claim secured by such property; or

"(B) redeems such property from the security interest under section 722."; and

(C) by adding at the end the following:

"(b) If the debtor fails to so act within the 45-day period specified in subsection (a)(6), the personal property affected shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)"; and

(B) by redesignating subsection (h), as amended by section 227 of this Act, as subsection (j) and by inserting after subsection (g) the following:

"(h)(1) Subject to paragraph (2), in an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim, or subject to an unexpired lease, if the debtor fails within the applicable period of time set by section 521(a)(2) to—

"(A) file timely any statement of intention required under section 521(a)(2) with respect to that property or to indicate therein that the debtor—

"(i) will either surrender the property or retain the property; and

"(ii) if retaining the property, will, as applicable—

"(I) redeem the property under section 722;

"(II) reaffirm the debt the property secures under section 524(c); or

"(III) assume the unexpired lease under section 365(p) if the trustee does not do so; or

"(B) take timely the action specified in that statement of intention, as the statement may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) shall not apply if the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 521, as amended by section 304 of this Act—

(A) in subsection (a)(2), as redesignated—

(i) by striking "consumer";

(ii) in subparagraph (B)—

(I) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a)"; and

(II) by striking "forty-five day period" and inserting "30-day period"; and

(iii) in subparagraph (C), by inserting "except as provided in section 362(h)" before the semicolon; and

(B) by adding at the end the following:

"(c) If the debtor fails timely to take the action specified in subsection (a)(6), or in paragraph (1) or (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under that lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the debt that is the subject of the claim was incurred within the 5-year period preceding the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 6-month period preceding that filing.".

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section 221 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. EXEMPTIONS.

Section 522(b)(2)(A) of title 11, United States Code, is amended—

(1) by striking "180" and inserting "730"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place".

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 307 of this Act, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n) For purposes of subsection (b)(2)(A), and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent such value is attributable to any portion of any property that the debtor disposed of in the 730-day period ending on the date of the filing of the petition, with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b) if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) Stopping Abusive Conversions From Chapter 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) Giving Debtors the Ability To Keep Leased Personal Property by Assumption.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If within 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 of this title in which the debtor is an individual and in a case under chapter 13 of this title, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) Adequate Protection of Lessors and Purchase Money Secured Creditors.—

(1) In general.—Subchapter I of chapter 13 of title 11, United States Code, is amended by inserting after section 1307 the following:

"§ 1308. Adequate protection in chapter 13 cases

"(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2), to—

"(i) any lessor of personal property; and

"(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

"(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

"(i) the creditor begins to receive actual payments under the plan; or

"(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

"(I) the lessor or creditor; or

"(II) any third party acting under claim of right.

"(2) The payments referred to in paragraph (1)(A) shall be the contract amount.

"(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount, and timing of the dates of payment, of payments made under subsection (a).

"(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

"(B) The amount of payments referred to in paragraph (1) shall not be less than the amount of any weekly, biweekly, monthly, or other periodic payment schedules as payable under the contract between the debtor and creditor.

"(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides for—

"(1) payments to a creditor or lessor described in subsection (a)(1); and

"(2) the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

"(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.

"(e) On or before the date that is 60 days after the filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide each creditor or lessor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

(2) Clerical amendment.—The table of sections for chapter 13 of title 11, United States Code, is amended, in the matter relating to subchapter I, by inserting after the item relating to section 1307 the following:

"1308. Adequate protection in chapter 13 cases.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 303(b) of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

"(24) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law; or

"(25) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by adding at the end the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

"(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

"(xiv) personal effects (including wedding rings and the toys and hobby equipment of minor dependent children) of the debtor and the dependents of the debtor.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor or the dependents of the debtor);

"(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques;

"(iv) jewelry (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A)(A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228(a), 1228(b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt;

"(B) except that all debts incurred to pay nondischargeable debts shall be presumed to be nondischargeable debts if incurred within 70 days before the filing of the petition (except that, in any case in which there is an allowed claim under section 502 for child support or spousal support entitled to priority under section 507(a)(1) and that was filed in a timely manner, debts that would otherwise be presumed to be nondischargeable debts by reason of this subparagraph shall be treated as dischargeable debts);".

(b) DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (4), (3)(B), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(2) by adding at the end the following:

"(d) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

"(e) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (d) with respect to a particular case.

"(f)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

"(2) No sanction under section 362(h) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 305 of this Act, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

"(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

"(vi) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

"(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(2) by adding at the end the following:

"(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

"(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

"(B) The court shall make such plan available to the creditor who requests such plan—

"(i) at a reasonable cost; and

"(ii) not later than 5 days after such request.

"(e) An individual debtor in a case under chapter 7 or 13 shall file with the court—

"(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(f)(1) A statement referred to in subsection (e)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (f).

"(g)(1) Not later than 30 days after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(h) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by section 315 of this Act, is amended by adding at the end the following:

"(i)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

(a) HEARING.—Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not later than 45 days after the meeting of creditors under section 341(a).".

(b) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

"§ 1321. Filing of plan

"Not later than 90 days after the order for relief under this chapter, the debtor shall file a plan, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Section 1322(d) of title 11, United States Code, is amended to read as follows:

"(d)(1) Except as provided in paragraph (2), the plan may not provide for payments over a period that is longer than 3 years.

"(2) The plan may provide for payments over a period that is longer than 3 years if—

"(A) the plan is for a case that was converted to a case under this chapter from a case under chapter 7, in which case the plan shall provide for payments over a period of 5 years; or

"(B) the plan is for a case that is not described in subparagraph (A), and the court, for cause, approves a period longer than 3 years, but not to exceed 5 years.".

SEC. 319. SENSE OF THE CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that Rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

"(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

“(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term ‘rolling stock equipment’ includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.”.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

“§1110. Aircraft equipment and vessels

“(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

“(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

“(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

“(i) before the date of the order is cured before the expiration of such 60-day period;

“(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

“(I) the date that is 30 days after the date of the default; or

“(II) the expiration of such 60-day period; and

“(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

“(3) The equipment described in this paragraph—

“(A) is—

“(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

“(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

“(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

“(1) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term ‘security interest’ means a purchase-money equipment security interest.”.

SEC. 402. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

“(48A) ‘securities self regulatory organization’ means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*-3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);”.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 311 of this Act, is amended—

(1) in paragraph (24), by striking “or” at the end;

(2) in paragraph (25), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (25) the following:

“(26) under subsection (a), of—

“(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization’s regulatory power;

“(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization’s regulatory power; or

“(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements.”.

SEC. 403. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.”.

SEC. 404. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking “10” each place it appears and inserting “30”.

SEC. 405. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

“(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

“(i) the date that is 120 days after the date of the order for relief; or

“(ii) the date of the entry of an order confirming a plan.

“(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.”.

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: “On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.”.

SEC. 407. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103-394) as subsection (i); and

(2) by adding at the end the following:

“(j)(1) Notwithstanding section 545 (2) and (3), the trustee may not avoid a warehouseman’s lien for storage, transportation or other costs incidental to the storage and handling of goods.

“(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7-209 of the Uniform Commercial Code.”.

SEC. 408. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking “20” and inserting “45”.

SEC. 409. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) by striking “(A) the; and inserting “(i) the”;

(2) by striking “(B)” and inserting “(ii)”;

(3) by striking “(C)” and inserting “(iii)”;

(4) by striking “(D)” and inserting “(iv)”;

(5) by striking “(E)” and inserting “(v)”;

(6) in subparagraph (A), by inserting “to an examiner, trustee under chapter 11, or professional person” after “awarded”; and

(7) by adding at the end the following:

“(B) In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.”.

SEC. 410. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

“(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.”.

SEC. 411. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

“(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

“(B) made according to ordinary business terms;”;

(2) in paragraph (7) by striking “or” at the end;

(3) in paragraph (8) by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.”.

SEC. 412. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting “, or a nonconsumer debt against a noninsider of less than $10,000,” after “$5,000”.

SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking “On” and inserting “(1) Subject to paragraph (1), on”; and

(2) by adding at the end the following:

“(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

“(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.”.

SEC. 414. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking “dwelling” the first place it appears;

(2) by striking “ownership or” and inserting “ownership,”;

(3) by striking “housing” the first place it appears; and

(4) by striking “but only” and all that follows through “but nothing in this paragraph” and inserting “or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, and until such time as the debtor or trustee has surrendered any legal, equitable or possessory interest in such unit, such corporation, or such lot, but nothing in this paragraph”.

SEC. 415. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: “Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.”.

SEC. 416. ELIMINATION OF CERTAIN FEES PAYABLE IN CHAPTER 11 BANKRUPTCY CASES.

(a) AMENDMENTS.—Section 1930(a)(6) of title 28, United States Code, is amended—

(1) in the first sentence by striking “until the case is converted or dismissed, whichever occurs first”; and

(2) in the second sentence—

(A) by striking “The” and inserting “Until the plan is confirmed or the case is converted (whichever occurs first) the”; and

(B) by striking “less than $300,000;” and inserting “less than $300,000. Until the case is converted, dismissed, or closed (whichever occurs first and without regard to confirmation of the plan) the fee shall be”.

(b) DELAYED EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 417. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

“(14) ‘disinterested person’ means a person that—

“(A) is not a creditor, an equity security holder, or an insider;

“(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

“(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;”.

SEC. 418. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

“(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field;”.

SEC. 419. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

“(B) Upon the filing of a report under subparagraph (A)—

“(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

“(ii) the service of any trustee appointed under subsection (d) shall terminate.

“(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.”.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 421. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) Notwithstanding subsection (b), in a small business case—

“(1) in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information;

“(2) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

“(3) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

“(4)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

“(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

“(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.”.

SEC. 422. DEFINITIONS; EFFECT OF DISCHARGE.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

“(51C) ‘small business case’ means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

“(51D) ‘small business debtor’—

“(A) subject to subparagraph (B), means a person (including any affiliate of such person that is also a debtor under this title) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $4,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has appointed under section 1102(a)(1) a committee of unsecured creditors that the court has determined is sufficiently active and representative to provide effective oversight of the debtor; and

“(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $4,000,000 (excluding debt owed to 1 or more affiliates or insiders);”.

(b) EFFECT OF DISCHARGE.—Section 524 of title 11, United States Code, as amended by section 204 of this Act, is amended by adding at the end the following:

“(j)(1) An individual who is injured by the willful failure of a creditor to substantially comply with the requirements specified in subsections (c) and (d), or by any willful violation of the injunction operating under subsection (a)(2), shall be entitled to recover—

"(A) the greater of—

"(i) the amount of actual damages; or

"(ii) $1,000; and

"(B) costs and attorneys' fees.

"(2) An action to recover for a violation specified in paragraph (1) may not be brought as a class action.".

(c) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 423. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of the enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 424. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§308. Debtor reporting requirements

"(1) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(2) A small business debtor shall file periodic financial and other reports containing information including—

"(A) the debtor's profitability;

"(B) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(C) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(D)(i) whether the debtor is—

"(I) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(II) timely filing tax returns and paying taxes and other administrative claims when due; and

"(ii) if the debtor is not in compliance with the requirements referred to in clause (i)(I) or filing tax returns and making the payments referred to in clause (i)(II), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(iii) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 425. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 426. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Title 11, United States Code, is amended by inserting after section 1114 the following:

"§1115. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file within 3 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns;

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(C) subject to section 363(c)(2), establish 1 or more separate deposit accounts not later than 10 business days after the date of order for relief (or as soon thereafter as possible if all banks contacted decline the business) and deposit therein, not later than 1 business day after receipt thereof, all taxes payable for periods beginning after the date the case is commenced that are collected or withheld by the debtor for governmental units, unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11, United States Code, is amended by inserting after the item relating to section 1114 the following:

"1115. Duties of trustee or debtor in possession in small business cases.".

SEC. 427. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 90 days after the date of the order for relief, unless that period is —

"(A) shortened on request of a party in interest made during the 90-day period;

"(B) extended as provided by this subsection, after notice and hearing; or

"(C) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 90 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 428. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the plan shall be confirmed not later than 150 days after the date of the order for relief, unless such 150-day period is extended as provided in section 1121(e)(3).".

SEC. 429. PROHIBITION AGAINST EXTENSION OF TIME.

Section 105(d) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)(B)(vi), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in a small business case, not extend the time periods specified in sections 1121(e) and 1129(e), except as provided in section 1121(e)(3).".

SEC. 430. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by inserting after paragraph (6) the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 431. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, as amended by section 429 of this Act, is amended—

(1) in the matter preceding paragraph (1) by striking ", may";

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and"; and

(3) in paragraph (2), by striking "unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure," and inserting "may".

SEC. 432. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, is amended—

(1) in subsection (j), as redesignated by section 305(1) of this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) against such entity shall be limited to actual damages."; and

(2) by inserting after subsection (j), as added by section 419 of this Act, the following:

"(k)(1) Except as provided in paragraph (2), the filing of a petition under chapter 11 of this title operates as a stay of the acts described in subsection (a) only in an involuntary case involving no collusion by the debtor with creditors and in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) Paragraph (1) does not apply to the filing of a petition if the debtor proves by a preponderance of the evidence that—

"(A) the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(B) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 433. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2), in subsection (c), and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

"(A) it is more likely than not that a plan will be confirmed within—

"(i) a period of time fixed under this title or by order of the court entered under section 1121(e)(3); or

"(ii) a reasonable period of time if no period of time has been fixed; and

"(B) if the reason is an act or omission of the debtor that—

"(i) there exists a reasonable justification for the act or omission; and

"(ii)(I) the act or omission will be cured within a reasonable period of time fixed by the court, but not to exceed 30 days after the court decides the motion, unless the movant expressly consents to a continuance for a specific period of time; or

"(II) compelling circumstances beyond the control of the debtor justify an extension.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, cause includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan; and

"(O) termination of a plan by reason of the occurrence of a condition specified in the plan.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking "or" at the end;

(2) in paragraph (2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee is in the best interests of creditors and the estate.".

SEC. 434. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General of the United States, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 435. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this

paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ", notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901 of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560," after "557,".

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

SEC. 601. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the disctrict in which the schedules were filed; and

"(iv) include procedures for providing, not less frequently than annually, public information concerning the aggregate results of the audits referred to in this subparagraph, including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

"(2) The United States trustee for each district may contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

"(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.".

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Paragraphs (3) and (4) of section 521(a) of title 11, United States Code, as amended by section 315 of this Act, are each amended by inserting "or an auditor appointed under section 586 of title 28" after "serving in the case" each place that term appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit performed under section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and any other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district court shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 and filed by those debtors;

"(B) the total current monthly income, projected monthly net income, and average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of the cases under each of subclauses (I) and (II), the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the date of filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under Rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel and damages awarded under such rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 603. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by inserting after section 589a the following:

"§ 589b. Bankruptcy data

"(a) Within a reasonable period of time after the effective date of this section, The Attorney General of the United States shall issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum practicable access of the public, by—

"(1) physical inspection at 1 or more central filing locations; and

"(2) electronic access through the Internet or other appropriate media.

"(c)(1) The information required to be filed in the reports referred to in subsection (b) shall be information that is—

"(A) in the best interests of debtors and creditors, and in the public interest; and

"(B) reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system.

"(2) In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(A) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system; and

"(B) economy, simplicity, and lack of undue burden on persons with a duty to file reports.

"(d)(1) Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall include with respect to a case under such title, by appropriate category—

"(A) information about the length of time the case was pending;

"(B) assets abandoned;

"(C) assets exempted;

"(D) receipts and disbursements of the estate;

"(E) expenses of administration;

"(F) claims asserted;

"(G) claims allowed; and

"(H) distributions to claimants and claims discharged without payment.

"(2) In cases under chapters 12 and 13 of title 11, final reports proposed for adoption by trustees shall include—

"(A) the date of confirmation of the plan;

"(B) each modification to the plan; and

"(C) defaults by the debtor in performance under the plan.

"(3) The information described in paragraphs (1) and (2) shall be in addition to such other matters as are required by law for a final report or as the Attorney General, in the discretion of the Attorney General, may propose for a final report.

"(e)(1) Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall include—

"(A) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(B) the length of time the case has been pending;

"(C) the number of full-time employees—

"(i) as of the date of the order for relief; and

"(ii) at the end of each reporting period since the case was filed;

"(D) cash receipts, cash disbursements, and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(E) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(F) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been so incurred); and

"(G) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

"(2) The information described in paragraph (1) shall be in addition to such other matters as are required by law for a periodic report or as the Attorney General, in the discretion of the Attorney General, may propose for a periodic report.".

(b) Technical Amendment.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) it should be the national policy of the United States that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public subject to such appropriate privacy concerns and safeguards as the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) Treatment of Certain Liens.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs, and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4).".

(b) Determination of Tax Liability.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. EFFECTIVE NOTICE TO GOVERNMENT.

(a) Effective Notice to Governmental Units.—Section 342 of title 11, United States Code, as amended by section 315(a) of this Act, is amended by adding at the end the following:

"(g)(1) If a debtor lists a governmental unit as a creditor in a list or schedule, any notice required to be given by the debtor under this title, applicable rule, other provision of law, or order of the court, shall identify the department, agency, or instrumentality through which the debtor is indebted.

"(2) The debtor shall identify (with information such as a taxpayer identification number, loan, account or contract number, or real estate parcel number, if applicable), and describe the underlying basis for the claim of the governmental unit.

"(3) If the liability of the debtor to a governmental unit arises from a debt or obligation owed or incurred by another individual, entity, or organization, or under a different name, the debtor shall identify that individual, entity, organization, or name.

"(h) The clerk shall keep and update on a quarterly basis, in such form and manner as the Director of the Administrative Office of the United States Courts prescribes, a register in which a governmental unit may designate or redesignate a mailing address for service of notice in cases pending in the district. The clerk shall make such register available to debtors.".

(b) Adoption of Rules Providing Notice.—

(1) In general.—Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference shall propose for adoption enhanced rules for providing notice to Federal, State, and local government units that have regulatory authority over the debtor or that may be creditors in the debtor's case.

(2) Persons notified.—The rules proposed under paragraph (1) shall be reasonably calculated to ensure that notice will reach the representatives of the governmental unit (or subdivision thereof) who will be the appropriate persons authorized to act upon the notice.

(3) Rules required.—At a minimum, the rules under paragraph (1) should require that the debtor—

(A) identify in the schedules and the notice, the subdivision, agency, or entity with respect to which such notice should be received;

(B) provide sufficient information (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit (or subdivision thereof) entitled to receive such notice to identify the debtor or the person or entity on behalf of which the debtor is providing notice in any case in which—

(i) the debtor may be a successor in interest; or

(ii) may not be the same entity as the entity that incurred the debt or obligation; and

(C) identify, in appropriate schedules, served together with the notice—

(i) the property with respect to which the claim or regulatory obligation may have arisen, if applicable;

(ii) the nature of such claim or regulatory obligation; and

(iii) the purpose for which notice is being given.

(c) EFFECT OF FAILURE OF NOTICE.—Section 342 of title 11, United States Code, as amended by subsection (a), is amended by adding at the end the following:

"(i) A notice that does not comply with subsections (d) and (e) shall not be effective unless the debtor demonstrates by clear and convincing evidence that—

"(1) timely notice was given in a manner reasonably calculated to satisfy the requirements of this section; and

"(2) either—

"(A) the notice was timely sent to the address provided in the register maintained by the clerk of the district in which the case was pending for such purposes; or

"(B) no address was provided in such list for the governmental unit and that an officer of the governmental unit who is responsible for the matter or claim had actual knowledge of the case in sufficient time to act.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

The second sentence of section 505(b) of title 11, United States Code, is amended by striking "Unless" and inserting "If the request is made substantially in the manner designated by the governmental unit and unless".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"If any provision of this title requires the payment of interest on a tax claim or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be as follows:

"(1) In the case of secured tax claims, unsecured ad valorem tax claims, other unsecured tax claims in which interest is required to be paid under section 726(a)(5), and administrative tax claims paid under section 503(b)(1), the rate shall be determined under applicable nonbankruptcy law.

"(2)(A) In the case of any tax claim other than a claim described in paragraph (1), the minimum rate of interest shall be a percentage equal to the sum of—

"(i) 3; plus

"(ii) the Federal short-term rate rounded to the nearest full percent, determined under section 1274(d) of the Internal Revenue Code of 1986.

"(B) In the case of any claim for Federal income taxes, the minimum rate of interest shall be subject to any adjustment that may be required under section 6621(d) of the Internal Revenue Code of 1986.

"(C) In the case of taxes paid under a confirmed plan or reorganization under this title, the minimum rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. TOLLING OF PRIORITY OF TAX CLAIM TIME PERIODS.

Section 507(a)(8)(A) of title 11, United States Code, as redesignated by section 221 of this Act, is amended—

(1) in clause (i), by inserting before the semicolon at the end, the following: ", plus any time during which the stay of proceedings was in effect in a prior case under this title, plus 6 months"; and

(2) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax, was pending or in effect during that 240-day period, plus 30 days;

"(II) the lesser of—

"(aa) any time during which an installment agreement with respect to that tax was pending or in effect during that 240-day period, plus 30 days; or

"(bb) 1 year; and

"(III) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 6 months.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(9)(B) of title 11, United States Code, as redesignated by section 221 of this Act, is amended by striking "assessed" and inserting "incurred".

SEC. 707. CHAPTER 13 DISCHARGE OF FRAUDULENT AND OTHER TAXES.

Section 1328(a)(2) of title 11, United States Code, as amended by section 228 of this Act, is amended by inserting "(1)," after "paragraph".

SEC. 708. CHAPTER 11 DISCHARGE OF FRAUDULENT TAXES.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS.

(a) SECTION 362 STAY LIMITED TO PREPETITION TAXES.—Section 362(a)(8) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", with respect to a tax liability for a taxable period ending before the order for relief under section 301, 302, or 303".

(b) APPEAL OF TAX COURT DECISIONS PERMITTED.—Section 362(b)(9) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) the appeal of a decision by a court or administrative tribunal which determines a tax liability of the debtor (without regard to whether such determination was made prepetition or postpetition).".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end; and

(2) in subparagraph (C), by striking "deferred cash payments, over a period not exceeding six years after the date of assessment of such claim," and all that follows through the end of the subparagraph, and inserting "regular installment payments—

"(i) of a total value, as of the effective date of the claim, equal to the allowed amount of such claim in cash, but in no case with a balloon payment; and

"(ii) beginning not later than the effective date of the plan and ending on the earlier of—

"(I) the date that is 5 years after the date of the filing of the petition; or

"(II) the last date payments are to be made under the plan to unsecured creditors; and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description on an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by striking the semicolon at the end and inserting ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law;".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid when due in the conduct of business unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches, by the trustee of a bankruptcy estate, under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of a claim described in subparagraph (B) or (C);".

(d) Payment of Taxes and Fees as Secured Claims.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i)—

(i) by inserting "or given" after "filed"; and

(ii) by striking "or" at the end; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following flush sentences:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

The second sentence of section 505(b) of title 11, United States Code, as amended by section 703 of this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, as amended by section 212 of this Act, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) if the debtor has filed all applicable Federal, State, and local tax returns as required by section 1309.".

(b) Additional Time Permitted for Filing Tax Returns.—

(1) In general.—Chapter 13 of title 11, United States Code, as amended by section 309(c) of this Act, is amended by adding at the end the following:

"§ 1309. Filing of prepetition tax returns

"(a) Not later than the day before the day on which the first meeting of the creditors is convened under section 341(a), the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 3-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the first meeting of creditors is convened under section 341(a), the trustee may continue that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that first meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that first meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request has been timely made, according to applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by clear and convincing evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to section 6020 (a) or (b) of the Internal Revenue Code of 1986, or a similar State or local law, or written stipulation to a judgment entered by a nonbankruptcy tribunal.".

(2) Conforming amendment.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1308 the following:

"1309. Filing of prepetition tax returns.".

(c) Dismissal or Conversion on Failure To Comply.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d), the following:

"(e) Upon the failure of the debtor to file a tax return under section 1309, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss the case.".

(d) Timely Filed Claims.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following ", and except that in a case under chapter 13 of this title, a claim of a governmental unit for a tax with respect to a return filed under section 1309 shall be timely if the claim is filed on or before the date that is 60 days after that return was filed in accordance with applicable requirements".

(e) Rules for Objections to Claims and to Confirmation.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference should, within a reasonable period of time after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, a governmental unit may object to the confirmation of a plan on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1309 and 1325(a)(7) of title 11, United States Code; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1309 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a full discussion of the potential material, Federal, State, and local tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor domiciled in the State in which the debtor resides or has its principal place of business typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by section 402 of this Act, is amended—

(1) in paragraph (25), by striking "or" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (26) the following:

"(27) under subsection (a), of the setoff of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, unless—

"(A) before that setoff, an action to determine the amount or legality of that tax liability under section 505(a) was commenced; or

"(B) in any case in which the setoff of an income tax refund is not permitted because of a pending action to determine the amount or legality of a tax liability, in which case the governmental unit may hold the refund pending the resolution of the action.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) In General.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.

"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.
"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition of a foreign proceeding.
"1516. Presumptions concerning recognition.
"1517. Order recognizing a foreign proceeding.
"1518. Subsequent information.
"1519. Relief that may be granted upon petition for recognition of a foreign proceeding.
"1520. Effects of recognition of a foreign main proceeding.
"1521. Relief that may be granted upon recognition of a foreign proceeding.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies if—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity identified by exclusion in subsection 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970 (84 Stat. 1636 et seq.), a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"SUBCHAPTER I—GENERAL PROVISIONS

"§1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title; and

"(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

"§1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§1505. Authorization to act in a foreign country

"A trustee or another entity, including an examiner, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§1507. Additional assistance

"(a) Subject to the specific limitations under other provisions of this chapter, the court, upon recognition of a foreign proceeding, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§1509. Right of direct access

"(a) A foreign representative is entitled to commence a case under section 1504 by filing a petition for recognition under section 1515, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

"(b) Upon recognition, and subject to section 1510, a foreign representative shall have the capacity to sue and be sued, and shall be subject to the laws of the United States of general applicability.

"(c) Subject to section 1510, a foreign representative is subject to laws of general application.

"(d) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 1515 has been sought and the status of any such petition.

"(e) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

"§1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

“§ 1511. Commencement of case under section 301 or 303

“(a) Upon recognition, a foreign representative may commence—

“(1) an involuntary case under section 303; or

“(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

“(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

“§ 1512. Participation of a foreign representative in a case under this title

“Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

“§ 1513. Access of foreign creditors to a case under this title

“(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

“(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

“(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

“(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

“§ 1514. Notification to foreign creditors concerning a case under this title

“(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

“(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

“(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

“(1) indicate the time period for filing proofs of claim and specify the place for their filing;

“(2) indicate whether secured creditors need to file their proofs of claim; and

“(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

“(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

“SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

“§ 1515. Application for recognition of a foreign proceeding

“(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

“(b) A petition for recognition shall be accompanied by—

“(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

“(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

“(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

“(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

“(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

“§ 1516. Presumptions concerning recognition

“(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding as defined in section 101 and that the person or body is a foreign representative as defined in section 101, the court is entitled to so presume.

“(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

“(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

“§ 1517. Order recognizing a foreign proceeding

“(a) Subject to section 1506, after notice and a hearing an order recognizing a foreign proceeding shall be entered if—

“(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

“(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

“(3) the petition meets the requirements of section 1515.

“(b) The foreign proceeding shall be recognized—

“(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

“(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

“(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

“(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

“§ 1518. Subsequent information

“After the the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

“(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

“(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

“§ 1519. Relief that may be granted upon petition for recognition of a foreign proceeding

“(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

“(1) staying execution against the debtor's assets;

“(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

“(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

“(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

“(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

“§ 1520. Effects of recognition of a foreign main proceeding

“(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

“(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

“(2) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552; and

“(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

“(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

"(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

"(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§1521. Relief that may be granted upon recognition of a foreign proceeding

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent the actions or proceedings have not been stayed under section 1520(a);

"(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 1520(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 1520(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

"(6) extending relief granted under section 1519(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"§1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(2), to conditions that the court considers to be appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate the relief referred to in subsection (b).

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a), and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§1529. Coordination of a case under this title and a foreign proceeding

"In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

"(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(j) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1513 and 1514 apply in all cases under this title; and

"(2) section 1505 applies to trustees and to any other entity (including an examiner) authorized by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapter 9 who are authorized to act under section 1505.".

(b) DEFINITIONS.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting "15," after "chapter".

SEC. 803. CLAIMS RELATING TO INSURANCE DEPOSITS IN CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, is amended to read as follows:

"§304. Cases ancillary to foreign proceedings

"(a) For purposes of this section—

"(1) the term 'domestic insurance company' means a domestic insurance company, as such term is used in section 109(b)(2);

"(2) the term 'foreign insurance company' means a foreign insurance company, as such term is used in section 109(b)(3);

"(3) the term 'United States claimant' means a beneficiary of any deposit referred to in subsection (b) or any multibeneficiary trust referred to in subsection (b);

"(4) the term 'United States creditor' means, with respect to a foreign insurance company—

"(i) a United States claimant; or

"(ii) any business entity that operates in the United States and that is a creditor; and

"(5) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

"(b) The court may not grant relief under chapter 15 of this title with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B) or (C); or

"(E) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract, option, agreement, or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract, option, agreement, or transaction on the date of the filing of the petition;";

(B) by striking paragraph (47) and inserting the following:

"(47) 'repurchase agreement' and 'reverse repurchase agreement'—

"(A) mean—

"(i) an agreement, including related terms, which provides for the transfer of—

"(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

"(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

"(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii); or

"(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

"(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;";

(C) in paragraph (48) by inserting ", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission" after "1934"; and

(D) by striking paragraph (53B) and inserting the following:

"(53B) 'swap agreement'—

"(A) means—

"(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

"(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

“(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

“(III) a currency swap, option, future, or forward agreement;

“(IV) an equity index or an equity swap, option, future, or forward agreement;

“(V) a debt index or a debt swap, option, future, or forward agreement;

“(VI) a credit spread or a credit swap, option, future, or forward agreement; or

“(VII) a commodity index or a commodity swap, option, future, or forward agreement;

“(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

“(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

“(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

“(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

“(iv) an option to enter into an agreement or transaction referred to in this subparagraph;

“(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

“(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.”;

(2) in section 741, by striking paragraph (7) and inserting the following:

“(7) ‘securities contract’—

“(A) means—

“(i) a contract for the purchase, sale, or loan of a security, a mortgage loan or an interest in a mortgage loan, a group or index of securities, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

“(ii) an option entered into on a national securities exchange relating to foreign currencies;

“(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

“(iv) a margin loan;

“(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

“(vi) a combination of the agreements or transactions referred to in this subparagraph;

“(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

“(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

“(ix) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

“(B) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;”; and

(3) in section 761(4)—

(A) by striking “or” at the end of subparagraph (D);

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

“(G) a combination of the agreements or transactions referred to in this paragraph;

“(H) an option to enter into an agreement or transaction referred to in this paragraph;

“(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

“(J) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition.”.

(b) Definitions of Financial Institution, Financial Participant, and Forward Contract Merchant.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

“(22) ‘financial institution’ means—

“(A)(i) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

“(ii) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

“(B) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940;”;

(2) by inserting after paragraph (22) the following:

“(22A) ‘financial participant’ means an entity that is a party to a securities contract, commodity contract or forward contract, or on the date of the filing of the petition, has a commodity contract (as defined in section 761) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in any such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;”; and

(3) by striking paragraph (26) and inserting the following:

“(26) ‘forward contract merchant’ means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;”.

(c) Definition of Master Netting Agreement and Master Netting Agreement Participant.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

“(38A) the term ‘master netting agreement’—

“(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

“(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

“(38B) the term ‘master netting agreement participant’ means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;”.

(d) Swap Agreements, Securities Contracts, Commodity Contracts, Forward Contracts, Repurchase Agreements, and Master Netting Agreements Under the Automatic Stay.—

(1) In general.—Section 362(b) of title 11, United States Code, as amended by section 718 of this Act, is amended—

(A) in paragraph (6), by inserting “, pledged to, and under the control of,” after “held by”;

(B) in paragraph (7), by inserting “, pledged to, and under the control of,” after “held by”;

(C) by striking paragraph (17) and inserting the following:

“(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;";

(D) in paragraph (26), by striking "or" at the end;

(E) in paragraph (27), by striking the period at the end and inserting "; or"; and

(F) by inserting after paragraph (27) the following:

"(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged or and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by section 432(2) of this Act, is amended by adding at the end the following:

"(*l*) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101-311 (104 Stat. 267 et seq.))—

(A) by striking "under a swap agreement"; and

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

"(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and";

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting following:

"§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of a swap agreement"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of a swap agreement".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following new section:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7 of this title—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent that the party has no positive net equity in the commodity accounts at the debtor, as calculated under subchapter IV; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements referred to in subsection (a).

"(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(*l*) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

"(1) shall not be stayed or otherwise limited by—

"(A) operation of any provision of this title; or

"(B) order of a court in any case under this title;

"(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

"(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.".

(m) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(o) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(19), 555, 556, 559, or 560)" before the period; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(19), 555, 556, 559, 560,".

(p) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant";

(2) in section 546(e), by inserting "financial participant" after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant" after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant" after "financial institution,"; and

(B) by inserting before the period ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant" after "commodity broker".

(q) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.

"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

(B) by striking the items relating to sections 559 and 560 and inserting the following:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(C) by adding after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 902. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement under section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5 by inserting after the item relating to section 561 the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 561 shall be allowed under subsection (a), (b), or (c) of this section, or disallowed under subsection (d) or (e) of this section, as if such claim had arisen before the date of the filing of the petition.".

SEC. 903. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "or" at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

"(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent that such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or"; and

(4) by adding at the end the following new subsection:

"(e) For purposes of this section, the following definitions shall apply:

"(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

"(2) The term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities.

"(3) The term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

"(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

"(5) The term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 904. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on April 1, 1999.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.".

SEC. 1003. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "the taxable year preceding the taxable year" and inserting "at least 1 of the 3 calendar years preceding the year".

SEC. 1004. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim; and".

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(d) of title 11, United States Code, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1004(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27C); and

(2) inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) health maintenance organization;

"(V) home health agency; and

"(VI) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), (IV), or (V); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domicilary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) HEALTH MAINTENANCE ORGANIZATION DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a), is amended by inserting after paragraph (27A) the following:

"(27B) 'health maintenance organization' means any person that undertakes to provide or arrange for basic health care services through an organized system that—

"(A)(i) combines the delivery and financing of health care to enrollees; and

"(ii)(I) provides—

"(aa) physician services directly through physicians or 1 or more groups of physicians; and

"(bb) basic health care services directly or under a contractual arrangement; and

"(II) if reasonable and appropriate, provides physician services and basic health care services through arrangements other than the arrangements referred to in clause (i); and

"(B) includes any organization described in subparagraph (A) that provides, or arranges for, health care services on a prepayment or other financial basis;".

(c) PATIENT.—Section 101 of title 11, United States Code, as amended by subsection (b), is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;".

(d) PATIENT RECORDS.—Section 101 of title 11, United States Code, as amended by subsection (c), is amended by inserting after paragraph (40A) the following:

"(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;".

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall mail, by certified mail, a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

"(2) If no appropriate Federal or State agency agrees to permit the deposit of patient records referred to in paragraph (1) by the date that is 60 days after the trustee mails a written request under that paragraph, the trustee shall—

"(A) publish notice, in 1 or more appropriate newspapers, that if those patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 60 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the 60-day period described in subparagraph (A), the trustee shall attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

"(3) If, after providing the notification under paragraph (2), patient records are not claimed during the 60-day period described in paragraph (2)(A) or in any case in which a notice is mailed under paragraph (2)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§ 332. Appointment of ombudsman

"(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman to represent the interests of the patients of the health care business.

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.".

(2) Clerical Amendment.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman.".

(b) Compensation of Ombudsman.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) In General.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) Conforming Amendment.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "and 704(9)" and inserting "704(9), and 704(10)".

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 1101 of this Act, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55), including paragraph (54), as amended by paragraph (6) of this section, in entirely numerical sequence.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3), 707(b)(5)," after "522(d)," each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11 of the United States Code is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of";

(2) in section 541(b)(4), by adding "or" at the end; and

(3) in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys'".

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 1207. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 1208. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1209. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 1210. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by sections 211 and 229 of this Act, is amended—

(1) in paragraph (4)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (8), by inserting "unsecured" after "allowed".

SEC. 1211. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, as amended by section 311 of this Act, is amended by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 1212. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by section 229 of this Act, is amended—

(1) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(2) in subsection (a)—

(A) in paragraph (3), by striking "or (6)" each place it appears and inserting "(6), or (15)";

(B) in paragraph (9), by striking "motor vehicle or vessel" and inserting "motor vehicle, vessel, or aircraft"; and

(C) in paragraph (15), as so redesignated by paragraph (1) of this subsection, by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 1213. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. 1214. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 1215. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 1216. PREFERENCES.

(a) In General.—Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) Applicability.—The amendments made by this section shall apply to any case that pending or commenced on or after the date of enactment of this Act.

SEC. 1217. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 1218. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 1219. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 901(k) of this Act, is amended by inserting "1123(d)," after "1123(b),".

SEC. 1220. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1221. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1222. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 1223. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 1224. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 1225. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) Sale of Property of Estate.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) Confirmation of Plan for Reorganization.—Section 1129(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

"(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) Transfer of Property.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) Rule of Construction.—Nothing in this section shall be construed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1226. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1227. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 1228. BANKRUPTCY JUDGESHIPS.

(a) Short Title.—This section may be cited as the "Bankruptcy Judgeship Act of 1999".

(b) Temporary Judgeships.—

(1) Appointments.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) Vacancies.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) Extensions.—

(1) In general.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) Applicability of other provisions.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship positions.

(d) Technical Amendment.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: "Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.".

(e) Travel Expenses of Bankruptcy Judges.—Section 156 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In this subsection, the term 'travel expenses'—

"(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

"(B) shall not include the travel expenses of a bankruptcy judge if—

"(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

"(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

"(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

"(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

"(B) The annual report under this paragraph shall include—

"(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

"(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

"(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

"(4)(A) The Director of the Administrative Office of the United States Courts shall—

"(i) consolidate the reports submitted under paragraph (3) into a single report; and

"(ii) annually submit such consolidated report to Congress.

"(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).".

TITLE XIII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1301. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

SUMMARY OF MAJOR DIFFERENCES BETWEEN THE GRASSLEY/TORRICELLI BANKRUPTCY REFORM BILL AND THE H.R. 3150 CONFERENCE REPORT

MEANS TEST

The new Senate bill gives bankruptcy judges greater discretion in considering whether to transfer a debtor from Chapter 7 to Chapter 13.

The new Senate bill requires only a showing of "special circumstances," rather than "extraordinary circumstances," for Chapter 7 debtors with apparent repayment ability to avoid being transferred to Chapter 13.

A new Senate bill raises the minimum dollar amount from $5,000 to $15,000, with the effect that debtors with a marginal ability to repay won't be swept up by the means test.

CONSUMER PROTECTIONS

The new Senate bill requires the Attorney General and the FBI Director to designate one prosecutor and one agent in every district to investigate reaffirmation practices which violate current federal criminal laws, including the criminal laws under which Sears was prosecuted.

The new Senate bill specifically authorizes state attorneys general to enforce federal criminal laws against abusive reaffirmations, again including the criminal laws under which Sears was prosecuted.

The new Senate bill specifically authorizes state attorneys general to enforce state laws regarding unfair trade practices against creditors who deceive debtors into reaffirmation agreements, including the state laws under which Sears was prosecuted.

The new Senate bill drops a provision barring class action lawsuits for reaffirmation violations.

The new Senate bill reinserts a provision making it a violation of the automatic stay to threaten to file motions in order to coerce reaffirmations.

The new Senate bill reinserts a provision penalizing creditors who fail to acknowledge payments received in Chapter 13 plans and, thereafter, seek a "double payment."

GREATER PROTECTIONS FOR CHILD SUPPORT

The new Senate bill requires bankruptcy trustees to notify appropriate state agencies of a debtor's location and specific address, if the debtor owes child support. This effectively turns bankruptcy courts into locator services to help track down "deadbeat parents."

The new Senate bill requires bankruptcy trustees to notify child support claimants of their right to enforce payment through an appropriate state agency.

The new Senate bill permits state agencies which enforce payment of child support obligations to request that creditors who hold reaffirmed or non-discharged debts to provide the last known address and telephone number of the debtor. Again, this effectively turns bankruptcy courts into locator services which will help to track down "deadbeat parents."

The new Senate bill provides that debts incurred to pay non-dischargeable debts will continue to be dischargeable if the debtor owes child support or alimony.

FEWER NON-DISCHARGEABLE DEBTS

The new Senate bill raises the dollar limits on cash advances on the eve of bankruptcy, presumed non-dischargeable from $250 to $750.

The new Senate bill shortens the time during which purchases and cash advances are presumed non-dischargeable from 90 days to 70 days.

● Mr. BIDEN. Mr. President, I am pleased to join today with Senator GRASSLEY and Senator TORRICELLI, along with our colleague from the Judiciary Committee, Senator SESSIONS, to introduce legislation to reform our nation's bankruptcy laws.

In a time of rising incomes, historic levels of job creation, and strong economic growth, America has seen an unexpected rise in the number of personal bankruptcies. Last year, 1.4 million Americans filed for personal bankruptcy, and we expect that number to grow again this year, as it has for the last 4 years. This means more people are filing for bankruptcy now than during the worst years of job losses in the 1980's.

Bankruptcy laws give Americans a very special kind of protection from the worst form of financial distress. As a nation of immigrants, our country is the very embodiment of the idea of a fresh start. Bankruptcy protection was considered so important that it was among the specific powers granted to Congress in our Constitution. That is why we provide in law that no one should have to shoulder an unsustainable burden of debt, a burden that can hurt us all by threatening the weakest links in our society.

But at the same time, Mr. President, our nation is founded on the idea of personal responsibility, the only foundation that can sustain and protect our freedom. Until recently, bankruptcy was considered a stain on one's personal reputation, an admission of failure, something to be avoided at all costs. While we may sympathize with the special circumstances that can throw an individual into unexpected hardship, Americans expect that those who have the resources must meet their financial obligations.

But the explosion in the number of personal bankruptcies, in a time of economic prosperity, raises serious questions. Mr. President, every time one of us fails to pay a legitimate debt, the rest of us pay a little more, because of the higher interest rates lenders must charge to cover their loses. When the circumstances are unavoidable, and when it is clear that a fresh start is deserved, bankruptcy must be there for those who need it. But when those who have the ability to pay use the bankruptcy system to walk away from their debts, something is wrong.

It is now clear to most of us that our bankruptcy system—and the laws that guide it—are in serious need of reform. Last year, in the Senate, we passed a bipartisan bill by the nearly unanimous vote of 97 to 1 to fix the problems in our bankruptcy laws. While that proposal did not become law, we reached agreement that bankruptcy reform—done the right way—is something we all can support.

Working closely with his new ranking member, Senator TORRICELLI, Senator GRASSLEY has once again shown us the leadership on this issue that he provided last year. I believe that we have built a foundation in this bill for a reasonable approach, one that restores some of the balance that has been lost in recent years. To that end, this legislation assures that those who have the ability to pay will continue to meet their obligations, and that bankruptcy is not seen as a financial planning device, but the last resort for the most extraordinary circumstances.

At the same time, again with the help of Senator TORRICELLI we have gone a long way toward addressing the honest concerns that many of our colleagues have expressed about the needs of those, like single parents and those who receive child support, who deserve greater protection.

This is a tough balance to strike, and I will continue to work with Senator GRASSLEY, Senator TORRICELLIE, and Senator SESSIONS, and with our colleagues on the Judiciary Committee, to listen to the concerns of other Senators, to achieve the kind of consensus that we found here in the Senate last year.●

Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 626. A bill to provide from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

KANSAS NATURAL GAS INDUSTRY

● Mr. ROBERTS. Mr. President, I rise today to introduce a bill of critical importance to the natural gas industry in Kansas.

Natural gas production is an important industry in Kansas, paying good wages to hard working Kansans and taxes to support county and state tax rolls. Kansas is a national leader in natural gas production, and we pipe our product all over the nation. It is an affordable, abundant and clean energy source. This bill will ensure that we can continue to produce this natural resource in Kansas.

This issue is complex, full of legalities and arcane federal policy. But I believe the crux of the matter will reverberate throughout the Congress.

The problem before us arises out of the system of federal price controls on natural gas. In 1974, natural gas producers were given permission to exceed the national ceiling rates for gas by the cost of any state or federal tax on production. In Kansas, one such tax was the ad valorem tax. In 1974, the Federal Power Commission issued Opinion 699–D, finding that the Kansas ad valorem tax was a production tax eligible for recovery. Kansas gas producers, like producers in other states, were allowed to exceed the national rates by the costs of a local production tax.

In 1978, Congress passed the Natural Gas Policy Act. That statute continued the practice of price controls on natural gas, but also codified prior practices that allowed natural gas producers to exceed price ceilings by the costs of production taxes. The newly created Federal Energy Regulatory Commission, the federal body charged with implementing federal policies in this field, continued the practice of allowing Kansas producers to recover the costs of the Kansas ad valorem tax. Business continued as it had since 1974.

This practice of adding on the Kansas ad valorem tax was challenged in 1983. The FERC responded with opinions in 1986 and again in 1987, stating that it is "clear, beyond question," that the Kansas ad valorem tax is a tax on production and therefore, under law, eligible for recovery. Kansas producers had clear authority to recover the costs of the ad valorem tax.

What happened next is inexplicable. In 1988, the prior FERC decisions on the Kansas ad valorem tax were challenged in court. The D.C. Circuit Court remanded the issue to the FERC. In 1993, five years later, the FERC did the unthinkable. They overturned all their previous rulings in this matter and required Kansas natural gas producers to refund, plus interest, all ad valorem tax monies collected above the gas price ceilings from 1988 forward. The FERC wisely chose 1988 as the collection date based on the D.C. Circuit's decision date. Unfortunately, upon challenge in 1996, the D.C. Circuit extended the refund period to 1983. The result is an estimated $340 million liability due by every producer operating between the years 1983 and 1988.

What has occurred is an atrocious miscarriage of justice. Kansas natural gas producers, who in their business practices relied on the rules and followed the orders of the FERC, were subsequently told they had been breaking federal law since 1974, or for 19 years. They were then retroactively found to be liable for all of the collected tax funds back to 1983. In layman's terms, these producers are being held liable for following the orders of the FERC.

The FERC did not carry out its duties in a vacuum. Section 110 of the Natural Gas Policy Act clearly stated that production taxes could be added to the price of gas, even if the add-on exceeded national price ceilings. The NGPA report language went so far as to spell out what kind of taxes are production taxes, stating "The term "State severance tax" is intended to be construed broadly. It includes any tax imposed upon mineral or natural resource production including an ad valorem tax. . ." It is evident to me, and I hope to anyone reading this, that Congress included the words "ad valorem" tax for an explicit reason—because Congress intended that ad valorem taxes were to be included in the list of taxes eligible for recovery. I have all of these documents in my possession, and would be pleased to provide any of this information to my colleagues. Mr. President, we must remedy this situation. Before us are the citizens of Kansas, the natural gas producers, who for 19 years dutifully ran their businesses in compliance with federal law, and strictly followed the edicts of the Federal Energy Regulatory Commission. They had a right, indeed a responsibility, to rely on the FERC's orders. Today, they are being punished for following these very orders. The FERC's incompetence has caused these honest citizens to be treated as criminals. However, it is the incompetence of the FERC that is criminal.

Mr. President, I rise today to re-introduce legislation from the last Congress. This bill would repeal the most unjust aspect of this order. Requiring producers to refund these recovered taxes is bad enough. However, assessing an interest penalty on this refund order extends beyond the bounds of decency and fairness. The interest portion represents roughly two-thirds of the estimated $340 million cost to Kansas producers. While the FERC had the opportunity to waive the interest portion, they refused to do so. This legislation is made necessary by the FERC's refusal to take any actions to mitigate this harsh, retroactive and unjust decision.

Mr. President, I will do everything in my power to push this issue through to resolution. I will continue my efforts to encourage the Senate Energy and Natural Resources Committee to hold hearings on this issue, so they may hear firsthand of the events that lead us where we find ourselves today. I want Congress to hear from the citizens of my state, the young and the old, those in business and those retired, those who have money, and those living on a fixed income, all of whom the FERC has ordered must pay refunds often ranging into the tens of thousands of dollars.

I also believe it is time for Congress to review the independence and power delegated to the Federal Energy Regulatory Commission. They are unaccountable for their actions, unwilling to accept responsibility and unmoved by the pleas of the stakeholders in this process. Congress entrusted oversight and administration of federal gas policy to the FERC. In this case, the FERC has failed to properly administer the law, and has exercised its authority in an egregious and inequitable manner inconsistent with congressional intent. Congress has a clear responsibility to intervene in this case.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.".●

By Mr. ROCKFELLER (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. CONRAD, Mr. WYDEN, and Mr. JEFFORDS):

S. 628. A bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, I am pleased to be introducing the "Advance Planning and Compassionate Care Act of 1999" with my colleague from Maine, Senator COLLINS. We introduce this legislation to ask Congress to take action that responds directly and humanely to the needs of the elderly and others during some of their most difficult and traumatic times of their lives. The time I refer to is the end-of-life.

Our perceptions of illness, end-of-life care, and death are changing in response to advances in medical technology, a shift from treating acute care illnesses to managing chronic care conditions, improvements in palliative care, and a greater respect for patient involvement and autonomy in end-of-life decisions.

Patients want to maintain a sense of control of their lives throughout their last days. But studies show that tremendous variation exists in the medical care that Medicare beneficiaries receive in the last few months of their lives. This sort of analysis highlights that patient preferences have little to do with the sort of care patients receive in their final months of life. Where you live determines the sort of medical care you will receive more so than what you might prefer. Our bill addresses this issue by calling for an evaluation of current standards of care and promoting better communication between health care providers and their patients.

Unfortunately, while people do worry about end-of-life issues, the truth is that patients, families, and physicians have difficulty talking about them. People have an endless list of reasons for not talking about end-of-life care, for not making decisions to prepare for it. Some are afraid of jinxing themselves by planning their end-of-life care, and many have faith that their families will know the right thing to do when the time comes.

Not talking about death does not stop it from occurring. We all know it is a natural, inevitable part of life. But by not talking about end-of-life care, we hamper our ability to learn about the options that are available to relieve suffering, promote personal choice, and obtain greater care and comfort in our final months.

End-of-life care is a major—and growing—issue in the future of health care. Unfortunately, in recent years, debates on end-of-life care have focused almost exclusively on the subject of physician-assisted suicide. Mr. President, I have spent considerable time delving into the concerns and dilemmas that face patients, their family members and their physicians when confronted with death or the possibility of dying. In almost all such difficult situations, people are not thinking about physician-assisted suicide. The needs and dilemmas that confront them have much more to do with the kind of care and information they need desperately.

The legislation we are introducing today builds on bipartisan legislation enacted in 1990, called the Patient Self-Determination Act. As a result of that bill, hospitals, skilled nursing facilities, home health agencies, hospice programs, and HMO's participating in the Medicaid and Medicare programs must provide every adult receiving medical care with written information concerning patient involvement in their own treatment decisions. The health care institutions must also document in the medical record whether the patient has an advance directive. In addition, States were required to write descriptions of their State laws concerning advance directives.

The first section of the Advance Planning and Compassionate Care Act instructs the Department of Health and Human Services to develop appropriate quality measures and models of care for persons with chronic, debilitating illnesses, including the very frail elderly who will comprise an increasing number of Medicare beneficiaries.

The second part of our bill directs the Secretary of Health and Human Services to advise Congress on an approach to adopting the provisions of the Uniform Health Care Decisions Act for Medicare beneficiaries. The Uniform Health Care Decisions Act was developed by the Uniform Law Commissioners, a group with representation from all States that has been in existence for over 100 years. The Uniform Health Care Decisions Act includes all the important components of model advance directive legislation. A great deal of legal effort went into its development, with input by all the States and approval by the American Bar Association. Medicare beneficiaries deserve a uniform approach to advance directives, especially since many move from one State to another while in the Medicare Program. The tremendous variation in State laws that currently exists only adds to the confusion of health care professionals and their patients.

The third section strengthens the previously enacted Patient Self Determination Act in the following ways:

First, it requires that every Medicare beneficiary have the opportunity to discuss health care decision-making issues with an appropriately trained professional, when he or she makes a request. This measure would help make sure that patients and their families have the ability to discuss and address concerns and issues relating to their care, including end-of-life care, with a trained professional. Many health care institutions already have teams of providers to address difficult health care decisions and some even mediate among patients, families, and providers. In smaller institutions, social workers, chaplains, nurses or other trained professionals could be made available for consultation.

Second, our bill requires that a person's advance directive be placed in a prominent part of the medical record. Often advance directives cannot even be found in the medical record, making it more difficult for providers to respect patients' wishes. It is essential that an individual's advance directive be readily available and visible to anyone involved in their health care.

Third, it will assure that an advance directive valid in one State will be valid in another State. At present, portability of advance directives from State to State is not assured. Such portability can only be guaranteed through Federal legislation.

The fourth part of this legislation would encourage the development of models for end-of-life care for Medicare beneficiaries who do not qualify for the Medicare hospice benefit but still have chronic, debilitating and ultimately fatal illnesses. The tremendous advances in medicine and medical technology over the past 30 to 50 years have resulted in a greatly lengthened life expectancy for Americans, as well as vastly improved functioning and quality of life for the elderly and those with chronic disease. Many of these advances have been made possible by federally financed health care programs, such as the Medicare Program that assures access to high quality health care for all elderly Americans. Medicare has also funded much of the development of technology and a highly skilled physician workforce through support of medical education and academic medical centers. These advances have also created major dilemmas in addressing terminal or potentially terminal disease, as well as a sense of loss of control by many with terminal illness.

Mr. President, I am learning more and more about the importance of educating health care providers and the public that chronic, debilitating, terminal disease need not be associated with pain, major discomfort, and loss of control. We can control pain and treat depression, as well as the other causes of suffering during the dying process. We must now apply this knowledge to assure all Americans appropriate end-of-life care. And to make sure that Medicare beneficiaries are able to receive the most effective medicine to control their pain, Medicare's coverage rules would be expanded under our bill to include coverage for self-administered pain medications.

Mr. President, I realize that there is still a lot of work to be done. I believe our bill represents a significant step towards improving end-of-life care for Medicare beneficiaries. By advocating changes within the health care system, research community, and national policy, we reaffirm our commitment to quality patient care. In our legislation, we have set forth a broad framework to respond to many of the concerns facing people at the end-of-life. This legislation embodies the fundamental principle of the Patient Self-Determination Act—to involve patients in their own treatment decisions and to respect and follow their wishes when they are no longer capable of voicing them.

To conclude, I am proud to offer this legislation with Senator COLLINS. We hope consideration of this bill will be an opportunity to take notice of the many constructive steps that can be taken to address the needs of patients and family members grappling with great pain and medical difficulties. During this time when physician assisted suicide obtains so many headlines, we are eager to call on Congress to turn to the alternative ways of providing help and relief to seniors and other Americans who only are interested in such alternatives.●

● Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from West Virginia, Senator ROCKEFELLER, in introducing the Advance Planning and Compassionate Care Act, which is intended to improve the way we care for people at the end of their lives.

Noted health economist Uwe Reinhardt once observed that "Americans are the only people on earth who believe that death is negotiable." Advancements in medicine, public health, and technology have enabled more and more of us to live longer and healthier lives. However, when medical treatment can no longer promise a continuation of life, patients and their families should not have to fear that the process of dying will be marked by preventable pain, avoidable distress, or care that is inconsistent with their values or wishes.

The fact is, dying is a universal experience, and it is time to re-examine how we approach death and dying and how we care for people at the end of their lives. Clearly, there is more that we can do to relieve suffering, respect personal choice and dignity, and provide opportunities for people to find meaning and comfort at life's conclusion.

Unfortunately, most Medicare patients and their physicians do not currently discuss death or routinely make advance plans for end-of-life care. As a result, about one-fourth of Medicare funds are now spent on care at the end of life that is geared toward expensive, high-technology interventions and "rescue" care. While most Americans say they would prefer to die at home, studies show that almost 80 percent die in institutions where they may be in pain, and where they are subjected to high-tech treatments that merely prolong suffering.

Moreover, according to a Dartmouth study conducted by Dr. Jack Wennberg, where a patient lives has a direct impact on how that patient dies. The study found that the amount of medical treatment Americans receive in their final months varies tremendously in the different parts of the country, and it concluded that the determination of whether or not an older patient dies in the hospital probably has more to do with the supply of hospital beds than the patient's needs or preference.

The Advance Planning and Compassionate Care Act is intended to help us improve the way our health care system serves patients at the end of their lives. Among other provisions, the bill makes a number of changes to the Patient Self-Determination Act of 1990 to facilitate appropriate discussions and individual autonomy in making difficult discussions about end-of-life care. For instance, the legislation requires that every Medicare beneficiary receiving care in a hospital or nursing facility be given the opportunity to discuss end-of-life care and the preparation of an advanced directive with an appropriately trained professional within the institution. The legislation also requires that if a patient has an advanced directive, it must be displayed in a prominent place in the medical record so that all the doctors and nurses can clearly see it.

The legislation will expand access to effective and appropriate pain medications for Medicare beneficiaries at the end of their lives. Severe pain, including breakthrough pain that defies usual methods of pain control, is one of the most debilitating aspects of terminal illness. However, the only pain medication currently covered by Medicare in an outpatient setting is that which is administered by a portable pump.

It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, offer alternatives that are equally effective in controlling pain, more comfortable for the patient, and much less costly than the pump. Therefore, the Advance Planning and Compassionate Care Act would expand Medicare to cover self-administered pain medications prescribed for the relief of chronic pain in life-threatening diseases or conditions.

In addition, the legislation authorizes the Department of Health and Human Services to study end-of-life issues for Medicare and Medicaid patients and also to develop demonstration projects to develop models for end-of-life care for Medicare beneficiaries who do not qualify for the hospice benefit, but who still have chronic debilitating and ultimately fatal illnesses. Currently, in order for a Medicare beneficiary to qualify for the hospice benefit, a physician must document that the person has a life expectancy of six months or less. With some conditions—like congestive heart failure—it is difficult to project life expectancy with any certainty. However, these patients still need hospice-like services, including advance planning, support services, symptom management, and other services that are not currently available.

Finally, the legislation establishes a telephone hotline to provide consumer information and advice concerning advance directives, end-of-life issues and medical decision making and directs the Agency for Health Care Policy and Research to develop a research agenda for the development of quality measures for end-of-life care. In this regard, Senator ROCKEFELLER and I are particularly appreciative that Senator BILL FRIST has incorporated our recommendation that end-of-life healthcare be added as a priority population in the Agency for Health Care Policy and Research's overall mission and duties in the bipartisan legislation he introduced last week to reauthorize the Agency.

The legislation we are introducing today is particularly important in light of the current debate on physician-assisted suicide. The desire for assisted suicide is generally driven by concerns about the quality of care for the terminally ill; by the fear of prolonged pain, loss of dignity and emotional strain on family members. Such worries would recede and support for assisted suicide would evaporate if better palliative care and more effective pain management were widely available.

Mr. President, patients and their families should be able to trust that the care they receive at the end of their lives is not only of high quality, but also that it respects their desires for peace, autonomy and dignity. The Advanced Planning and Compassionate Care Act that Senator ROCKEFELLER and I are introducing today will give us some of the tools that we need to improve care of the dying in this country, and I urge all of my colleagues to join us as cosponsors.●

By Mr. BAUCUS (for himself and Mr. CRAIG):

S. 629. A bill to amend the Federal Crop Insurance Act and the Agricultural Market Transition Act to provide for a safety net to producers through cost of production crop insurance coverage, to improve procedures used to determine yields for crop insurance, to improve the noninsured crop assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE IMPROVEMENT ACT OF 1999

● Mr. BAUCUS. Mr. President, I rise today to announce the introduction of the Crop Insurance Improvement Act of 1999. Senator CRAIG and I are introducing this bill today to provide a safety net to our agricultural producers and make rural America stronger than ever.

I especially would like to thank Senator CRAIG's staff, Wayne Hammon, who has worked diligently with my staff in bringing together this bipartisan effort for agriculture. I also compliment my colleagues Senators KERRY and ROBERTS who have introduced crop insurance reform legislation, of which I am also a cosponsor, for setting the stage for a major overhaul of the crop insurance program. This bill, the Crop Insurance Improvement Act of 1999 is designed to compliment their efforts by extending the safety net to help those producers of speciality or alternative crops who find particular challenges in the present system.

Now more than ever this crop insurance reform legislation is needed for my state's leading industry.

Mr. President, agriculture is Montana's leading industry. More than 100,000 Montanans work in farm and ranch related jobs. That is nearly 20 percent of our state's total employment. In 1998, Montana agriculture generated $2.4 billion—65 percent of our state's total economy. In Montana, agriculture is not only an integral part of our economy, it's a way of life. And that way of life is in peril.

In 1998, Montana producers were hit hard as our ag exports dropped by $570 million, and commodities such as wheat and beef plummeted to Depression-era prices.

In response to this severe economic hit, we fought hard in the 105th Congress to install a safety net where the 1996 Freedom to Farm bill fell short. With help from the White House, we were able to get almost $8 billion in emergency assistance for our producers in Montana and across the country. We responded to the crisis but there's no assurance that we won't be faced with the same problems each year.

This bill is aimed at getting Montana producers back on their feet. We do that by focusing on, and fighting for agriculture, together. I sincerely hope that 1999 will be the "Year of Recovery." And I believe we can do this by maintaining focus on three goals:

We must pry open foreign markets to Montana products.

We must help agriculture producers at home.

We must install a permanent safety net to help producers weather times of crisis.

By aggressively pursuing these three goals, I am confident that we can help Montana agriculture not only recover, but be stronger than ever before.

Today, however, I would like to focus on the goal of installing a safety net to help producers during times of crisis.

Mr. President, no matter how well we are doing nationally and internationally, we must be prepared for hard times. In 1996, Congress passed the Freedom to Farm Act. Since then, wheat prices have fallen 55 percent. Who could have predicted that prices would plunge from $4.50 a bushel for wheat in 1996 to $2.91 a bushel by September 1998? This drop, triggered by a combination of natural disasters and oversupply in the marketplace, was impossible to predict.

As wheat and other agricultural commodity prices dipped to record lows, America's producers were suddenly stranded without a safety net, causing a severe financial crisis. This made it clear to me that we need a contingency plan to help us when hard times come so that we can continue to grow when times are good.

In February I hosted a crop insurance field hearing in Shelby, Montana. Ken Ackerman, Director of the Risk Management Agency traveled from Washington, D.C. to meet with Montana producers to hear first hand their concerns about crop insurance. At that hearing some of Montana's outstanding producers shared their stories, their frustrations and their ideas about reforming the system. I would like to thank Rick Sampsen, Bill Brewer, Verg Aageson, Brian Schweitzer, Nancy Peterson, Rollie Schlepp, Scott Kulbeck and Mary Schuler for taking the time to lend their voices to this important discussion. Their ideas are reflected in this legislation today which will:

(1) Install a safety net;

(2) Allow producers to buy a policy that covers their cost of production;

(3) Shorten the Actual Production History requirement for rotated crops; and

(4) Eliminate the Area Requirement for speciality crops reliant on the Noninsured Crop Disaster Assistance Program (NAP).

Simply put, Mr. President, the Crop Insurance Improvement Act of 1999 takes decisive action to help those producers who are presently in danger of losing their agricultural heritage. It provides them the flexibility to try new and alternative crops and gives them the freedom to farm, as originally intended, by allowing them the chance to build up a production history, cover their cost of production, and eventually purchase crop insurance coverage for their speciality crops. It gives producers a chance to do what they do best—farm.

Mr. President, I urge all of all of my colleagues to support this important legislation, and join Senators CRAIG and myself in getting rural America back on its feet.•

• Mr. CRAIG. Mr. President, I rise today to join my colleague Senator BAUCUS in the introduction of legislation to reform the federal agricultural crop insurance program. Like legislation introduced earlier this month by Senator ROBERTS, KERREY, myself, and others, this bill aims at bringing about common sense reform to the program and will assist farmers through the economic hardship they currently face.

The bill addresses several concerns farmers from my state and I have about the current crop insurance program. Specifically, I am pleased that the legislation includes provisions to reform the noninsured crop disaster assistance program, or NAP. NAP is used by farmers who grow "specialty" or "minor" crops across the nation.

Idaho's great agricultural economy is based on minor and non-traditional crops. We lead the nation in the production of such crops as potatoes, winter peas, and trout. Idaho is second in the production of seed peas, lentils, sugar beets, barley, and mint. Furthermore, we are in the top 5 states in the production of hops, onions, plums, sweet cherries, alfalfa, and American cheese. The needs of these producers are just as important as those of more traditional farm commodity producers.

I believe this bill to be an important step toward meaningful and sweeping reform and includes changes that are long overdue. I look forward to working with my colleagues on the Senate Agricultural Committee to enact these important reforms and give farmers the risk management tools they need.•

By Mr. DEWINE (for himself, Mr. BROWNBACK, Mr. BINGAMAN, Mr. INOUYE, Mr. LEVIN, Mr. HOLLINGS, and Mr. DURBIN):

S. 631. A bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements; to the Committee on Finance.

IMMUNOSUPPRESSIVE DRUG COVERAGE ACT OF 1999

• Mr. DEWINE. Mr. President, for quite some time, I have worked with the organ and tissue donation community to help educate others about donation and transplant issues. With each organ that is successfully transplanted, a gift of new life is given to the recipient.

Today I rise to offer the Immunosuppressive Drug Coverage Act of 1999 to help ensure that those receiving Medicare covered transplants will be able to afford the drugs necessary to keep their bodies from rejecting their new organs. The current 36-month Medicare coverage limit is arbitrary, and frankly, sorely inadequate. We are not talking about a car lease, but about a new lease on life. This coverage can mean the difference between life and death for some, and at the very least, the difference between a Medicare transplant recipient having to experience the pain of an organ rejection, a return to dialysis—for kidney recipients—and the return to a very long waiting list for another organ.

These organs are a precious investment, and it simply defies logic that Medicare covers the initial transplant, the life-long extensive medical treatment that is needed if the organ is rejected, and a second transplant (if that person is fortunate enough to find a second organ)—but not the drugs that can help prevent the rejection of the initial transplanted organ beyond 36 months. Many Medicare transplant recipients are not able to afford these immunosuppressive drugs, so they may ration their use of the drugs or they may stop taking them altogether. Let's give them a third alternative—to keep taking the drugs and to keep their organs.•

By Mr. DEWINE (for himself, Mr. ABRAHAM, Mr. CHAFEE, Mr. GRAHAM, Mr. BOND, Mr. DOMENICI, Mr. KENNEDY, Mr. DURBIN, Mr. BURNS, and Mr. DODD):

S. 632. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Health, Education, Labor, and Pensions.

POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT OF 1999

• Mr. DEWINE. Mr. President, today I rise to introduce the Poison Control Center Enhancement and Awareness Act of 1999. These poison control centers need our help. The unstable sources of funding for these centers have resulted in many of them having to close. This unfortunate decline can be reversed and cost savings can be achieved by the efficient use of these centers. I would like to thank my colleague, Senator ABRAHAM, for his efforts on behalf of this bill and I'd also like to thank my colleagues on the Congressional Prevention Coalition, Senators CHAFEE and GRAHAM of Florida, for their support of this legislation.

This bill establishes and authorizes funding for a national toll-free number to ensure that all Americans have access to poison control center services. This number will be automatically routed to the center designated to cover the caller's region. By having to only remember one national phone number, parents will be able to call this number in the event their child accidentally swallows a poisonous substance while they are away from home on vacation, and be routed to the closest poison control center for treatment advice. This system will improve access to poison control center services for everyone. It will simplify efforts to educate parents and the public about what to do in the event of a poisoning exposure.

Each year, more than 2 million poisoning are reported to poison control centers throughout the United States. More than 90% of these poisonings happen in the home—and over 50 percent of poisoning victims are children under 6 years of age. By providing expert advice to distraught parents, babysitters, poisoning victims, and health care professionals, poison control centers decrease the severity of illness and prevent deaths.

These centers serve cost-effective public health services. For every dollar spent on poison control center services, $7 in medical costs are saved by reducing the inappropriate services. Most importantly, we can save lives by ensuring that stabilizing funding sources for these centers. My home state of Ohio, for example, has 3 poison control centers—one in Columbus, Cincinnati, and Cleveland—that rely on an uncertain patchwork of federal, state, local, and private funding sources. The federal dollars that will be provided by this legislation may be used to supplement, NOT replace, existing federal, state, local, and private funds that are invested in these centers. For those states that have recently experienced the closure of the only existing poison control center in the area, this grant funding can be used to open a new center—provided it can meet certification requirements. It is essential for us to act now to prevent further closures of such valuable resources.•

By Mr. ASHCROFT:

S. 633. A bill to amend title II of the Social Security Act to require that investment decisions regarding the social security trust funds be made on the basis of the best interests of beneficiaries, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY TRUST FUND MANAGEMENT ACT OF 1999

Mr. ASHCROFT. Mr. President, there is no more worthy government obligation than ensuring that those who paid a lifetime of Social Security taxes will receive their full Social Security benefits. Social Security is our most important social program, a contract between the government and its citizens. Americans, including one million Missourians, depend on this commitment.

Unfortunately, as you know, the Social Security system is facing some long-term difficulties. While the Trust Funds are currently building up healthy surpluses—$127 billion in FY 99—by 2013 these surpluses will disappear, and by 2032 the system is facing bankruptcy.

With this impeding crisis in mind, I have embarked on a serious examination of the Social Security system. I have spent many hours in the last few months, analyzing the history and workings of this important program, in order to figure out how we can make this program work better.

The result of this effort has been a package of important reforms designed to protect Social Security. This package is designed to protect Social Security but, more importantly, it is designed to protect the American people—from debt, from risky, unwise investments, from policies that unfairly deny Social Security to some seniors who choose to work after retirement, and from attempts to use our retirement dollars on spending purposes other than Social Security. The Social Security system has some imperfections that now make our long-term situation worse than it should be, and my package is designed to improve the system in the near term, so that we can begin the important work of reforming Social Security for the long term.

One of the points I have already introduced. Last week, I introduced the Protect Social Security Benefits Act. This legislation will prevent surpluses in the Social Security Trust Funds from financing deficits in the rest of the federal budget. Social Security should not finance irresponsible spending or tax cuts that are not otherwise paid for. No rules now stop deficit budgets from being considered. That must end.

In addition to the problem of the misdirection of Social Security's surpluses, I also want to improve the way the funds are handled. There is no getting around the fact that a key to the long-term solvency of Social Security is how the current mushrooming Social Security Trust Funds Management Act, which focuses on how the current Social Security surplus is invested and managed.

The bill requires the Secretary of the Treasury, the Managing Trustee of Social Security, to consult with the Social Security Commissioner before decisions are made about investing the Social Security trust funds. This additional step will preserve the independence of Social Security and make sure investment decisions are based on the best interest of paying current and future benefits. Currently, the Secretary of the Treasury, who is by law the Managing Trustee, has the sole authority to invest Social Security surpluses, although the law limits that authority to two types of government debt. Nowhere in current law is the Managing Trustee or the Board of Trustees or the Social Security Commissioner directed to make investment decisions on the basis of protecting current and future benefits. Making sure that we can pay benefits now and in the future should be the highest priority. My bill adds this important change to the law.

The Social Security Trust Funds Management Act explicitly forbids Social Security Trust Funds from being invested in the stock market. Chairman Alan Greenspan says that investing Social Security funds in the market is bad for Social Security and bad for our economy. When Alan Greenspan talks, Congress ought to listen. The federal government should not own corporate stocks and bonds. The government must not have undue influence over the market. In addition, having the government put Social Security taxes in the stock market adds risk to retirement, and that is a gamble I am unwilling to make for the one million Missourians who now rely on Social Security. The Social Security Trust Funds Management Act legislates that government will not gamble with Social Security in the stock market.

In addition, the bill requires Social Security to provide upon request—and, as soon as secure enough to ensure confidentiality, over the Internet—more detailed information about individuals' contribution levels and rates of return.

Let me explain the reasons for these three provisions.

In order to understand the investment of the Social Security Trust Funds, we must first answer the question, Where is the Social Security surplus? This question helps us understand what the Social Security surplus is, and is not. In truth, the Trust Funds have no money, only interest-bearing notes. It would be foolish to have money in the trust fund that earned no interest or had no return. In return for the Social Security notes, Social Security taxes are sent to the U.S. Treasury and mingled with other government revenues, where the entire pool of cash pays the government's day-to-day expenses. While the Trust Funds records now show a total of $857 billion in the fund, these assets exist only in the form of government securities, or debt. According to the Washington Post, "The entire Social Security Trust Fund, all [$857] billion or so of it, fits readily in four ordinary brown, accordion-style folders that one can easily hold in both hands. The 174 certificates reside in a plain combination-lock filing cabinet on the third floor of the bureau's office building."

The placement of all of these funds into nonmarketable government securities raises some questions about the law that governs the management of Social Security money. Under current law, Social Security is now an independent agency. Its Board of Trustees oversees the financial operations of Social Security. This Board is composed of six members: The Secretaries of Treasury, Labor, Health and Human Services, the Commissioner of Social Security and two members of the public nominated by the President and confirmed by the Senate. This Board reports annually to Congress on the financial status of the Trust Funds. The Secretary of Treasury is the Managing Trustee. The Managing Trustee has sole authority to invest the surplus trust funds not needed to pay current benefits. As for the investment of the fund, while the Managing Trustee is responsible for the investment, his investment options are limited by law to two types of Federal Government debt securities.

The law directs the Managing Trustee to invest the surplus in "special issue non-marketable" federal debt obligations, except where he determines that the purchase of "marketable securities is "in the public interest," not Social Security's interest. Sadly, it is all too easy to think of times when an administration strapped for funds might use this power to act in the public interest, and not in the interest of Social Security. It's even happened recently. In 1995, the Clinton Administration used Federal employee pension funds to prevent the government from breaching the debt limit during the two week Government shutdown.

Right now, about 99% of the securities in the trust funds are special issue non-marketable securities, and about 1% are marketable securities. These two types of bonds are similar in that they both represent government debt. They differ in that non-marketable securities are available only to the trust funds and not to the public and they pay a rate of interest that is calculated and set in law. Marketable securities, in contrast, are sold to the public at auction and pay the prevailing yield as determined by the marketplace.

This review of current law highlights three important points.

First, nowhere in current law is the Managing Trustee or the Board of Trustees or the Social Security Commissioner directed to make investment decisions on the basis of how to best protect payment of current and future benefits, taking risk into account. This is unacceptable. The Social Security Trust Funds Management Act changes this. This change is consistent with the legal concept that a trustee owes a fiduciary duty to act on behalf of the intended beneficiary, and exercises a heightened standard of care in management decisions and actions.

Second, although Social Security is an independent agency, the Secretary of Treasury retains sole authority to invest Social Security surpluses. There is a conflict of responsibilities held by the Secretary of Treasury in his dual capacity as Managing Trustee of Social Security. Presumably, the Trustee is to invest those funds as securely as possible, but also with the highest possible rate of return. The role of the Secretary of the Treasury is to manage the finances of the United States Government, minimizing, to the extent possible, the interest charges that the government has to pay in the long run. The problem is that the interest received by the trust fund is also interest that must be paid by the Treasury. If the Managing Trustee is maximizing Social Security's returns, he may not be minimizing the Treasury's interest obligations. And if he is minimizing the Treasury's interest obligations, he may not be maximizing the returns for the Social Security Trust Funds.

The Social Security Trust Funds Management Act is designed to resolve this inherent conflict, and still be consistent with the principle that Social Security is distinct from the Federal Government generally. The Act requires the Secretary of the Treasury to consult with the Social Security Commissioner before investment decisions are made. If the Social Security Commissioner disagrees with investment decisions made by the Secretary, he or she must notify the President and Congress immediately in writing.

Some experts believe that in some years and in certain market conditions it is preferable for the Trust Funds to buy marketable securities rather than non-market securities. A leading Missouri investment firm, Edward Jones, says the following:

> Edward Jones believes that this idea has merit because it provides additional flexibility to the management of the federal debt. The use of marketable securities would not only increase liquidity, but also would make bond swaps possible (the exchange of one bond issue for another) which could better facilitate management of the debt. It also could reduce interest payments by targeting specific securities when market conditions dictate.

Under the Social Security Trust Funds Management Act, the Commissioner of Social Security could so advise the Treasury Secretary. If the Treasury Secretary does not accept the recommendation of the Social Security Commissioner, the Commissioner has the duty to inform both the President and to Congress.

These investment issues take on greater importance in the context of the President's proposal to allow, for the first time in the history of Social Security, as much as $700 billion in Social Security funds to be invested in the stock market by the Government.

The legislation I am proposing reaffirms current law, making explicit what is now implicit that this kind of governmental meddling into private markets is forbidden. Federal Reserve Chairman Alan Greenspan says this idea is bad for Social Security and bad for our economy. As I said before, when Chairman Greenspan talks, Congress ought to listen. Chairman Greenspan has said this plan "will create a lower rate of return for Social Security recipients," and he "does not believe that it is politically feasible to insulate such huge funds from a governmental direction." The last thing this country needs is the Federal Government directing the investment of Social Security funds based on some trendy politically-driven notion of which industries or which countries are in political favor at the moment.

The Government's putting Social Security taxes in the stock market adds risk to retirement and is a gamble I am unwilling to make for one million Missourians who get Social Security. This legislation puts Congress on record that Government will not gamble Social Security in the stock market. While I understand the impulse to harness the great potential of the stock market, significant government involvement in the stock market could tend toward economic nationalization, excess government involvement in private financial markets, and short-term, politically motivated investment decisions that could diminish Social Security's potential rate of return.

This scheme is dangerous. Imagine, if you will, what would happen if the government had $2.7 billion in the market on Black Monday, October 19, 1987, when the stock market lost 22% of its value. The trust fund's owners—America's current and future retirees—would have lost a collective total of $633 billion. Imagine seniors who depend on Social Security watching TV news of the stock market collapse, wondering, even fearing, if their Social Security was in danger. While individuals properly manage their financial portfolios to control risk, the government has no business taking these gambles with the people's money.

Even President Clinton has expressed skepticism with this idea. In Albuquerque last year, the President said the following: "I think most people just think if there is going to be a risk taken, I'd rather take it than have the government take it for me." He was right then, and he is wrong now. While Americans should invest as much as they can afford in private equities to plan for their own retirements, the government should stay out of the stock market.

I recently received a letter from Todd Lawrence of Greenwood, Missouri, who wrote: "It has been suggested that the government would invest in the stock market with my Social Security money. No offense, but there is not much that the Government touches that works well. Why would making MY investment decisions for me be any different. Looking at it from a business perspective, would the owner of a corporation feel comfortable if the government were the primary shareholder?" Todd Lawrence understands what President Clinton does not. No corporation would want the government as a shareholder, and no investor should want the government handling their investment.

The last provision of my bill gives Americans more information about how much they can expect to receive from the Social Security system. While the Social Security Administration already provides helpful and comprehensive information about future benefits, it does not provide much information about its costs or its rate of return. While the Social Security's current practice of providing benefit information is useful, it is not enough.

It is not fair to ask Americans to plan for retirement and not tell them the actual cost or the opportunity costs of those benefits. As the American people consider that further steps are necessary to reform Social Security, they are entitled to accurate information about how well their Social Security investments are doing.

This legislation would address this problem by requiring the Social Security Administration, upon request, to provide individuals' own rate of return information, and to make such information available over the Internet as soon as it is sufficiently secure to ensure beneficiary confidentiality. Americans need to know the rate of return on Social Security. This information is vital for Americans in order for them to make the right decisions about their own financial futures, as well as the future of the Social Security program.

The Social Security Trust Funds Management Act is designed to protect the Social Security Trust Funds. More importantly, it is designed to protect the American people—from conflicts of interest, from bad investments, from misinformation, and from attempts to place the Trust Funds in risky and inappropriate investments. While I value the Social Security system, I value the American people, people like Todd Lawrence and the four million other Missourians who either pay into the Social Security system or receive Social Security benefits, more. My primary responsibility is to them. My plan to protect the Social Security system will protect the American people first, and I will work to make sure that this package becomes law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Trust Funds Management Act of 1999".

SEC. 2. INVESTMENT OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND.

(a) IN GENERAL.—Section 201(d) of the Social Security Act (42 U.S.C. 401(d)) is amended to read as follows:

"(d)(1) Subject to paragraphs (2) and (3), it shall be the duty of the Managing Trustee to invest such portion of the Trust Funds as is not, in the judgment of the Trustee, required to meet current withdrawals. The Managing Trustee may purchase interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price.

"(2)(A) If the Managing Trustee, after consultation with the Commissioner of Social Security, determines that the purchase of obligations issued in accordance with paragraph (4) is in the best interest of paying current and future benefits under this title, and will not jeopardize the payment of such benefits, the Managing Trustee may purchase such obligations.

"(B) If the Commissioner of Social Security does not concur with the investment decisions of the Managing Trustee, or believes that other investment strategies are appropriate, the Commissioner shall promptly so inform the President and Congress in writing.

"(3) In investing contributions made to the Trust Funds, the Managing Trustee may not invest such contributions in private financial markets. Neither the Managing Trustee nor any other officer or employee of the Federal Government shall direct private pension plans as to what type of investments to make or in which financial markets to invest.

"(4) The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the Trust Funds. Such obligations issued for purchase by the Trust Funds shall have maturities fixed with due regard for the needs of the Trust Funds and shall bear interest at a rate equal to the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 percent, the rate of interest of such obligations shall be the multiple of one-eighth of 1 percent nearest such market yield. Each obligation issued for purchase by the Trust Funds under this subsection shall be evidenced by a paper instrument in the form of a bond, note, or certificate of indebtedness issued by the Secretary of the Treasury setting forth the principal amount, date of maturity, and interest rate of the obligation, and stating on its face that the obligation shall be incontestable in the hands of the Trust Fund to which it is issued, that the obligation is supported by the full faith and credit of the United States, and that the United States is pledged to the payment of the obligation with respect to both principal and interest.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 3. INFORMATION REQUIREMENTS FOR SOCIAL SECURITY ACCOUNT STATEMENTS.

(a) IN GENERAL.—Section 1143(a) of the Social Security Act (42 U.S.C. 1320b–13(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by inserting ", including a separate estimate of the amount of interest earned on the contributions," after "disability insurance";

(B) in subparagraph (C)—

(i) by inserting ", including a separate estimate of the amount of interest earned on the contributions," after "hospital insurance"; and

(ii) by striking "and" after the semicolon;

(C) in subparagraph (D), by striking the period at the end and inserting a semicolon;

(D) by redesignating subparagraphs (A), (B), (C), and (D) as subparagraphs (B), (C), (D), and (E), respectively;

(E) by inserting after the matter preceding subparagraph (B), as redesignated by subparagraph (D), the following:

"(A) the name, age, gender, mailing address, and marital status of the eligible individual;";

(F) by adding at the end the following:

"(F) the total amount of the employer and employee contributions for the eligible individual for old-age and survivors insurance benefits, as of the end of the month preceding the date of the statement, in both actual dollars and dollars adjusted for inflation;

"(G) the projected value of—

"(i) the aggregate amount of the employer and employee contributions for old-age and survivors insurance benefits that are expected to be made by or on behalf of the individual prior to the individual attaining retirement age, in both actual dollars and dollars adjusted for inflation;

"(ii) the annual amount of old-age and survivors insurance benefits that are expected to be payable on the eligible individual's account for a single individual and for a married couple, in dollars adjusted for inflation;

"(iii) the total amount of old-age and survivors insurance benefits payable on the eligible individual's account for the individual's life expectancy, in dollars adjusted for inflation, identifying—

"(I) the life expectancy assumed;

"(II) the amount of benefits received on the basis of each $1 of contributions made by or on behalf of the individual; and

"(III) the projected annual rate of return for the individual, taking into account the date on which the contributions are made in the eligible individual's account and the date on which the benefits are paid;

"(iv) the total amount of old-age and survivors insurance benefits that would have accumulated on the eligible individual's account on the date on which the individual attains retirement age if the contributions for such individual had been invested in Treasury 10-year saving bonds at the prevailing interest rate for such bonds as of the end of the month preceding the date of the statement, and, alternatively, in the Standard and Poor's 500, or an equivalent portfolio of common stock equities that are based on a broad index of United States market performance, in dollars adjusted for inflation, identifying—

"(I) the date of retirement assumed;

"(II) the interest rate used for the projection; and

"(III) the amount that would be received on the basis of each $1 of contributions made by or on behalf of the individual;

"(H) the average annual rate of return, adjusted for inflation, on the Treasury 10-year saving bond as of the date of the statement;

"(I) the average annual rate of return, adjusted for inflation, on the Standard and Poor's 500, or an equivalent portfolio of common stock equities that are based on a broad index of United States market performance, for the preceding 25 years;

"(J) a brief statement that identifies—

"(i) the balance of the trust fund accounts as of the end of the month preceding the date of the statement;

"(ii) the annual estimated balance of the trust fund accounts for each of the succeeding 30 years; and

"(iii) the assumptions used to provide the information described in clauses (i) and (ii), including the rates of return and the nature of the investments of such trust fund accounts; and

"(K) a simple 1-page summary and comparison of the information that is provided to an eligible individual under subparagraphs (G), (H), and (I)."; and

(2) by striking paragraph (3) and inserting the following:

"(3) The estimated amounts required to be provided in a statement under this section shall be determined by the Commissioner using a general methodology for making such estimates, as formulated and published at the beginning of each calendar year by the Board of Trustees of the trust fund accounts. A description of the general methodology used shall be provided to the eligible individual as part of the statement required under this section.

"(4) The Commissioner of Social Security shall notify an individual who receives a social security account statement under this section that the individual may request that the information described in paragraph (2) be determined on the basis of relevant information provided by the individual, including information regarding the individual's future income, marital status, date of retirement, or race.

"(5) For purposes of this section—

"(A) the term 'dollars adjusted for inflation' means—

"(i) dollars in constant or real value terms on the date on which the statement is issued; and

"(ii) an amount that is adjusted on the basis of the Consumer Price Index.

"(B) the term 'eligible individual' means an individual who—

"(i) has a social security account number;

"(ii) has attained age 25 or over; and

"(iii) has wages or net earnings from self-employment; and

"(C) the term 'trust fund account' means—

"(i) the Federal Old-Age and Survivors Insurance Trust Fund; and

"(ii) the Federal Disability Insurance Trust Fund.".

(b) Mandatory Provision of Statements Through Means Such As the Internet.—Section 1143(c)(2) of the Social Security Act (42 U.S.C. 1320b–13(c)(2)) is amended—

(1) in the first sentence, by inserting "(which shall include the Internet as soon as the Commissioner of Social Security determines that adequate measures are in place to protect the confidentiality of the information contained in the statement)" before the period; and

(2) by striking the second and third sentences.

(c) Technical Amendment.—Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended by striking "Secretary" each place it appears and inserting "Commissioner of Social Security".

(d) Effective Date.—The amendments made by this Act shall apply to statements provided for fiscal years beginning with fiscal year 2000.

By Mr. MACK (for himself, Mr. Grams, Mr. Lieberman, and Mr. Kyl):

S. 635. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment; to the Committee on Finance.

THE PRINTED CIRCUIT INVESTMENT ACT OF 1999

Mr. MACK. Mr. President, today, along with Senators Grams, Lieberman, and Kyl, I introduce the Printed Circuit Investment Act of 1999. This bill would allow manufacturers of printed wiring boards and printed wiring assemblies, known as the electronic interconnection industry, to depreciate their production equipment in 3 years rather than the 5 year period under current law.

As we approach the 21st century, our Nation's Tax Code should not stand in the way of technological progress. Printed wiring boards and assemblies are literally central to our economy, as they are the nerve centers of nearly every electronic device from camcorders and televisions to medical devices, computers and defense systems. But the Tax Code places U.S. manufacturers at the disadvantage relative to their Asian competitors, because of different depreciation treatment. This disadvantage is particularly difficult for U.S. firms to bear, as the interconnection industry consists overwhelmingly of small firms that cannot easily absorb the costs inflicted by an irrationally-long depreciated schedule.

As technology continues to advance at light speed, the exhilaration of competition in a dynamic market is dampened by the effects of a tax code that has not kept pace with these changes. Obsolete interconnection manufacturing equipment is kept on the books long after this equipment has gone out the door. Companies with the competitive fire to enter such a rapidly-evolving industry must constantly invest in new state-of-the art equipment, replacing obsolete equipment every 18 to 36 months just to remain competitive. U.S. investments in new printed wiring board and assembly manufacturing equipment have nearly tripled since 1991—growing from $847 million to an estimated $2.4 billion.

But this investment is taxed at an artificially-high rate, because deductions for the cost of the equipment are spread over a period that is several years longer than justified. The industry is at the mercy of tax laws passed in the 1980s, which were based on 1970s-era electronics technology. It is no wonder that the market share of U.S. interconnection companies has been cut in half over this period. Our Tax Code should not continue to undermine the competitiveness of American businesses. The opportunity is before us to correct the tax laws that dictate how rapidly board manufacturers and electronic assemblers can depreciate equipment needed to fabricate and assemble circuit boards.

The Printed Circuit Investment Act of 1999 will provide modest tax relief to the electronics interconnection industry and the 250,000 Americans, residing in every state in the Union, whose jobs rely on the success of this industry. This industry should get fair and accurate tax treatment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Printed Circuit Investment Act of 1999".

SEC. 2. 3-YEAR DEPRECIABLE LIFE FOR PRINTED WIRING BOARD AND PRINTED WIRING ASSEMBLY EQUIPMENT.

(a) In General.—Subparagraph (A) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", by adding at the end the following new clause:

"(iv) any printed wiring board or printed wiring assembly equipment."

(b) 3-Year Class Life.—Subparagraph (B) of section 168(g)(3) of such Code is amended by inserting after the item relating to subparagraph (A)(iii) the following new item:

"(A)(iv) .... 3".

(c) Effective Date.—The amendments made by this section shall apply to equipment placed in service after the date of the enactment of this Act.

By Mr. SCHUMER:

S. 637. A bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes; to the Committee on the Judiciary.

THE INTERNET GUN TRAFFICKING ACT OF 1999

• Mr. SCHUMER. Mr. President, today I am introducing the Internet Gun Trafficking Act of 1999. The Act would plug a gaping loophole in the enforcement of federal firearms laws—the ability of felons and minors to find guns for sale on-line and illegally acquire those guns without detection.

The Internet affords computer users—including children and felons—easier-than-ever access to individuals offering firearms for sale. It also facilitates firearms transactions in which sellers and buyers need not meet face-to-face. For these reasons, individuals who are legally prohibited from purchasing or selling firearms can turn to the Internet to find others willing to engage in gun transactions with them—either knowing or not knowing of the illegality of such transactions. Unlike firearms sales at gun dealerships and even gun shows, illegal Internet firearms sales occur "sight unseen," thus presenting significant enforcement challenges for federal, state and local authorities.

In particular, a number of Internet web-sites are designed specifically to allow individuals who are not licensed firearms dealers to offer their firearms for sale. These individuals post phone numbers or e-mail addresses by which potential buyers may contact them. Unfortunately, the operators of these web-sites do not monitor the interactions between firearms sellers and buyers. Thus, sellers and buyers may with "no-questions-asked" and little prospect of detection evade laws prohibiting sales of certain types of firearms, prohibiting firearms sales to felons and minors, and prohibiting the direct shipment of firearms to unlicensed persons.

Last month, eBay—a popular on-line auction site that had allowed users to list firearms for sale—changed its policy to prohibit auctions selling firearms, explaining: "The current laws governing the sale of firearms were created for the non-Internet sale of firearms. These laws may work well in the real world, but they work less well for the on-line trading of firearms, where the seller and the buyer rarely meet face-to-face. The on-line seller cannot readily guarantee that the buyer meets all the qualifications and complies with the laws governing the sale of firearms."

The Internet Gun Trafficking Act of 1999 would end the unlicensed sale of firearms using the Internet.

First, it would require anyone who operates an Internet web-site which offers firearms for sale or otherwise facilitates the sale of firearms posted or listed on the web-site to become a federally licensed firearms manufacturer, importer, or dealer. Currently, persons who operate web-sites that post classified advertisements for the sale of hundreds of firearms need not be licensed under federal law, even though such sales may be intricately linked to their trade or business and provide them with substantial profits. Requiring these persons to secure a federal firearms license would, among other things, enable them to more actively monitor firearms transactions facilitated by their web-sites.

Second, it would require anyone who operates an Internet web-site which offers firearms for sale or otherwise facilitates the sale of firearms posted or listed on the web-site to notify the Secretary of the Treasury of the address of the web-site. This requirement aims to facilitate necessary law enforcement investigations of Internet firearms sales.

Third, it would require anyone who operates an Internet web-site which posts or lists firearms for sale on behalf of other persons to serve as a "middleman" for any resulting gun transactions. Under the bill, the web-site operators in question would do this by, first, prohibiting the posting of information on these sites that would enable prospective firearms sellers and buyers to contact one another directly (such as phone numbers or e-mail addresses), and thus bypass involvement by web-site operators, and, second, requiring that all firearms sold as a result of being listed on their web-sites be shipped to them, as federally licensed firearms dealers, rather than directly to the buyers. Once the operator of the web-site received a firearm from the seller, it would have to comply with federal firearms laws in transferring the firearm to the buyer, including laws requiring that firearms be shipped to a licensed dealer in an unlicensed buyer's state rather than directly to an unlicensed buyer.

And fourth, it would prohibit unlicensed individuals who offer firearms for sale on "gun show" web-sites from shipping firearms sold as a result of being listed on such web-sites to anyone other than the web-site operator.

Certainly, there is much to embrace about the Internet. It facilitates commercial competition and places a wealth of valuable and formerly inaccessible information at the fingertips of computer users. But as we praise this important new medium of communication and commerce, we cannot afford to ignore its potential for facilitating illegal and dangerous conduct. I believe that the Internet Gun Trafficking Act of 1999 is a measured and appropriate response to the challenges posed by the Internet to the enforcement of federal firearms laws. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Gun Trafficking Act of 1999".

SEC. 2. REGULATION OF INTERNET FIREARMS TRANSFERS.

(a) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) REGULATION OF INTERNET FIREARMS TRANSFERS.—

"(1) IN GENERAL.—It shall be unlawful for any person to operate an Internet website, if a purpose of the website is to offer 1 or more firearms for sale or exchange, or is to otherwise facilitate the sale or exchange of 1 or more firearms posted or listed on the website, unless—

"(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

"(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

"(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

"(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

"(ii) the person prohibits the posting or listing on the website of any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

"(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

"(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

"(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

"(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph

(1) to any person other than the operator of the website.”.

(b) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.”.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. McCain, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 115

At the request of Ms. Snowe, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 290

At the request of Mr. Abraham, the names of the Senator from Iowa [Mr. Grassley] and the Senator from Alabama [Mr. Sessions] were added as cosponsors of S. 290, a bill to establish an adoption awareness program, and for other purposes.

S. 322

At the request of Mr. Campbell, the name of the Senator from Virginia [Mr. Robb] was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed.

S. 326

At the request of Mr. Jeffords, the name of the Senator from Montana [Mr. Burns] was added as a cosponsor of S. 326, a bill to improve the access and choice of patients to quality, affordable health care.

S. 331

At the request of Mr. Jeffords, the names of the Senator from Washington [Mr. Gorton] and the Senator from Michigan [Mr. Abraham] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mrs. Hutchison, the name of the Senator from Pennsylvania [Mr. Santorum] was added as a cosponsor of S. 346, A bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 414

At the request of Mr. Grassley, the name of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 429

At the request of Mr. Durbin, the name of the Senator from South Dakota [Mr. Johnson] was added as a cosponsor of S. 429, a bill to designate the legal public holiday of “Washington's Birthday” as “Presidents' Day” in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 463

At the request of Mr. Abraham, the names of the Senator from Arkansas [Mr. Hutchinson], the Senator from Kansas [Mr. Brownback], and the Senator from Texas [Mrs. Hutchison] were added as cosponsors of S. 463, a bill to amend the Internal Revenue Code of 1986 to provide for the designation of renewal communities, to provide tax incentives relating to such communities, and for other purposes.

S. 472

At the request of Mr. Grassley, the name of the Senator from Kansas [Mr. Brownback] was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 502

At the request of Mr. Ashcroft, the names of the Senator from Wyoming [Mr. Enzi], the Senator from Oklahoma [Mr. Inhofe], and the Senator from Washington [Mr. Gorton] were added as cosponsors of S. 502, a bill to protect social security.

S. 531

At the request of Mr. Abraham, the names of the Senator from Indiana [Mr. Bayh], the Senator from Indiana [Mr. Lugar], the Senator from North Dakota [Mr. Dorgan], the Senator from West Virginia [Mr. Rockefeller], the Senator from Kansas [Mr. Brownback], and the Senator from California [Mrs. Boxer] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 542

At the request of Mr. Abraham, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 597

At the request of Mr. Smith, the names of the Senator from Minnesota [Mr. Grams] and the Senator from Alabama [Mr. Sessions] were added as cosponsors of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

SENATE RESOLUTION 33

At the request of Mr. McCain, the names of the Senator from Utah [Mr. Hatch], the Senator from North Carolina [Mr. Edwards], the Senator from Delaware [Mr. Biden], the Senator from Nevada [Mr. Reid], the Senator from Indiana [Mr. Lugar], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as “National Military Appreciation Month.”

SENATE RESOLUTION 34

At the request of Mr. Torricelli, the names of the Senator from Florida [Mr. Graham] and the Senator from Alaska [Mr. Stevens] were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as “National Youth Fitness Week.”

SENATE RESOLUTION 47

At the request of Mr. Murkowski, the names of the Senator from Alaska [Mr. Stevens] and the Senator from Connecticut [Mr. Lieberman] were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as “National Inhalants and Poisons Awareness Week.”

SENATE RESOLUTION 50

At the request of Mr. Specter, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of Senate Resolution 50, a resolution designating March 25, 1999, as “Greek Independence Day: A Day of Celebration of Greek and American Democracy.”

SENATE RESOLUTION 57

At the request of Mr. Graham, the names of the Senator from Iowa [Mr. Grassley] the Senator from Missouri [Mr. Ashcroft], the Senator from Nevada [Mr. Reid], the Senator from Georgia [Mr. Coverdell], and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of Senate Resolution 57, a resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

SENATE RESOLUTION 60

At the request of Mr. MACK, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

SENATE RESOLUTION 61—COMMENDING THE HONORABLE J. ROBERT KERREY, U.S. SENATOR FROM NEBRASKA, ON THE 30TH ANNIVERSARY OF THE EVENTS GIVING RISE TO HIS RECEIVING THE MEDAL OF HONOR

Mr. DASCHLE (for himself, Mr. LOTT, Mr. EDWARDS, Mr. HAGEL, Mr. CLELAND, Mr. MCCAIN, Mr. HARKIN, Mr. KERRY, Mr. ROBB, Mr. REED, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 61

Whereas Honorable J. Robert "Bob" Kerrey has served the United States with distinction and honor for all of his adult life;

Whereas 30 years ago this past Sunday, on March 14, 1969, Bob Kerrey lead a successful sea-air-land (SEAL) team mission in Vietnam during which he was wounded;

Whereas he was awarded the Medal of Honor for his actions and leadership during that mission;

Whereas according to his Medal of Honor citation, "Lt. (j.g.) Kerrey's courageous and inspiring leadership, valiant fighting spirit, and tenacious devotion to duty in the face of almost overwhelming opposition sustain and enhance the finest traditions of the U.S. Naval Service";

Whereas during his 10 years of service in the United States Senate, Bob Kerrey has demonstrated the same qualities of leadership and spirit and has devoted his considerable talents to working on social security, Internal Revenue Service, and entitlement reform, improving health care services, guiding the intelligence community and supporting the agricultural community: Now, therefore, be it

Resolved, That the United States Senate commends the Honorable J. Robert Kerrey for the service that he rendered to the United States, and expresses its appreciation and respect for his commitment to and example of bipartisanship and collegial interaction in the legislative process.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Honorable J. Robert Kerrey.

SENATE RESOLUTION 62—PROCLAIMING THE MONTH OF JANUARY 1999 AS "NATIONAL CERVICAL HEALTH MONTH"

Mr. MACK (for himself Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. AKAKA, Mrs. BOXER, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. GORTON, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOSWKI, Mrs. MURRAY, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS. Mr. THURMOND, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 62

Whereas cervical cancer annually strikes approximately 15,000 American women;

Whereas cervical cancer strikes 1 out of 50 American women;

Whereas estimates show that physicians will diagnose more than 150,000 American women with cervical cancer during the 1990's;

Whereas according to the National Cancer Institute Surveillance, Epidemiology and End Results Program, the 5-year survival rate of cervical cancer victims is 91 percent when physicians detect the cancer at an early stage;

Whereas cervical cancer is preventable, yet remains one of the leading causes of death among American women;

Whereas according to the United States Centers for Disease Control and Prevention, the mortality rate among American women with cervical cancer declined between 1960 and 1997, yet recently began to rise;

Whereas cervical cancer survivors show tremendous courage and determination in the face of adversity; and

Whereas it is important that the United States support individuals with cervical cancer, as well as their families and loved ones, through public awareness and education programs: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the month of January 1999 as "National Cervical Health Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

• Mr. MACK. Mr. President, in an effort to help increase awareness and education about cervical cancer, and to pay tribute to women who have battled the disease, today I am submitting a Senate Resolution to designate the month of January as "National Cervical Health Month." I am pleased that Senator DIANNE FEINSTEIN and 31 bipartisan colleagues in the Senate have agreed to be original co-sponsors of this Senate Resolution. I understand that Representative JUANITA MILLENDER-MCDONALD will be introducing similar legislation in the United States House of Representatives, and I would like to commend her for the leadership she has shown in this important effort.

I would also like to pay tribute to Ms. Carol Ann Armenti, Director of the Center for Cervical Health in Toms River, New Jersey. Ms. Armenti has worked tirelessly on behalf of cervical cancer patients and their families, and she has been a true leader in educating women about this disease. In January, her organization, along with the American Medical Women's Association, launched the National Cervical Cancer Public Education Campaign. The leadership of Ms. Armenti will have a lasting impact upon the lives of women of today, and future generations will be the beneficiaries of her work.

Mr. President, the issue of cervical cancer is one which is deeply personal to my wife, Priscilla, and to me. In 1990, our daughter, Debbie, was diagnosed with cervical cancer. Because of our family history with cancer, Debbie was aware that she had an increased risk of cancer and she made sure to take advantage of early detection screening procedures. Fortunately, her cervical cancer was detected at an early stage, and she was treated successfully with surgery. Not long after her treatment, she have birth to our third grandson. Debbie's experience with cervical cancer exemplifies the fact that early detection saves lives.

According to the American Cancer Society, nearly 1,000 women in Florida will be diagnosed with cervical cancer in 1999. This year, Florida will have the third largest number of new cases of cervical cancer. Yet, despite significant progress being made in the war on cancer, not all segments of the U.S. population have benefitted to the fullest extent from the advances made in the understanding of cancer. According to the U.S. Institute of Medicine report, "The Unequal Burden of Cancer," rates of cervical cancer are significantly higher in Hispanic and African-American women. We simply must reinforce our efforts to eradicate this terrible disease.

Research, education, and early detection are the most effective weapons we have in the war on cervical cancer.

Research is the key to finding a cure for cervical cancer, and significant progress is being made in this regard. Last month, the National Cancer Institute (NCI) took the rarely-used step of issuing a Clinical Announcement urging physicians to give strong consideration to adding chemotherapy to radiation therapy in the treatment of invasive cervical cancer. According to NCI Director Rick Klausner, this will likely change the standard of treatment for cervical cancer. Dr. Mitchell Morris of the M.D. Anderson Cancer Center called this new treatment approach, "the first fundamental advance in the treatment of cervical cancer in more than 40 years."

I'm also proud to say that several cutting-edge cervical cancer studies are taking place in my home state of Florida. Scientists at the University of Miami Sylvester Cancer Center are studying a new type of cervical cancer immunotherapy. They are developing "killer cells" specifically designed to target cancer cells which express human papilloma virus (HPV). By eradicating these cells, the hope is to kill the tumor, even if the cancer has spread. At the H. Lee Moffitt Comprehensive Cancer Center in Tampa, studies are underway to develop a cervical cancer vaccine using some of the same characteristics of the human papilloma virus. They are also examining biomarkers to detect cervical cancer before malignant changes occur.

The U.S. Senate and House, working in bipartisan cooperation, have embarked upon an historic mission to double funding for the National Institutes of Health over the next five years. Last year, the Congress overwhelmingly passed, with bipartisan support, a $2 billion increase for the National Institutes of Health—the largest increase in NIH history.

With the tremendous progress being made in cervical cancer and other diseases, I was astonished and extremely disappointed the President's FY 2000 budget only calls for a meager 2.6% increase for medical research at the NIH. This is simply unacceptable. The President's proposed budget means a ceasefire in the war against cancer, Parkinson's disease, Alzheimer's disease and other illnesses. In effect, the President's proposal is a formal act of retreat in the heat of battle.

I was also shocked that the President's FY 2000 budget calls for not one additional penny of funding for the Breast and Cervical Cancer Screening program at the U.S. Centers for Disease Control & Prevention. For FY 1999, the bipartisan Congress provided a $16 million increase. By contrast, the President's request for FY 1999 was for an increase of less than $1 million for this life-saving program, and he proposes no increase for next year.

When it comes to cervical cancer research and screening, the President just doesn't get it. It's obvious the leadership on these initiatives will have to come from this end of Pennsylvania Avenue. It will be through the bipartisan commitment of the Senate and House that these important research and detection programs will receive adequate funding. I want to pledge my support, and to work with my colleagues in Congress to make sure this happens. Far too many lives depend upon it.

Mr. President, I encourage my colleagues to co-sponsor this resolution to designate January as "National Cervical Health Month."●

SENATE RESOLUTION 63—RECOGNIZING AND HONORING JOE DIMAGGIO

Mr. MOYNIHAN (for himself, Mr. LOTT, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. JOHNSON, Mr. HELMS, Mr. BUNNING, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 63

Whereas Joseph Paul "Joe" DiMaggio was born in Martinez, California, on November 25, 1914;

Whereas Joe DiMaggio was the son of Sicilian immigrants, Joseph Paul and Rosalia DiMaggio, and was the 2d of 3 brothers to play Major League Baseball;

Whereas Joe DiMaggio played 13 seasons in the major leagues, all for the New York Yankees;

Whereas Joe DiMaggio, who wore number 5 in Yankee pinstripes, became a baseball icon in the 1941 season by hitting safely in 56 consecutive games, a major league record that has stood for more than 5 decades and has never been seriously challenged;

Whereas Joe DiMaggio compiled a .325 batting average during his storied career and played on 9 World Series championship teams;

Whereas Joe DiMaggio hit 361 home runs during his career, while striking out only 369 times;

Whereas Joe DiMaggio was selected to the Baseball Hall of Fame in 1955, 4 years after his retirement;

Whereas Joe DiMaggio in 1969 was voted Major League Baseball's greatest living player;

Whereas Joe DiMaggio served the Nation in World War II as a member of the Army Air Corps;

Whereas Joe DiMaggio was tireless in helping others and was devoted to the "Joe DiMaggio Children's Hospital" in Hollywood, Florida;

Whereas Joe DiMaggio will be remembered as a role model for generations of young people; and

Whereas Joe DiMaggio transcended baseball and will remain a symbol for the ages of talent, commitment, and achievement: Now, therefore, be it

Resolved, That the Senate recognizes and honors Joe DiMaggio—

(1) for his storied baseball career;

(2) for his many contributions to the Nation throughout his lifetime; and

(3) for transcending baseball and becoming a symbol for the ages of talent, commitment, and achievement.

AMENDMENTS SUBMITTED

NATIONAL MISSILE DEFENSE ACT OF 1999

LANDRIEU (AND OTHERS) AMENDMENT NO. 72

Ms. LANDRIEU (for herself, Mr. LEVIN, Ms. SNOWE, Mr. DORGAN, Mr. BREAUX, Mr. LIEBERMAN, Mr. BAYH, and Mr. EDWARDS) proposed an amendment to the bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack; as follows:

At the end, add the following:

SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

COMPLIANCE WITH ETHICAL STANDARDS FOR FEDERAL PROSECUTORS

HATCH AMENDMENT NO. 73

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (H.R. 808) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; as follows:

At the appropriate place, insert the following:

SEC. . COMPLIANCE WITH ETHICAL STANDARDS FOR FEDERAL PROSECUTORS.

Section 801 of title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105-277) is amended by striking subsection (c) and inserting the following:

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.".

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled "Securities Fraud On The Internet." The upcoming hearings will examine the common securities frauds perpetrated on the Internet and the ways consumers can protect themselves from such frauds, as well as current online trading issues. Specifically, the hearing will focus on federal and state enforcement efforts to combat securities fraud on the Internet, particularly penny stock fraud, and whether federal and state consumer education programs designed to disseminate information about securities fraud on the Internet are adequate.

The hearings will take place on Monday, March 22nd at 1:30 p.m. in room 342 of the Dirksen Senate Office Building and Tuesday, March 23rd, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224-3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 323, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes; S. 338, a bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; S. 568, a bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdiction.

The hearing will take place on Wednesday, March 24, 1999 at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the economic impact of the Kyoto Protocol to the Framework Convention on Climate Change.

The hearing will take place on Thursday, March 25, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to testify or submit a written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Julia McCaul or Colleen Deegan at (202) 224-8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, April 21, 1999 at 2 p.m. in SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding with Lewis and Clark bicentennial celebration.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 16, 1999, at 9:30 a.m. in closed session, to receive testimony on alleged Chinese espionage at Department of Energy laboratories, and at 11 a.m. in open session, to receive testimony on the Department of Energy national security programs, in review of the Defense authorization request for fiscal year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 16, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Educating the Disadvantaged" during the session of the Senate on Tuesday, March 16, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the sessions of the Senate on Wednesday, March 17, 1999; Thursday, March 18, 1999; and Friday March 19, 1999. The purpose of these meetings will be to consider S. 326, the Patients' Bill of Rights, and several nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled, "The President's Fiscal Year 2000 Budget Request for the Small Business Administration." The hearing will begin at 10 a.m. on Tuesday, March 16, 1999, in room 428A Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education to assess the roles and preparedness of the Department of Health and Human Services and the Department of Veterans Affairs to respond to a domestic chemical or biological weapon attack.

The hearing will be held on Tuesday, March 16, 1999, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR ENERGY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Energy be granted permission to conduct a hearing on EPA's Risk Management Plan Program of the Clean Air Act Tuesday, March 16, 9:30 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 P.M. on Tuesday, March 16, 1999, in closed/open session, to receive testimony on information warfare and critical infrastructure protection, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Forest & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 16, for purposes of conducting a Subcommittee on Forest & Public Lands

Management hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY 2000 for the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urhan Affairs be authorized to meet during the session of the Senate on Tuesday, March 16, 1999, to conduct a hearing on reauthorization of the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WE THE PEOPLE

• Mr. SESSIONS. Mr. President, on May 1–3, 1999 more than 1,200 students from across the United States will be in Washington DC to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. I am proud to announce that a class from Corner High School from the city of Warrior will represent my home state of Alabama in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The "We the People . . . The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a "congressional committee," that is, the panel of judges representing various regions of the country and a variety of appropriate professional fields. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

The student team from Corner High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I am extremely proud of the students and teacher and wish them the best of luck at "We the People" national finals. I look forward to greeting them when they visit Capitol Hill.•

TRIBUTE TO PHIL LERMAN

• Mr. FEINGOLD. Mr. President, I rise today to offer a tribute to my friend, Phil Lerman, who recently passed away. Throughout his lifetime, Phil was a steadfast advocate for civil rights. Perhaps most impressive, is the number of different avenues Phil marched down to promote the ideals of equal justice. As a former union representative, state official, businessman, founder and director of the employment and training institute at the University of Wisconsin–Milwaukee, Phil helped to promote racial and social justice throughout the state of Wisconsin.

Phil said that he learned his "strategizing and speechifying," as he called it, for civil rights from his father. In a 1997 interview, Phil stated "I learned to respect people as people. Color meant nothing." Perhaps it was this respect that caused Phil to devote time to preforming countless acts of community service, such as donating free tires to the vehicles that carried so many civil rights marchers.

Phil was an inspiration to the entire state. I am sure those in the greater Milwaukee area will miss his guidance and helpful advice. However, I am proud to remember, and of course repeat, his well-worn statement, "a house doesn't care who lives there." I can only hope that we will someday translate this ideal into reality.•

THE 43rd ANNIVERSARY OF TUNISIA'S INDEPENDENCE

• Mr. ABRAHAM. Mr. President, I rise today in celebration of the forty-third anniversary of Tunisia's independence. Although Tunisia received its independence in 1956, America has maintained close ties with Tunisia since 1797. This historic partnership has promoted peace and cooperation between our two countries.

In America's early years, Tunisia provided important commercial advantages and a safe harbor for American vessels establishing maritime trade in the Mediterranean. During America's darkest hour, the Civil War, Tunisia supported the anti-slavery movement, and its leaders conversed with American officials on the significance of human dignity.

During World War II, Tunisia continued to fight for the values of the free world by supporting American and Allied forces as they landed in North Africa. After the war, Tunisia sought American support for its independence; and in 1956, the United States was the first world power to recognize Tunisia's newly won sovereignty.

Since that time, the United States and Tunisia have garnered further achievements in bilateral cooperation. Impressive strides have been taken in advancing the development of Tunisia, as well as sustaining further security and stability in all relations. Tunisia and the United States have also been important allies in striving for progress towards peace in the Middle East.

As the relationship between Tunisia and the United States continues to grow, I believe it is important that we take time to observe this important milestone. In echoing the historic words of President Dwight Eisenhower, it is my sincere hope and desire that Tunisia continues to consider the United States as its friend and partner in freedom.•

TRIBUTE TO DUKE ELLINGTON

• Mr. SCHUMER. Mr. President, I would like to take this opportunity to recognize the 100th birthday of one of the greatest American Jazz musicians and composers this country has seen, Duke Ellington. Duke's contributions to today's music are immeasurable, and his hundreds of compositions, including "Satin Doll" and "Take the A-Train," are all time classics. Jazz and all genres of music will forever be influenced by the sophisticated, yet emotional and spiritual sound of Duke Ellington's music.

Born in a segregated Washington, DC neighborhood, Edward Kennedy "Duke" Ellington, achieved an enduring legacy and popularity that has not been equaled or exceeded. He developed his talent during the Harlem Renaissance period and became one of the top five band leaders from 1926–74. Duke's contribution to music can be summed up best by Miles Davis: "All musicians should get down on their knees once a year and thank the Lord for Duke Ellington."

Duke was the first jazz composer to produce extended compositions, such as "Creole Rhapsody" and "Reminiscing in Tempo" as well as a series of long works like "Jump for Joy," "Black, Brown, and Beige," and "A Drum is a Woman." He wrote for large orchestras, small combos, vocalists, choirs, movies, theater, church and nightclubs. He produced thousands of songs for more than fifty years, which are still as fresh and vibrant today as they were when he wrote them decades ago.

It is my honor to express an enthusiastic tribute to this jazz legend during this year-long celebration of his amazing contributions to American music.•

RECOGNITION OF THE 160TH ANNIVERSARY OF THE GEORGIA HISTORICAL SOCIETY

• Mr. CLELAND. Mr. President, I rise today to acknowledge and salute the Georgia Historical Society, which on March 20, 1999 will celebrate 160 years of collecting and preserving our rich history for all Georgians.

The Georgia Historical Society was chartered in 1839 by the Georgia General Assembly and currently has more than 5,000 members from all across Georgia and the entire nation. As a non-profit organization, the Society remains the oldest cultural institution in the State of Georgia and is one of the oldest organizations in our country. For sixteen decades the Society has collected, preserved and shared Georgia's rich history with many Georgians through various educational outreach programs and research services.

The Georgia Historical Society's archives and library are operated in cooperation with the office of Georgia's Secretary of State. During my years as Secretary of State I relied on the Georgia Historical Society on numerous occasions for valuable information concerning our State's history, and I truly believe that the Society is a real treasure that all of us should use and enjoy. The Society has the most extensive collection in the country of manuscripts, books, maps, photographs, newspapers, architectural drawings, portraits and artifacts related to Georgia's history that date back to the founding of the Colony and continue through the twentieth century.

The Georgia Historical Society stays in close contact with the citizens it serves so well. Since the founding of the Colony of Georgia at Savannah on February 12, 1733 by James Edward Oglethorpe, Georgians have celebrated this historical date. This year the Georgia Historical Society and the Savannah-Chatham County Public Schools continued this tradition by organizing and hosting the Georgia Heritage Celebration on Thursday, February 12, 1999. As part of the Celebration the Society honors Georgians who have made a positive impact on the state. This year's honoree was Peter Tonedd, who was a master carpenter and tavern owner. Previous honorees have included James Jackson, Revolutionary War hero, U.S. Representative, U.S. Senator and Governor of Georgia; Mary Telfair, philanthropist in the arts and medicine; Abraham Baldwin, signer of the Declaration of Independence; Juliette G. Low, Founder of the Girl Scouts; Andrew Bryan, a Baptist minister; and James Oglethorpe.

The Society also holds monthly lectures on a wide variety of historical topics and yearly conferences focusing on local communities, and conducts special tours at various historical locations across Georgia. The Georgia Historical Society also publishes books and a quarterly news magazine, Footnotes, on Georgia's history and genealogy, as well as The Georgia Historical Quarterly, a journal on Georgia's history that was established in 1917.

I would especially like to commend the Georgia Historical Society for diligently working on behalf of all Georgians in the historical preservation of our State's history. The Society provides a vast collection of records and artifacts to thousands of researchers and genealogists from around the world.

I applaud the Georgia Historical Society for preserving and teaching our State's history. We must not allow the pride and glory of our State and our Nation to be forgotten—it must be celebrated by all. The benefits of enriching the people of Georgia by promoting a better understanding of our past and who we are as Georgians must not be ignored.

Mr. President, I ask that you and my colleagues join me in recognizing and honoring the dedication and hard work of the Georgia Historical Society during the past 160 years. The efforts put forth by the Society have preserved and will continue to preserve our rich history by ensuring a future for Georgia's past.●

TRIBUTE TO GEORGE MOSSE

● Mr. FEINGOLD. Mr. President, I rise today to express my sorrow over the loss of my friend, and former teacher, George Mosse. George was truly an extraordinary man, a great humanist and a wonderful teacher. While his 25 books were influential, he would not want us to forget that we were almost deprived of his brilliance. Lucky for us, George was able to escape the Nazis at age 19 by way of Switzerland.

I had the honor of studying under George at the University of Wisconsin–Madison. His lectures were unique in both their style and subject. George first developed his dynamic, energetic, style while at the University of Iowa, where he taught classes of up to 1,000 students. He is perhaps best known for his work on Nazi Germany, but his later work on subjects like national symbols and monuments was equally as impressive.

In addition to his countless articles and essays, George was simply a wonderful teacher. His challenging and invigorating teaching style compelled his students to learn. I think many of his students naively took for granted his endless flow of energy and ideas. This expectation is understandable given his almost ritualistic process of exploring a new and dynamic area of study each decade. The University of Wisconsin, and the field of history, have truly lost an asset, but his work will surely live on.●

THE ASSASSINATION OF ROSEMARY NELSON

● Mr. MOYNIHAN. Mr. President, tomorrow is St. Patrick's Day. And in a few days, we will celebrate the first anniversary of the Good Friday peace accord, which our esteemed former colleague, George Mitchell, negotiated, and which promises to resolve and heal one of the oldest conflicts in Europe: Northern Ireland. Now comes the distressing news that a car bomb has taken the life of Rosemary Nelson, a prominent Roman Catholic human rights lawyer. A group known as the "Protestant Red Hand Defenders," outlawed earlier this month for bomb and grenade attacks, has claimed responsibility for this heinous and cowardly act.

These dissidents, and others like them—both Protestant and Roman Catholic—are determined to prevent peace. They claim they act on religious principles but, in fact, they worship only violence. Fortunately, they are the minority. Northern Ireland is on the path to peace.

Rosemary Nelson was 40. She was married and had three children. She was murdered because she represented nationalists in high profile cases, including the Roman Catholic residents of the Garvaghy Road area in Portadown who asked, simply, that Protestant unionists pick some other place to march.

Last September, Ms. Nelson testified before the House International Relations Subcommittee on International Operations and Human Rights. She spoke about the harassment and intimidation of defense lawyers who represent Republicans and nationalists, and she accused the Royal Ulster Constabulary (RUC) of threatening her and her family.

These are serious charges. Unfortunately, she is not alone. Last year, I met with Sean McPhilemy, author of The Committee: Political Assassination in Northern Ireland. The book, based on a documentary shown on British television in 1991, charges that current and former members of the RUC have colluded with Loyalist terrorists to murder Irish Republicans and nationalists. McPhilemy struck me as an earnest, principled, and exceedingly careful journalist—married to a Protestant, by the way.

Tomorrow, Senators DODD, KENNEDY, MACK, and I, and our House colleagues—Speaker of the House HASTERT, Minority Leader GEPHARDT, and Congressman WALSH—will release our annual "Friends of Ireland Executive Committee St. Patrick's Day Statement." In that statement, we will express our concern about protection for lawyers active on human rights cases, and bring to attention a report on the subject by the Special Rapporteur of the U.N. Commission on Human Rights.

Attacks on the judiciary—whether on judges, lawyers, officers of the courts, or witnesses—are intolerable and represent, perhaps, the gravest threat to the fragile peace which now prevails, tenuously, over Northern Ireland. There can be no permanent peace in Northern Ireland if these charges regarding the RUC are true. RUC complicity in political assassinations would be state-sponsored terrorism.

Authorities in Northern Ireland need to catch and prosecute Rosemary Nelson's murderers, and they need to ensure that members of the RUC did not aid and abet these cowards. The RUC needs to go under a microscope. If there are problems, a new law enforcement authority, which has the unquestioned support of nationalists and unionists, needs to be established.

Rosemary Nelson saw the seeds of peace planted in Northern Ireland. I hope and pray that her three children will live to see those seeds blossom into something permanent and beautiful.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83–420, as amended by Public Law 99–371, reappoints the Senator from Arizona (Mr. McCain) to the Board of Trustees of Gallaudet University.

RECOGNIZING AND HONORING JOE DIMAGGIO

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 63, introduced earlier today by Senators Moynihan, Lott, and others.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:.

A resolution (S. Res. 63) recognizing and honoring Joe DiMaggio.

The Senate proceeded to consider the resolution.

Mr. MOYNIHAN. "Joe, Joe DiMaggio, we want you on our side!" Well, he is on the other side now, but stays with us in our memories.

Mine are, well, special to me. It would be in 1938 or 1939 in Manhattan. The Depression lingered. Life was, well, life. But there was even so somebody who made a great difference and that was Lou Gehrig of the New York Yankees. I admired him as no other man. Read of him each day, or so it seemed, in the Daily News. And yet I had never seen him play. One summer day my mother somehow found the needful sixty cents. Fifty cents for a ticket at the Stadium, a nickel for the subway up and back. Off I went in high expectation. But Gehrig, disease I must assume was now in progress, got no hit. A young player I had scarce noticed hit a home run. Joe DiMaggio. It began to drizzle, but they kept the game going just long enough so there would be no raincheck. I went home lifeless and lay on my bed desolate.

Clearly I was in pain, if that is the word. The next day my mother somehow came up with yet another sixty cents. Up I went. And the exact same sequence occurred.

I went home. But not lifeless. To the contrary, animated.

For I hated Joe DiMaggio. For life.

I knew this to be a sin, but it did not matter. Gehrig retired, then died. My animus only grew more animated.

Thirty years and some went by. I was now the United States Permanent Representative to the United Nations. One evening I was having dinner at an Italian restaurant in midtown. As our company was about finished, who walked in but DiMaggio himself, accompanied by a friend. They took a table against the wall opposite. I watched. He looked over, smiled and gave a sort of wave. Emboldened, as we were leaving, I went over to shake hands. He rose wonderfully to the occasion.

I went out on 54th Street as I recall. And of a sudden was struck as if by some Old Testament lightening. "My God," I thought, "he has forgiven me!" He must have known about me all those years, but he returned hate with love. My soul had been in danger and he had rescued me.

Still years later, just a little while ago the Yankees won another pennant. Mayor Guiliani arranged a parade from the Battery to City Hall. Joe was in the lead car; I was to follow. As we waited to get started, I went up to him, introduced myself and told of having watched him at the Stadium these many years ago. "But I have to tell you," I added, "Lou Gehrig was my hero."

"He was my hero, too," said Joe.

Well, Joe, too, was a hero to many people. Few have embodied the American dream or created a more enduring legend than "Joltin" Joe DiMaggio. And fewer have carried themselves, both on and off the field, with the pride and courtliness of, as Hemingway said, "the great DiMaggio."

Born the fourth son of an immigrant fisherman—two other brothers also played in the majors—he joined the Yankees in 1936 after dropping out of high school and grew into the game's most complete center fielder. He wore No. 5 and became the heir to Babe Ruth (No. 3) and Lou Gehrig (No. 4) in the team's pantheon. DiMaggio was the team's superstar, on a team of superstars, for 13 seasons. By the time his career ended in 1951, he had played in 11 All-Star games and 10 World Series, nine of which the Yankees won.

The "Yankee Clipper" was acclaimed at baseball's centennial in 1969 as "the greatest living ballplayer." Even his main rival Ted Williams, admitted this: ". . . he [DiMaggio] was the greatest baseball player of our time. He could do it all." DiMaggio played 1,736 games with the Yankees. He had a career batting average of .325 and hit 361 home runs while striking out only 369 times. He could indeed do it all.

But there is one statistic for which DiMaggio will be most remembered: his 56-game hitting streak, possibly the most enduring accomplishment in all of sports. The streak began on May 15, 1941, with a single in four at-bats against the Chicago White Sox, and ended 56 games later on July 17 during a hot night in Cleveland. In 56 games, DiMaggio had gone to bat 223 times and delivered 91 hits, including 15 home runs, for a .408 average. He drew 21 walks, twice was hit by pitched balls, scored 56 runs, and knocked in 55. He hit in every game for two months, striking out just seven times.

But DiMaggio's game was so complete and elegant that statistics cannot do it justice. The New York Times said in an editorial when he retired, "The combination of proficiency and exquisite grace which Joe DiMaggio brought to the art of playing center field was something no baseball averages can measure and that must be seen to be believed and appreciated."

Today, I join the Majority Leader and Senators Charles Schumer (D-NY), Barbara Boxer (D-CA), Dianne Feinstein (D-CA), and Jim H. Bunning (R-KY) in introducing a resolution that honors Joe DiMaggio for his storied baseball career and for all that he has done off the field. As we reflect on his life and mourn his death, I ask that we consider ourselves extremely lucky for knowing such a man, particularly in this age of pampered sports heroes, when ego and self-importance often overshadow what is occurring on the field. Even I, who resented DiMaggio for displacing my hero Gehrig, have come to realize that there will never be another like Joseph Paul DiMaggio.

I ask unanimous consent that the March 9, 1999, New York Times editorial and George F. Will's op-ed in the Washington Post on Joe DiMaggio be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 9, 1999]

THE DIMAGGIO MYSTIQUE

It has been almost half a century since Joe DiMaggio turned his center-field kingdom in Yankee Stadium over to a strapping youngster named Mickey Mantle, but even now, in death, Joe DiMaggio still owns that green acreage. He roamed the great open spaces there with a grace and grandeur that redefined the art of fielding. Even more than the prolific hitting that earned him enduring fame, his silky, seemingly effortless motion across the outfield grass was the signature of his game.

DiMaggio was one of those rare sports stars, like Babe Ruth, Muhammad Ali and Michael Jordan, who not only set new standards of athletic excellence but also became a distinctive part of American culture. As stylish off the field as on, DiMaggio was an icon of elegance and success, a name as recognizable on Broadway and in Hollywood as at the ball park. Millions of baby boomers who never saw DiMaggio play instantly understood the reference in the Paul Simon song of the 1960's—"Where have you gone, Joe DiMaggio? A nation turns its lonely eyes to you."

Other men have hit the ball farther and run the bases faster, but few have excelled at so many elements of the sport. DiMaggio's 56-game hitting streak in 1941 remains untouched, one of the great benchmarks of consistency and productivity in all of sports. In 13 seasons with the Yankees, DiMaggio produced a career batting average of .325, hit 361 home runs and knocked in more than 100 runs in a season nine times. He played in 10 World Series, 9 of which the Yankees won. He possessed one of the sweetest swings baseball has ever seen, a hitting stroke of such precision that he struck out only 369 times in his major league career.

But the numbers alone do not explain the DiMaggio mystique. Part of it was his brief, turbulent marriage to Marilyn Monroe and his taste for nightclubs and tony hotels. Part of it was his $100,000-a-year salary, a small fortune in his days as a Yankee. For younger fans, there was also an almost mystical link to the past—DiMaggio joined the Yankees in 1936, just two years after Babe Ruth left and before Lou Gehrig retired. His appearance on ceremonial occasions at Yankee Stadium in recent years was thrilling for fans of all ages.

His fame also flowed from the aura of quiet dignity that DiMaggio carefully preserved throughout his career and retirement. With the notable exception of his service as a pitchman for the Bowery Savings Bank and Mr. Coffee brewing appliances, he dodged the celebrity limelight. The mystery only added to his allure.

DiMaggio, who was 84, died with opening day a month away. Though he will no longer return to Yankee Stadium to deliver the ceremonial first pitch, his singular record of athletic achievement and classy conduct will be long revered.

(From the Washington Post, Mar. 9, 1999]

DIMAGGIO'S ELEGANT CAREER

(By George F. Will)

There is peculiar pathos to the lives of most great athletes because their careers compress life's trajectory of aspiration, accomplishment and decline. Then what? For most, the rest of life, which is most of life, is anticlimax, like that of

Runners whom renown outran,
And the name died before the man.

But there was seamlessness to Joe DiMaggio's life in and after the game. The patina of age did not dull the luster of his name. Baseball, sport of the long season and much history, has an unusually rich statistical geology—a sediment of numbers. Some numbers are so talismanic that simply citing them suffices to identify the achievement and achiever.

Examples are 116 (victories in a season, 1906 Cubs); 511 (career victories, Cy Young); 1.12 (season earned run average, Bob Gibson, 1968); 130 (stolen bases in a season, Rickey Henderson, 1982); 755 (home runs, career, Hank Aaron); 60, then 61 and now 70 (home runs by Babe Ruth in 1927, Roger Maris in 1961 and Mark McGwire in 1998); .406 (most recent .400 season, Ted Williams, 1941). And baseball's most instantly recognized number, 56—Joe DiMaggio's consecutive game hitting streak in 1941.

The Streak, as it is still known, was stunning, even if a sympathetic official scorer at Yankee Stadium may have turned an error or two into hits. It took two sensational plays by Indians third baseman Ken Keltner to stop The Streak, and the next day DiMaggio started a 16-game streak. His 56 has not been seriously challenged in 57 seasons. His 1993 minor league streak of 61 has not been matched since then.

Because of baseball's grinding everydayness, professionals place a premium on consistency. DiMaggio brought his best, which was baseball's best, to the ballpark every day. What he epitomized to a mesmerized nation in 1941—steely will, understated style, heroism for the long haul—the nation would need after Dec. 7.

However, the unrivaled elegance of his career is defined by two numbers even more impressive than his 56. They are 8 and 0.

Eight is the astonishingly small difference between his 13-year career totals for home runs (361) and strikeouts (369). (In the 1986 and 1987 season, Jose Canseco hit 64 home runs and struck out 332 times.) Zero is the number of times DiMaggio was thrown out going from first to third.

On the field, the man made few mistakes. Off the field, he made a big one in his marriage to Marilyn Monroe. But even it enlarged his mythic status. As when they were in Japan, and she visited U.S. troops in Korea. Upon her return to Tokyo, she said to him, ingenuously: You've never heard cheering like that—there must have been fifty or sixty thousand. He said, dryly: Oh, yes I have.

They had gone to Japan at the recommendation of a friend (Lefty O'Doul, manager of the San Francisco Seals), who said that in a foreign country they could wander around without drawing crowds. The friend did not know that Japan was then obsessed with things American, especially baseball stars and movie stars. When the most famous of each category landed, it took their car six hours to creep to their hotel through more than a million people.

As a Californian, he represented baseball's future—he and San Diego's Ted Williams, a 21-year-old rookie in 1939, when DiMaggio was 24. DiMaggio, son of a San Francisco fisherman, was proud, reserved and as private as possible for the bearer—the second generation—of America's premium athletic tradition, the Yankee greatness established by Babe Ruth and Lou Gehrig. DiMaggio felt violated by the sight of Marilyn filming the famous scene in "The Seven Year Itch" when a gust of wind from a Manhattan subway grate blows her skirt up above her waist.

Pride, supposedly one of the seven deadly sins, is often a virtue and the source of others. DiMaggio was pride incarnate, and he and Hank Greenberg did much to stir ethnic pride among Italian Americans and Jews. When as a player DiMaggio had nothing left to prove, he was asked why he still played so hard, every day. Because, he said, every day there is apt to be some child in the stand who has never before seen me play.

An entire ethic, the code of craftsmanship, can be tickled from that admirable thought. Not that DiMaggio practiced the full range of his craft. When one of his managers was asked if DiMaggio could bunt, he said he did not know and "I'll never find out, either."

DiMaggio, one of Jefferson's "natural aristocrats," proved that a healthy democracy knows and honors nobility when it sees it.

Mrs. BOXER. Mr. President, as a Senator from Joe DiMaggio's home state, I am pleased to be an original cosponsor of the resolution honoring "the Yankee Clipper." Joe DiMaggio holds a unique place in the hearts of every baseball fan and every Californian.

Joe DiMaggio was born in 1914 in Martinez, California, near San Francisco Bay. Like many Californians then and now, Joe was the child of immigrants. His parents came from Sicily to California, where his father found work as a fisherman.

At age 18, Joe began his professional baseball career with the San Francisco Seals, where he set a Pacific Coast League record that still stands by hitting in 61 straight games. Three years later, he joined the New York Yankees and immediately became one of baseball's brightest stars. In 1941, his 56-game hitting streak set a major league record that most baseball fans consider the game's greatest achievement.

DiMaggio played 13 seasons for the Yankees, winning three Most Valuable Player awards and playing on nine World Series championship teams. He was selected to the Baseball Hall of Fame in 1955 and voted Major League Baseball's greatest living player in 1969.

Joe DiMaggio was a great ballplayer, but he was far more than that. Joe was a role model for young people and a model citizen. At the height of his career, he left baseball to volunteer for the Army Air Corps and served three years in World War II. In his later years he worked tirelessly to support the Joe DiMaggio Children's Hospital in Hollywood, Florida.

I will never forget a televised image of Joe DiMaggio from a decade ago. In October 1989, as the Oakland A's and San Francisco Giants were about to start a World Series game, a mammoth earthquake struck the Bay Area. Fire swept through San Francisco's Marina district, where DiMaggio lived at the time. That night, as residents struggled to deal with the earthquake and its aftermath, they saw a man who—despite his advanced age—showed the strength and dignity to walk calmly through the rubble and reassure his neighbors. At this moment, as always, DiMaggio was an inspiration to us all.

From his early days with the San Francisco Seals to his service as baseball's greatest ambassador, Joe DiMaggio was the epitome of elegance, grace, and good sportsmanship.

Mr. SCHUMER. Mr. President, I am pleased to join Senators MOYNIHAN, LOTT, and BOXER in cosponsoring this resolution to honor Mr. Joe DiMaggio. On March 8, 1999, Joe DiMaggio, one of the greatest baseball players of all-time, died in Tampa, Florida. The Yankee Clipper led his life with class and dignity. A true hero and the quintessential American, Mr. DiMaggio gave people something to believe in.

Playing 13 seasons in the major leagues, all for the New York Yankees, Number 5 not only took left field in Yankee Stadium, but also took over New York and baseball showing us his talent day in and day out. When one looks at the numbers accumulated by Mr. DiMaggio, it is hard to think of anyone who did it better and in such a genuine fashion. As a baseball player, few have approached DiMaggio. With a .325 batting average, nine World Series rings, a 56 consecutive game hitting streak in 1941 (a major league record that has never been seriously challenged for more than 5 decades), 361 home runs with only 369 strike-outs, Joe DiMaggio transcended the game of baseball and will remain a symbol for the ages of talent, commitment, and grace. As Simon and Garfunkel sang in their hit song Mrs. Robinson, "where have you gone Joe DiMaggio. . . .", the answer is, into our hearts, which will stay with us forever.

But Joe DiMaggio was more than a great baseball player, he transcended the game and will remain a symbol for the ages—a symbol of talent, commitment, and grace. With so few true heroes today, we are lucky that millions of New Yorkers and baseball fans everywhere could live their lives touched by a hero like Joe DiMaggio.

Mr. COCHRAN. I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 63) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 63

Joseph Paul "Joe" DiMaggio was born in Martinez, California, on November 25, 1914;

Whereas Joe DiMaggio was the son of Sicilian immigrants, Joseph Paul and Rosalia DiMaggio, and was the 2d of 3 brothers to play Major League Baseball;

Whereas Joe DiMaggio played 13 seasons in the major leagues, all for the New York Yankees;

Whereas Joe DiMaggio, who wore number 5 in Yankee pinstripes, became a baseball icon in the 1941 season by hitting safely in 56 consecutive games, a major league record that has stood for more than 5 decades and has never been seriously challenged;

Whereas Joe DiMaggio compiled a .325 batting average during his storied career and played on 9 World Series championship teams;

Whereas Joe DiMaggio hit 361 home runs during his career, while striking out only 369 times;

Whereas Joe DiMaggio was selected to the Baseball Hall of Fame in 1955, 4 years after his retirement;

Whereas Joe DiMaggio in 1969 was voted Major League Baseball's greatest living player;

Whereas Joe DiMaggio served the Nation in World War II as a member of the Army Air Corps;

Whereas Joe DiMaggio was tireless in helping others and was devoted to the "Joe DiMaggio Children's Hospital" in Hollywood, Florida;

Whereas Joe DiMaggio will be remembered as a role model for generations of young people; and

Whereas Joe DiMaggio transcended baseball and will remain a symbol for the ages of talent, commitment, and achievement: Now, therefore, be it

Resolved, That the Senate recognizes and honors Joe DiMaggio—

(1) for his storied baseball career;

(2) for his many contributions to the Nation throughout his lifetime; and

(3) for transcending baseball and becoming a symbol for the ages of talent, commitment, and achievement.

MEASURE PLACED ON THE CALENDAR—H. CON. RES. 42

Mr. COCHRAN. Mr. President, I ask unanimous consent that H. Con. Res. 42 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 17, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m., on Wednesday, March 17. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator VOINOVICH, 15 minutes; Senator GRASSLEY, 10 minutes; Senator SCHUMER, 10 minutes; Senator BINGAMAN, 10 minutes; Senator KERREY of Nebraska, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that following morning business, the Senate resume consideration of S. 257, the national missile defense bill, under the provisions of the unanimous consent agreement reached earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. For the information of all Senators, the Senate will reconvene tomorrow at 10 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the missile defense bill, with a limited number of amendments remaining in order. The leader has expressed his hope that the Senate can complete action on the bill by early afternoon on Wednesday.

For the remainder of the week, the leader has stated that the Senate may consider a Kosovo resolution and/or the supplemental appropriations bill.

Therefore, Members should expect rollcall votes during Wednesday's session and throughout the reminder of the week.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Wednesday, March 17, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

KAZAKSTAN'S PRESIDENTIAL ELECTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues concerns about the general prospects for democratization in Kazakstan, considering the disturbing news about the presidential elections in that country earlier this year. On January 10, 1999, Kazakstan held presidential elections, almost two years ahead of schedule. Incumbent President Nursultan Nazarbaev ran against three contenders, in the country's first nominally contested election. According to official results, Nazarbaev retained his office, garnering 81.7 percent of the vote. Communist Party leader Serokbolsyn Abdildin won 12 percent, Gani Kasymov 4.7 percent and Engels Gabbasov 0.7 percent. The Central Election Commission reported over 86 percent of eligible voters turned out to cast ballots.

Behind these facts—and by the way, none of the officially announced figures should be taken at face value—is a sobering story. Nazarbaev's victory was no surprise: the entire election was carefully orchestrated and the only real issue was whether his official vote tally would be in the 90s—typical for post-Soviet Central Asia dictatorships—or lower, which would have signaled some sensitivity to Western and OSCE sensibilities. Any suspense the election might have offered vanished when the Supreme Court in November upheld a lower court ruling barring the candidacy of Nazarbaev's sole possible challenger, former Prime Minister Akezhan Kazhegeldin, on whom many opposition activists have focused their hopes. The formal reason for his exclusion was both trivial and symptomatic: in October, Kazhegeldin had spoken at a meeting of an unregistered organization called "For Free Elections." Addressing an unregistered organization is illegal in Kazakstan, and a presidential decree of May 1998 stipulated that individuals convicted of any crime or fined for administrative transgressions could not run for office for a year.

Of course, the snap election and the presidential decree deprived any real or potential challengers of the opportunity to organize a campaign. More important, most observers saw the decision as an indication of Nazarbaev's concerns about Kazakhstan's economic decline and his fears of running for reelection in 2000, when the situation will presumably be even much worse. Another reason to hold elections now was anxiety about uncertainties in Russia, where a new president, with whom Nazarbaev does not have long-established relations, will be elected in 2000 and may adopt a more aggressive attitude towards Kazakhstan than has Boris Yeltsin.

The exclusion of would-be candidates, along with the snap nature of the election, intimidation of voters, the ongoing attack on independent media and restrictions on freedom of assembly, moved the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to urge the election's postponement, as conditions for holding free and fair elections did not exist. Ultimately, ODIHR refused to send a full-fledged observer delegation, as it generally does, to monitor an election. Instead, ODIHR dispatched to Kazakhstan a small mission to follow and report on the process. The mission's assessment concluded that Kazakhstan's "election process fell far short of the standards to which the Republic of Kazakhstan has committed itself as an OSCE participating State." That is an unusually strong statement for ODIHR.

Until the mid-1900s, even though President Nazarbaev dissolved two parliaments, tailored constitutions to his liking and was single-mindedly accumulating power, Kazakhstan still seemed a relatively reformist country, where various political parties could function and the media enjoyed some freedom. Moreover, considering the even more authoritarian regimes of Uzbekistan and Turkmenistan and the war and chaos in Tajikistan, Kazakhstan benefited by comparison.

In the last few years, however, the nature of Nazarbaev's regime has become ever more apparent. He has over the last decade concentrated all power in his hands, subordinating to himself all other branches and institutions of government. His determination to remain in office indefinitely, which could have been inferred by his actions, became explicit during the campaign, when he told a crowd, "I would like to remain your president for the rest of my life." Not coincidentally, a constitutional amendment passed in early October conveniently removed the age limit of 65. Moreover, since 1996, Kazakhstan's authorities have co-opted, bought or crushed any independent media, effectively restoring censorship in the country. A crackdown on political parties and movements has accompanied the assault on the media, bringing Kazakhstan's overall level of repression closer to that of Uzbekistan and severely damaging Nazarbaev's reputation.

Despite significant U.S. strategic and economic interests in Kazakhstan, especially oil and pipeline issues, the State Department issued a series of critical statements after the announcement last October of pre-term elections. In fact, on November 23, Vice President Gore called President Nazarbaev to voice U.S. concerns about the election. The next day, the Supreme Court—which Nazarbaev controls completely—finally excluded Kazhegeldin. On January 12, the State Department echoed the ODIHR's harsh assessment of the election, adding that it had "cast a shadow on bilateral relations."

What's ahead? Probably more of the same. Parliamentary elections are expected in late 1999, although they may be held before schedule or put off another year. A new political party has been created as a vehicle for President Nazarbaev to tighten his grip on the legislature. Surprisingly, the Ministry of Justice on March 1 registered the Republican People's Party, headed by Akezhan Kazhegeldin, as well as another opposition party—probably in response to Western and especially American pressure. But even if they are allowed to compete for seats on an equal basis and even win some representation, parliament is sure to remain a very junior partner to the all-powerful executive.

Mr. Speaker, Kazakhstan's relative liberalism in the early 1990s had induced Central Asia watchers to hope that Uzbek and Turkmen-style repression was not inevitable for all countries in the region. Alas, the trends in Kazakhstan point the other way: Nursultan Nazarbaev is heading in the direction of his dictatorial counterparts in Tashkent and Ashgabat. He is clearly resolved to be president for life, to prevent any institutions or individuals from challenging his grip on power and to make sure that the trappings of democracy he has permitted remain just that. The Helsinki Commission, which I chair, plans to hold hearings on the situation in Kazakhstan and Central Asia to discuss what options the United States has to convey the Congress' disappointment and to encourage developments in Kazakhstan and the region toward genuine democratization.

HONORING ANGELA M. BARTHEN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to four local heroes from western Wisconsin. I want to honor Angela M. Barthen who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Angela M. Barthen is one of those extraordinary citizens. It was about 6:50 a.m. on November 17, when Angela Barthen awoke to a man outside her window yelling for help. She looked outside and across the street she saw that the first floor of her neighbor Terry Olevson's house was on fire. Terry and his two sons, Ryan 11 and Tyler 9 were trapped on the second floor of the burning house. Angela quickly grabbed her cellular phone to call

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for help and then proceeded downstairs to her garage where she had an extension ladder. She grabbed the ladder and went across the street and extended it to reach the second floor. Terry Olevson helped his sons out of the window and on to the ladder to safety. Terry followed his sons down the ladder. Angela without hesitation was able to respond quickly to her neighbors' needs and as a result was able to assist in saving their lives.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Angela M. Barthen for her courage and thank her for being a concerned and giving community citizen.

A TRIBUTE TO REVEREND RODNEY ANNIS AND HIS CONGREGATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to congratulate Reverend Rodney Annis and his congregation at First Baptist Church on the upcoming expansion to their present facility.

First Baptist Church has been a prominent fixture in the Fosterburg community since its founding 142 years ago, when a group of German immigrants established this farming community. Today, a 14,000-square-foot addition is scheduled to be made to the present church, providing offices and a recreation center for a multigenerational congregation.

This addition will allow First Baptist Church to both continue and expand a tradition of service that started almost a century and a half ago.

Like you, I am pleased to witness First Baptist Church's leadership and growth in the Fosterburg community.

REPORT FROM INDIANA—ADAMS COUNTY

HON. DAVID M. McINTOSCH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. MCINTOSCH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a true gentleman from Adams County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the Federal Government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Adams County, Indiana recently. He's Alan Converset, a sales manager at WZBD Adams County Radio. He and his wife of 32 years, Judy, have seven children.

Alan epitomizes a "Hoosier Hero." He has worked tirelessly on behalf of the less-fortunate. Alan served as president of the Decatur rotary club, and Chairman of the United Way golf outing to raise money for those who need a helping hand from someone who cares. He also works on the March of Dimes Walk America Committee.

Alan's work has given so many people the most precious gift possible, hope. He doesn't do it for the pay, which is zilch; he does it for the smiles and laughter. He is a true hero in my book, doing good works for others with no other motive than Christian charity.

Alan deserves the gratitude of his county, state, and nation and I thank him here today on the floor of the House of Representatives.

DAKOTA WATER RESOURCES ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Dakota Water Resources Act of 1999. My colleagues, Senator CONRAD and Senator DORGAN, are introducing a companion bill in the Senate today. This bill represents an unprecedented agreement among North Dakota's congressional delegation, the States' elected leaders and a variety of State organzations.

After years of negotiations, this legislation embodies a bipartisan effort to meet the comprehensive water needs of North Dakota, including the State's four Indian reservations. Without a dependable source of quality water the State's potential for economic development will be crippeld.

The Dakota Water Resources Act amends the Garrison Diversion Reformulation act of 1986 and would refocus the project from large-scale irrigation to the delivery of safe water. Throughout North Dakota, people realize that the project as outliend under the 1986 act will not happen, and they support the more affordable, realistic provisions that would meet the State's water needs.

Right now, much of the State lacks a supply of quality water. Many communities have unresolved Safe Drinking water Act compliance problems. Rural water systems and regional water supply systems have been formed to meed the water needs, but much more needs to be done to complete those systems.

To meet cities and towns' needs for safe water, the act authorizes $300 million for municiapal, rural, and industrial water systems (MR&I) projects. It allows the State to provide grants or loans to MR&I systems. This means the State could establish a revolving loan fund and continue to use funds from repaid loans for MR&I systems.

In conjunction with the State's need for MR&I, it is important to note the additional authorization of $200 million which would provide for MR&I on the four Indian reservations. Additionally, authorization for irrigation on the reservations is included in this legislation, along with a provision which gives tribes the flexibility to determine which sites to irrigate within the reservation. The Standing Rock, Fort Berthold, Turtle Mountain, and Fort Totten Indian Reservations would finally be able to meet their long overdue water needs with these provisions.

Another major feature of this legislation which has not been realized under the 1986 act is the ability to meet the water needs of the Red River Valley in North Dakota. This would provide $200 million for the State to choose the method of delivering Missouri River water to the Red River Valley. The communities of Fargo, and Grand Forks, as well as other towns up and down the valley would have a reliable source of water for continued growth in population and commercial activity.

Any project that would be completed under the act must comply with the Boundary Waters Treaty of 1909. We fully intend, and are required, to comply with the 1909 treaty between the United States and Canada when considering completion of any component of the project.

In addition to meeting the State and the Indian reservation's comprehensive and future water needs, this act involves significant environmental achievements. As nature resources trust would receive $25 million to preserve, enhance, restore, and manage wetlands and associated wildlife habitat, grassland conservation and riparian areas in the State.

Other sections of the act include authorization for the State to develop water conservation programs using MR&I funding. A bank stabilization study along the Missouri River below the Garrison Dam would be authorized. Also, the current Lonetree Reservoir would be designated as a wildlife conservation area.

All of these provisions and the entire Dakota Water Resources Act have been worked out with painstaking detail among numerous groups. I would like to personally thank the Senators from North Dakota, Senator KENT CONRAD and Senator DORGAN and their very capable staff, as well as North Dakota's State engineer and counsel, for their tireless work on the extraordinary agreement.

HONORING MARY BETH CLARK AND NORMA STAFNE

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to two local heroes from western Wisconsin. I want to honor Mary Beth Clark and Norma Stafne who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area students who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Mary Beth Clark and Norma Stafne are two of those extraordinary citizens. Mary Beth and Norma are nurses employed in the Operating Room of Luther Hospital in Eau Claire, Wisconsin. On September 29, 1998, these two women had the unfortunate chance of meeting when they both stopped to assist a man who had been in a motorcycle accident. Both women spotted the motorcycle driver lying on the side of the road. He was bleeding and not breathing well, so they rolled him onto his back and administered CPR. They remained with the driver, soothing him while they waited for help. When the paramedics arrived Mary Beth helped load him into the ambulance. She found it hard to separate herself from him but the rescue team reassured her that they would take good care of him. The calming influence of Mary Beth and Norma was crucial in this life treating situation.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Mary Beth Clark and Norma Stafne for their courage and thank them for being concerned and giving community citizens.

TRIBUTE TO JOHN AND VIRGINIA GAFFNEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend two of my constituents from Springfield, Illinois, John and Virginia Gaffney, for their tireless work on a volunteer mission with the International Executive Service Corps in Egypt.

Too often today, people become so engrossed in their busy lives that they forget others need their help. However, Mr. Gaffney found time to volunteer a month out of his life to teach flour milling technology at the Egyptian Milling Technology Center. While John and Virginia were "helping others help themselves", they were also representing our great nation. This kind of personalized foreign assistance is vital to accelerating the development of free enterprise and democracy around the globe.

Thank you John and Virginia for representing, not only America, but the great state of Illinois in your selfless endeavor.

TENTH ANNIVERSARY OF VA BECOMING A CABINET DEPARTMENT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. STUMP. Mr. Speaker, by 1988 the Veterans Administration had become the largest independent agency in the government. Only the Department of Defense had more employees. Making the VA a cabinet-level department was an idea whose time had come.

On March 15 of this year, the Department of Veterans Affairs celebrates its tenth anniversary.

I remember well both the formal creation of the new cabinet department on March 15, 1989, and the Ft. McNair ceremony the previous October 22 when President Reagan signed the bill into law. He paid tribute, and rightly so, to the two driving forces in Congress who gave veterans their seat at the President's Cabinet table.

President Reagan singled out an Army veteran, Congressman G.V. "Sonny" Montgomery of Mississippi, and a former Marine, Congressman Jerry Solomon of New York. At the time, they were, respectively, chairman and ranking minority member of the House Committee on Veterans' Affairs. It was their persistence and legislative skill that brought the measure from its inception to its passage, and finally, to enactment. They also deserve our congratulations today.

Elevation to cabinet status has given the VA a greater opportunity to be heard at the highest level of government, and a greater voice in determining national policies in the areas of health care, education, housing and insurance. Veterans are concerned not only with issues unique to them, such as service-connected illnesses, but also with broader national issues such as homelessness, Alzheimer's and other health issues related specifically to aging.

Making the VA a cabinet department cost the American people nothing in this era of tight budgets, but it would have been justified at any price. Veterans have served their country at great personal sacrifice. More than a million of them made the ultimate sacrifice. It's the price paid for the freedoms we enjoy as Americans.

Mr. Speaker, I ask you and all Members to join me in congratulating the VA for a decade of improved service to our veterans.

IMPORTANCE OF AFTER-SCHOOL ACTIVITIES

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mrs. TAUSCHER. Mr. Speaker, I had planned to offer two amendments concerning after-school programs for children to H.R. 800, the Education Flexibility Partnership Act. After consultation with Chairman MIKE CASTLE, I have decided against offering the amendments and have agreed to work with the chairman to highlight the importance of after-school activities for schoolchildren and the need for a national discourse on this topic.

I believe we should do everything on the Federal level to promote quality, after-school care for students, and after-school educational activities for at-risk juveniles.

Every day at 3 p.m., the final school bell rings and hundreds of classrooms across America stand empty until the next day. Numerous studies have shown that between the hours of 3 p.m. and 6 p.m. is when the majority of juvenile crimes occur.

It is also the same time period when moms and dads begin to anxiously watch the clock at work, worrying about their children being home alone.

Doesn't it make sense for schools to use this readily available space to provide after-school activities rather than send the school kids home alone to an empty house? After school programs will addresses the needs of working parents who want a safe haven for their children during non-school hours.

Quality, after-school care can also have tremendous academic benefits. It can overcome learning difficulties created by overcrowded classrooms and high teacher-student ratios which are common problems in America's public schools. After-school child care programs also provide the working parents of the five to twelve million latchkey children in the United States, with the peace of mind that their children are in a safe and supervised environment after school.

After-school educational programs for at-risk youth have been shown to reduce the incidence of crime on school campuses and enhance the academic achievements for at-risk juveniles.

We must encourage schools to provide quality, after-school activities as a way to complement other programs that are designed to promote academic achievement. Education does not end when the last school bell rings. Let's work together to help children reach their highest potential.

I would like to thank Chairman CASTLE for his leadership on after-school programs. It is a pleasure to collaborate with him on this important issue which has significant implications on our children's future.

AFTER-SCHOOL ACTIVITIES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. CASTLE. Mr. Speaker, I want to thank my colleague from California, Congresswoman ELLEN TAUSCHER for her comments about the importance of after-school programs. I appreciate and applaud her dedication to this issue. In addition, I welcome this opportunity to work with her to bring this issue to the forefront of the ongoing discussion Congress is having on how best to educate our youth.

Indeed, evidence is continually emerging to prove what we have always intuitively known about the importance of out-of-school time for children, their health and well being, and their academic growth. Roughly five million children are unsupervised after school, leaving them at risk of accidents and ripe for undesirable behaviors ranging from smoking and drinking to sexual activity and violent crime. For too many of our children, the hours between 3 p.m. and 6 p.m. are spent engaged in delinquent or unproductive behavior. Television happens to be the No. 1 substitute for good after-school programs. Millions of children come home and plop in front of the television set after school, and I venture to guess that many are not watching educational programming. In addition, juvenile crime rates go up 300 percent after 3 p.m. and over half of all juvenile crime occurs between 3 p.m. and 6 p.m.

This is quite disturbing, given that we know that the hours after school have become absolutely critical in a child's life. After-school programs can be exceptionally beneficial for kids.

Good programs can give kids the chance to interact with their peers and adults in a positive way, to gain or improve new skills, to master educational material, to develop strong bodies, or to foster creativity. In addition, studies have shown that students who attend productive after-school programs make significant academic gains, enjoy school more, feel more safe, and are less likely to participate in delinquent behaviors year round.

We, as leaders of this Nation, need to focus on improving the quality of children's out-of-school time. I do not necessarily believe we have to spend billions of dollars to accomplish this task, but we should invest ourselves and our time. Up to date information is desperately needed to understand the dynamics, intricacies, strengths, and weaknesses of existing after-school programs. The last major study of after-school programs was completed in 1993 by the National Institute of Out-Of-School Time. This lack of up to date information is what drove me to hold several round table discussions with my constituents last year and to draft the "After-School Children's Education Act (ACE Act)" that will initiate a state-by-state study to help us understand what the current culture of after-school programs is, and where the gaps are in providing educationally enriching and personally fulfilling programs for kids. The ACE Act would not spend a lot of money, but it would set a ball in motion that can lead the Congress to better information and better decision making on how to proceed with meeting the needs of our children and families with after-school programs. I am thoroughly convinced that we must carefully focus our attention on children, especially in their earliest years. Children are eager and able to learn, but as they get older habits become ingrained and are harder and harder to break.

It is a pleasure to join Congresswoman TAUSCHER today in emphasizing the importance of after-school programs for the future of our Nation's children and, in return, our nation's future.

CONGRATULATING HERMAN KLEINDIENST ON HIS 100TH BIRTHDAY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate one of my state's best known farmers, Herman Kleindienst of Stillwater, New Jersey, on his 100th birthday, March 16, 1999. Mr. Kleindienst is well known as a community leader in Sussex County, not only in agricultural circles but in the business community, with civic groups and with his church. His hard work and dedication have helped improve the lives of many other New Jerseyans in many ways. He is a standard bearer for us all.

Mr. Kleindienst has been recognized for more than half a century as a "New Jersey Conservation Pioneer" for his work in soil conservation—the agricultural practice of maintaining farmland to prevent erosion and exhaustion of the soil's nutritional content.

A long-time dairy farmer, Mr. Kleindienst began practicing soil conservation on his family's farm in Stillwater during the 1940s, a period when the technique was developed in response to the Dust Bowl agricultural losses of the 1930s. His role as a leader in the soil and water conservation movement began in the late 1950s with his appointment as a member of the Board of Supervisors of the Sussex County Soil and Water Conservation District. During the 1960s and 1970s, Mr. Kleindienst became known as a dedicated leader of the conservation movement at the local, state and national levels. He was among the pioneers who played an active role in the formulation and implementation of conservation and land use policies regarding "wise use" and protection of soil and water both on and off the farm. Mr. Kleindienst is a former member of the board of the National Association of Conservation Districts and a former president of the New Jersey Association of Natural Resource Districts.

Mr. Kleindienst has also been active in a variety of other agricultural organizations. He is a former trustee of the United Milk Producers Association, a former member of the New Jersey Dairyman's Council, a former member of the Northeast Breeder's Association and a former member of the New Jersey Cooperative Livestock Auction Market.

In addition, he has been a member of the Newton Rotary Club since 1969 and is a former president of the club. He helped found Redeemer Lutheran Church in Newton and is also a member of Midland Park Lutheran Church in Bergen County.

Indeed, Mr. Kleindienst is one of the outstanding citizens who has made Sussex County one of the best places in our great nation to live, work and raise a family. I ask my colleagues in the U.S. House of Representatives to join me in congratulating Mr. Kleindienst and wishing him all of God's richest blessings.

HONORING MICHAEL STEWART

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to four local heros from western Wisconsin. I want to honor Michael Stewart who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Michael Stewart is one of those extraordinary citizens. On June 21, 1997 at approximately 6:30 a.m. Michael was driving down the 200 block of Platt street in Eau Claire, Wisconsin. Directly in front of Michael a 20 foot long, 15 foot wide sink hole appeared and trapped the car of another driver. The driver was able to climb out of the car and stand on top of it in an attempt to escape, while water was quickly filling up the sink hole. Stewart was driving behind the driver and rushed to his assistance. He risked his own life by hanging over the blacktop ledge, with no support, and reached down to lift the driver out of the hole. The stranded driver stated that the rescuers must have been God's Angels in saving his life.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Michael Stewart for his courage and thank him for being a concerned and giving community citizen.

REPORT FROM INDIANA—CLINTON COUNTY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. MCINTOSH. Mr. Speaker, I rise today to give my "report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a true gentlelady from Clinton County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Clinton County, Indiana recently. She is Donna Guynon. She started to help people at an early age and never stopped. Donna was a New York high school student during WWII. To help that great cause, she served on the junior Red Cross and volunteered as a air raid supporter in New York. Donna never gave up the idea of helping others when she moved to Indiana. She has tended to the ill by working as a Gold and Pink lady for 38 years in local hospitals. She still works with the Red Cross and is active in the Meals and Wheels project bringing food and companionship to our seniors. Donna's work has given so many people the most precious gift possible, hope.

She doesn't do it for the pay, which is zilch; she does it for the smiles and laughter. She is a true hero in my book, doing good works for others with no other motive than Christian charity.

Donna deserves the gratitude of her county, state, and nation and I thank her here today on the floor of the House of Representatives.

INS HOME-FREE STRATEGY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. PACKARD. Mr. Speaker, I am disturbed by recent reports in the Washington Post and

Los Angeles Times detailing a new strategy by the Immigration and Naturalization Service that essentially ends enforcement of our immigration laws at job sites across the country. According to both these reports, the INS is ceasing to conduct raids on places of employment suspected of hiring illegal aliens.

The new INS strategy demonstrates a fundamental shift in the way we enforce our immigration laws. By ending workplace raids, the strategy strips away any deterrent to hiring illegal immigrants and virtually ensures we will never find and deport those that successfully make it across the border illegally. Mr. Speaker, perhaps we should title the new INS plan the "Home Free Strategy." As one INS field manager recently put it, illegal aliens know that "if you get through the border, you're home free. Everybody recognizes that, and the aliens know that by now."

Officials at the INS claim that they are re-directing efforts—due to limited funding—toward apprehending criminal aliens, alien-smuggling rings and document fraud. While I support a new, focused effort to address these problems, I do not endorse the false and misguided strategy of abandoning one effort for another.

Mr. Speaker, I would like to remind my colleagues that the Border Patrol has nearly doubled in size over the last five years and that Congress appropriated a record $4 billion for the INS last year alone. While virtually every other federal agency is enduring smaller and smaller budgets, the INS is one of the few that has consistently received increases in funding. Congress is working hard to ensure that the INS has the resources to enforce our immigration laws and protect our border. Yet instead of working to capture and deport illegal aliens wherever they are, the INS comes up with excuse after excuse as to why they cannot do their job. That is absolutely unacceptable.

Mr. Speaker, I adamantly oppose the new "Home-Free Strategy" employed by the INS and I urge them to reverse course.

75TH ANNIVERSARY OF FAIR LAWN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Fair Lawn on its 75th anniversary as an independent municipality in the State of New Jersey. The people of Fair Lawn this year are celebrating the many virtues of their wonderful community. Fair Lawn is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

On this occasion, I want to specifically acknowledge the outstanding leadership of Fair Lawn's elected officials. Fair Lawn has always enjoyed a history of good, sound local government—a tradition carried on today by Mayor David Ganz, Deputy Mayor Matthew Ahearn and Borough Council members Florence Dobrow, Edward Trawinski and Joseph Tedeschiand.

The community now known as Fair Lawn was home to the Lenni-Lenapi Indians before it was settled by the Dutch in the early 1700s. In 1784, it became part of a larger area incorporated as Saddle River Township. Farming was the predominant industry until the 1880s, when the railroad was built. The rail line, along with a trolley to Hackensack that opened in 1906, began to transform the area into a suburb for Paterson mill workers. The new transportation links also brought Fair Lawn more industry of its own. The Fair Lawn Center neighborhood along the Passaic River and River Road quickly developed as a commercial center, while industry began building factories along the river and more new homes followed.

The growth of industry and homes brought increased population, and the new residents' children quickly began to overcrowd the small, wooden schoolhouse on Bergen Avenue. School crowding was so bad that children in the rapidly expanding Columbia Heights section had to attend Hawthorne schools.

So many parents were dissatisfied with the educational facilities provided by Saddle River that they started a movement to secede from the township. Initial efforts met with bitter opposition from farmers concerned that creation of a new borough would lead to higher taxes. The Fair Lawn Improvement Association campaigned in favor of secession while opponents formed the Saddle River Township Taxpayers Association.

The argument came to an end on April 5, 1924, when residents voted in a special election to secede from Saddle River Township and form a separate borough. The New Jersey Legislature approved the move later that year.

Fair Lawn holds a place in the history of urban planning as home to Radburn, one of the nation's first planned communities, built in 1928. The 149-acre "Town for the Motor Age" contained single-family homes and duplexes, townhouses, semi-attached houses and apartments, and was intended to be self-sufficient. The corporation behind the project went bankrupt during the Depression, but the neighborhood served as a model for scores of planned communities around the world.

Fair Lawn expanded slowly through the pre-war years before hitting its greatest period of growth during the 1940's and 1950's. Vast areas of farmland were developed for single-family homes and several large garden apartment complexes. The population grew from 9,000 in 1940 to an estimated peak of about 37,000 in 1968. Fair Lawn Industrial Park on Route 208 was developed during the 1950s with several additions in the following decade. Among the Industrial Park's corporate residents are internationally known firms such as Kodak, Nabisco and Lea & Perrins.

By 1970, the last large tracts of land had been utilized. The last farm in Fair Lawn was a 20-acre tract in the Industrial Park at Fair Lawn Avenue. In 1998 this tract started development as apartments.

What began as an agricultural hamlet has grown into a suburban town providing homes, schools, parks and shops for residents and jobs for thousands of workers in businesses, offices and industries. Fair Lawn today is a thriving, modern community with much to offer for everyone.

My colleagues, I am certain you would agree with my conviction that Fair Lawn is one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success.

HONORING SARA HOLBROOK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a local hero from western Wisconsin. I want to honor Sara Holbrook who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Sara Holbrook is one of those extraordinary citizens. Sara turned fifteen on February 5, 1998. It was approximately 7 a.m. and Sara was preparing her 12 year old brother and herself for school when she heard someone pounding at the back door. When she opened up the back door she found a 16 year old boy who had been shot in the neck and side and was covered in blood. Sara without hesitation helped him onto a nearby couch and dialed 911. While they waited for the fire/rescue units she gathered towels to apply pressure to his wounds in an attempt to stop or slow the bleeding. Sara was very strong that morning. When the boy said to her "don't leave me," she did not and she did everything possible to better the life-threatening situation. She was not deterred by the possibility of the boy's assailant following him into the house or by the crying and confusion of the boy's four siblings who followed him into the house. Sara's courageous act on February 5, 1998, saved this young man's life.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Sara Holbrook for her courage and thank her for being a concerned and giving community citizen.

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res 42) regarding the use of United States Armed Forces as part of the NATO peacekeeping operation implementing a Kosovo peace agreement:

Mr. RYUN of Kansas. Mr. Chairman, United States armed forces are being stretched too thin. They've been asked to take on peacekeeping missions in Somalia, Haiti, Bosnia and now possibly Kosovo. President Clinton told Congress and the nation that the United States' deployment to Bosnia in 1995 would be over in one year. However, the mission in Bosnia has continued for four years with no strategic exit plan in sight and at a cost to the United States of $10 billion. Not only are these peacekeeping missions costly, but they are degrading the overall readiness of our fighting force.

Mr. Chairman, 2,200 troops from the 24th Marine Expeditionary Unit (MEU), currently stationed aboard Navy ships in the Mediterranean, will be part of the initial force moving into Kosovo as soon as an agreement is reached between the ethnic Albanians and the Serbian government. However, that unit is headed into its final month of a six-month deployment and scheduled to be home in North Carolina by May 13th. to be home by that time, the unit will have to leave Kosovo no later than mid-April. Mr. Chairman, that leaves the Administration with limited operations, the most prominent one being extending the length of the unit's deployment. How long will this unit be in Kosovo? How much longer will they be away from their families, beyond their already served six month deployment?

Mr. Chairman, for America's armed forces to sustain this Administrations' peacekeeping pace, the force must be augmented by an increased amount of part-time Reserve and National Guard personnel. Not only are Reserve and National Guard personnel being forced to leave their families more often, but they are also losing an increased amount of training and technical knowledge from their careers here in the United States. These military personnel are being forced to explain open-ended deployments to their employers who are becoming less willing to continually lose their skilled employees. Mr. Chairman, we will not be able to keep these individuals in the Reserves and National Guard if we continue to send them into peacekeeping situations around the globe. In the future, when Reserve and National Guard personnel have the opportunity to leave military service, they will choose their family's quality of life and their career over serving our country.

Mr. Chairman, a Kosovo peacekeeping mission will place a heavy burden on America's armed forces compromising their readiness levels, the quality of life of their families, and the national security of the United States. We cannot continue to ask our military to do more with less. Mr. Chairman, before the Administration decides to deploy troops to Kosovo, I ask that they lay out their plan in detail to Congress. The Administration should not be able to put the men and women of our armed forces in harm's way without explaining their reasons for doing so.

REPORT FROM INDIANA—CLARK COUNTY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a truly gentlelady from Clark County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Clark County, Indiana recently. She is Rhonda Haycraft. Rhonda has made Clark County a better community through her remarkable efforts on behalf of less fortunate members of the community. She has been a real force for good for her neighbors. Rhonda has worked very hard to make sure that needy children have the food and clothing they need to live in decency. She has even adopted a less-fortunate family, and looks after their welfare. Rhonda has given this family the most precious gift possible, hope.

She doesn't do it for the pay, which is zilch; she does it for the smiles and laughter Unbelievably her devotion to service does not stop there. She is very active in her church through Sunday School and playing the organ. She is a true hero in my book, doing good works for others with no other motive than Christian charity.

Rhonda deserves the gratitude of her county, state, and nation and I thank her here today on the floor of the House of Representatives.

THE PRINTED CIRCUIT INVESTMENT ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. CRANE. Mr. Speaker, today I am joined by my Ways and Means Committee colleague, Mr. MATSUI, in introducing the Printed Circuit Investment Act.

This simple and straightforward bill will allow manufacturers of printed wiring boards and printed wiring assemblies, known as the interconnecting industry, to depreciate their production equipment in 3 years rather than 5 years under current law. Printed wiring boards are those ubiquitous little green boards loaded with tiny wires and microchips which are the nerve centers of electronic items from television sets to computers to cellular phones.

The interconnecting industry, as with so much of the electronics industry, has changed dramatically in just the last decade. While once dominated by large companies, the industry now consists overwhelmingly of small firms, with many of them located in my home State of Illinois. The rapid pace of technological advancement today makes interconnecting manufacturing equipment obsolete in 18 to 36 months—tomorrow's advances will further reduce that time to obsolescence. To keep pace with these advances, companies in the industry spend billions of dollars each year on capital costs. Considering that this is an industry dominated by small U.S. firms competing in ever more competitive world markets, clearly we need a Tax Code that more clearly reflects reality.

The depreciation rules found in the Tax Code, of course, have not kept pace with the realities of this dynamic market. The industry currently relies on tax law passed in the 1980's, which was based on 1970's era electronics technology. Competitors to American firms in Asia, however, enjoy much more favorably tax treatment as well as direct government subsidies. We must remove the U.S. Tax Code as an obstacle to growth in this industry. The Printed Circuit Investment Act will take a step in that direction. Quite frankly though, I view this as a very modest step and would like to provide much more generous tax relief to these businesses, considering the fierce competition from foreign countries.

Mr. Speaker, the Printed Circuit Investment Act will provide modest tax relief to the interconnecting industry and the 250,000 Americans whose jobs rely on the success of this industry. I urge my colleagues to join me and Mr. MATSUI in providing this relief by cosponsoring the bill.

TRIBUTE TO BEVERLY AND HERB GELFAND

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN, Mr. SHERMAN, Mr. DIXON, and I rise today to pay tribute to our dear friends, Beverly and Herb Gelfand, who this year are being honored by the Bureau of Jewish Education. Behind the remarkable rise in Jewish education in southern California—28,000 students, 2,000 teachers and 172 schools—are the Gelfands, who stand second to none in their commitment to the cause. Over the years they have willingly given of their time and resources in order that an increasing number of parents can send their children to Jewish day schools. Beverly and Herb are owed a huge debt of gratitude not only for their commitment to the growth of Jewish education, but to the strength of the Jewish community as a whole.

The record is impressive. Herb is the immediate past-president of the Jewish Federation Council; Chairman Emeritus of the Weizmann Institute of Science; trustee of the Simon Wiesenthal Center for Holocaust Studies and Trustee of Yeshiva University of Los Angeles. Beverly is past chairman of Chai Division of the United Jewish Fund and a supporter of Israel Now and Israel Museum and is a member of Bonds for Israel. This is only a partial list; due to limited space, we are unable to mention every Jewish organization that has been the beneficiary of the Gelfand's generosity and expertise. Suffice to say they have done more, much more, of their fair share on behalf of Jewish institutions.

Beverly and Herb are also passionate about the arts. Once again they are not content to remain on the sidelines. Herb is a trustee of the Los Angeles County Museum of Art, a member of the board of directors of the Westwood Geffen Playhouse and former director of the Los Angeles Music Center Opera Association. Beverly is active with the LA County Museum of Art and the American Art Council. We ask our colleagues to salute Beverly and Herb Gelfand, proud parents of three children, grandparents of six, and extraordinary supporters of their community. We are proud and honored to be their friends.

HONORING SHAWN BECK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a local hero from western Wisconsin. I want to honor Shawn Beck who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Shawn Beck is one of those extraordinary citizens. Shawn was driving down Birch Street in Eau Claire, Wisconsin when a car accident occurred. A woman emerged from one of the cars leaving her nephew alone in the car. The accident left the woman unable to attend to her four year old nephew. Shawn noticed the woman's trauma and her inability to assist the child and rushed over to help the young child. He comforted the child physically and emotionally during this very traumatic time. Shawn did such a wonderful job with the child that when the fire department arrived soon after the accident and was assisting injured occupants they believed Shawn was the boy's father and did not attempt to provide help. By helping the child Shawn allowed the firefighters to do their job and assist the injured woman.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Shawn Beck for his courage and thank him for being a concerned and giving community citizen.

HONORING THE CAMELOT NEIGHBORHOOD WATCH PROGRAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to a neighborhood organization that is making a difference in the quality of life in Northern Virginia. The Fairfax County Mason District Police Department has recognized the participants of the Camelot Neighborhood Watch as one of the most effective crime reduction units in the county. This appreciation celebrates the success of a program which has helped the general crime rate decline steadily since its inception twenty years ago.

The Neighborhood Watch participants throughout Fairfax County are dedicated individuals who selflessly offer their time to improve their community. Camelot has the largest number of active volunteers of any neighborhood watch program in Northern Virginia. As a former County Supervisor from the Mason District, I can attest to the dedication of those involved in the Neighborhood Watch. All of those in Camelot share a tremendous sense of pride in the accomplishments of their Neighborhood Watch.

The individuals who volunteer in this program coordinate with the police so they may keep abreast of criminal activity in or around their community. The time and energy they give in walking their neighborhoods, tracking suspicious activities, people, and cars enable the Fairfax County Police to deter would-be criminals. It is financially and logistically impossible to put a police officer on every street corner, but the Camelot Neighborhood Watch does the next best thing, by recruiting and training neighbors to be the eyes and ears of our police professionals. The savings to taxpayers through the years has been tens of millions of dollars, and the savings in crime deterred has also been measurable. The Neighborhood Watch program in Camelot proudly shows its strength and its numbers to the point where they have been recognized as the Best Neighborhood Watch in Virginia by the Virginia Crime Prevention Association. The participants in this program have proven that getting involved in your community does make a difference. Those who take the time to cast a watchful eye on their surroundings ensure that they have a safer and more friendly place to live. They have even exported their skills in crime prevention, to Watch programs in Harpers Ferry and Shephards Town West Virginia; and as far away as Gettysburg Battlefield Park in Pennsylvania.

The members and coordinators of the Camelot Neighborhood Watch work are one of the most diverse communities in the Washington area. They often bridge culture and language gaps to come together and build safer neighborhoods. The Camelot Neighborhood Watch has lead to a better understanding of different cultures and backgrounds as people recognize that they share similar community values. One of the greatest assets of the Camelot Neighborhood Watch program is the bonds it has built between individuals and neighborhoods. Neighborhood Watch brings neighbors together. In that spirit, I am proud to recognize Mr. Paul Cevey, the founder of the Camelot Neighborhood Watch program twenty years ago; and Mr. Dave Shonerd, who has helped mold the program in the great success it is today, and built it into a national model.

I know my colleagues will join me in saluting the Camelot Neighborhood Watch organization and the success it has achieved. The Camelot Neighborhood Watch participants have certainly earned a Day of Appreciation. Their work has made the Fairfax County one of the safest communities in our nation.

REPORT FROM INDIANA—BARTHOLOMEW COUNTY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. MCINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a true gentlelady from Bartholomew County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Bartholomew County, Indiana recently. She is Gladys Simmons, a nurse, who is appropriately from Hope, because giving hope is what she is all about.

Gladys epitomizes a "Hoosier Hero." She has worked tirelessly on behalf of the less-fortunate. Gladys has worked with the Red Cross for over 20 years and has been on the Board for 7 of those years.

Gladys' work has given so many people the most precious gift possible, hope. She doesn't do it for the pay, which is zilch; she does it for the smiles and laughter. She is a true hero in my book, doing good works for others with no other motive than Christian charity.

Gladys deserves the gratitude of her county, state, and nation and I thank her here today on the floor of the House of Representatives.

FOREIGN PIPELINE TRANSPORTATION INCOME

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. MCCRERY. Mr. Speaker, today with my colleague, WES WATKINS from Oklahoma, I am introducing legislation that will clarify the U.S.

tax treatment of foreign pipeline transportation income.

This legislation is needed because current tax law causes active foreign pipeline transportation income to be unintentionally trapped within anti-abuse tax rules. These rules were originally established to prevent avoidance of tax on easily movable and passive income, not on active pipeline income. In fact, when these rules were first enacted, U.S. pipeline companies were not even engaged in international activities. Now, as opportunities in the international arena arise, pipeline companies are unfairly caught within the scope of the anti-abuse rules. As such, U.S. pipeline companies are finding themselves at a competitive disadvantage, vis a vis foreign companies. In order for U.S. companies to remain competitive, it is essential that U.S. tax law not unfairly tax U.S. companies' foreign operations. The legislation that Mr. WATKINS and I are introducing today will correct this injustice.

Under the Subpart F anti-abuse rules, current taxation is imposed on certain types of earnings whether or not a dividend is actually paid. The policy behind these rules is to currently tax income which is passive in nature or which is easily moved from one jurisdiction to another. One type of Subpart F income is foreign based company oil related income (FORI). FORI includes income derived outside the U.S. from the transportation of oil and gas. This general rule, in many cases, causes current income taxation on income that is not passive or manipulable. This adverse result is slightly mitigated by two narrow exceptions, the extraction exception and the consumption exception.

Pipeline transportation income is neither passive nor easily movable, and therefore, should not be subject to these rules. Pipe location is based on where the natural resources and energy needs exist. Pipes cannot be placed just anywhere, nor once they are in place, can they be easily moved. Consequently, applying these anti-abuse rules for passive and manipulable income to active and hard to move income just doesn't make sense.

In looking at the legislative history, it is clear that Congress intended the anti-abuse rules to reach the significant revenues derived by highly profitable oil related activities that were sourced to the low-taxed country as opposed to the country in which the oil and gas was extracted or ultimately consumed. The intent of these rules was not to target pipeline transportation income. In fact, when the rules were being considered and then put in place, pipeline companies were not engaged in international development activities. Rather, they were focused solely on domestic infrastructure investment.

Today pipeline companies are continuing to actively pursue all development opportunities domestically. These opportunities, however, are somewhat limited. The real growth for the U.S. pipeline companies is not occurring in the international arena. These opportunities stem from fairly recent activities by foreign countries to privatize their energy sectors. Increased U.S. involvement in energy infrastructure projects will have tremendous benefits back home. More U.S. employees will be needed to craft and close these transactions, to build plants and pipelines, and to operate the facilities. New investment overseas will also result in new demands for U.S. equipment. Before these benefits can be realized, however, U.S. companies must be able to defeat their foreign competitors and win the projects. Unfortunately, current U.S. tax laws significantly inhibit the ability of U.S. companies to win such projects.

It is time we change these laws if we are to ensure that U.S. companies remain competitive players in the international marketplace. A complete review and rewrite, however, will take a significant amount of time—time we can not afford to lose. In the interim, we believe there are incremental reforms to the international tax regime that we can and should take. One step in the right direction, and one that would have a minimal impact on the FISC, is to pass our legislation that would clarify the U.S. tax treatment of foreign pipeline transportation income.

I ask my colleagues to join us in this effort to bring the current law in line with good tax policy. Let's ensure we keep America competitive in the global economy.

TRIBUTE TO DION LUKE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McINNIS. Mr. Speaker, it is with great delight that I now wish to honor my friend Dion Luke who, after 25 years of service as a police officer in Glenwood Springs, CO, has announced his retirement. In doing so, I would like to pay tribute to the truly extraordinary career of this remarkable individual who, for so many years, has been a beloved member of the Glenwood community.

As an officer, Dion has had an uncanny knack for being right in the middle of the action. As evidence, for example, at different points in his career he would: catch a group of bank robbers, stolen bags of money in hand, as they attempted to flee Glenwood following an area heist; he would bungle one burglar's attempt at robbing a local bar after patiently waiting for the thief atop the bar's roof; and, at one point, even evaded an eight-bullet barrage fired by a man about to attempt suicide—a man he would ultimately save. This, of course, only gives mention to a few of the many instances in which Dion served distinguishedly over his lengthy career.

For all of his bold exploits as a police officer, however, Dion is perhaps better known for his personable demeanor. His congenial disposition has made Dion, over the years, a local favorite.

Having had the privilege of serving with Dion in the Glenwood Springs Police Department, I can say with great certainty that very few members of the law enforcement community have ever been as admired as widely, nor esteemed as deeply, as Dion. In the time I worked with Dion I obtained a respect for him that lasts even until this day. It is clear that Dion represents what a police officer should strive to be.

Today, as Dion embarks on a new era in his life with his wife Dixie, I would like to offer my gratitude for his years of service and friendship. It is clear that Glenwood Springs has benefited greatly from Dion tirelessly endeavoring on its behalf.

It is with this, Mr. Speaker, that I say thank you to Dion and wish him all the best as he begins his much deserved retirement.

HONORING THERESA J. SANDERS, ROBERT E. KEIN AND SHERI SORENSON

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to three local heroes from western Wisconsin. I want to honor Sheri Sorenson, Theresa J. Sanders and Robert E. Kein who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Theresa J. Sanders, Robert E. Kein and Sheri Sorenson are three of those extraordinary citizens. On June 16, 1998 an Eau Claire man doing some repair work outside of Sheri Sorenson's house on Midway street in Eau Claire, Wisconsin. The man had an internal defibrillator installed earlier that year that can detect a lethal heart rhythm and in response shock the heart. At approximately 4:20 p.m. the man went into cardiac arrest. Sheri notified her neighbors Theresa Sanders and Robert Kein who rushed over to assist. They moved the man to a flat surface and began two person CPR. After several minutes of CPR they were able to retrieve a pulse, and when the ambulance arrived paramedics were able to continue with advanced life support procedures. He was then transported to the hospital. Theresa and Robert provided the care that was necessary for the man to survive.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Sheri Sorenson, Theresa J. Sanders and Robert E. Kein for their courage and thank them for being concerned and giving community citizens.

RECOGNIZING THE STUDENTS OF THE GOVERNOR'S SCHOOL FOR GOVERNMENT AND INTERNATIONAL STUDIES

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BLILEY. Mr. Speaker, I rise today to commend the outstanding performance of the students of the Governor's School for Government and International Studies of Richmond, Virginia in the "We the People . . . the Citizen and the Constitution" state finals held on February 9, 1999, at the Virginia Commonwealth University in Richmond, Virginia.

After successfully competing against other students from Virginia, these bright and talented students will compete against more than 1,200 students from across the country at the "We the People . . . the Citizen and the Constitution" national finals, to be held on May 1–3, 1999 in Washington, D.C. These young students have worked extremely hard to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental ideals and values of American constitutional democracy.

This intense educational program was developed to educate our young students about the Constitution and the Bill of Rights. These students work in teams and give oral presentations before a panel of adult judges who represent various regions of the country and a variety of professional fields.

The student presentations are followed by a question and answer period. Throughout the contest, the students will demonstrate their knowledge of constitutional principles and their relevance to contemporary constitutional issues.

The "We the People . . ." program has provided educational materials for 26.5 million elementary, middle, and high school students across the country. I value this program because it is an extensive educational program for students and teachers to discuss current constitutional issues.

The students from the Governor's School are currently preparing for the upcoming national competition. I commend the students and their teacher Philip Sorrentino on their accomplishments thus far and wish them the best of luck at the national finals.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, racism is a cancer that is ravenously devouring its way through the threads of liberty, unity and equality that hold America together. Unfortunately, the damage being done to our nation has primarily gone unnoticed. Although a dragging death, the sadistic beating of a Marine, and an indefensible, racist comment made by a radio shock jock have left their indelible marks on the American conscience, these incidents have not been enough to facilitate the serious, introspective discussion about race our country so desperately needs.

That is why I have decided to submit the following articles exposing racism and racist activities into the Congressional Record. It is my hope that the tacit and conspicuous acceptance of bigotry will not go unnoticed by future generations. By documenting these cases for all the world to see, maybe, it will finally force Americans to take stock of the atrocities that are being perpetrated against our friends and neighbors.

It is my intention to drop these articles into the Congressional Record at the end of every week, and I challenge Members and the rest of America to take a long hard look at them. I defy any American who is genuinely concerned about the future of this great nation to look at these articles and to tell me that racism does not exist, or that it is not a problem.

The American legacy is a shared legacy. African Americans have served in every war in which America has fought. Blacks and whites have stood side by side in everything from driving the British from American soil to taming the west. Harmony and equality are our destiny. No matter how hard we fight it or try to deny it, one day we will all stand together as "one nation, under God, indivisible."

I would like to close with a quotation from George Santayana. "Those who cannot remember the past are condemned to repeat it." Hopefully, this effort will make it impossible for future Americans to forget our Nation's less than honorable days.

Racial Beating Case Judge Receives Death Threat

(By Mike Robinson)

Chicago.—A judge who sentenced a white youth to prison for an attack on a 13-year-old black boy has received an apparent death threat and now is under round-the-clock police protection.

Circuit Judge Daniel Locallo says he won't be intimidated by the threat, which was apparently made last month.

"I'm going to continue to do the job that I was elected to do," Locallo said Tuesday in a telephone interview with The Associated Press.

He sentenced Frank Caruso, 19, to eight years in prison for the March 1997 beating that left Lenard Clark in a coma. The youngster, who was bicycling in a white neighborhood at the time of the beating, continues to suffer brain damage as a result of the attack.

Prosecutors say race was the sole motive. President Clinton condemned the beating in a national address.

Caruso was found guilty of aggravated battery after a trial. Two others arrested for the attack were placed on probation under plea bargains.

The existence of the death threat was reported Monday night by Channel 7 News in Chicago and in Tuesday's editions of the Chicago Tribune.

The FBI said in a statement that "during January 1999 information was received . . . which indicated that a possible threat had been made against the life of Cook County Circuit Court Judge Daniel Locallo."

The FBI is continuing to investigate the alleged threat.

Business & Race: Samplers and Getaways Help Push Black Books

(By Leon Wynter)

To promote books to an African-American audience, some experienced authors and publishers recommend finding a gimmick because traditional marketing tactics often miss the mark.

Denene Millner and her husband, Nick Chiles, plan to push their new book, "What Brothers Think, What Sistahs Know," published by William Morrow & Co., with a multicity series of parties starting this month in New York. They figure black singles and couples will mingle, play games like "The Dating Game" and talk about relationships with them.

The two believe reaching the young professional black "grapevine" is the most efficient route to the "Blackboard," a list of top-selling black-oriented books that appears in Essence magazine and usually generates additional sales. "We're trying to draw people who might not necessarily go to a signing or a book store but will go to a party," Mr. Chiles says.

To boost "Just Between Girlfriends," a celebration of black female friendships published by Simon & Schuster, author Chrisena Coleman organized a getaway weekend in the Bahamas for "200 of my closet girlfriends" with backing from such corporate sponsors as Tommy Hilfiger.

One World Books distributed more than 10,000 "samplers" of book chapters to a list of over 1,000 black beauty parlors to pump the romantic novels "Waiting in Vain" and "Gingersnaps" last summer. Cheryl Woodruff, associate publisher of the Ballantine African-American imprint, was responsible for the approach. She cites a recent Gallup survey that found African-Americans buy 39.7 million books a quarter and tend to be college-educated women. Waiting in Vain has now sold 25,000 copies in hardcover. Gingersnaps has sold 22,000 and recently made the "Blackboard" list.

Ms. Millner experienced the shortcomings of traditional marketing when she was promoting her first book, a semi-satirical romance guide for African-American women called "The Sistahs' Rules." Last Valentine's Day, she recalls, she was booked "on a radio show with a woman who thought she was the female Howard Stern" and spent the segment making anatomy jokes and eliciting Ms. Millner's feelings about O.J. Simpson and white women.

"I was just infuriated," Ms. Millner says. "It was obvious these people had no idea what I'd written." Though her book eventually sold a respectable 70,000 trade-paperback copies, she believes it would have done better if her publisher had paid more attention to details like booking her on the black-oriented New York station WBLS on Valentine's Day to talk about real relationships.

Mr. Chiles says he realizes that authors of all colors are left on their own, and everyone has a tough time getting an audience for traditional book promotions. But, he says, "what works for white authors won't necessarily work for us. You have to make sure they aren't putting you on radio shows where you hear the Beach Boys playing before the interview starts."

DREADLOCKS, OIL EXPLORER HERALD NEW RACE POLICIES

To show they are now "walking the walk," two recent corporate diversity pariahs are "talking the talk" on diversity with strikingly different television commercials.

In one of a series of ads launched by Denny's Restaurants last month, a dreadlocked black man stares into the camera and says "Let me let you in on a little secret: I'm black . . . Noticing somebody's color doesn't make you a racist; acting like it matters does." The tag line, "Diversity. It's about all of us," appears with the Denny's logo.

In 1994, Denny's paid $45.7 million to settle a discrimination lawsuit filed by black customers. The chain now operates under a negotiated anti-discrimination regimen so strict that toll-free numbers for the U.S. Justice Department are posted in every restaurant so customers can call to complain about any instances of bias.

The commercials should remind Denny's 40,000 employees that "we have a strict policy: 'If you discriminate, I'm gonna fire you,' " says James Adamson, chief executive officer of Denny's parent, Advantica Restaurant Group. But he concedes that "at the end of the day I hire America, and America discriminates."

Mr. Adamson says his main goal with the commercials is to spark a national dialogue on race. The starkness of the ads prompted initial rejections by Fox and ABC, according to Denny's spokesmen. "I hope it does spur some controversy and get people willing to talk," Mr. Adamson says, "because I'm genuinely frightened at how polarized this country is becoming."

In Texaco Inc.'s ads, a black petroleum explorer leads a team through a sandstorm, mounts a dune, whips out a pocket computer and shouts with a chortle, "This is it; we are here!" Later, setting up camp, he leaves viewers with the tag line, "Don't you just love this job?"

In November 1996, Texaco settled a race-discrimination suit for a record $176 million after one of its former executives released tape-recorded conversations of Texaco officials making disparaging remarks about blacks.

The company's new focus on racial diversity was a conscious subtext for its first-ever corporate-image campaign, says Mary Moran, director of corporate advertising. An image of diversity is "critically important" for recruitment, she says, "not just to say that we value it, but so that we will be perceived as a more agile, younger and forward thinking company."

REPORT FROM INDIANA—PORTER COUNTY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a true gentleman from Porter County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Porter County, Indiana recently. He is Pat Bankston who is on the Board of Christian Community Action which runs a homeless shelter for those who don't have a roof over their heads. Pat chaired the "Raise the Barn" effort at Sunset Hill County Park. He also serves on the Board of the Volunteers of Greater Valparaiso working to instill the spirit of voluntarism throughout the community. Pat's work has given so many people the most precious gift possible, hope.

He doesn't do it for the pay, which is zilch; he does it for the smiles and laughter. He is a true hero in my book, good works for others with no other motive than Christian charity.

Pat deserves the gratitude of his county, state, and nation and I thank him here today on the floor of the House of Representatives.

SPECIAL EDUCATION FUNDING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following comments made by Deila Steiner, Director of Federal funding for the Lincoln Public Schools, which appeared in the Friday, March 12, 1999 edition of the *Lincoln Journal Star*.

> If I had to choose, we would want more special education funding to meet the current obligations. Funding special education at appropriate levels will keep our class sizes down. They go hand and hand. Just sending us more teachers who are unprepared and new isn't necessarily going to serve the children.

CELEBRATING THE 71ST ANNIVERSARY OF SCHOLL'S CAFETERIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Ms. NORTON. Mr. Speaker, I rise to ask the Members of the House to join me in celebrating 71 years of extraordinary food at reasonable prices by Scholl's Cafeteria. In an era when fast food dominates the field, Scholl's is a precious holdout offering service, nutritious meals, and hospitality.

The tradition of family-owned restaurants like Scholl's has all but faded, and many of us in Washington are trying to make sure that Scholl's remains a cafeteria landmark in the nation's capital. It is difficult for many to understand how Scholl's has been able to keep its prices so modest and its food so good for so long. Scholl's has put quality and service above all else and it may have to pay a heavy price. If Scholl's had answered solely to profit motives, its prices might be higher and it might not face the exorbitant cost of a lease renewal beyond its means. We must not let a lease come between Washingtonians and tourists and the low cost delicious food that thousands have relied upon.

We should all be grateful that Jim McGrath, one of the District's most effective civic activists, is leading "Save Our Scholl's (SOS)" Cafeteria Committee. I know that Members, especially those who have spent years in Washington, would want to join Jim McGrath and me in helping to save Scholl's. After almost three quarters of a century of service, Scholl's Cafeteria must be here to bring in a new century.

HONORING JERRY POLDEN AND BOB POLDEN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to two local heros from western Wisconsin. I want to honor Jerry and Bob Polden who took courageous action to aid another citizen.

For the past 3 years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Jerry and Bob Polden are two of those extraordinary citizens. On October 12, 1998 Jerry and Bob were pouring a concrete garage floor on Boardwalk street in Eau Claire, WI. Their father Kenneth Polden stopped by to help his sons with the job. As they were pouring the concrete their father suddenly collapsed on the ground in cardiac arrest. The two sons rushed over to him and found him pulseless and not breathing. Without hesitation the two sons began CPR on their father. Jerry did the rescue breathing and Bob did the compressions. They continued CPR for several minutes while they waited for the fire/rescue units to arrive. CPR sustained circulation in Mr. Polden's body and continued the flow of oxygen to his vital organs. Jerry and Bob were able to keep Mr. Polden alive until the rescue team arrived. This was the second time that Jerry had done CPR on his father. Five years previously Mr. Polden had gone into cardiac arrest and a friend who knew CPR had helped Jerry administer CPR to his father for the first time. This had triggered Jerry to take a CPR class so that if he was ever in a similar situation he would be able to help, not knowing that the next person would be his father.

On behalf of all the citizens of western Wisconsin I ask that the U.S. House of Representatives recognize Jerry and Bob Polden for their courage and thank them for being concerned and giving community citizens.

TRIBUTE TO MR. ROBERT L. OZUNA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BECERRA. Mr. Speaker, I rise today with profound sadness in my heart to pay tribute to Mr. Robert L. Ozuna, a dear friend who passed away this past Saturday, March 6, 1999 at Queen of the Valley Hospital in West Covina, California.

After 69 fulfilling years of life, Robert Ozuna joins Rosemary Ozuna, his beloved wife of 35 years who lamentably left us just months ago on November 27, 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven

Ozuna and Jeff Dominelli; his daughters, Nancy DeSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas; and his brother Tony Ozuna. Bob was also the proud grandfather of 8 children.

Bob was the oldest of four children born on December 29, 1929 in Miami, Arizona. Ten years later, after his father's early death, the family moved to Los Angeles where he grew up with his mother and three siblings. Like my father, as the oldest child, Bob assumed the responsibility of finding steady work at an early age to assist his mother in meeting the family's financial burdens.

In 1966, with the help of a second mortgage on his residence and a few electrician's hand tools, Bob founded his company, New Bedford Panoramex Corporation (NBP) in Upland, California. Combining hard work with entrepreneurial instincts, he built NBP into the thriving electronics manufacturing business it is today.

Bob Ozuna emerged as one of the Latino community's leading entrepreneurs in Southern California. He gained his business experience on the job while attending night school at Rio Hondo Community College.

In 1987, the U.S. Department of Transportation recognized Bob's hard work and dedication with its Minority Business Enterprise Award. The Department saw fit to honor him again with this prestigious tribute in 1991. The Air Traffic Control Association awarded Bob the Chairman's Citation of Merit Award in 1994.

As industrious as Bob was in business, he was equally involved in sharing his prosperity with many groups in the community. He was an active member of the California Chamber of Commerce. Bob founded the Casa De Rosa Annual Golf Tournament to raise funds for the Rancho de Los Ninos Orphanage in Baja Mar, Mexico. He was a founding director of the East Los Angeles Sheriff's Youth Athletic Association, which has promoted educational, athletic and drug awareness programs for more than 60,000 young Americans in the Los Angeles Metropolitan area.

Those of us who are fortunate to call Bob Ozuna friend remember him as a man who had a passion for life. He worked to succeed, but he succeeded in living—enjoying to their fallest the fruits of family and his tremendous labor. At New Bedford Panaramex Corporation, he is remembered for his generosity and genuine concern for his employees and their families.

Mr. Speaker, Robert Ozuna epitomized the American dream—if you work hard and play by the rules, you can achieve whatever you aspire to. Robert Ozuna realized that dream. And, as Steve his son knows, Bob did so much to help others come a little closer to reaching the stars as well.

Mr. Speaker, it is with heartfelt emotion that I ask my colleagues to join me today in saluting, one last time, a cherished friend and outstanding American, Mr. Robert L. Ozuna. Bob, you will be missed.

REPORT FROM INDIANA—BOONE COUNTY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a true gentleman from Boone County, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes."

I met a genuine Hoosier Hero in Boone County, Indiana recently. He is Gordon Husk who is President of Lebanon's newest Kiwanis Club and he serves on the board of directors of Habitat for Humanity of Boone County.

Gordon epitomizes a "Hoosier Hero", men and women with no desire for recognition, who reenergize their communities. Gordon has been a member of the Mural Temple Shrine Transportation Committee for the past five years. During that time he has driven 261 trips to Chicago, Lexington, or Cincinnati, delivering children to these three Shrine Hospitals where they receive free treatment. That's equal to about one full year devoted to giving these kids the most precious gift possible, hope.

He doesn't do it for the pay, which is zilch; he does it for the smiles and laughter. He is a true hero in my book, doing good works for others with no other motive than Christian charity.

Gordon deserves the gratitude of his county, state, and nation and I thank him here today on the floor of the House of Representatives.

INTERNATIONAL ACCOUNTING STANDARDS COMMITTEE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to welcome the delegates to the International Accounting Standards Committee (IASC) to Washington, DC, where on March 16–19, 1999, the IASC is holding its first Board meeting that is open to public observation.

The International Accounting Standards Committee was formed in 1973 through an agreement made by professional accountancy bodies from nine countries, including the American Institute of Certified Public Accountants (AICPA). At present, 142 accounting organizations in 103 countries are IASC members. These organizations represent over 2,000,000 accountants worldwide.

The IASC works closely with the national standards-setting bodies, such as the Financial Accounting Standards Board in the United States; intergovernmental organizations such as the European Commission, the Organization for Economic Cooperation and Development, and the United Nations; and development agencies such as the World Bank. The objectives of the IASC are:

(1) To formulate and publish, in the public interest, accounting standards to be observed in the presentation of financial statements and to promote their worldwide acceptance and observance; and

(2) To work generally for the improvement and harmonization of regulations, accounting standards and procedures relating to the presentation of financial statements.

I would like to acknowledge the hard work and spirit of public interest that characterize the participants in this meeting and to extend my best wishes to the IASC for continued success.

TRIBUTE TO THE LATE JUDGE C. CLYDE ATKINS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay honor and tribute to the life and the enormous contributions of Judge C. Clyde Atkins, who passed away on the morning of March 11th. As a United States District Court Judge, Judge Atkins was not only a colleague, a dear friend, but also a mentor. Judge Atkins truly saw the humanity in everyone. He championed the rights of the homeless, Cuban exiles, and Haitian refugees in his landmark decisions, such as the establishment of "safe zones" for the homeless to be free of police harassment in Miami. His rulings to prevent the repatriation of Haitian and Cuban refugees from the U.S. Naval Base at Guantanamo Bay, Cuba are legendary precedents. His efforts to improve our humanity gave encouragement and inspiration to an entire community. It is not enough to say that he will be missed. It is not even enough to say that his efforts will never be forgotten. I believe that the legacy of the Honorable Judge C. Clyde Atkins will forever live in the lives of all those whom he has inspired. I, for one, am a better American for knowing him.

HONORING JEFFERY J. ANGER II

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a local hero from western Wisconsin. I want to honor Jeffery J. Anger who took courageous action to aid another citizen.

For the past 3 years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Jeffery J. Anger is one of those extraordinary citizens. On June 12, 1998, Jeff was working as an assistant manager at the Perkins Family Restaurant in Eau Claire, WI. At approximately 9:20 p.m., there was a car accident in front of the restaurant. One car was struck from the rear and pushed 200 yards through an intersection. A woman involved in the accident ran into the restaurant seeking help for the woman in the other car. Jeffery called 911 and grabbed several towels and rushed outside to the scene. He found the woman in the front of the car with a severe head wound. He wrapped the towels around her head to control the bleeding until the Eau Claire fire/rescue team arrived. He was able to provide her with comfort and reassurance while they waited for an ambulance.

On behalf of all the citizens of western Wisconsin, I ask that the U.S. House of Representatives recognize Jeffery J. Anger for his courage and thank him for being a concerned and giving community citizen.

FOR THE CHILDREN

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, it is our responsibility as leaders and parents to act in the best interests of our children. It is our responsibility to provide our children with opportunities so that they can maximize their potential and make positive contributions to society. All children should have this opportunity. When individuals are not afforded a chance, this can limit their future. Consequently, due to this shared responsibility, I felt that it was necessary to introduce the American Asian Justice Act of 1999.

This bill will amend the Immigration and Nationality Act to facilitate the immigration to the United States of children born in the Philippines and Japan who were fathered by United States servicemen. While the children fathered by American citizens in Vietnam, Laos, Thailand, Kampuchea and Korea are allowed to immigrate to the United States, Philippine Amerasian children are denied this right because they were excluded from the 1982 U.S. Amerasian Law.

For several years, the Philippines and Japan served as a central location for military operations in the Far East. As a result, interracial relationships and marriages produced approximately 50,000 children of mixed ancestry. The majority of these children are now suffering and estranged in the Philippines today. Many children are stigmatized because they are considered illegitimate or have mixed ethnic ancestry and have been denied access to viable employment and education opportunities, causing these children to live in conditions of severe poverty. In addition, in June 1991, Mt. Pinatubo, which is located within miles of these U.S. bases, erupted and caused severe damage, leaving thousands of children of mixed ancestry abandoned, helpless, and without means of support.

Therefore, the time has come to expand the U.S. Amerasian Law to include the children of the Philippines and Japan, and facilitate their passage to the United States under the sponsorship of their U.S. relatives. It is time to help these children immigrate to the United States so they can grow up with the love and support of their own families. It is our responsibility to help these children. In helping these children we are helping ourselves.

CONGRATULATIONS TO GENERAL VASCO JOAQUIN ROCHA VIEIRA

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. POMBO. Mr. Speaker, I rise today to extend my congratulations to General Vasco Joaquin Rocha Vieira the Governor of Macao on the Third Meeting, or the "Terceiro Econtro" of the Macanese people. The "Terceiro Encontro" symbolizes the importance of cultural diversity, social cohesion, and international ties in the historic development of Macao.

As the co-chair of the House Portuguese-American Caucus, and the only member of the House of Representatives of Portuguese ancestry I am very proud of the former Portuguese territory and its people.

The Macanese people reflect a unique and positive blending of the European and Asian Cultures. They also have made very significant contributions to the social, political, and economic welfare in the communities in which they reside.

The territory of Macao is situated on the meridional skirt of the China Coast and is scheduled to be turned over to the People's Republic of China on December 20, 1999. Throughout its more than 400 years of history, Macao has proudly been the stronghold of the Portuguese presence and culture in the Far East. The Portuguese flag was always flown in Macao, even during the Spanish occupation of Portugal. This proud history and strong roots makes the "Terceiro Encontro" a truly special event.

Mr. Speaker please join me in once again congratulate General Vieira on this important event.

REPORT FROM INDIANA—BLOOMINGTON

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others. Today, I want to mention a special group of people from Bloomington, Indiana who I had the privilege of meeting recently.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosier who I have met traveling around Indiana has not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we can them "Hoosier Heroes."

I met these genuine Hoosier Heroes in Bloomington, Indiana recently. They are the Bloomington Rotary Club. They are men and women who, with no desire for recognition, re-energize their communities, and help those in need.

They have made Bloomington a better community through their voluntary efforts and have even made the world a better place through their drive to eradicate polio throughout the world. This chapter raised over a hundred thousand dollars and we are seeing the fruits of their labor. Since 1988 polio cases have been reduced by 90% world wide.

The Bloomington Rotary Club work has given so many people the most precious gift possible, hope. They don't do it for the pay, which is zilch; they do it for the smiles and laughter. They are true heroes in my book, doing good works for others with no other motive than Christian charity.

The Bloomington Rotary Club deserves the gratitude of their country, state, and nation and I thank them here today on the floor of the House of Representatives.

HONORING GENE KRIGSVOLD

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to four local heroes from western Wisconsin. I want to honor Gene Krigsvold who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Gene Krigsvold is one of those extraordinary citizens. On June 13, 1998 The Navy Blue Angels sponsored The Upward 98 Air Show at the Chippewa Valley Regional Airport in Eau Claire, Wisconsin. Thousands of people throughout Wisconsin came to participate in the festivities. Spectators were everywhere, watching the show from the streets, the air and the Chippewa River. Late in the afternoon a swimmer in the Chippewa River was struck by a boat. Gene Krigsvold, who had been boating on the river was there to assist the Eau Claire Fire and Rescue teams during the search for the missing swimmer. Without hesitation he offered his pontoon boat, which provided them with a diving platform. He was also able to provide them with knowledge of the river currents, having grown up on the lake. Gene and the rescue team members worked late into the day. Gene's efforts greatly contributed in the search for the missing swimmer.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Gene Krigsvold for his courage and thank him for being a concerned and giving community citizen.

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

SPEECH OF

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement:

Ms. GRANGER. Mr. Chairman, there are many occasions when this body meets to consider important matters of national business. But none more important than this.

To discuss and debate a resolution regarding the development of American troops in a foreign land is the utmost in constitutional and moral responsibility. It is one we do not undertake lightly.

Yesterday during testimony before the House International Affairs Committee, former U.N. Ambassador Jeane Kirkpatrick was asked if she thought it was appropriate for this Congress to debate this issue at this time.

Ambassador Kirkpatrick, who supports potentially deploying U.S. troops in Kosovo, replied that it is always the constitutional prerogative of the Congress to weigh in on grave matters of national security. And so we do.

But we do so with caution and concern. I approach this issue from the perspective of preserving our national security and protecting our national interest. These are two essential principles that I believe must guide our policy as we work to guide the world toward peace.

How will it affect our national security—and how is it in our national interest? These are two questions which must be decided—before any troops can be deployed.

As someone who has been at once an internationalist in foreign policy and an advocate for more defense spending, I do have to say I find it somewhat ironic that we continue to discuss deploying our troops overseas to provide protection for other nations while here in our own nation we fail to provide basic protections for our own troops like good pay, benefits, training, and equipment.

I would urge this Congress to address the need to increase defense spending. Across the board. For every armed service. No more delays. No more broken promises.

Beyond that, I want to state for the record in no uncertain terms—that I believe the atrocities of Milosevic are despotic, demonic, and despicable. I need no clarification as to whether he is evil or whether he will do more evil. He is. And he will.

We don't need to guess what he will do in the future—we have seen what he has done in the past. The prospect of another Croatia or another Bosnia can give us little comfort.

Yet I remain deeply troubled by the possibility of deploying United States troops in Kosovo. Can we really make a difference in this far away land? At this point, I have my doubts. It's probably only wishful thinking, but it is tempting to think of what might have been.

If only the administration would consult the Congress more fully and more openly. They haven't.

If only Ambassador Holbrooke could outline a specific agreement with all parties involved. He can't.

And if only we thought that an agreement would change Milosevic. It won't.

But more importantly, I find myself returning to the two questions I raised at the beginning—how will this impact our national security—and how is it in our national interest?

On these two grounds, I cannot justify the deployment of U.S. troops. Sending American soldiers and sailors will impact our national security by placing American service men and women directly in the line of fire.

For example, one of the often discussed goals of this mission is to take the weapons away from the Kosovo Liberation Army.

Mr. Chairman, a situation the American Army is trying to take weapons away from another Army—is a situation ripe for American casualties.

And how is this in our national interest? Supporters of the deployment tell us that Milosevic is a Hitler in the making. They argue that if we don't stop him now, he will continue to expand his sphere of influence into other areas of Europe.

Admittedly, on the issue of our national interest, it is a much closer call for me. I do think Milosevic is a threat to the entire region. However, I am not convinced he is a threat to the entire world.

But more importantly, I am not convinced that his actions in Kosovo warrant the sacrifice of our most sacred national asset—the men and women who wear the uniform.

Mr. Chairman, in closing, I want to say that this has been a solemn and sobering process for me. The decision that I have reached has not been easy. It has been gutwrenching.

I will oppose this resolution not because I believe there is nothing at stake in Kosovo or because I am unconvinced of Milosevic's evil. I do so only because I believe that the deployment of U.S. troops requires that we meet an extremely high threshold. We should seek peace throughout the world.

But not at the expense of our national security and not in the absence of a national interest. We owe the world nothing more. We owe our troops nothing less.

HONORING JULIE SELCHERT, LISA STRANGE, JERRY ASHWELL AND KATHY PLANK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a local hero from western Wisconsin. I want to honor Julie Selchert, Lisa Strange, Jerry Ashwell and Kathy Plank who took courageous action to aid another citizen.

For the past three years the Eau Claire Fire Fighters Local Union 487, in conjunction with the Eau Claire Fire Department, have recognized area residents who acted bravely in emergency situations. The recipients of the Citizen Community Involvement Awards are citizens who put the safety and well being of their neighbors ahead of other concerns in a time of need.

Julie Selchert, Lisa Strange, Jerry Ashwell and Kathy Plank are a few of those extraordinary citizens. It was around 6:15 p.m. on August 24, 1998 at The Regis Hair Salon in the London Square Mall in Eau Claire, Wisconsin when there was a small explosion, seriously injuring a salon employee. The woman had gone into the dispensary room to gather products to refill the retail display shelves in the salon. She reached for a can of hair spray but missed and it fell to the floor. As it fell the nozzle broke and the contents of the bottle spilled onto the floor. The dispensary room filled with the flammable gas. As the woman bent over to pick up the bottle there was an explosion and the contents were ignited by a gas dryer that was in use. At the sudden noise Lisa Strange ran to the room followed by Kathy Plank who told Jerry Ashwell to dial 911. Julie Selchert, Kathy's client, began to tear off the woman's burning clothes. Lisa grabbed the fire extinguisher and began putting out the fire while Julie attempted to calm the woman down. With this group working together they were able to help the woman and greatly reduce her injuries.

On behalf of all the citizens of western Wisconsin I ask that the United States House of Representatives recognize Julie Selchert, Lisa Strange, Jerry Ashwell and Kathy Plank for their courage and thank them for being concerned and giving community citizens.